UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *102*^{d} CONGRESS

FIRST SESSION

VOLUME 137—PART 16

SEPTEMBER 10, 1991 TO SEPTEMBER 23, 1991

(PAGES 22349 TO 23718)

GENERAL SERVICES ADMINISTRATION
7-1-97
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1991

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, FIRST SESSION

SENATE—*Tuesday, September 10, 1991*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate Chaplain will offer the prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us have a moment of silence in memory of Jane McGhee and Gene Feller, both staff members of Senator KASTEN, who died during the recess.

[Moment of silence.]

If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness.—I John 1:9.

God of Abraham, Isaac, and Israel, on this second day of Rosh Hashanah, anticipating Yom Kippur, Day of Atonement, may this week be for all of us a time of self-examination. God of the macrocosm and the microcosm, You rule the universe and know when a sparrow falls to the ground. You know each of us—past, present, future, in microscopic detail—our secret thoughts, words yet unspoken on our tongue, our motivation, our weaknesses, our needs. You know the one who is vulnerable to sex or alcohol or drugs, the one in danger of being corrupted by power or the love of money, the one guilty of violating the mandate received from the people.

And, eternal Father, You know the condition of the Nation and the world—the crises which portend disaster—politically, economically, socially. You know how desperately is needed leadership committed to moral and ethical integrity. In light of these momentous days, forbid that we should suppress our guilt, our need. May this week be one of seeking the face of a holy God.

In His name who is incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 10:30 a.m. be vitiated, that at 10 a.m. this morning the Senate proceed to the consideration of Calendar Order No. 123, H.R. 2707, the Labor-HHS appropriations bill, and that the Senate stand in recess today from 12:30 p.m. until 2:15 p.m. in order to accommodate the party conferences.

The PRESIDENT pro tempore. Is there objection to the several requests of the leader? The Chair hears no objection. It is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for the transaction of morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes.

As provided in the unanimous consent just granted, at 10 a.m. this morning, the Senate will begin consideration of the Labor-HHS appropriations bill.

RETURN OF SENATOR DAVID PRYOR

Mr. MITCHELL. Mr. President, I know I speak for all Senators when I say I am happy to welcome back to the Senate today Senator DAVID PRYOR of Arkansas. With his return, the Senate is whole again.

I congratulate DAVID PRYOR on his excellent recovery from a frightening brush with heart disease. His experience, as he recounted it himself, reminds all of us that good health is beyond price. His story has made us all aware of how easily good health can be compromised and how precious it is to the quality of our lives.

As the Senate now looks to the weeks of work ahead before the first session of the 102d Congress adjourns, we face the prospect of long sessions, many votes, and potentially divisive debates.

We should all recognize that we have the ability by our own actions and our own decisions to determine the extent of stress to which we will subject ourselves and our colleagues.

We can fully discharge our responsibilities to the Nation without forcing ourselves or our colleagues to place at risk their health and to shortchange their families. That is something within the ability of each Senator to do, and I hope that DAVID PRYOR'S return will serve as a constant incentive for all of us to work with efficiency and dispatch to conclude the legislative tasks that remain.

In the meantime, on behalf of his colleagues, who are also—each and every Member of the Senate—his good friends, I am pleased to welcome DAVID PRYOR back to the Senate. We have missed his counsel and his contribution in the past 5 months. I know we will benefit from both in the future, and we are grateful that he has been spared to return to his seat in the Senate and the friendship of his colleagues.

THE SOVIET UNION

Mr. MITCHELL. Mr. President, since we last convened in August, remarkable events have occurred in the Soviet Union. The Soviet people's rejection of the coup in Moscow was a historic event.

It was catalyzed by a handful of inspiring leaders—Yeltsin, Sobchak, Popov—supported by a significant element of the Soviet military, and achieved by tens of thousands of ordinary and courageous people.

The restoration of Soviet constitutional authority and return to the path of reform—the most stunning example of popular will ever demonstrated in the Soviet Union—deserves a prominent place not simply in their history, but in the history of the 20th century.

Their triumph testifies to the universal longing for freedom and democracy.

Their actions can only reinforce the determination of those individuals—in Cuba, in China—who have yet to realize their right to choose their own governments and determine their own futures.

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

So, too, does the triumph of popular will in the Soviet Union reaffirm our own appreciation of our precious liberties.

The sobering chill of the attempted coup laid bare the magnitude of what is at stake for the West as the Soviet Union attempts to transform itself into a democracy.

During the first day of the putsch, the possibility of a new international order, a new era of cooperation and peace, suddenly seemed doomed.

A renewed cold war, a new arms race, the intensification of proxy conflict, a stalemated United Nations, and the return of ideological foreign policy seemed unavoidable.

It could have been a moment of despair for the West.

The reversal of the coup now allows us to move swiftly, with renewed vigor, to help strengthen and make irreversible the forces of change in what was once the Union of Soviet Socialist Republics.

There remain inherent limits on our ability to assist this process.

First and foremost, the course of the Soviet Union must be charted by the people of the various Republics themselves. We cannot define their goals. Our energies are no substitute for their own. Our best hopes cannot realize their objectives.

They and they alone will define and determine their future.

The United States wants to assist the Soviet people achieve democracy and a free-market economy. It obviously is in our interest to do so.

But I do not believe that the United States should provide significant financial assistance to the Soviet people unless they demonstrate their commitment to democratization and a free market. The most pressing challenge is for the Baltic States, the various republics and the reconfigured central government to implement painful but crucial far-reaching economic reforms. Otherwise, no amount of outside assistance can revitalize the economy and stabilize the future of democracy.

I also believe that the United States should not provide direct financial assistance unless Soviet governmental authorities drastically reduce their investment in the weapons of war—particularly the strategic nuclear arsenal that becomes increasingly academic as the United States and Soviet Union enhance their ties.

The United States, facing its own internal economic problems, cannot subsidize Soviet military expenditures. Both America and the Soviet Union should be reducing their defense spending. It is time to adjust our defense budgets to the new realities of Soviet-American relations.

I remain hopeful that the Soviet Union will take the necessary steps to make outside assistance practical. There is much we can do, applying the model of Western assistance to Eastern Europe: Establish a currency stabilization fund, expand investment guarantees and commodity credits, provide private enterprise funds, increase technical training programs, assist with defense conversion and environmental cleanup efforts, and move swiftly to provide most-favored-nation trading status.

Some assistance will be best provided directly to the Republics and the Baltic States; some may appropriately go through the central government. This will depend upon the ultimate division of responsibilities between the center and the Republics.

Much of the Western assistance should be provided through multilateral institutions. The World Bank and the IMF can play a critical role in helping to implement economic reforms, and now is the time to fully utilize the newly created European Bank for Reconstruction and Development.

While it is useful to discuss ways in which the West can help institutionalize the transformation of the Soviet Union, the Soviet and Baltic people face an immediate threat: the lack of food, medicine, and other essential supplies.

This year, the Soviet economy is predicted to decline by 17 percent and the harvest is anticipated to be 25 percent smaller than last year.

There is a real possibility of starvation in the Soviet Union this winter.

The West cannot allow this to be the Soviet peoples' reward for rejecting the coup and thwarting a return to communism.

Yet the Western nations, including the United States, have done little to assuage the fears of the Soviet people.

Together with our G–7 partners, or alone if need be, the United States should make our intentions to help the Soviet people receive the food and humanitarian help they need to survive the coming winter.

We have grain and medical supplies. We have the ability to deliver the necessary items. Our humanitarian tradition and our own self-interest dictate that we will rise to the occasion and help avert starvation in the Soviet Union.

We should plainly state our willingness to do so, and work with our allies to make all the necessary arrangements now.

But we must never lose sight of the fact that our first responsibility is to the people of the United States. That is what must take priority in the coming weeks as we seek to wind up the 1st session of the 102d Congress.

We have made a good start: The Senate completed action on the crime bill, the highway legislation, seven of the regular appropriations bills for the coming fiscal year, the Defense Department authorization, campaign finance reform legislation among other important matters.

But a great deal remains to be done. Most urgently, we must address again the plight of jobless workers whose unemployment benefits have expired.

Although the President signed the bill providing for extended benefits, he says the situation is not serious enough for him to declare an emergency so the benefits can be paid.

But when more than 2 million working people cannot find jobs and have exhausted their unemployment insurance, we say that is as much an emergency as the foreign aid emergencies President Bush has seen fit to finance.

So we must make another effort to bring the plight of working Americans to the President's attention.

Dramatic events overseas do not change the fundamental fact that the health and well-being of our own Nation depends directly on the health and well-being of the middle-income families of America.

It is on that well-being I intend to focus. We must begin to address seriously the erosion of average Americans' incomes that has been caused by higher taxes, despite a decade of tax-cutting rhetoric.

We remain the only industrialized country in the modern world which does not extend basic health care to all its people. The spiraling cost of care and the gaping holes in the health insurance safety net threaten families with economic disaster in the case of accident or serious illness.

We hope to move forward and take up legislation to correct that problem. No American should have to fear that illness will cost the family its economic security.

The economic security of our Nation rests on the ability of Americans to produce goods and services in the future that can compete with the products of other nations in a world marketplace. The only thing that can guarantee our future economic security is a high-quality system of education.

We will conclude action on the elementary and secondary education bill introduced at the beginning of the session. The bill will provide both the resources needed to improve education and the accountability to make sure the resources are wisely spent. We need more than speeches about the goals of the year 2000. We need a way to reach those goals.

In addition, of course, we must conclude work on the routine annual appropriations before the beginning of the fiscal year. We will deal with the confirmation of a new Supreme Court Justice and a new head for the Central Intelligence Agency.

We face veto threats over the notorious gag rule, even though the Nation's medical community universally agrees that it must be revised.

In addition, we hope to act on energy legislation, civil rights legislation, cable television legislation, parental leave legislation as well as concluding conference work on such important items as the crime bill and the highway measure.

We have a full plate before us. The Senate will be in working session 5 days each week and there will be votes scheduled throughout the 5 days of work.

With the cooperation and consideration of all Senators, I hope we can debate fairly and thoroughly on those issues and vote on them, and where significant differences divide us debate those differences in a forthright and civil manner and then move promptly once the Senate reaches agreement.

The changes occurring abroad cannot distract us from the vital issues facing Americans at home. I intend to put the priorities of Americans first in the remainder of the 102d Congress.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The time of the leader has expired.

The Republican leader is recognized under the standing order.

SENATORS PRYOR AND STEVENS

Mr. DOLE. Mr. President, first I wish to join my majority leader in welcoming back Senator DAVID PRYOR. I also note on the floor my friend from Alaska, Senator STEVENS, who has undergone a rather serious operation during the recess and he is back hale and hearty and ready to work. I will be making further statement with reference to Senator PRYOR later today.

CONGRESS RETURNS TO FACE THE DOMESTIC AGENDA

Mr. DOLE. Mr. President, a lot has happened in the world since we last met here. But despite the earth-shattering changes in the Soviet Union, there is plenty of work left for us to do. The American people expect us to get busy, and so does President Bush.

I do not need a calendar to know that 1992 is around the corner. No doubt, we will hear a lot of talk this fall about the domestic agenda—who has one and who does not. Much to the disappointment of his critics, President Bush has a domestic agenda. It is the domestic agenda the people elected George Bush to implement in the 1988 landslide. The fact is, his opponents do not like it because it is not their agenda. It is standard political spin to bash the President—but that is not why we are here.

BIPARTISAN COOPERATION

Let us face it, the only way any domestic agenda will be enacted is with bipartisan cooperation. We may share many of the same goals, but we often disagree on how to achieve them. And we have to face reality, and start listening to the taxpayers for a change—we do not have any money to start new, freewheeling spending programs. And under our budget agreement, any programs we do start have to be paid for.

PAYING FOR PROGRAMS

We are all sympathetic to the plight of the unemployed—one person out of work is one too many. But even the New York Times—not exactly a Republican newsletter—characterizes the Democrats' latest unemployment solution as a legislative hoax. I had a plan last month, too, that would have paid for itself, and would have been signed into law by President Bush—a fact conveniently ignored by the President's critics.

I also see where the Democrats may hatch some more soak the rich schemes. They may sound good, but we have seen the impact of the so-called fairness of the luxury tax implemented by the Democrats last year—pink slips all the way from aircraft and boat manufacturers, to car dealers and small-town jewelry shop owners. They said they were giving the middle class a helping hand by taxing the rich—instead, that hand pointed them to the unemployment line.

I expect we will see no shortage of efforts to slash defense spending to pay for a laundry list of big spending programs. But if the incredible turn of events in the Soviet Union taught us anything, it's that the only certainty is uncertainty. And if you ask me, uncertainty in the nuclear world and unilateral disarmament just do not mix.

HEALTH CARE: THE PEOPLE'S NO. 1 PRIORITY

We all agree that health care is a national priority. I spent the recess traveling to every corner of my State, and every place I went, health care was the No. 1 issue, followed closely by the Federal deficit. But there are not any easy answers to the health care dilemma. It will take creative thinking, courage—and yes, a way to pay for it.

These are just some of the challenges facing us for the rest of the year.

On this side of the aisle, we are ready to cooperate to implement a responsible, realistic agenda, not some political agenda. And when we are done, we should adjourn, go home and listen to the people again.

Let us get 1991 done before we start 1992.

OPENING OF THOMAS HEARINGS

Mr. DOLE. Mr. President, the Senate returns to Washington today with a bang. Over in the Judiciary it is lights, camera, action as the curtain goes up on the confirmation hearings on the nomination of Clarence Thomas to the Supreme Court.

The great Will Rogers once said that Senate hearings "have always contributed more to amusement than they have to knowledge." Fifty years later, Rogers words ring more true than ever.

I have been in this body long enough to witness a complete reversal in the rules of confirmation hearings. It was not all that long ago when the Senate was comfortable basing their vote on the experience, the ability, and the character of the nominee.

The hearings were usually fast and efficient, but they were not very good theater.

All that has changed. Through no fault of Judge Thomas, the hearings which open today are the hottest show in town.

Those opposed to Judge Thomas quickly realized that, as the ABA has concluded, Judge Thomas is qualified to sit on the Court. They realized that he is a man of exceptional ability. He possesses a brilliant intellect, and has excelled in every position in which he has served. They realized that his character is second to none—a character forged in a childhood of poverty in the segregated South.

And they realized that Judge Thomas' life and record were examined by the Senate when he was nominated as Chairman of the EEOC, when he was renominated for a second term, and when he was nominated for his current position as judge on the D.C. Circuit Court of Appeals. On each occasion, Judge Thomas was overwhelmingly confirmed.

Given the fact that Judge Thomas does have the experience, the ability, and the character to serve on the Court, those opposed to his nomination turned elsewhere.

Throughout much of August, committee staffers were digging under every rock, investigating every nook and cranny of Judge Thomas' life. A detailed analysis of his background has appeared in nearly every paper in the country. A bevy of so-called liberal scholars and politically correct intellectuals have examined every word spoken or written by Judge Thomas, as well as applying 20/20 hindsight to every decision he made in his professional life, and issued their opinion that he is too conservative, or too insensitive.

And perhaps most disturbingly, some members of the committee are promising that they will pin Judge Thomas down on his opinions on issues which may come before the Court.

The implied threat is that if his answers are not the correct ones, then he will not be confirmed.

As I have said before, this litmus-test approach has been rejected by anyone who is serious about maintaining the independence of the Federal judiciary.

As former Chief Justice Warren Burger recently said:

> No nominee worthy of confirmation will allow his or her position to become fixed before the issues are fully defined * * * Before

the Supreme Court with all the nuances that accompany a constitutional case. Presidents and legislators have always had platforms and agendas, but for judges, the only agenda should be the Constitution, and laws agreeable with the Constitution.

It is my hope, Mr. President, that Chief Justice Burger's words will be remembered, and that the goal of Chairman BIDEN and the Judiciary Committee will be good government, and not good theater.

Mr. President, I reserve the remainder of my time.

Mr. RIEGLE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Michigan.

EXTENSION OF MORNING BUSINESS

Mr. RIEGLE. Mr. President, the majority leader has indicated he has no objection to extension of time beyond 10 o'clock.

I, therefore, ask unanimous consent to be able to speak in morning business for 10 minutes.

The PRESIDENT pro tempore. Does the Senator ask to speak for 10 minutes, or does he ask that morning business be extended 10 minutes beyond the hour of 10 o'clock?

Mr. RIEGLE. I ask unanimous consent that it be extended beyond the hour of 10 o'clock. Perhaps also to accommodate the Senator from New York, if he wishes then to speak as well, I ask unanimous consent it be extended until 10:10 so I might have 10 minutes in which to speak.

Mr. STEVENS. Reserving the right to object, Mr. President.

Mr. RIEGLE. I am advised it will be better to make it the hour of 10:30 because other Senators also wish to speak.

The PRESIDENT pro tempore. Is there objection to extending morning business until the hour of 10:30 a.m.? The Chair hears no objection. It is so ordered.

Is there objection to the Senator from Michigan seeking 10 minutes? The Chair hears no objection. The Senator from Michigan [Mr. RIEGLE] is recognized for 10 minutes.

WELCOME BACK, CONGRATULATIONS, AND SUPREME COURT NOMINEES

Mr. RIEGLE. I thank the Chair and my colleagues. Mr. President, I want to touch on two or three points that have been made before I go to the thrust of what I rise to speak to this morning.

First, I want to also welcome back our colleague DAVID PRYOR. We are all delighted that his return to good health lets him come back to the Senate today.

I also want to, at least in passing, acknowledge and congratulate the Baltic States on their achievement of independence. It is a tremendous breakthrough for the ideals of freedom throughout the world after 51 years of captivity, their courage and strength in standing up to the Soviet Union. And those around the world, some here who stood with them during that time, I think have much to celebrate.

Finally, I want to say also on the Thomas nomination which was just referred to by the Republican leader, what has not been contained in all of the news stories that I have seen is the fact that if Mr. Thomas—and I have not made a decision one way or the other on this nominee and will not until the hearings have concluded—but if this nominee serves to the same age as Thurgood Marshall, the man that he has been named to replace, he will serve on the Court until the year 2030.

Of course, with Supreme Court nominees, like other Federal judges, once they are appointed, they are appointed for life. So this is a very important decision that we are making that is going to affect this country for decades into the future, probably beyond the lifetime of anyone now serving in the Senate. So the year 2030 out there is one of the benchmarks that I think we have to have in mind.

Also, the Supreme Court is composed of only 9 people, 9 out of a nation of 250 million people. So I would think that for each nominee, not just this nominee, but those before and those yet to come, that we would use the very highest measuring sticks in terms of qualifications and relevance of their background to the job in deciding who should or should not serve on that Court. This is particularly important given the momentous meaning of the issues there and the time into the future, as I have just cited, over which those decisions are likely to be made.

THE DOMESTIC ECONOMY

Mr. RIEGLE. Mr. President, let me move to the issue I came to talk about this morning, and that is the domestic economy. Like other Senators, I have crisscrossed my State during the recess and I have talked with people around the country. By every measure, our country today is in deep and serious economic trouble. Frankly, our Government has no plan either to recognize the problem or to respond to it, and that is just not acceptable. We have people all across the country who have lost their jobs, working part time in the last 2 months. The official data indicates we have had 700,000 Americans unemployed who finally have stopped looking for work because they have not been able to find it.

Yes, reference was made to the fact we passed an unemployment compensation extension bill, an emergency bill for benefits before the recess. The President decided not to let that take effect. There are 170,000 people in my State and their families who would be drawing those benefits had the President allowed that legislation to go into effect. They are not getting it. Yet, they need it. There is $8 billion sitting in the national unemployment trust fund, the extended benefits trust fund created for precisely that purpose. That is true for people across the country.

I would like to run through a series of news stories just in the last week. Here is one from the front of the Detroit Free Press. The headline on this story is, "Jobs Vanish in Northern Michigan. Boyne City Plant to Lay Off 289 Workers." The story is about a United Technology plant that is closing up there. These are not temporary layoffs; these are permanent job losses.

It points out that in that region of our State, in the first 7 months of 1991, three counties, Charlevoix, Emmet, and Antrim Counties—these are northern Michigan, not the big manufacturing centers like Detroit, Flint, and Pontiac—these three counties have lost 7 percent of their manufacturing jobs already this year. Those are permanent job losses.

One of the people in the area was commenting on this, and I just want to read the comment into the RECORD.

This one particular man said that slow new-car sales have forced the company to consolidate operations. Some of the work will go to the United Tech plant in Mexico.

You might remember that there is a big push to get into a free trade agreement with Mexico. We can send a lot more American jobs down to Mexico. The next thing we are going to hear is talk from our Government that the American workers probably ought to go down to Mexico to get these jobs that are going down there.

The story goes on to say—another person is commenting here—

> Most of our jobs are going to England, to Japan, and everywhere else. Right now, the trend is to Mexico. Free trade is hurting our businesses. You don't know what you're getting when you see a label that says "Made in U.S.A." I heard there's a town in Japan that renamed itself "U.S.A."

Here is another story, also out of the Detroit Free Press, on restaurants closing in Detroit. This is the trickle-down effect of the loss of jobs throughout the manufacturing base. Company after company is closing in our States. Bankruptcies are at an all-time high. There was a story yesterday to the effect that home mortgages are in arrears in more cases than we have seen in a long, long time.

Then, in the Wall Street Journal, an article titled "Sales of Cars Stayed in Slump in Late August," talking about the serious problems here. Lansing State Journal, "Spending Slump Hits Big Retailers—Again." It talks about how the companies like K mart and the rest who sell at the retail level are seeing low sales levels.

Then, a story from the Associated Press, "Economic Numbers Are Looking Weak." Then there is a story about a single parent in Michigan, Cynthia Fyfe, 36 years old. She is working just above the minimum wage, has 3,000 dollars' worth of accumulated medical bills she cannot pay. I want you to take a look at this little boy in the picture with her, her 6-year-old son Anthony, who does not have a penny of health insurance because she cannot provide it because she is working and the little bit of health insurance she has does not cover him. There is no plan in this country to cover them.

So when I hear talk from that side of the aisle about having a health care plan, we have put a health care plan forward. It is on the table today, cosponsored by four of us on this side of the aisle. I want to see a plan. I spoke to the President the other day about this. I talked to him about a young woman who testified at one of our hearings, Cheryl Eichler, 28 years old, who had Crohn's disease. She was dead 6 months later because she did not get the help she needed.

How about a little health care for our people, in addition to extended unemployment compensation benefits? What about this little fellow? We have a million people in my State today without any health insurance. Yes there is a lot of concentration on the problem all around the world. We see that this administration has a plan for every country in the world except this one. No economic plan for America. No health care plan for America. And our people are hurting. Our economy is in trouble.

I hope the Federal Reserve this week will pay attention to it, because we need lower interest rates to help. But that alone will not do it because we need an economic plan of a much broader scale to deal with these changes in the global economy. It does not just mean going into a free trade agreement with Mexico and sending all our jobs south of the border to 50 cents an hour labor. That is not the answer.

So I want to hear something about domestic policy and about jobs in this country. This woman is working. She is working every single day. She just cannot make enough money to pay her own medical bills, let alone provide a penny of coverage for her son. It is not right, because that is America's child just as much as it is her child. She should not have to lie awake at night worrying about it, as millions and millions and millions of other people in this country are doing.

The estimates are 37 million people in this country are without health care, without a penny of health-care insurance. If the health-care insurance disappeared today for the President, his family, the Cabinet, we in the Senate, Members of Congress, how long would it take before there would be a plan up here to put the health insurance plan in place? A few hours? Probably. A day or two? There would be a plan here.

Well, what about a plan for this young boy? Does he count? Does he count in America today? I do not see any sign that the administrative branch of our Government feels that this young fellow does count. He does not count. He is off the radar screen. He does not figure high enough on the scale of priorities and values in this country to do something in his behalf, and yet take a look at it, because that is the face of the future of this country.

So it is time to get busy on these things. It is not enough just to have a plan for every other country in the world and no plan for America. The President and the executive branch of Government and the Congress have an obligation to put in place an economic recovery plan for America to get our people back to work, to get this engine going. People want to work, and they want to provide for themselves, but they cannot if there are not enough jobs to go around.

So there is a deep and serious problem. This is not a self-correcting problem. This is a problem that requires a new strategy and a recognition of what is going on in America.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. RIEGLE. Mr. President, I ask unanimous consent to insert these articles in the RECORD. I thank the Chair.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit News, Sept. 5, 1991]

SHE CAN'T PAY HER BIG MEDICAL BILLS

(By Christopher M. Singer)

Cynthia Fyfe owes nearly $3,000 in medical bills that she can't pay.

For two years, the 36-year-old Westland woman has suffered from a neurological disorder called "pseudo tumor cerebi." She has the same symptoms as someone with a brain tumor but does not actually have a tumor.

Fyfe explained what happens: Spinal fluid collects inside her skull, puts pressure on the brain and causes severe headaches, dizziness and loss of vision. The most effective treatment is a spinal tap to drain the excess spinal fluid.

"I get headaches that won't go away," she said. "My vision gets blurred. It's mainly behind the right eye."

Fyfe has been hospitalized four times since being diagnosed with the disorder, most recently in June. And that left her $2,700 in debt.

She's been employed as a medical assistant at a Dearborn medical center since May and said she earns $200 a week. She added she has been covered by medical insurance since Aug. 1. Fyfe qualified for medical insurance only after completing a 90-day probation period.

Fyfe said she became ill at work on June 25. She was taken by ambulance to Garden City Hospital. She was transferred, again by ambulance, to William Beaumont Hospital in Royal Oak for a CAT scan, then brought back, by ambulance, to Garden City.

Fyfe explained that each time she has an episode, a CAT scan must be done to make certain she does not really have a brain tumor.

Tests and treatment ran the total bill up to $2,701 for two days.

Fyfe said doctors don't know what causes the disorder and can't predict what will happen in the future.

"The worst thing that can happen is, I could go blind," she said.

Fyfe grew up in Detroit and graduated from the old Detroit St. Andrew Catholic High School near Livernois and I-94.

She's divorced and has a 6-year-old son, Anthony. She said she no longer receives $55 a week in child support because the boy's father lost his job.

Fyfe and her son live in a mobile home park near Metropolitan Airport. She pays $266 a month on the mobile home and $295 a month lot rent.

She owns a 1976 Ford LTD with 82,000 miles that "barely runs," she said.

At the time she bought her home, Fyfe explained, she operated her own janitorial service with a contract to do cleaning at the airport. But she lost her contract, she added, when another firm was able to underbid her. She went out of business and wound up employed as a supervisor for another janitorial service.

Actually, Fyfe added, she was working three jobs at once, trying to pay debts, including a $3,000 federal tax bill from her defunct company. She also cleaned a restaurant and worked part-time in housekeeping at a hospital. She did manage to pay off, after four years, the big tax bill. Now she has the big medical bill.

After she became ill, Fyfe had to cut back on her extra jobs.

But she has been accepted for classes at Schoolcraft College and hopes to become a licensed practical nurse.

Fyfe said she has never received public assistance. She would like to have Anthony covered by Medicaid because it would cost her $200 a month to have Anthony added to her medical insurance.

"As far as help from the family, I don't have it," Fyfe said.

She explained her parents are retirees with a fixed income.

SPENDING SLUMP HITS BIG RETAILERS—AGAIN

(By Joyce M. Rosenberg)

The consumer spending slump pummeled many retailers again last month, signaling more trouble for the health of the economy.

Many analysts say a consumer spending rebound is vital for a decisive exit from the recession. Such spending accounts for two-thirds of the gross national product, the broadest measure of economic activity.

As in the past months, discounters such as Wal-Mart Stores Inc. fared better than other merchants as consumers sought lower prices. But even sales at Wal-Mart, the nation's largest retailers, were off slightly, said Thursday's report.

Retailers had hoped for a better showing, since last month's results were compared with August 1990, when consumers, traumatized by the beginning of the Persian Gulf crisis and soaring gasoline prices, fled from the stores.

But the industry's results "were dismal and below budget and reflected the general concern about the economy," said Jeffrey Feiner, analyst with Merrill Lynch & Co.

Although it was the back-to-school shopping season, several retailers said sales at established stores—a key barometer of their performance—were little changed or fell relative to last year's anemic results.

Sandra Shaber, an economist with Futures Group, a Washington forecasting concern, said of current conditions, "They're going to hold consumer spending down.

"The job market, both in terms of hiring and in terms of wages, is much slower to recover than in past recoveries. With more Americans out of work or taking home smaller paychecks, consumers have less money to spend on clothes, furniture and appliances, the bread and butter of many retailers."

Wal-Mart said sales at stores open at least a year rose 10 percent, a smaller gain than the 13 percent rise Wal-Mart had posted in July. Overall sales rose 35 percent.

Analysts and investors say sales from stores open at least a year—known as same-store or comparable store sales—provide a more accurate assessment of a retailer's performance than overall sales.

Discounter K mart Corp. said same-store sales were up 2.9 percent, but that was still down from its recent pace. K mart said overall sales rose 8 percent.

Dayton-Hudson Corp. reported a 3.5 percent same-store sales gain, a better showing than in recent months, and an 8.4 percent rise overall. Dayton-Hudson said same-store results at its Target discount stores were up a healthy 6 percent.

Limited Inc. reported an overall sales gain of 12 percent.

Gap fared much better with a 21 percent same-store gain and a 42 percent rise overall.

Sears said same-store sales fell 2.9 percent, while overall sales fell 2.5 percent. Penney had a 5.3 percent drop in same-store results, and a 3.9 percent overall slide.

[From the Wall Street Journal]

SALES OF CARS STAYED IN SLUMP IN LATE AUGUST

EARLY-SUMMER HOPES FADE AS DEALERS SAY REBATES CAN'T EASE LACK OF CASH

(By Bradley A. Stertz and Joseph B. White)

DETROIT.—Car sales continued their slump in late August, capping a month that saw the auto industry lose momentum amid the nation's spotty economic recovery.

U.S.-built cars sold in late August at a seasonally adjusted annual rate of 6.1 million vehicles, down from a 6.3 million-vehicle pace in the previous 30 days. The Aug. 21–Aug. 31 sales pace was only fractionally ahead of the pace set in mid-August, and was much worse than the 7.2 million-vehicle selling rate from a year earlier.

For the entire month of August, domestic cars sold at a 6.1 million vehicle annual pace, while imported cars sold at a seasonally adjusted rate of 2.1 million vehicles.

The poor August showing dismayed some auto executives and car dealers, who had hoped improved sales earlier this summer signaled the end of their extended slump. "Despite hefty and widespread rebates and incentives, consumers simply don't have the money to take advantage of the deals," said a glum Tom Webb, chief economist for the National Automobile Dealers Association.

But other auto officials said the sluggish August sales weren't a true indicator of consumer attitudes. "Sales in August were weak, no question," said Allan D. Gilmour, a Ford Motor Co. executive vice president and president of the auto maker's automotive group. "But I don't read anything into that except that fleet buying was weak. As best we can tell, retail demand isn't down."

Some car dealers said they lost sales in August because production cutbacks earlier this year left them without a full range of cars to sell. Frank Ursomarso, a Wilmington, Del., dealer of General Motors Corp.'s Pontiac, said he lost about 12 sales on the midsized Grand Prix because inventories are so low. Altogether, he now has fewer than 50 cars on his lot.

"I HAVE NOTHING TO SELL"

"I have nothing to sell," he said "Sales aren't reflecting demand, because there just isn't a lot of merchandise on hand for dealers to move."

GM President Lloyd E. Reuss said last week that GM's new-car inventories are at their lowest level in 20 years. The No. 1 auto maker plans to boost production in the fourth quarter to rebuild stocks, he said.

But with overall car and light truck sales in August down 10.9% from a year ago, GM and Ford took the brunt of the decline. Japanese auto makers, led by Honda Motor Co. and Nissan Motor Corp., did relatively better and boosted their share of the total U.S. car and truck market to 30% in August. Japanese brands took 35% of the passenger car market in the month.

GM MARKET SHARE SHRINKS

GM saw its share of the U.S. car market shrink to 31.9% from 32.2% a year earlier, as sales of its cars fell 13.2% in the month. GM is launching eight drastically restyled models this summer and fall in a major bid to regain share. But so far, only limited numbers of the new cars have hit showrooms.

Ford, meanwhile, saw its share of the total car and truck market in August fall to 22.5% from 23.6%. Sales of Ford cars fell 15.7%, while Ford truck sales were off 14.2%

Chrysler Corp.'s car sales skidded 23.2% in the month, but the No. 3 U.S. auto maker's trucks, mainly minivans and jeeps, managed a 7.5% gain in the falling market. As a result, Chrysler boosted its share of the total light vehicle market to 10.8% in August from 10.6% a year earlier.

In passenger cars, however, Chrysler ranked fifth at 7.3%, trailing Honda at 11.6% and Toyota Motor Corp. at 10.4%.

Most of the major European auto makers continued to struggle during August. Porsche AG, which last week announced cutbacks in its U.S. staff, sold just 307 cars in the U.S. during the month, down 53% from a weak year-earlier period. Bayerische Motoren Werke AG, however, held sales flat with a year ago, while Saab, which is 50% owned by GM, improved sales 1.9% in the month.

PERCENTAGE OF TOTAL U.S. CAR MARKET

Make	August 1991	August 1990	8 mo. 1991	8 mo. 1990
General Motors [1]	31.9	32.2	35.8	35.7
Ford [1]	19.3	20.1	19.8	20.9
Chrysler [1]	7.3	8.4	8.2	8.8
Toyota [1]	10.4	11.0	8.9	8.3
Honda [1]	11.6	9.9	9.7	9.2
Nissan [1]	5.9	5.3	5.0	4.8
Mazda [1]	3.7	3.5	3.5	3.0
Hyundai	1.9	1.6	1.3	1.4
Mitsubishi [1]	1.9	1.3	2.1	1.8
Subaru [1]	1.2	1.5	1.3	1.1
Suzuki [1]	.1	.1	.1	.1
Other Imports	4.6	5.1	4.2	4.9
Total Japanese nameplate	35	33	31	28
Total European nameplate	5	5	4	5

[1] Includes imported and domestically made models.

RETAIL U.S. CAR AND LIGHT TRUCK SALES [1]

	1991 Aug. 21–31	1990 Aug. 21–31	Percent change [2]
GM total vehicles	141,551	165,945	−14.7
Domestic car	87,589	105,306	−16.8
Imported car	5,003	5,599	−10.6
Total car	92,592	110,905	−16.5
Domestic truck	48,849	54,909	−11.0
Imported truck	110	131	−16.0
Total truck	48,959	55,040	−11.0
Ford total vehicles	97,813	111,831	−12.5
Domestic car	51,467	62,829	−18.1
Imported car	2,045	2,324	−12.0
Total car	53,512	65,153	−17.9
Domestic truck	44,301	46,678	−5.1
Chrysler total vehicles	49,489	53,095	−6.8
Domestic car	[3] 16,835	27,549	−38.9
Imported car	[3] 3,109	2,171	+43.2
Total car	19,944	29,720	−32.9
Domestic truck	[3] 29,411	23,072	+27.5
Imported truck	[3] 134	303	−55.8
Total truck	29,545	23,375	+26.4
Honda total vehicles	38,919	41,670	−6.6
Domestic car	26,450	25,224	+4.9
Imported car	12,469	16,446	−24.2
Toyota total vehicles	55,615	63,424	−12.3
Domestic car	22,483	22,781	−1.3
Imported car	16,850	23,834	−29.3
Total car	39,333	46,615	−15.6
Imported truck	16,282	16,809	−3.1
Nissan total vehicles	11,225	12,124	−7.4
Domestic car	4,524	5,484	−17.5
Domestic truck	6,701	6,640	+.9
Mazda total vehicles	4,527	5,057	−10.5
Domestic car	3,730	5,057	−26.2
Domestic truck	797		
Mitsubishi [4]	2,711	1,896	+43.0
Subaru domestic car	2,050	1,115	+83.9
Isuzu domestic truck	1,831	1,223	+49.7
Total cars	257,315	307,615	−16.4
Domestic	217,839	257,241	−15.3
Imported	39,476	50,374	−21.6
Total trucks	148,416	149,765	−.9
Domestic	131,890	132,522	−.5
Imported	16,526	17,243	−4.2
Total domestic vehicles	349,729	389,763	−10.3
Total vehicles	405,731	457,380	−11.3

[1] Totals include only vehicle sales reported in the period.

[2] There were 10 selling days in the most recent period and 10 a year earlier. Percentage differences based on daily sales rate rather than sales volume.

[3] Estimated.

[4] Domestic car.

RETAIL U.S. CAR AND LIGHT TRUCK SALES [1]

	1991 Aug.	1990 Aug.	Percent change month	1991 to date	1990 to date
General Motors	341,611	395,185	−13.6	2,968,427	3,455,371
Domestic car	208,235	241,014	−13.6	1,918,846	2,174,679
Import car	13,312	14,114	−5.7	93,753	130,453
Total car	221,547	255,128	−13.2	2,012,599	2,305,132
Domestic truck	119,776	139,794	−14.3	954,507	1,148,114
Import truck	288	263	+9.5	1,321	2,125
Total truck	120,064	140,057	−14.3	955,828	1,150,239
Ford	235,178	276,909	−15.1	1,919,107	2,318,973
Domestic car	129,755	153,604	−15.5	1,077,845	1,303,076
Import car	4,675	5,865	−20.3	38,954	44,987
Total car	134,430	159,469	−15.7	1,116,799	1,348,063
Domestic truck	100,748	117,440	−14.2	802,308	970,910
Chrysler	113,489	124,504	−8.8	1,004,347	1,166,339
Domestic car	44,135	61,027	−27.7	416,312	525,053
Import car	6,734	5,249	+28.3	44,375	43,004
Total car	50,869	66,276	−23.2	460,687	568,057
Domestic truck	62,336	57,480	+8.4	540,809	588,894
Import truck	284	748	−62.0	2,851	9,388

RETAIL U.S. CAR AND LIGHT TRUCK SALES [1]—Continued

	1991 Aug.	1990 Aug.	Percent change month	1991 to date	1990 to date
Total truck	62,620	58,228	+7.5	543,660	598,282
Toyota	101,046	119,117	−15.2	682,858	729,272
Domestic car	39,820	41,798	−4.7	232,763	245,083
Import car	32,326	45,087	−28.3	267,947	294,156
Total car	72,146	86,885	−17.0	500,710	539,239
Import truck	28,900	32,232	−10.3	182,148	190,033
Honda	80,941	78,069	+3.7	546,916	593,508
Domestic car	53,678	45,164	+18.9	331,529	327,535
Import car	27,263	32,905	−17.1	215,387	265,973
Nissan	57,208	57,772	−1.0	394,857	424,267
Domestic car	8,470	10,581	−20.0	80,493	68,490
Import car	32,745	31,254	+4.8	200,817	241,687
Total car	41,215	41,835	−1.5	281,310	310,177
Domestic truck	12,559	12,632	−.6	88,181	91,722
Import truck	3,434	3,305	+3.9	25,366	22,368
Total truck	15,993	15,937	+.4	113,547	114,090
Mazda	35,360	34,772	+1.7	247,367	248,851
Domestic car	6,365	9,341	−31.9	60,065	52,481
Import car	19,558	18,568	+5.3	138,262	138,598
Total car	25,923	27,909	−7.1	198,327	191,079
Domestic truck	1,376			7,249	
Import truck	8,061	6,863	+17.5	41,791	57,772
Total truck	9,437	6,863	+37.5	49,040	57,772
Hyundai	13,406	12,879	+4.1	70,496	93,421
Mitsubishi	15,224	12,472	+22.1	130,169	139,390
Domestic car	6,260	3,907	+60.2	50,914	34,699
Import car	7,096	6,055	+17.2	65,985	82,818
Total car	13,356	9,962	+34.1	116,899	117,517
Import Truck	1,868	2,510	−25.6	13,270	21,873
Subaru	8,039	11,757	−31.6	73,883	73,176
Domestic car	3,975	2,315	+71.7	34,197	7,226
Import car	4,064	9,442	−57.0	39,686	65,950
Volkswagon	8,972	12,206	−26.5	66,260	95,823
Import car	8,493	11,563	−26.6	65,573	90,813
Import truck	479	643	−25.5	687	5,010
Isuzu	10,556	8,003	+31.9	76,259	72,218
Import car	1,108	437	+153.5	9,308	2,633
Domestic truck	3,602	1,996	+80.5	28,190	10,003
Import truck	5,846	5,570	+5.0	38,761	59,582
Total truck	9,448	7,566	+24.9	66,951	69,585
Volvo [2]	6,282	8,469	−25.8	50,989	64,646
Mercedes [2]	4,985	6,203	−19.6	37,860	48,029
BMW [2]	5,154	5,152	+0.0	33,570	40,896
Suzuki	1,786	1,530	+16.7	15,162	14,482
Domestic car	83			528	
Import car	401	668	−40.0	3,071	4,358
Total car	484	668	27.5	3,599	4,358
Domestic Truck	248	248		2,428	2,568
Import Truck	1,054	614	+71.7	9,135	7,556
Total Truck	1,302	862	+51.0	11,563	10,124
Saab [2]	2,412	2,368	+1.9	18,247	19,142
Audi [2]	829	1,848	−55.1	7,831	14,456
Jaguar [2]	1,237	1,509	−18.0	6,412	12,369
Daihatsu [2]	719	1,615	−55.5	5,956	11,166
Import car	485	1,106	−56.1	3,877	7,807
Import Truck	234	509	−54.0	2,079	3,359
Yugo [2]	318	452	−29.6	1,956	4,736
Porsche [2]	307	658	−53.3	3,152	6,531
Sterling [2]	481	247	+94.7	2,359	2,856
Peugeot [2]	577	353	+63.5	2,800	3,054
Range Rover [2]	311	426	−27.0	1,950	2,952
Alfa Romeo [2]	308	404	−23.8	2,672	2,232
Total cars	695,332	791,606	−12.2	5,628,831	6,463,927
Domestic	500,776	568,751	−12.0	4,203,492	4,738,322
Import	194,556	222,855	−12.7	1,425,339	1,725,605
Total Trucks	351,404	383,273	−8.3	2,743,031	3,194,229
Domestic	300,645	329,590	−8.8	2,423,672	2,812,211
Import	50,759	53,683	−5.4	319,359	382,018
Total vehicles	1,046,736	1,174,879	−10.9	8,371,862	9,658,156

[1] Totals include all vehicle sales reported in the period except tourlist-delivery sales of Imported models.

[2] Imported cars only. c-Imported trucks only.

[3] Estimated.

Note.—There were 27 selling days in the most recent month and 27 a year earlier. Percentage differences based on daily sales rate rather than sales volume.

[From the Detroit Free Press]

JOBS VANISH IN NORTHERN MICHIGAN

(By David Hacker)

BOYNE CITY.—Sandy Lamy wonders: "Why did it have to happen here? To me? I'm so devastated."

Lamy, 37, like others in this pretty but hardscrabble town on Lake Charlevoix, can't believe the United Technologies Automotive Group plant is closing by the end of the year. With it will go 289 jobs.

But that isn't the end of the bad news.

The Michigan Employment Security Commission in Traverse City this week released figures showing that for the first seven months of 1991, Charlevoix, Emmet and Antrim counties lost 405 jobs, 7 percent of their manufacturing jobs.

Lamy's plight and that of hundreds of others in northern Michigan paints a far different picture than is sometimes envisioned by downstaters.

Flannel shirts and quick access to the woods and waters may be a part of a more leisurely life-style. But with a declining number of jobs, a single plant closing is far more devastating than it might be downstate.

"To us," said Phil Johnson, 52, a Charlevoix County commissioner and owner of a small print shop, "this closing is like a couple of big General Motors plants shutting down in Detroit. It has one hell of an impact. It's going to trickle down to everybody."

Said Thomas Johnson, executive director of the Northern Lakes Growth Alliance: "These plants are vital to our economy and to maintaining the quality of life up here."

Phyllis Marchinkewicz bargaining chairperson of UAW Local 1403, agreed.

"These closings are hurting a lot of people," said Marchinkewicz, whose local represents workers at Allied Signal Aerospace Co. With 500 workers, it is Boyne City's largest employer. It's near the non-union United Tech plant, the second-biggest employer.

The United Tech layoffs are coming in phases, starting Aug. 30 and continuing through the fall. The doors will close by Dec. 31.

Jim Fisher, spokesman for United Tech's headquarters in Dearborn, said slow new-car sales have forced the company to consolidate operations. Some of the work will go to a United Tech plant in Mexico, Fisher said.

Marchinkewicz responded: "That's the real reason. It's that way nationwide.

"Most of our jobs are going to England, to Japan, and everywhere else. Right now, the trend is to Mexico. Free trade is hurting our businesses. You don't know what you're getting when you see a label that says, 'Made in USA.' I heard there's a town in Japan that renamed itself 'USA'."

Lamy, who received her layoff notice Wednesday, put in 14 years on the assembly line making switches and interior lights for cars. As a single parent rearing her son, Derrick, 16, she's at a loss as to what to do next. She has lived in Boyne City 24 years.

"I'm the breadwinner," she said. "I have to get a job. I can't sleep at night. I'm sick more often. I can't think."

Her severance package, unemployment benefits and savings add up to about six months of making-do.

Johnson, the county commissioner, said no one is giving up. "They said it was hopeless with the closing of the Howe Leather Co. here in the 1960s," he said. "That isn't going to kill the town. We'll come back."

He said the plant closing is just another change. "In 1957 when I graduated from high school, I could walk down the main street and call nine out of 10 persons I met by their first name. Now, I don't know one in 100."

The downtown buildings of red brick and Victorian elegance, remodeled waterfront, and friendly manners seem to reassure that even though it's losing some small-town flavor, Boyne City remains full of charm.

Said Gloria Anderson, executive director of the Boyne City Chamber of Commerce, who returned after 17 years to raise a family: "You can go back home, but you shouldn't anticipate it being what it was when you left it. We still have tranquility. You leave keys in the car and your front door unlocked."

What will become of United Tech's plant and property on 700 feet of prime, $1,000-a-foot Lake Charlevoix frontage is starting a controversy.

Some residents say the city gave the land in the early 1950s to Boyne Products Co., a forerunner of United Tech, on condition that it remain an industrial site.

City Manager Randy Frykberg said the city attorney is studying the deed to see whether the city can reclaim the property for other use. But Fisher, the company spokesman, said, "As far as we know, we own the property."

The area will lose $49,201 in taxes when United Technologies leaves, including $26,800 for Boyne City Public Schools.

"That's the cost of a teacher . . . or a couple of computers," said Superintendent Robert Nakoneczny.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Alaska [Mr. STEVENS] is recognized.

PROSTATE CANCER

Mr. STEVENS. Mr. President, the majority leader took the time to welcome back our good friend, DAVID PRYOR, and I do also. I am happy to be here to do that, because during the past recess I have a radical prostatectomy, which is the surgical removal of a cancerous prostate. I have taken the occasion to write to every Member of the Senate, as did Senator CRANSTON after his diagnosis, and I want to take this occasion to urge Members of the Senate to read the letter from Senator CRANSTON and my letter.

During my personal investigation of this disease, I have been struck by the statistics that most American men have no knowledge of it. It is the second leading cause of death from cancer, tied with colorectal cancer and exceeded only by lung cancer for American men. As a matter of fact, black men in America have twice the rate of all other males in our country. Prostate cancer now is the most common malignant cancer in America, excluding skin cancer. Because our national research expenditures are limited, many American males have died without even knowing they had prostate cancer, or the ability to find out about this disease.

The great tragedy is that American men just do not have annual physicals. That annual physical meant much for me, as the Capitol physician found the signs of some change in my prostate, and the diagnosis, through a series of followups, showed that it was cancer. I did, as I said have it removed.

But I think the message really ought to be today that every American male should have a physical exam once a year after he is 40. Ten percent of American males in their fifties have prostate cancer, but by the time we are in our eighties, 70 percent of American males will have this disease. Really, it is the prospect of early diagnosis that gives hope for total recovery, which is my hope today, and I hope that Senator CRANSTON has the same results.

I once again, Mr. President, urge Members to read Senator CRANSTON'S letter, to read my letter, and I hope that the Senate will pay attention when the various bills come before us as we try to raise the subject of how to increase the research into this disease.

It is interesting, Mr. President, Asiatics, in their home countries, have almost no prostate cancer. When they come to our country, they have the same amount as American males. There is every indication that this is one of the cancers that could be caused by strictly environmental conditions. It is something on which we must follow up. It is something to which we must dedicate more of our attention, and I hope to ask the Senate to do that.

Mr. President, I ask unanimous consent that in the RECORD there be printed, following my remarks, an article that appeared in the New England Journal of Medicine by Dr. Ruben F. Gittes, entitled "Carcinoma of the Prostate."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. This is something that I have sent to every Member of the Senate, and I think it is too bad that every American male cannot read it.

EXHIBIT 1

[From the New England Journal of Medicine, Jan. 24, 1991]

CARCINOMA OF THE PROSTATE

(By Ruben F. Gittes, M.D.)

In the 12 years since the topic was last reviewed in the Journal,[1] prostatic cancer has become the most common newly diagnosed cancer in men. It is the cause of death in more than 28,000 men per year, accounting for 11 percent of cancer deaths, third in men after lung and colon cancer.[2]

Important questions remain about the cause and prevention of prostatic cancer, but new advances permit earlier diagnosis and more accurate staging. Curative therapy is possible for localized disease with much less morbidity than previously. In advanced disease, androgen-deprivation therapy remains the mainstay of treatment.

BIOLOGY AND EPIDEMIOLOGY

Cause and experimental models

As a secondary sex gland affected by hormonal stimulation and an exocrine gland accessible to retrograde infection, the prostate might well be transformed by carcinogenic influences. However, adenocarcinoma has only rarely been induced experimentally in any animal model with the use of carcinogens or injected hormones.[3] The few animal models we have are serially passaged tumor lines derived from spontaneous tumors detected serendipitously in old rats or from human tumor lines that can grow in nude mice. The well-studied Dunning tumor has been passaged in rats for nearly 30 years and is available in androgen-sensitive and androgen-resistant sublines.[4]

Basic investigation of clinical and experimentally induced prostate tumors has raised the possibility of involvement of the *ras* oncogenes.[5] A new tumor line for basic studies has resulted from infection of fetal cloacal tissues with the *ras* and *myc* oncogenes with use of a viral vector in mice.[6]

Prevalence

Epidemiologic studies have found no consistent correlation of prostatic cancer with diet, venereal disease, sexual habits, smoking, or occupational exposure.[7] However, higher serum testosterone levels have been proposed as a major determinant of the risk of prostatic cancer,[8] as is described below.

An astonishingly high prevalence of what pathologists have interpreted as microscopic foci of well-differentiated andenocarcinoma has been found at autopsy in serial sections of prostate glands considered to be normal from men over the age of 50. Every decade of aging nearly doubles the incidence of such tumors—from 10 percent in men in their 50s to 70 percent in men in their 80s.[9, 10] Since we now estimate that there is only a 6 to 8 percent chance that a man will have a clinically detected prostatic cancer in his lifetime,[2] we can estimate that at least 9 of 10 such cancers remain undetected and clinically unimportant for decades. Such a prevalence of "latent" or "incidental" tumors appears to be unique to the prostate gland.

There are wide geographic and racial differences in the incidence of clinically diagnosed prostatic cancer, ranging from 0.8 case per 100,000 population in Shanghai, China, to 100.2 per 100,000 among blacks in Alameda County, California.[8] Prostatic cancer is more common among blacks and much less common among Asians than among whites. The mortality among men with prostatic cancer, also much higher among blacks,[11] has been ascribed in part to late diagnosis.[12]

Several studies have indicated that the incidence of latent carcinoma at autopsy is similar in different ethnic groups.[13, 14] Since this would seem to eliminate a genetic basis for the appearance of latent prostatic carcinoma, what accounts for the disparate growth of these tiny tumors to clinically important size in different countries and races? An attractive but conjectural hypothesis[8] is that it is the serum testosterone level. Since prostatic cancers are responsive to testosterone, since black men have serum testosterone levels 15 percent higher than white men,[15] and since a vegetarian diet alone may lower serum testosterone levels,[16] the combination of race and diet can predict some if not all of the epidemiologic spectrum of prostatic cancer. Further studies are needed to test this hypothesis.

Familial clustering of clinical cases has been observed, but no chromosomal markers or deletions have been reported. It is estimated that men who have both an affected first-degree relative (a brother or father) and an affected second-degree relative (an uncle or grandfather) have an eightfold increase in risk.[17]

Patterns of growth and spread

Tumors that grow so slowly as to be clinically inconsequential make up the bulk of the incidental tumors.[9, 10] Tumors that do attain clinical importance arise principally in the peripheral zone of the prostate gland, which is usually palpable by rectal examination, and in the transition zone, usually removed during transurethral resection of the prostate.[18-20] They grow peripherally through the capsule of the prostate, [21, 22] favoring the passage through the perineural spaces that perforate the capsule only at the upper outer corner and at the apex.[23] They frequently invade the seminal vesicles and the neck of the bladder. They rarely cross the fascial space into the rectal wall. Their metastatic spread is both lymphatic and hematogenous. Lymphatic spread is usually orderly and affects the obturator and iliac nodes first.[24] Hematogenous spread occurs overwhelmingly to the bones and less so to the lungs and liver.[25] Spinal involvement frequently extends into the epidural space and is a cause of extrinsic compression of the spinal cord and weakness in the legs, progressing to paraplegia.

DIAGNOSIS

Detection of prostatic cancer

In asymptomatic patients, a yearly rectal examination after the age of 40 remains the most reasonable screening technique for prostatic cancer. It is estimated that 12,000 prostatic cancers are detected at a curable stage every year in this way.[26] The use of other diagnostic tests for mass screening remains controversial and is being evaluated as described below. For symptomatic patients, with presumptive benign prostatic hypertrophy or prostatitis that may be masking a cancer, the past decade has witnessed the introduction of two additional and potentially powerful diagnostic aids—transrectal ultrasonography and determinations of serum levels of prostate-specific antigen.

Transrectal ultrasonography in early detection and biopsy

Transrectal ultrasonography, a continuously improving technique of imaging, has a proved ability to detect hypoechoic lesions (which are consistent with the presence of prostatic cancer) as small as 5 mm in diameter. It is said to detect clinically important lesions that are out of the range of the examining finger, while avoiding the microscopic and still inconsequential lesions of incidental tumors.[27-30] Transrectal scanning is an innocuous procedure. The instruments now available are relatively inexpensive and are becoming commonplace in the offices of urologists and in radiology departments. All have probes that guide a biopsy needle and document the exact location of the tissue extracted.

A recently introduced biopsy technique that is generally replacing the use of both conventional large-bore needles for core biopsies[31] and fine-needle-aspiration smears[32] is the use of an intermediate-caliber needle for core biopsies obtained with a spring-loaded biopsy "gun."[33, 34] The thinner needle (18 gauge instead of 14 gauge) readily allows transrectal or transperitoneal biopsy with less bleeding than previously. No anesthesia is used, and the performance of multiple biopsies has become quite acceptable. The biopsy gun is used alongside the finger in the case of palpable lesions or through a biopsy channel built into the transrectal-ultrasonography probes now manufactured. Systematic multiple biopsies in a gridlike distribution are increasingly performed to sample suspected prostate tumors even in

---

Footnotes at end of article.

the absence of lesions obvious on ultrasonography.[28] Hodge et al. have claimed that up to 80 percent of biopsies in patients with suspicious findings on digital rectal examination are now positive, including those in 53 percent in patients with previously negative digitally guided biopsies.[29]

Ultrasound scanning can fail to detect up to 30 percent of the prostatic lesions that are easily palpable on rectal examination, because they are isoechoic instead of hypoechoic. Conversely, the ultrasonic hypoechoic appearance of small tumors, ascribed to their higher cellular density, overlaps considerably with that of nonmalignant tissue affected by inflammation—only 20 percent of hypoechoic areas are cancerous.[27]

Ultrasonography in screening for prostatic cancer

There has been an ongoing controversy about whether screening for prostatic cancer by ultrasound examination has a role at all. Its enthusiasts[35,38] emphasize the limitations for the rectal examination and the opportunity that ultrasound scanning presents for documentation of the ultrasonic consistency of the entire gland. They stress that serial examinations can be reliably compared, defects measured to the millimeter, and of course, ultrasound-guided needle biopsy carried out with very little morbidity. Others are more skeptical[39,42] about the use of ultrasonography for screening. Some point out that there is no proof that the detection or biopsy of these early lesions changes the clinical outlook for the patients.[41] Unfortunately, screening transrectal ultrasonography has been marketed directly to the public in many cities as a lifesaving procedure.

Prostate-specific antigen

In the past decade, the search for organ-specific substances in the prostate led to the discovery of prostate-specific antigen.[43] This is a glycoprotein produced uniquely in the cytoplasm of both benign and malignant prostate cells and found in no other normal tissues or tumors.[44] Its unique organ specificity and the wide availability of immunoassays in kit form[45,46] quickly established prostate-specific antigen as the most sensitive marker of prostatic cancer,[47,48] effectively replacing the venerable test for prostatic acid phosphatase in almost all situations.

A definite elevation in the level of prostate-specific antigen is possible with nonmalignant prostatic disease. Enlarged glands with benign prostatic hypertrophy account for most borderline elevations of the antigen found in clinical practice,[49,51] but an antigen level over 10 ng per milliliter is most unlikely to be due to benign prostatic hypertrophy alone, and urologic evaluation is indicated. Thus, Hudson et al.[51] found that only 2 percent of patients with benign prostatic hypertrophy had antigen levels over 10 ng per milliliter, whereas 44 percent of patients with prostatic cancer, including 36 percent (37 of 103) of those with clinical Stage A or B disease (Fig. 1), had levels over 10 ng per milliliter.

[Figure not reproducible in the RECORD.]

(Figure 1. Preoperative Values for Prostate-Specific Antigen in Patients with Benign Prostatic Hyperplasia (BPH), Clinically Localized Prostatic Cancer, or Metastatic Prostatic Cancer. Solid line denotes the upper limit of the level of prostate-specific antigen in normal men; dashed line denotes the upper limit of patients with BPH. Reproduced from Hudson et al.[51] with the permission of the publisher.)

Injury to normal prostate tissue can raise the level of prostate-specific antigen for several days. Although routine rectal examination has been said to produce a brief false positive elevation of the antigen,[47] Brawer et al. were unable to confirm this finding in a formal study.[52] The half-life of prostate-specific antigen, after the release of a bolus into the blood, has been calculated to be about 2.2 days in one assay[47] and 3.2 days in another.[50] After major trauma, such as a transurethral resection or a needle biopsy of the prostate, it is known that the level of prostate-specific antigen can rise 50-fold and remain elevated for two weeks.[29] Prostatitis can elevate the level of antigen over the short term,[53] as can a prostatic infarct. These, of course, are all transient elevations that, although they may reach the range found in prostatic cancer, should decline on subsequent determinations.

Gram for gram, the average prostatic cancer produces at least 10 times the amount of prostate-specific antigen that is produced by normal prostatic tissue.[49,54] Some small tumors seem to have even more activity, with small nodules producing antigen at levels in the range of 15 to 30 ng per milliliter. Some patients with metastatic disease present with serum levels of several thousand nanograms per milliliter.

The role of prostate-specific antigen in screening for prostatic cancer was prejudiced from the start by the fact that benign prostatic hypertrophy, which is very common, is often associated with a slight elevation in the antigen level.[47,48,51] It is noteworthy that up to 30 percent of localized prostatic cancers have normal antigen values;[49-51] therefore, it is agreed that the measurement of prostate-specific antigen should not displace rectal examination in the early detection of prostatic cancer, but rather complement it.

Cooner et al.[37] and others[27,28,30,36] have stressed the complementary use of ultrasound examination and prostate-specific-antigen testing in the diagnosis of nonpalpable prostatic cancer. For example, Cooner's group found that of 479 men 60 to 69 years of age with normal results on rectal examination who were studied by the two methods, the combination of a suspicious ultrasonogram and an elevated level of prostate-specific antigen (over 4.0 ng per milliliter) identified 17 of 48 biopsy specimens (35 percent) positive for cancer. In a more recent study by Lee et al.[27] of symptomatic patients with normal results on rectal examination, the presence of an elevated antigen level made an abnormal ultrasonogram a positive predictor of cancer in 52 percent of cases; and the presence of both abnormal results on rectal examination and an elevated level of prostate-specific antigen raised the positive predictive value of ultrasonography to 71 percent.[27,30]

Magnetic resonance imaging in early detection

Newly developed small probes for transrectal magnetic resonance imaging[55] have shown a startling degree of resolution and sensitivity for prostatic cancer as compared with benign prostatic hypertrophy. This technique may prevent unnecessary biopsies and will undoubtedly be applied increasingly to the early diagnosis of prostatic cancer.

Histologic grading of prostatic carcinomas

As with other types of adenocarcinoma, prostatic tumors were for many years graded according to the degree of differentiation.[56] Although individual cells can be graded according to their nucleolar or nuclear roundness,[56,57] as must be done with fine-needle-aspiration-biopsy specimens,[32] the tumor patterns revealed under low-power microscopical examination are particularly distinctive and useful. These patterns range from well-differentiated small glands with "back-to-back" crowding to poorly differentiated sheets or cords of malignant cells.[56,58]

In the past decade several efforts have been made to adopt a uniform grading system that would correlate with the clinical course of the patients.[56,58,59] The system of Gleason[58] (Fig. 2) has been incorporated rapidly into clinical practice and appears to correlate well with other known prognostic indicators, especially tumor size,[20] metastases to pelvic lymph nodes,[19,59-61] and even the level of prostate-specific antigen.[49]

[Figure not reproducible in the RECORD.]

(Figure 2. Simplified Drawing of the Gleason Grading System for Prostatic Adenocarcinoma. Five distinct glandular patterns are identified and shown in order of increasing lack of differentiation. More than one pattern may be present in a surgical specimen: the pathologist identifies the two predominant ones and adds them to yield a final Gleason grade (e.g., 3+4=grade 7). Reproduced with the permission of the publisher.[58])

Biopsy specimens of metastatic tumors of uncertain origin in men are readily identified as prostatic by the routine use of immunohistochemical testing for prostate-specific antigen and prostatic acid phosphatase. Prostate-specific antigen is present in 97 percent of such tumors, even very undifferentiated ones, and the test for prostatic acid phosphatase usually identifies the remainder.[62]

STAGING OF PROSTATIC CANCER

The staging of prostatic cancer is of central importance to any discussion of therapy and clinical results. The commonly used staging systems are shown in Figure 3. Staging has become more elaborate, with the possibility of increased definition of lesions by imaging and the use of tumor markers.

[Figure not reproducible in the RECORD.]

(Figure 3. Staging of Prostate Cancer. The tumor, node, and metastasis (TNM) staging for local tumors is indicated by Roman numerals I through IV. The more elaborate Hopkins system is subdivided to make clinically important distinctions, as follows: Stage A—microscopic, not clinically palpable tumor (A_1, with focus in less than 5 percent of tissue examined, low grade; A_2, with multiple areas [more than 5 percent] or Gleason grade higher than 4); Stage B—palpable, macroscopic tumor (B_1,≤1.5 cm in diameter, only in one lobe; B_2,>1.5 cm in diameter, or several nodules in both lobes); Stage C—tumor with extracapsular extension, but still clinically localized (C_1, palpably extending into seminal vesicle but not fixed to pelvic wall; C_2, fixed to pelvic wall); and Stage D—demonstrated metastatic tumor (D_1, metastases limited to three pelvic nodes or fewer; D_2, more extensive nodal or extrapelvic metastases [e.g., to bone]).)

Measurement of the prostatic-tumor markers, prostate-specific antigen and prostatic acid phosphatase, and total-body bone scanning constitute the usual initial staging evaluation of a patient with proved prostatic cancer. A positive bone scan, usually correlated with the level of prostate-specific antigen, identifies the patient's disease as Stage D_2, and makes elaborate local staging unnecessary. If the bone scan is negative, CT or MRI is performed as well to evaluate the pelvic lymph nodes.[63] The extent of local disease may be defined better by ultrasound scanning as an adjunct to the rectal examination.[64]

The role of surgical pelvic lymphadenectomy in staging and in planning for the patient's therapy has become established.[65] This procedure is preliminary to radical prostatectomy (described below); if the frozen sections are positive, no surgical attempt at a cure is made. The usefulness of this procedure has been reinforced by the abandonment of lymphangiography and the poor sensitivity of CT and MRI.[63,64]

Early hopes that lymphadenectomy of microscopic metastases might be therapeutic have been dispelled, because longer periods of follow-up have shown the inevitable appearance of a distant recurrence in patients with even minimal involvement of lymph nodes.[66]

TREATMENT OF LOCALIZED (STAGES A AND B) PROSTATIC CANCER—RADIATION VERSUS SURGERY

Patients with Stage A prostatic cancer are usually assigned to watchful waiting unless they are relatively young.[67] Radical prostatectomy and radiation therapy both offer curative treatment in patients with early disease that is limited to the prostate (Stages A_2, B_1, and B_2). Neither method has proved statistical superiority in its effectiveness.[68] A prospective randomized study by the Veterans Affairs Oncology Group in which patients were assigned to either radiation therapy or surgery after a negative node dissection indicated an advantage to surgery, as shown by the percentage of patients free of recurrence after five years.[69] However, Bagshaw et al. have retrospectively analyzed the results of radiation therapy at Stanford University and have suggested that they are comparable to the surgical results studied prospectively by the Veterans Affairs group,[70] noting that 90 percent of the patients in a subgroup with negative results on lymphadenectomy remained free of disease after five years. Retrospective reviews of surgical results at several centers suggest a favorable outcome: the 15-year disease-specific survival rate was 93 percent at the Mayo Clinic,[71] 89 percent at the Mason Clinic,[72] and 86 percent at Johns Hopkins Hospital.[73] In these series, disease-specific survival reached a plateau after 10 years.

Nerve-sparing radical prostatectomy

Radical prostatectomy, available for many years, entails the removal of the entire prostate, including the capsule, a layer of surrounding connective tissue, and the attached seminal vesicles. At one time this operation caused permanent impotence in almost all patients. In a landmark contribution, Walsh and Donker[74] determined the anatomical location of previously overlooked nerve bundles that are required for normal erection of the penis. New techniques of radiation prostatectomy can now spare these nerves,[75] and within a year potency returns in 50 to 80 percent of patients so treated. Younger patients with more limited disease have the best rate of recovery.[75,76]

Another advance has been the notable reduction in blood loss from radical prostatectomy, because of more accurate dissection of the venous channels overlying the proximal urethra and the prostatic apex.[77] It is now customary to have patients donate two units of blood, and with the new procedure they rarely require more than that.[78]

Although almost all centers accept the concept that radical prostatectomy should be aborted if positive pelvic nodes are found,[66] the Mayo Clinic group has proceeded with both prostatectomy and orchiectomy in such cases.[79] Their excellent results are controversial, representing a combination of early adjuvant hormonal therapy and a partial removal of the local tumor.

Concern has recently arisen that the nerve-sparing procedure may impair the overall effectiveness of the surgery.[80,81] Longer periods of follow-up will be necessary to rule out the risk of increased local recurrence.

Complications of Radical Prostatectomy

Permanent incontinence is now rare, occurring in less than 2 percent of patients.[75,82] The node dissection and the rest of the pelvic surgery predispose patients to thrombophlebitis and lymphocele.[65] The frequency of lymphocele is increased by prophylaxis with heparin.[83,84] When, despite a nerve-sparing prostatectomy, impotence does occur and is of concern to the patient, self-injections of papaverine or alprostadil can be used to promote penile erection and are usually successful.[85]

Drop in Level of Prostate-Specific Antigen

With a half-life of two to three days, prostate-specific antigen becomes undetectable soon after curative radical prostatectomy.[86] The methods and techniques used are so accurate and the specificity of origin of any detectable antigen so obvious that the finding of a measurable level after radical prostatectomy leaves no doubt that there are residual prostatic cancer cells.[47,50,51,86]

Radiation therapy

Interstitial radiation using seeds of iodine-125 or gold-198 (brachy-therapy) was in vogue for several years. The early procedure required open surgical exploration, with lymph-node sampling and the placement of needles into the substance of the prostate to deposit the radioactive seeds. Superior results were claimed in terms of preserving potency and avoiding incontinence.[87,88] Unfortunately, in the past 10 years longer follow-up periods have shown relatively poor local control of the disease by this method.[89-92] Some centers have continued to administer interstitial radiation, however, using transperineal percutaneous needles guided by ultrasonography.[93-95]

External-beam radiotherapy from high-energy linear accelerators has been an established and well-tested curative treatment for localized prostatic cancer for more than two decades.[50,96] Newer energy sources, such as proton beams[97] and neutron beams,[98] have been used to reduce the scatter of the radiation effect further, but they remain experimental and relatively inaccessible.

The role of radiation therapy in treating the pelvic lymph nodes is still controversial.[99,100] Surgical lymphadenectomy is not usually used for staging before radiation therapy, because of the increased morbidity of the combined methods. On the hypothesis that the progression of microscopic tumors in pelvic lymph nodes might be arrested by suboptimal doses of radiation therapy, most therapeutic programs do administer a wide-field treatment of up to 50 Gy that includes the pelvic lymph nodes and then "cone down" for additional therapy to the more tolerant region of the prostate and the immediate tissues, for a total dose of 70 Gy.[50,101]

Complications

Potency is preserved in over half the patients who undergo radiation. Thus, Bagshaw et al. reviewed the results in 532 patients and found that 86 percent were potent after 15 months and 50 percent remained so after 7 years.[70] The deleterious effect of the radiation appears to involve nerve conduction less than the patency of the vessels to the corpora cavernosa.[102]

The incidence of rectal-wall damage, formerly an important complication, has been greatly reduced by the use of photons with increased energy and by better targeting of the beams. Temporary tenesmus, diarrhea, and mucosal bleeding are usually the worst problems. Rarely, rectal-wall fibrosis and problems with the function of the rectal ampulla are encountered.[99]

Level of Prostate-Specific Antigen

The course of serum levels of prostate-specific antigen after definitive radiation for presumably localized prostatic cancer involves a much delayed decline, as compared with the drop after surgical excision, but one that remains very useful prognostically. Serial values in the Stanford series were stable after one year in 49 percent of the patients but were increasing again in 51 percent.[103,104] Progressive reelevation of the values for prostate-specific antigen indicates either a failure of local treatment or the appearance of overt systemic metastases.

Residual Tumor

There has been a controversy for several years about the importance of residual cancer after radiation therapy. Systematic biopsies of fully treated patients have shown a 35 to 91 percent incidence of apparently viable tumor,[17,89,90,105,111] and some centers have resorted to salvage surgery in such cases.[112] What is the clinical importance of residual tumor after radiation? The correlation of the presence of residual cancer after one year with the appearance of delayed distant metastases has been a source of concern.[108,111] Progression to Stage D disease and mortality are both greatly increased in the subgroup of patients whose local disease seems to have resisted radiation therapy despite the absence of palpable local growth.[109]

TREATMENT OF STAGE C PROSTATIC CANCER

Overt Stage C disease, in which there is a large local lesion with extraprostatic extension, has previously been treated primarily by radiation therapy with the hope of a cure[50,113] or by direct recourse to palliative hormonal therapy.[114] The hope of a surgical cure was only tentatively espoused by a few, because of the likelihood (over 50 percent) of positive pelvic nodes and the probability of leaving residual extraprostatic tumor.[115,117]

Recent reassessment of the results of radiation therapy with ultrasound examination and measurement of levels of prostate-specific antigen has shed new light on the question. The survival curves were identical for patients treated initially with hormonal therapy and for those treated first with radiation and then with hormonal therapy at the time of regression.

Since more accurate staging by ultrasound examination and prostate-specific-antigen determination is now available, a prospective study for the optimal management of Stage C disease is indicated.[119] For the present, early antitestosterone therapy may be the least harmful and most cost-effective treatment.[114]

TREATMENT OF METASTATIC CANCER

It has been more than 50 years since the effectiveness of withdrawal of androgens was demonstrated in the control of prostatic cancer.[120] The basic physiologic features of the androgen receptor and the biochemical pathway for hormonal dependence are only now being elucidated.

For many decades, two pathways have been recognized for the production of androgens in the mammalian body. The first and primary pathway occurs in the testes, with their production of testosterone. It is well known that normal prostatic tissue and most prostatic cancers respond to testosterone after it has been converted in the cytoplasm to dihydrotestosterone by 5α-reductase.[121] The second pathway of androgen production is found in the adrenal cortex. Relatively large quantities of androstenedione and dehydroepiandrosterone are produced there and are considered to provide about 5 percent of the androgenic stimulation available to the prostate or to prostatic cancer.[121] The current array of hormonal-treatment regimens can be divided into those that are designed as antitestosterone therapy and those that include added effects against adrenal androgens in order to attempt a total androgen blockade.

Antitestosterone therapy

Bilateral orchiectomy has been used worldwide as the most definitive and effective antitestosterone measure. This procedure can be performed in an outpatient setting with the patient under local anesthesia with minimal morbidity.[122] Estrogen preparations have also been used for many decades, and their antitestosterone mechanism is well understood. They inhibit the secretion of pituitary luteinizing hormone to such a point that the circulating testosterone is essentially at castrate levels. Concern about the side effects of estrogens increased when it was demonstrated that they could alter platelet adhesiveness and increase the incidence of thromboembolic phenomena in patients treated for prostatic cancer.[114,123] Because of this concern, daily doses of diethylstilbestrol were reduced in practice to 3 mg per day. Doses of 1 mg per day were also advocated and widely used.[114] The 1-mg dose probably produces fewer side effects, but it suppresses testosterone to castrate levels in only 70 percent of patients,[124] whereas the 3-mg dose invariably produces complete suppression.

Although estrogen therapy has been partially replaced by either orchiectomy or the use of analogues to luteinizing-hormone—releasing hormone (LHRH), as described below, the main side effects of estrogen therapy can be attenuated, and the drugs remain useful. Gynecomastia, once very common, is now usually prevented by superficial radiation to the breast tissue at a dose of up to 15 Gy before the start of therapy.[125] Although no results from a controlled study have been reported, the platelet-aggregating effects of estrogens are managed in practice by the daily use of aspirin. Since most of the side effects of estrogens occur early in treatment,[126] patients with well-controlled prostatic cancer who take diethylstilbestrol should not have this therapy stopped or changed arbitrarily. If side effects do appear, the dose of diethylstilbestrol should be reduced to 1 mg a day, with monitoring of the levels of testosterone and prostate-specific antigen.[127]

The third principal alternative for antitestosterone therapy is the recently developed family of peptides that are analogues of hypothalamic LHRH. These synthetic peptides (leuprolide, buserelin, and goserelin) are administered by parenteral injection. Their mechanism of action is to occupy the receptors of LHRH in the pituitary, initially stimulating the release of luteinizing hormone and then blocking the subsequent stimulation of the receptors by the endogenous pulsatile secretion of luteinizing hormone.[128,130] Depot preparations are now available that require only monthly injection for castrate levels of testosterone to be achieved.[131,132] Hot flashes may occur, as with orchiectomy.

The advantage of the LHRH analogues is that they avoid both the trauma of orchiectomy and the side effects of estrogen therapy, including gynecomastia and increased platelet adhesiveness. The disadvantage of the newer medications is twofold. First, the preparations have the potential for rapid worsening of a patient's condition during the initial two weeks of paradoxical stimulation of testosterone release. The drugs are therefore contraindicated for use as the only medication in patients with painful involvement of the spinal column, in whom compression of the spinal cord, or even paraplegia, might develop. The initial flare-up can be avoided by the concomitant use of antiandrogens[133] or the concomitant temporary use of estrogens.[134] The second disadvantage of these depot peptides is their high cost—more than $300 a month for a single injection.

Controversy about total androgen blockade

The concept of adding a blockade of adrenal androgens to orchiectomy was advanced by Huggins and Scott decades ago and tested by the use of surgical adrenalectomy.[135,136] Synthetic antiandrogens have been available for the same purpose for an equally long time,[137,138] among them cyproterone acetate, nilutamide, flutamide, ketoconazole, and others with similar mechanisms. These drugs all act by competing with androgens at the receptor level in previously sensitive cells, normal or malignant. Now being tested is finasteride, a specific inhibitor of 5α-reductase that permits testosterone to be "spared" but blocks most effects of androgens on prostatic cells by preventing the formation of dihydrotestosterone.[139]

In the 1980s the concept of total androgen blockade was reintroduced.[140,141] A prospective multicenter study in the United States, combining an LHRH analogue with flutamide or placebo, suggested an advantage for the addition of flutamide[142] and led to its approval by the Food and Drug Administration for general use. But other studies of total blockade have failed to show any advantage. A recent Danish multicenter study combined a similar depot LHRH analogue (goserelin) with flutamide therapy and compared the results with those of orchiectomy in 264 patients.[143] There was no difference with respect to survival or median time to detectable progression. A Canadian study[144] of treatment with orchiectomy plus placebo as compared with orchiectomy plus antiandrogens in more than 200 patients showed no difference in the time to detected progression, but there was a longer median survival with total androgen blockade. Other studies recently reported from France[145] and Italy[146] and an international effort[147] also failed to support the supplementary use of antiandrogen therapy except to suppress the LHRH flare-up.

The controversial marginal advantage of total androgen blockade must be weighed against its side effects, especially diarrhea,[142,143] and its very high cost. The use of flutamide has added about $200 per month to the high cost of therapy with depot LHRH alone.

Chemotherapy for prostatic cancer

Nonhormonal chemotherapy has been of little value to date in treating prostatic cancer. Prospective controlled studies by the National Prostatic Cancer Project in the first of the 1980s gave no real encouragement for the use of available antimetabolites and cytotoxic agents. As reviewed by Eisenberger,[148] the terminal course of patients who have a relapse after receiving hormonal therapy is measured in weeks despite chemotherapy. A caveat is that most candidates for chemotherapy, who have not responded to hormonal therapy, remain responsive to androgens. They are very likely to have severe, symptomatic exacerbations of their already terminal disease if their level of androgens is elevated again.[149,150] In practice, patients who have not undergone orchiectomy must not have their therapy with estrogen or LHRH stopped, and the addition of exogenous androgens must still be avoided.

FOOTNOTES

[1] Klein LA. Prostatic carcinoma. N Engl J Med 1979; 300:824–33.

[2] Silverberg E, Lubera JA. Cancer statistics, 1989. CA 1989; 39:3–20.

[3] Noble RL. The development of prostatic adenocarcinoma in Nb rats following prolonged sex hormone administration. Cancer Res 1977; 37:1927–33.

[4] Murphy GP, ed. Models for prostate cancer. Vol. 37 of Progress in clinical and biological research. New York: Alan R. Liss, 1980.

[5] Viola MV, Fromowitz F, Oravez S, et al. Expression of *ras* oncogene p21 in prostate cancer. N Engl J Med 1986; 314:133–7.

[6] Thompson TC, Southgate J, Kitchener G, Land H. Multistage carcinogenesis induced by *ras* and *myc* oncogenes in a reconstituted organ. Cell 1989; 56:917–30.

[7] Zaridze DG, Boyle P. Cancer of the prostate: epidemiology and etiology. Br J Urol 1987; 59:493–502.

[8] Ross RK, Paganini-Hill A, Henderson BE. Epidemiology of prostatic cancer. In: Skinner DG, Lieskovsky G, eds. Diagnosis and management of genitourinary cancer. Philadelphia: W.B. Saunders, 1988:40–5.

[9] Scott R Jr, Mutchnik DL, Laskowski TZ, Schmalhorst WR., Carcinoma of the prostate in elderly men: incidence, growth characteristics and clinical significance. J Urol 1969; 101:602–7.

[10] Sheldon CA, Williams RD, Fraley EE. Incidental carcinoma of the prostate: a review of the literature and critical reappraisal of classification. J Urol 1980; 124:626–31.

[11] Levine RL, Wilchinsky M. Adenocarcinoma of the prostate: a comparison of the disease in blacks versus whites. J Urol 1979; 121:761–2.

[12] Dayal HH, Prolissar L, Dahlberg S. Race, socioeconomic status, and other prognostic factors for survival from prostate cancer. J Natl Cancer Inst 1985; 74:1001–6.

[13] Yatani R, Chigusa K, Akazaki K, Stemmerman GN, Welsh RA, Correa P. Geographic pathology of latent prostatic carcinoma. Int J Cancer 1982; 29:611–6.

[14] Guileyardo JM, Johnson WD, Welsh RA, Akazaki K, Correa P. Prevalence of latent prostate carcinoma in two U.S. populations. J Natl Cancer Inst 1980; 65:311–6.

[15] Ross RK, Bernstein L, Judd H, Hanisch R, Pike M, Henderson B. Serum testosterone levels in healthy young black and white men. J Natl Cancer Inst 1986; 76:45–8.

[16] Hill PB, Wynder EL. Effect of a vegetarian diet on dexamethasone on plasma prolactin, testosterone and dehydroepiandrosterone in men and women. Cancer Lett 1979; 7:273–82.

[17] Steinberg GD, Carter BS, Beaty TL, Childs B, Walsh PC. The familial aggregation of prostate cancer: a case control study. J Urol 1990; 143:313A. abstract.

[18] Kabalin JN, McNeal JE, Price HM, Freiha FS, Stamey TA. Unsuspected adenocarcinoma of the prostate in patients undergoing cytoprostatectomy for other causes: incidence, histology and morphometric observations. J Urol 1989; 141:1091–4.

[19] McNeal JE, Bostwick DG, Kindrachuk RA, Redwine EA, Freiha FS, Stamey TA. Patterns of progression in prostate cancer. Lancet 1986; 1:60–3.

[20] McNeal JE, Redwine EA, Freiha FS, Stamey TA. Zonal distribution of prostatic adenocarcinoma: correlation with histologic pattern and direction of spread. Am J Surg Pathol 1988; 12:897–906.

[21] Byar DP, Mostofi FK. Carcinoma of the prostate: prognostic evaluation of certain pathologic features in 208 radical prostatectomies: examined by the step-section technique. Cancer 1972; 30:5–13.

[22] Stamey TA, McNeal JE, Freiha FS, Redwine E. Morphometric and clinical studies on 68 consecutive radical prostatectomies. J Urol 1988; 139:1235–41.

[23] Villers A, McNeal JE, Redwine E. Freiha FS, Stamey TA. The role of perineural space invasion in the local spread of prostate adenocarcinoma. J Urol 1989; 142:763–8.

[24] Fowler JE Jr, Whitmore WF Jr. The incidence and extent of pelvic lymph node metastases in apparently localized prostate cancer. Cancer 1981; 47:2941–5.

[25] Saitoh H, Hida M, Shimbo T, Nakamura K, Yamagata J, Satoh T. Metastatic patterns of prostate cancer: correlation between sites and number of organs involved. Cancer 1984; 54:3078–84.

[26] Chodak GW, Keller P, Schoenberg HW. Assessment of screening for prostate cancer using digital rectal examination. J Urol 1989; 141:1136–8.

[27] Lee F, Torp-Pedersten S, Littrup PJ, et al. Hypoechoic lesions of the prostate: clinical relevance of tumor size, digital rectal examination, and prostate-specific antigen. Radiology 1989; 170:29–32.

[28] Hodge K, McNeal JE, Terris MK, Stamey TA. Random systematic versus directed ultrasound guided transrectal core biopsies of the prostate. J Urol 1989; 141:71–4.

[29] Hodge KK, McNeal JE, Stamey TA. Ultrasound guided transrectal core biopsies of the palpably abnormal prostate. J Urol 1989; 142:66–70.

[30] Scardino PT. Early detection of prostate cancer. Urol Clin North Am 1989; 16:635–55.

[31] Chodak GW, Bibbo M, Straus FH II, Wied GL. Transrectal aspiration versus transperineal core biopsy for the diagnosis of carcinoma of the prostate. J Urol 1984; 123:480–2.

[32] Benson MC. Fine-needle aspiration of the prostate. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:19–24. (NIH publication no. 88–3005.)

[33] Ragde H, Aldape HC, Bagley CM Jr. Ultrasound-guided prostate biopsy: Biopsy gun superior to aspiration. Urology 1988; 32:503–6.

[34] Kaye KW, Horwitz CA. Transrectal ultrasound-guided prostate biopsies using new automatic gun: analysis of 100 consecutive cases. J Endourol 1989; 3:155–62.

[35] Lee F, Littrup PJ, Torp-Pedersen ST, et al. Prostate cancer: comparison of transrectal US and digital rectal examination for screening. Radiology 1988; 168:389–94.

[36] Nesbitt JA, Drago JR, Badalament RA. Transrectal ultrasonography: early experience with use as prostate cancer detection tool. Urology 1989; 34:120–2.

[37] Cooner WH, Mosley BR, Rutherford CL Jr, et al. Clinical application of transrectal ultrasonography and prostate specific antigen in the search for prostate cancer. J Urol 1988; 139:758–61.

[38] Ragde H, Bagley CM Jr, Aldape HC, Blasko JC. Screening for prostatic cancer with high-resolution ultrasound. J Endourol 1989; 3:115–24.

[39] Muldoon L, Resnick MI. Results of ultrasonography of the prostate. Urol Clin North Am 1989; 16:693–702.

[40] Perrin P, Mouriquand P, Monsallier M, Oukheira H, Maquet JH, Devonec M. Hypothetical place of transrectal ultrasound in the diagnosis of prostatic cancer at an early stage. J Endourol 1989; 3:109–14.

[41] Chodak GW. Screening for prostate cancer: role of ultrasonography. Urol Clin North Am 1989; 16:657–61.

[42] Stamey TA. Prostate cancer: some basic clinical and morphometric observations. Urology Monogr 1989; 10:79–91.

[43] Wang MC, Valenzuela LA, Murphy GP, Chu TM. Purification of a human prostate specific antigen. Invest Urol 1979; 17:159–63.

[44] Ford TF, Butcher DN, Masters JR, Parkinson MC. Immunocytochemical localisation of prostate-specific antigen: specificity and application to clinical practice. Br J Urol 1985; 57:50–5.

[45] Hortin GL, Bahnson RR, Daft M, Chan K-M, Catalona WJ, Ladenson JH. Differences in values obtained with 2 assays of prostate specific antigen. J Urol 1988; 139:762–5.

[46] Chan DW, Bruzzek DJ, Oesterling JE, Rock RC, Walsh PC. Prostate-specific antigen as a marker for prostatic cancer: a monoclonal and a polyclonal immunoassay compared. Clin Chem 1987; 33:1916–20.

[47] Stamey TA, Yang N, Hay AR, McNeal JE, Freiha FS, Redwine E. Prostate-specific antigen as a serum marker for adenocarcinoma of the prostate. N Engl J Med 1987; 317:909–16.

[48] Gittes RF. Prostate-specific antigen. N Engl J Med 1987; 317:954–5.

[49] Stamey TA. Prostate-specific antigen in the diagnosis and treatment of adenocarcinoma of the prostate. Urology Monogr 1989; 10:50–64.

[50] Lange PH, Brawer MK. Serum prostate-specific antigen: its use in diagnosis and management of prostate cancer. Urology 1989; 33:Suppl 6:13–7.

[51] Hudson MA, Bahnson RR, Catalona WJ. Clinical use of prostate specific antigen in patients with prostate cancer. J Urol 1989; 142:1011–7.

[52] Brawer MK, Schifman RB, Ahmann FR, Ahmann ME, Coulis KM. The effect of digital rectal examination on serum levels of prostate-specific antigen. Arch Pathol Lab Med 1988; 112:1110–2.

[53] Dalton DL. Elevated serum prostate-specific antigen due to acute bacterial prostatitis. Urology 1989; 33:465.

[54] Stamey TA, Kabalin JN. Prostate-specific antigen in the diagnosis and treatment of adenocarcinoma of the prostate. I. Untreated patients. J Urol 1989; 141:1070–5.

[55] Schnall MD, Lenkinski RE, Pollack HM, Imai Y, Kressel HY. Prostate: MR imaging with an endorectal surface coil. Radiology 1989; 172:570–4.

[56] Mostofi FK. Grading of prostatic carcinoma. Cancer Chemother Rep 1975; 59:111–7.

[57] Epstein JI, Berry SJ, Eggleston JC. Nuclear roundness factor: a predictor of progression in untreated Stage A2 prostate cancer. Cancer 1984; 54:1666–71.

[58] Gleason DF. The Veterans Administration Cooperative Urologic Research Group: histologic grading and clinical staging of prostatic carcinoma. In: Tannenbaum M, ed. Urologic pathology: the prostate. Philadelphia: Lea & Febiger, 1977:171–98.

[59] Gaeta JF, Englander LC, Murphy GP. Comparative evaluation of National Prostatic Cancer Treatment Group and Gleason systems for pathologic grading of primary prostatic cancer. Urology 1986; 27:306–8.

[60] Paulson D, Piserchia PV, Gardner W. Predictors of lymphatic spread in prostatic adenocarcinoma: uro-oncology research group study. J Urol 1980; 123:697–9.

[61] Oesterling JE, Brendler CB, Epstein JI, Kimball AW Jr, Walsh PC. Correlation of clinical stage, serum prostatic acid phosphatase and preoperative Gleason grade with final pathologic stage in 275 patients with clinically localized adenocarcinoma of the prostate. J Urol 1987; 138:92–8.

[62] Allhoff EP, Proppe KH, Chapman CM, Lin C-H, Prout GR Jr. Evaluation of prostate specific acid phosphatase and prostate specific antigen in identification of prostatic cancer: J Urol 1983; 129:315–8.

[63] Hricak H. Noninvasive imaging for staging of prostate cancer: magnetic resonance imaging, computed tomography, and ultrasound. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:31–5. (NIH publication no. 88–3005.)

[64] Scardino PT, Shinohara K, Wheeler TM, Carter SS. Staging of prostate cancer: value of ultrasonography. Urol Clin North Am 1989; 16:713–34.

[65] Middleton RG. Value of and indications for pelvic lymph node dissection in the staging of prostate cancer. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:41–3. (NIH publication no. 88–3005.)

[66] Gervasi LA, Mata J, Easley JD, et al. Prognostic significance of lymph nodal metastases in prostatic cancer. J Urol 1989; 142:332–6.

[67] Smith JA Jr, Cho Y-H. Management of stage A prostate cancer. Urol Clin North Am 1990; 17:769–77.

[68] Lange PH. Controversies in management of apparently localized cancer of the prostate. Urology 1989; 34:Suppl 4:13–8.

[69] Paulson DF. Randomized series of treatment with surgery versus radiation for prostate adenocarcinoma. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:127–31. (NIH publication no. 88–3005.)

[70] Bagshaw MA, Cox RS, Ray GR. Status of radiation treatment of prostate cancer at Stanford University. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:47–60. (NIH publication no. 88–3005.)

[71] Blute ML, Nativ O, Zincke H, Farrow GM, Therneau T, Lieber MM. Pattern of failure after radical retropubic prostatectomy for clinically and pathologically localized adenocarcinoma of the prostate: influence of tumor deoxyribonucleic acid ploidy. J Urol 1989; 142:1262–5.

[72] Gibbons RP. Total prostatectomy for clinically localized prostate cancer: long-term surgical results and current morbidity. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:123–6. (NIH publication no. 88–3005.)

[73] Lepor H, Walsh PC. Long-term results of radical prostatectomy in clinically localized prostate cancer: experience at The Johns Hopkins Hospital. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:117–22. (NIH publication no. 88–3005.)

[74] Walsh PC, Donker PJ. Impotence following radical prostatectomy: insight into etiology and prevention. J Urol 1982; 128:492–7.

[75] Walsh PC. Radical retropubic prostatectomy with reduced morbidity: an anatomic approach. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:133–7. (NIH publication no. 88–3005.

[76] Walsh PC, Epstein JI, Lowe FC. Potency following radical prostatectomy with wide unilateral excision of the neurovascular bundle. J Urol 1987; 138:823–7.

[77] Reiner WG, Walsh PC. An anatomical approach to the surgical management of the dorsal vein and Santorini's plexus during radical retropubic surgery. J Urol 1979, 121:198–200.

[78] Peters CA, Walsh PC. Blood transfusion and anesthetic practices in radical retropubic prostatectomy. J Urol 1985; 134:81–3.

[79] Zincke H. Extended experience with surgical treatment of Stage D1 adenocarcinoma of the prostate: significant improvement of immediate adjuvant hormonal treatment (orchiectomy) on outcome. Urology 1989; 33:Suppl 5:27–36.

[80] Bigg SW, Catalona WJ. Advisability of performing nerve-sparing radical prostatectomy for stage B2 prostate cancer. J Urol 1989; 141:345A. abstract.

[81] Stamey TA, Freiha FS. The Stanford radical retropubic prostatectomy (RRP). J Urol 1990; 143:315A. abstract.

[82] O'Donnell P, Finan BF. Continence following nerve-sparing radical prostatectomy. J Urol 1989; 142:1227–9.

[83] Basinger GT, Gittes RF. Lymphocyst: ultrasound diagnosis and urologic management. J Urol 1975; 114:740–5.

[84] Sogani PC, Watson RC, Whitmore WF Jr. Lymphocele after pelvic lymphadenectomy for urologic cancer. Urology 1981; 17:39–43.

[85] Krane RJ, Goldstein I, de Tejada IS. Impotence. N Engl J Med 1989; 321:1648–59.

[86] Stamey TA, Kabalin JN, McNeal JE, et al. Prostate specific antigen in the diagnosis and treatment of adenocarcinoma of the prostate. II. Radical prostatectomy treated patients. J Urol 1989; 141:1076–83.

[87] Whitmore WF Jr, Hilaris BS, Grabstald H. Retropubic implanation to I^{125} in the treatment of prostate cancer. J Urol 1972: 108:918–20.

[88] Carlton CE Jr, Hudgins PT, Guerriero WG, et al. Radiotherapy in the management of stage C carcinoma of the prostate. J Urol 1976; 116:206–10.

[89] Schellhammer PF, el-Mahdi AM, Higgins EM, Schultheiss TE, Ladaga LE, Babb TJ. Prostate biopsy after definitive treatment by interstitial ^{125}iodine implant or external beam radiation therapy. J Urol 1987; 137:897–901.

[90] Scardino PT, Wheeler TM. Local control of prostate cancer with radiotherapy: frequency and prognostic significance of positive results of postirradiation prostate biopsy. In: NCI monographs. No. 7. Washington, DC.: Government Printing Office, 1988:95–103. (NIH publication no. 88-3005.)

[91] Fair WR, Herr HW, Morse MJ, Russo P, Sogani PC, Whitmore WF Jr. Early experience with 100 radical retropubic prostatectomies and interstitial ^{125}iodine: the MSKCC experience. J Urol 1989; 142:282A, abstract.

[92] Snyder P, Lytton B. I^{125} seen implant for prostate cancer: a 10 year followup. J Urol 1989; 142:309A. abstract.

[93] Holm HH, Juul N, Pederson JF, Hansen H, Stryer I. Transperineal I^{125} seed implantation in prostate cancer guided by transrectal ultrasonography. J Urol 1983; 130:283–6.

[94] Loening SA, Ekon ED. Percutaneous transperineal placement of radioactive gold seeds for treatment of localized prostatic carcinoma. J Endourol 1989; 23:201–9.

[95] Carter SS, Torp-Pedersen ST, Holm HH. Ultrasound-guided implantation techniques in the treatment of prostate cancer. Urol Clin North Am 1989; 16:751–62.

[96] Bagshaw MA. Kaplain HS, Saegerman RH. Linear accelerator supervoltage radiotherapy. VII: carcinoma of the prostate. Radiology 1965; 85:121–9.

[97] Shipley WU, Prout GR Jr, Coachman NM, et al. Radiation therapy for localized prostate carcinoma: experience at the Massachusetts General Hospital (1973–1981). In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:67–73. (NIH publication no. 88–3005.)

[98] Laramore GE, Krall JM, Thomas FJ, Griffin TW, Maor MH, Hendrickson FR. Fast neutron radiotherapy for locally advanced prostate cancer: results of an RTOG randomized study. Int J Radiat Oncol Biol Phys 1985; 11:1621–7.

[99] Pilepich MV. Radiation Therapy Oncology Group studies in carcinoma of the prostate. In: NCI monographs. Washington, D.C.: Government Printing Office, 1988:61–5. (NIH publication no. 88–3005.)

[100] Asbell SO, Krall JM, Pilepich MV, et al. Elective pelvic irradiation in stage A_2, B carcinoma of the prostate: analysis of RTOG 77–06. Int J Radiat Oncol Biol Phys 1988; 15:1307–16.

[101] Hanks GE, External-beam radiation therapy for clinically localized prostate cancer. Patterns of Care Studies in the United States. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:75–84. (NIH publication no. 88–3005.)

[102] Goldstein I. Feldman MI, Deckers PJ, Babayan RK, Krane RJ. Radiation-associated impotence: a clinical study of its mechanism. JAMA 1984; 251:903–10.

[103] Stamey TA, Kabalin JN, Ferrari M. Prostate specific antigen in the diagnosis and treatment of adenocarcinoma of the prostate. III. Radiation treated patients. J Urol 1989; 141:1084–7.

[104] Kabalin JN, Hodge KK, McNeal JE, Freiha FS, Stamey TA. Identification of residual cancer in the prostate following radiation therapy; role of transrectal ultrasound guided biopsy and prostate specific antigen. J Urol 1989; 142:326–31.

[105] Egawa S. Carter SS, Wheeler TM, Scardino PT, Ultrasonographic changes in the normal and malignant prostate after definitive radiotherapy. Urol Clin North Am 1989; 16:741–9.

[106] Nachtsheim DA Jr. McAnnich JW, Stutzman RE, Goebel JL Latent residual tumor following external radiotherapy for prostate adenocarcinoma. J Urol 1978; 120:312–4.

[107] Herr HW, Whitmore WF Jr. Significance of prostatic biopsies after radiation therapy for carcinoma of the prostate. Prostate 1982; 3:339–50.

[108] Freiha FS, Bagshaw MA. Carcinoma of the prostate: results of post-irradiation biopsy. Prostate 1984; 5:19–25.

[109] Scardino PT, Frankel JF, Wheeler TM, et al. The prognostic significance of post-irradiation biopsy results in patients with prostatic cancer. J Urol 1986; 135:510–6.

[110] Kiesling VJ, McAninch JW, Goebel JL, Agee RE. External beam radiotherapy for adenocarcinoma of the prostate: a clinical follow up. J Urol 1980; 124:851–4.

[111] Leach GE, Cooper JK, Kagan AR, Snyder R, Forsythe R. Radiotherapy for prostatic carcinoma: post-irradiation prostatic biopsy and recurrence patterns with long-term follow up. J Urol 1982; 128:505–9.

[112] Neerhut GJ, Wheeler T, Cantini M, Scardino PT. Salvage radical prostatectomy for radiorecurrent adenocarcinoma of the prostate. J Urol 1988; 140:544–9.

[113] Hanks GE. Treatment of locally advanced prostate cancer with radiation therapy. Urology 1989; 33:Suppl 5:37–41.

[114] Byar DP, Corle DK. Hormone therapy for prostate cancer: results of the Veterans Administration Cooperative Urological Research Group studies. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:165–70. (NIH publication no. 88–3005.)

[115] McCullough DG, Leadbetter WF. Radical pelvic surgery for locally extensive carcinoma of the prostate. J Urol 1972; 108:939–43.

[116] Schroeder FH. Belt E. Carcinoma of the prostate: a study of 213 patients with stage C tumors treated by total perineal prostatectomy. J Urol 1975; 114: 257–60.

[117] Zincke H. Utz DC, Taylor WF. Bilateral pelvic lymphadenectomy and radical prostatectomy for clinical stage C prostatic cancer: role of adjuvant treatment for residual cancer and in disease progression. J Urol 1986; 135:1199–205.

[118] Paulson DF, Cline WA Jr, Koefoot RB Jr, Hinshaw W, Stephani S. Extended field radiation therapy versus delayed hormonal therapy in node positive prostatic adenocarcinoma. J Urol 1982; 127:935–7.

[119] Fallon B, Williams RD. Current options in the management of clinical stage C prostatic carcinoma. urol Clin North Am 1990; 17:853–66.

[120] Huggins C, Hodges CV. Studies on prostatic cancer. I. The effect of castration, of estrogen and of androgen injection on serum phosphatases in metastatic carcinoma of the prostate. Cancer Res 1941; 1:293–7.

[121] Walsh PC. Physiologic basis for homonal therapy in carcinoma of the prostate. Urol Clin North Am 1975; 2:125–40.

[122] Glenn JF. Subepididymal orchiectomy: an acceptable alternative. J urol 1990; 144:942–4.

[123] de Voogt HJ, Smith PH, Pavone-Macaluso M, de Pauw M, Suciu S. Cardiovascular side effects of diethylstilbestrol, cryproterone acetate, medroxyprogesterone acetate and estramustine phosphate used for the treatment of advanced prostatic cancer: results from European Organization for Research on Treatment of Cancer trials 30761 and 30762. J Urol 1986; 135:303–7.

[124] Shearer RJ, Hendry WF, Sommerville IF, Fergusson JD. Plasma testosterone: an accurate monitor of hormonal treatment in prostatic cancer. Br J Urol 1973; 45:668–77.

[125] Gagnon JD, Moss WT, Stevens KR. Pre-estrogen breast irradiation for patients with carcinoma of the prostate: a critical review. J Urol 1979; 121:182–4.

[126] The Veterans Administration Cooperative Urological Research Group. Carcinoma of the prostate: treatment comparisons. J Urol 1967; 98:516–22.

[127] Stamey TA, Kabalin JN, Ferrari M, Yang N. Prostate specific antigen in the diagnosis and treatment of adenocarcinoma of the prostate. IV. Antiandrogen treated patients. J Urol 1989; 141:1088–90.

[128] Schally AV, Arimura A, Baba Y, et al. Isolation and properties of the FSH and LH-releasing hormone. Biochem Biophys Res Commun 1971; 43:393–9.

[129] Schally AV, Redding TW, Comaru-Schally AM. Inhibition of prostate tumors by agonistic and antagonistic analogs of LH–RH. Prostate 1983; 4:545–52.

[130] The Leuprolide Study Group. Leuprolide versus diethylstilbestrol for metastatic prostate cancer. N Engl J Med 1984; 311:1281–6.

[131] *Idem*. Clinical study of depot leuprolide in the treatment of advanced prostate cancer. J Urol 1989; 141:346A. abstract.

[132] Blackledge G, Emtage LA, Trethowan C, et al. "Zoladex" depot vs DES 3 mg/day in advanced prostate cancer: a randomised trial comparing efficacy and tolerability. J Urol 1989; 141:347a. abstract.

[133] Kuhn J-M, Billebaud T, Navratil H, et al. Prevention of the transient adverse effects of a gonadotropin-releasing hormone analogue (buserelin) in metastatic prostatic carcinoma by administraiton of an antiandrogen (nilutamide). N Engl J Med 1989; 321:413–8.

[134] Stein BS, Smith JA Jr. DES lead-in to use of luteinizing hormone releasing hormone analogs in treatment of metastatic carcinoma of prostate. Urology 1985; 25:350–3.

[135] Huggins CE, Scott WW. Bilateral adrenalectomy in prostatic cancer: clinical features and urinary excretion of 17-ketosteroids and estrogen. Ann Surg 1945; 122:1031–41.

[136] Scott WW, Menon M, Walsh PC. Hormonal therapy of prostatic cancer. Cancer 1980; 45:Suppl 7:1929–36.

[137] Walsh PC, Gittes RF. Inhibition of extratesticular stimuli to prostatic growth in the castrate rat by antiandrogens. Endocrinology 1970; 87:624–7.

[138] Pavone-Macaluso M, Pavone C, Seretta V, Daricello G. Antiandrogens alone or in combination for treatment of prostate cancer: the European experience. Urology 1989; 34:Suppl 4:27–36.

[139] McConnell JD. Androgen ablation and blockade in the treatment of benign prostatic hyperplasia. Urol Clin North Am 1990; 17:661–70.

[140] Labrie F, Dupont A, Belanger A, et al. New hormonal therapy in prostatic carcinoma: combined treatment with an LHRH agonist and an antiandrogen. Clin Invest Med 1982; 5:267–75.

[141] *Idem*. New hormonal treatment in cancer of the prostate: combined administration of an LHRH agonist and antiandrogen. J Steroid Biochem 1983; 19:999–1007.

[142] Crawford ED, Eisenberger MA, McLeod DG, et al. A controlled trial of leuprolide with and without flutamide in prostatic carcinoma. N Engl j Med 1989; 321:419–24.

[143] Inversen P, Wolf H, Hvidt V, Karup T. Rassmussen F, Danish Prostate Cancer Group. Zoladez plus flutamide vs. orchiectomy in the treatment of advanced prostatic cancer. J Urol 1989; 141:348A. abstract.

[144] Trachtenberg J. Beland G, Elhilali MM, et al. A randomized trial of total androgen ablation vrs orchiectomy in patients with metastatic prostatic cancer. J Urol 1989; 141:347A. abstract.

[145] Fourcade RO, Cariou G, Coloby P, et al. Total androgen blockade in advanced prostatic carcinoma: interim report of a double blind study using Zoladex and Flutamide. J Urol 1990; 143:220A. abstract.

[146] De Silverio F, Serio M, Costantini A. The use of the LHRH analogue goserelin alone or in combination with the antiandrogen cyproterone acetate in the treatment of advanced prostatic carcinoma: an Italian multicentric trial. J Urol 1990; 143:308A. abstract.

[147] Holdaway I, Altwein JE, Klippel KF, Lungimayr G, Tyrrell CJ, Varenhorst E. A multicentre randomised trial comparing the LHRH agonist "Zoladex" with "Zoladex" in combination with Flutamide in the treatment of advanced prostate cancer. J Urol 1990; 143:220A. abstract.

[148] Eisenberger MA. Chemotherapy for prostate carcinoma. In: NCI monographs. No. 7. Washington, D.C.: Government Printing Office, 1988:151–63. (NIH publication no. 88–3005.

[149] Manni A. Santen RJ, Boucher AE, et al. Androgen priming and response to chemotherapy in advanced prostatic cancer. J Urol 1986; 136:1242–6.

[150] Fowler JE Jr, Whitmore WF Jr. The response of metastatic adenocarcinoma of the prostate to exogenous testosterone. J Urol 1981; 126:372–5.

Mr. MOYNIHAN address the Chair.

The PRESIDING OFFICER. The Senator from New York.

WELCOME, SENATOR STEVENS

Mr. MOYNIHAN. Mr. President, may I take this opportunity to welcome Senator STEVENS, not back to our Chamber because he was never absent from it, but back from a very difficult, important period, his wife and daughter at his side, and to thank him for the good counsel and good news that he brings to this Chamber; very good counsel, indeed. I think his comment about the possible environmental basis for this cancer is most important.

WELCOME, SENATOR PRYOR

Mr. MOYNIHAN. Mr. President, I wish to be among the long series of speakers this morning who welcome DAVID PRYOR back to our company.

A GRAND BARGAIN ON NUCLEAR WEAPONS

Mr. MOYNIHAN. Mr. President, for the moment, I will take the Senate's time to comment on the extraordinary events in Russia and its neighboring republics in the last 3 weeks. I suggest that the Nation has an opportunity that we never expected in our normal calculations, to which we must dutifully attend. That is the possibility which the third Russian Revolution offers to achieve truly large-scale, definitive reductions of nuclear weapons in the world.

Mr. President, I sometimes say to friends that one of the perks of going to high school in New York City in the 1930's was that one got to know Kerensky, who would come around and lecture. If you did that, you became one of the 500 people in the world who knew that there had been two Russian revolutions in 1917, not one, and that when the Bolsheviks stormed the Winter Palace, as they were forever shown doing in the movies of that era, they did not overthrow the czar. The czar had already resigned. They overthrew a democratic government. And the prospect that there might be a return to democratic government was not to be excluded at all. On what circumstances, and at what levels of turbulence and disorder was not clear. But it was clear something was coming.

Back in 1979, Newsweek magazine had a forum on the eighties; as they put it, will happen in the eighties? I submitted a brief entry and I said, "In the eighties the Soviet Union will break up." That is pretty clear. The problem, I said, was whether the world would blow up with it as control of that enormous nuclear arsenal vanished. Whatever else, the cold war meant strict control over the nuclear arsenals on the two sides. That the record shows. We are still here to so attest. But other risks—revolution, chaos, dissolution, civil war—were not seriously considered. My thesis was that the economic promises and predictions of the withering away of ethnicity in Marxist theory were wrong. Soon they would be seen to be wrong. A crisis would result. I continued:

> Now the nationality strains begin. Whatever Marxism may have meant to intellectuals, it is ethnic identity that has stirred the masses of the twentieth century, and they are stirring near the Russian borders.* * *
>
> Since 1920 the Communists have rather encouraged ethnic culture, while ruthlessly suppressing ethnic politics. It won't work.

In 1990, as the Soviet breakup was under way, I took the liberty of saying in another Newsweek article, remember, we said this was coming, and now it is coming. What about those warheads? I quoted our distinguished chairman of the Armed Services Committee, Senator NUNN, who was urging that we send food to the Soviets even then. He said:

> Chaos in a nation that possesses 10,000 nuclear weapons is not in our national security interests.

He was referring to the strategic weapons. I will talk in a moment about the tactical nuclear weapons.

Nothing happened. No one could grasp, even then, the real danger. So last week, in Newsweek once again, I wrote yet another piece. I argued that we could have a very serious turn of events in the Soviet Union. I noted that after the successful Bolshevik coup in 1917, internecine warfare raged until 1922. I was able to cite Dr. Yevgeny Velikhov, science adviser to Mikhail Gorbachev, who called for "the international community to play a role in controlling the Soviet Union's nuclear arsenal while the country faces the possibility of political collapse." The science adviser is saying we need an international regime because of what these weapons could do to us.

It seemed to me a massive vote for peace, if you like; to see a country that is going to have famine this year saying, yes, we will all get together and get rid of those tactical field weapons the size of big artillery shells—"Fat Thomas" was a term our soldiers used for one such weapon in NATO in the sixties and seventies—the kind of weapon that might actually be fired. The lieutenant has gone hysterical, the sergeant is dead, and the corporal can fire the thing. Warring Soviet republics could launch them at one another.

Mr. President, the case for abolishing these weapons grows daily stronger. Soon after Dr. Velikhov spoke, the Russian President, President Yeltsin, called for "the total elimination of nuclear weapons in Russia."

Just 2 days ago in Paris, Eduard Shevardnadze, the former Soviet Foreign Minister, said an unstable Soviet Union is a great threat to the world. He said arms limitation talks about tactical nuclear weapons must be held urgently "because such arms are found in the territory of our republics outside Russia and this is dangerous for the West as well as for ourselves."

Today Soviet leaders are saying, "Our weapons could be used on us," a wholly different posture than the negotiated standoffs of the SALT Treaties, and the START Treaty. In the SALT Treaties, we essentially negotiated the increases both sides had already planned. Neither they nor ourselves said the threat of our own arsenals may also be to ourselves. That is the profound change.

In today's New York Times, Ivo Daalder of the University of Maryland, notes that tactical nuclear weapons are not as secure as strategic weapons. He too argues that we should begin "formal negotiations aimed at eliminating all tactical nuclear weapons—whether based on land, sea, or air."

There is not a more brilliant man with a better record in world affairs than Hans-Dietrich Genscher, the Foreign Minister of the United Germany. And on CNN just yesterday he also spoke of the need to go beyond the present treaties, which deal with conventional weapons in Europe—rifles, machineguns, tanks—and ICBM's over here. He spoke of the need to deal with tactical nuclear weapons. He said, "Artillery and short-range missiles continue to be a source of worry. They are less easily controlled. The best form of control is their complete destruction or elimination."

Mr. President, our very distinguished Secretary of Defense was asked about this by Wolfe Blitzer, a most eminent journalist and observer. Mr. Cheney did not say yes; he did not say no.

> Mr. BLITZER. Let me ask you this question: There's been a proposal by New York Senator Daniel Patrick Moynihan, what he calls a grand bargain, for the United States, in effect to purchase the destruction of the Soviet strategic nuclear arsenal; by helping with enormous economic assistance, the Soviets would reduce their nuclear stockpile. How do you feel about that kind of very bold proposal?
>
> Secretary CHENEY. Well, we haven't had an opportunity to study it or look at it at this point. We think that the Soviets clearly have to reduce their military arsenal.

President Bush is going to be speaking to the 46th General Assembly of the United Nations on September 23—13 days from now. Would this not be the moment to go to the United Nations and say: Let us get rid of all those conventional weapons; we are willing to help anybody who is willing to do it.

Obviously, the people who need help most are the people of Russia and the republics, who may starve this winter. Sir, I ask that this be considered; I hope the Senate will consider it, and I hope the President might hear us.

Mr. President, I yield the floor, asking unanimous consent that various statements referred to in my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> "Asking the Right Questions: Will Russia Blow Up?"—Newsweek, November 19, 1979:
>
> The Soviet empire is coming under tremendous strain. It could blow up. The world could blow up with it. * * *
>
> The moment came when it became clear that the promises of the revolution, especially the economic promises, were not being kept and would not be.
>
> Now the nationality strains begin. Whatever Marxism may have meant to intellectuals, it is ethnic identity that has stirred the masses of the twentieth century, and they are stirring near the Russian borders. * * *
>
> Since 1920 the Communists have rather encouraged ethnic culture, while ruthlessly suppressing ethnic politics. It won't work.
>
> "How America Blew It"—Newsweek, December 10, 1990:
>
> I mean no more than was recently implied by Sam Nunn, chairman of the Senate Armed Services Committee. Urging that we send food to the Soviets *now*, he says: "Chaos in a nation that possesses 10,000 nuclear weapons is not in our national security interests."
>
> "A Grand Bargain: Aid for Arms Control"—Newsweek, September 9, 1991:
>
> The empire of the czars has 30,000 nuclear warheads, one-third of them strategic and aimed at us, and about two-thirds of them tactical or battlefield range. The intercontinental missile are pretty well under the control of the Strategic Rocket Forces, a central command. But the theater weapons—artillery rounds, bombs—are scattered all over the different services throughout the Soviet Union. * * *
>
> Now Yevgeny Velikhov, science adviser to Soviet President Gorbachev, has called for "the international community to play a role in controlling the Soviet Union's nuclear arsenal while the country faces the possibility of political collapse.
>
> "Despite Collapse of Communism, Nuclear Arms Race Goes On" by Robert Burns—Associated Press, September 9, 1991:
>
> Russian President Boris Yeltsin * * * said last week that he favors "total elimination of nuclear weapons in Russia."
>
> "Shevardnadze Says Dictatorship Threat Still Faces Soviet Union"—Associated Press, September 8, 1991:
>
> [Shevardnadze] said arms limitation talks about tactical nuclear weapons must be held ugently "because such arms are found on the territory of our republics (outside Russia) and this is dangerous for the West as well as for ourselves."
>
> German Foreign Minister Hans-Dietrich Genscher on CNN, September 9, 1991:
>
> * * * all artillery and short-range missiles continue to be a source of worry. [They are] less easily controlled, and *the best form of*

control is their complete destruction or elimination [italic supplied].

"Abolish Tactical Warheads" by Ivo H. Daalder, Director of Research at the Center for International Security Studies at the University of Maryland—New York Times, September 10, 1991:

The Control of tactical nuclear weapons is generally more fragile than the multi-tiered safeguard system governing strategic forces. Some older weapons lack electronic locks to prevent unauthorized use. They are also quite widely deployed; Soviet weapons are scattered throughout the Union, and American weapons are based in seven European countries plus South Korea.

As suggested by the former Soviet Chief of the General Staff only weeks ago, the American and Russian military should immediately begin talks on nuclear command and control arrangements. Representatives of the other nuclear powers could also be invited.

This dialogue should be complemented by formal negotiations aimed at eliminating all tactical nuclear weapons—whether based on land, sea, or air.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

HONORING JANE McGHEE

Mr. KASTEN. Mr. President, I rise today to honor an outstanding member of my Senate staff, a dedicated public servant, and a dear personal friend.

Jane McGhee was well-known to many of the people who work here—Senators and staff alike. She died on August 23, and all of us will miss her a great deal.

Jane's final years were not easy. She suffered from debilitating cancer for 3 years, and her daily life was a continual battle with pain and dejection.

But Jane's last years gave us all a true demonstration of her character—her strength and her courage. Even when she was staring death in the face, her first thoughts were always about the needs and concerns of others. And her dedication to the work of the U.S. Congress remained as strong as it had been when she was well.

None of us who knew Jane were surprised by her perseverance. We knew the kind of person she was—an intensely loyal, smart, tough person who was never afraid of hard work.

Jane was a perfect example of a person taking command of her own destiny. We often speak of individuals "pulling themselves up by their own bootstraps"—Jane personified this quality.

Jane never had it easy. Jane built a Washington career from scratch. It is a great testimony to her intelligence and hard work that she succeeded in making herself an important presence in this great legislative body.

By the time she was 30, Jane had worked for Congressman Charles Wilson of California, served as D.C. office manager of the Metropolitan Water District of Southern California, became a legal secretary and a lobbyist as well.

In 1981, I was starting my first term as a U.S. Senator. One of my most important duties was the chairmanship of the Foreign Operations Subcommittee—and I needed to make sure that my Foreign Operations staff was hardworking and reliable.

I hired Jane that very first year in an administrative capacity. I was so impressed with her performance—and her exceptional maturity—that I rapidly promoted her to professional staff work.

For 7 years, she was a mainstay of the Senate Appropriations Committee—a true master of the legislative process. She was unfailingly accurate in performing the detailed work that is required to finish a piece of legislation.

But Jane was not just an efficient legislative staffer. She was in many ways the heart of my staff—the person who would reach out with genuine concern to the poor, the handicapped, and those suffering from health problems. I decided in 1988 to broaden her legislative responsibilities to include these human-needs issues.

It was shortly after I had promoted her to this new legislative assistant position that she was stricken by her fatal illness. True to her character, her chief concern remained the welfare of others—her friends, her coworkers, and the disadvantaged.

She kept her terrific sense of humor to the very end. In fact, the doctors gave her only 18 months to live—but she soldiered on for 3 whole years and remained a central member of my Washington staff.

That is the kind of person Jane was. I remember when Silvio Conte came over for her birthday party, all of us were concerned about the extent to which her pain was hobbling her—but she was more concerned about Silvio's bout with cancer than her own losing battle.

Mr. President, only in the very narrowest sense was Jane McGhee fighting a losing battle. She remained a terrific person under the most painful of conditions—giving all of us courage to face the less difficult challenges of our lives. None of us will forget her, or stop cherishing her memory.

Jane McGhee was one of life's winners—a member of the honor roll. May she rest in peace.

Mr. President, allow me to add a brief note for the benefit of Jane's many friends in this Chamber: There will be a memorial service for Jane at St. Joseph's Catholic Church at 5 p.m. tomorrow.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

EVENTS IN THE BALTIC STATES

Mr. PRESSLER. Mr. President, I want to make a few remarks regarding a trip I took to the three Baltic States during the recess. This trip had been planned 6 months ago, long before the exciting events that have occurred there took place. I, together with a staff member from the Foreign Relations Committee and one of my own staff, visited Estonia, Latvia, Lithuania, as well as Moscow, in late August.

I am very happy that they have achieved their independence, as I think we all are. I might say that the state of euphoria in those countries is very high. I hope that euphoria does not decline; I hope that euphoria does not melt away.

There are some things we can do to help the Baltic States. I doubt that we can come forth with the amount of money that some of them hope for or expect—and some are expecting sort of a Marshall plan. I emphasized to them that September is a very difficult budgetary month in Washington, with our budget year coming to an end on September 30. Presently there is about $25 million for all of the republics in the foreign assistance bill that we passed in the Senate. This is nothing like a Marshall plan. However, I have written to the President a letter urging that the U.S. Peace Corps be made available to the Baltic States. They are very much in need of technical assistance, and the Peace Corps can provide that help.

For example, as they convert their collective farms to individual private farms, they will need experienced family farmers from the Peace Corps, or some other organization, to advise them. As they go from the huge machines of the collective farms down to 50 horsepower tractors, as they move from the large dairy and hog herds of the collective farms down to 50- or 60-cow herds or 100 head of swine, the conversion process will be difficult. They will need technical advice and assistance to learn how to make economic privatization work.

Also, they need small businessmen to advise them. For example, they do not have the tradition of small businessmen keeping accounts, working to make a profit, doing an annual report, seeking investments, dealing with the complications of having a partner, et cetera. They will need experienced small businessmen to advise them on how to conduct their businesses and make free enterprise work, so to speak. So there is a great role that could be played in the Baltics by our Senior Executive Service Corps and the Peace Corps.

There are great expectations in the Baltic States. People are on a high. It was my privilege to attend a mass and a celebration remembering those who had died at the hands of communism. Afterwards, I had lunch with the bishop in Vilnius, Lithuania. The people are hopeful. It was also my pleasure to attend a major celebration at which Vytautas Landsbergis, the President of

Lithuania, spoke. I met with him personally and talked to him about the future of his country.

There is so much euphoria. Yet, they are facing a difficult winter. There may be some shortages of wheat and feedgrain, although the three Baltic States do better than the rest of the Soviet Union in terms of agriculture. They have rich land and they are hardworking people, but they face a very challenging situation.

The downside to their situation is that they have a lot of obsolete Russian equipment, such as computers, communications equipment, and farm equipment. Still, they are very much married to Russia in terms of their technology and their equipment. This means that they probably will continue to work closely with the Soviet Union and with Russia. They are so dependent on Russia and the other republics for equipment, repair parts and replacement parts.

The Baltic States want to be close allies of the United States. They want to be Western. But they have had decades of being forced to learn Russian rather than freedom to learn English. They have experienced years of using Russian telephones, computers, and machinery, and it is going to take a while for them to become Western.

This is a great opportunity for all of us who for so long advocated Baltic independence and who sponsored many resolutions urging their independence. Now we will have to step forward and give them some assistance.

We have a very severe money problem but we can help them in other ways. They would benefit greatly from the Peace Corps, the Senior Executive Service Corps, and sending some of our experienced farmers over there to advise them on how to run a family farm. Other forms of technical assistance and the agricultural attaché program in our embassies also would be beneficial.

So, Mr. President, as we begin the final weeks of this first session of this Congress, we can rejoice in what is happening in the Soviet Union, especially in the Baltic States. But we now have a very delicate problem, with our huge Federal deficit and our other domestic problems. We want to be helpful, but it must be done without much cash assistance.

I have asked the President to offer the use of the Peace Corps, technical assistance, and other programs that would help them.

Mr. President, I ask unanimous consent to have included in the RECORD a copy of my letter to President Bush.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 4, 1991.

The PRESIDENT,
The White House,
Washington, DC.

MR. PRESIDENT: Having just returned from a week in the Baltic States, I encourage you to send Peace Corps volunteers to those newly independent countries.

In my meetings with President Landsbergis and the prime ministers of Latvia and Estonia, it was apparent that they have unrealistic hopes for massive cash assistance from the United States. I agree with you that we are not in a position to do that. Even if we were, without major structural reforms such assistance probably would be counterproductive.

However, the Baltic leaders listed technical assistance as a high priority. It seems to me that our Peace Corps could offer the Baltic countries volunteers who could provide technical assistance in a number of areas, such as small-scale farming, small business operations, communications development and health care. The Peace Corps increasingly is taking older, retired volunteers. These experienced people would fit in well in the Baltic nations. South Dakota farmers, for example, have the common sense practicality and hands-on experience to teach the Baltic family farmers how to make things work.

I would very much appreciate your consideration of this idea as you develop policy alternatives for the new nations of the Baltic region.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

LOAN GUARANTEES TO ISRAEL

Mr. WOFFORD. Mr. President, Israel is in the midst of a historic effort to absorb 1 million refugees. The immigration of hundreds of thousands of Soviet Jews and the inspiring airlift of 15,000 Ethiopian Jews demonstrates a continuing commitment to the original version of Zionism: a nation for the ingathering of Jews from many nations.

I support a program of United States loan guarantees to help Israel finance the absorption of this vast flood of new citizens. And I oppose linking this important humanitarian program to any political issue.

United States loan guarantees are consistent with our long struggle to obtain freedom for Soviet Jewry. Free emigration has long been a cornerstone of our policy toward the Soviet Union. In fact, as early as the 19th century, Americans have intervened on behalf of Russian Jewry.

This fight reflects our own national values. As a nation built of immigrants, we understand the dream of building a better life for our children in a new land.

For many years, our success was measured one individual and one family at a time. Today, planeloads are arriving daily. Those of us who watched Natan Shcharansky walk over the bridge to freedom could only dream that so many would follow him. Within the next few years, Israel will absorb a million new citizens. That's like the United States suddenly absorbing the entire population of France.

We need to be very clear: A loan guarantee isn't a grant. It's not even a loan from our Government. A loan guarantee is an expression of confidence. It simply means that the U.S. Government will guarantee repayment of the loans. Since Israel has never defaulted on a loan and has never even been late with loan payments, it has good credit ratings among international commercial lenders. Our guarantee will enable Israel to borrow money from American banks at more favorable rates.

Some will argue that loan guarantees should be linked to political issues such as settlements and the peace process. I disagree; we should not hold humanitarian relief hostage to political goals. Nor should we try to wring concessions out of Israel before anyone has sat down at the negotiating table.

In this case, linkage is neither useful nor in America's best interest. We can't abandon the cause of Soviet Jewry just as we are realizing our goal.

But humanitarian issues aside, what will Americans get out of Israeli loan guarantees? Israel is the only truly democratic outpost in the Middle East. It has proven time and again to be one of our strongest allies. Israel's stability, strength, and strategic position in the most volatile region of the world is of critical importance to the United States.

Recent experience in the gulf war illustrates the point. This administration long supported and sold arms to Saddam's brutal Iraqi regime. It wasn't until last August when he suddenly became another Hitler.

We shouldn't forget who our real friends are. America's bond with Israel is deep and longstanding. It's a great deal more than a passing alliance. It's our history and our future. Loan guarantees are vital to Israel's future stability in a part of the world where stability is so badly needed.

Loan guarantees would also mean American jobs and exports. Israel will be in the market for some 9,000 prefabricated houses and 33,000 mobile homes. U.S. builders, who have been suffering from the deep recession in the domestic housing market, are already expanding production to fulfill contracts financed by last year's Israeli loan guarantees. American companies and American workers can only benefit from these newest loan guarantees.

I've visited Israel five times. My wife and I lived there on a kibbutz in the exciting early days of nationhood. I've seen it endure five full-scale wars for survival and stand in constant readiness for battle. I've seen it turn desert wilderness into fertile farmland. And always, I see it provide a safe journey home to Jews from around the world.

We can be proud of the role we have played in helping to make the journey possible and we can help ease the homecoming by providing loan guarantees to Israel. I urge that we do so without delay.

THE 95TH BOMBARDMENT GROUP IN WORLD WAR II

Mr. REID. Mr. President, a reunion of World War II Army Air Corps veterans will be held from September 11 through September 15, 1991, in Reno, NV.

These men were members of the 95th Bombardment Group (Heavy). They were assigned to the 13th Combat Wing, 3d Air Division of the 8th U.S. Air Force.

Between May 13, 1943, and May 14, 1945, these men were involved in major air battles that helped to bring final victory for the Allied war effort.

The effectiveness of the air efforts are well documented. The loss of life, the prisoners of war, and the wounded statistics show the costs of the victories. The magnificent ground maintenance and support personnel stand tall in their performance as well.

The destruction of transportation systems, fuel refinery plants, and war production industries resulted in severely restricted German industrial production and combat abilities. This result saved a significant number of Allied lives.

The 95th Bombardment Group participated in all major air battles fought by the 8th Air Force. Such targets as Schweinfurt, Regensburg, Munster, Brunswick, Hanover, Bremen, and Hamburg brought terror to the crews during briefing, but none like Berlin.

Herman Goring, commander of the German Air Force, boasted to Hitler and the German people that no bombs would fall on "Big B" in daylight. He had not reckoned on the Square B—the tail marking of the 95th. On March 4, 1944, the mighty 95th made the first daylight raid on Berlin. This was the first of 17 missions that the 95th made against the German capital city.

The first mission was equated in significance to General Doolittle's daring first raid against Tokyo.

The 95th has a motto: "Justice with Victory." During the conflict the Army dropped supplies, food, and ammunition to Free French resistance forces. Food and medicine was also dropped to the citizens of Warsaw, Poland, and in Holland.

During the war the 95th participated in shuttle missions that took them from England to the hostile skies of Germany and then on to North Africa. There were also several shuttle missions from England to Russia to Italy and back to England.

At Normandy on D-day, June 6, 1944, crews of the 95th flew three missions in support of the landing forces. Soon after, these same crews flew missions in support of the efforts to breakout from the beaches and drive into France and Germany.

The men of the 95th Bombardment Group served with valor and bravery. They are still supporting their country, and they continue to deserve recognition of their valiant service from 1943 to 1945.

May God bless these aging warriors and their sponsors as they gather in reunion. I ask that these men be recognized and honored at this time.

THE 25TH ANNIVERSARY OF THE MASSACHUSETTS CENTER OF THE DEVEREUX FOUNDATION

Mr. KERRY. Mr. President, I rise to commend the Massachusetts Center of the Devereux Foundation on the occasion of its 25th anniversary. Since its creation in 1965, the Devereux Foundation has provided treatment for a great number of children with special needs.

Many of the children with whom the Devereux Foundation works have been hospitalized for psychiatric problems resulting from severe trauma. The center provides transitional programs which help these children return to their homes and schools. For older children, the center provides training in work skills which enable the children eventually to become self-supporting. The center encourages community involvement through programs such as October Fest, visits to public libraries, and participation in local sport leagues.

The Devereux Foundation also addresses the troubling issue of sexual abuse. In addition, there are programs to help children who come from families with substance abuse problems. Because the philosophy of the center is to treat each child as an individual, each child receives exactly the treatment that he or she needs.

For the last 25 years, the Massachusetts Center of the Devereux Foundation has provided treatment for children who are very much in need of assistance. I commend them for the outstanding work they have done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Under the previous order, the clerk will now report the bill, H.R. 2707.

The assistant legislative clerk read as follows:

A bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, [$74,188,000] *$73,980,000*, together with not to exceed [$57,129,000] *$56,952,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, [$4,027,907,000] *$4,059,821,000* plus reimbursements, to be available for obligation for the period July 1, 1992, through June 30, 1993, of which [$59,625,000] *$64,000,000* shall be for carrying out section 401, [$75,288,000] *$80,000,000* shall be for carrying out section 402, $9,120,000 shall be for carrying out section 441, $1,848,000 shall be for the National Commission for Employment Policy, [$2,500,000] *$6,000,000* shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and $3,900,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act; and, in addition, [$52,464,000] *$80,464,000* is appropriated for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, as authorized by the Job Training Partnership Act, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1992 through June 30, 1995; and, in addition, $50,000,000 is appropriated for Clean Air Employment Transition Assistance under Part B of Title III of the Job Training Partnership Act, to be available for obligation for the period October 1, 1991 through June 30, 1993; and, in addition, [$7,400,000] *$11,223,000* is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act: *Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds appropriated under this heading in Public Law 100–436 to continue acquisition, rehabilitation, and construction of six new Job Corps centers shall be available for obligation through June 30, 1993: *Provided further, That for the period July 1, 1992, through June 30, 1993, no State shall receive more than 130 percent of its allotment percentage under section 201 of the Job Training Partnership Act for the period July 1, 1991, through June 30, 1992.*

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$304,481,000] *$312,000,000.*

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, [$85,879,000] *$88,000,000.*

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95–250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $226,250,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95–250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–491–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235 and 243–244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212 (a), (5)(A), (m)(2) and (3), (n)(1), and 218 (g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, [$23,377,000] *$24,700,000* together with not to exceed [$3,151,825,000] *$3,178,485,000* (including not to exceed $2,080,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.Q.C. 8501–8523, shall be available for obligation by the States through December 31, 1992, and of which $18,427,000 of the amount which may be expended from said trust fund shall be available for obligation for the period April 1, 1992, through December 31, 1992, for automation of the State activities under title III of the Social Security Act, as amended (42 U.S.C. 502–504 and 5 U.S.C. 8501–8523), and of which [$21,177,000] *$22,500,000* together with not to exceed [$783,940,000] *$815,600,000* of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1992, through June 30, 1993, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $12,500,000 of the amount which may be expended from said trust fund shall be available for obligation for the period September 30, 1992, through June 30, 1993, for automation of the State activities under section 6 of the Act of June 6, 1933, as amended, and of which $440,703,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1992 is projected by the Department of Labor to exceed the 3.24 million level assumed in the President's fiscal year 1992 Budget Request, based on the Administration's December 1990 economic assumptions, an additional $30,000,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund. The Appropriations Committees shall be notified immediately of any request by the Department to the Office of Management and Budget to apportion any of these funds.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1993, $236,990,000.

LABOR-MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Services, [$95,840,000] *$94,840,000.*

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1992, for such Corporation: *Provided*, That not to exceed $47,787,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, [$232,626,000] *$231,326,000,* together with $1,035,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $192,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements from Federal government agencies unobligated on September 30, 1991, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1992.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $917,192,000, of which $861,135,000, shall be available until September 30, 1993, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,145,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $25,579,000 for transfer to Departmental Management, Salaries and Expenses, and $333,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, [$302,107,000] *$305,207,000,* including

$66,344,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of [one] *five* or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$186,157,000] *$185,364,000*, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$258,504,000] *$223,293,000*, together with not to exceed [$50,399,000] *$48,599,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of 5 sedans, and including [$4,078,000] *$4,740,000* for the President's Committee on Employment of People With Disabilities, [$144,319,000] *$141,280,000*, together with not to exceed $332,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

Funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $174,759,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$46,636,000] *$45,359,000*, together with not to exceed $4,357,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers health or safety.

SEC. 103. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps.

SEC. 104. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

This title may be cited as the "Department of Labor Appropriations Act, 1992".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles III, VII, VIII, X, XIX, XXVI, and XXVII of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, Public Law 100–579, and the Native Hawaiian Health Care Act of 1988, [$2,137,533,000] *$2,389,822,000*, of which $450,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That of the funds made available under this heading *for healthy start*, [$86,000,000] *$50,000,000* shall not become available for obligation until September [19,] *30, 1992: Provided further, That $55,000,000 shall be transferred from "Educational Excellence" appropriation from title III*: *Provided further*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further, That $2,000,000 of the funds available under this heading shall be used to establish an Office of Adolescent Health*: *Provided further*, That user fees authorized by 31 U.S.C. 9701 may be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $19,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by Title VII of the Public Health Service Act, as amended, such sums as may be necessary to carry out the purpose of the program [: *Provided*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $260,000,000]. In addition, for administrative expenses to carry out the guaranteed loan program, $1,500,000.

VACCINE INJURY COMPENSATION

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

For compensation of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $80,000,000, to remain available until expended.

Centers for Disease Control

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles III, section 794 of title VII, XV, XVII, XIX, and section 1102 of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, [$1,390,662,000] *$1,525,982,000, of which* [$6,338,000] *$38,338,000* shall remain available until expended for equipment and construction and renovation of facilities[: *Provided*, That of the funds made available under this heading, $94,000,000 shall not become available for obligation until September 19, 1992]: *Provided further*, That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That collections from user fees may be credited to this appropriation: *Provided further*, That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to [$25,000,000] *$33,800,000* shall be available from amounts available under section 2711 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That employees of the Public Health Service, both civilian and Commissioned Officer, detailed to States or municipalities as assignees under authority of section 214 of the Public Health Service Act in the instance where in excess of 50 percent of salaries and benefits of the assignee is paid directly or indirectly by the State or municipality, and employees of the National Center for Health Statistics, who are assisting other Federal organizations on data collection and analysis and whose salaries are fully reimbursed by the organizations requesting the services, shall be treated as non-Federal employees for reporting purposes only.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, [$1,830,509,000: *Provided*, That of the funds made available under this heading, $63,446,000 shall not become available for obligation until September 19, 1992] *$2,010,230,000, of which $184,647,000 shall not be available for obligation until September 30, 1992, but shall be available until September 30, 1993.*

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, [$1,202,398,000: *Provided*, That of the funds made available under this heading, $54,555,000 shall not become available for obligation until September 19, 1992] *$1,190,396,000.*

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, [$161,235,000: *Provided*, That of the funds made available under this heading, $7,903,000 shall not become available for obligation until September 19, 1992] *$158,266,000.*

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, [$667,820,000: *Provided*, That of the funds made available under this heading, $28,457,000 shall not become available for obligation until September 19, 1992] *$652,861,000.*

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, [$583,355,000: *Provided*, That of the funds made available under this heading, $27,357,000 shall not become available for obligation until September 19, 1992] *$583,386,000.*

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, [$972,830,000: *Provided*, That of the funds made available under this heading, $45,627,000 shall not become available for obligation until September 19, 1992] *$959,952,000.*

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, [$820,160,000: *Provided*, That of the funds made available under this heading, $48,104,000 shall not become available for obligation until September 19, 1992] *$815,158,000.*

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, [$524,661,000: *Provided*, That of the funds made available under this heading, $27,368,000 shall not become available for obligation until September 19, 1992] *$523,826,000.*

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, [$272,260,000: *Provided*, That of the funds made available under this heading, $12,504,000 shall not become available for obligation until September 19, 1992] *$267,229,000.*

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, [$254,912,000: *Provided*, That of the funds made available under this heading, $8,846,000 shall not become available for obligation until September 19, 1992] *$250,873,000.*

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, [$362,528,000: *Provided*, That of the funds made available under this heading, $16,308,000 shall not become available for obligation until September 19, 1992] *$363,176,000.*

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, [$204,977,000: *Provided*, That of the funds made available under this heading, $7,593,000 shall not become available for obligation until September 19, 1992] *$203,076,000.*

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, [$144,495,000: *Provided*, That of the funds made available under this heading, $7,486,000 shall not become available for obligation until September 19, 1992] *$151,608,000.*

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, [$309,200,000: *Provided*, That of the funds made available under this heading, $15,000,000 shall not become available for obligation until September 19, 1992: *Provided further*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants] *$317,227,000.*

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, [$43,143,000: *Provided*, That of the funds made available under this heading, $2,646,000 shall not become available for obligation until September 19, 1992] *$45,880,000.*

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, [$93,115,000: *Provided*, That of the funds made available under this heading, $10,000,000 shall not become available for obligation until September 19, 1992] *$109,309,000.*

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $19,922,000[: *Provided*, That of the funds made available under this heading, $800,000 shall not become available for obligation until September 19, 1992].

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, [$99,565,000: *Provided*, That of the funds made available under this heading, $3,500,000 shall not become available for obligation until September 19, 1992] *$100,549,000.*

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$149,176,000] *$133,724,000, of which* $25,000,000 shall be for the support of [a clinical trial on the women's health] *the women's health study* and shall remain available until September 30, 1993[: *Provided*, That of the funds made available under this heading, $12,500,000 shall not become available for obligation until September 19, 1992: *Provided further*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only]*: Provided, That $10,000,000 of this amount shall be available for extramural facilities construction grants if awarded competitively: Provided further, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to high-priority activities the Director may so designate: Provided further, That no such appropriation shall be increased or decreased by more the 1 percent by any such transfers and that the Congress is promptly notified of the transfer.*

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, *including the acquisition of real property* [$108,625,000] *$102,885,000* to remain available until expended.

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, section 3521 of Public Law 100–690, section 612 of Public Law 100–77, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$2,917,742,000] *$3,118,832,000*, of which $5,000,000 for renovation of government owned or leased intramural research facilities shall remain available until expended.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XVII, and XXI of the Public Health Service Act, [$71,318,000] *54,302,000*, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

Agency for Health Care Policy and Research

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, [$95,756,000] *$69,283,000* together with not to exceed [$4,880,000] *$6,723,000* to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 1142 of the Social Security Act and not to exceed [$1,012,000] *$1,050,000* to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed [$13,444,000] *$49,944,000.*

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $46,399,149,000, to remain available until expended.

For making, after May 31, 1992, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1992 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1993, $17,100,000,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, [$39,421,485,000] *$39,401,083,000.*

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101–508, and section 4005(e) of Public Law 100–203, not to exceed [$2,282,055,000] *$1,985,901,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That $257,000,000 of said trust funds shall be expended only to the extent necessary to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further, That the Secretary shall make a determination prior to October 31, 1991, and thereafter prior to the first day of each quarter of the fiscal year, about the extent to which such contingency funds may be necessary to be expended and that the distribution of such funds shall be made on the same basis as funds otherwise provided in this account: Provided further*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation: *Provided further*, That all funds collected in accordance with section 353 of the Public Health Service Act are to be credited to this appropriation to remain available until expended.

SURVEY AND CERTIFICATION EMERGENCY FUND

For the purpose of establishing a "Survey and Certification Emergency Fund" in the United States Treasury, to be available only for payments under titles XVIII and XIX of the Social Security Act (including payments to the trust funds created under such title XVIII) for direct and indirect costs of survey and certification of providers in fiscal year 1992, to the extent that such costs are not paid by fees collected from providers, $306,804,000: Provided, That all funds available under this heading are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the President shall determine the appropriate amounts necessary to meet emergency needs and the allocation of these amounts among the programs under such titles XVIII and XIX.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, and section 274A(d)(3)(E) of the Immigration and Nationality Act, $40,968,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $617,336,000, to remain available until expended: *Provided*, That monthly benefit payments shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1993, $198,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, title XI of the Social Security Act, section 401 of Public Law 92–

603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$13,926,491,000] *$13,929,491,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided*, That for fiscal year 1992 and thereafter, all collections from repayments of overpayments shall be deposited in the general fund of the Treasury.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1993, $5,240,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$4,582,000,000] *$4,442,000,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further*, That [$100,000,000] *$50,000,000* of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects and their impact on the work force, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved[: *Provided further*, That of the total amount provided, $80,000,000 shall not become available for obligation until September 19, 1992].

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A and –D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), [$11,862,146,000] *$11,901,046,000*, to remain available until expended: *Provided, That amounts payable to any State under section 455(a) of the Social Security Act shall be reduced by the amounts of fees charged to that State under section 453 of the Act but remaining unpaid.*

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and –D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A and –D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1993, $4,000,000,000, to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, [$1,000,000,000] *$1,300,000,000*, of which [$50,000,000] *$445,000,000* shall become available for making payments on September 30, 1992.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional [$600,000,000] *$300,000,000*: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), [$294,014,000, of which $117,600,000 shall be available for State cash and medical assistance, except that no funds shall be available for State cash and medical assistance after March 31, 1992] *$410,630,000: Provided, That of the funds made available under this heading for State cash and medical assistance, $116,616,000 shall not become available for obligation until September 30, 1992.*

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking "1992" and inserting in its place "1993".

Section 204(b) of the Immigration Reform and Control Act of 1986 is amended by adding the following paragraph:

"(5) For fiscal year 1993, the Secretary shall make allotments to States under paragraph (1) no later than October 15, 1992."

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and the Stewart B. McKinney Homeless Assistance Act, [$420,724,000, of which $40,868,000 shall be for carrying out section 681(a) of the Community Services Block Grant Act,] *$451,431,000 of which $22,000,000 shall be for carrying out section 681(a)(2)(A), $4,099,000 shall be for carrying out section 681(a)(2)(D), $3,025,000 shall be for carrying out section 681(a)(2)(E), $10,832,000 shall be for carrying out section 681(a)(2)(F), $244,000 shall be for carrying out section 681(a)(3), $4,050,000 shall be for carrying out section 408 of Public Law 99-425*, and of which [$5,484,000] *$7,000,000* shall be for carrying out section 681A of said Act with respect to the community food and nutrition program: *Provided, That the funds made available under this heading for carrying out section 681(a)(2)(A) of the Community Services Block Grant Act shall not become available for obligation until September 25, 1992.*

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981, $825,000,000, which shall not become available for obligation until September 19, 1992. For carrying out section 402(g)(6) of the Social Security Act, [$25,000,000] *$13,000,000*.

PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100-77, and section 126 and titles IV and V of Public Law 100-485, [$87,500,000, together with such sums as may be collected, which shall be credited to this account as offsetting collections, from fees authorized under section 453 of the Social Security Act] *$89,828,000, together with amounts to be transferred from the account "Family Support Payments to States" equal to the reduction in payments from that account because of the costs incurred by the Secretary of Health and Human Services in reviewing sample cases for quality control purposes as required by section 408(b)(1)(B) of the Social Security Act, and because of the offsets applied for fees owed by the States for their use of the Federal Parent Locator Service authorized under section 453 of the Act*: *Provided*, That of the funds appropriated in Public Law 101-166 for the Commission on Interstate Child Support, $400,000 shall remain available through September 30, 1992.

SOCIAL SERVICES BLOCK GRANT

For monthly payments to States for carrying out the Social Services Block Grant Act, $2,800,000,000.

HUMAN DEVELOPMENT SERVICES

(INCLUDING RESCISSION)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Comprehensive Child Development Act, the Abandoned Infants Assistance Act of 1988, section 10404 of Public Law 101-239 (volunteer senior aides demonstration) and part B of title IV and section 1110 of the Social Security Act, [$3,496,357,000, of which up to $6,225,000 shall remain available until expended for information resources management] *$3,553,828,000: Provided, That of the funds made available under the heading for carrying out the Older Americans Act of 1965, $25,000,000 shall not become available for obligation until February 1, 1992: Provided further, That $250,000,000 shall be transferred from "Educational Excellence" appropriation from title III.*

[Of the funds provided under this heading in Public Law 101-517 for carrying out the Child Care and Development Block Grant Act of 1990, $144,925,000 are hereby rescinded.]

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, $2,614,005,000, of which

$118,476,000 shall be for payment of prior years' claims.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, [$91,673,000, of which $24,079,000 shall be available for expenses necessary for the Office of the General Counsel,] *$79,444,000;* together with [$31,001,000, of which $26,031,000 shall be available for expenses necessary for the Office of the General Counsel,] *$30,350,000* to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $63,842,000, together with not to exceed $37,833,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,524,000, together with not to exceed $4,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $5,037,000.

GENERAL PROVISIONS

SEC. 201. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 202. Appropriations in this or any other Act shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,400 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefore, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

SEC. 203. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; *or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: Provided, That the Secretary of Health and Human Services shall promulgate regulations governing this section.*

SEC. 204. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 205. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 206. Amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the activities of the Public Health Service.

SEC. 207. None of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration.

SEC. 208. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 209. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 210. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act, and the computer centers to which such employees are assigned.

SEC. 211. None of the funds appropriated by this title shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 212. None of the funds appropriated in this title for the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 213. No funds appropriated under this Act shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

[SEC. 214. The amount otherwise provided in this title for "OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH" and "GENERAL DEPARTMENTAL MANAGEMENT" are decreased by $2,000,000 and $10,000,000, respectively, and for "HUMAN DEVELOPMENT SERVICES (INCLUDING RESCISSION)" are increased by $12,000,000.]

SEC. 214. Travel expenses of the Department of Health and Human Services are hereby reduced by $8,000,000: Provided, That the reduction for travel costs shall be from the amounts set forth therefor in the budget estimates submitted for the appropriations.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1992".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, [$7,075,750,000] *$6,284,526,000*, of which [$7,042,750,000] *$6,256,202,000* shall become available on July 1, 1992 and shall remain available through September 30, 1993: *Provided*, That [$5,805,000,000] *$5,176,575,000* shall be available for basic grants under section 1005, [$645,000,000] *$575,175,000* shall be available for concentration grants under section 1006, [$100,000,000] *$54,500,000* shall be available for the Even Start program under part B, of which not to exceed 2 percent shall be available for a national evaluation and not to exceed 5 percent shall be available for State administration, [$322,000,000] *$294,596,000* shall be available for migrant education activities under subpart 1 of part D, [$36,000,000] *$36,108,000* shall be available for delinquent and neglected education activities under subpart 3 of part D, [$64,500,000] *$59,140,000* shall be for State administration under section 1404, and [$32,250,000] *$18,000,000* shall be for program improvement activities under section 1405: *Provided further*, That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further*, That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404: *Provided further, That no State shall receive less than $90,000 and no Outlying Area shall receive less than $15,000 from the amounts made available under this appropriation for State program improvement grants under section 1405. From the amounts appropriated for part A of chapter 1, an amount not to exceed $100,000,000 may be used to carry out educational improvement activities only if such activities are specifically authorized in law prior to December 31, 1991: Provided further, That the allocation of these funds, which may be transferred as necessary to other Department of Education accounts, shall be requested by the Secretary of Education and approved by the House and Senate committees on appropriations based on authorizing legislation enacted into law as of December 31, 1991.*

IMPACT AID

For carrying out programs of financial assistance to federally affected schools as authorized by Public Laws 81–815 and 81–874, as amended, [$764,756,000] *$769,708,000*, of which [$585,540,000] *$588,540,000* shall be for payments under section 3(a), $136,626,000 shall be for payments under section 3(b), $16,590,000 shall be for Federal property payments under section 2, *$1,952,000, to remain available until expended, shall be for payments for decreases in Federal activities under section 3(e)* and $26,000,000, to remain available until expended, shall be for construction and renovation of school facilities including $10,000,000 for awards under section 10, $10,000,000 for awards under sections 14(a) and 14(b), and $6,000,000 for awards under sections 5 and 14(c): *Provided*, That none of the funds available for section 3 shall be used for payments under section 5(b)(2): *Provided further*, That funds available for section 2 may be used for payments under section 5(b)(2) of 50 percent of a local educational agency's payment for the prior fiscal year based on its entitlement established under section 2: *Provided further*, That all payments under section 3 shall be based on the number of children who, during the prior fiscal year, were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, *except that any local educational agency that did not exist in fiscal year 1991 and that would be eligible under this proviso for payments under section 3 for fiscal year 1992 had it been an operating local educational agency in fiscal year 1991, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education*: *Provided further*, That notwithstanding the provisions of section 3(d)(3)(A), aggregate current expenditure and average daily attendance data for the third preceding fiscal year shall be used to compute local contribution rates: *Provided further*, That notwithstanding the provisions of sections 3(d)(2)(B), 3(d)(3)(B)(ii), and 3(h)(2), eligibility and entitlement determinations for those sections shall be computed on the basis of data from the fiscal year preceding each fiscal year described in those respective sections for fiscal year 1991.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I and titles II, III, IV, V, without regard to sections 5112(a) and 5112(c)(2)(A), and VI of the Elementary and Secondary Education Act of 1965, as amended; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act, as amended; title IV of Public Law 100–297; *title II of Public Law 102–62*; and the Follow Through Act, [$1,577,618,000] *$1,586,595,000*, of which [$1,238,709,000] *$1,249,117,000* shall become available on July 1, 1992, and remain available through September 30, 1993: *Provided*, That of the amount appropriated, [$27,600,000] *$24,600,000* shall be for national programs under part B of chapter 2 of title I, *$3,800,000 shall be for civic education programs under section 4609, $1,162,000 shall be for programs for Native Hawaiians under section 5134, $30,304,000 shall be for emergency grants under section 5136*, up to $2,000,000 shall be available for the national evaluation of the dropout prevention demonstration program under title VI, and $240,000,000 shall be for State grants for mathematics and science education under part A of title II of the Elementary and Secondary Education Act of 1965, as amended.

EDUCATIONAL EXCELLENCE

(INCLUDING TRANSFER OF FUNDS)

For carrying out educational improvement activities authorized in law, including activities under the Head Start Act, *section 330 of the Public Health Service Act (Community Health Centers), and section 670T of the Comprehensive Child Development Act*, [$500,000,000] *$325,000,000*, which shall become available on July 1, 1992, and remain available through September 30, 1993: *Provided*, That the allocation of these funds, which may be transferred as necessary to other Department of Education accounts, shall be determined by the Secretary of Education in consultation with the Congress based on authorizing legislation enacted into law as of December 31, 1991: *Provided further*, That none of these funds shall be allocated to initiate programs proposed by the President in his budget amendments of June 7, 1991 unless these activities shall be specifically authorized during 1991: *Provided further*, That not less than $250,000,000 of these funds shall be transferred to the Head Start program, *not less than $55,000,000 of these funds shall be transferred to the Community Health Centers program, and not less than $20,000,000 shall be transferred to the Comprehensive Child Development Centers* administered by the Department of Health and Human Services:

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, [$249,000,000] *$201,814,000*, of which $36,000,000 shall be for training activities under part C of title VII.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act and title I, chapter 1, part D, subpart 2 of the Elementary and Secondary Education Act of 1965, [$2,822,676,000] *$2,860,756,000*, of which $1,976,095,000 for section 611, [$295,920,000] *$320,000,000* for section 619, $175,000,000 for section 685 and [$135,661,000] *$148,861,000* for title I, chapter 1, part D, subpart 2 shall become available for obligation on July 1, 1992, and shall remain available through September 30, 1993.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, Public Law 100–407, and the Helen Keller National Center Act, as amended, [$1,998,501,000] *$2,071,158,000*, of which [$18,368,000] *$25,103,000* shall be for special demonstration programs under sections 311 (a), (b), and (c), including $6,000,000, to remain available until expended, for a continuation of a grant, begun in fiscal year 1986 under this section, to a hearing research center to support basic and applied research activities.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), [$5,500,000] *$6,600,000*.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$38,500,000] *$39,439,000, of which $342,000 shall be for the endowment program as authorized under section 408 and shall be available until expended.*

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$73,172,000] *$76,540,000*, of which [$976,000] *$1,000,000* shall be for the endowment program as authorized under section 407 and shall be available until expended, and $2,500,000 shall be for construction and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and [the Omnibus Trade and Competitiveness Act of 1988, $1,651,500,000] *the Stewart B. McKinney Homeless Assistance Act, $1,323,333,000* of which $3,000,000, to remain available until expended, shall be for the national assessment of vocational education, *$2,500,000 shall become available on October 1, 1991, for tribally controlled postsecondary vocational institutions under title III, part H*, and [of which] the remainder shall become available for obligation on July 1, 1992 and shall remain available through September 30, 1993: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Act, $7,500,000 shall, notwithstanding section 3(d)(2) and the funding distribution requirements of section 3(d)(1)(G), be for community edtcation employment centers under title III, part G, subpart 1: *Provided further*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $29,000,000 shall be for national programs under title IV, including [$12,000,000] *$10,000,000* for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education [and $2,000,000 shall be for technical assistance under section 404(d); $12,000,000]; *$14,000,000* for demonstrations and $5,000,000 for data collection: *Provided further*, That of the amounts made available under the Adult Education Act, $1,000,000 shall be available only for demonstration programs under section 372(d), $4,000,000 shall be for national programs under section 383, and $5,000,000 shall be for literacy clearinghouse activities under section 384.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A and parts C, D, and E of title IV of the Higher Education Act, as amended, [$6,853,000,000] *$6,900,356,000*, which shall remain available through September 30, 1993, and of which $100,000,000 shall only be available if such funds are necessary to pay a maximum grant of $2,400 during the 1992–1993 program year, which shall be the maximum Pell grant that a student may receive: *Provided*, That notwithstanding section 479A of the Higher Education Act of 1965, as amended, student financial aid administrators shall be authorized, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and the expected student or parent contribution (or both) and to use supplementary information about the financial status or personal circumstances of eligible applicants only for purposes of selecting recipients and determining the amount of awards under subpart 2 of part A, and parts B, C, and E of title IV of the Act: *Provided further*, That notwithstanding section 411F(1) of the Higher Education Act of 1965, as amended, the term "annual adjusted family income" shall, under special circumstances prescribed by the Secretary, mean the sum received in the first calendar year of the award year from the sources described in that section: *Provided further*, That notwithstanding section 411(b)(6) of the Higher Education Act of 1965, no Pell grant for award year 1992–1993 shall be awarded to any student who is attending an institution of higher education on a less than half-time basis: *Provided further*, That none of the funds appropriated under this Act shall be expended for the purpose of asserting or assessing any liability arising out of the enrollment of a student in a course of instruction at an eligible institution of higher education which course of instruction leads to a recognized associate, bachelors or graduate degree and which is offered in whole or in part through the use of a visual telecommunications device or medium, where such assertion or assessment arises from a determination that solely by virtue of the mode of instructional delivery, such student has been deemed to be enrolled in a course of instruction by correspondence. The term "visual telecommunications device or medium" shall include the use of television transmission by any means including but not limited to open broadcast, closed circuit, cable, microwave (including instructional television fixed service) or satellite, and the use of video cassettes, video discs and other video recording media, regardless of the manner through which such video recording media are distributed to or obtained by the student.

GUARANTEED STUDENT LOANS

(LIQUIDATION OF CONTRACT AUTHORITY)

For payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $3,105,711,000.

GUARANTEED STUDENT LOANS PROGRAM

[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, as amended, including the cost of modifying loans, of guaranteed loans entered into pursuant to title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purpose of the program.

[For administrative expenses to carry out the program of guaranteed loans entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $46,433,000, to cover the federal administration of the guaranteed student loans program pursuant to the Federal Credit Reform Act of 1990.]

For the costs of guaranteed loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for administrative expenses to carry out the guaranteed loan program, $40,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, V, VI, VII, VIII, IX, X, XI–B, and XII of the Higher Education Act of 1965, as amended, the Mutual Educational and Cultural Exchange Act of 1961, the Excellence in Mathematics, Science and Engineering Education Act of 1990, title XIII, part H, subpart 1 of the Education Amendments of 1980, *and section 140(a) of Public Law 100–202*, [$821,438,000] *$810,557,000*, of which $7,500,000 for endowment activities under section 332 of part C of title III of the Higher Education Act, *$2,000,000 for section 140(a) of Public Law 100–202*, and $19,412,000 for interest subsidies under part D of title VII of the Higher Education Act, shall remain available until expended and $300,000 shall be for section 775, part G, title VII: *Provided further*, That [$9,271,000] *$9,642,000* provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and 419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d–37(b) and 1070d–39(a)): *Provided further*, That $1,450,000 of the amount provided herein for subpart 4 of part A of title IV of the Higher Education Act shall be for an evaluation of Special Programs for the Disadvantaged to examine the effectiveness of current programs and to identify program improvements.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), [$212,960,000] *$199,131,000*, of which [$2,928,000] *$4,500,000*, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480), and [$23,600,000] *$2,000,000*, to remain available until expended, shall be for emergency construction needs.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year. For the fiscal year 1992, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d–2).

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS *(LIQUIDATING)*

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing and academic facilities loans program, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part F, of the Higher Education Act, as amended, $7,539,000: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $30,000,000: Provided further, That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101–510. In addition, for administrative expenses to carry out the direct loan program, $566,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out the activities authorized by section 405 and section 406 of the General Education Provisions Act, as amended; section 1562, *section 1566*, section 2012, *section 2016*, and title IV of the Elementary and Secondary Education Act of 1965, as amended; part B of title III of Public Law 100–297; title V of the Higher Education Act, as amended; *title IX of the Education for Economic Security Act*; and section 6041 of Public Law 100–418, [$228,999,000] *$254,893,000*, of which $25,300,000 shall be for research centers; $35,049,000 shall be for regional laboratories including $10,000,000 for rural initiatives; $7,175,000 shall be for the Educational Resources Information Center; $976,000 shall be for field-initiated studies; [$8,000,000 shall be for a high technology demonstration grant, including equipment; $50,000,000] *$44,313,000* shall be for education statistics; [$28,000,000] *$20,000,000* shall be for national assessment activities; [$19,000,000] *$27,737,000* shall be for activities under the Fund for Innovation in Education[, including not less than $4,500,000 for comprehensive school health programs; $5,284,000]; *$5,495,000* shall be for Grants for Schools and Teachers under subpart 1, and [$3,611,000] *$3,755,000* shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100–297; [$14,000,000] *$14,700,000* shall be for national diffusion activities under section 1562; *$885,000 shall be for blue ribbon schools under section 1566;* [$14,000,000] *$18,000,000* shall be for national programs under section 2012, *including $6,000,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); $15,000,000 shall be for regional consortia under section 2016;* $9,732,000 shall be for Javits gifted and talented students education; *$16,417,000 shall be for star schools, of which $4,000,000 shall be to establish a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county;* $4,233,000 shall be for educational partnerships; $1,769,000 shall be for territorial teacher training; *$987,000 shall be for mid-career teacher training;* and $370,000, which shall remain available until September 30, 1993, shall be for Leadership in Educational Administration.

In addition to these amounts $4,880,000 shall be available for teaching standards activities under the same terms, conditions and limitations applicable to funding made available for this purpose in fiscal year 1991.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, V, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and [titles] *title* II [and VI] of the Higher Education Act, [$142,747,000] *$149,747,000* of which *$2,500,000 shall be for a biotechnology information education demonstration project under the Higher Education Act, title II, part D,* [$14,218,000] *$19,218,000* shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $5,000,000 shall be for section 222 and $325,000 shall be for section 223 of the Higher Education Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, [$301,952,000] *$284,008,000, of which $500,000 shall be for the addition of nine FTEs for monitoring of state formula grants under the Individuals with Disabilities Education Act, part B.*

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, [$56,000,000] *$51,691,000.*

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, [$26,932,000] *$26,530,000.*

GENERAL PROVISIONS

SEC. 301. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

SEC. 302. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 303. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 304. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 305. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, [$193,678,000] *$201,691,000*: *Provided*, That [$32,693,000] *$34,683,000* shall be available for title I, section 102, and [$1,000,000] *$1,451,000* shall be available for title I, part C.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1994, [$253,309,000] *$284,000,000*: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor [vehicles,] *vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a);* and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), [$28,118,000] *$29,118,000.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $4,357,000.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

For expenses necessary for the National Commission on Acquired Immune Deficiency Syndrome as authorized by subtitle D of title II of Public Law 100-607, [$2,000,000] *$3,000,000.*

NATIONAL COMMISSION ON CHILDREN

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Children, as established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100–203, $750,000 to remain available through December 31, 1992.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–845), [$750,000] *$911,000.*

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

For necessary expenses of the National Commission to Prevent Infant Mortality, established by section 203 of the National Commission to Prevent Infant Mortality Act of 1986, Public Law 99-660, [$390,000] *$440,000,* which shall remain available until expended.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, [$1,497,000] *$1,642,000.*

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $162,000,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $6,775,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $6,497,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, [$4,300,000,] *$4,495,000,* to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,030,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, [$315,000,000] *$319,100,000* which shall include amounts becoming available in fiscal year 1992 pursuant to section 224(c)(1)(B) of Public Law 98–76: *Provided*, That the total amount provided herein shall be [immediately credited to the account: *Provided further*, That the amount provided herein plus the interest earned thereon shall be available for payments through September 30, 1992] *credited in 12 approximately equal amounts on the first day of each month in the fiscal year.*

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $400,000, to remain available through September 30, 1993, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $3,264,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, [$74,037,000] *$73,287,000* to be derived from the railroad retirement accounts: *Provided*, That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Providedfurther*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,263,000 shall be apportioned for fiscal year 1992 from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than [$6,089,000] *$6,700,000*, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Armed Forces Retirement Home Trust Fund, [$40,581,000] *$42,123,000: Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Armed Forces Retirement Home Trust Fund, $4,220,000, to remain available until expended.

United States Institute of Peace

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, [$8,393,000] *$11,918,000.*

United States Naval Home

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Naval Home, to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $10,055,000, to remain available until September 30, 1993.

CAPITAL PROGRAM

For construction and renovation of the physical plant to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $1,253,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901–5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board."

SEC. 511. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 512. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 513. Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $30,000,000; salaries and expenses of the Department of Education are hereby reduced by $10,000,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $124,000,000, including $8,000,000 of funds appropriated in this Act for travel costs of the Public Health Service: *Provided*, That the reduction for travel costs shall be from the amounts set forth therefor in the budget estimates submitted for the appropriations.**]**

SEC. 513. Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses are hereby reduced by 1 per centum.

SEC. 514. No funds shall be available under this Act to enforce or otherwise implement the regulations of the Secretary of Health and Human Services published at 42 C.F.R. 59.8 or to promulgate any other regulation having the same substance.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992".

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT TO THE SENATE SELECT COMMITTEE ON ETHICS

Mr. HARKIN. Mr. President, on behalf of the majority leader I send a resolution to the desk and ask for its immediate consideration. The resolution has been cleared for adoption by the Republican side of the aisle.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 174) to appoint a Senator to the Senate Select Committee on Ethics, pursuant to the provisions of S. Res. 169 of the 102d Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 174) is as follows:

S. RES. 174

Resolved, That, in accordance with the provisions of Senate Resolution 169, of the 102d Congress, the Senator from Arkansas (Mr. Pryor) be a member of the Senate Select Committee on Ethics for the purpose of matters relating to the preliminary inquiries into the conduct of Senators Cranston, DeConcini, Glenn, McCain, and Riegle, including the investigation into the conduct of Senator Cranston.

Mr. HARKIN. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CONGRESSMAN HARLEY STAGGERS, SR.

Mr. DOLE. Mr. President, it was with great sadness that we learned over the recess of the death of former Congressman Harley Staggers, Sr. This good man from Keyser, WV, dedicated nearly half a century to public service, culminating in a distinguished 32-year career in the House of Representatives. I was fortunate to have served in the House with Harley Staggers for 8 years, and came to know him as a man of tremendous legislative skill, integrity, and dedication to his constituents and to his family. I am sure that many of my Senate colleagues who also served with him in the other body knew him the same way.

Mr. President, I know all my Senate colleagues join me in sending our sincerest condolences to the late Congressman's family, and especially to Congressman HARLEY STAGGERS, JR., who currently serves the constituents of the same district his father represented for so many years.

THE DEATH OF GOV. RICHARD SNELLING

Mr. DOLE. Mr. President, like many Members in this body, I was a friend and admirer of Gov. Richard Snelling of Vermont.

Governor Snelling was a remarkable public servant, and his untimely death this past August was a tragic loss to Vermont and to America.

During his nearly 9 years as Governor of Vermont, Dick Snelling earned a sterling reputation for integrity and intelligence. He was one of America's most vigorous advocates for fiscal responsibility and deficit reduction. He had a no-nonsense businessman's approach which won the trust and respect of the people of Vermont.

After four terms as Governor, Dick Snelling had every right to continue spending time with his wife and children, and to avoid a return to the political arena. But in 1990, he saw that Vermont's fiscal house was in shambles, and he felt it was his duty to do something about it. Vermont's voters recognized again, as they had four times before, that no one was better equipped to deal with the situation than Dick Snelling.

He quickly went to work, making the tough decisions, calling them as he saw them. And despite the fact that he proposed and pushed through the biggest tax increase in the State's history, polls before his death put his popularity ratings at 65 percent.

In the final analysis, however, it is principles, and not polls, that matter. And Dick Snelling's principles and legacy will live on in Vermont for many years to come.

I know the entire Senate joins me in extending our sympathies to Dick's wife Barbara, and their four children.

I thank the distinguished managers of the appropriations bill for letting me proceed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, just for the information of Senators, the situation is this: We have before the Senate the Labor, Health and Human Services, and Education appropriations bill at the present time. As Senators may know, the motion to proceed has been agreed to. However, to accommodate the wishes of Senator HELMS, we will be taking no action on the bill this morning; only opening statements by myself and Senator HATFIELD or others who might want to come over and speak about the bill generally.

I understand that, sometime around 12:30, Senator HELMS will have a list of the committee amendments that he wishes to have excepted. That is the time also at which the respective parties hold their caucuses. So that it would appear there would be no action on the bill until after the caucuses are finished this afternoon. I just wanted to say that for the information of Senators.

Mr. President, at this point, I would like to make my opening statement regarding the bill that is now before us, some of the provisions that are in the bill, and what this committee did during the year to reach the point at which we have arrived.

Right now, Mr. President, the bill before us has gone through a long process which began with the submission of the President's budget on February 4. Since that time, the subcommittee held 19 separate hearings to consider the administration's request and to hear from approximately 150 public witnesses.

As chairman of the subcommittee, I received requests from 98 of the other Senators for almost 1,600 separate requests. We have received advice from the four committees that authorize the subcommittee's programs, and throughout the year we have heard from many citizens and public interest groups. After carefully reviewing these many requests and comments, we made every effort to be fair and responsible with the taxpayers' money.

Mr. President, this year has been a special challenge. Under the Budget Enforcement Act of 1990 and based on our 602(b) allocation, the money this subcommittee has to spend for fiscal year 1992 is a full $1 billion in outlays below current services. The money this subcommittee has to spend for next fiscal year is, indeed, $87 million in outlays below a hard freeze from last year.

The Members all know that over the last decade total Federal domestic discretionary spending has dropped from 23 percent to 12.6 percent of the Federal budget. If domestic discretionary spending had just kept up with inflation over the decade, it would be a full $63 billion higher than it is today.

For this subcommittee, our 602(b) allocation would be a full $6 billion higher next year had the domestic total merely kept up with inflation since 1980.

The programs that serve the poor, that educate our children, provide for job retraining, and attend to the health of our people are caught in a vise that every year gets tighter.

The recommendations now before the Members include increases over fiscal year 1991 and over the President's request for 1992 for each of the major departments. Many of these increases, however, simply went to restore the $3.8 billion of terminations and cuts that were included in the President's budget.

This year the committee made a special effort to provide increased funding for disease prevention and early intervention programs. The thought behind that is that an ounce of prevention is always worth a pound of cure, perhaps even a better tradeoff than that. For many years, at least since I have been on the committee now 7 years and chairing this subcommittee for 2—and I know the distinguished Chairman HATFIELD had the committee before that and chaired it—the expert witnesses come up and talk to us about the needs for more basic research, and time and time again we get behind the curve.

We are penny-wise and pound-foolish. We will spend all kinds of money to take care of people after they are sick, we will spend all kinds of money to take care of diseases after they happen, but we will not put the few dollars in at the beginning to prevent them from happening in the first place.

In fact, the National Institutes of Health has estimated that about 50 percent of the diseases and illnesses that occur in America today are preventable. And further, I think the Institute of Medicine—I will stand corrected on it if I am wrong—who made this effort, but I believe it was the Institute of Medicine that estimated that if we could just prevent 10 percent of the illnesses and diseases in America that over the next decade we can save about $1.3 trillion.

So when we get through this whole health care debate—and I do not mean to get into that here this morning—but when we get through this whole health care debate about paying all of these bills, we are going to hear a lot of this in the months ahead, whether it is single pay, multipay or insurance, whatever it is going to be, let us not lose sight of the fact there is another element in the health care debate that ought to be inserted and this subcommittee is going to insert itself into that debate. And that missing element in the debate is that we are not talking about how we keep people healthy in the first place.

We are always talking about how we pay the bills, how we insure people—and certainly that has to be discussed. But if all we are going to do is continue to pay the bills in our society, the medical bills, without paying attention to prevention and wellness in the first place, then we are just playing catchup ball, and we will never catch up. The money will continue to pour out and the health of our people will continue to deteriorate. So that is why this subcommittee has made a special focus.

I go clear back. This was not just with me, but when Senator HATFIELD chaired the committee and then-Senator Weicker chaired the subcommittee, followed by Senator Lawton Chiles. We all made provisions in there to attend to prevention, to have more research to stop these diseases and illnesses in the first place.

For example, the recommendations before the Senators include the following: For the maternal and child care health block grant the fully authorized level of $686 million is recommended. This is $132.4 million more than requested by the administration. So we are going to try to go to the fully authorized level.

Again, an ounce of prevention, a pound of cure. We spend billions every year for taking care of low-birthweight babies. Go to these neonatal care units and see these poor little babies there who weigh a pound and a half, a pound, and all these tubes sticking in them. We nurse them back to health. There is no one hard-hearted enough in this country to say we should not do it. Of course we do it, and we spend the money gladly to do it.

I have learned, in my talking with medical professionals, that the cost to bring one of these babies back to full health is somewhere between $100,000 and $200,000; $1,000 to $2,000 a day in neonatal care units. Yet, for maternal and child health care, the cost is less than $1,000 for 9 months to go out to a low-income woman at risk with health care, nutritional services, and support services to make sure she has a healthy baby in the first place. And we cut that program. I mean there have been attempts to cut that program. That is why we are trying to restore it here.

It seems to me it makes a lot more sense to spend maybe $1,000 for 9 months to reach out to a low-income woman to make sure she has a healthy baby rather than saying no, we are going to play catchup ball later, we will spend $100,000 or $200,000 to nurse that baby back to health.

For the immunization programs, $277.8 million is included; $60 million more than last year and $20 million more than requested.

Again, immunization; we are not reaching the kids who need to be immunized in this country. One of my earliest recollections of government—in fact I think the first time I ever knew that government existed—I was a kid in a small country school. It must have been about the time I was in kindergarten. This is probably around the end of the Second World War—not the First World War, the Second World War—and I remember we had to come in, maybe the first or second week of school, we had to line up and the visiting county health nurse would come from the county seat and would give us our shots and vaccinations. I probably did not care much for government then, I tell you. But that is what was done. It kept us healthy. And we are losing that. We are not doing a lot of that today. We are not doing even what we did when I was a kid back in the 1940's.

Did it cost money? Sure it did. But I have to believe the illnesses and diseases it prevented at that time saved us a ton of money. So that is why we have put more money back into the immunization program.

For the Head Start Program, the recommendation before the Members is $250 million more than last year, $150 million more than requested by the administration.

I do not need to belabor the point, but again—prevention. Let us get these kids reading early, for example, and then we will not have to pour in so much money for remedial reading, remedial math, and everything else later on. Let us put it in at the beginning.

For lead poisoning prevention, the recommendation is $25 million, $10 million more than requested. Again, one of the leading causes of mental retardation in children today is lead poisoning. We know how to prevent it. We know how to get on with education and measures to prevent it. And this is again what it is designed to do. It will cost a little bit of money. It will save us a lot more in the long run.

There are a number of other items I know each of us have been hearing a great deal about. I would like to touch on them very briefly. For example, the House, for whatever purpose, cut all funds for family planning. Let me repeat that. The House cut all funds for family planning: zero. So our committee recommendation includes $162 million for family planning. Again, that is $12 million more than the administration's request, $17.7 million more than last year.

So, again, if people wonder why there are some crunches in other areas of this bill, we certainly could not let family planning go by the board with zero dollars. We are still trying to prevent things. We are trying to make sure we have good, adequate family planning out there. So we put the money back in for it.

The House cut cash and medical assistance for the refugee program in half. The committee recommendation restores that cut by making the $116.6 million available late in the fiscal year.

The committee recommendation fully funds the Child Care Program at $825 million, rejecting the House rescission of $145 million of fiscal year 1991 child care money.

For the Low-Income Home Energy Assistance Program, the committee recommendation provides $1.3 billion of funding for fiscal year 1992, $300 million more than provided by the House. The funding, however, is split between $855 million available on the first day of the fiscal year, with the balance of $445 million available late in the fiscal year. Additionally, the committee recommendation provides $300 million for the LIHEAP Program in a contingency fund, which could be released by the President, if he so sees fit, bringing the total to $1.6 billion.

For Community and Migrant Health Centers, the recommendation provides $586,891,000, $56.9 million more than the President.

Finally, for the National Institutes of Health, the committee recommendation provides $8,959,533,000 or $184,647,000 more than the budget request. This includes a $65 million increase for breast, cervical and ovarian cancer research and $7.5 million for the new Office of Research on Women's Health.

This year the subcommittee made a special effort to increase funding for the Ryan White AIDS care. The recommendations include $289.2 million for Ryan White, $68.6 million more than the request and $42.3 million more than the House.

The bill also overturns the administration's gag rule, which prohibits federally funded family planning clinics from giving any information about women's legal rights and medical options.

I believe the gag rule is wrong-headed, plain and simple. It is not good policy to force doctors to withhold information from their patients, information they have a legal right to. To protect women's health, their right to choose, and everyone's first amendment rights, we need to overturn the gag rule, and that is included in this bill.

The bill has been scored by the Congressional Budget Office and the spending recommendations included in it use the full 602(b) allocation for outlays of $57.812 million. I mention this fact to remind the Members that any amendments that Members may have will require appropriate offsets.

Mr. President, I would like to thank Senator DASCHLE for his leadership and direction on the Impact Aid Program. South Dakota has many highly impacted school districts, and Senator DASCHLE has lobbied me hard on their behalf. I can't recall a year when I received more letters or calls concerning impact aid than I did this year. Senator DASCHLE and his staff worked closely with me and my office to help restore the cuts proposed by the administration, and to provide a modest increase over last year. The Senator from South Dakota has been a tireless champion of this program, and I very much appreciate his assistance concerning its funding.

Mr. President, many of the programs for which funding is provided in this bill, such as the Adult Education Act, the Job Training Partnership Act, the Vocational Education Act, and others play a critical role in ensuring that our Nation has the skilled work force it needs to compete in the world economy. Increasing numbers of workers, particularly in older industrial areas, are finding that they need new skills to hold jobs in an increasingly dynamic workplace. Funding has been provided so that the Secretaries of Education and Labor can support efforts to develop a clearinghouse where workers can access all these programs from a single source. This will be an important contribution consistent with the administration's recommendation in America 2000 calling for the creation of skills clinics.

One additional item that needs explanation is the bill language added to impose a 1 percent reduction on appropriations for Federal salaries. This language is intended to narrowly target personnel compensation and benefits and does not extend to related personnel expenses. The Senate bill also imposes a freeze on executive direction activities, which together with the salaries assessment, resulted in a savings of $135 million that was redirected to high-priority programs.

In a moment, I will yield for an opening statement by Senator HATFIELD. I first want to thank him and I also want to thank Senator SPECTER for the excellent advice and assistance both of them have given me and the subcommittee again this year. I know that Senator SPECTER could not be here this morning because he had to tend to his duties on the Judiciary Committee with the opening hearing on the Supreme Court nominee, Clarence Thomas.

The distinguished Senator from Oregon, my good friend, Senator HATFIELD, who is the ranking member of the full Appropriations Committee, and of course the ranking member on this subcommittee, also will be making the opening statement.

I just want to say we have worked cooperatively with Senator SPECTER and with his staff throughout the year. Everything has been above board and open. Our final product has been greatly improved by the assistance of Senator SPECTER and his staff.

Again, I want to publicly thank Senator SPECTER for all of his help, assistance, guidance, advice, and counsel as we worked our way through this bill this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am pinch-hitting for Senator SPECTER, as Senator HARKIN has indicated, who, as a member of the Judiciary Committee, is participating in the confirmation hearing, of Judge Thomas. I am delighted to be pinch-hitting for Senator SPECTER and to work with Senator HARKIN in the management and comanagement of this bill today, because I know few who have put as much time, effort, energy, and commitment into the many competing and meritorious programs that are incorporated into this bill as Senator HARKIN, the subcommittee chairman.

Mr. President, like so many of our activities, when we leave the programs and the debates on the floor of the Senate, we are backed up by a very competent and a very outstanding staff. I would like to list for the RECORD the names of Mike Hall, who is the chief clerk of the subcommittee staff, ably assisted by Carol Mitchell, Jim Sourwine, Amy Shultz, Margaret Stuart, Gladys Clearwater, and Susan McGovern. And on the minority side, working cooperatively and in great harmony is the minority staff, headed by Craig Higgins and Bettilou Taylor, Robin Rosencrantz, and Janet Lamos.

Mr. President, I feel that we do not frequently enough give tribute and recognition to the extraordinary competence and the dedication of our staff. I know this is true with every committee. It certainly is true with the Appropriations Committee. We really could not function as a committee, nor could we present the product on the floor following the committee's action, without that kind of wonderful support and effort.

Mr. President, the chairman of our committee, Senator HARKIN, has given a very adequate and eloquent statement as to the frustration the subcommittee has experienced this year, as well as to what this bill represents. The frustration is, of course, to see the allocation of so few dollars for such important needs, unmet needs. We could talk about the degree of human suffering, but how do you measure human suffering? Suffering, which results we have not acted soon enough to prevent the disease in the first instance, as the chairman has pointed out?

But if we are not really moved by the humanitarian aspect and the suffering of human beings, then let us look at the simple fact that for every dollar we invest in health, research, education, and prevention programs, it is a multiplier of $13 back into the economy.

Mr. President, there is no dollar that the Appropriations Committees in the Senate and the House of Representatives handle, no taxpayer's dollar, that multiplies more wealth back into the economy than the dollar for health.

We often talk about our deficit in gross numbers. That is a gross deficit in gross numbers. It is very compatible. But let us recognize it is not just the total dollars we spend, but how those dollars function within the economy. We spend a dollar to build a bomb. That bomb is built, put on a rack, and God forbid that it ever has to be used, and that dollar multiplier then is frozen. But put a dollar into health, and that multiplies and multiplies and multiplies, and continues to build wealth in this country.

When we are talking about national deficits, when we are talking about national productivity and competition and the ability to keep a vital economy and to have the growth patterns that we want to see in our economy, we ought to start analyzing not the dollars in gross figures that we spend, but what kind of an impact these dollars that we spend have on building a growing and vital economy.

Senator HARKIN and Senator SPECTER and all the Members of the Appropriations Committee are bringing here today a bill that will have more impact on the economic growth of this country than any appropriations bill that we act upon in terms of the dollar multiplier.

I just want to emphasize that point today. Hopefully, all of our colleagues will support this bill on the basis of our common commitment to the quality of life; trying to reduce and minimize human suffering caused by disease; trying to enhance the quality of life by the quality of education that we can provide for our children and the programs of retraining under the Labor Department, and the programs dedicated to the workers of this country who, after all, are the key to any productivity or any prosperity.

So this is the kind of bill that we are talking about today. Let us not get lost in the accounts of dollars for this and dollars for that, but recognize this bill is going to do more for the Nation's economy in the coming fiscal year in a dollar multiplier measurement than any other appropriations bill we bring to the floor.

As the chairman has indicated, we have some good news and some bad news. At the risk of being a bit redundant, I think we cannot emphasize too strongly that this committee has had to sit down with the overall reduction in nondefense discretionary funding for the last decade and try to squeeze out dollars that are going to sustain programs that we are committed to at a level required to make them effective.

By the same token, I want to take this opportunity to point out in the field of health there is an organization in this country called NORD. It is an acronym for the National Organization for Rare Diseases.

Mr. President, we have almost 2,000 rare diseases that sometimes we refer to as orphan diseases. Many of these diseases have either no registry, not even a registry of knowing how many are suffering from that particular disease, which is the base upon which we launch research, or they have no moneys that are being used for research to find the causes or the possible correction or cures. Almost 2,000.

We hear a lot about cancer, AIDS, heart disease—the big three; over $1 billion a year for each one of those three, and every one of those dollars is desperately needed. But let us take 4 million Americans who are suffering today from Alzheimer's. Mr. President, we do not have, even at this moment, the capability of correct and dependable diagnosis of Alzheimer's. It was just 4 years ago that we began a serious effort to put additional money into research for Alzheimer's. Yet, it is estimated that this year, out of the GNP, $80 billion will be expended for the victims, the care, and the lost wages of victims of Alzheimer's; $80 billion.

Under the leadership of Senator HARKIN, we have been able to elevate the research this coming year to about $270 million for a disease that is costing our GNP $80 billion to take care of its victims.

Whether you approach this whole proposition from, as I say, dollars and cents, cold economies, or whether you approach it from the matter of the degree of suffering and human misery, it just does not make sense that we are putting so few resources, in comparison to the need, into an area that can produce so much economic benefit and, more importantly, reduce the level of human suffering and raise the quality of life.

Mr. President, the good news. We have allocated in this bill a significant increase—I am not going to give all the figures; we get lost in figures because we really are talking about people, human beings, but we increased over the fiscal year 1991 appropriation $100 million for job training. I suppose this is something that many of us could talk about at some length. We have all heard about the spotted owl in the Northwest as it relates to the timber workers and those engaged in forestry, which is such a great part of the economy of my State, or we could talk about the displaced coal workers, or we could talk about the displaced auto workers, or we could talk about all kinds of displaced workers as our economy is going through a very traumatic transition. I would like to speak sometime about going through that transition without a blueprint, without a roadmap. We are just reacting, all the time reacting to the changing economic structure. I am talking about structural changes as well as economics generally.

The recommendation for job training programs is but a pittance relative to the needs of the people out there. I say to people, you talk about retraining the loggers to do this or to do that. Let me tell you, we have very high illiteracy amongst our loggers. You are not going to take a 53-year-old man and make him into a high-tech worker overnight, especially those with illiteracy problems.

We have an awful lot of work to do. I am not sure these dollars are going to get the highest return on the investment because, again, how do you deal with job retraining? If we were to analyze the Government's record, it is not a very good track record. In fact, some of the better examples of job retraining come out of the programs of the private sector. Maybe we ought to start manipulating the tax structure to enable private industry to take on more of this. But nevertheless that is not something which is going to be determined by this bill. It is only representative of the problem that this bill does not address, even with the $123 million increase over the fiscal year 1991 appropriation, for a $4.2 billion total.

Some more good news is in the drug programs. We have here almost a $200 million increase over the fiscal year 1991 level for substance abuse prevention, for research, and education programs under the jurisdiction of this subcommittee. This does not constitute the total resources we have recommended for drug programs, but under this subcommittee it is a $3 billion program. That is very significant, and the increase this committee has made is certainly needed.

In biomedical research, we are now up to about $9 billion. That sounds like a lot of money and it is a lot of money, but, Mr. President, in 18 months we spend more money in research for exotic weapons to improve the ability to destroy life than we have in 100 years of medical research. Just think of that.

Consequently, when we talk about a $9 billion research figure here for diseases and all the other maladies that beset the human race, we are still not talking in numbers that really are required to meet the need—again, 2,000 orphan diseases, many without any money for research.

Within the increases for the National Institutes of Health of almost $700 million over the fiscal year 1991 appropriation, significant increases are provided for breast, cervical, and ovarian cancer, for the research of Alzheimer's, for research of women's health, and for diabetes.

I am very pleased that, again, Chairman HARKIN has put the priority, and the committee has supported this priority, on the Ryan White AIDS programs. Here we have an increase of almost $70 million for the delivery of treatment and services to persons with AIDS, including an increase of some $34 million for emergency aid in 18 cities.

Now, this, again, is a small part of the total dollars we are appropriating for AIDS programs—research, counseling, prevention and program support—but every one of those dollars represents only a fraction of what we really need to expend in that area.

I have been long involved, as has our chairman, in the concerns of the homeless. The good news in this bill is that we have addressed that again with an increase of some $20 million over fiscal year 1991. So often we forget that the fastest growing component of our homeless population out there on the streets is parents with children, families. And health needs, of course, escalating when those families and others as singles have no shelter and are exposed to the elements.

The Healthy Start Program of some $75 million, we have increased that over fiscal year 1991 by $50 million to support the President's infant mortality initiative.

Mr. President, we always love to boast about America's greatness, and I take pride in America's greatness, but I do not usually measure it the same as maybe some others. But we talk about being a superpower and, generally speaking, I say to my colleague—and he has been on this problem, too—that too many times is measured on the megatons of our arsenals rather than the health and educational standards of our people.

Mr. President, it is very interesting that in the Soviet Union, as we knew it, as it is coming unglued in so many different ways today, with all of those forces at play, the superiority of their arsenal did not save them. It did not save the system, did it? It did not save the system, the economic, the political, the military, or even the secret police system. So I think we ought to look beyond the arsenals to measure the strength and the superiority of the achievements of a nation or a culture or of a people. Here we are talking about a $75 million budget geared and targeted to infant mortality. Mr. President, in the world today the United States of America ranks 20th in infant mortality—20th. How in the world could we call ourselves a superpower if we were to measure the health and infant mortality factor within our people at 20? So here we are talking about, again, just a pittance for what we really have as a need, to raise the level of our infant survivability.

We have also some good news on child health. We have increased that almost $100 million—and this is the maternal-child health block grant program—over 1991. Let me point out, too, that with some of these increases they hardly stay even with inflation. I am not here boasting that by our committee's increasing these numbers we could really go far beyond the maintenance of the current level of services.

The aging programs, we have expanded them again with another almost $55-million increase over 1991; handicapped education, an increase of $244 million; vocational education, $77 million; student aid, a $180-million increase over 1991.

But now let us talk just for a few moments about the bad news. The chairman has pointed these out in the presentation of his opening remarks, but let me reiterate, if I might, for just a moment: Low-Income Home Energy Assistance Program. I do not think we need to restrict this problem to the Northeast, although it is generally identified in the Northeast, weatherwise and for other reasons. But here there has been a cut of about $300 million from the $1.6 billion provided in 1991. If we want to look at comparisons, they certainly do not do much except to accentuate the need. We have done better than the House of Representatives by $300 million. And yet we are going to have to address this problem.

Mr. President, I would say probably we are going to have to look at a good possibility of a supplemental, depending a great deal on the weather. We are surely not going to let people freeze in their homes. This is not going to cover the need of the low-income home energy assistance or take the adolescent family life program, again, a program that was cut by $7.7 million.

We stand here today, certainly, not in any other than an apologetic stance to say that there is a measurement of the needs, and here are the resources that were allocated to this 1 subcommittee out of 13 subcommittees, and we have done everything we can with the resources that we have to work with.

We are all under that constraint in relation to the deficit, to the budget agreement. I do not have to go through the mechanics. But I hope that people understand that as far as Senator HARKIN and I are concerned, and other members of this committee and Members of the Senate at large, it is with a great deal of regret that we stand here with such inadequate resources addressing some of the serious monumental problems.

I know that the new Secretary of Education is not going to be very happy with a cut of some $590 million below the President's request for the new initiative the administration is launching for America 2000. I think very justifiable requests were made. I think they can make a big difference in the future of our education.

While the great part of this initiative is the fact that they are going to try to break out of the traditions—I think sometimes our traditions are a most important part of the glue of our society—at times traditions can also be inhibiting and an obstacle for progress. I think the idea that Secretary Alexander has in trying to set up a demonstration school in every congressional district in this country and say, in effect, to the educators and the people in the local community: Go at it, and here is support money to set up and test these new ideas, and innovate and create new approaches for education.

Coming out of the field of education, I have often found that some of the most reactionary thinking was by educators relating to education, and who are most bound to tradition. Yet, they can solve everybody else's problems and every other institution's problems. But talk about changing their own institutional problems and it is different. Oftentimes, this is true with many other groups. I certainly found it true in my own experience in education. It just cannot change, as some of us thought.

At the first faculty meeting at a university where I taught, there was a professor of history that was going to have a cardiac arrest because it had been suggested that he teach Napoleon and the French Revolution in a different room than he had taught in for 17 years. It was almost as if he could not do it in a different room, in the same building.

But so much for tradition in education. I think that is one of the key dynamics of the President's program—America 2000.

Mr. President, these are but a few on the list of good news and bad news. I have not attempted to put all of the accounts before us at this time.

Once again, I indicate my great admiration and personal affection for our chairman and for Senator SPECTER of Pennsylvania, the ranking Republican, for taking a tough assignment, putting together a very defensible bill within the restrictions and parameters with which this subcommittee was forced to work, and at the same time to be able to come to this floor and say: Here is a bill worthy of the support of our colleagues, recognizing that the finality of this bill will be determined by a conference with the House of Representatives. And that will be no easy task, because we have our separate priorities. I would like to have the resources to match the priorities of the House, as well as the priorities of the Senate, but we will have further constrictions, I am sure, on some of the accounts represented today.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, as a member of the Subcommittee on Appropriations that has worked on this bill, I want to take this opportunity to express publicly my appreciation for the outstanding job that was done by the chairman of this subcommittee and his staff.

This subcommittee will not get the attention that it certainly deserves. Senator HARKIN has had a difficult job. The jurisdiction of the subcommittee is broad, and it covers many different areas. I am not going to be able to take the time to talk about all of the areas that I think need to be mentioned in this great bill, but I want to take some time talking about some things that are most important to me.

In this year of tight budget constraints, we have programs pitted against each other. I have had people argue for education programs at the expense of health programs, and vice versa. The subcommittee has had to struggle to find the dollars for programs on which many American lives depend. The funding levels, in many instances, are not what we would like, but this committee, with the leadership of Senator HARKIN, has balanced the interests of all of the Senate. I think his job as chairman of this subcommittee is one of the most difficult jobs there is in the Senate.

Mr. President, I am going to talk about a few things, as I have indicated, that I think are important, in this bill. I think there have been some tremendous strides made in this appropriations bill that will mean things to individual Americans—not programs, but actual people.

Mr. President, I do not know how many Senators have had the opportunity to take a tour through the National Institutes of Health. If they have not, they need to. I have been in Washington now as a Member of Congress for about 9 years. I think one of the most educational, enlightening experiences that I have had was a day that I spent at the NIH. This is where biomedical research of the highest caliber takes place. Its results impact not only Americans, but people throughout the world.

We hear many stories about the United States falling behind in the ability to manufacture cars. We hear that maybe we are not the leaders in the educational field as we should be. We have crime running rampant. Our deficit is too high. But let me explain that with the National Institutes of Health, there is one place where the United States is far ahead of every other nation in the world, and that is in the area of medical research. There is not a close second. That funding for this source of great pride takes place in this subcommittee, Labor, HHS, Education.

This bill that is now before the Senate will continue the recognition and the resources that the National Institutes of Health should have. Again, I acknowledge there that there is more than we should do, but with our limited resources, we hope to keep the National Institutes of Health in their predominant position in biomedical research.

I have taken a particular interest in recent years, in diseases that affect primarily women. Mr. President, I became involved with this as a result of a meeting I had in my office 2 years ago in Las Vegas with three women. They came to see me because they were desperate. These three women all had a disease called interstitial cystitis. This is a long-sounding name and it does not mean much to most people. But to 500,000 women in the United States it does mean something. It means that they have a dread disease that affects their bladder. It is a disease that effects mostly women. Its cause is unknown. Its cure is unknown.

This appropriations bill, for the second year in a row, takes into consideration the fact that these women who have this disease need attention focused on its cure, and, I am happy to say, there are moneys set aside in this bill for specific research on interstitial cystitis. As a result of these women coming to my office, I checked around and found that, in fact, there are other diseases just like this one. Diseases that affect only women that we, frankly, ignored for many years. Is it because we are a male-dominated legislature? Possibly.

We know that when there was a study done to determine the effectiveness of aspirin on heart disease, that with thousands of subjects, thousands and thousands of them, not a single one was a woman. All the subjects were men. This is a sample of how we approach diseases that affect women. Well, this legislation that is now before the Senate acknowledges that we have not done in the past all that we should do in recognizing diseases that affect women.

This legislation will change this trend. It contains specific language that will address diseases that affect primarily women, such as Lupus. Most people do not recognize that multiple sclerosis is a disease of which the vast majority of people who contract it are women. Besides Lupus, this bill increases research dollars for osteoporosis and breast, ovarian, and cervical cancer.

So this legislation through the Office of Research on Women's Health will focus attention on diseases affecting primarily women. I think that is extremely important. It is important that we do a better job for women than we have in the past.

Mr. President, this legislation also takes a big step forward as it relates to another women's problem. That is the tragedy of domestic violence. About every 15 seconds in our country a woman is beaten by her husband or companion.

We have changed the words now. We want to have words that do not sound so negative, that do not sound so harsh. We no longer say these women were beaten. We say they were battered, assaulted. The fact of the matter is that every 15 seconds, in this country, 24 hours a day, 7 days a week, throughout the year, with no vacation or holidays, a woman is beaten. It is truly sad to think that there are more women beaten than are raped, are murdered, robbed, or burglarized.

In fact, Mr. President, it is so serious that 1 out of every 5 people—20 percent—of the women who go to an emergency room for medical care go because they have been beaten.

Who are they beaten by? Their hubands and companions.

This legislation will combat that problem. I think Senator HARKIN should receive all the bouquets and applauses available just for this one provision of his bill. There are many other things that the chairman deserves credit for, but certainly for this item alone he deserves all the recognition and support that he can get.

Why? Because this legislation puts forth $22 million for domestic crisis shelters. Why is that important? Well, if you take a place like Las Vegas as an example, the greater Las Vegas area has about 850,000 people. In that area, Clark County, we have beds for battered women that number 28 or 29. That is all the beds we have for battered women.

Remember most battered women in their state of crisis come to a facility with children in tow. Let us say the average woman who comes to a shelter has three children. You can see those beds will be gone in a hurry. If there could be a waiting list, and there isn't because there are no places that a women can wait, it would be too long to mention. Las Vegas is no different than Denver, Des Moines, Richmond. They are all the same. Women turn into prisoners and have no place to go.

This legislation, while not solving all problems, at least acknowledges that these women who are struggling in these shelters, these battered women, will receive some support and help. I have visited the shelter in the Clark County, Las Vegas area. I visited the facility in the Washoe County, Reno area. They are in desperate need of more shelter beds.

Mr. President, the American public should recognize, realize, understand, and acknowledge that this money being spent for these domestic crisis shelters is money well spent, and that we are going to save the taxpayers' money by allowing women to come to these shelters and turn their lives into productive ones. We are going to save money because their kids will be educated with the proper home setting. There will be less money spent in our criminal justice system, in our educational system, and our welfare system because we are willing to spend these few dollars spread out over the country to help women escape from the prisons they find themselves in because of their husbands and companions.

The Family Violence Prevention and Service Program has never received funding over $10.7 million a year. This year it is going to receive double that. I think that is commendable.

We have about 1,300 shelters in the country with only 40,000 beds, it is estimated, there are about 4 million battered women. More women are battered every year than are hurt in auto accidents, muggings, and rapes combined.

As I mentioned and I repeat, everyone should acknowledge and recognize how serious this problem is, Mr. President. Of all the women who go to an emergency room for hospital care, 20 percent go because they have been beaten by their husband or companion.

People ask why don't these women just leave? Well, they cannot. They frequently have no place to go.

This movement to help women who are in abusive relationships started in the seventies, when there was some help being offered to these women by setting up informal safe houses. That is really what they are even today. They are safe houses. We call them shelters. It is a way for a woman and her children to escape, to be safe. These safe houses, as they are in the Las Vegas and Reno area, are places in neighborhoods where they are not advertised, so the batterer cannot go and again abuse the woman. These shelters allow women to regain their self-esteem, search for jobs, find new housing, and to live without fear of violence against themselves or their children.

I have talked to and interviewed and visited with battered women on a number of occasions. I cannot express words to describe how thankful and grateful they are for these safe havens. These shelters save lives. Of course, the services offered in them help women find jobs, find new homes, but they also save lives because, Mr. President, these batterers many times go too far. They kill their spouses or loved ones. The more shelters there are in regions, statistics show, the fewer partner-perpetrated homicides there are because women have a place to go.

So again, I express my appreciation to Chairman HARKIN, and his staff, for seeing the importance of these shelters and agreeing to increase funding by almost $10 million.

As I indicated, this will double the appropriation over fiscal year 1991 and now no longer will three out of four women have to be turned away from shelters. The numbers may be reduced to one in two. We hope it can go that far.

In these times of budget constraints, the subcommittee has recognized that women should not have to live their lives in fear of their companions—and I appreciate that very much.

I also express my appreciation to those women and men who have advocated for the battered women's community. There is a network across the country that was able to notify the members of the subcommittee and Senate how important it is that these domestic crisis shelters be funded.

Many of these people who have worked to get the message to us have been women who are survivors, survivors of abuse.

I also want to talk about something in this bill that is extremely important, and that is the funding level as it relates to libraries.

Mr. President, on July 10, just a couple months ago, President Bush addressed the White House Conference on Library and Information Services. During that address, the President quoted a former President, one who was instrumental in establishing the Library of Congress, Thomas Jefferson. He quoted, "A democratic society depends upon an informed educated citizenry." No one can disagree with this.

Who can disagree with this important premise? No one. Education, learning, literacy, and libraries are the essential cornerstones for an effective and living democracy. The library and democracy are interchangeable. One implies the other.

One of the first things happening in Eastern Europe with the breakup of that Iron Curtain is the fact that people are now having the right to go to libraries. Of course, the books are not there that should be there, but that is one of the first things that they are working on. Why? Because democracy and language are interchangeable.

In his remarks the President also went on to boast that "today, our more than 15,000 public libraries serve nearly 70 percent of our population, and they use less than one percent of our tax dollars."

The President and I have agreed on a lot of things during the time that I have been in Congress. But here we disagree. There is nothing to boast about when our libraries serve fewer than 70 percent of our citizenry and the Federal Government brags about the fact that less than 1 percent of our tax dollars is spent on this subject.

Only $35 million was requested by the administration for libraries in the fiscal year 1992 budget. Meanwhile, there are as many as 27 million functionally illiterate people in the United States, 70,000 in Las Vegas alone. This is the way it is all over. I was this morning, as I was dressing, watching one of the network news programs. They were promoting something that was going to come up in the next segment and they were talking about a woman who ran a successful business who could not read, and it bored her so much that she went public with this, and has now completed, as the program indicated, a walk across the country, promoting the fact that people should be able to read promoting literacy.

My wife spent considerable time, Mr. President, in Nevada promoting literacy and as a result of the work that she and others did—she was the chairperson of a statewide group that was trying to develop literacy programs—the State legislature adopted a program to work on literacy. Literacy is a problem all over the country not just in Nevada. It is a problem in Iowa, Oregon; it is a problem in Virginia. In every State in the Union people are functionally illiterate even though they may have graduated from high school.

I went to a hearing and testified at a hearing that Senator SIMON conducted where a professional football player came in, an all-pro professional football player came in and with tears in his eyes explained that he could not read and that he was now able to read as a result of an adult literacy program.

So how we are ever going to help people who are functionally illiterate read without adequate library services? I assume we could do it but it makes it much more difficult.

In the early part of this century and last century, many people came to America, the land of opportunity. They depended on our libraries to learn our language and our culture and become productive citizens of this country.

Amy Tan is a Chinese-American novelist. Again I mention my wife. She has read two of her books and just finished one of them. Amy Tan is a Chinese-American novelist of great repute. She wrote an essay when she was 8 years old called "What the Library Means to Me." The essay was published in the Santa Rosa Press-Democrat, and I want to quote part of it here. Amy Tan was then only 8 years old, and no one probably recognized she would be a great author and publisher of bestsellers. She said at 8 years old:

> I love to read. My father takes me to the library every two weeks, and I check out five

> or six books each time. These books seem to open many windows in my little room. I can see many wonderful things outside. I always look forward to go to the library.
>
> Once my father did not take me to the library for a whole month. He said the library was closed because the building is too old. I missed it like a good friend. I wish we can have a real nice and pretty library like my school. I put 18 cents in the box and signed my name to join Citizens of Santa Rosa Library.

Today, millions of Americans are denied the opportunity given to Amy Tan. Millions of our fellow citizens cannot go to the library, or read, or write, or even understand the phone book. They will never know the beauty of philosophical ideas, or the humor of Mark Twain, or the social histories contained in the pages of "Gone With the Wind" and the "Grapes of Wrath."

The administration requested only $35 million for libraries.

I was born and raised in a small rural community in the southern tip of the State of Nevada, and fortunately my father was a great reader. He had never graduated from the eighth grade but he read a lot and I like to read because he liked to read, I guess, and I never traveled as a young boy but I traveled with my mind. Reading those books, some of which were probably not great literature, but I envisioned being an athlete by reading the books, and when I went to participate in athletics later on I am sure part of my desire to make the team and do those things was a result of the things I read about what others had done. I was able to travel in my mind as a result of what I was able to read.

As I mentioned, though, Mr. President, the administration requested only $35 million for libraries. This committee, though, has approved over $149 million, $83 million alone for library services, $49 million more than the administration request. The committee has provided more than $19 million for public library construction. The administration requested no funding for public library construction. The committee has provided almost $20 million for interlibrary cooperation. The administration requested no funding for interlibrary cooperation.

Mr. President, what we need to do as a body and as a government is recognize that there is more to this Government than how the report looks this year, how the budget looks this year.

We have to look down the road as to what we are providing for the American public. Again, we are going to save taxpayer dollars by investing in libraries, investing in books.

It is just as important to have libraries as boys and girls clubs. It is just as important to have libraries as it is to have parks and roads.

The committee has provided $5 million for library career training programs. The administration requested no money for this activity. The committee has provided $325,000 for library research and demonstrations. No funds were requested by the administration for this program.

The committee has provided almost $6 million for research libraries. The administration requested no funds for research libraries. The committee has provided $6.4 million for college library technology and cooperation grants. The administration requested no funding for college library technology. The committee has provided almost a million dollars for foreign language materials for public libraries. The administration requested no funds for this program.

Senator SIMON, the junior Senator from Illinois, has written a book called "The Tongue-Tied American," and in that book Senator SIMON talks about why we as a people need to do a better job with foreign languages, why it is important for us as a people to be able to understand and have people that can speak foreign languages.

During this break, Mr. President, I had the opportunity to spend some time with one of my sons. We vacationed together. I can remember we were in a hotel on one of those days. I was trying to explain to one of the housekeepers that I needed to get back into the room. I did not have my key and I wanted to get back in the room and I could not. She had no idea what I was saying. She did not speak English. My 23-year-old son came up. He spent 2 years in Ecuador and speaks fluent Spanish. I said, "Leif, would you tell her what I want," and they began to communicate. Her whole body language changed; her eyes brightened; she had a smile on her face because we could communicate. That is what this is all about.

We, as a government, are spending the paltry sum of $976,000 for foreign language materials for public libraries. But that is $976,000 more than would have been spent had not this committee taken action. We really need to do a better job, Mr. President, of articulating the need that young people speak, understand, and become aware of the need to develop expertise in foreign languages.

Finally, I want to say that the administration requested no funding for library literacy programs—no funding for library literacy programs when literacy legislation was signed into law just a short time ago, within the past 5 weeks.

So, again, I praise this subcommittee and the chairman and the ranking member for having in this bill that is now before the Senate $8.2 million for this activity. That is only 30 cents per illiterate American, and if you consider inflation it is probably less than Amy Tan put in the box when she was 8 years old for the Santa Rosa Library back in the 1950's.

But it is something. It is a beginning. It is an acknowledgement that illiteracy is a problem in this country. It is a recognition of the problem. It is an attempt to do something.

Right before our break, Mr. President, I went over to the American Folklife Center at the Library of Congress and spent some time with Gerald Parsons, the reference librarian there. I went over specifically to learn more about someone's music that I think a lot of, and that is Woody Guthrie, a great American folk singer. He not only sang folk songs, but he wrote them; hundreds of them.

He wrote those songs during the Depression, most of them before he became ill and was unable to do much writing anymore. But he wrote great things: "This Land Is Your Land; This Land Is My Land." He wrote about the Depression. He wrote about the migration of American people because of the Dust Bowl. He wrote as poets write. He could say in a song what some people would take volumes to say.

What a lot of people do not understand is he wrote a lot of those songs when he was on welfare. He was on welfare, but it was the right kind of welfare. He was being paid. He was a member of the WPA, the Works Program Administration, where he was being paid to be an artist.

Many of the great American artists started as welfare recipients. They were paid to draw pictures, make posters, to develop symphony orchestras, bands. Woody Guthrie was paid to write songs, and write songs he did. So Woody Guthrie is somebody I wanted to learn more about, and I did learn a lot about him.

We have a great collection over here of Woody Guthrie memorabilia, many of his letters. I did not have time to go through all of them, but I spent several hours. I want to read to you a portion of one of those letters dated September 19, 1940:

> The Library of Congress is good. It has helped me a lot by recording what I had to say and to copy all of my songs and file them away so the senators caint find them. Course they're always there in case they ever get a few snorts under their vest and want to sing. I think real folk stuff scares most of the boys around Washington. A folk song is what's wrong and how to fix it, or it could be who's hungry and where their mouth is, or who's out of work and where the job is, or who's broke and where the money is, or who's carrying a gun and where the peace is. That's folk lore and folks made it up because they seen that the politicians couldn't find nothing to fix or nobody to feed or give a job of work. I can sing all day and all night, sixty days and sixty nights, but of course I aint got enough wind to be in office.

Woody Guthrie found America, and through the library, we can find Woody Guthrie and experience his life and observations. Those couple of hours I spent over there in the Library of Congress, Mr. President, were great hours. I mean I enjoyed that. I cannot describe how enjoyable it was reading the letters that he wrote to his family and he wrote to the man in the library that was cataloging it, arranging his work.

We learn the truths about how average American folks think. That is what libraries are all about. That is what my experience was about in going to the Library of Congress and learning more about Woody Guthrie.

I have talked on this floor about the importance of our own Library, the Library of Congress. But it is only an example of what we need to do throughout the country with libraries and how we as a national government must be the leaders in library development around this country.

So, I guess, as Woody Guthrie would say, we need a lot less wind here in Washington. What we need is to find where the minds are and how to enlighten them; where the functionally illiterate folks of this Nation are and how to teach them to read. Our democracy depends on it.

So again I would like to commend the Labor-HHS Subcommittee for approving these desperately needed funds, and the full Appropriations Committee for its approval. There is much more to be done, but at least it is a beginning.

There are many other great points in this bill. As I indicated, my tour of the National Institutes of Health was important to me personally. I think I am a better Senator for having had the opportunity to go through there and meet with people and discuss with them some of the great things they are trying to do.

Mr. President, I was in Reno attending a UNR-UNLV football game this past Saturday. I met a man who told me he really was from Boulder City but had lived in Reno for many years—that his adult son is paraplegic, as a result of a diving accident.

Had this young man been able to receive treatment that the National Institutes of Health has now developed for spine traumas caused by diving and car accidents, and motorcycle accidents, he probably would not be in a wheelchair today. They have developed at the National Institutes of Health a procedure whereby, if administered to someone shortly after the accident has taken place and they are given extremely high doses of steroids, they can stop the paralysis from taking place, because the human body is such that after the injury takes place, the spinal cord severs itself.

The work that has been done at the National Institutes of Health will allow many people who otherwise would be paralyzed to not be paralyzed, and that is because of the money we have given the NIH to do research. They are not doing all that needs to be done. But they are doing a significant amount with the resources given them by Congress.

Again, Mr. President, I commend, I applaud the subcommittee chairman, Senator HARKIN, for steering this bill to the place that it is, with the significant improvements that it has in it. Thank you, Senator HARKIN.

I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:20 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is H.R. 2707, the first committee amendment.

Who seeks recognition?

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1696 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CANADIAN TERMINATION OF THE SOFTWOOD LUMBER MOU

Mr. BAUCUS. Mr. President, on September 3, the Canadian Government announced its intention to terminate the 1986 United States-Canada softwood lumber memorandum of understanding.

In my view, this is an outrageous and highly provocative step.

In 1986, the Canadian Government gave its word that it would stop subsidizing the export of lumber to the United States. Now, it has decided to break its word.

Mr. President, a deal is a deal. And if the Canadian Government is no longer willing to stop subsidized lumber exports to the United States, the United States must take immediate, unilateral steps under section 301 of the United States trade law.

HISTORY OF THE MOU

In order to understand why the United States must act to stop the flow of subsidized Canadian lumber it is necessary to review the history of the softwood lumber MOU.

In the early 1980's, the United States was hit by a flood of lumber imports from Canada. The imports surged because Canadian provinces subsidized lumber exports, not because the Canadian industry was more competitive.

The subsidies came in the form of artificially low government stumpage fees—the fees paid for the right to cut timber from government land.

Canadian provincial stumpage fees were a fraction of the actual value of the timber stands. According to an ITC study done at the time, Canadian stumpage fees were consistently about one-tenth of the stumpage fees in the United States on similar stands of timber.

These low fees gave Canadian lumber companies a tremendous competitive advantage over their United States counterparts.

The resulting flood of subsidized Canadian lumber claimed more than a third of the United States market. More than 600 U.S. mills were closed and 30,000 timber workers lost their jobs.

In 1986, the United States lumber industry filed a successful countervailing duty case to impose a duty to offset Canadian subsidies on imported Canadian lumber. As a result of the industry case, the Commerce Department ruled that a 15-percent duty should be imposed on Canadian lumber entering the United States.

In order to avoid imposition of the duty, the Canadian Government agreed to collect the 15-percent duty as an export tax unless and until the provinces ceased their subsidies. The United States and Canada agreed to jointly monitor enforcement of the export tax.

These commitments formed the basis of the softwood lumber MOU which went into effect on December 30, 1986.

The industry and a number of Senators and Congessmen—including myself—were initially skeptical of the administration's plan to set aside the countervailing duty case in favor of the MOU. But we were eventually persuaded by commitments from the administration to impose the duty under U.S. trade laws if the export tax was not collected.

I ask unanimous consent that a series of Reagan and Bush administration statements on this topic be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE U.S. GOVERNMENT HAS REPEATEDLY COMMITTED TO ENFORCE FULLY THE LUMBER AGREEMENT

The following chronology summarizes selected statements by U.S. Government officials supporting the enforcement of the U.S.-Canadian Softwood Lumber Memorandum of Understanding (MOU). The Administration has repeatedly committed that if Canada fails for any reason to collect all charges contemplated by the MOU—even if Canada terminates the MOU—the United States will collect any shortfall at the border, if necessary through the use of Section 301.

April 22, 1986: Letter from President Reagan to Senator Symms Crucial in Obtaining Congressional Approval for FTA Negotiations:

"I am strongly committed to finding a rapid and effective solution to the lumber and other pending trade problems between the United States and Canada. I am optimistic that progress on lumber can be made before a comprehensive agreement [FTA] would be presented to Congress for its approval. My commitment to ensuring that American industries and business have fair opportunities to compete has not diminished."

April 25, 1986: Press Report:

"U.S. Trade Representative Clayton Yeutter told reporters that lumber is a 'frontburner' issue for the administration and 'it plans to stick to a pledge to some U.S. senators that it will take unilateral action to help correct the problem if current negotiations with Canada fail to resolve the dispute soon.'"

May 8, 1986: Letter from President Reagan to Senator Packwood:

"Once again, I want you to know that I am committed to finding a rapid and effective solution to the Canadian softwood lumber problem which restores for the American lumber industry a fair opportunity to compete. If this cannot be achieved through bilateral negotiations with Canada, then I will take such action as may be necessary to resolve this problem consistent with U.S. law."

December 30, 1986: Determination by President Reagan Under Section 301 of the Trade Act of 1974:

"Fulfillment of the objectives and commitments in the Understanding is of critical importance. Therefore, I intend to take or to authorize all appropriate action in response to any future failure by the Government of Canada to meet the objectives and commitments of the Understanding."

December 30, 1986: Memorandum from President Reagan to the Secretary of Commerce Under Section 301 of the Trade Act of 1974:

"Fulfillment of the objectives and commitments of the Memorandum of Understanding is of critical importance. If the Secretary of Commerce determines that such export charges are not being fully imposed, I will take action (including the imposition of an increase in the tariff on softwood lumber imported from Canada) to offset any shortfall in the full imposition of the export charge or of the replacement measures therefor."

December 30, 1986: Letter from Secretary Baldrige and U.S. Trade Representative Yeutter to Stanley Dennison, Chairman of the Coalition for Fair Lumber Imports:

"Should the Canadian Government breach its obligations under the Memorandum of Understanding or terminate this agreement, the U.S. Government will take all appropriate actions (such as acting under section 301 of the Trade Act of 1974 to impose import duties equal to the charges which the agreement contemplated would have been collected by the Government of Canada and/or the provincial government) in response to the failure by the Government of Canada to meet the objectives and commitments of the Understanding."

May 19, 1988: Letter from Acting Secretary of Commerce to Mr. Dennison:

"Our goal is to ensure the integrity of the agreement."

July 26, 1988: Letter from Under Secretary Moore and Deputy U.S. Trade Representative Holmer to Mr. Dennison:

"We want to assure you that the United States Government's position continues as expressed by our predecessors in their letter of December 30, 1986."

August 5, 1988: Letter from U.S. Trade Representative Yeutter to Congressman Wyden in Response to Letter on Behalf of the Congressional Forestry 2000 Task Force, an Organization of 131 Members of Congress:

"The agreement has contributed significantly to the strong recovery of the U.S. lumber industry, and has helped stabilize North American lumber trade. We are committed to the intent and substance [of the] agreement and to the full enforcement of U.S. rights."

October 5, 1988: Letter from Under Secretary Moore and Deputy U.S. Trade Representative Holmer to Canadian Deputy Minister Shannon:

"For any action that upsets the balance originally achieved by the MOU, the United States is fully within its rights to take corrective measures."

January, 1989: Response from U.S. Trade Representative-designate Caria Hills during Confirmation Hearing:

"Senator Symms: Do we have your strong commitment to enforce the [lumber] memorandum of understanding promptly and thoroughly?

"Ms. Hills: Absolutely, Senator Symms.

"Senator Pryor: And you will work to keep that agreement [the Softwood Lumber Agreement] in full force and effect?

"Ms. Hills: Yes, indeed."

November 1, 1990: Letter from Secretary Mosbacher to Congressman Wyden in Response to Letter from Co-chairmen of the Congressional Forestry 2000 Task Force:

"We are firmly committed to the MOU and will take any action necessary and appropriate to enforce the terms of the agreement."

January 18, 1991: Letter from Secretary Mosbacher to Congressman Wyden:

"We are firmly committed to the MOU and will take any action necessary and appropriate to enforce the terms of the agreement."

February 22, 1991: Testimony of Deputy Assistant Secretary Chorlins to the House Subcommittee on Regulation, Business Opportunities and Energy:

"I am pleased that you [the Subcommittee] are interested in this agreement [MOU], one which we strongly support.

"Absent a permanent market-oriented system, the U.S. Government remains firmly committed to the MOU and stands ready to take any action necessary and appropriate to enforce the terms of the agreement.

"We have not seen any evidence of such structural changes in Canada that might eliminate the need for the MOU. Therefore, we cannot contemplate the termination of the MOU.

"Senator Wyden: What I understand you to have told me is that, number one, the Bush administration in no way wishes to change from the Reagan administration's position that they will use any tool necessary, including countervailing duties, including [Section] 301 [of the Trade Act of 1974], to enforce the agreement [MOU].

"Ms. Chorlins: I would simply reiterate, any tool which would be necessary and appropriate according to our statutory and international obligations."

March 19, 1991: Press Report:

"U.S. Ambassador to Canada Edward Ney reportedly said, 'I think you have to realize that the U.S. has a signed agreement of memorandum and there would have to be a compelling reason as to why it should be changed. The American people feel—the lumber industry—that it has worked out.'"

March 23, 1991: Press Report:

"President Bush told Canadian Prime Minister Brian Mulroney that he opposes any changes in the MOU, a U.S. trade official said."

April 10, 1991: Letter from Deputy Assistant Secretary Chorlins to Congressman Wyden:

"However, I can assure you that, in the event of any violation or abrogation, the Administration would not preclude the possibility of responding under any of the several options available under U.S. law, including section 301.

"As always, the Administration stands ready to take the steps necessary to offset the effects of unfair trade on the U.S. lumber industry. If U.S. lumber producers believe that they are being injured by dumped or subsidized imports from any source, the Department of Commerce is prepared to work with them to determine whether additional antidumping and/or countervailing duty investigations would be appropriate."

April 22, 1991: Letter from U.S. Trade Representative Hills to Congressman Packwood in Response to Letter from 32 U.S. Senators:

"The U.S. Government remains firmly committed to the MOU and, as we have said, will take any action necessary and appropriate to enforce the terms of the agreement. The nature of our response would, of course, reflect any action Canada took or proposal it made. In the event of a violation or abrogation of the MOU, we have not ruled out any options available under U.S. law, including section 301 if that were necessary."

THE WHITE HOUSE,
Washington, DC, December 30, 1986.

Memorandum for the Secretary of Commerce.

Subject: Determination Under Section 301 of the Trade Act of 1974.

Under Section 301(a)(1)(A) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)(1)(A)), I have determined that action is feasible and appropriate to enforce rights of the United States of America under the Memorandum of Understanding on trade in softwood lumber products, which was signed today by the Government of Canada and the Government of the United States of America. Fulfillment of the objectives and commitments in the Memorandum of Understanding is of critical importance. Therefore, I direct the Secretary of Commerce to determine periodically whether the Government of Canada and the Canadian provincial governments are fully imposing the export charge and any replacement measures therefor, as specifically agreed to in advance by the U.S. pursuant to the Understanding on softwood lumber products. If the Secretary of Commerce determines that such export charges are not being fully imposed, I will take action (including the imposition of an increase in the tariff on softwood lumber imported from Canada) to offset any shortfall in the full imposition of the export charge or of the replacement measures therefor.

This agreement with the Government of Canada will enhance the ability of our softwood lumber industry to compete by negating the impact of Canadian provincial practices which the U.S. Department of Commerce preliminarily determined to confer subsidies.

This agreement successfully addresses the problems that led the U.S. softwood lumber industry to file a petition under the countervailing duty law with the Department of Commerce. As a result, the U.S. industry is withdrawing its petition and the Department of Commerce will terminate its investigation.

Under the Memorandum of Understanding, the Government of Canada will impose a 15 percent tax on exports of softwood lumber to the United States. This tax may be phased out proportionately as the Canadian provinces increase the charges imposed on softwood lumber production.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.

THE CONTINUING NEED FOR THE MOU

Mr. BAUCUS. In a press release on this topic, the Canadian Government argued that the MOU was no longer needed. This statement is simply untrue.

There are two compelling reasons why the United States lumber industry still needs protection from unfair Canadian subsidies.

First, stumpage subsidies continue at very high levels in Canada.

Three of the four major lumber provinces—Alberta, Ontario, and Quebec—still extend stumpage subsidies and are still subject to the export tax.

Even in British Columbia, the province that has done the most to end subsidies, stumpage subsidies remain.

According to a survey done by the U.S. Coalition for Fair Lumber Imports, British Columbian timber is still subsidized 35 to 50 percent. A recent study by the B.C. Forest Resources Commission concluded that government stumpage fees were only about 25 percent of privately auctioned stumpage fees.

In fact, if the U.S. industry were willing to go through the expense and risk of filing a new countervailing duty case, it could win duties significantly higher than the 15-percent duty set in 1986.

Second, the progress that has been made toward decreasing provincial subsidies would rapidly disappear if not for the MOU.

The MOU forced some reform in the provinces. Were it not for the MOU, the provinces would likely slip back to their old ways. There are already widespread rumors that British Columbia plans to cut its stumpage fees once the MOU is terminated.

In short, with the MOU gone, a flood of subsidized timber is likely to flow in from Canada. U.S. mills will once again close and American workers will once again lose their jobs.

ACTION

The United States cannot stand by and let this happen.

We have worked for years to tailor U.S. trade law to respond to such eventualities. The United States must take immediate action under section 301 to reimpose the duties imposed on Canadian lumber in 1986.

Senator PACKWOOD and myself are now circulating a letter to urge the President to take such action.

Further, if this issue is raised in any international forums, the United States should resist any effort to discuss the United States duty until the Canadian subsidies are eliminated.

Finally, we should consider the Canadian record of keeping its trade commitments before we conclude any further agreements with Canada.

CONCLUSION

Admittedly, this is a prescription for strong action. But let's not let the issue get clouded by Canadian rhetoric.

Two points are indisputable:

First, Canada does extend unfair subsidies to its timber industry. These subsidies are unfair trade barriers as surely as quotas or prohibitive tariffs. And until Canadian protectionism ceases, the United States has no choice but to shield the United States lumber industry from its negative effects.

Second, Canada has gone back on its word to the United States by terminating the MOU.

Clearly, strong action is necessary to defend the U.S. lumber industry and protect the credibility of U.S. trade policy.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETURN OF SENATOR PRYOR

Mr. BAUCUS. Mr. President, I see on the floor one of the most respected and most beloved Members of this body. It is my very good friend, the very dear friend of all of us in the Senate, the Senator from Arkansas [Mr. PRYOR].

All of us many months ago were shocked, were stunned, at the illness that beset Senator PRYOR. He had a heart attack. Many of us the next day immediately went over to George Washington Hospital to see Senator PRYOR. In fact, Senator PRYOR is so beloved that so many of us went over to see him that finally the doctor had to close the door and say no more of us could come over and see him.

This is the first day the Senate has been in session since the return of the Senator from Arkansas, and I deem it a great honor to be one of the first to speak on the floor after the August recess and to speak in honoring him and welcoming him back. I can think of no person that I respect more, and I can say that I think on behalf of everyone else in this body about the Senator from Arkansas. We are honored and happy, we are overjoyed, with his very healthy and triumphant return to the U.S. Senate.

The PRESIDING OFFICER. The Chair will join in those sentiments. I am sure he expresses the sentiments of the entire Senate. It is a pleasure to be in the chair when the Senator from Arkansas returns to the floor.

We are grateful to have you back with us. Very, very deep welcome from all of us to you, Senator PRYOR.

Mr. HATFIELD. Mr. President, I may associate myself with the remarks of the Senator from Montana and say to my treasured friend from Arkansas, it is such a much greater pleasure to be able to stand here and associate myself with accolades, compliments, and analyses of your sterling character when you are here to hear it, and we are all grateful.

The Lord has preserved you for obviously unfinished business, not only on behalf of the family that you represent but also your State and your Nation. We are just very, very honored to welcome you back to the body of the Senate.

PRIVILEGE OF THE FLOOR—H.R. 2707

Mr. HATFIELD. Mr. President, I ask unanimous consent to have permission granted for floor privileges to a fellow on my staff under the auspices of the U.S. Information Office, Milan Lovisek, one of the first of the fellows from Eastern Europe, a lawyer and professor of political science, from Czechoslovakia. I ask unanimous consent to have him present on the floor during the consideration of our appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETURN OF SENATOR PRYOR

Mr. PRYOR. Mr. President, I will only keep the floor a short time but first I would like to say to the distinguished Senator from Montana and to the distinguished Senator from Oregon how very much the Senator from Arkansas appreciates the very fine comments they have just made on the floor of the U.S. Senate.

I might just say that the last 4 months, Mr. President, have been very educational for me. I was one of those people who believed that these sorts of things happen to everyone else except me. But, Mr. President, it happened to me, and I can tell you that I hope I have learned from this experience.

As a small boy growing up in Camden, AR, I used to read constantly about the U.S. Senate. I was always fascinated with the Senate. I was always fascinated and impressed by Senators. I still am, Mr. President, I might say.

But I always remember the old adage, or old saying, or old definition of the Senate, which is that the Senate is the most exclusive club in the world. I do not know if it is the most exclusive club in the world, but I can tell you I think truly it is perhaps the most special family in the world. It is a very special family of men and women from 50 separate States and regions, from diverse political parties, and every kind and sort of political persuasion you could imagine. But during any time when one of us is in trouble, or especially undergoing a life-threatening situation, this family somehow comes together during that moment like they came together for me, and I will always be grateful. The Senator from Montana, for example, Mr. President, said that he could not get in the hospital to see me. But I can tell you what he did. He and his wife baked probably the finest chicken I have ever eaten and brought it to my home, and it was wonderful. It was as nice an act of kindness, friendship, generosity, and caring as I have ever experienced, and as I received from many, many of my colleagues from throughout this body.

The Senator from Oregon called almost every week. He called our administrative assistant, Don Harrell, and made inquiries about this Senator, wanting to know how this Senator from Arkansas was, what they could do, and said that the Senator from Arkansas was in the prayers of the Hatfields and other Members of the Senate that he met with on a regular basis.

Mr. President, I am grateful for that friendship and I am grateful for that caring. I know that a lot of people say pretty bad things not only about this place as an institution but also about individual Members of this fine institution. But I can truthfully say that it is a very special family to me and it has never meant more to me, Mr. President, than it has meant during the last 4½ months during this period of recuperation. I have felt those prayers, I have felt that caring, and I have felt the depth of that friendship in my daily pursuits.

Mr. President, I thank my colleagues.

COMMUNISM COLLAPSES, NATIONS ARE BORN ANEW, BUT NOTHING CHANGES THE PHARMACEUTICAL INDUSTRY'S SKYROCKETING PRICING PRACTICES

Mr. PRYOR. Mr. President, during these past several months, we have seen the breakup of the Soviet Union and the dismantling of its Communist Party. The failed coup has laid the needs of what we hope will be a successful and new democratic Union of Sovereign States. We have witnessed the long-awaited freedom rightfully returned to the Baltic States, and the recognition of these states as independent nations by the United States of America.

We have welcomed home our troops from Saudi Arabia, Kuwait, Iraq, and surrounding areas. With the ending of the war, the release of two hostages and the altering of previously unalterable positions by Israel, Syria, and others, our hopes for peace in the Mideast have been raised as they never have been before. The list of these and other mind-boggling changes on the political and economic front of the world stage seem endless, and hard for us to imagine at this time.

The developments on the world stage attest to the old saying that the one constant in life is that it changes. It is clear, however, that there are extraordinarily unfortunate exceptions to this rule.

What has not changed has been our continued stagnation on the domestic front, right here at home, Mr. President. We have yet to meet the intimidating challenges of improving our educational system so that our young people can compete. We have failed to stem the tide of crime and of drugs. We have failed to clean up a troubled banking system. On top of all this, our health care system has failed to alter its course, and remains a system that is only available to only a portion of our population.

If ever we needed a change of direction, or a reevaluation or a change in policy, it is in our Nation's health care system. This year, we will be spending over $670 billion and almost 12 percent of our gross national product on health care. Despite this investment, 20 percent of the population of my home State of Arkansas has absolutely no insurance, no possibility of having insurance, and many more today in my home State are afraid that they and their employers will no longer be able to afford the high cost of becoming ill. The cost of the insurance that they have and the health care services and the products that they need are going to very soon be beyond their grasp. It is plain as plain can be that the individuals and the businesses simply cannot afford health care price inflation that continually doubles the general inflation rate.

Mr. President, in recent months, I have had occasions to require health care services. I am very proud to report, and very grateful to be able to report it, that I have had the best. I am one of the fortunate few. The treatment I received from highly trained doctors in excellent hospitals and health care facilities enables me today to stand on the floor once again of the U.S. Senate. I now can fully appreciate, however, that health care is expensive and frequently unaffordable. This unacceptable situation must be changed.

Unfortunately, the pricing policies of the pharmaceutical industry also have not changed. Despite years of hearings, floor statements, speeches, and incremental legislation, the drug manufacturing industry of America today has chosen to continue to turn a deaf ear on pleas from Americans and their representatives to stop hiking prices to unconscionable and unthinkable levels.

During the first 6 months, Mr. President, of 1991, the general inflation rate was running at the rate of 3.3 percent annually. Prescription drug prices have risen 3½ times this—11.2 percent. Once again, in the first 6 months of 1991, the general inflation rate was 3.3 percent. The drug price inflation rate, 11.2 percent. This is mind boggling. It is staggering. It is an increase that comes on top of prescription drug price inflation that tripled the rate of general inflation during the decade of the 1980's.

In addition, there is new evidence that the U.S. drug manufacturing industry continues to realize record profits at an all time high. In addition, they spend more of our hard-earned money than ever before on marketing, advertising, and promotion of their new products.

Just last Saturday, an article in the Washington Post described how one drug company is today trying to get doctors to prescribe their drugs by giving them a free dinner at an expensive hotel in Baltimore as well as $100 gift certificate for medical books.

We saw in Time magazine just a few weeks ago an article about one particular drug company which is giving doctors frequent flier miles on an airline if they prescribe for their patients drugs which that company manufactures. Who is actually footing the bill for these unnecessary and costly promotion activities, Mr. President? The American public and the American health care system—you and I and all of us in this country, especially those individuals today who cannot afford any longer to pay the bloated, inflated prices for the drugs that they need to survive and to live.

I am not the only person who has taken notice of how profitable the pharmaceutical manufacturing business continues to be. One analyst, Mr.

President, writing in the July 29, 1991, copy of Fortune magazine said that the drug industry continuously awards its shareholders "with returns on equity 50 percent higher than the median for Fortune 500 industry companies." He stated that they are able to do this through "hefty prices increases on drugs that have been around for years."

A different analyst, writing in another recent issue of Fortune magazine, said that "the recession hasn't kept drug sales from sailing to mood-altering heights." The analyst said that the drug industry revenues would increase over 15 percent this year and 14 percent next year, resulting in profits increasing by another record-breaking level of 18 percent.

As a matter of fact, the July 29 cover of Fortune magazine had a lead story about "America's most profitable business."

What is America's most profitable business, Mr. President? It is, of course, the pharmaceutical manufacturers of America.

Recent data show that the elderly continue to be the most vulnerable to prescription drug inflation. An August 1991 Congressional Budget Office study found that "60 percent of Medicare enrollees face potentially catastrophic out-of-pocket health care expenses either because they have no coverage to supplement Medicare or because their supplementary coverage does not include prescription drugs."

Because of 11 years of unrelenting inflation, a drug that cost $20 in 1980, now costs that average American $53.76, an increase of over 268 percent. If current inflation trends continue, the same $20 drug will cost $77.06 in 1995, a 365-percent increase and $120.88 in the year 2000, a 604-percent increase.

Today, I am taking this opportunity to send a message to the drug manufacturing industry that my interest in doing something about this problem has not changed. By recommitting itself to continued price increases and greed, the industry has assured my commitment will be stronger than ever. We cannot and will not abandon American consumers who are being continually subjected to unjustified price increases by the drug manufacturing industry.

Mr. President, it will take more than wishful thinking on the part of this Congress for the drug manufacturing companies to change their pricing practices. Soon, the American public will justifiably hold us accountable for not taking responsible, decisive action to bring prescription drug prices under control.

Mr. President, despite the dire warnings from the industry that they need their enormous profits to invest in research and development, there are responsible proposals that this Congress can enact to bring down the high costs of medications, while providing meaningful incentives to invest in research. These are the policy objectives that I intend to vigorously pursue and I invite my colleagues to join me in this urgent endeavor.

In conclusion, let me say that the old adage applies here, "the more things change, the more they stay the same." Communism in the Soviet Union collapses, nations in the Baltics are born anew, but unless we have the courage to do so, apparently nothing will change the pharmaceutical industry's skyrocketing pricing practices.

Mr. President, I ask unanimous consent that the articles I referenced in my statement, as well as a March 18, 1991, Time magazine article, be printed in the RECORD immediately following my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Fortune Magazine, July 15, 1991]

THE ECONOMY/18-MONTH FORECAST: THE WINNERS AND LOSERS

(By Alison Sprout and Jessica Skelly von Brachel)

The recession cast its pall selectively, and the recovery will begin just as unevenly. Is the consumer leading it? Clothing and housing will rebound, but cars will languish. Capital goods? Aircraft are flying high, but heavy-equipment makers are dragging. Drugs do well in good times and bad; Wall Street is on a roll; chemical and paper producers will still be hung over in 1992. But with few exceptions. U.S. industries will enter 1993 in fine shape. Here's the outlook for 19 of them.

AUTOS: SPUTTERING BACK TO LIFE

The American auto machine is in gear—just barely. Car and truck sales turned around in the first quarter, but from such a low base that Fortune estimates they will still be off 10% from 1990, at 12.5 million units. Combined 1991 operating losses for GM, Ford, and Chrysler will be $3.1 billion, says Ronald A. Glantz, an analyst at Dean Witter. Sales will pick up next year to a decent 14.7 million rate as the recovery restores consumers' financial strength. And the industry's: Glantz looks for a combined profit of $3.3 billion in 1992.

Shoppers are visiting showrooms but leaving without wheels. Banks and auto finance companies are chary of lending to people whose liabilities as a percent of disposable income have reached an all-time high. Sales to rental and corporate fleets have taken up some of the slack, but as retail buyers trickle back into the market, Asian cars should gain ground—the fleets buy almost exclusively American, but consumers do not. Asian market share for cars will rise from 29.3% to 32.3% by 1992, projects J.D. Power & Associates, a market research firm. The Japanese will make less headway in truck sales, increasing market share just over two percentage points by 1992. As the travel and homebuilding businesses recover, full-size vans and pickups will move sooner than any other vehicles. Too bad they make up only 11% of the auto and light-truck market.

CLOTHING: MORE FLAIR

For customers and manufacturers alike, fashion will become fun again as people start to worry less about where their money is coming from and more about how to spend it. After dressing up old work duds with accessories in 1990, women are beginning to add to their wardrobes again. Says Walter Loeb, publisher of the Loeb Retail Letter: "The adventure is back." Retail spending on women's apparel has already edged up. Jay Meltzer, an analyst at Goldman Sachs, expects sales to increase 3% for the year and 4% in 1992. With store inventories generally lean, increased sales will quickly translate into higher manufacturing revenues. Meltzer sees profits rising 10% this year and 15% in 1992. To satisfy the demand for affordable clothes that go from workday to weekend with ease, more pricey designers are offering secondary lines that retail for 40% to 50% less than their signature lines. Two appearing soon are A Line by Anne Klein and Apriori by Escada. An unnamed new entry from Carolyne Roehm will appear in the fall.

DRUGS: EXTRA STRENGTH

The recession hasn't kept drug sales from sailing to mood-altering heights. Pharmaceutical revenues will rise 15% this year and 14% next, says Richard Vietor, an analyst at Merrill Lynch. Profits will climb at an even more euphoric rate of 18% each year because of cost-control efforts and a preponderance of high-margin prescription drugs in the product mix.

Blockbuster products account for most of this industry's growth, and by 1992 Vietor expects at least 30 new drugs to be approved by the Food and Drug Administration. A few have huge market potential. Ticlid, from Syntex, would be the only drug approved for the prevention of second strokes; doctors recommend aspirin now. Pfizer's Norvasc would treat at least two kinds of heart disease. And several million men over the age of 50 with signs of prostate problems could find relief from Merck's Proscar. Drugs could be less dreamy after 1992. Major patents are expiring, and the FDA will be approving more generics. Analysts also worry that a recently passed law guaranteeing Medicaid patients drugs at the lowest price charged any customer could herald more aggressive efforts to control industry profits. Says Paine Webber analyst Ronald Nordmann: "There is a lot of saber rattling in Washington."

HOUSING: BACK FROM THE BASEMENT

Homebuilding has bottomed out, but what a bottom it was. Even with modest increases in every quarter, starts will still be down 15% for the year as a whole to just over one million—the lowest in three decades and 44% below the recent 1986 peak. Demand is not the problem. The National Association of Realtors expects mortgage rates to remain in the single-digit range for the rest of this year, luring first-time buyers and allowing others to trade up to higher-priced homes. Prices have started to rise—the median existing house cost $100,200 in April, up 4.9% from a year earlier. Personal income should climb in line with future house-price increases, though, keeping affordability around its current level.

But developers cannot get financing. The National Association of Homebuilders estimates that 48% of the nation's builders will be cash-starved because bankers are nervous about lending to them. Expect starts of 1.26 million next year as banks loosen up. Meanwhile, the urge to buy will express itself partly in sales of existing homes, which Barbara Allen of Kidder Peabody thinks will be up 4.8% this year to 3.455 million and 5.6% in 1992.

WAGES, PRICES, AND PROFITS: CATCHING UP

Business will be handing out bigger raises this year and next. As a result, hourly compensation will climb 0.5 percentage point faster than consumer prices—the first time it has out-stripped inflation since 1986. But unit labor costs won't increase faster, because productivity will improve enough to offset the pay increases. After a dismal couple of years, output per hour will grow 1% during 1991 and 1.2% during the following four quarters. Even so, overall GNP price inflation will head toward a 5% annual rate by the second half of 1992. Many companies will take advantage of the rebound in demand to raise prices. With unit labor costs under control profit margins—which have been depressed far longer than the recession—will stage a modest rebound.

CONSUMER SPENDING: EASY DOES IT

Income has picked up, and after back-to-back quarterly declines in spending, consumers are heading to the malls again. But because they are loaded with debt and worried about job security, they will spend prudently. Fourtune predicts outlays will grow at less than a 3% annual rate through the end of 1992, vs. 5% during the 1983-84 recovery. Pent-up demand will be most evident in cars. During the past year people delayed trading in the many aging vehicles they bought in the mid-1980s. Now it's replacement time.

CAPITAL SPENDING: STRENGTH IN EQUIPMENT

The coming profit pickup, though moderate, will go far toward spurring equipment purchases, especially among companies modernizing to meet foreign competition. Computers, manufacturing machinery, and heavy trucks will be in demand. Aircraft deliveries will also lift the investment total. All told, after slumping in the first half, equipment outlays will grow at a 7% annual rate through the end of 1992. Business spending on structures, however, will decline slightly. Energy producers will be adding capacity and pollution controls, but the surplus of offices, stores, and hotel rooms will continue to depress construction.

FOREIGN TRADE: BETTER ALL THE TIME

The U.S. trade deficit is becoming a non-issue. Fortune estimates that the gap between exports and imports of merchandise fell to an annual rate of $75 billion this spring, a third below the $115 billion of last summer. The improvement will continue through the end of next year, though at a far less dramatic pace averaging $1 billion per quarter. Imports, which fell during the worst of the recession, will increase again. So will payments for imported oil, which had dropped after spurting in the months before the war. The dollar has come back from its lows of late 1990 and may rise a bit more before the end of the year, but U.S. manufacturers will continue to prove their competitive mettle in global markets. Though the gains may look modest compared with the double-digit increases of the late 1980s, the volume of merchandise exports will still grow at a 4% annual rate over the next year and a half. Foreigners increasingly want American consumer products, among them motorcycles, audiotapes, and CDs.

The current account, which includes services, investment income flows, and government transfers, turned to surplus temporarily in the first quarter because of the inflow of funds from Gulf war allies. The basic deficit hasn't disappeared, but it will shrink. Payments to contractors for rebuilding war-damaged Kuwaiti infrastructure and oil fields will contribute to a growing surplus on services. But the large outflow of interest payments on U.S. Treasury securities owned by foreigners will continue unabated.

GOVERNMENTS: DOUBLE TROUBLE

That $40 billion of allied war contributions will offset some of the federal receipts lost to the recession. The fiscal 1991 deficit will increase anyway, from $220 billion last year to an estimated $250 billion, partly because of the rising cost of the S&L bailout. The Congressional Budget Office estimates spending to resolve thrift problems at $80 billion this year, vs. $65 billion in fiscal 1990, and about $110 billion in fiscal 1992—pushing the total deficit in that year to over $300 billion.

Out beyond the Beltway, governors, county executives, and mayors are trying to sell higher taxes and less service to their constituents. As a group, they will probably overdo the austerity. Since the expanding economy will pull in more revenues, deficits would start to improve without large changes in taxes or spending. The negative is that shrinking state and local deficits will restrain the recovery.

[From Time magazine, Mar. 18, 1991]

MEDICINE: CHEAPER CAN BE BETTER

(By Andrew Purvis)

The new heart drug hit the market in 1987 in a blinding flash of pitchmen, promotion and public relations hoo-ha. The product of biotech breakthroughs, TPA was touted as clearly superior to the competition, a clot-busting drug called streptokinase, on the market for 15 years. Though TPA (for tissue plasminogen activator) is 10 times as expensive as the older drug, the majority of U.S. doctors bought the pitch, and the new drug became the favored method of breaking up clots in heart-attack victims. Then last week an international team of researchers reported what some doctors had suspected all along: the fancy new medication appears to be no better at saving lives than plain old streptokinase. In fact, it seems to carry a slightly greater risk of causing strokes.

The saga of TPA is a glaring example of what some experts believe is a pervasive problem in American health care: how high-pressure marketing tactics by drug companies combine with the lure of a glamorous high-tech product to persuade doctors to adopt the latest medication, even when it offers no clear advantage. "Doctors are enamored of new technologies," says Dr. Stephen Schondelmeyer, director of the Pharmaceutical Economics Research Institute at Purdue University. "We have this attraction to 'new is better,' even though that is not always true."

Usually, the added cost of a new drug is justified by an obvious benefit. Second- and third-generation antibiotics, for instance, can work when older, cheaper antibiotics like penicillin fail. In other cases, a costly new drug may break new ground, as ADT did in treating AIDS.

But with TPA, the price difference was extreme—about $2,500 a treatment vs. $220 for a dose of streptokinase—while the advantages were murky. Several studies showed that the new drug worked more quickly to open up blocked arteries, but whether that really made a difference in patient survival was unclear.

Then why were U.S. doctors so quick to adopt the medication? For one thing, cost is still not a primary concern for many U.S. doctors. In Canada and Europe, where cost constraints and rationing of health care are a matter of course, TPA did not enjoy great success; streptokinase plus ordinary, cheap aspirin remain the standard anticlotting therapy. In addition, pervasive fears of malpractice suits in the U.S. add to the pressures on doctors to use the latest technique.

But the biggest reason TPA took off was the aggressive promotional campaign launched by its manufacturer, Genentech. The worldwide market for anticlotting agents, or thrombolytics, is estimated at $600 million a year. To get a substantial piece of the action, Genentech relentlessly promoted its product not just to doctors and patients but to researchers as well. "I have never seen anything like it," said Dr. Charles Hennekens, U.S. coordinator for the study released last week.

Genentech, Hennekens says, refused to participate in the international study, which compared TPA with streptokinase and a third thrombolytic called anistreplase, so a British-made version of TPA was used instead. Moreover, Hennekens says, when he tried to recruit doctors to participate, he found that some had been told by Genentech salesmen that using the other drugs in the trial could endanger their patients. Streptokinase, they were told, could cause cerebral bleeding, and anistreplase, which is derived from human plasma, was alleged to carry a risk of AIDS infection. Neither danger is significant, said Hennekens. Genentech denied any direct meddling in the trial and disputes the study's findings on methodological grounds.

Though TPA is a dramatic example, many heavily promoted new drugs offer only subtle advantages over cheaper alternatives. Dr. Sidney Wolfe, an outspoken consumer advocate in Washington, says that 70% to 90% of newly approved drugs are not important therapeutic advances. One example: substances called lower osmolarity contrast mediums, introduced in 1986. Used in taking diagnostic pictures of internal organs, they are believed to be only marginally safer than existing agents but are sold at up to 12 times the price.

Overzealous marketing practices in the drug industry have attracted attention in Washington. At a Senate hearing in December, critics cited a litany of abuses that seemed to cross the line between advertising and bribery. Roche, for example, paid doctors $1,200 to prescribe a new antibiotic to 20 hospital patients in exchange for minimal information on the results of the therapy. Another company offered free mileage on American Airlines for using Inderal LA, a hypertension drug. Last week the recently appointed FDA commissioner, Dr. David Kessler, told the committee that regulating drug promotion would be a top priority in the coming year.

In an era when healthcare costs in general are growing out of control, it is becoming increasingly difficult for the government, insurance companies and doctors to ignore the cost factor in medicine. And as patients bear more and more of the costs, they should realize that the latest, slickest new treatment is not always just what the doctor should order.

RX FOR INFLUENCING DOCTORS

Frequent prescriber plan: Wyeth-Ayerst Laboratories give doctors 1,000 points on American Airlines' frequent-flyer program for each patient they put on the hypertension drug Inderal LA.

Profitable research: As part of a "study," Roche pays doctors $1,200 if they prescribe the antibiotic Rocephin for 20 hospital patients.

Big-shot program: In return for purchasing vaccines, Connaught Labs awards points redeemable for VCRs, personal computers and TVs.

Computer freebie: Consortium of 10 drug companies provides doctors with free $35,000 computer systems if they spend 20 minutes a week reviewing "promotional messages" and "clinical information" and complete four continuing medical-education programs a year.

Beachside bonus: Ciba-Geigy offers free Caribbean vacations to doctors in return for their sitting in on a few lectures about Estraderm, an estrogen patch.

[From Fortune, July 29, 1991]

DRUGMAKERS UNDER ATTACK

(By Brian O'Reilly)

No American industry has ever defied the laws of economic gravity like pharmaceuticals. For the past 30 years the drugmakers of the Fortune 500 have enjoyed the fattest profits in big business. They also evoke some of the most intense emotions, as anyone who has been to the drugstore lately knows: gratitude when a sorely needed medicine works—and fury at what it costs.

Drugmakers have rewarded shareholders with returns on equity 50% higher than the median for Fortune 500 industrial companies (see chart). In recent years the gap actually *widened*: Returns on equity for these investors' darlings climbed to 26% in 1990, double the Fortune 500 median. Part of that was the payoff from successful new medicines like Mevacor, a cholesterol cutter from Merck, and Prozac, an antidepressant from Eli Lilly. But part of it also came from hefty price increases on drugs that have been around for years. During the 1980s the average cost per prescription for established drugs climbed at double the rate of inflation.

Small wonder that the industry is under assault. Patient advocacy groups, the federal and state governments, and large corporations, which feel the pain through mounting costs for medical plans, are asking hard questions about what drugmakers charge. Congressmen and Senators leap before the TV cameras to decry outrageous profiteering. One frequent critic, Senator David Pryor, an Arkansas democrat and chairman of the Special Committee on Aging, ominously notes that the U.S. is the only major country that regulates neither drug prices nor drug profits.

AIDS victims were among the first to protest. They raged at Burroughs Wellcome for putting a $10,000-per-year price on AZT, which slows the onset of the disease's symptoms. They got the price cut twice. Attorneys general for more than 30 states filed an antitrust suit against Sandoz, maker of the schizophrenia drug Clozaril. Patients who take it need weekly blood tests; Sandoz insisted they buy the drug and the tests from a California supplier, at a cost of $9,000 a year. Sandoz later dropped the requirement.

Drug industry leaders think much of the criticism is unfair. "We don't want to see a gem of U.S. industrial prowess hampered by limits on prices," says John R. Stafford, CEO of American Home Products and chairman of the American Pharmaceutical Association. Asks a more combative Edmund T. Pratt Jr., chairman of Pfizer: "What industry would you rather have be the most profitable?"

Pratt has a point. The next-most-profitable industries in the current Fortune 500 sell soap, food, and soda pop. But this business saves lives. Even Pryor, one of its harshest critics, might not be around today without the medicine he has taken since a recent heart attack. "It may be lifesaving," he says "but that does not mean you can charge whatever you want for it. I can afford to buy my drugs. Too many other Americans simply cannot."

The industry produces powerful economic benefits. Pharmacies carry scores of new medicines that reduce the need for costly surgery and prevent the loss of work time to illness. Economic chauvinists can thump their chests over the industry's success as well: By one estimate, U.S. manufacturers account for 42% of the major drugs marketed worldwide.

Don't expect this river of success to roll on forever. In the next few years, profits will almost certainly fall. While virtually every large pharmaceutical company is highly lucrative now, the business will get much riskier. By the mid-1990s, companies that turn out truly innovative products—the possibilities include medicines for enlarged prostates and for joint deterioration from arthritis—will make more money than ever. But those that have grown fat producing high-priced me-too medicines will face price wars and shrinking profit margins, bitter pills indeed. Upjohn won't be able to boost earnings the way it does now, by raising the price of some old drugs 25% to 30% a year. And Glaxo, a British company, will have to fight hard to show why doctors shouldn't start patients on over-the-counter antacids, at perhaps $50 a year, before going to Zantac ulcer medicine, at $500.

How has the industry made so much money for so long? Drugmakers would like you to believe their earnings are the natural reward for brilliant science and gargantuan spending on research and development. Those are important—they helped make Merck the largest seller of drugs in the world and will buoy the performance of Bristol-Myers, Squibb, and Pfizer in the next few years. Companies without them eventually fade away. But innovation doesn't explain all.

While drugmakers funnel hundreds of millions into R&D (typically 15% of revenues, a much higher proportion than in other industries), they spend up to twice as much on sales and marketing. American Home Products, a superb marketer with one of the poorest records of innovation, earned a 46% return on equity last year, ranking it 16th on the FORTUNE 500, one notch behind Merck (with 46.5%).

Those earnings flow from a peculiar combination of competent research, some genuinely innovative products and many that aren't, marketing muscle, and immensely valuable patent protection. Most important, says Robert P. Bauman, CEO of SmithKline Beecham, which makes Tagamet, one of the best-selling drugs in history, "it's a business that has never competed on price." Many industries benefit from one or another of these qualities and conditions, but only drugs has them all in quite so potent a combination.

For all its voluptuous profitability, the pharmaceutical industry is not huge. Americans paid some $50 billion for prescriptions in drugstores and hospitals last year (vs. $150 billion for cars and $100 billion for computers). The rest of the world paid $120 billion for prescription drugs. Nor does the industry command a growing wedge of the health care pie. Mainly because other medical costs have risen so fast, drugs and supplies as a percent of medical spending in the U.S. has declined sharply, from 16% in the 1960s to 7% today. That is far less than in Japan, the world's second-largest drug market, where doctors make money dispensing medicine themselves and drugs make up 17% of health spending (see box).

In the 1980s the industry's already robust profits began to improve. Companies deglomerated: American Home Products, Lilly, Squibb, and others sold off candy, cosmetics, and other less profitable nondrug lines. Sterling, Rorer, and Warner-Lambert cut administrative and manufacturing costs.

Even more significant were new scientific methods that begot the first billion-dollar babies—ulcer medicines Tagamet from SmithKline and Zantac from Glaxo, which each take in $1 billion or more annually at wholesale worldwide. They in turn opened a new era of drug marketing, in which armies of salesmen march across the globe drumming up demand. Says Paul Brooke, a pharmaceutical analyst at Morgan Stanley: "The $50-million-a-year drug of the 1970s became the $500-million-a-year drug of the 1980s."

Before Tagamet, pharmaceutical R&D consisted mainly of trial and error—testing dirt samples for possible antibiotics or injecting plant extracts into laboratory animals to see what would result. Developing a $100-million-a-year drug typically required trials on over 60,000 compounds, says Jay Silverman of Nomura Research in New York City.

But in the late 1970s scientists developed an understanding of receptors in the body that block or trigger biochemical responses; new laboratory tools made if feasible to tailor molecules to fit those receptors. Hence Tagamet, which works by blocking a histamine receptor in the gut that triggers acid secretions. Good for patients, it proved so effective that ulcer surgery was virtually eliminated. Good for SmithKline, it had impressive economics: At around 80 cents per patient per day wholesale, Tagamet generated far more sales than ordinary antacids. Introduced in 1977 in the U.S., the drug hit the $1-billion-a-year mark worldwide in 1986.

Glaxo came up with Zantac in 1981. It has fewer adverse interactions with other drugs than Tagamet does. But Glaxo's real breakthrough was in marketing. Rather than rely entirely on its sales force, the company contracted with hundreds more "detail men" from Hoffmann-La Roche to promote Zantac all over the world.

Despite a U.S. price 50% higher than Tagamet's Zantac promptly shoved the original aside, says Bauman, who was head of Beecham Group of London when it merged with SmithKline in 1989:"History may show that SmithKline was a little complacent. But Glaxo was the pioneer in realizing the power of marketing." Zantac's sales last year totaled $2.4 billion, the highest ever for a drug. Tagamet sold $1.2 billion. In both cases, about half those revenues came from the U.S.

The power of marketing turned out to be stunning indeed, especially for companies with new, high-priced drugs for chronic illness. The 1980s brought plenty, including cholesterol cutters, preparations for arthritis known as NSAIDs, and blood-pressure reducers known as ACE inhibitors. Says Marc Mayer, a security analyst at Sanford Bernstein in New York: "There was an awakening, that the amount of marketing money you could spend on a high-margin drug for chronic illness was vast."

Why vast? New drugs commonly sell at wholesale prices three to six times what they cost to make. The generous gross margins give drug companies loads of money to spend. Mayer cites Squibb's ACE inhibitor Capoten, another medicine with annual global sales of more than a billion dollars, used to treat high blood pressure. Druggists might pay $300 for a year's supply that costs only $50 to produce. Says Mayer: "A person on an antihypertensive stays on it the rest of his life. That's often thousands of dollars over the life of a patient. It's an annuity for the drug company. It pays for a lot of sales calls."

Mayer figures that if a salesman visits 40 or so doctors, and only one puts a single patient on such a drug, the company covers the salesman's cost. With arithmetic like that, the surprise is that the number of detailers only rose 50% in the late 1980s. "Companies expand their sales forces until they run out of doctors to call on," Mayer says. Many drugmakers have three or four sales teams, so when a doctor gets fed up seeing one detailer, another can come pushing the same product.

Detailers are often knowledgeable—many are licensed pharmacists—but dubious selling practices do occur. In 1987, American Home Products launched a program that allowed doctors to earn airline tickets by prescribing Inderal, a blood-pressure medicine facing competition from far cheaper generic drugs, and submitting patient profiles. Critics called it the Frequent Prescriber plan. Massachusetts Medicaid officials began an investigation; AHP let the program expire and refunded $195,000 to the state. Last December the American Medical Association issued guidelines that discourage doctors from accepting expensive gifts from drugmakers.

The extent to which companies have cranked up what they charge for existing products is revealed in a Purdue University study of wholesale prices for 104 pharmaceuticals, which account for 80% of industry revenues from the elderly. The prices rose an average of 8.6% a year from 1981 to 1988, more than twice the average increase in the consumer price index. One barometer of the pricing freedom enjoyed by drug companies with patents: Generic drugs rose just 2.7% per year during that time.

Every manufacturer would like to slap a fat price tag on his product without worrying about customers switching to competing goods that cost less. How do drug makers get away with it? Ask your doctor. In this business the person who makes the buying decision is not the person who spends the money and cares most about what a drug costs. Says Dr. Jerry Avorn, an associate professor at Harvard medical school: "Prices are high because there's a unique relationship at work. The person who pays is not the person who prescribes." A student of prescribing habits, Avorn consults for cost-containment services, firms that help corporations hold down employees' medical bills. He says many doctors are influenced as heavily by pitches and brochures from salesmen as by careful reviews of pharmacological data.

Avorn points to the NSAIDs, which include over-the-counter brands Nuprin and Advil, and prescription drugs with $5 billion in worldwide sales last year. The best-selling prescription versions in the U.S. include Feldene from Pfizer and Voltaren from Ciba-Geigy; daily doses cost around $2. Says Avorn: "If you look at the data, for most patients there is no difference in effectiveness between the expensive new drugs and older generic products that cost a fraction as much."

So why do doctors stipulate high-priced brands, and why have dozens of drug companies developed nearly identical products? "There's a lot of switching between brands," says Avorn. "For many patients, arthritis pain never really goes away, so when a patient complains, the doctor will say 'Mrs. Smith, you're not doing well on Feldene. Let's try Voltaren.' Many doctors have no idea what the new drug costs."

In this market, ordinary economics seems not to apply. Since the real decision-makers—doctors—care little about prices, discounting neither wins market share nor stimulates overall demand. In fact, says Ramesh Ratan, former controller at a division of Bristol-Myers, the opposite may occur. Instead of turning a market with $200 million in sales into one with $400 million, price cutting can slash revenues in half. The upshot, says Ratan: "Price wars don't exist in pharmaceuticals."

Drug company executives often deflect critics by complaining about the time and expense of getting new drugs approved by government bureaucrats. But for many companies, those hurdles wind up *boosting* financial performance. Producing a successful new drug probably costs around $200 million, if the cost of drugs that never make it is lumped in. The process usually takes 12 years, from the time a chemical is spotted as having a useful effect on cells in a test tube to the time of Food and Drug Administration approval. Only about 25% of a company's R&D budget goes for original, stab-in-the-dark research. Most is spent on three phases of testing spread over six to eight years, usually involving thousands of patients and hundreds of physicians and statisticians.

Ever since the 1961 thalidomide scandal, in which a fetus-damaging German sedative nearly made it into U.S. pharmacies, the FDA has been the world's strictest review agency. Last year it approved just 23 new compounds, 15 of which were already being sold in Europe. The trials and reviews add enormously to drug's cost, and since a compound is usually patented long before it is approved, the delay cuts about five years of useful life from a 17-year patent.

Yet those same FDA hurdles help make drug patents worth far more than patents in other industries. Explains James Vincent, CEO of Biogen, a Cambridge, Massachusetts, biotech company: "If a competitor changes a molecule even slightly, it can have a dramatically different effect on the body—and he has to start the FDA approval process all over again."

One consequence: Drugmakers that do fast and efficient R&D and get to market first reap enormous rewards. Stephen Schondelmeyer, who headed Purdue's studies of the industry and is now at the University of Minnesota, says companies with an innovative drug often enjoy years without competition, during which "they can price any way they want." The lengthy development period provides years of advance notice about what competitors are up to and enables companies to plan way ahead. Pfizer came up with few best-sellers during the 1980s but now has a pipeline full of new products. In anticipation it has hired 900 salesmen and created a sales company, Pratt Pharmaceuticals, named after the chairman.

The boom will end for many drug companies in the 1990s. Price pressure from the federal government, insurance companies, and HMOs is increasing. Blockbuster drugs that in some cases account for more than half their makers' earnings will go off patent, and generic knockoffs will invade their markets. Sales growth in Europe, source of much new revenue in the 1980s, may slow sharply too.

Last year, Congress passed a law that requires drugmakers to give rebates on prescriptions paid for by Medicaid, the federal and state program that helps the poor. If a manufacturer hikes prices faster than inflation, the rebate goes up. Medicaid is the industry's single-largest customer. By itself, the program accounts for only 13 percent of U.S. drug purchases, but the law has encouraged other big buyers to press drug companies harder. Elizabeth Dichter, vice president of PCS, a Scottsdale, Arizona, company that manages prescription drug benefits for 20 million corporate employees and dependents, describes the government as "the fat boy in the canoe. When it leans, everybody else winds up on the same side of the boat."

Until recently, organized pressure on pharmaceutical companies was rare, partly because there weren't many big buyers. Five years ago only 25 percent of the U.S. population had even part of its prescription costs paid directly by third parties. Now half the population is covered in that way, and Schondelmeyer of the Purdue studies estimates the proportion will climb to 65 percent by 1995.

The rise of companies like Medco Containment Services could change the economics of the industry. Medco saves money for General Motors, Mobil, Southwestern Bell, and other employers by overseeing worker and retiree prescriptions—$1.3 billion worth in the fiscal year ended in June. Lately it has been telephoning doctors who needlessly choose expensive drugs. In June it began sending pharmacists to visit doctors in Massachusetts and pointing out ways to cut unnecessary prescriptions. A primary target: Zantac. Medco President Martin J. Wygod contends that only rarely is it necessary to prescribe Zantac instead of other ulcer drugs.

Some 35 percent of the doctors Medco calls agree to switch, Wygod says. Charles Sanders, chief of Glaxo's U.S. operations, doubts such programs will have much effect: "If you attempt to practice medicine on the basis of price, you'll have a rebellion by doctors. They want to prescribe on the basis that they are giving the best medicine." Wygod's response: "Say we told a doctor in Lansing, Michigan, we were calling on behalf of General Motors. Most of his patients are GM employees or retirees, and he knows who's paying the bills." Pressure of the kind Medco applies could make it necessary for drugmakers to prove to big customers that their medicines are cost-effective. Those that are not will sell for less, or not at all.

When the patent expires on a blockbuster drug, generic makers eat away its market faster than they used to. Until the 1980s, getting FDA approval to launch a generic was difficult: The newcomer had to spend tens of millions to repeat the same elaborate clinical trials as the original maker. The Waxman-Hatch Act of 1984 reduces the requirement to showing that the generic product's active ingredient meets the same pharmacological standard as the original and is delivered as effectively to the body.

Scandals in 1989 over fraud and kickbacks by generic makers who wanted preferential FDA treatment slowed the law's implementation. But nowadays generics cut sales of major drugs by half within a year or two after the patient's expiration, much faster than before Waxman-Hatch. Makers of generics, such as Abbott Laboratories, Warner-Lambert, and American Cyanamid, can look forward to increasingly juicy targets. Patients expired last year on major drugs with annual U.S. sales of $363 million. This year the figure is $541 million, and it will leap to $1.9 billion in 1992 and $2.6 billion in 1993.

Patent expirations will whack some companies harder than others. Among the worst hit, analysts say, will be Upjohn, which by 1993 will lose drugs pulling in $550 million annually in the U.S. It recently developed a brilliantly original class of drugs called Lazaroids, which halt the spread of nerve damage when used shortly after an injury. But Rogaine, Upjohn's heavily advertised baldness remedy, hasn't met expectations, and other new drugs in the pipeline probably will not make up the loss from products on which patents are expiring. In an apparent effort to boost revenues, the company has jacked prices on some of those drugs through the roof. Xanax, an antianxiety drug, went up 25% between January 1990 and January 1991. Halcion, a sleeping pill, rose 30%.

Other companies will fare better: Pfizer has a huge repertoire of new products on the way. According to projections by Mayer of Sanford Bernstein, they will generate $4 billion in worldwide sales in 1995 and account for 40% of the company's revenues. Merck won't lose any major products before 1997 and has new stuff on tap that is estimated to bring in $3 billion in revenues in 1995. At Bristol-Myers, says Mayer, new drugs will make up $3.5 billion of annual sales by then.

The international environment won't get any better in the next few years. Largely because of varying government regulations, prescription prices in some parts of Europe are double those in others, says analyst Stewart Adkins of Shearson Lehman Brothers in London. The coming abolition of trade barriers could be a drugmaker's nightmare. To take advantage of price differences, wholesalers could buy drugs cheap in Barcelona and truck them to Stuttgart. By the time prices stabilize, says, Adkins, revenues could fall as much as 20%.

How will drugmakers keep margins healthy? Forget price increases, says Norman Selby, a drug industry expert at McKinsey & Co.: "The days of pricing above inflation are ending." The best prescription for profits, of course, is to find cures for cancer, Alzheimer's, arthritis, and other unsolved banes. Unique medicines that cut overall health care costs will also be in demand. Example: Merck's Mevacor, which lowers cholesterol and reduces the likelihood that a patient will need heart surgery.

Companies will have to rethink the marketing practices that have paid off so well up to now. Those armies of salesmen aimed at doctors may lose some brigades. With gimlet-eyed review boards at corporations and insurance companies exerting more control over which medicines get prescribed, drugmakers must learn to pitch drugs on the basis of economy as well as therapy.

Also indicated: more prudent R&D. Major firms today boast of pouring millions of dollars into the lab. But sheer bucks are a poor predictor of innovation. Much money is wasted on projects that fascinate scientists but have little commercial potential, or on low-risk, low-reward, me-too research. According to an Arthur D. Little study, Lilly and Merck spent about the same on R&D from 1980 to 1988, but Lilly has much less commercial success to show for it. In fact, companies that spent more on R&D didn't necessarily come up with more drugs, says Marsha Fanucci, the study's author.

One company that did, says Fanucci, is Merck. Its dramatic success demonstrates that R&D can be managed well. The Rahway, New Jersey, giant shook up competitors in the 1980s, for example, by setting new standards in clinical testing. While most drug companies try out compounds on 1,500 patients, Merck uses more, sometimes as many as 5,000. That increases the reliability of the tests, helps the drugs through FDA review, and gets them into pharmacies faster—payoffs that more than offset the added expense. The benefit for Merck: healthier patients and profits alike. Other drugmakers need to find equally clever ways to reach that dual goal.

AMERICA'S BEST-SELLING DRUGS

[Dollars in millions]

Product and maker	Ailment treated	1990 sales	Year patent expires
Zantac: Glaxo	Ulcers	$1,305	2002
Cardizem: Marion Merrell Dow	Hypertension and angina.	743	1992
Procardia: Pfizer	Hypertension and angina.	727	1991
Prozac: Eli Lilly	Depression	660	2001
Mevacor: Merck	High cholesterol	600	1999
Capoten: Bristol-Myers and Squibb.	Hypertension and congestive heart failure.	585	1995
Vasotec: Merck	Hypertension and congestive heart failure.	570	2000
Tagamet: SmithKline and Beechom.	Ulcers	560	1994
Ceclor: Eli Lilly	Bacterial infections	500	1992
Naprosyn: Syntex	Arthritis	455	1993

Fortune table; source: Medical Advertising News.

[From the Washington Post, Sept. 7, 1991]

FDA WILL PROBE SMITHKLINE ON PITCH FOR UNLICENSED DRUGS

(By David Brown)

The Food and Drug Administration said this week it will investigate complaints that SmithKline Beecham, the giant pharmaceutical company, may be promoting unlicensed drugs in the hope that doctors will be "primed" to prescribe the medicines should they be approved.

If the complaints prove true, the move could end one version of a common drug marketing strategy in which doctors are lured by free meals and gifts to hear drug company sales representatives pitch their prospective products.

Federal law prohibits drug companies from promoting drugs that have not won FDA approval and from promoting drugs for unapproved uses.

SmithKline last month held three sessions in Baltimore in which a "marketing consultant" met with doctors to discuss nabumetone, a pain-killer and anti-inflammation drug the company is developing. Three more meetings are planned for this month to discuss paroxetine, an antidepressant. Neither has been approved by the FDA.

The doctors were given free dinner at the Stouffer Harborplace Hotel in downtown Baltimore, as well as a $100 gift certificate for medical books. A company spokesman said similar dinners are planned for other cities, including Pittsburgh, Fort Lauderdale, Fla., and New York.

Invitations to the dinners were sent by fax machines to an office at Johns Hopkins Hospital. A doctor there who was offended by the ploy passed them on to the Public Citizen Health Research Group, a watchdog organization here, which complained to the FDA.

"Priming prescribing doctors to be poised to write prescriptions for a drug whose safety and effectiveness have not been established to FDA's satisfaction is a practice which FDA has clearly stated to be illegal," Sidney M. Wolfe, a physician and director of the Health Research Group, wrote to FDA Commissioner David A. Kessler. Wolfe asked Kessler to "promptly initiate criminal prosecution" of SmithKline.

The legality of the dinner meetings apparently hinges on whether they were legitimate "focus groups" put together by the drug company or 2½-hour advertisements dressed up to look like market research.

The invitations to both dinners said, in part: "Your role will be to examine and discuss the profile of this new important product . . . ; and offer your suggestions on how to best communicate efficacy, safety and patient management to other physicians when this product is introduced. Let me emphasize that the proceedings of this meeting will be strictly confidential. We'd like to offer you a complimentary dinner and a William & Wilkins (medical book publisher) gift certificate worth $100. Are you interested in attending?"

The session to discuss the antidepresent drug, called paroxetine, was addressed to "internists, primary care, fellows, sr yr (senior year) residents." The session for the pain-killer was for "rheumatologists and primary care physicians."

SmithKline, which had worldwide sales of $9 billion last year, maintains that the sessions are part of its pre-market research. Jeremy Heymsfeld, director of corporate information for the company in Philadelphia, said about 10 doctors showed up for each session.

"If we find that the invitation was sent out to a large number of physicians," an FDA spokesman said, "it would be considered a promotional activity and not legitimate marketing research. In that case, it would probably violate FDA rules regarding promotion of unapproved drugs."

Heymsfeld said the meetings had a different purpose: "The point of the meetings is to obtain information (such as how) doctors think we should best communicate the attributes of the two drugs, perhaps what other studies should be done, things of that nature."

"We have these kinds of meetings all the time for both marketed drugs and ones that are not yet on the market," Heymsfeld said.

SmithKline's dinner meetings differ markedly from focus groups run by one marketing research company that does work for drug firms.

"Generally, market research is done at a market research facility where there is a one-way mirrored wall that allows a client to observe the meeting," said Frank J. Smith, president of physician communications at the Vanderveer Group, of Fort Washington, Pa.

Physicians are drawn from a "data base," and usually are screened with questionnaires before the sessions to make certain they represent the population whose opinions are being sought, Smith said.

The two drugs discussed at the dinners are each members of highly competitive and lucrative classes of prescription medicine.

Nabumetone is a "non-steroidal anti-inflammatory drug" (NSAID), a large family whose best known member is ibuprofen, which is sold as Motrin and several other brand names. More than 100 million prescriptions for NSAIDs are written each year, and some people with chronic inflammatory diseases such as rheumatoid arthritis take the drugs for years on end. In 1984, about one in seven Americans was treated with one of the drugs, according to a recent study.

Paroxetine is in the same chemical class as fluoxetine, the world's largest selling antidepressant, sold as Prozac.

The doctor who passed the SmithKline invitation to the Health Research Group did not attend the dinners. He said this week, however, that he had attended a similar meeting several years ago while he was a medical resident in Kansas City.

That meeting concerned a drug already on the market. A company salesman handed around copies of promotional material and, after a brief presentation, asked for critiques.

"Basically, you have 15 or 20 doctors sitting around a table drinking wine and having a good time," said Edward F. Ellerbeck, now a fellow in general internal medicine at Johns Hopkins. During the discussion, some of the doctors reiterated positive statements about the drug that were made in the promotional materials. "Other doctors saying positive things about a drug has much more influence on you than if the pharmaceutical representative has said it," Ellerbeck recalled.

"Even though this was under the guise of market research, it appeared that it was more an attempt to change my prescribing practices," he said.

At the end of that session, each doctor was given $100 in cash as payment for "consulting services." Ellerbeck said he went to the meeting in large part because of the promise of a good meal and the cash.

The American Medical Association since has said that it is unethical for doctors to accept cash gifts for attending educational or promotional sessions run by drug companies. Small gifts that benefit patient care, such as medical books, are allowed.

The AMA has not speficially said whether a gift certificate for medical books, such as was offered by SmithKline at the recent dinners, is allowed. The AMA guidelines permit physicians to be paid for legitimate consulting work done for drug companies.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the matter before the Senate now is Labor, Health and Human Services——

The PRESIDING OFFICER. Yes, H.R. 2707. What is pending is the first committee amendment.

Mr. HARKIN. Mr. President, I ask unanimous consent committee amendments 1 through 8 be laid aside.

The PRESIDING OFFICER (Mr. GRAHAM). Is there objection? Without objection, it is so ordered.

STATEMENT ON LABOR-HEALTH AND HUMAN SERVICES-EDUCATION APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2707, the Labor-Health and Human Service-Education appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $584 million and under its 602(b) outlay allocation by $491,000.

I compliment the distinguished manager of the bill, Senator TOM HARKIN, and the distinguished ranking member of the Labor-Health and Human Services-Education Subcommittee, Senator ARLEN SPECTER, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Labor-Health and Human Services-Education appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2707—LABOR-HHS SUBCOMMITTEE—SPENDING TOTALS—SENATE REPORTED

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2707:		
New BA and outlays	182.3	146.8
Enacted to date	20.9	54.2
Adjustment to conform mandatory programs to resolution assumptions	−2.3	−2.2
Scorekeeping adjustments	0.0	0.0
Bill total	200.9	198.8
Senate 602(b) allocation	201.5	198.8
Total difference	−0.6	−(*)
Discretionary:		
Domestic	58.3	57.8
Senate 602(b)	58.9	57.8
Difference	−0.6	−(*)
International	(*)	(*)
Senate 602(b)	(*)	(*)
Difference	−(*)	−(*)
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	58.3	57.8
Mandatory spending	142.6	141.0
Mandatory allocation	142.6	141.0
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	2.2	0.4
Senate-passed bill	NA	NA
House-passed bill	−0.2	(*)

AMENDMENT NO. 1083 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 3, LINE 24

(Purpose: To increase the amounts made available for disease control, biomedical research, mental health, low-income home energy assistance, legalization assistance grants Head Start, Chapter I basic grants, and Pell grants, offset from defense)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. BRADLEY, Mr. ADAMS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. BURDICK, Mr. CRANSTON, and Mr. KERRY, proposes an amendment numbered 1083 to excepted committee amendment beginning on page 3, line 24.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4, line 2, strike all after the word "for" and insert the following: "the program year July 1, 1991, through June 30, 1992; for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training", $150,000,000.

(b) In addition to amounts appropriated in this Act, there are appropriated to the National Institutes of Health for "National Cancer Institute", $400,000,000, and "National Institute on Aging", $170,000,000.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Alcohol, Drug Abuse, and Mental Health Administration for "Alcohol, drug abuse, and mental health", $100,000,000.

(d) In addition to amounts appropriated in this Act, there are appropriated to the Administration for Children and Families for "Low Income Home Energy Assistance", $400,000,000, and "Human Development Services", $900,000,000, for carrying out the Head Start Act: *Provided*, That of the amounts available under this Act for carrying out the Head Start Act, $900,000,000 shall not be subject to sections 640(a)(2)(C), 637(5)(B) and 640(a)(3)(A) of that Act.

(e) Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended to read as it did prior to its amendment by the Department of Health and Human Services Appropriations Act, 1992, and is further amended by adding at the end thereof the following new subparagraphs:

"(D) Funds appropriated for fiscal year 1992 under this section are reduced by any amount in excess of $400,000,000. Of the amount remaining, $6,000,000 shall be available, through fiscal year 1994, for Federal administrative costs.

"(E) For fiscal year 1993, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $2,000,000,000 (less the amount described in paragraph (2) for each of fiscal years 1990 and 1991) less the amount made available for allotments to states under subsection (b) for fiscal years 1990, 1991, and 1992."

(f) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $258,000,000, which shall be available for basic grants under section 1005 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and which shall remain available through September 30, 1993.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $270,000,000, which shall remain available through September 30, 1993: *Provided*, That, notwithstanding any other provision of this Act, during the 1992–1993 program year, $2,500 shall be the maximum Pell grant that a student may receive.

(h) In addition to amounts appropriated in this Act, there are appropriated to the Health Resources and Services Administration for "Health resources and services", $100,000,000.

(i) Of the funds appropriated or otherwise made available to the Department of Defense in any appropriations Act making funds available to the Department of Defense in fiscal years before fiscal year 1992 and which would remain available until expended, $7,616,281,000 of the remaining balances are rescinded: *Provided*, That no funds appropriated or otherwise made available for military family housing, National Guard and reserve equipment, military construction for any National Guard or Reserve unit, in any appropriations Act shall be rescinded.

(j) Notwithstanding section 601(a)(2) of the Congressional Budget Act of 1974 as amended, the fiscal year 1992 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $3,148,000,000 in budget authority and $1,632,000,000 in outlays; the fiscal 1993 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $1,516,000,000 in outlays; and the defense spending limits, as adjusted under section 251 of said Act, are decreased by budget authority and outlay reductions resulting from paragraph (i)."

Mr. HARKIN. Mr. President, the amendment that is now pending at the desk adds $3.15 billion to the bill for 10 programs that are underfunded by the regular bill. The increases included in this amendment would have been in the body of the regular bill had our 602(b) allocation been higher. This additional spending is offset by reducing Defense Department outlays by $1.63 billion during fiscal year 1992 by rescinding prior year unobligated balances.

I might just say for the benefit of the Senators, this is the amendment that I have been proposing. It has been around now for about a month-and-a-half or so. "Dear Colleagues" have been sent out from me to Senators' offices. I am sure the staffs have them if the Senators have not had the opportunity to read them yet.

This is the basic transfer amendment. This is the amendment by which I seek to reduce outlays in DOD, the Defense Department, and to shift those outlays for much needed programs in the area of health and human services and education. I will get, further in my remarks and my statement about the amendment, into exactly how this is done. But I wanted Senators, and especially their staff, to know that this is the Harkin transfer amendment about which so much has been spoken lately.

People have been talking about it and asking me when I was going to offer it. Earlier I said I did not know exactly when because I did not know, during the day, how amendments would be offered, and how things would be worked out. With the laying aside of the first eight amendments, I was able to bring up this amendment today. I am hopeful we can debate this issue and vote on it sometime yet this afternoon.

This amendment offers the Senate a simple and straightforward choice: Do we start investing in solutions to our Nation's pressing domestic problems? Or, in the aftermath of the events of the past month, do we continue to pour billions of dollars into the subsidy of Europe's defense against a now nonexistent Soviet Union?

For the past decade, we have been told that there are things more important to America than meeting our domestic challenges. We have been told that in this dangerous world in which we live, there are demands more pressing, concerns more important, and threats to our national security more immediate than the health and welfare of our people.

So, year after year we have been asked to stop investing in our country so that we can build weapons to help people in other countries. I do not mean to go back and debate that. What I do want to say is that today, in constant dollars, we are still spending $64 billion more on defense than we were in 1980. Let me repeat that. In constant dollars, we are still spending $64 billion a year more than we were in 1980.

Compare that to the $6 billion decrease in the discretionary human resources programs in this subcommittee over this same period of time. So compared again in constant dollars, the 1980 defense is still up $64 billion; constant dollar spending on things like health, biomedical research, education, job retraining, all those programs under the jurisdiction of this committee is down by a total of $6 billion.

Today, we are at a crossroads and we need to make some choices. That is what this amendment is about, choice. The Old World is over; a New World has begun. The Warsaw Pact is disbanded; the cold war is over. In the past month, the Soviet Union itself has dissolved, and now we need to address ourselves to new choices and to this New World.

Do we continue to throw billions of dollars to combat the now nonexistent threats of the past? Or do we start investing in the real challenges that confront us? The defense buildup in the 1980's was predicated on the Warsaw Pact and the Soviet threat. In fact, according to the Pentagon's own estimates, some 60 percent of our military budget was devoted to stopping a surprise Soviet Warsaw Pact attack on Western Europe. In present spending, that is about $160 billion a year that we are spending to stop an attack by a military force that no longer exists, led by a country that no longer exists. Imagine that. Go out to the people of this country and tell them: You have a choice. Do you want to continue to spend $160 billion of your money—that is what it is, it is your money—to defend Europe from the Soviet Union, or whatever it is called now, do you want to do that? Or do you believe that Europe is strong enough, rich enough—I might add the German economy is growing at a rate five times faster than ours is. If you believe Europe is strong enough and rich enough that it can defend itself if it wants to, from whatever that threat is, then your choice is to take some of that money, a little bit, not much, a little bit, and meet some of the needs we have in America and start investing in better education, better health, better biomedical research, things that make our people smarter, healthier, and more productive citizens.

Today, we continue to direct billions of dollars into this subsidy—make no mistake, that is what it is, a subsidy—of the European economy. And I think, I say this honestly and forthrightly, an argument could be made for that after World War II, the Marshall plan. I support the argument that in the fifties, sixties, seventies and eighties we had to keep Europe strong, that we had our obligations to NATO. But it is over with. That is done. That is the past. If we want to continue spending our money on the past and confronting the enemies of the past, then we will continue to spend $160 billion a year. We spend billions to house and feed over 700,000 Americans living in Europe. I repeat, 700,000 Americans living in Europe we continue to house and feed and subsidize, subsidizing Europe's defense against the Warsaw Pact and the Soviet Union. As I said, the Warsaw Pact no longer exists and the Soviets, whatever they are called now, are more concerned about bread than bombs. The last thing they have on their mind is to invade Europe. The world, as we knew it, has changed in the past 3 weeks. It started changing 2 years ago when the Berlin Wall was brought down. In the last 3 weeks, it has changed dramatically. It is time that our budget priorities start reflecting those changes.

We used to talk about a missile gap, but today we have a human investment gap in this country, a human investment gap that is seen every time people ask why we are not winning the war against cancer, why we are not winning the war against AIDS, and why we are not winning the war to get all our children immunized, a human investment gap that proves time and time again that the real threats to our national security are not halfway around the world, they are halfway down our streets. Realize, we have spent more on military research in the last 31 months than we have on all biomedical research since the turn of this century. Let me repeat that because it is so astounding that it boggles the mind. We as a country have spent more on military research in the last 31 months than we have on all biomedical research since the turn of the century. That means cancer research, polio research, AIDS research, Alzheimer's research, heart-lung-blood research, arthritis research—go right down the list and add them all up. In 31 months, we spent more on military research than we have on all those programs since the turn of the century. People ask, why are you not winning the war on cancer? There it is. Why we cannot find a cure to AIDS. There it is. Why we are not moving ahead with diagnostic techniques on Alzheimer's. There it is. That is where it is.

This amendment that I have offered on behalf of myself and others seeks to close that human investment gap, to shift our priorities from subsidizing the defense of other countries in Europe to investing in our solutions at home.

Let me make it clear, Mr. President. This amendment is not asking us to spend more money. It is only asking to spend our money differently. It does not require one penny of new taxes, but it does require about an ounce of political will and political courage. This amendment is not asking us to cut military personnel. We do not have to cut military readiness or military training. It will not affect family housing or the National Guard. This amendment will not weaken our defense. Instead, it is asking that we rescind funding authority for military programs whose sole purpose was to fight the cold war, to rescind unobligated balances from defense procurement programs, defense research and development, testing and military construction, much of which was authorized before the fall of the Berlin Wall and the disintegration of the Warsaw Pact.

Let me make this clear. This amendment seeks to shift money not out of readiness, not out of manpower; it does not touch any of those. But in the Department of Defense, there is unobligated money that we authorized the Department to spend. Some of that authorization goes back to 1987. Is our bureaucracy so imbued with inertia that we cannot make just a slight change? I thought the Soviet Union had a terrible bureaucracy and inertia, and look how it could change. Look what happened to them in the last 3 or 4 weeks. We cannot respond?

So this amendment offers a simple choice: Do we want to continue spending billions of dollars in other countries, or do you think we can put that money to good use here in America on the real problems faced by our people at home? This amendment responds to the met and partially unmet request by other Members of the Senate, people who have written and gotten hold of me on the floor or sent a request to our subcommittee saying, please fund this program; please put some money in Alzheimer's; please put some money in mental health research; please put money here to take care of problems people have in our cities.

Well, here is your choice. You make the choice. That is what it is, a choice, pure and simple.

This amendment also responds to unmet requests presented to us by the administration. But most importantly, it responds to the unmet health, education and social service needs of the Nation. The $3 billion added by this amendment goes only halfway to the $6 billion increase needed just to reach the 1980 inflation adjusted level for this subcommittee.

But the programs that would receive funding will go a long way toward improving the quality of life for millions of Americans, improving their health, their education, the productivity of our citizens. The amendment I am offering will increase funding for 10 specific domestic programs, proven programs which my colleagues have called critical priority programs. Let me list those.

This amendment, first, adds $400 million to the National Cancer Institute to bring the 1992 total to the full level recommended by the professional judgment budget. Cancer is an affliction that will kill 514,000 Americans this year. Nearly one in every three Americans will be told sometime in their life that they have cancer. It is a tragedy that can be reversed by more fully funding the research opportunities that are now ready for investigation.

I was here this morning when Senator STEVENS from Alaska was talking about his battle with prostate cancer and how many people are affected by it. I thought about this amendment. I thought, well, here is a choice. Here is a chance, an opportunity for us to say where we want our money spent.

The amendment adds, second, $170 million to the National Institute on Aging, to permit a doubling of what we now spend on Alzheimer's research. The distinguished Senator from Oregon spoke about that this morning. The progressive anguish of Alzheimer's disease is one of growing proportions, with devastating human and financial consequences. There are now an estimated 4 million people affected by this disease, and unless we act now, by the year 2050, according to the National Institutes of Health, the total will reach 14 million people.

Mr. President, I would direct attention to a chart I brought to the Senate floor that compares research spending at NIH with research spending at the Department of Defense. As you can see, Defense research spending requested by the President for fiscal year 1992 is 4½ times greater than that requested for the National Institutes of Health. That tells it right there. That was our priority when we came here this year. I believe our priorities are wrong when we see what has happened in the world community. This amendment starts to address that imbalance.

At the same time, this amendment adds $100 million for the Centers for Disease Control Immunization Program. This would permit the CDC to immunize over 1.6 million children with the hepatitis B vaccine; 650,000 additional children would receive the second dose of measles, mumps, and rubella vaccine; and an additional 1.8 million preschool children could be brought up to date with recommended vaccinations. This is an investment we have to make.

Mr. President, I remember when I was a young boy in a two-room country school out in the middle of nowhere in Iowa. I remember at the beginning of the school year, it must have been toward the end of the Second World War, we had to line up and the visiting health nurse from the county seat would come around and give us our shots and vaccinations. I had not ever seen a doctor in my lifetime until that point; I was not born in a hospital. I was born at home. Most of the kids I was in school with never saw doctors, never saw dentists, but we had the visiting health nurse come out and give us our shots.

Now we are not even doing that today. Millions of kids in this country are going without those basic immunizations that I got, what, 40 some years ago. That is progress?

So we have taken some of this money and put it in to immunize over 1.4 million people, 650,000 additional children with the second dose of measles, mumps, and rubella vaccines, an additional 1.8 million brought up to date with recommended vaccinations.

It will cost us a little bit of money. Think of the pain and suffering and, if you want to, the money it will save later on; $100 million, that is what we are asking.

The amendment also adds $50 million to the Centers for Disease Control to double their breast cancer screening programs. Again, this is a choice between paying a little now or paying a lot later. By paying $75 for a woman to have a mammogram now, we can help prevent illness and the need for mastectomies and chemotherapy, which will cost up to $50,000 a person later.

This program is now in 10 States. That is it—only 10. With this addition, the number of States with statewide screening will double, will go to 20. It ought to be 50. But it ought to at least be 20. And again, an ounce of prevention is worth a pound of cure. We are paying the money, make no mistake about it. We are paying the money. When a low-income woman gets breast cancer and she goes in to see the doctor and they say we have to do a mastectomy, give chemotherapy and treat her, and she is on Medicaid, we pay the bills; $50,000, $60,000, $70,000. Just like that, we pay the bills.

What I am saying is, let us get to these women at risk and give them a mammogram screening once a year to save them pain and suffering and to save us the money. And this amendment would only double screening to 20 States.

Next, the amendment adds $100 million for mental illness research. There are currently an estimated 40 million Americans affected by the devastating effects of mental illness, which has been estimated to cost our society about $40 billion a year in lost productivity. The addition of these funds should help find cures for these disabling and painful diseases, especially occurring during this, the decade of the brain. We are going to commit ourselves this decade to finding the causes and the cures for so many of the illnesses that plague our mind, mental illnesses.

The amendment also adds $900 million for the Head Start Program, bringing the 1992 total to $3.1 billion to serve an additional 360,000 children. This is still $1.2 billion short of the authorized amount for fiscal year 1992, but it will permit a 57-percent increase in the number of children served compared to the number of children that would be served by the President's request.

This program is an investment in early intervention and in a program that has been a proven winner. This is an investment in the future of our children, something that I think will give us a much better return, for example, than just one B-2 bomber, which costs roughly the same amount. Think about this. It will permit a 57 percent increase, serve an additional 360,000 kids, provide adequate funding of Head Start to help us meet the first education goal of the Governors' of having all children ready to learn by the year 2000.

President Bush in 1988 said he wanted to fully fund Head Start. Well, Mr. President, that comes under the jurisdiction of this subcommittee. I have looked at the budgets he has sent to the subcommittee over the last 3 years for Head Start. You draw a line through them, a straight line through them and project to the future, and under the President's programs we will fully fund Head Start, are you ready for this, by the year 2050.

Think of the wasted lives, the wasted productivity of those young people. Oh, sure, we are going to come in later with catch-up ball; we will come in with remedial reading and remedial math and remedial this and remedial that; we will build more prisons, when we can stop it in the first place through adequate funding of Head Start.

Mr. President, I direct the Members' attention to this chart that illustrates the additional children that can be served by the addition of these funds to Head Start, compared to the number that would be served by the President's programs. The President's requests are about 633,000. This amendment will get us up to about 993,000 young people, still we are not even halfway there, even with this amendment. We are not even serving half of the kids ages 3, 4, and 5 that are eligible for Head Start. We wonder why we are losing out in the economic battle? We are wondering why 1,000 kids a day are dropping out of school in America; why our prisons are overcrowded; why we cannot compete in the world market? There it is right there.

There is no secret. It is not a big secret, you see. Here we are about 25 percent of the way in the President's request, getting to these young kids at risk, giving them a head start so they can develop their minds. We at least get it up to 150 percent under my amendment.

The amendment, Mr. President, I offer also adds $528 million for education programs to tip the scales in favor of the next generation of Americans. And $258 million of this total would be for chapter 1 basic grants. This would bring the total for basic grants to $5.4 billion, and the total for overall chapter 1 programs to $6.5 billion, or increases of 8.6 percent and 7.8 percent, respectively.

This amendment will help us reach another 337,000 children with these services. And $270 million of this education increase would go to the Pell Grant Program. That would increase the maximum grant by $100, to bring it up to $2,500. This still leaves a maximum award far short of the $3,100 authorized level. But this would at least bring it up to $2,500, again going to the poorest students so they can get a college education or technical training in schools.

In addition to these funds it is important to expand educational opportunity for all of our qualified students. The amendment adds another $400 million for the State Legalization Impact Assistance Grant Program, SLIAG, as it is called. This is the approximate level of additional funding reported by the GAO and the IG of the Department of Health and Human Services that is required for fiscal year 1992. SLIAG reimburses the States for the health, education, and social service costs of the immigrants legalized by the Immigration Reform and Control Act of 1986. So this amendment adds $400 million to that domestic program.

The amendment also adds $100 million for the Ryan White AIDS care programs. This will bring the total for the Ryan White AIDS programs to almost $400 million, or somewhat less than half of the fully authorized level of $875 million. The devastation brought by the AIDS epidemic is well-known to all of us. These funds will help hospitals and States provide health care to people with AIDS.

Let me tell you I have talked to mayors in some of our largest cities. They are sorely strapped with funds that they need just to take care of people who are sick and dying of AIDS in their communities. This is not just a problem for one city or another, or one State or another. This is a national problem. We need to answer in a national fashion. Again, this amendment would add another $100 million to this, bring it up to just about half of the fully authorized level.

I ask Senators to check with their mayors and others, their hospital administrators in their cities, to see if they could use another $100 million to take care of people who are dying of AIDS.

Finally, Mr. President, in the last item, this amendment adds $400 million to the Low-Income Home Energy Assistance Program. This would serve an additional 3,125,000 households in fiscal year 1992 compared to the households that would be served by the President's request.

Mr. President, I direct the attention of the Senate to a final chart that illustrates the large increase of households that can receive home energy services by adoption of this amendment. Here they are. The President's request is about 3.7 million. With this amendment it is about 67.8 million households that would be served with the Low-Income Home Energy Assistance Program. Under the President's request, under the budget, about 18 percent of the eligible households to be served; this amendment would boost that to about 33 percent.

So there they are, Mr. President. There are 10 programs that help millions live better lives, help millions have better health, help millions of young people begin to learn and develop their minds as well as their bodies, programs that help millions become more productive citizens in the United States of America.

Our national security depends on citizens that are well fed, well educated, and productive. Sure it depends on a strong defense. But you do not have a strong defense when our kids are ill-educated, when we have homeless roaming the streets, when people are dying of diseases and illnesses that could be prevented or cured.

As I said before, Mr. President, the real risks to our national security today are not halfway around the world. They are halfway down our streets.

This amendment allows us to shift priorities from military to domestic issues while maintaining a strong defense. We have won the cold war. We ought to be rightly and justly proud of it. And we ought to be rightly and justly proud of the sacrifices that the American citizenry made over the last 40 years to make sure that we won the cold war, to make sure that freedom and democracy triumphed.

And it was a sacrifice. Our taxpayers divied up year after year after year to defend Europe, to provide for the Marshall Plan, to give the backbone to NATO, as I said, almost $160 billion or more last year according to the Pentagon's own estimates. So we ought to be justly proud of what we have done and the sacrifices we have made to keep Europe free and secure as a window to the Communist world.

That is what freedom and democracy can do for people.

We have won the cold war. Let us now win the domestic war. It is time that we close the human investment gap.

I will be having more to say on this amendment, Mr. President.

Let me just close by saying once again that what this amendment does is it transfers from DOD to these 10 programs that I just outlined slightly over $3 billion, $3.15 billion.

Is it too much to ask? I ask you. I ask the American people. You make the choice. You vote for the people. You make the choice.

This would transfer 0.58 percent, 0.58 percent from DOD's budget, to investing in our human services. After what has happened in the Soviet Union and the Warsaw Pact, we cannot transfer 0.58 percent? Do not give me that nonsense. Of course we can, if we have the political will and the courage to do so. That is all it is, 0.58 percent.

It is not even out of manpower. It is not out of readiness. It was not out of the National Guard. It is out of a $38 billion fund at the Department of Defense which is totally unobligated. No contracts have been written. No one is going to get laid off. There are no jobs underway on that. No, it is just $38 billion that they can draw on to start new contracts. How did that $38 billion get there? We voted for it. I admit some of us voted for it. But some of them we voted on as assurances, long ago, 1987, when the cold war was still on, before the Berlin Wall came down, before the Soviet Union disintegrated.

Am I now to be told that because I voted for that then, because it was in the best interest of the country and the world then, that we can do something about it? Our hands are tied? That we have to go ahead and spend that money like that? Bureaucratic inertia forces us to continue to spend this kind of money this way? Nonsense. Here is the choice.

Now a point of order is going to be raised against my amendment. I understand that. Because of the budget and because of the budget agreement last year that was reached, a point of order will lie against this amendment, and I know that a point of order will be raised. I am fully aware of that. I know that it will require 60 votes in order for this amendment to prevail.

People keep asking me do I have the 60 votes. I say I do not know. But I will tell you what. I do not know that I have 60 votes here. I cannot tell you. What I can tell you is this: Having traveled around the country a lot in the last few months, I will take this amendment to any American citizen out there and ask that person, that man, and that woman who are paying their taxes, "You make the choice. You make the choice." Do you want to continue to spend it on these military items that we voted for 2, 3, 4 years ago, or do you want to put into finding a cure for Alzheimer's or cancer or help people dying of AIDS or get more money for Head Start? You make the choice.

In your heart and in your mind you know how they are going to make that choice. I believe we here today should be reflecting the will of the people out there. Go out and ask them. You will find out where they want that money spent. It is not a big amount, 0.58 percent. That is it. But a point of order will be raised and we will have to debate the point of order. I am sure all kinds of arguments will be made—an agreement was reached we cannot bust the budget. All of those arguments will be raised and we will debate them in due order.

But I just wonder if you went up to a person who had just been notified they have cancer—and one out of three of us, look around you, one out of three, in this room on this floor today, will be diagnosed as having cancer in his lifetime—and ask them "Do you think we should not put any more money into cancer research because we had a budget agreement last year," what do you think they would say? You know as well as I do what they say. I do not have to tell you you know what they say.

Yes, I recognize there is a budget agreement. The times have changed and conditions have changed. It is time for us to change too. It is time for us to start investing here at home, it is time for us to close the human investment gap in this country as we closed the missile gap in the past. It is time for us to start making these hard choices.

Mr. President, there is the amendment. Those are the 10 programs which this amendment seeks to shift money to. I am sure that this Senator and others will have more to say about it as the debate progresses.

I yield the floor.

The PRESIDING OFFICER. The Senator of Minnesota.

Mr. WELLSTONE. Mr. President, let me first thank the Senator from Iowa for his powerful words.

Mr. President, most debates about the Federal budget reflect the different visions about where we are going, different economic assumptions, different political assumptions, differences between political parties, and that is the way it should be. This is doubly true of this amendment offered by my good friend from Iowa to transfer approximately $3.1 billion in unspent Department of Defense funds to critical domestic needs.

Mr. President, I am proud to be a cosponsor. I know Chairman HARKIN's appropriations subcommittee was severely constrained by the spending caps contained in last year's budget agreement, an agreement which I think seriously hamstring our ability to govern. The problem with this budget agreement is that it is an extension of the past 10 years where we have had no far-reaching debate here in the Congress or in the country about domestic programs versus military programs. We have had no real debate about guns versus butter. The only real debate we have had is about how to divide up a stick of butter.

So, Mr. President, what happens with this budget agreement? And that is what the Senator from Iowa is trying to speak to. We are told that we can spend money for education of children, but if we spend money for education of children, there will not be money for health care. Or we are told we can spend money on the energy policy, so that we can become energy independent, but than there will not be money for the environment. Or we are told we can make a commitment to our cities—the Senator from Iowa talked about there is no rural policy in our country, but if we do, then we will have no money for the farms or the rural communities. Or we are told that we have to make a commitment to the nutritionally deprived and the medically deprived, the poorest of poor people, the underclass, but if we do, then we will have no money for the middle class. This is an outrageous choice, it is an unacceptable choice.

Mr. President, I hear it all the time when I sit in committee hearings. You have someone come in and they talk about education. I have heard Senators on the floor of the United States Senate talk about what is happening in the Soviet Union, in Eastern Europe, with great excitement. God knows, as the son of a Jewish immigrant from the Soviet Union I am so excited.

Then we talk about the wonderful opportunity in our country. I see young people up there, about 10 blocks away from here, there is not such opportunity and in Anacostia a mile away they have problems of toilets that do not work, they do not have enough books, adequate lab facilities. Those children do not have the same opportunity.

Yet we are told with this budget agreement that if we are to make a commitment to those younger people, then what about another group of younger people who came into our Subcommittee on Education and they said, Senator, or Senators, Democrats, or Republicans, we sell plasma at the beginning of the semester in order to buy textbooks. We worked three and two minimum-wage jobs because we cannot afford higher education. Teachers tell us that they cannot teach those students because they have to work those minimum wage jobs, and so is the tradeoff. That we support the children in elementary school but therefore we cannot support young people seeking higher education or vice versa. It is a totally unacceptable choice. It is simply unacceptable. We cannot continue to move in this direction.

Kurt Holman appeared before our committee from the State of Minnesota. It was an absolutely riveting testimony he laid bare. He wants to work, but the problem is his son, Lee, has leukemia. He had a job as a car salesman. He would like to go back to work but because of prior condition he can-not receive any health insurance and so his only choice is not to work so that he can be on Medicaid so his son can receive some medical assistance to take care of the leukemia.

Are we going to make the commitment to Kurt Holman and his family and people who are faced with that kind of health care crisis? Well, if we do by the terms of this budget agreement, then we would not be able to speak to people who talk to me from Minnesota and I would imagine this would be the case in many other cold weather States as well who say, Senator, we are requesting to do it this winter with these severe cuts in low-income energy assistance, we do not want our children to be cold.

So is this the choice? It can be this choice. And today, and I thank the Senator from Iowa, we confront this head-on dilemma and the question is we focus on these and we talk about transferring just a little bit, $3 billion from this huge military budget and we begin to focus on how we can rebuild out own country. Real strength begins at home.

Mr. President, I also support this amendment because I was not a party to this much-heralded budget agreement, and I do not support the askewed budget priorities encompassed in that agreement.

I think it has locked us into 3 years of unnecessary military expenditure. We want a strong defense, but we also understand that part of what will be real national security is to be strong at home.

The Senator from Iowa talked about this argument that an agreement is an agreement. I have to tell you, Mr. President, I spent 13 days at the Minnesota State Fair. Half of our State's population comes to that State fair. And this argument that we cannot transfer just $3 billion to important domestic needs, we have elevated this as an end unto itself. It is a Washington abstraction.

When people came up to me at the State fair, they said, "Senator, we are out of work. How can we find a job?" "Senator, how can we afford to send our children to college?" "Senator, we can't afford the health care bills." "Senator, we can't afford child care." "Senator, how can we keep our small business going?" "Senator, how can we keep our family farm going?" "Senator, how can we support our public education system?" "Senator, how can we stop libraries from being closed?" "Senator, we are local officials and we do not have the resources to work with."

I say to Senator HARKIN, I never heard one individual at the Minnesota State Fair—and I feel like I saw half the population, and that is 2 million people or thereabouts—say to me, "Senator, an agreement is an agreement. Do not transfer even $3 billion in the military budget to critical domestic needs." I did not hear anybody talking to me about that at the Minnesota State Fair. I think this whole idea has just become a Washington abstraction.

Moreover, Mr. President, in the wake of the massive changes that have taken place in the Soviet Union, given what has happened in the Soviet Union and Eastern Europe, do we really want to continue to spend huge amounts of money preparing for a war against Czechoslovakia, against Poland; do we really want to spend all that money?

Yes, we have to have a strong defense. Yes, we have to continue to spend money on defense. But, no, it is not the same cold war. Times have changed and we have to stop spending huge amounts of money fighting battles of the past and instead begin to invest in the future, and that means in our own country. Real strength begins at home—in job training, in health care, in energy, in children, and public infrastructure.

Mr. President, all across our country the libraries are closing; State and local governments are in absolute fiscal crisis; children are denied school lunches for lack of funding; roads and bridges are crumbling; and 20 percent of the children of the United States of America are poor. So it seems to me that we have to understand that public investment leads to a stronger economy.

We cannot make it economically unless we invest in human capital, and that means investing in people. We cannot make it economically unless we invest in public infrastructure. And we cannot make it economically unless we have successful capital investment strategies so we can do well in our own business sector. That is where the real strength of this country is going to be. That is how economic greatness is going to be measured.

The Senator from Iowa has suggested that we take but a small step in that direction; $3.1 billion in important discretionary programs that are underfunded in the bill.

I will not give you the statistics. The Senator from Iowa has already itemized that. Money for cancer research, money for Alzheimer's disease, statewide breast cancer screening, the Pell grant program, chapter 1 program, childhood immunizations.

Mr. President, I want to call attention to one program in particular. This transfer amendment adds $400 million for low income energy assistance. This is a program that in 1985 was funded to the tune of $2.1 billion and now it is down to approximately $1.6 billion, and of the 18 million people that are eligible only 6 million people, one-third of the people eligible, are receiving the assistance.

Mr. President, I want to say to the Senator from Iowa and, I guess, more importantly, I would like to say to the people in this country, I am not an expert on all the intricacies of the budget, but I understand very well the broad outline of it. I think I know what these statistics mean in human terms. And what we have seen since the early 1980's was a slashing of the revenue base in what was euphemistically called the Economic Recovery Act and a doubling of money spent on the military budget. As a result, it indeed was voodoo economics and we have seen spiraling debt to the tune of a $348 billion deficit this year.

So I would argue, Mr. President, that it is time to revisit this budget. When you travel around the State of Minnesota or you travel around this country and you talk to people and they come up to you and they tell you what they care about, they tell you what they are worried about, they tell you what they hope for, it is very difficult to look them straight in the eye and say, "There is nothing we can do. There is absolutely nothing we can do."

Well, the amendment of the Senator from Iowa at least is a small step in the direction of beginning to invest in our own people and in beginning to invest in our own country.

Mr. President, as the world around us is remade, it is now time to think about how we can remake our own Nation. It is now time to think about how we can invest in our own people. It is now time to think how we can invest in our own communities and it is now time to think how we can invest in our own country. This amendment, this transfer amendment, introduced by the Senator from Iowa, is a small but very significant step in that direction.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SASSER. Mr. President, are there other Senators wishing to speak in support of the amendment of the Senator from Iowa?

The PRESIDING OFFICER. The Chair notes that no proponent sought recognition.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I might say at the outset that I have a great deal of sympathy with the spirit of the amendment offered by the Senator from Iowa. The amendment of the Senator is based on the premise that we are spending too much to defend ourselves against a rapidly diminishing threat. In my view, the distinguished Senator from Iowa is viewing this Nation's long-term circumstances with considerable clarity, and I commend him for that. The budget agreement we negotiated last year responded very tentatively to the world of 1990. But what has become even far more obvious, as the world of 1991 spins light years beyond where we were just 12 months ago, is that certain parts of the budget agreement do appear to be obsolete or obsolescent. There is no question in my mind that we need to reconsider the disposition of fiscal resources upon which we decided last year, especially with respect to the division between defense and domestic discretionary spending.

I see the distinguished chairman of the full Appropriations Committee on the floor. He has made a number of very eloquent and very educational addresses to this body in which he has indicated the diminished seat at the table that domestic discretionary spending has had over the past decade. Indeed, we are paying the price for that all across the domestic front.

But I do think we need to make reasoned judgments about how the defense budget can be reduced, based on the declining threat to our national security and based on the fiscal situation we have had to live with for over a decade.

Unfortunately, the amendment offered by the distinguished chairman of the subcommittee, in my view, does neither. It simply, and on an ad hoc basis, shifts from defense to domestic spending. In so doing it violates the summit agreement which has maintained fiscal discipline for both the executive and legislative branches this year. Moreover, it would breach this subcommittee's allocation of domestic spending and would, therefore, I think, jeopardize the orderliness of the appropriations process. If we can breach the budget summit agreement for this particular appropriations bill, the appropriations bill for labor and health and human services and education, then clearly we can breach the budget summit agreement for a whole host of appropriations bills which will soon follow. If we can breach it for this purpose, why not breach it when the transportation appropriations bill comes to the floor? Senators will want to build more roads, they will want to do more for the airports, they will want to do more for the bridges. They will want to do more for a whole host of programs that are worthy and are financed by the transportation bill.

Mr. President, this amendment is sound in intention. It is sound in its long-term vision. But the problem is it violates the budget discipline. It violates the budget agreement. And it is a short-term ticket for fiscal chaos in this body.

I respect the goals of the distinguished chairman of the Labor and Health and Human Services Subcommittee. He has crafted, I think, a fine bill within the extraordinarily rigid boundaries he has had to work in, as have all the other appropriations subcommittee chairpersons. And no one would quarrel, least of all this Senator, with efforts to raise funding for biomedical research. I have long supported that program and will continue to do so in the future. Or who would quarrel with raising funds for breast cancer screening? Certainly not this Senator. Who would quarrel with putting more funds into mental illness, or Pell grants, as this country falls further and further behind in education? Or who in the world would argue with putting more funding into the Head Start Program? If there has been a program that has proven to be cost effective and cost efficient, and one that is in the long-term best interests of this country, certainly it is the Head Start Program.

But we simply must adhere to the budget discipline that we agreed to last year. We have to enforce the budget agreement that we put into law last year by a majority vote of this body, majority vote of the House of Representatives and signed into law by the President. It was a solemn agreement between the legislative branch and executive branch. We represented to the American people that we would adhere to this agreement.

Certainly it did not have everything in it I wanted to have. Quite frankly, if I were free to vote the way I wanted to vote today I would vote in support of the amendment of the distinguished Senator from Iowa. I happen to agree with his view that we ought to be putting more money into these programs and certainly less money in defense, considering the changed world that we find ourselves in now. But I urge we move cautiously, that we move with prudence to adhere to our summit agreement and not at this point violate it. This amendment offered by my friend from Iowa violates section 601(b) of the Budget Enforcement Act, which prohibits consideration of bills exceeding the appropriations caps. At the appropriate time I will raise a point of order against the amendment and I will urge my colleagues to sustain it.

I see other Senators on the floor who might wish to speak on this matter, so I will reserve raising the point of order until a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I see the distinguished chairman of the Appropriations Committee on the floor. I might ask, does he desire to speak before the Senator from New Mexico?

Mr. BYRD. Mr. President, may I say to my friend I desire to speak but not necessarily before the distinguished Senator from New Mexico. I am very happy to wait, and I am very interested in hearing what he has to say. I do want to compliment the Senator from Tennessee, the chairman of the Budget Committee, for his preeminently fine and sound statement, and I am glad that he is going to make a point of order, which I will support, and I will vote against any motion to waive the point of order.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I, too, want to compliment the distinguished chairman of the Budget Committee. If he, in making the point of order, thinks it is helpful that it be made by both the chairman and the ranking member, I am very desirous of being, if there is such, the coproponent of a point of order.

In any event, I do not want to leave any doubts. I do not believe the U.S. Senate can afford to do anything else. If we do not sustain the point of order, and it is clear this amendment violates the Budget Act and the budget agreement in two very substantive and fundamental ways, if we do not sustain it now, two things will happen. The most significant is that we will abolish, abandon, get rid of, throw out the window, a 5-year budget agreement that was entered into by the President of the United States and the Congress, Democrats and Republicans. We will decide because one Senator comes here to the floor with a list of goodies that everybody likes, that we throw out a 5-year agreement and say it is a nullity because somebody held up here for us today something that sounds very good, looks very good, that is almost put in as if it went around the Senate and said where can we get 5 helpers, where can we get 10, where can we get 15? And so we add them up with this list of things that most Members of the U.S. Senate would quickly support but for one thing: We have a deficit that is hanging over the shoulders, the head, the bodies of the American people, the economic prosperity, the likes of which hardly one single Senator, hardly one single Senator has not gone out to his people and claimed we have to fix.

How are we going to fix it when we made an agreement that if we do not spend the money on defense, and I hope everyone listens to this, if we do not spend the money on defense that we have agreed to, then it will go to reducing the deficit. That is the agreement. It is clear and unequivocal. We do not have to spend what we agreed would be a defense number if we do not want to and if there are those who do not want to. Take that money we do not spend and what do we do? We put it on the deficit. If we do not want to spend everything on foreign aid that is agreed to in these 5 years, all we have to do is not spend it. And what happens? We put it on the deficit unless 60 U.S. Senators decide that they want to change the allocations. That is why the point of order lies.

Mr. President, no one should think that we are going to fix the fiscal policy of this Nation without some of the budgets and some of the appropriations being tight. But let me suggest that if you think that this amendment, this bill that is before us did not have increases in it, let me suggest that it has $4.4 billion in new spending over last year without the new money, without the amendment that the distinguished chairman and Senator HARKIN offers that violates the budget agreement. Without that, there is $4.4 billion increase over last year.

So the agreement and the appropriators who decide where to put the money have understood that this is a function of Government that has to have increases in it. I have not been able to look at each program to which he would add money to see if it went up year over year, but I suspect they probably have. The Senator would just like to have them go up more.

I am certain education went up. He would just like them to go up more.

Mr. President, this particular amendment is a deal breaker. Whatever words one wants to invent to say that there will not be any fiscal policy restraints left if this amendment is agreed to, that is the word we should attach to it. If we do not want any, if we want amendments on every appropriations bill even though we set the targets, if we want amendments saying take it out of another part of Government and put it in this part and make the Senators stand up and vote whether they want more money, even if we are violating the budget agreement, then vote for this amendment. We are going to be confronted regularly with that problem.

Let me make one other remark. Procedurewise, processwise, we have an Appropriations Committee. It is a very large committee. They sit down and one of the most difficult jobs they have to do is to take the entire amount of money that can be spent for domestic appropriated programs, domestic discretionary programs, look at all of the subcommittees, including this one that is represented by this bill, and they allocate that entire, total amount of money into the pieces. Then they submit that to the Senate of the United States, and then each subcommittee goes to work.

What is going to happen if we do it this way, if we do anything other than defeat this amendment, not on its merits, but on procedure? Then what we are going to do is say that activity on the part of the Appropriations Committee setting the allocations is a nullity because we can go back after it is all finished and on the floor of the Senate, take from another area such as is being done here, take from last year's appropriations of defense money. Frankly, it does not really matter that the Senator, the chairman of this subcommittee says these are unappropriated accounts. They are unappropriated or unallocated accounts because they are waiting to be allocated. There are programs and plans within the defense establishment, just like those that are within HUD, that are waiting around for the unallocated balances to be spent on the programs they need.

Mr. President, I want to talk about one of the programs in the Harkin amendment. I think it is rather common knowledge that the Senator from New Mexico is concerned about mental illness research, within the National Institute of Mental Health. The Senator clearly asked that more money be put into mental illness and the National Institute of Mental Health in this amendment.

As a matter of fact, many of the National Alliance for the Mentally Ill around the country have received word that we ought to support the Harkin amendment. But then they said if you do not support it, there is a Domenici amendment.

I want to say we will increase the mental illness a little bit and it will be agreed to because the distinguished chairman wants to do it, but we have also provided a way to pay for it, so it will be paid for within available money out of the allocation. I want to print in the RECORD for those who are interested in the Harkin amendment the increases that are already in the bill for each program.

What I am saying is, if you do not adopt the Harkin amendment, what has happened to breast cancer, to biomedical research? It is already increased $683 million.

So let us put it this way: If you vote for the final passage of the bill, you can take credit for voting for a $683 million increase in biomedical research. If you are concerned about chapter 1 compensatory education for the disadvantaged you are voting for a $209 million increase. The amendment before us just wants to increase that some more and take it out of last year's defense money, but it is already up $209 million.

If you want to vote on Pell grants and tell your constituents you have, the bill before us has a $458 million increase in Pell grants already. The amendment would just add more, not take it from a negative, but add to an already $458 million increase.

Other than SLIAG and LIHEAP, which are down 10 and down 17, respectively, all the others are increases already contained in the bill that is before us.

I ask unanimous consent that this makeshift table which I put together showing the programs about which I have spoken be printed in the RECORD in case anybody wants to know what increases are already included in the underlying bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARKIN AMENDMENT

[In millions of dollars]

Program	Budget authority	Outlays	BA increases in bill
Biomedical research	570	239	+683
Breast cancer research	50	27	+50
Mental illness	100	40	+36
Chapter 1 education	258	31	+209
Pell grants	270	58	+458
Ryan White AIDS care	100	58	+68
Immunizations	100	53	+60
Head Start	900	441	+250
LIHEAP	400	360	−10
SLIAG	400	304	−17
Total	3,148	1,611	

Mr. DOMENICI. I thank the Chair. Mr. President, let me close by saying I am quite convinced that there are a number of U.S. Senators who are wondering about a changed world and what will that do to our appropriations process. This Senator is not going to stand here and say that over the next 2 or 3 years, because of that changed international world, there will never be any changes in this 5-year budget agreement. There probably will. But, Mr. President, we are now upon the end of the fiscal year. October 1 is the new year. It seems to me two things: First, this is not the time to change the agreement with reference to defense, foreign aid or domestic programs. This is not the time.

But I am more convinced that this is not the way; to wait until a bill comes along like this one, one that has a $4.4 billion increase over last year and which conforms to the 5-year agreement, and because it has a lot of programs that are enticing, while other bills have come forth within the agreement with a lot of things that were reduced and kept from growing, and now we are going to go ahead and take additional moneys out of defense so it does not sound so bad and essentially say the agreement is null and void. In this

Senator's opinion this is absolutely the wrong thing to do. I urge not only that you not do it, but I urge that you send a signal not only to the proponent of this amendment but to others who might want to do this in the next 15 days, 20 days, that the Senate is not going to willy-nilly destroy this agreement. It deserves better.

Frankly, it is not the right way to allocate resources in any event. You should not allocate them on this bill because there are some exciting programs. You should allocate them in a more orderly manner, at least at the beginning of the year and not 20-some days before the end of the year and the start of a new one when a bill happens to come along.

I yield the floor.

Mr. HARKIN. Will the Senator engage in a colloquy?

Mr. DOMENICI. Sure.

Mr. HARKIN. I would appreciate it.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I listened intently to the remarks made by my friend from New Mexico, certainly a distinguished Senator. I do not question his motives or anything. I know he always has the best interests of the country at heart. Certainly he has been one of the leaders in bringing this Senator along on necessary funding for mental health research, and I appreciate that very much. I know he has been a stalwart leader in the budget process in this body.

I just could not help but pick up a couple of things the Senator mentioned in his remarks, first of all, in terms of the increases in this subcommittee over last year, the $4.4 billion. That is true. However, most of that went to restore $3.8 billion in cuts. As I said in my remarks earlier, this subcommittee basically had $87 million less than a hard freeze last year in our total allocations.

Now, the Senator from New Mexico talked about if we do this, we will be confronted regularly with this problem, that this may come up again on some other bill. Well, the last time I checked, I remind the Senator from New Mexico, the people of Iowa elected this Senator to make choices. They did not elect a computer. They elected this Senator to debate the issues and to vote on them, and hopefully the people of Iowa elected this Senator to take into account changed circumstances, changed threats to our national security, whether from without or within.

Yes, I know the agreement was reached last year, but does the Senator not believe that we can trust Senators to exercise their judgment on matters like this; that if they want to transfer, as this amendment does, 0.58 percent from DOD to these programs, does the Senator not feel Senators ought to be allowed to vote that way if they want? I mean some may win, some may lose. As to why shouldn't Senators be allowed to express themselves, I would ask the Senator from New Mexico?

The PRESIDING OFFICER. Does the Senator from New Mexico wish to respond?

Mr. DOMENICI. Certainly, I do. I think they do, and I think that is precisely why the Budget Act and the budget agreement is encapsulated in law as it is. It is my opinion that they will vote, but they will vote on a point of order. They will vote on whether we are going to break the agreement. That is the vote. That is the point I want to make. I am not asking Senators to vote against individual items. Quite to the contrary. I do not think they ought to, and I do not want to be part of making Senators vote against that because they are not in order.

Mr. HARKIN. But if I might respond to the Senator, the only way for Senators to get to this kind of a vote is to vote to waive the relevant section of the Budget Act. There is no other pathway, and I certainly would not want to go beyond the bounds of law to do so. But it is the only way that Senators can express themselves and vote on this.

The Senator from New Mexico, if we check the record, said my amendment should be defeated not on the merits but on the procedures. Well, this Senator finds that an interesting argument. I believe in upholding the procedures and rules of the Senate, but there are in the Budget Act itself provisions that allow for waiver of the Budget Act. I am sure the Senator would agree with that, that the Budget Act itself encompasses within it a procedure whereby it can be waived to meet certain exigencies.

All this Senator is saying is let us at this point in time make a choice. Should we waive the Budget Act because of the changed circumstances that happened over the last few weeks, several months, to address pressing needs here at home rather than to continue to expend these moneys in DOD?

Again, I would say to the Senator, the Senator said that the Pentagon is waiting to spend these moneys. Well, that is true, but again the account that this amendment seeks to draw from is unobligated expenditures. I would say to the Senator that no contracts have been written, no people will be laid off. This is simply money that has been authorized by the Congress in the past but no contracts have been let.

I would again ask the Senator whether he believes that if we voted 3 years ago to spend money on a certain weapons system that no longer was relevant to the threats that faced us, would he have us go ahead and just spend that money anyway? Should we just go right ahead and spend it, I would ask the Senator?

Mr. DOMENICI. Let me try to respond, Mr. President. I have no idea what programs are going to be terminated, or accounts reduced, because the amendment does not provide this information for the Senate. All I can say to the Senate is that the amendment talks about appropriated money that is not yet obligated. I would merely ask if we do not know what we are talking about in terms of which accounts are affected. It is not fair to say that the amendment affects no one, or that what is affected is not needed. The Senator from New Mexico does not know that. It may mean that there is a contract which has not yet been let but they are counting on it; the money is waiting. That is what unobligated means. I have no idea what $7.6 billion in that kind of account within defense even means. So I cannot answer the question who gets hurt.

I would assume plenty of things do not happen that were planned and that everyone expects to happen. I cannot tell you what they are, so I cannot tell you whether we should or should not do them. But I can tell you that the two committees of defense in these two Houses authorized them or they would not be appropriated. Two committees appropriated them, and the Defense Department is administering that appropriation and has not got around to spending some yet. If you want to make sure you really get things and you vote on things, talk about personnel or operation and maintenance. Then you can tell what you are cutting. This way you have no idea.

Mr. HARKIN. Mr. President, I respond to the Senator by saying that that is precisely the intent of this amendment. We did not take it out of manpower, personnel, readiness or anything else. The Senator again I think makes the point very clearly. We have about $39 billion in moneys at DOD that obviously, yes, we authorized and I will bet this Senator even voted for.

But things have changed. And because of bureaucratic inertia we ought to go ahead and spend it anyway? I think not.

Again, I would say if we went out to Americans all over this country and said "Should we go ahead and spend this anyway, even though we decided to spend it 2 years ago—forget the Berlin Wall, that the Warsaw Pact is gone, that the Soviet Union has disintegrated—should we go ahead?" Do you think they would say yes?

Common sense, common sense is all I am asking for here, just plain, old-fashioned common sense. We cannot break a deal. The Senator said this is a deal breaker. This Senator is not breaking a deal. The deal was broken by a man by the name of Boris Yeltsin. He broke the deal when he climbed on that tank, when he ended the coup, when once and for all he threw on the trash heap of history, communism, broke that Soviet Empire up. He broke the deal, not this Senator.

And yet we are being told that we have to continue to plod down that road because a deal was made. Yes, this vote is going to be on a motion to waive. The Senator says do not defeat it on the merits but on the procedures. I find that a heck of a thing to tell the American people, that we cannot make a decision here because of procedures, even though on the merits it is fine.

We cannot get to the merits because of procedure? If you can explain that to the American people, more power to you. It just does not seem to make common sense to this Senator.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the President pro tempore.

Mr. BYRD. Mr. President, I compliment the Senator from Iowa for his motives, for the objectives which he seeks to reach, and for the issues that have been raised by his amendment. I think it is fine that we have this debate at this time. I certainly find no fault with the goals which the distinguished Senator from Iowa has in mind.

I support those same goals. I support those same programs. There is no greater supporter in this body of programs to educate our young people. I started out in a two-room schoolhouse, and I had good teachers. I went to law school here in the District of Columbia for 10 years to get a law degree. I never expected to practice law, but I merely wanted to make myself a better Senator, a better Congressman, a better Representative, a better man, a more able individual.

I spent 10 years doing that. Nobody made me do it. Nobody asked me to do it. I was not forced to do it to keep my seat in the House or in the Senate.

I still am trying to educate myself. Nobody tells me that I have to read "The Decline and Fall of the Roman Empire" by Gibbon, or the history of Rome, or the history of Persia, or the history of the Punic wars, or the history of the Peloponnessian wars. Nobody tells me that I have to read books on Napoleon, or Alexander the Great, or Hannibal. Nobody tells me that I have to read Polybius' histories, or the histories of Livy, or the annals of Tacitus. But I do so because I want to improve myself. I want to further educate myself. I want to continue to educate myself. Nobody drives me to do that. The drive comes from within.

So I appreciate the need for educating our young people, making better students out of them. The very first thing I would suggest that be done to make better students out of our young people would be to throw the television sets out, throw them out; encourage our young people to read good books, and not many good books, I would venture to say, have been written within the last 50 years. I cannot say that authoritatively, because I do not spend much time reading books that have been written within the last 50 years. But I would suggest that our young people read "A Tale of Two Cities" or "Two Year's Before the Mast," or "Robinson Crusoe," for example.

Not everything can be healed or corrected or rectified with money, but certainly we need to spend more money on education. We need to employ better teachers. We need to provide the incentives to teachers to stay on the job, to stay in the profession, and to prepare themselves so they can be good teachers. I am not a teacher. But I have an idea that we spend a great deal of time training teachers how to teach, and not training them enough on what to teach. So much for all of that, Mr. President.

I commend the Senator from Iowa. He is striving to do what he sees to be best in the interest of our country. I find no fault with him for that. He has spoken about the investment gap, and trying to do something about the investment gap. I commend him for that.

Mr. President, the Senator who is presiding over the Senate at the moment, the Senator from Georgia [Mr. FOWLER], the Senator to my right here, Mr. DOMENICI, who has just finished speaking, the chairman of the Budget Committee, Mr. SASSER, who spoke earlier—all of us were at the summit. We were there. I did not enjoy it. I spent a good many weekends, some Saturdays, some Sundays; long hours. I did not enjoy it. But I had to do it. Somebody had to do it. So I tried to do my part.

I spoke about the investment gap at the summit. I made the fight there and every Senator whose name I have called here will attest to that fact. They made the fight, too. They stood with me. But they know that I made that fight. I said to my colleagues and to the representatives of the President who were there, we are not only talking about balancing budgets but let us take off our green eyeshades and understand that we are writing a 5-year plan for the Nation, and we have an investment deficit. We not only have a Federal deficit—and that is what brought us to the summit—but we have an investment deficit, a deficit in our infrastructure, in our physical infrastructure, roads, bridges, mass transit, airports, waterways, and a deficit in our human infrastructure, education, health services, and so on. I made that fight there where it was most difficult to wage that fight and to hope to win.

So I say to my friend from Iowa, join the club. I have walked those footsteps ahead of him. I walked in that valley at the summit. I am no Johnny-come-lately to this argument about the investment deficit, the investment gap. I stood up for it at the summit. What we were able to get to help fill that investment gap, I will take some credit for having waged the battle in the heat of the day.

I had a broken sword, but I waged that battle. The broken sword being, we did not have enough money to go around to do all of these things that we would like to do. And the other part of the broken sword was that I could not have it all my way. We had the House to deal with, we had the administration to deal with. But we finally reached an agreement.

I know there are those who say, well, the agreement is no good. Many who did not go to the summit may think that. They may say that. They pooh-pooh the agreement. They criticize the agreement. It is easy to criticize, but not so easy to be constructive, not so easy to put things together. It is easy to break the eggs; it is easy to make a swipe at the shelf and knock over the vases, the glasses, and the cups, and hear them as they shatter on the floor, but not so easy to put the pieces together.

Well, Mr. President, I take no back seat to anybody. I do not like the agreement. I did not get everything we wanted. I did not get everything we need. I would like to vote for more money for these programs that the Senator has outlined here and very appropriately called our attention to. I would like to vote for his amendment, but I am constrained because we have an agreement. And why do we have to have an agreement? Because we are in one heck of a fix in this country. We talk about giving to other countries, giving aid to this country, that country, another country. We need first to aid our own country. We need first to aid our own people. We need first to spend money on our own programs, our own infrastructure, our own roads and bridges, our own young people, our own schools, our own health service, and on our own houses. Charity begins at home, but we are looking everywhere else first to put our charitable dollar.

I am not against helping other countries. But the American people are going to rise up and ask: "When do we get help? When are we going to do something about our schools, our highways, our bridges, our houses? When are we going to do something about them? Yet, you expect me as a taxpayer to continue to bleed and bleed and bleed until I become anemic in order that you might have this program for that part of the world, or that program for another part of the world. When do we count?" the American people will ask.

So, Mr. President, I cannot find fault with the Senator for trying to get additional money for these programs. But why did we go to a summit? Why did we have to reach an agreement? Memories are short. It is quite easy to forget, in this mad rush of life. Every day brings new problems.

Let us review why we went to the summit. We were faced with an immediate sequester, and the sequestration calculations for 1991 amounted to $85.4 billion. We were faced with a sequester, half of it out of defense, half of it out of domestic discretionary programs—$42.7 billion was required out of outlay reductions in defense programs; $42.7 billion was required out of outlay reductions in nondefense programs. These requirements would have amounted, as a uniform reduction percentage, to 35.3 percent across the board in defense. We were faced with a uniform reduction percentage of 32.4 percent across the board—across the board—in nondefense programs. That meant education; that meant health services; that meant highways, bridges—across the board. We could not be selective; we were going to have to have this money sequestered, and it was coming across the board. That is what was facing this Senator, and that is what was facing the Senator from New Mexico, the Senator from Tennessee, the majority leader, and the minority leader, and the leadership on the other side of the Hill, the Speaker, the chairman of the Appropriations Committee in the House, the chairman of the Ways and Means Committee in the House, and the ranking members. That is what faced us. We were forced to go by virtue of necessity brought about by the circumstances that confronted us at that time. I did not want to go. The Senator from Oregon did not want to go, but he was there as the ranking member of the Appropriations Committee. We had to reach an agreement in order to avoid that G-R-H sequester, which would have cut to the bone and to the marrow of the bone the very programs that the Senator from Iowa is standing up here fighting for today. So if anybody wants to know why we entered into this agreement, why we went to the summit, there it is for all time and for all future generations to see in the RECORD.

As I say, I am not happy with the agreement, but the alternative was worse. I do not want to see the agreement broken. There will come a time when, perhaps not too far away, certainly after next year, there will have to be another look-see at the situation.

But this amendment is a direct assault on the budget summit agreement. It waives the Budget Enforcement Act and rescinds $7.6 billion in DOD appropriations, increases the discretionary spending limits under section 251 of the Budget Enforcement Act by $3.15 billion in budget authority for fiscal year 1992, and increases the outlay limits for discretionary spending by $1.6 billion for fiscal year 1992, $1.5 billion for fiscal year 1993.

In doing this, the amendment would destroy the budget summit agreement. That agreement, which is now the Budget Enforcement Act, sets three caps on discretionary spending for each of fiscal years 1991, 1992, and 1993: One cap on defense; one cap on international; one cap on domestic discretionary budget authority and outlays.

These caps are ceilings; they are not floors. This means that there is no requirement that discretionary spending for any category must be funded at the full level of the cap. As the distinguished Senator from New Mexico has said, if Senators want to cut defense, all they need to do is offer an amendment and have a majority of Senators vote for it, and that money will be applied to the deficit.

But cuts from defense cannot be used to increase domestic discretionary spending above the caps set forth in the act, and cuts in domestic spending cannot be used to fund defense or international operations above their caps. The separate caps apply for, as I say, fiscal years 1991, 1992, and 1993.

These caps were negotiated with the administration during the many months of last year's summit. Compromises were made on both sides. When we went into the conference, the administration was seeking a $40 billion reduction in domestic discretionary spending—I think it was $39 billion, to be exact—below the June 1990 baseline for fiscal year 1991 through fiscal year 1993. I made the case, as strongly as I knew how, for an increase of $80 billion above the June 1990 baseline for discretionary spending. In the end, the administration agreed to $40 billion above the baseline. In other words, the administration went from $39 billion below the baseline, or below inflation, to $39 billion or $40 billion above the baseline for domestic discretionary spending.

I point out that the negotiated defense caps required cuts for defense totaling $108 billion in budget authority below the June 1990 baseline for fiscal years 1991, 1992, and 1993.

If defense spending exceeds its cap, under this agreement, any resulting sequester will be applied only against defense. Before the agreement, it would have been applied half against defense, half against domestic discretionary spending.

(Mr. BRYAN assumed the chair.)

Mr. BYRD. If international spending exceeds its cap, under this agreement, a sequester will be applied only against international spending, not against domestic discretionary programs. That is the way it is now. Before this agreement, if a Senator offered an amendment, let us say, to appropriate $3 billion to Israel or to Turkey or any other country, I have no doubt that Senators would have run the risk of breaking their necks running for the doors before they would vote against that appropriation. It would be just as if the house was on fire. Let me get out of here, do not talk to me about voting against that money. Get out of my way.

I saw it happen last year. I got one vote. All the other Members of the Senate voted otherwise. I do not find fault with them for that. Some of them probably did not know exactly what they were voting on when they rushed in here, because they were caught at the doors by a lobbyist, so they came in here and voted to provide $700 million from United States defense stocks for Israel.

Mr. President, before this agreement, if that were done, whether it be $1 billion or $2 billion or $3 billion, or whatever, it would have come out of domestic discretionary. But now, under this agreement, if Senators want to vote $1 billion for another country, or $2 billion, and it causes a sequester, it comes out of foreign operations, it does not come out of nondefense discretionary.

So point No. 1, we save domestic discretionary. We save the very programs that the Senator from Iowa is talking about, save them from being sequestered.

There are other very important improvements contained in the Budget Enforcement Act which protect domestic discretionary spending. This is why we should not break this agreement. I am laying this in the RECORD now, because Senators are going to be put on the spot—and that is all right; I have been put on the spot now for 45 years in politics and I am used to it. I do not mind being put on the spot. But Senators are going to have to explain their votes. "Why did you vote against the amendment?" they will be asked. "Why did you vote for the point of order against Mr. HARKIN's amendment?"

So, it puts us in a rather difficult position. We have to explain why we voted the other way. It may make it appear as though I am against more money for cancer research. It may appear that I am against more money for programs that deal with mental illness. It may appear that I am against more money for Pell grants. It may make it appear that I am against more money for Head Start. So, let us put the explanation into the RECORD.

Discretionary spending under the budget agreement will be held harmless from mistakes in economic and technical estimates. For example, since the submission of the President's fiscal year 1992 budget request in February, OMB technical reestimates and changed economic assumptions account for a $19.5 billion drop in estimated revenues. Technical reestimates account for $40.2 billion in increased spending, of which $29.9 billion are attributable to estimated outlays for the deposit insurance accounts. Unlike previous years, because we now have this agreement, across-the-board reductions in discretionary appropriations will not occur because of technical reestimates such as those I have just cited or because of faulty forecasts dealing with unemployment, revenue, interest rates, and so forth.

Heretofore, may I say to my good friend from Iowa, there were those errors, there were those mistakes, there were those technical mistakes, there were those economic misestimates, and out of whose hide did they come? They came out of domestic discretionary, out of the very programs that the able Senator is fighting for here today.

So let us not callously say, the heck with the agreement. Let us be careful what we say, because we are talking about an agreement that protects the very programs that the Senator has in mind.

So this is a vital improvement to past law, under which discretionary appropriations for such activities as law enforcement, education, water projects, research and development, highways, transit, VA, medical care, these and others were required to suffer across-the-board cuts if the Gramm-Rudman-Hollings deficit target was missed because of faulty economic and technical estimates.

What we are about to do here is vote for an amendment that tears down the fence that protects these programs. We do not have all the money we need for them. We never will have, but we do want to protect them against faulty estimates. The budget agreement gives that protection to domestic discretionary incentives.

Second, the Budget Enforcement Act places the burden of meeting deficit reductions upon the committees of jurisdiction. This means that if entitlement spending, for example, exceeds its caps, the responsibility lies with the committees with jurisdiction over entitlements to either cut entitlements or to raise revenues sufficient to bring entitlement spending back into compliance. Otherwise, a sequester will occur against entitlements. Prior to the budget agreement, however, domestic discretionary spending was sequestered if entitlements caused the GRH deficit to be exceeded. If there was legislation that resulted in an increase in entitlements and the deficit target was exceeded it came out of the discretionary appropriations hide, not just for that year, but for all the years to come.

Third, the Budget Enforcement Act contains a mechanism for both the President and Congress to provide funding for unforeseen emergencies, without having to offset the costs of such disasters from discretionary spending levels. Under prior law, an unforeseen emergency could only be accommodated by waiving the Budget Act or by altering the GRH deficit. Otherwise, a sequester of discretionary spending was required.

In the absence of the budget summit agreement, emergency funding for unemployment administrative costs, for Desert Shield and Desert Storm, would have caused the Appropriations Committee to exceed its domestic discretionary, defense, and international allocations and would, therefore, have required offsets or an adjustment to the GRH deficit. Otherwise, sequesters would have occurred against discretionary spending.

There will be differences between the administration and Congress as to what should constitute emergencies. So we will have to address those issues on a case-by-case basis. Heretofore, if there was an emergency by virtue of an earthquake or a tornado or hurricane or cyclone, we had to take care of the emergency. But if the Gramm-Rudman-Hollings budget deficits targets were exceeded and there had to be a sequester, it came out of domestic discretionary.

However, we have made allowance in the budget agreement for such emergencies.

Now, as I have said, Mr. President, there is not a program that is listed in the amendment by the distinguished Senator from Iowa that I do not support. And as I said earlier, I fought in the budget summit to secure increases for those same programs. And since I became chairman of the committee, the discretionary allocation for the Labor-HHS Subcommittee has been increased, has increased from $39.6 billion in fiscal year 1989 to $58.9 billion in fiscal year 1992. For fiscal year 1989, the Labor-HHS Subcommittee's allocation for discretionary programs was $600 million above the President's budget request. For fiscal year 1990, my first year as chairman of the committee, the subcommittee received an allocation which was $3 billion in budget authority above the President's request. For fiscal year 1991, the subcommittee's allocation was $5 billion in budget authority above the President's request. And for fiscal year 1992, the subcommittee's allocation is $2.6 billion above the President's request.

Using that increased allocation each year has enabled us to provide substantial increases in many of the same programs that are enumerated in the pending amendment. I know the distinguished chairman of the subcommittee has not felt that he was given enough, but every other subcommittee chairman felt the same way. We only had so much money to go around to the 13 subcommittees.

And as chairman of the Appropriations Committee I have to determine how much money will be allocated to my own Interior Appropriations Subcommittee; to the Defense Appropriations Subcommittee, which is chaired by the distinguished Senator from Hawaii [Mr. INOUYE]; to the Military Construction Subcommittee on Appropriations, which is chaired by the distinguished Senator from Tennessee [Mr. SASSER]; to the District of Columbia Appropriations Subcommittee, which is chaired by the distinguished Senator from Washington [Mr. ADAMS]; to the Labor-HHS Subcommittee, which is chaired by the distinguished Senator from Iowa—all of whom are here on the floor at the moment.

But, there is only so much money to go around. And every subcommittee needs more money. I fought at the summit for infrastructure, investment in ourselves, in our children, our health services, our education. And so when we look on balance at all the subcommittees, the Subcommittee on Labor-HHS was treated as well if not better than any other subcommittee. I did the best I could for Mr. HARKIN because he was dealing with human infrastructure. As a result, he and his subcommittee have been able to come forward this year and last year, with more moneys for these programs—health services, education, Head Start, Pell grants, and so on.

For the National Cancer Institute, the funding has grown by about 44 percent or $439 million. Now I am not saying that is enough. Funding for breast cancer and cervical cancer screening has grown from $4.9 million in fiscal year 1990 to $50 million in the fiscal year 1992 bill.

Funding for Alzheimer's research, immunization programs, and Head Start has doubled.

Funding for mental health has increased by 41 percent, or $237.3 million.

Funding for Pell grants has grown from $4.48 billion in fiscal year 1989 to $5.36 billion in fiscal year 1992, an increase of $880 million.

Funding for chapter I, compensatory education for the disadvantaged, has grown by 37 percent from $4.57 billion in fiscal year 1989 to $6.27 billion in fiscal year 1992.

Yes, there are those who would decry the budget summit agreement. I decry it too. It was not everything I wanted. But it was the utmost that was attainable under the circumstances. Had the agreement not been negotiated, then under Gramm-Rudman-Hollings, massive sequesters would have occurred. The programs that we have been discussing would have been devastated.

No agreement is entirely beneficial to one side or the other. Each side has to give a little. But, I believe that domestic discretionary spending—the programs that benefit this Nation, educate our children, take care of our veterans, shore up our infrastructure, and care for the health of our people—is best protected under the negotiated terms of the agreement.

As a strong believer in doing something for this country—investing in the human and physical capital of this country—I wish we could do more, much more, in the area of domestic discretionary spending. I have repeatedly made the case that those are the investments needed to increase this Nation's productivity, protect our standard of living and allow for us to be able to compete in an increasingly competitive world. I know that the domestic needs of this Nation have become the poor stepchild of the budget, and I know that if we continue down that path we risk becoming a second-rate America with declining living standards, rusting factories, kids who cannot add, kids who cannot say in what century even, let alone what year, the Civil War began, and an economy beholden to the technological expertise of citizens of foreign lands.

Nobody has made a stronger case than this Senator has tried to make for those needs. Nobody has spoken louder or longer than has this Senator that we must awaken and stop the erosion of our physical and human capital.

But now, Mr. President, strip away this agreement, trash this agreement, adopt this amendment, blow this agreement off the map, as the amendment would do, and our domestic needs will then be at the mercy of any amendment to fund defense or international spending that happens to have enough votes to pass. Trash this amendment, and any sequester, any sequester that comes along because of technical errors on the part of OMB, any sequester that comes along because of economic fluctuations that result from a recession, will cut deeply into the very domestic programs which are vital to the future of this Nation.

Gut the agreement, and the overspending of any committee will be paid for by cutting appropriations for discretionary spending across the board. And, Mr. President, that means the programs that the distinguished Senator from Iowa is fighting for across the board, they will take their share of the sequester, and the sequester may result from overspending in defense, or overspending in foreign operations. Nevertheless, those programs, our programs, our people, our infrastructure needs are going to suffer because the sequester will be across the board; across the board.

Do we want to go back to that situation? That is where we were before the summit. It is in the interest of those of us who want to protect the domestic agenda to adhere to the budget agreement and work within its framework. So I ask all Senators not to go down this road of chaos. I ask them to oppose this amendment which may, in the end, be counterproductive to the very cause it seeks to help.

I know it is a difficult amendment to vote against, and I know the distinguished Senator has spoken of the human investment gap, but I assure him that, as I say, my footprints are there already.

He has said he could go out here and ask any citizen, what do you think of this program? What do you think of our amendment? What do you think of more money for this, or would you prefer a budget agreement? He says you know what the answer will be. "They will vote for these items in my amendment."

Of course, they will. Of course, they will.

But if I were they, I would say, "Well, now, what is this budget agreement all about? What does it mean if we break this agreement?" Now, I say, "do you want the items in this amendment or do you want to break an agreement which would mean that, with sequesters, all of these items would be cut"—they are not being cut now. We are adding on to them in the very bill that the able Senator is managing, but they would suffer cuts; education programs would be cut; Pell grants would be cut; mental illness programs would be cut, Head Start would be cut, cancer research would be cut, all of these things would be cut if the agreement is broken and sequesters occur, as they surely will. Now how do you feel, Mr. citizen? Now how do you feel? Think it over.

Mr. President, I have done my level best, as the chairman of the Appropriations Committee, to protect this subcommittee and to provide it with the necessary resources to better meet its vital needs. It is not the only subcommittee with pressing needs, I say. It is not the only subcommittee that has programs to provide assistance to children and to the disadvantaged. There are a number of programs in other subcommittees, such as WIC, food stamps, low-income housing, housing for seniors, programs for native Americans. These are all important programs. All of these programs, as well as programs for our Nation's fiscal infrastructure, its highways and bridges, its mass transit, and its airports need more funding. But we are paying $207 billion interest on the deficit this year. That is more money than we have to spend for domestic discretionary initiatives. We only have $199 billion for domestic discretionary; only 12.6 percent of the total budget for domestic discretionary. But the massive deficit requires us to work within the framework of the Budget Enforcement Act.

I hope when we go to meet again at the summit, at such time as we do go, that we will be able to come out with a better agreement. And maybe we can do so, in the light of the changed conditions that the distinguished Senator and other Senators have alluded to here. But, under the present circumstances, Mr. President, I would say that today is not the day nor is this the way to help the programs we believe in.

The distinguished Senator from Iowa says Yeltsin broke the deal. But Yeltsin did not balance our budget. Yeltsin did not lower the interest on our national debt. I congratulate Yeltsin for what he has done, but let's be patient until the dust settles. I say this with all deference and respect for the distinguished Senator from Iowa. He has a right to call up this amendment. He has a right to a vote on something. He will get a vote. It will be on a procedural point of order. And for those who want to interpret that as a vote against the program, they may do it. But I hope they will read the record and see that this Senator and others who are supporting the point of order are supporting the very programs that the distinguished Senator is fighting for. But if we go down the road he would lead us, I say it with all due respect, we will find in the long run that the breaking of that agreement will be counterproductive. Then go back to the man in the street and say, how did you like my vote? It is going to cost you, Mr. Man-in-the-Street because your programs are going to be cut because I voted to break the agreement, and sequesters are across the board.

Mr. President, I like what the distinguished Senator from Iowa said. He said he believed in common sense. Common sense would tell me that it will not do any good to cut off our nose to spite our face, and that is precisely what we will be doing if we break this budget agreement.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. DOMENICI. I wonder if the Senator would yield 2 minutes to the Senator from New Mexico, to just compliment Senator BYRD, and then I am finished with my remarks.

Mr. ADAMS. I will be pleased to yield 2 minutes so long as I do not lose the floor and I will receive it back as soon as the distinguished Senator finishes his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me say to my friend, the chairman of the Appropriations Committee, I was here for all of his remarks, and with reference to the history of the summit, what we did and what we did not do, I compliment him. I compliment him, and I want to say that my recollection of it is exactly as is his.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. DOMENICI. Let me make a point to my friend from West Virginia. He indicated that it was through his efforts that domestic appropriations were saved from what was recommended by the administration and that we have a $40 billion increase over the 5 years for domestic appropriations.

Might I say that not only is that true, but the Appropriations Committee has seen to it that this subcommittee on this bill received significantly more than other subcommittees. And let me suggest that the chairman has been absolutely correct and is confirmed as correct, without the proposed amendment. The various programs that we want to increase in that amendment have already been increased by $1.7 billion. That list of eight or nine programs already went up $1.7 billion.

If that is not enough, then let me suggest that the committee has been very, very—what is the word I want? I was going to say wise but I do not want to use that. They have found a way to even get more. Maybe I will say it that way. The very same programs are increased at the end of the year in delays of obligations; the very same programs are increased even more. Let me read a couple.

SLIAG—it is increased $1.123 billion at the end of the year, so it does not count, so it counts for next year. But they will be able to say to everyone we got it this year. It is in this bill.

NIH, the National Institutes of Health. At the end of the year, so it will not count except for 1 day, $347 million, and $145 million in outlays.

LIHEAP, $445 million, at the end of the year in outlays, added to what I have just described as a $1.7 billion increase.

I believe that the add-ons at the end of the year should be challenged. But if they are challenged, the Senate is going to say OK, I am sure. But this just goes to say if you vote for the bill and not for the amendment you have already voted for significant increases in each and every program that is in the amendment that seeks even more increases. You are not voting for any cuts in the bill. The bill has dramatic increases.

I think that, along with the process which is going to fall apart—we are going to have no process for budget control—ought to justify a sounding defeat for the amendment.

I yield the floor

Mr. BYRD. Mr. President, will the distinguished Senator from Washington allow me to proceed for 2 minutes in response to something the distinguished Senator said?

Mr. ADAMS. As long as I do not yield the floor, I yield 2 minutes to the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator. He has suffered long, in having to listen to my previous remarks, and I thank him for yielding at this point.

The distinguished Senator from New Mexico spoke of what would happen by virtue of applying the budget authority, the obligational authority on the last day of the year and letting the outlays fall in the ensuing year. I hope that we will end up the year with some budget authority, because the committee will need budget authority in fiscal year 1992 in order to fund the crop losses that are going to be funded in the supplemental. That is coming down the road. They are going to have to be funded. The 1990 crop losses were $750 million; the 1991 crop losses, $1 billion. We will have to fund those crop losses, and still stay within our domestic discretionary cap or suffer a sequester on all programs. So I hope we will strive to end up this fiscal year with some budget authority which we can use in the supplemental in dealing with those crop losses.

I again thank my distinguished friend from Washington, Mr. ADAMS.

Mr. ADAMS. Mr. President, I rise today to speak in favor of Senator HARKIN's amendment to transfer funding from the defense side of the budget to meet the growing domestic needs we face in this country. But before I speak to what this amendment would accomplish, I want to express my deep appreciation to Senator HARKIN and his staff, and the other members of the Appropriations Committee, for their support in working with me to fund several critical priority areas: women's health and cancer research, the Ryan White AIDS care bill, elderly and human services programs, family planning and family support services.

The Labor-HHS Appropriations Subcommittee faced an especially difficult appropriating process this year. Senator HARKIN received over 1,000 requests for funding new and existing programs and had little money to work with. Last year's budget agreement left us with one hand tied behind our backs. We were forced to choose between funding biomedical research and low-income energy assistance programs, between education and preventive health care, between Head Start and elder abuse programs. I submit to my colleagues that this is no way to run a government. And it is certainly no way to meet our critical domestic needs.

Nevertheless, I want to commend Senator HARKIN and Senator BYRD for getting us through this process and for funding the programs we have. There are several areas that are especially noteworthy, historic really, of which we should all be proud.

This bill provides nearly $70 million for research on women's health; specifically, it funds an office of Women's Health Research and provides the new NIH Director, Dr. Bernadine Healy, with funding to begin the Healthy Women's Trail, a trans-NIH study on midlife women.

Most importantly, the National Cancer Institute will receive $200 million increase over the Presidents budget. Returning the power of the NCI to its 1990 level. This money will support critically important research needs in basic and clinical research, prevention and control, and education.

We have also taken a significant step in redressing the health care gap in the area of women's research. We have provided $132 million for breast cancer next year, $30 million more than the President requested; $20 million of this money will fund basic breast cancer research to find a cure and understand the cause of this dreadful disease, and $10 million is slated to establish six breast cancer research centers to expedite basic research results from the labs to the bedside of breast cancer victims. We also increase funding for ovarian and cervical cancers, and we will fund a $50 million CDC breast and cervical cancer screening project.

I am also particularly pleased by increased funding for several critical programs in the Older Americans Act. We provided much needed increases in important programs such as the Ombudsman Program, which provides advocates for the elderly in resolving problems concerning nursing homes; for elder abuse and exploitation programs; and for a new program that will provide meals to students and the elderly at school sites; as well as other activities, such as health prevention and promotion services.

The committee also provided $137 million to the alcohol, drug abuse and mental health services block grant to further research into fetal alcohol syndrome, the leading cause of mental retardation. The University of Washington Medical School in Seattle is a national leader in FAS research, and I hope it will receive Federal funding to continue its important work.

Despite these gains, however, we are not meeting the domestic health, education, and social services needs of Americans, particularly children. Let us be clear about this. Funding for education programs is $1.1 billion below the House; LIHEAP, the country's major source of energy assistance for low-income individuals, particularly the elderly, has been cut. The Older Americans Act, the Federal Government's largest discretionary program to serve the elderly received less than a cost-of-living increase for the majority of its programs. Funding for child abuse programs received only minimal increases—despite the growing number of children reported abused or neglected; and funding for medical research received far too little funding to keep pace to meet the incredible opportunities we have to reach breakthroughs on such tragic diseases as juvenile diabetes, spinal cord injuries, or cystic fibrosis.

When the Persian Gulf conflict erupted, the Congress acted swiftly and decisively to fund the effort and support our troops. We have shown humanitarian concern by funding programs for the refugees created by that war. We have also continued to provide funding to help foreign countries who have suffered devastating natural disasters. This amendment provides us the opportunity to demonstrate the courage and to show the same commitment to programs that help Americans here at home.

Our national priorities are upside down. For me, there is an inherent frustration in knowing how much more could be done if this Nation's priorities were shaped in a manner that made cancer research as urgent a priority as, say, SDI; a project that has been referred to as brilliant pebbles but which in reality is no more than expensive rocks.

I strongly support Senator HARKIN's amendment to transfer $3 billion in budget authority from the Defense budget to the domestic agenda. This transfer will result in an additional $1.6 billion in outlays for programs in labor, education, health, and human services. The amendment will modify the budget caps established in last year's Budget Enforcement Act without increasing the Federal deficit.

An educated healthy, and productive citizenry is as crucial to our national defense as the Patriot missile. Desert Storm is over and we have brought back home almost all of the troops. The war at hand is the war on unemployment, limited access to quality health care, poor student achievement, and related problems of poverty. The most pressing problems that face this Nation are not a half a world away; they can be found on the streets of every city in America.

Many programs need additional funding. We need to set America on a path to eradicate poverty, unemployment, dysfunctional families, and preventable diseases. I cannot understand how we can cut some of these critical programs. The Harkin amendment would begin to set out funding priorities on the right track.

Cancer. Research is the cure for cancer. But the President's request was $802 million below that recommended by cancer experts convened to advise him on cancer priorities. This amendment will increase the Senate's recommendation by another $400 million and would go a long way to meeting our goal and it would, as the late Senator Warren Magnuson and Mary Lasker noted, end needless suffering they fought so hard to eradicate when they fought to pass the National Cancer Act.

Breast cancer. We could save the lives of 30 percent of women who get breast cancer if they were to get mammograms. The Harkin amendment would add $50 million, doubling the Breast and Cervical Cancer Mortality Prevention Program and allowing more States to establish statewide screening services for low-income women.

LIHEAP. This amendment would add $400 million to bring the program total to $1.7 billion, thereby serving an additional 1,613,000 people.

AIDS. The HIV epidemic, especially in urban centers, is at a crisis. This amendment adds $100 million for Ryan White AIDS care bill, making the total appropriation $400 million.

Education. The amendment would add $270 million for Pell grants, which provide financial assistance to the neediest students for college.

Elderly Americans. The amendment could increase and improve services that low-income elderly populations depend on such as congregate and home-delivered meals, transportation services, legal assistance, in-home services for the frail elderly, and programs for native Americans.

It is time to redirect Federal dollars and national priorities. This amendment will do just that. Americans should not have to forgo heat, go without health care, or without prevention services. I strongly urge all of my colleagues to support this amendment.

Mr. President, this is really the beginning of a historic debate—what I hope will be a historic change in the budget process. I rise today because I was the first budget chairman and the budget resolutions that we put forth in 1974, 1975, 1976 when I was in the Congress, had no relationship, nor were they anywhere near what we are dealing with today.

The budget process as we are seeing it today is not a Holy Grail. It should be changed.

I am grateful for the remarks of the appropriations chairman that he did not want the budget agreement and that he was not in favor of sequester. I want to add to his voice the fact that I shall support the Harkin amendment today as the opening gun in changing this horrifying process known as Gramm-Rudman, which I never voted for because I had left the Congress and the Cabinet when this was adopted. I was not here in 1981 when the reconciliation bill went through and the whole process, in my opinion, was perverted and turned upside down.

The budget process, as it was created, was to be a guide and a strategic plan for the Congress. The administration was not to be involved at all. That was one of the key points in it because up to that time, we had two things happening: First, the President would send up a budget which was a big document created by all of the departments, and all the Congress was able to do, in the period that it had to look at it, was what we called marginal budgeting. They would look at each item and try to change it up or down a little because they had nowhere near the staff to try to deal with this document. The budget is a political document; the President would send up a political document.

The second thing we were dealing with was that the President—prior to that immediate time, it was President Nixon—went beyond that. He went beyond not only sending up the document, but even after we in the Congress had worked our will on it, he impounded the funds. He became a king. In other words, if he did not like the appropriations, he just did not spend it. So the Budget Act was a result of saying no more impoundments, no more of the administration interfering with the Congress' power. The Congress appropriates money, not the administration. No more interference at that point, and we will put in a budget process so that everyone can see what our strategic plan is. It was not to be vetoed. It never went to the President. It was part of the rulemaking power of the House and of the Senate.

During the 1980's, a historic change came about. It was voted through the Congress. It is now law. That change involved two basic things. First, it turned the budget process from being a strategic plan into a disciplinary act. All one has to do is read the book of David Stockman where he admits that this is what was done. The second part of it that was created was to put in Gramm-Rudman-Hollings, which was to sequester. These items provide the present basis by which the Congress operates.

What I am talking about today in supporting the Harkin amendment is not to oppose what my chairman is saying, because he did fight for these programs. In a moment, I am going to comment on those programs and how they affect my State. But it is to say that this is the opening gun in the new battle for the third stage of the budget process which is that we will take back the power to appropriate and we will not be dominated by the administration setting an agreement upon us. There must be a new agreement. I do not know how long it is going to take us to get there, but if we do not serve notice that we are about it, it will stay in place.

Why do I say this is a historic moment in time, and why do we do this at this point? Because this great institution runs the risk of becoming the last outpost of the cold war. The cold war is over as far as the troops in Europe are concerned, as far as the Warsaw Pact is concerned. The Soviet Union has imploded, or exploded, whichever you wish to call it. So the defense posture throughout the world, as all the American people know it, has changed, and yet we are here arguing about the past amendments and agreements that we had.

What I am here to do is not to criticize my chairman or someone else, but here to say that this is how we start to change to meet where the world really is. We do not need to spend $160 billion in Europe. Germany is very capable of defending itself. Against what? There are no troops left. There are no troops in Czechoslovakia that are going to attack. There are some left that are Russians, and they are all leaving to go home, if they can find a place to go.

What we are talking about is the American people want us to move to the future, and our future is to start shifting priorities. This is an appropriate way to start it.

We do not break the caps. This does not increase the deficit. This is the first argument on priorities of do we spend money in the Defense budget to fight an army that is no longer there or do we spend money in the domestic area to fight sickness and children's disease and all the things which have been mentioned, which are there and which are reality and which are what we are here to try to protect, which I try to protect for my State and everyone else tries to protect for their State.

Yes, this is a hard amendment to vote against. But we are not here to vote process. We are here to vote for what our people sent us back to do: To recognize the reality of the world and that we may lose this fight because of the numbers that are against us.

We should take back the power to appropriate and the power to set budget agreements into these bodies, the Congress. And then the administration can veto if they want and we can try to override the veto. That is how the system works. I do not mind trying to change this agreement, because the President has vetoed 22 straight times. That sort of changes a little bit what we have put forth as our priorities. That is what we are talking about here, priorities.

So if we are to be the minority party trying to overcome vetoes by getting 66 votes or trying to overcome budget points of order by getting 60 votes, we might just as well face it, go to the American people with the issue, and that is where we are.

So I say to the chairman, I am the wave coming with you, behind you. And today may not be the day, but you and I will be joining hands to change this system and bring this power back to where it belongs, to this Congress, and we will establish a budget agreement among ourselves, and we will fight it out as a third branch of Government.

The final reason I say this, Mr. President, and to my chairman, is that the Supreme Court is going to change dramatically, and it is the third branch. So here we are one part of one-third of the Government and we, therefore, have to be very strong and take our positions very well.

So I am going to support Senator HARKIN's amendment and I will support a waiver. I understand we are going against the budget agreement. You and I did not like the agreement. We voted against it the first time and finally had to vote for it in order to get the place moving because we are all that is left.

So I want to thank him and I want to thank Senator HARKIN for getting us through this program. And I think you are an absolute genius at being able to allocate money among committees and run that committee under the most difficult circumstances. But let us start working on changing those situations. Let us start working on getting to the basics of the constitutional power which is ours.

Mr. BYRD. Mr. President, will the Senator yield? He addressed his remarks to me?

Mr. ADAMS. Certainly.

Mr. BYRD. I think whatever we do basic to such an agreement, will be discipline. There has to be discipline.

Mr. ADAMS. Absolutely.

Mr. BYRD. And this body has to discipline itself when it comes to spending. It has to discipline itself when it comes to paying as you go.

Mr. ADAMS. I agree with the chairman. And that discipline should apply to the Defense Department, to the savings and loan, and to a lot of other mismanagement items that came out of the administration. These items should be disciplined, not just children not getting their immunization shots or the very small items that we have compared to the big items.

Mr. BYRD. Will the Senator yield there? The Senator spoke of the savings and loan fiasco?

Mr. ADAMS. Yes.

Mr. BYRD. If it were not for those agreements, those costs would come out of the hide of the very programs that were enumerated in the amendment.

Mr. ADAMS. I understand this amendment. That is why I am saying to the chairman this is the beginning; this is the beginning, I hope, of change.

That that circumstance should exist is something we should have never let happen and we should be about changing it. This is the first step in trying. We will see how well we will do. I hope we will do well because let us look at what we did. I agree with the comments that have been made that there have been improvements in the amounts of money that have been spent. This bill gives nearly $70 million for women's health. We should have been doing something about that years ago. It provides the new NIH Director some help. We have done something for the Ryan White AIDS care bill. We have also done some things in the area of alcohol, drug abuse, and mental health services. I can go down a list of the items that have been not only helpful, but we acted decisively in the Persian Gulf; we have acted to help refugees; we have acted to help disaster people. But now I think we have to look at this.

The reason I say it is historic is our national priorities are upside down. For me there is just an inherent frustration in knowing how much more could be done if our Nation's priorities were shaped in a manner that made cancer research as urgent a priority as, say, SDI, a project that has been referred to as Brilliant Pebbles, which is really no more than expensive rocks.

I strongly support Senator HARKIN's amendment to transfer $3 billion in budget authority from the Defense budget to the domestic agenda. It would give $1.6 billion more in outlays for labor, education, health, and human services without breaking the caps or increasing the Federal deficit. An educated, healthy, and productive citizenry is what makes a nation strong.

I close by saying I think Europe can defend itself. I think the German economy, and I certainly think the Japanese economy, which do not spend the amounts we do on defense but instead put it into the other national priorities like we are talking about here—there is health care in those countries, there is production, there is competition among their industries, and they are competitive with us. So I say, Mr. President, let this institution today move forward to a new stage in budgeting. Yes, we need discipline, but discipline includes not spending $160 billion to face a shadow army. It includes spending as much money on research for health and for education as it does for defense against an enemy which no longer has the capacity to compete with us. That war is over. The other war is just starting, and that war is to give the American people a decent standard of living, no more sliding down of the standard of living, no more pushing people out of the health care area, no forgetting to help the seniors who are not able to help themselves, no more saying to people who have lost their jobs they are not going to get unemployment compensation.

I do want this to be a friendlier, quieter, better Nation, and the way to do it is to start today and then go step after step after step. I hope the day will come when I will be able to join hands with the chairman of the Budget Committee, the great Senator from Tennessee, and the Senator from West Virginia, the great chairman of the Appropriations Committee, when we fix this thing, and I am joining with Senator HARKIN today, not in opposition to the Senators at all but to say this is the beginning, and I think we will carry it through this election and we will carry it through the next one until we have changed the system to where it works for the American people. They expect it of us. They expect us to be real. They do not expect us to be in agreement with Presidents that not only veto us continually but do not come up with a program to meet their problems.

So, Mr. President, I thank the Chair for the time. I thank my colleagues for the time. I think this is a day we will long remember as the beginning of the third stage of the budget process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise most reluctantly but most respectfully to speak against the amendment of the Senator from Iowa. I say reluctantly because, like most of my colleagues, I am well aware of the many health and education programs that are woefully underfunded. I say respectfully, Mr. President, because I am well aware of the countless hours and days and weeks put in by my friend from Iowa for the cause of the underprivileged, for the cause of the ill. But, Mr. President, the proposal is a very complex one. This amendment proposes to provide $3 billion for additional domestic programs by cutting unobligated Department of Defense funds. In order to provide $3 billion, you will have to reduce prior year Defense funds by $7.4 billion.

The argument has been made, Mr. President, that these funds, since they are not obligated as of this moment, are not needed.

May I suggest to my colleagues that unobligated Defense balances are not excess funds. They are not leftover surplus funds. When we approve a program—let us take an aircraft carrier—we fully fund the procurement of that aircraft carrier, let us say $3 billion. For the first 3 or 4 years nothing may be spent, but the money has been set aside. It may take 7, 8, or 9 years to fully fund this aircraft carrier, but that amount has been set aside, unobligated for the time being.

If we decide to follow the leadership of my friend from Iowa, it would mean we would have to cancel contracts, renegotiate contracts, and I think all of us agree that whenever you renegotiate contracts, you are paying a higher price. We would have to pay penalties to those contractors because we work on contracts. So in the long run, Mr. President, we would have to pay more than we have already spent and we will get nothing in return, nothing in return for all the moneys we have spent.

But I think there is something else involved in this amendment on which I am compelled to say a few words. My dear friend from Washington said that the war is over, the Russians have either imploded or exploded. Mr. President, I now speak as chairman of the Defense Appropriations Subcommittee. A bit of history might not hurt at this stage, Mr. President. While doing some research on military spending. I had to chuckle when I learned that after the Revolutionary War the Continental Congress decided peace was upon them, so they reduced the military to 80 men. That was the total number of men in the U.S. military—55 at West Point and 25 at Pittsburgh. A year later the British took this as an invitation to burn down the White House, and they burned this building.

After World War I, we were so horrified by warfare, by the use of gas, by the number of casualties that we became a neutral country and we passed several acts of neutrality. So we began cutting our military.

I think all of us should refresh our memories by going back to Gen. George C. Marshall, who became the commander of the largest military force in the history of mankind: 12 million men under arms. When he took over his first command as a general, he had a division. A division has usually 24,000 men. It was on paper. He had 200 men at Fort Leavenworth. That is including cooks, kitchen police, medics, jeep drivers; men carried cardboard tanks, men used broomsticks as rifles. That is the way it was, sir. That is the way we were unprepared on December 7, and in a few months we will be observing the 50th anniversary of that day.

So we had 12 million men at the end of 1945. Victory was a great one, but a costly one, a painful one. Then we, in the Congress, decided peace was upon us. So we began cutting our troops. In 1949 we had 1.2 million men in uniform. President Truman tried to provide funds to maintain that number. The Congress rejected that move and cut that in half.

On June 25, 1950 at 4:55 a.m., the North Koreans crossed the border. We had to send cooks, stevedores, and clerks from Japan to stem that tide. And now historians tell us that the first 10,000 casualties in Korea were due to the lack of training and lack of equipment.

Yes, there is a great turmoil in Moscow today, sir. But, Mr. President, I would prefer to face a committed, dedicated, tough, mean enemy, an enemy that I am aware of and I know where he is coming from, than someone who has something in his hand and I am not certain whether it is an olive branch, or a knife. With all the changes that we have seen in Moscow, with all the changes we have seen on CNN, the changes in names, and faces, the only changes in names and faces in the military were on the top level. Not a single flag was retired in the Soviet military. Not a single flag, not a single division was put out of commission.

While this Congress and this body was debating whether we should have mobile missiles, while we debated, the Soviets deployed 250 mobile missiles. While all of this turmoil was going on in Moscow, the assembly lines continued. Today, notwithstanding the economic problems, they have more artillery pieces than the United States and NATO combined. They have more tanks than the United States and NATO combined. And they have a lot of ICBM's.

Last year while they constructed nine submarines, we constructed one. This year, Mr. President, the Soviets will construct 10 submarines and we will build 1. At this moment, they are constructing an aircraft carrier. And, Mr. President, an aircraft carrier is power projection. The Pacific fleet is at this moment much more lethal than it was 3 years ago.

I say all of this because I am uncertain. I do not know where Mr. Gorbachev will be 2 days from now. No one can assure me that Mr. Yeltsin will be there 2 days from now. Intelligence experts tell us that we should be prepared for another coup or many other coups in the Soviet Union. And if this loose confederation of sovereign nations becomes a reality, then we will have 10 more nuclear nations added to the roster. These are its uncertainties. And as chairman of this committee, I do not with to be presiding over any activity that will leave us totally unprepared.

I would hate to be the chairman of the Defense Appropriations Subcommittee in 1949 and later have people tell me because you did not appropriate the money, 10,000 either died or were wounded because of the lack of training and the lack of equipment.

No. Mr. President. I will have to oppose this amendment, much as I admire my friend from Iowa. I know where his heart is. And as he knows, we have done our best to try to find funds elsewhere. He has been not only generous with his time, but with his bill on matters of keen interest to me and my State.

So as I said in the beginning, Mr. President, with some reluctance, a great amount of respect, I will have to oppose this amendment.

Before yielding the floor, Mr. President, may I commend my chairman of the full committee. It is always a pleasure listening to the Senator from West Virginia. He always reminds us of what it was and what it could be. Although we all participated in the change in the budget of the United States, he is the walking encyclopedia. I am glad that he is around to refresh our memories on a regular basis.

My only regret is that all of my colleagues were not here to listen to the Senator from West Virginia because his assessment is absolutely correct. If this amendment passes, and the budget reform is put to rest, then the programs that all of us have been supporting in the domestic section will go down the drain. And I do not want to see that happen.

I thank you, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am glad I have had the opportunity to be here to listen to much of this debate. I commend our dear colleague from Hawaii. His wisdom I think will not be lost by the majority of the Members of the U.S. Senate.

I also would like to thank our distinguished former majority leader, the chairman of the Appropriations Committee. I worked for many months with him on this agreement. And there is one thing you can always be certain of in dealing with Senator BYRD and that is his word is good. When he commits to an agreement, some popular idea may come along that he may find attractive, but he does not forget that he gave his word to make the process work, and that is why he is the most respected Member of the U.S. Senate.

I would just like to say that I personally appreciate it, and I think it is very valuable to our Nation.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his charitable words; I appreciate it very much.

Mr. GRAMM. Mr. President, I want to remind people as briefly as I can where we are and what this amendment is about and talk about the two issues we are trying to decide here today. I remind my colleagues that last year we agreed to a 25-percent reduction in defense. We have a dramatic reduction in defense underway. That reduction, over a 5-year period, will reduce the number of people in uniform by 500,000. It will dramatically change the defense structure of the Nation, and it will dramatically reduce real expenditures on defense. That process is in place and underway.

As part of that same budget agreement, we agreed to a $40 billion 5-year increase in discretionary spending. We also went on a pay-as-you-go formula for entitlement spending. There were many things about the agreement that I did not think were optimal, but in terms of enforcing the spending agreements, I think it is vital to the national interests that the enforcement should be done.

The first question that I think we have to answer, and how we vote on the procedural matter as to whether or not we are going to uphold that agreement, is: Should we declare another peace dividend? Having cut defense last year by 25 percent over the next 5 years, is it time for another dramatic cut in national defense?

The distinguished Senator from Hawaii, I think, has spoken to that with greater eloquence than I can. I agree with him that with a dramatic defense reduction already underway, with the unpredictable changes occuring in the Soviet Union, now is not the time to make another reduction without gaining further information about what is happening.

I think we need to be cautious and, quite frankly, while I am hopeful that in the future we can reduce defense again, it has to be based on real actions and real progress in the Soviet Union. I am afraid that I believe that even if we are successful, and even if progress is made, we still need the strongest defense in the world. Even in a world where, according to the Biblical prophesy, the lion and the lamb would lie down together in peace. I believe it is vitally important that the United States of America be the lion, and I am always going to be committed to that. I will always believe that good has to be more powerful than evil, or those who might potentially be evil.

So I think that this debate is a year too early. I think we need to implement the defense cuts that are underway. We need to gain information over the next 9 months, and then I think this debate ought to occur on the next budget. I think we have declared one peace dividend; most of it went to deficit reduction, and it should have. I do not think it is time to do that again.

But the second issue which we really are engaging for the first time here is: What are we going to do with this peace dividend? If in fact we begin to beat swords into plowshares, who is going to own them? If we are going to beat swords into plowshares, what are we going to do with the plowshares?

Our colleague from Iowa has a clear vision. His vision is that we ought to spend the peace dividend; that we ought to declare it today, and that we ought to spend it; that Government should be the beneficiary of the peace dividend.

Well, Mr. President, this debate is not going to occur today, other than simply the beginnings of the debate, because we are going to uphold the budget point of order, and this amendment is going to fall. But this debate is going to be back in one form or another many times, and I believe it will be decided next year.

I want to put people on notice that there is an alternative as to what we might do if, God willing, we get a real peace dividend. The alternative is to invest it, not spend it.

Who says that the people riding in the wagon should be the sole beneficiary of peace breaking out? I think the people that are pulling the wagon ought to share some of the benefits. After all, they are the people that paid to build the defense that won the cold war.

So, at the proper time when we have this debate, when we debate whether or not there can be a peace dividend, I want to put people on record that I will have an alternative to spending it. That alternative will be to first apply part of it to reducing the deficit, to free up capital for private use, to lower interest rates so people can build new homes, farms, and factories, to generate new economic growth.

Second, I think we ought to take part of the peace dividend and give it back to the working men and women of America by raising the personal exemption and, in the process, letting American families spend it, letting American families invest it in the health and education of their children, letting American families invest it in their future.

So there are two issues in debate here: First, is it time to declare another peace dividend? I say no. Let us wait 9 months and see what happens in the Soviet Union, and then let us debate that issue. I am hopeful at that time we can safely reduce defense.

Second, what are we going to do with the peace dividend if it is declared? I say let us give it back to the working men and women of America. Let us not permit Government to spend it.

I yield the floor.

Mr. BRADLEY. Mr. President, the question my colleague from Iowa is asking today is, can we take advantage of the changes in the world to make a better life for American families? Can we make our budget reflect our real priorities as a nation—healthier families and better-educated kids? I believe we can.

Can there be any doubt about what our national priorities should be now that our longstanding military rival no longer exists as a nation? Improve life chances. Invest for the future. Reduce the burden on American families. That means Head Start, childhood immunizations, Pell grants for college, and a search for answers to cancer and Alzheimer's. The unobligated funds from the defense budget authorized as far back as fiscal year 1988 obviously have nothing to do with our priorities.

This amendment is right on the mark because it funds the best programs, the programs that make a real difference in education and health, by taking money from just the right place. It's a modest cut from defense outlays—barely six-tenths of 1 percent—to make a big difference for people.

Money the Defense Department hasn't even been able to spend could bring 1.8 million preschool children fully up to date on their vaccinations. It could deliver the miracle of Head Start to 360,000 children. It would double our spending on research for a cure for Alzheimer's. It could provide enough money to increase the maximum Pell grant to $2,500, making a college education a little more affordable. And it could provide $258 million in new chapter I basic grants for school districts that need the most help.

To be able to do all this for so little and yet to say no because of misguided budget rules that locked us into last year's shortsighted priorities is, at the very least, irrational. Senator SIMON and I introduced a bill to change those budget rules back in March, so that we could respond to change and take advantage of a reduced military threat. Even then, we needed stronger schools and clinics more than excess defense spending. But after what happened last month, the point Senator SIMON and I were trying to make is undeniable. As the authorities in the former Soviet Union learn the hard way that keeping families healthy and workers productive is more important than international rivalry, we can do the same. Their democratic revolution has freed us to take care of ourselves. This amendment is the beginning, and I urge my colleagues to support it.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I see the distinguished Senator from Colorado is going to speak, but at this point, Mr. President, I wish to raise a point of order.

The amendment before us would cause the Labor-HHS bill to exceed its allocation of domestic discretionary budget authority and outlays. I, therefore, raise a point of order against the Harkin amendment on behalf of myself and the ranking member of the Budget Committee, the distinguished Senator from New Mexico [Mr. DOMENICI]. I raise the point of order under section 601(b) of the Congressional Budget Act.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive 601(b) of the Budget Enforcement Act of 1990 for consideration of this amendment.

The PRESIDING OFFICER. The question is on the motion to waive. The Chair points out that the motion to waive is debatable.

Mr. WIRTH. Mr. President, I think the distinguished Senator from Texas is exactly right. This is a debate that is long overdue. And I hope that he is correct that we will have this debate again next year and more of it next year. I am glad we are having it this year, and I wish we had a great deal more of it last year, and the year before.

This is a debate that goes right to what we want our Government to be, what our priorities are going to be, where we are going, and what the American people except of us, their Government, in a rapidly changing world.

I need not remind everybody of the rhetoric that has gone before, and the good points made before about how this world is changing so very, very quickly. And yet we are stuck, Mr. President, in a way of looking as if the world had not changed at all.

Let me, if I might, she with my colleagues some data. Let us look at defense, how much we have spent in 1991 dollars, Mr. President. The yellow or orange line across this chart is the average budget during the cold war for defense. That is in 1991 dollars. This is during the cold war, which by the way is over. We spent more during Korea. There was a bump-up during Korea, and more during Vietnam, and we have seen this remarkable ramping up in the 1980's. In 1991 we are spending $288 billion on defense. The peacetime average, the cold war average, is less than $250 billion.

The cold war is over, Mr. President, and yet we are still spending almost $40 billion, almost $50 billion more than we did at the height of the cold war. Let me say that again. The cold war is over and we are still spending a vast amount more above the cold war average on defense.

The distinguished Senator from Iowa has said let us start making changes now, and he is absolutely right. The amount of change being made, $3 billion in budget authority, about $1½ billion in direct expenditure to be invested, to use the words of the distinguished Senator from Texas, to be invested in our public, invested in education, is precisely what we ought to be doing.

Now is this going to be an enormous havoc being made, havoc in a budget where we are spending almost $50 billion more than the peacetime average for defense? I am not sure my colleagues are aware of this. The cold war is over and we are still spending a vast amount more than we did at the height of the cold war on defense. What kind of sense does that make? That is what the amendment of the distinguished Senator from Iowa is all about.

The world is changing, and we have not changed. This chart tells you we have not changed. We have made some beginning changes, there is no question about that. We are starting to bring down the defense expenditures, we are starting to do that, but we have a long way to go.

And not only should we do what the distinguished Senator from Iowa is suggesting, we ought to follow the advice of the distinguished Senator from Texas, and do this again next year. No question about it.

Now, having said that, arguments are made here that somehow we are going to put the Budget Act to rest, we will not have the enforcement capability. Not the case. We have the appropriate number of votes—60 votes we change it. That is what we ought to be doing is changing it. We are here to not lock ourselves in for the future. Unfortunately, we have done that in defense expenditures, locked ourselves in. We do not have to do that.

We certainly have all kinds of discretion. We are presumably to have a little bit of discretion, not be automatons, and we said we had some kind of deal that people agreed to. There was presumably going to be a budget deal. That $30 or $40 billion deficit was the famous budget deal that nobody was proud of and not go lock ourselves in, not make investments, and continue this pattern of defense expenditure. It does not make any sense. The American public is telling us it does not make sense.

Let me make a final note—uncertainty.

The distinguished Senator from Hawaii made a very good comment and discussion of uncertainty, that he is afraid of uncertainty. He wants to cover uncertainty and that is a very prudent position to take.

The distinguished Senator from Hawaii was absolutely eloquent today at lunch and I found myself in complete agreement with what he had to say. He was, I thought, right on the button and right on the button to talk about insert as well.

Let us talk about uncertainty. We have spent an enormous amount of scarce public money, the National Treasury, going for uncertainty in many cases. We are going to build new strategic weapons system to make the rubber bounce. What are we doing with all of that, about $30 billion on strategic weapons program, and the Soviet Union is doing what? We have 12 aircraft carriers, Mr. President. Various design of those aircraft carriers is to take the war to the Soviet Union. Is that what we really think we are going to do again? I do not think so. We have spent a great deal of money to presumbly lower any kind of uncertainty whatsoever to cover any inmate contingency and that is fine in the defense area.

Let us talk about other uncertainties. There is being used the uncertainty argument, which is a very good one. I think we ought to be concerned about what happens in a democratic society when the gap between the rich and poor becomes dramatic, as it has become, when we have so many young people not educated, not going to be able to compete in the world in the future. What kind of uncertainty is that bringing to us? What are we doing as a responsible public entity to make sure that we are trying to limit that uncertainty? Nobody can speak about America's education system and not know that that uncertainty is growing out there rather than declining. The amendment of the distinguished Senator from Iowa is to help us start to address that uncertainty.

Let me address other uncertainties, Mr. President, that has not been discussed by this administration in any way, shape, or form, and that is the uncertainty related to the environment. We are putting up into the air greenhouse gases of massive amount. There is a general consensus in the scientific community that what we ought to be doing is lowering those, that the world is going to get hotter and we are not quite sure where, how much, or how rapidly, but it is going to happen. They refuse to do anything about that uncertainty, which is enormous. There are uncertainties in the environmental world which we ought to be dealing with, and education we ought to be dealing with which are somehow left behind. Those are not important and yet we are going to spend $50 billion a year more than we did during the peacetime, during the cold war, and the cold war is over.

That is not a very rational way to deal with uncertainty I do not think, Mr. President. I would guess that the chances are pretty good that we are going to have some very, very significant problems related to our education system, related to social dynamite in the United States if we are not training people.

Let us say the chances are 25 percent, Mr. President, that we might have a significant set of social problems in the country, that we might have some kind of riot against in the country. We are certainly going to be breeding a whole lot of social unrest. Twenty-five percent. Is that high, low? That is a lot of uncertainty in my opinion.

Mr. President, if you were scheduled to get on an airliner but knew the chances were 25 percent that airliner was going to crash what would you do? You would change your reservation. I would say the chances of uncertainty related to social dynamite in this country are pretty darn good and we ought to be making investments in that front, and the distinguished Senator from Iowa begins to do so.

I just remind my colleagues, in closing, what is in this chart once again. The peacetime average is about $235 billion, the peacetime average. This is the cold war. This is that we spent, Mr. President, on average, during the cold war, $235 billion.

We had a bump up during Korea, a bump up during Vietnam, and this big ramp here by $25 billion; we are now spending $50 billion more than that and the cold war is over. We are told we cannot deal with a small and modest change suggested by the distinguished Senator from Iowa. I think the public is waiting for us to do this, Mr. President, and the faster we get on with it the better.

I commend my distinguished colleague for his thinking about this and working on it and presenting this. I think he is doing just the right thing, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the motion to waive the point of order.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

Mr. DOLE. Mr. President, we have heard a great deal today about the extraordinary number of pressing domestic issues. The list, not surprisingly, includes some of the Senate's favorite programs from Head Start to Alzheimer research.

There is much that this Senator might agree with on that list, whether it is Head Start or research moneys for mental illness. The problem is our country is broke. There is simply no money available to add to even the most worthy programs.

No problem. The authors of the amendment have given us what they describe as a simple solution to the financing dilemma—let the Defense budget pay the bills for every domestic problems. With the Soviet bear on its knees from' last months disastrous coup, now is the time to collect the so-called peace dividend.

Well, hold on a minute. I thought the Soviet coup would have been more of a wake-up call for some of the liberals in Congress. I guess the sound of the Soviet Army's guns weren't loud enough. But, just because those guns are silent today, we still need to keep our guard up.

I am amazed by those who claim to know the future—those who offer policies based on a guess or a hope. Nevermind their track record. Somehow, they don't have to be accountable for the last wrong prediction.

The fact is, no one knows what is going to happen next year, or in 6 months, or even a week from now. Time and time again, events in the world remind us that there are always risks, challenges, and dangers.

We spent a whole week not knowing whose finger was on the Soviet's nuclear button. And we still can't say for certain, whose finger will be on it next month—Yeltsin, Gorbachev, or the head of the KGB.

Let's face reality here. Now is not the time or the place for a debate on the Defense budget and, in fact, that's really not what this debate is all about.

The other problem with this simple solution, and the more critical issue in my view, is that it would destroy last year's budget agreement. As far as I can tell, that budget agreement is the only thing right now standing between Congress and budget chaos.

Even with the discipline of that agreement, the deficit is not falling. It's growing. So, if we are going to start cutting from defense, let us have the discipline to apply the savings to deficit reduction, not new spending.

As the Senator from New Mexico has already pointed out, this bill already provides an increase of $1.7 billion for the items on the Senator from Iowa's list. In fact, except for two programs, every program is in line to receive significantly more money this year than last.

Clearly, we need to do more in many areas, but when do we bite the bullet? When do we start thinking about those who will be paying the bill for our deficit—10, 20, and 50 years down the road? Let's stop the buck now. I urge you to vote against waiving this Budget Act point of order.

Mr. DURENBERGER. Mr. President, I rise today in opposition to the motion to waive the Budget Act.

The Harkin transfer amendment holds out the promise of an additional $3.04 billion in Federal funds for cancer research, breast cancer screening, AIDS care, and a host of other social ills. Sponsors of this amendment have drummed up support from a number of grassroots organizations deeply committed to these causes.

The implication that has been raised is that opposition to this transfer amendment is tantamount to opposition to these worthy causes. A further implication is that this money is simply lying dormant "unobligated" and that it is simple matter to put it to good use.

As a Senator committed to a healthy America, and fully committed to medical research and treatment, I am distressed by those assumptions. Mr. President, I believe that this approach is playing politics with the hopes and fears of the American people. This is nothing more than a budgetary sleight of hand.

I am reminded of the "Wizard of Oz" who promised to fulfill everyone's wishes. But, just like the "Wizard of Oz," we are supposed to pay no attention to the activities behind the curtain. Unfortunately, what we are being offered here is only smoke and mirrors.

Mr. President, supporters of this amendment may not be aware of the serious consequences of this proposal. Most people probably do not know that this so-called transfer requires us to violate the budget agreement—an agreement that took the Congress months to hammer out. The agreement, while not perfect, is fiscally responsible.

Mr. President, I find a particular irony in this amendment because the Appropriations Committee bill, that my colleague from Iowa can take much credit for, increases funding to most of the beneficiaries of the transfer. The bill raises funding to the National Institutes of Health, including an increase of $65 million for expanded breast, ovarian, and cervical cancer research. HHS outlays for AIDS-related spending are over $3.8 billion. The Senate bill exceeds both the House bill and the administration's request, and supports a host of important research and service programs.

Clearly, Mr. President, every worthy project could use greater funding. But, the ends of this amendment simply do not justify the means. This is fiscal politics not fiscal responsibility.

Mr. DODD. Mr. President, I intend to vote against the Harkin amendment, although it is not without hesitation that I do so. I certainly share a dedication to the Senator's objectives and in the Budget Committee, of which I am a member, I repeatedly supported efforts to increase spending on these and similar domestic programs. Senator HARKIN deserves great credit for his tireless support for these programs, and I have been working with him to try to incorporate many of the goals of this amendment into proposals which the Senate will consider later in the week.

This is not the appropriate way to achieve our shared goals. The time to consider such a proposal was during the budget resolution process or in the last executive-legislative budget agreement. This amendment violates both. If for no other reason, I have to vote against it in the interest of maintaining an orderly budget process.

The other reason I oppose this amendment is that it is a raid on our defense budget without any good justification or showing that such a raid is justified and reasonable. I fear a new peace dividend euphoria whereby we vastly overreact to recent events in the former Soviet Union. Following the media commentaries, it becomes obvious that there are people who believe that we can rewrite daily our whole defense budget and procurement strategy on the basis of the latest headlines.

Such action would be premature. Those missiles are still there targeted on us. Those thousands of warheads are still threatening us. Those submarines are still lurking in the world oceans and the submarine yards are still working at full capacity.

We never armed ourselves against the declared intentions of our potential adversaries, or against their friendly or unfriendly attitudes. We arm ourselves against their capabilities. Only a genuine and substantial reduction of those capabilities can indicate that the time has come to lower our guard. I certainly hope that that will happen soon, but I would not like our hopes to get way ahead of our prudence.

If we won the cold war, we did that by determination, prudence, and patience. It would be ironic if our patience ran out prematurely just as the world could start to benefit from the fruits of our steadfastness.

Mr. President, as I said earlier, I agree with Senator HARKIN's goal of strengthening these critical programs such as Head Start and immunization and LIHEAP. But this is not our only opportunity. There will be other opportunities later this week, and I intend to support those efforts.

Mr. LEVIN. Mr. President, I believe that we can and should reduce the defense budget. The turn of events in Eastern Europe and the Soviet Union as well as the need to reduce our budget deficit for the sake of our Nation's long-term economic health justify cuts in defense spending.

But, where to make those cuts in defense spending is the job of the Congress and not the Defense Department. The Congress, through the authorization and appropriations process, has the opportunity and the responsibility to set priorities within the defense budget as well as to set overall spending priorities. The Harkin amendment only does part of the job. It correctly recognizes that defense spending can be cut, but it leaves it to the discretion of the Defense Department where those cuts should fall. For that reason, I will vote against waiving the Budget Act to allow for the consideration of the Harkin amendment.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. SIMON. Mr. President, I rise in strong support of the amendment of my colleague from Iowa. Even before what happened in the last 3 weeks, this amendment made sense. But what has happened in the last 3 weeks makes it just much, much more pressing.

Let us take a look at two realities, Mr. President. One is, if you take the cold war, the height of the cold war—take out Korea, Vietnam, and the Reagan years—in the height of the cold war, in 1991 dollars, we spent $235 billion on defense. Now, with the cold war over, we are going to be spending $295 billion on defense. I think we can make some sensible cutbacks here.

I see my distinguished friend, the chairman of the Senate Armed Services Committee, just came on the floor. I heard him make on television one suggestion that would save a few dollars. That makes infinitely good sense. But for us to spend a high percentage of our defense dollar today to resist the Soviet attack against central Europe—and that is what we are doing, you know—that is just irrational.

Do not ask Members of the Senate. Just ask the person on the street in North Carolina, in Iowa, in Georgia, in Illinois, what is the great threat today: The military threat from the Soviet Union or that domestically we are not going to respond to the needs that we have. And they are going to tell you logically it is the domestic needs. If we are going to be a first-class nation in the future, if we are going to increase the productivity as we need to increase it, then we are going to have to do much, much better.

From 1948 to 1973, Mr. President, we experienced very substantial growth in our GNP. From 1973 on, the rate of growth has been cut in half compared to the other major industrial nations, and I think clearly one of the reasons is we have not been investing in our human resources.

There is an interesting book by David Halberstam called "The Next Century." Just a small book. He was in Japan for a while for the New York Times. He has this interesting comment. He says the stem that winds the watch of the Japanese economy is education. We ought to be investing more there.

I think the amendment by our colleague from Iowa makes eminent good sense. I am going to support it. I am realistic that it is not likely to carry in view of the opposition, but I hope it causes us one of these days to do something that is a little more sensible.

Mr. President, I see my colleague from Georgia is going to speak and I yield the floor.

Mr. NUNN. Mr. President, I rise in opposition to the amendment offered by the Senator from Iowa. It is my view that this Labor-HHS appropriation bill is not the proper place to reduce defense and undo the budget agreement. And I think that is what this would do.

Mr. President, this amendment seeks to transfer defense funds to domestic discretionary programs which would be a direct contradiction and violation of the budget summit agreement.

I would like to review just for a moment—because so many people are looking at the events in Soviet Union and saying, "Well, if this is happening, why can't we reduce our defense budget?" And the answer is, we have and we are. That is precisely what we are doing. We have embarked on a 5-year defense reduction program that anticipates events in the Soviet Union will continue to move in the direction that they have moved in in the last 2 years, which is a tremendous reduction in the threat that we have guarded against for the last 40 years.

Mr. President, just reviewing briefly: Since 1985 the defense budget has been reduced by 24 percent in real terms. Under current plans, the fiscal year 1996 defense budget will be 34 percent below the fiscal year 1985 level in real terms.

So when people say it is time to reduce defense, the answer is they are right, and that is precisely what we are doing. We are reducing defense. We are trying to do it on a sensible basis. We are trying to do it in a way that preserves our ability to reconstitute forces if required, because threats can change in the world, and we are trying to avoid the mistakes that democracies have historically made. Every time there has been a change in the world picture for the better, democracies have generally gone into a tremendous disarmament only to regret it a few years later. So we are reducing defense budgets.

In 1996, the 1996 defense budget will be 3.6 percent of the gross national product, which will be the lowest level since 1945; 3.6 percent of the gross national product. It is as if people do not realize what we have done here in the last 2 years, and we have done a great deal.

Over the next 5 years, the number of active duty military personnel will be cut by 20 percent, a reduction of over 400,000 people. The number of Department of Defense civilian personnel will be reduced 12 percent, or a reduction of 130,000 jobs.

By 1995, the number of Army divisions will be reduced from 28 to 18, a reduction of 10 divisions, or 36 percent. That is the present course we are on. The number of Air Force tactical fighter wings will be cut from 36 to 26, a reduction of 10 fighter wings, or a 28-percent reduction.

The number of Navy ships will be reduced from 545 down to 451, a reduction of 94 ships, or 16 percent.

The number of nuclear warheads will be reduced about 20 percent, assuming that we continue with the START agreement, which I do assume.

Mr. President, we have terminated 20 major defense programs in the last 2 years, and in the interests of time I will not go through all of those, but they include very important and historically important programs that are, I think, well know to everyone.

The procurement budget has dropped 27 percent in real terms in just 2 years. The so-called bow wave of expenditures on major weapons systems has decreased dramatically. The planned expenditures on 25 of our largest weapons systems in terms of money for 1990 to 1995 have been cut in half, cut by 50 percent just in the past few years.

The first base closure round in 1988 closed 86 facilities. About 30 of these were major bases. The current proposal pending before Congress closes 34 major bases, and it is my view there will be additional base closures in 1993 and 1995.

Mr. President, these are the cuts that are already happening. The fiscal year 1992-93 Defense Authorization Act passed by the Senate last month carries out these reductions.

Mr. President, some people say that we must make further reductions in defense spending to have any chance of getting the deficit under control. We have had a budget summit every year since fiscal year 1988. The reality is that the only way that tough budget choices can be agreed to is as part of a compromise that covers taxes and spending on defense and domestic and entitlements by both the Congress and the President. That is the only way we have made any progress at all in the past few years. It is the only way we are going to get anywhere in the future. That does not exclude defense, but it cannot be simply defense.

Mr. President, I do not believe that case for additional reductions in defense at this time has been made. It has not been made on the basis of our security needs. And while there is an indisputable need for additional deficit reduction, defense cannot solve that problem alone, without looking at the entire budget.

I also want to point out that no one knows how the reduction of $7.6 billion in defense budget authority required by this amendment would be made. This is basically saying to the Secretary of Defense, you make the budget cuts, $7.6 billion, and we will leave it completely up to you. It takes Congress completely out of the process. If we tried to do anything like this on the defense bill, we would have howls from every quarter of the Senate of the United States. No one would stand here and say give it to Secretary Cheney and let him make $7.6 billion in cuts. Yet when it is on this bill, the argument is being made to give the Secretary of Defense a blank check. He can cut any program he wants to under this amendment if it is adopted. He can cut any program he wants to without regard to its merits, without regard to anything relating to an analysis. I am not saying he would do that. I am saying that that is an unprecedented authority that we have never given a Secretary of Defense, to my knowledge.

Mr. President, the fiscal year 1992-93 Defense Authorization Act adopted by the Senate last month represented a carefully considered response to the dramatic changes in the world, including the changes in the Soviet Union. It begins to implement a new military strategy based on the changes in the threats to our national security. The process of reducing and restructuring our national security establishment is already underway.

It may be that the events of the past month in the Soviet Union will require further changes in our national security policy. There is no doubt we will be reviewing that. However, I should point out that the Soviet Union still has as many nuclear weapons, and as many men in uniform, as it did a month ago.

It is my view the number of people in the Soviet military establishment is going to go down, but we are going to have to watch this, and we are going to have to see what happens. We should let the situation in the Soviet Union, or the former Soviet Union, settle down. We need to know more about the long-term composition of the Soviet Union, what its defense and foreign policy will look like, before we begin, right in the middle of the process, to make dramatic changes in our own military strategy and our defense budget.

Mr. President, I urge my colleagues to reject this amendment. It would unravel the budget summit agreement and disrupt an orderly process of change and reorganization that is already taking place in the Department of Defense and that must continue to take place.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the motion? The Senator from Iowa.

Mr. HARKIN. Mr. President, I have sat here and studiously listened to the debate surrounding the amendment I offered, I guess, some 3 hours ago. Listening to the various comments by those opposed to the amendment, one could almost come away with the opinion that my amendment would almost decimate the military in this country, that it would, in 1 year, destroy our entire defense structure.

Let me point out that this amendment I have offered, along with a number of other Senators, transfers 0.58 percent. That is 0.58 percent of outlays next year from the Department of Defense; 0.58, not 58 percent; 0.58 percent of outlays, 2.6 percent of budget authority. Anyone who would argue that that somehow decimates our military, strips us of our ability to defend ourselves—I just do not think that argument holds any water at all.

I must respond at this time a little to what was said by my distinguished chairman and the President pro tempore of the Senate, Senator BYRD, for whom I have the highest respect and regard. He knows that. I only want to correct one thing that the distinguished Senator from West Virginia said. I do not see him here on the floor. I only want to correct one thing, Mr. President.

The distinguished President pro tempore started off by saying that he was not a teacher. I totally disagree with that. There has been no one who has been a better teacher to all of us here than Senator BYRD. I speak personally. Since I first came here, when he was the minority leader of the Senate, and later majority leader and, of course, chairman of the Appropriations Committee, he has been a great teacher and a teacher who embodies, I think, the best of what it means to impart to others knowledge and wisdom. And he is right when he said that he was the one who fought at the front of the battle to save these programs in the budget agreement last year. That is absolutely true. I was not privy to all of those dealings, but I have heard from others that that is so and that he has been talking about the investment gap for a long time.

So I give the distinguished Senator from West Virginia [Mr. BYRD], a great deal of credit for the fact that we have as good an agreement as we do. I do understand the constraints they were operating under last year with sequesters and all of that. But I just say this amendment that I have offered in no way trashes that agreement, or does away with it.

In no way would I say Senators who vote against it are somehow appearing to be against the programs we want to fund. I would not say that. I would not say that at all. Senators just have to decide whether or not they want to vote to open the door so that we can vote up or down as to this 0.58-percent transfer. It takes 60 votes, obviously.

And that is really what the vote will be about.

Do my colleagues feel that we can make that kind of transfer this year to those programs that I outlined earlier—cancer research, Head Start, Alzheimer's, breast cancer screening, mental health, Pell grants, Ryan White's AIDS, immunization, LIHEAP, SLIAG. That is all it is, whether or not we ought to use the procedures—this is not an extra-legal procedure that I am advocating. The budget agreement allows for this kind of a vote. So Senators have to decide how they want to vote. Do they want to vote to permit an up-or-down vote on this transfer or not? That is all it really is. And it does not trash the agreement. It does not mean that simply because we vote to do this today, that we vote to take 0.58 percent from the military and put it in these programs, that tomorrow we are going to rush down here and vote to take 10 percent out of the military for something else. It does not mean that at all. Senators have the ability to decide for themselves how they want to transfer and spend money. We are not computers around here, as I said earlier.

I know about that budget agreement. I have a great deal of respect for those who sat there week after week and hammered that out. But just because we had an agreement last year does not mean we have to blindly continue down that path. If I have a mortgage on my house and I pay 15 percent for the mortgage and a couple of years later the mortgage rate drops down to 9 percent, there are clauses in my agreement that allow me to renegotiate that and get a lower interest rate. You tell me I cannot because I agreed on 15 percent and I have to keep paying that? Of course not. Conditions change, times change. We have to be willing to change to address the new realities that confront us in our society and in the world community.

One other item that I want to mention, and there has been some confusion, has to do with whether or not this would cause the cancellation of contracts. I am proceeding under information that the amendment would only affect unobligated accounts at DOD for which contracts were not written. I guess when you write a contract, then it becomes an unexpended account. So it is my intention with the amendment that it would impact just those unobligated accounts for which contracts have not yet been written. It does not go after the some $200 billion that is in the unexpended accounts. That means contracts have been written and the money just has not been spent out yet.

Again let me say, Mr. President, to those who spoke on this, Senator INOUYE, and the distinguished chairman of the Appropriations Subcommittee, a good friend of mine who I have a great deal of respect for, and others, I understand their concern.

I also listened to the Senator from Texas [Mr. GRAMM], talk about the budget agreement. He talked about a defense cut over 5 years of 25 percent. Mr. President, as I see the budget cuts in DOD over the next 5 years, it comes out to 12.4 percent. From 1991 through 1996, over 5 years under the present program, we are going to cut the DOD by 12.4 percent, not 25 percent, in constant dollars. That really does not come out quite to 25 percent either.

I point out that prior to the Gramm-Rudman-Hollings bill, we had a $180 billion deficit in this country. The deficit in 1992 is now estimated to be $362 billion. So I am not really certain what that budget agreement got us, except more deficits, and a devastation in the investment in the human infrastructure of our country.

The Senator from Texas said that he wanted not to spend it, but to invest it. I tried to copy the words down when I was sitting there listening to him. He said he wants to help those who pull the wagon in this country, not those in the wagon. Interesting.

We want to put money into finding a cure for cancer. One out of three Americans will be diagnosed with cancer. Does the Senator from Texas say those are people sitting in the wagon and not pulling the wagon? These are hard-working Americans who pay taxes and have come down with cancer.

We are trying to find a cure for Alzheimer's, a diagnosis and cure for Alzheimer's. Elderly people who worked hard all their lives and pulled the wagon in this country and now, for some reason, we shouldn't do this because, he says, they are sitting in the wagon.

Breast cancer screening? How about Head Start? Maybe some of those young kids are sitting in the wagon, but we want to give them a chance to get out and start pulling the wagon by giving them a head start in education. That is what this is all about. Immunization programs, that is what this is about. Pell grants; trying to get people out there to climb that ladder of opportunity, give them a ladder up, not a safety net to catch them when they fall off the bottom, but a ladder up.

That is what this amendment is about. This is the most solid investment we can make in the future of this country, to make sure that our people are healthy, well educated, to make sure we put a decent amount of money into prevention rather than patching, and fixing, and mending, and spending later on.

If I have one complaint against Gramm-Rudman-Hollings, that is just it. Look at the deficit. The deficit has doubled since Gramm-Rudman-Hollings came into law. So much for that budget fix. It ought to be thrown out. We are going to have a chance to vote on it again because of the recession. We voted twice on it this year and we will vote on it again. I think within the next month we will be voting on it.

We need a new system. We need to recognize new realities. We need to recognize that putting some money into prevention, as this amendment does, is going to save us a lot of money later on down the line. I really do not think that 0.58 percent is going to trash an agreement, decimate our military, or take away our leadership in the world community. In fact, I think this amendment will help to shore up our leadership position in the world.

So that is really the crux of the amendment before us. That is really what Senators have to decide. It is their choice. I spoke earlier about using common sense. I still mean it. Just use common sense. If you want to continue to spend all this money to defend Europe, and the Soviet Union, or whatever it is called, then go ahead and vote not to waive the Budget Act. But if you believe, as I think most Americans do believe now, that we can take a little bit of that funding, 0.58 percent, and use it to meet some of these needs to educate our kids and do a little bit better research in the causes and cures of some of these diseases and illnesses, provide for Head Start Programs, and Alzheimer's research, then I think we ought to vote to waive the Budget Act. I ask unanimous consent that Senator DASCHLE be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I yield the floor.

Mr. GRASSLEY. Mr. President, my colleague from Iowa has proposed an amendment that raises a difficult dilemma for me and many of my colleagues.

The domestic programs that receive additional funds from this amendment are programs I have supported in the past, and continue to support.

However, we need to look at the numbers. In the programs that will receive additional funds from this amendment, most have already received significant increases from the 1991 fiscal year budget. Let's look at a few of these programs for example.

The Ryan White AIDS program has an increase of $69 million over the 1991 budget. That is a whopping 31-percent increase over 1991. Now, my colleague from Iowa wants an additional $100 million for this program.

Head Start receives $250 million over the 1991 budget in the committee's proposal. That is 12.8 percent over last year. This amendment would increase that amount by an additional $900 million.

Immunization receives $60 million more than the 1991 budget, an increase of 27.7 percent over last year's budget. This amendment would increase that amount an additional $250 million.

Now Mr. President, I am supportive of providing increases to these worthy programs; however, as you can see, each of these programs already has a significant increase over last year's budget.

Just last week I visited a Head Start Program in Osceola, IA. Those people were doing great work with the funds they have received from us. I am supportive of providing an increase for the children who benefit from this vital program.

But I am also supportive of using much of the peace dividend for deficit reduction so that we can give some of the American taxpayers' hard-earned money back to them.

However, a floor amendment on an appropriations bill is not the time or place to begin determining the priorities of how to spend this important peace dividend.

We as a Congress need to sit down together to make this determination in a prudent and responsible manner.

Back in April we had a similar vote on a Bradley amendment. It would have cut the defense budget and transferred funds to domestic discretionary spending. In a vote of 73 to 22, the Senate overwhelmingly defeated this amendment on a budget point of order.

Todays vote is not a vote against Head Start, immunization programs, biomedical research, or any of the other worthy programs raised in this amendment.

This is a vote against further burdening our children's future with the Federal deficit.

The PRESIDING OFFICER. Is there further debate on the motion? If not, the question is on agreeing to the motion to waive section 601(b) of the Budget Act. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Arizona [Mr. DECONCINI], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

The yeas and nays resulted—yeas 28, nays 69, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—28

Adams
Akaka
Baucus
Biden
Bradley
Burdick
Conrad
Daschle
Harkin
Hatfield
Hollings
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Metzenbaum
Mitchell
Packwood
Pell
Riegle
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—69

Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Rudman
Sanford
Sasser
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—3

Cranston
DeConcini
Roth

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order. The Harkin amendment would cause the domestic discretionary suballocation to the Labor-HHS Subcommittee to be exceeded. The point of order is sustained. The amendment fails.

The Senator from Iowa [Mr. HARKIN] is recognized.

AMENDMENT NO. 1084 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 4, LINE 2

(Purpose: To increase the amounts made available for disease control, low-income home energy assistance, Chapter I basic and concentration grants, impact aid, vocational education, supplemental educational opportunity grants, TRIO, and foreign language higher education, offset by delayed obligations)

Mr. HARKIN. I send an amendment to the desk for myself, Senator WIRTH, Senator RUDMAN, Senator KERRY, Senator BINGAMAN, Senator WOFFORD, Senator FOWLER, Senator PELL, Senator COHEN, Senator BOREN, and Senator ADAMS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WIRTH, Mr. RUDMAN, Mr. KERRY, Mr. BINGAMAN, Mr. WOFFORD, Mr. FOWLER, Mr. PELL, Mr. COHEN, Mr. BOREN, and Mr. ADAMS, proposes an amendment numbered 1084 to the excepted committee amendment beginning on page 4, line 2.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4, line 2, strike all after the word "for" and insert the following: "the program year July 1, 1991, through June 30, 1992: for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training", $10,000,000, which shall not become available for obligation until September 30, 1992.

(b) In addition to amounts appropriated in this Act, there are appropriated to the Administration for Children and Families for "Low Income Home Energy Assistance", $200,000,000: Provided That, notwithstanding any other provision of this Act, $405,607,000 shall become available for making payments on September 30, 1992.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $152,000,000, which shall become available on September 30, 1992, and shall remain available through September 30, 1993, of which $138,000,000 shall be available for basic grants under section 1005 and $14,000,000 shall be available for concentration grants under section 1006 of chapter 1 of the Elementary and Secondary Education Act of 1965, as amended.

(d) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Impact Aid", for construction and renovation of school facilities under section 10 of Public Law 81–815, $2,000,000, to remain available until expended, which shall become available for obligation on September 30, 1992.

(e) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Vocational and Adult Education", $60,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993.

(f) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $62,000,000, which shall become available for Supplemental Educational Opportunity Grants, and which shall become available on September 30, 1992 and shall remain available through September 30, 1993.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Higher Education", $24,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993, of which $3,000,000 shall be available for carrying out section 602(a) of the Higher Education Act of 1965 and $1,000,000 shall be available for carrying out section 604 of the Act, and $20,000,000 shall be available for carrying out title IV, part A, subpart 4 of the Act: *Provided*, That, notwithstanding any other provision of this Act, of the amounts made available in title II for the Health Resources and Services Administration, "Health Resources and Services", $86,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for Centers for Disease Control, "Disease Control, Research, and Training", $94,000,000 shall not become available for obligation until September 30, 1992 but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Cancer Institute", an additional $63,446,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National

Heart, Lung and Blood Institute", $54,555,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Dental Research", $7,903,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Diabetes and Digestive and Kidney Diseases", $28,457,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Neurological Disorders and Stroke", $27,357,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Allergy and Infectious Diseases", $45,627,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of General Medical Sciences" $48,104,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Child Health and Human Development", $27,368,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Eye Institute", $12,504,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Environmental Health Services", $8,846,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Aging", $16,308,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Arthritis and Musculoskeletal and Skin Diseases", $7,593,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Deafness and Other Communication Disorders", $7,486,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Research Resources", $15,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Nursing Research", $2,646,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Human Genome Research", $10,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "John E. Fogarty International Center", $800,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Library of Medicine", $3,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "Office of the Director", $12,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992.

Mr. HARKIN. Mr. President, under the direction of the majority leader, we laid down this amendment. We will not debate it tonight or vote on it. There are a lot of cosponsors. A lot of people want to speak on it, and it will be the first matter of business when the Senate reconvenes tomorrow morning and we go into session on this bill.

I yield the floor.

Mr. COHEN. Mr. President, I want to express my strong support for the amendment offered by my colleague from Colorado, Senator WIRTH, which includes a proposal made by my good friend from New Hampshire, Senator RUDMAN, to restore funding for the Low-Income Home Energy Assistance Program [LIHEAP]. I also want to express my appreciation to the chairman of the subcommittee, Senator HARKIN, for his willingness to endorse this proposal.

I am very concerned about the funding levels for fuel assistance that are contained in the bill before us today, and I believe the Wirth/Rudman amendment is essential to ensuring that there will be adequate funding for this important program this year. We must help the elderly and poor to pay their energy bills this winter.

The committee's recommendation would have effectively reduced the amount of funds allotted to each State to cover the coming cold season—the winter of 1991–92—by 50 percent. While $440 million would be made available to the States on September 30, 1992, that amount comes too late to help the poor and elderly pay for their winter heating bills.

The committee's proposal would have forced States like Maine, which now allots about $240 each to 60,000 households for the entire winter, to cut those benefits in half. I want all my colleagues to think about the hardships that must be endured when individuals on fixed incomes must pay $1,000 during the winter just to stay warm. Two hundred and forty dollars is but a small amount to help offset those costs, but less than that is simply outrageous.

What about food? What about medicine? Do these have to become luxury items because of reductions in fuel assistance benefits?

This summer, I received many letters from Maine residents concerned about the effect of cuts in fuel assistance on their ability to pay their heating bills. I would like to read from one of those letters to illustrate the importance of this program to elderly and poor citizens.

The letter reads:

> To our Senator: The last two years I have received fuel aid as my income does not reach the $6000 figure. I am a widow trying to maintain my mobile home, and the assistance has been a big help to me. I receive $460 a month S.S. * * * I also have been diagnosed with symptoms of Parkinson's, and my medication costs me $106.09 a month, for which I get no reimbursement. * * * I cannot understand * * * cutting back on programs which help the less fortunate.

This letter is fairly representative of the type of individuals receiving fuel assistance. Any reduction in funding hurts them immeasurably.

When we agreed to deregulate oil and gas prices in 1981, we promised to maintain adequate assistance to those who cannot afford the higher cost of energy that might result from decontrol. In the past two heating seasons, we have witnessed price increases of an unprecedented amount and they resulted in the imposition of serious hardships for many citizens in cold States. While it is difficult to predict just what energy prices will be this winter, the chance certainly exists that prices may go up.

In addition, citizens in Maine and many other States are suffering heavily from the current recession. This has caused applications for fuel assistance to rise by 13 percent in Maine, with some counties reporting increases of 20 percent or more. It is possible that, with the States still locked in the grips of the economic downturn, the number of poor and elderly filing for assistance will continue to rise.

The amendment before us now will help address the needs of these individuals and families. I urge my colleagues to show some compassion, and increase the funding levels for LIHEAP as proposed by Senators WORTH and RUDMAN.

This amendment also directs needed resources to critical education programs, and confirms education's place as a high priority for the Congress. The President has also been instrumental in keeping education in the national spotlight, and just last week he visited two schools in Lewiston, ME, to promote his America 2000 education strategy. A key part of his strategy requires the participation and commitment of parents, communities, and businesses in improving the education of our children. While this commitment is essential, these proposals need to be backed up with real dollars. In States such as Maine, where State and local budget restrictions have led to a decrease in education funding in some areas, the additional $300 million in federal funding will ease some of the burden on States and local school districts and help support several proven programs.

An additional $152 million for chapter I will maintain the progress of this tried-and-true program, which has enhanced the education of so many disadvantaged children. An additional $20 million is provided for TRIO programs, which assist youth from low-income families prepare for college or other postsecondary education, and which have proved highly successful in Maine. I am also pleased that the amendment provides for increases in funding for impact aid and vocational education, which I have long supported.

The Wirth amendment will also provide an additional $10 million for childhood immunizations.

As noted author and physician Dr. Michael Crichton has observed, "the future of medicine lies not in treating illness, but in preventing it."

Childhood immunizations are perhaps the most cost-effective, preventive health services available today, saving millions of health care dollars each year. Unfortunately, in the past decade, funding for public immunization programs has not kept pace with the cost of providing these services for children. As a consequence, many preschool children in the United States—particularly poor children in inner-city and rural areas—are not receiving timely immunizations.

In recent years there has been an alarming increase in serious measles outbreaks—a disease we expected to eradicate by the mid-1980's. Nearly 27,000 cases of measles, including 60 deaths, were documented last year in the United States—18 times the number reported in 1983.

This is an intolerable situation. Enactment of the Wirth amendment will help to ensure that all children have access to immunizations to guard against new outbreaks of measles and other vaccine-preventable diseases.

I am pleased to be a cosponsor of this amendment which would benefit the health and well-being of so many Americans, both young and old. I urge my colleagues to join me in supporting this amendment.

Mr. SPECTER. Mr. President, I join the distinguished Senator from Iowa, the chairman of the subcommittee, in supporting the Labor-HHS and Education bill that is before us today. This has been a very difficult bill, because our allocation was insufficient to provide adequate increases to meet all of the funding needs. I want to take this opportunity to thank the distinguished Senator from Iowa for his cooperation and hard work in putting together this very comprehensive bill.

Mr. President, while this is referred to as the fiscal year 1992 appropriations bill, I consider that a gross understatement. The underpinnings of this bill reflect one of this Nation's oldest and most basic tenets—that the Federal Government bears some responsibility when economic or social circumstances impose special barriers on our citizens. This bill adds practical application to some of the words used by our forefathers—words like freedom, security, and opportunity. Calling this an annual appropriations bill also belies the fact that in this bill we are not just addressing the needs of the next fiscal year or the next school year, but also of the next decade and of the next generation.

The bill before us totals more than $203.2 billion, including $58.3 billion in discretionary spending, and provides funding for a range of education, human services, and employment and training programs. I would like to highlight a few years which are of particular importance to me and the Commonwealth of Pennsylvania.

BIOMEDICAL RESEARCH

Over the past decades, this country has made impressive strides in its search for knowledge to combat disease. But there is still much more we need to know. So while we must grapple with some very difficult budget choices, we must be careful not to relax our efforts to address diseases that threaten our society.

This bill contains $8.9 billion for the National Institutes of Health, an increase of $628 million above the fiscal year 1991 appropriation. This increase will continue the important research being done to help find the causes and treatments for diseases such as cancer, heart, and Gaucher's and intensify the search for the diabetes genes.

ALZHEIMER'S RESEARCH

Last year, Mr. President, Alzheimer's disease drained approximately $90 billion out of our economy. This is an insidious disease that robs its victims of their minds while depriving families of the well-being and security they deserve. Our only hope for ending this needless suffering before it destroys future generations is to find a way to cure or prevent Alzheimer's. To address this problem, the bill contains $272 million for research into finding the cause and cure for Alzheimer's disease, including $5 million for a new State grant program to help families caring for Alzheimer's patients at home.

AIDS

This bill contains $1.9 billion for research, education, prevention, and services to combat the scourge of AIDS including $122 million for emergency aid to the 18 cities hardest hit by this disease. This represents an integral part of the overall Federal commitment which totals an estimated $4.3 billion.

Mr. President, I want to alert my colleagues to the fact that pediatric AIDS is now the ninth leading cause of death among children 1 to 4 years old. Because of their unique vulnerabilities, infants suffering from AIDS require special tailored approaches for treatment, prevention, and care. For this reason, this bill contains $211.6 million for new and expanded clinical trials and new approaches for helping the most vulnerable victims of this terrible disease.

EDUCATION

Mr. President, our goals must be to establish a new standard of excellence in education—and to make that educational standard available to anyone who is willing and able to pursue it. Granted, these are high ambitions. Unfortunately, because of very severe budget constraints, this bill does not contain all of the funds I would like to have seen spent on achieving the education goals set by the President and the Governors at the Charlottesville summit. However, it is a start. The bill provides $27.1 billion for education programs, including $100 million to launch the America 2000 initiative. Also included is $1.3 billion for vocational and adult education programs, and $6.9 billion for aid to students to pursue a higher education.

Also included in the bill, Mr. President, is $3 million for operation of adult education programs to increase the literacy skills of commercial truck drivers. These skills are necessary so that truckers can successfully complete the requirements of the Commercial Motor Vehicle Safety Act of 1986.

PRISON EDUCATION

It is my belief, Mr. President, that criminal offenders, especially juvenile and first and second offenders, should be given a chance at rehabilitation and gainful employment. That chance can only come through education. Therefore, Mr. President, we have again this year included $2 million to continue the literacy demonstration program in State corrections facilities. This program will help prepare prisoners to find gainful employment upon their return to society.

JOB TRAINING

In this Nation, Mr. President, we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy. The bill before us today includes $4.2 billion for job training programs. This $124 million increase over the fiscal year 1991 level will help improve job skills and readjustment services for disadvantaged youth and adults.

DRUG PROGRAMS

Drug abuse in this country continues to plague every segment of our population. The $3.1 billion recommended by the committee will go a long way to help battle this problem by targeting funding increases for research into finding the cause of drug addiction, education programs to prevent drug abuse, and treatment for those who have already become dependent. The $180 million increase will bring this Nation closer to the goals of a drug-free generation and a drug-free society.

LIHEAP

At the top of the list of programs that benefit low-income residents of the Commonwealth of Pennsylvania is the Low-Income Home Energy Assistance Program. This program provides grants to States to deliver critical assistance to low-income households struggling to meet the growing costs of heating and cooling their homes. Funded in fiscal year 1991 at $1.6 billion, the President's budget proposed an appropriation of $925 million, a cut of over $600 million. The House bill recommends a level just slightly higher than the President, $1.0 billion.

Cuts of this magnitude cannot be absorbed by the States. More importantly, these cuts cannot be absorbed by the households that have come to depend on this assistance. The average program participant in Philadelphia, for example, expends nearly 40 percent of their income on utility services. Over half of the LIHEAP recipients in the Commonwealth of Pennsylvania have incomes of less than $7,000. Estimates are that under the levels proposed by the President and the House, 110,000 eligible Pennsylvania households will not receive assistance.

Although the bill before the Senate recommends $1.3 billion for the Low-Income Home Energy Assistance Program, I am deeply concerned that this still means a cut of $300 million below the fiscal year 1991 program level. I had hoped that we would not have to be in this predicament. Back in June, when the Committee on Appropriations met to consider subcommittee funding allocations, I proposed an amendment to raise the Labor, HHS and Education Subcommittee's allocation by $2.7 billion. Had this amendment passed, it would have enabled a funding recommendation for LIHEAP at or above the fiscal year 1991 appropriation, as well as needed addition to many items of appropriation in this bill.

MENTAL HEALTH

Finally, Mr. President, this bill provides $658.9 million for programs supporting research and treatments for the mentally ill. In this country, 30 million adults and 8.1 million children suffer from mental disorders; one in five Americans will experience a form of mental illness at some point in their lifetime. The $43.1 million increase provided over the current funding will continue important research to identify genes linked to schizophrenia and manic depression, as well as discover effective new drug treatments and new opportunities for early detection and management to combat mental disorders.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and my able staff and the other Senators and their staffs on the subcommittee for their cooperation in a very tough budget year.

BREAST CANCER CHALLENGE OF 1991

Mr. ADAMS. Mr. President, on June 11, 1991, a bipartisan coalition of Senators and Representatives of Congress issued the Breast Cancer Challenge of 1991.

The Breast Cancer Challenge called upon the National Cancer Institute and the medical community to join Congress in a pledge to win the fight against breast cancer by the year 2000. The Congressional Caucus for Women's Issues, together with Senators MIKULSKI, HARKIN, KENNEDY, and DURENBERGER pledged to work with the National Cancer Institute, breast cancer advocacy groups, national health organizations, and constituents on a collaborative effort to end the breast cancer epidemic. More than 40 health organizations endorsed the challenge, including the Centers for Disease Control, the American Cancer Society, the Breast Cancer Coalition, the Susan G. Komen Foundation, and the National Coalition for Cancer Research. Dr. Samuel Broder, director of the National Cancer Institute accepted the Breast Cancer Challenge on behalf of the Institute. The challenge, Mr. President, brings breast cancer the national attention it deserves.

The Breast Cancer Challenge reiterates the goal the National Cancer Institute set for itself in 1984 to cut the cancer death rate in half by the end of this century. Nine years remain before we reach the end of this century; 9 years between now and the deadline the National Cancer Institute set for itself to understand this deadly disease and to find a cure for it. The Breast Cancer Challenge set out five goals to meet by the year 2000:

To understand the causes and to find a cure for breast cancer;

To reduce the incidence rate of breast cancer significantly;

To reduce the mortality rate of breast cancer by 50 percent;

To ensure that all women over the age of 40 get regular mammograms; and

To ensure that all mammograms are of the highest quality.

Breast cancer profoundly affects all our lives. It is shocking that the mortality rate for breast cancer has not decreased since the 1930's. The incidence rates have skyrocketed, increasing more than 33 percent in the last 10 years. In fact more women are being diagnosed with breast cancer today than at any other time. One in nine women is diagnosed with breast cancer today. In 1991 we will see 175,000 new cases of female breast cancer diagnosed and 44,000 women die from the disease. A new case of breast cancer will be diagnosed every 3 minutes and every 12 minutes a woman will die of breast cancer. For older women the risk of getting breast cancer is even higher—two-thirds of all breast cancer cases occur in women who are over 50 years of age. The challenge brings needed national, Federal, professional, and public attention to the growing breast cancer epidemic.

The Congress, Mr. President, is committed to making breast cancer a top legislative priority. As a reflection of its grave concern and its desire to act swiftly and effectively, the Senate, with the adoption of this bill, has provided over $182 million toward meeting the goals of the challenge. Of this total, $132 million will be to fund breast cancer research and $50 million for the mammography screening program for low-income women through the Centers for Disease Control. I would like to point out, Mr. President, that the funding level for breast cancer research for fiscal year 1992 represents an increase of $30 million in Federal funding over the President's request and $42 million more than last year. This is a significant increase and will allow NCI to increase funding for basic breast cancer research by $20 million in its effort to understand the cause and find a cure for this devastating disease and provide $10 million through its grant program to establish six breast cancer research centers. These centers are intended to encourage cutting-edge research, the speedy transfer of basic scientific studies into clinical medicine, and to attact new researchers into the field. They will help move promising treatments which appear on the horizon from the laboratory to the patient.

In addition, the bill includes $50 million to fund the Breast and Cervical Cancer Mortality Prevention Act, $20 million over last year. This money will provide screening services to low-income women and will help reduce signficantly, deaths from breast cancer through early detection. CDC estimates that through early detection we could save 30 percent of the lives of women who get breast cancer. Our goal, Mr. President, is to have a screening program in every State.

Yet we cannot rest on our laurels. There still remains far more to be done. We have paid too little attention to the quality of mammography. Safe and accurate mammograms depend on highly qualified personnel, excellent equipment and regular quality assurance and control inspection. But there are fewer than four full-time employees at the Food and Drug Administration to handle the more than 10,000 mammography machines in the United States.

Mr. President, women and their families across the country have spoken clearly to us that fighting breast cancer must be a top priority in Congress and our Nation. I believe this appropriations bill sends a strong message to women across America that we have taken up their challenge.

There are many groups who helped in this effort I would like to thank, and I've included a list of all the organizations who have supported the Breast Cancer Challenge. I would also like to mention jut a few individuals who personally dedicated their time and hearts to this challenge: Senator TOM HARKIN, without whose support this victory would not be possible; Senator BARBARA MIKULSKI who introduced the screening bill last year; Representatives PAT SCHROEDER and OLYMPIA SNOWE who pioneered the Women's Health Equity Act that includes several critical breast cancer bills; Representative MARY ROSE OAKAR, who has long been a champion in the fight against breast cancer; Joanne Howes, Amy Langer, Susan Love, Mary Dale Debor, Kanthi Abeyrantne, Nancy Brinker, Zora Brown, Susan Everly, Sarah Singer, Senator Birch Bahy, Tom Connerton, Marguerite Donoghue, Terry Lierman, and Dennis Slamon who have all made an extraordinary contribution to this effort. Thank you for your help.

I look forward to the day when we can say we have cured breast cancer.

INCREASE IN DOMESTIC VIOLENCE PREVENTION BUDGET IN H.R. 2707

Mr. BOND. Mr. President, I would like to add my support to the efforts of the Senator from Nevada to increase funding for the Family Violence Prevention and Services Act. The Senator has been a great champion of victims of crime, including domestic crime, and I am happy to join him in this effort. I, too, have called for an increase in the family violence and prevention services budget through my "families in need" legislation.

As has been pointed out, an estimated 3 million women are battered by their spouses or boyfriends in this country every year. This extraordinary statistic is compounded when one considers the connection between wife abuse and child abuse—the violence often extends throughout the family, with both wife and children being battered. In fact, a Boston Children's Hospital study has shown that in 90 percent of the child abuse cases they see, the mother is also being abused.

While the Federal Government has provided support to womens' shelters and other services through the Family Violence Prevention and Services Act since 1984, the bulk of funding for these programs has come from States, localities, and private donations. While I agree that funding for these programs should continue to be broad-based and that most of it should come from State and local communities, certainly the Federal Government can offer more than a measly $10.7 million to help meet the needs of so many women and children.

In my own State of Missouri very little is offered in the way of shelter for women needing to escape their batterers, particularly in rural areas. The Missouri Coalition Against Domestic Violence reports that over 32,000 crisis calls were received last year from women and children in abusive situations, yet in the entire State there are only 359 beds for battered women and their children. The nearly $5 million needed to operate the 19 shelters across the State was raised almost entirely in local communities, with no funding provided by the State of Missouri and only $138,000 from the Federal Government. I suspect the situation is similar in many other States.

I am pleased that the committee has agreed to increase the budget for the Family Violence Prevention and Services Act by nearly 100 percent. This new money will show the thousands of women and children constituents in all of our States who are victims of family violence that we are finally focusing attention on this pervasive, ugly problem. A doubling of the Family Violence Prevention and Services Act budget will certainly not meet the tremendous need out there, but it will give hope to many women and children and will help us to face up to a very real problem that is too often ignored.

Mr. PELL. Mr. President, I speak as a cosponsor of the Harkin-Wirth amendment. We often hear our colleagues in this Chamber speak of their concern for educational improvement and equity. The Wirth amendment is the test of that commitment.

The Harkin-Wirth amendment would provide $300 million additional dollars for critical education programs. It would mean an increase of $150 million for chapter 1, providing compensatory education to an additional 150,000 students. With respect to higher education, it would provide close to a $100 million increase for the TRIO and the SEOG programs. And, it would provide $60 million in additional assistance for the Vocational Education Program, thereby providing the necessary muscle to carry out the requirements of the newly enacted Carl D. Perkins Reauthorization Act.

Of greater significance, it would mean close to $1 million in additional assistance to Rhode Island at a time when many school districts in our State find themselves in severe financial straits.

Mr. President, at no time in our history has the press for educational reform and improvement been greater. The work of the National Goals Panel and the SCANS Commission calls upon our schools to meet higher educational standards. But that can only be accomplished if adequate resources are provided to achieve that objective.

The Harkin-Wirth amendment makes real our commitment to provide for this Nation's future through the education of our children. Laying the foundation today will give form to the prosperity and economic health of tomorrow.

In addition, this amendment package contains an increase in funding for the Low-Income Heat and Energy Assistance Program [LIHEAP]. With this amendment, the LIHEAP program will be funded at $1.5 billion for fiscal year 1992, a $500 million increase over the House approved level. This funding will provide crucial assistance to thousands of the neediest Rhode Islanders, many of whom are elderly individuals on fixed incomes, so that they will be able to heat their homes this winter.

I strongly support this amendment, and urge my colleagues to vote in favor.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for morning business with Members permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the minority leader, Senator DOLE.

RETURN OF SENATOR PRYOR

Mr. DOLE. Mr. President, it is a pleasure to speak for all members on the Republican side of the aisle in welcoming back our friend and colleague, Senator DAVID PRYOR.

It has been my pleasure to serve with Senator PRYOR for the past 12 years, and I know that his dedication and commitment to Arkansas and America is second to none.

Conference Secretary, chairman of the Special Committee on Aging, the second ranking Democrat on the Agriculture Committee, member of the Finance Committee, member of the Ethics Committee, few Senators took on more work than Senator PRYOR. And his leadership and eloquence were very much missed in each of these roles during his recovery.

Mr. President, I would recommend that all my colleagues read an outstanding article by Senator PRYOR published in the August issue of Arkansas Times magazine.

In this article, Senator PRYOR tells the compelling details of his heart attack, and the inspiring story of his courageous recovery.

In the final paragraph of his article, Senator PRYOR shared some words that he wrote to Members of the Senate this past June. Senator PRYOR advised us all, and I quote:

> To reach out and touch your family. Gather them around you. Find strength in your real friends who care. Take some time for yourself, by yourself. Only when life is nearly taken away do we realize how fragile it is and come to know the value of our friends.

As the Senate gears up for a very busy and challenging couple of months, it is more important than ever that we take these words to heart.

Mr. President, I ask unanimous consent to print in the RECORD Senator PRYOR's article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEART ATTACK: A SURVIVOR'S STORY

I will always remember that Monday night—not as the night I almost died, but the night that, for some reason, my life was spared. Unlike many others, I was given another chance.

Heart attacks were for someone else to have, not me. I had a total disinterest in the subject; I didn't have time for a heart attack. Besides, after each physical, I skipped out of the doctor's office as the man who kept defying his age and lifestyle—great blood pressure, a swimmer's heart rate, and strong lungs.

Yes, all of this in spite of greasy cheeseburgers, French fries, 17 tons of salt, and many more than that "occasional smoke." Add in the 56 years multiplied by tension, stress, airplanes, and schedules, and even a dolt should have known that David Pryor was a prime candidate for the mother of all heart attacks.

I would sit in the Senate dining room in amused silence as my colleagues compared their cholesterol numbers. I didn't even know mine, nor was I curious. Heart attacks were for others, not me.

It was Monday, April 15—a light day at the office. The Senate was not in session, none of my committees was meeting. It was a good day to catch up, clean off my desk, make sure everything was mailed to the IRS, meet with the staff, and be briefed for the Tuesday schedule. The Arkansas Homebuilders Association would be in town. The Harrison ninth-grade class was scheduled to be on the Capitol steps for a photograph. Dr. George Haas from Little Rock was coming up to discuss optometry issues. The Finance Committee would meet at 10. The weekly luncheon with members of the Senate Democratic Conference was on the schedule. Tomorrow would be busy and long.

I was home by 7 p.m., put on comfortable clothes, and watched the news. By 8 o'clock, I was walking up Connecticut Avenue headed to a favorite neighborhood eatery.

I wolfed down a big plate of spaghetti and meatballs, skimmed a folder on the Finance Committee hearings for Tuesday, read the current issue of Golf Digest, and was home in bed by 10:30. Barbara was in Thailand with a group of Senate wives and my house was a tomb of silence. I downed my cherry-flavored Rolaids, turned off the TV, and went to sleep wondering how Dick Darman, the president's budget director, would answer my questions about the exploding cost of prescription drugs.

Little did I know that within three hours, my life would change.

The next time I saw the sun, its rays seeped through the small window into my room in the cardiac unit of George Washington University Hospital.

I now found myself in a strange place, surrounded by people in white coats I had never seen before. My forearms were blue-black, bruised from needles and trauma. My veins were punctured and ravaged. Above my bed to the right was a stand holding a bag of glucose dripping into my vein. To my left, a heart monitor was being hooked up to electrodes stuck to my chest.

A woman doctor sat on my bed, saying nothing, squinting across my body to the screen that showed the image of my heart via ultra-sound. In the corner were nameless people speaking in hushed tones about "prepping" me for tests downstairs. An orderly was clasping a plastic ID band on my left wrist. Equipment, wires, cords, monitors, graphs, and electronic technology consumed the small room.

Had I been run over during the night? Had I jumped from the Washington Monument? It has been a hard, hard night of pain and fear.

I kept thinking that the phrase "rode hard and put up wet" described me at that moment. A barely audible knock on my door. The face of an ancient little lady, a hospital volunteer, appeared and asked, "Would you like your TV hooked up? It's only $3.75 a day."

It's a little eerie what goes through the human mind at these times. I kept remembering our family pew at the old Presbyterian Church in Camden. I was 14 and Jac Ruffin was our minister. He had been educated in Scotland and spoke with an elegant brogue, flawless diction and elocution:

"This is the age of the half-read page/The mad dash, the quick hash/The short hop and the brief stop/Until the spring snaps and the fun's done."

I didn't even have a comb, much less a toothbrush. Could someone get me some coffee? Well, OK, what about a glass of water? What happens when I need to go to the bathroom? Had they reached Barbara yet? How is she ever going to get from Thailand to Washington? What about my middle son, Mark—did someone call him? Oh, Lord, in a few minutes, those 60 Harrison ninth-graders will be on the Capitol steps. Did I lock the house last night? Where are my shoes? Did I bring a billfold? Oh, please, God, I pray I have insurance for all this.

It was morning and I had made it. What a night it had been.

"Good Morning, Senator Pryor, I'm Dr. Varghese of the cardiac department. Let me introduce my colleagues. Drs. Herzog and Reimer. We will be your team during your stay at George Washington. You've had a heart attack. Could you sign this form? We need to take you downstairs to the Cath Lab. We will insert a catheter in your groin, push it up, and take a better look at your heart. You will be conscious during the whole procedure."

The room downstairs for the catheter procedures was vast. I remember its being very cold and during the procedure asking for extra blankets. Two nurses, two doctors, and me. All of us were glued to a huge TV-type screen watching the small wire-like apparatus move into the heart zone. It was hard to imagine this was my heart and my body being invaded by the catheter.

In almost an unknown tongue, the doctors interpreted to each other what they were seeing. It was like watching CNN back in January to see the previous day's battle damage assessments in the Persian Gulf.

Within an hour, I was being rolled back upstairs. The small waiting room was now filled to capacity. Staff. Old friends.

Waiting in my room were Dale Bumpers and Mary Hope Davis, his administrative assistant. Dale canceled his entire schedule for the day and never left the hospital. He stayed with me. He was a great source of strength for all of us, but especially for me. At one time, I had to demand that he leave my room, as he kept telling a litany of absurd stories and it hurt to laugh. The one that finally got me was about a poor fellow with no ears trying to get a job. I can't remember the punch line.

The flowers started coming. Telegrams. Did we want a phone hooked up in the room? President Bush called while I was in the Cath Lab. He'll call back in an hour when he finishes a speech. Where do we put all these baskets of fruit? "CNN just carried a big story about your attack," said a nurse passing by.

It was all unreal. It was a dream. This wasn't me. Beryl and Sheila Anthony. Ray and Betty Thornton. Bill Alexander—they all came and left, but I know they were there. John Paul Hammerschmidt called twice. I knew they cared. Dr. Halverson, the Senate chaplain, came to my beside that day and every day I was hospitalized.

Somebody in my office told me one day about a Sense of the Senate resolution sponsored by Dale Bumpers the night before. It stated that the Senate hoped David Pryor would get well and make an early return to the floor. My staffer joked that it had only passed by a 51-to-49 vote.

One morning as I woke up a Senate colleague was sitting only inches from my face. When he saw that I was awake he lit up and said, "For years now, my daughter has begged me to take her fishing. I've always put her off. I don't know the first thing about fishing. But when I heard what had happened to you, I called her up and said, 'Let's go—today.'"

My mind tried to reconstruct the night before. I had jolted upward in bed and looked at the clock—1:45 a.m. I was lying in a pool of perspiration, soaked from head to toe. My upper chest did not feel sharp pain, but something better described as massive discomfort. Could it be indigestion? Did I really eat a live porcupine?

Within minutes of lying in that totally dark room trying to decide the next move, the intensity of pain increased. I've got to stand up. I'm getting light-headed. I grabbed a pair of red warm-ups from the chair. I fumbled for a golf shirt and started downstairs.

As I reached the bottom step, I knew. Rolaids and fresh air wouldn't help. I knew I was having a heart attack. Me, of all people. Alone. By myself.

Walking into the den, I reached for the phone and punched "9-1-1," remembering the recent horror stories in The Washington Post about ambulances arriving too late with crews not knowing what to do.

"My name is David Pryor. I live at 1615 19th Street. I'm having a heart attack and I need help. Please hurry."

I walked out the front door to wait. I sat down on the curb between two cars. What happens if the ambulance driver doesn't see me and drives right by the house? My chest tightened. My rib cage became a vise. I was losing consciousness. I stood up and spotted a white '72 or '73 Ford—one of those that had a long, wide hood. This one looked like a white aircraft carrier in the dead of night. I climbed up on that hood and laid down. I remember it was wet and the cool dew of the April night felt good to a body being wracked with pain.

I don't remember that an ambulance and a firetruck came, but I do remember being helped onto a stretcher. Inside, the ambulance had very bright lights; its siren sounded as if it were far off in the distance as we raced against time to the hospital.

My face was immediately covered with an oxygen mask and the woman attendant inside asked me, "From one to 10, how much pain are you having?"

I held up 10 fingers.

I have no recollection of arriving at the emergency room, but I have a most vivid memory of eventually looking up into a dozen unknown faces who had assumed total control of my body and being. They were all too young.

"Breathe-breathe-breathe," chanted the ER team.

"Give him more oxygen."

"Are you allergic to any drugs? What about morphine?"

"Are you really a senator? What state are you from?"

"How do we reach your wife—what about your staff?"

In the background, someone said, "We've got to find the next of kin."

"You've had a heart attack, Senator. We're trying to get you stabilized."

People everywhere. Chaos. For over two hours I was in and out of a subliminal state.

"Am I going to make it?"

"You're doing better. You're doing better."

"Senator, President Reagan was on this same bed 10 years ago. Mr. Brady was right next to him beyond that curtain," said a young doctor who probably was in high school when Ronald Reagan was shot.

At one point, I had a strange sensation I'll never forget. I felt like an automobile tire being blown up to the point of bursting. I knew I was going to explode. Am I dying? Or have I died? Is this what death is all about? Don't I have some say in all of this? Things were moving too fast for me to follow. I couldn't comprehend it.

The clock on the emergency room wall now said 4:30. For nearly three hours I had been flat on my back—jabbed, hit, shocked, monitored, and gouged. In the outer room, I could now see Don Harrell and Leslie Chalmers from the staff, Bob Bean from the staff of the Senate Sergeant at Arms, and my sons David Jr. and Scott had just come in.

Things were going better—I could sense it. I was going to be all right.

An hour later, the ER doctor said, "We're getting ready to move you upstairs to the cardiac unit. Do what they tell you."

Soon, as I was being rolled past my sons and staff, I looked at Don Harrell and said, "Don, I've had a heart attack. Let's don't tell anyone. Keep it off the record." Fortunately, he had the good sense to ignore that request.

Six nights after my attack, I had done well in recovery and progress was promising. Barbara had returned on Wednesday and now our three sons were together with us. Never had we all been closer. Nor could two parents ever be more proud of their children than we were of David, Mark, and Scott. We found ourselves in that crucial passage in life when, for the first time, the children begin to assume responsibility for their parents. Jim Lehrer, co-anchor of PBS' "MacNeil-Lehrer Report" and a longtime friend, had not missed a day visiting me in the hospital. Eight years ago, he had had his heart attack. An overflow of friends and flowers. Mail came in sacks from wonderful and caring people. I was a blessed man.

While doctors were pleased with my progress, they had been considering whether to perform a routine procedure to remove some remaining blockage. Even though such procedures are routine, doctors would rather not perform them unless they are necessary. Very late on Sunday night, my heart decided the matter for us. I awoke with a severe pain in my lower intestine. Its intensity alarmed me and had me ringing for the nurse. When she came into the room, she sensed I was in trouble. For an hour, a doctor and nurse studied blood and monitors. After medication and sleep, the early morning hours brought in my "A Team" of doctors who had studied the charts of the night before.

"Senator, again, we're going to take you down to the Cath Lab in two hours. Again, we're going into your groin with a catheter and go up to your heart. The process is an angioplasty, better known as 'the balloon.' You will be awake during the procedure, which takes a little over an hour."

Dr. Alan Ross headed up the team. Only a week later, he would be one of three cardiologists to see and consult President Bush after his cardiac episode at Camp David.

Again, I lay in the lab and watched a catheter move from my groin into my heart. After some 45 minutes, Dr. Ross said, "Watch the screen closely. Keep your eye on the end of the catheter. We're about to insert it in this closed artery, blow up the balloon and open it up."

Science fiction. Dr. Strangelove. It worked; Ross and team loved it and gave a big cheer. It was like sinking the 60-foot putt to win the Masters.

Within an hour, Alan Ross was in my room with before-and-after photos. It was the great unclogging. Yes, there was still some blockage, but that little magic pump was working just fine again.

The following Friday, I got to go home. Leaving George Washington Hospital was emotional, since the cementing of bonds had brought me close to a hundred people who had touched my life. Most were lined up there when my wheelchair was pushed into the elevator. I was told early on that heart attack victims can get emotional during their recovery period. I learned that I was no exception.

Our small house on 19th Street was almost floor-to-ceiling in flowers, food, books, and mail. For the first time in almost two weeks, I was unhooked from heart monitors and seemed to be free-floating on my own. No longer could I look up and see the activity of my heart on the screen. I felt vulnerable to everything around me. It was an awesome and frightening experience.

For 10 days, I had a routine of reading mail and newspapers and talking on the telephone. Senators and friends would come by during the mornings. My longtime friend Nick Kotz brought me a beautiful pair of Nikes. Jim Lehrer continued to come each day. He would do his newscast and come later in the evenings. We knew, because he had been there before, that nights were hardest for those who had survived heart attacks. For weeks after leaving the hospital, I had a certain dread of the nights to come—and I always welcomed the sounds and feelings of early mornings. Jim became my rock. At any time or circumstance, he knew where I was coming from.

Hearts can play tricks on us. After 10 days of being home, I chose Dr. Oscar Mann to become the "captain" of my Washington medical team. An internist and cardiologist, he practiced at Georgetown University Hospital. He has a superior reputation. He also is a warm and caring person.

Barbara and I were to meet Dr. Mann in his office at 11 a.m. Monday. It was to be my first trip out of the house and I was excited. Ten minutes into our initial visit with Dr. Mann, I started experiencing mild chest pain.

"How do you feel, as we now speak at this moment? What's going on?"

"I'm having pain, not nearly so severe, but very reminiscent of my heart attack."

With no hesitation, he picked up his phone and told his secretary to advise Georgetown University Hospital that they were about to have a new patient—a David Pryor from Arkansas. Barbara sped me to the hospital in minutes.

Again, monitors, blood, urine, questions, EKG—the whole works. That afternoon was my most despondent period during the weeks since my attack. I started believing there was something I was not being told. Was it going to be this way for the rest of my life? Was I ever going to be able to breathe freely? Was I to be a constant prisoner chained to a heart monitor?

I had not, according to a battery of tests, enzyme courts, and assurances, had another heart attack—only a spasm. My progress has been steady and sure ever since.

I can now be found at the grocery store reading labels and checking products for fat content. The hospital nutritionist assured me, during our first counseling sessions, that I would not have to give up steak entirely. I had just explained that I could do without smoking cigarettes; I could make it fine with no cream or other high-fat foods. But not steak. I would have to eat a steak now and then. "Sure," she said. "That's no problem."

"How often can I have it, then?" I asked.

"Oh, probably two times a year."

Well, so much for steak.

I'm religious (but not fanatical) about early-morning walks and pray I'll never smoke another cigarette. Before my attack, I knew they were bad for your lungs, but didn't know how deadly they were for the heart. Today, I know.

There's a wonderful community of heart patients out there. I'm now a member of their club. I can talk the language. It does us good to talk to one another and compare notes. Not only is it a catharsis, but an education. Each day, I learn something new about my heart from others in "the club."

Almost daily, some perfect stranger comes up and says, "Senator, I had a triple two years ago—never felt better."

Some 3,000 to 4,000 people sent me cards and letters. I read each one. A fifth-grader from Conway wrote, "Senator, we heard you had died and we're glad it wasn't true. Welcome back."

A wonderful 83-year-old woman from Arkadelphia not only wrote me, but had her niece take a picture of her holding a "Pryor" fan, one of the hand-held fans we gave out during campaigns. She thought it might cheer me up. In late May, I was saddened to see her obituary and that she had died of cancer.

There is a basic unvarnished goodness about the people of Arkansas. There is an unpretentious caring and generosity that comes out when one of us needs courage or compassion. Once again, as they have during my 30 years of public life, our people gave me hope and strength.

Well, so much for having a heart attack. Now, it's restructuring time. I refuse to become a professional heart attack victim. I hope that I'll not be known as "David Pryor, who suffered a heart attack in 1991 . . ." Surely there must be something better for which to be remembered.

On June 11, I wrote my colleagues in the Senate. Let me share a few lines of my letter:

"I hope none of you will accuse me of 'preaching' when I close this update by simply saying this to those I care for deeply. Be very careful. Care for yourself. Each of you is a very special human being. Pause every now and then. Take a deep breath. No one but you can decide what is *really* important.

"Reach out and touch your family. Gather them around you. Find strength in your real friends who care. Take some time for yourself, by yourself. Only when life is nearly taken away do we realize how fragile it is and come to know the value of our friends. Thank you for caring. Sincerely, David Pryor."

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GULF OF MEXICO PRESERVATION ACT OF 1991

Mr. GRAMM. Mr. President, I rise to inform my colleagues that I will soon introduce the Gulf of Mexico Preservation Act of 1991.

Mr. President, the Environmental Protection Agency's gulf initiative has done important work in promoting and protecting the health and productivity of the gulf, but now we need more. This bill seeks to ensure that the gulf receives the attention and resources required to preserve this national treasure.

The legislation directs that the EPA's Gulf of Mexico Program Office be located permanently in one of the Gulf States: either Alabama, Florida, Louisiana, Mississippi, or Texas.

The bill contains a mandate to the program office to plan for the conservation, management, and environmental protection of the gulf.

It creates a grant program to eligible States to provide financial assistance for the gulf protection plan.

In addition, I have included a mechanism to help coordinate gulf-related activities between local, State, Federal, and international authorities.

Finally, Mr. President, the legislation authorizes substantial sums over a period of 5 years for gulf protection activities.

With 1,631 miles of coastline stretching from the Florida Everglades to Brownsville, the gulf provides jobs and recreation to millions of Americans.

The gulf supports over a third of the marine recreational fishing activities in the continental United States. It accounts for nearly 40 percent of domestic fishery landings and yields over 2.5 billion pounds of seafood each year.

Our Nation's energy resources are tied to the Gulf of Mexico. The gulf provides more than 72 percent of the oil and 97 percent of the natural gas produced offshore. The Department of Energy estimates that close to $90 billion in Federal revenues were generated from the gulf over the last four decades.

As anyone representing a gulf State can tell you, the gulf's capacity to provide freely from its resources has been strained. The loss of natural habitats is increasing and so is the pollution.

A dead zone of 3,000 square miles of oxygen deficient bottom waters has been documented off the Louisiana and Texas coast. Fish kills and red tides were increasing during the 1980's. Almost 2 tons of marine trash per mile covered Texas beaches alone in 1988. And 57 percent of the shellfish-growing areas on the gulf coast are permanently or conditionally closed.

Mr. President, these problems require a sustained, long-term solution which drastically upgrades the level of attention that is paid to the Gulf of Mexico and its future. That is why I have crafted the Gulf of Mexico Preservation Act of 1991.

I hope my colleagues will take a close look at this legislation and join me in this effort to protect and enhance this great body of water that has served so many, so well, for so long.

LOAN GUARANTEES FOR ISRAEL

Mr. SPECTER. Mr. President, I believe the Congress should proceed this month on our regular schedule to enact the foreign aid appropriations bill including consideration of the issue of the $10 billion loan guarantees over a 5-year period to Israel for resettlement of Soviet and Ethiopian Jews.

While I applaud the efforts and success of President Bush and Secretary of State Baker in arranging a Mideast peace conference, I oppose their request for a 120-day delay because that involves a key concession to one side before the conference's negotiations even begin.

This humanitarian aid should not be linked to collateral political considerations. It is well known that the changes in the Soviet Union have unleashed virulent anti-Semitism so that there should be no delay in financing the exodus of Soviet Jews to Israel. Any delay could mean the loss of many lives.

The Arab nations have agreed to attend a Mideast peace conference without any concession by Israel to cease any settlements. The Arab nations know of the timing of the congressional appropriations process; and it has been a matter of public knowledge for months that the Congress would take up to $10 billion loan guarantee issued this September.

It has obviously been difficult for the Bush administration to walk the tightrope to arrange the Mideast peace conference so that the parties may negotiate the issues. It has been reported that the settlements issue will be on the bargaining table. A change in the course of regularly scheduled business, consistent with the existing expectations of the parties, would tilt the honest broker posture of the United States, in favor of the Arab nations.

There is historical and practical merit in proceeding in the regular course of business. President Reagan articulated it by his oft-quoted statement to "stay the course." In the Senate, we have an established expression to proceed in regular order.

That regular order is to consider the loan guarantee issue as part of the foreign aid appropriations bill this month. The Congress can work its will and our traditional interaction with the executive branch will take place.

It is no surprise to the Arab nations, or to anyone else for that matter, of our separation of powers in the United States and the tradition of Congress to proceed independently on our own business and schedule. Linkage between political and humanitarian issues has been traditionally rejected and should be rejected here.

I am making this floor statement on our first day back from recess; but I had already written on September 6, 1991, to President Bush and the Secretary of State objecting to the 120-day delay. I ask unanimous consent that a copy of those letters be included in the CONGRESSIONAL RECORD as if read in full on the Senate floor.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 6, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge your Administration not to delay Congressional consideration on the issue of loan guarantees to Israel.

In my judgment, the issue of the loan guarantees should not be linked to West bank settlements. I had though that was the position of the Administration as well.

It also seems unwise to me to link the loan guarantees issue to a Mideast peace conference, because that linkage is likely to create more problems than it will solve.

I hope you had a somewhat restful summer. I have seen you frequently on the news and you are "looking good" notwithstanding the numerous problems you have had to deal with during your August vacation time in Kennebunkport.

I am sending a copy of this letter to Secretary of State Baker.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, September 6, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge your Administration not to delay Congressional consideration on the issue of loan guarantees to Israel.

In my judgment, the issue of the loan guarantees should not be linked to West Bank settlements. I had thought that was the position of the Administration as well.

It also seems unwise to me to link the loan guarantees issue to a Mideast peace conference, because that linkage is likely to create more problems than it will solve.

I hope you had a somewhat restful summer. I have seen you frequently on the news and you are "looking good" notwithstanding the numerous problems you have had to deal with during your August vacation time in Kennebunkport.

I am sending a copy of this letter to Secretary of State Baker.

My best.

Sincerely,

ARLEN SPECTER.

THE VOLUNTEER SPIRIT

Mr. HATCH. Mr. President, courage and devotion have long been the trademarks of the American hero. Many in our country believe the traditional American hero is a thing of the past, a fleeting memory of a simpler time when unselfish men and women brilliantly caught the American imagination. Feats of daring, physical prowess, or intellect, as depicted in the movies or exhibited by professional athletes, are the typical standards used to measure these heroes.

But, in my experience, a hero often does not have the media exposure of a public figure, but merely the courage to accomplish tasks that inspire only a few. Yet, if known to us, these quiet heroes would provide exceptional examples of heroism.

Mr. President, I want to pay tribute to one such hero. He is a man of quiet devotion who puts his values into service. Mr. Heber Paulson of Magna, UT, was born on August 18, 1910. In 1987, at the age of 77, Mr. Paulson brought a unique understanding to the Senior Companion Program at the Salt Lake County Aging Services. Mr. Paulson had cared for his own sister until her death, an experience with Alzheimer's that instilled in him the desire to assist other victims struggling with this devastating disease. From the beginning of his affiliation with the Senior Companion Program, he has worked with the "special component" created to serve Alzheimer's victims.

Let me share with you what some others have said about Heber Paulson. From the Deseret News, November 2–3, 1989, Deanna Foxley, volunteer coordinator for his program, said. "To have someone who's dependable is truly a gift." But the most telling description is from one whom he serves. Again from the Deseret News, November 2–3, 1989, "He's wonderful, he's absolutely the nicest person I've met and I'm his number one fan."

Dutifully, Mr. Paulson has utilized the bus system in the Salt Lake area to reach families in need. A minimum day on the buses consists of 20 miles, with at least two transfers. Mr. President, having lived through many Rocky Mountain winters myself, I know that walking to a bus stop can be a hardship on those much younger. This is heroism.

The winter of 1990 truly challenged Mr. Paulson. On the way to the bus stop for his daily visits, Heber Paulson fell and broke his hip. He underwent surgery and shortly thereafter was visited in the hospital by his program manager. The first question Mr. Paulson asked was if it was all right for him to have a few weeks off to recover. For 5 weeks he mended so that he could return to the service he loves. Mr. President, Heber Paulson spent part of that time in a nursing home because the servant of so many had no one to care for him.

Mr. Paulson just celebrated his 81st birthday, and he continues to serve victims of Alzheimer's. His courage and determination continue to inspire those with whom he comes in contact. Mr. President, it is my hope that we might be uplifted by his example and encouraged to help care for our fellow man. Such caring need not be extravagant or expensive. But, like Heber Paulson's, it can be dependable, and sincere, and heroic all the same.

LIBRARIANS IN MOSCOW: PRESENT AT THE COUP

Mr. PELL. Mr. President, one of the fortunate and little noted aspects of the abortive coup in Moscow last month was that it was observed firsthand by people who are generally regarded as the custodians of history, namely the librarians of the world.

By a remarkable coincidence, the International Federation of Library Associations and Institutions convened in Moscow for its annual conference on August 18, 1991. The 1,500 attendees included 300 Americans, among whom were 15 employees of the world's largest library, the Library of Congress.

Within 24 hours, the dramatic events of the attempted takeover began to unfold, virtually at the doorsteps of the conference. Tanks were drawn up in the streets just a few blocks from the Moscow Center for Trade and Scientific Cooperation where the library conference was taking place.

I am advised that the conference proceeded on schedule, notwithstanding a powerful undercurrent of anxiety and excitement.

Some of the atmosphere has been described eloquently by the Librarian of Congress, Dr. James Billington, who headed the Library's delegation and whose primary field of scholarly endeavor is Russian history and culture.

In articles published during the past week, Dr. Billington tells of the difficult dilemma faced by many Soviet citizens when confronted by the coup, and of the heroic and decisive stance taken by those who chose to resist. He argues persuasively for active Western involvement, particularly through private and local organizations, to help build the infrastructure of democracy. And he cautions against a backlash of despair and disillusionment which could provide fertile ground for "some nativist fascism."

As chairman of both the Committee on Foreign Relations and the Joint Committee on the Library, I welcome the thoughtful and informed observations which Dr. Billington has provided on these historic events. I ask unanimous consent that his articles entitled "The True Heroes of the Soviet Union" from the New York Times of August 30, 1991, and "U.S.S.R.: The Birth of a Nation" from the Washington Post of September 8, 1991, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 30, 1991]

THE TRUE HEROES OF THE SOVIET UNION

(By James H. Billington)

WASHINGTON.—Communism died and Russia was reborn in Moscow in a 48-hour period from early morning on Aug. 19 to early morning on Aug. 21. But it was all both far more dangerous and far more liberating than we may have yet realized.

On the surface, things seemed surprisingly ordinary. Many Muscovites barely interrupted their schedules; international meetings continued, and television narrowed back to a single channel presenting diversionary ballet and sporting events.

It never seemed likely that the crew-cut kids in the tanks and their pony-tailed contemporaries on the barricades would ever fight. The everyday *dramatis personae* of the disintegrating Soviet economy milled indiscriminately around both groups: argumentative drunks, emotional old women and uncomprehending foreigners taking pictures of each other and offering everyone cigarettes.

Yet the coup was deadly serious and a near-catastrophe. Plans were well prepared to take the White House—the Russian parliament building—in 15 minutes and "neutralize" Boris Yeltsin's entire entourage. A hardened tank corps was to enter Moscow and start the storm rather than the more youthful tank crews already in the city.

But even this would have been only a diversion from the real assault that was to take place: from within the parliament building (where K.G.B. agents had infiltrated the crowd); from above (by helicopters bearing shock troops), and from below (where elite units were to rush into the building from 24 subterranean entry points whose existence had been unknown to Mr. Yeltsin's supporters).

There was far more complicity and passive acquiescence in the putsch than has yet been generally recognized—much of it by people for whom many in the West had high regard. Those who spoke out strongly against the coup during the decisive hours seem to have included only one member of the Cabinet (Nikolai Vorontsov), only one Ambassador (Boris Pankin in Prague, who has since been named Foreign Minister), only a few scholarly leaders (Dmitri Likhachev in Leningrad and Vyacheslav Ivanov in Moscow), and only one top official of the Russian Orthodox Church (Patriarch Alexis himself).

After the coup had failed, the new reformist head of the K.G.B., Vadim Bakatin, told a small group of Yeltsinites that an immediate purge of all those involved would be impossible because "if we arrest all of our fascists, we would need even more camps than Stalin created."

How then could the outcome have been too good to be true, too soon to believe? Basically, because an alternative political legitimacy had already been created and because enough ordinary people were willing to risk death to defend it. Russia had elected in Boris Yeltsin a plain-speaking leader from the deep interior who had broken with the Leninist mode. He had allied himself with a new generation of democratic reformers who were held in contempt by the junta and largely ignored by the West.

The moral force, human variety and sheer numbers of the mobilization to defend Mr. Yeltsin's White House simply produced too many convert-defectors from within the army, K.G.B., and Communist apparatus to permit the bloody final assault that the core K.G.B. and military leaders were willing to launch until the very end. Two incidents from the crucial 48 hours illustrate the political sophistication and spiritual depth of the democratic movement.

Konstantin Lubenchenko is a liberal People's Deputy and chairman of the International Association of Parliamentarians, an extragovernmental organization of 190 reform-minded legislators from the republics. Mr. Lubenchenko was shocked to find himself unable to communicate with other members of his caucus once the coup was announced. And he faced a request from the treacherous Anatoly Lukyanov, the nominal head of the Supreme Soviet, to provide a document that could—in effect—help legally justify the coup.

Mr. Lubenchenko mobilized enough of his group to write a stinging, highly professional refutation of any legal basis for the junta before leaving to meet a K.G.B. defector who provided warning of the impending underground attack.

Father Aleksandr Borisov is an elected member of the liberal Moscow City Council and part of the bright group of Orthodox priests who had been close to the prophetic priest Aleksandr Men, whose murder last fall now appears to have been sanctioned at the K.G.B.'s highest level.

Father Borisov rapidly plunged into a nonstop mission to the White House that included prayers, baptisms, counseling—and distribution of New Testaments to all in danger. He went first to the boys in the tanks, distributing 2,000 Bibles, with only one soldier refusing. He gave out an equal number to those on the barricades and then went off to participate in talks with the Patriarch that led to his moving prayer that anathematized fratricide—amplified to the troops just a half-hour before the time the major attack was expected and the first bloodshed in fact occurred.

With even more people defending the White House on the second night, the troops and key members of the junta balked at the amount of blood they would have to shed. The putsch fell apart and the long fever of totalitarianism broke.

The purity and conciseness of the speeches that were made at the White House during those 48 hours represented a complete rhetorical break with the past and expressed a new Russian identity that seeks to move forward to a Western-type democracy and backward to the moral roots of their own religious and cultural tradition. The masses were not putting their lives on the line to establish a market economy (though most would like it) but to make an altogether fresh start by discarding their corrupted system of government and their morally compromised way of relating to one another.

The West must move rapidly to work in new ways with altogether new people in the Soviet Union, including the provincial leaders who were almost unanimous in rejecting the junta. The possibilities for good are very great, but they may not last another winter. The economy remains in shambles and immense pro-putsch forces remain in place with the desire to use social dislocation as an excuse for a fresh attempt at power.

Though the coup of August collapsed, its immediate goal was accomplished: it prevented the new Union treaty from being signed the following day. There will now be much greater difficulty in peacefully devolving central power and resolving nationality tensions.

But there is an entirely new cast of people and popular mood for change among the long-quiescent Russians. Unless there is some major new Western response, the assertive desire for change among the Russian people may lose its hopeful and democratic character and leave them vulnerable to chauvinist or even fascist demagoguery.

The U.S. has a key role to play as the only nation by which the struggling U.S.S.R. can measure itself as it tries to build a multicultural democracy on a continental scale. Far from being a burden, it should be seen as a privilege by Americans to work with people who have rediscovered the enduring beauty and practical value of the laws and freedoms that we have perhaps too long taken for granted—and too little appreciated as being the only real guarantee of peace.

[From the Washington Post, Sept. 8, 1991]

U.S.S.R.: THE BIRTH OF A NATION—OUT OF THE ASHES OF EMPIRE, A NEW RUSSIA BRINGS FORTH A NEW IDENTITY

(By James Billington)

The 48-Hour August crisis in Moscow marked the end of communism and the victory of a culture of hope over one based on fear.

I was in Moscow at the time of the coup, attending a library conference and a "Congress of Compatriots," sponsored by cultural leaders of Boris Yeltsin's Russian Federation. That congress, which brought emigres back into contact with Russians from all over the sprawling republic, opened on Aug. 19, the day of the coup, and the group was soon immersed in the broader society's crisis of conscience. Already at the orientation meeting, a functionary from an all-union ministry sympathetic to the coup made a brief, crude attempt to instill caution, if not fear, in the group. He insisted that the sponsors acknowledge (and implicitly suggested that the visitors repudiate) identifying with a Russian government disobedient to the new Soviet one. Then, in the opening session that evening, an American of Russian origin made a moving speech in opposition to the coup, and invited those present to rise for a moment of solidarity with the missing Mikhail Gorbachev and the embattled Yeltsin.

Our Russian hosts suddenly were confronted with a small but highly public decision: whether or not to stand up. It was deeply disappointing to see a dozen of Russia's supposed intellectual and spiritual leaders not only remain seated, but seem angry at being confronted with this choice and hostile to the hundreds who stood up. Those who rose soon found themselves making another choice: to go to the "White House," the Russian parliament building, where Boris Yeltsin's government was holding on, rather than stay for the program of music and dance in the conservatory. When small groups of these people left the meeting and arrived at the parliament building in the rain, they found a bewildering number and variety of others who had made the same individual choice and were building barricades.

Russians at the barricades faced life-or-death moral choices that Monday night and the following night, when a violent assault on the White House seemed most likely. But far beyond that series of tense scenes, the 72 hours of the coup touched off a vast struggle, by no means ended, between the power of hope and the force of fear—within institutions, families and individuals. Russians are being torn between their old familiar fear that they need a strong dictatorship to pull them out of their decline and their seemingly implausible new hope that they just might be able to do it themselves, the democratic way.

Gorbachev made his own important contribution to this struggle by rejecting any collaboration with or legitimization of the junta. Yeltsin played a decisive role in validating the democratic ideal for ordinary Russians. He combined personal bravery with a touch of bravado (which Russians admire) and avoided self-important histrionics (which they dislike). Yeltsin set a serious tone for the entire resistance movement.

His very bluntness in saying what he thinks perplexes and worries many in the West used to smooth-speaking, mediawise politicians. But most Russians admire Yeltsin precisely because he is a doer, not a talker (unlike Gorbachev), and as president of Russia, he has been remarkably respectful of the dignity and integrity of other nationalities. In addition to recognizing the right of republics to secede, Yeltsin has included many ethnic groups among his advisers.

Yeltsin played a major role in linking the democratic ideal with the deeper moral and religious feelings of the Russian people, and it was activation of that long quiescent Russian tradition that has given the events of August the kind of mythic power and appeal that invites people to reconstruct individual lives and social relationships rather than just political and economic institutions.

The emotional high point of the deeply moving funeral procession for the three young men killed on the barricades was Yeltsin's farewell to their parents: "Forgive me, your president, that I was unable to save your sons." Asking forgiveness of each other is what Russians do before taking Communion; there was hardly a dry eye in Russia. There was indeed a sense that power was being revalidated morally. Somebody who was not to blame was assuming personal responsibility in a society where no one used to accept responsibility for anything.

In the coming together around Yeltsin, historic splits seemed to have been transcended into a new Russian identity that looks forward to liberal Western institutions yet also backward to conservative Russian beliefs. Russians felt with renewed power the Christian idea of the redemptive value of innocent suffering—along with a new appreciation of its Judaic roots. (One of the three martyrs—and many on the barricades—were Jewish.) The example of two Russian Orthodox priests, Father Alexander Borisov and Father Gleb Yakunin, who ministered to those on the barricades and to many of the often frightened young soldiers in the tanks allowed many Soviet citizens to see their Christian heritage in a new light.

In a lecture to a Moscow audience just before the coup, I expressed the belief that the future of the U.S.S.R. would be determined by which of two types of catharsis the Russian people would experience in the course of reconstructing their society: Would it be a traditional, imperial catharsis based on purges, scapegoats and negative nationalism; or a deeper, moral catharsis within individuals that involved the rebirth of conscience and transcending of violence? In the three days the coup lasted, Russia moved from a crude attempt at the first to the implausible but decisive victory of the latter. Russia (and much of the rest of the U.S.S.R.) has now created the moral basis for a new kind of society, substituting hope for fear, and bringing forward probably the most promising cadre of progressive democratic reformers in the entire history of the Russian empire.

It is equally important to remember what did *not* happen then—and has barely begun to happen since. There is almost no experience of (or structure for) creating the economic, political, or legal processes of an open, accountable democracy. Few of the vast number of party barons and military and police officials who collaborated in or sympathized with the coup have been dismissed. And the combination of a rapidly decaying economy and a wide variety of ethnic and social tensions provides an ideal breeding ground for a second attempt at a reactionary takeover that almost certainly would be more disciplined and dangerous than the first.

These negative factors suggest the need for a more active Western involvement in the attempt to institutionalize democracy in the Russian heart of the former Soviet Union. Having done what only they alone could do—destroy Communism—the Russians now must move rapidly in areas where they need to absorb Western experience. The United States has a special role to play—and not only because Russian missiles still targeted on us might menace us anew if they fell into the unfriendly hands of resurgent reactionaries.

The potential United States role is unique, in part because of the historic Russian tendency to adopt ideas from the Western power they outwardly opposed. The Russians took their religion from Byzantium, their first modern governmental institutions from the Swedes, and their first industrial models from the Germans—all while engaging in (or preparing for) war with these same nations. The Cold War has accustomed Russians to think of the United States as the nation by which they should measure themselves, and their new-found democratic pragmatism has convinced them that the American experience of democracy is relevant to their own efforts to build democracy on a continental, multi-ethnic scale.

This unusual new interest in America offers a great, but probably short-lived, opportunity for a major American initiative to identify ourselves with their hopes and to channel such hopes into a realistic process for building the infrastructure of democracy. Short-term food aid is a necessary, but insufficient, response. Some elements of a Marshall Plan-type package of aid and credits may be desirable, but could create a backlash against new government expenditures on our side while reinforcing central bureaucracies on their side.

What is needed most is not another government program but an all-American engagement of private and local organizations in helping all the peoples of the Soviet Union build the infrastructure and absorb the ethos of modern, pluralistic democracy. The first essential ingredient would be enlisting our own varied institutions that make a free society work—local governments, businesses, unions, churches, advocacy groups, voluntary and fraternal organizations—in direct contacts and human exchanges with counterpart fledgling organizations in the U.S.S.R. The most important feature should be the immediate, massive arrival of large numbers of Soviet citizens for short-term experiences living and working in the United States. Experience has shown that it is far more effective (and less demeaning) for foreigners to come here and do their own adapting of our institutions to their needs than to send U.S. talking heads to advise foreigners abroad. The peoples of the U.S.S.R do not need to be persuaded of the virtues of democracy; they need to see for themselves that it can work and how, in fact, it does work. No major country in the world has been less exposed to the United States than the Soviet Union. For example, it is likely that there have been more Chinese students in the United States in one year than we have had citizens of the U.S.S.R. here during the entire postwar period.

A great deal of institution-to-institution exchange already is going on, but it lacks coordination and a fresh sense of engaging the American people as a whole in the new adventure of the Soviet peoples as a whole. Local and nongovernmental programs have the special virtue of being immediately possible. If we move ahead with some White House leadership, there is every chance that the European Community also will make a more concerted effort to help the U.S.S.R. than has yet been made. New programs with the U.S.S.R. should not be undertaken at the expense of parallel democracy-building programs in Eastern Europe. But Eastern Europe has a special stake in all this. As Czech President Vaclav Havel noted in his address to a joint session of Congress, nothing is more important to the newly liberated countries of Eastern Europe than helping build and secure democracy in the U.S.S.R.

The surge of hope from the August upheaval could well produce a backlash of despair unless larger numbers of Russians can gain some first-hand sense of how democratic and market institutions actually work. Their renewed moral idealism needs a reinforcing response as well—some sense that we are willing to give of ourselves to those who have both lifted a cloud of danger from our common skies and begun building a more open and honest kind of existence.

High hopes can easily give way to deep disillusionment. Unless more of the peoples of the Soviet Union are brought out of their long isolation from the modern democratic world, they will remain vulnerable to some future nativist fascism that will feed on the inevitable hardships of the coming transition period. The United States then would once again risk becoming the external enemy—in part because at a crucial breakpoint in history, we were unwilling to give more of ourselves to help others practice the ideals we had so long been preaching.

THE CHANGE IN STATE DEPARTMENT PASSPORT POLICY

Mr. DIXON. Mr. President, I intended to introduce an amendment to S. 1433, the State Department Authorization Act which would have closed a loophole in current State Department policy relative to the issuance of passports by U.S. embassies and consulates to noncustodial parents.

I did not offer that amendment given the assurance of Assistant Secretary of State Janet Mullins, that the passport policy would be changed. I have received the official letter from Assistant Secretary of State Mullins, and will ask unanimous consent to insert her letter to me in the RECORD at the conclusion of my remarks.

As many of you know, I have been involved in efforts to halt the unabated abduction of American children by their parents. In the course of my research into this matter, I discovered that a policy of our own State Department provided a giant loophole through which a noncustodial parent could abduct his or her children. Here's how it worked:

John and Mary Smith get a divorce. Mary is awarded by the court sole custody of their young son. John is awarded visitation rights. Mary, in an effort to prevent John from removing their son from the United States, registers their son's name with the State Department's passport name check system. Should John try and obtain a passport in the United States for their son, the existence of the son's name on the system would result in the denial of his request.

That is how the system worked in the United States, Mr. President. It was pretty airtight. A simple check of the system in Washington would flag the name and prevent the issuance of a passport. However, this was the loophole:

John, the noncustodial parent, takes their son to Canada, ostensibly on a trip. No passport is required to enter Canada. John goes to the United States Embassy in Ottawa, or to any of the United States consulates in Canada, and seeks to obtain a passport for his son. The Embassy or consulate will check the passport name check system, note that the son's name is on the system, even notify Mary that John is in Canada, yet a passport would be issued.

The State Department's previous policy provided a noncustodial parent, contemplating child abduction, an easy means to carry out the act.

That loophole is now effectively closed, and I congratulate the Department on this enlightened change. The United States is taking the necessary steps to protect this Nation's children from the horror of international parental child abduction.

I would like to thank Assistant Secretaries of State Janet Mullins and Elizabeth Tamposi, Carmen Diplacido and Sally Light of the overseas Citizen Services Office, Jim Hergen of the Office or Legal Advisor, and Bill Camp of the Office of Passport Services for their efforts and cooperation. Our Nation's children are safer today because of their diligence.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, August 1, 1991.
Hon. ALAN J. DIXON,
U.S. Senate.

DEAR SENATOR DIXON: The Bureau of Consular Affairs has reconsidered its position on the denial of passports by overseas posts to certain abducted minor children as outlined in the Department's response of July 2 to the concerns expressed in your letter to Secretary Baker.

A parent with sole legal custody of a child may have the child's name entered into the Department's passport namecheck system. Should the noncustodial parent then apply for a passport for the child, either in the United States or at one of our embassies or consulates overseas, the Department will, except for humanitarian or emergency reasons relating to the welfare of the child, exercise its discretion to deny such passport.

The Department believes that it has the legal authority to carry out this policy immediately without new legislation. It is our understanding that you have therefore withdrawn S. 1433, your amendment to the Department of State authorization bill, on this issue. Our overseas posts will be informed expeditiously of this policy change and our internal regulations changed accordingly.

I hope that this response from the Bureau of Consular Affairs will satisfactorily address your concerns on this issue.

Sincerely,
JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

DOUG GEORGE—A DEDICATED INTELLIGENCE OFFICER AND VALUABLE SENATE STAFF MEMBER

Mr. NUNN. Mr. President, this past weekend the Nation lost a dedicated public servant, and the Senate and the Armed Services Committee lost a valuable staff member. Doug George, a senior member of the Armed Services Committee staff and a former intelligence official with a distinguished career in the U.S. intelligence community, died at his home last Friday evening after a courageous fight with cancer.

Doug joined the Armed Services Committee staff a little over a year ago. When he came to the committee, we knew that we were getting a seasoned professional in the fields of arms control and U.S. intelligence. Over the past year, Doug played a key role in the committee's oversight of Operation Desert Shield and Desert Storm; in our continuing work on the CFE and START Treaties; on command and control of the nuclear arsenals of the United States and the Soviet Union; and on the reorganization of the U.S. intelligence community. He was tireless in providing the members of the Armed Services Committee with his views and assessment of these issues, drawing on his broad experience in the field of intelligence analysis and management.

Before Doug joined the Armed Services Committee staff, he served almost 25 years in the U.S. intelligence community, rising from the position of analyst to become one of the senior managers of the intelligence community. In his last assignment before coming to the committee staff, Doug was deputy director of the intelligence community staff for requirements and evaluation, where he worked directly with the Director of Central Intelligence and other top intelligence officials in the Government. In recent years Doug regularly testified before the Congressional Intelligence Oversight Committees on Weapons Proliferation, Arms Control and Intelligence Community Operations.

In the mid-1980's, Doug served as the Chief of the Arms Control Intelligence Staff and the Executive Secretary of the CIA's Steering Group on Monitoring Strategic Arms Limitations. As the CIA's most senior specialist and executive on arms control issues, Doug played a key role in several United States/Soviet summit meetings, including the Reykjavik summit.

I first got to know Doug during the debate on the SALT II Treaty. At the time Doug was serving in the CIA's Office of Scientific and Weapons Research, and was an expert in the Soviet Union's nuclear capability. During that debate Doug gained a wide reputation for the honesty and integrity that became the hallmark of his career as an intelligence official. In all of the years I have worked with Doug, he never hesitated to give his own objective analysis of a particular issue or problem, and he never let his analysis be swayed by partisan or political considerations.

The quality of Doug's work was recognized throughout the U.S. intelligence community. He had a well-deserved reputation as a strong and active manager with a positive attitude and an ability to get things done. As a result, he received a number of awards and citations from the intelligence community, culminating in 1987 with the prestigious Distinguished Intelligence Medal.

Mr. President, Doug George's distinguished career in the service of our Nation's intelligence community is a matter of public record. All of us appreciate his service to the country, and we are grateful for the privilege of having known and worked with him.

But people should also know that Doug's demeanor and spirit in the last months of his life were an inspiration to those who were close to him. Doug faced his disease with determination and courage. After his cancer was diagnosed in April, he continued to carry out his responsibilities to the committee, often in spite of great physical pain. He remained involved in the committee's work even in the last days before his death.

Mr. President, I know all of my colleagues join me in offering our condolences to Doug's wife, Kathryn.

Doug George was a true professional and a public servant of great integrity. He will be greatly missed.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,369th day that Terry Anderson has been held captive in Lebanon.

In August we had much good news. Indeed, we welcome the release—if long overdue—of two hostages, Edward Austin Tracy and John McCarthy. Although we still wait for the 10 remaining hostages, we celebrate the newly recovered freedom of Mr. Tracy and Mr. McCarthy, and I ask unanimous consent that the Washington Post reports announcing each release be printed in the RECORD at this time.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 9, 1991]

HOPES GROW FOR HOSTAGES AS BRITON IS FREED—REMAINING CAPTIVES REPORTED IN GOOD HEALTH

(By Stuart Auerbach)

LONDON, August 8.—British hostage John McCarthy, released early today in Beirut after five years in captivity, landed back home tonight with a letter from his Islamic Jihad captors to U.N. Secretary General Javier Perez de Cuellar that could hold the key to the release of the 11 Westerners still known to be in captivity.

In a news conference in Damascus, Syria, where he was turned over to British diplomats, McCarthy reported that two days ago he saw two of the six remaining American hostages—Terry Anderson and Thomas Sutherland—as well as British hostage Terry Waite and they were "in good health and good spirits," although Waite had been seriously ill.

Grinning broadly, McCarthy, 34, stepped down on British soil at a Royal Air Force base near here at 10:30 local time tonight. With his father, Patrick, at his side, he waved gleefully to the crowd of journalists covering his arrival before being driven off to the base officers club to meet privately with close friends and relatives.

"I am enormously relieved by his apparent good health," British Foreign Officer Minister Douglas Hogg said after the arrival of McCarthy, a producer for Worldwide Television News who was kidnapped in Beirut on April 17, 1986.

Speaking of the hostages still held, Hogg said, "We are determined to secure their freedom and will be working hard to ensure this breakthrough marks the beginning of the end of this dreadful business."

In a development that indicated a possible split among Shiite militants in Lebanon, an Arab faction announced that it had kidnapped a Frenchman, Jerome Leyraud, 25, an employee in Beirut of a Paris-based medical group, Doctors of the World, and would kill him if other Western hostages are freed. Leyraud's office said he was missing.

The release of McCarthy by Islamic Jihad two days after the militant Shiite Muslim faction had announced that it would be sending someone with an "extremely important message" to Perez de Cuellar produced official optimism and speculation in several countries that a resolution of the 6½-year-old hostage standoff could be near.

"I think we have to consider this as the beginning of a process leading to the release of all hostages—American, British, German, as well as the hostages that are in Israel," Perez de Cuellar said in New York, adding that he was still hopeful an American hostage would be released shortly.

Perez de Cuellar said he expects to meet McCarthy Sunday "somewhere in Europe" to receive the letter from Islamic Jihad, which McCarthy said he understood to contain a request for "a full exchange of the Western hostages, all the prisoners, civilian and military, who are currently being held by Isreal, from Lebanon.

President Bush, vacationing at Kennebunkport, Maine, told reporters, "Those who follow this most closely feel that it is likely an American will be released."

Israeli Defense Minister Moshe Arens said Israel is "definitely ready" for an exchange of prisoners, as long as it includes seven Israeli soldiers who disappeared in Lebanon between 1982 and 1986. Israel has never been told whether they are dead or captured.

Hogg said here today that Britain would intensify its pressure on Israel to begin releasing the estimated 400 Arab prisoners it holds from Lebanon, including Sheik Abdel Karim Obeid, a prominent militant Shiite clergyman who was kidnapped by Israeli commandos in Lebanon two years ago as a bargaining chip for release of Israelis.

"I hope we can keep the momentum going," he said. "The Israelis know the importance that we attach to the release of the sheik and the detainees. We have told the Israelis our views in this matter before. We will be doing so again very shortly."

Syrian Foreign Minister Farouk Charaa also indicated that McCarthy's release was the first step toward a comprehensive prisoner exchange. "The release of this British hostage is, in my assessment, a test by the kidnappers to alert Western countries to help in releasing Lebanese hostages held in Israel," he said, according to Reuter. But he also said no more hostages were likely to be freed until Lebanese and Palestinians jailed by Israel are released.

The faction that said it kidnapped Leyraud, Organization for the Defense of Prisoners' Rights, was first heard of Wednesday when it claimed responsibility for a rocket-propelled grenade attack on a U.N. agency building in Beirut and demanded that Israel release Arab prisoners it holds.

McCarthy, 34, looked pale but unexpectedly fit when he appeared at the Syrian Foreign Office in Damascus for a televised press conference. He was clean-shaven and wore an ill-fitting outfit of an olive-green T-shirt and cream-colored trousers. He smiled most of the time, but appeared close to tears when British Ambassador Andrew Green spoke of the remaining hostages and of McCarthy's strength of character during his ordeal.

"The ambassador kindly mentioned my strength of character," he said. "I will refer back to the two Americans and to Terry Waite and say that whatever strength I have had to endure the past five years has really come from those men."

British officials said an initial medical examination at the British ambassador's residence in Damascus showed that McCarthy was in good health. He underwent a more detailed exam during the long flight home.

At his news conference in Damascus, McCarthy said, "I am happy to be able to tell the families of the American hostages Terry Anderson and Thomas Sutherland, and of my fellow Briton Terry Waite, that when I left them two days ago they were in good health and in good spirits, and that our living conditions recently were tolerable, and I think we could call them good."

Although he had not seen the others, he said, "my captors did tell me that whilst their group, Islamic Jihad, does not hold all the hostages, they could assure me that for all 11 Western hostages being held in Lebanon, health and living conditions are good." Those remaining include six Americans, two Britons, two Germans and one Italian.

British Foreign Office official Hogg said McCarthy told him the conditions they were held under had improved recently.

In his news conference and an interview with Syrian television, broadcast here, McCarthy supplied the first direct confirmation that Waite is alive and in captivity. Waite had traveled frequently to Beirut as a special envoy of the archbishop of Canterbury seeking release of hostages and disappeared in January 1987 after leaving a west Beirut home without bodyguards for a secret meeting with Islamic Jihad. Other freed hostages had reported only second hand accounts of his captivity and for a period it was rumored that he was dead.

McCarthy said that Waite had been "very sick" earlier. "He had a very bad problem with his lungs: asthma," McCarthy said. "They did take him to a doctor and gave him medicine. Now I hope he will be okay until he is released."

McCarthy was released under unusual circumstances—as the designated envoy of his Islamic Jihad captors to personally deliver a letter from them to Perez de Cuellar.

He said he spoke Wednesday "at great length with my captors (and) I understand that the letter seeks the secretary general's help in arranging the release of all prisoners and hostages being held in Lebanon and for those held in Israel," he said.

"I cannot say any more about that now, as the letter is clearly for the secretary general's personal attention," he said. "It would be better for him to make any comment."

Hogg, who had visited Beirut and Damascus earlier this year to try to use diplomacy to get a hostage release started, said in his news conference that two factors contributed to Islamic Jihad's decision to release McCarthy.

One was the increasing control that the Syrian-backed government of Lebanon is gaining over the country, especially in the eastern Bekaa Valley where many of the fundamentalist Shiite groups had their strongholds. The other, he said, was that other countries in the region—notably Iran and Syria—have decided to use their influence with the hostage-takers.

The Lebanese government's control is based on the Syrian military presence in the country, which Middle East experts here said was making it harder for fundamentalist Shiite groups to continue operating freely.

Hogg credited Britain's recent renewal of diplomatic relations with Iran and Syria with helping to gain McCarthy's freedom. But he insisted "there has been no deal" between his government and Iran and Syria. Nonetheless, he and vacationing Prime Minister John Major went out of their way to praise "the government of Syria for their assistance . . . and the government of Iran for exercising its humanitarian influence to help achieve this release."

James Craig, former British ambassador to Syria, noted in a BBC interview tonight that the changing geopolitical situation in the Middle East—with the end of superpower conflict in the region and the ascendancy of American power there—created the atmosphere that led to McCarthy's release.

With the growing accord between Washington and Moscow, the Syrian government of president Hafez Assad has lost the patronage of the Soviet Union and has begun moving closer to the United States. Syria joined the allied coalition against Iraq's invasion of Kuwait and has agreed to hold peace talks with Israel.

Iran also appears to want closer ties with the West. After 12 years of fundamentalist rule and a punishing, decade-long war with Iraq, it needs more trade and technology to improve its economy.

In his Syrian TV interview, McCarthy said there were times when he felt his captivity would never end. "One kept hearing news and thought 'maybe now, maybe now'—and it would go away," he said.

"I think for all of us it was a constant strain, a constant pressure on us, and we had to keep ourselves happy and determined to carry on. We have done that very well, I think.

"The men I was with—Terry Waite, Terry Anderson, Tom Sutherland—were very strong men. They supported me and I hope I supported them." Correspondent Nora Boustany contributed from Beirut.

[From the Washington Post, Aug. 12, 1991]

U.S. HOSTAGE FREED AS NEGOTIATIONS INTENSIFY—TRACY "WONDERFUL" AFTER 5 YEARS IN CAPTIVITY

(By Caryle Murphy)

DAMASCUS, Syria, August 11.—American Edward Austin Tracy, held hostage in Lebanon for almost five years, was released by his Shiite Muslim captors today and handed over to U.S. officials here as part of what appears to be a delicate and still-secret negotiating effort by U.N. diplomats to end the six year-old hostage crisis.

In England, John McCarthy, a British hostage who was released Thursday, handed over a letter from his captors, the Islamic Jihad organization, to U.N. Secretary General Javier Perez de Cuellar in a widely televised exchange that thrust the U.N. chief into the spotlight as the central figure in the negotiations.

The release of Tracy, the first U.S. hostage to be freed in 16 months, and that of McCarthy, a television producer held five years, are now being seen by officials in the United States, London, Damascus and the United Nations as the initial steps in a carefully orchestrated, phased release of the 10 remaining Western hostages for Shiite prisoners held by Israel.

Officials in many countries suggested today that the conditions in Syria, Iran and Lebanon and among the radical Muslim fundamentalist groups still holding hostages are right for a deal to be struck.

In Israel, Prime Minister Yitzhak Shamir and other officials reiterated the government's willingness, in any exchange, to release Arab prisoners held in Lebanon as well as a prominent Shiite Muslim cleric who was kidnapped from Lebanon by Israeli forces, but only if seven Israeli soldiers who are missing in Lebanon are returned, or accounted for, if dead.

Syrian Foreign Minister Farouk Charaa said in an interview that he believed and hoped this week's releases mark the beginning of the end of the hostage affair.

The white-haired Tracy, 60, a book salesman and author, looked pale but in good spirits when he appeared briefly before reporters at the Syrian Foreign Ministry before being taken to the U.S. Embassy by Charge d'Affaires John Craig.

"Wonderful," Tracy replied when asked how he felt. "I'm ready to go outside and do the 100-yard dash."

Tracy, who was kidnapped on Oct. 21, 1986, in Beirut, where he had lived for 10 years, was flown to a hospital at a U.S. military base in Wiesbaden, Germany, later today.

With the release of Tracy and McCarthy, the kidnappers in Lebanon and their mentors in Iran appear intent on putting pressure on Israel to release its 375 Lebanese and Palestinian prisoners.

The kidnappers say that the prisoners held by Israel should be considered hostages too, and should also be freed if Western hostages are released.

Tracy's captors, an Iranian-backed group called the revolutionary Justice Organization, said Saturday that a U.N. initiative had begun the negotiations toward his release. The group also holds Joseph Cicippio, 60, former comptroller of the American University of Beirut, who was kidnapped a month before Tracy.

The U.N. contacts "opened up important horizons for negotiations in influential international levels, and we have witnessed quick and tangible results that made us honor our obligations," it said, and "we are moving seriously toward a solution. The hoped-for positive results can be achieved by the release of our brethren. Any attempt to apply pressure and fail to honor (obligations) will allow things to get out of control and plunge into the unknown."

In particular, it cited Sheik Abdul Karim Obeid, who was kidnaped from his home in Lebanon by Israeli commandos in July 1989. His release, it said Saturday, is a "priority."

In remarks today as Tracy was turned over to U.S. diplomats, Deputy Foreign Minister Yussef Shakour also stressed the importance Syria attaches to Obeid's release. Referring to the release of Westerners so far, he said, "We wish that this will help secure the release of all the Lebanese and Palestinians under arrest in Israeli jails. Sheik Obeid comes to the fore."

Shakour said he hoped Tracy's and McCarthy's release would "comprise the beginning for closing the file of all hostages."

Craig thanked the Syrian government for helping with Tracy's release, and added that "in particular, I want to thank President Hafez Assad for his personal interest on behalf of the hostages."

"We hope that this happy occasion will be an indication of continued efforts in Lebanon to restore the rule of law and to solve differences in the new, peaceful and constructive atmosphere," Craig said. "The U.S. calls on all those governments who have influence to exercise that influence so that building on today's positive developments, the hostages can be released promptly and without conditions."

Craig made no mention of any efforts by Iran toward securing Tracy's release.

The Iranian government has said it has influence over the hostage-takers, but does not control them. Diplomats here said Tehran has been pressuring its Shiite allies in Lebanon to cooperate in ending the hostage issue.

Iranian Interior Minister Abdullah Nouri, visiting Syria, said today, "We oppose, denounce and reject all hostage-taking actions. . . . We expect and hope that those who are holding hostages . . . will abandon these practices and free the hostages. We are doing everything we can to achieve this through every available means," Reuter reported.

But Nouri accused Western governments of racism in concerning themselves only with the fate of Western hostages and ignoring Iranians, Palestinians and Lebanese.

Newspapers in Iran, which once backed the kidnapings in Lebanon as a means of political pressure against the West, said this morning that there now is a plan for all foreign captives to be set free unconditionally. "This time, sincere efforts were made to close the hostage file forever and a plan was launched so that all the hostages, wherever they may be should be freed without any terms and conditions," the influential Tehran Times said. "I'm surprised that the world is still here. . . . I'm really happy to see a tree, hear an airplane, here an automobile. I'm amazed and baffled by 'em. I can't find words."—freed hostage Edward Tracy said.

Lebanese Interior Minister Sami Khatib told reporters there is a "grand dialogue between states" now for the release of all Western hostages still held in Lebanon, Washington Post correspondent Nora Boustany reported from Beirut.

Syria's Charaa said "a number of new factors" make success in resolving the hostage crisis more favorable now. "The most important tangible factor is the improvement in the situation in Lebanon," he said. "There is a central government in Lebanon which has the full backing of Syria, and there is cooperation between Syria and Lebanese authorities." Syria, which has 40,000 troops in Lebanon, has provided the muscle in recent months for the Lebanese government to disarm or neutralize factional militias.

The release in Beirut early today of Jerome Leyraud, a French relief worker who had been kidnapped Thursday shortly after McCarthy was freed, "was a result of cooperation between the two governments," Charaa said.

Leyraud's kidnappers had threatened to kill him if other hostages were released, but Syria and Lebanon gave the kidnappers an ultimatum and he was freed early today.

Charaa said past attempts to solve the hostage crisis were foiled not only by Israel's refusal to release prisoners it holds but also by demands imposed by the hostage-holders. In the past, he said, "the kidnappers tried to impose their own conditions," having to do with "their political status in Lebanon, events in Iran and Iranian funds in the United States."

"We made it clear (to the kidnappers) we cannot accept any preconditions," Charaa said, "and when they felt we are serious, they said, 'All, right, if Syria is so concerned from a humanitarian point of view about the Western hostages, why is it not concerned about the Lebanese kidnapped and held by Israel?' "

"We think this is logical," he said.

With the release of Tracy and Leyraud, 10 Western hostages are known to remain in captivity in Lebanon: five Americans, two Britons, two Germans and one Italian.

Tracy was born in Rutland, Vt., and is a graduate of the Wharton School of Business at the University of Pennsylvania. He has three grown children and had lived in Beirut since 1976.

"I'm surprised that the world is still here," he said in an interview with Syrian television today. "I thought it had powdered off somewhere. I'm really happy to see a tree, hear an airplane, hear an automobile. I'm amazed and baffled by 'em. I can't find words."

When photographers began snapping his picture, he joked: "Take it easy. You're going to spoil me. I haven't been on Time magazine's cover for a year."

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on August 5, 1991, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1593. An act to improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes;

S. 1594. An act to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes;

S. 1608. An act to make Technical Amendments to the Nutrition Information and Labeling Act, and for other purposes;

H.R. 904. An act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history;

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes;

H.R. 1006. An act to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes;

H.R. 1143. An act to authorize a study of nationally significant places in American labor history;

H.R. 2123. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia;

H.R. 2313. An act to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes;

H.R. 2427. An act making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2506. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2699. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts;

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes;

H.R. 3201. An act to provide emergency unemployment compensation, and for other purposes;

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week";

H.J. Res. 166. Joint resolution to designate September 13, 1991, as "Commodore John Barry Day"; and

H.J. Res. 309. Joint resolution designating August 29, 1991, as "National Sarcoidosis Awareness Day."

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills and joint resolutions were signed on August 6, 1991, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on August 6, 1991, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 1593. An act to improve the operation and effectiveness of the United States National Commission on Libraries and Information Sciences;

S. 1594. An act to honor and commend Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes;

S. 1608. A bill to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes; and

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1734. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Commodity Credit Corporation's Financial Statements for 1989 and 1988"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1735. A communication from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the Secretary of Defense to institute a voluntary separation incentive for members of the armed forces to ensure an orderly, effective, and fair reduction in the size of the armed forces, and for other purposes; to the Committee on Armed Services.

EC–1736. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to restore the authority to transfer technical data packages for large caliber cannon to friendly foreign countries; to the Committee on Armed Services.

EC–1737. A communication from the General Counsel of the Department of Defense to authorize supplemental appropriations for fiscal year 1991 in connection with the tornado recovery program at McConnell Air Force Base, Kansas, and to authorize additional administrative procedures for the Persian Gulf Regional Defense Fund; to the Committee on Armed Services.

EC–1738. A communication from the Deputy Assistant Secretary of Defense (Environment), transmitting, pursuant to law, a report on the Department of Defense Environmental Compliance Program for fiscal year 1992; to the Committee on Armed Services.

EC–1739. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the 1990 annual report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–1740. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination under the Export-Import Act relative to Bulgaria; to the Committee on Banking, Housing, and Urban Affairs.

EC–1741. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, notice that the Department of Commerce's advance report on the growth of the real Gross National Product during the second calendar quarter of 1991 indicated that growth was less than 1.0 percent during that quarter and the preceding quarter; to the Committee on the Budget.

EC–1742. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of a further extension of time in rendering a decision in National Starch and Chemical Corporation v. The Atchison, Topeka and Santa Fe Railway Company et al; to the Committee on Commerce, Science, and Transportation.

EC–1743. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Highway Safety Performance—1989 Fatal and Injury Accident Rates on Public Roads in the United States"; to the Committee on Commerce, Science, and Transportation.

EC–1744. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the Proposed Comprehensive Outer Continental Shelf Natural Gas and Oil Resource Management Program for 1992–1997; to the Committee on Energy and Natural Resources.

EC–1745. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1746. A communication from the Acting Assistant Secretary of Energy (Office of Fossil Energy), transmitting, pursuant to law, a report on the "Storage of Refined Petroleum Products and Regional Supply Interuptions"; to the Committee on Energy and Natural Resources.

EC–1747. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1748. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1749. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1750. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, an Integrated Environmental Plan for the Mexico-United States Border Area (First Stage, 1992–1994); to the Committee on Environment and Public Works.

EC–1751. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to designate Federal Office Building Numbered 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building"; to the Committee on Environment and Public Works.

EC–1752. A communication from the Acting Principal Deputy Assistant Secretary of the Army (Civil Works) a draft of proposed legislation to authorize the Secretary of the Army to develop and implement a challenge cost-sharing program for the management of recreation facilities and natural resources at water resources development projects under the Secretary's jurisdiction; to the Committee on Environment and Public Works.

EC–1753. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the quarter ended June 30, 1991; to the Committee on Environment and Public Works.

EC–1754. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide for equity in the Medicare Supplementary Medical Insurance Premium; to the Committee on Finance.

EC–1755. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the feasibility of providing to Supplemental Security Income recipients who may lack the ability to read and comprehend regular written notices, certain special services that are now available to blind SSI recipients; to the Committee on Finance.

EC–1756. A communication from the Director of the Office of Cuba Broadcasting, United States Information Agency, transmitting, pursuant to law, a report entitled "Special Report by the Advisory Board for Cuba Broadcasting on TV Marti"; to the Committee on Foreign Relations.

EC–1757. A communication from the Assistant Attorney General (Legislative Affairs), transmitting proposed amendments to the International Claims Settlement Act; to the Committee on Foreign Relations.

EC–1758. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on El Salvador as required by the Foreign Assistance Appropriations Act; to the Committee on Foreign Relations.

EC–1759. A communication from the Benefits Manager of the Farm Credit Bank of Baltimore, transmitting, pursuant to law, the annual report on the Farm Credit District of

Baltimore Retirement Plan for plan year 1990; to the Committee on Governmental Affairs.

EC-1760. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1990 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-1761. A communication from the Manager of Employee Benefits, Farm Credit Bank of St. Paul, transmitting, pursuant to law, the annual report on the Retirement Plan for the Employees of the Seventh Farm Credit District for 1990; to the Committee on Governmental Affairs.

EC-1762. A communication from the Chief Judge of the United States Court of Veterans Appeals, transmitting, pursuant to law, the actuarial report for the year ending December 31, 1990 for the United States Court of Veterans Appeals; to the Committee on Governmental Affairs.

EC-1763. A communication from the Acting Assistant Secretary of the Interior (Policy, Management and Budget), transmitting, pursuant to law, the semi-annual report on the status of self-governance negotiations and the use of grant funding to the compacts; to the Select Committee on Indian Affairs.

EC-1764. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the annual report under the Indian Self-Determination and Education Assistance Act for fiscal year 1990; to the Select Committee on Indian Affairs.

EC-1765. A communication from the Chairman of the Administrative Conference of the United States, transmitting a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on the Judiciary.

EC-1766. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the nonimmigrant entry of spouses and children of alien members of the armed forces; to the Committee on the Judiciary.

EC-1767. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on the Judiciary.

EC-1768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on state activities in implementing the third year of the Child Abuse and Neglect Prevention Challenge Grant Programs; to the Committee on Labor and Human Resources.

EC-1769. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Institutional Eligibility under the Higher Education Act of 1965, as amended; Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-1770. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report on procedures established under which employees of the Congressional Budget Office may file employment discrimination complaints under the employment discrimination protections of the Americans With Disabilities Act; to the Committee on Rules and Administration.

EC-1771. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1772. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Animal Welfare Enforcement Report for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1773. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated August 1, 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1774. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's fifth special impoundment message for fiscal year 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Foreign Relations.

EC-1775. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-1776. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for the quarter ended June 30, 1991; to the Committee on Armed Services.

EC-1777. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the sixth report on United States Costs on the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-1778. A communication from the President of the United States, transmitting, pursuant to law, the annual report on the National Security Strategy of the United States, 1991; to the Committee on Armed Services.

EC-1779. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of the Department of Defense as of September 30, 1990; to the Committee on Armed Services.

EC-1780. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, the results of a cost comparison study of the installation supply function at the Military Ocean Terminal, Sunny Point, Southport, North Carolina; to the Committee on Armed Services.

EC-1781. A communication from the Chairman and Members of the Kaho'olawe Island Conveyance Commission, transmitting, pursuant to law, the interim report of the Commission; to the Committee on Armed Services.

EC-1782. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a copy of an Executive Order which updates the Manual for Courts-Martial; to the Committee on Armed Services.

EC-1783. A communication from the Secretary of Energy, transmitting, pursuant to law, recommendations with respect to public health and safety at the Department of Energy's defense nuclear facilities; to the Committee on Armed Services.

EC-1784. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to convert the organizational maintenance and dispatch function at Fort Sill, Oklahoma to an in-house operation; to the Committee on Armed Services.

EC-1785. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1786. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1787. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to the Republic of Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-1788. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving United States exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-1789. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on adjustment to Foreign Policy Export Controls Required by Core List Implementation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1790. A communication from the President of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, a report on the savings associations for which the Director has determined grounds exist, or are likely to exist in the current fiscal year and in the next fiscal year, for the appointment of a conservator or receiver under the Home Owner's Loan Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-1791. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Greece; to the Committee on Banking, Housing, and Urban Affairs.

EC-1792. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1793. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to the State of Bahrain; to the Committee on Banking, Housing, and Urban Affairs.

EC-1794. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1795. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1796. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: FSLIC Resolution Fund's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1797. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the operation and efficiency of the Buffalo Metropolitan Housing Authority; to the Committee on Banking, Housing, and Urban Affairs.

EC-1798. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cost estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC-1799. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC-1800. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, an estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC-1801. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the administration of the provisions of Title IV of the Outer Continental Shelf Lands Act for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC-1802. A communication from the Secretary of State and the Secretary of Commerce, transmitting jointly, pursuant to law, a report on the allocation of surplus Atlantic mackerel during calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC-1803. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the first annual report on implementation of the Fire Safe Cigarette Act of 1990; to the Committee on Commerce, Science, and Transportation.

EC-1804. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on progress in developing and certifying the traffic alert and collision avoidance system for the months of February through June, 1990; to the Committee on Commerce, Science, and Transportation.

EC-1805. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1806. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on activities undertaken with respect to the development of the Strategic Petroleum Reserve for the period April 1 through June 30, 1991; to the Committee on Energy and Natural Resources.

EC-1807. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1990"; to the Committee on Energy and Natural Resources.

EC-1808. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice of a date for submission of a report on Federal Government Energy Management and Conservation Programs; to the Committee on Energy and Natural Resources.

EC-1809. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1810. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1811. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1812. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Federal Coal Management Report for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-1813. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1814. A communication from the Inspector General of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual audit report of the Agency's administration of the permanent and temporary relocation of the Superfund Program; to the Committee on Environment and Public Works.

EC-1815. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on environmental monitoring of Organotin for the period June 1988 to March 1991; to the Committee on Environment and Public Works.

EC-1816. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a notice of proposed rulemaking; to the Committee on Finance.

EC-1817. A communication from the President of the United States, transmitting, pursuant to law, a waiver of the application of certain sections of the Trade Act with respect to Romania; to the Committee on Finance.

EC-1818. A communication from the President of the United States, transmitting, pursuant to law, a report on the emigration laws and policies of the Republic of Hungary; to the Committee on Finance.

EC-1819. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, proposed regulations relative to a national Medicare physician fee schedule; to the Committee on Finance.

EC-1820. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforeseen emergencies of a confidential nature; to the Committee on Finance.

EC-1821. A communication from the United States Trade Representative, transmitting, pursuant to law, a report on implementation of section 301 of the Trade Act for the period January through June 1991; to the Committee on Finance.

EC-1822. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the quarterly report on trade between the United States and the nonmarket economy countries for January through March 1991; to the Committee on Finance.

EC-1823. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for Worker Adjustment Assistance Training Funds for the quarter ended June 30, 1991; to the Committee on Finance.

EC-1824. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 15, 1991; to the Committee on Foreign Relations.

EC-1825. A communication from the Acting Secretary of State, transmitting, pursuant to law, the Presidential determination and explanation for certification of the United States contribution to the International Fund for Ireland; to the Committee on Foreign Relations.

EC-1826. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the twenty-fourth 90-day report on the investigation into the death of Enrique Camarena, the investigations into the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-1827. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on Title XII—Famine Prevention and Freedom from Hunger, for fiscal year 1990; to the Committee on Foreign Relations.

EC-1828. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 1, 1991; to the Committee on Foreign Relations.

EC-1829. A communication from the President of the United States, transmitting, pursuant to law, a report on the activities of the United States Government departments and agencies related to preventing nuclear proliferation for calendar year 1990; to the Committee on Foreign Relations.

EC-1830. A communication from the Director of the Division of Commissioned Personnel, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the annual audit report on the condition of the Public Health Service Commissioned Corps Retirement System for the plan year ended September 30, 1991; to the Committee on Governmental Affairs.

EC-1831. A communication from the Manager for Compensation and Benefits, National Bank for Cooperatives, transmitting, pursuant to law, the annual audit report on the National Bank for Cooperatives Retirement Trust Fund for the plan year ending December 30, 1990; to the Committee on Governmental Affairs.

EC-1832. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-1833. A communication from the Co-Chairmen of the Indian Nations at Risk Task Force, transmitting, pursuant to law, the annual report of the Task Force for fiscal year 1990; to the Select Committee on Indian Affairs.

EC-1834. A communication from the Chairman of the National Advisory Council on Indian Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1990; to the Select Committee on Indian Affairs.

EC-1835. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the number of providers of health care that will be needed by Indian health programs, by location and profession, during fiscal years 1990, 1991, and 1992; to the Select Committee on Indian Affairs.

EC-1836. A communication from the Director and Commissioner of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, an independent market study conducted on Federal Prison Industries, Inc.; to the Committee on the Judiciary.

EC-1837. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report on Mandatory Minimum Penalties in the Federal Criminal Justice System; to the Committee on the Judiciary.

EC-1838. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1989 annual report on the National Health Service Corps, the National Health Service Corps Scholarship Program, and the National Health Service Corps Loan Repayment Program; to the Committee on Labor and Human Resources.

EC-1839. A communication from the Secretary of Education, transmitting a draft of proposed legislation to revise and extend the statutory authorities for the Office of Educational Research and Improvement, the National Center for Educational Statistics, and the National Assessment of Educational Progress, to simplify and make more flexible certain program authorities, and for other purposes; to the Committee on Labor and Human Resources.

EC-1840. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for fiscal year 1991—Program of Protection and Advocacy of Individual Rights; to the Committee on Labor and Human Resources.

EC-1841. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for fiscal year 1991—Fund for Innovation in Education: Innovation in Education Program; to the Committee on Labor and Human Resources.

EC-1842. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1991—Rehabilitation Short-Term Training; to the Committee on Labor and Human Resources.

EC-1843. A communication from the Secretary of Education, transmitting, pursuant to law, Final Priority for the Minority Teacher Training Project—Fiscal Year 1992; to the Committee on Labor and Human Resources.

EC-1844. A communication from the Secretary of Education, transmitting, pursuant to law, notice of Final Funding for Outreach to Minority Entities; to the Committee on Labor and Human Resources.

EC-1845. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities and selection criteria for the Program for Children and Youth With Serious Emotional Disturbance; to the Committee on Labor and Human Resources.

EC-1846. A communication from the Presiding Officer of the Advisory Council on Education Statistics, transmitting, pursuant to law, the annual report of the Council for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1847. A communication from the Chairman of the National Advisory Committee on International Education Programs, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1848. A communication from the Chairman of the National Council on Vocational Education, transmitting, pursuant to law, a report on workforce needs in various industries; to the Committee on Labor and Human Resources.

EC-1849. A communication from the Chairman of the Fund for the Improvement and Reform of Schools and Teaching Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1850. A communication from the Chairman of the National Board of the Fund for the Improvement of Postsecondary Education, transmitting, pursuant to law, the annual report of the Board for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1851. A communication from the National Advisory Committee on Accreditation and Institutional Eligibility, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1852. A communication from the Chairman of the Intergovernmental Advisory Council on Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1853. A communication from the Chairman of the National Center for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of the Special Study Panel on Education Indicators; to the Committee on Labor and Human Resources.

EC-1854. A communication from the Chairman of the National Advisory Council on Educational Research and Improvement, transmitting, pursuant to law, the annual report of the Council for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1855. A communication from the Chairman of the Advisory Committee on Student Financial Assistance, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1856. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for training and public awareness projects of national significance in technology-related assistance for individuals with disabilities; to the Committee on Labor and Human Resources.

EC-1857. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority—National Institute on Disability and Rehabilitation Research—Americans With Disabilities Act; to the Committee on Labor and Human Resources.

EC-1858. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Administration on Aging for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1859. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the National Technical Institute for the Deaf for fiscal year 1990; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 862. A bill to provide for a demonstration program for voir dire examination in certain criminal cases, and for other purposes (Rept. No. 102-142).

S. 865. A bill to provide for a demonstration program for voir dire examination in certain civil cases, and for other purposes (Rept. No. 102-143).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 627. A bill to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs Lock".

S. 1418. A bill to designate the Federal building located at 78 Center Street in Pittsfield, Massachusetts, as the "Silvio O. Conte Federal Building", and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WOFFORD:

S. 1694. A bill to require the Secretary of Defense and the Defense Base Closure and Realignment Commission to make recommendations in 1993 and 1995 for the termination and reduction of United States military operations at military installations outside the United States; to the Committee on Armed Services.

By Mr. COATS:

S. 1695. A bill to facilitate the provision of emergency loans to farmers who lost their crops in 1991 due to a natural disaster; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 1696. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. SIMON, Mr. DECONCINI, Mr. HATCH, Mr. BIDEN and Mr. KENNEDY):

S. 1697. A bill to amend Title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 1698. A bill to establish a National Fallen Firefighters Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. GARN, Mr. D'AMATO, Mr. DIXON, Mr. SASSER, Mr. WIRTH, Mr. SHELBY, Mr. BOND, Mr. BRYAN and Mrs. KASSEBAUM):

S. 1699. A bill to prevent false and misleading statements in connection with offerings of government securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUGAR (for himself, Mr. COATS, Mr. DOLE, and Mr. LEAHY):

S. 1700. A bill to amend the Food Stamp Act of 1977 to modify the application of such Act to disabled railroad annuitants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for Mr. MITCHELL):

S. Res. 174. A resolution to appoint a Senator to the Senate Select Committee on Ethics, pursuant to the provisions of Senate Resolution 169 of the 102d Congress; considered and agreed to.

By Mr. PRESSLER:

S. Res. 175. A resolution to support the activities of the Peace Corps in Estonia, Latvia, and Lithuania; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WOFFORD:

S. 1694. A bill to require the Secretary of Defense and the Defense Base Closure and Realignment Commission to make recommendations in 1993 and 1995 for the termination and reduction of U.S. military operations at military installations outside the United States; to the Committee on Armed Services.

FOREIGN BASE CLOSINGS LEGISLATION

• Mr. WOFFORD. Mr. President, every year, the United States spends more than a hundred billion dollars to subsidize the defense of our most prosperous and economically competitive allies. That's six times more than the Federal Government spends on the education of American children in a year.

The legislation I'm introducing today requires that the Base Closure and Realignment Commission include overseas military bases when it makes its next recommendations in 1993 and 1995. It simply says that decisions to close bases should not be made without looking at all our bases—including those in Europe, Asia, and elsewhere.

The Department of Defense has been given a mandate by Congress to close bases and cut troop levels overseas. That mandate is being fulfilled at a snail's pace, at best.

Since the Berlin Wall fell in 1989, United States troop levels of Europe have fallen only 10 percent. The administration plans to close 15 more foreign installations. But nine of these bases are minor facilities with fewer than 1,000 people—and some have as few as 50 people. And the largest base, the United States air base in Torrejon, Spain, isn't really closing—it is just being moved, at Spain's insistence, to a new location in Cretone, Italy.

We should compare these overseas base closures to the domestic ledger, where the bottom line for jobs has a lot more red ink, especially in my State. In 1989, 86 domestic military bases were closed, five partially closed and another 54 realigned. Now, of course, we're facing a new round of cutbacks, and nowhere more than in Pennsylvania.

The list of recommendations for base closing and realignment in the United States includes the Philadelphia Naval Shipyard and Naval Station, the Naval Air Development Center at Warminster, the Letterkenny Army Depot, all in Pennsylvania.

Pennsylvania includes only about one-twentieth of the Nation's population. But one-third of all direct civilian jobs lost from base closings nationally will come from our State.

As a matter of fact, in Philadelphia, at least 34,000 working men and women are facing unemployment and an uncertain future because of the proposed closing of the Philadelphia Naval Shipyard. Why are they bearing the brunt of defense cuts while we waste our defense dollars on unnecessary troop levels and overseas bases?

Until recently, it made sense to position hundreds of thousands of troops in Western Europe when hundreds of thousands were lined up against us in the East. But the Warsaw Pact has dissolved. The Berlin Wall has fallen. The Soviet Union no longer exists. We now need to adjust our strategy, and redefine America's role in a changing world—a world where the Soviet threat has receded, where Germany is reunited and where the economic strength of Europe and Asia have vastly increased.

Our allies already have cut their forces. Great Britain is cutting its armed services by 20 percent in 3 years. Germany is committed to a 30-percent cut over 2 years. While we do nothing more than discuss burdensharing, our allies are in the process of burden shedding.

And why shouldn't they? While we subsidize their defense, they are investing their tax dollars in educating their children, rebuilding their infrastructure, providing health care for their families, upgrading their industrial base, and improving their trade balances.

Now and in the future, our Nation's strength will depend less on our military presence and more on our ability to compete economically. This legislation will enable us to make cuts where they make the most sense—overseas. And to save our resources for our jobs and our people here at home.•

By Mr. COATS:

S. 1695. A bill to facilitate the provision of emergency loans to farmers who lost their crops in 1991 due to a natural disaster; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE WAIVER LEGISLATION

• Mr. COATS. Mr. President, as you know, over the past few months, farmers throughout America and especially the Midwest are once again facing severe crop losses due to drought.

In Indiana, many farmers and farm experts believe that the losses from the drought of 1991 may equal or surpass the devastating drought of 1988. Agriculture economists, crop specialists, and other farm experts from Purdue University are estimating that crop losses in Indiana might be as great as half a billion dollars. We know that row crop losses alone will probably be a minimum of $350 million. Other Midwestern States which make up the bulk of row-crop production in the United States are facing similar losses.

However, Mr. President, unlike the drought of 1988, even with the severity of the drought of 1991, the crop markets are not responding to the losses. Thus, not only are farmers going to see less corn and soybeans in their combines, they also are going to see substantially less dollars in their pockets. Farm economists at Purdue are estimating that with the drought of 1991 farm income in the State of Indiana may drop as much as 50 percent.

All of this falls on the shoulders of farmers already suffering under the weight of previous crop failures, skyrocketing interest rates, and other factors beyond their control. Many farmers are left asking themselves how they can possibly make it through another year—how can they possibly pay off high interest loans and still have the cash flow to plant the 1992 crop, let alone clothe and feed their families.

Today I am introducing a bill which will ease the burden on some American and Hoosier farmers which are facing the bleakest of times. The Coats crop insurance waiver bill would increase the financing options for those farmers who have been severely hurt by the drought of 1991. Under current law, only farmers who meet the criterion and have crop insurance policies would be eligible for low-interest FMHA loans. My bill, Mr. President, seeks to waive that crop insurance requirement and thus make low interest loans available to all qualifying farmers.

This bill will not affect those farmers who currently hold crop insurance policies—they will still be reimbursed at their full guaranteed rate, and also be eligible for low-interest FMHA loans if they meet the loan requirements. Some of the requirements that farmers must meet include having a loss of at least 30 percent and not being able to obtain financing through normal commercial means. It will only open up opportunities for all farmers to apply for 4.5 percent loans from the Farmers Home Administration.

This bill is a responsible means of addressing the financial hardships that farmers will be facing in the fall of 1991 and the spring of 1992. It is by no means an answer to every problem they face. It is not a Government handout. Even with this option, farmers will still struggle to make ends meet. But it will help meet some urgent needs in difficult times.

Mr. President, it is my hope that the Senate will see the suffering and support this bill. I ask unanimous consent that the full text of this bill be included in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Effective only for the 1991 crop year, Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply to persons who otherwise would be eligible for an emergency loan under subtitle C of such Act.•

By Mr. BAUCUS:

S. 1696. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA WILDERNESS ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Montana National Forest Management Act of 1991. I send this bill to the desk and ask that it be printed in the RECORD following this statement.

Mr. President, history buffs know that one of the bloodiest skirmishes during the War Between the States was the Battle of the Wilderness—fought not too many miles southwest of Washington. In a tangled thicket, the armies of Generals Grant and Lee met and fought to a virtual standoff.

Almost 130 years have passed since the Battle of the Wilderness.

Yet, in Montana, we are fighting our own civil war over the wilderness. This war has raged for well over a decade.

It is a war of words.

If Congressional hearings count as battles in this war—and many of them should—it is a war of 21 hearing-battles ocurring both here and in Montana. And these hearing-battles have taken a toll or over 7,000 pages of official record.

In addition, in recent years, Senator BURNS and I have held six informal hearings in Montana. These were open forums where any Montanan with something to say could speak his or her peace. We both stayed in the room until we heard from everyone. By my count, we heard from well over 1,000 Montanians.

In addition, we have received countless thousands of letters and phone calls from Montanans with all kinds of views on this issue.

We've talked long enough. Now is the time to act; to retire Montana's battle of the wilderness to the history books.

At stake is the fate of over six million acres of currently roadless Forest Service land. Without legislation determining the uses of these lands, they will largely remain de facto wilderness—locked up from multiple use management.

And, because Congress has failed to act, this war recently claimed another casualty. Late last month, Montana's Regional Forester, the Region One Forester, John Mumma, was forced out of his job. It appears as though Mr. Mumma was forced to retire because his region failed to meet its timber targets—targets that many argue are set impossibly high.

But the truth of the matter is the Forest Service doesn't have a prayer of meeting these targets unless Congress acts to unlock the suitable timber located on roadless lands.

Time and time again, the highest ranking Forest Service officials have said the primary problem with their timber program in Montana is their inability to put up sales in roadless areas. And 24 percent of Montana's suitable timberlands are currently locked up in inventoried roadless areas. I ask that a list of some of these statements from Forest Service officials be made a part of the RECORD at the end of my statement.

Mr. President, I believe the Forest Service must be given reasonable authority to enter some of Montana's roadless lands. Otherwise, there is little hope of providing a steady, sustainable supply of timber to Montana mills.

At the same time, many of our roadless lands are wild, rugged country. For the sake of future generations, these are places richly deserving protection:

They are the headwaters of our blue ribbon trout streams;

They are the places where our wildlife seek forage and refuge;

They are the back-country where we take our families—where we go to relax, find solitude and get away from the world's troubles;

And they are the rugged peaks and spectacular vistas we enjoy from our cities and mountain valley floors.

With so much at stake, we must seek balance. We must shun one-sided solutions. We cannot turn a blind eye toward either the environment or jobs.

We can have the best of both worlds; good jobs and a healthy environment. We should settle for nothing less.

The legislation I am introducing today would make Montana an even better place to live and to work.

On the one hand, my bill protects our last, best places. These are pristine lands—our most sensitive watersheds, our best back-country recreation areas, our most breathtaking scenery, and our most critical big game and Grizzly habitat.

At the same time, this legislation would also make it easier for the Forest Service to manage the land and thereby create jobs. Its boundaries eliminate virtually every conceivable resource conflict:

All but a tiny speck of the public and private timber base would be available to the forest products industry—less than a 1-percent impact. This bill would have absolutely no effect on production from private, BLM, tribal, and State lands, where 60 percent of our logs are produced. Of the remaining 40 percent to come off Forest Service lands, 98 percent of the timber which is classified as suitable for harvest would be available for multiple use management under the Forest Plans. And release language would better enable the Forest Service to put up timber sales in roadless areas not designated wilderness or National Recreation Areas;

Mining conflicts have been eliminated. All patented mining claims would be released. In addition, wilderness boundaries have been drawn to exclude areas with the highest mineral potential;

Finally, all of Montana's groomed snowmobile trails would be excluded from wilderness. And a number of National Recreation Areas would be created, largely to enhance opportunities for motorized recreation in the back-country.

I believe my friend and colleague, Senator BURNS, will join me in trying to heal the wounds caused by this divisive issue. Indeed we simply discussed the provisions of my bill just several hours ago. I hope my colleague and I come to quick agreement. I know him to be a reasonable person who wants what's best for Montana.

I am eager to talk. I am ready to make principled compromises. And I am willing to consider specific changes striking a fair balance between protecting jobs and the environment.

While nothing in my bill is etched in stone, I believe it strikes a fair balance between the diverse interests that, collectively, make up Montana.

I have thought long and hard about this issue. After 17 years of representing the people of Montana, I believe it is time to lay this issue to rest. If we are unable to achieve consensus, the time has come for Congress to resolve the stalement.

In order to move this process forward, I am requesting that Senator BUMPERS, the distinguished chairman of the Public Lands Subcommittee, schedule a prompt hearing and markup on my bill. My colleague from Montana is a distinguished member of that subcommittee. He will play a critical role in this process.

At the very least, if the Montana Senate delegation cannot achieve agreement prior to the markup, I believe our discussions will result in a narrowing the issues to just a few areas of disagreement.

In closing, Mr. President, it is time to lay down our swords. it is time to heal the wounds of this war. It is time to get on with the business of building the Montana of the 21st century.

That is what I intend to do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled;

SECTION 1. SHORT TITLE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Montana National Forest Management Act of 1991."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS—The Congress Finds That—

(1) many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wild land for the benefit of the American people;

(2) the existing Department of Agriculture Land and Resource Management Plans for Forest System lands in the State of Montana have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System;

(3) the existing Department of Agriculture Land and Resource Management Plans for National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas that do not possess outstanding wilderness attributes or possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values. Such areas should not be designated as components of the National Wilderness Preservation System but should be available for non-wilderness multiple uses under the land management planning process and other applicable law.

(b) PURPOSES—The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, and physical and mental challenge; and

(2) ensure that certain other National Forest System lands in the State of Montana be available for non-wilderness uses.

SEC. 3. WILDERNESS DESIGNATIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, the following lands in the State of Montana are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, which comprise approximately 29,100 acres, as generally depicted on a map entitled "Anaconda-Pintler Wilderness Additions—Proposed" (North Big Hole, Storm Lake, Upper East Fork), dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness;

(2) certain lands in the Beaverhead National Forest, which comprise approximately 25,000 acres, as generally depicted on a map entitled "Italian Peaks Wilderness—Proposed", dated September 1991, and which shall be known as the Italian Peaks Wilderness;

(3) certain lands in the Beaverhead National Forests, which comprise approximately 79,500 acres, as generally depicted on a map entitled "East Pioneer Wilderness—Proposed", dated September 1991, and which shall be known as the East Pioneer Wilderness;

(4) certain lands in the Beaverhead National Forests, Montana, comprising approximately 76,600 acres, as generally depicted on a map entitled "West Big Hole Wilderness—Proposed", dated September 1991, and which shall be known as the West Big Hole Wilderness;

(5) certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, which comprise approximately 68,000 acres, as generally depicted on a map entitled "Stony Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Stony Mountain Wilderness;

(6) certain lands in the Bitterroot and Lolo National Forests, which comprise approximately 55,600 acres, as generally depicted on maps entitled "Selway-Bitterroot Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be part of the Selway-Bitterroot Wilderness;

(7) certain lands in the Custer National Forest, which comprise approximately 5,800 acres, as generally depicted on a map entitled "Lost Water Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Lost Water Canyon Wilderness;

(8) certain lands in the Custer National Forest, which comprise approximately 9,100 acres, as generally depicted on a map entitled "Absaroka Beartooth Wilderness Additions—Proposed" (Burnt Mountain, Timberline Creek, Stateline and Mystic Lake), dated September 1991, and which are hereby incorporated in and shall be deemed to be a party of the Absaroka Beartooth Wilderness;

(9) certain lands in the Deerlodge and Helena National Forests, which comprise approximately 19,000 acres, as generally depicted on a map entitled "Blackfoot Meadow-Electric Peak Wilderness—Proposed", dated September 1991, and which shall be known as the Blackfoot Meadow Wilderness;

(10) certain land in the Deerlodge National Forest, which comprise approximately 40,300 acres, as generally depicted on a map entitled "Flint Creek Range Wilderness—Proposed", dated September 1991, and which shall be known as the Flint Creek Range Wilderness;

(11) certain lands in the Flathead National Forest, which comprise approximately 68,000 acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed (Tuchuck, Mount Hefty, Thompson-Seton)", dated September 1991, and which shall be known as the North Fork Wilderness;

(12) certain lands in the Flathead, Helena, Lolo, and Lewis and Clark National Forests, which comprise approximately 234,900 acres, as generally depicted on maps entitled "Arnold Bolle Additions to the Bob Marshall Wilderness—Proposed" (Silver King-Falls Creek, Renshaw, Clearwater-Monture, Deep Creek, Teton High Peak, Volcano Reef, Slippery Bill, Limestone Cave and Crown Mountain), dated September 1991, which shall be known as the Arnold Bolle-Bob Marshall Wilderness Additions and are incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness;

(13) certain lands in the Flathead National Forest, which comprise approximately 960 acres, as generally depicted on a map entitled "North Mission Mountain Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the North Mission Mountain Wilderness;

(14) certain lands in the Flathead and Lolo National Forests comprising approximately 152,000 acres, as generally depicted on maps entitled "Jewel Basin/Swan Wilderness—Proposed", dated September 1991, and those lands comprising the west slope of the Bob Marshall Wilderness shall be deemed to be a part of the Bob Marshall Wilderness and the remaining lands shall be known as the Swan Crest Wilderness;

(15) certain lands in the Gallatin National Forest, which comprise approximately 6,500 acres, as generally depicted on a map entitled "North Absaroka Wilderness Additions—Proposed" (Republic Mountain, Dexter Point, and Tie Creek), dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the North Absaroka Wilderness;

(16) certain lands in the Gallatin National Forest, which comprise approximately 13,700 acres, as generally depicted on a map entitled "Lee Metcalf Cowboys Heaven Addition—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Lee Metcalf Wilderness;

(17) certain lands in the Gallatin National Forest, which comprise approximately 22,000 acres, as generally depicted on a map entitled "Earthquake Wilderness—Proposed", dated September 1991, and which shall be known as the Earthquake Wilderness;

(18) certain lands in the Helena National Forest, which comprise approximately 26,000 acres, as generally depicted on a map entitled "Camas Creek Wilderness—Proposed", dated September 1991, and which shall be known as the Camas Creek Wilderness;

(19) certain lands in the Helena National Forest, which comprise approximately 15,000 acres, as generally depicted on a map entitled "Mount Baldy Wilderness—Proposed", dated September 1991, and which shall be known as the Mount Baldy Wilderness;

(20) certain lands in the Helena National Forest, Montana, which comprise approximately 10,500 acres, as generally depicted on a map entitled "Gates of the Mountain Wilderness Additions—Proposed" (Big Log),

dated September 1991, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness;

(21) certain lands in the Helena National Forest, which comprise approximately 8,500 acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Black Mountain Wilderness. It is the intent of Congress that the Secretary of Agriculture, using existing statutory authority, give special attention to the acquisition and non-federally owned lands within the Black Mountain Wilderness;

(22) certain lands in the Helena National Forest, which comprise approximately 21,900 acres, as generally depicted on a map entitled "Nevada Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Nevada Mountain Wilderness;

(23) certain lands in the Kootenai National Forest, which comprise approximately 31,600 acres, as generally depicted on a map entitled "Cabinet Mountains Wilderness Additions—Proposed", dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Cabinet Mountains Wilderness. Provided, that such wilderness designation shall be subject to the development of a downhill ski facility in the area generally depicted on a map entitled "Treasure Mountain Ski Hill—Proposed", dated September 1991, if the Forest Service grants final approval of such development within ten years from the date of enactment of this Act;

(24) certain lands in the Kootenai National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Scotchman Peaks Wilderness—Proposed", dated September 1991, which shall be known as the Scotchman Peaks Wilderness;

(25) certain lands in the Kootenai National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Galena Wilderness—Proposed", dated September 1991, which shall be known as the Galena Wilderness;

(26) certain lands in the Kootenai National Forest, which comprise approximately 26,400 acres, as generally depicted on a map entitled "Trout Creek Wilderness—Proposed", dated September 1991, which shall be known as the Trout Creek Wilderness;

(27) certain lands in the Kootenai National Forest, Montana, which comprise approximately 20,250 acres, as generally depicted on a map entitled "Roderick Mountain Wilderness—Proposed", dated September 1991, which shall be known as the Roderick Mountain Wilderness;

(28) certain lands in the Kootenai National Forest, which comprise approximately 4,500 acres, as generally depicted on a map entitled "Grizzly Peak Wilderness—Proposed", dated September 1991, which shall be known as the Grizzly Peak Wilderness;

(29) certain lands in the Kootenai and Lolo National Forests, which comprise approximately 17,900 acres, as generally depicted on a map entitled "Caterack Peak Wilderness—Proposed", dated September 1991, which shall be known as the Caterack Creek Wilderness;

(30) certain lands in the Lolo and Kootenai National Forests, which comprise approximately 39,000 acres, as generally depicted on a map entitled "Cube Iron/Mount Silcox Wilderness—Proposed", dated September 1991, which shall be known as the Cube Iron/Mount Silcox Wilderness;

(31) certain lands in the Lolo National Forest, which comprise approximately 94,700 acres, as generally depicted on a map entitled the "Great Burn Wilderness—Proposed", dated September 1991, which shall be known as the Great Burn Wilderness;

(32) certain lands in the Lolo National Forest, which comprise approximately 22,000 acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", dated September 1991, which shall be known as the Sheep Mountain Wilderness;

(33) certain lands in the Lolo National Forest, which comprise approximately 60,100 acres, as generally depicted on a map entitled "Quigg Peak Wilderness—Proposed", dated September 1991, which shall be known as the Quigg Peak Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—(1) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in this section and legal descriptions of each wilderness area designated by this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act;

(2) the Secretary may correct clerical and typographical errors in the maps and the legal descriptions submitted pursuant to this section;

(3) each map and legal description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, Washington, D.C. and at the office of the Region I Forester, U.S. Forest Service, Missoula, Montana.

(c) ADMINISTRATION—Subject to valid existing rights, each wilderness area designated by this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that, with respect to any area designated in this section, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) WILDERNESS AREA PERIMETERS—(1) Congress does not intend that the designation of a wilderness area in this section will lead to the creation of protective perimeters or buffer zones around wilderness areas;

(2) that non-wilderness activities or uses can be seen or heard from areas within a wilderness area should not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) GRAZING—The grazing of livestock, where established prior to the date of enactment of this Act, in wilderness areas designated in this section shall be administered in accordance with section 4(d)(4) of the Wilderness Act of 1964 and section 108 of an Act entitled "An Act to designate certain National Forest System Lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes" (94 Stat. 3271; 16 U.S.C. 1133 note).

(f) STATE FISH AND GAME AUTHORITY—In accordance with section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Montana with respect to wildlife and fish in the national forests of Montana.

(g) HUNTING—Subject to applicable law, Congress recognizes hunting as a legitimate and beneficial activity within designated wilderness areas. Nothing in this Act or the Wilderness Act of 1964 shall be construed to prohibit hunting in wilderness areas.

(h) COLLECTION DEVICES—(1) within the wilderness areas designated in this section, neither the wilderness Act of 1964 or this Act shall be construed to prevent the installation and maintenance of hydrological, meteorological, or climatological collection devices and ancillary facilities subject to such conditions as the Secretary deems desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes;

(2) Access to the devices and facilities described in paragraph (1) shall be by the means historically used, if that method is the least intrusive practicable means available.

SEC. 4. WATER RIGHTS.

(a) FINDINGS—The Congress finds that the waters within the wilderness areas designated by Section 3 of this Act are headwaters, and accordingly, this Act has no effect on the appropriation or adjudication of waters within the State of Montana.

(b) RULES OF CONSTRUCTION—Nothing in this Act—

(1) is intended or shall be construed to affect downstream appropriation of water;

(2) is intended or shall be construed to affect water rights as provided under Montana state law;

(3) is intended to affect the determination of expressed or implied reserved water rights as determined under other laws.

SEC. 5. RELEASE TO NON-WILDERNESS MULTIPLE USE.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has adequately met the wilderness study requirements of Public Law 94-557;

(2) the Land and Resource Management Plans and associated Environmental Impact Statements (hereinafter referred to as "Land and Resource Management Plans") for all the National Forests in the State of Montana have been completed as required by Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(2) the Congress has made its own examination of National Forest System roadless areas in the State of Montana and of the environmental and economic impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without otherwise passing on the question of the legal and factual sufficiency of the Land and Resource Management Plans and their associated environmental impact statements for National Forest System lands in the State of Montana completed prior to the enactment of this Act, prior to the revision of such Plans decisions to allocate roadless areas to wilderness or non-wilderness categories, and the environmental analyses directly related to such allocations shall not be subject to judicial review.

(A) *Provided however*, That except for decisions allocating lands to wilderness and non-wilderness categories, nothing in this section shall preclude judicial review of Department of Agriculture decisions implementing such Plans or decisions made concerning the management of National Forest lands subsequent to their allocation to wilderness and non-wilderness categories.

(B) *Provided further*, That, except for decisions allocating lands to wilderness and non-wilderness categories, nothing in this section shall preclude judicial review of Forest Service Regional Guides and other Departmental policies of general applicability, nor prevent a court from invalidating forest planning decisions which fail to comply with applicable law.

(2) except as specifically provided in Sections 3, 6, 7, 8, and 9 of this Act and in Public Law 95–150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94–557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, and the Land and Resource Management Plans, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the Land and Resource Management Plans, but shall review the wilderness option when such plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to that time the Secretary finds that conditions in a unit have significantly changed;

(3) those National Forest System lands in the State of Montana referred to in Paragraph (2) of this subsection which were not designated wilderness, special management, or wilderness study study areas shall be managed for multiple use in accordance with land and resource management plans pursuant to Section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial Land and Resource Management Plans;

(4) if revised Land and Resource Management Plans for the National Forest System lands in the State of Montana are implemented pursuant to Section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such Plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and other applicable law;

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in Section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, the term "revision" shall not include an amendment to a land and resource management plan.

(d) Except as where specifically provided elsewhere in this Act, the provisions of this section shall also apply to those National Forest System roadless lands in the State of Montana which are less than five thousand acres in size.

SEC. 6. SPECIAL MANAGEMENT AREAS.

(a) For the purposes of conserving, protecting and enhancing the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The Mount Helena National Education and Recreation Area located in the Helena National Forest, comprising approximately 3,900 acres, as generally depicted on a map entitled "Mount Helena National Education and Recreation Area—Proposed", dated September 1991;

(2) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, comprising approximately 18,900 acres, as generally depicted on a map entitled "Hyalite National Recreation and Education Area—Proposed", dated September 1991;

(3) The Gibson Reservoir National Recreation Area located in the Lewis and Clark National Forest, comprising approximately 24,000 acres, as generally depicted on a map entitled "Gibson Reservoir National Recreation Area—Proposed", dated September 1991;

(4) The Cottonwood Lake National Recreation Area located in the Deerlodge National Forest, and comprising approximately 8,300 acres, as generally depicted on a map entitled "Cottonwood Lake National Recreation Area—Proposed", dated September 1991;

(5) The Northwest Peak National Recreation and Scenic Area located in the Kootenai National Forest, comprising approximately 16,700 acres, as generally depicted on a map entitled "Northwest Peak National Recreation and Scenic Area—Proposed, dated July 1991;

(6) The Buckhorn Ridge National Recreation Area located in the Kootenai National Forest, comprising approximately 20,000 acres, as generally depicted on a map entitled "Buckhorn Ridge National Recreation Area—Proposed", dated September 1991;

(7) The Tenderfoot/Deep Creek National Recreation Area located in the Lewis and Clark National Forest, comprising approximately 86,000 acres, as generally depicted on a map entitled "Tenderfoot/Deep Creek National Recreation Area—Proposed", dated September 1991.

(b) The Secretary shall file the maps referred to in this section with the Committee on Energy and National Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House or Representatives, and each such map shall have the same force and effect as if included in this Act: Provided, that correction of clerical and typographical errors in such maps may be made. Each such map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Region I Forester.

(c)(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) so as to achieve the purposes of their designation as National Recreation Areas in accordance with the laws and regulations applicable to the National Forest System;

(2) Subject to valid existing rights, all federally owned lands within the areas designated in subsection (a) are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws;

(3) Management activities may be permitted by the Secretary if compatible with the purposes for which the areas were designated: Provided, That nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease;

(4) The use of motorized equipment may be allowed if compatible with the purposes for which the areas are designated;

(5) The grazing of livestock, where established prior to the date of enactment of this Act shall be permitted to continue subject to applicable law and regulations of the Secretary.

(d) The Secretary shall manage the Mount Helena and Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a way that provides the public with an education on natural resource protection and management.

(e) Those Areas established pursuant to this section shall be administered as components of the National Forests wherein they are located. Land and resource management plans for the affected National Forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall emphasize achieving the purposes for which the areas are designated.

SEC 7. ELKHORNS NATIONAL RECREATION AND WILDLIFE AREA.

(a)(1) The area of the Helena and Deerlodge National forests comprising approximately one hundred seventy-five thousand seven hundred acres, as generally depicted on a map entitled "Elkhorns National Recreation and Wildlife Area—Proposed", dated September 1991, is hereby designated as a national recreation and wildlife area and shall hereafter be managed generally as a national recreation area that emphasizes enhancement of big game habitat. Except as otherwise provided in this subsection, the Secretary shall administer the area so as to achieve the purposes of its designation as a national recreation and wildlife area. Where compatible with such emphasis, management also shall provide for recreational opportunities and the maintenance and enhancement of habitat for non-game species.

(2) Those lands within the Elkhorns National Recreation and Wildlife Area designated as "Elkhorns–2" on the map referenced in paragraph (1) shall, notwithstanding any other provision of this section, remain roadless, except that motorized equipment may be used by the Secretary after public notice and opportunity for comment and a finding by the Secretary that such use is required for habitat improvement for fish and wildlife. Any area disturbed by such motorized equipment shall be restored to contour and revegetated with appropriate native plant species as expeditiously as possible.

(b) The Secretary shall file the map referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and the map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the map may be made. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) Subject to valid existing rights, all federally owned lands within the area designated as "Elkhorns–2" are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(d) Management activities may be permitted by the Secretary if compatible with the purposes for which the Elkhorns National Recreational Wildlife Area was designated: *Provided*, That nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(e) The Elkhorns National Recreation and Wildlife Area established pursuant to this section shall be administered a component of the Helena and Deerlodge National Forests. Land and resource management plans for these National Forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall emphasize achieving the purposes for which the area is designated.

SEC. 8. WILDERNESS STUDY AREAS.

(a)(1) Certain lands in the Custer National Forest, comprising approximately 17,000 acres, as generally depicted on a map entitled "Line Creek Plateau Wilderness Study Area—Proposed", dated September, 1991;

(2) Certain lands on the Gallatin National Forest, comprising approximately 21,500 acres, as generally Wilderness Study Area—Proposed", dated September, 1991.

(b) The Secretary shall submit a report to the Congress containing his recommendations regarding wilderness designation for these areas no later than five years after the date of enactment of this Act.

(c) Subject to valid existing rights, the wilderness study areas designated by this section shall be managed to protect their suitability for inclusion in the National Wilderness Preservation System for a period of seven years from the date of enactment of this Act. At the end of such seven-year period, the areas shall be managed, subject to valid existing rights, in accordance with the applicable land and resource management plans.

(d) The Secretary shall file the maps referred to in this section with the Committee on Interior and Insular Affairs, United States House of Representatives and the Committee on Energy and Natural Resources, United States Senate, and each such map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in these maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the Regional I Forester.

SEC. 9. BADGER-TWO MEDICINE AREA.

(a)(1) Subject to valid existing rights, all federally owned lands as depicted on a map entitled "Badger-Two Medicine Area" dated September 1991, comprising approximately 116,600 acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its currently existing wilderness qualities;

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Tribe in exercise of valid treaty rights within the Badger-Two Medicine Area;

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface distrubance shall be permitted pursuant to such leases until Congress determines otherwise;

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) The Secretary shall conduct a review of this area in accordance with the Wilderness Act of 1964 and the following provisions. Within five years of the date of enactment of this Act, the Secretary shall report his findings to Congress. In conducting this review, the Secretary shall:

(1) establish a committee composed of representatives of the Blackfeet Tribal Business Council, the Pikuni traditionalist Association, the National Park Service, and representatives of the user public including environmental groups and representatives of user industry groups. The Committee shall regularly advise the Secretary of the development of the report and submit its findings to Congress along with those of the Secretary;

(2) special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation; and

(3) in consultation with the Committee, the Secretary shall establish a process to provide information to the Tribe and interested public about options for future designation of the Badger-Two Medicine Area.

SEC. 10. PLUM CREEK LAND EXCHANGE—PORCUPINE AREA.

(A) IN GENERAL.—The Secretary of Agriculture shall, notwithstanding any other law, exchange lands and interests in lands with Plum Creek Timber, L.P. (referred to in this section as the "company") in accordance with this section.

(b) DESCRIPTION OF LANDS.—(1) If the company offers to the United States the fee title to approximately 8,130.67 acres of land of the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Porcupine Land Exchange", dated May 20, 1988, the Secretary of the Interior shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, convey by patent the fee title to approximately 9,181.74 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals as required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal oil and gas lease numbers 49432, 32843 and 55325; and

(C) such other terms conditions reservations and exceptions as may be agreed upon by the Secretary of Agriculture and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1)(B), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary of Agriculture shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section:

(1) in consideration of the easements conveyed by the company as provided in paragraph (2), the Secretary of Agriculture shall execute and deliver to the company easements over federally owned lands for such existing or future roads as are needed to provide the company, its successors and assigns, access to company-owned lands.

(2) in consideration of the easements conveyed by the United States as provided in paragraph (1) the company shall execute and deliver to the United States easements over company-owned lands for such existing or future roads as are needed to provide the United States, and its assigns, access to federally owned lands.

(3) road easements conveyed pursuant to this subsection shall be in the form customarily used by the Forest Service and cooperators for cost-shared roads in Road Right-of-Way Construction and Use Agreements.

(d) REVOCATION OF ORDER OF WITHDRAWAL.—The order of withdrawal contained in Executive Order No. 30–Montana 7-Phosphate Reserve, dated October 9, 1917 (960 acres, more or less), insofar as it applies to the lands conveyed by the United States in the transactions authorized by this section, is revoked.

(e) MAPS.—The maps referred to in subsection (b) are subject to such minor corrections as the Secretary of Agriculture and the company may agree to. The Secretary of Agriculture shall notify the appropriate committees of Congress of any correction made pursuant to this subsection.

(f) TIMING OF TRANSACTION.—It is the sense of Congress that the conveyances authorized by this section should be completed within 90 days after the date of the enactment of the Act.

(g) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall be national forest lands administered by the Secretary of Agriculture.

SEC. 11. PLUM CREEK LAND EXCHANGE-GALLATIN AREA.

(a) IN GENERAL.—The Secretary of Agriculture shall, notwithstanding any other law, acquire, by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (referred to in this section as the "company") in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b)(1) DESCRIPTION OF LANDS.—If the company offers to the United States the fee title to approximately 37,752.15 acres of land of the company which is available for exchange to the United States as depicted on a map entitled "Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange", dated May 20, 1988, the Secretary of the Interior shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, convey by patent the fee title to approximately 12,414.06 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 23290, 29230, 40389, 53670, 40215, 38678, 33385, 53736, and 38684; and

(C) such other terms conditions, reservations and exceptions as may be agreed upon by the Secretary of Agriculture and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary of Agriculture shall give notice of that event by a document suitable for recording in the county wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section:

(1) in consideration of the easements conveyed by the company as provided in paragraph (2), the Secretary of Agriculture shall execute and deliver to the company to easements for such existing or future roads as are needed to provide the company, its successors and assigns, access to company-owned lands.

(2) in consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States easements over company-owned lands for such existing or future rights-of-way as are needed to provide the United States, and its assigns, access to federally owned lands.

(3) road easements conveyed pursuant to this subsection shall be in the form customarily used by the Forest Service and cooperators for cost-shared roads in Road Right-of-Way Construction and Use Agreements.

(d) MAPS.—The maps referred to in subsection (b) are subject to such minor corrections as the Secretary of Agriculture and the company may agree to. The Secretary of Agriculture shall notify the appropriate Committees of Congress of any corrections made pursuant to the subsection.

(e) TIMING OF TRANSACTION.—It is the sense of Congress that the acquisition authorized pursuant to this section should be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (g).

(f) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall be national forest lands administered by the Secretary of Agriculture.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum of $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

SEC. 12. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Inc. (referred to in this section as the "company");

(2) there are federally owned minerals underlying lands of the company lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary of Agriculture and the company, the Secretary of Agriculture may acquire mineral interests owned by the company or an affiliate of the company thereof underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988 and "Severed Minerals Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the mineral interests conveyed to the Secretary of Agriculture pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary of Agriculture and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To assure that the wilderness or other natural values of the areas are not affected, a formal appraisal shall not be required for any mineral interest proposed for exchange, but the Secretary of Agriculture and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary of Agriculture and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by the company.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying Company lands, the Secretary of Agriculture and the Bureau of Land Management may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH BLM.—(1) The Secretary shall consult with the Bureau of Land Management in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company and its affiliates.

(f) DEFINITION.—For purposes of this section, the term "mineral interests" includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

(g) ENVIRONMENTAL LAW.—The execution and performance of an exchange agreement and the taking of other actions pursuant to this section shall not be deemed a major Federal action significantly affecting the quality of the environment within the meaning of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), nor shall they require the preparation of an environmental assessment under that Act.

SEC. 13. LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.

(a) FINDING.—The Congress has sufficiently reviewed the suitability of the Bitter Creek Wilderness Study Area (MT-064-356, BLM Wilderness Study Number) and approximately 2,500 acres of the Axolotl Lakes Wilderness Study Area (MT-076-069, BLM Wilderness Study Number) as generally depicted on a map entitled "Axolotl Lakes WSA", dated March 1990, for wilderness designation and finds that those lands have been sufficently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) DIRECTION.—The Congress directs that the areas described in subsection (a) are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to management in a manner that does not impair suitability for preservation as wilderness.

SEC. 14. MISCELLANEOUS PROVISIONS.

(a) Those lands comprising the Rattlesnake National Recreation Area and Wilderness, as designated in Public Law 96-476 are hereby redesignated as the "Rattlesnake National Education and Recreatio Area and Wilderness".

(b) All acreages cited in this Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(c) It is the policy of Congress that the Forest Service acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated—

(1) such sums as are necessary for the development of a wilderness education and ranger training complex at the Ninemile Ranger Station, Lolo National Forest, Montana; and

(2) such sums as are necessary to carry out this Act.

By Mr. SPECTER (for himself, Mr. SIMON, Mr. DECONCINI, Mr. HATCH, Mr. BIDEN, and Mr. KENNEDY):

S. 1697. A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the act, and for other purposes; to the Committee on the Judiciary.

FAIR HOUSING RIGHTS AMENDMENTS ACT

Mr. SPECTER. Mr. President, today I am reintroducing a bill I first introduced as S. 2966 in the 101st Congress, the Fair Housing Rights Amendments Act. This bill, which was drafted at the behest of the Department of Justice and enjoys the support of the administration and a bipartisan group of cosponsors, closes a gap in the criminal provisions of the Fair Housing Act, title IX of the Civil Rights Act of 1968. Although the bill was unanimously polled out of the Subcommittee on the Constitution of the Judiciary Committee last year, there was not sufficient time for its consideration by the full committee.

Current law proscribes the use of intimidation, force, or threat of force to willfully injure, intimidate, or interfere with a person's exercise of rights secured by Federal fair housing laws. Unless acting as part of conspiracy, a person who violates this provision may not be prosecuted for a felony under Federal law unless death or injury results. Thus, the Civil Rights Division of the Department of Justice has been presented with cases in which homes were fire-bombed and destroyed for the purpose of intimidating the residents, but because, thankfully, no deaths or injuries resulted, these crimes could not be prosecuted as felonies under the fair housing laws.

This gap in the law is what this legislation is designed to correct. The legislation would make it a felony for an individual acting alone to use force, or the threat of force to intimidate or interfere with the exercise of rights guaranteed by the Fair Housing Act if the defendant's action results in property damage exceeding $100 or if the defendant uses or carries a firearm in the commission of the offense. If these conditions are not satisfied, then the violation would remain a misdemeanor.

In addition, the legislation would strengthen the penalties available for criminal intimidation under the fair housing laws. The bill increases fines for misdemeanor and felony violations, although it leaves the potential jail sentences unaffected except to the extent that the bill establishes a sentence of up to 5 years for the new substantive violation established in the legislation.

Mr. President, this legislation is needed to close a gap in the fair housing laws. This legislation meets that need, and enjoys the support of the Justice Department and a bipartisan group of cosponsors. I urge my colleagues to support this legislation, on which I intend to seek prompt action.

I ask for unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Rights Amendments Act of 1991".

SEC. 2. PENALTIES FOR ACTS OF VIOLENCE OR INTIMIDATION.

Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (known as the 'Civil Rights Act of 1968'; Public Law 90-284; 42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

"(a) UNLAWFUL ACTS.—It shall be unlawful to use force or threat of force, whether or not acting under color of law, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with—

"(1) any person because of the race, color, religion, sex, handicap, familial status, or national origin of the person and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(2) any person because the person is, or has been, or in order to intimidate the person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1) of this section; or

"(B) affording another person or class of persons opportunity or protection so to participate; or

"(3) any citizen because the citizen is, or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate.

"(b) PENALTIES.—Whoever commits an act described in subsection (a)—

"(1) shall be fined not more than $100,000, or imprisoned not more than 1 year, or both;

"(2) that results in bodily injury shall be fined not more than $250,000, or imprisoned not more than 10 years, or both;

"(3) that results in death shall be subject to imprisonment for any term of years or for life; and

"(4) that results in property damage exceeding the sum of $100, or uses or attempts to use fire in committing the act, or uses or carries a firearm while committing the act, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—As used in this section:

"(1) FAMILIAL STATUS.—The term 'familial status' has the meaning given the term in section 802.

"(2) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a)(3) of title 18, United States Code.

"(3) HANDICAP.—The term 'handicap' has the meaning given the term in section 802.

"(4) BODILY INJURY.—The term 'bodily injury' has the meaning given the term in section 1515(a)(5) of title 18, United States Code.".

By Mr. SARBANES:

S. 1698. A bill to establish a National Fallen Firefighters Foundation; to the Committee on Commerce, Science, and Transportation.

NATIONAL FALLEN FIREFIGHTERS FOUNDATION ACT

• Mr. SARBANES. Mr. President, today I am introducing legislation to establish a National Fallen Firefighters Foundation.

The purposes of this foundation would be to support the National Fallen Firefighters Memorial, to help fund the annual memorial service to honor firefighters who have died in the line of duty, to assist the families of fallen firefighters, and to support other efforts around the Nation to honor these heroes.

The National Memorial, located on the campus of the National Fire Academy in Emmitsburg, MD, was built by the Federal Emergency Management Agency and dedicated in October of 1981. The monument is a bronze sculpture of a Maltese Cross, a traditional symbol of the fire service, on a 7-foot pyramid of limestone. It is surrounded by plaques listing those who have died in service to their communities.

As my colleagues will recall, last year the Congress passed a joint resolution I had introduced to designate this striking monument as the official national memorial to volunteer and career firefighters who die in the line of duty. That resolution was signed on August 9, 1990, as Public Law 101-347.

The Fire Academy has always done an outstanding job in maintaining the memorial and coordinating the annual service. Few public events are more moving than this service that gathers the families of fallen firefighters from across the country together on the Fire Academy grounds. Joined by representatives of each of the national fire service organizations, the families mourn their losses while celebrating the heroic actions of their loved ones.

Mr. President, we Americans don't pause often enough to think about the enormous sacrifice that the fire service makes to protect our lives and property. When I joined in rededicating the memorial last October 13, I quoted an editorial from the Carroll County Times that I would like to read again:

> We take too many aspects of life for granted. Not thinking about a service until we need it is an easy way to think . . . But how often do we actually consider that at a moment's notice, our firefighters will risk their lives for us? Until the tragedy of a fire or some other emergency strikes, we hardly consider it at all.

The foundation that my legislation would establish would allow individuals and organizations to honor these fallen heroes and assist their families by making voluntary donations. A major redesign of the memorial site will be needed in a couple of years when all of the plaque spaces are filled. The foundation could support that important effort and the associated relandscaping.

Even more importantly, the foundation would fund the annual memorial service which cannot be paid for with appropriated funds. The service grows each year—more than 1,000 people are expected this October 13 to honor the 105 firefighters who lost their lives in the line of duty during 1990. Funding is desperately needed to cover everything from travel expenses for participating musicians to flags to present to the families of each fallen firefighter.

From time to time, a family misses the service because of limited financial resources or sends just one family representative because of prohibitive travel and lodging costs. While some fire departments are able to help with these expenses, many cannot. The foundation would help ensure that each spouse and child who wants to attend the service is financially able to do so.

My bill would also permit other forms of financial assistance, such as scholarships for the children of fallen firefighters, to be given directly to those who have suffered such a tremendous loss. At the same time, the foundation could use funds to assist with the planning, design, and construction of local memorials across the Nation that honor fallen firefighters.

The foundation would be a charitable corporation run by a board of directors that, by statute, would include at least one volunteer firefighter, one career firefighter, and one Federal firefighter. The board would be appointed by the Administrator of the U.S. Fire Administration who would serve as an ex officio member of the board.

This legislation would have no impact on FEMA's budget. As a matter of fact, the foundation would be run completely with private donations—in line with the President's goal of encouraging private support of governmental functions.

Mr. President, I am pleased that this bill has been endorsed by the National Fire Protection Association and the International Association of Fire Fighters. I ask that a letter from the NFPA in support of the bill be included in the RECORD. I am also pleased that the Maryland State Firemen's Association, which has always played an integral role in the annual memorial service, has joined in strongly endorsing my proposal.

This legislation will ensure that our Nation's fallen fire heroes continue to receive the recognition that they deserve while providing much-needed support to their families. I invite my colleagues to join me in sponsoring this bill and I look forward to its consideration and passage.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FIRE
PROTECTION ASSOCIATION,
Quincy, MA, September 9, 1991.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: The National Fire Protection Association has long been an advocate for the health and safety of our Nation's fire fighters and produces many national standards focusing specifically on that subject.

Your proposed legislation will, without cost to the Federal Government, provide for the appropriate maintenance of the National Fallen Fire Fighters Memorial site at the National Emergency Training Center in Emmitsburg, Maryland. It will also provide support for the annual memorial service honoring the courageous men and women who have given their life for the protection of others.

Data collected by this Association indicates that each year more than 100 fire fighters forfeit their life in the name of fire protection. Surely this Nation can do no less than provide the organizational structure allowing grateful citizens to support a memorial to their sacrifice.

Therefore, NFPA strongly supports the "National Fallen Fire Fighters Foundation Act."

Sincerely,

ANTHONY R. O'NEILL,
Vice President and
Chief Operating Officer.•

By Mr. DODD (for himself, Mr. RIEGLE, Mr. GARN, Mr. D'AMATO, Mr. DIXON, Mr. SASSER, Mr. WIRTH, Mr. SHELBY, Mr. BOND, Mr. BRYAN, and Mrs. KASSEBAUM):

S. 1699. A bill to prevent false and misleading statements in connection with offerings of Government securities; to the Committee on Banking, Housing, and Urban Affairs.

GOVERNMENT SECURITIES OFFERING ENFORCEMENT ACT

• Mr. DODD. Mr. President, today I am introducing legislation making it a specific violation of the securities laws to make false or misleading statements in connection with bids for, or purchases of U.S. Government securities. This legislation responds to the shocking disclosures by Salomon Brothers, Inc., that a small number of individuals at the firm attempted to manipulate the market for Treasury securities for their own advantage. It was reported that they bid for, and bought, excessive amounts of Treasury securities, in an attempt to corner the market, squeeze their competitors, and drive up the price.

Federal regulators have told us that, in order to carry out their scheme, senior executives in the government trading department of the firm lied to the Treasury and to the Federal Reserve in submitting bids for the securities. It is alleged that they falsified documents and that they made unauthorized bids in an effort to park billions of dollars' worth of Treasury securities in the accounts of customers. Those same securities were then bought by Salomon for its own account. When Government officials raised questions at one point, they say Salomon traders acted to cover up their activity. Sadly, the top executives at the firm—one of the oldest, most respected securities firms in this country—failed to report the illegal activity of subordinates, and failed to take action to prevent the recurrence of the violations. As a consequence, Salomon traders continued to engage in these activities.

Mr. President, the U.S. Government securities market is the most important securities market in the world. Conditions in this market determine the cost to the taxpayer of financing our Government operations. It is absolutely essential that when the Treasury auctions its bills, notes, or bonds, it has broad participation from investors, who have confidence in the integrity of the market and are willing to participate in it. The broader that participation, the more liquid and efficient the market will be, with a lower cost to the American taxpayer.

As experts have pointed out, in the $2.3 trillion Treasury market, for each $\frac{1}{100}$ of 1 percent reduction in the interest rate paid on the debt, American taxpayers will save $230 million annually. And, since all other markets use Treasury's interest rate as a benchmark, that translates into lower interest rates for home mortgage loans, consumer loans, and college loans, as well as for loans made to virtually every business in this country.

Because of the importance of this market, actions such as those reported by Salomon simply cannot be tolerated. The SEC is continuing to investigate the activities of Salomon and some of its customers—I might add, with the full cooperation of the firm's new chairman. Nonetheless, based upon what we know about the violations thus far, the SEC has clear authority under its antifraud statutes, its books and records provisions, and other authority under the Federal securities laws to bring charges and levy civil fines where appropriate. The Department of Justice is reviewing the case to determine the applicability of criminal and antitrust statutes. The Treasury and the Federal Reserve also are continuing their inquiry.

In addition, the SEC has launched a sweeping inquiry into the activities of other Government securities dealers. Altogether more than 135 subpoenas and requests for information have been issued by the SEC.

Mr. President, this is not the first time the Government securities market has been touched by scandal. Failures of a number of unregulated Government securities dealers in 1985 led to passage of the Government Securities Act of 1986, which placed all dealers under the supervision of the Treasury, the SEC and the bank regulators. But Treasury's rulemaking authority under the act expires October 1, unless it is reauthorized.

On the basis of extensive reports by the General Accounting Office, the Treasury, SEC and Federal Reserve, as well as a hearing record taking into account the views of other agencies and private sector efforts, the Banking Committee and the Senate acted in July to pass S. 1247, legislation to reauthorize the Government Securities Act. The Senate bill also authorized new sales practice rules for Government securities dealers and directed the Treasury, the SEC and the Federal Reserve to closely monitor the market and report back on the need for legislation to require greater price and volume information.

The Salomon case has added a new dimension to these long-debated issues. None of the reports issued before the revelations of Salomon's conduct suggested that there were any problems or gaps in the regulation of Government securities auctions. The Salomon revelations have forced all of us—the regulators and the Congress—to take a long hard look at the adequacy of existing laws, rules, and policies to prevent and detect abuses in the auction of Government securities. It also has forced us to take a fresh look at whether the existing auction structure provides for the issuance of Government securities at the lowest possible cost to the American taxpayer.

Tomorrow, the Securities Subcommittee begins 2 days of hearings on the Salomon case and the broader issues related to market structure. It might take some time to fully explore the broader issues. Indeed, the Treasury, Federal Reserve and the SEC have undertaken a 90-day review of the current system, and will report back recommendations at the end of that time.

But, even before that is completed, Mr. President, there are some reforms that we know should be passed. S. 1247 contained some of these reforms, and provided important reauthorization of Treasury's rulemaking authority under the Government Securities Act. We simply cannot let that authority lapse.

In addition, in a September 3 letter to me, SEC Chairman Breeden requested legislation to supplement the antifraud and antimanipulation provisions of the exchange act with a provision that specifically makes it unlawful to use false or inaccurate information in the making of bids in Treasury auctions or in connection with the distribution of any government security. I am introducing that legislation today, and I am joined by Chairman RIEGLE and a number of my colleagues from the Banking Committee.

Mr. President, the SEC's antifraud authority is clear and far-reaching. Fraudulent or manipulative conduct that occurs in the context of a Treasury auction, or in the when-issued market for Treasury securities, falls within the scope of section 10(b) of the Securities Exchange Act of 1934. And, based on the facts that we know today, a number of the violations alleged in the recent Government securities scandal fall within the jurisdiction of this authority.

Although, as Chairman Breeden has pointed out, the coverage of current law is unquestionable, the bill we are introducing today supplements that authority and sends a clear message that any false or misleading statements in connection with bids for or purchases of Government securities, in connection with an issue of securities, is a violation of the law. This provision will alert managements of Government securities firms that they have a clear responsibility to supervise to prevent violations of this provision. As Chairman Breeden pointed out in his letter to me, this provision also will increase the ability of the New York Stock Exchange and the National Association of Securities Dealers to police the Government securities market and to develop examination procedures to test for compliance with this provision. This will greatly increase the likelihood that violations will be uncovered.

Let me also add that, just as violations of section 10(b) and rules thereunder may be prosecuted with civil fines, this new provision will bring into play the Securities Enforcement Remedies Act, which we passed last year, which authorizes stiff civil penalties for violations of the securities laws: Up to $100,000 for each violation by an individual; and up to $500,000 for each violation by a corporation.

Mr. President, it is absolutely essential that the integrity and efficiency of the Government securities market be maintained. This legislation is one important step in ensuring that the regulators, as well as the self-regulatory organizations, have the necessary authority and tools to prevent abuses in this important market. I ask unanimous consent that the text of the bill and a description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Offering Enforcement Act of 1991".

SEC. 2. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

DESCRIPTION OF THE GOVERNMENT SECURITIES OFFERING ENFORCEMENT ACT OF 1991

The bill would amend the Securities Exchange Act of 1934 ("Exchange Act") to provide explicitly that the knowing or willful use of false or inaccurate written information in connection with the making of bids for Treasury securities, or in connection with the primary offering of any government securities (whether through the Treasury auction process or otherwise) shall constitute a violation of the federal securities laws. This provision overlaps substantially with the general antifraud provisions of the federal securities laws, but it does not create a new private right to action. Nevertheless, contracts made in violation of the provision would be voidable under section 29(b) of the Exchange Act. Written information intended to be covered by this provision would include information submitted by electronic means as well as information submitted on paper. The provision would not extend to what is understood to be "price talk" in advance of any issue of a government security.●

● Mr. RIEGLE. Mr. President, the revelations of fraudulent activity by Salomon Brothers in the Government securities market raise a host of concerns. These concerns fall into two broad categories: those related specifically to Salomon Brothers and the events that have transpired there over the last year and those related to the market for Government securities in general. Beginning tomorrow, Senator DODD will hold 2 days of hearings on these issues in the Securities Subcommittee of the Senate Banking Committee.

These hearings, and the work that will continue after these hearings, will help determine what actually happened at Salomon and how such blatant fraud occurred without the appropriate regulators noticing. We will also take this opportunity to look at broader issues related to whether we are selling our debt at the lowest cost to the taxpayer.

Congress has already enacted the laws necessary to prosecute the violations admitted by Salomon. Section 10(b) of the Securities Exchange Act provides that it shall be unlawful to use "any manipulative or deceptive device or contrivance" in connection with the purchase or sale of any security. Since this basic antifraud provision does not distinguish between different types of securities, fraudulent acts in connection with Government securities fall under the prohibitions of section 10(b).

Nonetheless, in a report to Senator DODD, Richard Breeden, Chairman of the Securities and Exchange Commission, suggested that there may be advantages to supplementing the broad prohibition of section 10(b) with a specific prohibition on fraudulent or manipulative conduct in connection with the making of bids for Treasury securities or in connection with the primary offering of Treasury securities. Chairman Breeden contends that a specific statutory prohibition might improve internal compliance in securities firms and assist the self-regulatory organizations in policing these markets.

I firmly believe that the regulators should have all the tools necessary to regulate and supervise these markets. It was for this reason that I advocated and strongly supported the Market Reform Act, the Securities Enforcement Remedies Act and the Penny Stock Reform Act, all enacted in the last Congress and it is for this reason that I am pleased to cosponsor the Government Securities Anti-Fraud Act of 1991.

I expect that the financial regulators will use these tools to uncover wrongdoing in the financial markets promptly and prosecute those who violate these laws.

Finally, let me add that the Salomon Brothers case presents a host of issues.

The most significant is that Salomon's actions may increase the cost of financing the Federal deficit. When the cost of this financing is artificially inflated by manipulation, it is the taxpayer who ultimately pays. Higher Federal Government borrowing costs translate into higher borrowing costs for every family buying a home, every consumer purchasing a car and every entrepreneur starting a business. Further, activities in the Government securities market strongly influence the value of the dollar and in turn, global markets.

Other issues relate to the methods used to sell the Treasury's debt. The Federal rulemaking process in the Government securities market is extremely informal. Rules are issued by press release, without being put out for public comment by market participants. Issues are not fully aired either before or after these rules are adopted.

The market mechanism for selling our Government debt is antiquated. Auctions for Treasury securities are conducted as if computers do not exist. It is absurd to have orders for purchases of billions of dollars of Treasury securities scribbled onto scraps of paper and stuffed into wooden boxes in the last seconds before the auction deadline. This system closes out direct competitive bidding from all but a chosen few. I see little reason to believe that this is the way to lower costs to the taxpayer, in whose name all this borrowing is being done. For whatever reason the Treasury has tended to protect the current primary dealer process from technological innovation. Clearly it is time to consider a uniform price auction and allowing more sunshine into the process.

There remain outstanding questions as to who should be the primary enforcer over this marketplace. Authority over this market seems to be divided between the Treasury, the Federal Reserve and the SEC. I also wonder whether there is an inherent conflict between the issuer also being the regulator of the Government securities market.

It is premature to have answers to these issues but they will all be considered during the next 2 days in the course of our hearings. After these hearings, I expect that the involved Government agencies—the Treasury, the Federal Reserve Board and the SEC—together with the Congress will take whatever remedial actions are appropriate.•

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation introduced by the distinguished chairman of the Securities Subcommittee, Senator DODD. This legislation prohibits fraudulent activities in connection with the bid or purchase of Government securities. These provisions augment the existing anti-fraud provisions of section 10(b) and rule 10b-5 of the Securities Exchange Act of 1934, but specifically apply to activities in the Government securities market.

The Government securities market is undisputably the most important securities market in the world. Treasury finances the national debt of approximately $3.61 trillion with Government securities. Regulation of the auction procedures for this market has historically relied in large part on an honor system among the primary dealers of Government securities.

Recent events surrounding disclosure that Salomon Brothers Inc., one of the primary dealers of Government securities, engaged in allegedly unlawful activities in connection with four auctions in a 5-month period has led Congress and the regulators to question whether there is a need for additional regulation of the auction process. Treasury, the Securities and Exchange Commission, and the Federal Reserve are currently reviewing this issue and intend to offer their recommendations within 90 days.

In the interim, my esteemed colleague from Connecticut has responded to the need for assurance to investors that violators of the auction rules will be subject to sanctions for their illegal actions. It is vital that we preserve the integrity of the Government securities marketplace and protect the taxpayers. For these reasons, I am pleased to cosponsor this legislation.•

By Mr. LUGAR (for himself, Mr. COATS, Mr. DOLE, and Mr. LEAHY):

S. 1700. A bill to amend the Food Stamp Act of 1977 to modify the application of such act to disabled railroad annuitants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP ACT AMENDMENTS

• Mr. LUGAR. Mr. President, I rise today to introduce legislation to correct an inequity in the Food Stamp Act of 1977. My bill would ensure fair and uniform treatment of disabled persons living in group accommodations.

Under the Food Stamp Act, disabled persons who live in small public or private nonprofit group homes are eligible to receive food stamps if they receive disability payments under the Social Security act. However, disabled persons living in small group homes who receive disability payments under the Railroad Retirement Act are not eligible for food stamps. Mr. President, this situation is unfair.

I believe this disparate treatment is the result of an oversight. In fact, the general definition of elderly and disabled under the Food Stamp Act includes those receiving Railroad Retirement Act payments. Unfortunately, that definition was not carried over into the section on group homes.

My bill would fix this inconsistency and allow disabled persons receiving benefits under the Railroad Retirement Act to be treated the same as disabled persons receiving payments under the Social Security Act. In other words, disabled people in group homes who otherwise qualify for food stamps will be eligible to receive food stamps regardless of whether their disability payments come from Social Security or Railroad Retirement.

Mr. President, this is a small bill in terms of many of the issues faced by the Senate. The Congressional Budget Office has made a preliminary estimate that the cost of this bill is less than $50,000 annually. However, this bill is vitally important to the few people who would become eligible for the food assistance they need.

I am pleased to be joined by several of my colleagues in introducing this legislation and I wish to thank Mary Suter, the Indiana Food Stamp Program manager, for her help in this first step in correcting this inequity.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD. I urge my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF FOOD STAMP ACT OF 1977 TO DISABLED RAILROAD ANNUITANTS.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by inserting after "title I, II, X, XIV, or XVI of the Social Security Act" both places it appears in subsections (g)(7) and (i) the following: ", or are individuals described in subsection (r)(7)",".•

ADDITIONAL COSPONSORS

S. 116

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 116, a bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges.

S. 118

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 118, a bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 267

At the request of Mr. REID, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 446

At the request of Mr. BAUCUS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 446, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 479

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 479, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 493

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 551

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 551, a bill to encourage States to establish Parents as Teachers Programs.

S. 567

At the request of Mr. SANFORD, the names of the Senator from Washington [Mr. ADAMS], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 588

At the request of Mr. MITCHELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 651

At the request of Mr. GARN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 694

At the request of Mr. HARKIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 694, a bill to amend title VII of the Public Health Service Act to increase the support provided to programs for the training of medical rehabilitation health personnel, to establish an Advisory Council on Allied Health, and for other purposes.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 827

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 827, a bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other individuals not covered under Public Law 99-638.

S. 843

At the request of Mr. BREAUX, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. ADAMS], the Senator from Connecticut [Mr. DODD], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

At the request of Mr. HEFLIN, his name was added as a cosponsor of S. 843, supra.

S. 911

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. INOUYE], the Senator from Alabama [Mr. HEFLIN], the Senator from Colorado [Mr. WIRTH], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants, and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes.

S. 913

At the request of Mr. BAUCUS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 913, a bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1107

At the request of Mr. SHELBY, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1107, a bill to amend title 38, United States Code, to provide for the payment, on an interim basis, of compensation, dependency, and indemnity compensation, and pension to veterans and their survivors and dependents if their claims for those benefits are not decided by the Department of Veterans Affairs within specified time limits.

S. 1129

At the request of Mr. MACK, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1129, a bill to reduce unnecessarily burdensome financial institution paperwork and reporting requirements, and for other purposes.

S. 1141

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1141, a bill to help the Nation achieve the National Education Goals by supporting the creation of a new generation of American schools in communities across the country; rewarding schools that demonstrate outstanding gains in student performance and other progress toward the National Education Goals; creating academies to improve leadership and core-course teaching in schools nationwide; supporting State and local efforts to attract qualified individuals to teaching and educational administration; providing States and localities with statutory and regulatory flexibility in exchange for greater accountability for student learning; encouraging, testing, and evaluating educational choice programs; increasing the potential usefulness of the National Assessment of Educational Progress to State and local decisionmakers; expanding Federal support for literacy improvements; and for other purposes.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1327

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1327, a bill to provide for a coordinated Federal program that will enhance the national security and economic competitiveness of the United States by ensuring continued United States technological leadership in the development and application of national critical technologies, and for other purposes.

S. 1328

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1328, a bill to enhance the national security and economic competitiveness of the United States by providing for increased Federal Government support for the development and deployment of advanced manufacturing technology and the training of manufacturing managers and engineers, and for other purposes.

S. 1329

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1329, a bill to strengthen Federal strategy for the development and deployment of critical advanced technologies, and for other purposes.

S. 1330

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1330, a bill to enhance the productivity, quality, and competitiveness of United States industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes.

S. 1332

At the request of Mr. BAUCUS, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the medicare program.

S. 1358

At the request of Mr. GRAHAM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1372

At the request of Mr. GORE, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. BURNS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1426

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Hawaii [Mr. AKAKA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1462

At the request of Mr. HOLLINGS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1462, a bill to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment for advertising and solicitation purposes.

S. 1522

At the request of Mr. BOREN, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment by cooperatives of gains or losses from sale of certain assets.

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KERRY] was withdrawn as a cosponsor of S. 1522, supra.

S. 1537

At the request of Mr. BROWN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. GARN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 1563

At the request of Mr. KERRY, the names of the Senator from Georgia [Mr. FOWLER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1604

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1604, a bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for certain contributions of depreciable business property.

S. 1610

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the provisions relating to deposit requirements for employment taxes.

S. 1648

At the request of Mr. MCCAIN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1648, a bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes.

S. 1673

At the request of Mr. HEFLIN, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from Missouri [Mr. DANFORTH], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. GARN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 136

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 136, a joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes.

SENATE JOINT RESOLUTION 140

At the request of Mr. WARNER, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America Week".

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from South Dakota [Mr. DASCHLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week".

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week".

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. NUNN], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. LEVIN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week".

SENATE JOINT RESOLUTION 175

At the request of Mr. SPECTER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 175, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. WALLOP], the Senator from Colorado [Mr. BROWN], the Senator from Hawaii [Mr. AKAKA], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day".

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week".

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month".

SENATE JOINT RESOLUTION 189

At the request of Mr. GORE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. SHELBY], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. BENTSEN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. BUMPERS], the Senator from Maine [Mr. COHEN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 189, a joint resolution to establish the month of October, 1991, as "Country Music Month".

SENATE RESOLUTION 82

At the request of Mr. SMITH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 174—MAKING AN APPOINTMENT TO THE SELECT COMMITTEE ON ETHICS

Mr. HARKIN (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 174

Resolved, That, in accordance with the provisions of Senate Resolution 169, of the 102d Congress, the Senator from Arkansas (Mr. Pryor) be a member of the Senate Select Committee on Ethics for the purpose of matters relating to the preliminary inquiries into the conduct of Senators Cranston, DeConcini, Glenn, McCain, and Riegle, including the investigation into the conduct of Senator Cranston.

SENATE RESOLUTION 175—SUPPORTING THE PEACE CORPS ACTIVITIES IN ESTONIA, LATVIA, AND LITHUANIA

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 175

Whereas on September 2, 1991, President Bush granted full diplomatic recognition to the governments of Estonia, Latvia, and Lithuania;

Whereas over 50 years of Soviet occupation has devastated the economies, environment, agriculture, and the educational systems of Estonia, Latvia, and Lithuania;

Whereas the Peace Corps was founded in 1961 to utilize America's entrepreneurial and volunteer spirit in areas of the world in need of technical and educational assistance;

Whereas the Peace Corps has met the challenge of assisting previously Soviet-controlled states, such as Poland, Hungary, Czechoslovakia, Bulgaria, and Romania;

Whereas the Peace Corps has added greatly to its programs by employing senior volunteers with experience in agriculture, health care, business, education, and other areas;

Whereas the people of Estonia, Latvia, and Lithuania are anxious to use their creativity and skills to improve their own standard of living and would welcome the activities of the Peace Corps to facilitate this objective;

SECTION 1. FINDINGS.

Congress finds that:

(a.) Peace Corps activities to promote entrepreneurial training, environmental cleanup and improved agricultural technology directly and immediately would enhance the efforts of Estonia, Latvia, and Lithuania to establish viable, free market economic systems;

(b.) U.S. Peace Corps volunteers would represent tangible United States support for the efforts of Estonia, Latvia, and Lithuania to establish democratic institutions.

SECTION 2. POLICY.

(a.) The U.S. Peace Corps is well equipped to provide low-cost and effective technical assistance programs to the peoples of Estonia, Latvia, and Lithuania;

(b.) The President should take immediate steps to encourage and support United States Peace Corps activities in Estonia, Latvia, and Lithuania.

Mr. PRESSLER. Mr. President, today I am submitting a resolution calling on the President to send U.S. Peace Corps volunteers to the new Baltic States. The recognition of the governments of Estonia, Latvia, and Lithuania is the true success story of the Communist hardliners' coup attempt in Moscow last month. Today, Estonia, Latvia, and Lithuania have achieved a well-deserved political independence. Yet their struggle to rebuild an economy devastated by over 50 years of communism has just began. Communism has created the largest manmade disaster every experienced.

After visiting Estonia, Latvia, and Lithuania recently, I am convinced that the people of these countries are eager to meet the challenges facing them. Their hard work would be greatly complemented by activities of the U.S. Peace Corps. The U.S. Peace Corps is a low-cost vehicle to provide technical and educational assistance.

I brought up the idea of sending the Peace Corps with the Prime Minister of Latvia, the President of Lithuania, and other officials. They had a very favorable impression of the Peace Corps and are very anxious to have Peace Corps activities in their countries.

The Peace Corps would provide opportunities for service, as well, to the people of our own Nation who want to see Estonia, Latvia, and Lithuania succeed. It can bring United States values and expertise to these nations, as well as provide volunteers greater knowledge of the peoples of Estonia, Latvia, and Lithuania and the satisfaction of helping them attain a better life.

Most importantly, sending the Peace Corps to these nations will not require massive U.S. Government expenditures. At a time of record deficits and many problems here at home, the United States just cannot afford a Marshall plan for Estonia, Latvia, and Lithuania. Yet we can include them in some of the programs we currently offer to Poland and Hungary.

Mr. President, long-term prosperity for the peoples of Estonia, Latvia, and Lithuania depends on private investment and free trade. The aspiring businessmen and farmers in these states need the skills the Peace Corps can provide. They also need English language training. They need books on marketing, trade and business management.

During my visit, I toured several farms in Estonia and Lithuania. During the 1920s and 1930s, these nations exported high-quality agricultural goods to Europe. Today, they remain agriculturally self-sufficient, yet are hampered by old equipment and other remnants of collectivized farming.

The Peace Corps has a proven track record in the agricultural development area. The skills of Peace Corps volunteers would be welcome in these nations.

Mr. President, I am especially proud of the Peace Corps' efforts to hire retired U.S. citizens who have experience that cannot be matched. The well-educated people of Estonia, Latvia, and Lithuania will be a challenge for the Peace Corps. Retired Peace Corps volunteers have years of experience that will make them the most valued volunteers in those countries.

In addition to the Peace Corps, I challenge United States private foundations to bring technical assistance to Estonia, Latvia, and Lithuania. I also challenge U.S. businesses—especially small businesses—to invest in these nations. Although the challenges are great, the opportunities in Estonia, Latvia, and Lithuania are even greater.

Mr. President, I urge my colleagues to cosponsor my resolution calling for United States Peace Corps participation in the new Baltic States.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

HARKIN (AND OTHERS) AMENDMENT NO. 1083

Mr. HARKIN (for himself, Mr. BRADLEY, Mr. ADAMS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. BURDICK, Mr. CRANSTON, Mr. KERRY, and Mr. METZENBAUM) proposed an amendment to a reported amendment to the bill (H.R. 2702) making appropriations for the Departments of Labor, the fiscal year ending September 30, 1992, and for other purposes, as follows:

Beginning on page 4, line 2, strike all after the word "for" and insert the following: "the program year July 1, 1991, through June 30, 1992; for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training", $150,000,000.

(b) In addition to amounts appropriated in this Act, there are appropriated to the National Institutes of Health for "National Cancer Institute", $400,000,000, and "National Institute on Aging", $170,000,000.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Alcohol, Drug Abuse, and Mental Health Administration for "Alcohol, drug abuse, and mental health", $100,000,000.

(d) In addition to amounts appropriated in this Act, there are appropriated to the Administration for Children and Families for "Low Income Home Energy Assistance", $400,000,000, and "Human Development Services", $900,000,000, for carrying out the Head Start Act: *Provided*, That of the amounts available under this Act for carrying out the Head Start Act, $900,000,000 shall not be subject to sections 640(a)(2)(C), 637(5)(B) and 640(a)(3)(A) of that Act.

(e) Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended to read as it did prior to its amendment by the Department of Health and Human Services Appropriations Act, 1992, and is further amended by adding at the end thereof the following new subparagraphs:

"(D) Funds appropriated for fiscal year 1992 under this section are reduced by any amount in excess of $400,000,000. Of the amount remaining, $6,000,000 shall be available, through fiscal year 1994, for Federal administrative costs.

"(E) For fiscal year 1993, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $2,000,000,000 (less the amount described in paragraph (2) for each of fiscal years 1990 and 1991) less the amount made available for allotments to states under subsection (b) for fiscal years 1990, 1991, and 1992."

(f) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $258,000,000, which shall be available for basic grants under section 1005 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and which shall remain available through September 30, 1993.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $270,000,000, which shall remain available through September 30, 1993: *Provided*, That, notwithstanding any other provision of this Act, during the 1992–1993 program year, $2,500 shall be the maximum Pell grant that a student may receive.

(h) In addition to amounts appropriated in this Act, there are appropriated to the Health Resources and Services Administration for "Health resources and services", $100,000,000.

(i) Of the funds appropriated or otherwise made available to the Department of Defense in any appropriations Act making funds available to the Department of Defense in fiscal years before fiscal year 1992 and which would remain available until expended, $7,616,281,000 of the remaining balances are rescinded: *Provided*, That no funds appropriated or otherwise made available for military family housing, National Guard and reserve equipment, military construction for any National Guard or Reserve unit, in any appropriations Act shall be rescinded.

(j) Notwithstanding section 601(a)(2) of the Congressional Budget Act of 1974 as amended, the fiscal year 1992 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $3,148,000,000 in budget authority and $1,632,000,000 in outlays; the fiscal 1993 discretionary spending limit for the domestic category, as adjusted under section 251 of said Act, is increased by $1,516,000,000 in outlays; and the defense spending limits, as adjusted under section 251 of said Act, are decreased by budget authority and outlay reductions resulting from paragraph (i)."

HARKIN (AND OTHERS) AMENDMENT NO. 1084

Mr. HARKIN (for himself, Mr. WIRTH, Mr. RUDMAN, Mr. KERRY, Mr. BINGAMAN, Mr. WOFFORD, Mr. FOWLER, Mr. PELL, Mr. COHEN, Mr. BOREN, and Mr. ADAMS) proposed an amendment to a committee to the bill H.R. 2707, supra, as follows:

Beginning on page 4, line 2, strike all after the word "for" and insert the following: "the program year July 1, 1991, through June 30, 1992: for additional amounts as follows:

(a) In addition to amounts appropriated in this Act, there are appropriated to the Centers for Disease Control for "Disease control, research, and training", $10,000,000, which shall not become available for obligation until September 30, 1992.

(b) In addition to amounts appropriated in this Act, there are appropriated to the Administration for Children and Families for "Low Income Home Energy Assistance", $200,000,000: Provided That, notwithstanding any other provision of this Act, $405,607,000 shall become available for making payments on September 30, 1992.

(c) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Compensatory Education for the Disadvantaged", $152,000,000, which shall become available on September 30, 1992, and shall remain available through September 30, 1993, of which $138,000,000 shall be available for basic grants under section 1005 and $14,000,000 shall be available for concentration grants under section 1006 of chapter 1 of the Elementary and Secondary Education Act of 1965, as amended.

(d) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Impact Aid", for construction and renovation of school facilities under section 10 of Public Law 81–815, $2,000,000, to remain available until expended, which shall become available for obligation on September 30, 1992.

(e) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Vocational and Adult Education", $60,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993.

(f) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Student Financial Assistance", $62,000,000, which shall be available for Supplemental Educational Opportunity Grants, and which shall be available on September 30, 1992 and shall remain available through September 30, 1993.

(g) In addition to amounts appropriated in this Act, there are appropriated to the Department of Education for "Higher Education", $24,000,000, which shall become available on September 30, 1992 and shall remain available through September 30, 1993, of which $3,000,000 shall be available for carrying out section 602(a) of the Higher Education Act of 1965 and $1,000,000 shall be available for carrying out section 604 of the Act, and $20,000,000 shall be available for carrying out title IV, part A, subpart 4 of the Act: *Provided*, That, notwithstanding any other provision of this Act, of the amounts made available in title II for the Health Resources and Services Administration, "Health Resources and Services", $86,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for Centers for Disease Control, "Disease Control, Research, and Training", $94,000,000 shall not become available for obligation until September 30, 1992 but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Cancer Institute", an additional $63,446,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Heart, Lung and Blood Institute", $54,555,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Dental Research", $7,903,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Diabetes and Digestive and Kidney Diseases", $28,457,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Neurological Disorders and Stroke", $27,357,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Allergy and Infectious Diseases", $45,627,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of General Medical Sciences" $48,104,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Child Health and Human Development", $27,368,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institute of Health, "National Eye Institute", $12,504,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Environmental Health Sciences", $8,846,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Aging", $16,308,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute of Arthritis and Musculoskeletal and Skin Diseases", $7,593,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Institute on Deafness and Other Communication Disorders", $7,486,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Research Resources", $15,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Nursing Research", $2,646,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Center for Human Genome Research", $10,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "John E. Fogarty International Center", $800,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "National Library of Medicine", $3,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992: *Provided further*, That of the amounts made available in title II for the National Institutes of Health, "Office of the Director", $12,500,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on problems facing small business petroleum marketers. The hearing will be chaired by Senator ALAN DIXON and will take place on Wednesday, September 11, 1991, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Chuck Pizer or Marty Durbin at 224–2854.

Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the issue of pension expansion and simplification. The hearing will take place on Thursday, September 12, 1991, at 10:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Nancy Kelley or John Carson at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 10, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on September 10, 1991, at 2 p.m. to hold a hearing on tax simplification proposals, including S. 1394, H.R. 2777, and S. 1364.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MESSAGE FROM HUNGARY

• Mr. LIEBERMAN. Mr. President, I would like to call to the Senate's attention an eloquent article about Central Europe. It is written by Eniko Bollobas, the Chargé d'Affaires of the Embassy of Hungary. Ms. Bollobas, one of the most effective diplomats in Washington, describes the comfort and hope that America provided Hungary in their hour of Communist domination. She also points out that the recently liberated governments of Central Europe—Hungary, Poland, and Czechoslovakia, in particular—are slowly coming of age. They have gone beyond the heady days of revolutionary victory and are anxious to become "normal" European nations. That is to say, countries that have their day-to-day problems, but no crisis.

I have recently returned from Hungary and I can attest to the desire of all Hungarians to rejoin Europe. The West, and particularly Europe, can help Hungary to do so by opening up Western markets. In this regard, I was disappointed by the recent French decision to bloc a major agreement that would have given Central Europe greater access to West European markets. I hope that the Economic Community will reconsider this issue. In order to become a "normal" country, as Ms. Bollobas and all Hungarians wish, we must create the conditions for economic prosperity.

The article follows:

WHEN DREAMS OF DEMOCRACY COME TRUE

(By Eniko Bollobas)

Those of us who grew up in Hungary in the '50s and '60s on the margins of communist society and—following our fathers' footsteps—dissented in the '70s and '80s all knew that the ultimate human dream was democracy. Not surprisingly for a captive—and therefore in many ways childlike, "minor"—nation, we also were convinced that there were powers in this world that would honor our endeavors, even though at that time our fathers were still in prison and we ourselves soon fell under long-term police surveillance.

We lived—because we had to, in order to have the strength to go on—with a critical conviction: Moral virtues grow out of opposition to totalitarianism and will be necessarily rewarded in some afterlife—the dream of an afterlife that will come only after communism ceased to exist.

This expectation, and the neurosis that follows our disappointment that our expectation did not come true, is not at all uncommon. Tzvetan Todorov, the Bulgarian structuralist, diagnosed it as "post-totalitarian depression," a disease related to what he calls "post-Holocaust depression." Todorov suggested that Holocaust survivors experienced a feeling of letdown after the camps were liberated. They went home seeking some kind of a compensation: the love, understanding, and compassion of a better world. Instead, they found that people turned away from them, not really wanting to be in the company of "these somber witnesses to human dishonor."

Throughout our revolutions, Western democracies were with us and gave full support. We made more American friends within months than our fathers and grandfathers taken together. Did their encouragement make us expect something else? And what is it that we were expecting? Compensation, reward? And why? Has anyone actually made these promises? Is it anyone's fault that the promises we only thought had been made are not being fulfilled?

At Budapest University, Mark Twain's "The Mysterious Stranger" was part of our curriculum. One of the most puzzling writings of Twain, it takes place in medieval Austria. It is about a "graceful young man," Philip Traum, making friends with three boys by amusing them in the most enchanting ways. He hears what other people only think and makes it come true. He brings clay animals and human figures into life, and he changes the course of events.

His powers seem unlimited, yet he does not want to do good. He gives and takes away life easily. He simply crushes the human figures or allows the boys' friends to die. He says he cannot do wrong because he is not subject to human conditions. "I can measure and understand your human weaknesses, for I have studied them; but I have none of them," he says. "Harmlessly indifferent," he can only love his own kind, his equals—but, alas, there are none of those.

During the year Philip Traum stays with his three adolescent friends, he seems to teach them everything about this world and the world to come. But when the time comes for him to depart, the boys are convinced their goodbye is only temporary, because they are bound to meet in that other world they learned so much about from Philip Traum himself.

Laughing at their credulousness about that other world, he says, "There is no other." Life itself in only a vision, a dream." "Nothing exists." The boys are shaken. They feel promises were broken.

In applying this allegory to Eastern Europe, did Western democracies ever promise to "reward" freedom-fighters, dissidents and democracy-builders? Should they have done so in ways other than ways they actually did—by being there, encouraging and later participating in the rebuilding of our societies? I am not so sure. Only as long as they are adolescent do nations need to live with the conviction of a future improved by the rewarding benefactor—the promise of promises.

Straight talk, confrontation with reality and participation have greater rewards. They help adolescents grow up. When one of the boys in Twain's story realized that all Philip Traum said was true, "a gust of thankfulness" rose in this breast. But indeed, it is not easy to understand "thankfulness" as the state of mind appropriate after having learned that "nothing exists save empty space—and you."

In many ways, perhaps it is nightmare that befits this state of mind, one similar to the nightmare that has been haunting Eastern and Central European countries—those countries that have begun, with immense difficulties, to democratize their societies. For many, it is the nightmare of abandonment, the ultimate existential situation that as an individuals we all went through when leaving adolescence, but only few of us knew collectively.

As East European nations grow up now, they are leaving all the spectacular paraphernalia of adolescence behind: anti-totalitarian demonstrations, East German refugees quaffing champaign by bales of rolled barbed wire, torn down walls, street riots, coups, scrap heaps of Lenin statues and tanks festooned with flowers. But where else did we ever see any Soviet leader protected and shielded by not only bullet-proof vests but also hundreds of thousands of awakened citizens? Who but an adolescent nation would dare to weave human cordons against tanks? Only the adolescent is that irresponsibly daring—Budapest in 1956, Prague in 1968, Moscow in 1991.

But this time, everything was different. CNN seems to have achieved what the U.N. had failed to do in 1956 and 1968. Events punctured the graceful surface and the power game. True, the region is characterized by greater complexity than ever before, and that complexity is perplexing. It is comparable to what Emperor Joseph II in Milos Forman's film "Amadeus" sees in Mozart's music: "too many notes."

But there *are* too many notes, and these days the world is learning the many notes. As Soviet leaders are running after the *faits accomplis* created by the republics, major powers of the world are trying to keep pace with those smaller countries that have proved ready to live up to their political and ethical ideals. Oddly enough, it was Denmark, Hungary, Norway and Finland that took the first steps toward recognizing Baltic independence.

Hungary, this linguistically insular country, has distant relatives in Estonia, but that was not what motivated the democratic Hungarian leadership. It was not the distinct relatives, but the "kindred spirits." It was the recognition that the world can no longer try to walk the fine line between keeping stability by conserving the status quo of communism and the commitment to democratic idealism. The alternative to the status quo is there: democratic formations without the communist strain (in the Hungarian government, for example, you will not find one single former Communist or reform Communist.)

Last week the democratic governments of Warsaw, Prague and Budapest were concerned about the signals a victorious coup might send to those states, republics and regions of Eastern Europe that have not yet completed their democratic developments. This week we want those regions to clearly decode the signals of the failed coup.

Surely the Western World understands these signals too: The adolescents are growing up. What they need is the knowledge that, though poor and shabby, they are accepted as members of the family of democratic nations. And they need the trust that Todorov's post-totalitarian depression and Philip Traum's hurtful, "incredible words" are parts of our growing pains. These impulses are responsible for the vibrant atmosphere of the ancient cities of Prague, Kiev, Warsaw, Riga, Vilnius, Moscow, St. Petersburg and Budapest, where the inhabitants—for the first time in their lives—are experiencing the wonders of adulthood, the joys of being responsible humans, of being able to act alone, without the help of big brothers. We are eager to act, and we can still do things that can surprise the world—and ourselves.●

SULLIVAN COUNTY 175TH ANNIVERSARY

● Mr. LUGAR. Mr. President, I am pleased to announce that Sullivan County, IN, will celebrate its 175th anniversary September 14 and 15, 1991. An anniversary celebration is planned, including the Sullivan County Corn Festival and parade, and a special salute to Sullivan County's two favorite sons, Will Hays, Jr. and Ray Russell. Hays and Russell will be honored as co-grand marshals of the parade.

Will Hays, Jr. was the first full-time mayor of Crawfordsville, serving two terms from 1964 to 1974. Hays earned degrees from Wabash College in Crawfordsville and Yale University

Law School. In addition to his accomplishments as mayor, Hays has been a best-selling author, screenwriter, professor, and practicing attorney. He is the son of Will Hays, Sr., who served as the Postmaster General during President Harding's administration and later served as the president of the Motion Picture Association of America.

Ray Russell played an instrumental role as teacher, companion, and father figure to Hays from an early age. The strength and duration of their relationship is illustrative of the ideals common to the residents of Sullivan County. It is this Hoosier commitment to friends and family that has brought them to the celebration of their 175th anniversary.

I ask my colleagues to join me in saluting Sullivan County and its citizenry on this happy occasion.•

START IS NO PLACE TO STOP

• Mr. SIMON. Mr. President, recently, Mr. Paul H. Nitze, who has been such a pioneer in the whole field of arms control negotiations and whose most recent experience was as a leader in this field for the Reagan administration, had an article on the editorial page of the Washington Post titled, "START Is No Place to Stop."

His comments are absolutely on target.

What is disconcerting to me, that is not mentioned in the article, is that we have not called for the destruction of the weapons that we have dismantled. That was reluctantly agreed to by the Soviet Union at the insistence of the United States.

And that was because we continue to pursue this star wars fantasy.

I urge my colleagues, who did not see the Paul Nitze item during the August recess, to read it. Also, I urge their staffs to do the same.

I ask to insert his article into the RECORD at this point.

The article follows:

[From the Washington Post, Aug. 14, 1991]

START IS NO PLACE TO STOP

(By Paul H. Nitze)

The recently signed Strategic Arms Reductions Treaty is disappointing; much more could have been accomplished to create a U.S.-Soviet strategic balance that minimizes the risk of nuclear war. The important task now is to secure those improvements as soon as possible in follow-on, START II talks. To this end the Senate should, in ratifying the START treaty, mandate immediate initiation of START II negotiations with several specific objectives.

Arms control may seem like an anachronism in a world where U.S.-Soviet confrontation has been increasingly replaced by cooperation. But we must not forget that the Soviet Union, even after the reductions mandated by START, will retain a nuclear arsenal capable of devastating our homeland. As long as this is so, and because there is always the chance that U.S.-Soviet relations could take a turn for the worse, we must do everything we can to minimize the risk that nuclear weapons will be used.

Strategic arms control has sought to minimize the nuclear risk by limiting the threat to U.S. and Soviet forces in a way that would enhance their ability to survive an attack and retaliate. This ability is the basis for deterrence. Taken as a whole, U.S. strategic forces are sufficiently survivable to give us a strong deterrent, but START could have done much more to strengthen it further.

For example, our land-based intercontinental ballistic missiles will remain highly vulnerable and inviting targets in their silos, even after START. A START II treaty could do something about that by banning ICBMs with multiple warheads, particularly Soviet heavy ICBMs.

As long as the Soviet heavies exist, their great destructive capability will hamper efforts to improve U.S.-Soviet relations and force us to take costly and undesirable countermeasures to ensure that the Soviet Union cannot exploit its advantage. Banning all multiple-warhead ICBMs would force the sides to rely on single-warhead missiles that are unattractive targets because the attacker would have to expend at least two warheads to destroy each missile with its lone warhead. In a world of tightly constrained warheads, the Soviets are unlikely to be able to afford the luxury.

Our heavy bombers are more survivable than our ICBMs, because many of them should be able to take off from their bases quickly enough upon receiving warning of a Soviet attack. Even after START, however, the potential remains for the Soviets to change this situation by posing the threat of an attack with very little warning against our bomber bases, using submarine-launched missiles specially altered to shorten their flight times. START II could preclude that by banning the testing of these short-time-of-flight missiles.

Other desirable improvements include: further throw-weight reductions to reduce the ability of the Soviets to add large numbers of warheads to their missiles in a breakout from treaty limits; provisions to force the sides to destroy all reduced missiles rather than placing some in storage; and bans on new technologies such as large, special-function nuclear warheads, maneuvering reentry vehicles and earth-penetrating warheads, which would pose new threats to survivability.

In addition, there is much we will learn from implementing the START treaty, just as we have gained new insights from implementing the INF treaty. We could apply that learning in START II, especially in the area of verification, to create a more effective treaty regime.

Finally, of course, there is the possibility of further reductions. The 7,000–9,000 strategic warheads each side will retain after START far exceed the requirements of deterrence, START II could continue the process of reducing to a safer level.

In seeking all these improvements, we need not start from scratch in negotiating a new treaty. Instead, we can build on the START baseline. A START II treaty could be a relatively short document that merely amended START I by tightening, altering or supplementing certain limits and by refining verification and other procedures. Negotiation of such a treaty would likely remain complex and time-consuming, but nothing like the 700 pages and nine years of its predecessor.

Despite the potential for further reducing the risk of nuclear war and the opportunity presented by current conditions for realizing this potential relatively quickly, the Bush administration is showing little interest in START II. We hear talk of negotiating exhaustion and the need for a pause. This is simply unacceptable, and the Senate should not allow it.

I believe, therefore, that the upcoming ratification hearings should focus as much on what can yet be accomplished as on what has been done in the START treaty. To ensure that the remaining opportunity is not squandered, the resolution of ratification should instruct the administration to seek immediate negotiations on a START II Treaty that will incorporate:

a ban on multiple-warhead ICBMs, particularly heavy ICBMs;

a ban on testing of short-time-of-flight SLBMs;

additional provisions to preclude new threats to force survivability; and

further deep cuts in the aggregate level of strategic warheads.

In sum, the strategic arms control agenda is far from exhausted. Now, when U.S.-Soviet relations are unprecedentedly cooperative, is the time to push forward aggressively in an effort to seek the many benefits remaining to be attained.•

AFTER THE COUP: DEFENSE SPENDING AND AID TO THE FORMER STATES OF THE U.S.S.R.

• Mr. MCCAIN. Mr. President, for the first time in nearly half a century, we are faced with the challenge of fundamentally reshaping our national security policies and military strategy. The Iron Curtain has shattered and the Berlin Wall has crumbled. The Soviet Union and the Warsaw Pact no longer exist, and the new regimes of Eastern Europe, and the former Soviet republics no longer pose an ideological or direct military threat to the United States.

During the next few years, we will almost certainly have to drastically change virtually every aspect of our military forces. Barring some almost incredible set of political reversals within Russia, we can look forward to an era of East-West cooperation, rather than conflict, and new national security challenges in the Far East and the developing world.

We must be careful, however, to make those changes at the right pace and on the basis of a clear understanding of what we are doing. We cannot ignore the needs of the emerging democratic regimes in Russia, the other former Soviet Republics, and Eastern Europe.

At the same time, we cannot ignore the fact that the future nature and leadership of the Soviet Union is still highly unpredictable, that the future of the Soviet Union's military forces remains uncertain, that we face major economic problems of our own. We cannot ignore the fact that we still need military forces to defend our interests and those of our allies in other parts of the world.

RUSHING TO PROVIDE THE WRONG FORM OF AID

While Congressman ASPIN, Congressman GEPHARDT, and other Members of

Congress are proposing that we rush to reprogram money from the defense budget to provide aid to the new Union of Sovereign States, the fact remains that such proposals are premature. Good intentions are not a substitute for good planning.

We need to clearly examine our broad domestic and strategic priorities. We need to know who will be in charge of what, how the aid will impact on broad reform plans, how the former elements of the U.S.S.R. will restructure their defense spending efforts to meet their domestic needs, and how we should allocate the priority for aid between Eastern European countries and the various republics that made up the U.S.S.R.

We cannot simply take money from the defense budget and throw it at random at the Soviet or Russian leader of the day—without any clear prospect that that leader will be in power, with a clear reform plan, and without any assurance that enough political stability will exist to allow that aid to be useful.

We cannot ignore the needs of our own people and assume that the United States should somehow be responsible for funding the economic reform of the former Soviet Republics. This Nation has many urgent needs of its own, and there are many other countries with urgent needs for aid.

We cannot ignore the fact that we are the Nation that will bear the primary responsibility for maintaining the power projection forces necessary to provide peace and stability throughout the world. We have already borne the primary responsibility and costs of checking Soviet and Warsaw Pact aggression.

In any case, the issue at hand is not one of providing a few billion dollars worth of token aid. It is a far broader set of issues: The issue of what level of commitment the industrialized democracies should make to provide humanitarian aid and aid for economic reform, the issue of who the aid should go to and under what conditions, the issue of who in the industrialized democracies should provide such aid, and the issue of what part of the U.S. budget any U.S. aid should come from.

Before we assume any new economic responsibilities, we must consider the future role that other nations in the West should play. If we are to bear the free world's military burdens, then other nations should bear most or all of the burden of Soviet economic reform. Nations like Japan, Germany, France, and the other industrialized democracies have spent less than half as much of their GNP on defense as we have. They are the nations that should be the primary contributors to any aid program once such a program becomes practical.

THE NEED FOR A STABLE LEADERSHIP

If we consider these issues in detail the most immediate issue is the need to tie any aid to the Union of Sovereign States to the emergence of a leadership that speaks for the Soviet people and offers a reasonable prospect of stability. Aid will be meaningless unless it goes to a leadership with the power, will, and staying power to enforce reform.

We must also be cautious. The failure of one coup does not mean other coups will not succeed in the future. Equally important, we can scarcely rush to help Russia at the expense of the other former Soviet Republics, or give aid to the Union of Sovereign States, before it is clear what new state or states will really emerge from the U.S.S.R. and before it is clear which—if any—of these states will develop a credible plan for economic reform.

UNDERSTANDING THE TRUE CHALLENGE OF AID TO THE U.S.S.R.

We also need to act with a firm understanding of the challenge that aid in reforming the economies of the former Soviet Republics will pose. Humanitarian aid is one thing, and economic aid is quite another.

No one can deny the need to provide humanitarian aid—the agricultural and medical supplies necessary to ensure the well-being of the Soviet people in a time of crisis and in a year where experts already estimate that the Soviet harvest will be 20 percent smaller than last year. President Bush has already indicated that the United States will provide such aid, and it is obvious that it will be essential to the development of democracy and political stability.

Even humanitarian aid, however, will involve a massive effort. We are talking about a population of 290 million, and helping to make up for the problems in an agricultural sector with a net value of some $520 billion, and massive problems in distributing the food that the former Soviet Republics do harvest. Further, conflicts between the republics may make this situation much worse.

When we talk about giving $1, $2, or $6 billion, without any clear plan based on clearly described needs, without distinguishing between cash and aid in kind, without regard for how the aid will be distributed, and without any agreements from our allies, we are talking about political gestures and tokenism, and not meeting the real needs of the Soviet people.

This is even more true when we talk about helping to reform the Soviet economy, we talk about a far more serious challenge. We are talking about an economy whose gross national product is worth $2.6 trillion, or roughly half the value of our own, and every aspect of this economy is in crisis.

In recent years, living standards have dropped by more than 20 percent, almost solely because of policy mistakes and mismanagement by the Soviet leadership. The overall output of the Soviet economy has already dropped by at least 11 percent in the last 12 months. The CIA estimated before the recent coup that the Soviet GNP would probably drop by 20 percent in 1991, and inflation could reach 100 percent.

Well before the coup attempt, the Soviet economy was being torn apart by unstable and sharply rising prices, the ruble's loss of value, the breakdown of trade between the elements of Soviet heavy industry, regional fragmentation, and the failure of the Soviet distribution system. The economies of the Armenian, Azerbaijani, and Lithuanian Republics were torn apart by internal violence or the struggle for independence and were in a worse crisis than the American economy during the Depression of the 1930's.

Soviet investment and the completion of new major projects may well have dropped by 50 percent since 1988. The transportation sector has suffered from so much underinvestment that it is on the edge of collapse. No real capital or lending institutions are emerging, and a trippling of the money supply in rubles has done nothing to spark economic growth.

While the leaders of the Soviet Union talked economic reform before the recent coup attempt, their proposals were at best half hearted, and even those few proposals which were enacted into law died in the hands of Soviet Union's permeating and deadly bureaucracy. The Soviet Government generated a massive budget deficit, and wasted virtually all of the billions of dollars worth of credits, loans, and credits it received from the West.

Although the U.S.S.R. arranged for some $14 billion in new loans and credits in the spring of 1991, virtually none of this was allocated to any of the market or structural reforms necessary to change the Soviet economy. The black market, not the state, has been the center of what reform has occurred.

This does not mean the situation is hopeless. There can be little doubt that the Soviet Republics will ultimately emerge with far stronger market economies than they ever possessed under communism. We cannot provide effective help to the Soviet people, however, unless we accept these economic realities.

We need to firmly recognize that providing billions of dollars in U.S. aid will be a meaningless exercise in symbolism, and one that may be wasted in a matter of weeks unless there is a clear reform plan that will actually be implemented. We also need to recognize that the Soviet plan will gain nothing if we provide such aid to the wrong leader and the wrong plan. Humanitarian aid is vital and necessary, aid for economic reform must be tied to the right leader and the right plan.

SOVIET MILITARY SPENDING AND MILITARY CONVERSION

We also must remember that we have still not seen any clear indication of what will happen to the vast resources that the Soviet Union spends on military forces and production. While experts debate how much the Soviet Union really spent on defense, and estimates range as widely as 14 to 26 percent of the Soviet GNP, there can be little doubt that the Soviet Union has consistently spent more than the equivalent of some $200 billion annually on military and internal security forces.

There is also no doubt that at the time the coup took place, the Soviet Union still aggressively pursued the modernization of its strategic nuclear forces at rates far greater than the United States. It continued to invest in major naval forces at a time when the United States was sharply cutting its own Navy.

The Union of Sovereign States and any other successors of the Soviet Union will still need substantial military forces. The end of the cold war, and the changes taking place in East-West relations, do not mean that the Soviet republics will not emerge as a great power and a critical actor in international affairs.

There is no question, however, that President Gorbachev failed to draw on a vast pool of surplus military expenditures whose justification vanished with the cause of world communism. There is also no question that the conversion of Soviet forces to a defensive posture has been faltering and involved many actions that raise continuing questions about Soviet intentions and the risk of a return to the cold war. Further, the Soviet Union resisted efforts to move ahead with arms control efforts that went beyond the existing START and CFE treaties and that would allow both East and West to cut their military forces.

We should not attempt to tie economic aid to efforts to disarm the Union of Sovereign States, or unfairly exploit the current political and economic turmoil. This would create a legacy of lasting resentment, and increase the risk of new coup attempts, when what we want is lasting friendship and partnership with the new democratic entities that will replace the U.S.S.R.

We do, however, have a right to demand that the heirs to Soviet power will couple any economic reform plan to a clear plan to reduce military expenditures to purely defensive levels, and that they seek to free further resources by joining with us to reduce those forces on both sides that are vestiges of the cold war. Before we act to aid the Union of Sovereign States we should insist that it help itself.

We should be particularly firm in this insistence because there are strong indications that the only reason the real value of the Soviet military budget has dropped in recent years is because of the loss of the buying value of the ruble and not because of deliberate Soviet policy decisions.

The CIA reports that the formal Soviet defense budget in 1991 will be 96.6 billion rubles versus 70.9 billion in 1990. While real procurement expenditures dropped by as much as 20 percent over the last 2 years—particularly in the production of tanks, artillery, and other armored vehicles, personnel and operating expenditures were planned to rise by 15 percent, and cuts in R&D activities were largely blocked by the Soviet military. Although Soviet planners talked 2 years ago of cutting military spending by 33 to 50 percent, DIA established before the coup that there were no indications that cuts of this magnitude were underway.

Deployment of the fifth and sixth modification of the SS–18 heavy ICBM continued, although such modifications have little value except in a first strike. Where we have virtually frozen ICBM modernization, and plan major force cuts, the U.S.S.R. has finished deployment of the rail-based SS–24, continues to deploy the road-based SS–25, and has at least two new ICBM's in development. It is restructuring its SSBN force, and has two new SLBM's in development.

Equally important, efforts at military conversion have so far been little more than a farce. Soviet military production has dominated the industrial sector of the economy, and this domination has been the chief factor behind the lack of housing and consumer goods in the Soviet Union. Every Soviet citizen has suffered because of the immense effort that has gone into such efforts—an effort that is at least 4 to 8 times larger in terms of the relative burden it has imposed on the Soviet economy as military production in the United States.

In spite of a great deal of rhetoric about military conversion, the Soviet Union has done very little since 1988. While thousands of plants are involved in military production, the U.S.S.R. only singled out 500 for any form of conversion. Most of these 400 military and 100 civil plants have so far only made token efforts to convert from military to civil production—if that. Further, only 6 military plants and 34 civilian plants, are planned to totally cease military production. This is a fraction of the cuts the United States has made in military production and conversion during the same period, and the CIA reports that the Soviets planned to spend only 9 billion rubles on this conversion before the recent coup attempt.

Let me repeat, we should not exploit this situation, and we should stand ready to join in major new arms reduction efforts when they do not affect the power projection forces we will need for the post-cold-war era. We should, however, insist that the Union of Sovereign States and any other heirs to the Soviet Union should present clear plans to shift military expenditures to the civil sector before they receive massive amounts of aid, and show that they are ready to join us in immediate new arms reduction efforts.

Such actions will benefit the peoples that made up the U.S.S.R. as well as world peace. They will insure that economic reform does not become a fraud, and that the recent round of promises to cut military forces will be a reality.

THE IMPACT OF AID ON THE U.S. DEFENSE BUDGET

These conditions for aid are equally important in considering any cuts in the defense budget. At a minimum, we must not provide economic recovery aid before we know who will use it and how it will be used, and before the heirs of the Soviet Union prove that they will draw on their vast surplus of military expenditures and production facilities. More generally, however, we should not take such aid out of the defense budget until it is clear that we can afford the military forces and capabilities we will need in a post-cold-war era.

I would not argue for a moment that we need everything funded in our current defense budget. If the current trends in the Soviet Union continue, and we should know in a few short months, programs like the B–2 will become a strategic albatross, programs like the SSN–21 will become the equivalent of a lead balloon, and we can certainly make further cuts in our forces for Europe and the so-called reconstitution forces whose only purpose is to fight world war III.

We need to recognize, however, that we began to spend a peace dividend in defense spending long before the recent coup attempt. We have cut real defense spending for 6 straight years, and we are in the midst of even more serious cuts. Real defense spending is already planned to drop by 13 percent between fiscal year 1991 and fiscal year 1996, and this will create a cumulative cut of 32 percent between fiscal year 1985 and fiscal year 1996.

Our force plans call for a 25-percent cut in our military forces by fiscal year 1996, and cuts of 33 percent in our number of active divisions, 40 percent in our Reserve divisions, 18 percent in our naval battle force, 38 percent in active tactical air wings, and 33 percent in our strategic bombers.

Defense spending is dropping precipitously as a percentage of both Federal spending and our GNP. Defense spending which was 57 percent of the Federal budget at the height of the cold war, and which was 27 percent during the height of the Reagan buildup, will drop to below 18 percent by 1995. Measured differently, defense spending will drop from a postwar high of 11.9 percent of the GNP, and 6.3 percent during the Reagan administration, to 3.6 percent.

This level of defense spending will bring us close to the bare minimum we will need to make orderly cuts and changes in our forces, and to convert from a cold war strategy and force posture to one oriented toward the power projection missions of the future. Like it or not, we have become the one power in the world that can project enough military force anywhere in the world to halt aggression, deter conflict, and protect our interests and those of our allies.

This power projection strategy and force posture is not a new role. We exercised it throughout most of our history before World War II in the form of a wartime strategy. We have used military force more than 240 times since the end of World War II, and virtually all of these uses have been in contingencies that had nothing to do with the Soviet Union and the Warsaw Pact.

We have sized and shaped the bulk of our forces for such missions as much as for a cold war conflict. In fact, we have long accepted the military risk of having only about half the carrier and power projection forces that many joint staff studies have shown we really need.

We must not cut defense spending without a clear picture of the force posture we wish to preserve and the strategic capabilities we wish to preserve or create. We do not have a surplus of power projection capabilities, and it is important to note that our current defense spending and force plans will leave them badly short of sea and airlift, modern amphibious forces, long range tactical strike aircraft, mobile armored forces, and a host of other capabilities. As we cancel programs suited to the cold war, we may well need to shift these resources to the other military capabilities that will ensure we can rapidly and decisively project power without suffering serious casualties.

The recent gulf war has shown how critical these power projection capabilities can be, and how little warning we may have of the need for major deployments of U.S. forces. In fact, it was only Saddam Hussein's failure to act early in the conflict that gave us the time to deploy the forces needed to defend Saudi Arabia and liberate Kuwait. In an era where the proliferation of advanced conventional weapons, and nuclear, chemical and biological weapons is becoming common, we cannot afford to pretend that even the most radical cuts in Soviet military efforts would free us of the need for substantial military forces.

BURDENSHARING AND AID

This need for continuing American military power, mixed with the need to find resources to deal with our domestic and economic problems, explains why we should not undertake any major new responsibilities for providing the Union of Sovereign States and other former Soviet Republics with aid without a frank discussion of burden sharing issues with our allies, and without a clear agreement from the other industrialized democracies to bear a large share of that aid.

First, we need a coordinated effort, if we are to provide enough aid, make that aid effective, and ensure that all the former republics and Eastern European countries get the proper share of assistance. Second, we have spent roughly twice as much as the rest of NATO on defense and economic aid for virtually all of the cold war, and it is time that this imbalance of effort came to an end. Japan—which has spent less than one-fourth as much of its GNP on defense and aid—must fully join the other nations of the free world in providing for aid and our common security interests.

In the future, we will still be asked to pay in blood what most free world nations only seem willing to pay in gold. We must not ask the American people to pick up another burden the other nations will not bear. A new world order can only be forged if all the developed democracies do their share.

TAKING THE RIGHT APPROACH TO AID AND THE DEFENSE BUDGET

In summary, we should not let euphoria or misjudgment lead us to rush forward to provide economic aid to the new Union of Sovereign States or any other former element of the U.S.S.R. without establishing the proper preconditions. We should not rush forward to take funds out of the defense budget.

It may ultimately be in our strategic interest to provide the inheritors of the Soviet Union with the aid they need for economic reform, but we must do so only after we are certain who we are really aiding, after we are certain what we are aiding them to do, after we are certain that this aid will support a clearly defined and implementable economic reform plan, and after it is clear that is a good prospect that such plans can be implemented consistently and effectively over the required period of time.

We must provide such aid only after we are certain that suitable cuts will be made in the military efforts of the former Soviet Republics, after we have established suitable agreements for burdensharing with our allies, and under conditions where we can be sure that we can still fund an effective power projection strategy for United States forces.

Rushing to support the leader of the day in implementing the policy of the day is blind folly. It can waste billions of dollars without helping the Soviet people. It can undermine our security. And, it is almost certain to lead other nations to avoid their responsibilities in providing such aid.•

TRIBUTE TO THE FRANCES AIELLO DAY TREATMENT CENTER

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the recently opened Frances Aiello Day Treatment Center in Brooklyn, NY.

It is my pleasure to share with all of my colleagues the news that there are still individuals such as Danny, Rose, Joe, and Gloria Aiello, and organizations such as the Catholic Guardian Society of Brooklyn and Queens [CGS], who are dedicated to enhancing and improving the lives of those around them.

Mr. Danny Aiello, who has brought all of us joy through the characters he has portrayed in his movies, has provided the CGS with the means and opportunity to provide a second day treatment program for adults with developmental disabilities. The Aiello Center is a place where the adult participants, including multiple handicapped and nonambulatory individuals, can learn and grow and provide fellowship to each other.

Frances Aiello, for whom the center is named, taught her children by example. She taught them to be kind and generous, to persevere through life's struggles, and to try their hardest to achieve their fullest potential despite life's difficulties. Her children, in turn, are sharing this philosophy with others through the center. The Aiello family's generous commitment to their community reminds me of a passage from "I Shall Not Pass This Way Again":

> Through this toilsome world, alas!
> Once and only once I pass;
> If a kindness I may show,
> If a good deed I may do
> To a suffering fellow man,
> Let me do it while I can.
> No delay, for it is plain
> I shall not pass this way again.—(Author unknown.)

The Catholic Guardian Society of Brooklyn and Queens is devoted full-time to fostering self-esteem in the adult participants. There is no greater lesson to learn than to value one's own self-worth. There can be few greater gifts than to provide a community where this can be achieved. We can all be inspired by their example. I am sure Frances Aiello would approve.•

BRADLEY IS OUT FRONT ON CIVIL RIGHTS

• Mr. SIMON. Mr. President, the Member of the U.S. Senate who, in recent weeks, has two statements that are eloquent on the need for movement on civil rights is our colleague from New Jersey, Senator BILL BRADLEY.

I commend him for what he is doing.

Just as Senator JOHN DANFORTH and Senator EDWARD KENNEDY are leading in trying to fashion a civil rights bill that all of us can agree upon, our colleague from New Jersey is appealing to the conscience of the White House and of Congress to be more sensitive to the whole black-white situation in our country.

I applaud that vision, that sensitivity, and that courage.

I ask to insert into the RECORD a column by Jack Germond and Jules Witcover titled, "Bradley Is Out Front on Civil Rights," which appeared in the National Journal.

The column follows:

BRADLEY IS OUT FRONT ON CIVIL RIGHTS

Sen. Bill Bradley, D-N.J., in sports, academia and politics, has always been known as a man who picks his spots. He passed up a lucrative professional basketball contract to go of Oxford University as a Rhodes scholar, then picked it up on his return and used his celebrity as a star with the New York Knicks, and as a brainy jock, to win a seat in the Senate.

Since his first election in 1978, Bradley's political career has been marked by caution—excessive caution, some would say. Perceived as one who seldom gets out front on a major controversial issue, he has paced himself carefully, turning aside pressures to seek the presidency prematurely (he will be only 48 later this month).

Because of this public perception, Bradley created a mild tremor in the Senate on July 10 when he took to the floor to castigate President Bush on his civil rights record in notably personal terms. He accused Bush of exploiting racial divisions for political ends by serving up "code words" and "grasping after an early advantage in the 1992 election."

Specifically, Bradley charged in his speech that the President, in describing pending Democratic anti-job discrimination legislation as a "quotas bill," had "tried to turn the Willie Horton code of 1988 [regarding furloughs for prison inmates] into the quotas code of 1992."

The charge itself was not new, but the intensity of Bradley's message seemed out of character for a politician known for, even criticized for, lack of passion. Bradley singled out Bush's opposition in 1964 to the landmark Civil Rights Act that desegregated public accommodations, quoting Bush as saying at the time that the proposal to permit blacks to use public rest rooms, drinking fountains, theaters and restaurants and hotels that were open to the public at large "violates the constitutional rights of all people."

Bradley asked: "Were you just opposing the civil rights bill for political purposes? Were you just using race to get votes? Did you ever change your mind and regret your opposition to the Civil Rights Act? If so, when? Did you ever express your regret publicly? What is your regret?" And, he added, "When you say today that you're against discrimination. I don't know what you mean because you have never repudiated or explained your past opposition to the most basic widening of opportunity for black Americans in the 20th century."

In an almost pleading tone, Bradley called on the President to "tell us how you have worked through the issue of race in your own life. . . . Where did you ever experience or see discrimination? How did you feel? What did you do? What images remain in your memory? Tell us more about how you grappled with the moral imperatives embodied in race relations and how you clarified the moral ambiguities that necessarily are a part of the attitude of every American who has given it any thought—any thought at all."

When Bush subsequently dismissed the Bradley invitation as "part of the liberal litany," Bradley made a second speech at the National Press Club a few days ago in which he said that "the President's silence . . . will not muffle the gunshots of rising racial violence in our cities" or "provide the candor necessary to overcome the obstacles to brotherhood."

Then, as if challenging Bush again to a public search of his private wrestling with the race issue, Bradley recalled at some length his own experience as a pro basketball player, touring the country nine months a year for a decade with the predominantly black New York Knicks. "Day in and day out," he said, "we lived together, ate together, rode buses together, laughed together and, of course, played together." It was, Bradley said, "one of the most enlightening experiences of my life.

"I understand what it is to be in racial situations for which you have no frame of reference. I understand the tension of always being on guard, of never totally relaxing. I understand the pain of racial arrogance directed my way. I understand the loneliness of being white in a black world. And I understand how much I will never know about what it is to be black in America."

This Bradley speech was actually his fourth in little more than a month accusing the Bush Administration of seeking to capitalize on racial division for political gain. It came as the Senate grappled with several civil rights-related issues, topped by a Republican-led effort to seek a compromise with the White House on the workplace discrimination legislation, and by the Supreme Court nomination of Clarence Thomas, an outspoken foe of affirmative action. What got into Bradley?

He explains that Bush's 1988 campaign tactics have continued to stick in his craw, and that the President's cavalier reaction to the civil rights legislation, dismissing it as a "quotas bill," obliged him to take Bush on. Bradley vows that he will not let up, hoping that this summer's Senate debates on the bill and on the Thomas nomination will ignite a wider demand, from other Senators and from the news media, that Bush explain where he is and where he comes from on dealing with race relations in America.

Bradley said he senses "a growing segment of the population that cares deeply about civil rights issues" and wants "a harmonious, pluralistic society that will take everybody to a higher ground," a segment "that has trended Republican but has really been up for grabs." So far, the New Jersey Senator said, "the Republicans have used this card [of racial division] without any cost." Bradley clearly hopes to rally this segment to hold the President accountable.

"This issue is not going to let up as far as I'm concerned," he said. "He's got to explain himself."

Bush, however, is a past master at dodging pesky questions. He routinely insists he has already answered them, as in the Iran-Contra story that won't die, and he wins public sympathy for enduring what he likes to call unfair "hounding" from the press and other critics. Bradley is likely to find himself in a debate with an empty chair.●

ALL-AMERICAN CITIES PROGRAM

● Mr. LUGAR. Mr. President, I rise today to ask that the following speech by Wayne Hedien be inserted in the CONGRESSIONAL RECORD. Mr. Hedien's remarks were delivered at a recent White House Rose Garden ceremony honoring the 10 cities chosen for the All-American Cities Program established and operated by the National Civic League. I believe his remarks will be of interest to my colleagues on both sides of the aisle.

The remarks follow:

ALL-AMERICA CITY AWARD MORNING CEREMONY

(Address by Wayne E. Hedien, chairman and chief executive officer, Allstate Insurance Co.)

Mr. President, we want to thank you for taking part in our program today. Your ongoing support of the All-America City Award Program means a great deal to all of us. It's a privilege for us to be with you here at the White House this morning.

You know, when the cornerstone for the White House was laid in 1792, the biggest city in the United States was Philadelphia—population 40,000.

Unfortunately, as the size of American cities has grown, so has the size of their problems.

But so, too, has the determination to do something about them.

Across America today, local governments, nonprofit groups, and businesses are joining forces to reclaim neighborhoods and revitalize whole communities.

That's what these awards are all about. The individuals and communities we honor saw that their cities faced very serious problems.

But they refused to make excuses—or compromises. Instead, they decided to make a difference—and they succeeded.

That, too, is part of a tradition that goes back to the beginnings of this country.

America was founded on the concept of the common good. It was built by neighbors helping neighbors—people taking the initiative and working together.

It reminds me, Mr. President, of how you described Americans volunteering to help each other out—the thousand points of light that brighten the face of this great country of ours.

That's the spirit embodied by the winners of this year's All-America City Awards. That's the legacy they share. And that's why Allstate is so proud to sponsor this program.

So if I may, Mr. President, I'd like to introduce the winners of the 1991 All-America City Award * * *

Representing Gadsen, Alabama, Mayor Steven Means * * *

From Greencastle, Indiana, Mayor Michael H. Harmless * * *

Mayor of the city of Baltimore, Maryland, Kurt Schmoke (Schmoke) * * *

From Gothenburg, Nebraska, Mayor Richard L. Blase * * *

Representing Newark, New Jersey, Donald Tucker, president of the Newark City Council * * *

From Albany, New York, Mayor Thomas M. Whalen III * * *

From Greensboro, North Carolina, Mayor Victor M. Nussbaum * * *

Mayor of the city of Dayton, Ohio, Richard Clay Dixon * * *

From Austin, Texas, Mayor Bruce Todd * * *

Representing Winchester-Frederick County, Virginia, Kenneth Stiles, chairman, board of county supervisors of the County of Frederick * * *

Mr. President, Henry, please join me in congratulating our 1991 All-America cities * * *.●

THE PAINT JOB

• Mr. KOHL. Mr. President, I rise today to pay tribute to a comedy-thriller about house painters and a love triangle. I do not do this to bring recognition to house painters—although I shudder to think of what America's neighborhoods would look like without them. And I am not here today to argue the superior qualities of the love triangle when used as a plot device. And I am not here to try and thrill you or amuse you, although I realize that that may happen. No, today, Mr. President, I am here to talk about the movie industry in Kenosha, WI, and to recognize the great contributions made by Mr. Mark Pollard and his film, "The Paint Job."

Mark Pollard, born and raised in Kenosha, is a filmmaker and publisher in New York. This past summer, Mr. Pollard recognized what more people in the movie industry are coming to believe—Wisconsin is a fine place to make movies. While it may lack the reputation for fame and glamour of New York or California, Wisconsin's towns, cities, fields, and forests, and most of all its friendly people and good business climate, make it an excellent backdrop for the big screen. So when Mr. Pollard brought his business back home to film a major motion picture, he knew he would have an excellent location.

I have not yet seen "The Paint Job," but I am fairly certain that a comedy-thriller about house painters and a love triangle filmed in Wisconsin would earn at least a thumbs up from this Senator. After all, the film generated income of approximately $1 million for both the local community and State businesses. From all reports, the people of Mr. Pollard's hometown were very intrigued by the film and enjoyed all of the action and excitement of having a major motion picture filmed there. A cooperative spirit prevailed between the people working on the film and the townspeople, and it seems to have been a real summer smash. There was even a fundraising party held to benefit the Kemper Center, an important resource for community activities, which was a great success as well.

Mr. Pollard's filmmaking in Wisconsin is not over yet. He plans to return to Kenosha in the next year or so in order to film another motion picture. I would like to express my appreciation for Mr. Mark Pollard's accomplishments this summer. While he brought a touch of Hollywood to Wisconsin, he also made the filming of "The Paint Job" a great experience for everyone who was involved. I would like to thank Mr. Pollard, his professional staff, his family, and the people of Kenosha for their efforts this summer. Here is to "The Paint Job," Mr. President, a Kenosha blockbuster.•

CRACK MAY BE CRACKING

• Mr. SIMON. Mr. President, recently the New York Times carried an editorial titled, "Crack May Be Cracking," which indicates that there is some good news on the drug front.

They also make a point that is extremely important, that we should be spending more on treatment. I would add, more on education. We have become enamored with strong law enforcement as almost the sole way to counter drug use.

The reality is, we need a much more balanced approach.

Yes, we do need strong law enforcement.

But we also need much more in the direction of treatment and education.

I ask to insert the New York Times editorial into the RECORD at this point.

The editorial follows:

[From the New York Times, Aug. 10, 1991]

CRACK MAY BE CRACKING

Tantalizing hints have begun to appear that the worst of the crack epidemic is waning. A few unexpected bright spots, for example, now illuminate New York City's social landscape: fewer children are going into foster care; crime reports are going down and so are hospital emergencies. There's a hopeful trend here for the country: Finally, crack cocaine use seems to be declining.

It's a trend that opens promising opportunities for long-neglected drug treatment programs to shrink the remaining pool of hard-core addicts, if only Government would respond.

National studies tracking drug abuse suggest that crack use peaked in 1988 or 1989. It's hard to apportion credit for the subsequent decline. Law enforcement and public health efforts surely had some effect. So has the remarkable advertising campaign mounted by the Partnership for a Drug-Free America. Its now-famous fried egg television spot ("This is your brain on drugs") so pervasively invaded public consciousness that egg producers began to complain.

But the decline may mean only the inevitable maturing of an epidemic. By now virtually all the people inclined to try crack have done so, and those who have become addicted constitute a declining population as they die or escape the habit. Street researchers in New York still find many crack users, but say it is hard to find people trying the drug for the first time.

The decline challenges public officials to provide badly needed drug treatment. Since the heroin epidemic of the 60's and 70's, America has developed a palette of treatments including methadone maintenance, detoxification and outpatient counseling, and residential therapeutic communities. Research shows one or another can work for many addicts, especially when they are carefully matched to the most appropriate treatment.

Treatment is also cost effective. Residential programs, the most expensive mode, cost about $15,000 per addict; a year in prison costs at least $25,000. A California study of the social costs of drug abuse—crime, health care, lost labor productivity—found that every dollar spent for drug treatment saved society more than $11.

With the aging of the crack problem, the yield on such an investment could be greater than ever, since addicts grow more inclined to seek treatment the longer their habits continue. New York officials apparently recognize the need. They protected drug treatment from severe cuts in the recently approved budget.

So far, that wisdom doesn't extend to Washington. Though Bob Martinez, the President's drug czar, says he wants more emphasis on treatment, the $512 million budgeted for treatment in 1991 remains a modest share of the $11 billion Federal antidrug budget. And Congress remains cool to a White House request to spend $100 million more on treatment in places with serious drug problems. Instead, the lawmakers may even reduce treatment spending to $479 million for 1992.

Some in Congress favor exempting pregnant women and single parents from rules that bar funding of residential drug treatment by Medicaid health insurance for the poor. But legislation to do that faces an uncertain future.

Thus does Washington overlook a chance to seize on the trend and save millions of dollars, let alone neighborhoods, childhoods and lives.•

TRIBUTE TO UNITED PARCEL SERVICE

• Mr. GORE. Mr. President, I rise today to pay tribute to United Parcel Service for 25 years of operation in Tennessee. During those 25 years, this company has grown and prospered, offering thousands of Tennesseans opportunities to share in that growth and prosperity. I rise today to honor United Parcel Service [UPS] a model of American entrepreneurial spirit, celebrating 25 years of service to the great State of Tennessee.

United Parcel Service, now the world's largest package delivery company was founded in 1907 as a messenger company in Seattle, WA. Since that time, the corporation has been at the forefront of innovation and engineering in the transportation industry, growing from humble beginnings to become an international company serving 180 countries worldwide.

The first day of UPS' operation in Tennessee was September 6, 1966. They started with 94 drivers and 11 centers. Today UPS has 28 operating facilities in Tennessee employing 5,000 Tennesseans and serving over 19,000 customers. Nashville, TN, is also home of UPS' south central region office. Combined with UPS' own air fleet, these dedicated employees offer Tennessee customers an efficient link to the world.

I salute not only UPS' success and growth, but also the many contributions they have made to Tennessee. UPS is an innovative employer, offering scholarship and gift-matching programs to employees and also providing significant grants to educational institutions and charitable organizations such as day care centers, child abuse centers, and homeless centers. They have taken an active role in the communities in which they operate.

Mr. President, my friends at UPS have asked me to thank the thousands of dedicated Tennesseans, who have joined their company; the thousands of loyal customers who use its services; and both their citizens and local, State, and Federal officials who have nurtured an economic environment where business and families can thrive. It is my pleasure to pay tribute to this unique corporate citizen and its talented and dedicated people.•

VOTE ON FINAL PASSAGE OF DOD AUTHORIZATION

• Mr. KOHL. Mr. President, it would be gratuitous and unnecessary to begin these remarks with a lengthy tribute to Senator NUNN and the committee he chairs. There is no Member of the Senate, no committee in the Senate, which approaches its task with more dedication, intelligence, and commitment. It is enough to simply say that even though I cannot support this bill, I appreciate the support that the chairman and the committee have given to our country's security.

The Senate passed the DOD authorization bill by a voice vote this year, but I want the Members of the Senate to know that I would have voted against this bill. I'd like to point out two specific reasons why this bill troubles me. First, when I voted for the committee's version of a limited defense against an accidental, unauthorized or terrorist missile attack against the United States, I indicated that I was concerned about the implications of the committee's language. As the debate on that language indicated, some saw development of a defensive system as a threat to the ABM Treaty. I did not believe then and I do not believe now that the committee language inherently commits us to violating the ABM Treaty. But I did express my concern about the possibility that it might allow us to pursue a course of action which would violate both the specific language of the treaty as well as its philosophic assumptions. I said at the time that the level of my support for the provision would depend on our ability to clarify the fact that it was treaty compliant. Well, we did adopt the Levin amendment which partly clarified the issue, but other attempts to pin down the implications of this system in terms of the treaty were defeated. That disturbs me.

By itself, however, that concern would not be sufficient to justify a vote against this bill. My more basic objection is to the amount of spending which this bill authorizes.

Now I heard Senator NUNN say, with some justification, that we had resolved that debate when we considered the budget resolution and authorized a certain level of spending for defense. But, Mr. President, that authorization was a ceiling, not a floor. The budget resolution never said we had to spend every penny we allocated to national defense. If we can find ways to spend less, without jeopardizing national security, we are certainly allowed to do it—and we certainly ought to do it.

But we did not, Mr. President. We did not.

This bill is replete with programs which cannot be justified. The B-2 bomber is perhaps the best example. As I have in the past, I voted against continued production of the B-2, a plane without a unique mission and without the ability to perform it if we found it. This year, however, the debate on the B-2 focused less on its mission and more on its monetary value.

We were told over and over again that if we authorized continued production of the B-2 we would actually save money because the B-2 is such a good plane that we would not need as many fighters, EF-11's, F-4G's and fewer tankers. But as Senator COHEN pointed out, we voted for the B-2 and, at the same time, voted for more fighters, EF-11's, F-4G's, and tankers. We claimed we would realize savings from the B-2 but did nothing to realize those savings.

Unfortunately, the B-2 is not the only example. We declined to cut funds for the SRAM-T missile even though even the chairman of the strategic subcommittee argued against it. We authorized the procurement of more MX missiles despite the fact that even the administration didn't request them. We authorized continued work on the MX rail garrison even though we do not plan to use the rail garrison system. We authorized at least a billion more than was needed for research on ballistic missile defense. And the list goes on.

During debate on these issues, Senator NUNN pointed out that all too often we only look for unnecessary spending in the defense bill. He is right. Those of us who support an agenda to improve the quality of life here in America sometimes aren't as critical of bills in our areas. We don't look carefully at the education budget, for example, to see if there are programs we can cut or savings we can achieve. That is a mistake. With a $3 trillion deficit we cannot afford to ignore waste and inefficiency just because it takes place in programs we happen to support. In fact, if we really support those programs—if we really care about education or the environment or health care—we have a special obligation to make sure that every dollar we spend achieves the results we want.

So I agree with Senator NUNN: We have to look at domestic spending as carefully as we look at defense spending. But the fact that we haven't cast a critical eye at domestic spending doesn't mean we ought to go blind when it comes to defense. We have to start wearing glasses—and green eye shades—when we look at both budgets.

The bottom line, Mr. President, is that there is no bottom line to this bill. It spends virtually every penny authorized by the budget resolution—despite the fact that specific savings could have been achieved and despite the fact that the military threat we face has declined. We may not have achieved a new world order yet, Mr. President, but we do live in a new world. The threat of hostile Soviet military action has declined and the Communist bloc has collapsed; but the threat created by deficit spending has increased and our need to address critical problems here at home has grown. It is time we adapted to those realities. In some ways this bill does. And in many ways this bill contains creative responses to the military challenges we face. But in my judgment the bill does not constitute an acceptable response to the total environment in which we live. Accordingly, I vote "no."•

IMPRISONED CLERGY IN VIETNAM

• Mr. SIMON. Mr. President, I have been one who has advocated removing the trade embargo from Vietnam and normalizing relations with that country. I believe it would help in resolving the MIA issue and would help in reducing the numbers of boat people because it would give people hope and improve the economy of that country.

But Vietnam sometimes makes it difficult for those of us who favor an improved relationship.

An article in America, "Imprisoned Clergy in Vietnam" by Anne Himmelfarb outlines in unfortunate and very real detail the abuses of human rights that continue to take place in Vietnam.

If our friends in Vietnam are serious about wanting an improved relationship with the United States, they also have to look at an improved human rights record in their country.

I ask to insert the article from America magazine into the RECORD at this point.

The article follows:

IMPRISONED CLERGY IN VIETNAM

(By Anne Himmelfarb)

Between April and September 1990, the Vietnamese Government launched a vicious campaign against religious leaders, journalists, writers, intellectuals, student leaders and foreigners. The wave of repression, a response to disorder and weakness in the Communist world and to Vietnam's own economic ills, recalled the worst days following the fall of Saigon. Arbitrary arrests, detentions, sham trials, indoctrination in "reeducation" camps, inhumane prison conditions and torture were all documented in Vietnam in 1990 by the U.S. State Department and independent human rights groups. The State Department puts the number of Vietnamese political prisoners detained without charge or trial in the thousands.

Even as these atrocities have been coming to light, the push to normalize our relations with Vietnam has been gaining momentum on Capitol Hill. Some in Congress—both liberals and conservatives—strongly believe that recognition of Vietnam is overdue. In

1987, Senator John McCain (R., Ariz.) introduced a resolution that would have established interest sections, or unofficial government offices, in Vietnam as a way of leading to full diplomatic relations with that country. Two influential Members of the Senate Foreign Relations Committee, Richard Lugar (R., Ind.) and Alan Cranston (D., Cal.), urged President Bush, in an October 1990 letter, to lift the nonstrategic trade embargo. Initiating trade with Vietnam, they argue, will open up new markets to U.S. businessmen, and an "added U.S. presence and increased commercial contact will contribute to an improvement in human rights practices." So far, President Bush is resisting, dissatisfied with the pace of progress on the Prisoner of War/Missing in Action (P.O.W.-M.I.A.) issue and with the level of cooperation on a Cambodian settlement.

The myth that "increased commercial contact" has a salutary effect on human rights practices should have been laid to rest by the U.S. experience with China, which crushed democratic demonstrations while enjoying "Most Favored Nation" trading status with the United States. Reestablishing trading relations will indicate to the Vietnamese Government, not outrage with its repressive tactics, but acquiescence.

The campaign against religion in Vietnam offers Americans a good measure of that Communist Government's contempt for rights in general. Freedom of belief is literally and conceptually the primary American freedom; guaranteed by the First Amendment, it is the freedom on which others—freedom of expression, of the press of assembly—depend. A government that refuses to recognize this most fundamental right is by definition totalitarian and incapable of permitting other liberties.

Persecution of clergy as a means of undermining religion is a time-honored policy of Vietnamese Communism, which has historically sought to suppress all ideological competition. With the fall of Saigon in 1975, the authorities immediately began the effort to crush Buddhism, Christianity and the indigenous Hoa Hao and Cao Dai sects in the South, having already done so in the North. A central part of this campaign was the arrest and internment in "reeducation" camps of clergy of all faiths. The charges brought against these religious leaders were the same as those being leveled against Vietnamese clergy today: "criticizing the political system," "fomenting unrest" and "possessing and disseminating counter-revolutionary propaganda."

The Communists also expelled foreign missionaries, closed down places of worship and religious presses and confiscated religious property. They seized and either closed or nationalized religious schools, seminaries, hospitals and orphanages. In a poignant symbol of the subjugation of religion to the state, the large Evangelical Nha Trang Seminary was shut down and reopened as a coastal defense installation.

Though Vietnamese citizens have the right in law to practice religion as they choose, Hanoi tolerates religion only in the service of the state. A 1977 party policy statement expresses the Government's aim of educating and motivating religious groups "to implement political tasks set forth by the party." To further that aim, it has established state-run religious associations (the Vietnam Buddhist Church, the Committee for the Solidarity of Patriotic Vietnamese Catholics and the Protestant Association), which, like their counterparts in China, deprive individual faiths of their autonomy and seek to use religion as an instrument for achieving socialist goals. The state's long-term goal is the complete eradication of religion.

The practices of the "reeducation" camps in which clergy (as political prisoners) are interned violate Vietnam's own Constitution, which prohibits torture and maltreatment of prisoners. Established to educate "the enemy of the proletarian class," these camps subject inmates to backbreaking manual labor and lengthy indoctrination sessions. Malnutrition and its attendant illnesses are common, and medical treatment is rare. Torture, including shackling of prisoners in tiny darkened cells or steel boxes exposed to the sun is widespread, and those attempting to escape from camps are executed. The case of Yoshida Ganshin, a Buddhist monk charged with "anti-governmental activities" and alleged theft, is a good illustration of the camps' brutal practices. Ganshin's 13 years of "reeducation" involved torture with electric shocks that left him without the use of his legs.

Exact data are difficult to come by in a closed society such as Vietnam, but Amnesty International estimates that at least 40 such camps were in operation as of early 1990. Camp conditions have changed very little since the early years of the regime, when, according to the Aurora Foundation, a Vietnam human rights group based in California, inmates died at the rate of 10 to 15 percent a year. Although a series of amnesties in the late 1980's freed thousands of political prisoners, many of the clergy have since been reimprisoned under Vietnam's revolving prison door policy. In 1981, the Aurora Foundation reports, acting Foreign Minister Hoang Bich Son stated that political prisoners were rearrested at a rate of 60 percent.

One of many clergy now serving a second jail sentence is the Rev. Dominic Tran Dinh Thu, an 84-year-old Catholic priest convicted in October 1987 of "propagandizing against the socialist system, sabotaging the solidarity policy, disturbing public security and terrorism"—all for holding adult religious education classes. The founder of the Congregation of the Mother Co-redemptrix, an indigenous Catholic religious order, Father Dominic chose to stay in his homeland after the Communist takeover while most of his community moved their base to Carthage, Mo. Having spent two years in solitary confinement following his first arrest in 1975, he was rearrested on May 15, 1987, and sentenced to life imprisonment. The sentence was later commuted to 20 years, though this can make little difference to an octogenarian.

After an initial period of internment in a harsh-regime prison off the Vietnamese mainland, Father Dominic is now being held at an indoctrination camp in Long Khanh, Dong Nai Province. Fourteen other priests of his order are interned in the same prison. As of late February 1991, he was being kept in an isolation cell, and his health was deteriorating. Father Dominic was offered a release on the condition that he renounce the priesthood, but he refused.

Father Dominic's case is far from unique:

On Feb. 22, 1991, the Rev. Dinh Thien Tu, an influential Protestant leader, was arrested. According to News Network International, Tu was charged with "abusing religious duties and being involved in social work without permission and with political ambition"; he has been sentenced to three years in a forced labor camp. On Feb. 25, 1991, Pastors Ai Dinh Tran and Vo Van Lac were arrested for unknown reasons.

Father Chan Tin, a 70-year-old Catholic priest who criticized the Government throughout the 1980's for its religious policy, was placed under house arrest on May 16, 1990, along with his associate Nguyen Ngoc Lan. They were charged with "carrying to activities aimed at opposing socialism, sowing dissension among religions, undermining the solidarity between religious and secular life, and compiling and supplying documents to other countries for use against the people's authorities."

In June 1990, authorities arrested 3,500 members of the Cao Dai, an indigenous Vietnamese sect in Tay Ninh Province and charged them with "harboring reactionary and counter-revolutionary troops." Two months later, over 1,000 Cao Dai believers in the same province were arrested.

On Aug. 15 and 16, 1990, Father Nguyen Van De, Sister Nguyen Thi Nhi and nine other Catholic leaders were tried in Ho Chi Minh City (Saigon), convicted of "spreading propaganda aimed at falsely portraying Vietnam's religious policy," and sentenced to between two and ten years in prison. Their "crime" was the translation and distribution of spiritual literature and prayerbooks from abroad.

Buddhist scholars Thich Tue Sy and Thich Tri Sieu were arrested with 12 other Buddhist monks and nuns in 1984, reportedly because the Government was uneasy with their growing popularity among Northern intellectuals. The Buddhists were detained for four years—some of them incommunicado—until being convicted at a mass trial of taking part in subversive activities. Thich Tue Sy and Thich Tri Sieu were given the death penalty. After international protest, the sentence was commuted to 20 years in prison. According to a report received in December 1989, Thich, Tue Sy has been transferred to an isolated camp in Xuan Phuoc, Phu Kanh Province, where he is believed to be suffering from malnutrition.

Le Thanh Que, S.J., was one of eight Jesuit priests tried as subversives and counter-revolutionary propagandists in June 1983 after they published their religious beliefs in a church newspaper. Now seriously ill with diabetes, high-blood pressure and psychological problems, Father Le Thanh Que is serving a 15-year sentence in indoctrination camp Z30 in Xuan Loc district, Dong Nai province.

Protestant pastors Nguyen Huu Cuong and Ho Hieu Ha suffered arrest and the closure of their Ho Chi Minh City churches in 1983 for refusing to join the Government-run Protestant Association. on Aug. 27, 1987, after four years of detention, the two pastors were convicted at a one-day trial. Found guilty of anti-revolutionary propagandizing, aiding illegal departures from the country and receiving money from abroad, they were sentenced to eight years, but were then just as arbitrarily released.

Buddhist monks Thich Quang Do and Thich Huyen Quang, critics of the Government's violations of human rights and leaders in the "outlawed" Unified Buddhist Church, have been detained since Feb. 25, 1982. Judged to be "a danger to order and security in important political, economic and strategic areas," they were exiled from Ho Chi Minh City and placed under house arrest in their native villages.

Vietnam's campaign against religion involves more than the arrest and imprisonment of clergy, however. The Government has systematically sought to undermine the autonomy of religious institutions in Vietnam and to inhibit ordination of clergy and enrollment in seminaries. It also restricts the publication of religious materials, subjects sermons to Government approval, prohibits any sort of proselytizing and limits the movement of clergy.

The Government's effort to undermine religion in Vietnam by crushing clerical leaders has been alarmingly effective. As of 1987, the 300,000 Catholics of the Hanoi Archdiocese were served by 25 priests—five priests fewer than the 30 currently believed to be imprisoned in indoctrination camps. By late 1989, few priests in Northern Vietnam were under the age of 60. Although the number of Protestants seems to be growing among the Montagnards, an ethnic minority living in the highlands, their church as an institution has been virtually destroyed by the imprisonment of clergy and laypeople alike. With the loss of many of its monasteries, Buddhism, as it existed in Vietnam for 1,800 years, is also now in danger of dying out. Whether it survives as an institution in Vietnam may hinge on the support—and protest—of the rest of the world.

U.S. legislators, as well as some U.S. Catholic bishops and other clergy, have been persuaded, after talking with Vietnamese officials in the last year, that the Government's religious policies have changed. But Communists in Hanoi have been talking out of both sides of their mouths for a long time. Vietnam's Constitution, while granting religious freedom, also sets forth the principal justification used to persecute religious people in stipulating that religion cannot be used to violate the law. "We respect the people's freedom of belief and disbelief," claims a 1987 statement of the Government's religious policy, "and at the same time sternly punish under the law those individuals who take advantage of religion to oppose the revolution." The Government's duplicity is painfully apparent in the treatment of the elderly Father Dominic, whose life sentence was handed down just five months after Secretary General Nguyen Van Linh had conceded past errors in dealings with Catholics and promised to respect religious freedom.

In the last year, the Vietnamese Government has not deviated from its cruel and duplicitous stance toward religion, a stance that construes loyalty to one's faith as subversive and that sees clergy as "reactionaries in priests' clothing." While the persecution of clergy continues, institutional religion in Vietnam grows ever weaker and Vietnamese believers suffer physically and spiritually. Hanoi's eagerness to do business with the United States should be used as leverage to gain concessions on democratic reforms. Freeing imprisoned clergy and allowing religious freedom is a good place to start.•

KANSAS CITY, MO, LIFE UNDERWRITERS 100 YEARS OF SERVICE

• Mr. BOND. Mr. President, today I would like to take a few moments to recognize the Kansas City, MO Life Underwriters for their dedication and service to the community for more than 100 years.

Their exemplified quality of voluntarism and dedication to the community has made a difference in the lives of others. The Kansas City Life Underwriters Public Service Program, Insurance Olympics, has raised over $200,000 in the last 5 years for the Leukemia Society. They have been actively raising money and collecting food for the Salvation Army. The good deeds do not stop there. The Kansas City Life Underwriters are participants in local blood drives and have been a strong supporter of the Bone Marrow Registry.

In 1988 and 1989 they helped raise over $5,000 in contributions for the Jerry Lewis Muscular Distrophy Telethon. It is important that we remember to help those less fortunate than ourselves. The Kansas City Life Underwriters are a true inspiration to others.

Mr. President, I would like to extend my sincere congratulations to the Kansas City, MO, Life Underwriters for their service and commitment to the community. Various organizations and the State of Missouri have benefited from their hard work, and we look forward to their continued dedication to the service of others.•

THE 75TH ANNIVERSARY OF VFW GEN. JOSEPH WHEELER POST NO. 62, JERSEY CITY, NJ

• Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 75th anniversary of the founding of the Veterans of Foreign Wars, Gen. Joseph Wheeler Post No. 62 located in Jersey City, NJ.

The Wheeler Post was organized in 1908 as the Lieutenant Walter Lee Post No. 4 of the American Veterans of Foreign Service. It was envisioned that the post would be composed of volunteers who had served during the Spanish-American War or other campaigns which might follow. At the time, there were no such organizations in New Jersey. The post continued until 1912 when the name of Gen. Joseph Wheeler was adopted and the post was designated as No. 62 of the American Veterans of Foreign Service. However, on February 10, 1916, Post No. 62 was officially recognized by the Veterans of Foreign Wars, a congressionally chartered veterans' organization.

Post No. 62 was named after the great Gen. Joseph Wheeler, a military leader during both the Civil and Spanish-American Wars. He was born in Georgia on September 10, 1836, and spent his childhood there. While still a youth his family moved to Connecticut where he grew into manhood. Joseph Wheeler graduated from the U.S. Military Academy at West Point in 1859. He served in the Civil War, was wounded three times and rose to the rank of Lieutenant General.

After the Civil War, General Wheeler took up the profession of law and in 1880 he was elected to his first of three terms as a Representative in the 47th Congress.

The General also served during the Spanish-American War where he negotiated the surrender at Santiago. In 1900 he was appointed to the rank of Brigadier General of the U.S. Army. In September 1900, he retired. Gen. Joseph Wheeler died in Brooklyn, NY on January 25, 1906, at the age of 69.

In 1915, the Ladies' Wheeler Post Auxiliary was organized and instituted. The auxiliary members, to this day, conduct many acts of charity for veterans and their families. Throughout its existence the Wheeler Post has always been at the forefront to assist veterans in need. In 1920 the post conducted 42 military funerals for World War I veterans. Over the years post members continually visited hospitals and homes for the sick. They also visit prisons where they assist incarcerated veterans with their problems. As the Wheeler Post grew, the needs of the members became more varied and in 1955 this led them to form a blood bank which would serve the veterans and their families.

Today, 75 years later, the Wheeler Post is still known for its civic work. The members hold memorial services throughout the year by laying wreaths at graves and monuments in their community. The veterans of Gen. Joseph Wheeler Post No. 62 and their auxiliary members ensure that the memories of their brothers and sisters never become clouded by time and that the importance of their sacrifices never fade away.

I would like to extend my warmest congratulations to all the members of Veterans of Foreign Wars, Gen. Joseph Wheeler Post No. 62 for reaching this significant milestone in its history.•

STATEMENT BY THE HONORABLE YOHEI KONO

• Mr. SIMON. Mr. President, over the August recess, I had a chance to read a statement by the Honorable Yohei Kono, chairman, Foreign Affairs Committee, Liberal Democratic Party and a member of the Diet, on the 50th anniversary of Hiroshima.

In his remarks, he apologizes in behalf of Japan for the Pacific War and takes a conciliatory stand that is a credit to him and the people of Japan.

Leaders of every country, including the United States, would be wise to recognize the wisdom and generosity of this example.

At this point, I ask to insert into the RECORD the statement of the Honorable Yohei Kono.

The statement follows:

HIROSHIMA AND PEARL HARBOR

(By Yohei Kono)

Japan owes the United States and Asia an apology for the Pacific War. The 50th anniversary of the attack on Pearl Harbor is a dramatic opportunity to reassure the international community, which is waiting to see how we contribute to the "new world order" and take political initiatives benefitting our economic power.

Americans have become more critical of Japan not only because of the trade imbalance and remarks by Japanese politicians that offend minority groups, but because they are dissatisfied with our support of the allied effort in the Gulf War.

Anti-Japanese feelings will intensify later this year as U.S. veterans' groups and other organizations hold commemorative events to mark Dec. 7.

There is no magic formula for alleviating American hostility toward Japan. Given the two nations' rivalry in world markets, conflicts of interest are inevitable for the time being. Both countries need the wisdom to cope patiently with trade friction.

Japan's past failure to vow never to repeat such deeds as the colonization of Korea, invasion of China and seizure of other parts of Asia during World War II has made people in the region distrustful of Tokyo and impeded our efforts to play a constructive international role.

During a visit to Singapore in May, Prime Minister Toshiki Kaifu became the first Japanese premier to express publicly heartfelt regret for the "unbearable suffering and sorrow" Japan inflicted during the war. This important action should be constantly reinforced by appropriate expressions of remorse and sincere repentance. We have to be very careful not to offend our neighbors by distorting the history of Japan's aggression.

Cooperative relationships with the advanced industrial democracies, particularly the United States, and with countries in the Asia-Pacific region are the keystone of our foreign policy. Accepting moral responsibility for the past is a prerequisite for amicable ties. The "peace proclamations" issued by the mayors of Hiroshima and Nagasaki at ceremonies marking the atomic bombings on Aug. 6 and Aug. 9 are an ideal forum for addressing the world.

For the past decade I have participated in these observances on behalf of the Japanese Parliamentary Association for the Promotion of International Disarmament, but one aspect has always bothered me.

Of course I extend my sympathy to A-bomb victims, their relatives and the survivors who still suffer from radiation. But these proclamations speak of Hiroshima and Nagasaki without mentioning the ultimate cause of the tragedies: Japan's aggression in Asia and the December 1941 attack against the United States and Great Britain.

People from other countries who hear or read these statements must think we are indifferent to the massive loss of life and devastation Japan brought on. Americans may also feel that laments about the atomic holocaust devoid of reference to Pearl Harbor are one-sided and inflammatory.

Since 1989, the Nagasaki proclamation has noted the surprise attack on Pearl Harbor, and last year it also touched on Japan's colonization of Korea and the war against China (1931–45). This year, the Hiroshima declaration should include similar references. Prime Minister Kaifu, too, ought to allude to this historical context at both ceremonies.

The people of Hiroshima, in deciding on the content of their statement, should bear in mind that it attracts worldwide attention. This August is a chance to make amends for Pearl Harbor.●

GREEN THUMB

● Mr. BOND. Mr. President, today, I would like to take a few minutes to recognize the Green Thumb Programs of America. The Green Thumb Program is a national nonprofit employment and training organization for older, impoverished Americans. Established 25 years ago today, Green Thumb has more than 18,500 participants in 44 States and Puerto Rico. They are able to place more than 20 percent of these outstanding older workers in permanent jobs each year.

Green Thumb has dramatically improved the lives of all of those it touches. It has provided a source of income that has enabled the older workers to pay for many necessities of life that they might not otherwise be able to afford. It also has provided these mature citizens with a sense of purpose and new friendships that a job can offer. Older workers are then able to enrich other lives in their communities—children and teenagers, the ill, the lonely and homebound, and the general public who drive over improved roads, play in parks, in use libraries, and visit historical sites where Green Thumb enrollees work.

Mr. President, the State of Missouri has been fortunate enough to have the Green Thumb Organization working in its communities since 1972. I would like to thank them for providing the older, dependable workers with the opportunities to do the many worthwhile projects that have so greatly benefited our State. And I would like to offer my congratulations to Green Thumb as they celebrate their 25th anniversary, and my best wishes for many more years of continued success.●

DR. GOLDSTEIN AND DR. KUNG

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Dr. Gideon Goldstein and Dr. Patrick Kung, two men who have made tremendous strides in kidney transplant research.

In the 1970's, nearly half of all the kidney transplants failed. The drugs used to prevent the patient from rejecting the kidney showed little success. This was a heartbreaking project as the patients and their families worked so desperately to find suitable donations but to no avail as the patient's chances of rejection were so high.

When Dr. Goldstein was teamed with Dr. Kung, both of Johnson & Johnson's Ortho Pharmaceuticals Corp., they discovered and created a series of antibodies that worked to clear harmful cells and facilitate the acceptance of a transplanted kidney. In 1981, the New England Journal of Medicine published the results of the monoclonal antibodies. When a patient was at risk of rejecting a kidney, they were administered the antibody. In a matter of hours, the destructive cells were cleared from the transplant patient and the rejection process was subsequently reversed. These same antibodies have been tested for a wide range of possibilities in other medical situations such as rheumatoid arthritis and graft-versus-host disease.

Originally from Australia, Dr. Goldstein had no intentions of working with therapeutic antibodies. However, Dr. Kung had experience in tagging cells. Cooperating together, these two doctors have put their names in medical textbooks. By demonstrating the great potential of these antibodies, this pair has sped up the FDA's review of biotechnology drugs. They have also earned the gratitude of transplant patients.

As a result of their breakthrough, Dr. Goldstein and Dr. Kung will be presented with the Discoverers Award given by the Pharmaceutical Manufacturers Association. This annual award is given to scientists whose research has benefited mankind. The contributions made by these two men advances medical knowledge and expertise. I commend these doctors for demonstrating the very best of today's science. Their work required dedication and belief in what they were doing. I thank them for improving the quality of life.

[From Sundstrand Today, July 26, 1991]

SUPPORTING SMALL BUSINESSES STRENGTHENS OUR MANUFACTURING BASE

The government's Small and Small Disadvantaged Business (S/SDB) programs are designed to develop our country's small and minority owned businesses. Sundstrand supports this program and is taking steps to exceed the goals established in our subcontract plans prepared for each government contract we receive. Only by developing our Small and Small Disadvantaged Businesses will our country's military and commercial manufacturing base remain sound.

Sunstrand's Small Business Liaison Officers (SBLOs) welcomes, and in fact needs, your support in achieving the Company's goals. The following will introduce you to the SBLOs and their programs.

Bernie Weiss, Vice President, Contracts, Compliance and Management Services, serves as the Socio-Economic Executive for the Corporation. He is responsible for the overall success of the programs within the Corporation. He has been active in the institutionalization of the senior design project with Howard University.

Terry Hargrove, Manager of Procurement Administration, Aerospace, is the Corporate SBLO. He coordinates the efforts of the SBLOs within the Corporation. He also represents the Corporation's S/SDB concerns at meetings with various organizations.

Kaye Marion is the SBLO and Purchasing Administration Manager for the Power Systems division. Kaye is leading one of Sundstrand's most successful SDB programs. Power Systems consistently exceeds the government goals and has been recognized by the San Diego Small Business Administration Office for outstanding performance. Their participation with SDBs in the Hispanic community of San Diego contributed largely to Sundstrand's receipt of the Congressional Hispanic Aerospace Award in 1990.

Lee Zollar is the Aerospace Rockford SBLO and Competition Advocate. He is active with local organizations and is frequently called upon to participate in panel and round table discussions with members of the Small Business Administration and other corporations. Lee's activities have been recognized by Senator Sam Nunn, Chairman of the Senate Armed Services Committee and Congressman Les Aspin, Chairman of the House Armed Services Committee.

Sundstrand Data Control's Small Disadvantaged Business team is made up of Dave Gmahl, Material Manager; John Rogers, Procurement Manager; and Steve Sudol, Small Business Liaison Officer. Redmond's SDB program has been recognized by the Puget Sound Defense Contract Management Area Operations office for being the only company in the region to consistently meet or exceed the goals for S/SDB awards.

Gayle Harvey is the SBLO and Director of Corporate Purchasing and Facilities for Sullair. While Sullair's government sales are limited, they continue to strive to add qualified Small and Small Disadvantaged Businesses to their supplier base. They have been active with local organizations and contribute greatly to the Corporation's programs.

Falk's team consists of Harold Anderson, Purchasing Manager, and Roger Krystowiak, SBLO. Falk supports Milwaukee area associations and recently participated in the Milwaukee Association of Purchasing Management Disadvantaged Business Day. Falk matches suppliers' abilities with their needs, and provides technical and quality assistance to assist them in meeting Falk's requirements.•

SUNDSTRAND'S COMMITMENT TO SMALL AND SMALL, DISADVANTAGED BUSINESS

• Mr. SIMON. Mr. President, Congress has established a variety of programs and policies to encourage and provide incentives for companies that contract with the Federal Government, that use small and small, disadvantaged businesses in meeting the Government's needs. Recently, the Congress established as a governmentwide goal that 20 percent of all Government contract and subcontract dollars should be awarded to small business and that 5 percent of all Government contract and subcontract dollars should be awarded to small, disadvantaged businesses.

Most major Federal Government contractors have a well-established program for identifying and using small and small, disadvantaged businesses in their purchases. Today, I want to note the accomplishments of one of those companies in my State—Sundstrand Corp., headquartered in Rockford.

According to reports filed with the Department of Defense, through the first half of this fiscal year, Sundstrand has place 66 percent of their subcontract purchase dollars with small business and 6.1 percent with small, disadvantaged businesses.

In further support of their commitment, the company published an article in their companywide newspaper, Sundstrand Today, describing the people and the efforts made in supporting small business.

I ask that the text of this July 26, 1991 article be inserted into the RECORD at this point.

The article follows:

EXCEEDING GOVERNMENT GOALS

The government has established goals for contractors to meet in supporting the Small and Small Disadvantaged Business program. The goal is to spend 20 percent of subcontract dollars on small businesses and 5 percent on small disadvantaged businesses. Sundstrand's results for the first half of fiscal 1991 (October 1, 1990—March 31, 1991) are as listed.

[In percent]

	Small	SDB
Aerospace (Rockford)	60	2.0
Falk	80	2.8
Sullair	33	0.02
Sundstrand Data Control	62	5.5
Sundstrand Power Systems	69	9.0
Total Corporation	66	6.1

"Overall the Corporation is doing quite well, however, each division reports separately," said Terry Hargrove. "This being the case, we could use some improvement in the area of Small Disadvantaged Business subcontracting."•

CELEBRATING OATS, INC., 20TH ANNIVERSARY

• Mr. BOND. Mr. President, I would like to take a few moments to recognize Oats, Inc., on their 20th anniversary. Oats, Inc., has been devoted to serving others for two decades.

Oats provide specialized transportation for the elderly, disabled, and rural citizens of Missouri. Oats volunteers are a true inspiration to others. They have found fulfillment in their lives by volunteering their time and talents in order to help those less fortunate than themselves.

Mr. President, I would like to extend my congratulations and best wishes to Oats, Inc., for 20 years of service to others, and hopes for continued success in the future.•

EDWARD J. OPALACZ

• Mr. DODD. Mr. President, Edward J. Opalacz has devoted his life to serving the public at virtually all levels. A member of the American occupation force in Japan during World War II, "Eddie" Opalacz served our country for 4 years of active duty. He attained the rank of colonel before being discharged in 1946.

After valiantly serving our country, Eddie began to concentrate his efforts on serving the State of Connecticut. In 1949, he was elected to the State House of Representatives, and it was here that Eddie began what would amount to more than 40 years of outstanding public service to the State of Connecticut. Eddie served as a State senator representing the 33d District in 1951, 1953, and 1955. During his reign as State senator he held the respected and important position of chairman of the senate appropriations committee. As chairman he was instrumental in obtaining the necessary funding for many worthy projects including the Wadsworth State Park in Middlefield.

At the local level, Eddie has demonstrated his commitment to education and the youth of Middletown by actively supporting the construction of Xavier and Mercy High Schools. Eddie is also an active fundraiser and participant in various athletic programs and activities including the YMCA and the Polish Falcons.

Mr. President, Edward Opalacz has served the public at the national, Federal, and local level. He is a credit to us all, and particularly to those of us in the State of Connecticut. His commitment and energy are truly commendable, and it is an honor to pay tribute to him.•

TRIBUTE TO NELL ASPERO, MEMPHIS, TN

• Mr. SASSER. Mr. President, I rise today to pay tribute to Mrs. Nell Aspero of Memphis, TN, for her exemplary 50-year career in the law profession. It is with great pride that I recognize Mrs. Aspero on behalf of all Tennesseans as a pioneer and innovator in her field.

Mrs. Aspero abandoned a career as a piano instructor in 1936 to begin her law studies at the University of Tennessee where she was the only female law student. When she passed the bar in 1938, only two women were practicing law in the city of Memphis, and Mrs. Aspero became the first female attorney from Memphis licensed to practice before the U.S. Supreme Court.

Mrs. Aspero sought to further the role of women in the law by organizing the women's section of the Bar Association of Tennessee—the first organization of female lawyers in my State. Her enduring commitment to professional equality has forged new paths for women who otherwise might have been faced with prejudice and chauvinism.

A native Tennessean, this remarkable woman holds degrees from Southwestern College, Memphis State University, and a law degree from the University of Memphis, later part of Memphis State University.

Mr. President, I join all fellow Tennesseans in commending Nell Aspero for her distinguished career as an attorney and for her many valued contributions toward professional equality for women in the practice of law. Furthermore, I extend to her my best wishes for continued success in all her future endeavors.•

WHO KILLED THE A-12?

• Mr. D'AMATO. Mr. President, the latest issue of Proceedings includes a letter in the comment and discussion section from Comdr. Jim Hays, USN (retired). I believe that Commander Hays perfectly captures both the unique aspects and proper focus and future of naval aviation.

I commend this essay to my colleagues, and ask that the full text of the letter be printed in the RECORD immediately after my remarks.

The letter follows:

WHO KILLED THE A-12?

(By Comdr. Jim Hays, U.S. Navy, Retired)

The recent cancellation of the A-12 program could be just the opportunity the Navy needs. We can redefine our mission in light of what is possible with existing platforms, and get ourselves off an agonizing hook.

Naval aviation communities tend to be fairly parochial, and tend to blow a lot of smoke about each particular community's capabilities. Unfortunately, this smoke rises to the top of the National Command Authority, where in competition with smoke from other services, it may obscure reality. Well, the other services will have to explain their failures in due time. Most naval air tacticians I know realize that the "deep strike" so identified with the medium-attack community is a true shot in the dark, at best. The alone-and-unafraid mission to a high-value strategic target deep in enemy territory is very expensive to undertake, and presupposes worthy, attainable, strategic targets beyond tactical aircraft range, yet within the carrier air wing's sphere of responsibility. While each of these concerns raises reservations about putting strategic bombers on the carrier, an accurate definition of the carrier air wing's sphere of responsibility is the key to the future of carrier aviation. Don't we have enough to do without the deep-strike mission? I don't think we can do it, and I don't think we need it. We need to challenge ourselves out of the medium-attack parochial view. Doesn't the national Command Authority already have strategic bombers and ballistic missiles to cover this remote military mission?

I suggest the role of Navy air is to support the maritime strategy of maintaining sea lines of communication (SLOCs) and of supporting that portion of strategy involving power projection ashore. Maintaining open SLOC's involves the carrier air wing's (CVW's) war-at-sea fighting capability. We should look at the CVW's capabilities without regard to those of the surface and subsurface naval forces. The CVW must, above all else, contribute to the establishment of the necessary level of maritime air superiority. Large, sub-sonic aircraft are a step backward in interceptor/fighter design. Air warfare would be better served by replacing the A-6s/A-12s by simply increasing the numbers of F-14s/F-18s on the carrier. For striking the enemy fleet, air-defense suppression, standoff, and shoot-wait-shoot hardware and doctrines have surfaced the S-3B as a truly effective multi-mission platform, in addition to the Tomcat and Hornet. In short, loss of the A-12 will not adversely affect the CVW capability in war-at-sea. In fact, if the deck loading is maintained by simply increasing the numbers of S-3Bs/F-18s/F-14s in place of the A-6s/A-12s the CVW will better complement the warfighting capability of attack squadrons.

In power projection, I view the carrier as a tactical platform. The carrier's strategic implications come from her mobility and tactical potential once in the area of concern, not in having an embarked strategic bomber. The large, slow, relatively vulnerable-in-daylight A-12 would have tied up a significant portion of the flight deck with a platform that has restricted tactical application, compared with existing tactical platforms such as the Hornet, Tomcat, or the Strike Eagle—all of which can strike with precision, self-escorted, day or night. In World War II, Korea, Vietnam, Lebanon, Libya, Grenada, and Panama, carrier aviation has been tasked to provide tactical air power, not strategic deep strikes. The carrier-based, subsonic strategic bomber does not qualify as a dinosaur—it's a myth.

Ultimately, the dying gasp from the medium-attack community will ask about range. The answer is we don't want it. The alone-and-unafraid deep-strike platform is incompatible with the typical sphere of responsibility. Now is our chance to redefine our capabilities in power projection along lines we know are realistic and compatible with a martime strategy we are happy supporting, based on the loss of the medium-attack A6/A-12. This is more accurately described as a transition from medium attack to the strike-fighter community. This will complete the transition of Navy attack begun by the light attackers when they had the foresight to come up with a strike fighter as their own replacement. The carrier air wing will emerge from this transition as a hard fighting asset with tactical flexibility and the strategic mobility of the carrier.

I frankly do not view this loss of next-generation technology as total. It can be in the next aircraft we buy. We do not need that technology soon. It appears that a little stealth is cost-effective for a carrier based strike-fighter, but a lot is not.

Naval advocates in the National Command Authority need not represent the carrier as an end-all do-all asset. It has limitations, and naval aviators who grow up to be somebody without losing their parochial blinders simply overload our agenda. We are facing significant budget cutbacks, so why not take something off our agenda? Whether we adapt the F/A-18 or an F-14 strike version to replace the A-6, we can come out of this smelling like a rose—with the same or better operating and training budget the same or better deck loading, a more palatable obligation to the National Command Authority, and an air wing capable of delivering what we promise. Let's take this opportunity to redefine our sphere of responsibility in light of what is possible, without medium-attack/deep strike, and get ourselves off our painful hook.•

ADDITIONAL COSPONSORS TO S. 1562—THE SELF-RELIANCE SCHOLARSHIP ACT

• Mr. BRADLEY. Mr. President, as we return to business here, many of our children and our constituent's children are returning to school. Some are starting college; some just beginning the years of talking tests and planning for higher education. Some are already working, and thinking about how to obtain the education they need for better jobs. For all, it is a stressful time, not only because of the academic challenges ahead, but because of the incredible cost of better education.

When I was home this August, visiting with New Jerseyites on the shore and in our schools and neighborhoods, I was very pleased by the enthusiastic reaction to my proposal for self-reliance scholarships as a solution to the skyrocketing cost of higher education. Self-reliance would provide any American, at any age up to 50, as much as $33,000 for higher education, to be paid back as a small percentage of the higher income that education makes possible. On returning to Washington, I have been pleased to see that my colleagues have responded as enthusiastically to the self-reliance idea as have New Jersey families.

In particular, I would like to thank my distinguished colleague on the Labor and Human Resources Committee, Senator BINGAMAN, for lending his support and insight to the self-reliance idea. Senator BINGAMAN's work to improve American education has been extraordinary in its breadth and diligence. I believe that he and I share the view that we must demand more from American students, but that we must also promise them more. If they study, work hard, possess ability and try to make the most of it, they should be able to go to the college or university that's right for them, without family income being a barrier. I would like to add Senator BINGAMAN as a cosponsor of S. 1562, the Self-Reliance Scholarship Act.

Further, I understand that my colleague Senator LIEBERMAN was also at home in Connecticut during July and heard the same kind of enthusiasm from families in that State for a new way to pay for college. I am very pleased to have Senator LIEBERMAN's support, and would ask that he, too, be added as a cosponsor to S. 1562.

It is good to have confirmation that the self-reliance scholarship option is indeed an idea whose time has come. I ask unanimous consent that Senator BINGAMAN and Senator LIEBERMAN be added as cosponsors of S. 1562.•

SEQUENTIAL REFERRAL

Mr. HARKIN. Mr. President, I ask unanimous consent that Calendar No. 168, S. 1088, the Tobacco Product Education and Health Protection Act of 1991, be sequentially referred to the Committee on Commerce, Science and Transportation, for the remainder of this calendar year; and that if S. 1088 is not reported by the Committee on Commerce, Science and Transportation within that time, the bill then be automatically discharged and returned to the calender.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, September 11, that following the prayer, the Journal of Proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein; that during morning business Senators GORE and ROCKEFELLER be recognized to speak for up to 20 minutes each; and that

Senator SIMON be recognized to speak for up to 10 minutes, further that at 10 a.m. the Senate resume consideration of H.R. 2707, the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator INOUYE and Senator KASTEN be recognized to speak for up to 5 minutes and that at the completion of their remarks the Senate stand in recess as under the previous order until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

ABSORPTION GUARANTEES HUMANITARIAN ASSISTANCE FOR SOVIET AND ETHIOPIAN REFUGEES RESETTLING IN ISRAEL

Mr. KASTEN. Mr. President, I, first of all, ask unanimous consent that an amendment that I intend to propose on behalf of myself and the Senator from Hawaii [Mr. INOUYE] be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 28, between lines 20 and 21, insert the following:

Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 226. LOAN GUARANTEE PROGRAM FOR RESETTLEMENT OF REFUGEES IN ISRAEL.—(a)(1) During the period beginning on October 1, 1991, and ending on September 30, 1996, the President shall issue guarantees against losses incurred in connection with loans to Israel for the purpose of providing economic assistance to Israel and the economy of Israel in connection with the extraordinary costs occasioned by Israel's humanitarian undertaking to resettle and absorb Soviet and Ethiopian refugees. The authority of this subsection is in addition to any other authority to issue guarantees for any such purpose.

"(2) The total principal amount of guarantees which may be issued under this subsection in any fiscal year shall not exceed $2,000,000,000, except that, in the event that less than $2,000,000,000 of guarantees is issued in any fiscal year, the authority to issue the balance of such guarantees shall be available in any subsequent fiscal year ending on or before September 30, 1996. Each guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans. Loan guarantees shall be made in such increments as the government of Israel may request. The guarantee for each such increment shall be obligated and committed within 30 days of the request therefor, and the issuance of the guarantee for each such increment shall occur within 60 days of such request, unless a later date is selected by the government of Israel.

"(b) The standard terms of any loan or increment guaranteed under this section shall be 30 years, with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest, on a level-payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

"(1) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(2) in the case of any loan issued on an interest-bearing basis, the stated principal amount thereof.

"(c)(1) Before the issuance of the first guarantee under this section, the Government of Israel shall provide the President with written assurances that such loans will be used only for projects or activities in geographic areas which were subject to the administration of the Government of Israel before June 5, 1967, to be stated in the same manner as was provided in the grant agreement with Israel for fiscal year 1991 under chapter 4 of part II of this Act.

"(2) Section 223 shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222, except that subsections (a), (e)(1), (g), and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal.

"(3) Notwithstanding any other provision of law, fees charged for the loan guarantee program under this section shall be an aggregate origination fee of $100,000,000, payable on a pro rata basis as each guarantee for each loan or increment is issued.".

The loan guarantees authorized pursuant to section 226 of the Foreign Assistance Act of 1961 (as added by this Act) for fiscal year 1992 and for each of the four succeeding fiscal years shall be made available without need for further appropriations of subsidy cost as the fees required to be paid by the borrower under section 226(c)(3) of the Foreign Assistance Act of 1961 reduce the subsidy cost to zero.

Mr. KASTEN. Mr. President, the senior Senator from Hawaii and I will propose an amendment which provides $2 billion in absorption guarantees for fiscal year 1992 and for a like amount in each of the following 4 fiscal years, to help Israel finance absorption costs associated with the resettlement of Soviet and Ethiopian refugees.

The administration has asked that Congress delay consideration of this bill, and Senator INOUYE and I, and others, will continue our dialogue with the administration on that request. In the meantime, we believe it is important that this amendment be put forward so that whatever the timing of its enactment, we can more closely examine the substance of this proposal.

The massive wave of immigration into Israel which began in 1989 continues. Since then, nearly 350,000 have immigrated to Israel, and it is estimated that the total will reach 1 million by the end of 1995.

This tremendous immigration is the fruition of United States policy on Soviet Jewry begun by our late esteemed colleague, Senator HENRY JACKSON. Through successive administrations going back 20 years, we made the free immigration of Soviet Jews a cornerstone of United States foreign policy. The scope of this current immigration is unlike anything Israel has seen since after World War II and the creation of the State. It represents nearly a 25-percent increase in her total population.

This legislation answers many concerns expressed by our colleagues and others, including the administration, in a manner we believe will result in support from all parties involved. I would like to explain some of its provisions.

As requested by the Government of Israel, this bill provides loan guarantees to Israel to help defray the extraordinary costs of resettling and absorbing Ethiopian and Soviet refugees. The program is similar to the $400 million housing guarantee we provided last year.

The loan guarantees under the legislation shall be obligated and committed within 30 days of the request, and issued within 60 days of the request.

On the matter of subsidy costs, the legislation provides for an aggregate origination fee of $100 million, payable to the U.S. Government on a pro rata basis as each guarantee for each loan is issued. In other words, Israel will pay for the subsidy cost. The credit reform law requiring subsidy appropriation states that any such subsidy is net of any fees paid to the U.S. Government.

Under this legislation, we estimate that subsidy costs for Israel are 1 percent. Over 5 years, this is a total of $100 million. We have crafted the legislation so that American taxpayers are not asked to provide any additional funding for these guarantees. Instead, the legislation requires that Israel directly pay this subsidy cost, obviating the need for an appropriation.

Another provision I would like to highlight is one which requires that the Government of Israel, before the issuance of the first guarantee, provide the President with written assurances that such loans will be used only for activities in geographic areas subject to the administration of Israel prior to June 5, 1967. This has been U.S. policy since that time, but insofar as we know, this is the first time it has been written into the law.

Before I yield to Senator INOUYE, I would like to emphasize that our purpose today is to present the legislation so that substantive discussion may begin on the absorption of these refugees. We continue to deal with the administration on the matter of delaying this legislation. It is our hope that when time comes for its enactment, it will receive enthusiastic support from all quarters of our Government.

I ask unanimous consent that the formal request from the Government of Israel be printed in the RECORD along with a study by the sovereign assessment group of Salomon Brothers on the creditworthiness of Israel and a memorandum on the application of the Credit Reform Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REQUEST FOR U.S. GOVERNMENT CREDIT GUARANTEES IN THE AMOUNT OF $2 BILLION PER ANNUM FY 1992–FY 1996

The people of Israel have approached the people and the Government of the United States of America to assist in the humanitarian challenge of rescuing and resettling one million Soviet Jewish refugees in Israel, as well as additional immigrants from Ethiopia and Eastern Europe.

The lessons of World War II serve as a permanent reminder that economic constraints should not block the provision of a safe haven for Jewish refugees in need of protection and resettlement. Ongoing instability in the republics of the former Soviet Union and the tradition of hostility toward Jews in these regions, in particular in times of economic duress, are causes of great concern. Temporary short term financing difficulties must not hinder the exit of Jewish refugees from the Soviet Union, and elsewhere, to safety and freedom. In this era in which there have been increasing manifestations of anti-Semitism in various parts of the world, Israel is committed to provide a haven for Jews seeking a secure home.

To this end, the Government of Israel has requested that the United States Government extend guarantees for credits to be raised on the U.S. capital market in the amount of US$ two billion a year for the fiscal years 1992–1996. These credits are essential for the successful absorption of the refugees immigrating to Israel.

I. IMMIGRATION TO ISRAEL

Since mid-1989, 350 thousand people have immigrated to Israel. It is forecasted that by 1994–95, a total of one million people will have arrived. This forecast depends upon the economic and political developments in the Soviet Union, and on Israel's success in absorbing the immigrants. These immigrants are highly educated, with predominant representation of the natural sciences and technological professions. Approximately 75 percent of the immigrants are of working age, and their labor force participation is relatively high at 60 percent. Among the Soviet immigrants, approximately 25 percent are engineers and architects, 15 percent are technicians and 6 percent are physicians. Israel is sparing no effort or resources in vocational training and adaption of the immigrants, and in the structural readjustment of the economy, to facilitate the absorption of the immigrants. We recognize that this influx of people is both a challenge and an opportunity for the Israeli economy and society.

II. ISRAEL'S MACROECONOMIC OBJECTIVES

Between the years 1990 and 1996, Israel's population and its civilian labor force are expected to increase by one-third. It is projected that the new labor force, combined with complimentary capital investment, will rise to a growth rate of about 8 percent per annum in Israel's private-enterprise business sector. Initially, this growth will be led by a substantial expansion of domestic demand stemming from increased domestic investment. An accelerated expansion of exports will follow, at an annual rate of 9–10 percent per annum (in constant US$).

Increased investment, in particular in infrastructure, is essential to establish the business environment and climate of opportunity necessary to attract the private business initiatives that are required to create new jobs on the requisite scale. Total nonresidential investment in the years 1992–96 is projected to be approximately US$ 70 billion. Residential investment in Israel is undergoing dramatic changes, with the level of new housing starts having quadrupled between the years 1989 and 1991.

Israel's economic stabilization program launched in 1985 was far reaching and comprehensive and extremely successful. Price stability was achieved, with the rate of inflation reduced dramatically. Exports of goods and services grew from US$ 11.2 billion in 1985 to US$ 19 billion in 1990, entailing an average rate of approximately 11 percent per year. The ratio of foreign debt to GDP was reduced from 80 percent in 1985 to 30 percent in 1990.

A principal achievement of the structural reform program, initiated in 1985, has been the reduction of the budget deficit from 11 percent of the GDP in the first half of the 1980's to a balanced budget in the second half of the 1980's. This reflects the government's strict budgetary discipline and its strong commitment to responsible economic management. Legislation has been adopted that prohibits the printing of money as a means of financing budget deficits.

The economy of Israel is very open. The pivotal role of international trade is demonstrated by the ratio of foreign trade to the value of output of the business sector, which is approximately 90 percent. The investment necessary to cope with the immigration will require large-scale imports. These imports include investment goods, such as machinery and equipment, as well as raw materials. The necessary increase in investment in the coming years is exceptionally high, and domestic savings cannot meet all of the requisite needs. It is estimated that, as a consequence, approximately US$ 20–25 billion of additional capital will need to be raised abroad in the years 1992–1996 in order to finance the increased volume of imports. Credit guarantees are being requested for US$ 10 billion out of this sum of US$ 20–25 billion. However, even with the sizable investments forecasted, unemployment will rise above its present level of about 10–11 percent.

The forecast is that the GDP will grow (in constant US$) from 51 billion in 1990 to approximately US$ 75–80 billion in 1995–1996. The percentage rates of change of some economic indicators are estimated as follows:

	1991	1992	1993	1994	1995
GDP	5.9	7.0	7.4	8.0	7.3
Exports	3.7	7.5	8.0	9.4	9.5
Labor Force	5.3	6.6	6.5	6.1	4.7

The economic measures designed to attain these growth rates include a governmental decision to legislate the reduction deficit in accordance with the multi-year budget; accelerating the privatization process; further deregulation of the capital and labor markets; and gradual implementation of comprehensive foreign trade liberalization.

The adoption and implementation of these measures will increase the international competitiveness of the Israeli economy and enhance the prospects for continuing export-led growth. The share of the public sector in the economy will be reduced, and the flexibility of the labor market increased, while at the same time, the quest for macroeconomic stability will be maintained.

III. STRUCTURAL REFORMS IN THE ISRAELI ECONOMY

The economy of Israel has in recent years been undergoing substantial adjustment that places increased emphasis on the role of free-market allocation mechanisms. To enhance the capability of the private business sector to grow at the rate necessary for absorption of the immigrants, the government of Israel is committed to continue the full implementation of the reforms undertaken since 1985.

In particular, the Government is fully committed to accelerate and intensify the privatization process. To this end, the Government instituted in July 1991 a three-member committee of Ministers, chaired by the Prime Minister, that is to approve the sale of Government corporations without granting veto power to the Minister under whose auspices an enterprise falls. Major government-owned corporations for privatization procedures have been initiated or are pending include Israel Chemicals, Bezeq Telecommunications Company, Industrial Buildings Company, Shekem-Military Canteen Services. Controlling interests in the commercial banks, along with their non-banking subsidiaries, are also in the process of sale to private owners.

Comprehensive reforms in Foreign Exchange regulations on the capital movements are in the process of formulation. The changes in the foreign exchange regulations will permit domestic residents to undertake financial investments and domestic corporations will have increased flexibility in foreign direct investment. Foreign investors will have non-restricted access to the Israeli financial and capital markets. In the area of trade liberalization, the Government is committed to exposure of the economy to foreign competition. This is facilitated by the adherence to the Free Trade Agreements that have been entered into with the United States and the European Economic Community. The Government also initiated on September 1, 1991, a program of elimination of non-tariff barriers on imports from Third World Countries that are not encompassed by these free trade Agreements.

With respect to the domestic capital market, the Government has in recent years consistently retreated from prior status privileged market access and has borrowed in the local capital market under competitive conditions. There has also been a substantial reduction in reliance on government intermediation in capital market access, and a corresponding increase in free market financial activity.

IV. THE BUDGET

A three year budget framework has been prepared for the years 1992–1994. This new budget mechanism was drafted with a view toward enabling long-term planning of the Government's various objectives and sending a signal to the business sector in Israel and abroad regarding macroeconomic trends to be expected in Israel over the next few years. The budget deficit will be reduced gradually to 2 percent by the end of 1994. However, in 1992, a deficit of 6.2 percent of GDP is inevitable primarily due to the necessity of financing the aforementioned absorption expenditures, since outlays precede the increase in GDP and tax income. The allocation of Government expenditures and budget deficit over the next three years is projected as follows (in percentages):

	1991	1992	1993	1994
Total budget	100.0	100.0	100.0	100.0
Absorption	16.1	18.8	17.5	18.2
Defense	20.3	19.7	19.2	19.2
Education and health	11.7	11.0	11.3	11.2
Infrastructure investment	9.3	9.5	5.0	3.7
Total debt services	15.7	16.0	16.8	17.6
Other budgetary items	26.9	25.0	30.2	30.1
Deficit/GDP ratio	6.7	6.2	3.2	2.2

In 1992, Government expenditure for immigrant absorption will amount to approximately 10.5 percent of GDP. In the following two years, these expenditures are expected to remain stable. In addition, the Government intends to increase its infrastructure investments by approximately 40 percent in real terms. This should attract private-sector investment and facilitate the growth process required to provide employment to the immigrants.

Taxes have been raised in order to provide the additional need created by the immigrants, such as health care, nursing of the elderly and handicapped population, and education, including temporary Hebrew language courses. Value-Added Tax was raised by 2 percent, from 16 to 18 percent in 1991, and a supplementary Absorption Levy of 5 percent was imposed on income tax payments.

V. THE REQUEST FOR ASSISTANCE

Based on the above, the Government of Israel, therefore, respectfully requests that the Government of the United States assist it in raising the necessary capital over the next five years by providing guarantees for credits to be raised in the U.S. capital market in the amount of US$ 2 billion a year during the fiscal years 1992–1996. Due to the long-term nature of the task faced by Israel, an assured multi-year availability of credit is vital.

VI. UTILIZATION OF THE FUNDS

The funds will be utilized in the three main spheres as follows: (1) Investment in infrastructure, such as highways, roads, sewage, water installation, industrial parks and residential infrastructure. (2) Source funds for the commercial banks to finance investment in capital goods, machinery and equipment. (3) The balance will be utilized for mortgage financing.

1. Investment in Infrastructure

Government investment in infrastructure during the years 1992–1994 will amount to some US$ 1.7 billion, of which US$ 1.1 billion is for highways, roads and related construction; US$ 400 million is for water installations and sewage; and US$ 200 million is for industrial parks and residential infrastructure.

In addition, it is estimated that over the next five years, non-budgetary investments in infrastructure of nearly US$ 7 billion will be carried out as follows: approximately US$ 3.5 billion will be for electricity generation, US$ 2.5 billion will be for expansion of telecommunications facilities and a further US$ 700 million will be invested in a peripheral railway system for the Gush Dan-Tel Aviv Metropolitan area.

2. Promoting Investment by the Business Sector (Creation of New Jobs)

The Government has allocated ample amounts to create the necessary business environment to encourage private enterprise and to establish new businesses and to expand existing plants. To this end, the government has budgeted, annually, approximately US$ 400 million in grant capital and US$ 250 million for research and development enterprises under the Encouragement of Capital Investment Law. The above measure will undoubtedly have the effect of creating new employment opportunities.

3. Provision of Mortgages and Housing for Immigrants

The Government has budgeted US$ 8.5 billion for the years 1991–1994 for long-term mortgages to be funded via the commercial and mortgage-banking system. These mortgages are funded at current market rates of interest.

VII. ISRAEL'S EXEMPLARY RECORD AS A BORROWER AND ABILITY TO REPAY

Since its establishment, Israel has honored its foreign and domestic commitments, consistently servicing both the principal and interest on its debts in a timely fashion and to the fullest extent of the terms thereof. Moreover, since the middle of the last decade, Israel's foreign debt situation has continually improved. Foreign debt, as a proportion of GDP, fluctuated between 65 and 80 percent in the mid-1980's.

Since then, it has declined steadily, reaching 31 percent of GDP in 1990. We view the decline as a favorable starting point for raising capital in the future, which will lead to increased investment and accelerated economic growth.

Even based upon highly conservative assumptions that the additional capital required will be financed solely from foreign credits and that there will be no significant increase in unilateral transfers and direct investments, it is estimated that by 1996 the ratio of net foreign debt to GDP will be below 47 percent.

In 1988–1990 the debt service/exports ratio was between 18–22 percent. Assuming that exports increase as estimated and that foreign debts rise to US$ 35 billion, the debt service/exports ratio should remain at a level of 20–23 percent, another indicator which clearly determines that Israel can continue to service its foreign debt in a timely manner. Applying the more positive assumptions that direct foreign investments and unilateral transfers will significantly increase, the debt ratio will be much lower.

The rapid growth of the Israeli economy will generate the funds required to finance the repayment of these credits. It is imperative, however, that the loans include a grace period with respect to the payment of principal which would allow ample time for such economic growth to materialize. We are certain of the Israeli economy's ability to repay principal and interest so that no cost accrues to the American taxpayer.

VIII. THE POLITICAL UNDERSTANDING

As stated, our policy and understanding with the United States Government is that the utilization of funds shall be restricted to the geographic areas which were subject to the Government of Israel's administration prior to June 5, 1967. Furthermore, the Government of Israel's administration will not direct the Soviet Jewish immigrants to these territories, in accordance with its declared policy.

IX. U.S.-ISRAEL TRADE RELATIONS

During the next five years, aggregate imports are expected to increase to approximately US$ 173 billion in current prices. On the basis of past precedent, the source of at least US$ 30 billion of these imports will be from the United States, consisting primarily of capital goods and raw materials.

As a result of the need to provide housing for the increased immigration, approximately US$ 85 million worth of homes and mobile homes have been imported from the United States, totaling 68 percent of such imports. Imports from the U.S. are consistently increasing, from US$ 2.4 billion in 1989 prior to the immigration, to US$ 3.5 billion at the end of 1991.

We are deeply grateful to the people of the United States of America for their long and committed friendship to the people and the Government of Israel. The value of continued American assistance is immeasurable, it extends well beyond financial magnitudes, and continually strengthens the bond between our two countries based upon the democratic values which we share.

ANNEX

The following outlines some of the economic reforms which have been introduced in Israel during the last few years.

A. *Capital Market Reform:* Until the mid-1980's, the capital market was dominated by the Government for the purpose of financing the budget deficit. Since then, steps have been taken to reduce drastically the Government's involvement in the price of capital and its allocation. As a result, real long-term interest rates have declined substantially to levels prevalent on international markets, from 12–13 percent in 1985 to 4–5 percent in 1990.

B. *Foreign Exchange Controls:* Reform in this area has been implemented since 1987, leading, in the near future, to an almost total and comprehensive liberalization and freeing of capital movements to and from Israel.

C. *Subsidies:* As a part of the measures to balance the budget and to rely on market prices as an efficient mechanism of allocation, virtually all consumer subsidies have been eliminated. The only remaining staple subsidy is on public transportation.

D. *Privatization:* Privatization is being undertaken in two stages with a view to preparing the various corporations and government authorities for successful privatization:

1. Corporations which were wholly owned by the government and partially sold either to private investors or on the Stock Exchange, are being further diluted or entirely sold. Examples are Bezeq Telecommunications, Paz Oil and Industrial Buildings Ltd.
2. Corporations fully owned by the Government are being privatized initially, via the Tel Aviv Stock Exchange, Israel Chemicals, being one example.

E. *Taxation:* To encourage investments, corporate tax rates were reduced to be lower than the prevailing rates in other industrialized countries, while the Value-Added Tax was simultaneously increased. In 1990, various tax exemptions, including those for medical expenses, meals and gifts to employees were canceled.

F. *Labor Market:* Israel recognizes the increasing importance rendering the labor market more flexible. An important step in this direction was the abolishment of the government monopoly of the official labor exchanges and the granting of a general permit for private sector firms to engage in labor mediation. The linkage between the wage scales in the public service and the public sector business corporations has also been reduced.

G. *Other Deregulation Measures:* Land is no longer sold by the Israel Land Administration on a "minimum price basis," but on the open market. Immigration facilities are no longer directly under government auspices, the market provides rental housing, and mortgages are financed at market prices primarily by the commercial bank, with the State budget now supporting only the weaker echelons. The Government is withdrawing from foreign trade activities such as certain imports; the fuel industry has undergone its first stages of liberalization and the Citrus Production and Marketing Board have been abolished.

ISRAEL: A MISUNDERSTOOD CREDIT

(By John F.H. Purcell, Jeffrey A. Kaufman, Joyce Chang, Dirk W. Damrau)

INTRODUCTION

We believe that the State of Israel is considerably higher in credit quality than generally is understood. The country often is placed in a developing country credit category while, in our opinion, it should be compared with the industrialized democracies. Israel is similar to the OECD countries in many substantive ways. Appendices A and B provide some comparisons between Israel and other countries on a number of macroeconomic and debt indicators. Its population of 4.8 million is productive and prosperous as witnessed by 1990's per capita gross domestic product (GDP) of $10,700; this level is slightly below those of the United Kingdom and Australia, on a par with that of New Zealand and above those of Spain, Portugal and Ireland (see Figure 1). GDP of $50 billion makes Israel equivalent to New Zealand, Portugal and Ireland.

[Figure 1 not reproducible in the RECORD]

Israel's economy is industrialized and diversified. As in other developed countries, services make up the largest portion of GDP (53%), while manufacturing and construction account for another 40%. Agriculture, the mainstay of most developing economies, contributes only the remaining 7%. The composition of Israel's trade also indicates an advanced economy; exports primarily are made up of manufactured goods, while imports are mostly comprised of raw materials.

Social indicators further illustrate the developed nature of Israel. Life expectancy in 1987 of 75.4 years essentially was the same as in the United States (75.4 years), the United Kingdom (75.2 years) and Australia (76.1 years). In addition, Israelis are well educated. Secondary school enrollment of 83% in 1986 was equivalent to that of the United Kingdom, and 8% of all Israelis have a university degree.

Israel's sovereign credit quality has improved significantly over the past six years. The government has not only shown the political will to implement tough macroeconomic policies when faced with economic challenges, but it also has demonstrated a commitment to structural reforms that should boost the economy's performance significantly. Threats to Israel's security, although still a very important consideration, have diminished considerably. Finally, the most important quantitative measures of creditworthiness point to an improvement in Israel's creditworthiness and, indeed, indicate that the country is comparable to medium-investment-grade-rated sovereign issuers.

We believe that Israel is currently underrated by Standard and Poor's, the only major rating agency that has rated Israel's sovereign debt. The agency affirmed its implied BBB-rating in June 1989. The report stated that geopolitical risks were the primary reasons for the low investment-grade rating. However, since these geopolitical risks have moderated considerably (as we will show later in the report) and may deminish even more significantly if the peace process goes forward, we expect S&P's next review to be more favorable. In our opinion, an upgrade to the single-A category would be appropriate, although we do not necessarily expect such a large jump all at once.

We take into account the substantial challenges faced by the Israeli economy. The following issues have been raised by several analysts and are discussed throughout this report:

(1) Because Israel suffered large budget deficits and a brief experience with hyperinflation during the mid-1980s, some observers view the country as a potentially volatile and unreliable credit in the mold of Latin American countries during the 1970s and early 1980s.

(2) Government involvement in the Israeli economy historically has been fairly high. Furthermore, "structural rigidities" in the labor market often are cited as restricting the growth and adaptability of the private sector and the economy as a whole.

(3) The large-scale immigration of Russian Jews to Isreal will pressure the country's balance of payments and force the external debt well above existing levels.

(4) Related to the third issue is the concern that the immigrants will not be absorbed smoothly into the Israeli economy. Unemployment, already high, may rise to extremely high levels, resulting in stagnation and emigration.

(5) The most often cited geopolitical risks facing Israel include arms races, or possibly war with neighboring states or a break in friendly relations with the United States, which would lead to a cut-off or severe reduction of the large amounts of U.S. aid and loans to Israel.

These issues continue to be of serious concern. However, many analysts have focused only on the risks and have ignored the positive aspects toward improved credit quality. Indeed, some analysts have developed projections based on assumptions that are the opposite of recent trends. While these issues remain relevant, we do not believe that Israel's debt warrants a rating below the single-A category.

MACROECONOMIC MANAGEMENT

The government's management of the economic crisis of the mid-1980s confirmed Israel's ability and willingness to make necessary adjustments and sacrifices. Faced with an unmanageable budget deficit and high inflation, the government implemented policies that eliminated both problems while maintaining real growth in exports and in the economy as a whole. Figure 2 shows that Israel's inflation rate has been relatively moderate during the latter part of the 1980s. We believe that the late 1980s should be viewed as a period that highlighted Israel's fundamental creditworthiness, rather than as a period typical of a volatile economy. This is based on our strong contention that sovereign creditworthiness is best judged by the will of the political system to make adjustments following a crisis or shock, whether internally or externally generated.

[Figure 2 not reproducible in the RECORD.]

Israeli economic history typically is divided into two broad periods: 1948–72 and 1973–85. The first 25 years of nationhood were characterized by intense concern with national security and heavy immigration. Out of necessity, the government played a very large role in coordinating responses to these national imperatives. However, government involvement in organizing the economy and allocating capital did not significantly impede growth: Real growth in GNP averaged 9%, while per capita GDP grew at a 5% average rate between 1948–72.

The 1973 Yom Kippur War was a turning point in the nation's economic development. The increased emphasis on defense expenditures, steadily higher private and government consumption spending and the oil shocks limited the economy's previous dynamism. Real GNP growth between 1973–82 nevertheless average 3.2 percent per annum, although per capita GNP growth slowed to 0.8% per annum. While this period usually is considered "stagnant" in Israel's economy, the real GDP growth rate exceeded the 2.56% figure for the OECD countries. Inflation rates, however, rose steadily in the late 1970s and early 1980s, culminating in hyperinflation in 1984 and the first half of 1985.

The 1985 Economic Stabilization Plan demonstrated the determination and cohesiveness of the Israeli political system when faced with a crisis. Despite significant political differences, the Likud and Labour parties were able to come together into a National Unity government that implemented a complete and consistent economic plan:

The government deficit (12% of GNP in 1984) was cut by $2.25 billion in 1985 through a $750-million reduction in subsidies, $750-million emergency aid package from the United States. The budget actually showed a slight surplus in 1986, helped by another $750 million in U.S. aid.

Real wages were cut by limiting cost of living adjustments and tying future growth to levels below the exchange rate devaluations. These wage concessions originally were ordered by decree but subsequently were agreed to by the federation of labor unions (Histadrut).

Controls were effectively imposed, limiting certain price increases to 17%.

The shekel was devalued 18.8%, then allowed to fluctuate within 2% of US$=IS1,500.

The 1985 Stabilization Plan, aided by a drop in the price of oil imports, permitted the economy to regain its equilibrium. Inflation has remained in the 16%–21% range since 1986. Real GDP growth surged to over 5% in 1986–87, but slowed as a result of the Intifada in 1988–89 and has rebounded to 4.6% in 1990 despite the Gulf Crisis.

FIGURE 3.—THE ISRAELI ECONOMY—MACROECONOMIC INDICATORS, 1985–90

	1985	1986	1987	1988	1989	1990E
Real GDP growth (percent)	3.8	3.7	5.5	2.1	1.3	4.6
Inflation (annual average)	336	19.7	16.1	16.4	20.7	17.1
Public sector deficit (pct. of GDP)	−1.1	−3.4	−0.1	1.8	6.1	NA
Current account (US$ billion)	1.1	1.6	−0.9	−0.6	1.2	0.1

NA—Not available.

The 1985 Stabilization Plan created the impetus for the Israeli government to undertake a number of positive structural reforms. These reforms demonstrate a commitment to deregulation and promotion of the private sector and contradict some observers' view that the Israeli economy is naturally socialist, hopelessly mired in structural rigidities and unlikely to change.

STRUCTURAL REFORMS

Some critics of the Israeli government's economic policies both inside and outside Israel have pointed to various rigidities in the economy, including a high level of government ownership of productive enterprises, a dense structure of subsidies and regulations that strangle entrepreneurship and retard economic growth, and severe labor market rigidities resulting from the dominant role of Histadrut (the federation of labor unions) in Israeli politics.

We believe that from a sovereign credit perspective, while many of these criticisms may be accurate they do not justify a rating in the low investment-grade category, but rather in the mid-range of investment-grade ratings. While an analysis of these rigidities does indeed suggest that the Israeli economy would be more efficient and grow faster without them, it does not follow that the current situation significantly compromises Israel's ability or willingness to pay its foreign currency-denominated debt.

In addition, much of the criticism ignores the fact that a gradual change toward freer markets, less regulation and orthodox macroeconomic policies is underway in Israel as it is in many countries around the world. A number of recent events reinforce this trend. A number of recent events reinforce this trend. Among the more important events are the following:

Income Taxation—Israel has lowered its corporate income tax rate from 61% in 1986 to 40% scheduled to take effect in 1992—a lower level than West Germany, Japan, Canada, or Italy. Individual income taxation also has been lowered from an average rate of 34% in 1984 to 20.4% currently. Lost income tax revenues were replaced with higher consumption taxes.

Industrial Subsidies and Regulation—As mentioned previously, subsidies were cut drastically during the Stabilization Plan, bringing industrial and consumer subsidies down from 11.5% to GDP in 1980 to only 4.9% in 1989. In addition, the government relinquished its responsibility for marketing, importing and pricing grain, wheat, soy, oil, and eggs; private firms now dominate these activities. The monopoly in citrus exports and a cartel of fuel distributors also were recently eliminated.

Exchange Rate Regulation—In January 1989, Israel replaced its fixed exchange rate system with one similar to the European Monetary System (EMS). The new shekel (NIS) is permitted to fluctuate against a basket of currencies within 5% of a midpoint rate that has been readjusted every six to eight months. Effectively, the change diminishes the central bank's involvement in the foreign currency market and lets market forces determine rates within a band. The rationale is to limit the speculative cycles that caused sharp capital movements under the fixed exchange rate regime.

The country's export industries will benefit from a more predictable and competitive environment under the new exchange rate mechanism. Previously, the shekel's periodic overvaluation hurt exports by decreasing Israel's international competitiveness. Furthermore, uncertainty regarding the timing and size of devaluations probably deterred foreign buyers of Israeli exports. The new system should result in significantly higher exports.

One final benefit of the new policy concerns the Israeli government's previous policy of compensating exporters for lost sales resulting from currency overvaluation. These subsidies are being eliminated, thereby helping to narrow the government's budget deficit.

Capital Markets—Relaxation of regulations has helped make the capital markets more efficient and receptive to private issuers. For example, currently 70% of government borrowings are tradeable in the secondary market, compared with only 5% in 1986, and compulsory investments in government bonds by institutional investors have been reduced. Along with a credible low-inflation policy, these capital market reforms have lowered real short-term private rates from 19.7% in 1987 to 4.9% in 1989.

Privatization—Despite widespread frustration at the slow pace of the commercial banks privatization, signs of an acceleration in the rate of privatization are appearing in other sectors. For example, several government departments are in the process of becoming companies and, therefore, saleable: They include Israel Rail, the Postal Authority, Bezek (Israeli Telecom), and the military-industrial complex.

In July 1991, the government formed a privatization committee consisting of the Prime Minister, the Minister of Finance and the Minister of Justice. The committee has the power to privatize state-owned companies without the consent of the minister responsible for the company. This step is significant since ministerial opposition to losing control of state-owned enterprises historically has stopped or slowed the privatization process.

Trade Liberalization—Israel has signed free trade agreements with both the United States (1985) and the European Economic Community (1975). Trade liberalization, therefore, primarily concern the Far East. The Government has already announced its plan to replace all non-tariff barriers with tariffs beginning in September 1991 and subsequently decrease all tariff rates linearly to zero over the next six to seven years.

We believe that these efforts, combined, represent a genuine advance which could continue toward increasing the relative role of the private sector in the economy and deregulating economic activities.

Misconceptions about the extent of government involvement and the role of Histadrut in the Israeli economy are mentioned occasionally in the press. These misconceptions need to be addressed directly.

(1) Government involvement in the economy is diminishing substantially and is not as extensive as it may appear. Government expenditures as a percentage of GDP fell from 62% in 1984 to 50% in 1988. Compared with some countries, Israel's expenditures seem large because of the particular emphasis on defense spending required by Israel's geopolitical situation. However, Israel's nonmilitary government expenditures as a percent of GDP are similar to those of many industrialized countries with high credit ratings.

FIGURE 4. THE ECONOMY—RELATIVE GOVERNMENT INVOLVEMENT, FISCAL YEAR 1988

[In percent]

	Ratings Moody's/S&P	Expenditures as percent of GDP	Defense expenditures as percent of GDP	Nonmilitary expenditures as percent of GDP
Israel	(BBB-/NR)	50.0	13.3	36.7
Australia	(Aa2/AA)	27.5	2.4	25.1
Denmark[1]	(Aa1/AA)	38.3	2.1	36.2
New Zealand	(Aa3/AA-)	44.7	2.2	42.5
Norway	(Aa1/AAA)	43.1	3.3	39.8
Portugal[1]	)A1/A)	41.9	2.4	39.5
United States	(Aaa/AAA)	23.5	5.9	17.7

[1] Fiscal year 1987 figures. NR Not rated.

Source: IMF Government Finance Statistics Yearbook, 1990.

(2) Contrary to the views of some analysts, government intervention in the 1983 commercial bank crisis and the 1989 restructuring of the Kibbutzim debt cannot be viewed as a demonstration of the uniquely high level of government intervention in Israel's economy. Rather, these interventions should be viewed as normal responses by an industrialized country to a domestic economic crisis. They were aimed at ensuring the integrity of the financial system and the agricultural sector, much the same way as the U.S. government felt Chrysler, Continental Bank, Lockheed, and the Savings & Loan industry were too important to fail.

(3) Histadrut, the federation of labor unions that owns many Israeli companies, has been weakened significantly by the events of the past few years and is likely to play a diminishing role in the economy. Some analysts view Histadrut as a quasi-governmental entity that can ensure real wage increases. In reality, Histadrut members bore the brunt of the 1985 Stabilization Plan's measures, as real wages were cut by 9.4% in 1985 before the unions conceded the cuts. During 1985–89, real wages averaged growth of only 1.1%, while labor productivity grew at a 2.7% average rate, suggesting flexibility and concessions on the part of the federation.

Furthermore, the inflow of a million Russian immigrants—and the concomitant upward pressure on unemployment—will make it politically untenable for Histadrut to demand large real wage increases and bar competing workers. It is highly likely that wage concessions will continue to be made until the immigrants are effectively absorbed into the economy.

Finally, Histadrut is increasingly having to run its companies as private enterprises and cannot count on government support if they fail to meet the test of the market. This distancing of the government from the federation of labor was demonstrated by the lack of ready support accorded Histadrut-owned Koor Industries in 1988 when it defaulted on its debt obligations.

Certainly, Israel's private sector could benefit from additional reforms. However, some analysts have held the country to a standard of perfectly free markets that even the U.S. could not meet; Israel is not the last holdout in a world that has forsaken subsidies, state-owned postal services, company bailouts, and minimum wages. To focus on Israel's remaining structural rigidities is to miss the unambiguous trend toward deregulation and increasing the private sector's role in the economy.

THE EXTERNAL DEBT BURDEN

The state of Israel compares favorably with other investment-grade sovereign issuers based on quantitative measures of debt as they pertain to credit quality. Appendices A and B consist of a statistical comparison between Israel and several OECD and developing countries. If the analysis were based solely on these statistics, we believe that Israel would deserve a high single-A rating.

Israel's high per capita GDP compares favorably with other industrialized, double-A-rated countries with long democratic traditions, such as Spain, Ireland and New Zealand, all of which have well-diversified economies with well-educated and skilled populations. Of the single-A and triple-B-rated countries, only Iceland has a higher per capita GDP than Israel.

The level of Israel's net external debt appears small relative to some higher-rated sovereign borrowers. As figure 5 shows, Israel's net external debt as 37% of GDP in 1989 was below the comparable figures for Ireland (67%), New Zealand (49%) and Iceland (42%). Furthermore, Israel's net external debt and interest payments as a percent of exports were similar to, or below, these three countries (See Figures 6 and 7).

[Figures 5, 6 and 7 not reproducible in the RECORD.]

Several factors peculiar to Israel suggest that its sovereign credit quality is considerably higher than the ratios alone imply:

(1) Israel's net debt of approximately $16 billion is entirely intermediate and long term. Israel is a short-term creditor, making it less vulnerable to sudden external shocks. The country's history of timely payment and no defaults has established it as a long-term borrower in international credit markets, further reducing dependence on short-term credit.

(2) Related to this, the Israeli banking system is in a net surplus position with respect to the international commercial banking system. That is, the country's banks have more deposits in foreign banks than do foreign banks in those of Israel. Israel therefore is not vulnerable to the sudden withdrawals that precipitated the "debt crises" in Latin America or South Africa, for example.

(3) A greater proportion of Israel's gross debt is owed to governments (53%) than is common for other countries. A large portion of this borrowing (approximately $10 billion) is for defense purposes and is linked to joint U.S.-Israel strategic interests in the Middle East. Of the debt owed to the U.S. government, $5.5 billion was refinanced at lower interest rates in 1988 and 1989, yielding $150 million in interest savings in 1989 alone.

(4) Another large portion of Israel's net external debt (roughly $9.4 billion) consists of deposits by foreign individuals in Israeli banks. The basis of this debt is largely political support for Israel by individuals living outside the country. Therefore, during the past decade's military conflicts and economic crises, the level of these deposits has remained stable. Indeed, in the last quarter of 1990 when the threat of the Gulf war seemed imminent, deposits from foreign residents actually rose by $200 million.

Of course, trends in the ratios also give an important indication of the credit worthiness of a sovereign borrower. The government's sound fiscal and monetary management of the economy since 1986 has resulted in dramatic improvements in Israel's debt statistics (see Figure 8).

FIGURE 8.—THE ISRAELI ECONOMY—EXTERNAL DEBT MEASURES, 1986–90

	1986	1987	1988	1989	1990
Gross Debt (US $billions)	30.6	31.8	31.3	31.1	32.5
Net Debt [1] (US $billions)	18.2	18.2	18.8	16.2	15.6
Percentage of GDP	61.8	52.1	44.9	37.0	31.2
Percentage of exports	105	127	119	96	82
Debt service (US $millions)	3,868	3.912	4,280	4,097	NA
Exports (US $millions)	12,126	14,288	15,796	17,151	NA
Debt service ratio (percent)	32	27	27	24	NA
Interest payments/exports	20	16	16	15	NA

[1] Net debt consists of gross liabilities less commercial bank assets and reserves. NA Not available.

Source: Bank of Israel, Central Bureau of Statistics.

Net debt figures (rather than gross debt) were used for calculating ratios since they better reflect the nature of Israel's exposure to currency movements. Bank of Israel policy has required that foreigners' deposits be used to fund foreign credits; this policy, instituted to limit domestic money creation, effectively eliminates any foreign exchange risk for the liabilities, since foreign assets are funded from foreign liabilities. Unlike some developing countries, Israel's commercial bank foreign assets and reserves are not of dubious quantity or quality.

Most analysts are not concerned with Israel's ability to service its existing debt; current debt levels clearly are manageable. Worries arise, however, over the expected increase in debt associated with the anticipated mass immigration of Russian Jews through 1995. The following section deals with the credit implications of the immigration issue.

EFFECT OF IMMIGRATION

The major challenge facing the Israeli economy in the next five years will be the absorption of approximately one million Russian Jews. The comparable feat for the U.S. economy would be assimilating a country the size of France. There most definitely will be a rise in Israel's external debt, but the country will also be gaining some valuable assets, as well. We feel that the net effect of the immigration on the economy will be positive, leading to higher productivity and per capita income. Even in a worst case scenario, Israel should remain an investment-grade borrower, since there are several factors that would limit or mitigate serious deterioration in credit quality.

The government's stated role in the absorption is to leave as much as possible to the private sector. The government gives an absorption grant to each immigrant, and public services (education and health) also must be provided. However, the provision of housing and jobs is being relegated to private companies, not to the public sector. The main thrust of policy, therefore, is toward boosting business profitability—through lower real wages and payroll taxes—to create more jobs.

Nearly 200,000 immigrants arrived in 1990, providing a hint of the composition of the newcomers. In general, the immigrants are better-educated than Israeli residents: 41% have university degrees compared with 8% for existing residents. The occupations of these immigrants suggest the sizeable import of human capital that accompanies their arrival (see Figure 9).

FIGURE 9—ISRAELI OCCUPATIONAL DISTRIBUTION, 1989

[In percent]

	Established Residents	Immigrants
Professional	8.3	40.8
Technical and related	20.9	34.6
Other	70.8	24.6
Total	100	100

To the extent that the immigrants can find jobs suited for their existing skills, the Israeli economy will benefit from sharp increases in per capita GDP. Furthermore, the heavy concentration of engineers and technicians likely will boost the competitiveness of Israel's export industries.

In the short term, the absorption will cause a fairly significant current account deficit (perhaps 11% of GDP). There is a timing mismatch between the immigrants' immediate needs for housing, food and public services and their medium-term productivity. Essentially, Israel's government is investing in the immigrants, which will pay off once these highly educated and skilled people find or create their own jobs. The government has shown, by its adoption of a three-year budget, that it understands the timing of the cash flows involved.

Some analyses of Israel's credit, however, do not factor in the benefits of the immigration and have focused solely on the costs. They understandably have assumed an increase in the external debt of Israel but have made no offsetting increases in GDP growth or exports. The process of large-scale absorption does require foreign borrowings but will result in markedly higher GDP and exports. For example, between 1968–72, Israel's population grew by 16%, real GDP climbed by 69% (11% annual average) and real exports jumped by 207% (16% annual average). Considering the skilled nature of the new immigrants, it is not unreasonable to anticipate similar explosive growth during the coming period of immigration.

Our base case scenario for the Israeli economy, however, conservatively assumes economic results below those of the dynamic 1968–72 period. Real GDP growth is expected to average 5.6% over the next five years, while exports are projected to grow by an average of 8.6% annually.

FIGURE 10.—THE ISRAELI ECONOMY—BASE CASE PROJECTIONS, 1990–2000

	1990	1991	1992	1993	1994	1995	2000
GDP ($billions)	50.1	55.9	62.8	69.9	77.0	84.1	124.4
Net Debt ($billion)	15.6	18.0	22.9	29.9	36.0	40.0	40.0
Debt/GDP (percent)	31	32	37	44	47	48	32
Debt/exports (percent)	82	90	106	126	138	139	86

A conservative base case scenario for Israel's balance of payments shows that the country should be able to service its external debt comfortably over the next decade. Net external debt is projected to peak in 1995 at $40 billion, approximately $25 billion above current levels. Debt as a percentage of GDP should reach 48% in 1995; however, this level is still below the 1989 figures for double-A-rated New Zealand (49%) and Ireland (67%). Debt as a percentage of exports is projected to rise to 139% in 1995, also below 1989 levels for New Zealand (175%), Australia (169%) and Turkey (145%).

The absorption process most likely will be completed within the next five years, while the return on Israel's investment in its immigrants is expected to occur from 1995 through 2000. In that period, no additional external financing will be required, since domestic savings will be sufficient to finance required investment. In real terms and relative to GDP and exports, Israel's external debt burden should decrease. By 2000, debt as a percentage of GDP is projected to fall to 41% and debt as a percentage of exports is anticipated to decrease to 86%.

In three years, the Israeli economy will be at an important juncture. The inflow of immigrants will be dwindling, and most of the government expenditures on absorption will have been made. The economy will have to shift from explosive growth in the construction and basic necessities industries toward export industries that can help pay down the debt accumulated for absorption. The structural reforms should permit the private sector to adjust to the shifting demand, and the government likely will end its housing guarantee programs, further signaling the need to shift resources away from construction.

A worst case scenario, as suggested by some of the more pessimistic analyses of Israel, takes the following form: Israel in 1993 has incurred a great deal of external debt in meeting the immediate needs of the immigrants. The labor market, however, has remained totally inflexible, driving unemployment up near 20%. Immigrant frustration at the lack of any employment—let alone suitable employment—leads to large-scale emigration to other countries. Thus, all the costs and none of the benefits of absorption are accrued to Israel; the increased debt burden essentially rests on the pre-existing population.

There are significant factors that preclude this situation from being a reasonable worst case scenario:

(1) If the economic growth does not accelerate with the infusion of immigrants, fewer Russians probably will decide to move to Israel or they will arrive over a longer period of time. High unemployment could mean well below one million immigrants in the next five years, less government expenditures on their absorption and, accordingly, less foreign debt. Indeed, Israeli officials have reduced their estimates for 1991 immigration from the Soviet Union to 225,000 from 300,000. The reduction most likely is the result of the high unemployment rate and a new Soviet law requiring emigrants to obtain passports prior to emigration.

(2) There is a link between the accumulation of foreign debt and productive investment in the economy; in many cases, the debt will only accumulate if the business sector is investing. That is, private external debt will increase only if the economy is performing well and providing the immigrants with jobs. After the 1982 debt crisis, commercial banks, export credit agencies and suppliers became more conscious of the use of their credits and wary of financing consumption rather than investment.

(3) The response of the Israeli political system and the population at large has always been determined and cohesive when faced with a crisis, whether military or economic, which permits the Israelis to make sacrifices, yet maintain productivity; during the Economic Stabilization Plan of 1985 and 1986, for example, the economy actually sustained real growth rates of 3.8 percent and 3.7 percent, respectively. All historical evidence suggests that Israel can be expected to react effectively—through decreased government spending and real wage cuts—as circumstances dictate.

(4) Support from Jews not in Israel also would cushion adverse developments in the absorption program. The United Jewish Appeal already has committed to pay the costs of transporting Russian Jews to Israel and is considering whether to give loan guarantees to banks making loans to immigrants. Any absorption costs taken on by foreigners, of course, decrease the debt burden on Israel.

Figure 11 contains projections for a reasonable worst case scenario, incorporating the above factors. Real GDP growth is assumed to average 4 percent over the next five years, while exports are projected to grow by 6.5 percent. Net debt is assumed to rise exactly as in the base case through 1993, but then level off at $36 billion rather than $40 billion.

FIGURE 11.—THE ISRAELI ECONOMY—WORST CASE PROJECTIONS, 1990–2000

	1990	1991	1992	1993	1994	1995	2000
GDP ($billions)	50.1	55.3	61.6	67.3	72.7	77.9	109.8
Net Debt ($billion)	15.6	18.0	22.9	29.9	34.0	36.0	36.0
Debt/GDP (percent)	31	33	37	44	47	46	33
Debt/exports	82	90	108	132	140	139	99

Although there is some deterioration in the debt ratios compared with the base case, Israel's economy in a worst case scenario could still comfortably manage its external debt. Debt as a percentage of GDP and exports peaks in 1994 and remains below the comparable figures for double-A-rated New Zealand in 1989. As in the base case, debt ratios in the worst case scenario improve between 1995–2000, but to a lesser extent.

THE GEOPOLITICAL SITUATION

The external and internal security threats facing Israel have diminished substantially over the past few years. Not only has the probability of armed conflict decreased, but also its associated economic burden on the economy can be expected to fall gradually (mainly as a result of the collapse of Soviet communism and the defeat of Iraq). Furthermore, the economic and diplomatic isolation of Israel from several potential trading partners appears to be ending. The geopolitical risks cited by Standard and Poor's in 1989 as the primary basis for Israel's low investment-grade rating need to be reconsidered, as do their adverse effects on the Israeli economy. Some analysts remain focused on the continuing geopolitical risks, stressing that they have not been eliminated. Such views, however, fail to account for the remarkable developments in the Middle East, the Soviet Union and elsewhere:

(1) The Gulf war clearly improved Israel's security and strengthened the U.S.-Israeli strategic alliance. Not only was the Iraqi military eliminated as a viable threat to Israel, but also Israel faced the same enemy as Saudi Arabia, Egypt, Syria, and other Arab states, laying the foundation for regional peace negotiations. If the peace process moves forward, it is highly likely that arms limitation agreements will be negotiated, reducing Israel's defense in the medium term.

If the peace process breaks down and the Middle East remains unstable, Israel's role as a U.S. ally will be enhanced. Israeli expertise in intelligence-gathering in the region, as well as in research and development of weapons, will ensure continued strategic cooperation. In addition, Israel's "friendly ports" for U.S. ships are becoming increasingly important, as bases in the Far East and the Mediterranean Sea are less welcoming to a U.S. presence. Thus, in the event that the region remains unstable, U.S. cooperation with, and aid to, Israel even more likely will continue.

(2) The U.S.S.R.'s preoccupation with its own internal affairs and its retreat from military relationships with countries such as Syria and Iraq have drastically improved Israel's situation. Previously, the Soviets were active in arms transfers to these states, leading to arms races with Israel; providing training and safe havens for terrorists; isolating Israel diplomatically and pressuring the U.S. over its support for Israel; and closing East European markets to Israeli exports. The curtailment of these activities will help bring a measure of stability to the region.

The renewed peace process can be linked to diminished Soviet influence. Syria, no longer able to depend on its major patron for arms supplies, pose much less of a threat to Israel.

Indeed, we believe that Syria's willingness to participate in negotiations directly results from its realization that it must comply with the wishes of the United States, the only superpower still deeply involved in the region. It is realistic to expect, though it is not assured, that Syria will be increasingly drawn into negotiations with Israel through relations with Saudi Arabia and Egypt.

(3) The Intifada remains a threat to the internal security of Israel; however, that threat is significantly less than had been anticipated. The Palestinian Liberation Organization (PLO) lost some legitimacy and bargaining power when it supported Saddam Hussein in the Gulf War, and this has dampened Palestinian diplomatic and political weight in the upcoming negotiations. Progress in the peace talks will hinge on an acceptable solution to the Palestinian issue. Now that those talks appear imminent, the Intifada could subside (at least temporarily), as Palestinian leaders focus on diplomatic channels.

(4) Improved diplomatic relations between Israel and many foreign countries are expected to result in increased integration of the Israeli economy into world markets. For example, improved relations with the European Community recently resulted in the negotiation of EFTA-equivalent trade status for Israel. In addition, relations between Israel and Eastern Europe have improved quickly; the many East European immigrants to Israel provides a natural link between their previous and new countries. To the extent that new markets are opened to Israel, the country's economy will benefit from higher growth, exports and direct foreign investment.

A reasonable outgrowth of the peace process would be an end to the Arab boycott of the Israeli economy and non-Israeli companies doing business with Israel. Although the direct benefits to the Israeli economy of trade with the Arab countries probably would be minimal, the end of the boycott would have significant secondary effects. Companies from the United States, Western Europe and Japan could then invest in Israel without fear of being "black-listed". This is particularly applicable to Japan companies, which reportedly have been resistant to breaking the boycott.

Stability is by no means assured in the Middle East. However, the Gulf war and the curtailment of Soviet activities have resulted in genuine peace prospects, which if realized, would substantially reduce the adverse economic effects of Israel's geopolitical risks. If peace negotiations falter and the region remains polarized, then the U.S.-Israeli strategic alliance will remain important to both parties. In such a case, we believe that Israel can depend on the continued military and economic support of the United States.

CONCLUSION

To summarize our opinion concerning Israel's level of sovereign credit safety, its debt should be regarded as equivalent to that of the highest medium-grade sovereigns in terms of credit worthiness. In other words, we believe that an appropriate long-term bond rating for Israel would be a mid-to-low single A, placing Israel in the company of Malaysia, Thailand and Hong Kong and just below Korea, Portugal and Iceland. In many ways, Israel's economy is more developed than these other sovereigns. However, we have selected the power rating as appropriate to take account of both remaining geopolitical risk and existing rigidities in the economy. Therefore, we also regard the trend of an appropriate rating for Israeli debt to be positive.

APPENDIX A.—MACROECONOMIC INDICATORS, 1989

Country	Ratings Moody's/S&P	Nominal GDP (USSbn) 1989	Per capita GDP (US$) 1989	Real GDP growth[1] (percent)	Inflation[1] (percent)	Current account balance as percent of GDP[1]
Spain	Aa2/AA	$375.30	$9,601	5.23	5.60	.17
Ireland	Aa3/AA−	33.91	9,687	4.73	3.10	1.59
New Zealand	Aa3/AA−	40.60	12,192	1.00	6.67	.20
Iceland	A2/A[2]	5.20	20,800	1.00	21.77	−2.87
Korea[3]	A1/A+	211.88	4,999	9.87	6.10	6.00
Portugal	A1/A	45.31	4,624	4.87	10.70	−.34
Malaysia	A3/A	38.49	2,160	7.70	2.00	4.32
Thailand	A2/A−	69.09	1,236	11.57	4.33	−2.34
China	Baa1/NR	437.00	387	8.67	14.07	−.84
Greece	Baa1/BBB−	54.18	5,400	2.13	14.83	−3.03
Israel	NR/BBB−[2]	43.87	9,708	2.97	17.40	−-.45
Hungary[4]	Ba1/NR	28.57	2,699	−.20	18.55	−4.03
India	Ba2/BB+	264.48	326	6.10	9.33	−2.78
Venezuela	Ba1/BB+	39.89	2,074	.37	52.27	−2.04
Mexico[3]	Ba2/NR	210.63	2,649	2.07	76.87	−.16
Turkey	NR/NR	80.42	1,490	4.33	66.37	.70
Indonesia	NR/NR	93.97	525	6.00	6.83	−2.03
Chile	NR/NR	25.38	1.958	6.57	18.57	−2.68
South Africa	NR/NR	88.87	2,577	2.77	14.03	3.38
Czechoslovakia[4]	NR/NR	40.49	3,226	1.50	.12	.65
Philippines	NR/NR	44.30	736	5.63	10.20	−11.87
Poland[4]	NR/NR	67.09	1,764	2.15	159.05	−1.79
Pakistan	NR/NR	40.35	377	6.37	7.00	−2.45
Colombia	NR/NR	39.45	1,221	4.23	26.07	−.28
Uruguay	NR/NR	8.42	2.722	2.63	71.83	−.04
Algeria	NR/NR	49.15	2,000	.20	6.13	−1.92
Morocco	NR/NR	22.87	945	3.37	3.20	−1.82

[1] Figures are an average of 1987–89.

[2] Implied rating.

[3] 1989 figures are an estimate of Institute of International Finance.

[4] Czechoslovakia, Hungary and Poland's figures are an average of 1988 and 1989.

NR Not rated.

Note: Inflation figures are Consumer Prices percent change end-period.

Source: Institute of International Finance, S&P, Moody's Investors Service, and Salomon Brothers Inc.

APPENDIX B. EXTERNAL DEBT MEASURES, 1989[1]

Country	Ratings Moody's/S&P	Net External Debt[2] (US$ million)	Net External Debt/GDP (percent)	Exports[2] (US$ Million)	Net External Debt/Exports (percent)	Interest/Exports (percent)
Spain	Aa2/AA	NA	1.00	NA	6.00	5.00
Ireland	Aa3/AA-	NA	67.00	NA	92.00	[4]5.00
New Zealand	Aa3/AA-	NA	49.00	NA	175.00	20.00
Iceland	A2/Aa	NA	42.00	NA	114.00	15.00
Korea[4]	A1/A+	$6.161	2.91	$74,297	8.29	3.66
Portugal	A1/A	−676	−1.49	21,885	−3.09	5.91
Malaysia	A3/A	6,708	17.89	28,945	23.17	5.10
Thailand	A2/A-	10,342	14.97	27,294	37.89	7.12
China	Baa1/NR	23,783	5.44	50,098	47.47	5.64
Greece	Baa1/BBB-	18,101	33.41	15,156	119.43	11.39
Israel	NR/BBB-[5]	16,244	37.03	17,151	94.71	14.57
Hungary[6]	Ba1/NR	18,628	65.20	8,587	216.93	18.69
India	Ba2/BB+	56,186	21.24	24,208	232.10	14.81
Venezuela	Ba1/BB+	23,409	58.68	15,672	149.37	23.26
Mexico[7]	Ba2/NR	87,655	41.62	36,571	239.68	25.64
Turkey	NR/NR	32,325	40.19	22,412	144.23	12.97
Indonesia	NR/NR	43,153	45.92	25,750	167.58	13.79
Chile	NR/NR	13,224	52.10	10,070	131.32	17.68
South Africa	NR/NR	17,701	19.92	26,144	67.71	6.87
Czechoslovakia[6]	NR/NR	4,214	10.41	7,284	57.85	7.22
Philippines	NR/NR	22,483	50.75	13,237	169.85	17.32
Poland[c]	NR/NR	36,111	53.82	9,956	362.71	34.84
Pakistan	NR/NR	16,895	41.87	8,430	200.42	11.65
Colombia	NR/NR	13,011	32.98	8,519	152.73	18.64

APPENDIX B. EXTERNAL DEBT MEASURES, 1989 [1]—Continued

Country	Ratings Moody's/S&P	Net External Debt [2] (US$ million)	Net External Debt/GDP (percent)	Exports [2] (US$ Million)	Net External Debt/Exports (percent)	Interest/Exports (percent)
Uruguay	NR/NR	3,428	40.71	2,206	155.39	25.02
Algeria	NR/NR	24,744	50.34	10,703	231.19	18.72
Morocco	NR/NR	21,470	93.88	6,727	319.16	23.84

[1] Figures are an average of 1987–89.

[2] Total external debt net of international reserves, including gold and financial assets held abroad by resident deposit money banks.

[3] Exports of goods, services and positive net transfers.

[4] Ireland's interest payments/Exports figure is for 1988.

[5] Implied rating.

[6] Czechoslovakia, Hungary and Poland's figures are an average of 1988 and 1989.

[7] 1989 figures are an estimate of Institute of International Finance.

NR Not rated.

Source: Institute of International Finance, S&P, Moody's Investors Service, and Salomon Brothers Inc.

NA Not available.

MEMORANDUM—THE FEDERAL CREDIT REFORM ACT OF 1990/SUBSIDY COST

The Federal Credit Reform Act of 1990 was enacted in order to measure more accurately the costs of federal loan guarantee (as well as direct loan) programs. The legislative history of this act, as well as its literal terms, make clear that the so-called "subsidy cost" of credit programs must be determined in accordance with a "cost-to-government" approach, rather than a "market-valuation" method which calculates the economic benefit borrowers receive from U.S. loan guarantees. To this end, the act and interpretative authority promulgated pursuant to it recognize that the historical performance of the borrower is the most reliable and therefore appropriate gauge by which to predict the long-term cost of a loan guarantee to the U.S. government.

By way of background, in years prior to enactment of the Federal Credit Reform Act of 1990, the Administration had advocated a credit reform proposal which measured the financial assistance to the borrower of federal credit. The "subsidy cost" of a guarantee under this proposal was "based on the premise that the value of any asset is the amount that people would pay for it in the market." Thus, "the subsidy cost of a loan guarantee would be its market value less the present value of fees received."[1] Market value may be determined by the estimated net cost to the government to reinsure the guarantee or "the present value, based on a comparable market discount rate, of the difference between the interest paid by the borrower and the interest that would be charged by a private lender for such loan."[2]

The legislative history reflects that the Administration, through OMB, advocated market-based subsidy estimates because, in its view, "they include the cost of bearing the risk that default losses will be more than expected" and there may be "a difference of unknown direction and size if the market expects changes in future loss rates compared with past experience."[3]

Congress, however, never approved the President's proposal, largely because there was disagreement over the use of the market-based method of determining subsidy costs versus the "cost-to-government" approach.[4] The GAO and the Budget Committees expressed preference for the cost-to-government approach because (i) it is "more consistent with current budgeting practices, and with the cost valuation practices followed for most other federal programs" and (ii) it would be difficult to accurately calculate a market valuation for loans without "a real credit market or set of applicable interest rates. Such persons come to the government because they cannot get commercial financing."[5]

As described in the legislative history, the cost-to-government approach calculates "the net present value of a loan guarantee. * * * by estimating the expected future default claims based on historical experience, along with any direct interest subsides, and then discounting these future cash flows by the yield on Treasury securities of similar maturity. The difference between this net present value and the present value of fees received for the loan guarantee would be the subsidy."[6] In other words, this method measures the net present value of the difference between the costs to the government of making the guarantees and the expected receipts flowing back to the government.[7]

THE CREDIT REFORM ACT EMBODIES THE PRINCIPLES OF THE COST-TO-GOVERNMENT APPROACH

The literal terms of the 1990 credit reform act as well as the conference report accompanying it clearly and unequivocally reflect the cost-to-government approach. Indeed, the law includes the same "cost-to-government" terminology described above. Specifically, the credit reform act provides that the budget costs of credit programs will be the estimated long-term costs (i.e., the "subsidy cost") to the government, calculated on a net present value basis, excluding administrative costs. (2 U.S.C. §661a(5)(A).) More specifically, the subsidy cost is the portion of the expected payments by the government that the government does not expect to be offset by collections, in present value terms. (OMB Budget Procedures Memorandum No. 770, Dec. 21, 1990, at 3.) Payments by the government include defaults, delinquencies and interest subsidies and payments to the government cover origination and other fees, penalties and revenues. (2 U.S.C. §661a(5)(C).)

THE HISTORICAL LOAN EXPERIENCE OF THE BORROWER IS THE APPROPRIATE GAUGE FOR MEASURING THE COST OF A LOAN GUARANTEE

The key word in estimating a loan guarantee's potential cost to the government is "expected"—that is, what is the government's realistic expectation of cash outflows and inflows with respect to the loan guarantee? (See President's Budget for FY 1992, Part Two-224.) An accurate assessment of the loan's expected performance can only be made on the basis of the borrower's historical experience. This principle is clearly embodied in the terms of the credit reform law. In Section 503, the OMB and CBO Directors are instructed to "coordinate the development of *more accurate data on historical performance of direct loan and loan guarantee programs.*" And, the OMB Director is required to review "*historical data* and develop the best possible estimates of adjustments that would convert aggregate budget data to credit reform accounting." (2 U.S.C. §661b(d), (e) (emphasis added).) Neither the law nor the legislative history allow for any approach to subsidy cost other than the expected cost to the U.S. Government as projected based upon this data.

The President's Budget for FY 1992 similarly recognizes the cost-to-government approach of credit reform and the importance of the borrower's historical loan experience. The Budget states that the 1992 estimates were based on "available historical experience." Specifically, these estimates "take into account characteristics of the loan or the borrower that make default more likely, and the degree to which policies or economic conditions influence that probability." The Budget further states that "[t]he actual experience—the delinquencies, repayments, and modifications—of the loans . . . must be tracked." (Part Two-224 to 225.)

Finally, OMB guidance reflects the cost-to-government approach and the central role that the borrower's historical experience plays in estimating the long-term cost of credit programs to the government in its formula for calculating subsidy costs. According to OMB, the "expected performance by borrowers" is to be based on "analysis of past statistical data, performance on equivalent loans in the private market, and/or other information." (OMB Budget Procedures Memorandum No. 770, at 3). OMB documents make clear that agencies must present statistical evidence to justify their risk analyses and that such evidence must be based on "historical analysis of program data or comparable credit data, as to likely costs—whether defaults, other deviations from contract, or other costs—that are expected to be associated with loans in that category." (OMB Circular No. A-11, revised July 12, 1991, §33.5, at 101.)

. . . the subsidy cost of credit programs[8]—yet, the agency has merged the two methodologies in its guidance—an act which flies in the face of the purposes of the 1990 act.

In conclusion, the Administration and OMB have lost the debate over whether credit reform should be based on a cost-to-government approach or a market-based method. Credit reform, as enacted, does not sanction speculative estimates of a loan guarantee's expected cost to the government, which are not based on the borrower's historical loan experience. The government's expectation must be based on available hard evidence: statistical data and accurate information on the borrower's historical loan performance. Otherwise, the act's fundamental purpose—to measure more accurately the costs to the government of credit programs—would be thwarted. Thus, OMB should carry out its role—that is, to implement the law that Congress enacted—rather than attempt to advance a legislative agenda that was expressly rejected by our nation's lawmakers.

---

[1] Federal Credit Reform: Hearing Before the Task Force on Urgent Fiscal Issues of the House Committee on the Budget, 101st Cong., 2d Sess. 28 (1990) [hereinafter Task Force Hearing] (OMB submission).

[2] Message from the President: Proposed Legislation—"Federal Credit Reform Act of 1987," H.R. Doc. No. 50, 100th Cong., 1st Sess. 7 (1987).

[3] Task Force Hearing (OMB submission), at 28.

[4] See id. at 7.

[5] Id (statement of Comptroller General Charles A. Bowsher) at 47–49.

[6] Id. (OMB submission) at 28 (emphasis added).

[7] Id. (statement of Bowsher) at 48.

[8] Id. (OMB submission) at 28.

Mr. KASTEN. I yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to rise today, along with my colleague, Senator ROBERT KASTEN, to offer an amendment which provides for $2 billion in absorption guarantees to Israel for each of 5 years. These guarantees will enable Israel to raise the capital needed to finance the resettlement costs of over 1 million new immigrants now arriving from the Soviet Union and Ethiopia.

Mr. President, my colleague and I met with the President of the United States this morning and were asked to delay the parliamentary consideration of this amendment. We appreciate the position taken by the President in this matter, and we are, accordingly, prepared to fully discuss this matter with the President and his staff before its parliamentary consideration, we have, therefore, decided to go forward with the introduction of this proposal so that it might serve as a basis for discussion in the weeks ahead. We feel it is important that all Members of this body, as well as the administration, have the opportunity to fully review all the issues connected with the loan guarantee legislation.

In addition, my colleague and I believe it is important to move forward with this initiative because of the dire financial situation faced by the State of Israel this time.

The humanitarian plight now facing Israel is too important, the legislative calendar too short, and the events now unfolding in the Soviet Union too uncertain for us to delay this important initiative any longer. Linkage to any other issue is unacceptable and merely serves as a diversion from the urgent humanitarian problem now before us. Mr. President, these are extraordinary times—times which call for extraordinary compassion and extraordinary gestures of friendship and goodwill. Today, Senator KASTEN and I intend to make good on our Nation's longstanding pledge to some of the most aggrieved victims of Soviet tyranny.

Six American administrations, both Democrat and Republican, have pledged their support for this cause, declaring that normal relations with the Soviet Union would be impossible without free immigration. From the streets of Moscow to the wastelands of Siberia, the rallying cry: "Let my people go" has resonated in the minds of countless refuseniks for over a generation and sustained their hope that next year they would find peace in Jerusalem.

While it is clear that momentous changes have taken place in the Soviet Union these past few months, it should be clear to everyone that they are by no means irrevocable. The euphoria of the summer can turn quickly into the discontent of winter, as cold, hunger, and uncertainty grip this impoverished land.

No one knows the reversals and misfortunes of history better than the Jewish people. Even as Muscovites were celebrating their new freedom in Red Square, the Government of Azerbaijan suspended the issuance of exit visas for many of the Republic's 50,000 Jewish inhabitants.

We would all like to believe that the future for Jews remaining in the Soviet Union will be bright. But the resurgence of Russian nationalism, and its virulent strain of anti-Semitism, is cause enough for concern. Feelings of anti-Semitism run deep in the heart and history of Mother Russia and her neighboring republics. We must not foreclose the chance that many hundreds of thousands of Jews may still choose to leave for Israel despite the potential flowering of freedom.

Mr. President, it is still conceivable that the ominous cloud of totalitarianism could still descend upon the Soviet landscape, dashing our fondest hopes for change, and plunging the citizens of this great land, along with its Jewish inhabitants, into an even darker abyss. We must all guard against the day when the intoxication of revolution turns bittersweet, and chaos replaces dancing in the streets of Moscow, Leningrad, and Kiev.

Mr. President, the world which we knew just 12 months ago has undergone a profound transformation. The Iron Curtain has rusted away. The statues of Lenin and Marx are being toppled from their pedestals in cities from Riga to Vladivostok. A tired and decrepit Soviet empire has collapsed of its own ponderous weight.

What was once a closed and frightened society has emerged into the light of day, shedding their cobwebs of communism and embracing the ideals of democracy. With this transformation has come a flood of refugees, most of them Jewish refugees, who long for freedom in their national homeland, Israel.

Mr. President, what began as a struggle for the liberation of the Jewish people in the Soviet Union, now has become a struggle for their integration into Israeli society. Already, since mid-1989, 345,000 refugees have resettled in Israel with over 200,000 arriving during the last year alone. Joining this unprecedented ingathering of the Jewish people have been 25,000 Ethiopian Jews, a community which owes its survival to your personal intervention in 1985 and 1991.

Within 3 years, well over 1 million new immigrants will arrive on Israel's shores, beckoned by an ancient call and modern necessity. To put this number in its proper perspective, it is the equivalent of the entire population of France—some 55 million people—choosing to resettle in the United States by 1994.

Clearly, the major burden for absorption will have to rest upon the shoulders of Israelis. To this end, they are prepared to accept ever more severe austerity measures, including a drop in their standard of living, as the price for being able to welcome home this last great exodus of Jews from captivity.

Every Israeli knows that the increasing social cost of this immigration will demand ever greater national sacrifice. I have no doubt they are prepared to meet this economic challenge with the same grit and tenacity that they have faced challenges to their national security.

Already, Israelis have curbed their consumption, downsized their Government bureaucracy, and endured severe cutbacks to their social services. By 1992, Government expenditures for immigrant absorption are expected to reach 18.8 percent of total Government spending as compared to less than 1 percent in 1989. This is equivalent to 10.5 percent of Israel's total GNP.

The United States, for its part, should be prepared to lend what assistance it can by providing the $10 billion in absorption guarantees which the Government of Israel requires—guarantees, which I must stress, will be used by Israel solely to borrow its own funds on the world's capital markets. The United States will not be adding to its budget deficit if these loans are made available, nor will other foreign aid programs suffer as a result.

In addition, the legislation which Senator KASTEN and I are proposing is crafted so that the fees on the loan guarantees are equal to the subsidy cost—a fact that will obviate any need for a budget outlay.

The American public should labor under no misconceptions. This is not grant aid to Israel. There is no free lunch. Israel is not asking for a handout, but for an outstretched hand, a hand of friendship, reassurance and confidence. Nothing could be more firmly imbedded in the American tradition of neighbor helping neighbor. No gesture could better exemplify the humanitarian impulse which guides American foreign policy than assistance in this great process of absorption.

What is being proposed today is merely a Government vote of confidence in a dear friend and a trusted ally—a friend which has never defaulted on any U.S. loan, and a friend which will use a large portion of these resources to purchase goods and services from the United States. Though Israel will benefit from our help, numerous jobs also will be created in the United States—improving our trade balance and assisting in our economic recovery. Of this I am sure.

A strong, self-confident, prosperous Israel poses little risk of default. It is a solid investment. Israel is a country which has remained true to its fiduciary responsibilities despite hardships unimaginable to most Americans. Americans have no reason to doubt that Israel will honor its debts. Israel has never defaulted on any loan extended by the United States—a perfect record of repayment matched only by Norway.

As one who has served the American people in Congress for over 30 years, I know that the frontier spirit of neighbor helping neighbor is alive and well. Americans never forsake a fellow in need and they will not do so today.

Mr. president, colleagues, it is my hope that you will give this proposal your strongest endorsement.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m., September 11.

Thereupon, the Senate, at 7:06 p.m., recessed until Wednesday, September 11, 1991, at 9 a.m.

SENATE—*Wednesday, September 11, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence we thank You, Lord, for the physical restoration and return of Senator PRYOR.

[Moment of silence.]

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27.

Eternal God, merciful Father in Heaven, help us to appreciate the extraordinary events of the past few weeks. Help us to understand these phenomena. America was founded upon belief in creation as revealed in the first chapter of the Bible. Communism denied that belief as if to say, "We hold these truths to be self-evident, that all men are evolved from monkeys, that some evolved more than others and are, therefore, superior. History is a jungle in which the fittest survive—the unfit must be destroyed that communism may succeed." Hence, millions of their citizens were killed or imprisoned. Atheism was its doom!

Thank You, Lord, for our Founders' belief in a God who created all equal and endowed them with inalienable rights which government was "instituted to secure, deriving its just powers from the consent of a sovereign people." Help us never forget that faith in God is the foundation of our system, lest we sacrifice our future with our unbelief. And grant that our leadership will be sensitive, compassionate, and wise in responding to the enormous, critical needs in Eastern Europe. In the name of Jesus, Lord of life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein.

The Chair, in his capacity as a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia is recognized for up to 20 minutes.

Mr. ROCKEFELLER. I greet the distinguished Presiding Officer and wish him a good day.

ENDING U.S. ENERGY VULNERABILITY

Mr. ROCKEFELLER. Mr. President, in recent weeks, a number of people have spoken out about the need for energy policy legislation. I understand that even President Bush has made a statement urging Congress to act on energy legislation. In light of the administration's decade-long neglect of energy policy, I believe this deserves some comment.

Today the United States imports half of the oil we use. By 1995—unless we act—we will depend on foreign oil for two-thirds of our supplies. This rising dependence on resources controlled by nations in the politically explosive Middle East threatens to subject our economy and our foreign policy to blackmail and manipulation by tyrants and dictators.

As with the deficit, as with the S&L bailout, as with neglect of our infrastructure: The neglect of energy policy saddles the country with an unconscionable burden that will be borne well into the next century.

For years there has been an obvious need for a coherent, effective energy policy: to restore American economic security; and to regain control of our foreign policy. Instead, the illusion of cheap oil and an obsession with the short term have meant a decade of dithering in which the administration did everything possible to dismantle our energy policy.

Renewable energy programs were cut. The administration sought to slash funding for energy research. Conservation measures were abandoned, and the administration even sought to repeal automobile fuel economy requirements.

We know why this happened. Policymakers were blinded by the illusion of cheap oil. Sure, there were times when you could buy a barrel of oil at $16. But last fall, the price went to $40 and helped ignite a global recession—with loss of millions of jobs and billions in production. And $16 does not include the lives of our troops: sent into the desert this year or in some future year.

NOTICE

In an effort to facilitate timely delivery of the Congressional Record each morning, the Senate will send copy to the Government Printing Office at 4 p.m. each day of session, and every hour thereafter. This procedure will apply to all introduced bills, amendments, and other routine morning business.

Copy will be available for 2 hours for review by Senators and their staff prior to submission to the Government Printing Office. The 2-hour review period will apply to floor proceedings as well as routine morning business.

Joint Committee on Printing

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The administration's budget assumes that the price of oil for 1992 will be $18 a barrel. Even if this is correct, it cannot be the basis for a realistic energy policy. The price will be $40 again—if not this year, then after the next coup or assassination or invasion. You cannot base your home heating budget for January on what you are paying in July.

When the real costs of not having an energy policy are included, the illusion of cheap oil vanishes. The choice we face is between investing in our country and our economy; or paying the high price of frequent crises and extortionist prices for oil.

What, then, should be the components of our energy policy? Just as our strategic military deterrent is based on a triad, so our strategic energy policy should be based on a triad: improved energy efficiency; alternative energy sources; and sensible development of domestic energy resources.

Nothing more illustrates the decade of dithering than the record on energy efficiency. The oil shocks of the 1970's caused some improvements in conservation. But, in the 1980's, we lost ground. At one point, the Reagan administration sought to repeal auto fuel economy standards. The Bush administration evidently still does not wish to strengthen them. Also, after 1980, research and development funding for conservation was cut drastically. Secretary of Energy Watkins succinctly summed up the impact of low oil prices in the early 1980's on our efficiency programs, saying, "Clearly, we dropped the ball."

The result of this fumble is that the United States uses twice as much energy per dollar of GNP as Japan and West Germany. No wonder the Japanese feel less threatened by Middle Eastern instability than we. A Tokyo woman told Newsweek that the Kuwaiti crisis was like looking at a fire on the other side of the river.

Now the Bush administration claims it has had a battlefield conversion, that it is gung-ho for energy policy. Recently, they have called for action on energy legislation.

That sounds great until you consider that the administration's own stonewalling on automobile fuel economy is a major source of legislative delay.

Our cars and trucks use an unbelievable 128 billion gallons of gasoline a year. Energy policy that does not address that fact is just not credible.

The current corporate average fuel economy standard, known as the CAFE standard, is 27.5 miles per gallon. A Commerce Committee bill would set the standard at 40 miles per gallon by the year 2001, and the distinguished chairman of the Energy Committee, Senator JOHNSTON, has proposed a CAFE standard of 37 miles per gallon in 2006. Finally, as everyone knows, the Senate faces the prospect of horse trading with the House of Representatives because distinguished Members of that body are unenthusiastic about the 40-mile requirement.

Now, everybody knows we have to do better than the current standard. And everyone, including many in the automobile industry, says we can do better. The only question is how much better. Is the administration going to play a constructive role in resolving this, or is it going to keep sending agitated letters to the Hill saying that 40 miles per gallon will mean the end of civilization?

Before the administration gets indignant about energy legislation delays, it should help remove the roadblocks it has itself erected. Setting energy policy, reconciling competing goals and interests for the good of the country, is always difficult. A President is in the best position to do that. That is part of what Presidential leadership is supposed to be about. It's time for the White House to become part of the solution.

The second leg of the energy triad, and another way to curb the automobile's gluttony for gasoline, is by developing alternative fuels like methanol, ethanol, compressed natural gas, and electricity.

In 1988, 65 of our colleagues joined me in sponsoring the Alternative Motor Fuels Act, which provides incentives for production of alternative fuel vehicles.

In the past, I have applauded the President's support for alternative fuels. But I now have doubts about the seriousness of the administration's commitment. The alternative fuels provisions of the clean air amendments were watered down, and in a recent hearing on my bill to provide tax incentives to encourage alternative fuels, there was no administration support.

The General Accounting Office has raised questions about the absence of fueling stations and other infrastructure for alternative fuels as a barrier to an alternative fuels development strategy. My tax incentives bill—with support from the alternative fuels and auto industries—addresses that problem. I hope the administration's position does not reflect the President's views, and I call on him to reverse that position.

This is the time to pick up, rather than to slacken the pace on alternative fuels. Alternative fuel vehicle technology is one of the few advanced technologies in which America still leads the world. But the Japanese are moving aggressively to catch up. This is a prime test of American will and ability to recapture technological preeminence.

The third element of our energy policy triad should be sensible development of our domestic resources. The years of trashing research on solar power, wind, biomass, and other renewables must end. At the same time, we must be smarter in our utilization of traditional energy sources.

This is why I have been a strong supporter of clean coal technology—to ensure the environmentally sound utilization of the massive energy resources that our country and my own State of West Virginia possess.

This is also why, working with scientists at West Virginia University, I developed legislation for research on new, nonfuel products from coal. Over 50 percent of our electricity in this country comes from coal. But few people realize that there are other products for the chemicals and materials industries that can be made from coal—from carbon fibers for satellite components to chemicals for photographic film to graphite electrodes for steel.

These are new uses for coal that can often substitute for imported oil. Economic and environmental issues can be addressed with a carefully targeted research program. I commend Chairman JOHNSTON for including my legislation authorizing such a program in his energy bill.

To achieve smarter use of our resources I have also authored, with many of our colleagues as cosponsors, legislation to stimulate electric vehicle technology development. I would like also to commend Senator JOHNSTON for including the electric vehicle legislation in his energy bill. Electric vehicles would improve air quality, address global warming concerns, and—because electricity can be generated by abundant domestic fuel sources—cut our dependence on imported oil.

Our national security and our flexibility in foreign policy are endangered by energy dependence. We need to mobilize American know-how and ingenuity to end this hostage situation. Innovation is needed to improve all three elements of the energy policy triad—conservation, alternatives, and domestic development. Ingenuity is needed to ensure that we meet environmental, economic, and other national policy goals at the same time we create an effective national energy strategy.

A reporter asked me the other day if I thought that the program under my electric vehicle legislation could really produce a better battery. I replied that it was inconceivable that the U.S. Department of Energy and the American auto industry could not build a better electric vehicle battery if they put their minds to it.

Does that sound like an old fashioned vision of American can-do spirit? If it does, then I say it is time to return to the traditional American can-do spirit. It is time to stop saying "we can't" every time a problem comes up and to start solving those problems.

Over a generation ago, when we were engaged in a great global conflict against dictatorship and tyranny, we were cut off from our supplies of natural rubber—a critical war materiel. We mobilized our know-how and ingenuity and invented the synthetic rubber that helped us win the war.

Today, we may face a slower burning fuse, but the consequences of inaction can be every bit as disastrous. Let it not be said that we failed to follow the example of the generations who preceded us. Instead, let it be said that we preserved and passed to our children and their children the legacy of security and freedom we have inherited.

Our task is to act now to reinvent industrial society, to break the bonds of dependence, to look beyond the moment and ensure our world leadership into the 21st century. That is a challenge worthy of America's past achievements and worthy of our creative powers.

It is a challenge we can and must meet.

I thank the Chair and yield the floor.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized for 10 minutes.

A REVIEW OF THE BUDGET SUMMIT

Mr. SIMON. Mr. President, I am going to speak very, very briefly. I think it is time to reevaluate the budget agreement that we have, in view of what has happened around the world in the last 3 weeks.

I have sent a letter to the President suggesting two things: One is that we reconvene the budget summit to take a look at where we are. Does it really make sense today to have a majority of our defense expenditures zeroed in on a possible Soviet invasion of Western Europe? I do not think anybody thinks that makes sense anymore. I think we have to be getting that deficit down. The Presiding Officer and I have had some conversations about that. We also, it seems to me, ought to be shifting over some of our expenditures to very real domestic needs, particularly in the field of education and health care.

The second thing I suggest in this letter is that one of the things we can do even without a budget summit—and it is something that I heard Senator NUNN discuss briefly on television—is to stop all nuclear warhead testing. The Soviets—and I am not sure we can even use the term "Soviets" anymore. Boris Yeltsin, the President of the Russian Republic, has indicated that they are stopping all nuclear warhead testing. It is something that is verifiable. We ought to go ahead and stop that right now. It helps our environment and, No. 2, it saves money.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 9, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing out of concern for the opportunities for our country provided by the momentous developments over the last few weeks in the Soviet Union.

The collapse of Communist institutions in that nation, and indeed the thorough transformation of the U.S.S.R. from a centralized state into a federation or confederation of republics, offers extraordinary opportunities for the United States.

The developments in the U.S.S.R. provide the United States with some immediate opportunities to further reverse the nuclear arms race and to modify our budget agreement. The nuclear risk from the Soviet Union is much less than it was even a few weeks ago. Russian Federation President Boris Yeltsin and Kazakhstan President Nursultan Nazarbayev have both said that they will halt all nuclear testing in their respective republics until further notice.

Mr. President, this presents the United States with a special opportunity. This is precisely the time to respond in kind: To notify the Soviet republics and central government that we are prepared to halt all nuclear testing if they will abide by their pledges to do the same. I have little doubt that the central and republican authorities will agree quickly to such an arrangement. Indeed, they seem to be acting to unilaterally halt testing.

Over the longer term, the profound changes in the U.S.S.R. will have major implications for the United States. These changes require us to re-examine our own fiscal policies and priorities. In 1990, when you and congressional leaders enacted the five-year budget agreement, no one foresaw these developments. The 1990 budget agreement, in effect, hinders us from, in any substantive way, responding to these events. We cannot change our budget priorities without taking extraordinary steps. The 1990 agreement, in effect, freezes an outdated set of priorities in place.

Mr. President, I urge you to convene a new budget summit. The terms of the 1990 agreement must be reviewed, and changed. The current budget agreement prevents us from transferring funds from the defense budget to domestic needs until 1994. It makes absolutely no sense for the United States to be locked into constraints enacted prior to the sweeping changes taking place in the world. We need to give ourselves the flexibility to respond. Our own national security and well-being require it.

Our country faces urgent social needs. Our cities and rural areas are deteriorating, our infrastructure badly needs reinvestment, and the recession is forcing cities and states to make drastic cutbacks in education, housing, health care and aid to the needy. Just recently, you cited budget constraints as a reason not to extend unemployment benefits as an "emergency" under the Budget Act. In these times, we need to take advantage of this historic opportunity to target urgent domestic needs.

One proposal a new budget summit might consider is a bill I introduced this year, S. 644, that would essentially combine the three budget sub-caps for discretionary spending—domestic, international and defense—into one overall discretionary category, not increasing the deficit one penny. Under current law, this will happen anyway in 1994. If a summit were to convene, with the goal of reporting legislation this year or, at the latest, in the early part of next year, this would mean that this merging of sub-caps into one overall cap could take place in 1993, allowing Congress to make budget decisions next year that take into account the dramatic changes in the Soviet Union.

In addition, a new summit should consider changes in the Fiscal Year 1992 budget that reflect the new world realities.

Whatever specific proposals a budget summit might consider, I believe it is imperative that such a summit meet to reconsider the 1990 agreement and fashion a new budget agreement that allows us to take action in response to what is happening today. Let us not allow yesterday's headlines to dictate tomorrow's events.

Mr. President, I hope you will seriously consider these proposals.

Cordially,

PAUL SIMON,
U.S. Senator.

Mr. SIMON. I will be offering a sense-of-the-Senate resolution to the appropriations bill that is before the Senate at this point. The sense-of-the-Senate resolution will simply urge that we reconvene the summit to modify the agreement, in view of the changed world. For us just to continue to drift and not to modify our budget, in view of the changed world situation, just does not seem to me to be a rational thing at all.

Mr. President, I do not see anyone else seeking the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

THE ISRAELI HOUSING LOAN REQUEST

Mrs. KASSEBAUM. Mr. President, last Friday President Bush requested that Congress delay any action on Israel's $10 billion housing loan request for 120 days. The President urged that it was in the best interest of peace that consideration of this request be delayed and a divisive debate on the issue be postponed. The President's request to Congress came after a similar request to the Israeli Government to withhold their proposal for aid went unheeded.

I am deeply aware, Mr. President, of the economic strain that the flood of

Soviet Jewry has placed on the Israeli economy. In the past 2 years, over 300,000 Soviet Jews have emigrated to Israel, most of them coming in desperate need of financial support. As someone who has worked hard and consistently over the years to press the Soviet Government to allow the free emigration of Jews to Israel, I believe it is important that the emigration continue unimpeded and that the United States help Israel in its efforts to resettle these families and individuals.

We have already begun to aid the Israel directly with this problem. Last year, above and beyond the more than $3 billion in aid we give to Israel, Congress approved an unprecedented housing loan guarantee program of $400 million. As we all know from that debate, this issue is not a simple one. I personally felt strongly that we should not support any loan guarantee program that violated our longstanding policy of not allowing any United States aid to be spent beyond the green line, or Israel's border prior to the 1967 war. And, I did not support the aid until we had received such a commitment from the Israeli Government.

I know, Mr. President, it is hard to condition our aid, but we condition it continually. It seems to me this is in the interests of both Israel as well as the United States, to speak with an honest voice concerning these difficulties.

This year's request from Israel is far larger than last year's. Israel is asking for a $10 billion housing loan guarantee over a 5-year period. This proposal warrants very close scrutiny by us here in Congress as we struggle to respond to the growing international and domestic demands on our budget.

Given the many outstanding questions, I strongly agree with President Bush that now is not the time for this debate. After much hard diplomatic work on the part of the President and the Secretary of State Baker, we are at an historic point where peace is a real possibility in the Middle East. It is an opportunity for peace that has not come quickly or cheaply. It is an opportunity we cannot squander. President Bush is simply asking for delay in considering this request for 120 days so that this issue does not complicate the convening of the Middle East conference and would not complicate either side in trying to come together. This conference for the first time holds out the possibility for direct talks between Israel and all of its neighbors.

I urge my colleagues to join in support of this delay. After the many years that we struggled for peace in the Middle East, 120 days seems like reasonable breathing space. I am personally disappointed that the Israeli Government did not heed President Bush's request to withhold its additional aid proposal. It is my strong hope that, in the interest of peace, we here in Congress do respond positively to the President's call for delay in consideration of this issue.

Mr. President, I yield back any time that I may have remaining.

CONGRESSMAN BLILEY

Mr. DOLE. Mr. President, prior to the August recess the House and Senate were finally able to reach agreement on legislation related to the District of Columbia and the Federal payment it receives.

This Senator was pleased to be able to be of assistance in securing passage. My colleague in the House, Congressman BLILEY was also very involved and gave a very informative statement which I ask to be printed in the RECORD for all my colleagues to read.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, June 11, 1991]

DISTRICT OF COLUMBIA BUDGETARY EFFICIENCY ACT OF 1991

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it has been a privilege to work with the distinguished chairman to bring H.R. 2123 to the floor. It is an honor to help shape the history we are making today in the restoration of the fiscal health of our Nation's Capital. Just as importantly, we are also restoring dignity and mutual trust in the relationship between the Congress and the District of Columbia which has been missing for too long.

As we vote on this legislation today, we will be adding to the process of renewal which was begun last November in the District with the election of a new Mayor and a new city council.

Shortly after the beginning of the 102d Congress, we began our work on what would become H.R. 2123, the District of Columbia Budgetary Efficiency Act of 1991, based on the following concepts:

First, as the distinguished chariman has already explained, the Federal payment is not a gift to the district. It is payment for services actually provided to the Federal Government. The Federal payment as provided for in the Home Rule Act is also compensation for the restrictions Congress has placed on the local government's ability to raise revenue. These restrictions include a prohibition on commuter taxes and limitations on the height of buildings in the District.

Second, the unpredictable nature of the Federal payment hurts the District's budget planning ability and costs the District millions of dollars in additional interest payments on its bonds because of revenue uncertainty.

Third, any formula based on a percentage of local revenue must be somehow divorced from direct and immediate impact by actions of the council.

Fourth, any agreement we reached must not violate the budget agreement reached last fall between the Congress and the White House.

Fifth, the request from the District and propounded by the Rivlin Commission for a Federal payment based on 30 percent of local revenues was unacceptable and politically not feasible.

The result of months of intensive negotiations between members of the committee is before the House today as H.R. 2123. This bill is a bipartisan compromise in the truest sense of the word and meets all of the criteria I just mentioned for helping the District of Columbia while preserving congressional responsibility.

There are four principle reasons Members should support this legislation. The first three reasons are graphically illustrated in the following charts.

CHART 1.—FEDERAL PAYMENT

[Constant 1982 dollars]

X data	Series 1
1977	446.161
1978	417.549
1979	351.617
1980	355.856
1981	348.028
1982	360.385
1983	363.3
1984	398.472
1985	413.922
1986	358.91
1987	375.74
1988	350.285
1989	368.687
1990	366.025

First, as this chart illustrates, the District has faced overwhelming instability and uncertainty with respect to the Federal payment. As you can see the Federal payment between 1977 and 1990 looks more like the Anaconda roller coaster ride at King's Dominion than a rational payment to the Nation's Capital. No level of Government, local or State, nor any Federal agency can engage in any semblance of rational planning with this kind of instability. The Federal payment has been patently unfair.

CHART 2.—FEDERAL PAYMENT H.R. 2123

[Constant 1982 dollars]

X data	24 percent
1990	366.025
1991	422.151
1992	420.623
1993	414.45
1994	423.078
1995	431.643

As you can see from this next chart H.R. 2123 ends the uncertainty and unpredictability of the Federal payment. Basing the authorized level of the payment on a formula of 24 percent of local revenue raised 2 years before will allow the Mayor, the Council and the District's bond underwriters to know what the cap will be well in advance of the money actually being budgeted by the District and appropriated by the Congress. This new predictability for the Federal payment should save millions of dollars as well as allow the District to manage its fiscal affairs in a more responsible manner.

Let me point out that the Congress has already provided the noticeable increase between 1990 and 1991. We cannot go back to 1990 without dire consequences. From 1991 and beyond, the level of funding is really just keeping pace with inflation.

CHART 3.—H.R. 2123 FEDERAL PAYMENT

[Constant 1982 dollars]

X data	24 percent	30 percent
1991	422.151	....
1992	420.623	520.37
1993	414.45	513.779
1994	423.078	528.907
1995	431.643	539.498

The third reason Members from both sides of the aisle can support H.R. 2123 is that it is a fair compromise. This chart illustrates the differences in projected costs between the 30 percent requested by the District and the 24 percent contained in H.R. 2123. Looking at projected payment figures, it is clear that 30 percent is far more money than Congress would be willing to authorize with a Federal deficit of $300 billion. The difference between a 24-percent and a 30-percent formula comes out to $500 million over the 1993-95 period covered by this bill. That is $500 million that we would have to take from some other deserving program or project. As it is, H.R. 2123 provides the District with the stability to get its fiscal house in order without committing a mass assault on the Federal Treasury.

As we develop this legislation, we were acutely aware that a Federal payment formula should not violate the budget agreement and that it must be in line with the plans of the Appropriations Committee. I thank the chairman for his sharing my interest in this matter. At this time I will yield to the ranking minority member of that Appropriations Subcommittee, the distinguished Congressman from New Jersey [Mr. GALLO] for the purpose of a similar colloquy. I would ask my colleague to confirm my belief that H.R. 2123 does not violate the terms of the budget agreement and I yield to him.

Mr. GALLO. I thank the gentleman from Virginia for his efforts on this important matter and I can confirm his understanding—H.R. 2123 is in conformance with the budget agreement.

Mr. BLILEY. Reclaiming my time, I thank the gentleman for his answer and ask if this bill will cause concern on the Appropriations Committee or if it will obligate the appropriation of any set amount for the Federal payment?

Mr. GALLO. The Appropriations Committee will continue to examine proposed District budgets with a sharp eye and we will not approve any budget or appropriate any Federal moneys in excess of what is reasonable and necessary for the effective governance of the District of Columbia. If the gentleman will continue to yield to me, I would add further that I join Mr. DIXON in support of this legislation and I believe that it will give the Appropriations Committee necessary leeway to fit the Federal payment to the needs of the District and to a fair and reasonable amount of taxpayer funds.

Mr. BLILEY. Reclaiming my time, I thank my colleague for his support and for his answers to my questions. My desire to stay within necessary restraints and guidelines thus has been met in the provisions of H.R. 2123.

My most important reason for negotiating this bill and for supporting it so strongly is that it is in the interest of this Congress and of all of the American people that this city—this Federal city which is the seat of our Government—renew itself and become once again a Capital of which we can all be proud. Across the country, the citizens of this Nation expect our help to make the District of Columbia once again a place where they can visit without fear and visit the monuments commemorating our past achievements, and, as so many did this past weekend, view history in the making. We want Mayor Dixon to succeed. We need Mayor Dixon to succeed. We must do our part or else I see no way that she can lead the District back from the brink. I would like to thank Mayor Sharon Pratt Dixon and Council Chairman John Wilson for working so hard at the other end of Pennsylvania Avenue to restore our confidence and trust in the District government. Washington and Jefferson envisioned a great city worthy of our great experiment in democracy. The Federal city cannot fulfill our forefathers' expectations without national participation in its fiscal affairs. H.R. 2123 institutes a stable, predictable, rational, and equitable funding formula for our Nation's Capital and provides just that mechanism needed for meeting our obligations to the District of Columbia's 250 million constituents. The Nation's Capital belongs to each and every one of us and it is our responsibility to help ensure that it is a Capital of which we can all be proud.

I urge my colleagues to support this bipartisan compromise as the principle means in the 102d Congress to restore that pride.

SET A GOOD EXAMPLE—FIRST PLACE WINNER JEWELL SUMNER HIGH SCHOOL OF KENTWOOD, LA

Mr. JOHNSTON. Mr. President, I rise before you today to commend the first place award winners of the Set a Good Example Contest.

This annual contest, sponsored by the Concerned Businessmen's Association of America, recognizes one school each year which has gone above and beyond the call of duty on its war against drugs in our Nation's schools. For the second consecutive year the school honored with this award is Jewell Sumner High School of Kentwood, LA.

During the recent years we have seen the war on drugs being fought in every conceivable arena, the streets of both the inner city and the suburbs, the workplace, and on the home front, but nowhere should the battle rage more fiercely than in the classrooms of our schools.

Recognizing this fact, the Concerned Businessmen's Association of America, a consortium of business leaders, designed the Set a Good Example Contest to encourage our young people to get involved in drug-free and antidrug campaigns. For the past 5 years, the program has proven to be both a successful and inspirational way of getting our students and educators behind the effort to eradicate drug abuse in our Nation.

The students and faculty of Jewell Sumner High School have taken this program to heart and organized several impressive activities to educate themselves and others on the dangers of drug use. The school took its first steps in that direction when in 1986, at the students' request, the school chartered the Just Say No Club. The club, which now comprises 92 percent of the enrollment, is primarily responsible for the drug education outreach programs which are sponsored by the school.

The members of the Just Say No Club are involved, on a regular basis, in speaking to area elementary and junior high school students on the problems that drug use can cause, along with using some positive peer pressure to show them that drug users are in the wrong crowd. The program has proven to be so successful, in fact, that last year a group of around 2,000 students from seven St. Tammany Parish schools congregated to witness an antidrug presentation organized by the club.

In addition to these speaking engagements, the students also distributed over 2,500 copies of "The Way to Happiness," which outlines basic fundamental values and offers long-term guidance. These books were provided to individuals in order to give them additional moral support during their personal battles against drugs.

Finally, Jewell Sumner High School is heavily involved in the Red Ribbon Campaign. This was a national effort which encouraged students to wear red ribbons on their clothing as evidence that they were drug free. After becoming involved, the school was literally overflowing with red ribbons, as they provided extensive support for the cause.

In recognition for these outstanding efforts, the Governor of Louisiana along with the mayor of Kentwood will be issuing proclamations during the awards ceremony on Monday, September 16, 1991.

The work of the students and faculty of Jewell Sumner High School must definitely be commended. These students, who will surely become the leaders of tomorrow, have shown us as a nation that the drug problem we face cannot be ignored but must be dealt with by all members of society. Their dedication to the antidrug message should be an inspiration to us all.

If this type of involvement is any indication of the way our youth will attack issues in the future, then we should not worry, for we are headed in the right direction. The Concerned Businessmen's Association of America could not have chosen a better recipient for their award, and they should be commended for providing these students with the opportunity to play a vital role in the war on drugs.

To the students and faculty of Jewell Sumner High School, I extend to you my congratulations for your exemplary achievements. Thanks to you, the youth of this great Nation now can follow in your footsteps.

THE GENERIC DRUG SCANDAL

Mr. D'AMATO. Mr. President, at 9:30 tomorrow morning, FDA Commissioner David Kessler is scheduled to appear before the House Subcommittee on Oversight and Investigations to answer questions about several issues, including the generic drug approval process at the FDA. For several years I have been deeply concerned about the notorious lack of integrity and efficiency in the generic drug approval process at the FDA, and I eagerly await the testimony of Commissioner Kessler on these issues.

My concerns date back to the summer of 1988, when a constituent brought to my attention the possibility of a competitor's improper involvement and/or influence in the FDA's generic drug approval process. That constituent, Barr Laboratories, is a major American generic drug manufacturer, with headquarters in Pomona, NY. Barr informed me that it suspected that its attempt to get FDA's approval of its generic version of the drug Premarin had been compromised by FDA officials, whom Barr suspected were leaking confidential information to the brand name drug company.

In 1984, Congress passed the Waxman-Hatch Act. That statute charges the FDA with a very important mission—to facilitate consumer access to safe, effective, and low-cost generic drugs. If Barr's allegations were true, the integrity of the FDA's generic drug approval process was being compromised and American consumers were being disadvantaged.

In August 1988, I wrote to former FDA Commissioner Frank Young demanding an accounting of FDA's procedures to protect the integrity of the application process. The Commissioner's answer, part of a staff report prepared by the agency's Center for Drug Evaluation and Research, merely sidestepped the question by stating that "proprietary data in applications is properly protected by FDA procedures." Despite a followup meeting with the former Commissioner in October 1989 and requests from my office for additional information, nothing I have seen or heard to date has assured me that the generic drug approval process is free from manipulation.

Over the past 3 years, investigations by the U.S. Attorney for the District of Maryland and the House Oversight Subcommittee have uncovered fraud and corruption both within the FDA's Generic Drug Division and the generic drug industry. At least five FDA employees, four drug companies, and numerous industry executives have been convicted for activities ranging from fraudulently submitting generic drug applications to illegal payoffs. Unfortunately, the investigations, allegations, and indictments continue. The most recent investigations by the U.S. attorney involve possible stock manipulation activities.

Throughout this entire period, it has become increasingly clear that the generic drug approval process and the Generic Drug Division at the FDA is in complete disarray. When Commissioner Kessler testifies tomorrow before the House Oversight Subcommittee, he must make clear his commitment to take immediate action to restore integrity to this process.

Reforms should include personnel changes and changing the approval process to prevent bias against companies who have criticized the agency. Additionally, the inexcusably large backlog of generic drug applications awaiting approval at the agency must be eliminated. Finally, any new approval process must be based upon published and realistic procedures not subject to outside influence or arbitrary interpretation by the agency. If necessary, I will happily support new, stronger legislation which guarantees that these objectives are met.

As I have repeatedly said, the cost of the FDA's inaction and ineptitude is too high. The American people should have timely access to lower cost, safe, and effective generic drugs. I eagerly await tomorrow's testimony of Commissioner Kessler on these issues.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,370th day that Terry Anderson has been held captive in Lebanon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the period for morning business is now closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2707, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Harkin amendment No. 1084 (to committee amendment beginning on page 3, line 24), to increase the amounts made available for disease control, low-income home energy assistance, chapter I basic and concentration grants, Impact Aid, vocational education, supplemental educational opportunity grants, TRIO, and foreign language higher education.

AMENDMENT NO. 1084 TO COMMITTEE AMENDMENT BEGINNING ON PAGE 3, LINE 24

The PRESIDING OFFICER. The Chair will advise the senior Senator from Nevada the pending business is amendment 1084 to committee amendment beginning on page 3, line 24.

Mr. HARKIN. Mr. President, the amendment before the Senate is similar to the amendment considered by the Senate yesterday as it also adds funding for 10 programs within the subcommittee bill. The pending amendment however, does not require a transfer of funds from the Department of Defense. The pending amendment also does not have any Budget Act points of order that can be made against it and it is within the 605(b) allocations of the subcommittee.

The amendment includes $510 million of funding for eight education programs and two other programs under the jurisdiction of the subcommittee. Like the amendment circulated earlier by Senator WIRTH, this amendment would make the education totals substantially higher than those included in the reported bill. Like the amendment circulated by Senator WIRTH, this amendment adds $10 million for CDC immunization programs. Also like the amendment circulated by Senator WIRTH, these funding increases require no offset because all new budget authority provided is delayed until September 30, 1992.

The increases provided for education programs are as follows: $138 for chapter I basic grants; $14 million for chapter I concentration grants; $50 million for vocational education basic grants; $10 million for vocational education supplemental grants; $62 million for supplemental educational opportunity grants; $4 million for foreign language assistance program; $2 million for impact aid construction; and finally, $20 million for the TRIO Program.

Mr. President, this portion of the amendment I have worked out with Senator WIRTH and I believe he will want to also speak in support of this additional funding for the Department of Education. Funding provided by this amendment is for proven Education programs that we know work. These several programs reach only a portion of the eligible students that are entitled to receive these services and I am convinced that these funds will be put to good use and are well justified.

Mr. President, the amendment would also add $200 million for the Low-Income Heating Assistance Program. As the Members know, this program provides critical heating assistance to low-income families. This is one of the programs that has been ravaged over the last decade. Each year the administration proposes to fund this program at still lower levels than the previous year. This amendment brings the total for the program to $1.8 billion, still below the funding level enjoyed in 1985 when it was funded at $2.1 billion. This does, however, allow us to increase the program by $200 million over the 1991 level. This additional $200 million will provide heating assistance to 772,000 additional households this coming winter.

Mr. President, the need for additional funding in the subcommittee bill was discussed at some length by myself in support of the previous amendment. As I previously stated the funding for the programs in the jurisdiction of the Labor, Health and Human Services Subcommittee are $6 billion below the level they would be had funding just kept up with inflation over the last decade. The programs funded by this amendment fall short in meeting the authorized levels and needs of the Nation.

I would like to compliment Senator WIRTH for his leadership in fashioning this amendment and bringing us to the point where we are able to bring it to the floor without points of order lying against it. It has broad-based support. I would also like to thank Senator RUDMAN for helping out on this and for the excellent cooperation both he and Senator WIRTH and their staffs have provided in the preparation of this amendment. The amendment now before the Senate has my strong support and I urge other Senators to also support it.

I will have some more to say about some of the programs that are in the amendment, but at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I rise today to offer an amendment that will allow the members of this body to take a step in meeting the priorities we set for ourselves when we passed the fiscal year 1992 budget resolution.

In May, the Senate passed the budget resolution which included the homefront budget initiative which called for an additional $4.4 billion for proven cost-effective education and family health programs to reestablish our children and our future as our country's top budget priorities. With strong bipartisan support, we set some priorities. We said that it is important for the Federal Government to support the critical programs that help kids be prepared to learn. We said that it is important for the Federal Government to support valuable, time-tested programs in education. We made a choice. We said that our kids deserve our support.

Mr. President, the Appropriations Committee has one of the most difficult jobs in the Senate. Under the leadership of the President pro tempore, the committee must weigh the merits and make tough choices in funding many worthwhile programs. But, Mr. President, it is also my belief is that the priorities set forth in the budget resolution—and agreed to by the whole Senate—should act as a guide to the appropriators as they carry out their difficult and important work during the remainder of the fiscal year. But while the Appropriations Committee was able to make some positive gains for excellent programs—especially Head Start—unfortunately, this bill falls more than $2 billion short of the goals set in the homefront budget initiative.

That is why I am offering an amendment along with Senator HARKIN, and RUDMAN to retrieve a portion of the funding levels set by the homefront initiative. This amendment includes an additional $310 million for education and child health, and $200 million for the Low-Income Heating Energy Assistant Program. Our amendment focuses on several important programs:

It includes $152 million for chapter 1, the formula-based program that goes to school districts that have children below the poverty line. The majority of the funds go toward providing additional services in reading, math and language outside the classroom for about 30 minutes each day. These funds will assist in meeting the educational needs of disadvantaged children with low achievement records.

It includes $62 million for supplemental educational opportunity grants that provide assistance to undergraduate students in financial need. Nearly 40 universities and technical schools in Colorado participate in the program, including Regis, CU, Adams State, Colorado Mountain College, Western State, and Colorado College.

It includes $20 million for the TRIO Program which identifies qualified students who are the first in their family to attend college and prepares and supports them to continue their education. Colorado alone has 23 outstanding TRIO projects serving more than 13,000 students—students that could very well just fall through the cracks if these services were not provided.

It includes $60 million for vocational education—$50 million for basic grants and $10 million for supplemental—to provide critical technical training so that our young people can be prepared for the challenges of the workplace in a competitive world economy. If we are serious about making the United States more competitive in the world economy, a focus must be placed on developing more fully the academic and occupational skills necessary to work in a technologically advanced society.

It includes $4 million for international education to allow our students to participate in comprehensive language and international studies programs—skills that are critical in a global economy. These programs, which I know are working in the State of Colorado, only help to broaden horizons and to increase our competitiveness.

It includes $2 million for impact aid construction grants for school districts that are aversely impacted by the lack of revenue as a result of Federal ownership of property within that district.

It includes $10 million for childhood immunizations to ensure our children are healthy and ready to learn. Mr. President, I would like to add right here that I am flabbergasted that in this Nation, we do not provide the most cost-effective piece of preventative medicine to all our children. The cost savings of providing immunizations is so extraordinarily clear—and think about it, we can make sure that kids do not get some diseases, that they can have fuller lives. We have supported research to develop these vaccines, and then we do not provide the means to ensure that all who can benefit from that research, do benefit.

We hear it often, because we say it often—but each of these programs is a proven, cost-effective investment. Why then should we not support this amendment?

This amendment takes the unused budget authority left under the subcommittee's allocation and makes it usable by allocating it to forward funded education programs. The amendment does not require an offset from any other program in the bill. All of the $310 million for education and child health programs will outlay in fiscal year 1993. Since the subcommittee is at its outlay ceiling and not at its budget authority ceiling, deferring the outlays for this amendment to September 30, 1992, ensures that no program in the bill will be adversely affected.

Mr. President, if we in the Senate are to continue talking about improvement for our Nation's system of education and the welfare of our children we must go beyond promises of national testing and student vouchers and provide the funding necessary to ensure all of our students get the best possible education.

Last year, the Nation embarked on a decade-long effort to improve education. We have set ambitious, yet attainable goals. Achieving them will play a major role in reinvigorating our economy and recapturing our position in the world market. If we fail to have the best educated and most skilled work force, our position in the world economy will continue to decline and our society will never be able to shed the costs of untrained workers—who strongly wish to work but for whom there are simply no jobs for which they are qualified.

But we cannot merely demand results—we must provide the means to attain them.

When the President presented his education strategy to the Congress and the Nation, I could not help but feel that while some of his ideas deserve thoughtful consideration, something obvious is missing.

If we were fully funding programs that are proven and cost-effective, and that meet the needs of the students, would not we now have a country that was closer to meeting the goals outlined by the administration? If every Federal commitment were filled and every eligible child served, would not we have progressed more than we have?

Certainly there are changes to be made and certainly we need to reinvigorate the system, but I say we have to also support the programs we know work. I disagree with the President: I say good can come from new money in education—new money devoted to the programs that have served students well. We just need to serve more of them.

As we continue debating the needs of our children, I hope my colleagues will keep this in mind: All the answers are not hidden away with a few new experiments and creating the best for the few. We already have many of the answers—we need to provide the means to see them actualized.

How many of us have used education and the importance of our Nation's children as a major campaign issue? I think it's safe to say that each and every one of us has voiced our strong and unwaivering support for these programs. Let us take that rhetoric and turn it into reality.

We need to commit our resources to our children's educational resources—from elementary to higher education. Support for well-established and effective programs to diminish the disparity between those with varying and special needs and many of their peers. Supporting the programs to put Americans—trained and ready—can only enhance our competitiveness. Access to financial assistance for college can bring enhanced opportunity to those who otherwise be excluded.

Reluctance to spend more on education stems in part from the mistaken notion that the United States spends as much or more on public education than any other industrialized nation. In fact, we spend less of our GNP on elementary and secondary education than most other developed countries. To be strong, to be competitive and to be forward-looking, this must change.

What we have before us now is the opportunity to act on this voiced support, and vote for something that is a solid, long-term investment—one that will truly benefit our Nation.

Each of these programs is a proven, cost-effective investment. By making this commitment, we can help America's children be prepared to learn, give them the foundation to meet our future challenges and create American workers for tomorrow's jobs.

Mr. President, this amendment is the beginning of a statement to be made by the U.S. Senate and, I hope, by the Congress overall, in reflection of what the country needs. We ought to be investing a significant amount more in education than this amendment does. We ought to be making investments in our future. We ought to be making investments in the 21st century rather than continuing to look back over our shoulders as if the cold war is still under way. We ought not spend the enormous amount of scarce national treasure on weapons systems to fight a war that obviously dissipated.

We can take great heart, I think, in the fact that the cold war is over and that we won. But I think we now have to think carefully about adapting ourselves to a rapidly changing world. So far our appropriations process and our overall spending pattern is not, in my opinion, making that adjustment as rapidly as it should. This amendment is an attempt to speed it up.

This all started in the Budget Committee, of which I am a member, where at the beginning a set of priorities were laid out reflective of last year's so-called budget agreement. The distinguished occupant of the chair will remember that budget agreement which has now brought us a deficit, I believe, of some $330 billion. Certainly it is not the kind of careful deficit decline we were told it was going to bring.

In any case, we have this budget agreement that presumably we are locked into. We act as though we are incapable of making changes in that. As we can see by the vote last night, we are going to have another year of sort of automation activity related to establishing our national priorities. Even though the rest of the world is changing around us, we find ourselves kind of locked in and stuck in the way we are doing business.

Be that as it may, in the Budget Committee this last spring I offered an initiative which was adopted by a better than 2-to-1 majority, Republicans and Democrats, called the homefront initiative. We had had a great deal of discussion about what transpired in the Persian Gulf and about our efforts in Desert Storm and very little attention, unfortunately, Mr. President, being placed on what is going on right here at home. Therefore this was described as the homefront initiative.

The Budget Committee set different priorities than had been set elsewhere—saying we ought to be investing significantly more in education, that we ought to be investing significantly more in our own future. That was the purpose of the homefront initiative amendment which I offered and which, again, was supported by about two-to-one bipartisan majority. It was my understanding that the Budget Committee was set up in part to set priorities; to determine what we were going to spend money on overall and what we were not going to spend money on. That has not been the success it was originally designed to be in 1974 when it was created, but in any case we still try on the Budget Committee to determine that some things are more important than others. One of the things that was attempted to do in the homefront initiative was to give priority to education—preparing young people for school and preparing students for higher education and training students for the workplace—all the things we know how to do and that we should do. There is no great mystery in these programs; we know what works, but, of course, we are not doing them. Our priorities are skewed.

Our attempt with the homefront initiative was to say, and the Budget Committee said it with a resounding majority, we ought to have different priorities.

Things change when you get out of the Budget Committee and get to the appropriations process. I understand that tension exists. I saw that for a dozen years as a Member of the House of Representatives. I see it here now and understand the very difficult jobs members of the Appropriations Committee have, including the occupant of the chair, the distinguished Senator from Iowa, and the distinguished President pro tempore, Senator BYRD, in developing priorities and meeting all the demands that come through the appropriations process.

The homefront initiative declined from about $4.4 billion, as passed out of the Budget Committee, down to about $2 billion. There was some additional funding for Head Start and a few other programs. What we have before us now is an attempt to further these goals and say, in terms of our future priorities, we are going to invest more in education and more in our own future.

There are a whole variety of programs in this amendment for which I am very pleased to have the support of the distinguished chair of the subcommittee, and Senator RUDMAN and others. There are a number of things in here in addition to the $200 million for the Low-Income Heating Energy Assistance Program, which had been a particular target of Senator RUDMAN.

In this amendment, we are adding $152 million for chapter 1. This is the funding that goes to school districts that have children below the poverty line. Probably the single most important target in our society is these kids who have very little family support, neighborhood support, school support, financial support in their communities. If we do not step up the action in the chapter 1 program, if we do not make these investments in the poorest kids in our society, what do we expect is going to happen in the 21st century? It is penny wise, perhaps, but certainly pound foolish for us not to be making these investments.

In addition, there are $62 million for supplemental educational opportunity grants. Again, the same sort of thing, but we making sure that higher education is made available for undergraduates who have significant financial need. Just as in our society overall, we see the gap between the rich and poor growing. Certainly our ability to make sure that all kids, regardless of what their family income is, can go on to higher education, is also changing. Fewer and fewer kids toward the bottom of the income scale are able to go to higher education.

So I ask, are we going to provide an opportunity and do we have an obligation to make sure those kids can also get involved in higher education? I think so. And $62 million in this program will help the supplemental educational opportunity grants.

Also, Mr. President, there is $20 million for the very innovative and important TRIO Programs which identify qualified students who are the first in their family to attend college.

We have a lot of these programs that have been very successful in the State of Colorado. I visited many of those. I have seen those students engaged in a lot of activities. It is very exciting to see kids, first in their families, going on to college, the pride which their schools and their neighborhoods feel and the role models that these kids in fact become. This is another example of, what we can do that is right for kids toward the bottom end of the income scale, toward the bottom of the opportunity scale. We have an obligation to reach out and give these kids an opportunity, not guaranteeing what is going to come from it, but give them that opportunity.

Debate is going on right now over the Clarence Thomas nomination as to whether or not we still have this obligation to society. I think this amendment says loudly and clearly, and I hope my colleagues support it, that in education, at least, we are going to continue to have the kind of aggressive programs for people who have less opportunity in society. It has nothing to do with the color of one's skin. It is just acknowledging that some kids do not grow up with a lot of the privileges that others do.

In order to succeed in this society, we have an obligation to continue to make investment. The TRIO Program is a very good example of that, Mr. President, neglected by the White House, but still the sort of thing we ought to be supporting.

There is $60 million for vocational education. That also, Mr. President, is a very well known program for training young people. If we do not train our young people, what is going to happen in the future? If we are not providing education and adding real value to what the capability of American workers coming into the workplace have, we are just going to have a pair of American hands competing against a pair of hands in Hong Kong or a pair of hands in Bangladesh and that, Mr. President, is a recipe for disaster for the U.S. economy.

Relating to that as well, Mr. President, in this amendment is $4 million for international education. We know that we are going to have to train more and more people to become more and more engaged in our ability to understand the rest of the world, to deal in science and education, to deal in language and education programs, to deal in a variety of similar sort of endeavors.

In 1980, Mr. President, we had about 150 international studies programs in the country training people in language, training people in culture, training us to understand the rest of the world. In the last 10 years, the number of those programs has declined dramatically at a time when the world is becoming more competitive, more interdependent. Under the last administration and this one, we have seen a continuing decline in our attention to learning about the outside world, another part of the foolishness and myopia what we have been doing as a society. What we are trying to do is shore up these programs a little more and make a statement that these things are important. We ought to spend a great deal more effort to develop these language-in-training area programs, but this is a step in the right direction.

Child immunizations: $10 million is in here, Mr. President. Now, approximately nearly a half of the immunizations that kids ought to have by age 2 in this society are not being given. The simplest, most straightforward preventive medicine that we ought to be having is to immunize children, and we are not doing it. In 1980, almost every child in the country was being immunized. It is now 1990, and we have this vast number of young kids who are not being immunized.

That is, first and foremost, the easiest protection of public health, and we say we cannot afford it. We can build new nuclear weapons programs for a cold war that does not exist any more—we have 12 aircraft carriers to project power to the Soviet Union, but we cannot immunize kids right here at home, the simplest, most straightforward kind of priority that we ought to have. We wonder about soaring health care costs and we are not even immunizing children. It is extraordinary.

In any case, my amendment attempts as well to inject some more funds into the Child Immunization Program. I would think this should be the simplest thing in the world to do. Yet there probably will be some opposed to that as well saying this is excessive governmental interference, whatever it is, in the marketplace of life. Maybe that marketplace means these kids ought to be diseased rather than immunized. I do not understand that set of priorities, but let us hope this amendment will be agreed to and we can do more in terms of child immunization.

There is a lot for us, Mr. President, to be indignant about as to what is going on in this country. Happily, we see all too much of an approach of people who just share a kind of quiet resignation; they say there is nothing we can do about it. We are seeing our education system fall apart. We are seeing our public health care program fall apart. We are seeing the gap between rich and poor expand. We are seeing more hopelessness in our cities. We see more kids who feel they do not have a chance. We see young kids who want to go on to higher education and cannot afford to do so and people just become resigned. Resignation reigns. That affects a lot of American Government politics and peoples' attitudes towards what is happening.

We cannot continue that, Mr. President. We have to continue to try, despite what has gone on in the last 10 years. It seems to me we have to continue to work to try to make sure these fundamental investments are made, to share the kind of indignation that I know the occupant of the Chair feels and that many other people in this country ought to feel about what is going wrong in this country and the changes we ought to be making. The pattern of our spending ought to be changed. The investments we are making in the future ought to be changed. The commitment we are making to the young people in the 21st century ought to be enhanced.

This amendment is a modest attempt to take a step in that direction. Maybe it is something of a wake-up call not only to Members of the U.S. Senate and Congress but, in a sense, to people in the country, that there is the sense still that we have some obligation. That is reflected in this amendment.

I hope my colleagues support this amendment, Mr. President. I think it is a modest step in the right direction.

Again, I want to thank the distinguished Senator from Iowa for his great help on this. I know that he shares these goals absolutely and has been very eloquent on the subject. He has not been one of those people who has been resigned to this. He continues to fight, continues to battle, continues to put his shoulder to this wheel. I wish we had many more like him. Mr. President, I thank you again for recognition.

Mr. HARKIN. Will the Senator yield?

Mr. WIRTH. I will be happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding. Again, I want the record to show that it was Senator WIRTH who initially came up with this concept of how to put this package together. I worked with him on this amendment; our staffs worked together. Again, you will not find a stronger champion on the Senate floor or in the country than Senator WIRTH for fighting for young kids in this country, fighting for adequate funding for education.

Sometimes we tend to think when we are on a committee, it is the committees that know everything. Sometimes you have to be outside the committee to take a look and reflect what is going on in order to come up with new ideas, new ways to do things.

So I really want to thank Senator WIRTH for coming up with this concept of how we were to build this into the budget this year so no points of order lie against it, and where we could actually start to meet the actual needs of young people in this country.

Senator WIRTH knows that yesterday there was another Senator on the floor who spoke about spending the peace dividend, not investing it. This is investment. This is perhaps the most sound investment that we can make in this country to once again confront the world community in the areas of competition in manufacturing, trade, and education, because if we let this whole generation of young kids go by without providing adequate immunization and health care, education grants, the basic grants, or meeting the needs of our college students who need the Pell grants, the supplemental education opportunity grants, there is absolutely no way that this country is going to maintain its leadership in the world community, absolutely no way.

Senator WIRTH knows that. That is why I compliment him on taking the leadership in putting this together. I think this is really the first, Mr. President, we will see here in the coming months a determined effort by many of us to start to shift the priorities of spending in this country, to quit spending so much money overseas, to quit spending so much money to try to defend Europe from the Soviet Union, or whatever it is called now. Let them start paying their own way for a change and let us start investing in the young people of this country, in building that future here. That is exactly what this amendment does.

Again, I thank Senator WIRTH for all of his help and leadership in putting this together.

Mr. RUDMAN. Mr. President, I am pleased to join the chairman of the Labor-HHS-Education and Related Agencies Appropriations Subcommittee in supporting an additional $200 million for the Low Income Home Energy Assistance Program [LIHEAP]. While this amendment provides an increase in the regular LIHEAP account above the level approved by the Appropriations Committee, it also shifts an additional $239,393,000 in delayed obligation funding to the front of the program, thereby making $1,094,393,000 available immediately on October 1, 1991, for this winter's heating season. This is a critical improvement over the Senate-reported version of the bill which would have provided only $855 million to States on October 1.

LIHEAP provides safety net protection for our Nation's poor and elderly citizens. It is particularly important during times of economic hardship, because it is one of the only programs available to the newly poor. Yet, the program is serving less than one-quarter of all eligible households at a time when eligible clients have increased by approximately 2 million.

The loss of heating assistance in cold weather States poses life-threatening situations for our most vulnerable citizens—the elderly, children, and the handicapped. It is these populations that comprise a majority of current LIHEAP clients. More than half of these clients have incomes below $6,000 and annual energy costs which exceed $900—nearly 13 percent of the total income for an average LIHEAP household. By contrast, an average American household spends only 3.4 percent of its income for home energy.

When Federal LIHEAP benefits fail to meet the energy requirements of the poor, serious human consequences occur. Two years ago in New Hampshire, a mother had her 18-month-old child removed from her home by State welfare authorities because she couldn't provide adequate heat and electricity for the child. Similar human tragedies occurred elsewhere in the frost belt that same winter. The Senate version of this bill, as amended, may help to avert some of those tragedies when cold weather sets in, but it is a bare minimum that we simply must maintain in conference with the House of Representatives.

There are a number of difficult choices that we have had to make in providing funding for the many important programs in this bill. Virtually every program funded through the Departments of Labor, Health and Human Services, and Education provides some measure of assistance to our Nation's most needy and vulnerable citizens. I am pleased that we have found a way to make some additional money available for this critical poverty program for the winter heating season and I thank my colleagues for working with me to make this possible.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. SPECTER. Mr. President, I join with my colleagues Senator HARKIN and Senator RUDMAN in strong support of this important amendment which provides an additional $200 million for the Low-Income Home Energy Assistance Program for fiscal year 1992.

The LIHEAP Program provides grants to States to deliver critical assistance to low-income households struggling to meet the growing costs of heating and cooling their homes. This program is of vital importance to many low income individuals and families across the Nation. This is especially true for Pennsylvania, where a lack of adequate funding means risking the lives of individuals who without assistance cannot maintain sufficient utility usage in their homes. The average program participant in Philadelphia spends nearly 40 percent of their income on utility services. Over half of the LIHEAP recipients in Pennsylvania have incomes of less than $7,000.

The President's budget proposal for LIHEAP represents a cut of over $600 million from last year, and the House of Representatives bill recommends a level of just slightly higher than the President's. Estimates show that under both of these funding levels, 110,000 eligible Pennsylvania households will not receive assistance this year. It is clear that cuts of this magnitude cannot be absorbed by States. More importantly, these cuts cannot be absorbed by the households that depend upon this assistance.

This amendment will increase the Senate level to $1.5 billion, which still falls $1 million short of meeting last years funding level. As ranking minority member of the Appropriations Subcommittee on Labor, HHS, and Education, it is my view that we are still faced with the problem of providing adequate resources for LIHEAP and other human services programs due to an inadequate budget allocation to the subcommittee.

Mr. President, I had hoped that we would not have to be in this predicament. Earlier this year I wrote to Senator BYRD, chairman of the Appropriations Committee, to urge that he give careful consideration to the growing demand being placed upon the Labor, HHS, and Education Subcommittee as he considered allocation recommendations. Back in June, when the full Appropriations Committee met to consider subcommittee funding allocations, I proposed an amendment to raise the Labor, HHS, and Education Subcommittee's allocation by $2.7 billion. Had this amendment passed, it would have enabled a funding recommendation for the LIHEAP Program at, or above, the fiscal year 1991 appropriation. My amendment failed to be adopted by the full committee.

Mr. President, this amendment is a step in the right direction for the LIHEAP Program in light of the inadequate resources available to the subcommittee. I have been and will continue to be committed to work on maintaining as high an allocation as possible for this vital program.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator

LEAHY be added as an original cosponsor of the amendment now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP

Mr. LEAHY. Mr. President, I have been to this floor many times in the past decade to talk about how important the Low-Income Home Energy Assistance Program is to the people in my State, across the Frost Belt, and to the South.

But never before have I come to the floor with a greater sense of urgency than I do today. If LIHEAP takes the cut proposed by the Appropriations Committee, thousands of people in Vermont will go without heat in their homes this winter.

This is one of the most difficult budget years the Senate has ever faced. We are forced to underfund necessary programs because, in order to protect the very future of those programs, the budget needs to be balanced.

But, we cannot balance the budget on the backs of the very poor.

In the middle of a deep recession that is forcing the working poor into deeper poverty, we are pulling the rug out from under them and their families.

LIHEAP provides energy assistance to the working poor, elderly, handicapped and low-income individuals.

At the current committee mark, this emergency program will suffer an inordinate 53 percent cut in funding available to start up the program. An additional $445 million will not be available to States until September 30, 1992.

I have to question where our priorities are if a cut of this magnitude to a program that provides a basic shelter need to those who cannot afford it is allowed to pass the Senate.

If LIHEAP was funded at last year's level, thousands of families in my State would have gone without heat in their homes this winter. With this deep cut, even fewer will have power in their homes. Those who do receive assistance will only receive enough to carry them through the first few weeks of the month.

The deep recession across the Northeast has increased LIHEAP-eligible households by almost 20 percent. What does it mean to be "LIHEAP-eligible?"

It means a family that will go without heat when the temperature drops below freezing.

It means a family that will not be able to turn on the oven to cook dinner, or turn on the lights after it gets dark.

These families are in economic crisis.

The average annual income of a LIHEAP household is about $6000.

Seventy percent of all households who receive fuel assistance have children under the age of 10.

What happens when people cannot pay their utility bills?

The power gets turned off. Their homes become unlivable. Energy-related homelessness is the second most frequent cause of family homelessness.

Tenants who cannot pay their utility bills are evicted from their apartments with little notice.

Elderly persons and those with disabilities do not receive assistance until the cold season is well underway.

All the pieces are in place for a disaster.

Senators HARKIN, WIRTH, and RUDMAN have proposed a practical amendment to increase LIHEAP appropriations by $200 million above the committee proposal, bringing total LIHEAP appropriations to $1.5 billion. This will not bring LIHEAP to last year's level, but it will help avert disaster for more families than the committee proposal. I urge my colleagues to support it.

LIHEAP is an emergency program. For most families, it means there will be enough money left over after utility bills to buy food, and that their homes will remain livable for another month.

In the middle of a deep recession, it would be irresponsible for the Senate to deny emergency assistance to the working poor, to the elderly and disabled, and to low-income families.

Please join me in supporting Senator HARKIN's amendment.

Mr. KASTEN. Mr. President, I rise in strong support of increased funding for the Low-Income Home Energy Assistance Program [LIHEAP].

LIHEAP provides assistance to eligible households to meet fuel cost burdens during the heating season by providing payments to local fuel dealers.

Mr. President, the additional $200 million dollars will go a long way in helping the 6 million low-income Americans keep heat in their homes.

This year, approximately 340,000 Wisconsin households benefited from the LIHEAP Program. While the $1.5 billion is still short of the total funding needed to provide heat to the poor, it is a major boost from the $1 billion recommendation by the House of Representatives.

The results of not providing this additional funding would be too chilling to reveal in a cold-weather State like Wisconsin.

I applaud the subcommittee members for their hard work in finding additional funding levels to assist the elderly, handicapped, and the working poor who desperately need this assistance.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator METZENBAUM be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The pending question is amendment No. 1084 to committee amendment beginning at page 3, line 24.

Mr. DOMENICI. Mr. President, there is no time agreement or limitation on the Senator from New Mexico?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Let me say to those who are supportive of this amendment, I do not desire to speak longer than 10 or 15 minutes. Then as far as the amendment goes from the Senator from New Mexico, we can proceed.

Mr. President, I come to the floor today to remind Senators that we are now engaged in what I will call, as the Washington Post did, new budget games. The editorial that was written in the Washington Post on the 26th day of July labels exactly what we are doing here today as a new budget game.

I ask that this editorial be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1991]

NEW BUDGET GAMES

It was only a matter of time before Congress would begin to test the limits and seams of last year's budget agreement. Yesterday the Senate Finance Committee proposed to provide—but not to finance additional unemployment benefits for workers who have exhausted the regular 26 weeks. The panel urged the president to cover the cost of the response to the recession by calling it an emergency, which under the budget rules means that it could simply be added to the deficit.

The House Appropriations Committee demands a similar exemption for $1.75 billion in flood, drought and other disaster assistance to farmers. The administration is resisting, but the committee rightly notes that the president has readily granted emergency status to various grants of aid abroad.

The emergency door is only one of several being tried. The forward funding door is another. All kinds of groups, from the military and space agency to the education lobby, are trying to beat the system by locking up spending in advance. Under the rules, appropriations subcommittees have two limits placed on them—one for spending authority that can be exercised over several years, the other for likely actual spending in the year ahead. The limits don't always match; the Senate Appropriations subcommittee on labor, health and human services and education hit its spending ceiling for fiscal 1992 before exhausting its alloted authority.

The Appropriations Committee has taken back part of the unused authority; education groups are trying to seize the rest. Sen. Timothy Wirth will ask the Senate to reserve it for various education programs but defer the spending until fiscal 1993. If Sen. Wirth succeeds, that will make it even harder for the subcommittee to live within its likely 1993 spending limit. In that sense the deferral is a forcing device, or as Sen. Wirth calls it, a wedge.

One of three things can happen. The subcommittee can pay for the increased education spending by shorting the other social programs in its jurisdiction. The full Appropriations Committee can give it more money at the expense of other domestic subcommittees (under the budget rules defense is off limits). Or the election-year pressure can end up such that Congress and the administration simply decide that the budget agreement is too tight and breach it. It's generally accepted that they're likely to do that after the election, anyway, when the agreement will bind even more. Why not before?

Sen. Wirth says he's just fighting, fairly, for his good cause. But that's what the Senate Finance and House Appropriations committees are saying too. They're all good causes, but in the end, if the deficit isn't reduced, they all will be disserved. If Congress wants to spend more on education, fine, but it also needs to indicate where the money's going to come from.

Mr. DOMENICI. Mr. President, now with the 5-year budget agreement with actual dollar amounts for defense, domestic discretionary—which includes the bill that is before us and the amendment that is before us—and foreign assistance, and with actual dollar numbers for the years 1991, 1992, and 1993, we now have a completely different approach to playing games with the numbers.

It used to be that we called the ways we did business "smoke and mirrors." In the past, we have called moving money from 1 year to another a major gimmick. Let me remind the Senate of how the Senate and the House used to do this. Let us say we were talking about military pay, and we were concerned about the fact that we would break the allowance for defense if we put all the pay in from the beginning of the year right on through. Well, we would frequently move to pay back a day in the prior year and, thus, it would all be charged to the prior year, rather than the fiscal year when you were paying it. Or, occasionally, what we would do, we would just move the obligational time around within the 12 months.

So to my good friend, a former Governor who understood fiscal policy and had a better fiscal policy in his State than we do in this Nation, what we used to do is to say if we cannot pay for a program because it will not fit in the year where you have to balance the budget—and that is what we are supposed to be doing now, balancing between a predetermined fixed dollar amount—we would just say let us not really start it until 6 months into the fiscal year and, thus, it will only cost half as much.

But, you see, what you do when you are engaged in that kind of a practice is you predispose the next fiscal year's priorities to this fiscal year's appropriations.

Frankly, the Senator from New Mexico would rather not have an appropriation bill every year. It seems to me we ought to do them for 2 years. But we are not. I do not think we ought to let the opportunity go without reminding the Senate—in particular the appropriators, in particular those who want to live up to the agreement—of how much harder it is going to be next year because of this new budget game that we are playing.

I just want the Senate to know that my good friend from Colorado is not the only one that does this. He is not even the first one that does it this year.

The new budget agreement does not make this kind of budget game subject to a point of order. That is not in there. It has never been in the budget process, unless you make it there specifically. And the budgeteers, in the 5-year agreement, chose not to do it, not to make that moving the money around—chose not to make it a point of order, because those who put the agreement together assumed that we would be, in our own self-interest, very careful about doing what we are doing in this amendment; that is, saying we are going to fund certain education programs, because there is obligational authority left; fund it, but do not pay for it until the end of the fiscal year, and then it goes on into the next fiscal year as a program that is already funded. It goes into the base. It takes up the space that you would have had there to look at all the programs and see what you want to do.

Frankly, let me tell the Senate that what makes it a little bit difficult today, to do anything more than remind the Senators, is that we are already engaged in it in a pretty extensive way.

The Senator from New Mexico, on every bill that went through that did this, reminded the Senate.

But now the cumulative effect is getting very large, meaning that next year when you have to meet the targets, one of two things will happen. It will be very tough to do it, and you will break the targets. Second, those who have already gone under the new budget game and sought their funding will get yet more, while the others will get less, because there will not be any room left to the extent that you have already prespent it, along with the other basic programs.

So what we are doing is funding education with increases, and then coming along and saying: let us have another increase, but since we cannot pay for it, let us not really spend the money until the end of the fiscal year, so it will all spend out in the next fiscal year.

I wish I was better at describing what this is. But the best I can do is borrow the words that the Washington Post used and call it a new budget game. They knew about the gimmicks of the past and the smoke and mirrors. This is another new one. That does not violate anything, except next year it probably will force a violation of the agreement, or it will make us spend a lot less for other programs that had just as high a priority and perhaps were not getting the increases that this program is.

In summary, the agriculture bill that came before us, I must say to the Chair, had $176 million in delay of obligations. That is what we call this: delaying the obligations.

This bill that is before us, as I said yesterday in arguing against the Harkin amendment, even before the Wirth amendment, had $2.78 billion in delayed obligations. They were in programs like SLIAG, Centers for Disease Control, refugee assistance, human development services, transfers from education to HHS, SSA—those kinds of programs all had delayed obligational authority, and it amounted to $2.78 billion. We will add another substantial amount with this amendment, $500 million; so we can add to that the $2.7 billion already in the bill and make it $3.2 billion.

We also have VA-HUD. Believe it or not, they usually are the largest of the delayed obligations, because we continue to try to pay for more than we can. That is the gimmick there. But the delay in obligations there pales in comparison to the bill before us. VA-HUD has only $786 million. The combined total of all bills is $3.755 billion. Add $500 million for this amendment, and we have $4.2 billion in delayed obligational authority in the appropriations process on the Senate side alone thus far. I do not believe that is going to work for very long.

It seems to me that it is better to at least remind the Senators what is happening, remind the people who are the beneficiaries what is happening. If next year, when the allocations occur in the subcommittees, the Appropriations Committee decides that they are already funding Labor, Health and Human Services to an extensive amount and gives them less of the new money, everyone will understand that they already got more than we had to spend, so we put it in to be effective at the end of the fiscal year, or the beginning of next fiscal year, so we would not be held accountable for it this fiscal year.

In essence, if you are wise enough in the budget ways, you can apply these new budget games, and the caps that have been set are out the window, because you can fund anything you want at the end of the calendar year. The only thing is that the bell will toll when the time comes next year, when you have to decide how much you have to spend on the other things you want to pay for as part of this ongoing Government, because the caps do not go away. They are still in the law. They still subject to a point of order. Essentially, the Senate saw what a point of order was yesterday on the caps, when an amendment by the floor manager, Senator HARKIN, was defeated by overwhelming numbers, because the point was made that it would change the caps on the floor here in the Senate with one vote, for one bill, without looking at overall changes; the Senate decided by almost 70 votes—68 or 69 votes against—to not waive that budget process which is the only discipline we have.

Today we are waiving that in an indirect way, as I have described here this morning.

Let me close by saying to my friend from Colorado—and I think he already knows this, but I want to put it in the RECORD. Frankly, I have been one who says there are a lot of Federal programs that are not high priorities. If we want to do something that is high priority, it ought to be in some of the education areas, along with some research. So I would be more than willing to restrict and restrain and even reduce other programs to pay more for the kind of education programs that he is here on the floor asking for the Senate to fund.

Frankly, I have some empathy with him because nobody will do that. I am sure my friend from Colorado would do that. I think you could look at the myriad of programs and say let us put education and research and one other as top, and you could probably fund them to the extent he is asking here.

That does not get done. Everybody pays for everything we have on the books. All 2,800 programs are all born equal. None of them wear out. They seem to be glossed with some degree of eternalism. They go on forever.

So I imagine in somewhat of a frustration, he decides that if he cannot do it that way, he will do it another way. I think he knows that he is prejudicing other programs next year. Or let us not use that word. Let us say it will push other programs very hard, and to that extent it may—who knows; it might be it will come out OK.

I do not think we should put that amendment with the cumulative amendments I have spoken of already, cumulative bills that will now put about $4.5 billion delayed obligational authority in the appropriations bill.

I did not think we should let it pass without some serious comments about a serious subject.

Mr. President, I yield the floor and thank the Senate for the time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I appreciate the comments and analysis of the distinguished Senator from New Mexico. He and I fought the budget wars for more than a decade one way or another. He is a very careful analyst of the budget process. He is exactly right about what we are trying to do with this amendment. We are going to put the squeeze on other less useful programs for the pot. That is exactly what the amendment is intended to do.

Let me explain: We have a budget process where the Budget Committee made a set of determinations about what the priorities were going to be. Yet those priorities did not transfer into the Appropriations Committee.

What happens in the Appropriations Committee is the pot gets divvied up between the various Appropriation Subcommittees, and as the Senator knows, you cannot, given the current process, transfer from one Appropriation Subcommittee to another. You cannot do it. That is exactly the case.

I will bet if you did an analysis of the speeches and the rhetoric and the discussion by 100 Members of the Senate, you would find that they all have said their top priority is education. I will bet you that is exactly what would happen.

Now unfortunately, having said this is their highest priority, what happens next is that we end up doing all the other things the distinguished Senator from New Mexico just described. We do not cut any other programs. What we do is we cheat the priority that everybody in this institution has said is their highest priority.

This Senator is sick and tired of that many saying it, and not doing anything about it, given the lockstep we are in with the current budget process.

Second, we signed a so-called agreement last year that was supposed to bring the budget deficit down. Now, all my colleagues know that the budget deficit is not going down; the budget deficit is going up, and we are now at about $330 billion of budget deficit.

One very distinguished colleague of mine made a very good comparison of what goes on. In 1980, a high school graduate was inheriting $9,800 worth of debt. In 1990, a high school graduate inherited $30,000 worth of debt. In the year 2000, that high school graduate will inherit $80,000 or $90,000 worth of debt.

This is a crazy economic policy that we are pursuing. It makes no sense at all. It makes no sense whatsoever. And we are going to lock themselves into a budget situation where we have $330 billion in debt, and we say we are locked into that. That makes no sense to this Senator. I think we ought to be changing that.

That kind of debt is not sustainable. Yet everybody says we made this deal in 1990—one that is not working—and we are not supposed to do anything to change it. The cold war is over and we are not supposed to do anything about it. The Soviet Union is falling apart with each day, and we are not supposed to do anything about it. We have problems in our cities, and we are not supposed to do anything about. We have undereducated young people, and we are not supposed to do anything about it because we have some kind of a crazy budget situation where everybody in here says these are the highest priorities, but we are not supposed to do anything about it?

What are we elected to do? Presumably, we are elected to make various priorities, and that is what this amendment is all about. The distinguished Senator is exactly right. If you cannot do it one way, figure out how to do it another. I did.

What is this going to do in the future? What this is going to do in the future is squeeze programs next year; exactly right. And it is going to make us understand that we made some commitments to education that are going to have to be funded next year; exactly right. I wish it were significantly higher. I wish our priorities were significantly different, but this is one opportunity to change those. That is exactly what this Senator is attempting to do.

We are making priority decisions for next year, and we are going to squeeze other programs because we made this commitment. It is for education. Is it a gimmick? No. What it is is the careful use of the budget process. Everybody else uses it—it gets done—to set priorities different from what this Senator wants. We are now going to get some priorities, I hope, that this Senator does want to see. It is about time we started to do so.

Is it a gimmick? No. It is perfectly legal within the budget process, within that budget process that some believe we are locked into. And as long as we are locked into it, I say then let us use what we are locked into, and at least try to make some effort to reach the priorities that we are talking about.

One final point, Mr. President. What is this going to do? It is going to squeeze other programs in the future. It is going to squeeze a defense budget where we are still spending $50 billion a year more than we were at the height of the cold war. The cold war is over, and we are spending $50 billion a year more than the cold war norm in 1991 dollars. Unbelievable.

We are going to start to squeeze those programs, and we ought to be doing it. Then we say: And how is this deficit getting there? We had this enormous S&L deal, you remember, Mr. President. One of the reasons that we have this is this mammoth expenditure of public money because we deregulated the S&L industry in 1982 to get the Government off our backs, deregulated the industry, put it out there, let them do whatever they wanted with taxpayer-guaranteed money. That is what happened.

What did it cost us? Not the nickels and dimes we were told right before the last election. We then added $56 billion to bail out the deals that were cut in

1988. Another $60 billion was added. That is $116 billion. Another $20 billion was added; that is $136 billion. And we are now being asked to put another $80 billion in it; $216 billion of taxpayer money going into this, and do we know where that taxpayer money is going? No. We cannot find out where it is going because the administration will not release that data.

If the distinguished occupant of the chair wants to find out what happened to a failed S&L, or people in his State want to find out, you cannot find out. The people in my State want to find out what happened to a failed S&L. You cannot find out. Why? Because we are blocked into a way of doing business where the taxpayers of this country cannot even find out what happened to $216 billion. We are locked into that. Are we going to put our backs on that? No. We are going to try to change that, too.

Mr. President, this amendment is about change. This amendment is about trying to change the process, striving to change our priorities, and I hope that Members understand that. It is going to make some awkward decisions again next year; no question about it. This is going to squeeze some programs next year. It is going to squeeze programs such as defense, squeeze programs from other areas that I believe—and I bet you everybody in this Chamber has talked about this—are lower priorities. Let us make them do it. That is going to happen next year.

Mr. President, I believe this amendment is going to pass. I think Members now have an opportunity, Senators have the opportunity to focus on that priority that they all spoke about.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. I thank the Chair.

Let me just make one comment and observation regarding the 5-year budget numbers. My friend from Colorado talked about the deficit going up instead of down.

Frankly, I think everybody would agree that it would be yet worse if we failed to comply with the caps that have been set for defense, for domestic and foreign assistance, and if we failed to enforce the pay-as-you-go provisions of the budget agreement, the combination of which is probably the most stringent fiscal policy in terms of process that we have had in many a decade.

In fact, I do not know when we have had a stronger enforceable fiscal policy mechanism built into something that is there for 3 more years.

The Senator from Colorado said, however, instead of coming down as projected, it is going up. I just want to make this observation. That is true. That is true. But there are only two reasons for it, and I think they are both understandable and both would, I think, cry out for enforcing the remainder of this agreement, not destroying it. I am not implying the Senator from Colorado is for destroying it, throwing it away. But essentially it went up because the estimate of what we had to pay as a people to those Americans who had deposits in failed S&L's, up to $100,000 that we have to pay to every depositor in one of our guaranteed S&L's, that number has gone up a great deal more than anyone expected, and that accounts for part of it.

And then we should know that, in that regard, we charge all of the expenditures and we give no credit for the assets. So if you take over a failed thrift, you pay all the depositors, that is where the money goes. Some people think it goes somewhere else, that your tax money goes to pay those depositors and then you have a bunch of property, cars maybe, automobiles, furniture, real estate. Well, that does not go on our books to offset the amount. What we do is, when we sell it, we take credit for it. So what we get is sort of a double whammy in the year you pay out because you charge for all the payouts; you collect the assets and get no credit for that, and then the next year or the year after, when you sell them, you get credit for the receipts. And it is very large. It might be $30 billion, $40 billion.

Second, the recession was predicted to be slightly less onerous in duration than it was, and, as part of that, there is an unexplainable error in the revenue estimates that is rather large. It does not have anything to do with the recession. Everybody is out there looking to see why was the revenue estimate down, and it has something to do with the tax reform and the estimates that went into that from the Treasury Department, and that is substantial. I cannot remember right off the top of my head, but as much as $20 billion in fiscal years 1991 and 1992.

So I just wanted my friend to know if those were set down a bit we would be on a path downward again. Frankly, I do not believe 2 or 3 years from now that we are going to have nearly the fiscal crisis we have today. I only hope that the cumulative deficit does not do us irreversible harm in the meantime because I think we will be on a definite, fixed path. I do not think we will keep the pay-as-you-go provisions in for new entitlements, which is a very good process for us to enforce around here so we do not pass anything that has new expenditures that we are not willing to pay for.

I yield the floor.

Mr. WIRTH. Mr. President, I appreciate the analysis just given as to why the deficit is higher. As the distinguished Senator understands, there is a very clear distinction between flat losses in the S&L's and working capital. The $216 billion that I am talking about, Mr. President, are flat losses—flat losses; $56 billion in 1988. That was to clean up the deals that were made right prior to that election. At the end of the last administration, $56 billion to clean up. We probably have not seen the end of that one. But we know there is $56 billion in losses there. There was another $80 billion last year. Now they have come and asked us for another $80 billion of losses. That is $216 billion of losses.

In addition to that is the working capital. That working capital is what is required to take over one of these institutions, take over all the property. That costs the Federal Government and then presumably—presumably, theoretically, you know, "I gave at the office"—we are going to get that working capital back because we sold these assets to the RTC, that wonderfully efficient, surgically operated institution that we have all come to love and respect. The RTC is supposed to get us back that working capital. Now if you believe that, I suppose there are a lot of other things you will believe as well.

But I am leaving that aside of the $216 billion number, Mr. President. I am leaving that aside. The $216 billion I am talking about is a flat loss to the taxpayer—flat loss to the taxpayer. Part of that inherited loss that young people in this country are going to come up with when the sins of the 1990's come back, and we are chewing them up right now.

So there is a distinction between the working capital. But I am speaking only about flat losses, and we hope we get that working capital back. I am not going to hold my breath if we do or not.

The other thing is related to the recession, and the distinguished Senator's analysis is quite right. The recession was more onerous than people had thought. We are getting now some very optimistic estimates—and we have heard these for quite a while—out of the administration about how the recession is over, how the country is recovering. Now that may be something that is said at OMB or said in the Treasury or said in the White House, but I have not anywhere in the country heard people telling me that the recession is over, that we are recovering, that there is robust activity anywhere. I mean, people are in real trouble, and I suspect those people in reality outside of the beltway—I wish some of the people downtown would move outside of that and would understand that we are not in a situation where we are recovering, that the recession is over. We are bumping along at the bottom and in many cases we are still seeing a lot of the excesses of the last decade getting washed out in the whole process. The recession is not over. The optimistic projections were just wrong. The distinguished occupant of the chair will remember the incredibly optimistic projections in the budget agreement of 1990; that were going to have this great amount of growth and so on. It is not going to happen. No realistic analyst believes that is the case.

In any case, we have this budget agreement. The point is we have this budget agreement that is presumably sacred. It is a budget agreement that was supposed to bring down the deficit. The deficit is not going down; it is going up. And the cold war is over, but our defense expenditures continue at a very high level. We have a situation in which the gap between what we ought to be doing in the country and really are doing in the country is growing. We are putting ourselves in an awkward situation by not investing in our own future. That is what this amendment is all about.

I hope, Mr. President, that Senators will agree with the priorities of this amendment, which matches the discussions that have come from everywhere, and end up adopting the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, on the Wirth amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WIRTH. Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I rise in support of the amendment offered by my friends and colleagues, Senator TIM WIRTH and Senator TOM HARKIN.

Today we have the opportunity to vote on what may be the most important—and meaningful—education vote that will be cast this Congress. The amendment to the Labor, Health and Human Services, and Education appropriations bill, which I am supporting, restores much-needed funds for priority education programs. The Wirth-Harkin amendment will place the resources necessary behind outcries we have heard calling for improvements in education. The adoption of the Wirth-Harkin amendment will be a significant step toward shoring up support for the poorest children in our Nation.

Earlier this year, with the passage of the homefront budget initiative, a solid bipartisan majority of the Senate and of the House agreed that the education and health needs of our children must be one of the Nation's highest priorities. The congressional homefront budget initiative included a $3.1 billion increase for vital education programs, such as chapter I reading and math instruction for disadvantaged children, the newly authorized Vocational Education Program, and other successful programs that were significantly underfunded.

Mr. President, the Labor, HHS, Education appropriations bill falls $2 billion short of that commitment by allocating an increase below inflation for the education of our Nation's students, and over $1 billion below the commitment made in the House appropriations bill. The bill as reported by committee would deny millions of students an equal opportunity to the crucial education services and aide that we promised in the homefront budget initiative.

Education is the backbone of our Nation. If we are to be competitive around the world, we must begin now to improve our instructional program at the elementary level, high school, and indeed in higher education.

In my home State of Alabama, we are in fiscal proration. It is necessary for the Federal Government to step in and provide the much-needed funds so that our school districts may carry out their mission.

The President's "America 2000, an Education Strategy" makes it clear that the rest of the world is not sitting idly by, waiting for America to catch up in education. The President has said: "Serious efforts at education and improvements are under way by most of our international competitors and trading partners."

We cannot pull the rug out from under our educators at a time when there is a dire need for computer literacy, improvements in math and science, as well as other vital education programs.

Mr. President, I ask unanimous consent that the following charts be made a part of the RECORD. The charts I am submitting show comparisons of the education funding allocations from the original Wirth homefront budget initiative, the President's request, the House allocation, and the Senate allocation as reported by the Appropriations Committee, as well as the break down for the allocation on chapter I, vocational education.

The figures are dismal. The homefront budget initiative that we voted for allocated a $3.1 billion increase for education funding. The Senate Appropriations Committee, however, negated that priority when it reported its allocation of only $1 billion for last year's level. The outlook for chapter I funding is bleak. Although the House matched the $1 billion commitment that was allocated in the homefront budget initiative, the Senate allowed a mere $200 million increase above last year's level. In fact, in my State of Alabama alone, we would lose out on $15.3 million in chapter I funds as compared to the House mark.

Funding for vocational education, although at $400 million above the fiscal year 1991 levels in both the homefront budget initiative and the House appropriations, was only at $77 million in the Senate Appropriations Committee allocation.

The amendment which I am supporting will address this shortfall by adding $510 million to the committee bill for priority education programs, including chapter I vocational education, secondary education opportunity grants [SEOG], the TRIO Programs—Talent Search, Upward Bound, and Student Support Services—as well as the Childhood Immunization Program.

Mr. President, it is important to note that this amendment defers outlays until September 30, 1992, and therefore does not require offsetting outlays from other programs in the bill. Adoption of the Wirth-Harkin appropriations amendment is essential to meet the commitment made to our students in the congressional homefront budget initiative by allocating real resources to programs that serve them.

Our country must invest in the education of its children. We must allocate the resources to pay for their education throughout their school years—for reading instruction, for our disadvantaged 6-year-olds, as well as early intervention programs for our preschoolers. We must provide a quality education for our most disadvantaged high school students, as well as providing those same students with an equal opportunity to go on to college. America cannot continue to be a strong and prosperous nation unless we invest the resources necessary for the education and health needs of our children.

Mr. President, on behalf of all children in Alabama, I will vote for and support the Wirth-Harkin amendment. On behalf of our Nation's youth, we must all vote "yes" for this amendment. No investment is more critical to our Nation's future than the investment in education.

Mr. KOHL. Mr. President, I would like to take a moment to associate myself with some of the remarks made by our colleague from New Mexico, the ranking minority member of the Budget Committee.

Last evening, I supported my distinguished colleagues from Iowa, along with 26 of our colleague, in his effort to increase funding for education, health care, and LIHEAP. These are domestic priorities: investments in our Nation that will pay off in the long run. Arguments have been put forth this morning that the pending Wirth homefront initiative amendment, which would also increase our commitment to education and LIHEAP, is a similar investment and is equally deserving of our support.

I disagree.

The Harkin amendment would have transferred unobligated defense accounts to fund $3.1 billion in critically important, domestic discretionary programs. The money was real, the offset honest: We voted on whether we wanted to spend $3.1 on education, health care, and LIHEAP, or whether we wanted to spend that money on defense. I voted for education, health care, and LIHEAP. And responsible budgeting.

The amendment before us today is less than honest in a fiscal way. As my distinguished colleagues from New Mexico so accurately stated, this is the newest version of blue smoke and mirrors. And for that reason I simply cannot support it. While it purports to increase our commitment to very worthy domestic programs—many of which are critical in my State—it does so by racking up a debt against next year's appropriations in the domestic discretionary accounts. A vote for this amendment says, "Don't pay for our decisions this year, just wait until the first day of the next fiscal year." It's a cash-flow game, that while meeting the budget rules, undermines our ability to adequately fund other noteworthy programs in 1992.

The consequence is real enough. Next year, when we go about the business of setting priorities, we'll have at least $4 billion less to spend on domestic programs. Those needs—whether they be cancer and Alzheimer's research, drug treatment, job safety, immunizations for children, or rural health care—they'll just not get their share. We are staging a war between good programs this year and good programs next year. We are pitting drug prevention against child abuse, education against health care. And I am against that. I am for having a real dialog about investing in priorities, as we did during consideration of the Harkin amendment last evening.

I am afraid that this amendment does nothing but pretend to reinvest in our domestic needs. In reality, our budget deficit and the spiraling interest on our debt hurts the middle class and the least fortunate among us. To continue to add to that debt through blue smoke and mirrors, and to set the stage for grossly underfunding our investments in the needs of children, senior citizens, and families at risk is a big step in the wrong direction.

I want to thank the Senator from New Mexico for his remarks on this amendment and want to join him in his expression of concern.

Mr. LIEBERMAN. Mr. President, I am pleased to support the Harkin-Wirth homefront initiative. I was a cosponsor of the homefront budget initiative and am pleased that the Senate will now have the opportunity to increase the funding for these critical education programs. Only by adequately funding programs such as chapter 1, vocational education, impact aid, and financial aid, can we ensure that the youth of today will be prepared to meet the challenges of the 21st century.

I am particularly pleased that this initiative has been expanded to include increased funding for the LIHEAP Program. I wish to thank Senator RUDMAN for his commitment to ensuring that the Senate act to increase the funding for this vital program. The LIHEAP Program is literally a lifeline for thousands of Connecticut families. It provides the funds that enable them to meet the high costs of heating their homes and ensures that families are not left to freeze nor forced to forgo food or other necessities in order to pay their heating bills.

This amendment now provides an additional $200 million for LIHEAP for fiscal year 1992, which would bring the total of up-front moneys for the program for fiscal year 1992 to over $1 billion. This amendment is important to enable us to fund LIHEAP adequately.

This year the President proposed a cut in the LIHEAP Program of over $600 million, and the House recommended a funding level below last year's level. It is now up to the Senate to ensure that this valuable program, which provides much-needed heating assistance to the poor, the disabled, and the elderly, is adequately funded. If funding for LIHEAP is not increased, over 24,000 families in Connecticut will be dropped from the program.

LIHEAP lost one of its most devoted champions this year with the death of Representative Silvio Conte. The millions of people dependent on this program knew they could count on him to guarantee that funding would not be cut. We, in the Senate, must now carry on the tradition of that great legislator and restore funding for LIHEAP. This amendment will achieve that goal.

There are few programs that we can point to that are as successful as LIHEAP. This program has always enjoyed bipartisan support, because it works. It ensures not only that people will not freeze, but that they are able to stay in their homes and put food on the table. According to the National Association of State Community Service Programs, a LIHEAP benefit, which can be used only for heating and cooling costs, can boost a recipient's discretionary income by as much as 60 percent. That is a significant amount for any family, but particularly for those families living at or below the poverty level.

My own home State is going through a severe recession. This makes LIHEAP funds that much more necessary this year. A growing number of unemployed people will need LIHEAP support to stay warm this winter. A growing number of the working poor are finding that their paycheck no longer goes far enough to cover all their heating bills. The continued declines in the amount of oil overcharge settlement funds, along with the state of the Connecticut economy makes it very difficult for State funds to pick up where Federal programs fall short.

If as a great nation, we cannot even provide our poor and elderly with sufficient funding to keep them from freezing in the winter, then we have truly lost sight of what the role of the humanitarian goals of government are. I urge my colleagues to support the Harkin-Wirth amendment. It is the humane thing to do, it is the right thing to do.

Mr. ADAMS. Mr. President, I am proud to be an original cosponsor of the Wirth-Harkin-Rudman amendment. This amendment shows that Congress is serious about improving the education of our Nation's students, immunizing our children, and providing heating and cooling assistance for the poorest households.

The amendment adds $300 million to several education programs and puts us on the right track to higher literacy rates, to higher levels of academic achievement among disadvantaged children and youth, expanded vocational education, increased opportunities for higher education, and assistance to federally impacted schools. It is time to invest in our children and youth, because that is an investment that has a return for all Americans—a more skilled labor force and as a result, a more competitive America in the world's markets. I hope that next year, we can give education funding its due without having to resort to special amendments. Yesterday's vote regarding the now irrelevant budget agreement reached last year was, I believe, the opening round of a battle to refocus our spending priorities.

This amendment also puts more money into immunizing children against dangerous, sometimes fatal diseases. A nonwhite American child is less likely to be immunized against polio than a child born in Tunisia or Botswana. Last year, only 70 percent of American children were immunized against measles, mumps, and rubella. This is a national shame which we must address immediately and decisively as a matter of national health policy.

No American family should have to choose between paying for rent, food, and heat. Three-fifths of households eligible for low-income home energy assistance have an income of $6,000 or less a year. This amendment will make it possible to provide heating and cooling assistance to more needy families.

Mr. President, education, health, and habitable conditions should be among our Nation's highest priorities, and require action, not more rhetoric. It is obvious that the changing world in which we live demands a greater commitment to this Nation's domestic needs. That includes a higher budget allocation for the Labor, Health and Human Services, and Education Appropriations Bill next year. This amendment reflects our commitment to fight that battle when the time comes. I urge my colleagues to support this amendment today.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Harkin-Wirth amendment No. 1084 be temporarily laid aside and that the vote on this amendment occur immediately following the next rollcall vote or upon a call for the regular order being made by Senator WIRTH, or his designee, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order that I might offer a package of amendments that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1085 THROUGH 1100

Mr. HARKIN. Mr. President, I send to the desk a package of 16 amendments on behalf of various Members of the Senate. I have reviewed these amendments. We have no objections to them. The ranking member, Senator SPECTER, has also reviewed them and has no objections.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 1085 through 1100, en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 1085

Mr. HARKIN for Mr. COCHRAN:

On page 43 line 8 before the period insert the following: "*Provided further*, That of the amounts provided under this heading $3,400,000, to remain available until expended, shall be for the White House Conference on Aging."

THE WHITE HOUSE CONFERENCE ON AGING

Mr. COCHRAN. Mr. President, I want to take this opportunity to thank the managers of the bill for working with me to resolve the matter of funding for the 1993 White House Conference on Aging.

As my colleagues are aware, the White House Conference on Aging is called by the President under the authority of the Older Americans Act which is to be reauthorized this year.

The 1993 Conference will bring together a broad and diverse group of individuals involved at all levels and in all areas of the aging network who work to ensure that the needs of older Americans are met. The recommendations of the Conference will be helpful to the President and will contribute to the development of an effective and comprehensive national aging policy.

At our full committee markup on this bill, the committee agreed to report language which Senator ADAMS and I proposed to direct that $1 million be made available in fiscal year 1992 for the White House Conference on the Aging.

Subsequent to the committee reporting the bill, additional budget estimates and information regarding the plans for the 1993 Conference were received. Based on that information, I proposed an amendment to provide that total funding of $3,400,000 be provided in this bill for the Conference. This amount combined with last year's appropriation of $976,000, will bring the total funding for the 1993 White House Conference on Aging to $4,376,000.

AMENDMENT NO. 1086

Mr. HARKIN for Mr. CRANSTON:

On page 18, line 20, insert after the colon the following: "*Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appreciations of the Senate, transfer $10,000,000 to carry out title XII of the Public Health Service Act:"

THE TRAUMA CARE SYSTEM PLANNING AND DEVELOPMENT ACT OF 1990

Mr. CRANSTON. Mr. President, this amendment would direct the Secretary of Health and Human Services, after consultation with the Appropriations Committees to transfer $10 million from funds otherwise available to the Health Resources and Services Administration [HRSA] in order to implement the Trauma Care System Planning and Development Act of 1990. I understand that the amendment, which does not increase funds appropriated under the bill, is acceptable to both managers.

The Trauma Care System Planning and Development Act of 1990, Public Law 101-590, was enacted last year with strong bipartisan support. That support was further expressed in a letter dated May 17, 1991, urging the appropriation of a modest amount of funding under this bill to begin implementation of this important new law.

I ask unanimous consent that a copy of this letter signed by 25 Members of the Senate be printed in the RECORD. This new act addresses the trauma care crisis facing our country today by establishing a grant program to help States form well-coordinated regionalized trauma systems, providing authority for the support of demonstration programs in rural areas, and alleviating the devastating financial blow facing hospitals treating uninsured or underinsured trauma patients.

Each year, some 140,000 Americans die or become disabled from injuries. Many of these deaths or injuries could be preventable if the trauma victims receive specialized care immediately. Unfortunately, most States and communities, especially in rural areas do not have trauma systems in place. In urban areas which have trauma care systems, many are collapsing under the high costs of uncompensated care. This amendment will fund an act which addresses these issues and will certainly reduce the incidence of trauma-related disability and save countless lives.

I thank the floor managers for their support.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 1991.

Hon. TOM HARKIN,
Chairman, Labor, Health and Human Services, Education Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN: We are writing to urge you to support funding for the Trauma Care Systems Planning and Development Act of 1990 (Act) which became law in the 101st Congress.

During the last session, S. 15, the Emergency Medical Services and Trauma Care Improvement Act had 35 cosponsors and passed the Senate unanimously. This bill was incorporated into the House version H.R. 1602, the Trauma Care Systems Planning and Development Act and signed into law by President Bush on November 16, 1990 as Public Law 101-590. The Act has overwhelming support from over 50 major health organizations.

The purpose of the Act is to assist state governments in the development, implementation and improvement of regional systems of trauma care. The Act accomplishes this by establishing a formula grant to assist states in the development and implementation of all the component parts of a coordinated, comprehensive trauma care system. The Act provides for a National Clearinghouse to collect and compile basic data regarding the demand for, operation, effectiveness and costs of state trauma care and emergency medical service systems. The Act also address the lack of trauma care in rural areas by providing authority for demonstration programs which would develop innovative means of training emergency medical service providers and delivering emergency medical care and trauma care services. Furthermore, the Act allows states under specific circumstances to use funds for the purpose of reimbursing designated trauma care centers for uncompensated costs. The Act authorized $60 million for FY 91 and such sums as necessary for FY 1992 and 1993.

The funding for this Act is crucial. Each year more than 140,000 Americans die or become disabled from injuries. Many of these tragedies are preventable if trauma victims receive specialized care immediately. The aggregate costs of physical trauma in the United States is $180 billion in medical expenses, insurance, lost wages and property damage. Unfortunately, most states and communities, especially rural areas, do not have trauma systems in place. In the areas with trauma systems, many are collapsing under the high costs of uncompensated care. This is particularly true in inner cities where a large number of trauma cases involve uninsured victims suffering from knife and gunshot wounds.

Reducing the number of deaths and preventing disabilities can be achieved. We need only the foresight and determination to organize and allocate medical resources to ensure that trauma victims are rapidly identified and transported to facilities specifically designed to provide an optimal level of care.

We know that funding for the Labor, Health and Human Services, Education appropriations bill will be limited, but we hope you will be able to provide adequate funding for this Act. We look forward to working with you as the priorities of the FY92 appropriations are considered.

Cordially,

Ernest F. Hollings, Daniel K. Inouye, Dennis DeConcini, Lloyd Bentsen, John H. Chafee, James M. Jeffords, Dave Durenberger, Alan Cranston, J. Bennett Johnston, Frank R. Lautenberg, Donald W. Riegle, Jr., Albert Gore, Jr., Kent Conrad, Carl Levin.

Richard C. Shelby, Paul Simon, Paul S. Sarbanes, Daniel Patrick Moynihan, Jeff Bingaman, Claiborne Pell, Joseph R. Biden, Jr., Larry Pressler, John F. Kerry, William S. Cohen, Howard M. Metzenbaum.

AMENDMENT NO. 1087

Mr. HARKIN for Mr. DECONCINI:

On page 40, line 9, strike "$451,431,000" and insert in lieu thereof, "$453,431,000".

On page 40, line 12, strike "$10,832,000" and insert in lieu thereof, "$12,832,000".

On page 50, line 12, strike "$8,000,000" and insert in lieu thereof, "$9,492,000".

Mr. DECONCINI. Mr. President, I thank the distinguished chairman and ranking member of the Labor, HHS Appropriations Subcommittee, Senator HARKIN and Senator SPECTER, for accepting my amendment to the fiscal year 1992 appropriations bill for the Departments of Labor, Health, and Human Services, and Education. This amendment is cosponsored by Senators D'AMATO, SANFORD, GRAHAM, BRADLEY, GRASSLEY, and KASTEN, and adds $2 million to the funding level recommended by the Senate Appropriations Committee for the National Youth Sports Program. Before I discuss the details of my amendment, I would like to commend the chairman and ranking member for the outstanding work they have done on this very difficult bill.

The National Youth Sports Program targets at-risk boys and girls, ages 10–16, and offers them the opportunity to participate in sports enrichment programs on college campuses around the country. The program also offers these kids free meals and free medical exams. It provides sessions on drug and alcohol abuse prevention. It provides information on health and nutrition and job opportunities. Most of all, Mr. President, the National Youth Sports Program offers many of these young people a decent shot at a better future.

In order to pay for our amendment we have reduced the travel expenses of the Department of Health and Human Services. Last December the Department of Health and Human Services planned to send 900 scientists and officials to an AIDS conference in Florence, Italy. The meeting was subsequently attacked in the press as a "junket" and "a paid vacation for Federal employees." In the face of all the criticism, HHS significantly reduced the size of its delegation to Italy.

In response to this episode, both the House and Senate Appropriations Committees have reduced the travel expenses of the Department of Health and Human Services by $8 million. Our amendment reduces HHS travel by an additional $1.492 million in order to achieve the outlay savings we need.

Mr. President, day after day, we hear that America is not doing enough for its children. And no wonder. One child out of every five in this country grows up in poverty. Every year half a million students drop out of high school. And now the National Commission on Children has issued a landmark report that states that 1 out of every 4 teenagers today is engaging in behavior that may seriously jeopardize his or her future.

The figures will stop you in your tracks—and behind the numbers are young men and women who live in California and Colorado, in New York and Nebraska, in Minnesota and Maine and Montana, who live in your hometown and mine. Half of all young people try illicit drugs before high school graduation. One million teenage girls in this country become pregnant each year. According to the FBI, young people under the age of 18 accounted for more than one-tenth of all arrests for murder and manslaughter in 1989. They accounted for more than one-fifth of all arrests for robbery and almost one-third of all burglary arrests.

Last year there was a survey conducted in my home State of Arizona which found that over 5,000 gang members had been identified by Arizona law enforcement agencies. Those figures are alarming. But even more disturbing is the fact that according to that survey, 11,000 high school students expressed an interest in joining a gang. This means that there are 11,000 potential gang members in Arizona high schools alone. That figure becomes more alarming when you consider that the survey does not account for high-risk youth who have already dropped out of school.

Mr. President, as a Nation we can continue to wring our hands and complain that we are not doing enough for our children. We can continue to talk about the problem—or we can move toward a solution. And one of the things we can do is to try to reach those 11,000 children who have not yet crossed the line. One of the things we can do is try to reach the young boy who has not yet smoked crack or the young girl who believes the only way to have self-esteem is to have a baby.

The National Youth Sports Program reaches out to these kids at risk—and it is a program that works. For many of these young people it is a constructive alternative to drugs and crime during the summer months—the time when crime rates are highest. For many, it may be the only way they know to a better life.

Last year the National Youth Sports Program reached 65,000 youngsters on 139 college campuses in 122 cities across the country. Unfortunately, many of these programs are overenrolled and too many children are turned away. A $2 million increase in funding would allow more children and more institutions to participate in a program that is a proven commodity. It would also allow for the expansion of the Extended National Youth Sports Program, so that more young participants could benefit from the program and its anti-drug message year-round.

The National Youth Sports Program is a cost-effective use of Federal funds. No appropriated moneys are allocated for overhead—none. Instead, they go directly into operating the program to serve disadvantaged youngsters. In addition, two-thirds of the costs of the program come from contributions by non-Federal sources, including donations by the participating institutions, the National Collegiate Athletic Association, and private businesses of top-quality facilities, equipment, and services. This year the NCAA is increasing its contribution by 16 percent. If Federal funding is increased for fiscal year 1992, I understand the NCAA will also increase its contribution proportionately.

Once again, I thank the chairman and ranking member for accepting this amendment. The National Youth Sports Program is a low-cost, high-yield investment that works. It gives at-risk youngsters the motivation, the skills—and most of all, the hope to improve their future.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague as a cosponsor of this amendment, which adds $2 million to the National Youth Sports Program for the 1992 fiscal year. The National Youth Sports Program is a great success, offering economically disadvantaged young adults opportunities otherwise denied them.

This program reaches over 65,000 youngsters in 122 cities across the country. Of particular note to me is the program operated on the campus of St. Ambrose University, in Dubuque, IA. The St. Ambrose program enrolls over 200 youths each summer.

NYSP provides young people exposure to a college environment and provides them nutritious meals; medical examinations; sports skills instruction; and guidance with substance abuse prevention, health and nutrition, as well as educational and career opportunities.

Mr. President, this program is not just a recreation program. The comprehensive approach uses athletics as the focus for development of self-esteem and camaraderie, as well as nutrition education and health awareness. For many young kids, sports is just the catalyst for enthusiasm about these other important personal and interpersonal attributes.

I urge adoption of this amendment.

AMENDMENT NO. 1088

Mr. HARKIN for Mr. DOMENICI:

On page 29, line 19, strike "$3,118,832,000" and insert "$3,175,832,000: *Provided*, That notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $4,939,000; salaries and expenses of the Department of Education are hereby reduced by $1,646,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $20,415,000.".

AMENDMENT NO. 1089

Mr. HARKIN for Mr. GORTON:

On page 30, line 1 after "XVII," insert the following: "XX,".

Mr. GORTON. Mr. President, I rise to speak today about a very important program which has been making a significant impact on teen pregnancy among adolescents and families it serves—the Adolescent Family Life Act, title XX of the Public Health Service Act. Unfortunately, AFLA has been misrepresented and unjustifiably attacked on some of its principles with little attention paid to its successes. The result is it has been underfunded since its inception. Now its funding has been deleted altogether in the Labor-HHS-Education appropriations bill.

Teen pregnancy and parenting continue to be devastating problems for both those directly affected as well as society at large. This burden was recognized by the National Commission on Children when it recommended in its recent report, "Beyond Rhetoric: A New American Agenda for Children and Families," that funding for title XX be increased to $40 million. I was shocked that the first opportunity the Senate had to address this program, rather than increasing its funding level, it chose not to even mention the program, thereby killing any chances for its survival. Mr. President, we may not be able to afford the $40 million recommended by the Rockefeller Commission, but we certainly cannot afford to do without this program.

In 10 years, we have seen the approach taken by the AFLA work. Through such programs as Teen Aid, Inc., in the city of Spokane in the State of Washington, we have seen positive changes in attitudes about delaying sexual activity as well as behavior changes resulting in both reduced sexual activity and therefore, lower pregnancy rates. Teen-Aid and other title XX demonstration programs provide critical research into teenage sexuality and methods by which we as a nation can address the problems which result.

Other programs in the State including the Young Family Independence Program and the Tacoma/Pierce County Adolescent Pregnancy Program have made enormous differences in teenagers' lives. I will submit for the RECORD a letter from Carol Clark of Kent, WA, who wrote me about AFL. Hers is one of many success stories made possible by title XX that I have heard of in the last several days. Title XX may not please everyone, but it works for those who need it. That is what concerns this Senator and I believe that should be the concern of my colleagues.

Nationwide, in programs that provide services to adolescents who are already pregnant we see comparable success. Sixty-seven percent of grantees report a lower incidence of low-birth-weight births among their project clients when compared with nonproject clients in their area. Care projects have reduced the likelihood of teens dropping out of school and improved opportunities for higher education and better paying jobs—and thus, less welfare dependency. Projects which provide counseling and information on adoption have increased the numbers of teens choosing adoption which provides them with numerous health, educational, and social advantages for the adolescent parents and the baby.

The Adolescent Family Life Act is one of the few pieces of legislation that builds on the positive, healthy aspects of family and has the Government working in tandem with the family to meet the needs of its members. AFLA has demonstrated the same positive effects on teens that we have seen with preschool children in Head Start programs and the strength of both programs is dependent on the involvement of parents with their children.

The Senator believes there are too many good things about title XX to let it die. Therefore, I offer today an amendment to insert the citation for the program back into the bill where it belongs. That will enable the program to at least be discussed in conference where I hope the program will get the attention and funding it deserves. Considering the recommendations of the Rockefeller Commission, the support of the administration, and the widespread, real-life success of the Adolescent Family Life Act, I hope the chairman of the subcommittee will join me in trying to find funds for this worthy program.

I ask unanimous concent that the letter from Carol Clark be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT, WA.,
July 23, 1991.

Senator SLADE GORDON,
Hart Senate Office Building,
Washington, DC.

DEAR MR. GORDON: Hi, my name is Carol Clark and I am writing in regards to the Adolescence Family Program, Title XX.

I joined the program in September of 1991. I was told of this program through a friend that is also in the program. I am nineteen and a mother of a three year old, and a four year old. I am currently on DSHS. I have been on welfare for about six years. As my children are now getting older I would like to get off of welfare and start a career.

In September of 1991, I took a step at going to school to become a Legal Administrative Assistant. Before I started this course I had no daycare funds, gas money, tuition, or any money for school supplies, until I was told of YFIP. Welfare would not pay for my daycare unless I was going to finish my high school credits. Therefore, I was left with no assistance. If I had no assistance I was not entitled to attend the schooling that I so badly wanted to do.

YFIP has helped me to achieve my goals in life and to become a better person. YFIP has help me with gas, grocery, tuition, school supplies, and support help. If it was not for YFIP I would be another step behind but now I'm another step ahead.

As you can see, people like me need this type of funding to put us just one step ahead. All we need is that little extra help that will make us better people in the future.

Sincerely,

CAROL D. CLARK.

AMENDMENT NO. 1090

Mr. HARKIN for Mr. JEFFORDS:

On page 70, after line 19, add the following:

"SEC. .

Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property."

AMENDMENT NO. 1091

Mr. HARKIN for Mr. KENNEDY:

On page 66, line 20, strike "$16,417,000 shall be for star schools" and insert "$18,404,000 shall be for star schools (of which $1,000,000 shall become available for obligation on September 30, 1992) and".

On page 65, line 22, strike "$254,893,000" and insert in lieu thereof "$255,893,000".

On page 67, lines 1 and 2, strike "$987,000 shall be for mid-career teacher training;".

On page 70, after line 19, insert the following:

"SEC. . From any unobligated funds available in the Departmental Management account of the Department of Education, the Secretary shall transfer on September 30, 1992 all funds available to carry out the National Summit Conference Education Act of 1984 to the Star Schools Program Assistance Act account."

AMENDMENT NO. 1092

Mr. HARKIN for Mr. REID:

On page 43, line 2, delete "$3,553,828,000:" and insert in lieu thereof "$3,563,063,000: *Provided further*, That of the amounts appropriated, $21,470,000 shall be available for carrying out the Family Violence Prevention and Services Act of 1988".

On page 44, line 8, delete "$63,842,000" and insert in lieu thereof "$60,794,000".

AMENDMENT NO. 1093

Mr. HARKIN for Mr. SIMON:

On page 15, line 25, strike "$141,280,000" and insert "$139,680,000".

On page 58, line 7, strike "$1,323,333,000" and insert "$1,333,333,000".

On page 59, line 7, strike "and".

On page 59, line 9, strike the period and insert ", and $10,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991.".

Mr. SIMON. Mr. President, more than 2 years ago, after a series of hearings on the problem of illiteracy in America, I introduced a bill to launch the first, real coordinated Federal effort to address the problem. On July 25, the National Literacy Act finally became law. I thank my colleague from Iowa for working with me on this legislation in the authorizing committee, and I am pleased that, with his cooperation and the help of Senator BYRD, most of the new efforts and increased authorizations in the literacy bill will be considered in the conference on the appropriations bill.

Mr. HARKIN. I commend my colleague from Illinois for his leadership on this issue, and I thank him for working with me to ensure that we provide the resources necessary to reach the bill's goal of eliminating illiteracy by the year 2000.

Start-up funds for the National Institute for Literacy, the linchpin of the new Federal effort, are provided for in the national programs fund of the Adult Education Act. In addition, the managers have accepted the Simon amendment to fund the new State literacy resource centers, a critical link between literacy providers at the local level and the National Institute.

The literacy bill also authorized funding for the development of family literacy television programming. As my colleague has pointed out in the past, people tend to hide the fact that they can't read or write, just as people used to be embarrassed about their disabilities. Television programming aimed at adults and families can be one of our most effective tools in addressing this problem.

I should also point out that, as the Senator knows, this bill contains an increase for the Corporation for Public Broadcasting. CPB has been instrumental in developing quality literacy programming, and we hope that it will continue its fine record in this area.

Illiteracy costs our Nation billions of dollars in lost productivity. In the committee report for the bill we are considering today, we urged the Secretary of Labor to use her discretionary funds to move forward on the National Workforce Literacy Collaborative in the National Literacy Act. This program would assist small- and medium-sized businesses and labor organizations in implementing literacy programs for individuals with low basic skills. Now that the literacy bill has become law, the committee strengthens that recommendation, and directs the Secretary to begin this important effort.

Finally, Mr. President, my colleague from Illinois has authored some significant improvements and expansions to three current Federal programs: Adult Education, Workplace Literacy Partnerships, and Even Start—now called Even Start Family Literacy to reflect its new focus. These changes will ensure that we are getting the most from our Federal dollars.

Mr. SIMON. I thank my colleague for his comments and for his commitment.

AMENDMENT NO. 1094

Mr. HARKIN for Mr. BINGAMAN:

On page 59, after line 9, insert the following: "In addition to the amounts provided, $10,000,000 shall be available to carry out section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103, and".

On page 44, line 12, before the "period" insert the following: "*Provided*, That funds appropriated for the Office of the Inspector General are further reduced by an additional $2,603,000".

Mr. BINGAMAN. Mr. President, I wish to draw the Senate's attention to one provision of the manager's amendment package; and I wish to thank my very good friend and colleague, Senator HARKIN, and his staff for their help in clearing this amendment. The Senator from Iowa has a very, very difficult job, with many worthy and critical demands on the limited resources he must allocate, and I greatly appreciate his willingness to work with me on this amendment.

This amendment is a simple one, with an important purpose. It would transfer $10 million from the Department of Health and Human Services' Office of the Inspector General to the Department of Education for its newly expanded prison literacy and life skills training grant program.

This minor expansion of the Federal Goverment's commitment to prison education was recently authorized through an amendment to the National Literacy Act. I helped craft the amendment with my good friends and colleagues, Senators KENNEDY and PELL, and our colleagues in the House, Representatives GINGRICH, KILDEE, and GOODLING.

Mr. President, the issue of prison literacy programs is a familiar one to my colleagues. In July, we debated and approved a modified version of an amendment I offered to S. 1240, the Violent Crime Control Act of 1991, that is nearly identical to the program authorized under the National Literacy Act. That amendment authorized the Attorney General to make grants to State and local correctional agencies and correctional education entities to help them establish and operate literacy and life skills training programs in their prisons, jails, and detention centers.

The amendment we approved to the National Literacy Act creates the same authorization within the Department of Education. But approving and passing authorizing legislation does not accomplish anything if that legislation is not funded. That is why I am advocating adoption of this amendment today.

If we really meant what we said earlier this summer about getting tough on crime and making our streets safer, then today is the day to put our money where our mouth is. I urge my colleagues to support this amendment.

As I mentioned earlier, this amendment shifts $10 million to the Department of Education from the Department of Health and Human Services' Office of the Inspector General. I believe this shift makes sense: It is much wiser, in my mind, to make more funding available to help the States deal effectively with the problems of crime and illiteracy, than to increase the Federal bureaucracy. This amendment sends the clear message to the American people that the Senate is serious about reducing bureaucracy, that we are serious about our commitment to fighting crime, and that we are serious about achieving the President's national education goals, which he and the Nation's Governors established 2 years ago.

The fifth goal of the national education goals states:

> [E]very adult American should be literate and possess the knowledge and skill necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

This goal includes individuals incarcerated in our Federal and State prisons. And this amendment is a small—but significant—step toward achieving that goal.

I am convinced that education will reduce recidivism and that the programs this amendment will help fund will ultimately benefit our national economy and reduce the level of fear of crime that exists in America today.

Currently, more than 620,000 individuals are incarcerated in the United States. Most cannot read or write. In fact, today's inmate population represents the Nation's single largest concentration of illiterate adults: A full 60 percent—372,000 individuals—are functionally illiterate.

Once released from prison, many of these people stand a good chance of returning. This is because they are leaving prison the same way they came in: illiterate. Without the basic skills of reading and writing, chances are low for finding legitimate employment in our increasingly complex, information-based society.

Being illiterate is, of course, not the only reason one turns to a life of crime. But the fact that more than 60 percent of our prison inmates are functionally illiterate should focus our attention on this connection.

Jerome G. Miller, president of the National Center on Institutions and Alternatives, recently stated:

> Education deters criminal activity. * * * Studies show that those with a high school diploma who spend time in prison are less likely to be rearrested than those who hadn't graduated from high school. The likelihood of being arrested for delinquent behavior as a teenager is nearly twice as great for children who do not have the Head Start advantage as for those who participate in this extensive early education program.

I agree with Mr. Miller: Education deters criminal activity. Fortunately, the directors of the Federal Prison System, along with several of their State counterparts, already have recognized the importance of education and have established a wide variety of literacy and life skill programs in their prison systems. States such as Virginia, Tennessee, and Pennsylvania have enacted legislation that links literacy with parole.

Nearly 10 years ago, the Federal Bureau of Prisons adopted its first mandatory adult basic education policy. Originally, the policy required that all inmates who functioned at the sixth-grade reading level or lower must enroll in an adult basic literacy program for 90 days. Using incentives, rewards, encouragement, and work promotion opportunities, the Bureau has combined work and education to create a program that has far exceeded the expectations of inmates, staff, and observers.

Currently, all new admissions to the Federal Prison System are tested to determine their incoming literacy level. If a new inmate does not meet a minimum level of literacy competency, he or she is enrolled in a program aimed at providing quality instruction by a qualified reading specialist. Together, they work toward a tangible, measurable goal of increased reading and writing ability. The almost universal acceptance of this program and widespread appreciation for its results recently led the Bureau to strengthen its requirements.

After completing the sixth-grade achievement level pilot program in 1985, the Bureau raised the mandatory literacy standard to an eighth-grade equivalency. Today, the standard is 12th-grade equivalency and more than 120 days of instruction, with a focus on training for higher skill, higher paying jobs in outside job markets. Nearly 35 percent of the Bureau's inmates are now enrolled in school, with half of those continuing their studies after the mandatory 120-day period. The fact that no legal action or grievances have been filed as a result of the program is a fact worthy of note.

Through this amendment, we can help our State and local prison systems, jails, and detention centers work toward this same goal. Mr. President, I am proud to say that my home State of New Mexico already has come very close to the Federal concept in creating a comprehensive program that addresses the needs of both the inmate population and the citizens of our State.

The need for this program in New Mexico is great. When using an eighth-grade equivalency standard, 70 percent of the New Mexico inmate population was deemed in need of a literacy education program. Recently, a study conducted at the New Mexico State Prison revealed a 15-percent recidivism rate for those inmates who had completed at least one college class at the prison's university extension program, versus a recidivism rate of 68 percent for the prison's general population.

Other studies conducted around the country reveal similar statistics. For example, an Ohio study, conducted in 1985, of individuals on probation from prison found that education program participants had a 16 percent recidivism rate compared with 44 percent for the control comparison group who received no literacy training.

Mr. President, before yielding the floor, I want to briefly mention the other type of prison education program that this amendment will help fund. The $10 million this amendment appropriates would also be available to help States and local correctional agencies and correctional education entities establish and operate programs aimed at developing and improving the life skills incarcerated individuals will need to successfully re-integrate into society. Important life skills include self-development, communication skills, job and financial skills development, education, interpersonal and family relationship skills, and stress and anger management.

Grants funded under this amendment would be awarded to agencies and entities that show the most promise for establishing low-cost, innovative, and effective programs capable of being replicated in other systems, prisons, jails, and detention centers.

I believe an excellent example of the type of program this amendment envisions is the Comienzos Program at the Bernalillo County Detention Center in Albuquerque, NM. I had the pleasure of touring this facility and sitting in on a session of Comienzos this summer. This program is a novel and innovative approach to jail education, conceived and developed by Sisters Mary Jo Boland and Natalie Rossi in Albuquerque.

Comienzos, which many believe is even more successful than the Center's nationally and internationally renowned literacy program, focuses on issues important to inmates who will one day return to society. These issues—or life skills—include self-development, communication, job and financial skills development, enhancement of educational skills, interpersonal and family relationship development, behavior modification, and stress and anger management.

Over an 8-week period, Comienzos helps inmates develop these skills through lectures by staff, special guest speakers, and residents; group interactions and discussions; interactive videos and tapes and written material; and artistic expression.

This program is not only a humane approach to incarceration; it is also a positive strategy for combatting the rising rate of recidivism in our Nation's jails. Its goal is simple and profound: To provide individuals with the basic tools needed to cope in a complex society. This is exactly the type of program we should encourage if we are serious about our commitment to reducing crime in the United States; and this amendment provides that encouragement.

Mr. President, the data is clear, the conclusion is simple: Education works. To refuse to support funding for literacy and life skills training for incarcerated individuals is, in my view, very shortsighted.

I believe that if we really want to fight crime, we must give people a fighting chance. This amendment will help give incarcerated individuals around the country that chance. With this amendment, we have the unique opportunity to actually do something significant to fight crime and, at the same time, to help improve our Nation's embarrassingly high illiteracy and recidivism rates. I urge my colleagues to support this amendment.

AMENDMENT NO. 1095

Mr. HARKIN for Mr. DODD and Mr. LIEBERMAN:

On page 50, after line 15, insert the following:

SEC. . During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care protections of Section 427 of such Act for any Federal fiscal year preceding fiscal year 1992.

AMENDMENT NO. 1096

Mr. HARKIN for Mr. KENNEDY:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(CV)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

AMENDMENT NO. 1097

Mr. HARKIN for Mr. HATFIELD:

On page 24, line 18, strike "959,952,000" and insert in lieu thereof "965,952,000".

On page 29, line 10, strike "102,885,000" and insert in lieu thereof "92,085,000".

AMENDMENT NO. 1098

Mr. HARKIN:

On page 63, on line 10 before the period insert the following: ": *Provided further*, That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program.".

AMENDMENT NO. 1099

Mr. HARKIN for Mr. ROCKEFELLER:

On page 73, line 5, strike "$750,000" and insert in lieu thereof "$950,000".

AMENDMENT NO. 1100

Mr. HARKIN for Mr. D'AMATO:

On page 32, line 22, strike "$1,985,901,000" and insert in lieu thereof "$1,982,901,000".

On Page 21, line 1, strike "$1,525,982,000" and insert in lieu thereof "$1,530,982,000".

Mr. D'AMATO. Mr. President, I rise in support of this amendment, which includes a provision I authored to provide an additional $5 million for the Centers for Disease Control's Tuberculosis Elimination Grant Program. This amendment is critical in light of statistics released just last month by the CDC which signal a dramatic increase in the number of tuberculosis cases reported nationwide.

After decades of decline, tuberculosis is once again on the rise. In 1990, the rate of tuberculosis increased 9.4 percent compared to 1989. This is the largest increase since national reporting of TB began in 1953.

Contributing to this unprecedented increase were 3,520 new cases of TB reported in New York City—an increase of 38 percent over 1989. This is the highest rate of TB in New York City in over two decades.

The recent outbreak has struck especially hard among the homeless, substance abusers, the HIV-infected, and the elderly. In short, those whose immune systems are the weakest. Tragically, in New York City, it has struck hardest among our children. Between 1989 and 1990, the number of reported cases among children under 15 years old in New York rose from 49 to 146, an increase of almost 200 percent. The majority of these cases occurred in children under the age of 5.

Perhaps the most shocking aspect of the current epidemic was described in a report from the CDC dated August 30, 1991. The report described several outbreaks of multidrug resistant tuberculosis in U.S. hospitals, in which the disease was transferred between patients, and between patients and health care workers. Three of these hospitals were in New York.

Mr. President, what the CDC has described in its August 30 report is the first large urban outbreak of tuberculosis acquired in a hospital setting in recent history. This outbreak is unsettling to put it mildly, and it underscores the need for a much greater Federal commitment to eradicating this horrible disease.

Mr. President, this amendment will help stem the rising tide of tuberculosis by providing an additional $5 million for the TB Elimination Grants Program of the Centers for Disease Control. It is my intention that these additional funds be targeted at those areas with the highest numbers of TB cases, including those areas which experienced the greatest increases in new cases over the past 12 months.

The TB elimination grants are the Federal Government's primary effort against the spread of TB, and are an essential part of the strategic plan for the elimination of tuberculosis in the United States, which was adopted in 1988 and endorsed by HHS Secretary Sullivan.

Unfortunately, these grants are severely underfunded. The recommendation of $12.3 million in the Senate bill, while a modest increase over last year's level, is still scarcely a third of the fully authorized level of $36 million. In the face of a rising epidemic, that is simply not enough.

Mr. President, the additional $5 million provided by this amendment will help greatly by funding research, education, and reporting activities. It will help by funding outreach workers to ensure that noncompliant patients follow their prescribed therapies, and it will help by funding TB prevention activities in high-risk populations in a variety of health care settings.

Mr. President, we should not take the recent CDC statistics lightly. Tuberculosis is an infectious disease that can be transmitted without regard to geographic or governmental boundaries. And it is spreading at an unprecedented rate.

Let us give the CDC the additional resources necessary to stem this epidemic before it gets out of control.

Mr. President, I urge the adoption of the amendment.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be added as a cosponsor of the following amendments, which were offered en bloc as part of H.R. 2707, the Labor, Health and Human Services appropriations bill: An amendment sponsored by my good friend from Mississippi, Senator COCHRAN, that earmarks $3,400,000 for the White House Conference on Aging; an amendment sponsored by my colleague from California, Senator CRANSTON, that earmarks $10 million for trauma and emergency medical care; an amendment by the Senator from Arizona, Senator DECONCINI, that provides $2 million for the National Youth Sports Program; an amendment sponsored by my good friend from New Mexico, Senator DOMENICI that provides $57 million for the National Institute of Mental Health; an amendment by the Senator from Washington, Senator GORTON that inserts bill language to insert the legal citation for the Adolescent Family Life Act, so that the conference committee can consider making funding available for adolescent family life programs; an amendment by the distinguished Senator from Vermont, Senator JEFFORDS, that permits the National Commission on Responsibilities for Financing Post-Secondary Education to receive gifts and donations to complete their work; an amendment by the Senator from Massachusetts, Senator KENNEDY, that provides $2,481,000 for the Star Schools Program; and an amendment offered by the distinguished Senator from Illinois, Senator SIMON, that provides $10 million for State Literacy Resource Centers.

I am pleased that the distinguished managers of this important funding legislation, Senator HARKIN and Senator SPECTER, have agreed to accept these necessary amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1085 through 1100) were agreed to, en bloc.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, the package of amendments just adopted by the Senate, included, at my request, an additional $6 million for the National Institute of Allergy and Infectious Diseases [NIAID]. This additional amount is provided to enable the Institute to take advantage of existing developments in the search for a vaccine for the AIDS virus.

The Centers for Disease Control estimates that up to 85,000 Americans will become infected with the AIDS virus during 1992. Internationally, the devastation of AIDS continues to grow. The World Health Organization estimates that there currently are 8 to 10 million people infected with HIV. Projections are that by the end of the 20th century, 440 million people will be infected with the virus.

New scientific evidence convinces us that an AIDS vaccine can be found. Tests of vaccines for HIV in chimpanzees have successfully prevented animals from infection despite injection with live HIV. In studies from laboratories around the world, vaccines for the closely related monkey AIDS virus, SIV, have also prevented infection. These results show for the first time that vaccination is feasible under experimental conditions. For almost all other vaccines in use today, such findings have been a prerequisite for an eventual successful vaccine.

There have been eight vaccines in early trials in humans as of today. The trials have involved both persons already infected and those not yet infected with HIV. The most significant results show that some vaccines stimulate the immune system to produce antibodies against the AIDS virus in both types of persons tested.

The additional funds provided in the amendment will assist the Institute in developing the capacity to test candidate vaccines in clinical trials either in the United States or abroad. This is essential to expediting the testing and eventual development of a safe and effective AIDS vaccine.

Mr. President, the $6 million provided in the amendment is offset through a reduction in the committee recommendation for the Buildings and Facilities appropriation of the National Institutes of Health. The committee had included the requested $13,400,000 to begin the phase I design work on the clinical center modernization project. However, funding for the project was deferred by the House pending the completion of a review by the Corps of Engineers of the direction and cost of the redesign. The elimination of these funds will bring the Senate into concurrence with the House on this matter.

Mr. President, I thank the chairman and ranking member for their support of the amendment, and I yield the floor.

The PRESIDING OFFICER. For the benefit of Senators, the pending amendment at this time is the committee amendment beginning on page 3, line 24.

The Senator from Iowa.

AMENDMENT NO. 1101 TO COMMITTEE AMENDMENT, PAGE 3, LINE 24

(Purpose: To require the Secretary of Labor to promulgate final rules and regulations concerning occupational exposures to bloodborne pathogens)

Mr. HARKIN. Mr. President, on behalf of Mr. DOLE, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, and Mr. PACKWOOD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DOLE, for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, and Mr. PACKWOOD, proposes an amendment numbered 1101.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

Mr. CRANSTON. I rise in support of the amendment by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mr. DOLE].

The OSHA bloodborne disease standard would provide the most effective means to curb the risk of HIV transmission in health-care facilities. It requires all employers to implement universal precautions. The standard will cover 4.5 million health-care workers who are potentially exposed to blood on the job and it will protect all patients against exposure to bloodborne diseases.

Mr. President, enacting this standard is the most effective means of stopping both HIV transmission and hepatitis B transmission in health care settings. It has been pointed out that if the OSHA bloodborne standard had been in place and enforced, the suspected transmission of HIV infection to Kimberly Bergalis and four other patients of a Florida dentist would likely not have occurred.

This approach to protecting health-care workers and patients from bloodborne diseases is rational, workable, and enforceable. It is supported by a wide range of organizations ranging from public health and medical groups to labor.

Mr. President, I urge the adoption of this amendment by the Senate.

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to support the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, the majority leader, Mr. MITCHELL, and the minority leader, Mr. DOLE, which would set a deadline of December 1, 1991, for Occupational Safety and Health Administration [OSHA] to issue a rule on the bloodborne disease standard to be implemented in the workplace.

The bloodborne disease [BBD] standard is the most effective response to the risk of HIV transmission in health care facilities because it requires all employers to implement universal precautions. Mandatory HIV testing and disclosure of HIV status are counterproductive—they create a false sense of security and may actually increase the risk of transmission.

Universal precautions provide the best protection for all patients and employees, because all health care workers will be properly trained and equipped to guard against blood exposures. Universal precautions mean that personnel should treat all blood and bodily fluid as infected. By considering all blood as infected, the dangerous idea that some blood is safe will be avoided. The lag between HIV infection and test detection can be as long as half a year. Bloodborne diseases such as hepatitis B are also a threat, particularly in Hawaii which has the highest rate of hepatitis B infection in the Nation. Blood should always be treated with caution.

The Centers for Disease Control, the American Public Health Association, the Association of State and Territorial Health Officials, the American Medical Association, the American Nurses Association, the American Hospital Association, the AIDS Action Council, and the health care employee unions all support requiring universal precautions.

Mr. President, we are grappling with an incredibly pernicious problem. It is one that lends itself, quite understandably, to sweeping fears and rampant misconceptions. If we are to carry out the functions of our office in a responsible manner, we must not embroil ourselves in fomenting further emotionalism and playing to nebulous anxieties.

What we must do is heed the knowledgeable advice of those public health experts and health organizations upon whom we can count for analytically logical recommendations. That, Mr. President, is exactly what we would be doing by supporting the Kennedy-Mitchell-Dole amendment, and I urge my colleagues to do so.

Mr. KENNEDY. Mr. President, I am pleased to propose an amendment with my colleagues, Senator DOLE, Senator MITCHELL and Senator HATCH, that will require the Occupational Safety and Health Administration to issue a final standard on occupational exposure to bloodborne diseases by December 1, 1991.

These regulations will be a decisive step forward in assuring a safe health care setting for health care professionals and their patients. The standard will put in place uniform, enforceable requirements for implementation of universal precautions and infection control procedures, and back them up with accountability and enforcement mechanisms. This is a sound and solid public health policy that protects both patients and workers alike.

In 1987, OSHA began the process of establishing a bloodborne disease standard. In 1989, the agency issued a proposed rule based on the recommendations of the Centers for Disease Control. The CDC has reinforced the importance of strict adherence to universal precautions as the most effective means of preventing transmission of all bloodborne diseases in each update of the guidelines most recently in July of this year.

The final rule will be the product of an extensive review by OSHA, CDC, and hundreds of health care professional and labor organizations involved in implementing infection control measures in health care settings.

Now it is time to insist that the final rule be issued, so employers will know clearly what is expected of them, and the safety of workers and patients will be ensured.

Under the OSHA bloodborne disease standard, all health care facilities would be required to implement an infection control program based on universal precautions. Health care workers must receive information and training annually at a minimum, in order to protect themselves and their patients.

Universal precautions must be followed in all health care settings where there is a potential for exposure to blood or other body fluids. Employers will be required to provide gloves, gowns, and other protective equipment to ensure that the precautions are followed. The regulations also spell out the appropriate ways to dispose of sharp objects and soiled materials to prevent injury or potential exposure.

For any employee exposed to blood or body fluids, the hepatitis B vaccine must be provided along with post-exposure followup. Clear standards are established for appropriate disinfection and sterilization of equipment to protect patients from any potential contamination. These measures, taken together, will make the health care setting a safe place for all patients and workers, protecting them from HIV and all bloodborne diseases.

While consistent with the CBC guidelines on universal precautions, the OSHA standard will have an enforcement mechanism to make sure these precautions are followed.

As with other occupational health standards, OSHA will have full authority to enforce the standard through inspections and the imposition of civil penalties for violations.

The Department of Labor has already begun training health and safety inspectors, so that inspections of physicians' and dentists' offices and other facilities will begin immediately following the rule's effective date.

By requiring prompt release of the OSHA standard, the Senate will be supporting the recommendations of leading public health officials and responding to public concerns over HIV transmission in the most effective way by placing the focus on universal precautions and infection control.

Together with the CDC guidelines, the OSHA final rule will make sure that employers and health professionals are complying with these safety measures.

Dr. Gary Noble of the CDC said 2 weeks ago at a press conference:

> When health care providers follow proper infection control procedures—including proper sterilization and disinfection of instruments—comply with CDC's invasive procedure guidelines, and practice universal precautions with all patients, the very low risk of transmission of HIV during invasive procedures will be reduced to near zero.

I urge all Senators to support this amendment requiring the prompt release of the OSHA final rule on bloodborne diseases.

I ask that certain material pertaining to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SUMMARY OF OSHA'S BLOODBORNE INFECTIOUS DISEASE STANDARD

On May 30, 1989, OSHA issued their long awaited proposed rule to protect workers from bloodborne infectious diseases such as the hepatitis B virus and the human immunodeficiency virus (HIV)—the virus that causes AIDS. The bloodborne infectious disease standard is the best way to protect both health care workers and patients. A summary of the standard follows:

INFECTION CONTROL PLAN

Employers must develop a written infection control plan that:

Covers all workers who could be exposed to body fluids or contaminated waste.

Body fluids include blood, saliva, semen, vaginal fluids, spinal fluid, etc. Contaminated waste includes bloody dressings, soiled linens, urine in catheter bags, used needles and syringes, etc.

Details how the employer will implement the bloodborne infectious disease standard.

Is updated when workers' tasks or procedures change.

PERSONAL PROTECTIVE EQUIPMENT

Employers must provide appropriate personal protective equipment for workers.

Personal protective equipment includes gloves, gowns, fluid proof aprons, laboratory coats, head and foot coverings, face shields or masks, eye protection, mouthpieces, resuscitation bags, pocket masks or other ventilation devices.

Employers must make equipment accessible and in the right sizes.

Workers must wear fluid-proof clothing when clothing could be soaked with body fluids or contaminated waste.

SAFE WORK PRACTICES

Workers must wash hands immediately after removing gloves or other personal protective equipment and after contact with body fluids or contaminated waste.

Employers must make accessible, leakproof, hard, plastic containers for disposal of needles and othe sharp objects.

Universal precautions must be observed.

CLEAN WORKSITE

All work surfaces must be disinfected with an approved hospital disinfectant chemical germicide, after use, after contamination, and at the end of the work shift.

Equipment and work surfaces may have protective coverings. These coverings must be removed and replaced after contamination, and at the end of the work shift.

Equipment must be checked for contamination before it is used, serviced, or moved.

Equipment must be cleaned if contaminated.

HEPATITIS B VACCINE AND POST EXPOSURE FOLLOWUP

The employer must provide the hepatitis B vaccine to all workers who are exposed to body fluids or contaminated waste at least once a month. Booster shots must be provided if needed.

After a worker is exposed, the employer must provide a confidential medical checkup and followup that includes at least:

Report of how worker was exposed,

Blood testing of patient and worker (if permission obtained).

Followup with the worker including repeated testing and counseling, symptoms reporting, and education to prevent exposure to others.

WORKER INFORMATION AND TRAINING

Workers must receive information and training on bloodborne infectious diseases within 90 days of hire and at least annually.

Information and training must be geared to the workers' education levels, and be provided in their languages.

Training must cover the following:

How hepatitis B, HIV and other bloodborne diseases are transmitted,

How to avoid contact with blood and other infectious materials,

How to dispose of contaminated materials,

How to use personal protective equipment,

What to do after contact with blood or other infectious materials,

Information on the hepatitis B vaccine,

Explanation of the labeling system for potentially contaminated materials.

OSHA'S BLOODBORNE DISEASE STANDARD PROTECTS PATIENTS AND WORKERS

WHAT IS INFECTION CONTROL

Infection control systems are designed to prevent healthcare workers from transmitting infections to patients and to protect healthcare workers from acquiring infections themselves. Since 1987, infection control programs have been based on universal precautions, which means that all patients are treated as though they are potentially infectious for a bloodborne disease. Universal precautions improve on traditional infection control programs because protection is provided before it is determined whether someone is infected.

WHY IS INFECTION CONTROL IMPORTANT

Infection control is the most important element used to reduce healthcare worker and patient risk of infection by minimizing or eliminating exposure incidents to bloodborne infectious diseases such as hepatitis B and HIV. OSHA estimates the Bloodborne Disease Standard will prevent 220 deaths per year among healthcare workers.

HOW WOULD AN OSHA STANDARD IMPROVE INFECTION CONTROL

The proposed standard includes clear requirements for healthcare facilities to implement an infection control program based on universal precautions. Healthcare facilities would be required to provide gloves and other protective equipment such as masks, gowns and goggles to workers who come in contact with blood. Gloves would have to be changed between patients and would be replaced whenever torn or punctured. Equipment would have to be sterilized. Employers would be required to repair or replace damaged equipment. Workers would be offered the hepatitis B vaccine free of charge, and would be trained on the proper procedures to follow to prevent transmission of bloodborne infectious diseases. Many healthcare employers, particularly large hospitals, are already moving to implement universal precautions.

HOW WOULD THE STANDARD BE ENFORCED

Under the OSHA Act of 1970, the Occupational Safety and Health Administration has the authority to inspect workplaces to ensure that employers are in compliance with OSHA's standards to provide a healthy and safe workplace. Employers who are not in compliance are cited by OSHA and fined based on the seriousness of the violation. Willful or repeated violations of the bloodborne disease standard could lead to fines of up to $70,000 for each violation. Citations for serious violations could result in penalties of up to $7,000 per violation. Any employer that fails to correct a violation for which a citation has been issued can be fined up to $7,000 per day that the hazard is not abated.

In addition, OSHA has the authority to issue criminal penalties against employers whose willful violation of OSHA's standards results in the death of an employee. Legislation is pending in the Senate to expand OSHA's authority is issue criminal penalties.

OSHA initiates workplace inspections based on employee complaints and agency priorities. In the past, OSHA has developed Special Emphasis Programs for enforcement of specific standards in specific industries. Such a Special Emphasis Program could be developed to enforce the bloodborne disease standard in healthcare facilities.

WHO SUPPORTS REQUIRING UNIVERSAL PRECAUTIONS

Labor unions that represent healthcare workers, public health organizations, government public health officials, infection control experts, and associations of healthcare professionals. Included are the Service Employees International Union, the Centers for Disease Control, the Association of Practitioners in Infection Control, the American Public Health Association, the Association of State and Territorial Health Officials, the American Medical Association, The American College of Emergency Physicians, the American Nurses Association, the American Hospital Association, the National Association of Public Hospitals, and the AIDS Action Council.

THE OSHA BLOODBORNE DISEASE STANDARD SHOULD BE LAW

EFFECTIVE: The Bloodborne Disease Standard (BBD) is the most effective response to the risk of HIV transmission in healthcare facilities because it requires all employers to implement universal precautions. The OSHA BBD Standard will cover 4.5 million healthcare workers who are exposed to blood on the job and their patients.

OVERDUE: The BBD Standard has been unreasonably delayed. SEIU and other unions first petitioned OSHA for a Bloodborne Disease Standard in September 1986. OSHA has finished its work on the BBD Standard. The DOL has repeatedly broken its promises about releasing the standard. The promised deadline of May 1991 was pushed back to September 1991—and then back to Spring 1992.

BROAD REACH: Final implementation of the standard is the only way to ensure enforcement of universal precautions in dentists' and physicians' offices where 60 percent of patient contacts with physicians occur. OSHA is currently enforcing CDC Guidelines on universal precautions in hospitals. Instead of new layers of bureaucracy, the BBD Standard will be enforced through OSHA's existing enforcement machinery of inspections backed by civil and criminal penalties.

PROTECTS EVERYONE: Under universal precautions, the same procedures and barriers that protect workers will also protect patients. The BBD Standard requires employers to identify tasks where exposure to blood occurs, provide training, provide all necessary equipment for universal precautions, and use the best available technology to prevent exposure. This means using gloves and other barrier protections any time that exposure to blood or other bodily fluids is expected to occur.

CONSISTENT SAFETY: Universal precautions will provide the best protection to all patients because all healthcare personnel will be properly trained and equipped to guard against blood exposures. Universal precautions means that personnel should treat all blood and bodily fluids as though infected with the HIV virus. By treating all blood as infected, the dangerous idea that some blood is safe will be avoided. Because of the lag between HIV infection and test detection as well as the threat of other bloodborne diseases like hepatitis B, blood should always be assumed to be treated with caution.

SAVES LIVES: OSHA estimates that the BBD Standard will prevent 9,000 cases of hepatitis B and 220 deaths due to hepatitis B among healthcare workers. CDC estimates that 40 healthcare workers became infected with HIV on the job.

THE HELMS AMENDMENTS DON'T PROTECT PATIENTS OR WORKERS

Senator Jesse Helms has sponsored a pair of bills that would start a war of suspicion between providers and patients. One requires providers to disclose their HIV status to patients before performing many routine medical procedures or face criminal penalties. The other would allow doctors to have patients tested without their consent before treating them.

Yet, the U.S. Centers for Disease Control do *not* recommend either involuntary testing of patients or mandatory disclosure by providers performing a wide range of invasive procedures. The Helms approach will result in less protection than the CDC Guidelines already in effect.

The Helms approach is over-broad. It would cause patients to view *all* providers as sources of infection rather than treatment. The CDC recommends provider disclosure only in the case of those few exposure prone procedures where there may be a significant risk—not *all* invasive procedures.

By criminalizing non-disclosure by providers performing routine invasive procedures, the Helms approach will drive HIV-infected healthcare workers underground, create needless fear among all healthcare workers, and further jeopardize access to care for HIV-infected individuals.

Medical and public health leaders, including the CDC and the Secretary of Health and Human Services, state that infection controls that adhere to universal precautions are the best way to protect both patients and providers against transmission of HIV and other bloodborne illnesses. If providers are allowed to require patient testing, then they will think that the blood of those who test negative is "safe" even though that patient may actually have HIV or some other bloodborne disease. The resulting break down of universal precautions will actually increase the risk of infection.

Testing is less effective and more costly than universal precautions. Tests are too often inaccurate, untimely, or costly. Testing rarely is conducted for the full-spectrum of bloodborne diseases, and many diagnostic tests are insensitive during the early stages of infection. The $1.5 billion annual cost of certifying the HIV status of the nation's healthcare workers will put further financial strains on our already strained healthcare system for an uncertain result.

LABOR COMMITTEE HISTORY WITH OSHA STANDARD

May 1987.—CDC announces the first three cases of HIV infection among health care workers with no other risk factors;

May 1987.—Kennedy introduces comprehensive AIDS legislation entitled the AIDS Research and Information Act which: (1) directs the Secretary of HHS to develop, issue, and disseminate guidelines for the prevention of transmission of HIV and Hepatitis B Virus to health care and public-safety workers; and (2) directs the Secretary of HHS to transmit the guidelines to the Secretary of Labor to be used in the development of standards to be issued under the Occupational Safety and Health Act of 1970;

April 1988.—AIDS Research and Information Act passes;

April 1988.—Kennedy holds OSHA oversight hearings and presses Assistant Secretary Pendergrass for a commitment on the bloodborne disease standard;

June 1988.—CDC publishes universal precaution guideline updates and transmits to the DOL;

June 1988.—Kennedy sends letter to DOL inquiring about the status of the bloodborne disease standard;

July 1988.—Kennedy receives letter from DOL with assurances that the proposed rule will be published by December 1988;

May 1989.—OMB finally allows OSHA to publish a proposed rule;

January 1990.—OSHA fails to meet their promised new year deadline;

April 1991.—DOL tells the Appropriations Committee that the final bloodborne disease standard will be published by September 1991;

September 1991.—DOL asks Kennedy to give them until Spring because they will be unable to get the standard through OMB prior; Kennedy offers an amendment giving DOL until November 1, 1991.

TITLE II—PROGRAMS WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 200. SHORT TITLE.

This title may be cited as the "AIDS Amendments of 1988".

SEC. 253. INFORMATION FOR HEALTH AND PUBLIC SAFETY WORKERS.

(a) DEVELOPMENT AND DISSEMINATION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this title, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control, shall develop, issue, and disseminate emergency guidelines to all health workers, public safety workers (including emergency response employees) in the United States concerning—

(1) methods to reduce the risk in the workplace of becoming infected with the etiologic agent for acquired immune deficiency syndrome; and

(2) circumstances under which exposure to such etiologic agent may occur.

(b) USE IN OCCUPATIONAL STANDARDS.—The Secretary shall transmit the guidelines issued under subsection (a) to the Secretary of Labor for use by the Secretary of Labor in the development of standards to be issued under the Occupational Safety and Health Act of 1970.

(c) DEVELOPMENT AND DISSEMINATION OF MODEL CURRICULUM FOR EMERGENCY RESPONSE EMPLOYEES.—

(1) Not later than 90 days after the date of the enactment of this title, the Secretary, acting through the Director of the Centers for Disease Control, shall develop a model curriculum for emergency response employees with respect to the prevention of exposure to the etiologic agent for acquired immune deficiency syndrome during the process of responding to emergencies.

(2) In carrying out paragraph (1), the Secretary shall consider the guidelines issued by the Secretary under subsection (a).

(3) The model curriculum developed under paragraph (1) shall, to the extent practicable, include—

(A) information with respect to the manner in which the etiologic agent for acquired immune deficiency syndrome is transmitted; and

(B) information that can assist emergency response employees in distinguishing between conditions in which such employees are at risk with respect to such etiologic agent and conditions in which such employees are not at risk with respect to such etiologic agent.

(4) The Secretary shall establish a task force to assist the Secretary in developing the model curriculum required in paragraph (1). The Secretary shall appoint to the task force representatives of the Centers for Disease Control, representatives of State governments, and representatives of emergency response employees.

(5) The Secretary shall—

(A) transmit to State public health officers copies of the guidelines and the model curriculum developed under paragraph (1) with the request that such officers disseminate such copies as appropriate throughout the State; and

(B) make such copies available to the public.

COMMITTEE ON LABOR AND HUMAN RESOURCES—OSHA HEARING, APRIL 20, 1988

The CHAIRMAN. Can we get assurance about whether OSHA will publish a permanent standard on bloodborne diseases? We will not have a chance to get all the way through that, but we had important and impressive testimony from your scientists, I believe, that there is sufficient information to be able to develop a standard.

What we want is a permanent standard put into effect, not guidelines of other types of—

Mr. BAROODY. Senator—I am sorry, Senator.

The CHAIRMAN. Mr. Pendergrass, can we get assurances on that?

Mr. PENDERGRASS. Mr. Chairman, we started this process a year ago, as I mentioned in my opening statement. We have published an ANPR; we have collected data as a result of that; it is being evaluated, and depending on what the evaluation is, we will either issue a permanent standard or not.

If the scientists feel that this is their recommendation, that is certainly going to be taken into consideration.

The CHAIRMAN. Well, this is what Dr. Harwood—you are familiar with Dr. Harwood at your agency—

Mr. PENDERGRASS. Yes.

The CHAIRMAN. She is a leading medical science expert in OSHA.

Dr. Harwood says: "Well, I have observed the Department of Labor policymakers for a long time, and I see how they behave when they want to stall and when they want to go forward; and based on that, and based on the things I have testified to today, I would say they are delaying."

Just before that—I will find the reference in the testimony—Dr. Harwood said:

"I feel that the hospital and the laboratory are workplaces in the same sense that the steel mill and the factory are workplaces, and I think these viruses are occupational hazards in the same sense that asbestos and benzene are occupational hazards. People get infected at work, people get sick, people die. And I think the only way that they can be protected is if OSHA issues a permanent standard."

And then, when asked whether there was sufficient information to make a standard, she indicated that there was. I will try and get the exact quote, but I will certainly circle it for you and send it to you if staff is not able to come up with it.

What I am interested in finding out is whether you will publish a permanent standard on bloodborne diseases. You have your scientist, who reviewed with us the time she spent down at CDC to review the various materials. She indicated as somebody who is a career employee that it was possible to start the process, move the process along and develop a permanent standard for bloodborne diseases. And I just want to find out now whether you will give us the assurances.

The Chairman asks:

"During all this time, you believe the agency had enough information to publish a proposal for a bloodborne disease standard back in March of 1987, when you made an initial recommendation to the Assistant Secretary; is that correct?

"Answer. That is correct.

"Question. Would we be closer to having a permanent standard today if the agency had followed your recommendation?"

Dr. Harwood responds: "Yes, we would."

What are you going to do, Mr. Pendergrass? What assurances can you give not just this Committee and me, but to the American people as to whether you are going to give this priority?

Mr. PENDERGRASS. The bloodborne disease evaluation has top priority. We certainly are anxious to get a full evaluation of all of the aspects of the proposal, and we will act on that.

Mr. Chairman, we can keep you informed of the process, of the progress we make, if you would like.

The CHAIRMAN. Well, what are you going to do? There is obviously a feeling among the top scientists who are working in these areas, and this is enormously important, in terms of AIDS and Hepatitis B. As Chairman of the Committee, we passed out a bill out of this Committee which the Senate is going to consider in the next several days, S. 1220, dealing with AIDS, and it concerns not only the research and education but also talks about training of health workers. We need that kind of scientific competency, and you've got it—you've got it.

And I don't know the background of Dr. Harwood, but she impressed me as someone in whom I would have a good deal of confidence in at least moving this process along and getting it going forward. Instead, she testified yesterday that she knows when delay is in the air, and that is certainly, from her own testimony, the case.

We want to know whether you are going to do it, yes or no, a permanent standard for bloodborne diseases. Are you going to do it, yes, and when?

Mr. PENDERGRASS. It is an active process, Mr. Chairman. I regret that Dr. Harwood feels that there is delay. I don't think so. And we will proceed, and as I said, we will keep you informed of the progress; we would be very happy to do that. And I agree with you, and this is an important matter.

The CHAIRMAN. Well, I agree with you, this is an important matter, and we will keep you informed is not the same as saying yes, we are going to get a permanent standard on bloodborne diseases, on Hepatitis B, on AIDS; we are going to get it as fast as we can; we are going to comply with the law; it is going to have our top priority, and we will let you know every step along the way that that is what we are going to do, and I am going to try and have that thing done faster than we have ever been able to achieve one—but I can't give you an exact date. Now, why can't you just say it that way?

Mr. PENDERGRASS. Well, I can't give you an exact date, nor can I give you an exact statement as to what is going to be proposed or how long it is going to take to have hearings and all of the other aspects. Certainly, the work that has been done to date is an important part of it. Dr. Harwood's activities are very important, and she has had an active role and will continue to have an active role.

Mr. BAROODY. Mr. Chairman, if I may, if we had had this hearing six months ago—and John, please correct me if I am wrong—and you had made the same request and insistent demand, and John had acted faster than they had ever acted and put in place a rule that would have codified the CDC guidelines five months ago, we would be back in proposal stage now because, if I heard you right yesterday, John, the CDC guidelines were revised two weeks ago.

We think that OSHA has taken more than a delaying tactic here; at the same time they announced they would embark on this process, they said they would enforce, with more than just 5(a)(1); they also repaired to the personal protective standard in their Code.

The CHAIRMAN. Well, I would just say that that is a woefully inadequate response. We all know that with regard to the AIDS virus that there is going to be more and more that is going to be learned; scientists are learning more and more about it; we are going to have to continue to do a great deal in terms of research; we are going to have to try and give assurances to hundreds of thousands of public health workers.

We understand this is going to be an evolving process. We understand that you are going to have to make adjustments and changes. But we are going to admire you when you say this is the best science that we had, this is what we did; we have got new science, so we want to go further on this thing, because there is new science.

The Centers for Disease Control has been extraordinarily constructive and positive. General Koop has been extraordinarily courageous in providing leadership. And for you to say that we cannot because we are going to get different science next year is ducking it, it really is. You are putting at risk a lot of people's lives.

Mr. BAROODY. No, quite the contrary——

Mr. PENDERGRASS. Mr. Chairman, no, we are not, Mr. Chairman, we are enforcing the CDC guidelines today.

Mr. BAROODY. And we arrived at that decision——

The CHAIRMAN. You know, Mr. Pendergrass, or you should not be sitting where you are, that that isn't the same as a rule. You know it isn't.

Mr. BAROODY. It is not the same as a rule——

The CHAIRMAN. So don't suggest, do not suggest that that has the power, that that possibly has the power to grant the kinds of protections which your agency can provide. And I am telling you what I think, and that is you ought to put this on a fast track. The country is concerned about it. There is a great deal of confusion, there is a great deal of fear, and there is enormous anxiety. And to have a business-as-usual attitude on this—that is what you are saying.

All you have to do is say—will you give it a priority?

Mr. PENDERGRASS. It has priority.

The CHAIRMAN. Will you commit here and now that you will give us a rule, that the agency, OSHA, will? Can you tell us that? Yes or no?

Mr. PENDERGRASS. I don't have all the information I need to make that commitment at this time.

The CHAIRMAN. I am not asking you to make that rule today.

Mr. PENDERGRASS. We are on a fast track, but more importantly, we are providing protection in the workplace today based on the CDC guidelines.

[Information supplied for the record follows:]

"RESPONSE OF MR. PENDERGRASS TO SENATOR KENNEDY QUESTION ON THE OSHA AGENDA

"On July 7, 1987, the Departments of Labor (DOL) and Health and Human Services (HHS) joined forces to develop an extensive plan regarding occupational exposures of health-care workers to bloodborne diseases. On October 30, 1987, DOL and HHS issued a joint advisory notice to inform health-care and other affected employers of existing guidelines for bloodborne diseases. These include voluntary guidelines issued by OSHA in 1983 to reduce the risk of occupational exposure to employees in health-care facilities from the hepatitis B virus (HBV); guidelines for HBV vaccination and post-exposure prophylaxis issued by the Centers for Disease Control (CDC); and CDC guidelines for reducing occupational exposure to human immunodeficiency virus (HIV).

"Last year, OSHA notified 500,000 health-care employers, including hospitals, that it would be enforcing CDC guidelines through existing, applicable OSHA standards. Between September 1987 and April 15, 1988, OSHA conducted 59 inspections in health-care facilities. While most of the facilities inspected were found to be in compliance with the guidelines, OSHA issued citations to nine employers. In FY 1988, OSHA plans to conduct about 100 inspections in health-care facilities to ensure compliance with CDC guidelines.

"On November 27, 1987, OSHA issued an Advance Notice of Proposed Rulemaking which invited interested parties to submit data, comments and other pertinent information regarding OSHA's development of a proposed standard for occupational exposure to HBV and HIV. I am still reviewing the information we gathered pursuant to that Advance Notice."

The CHAIRMAN. I asked Dr. Harwood: "And can OSHA require employers to provide the newly-developed Hepatitis B vaccine free-of-charge to health care workers under the guidelines?"

Dr. Harwood responded: "I don't think they can. I think it would be quite difficult under General Duty to provide that."

So, we have heard that that can provide extraordinary protections. You cannot do it under the guidelines, you can under a rule; you won't give us the rule or indicate that you will give it to us. And we have hundreds of workers who are at risk today.

And I want to tell you, even though you will not give that, we are going to continue to have you up here, and we are going to have you up here frequently, to find out what is going on on this, because the public health workers need it, those who are involved in hospitals deserve it. The best scientific information that is available can grant increased kinds of protections, and we are going to insist that this agency move ahead.

This concludes the last of three days of oversight hearings on the Occupational Safety and Health Administration. We said at the outset of these hearings that the record would show that the decision to let workers die while waiting on standards to protect and save their lives has been made at the highest levels of the Administration, and the record showed yesterday and today that Vice President Bush has personally supervised and pushed the effort to roll back health protection for workers.

I said at the outset of these hearings that the record would show the Administration created a superstructure of procedural barriers to the creation and enforcement of needed standards.

Yesterday we heard testimony from one dedicated health professional that you needed to have strong masochistic tendencies to work in this agency, because the Administration makes it so hard to do what the law requires. And another told Senator Metzenbaum that it is hard to sleep at night, knowing that workers are dying while the Office of Management and Budget delays needed action.

We have seen a parade of horribles. We have seen the lives of working men and women cut short. We have seen a policy of industrial mayhem, masquerading as cost-benefit analysis that seems to impose nothing but costs on workers and benefits on business.

As I have said, ours is not a perfect world, but the indictment today is not against accidents. The complaint today is with an agency and the leadership in it who haven't done anything accidentally; they have deliberately chosen to undermine, ignore and trim, and to abuse the law. There are thousands of Americans whose lives are not receiving protection from industrial accident and disease by bureaucratic inaction and malfeasance.

The Committee stands in recess.

[Whereupon, at 1:20 p.m., the Committee was adjourned.]

PARTIAL LISTING OF ORGANIZATIONS OPPOSED TO CRIMINALIZATION, MANDATORY TESTING AND DISCLOSURE, AND SUPPORTIVE OF UNIVERSAL PRECAUTIONS

American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Critical Care Nurses.
American Association of Nurse Anesthetists.
American College of Emergency Physicians.
American College of Physicians.
American Dental Association.
American Federation of State, County, and Municipal Employees.
American Hospital Association.
American Nurses Association.
American Medical Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Association for Practitioners in Infection Control.
Association of State and Territorial Health Officials (ASTHO).
Council of State Governments.
Council of State and Territorial Epidemiologists.
Disability Rights Education and Defense Fund.
Intravenous Nurses Society.
National Association of Counties.
National Association of County Health Officials.
National Association of Public Hospitals.
National Commission on AIDS.
National Hemophilia Foundation.
National Medical Association.
Organization for Obstetric, Gynecology, and Neonatal Nurses.
Service Employees International Union (SEIU).
Presbyterian Church.
Society for Hospital Epidemiology of America.
Union of American Hebrew Congregations.
United Church of Christ.
United Methodist Church.
U.S. Conference of Mayors.
U.S. Conference of Local Health Officers.

STATEMENT OF FORMER SURGEON GENERAL C. EVERETT KOOP ON HIV-INFECTED HEALTH CARE WORKERS, AUGUST 29, 1991, NATIONAL PRESS CLUB, AMERICAN MEDICAL ASSOCIATION PRESS CONFERENCE

Well you all know who I am. I'm busier than I ever was. I'm doing about the same things that I did before, only without government portfolio therefore without some government constraint. When I was about to leave my post as Surgeon General people who greeted me said, "What are you going to do?" and I answered somewhat facetiously, "I'm going to join the circus" and they said, "Whatever for?" and I said, "Well one of the things I've gotten most adept at is walking a tightrope." And the tightwire that I walk these days is the fine one between doctor and patient advocate.

I am a physician and I, in general, am very loyal to my profession. But more than that I am first and foremost the patient's advocate. I was when I was in practice for forty years; I was when I was Surgeon General; I was recently when I made five prime time TV shows for NBC which will be shown again this Fall on PBS.

And I continue to be a patient advocate and I'm here today not only as a physician who has gained your respect, I believe, but also as the patient's advocate trying, as always, to separate fact from fiction. And today we've come full circle again and we're back talking about AIDS.

The Surgeon General's report on this subject which I wrote in 1986 is just as accurate and true as it was then as is the contents of the household mailer which was sent to 170 million homes in the United States in 1988. Nevertheless, the public is still concerned and confused about the real risks of getting AIDS and it is really hard to catch, you all know that. First of all, you have to do something to get AIDS, something risky, something like having a sexual encounter with or shooting drugs, sharing needles with someone who is already infected with HIV. That is what causes AIDS.

I travel around this country continuously I am still amazed when I meet so many people who wonder whether they might catch AIDS from a contact with a healthcare worker. In fact, that's why we are here today. This is such a big worry for many American people that we would like to answer those concerns and, if possible, set that record straight. Not enough people really know that there is so much misinformation out there about AIDS. For example, not enough people know that there is essentially no risk of any iatrogenic transmission of the virus, that is transmission from a health care worker to a patient. Not enough people know that there has not yet been a single confirmed case in which there has been transmission of AIDS from a physician or a nurse or other hospital employee to a patient.

And not enough people know that of the almost 187,000 persons with AIDS since the virus was first identified now a decade ago there has been only one case of AIDS attributed to transmission of the virus from a health care worker to a patient and that is this instance we are all familiar with of Kimberly Bergalis and a dentist in Florida. It's true that other patients of the same dentist, although not having AIDS, have been found to be HIV positive. The fact that there are seven million health care workers in America and that there is just this one cluster of apparent transmission of the virus in the practice of dentistry leads me to believe that we may never know the real facts in this case.

We may not know now all the details now surrounding it but we do know that there was a serious breakdown of infection control procedures in that dentist's office. Explanations from all sorts of people vary from calling this Florida episode a fluke to having people suggest that it might be due to misanthropic behavior. Nevertheless, the sad plight of Kimberly Bergalis has led to a kind of increased emotional concern in this land and while individual state legislatures were wondering what they should do about it, the United States Senate acted. I was very disappointed to see that Sen. Helms continued his misguided interest in AIDS. I was even more disappointed that so many of his Senatorial colleagues voted with him and passed an act that if made into law would be a very difficult problem flying in the face of known science and a situation which in actual practice would never work.

Let me assure the American public that their chances of getting AIDS from a health care worker are essentially nil unless they are having a sexual relationship or shooting drugs, with sharing of needles with him or her.

I have frequently commended you members of the media for the absolutely sterling performance that you gave in educating the American people about this most difficult subject of AIDS. I'd like to suggest to you now that you have another opportunity I believe, indeed, the obligation to allay fears and restore confidence once again in the scientific understanding of the transmission of this virus. And please remember that medicine's first concern has always been since the time of Hippocrates to take care of the patient first and that is the way medicine, in general, still operates today. But because the AIDS epidemic is so frightening to so many people and because it is in the long term so tragic to so many people it elicits the tremendous emotional response from almost everyone.

Now in the face of this emotionalism what doctors can do and what they are doing is to take every possible precaution to protect their patients against the virus of AIDS. They will ensure continued use of infection control procedures which have thus far worked so well in avoiding the transmission in the health care setting. But they also must in the future, as many are doing in the present, take every opportunity to educate their patients about the real risks of HIV transmission which are unprotected sexual activity and intravenous use of drugs where one shares needles.

And therefore today we have brought together experts on the field of HIV transmission along with other leaders in medicine with a particular view which they would like to share with you and they will be explaining how the virus of AIDS is spread and what America's doctors are trying to do about it. But first I want to say one thing before moving on to the next speaker and that is to remind you about Belinda Mason—I think you all know who she is—a Kentucky journalist who sat on the National Commission on AIDS and who herself has a special viewpoint because she is a person with AIDS. Mrs. Mason recently really said it all when she proclaimed to President Bush, "Doctors don't give people AIDS, they care for people with AIDS" and that really is the absolute truth. Thank you.

STATEMENT OF DR. GARY NOBLE, DEPUTY DIRECTOR FOR HIV, CENTER FOR DISEASE CONTROL

In the overwhelming number of medical or dental procedures or encounters, there is no risk of AIDS or hepatitis B (HBV) transmission, and it is imperative for both patients and workers to understand that fact. Adherence to "universal precautions" by health care workers plays a major role in preventing the transmission of blood-borne pathogens, including HIV and HBV, to both patients and health care workers. These infection control procedures include appropriate hand washing; the use of gloves and masks, and other protective barriers to prevent blood exposures; care in the use and disposal of needles and other sharp instruments; and appropriate disinfection and sterilization of instruments and other reusable medical and dental equipment.

When standard infection control precautions are followed, the risk of a health care provider transmitting HIV to a patient is zero for most routine medical and dental procedures, and extremely small during "exposure-prone" procedures. Scrupulous adherence to universal precautions and compliance with CDC and AMA recommendations will protect the public from disease transmission.

STATEMENT OF C. GLENN MAYHALL, PRESIDENT, SOCIETY FOR HOSPITAL EPIDEMIOLOGY OF AMERICA

The risk of transmission to patients from HIV-infected physicians, nurses, and other health care workers is so low as to be unmeasurable. In spite of this extremely low risk the public has demanded that health care workers be tested for HIV infection and the HIV-infected health care workers inform patients of their positive status before performing an invasive procedure.

If this occurs, for the first time in our history, and in a nation with a population of 250 million people, public health policy will have been made on the basis of risk so low that it can not even be measured.

We believe that a much more rational approach to the prevention of transmission of HIV during the delivery of health care is to attempt to prevent the transmission of all infections in all health care settings by emphasizing and teaching health care workers to use good infection control techniques.

Emphasis on practicing good patient care techniques for infection prevention would place patients at a lower risk for all infections including all blood-borne infections. Testing health care workers for HIV infection would not detect other blood-borne infections such as hepatitis B, hepatitis C and other viral infections. On the other hand, good infection control technique would also protect patients from these more common blood-borne infections.

We believe that testing health care workers for HIV infection will overshadow and detract from efforts in improving infection control in all health care settings.

Good infection control procedures include interruption of patient contacts by health care workers when they have breaks in the skin of their arms or hands, use of good techniques during the performance of invasive procedures to minimize the chance for transmission of their blood and use of barrier materials to prevent contact of their skin, blood and body fluids with open wounds of patients. Infection control in the form recommended by the Centers far Disease Control offers the best protection against the bidirectional transmission of HIV infection.

The Society for Hospital Epidemiology of America, propose that, rather than implementing an extensive testing program for health care workers, all health care workers and students in the health care professions be trained in the practice of good infection control techniques in an attempt to protect all patients from all infections for which they are at risk while receiving health care. We believe that this will be the least disruptive and most effective strategy for protecting our patients from all infections acquired in any health care setting.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. HARKIN. Mr. president, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc with the exception of the following committee amendments: On page 9, line 10: on page 15, line 15; on page 15, line 16; on page 18, line 5; on page 18, line 25 through line 2 on page 19; on page 23, lines 2 through 4; on page 25, line 5 through 8; on page 27, line 20; on page 29, lines 2 through 5; on page 47, lines 1 through 9; on page 60, line 13 down through line 7 on page 61; on page 72, line 24; on page 83, lines 21 through 23; and on page 67, lines 1 and 2; and that the bill as thus amended be considered as original text for the purpose of further amendments provided that no point of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to, en bloc, with the following exceptions: On page 9, line 10; on page 15, line 15; on page 15 line 16; on page 18, line 5; on page 18, line 25 through line 2 on page 19; on page 23, lines 2 through 4; on page 25, line 5 through 8; on page 27, line 20; on page 29, lines 2 through 5; on page 47, lines 1 through 9; on page 60, line 13 down through line 7 on page 61; on page 72, line 24; on page 83, lines 21 through 23; and on page 67, lines 1 and 2.

The PRESIDING OFFICER. The pending amendment is temporarily laid aside.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent to lay aside the pending committee amendment to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1102

Mr. HATFIELD. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon, Mr. HATFIELD, for himself and Mr. HARKIN, proposes an amendment numbered 1102.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 6, strike "363,176,000" and insert in lieu thereof: "397,176,000: *Provided*, That of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992".

On page 28, line 13, strike "133,724,000" and insert in lieu thereof "125,724,000".

On page 29, line 10, strike "$92,085,000" and insert in lieu thereof "$89,485,000".

Mr. HATFIELD. Mr. President, I rise today to offer an amendment on behalf of Senator HARKIN and myself which will increase the Federal investment in medical research for Alzheimer's disease and related dementia by $34 million. It does not come easily to me, Mr. President, to come to the floor and offer a funding allocation amendment to any appropriations bill. I have tremendous respect for the appropriations process, its opportunities and its limitations.

However, I am here today because of my fear for the future of aging America. Currently our Nation is spending over $80 billion a year on the skyrocketing costs of Alzheimer's disease. If we do not begin to unlock the mysteries of aging diseases such as Alzheimer's, we will be unable to meet the future costs of health care for our elderly citizens. Medical research is the only hope we have for preventing further suffering by patients and families, and to control these soaring costs.

Mr. President, 4 million Americans currently suffer from Alzheimer's disease and demographic trends indicate that 14 million Americans will be stricken by the middle of the next century unless science finds a way to cure or prevent this devastating disease. One of every 3 families knows the pain of Alzheimer's disease as studies show that 1 in 10 Americans over age 65 and nearly half of those over 85 are stricken.

Alzheimer's disease is truly a costly mystery. It has no fail-proof diagnosis, treatment, or cure. An increased Federal investment in medical research could lead to a simple, accurate diagnostic test that could save as much as $1 billion a year which Medicare now spends for diagnosis. In addition, there are no drug treatments currently on the market, or even close to approval. If researchers could develop an effective drug treatment, nearly half a million persons would be spared the anguish of nursing home care and an estimated $76 billion would be saved over the next 25 years.

Just a few weeks ago the Alzheimer's community in this country received some exciting news—researchers have been able to duplicate in rats the nerve cells which cause dementia in Alzheimer's patients. As a result, researchers were able to inject the rats with another human protein, a neurological messenger called substance P that protected the rats from the ravages of cell death. This breakthrough may well lead to a natural substance which could actually prevent Alzheimer's disease. This is very encouraging news which deserves our full attention.

Mr. President, I have worked hand-in-hand with the distinguished chairman of this subcommittee, Mr. HARKIN, to increase our Federal commitment to this disease. I know he shares my deep concern about this issue and I commend his efforts to move it forward on the Federal priority list. I further appreciate his assistance this year in achieving a $40 million increase for Alzheimer's disease. I am especially pleased that $5 million of this increase will go to launch a program to help families struggling to care for an Alzheimer patient at home. For too long, families have been the forgotten victims, left to contend with the physical, emotional, and financial hardships of this disease without much help from anyone else. This new pilot grant program will help States set the framework for the kinds of support services that families so desperately need. In addition, Mr. President, I am most heartened that the subcommittee offers hope in its report to accompany this bill for doubling funding in the near term.

Having said that, I am disappointed that more could not have been done. This situation threatens to hemorrhage our society unless we find a cure or effective treatment. I am convinced that we must make this disease one of our highest national priorities, as we have done with other diseases. To do that will require a strong and sustained research effort.

The scientific leaders in this field tell me that a national commitment of this type ultimately will take an investment of $500 million. My hope and desire was to bring us closer to that goal this year. Therefore, I am here today to urge my colleagues to recognize the potential disaster we have in this disease, and to allocate increased funds for fighting its devastation. If we do not make these difficult decisions now—if we do not go the extra step—this problem will quickly grow beyond our reach.

Currently the Federal Government invests $230 million on Alzheimer's research, or less than $60 a patient. In contrast, it costs an average of $22,000 a year to care for an Alzheimer's patient. If, by increasing research expenditures now, we could either delay the onset of Alzheimer's for 5 years or reduce by 50 percent the number of people afflicted, this would result in a savings of as much as $500 billion per decade. Yet, we cannot even dream of approaching this level when we now spend a trivial amount for research—approximately three-tenths of a cent for every dollar spent for the care of those afflicted with the disease.

Mr. President, I have committed my remaining years in public service to bettering the quality of life for those in my State and the Nation. I intend to fight to ensure that Alzheimer's disease and related aging diseases gain parity with the big three diseases within which we currently fund research at the $1 billion mark and above—cancer, heart disease, and AIDS. There are the three diseases on which we have focused in the last decade—and we are now spending four to seven times more in research on each. As an advocate for all medical research I don't dispute a penny of this money, but I believe the potential social and economic costs of Alzheimer's disease dictate its place in this exclusive club. The amendment is budget neutral with a corresponding offset from the NIH Office of the Director's contingency fund. I urge the full support of my colleagues.

I ask unanimous consent that a recent article from the Washington Post on the latest research in Alzheimer's disease be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALZHEIMER'S RESEARCHERS REPORT MAJOR GAIN

(By William Booth)

With rats as their patients, scientists for the first time have duplicated the damage and death of brain cells that is the hallmark of Alzheimer's disease, and found a possible treatment.

By injecting a common protein from the human brain into a rat's cerebral cortex, scientists mimicked in part the twisted wreck of nerve cells that causes dementia in Alzheimer's patients.

Even more significantly, researchers then injected their rats with another human protein, a neurological messenger called "substance P," that protected them from the ravages of cell death.

The twin findings, reported today in the Proceedings of the National Academy of Sciences, are being described as a major advance in the understanding of Alzheimer's disease, when it befuddles and disorients an estimated 4 million Americans, most of them elderly. Another 250,000 cases are diagnosed each year.

"It is very exciting work," said Zaven Khachaturian, associate director of the National Institute on Aging, which funded the experiments in part, "This gives us a way to approach treatment. It means there might be some naturally occurring substance that could actually prevent Alzheimer's."

Khachaturian said researchers are already working to reproduce the results in monkeys, whose brains more closely resemble those of humans. In addition, Khachaturian said the institute is organizing a network of 30 hospitals and clinics to quickly test promising anti-Alzheimer's agents, including substance P.

Although researchers caution that substance P, or a closely related agent, is at least several years away from experimental use in humans, they say the findings show that it is at least theoretically possible to prevent or perhaps slow the disease.

"I think it's very early, but it does give us a new therapeutic approach. In theory, you could intervene and prevent the horror story of Alzheimer's from happening," said Neil Kowall of Massachusetts General Hospital, who completed the rat studies with Bruce Yankner of Children's Hospital in Boston and other colleagues.

"It is a direction," Kowall said. "It is not a cure."

The research published today comes close to finally answering a central question about the cause of Alzheimer's disease.

Scientists have noted that the brains of Alzheimer's patients are dotted with splotches of a common brain protein called "beta-amyloid." In a healthy human brain, the amyloid protein coils through the outer shell or membrane of a nerve cell. In Alzheimer's, bits and pieces of amyloid break away from the cell and appear throughout the brain, gathering into microscopic globs known as "plaques." Those plaques are a telltale sign of the disease.

There has been a raging debate, however, over the role of amyloid. Does it cause cell damage and death? Does it lead to the creation of the tangles and knots that cause dementia in the brain? Or are the plaques simply a result of other, still obscure, processes?

The work of the Boston researchers shows that when beta-amyloid is injected directly into the brains of healthy rats, it causes profound neurological damage all around the site of the injection. It also stimulates the arrival of antibodies unique to Alzheimer's disease in humans.

Researchers now believe that beta-amyloid plays not a bit part, but a central role in Alzheimer's. The whole script, however, has not been read.

"There's pretty strong evidence now that beta-amyloid is a neurotoxin, at least in certain situations," Yankner said. "Some of the degenerative changes we see in the Alzheimer's brain we can see in the rat brain."

The Boston team then went further to show that another common brain protein could protect nerve cells from the insidious influence of beta-amyloid. The researchers injected the same rats with substance P, a so-called "neuro-transmitter that relays pain sensations from the spinal cord to the brain, and within the brain, shuttles messages back and forth among neurons.

In a way not yet understood, substance P protected the rats against the damaging effects of beta-amyloid. Protection was greatest the sooner substance P was given.

The scientists said that one day elderly people might be monitored for elevated levels of beta-amyloid, which show up not only in the brain, but also in the skin. If a skin test reveals high levels of the protein, doctors could administer substance P or something like it to keep the beta-amyloid from causing cell death and knotty tangles of Alzheimer's.

Mr. HATFIELD. Mr. President, I have offered this amendment on behalf of the chairman of committee, Senator HARKIN, and myself. What it basically does is to add $34 million for Alzheimer's disease research. The amendment includes the requisite offset so that it does not violate the subcommittee's 602(b) allocation.

Unless the Senator from Iowa wishes to comment, I ask that we move to a vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1102.

The amendment (No. 1102) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1103

(Purpose: To amend Public Law 81–874 (Impact Aid) regarding payments received under section 3(a) of such Act)

Mr. PELL. Mr. President, the appropriations bill before us today contains an amendment to allow impact aid districts to use prior year data for purposes of applying for impact aid payments. For most school districts this is welcome news that will speed up the delivery of impact aid payments throughout the country. However, for a handful of districts that have increasing numbers of federally connected children this year, and therefore additional children to educate, this amendment could cause the district to lose money in the middle of the school year.

My amendment would simply serve to protect these districts, which are few in number, by allowing them to use their current year enrollment data if they have had at least a 5-percent increase in population. I think this amendment is fair and reasonable and urge my colleagues to support it. I believe it has been cleared on both sides of the aisle.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 1103.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, line 11, insert "(1)" after "except that".

On page 53, line 19, insert "; and (2) any local education agency with an increase of 5 percent or more from school year 1990–1991 to school year 1991–1992 in the number of children described in section 3(a) of Public Law 81–874, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during fiscal year 1992, are in average daily attendance at the schools of such agency and for whom such agency provides free public education" before the colon.

Mr. PELL. Having already explained the amendment, I would very much hope the question would be put.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 1103) was agreed to.

Mr. PELL. Mr. President, I thank the Chair. I thank the managers of the bill very much for their courtesy.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. We may have some further business in a minute, Mr. President. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. BURNS. Mr. President, this morning, as we are talking about these programs that involve each and every neighborhood in the length and breadth of America, I want to express my support for the amendment offered by Senators HARKIN and WIRTH to increase the funding for several important education programs. I am, however, a little disappointed that the amendment has been diluted substantially from Senator WIRTH's original proposal.

This is not to say that the current amendment's support of LIHEAP is not well deserved. But I thought the original proposal to allocate nearly $1 billion for additional budget authority to effective and time-proven education programs was more worthy of the Senate's full support.

I hope we can bring these numbers up close to the original Wirth proposal in the House-Senate conference where the House allocations for these important education programs are substantially higher.

The current amendment allocates an additional $300 million for programs such as Head Start, which is a proven program; vocational education, a proven program; TRIO; and impact aid. I happen to come from a State where impact aid is very important to the educational system.

It also includes another additional very important part, and that is funds for immunization. The passage of this amendment and even better outcome in conference will start us on a course to send our children to school, No. 1, healthy, and also prepared.

It has been said many times, but it is worthy of repeating, especially by a husband of a former teacher, that if we are to remain competitive as a Nation we must invest in this thing called education. It is the very cornerstone. Everyone agrees: Educators, parents, Democrats, Republicans, Congress, the President of the United States; we must improve this educational system.

It is a slow evolution. The improvements come very slowly in a system. You just do not take sledgehammer effects to it. But there are some exciting reforms that are being discussed, many of which will be enacted, and hopefully will be later this fall.

President Bush has called the Nation to action with America 2000 and the six national education goals. Congress has responded with its own proposals. Individual States have some great ideas that should be implemented nationwide. And educators at all levels must be brought into the process.

These reforms will take some time to bring on line. However, the time now is to act; the time to act is right now. That is why we must fund the programs that we know will work.

Programs being targeted for increases under this amendment will pay for things like reading instruction for disadvantaged 6-year-olds and early intervention programs for preschoolers.

I had the opportunity a few months ago to read to some students who are a part of Even Start Program in Montana. It is truly a rewarding experience to see those children so eager to listen and to learn. And one has to be humbled whenever you are trying to read to 4- and 5-year-old children, the patience it takes in a teacher to hold their concentration even for 5 minutes. It is pretty tough to do. But with a little humor you can do it.

The additional funds will also be used to make sure that disadvantaged high school students will have equal opportunity to go on to higher education and to succeed in the TRIO programs. And they will help to retrain adults through the various vocational education programs.

In short, this amendment goes beyond the rhetoric and it puts some real dollar investment in our schoolchildren and in the future of our Nation.

I know that some will oppose this amendment on budgetary grounds. I want to say that I, too, am very concerned that we get the Federal spending under control, which is why we need to assign priorities to our spending. Education happens to be very very high on my priority list.

Clearly all of our problems cannot be solved by merely throwing money at them. And education is no exception. But we must follow this increased commitment to proven education programs with important educational reforms. That is the key and the cornerstone.

I look forward to considering those reforms later this session and hope that all of our colleagues will join in both of these efforts.

As I stated before, money is not the total answer to some of the reforms and the success of our education system. We must find new ways to motivate our teachers, classroom instructors, principals, and school boards to rejuvenate those people that, yes, the No. 1 priority in this country is to educate our youth.

I thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I be made a cosponsor of the Kennedy-Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

AMENDMENT NO. 1101

Mr. MITCHELL. Mr. President, I rise today to join the Republican leader, Senator DOLE and Senators KENNEDY and HATCH in offering an amendment to the fiscal year 1992 Labor, HHS, Education appropriations bill which will require the Secretary of Labor to promulgate final rules and regulations concerning occupational exposure to bloodborne pathogens.

Health care workers and others exposed to bloodborne pathogens in the workplace are rightly concerned about protecting themselves from possible exposure to AIDS, hepatitis B, and other serious disease. The Department of Labor has been working on regulations for more than 5 years which would require employers to supply the equipment and training necessary to protect workers from exposure to bloodborne pathogens.

Extensive hearings have been held and a tremendous volume of comments has been received by the Department of Labor on this issue. Although the work on these regulations has been completed, the Department has missed a number of deadlines for issuing a final standard. The delay in issuing these regulations threatens the safety of workers exposed to bloodborne pathogens in the workplace. It is imperative that the Federal Government issue the final regulations as soon as possible.

The OSHA bloodborne disease standard provides the most effective means for guarding against infection and establishes uniform national standards while activating an existing enforcement mechanism. When these regulations become law OSHA inspectors can immediately begin inspecting the offices of health care providers to ensure universal precautions are strictly adhered to.

OSHA estimates that the bloodborne disease standard will prevent 9,000 cases of hepatitis B and 220 deaths due to hepatitis B among healthcare workers. The Centers for Disease Control estimates that 40 healthcare workers became infected with HIV on the job. Clearly, adherence to Federal standards should reduce future exposure to HIV.

The amendment we offer today will require the Secretary of Labor to promulgate final regulations concerning occupational exposure to bloodborne pathogens on or before December 1, 1991. The final standard will be based on the proposed standard published on May 30, 1989, on which there has been substantial public comment.

In the event the final standard is not promulgated by December 1, the proposed regulations will become effective as an interim standard.

We have discussed this matter at length with the Department of Labor. Both the Congress and the administration share the same objective—to get these regulations promulgated as soon as possible so that the Federal Government can assume its responsibility to protect workers from exposure to bloodborne pathogens in the workplace.

Adoption of this amendment is intended to achieve that goal. I urge my colleagues to join with us in supporting this important amendment.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am now about to propound a unanimous-consent request dealing with votes on this and the Wirth-Harkin amendment. I am advised by staff that they have been cleared on the Republican side of the aisle.

Mr. President, I ask unanimous consent that at 1:15 p.m., there be a vote on the Wirth amendment, No. 1084, and that vote be followed immediately without intervening action or debate by a vote on the Dole-Mitchell amendment, also sponsored by Senators KENNEDY, HATCH, and HARKIN. That is amendment No. 1101, immediately following the vote on the Wirth amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested on the Dole-Mitchell amendment?

The PRESIDING OFFICER. They have not.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, then Senators should now be aware, and I hope their offices will notify each Senator, that there will be two rollcall votes back-to-back, beginning at 1:15 p.m., the first on the Wirth-Harkin amendment debated earlier today, the second on the Dole-Mitchell, et al., amendment offered earlier today and to which I have just spoken, and to which I believe the distinguished Republican leader will now speak as well.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1101

Mr. DOLE. Mr. President, in July, this body took an important step in the protection of the American public by passing legislation requiring States to implement the newly issued Center for Disease Control guidelines for health care workers who are infected with the HIV virus.

Today, we have the opportunity to protect more Americans. In May 1989, the Department of Labor proposed a major new set of regulations to protect an estimated 5.3 million workers—4.7 million in health care facilities—against the AIDS and hepatitis B viruses and other bloodborne pathogens.

These regulations cover the waterfront, requiring employers to identify jobs involving actual or potential exposure, and to implement an infection-control plan for those workers whose duties put them at risk.

Since the proposal was made, over 3,000 comments were received from the public—a record for any proposed rulemaking. The amount of comments, and the complexity of the regulations—with over 600 pages of supporting material alone—have understandably resulted in delaying their final implementation.

However, the American public can wait no longer. With the support of Labor Secretary Martin, Senators MITCHELL, KENNEDY, PACKWOOD, HATCH, and MOYNIHAN have joined me in the offering of this amendment.

If adopted, this amendment will require the Secretary of Labor to issue final rules and regulations concerning the standard on occupational exposure to bloodborne pathogens on or before December 1, 1991. If this deadline is not met, the regulations as proposed by the Department of Labor in May 1989, will take effect, pending the issuance of final regulations.

Mr. President, there is no doubt that, once implemented, these regulations will reduce the number of occupational exposures to the hepatitis B virus, the AIDS virus, and other bloodborne pathogens. And there should also be no doubt that the sooner these regulations take effect, the better.

Mr. President, we do not pretend that the CDC guidelines, along with these regulations, will provide 100-percent protection. No doubt, gloves leak, needles are dropped, fingers are unexpectedly cut—but the fact that we cannot give a total guarantee in no way diminishes the importance and value of these efforts. This is simply one more effort on our part.

Mr. HATCH. Mr. President, shortly before the August recess, the Senate overwhelmingly passed two amendments concerning HIV infection in health-care professionals. There was a consensus among many of us that the next step was to provide similar protections for health-care professionals from exposure to HIV through patient-care contact.

I am strongly in support of this compromise leadership amendment.

I have considered many mechanisms to make this proposal symmetrical with the leadership compromise directed at HIV transmission from health professionals to patients. Perfect symmetry, however, simply will not work and will have unwanted consequences. The only approach that will work is strict enforcement of universal precautions.

Health professionals are always at risk of exposure to bloodborne pathogens. Many patients who carry these agents do not know it. They are still potentially infectious. The health professional is still at risk.

The OSHA rules of May 1989 are a reasonable place to start. This amendment requires the Secretary of Labor to have final rules by December 1, 1991, which will then take precedence over the previous regulations. This is a reasonable and effective approach. I urge my colleagues to support it.

But, having said this, Mr. President, I do not want my actions to be misinterpreted regarding OSHA. In fact, on balance, Mr. President, I think OSHA is doing a remarkable job. When the Congress enacted the Occupational Safety and Health Act of 1970, it was with a complete understanding that a risk-free workplace was not possible. OSHA was assigned the task of evaluating the facts, making decisions on the basis of these facts, and moving to minimize and abate workplace hazards accordingly. OSHA was not, and should not be, in the business of speculations or selective interpretation of facts.

In this necessary effort to balance interests on the basis of fact, to weigh the relative costs and benefits of some areas of proposed regulation, and in others to gather enough evidence to determine that a significant risk exists, OSHA almost always walks the fine line between special interest demands and has, on balance, conducted itself as we would desire and expect it to.

We are taking this action today because of its obvious unique circumstances. The normal administrative procedures and requirements mandated under the Occupational Safety and Health Act of 1970 must not be circumvented in any situation short of such a novel set of circumstances, which will be very rare.

Lastly, let me personally thank Secretary Martin for her cooperation. I believe we must always work together in any situations wherein unique circumstances may necessitate unusual action.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. GORE. I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I first of all want to thank the Presiding Officer personally for taking the Chair briefly so that I might make the following request.

HIGH-PERFORMANCE COMPUTING ACT OF 1991

Mr. GORE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 87, S. 272, the High-Performance Computing and National Research Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 272) to provide for a coordinated Federal research program to ensure continuing United States leadership in high-performance computing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Act of 1991".

SEC 2. FINDINGS AND PURPOSE.

(a) The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, and science and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning could enhance the effectiveness of these programs.

(5) A 1989 report by the Office of Science and Technology Policy outlining a research and development strategy for high-performance computing provides a framework for a multi-agency high-performance computing program.

(6) Such a program would provide American researchers and educators with the computer and information resources they need, while demonstrating how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

(b) It is the purpose of Congress in this Act to help ensure the continued leadership of the United States in high-performance computing and its applications. This requires that the United States Government—

(1) expand Federal support for research, development, and application of high-performance computing in order to—

(A) establish a high-capacity national research and education computer network;

(B) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(C) develop an information infrastructure of data bases, services, access mechanisms, and research facilities which is available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to Grand Challenges; and

(H) invest in basic research and education; and

(2) improve planning and coordination of Federal research and development on high-performance computing.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Director" means the Director of the Office of Science and Technology Policy; and

(2) "Council" means the Federal Coordinating Council for Science, Engineering, and Technology chaired by the Director of the Office of Science and Technology Policy.

SEC. 4. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM

"NATIONAL HIGH-PERFORMANCE COMPUTING PLAN

"SEC. 701. (a)(1) The President, through the Federal Coordinating Council for Science, Engineering, and Technology (hereafter in this title referred to as the 'Council'), shall, in accordance with the provisions of this title—

"(A) develop and implement a National High-Performance Computing Plan (hereafter in this title referred to as the 'Plan'); and

"(B) provide for interagency coordination of the Federal high-performance computing program established by this title.

The Plan shall contain recommendations for a five-year national effort and shall be submitted to the Congress within one year after the date of enactment of this title. The Plan shall be resubmitted upon revision at least once every two years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for a Federal high-performance computing program for the fiscal year in which the Plan (or revised Plan) is submitted and the succeeding four fiscal years;

"(B) set forth the role of each Federal agency and department in implementing the Plan; and

"(C) describe the levels of Federal funding for each agency and department and specific activities, including education, research activities, hardware and software development, establishment of a national gigabits-per-second computer network (to be known as the National Research and Education Network), and acquisition and operating expenses for computers and computer networks, required to achieve the goals and priorities established under subparagraph (A).

"(3) Accompanying the Plan shall be—

"(A) a summary of the achievements of Federal high-performance computing research and development efforts during that preceding fiscal year;

"(B) an analysis of the progress made toward achieving the goals and objectives of the Plan; and

"(C) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.

"(4) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the National Science Foundation;

"(B) the Department of Commerce, particularly the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the National Telecommunications and Information Administration;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of Defense, particularly the Defense Advanced Research Projects Agency;

"(E) the Department of Energy;

"(F) the Department of Health and Human Services, particularly the National Institutes of Health and the National Library of Medicine;

"(G) the Department of the Interior, particularly the United States Geological Survey;

"(H) the Department of Education;

"(I) the Department of Agriculture, particularly the National Agricultural Library; and

"(J) such other agencies and departments as the President or the Chairman of the Council considers appropriate.

"(5) In addition, the Plan shall take into consideration the present and planned activities of the Library of Congress, as deemed appropriate by the Librarian of Congress.

"(6) The Plan shall identify how agencies and departments can collaborate to—

"(A) ensure interoperability among computer networks run by the agencies and departments;

"(B) increase software productivity, capability, portability, and reliability;

"(C) expand efforts to improve, document, and evaluate unclassified public-domain software developed by federally-funded researchers and other software, including federally-funded educational and training software;

"(D) cooperate, where appropriate, with industry in development and exchange of software;

"(E) distribute software among the agencies and departments;

"(F) distribute federally-funded software to State and local governments, industry, and universities;

"(G) distribute Federal agency data bases and information;

"(H) accelerate the development of high-performance computer systems, subsystems, and associated software;

"(I) provide the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges in astrophysics, geophysics, engineering, materials, biochemistry,

plasma physics, weather and climate forecasting, and other fields;

"(J) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

"(K) identify agency rules, regulations, policies, and practices which can be changed to significantly improve utilization of Federal high-performance computing and network facilities, and make recommendations to such agencies for appropriate changes.

"(7) The Plan shall address the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks. Agencies identified in the Plan shall define and implement a security plan consistent with the Plan.

"(b) The Council shall—

"(1) serve as lead entity responsible for development of the Plan and interagency coordination of the program established under the Plan;

"(2) coordinate the high-performance computing research and development activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) review, prior to the President's submission to the Congress of the annual budget estimate, each agency and departmental budget estimate in the context of the Plan and make the results of that review available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget; and

"(4) consult and coordinate with Federal and State agencies, and research, educational, and industry groups, conducting research on and using high-performance computing.

"(c) The Director of the Office of Science and Technology Policy shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Council with advice and information on high-performance computing. The advisory committee shall provide the Council with an independent assessment of—

"(1) progress made in implementing the Plan;

"(2) the need to revise the Plan;

"(3) the balance between the components of the Plan;

"(4) whether the research and development funded under the Plan is helping to maintain United States leadership in computing technology; and

"(5) other issues identified by the Director.

"(d)(1) Each appropriate Federal agency and department involved in high-performance computing shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office identifying each element of its high-performance computing activities, which—

"(A) specifies whether each such element (i) contributes primarily to the implementation of the Plan or (ii) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(B) states the portion of its request for appropriations that is allocated to each such element.

"(2) The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each appropriate agency or department's annual budget estimate that is allocated to each element of such agency or department's high-performance computing activities.

"(e) As used in this section, the term 'Grand Challenge' means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.".

SEC. 5. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 4 of this Act, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other appropriate agencies, shall provide for the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network (hereinafter referred to as the "Network"), which shall link research and educational institutions, government, and industry, in every State. The National Science Foundation shall act as lead agency in coordinating the collaboration among Federal agencies contributing to deployment of the Network. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, and private network service providers in order to ensure that researchers, educators, and students have access to the Network. Within the Federal Government, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network shall provide users with appropriate access to supercomputers, computer data bases, other research facilities, and libraries.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries; and

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community.

(d) The Network shall be established in a manner which fosters and maintains competition within the telecommunications industry and promotes the development of interconnected high-speed data networks by the private sector. Accordingly—

(1) to the maximum extent possible, operating facilities needed for the Network should be procured on a competitive basis from private industry;

(2) Federal agencies shall promote research and development leading to deployment of commercial data communications and telecommunications standards; and

(3) the Network shall be phased into commercial operation as commercial networks can meet the networking needs of American researchers and educators.

(e) The Network shall, to the extent practicable, provide access to electronic information resources maintained by libraries, research facilities, publishers, and affiliated organizations. To encourage use of the Network by commercial information and network service providers, where technically feasible, the Network shall have accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of the Network and copyrighted materials available over the Network.

(f) The Department of Defense, through the Defense Advanced Research Projects Agency, shall be lead agency for research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(g)(1) The Council, within one year after the date of enactment of this Act and consistent with the Plan developed under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 4 of this Act, shall—

(A) develop goals, strategy, and priorities for the Network;

(B) identify the roles of Federal agencies and departments implementing the Network;

(C) provide a mechanism to coordinate the activities of Federal agencies and departments, States, and public and private network service providers in deploying the Network;

(D) oversee the operation and evolution of the Network;

(E) manage the connections between computer networks of Federal agencies and departments;

(F) develop conditions for access to the Network; and

(G) identify how existing and future computer networks of Federal agencies and departments could contribute to the Network.

(2) The President shall report to Congress within one year after the date of enactment of this Act on the implementation of this subsection.

(h) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology, the National Science Foundation, and the Defense Advanced Research Project Agency shall adopt a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and enhanced security for the Network; and

(2) the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the Department of Defense, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the Department of Health and Human Services, and the Environmental Protection Agency, and other agencies as appropriate, are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(i) Within one year after the date of enactment of this Act, the Director, through the Council, shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) plans for the eventual commercialization of the Network;

(3) how commercial information service providers could be charged for access to the Network;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how Network users could be charged for such commercial information services;

(6) how to protect the copyrights of material distributed over the Network; and

(7) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

SEC. 6. ROLE OF THE NATIONAL SCIENCE FOUNDATION.

(a) The National Science Foundation shall expand its traditional role in supporting basic research in universities and colleges, and in training scientists and engineers in computer science, computational science, library and information sciences, and electrical engineering. The National Science Foundation shall provide funding to enable researchers to access supercomputers. Prior to deployment of the Network, the Na-

tional Science Foundation shall maintain, expand, and upgrade its existing computer networks. Additional responsibilities may include promoting development of information services and data bases available over such computer networks; facilitation of the documentation, evaluation, and distribution of research software over such computer networks; encouragement of continued development of innovative software by industry; and promotion of science and engineering education.

(b)(1) The National Science Foundation shall, in cooperation with other appropriate agencies and departments, promote development of information services that could be provided over the Network established under section 5. These services shall include, but not be limited to, the provision of directories of users and services on computer networks, data bases of unclassified Federal data, training of users of data bases and networks, access to commercial information services to researchers using the Network, and technology to support computer-based collaboration that allows researchers around the Nation to share information and instrumentation.

(2) The Federal information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

(c)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for the research, development, and support of the Network, in accordance with the purposes of section 5, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 7. THE ROLE OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act, $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(c) The amounts authorized to be appropriated under subsection (b) are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 8. ROLE OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) The National Institute of Standards and Technology shall adopt standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for adopting standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act, $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(c) The amounts authorized to be appropriated under subsection (b) are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 9. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Where appropriate, and in accordance with Federal contracting law, Federal agencies and departments shall procure prototype or early production models of new high-performance computer systems and subsystems to stimulate hardware and software development.

AMENDMENT NO. 1104

(Purpose: To make an amendment in the nature of a substitute)

Mr. GORE. Mr. President, I send to the desk a Gore, Hollings, Pressler, Johnston substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI, proposes an amendment numbered 1104.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its application by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal

Government's high-performance computing efforts.

TITLE I—HIGH PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operations and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(A) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

Mr. GORE. Mr. President, this amendment to S. 272, the High-Performance Computing and National Research and Education Network Act of 1991 incorporates provisions of S. 272 as reported by the Senate Committee on Commerce, Science, and Transportation and S. 343 as reported by the Committee on Energy and Natural Resources. This bill is similar to H.R. 656, which was introduced by Congressman GEORGE BROWN and his colleagues on the House Science Committee in January and passed the House on July 11.

This bill will have a profound impact on American science, technology, and education. By ensuring that the United States maintains its lead in high-performance computing, this bill will give the United States the technology it needs to compete in world markets and create new jobs here at home. The advanced computing technology developed by this bill will help us address global warming, clean up the environment, provide more cost-effective health care, give our children better educations, and improve the way we use our nonrenewable resources.

And it will provide other benefits that we cannot even imagine. Throughout the history of civilization, technology has led to dramatic changes in society. That is particularly true of technologies that enhance our ability to create and understand information. The printing press unleashed the forces that led to the creation of the modern nation state. It made possible the widespread distribution of civic knowledge that enabled the average citizen to affect political decisions.

Today we are in the middle of similar period of profound change. Some call it the computer revolution; others, the information explosion. Computers, from personal computers to workstations to supercomputers, are empowering people all over the United States, giving them brand new ways to process information—to sort it, store it, analyze it, and display it—for use in research, education, business, everywhere.

And just as important, with computer networks, computers are now able to communicate as well as calculate. More and more, computers are replacing telephones. Thanks to worldwide computer networks, computer users can gain access to thousands of computers and nearly unlimited volumes of electronic data. Networked computers are reshaping the world every day, from the supermarket checkout line, to the doctor's office, to our homes and offices.

But we are only halfway through this revolution. We have only begun to exploit the technological promise of computing and networking. In labs today, engineers are designing supercomputers a thousand times faster than anything available today, with a 100 times the memory. In our universities, at Bell Labs, and other industrial labs, researchers are developing high-speed computer networks that can transmit more than 10 billion bits of information each second—that's more than the entire Encyclopedia Brittanica—and there is serious talk about networks that could carry trillions of bits of data per second.

With more powerful computers and faster networks, reseachers will be able to solve previously unsolvable scientific and engineering problems. A whole new field, computational science, has been created to apply the power of supercomputing in aeronautics, meteorology, climatology, astrophysics, biochemistry, geophysics, economics, and dozens of other fields. S. 272 will provide the technology, the software, and the training needed to address problems in every field of science and technology. We are all familiar with the list of "strategic, enabling technologies"—semiconductors, biotechnology, superconductors, advanced materials, and so forth. More powerful, faster computers and networks can accelerate progress in all of these fields.

The bill before us today would roughly double the amount of Federal funding for high-performance computing research and development over the next 5 years. It would ensure that American researchers and American companies have the advanced computing tools they need to develop new technologies, new manufacturing processes, and new products. Without this bill, and the money it authorizes, it is almost certain that our foreign competitors in Japan and Europe will move ahead of us in this critically important field.

According to Dr. Allan Bromley, the President's Science Advisor, who testified before the Senate Subcommittee on Science, Technology, and Space in March, the benefits of the High-Performance Computing Program established by this bill will have an enormous impact throughout our economy. Indeed, according to a Gartner Group study commissioned by the White House Office of Science and Technology Policy, this program would lead to between $170 and $500 billion of GNP growth between now and the year 2000. That is a very impressive rate of return for a program that will cost less than $2 billion over the next 5 years.

The multiagency High-Performance Computing Program created by S. 272 would be coordinated by the White House Office of Science and Technology Policy [OSTP]. More than half a dozen different Federal agencies are developing and using high-performance computing technology, and this program will bring together the resources and talents of all of them. OSTP will work with the agencies to create and implement a Governmentwide R&D plan. It will ensure that the various agency programs add up to more than the sum of their parts by identifying synergies and unnecessary duplication between different programs. OSTP has played this role very effectively with the U.S. Global Change Research Program. Working with OMB and participating agencies, OSTP, through its Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] has developed a coordinated, multiagency budget and plan for research needed to understand and monitor global warming, ozone depletion, and other global environmental problems.

S. 272 authorizes slightly more than $1 billion over the next 5 years. For fiscal years 1992-96, S. 272 authorizes a total of $650 million to the National Science Foundation, $338 million to the National Aeronautics and Space Administration, and $31 million to the National Institute for Standards and Technology. In addition, the bill authorizes such funds as may be necessary to the Department of Energy for its role in the High-Performance Computing Program. In the Defense Department authorization bill, over $200 million in fiscal year 1992 funding is authorized for the Defense Advanced Research Projects Agency's [DARPA] contribution to the program. Other agencies involved in the program include the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the National Institute of Health, especially the National Library of Medicine. The list of agencies that will directly benefit from this program is even longer and includes the U.S. Geological Survey, the Library of Congress, and the Department of Agriculture.

There are four components to the High-Performance Computing Program: hardware, software, networking, and education and basic research. Each of these components are critical for a successful, balanced program.

Funding for development of hardware will provide for development of supercomputers far more powerful than those available. DARPA, which has provided the seed money needed for development of many of the fastest machines available today, is funding development of the so-called Teraop Machine which would be capable of over a trillion mathematical calculations per second. Such machines are essential for many defense applications, like antisubmarine warfare and designing stealth aircraft and rocket engines. Of course, more powerful supercomputers will find application throughout the research community and industry as well.

The largest portion of the funding for the High-Performance Computing Program will go for development of high-performance computing software. Clearly, the fastest computer in the world is useless without efficient, versatile software. Today, the speed of many of the fastest, massively parallel supercomputers is limited not by the speed of their computer chips, but by the software. By improving the software used on a particular supercomputer, in some cases researchers have been able to cut the computing time for a given problem by 90 percent or more. Good software can mean the difference between waiting days for an answer or getting the answer overnight.

Much of the money for software development will go for applications software needed to effectively apply the power of supercomputing. NASA, the National Science Foundation, National Oceanic and Atmospheric Administration, and the Department of Energy have been at the forefront in funding the development of the supercomputer software needed for predicting weather; modeling advanced materials, like superconductors; reducing air pollution; improving engine combustion; designing better aircraft, spacecraft, and ships; and manufacturing better semiconductor chips. Solving any one of these problems would provide enormous economic benefits that could far outweigh the entire cost of the High-Performance Computing Program. Such is the economic leverage provided by this technology.

The third component of the High-Performance Computing Program is education and basic research. This is a key component because without people trained to use supercomputing technology, the program cannot succeed. Today there is a critical shortage of computer scientists and engineers trained to develop new supercomputer hardware and software and of computational scientists capable of applying it to scientific, engineering, and economic problems. The field of supercomputing is so new that there has just not been time to train the thousands of people needed to apply supercomputing everywhere it might be used. As documented in a recently completed GAO report, this shortage is a particular concern in industry where supercomputing is saving U.S. companies millions of dollars a month, but where there are just not enough qualified people to go around.

The fourth component of the program is the National Research and Education Network [NREN] which is the part of the bill which has gotten most of the attention. The bill authorizes at least $195 million to the National Science Foundation for deployment of a national computer network capable of transmitting information at gigabits—billions of bits—per second. In addition, DARPA, NASA, DOE, and other agencies will contribute to developing the technology needed for the NREN and to funding the NREN.

It is not surprising that this portion of the bill has gotten the most attention since it will revolutionize the way research is done in the United States and accelerate the deployment of a truly national high-speed fiber optic network that will reach into almost every home, office, and school in the country just as the phone system does today. The NREN will be at least 30 times faster than the NSFNET, the fastest national computer network available to researchers today, and thousands of times faster than most computer networks. With a gigabit network, computer users will be able to exchange video imagery as easily as they do electronic mail today. Network users will be able to do video conferences, enabling scientists, educators, and students around the country to collaborate and learn from each other, without having to spend thousands of dollars each year on travel.

With the NREN, millions of people around the country will have access to the most powerful supercomputers. Students at a small, rural college in Tennessee will be able to tackle supercomputing problems that previously could only be done at schools like MIT and Cornell that could afford the $10 million price tag for a state-of-the-art supercomputer.

According to Dr. William Wulf, formerly head of NSF's Directorate for Computer and Information Science and Engineering, the NREN could increase the productivity of American researchers by 100, 200 percent, or more. It is easy to see why. With a high-speed network connecting libraries and labs at almost every college and university in the country, as well as our Federal laboratories, and many industrial laboratories, researchers could get instant answers to their questions. Rather than waiting days for someone to mail them magnetic tapes with the data they need, they could get it in minutes over the network. And rather than traveling around the country to use research instruments like radio telescopes, they could stay at home and collect their data by remote control.

This network could revolutionize American education as well, giving teachers new tools and new ways to inspire their students. Already, hundreds of elementary and secondary schools are linked to the NSFNET, enabling students to exchange messages with other students throughout the country and enabling teachers to share new teaching ideas with each other.

But the most important impact of the NREN, and of this entire bill, will be the impetus it gives to development and deployment of commercial high-speed networks. This bill represents a commitment to build the high-speed data highways needed for the 21st century. Without these high-speed networks we will be unable to fully realize the potential of the information age.

Unfortunately, today our telecommunication policies, which were developed for copper wire telephone networks, are hindering the development and deployment of the new fiber optic technology. There is a policy gridlock because the powerful entrenched interests that built and run our existing infrastructure resist change that might lead to new competition.

Other countries, including not only advanced nations such as Japan and Germany but also many countries in the developing work and in the former East bloc which are just now building a universal phone system, do not have this problem. If we do not break this communications gridlock, our foreign competitors could once again reap the benefits of U.S. technology while we are mired in the past.

The most effective way to break the stalemate would be to show the American people what fiber optic networks could offer them. That is what the NREN will do. It represents a demonstration project which will create public demand for high-speed networks, draw in private-sector investment in this technology, and create pressure to clear away the obsolete policies that are hindering the deployment of these networks. Already, networks like the NSFNET are serving as a catalyst, sparking the creation and linking of thousands of computer networks, operated by State and local governments, nonprofit and for-profit corporations, universities, and others, to the federally funded NSFNET "backbone."

The NREN will be the prototype for a network which will be as ubiquitous and as easy-to-use as the phone system is today, and probably not much more expensive. Such a network will be able to deliver HDTV programming, provide for teleconferencing, link your computer to millions of computers around the country, give you access to huge "digital libraries" of information, and deliver services we cannot yet imagine.

S. 272 is really only the first step. It will develop and demonstrate the technology. There is still much to be done in the areas of telecommunications policy, computer security, copyright law, and computer privacy, before the dream of a truly universal, high-speed network becomes a reality. But this is a dream we must fulfill. The economic well-being of our country depends upon it.

This is a very important bill, one that will provide huge benefits to Americans everywhere. Not surprisingly, it has broad support, from researchers, educators, librarians, and businessmen. The computer industry, the telecommunications industry, the electronic information industry, and hundreds of high-technology companies in other sectors are united behind this bill.

Here in Congress, Senators HOLLINGS, DANFORTH, and PRESSLER, on the Commerce Committee, and Senators JOHNSTON, DOMENICI, and WALLOP on the Energy Committee, have helped refine this legislation and shape the High-Performance Computing Program. Their help and support has been matched by the efforts of Representatives BROWN, WALKER, BOUCHER, and VALENTINE on the Science Committee, which passed their version of this bill, H.R. 656, in July. I thank them and my colleagues for their support of this legislation and hope that we can move quickly to reconcile the relatively small differences between this bill and the House version.

Mr. HOLLINGS. Mr. President, I am very pleased to see the High-Performance Computing and National Research and Education Network Act of 1991 come before the full Senate. This is an important piece of legislation, which will help improve the coordination of the Federal Government's diverse computer research and development [R&D] programs.

After World War II, the United States made a conscious decision not to create a single large department of science and technology. Instead, each major department was allowed to develop its own R&D programs, and a separate National Science Foundation was created to support university basic research. This decentralized approach had many advantages, but it also led to problems of duplication and inadequate coordination. In particular, we saw problems coordinating agencies so that they could focus their resources and talents to meet specific national needs, from earthquake hazard reduction to high-performance computing.

How can we best deal with this problem? Well, Harry Truman faced a similar problem in the national security field. As the Soviets began the cold war, Truman found himself receiving conflicting advice from the agencies. The State Department would say one thing, the Army another, and so forth. So he put his top people into a room in the White House basement and told them to come up with two or three clear options for each major issue and to develop plans for implementing whichever option he chose. That was the beginning of the National Security

Council, the mechanism Presidents still use to coordinate interagency activities in the areas of foreign policy and defense.

In 1976, legislation created the Office of Science and Technology Policy [OSTP] and the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET]. The idea was similar to the NSC—to create a White House mechanism that would not change the authority of individual departments and agencies but would provide coordinated advice to the President. During this same period, the Commerce Committee also worked with the administration to create interagency programs in two important fields—earthquake hazard reduction and climate research and prediction.

In the late 1980's, with encouragement from the Commerce Committee and the House Science Committee, OSTP, the Office of Management and Budget [OMB], and major Federal R&D agencies began establishing formal interagency programs in other important areas of science and technology—particularly global change research and high-performance computing. OMB conducted "budget crosscuts" to identify what each agency was spending in these areas, so as to provide better information on existing programs. Through FCCSET, the departments and agencies identified major needs and opportunities and ways in which they could cooperate to advance their common agenda. Two impressive interagency plans resulted.

We on the Commerce Committee strongly encouraged and supported these efforts, and we saw legislation as a way to codify these new interagency efforts and express congressional support for them. In 1988 I introduced what became the Global Change Research Act of 1990. It directed the President, through FCCSET's Committee on Earth and Environmental Sciences, to develop a National Global Change Research Plan to implement a U.S. global change research program. Congress and the administration have now agreed on a sound, effective interagency program in this important area of science.

In the early 1980's, while still a House Member, our distinguished colleague, Senator GORE, began urging Congress and successive administrations to think about how best to develop and apply revolutionary new technologies in computer networking and other aspects of high-performance computing. The Federal Government has long supported research in both universities and government laboratories, and Senator GORE saw early on that both supercomputers and information highways connecting them with users would be very powerful research tools. In 1986, soon after he had joined the Senate and the Commerce Committee, he authored a provision which directed OSTP to "undertake a study of critical problems and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities in the United States."

OSTP responded in November 1987 with an imaginative proposal for a major interagency initiative in high-performance computing, covering not only networking but also related issues in computer hardware and software.

Mr. President, the high-performance computing program and this legislation to codify it represent an effective way for executive agencies, the White House, and Congress to work together to create sound, effective national program in key areas of science and technology. Just as Harry Truman created the NSC process to bring coordination and focus to national security policy, OSTP-coordinated efforts can bring coordination and focus to R&D policy.

I want to see more of this kind of coordination, which is why I, Senator GORE, Senator BINGAMAN, and Senator NUNN recently introduced two bills, S. 1329 and S. 1327, which would require computer-type interagency plans or "road maps" for other critical technologies. Two years ago, with my support, Senator BINGAMAN authored legislation that created through OSTP a National Critical Technologies Panel to identify the technologies most important to this Nation's economic and military future. That Panel produced an excellent report in March. Now is the time not only to pass the high-performance computing legislation but also to get on with the urgent task of ensuring that Federal R&D is focused in ways that meet the Government's needs and the country's needs in these critical technical areas.

Mr. President, in closing I commend the people who have created this legislation and the high-performance computing program. Senator GORE and the cosponsors of this bill deserve great credit, as do the distinguished chairman of the House Science Committee, Mr. BROWN, and his colleagues. OSTP and OMB, as well as the agencies themselves, have worked hard to craft an excellent program. Leaders from the computer industry provided a great deal of valuable input. I also commend Dr. Paul Huray, senior vice president of the University of South Carolina. As an OSTP consultant, Paul did much to create the high-performance computing program. We are proud of his contributions to this important national initiative.

This is an excellent bill, and I urge our colleagues to support it.

Mr. WALLOP. Mr. President, I rise in support of the High-Performance Computing and National Research and Education Network Act of 1991, which is contained in both S. 272 and H.R. 656, as amended.

The High-Performance Computing and National Research and Education Network Act of 1991 is a melding of the bills reported earlier this year by the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation. These two committees have worked long, hard, and cooperatively to combine the best of the committee-reported bills and the result, which is now before the Senate, is a good one.

The pending legislation is vitally important to the United States because high-performance computing and networking has become essential to defense activities, to scientific advancement, to product design, and to manufacturing.

Although the United States currently leads the world in the development and use of high-performance computers, that lead is being challenged by foreign competitors. Thus, it is important that the executive branch develop and implement, through generic authorizing legislation, an appropriate Federal role in the promotion of high-performance computing and networking. Unless we do so, our defense posture will be weakened, scientific advancements will shift abroad, and our industrial output will not be competitive in the world marketplace.

The legislation now pending before the Senate, S. 272 and H.R. 656 as amended, arise out of legislation reported by the Committee on Energy and Natural Resources (S. 343; Rept. No. 102–64) and by the Committee on Commerce, Science, and Transportation (S. 272; Rept. No. 102–57). These bills are the product of a joint effort by the Energy Committee and the Commerce Committee, who both have jurisdiction over the matters contained in the amendment. Accordingly, the legislative histories of both bills are to be considered when interpreting the intent of this act.

I would like to make a few comments on certain aspects of this legislation.

The legislation establishes a 5-year Federal high-performance computing program which consists of three key elements: First, a requirement that the President establish goals and priorities for Federal high-performance computing research and development; second, a requirement that the President provide for interagency coordination of Federal high-performance computing research and development; and third, the creation of a high-performance computer network, referred to in the legislation as the National Research and Education Network. The legislation also contains several miscellaneous provisions requiring certain Federal departments to undertake activities related to the high-performance computing program, but which are not necessarily part of it.

Perhaps the most significant feature of the legislation are the provisions which give the President, not any particular Federal agency, responsibility for the Federal high-performance computing program established by the legislation.

Like S. 343, as reported by the Energy and Natural Resources Committee, the pending legislation does not designate a specific Federal agency as a "lead agency" for any aspect of the program, as did S. 272 as introduced and reported. That is left to the President's discretion because circumstances may change and the President needs the flexibility to make changes as may be appropriate.

Assigning the President responsibility for the program is particularly necessary when the participation of many Federal agencies is required. At a minimum, the program will involve the Department of Energy, the Department of Defense, the National Aeronautics and Space Administration, the National Science Foundation, the Department of Commerce, the Environmental Protection Agency, and the National Institutes of Health.

Thus, within the context of the high-performance computing program established by this act, the President will retain full discretion to direct appropriate Federal agencies to undertake such activities as may be necessary to carry out the act's requirements. On the other hand, nothing in the act prevents the President from delegating responsibility for part or all of the program to any Federal agency. Thus, the act gives the President the authority and flexibility necessary to implement the high-performance computing program in the most effective and efficient manner.

As used in the legislation the term "high-performance computing" is intended to refer to high-performance computers, high-performance computer software, and computer networks with high rates of data transmission. Thus, for example, the requirement that the Secretary of Energy "perform research and development on, and systems evaluations of, high-performance computing and communications systems" (sec. 204) is to be read in the broadest possible manner.

The provision which gives the Director of the Office of Science and Technology Policy [OSTP] "an opportunity to review and comment on the budget of each agency and department participating in the program and shall identify in each annual budget submitted to the Congress * * * those items in each agency's or department's annual budget which are elements of the program." (Sec. 101(a)(5)) is not intended to modify or affect in any way the existing budget process; it merely gives the OSTP Director an "opportunity" to review and comment within the internal administration budget process.

The legislation also establishes an advisory committee to provide advice to the OSTP Director on the high-performance computing program. Nothing in this section precludes the use of an existing advisory committee to satisfy this requirement.

The legislation has a requirement that Federal agencies participating in the high-performance computing program to support the establishment of a national multi-gigabit-per-second research and education computer network by 1996—called the National Research and Education Network or NREN—section 102. Obviously, the 1996 date is merely a target date, and the requirement that these agencies "support the establishment" of the NREN is subject to existing agency mission requirements and, of course, is subject to appropriations.

The legislation's requirement that the NREN link research and educational institutions, government, and industry "in every State" is to be taken as a goal of the legislation, not a requirement to be read literally—section 102(a). Similarly, the requirement that "Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network" is a goal of the legislation; the word "ensure" in this phrase is not a requirement to be read literally—section 102(a).

The NREN created by this legislation is intended to enable government, industry, researchers, the higher education community, and others to link together on a computer network in order to exchange information and data. Although Federal agencies can connect agency-owned or leased networks to the NREN—and even make them part of the NREN—they will retain the full discretion to correct or disconnect as may be required by agency mission requirements, or for other considerations. Thus, even if an agency's network becomes the sole means by which others are able to access the NREN, the agency will retain full discretion to disconnect from the NREN notwithstanding now it may affect the other NREN users.

Although the legislation directs the Department of Defense, through the Defense Advanced Research Projects Agency [DARPA], to support research and development of advanced fiber optics technology, switches, and protocols needed to develop the network, this provision is not to be read as giving DARPA an exclusive role within the Federal Government for this type of research and development; nor is this provision to be read as giving DARPA a "lead" role—section 102(e). It simply directs DARPA to undertake certain kinds of activities.

Section 206(b) is not intended to modify or amend existing Federal contract law. Federal contracting law will continue to apply to the procurement of all goods and services under the high-performance computing initiative, including procurement of supercomputers.

With these understandings I support the passage of the High-Performance Computing and National Research and Education Network Act of 1991.

Mr. BURNS. Mr. President, I rise today to praise the efforts of Senator AL GORE, the junior Senator from Tennessee, for his leadership and determination which resulted in passage of S. 272, the high performance computing bill, which I cosponsored.

For almost 15 years, Senator GORE has been working to change Federal policy so that as a nation we will invest in the critical infrastructure of information superhighways. The bill provides for developmental costs of $390 million in Federal funds over the next 5 years for the National Research and Education Network [NREN]. This represents less than 1 percent of Federal research and development expenditures, yet this network could greatly enhance the productivity and value of the other 99 percent of the research and education dollars we spend.

This national backbone network, represents a demonstration project that should build public support and influence public policy. As Senator GORE has stated, passage of this bill will act as an electronic battering ram to knock down obsolete policies and outdated skepticism. The NREN will rapidly develop enormous demand for the new information services its high capacity will make possible. It will link the hundreds of computer networks, operated by State and local governments, non-profit and for-profit corporations, universities and others, to a federally funded "backbone" network capable of transmitting billions of bits of data per second.

While Federal funding for the national network will ensure that we do not end up with a balkanized system consisting of many incompatible parts, this national network will not be controlled or run by a single entity. Hundreds of different players will be able to connect their own networks to this one.

While I am quite pleased by passage of this important measure, it is but a first step in establishing a communications network that will be essential to our country during the Information Age of the 21st century. Linking supercomputers is only a small first step in forging a much larger information chain that will give all Americans equal access to information. The next step is the creation of a commercial, ubiquitous fiber optic system that reach into every home, school, health care center, and business in America by the year 2015.

To that end, I authored, along with Senator GORE, S. 1200, The Communications Competitiveness and Infrastructure Modernization Act of 1991. S. 1200 would make it possible for all Americans to have fully interactive "telecomputers" that can receive, process, store and transmit full motion video, graphic images, voice and data simultaneously. Americans will be able to summon the best teachers and professors, doctors and nurses, and performers and entertainers any where in the world instantly, or originate and transmit programs of their own.

The more rapid deployment of a broadband communications infrastructure to every business, educational and health care institution, and home in America will fundamentally improve the United States international competitiveness in the Information Age. Our foreign competitors in the Pacific rim and European Community are marshalling their resources and pushing ahead aggressively with communications infrastructure modernization with the expectation that their massive investments will be recovered by selling the related technology abroad.

The more rapid deployment of a broadband communications infrastructure will stimulate the development of American technology for domestic use and for export abroad and will help ensure that the United States is not forced to import broadband communications systems and export the jobs to develop and manufacture the related technology. Such networks will enhance the ability of all-sized businesses to compete on a nationwide and global basis, thus ensuring America's place as an economic world leader.

Such an infrastructure will improve the ability to transfer information-intensive business tasks to rural areas, which are much in need of economic stimulation; will reduce personal and business travel through video conferencing, enabling employees to work at home and easing congestion in urban areas, and reducing the United States reliance on foreign sources of oil; and will bring educational opportunities to children and adults in all areas in all areas of the country through two-way interactive video education and training.

Such an infrastructure also will improve access to affordable health care through the transmission of medical imaging and diagnostics; will enable the elderly, through daily monitoring of their well-being, to remain at home longer rather than being prematurely forced into a medical care facility; and will permit disabled Americans, and individuals who are for one reason or another bound to the home, to actively participate in the workforce.

A nationwide, broadband communications system available to all Americans by the year 2015 will, in short, propel America into the Information Age of the 21st century by making our domestic economy robust through the availability of advanced communications technologies and services to all businesses, by ensuring America's position in the global information economy remains unrivaled, and by securing for our citizens a quality of life unparalleled in our previous history.

I look forward to hearings in the Communications Subcommittee this fall on S. 1200 and look forward to working with my colleagues on the Commerce Committee in developing a consensus on this issue of critical importance to America's future.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1104) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standard; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) Appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year

1993, $145,000,000 for fiscal year 1994, $172,000,000 for the fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other law.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

Mr. GORE. I move to reconsider and I move to table that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read: "An act to provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing, and for other purposes.

Mr. GORE. Mr. President, now that the Senate has passed the information superhighway act, I would like to thank my colleagues on both sides of the aisle for their help during a very long period of work. I first began working on this measure more than 12 years ago. As a Member of the other body. I had done research into the needs of the country for an information infrastructure and had heralded the tremendous impact the country was experiencing as a result of the computer revolution. Now, Mr. President, the advanced supercomputers that are revolutionizing the way we conduct manufacturing and research and education and a whole series of other activities are placing demands on the capability of our computer networks to transmit information.

This measure we just passed puts in place a nationwide program to build a network of superhighways for information. The measure has passed in the other body, and the measures are now substantially identical. This will be sent to the President's desk for his signature.

Although the President has expressed some objections to some details of this measure, I hope and expect the President will sign this measure. I urge the President to sign it. I want to note again the strong bipartisan support by every Member of this body for the legislation that has passed.

Mr. President, at the end of World War II, automobiles and trucks became much more commonplace. It was soon apparent that the old network of crooked and curvy two-lane highways in this country would no longer suffice for the new post war America.

In the 1950's, the interstate highway measure was proposed and enacted. Indeed, if I may make a personal reference, my father, as a Member of this body, was the sponsor of the Interstate Highway Act. I chose the 30th anniversary of that measure as the day when I first introduced this measure, because I remember vividly when the debate took place on that act. The Federal Government had a role in interstate highways because no private entity could raise the money to finance an Interstate Highway System.

But there was a leap of faith involved. Would there be enough traffic from the cars and trucks then being produced to justify an Interstate Highway System? Well, it was not much of a leap of faith, but it did require the vision that Democrats and Republicans, including the late President, Dwight Eisenhower, shared in promoting it for the country, and that measure was enacted. And the benefits have been dramatic.

We face a similar situation now, not from new cars and trucks as we did after World War II but from the rapid spread of computers, and now supercomputers. Incidentally, the supercomputers that cost $10 million today are expected to cost just a couple hundred thousand dollars a few short years from now. The desk top computers today were the supercomputers of a few years ago.

In order to use those new machines effectively and to enable our country to gain the competitive advantages which can come from the widespread use of supercomputers, we need to be able to communicate with each other and link up these computers. But, Mr. President, this is the problem we currently face. The telephone lines which crisscross our country today can conduct communications between small, less powerful computers, but the new supercomputers overload these communications lines very quickly, and as a result we really cannot use them as they should be used.

Now, with the passage of this measure, the Nation is prepared to move forward vigorously and aggressively to put in place an Interstate Highway System of information superhighways. It also has important provisions relating to education, to the building of digital libraries, to the configuration of data bases, and to make possible the broadest possible use of this new technology.

Mr. President, I want to thank my colleagues for their support. It has been a long, 12-year effort to bring this about. I am very excited that it is happening today. I thank my colleagues for voting in favor of it.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT OF 1991

Mr. GORE. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 656, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 656) to provide for a coordinated Federal research program to ensure continued Untied States leadership in high-performance computing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I rise in strong support of the High-Performance Computing and National Research and Education Network Act of 1991. Today, we are considering a substitute that represents the merger of two bills related to supercomputers—one bill reported by the Committee on Energy and Natural Resources and one reported by the Committee on Commerce, Science, and Transportation.

These two bills—S. 343, the National High-Performance Computing and Networking Act, reported by the Energy Committee and S. 272, the High-Performance Computing Act of 1991, reported by the Commerce Committee—address different aspects of this issue. The two committees have worked hard to create a single bill, and I believe it is a good final product. I believe this amendment will be offered as a substitute to H.R. 656, the High-Performance Computing Act of 1991, which passed the House on July 11.

I particularly want to thank Senator GORE for his leadership in bringing this issue before the Senate. I also wish to thank Senators HOLLINGS, DANFORTH, WALLOP, and DOMENICI who were actively involved throughout the process and contributed significantly to the final product.

The United States has lead the world in the development of high-performance computing. The technology was developed in this country and we continue to lead in this area—for now. But that lead is being challenged. Some estimate that the Japanese will dominate the supercomputer market in the 1990's. Yet, the Japanese did not enter the field of high-performance computing until 1983. Today, outside of the United States, Japan is the single biggest market for, and supplier of, supercomputers.

The United States needs an integrated, cooperative program among industry, universities, and Government in supercomputing. It has been estimated that a modest Federal investment in high-performance computing would result in a $200 to $500 billion increase to the Nation's gross national product over a 10-year period. Furthermore, such an investment will help us to meet the challenge of foreign competition. The legislation before the Senate today will get the programs in motion to make that happen.

The President in his fiscal year 1992 budget requested an increase of almost $150 million for an interagency research and development initiative called "Grand Challenges: High Performance Computing and Communications." That initiative is to be congratulated. It represents a significant step toward assuring a continued lead role for the United States in high-performance computing. But we can do more. We need a significant long-term commitment to a national high-performance computing program if this initiative is to be successful. This bill will do that. It will commit the Federal Government to a national high-performance computing initiative for 5 years. Such a commitment will significantly enhance our Nation's competitive position in the area of supercomputing.

I will now address the specific provisions of the legislation before us today. There are two titles to the act. Title I directs the President to establish a national high-performance computing program that sets out the goals and priorities for Federal high-performance computing research, development, and networking activities. The President is to coordinate the program through the Director of the Office of Science and Technology Policy—the OSTP. While the Director will identify the activities needed to be carried out under the program, the agencies themselves will actually perform the activities. Nothing in this amendment gives the OSTP the authority to direct the high-performance computing activities of any of the agencies. Nor will the OSTP be held accountable for the failure of any of the agencies to carry out the activities set out in the program. Only the agencies will be held accountable.

This approach will ensure that the Federal strategy is built on agency strengths by giving appropriate agencies the responsibilities to carry out activities in areas of demonstrated capability. It also will ensure that the strengths of the other agencies and departments are included by integrating their participation in the various areas. No agency is locked into a lead role or given primary responsibility over other agencies. As needs or agencies capabilities change, the President may realign agency roles and responsibilities.

Title I also establishes an advisory committee consisting of representatives from industry and the academic community to provide the Director with advice on the High-Performance Computing Program. This provision does not, however, require the President to create an entirely new advisory body. This provision is intended to allow the President to consider existing advisory bodies to fulfill this purpose.

Title I also establishes a multigigabit-per-second national research and education computer network. This network will link government, industry, and the academic community. Computer users at universities, Federal laboratories, and industry research centers will have access to supercomputers, computer data bases, and other research facilities. The network will be unequaled anywhere in the world.

We intend that the Federal network Act as a catalyst for a much larger effort by the Nation as a whole. As services over the network and the number of users increase, we expect that the private sector will begin to demand more and more from the network. We expect the universities and private industry will come to rely more and more on the network and will eventually be willing to fund the network itself or at least large portions of it.

Initially, Federal agencies and departments will work together to connect, expand, and upgrade their individual networks. Existing user communities of Federal networks will be expanded. New user communities will be brought into these networks. Network speeds and capabilities will be upgraded as the results of research carried out under this legislation become fruitful. Eventually, a network operating at over a billion bits of data per second will be in place. Even then, the network will continue to grow, becoming faster and faster, and connecting more and broader user communities. It will become much like the telephone system we have in place today.

At the same time, each individual agency will be free to operate its own network to meet the specific needs and missions of that agency. To the extent an agency can contribute to the national network, it should do so. To the extent individual agency mission needs require autonomy from the national network, that autonomy is preserved.

We know that this national network can only succeed as a cooperative effort of all the interested agencies. Each of these agencies must be intimately involved in the process—now and as the network continues to develop. We do not know what the network will look like in the coming years. Technology to develop the network envisioned in this legislation is still being developed. The legislation governing the network therefore must be flexible. Instead of creating a rigid, unchangeable management structure, the legislation directs the President through the agencies to establish the network.

We understand that the President has already created a Federal Network Council to oversee the evolution, operation, and management of the network. The Council is composed of representatives from all of the Federal agencies. The Council is advised by a panel of distinguished individuals from industry, universities, and the Federal laboratories. We think, at least initially, that this is the proper way to begin the establishment of this network. As the process moves forward it may become apparent that new management mechanisms are needed. The amendment allows the President to adapt to these changes. At any point in the process the President can take a fresh look at the future of computer networks in the United States. The authority to structure the network as he sees fit provides the President with an opportunity to devise a national computer network that meets national needs, now and in the future.

The bill requires the Department of Defense, through the Defense Advanced Research Projects Agency [DARPA], to support research and development of advanced fiber optics technology, switches, and protocols needed to develop the network. This requirement is not intended, however, to create a role for DARPA in this area of research and development that is any greater than any other agency qualified to perform such research.

Title II of the amendment authorizes basic activities to be carried out under this initiative by the National Science Foundation, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and the Department of Energy. No doubt the President will recommend other activities and roles in the National High-Performance Computing Program. That would not be precluded and would, in fact, be welcomed.

Section 204 of title II is based on S. 343 as reported by the Committee on Energy and Natural Resources. Section 204 establishes for the Department of Energy a strong role in the national high-performance computing initiative set forth in title I. The Department of Energy would be one of several equals within the program under title I.

The Department of Energy has historically had a key role in high-performance computing. The Department and its laboratories are in a position to help the United States maintain its leadership, strengthen the U.S. computing industry, and encourage deployment of high-performance computing in analysis, design, concurrent engineering, and manufacturing for U.S. industry. In the past, the Department has fulfilled this role through its support of fundamental science and through the nuclear weapons research, development, and testing program. The role of the nuclear weapons development program is changing rapidly today. The Department's contributions now extend to include a much broader spectrum of activities from the human genome project to enhanced oil recovery. From these new applications the Department can continue to shape high-performance computing.

The Department's laboratories have become the world's most demanding, sophisticated, and experienced users of supercomputers. Manufacturers of high-performance computers routinely send new prototype computers to the national laboratories for testing. The laboratories help the manufacturer identify problems, find solutions for those problems, and write the unique software packages required by supercomputers.

Section 204 builds on that proven relationship. The Secretary is directed to establish collaborative consortia between its national laboratories and other Federal laboratories or agencies, educational institutions, and industry. The consortia will undertake basic research and development of high-performance computing hardware, software, and networks. The consortia will carry out research directed at scientific and technical problems that require the application of high-performance computing resources.

The final section in title II, miscellaneous provisions, makes clear that classified activities are not affected by this amendment. This section also makes clear that Federal agencies may procure prototype machines commonly referred to as paper machines.

The expansion of support for Federal high-perfomance computing activities envisioned by the bill will help extend U.S. technological leadership in high-performance computing and computer communications. This will be accomplished because a long-term Federal commitment to this initiative will reduce the uncertainties, risk, and high capital costs associated with the development of new types of high-performance computers.

The bill before the Senate today will spur gains in U.S. productivity and industrial competitiveness by making high-performance computing and networking technologies an integral part of the design and production process. The collaborative efforts advanced by this legislation between the national laboratories, universities, and the private sector will bring greater supercomputing power into the hands of many more researchers.

One of the highlights of this session for the Committee on Energy and Natural Resources was the passage of S. 343, the National High-Performance Computing and Networking Act. One of the highlights for the 102nd Congress will be the enactment of the High-Performance Computing and National Research and Education Network Act of 1991.

Mr. President, I urge my colleagues to support the substitute prepared by myself and Senator GORE and to pass this legislation.

Mr. FORD. Mr. President, I would like to join my colleagues in support of the High-Performance Computing and National Research and Education Network Act of 1991. The legislation being considered today is actually a combination of two bills. S. 343, introduced by Senator JOHNSTON, and S. 272, introduced by Senator GORE, were combined to form this amendment. I cosponsored both bills. I know that both Senator JOHNSTON and Senator GORE have worked hard on this issue to produce this compromise.

I sit with Senator GORE on the Committee on Commerce, Science, and Transportation. He has held quite a few hearings over there on his bill. Senator JOHNSTON's bill was referred to the Committee on Energy and Natural Resources and has been before the Subcommittee on Energy Research and Development, which I chair. We too have held hearings.

This is an important issue. The supercomputer industry is one of the few technologies where this country still has the lead. But that lead is slipping away. We can keep that lead with just a little more effort by the Federal Government.

So, I am pleased that the Commerce Committee and the Energy Committee have been able to put their bills together to establish such an effort. This effort will help our supercomputer industry maintain its leadership.

I commend Senators GORE and JOHNSTON for their leadership in bringing this issue before the Senate. I urge my colleagues to support this amendment.

AMENDMENT NO. 1105

(Purpose: To make an amendment in the nature of a substitute)

Mr. GORE. Mr. President, I send to the desk the Gore-Hollings-Pressler-Johnston substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI, proposes an amendment numbered 1105.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest is basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating the training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and proiorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National

Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research network;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment (No. 1105) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 656), as amended, was passed.

Mr. GORE. Mr. President, I move to reconsider the vote by which the bill was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "An Act to provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing, and for other purposes.".

CONCLUSION OF MORNING BUSINESS

Mr. GORE. Mr. President, at this point, I ask unanimous consent that morning business now be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I rise to speak on the Mitchell-Dole amendment to the presently pending bill. I first ask unanimous consent to be added as an original cosponsor on the Mitchell-Dole amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I rise in strong support of the amendment now before the Senate which would commit to making the Occupational Safety and Health Administration's bloodborne disease standard law. For those who care about the safety of health-care workers and of patients, this amendment represents a rational alternative to the narrow-minded and hysterical approaches to this serious public-health issue.

By mandating universal precautions, all patients and all workers will be treated as though they are potentially infectious from a bloodborne disease. OSHA estimates that this standard will prevent 220 deaths per year among health-care workers, most of whom would die from hepatitis B infection.

Much has been said in recent discussions here on the Senate floor regarding the potential for health-care workers or patients becoming infected with the HIV virus. This OSHA standard is the best method of addressing the legitimate concerns regarding potential HIV infection during invasive procedures, as well as other bloodborne diseases that occur in the health-care setting.

The Centers for Disease Control estimates that 40 health-care workers have become infected by HIV on the job. OSHA is convinced that by implementing these universal precautions, 9,000 cases of hepatitis B will be prevented, in addition to the 220 deaths from hepatitis B.

Under these universal precautions, the very procedures that protect workers also serve to protect patients. By proceeding on the assumption that all blood and bodily fluid are potentially infected with the HIV virus, or with hepatitis, B, or with any other possible bloodborne disease, we increase the safety of the medical and dental settings where 60 percent of patient contacts occur.

Mr. President, does this rational, cost-effective approach not make eminently more sense than the punitive alternative of mandatory testing, required disclosures, and possible criminal penalties? How do we serve the public interest of protecting patients and health-care providers by triggering a war of suspicion in the medical setting? I sincerely hope that by passing this amendment, we can return to an honest and rational dialog regarding a matter of vital public concern. Let us use this opportunity to stop micromanaging the American public health system from the floor of the U.S. Senate. I urge the adoption of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, the bill before us today is a vital bill containing funding to meet the human needs in our Nation. It, as much or more than any other legislation the Congress passes during a normal year, is the manifestation of our national commitment to compassion, fair play, and human investment—those features that set us apart as being civilized and progressive, and which have enabled our Nation to advance to its current position in the world. I want to commend the chairman of the subcommittee, the distinguished Senator from Iowa, and the members of his subcommittee, for their painstaking work on this bill. They have labored to produce a bill that cares for as many of these needs in as balanced a manner as they could, given the constraints under which they were working.

The fact of the matter, however, Mr. President, is that they began their task with one arm broken and the other arm tied behind their collective back.

The Appropriations Committee was forced to work within a budget allocation that initially was dictated by the so-called budget summit agreement reached between the Congress and the Bush administration last year. That agreement set ceilings for spending in three categories of nonentitlement programs: defense, international aid, and domestic.

Then the Appropriations Committee, in accord with the budget process, unilaterally took the discretionary cap and distributed it among the Appropriations subcommittees, including the Subcommittee on Labor, Health and Human Services, and Education.

In my judgment, Mr. President, the funding of some critical functions of Government were shortchanged in this tortuous process.

The amendment offered by the senior Senator from Colorado, with the cooperation of the distinguished chairman of the subcommittee who is managing the bill, and of which I am proud to be the principal cosponsor, seeks to address some of the most distressing of the shortcomings of this process. And it seeks to do so in a manner that, like a ship threading its way through waters dotted with obstructions, avoids going aground.

I think this amendment properly should be called the Human Investment Amendment of 1991. Very simply, the amendment increases the investment we will make in ensuring that our people—all of them, not just the privileged and the well-to-do—reach adulthood without succumbing to or being permanently disfigured or handicapped by diseases for which immunizations are available, and that they reach adulthood having achieved literacy and the capability to function successfully and productively in our society and economy.

It recognizes that, apart from the compelling reasons of humanity and compassion for assuring such an outcome, our Nation's ability to compete and retain its leadership and standard of living in a world changing with stunning speed depends to a critical degree on ensuring this outcome. Only a person who, like Rip Van Winkle, has been asleep for the past quarter century, or who, like an ostrich, buries his head in the sand and refuses to see what is happening around him, would not know that our educational system all too often is failing to produce that kind of adult. Only such a person would not know that the United States is far back in the pack of nations on such fundamental indicators of its civilization as infant mortality and childhood illness attributable to preventable disease.

The amendment before the Senate also includes funds to assist in paying for the fuel necessary to provide heat in the coldest months of the winter, when, yes, in the cities and rural areas of our Nation, people unable to afford to heat their homes freeze to death, or succumb to exposure-related illness.

Ingeniously, the amendment accomplishes these things without breaking through the budget summit domestic discretionary ceiling, or breaking through the Appropriations Committee's subcommittee allocations, either of which would subject it to points of order and virtually certain defeat.

This is not a kamikaze amendment to make rhetorical points. This is an amendment that can and should pass.

The Senator from Colorado, Mr. WIRTH, and the distinguished manager of the bill, Mr. HARKIN, have described in detail all of the amendment's components. For the sake of my colleagues, I will not seek to recover all of the ground they have covered.

I could make a long argument about whether we should reexamine the budget summit agreement—in view of the recession that continues to grip large portions of our Nation including my State of Massachusetts; in view of President Bush's refusal to exercise provisions of that summit agreement to which he was a party that permit us to provide emergency unemployment assistance to those in greatest need as a result of the recession; in view of the sweeping changes in what used to be called the Soviet Union and the Communist bloc—which on a daily if not hourly basis have been redefining the concept of world and national security and what is necessary to assure both.

And in view of the tremendous needs for positive government action—to help Americans help themselves and to join together to accomplish those things together that we cannot accomplish individually.

In my judgment, that budget summit agreement never came very close to meeting our Nation's needs. Now its failures to do so are nearly catastrophic.

But, in our system, there is a time and a place for nearly everything. Now is not the time and place for that debate.

I am pleased to give my wholehearted support to this amendment, and to urge all my colleagues to take this step with us. It may be small in the larger scheme of things. Truly, we have much, much further to go in determining, pursuing, and achieving a responsible domestic agenda. And we are going to have to accomplish that, it appears, with no help whatsoever from George Bush, who likes to refer to himself as the Education President but whose administration has offered nothing that remotely resembles a domestic agenda in its nearly 3 years in office.

Nonetheless, the contributions this amendment will make to a stronger, healthier, happier nation, and a more competitive nation, are significant.

I urge support for the amendment.

VOTE ON AMENDMENT NO. 1084

The PRESIDING OFFICER. Pursuant to the previous order, the question occurs on the Harkin-Wirth amendment No. 1084. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—79

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Bryan
Bumpers
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NAYS—21

Breaux
Brown
Byrd
Craig
Danforth
Dixon
Dole
Domenici
Garn
Gramm
Helms
Kassebaum
Kohl
Lott
Mack
Nickles
Nunn
Roth
Symms
Thurmond
Wallop

So the amendment (No. 1084) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the question now occurs on agreeing to amendment No. 1101. The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will clear the well. The Senator from West Virginia is entitled to be heard.

Without objection, the Senator from West Virginia may proceed as soon as the Senate is in order.

Mr. BYRD. This Senator will not proceed until there is order.

The PRESIDING OFFICER. Senators will clear the well.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Senators will retire to their seats or to the Cloakroom.

The Senate is not in order.

Mr. BYRD. Mr. President, I hope my colleagues will refrain just momentarily. I want to explain my vote on the rollcall just completed, and by my explanation hopefully it will help others who voted against this amendment to explain their vote.

What the amendment does, it provides obligational authority for 1 day, the last day of the fiscal year. But the resulting outlays will come due in the ensuing year. The bills will have to be paid.

So it may look like we are getting a free ride here. And this is not the first time it has been done, I must say to the distinguished authors of the amendment. It has been done all too much. But I think we have to understand what we are doing.

Next year, when it comes to making budget allocations, whatever this amount was—be it $300 million or $400 million or whatever it is—that much is going to be already committed in outlays. Those bills are going to come due, not in the fiscal year against which the budget authority has been charged, because there is only 1 day left in that year, but in the following fiscal year.

I will be a little hard up to provide my other subcommittees, and my own subcommittee next year with the kinds of outlays that they will need. Why? Because the outlays will have already been committed by actions like the Senate has just taken in adopting the amendment.

I just want to put my subcommittee chairmen on notice, I hope I will not hear too much crying from them, those who voted for this amendment, next year when they come to me and say, "Oh, my gosh, I cannot make it on this allocation. My subcommittee will need more outlays." This is what ties the chairman's hands. He cannot allocate the outlays to the subcommittees that he would like to allocate and that they will need because the outlays will have already been committed in advance and the obligations will become due and bills have to be paid. That is why I voted against this amendment. It was an attractive amendment. And, so, to my constituents who may wonder why I voted against it, there it is on the record.

I do not say this to criticize anybody who voted for the amendment or to criticize the authors. I want the record to show why I and others voted against the amendment.

I thank all Senators for their courtesy in listening.

VOTE ON AMENDMENT NO. 1101

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment No. 1101.

The yeas and nays have been ordered. The clerk will call the roll under the previous order.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—1

Brown

So the amendment (No. 1101) was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we have made good progress. We have adopted all the committee amendments except for 14. In other words, in just the time we have been on the floor yesterday and this morning, we have adopted over 160 committee amendments. We have adopted 16 noncontroversial amendments. We had 22 colloquys inserted. We have adopted all these amendments. Now we turn to committee amendments.

We have, just for the information of Senators, a number of excepted amendments that have been excepted so that people can offer amendments. I think we have 14 excepted amendments. I am not certain that each of the Senators who wanted an exception made really wants to offer an amendment. If Senators, who excepted perhaps one of these committee amendments, do not intend to offer an amendment, I hope they will let us know. Second, those who do have amendments to offer—and I see Senator HELMS is here, and others who have amendments to offer—if they will come over, we can really, I think, perhaps move this bill through yet this afternoon.

So Senators who made exceptions, who want to offer amendments, please come to the floor and offer their amendments so we can debate them and vote on them this afternoon.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, without losing my right to the floor, I ask unanimous consent that the distinguished Senator from New Mexico be recognized for some remarks he desires to make, after which time I will resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first thank the chairman and the ranking member for including in their en bloc amendments an amendment I had offered with reference to the funding of the research for mental illness and funding for PATH grants for the homeless. That amendment has been adopted. I would like to share with the Senate a few remarks regarding its importance.

First, I ask unanimous consent that my good friend, Senator RUDMAN, be added as an original cosponsor of the amendment to which I have just alluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, this amendment is totally consistent with the Budget Act in that I have made savings elsewhere in the bill so that the moneys that I am asking the Senate to appropriate are fully offset and, thus, it is a neutral amendment with reference to the budget process. The amendment adds $57 million in budget authority and $23 million in outlays in this bill which includes about $58 billion for domestic discretionary programs.

The funding in the Domenici-Rudman amendment goes to two programs: First, Mr. President, it should come as no surprise to the Senate that the Senator from New Mexico is once again talking about more funding for the National Institute of Mental Health [NIMH]. This is the "Decade of the Brain" declared by the Congress and supported by the President of the United States. Significant research is underway at NIMH. As each day passes, more is known about how the brain functions, and how it affects our lives, in what we do, what we think and how we perform. Probably more has been learned about the brain in the last 7 or 8 years than in all of civilization. But we still have a lot of work to do.

For those who are not aware of how common mental illness is in the United States, let me give a few comparisons. Serious mental illnesses, such as schizophrenia, and bipolar diseases like serious depression and manic depression—those are the principal ones—affect many Americans. Let me suggest, for those who wonder whether or not we should put more money into mental health research, that schizophrenia is five times more common than multiple sclerosis, six times more common than insulin-dependent diabetes, 50 times more prevalent than cystic fibrosis, and 60 times more common than muscular dystrophy. I am sure everyone has heard of these other diseases and illnesses. It might come as a real surprise, however, that there are more people mentally ill in America day by day, as I have described, relative to these other well-known illnesses.

We are finding in this research that there are many ways to help people with these serious mental illnesses. We are finding medicines that will, indeed, handle depression. We are finding medicines that will help with manic depression. In fact, we are on the way to a substantial amelioration of manic depression. Indeed, schizophrenia remains the most difficult one, but there are new chemical substances being found to treat this disease because of the great research being done.

Mr. President, in all, mental disorders will wreak havoc and despair on over 30 million adults in this country. One in every five citizens at some point in their lives will experience schizophrenia, depression, Alzheimer's disease, manic depressive illness, or anxiety disorders.

Only one-fifth of those that are actually diagnosed with a mental illness receive the treatment they need. We can only imagine how many desperate people are not diagnosed and do not get the help that they need.

Investing in research of mental illness makes good economic sense. The direct and related costs of mental disorders cost $129 billion annually.

We are beginning to find out exactly how the brain operates, and what its shortcomings are. I have asked that NIMH be funded at a level that would increase the funding substantially for mental health research, to $533.2 million in fiscal year 1992.

It seems to me that this is the least we can do. We have $40.1 million that my amendment will direct to the researchers at NIMH, $40.1 million of the $57 million. The national plan for research on schizophrenia and the brain will get additional money, as will the child and adolescent research plan, the newest research plan, which is called "Caring for People with Severe Mental Illness: A National Plan of Research to Improve Services." The amendment will allow the award of approximately 25 percent of the approved research grant proposals to keep the National Institute of Mental Health right at the forefront, and on the cutting edge of science.

Mr. President, I earnestly believe that we should fund mental health research and get started in these major new strategies to attack mental illness. I must say, however, that the remaining money, about $17 million in budget authority, goes for an equally deserving program.

Mr. President, a few years ago—and then even 18 months or so ago—everyone was concerned about the homeless. How many people used to come into our office and say: What has happened to America? We cannot do anything about the homeless.

I do not think I have heard a serious discussion about homelessness on the floor of the Senate in months. I submit that the problem has not gone away. It is just that the media is not focusing on it these days. So it is kind of out of sight, out of mind.

We also know that in the major cities of America, as many as 60 to 70 percent of the homeless people, men and women, but predominantly men, are mentally ill, or are mentally ill and suffer from mental illness along with some kind of use of drugs or alcohol. I repeat that number: Between 60 and 70 percent of the homeless people are mentally ill, or are mentally ill and abuse themselves with drugs or alcohol.

While those who worked on this bill had many, many problems to solve, I frankly believe they should have fully funded the PATH Grants Program as requested by the President. The distinguished chairman and ranking member, by accepting my amendment, are now doing that. The committee bill had underfunded the PATH Grants Program, which means pathways to aid the transition from homelessness, and essentially we have put in enough money to bring that up to the President's request of $43.1 million. This is $10 million more than the current level, and I think that is what Congress ought to do.

I am very pleased that, in fact, it is being done today. I have slightly more than a passing interest. The PATH grants came into the Congress inventory of programs as part of the McKinney Act. I take a great deal of comfort and am very pleased that it was an amendment of mine which put PATH Grants into that bill and made them a reality for the American homeless who are mentally ill. You have to have some place to treat them, care for them, some place to make sure they receive their medicines and care for their basic needs or they will be back on the streets because they are sick, and they are homeless because they are sick. This extra money for PATH Grants will, indeed, make a difference.

I do not understand why the House underfunded this program. I think maybe it is because the program is relatively new. But I hope those who accepted the amendment today will go to conference and keep at least the Senate level of funding. Most people in the Congress run around saying we ought to be helpful. They probably go home and visit the homeless centers and say we ought to be helpful. The best way to start is to fund this program so that it is getting equal treatment with other programs. If we can have almost all of the programs in this bill increased, why not PATH Grants?

I thank the chairman and ranking member for agreeing to include my amendment in its two parts as I have described it. I am sure that there are many who care for and spend a lot of energy helping the homeless in the United States who will be delighted that we are able to put in this additional amount of money.

I believe the thousands of people who are advocates of helping the mentally ill, those who are members of the various associations across this country, and members of the National Alliance for the Mentally Ill, who by definition cannot belong unless they have a current member of their family who is mentally ill or is mentally retarded—it is the largest support group in America, some 230,000 to 240,000 members—will know that by adding these research funds and by getting on with these very basic programs that the great scientists at NIMH have developed, they are, indeed, being heard.

They are being heard, and I am delighted to offer the amendment, to find it has passed, and to speak a few words before the Senate in support of what we are trying to do in these two areas—mental illness and homelessness—very difficult problems for the people of this country.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from North Carolina.

AMENDMENT NO. 1106

(Purpose: To amend title VII of the Civil Rights Act of 1964 to reflect the original intent of the authors of such Act by prohibiting preferential treatment on the basis of race, color, religion, sex, or national origin)

Mr. HELMS. Madam President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1106:

At the end of the pending committee amendment add the following:

SEC. . PROHIBITION OF PREFERENTIAL TREATMENT.

Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership to any individual or to any group on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.".

Mr. HELMS. Madam President, back in June, on June 25, as I recall, I offered an amendment to the crime bill which would have done away with quotas in the workplace by amending title VII of the Civil Rights Act of 1964.

Shortly thereafter I picked up the August 12 edition of the New Republic. In that edition it was reported that my amendment caused a great deal of consternation within the Senate because it forced Senators, who say, when they go back home, that they oppose quotas, to take a stand up or down, for or against the practice of racial preferences. Then the New Republic went on to say that in order to force "a showdown on preferences in hiring and promotion" that Senator HELMS, of North Carolina, should accept a modification of the original amendment as offered by the distinguished Republican leader, BOB DOLE.

I think Senators may remember that the Republican leader proposed during the debate back in June that the Helms amendment contain language which permits special recruitment of minorities and women from the employers' applicant pool, which is a broadly acceptable form of affirmative action. I do not find any fault with it myself.

At that time, therefore, I agreed that Senator DOLE's modification was an important addition to my amendment but because of the objection on the other side of the aisle I was prevented from modifying the text of my amendment in accordance with the suggestion by Senator DOLE.

Madam President, the amendment at the desk contains that modification and it offers Senators the opportunity to pick up the gauntlet laid down in June by this Senator from North Carolina and the Republican leader. It is put-up-or-shut-up time on the matter of quotas.

This amendment is simple. It prevents Federal agencies and the Federal courts from interpreting title VII of the Civil Rights Act of 1964 to permit an employer to grant preferential treatment in employment to any group or individual on account of race. The pending amendment prohibits the use of racial quotas once and for all. Senators are going to get a chance to vote on that, presumably, shortly.

I do not see enough Senators on the floor to get the sufficient second for the request for the yeas and nays, but I will keep an eye on that situation and at the appropriate time I will seek the yeas and nays.

In the past few months, Madam President, just about every Member of the Senate has proclaimed that he or she looks with disfavor upon quotas. I get a lot of mail in my office from States all around the country, and they have asked the questions about their Senators. They can't reconcile how their Senators vote in this Chamber with what their Senators say at home on this question of quotas. They are in absolute contradiction one to the other. That is an old game politicans play. They talk one way at home, and vote another way when they get back to Washington.

This amendment will give every Senator an opportunity to reinforce his or her statements with a clear-cut vote against quotas. I am not here on behalf of business, large, medium, or small. I am here on behalf of the working people of this country, all races, all ethnic groups, both genders, in North Carolina and outside of North Carolina. These people do not have 500 organizations trying to "protect" their civil rights. They are not organized into Washington pressure groups. They simply want to work for a living free from discrimination.

Unfortunately, Government-imposed and Government-encouraged quotas are a fact of life. We all know that. It is going on and it is in contravention of title VII as stated by Hubert Humphrey in 1964 when the Civil Rights Act was passed.

According to the June 3 edition of Newsweek magazine, a substantial number of Fortune 500 companies have very clear minority hiring "goals." I put the word "goals" in quotation marks because they are really quotas. In a survey of CEO's of the Fortune 500 companies, 72 percent acknowledge that they use some form of quota hiring system. Only 14 percent of the CEO's claim that they hire solely on the basis of merit.

Madam President, is it not interesting that the Business Roundtable has been negotiating with the professional civil rights establishment to come up with some sort of compromise civil rights bill? Madam President, for whom does the Business Roundtable speak? Surely it does not speak for the little man. As the Newsweek article suggested, these are very big businesses who regularly engage in reverse discrimination. They are interested in public relations. They are not interested in the civil rights of the individual workers across this country.

All the amendment now pending at the desk says is that from here on out employers will hire on a race-neutral basis. They can reach into the community to the disadvantaged, something all Senators, I presume, support, and they can even have businesses with 80 or 90 percent or more minority workers as long as the motivating factor in employment is not race. I will get into an example of what I mean in just a moment.

The pending amendment clarifies 703(j) of title VII of the Civil Rights Act of 1964 to make it consistent with the intent of the authors of that bill in 1964, a man named Hubert Humphrey and a man named Everett Dirksen.

Let me read it. Section 703(j) of title VII of the Civil Rights Act of 1964:

> It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor committee that is subject to this title to grant preferential treatment, with respect to selection, compensation, terms, conditions, or privileges of employment or union membership, to any individual or to any group of individuals on account of the race, color, religion, sex, or national origin of such individual or group for any purpose, except as provided in subsection (e) of this section.
>
> It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.

You may ask, why is this amendment necessary? I will tell you why. It is necessary because in the 27 years since the passage of the Civil Rights Act, the Federal Government, Federal bureaucrats, and the courts have corrupted the spirit of the act and created a tolerance for the very evil which Hubert Humphrey and Everett Dirksen fought so strongly against, and I am talking about racial quotas.

This amendment simply makes part (j) of section 703 of the 1964 Civil Rights Act consistent with subsections (a) and (d) of that section. It contains the identical language used in those sections to make preferential treatment on the basis of race—that is to say, quotas—an unlawful employment practice.

So, Madam President, this amendment will prevent the Federal bureaucrats from ever again terrorizing the small business people in this country with threats and fines and other penalties for not meeting some bureaucrat's vision of a proportionalized and racially correct society.

I suppose that most Senators and those watching these proceedings on C-SPAN may be familiar with the Daniel Lamp Co. episode out in Chicago. Daniel Lamp Co. is a small factory recently visited by the investigators of the Equal Employment Opportunity Commission—EEOC, as it is known around this place—back in March, and it was repeated 2 or 3 weeks ago.

CBS presented through its 60 Minutes program—by the way, 60 Minutes is not particularly known for its conservative balance—60 Minutes blew the cover off of the EEOC's attempt to impose its quota mentality on one defenseless businessman. I happen to have a tape of that broadcast in my office, and if any Senator missed it, missed seeing the absurdity on the face of the bureaucrat who tried to defend this bureaucratic action, I would be glad to show him the tape. It was stupid. Worse than that, it was dictatorial, and patently un-American.

Morley Safer, who did this segment of the 60 Minutes program, said that Daniel Lamp Co., "is guilty of not playing the numbers game."

Madam President, the EEOC found the owner of Daniel Lamp Co. to be a practitioner of racial discrimination, and the EEOC leveled a fine of $148,000 against that tiny company that manufactures lamps in Chicago, IL. What was interesting about the charges was the fact that of the company's 28 employees, the only two that were not black or Hispanic were the owner of Daniel Lamp Co. and the owner's father. The father of the owner, by the way, is a survivor of Auschwitz. There were 18 Hispanics and 8 blacks on the payroll when 60 Minutes and Morley Safer began their investigation. They had it all on television. It was one of the more remarkable pieces of television work that I have seen. I wrote Mr. Safer a note telling him just that.

Specifically, the trouble with Daniel Lamp Co. began when one disgruntled job applicant filed an EEOC racial discrimination complaint against the Daniel Lamp Co. Therefore, what did this bureaucrat do? He raced in on his white horse and demanded the records of the company. The owner, by the way, let me emphasize, hired only minorities—Hispanics and blacks. He was proud of his work force, and he was happy to allow the Federal bureaucrat to inspect the ledger. He thought he might be commended for providing jobs for minorities. How wrong he was. He did not know how the Federal bureaucracy works.

In its investigation, CBS found that the only information the EEOC was using against Daniel Lamp Co. was the agency's computerized quota numbers. The EEOC's computer told the agency that based on the employment statistics of Chicago businesses with over 100 employees—which is a fascinating comparison, since the Daniel Lamp Co. never had more than 30 employees—EEOC contended that the Daniel Lamp Co. had to employ—now get this—8.45 blacks. Not 8, not 9, but 8.45. Exactly how they expected Daniel Lamp Co. to do that, I do not know.

In any case, if that is not a quota, it will do until a quota comes along. It sounded like a quota to Morley Safer, who was as puzzled as to why the agency was disobeying the law, as I am, and as the owner was. Mr. Safer put it this way, "the law says the EEOC can't set quotas." The heck they cannot.

Despite the denials by the EEOC, Mr. Safer concluded that, "It"—meaning EEOC—"did set numbers by telling Mike"—Mike being the owner of this tiny Daniel Lamp Co.—"that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks."

When the Daniel Lamp Co. stood up to the intimidation of the EEOC, oh boy, the agency tightened the noose. You are not supposed to challenge the Federal bureaucracy, do you not see. Not only did the company have to meet the quota and pay the huge fine, but the company was required by the EEOC to spend another $10,000 to advertise in newspapers to tell other job applicants that they may have been discriminated against and to please contact the Daniel Lamp Co. for a potential financial windfall.

How do you like that when it comes to tyranny? See what is going on here. The Daniel Lamp Co. is not one of those Fortune 500 companies, as I said earlier, that can afford a bunch of lawyers and can placate the various special interest groups by hiring according to quotas. The Daniel Lamp Co. is just a small, struggling enterprise which can afford to pay its few employees a scant $4 an hour.

The company, I reiterate for the purpose of emphasis, hired only minorities. But that was not good enough for the quota bureaucrats in Washington, DC. They said the company did not hire enough of the "right" minorities.

This amendment pending at the desk right now will put an end to this disgraceful power play by the quota crowd in the Federal bureaucracy.

The question, Madam President, seems to me to be, do we want a nation where privilege and employment are handed out on the basis of group identity rather than merit? Already police and firemen in our major cities are clashing, happens every day, they are clashing over who can be classified as black or Hispanic to ensure that they receive job preference because of their minority status. Check the newspapers if you doubt what I am saying. Look in papers in Chicago, San Francisco, Boston, other cities. You will find I am correct.

The pending Helms amendment protects the Daniel Lamp companies of this country, the firemen, the policemen, of whatever race, who are out there working hard at their jobs in the belief they will be rewarded for their hard work—not judged on the color of their skin.

This amendment does another thing. It includes an important safeguard which will protect those businesses and institutions whose special needs require personnel qualified for the job on the basis of religion, sex, or national origin. Like the other sections of title VII, this amendment protects the religious schools or institutions which grant preferences in hiring or admission to those of their own religion. It protects those ethnic-based enterprises which require special language skills and familiarity with particular customs. That is just common sense.

Now I know what is going to happen, or I think I know. You are going to hear Senators say, "Oh, you know, this Helms amendment destroys affirmative action and outreach programs." Those statements are what the lawyers call reductio ad absurdum, the absurd, they are not true. Let me knock that strawman down.

If you equate affirmative action with "goals" otherwise known as hiring by the numbers, then the critics may have some validity. The Helms amendment does away with that practice. If you support race conscious programs, if you support race norming tests, you lose this amendment, and Senators who favor that sort of thing ought to vote against the Helms amendment.

If you equate affirmative action with outreach programs, then you have nothing to worry about. Using language supplied by the distinguished Republican leader, Mr. DOLE, company can, may, and will recruit and hire in the inner city, prefer people who are disadvantaged, create literacy programs, recruit in the schools, establish day care programs, and expand its labor pool in the poorest sections of the community. In other words, expansion of the employee pool—which Senator DOLE calls good affirmative action—is provided for in the pending amendment.

Madam President, this country was founded on the philosophy of individual rights, not group entitlement. Former mayor of the city of New York, Ed Koch, recently addressed the issue of numbers-oriented affirmative action. He wrote to me, and I want to read into the RECORD some of his observations.

> As to the already existing social problems caused by preferential affirmative action programs, several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best.
>
> * * * if we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex, or national origin—have the opportunity to achieve their full potential.

Then the former mayor continues.

> We should focus our attention on assisting minorities who have suffered from unequal opportunity. * * * never excluding from programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a band-aid to end discrimination. If anything that is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the workforce are unable to carry their fair share of the load * * * such practices unfairly reflect upon many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not as individuals, but as members of a protected class, not able to compete with others.

So the distinguished former mayor of New York cut right to the heart of the matter.

It makes absolutely no sense that we can tolerate programs that discriminate against the poor Asian from San Francisco, or the poor white from western North Carolina because they do not fall into the class of protected minorities.

I am going to end in just a second, Madam President, but before I do let me comment on an article, a scholarly paper, in fact, that I ran across a few days ago. It was entitled "Equality and the American Creed: Understanding the Affirmative Action Debate." It was written by Seymour Lipset. By the way, this paper was sponsored by the Democratic Leadership Council.

The central thesis of this paper was summed up in this manner:

> Affirmative action policies [hiring or promoting people by the numbers or group identity] challenge the basic American tenet that rights to equal treatment should be guaranteed to individuals, and that remedial preferences should not be given to groups. And given the strength of individualism in the American tradition, it is not surprising that most Americans, including a considerable majority of women and a plurality of blacks, have continued to reject applying emphasis on protected rights to groups.

Then he wound up by saying:

> It is crucial that civil rights leaders, liberals, and Democrats rethink the politics of special preference. The American Left from Jefferson to Humphrey stood for making equality of opportunity a reality.

Obviously, Madam President, those sentiments by Seymour Lipset, writing for the Democratic Leadership Council, are right on the mark. I applaud the Leadership Council for its foresight, and I do hope that its members join even belatedly in the fight to elimate quotas in our society.

And that is why this amendment is pending at the desk at this moment. The Helms amendment puts America back on the course Thomas Jefferson, Hubert Humphrey, and Sam Irvin envisioned. It offers Senators an opportunity to back up their speeches back home where they almost unanimously declare their opposition to quotas. It gives them a chance to come clean and do here what they say they favor doing when they are back home.

I ask unanimous consent that a series of articles from the Washington Times, Human Events, and a transcript of a "60 minutes" broadcast be placed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 10, 1991]

CHAMPION OF LIBERTY

(By Walter Williams)

We should pay close attention to the Senate confirmation hearings on Judge Clarence Thomas' appointment to the U.S. Supreme Court. During what will probably be an inquisition, Judge Thomas will face questions about his position on affirmative action. But we shouldn't fall for our immoral senators' attempts to denigrate this very forthright and principled man in their efforts to appear holier than thou.

During the early part of the civil rights movement, affirmative action meant that firms, colleges and government agencies would take extraordinary efforts to seek out blacks and other minorities who, due to the ugly discrimination of the past, were outside traditional recruitment channels. In part, this meant advertising for positions in black newspapers, offering remedial assistance to youngsters with bright prospects but not quite up to standards, encouraging minorities to apply for opportunities previously unavailable, and combating acts of individual discrimination.

Judge Thomas benefited from this moral and proper version of affirmative action like so many other black Americans. Judge Thomas, like the majority of Americans, agrees with this version of affirmative action.

Today, affirmative action means something entirely different. It means the U.S. Labor Department policy of reporting false test scores to employers in the name of "race-norming." It means that New York City requires whites to achieve a test score higher than blacks to get promoted to police sergeant. Colleges are encouraged to give race-based scholarships. In sum, affirmative action today means racial quota policy.

Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex or national origin?"

Though arrived at through different routes, Judge Thomas and I believe in the principles of natural law. Natural law simply means that people are endowed with certain God-given, which our Declaration of Independence calls unalienable, rights to life, liberty and property. These rights, expressed by John Locke in his "Second Treatise of Government," which dominated the thinking of our Founding Fathers, are not granted by government.

Government's job is to protect these rights from private and public encroachment. But you don't have to read John Locke to arrive at the fundamental principles of natural law. Two of the Ten Commandments warn "Thou shall not covet" and "Thou shall not steal." If anything is going to get Judge Thomas in trouble with the U.S. Senate, it will be his belief in principles expressed in our Declaration of Independence.

Our U.S. Congress has utter contempt for principles of natural law. Unlike men like Jefferson, Madison and Mason, our congressmen believe that it is a legitimate function of government to forcibly confiscate property of one American to give another to whom it does not belong. They believe that government should grant one American a special privilege denied to another American. Congress will never own up to this betrayal of human rights, but its actions speak louder than words.

Judge Thomas' appointment is an important watershed for black Americans, but more importantly for the future of our country. He is a truly compassionate person because his brain controls his heart rather than vice versa. Judge Thomas is a true friend of liberty and an enemy of state-granted privileges.

[From the Washington Times, Sept. 11, 1991]

COALITION THAT ASKS TOO MUCH?

(By John McClaughry)

It was the spring of 1964, and Congress was struggling to adopt the landmark Civil Rights Act of that year. As a young staff member for a Republican congressman, I was one of an ad hoc staff group that met periodically to exchange information on civil rights strategy and new developments.

At one meeting we asked the late Clarence Mitchell, the chief lobbyist for the National Association for the Advancement of Colored People, to brief us on developments. Before a group of maybe 30 staff members, Mr. Mitchell was asked about an amendment proposed by the late Sen. John Tower, Texas Republican. The amendment would have prohibited discrimination on the basis of race by any NLRB-certified labor union.

Most of the staff members present felt that merely requiring employers to end discrimination in hiring and promotions was not enough. Unless discrimination by lily-white unions was attacked, black workers seeking work in unionized workplaces would never be able to achieve equal employment opportunity.

Thus many of us were shocked at Mr. Mitchell's reply. "We oppose the Tower amendment," he said, in a tone that could only be called sneering. "We know who our friends are." In this way, I was introduced to the hypocritical world of civil rights coalition politics.

The NAACP's scornful rejection of the nomination of Judge Clarence Thomas to the Supreme Court is only the latest manifestation of a political alliance—some would say an unholy one—that dates back almost 30 years. The participants are the leaders of a wide range of liberal organizations: minority groups, labor, teachers, liberal women's and pro-abortion groups (notably the National Organization for Women), so-called civil liberties groups, the more liberal farm groups. Ralph Nader's collection of self-styled "public interest research groups," leading environmental groups, legal aid organizations, the national offices of several major churches, and, recently, homosexual rights groups.

The most glaring deal this coalition ever concocted was the deal between the NAACP and Big Labor, characterized by Clarence Mitchell's summary rejection of the Tower amendment. The unions did not want to be hauled into court by the federal government for maintaining long-established practices inimical to equal opportunity for non-white minorities. In return for opposing Republican amendments to outflow union discrimination, blacks got union support for more welfare benefits, which often made it economically advantageous for poor minorities to stay out of the labor force instead of seeking work and driving the wage rate downward for established (read: white) workers.

With the NAACP's strident opposition to the confirmation of Judge Thomas, the leading black organization of the liberal coalition is once again keeping its end of the bargain. It opposes the confirmation of a truly exemplary—but not politically correct—black judge on the Supreme Court, knowing full well that Judge Thomas is the only black that President Bush will ever nominate for that position. And what will the NAACP get for blacks in return, from the pro-abortion women and others terrified that a growing conservative majority on the court will start overturning judge-made laws, thereby forcing Congress to do its own dirty work with roll call votes?

They will get coalition support for more welfare and more food stamps and more "plantation style" public housing and stricter laws forcing businesses to "hire by the numbers" instead of by individual merit.

Is this what the majority of the NAACP's members really want, and wants so badly that it will oppose a highly qualified black judge to succeed Thurgood Marshall on the Supreme Court? Maybe so. But the NAACP's rejection of Judge Thomas will give a lot of intelligent blacks a lot to think about in the years ahead. The coalition the NAACP has so long embraced may well be demanding too much, and delivering too little.

[From the Washington Times, June 19, 1991]

RACIAL ARITHMETIC, CALIFORNIA STYLE

(By John Leo)

A good many Washington commentators are convinced that the quota debate is "Willie Horton II," i.e., a basically irrelevant nonstarter that is nevertheless useful for distracting and inflaming impressionable voters. This seems to be yet another curious case of that familiar Washington eye ailment known as inside-the-beltway myopia. In America, the large country just outside the Capital Beltway, quotas are a live issue indeed. Even if the Republicans should somehow manage to exorcise the spirit of Lee Atwater and shed all cynicism and manipulation by noon tomorrow, quotas would still be a major issue in the 1992 elections.

On my desk is a minor example of the growing quota mentality, a report to the U.S. Forest Service from its Task Force on Work Force Diversity. Twenty years ago, a report like this would simply have said, in effect, it isn't right for the service to be almost all white and male; let's open it up. But this report, infected by current notions of multiculturalism (there are many cultures or tribes that have to be appeased as groups), says that by 1995, the service "must have percentage in recognized groups equal to the percentages in the Civilian Labor Force in 1990." Quota time. Though momentarily stumped on what would be a proper quota for the disabled, the report says, "We think the appropriate number will be about 5.9 percent." Yeah, that's about right.

The Forest Service says that this report, a wellspring of odd but doctrinally correct multiculturalism, has been accepted "in spirit." This probably means that the leadership, being basically sane, will try to bury it if it can and just try to hire people from both sexes and all races. But here is the problem: To buy some peace, administrators often tell the multiculture believers to go off and make a report. When the report arrives, all thunder and lightning, it sometimes takes on a scary life of its own, raising so much fuss that administrators are tempted to buy peace once again by adopting it, even if it involves quotas, or as in the case of schools, ceding control of the curriculum to various pressure groups. In the worst-case scenario, this report enters and then polarizes partisan politics, with the Democrats trapped by angry constituents into defending assorted zaniness and quotas, thus putting the future of the party at risk.

This is roughly the dynamics at work in California, where the most serious quota drama is currently being played out. In brief (and I am not making this up), the Democratic majority in the state legislature is attempting to establish, by law, that California state universities and colleges will grant degrees to ethnic and racial groups in direct proportion to their share of the state's high-school graduates. This astonishing plan, pushed by Assembly Speaker Willie Brown and ex-Fonda husband Tom Hayden, is an explicit rejection of what used to be called civil rights and affirmative action (openness, giving everyone an equal chance, removing obstacles to individual freedom and advancement).

We are way beyond that. Now we are in the arena of group entitlements, bringing the colleges under political control and dividing up university degrees and jobs as part of a spoils system run from Sacramento. Since the Democrats vote as a bloc on this, only the good fortune of a last-minute veto by a retiring Republican governor saved California from this quota plan last year, just as the likelihood of another veto by the current Republican governor, Pete Wilson, will save the state this year or next.

To its great credit, California has been deeply concerned for two decades with the low rate of college graduation among some minorities. The disheartening news is that graduation rates for Hispanics and blacks are still very low. With frustration over this rising, the ideal of getting as many blacks and Hispanics as possible ready for college changed to the ideal of proportional representation in freshman admissions, then to the ideal of graduating roughly equal numbers of each group and finally to Willie Brown's favorite kind of ideal, one with legislative teeth.

The quota provision is in Willie Brown's bill, No. 2150, which has been temporarily shelved because of the budget crisis. Perhaps wisely, the bill is spreaded in a fog of euphemisms. Proportional representation in admissions and graduation is "educational equity," described as a central priority that California universities "shall strive to approximate, by 2000." If that sounds like the soothing language of goals, not quotas, don't be lulled: The "shall strive" is backed by tough provisions of reports, impact statements and the reminder that "governing boards shall hold faculty and administrators accountable" for all this legislated equity (i.e., their jobs are on the line). Since the bill neglects to provide funding for remedial help that unprepared minority students really need, I assume that if the bill passes, the universities would quickly capitulate and grant as many worthless political degrees as the legislature wants. Even now, voices are being raised around the system that every student has a "right" to graduate and that a "privileged elite" (administrators and faculty) is arbitrarily withholding a desirable good (automatic diplomas) from "under-represented minorities." This is the language of pork-barrel politics, not education, and that is what the Brown bill is all about.

[From the Washington Times, June 11, 1991]

THE ANTI-QUOTA QUOTA BILL

(By Paul Greenberg)

When it came time to consider civil rights this year, the U.S. House of Representatives obviously couldn't decide whether to pass a quota or an anti-quota bill. So it did both.

The resulting bill is a mystifying monstrosity even by the usual warped congressional standards. One section of the bill declares job quotas unlawful; another encourages them. One section says employers may not set aside jobs for certain groups; but if they don't, and their work force turns up short of these groups (a "disparate impact"), they'd better have a good reason ("business necessity") or they face stiff penalties. Who wrote this bill—Casey Stengel as edited by Yogi Berra?

This bill, whose significance is cloudy and whose provisions are anything but manifest, requires businesses accused of wrongful discrimination to prove that their requirements for a job have some "significant" and "manifest" relationship to the work involved. Washington remains a feast for connoisseurs of irony. The surest sign of a bad bill, like the surest sign of a bad idea, is bad language. If a bill can't make its intentions clear, the odds are they aren't.

One opponent of this bill—Rep. John A. Boehner, Ohio Republican—went too far when he said this "is not a civil rights bill. It is a quota bill, plain and simple." If only it were, it might not be nearly so mischievous. At least employers and workers would then understand precisely what arbitrary injustices and constitutional affronts were being decreed by Washington. Alas, there is nothing plain and simple about this bill. It is neither a quota nor an anti-quota bill; it is a charter for confusion and an invitation to strike out into the verbal fog and sue.

The upshot: Under this bill, businessmen could find themselves sued simultaneously by (a) white males who claim they're the victims of unfair quotas that lock them out of employment or promotion, and by (b) litigants of another color or sex who claim they're not fairly represented in the company's work force. Maybe both could combine their grievances in a class-action suit. Perhaps they could be joined by workers already on the payroll who feel they've been denied advancement because they are too (a) white, (b) black, (c) Hispanic, (d) male or female, (e) something else, (f) all of the above or any combination thereof, or (g) one from List A and two from List B.

The only interests clearly protected, nurtured and encouraged by this bill are those of trial lawyers. That's always the way with murky legislation designed to be passed, rather than to be clear. Lazy legislators have left the meaning of this bill, if any, up to legions of lawyers and layers of courts. Should the courts read some strange meaning into all this strange language, the same legislators will describe themselves as shocked—shocked!—to discover that there was anything like that in this legislation, and proceed to correct the court's interpretation by passing another and even murkier bill next year.

How to remedy this pattern, other than by repeated presidential vetoes that divide the country and reduce Americans to questioning one another's motives?

One way would be to make such laws apply to Congress. Now members of Congress tend to exempt themselves from civil rights bills—convincing evidence of how much real confidence they have in thier own botched handiwork. They're not about to accept the burden of proof when their own staffs reveal a "disparate impact" that must be justified by "significant" and "manifest" job requirements. Maybe if congressmen had to live with their work, it might get better.

Another improvement would be to allow any business, faculty, union or other outfit that hires and fires to do so strictly by merit so long as its work force did not exceed the racial, sexual or ethnic imbalance demonstrated by teams in the National Basketball Association. That would be a sign that Americans were taking merit, competitiveness, and performance in the workplace as seriously as we take the same qualities in professional sports—which would be a gigantic step up.

This latest "civil rights" bill, with its capacity for collecting civil wrongs for every conceivable kind of American, is but one more sign of a sad fad—the culture of victimization. Its motto: Whatever happens, it's not our fault. It's only because we belong to a victimized race, class, religious, ethnic group or some other subspecies of citizen that we're not uniformly successful and ecstatically happy all the time. And the way to bring about that happy state is to include more and more Americans in the category of victim, which now includes white Anglo-Saxon Protestant male—by grace of the U.S. House of Representatives.

The definition of equality in this country has come to mean giving every American a separate grievance, his own lawyer, and civil-rights law sufficiently vague to justify almost any result, however bizarre. That's how wacky bills like this get past the House of Representatives with the support of lawmakers like Democratic Reps. Beryl Anthony Jr., Ray Thornton, and Bill Alexander. (The only vote against it from Arkansas was cast by GOP Rep. John Paul Hammerschmidt.)

As for actual injustices that may exist in hiring—like racism and other evils is—they are almost lost in the expensive legal folderol and the rush of grievance collectors heading for the courts. The distinction between justice and mischief is soon lost. It happens every time some hopelessly vague and contradictory theory of group entitlement replaces the idea of individual rights—and responsibilities. That is what has just happened in the U.S. House of Representatives.

[From the Washington Times, June 5, 1991]

TITLE VII UPENDED

(By Terry Eastland)

This week's legislative struggle over employment discrimination actually began in 1964 when Congress deliberated over the proposals enacted as Title VII of the Civil Rights Act.

Opponents worried that the anti-job bias legislation might lead to . . . quotas. So a new provision was added: Nothing in Title VII "shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group" on account of racial balance in the workplace.

Did that prevent preferential treatment, i.e., quotas? No. Title VII proscribed intentional discrimination only. But the newly created Equal Employment Opportunity Commission had other ideas. In guidelines purporting to interpret Title VII, the agency defined discrimination in statistical terms. Thus employment practices having a disparate impact upon minorities—including job testing—were suspect; these practices had to be validated or else modified or eliminated. Disparate impact was the seed that soon would produce quotas galore.

The EEOC knew that its own theory of discrimination was at odds with Title VII. In the agency's "Administrative History" for 1969, one discovers that the EEOC thought Congress would have to change Title VII to suit the new regulations, or else the EEOC would have to change the regulations to fit the original law.

Neither had to happen. In 1971, the Supreme Court in Griggs vs. Duke Power Co. ruled that under Title VII practices having a disparate impact upon minorities now had to be justified by "business necessity," a term found nowhere in Title VII or prior court opinions. Thanks to Griggs, few employers whose numbers were not "right" could avoid attack under the disparate impact version of Title VII. Because it proved easier to hire by the numbers than face costly litigation, employers discreetly resorted to the very practices the law originally proscribed.

The court in Griggs justified its interpretation of Title VII by citing the EEOC guidelines—they expressed "the will of Congress," said the credulous justices. The mating of the EEOC and the court to invert the will of the people was the modern administrative state at work. Although there were congressional efforts to rein in the EEOC, they failed Government by bureaucracy and judiciary, supported by the civil rights lobby, proved strong, even during Ronald Reagon's anti-quota presidency.

Arguably, the best hope for altering judicial government lies in the court itself, and in the Wards Cove case of 1989 the court reformed disparate impact theory by lessening its pro-quota force. This is what the Democrats who now swear so loudly against quotas in fact object to. They have an almost obsessive desire to recover the law of disparate impact written by the EEOC, approved in Griggs, and further expanded by lower courts. They want the industrial-strength version of Griggs.

Democrats were first to propose overturning Wards Cove. The Bush administration initially accepted Wards Cove, only to change course when it seemed politically useful. The limits to administrative pragmatism, however, are themselves pragmatic, related to the public's hostility to quotas. Hence the president's vow last year to sign a civil rights bill but not a quota bill, even though his own bill, while refusing to go as far as the Democrats' in rehabilitating and strengthening the law of disparate impact, is a quota bill. Any legislation that accepts the basic framework of Griggs will foster preferential treatment.

Democrats obviously cannot charge Mr. Bush with hypocrisy without admitting the truth of their own project. Instead, they want to out-Bush Mr. Bush in bashing quotas, and they want to abolish "race-norming"—"adjusting" the employment test scores of certain minorities so that they rank ahead of better scoring whites—because they know that otherwise they are vulnerable to pro-quota charges. Of course, they also propose to get rid of most tests. An arm is broken, so kill the patient. Democrats thus propose to overturn Title VII's original insistence that an employer may use "any professionally developed ability test" so long as it is "not designed, intended or used to discriminate."

The political truth today is what it has been since 1964, namely that it is very hard to make pro-quota statutory law, precisely because quotas have little public support. It is far easier to make pro-quota law through agency and judicial rulings, so long, of course, as the executive branch and the Supreme Court are in your possession. At the moment, it is the politically dangerous lot of the Democratic Party to be reduced to advancing the cause of preferential treatment in the one forum closest and most visible to the American people. They are doing so through deception, because that is the only way they might succeed.

And if they do succeed, note well, it will not be just a 1989 Supreme Court decision that will be overturned, but the original Title VII itself. Democrats have made a complete turn from the historic days of 1964, when they were the party of high principle, of colorblind equal opportunity.

(Terry Eastland is a resident fellow at the Ethics and Public Policy Center and co-author of "Counting by Race: Equality from the Founding Fathers to Bakke and Weber.")

[From the Washington Times, May 24, 1991]

THE GOALS LINE * * * CODIFIED

(By William Murchison)

When is a quota not a quota?

When it's a hiring goal, silly. Or an objective. A hope. A dream. Or when it's part of any linguistic smoke screen masking the machinations of the civil rights establishment.

Congress and the White House have been hung up all year over a civil rights bill intended to bypass several Supreme Court decisions that restrict in minor ways the operation of the quota system. President Bush vetoed the bill last year, objecting that it would necessitate racial and sexual quotas in hiring. This was because the bill required work forces to reflect community demographic makeup. How could this be achieved without strict quotas?

Backers of the bill naturally are horrified at the imputation that they—they!—have job quotas in mind. They point to language specifying that the act shouldn't "be construed to require or encourage" quotas. House Democrats, to get the bill through, say they'll toughen the language.

Oh! That's a good story! Tell me another, please, Mommy.

In the real world—the world on the other side of the microphones—you can't write language explicit enough to outlaw schemes for racial balance. Experience supports this view.

Return with us now to those thrilling days of yesteryear—1964—when Congress passed the Civil Rights Act, a sledgehammer blow at racial discrimination.

The bill wasn't supposed to require racial balance. In "Disaster by Decree: The Supreme Court Decisions on Race and the Schools," University of Texas law professor Lino A. Graglia writes: "Every title of the [civil rights] act, indeed, was defended by its proponents, with what proved to be irresistible force, on the ground that it did no more than prohibit racial discrimination. The possibility that a requirement of racial discrimination to achieve integration or racial balance might somehow result from the act was the strongest argument of its opponents and was repeatedly and emphatically denied by its proponents."

Sen. Hubert Humphrey, liberal of the liberals, declared that two amendments to the bill had ruled out "the busing of children." Sen. Robert W. Byrd of West Virginia rose to his feet. Could his distinguished friend, the senator from Minnesota, assure him that "schoolchildren may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools"? His distinguished friend was happy to relieve the senator's anxiety. No, the bill wouldn't require racial balance.

All this notwithstanding, Mr. Graglia notes, a racial balance requirement in school attendance "was soon imposed by the Office of Education and upheld by the courts." The big yellow school buses started rolling.

We should excuse the leeriness of the White House—speaking for the majority of Americans, if polls are an indication—concerning hiring "goals." Once bitten, twice shy, is folk wisdom of the highest order.

"Goals," whatever Congress may have intended, have over the past 20 years solidified into quotas. Today we discriminate in order to fight discrimination. White applicants, especially white males, passed over for promotion or hiring can't see the fairness in blatant acts of unfairness. More and more take their objections to court. None of this exactly reinforce racial bonhomie.

What use, playing around with the language of this mischievous piece of legislation? No new civil rights bill is a better idea than a civil rights bill that merely fuels existing tensions.

Government imposed quotas—or quotas imposed in order to stay out of trouble with government—are intolerable and unfair: not least to the employee unlucky enough to get tagged the affirmative action hiree.

The guardians of enlightened opinion went bananas last year when Sen. Jesse Helms. North Carolina Republican, running against a black Democrat, ran anti-quota ads on television. The ads were said to embody the new racism or something.

Mr. Helms, in truth, spoke for a silent majority sick of hearing that to do a good thing we must do a bad thing. Federal judges, bureaucrats and civil rights lobbyists may think thus. Much larger numbers know we don't operate that way in America—or at least we didn't used to.

[From the Washington Times, May 24, 1991]

RACIAL ID CARDS

(By Paul Craig Roberts)

Soon every American may have to carry a racial ID card for use when taking an employment test, applying for a job, admission to university or a federal loan or contract. That would be the result of the 1991 Civil Rights Act, whether it is the White House's version, the Congress or a compromise between the two.

The various versions of the bill are fraudulently advertised as antijob-discrimination bills. If that is what they were, the bills would be redundant, because discrimination based on an "individual's race, color, religion, sex or national origin" has been illegal since the Civil Rights Act of 1964.

The problem with the 1964 Civil Rights Act is that it gives equal protection to everyone—even white males. This puts the law out of step with the affirmative action quota spoils system.

Today whites routinely suffer reverse discrimination in employment, promotion, university admissions where they must meet substanially higher standards, and even in employment testing where scores are "race normed" in order to enhance favored minorities' chances of getting jobs. This discrimination suffered by whites is illegal under the 1964 Civil Rights Act.

Whites have lost equal protection of the law, because federal bureaucrats and judges decided to jumpstart minority integration by implementing a policy of minority racial preferences. Mere color blindness in keeping with the 1964 Act, they thought, would allow economic and occupation differences among races to continue for more generations while blacks worked their way up educational and career ladders.

Many of the federal officials who favored quotas also assumed ill will toward minorities by whites. They argued that the federal government could not prove an employer or university was discriminating against blacks except on the basis of black representation in the work force and student body. Thus, the test of racial discrimination became whether blacks comprised the same percentage of the work force and student body as they do of the general population.

For example, if statistical balance requires blacks to have 50 slots and they only have 40, it is considered proof that the employer is discriminating. No one ever explained why a prejudiced employer would hire 40 blacks but not 50.

To push more blacks along than were ready required additional discrimination against whites. Since the 1964 Act permits employment testing and since we have a merit based educational system, employment tests were "race normed" to elevate black scores, and university admission standards were lowered for blacks. In addition, blacks are provided special financial incentives denied to whites.

With whites on a merit system and blacks on a quota system, antagonisms naturally arose, and officials, sensitive to black pride, permitted blacks to segregate themsevles into their own student organizations, thus defeating the purpose of integration that affirmative action was supposed to achieve. Everyone nows that all-white fraternities are taboo, but all-black fraternities are permitted, making the civil rights double-standard even more glaring.

Twenty-seven years of racial privileges have produced a gap between the 1964 law and reality that is too pronounced to continue. In 1989, the Supreme Court showed its unease when it ruled that statistical imbalance alone could no longer be considered proof of racial discrimination. Moreover, liberals who had implemented "temporary" quotas became alarmed at their permanence Former Secretary of Health and Human Services Joseph Califano spoke out that preferential treatment for blacks "was never conceived as a permanent program and its time is running out."

However, after 27 years, many blacks regard racial quotas as an entitlement like Social Security, and it is not easy all of a sudden to begin enforcing the 1964 Civil Rights Act. In 1990, Sen. Ted Kennedy introduced a new civil rights bill that would in effect overturn the 1964 bill by legalizing the present discrimination against whites. In 1991, Rep. Jack Brooks, Texas Democrat, reintroduced the Kennedy bill, and the Bush administration has its own version.

If any of these bills become law, racial privileges in testing, employment, promotion and university admission will be codified in the law. Since these privileges would be economically valuable, everyone's racial status would have to be legally defined to prevent those not entitled to the privileges from claiming them. Already policemen in New York and firemen in Boston and San Francisco are disputing who is black and who is Hispanic. If the Civil Rights Act of 1991 becomes law, we will end up with our own Nuremberg Laws under which a person's racial status will determine his legal standing.

[From the Washington Times, June 5, 1991]

TERMS REDEFINED

(By Patrick Buchanan)

"Can civil rights be legislated?" was how "Good Morning America" host Charlie Gibson put the question to me—and to Jesse Jackson.

Well, as Socrates used to say, First, define your terms.

What do we mean by civil rights? If we mean federal laws to prohibit racial discrimination in hiring and promotion, in assigning children to public schools, in public accommodations, the answer is yes. That civil rights revolution is over: It won.

And it won ultimately because it appealed to the conscience of the country, to beliefs about how we ought to treat one another.

In the '40s, '50s and early '60s, the term civil rights brought to mind the picture of a small black girl being led through a crowd of abusive whites to a public school. Of black youths sitting at a lunch counter having ketchup dumped on their heads as they tried to buy a sandwich. Of Jackie Robinson being given a chance to prove his ability. Of Rosa Parks refusing to give up her seat on a bus. The movement had about it magnanimity, dignity, nobility.

Today, civil rights has come to mean something different.

It has come to mean an "affirmative action" program at Georgetown Law School, where blacks are admitted with average test scores far below the lowest score of any white student.

It has come to mean white cops being denied a lifelong dream of becoming a sergeant or detective, because some court has ordered the next 10 open slots be set aside for blacks and Hispanics.

It has come to mean busing white children across town to meet some judge's notion of an acceptable racial balance.

It has come to mean young men born in El Salvador or Mexico getting preferential treatment at the state college over Polish and Italian kids whose fathers fought in Vietnam.

It has come to mean brazen boodling by politicians who suddenly turn up owning radio and TV stations worth millions—for an investment of a few thousand bucks.

A quarter century ago, we were able to see the faces of the victims of discrimination; now we see the faces of the victims of reverse discrimination.

To Jesse Jackson, black Americans, at 12 percent of the population, are doing fine in athletics, the armed forces and the popular culture. But blacks do not yet have 12 percent of the posts at our most prestigious law firms, corporations and universities. Hence, they are being cheated of what is theirs by right; and only bigotry explains the disparity.

Had it not been for white injustice, Mr. Jackson will tell you, black folks would already have a proportional share of the income, wealth and prestigious posts in American life. Therefore, justice requires affirmative action, reparations for past discrimination until blacks reach parity.

Sounds plausible. But what is wrong with Mr. Jackson's vision is that it is profoundly, deeply, un-American. It collides directly with the older vision where every citizen was free to pursue his dream, but no man was guaranteed more than what he earned or produced. When the Irish got off the boat, they were not immediately entitled to a share of the Brahmin's bank. Nowhere in the founding documents is there anything about ethnic or racial entitlements.

Indeed, the only way to redistribute the nation's wealth, income, property, power and prestige proportionately is to remake America. To give each group a "fair share" of the nation's wealth would require a government with the power to take away everything from those who have—to give to those who have not. Perfect equality would require absolute tyranny.

Upon the altar of that tyranny would have to be sacrificed all those things that make America unique: property rights, freedom of association, the idea of excellence, the American dream.

White Americans are not some monolith. They are of English and Irish descent, German and Jewish, Polish and Scottish, Italian and French. Are "overrepresented" Irish on the police forces of our major cities to be held back to make room for blacks? Are Asian Americans who outperform on math tests to give up their slots at Cal Tech and the Massachusetts Institute of Technology? Are Jewish professors and journalists to give up their positions to black teachers and writers?

Perhaps if the senators pushing such remedies would only, 12 of them, march into the well, resign, and ask their governors to appoint black legislators in their place, one might respect them more. But, as always, it is others who must sacrifice for their noble vision and their high ideals.

The new civil rights law has failed to attract the support of Americans because it is not about equal rights as most Americans understand the term. It is about stacking the deck in civil suits where black plaintiffs and lawyers confront white businessmen.

What the Supreme Court ruled in 1989 is that, if you charge a businessman with bigoted standards of hiring, the burden is on you to prove his guilt, not on him to prove his innocence. Is that not the American way, the constitutional tradition?

The Democrats seek to tilt the case against the businessman, to create a situation where he faces loss of income, ruin of reputation, and a stacked deck in court—so that he will cave in rather than fight.

This bill is yet another act of pandering to the militant minorities in the Democratic coalition, and it is because Democrats cannot say no that voters are saying no to them.

[From the Washington Times, Apr. 18, 1991]

WHATEVER HAPPENED TO CIVIL RIGHTS?

(By Paul Greenberg)

Viewers who saw the televised version of Brown vs. Board of Education, with Sidney Poitier as the young Thurgood Marshall and Burt Lancaster as the distinguished defender of a brittle old order, may have wondered about something: Whatever happened to civil rights?

Once upon a time, civil rights meant something clear and sharp—like justice. The cause sent people into the streets, the courtroom, the voting booth—black and white together, marching against something that was so clearly wrong it could not stand. Slowly it dawned: It was not the agitation over civil rights that had divided the American people but the cause of that agitation—racial segregation. It had set race against race, North against South, those who believed in the Constitution and the rule of law against those who still clung to a racial standard. A new national consensus formed in law and, more important, in the American mind: Jim Crow had to go. It was unjust. It was irrational. Most of all, it was un-American.

The unanimous ruling of the Supreme Court in 1954, politically astute and constitutionally necessary as it was, didn't so much inspire such feelings as confirm them. And the rest, however unsettling, was history. How could it have been otherwise?

Well, it could have been. Suppose Brown vs. Board of Education had not been argued as a matter of justice, of constitutional principle and undeniable common sense, but instead had been fought over technical issues. Its moral grandeur would have been reduced to another quarrelsome little contest between high-paid lawyers. Suppose in other words, that the issues had been those now raised by the proposed Civil Rights Act of 1991:

Do employment tests have a disparate impact on different races or ethnic groups or the sexes and, if so, does that mean the tests are sufficient proof of unlawful discrimination? Should the burden of proof fall on plaintiff or defendant? Should damages be only compensatory or punitive? And if punitive, should they be limited to $150,000? Should legal fees remain unlimited? Should claims be settled by private arbitration or federal commissions? What is the difference between a quota and a numerical goal? Might a bill that formally outlaws quotas informally encourage employers to adopt them rather than risk being judged guilty of invidious discrimination? What is the proper proportion of racial and ethnic groups in a company's labor force—should it be determined by the complexion of the community in general, the skilled labor pool, the national population or all of the above? Should an employer have to prove that his tests and other "employment practices" bear a "significant relationship to successful performance" in order to escape damages? And so eternally pettifoggingly on.

Can you imagine basing great law or a great cause on the outcome of such a debate? Think of trying to fit all these points into the sweeping appeal of a Rev. Dr. Martin Luther King Jr. at the Lincoln Memorial, let alone on a picket sign. Are these reasons for young people to march and old folks to undergo a crisis of conscience?

These are are not issues that rally a great people; they're the stuff of special-interest politics and legal maneuvers. This is not the core of a great movement; it is the detritus of a moral cause that has become one more lobby. Now civil rights can be found somewhere on the national agenda between airline deregulation and farm subsidies.

Whether Americans come down on one side or the other of a civil rights bill is no longer a moral test; it is more of a legal and economic preference. There is no longer a national consensus on civil rights because there is nothing great, decisive and historic here to have a consensus on. Civil rights has become—dare I say it?—a bore. It has become a contest between ethnic groups and economic interests, not over the rights of the individual. And when that happens, it isn't very interesting or very American.

To quote Cornel West of the African-American Studies Program at Princeton: "The power of the civil rights movement under Martin Luther King was its universalism. Now, instead of the civil rights movement being viewed as a moral crusade for freedom, it's become an expression for a particular interest group. Once you lose that high moral ground, all you have is a power struggle, and that has never been a persuasive means for the weaker to deal with the stronger."

The stultified leadership of what's left of the civil rights movement insists on replaying the themes of the 1960s in the 1990s. But that old battle was fought and won; the times they have changed. Words that were once stirring and relevant are now reduced to empty ritual. Meanwhile, dangers that cut across racial lines go neglected: the deterioration of the family, the absence of community, unequal education, the emphasis on group entitlements rather than civil rights . . . even as the annual posturing over civil rights begins.

(Paul Greenberg is editorial page editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist.)

[From Human Events, Apr. 6, 1991]

"60 MINUTES" STUNS CIVIL RIGHTS SUPPORTERS

The Democrats are not only back with their so-called "civil rights" bill that President Bush successfully vetoed last year because it would force businesses to hire and promote workers based on quotas, but they've actually added new provisions that would make the bill even more onerous and intrusive to employers.

Thus, in the name of broadening the bill's appeal to women, the House Education and Labor Committee, chaired by liberal Michigan Democrat William D. Ford, has added another feature that is every bit as abhorrent to conservatives as quotas: "pay equity" or "comparable worth."

Under this dangerous concept, the government, rather than the free market, would determine that a job heavily dominated by women—say, working in a sewing factory—should be compensated at the same rate as some other job largely held by men, such as working in a steel mill.

As reported by the Education and Labor panel, the bill would require the Department of Labor to establish a program to put out information about wage disparities based on sex and race and to provide technical assistance to employers to eliminate those disparities. While this may sound like a voluntary program, it is but a short step, once government studies conclude that certain jobs are underpaid, for regulators to use this as evidence that employers are discriminating—whether intentionally or not doesn't matter—and impose harsh penalties.

Supporters such as Sen. Ted Kennedy (D.-Mass.) deny that the Democratic measure would lead to quotas and pooh-pooh the concerns of opponents as little more than a cover for bigotry. Yet even under existing law—which people like Kennedy say isn't sweeping enough—federal bureaucrats are already enforcing what many consider to be a de facto quota system and inflicting harsh punishments on those employers who fail to comply with the system's rigorous requirements.

Why many believe the civil rights laws even as presently enforced to be excessively burdensome for businessmen—let alone enforced in the much more stringent way that the Democrats are now pushing—was dramatically illustrated by CBS's March 24 "60 Minutes" program in its segment on the plight of Mike Welbel, owner of a small Chicago lamp factory.

Though a spokesman for the Equal Employment Opportunity Commission disputes CBS's coverage of the Welbel case, it is clear that CBS—not known for its liberal bias—proved to its own satisfaction that Welbel is the victim of a quota mentality and that the penalties inflicted on him are highly unreasonable. (And even many Democrats are conceding that the "60 Minutes" program has undermined the civil rights drive in the Congress.)

Welbel, noted correspondent Morley Safer, is a former traveling salesman who decided nine years ago to start his own business; so he borrowed $3,000 on his Chevy station wagon and started the Daniel Lamp Co., which he named after his son. "The business didn't exactly prosper," said Safer, "but Mike Welbel was doing okay until last July when the federal government told Mike '$148,000, please, and we want it now.'"

The program then cut to Welbel, who described his reaction. "I froze. I froze in my chair," he said. "I—I—I was—I—I got—I I started feeling my chest bouncing around. I don't—I don't think it was a heart attack, but I'll tell you something. It was the next thing to it. I just was frozen with shock."

"What caused that shock," Safer told his nationwide audience, "was the EEOC, the Equal Employment Opportunity Commission. It found Mike guilty of racial discrimination." Which made no sense, said Safer, since the only two employees of the whole company who weren't either black or Hispanic were Mike and his father, who was a survivor of Auschwitz.

"As for the rest of the company," Safer continued, "Welbel hires only minorities. Eighteen Hispanics and eight blacks now work there."

So what prompted the EEOC to single out Welbel's company? As detailed by Safer, "Mike's troubles began in February 1989 when a black woman named Lucille Johnson who'd applied for a job was not hired. She filed a complaint with the Chicago office of the EEOC. She claimed she didn't get the job because she was black."

Asked if he remembered Johnson, Welbel told Safer: "No, as a matter of fact, I've never met her, nor do I know who she is. I know her only from the paperwork that's involved."

Asked why Johnson wasn't hired, Welbel responded: "Well, we don't know on that particular day why she wasn't hired. When one is not hired it's because they don't qualify for the job or we don't have an opening or somebody else was better qualified for the job. So one of those reasons, that's the reason she didn't get hired."

"60 Minutes" found that Welbel's company, located in a poor, predominantly Hispanic section on the southwest side of Chicago, hires unskilled labor at a starting salary of only $4 an hour.

In good times he has had as many as 30 workers, but when business slackens, the work-force dwindles to as few as 12. With the low wages and the lack of job security, turnover is high. Under the circumstances, it is hardly surprising that Welbel wouldn't remember everyone who might have applied for a job.

At any rate, it wasn't long before a pair of investigators from the EEOC showed up at the Daniel Lamp Co. to check out Johnson's complaint, demanding access to Welbel's records. Welbel, who hired only minorities, invited the investigators to help themselves.

"And to be perfectly frank," the factory owner was shown telling Safer, "it was a very cordial relationship while they were investigating us. I certainly felt I had nothing to hide. You know, we've got all minority, a combination of black and Hispanic. Frankly, I took the matter very lightly."

CBS interviewed several of Welbel's employees, each of whom was either black or Hispanic, and they all said they were happy there and had never seen any hint of racial discrimination. A black woman named Zina, who drives the delivery truck and also assembles lamps, told Safer:

"I got the job right off the—you know, right off the top."

She added: "I know discrimination when I see it and would tell them [the government], believe me."

Another employee, a woman of Hispanic background, told Safer:

"I've been with the company for eight years and I have never seen Mike being discriminating against anybody. And it seems all that time, I've been seeing Hispanic and black people working here."

Yet, Safer reported, the EEOC claims that during three inspections in 1989 and 1990, "it found no blacks working there. Mike says that may be true from time to time because of his transient workforce. Jim Lafferty, director of legislative affairs for the EEOC, says he is not impressed by that argument."

Interviewing Lafferty, Safer asked: "So what's his [Welbel's] sin?"

LAFFERTY. "His sin is that he discriminated against someone who applied for a job there. Lucille Johnson, who's a very qualified worker, applied for a job there and she was denied the job and it was given to someone who was less qualified."

SAFER. "But that's a curious business, because people sometimes only work a couple of days and just don't show up again."

LAFFERTY. "If there was such a great movement of employees in and out of there, why didn't there happen to be any black employees who moved in and out of there during that time?"

SAFER. "Well, there were."

Lafferty then replied that the EEOC doesn't know that and that there are no records that indicate that blacks were employed at the company during the period covered by the three inspections.

Safer reported, however, that there are such records: that the company's own records show that 11 blacks worked there—some for a few days, some longer—during the period of the EEOC investigation. Moreover, he said, "60 Minutes" was able to independently confirm that these blacks had in fact worked at Daniel Lamp during the relevant period.

"But quite apart from records," Safer asked the EEOC official, "doesn't your nose tell you that this really isn't much of a case and that Mike Welbel is probably not a racist? He's a little guy trying to—trying to make a living and he loses—he hires people some weeks, he lays people off the next week. Don't you take the human factor into account, not just these cold statistics?"

In effect, Lafferty's reply was that, no, the EEOC does not take the human factor into account: that small businessmen like Welbel should worry first about meeting all the government's bureaucratic requirements and only then, if any time is left over, should they worry about making a living for themselves and their workers.

"Well, unfortunately," Lafferty said, "we have to rely on not only the statistics but on the word of Lucille Johnson and seven other people who've come forward since then telling us that they had also experienced discrimination during that period at Daniel Lamp."

While Lafferty played down the importance of statistics, CBS found that statistics were a key part of the EEOC's case against Welbel.

What helped to make Lafferty's case, Safer reported, "was the EEOC's computer. It told the agency that based on 363 companies employing 100 or more people and located within a three-mile radius of Daniel Lamp, Daniel Lamp should employ at any given moment exactly 8.45 blacks, which to Mike Welbel sounded like a quota. And the law says the EEOC can't set quotas."

Lafferty's response: "We really haven't said that. What we've said is, 'These are what the companies around you are doing. You've discriminated against this' "——

SAFER. "Stop being a federal bureaucrat for a minute and tell me what you're really telling him. What are you really telling him?"

LAFFERTY. "Don't discriminate. Obey the law."

SAFER. "But if he has three black employees and doesn't hire a fourth for whatever reason, and that fourth accuses him of discrimination, do you prosecute?"

LAFFERTY. "Yes, we do. It's not that there's a magical number. Please believe me. We don't set magical numbers for people like Mr. Welbel to meet."

But Safer found this unconvincing. "That's what Mr. Lafferty says," he reported, "but in a sense it [the EEOC] did set numbers by telling Mike that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks."

The program then cut to an exchange between Welbel and Safer.

WELBEL. "Any way you slice the pie, it's a quota system."

SAFER. "But if they say, 'Look, Mike, you've got to have eight blacks working for you,' could you live with that?"

WELBEL. "Could I live with it? Yes. Is it more difficult than hiring by qualification? Yes. What the government is asking me to do is hire by color. They're saying, 'Look, this black individual may not be as qualified, but that's who we want to see in your workplace.' What they've become is—they do the hiring and I run the place under their direction. I no longer decide who's good and who's bad."

Safer agreed, noting: "That, in effect has already happened, for beyond Lucille Johnson, the Feds told Welbel there were seven other people he should have hired."

And this despite the fact that, in Welbel's view, most of the seven clearly were not qualified. "[M]aybe one or two people were as good as somebody else who was hired. Three and four were not. They weren't even—not even close."

The EEOC, according to "60 Minutes," initially demanded that Welbel pay $148,000 in back wages to blacks he didn't hire but later reduced that to $124,000.

But the agency also has another demand, according to the program. It wants Welbel to spend an additional $10,000 to put ads in area publications telling people who had applied to Daniel Lamp Co. in 1989 and 1990 that they might have been discriminated against, and to please contact Welbel's office for a possible financial windfall.

"Do you know what would happen out here?" Welbel told "60 Minutes." "There'd be a mob scene. I would need 25 percent of the Chicago police department to come and monitor the crowds. Really what I have to do is pay people for work they haven't done. Frankly, that's absurd. It just doesn't make any sense."

Safer was then shown interviewing the EEOC's Lafferty: "You also want him to spend, I believe, $10,000 to advertise for unknown blacks who he never hired. Correct?"

LAFFERTY. "Right. That's right."

SAFER. "Explain the logic."

LAFFERTY. "Well, to find if there were other applicants who had been denied jobs on the basis of their race."

SAFER. "So there could be 1,000 people turning up, right?"

LAFFERTY. "It could be any number of people."

SAFER. "Claiming that they had been discriminated against by the Daniel Lamp Company."

LAFFERTY. "That's right."

Safer went on to report that the "government's position is firm. All companies, regardless of size, must conform. Daniel Lamp says it hires mainly Hispanics because it's on the Hispanic side of the tracks in this part of town in which ethnic demarcations are clearly defined. Mary Lou Gonzalez runs a social service group in the community. She says the whole fuss is good intentions gone haywire."

GONZALEZ. "I live in that neighborhood. I know what goes on in that neighborhood and I certainly know that if Daniel Lamp Company closes its doors, what we're going to end up with is 28 people probably on public aid, probably on unemployment and then going for food stamps.

"The government wants people to be substantially sustaining their own, and Daniel Lamp Company does not only have Hispanics. It has black employees who are also going to end up in the same line. Now, does that make sense? I don't think so."

Safer then reported: "Welbel's main source of employees is the Spanish Job Coalition, a group that tries to find jobs for minorities, blacks as well as Hispanics. Carlos Ponce, its director, says Mike Welbel does not discriminate."

PONCE. "This is a mistake. I think too often we expect government and our elected officials never to make mistakes. What's wrong with just saying 'This wasn't our best effort'?"

Speaking to the EEOC's Lafferty once again, Safer asked: "Is there going to be a last-minute reprieve for him, where you can make some kind of deal to just let him be and he'll hire his—the 'correct' number of blacks and you'll let him off the hook? Any chance of that?"

To which Lafferty replied, in effect, fat chance. "There's no correct number and we're not—we're not in the position of letting people off the hook."

"Every day," Safer concluded, "Mike Welbel delays paying the penalty, the amount he owes the government goes up a couple of hundred dollars. Meantime, the government has filed a lawsuit to collect."

When Human Events initially contacted Lafferty's office in Washington for his answer to the "60 Minutes" broadcast, the only response was to refer us to a press release on the case issued back on January 16.

Later, when we were near deadline, an EEOC spokesman agreed to discuss the case but said that the agency had no written response—detailed or otherwise—to the CBS segment. The spokesman issued the agency's stock disclaimer about quotas, saying that the agency considers individual complaints regardless of the numbers of minority workers employed by a firm.

He also said that the blacks who were shown working at Daniel Lamp Company on the program were all hired after Welbel knew that his company was being investigated. He said there were no black employees at Daniel lamp when the EEOC began its investigation in February 1989 and that only one black had been hired by the time the agency concluded its investigation around June 1990.

"60 Minutes" reported, however, that it had been able to independently establish that 11 blacks had worked for the company during that same period of time.

In the meantime, Welbel insists that he does not discriminate against any group and certainly not blacks. "We started in 1982," he told Human Events, "and we have had black employees in that year and every year since."

Welbel added that he has evidence to back this up, which is now in the hands of his lawyers, and that it will eventually be made public, possibly in court.

Welbel noted that, when one of his former black employees named Joe W. Smith, whom he had lost track of, learned of his problems with the government, Smith sent him an unsolicited and notarized letter attesting that he had been employed by Daniel Lamp Co. from November 14, 1985, through March 6, 1987—a time well before the company came under Federal surveillance—and that he "was never discriminated against nor treated unfairly." At our request, Welbel faxed us a copy of his letter (see copy above).

[Letter not reproducible in the RECORD.]

Welbel expressed anger at being accused of discrimination. "I'm on the road a lot," he told Human Events, "and do you think people say, 'I don't want to buy that lamp because it was made by a black'? What do I care who makes it?" He added: "As the son of two Holocaust survivors, I probably know as much about discrimination as any white person."

Because the small business owner has protested his innocence publicly, the EEOC seems determined to go especially hard on him. For Welbel, it has been a nightmare. It cost his accuser nothing to file a complaint against him. The taxpayers, including Welbel himself, are forced to pay for the prosecution. But for Welbel, even if he is vindicated in court—which is never a certainty—the costs of attorneys, not to mention the emotional trauma of being subjected to a Federal vendetta, will take a catastrophic toll.

"For me," he said, "it's a lose-lose proposition."

But for Ted Kennedy and his ilk, the victims of the government's Civil Rights gestapo—businessmen struggling to make an honest living like Mike Welbel—have it too easy. Kennedy admits that the purpose of his legislation, which the Democratic leadership is preparing to ram through the Congress, is to stack the legal deck even further against those accused of discrimination than it already is.

The injustice of such legislation is astounding. It's enough to make decent people puke.

[From "60 Minutes" CBS News]

THE NUMBERS GAME

SAFER. Mike Welbel of Chicago is guilty of not playing the numbers game. We'll explain in a moment. Mike's been a traveling salesman pitching everything from shoes to furniture. Nine years ago, he decided to start his own business. He borrowed $3,000 on his Chevy station wagon and started the Daniel Lamp Company, named after his son. The business didn't exactly prosper, but Mike Welbel was doing OK until last July when the federal government told Mike "$148,000, please, and we want it now."

MIKE WELBEL. I froze. I froze in my chair. I— I— I was— I was— I— I got— I started feeling my chest bouncing around. I don't— I don't think it was a heart attack, but I'll tell you something. It was the next thing to it. I just was frozen with shock.

SAFER. (voice-over). What caused that shock was the EEOC, the Equal Employment Opportunity Commission. It found Mike guilty of racial discrimination. It just didn't make sense. The only two employees who are not Hispanic or black are Mike and his father, Leon [sp?], a survivor of Auschwitz. As for the rest of the company, Welbel hires only minorities. Eighteen Hispanics and eight blacks now work there.

Mr. WELBEL. Our track record with minority hiring I would challenge 3M, Pillsbury. Nobody has the profile of hiring minorities as the Daniel Lamp Company.

SAFER. (voice-over). Mike's troubles began in February, 1989, when a black woman named Lucille Johnson who'd applied for a job was not hired. She filed a complaint with the Chicago office of the EEOC. She claimed she didn't get the job because she was black.

(Interviewing) Do you remember her?

Mr. WELBEL. No, no. As a matter of fact, I've never met her, nor do I know who she is. I know her only from the paperwork that's involved.

SAFER. So she filled out an application?

Mr. WELBEL. Yes, she filled out an application and she sought employment. And for one reason or another, she wasn't— she wasn't— she wasn't hired. [It was] certainly not because she's black.

SAFER. You say "for one reason or another." That sounds ominous, when somebody says "for one reason or another."

Mr. WELBEL. OK.

SAFER. Why wasn't she hired?

Mr. WELBEL. Well, we don't know on that particular day why she wasn't hired. When one is not hired it's because they don't qualify for the job or we don't have an opening or somebody else was better qualified for the job. So one of those reasons, that's the reason she didn't get hired.

SAFER (voice-over). It wasn't long before two investigators from the EEOC showed up at the door of the Daniel Lamp Company to check out Lucille Johnson's complaints. They wanted to go through Welbel's records. He said. "Help yourself."

Mr. WELBEL. And to be perfectly frank, it was a very cordial relationship while they were investigating us. I certainly felt I had nothing to hide. You know, we've got all minority, a combination of black and Hispanic. Frankly, I took the matter very lightly.

SAFER (voice-over). Daniel Lamp Company is not exactly IBM in its record-keeping, its personnel department or, for that matter, in its benefits. It's about as small a manufacturing company as you'll find in Chicago. It's in an old building on the southwest side, broken into so many times that Mike has had to bar every window in the place. He employs 26 people. Starting salary: $4 an hour. They assemble cheap to medium-priced lamps.

There are few people who've had been with Mike for years, but mainly people come and go. In good times, Mike will have as many as 30 people working. In bad times, as few as 12. It seems a happy enough shop, if a bit noisy, with everyone's radio tuned to a different station.

Jonathan Poe [sp?] is a packer in the shipping department. Christine Castillo [sp?] is the floor manager of the assembly line, where she deals with everything from production output to color coordination.

Mr. WELBEL: This mauve may clash with that cranberry.

SAFER (voice-over). Lou Perales [sp?] is the general manager. Zina [sp?] drives the delivery truck and also assembles lamps.

(Interviewing) What happened when you applied for a job here?

ZINA, Daniel Lamp Company Employee. I got the job right of the—you know, right off the top.

SAFER. So what's—you think the government's just crazy or what?

CHRISTINE CASTILLO, Daniel Lamp Company Employee. Yeah.

SAFER. Zina?

ZINA. I know discrimination when I see it and I would tell them, believe me.

SAFER. Jonathan, any problems?

JONATHAN POE. Daniel Lamp Company Employee. As long as I've been here, you know, it's like, everybody's one happy family.

Ms. CASTILLO. I've been with the company eight years and I never seen Mike being discriminating against anybody. And it seems all that time, I've been seeing Hispanic and black people working here.

SAFER (voice-over). But that's not what the EEOC says it saw during three inspections in 1989 and 1990. It says it found no blacks working there. Mike says that may be true from time to time because of his transient work force. Jim Lafferty [sp?], director of legislative affairs for the EEOC, says he is not impressed by that argument.

(Interviewing) So what's his sin?

JIM LAFFERTY, Director of Legislative Affairs, Equal Employment Opportunity Commission. His sin is that he discriminated against someone who applied for a job there. Lucille Johnson, who's a very qualified worker, applied for a job there and she was denied the job and it was given to someone who was less qualified.

SAFER. But that's a curious business, because people sometimes only work a couple of days and just don't show up again.

Mr. LAFFERTY. If there was such a great movement of employees in and out of there, why didn't there happen to be any black employees who moved in and out of there during that time?

SAFER. Well, there were.

Mr. LAFFERTY. We don't know that.

SAFER. Some stayed a few days and some stayed longer.

Mr. LAFFERTY. We really don't know that and unfortunately, there are no records that'll indicated that to us.

SAFER (voice-over). But Mike's records show, and we were able to independently confirm, that 11 blacks worked at Daniel Lamp during the period of the EEOC investigation.

[Interviewing] But quite apart from records, doesn't your nose tell you that this really isn't much of case and that Mike Welbel is probably not a racist? He's a little guy trying to—trying to make a living and he loses—he hires people some weeks, he lays people off the next week or the people leave of their own accord. Don't you take the human factor into account, not just these cold statistics?

Mr. LAFFERTY. Well, unfortunately, we have to rely on not only the statistics but on the word of Lucille Johnson and seven other people who've come forward since then telling us that they had also experienced discrimination during that period at Daniel Lamp.

SAFER (voice-over). What helped to make Lafferty's case against Mike Welbel was the EEOC's computer. It told the agency that based on 363 companies employing 100 or more people and located within a three-mile radius of Daniel Lamp, Daniel Lamp should employ at any given moment exactly 8.45 blacks, which to Mike Welbel sounded like a quota. And the law says the EEOC can't set quotas.

Mr. LAFFERTY. We really haven't said that. What we've said is, "These are what the companies around you are doing. You've discriminated against this"—

SAFER. Stop being a federal bureaucrat for a minute and tell me what you're really telling him. What are you really telling him?

Mr. LAFFERTY. Don't discriminate. Obey the law.

SAFER. But if he has three black employees and doesn't hire a fourth for whatever reason, and that fourth accuses him of discrimination, do you prosecute?

Mr. LAFFERTY. Yes, we do. It's not that there's a magical number. Please believe me. We don't set magical numbers for people like Mr. Welbel to meet.

SAFER. (voice-over). That's what Mr. Lafferty says, but in a sense it did set numbers by telling Mike that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks.

Mr. WELBEL. Any way you slice the pie, it's a quota system.

SAFER. But if they say, "Look Mike, you've got to have eight blacks working for you," could you live with that?

Mr. WELBEL. Could I live with it? Yes. Is it more difficult than hiring by qualification? Yes. What the government is asking me to do is hire by color. They're saying, "Look, this black individual may not be as qualified, but that's who we want to see in your work-place." What they've become is—they do the hiring and I run the place under their direction. I no longer decide who's good and who's bad.

SAFER. (voice-over). That, in effect, has already happened, for beyond Lucille Johnson, the feds told Welbel, there were seven other people he should have hired.

Mr. WELBEL. And by no stretch of the imagination could these applicants qualify. Now, I shouldn't say all of them. And so maybe one or two people were as good as somebody else who was hired. Three and four were not. They weren't even—not even close.

SAFER. (voice-over). As we said, the EEOC demanded that Mike pay $148,000 in back wages to blacks he didn't hire. They've since reduced that to $124,000, but they want Mike to go even further.

Mr. WELBEL. What the government wants us to do is, they want us to come up with a fund of $10,000 and put an ad in publications in the area saying more or less "If you applied to the Daniel Lamp Company in 1988 and 1989, you may have been discriminated against. Please contact our office." Do you know what would happen out here? There'd be a mob scene. I would need—I would need 25 percent of the Chicago police department to come and monitor the crowds. Really what I have to do is pay people for work they haven't done. Frankly, that's absurd. It just doesn't make sense.

SAFER. You also want him to spend, I believe, $10,000 to advertise for unknown blacks who he never hired. Correct?

Mr. LAFFERTY. Right. That's right.

SAFER. Explain the logic.

Mr. LAFFERTY. Well, to find if there were other applicants who had been denied jobs on the basis of their race.

SAFER. So there could be 1,000 people turning up, right?

Mr. LAFFERTY. It could be any number of people.

SAFER. Claiming that they had been discriminated against by the Daniel Lamp Company.

Mr. LAFFERTY. That's right.

SAFER (voice-over). So far, the only person to be offered money at all was the person who filed the original complaint, Lucille Johnson.

Mr. WELBEL. By their determination, by EEOC standards, she was to get $340.01. In my own mind I said, "It's not fair, but Mike, you can live with that. It's not so terrible."

SAFER (voice-over). He rounded that amount off to $350 and sent it to Lucille Johnson for lost wages, but he also offered her a job. She refused the money and never opened the letter with the job offer. She also didn't want to talk to us. Welbel told the EEOC he could live with all of its demands except for that big one, the $124,000 one.

Mr. WELBEL. At that time I said, "You've just put me out of business. I'm no longer around. I'm no longer here. I'm out." And that's what I told them. There's not this kind of money here. We're dealing in a small business. It's a tiny nickel, dime business and there's no way we can meet that. We would have to liquidate what we have. I may or may not have to sell the property itself, too, but we would be out of business. As surely as I'm standing here, we'd be out of business.

SAFER. Why do you think the government went after this company, after his 26 people working here?

LOU PERALES, Daniel Lamp Company Employee. [?] Well, my opinion is they probably didn't have anything else better to do. We're not AT&T, We're not IBM. We're a little 30-employee lamp shop on the west side of Chicago. Who are we bothering?

SAFER (voice-over). The government's position is firm. All companies, regardless of size, must conform. Daniel Lamp says it hires mainly Hispanics because it's on the Hispanic side of the tracks in this part of town in which ethnic demarcations are clearly defined. Mary Lou Gonzalez [sp?] runs a social service group in the community. She says the whole fuss is good intentions gone haywire.

MARY LOU GONZALEZ, Community Social Service Group Director. I live in that neighborhood. I know what goes on in that neighborhood and I certainly know that if Daniel Lamp Company closes its doors, what we're going to end up with is 28 people probably on public aid, probably on unemployment and then going for food stamps. The government wants people to be substantially sustaining their own and Daniel Lamp Company does not only have Hispanics. It has black employees who are also going to end up in the same line. Now, does that make sense? I don't think so.

SAFER (voice-over). Welbel's main source of employees is the Spanish Job Coalition, a group that tries to find jobs for minorities, for blacks as well as Hispanics. Carlos Ponce [sp?], its director, says Mike Welbel does not discriminate.

CARLOS PONCE, Director, Spanish Job Coalition. This is a mistake. I think too often we expect government and our elected officials never to make mistakes. What's wrong with just saying "This wasn't our best effort"?

SAFER (voice-over). Carlos Ponce feels the government should forget about small companies like Daniel Lamp in the inner city and take a look at the suburbs.

Mr. PONCE. Where do they draw the line? There's these corporate sanctuaries in the suburbs, with their little lakes and ponds around them and they've moved out there and blacks and Hispanics certainly can't buy into the housing market out there. So where's the equity there?

SAFER. Is there going to be a last-minute reprieve for him, where you can make some kind of deal to just let him be and he'll hire his—the "correct" number of blacks and you'll let him off the hook? Any chance of that?

Mr. LAFFERTY. There's no correct number and we're not—we're not in the position of letting people off the hook.

Mr. WELBEL. It's very hard to work under these conditions, but I'm trying as best as I can to assure the people that everything'll be all right. I really don't know that everything'll be all right, but how can somebody work knowing that every day he may be out of a job? So we take it day by day. I say, "Don't worry. Somehow it'll work out." I don't know that it will.

SAFER. Every day, Mike Welbel delays paying the penalty, the amount the owes the government goes up a couple of hundred dollars. Meantime, the government has filed a lawsuit to collect.

Mr. HELMS. Madam President, I do not know exactly how to handle this with just two Senators on the floor, but I want the yeas and nays on this amendment. Just for the record, I am going to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. In which case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I renew my request for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that a legislative fellow on my staff, Dr. Jim Hanson, an outstanding pediatrician from the University of Iowa, be granted floor privileges for the rest of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following committee amendments be agreed to en bloc: page 15, line 15; page 15, line 16; page 18, line 25 through line 2 on page 19; page 23, lines 2 through 4; page 27, line 20; page 29, lines 2 through 5; page 72, line 24; and that the bill as thus amended be considered as original text for purpose of further amendment, provided that no point of order be raised by reason of this agreement; notwithstanding any previous action by the Senate, the proposed committee amendment on page 67, lines 1 and 2, be considered rejected.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. STEVENS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska reserves the right to object.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The excepted committee amendments agreed to en bloc are as follows: page 15, line 15; Page 15, line 16; page 18, line 25 through line 2 on page 19; page 23, lines 2 through 4; page 27, line 20; page 29, lines 2 through 5; page 72, line 24.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought the floor to comment about a press release which was issued today concerning an allocation of funds for Pennsylvania from the subcommittee of the Appropriations Committee on Transportation. I had earlier discussed the matter with the Senator from New Jersey [Mr. LAUTENBERG], who is the chairman of that subcommittee, because I wished to raise a concern about the issuance of this release. I had notified Senator LAUTENBERG that I would be doing so this afternoon and had placed a call to Senator WOFFORD on the subject. I wanted to alert them at this time that shortly I will be raising this issue and wanted to give them an opportunity to be present to respond.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUGEE GUARANTEES

Mr. LAUTENBERG. Mr. President, I rise to express my concern and, frankly, dismay over the administration's request that the Congress delay consideration of the refugee guarantees for Soviet Jewish absorption in Israel. I oppose their request because I believe that this assistance is a humanitarian issue, not a political issue, and ought not to be linked in any way to the peace process.

That linkage does danger to the peace process, in fact, because I believe that it encourages Israel's enemies to think that the United States will take care of squeezing out concessions before the peace table is arrived at. It is the wrong impression to give.

Over the last two decades, the United States has led the world in appealing for the freedom of Soviet Jewry and has been a petitioner for emigration. We have had laws on our books that prevent trade concessions for the Soviet Union because they did not permit free emigration.

We are all aware that a number of former refuseniks have stated that it was U.S. action which kept alive their hopes of religious freedom and respect for human rights. Not only did the United States support Soviet Jewish emigration, but by limiting refugee entry into the United States, our policy actually encouraged them to emigrate to Israel.

One million Soviet Jews are expected to emigrate to Israel over the next 5 years, which will result in an increase of about 20 percent of Israel's population. As their dreams come to fruition, the United States is presented with a historic opportunity to help with their absorption and make good on our commitment to them. I strongly support the proposed refugee guarantees as a cost-effective, humanitarian, and urgent means of assisting with Soviet resettlement.

Developments in the Soviet Union, as encouraging as they are, portend a period of political and economic instability and cast a troublesome shadow on the future and safety of Jews in the region. Ethnic nationalism is on the rise in each of the Republics, and the onset of winter and potential famine could fuel ethnic tensions. Historically, the combination of these factors spell uncertainty and danger for Jews in the former Soviet Union.

American loan guarantees to help with the absorption of Soviet Jewry have been discussed for over 1 year, with the understanding, arrived at between the Israeli Government and the administration last spring, that the Congress would consider their approval this month. Given the Congressional Calendar, the additional delay the administration has suggested will be far longer than 4 months, and could stretch well into 1992.

Soviet Jews have been arriving in Israel at the rate of about 20,000 a month. These refugees, seeking a new life outside of the Soviet Union, need jobs, housing, and the chance for an independence and secure life. Further delay in U.S. action will have enormous human costs.

I believe the U.S. Government should act now, without further delay. Approval of the refugee guarantees is a humanitarian issue, which is separate and apart from the peace process. The fate of these refugees should not be held hostage to political differences, over which the refugees have no control, between Israel and the Arab nations. I support approval of the guarantees promptly, in the most cost effective way possible.

Mr. President, we saw fit in the Persian Gulf conflict period to forgive Egypt 7 billion dollars' worth of loans that they owed America. That cost had to be shared by taxpayers across this country. It was a program that I supported because of Egypt's position in the Persian Gulf conflict, because they were of help to us. What is being asked for on behalf of Israel is of no cost consequence to the American taxpayer in any way or any form.

Mr. President, the time to act is now to let Israel know that we are going to be there to support our commitments, both moral and humanitarian, made in times past, and reaffirmed just a couple of months ago when the supplemental appropriations was approved and enacted.

It is my hope that the administration will reconsider its position and will work with the Senate Appropriations Committee and the Congress to approve these refugee guarantees without delay.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceed to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak in morning business unless, of course, the majority leader is ready to proceed?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LOAN GUARANTEES FOR ISRAEL

Ms. MIKULSKI. Mr. President, I would like to use this opportunity to say a few words to the United States Senate about the issue of loan guarantees. I just returned from Israel and know the pressing needs there, and I strongly believe that delaying action on loan guarantees for that democratic country is, indeed, a flawed idea. I want to work to approve those loan guarantees as early as possible, in the most timely way.

I would like to help the American people understand, perhaps, a question they might have on this topic. I know if I were walking around one of the bowling alleys in Baltimore or one of the diners in my State of Maryland, they would say: Barb, loan guarantees for a foreign country? Why? You know what we need to do here. And they would absolutely be right about compelling fiscal needs in our own country.

But, what many people do not understand is that we are not talking about a cash grant to the State of Israel. We are not talking about a loan to Israel. We are talking about guaranteeing their ability to borrow money, which we have done in the past. We do not give them any cash.

Mr. President, when Israel borrowed money in the past with the backup of the United States Government, it paid back every nickel on time and on line. I wish that some of our financial institutions would have had the same record, and we backed them up.

When the American taxpayer says, why over there and not here, I want to be very clear what a loan guarantee is. When the phrase "$10 billion" is used, we are not talking about $10 billion this year. We are talking about $2 billion a year over a 5-year period. Still, a substantial amount of guarantee.

But I have confidence that the State of Israel, for whatever it will borrow in the United States or in the world marketplace, will pay it back and that our guarantees from a fiscal standpoint are well placed.

Then let us speak about the need. Right now the Soviet Union is unraveling. How it will then put itself back together remains yet to be seen. But we do know that it is absolutely imperative that Soviet Jews, who have been waiting to leave that country, be allowed to leave and, of course, come to the Israeli homeland.

When I was in Israel I went out to meet with the Soviet Jews who had come. My escort was Ida Nudel. Many women from the West, myself included, wore a bracelet encouraging release of Ida Nudel from the Soviet Union. She was a valiant woman who was imprisoned in a Siberian camp because she put a banner on the front of her house that said, "Let my people go." This woman was held in a Siberian prison for years. Her only companion, against criminals, was a club she kept under her bed and a dog.

With the Gorbachev initiatives, Ida Nudel is now in Israel. She escorted me around the community, and when she escorted me around the community she said: "You know what, Senator MIKULSKI? In Israel I'm a troublemaker."

I said, "You are?"

She said, "Yes, and it's a blessing." She said, "I speak up. I am leading an environmental movement. I am working on market reform. And here in Israel when you organize, people come to a meeting. And when I hold a rally I never have to be afraid of going to jail. But I will tell you, Senator MIKULSKI, we not only need freedom, we need to be able to develop jobs, build housing, and move the Israeli economy in a forward direction."

She spoke to me about those loan guarantees, and I saw the compelling need there. And then I saw representatives of 14,000 Ethiopian Jews who were rescued from Ethiopia. These men and women are not only from another century, they are from another millenium. They are an extraordinary group of people. They come from rural areas where they have practically no written language. They are indeed civilized, but in a very different way. They need the help that, with these guarantees, the Israeli Government will be able to give.

I did visit these absorption centers for both Ethiopian Jews and Soviet Jews. The Ethiopian Jews need help in adjusting to these bewildering modern Western ways. And in terms of the Soviet Jews, for decades it has been a United States policy to pressure the Soviet Union to release Soviet Jews. It was part of our human rights policy. And now it is expected that 1 million Soviet Jews will come to the State of Israel. So this is where the loan guarantees would be tremendously helpful.

Israel is a democratic government, and it is a government that prides itself on its self-reliance strategically and its self-respect economically. It is not asking the United States of America or the taxpayers to give them a handout. It is asking us to give them a helping hand, and the President of the United States should not link this to any other issue.

I believe that the policy of the United States of America should be based on a very important principle, that the appropriate role of a friend—that is the United States of America—is to work together with the Government of Israel to achieve security guarantees but not to pressure a democratically elected government into acting against its own best interests.

During the gulf war, the Israeli Government did not strike back as they themselves were bombed. Why? Because they were the bravest of the brave, because they chose not to fight with weapons but to fight as part of holding the coalition together.

So, Mr. President, when our President says we need this in order to promote the peace process, Kuwait was not invaded because of Israel; Saddam Hussein did not develop his military policy against his Arab brothers because of Israel. He developed it because of his own greed and ambition and evil policy.

So, Mr. President, I hope that we will move these guarantees in a timely way and in a way that has absolutely no linkage and no conditions so that our own foreign policy objectives are met.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATIONAL, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Helms amendment No. 1106 be temporarily laid aside; that Senator NICKLES be recognized to offer an amendment regarding parental notification; that there be 30 minutes for debate on that amendment equally divided and controlled between Senator NICKLES and Senator KASSEBAUM; that upon the use or yielding back of that time, the Senate proceed to vote on or in relation to the Nickles amendment; that upon disposition of the Nickles amendment, Senator KASSEBAUM be recognized to offer an amendment relating to parental notification; that there be 20 minutes of debate on the Kassebaum amendment equally divided and controlled between Senator KASSEBAUM and Senator NICKLES; that upon the use of yielding back of that time, the Senate proceed to vote on or in relation to the Kassebaum amendment; that upon disposition of the Kassebaum amendment, the Senate resume consideration of the Helms amendment No. 1106; that there then be 45 minutes for debate on the Helms amendment, 15 minutes under the control of Senator HELMS, 30 minutes under the control of Senator HARKIN; that upon the use or yielding back of that time—I withdraw the last clause with respect to the "upon use or yielding back of that time" and conclude my request.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Helms amendment is laid aside and the Senator from Oklahoma is recognized.

Mr. MITCHELL. Mr. President, before the Senator is recognized, let me say the Senate has experienced a period of inactivity this afternoon because several of the Senators who are interested in and wish to address the Helms amendment are tied up in the Thomas hearing. They could not come because their duties require them to be there. What we tried to do is to get this agreement and execute it in a way so the Senate can complete its action by shortly after 7 this evening. It is my hope that not all the time will be used and we can get the last vote in at or prior to 7:15 p.m.

I particularly am grateful to the cooperation of the Senator from Oklahoma and the Senator from Kansas and, of course, the distinguished manager of the bill, Senator HARKIN.

Mr. NICKLES. Will the majority leader yield for a question? If I am correct, the time on my amendment is 30 minutes and then we will have a vote on my amendment. If we finish the debate prior to that, will the majority leader be prepared for the vote or does he want to hold the vote for 6 o'clock?

Mr. MITCHELL. No. I think we should proceed with the vote as soon as the debate is completed.

Mr. NICKLES. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1107

(Purpose: To protect the health and well-being of young people and the integrity of their families)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1107.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment on page 18, line 5, add the following: "(*Provided, however*, That none of the funds contained in this Act may go to any entity receiving funding as a grantee or a delegate under title X of the Public Health Service Act unless such entity certifies to the Secretary that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless a written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent; except that notification may be delivered personally by a physician or physician's agent, in which case 48 hours elapses from the time of making personal delivery; or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted: *Provided further*, That this section shall not apply in cases where the physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice: *Provided further*, That this section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed: *Provided further*, That this section shall not apply to entities in States that have in effect enforceable laws requiring that a parent or legal guardian be notified of, or give consent to, an abortion to be performed on an unemancipated minor under the age of 18, except that the State law may allow parental notification or consent to be waived only through judicial proceedings),".

Mr. NICKLES. Mr. President, as outlined by the majority leader, we have 30 minutes to discuss this amendment debating parental notification on abortion. I am not sure it will take 30 minutes. We already had a couple of debates on this issue this year. If you go back to last year, Senator Armstrong had a very comparable amendment, and Senator COATS had an amendment also this year. So I do not know that it takes a great deal of discussion.

This amendment is very straightforward. So, if we can waive some time, I will be happy to do that. I understand there are a couple of votes and some individuals would like to finish by 7 o'clock tonight. That will delight this Senator as well.

This amendment is very straightforward. It is very commonsense. It basically states that any organization that receives title X funds, and we are talking about family planning funds, that if they receive those funds, they have to notify at least one parent or guardian 48 hours prior to performing an abortion on a minor child, that is a girl under the age of 18, unless the girl's life is threatened or in danger.

Mr. President, I say that is commonsense because we are talking about minor children, we are talking about people under the age of 18 who are preparing to make a very traumatic decision concerning not only their life but also certainly the life of the unborn child, and their parents should be notified, their parents should be involved in the decisionmaking process. It should not just be happening in a clinic without the input, without the guidance, and without the love and care of those parents. Those parents should be notified.

Unfortunately, there are about 200,000 abortions performed every year on minor girls, on girls under the age of 18. In many of these cases, unfortunately, the parents are not even aware of the abortion. Yet, we find in most medical practices today, parents for minor children require consent for other types of common procedures.

In Oklahoma, I will give an example, parents must give prior written consent before a school nurse can administer nonprescription drugs or a filled prescription to a student. We may be talking about Tylenol or aspirin. They have to have written consent.

Written consent must also be obtained from a minor's parent for the use of a child's photograph for the purposes of advertising.

We actually have a law pending in the State of Oklahoma that would require parental consent prior to allowing a minor to use a tanning facility.

Surely, the decision to have an abortion is not less important than the decision for a nurse to give a student an aspirin or where an advertiser can use the child's photograph or whether a child can use a tanning facility. Who is in the best position to make that decision? Is it the counselor of some facility that meets a young girl who walks through the door, or is it the parents of that child? The parents know their daughters, they know their aspirations, and they know their problems. Hopefully, they would be in the best position to advise their daughter.

I might mention that I know this is not a perfect world. I know that in many cases we have some children who have been abused. We have some children who are, unfortunately, the victims of sexual abuse, in many cases even rape or incest by a parent, as obscene and abusive as that is.

We provide exemptions and exceptions under this amendment if notification would threaten the girl's life. If she is threatened in any way by parental neglect, or abuse, or sexual abuse, we provide an exemption because we do not want to endanger the girl by having to tell her parents. But we also say that if abuse is alleged, that the authorities should be notified. If that girl's life is in danger, if she has been sexually abused, then certainly the authorities should be notified so that the girl can receive some proper protection.

I might mention, too, to my friends and colleagues that parental notification is supported overwhelmingly by people throughout the country. There was a recent poll, I think it was done in the New York Times, that showed parental notice was supported by 83 percent of the people. I might mention my amendment is not parental consent. It is only notification. But parental consent was supported by 69 percent of the people. Again, that source was by a Gallup Poll taken this year.

So, Mr. President, we are talking about saving some lives. We are talking about maybe helping children in some very difficult circumstances, savings the lives of unborn children, actually reducing the numbers of pregnancies and abortions among teenagers, minor children.

I might mention that since Minnesota has passed a parental notification law, the abortion rate amongst teenagers has declined, and declined rather substantially. So I think this is an important issue.

I think we are talking about parental rights. We are talking about the chance for parents to be involved in very difficult circumstances in decisions with their children. I think it is a good amendment that we have passed now on the Senate floor two or three times, last year and this year as well.

I am hopeful that when we provide money in this bill for title X we will put on this condition, that if an entity at this time receives title X money, if they receive Federal money, they will accept with that money this string that, yes, before they perform an abortion they will notify the parents. If it does not endanger the life of the child or if the child is not at risk from sexual abuse from the parent, then those parents should be notified. That the parents should be notified is little condition before we say we are going to allow Federal funds to be used for abortions. I think that is a commonsense string to attach to these moneys.

So with that, Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

The PRESIDING OFFICER. Who yields the time to the Senator from Maryland?

Mrs. KASSEBAUM. Mr. President, I am happy to yield whatever time the Senator from Maryland wants to speak in opposition.

The PRESIDING OFFICER. The Senator may proceed.

Ms. MIKULSKI. I thank the Chair very much.

Mr. President, first of all, I want to state very clearly that I support the principle of parental participation in the decisionmaking process involving an abortion that needs to be performed on a minor. But, Mr. President, I object and will vote against the Nickles amendment no matter how well-intentioned and support the Kassebaum alternative which I think really covers many of the issues of concern related to parental participation.

We are faced with an issue of tremendous sensitivity here for which there is no easy answer. The issue is whether or not a minor should be required by law to inform a parent or parents of her decision to terminate a pregnancy. And of course we all know that we would want parental participation. But, unfortunately, we do not have the luxury of looking at each case where a child and a parent could have that type of communication.

Mr. President, we know that a pregnant teenager in most cases is a child, with the decisionmaking abilities of a child. I know that parents should help their kids make the difficult decisions, and the decision about an unwanted pregnancy is one of the most difficult and heartbreaking one can make, even the most mature adult. You can imagine how awesome and frightening it is for the teenager, and in most cases the teenager will turn, with relief, for comfort and advice and support to her parents to help her decide. But, Mr. President, this is not always the case and as well as the families would like them to be, a teenager's best adviser should be a mom or a dad, but not everyone can go to a mom or a dad.

I wish for every young woman there was a supportive parent. We all do. But in today's world there are times when parental participation could be dangerous to the child. In some ways the parent himself might have been the one that is responsible for the child's pregnancy. There could be an emotionally dangerous situation, or even subjecting the child to physical harm. And then there is the awful situation where parental participation would be impossible because the parent is either too drunk or too drugged up to be able to perform a parental role.

So, Mr. President, I believe that adolescents in crisis need to be supported and they need guidance, but that support may not always be from a parent or a family member. That is why the Kassebaum alternative does say that a minor must have adult consultation and advice. Where it is not possible, either because the child will be endangered, the parent is incapable of performing the role or cannot be notified, you would have a competent, certified, licensed professional to give the advice and guidance for that child.

There is also a judicial arrangement for a child that is already functioning as a minor, in many cases a 17-year-old out on her own.

Mr. President, I actually prefer the Maryland law to any that is being proposed here today, but that is not what is being considered.

What the Kassebaum alternative does is provide for parental participation. The Kassebaum alternative provides that the best adviser is the mother or father, but it also says where that is not possible no child will have to go it alone. That is why I support her alternative as compared to the well-intentioned but I believe flawed amendment by the Senator from Oklahoma. So when my name is called, I will vote against Nickles and vote for Kassebaum.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 8 minutes, and the Senator from Kansas has 10 minutes and 16 seconds.

Mr. NICKLES. Mr. President, I yield 4 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague for yielding. I also thank him for offering this amendment. This is almost identical to the amendment that I offered not too long ago on which this body voted. I do believe we had an ample amount of argument in support of and in opposition to that amendment.

The Senate voted on that in favor of that amendment.

So I do not believe we need a great deal of time here to restate all of the arguments. Essentially, I believe the question comes down to whether or not Members believe that the parents should play some role in making a decision for what many consider, and I certainly consider, one of the most important and critical areas in a young girl's life. The question is should a 17-year-old, young girl or younger receive support, help, counsel, direction, guidance from at least one of her parents?

It is important for Members to understand that what this amendment does is not seek parental consent. We are not debating whether or not a parent's consent is necessary for this young girl to obtain an abortion. What this amendment does is it simply states that parental notification, this procedure, has been requested by their unemancipated daughter. And, therefore, parents or a parent has the opportunity to counsel and provide assistance and guidance for that young girl.

It is also important to acknowledge and understand that the amendment recognizes that there are exceptions where notification might jeopardize that young girl. Therefore, the exception of incest and rape and even parental neglect, child neglect, toward the young girl is provided for in this amendment.

The essential question is whether the Government should make this decision or whether parents should have the right to participate. I find it ironic that my daughter, my unemancipated daughter, could not receive an aspirin for a headache in school without my consent. Yet she could, without this amendment, receive an abortion without even my notification.

I think Justice Burger summed it up, former Chief Justice Burger of the Supreme Court, when he said, "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically, it"—meaning the law—"has recognized that natural bonds of affection leave parents to act in the best interests of their children. The notion that Government power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition."

What we are doing today is recognizing the truth of what Chief Justice Burger said several years ago. It is impossible to imagine that an agency or an arm of government can better provide counsel and guidance to a young girl, 17 years of age and under, about to undergo a very serious physical emotional experience. I say we ought to come down in favor of notification of parents.

I thank the Senator from Oklahoma for yielding.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator COATS from Indiana, for his statement and also for his leadership on this issue.

As stated before, it is not necessary in my opinion to debate this issue at length because of the valuable work that Senator COATS and, prior to Senator COATS, Senator ARMSTRONG have done. I compliment him for his leadership and also for his amendment, which I am hopeful that this amendment likewise will be adopted by the Senate.

I thank the Senator.

Mr. HATCH. Mr. President, I rise in support of this important amendment by my colleague, Senator NICKLES. I believe strongly that parents have the right to be involved in their teenager's decision of whether or not to have an abortion. I am surprised at the arguments against this legitimate interest of parents.

This amendment would require that organizations receiving title X funds notify one parent 48 hours prior to performing an abortion on a minor. There are important exceptions, including cases when there is a medical emergency or the incidence or risk of child abuse or neglect. In addition, this amendment will exempt organizations in States that have in effect a law requiring parental notification or consent prior to an abortion. Currently, 31 States have passed measures requiring parental involvement in the abortion decision.

It is already a well-known fact that any kind of medical or surgical procedure performed on a minor requires parental consent in almost every jurisdiction in America. This applies to the whole range of medical procedures including tonsillectomies, appendectomies, plastic surgery, and heart surgery. It even applies to such routine procedures as donating blood and receiving aspirin at school. It is nearly a universal custom, although not necessarily the law, for minors to obtain parental consent just to have their ears pierced.

How is it possible that abortion, a risky surgical procedure that can have serious and even deadly consequences, is exempt from this idea of parental notification, let alone parental consent?

Some people argue that parental notification laws do nothing to stem the growing tide of teenage pregnancy. However, according to a new study published in the March 1991 issue of the American Journal of Public Health, evidence suggests that a parental notification law in Minnesota reduced the number of abortions performed on minors as well as the birth rate for women aged 15 to 19 and that teenage pregnancies, births, and abortions continued to decline consistent with long-term trends.

Analyzing data on abortion, birth, and pregnancy rates among minor girls from 1975 to 1987, this study found that these rates "declined markedly" while the parental notification law was in force in Minnesota from 1981 to 1986. In addition, the rate of late term abortions also declined.

One possible inference from the study, that parental notification laws may help foster child-parent communication and more sober consideration by teenagers of the consequences of sexual activity, is supported by other evidence. Other studies have shown that parents typically react less negatively to an adolescent pregnancy than the adolescent expects. Parental involvement can correct this and other erroneous perceptions adolescents maintain as they approach difficult decisions in this life stage. Dr. Everett Worthington, associate professor of psychology at Virginia Commonwealth University, has concluded:

> [M]ost adolescents facing pregnancy related decisions can be assisted in these emotional decisions by adults. Furthermore, under most circumstances, the parents are the most qualified to help because they know the adolescent best and because they will share with their daughter the consequences of her decision.

The impact of parental involvement policies on the well-being of adolescents deserves deeper study, but the configuration of Federal laws and confused signals from the courts have helped to prevent efforts to learn if parental-friendly public policies can restore, even partially, the benefits of reduced adolescent risk taking behavior formerly achieved in American society by parent-teenager communication.

Federal policies and programs that weaken parental authority and replace the balances struck by several States between parental authority and adolescent maturity with a uniform, and demonstrably ineffective, national standard, should be reformed. For the next phase of family strengthening and child protective policymaking, parental involvement should become once again the norm, not the exception.

In addition, Mr. President, a 1987 Gallup Poll for Newsweek magazine showed that teenagers themselves are opposed to arrangements that tend to exclude parents from important decisions. More than half of adolescents, 54 percent, did not believe teenagers should be able to obtain birth control devices before age 16. More recently, a 1991 Gallup Poll showed that 69 percent of Americans support laws that require girls under 8 years old to get parental consent—not only notification but consent—before they have an abortion.

Strengthening the health of children should invariably mean strengthening the network of relationships, beginning with the family, in which the child lives. Dr. David Larson, a psychologist working at the Department of Health and Human Services, has written, "People who have active, bolstering relationships with others fare better. Healthy, caring, committed relationships with family or friends are health producing in the individual. * * * Consequently, physicians should regard the social support of each patient when considering prognosis." Public policymakers, therefore, must evaluate the contribution of the social support network of family when making prognoses about the impact of proposed policies on the well-being of children.

Restoring the well-being of children means ensuring the strength of families, and the road to stronger families cannot be traversed by weakening the legal prerogatives parents have typically enjoyed. Families should have the primary responsibility for instilling traits such as discipline, healthy ambition, and respect for others. These responsibilities make up the sphere of legitimate parental authority that should not be undermined, but bolstered by society.

Mr. President, it should go without saying that the provision of birth control and abortion to minor children, especially by taxpayer funded programs, without even a notification to parents, undermines parents' authority and the values they are attempting to teach. Research has shown that such policies have disastrous results. They neither honor parents nor protect children.

I urge my colleagues to support Senator NICKLES' amendment.

Mrs. KASSEBAUM. Mr. President, I yield myself 4 minutes to speak in opposition to the Nickles amendment.

Mr. President, I am one who has long sought to find a compromise regarding parental notification. I think it troubles many of us that we cannot find some means of providing parental notification, which offers a support system for young women minors who are in need of that assistance, and at the same time protect those who come from dysfunctional families where there needs to be that protection.

The last time we considered this issue, there were two amendments, one by the majority leader, Senator MITCHELL, and one by the Senator from Indiana [Mr. COATS]. I am one who supported both, believing that there must be some means of finding a compromise that would be constructive in addressing this issue. On the one hand, I felt that one approach was too broad. On the other, I felt the other was too restrictive.

I do not want to spend a lot of time on Senator NICKLES' amendment because I will have an opportunity to speak to my own. I would like to say to those who are listening to consider when they come to vote that I will be offering an amendment that I believe addresses some concerns that I think are not addressed in Senator NICKLES' amendment. One concern is that the Nickles amendment would conflict with and would supersede less restrictive State laws. I believe it is very important to protect State laws and to let the States, where they will, determine their own conditions and circumstances under which a minor may have an abortion.

The Nickles amendment does not provide for counseling which would facilitate, I believe, the protection of minors whose family circumstances places them at risk of emotional harm. Again, some view this consideration as being too broad. I view it as an important protection.

There is no judicial bypass in the Nickles amendment. In that regard, I believe the amendment does not conform to the validity test of constitutionality set out by the Supreme Court in 1978, I believe.

Also, I am concerned that the Nickles amendment does not permit the performance of an emergency abortion when the minor's long-term health is seriously endangered and the physician determines there is insufficient time to provide the required notice. I am thinking, for instance, of urinary diseases, diabetes, and AIDS perhaps. I think these are special circumstances that we have to recognize when we are discussing this particular issue.

I think many of us are united in wanting to provide a support system and to involve parents where we can. I think it is very important, Mr. President, that we do so. But I think it is equally important that we make sure the safeguards are in place so that a minor is not endangered.

I yield.

Mr. NICKLES. Mr. President, I welcome my colleague's comments. I appreciate her efforts. Let me try to assure her that I think we have addressed almost all of the issues that she has raised in this bill. We have worked with Senator COATS and others to address their issues, because the Senator from Kansas makes some good points.

So we put in some exemptions to safeguard those young girls who might have been abused by their parents. We put in exemptions to safeguard young girls that may have their life threatened.

I will read from the language in the bill. It says:

> This section shall not apply in cases where the physician with the principal responsibility for making the decisions to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice.

So we have taken care of that exemption. The Senator from Kansas mentions the fact of States' rights.

I might just mention that we, in this language in the bill, wrestled with this because I happen to be a Senator who considers States' rights strongly. I served in the State senate. I do not like the Federal Government telling States what to do. I can tell you that you should understand that this amendment does not nullify any State parental notice laws; none. This bill says:

> Providing further, this section shall not apply to any States that have in effect enforceable laws requiring that a parent or legal guardian be notified or give consent to an abortion to be performed on a minor.

So if the State has an enforceable parental notice, we do not supersede that. We do not override it. We do not overturn it if the State has that law in effect. Many States do not.

If I understand the amendment of the Senator from Kansas—maybe we will address that later—but we are saying that if the State already has an enforceable parental notice on the books, we are not going to override it. That is not our intention.

I also will mention judicial bypass. We also say that—if you look on page 3—except that the State law may allow parental notification or consent to be waived only through judicial proceedings.

So if the State has a judicial bypass provision, they may use that procedure. If the child received a court order to waive the parental notification, they could do so. I do not think we overturn that. I do not believe we overturn the State laws. We are not treading on States' rights. We are saying if an entity receives Federal funds under title X that before a minor could receive an abortion they would have to notify at least one point.

Then we did, as I mentioned, put in several exemptions—girls who are victims of sexual or physical abuse or neglect by a parent.

We even exempt girls who are "at risk" of such abuse. We do mention in cases of alleged abuse, that abuse has to be reported to appropriate authorities. I do not believe this provision is in the amendment of the Senator from Kansas. We do not want somebody saying she might be at risk; therefore, the abortion can be performed. We state that if she is at risk, somebody should be notified. If she is afraid to go home because she has been sexually abused, raped, or a victim of incest, that should be reported. We need to protect that youngster. So we provide exemptions to protect these children.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. KASSEBAUM. I do not intend to object, but this comes out of Senator NICKLES' time; is that correct?

Mr. NICKLES. Yes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. NICKLES. So there are two primary differences. Yes, we put in exceptions to protect young girls who do not have your all-American type families. Maybe they have, as Senator MIKULSKI mentioned, an alcoholic and abusive parent. We say that if she is a victim of incest or a victim of sexual abuse or parental neglect, notification would not have to take place, but appropriate State authorities would have to be notified. That is for the child's protection. That is in her interest. Yes, that is a difference, and I think it is one of the reasons why our amendment is preferable. I hope my colleagues will support it.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. Will the Senator yield 2 minutes?

Mrs. KASSEBAUM. How much time is remaining?

The PRESIDING OFFICER. The Senator from Kansas has 6 minutes and 49 seconds.

Mrs. KASSEBAUM. I will be happy to yield 2 minutes to the Senator from Washington.

Mr. ADAMS. I thank the Senator. I rise in opposition to the Nickles amendment. We have been through this argument before. Mandatory parental notification laws can have a devastating and tragic effect on young women confronted with an unintended pregnancy. All of us support communication between children and their parents. I am a father of four children, including two girls, and we do have communication. But good family relations cannot be mandated by a law.

In the State of Washington there is no requirement of parental notification for a minor to obtain an abortion. This amendment abrogates the authority of the States to determine what is in the best interests of its citizens.

This amendment by Senator NICKLES has no alternative notification, for example, to the court or to an alternative judicial bypass of some type. Therefore, it may well be unconstitutional.

Above all, what we are really dealing with here is the fact that there can be incest within these families; there can be tragic conditions, and in these tragic conditions—I am not just talking about the person with them—but after there is a reporting to the authorities, you have direct regulation and direct government interference right into the heart of the family.

I thought we were trying to do less regulation in this society that we have, but protect our people. The people that are counseled with regard to abortion, if we are allowed to have family planning clinics give information, if they are not gagged, and if we allow physicians to give information, they will counsel them always to talk with their parents. And this has been done and will be done.

I urge my colleagues to vote no to avert family tragedies throughout this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. So my colleague will know, if he reads my amendment on page 2, it says:

> This section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor, or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law.

We have covered this example time and time again, and we go further and state that if that happens, it should be reported to the State authorities.

Mr. ADAMS. If the Senator will yield. We are dealing with families where you are living with uncles, cousins, brothers, all kinds of people. We are not just talking about just the parental person; we are talking about a whole world that this Senator is aware of. I do not think the Senator from Oklahoma is aware of it.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. I encourage my colleague from Washington to read the amendment. We state that if the child is at risk, that there is an exception in this amendment. Notification is not required. We have covered his complaint. If he would read the amendment, as described before us, there are not that many differences between the Nickles and Kassebaum amendment. We will discuss those later. We provide that if the child is at risk, the legal guardians would not need to be notified.

Mr. PACKWOOD. Will the Senator from Kansas yield 3 minutes?

Mrs. KASSEBAUM. Yes, Mr. President.

Mr. PACKWOOD. I thank the Senator from Kansas.

Mr. President, there is no provision in this amendment for States that have held a referendum on the subject of parental notification for abortion. If you have passed a parental notification law that requires notification, then you are grandfathered, exempted; then you are OK.

But Oregon, last year, on the ballot, voted on this subject in what is the ultimate test of democracy. It was on the ballot. It was heavily contested. The Oregon electorate decided they did not want the law. They voted it down. We are not exempt. This is a one-way street.

It is all right if a State has enacted parental notification; you are exempt from this law. But if in your sovereign rights you decided you did not want it, you get it anyway; what kind of a federal system is that? That is one serious objection I have to this. It crams down the throat of my State an action which they decided they did not want to take. I vociferously oppose the amendment on that ground.

Second, it is unconstitutional. There is no judicial bypass in this. That being the case then the Supreme Court made it very clear that this is unconstitutional.

Last, getting to the very significant issue here, I am in favor of parental involvement where it is rational and possible. But to compel by law parental notification is going to put many young women at risk.

We have seen some States that have drafted, I think, reasonable laws. Maine has. Maryland has. They would be exempt, because they have acted. Oregon would not.

So I encourage this Senate, for a variety of reasons: First, that it is unfair to the States who have acted in opposition to the wishes of the proposers of this; second, it is unconstitutional, because it has no judicial bypass; and third, many young women are at risk who are simply not going to take the risk of having a safe abortion if they have to have their parents notified, and they will die. We know that will happen. So I encourage this Senate to turn this amendment down.

I thank the Senator from Kansas for the time.

Mr. NICKLES. Mr. President, I ask unanimous consent for 2 minutes to respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I want to just respond to my good friend and colleague, Senator PACKWOOD. One, my amendment does allow for judicial bypass where a State has enacted such a law. Two, on the State referendum, the State of Oregon had a referendum, and they voted against parental notification. Oregon does not have to take title X money. This amendment only applies to title X money and says that if you take family planning money, Federal money, there is going to be a string attached. Before you are allowed to use Federal money for abortions, you are going to have to notify the parents.

And so if the State wants to be void of that requirement, they can have totally State-funded facilities. They can have totally private-funded facilities. They can do all of that. We do not address that. All we do is say any entity that receives title X funds is going to have to notify the parents. I think that is the commonsense approach. If the State thinks it is too onerous, they do not have to take title X funds.

But we are not talking about trampling on State rights. We say: Hey, if you are going to take Federal dollars, you have to notify the parents before abortion is committed.

The Senator, my friend, mentioned several at-risk cases. I tell you, we have four exemptions taking care of young girls that might be at risk due to sexual abuse or incest, or "at risk" of such abuse. I think we have taken care of that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas has 1 minute and 57 seconds.

Mrs. KASSEBAUM. I yield back that amount of time. No one else wishes to speak in opposition. I ask for the regular order.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1107) of the Senator from Oklahoma. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—45

Bentsen
Bond
Boren
Breaux
Brown
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Johnston
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Roth
Shelby
Smith
Symms
Thurmond
Wallop

NAYS—55

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Bryan
Bumpers
Burdick
Chafee
Cohen
Cranston
Daschle
Dodd
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

So the amendment (No. 1107) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, under the agreement now in effect the Senator from Kansas is to be recognized to offer her amendment relating to the subject of parental notification, with 20 minutes equally divided, controlled between Senators KASSEBAUM and NICKLES.

In view of the fact that there has been a substantial debate, I now ask unanimous consent that that time be reduced to 10 minutes equally divided. And I hope that my colleagues will permit us to proceed. That will enable us to complete action on this and other business and conclude our business at a relatively early hour this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent the previous agreement be modified to clarify that the amendment of Senator NICKLES is to the excepted committee amendment on page 18; and that upon disposition of Nickles amendment the Senator now proceed to vote on the committee amendment as amended, if amended; after which the Senate proceed to the consideration of the Kassebaum amendment, with no second-degree or tabling motion in order; and that upon the using or yielding back of the time of the Kassebaum amendment, the Senate proceed to vote on the Kassebaum amendment; after which the Senate resume consideration of the amendment of Senator HELMS, No. 1106 under the previously agreed upon conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, will the Helms amendment complete the final vote?

Mr. MITCHELL. Yes, that will be it for the evening.

Mr. CHAFEE. And what is the time limit between the conclusion of the Kassebaum—how much time is there on the Helms amendment?

Mr. MITCHELL. A maximum of 45 minutes. It is my hope that not all of that time will be used.

Mr. CHAFEE. I thank the majority leader.

Mr. MITCHELL. Mr. President, in response to that question it is my hope we can start the last vote at about 7:15.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the committee amendment beginning on page 18, line 5.

The committee amendment beginning on page 18, line 5, was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized to offer her amendment.

AMENDMENT NO. 1108

(Purpose: To require entities receiving assistance under title X of the Public Health Service Act to provide for parental notification in the case of minor patients who request an abortion)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1108.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No funds shall be made available under title X of the Public Health Service Act to an entity applying for a grant under such title unless the entity agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform an abortion on such a minor unless there has been compliance with one of the following:

(1) The attending physician receives consent, in writing, to the performance of an abortion on such minor from an individual over the age of 18 who is a parent, grandparent, or aunt or uncle of the minor or a legal guardian of the minor; or

(2) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts). The notice, if delivered by certified mail, shall be considered to have been received at 12:00 p.m. of the next regular mail delivery day; or

(3) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical condition that constitutes an emergency or makes the abortion necessary to prevent the death of the minor; or

(4) A court of competent jurisdiction has issued an order, after a confidential, expedited judicial procedure has been conducted enabling the minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor, granting the minor the right to consent to the abortion; or

(5) A licensed or certified counseling professional, who does not have any financial relationship with the physician who is to perform the abortion or with the facility where the abortion is to be performed, certifies in writing that the notification of a parent or legal guardian of the minor could reasonably place the minor at risk of physical abuse or emotional harm. Such certification shall be based on a clinical assessment made by such counseling professional, shall state the basis for the decision of such professional (such as an assessment that the minor may be subject to child abuse or incest, may reside in a family environment where a parent or guardian is an alcoholic or abuses drugs, or may reside in a family environment where a parent or guardian is prone to violence or inclined to inflict physical or emotional harm if such notification were provided), and shall be supported with appropriate recordkeeping. The assessment shall be based on the totality of the circumstances surrounding the minor, her pregnancy, and her family environment.

(b) The requirements of subsection (a) shall not be applicable in a State after the date on which a referendum or initiative has been held, or on which legislation has been enacted, in that State concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SHELBY). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, during the debate on the Title X Pregnancy Counseling Act of 1991 two amendments were passed that would require that parents receive notification before an adolescent receives an abortion. Although these amendments took different approaches to the question of parental notification, I voted for both. I believe that a compromise between these two amendments could facilitate a constructive approach to the notification issue.

Today, I am offering an amendment which was crafted as a compromise between the parental notification amendments previously introduced by Senator COATS and Senator MITCHELL. I have always believed that there should be, for adolescents, parental notification in advance of an abortion. This amendment recognizes the critical role of parents in this tragic, emotional decision. Parents can and should be the primary source of counseling and support for their children—particularly when that child is facing the crisis of an unintended pregnancy.

Unfortunately, notification of the pregnancy of a teenage daughter in a dysfunctional family may unwittingly precipitate a violent reaction against the child or other members of the family. I would like to believe that few families would react this way. However, the prevalence of child abuse and domestic violence clearly demonstrates that this is a problem that must be addressed. My amendment provides sufficient bypass mechanisms to ensure the safety of adolescents who may be placed at risk, physically or emotionally, by parental notification.

This compromise amendment will require agencies receiving funds under title X of the Public Health Service Act to meet one of the following conditions before an abortion can be performed on an unemancipated minor under the age of 18:

The attending physician receives the written consent of the minor's parent, grandparent, aunt, or uncle; or

Written notification is provided to the parent or legal guardian 48 hours prior to the performance of an abortion; or

The attending physician certifies that the minor is suffering from an emergency condition which requires the performance of the abortion; or

A court of competent jurisdiction has issued a determination that the minor is mature enough and well enough informed to make the abortion decision or that the abortion would otherwise be in the best interest of the minor; or

A licensed or certified counseling professional certifies in writing that the notification of a parent or legal guardian could reasonably place the minor at risk of physical abuse or emotional harm.

It is my intent that clinics operating under this amendment would be required to inform minors fully of all the alternatives to notifying their parents or legal guardian. In considering all the options, it is my hope that the clinic staff and the minor could reach a mutually agreeable decision about a course of action based on the minor's individual circumstances. In addition, I would expect that the clinic would have in place not only a procedure for notifying the parent, but that the clinic would also facilitate any alternative course of action identified under my amendment. For example, if a judicial option is appropriate, the clinic should be prepared to direct the minor on how to initiate the process. Similarly, if it is advisable that the minor be seen by a certified or licensed counselor, the clinic should be able to help the minor identify a qualified professional.

I also would like to elaborate on the counseling option included in my amendment. Deference should be given to a professional, licensed counselor as to the effect that parental notification would have on the minor's emotional well-being. The amendment requires that the counselor have no financial interest in whether or not the abortion is performed. There are a broad range of circumstances that could adversely affect the minor's long-term psychological and emotional health. Those identified in the amendment are merely examples and are not meant to be exhaustive of the possibilities. Rather, my intent is to allow for flexibility to account for each individual's real life situation and the impact of the pregnancy or the decision to terminate the pregnancy on the totality of the minor's circumstances.

The amendment would not be applicable in a State where a referendum or initiative has been held or where legislation has been enacted concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

This legislation will acknowledge the critical role that an adolescent's family needs to play in this very difficult decision, while balancing the protection needed by those adolescents who may be physically or emotionally endangered if the parents are made aware of the pregnancy or the child's decision to have an abortion.

Mr. President, we have already had some debate on this issue. I appreciated the support from many on this issue.

I believe that all of us share a concern about how best to provide for constructive notification regarding abortions for minors. I feel that my amendment is a compromise between the positions considered in the last votes on this particular issue.

I would just like to state again where I believe there is a significant difference in my approach from that of the amendment of Senator NICKLES, although there are many things that are similar in the two amendments.

First, my amendment protects States rights. Some States may have determined that they do not want parental notification or consent laws. I believe those States that have determined that, either by a referendum or in statute, should be protected. I have felt strongly, no matter what their position might be, that the States in that instance have spoken. If they have spoken, their decisions should be protected.

I would also say, regarding the role of counselors, that most counselors and medical personnel are already required by State mandated reporter laws to report suspected cases of child abuse and refer them to State protective services or law enforcement agencies. That is something I think is already protected.

My amendment has several parts, which I would like to summarize.

Under my amendment, title X agencies will not be permitted to perform an abortion on an unemancipated minor under the age of 18 or allow, their facilities to be used to perform an abortion on such minor unless one of the following conditions is met:

One, parental consent is provided, where the facility receives written consent of an abult of the immediate family.

Two, parental notification is provided 48 hours prior to the operation.

Three, in the case of an emergency, the attending physician certifies the minor is suffering from a physical condtion which constitutes an emergency or life-threatening situation. This could include health emergencies, such as diabetes or AIDS.

Four, there, is a judicial order provision which applies when a court of competent jurisdiction has issued an order granting the minor the right to consent to an abortion.

This judicial bypass is important and protects the constitutionality, as outlined in the Bellotti decision, of the amendment.

Five, physical or emotional threat to a minor is addressed. This is when a licensed or certified counseling professional certifies that notification of a parent or guardian could place the girl at the risk of physical abuse or emotional harm.

I would underscore that no one giving this counsel or advice can have a financial relationship to a facility performing abortions. The counselor must be someone who has no vested interest in that case.

Six, a States rights provision provides that notification or consent will not be required in any State which has or in the future passes a referendum-initiative or has enacted a statute-constitutional amendment concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

I will be glad to answer any questions. I know there are others who wish to speak. As I say, I believe this is a compromise that does offer appropriate protections and also provides a supportive network for teenagers who need that kind of assistance at a particular time of great emotional stress. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Florida.

Mr. GRAHAM. Will the Senator from Kansas yield for a question?

Mrs. KASSEBAUM. I will be happy to do so.

Mr. GRAHAM. Mr. President, I am concerned about the State preemption provision. The Senator used the term "applicable in the State after the date on which a referendum or initiative has been held." Is that phrase broad enough to include a State constitutional amendment which was adopted by popular vote?

Mrs. KASSEBAUM. Mr. President, yes, it does. I have checked that with those who have greater knowledge. The language of my amendment provides for that protection. I know that has been a question in Florida as well as in California.

Mr. GRAHAM. The second question is, in that State concerning circumstances under which abortions may be provided, in my State, by constitutional amendment, we have adopted a State right of privacy which the Supreme Court of our State has interpreted relative to its applicability to a parental consent statute. Would it be the Senator's understanding that our State constitutional provision would be the governing provision in Florida and gain the benefit of this overriding Federal law which the Senator provides?

Mrs. KASSEBAUM. Mr. President, again, it is my understanding that the language would allow for States' constitutional law to prevail.

Mr. GRAHAM. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I might ask the Chair, I believe I am in charge of the, what, remaining 5 minutes?

The PRESIDING OFFICER. Five minutes; the Senator from Oklahoma is correct.

Mr. NICKLES. I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the Senator from Kansas and I have had a number of discussions about this particular issue. There is no doubt in my mind that she shares my concern for the plight of a young girl who finds herself in a difficult situation. We have had some difference of opinion as to the basis on which parents ought to be notified. There is no doubt in my mind that the Senator from Kansas believes that that is preferable. What she is concerned about are exceptional situations where notification of a parent might result in some physical harm, emotional abuse, or some other thing that is detrimental to that child.

My only concern with this particular amendment is that the exemption for physical or emotional threat to a minor is such that, one, there may be a lot of loopholes for someone who does not want that minor to notify her parents to use that as an excuse not to when, in fact, I think we would both agree that notification in almost every instance is probably preferable.

My other concern is that notification may be denied on the basis of someone who is very broadly defined, for instance, there is an alcoholic in the house, and so forth, and that is not reported. If a child comes to a professional and says, "I don't want you to tell my parents that I'm going to have an abortion because I might suffer physical violence or because I am the victim of incest or abuse," and that is not reported then to the authorities, sure, the child may go ahead and have the abortion, but no one is notified that a potentially dangerous situation exists within that family or within that family circumstance.

So the failure to report that to the authorities so they can follow up with counseling, help, whatever, I think is a major problem of this amendment. I am concerned that in agreeing to it, we are not dealing with a situation that ought to be dealt with. I thank the Senator from Oklahoma for yielding to me.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me just comment on Senator KASSEBAUM's amendment. I plan to support this amendment. It does not do as much as what I had hoped to do under my amendment, or even under the Coats amendment that we voted on before. But I happen to think it is better than nothing.

I want to notify parents that their children are in a difficult situation if they happen to be pregnant. I think the parent should be involved in that decision. They should be involved in trying to help their kids.

I think in some circumstances the amendment of the Senator from Kansas will do that. It will not do it as many times as my amendment would do it, and it will not do it in certain States, not as many States.

Again, I happen to be a supporter of States rights, but I also think if they are receiving Federal funds there should be some strings attached to those funds. We did not win on my amendment. I appreciate that; I respect that.

I compliment my colleague from Kansas. I think her amendment is certainly better than nothing, and I hope that the Senate will agree to it by an overwhelming vote.

Mr. KOHL. Mr. President, section 146.78 of the Wisconsin statutes was enacted as part of the omnibus Pregnancy Prevention and Family Responsibility Act—Act 56, 1985. It states, among other things, that health care professionals who provide abortions must strongly encourage a minor to discuss her pregnancy and proposed abortion with her parents. Medical providers must inform the young woman that, if she requests, the county will provide a social worker to accompany her in discussing the situation with her parents—Wisconsin Statutes 46.24.

Is my understanding correct that due to this existing Wisconsin legislation, under this proposed amendment, the title X grantee in Wisconsin would be exempt from the requirements as outlined in the amendment?

Mrs. KASSEBAUM. Yes; that is correct.

Mr. CRANSTON. Mr. President, I would like to clarify the effect of subsection (b) of the amendment proposed by the Senator from Kansas.

It is my understanding that the requirements of section (a) of the amendment would not be applicable in any State which has enacted legislation concerning the conditions or circumstances under which abortions may be provided to unemancipated minors. A number of States, including California, have enacted legislation in this area which has been enjoined by State or Federal courts or otherwise not being enforced. In the case of California, such State legislation has been held to violate provisions of the State constitution, *American Academy of Pediatrics* v. *Van De Kamp*, 263 Cal. Rpt. 46 (1989). Does the Senator from Kansas agree that the requirements of subsection (a) of the amendment would thus not be applicable in a State such as California?

Mrs. KASSEBAUM. Yes.

Mr. WIRTH. The situation in the State of Colorado is the same. A State law dealing with this issue has been enjoined.

Mr. ADAMS. That is the case in the State of Washington as well.

Mrs. KASSEBAUM. Then subsection (a) of the amendment would not be applicable in Colorado or Washington or any other similarly situated State.

Mr. CRANSTON. I thank the Senator from Kansas for her responses.

Mr. KOHL. Mr. President, I want to commend my colleague from Kansas for her work on this amendment and extend her my support.

This is a difficult issue, as we have all come to appreciate. There is little middle ground and beliefs are strong on both sides.

I believe in a woman's right to choose and I will always defend that right. But I also believe that when it comes to unemancipated minors, there is a value to parental involvement in the vast majority of cases.

I have struggled a great deal trying to strike a balance between those beliefs. I understand that not all young women are fortunate enough to have parents with whom they feel they can discuss their pregnancy and abortion decision. And to acknowledge that reality, there are reasonable bypasses in this amendment, unlike other proposals that have been before the Senate.

But in the majority of instances, I do believe that there is a value to parental involvement that can and does serve minor women in these circumstances. There is simply something to be said for the family, something to be said for talking this important decision through with someone who knows you, who loves you, and who wants to help.

For those who could not understand what they called the inconsistency of the recent votes on this issue, let me offer this: Guaranteeing the right to choose does not guarantee that the decision is an easy one. It does not guarantee that a minor can make that decision without full consultation. And somewhere between giving minors those guarantees and taking away their right to choose altogether—that's where the best public policy is served.

I believe the amendment before us strikes that balance in a way that is fair to the young woman, fair to her family, and fair to those States—like Wisconsin—who have addressed this issue through informed consent laws. This amendment exempts States like Wisconsin who have enacted legislation concerning the conditions or circumstances under which abortions may be provided to unemancipated minors—whether or not that State prohibits or allows notification.

Again, I thank my colleague from Kansas and I urge support for her amendment.

Mr. SEYMOUR. Is it the intention of the Senator from Kansas that Federal funds will be provided to these minors for the counseling option, recognizing that the counselor does not have a financial relationship with the physician or clinic where the abortion is to be performed?

Mrs. KASSEBAUM. I think that it is important to assure that the counselor is not financially connected to the clinic where the procedure is to be performed. The clinics will provide a list of resources to the minor where she might find counseling at no cost such as a school guidance counselor, social worker, and counseling certified member of the clergy. Title X funds will not be provided for such funding, but counselors that could assist the minor may indeed be federally funded through other programs.

Mr. SEYMOUR. If I may ask one further question. In rural areas where certified counselors may be scarce, will a certified clergy or a physician be able to take the place of a counselor?

Mrs. KASSEBAUM. The counselor must be a licensed or certified counseling professional regardless of location. The majority of title X clinics providing abortion services are located in areas with additional support services nearby. Minors from rural areas will have to travel to attend these clinics at the outset.

Mr. SEYMOUR. I thank the distinguished Senator from Kansas for clarifying these points.

Mr. LEVIN. Mr. President, I would like to ask the Senator from Kansas for a clarification of the parenthetical phrase on page 3 of her amendment. Are the bases for the decision by a certified counseling professional listed in the parenthetical phrase meant to be examples of justifications for the certification or are they meant to be an exclusive list?

Mrs. KASSEBAUM. The items that the Senator from Michigan refers to in the parenthetical phrase are meant to be examples and not an exclusive list.

Mr. LEVIN. I thank the Senator for her clarification.

Mrs. KASSEBAUM. I believe, Mr. President, my time is all gone; is that correct?

The PRESIDING OFFICER (Mr. KOHL). The Senator from Oklahoma has 50 seconds.

Mr. NICKLES. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Kassebaum amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—92

Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—8

Adams
Bradley
Cranston
Jeffords
Kennedy
Lautenberg
Metzenbaum
Packwood

So the amendment (No. 1108) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1106

THE PRESIDING OFFICER. The question occurs on amendment No. 1106 offered by the Senator from North Carolina. The debate is limited to 45 minutes, with 30 minutes under the direction of Mr. HARKIN and 15 minutes under the direction of Mr. HELMS.

Who yields time?

Mr. HARKIN addressed the Chair.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 15 minutes to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, the last time this issue was before the Senate in a slightly modified form, it was on July 26 of this year. At that time, we had a rollcall vote on a tabling motion, and the vote to table the amendment was 71 to 28.

The Senate has spoken, although, as I say, there is a slight modification in the proposal that is before us. To say the least, this is an attempt to legislate on an appropriations bill. It is a revisiting of an old issue, and it is part of a continuing strategy to harp constantly on the race issue, on the quota issue.

(Mr. BINGAMAN assumed the chair.)

Mr. DANFORTH. Mr. President, as part of a steady drumbeat of an effort to constantly raise the issue of racial politics, that may or may not be great politics. I do not happen to think it is good. But I know it is divisive for this country, and for that reason, I think it should be avoided.

What we are talking about in the amendment that is now before us is not the question of quotas. I am confident that if we have a vote on the issue of quotas, on the issue of governmentally mandated racial preferences, or gender, or other preferences, almost everybody in the Senate would vote against quotas. That is not the issue that is before us.

What is before us is a question of private action, not governmental action, and whether we are going to vote in the U.S. Senate to reach into the private sector and say to the private sector: No, in such-and-such a business decision, you cannot do it.

Business decisions are very narrow under title VII of the Civil Rights Act. The Supreme Court has said that a business can only adopt its own preferential hiring program voluntarily under two limited circumstances. One circumstance is that the employer has had a history of discrimination, and the other circumstance is that there is, and I am quoting the Supreme Court: "a manifest racial imbalance in traditionally segregated job categories."

So all we are talking about here is a situation in which the employer says: Look, we have a problem, and the problem is either that, in our business, we have a history of discrimination, or that there has been a manifest racial imbalance in traditionally segregated job categories, and we want to fix this problem. We want to fix it voluntarily. We do not want to wait for a court order. We want to fix a problem that is a real problem in our work force.

In one case, Johnson versus Transportation Agency, one particular job category had 238 men and zero women, and the employer said: For the next opening, we are going to hire a woman, and we have found that woman, and she is qualified.

Yet, on some test scores, her test scores were slightly less than a male candidate. And the Supreme Court said that is fine. And this amendment, Mr. President, would say that is not fine, it is unlawful. It is unlawful for an employer, where he has 238 men and zero women, to say: For the next job, if we find a qualified woman, we are going to hire her. That is going to be unlawful under this amendment.

Mr. President, many people complain about the overreach of the Federal Government, but how can we complain about the private sector trying to operate its business in a way that it thinks is in its best interest? Let us suppose an employer wants to sell to customers in the innercity, and the employer does not have enough blacks on the work force, and they say: Hey, we really want to hire some blacks, because that is good business.

This amendment would say, oh, no, that is unlawful. Let us suppose, as in the case told to me by one of our colleagues, who was a Governor at one point; the State highway patrol in his State was virtually all white, and this Governor said to the highway patrol: I want you to start hiring some minorities. That would be unlawful. I think we are interfering with private decisions in this amendment, and I think that is a bad tactic, much less the damage that is caused by constantly bringing up this kind of divisive issue.

Mr. President, in a very different context, yesterday I noted that today in America, a third of black families are living in poverty. Nearly one-third of young black men do not have jobs, and the average income of blacks in America is not much more than half that of whites.

What are we to do about that? Maybe some people would say let us do nothing about it. But we have a problem in this country. We have a problem of a major disparity in opportunity in America, and most of us are concerned about heavy-handed governmental programs that set up quotas, goals, timetables, and the like.

Is our answer that we are going to do nothing about this problem? Why not at least give the private sector an opportunity to help correct a problem that clearly has to be solved. If there is a business out there that has a social conscience, much less a desire to appeal to a public that it is trying to sell to, and it wants to be part of the solution, why not let it be a part of the solution?

Why not let a college, for example, that wants to have some black people on the faculty as role models for black students hire a black faculty without falling afoul of title VII of the Civil Rights Act? Would it not be a bizarre consequence of title VII, bizarre consequence, if we amended title VII to prohibit voluntary efforts to solve historic racial discrimination?

Again, the only cases in which these programs can be lawfully used are cases where there has been a history of discrimination or a history of segregation in this job category. That is the narrow category of cases we are talking about. For the Senate to say that the private sector cannot even solve cases of historic discrimination is such a twisting of title VII that maybe it would make a great 30-second campaign commercial. But it is ridiculous Government policy.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield 5 minutes?

Mr. HARKIN. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, our friend and colleague, Senator DANFORTH has summarized the issue which is before the Senate this evening. If this particular amendment were to become law, and I certainly hope that it will not, it would have a dramatic impact on the lives of millions of Americans. There is no question about that. We are asked to debate this issue in the final moments here of a very full and complete day, on which Senator DANFORTH along with virtually the entire membership of the Judiciary Committee have been involved in the confirmation hearings for Judge Clarence Thomas. Mr. President, during those hearings we heard enormously interesting, compelling comments on a variety of issues from a nominee who is a candidate for the Supreme Court.

The Helms amendment is an extremely important and serious matter. As Senator DANFORTH pointed out, it is not an issue of quotas. I would agree with him that an overwhelming portion of the membership of this body is opposed to establishing numerical requirements for any American employer, whether it is in the private or the public sector.

Mr. President, this issue will be debated and discussed, as it should be, on a measure that will be before this body when the Senate of the United States considers the civil rights bill. And that is the appropriate place for the debate and the discussion. All of the Members who are interested in this subject have made extremely serious efforts to try to free whatever decision is made from the kind of divisiveness that all of us in this body and all Americans, I believe, deeply want to avoid. So, I say to those who support this measure, we will have a full opportunity to debate this issue when the Senate considers the civil rights bill. That is the appropriate vehicle, and that is the time to fully debate this matter.

This particular amendment, if it were to become law, would overturn five Supreme Court decisions. The case that Senator DANFORTH mentioned, Johnson versus Santa Clara, was decided six to three. It involved an employer which did not employ even one woman in a job classification with 238 positions. The only test that this woman scored lower on was a subjective interview; not a mathematical test, a subjective test. Of her two interviewers, one had been her supervisor and had refused to distribute coveralls to her until she wore out all of her clothes. He was one of the members that gave this woman a 75 instead of a 77. And one of the two other interviewers referred to her as a "rebel-rousing, skirt-wearing person." Clear bias, clear bias by two of the three members of that subjective panel, and still she only scored two points less and was selected by the employer as being eminently qualified for this position. And the Supreme Court found in an opinion by Justice Brennan that she should be able to have that particular position.

Mr. President, if that employer were to state that it had a pattern and a record of discrimination and therefore wanted to take remedial action, that employer would be subject to hundreds, perhaps even more, claims against it for past discrimination.

Senator DANFORTH has pointed out what I think is the understanding of the Supreme Court, and that is to try to provide encouragement to the private sector. We hear so much around here from many Members that we should allow employers to work out discrimination claims through reconciliation. Let us try to see if the private sector can provide some remedies in this area. And, Mr. President, there has been some progress, perhaps not as much as some of us might like, but there has been some progress by conscientious employers.

This particular amendment would in a very cynical, important, and serious way undermine a very important aspect of public policy. We must find a remedy for one of the most difficult and complex problems this Nation is facing: the division on the basis of race, gender, and disability.

We should not hastily adopt legislation that would, in the name of abolishing quotas, also invalidate other valuable efforts to increase the representation of women and minorities in our Nation's workplaces—efforts which have been approved by the Supreme Court and which have been relied on by Presidents Bush and Reagan.

No one supports quotas. If that is all this amendment did, it would be adopted unanimously. But in the name of opposing quotas, this amendment goes far beyond that goal and embarks on a search-and-destroy mission to destroy many forms of affirmative action as well.

Today we are faced with a slightly modified proposal from the version rejected 71 to 28 last June. Its author claims it will not ban all affirmative action. Although I appreciate the efforts of those on the other side of the aisle to respond to our concerns in this area, the amendment does not accomplish what its author says it does.

The amendment bans all consideration of race, gender, religion or national origin, except affirmative action programs to recruit qualified minorities and women to expand its applicant pool.

The amendment would ban the many other forms of affirmative action that our Nation agrees are appropriate tools to use in eradicating employment discrimination. And it would overrule all five of the Supreme Court's principal decisions upholding affirmative action, because each of them addressed programs which did not include, or went beyond, mere outreach and recruitment.

The Helms amendment violates our Nation's shared recognition that, under certain circumstances, it is appropriate to try to increase the representation of women and minorities in our Nation's workplace by engaging in affirmative action.

President Bush and Reagan have both recognized the importance of affirmative action and have taken steps which, had this amendment been law, would have been illegal. Similarly, the Supreme Court has repeatedly recognized the valuable role played by affirmative action and has developed a body of law defining the circumstances under which such efforts may be undertaken.

We should not respond to the false cry of quotas by abandoning a valuable tool which has been invoked by the past two Republican Presidents and approved repeatedly by this Nation's highest court.

President Reagan personally illustrated that one can oppose quotas and unfair advantages without also opposing appropriate affirmative action efforts. A long-time opponent of quotas, he promised in the closing days of his 1980 Presidential campaign to name a woman to fill one of the first Supreme Court vacancies. He stated:

> I oppose tokenism, and I oppose setting false quotas. * * *
>
> I am also acutely aware, however, that, within the guidelines of excellence, appointments can carry enormous symbolic significance. This permits us to guide by example, to show how deep our commitment is and to give meaning to what we profess. * * *
>
> One way I intend to live up to that commitment is to appoint a woman to the Supreme Court. I am announcing today that one of the first Supreme Court vacancies in my administration will be filled by the most qualified woman I can possibly find, one who meets the high standards I will demand for all court appointments. It is time for a woman to sit among our highest jurists.

True to his promise, President Reagan nominated Sandra Day O'Connor to fill the first Supreme Court vacancy during his tenure. In announcing the nomination, the President explicitly referred back to his campaign promise that one of his first Supreme Court appointments would be a woman.

Mr. President, the Helms amendment would ban what President Reagan did with respect to the O'Connor nomination. Make no mistake about it, if the Helms amendment had been law in 1981, President Reagan would have been committing an unlawful employment practice when he appointed Sandra Day O'Connor to the Supreme Court.

President Reagan did not stand alone in recognizing that there is an important distinction between granting unfair preferences and engaging in appropriate affirmative action. President Bush—undeniably a staunch opponent of quotas—has made clear that he supports efforts to seek out women and minorities to fill vacancies on the Federal bench. Just 2 months ago, then-Attorney General Thornburgh reiterated that the President wants to make judicial appointments "that reflect the diversity of our society," and instructed his staff to be sure to include the names of qualified women, blacks, Hispanics, and persons with disabilities on lists of potential nominees to fill the Supreme Court vacancy created by Justice Marshall's resignation.

One could perhaps argue that President Bush's efforts constitute mere outreach, which this amendment would permit. His nomination of Judge Clarence Thomas to the Supreme Court, however, makes clear that President Bush does not wish only to identify more minority candidates, he wishes to appoint more minority candidates. Although the President stated that his decision to nominate Judge Thomas to serve on the Supreme Court was not based on Thomas' race, he has acknowledged that "[t]he fact that he's a minority, so much the better."

After the nomination was announced, administration officials said that the President focused almost exclusively on minority and female candidates. Even Senator DOLE told the press that race was probably one of the factors President Bush considered in selecting Judge Thomas. If the Helms amendment were the law, President Bush would have committed an unfair employment practice.

In July, while discussing Justice Marshall's resignation, Senator HATCH joined the ranks with those who recognize that one need not oppose any consideration of race to oppose quotas. He stated:

> I think it's fair for black people and other minorities to hope and to want somebody who is a minority on the court. I personally do too. I don't think that should be the sole determining factor.

This amendment, however, would ban what even Senator HATCH would permit: it would prohibit any employer from considering an applicant's race even as one factor in a decisionmaking process. It would prohibit an employer from setting goals and timetables around which to focus its affirmative action efforts—an approach approved of repeatedly by the Supreme Court and by President Bush.

Many opponents of the civil rights bill argue that the Federal Government should not interfere with an employer's ability to run his business in the way he sees fit. But this amendment would represent a tremendous intrusion into the freedom of employers to define job practices that suit their needs. Current laws do not force employers to provide preferential treatment to any employee or applicant—indeed, title VII explicitly states that it does not require preferential treatment—and the Supreme Court has developed a body of case law to ensure that employers who choose to engage in affirmative action do not go too far. We should leave employers free to decide where, within this range of permissible behavior, their needs are best met.

This amendment should not be considered on this bill, and I urge my colleagues to join with me in opposing this amendment.

So, Mr. President, I hope that this legislation on an appropriations bill would not be considered on the basis of its merits, but that we would have the opportunity to debate these measures when we consider the civil rights legislation. There will be ample opportunity to do so before we adjourn in this session.

I withhold the remainder of the time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Idaho is recognized. Who yields time?

Mr. HELMS. I yield such time as he may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Senator from North Carolina.

Mr. President, I rise to support the Helms amendment. I just listened with interest to my two colleagues' comments, and I note that they are both tied up today on the important matters of the Judiciary Committee. I commend my friend, the senior Senator from Missouri, for the work he has been doing with all his colleagues with respect to the important nomination the President has made, Clarence Thomas, for the Supreme Court, and I commend him for that, but I am positive that, after listening to the remarks of the two Senators, they have not heard the comments that were made earlier today on the floor in answering those criticisms by the author of the amendment, the senior Senator from North Carolina, Senator HELMS.

Mr. President, there is a wide disparity between nondiscriminatory purposes of the Civil Rights Act of 1964 as it was originally enacted and the color-conscious perversion which some judges derived from it. I will quote Hubert Humphrey in a moment when he stood on this floor, Mr. President, and said that if the 1964 act were ever used to implement quotas, he would eat pages of the CONGRESSIONAL RECORD. I quote the late great Senator Humphrey:

> If there is any language which provides that any employer will have to hire on the basis of prejudices or quotas relating to color, race, religion, or national origin I will start eating the pages one after another because it is not in there.

Mr. President, here we are 27 years later and Senators stand on the floor of this body and argue with equal effervescence and enthusiasm that the late Senator Humphrey used to use that a bill implemented to prevent discrimination should be interpreted to promote discrimination. That is all the Senator from North Carolina is talking about. I think we all agree, discrimination is unfair to everyone involved. It is unfair to the person who is discriminated against who may come from circumstances more disadvantaged than the person on whose behalf the discrimination occurs. It is unfair to the person who supposedly benefits from the discrimination because it is tantamount to saying that we do not believe that person can make it on his or her own.

It is unfair to the employer who is forced to settle for something less than the best man or the best woman for the job. And finally, Mr. President, it is unfair for society because it promotes the notion that governmental favoritism rather than individual merit is the key to success.

So, Mr. President, I hope that my colleagues carefully read the language in the Helms amendment and then accept it and vote for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 3 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise in opposition to this amendment. Once again we are taking this issue up. Certainly this amendment sounds very wonderful when you read it. I do not think there are any of us that would not like to see the day that we have a color blind society in this Nation, but we do not. We all seek that society, but sadly all of us know that it does not describe the United States at this particular time in our history.

The United States is still shackled by bias. It is still mired by hate. Too many employers and unions and individuals are not blind to color. Given this sad but true fact, our system of justice cannot be blind to the existence of prejudice either.

Regrettably, some unions still stack the deck against women and minorities. So, too, do some employers. What should our societal and legal response be to blatant historical and/or current discrimination? Should we let bygones be bygones?

The answer is, of course not. We still need to remedy past discrimination. In some cases, that means adopting goals and timetables to erase the effects of that discrimination. The Helms amendment would make this type of redress unlawful. The Helms amendment, while superficially attractive, would undercut efforts to gain true equality in our Nation.

Paper rights are one thing. But until blacks and women are in the building trades, the banks, and the board rooms, we will not really have equal opportunity in this Nation.

Affirmative action is a necessary tool in this effort. It does not mean hiring by the numbers to satisfy the whims of some bureaucrat. But sometimes it does mean making an extra effort to find qualified people who do not live in the right neighborhood and do not belong to the right country club.

The shame of it all is that if the Senator from North Carolina is trying by his amendment to ban quotas, the very provision he is amending does just that. The existing language of 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)), states that nothing in the act shall require an employer to grant preferential treatment on the basis of race, sex, et cetera on account of an imbalance in the numbers of persons of a particular race, sex, et cetera, employed by an employer as compared with the numbers of such persons in the community, State, area, et cetera.

This language already bans the evil addressed by the Senator's amendment. But it does so without the side effect of also banning the affirmative action practices which the Supreme Court has repeatedly upheld.

In case after case, the Supreme Court has set the limits of permissible affirmative action. The names of these cases are well known: Steelworkers versus Weber, the Firefighters cases, Johnson versus Santa Clara, and others.

These decisions have served more often than not to constrain the scope of actions beneficial to women and minorities. However, they also consistently have held that under limited circumstances it is appropriate to take affirmative steps to provide equal opportunity where history has shown that negative steps to deny such opportunity had been taken previously.

So I say to the Senator from North Carolina that his amendment assumes a fact not yet in existence. It assumes that we as a country have reached that color-blind plateau where there no longer is a need for taking action to correct the wrongs of discrimination. I say to the Senator, that day will come. When it does, I or my like-minded successors will support the type of amendment he offers today. That support will be given with joy, for it will signal arrival of the color-blind society all of us crave.

But for now, this amendment is wrong for the times in which we live. For today, this amendment should be defeated.

As wonderful as it may sound, it is evil in its content and what it will result in. I urge that we defeat soundly the amendment that is before us at this time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield to Senator DOLE as much time as he requires.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I want to commend my distinguished colleague from North Carolina for offering an amendment designed to outlaw quotas.

In and of themselves, quotas are anti-equal opportunity, anti-individual merit, and, in case you have not noticed, about as popular with the American people these days as the coup plotters were with the Russian people.

As Members of this body will remember, Senator HELMS proposed a similar antiquota amendment back in June. At that time, I expressed concerns about this amendment—concerns that while the amendment would, indeed, outlaw quotas and rigid set-asides timetables, it might also arguably outlaw programs in which an employer sets objective hiring standards, and then affirmatively recruits members of traditionally disadvantaged minority groups who meet the objective standards.

An example of this would be where an employer with a predominantly white work force widens its applicant pool by taking such actions as placing ads in newspapers which have a primarily minority readership, and asking minority and civil rights groups for referrals.

After raising these concerns, the Senator from North Carolina and I engaged in a colloquy, where he made it clear that prohibition of such programs was not the intention of his amendment.

I am delighted that Senator HELMS has cleared up my concerns once and for all by inserting language in his amendment which explicitly declares that it will not be an unlawful employment practice to establish an affirmative action program designed to recruit qualified minorities and women to expand applicant pools.

Had it not been for objections at that time from the other side of the aisle, this issue could have been resolved in June, and the Senate would be leaving earlier tonight.

Mr. President, one of my proudest days as a Senator was the day I led the floor debate on the legislation which created the Martin Luther King holiday. Martin Luther King's dream was one of an America where citizens were judged not by the color of their skin, but by the content of their character. With passage of this amendment, we will be that much closer to fulfilling that dream.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Iowa controls 11 minutes and 30 seconds, the Senator from North Carolina controls 9 minutes and 24 seconds.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I yield myself as much time as I may require. I think Senators need to go home and I am not going to take but a minute or two.

I cannot imagine what amendment Senator KENNEDY and Senator DANFORTH and Senator JEFFORDS were talking about. They certainly were not talking about my amendment, the one pending at the desk now. But this so often happens. Every point raised by the three Senators was answered clearly early this afternoon and Senator DOLE has, in the short remarks he made, reiterated those.

Mr. President, in the case of Johnson v. Transportation Agency, Santa Clara County, 480 U.S. 616 (1986), Justice Scalia pointed out that under the cover of title VII's prohibition on race discrimination the Court had "replaced the goal of a discrimination free society with the quite incompatible goal of proportionate representation by race and by sex in the workplace."

In Johnson, the county transportation agency had adopted an affirmative action plan that applied to employee promotions. The plan permitted the consideration of an individual's membership in a protected racial or gender group in making decisions about employment and promotion. There had been no practice of discrimination by the agency in the past nor had the persons covered under the plan been discriminated against themselves. Preference for individuals was given because the group to which he or she belonged had not been proportionately represented in a job category.

The agency announced an opening for a road dispatcher. Seven applicants were determined to be qualified and received a score above 70 in an interview. A Mr. Paul Johnson received a score of 75 which tied him for second, a female applicant received a score of 73. A second interview was conducted in which the review board recommended that Johnson be promoted. However the female applicant had gone to the county affirmative action office, who in turn recommended that the female receive the promotion which she eventually did. There had never been a female road dispatcher and the agency wanted a balanced work force.

What happened to Mr. Johnson violated title VII of the Civil Rights Act of 1964. His employer discriminated against him because of his sex. But that did not phase the Supreme Court.

As Justice Scalia pointed out in his dissent in this case, the county plan did not purport to remedy past discrimination but instead explicitly stated as its goal:

> * * * a work force whose composition in all job levels and major job classifications approximates the distribution of women, minority, and handicapped persons in the Santa Clara County work force.

Under the Court's reasoning, Scalia noted that the effect of title VII is that it not only permits but often requires employers, public as well as private, to engage in intentional discrimination on the basis of race and sex. As the mere existence of a work force imbalance regardless of the absence of any showing of intentional discrimination makes the employer vulnerable to a title VII suit. Scalia argued that since Weber and Johnson remove the employer liability to a suit for discrimination by whites and males, "an employer's failure to engage in reverse discrimination is economic folly."

Thus the Court and the authors of civil rights legislation before the Congress create a nonsensical notion of so-called work force balance achieved through hiring by the numbers. The awarding of privileges based on race and sex is a sure way to perpetuate racial tensions and continue to gloss over the problems which really afflict us.

I also want to point out that Senator KENNEDY stated that my amendment would overturn five Supreme Court decisions. He was horrified at that prospect. I want the record to show that Senator KENNEDY's own bill, the Civil Rights Act of 1991 overturns at least 25 Supreme Court decisions.

I also wish to put in the RECORD at the conclusion of my remarks, a column by Walter Williams, a distinguished columnist and economist who happens to be black, one of the most intelligent, erudite men I have ever met. I am going to read one paragraph from that and that is what this amendment is all about. Walter Williams says in his column:

> Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex or national origin?"

That is what this amendment is all about.

Mr. President, I ask unanimous consent that the column by Walter Williams be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CHAMPION OF LIBERTY

(By Walter Williams)

We should pay close attention to the Senate confirmation hearings on Judge Clarence Thomas' appointment to the U.S. Supreme Court. During what will probably be an inquisition, Judge Thomas will face questions about his position on affirmative action. But we shouldn't fall for our immoral senators' attempts to denigrate this very forthright and principled man in their efforts to appear holier than thou.

During the early part of the civil rights movement, affirmative action meant that firms, colleges and government agencies would take extraordinary efforts to seek out blacks and other minorities who, due to the ugly discrimination of the past, were outside traditional recruitment channels. In part, this meant advertising for positions in black newspapers, offering remedial assistance to youngsters with bright prospects but not quite up to standards, encouraging minorities to apply for opportunities previously unavailable and combating acts of individual discrimination.

Judge Thomas benefited from this moral and proper version of affirmative action like so many other black Americans. Judge Thomas, like the majority of Americans, agrees with this version of affirmative action.

Today, affirmative action means something entirely different. It means the U.S. Labor Department policy of reporting false test scores to employers in the name of "race-norming." It means that New York City requires whites to achieve a test score higher than blacks to get promoted to police sergeant. Colleges are encouraged to give race-based scholarships. In sum, affirmative action today means racial quota policy.

Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex, or national origin?"

Though arrived at through different routes, Judge Thomas and I believe in the principles of natural law. Natural law simply means that people are endowed with certain God-given, which our Declaration of Independence calls unalienable, rights to life, liberty and property. These rights, expressed by John Locke in his "Second Treatise of Government," which dominated the thinking of our Founding Fathers, are not granted by government.

Government's job is to protect these rights from private and public encroachment. But you don't have to read John Locke to arrive at the fundamental principles of natural law. Two of the Ten Commandments warn "Thou shall not covet" and "Thou shall not steal." If anything is going to get Judge Thomas in trouble with the U.S. Senate, it will be his belief in principles expressed in our Declaration of Independence.

Our U.S. Congress has utter contempt for principles of natural law. Unlike men like Jefferson, Madison and Mason, our congressmen believe that it is a legitimate function of government to forcibly confiscate property of one American to give another to whom it does not belong. They believe that government should grant one American a special privilege denied to another American. Congress will never own up to this betrayal of human rights, but its actions speak louder than words.

Judge Thomas' appointment is an important watershed for black Americans, but more importantly for the future of our country. He is a truly compassionate person because his brain controls his heart rather than vice versa. Judge Thomas is a true friend of liberty and an enemy of state-granted privileges.

Mr. HELMS. With that, Mr. President, assuming that the other side is going to yield back its time, I will yield back mine.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HARKIN. Mr. President, we are prepared to yield back all time.

Mr. HELMS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. HARKIN. Mr. President, I raise the point of order that the Helms amendment is legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order.

The amendment in question is legislation.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I raise a question of germaneness.

The PRESIDING OFFICER. The Senator from North Carolina has raised a question of germaneness.

Under rule 16, the Chair submits the question of germaneness of the amendment to the full Senate. The question is, Is the amendment of the Senator from North Carolina germane or not?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Is the amendment of the Senator from North Carolina germane? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 33, nays 67, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—33

Bentsen
Brown
Burns
Coats
Cochran
Craig
D'Amato
Dole
Domenici
Ford
Garn
Gramm
Grassley
Hatch
Helms
Hollings
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop

NAYS—67

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wirth
Wofford

The PRESIDING OFFICER. The vote on this amendment is 33 yeas and 67 nays. By this vote, the Senate has determined that amendment 1106 is not germane and for that reason the amendment falls.

The Senator from Iowa is recognized.

Mr. HARKIN. I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 792

Mr. SEYMOUR. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from Nevada. This amendment represents a response to one of the most urgent needs faced by thousands of American women.

By the time I finish my remarks, at least 12 women will have been the victims of domestic violence.

And by today's end, three women will have died at the hands of their husbands, boyfriends, or ex-spouses.

What does this say about the condition of society when women are not even safe in the sanctity of their own homes?

Domestic violence is a fatal flaw in the family unit, a tragedy that we as a nation are still just coming to grips with.

In my home State of California, there were more than 188,000 reported incidents of domestic violence in 1989. The Bureau of Justice statistics reports that the actual number of incidents of domestic violence could be at least double the number of reported incidents.

Of those reported incidents of domestic violence, 85 percent were assaults, and approximately one-quarter of the assaults involved serious bodily injury. Furthermore, the Federal Bureau of Investigation [FBI] reports that 30 percent of female homicide victims were killed as a result of a domestic dispute.

It wasn't that long ago that domestic violence was seen as a private matter. Neighbors, friends, and even peace officers would simply encourage family resolution in the midst of a domestic dispute. However, the severity of domestic violence, both in number and degree, requires that help outside the home is needed. Fortunately, responsible Americans have been taking action.

In 1977, California established the Domestic Violence Center Act, providing local assistance through marriage license fees. And 8 years later, in 1985, the statewide Domestic Violence Assistance Program was established in California, providing $1.5 million in assistance for domestic violence shelters.

Today, there are 85 domestic violence programs in California, and 61 of these are funded by Federal and State funds.

Comprehensive Federal assistance to domestic violence shelters did not begin until 1984, with the passage of the Family Violence Prevention and Services Act, which has allocated more than $10 million each year to assist domestic violence shelters.

Despite the growing attention and support to victims of domestic violence, far too many women muster the courage to leave their abusive environment only to find that their cries for help are left unanswered. In desperation, some of these women with nowhere to turn take the law into their own hands and bring a halt to the torture by ending the lives of the animals who beat them.

Television's "The Burning Bed" and this year's blockbuster "Sleeping With the Enemy" brought the horror and drama of domestic violence to millions of Americans. More importantly, these films underscored the very real problem that thousands of women have little or no means of escape.

The National Coalition on Domestic Violence reported that in some urban areas, domestic violence shelters turn away seven women for each one they accept. Nationally, three out of four abused women are turned away. And hundreds of communities still do not even have shelters.

Even with the overwhelming demonstration of need, the Federal Government, since the creation of the Family Violence Prevention Act in 1984, has never increased the yearly appropriation above $10.7 million.

Until now.

I am pleased to join with my friend and colleague from Nevada, Senator RIED, as an original cosponsor of an amendment that represents the first real increase of Federal support to domestic violence shelters. In fact, it nearly doubles that support.

In many communities, this increase will allow shelters to serve more women who have no return avenue of safety from their violent spouses. Also, for communities currently without shelters, this funding increase finally will allow them to bring much-needed support to abused women.

Mr. President, effectively addressing the myriad social problems raised by domestic violence will require a coordinated effort by all levels of government, as well as community leadership and volunteer support. It's not just responding to cries for help, it's also preventing the violent incidents that force women to seek help in the first place. I am hopeful that by passing this amendment, this body has demonstrated its desire to fully address this subject with legislation that includes preventive and remedial approaches to this most serious problem.

I commend the efforts of Senator REID, and I'm pleased that the distinguished managers, Senator HARKIN and Senator SPECTER, have agreed to accept this amendment.

Mr. President, if there is something that can be done to help these women, it must be done. Though a necessary first step, simply understanding the plight of battered women is not enough. Support must be available to them. Their cries for help must be answered.

AMENDMENT NO. 1084

Mr. CHAFEE. Mr. President, I am pleased to join in sponsoring this important amendment to the fiscal year 1992 Labor, Health and Human Services appropriations bill to restore some funds to the much-beleaguered Low Income Home Energy Assistance Program, or LIHEAP, and to provide additional funds for several education programs.

LIHEAP is a program that provides home energy aid to low-income families struggling to pay for necessary home energy costs, such as heating. These costs are fixed costs. Heating is a necessary fact of life in many areas of this country. In my State of Rhode Island, where winters are fierce, heating is no luxury—it is a necessary part of everyday life.

And for households of low income, these fixed costs represent a substantial—and disproportionately large—chunk of the household budget. Often, energy bills eat up as much as 20 percent of a family's annual income, thus causing the need for heating to compete with the basic needs of food and shelter for household dollars. Thus, LIHEAP program aid can make all the difference to a low-income family.

Let me give my colleagues a sense of what it is like in Rhode Island for a low-income household in the winter. It is cold up there. Only 2 years ago, with average temperatures hovering at 21 degrees, the month of December broke every cold weather record for December since 1917. Our average monthly energy costs in the winter are roughly $150 a month. For a Rhode Island household making minimum wage of $688 per month, that represents a good 25 percent of the household budget. The same type of costs, and thus the same heating versus eating dilemma, is faced by elderly persons and others living on fixed incomes.

I also might add that in the past 2 years, we in the Northeast on several occasions have experienced sharp jumps in the price of home heating oil and other fuels. These unexpected price increases further strained Rhode Islanders' ability to pay for energy use. In addition, the price hikes caused already-scarce LIHEAP dollars to be spread even thinner among the eligible population.

That is why LIHEAP is so important to my State, and why every penny of the $11.6 million we received this year counts. In this fiscal year, 25,000 Rhode Islanders have received help with their energy bills through LIHEAP. This aid is shared by dozens of communities across the State from Providence to Charlestown to Hopkinton, all of whom would be forced to drop families from their program if the amount proposed for LIHEAP in this legislation is not increased. I have received many letters from State and local officials, consumer groups, and members of the energy industry expressing their grave concern about cuts in the LIHEAP allocation.

Yet despite the importance of this program, funding for LIHEAP has decreased steadily since its peak of $2.1 billion in 1985. That means that this important safety net for low-income families has become smaller and smaller.

This year, I joined 51 of my colleagues in writing to the Appropriations Subcommittee to request that $1.6 billion—the same as the fiscal year 1991 appropriation—be allocated to LIHEAP for fiscal year 1992. I appreciate that the members of the subcommittee were faced with difficult budget constraints this year. But while they did allocate the full $1.6 billion, they adopted funding restrictions that effectively reduced the LIHEAP total to $855 million—a nearly 50-percent cut from last year. That is a significant and drastic decrease in funding support.

The amendment we are sponsoring that is now before the Senate will make additional funding—about $200 million—available to States for LIHEAP in this coming fiscal year. That money will help ensure that families already participating in the LIHEAP program will be able to remain in the program. It is not everything, but it will help restore much-needed moneys to this program.

While the LIHEAP provisions are important, I do not want to neglect the additional funding for education programs that also is included in the amendment. Earlier this year, President Bush announced his America 2000 plan to improve our Nation's education system, which included six goals for our Nation's education system to reach by the year 2000. The amendment before us today will help our Nation meet these goals by strengthening the Federal commitment for critical education programs. For example, the Chapter 1 Program, which provides funds to local school districts to help them meet the needs of disadvantaged students, would receive an additional $152 million. Through counseling and remedial instruction, this highly successful program helps our young people at risk of dropping out of school to overcome their difficulties and go on to have successful school careers.

Student financial assistance programs will receive $62 million above the $6.9 billion included in the bill. In the last decade, skyrocketing tuition costs have made it increasingly difficult for students and their families to afford the cost of a college education. I have long supported student aid programs, such as Pell grants and the Guaranteed Student Loan Program. The amendment will help ensure that students who qualify for assistance under these programs receive the financial support they need to complete their degrees.

Finally, I would like to note that the amendment increases by $10 million the amount included in the bill for childhood immunization programs. Childhood immunizations are one of the most cost-effective health services we have available today. Yet many preschool children are not being immunized adequately because support for the childhood immunization program administered by the Centers for Disease Control [CDC] has not kept pace with inflation.

Earlier this year, I joined Senator BRADLEY in initiating a letter urging members of the Appropriations Committee to provide increased funding for the program. I am pleased that the committee favorably considered this request and recommended $227.8 million—$60 million above last year's level. The $10 million provided by the amendment, along with the committee recommendation, will help ensure that children receive appropriate immunizations.

Mr. President, the amendment provides much-needed additional support for programs in several areas. I hope my colleagues will recognize its importance and join us in supporting this proposal.

REFUGEE ASSISTANCE

Mr. CRANSTON. Mr. President, it is my understanding that the committee recommends that $116,616,000 of the funds appropriated to the Refugee and Entrant Assistance Cash and Medical Assistance Program will be on a delayed-obligation basis and that this amount will be released to the States on the last day of fiscal year 1992 so that States can provide assistance to refugees with assurances that they will in fact be reimbursed by the Federal Government. Is my understanding of the committee's recommendation correct?

Mr. HARKIN. Yes. The delayed obligation of $116,616,000 will be available to the States on the last day of fiscal year 1992 provided that this provision remains unchanged after conference.

JOB CORPS

Mr. CRANSTON. Mr. President, I wish to compliment the distinguished chairman of the subcommittee, Mr. HARKIN, for the attention paid in this bill to the Job Corps. As Senators know, the Job Corps is one of our country's most cost-effective education and job training programs for at-risk youth. Yet in spite of its proven success, across the Nation just one in seven eligible young persons are served by the Job Corps Program. In my State of California, the figure is less than 0.7 percent of eligible youth.

So I am encouraged to note that this appropriations bill recommends an increase of $40 million for Job Corps above the budget request and an increase of $60 million above the 1991 appropriation. I am especially pleased that the committee included additional funds for center relocations, for expediting previously approved new centers, and for planning and priority site acquisition for further expansion.

In connection with planning and priority site acquisition, I am indeed pleased that the committee report specifically mentions Compton, CA, as a community that has demonstrated broadbased support for obtaining a Job Corps Center and participating in the Job Corps Program. I believe the committee language is a clear acknowledgment by the committee of Compton's qualifications as a Job Corps site. In view of the California's urgent need for additional Job Corps sites, I am deeply pleased by the committee's recognition.

The committee report also makes clear its desire that the Job Corps 50-50 plan move forward. This expansion plan would allow the Job Corps to serve 50 percent more poverty youth annually by opening 50 new centers. This is very encouraging to all of us who see the critical need for a long-term expansion of Job Corps.

The Senator from Iowa [Mr. HARKIN] is to be congratulated for his leadership in this important area.

LABOR, HHS AND EDUCATION APPROPRIATIONS BILL

Mr. FOWLER. Mr. President, I rise to support and commend the Labor/HHS Subcommittee Chair, Senator HARKIN, for placing a major emphasis on prevention in the fiscal year 1992 appropriation. The Senate bill provides significant increases in several prevention programs over the House-approved levels and the administration request.

The facts show that this is a wise investment:

One-half of the 2.2 million deaths that occur each year in the United States are considered preventable, according to Centers for Disease Control estimates.

We spend over $700 million a year in this country on health care, plus several billion more for research to cure existing illnesses.

In 1991 an estimated 175,000 women will be diagnosed with breast cancer, and another 132,000 with cervical cancer. These diseases will kill half a million women in this decade—though the means exist through detection and early intervention to prevent virtually all deaths from cervical cancer and one-third of those from breast cancer.

Contrast this with our record in effective prevention programs, such as immunizations that have eliminated smallpox, greatly reduced many childhood diseases, and ended the days of sanitoriums in the countryside. There is no more cost-effective health care than prevention. It is estimated that for every $1 we spend on prevention, we save $3 in health care costs.

I think it is important to point out three areas in prevention that receive a boost in this legislation. The Senate bill provides $150 million for the preventive health and health services block grant, compared to $93 million in the House and $108 million requested by the administration. This funding provides the necessary infrastructure for our public health system. There is little doubt that a long-term investment is badly needed there.

While total spending for health care costs nearly doubled during the eighties, the main program to support State and local disease prevention and health promotion programs, the PHHSBG, was reduced by nearly one-half. The Senate recommendation represents a significant reinvestment in prevention programs.

This bill also increases the administration request for chronic environmental and disease prevention by more than $20 million. Significant premature death, preventable illness and disability are caused by personal behavior choices leading to chronic disease—and by exposure to environmental hazards. These are health risks that could be eliminated at little or no cost to the public.

Finally, this bill increases funding for occupational safety and health, from $97 million to $108.8 million. Occupational safety and health programs are the first line of prevention for the 110 million people who make up the American work force. While fatal on-the-job injuries are on the decline, work-related illnesses and nonfatal injuries are increasing.

The Nation's premiere preventive health agency, the Centers for Disease Control, has experienced a decline in its core programs in recent years. The result is inadequate staff and inadequate facilities for the essential task of identifying and addressing new epidemics that may arise. The appropriation before us adds $13.4 million to funding for the CDC's basic programs.

There is no investment we can make that comes closer to the cares and concerns of families throughout the country than this investment in lowering health care costs by preventing illness and injury.

JOB CORPS

Mr. DODD. Mr. President, I would like to engage the distinguished Senator from Iowa in a colloquy regarding the Job Corps centers authorized by the fiscal year 1989 Labor-Health and Human Services appropriations bill. As my friend knows, two of these six centers are now operational, while work continues on the other four, including one in New Haven, CT.

Mr. HARKIN. I am aware of the matter raised by the Senator from Connecticut.

Mr. DODD. Mr. President, I would ask the distinguished manager of the bill if he is aware that the Job Corps headquarters here in Washington has reported that design and land purchase prices for these four new centers are higher than was originally anticipated. As I understand it, Job Corps officials estimate that an additional $20.2 million will be required over the next 2 years to complete and open these centers.

Mr. HARKIN. Mr. President, I would respond to my friend from Connecticut by saying that I am well aware of this problem. In fact, I would note that the bill before us today provides $80,464,000 for the construction, rehabilitation, and acquisition of Job Corps centers in fiscal year 1992, which is a $30, million increase over the administration's budget request. The committee has specified in its report that this additional money is to be used for several purposes, including additional center relocations, capital investments, and the higher than anticipated costs of opening the centers to which the Senator from Connecticut refers.

Mr. DODD. Mr. President, I thank the Senator from Iowa for his comments. I would simply indicate to the Senator my hope that he and the other conferees will be able to preserve the Senate increase for Job Corps center construction, rehabilitation, and acquisition when this bill goes to conference.

Mr. HARKIN. Mr. President, I can assure the Senator from Connecticut that I will work to include sufficient money in the final Labor-HHS bill to ensure that work on the previously approved centers continues. In addition, I look forward to working with him in the future to secure the funds needed to ensure that these centers are completed and opened.

Mr. DODD. I thank the Senator for his comments, and I appreciate his support of this effort. I look forward to working with him in the future on this matter. I might also add that I appreciate the Senator's longstanding support of the Job Corps Program. The Job Corps provides severely disadvantaged youth with basic education and vocational training, and many of these young Americans would be without the brighter future the Job Corps provides were it not for the hard work and leadership of the Senator from Iowa.

THE IMPORTANCE OF ECONOMIC STATISTICS

Mr. SARBANES. Mr. President, the Joint Economic Committee has a longstanding interest in the quality and integrity of Federal statistical programs. These programs provide the data which are critical in both the private and public sector for making sound economic judgments possible.

As chairman of the committee, I would like to call your attention to provisions in the Labor, HHS, Education appropriations bill which threaten the quality of our Nation's employment and price data.

In the Senate bill, the Bureau of Labor Statistics only received $271,892,000, an amount $37,011,000 less than the House bill and the administration's request. This is a significant reduction to both the agency's general appropriation and to funds it receives from the unemployment trust fund.

The Bureau of Labor Statistics produces basic information on employment and prices which is indispensable both to our understanding of today's economy and our ability to meet tomorrow's economic challenges. These statistics do not guarantee good policies, but they are part of the framework of decisionmaking that make good policies more likely.

I realize that my distinguished colleague from Iowa faced very difficult decisions in his subcommittee because of the current budget environment, but I would urge him to reexamine the administration's budget request for BLS.

I believe the cuts to BLS were too severe on several grounds. First, the bill eliminates all of the President's economic statistics initiative, most of which the House included in its bill. The President's initiative represents a comprehensive and sustained effort at improving Federal economic statistics.

Second, the bill fails to include funds for the Federal locality pay survey which is required by the Federal Locality Pay Act of 1990. This legislation was designed to ensure equitable treatment for Federal workers all over the country. The locality pay survey is designed to collect information on salaries in areas with a high concentration of Federal employees so that their compensation can be adjusted to better reflect prevailing local wages. Without the funds for this survey, the Federal Locality Pay Act of 1990 cannot be implemented. I would be troubled if the Senate failed to appropriate funds to carry out a law it enacted only 1 year ago.

Finally, the bill appropriates $8 million less than the amount needed to maintain current services. The Bureau simply needs that money to maintain its current programs and to fund a long-anticipated move to the Postal Square building next to Union Station. Currently its operations are dispersed in several locations in the District most of which now have been released to other organizations. Since the Bureau must move, failure to provide funds for the costs of the move means that cuts will have to be made in important statistical programs.

I know that we must make sacrifices, but we must also be reasonable. The capacity to provide the statistical information on which sound judgment depends is increasingly at risk, and is being placed further at risk by stringent budget reductions. The payoff in enhancing this statistical effort far outweighs its modest cost. Therefore, I urge the Senator from Iowa to work in the conference to restore the funding for the Bureau.

Mr. HARKIN. The senior Senator from Maryland has raised on important issue. I appreciate his concern that statistical programs not deteriorate due to lack of funding. I also understand the importance to both public and private decisionmakers of having quality economic statistics, particularly regarding employment and prices. Many tough decisions had to be made by my subcommittee because funds for domestic initiatives are scarce. Nevertheless, let me indicate to my colleague from Maryland that I intend to work in the conference to provide sufficient funding for essential statistical activities.

Mr. SARBANES. I would also like to take this time to raise with my colleague a provision in the committee report which might cause unforeseen problems for national statistical programs. The report requires that executive direction funds be capped at the fiscal year 1991 level. It is my understanding that over half of the executive direction account actually consists of nonadministrative items. The language in the report effectively eliminates the national longitudinal survey and other valuable programs without giving the agency any options.

Mr. HARKIN. The executive direction accounts of many agencies were frozen at fiscal year 1991 levels. The committee did this to require agencies to make cuts in administrative overhead rather than in programmatic areas. If, as you say, the Bureau's executive direction account also includes programmatic spending, then I would be prepared to work in conference to make allowance for this.

Mr. SARBANES. I would like to thank my colleague for his help in this matter. It is greatly appreciated. Before we finish, I would like to state that I am very pleased that the committee chose to fund the mass layoffs statistics program with JTPA discretionary funds. The House bill required that the effort be continued but failed to appropriate any money for it. The Senate committee's action gives BLS the means to continue this program.

Mr. HARKIN. I thank the Senator for his comments.

Mr. GORTON. Mr. President, I would like to thank the chairman for the effort put forth in guiding the committee's decision on indirect cost reimbursement policies. In its report, the committee called for an audit by the inspector general and a biannual status report on what is being done to manage indirect cost reimbursement policies.

Since consideration of this bill in full committee, I have become aware of the fact that the General Accounting Office [GAO] is now undertaking, at the request of Congress, an evaluation of what revisions are necessary in indirect cost reimbursement policies Government wide.

Different IG's in different departments have responsibility for different schools. No one department oversees all schools—hence the need for an umbrella study by the GAO to ensure that all institutions and practices are reviewed. Because the GAO study is already underway, it will facilitate getting the information as rapidly as possible and it will have a broad impact on all federally funded research programs.

Therefore, I would like to as the chairman if he would be willing to have the GAO carry out a study within the context of its ongoing effort?

Mr. HARKIN. Mr. President, I would like to thank my colleague from the state of Washington and I will be happy to work with him to make an appropriate letter request to the GAO.

THE 25TH ANNIVERSARY OF SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAMS

Mr. HARKIN. Mr. President, I rise today to celebrate the 25th anniversary of the Senior Community Service Employment Programs, the network of job training programs that cultivates the talent and skills of America's older workers and prepares them for part-time jobs in local government and area agencies.

The Senior Community Service Employment Program [SCSEP] was established under title V of the Older Americans Act and is overseen by the Department of Labor. The SCSEP is one of several training programs funded through my Appropriations Subcommittee on Labor, Health and Human Services and Education.

Mr. President, during my time as chairman of the subcommittee, I have had the opportunity to review several employee training programs, and, in my view, the SCSEP programs are unique. And the track record of these programs reflects this. For example, one such program, Green Thumb, Inc., sponsored by the National Farmers Union, trained and assigned 280 low-income workers, age 55 and older, to various highway and park beautification projects in 1965, its first year of operation. Last June, Green Thumb enrolled more than 18,500 men and women for technical, clerical, and paraprofessional jobs in 44 States.

Perhaps the most important testimony to the success of these programs is the story of a fellow Iowan, Ms. Goldie Mayers. When Ms. Mayers applied to Green Thumb in 1988, she wanted to work with children or senior citizens. After working for a year in the West Union Elementary School as a custodian, her supervisor helped Ms. Mayers develop an employment plan that reflected her dreams and career goals. Ms. Mayers' earned her nurse's aide certification by co-enrolling in the Job Training Partnership Act program. The day after she received her certificate, Ms. Mayers was hired by the Good Samaritan Care center as a nurse's aide.

Finally, the benefits of programs like Green Thumb accrue to our society as well as to individual participants. Certainly, by remaining active and productive in part-time jobs, these individuals will be less likely to suffer from depression and isolation that can contribute to chronic illness. And, the wages earned allow a portion of the 5.4 million Americans over 55 to escape persistent poverty. The President's fiscal year 1992 budget proposes a $47.5 million decrease for SCSEP programs like Green Thumb, and I will do my best to restore the 12,936 jobs that would be terminated by this budget cut.

Mr. President, I tell you this and recount Ms. Mayers' story today only to underscore the most important message that the Title V Senior Community Service Employment Programs have broadcast over the past 25 years. The message is this: Our older workers are people with real skills, real dreams, and real potential. We need to continue to support these SCSEP programs, for they improve the economic and social condition of our older Americans today and train them for greater professional and personal success tomorrow.

HEAD INJURY CENTERS

Mr. SHELBY. Mr. President, I would like to enter into a colloquy with the distinguished senior Senator from Alabama and the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Mr. HARKIN. My colleague, Senator HEFLIN, and I have been interested for some time now in improving the quality of rehabilitation services available to victims of head injury in our State and region. Our distinguished friend and colleague, Senator HARKIN, supported our request for fiscal year 1990 appropriation of $15 million to the Rehabilitation Services Administration to establish a network of regional head injury centers. The intent of that appropriation directed the Department of Education to give priority to regions with high incidence of head injuries when awarding the funding. Unfortunately, the Department of Education chose to disregard this directive. Centers apparently were awarded through a review process that gave no weight whatsoever to the high incidence priority. As a result, no centers were established in the entire Southeastern region of the United States, which was among the highest incidence of head injury in the Nation. All of the grants went to institutions in large cities, with little attention given to the particularly acute head injury problem in rural areas such as the South.

Mr. HEFLIN. Mr. President, I wish to join my colleague from Alabama in stating our concern that no head injury center was located in the Southeastern United States. There is no question about the need for the kind of services that these centers provide. As stated in the recent report, "Decade of the Brain,"

> Trauma to the central nervous system is a major public health problem. Over two million people suffer head injuries each year, and of these approximately 100,000 die and 500,000 require hospitalization. The economic costs of brain injury approach $25 million per year. Even without permanent damage, those who survive severe brain and spinal cord injury typically need five to ten years of intensive medical treatment and rehabilitation services.

I am happy to join my colleague from Alabama in seeking a way to address this important regional need.

Mr. SHELBY. Mr. President, I remain thankful to my distinguished colleague from Iowa for his past dedication to addressing the problem of head injuries in this country. Though it was not possible to honor our full request in the Senate legislation this year, I would like to take this opportunity to ask the distinguished chairman if a portion of up to $300,000 of the special demonstration program funds couldn't be directed toward planning for competition for an additional head injury center grant. I would further request that this competition give special consideration to the Southeast which does not now have a head injury center.

Mr. HEFLIN. Mr. President, I join my colleague from Alabama in thanking the distinguished subcommittee chairman for his past support, and in once again asking his support for meeting the challenge of the devastating problem of head injury in the Southeastern United States. It is our understanding that our House colleague, Congressman TOM BEVILL, has communicated his desire to work with conferees toward resolving this matter in conference committee.

Mr. HARKIN. I would like to thank both of my colleagues from Alabama for raising this issue. I concur completely with the proposal that a portion of the special demonstration program funds be used to begin planning for an additional head injury center competition. The Senators have made an excellent point that the entire Southeast region of the country is not served by a head injury center, and this should be considered heavily in any new competition.

SLIAG

Mr. DECONCINI. Mr. President, as our distinguished colleague from Iowa knows, Senator GRAHAM and I are very concerned about the future of the State legislation impact assistance grant [SLIAG] Program. The lengthy start up period and the complexity of this program has created a misconception that SLIAG has a surplus of funds. Although this misconception has led Congress to defer SLIAG funds, many States and service providers report that demand for services has increased and many programs are threatened by the uncertainty due to congressional action.

Congress appropriated $4 billion for the SLIAG Program in the Immigration Reform and Control Act of 1986 [IRCA]. This money is to reimburse States over a 7-year period from fiscal year 1988 through fiscal year 1994. In fiscal year 1990 and fiscal year 1991 $1.12 billion was borrowed from SLIAG for other programs in the Labor/HHS Subcommittee's jurisdiction. Even though a May 23, 1991, General Accounting Office [GAO] report concluded that

States would need at least $450 million in fiscal year 1991, once again Congress has interrupted SLIAG funding by deferring the remaining $1.12 billion to fiscal year 1993. The uncertainty in future appropriations for the SLIAG Program reinforces the need to preserve State surpluses until the SLIAG Program ends in fiscal year 1994.

I commend my distinguished colleague from Florida for his persistence and leadership in supporting full funding for the SLIAG Program. I also agree with my colleague that the States' SLIAG programs are in jeopardy if they do not have adequate funds to provide the necessary services to legalized immigrants.

Mr. GRAHAM. The senior Senator from Arizona is absolutely correct. The SLIAG Program was specifically designed so that States would receive allocations based upon their estimated costs. As these costs materialize, States were to be reimbursed from their allocation. In most cases, although it appears that States have a surplus in SLIAG funds, the surplus is actually a mirage. Their so-called surplus will be drawn down by the end of the program on September 30, 1994.

Reallocating surplus funds would create havoc in State SLIAG programs. Planning becomes virtually impossible and will result in interruption or termination of services. Most importantly, the States have little faith that Congress will pay back the borrowed funds in fiscal year 1993. Reallocating SLIAG funds will force some States to begin termination of SLIAG programs, since they are not optimistic that their accounts will be replenished.

Mr. DECONCINI. I am proud to say that Arizona is a model state in its distribution of SLIAG funds. Arizona does not use SLIAG funds until costs or expenditures have been identified. Although Arizona has a surplus, like many other States, it expects to use its surplus once all expenditures have been identified and all pending cases have been adjudicated.

States should be encouraged rather than penalized for their careful management of SLIAG funds. Furthermore, the reallocation of SLIAG fund surpluses will only cause more confusion in an already complicated program. I think our colleagues can agree that it is imperative that we do not jeopardize the success of the SLIAG program which provides English language and citizenship classes, health services, and outreach to employers and the victims of discrimination caused by employer sanctions. These much needed services are important to the successful assimilation of newly legalized immigrants into our society.

With these concerns in mind, Senator GRAHAM and I would like some clarification from our distinguished colleague from Iowa about the SLIAG funds reallocation report language to the Labor/HHS appropriations bill, H.R. 2702. Is our understanding correct that the report language in no way authorizes the reallocation of SLIAG funds?

Mr. HARKIN The Senator is correct. The Department of Health and Human Services is only asked to conduct a study about mitigating the shortfalls to States, including the possibility of reallocating SLIAG funds.

Mr. DECONCINI. Is our understanding also correct that the reallocation report language gives no authority or direction to the conferees on the bill to amend the Immigration Reform and Control Act to authorize the reallocation of SLIAG funds?

Mr. HARKIN. As I stated previously, the reallocation report language simply calls for a study by the Department of Health and Human Services regarding options for mitigating program disruptions in shortfall States. It will also take into consideration the needs of States, like Arizona and Florida, which currently have surpluses. I have no intention of including authorizing bill language concerning the reallocation of SLIAG funds which is the jurisdiction of the Judiciary Committee.

Mr. GRAHAM. I appreciate the chairman's clarification on this point. I would also like to inform him that Senator DECONCINI and I have asked the General Accounting Office to report to Congress on options for mitigating the shortfall in SLIAG funds to States. We believe that having this information, in addition to the report by HHS, will better assist Congress in making an informed decision.

Mr. HARKIN. I agree. An independent source on this issue will be helpful to Congress in choosing the best option. I look forward to reviewing the findings of both HHS and GAO.

Mr. GRAHAM. I also have a concern regarding the Federal offset of SLIAG—this is the portion of SLIAG that is taken off the top to pay for the Federal costs of Medicaid and Food Stamps provided to the newly legalized population.

It appears that in the early years, fiscal years 1988, 1989, and 1990, the Department of Health and Human Services, in estimating its own Federal offset, overestimated its needs.

In reassessing the States' documentation used by HHS in determining the offset amount, it is my understanding that if HHS were requested to readjust their offset for those early years, as required by IRCA, the unspent Federal funds would then be allocated out to the States with no additional appropriations. It is also my understanding that the funds that would be made available to the States are estimated to be in excess of $100 million. These funds would assist the Federal government in meeting its longstanding obligation to State and local governments to reimburse them for costs incurred under the original provisions of IRCA.

Would not then the Senator concur that it is the intent of Congress to have HHS adhere to IRCA and readjust its offset for those early years? Further, would not the Senator concur it is the intent of Congress that this be accomplished as soon as possible in fiscal year 1991 in in order to ameliorate the impact of the reduction in appropriations to the States?

Mr. HARKIN. Yes, I concur on both points, and I appreciate the Senator's careful observations on this matter.

Mr. GRAHAM. I thank the distinguished chairman of the subcommittee for his cooperation and the Senator from Arizona for his assistance in clarifying this matter.

Mr. DECONCINI. I too want to thank my distinguished colleague from Iowa for addressing our concerns about the SLIAG program.

MAINTAINING TOLL-FREE TELEPHONE SERVICE

Mr. WOFFORD. If I may engage in a colloquy with my distinguished colleague from Iowa, Mr. HARKIN, I would like to discuss the issue of the Medicare contractors' contingency fund and the maintenance of toll-free telephone service.

I want to commend the chairman and the members of his committee for their fine work on this bill. Despite tremendous obstacles, they have crafted a proposal that meets our Nation's health needs while honoring the constraints imposed by budget austerity.

Unfortunately, the committee was unable to restore money the President cut from claims administration for Medicare. As many Members of this body know, the Health Care Finance Administration has advised Medicare contractors to discontinue toll-free telephone service for beneficiaries and have discussed eliminating telephone service altogether.

I am greatly concerned that such instructions amount to a tax on our senior and disabled citizens in order to pay for the deficit spending of the last decade. For a senior citizen in desperate need of a Medicare reimbursement check in order to pay for rent or heat, being unable to communicate directly with a Medicare contractor is like being left alone in the dark.

Am I correct in assuming that any cut in the Medicare Program's ability to promptly process claims or to maintain toll-free telephone service would constitute a sufficient reason to release contingency funds?

Mr. HARKIN. The Senator from Pennsylvania [Mr. WOFFORD] is correct. I share his concern that the Medicare Program fulfill its obligations to beneficiaries. A budget shortfall should not constitute a reason to cut back on toll-free telephone service nor to slow down claims processing. It should instead be reason enough to release contingency funds and provide for these needs.

I urge the Health Care Finance Administration to maintain services through the contractors at least until we complete the conference on this bill. The contingency fund should be used to prevent disruptions in service. I share the Senator's concern and urge Secretary Sullivan to take prompt steps to assure that satisfactory services are maintained.

COMMENDING CHAIRMAN HARKIN

Mr. FOWLER. Mr. President, Chairman TOM HARKIN and the members of his subcommittee have done an excellent job on the fiscal year 1992 Labor, HHS and Education appropriations bill. It is obvious that Senator HARKIN and the members have invested not only a great deal of time, but also substantive thought and careful planning into this legislation. I applaud these efforts.

I am sure Senator HARKIN felt the push and pull of many pressures as he sat down to determine the funding priorities for the coming fiscal year. I am extremely pleased to see that, after long hours of researching many worthy programs, Mr. HARKIN recognized the Job Corps 50-50 plan as an important item for the agenda of America's future work force. With the funds he and the members included to initiate the plan, current Job Corps services can be maintained, and the expansion of Job Corps will begin in as many as five communities.

I want to thank Chairman HARKIN for including funds for the Job Corps 50-50 plan. This initiative will help poverty youth in Georgia and across the country. I look forward to working with the members of the subcommittee to complete the Job Corps 50-50 plan in the coming years.

PREVENTION AND NURSE EDUCATION FUNDING

Mr. INOUYE. Mr. President, I wish to recognize the outstanding efforts of Senator HARKIN, chairman of the Subcommittee on Appropriations for Labor, Health and Human Services, and Education and Related Agencies, for his strong leadership and astute judgment in preparing the committee's recommendations for fiscal year 1992. The chairman and I have worked together for many years in health promotion and diseases prevention activities. However, this year, in the face of severe fiscal restraints, Senator HARKIN deserves special commendation. His committee's actions definitely strengthened America's resolve to become a healthier Nation.

In the forefront of prevention proposals is the tremendous support given to the Centers for Disease Control [CDC] and its chronic and environmental disease prevention activities. Currently, many personal behavior choices lead to premature death and preventable illnesses. The committee's recommendations offer preventive opportunities through education to challenge such killers as cigarette smoking and fetal alcohol syndrome. I was especially pleased that the committee's recommendations included $6 million for health promotion and disease prevention centers. The prevention center conducted through the University of Hawaii School of Public Health has already made invaluable contributions to the welfare of residents in the entire Pacific basin and set the standards for prevention centers everywhere.

I share Senator HARKIN's grave concerns for the future of our children and heartily support the committee's recommendations for a viable immunization program as seen in the stated funding for early vaccination programs to fight preventable diseases such as measles. The $25 million recommended for lead poisoning prevention in children is also particularly welcomed since lead poisoning is the most prevalent disease of environmental origin among American children today.

CDC's research arm, the National Institute for Occupational Safety and Health [NIOSH], was also wisely funded. To the 110 million people who make up this Nation's work force, ensuring a safe and healthy environment in the work arena means the difference of whether they can or cannot provide for their families. Of special interest is the continued support for NIOSH's work with the American Psychological Association to reduce workplace injuries and job-related stress.

As our country faces an ever growing health budget, with over 12.2 percent of our gross national product going toward payment of health care, this committee sagely funded research and training efforts, the guiding lights for renovating this Nation's health care delivery system. The recommended appropriations for the National Center for Nursing Research ensured continued studies which will enhance health promotion for women, children, adolescents, the elderly, and especially vulnerable populations such as native Hawaiians, minority pregnant women, and all rural Americans.

The committee's foresight to fund multiple training programs in advanced nurse education, nurse practitioner and midwife education, disadvantaged assistance, geriatric training, interdisciplinary traineeships, and health administration traineeships reflects the progressive stance of increasing the pool of many differing health care providers who can then open access to this Nation's crying patient population.

In closing, let me again state my appreciation to Senator HARKIN and his committee members for the diligent, careful work that the committee recommendations represent.

MEHARRY MEDICAL COLLEGE

Mr. SASSER. Mr. President, I would like to express my strong concern about funding for the Minority Centers of Excellence Program within the Department of Health and Human Services. As most of my colleagues know, this program was established to provide funds for institutions that have trained a significant proportion of the Nation's minority health professionals.

I appreciate the committee's agreement to include language in the report accompanying the Labor, Health and Human Services, Education and Related Agencies appropriations bill which asks the Department of Health and Human Services to give strong consideration to proposals for funding existing and new programs for Meharry Medical College under the Minority Centers of Excellence Program. The committee recommended $14,140,000 for the Minority Centers of Excellence Program, which is $13,780,000 below the level approved by the House of Representatives. Unfortunately, the Senate amount will not provide sufficient funds for a new demonstration program at Meharry.

The Meharry Medical College demonstration program is designed to preserve that institution as a national model of health care delivery for the underserved and health professions education for minorities. The program would be used to provide needed working capital for Meharry's George W. Hubbard Hospital and the college so they can address the needs of those patients whom others have neglected or are unwilling to serve, and continue to provide quality health professions education to minority students from across the Nation. Meharry's structure also contains two entities that will help disseminate the program results, the Institute on Health Care for the Poor and Underserved and the Area Health Education Center of Tennessee. The program has the full support of Health and Human Services Secretary Louis W. Sullivan who, along with the Robert Wood Johnson Foundation, recently identified Meharry as a "national resource."

Mr. President, Meharry Medical College has a rich history of addressing the problems relating to health care for underserved populations. Meharry has trained 40 percent of the Nation's black physicians and dentists, and most of its graduates go on to practice in underserved rural and urban communities. I am sure the distinguished chairman, Senator HARKIN, will agree that Meharry represents a critical resource for our Nation, and I am hopeful that he will join me in supporting efforts to strengthen the institution.

I understand that the distinguished Senator from Iowa is faced with a very tight allocation, but I wonder if he would agree to give every consideration to receding in conference to the appropriation provided by the House for the Minority Centers of Excellence Program.

Mr. HARKIN. I understand the concern of the Senator from Tennessee regarding funding for the Minority Centers of Excellence Program, and the importance of ensuring the continued viability of Meharry Medical College. As he says, the committee faced a very difficult situation with its allocation this year and was unable to fund many worthy programs to the appropriate level. I assure the Senator, however, that I will give every consideration to his request when we conduct conference negotiations with the House.

Mr. SASSER. I thank the distinguished Senator from Iowa for his courtesy and consideration.

Mr. GRAHAM. Mr. President, I would like to ask the distinguished floor leader a question on the Rural Health Outreach Demonstration Program contained in the Labor, Health and Human Services appropriations bill. I commend my colleague from Iowa for his leadership in funding this important program for the first time last year.

In its fiscal year 1991 Labor, Health and Human Services, and Education appropriations bill, Congress funded the Rural Health Outreach Grant Program at $20 million. This year, the Senate appropriations bill contains $25 million for the program. This unique grant program requires application by coalitions of existing providers in truly rural, underserved areas. Certain applicants, however, from geographically large counties with relatively small total populations and a semiurban outlying area were ineligible for the grant competition due to their being located in a metropolitan statistical area [MSA].

Mr. HARKIN. I am aware of this situation. It is my understanding that the Department of Health and Human Services [HHS], Office of Rural Health Policy is currently refining their guidelines on MSA status to include these counties. The Office of Rural Health Policy plans to have their reformulated guidelines prepared for the fiscal year 1992 competition for the rural outreach program.

Mr. GRAHAM. Counties across the Nation fall into this category. Collier County is the State of Florida's largest county in geographical size and is located in the southwest portion of the State. Ninety percent of the county's population resides within the Naples area. The remaining 10 percent of the county's population resides in the town of Immokolee, an inland, rural, migrant worker community situated roughly 40 miles northeast of Naples.

Nearly 30 percent of the Immokolee population is comprised of migrant and seasonal laborers with special health care needs. About 85 percent of the Immokolee households have incomes below 200 percent of the Federal poverty level. At least 80 percent of these individuals are uninsured and many suffer agricultural injuries which are work related.

Collier County's application was deemed ineligible for the grant competition due to its status as an MSA. Ironically, the county's application addressed the exact health service needs in precisely the sort of nonurban setting for which the Rural Health Outreach Grant Program was intended.

Is it the feeling of the Senator that Collier County would be included in any new guidelines which HHS puts forth?

Mr. HARKIN. Yes, that is my understanding.

TRANSPLANT FUNDING

Mr. GORE. Mr. President, I would like to ask the Senator a question about the level of funding for organ transplants contained in the committee's bill.

As the report accompanying the bill notes, the $3,387,000 included is $1,750,000 less than the House amount and $336,000 less than last year's sum. If enacted, it would provide only $250,000 for the grant and contract program authorized by section 371 of the Public Health Service Act. This program, which the Congress just refashioned last year, is the heart and soul of our ability to attack the still growing organ shortage.

Despite a record 15,162 solid organ transplants performed in 1990, the list of those waiting for transplants also increased that year to a record 22,008. As the Senator knows, since Iowa is one of the Nation's leaders in transplant surgery, as many as a quarter to a third of all Americans on transplant waiting lists for hearts, livers, lungs, and heart and lungs, die before a transplantable organ is found. This situation is all the more tragic because the evidence tells us that we can still double the number of donors by insuring that all organ procurement organizations [OPO's] are as effective as the most effective OPO's. That is what the section 371 grant and contract program was redesigned to do.

Can the Senator tell me whether it is his intent, and that of the committee, to recede to the House position which provides $2,000,000 for the section 371 grant and contract program?

Mr. HARKIN. I thank the Senator for bringing this matter to our attention. I value his expertise in this area and appreciate his explanation of the importance of the section 371 grant and contract program in addressing the organ shortage.

I know the Senator is also aware of several recent studies, including one by the Office of Inspector General, that illustrate that many inequities still dog the national transplant system. For example in that study it was shown that African-Americans wait almost twice as long for kidneys as white Americans. How are we addressing that problem?

Mr. GORE. Mr. President, that is another example of the type of problem that must be urgently addressed, that will only be addressed if there is sufficient funding in the grant and contract program. Minority families currently are also far less likely to give permission for organ donation. We must do more to understand why African-Americans wait longer for kidney transplants, why their families are less supportive of organ donation, and what can do done about it.

Last year we changed the section 371 grant and contract program to expand its focus to include problems such as these. But I'm afraid that at the level of funding that is now in the bill before us, the Division of Organ Transplantation will lack the resources necessary to start solving these problems. The $2,000,000 contained in the House bill is still less than half what we authorized, but would in my view be adequate to make progress on some of the key problems still plaguing our national transplant system.

Mr. HARKIN. I appreciate the Senator's further explanation. I would say to him that given the importance of this program, and the fact that with last year's changes it appears to be truly on the verge of helping us solve a number of critical transplant related problems, I would like to be able to increase funding and make certain that the added money goes to support the section 371 grant and contract program as revised by the Congress last year with instructions to insure that more is done to remove the inequities revealed in the inspector general's report.

Mr. GORE. I am very pleased to hear that. Let me say again how much I appreciate the Senator's understanding of this problem and his efforts to assist the thousands of Americans on transplant waiting lists.

MULTIDISCIPLINARY CENTERS ON AGING AND MENTAL HEALTH

Mr. KENNEDY. Mr. Chairman, I am very concerned about older Americans' mental health needs and the fact that many of these people are not receiving the care they need. With the growth in our Nation's older population in the next several decades—by the year 2030, one in four Americans will be 60 or more years of age—the need for mental health services for Older Americans will grow dramatically.

Mental health problems such as depression and anxiety are not uncommon among older persons. This is particularly common among those who live alone (especially widows and widowers), the poor, and rural Americans. Treatment of these problems can have excellent results, including improvement of the individual's mental health, physical health, and a general improvement of his or her quality of life. Unfortunately, care is often not available, or, when it is, it is not being used.

To effectively meet today's and tomorrow's demand requires a broadbased policy approach that takes account of financing and reimbursement, design of the delivery system, training of providers, and education of new care providers. It has been proposed that this will be accomplished through the establishment of gerontology center demonstration programs for older Americans in need of mental health services.

The Older Americans Act of 1965, as amended, authorizes the commissioner to establish gerontology centers of special emphasis. I have included a provision in the ADAMHA reauthorization bill, which the Committee on Labor and Human Resources recently approved, to require the administrator of the Alcohol, Drug Abuse, and Mental Health Services Administration to collaborate with the National Institute on Aging to promote and evaluate mental health services for older Americans. This would be done through resource centers for long-term care, as authorized in the Older Americans Act. Is it your committee's intent that the Administration on Aging and the National Institute of Mental Health should attempt to fund multidisciplinary centers that focus on aging and mental health?

Mr. HARKIN. Yes; that is our intent. I commend Senator KENNEDY and his committee for bringing this matter, so important to older Americans, to our attention.

Mr. KENNEDY. I thank the Senator for his leadership.

THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES AT THE RESEARCH TRIANGLE PARK

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of the bill, Senator HARKIN, in a discussion about the National Institute of Environmental Health Sciences [NIEHS] at the Research Triangle Park, NC.

Mr. HARKIN. I would be happy to discuss the matter with the Senator from North Carolina.

Mr. SANFORD. The NIEHS conducts and supports basic biomedical research studies to identify chemical, physical and biological environmental agents that threaten human health. NIEHS also studies mechanisms by which these agents, both independently and interactively, cause or contribute to illness and dysfunction in the general population and in vulnerable individuals.

The recent accomplishments of the NIEHS include a demonstration of a positive correlation between air pollution and respiratory illnesses and decreased lung function in children; findings which are relevant to the implementation of the new Clean Air Act. The NIEHS has also been successful in characterizing the relationship between iron deficiency and lead absorption in children; these guidelines will help establish dietary and nutrition guidelines for the treatment of children exposed to lead. A creation of a university-based research center for the study of the health effects of agricultural chemicals on farmers, agricultural workers, farm families and other rural residents has also been accomplished by the NIEHS.

The House in its appropriations bill included $17.9 million for construction at the NIEHS in the Research Triangle Park, NC and indicated a commitment of $55 million to complete NIEHS construction over several years. The purpose of this appropriation is to begin construction on two modules at the existing permanent NIEHS facility—one administrative module and one laboratory building module. The new laboratory addition would include general purpose laboratories, specialized research labs, high-resolution spectrometry, magnetic resonance imaging, and an inhalation toxicology facility. In addition to staff and procurement offices, the new office addition would include an expanded computer facility. The design work was completed with an appropriation of $2 million in fiscal years 1987 and 1988. The construction can begin as soon as funds are made available.

The buildings would replace existing leases that cost NIEHS over $4 million per year, resulting in payback in approximately 13 years. In addition, the state of the leased laboratory sites and the inability to upgrade them have resulted in a backlog of toxicological research because of the limited number of laboratories that can be used safely for such tests. Although there is no net gain in laboratory space, the new facility would be modernized and appropriate for the full range of toxicological research performed at the NIEHS.

The Senate has provided only $102,885,000 for the buildings and facilities of the National Institutes of Health; $5.74 million less than the House provides. It is my hope that during conference the Senate will recede from its lower appropriation amount for the buildings and facilities and move toward the higher House funding level, ensuring that the $17.9 million will be available for the NIEHS at Research Triangle Park, NC.

Mr. HARKIN. I thank the Senator for giving me the opportunity to recognize the great accomplishments that have been brought forward by the NIEHS. I support the research that is conducted at the NIEHS and I believe it is vital to the overall goals of the National Institutes of Health. I would like to ensure the Senator that I will look very carefully at this issue during conference, and do my best to further the construction of the NIEHS at the Research Triangle Park in North Carolina.

FISCAL YEAR 1992 APPROPRIATIONS FOR HEA—TITLE VI, INTERNATIONAL EDUCATION

Mr. BINGAMAN. Mr. President, I would like to clarify a point in regard to the fiscal year 1992 appropriations for title VI of the Higher Education Act, international education programs. The increase provided by the Senate Appropriations Committee for title VI domestic programs is not sufficient to carry out the Senate committee's instructions to the Secretary of Education in its report language without jeopardizing base programs. Implementation of the report language would result in a 50-percent increase in funding for the centers for international business education, which I understand was requested by many Senators, and the creation of an additional language resource center but it would do so at the expense of other title VI programs. To fund the requested increases, existing programs would have to be cut below their fiscal year 1991 funding levels, is this not true?

Mr. HARKIN. I thank the Senator for his comments. I am aware of this situation and assure you that we will work in conference to bring these numbers more in line with the Senator's thinking.

Mr. BINGAMAN. I also want to express my hope that the conferees will work for increases for the national resource centers and undergraduate programs and research and funding for the acquisition of foreign language materials under section 607.

Mr. HARKIN. Again, the Senator has my commitment to work on these items in conference.

Mr. BINGAMAN. It seems to me that the House increase for title VI domestic programs and report language requests a more equitable distribution among title VI programs. It calls for a 20-percent increase for the centers for international business education, and a 20-percent increase for the national resource centers. The Secretary of Education would have the discretion to target the remaining increase in funds for needed assistance to undergraduate programs, language resource centers, intensive summer language institutes, and research. The House also provides, under libraries, startup funding for the acquisition of foreign language materials under section 607 of title VI.

For two decades title VI programs have suffered from inadequate funding, the devaluation of the dollar and inflation. In light of the unprecedented global challenges facing the United States today, I believe sound public policy would be to strengthen all programs under title VI and encourage the important linkages between foreign language study, international studies, international business, and other professional studies.

Mr. HARKIN. I agree that the various components of international education are interlinked and that an increase in funds will contribute to enhancing our Nation's international competitiveness.

Mr. BINGAMAN. Mr. President, it seems to me that simple solution would be for the Senate conferees to recede to the House levels and report language from title VI. The House provides $47 million for title VI domestic programs and under libraries, $500,000 for the acquisition of foreign language materials under section 607 of title VI. Both the House and Senate levels for the overseas programs—Fulbright-Hays 102(b)(6)—are the same.

Mr. HARKIN. I understand the concerns and I am sure that the issues of the funding levels and the distribution among programs can be resolved to the satisfaction of the Senator in conference.

FUNDING FOR UPLIFT, INC.

Mr. SANFORD. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education in a discussion on an important matter to my State of North Carolina.

Mr. HARKIN. I would be happy to engage in a colloquy with my friend from North Carolina.

Mr. SANFORD. I would like to bring attention to a wonderful organization—Uplift, Inc.—based in Greensboro, NC. This organization models and facilitates cooperative community efforts that promote the health and well-being of children, families, and communities. Focusing especially on families with young children, Uplift encourages innovative strategies of prevention and partnership which mobilize resources from all segments of the community. Their initiatives include a comprehensive early childhood program called Project Uplift in Ray Warren Homes, a low-income housing community in Greensboro. This project weaves together programs of maternal and child health, early childhood education, and family support into a comprehensive approach to sustain and strengthen families. Uplift also offers technical assistance and leadership development training to counties throughout North Carolina, helping these communities implement innovative strategies of opportunity for families with young children.

As my colleague from Iowa so well knows, in the past decade local communities have inherited ever greater responsibility for poor children and their families, as Federal and State governments have increasingly decentralized antipoverty efforts and have reduced their funding for human services programs. I therefore commend the subcommittee chairman for including an increased appropriation for comprehensive child development centers as part of the human development services appropriation. My understanding is that these funds would support community organizations specializing in intensive, comprehensive, integrated, and continuous supportive services for low-income children. Organizations providing such services could apply to the Department of Health and Human Services for operating and planning grants.

Mr. HARKIN. The Senator from North Carolina is correct in his understanding that the Health and Human Services appropriation bill includes funding for grants of such nature.

Mr. SANFORD. Would the distinguished subcommittee chairman agree that Uplift, Inc., would be an eligible candidate to apply for such a grant?

Mr. HARKIN. Yes, I would agree with my colleague from North Carolina on this matter.

Mr. SANFORD. I thank the Senator from Iowa. Mr. President, I yield the floor.

JOB CORPS FUNDING AND SITES

Mr. KOHL. I want to commend the chairman and the ranking minority member of the Labor, Health and Human Services and Education Appropriations Subcommittee for the funding commitment that they have made to the Job Corps. This is a critical program for our economically disadvantaged youth, particularly those in urban areas.

I note on page 10 of the Committee Report 102-104 that the committee has encouraged the development of new centers in various States across the country. I'd like to ask my colleagues, is it the intent of the committee that those particular sites be given priority consideration in part because they have demonstrated broad-based community support for obtaining a Job Corps Center?

Mr. HARKIN. That is correct.

Mr. KOHL. In Milwaukee, we have a similar initiative underway. The Opportunities Industrialization Center of Greater Milwaukee has spent a considerable amount of time working with various segments of the community to determine the impact of a Job Corps Center in Milwaukee. The mayor of Milwaukee has personally indicated his support to me. I understand that the local private industry council, the county executive, and the Governor, along with various other community organizations have also pledged their support.

Additionally, because of the significant number of Milwaukee youth not motivated to complete high school or go to college, Milwaukee could benefit greatly from a Job Corps Center.

Mr. HARKIN. This is a problem in many areas, hence the committee's decision to redouble support of the program.

Mr. KOHL. I think the case in Milwaukee is particularly compelling. In the 1989-90 school year, 14.7 percent of all public high school students dropped out of school—an increase of almost 4 percent over 1980. In 1988, fewer than 38 percent of Milwaukee public school graduates had the credentials to attend college or technical school, according to a study conducted by the Greater Milwaukee Education Trust. Milwaukee has the highest birthrate among black teenagers of all major cities in this country. Among black youth, the unemployment rate exceeds 40 percent. And the disproportionate number of black males in the prison population is an indicator that those individuals are particularly at-risk of falling through the traditional system supports.

Mr. HARKIN. The Senator makes a compelling argument for including Milwaukee as a Job Corps Center site, along with those mentioned in the committee report. I assure the Senator that Milwaukee should be considered on the same basis as locations mentioned in the Senate report when it comes to designating new Job Corps centers. I thank the junior Senator from Wisconsin for bringing this to our attention and I commend him for his advocacy on behalf of his State.

Mr. KOHL. I thank both of my colleagues for their consideration and support.

CANCER INSTITUTE CONSTRUCTION

Mr. HEFLIN. Mr. President, I would like to enter into a colloquy with the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Mr. HARKIN. I would like to thank him for his continuing strong commitment to bolstering the Nation's efforts to conquer cancer. I particularly appreciate his leadership as chairman of the subcommittee which has restored the ability of the National Cancer Institute to pursue a broad range of research opportunities as part of its mission to develop improved cancer treatment and discover measures to prevent the occurrence of this dread disease.

I am pleased to report that the Comprehensive Cancer Center at the University of Alabama in Birmingham is an integral part of this broad national attack on cancer. Currently, the UAB Cancer Center is investing $12 million to expand its facilities to treat the people with cancer and strengthen its research capabilities. The people of the State of Alabama are contributing a major part of this investment, however, the university did submit a proposal earlier this year to the National Cancer Institute for a $700,000 grant for partial support of this expansion effort. I understand the UAB proposal received a very favorable review from and NCI evaluation panel.

In reviewing the committee's report to accompany this bill, I did not see any funds provided to NCI to support this type of project extramural facilities construction. Can the gentleman tell me if there are opportunities within this proposed budget to support meritorious proposals such as this one from UAB and does he think the UAB Cancer Center expansion would be an appropriate use of those funds?

Mr. HARKIN. If the Senator would yield, I thank him for his interest. I know of the Senator's personal concern and keen interest in a strong cancer research program.

The national partnership of Federal, State, and private scientists working in cancer medicine has as its goal to combat this terrible disease through solid research, the development of treatments and broader education. The cancer centers around the country are an essential element of this effort. Your State has a strong program at the University of Alabama in Birmingham. In my opinion the UAB Cancer Center expansion is a most appropriate candidate for Federal support.

There are ample opportunities within the budget before us today for the National Cancer Institute the participate in the UAB Cancer Center expansion. To begin with, we are providing NCI with a total of $2.01 billion, an increase of $200 million over the budget request. The Director of NCI, the distinguished physician Sam Broder, will have the authority to use some of his Institute's appropriation for extramural construction. As it has in the past, the committee is also providing the NIH Director the authority to transfer up to 1-percent of her budget within NIH accounts subject to committee approval. Finally, the committee has included $10 million within the NIH Director's fund for competitively awarded grants for extramural construction.

Certainly, the high priority accorded the University of Alabama in Birmingham proposal by the NCI review panel makes it a worthy recipient for funding under any one of these options. I would like to work with the Senator to ensure that the UAB Cancer Center construction grant proposal has every chance to compete successfully.

Mr. HEFLIN. I look forward to working with my friend from Iowa and our colleagues who serve with him on the subcommittee to make certain the Director of the National Institutes of Health has at her disposal the resources necessary to support approved NCI construction proposals such as the one submitted by the University of Alabama in Birmingham.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon disposition of the pending bill, the Senate proceed to the consideration of H.R. 2686, the Department of the Interior appropriations bill.

Mr. SPECTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania reserves the right to object.

Mr. SPECTER. While the Senator from New Jersey is on the floor—if I may have the attention of the Senator from New Jersey.

Mr. LAUTENBERG. I have an appointment.

Mr. SPECTER. I got the attention of the Senator from New Jersey. I just wanted to make sure I had 5 minutes before we adjourned the session today.

Mr. MITCHELL. Mr. President, if I might explain, that would not be precluded by this agreement. This merely says that when we finish this bill, which we assume now will be tomorrow, we will proceed to the Interior bill.

Mr. SPECTER. I thank the distinguished majority leader. I just wanted to attract the attention of the Senator from New Jersey before he left, and I succeeded in doing it.

The PRESIDING OFFICER. Without objection the unanimous-consent request is agreed to.

Mr. MITCHELL. Mr. President, I thank my colleagues and I thank the distinguished Republican leader for his cooperation in this matter. Therefore, Senators should be on notice that upon completion of the pending bill, which we hope will be sometime tomorrow, hopefully early during the day, the Senate will proceed to consideration of the Department of the Interior appropriations bill.

TRANSPORTATION SUBCOMMITTEE APPROPRIATIONS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I shall not take much of the Senate's time, but an event occurred today which I think warrants notice to the Senate and ought to be made a part of the RECORD. The event involves a press release which announces an award for Pennsylvania of funding under the Department of Transportation Subcommittee when in fact no meeting or markup of that subcommittee has yet been held, an action which I consider to be grossly inappropriate and want to make it a part of the RECORD.

This involves the Senator from New Jersey [Mr. LAUTENBERG]. I had informed him earlier today of my intention to raise this issue at the first available opportunity, and I caught his attention just before he left the Senate floor a few moments ago. I would ask unanimous consent, Mr. President, that this press release be made a part of the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SENATOR WOFFORD SECURES FUNDS FOR ALLEGHENY BUSWAY PROJECT

WASHINGTON, September 11.—United States Senator Harris Wofford announced today that he succeeded in persuading a Senate appropriations subcommittee to earmark $15 million for the Allegheny County Busway Expansion Program for the Greater Pittsburgh International Airport.

"I am pleased to be able to bring this money to such an important project," Senator Wofford said. "These funds will allow for the expansion and construction of busway systems that will ease congestion in the Pittsburgh area and allow for further economic expansion in the region."

The expansion project includes both the design and construction of an Airport Busway from downtown Pittsburgh to the airport, and the extension of the existing Martin Luther King, Jr., East Busway linking the redeveloping Monongahela Valley with the rapidly developing Airport Corridor to the west.

Senator Frank Lautenberg (D-N.J.), chairman of the Appropriations Subcommittee on Transportation, said, "Senator Wofford did an outstanding job of convincing the subcommittee of the merits of the project and its importance to the Pittsburgh region. It wasn't easy to find the funds, especially during these tough budgetary times, but a project as important as this one deserves federal attention and support. This is another example of Senator Wofford's impressive ability to work with his fellow Senators on behalf of the people of Pennsylvania."

Mr. SPECTER. Mr. President, the substance of the press release is one from Senator WOFFORD announcing: "Senator Wofford Secures Funds for Allegheny County Busway Project."

> WASHINGTON, September 11.—United States Senator Harris Wofford announced today that he succeeded in persuading the Senate Appropriations Subcommittee to earmark $15 million for the Allegheny County Busway Expansion Program for the Greater Pittsburgh International Airport.

The problem with this, Mr. President, is that the Transportation Subcommittee of Appropriations has not yet met and in fact is not yet scheduled to mark up until tomorrow. The press release goes on:

> "I'm pleased to be able to bring this money to such an important project," Senator Wofford said. "These funds will allow for the expansion and construction of busway systems that will ease congestion in the Pittsburgh area and allow for further economic expansion in the region."

The release goes on to say:

> The expansion project includes both the design and construction of an Airport Busway from downtown Pittsburgh to the airport, and the extension of the existing Martin Luther King, Jr., East Busway linking the redeveloping Monongahela Valley with the rapidly developing Airport Corridor to the west.
>
> Senator Frank Lautenberg (D-N.J.), chairman of the Appropriations Subcommittee on Transportation, said, "Senator Wofford did an outstanding job of convincing the subcommittee of the merits of the project and its importance to the Pittsburgh region. It wasn't easy to find the funds, especially during these tough budgetary times, but a project as important as this one deserves federal attention and support. This is another example of Senator Wofford's impressive ability to work with his fellow Senators on behalf of the people of Pennsylvania."

Mr. President, I am not objecting due to the fact that I have been pressing for this funding for several years as a Member of the Appropriations Committee, but what I do object to is that the chairman of the Appropriations Subcommittee on Transportation has taken action in advance of consideration by the appropriations subcommittee and full committee.

I questioned Senator LAUTENBERG about this earlier today, and he said, "Well, it's done all the time. Republicans do it all the time." I said, "Can you give me one illustration where it has ever been done?" He said, "I don't have to answer to you for that." I said, "Well, I agree with you; you don't have to answer to me for that, but you have to answer to the people of the State of New Jersey."

I think there is an answer that is required in terms of tradition and protocol of the Senate.

Earlier today I appeared on the Senate floor to announce raising of this issue. I personally talked to Senator WOFFORD about the matter so that he was on notice and, as I say, I had talked personally to Senator LAUTENBERG about it and I attracted his attention on the floor as those who were in the Chamber will know.

Mr. President, I ask unanimous consent that copies of my letters of July 17, 1991, and July 19, 1991, be included in the RECORD as if read in full. These letters detail the great importance of the allocation of the $15 million, which was the subject of Senator WOFFORD's press release.

Notwithstanding the impropriety which I have already identified, at least as I see it, the allocation is very important, something this Senator has worked for and pushed for.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 17, 1991.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR FRANK: As the Subcommittee prepares to consider the fiscal year 1992 Appropriations bill for Federal transportation programs, I write to bring to your attention several matters which are of importance to the Commonwealth of Pennsylvania.

I. URBAN MASS TRANSPORTATION ADMINISTRATION [UMTA]

Pittsburgh Busway—(New Start project under section 3 of existing public law)

The new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in late 1992, at an estimated cost of $600 million. The new terminal is expected to attract new business and create as many as 15,000 new jobs in the airport's vicinity. However, inadequate ground transportation in the corridor linking the new airport with downtown Pittsburgh is a problem requiring immediate action. In response, local government has proposed the development of an exclusive bus roadway and bus lane to help alleviate the increased traffic between downtown Pittsburgh and the airport, as well as improved and expanded transit service to western sections of Allegheny County.

The Port Authority of Allegheny County, the local transit agency, recently completed an UMTA-funded transition analysis which calculated an extremely positive cost-effectiveness rating for the project of $3.82. The study further estimated the cost of the busway to be $140 million.

The extension of the Martin Luther King, Jr. East Busway is a $35 million project to lengthen this very successful 7-mile exclusive bus roadway currently in operation. This extension will enable the Port Authority to capture additional operating cost savings and to attract new transit patrons.

Since last year's Transportation Appropriations bill, I am pleased to report that the Commonwealth of Pennsylvania has taken very positive steps in authorizing 50 percent of the project costs for the busway system expansion. This unprecedented effort by the State is in recognition of the great importance of the busway project to the State and the Pittsburgh region.

Accordingly, I urge the Subcommittee to review the necessity of this important project and provide $21 million in fiscal year 1992 UMTA new start funding to allow its development. This amount will be matched by $21 million in non-Federal funding.

The Cross-County Metro—SEPTA (New Start project under section 3 of existing public law)

The Southeastern Pennsylvania Transportation Authority [SEPTA] has proposed the Cross-County Metro line that will establish an intermodal series of transit centers to provide easy connections to all parts of the region using rail, bus, van, or auto. The project will assist efforts to bring the region's labor force to the job market, much of which is highly transit-reliant. Recently, SEPTA released its long-range plan entitled "Vision of the Future to the Year 2010," which describes the Cross-County Metro as the heart and soul of their long-range goals. SEPTA needs this new construction program to retain the ridership necessary to keep the authority functioning into the next century. The estimated cost of the Cross-County Metro is $100 million.

Accordingly, I urge the Subcommittee to recognize the importance of the development of the Cross-County Metro and provide $15 million as a new start for this project in fiscal year 1992.

Mass Transit Capital and Operating Funds

Mass transit legislation included in the Senate's 1991 Highway bill provided significant increases to mass transit programs. In addition, the Senate bill substantially increases the amount of overall transit funding drawn from the transit account of the trust fund. It is projected that the transit account of the trust fund had an unexpended balance of $7.2 billion and an uncommitted cash balance of $3.57 billion. In turn, I support an appropriation level for mass transit discretionary and formula programs at the highest possible levels. Further, I urge the Subcommittee to maintain operating assistance to cities over 1 million and to ensure the historic share of cities that participate in the rail modernization program.

Rural Transit Assistance Program (section 18)

This important program is vital to providing transportation to millions of Pennsylvania's rural elderly, low-income, and handicapped persons, connecting them to services to which they might otherwise not have access. Current funding levels of the rural transit assistance program fall short of the amount required to fund the assistance. The administration's recommended funding level for this program is $89 million in fiscal year 1992, while the Senate's 1991 Highway bill provided an authorization of $127.3 million for this important program. In turn, I urge the Subcommittee to provide the highest funding level possible for this important program.

II. GRANTS-IN-AID FOR AIRPORTS

I strongly support necessary funding for airport projects throughout the Commonwealth of Pennsylvania. Specifically, I urge the Subcommittee to provide priority consideration for grants-in-aid from the airport and airway trust fund to the Allentown-Bethlehem-Easton [ABE] Airport, the Johnstown-Cambria Airport, the Westmoreland County Airport, and to the following two projects:

Philadelphia International Airport [PHL]

The Philadelphia International Airport is in the midst of a multiyear airport construction program that includes the construction of a new runway system, a new 5,000-foot commuter runway, a new terminal building, substantial improvements to existing terminals, and a host of other capacity, safety, and security improvements.

The Philadelphia metropolitan area is the fifth largest in the Nation, yet Philadelphia International Airport ranks about 20th in passengers. The construction program, which is the first one at PHL since the 1970's, will increase capacity by 50 percent and give the people of the tristate area the air services they need and deserve.

I appreciate the Subcommittee's past recognition of PHL's construction program. To meet the future needs of the Philadelphia metropolitan area, I urge the subcommittee to include the following language in the report to accompany the fiscal year 1992 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement programs discretionary funds for the Philadelphia International Airport. Philadelphia, the Nation's fifth largest metropolitan area, has several major capacity enhancement and safety improvement projects underway. These projects are vital not only to the economic progress of the region, but also to expand the capacity of the National Airspace System."

Greater Pittsburgh International Airport

The Greater Pittsburgh International Airport is continuing its expansion program for the construction of the new Midfield Terminal. The Greater Pittsburgh International Airport region is a unique resource for enhancing the National Airspace System. In an age of restricted land, airspace, and airfield capacity, the Greater Pittsburgh International Airport has a surplus of all three. The new Midfield Terminal will allow the airport to accommodate approximately 40 percent more passengers.

I appreciate the Subcommittee's past recognition of the importance of this project. I again urge the Subcommittee to consider the value of this airport to the Pittsburgh region, its $9 million expected economic impact on the region, and its significance to the Nation's airport capacity, and include the following language in its report to accompany the fiscal year 1992 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement program discretionary funds for the Pittsburgh International Airport and construction of the new Midfield Terminal. These funds are critical to ensuring that the project is completed on schedule, to accommodate the 19 million enplaned passengers expected by the year 2000. This project is vital not only to the economic progress of southwestern Pennsylvania, but also to expand the capacity of the National Airspace System."

III. HIGHWAYS AND BRIDGES

Discretionary Bridge Program

I urge the Committee to provide report language designating high priority in the discretionary bridge program to the Port Vue Bridge in Allegheny County.

The Port Vue Bridge is a 1,228-foot, 17-span bridge built in 1908. The Pennsylvania Department of Transportation is proposing a complete new structure to be built at the same location. The total estimated cost of the bridge replacement is $15,355 million. The bridge was closed to traffic in 1989 forcing a 3-mile detour to traffic, making this project critical to ensure traffic flow in the county. Accordingly, I urge the Committee to include priority designation for the bridge replacement in its report to accompany the fiscal year 1992 Transportation Appropriations bill.

Highway Obligation Ceiling

A primary concern to the Commonwealth of Pennsylvania is to secure a highway obligation ceiling at the highest possible level, utilizing all available transportation revenues, including the existing trust and balances. A ceiling of $20 billion per year could be sustained for the next several years under the current Federal revenue structure along with the balance in the highway trust fund. Pennsylvania has received approximately 4.5 percent of the obligation authority available nationwide.

IV. FEDERAL RAILROAD ADMINISTRATION

National Railroad Passenger Corporation [AMTRAK]

Preservation of Amtrak's passenger service is a matter of great national significance. It provides vital service for the entire Nation, particularly for the populous eastern seaboard. A reduction in Amtrak funding, I believe, would result in added air congestion and ultimately additional Federal dollars for airport and highway construction. Accordingly, I support funding for Amtrak at the fiscal year 1991 level of $605 million.

Local Rail Freight Assistance Program

The local rail freight assistance program provides much needed financial support to States for the continuation of rail freight service on abandoned lines. This program is vital in retaining rail service to industry and consumers in captive service areas in the northeast and across the Nation. I support providing a funding level of at least $10 million for this program in fiscal year 1992.

As always, I appreciate your assistance on these important matters. Thank you for your consideration of these requests.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, July 19, 1990.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR FRANK: As the Subcommittee prepares to consider the fiscal year 1991 Appropriations bill for Federal transportation programs, I write to bring to your attention several matters which are of critical importance to the Commonwealth of Pennsylvania.

I. GRANTS-IN-AID FOR AIRPORTS

I strongly support necessary funding for airport projects throughout the Commonwealth of Pennsylvania. Specifically, I wish to stress the importance of the two following projects:

Philadelphia International Airport (PHL)

The Philadelphia International Airport is in the midst of a multiyear airport construction program that includes rehabilitating existing runways and aprons, constructing new terminal buildings and parking facilities, and developing a new runway system that will include a 5,000-foot commuter runway.

The Philadelphia metropolitan area is the fifth largest in the country, yet Philadelphia International Airport ranks about 20th in passengers. The construction program, which is the first one at PHL since the 1970's, will change all that by increasing capacity and giving the people of the Philadelphia area the air services that they need and deserve.

To meet the needs of the Philadelphia metropolitan area into the 1990's and beyond, I urge the Committee to include the following language in the report to accompany the fiscal year 1991 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement programs discretionary funds for the Philadelphia International Airport. Philadelphia, the nation's fifth largest metropolitan area, has several major capacity enhancement and safety improvement projects underway. These projects are vital not only to the economic progress of the entire northeast corridor, but also to expand the capacity of the National Air Space System."

Greater Pittsburgh International Airport

The Greater Pittsburgh International Airport is continuing its expansion program for the construction of the new Midfield Terminal. The Greater Pittsburgh International Airport region is a unique resource for enhancing the National Airspace System. In an age of restricted land, airspace, and airfield capacity, the Greater Pittsburgh International Airport has a surplus of all three. The new Midfield Terminal will allow the airport to accommodate approximately 40 percent more passengers.

Considering the importance of this airport to the Pittsburgh region, its $9 billion expected economic impact on the region, and its significance to the Nation's airspace capacity, I urge the Committee to include the following language in its report to accompany the fiscal year 1991 Transportation Appropriation bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement program discretionary funds for the Pittsburgh International Airport and construction of the new Midfield Terminal. These funds are critical to ensuring that the project is completed on schedule, to accommodate the 19-million enplaned passengers expected by the year 2000. This project is vital not only to the economic progress of southwestern Pennsylvania, but also to expand the capacity of the National Airspace System."

Reading Regional Airport

The Reading Regional Airport [RRA] currently is undergoing an expansion program that includes extension of its main runway, construction of an airport terminal building access road, and an airport operations and aircraft rescue and fire fighting building. These expansion efforts are estimated to create nearly 100,000 enplanements a year at Reading Regional Airport. Considering these expansions, the RRA Authority and the many users of its facilities support the airport's application to the FAA to install a precision approach instrument landing system [ILS] and an approach lighting system [ALS] for the extended runway. According to the airport authority, the ILS and ALS system is greatly needed to enhance the accessibility and safety of aircraft using the airport. Accordingly, I urge the Committee to consider the necessity of this important instrumentation at the Reading Regional Airport, and direct the FAA to provide the necessary funds to install an ILS and ALS system at the airport.

II. URBAN MASS TRANSIT ADMINISTRATION [UMTA]

Pittsburgh Airport Busway—(New Systems under section 3)

The new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in October 1992, at an estimated cost of $585 million. The new terminal is expected to attract new business and create as many as 15,000 new jobs in the airport's vicinity. The residents of the region are appropriately concerned about the expected increase and demand for transportation development in the area of the new terminal. In response, the local government has recommended the development of an exclusive bus roadway and bus lane to help alleviate the increased traffic between downtown Pittsburgh and the airport, as well as improve and expand transit service to western sections of Allegheny County.

The airport busway currently is being studied to determine the feasibility of building and financing the project. The results of the study are expected very soon. However, the construction at the airport is proceeding as scheduled, making vital a timely development of the airport busway. The busway will be completed in three segments, with initial efforts to be focused on the first and most critical stage. The total cost of this segment of the airport busway is estimated to be $120 million, with $18 million for preconstruction, engineering and design. I urge the Committee to review the necessity of this important project, and provide $13.5 million for preliminary engineering and design in its fiscal year 1991 Transportation Appropriations bill, so the new Midfield Terminal at the Greater Pittsburgh International Airport can have appropriate transportation access prior to its opening in 1992.

Accordingly, I urge the Committee to include the following language in its report to accompany the Transportation Appropriations bill:

"The Committee recommends $13.5 million to support preconstruction engineering and design of the Greater Pittsburgh International Airport Busway. The Committee understands that the new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in October 1992 and that the current transportation structure is simply insufficient to handle the additional traffic that is expected in the airport's vicinity. Therefore, the Committee directs UMTA to provide the necessary funding for preconstruction, engineering, and design of a limited access buslane to connect downtown Pittsburgh to the Pittsburgh Greater International Airport."

Mass Transit Capital and Operating Funds

I support an appropriations for mass transit discretionary and formula grants at the highest possible levels. Reductions in these support levels will result in reductions of, and in some cases, an elimination of, vital mass transit service in Pennsylvania and nationwide. In particular, additional funding for the section 3, capital discretionary program is needed for projects that improve existing transit infrastructure.

Rural Transit Assistance Program

This important program is vital to providing transportation to millions of Pennsylvania's rural elderly, low-income and handicapped persons, connecting them to services to which they might otherwise not have access. Current funding levels of the rural transit assistance program fall short of the amount required to fund the Federal share of operating assistance. An additional $1 million to last year's appropriation could provide the means by which additional counties in the Commonwealth of Pennsylvania could participate in the program.

III. HIGHWAYS AND BRIDGES

Discretionary Bridge Program

I urge the Committee to provide report language designating high priority in the discretionary bridge program to the Belle Vernon Bridge, I-70, in Washington/Westmoreland Counties. As you know, last year the Committee included priority consideration to the bridge. Subsequently, however, the Department of Transportation was unable to fund the project.

The total estimated cost of rehabilitating the Belle Vernon Bridge, including design, right-of-way, or anticipated noneligible costs is 23.2 million. Pennsylvania's discretionary funds request $16.4 million in Federal support. This four-lane bridge over the Monongahela River has an estimated average daily traffic of 34,196 vehicles. Most importantly, there is not a viable alternate route across the river, making rehabilitation critical to continue traffic flow. Accordingly, I urge the Committee to once again include priority designation to this important project in its report to accompany the fiscal year 1991 Transportation Appropriations bill.

Highway Obligation Ceiling

A primary concern to the Commonwealth of Pennsylvania is to secure a highway obligation ceiling at the highest possible level. Pennsylvania receives approximately 4.5 percent of the obligation authority available nationwide. I support a ceiling of $15 billion, a level equal to the amount of gas tax revenues expected to be deposited into the highway trust fund.

In addition, I request that the following report language be included in the fiscal year 1990 Transportation Appropriations bill:

The Committee is aware of the traffic congestion in the Exton, PA, area and recommends that discretionary funding be expended to alleviate this problem.

IV. FEDERAL RAILROAD ADMINISTRATION

National Railroad Passenger Corporation [AMTRAK]

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. A reduction in Amtrak funding, I believe, would result in added air congestion and ultimately additional Federal dollars for airport highway construction. Accordingly, I support funding for Amtrak at the fiscal year 1990 level of $606 million.

As always, I appreciate your assistance on these important matters. Thank you for your consideration of these requests.

My best.

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now enter into a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MAYOR H. ODELL WEEKS OF AIKEN, SC

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay tribute to one of the finest public servants I have had the pleasure of knowing, Mayor H. Odell Weeks of Aiken, SC. On August 5, after 40 years of service to the city of Aiken, Mayor Weeks announced his intention to retire at the conclusion of his present term. As someone who has known Odell Weeks for many years, I know how much his constituents will miss him.

Odell was elected to the Aiken City Council in 1943. He served until 1946, when he was called to serve out the mayoral term of Holbrook Wyman, who had died in office. In 1952, he returned to his seat on the council, and in 1957 he was reelected as mayor. He has been Aiken's mayor ever since.

Mayor Weeks embodies the American spirit of public service. He dedicated his career to helping others, working tirelessly to ensure Aiken's economic growth while seeking to preserve the beauty and tradition of the city we both call home.

As with any public servant, Odell Weeks was strengthened by the love of his family and friends. I know that Odell's many accomplishments would not have been possible without the support of his lovely wife, Ella. She filled the unofficial but important office of first lady of Aiken with grace and charm throughout Odell's career. Mayor Weeks was also ably assisted by Mr. Roland Windham, who served as city manager of Aiken for 28 years, retiring this past March.

Mr. President, it is with the deepest personal admiration that I pay tribute to Odell Weeks, a man whose dedication to the principles of selflessness, public service, and love of God and country will surely serve as an example for future generations of South Carolinians to follow.

I ask unanimous consent that an article from the Aiken Standard newspaper be inserted in the Record immediately following my remarks.

[From the Aiken (SC) Standard, Aug. 1, 1991]

"Time For Someone Else To Do the Job"

(By Carl Langley)

Aiken's long-term Mayor H. Odell Weeks, citing advanced age and "a time to let someone else do the job," announced this morning that he will not be a candidate for re-election in November.

"I will be 83 this Saturday, and I figured it's time to let someone else do the job," the mayor said after a news conference at the city hall.

"I have had a good time serving a town I love so much."

Mayor Weeks, who has held the city's No. 1 political job longer than anyone else in Aiken's 156 years, will end a public service career that began in 1942 with his election to council.

His 40-year tenure is one of the largest in South Carolina and the nation, and he may hold the state record for serving as mayor.

In a voice breaking with emotion, Mayor Weeks said, "It is difficult to give up something that you love dearly, so you know how difficult this decision is for me. However, all of us have to make this decision at some time in life, and we move on to other things."

He read from a prepared statement at a news conference attended by more than two dozen elected officials and city department heads.

Discussing the past and looking ahead, the mayor said he feels "great about the future of this city. We have attempted to address things that will maintain our heritage, keep our city beautiful and yet maintain the type of business and residential climate that will ensure our continued growth in a very positive manner."

At the conclusion of his 2½ page statement, the mayor was given a standing ovation that lasted several minutes. Members of council and department heads took turns wishing him well in retirement.

The mayor used his statement to pay tribute to fellow elected officials and city employees. He said city workers have been "dedicated and loyal" and noted that elected officials have "worked together with harmony for the good of the community."

Mayor Weeks became the city's chief executive in 1946 when his precedessor Holbrook Wyman died in office. He served until 1952. He then served as a councilman for four years, was re-elected mayor in 1957 and has held the office since.

A native of Aiken who loves to spin tales about early days when the city was filled with horses, carriages and dirt streets, Mayor Weeks became an institution with friends and voters, on downtown streets and street corners.

A few years ago, the mayor, known as Odell, or Crow to friends and supporters, said he imagined he cut more ribbons and participated at more ground breakings than any mayor in the state.

And he remarked, "I loved everyone of them."

In addition to serving as mayor of Aiken, Mayor Weeks was regarded as the "official mayor" of many smaller towns and cities whose officials called on him and former City Manager Roland Windham for advice on how to govern and for help in getting state and federal assistance.

"I tried to get Roland to stay on with me until I retired, but he said he had to go," the mayor said. Windham, who was city manager for 28 years, retired in March.

Windham and new City Manager Steven Thompson were with the mayor this morning.

A member of First Baptist Church, Mayor Weeks is a 1926 graduate of the old Aiken Institute and attended Clemson College. He played guard and tackle on the second and third football teams that Aiken Institute fielded.

At Clemson, he was enrolled in arts and sciences, but he was forced to leave school after his junior year because of the Depression of the 1930s.

Mayor Weeks is a vice president of Lyon-Croft-Weeks & Hunter. He is a past member of the board of directors and past president of the S.C. Municipal Association. He has been a member of the Lower Savannah Regional Planning Council Board of Directors since 1971.

Mayor Weeks was named Greater Aiken Chamber of Commerce Man of the Year and received the Aiken Toastmasters Communicator of the Year Award. He also received the Aiken Sertoma Club Service to Mankind Award.

He is a member of the Board of Visitors at Clemson University, IPTAY's Clemson representative in Aiken County for 46 years and a former IPTAY County Chairman. He is a supporter of the Aiken County Red Cross Blood Program and a charter member and a past president of the Aiken Lions Club.

He is a member of Woodmen of the World and Elks, a Mason and a Shriner. He is a member of Aikens Business Men's Club and Senior Men's Club and an honorary member of the Aiken Rotary.

The mayor, whose wife died last year, has two sons, H.O. Weeks, Jr., Aiken, and Thomas Weeks, Barnwell; and a daughter, Jane Anderson, Lexington.

RESIGNATION STATEMENT

This is the announcement made by H.O. Weeks this morning of his retirement as mayor of Aiken:

There comes a time in life when you need to look at where you have been, where you are now, and where you are going in the future. I have given all three of these a lot of thought and study, and I wish to share with you now that I will not offer for re-election as mayor of this great city of Aiken.

It is difficult to give up something that you love dearly, so you know how difficult this decision is for me. However, all of us have to make this decision at some time in life, and we move on to other things.

God has been very good to me to allow me to serve the citizens of this great city for over 44 years, with 40 years of that time being spent as mayor.

Very few individuals have the honor and pleasure of serving with such dedicated men and women on City Council as has been my privilege over the years. All of these have worked together with such harmony for the good of the entire community.

Our city employees have been dedicated, loyal employees who have worked tirelessly to provide the best services possible, and it has been my privilege to work along with them towards this end.

I have also had the great privilege of working with four city managers since the Council-Manager plan was installed by a vote of the citizens in 1955. These men were highly professional and worked with me and the other council members to help provide the quality of life for our citizens that would be difficult to equal in any community.

During my tenure in office, Roland Windham has been the longest serving city manager for a period of 28 years, and I would like to give credit to him for helping to make Aiken the great city it is today.

Many changes have occurred in this community during these 44 years, and there are so many things that stand out in my mind as being so important. They are far too numerous to mention in this statement.

There are just not many awards offered that we have not won. We have consistently been the leader in innovations in city government. Other cities throughout the Southeast have emulated us in their service deliveries to their citizens.

As I leave our council, our employees and our citizens. I feel great about the future of this city. We have attempted to address things that will maintain our heritage, keep our city beautiful, and yet maintain the type of business and residential climate that will ensure our continued growth in a very positive manner. Our infrastructure and our service levels are at an all time high thanks to positive planning by our councils and our very dedicated employees over the years.

I have such gratitude and thanks to our citizens who supported me over the years at the ballot box, and in the many innovative programs of services that we provided for them.

I could never have met the demands that the office of mayor places on the person holding this important and prestigious position had it not been for the complete support of my family and my late wife, Ella.

After 44 years it is time for a new face, new ideas, and a commitment to lead this great city to new heights and to preserve the wonderful heritage that has been handed down to us.

TRIBUTE TO THE LATE JOHN CAMPBELL

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of a truly outstanding South Carolinian, my good friend John Campbell, who passed away on August 26. John Campbell was a man of character, courage, and compassion, and we shall miss him greatly.

John Campbell served South Carolina with energy and dedication in a number of positions ranging from city councilman to secretary of state. Although he was well-known primarily in his role as a public servant, he was an astute and successful businessman as well.

John was the son of Gordon and Mary Tucker Campbell, and he grew up in Columbia, SC. He graduated from Columbia High School and attended the University of South Carolina. Although he was forced to drop out of college to help support his family, his lack of a college degree never hampered his career goals or his keen interest in the world around him. He put his native intelligence and talent to work by opening and maintaining a successful chain of drug stores in the Columbia area.

After establishing himself as a businessman, Campbell got his start in politics in a somewhat unique way. He became dissatisified with the trash collection at his drugstores and complained to the city manager. When he got no results, he decided to run for city council and was elected. After serving two terms as a councilman, he went on to become mayor of Columbia.

During his 8 years as mayor, John Campbell established himself as a hardworking, dedicated public servant. He also established his very personal political style, maintaining an open door policy and trying to meet as many of his constitutents as possible.

At the age of 65, Campbell was successful in his first campaign for statewide office. He was elected to the position of South Carolina Secretary of State, in which he served three terms.

Whether engaging in business activities, campaigning, or community endeavors, Campbell's trademark was his affable nature and concern for others. He had an ability to put others at ease, and a large part of his effectiveness was due to his charming personality.

John was active in many organizations, including the Columbia Chamber of Commerce, the Optimists, the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and the Shriners. He served on the board of Shandon United Methodist Church and was president of the South Carolina Municipal Association.

Mr. President, with the passing of John Campbell, South Carolina has lost a fine friend. John was a man of energy and accomplishment, whose dedication to the welfare of his fellow man was realized in a lifetime of service to others. He was a loving husband and father, a loyal and devoted friend, and a man of principle. We shall miss him greatly.

I would like to take this opportunity to express my deepest condolences to John's lovely wife, Gertrude Davis Campbell; his son, James Campbell, and his brother, Alva Campbell, as well as the rest of his family.

I ask unanimous consent that an editorial from the State newspaper be included in the RECORD immediately following my remarks.

[From the State, Sept. 4, 1991]

OLD-TIMEY POLITICIAN

John Campbell was an old-fashioned politician, and in the end it cost him his job. But for almost a third of his life, he was a gregarious man who loved the people, loved public service and loved a party.

Mr. Campbell, who died last week, was a Columbia city councilman for two terms before his election as mayor in 1970. He was often razzed and criticized for attending every ribbon-cutting but doing little else. In fact, he was a major factor in restoring calm to a city troubled with racial unrest in the early '70s.

In 1978, he ran for the largely ceremonial job of South Carolina secretary of state. Again, he was popular with the Democratic voters and held the office for three terms. But last year, when state legislators and lobbyists were snared in a vote-selling scheme, Mr. Campbell was roundly criticized by Republican Jim Miles for failing to enforce lobbying laws and for accepting political contributions from those he regulated. The voters were ready for a change, and Mr. Campbell found himself out of office.

If he was bitter, he never showed it. Two months after his defeat, he developed heart problems and lung cancer. "I guess the good Lord knows what's best," he told an interviewer. "If I had been re-elected, I wouldn't have been able to serve."

Mr. Campbell's neighborhood drug stores were popular hangouts for young and old alike. He knew the folks of this town and they knew him. He was at every cocktail party, rubber-chicken dinner and testimonial at a time when that translated into votes at the polls. Times changed and he didn't. But he remained an affable gentleman whose main ambition was to serve the people.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, treaties, and a withdrawal which were referred to the appropriate committees.

(The nominations, treaties, and withdrawal received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I transmit herewith the 22nd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending February 28, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1990, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act, and section 12(1) of the Railroad Unemployment Insurance Act.

The Railroad Retirement Board (RRB) serves nearly 900,000 railroad retirees and their families and almost 280,000 railroad employees who rely on the system for retirement, unemployment, disability, and sickness insurance benefits. Beneficiaries depend on the financial integrity of the pension funds for payment of their benefits.

This report includes the RRB's 18th actuarial valuation of the railroad retirement program's assets and liabilities. The valuation concluded that, barring a sudden, unanticipated, large drop in railroad employment, the railroad retirement system will experience no cash-flow problems for at least 20 years. The long-term stability of the system, however, remains questionable, and under the current financing structure, actual levels of rail employment in the coming years will determine whether additional corrective action is necessary.

The Railroad Retirement Reform Commission, created by the Congress to give the rail sector a chance to address the financial instability of the rail pension, issued its report in September of 1990. I strongly oppose the report's recommendation to renew the diversion of Federal income taxes to the rail pension. Since 1983, approximately $1.5 billion in such taxpayer subsidies have been given to the rail pension fund. Railroad pension benefits should be financed solely by rail sector resources, and I will continue to oppose any additional general revenue funding measures for the railroad retirement system.

Other Commission recommendations such as privatization hold promise as equitable reforms to the system; rules protecting private pensions (ERISA) should also apply to the railroad's private pension system.

The Commission adopted a proposal contained in the Administration's FY 1992 budget to extend benefits to all rail sector beneficiaries, such as widows and divorced spouses. These individuals would have been eligible for benefits under Social Security but are denied equivalent benefits by the rail system. Conforming rail social security and Social Security would make the rail pension benefit structure more equitable. This Administration has a strong belief in just governance and supports such a measure that would conform benefit eligibility under the Railroad Retirement Act with the Social Security Act.

The Office of Management and Budget (OMB) was concerned with the overall management of RRB programs and engaged in a thorough management review of its operations. As a result of this review, an agreement was reached between OMB and RRB that included a 5-year management plan outlining the specific improvements and resources necessary to achieve much needed reforms at the RRB. Both OMB and RRB are committed to many substantial reforms, and the RRB leadership is demonstrating a new and progressive approach to addressing inefficiencies, debt collection, and automation modernization. I commend the Board for its efforts and urge the Congress to support appropriations for these measures to enhance RRB efficiency, eliminate material weaknesses, and to protect the integrity of the trust funds. The RRB Inspector General's Office also deserves praise for its diligence in monitoring and enforcing industry compliance with the pension contribution statutes. Such efforts help to preserve the integrity of the rail pension funds, on which rail employees and retirees depend.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 2132. A bill to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, Arkansas, title to certain lands at the Fort Smith Municipal Airport for construction of a road (Rept. No. 102–144).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 2387. A bill to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes (Rept. No. 102–145).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 479. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States (Rept. No. 102–46).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. DOMENICI:

S. 1701. A bill to amend the Internal Revenue Code of 1986 to allow claims for refunds or credits in district courts or the United States Claims Court for estates electing application of section 6166; to the Committee on Finance.

Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1702. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, New Jersey; to the Committee on Energy and Natural Resources.

Mr. MACK:

S. 1703. A bill to designate the Federal building located at 80 North Hughey Avenue, in Orlando, Florida, as the "George C. Young United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

Mr. WALLOP:

S. 1704. A bill to improve the administration and management of public lands, National Forests, units of the national Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. DOLE (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. GORTON, Mr. WARNER, Mr. WOFFORD, Mr. LEVIN, Mr. PRESSLER, and Mr. NICKLES):

S. Res. 176. A resolution to condemn the violence in Yugoslavia, to express Senate support for EC mediation efforts with respect to Yugoslavia and to urge the administration to raise this issue in Moscow at the CSCE meeting on the Human Dimension; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1701. A bill to amend the Internal Revenue Code of 1986 to allow claims for refunds or credits in district courts or the U.S. Claims Court for estates electing application of section 6166; to the Committee on Finance.

SETTLEMENT OF CERTAIN ESTATE CASES

• Mr. DOMENICI. Mr. President, I am introducing legislation today, to restore equity to small businesses who wish to dispute their tax claims in a U.S. District or Claims Court. A recent U.S. Appeals Court ruling has brought this responsibility to the hands of Congress with regard to clarifying the rights of section 6166 taxpayers—the longstanding tax option created by Congress that permits small businesses to pay their estate tax payments over 10 years.

The Congress created section 6166 in 1958 as part of the Small Business Tax Revision Act. This provision is designed to prevent the break-up of small businesses in order to pay Federal estate taxes. Section 6166 makes it possible to maintain a business enterprise when the death of one of the primary owners of the family business results in the imposition of a relatively heavy estate tax.

The intent of section 6166 is not to reduce the tax owed to the Federal Government, but simply to reduce the burden of a lump-sum payment and to keep businesses, especially family businesses, alive and in the family. Since its creation, section 6166 has become a popular option for small businesses faced with the death of a principal owner.

At approximately the same time that section 6166 was created, the U.S. Supreme Court ruled that Federal district courts do not have jurisdiction over a taxpayer's tax dispute against the IRS without prior full payment of taxes owed. This is commonly referred to as the Flora full-payment rule.

Consequently, section 6166 and the full-payment rule are at odds in cases where a 6166 taxpayer wishes to dispute the amount of tax owed in a U.S. District or Claims Court. Since that time, however, the courts have interpreted this situation to mean that section 6166 taxpayers represent an exception to the full-payment rule, as long as the taxpayer is up-to-date with the tax payments.

A case was brought before a U.S. Claims Court last March that involved a section 6166 taxpayer who wished to dispute these taxes. The IRS claimed that the taxpayer was, in fact, not eligible for section 6166, and therefore, was not in compliance with the full-payment rule. The Claims Court dismissed the case and the U.S. Court of Appeals affirmed the dismissal. However, the U.S. Court of Appeals used language which is broader in scope than even the IRS had advocated in the case.

The Federal circuit court ruled that the taxpayer estate should not be allowed to maintain a refund suit without sacrificing the deferral privilege accorded by section 6166. The court stated that:

> Congress, in section 6166, has merely permitted an estate to pay the single tax in installments with interest. As a result, the partial satisfaction of the tax by an installment payment under section 6166 does not satisfy the full-payment rule. While the rule may result in economic hardship in some cases, it is Congress' responsibility to amend the law.

Mr. President, the ball had been returned to our court, so to speak. The legislation I am introducing today is simple and to the point. It clarifies that section 6166 taxpayers who are current on their payments may dispute their tax claims in a U.S. District or Claims Court.

The need for this clarification is not obscure. The impact of the new interpretation of section 6166 as ineligible to dispute in U.S. District or Claims Court will impact small businesses across the United States, putting in further jeopardy the ability of small businesses to pay their Federal taxes and remain in business. This is especially important to family businesses. There are approximately 13,000 businesses that have elected section 6166. Eighty-one such taxpayers reside in New Mexico. While few of these taxpayers are likely to dispute their taxes, their rights should remain intact. There is no reason why a small business that is paying its estate tax in payments, because to do otherwise would destroy the business, should not be afforded the same right to dispute their liability in a U.S. District or Claims Court. This is a right held by all other taxpayers.

Let me cite an example that will illustrate the problem. In 1985 a plane accident took the lives of Mr. and Mrs. Ben Abruzzo, of Albuquerque, NM. At the time of their deaths, the Abruzzos held an interest in four corporations. The Abruzzo estate filed the Federal estate tax return on November 8, 1985, and elected to defer eligible taxes pursuant to section 6166. Without this option, the estates would have jeopardized the business.

The IRS then assessed additional estate taxes on the Abruzzos for amounts in excess of $2 million. The Abruzzos borrowed money to pay the tax, and filed for a refund in the U.S. Claims Court where the case has been pending until the present. Because of the March Court of Appeals ruling, however, jurisdiction over the Abruzzo's case is on very shaky grounds. For estates being transferred now, section 6166 taxpayers have no basis on which to file in a U.S. District Court. This is a dilemma faced by businesses across the country. In contradiction with the March court decision rejecting jurisdiction of section 6166 taxpayers, in the Abruzzo's case, the Department of Justice has filed a brief in support of jurisdiction. However, once in court, the judge will be bound by the March ruling. This illustrates that even the Department of Justice supports the case that such taxpayers should have the right to dispute their taxes in court.

A legislative clarification is necessary to ensure that small businesses, like the Abruzzos, are granted their constitutional right to dispute taxes owed. This clarification doesn't impose a new liability on the Federal Government. It simply restores the status quo. This is a simple bill of fairness; one that I hope will be acted upon quickly and favorably by the Finance Committee and the Senate.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1702. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, NJ; to the Committee on Energy and Natural Resources.

GREAT FALLS HISTORIC DISTRICT COMMISSION

• Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation, on behalf of myself and my colleague Senator BRADLEY, to establish the Great Falls Historic District Commission. The Commission, a Federal, State, and local partnership, would create a comprehensive plan for the preservation and redevelopment of the Great Falls

National Historic District in Paterson, NJ.

The legislation which Senator BRADLEY and I are introducing today is identical to a bill introduced in the House of Representatives on July 29, 1991, by my dear friend and colleague, Representative ROE.

Paterson holds a special place in history as one of the leading industrial cities of this Nation. The area around the Great Falls was selected in 1793 by Alexander Hamilton as his laboratory for the development of industrial America. The Great Falls Historic District is the site of the first attempt in the United States to harness the entire power of a major river for industrial purposes.

Unfortunately, Paterson, which is about to celebrate its bicentennial, has had its share of bad fortune. The historic district has been ravaged by fires over the past 10 years. In fact, the National Park Service, in its 1989 Report on Damaged and Threatened National Historic Landmarks, described the Great Falls Historic District as suffering "severe physical deterioration" and recommended that the structures be "stabilized, and when a compatible new use is found, rehabilitation should be undertaken."

As a first step toward preserving the rich history of Paterson, I have secured $4.2 million in funding in the fiscal year 1992 Interior appropriations bill reported by the Senate Appropriations Committee for immediate renovations in the Great Falls Historic District as part of a broader New Jersey Urban History Initiative. I will be working to preserve this funding in the final version of the appropriations bill.

We must also look at the long-term solutions to halting the deterioration of these historical treasures. Once these physical reminders of our rich heritage are gone, we lose a part of our history forever. This bill would take a major step toward providing the long-term planning necessary to improve and reinvigorate America's first industrial city for generations to come.

The Commission, established under this bill, would consist of nine members including the Secretaries of the Departments of the Interior, Housing and Urban Development, Transportation and Commerce, as well as five members appointed by the Secretary of the Department of the Interior, including several representatives selected by local elected officials. Within 18 months from the effective date of this legislation, the Commission would submit a plan with recommendations regarding development of the historic district including private and public uses and ownership, design criteria for buildings and open space.

I urge my colleagues to support this legislation to establish a Great Falls Historic District Commission.

Mr. President, I ask for unanimous consent to print the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contribution to our national heritage of certain historic and cultural lands, waterways, and edifices in the Great Falls of the Passaic/S.U.M. National Historic District located in the City of Paterson, State of New Jersey (Alexander Hamilton's laboratory for the development of industrial America as well as America's first industrial city) with emphasis on harnessing this unique urban environment for its educational value as well as for recreation, there is hereby established the Great Falls Historic District Commission (hereinafter referred to as the "Commission"), the purpose of which shall be to prepare a plan for the preservation, interpretation, development, and use, by public and private entities, of the historic, cultural, and architectural resources of the Great Falls of Passaic/S.U.M. National Historic District in the City of Paterson, State of New Jersey.

SEC. 2. (a) The Commission shall consist of nine members, as follows:

(1) the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Commerce, all ex officio; and

(2) five members appointed by the Secretary of the Interior, one of whom shall be the Director of the National Park Service, two of whom shall be appointed from recommendations submitted by the Mayor of the City of Paterson, one of whom shall be appointed from recommendations submitted by the Board of Chosen Freeholders of the County of Passaic, New Jersey, and one of whom shall be appointed from recommendations submitted by the Governor of the State of New Jersey. The members appointed pursuant to this paragraph shall have knowledge and experience in one or more of the fields of history, architecture, the arts, recreation planning, city planning, or government.

(b) Each member of the Commission specified in paragraph (1) of subsection (a) and the Director of the National Park Service may designate an alternate official to serve in his stead. Members appointed pursuant to paragraph (2) of subsection (a) who are officers or employees of the Federal Government, the City of Paterson, the County of Passaic, or the State of New Jersey, shall serve without compensation as such. Other members, when engaged in activities of the Commission, shall be entitled to compensation at the rate of not to exceed $100 per diem. All members of the Commission shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Commission.

SEC. 3. (a) The Commission shall elect a Chairman from among its members. Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided for the Commission by the General Services Administration, for which payments shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator, General Services Administration: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations.

(b) The Commission shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(c) The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946, but at rates not to exceed $100 per diem for individuals.

(d) The members of the Commission specified in paragraph (1) of section 2(a) shall provide the Commission, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Commission to carry out its duties, to the extent that such facilities and services are requested by the Commission and are otherwise available for that purpose. To the extent of available appropriations, the Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties. Upon the termination of the Commission all property, personal and real, and unexpended funds shall be transferred to the Department of the Interior.

SEC. 4. It shall be the duty of the Commission to prepare the plan referred to in the first section of this Act, and to submit the plan together with any recommendations for additional legislation, to the Congress not later than eighteen months from the effective date of this Act. The plan for the Great Falls of the Passaic/S.U.M. Historic District shall include considerations and recommendations, without limitation, regarding (1) the objectives to be achieved by the establishment, development, and operation of the area; (2) the types of use, both public and private, to be accommodated; (3) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (4) a program for the staging of development; (5) the anticipated interpretive, cultural, and recreational programs and uses for the area; (6) the proposed ownership and operation of all structures, facilities, and lands; (7) areas where cooperative agreements may be anticipated; (8) estimates of costs, both public and private, of implementing and ensuring continuing conformance to the plan.

SEC. 5. The Commission shall be dissolved (1) upon the termination, as determined by its members, of need for its continued existence for the implementation of the plan and the operation or coordination of the entity established by the plan, or (2) upon expiration of a two-year period commencing on the effective date of this Act, whereupon the completed plan has not been submitted to the Congress, whichever occurs later.

SEC. 6. It is comtemplated that the plan to be developed may propose that the Commission may be authorized to—

(1) acquire lands and interests therein within the Great Falls of the Passaic/S.U.M. Historic District by purchase, lease, donation, or exchange;

(2) hold, maintain, use, develop or operate buildings, facilities, and any other properties;

(3) sell, lease, or otherwise dispose of real or personal property as necessary to carry out the plan;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the State of New Jersey, and any governmental unit within its boundaries, or any person, firm, association, or corporation as may be necessary;

(5) establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, use, and protection of Great Falls of the Passaic/S.U.M. Historic District in accordance with the plan; and

(6) borrow money from the Treasury of the United States in such amounts as may be authorized in appropriations Acts on the basis of obligations issued by the Commission in accordance with terms and conditions approved by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any such obligations of the Commission.

SEC. 7. Title to property of the Commission shall be in the name of the Commission, but it shall not be subject to any Federal, State, or municipal taxes.

SEC. 8. There are authorized to be appropriated not to exceed $200,000 for the preparation of the plan authorized by this Act.•

By Mr. MACK:

S. 1703. A bill to designate the Federal building located at 80 North Hughey Avenue, in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

GEORGE C. YOUNG UNITED STATES COURTHOUSE AND FEDERAL BUILDING

• Mr. MACK. Mr. President, I am pleased to introduce legislation today which designates the Federal courthouse building in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building." This bill provides us with the opportunity to honor a man who has devoted his life to the pursuit of justice through our judicial system.

Judge George Young was appointed to the U.S. District Court in 1964 and was the first district court judge to be assigned to the Orlando division in the Middle District of Florida. Judge Young served as chief judge of the Middle District of Florida from 1971 to 1981 at which time he elected to take senior status.

Judge Young who is known as a judicial scholar, has earned the reputation of being a tough, yet fair, jurist. His untiring dedication to the strict interpretation of the law as a means to legal justice and his consistently thorough research on the issues which are brought before him, make him a splendid example for those arbiters of justice who practice law in the building which I have proposed be named after him.

Mr. President, today, the Federal Bar Association in Orlando is honoring this outstanding jurist. I join the Federal Bar Association in honoring an individual who has served the judiciary with distinction.

Thank you, Mr. President, and I urge the Senate to act expeditiously on this legislation.•

By Mr. WALLOP:

S. 1704. A bill to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

RANGER FAIR HOUSING ACT

• Mr. WALLOP. Mr. President, I am introducing today the Ranger Fair Housing Act of 1991. This legislation would remedy an increasingly serious situation affecting the management of our public lands.

Employee housing provided by several land managing agencies has not kept pace with the increasing demands placed upon the agencies. The housing stock is aging and increasingly expensive to maintain. The deteriorated condition of many of the units is creating serious recruitment, retention, and morale problems for the agencies.

The National Park Service recently completed a rental rate comparability study for the North Atlantic rental survey area. This survey proposed increases of employee rents up to 46 percent of the employee's base salary. The most recent Census Bureau American Housing Survey reveals that the average cost of rental housing nationwide is 27 percent of gross family income, including the cost of utilities, yet the Federal Government is requiring an employee to live in Government housing as a condition of their employment and then charging almost twice the national average for that privilege. This inequity is particularly onerous when you consider that the gross monthly salary for many of these employees is between $1,300 and $1,600. In one case, a GS-5 Ranger making $1,300 a month would pay the Government $599 a month to rent a house in which he is required to live. This leaves $701 a month for taxes, utilities, food, and perhaps, if the employee is frugal, a candy bar. I am introducing an amendment to the fiscal year 1992 Interior appropriations bill to delay the implementation of these rental rate increases until the committees of jurisdiction have an opportunity to review this entire situation.

Of the 19,096 Government housing units inventoried by the Bureau of Reclamation, 5,262 are owned by the U.S. Forest Service, 5,171 are owned by the National Park Service and 4,564 are owned by the Bureau of Indian Affairs. The remainder are owned by several different agencies. The National Park Service estimates the cost of bringing their housing stock up to acceptable levels at $546,081,000.

Similar problems exist in all of the major land management agencies. Insufficient and inappropriate housing is an identified problem for the Forest Service in the Pacific Northwest and elsewhere. The Forest Service estimates a need for $175,539,000 to meet their housing needs. Escalating maintenance costs plague the Bureau of Indian Affairs. They estimate a $40 million need. Aging housing stock and the associated increasing maintenance costs are a recurring theme throughout the agencies.

A 1988 Department of the Interior study indicates that private sector involvement through build—to—lease or guaranteed rental contracts may provide cost-effective relief in some instances. This approach, coupled with establishing and following an agency-wide facilities construction and rehabilitation priority list will provide the authority and the direction to correct the most pressing problems first.

The Forest Service reports employees having to live in 30-year-old trailers with leaking roofs, up to 10 employees of both sexes sharing a single shower, sleeping in pick-ups parked in old horse barns, walling off corners of ware houses and basements to provide bunkhouse space and requests to use the attics of office buildings as crew quarters. The Forest Service's increasing utilization of volunteers is seriously hampered by the lack of housing for them. To quote one Forest Service respondent: "I am seeing conditions I would not want my son or daughter exposed to."

Another problem, which affects all agencies, but the National Park Service particularly, is an increasingly serious recruitment and retention problem in high-cost-of-living areas. While the term "National Park" brings to mind western visions of Yellowstone and Yosemite to most people, the majority of the NPS areas and employees are located in the East. The cost of living and the relatively low pay of most of the employees assigned there, have created extreme situations of near poverty.

A study conducted by the Association of National Park Rangers in 1988 and 1989 revealed that employees were living in automobiles and sharing substandard housing with several others in high-crime areas just to have a roof over their heads. Others are reporting spending over 60 percent of their salary for housing. A significant number are choosing to leave the Service rather than endure marginal living conditions or exhaust their savings in an effort to survive. Without a fairly immediate correction of the disparity between housing costs and salary levels, many of our park areas in high-cost-of-living areas will be forced to operate with insufficient staff.

This bill requires the Secretaries to provide safe, appropriate employee housing either on or off-premises at rental rates that do not exceed the national average rate paid by renters. This also would roughly correspond to the level at which commercial lending institutions would approve a home mortgage. To expedite the process and reduce the immediate drain on the Treasury, it further authorizes the agency heads to enter into lease agreements with the private sector to provide that housing where it is practical and appropriate.

Another problem that this legislation addresses is that of infrastructure to support employee housing. In many areas of the country, local jurisdictions and Federal agencies could effect significant cost savings by developing water, sewer, and similar infrastructure facilities cooperatively. Under current law, agencies are prohibited from contributing toward the development of mutually beneficial facilities, if those facilities are outside the agencies' jurisdictions. In some areas the agency employee housing is reasonably close to the community, yet two complete support infrastructures, with their associated costs and environmental impacts, have been created because of the agency property boundary. This redundancy is not in the public interest.

This legislation merely provides the authority to the heads of the agencies to provide housing for necessary personnel in such a way as they are neither unduly rewarded nor penalized for their dedication to their chosen professions. As a nation, we have the right to expect high quality, professional service from those agencies and personnel entrusted with the care of our natural and cultural resources. As individuals, they have a right to expect decent housing to be available at their assigned duty stations.

For this legislation to truly accomplish what is intended, I must call for the support and cooperation of my colleagues in the Senate and in the House of Representatives. For too long now, we have yielded to the temptation to promise funding and support for various new or attractive public lands projects. Invariably, this support comes at the expense of other projects which, in the national scheme of things are more important. We have collectively allowed sometimes narrow, parochial interests to define and drive what should be national systems of parks, forests, refuges, and public lands. In the process, we have, with good intentions but sad results, shifted vital resources from established parks, forests, refuges, and public lands with real needs and nationally significant resources, to areas or projects which may be of importance, but in the larger national context may not compare to that which is being ignored. It should be clear to us all that there is not an unlimited amount of money to do all the good things we may promise. It is just as clear to me that we are now, and increasingly will be, faced with making some extremely difficult choices among competing land management projects. Those decisions must be made with a view to their long-term benefits for the American people as a whole and their impacts and implications for these national systems of parks, forests, refuges and public lands as systems and not as isolated units within specific States or districts.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from New Hampshire [Mr. SMITH], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 88

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 140

At the request of Mr. WIRTH, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 311

At the request of Mr. ROTH, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Ms. MIKULSKI], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 581

At the request of Mr. BOREN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 646

At the request of Mr. DECONCINI, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 646, a bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 720

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 730

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 730, a bill to provide for the reduction of metals in packaging.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1125

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1125, a bill to provide incentives to health care providers serving rural areas, to provide grants to county health departments providing preventative health services within rural areas, to establish State health service corps demonstration projects, and for other purposes.

S. 1240

At the request of Mr. CHAFEE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1240, a bill to amend title XIX of the Social Security Act to provide criteria for making determinations of denial of payment to States under such Act.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Nebraska [Mr. EXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1333

At the request of Mr. SASSER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. GARN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1333, a bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes any nonlethal surplus personal property, and for other purposes.

S. 1364

At the request of Mr. PRYOR, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1364, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1493

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1493, a bill to establish the High Speed Surface Transportation Development Corporation; to provide for high speed surface transportation infrastructure development; and for other purposes.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1522

At the request of Mr. BOREN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment by cooperatives of gains or losses from sale of certain assets.

S. 1527

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 1527, a bill to amend the Agricultural Act of 1949 to establish a price support and production base system for the production of milk and products of milk that will increase producer prices and balance production with consumption of milk and products of milk, to establish a producer board to administer certain export enhancement, diversion and other milk inventory management programs, and to require increased solids content in fluid milk, and for other purposes.

S. 1533

At the request of Mr. BRYAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1533, a bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934.

S. 1553

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1553, a bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf War and the spouses and families of such veterans.

S. 1563

At the request of Mr. KERRY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1579

At the request of Mr. INOUYE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1579, a bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes.

S. 1614

At the request of Mr. GRAHAM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1614, a bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals, and for other purposes.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

SENATE JOINT RESOLUTION 89

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 89, A joint resolution expanding United States support for the Baltic States.

SENATE JOINT RESOLUTION 145

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 145, a joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week".

SENATE JOINT RESOLUTION 148

At the request of Mr. BRYAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 148, a joint resolution designating October 8, 1991, as "National Firefighters Day".

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week".

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week".

SENATE JOINT RESOLUTION 172

At the request of Mr. INOUYE, the names of the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter, as "National American Indian Heritage Month".

SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month".

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day".

AMENDMENT NO. 1017

At the request of Mr. LEAHY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Amendment No. 1017 proposed to Amendment No. 1017, an original bill to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

AMENDMENT NO. 1084

At the request of Mr. HARKIN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Amendment No. 1084 proposed to Amendment No. 1084, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

At the request of Mr. MITCHELL, his name was added as a cosponsor of Amendment No. 1084 proposed to Amendment No. 1084, supra.

SENATE RESOLUTION 176—RELATIVE TO THE VIOLENCE IN YUGOSLAVIA

Mr. DOLE (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. GORTON, Mr. WARNER, Mr. WOFFORD, Mr. LEVIN, Mr. PRESSLER, and Mr. NICKLES) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas, following the Declaration of Independence by the Republic of Slovenia on June 25, the conflict between the Yugoslav Army and the Slovenian Government and its citizens resulted in over 100 casualties before a settlement was reached on July 10 regarding the withdrawal of the Yugoslav Army;

Whereas, over 400 people have been killed in Croatia, including civilians, as a result of fighting that began after the Republic of Croatia declared its independence on June 25, 1991, and despite several attempted ceasefires;

Whereas, according to the Department of State and the European Community ministers, the Serbian Republic leadership is actively supporting and encouraging the use of force in Croatia by Seberian militants and the Yugoslav military.

Whereas, according to the State Department and the European Community observers in Yugoslavia, the Federal Yugoslav military units in Croatia have not been serving as an impartial guarantor of a ceasefire, but have been actively supporting local Serbian forces violating the ceasefire, and causing loss of life to the citizens they are constitutionally bound to protect.

Whereas, the Republic of Serbia is continuing its brutal repression of the Albanian population in the province of Kosova which has been under martial law for more than three years;

Whereas, the European Community is actively engaged in efforts to observe and mediate the conflict in Croatia and convened a peace conference on September 7, 1991;

Whereas, the European Community sponsored peace conference on Yugoslavia does not include an Albanian representative from the Province of Kosova;

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of central Europe: Now, Therefore, be it

Resolved, that—

(1) The Senate condemns the policies of violent aggression perpetrated by Serbian President Slobodan Milosevic, the Yugoslav Army and Serbian extremist guerrillas in Croatia;

(2) The Senate condemns the continuing and increasing repression against the Albanian population in the Province of Kosova;

(3) The Senate urges the administration to base its policy toward the six republics and two provinces of Yugoslavia on the democratic principles enunciated by Secretary of State on September 4, 1991, with respect to the Soviet Union;

(4) The deteriorating situation in Yugoslavia requires the United States to intensify efforts to resolve this crisis.

(5) The Senate commends the European Community for its efforts to mediate the crisis in Yugoslavia;

(6) The Senate urges the European Community to fully include an Albanian representative from the Province of Kosova in the European Community sponsored peace conference in order that a just and genuine settlement to the present crisis in Yugoslavia may be achieved and that potential violence in Kosova may be averted.

(7) The Senate calls on the administration to press for the inclusion of an Albanian representative from the Province of Kosova in the EC peace conference.

(8) The Senate urges the administration to raise the issue of Serbian Government sponsored aggression against the Croatian Government and the citizens of the Republic of Croatia, as well as against the two million Albanians in the Province of Kosova, at the conference on security and cooperation in Europe meeting on the Human dimension which convened in Moscow on September 10, 1991.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

COCHRAN AMENDMENT NO. 1085

Mr. HARKIN (for Mr. COCHRAN) proposed an amendment to the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, as follows:

On page 43 line 8 before the period insert the following: "*Provided further*, That of the amounts provided under this heading $3,400,000, to remain available until expended, shall be for the White House Conference on Aging".

CRANSTON AMENDMENT NO. 1086

Mr. HARKIN (for Mr. CRANSTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 18, line 20, insert after the colon the following: "*Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer $10,000,000 to carry out title XII of the Public Health Service Act:".

DECONCINI AMENDMENT NO. 1087

Mr. HARKIN (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 40, line 9, strike "$451,431,000" and insert in lieu thereof "$453,431,000".

On page 40, line 12, strike "$10,832,000" and insert in lieu thereof "$12,832,000".

On page 50, line 12, strike "$8,000,000" and insert in lieu thereof "$9,492,000".

DOMENICI AMENDMENT NO. 1088

Mr. HARKIN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 29, line 19, strike "$3,118,832,000" and insert "$3,175,832,000: *Provided*, That notwithstanding any other provisions of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $4,939,000; salaries and expenses of the Department of Education are hereby reduced by $1,646,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $20,415,000."

GORTON AMENDMENT NO. 1089

Mr. HARKIN (for Mr. GORTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 30, line 1 after "XVII," insert the following: "XX,".

JEFFORDS AMENDMENT NO. 1090

Mr. HARKIN (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 70, after line 19, add the following: "SEC.

"Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property."

KENNEDY AMENDMENT NO. 1091

Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 66, line 20, strike "$16,417,000 shall be for star schools" and insert "$18,404,000 shall be for star schools (of which $1,000,000 shall become available for obligation on September 30, 1992) and".

On page 65, line 22, strike "$254,893,000" and insert in lieu thereof "$255,893,000".

On page 67, lines 1 and 2, strike "$987,000 shall be for mid-career teacher training;".

On page 70, after line 19, insert the following:

"SEC. . From any unobligated funds available in the Departmental Management account of the Department of Education, the Secretary shall transfer on September 30, 1992 all funds available to carry out the National Summit Conference Education Act of 1984 to the Star Schools Program Assistance Act account."

REID AMENDMENT NO. 1092

Mr. HARKIN (for Mr. REID) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 43, line 2, delete "$3,553,828,000:" and insert in lieu thereof "$3,563,063,000: *Provided further*, That of the amounts appropriated, $21,470,000 shall be available for carrying out the Family Violence Prevention and Services Act of 1988".

On page 44, line 8, delete ": $63,842,000" and insert in lieu thereof "$60,794,000".

SIMON AMENDMENT NO. 1093

Mr. HARKIN (for Mr. SIMON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 15, line 25, strike "$141,280,000" and insert "$139,680,000".

On page 58, line 7, strike "$1,323,333,000" and insert "$1,333,333,000".

On page 59, line 7, strike "and".

On page 59, line 9, strike the period and insert ", and $10,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991.".

BINGAMAN AMENDMENT NO. 1094

Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 59, after line 9, insert the following: "In addition to the amounts provided, $10,000,000 shall be available to carry out section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103, and".

On page 44, line 12, before the "period" insert the following: ": *Provided*, That funds appropriated for the Office of the Inspector General are further reduced by an additional $2,603,000".

DODD (AND LIEBERMAN) AMENDMENT NO. 1095

Mr. HARKIN (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 50, after line 15, insert the following:

SEC. . During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care protections of section 427 of such Act for any Federal fiscal year preceeding fiscal year 1992.

KENNEDY AMENDMENT NO. 1096

Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(CV)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

HATFIELD AMENDMENT NO. 1097

Mr. HARKIN (for Mr. HATFIELD) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 24, line 18, strike "959,952,000" and insert in lieu thereof "965,952,000".

On page 29, line 10, strike "102,885,000" and insert in lieu thereof "92,085,000".

HARKIN AMENDMENT NO. 1098

Mr. HARKIN proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 63, on line 10 before the period insert the following: ": *Provided further*, That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program".

ROCKEFELLER AMENDMENT NO. 1099

Mr. HARKIN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 73, line 5, strike "$750,000" and insert in lieu thereof "$950,000".

D'AMATO AMENDMENT NO. 1100

Mr. HARKIN (for Mr. D'AMATO) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 32, line 22, strike "$1,985,901,000" and insert in lieu thereof "$1,982,901,000".

On page 21, line 1, strike "$1,525,982,000" and insert in lieu thereof "$1,530,982,000".

DOLE (AND OTHERS) AMENDMENT NO. 1101

Mr. HARKIN (for Mr. DOLE) (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. MURKOWSKI, Mr. HATFIELD, Mr. AKAKA, Mr. ADAMS, and Mr. RUDMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the amendment add the following:

SEC. . (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

HATFIELD (AND HARKIN) AMENDMENT NO. 1102

Mr. HATFIELD (for himself and Mr. HARKIN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 26, line 6, strike "363,176,000" and insert in lieu thereof: "397,176,000: *Provided*, That of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992".

On page 28, line 13, strike "133,176,000" and insert in lieu thereof "125,724,000".

On page 29, line 10, strike "92,085,000" and insert in lieu thereof "$89,485,000".

PELL AMENDMENT NO. 1103

Mr. PELL proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 53, line 11, insert "(1)" after "except that".

On page 53, line 19, insert "; and (2) any local educational agency with an increase of 5 percent or more from school year 1990–1991 to school year 1991–1992 in the number of children described in section 3(a) of Public Law 81–874, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during fiscal year 1992, are in average daily attendance at the schools of such agency and for whom such agency provides free public education" before the colon.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT

GORE (AND OTHERS) AMENDMENT NO. 1104

Mr. GORE (for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI) proposed an amendment to the bill (S. 272) to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communcations" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT

GORE (AND OTHERS) AMENDMENT NO. 1105

Mr. GORE (for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI) proposed an amendment to the bill (H.R. 656) to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest is basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating the training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1966, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering, library and information sciences, and computer engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are au-

thorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may require prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

HELMS AMENDMENT NO. 1106

Mr. HELMS proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the pending committee amendment add the following:

SEC. . PROHIBITION OF PREFERENTIAL TREATMENT.

Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership to any individual or to any group on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.".

NICKLES AMENDMENT NO. 1107

Mr. NICKLES proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the committee amendment on page 18, line 5, add the following: "(*Provided, however*, That none of the funds contained in this Act may go to any entity receiving funding as a grantee or a delegate under title X of the Public Health Service Act unless such entity certifies to the Secretary that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless a written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent; except that notification may be delivered personally by a physician or physician's agent, in which case 48 hours elapses from the time of making personal delivery; or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted: *Provided further*, That this section shall not apply in cases where the physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice: *Provided further*, That this section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed: *Provided further*, That this section shall not apply to entities in States that have in effect enforceable laws requiring that a parent or legal guardian be notified of, or give consent to, an abortion to be performed on an unemancipated minor under the age of 18, except that the State law may allow parental notification or consent to be waived only through judicial proceedings),".

KASSEBAUM AMENDMENT NO. 1108

Mrs. KASSEBAUM proposed an amendment to the bill H.R. 2707, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No funds shall be made available under title X of the Public Health Service Act to an entity applying for a grant under such title unless the entity agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform an abortion on such a minor unless there has been compliance with one of the following:

(1) The attending physician receives consent, in writing, to the performance of an abortion on such minor from an individual over the age of 18 who is a parent, grandparent, or aunt or uncle of the minor or a legal guardian of the minor; or

(2) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts). The notice, if delivered by certified mail, shall be considered to have been received at 12:00 p.m. of the next regular mail delivery day; or

(3) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical condition that constitutes an emergency or makes the abortion necessary to prevent the death of the minor; or

(4) A court of competent jurisdiction has issued an order, after a confidential, expedited judicial procedure has been conducted enabling the minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor, granting the minor the right to consent to the abortion; or

(5) A licensed or certified counseling professional, who does not have any financial relationship with the physician who is to perform the abortion or with the facility where the abortion is to be performed, certifies in writing that the notification of a parent or legal guardian of the minor could reasonably place the minor at risk of physical abuse or emotional harm. Such certification shall be based on a clinical assessment made by such counseling professional, shall state the basis for the decision of such professional (such as an assessment that the minor may be subject to child abuse or incest, may reside in a family environment where a parent or guardian is an alcoholic or abuses drugs, or may reside in a family environment where a parent or guardian is prone to violence or inclined to inflict physical or emotional harm if such notification were provided), and shall be supported with appropriate recordkeeping. The assessment shall be based on the totality of the circumstances surrounding the minor, her pregnancy, and her family environment.

(b) The requirements of subsection (a) shall not be applicable in a State after the date on which a referendum or initiative has been held, or on which legislation has been enacted, in that State concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on the circle of poison: impact on American consumers, on Friday, September 20, 1991, at 9 a.m., in SD–138.

For further information please contact Carolyn Brickey of the committee staff at 224–5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, September 17, 1991, at 10 a.m., in room SD–366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from John Easton, nominee for general counsel, U.S. Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 26, 1991, beginning at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two measures pending before the subcommittee. The bills are:

S. 1495, to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes; and

S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, September 12, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building on the Indian Tribal Courts Act of 1991 and Report of the U.S. Commission on Civil Rights on the Administration of the Indian Civil Rights Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, September 11, 1991, at 9:30 a.m. The committee will hold a full committee hearing on problems facing small business petroleum marketers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 11, 1991, at 2 p.m. on state of the airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 11, beginning at 9:30 a.m., to conduct a hearing on the waste management provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991—including special wastes, municipal waste and ash disposal, native American Indian waste issues, industrial waste, and hazardous waste recycling issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 11, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 11, 1991, at 2 p.m. to meet informally with members of the House Armed Services Committee to discuss the conference on H.R. 2100, the National Defense Authorization Act for fiscal years 1992 and 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, September 11, 1991, at 9:30 a.m. to conduct a hearing on the activities of Salomon Brothers, Inc. in Treasury bond auctions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 11, 1991, at 10 a.m. to hold a hearing on the President's trade agreement proposing most-favored-nation trade status for the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL HISPANIC HERITAGE MONTH

• Mr. RIEGLE. Mr. President, I would like to acknowledge the fact that one of America's vibrant ethnic groups, the Hispanic American-Latino American-community, is observing National Hispanic Heritage Month from September 15, 1991 to October 15, 1991. Thousands of people from my State of Michigan are heirs to the wealth of the Latino culture and tradition. They, and all Hispanic Americans observing this month can take pride in their contributions to every facet of life in American society.

During this month, Hispanic Americans can justly celebrate the many people who have contributed in important ways to their communities and to the Nation, some persevering despite many obstacles. Latino Americans have been involved in the success of hundreds of self-initiated community-oriented development programs. Others have carried on their cultural heritage through creative expression in the fields of art, education, literature, music, and theater. Still others have brought economic and political strength to their communities through their successful efforts to build businesses or participate in local, State or Federal Government. Drawing upon their multicultural and multiracial roots, together with the spirituality inspired by these roots and their value of the family and its relationship to the community as a whole, Hispanic Americans have become an integral part of the Nation and a valuable part of the American mosaic.

This special month of remembrance and celebration will remind all Americans that Hispanic Americans have been part of the history of this country from its earliest days. Even before the emergence of the United States as a nation, the ancestors of many of our present Latino Americans were playing a critical role in the shaping of this Nation. One has only to look at a map of the United States to see that the names of many cities and States have their origins in the Hispanic tradition.

We should be reminded, too, of the glory of earlier civilizations. The linguistic linkage, carried over the generations has served as a bridge to our understanding and appreciation of the remarkable civilizations of the Aztecs, Mayans, Incas, and others. This contribution has been priceless for historians and anthropologists who have been working to understand these civilizations. Knowing more about the remarkable contributions of these societies to our own cultural heritage is rewarding for all Americans who seek to learn more about it.

Mr. President, in recent decades there has been a great deal of study and emphasis on the pluralistic nature of America. Hispanic Americans enrich and enlighten this pluralism and add to our national vitality. It is right to acknowledge and honor the Hispanic community this month through celebrations and education programs. By doing so, we will foster better understanding among all of our people and strengthen the appreciation for this truly unique and dynamic part of our own American heritage.•

HONORING 395TH AND 432D ORDNANCE BATTALIONS

• Mr. KASTEN. Mr. President, all Americans have good reason to be proud of the performance of our Armed Forces in the Persian Gulf war. Every community in this country is welcoming its local heroes in a spirit of joy and thanksgiving.

Nowhere is this more true than in the communities of Appleton and Green Bay in Wisconsin—who are welcoming back home two outstanding ordnance battalions, the 395th of Appleton and the 432nd of Green Bay.

The brave men and women of these two battalions played a vital role in the United States victory over Iraq. The 432nd also performed a humanitarian mission in northern Iraq and southern Turkey, setting up tent cities for Kurdish refugees.

The 395th ordnance battalion is the last Wisconsin unit to return home. With its return, we close a noble chapter in our Nation's history—and thank the 395th and 432nd ordnance battalions for all they did to make it possible.•

THE ANGOLAN PEACE PROCESS

• Mr. DECONCINI. Mr. President, during the August recess I had a valuable opportunity to visit various African countries and to assess personally the emerging movement toward multiparty democracy and to discuss respect for human rights with a number of African leaders. I will provide greater detail about this trip at a later date, but today I want to focus on the peace process in Angola.

I spent 2 days in Angola and was able to meet with both government and opposition leaders, including the president of UNITA, Dr. Jonas Savimbi, and the Angolan President, Eduardo dos Santos. I saw the devastation that the 16 year civil war has wrought on Angola's capital city of Luanda and the work in the field of health care that the UNITA has accomplished in the dry, Angolan bush country.

I delivered the same message to both sides—UNITA and the Angolan government must adhere to the spirit and the letter of the peace accords which they signed in Lisbon on May 31.

The Angolan peace process is just that—a process, not a one-shot deal. In a speech which was delivered by UNITA vice president Jeremias Chitunda on the occasion of my visit to UNITA's headquarters in Jamba, the vice president spoke to that issue. He stated, "* * * winning elections is not all; institutionalizing the process of accountability of the leaders to the people and ensuring that elections are held regularly is our key objective." I will hold both UNITA and the Angolan Government to this ideal. True democracy is not something which can be achieved overnight. It is something which needs constant attention and nurturing.

Likewise, the United States Government as well as the Portuguese and the Soviets, who are understandably preoccupied with their internal changes, must remain engaged in this process. All three countries are monitors of the process and, as such, have a heavy responsibility to ensure that both sides uphold their end of the accords. The monitors must perform their duties in an evenhanded, non-partisan manner. The United States must ensure that UNITA adheres to the accords just as the Soviets must continue to stress to the Angolan Government that it has specific responsibilities under the accords. Because of understandable fears and uncertainties about the future from both sides, it is imperative that the United States, Soviet, and Portuguese Governments stay actively involved with the peace process through the elections scheduled for the fall of 1992.

As President Savimbi has noted, "war was difficult, indeed, but, peace, too, is quite painful." Peace is as difficult as war because there are so many unknowns and because each side must win the hearts and votes of their constituents. It is harder to rebuild a nation than it is to destroy it, but the rebuilding of a nation in peace provides a far more lasting and important contribution to the well-being of all people. Let us stay with the peace accords, as signed, and help the Angolan people rebuild their country.

I ask that vice president Chitunda's speech be printed in the RECORD at the conclusion of my remarks.

The speech follows:

Uniao Nacional Para a Independencia Total De Angola—UNITA 1991—Ano Da Defesa Da Indentidade Angolana Para a Conquista Da Democracia on the Occasion of Senator DeConcini's Visit to Jamba August 13, 1991

You come to Jamba at a particularly auspicious moment of transition in Angola, a transition to freedom and Democracy. In fact, I think it would be proper to paraphrase that great American hero, Gen. Douglas McArthur, when he addressed the joint session of Congress, after World War II:

"Today the guns are silent. A great tragedy has ended. A great victory has been won. The skies no longer rain death. Men everywhere walk upright in the sunlight . . . And in reporting this to you . . . I speak of the thousands of silent lips forever stilled among jungles and the beaches which marked the way. I speak for the unnamed brave millions homeward bound to take up the challenge of that future which they did so much to salvage from the brink of disaster."

Yes, we have endured 16 years of fierce fighting against most powerful enemies—200,000 regular Cuban troops have (rotatingly) fought here, equipped with most sophisticated Soviet hardware. Tens of thousands of Angolans perished. The country was economically ruined. When President Savimbi started the "Long March" in Feb. 1976 to retreat from the Soviet-Cuban onslaught to the rural areas, of the two-to-three thousand followers who made up his personal column less than 100 survived to reach this land of Cuando-Cubango; most had died along the way of hunger, disease and constant enemy air bombardments.

Then the resistance was organized. Dr. Savimbi reorganized the Party and the Armed Forces, appealed eloquently to all the people to be patriotic, the message went across, the people responded; the ranks swelled and every square mile of Angola was subsequently covered with the actions of our guerrillas. We fought because Angola, notwithstanding the end of the Portuguese colonial rule in 1975, had not become independent. The country had fallen under a new foreign occupation, the Soviet-Cuban; the elections stipulated by the Alvor Agreement never took place, and the unelected minority Mpla-Pt regime, propped-up by Cuba and the Warsaw Pact countries, was kept in place. In the 16 years Angola has known a far more tragic repression than during the preceding Portuguese colonial rule.

We strongly believed and were committed to achieve national reconciliation by multiparty democracy, peace through dialogue, and final durable settlement of the conflict through free and fair, internationally verified elections.

To all of these transparently good intentions, the enemy responded by investing more and more resources in their war efforts: more Cuban troops, more Warsaw Pact personnel, more money—to the tune of $3.5 million a day, more aircraft, more tanks and more sensational anti-UNITA propaganda and more frequent, bolder military offensives aimed particularly at destroying Jamba and destroying UNITA.

The last, most formidable offensive was called the "Last Assault" and took place from December 1989 to May 1990.

Saturation bombing raids were systematically carried out against us; they included the use of chemical, toxic bombs.

Every UNITA base was a familiar target. Jamba was littered with foxholes; the children, the elderly, all had to get used to the sound of the siren announcing the approach of a MIG bomber and to run for cover. A school day had often to be interrupted several times by bombers. Hospitals and schools were not spared. We couldn't hold rallies during the day.

The search for a negotiated settlement was very slow to bear fruit, because the Mpla-Pt was bent on seeking a peace of the cemeteries, a carthaginian peace.

All Mpla peace plans, crystallized around the Luanda Summit Conference of May 1989 and at Gbadolite summit conference of June, 1989 sought to exile President Savimbi, to destroy our Armed Forces by integrating them into the FAPLA, and to destroy UNITA by co-opting its members one by one through a scheme of "amnesty, pardons," etc. The oppressors pardoning the freedom fighters! Imagine the King of England pardoning George Washington without conceding to the triumph of the American Revolution!

A group of countries called the Gang of Eight and made up of Zambia, Zimbabwe, Zaire, Mozambique, São Tomé, Botswana, Gabão and Congo-Brazzaville was set up to promote support to such horrendous Luanda initiative. These were all un-democratic one-party regimes, ganging up with the MPLA Luanda regime trying to stop the fires of democracy from spreading in the whole region. They lost.

Perestroika was spreading like brush fire to promote Democracy in Eastern Europe and the unification of Germany; but in Angola it was still the rule of the KGB and Communist oppression.

UNITA's resounding victory at the "last assault" Mavinga offensive in May 1990, however, became the watershed, a turning point in the new diplomatic efforts towards a negotiated settlement.

The Portuguese government, at the urging of Dr. Savimbi, accepted to mediate the UNITA-Mpla talks which, after 12 months and 7 rounds of talks in Lisbon, culminated in the signing of the Angola Peace Accords on May 31, 1991.

It is therefore since last May that the guns have become silent, a great tragedy was ended, the skies ceased raining death, the Angolans have started walking upright again traveling freely even between Luanda and Jamba, and a big victory has been won.

Won not just by UNITA but by the whole of the Angolan people, nay, the whole of mankind. And the most important part of this victory is not just this nascent peace, but freedom and democracy, multi-party democracy, which will be final after we hold our first free, fair, just, multi-party elections in September 1992.

The Peace Accords are now being fully implemented. We are just enjoying the first fruits of this hard-won victory. Difficulties may arise and will arise, along the road to the polls, in the intervening 13 months; but we are confident we shall prevail, we shall overcome them all because the Angolan people will tenaciously uphold the implementation of these Accords and achieve durable peace. The guns should be silent forever. It is not peace at any price, but peace with dignity, with freedom, with Democracy.

I may be preaching to the choir here.

President Dwight D. Eisenhower once said: "the expression peace and friendship, so common nowadays . . ., is not complete in expressing American aspiration; Peace and Friendship in Freedom and Democracy is what ought to be."

We know of those who desperately seek friendship with the US; those who desperately seek US investment, and constantly cry "peace, peace," but who are not willing to pay the price: to embrace the values of freedom and democracy. Let us insist on peace and Friendship in Freedom and Democracy.

We may indeed, be preaching to the choir. The positive change here in Angola is not the fruit of perestroika, but rather of the strong US commitment to further the noble ideals of Life, Liberty and the pursuit of happiness for all mankind.

Since the repeal of the Clark Amendment in 1985, the US has played a pivotal, assertive leadership role. We were assisted materially, morally and diplomatically in all appropriate and effective ways. We were equipped to neutralize the enemy's air superiority; there was an adequate emergency support program which enabled us to defeat the enemy at the 1989/1990 Mavinga "Last Assault" offensive. There was a strong US backing to effectively coach the Portuguese mediation and to bring the Soviets on board; and the US made it clear that UNITA was not alone in this endeavor for Freedom and Democracy in Angola.

We pay a special tribute to you personally, Senator, for all you have done to enact the most constructive legislation in the United States Congress, to support the most constructive US policy for Angola. The victory of peace, freedom, democracy and national reconciliation here in Angola is yours too. You have been a co-midwife of these ideals here in our country.

Of course, this birth of what will be a strong partner of the free world is not quite over yet. We see the first joys of a process which will only end at the polls in September 1992. The role of the midwife, therefore, is not over. Perseverance and vigilance are required of you, Senator.

President Savimbi, noting the formidable challenges that the peace process poses, has recently commented to us that "war was difficult, indeed, but, peace, too, is quite painful." This metaphor is quite illustrative of the fragility of the situation when we see clearly the enemies of peace and democracy—because peace has got its own enemies too—wanting to challenge us to another match. Those who fear defeat at the next elections, those who have not embraced in their conscience the elementary principles of political tolerance and democratic co-existence with fellow citizens with different political opinions, those who have been ruling singlehandedly and are frightened at the prospect of losing power or sharing it with somebody else, those who fear the people's verdict, those who dread the free press, would like to thwart the democratic process by provoking us into another match of armed confrontation. We say no, no more fighting; the Angolan people want the peace processed irreversible. But those who have still their stocks of weapons intact, their military aircraft idling at their military bases, those who have their hundreds of Soviet and Cuban military advisors still on hand, those who thrive in their vast financial resources from the sale of oil, those who sense that UNITA (with its anti-aircraft missiles withdrawn by the US) may no longer be a threat to their MIGS, those with their thousands of state political (MINSE) police agents still at large intimidating the populations, those are the ones to look out for, for they make this process fragile.

Peace is also painful because the implementation of the Peace Accords requires of us substantial financial and material wherewithal which we do not have. The budget required for our compliance with the Accords is twice the size of our annual requirements in war times; ironically, many of our friends are not willing to give us half of what they would normally allocate for us during the war; they say the war is over, so there is no more need for such assistance to UNITA. but unless we manage to provide for a decent life to our troops at the "assembly areas" and to our members to the JVMC teams, and unless we conclude the transformation of UNITA into a Political Party by setting up our offices in all provincial capitals as called for in the Peace Accords, in short, unless we meet our obligations, the Peace Accords may be in jeopardy.

As one American diplomat, John Foster Dulles, put it, "lasting peace cannot be totally secured, so long as one of the parties reserves its best men and best resources for the pursuit of war". Those Mpla die-hards believe that peace is just a period of cheating between two periods of fighting.

They are the enemies of peace and democracy. But we shall prevail, with your help. Thai is the only opportunity, and an extraordinarily historical opportunity for Angola, Southern Africa and the whole of the free world to score a smashing success.

We are confident.

The next time we receive you here, Senator, we hope it will be on a tourist trip, because by then, elections will have been held, the elected President of the Republic of Angola, Dr. Savimbi, will be permanently settled in Luanda, and we'll be reaping the fruits of peace, freedom, democracy and economic prosperity.

More than that, winning elections is not all; institutionalizing the process of the accountability of the leaders to the people and ensuring that elections are held regularly is our key objective.

A government of the people, by the people and for the people is what Angolans seek, and the time has come.

Thank you.

HONORING MAYOR ZIELKE

• Mr. KASTEN. Mr. President, it is important when we confront national problems here in Congress that we look to the local level for leadership. That's where the intelligence and the innovation really are—at the grass-roots.

I would like to call to the attention of my colleagues one excellent example of leadership in action at the local level—Mayor Patrick Zielke of La Crosse, WI.

Mayor Zielke has been an energetic advocate of economic growth and community progress, and we can all learn something from his efforts. I ask that a recent article from the Milwaukee Journal about Mayor Zielke's sterling record be included in the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Milkwaukee Journal, July 28, 1991]

MAYOR USES PERSONAL APPROACH IN CAMPAIGNING FOR LA CROSSE

(By David J. Marcou)

LA CROSSE, WI.—When G. Heileman Brewing Co. came under fire recently from protesters who said its potent new PowerMaster malt liquor was being targeted irresponsibly at black males, La Crosse Mayor Patrick Zielke quickly began working behind the scenes.

Zielke, mayor of this Mississippi River city of about 50,000 for the past 16 years, set up a meeting between Heileman Chief Executive Officer Thomas Rattigan and two Chicago priests who had been arrested for picketing the La Crosse brewery over the company's marketing of PowerMaster.

The issue became moot when, on the day of meeting, the US Bureau of Alcohol, Tobacco and Firearms prohibited the company from using the controversial brand name once its current supply of the product had been sold.

But the controversy points out, some say, why voters keep Zielke in the mayor's office. He got involved to defuse a controversy that was casting Heileman's name—and, subsequently, the city's—in a negative light.

While he has his detractors, his supporters say Zielke is the city's biggest booster, and keeping La Crosse, as he calls it, the "nation's No. 1 small city," is at the top of his agenda.

"Since he became mayor, he's been very aggressive and promoted the city," said Dave Geske, president of the Common Council. "I think he's done an exceptional job."

Steve Carlson, corporate attorney for Heileman, called Zielke's intervention in the PowerMaster dispute helpful. "The mayor's always been very supportive of Heileman, and he is supportive of the business community in general," Carlson said.

After serving as alderman for nine years, Zielke defeated Mayor W. Peter Gilbertson in 1975 and began his uninterrupted leadership of the city. He was unopposed in the last election, in 1989, and none of the challenges he has had since being elected have been close.

THE DEVELOPMENT BEAT

Zielke's personal style is laid back. Yet his aggressive economic pursuits have led to economic development in the city.

"We don't want growth at any cost, because some [forms of] growth may not be good for us. But we do want growth that fits La Crosse," Zielke said.

Zielke has helped to obtain much of the $80 million in state and federal grants that La Crosse has garnered during the past 20 years. He also helped boost construction of at least two large projects, the 10-story First Bank Building and the Valley View Mall.

"Most of what you see in the city is something he's had an important role and influence in," said Stanton M. Jorgens, president of the First Bank of La Crosse.

The mayor also has been influential in making tourism a city priorty. He was a prime mover in building La Crosse Civic Center, which has an 8,000-seat auditorium where the Continental Basketball Association's La Crosse Catbirds play their home games, and the Radison Hotel. Both are in the revitalized downtown. Now he would like another hotel downtown.

For the past few years, Zielke has been pushing to have a privately financed baseball stadium built in the city, to help lure a minor league team.

A referendum question last year on the issue was defeated even though, as he puts it, the stadium "wouldn't have cost the taxpayers a cent." The stadium proposal was voted down, 6,632 to 4,374.

TROUBLES IN PARADISE

Currently, near the Valley View Mall on the northeast side, Zielke is pushing hard to "hold the line" by challenging the annexation of the Town of Medary by the City of Onalaska.

Zielke said he was "fighting fire with fire" with Onalaska by threatening to ask the Common Council to cut off Onalaska's use of La Crosse's sewage treatment facility. He says it would cost the neighbor city to the north $50 million to build its own sewage treatment plant.

Onalaska Ald, George Ousterhout said the Town of Medary annexation was "a matter of free choice" by the residents, not a land grab. "It was a unanimous petition by the residents involved in the annexation that brought them into the City of Onalaska," Osterhout said.

La Crosse has not been without other problems during Zielke's tenure.

The city's police arrested about 150 people during a riot in April stemming from the Coon Creek Canoe Race and Festival. The Oktoberfest each fall is a continuing problem, producing crowds of unruly drinkers.

And despite Zielke's perpetual popularity at the polls, he is not popular with everyone.

"He has been in office way too long," said Linda K. Heisler, a former Common Council president who was defeated in the spring election. Heisler calls him a "tyrant" who gets his way "by bullying and coercing people."

"I tend to be a people person, and he tends to promote things that benefit the wealthy, not the ordinary people of the city of La Crosse," Heisler said.•

CSCE VIENNA NEGOTIATIONS AND ARMS TRANSFERS

• MR. DECONCINI. Mr. President, I recently led a delegation along with Helsinki Commission Chairman Steny Hoyer to Vienna, Austria to participate in the ongoing CSCE military security negotiations. These talks cover the conventional forces, with which we are all familiar, as well as confidence building among the 35 CSCE participating states.

The CSCE has played a key role in promoting positive change in much of Europe in the past—the recognition of Baltic freedom being only the latest development—largely because it has set high standards and has criticized member states which have deviated from them. With the rapid changes taking place in Yugoslavia and the Soviet Union, the CSCE must now redouble its efforts to solve crises in Europe, and to prevent potential conflicts from erupting into violence. While in Vienna, the delegation had an opportunity to visit the recently established CSCE Conflict Resolution Center which can serve as a valuable tool in the process of conflict avoidance and resolution. It can do more provided participating states look squarely at the dangers they face and do not hesitate to act.

One specific area where the CSCE could make an important contribution is the monitoring and limitation of arms transfers. Nine of the world's top ten arms-selling states are CSCE members. The United States, which sold more weapons last year than any other nation, has a special responsibility in this regard, and should be at the head of efforts to stem the destabilizing flow of arms. Yet we do little, while our allies and friends propose concrete measures. Are we yielding to pressure from our industries, or do we merely suffer from a lack of vision? In any case, we do a disservice to the CSCE by not involving it in such a critical area.

Mr. President, I ask that the full text of the speech presented in Vienna by Chairman HOYER at the negotiations on confidence and security-buildings measures, be printed in the RECORD at this point.

The speech follows:

REMARKS TO THE CSBM PLENARY BY STENY H. HOYER, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, SEPTEMBER 4, 1991

Mr. Chairman, I am pleased to once again have the opportunity to talk to a forum of the CSCE. It seems that in the past few years, each time that I do, the world is a different place than when I spoke last. This is dramatically true today.

Four and half decades ago, Winston Churchill declared in Fulton, Missouri, in the heartland of the United States, that "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the continent."

We have seen that wall come down.

We have seen the people of the Soviet Union in recent weeks look down the muzzles of tanks and say "Nyet" to efforts to reestablish repression through fear, brutality and intimidation. And freedom won. The pulse of democracy and human rights is strong in the body politic of the republics we have known as the Soviet Union.

The pace of curent events in Europe make delivering a prepared speech with any definitive assessments foolhardy, if not impossible. I would be remiss if I did not open with words of congratulation for the Baltic States, whose independence has finally been recognized, by my country and others around this table, after fifty years of occupation. On this historic occasion, we see the passing of one of the final barriers which, for so long, divided this continent. The process of democratization in the Soviet Union has been most responsible for this event.

There can be no question that a challenging road remains ahead for these three countries. For that very reason, I and my colleagues at the Helsinki Commission and the United States Congress would urge the countries of the CSCE to take prompt action in support of the Baltic States, in particular, by moving quickly to make Estonia, Latvia and Lithuania full members of the CSCE. We have proclaimed this to be our goal for so long that we must not hesitate now.

Baltic freedom is yet another example of a goal, achieved with the help of the CSCE process, that was deemed unrealistic by many. History has shown that the CSCE must not be afraid of "unrealistic" goals. I would recall a point I made three years ago, when I addressed a plenary meeting here as we struggled with the question of two CSCE security forums and a human rights meeting in Moscow. In 1982, President Ronald Reagan suggested a "zero option" for arms control and was labelled at best naive and at worst cynically manipulative. Five years later, he and President Gorbachev signed a treaty eliminating an entire class of nuclear weapons. Eight years later, your fellow negotiators here in the Hofburg wrote into a treaty cuts in conventional forces which, although not a "zero option," would have been regarded as equally naive or dangerous had they been proposed in 1982.

At the follow-up meeting in 1988, I asked why human rights advocates should settle for any less. We in the United States and on the Helsinki Commission seek a "zero option" for human rights: zero political prisoners; zero divided families, zero refusals of requests to emigrate or return; zero broadcasts jammed; zero restraints on religious observance and teaching; zero curbs on free communications, assembly, and association.

I think we could all agree that we are closer to that goal than we could have imagined in November 1988. Recent events have shown, however, both the vulnerability of those gains to repression and the strength of popular support for those gains—a strength bolstered by the knowledge that states will be held accountable for their commitments under the Helsinki process. Adherence to Helsinki principles, to the commitments of the Copenhagen Document and the Paris Charter, is essential not only for the well-being and security of individuals, but for that of states as well.

The crises we face in Europe must make us more aware than ever that security is indivisible. The wisdom of the architects of Helsinki, some of whom are with us today, in insisting that the three baskets of Helsinki be linked is evident. Today we often hear that this idea is outdated, old thinking, a Cold War leftover. Nothing could be more wrong. While we have had significant success in cutting back the military means of conflict, the ethnic, national and political sources of conflict threaten to overwhelm us. In this light, the potential of the Conflict Prevention Center takes on a greater relevance. In tandem with the efforts in the human dimension—through the linkage the Helsinki process wisely provides—the military side of the CSCE can enhance security, in the broadest sense of the term, for all our people.

As you begin informal discussions and consultations on a new forum for security issues, bringing in all the participating States, you have a string of successes on which to build. The flexibility of the CSCE process has already allowed the security basket to adapt to the momentous changes in Europe of the past two years. From the original CBMs of Helsinki and Madrid and the ground-breaking inspection provisions of Stockholm, security in the CSCE has grown to encompass the exchange of volumes of information, budgets, and plans; visits to evaluate the accuracy of that information; a mechanism for states to discuss their security concerns relating to the unusual military activities of other participating States; and even an annual review of implementation—something the Conference on the Human Dimension has successfully employed.

These interlocking measures are the beginnings of a true "security system:" not an artificial entity, but a practical system of measures that work, enhance the security of all participating states in practical ways. The Conflict Prevention Center, whose Consultative Committee you form, is a visible sign of the potential for cooperation strong enough to withstand efforts to divide or tyrannize any part of Europe. The goal of enhancing security in its broadest sense should be kept in mind as you work at the development of this modest institution, which does not yet live up to its name. We should be inspired by the success of the much-maligned United Nations in responding collectively to the naked aggression perpetrated by Saddam Hussein against Kuwait.

As we explore potential tasks for the security basket, I would recall one Secretary Baker highlighted in Berlin—arms transfers and proliferation. The United States has a strong interest in pursuing stricter control of arms transfers in a multilateral framework. The United States Congress has called for a U.S. policy combining unilateral restraint and multilateral diplomacy to slow destabilizing flows of arms. My country is not the only one to recognize the special responsibility of CSCE states—nine of the world's top ten arms dealers, with cutting edge technology at their disposal, sit around this table. I am aware that my country sells one of the greatest quantities of arms. Several of the countries around this table have joined the United States in calling for work on arms transfers within the CSCE; our Polish colleagues have tabled an interesting proposal here.

Information, which the CSBMs use to increase transparency and decrease anxiety about our military forces, is an excellent way to better understand and cope with the profusion of weapons transfers as well. The Gulf War demonstrated the need to monitor the potential for mass destruction we create.

The recent acceleration of change in the Soviet Union must make us look forward, as well, to the possibility of greater progress in conventional arms control as well. The CSBM forum cannot but be heartened to hear so many of the newly-sovereign republics renounce the use of nuclear weapons and offensive militaries. These developments may concern us, and challenge our traditional concept of the military balance and negotiations among states. But they also present an unprecedented opportunity for cooperation at many levels, an opportunity that should be used to enhance openness and transparency on weapons deployment, both conventional and nuclear.

The complex of military and political changes which have brought us to this point proves that conflicts or potential conflicts in Europe—although their military dimension may be the most frightening or the most potentially destabilizing-cannot be solved through military measures alone. The CSCE continues to add tools to address all the facets of conflict in Europe. With the Senior Officials meeting on the continuing tragic violence in Yugoslavia in process, our countries must take concrete steps—such as the convening of an international conference leading to a CSCE-guaranteed cease-fire—aimed at the roots of the conflict.

The Conference on the Human Dimension, of which the Moscow meeting is an integral part, addresses another element of conflict—the crucial connection between respect for human rights and a secure, peaceful society. Particularly topical are the ramifications of non-observance of human dimension commitments regarding self-determination, the full of law, and civilian control of the military. In the wake of the recent coup attempt in the Soviet Union, the linkage between observance of military commitments and implementation of human dimension commitments has never been more clear. Given the human condition, we will never eliminate threats to the security of the region. But, minimizing risks to international security is our objective and our obligation. I wish you well as you pursue this critical work.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 10, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through August 2, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 29, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS. AS OF AUG. 2, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues.			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,527.5	−617.5
Off-budget:			
Social Security Outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security Revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS AUG. 2, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	[1]		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS AUG. 2, 1991—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

DR. WARREN H. STEWART, SR.

• Mr. DECONCINI. Mr. President, I rise to share with my colleagues a speech by Dr. Warren H. Stewart, Sr., pastor of the First Institutional Baptist Church in Phoenix. This speech was delivered at the National Organization of Episcopalians for Life luncheon on July 17, 1991 during the 70th General Assembly of the Episcopal Church in Phoenix, AZ. Dr. Stewart passionately expresses his views on the human rights of the unborn child and the need to preserve life—views which I share—and I strongly commend his remarks to my colleagues.

I ask that the speech be printed in the RECORD.

The speech follows:

ADVOCATING THE HUMAN RIGHTS OF UNBORN CHILDREN IN THE SPIRIT OF DR. MARTIN LUTHER KING, JR.

(A Speech Delivered by Dr. Warren H. Stewart, Sr. at the NOEL Luncheon on July 17, 1991 held during the 70th General Assembly of the Episcopal Church in Session in Phoenix, Arizona.)

INTRODUCTION

Today is a "red-letter" day on my calendar. It is not every day that a Black Baptist preacher from Coffeyville, Kansas gets the opportunity to speak before a group of sophisticated Episcopalians. Indeed, you have provided the opportunity for the "High Church" and the "Low Church" to meet on *level* ground for a noble cause. Thank you for the acceptance of the recommendation for me to speak today from Dr. Carolyn F. Gerster, Vice President of NOEL, crusader of the Right to Life of the Unborn and a dear friend of mine in the causes of Christ and justice.

Welcome to Arizona, my Episcopalian brothers and sisters, in spite of . . . the *heat* over which none of us has any control *and* the infamous historical fact that our State has had three Martin Luther King, Jr. state holidays either rescinded, overturned by referendum and/or defeated at the polls. But, rest assured, through *Victory Together*, Arizona will *make history* in November 1992 when we become the first and only State in the Union to approve a Martin Luther King, Jr./Civil Rights Day by a vote of the people. Please know that your coming to Arizona for your Convention has already helped us move a step closer to attaining our goal. Thank you for keeping your commitment to come.

To my delight, many of Arizona's more vocal advocates of the human rights of unborn children are Episcopalians. They are also counted among the "movers and shakers" in Arizona. Of course, there is Dr. Carolyn Gerster, retired Bishop Joseph Harte, Deacon Bill Jamieson, a Democratic activist, Dr. Carey Womble, my colleague in "crime", and William Cheshire, Editor of the Editorial Pages of *The Arizona Republic*.

God be praised for the prophetic, Scriptural and humane ministry of NOEL-National Organization of Episcopalians for Life. I have been both enlightened and encouraged by reading copies of your newsletter and pamphlets on the sanctity of human life. Your Noel House, a Home for Single Mothers and their Babies, provides a praiseworthy testimony and example for believers and unbelievers alike of your commitment to ministering to persons before birth and after birth. Your holistic Christian ministry to "the least of these" surely makes Heaven happy!

I

For nearly four years I served as General Chairperson of *Arizonans for a Martin Luther King, Jr. State Holiday* and now as General Chairperson of *Victory Together* fighting for a paid state holiday honoring one of the world's most recognized champions of human and civil rights.

I appreciate this opportunity to speak on behalf of the human rights of unborn children. It is a right I believe is espoused in the Preamble of the Constitution of the United States of America which reads, "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America." The *Webster's New World Dictionary, 2nd College Edition* published in 1982 defines *posterity* as "all of a person's descendants," all of whom begin in the womb of a mother.

I strongly advocate the human rights of unborn children which is based on the same Constitutional principles on which I have advocated and fought for other human rights issues relating to the oppressed, downtrodden and disadvantaged among us. So, as I have fought for the rights of African-Americans, Hispanic-Americans, Native-Americans, Asian-Americans, Euro-Americans, Black South Africans, Chinese students, persons suffering from AIDS, the handicapped, homeless, women and children, I speak these words fighting for the right to life of unborn human beings. In addition, my deep convictions on this issue are intricately connected to the principles espoused by the late Dr. Martin Luther King, Jr.

The reasons I advocate legislation which would restrict abortion-on-demand across our nation are as follows. On November 14, 1989, I was arrested, later convicted, sentenced and jailed with other members of the clergy for engaging in a non-violent act of civil disobedience in front of a local abortion clinic in protest of unrestricted abortions made legal by the United States Supreme Court in 1973. Dr. King once wrote of civil disobedience, "If an earthly institution or custom conflicts with God's will, it is your Christian duty to oppose it." I have yet to be shown that abortion-on-demand is God's will or substantiated by Holy Scripture.

There are those supporting unrestricted abortions who speak of the new life developing inside a mother's womb as "fetal tissue" or not a human being. Is "it" an animal? Is "it" not human life? When does "it" become a baby? Only at the stage of viability? Anyone who visits any intensive care units or nursing homes can see for himself or herself many persons who do not possess viability without life support systems. Moreover, just a century and a half ago the Law of the Land determined that the Negro was only to be counted as three-fifths of a person, thusly arguing that African slaves were not full persons. That same argument is used to justify unrestricted abortions.

Many who advocate a woman's unrestricted right to choose to have an abortion often say that abortion is a personal and private matter; therefore one should not impose his or her personal morality on another. God forbid, if 19th century abolitionists had taken such a position when slaveowners defended slavery because enslaved human beings were legally accepted as their personal and private property.

Other pro-choice advocates argue that "morality cannot be legislated." Nevertheless, history has proved time and time again that when all else failed, it took the government, especially in dealing with racism and bigotry, to legislate minimum guarantees in order that the moral rights of abused and oppressed humans were granted to them. That was what the Civil Rights Movement was all about.

Some who espouse religious beliefs contend that abortion is basically a religious issue. Thusly, the government should not interfere in a woman's decision to have an abortion and religious persons should not force their religious beliefs on others. Do we so quickly fail to remember that Martin Luther King, Jr.'s dream was first a biblical dream grounded in a strong Judeo-Christian heritage arising from the Old and New Testaments? His movement began in the Church and he organized the Southern Christian Leadership Conference. So, why then are religious beliefs considered off base on the abortion issue?

As an advocate of non-violence, I deplore abortion because it is a violent act of the destruction of unborn human life. Therefore, as I oppose capital punishment, child and spousal abuse and violent war, I also oppose abortion on the same principle of non-violence espoused by Martin Luther King, Jr. In addition, although pro-choice advocates say minority and poor women will be most hurt by tighter abortion laws, I contend that poverty is never an excuse for genocide or infanticide.

Essentially, I am "whole-life" rather than just pro-life. I believe that we must fight for the rights of and provide the basic necessities for every human created in the image and likeness of God "from the womb to the tomb." Regrettably, legalized abortion is necessary in rare cases. However, I believe that the United States Supreme Court in its 1973 "Roe vs Wade" decision that legalized abortion-on-demand created an unjust and inhumane law. I deplore unrestricted abortion-on-demand as well as abortion as birth control which constitutes 97 percent of all abortions performed for reasons other than life-threatening health danger to the mother, rape and/or incest. More fundamentally, I abhor the gross, unjust and self-centered devaluation of human life at every stage of maturation which permeates our current "throw-away" society. And I do so in the spirit of Dr. Martin Luther King, Jr.

II

In that same spirit, on January 21, 1990, the 61st Anniversary of Dr. King's birth, I wrote an open letter to the Reverend Jesse Jackson on abortion. Here are some excerpts from that letter:

Dear Brother Beloved: I write you this open letter in love. A love that would dare to challenge one whom I have admired and respected as one of America's foremost prophetic voices. A love that has proven its worth in my vocal, political, financial and theological support of you as a preacher-prophet, civil rights activist, ambassador of global peace and two-time candidate for the Presidency of the United States of America. A love that rejoiced when you preached from the pulpit of the First Institutional Baptist Church on Peace Sunday, May 4, 1986. Nevertheless, I write you this open letter to beg to differ with your open stand for a woman's unrestricted right to choose to have an abortion, which means that for every abortion, an unborn baby's life is terminated and kept from being somebody created in the image and likeness of God.

What has changed your mind since 1977? According to the September 27, 1989 issue of the Wall Street Journal, in 1977, at a March for Life rally you said, "The solution to a (crisis pregnancy) is not to kill the innocent baby but to deal with (the mother's) values and her attitudes toward life." Yet, last year and during your 1988 presidential campaign, you defended a woman's right, especially poor women, to choose abortion for any reason. Jesse, that woman's right leads to 1,500,000 unborn babies being aborted each year * * *.

You know that Dr. King quoted the opening lines of Abraham Lincoln's Gettysburg Address in his immortal "I Have a Dream" speech which declared that "this nation (was) dedicated to the proposition that all men are created equal." Tell me, Jesse, is an unborn child not equal until he or she leaves his or her mother's womb? . . .

Lastly, you made famous the esteem-building and culturally-enriching chant in the 1960's, "I am Somebody." "I may be on welfare * * * I may be uneducated * * * I may be unwed * * * I May be Black, but I am somebody because I'm God's child." I guess unborn children ain't nobody in your eyesight no more.

Save the Children,

Dr. Warren H. Stewart, Sr.,

Past Chairperson—Arizonans for a Martin Luther King, Jr. State Holiday, and Pastor, First Institutional Baptist Church

III

I am here today because I believe that all human life is sacred from the womb to the tomb. I am here because I agree with the oft-stated "Sanctity of Human Life Ethic" which reads, "The reverence for and sacredness of each and every human life (is) based upon its intrinsic worth and equal value regardless of its stage or condition from conception to natural death." I am here because I believe that "all men and women are created in the image and likeness of God" and should be guaranteed "life, liberty and the pursuit of happiness."

An extremely significant and historical reason I am here is because I believe that if Martin Luther King, Jr. were alive that he would be here. You see, Dr. King did not limit his civil and human rights beliefs to the awful consequences of racism and bigotry in America perpetrated against persons of his race only. No, Dr. King spoke out against the near-annihilation of the Native-American peoples of this Land who were before the Mayflower. He declared that Hitler's Holocaust of six million Jews stands as a haunting memorial of "man's inhumanity to man." In the early 1960's, Martin King denounced the South African government's horrendous system of apartheid. Martin Luther King, Jr., Ph.D., a son of a middle class, big city preacher, spent most of his adult life championing the causes of the poor and needy of ever color. Although accused of being a Communist, listen to Pastor King's own words on Communism, "Communism and Christianity are fundamentally incompatible. A true Christian cannot be a Communist, for the two philosophies are antithetical and all the dialectics of the logicians cannot reconcile them." Regrettably, Dr. King was right about America's involvement in the Vietnam War. (History has proven him right!) And, Martin Luther King, Jr. loved both his children and the children of America. For, on the steps of the Lincoln Memorial in Washington, D.C., in 1963, in his famous "I Have a Dream" speech, he proclaimed, "I Have a dream that one day down in Alabama—with its vicious racists—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as brothers and sisters." That's why I believe that if Martin were alive that he would be here eloquently enunciating the human rights of unborn children in words akin to this, "red, yellow, brown, black and white. They are all precious in His sight. (Martin) loves the little children of the world."

Lastly, I am here really for one reason and one reason only. I am here to celebrate life—the lives of precious little babies who have a right to live, as much of a right as their mothers did when they were in their mother's wombs.

I am here to celebrate the right of unborn children to live which negates the Supreme Court's alledged right of an expectant mother to choose to end the life of the developing human life within her for any reason whatsoever.

CONCLUSION

I have a confession to make. I almost walked away from sitting in front of that "drive-in" abortion clinic in November 1989 when the uniformed police officers arrived in several squad cars to arrest us. But, I'll tell you what kept me from walking away. No aborted baby ever walks away!

I close with a quote from Father Daniel Berrigan. "When they come for the innocent without crossing over your body, cursed be your religion and your life."

I am here advocating the human rights of unborn children in the spirit of Dr. Martin Luther King, Jr. And, let me leave this with you, "We Shall Overcome!"•

TRIBUTE TO AL ZUCKERMAN AND TOM METZLER

• Mr. LAUTENBERG. Mr. President, I rise today to honor and congratulate two distinguished members of the Fair Lawn community, Mr. Al Zuckerman and Mr. Tom Metzler. These two men have contributed countless hours of their time to volunteer for various groups and organizations in their community. On September 19, they will be honored by Bergen County executive Pat Schuber; who will recognize them for their tireless effort and commitment to Fair Lawn.

Al Zuckerman is involved with numerous benevolent organizations. He founded the Fair Lawn Cordoza Knights of Pythias Circus 11 years ago and has been chairman since its inception. Over 45,000 handicapped persons have been guests at the circus and over 200 organizations who aid the disabled and mentally handicapped are invited. The profits generated by the circus are donated by Cardoza Lodge, Knights of Pythias to other charities and sponsors a series of free parties, attended by 500 mentally retarded, with live music, entertainment, and a full meal.

In addition to the Pythias Circus, Mr. Zuckerman is involved with many other Pythian charitable endeavors. He is chairman of the Knights of Pythias Job Placement Bureau for the entire State, chairman of the Pythian State Community Relations Committee, and is a trustee of N.J. Knights of Pythias Charities Foundation. He has been awarded the Knight of the Golden Spur, the highest honor the order confers, and has been elected to the Pythian Hall of Fame.

Beyond Knights of Pythias volunteer work, Mr. Zuckerman has also been active on the Fair Lawn All Sports Association board of directors for the past 14 years and has served two terms as president. He served 3 years on the board of directors of the Fair Lawn Mental Health Center and previously served as fund raising chairman and annual dinner chairman.

Recently, he was elected to the board of directors of the Opportunity Center and has also been on the Fair Lawn Youth Advisory Committee since its inception. Mr. Zuckerman volunteered his services and has been chairman for many other community fundraising efforts, carnivals, picnics, and theater parties and other events. The New Jersey Jewish War Veterans honored Mr. Zuckerman with their annual Community Relations Award.

Mr. Tom Metzler is also being honored for his outstanding volunteer services in the community. In 1976, he began volunteering for the Fair Lawn Fire Department. Since then he served as fire chief and is currently a first lieutenant in Fire Company No. 2. Mr. Metzler received an award from the fire department for a heroic rescue in 1987 and received the Volunteer Service Cross.

He has been an authorized driver for the Fair Lawn Ambulance Corps since 1989 and was appointed last year as the director of Fair Lawn's Office of Emergency Management. Mr. Metzler has been a member of the emergency management committee for the last 5 years and wrote the fire department annex in 1986.

Despite the demands of owning and operating his own plumbing and heating firm in Fair Lawn, Mr. Metzler still finds time to volunteer for community services. He is currently the president of the Fair Lawn Library board of trustees and has been a member of the board since 1989. Mr. Metzler is a consultant for the junior achievement-business basics at the Warren Point School and has been a member of the Fair Lawn Board of Education C.I.E. Advisory Board since 1989.

Mr. Metzler's volunteer activities have not been limited to Fair Lawn alone; he has served as a firefighter evaluator for the Bergen County Police and Fire Academy in Mahwah since 987. He has been a member and served the Hawthorne Fire Department since 1990 and served on Hawthorne's Board of Education's C.I.E. Advisory Board since 1979, serving as chairman in the years 1981, 1984, and 1986. Mr. Metzler is a charter member of the Hawthorne Junior Ambulance Corps and served as a member of Hawthorne's Ambulance Corps for the greater part of the 1970-80 decade.

The dedicated work of Mr. Zuckerman and Mr. Metzler enriches the Fair Lawn community. I join with the people of Fair Lawn in extending to these two men my heartiest congratulations. I extend to Al Zuckerman, Tom Metzler, and their families my warmest wishes for good health and happiness in the future.•

CONTINUED CONCERN OVER VIOLENCE IN YUGOSLAVIA

• Mr. DECONCINI. Mr. President, many dramatic events occurred during the course of the congressional recess. First among them was the attempted coup in the Soviet Union, the subsequent unraveling of that country, and the now fully recognized independence of Estonia, Latvia, and Lithuania. Representative STENY H. HOYER and I, as cochairs of the Helsinki Commission, have just led a Commission delegation to each of three Baltic States, to several Soviet republics, and to Moscow where we witnessed the long-awaited granting of full Baltic membership in the CSCE.

These historic events have deservedly captured our attention, but we cannot forget other recent events of concern. We need to focus in particular on the tragedy that is transpiring in Yugoslavia, especially in Croatia where Serbian rebels supported by the Yugoslav Army have been fighting Croatian forces and wreaking havoc on many Croatian towns and villages. Day after day, more people have been killed or injured in this fighting. Many are innocent civilians, trapped by the senseless violence.

The European Community countries have repeatedly sought to restore the peace, and have been supported in their efforts by three emergency meetings of CSCE senior officials. Yet, the fighting has continued, in violation of an agreed cease-fire. A new truce involving Serbian leaders in Croatia was achieved only yesterday, a day which also saw approximately 30 more people killed in fighting in various regions of the Croatian Republic.

I have condemned on several occasions the fighting in Yugoslavia, and I applaud the recent decision of European officials not to recognize external or internal border changes made unilaterally and by force. Any credible solution to the Yugoslav crisis must be achieved peacefully and by mutual agreement, consonant with the principles of the CSCE. At present, the international peace conference in the Hague, chaired by Lord Carrington, is attempting to do just that, and it deserves our strongest support.

If the fighting continues, however, the United States and other concerned countries must be prepared to take stronger measures. Earlier, Helsinki Commission Chairman HOYER and I had recommended that the CSCE meet at the level of foreign ministers to consider such measures, including the deployment of CSCE peacekeeping forces. These forces would be better able than monitors to deter any further breaking of an agreed cease-fire, and they could be deployed not only in Croatia but in other areas where violence seems ready to erupt. Bosnia-Hercegovina, with its volatile mix of peoples and its location between Serbia and Croatia, is of immediate concern in this regard, along with Kosovo, where violence occured just yesterday as Servian security forces broke up a demonstration by ethnic Albanians calling for educational rights. Macedonia is also a concern in light of a referendum which was held in this southernmost Yugoslav republic on September 8 in which the overwhelming majority of voters opted to become sovereign and independent rather than in an unequal federation.

The United States and other countries must also be ready to respond to what seems to be the most likely outcome of the current crisis if the current fighting continues: the breakup of Yugoslavia. As interethnic conflicts move closer to full-scale civil war, the prospects for Yugoslavia to stay together become increasingly remote.

Today, however, it is vital that the United States and other countries take a strong stand in favor of peace and democracy throughout Yugoslavia, no matter what the future political structure of that country may be. Many countries took this stand yesterday, at the opening of the Moscow CSCE meeting on human dimension issues, and we need to reinforce these efforts here in Congress. We cannot remain silent as the tragedy goes on.●

REMOVAL OF INJUNCTION OF SECRECY

Mr. HARKIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate today by the President:

The International Convention on Salvage, 1989 (Treaty Document No. 102–12); and

The International Telecommunication Regulations [Melbourne, 1988] (Treaty Document No. 102–13).

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages to printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the International Convention on Salvage, 1989, done at London April 28, 1989, and signed by the United States on March 29, 1990, subject to ratification. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Convention.

This Convention is designed to promote sound environmental practices by commercial salvors and to strengthen the maritime transportation industries by ensuring that salvors receive adequate compensation. This Convention also incorporates the essential provisions of the Convention for the Unification of Certain Rules of Law with Respect to Assistance and Salvage at Sea, done at Brussels September 23, 1910 (27 Stat. 1658, TS 576, 1 Bevans 780), which it will replace for States Party to both Conventions to the extent their provisions are incompatible. The 1910 Convention reflects the traditional international admiralty principles that a salvor may be remunerated for salvage services only if successful, and the salvage reward is limited to the value of the property salved.

The 1989 Salvage Convention offers increased protection for the marine environment by requiring both the vessel owner and the salvor to use due care to protect the marine environment and permits the salvor to be rewarded for preventing or minimizing damage to the environment during salvage operations.

The United States played an active role in the development and negotiation of this Convention. The affected public sectors have been fully consulted. All recommend expeditious ratification of the Convention.

I recommend that the Senate give early and favorable consideration to the 1989 Salvage Convention, and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Telecommunication Regulations, with appendices, signed at Melbourne on December 9, 1988, with a statement, including a reservation. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Regulations.

The International Telecommunication Regulations (Melbourne, 1988) replace the Telegraph Regulations and the Telephone Regulations (Geneva, 1973), to which the United States is a party.

The International Telecommunication Regulations provide suitably neutral and flexible guidelines for international telecommunication networks and services offered to the public. The Regulations are in the public and commercial interest of the United States.

The International Telecommunication Regulations entered into force on July 1, 1990, among states that have notified the Secretary General of the International Telecommunication Union of their adherence.

I believe that the United States should become a party to the International Telecommunication Regulations, and it is my hope that the Senate will take timely action on this matter and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

CONDEMNATION OF VIOLENCE IN YUGOSLAVIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 176 now at the desk.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 176) to condemn the violence in Yugoslavia, to express Senate support for EC mediation efforts with respect to Yugoslavia and to urge the administration to raise this issue in Moscow at the CSCE meeting on the human dimension.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, during the time that Congress has been on recess, hundreds of people have been killed and wounded in the violence wracking Yugoslavia. Many of the war's victims have been innocent civilians caught in the crossfire of ethnic hatreds and a dictator's struggle to dominate the entire country.

The European Community, to its great credit, has attempted to broker a settlement between the warring groups: the democratic republic of Croatia, which declared its independence in June; and the renegade Yugoslav Army. The Army is acting illegally without any control by federal authorities. It is, instead, responding only to Serbian President Slobodan Milosovic and Serbian nationalists in Croatia. The leaders of the Serbian republic are despots pressing an unacceptable agenda of creating a greater Serbia at the expense of other republics. Regrettably, cease-fire after cease-fire has been broken, and the violence continues.

Today, Senator DOLE and I are introducing a resolution that seeks to draw attention to the need to end the bitter conflict. The Bush administration has gone on record in condemning the violence—particularly the Serbian Government's sponsorship of the use of force in Croatia by Serbian militants and the Yugoslav military. Our resolution today calls upon the administration to condemn in the strongest manner possible the violence in Yugoslavia. In this regard, I believe that the Conference on Security and Cooperation in Europe [CSCE] meeting on the human dimension which convened yesterday in Moscow is a particularly good forum in which the United States could press this issue.

The resolution also urges the United States administration to apply to Yugoslavia the same five principles that Secretary Baker recently articulated with regard to the Soviet Union. These include support for democracy and the rule of law, the safeguarding of human rights, and especially, peaceful self-determination.

Finally, the resolution before us commends the European Community for its efforts to broker a settlement to the Yugoslav crisis. However, it also calls upon the EC to ensure that all the people of Yugoslavia are properly represented in the negotiations process. Presently, the EC peace conference does not include an appropriate representative of the Yugoslav Province of Kosova. The Serbian Government's inhumane treatment of the Albanian population in Kosova—and the need for an Albanian representative at the EC-sponsored talks—is another issue that the United States should raise with the Europeans at the CSCE conference in Moscow.

Mr. President, I urge that my colleagues support this resolution, and would urge the administration to take a more active approach in breaking the cycle of violence gripping Yugoslavia.

Mr. DOLE. Mr. President, I am here today to offer a resolution addressing the tragic crisis in Yugoslavia. The distinguished chairman of the Senate Foreign Relations Committee, Senator PELL, is joining me in sponsoring this important resolution.

I understand that it has been cleared on both sides.

Before we move forward with consideration of the resolution, I would like to review the situation in Yugoslavia.

While communism's stranglehold on the Soviet Union has virtually disappeared in a matter of weeks, communism's grip on Yugoslavia has strengthened; the signs are evident—from war-ravaged Croatia to brutally repressed Kosova.

Hardline Serbian President Slobodan Milosevic is using all means to advance his goal of a greater Serbia—but, it seems that his preferred method is force. With the help of extremist Serbian guerrillas and the Yugoslav Army, Milosevic is conducting an aggressive campaign of terror in Croatia, without regard for the lives of women and children, who are among the growing number of victims. In recent weeks, the Yugoslav Army and its militant Serb allies have added churches, hospitals, and elementary schools to the target list. It is hardly surprising that around 400 people have been killed in Croatia since that republic declared independence on June 25.

And, this could just be the beginning of the bloodshed. If the United States and Europe don't get a handle on the situation in Croatia soon, the violence will probably spread—the Province of Kosova is a tinderbox, as is the Republic of Bosnia-Hercegovina.

This is a tragedy, for I believe that the majority of people in Yugoslavia want peace—we have seen compelling photographs of mothers demonstrating in front of army installations in all of the republic capitals. Yes, it is clear that regardless of their ethnicity the majority of people want peace in Croatia and in the other republics and provinces. The problem is that Milosevic wants a piece of Croatia and the other republics and provinces.

Milosevic began his expansionist campaign by stripping the province of Kosova of its autonomy, in order to protect the Serbian minority. Then undeterred by the failed Yugoslav Army attack on Slovenia, Milosevic started to grab Croatian territory under the same guise of protecting the Serb minority in Croatia. Well, I expect that Bosnia-Hercegovina—which has an even larger Serb minority—is next on his list. And then perhaps Macedonia, by which time if he's successful, he won't even bother with any more excuses.

Yes, there is a history of ethnic and religious tensions in Yugoslavia, and there are legitimate grievances by the Serbian minority and other minorities who live in Croatia, Kosova, and other areas of Yugoslavia. But, real protection for minorities will not be achieved through war; real protection can only be achieved through the institutionalization of human rights and guarantees for minorities within a democracy. These new democratic republics in Yugoslavia, like all of the new democracies in Eastern Europe and the Soviet Union, will have to work seriously on this critical issue. What is certain is that Slobodan Milosevic can promise no improvement in human rights—there is no better evidence of that than Kosova, where 2 million Albanians have been living under martial law for almost 3 years; Albanians have lost their schools, their newspapers, their jobs, and some have even lost their lives. Only yesterday did Serbian security forces violently break up a demonstration organized by Albanian college professors and high school teachers in Pristina; one person was killed.

Last weekend, the European Community sponsored a peace conference on Yugoslavia, chaired by Lord Carrington—I commend the EC for its commitment to mediating the current crisis. But, while the Yugoslav republic leaders and central government representatives met with the European Community, the fighting in Croatia continued.

Unfortunately, this weekend did not seem to bring us any closer to peace or a resolution of the Yugoslav crisis. I must admit, at this point, I am pessimistic. War is in Milosevic's interest. He cannot grab chunks of Croatia and other republics—or, for that matter, maintain his hold on Kosova—without using more force.

Moreover, I am seriously concerned about the exclusion of the Albanians from the negotiating table. The Albanians are the third largest ethnic group in Yugoslavia—yet they are without a voice. Kosova was stripped of its autonomous status more than a year ago, then its assembly was shut down and then its representative to the Yugoslav Presidency was replaced with a Communist puppet. Milosevic might be able to get away with this in a Yugoslavia, but we can not let him get away with it at this peace conference. To do so would be morally wrong and politically stupid.

Without the full participation of the Albanians in a resolution of this crisis and an agreement on Yugoslavia's future, there will be no real and just solution. And, I fear that failure to bring Albanians into the peace process will guarantee violence and bloodshed in Kosova in the near future.

What should the United States do? First and foremost, America needs to demonstrate leadership. We need to advance the principles that Secretary Baker enunciated with respect to the Soviet Union, Specifically: Democracy, human rights, self-determination, respect of existing borders, and respect for international law and obligations.

To do so, we will need to get more involved—not just with respect to European mediation efforts, but with respect to the conduct of our diplomacy in the six republics and two provinces. The central government is practically without authority over anyone or anything—yet most of our personnel are still centered in Belgrade, with the remainder in Zagreb. Our Embassy needs to send people out to all of the republics and to Kosova and Vojvodina so that we can have onsite assessments of the situation and direct contacts with the key players in these areas. The fate of Yugoslavia lies not in the hands of central Government officials and bureaucrats, but in the hands of the political leaders in each of the republics and provinces.

As part of such an effort to increase direct contacts, we must make it clear that the United States will only offer political support and economic assistance to democratic republic governments, and not to Communist governments. The United States needs to send a message, loud and clear, to Slobodan Milosevic and his Communist allies that the continued pursuit of a greater Serbia, and the continued repression of human rights will only lead to his total isolation from the United States. He will become the Castro of Europe—an island of desperate poverty in a sea of European prosperity.

Mr. President, I believe this resolution takes a firm stance against the use of force to resolve political differences in Yugoslavia. It condemns the actions of the Milosevic government, the Yugoslav Army, and the Serbian extremist guerrillas. It also supports EC mediation efforts, but urges that an Albanian representative from Kosova be fully included in the EC-sponsored peace conference on Yugoslavia. Finally, this resolution encourages the administration to use the Baker principles as the basis for a more activist policy toward Yugoslavia.

Mr. President, we need to send this message to the hardliners in Yugoslavia now, so I urge my colleagues to vote in favor of the resolution.

Mr. WARNER. Mr. President, I rise today as a cosponsor of the resolution submitted by Senators DOLE and PELL which condemns the violence in Yugoslavia and urges the Bush administration and the European Community to redouble their efforts to assist the Yugoslavs in finding a peaceful solution to the current crisis.

I had the opportunity to visit Yugoslavia in August of 1990 as part of a Senate delegation lead by the Republican leader. During the visit, the delegation spent several days in the Croatian capital of Zagreb. It is very disturbing to watch daily news reports which recount the death and destruction being suffered by the citizens of Croatia. Over 400 Croats have been killed and over 120,000 have been displaced since violence erupted in that Republic in June.

I am particularly disturbed by reports I have seen which indicate that the Yugoslav Army and the Serbian rebels are targeting the cultural heritage of the Croatian people. Thus far, dozens of churches have been destroyed; and in one very tragic case, the Yugoslav Army bombed a fortress which dates back to the Middle Ages in the Croatian town of Ilok. I deplore this senseless destruction of the rich history of Croatia.

I am hopeful that, under the auspices of the European Community, all of the parties to the conflict in Yugoslavia will be able to find a peaceful solution to the crisis in that nation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (No. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 176

Whereas, following the declaration of independence by the Republic of Slovenia on June 25, the conflict between the Yugoslav Army and the Slovenian Government and its citizens resulted in over 100 casualties before a settlement was reached on July 10 regarding the withdrawal of the Yugoslav Army;

Whereas, over 400 people have been killed in Croatia, including civilians, as a result of fighting that began after the Republic of Croatia declared its independence on June 25, 1991, and despite several attempted cease-fires;

Whereas, according to the Department of State and the European Community Ministers, the Serbian Republic leadership is actively supporting and encouraging the use of force in Croatia by Serbian militants and the Yugoslav military;

Whereas, according to the State Department and the European Community observers in Yugoslavia, the federal Yugoslav military units in Croatia have not been serving as an impartial guarantor of a cease-fire, but have been actively supporting local Serbian forces violating the cease-fire and causing loss of life to the citizens they are constitutionally bound to protect.

Whereas, the Republic of Serbia is continuing its brutal repression of the Albanian population in the Province of Kosova, which has been under martial law for more than 3 years;

Whereas, the European Community is actively engaged in efforts to observe and mediate the conflict in Croatia and convened a peace conference on September 7, 1991;

Whereas, the European Community sponsored peace conference on Yugoslavia does not include an Albanian representative from the Province of Kosova;

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of Central Europe: Now, therefore, be it

Resolved, that

(1) The Senate condemns the policies of violent aggression perpetrated by Serbian President Slobodan Milosevic, the Yugoslav Army, and Serbian extremists guerrillas in Croatia;

(2) The Senate condemns the continuing and increasing repression against the Albanian population in the Province of Kosova;

(3) The Senate urges the administration to base its policy toward the six republics and two provinces of Yugoslavia on the Democratic principles enunciated by the Secretary of State on September 4, 1991, with respect to the Soviet Union;

(4) The deteriorating situation in Yugoslavia requires the United States to intensify efforts to resolve this crisis;

(5) The Senate commends the European community for its efforts to mediate the crisis in Yugoslavia;

(6) The Senate urges the European Community to fully include an Albanian representative from the Province of Kosova in the European Community-sponsored peace conference in order that a just and genuine settlement to the present crisis in Yugoslavia may be achieved and that potential violence in Kosova may be averted,

(7) The Senate calls on the administration to press for the including of an Albanian representative from the Province of Kosova in the EC Peace Conference; and

(8) The Senate urges the administration to raise the issue of Serbian Government-sponsored aggression against the Croatian Government and the citizens of the Republic of Croatia, as well as against the 2 million Albanians in the Province of Kosova, at the Conference on Security and Cooperation in Europe meeting on the human dimension which convened in Moscow on September 10, 1991.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:20 a.m.; that following the prayer, the Journal of proceedings by approved to date, and the time for the two leaders be reserved for their use later in the day; there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein; during morning business, Senators BRADLEY, NUNN, and GORE be recognized to speak for up to 20 minutes each; that Senator SANFORD be recognized to speak for up to 10 minutes; and Senator D'AMATO for up to 5 minutes; further, that at 10:30 a.m., the Senate resume consideration of H.R. 2707, the Labor-Health and Human Services appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE CHAIR

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, signed by the President May 4, 1979, and extended by Executive Order 12692, signed by the President September 29, 1989, appoints the Senator from Montana, Mr. BAUCUS, to be President's Export Council.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand in recess as under the previous order until 9:20 a.m., Thursday, September 12.

There being no objection, the Senate, at 8:02 p.m., recessed until tomorrow, Thursday, September 12, 1991, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1991:

DEPARTMENT OF STATE

JOHN F. W. ROGERS, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE IVAN SELIN.

ARNOLD LEE KANTER, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, VICE ROBERT MICHAEL KIMMITT.

EDWARD GIBSON LANPHER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

THOMAS MICHAEL TOLLIVER NILES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RAYMOND G. H. SEITZ.

EDWARD P. DJEREJIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN HUBERT KELLY.

DEPARTMENT OF EDUCATION

CAROLYNN REID-WALLACE, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE LEONARD L. HAYNES, III, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID F. BRADFORD, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE RICHARD SCHMALENSEE, RESIGNED.

PAUL WONNACOTT, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JOHN B. TAYLOR, RESIGNED.

FEDERAL DEPOSIT INSURANCE CORPORATION

WILLIAM TAYLOR, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

WILLIAM TAYLOR, OF ILLINOIS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

THE JUDICIARY

FRANKLIN S. VAN ANTWERPEN, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE A. LEON HIGGINBOTHAM, JR., RETIRED.

NANCY G. EDMUNDS, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE RICHARD F. SUHRHEINRICH, ELEVATED.

JOE B. MCDADE, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE DOUGLAS W. HILLMAN, RETIRED.

DEPARTMENT OF JUSTICE

JERRY G. CUNNINGHAM, OF TENNESSEE, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS, VICE JOHN W. GILL, JR., TERM EXPIRED.

ENVIRONMENTAL PROTECTION AGENCY

HERBERT TATE, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES J. STROCK.

SMALL BUSINESS ADMINISTRATION

PAUL H. COOKSEY, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION. (NEW POSITION)

NATIONAL CREDIT UNION ADMINISTRATION

SHIRLEE BOWNE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING APRIL 10, 1997, VICE ELIZABETH FLORES BURKHART, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOSE E. MARTINEZ, OF TEXAS, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT PROGRAM. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. MICHAEL ADAMS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. GARY C. BLAIR [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ALLEN C. PATE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. DAVID L. QUINLAN [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. EDWARD V. RICHARDSON [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. EDMOND W. BOENISCH, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. STEFFEN P. CHRISTENSEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD DALTON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DAN E. DENNIS [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PETER L. DRAHN [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM D. LACKEY [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN M. LOTZ [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERTA V. MILLS [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PAUL A. POCHMARA [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALAN T. REID [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. KENNETH L. ROSS [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MASON C. WHITNEY [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GEORGE E. WYNN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PHILLIP E. ZONGKER [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CARMEN J. CAVEZZA [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CHARLES E. DOMINY [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. NEAL T. JACO [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM H. HARRISON [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CALVIN A.H. WALLER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT JUDGE ADVOCATE GENERAL, U.S. ARMY AND FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTION 3037:

To be assistant judge advocate general

To be major general

BRIG. GEN. ROBERT E. MURRAY [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. DAVID A. BRAMLETT [redacted] U.S. ARMY.
BRIG. GEN. RICHARD A. BEHRENHAUSEN [redacted] U.S. ARMY.
BRIG. GEN. JOHN A. LEIDE [redacted] U.S. ARMY.
BRIG. GEN. ROBERT D. ORTON [redacted] U.S. ARMY.
BRIG. GEN. JAMES R. HARDING [redacted] U.S. ARMY.
BRIG. GEN. FREDERICK E. VOLLRATH [redacted] U.S. ARMY.
BRIG. GEN. RICHARD F. KELLER [redacted] U.S. ARMY.
BRIG. GEN. JOHN C. ELLERSON [redacted] U.S. ARMY.
BRIG. GEN. KENNETH R. WYKLE [redacted] U.S. ARMY.
BRIG. GEN. DAVID C. MEADE [redacted] U.S. ARMY.
BRIG. GEN. RONALD V. HITE [redacted] U.S. ARMY.
BRIG. GEN. THOMAS M. MONTGOMERY, [redacted] U.S. ARMY.
BRIG. GEN. DANIEL W. CHRISTMAN [redacted] U.S. ARMY.
BRIG. GEN. RICHARD E. DAVIS [redacted] U.S. ARMY.
BRIG. GEN. JAMES M. LYLE [redacted] U.S. ARMY.
BRIG. GEN. RICHARD G. LARSON [redacted] U.S. ARMY.
BRIG. GEN. JOHNNIE E. WILSON [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM F. GARRISON, [redacted] U.S. ARMY.
BRIG. GEN. DEWITT T. IRBY, JR. [redacted] U.S. ARMY.
BRIG. GEN. THOMAS L. PRATHER, JR. [redacted] U.S. ARMY.
BRIG. GEN. JOHN G. COBURN [redacted] U.S. ARMY.
BRIG. GEN. JOHN H. LITTLE [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM G. CARTER, III [redacted] U.S. ARMY.
BRIG. GEN. WESLEY K. CLARK [redacted] U.S. ARMY.
BRIG. GEN. WALTER H. YATES, JR. [redacted] U.S. ARMY.
BRIG. GEN. HUBERT G. SMITH [redacted] U.S. ARMY.
BRIG. GEN. CHARLES W. MCCLAIN, JR., [redacted] U.S. ARMY.
BRIG. GEN. RICHARD E. BEALE, JR. [redacted] U.S. ARMY.
BRIG. GEN. PAUL E. BLACKWELL [redacted] U.S. ARMY.
BRIG. GEN. ROBERT E. GRAY [redacted] U.S. ARMY.
BRIG. GEN. JARED L. BATES [redacted] U.S. ARMY.
BRIG. GEN. RICHARD F. TIMMONS [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY NURSE CORPS COMPETITIVE CATEGORY OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. NANCY R. ADAMS, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A), 624(C) AND 3037:

To be permanent brigadier general

COL. MICHAEL J. NARDOTTI, JR. [redacted] U.S. ARMY.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM CLARK, JR., OF THE DISTRICT OF COLUMBIA
EDWARD PETER DJEREJIAN, OF MARYLAND
CHARLES A. GILLESPIE, JR., OF CALIFORNIA
JOHN HUBERT KELLY, OF GEORGIA
STEPHEN J. LEDOGAR, OF CONNECTICUT
LANNON WALKER, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOSEPH F. ACQUAVELLA, OF VIRGINIA
KENNETH B. BABCOCK, M.D., OF FLORIDA
JANE ELLEN BECKER, OF WISCONSIN
JOHN E. BENNETT, OF NEW HAMPSHIRE
ANN R. BERRY, OF KENTUCKY
JOHN S. BLODGETT, OF VIRGINIA
STEPHEN W. BUCK, OF CALIFORNIA
RAY L. CALDWELL, OF FLORIDA
MARY ANN CASEY, OF COLORADO
HENRY L. CLARKE, OF CALIFORNIA
LARRY COLBERT, OF OHIO
JOHN B. CRAIG, OF PENNSYLVANIA
RUTH A. DAVIS, OF CALIFORNIA
SHAUN EDWARD DONNELLY, OF MARYLAND
STEPHEN M. ECTON, OF CONNECTICUT
TOWNSEND B. FRIEDMAN, JR., OF ILLINOIS
EDWARD F. FUGIT, OF NEW JERSEY
DAVID N. GREENLEE, OF CALIFORNIA
MICHAEL J. HABIB, OF VIRGINIA
JOHN E. HALL, OF FLORIDA
RICHARD L. JACKSON, OF NEW YORK
JOHN M. JOYCE, OF COLORADO
JOHN P. JURECKY, OF ILLINOIS
DONALD B. KURSCH, OF NEW YORK
JOHN P. LEONARD, OF VIRGINIA
PHILIP THOMAS LINCOLN, JR., OF MICHIGAN
JAMES H. MADDEN, OF CALIFORNIA
CHARLES A. MAST, OF MARYLAND
RICHARD M. MILES, OF SOUTH CAROLINA
DONALD J. MCCONNELL, OF OHIO
WARREN P. NIXON, OF THE DISTRICT OF COLUMBIA
ROBERT M. PERITO, OF COLORADO
DONALD J. PLANTY, OF VIRGINIA
RONALD BENJAMIN RABENS, OF CALIFORNIA
WILLIAM CHRISTIE RAMSAY, OF MICHIGAN
WILLIAM EDWIN RYERSON, OF VIRGINIA
JOSEPH A SALOOM, III, OF VIRGINIA
TERENCE J. SHEA, OF FLORIDA
E. MICHAEL SOUTHWICK, OF CALIFORNIA

JOSEPH GERARD SULLIVAN, OF MASSACHUSETTS
JAMES W. SWIHART, JR., OF VIRGINIA
DAN E. TURNQUIST, OF WYOMING
CHARLES H. TWINING, JR., OF MARYLAND
THOMAS J. WAJDA, OF OHIO
JAMES DONALD WALSH, OF CALIFORNIA
FRANK P. WARDLAW, OF TEXAS
THOMAS GARY WESTON, OF MICHIGAN
KENT M. WIEDEMANN, OF CALIFORNIA
JAMES ALAN WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MANUEL F. ACOSTA, OF ARIZONA
RICHARD LEWIS BALTIMORE, III, OF NEW YORK
DONALD KEITH BANDLER, OF PENNSYLVANIA
VINCENT M. BATTLE, OF NEW YORK
JAMES E. BLANFORD, OF WYOMING
JOHN S. BOARDMAN, OF FLORIDA
VITTORIO A. BROD, OF MARYLAND
PRUDENCE BUSHNELL, OF VIRGINIA
WENDY CHAMBERLIN, OF VIRGINIA
J. MICHAEL CLEVERLEY, OF MARYLAND
LYNWOOD M. DENT, JR., OF VIRGINIA
JAMES MICHAEL DERHAM, OF CONNECTICUT
JOSEPH MICHAEL DETHOMAS, OF VIRGINIA
ROBERT SIDNEY DEUTSCH, OF VIRGINIA
MICHAEL BART FLAHERTY, OF COLORADO
TIMBERLAKE FOSTER, OF CALIFORNIA
C. LAWRENCE GREENWOOD, JR., OF CALIFORNIA
MARC I. GROSSMAN, OF VIRGINIA
JOHN RANDLE HAMILTON, OF VIRGINIA
EILEEN M. HEAPHY, OF CONNECTICUT
JUDITH M. HEIMANN, OF CONNECTICUT
MICHAEL JOSEPH HINTON, OF CALIFORNIA
SARAH R. HORSEY, OF CALIFORNIA
MORRIS N. HUGHES, JR., OF CALIFORNIA
EDMOND JAMES HULL, OF ILLINOIS
SANDRA NELSON HUMPHREY, OF THE DISTRICT OF COLUMBIA
WILLIAM H. ITOH, OF NEW MEXICO
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
RICAHRD H. JONES, OF VIRGINIA
CHARLES KARTMAN, OF VIRGINIA
JACQUES PAUL KLEIN, OF ILLINOIS
MICHAEL KLOSSON, OF MARYLAND
ROBERT J. KOTT, OF VIRGINIA
CHRISTOPHER J. LAFLEUR, OF NEW YORK
LYNNE FOLDESSY LAMBERT, OF PENNSYLVANIA
JOHN MICHAEL LEKSON, OF NEW MEXICO
MARISA R. LINO, OF OREGON
ALPHONSE LOPEZ, OF FLORIDA
THOMAS E. MACKLIN, JR., OF CALIFORNIA
MICHAEL W. MARINE, OF CONNECTICUT
G. EUGENE MARTIN, OF MARYLAND
THOMAS JOEL MILLER, OF ILLINOIS
MARK C. MINTON, OF FLORIDA
PHYLLIS ELLIOTT OAKLEY, OF LOUISIANA
CHARLES PARKER RIES, OF TEXAS
DANNY B. ROOT, OF CALIFORNIA
NANCY H. SAMBAIEW, OF TEXAS
JAMES F. SCHUMAKER, OF CALIFORNIA
KENNETH M. SCOTT, JR., OF VIRGINIA
RICHARD J. SHINNICK, OF NEW YORK
EMIL M. SKODON, OF ILLINOIS
TERRY R. SNELL, OF WASHINGTON
CHARLES L. STEPHAN, III, OF TEXAS
MARY ELIZABETH SWOPE, OF VIRGINIA
TAIN PENDLETON TOMPKINS, OF CALIFORNIA
JAMES R. VAN LANINGHAM, OF VIRGINIA
EARL A. WAYNE, OF CALIFORNIA
C. DAVID WELCH, OF CALIFORNIA
JOHN HURD WILLETT, OF NEW YORK
ARLEN RAY WILSON, OF WYOMING

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PETER EDWARD BERGIN, OF MARYLAND
GARY D. BOBBITT, OF KENTUCKY
STEPHEN F. CUMMINGS, M.D., OF FLORIDA
ELWYN R. HASSE, OF WASHINGTON
EDWIN L. HIATT, OF GEORGIA
KENNETH A. LOFF, OF MONTANA
ROBERT PAUL O'BRIEN, OF VIRGINIA
RONALD AUBREY REAMS, OF VIRGINIA
THOMAS A. RODGERS, OF WASHINGTON

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JAMES C. CARD
ROGER T. RUFE, JR.

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOHN W. LOCKWOOD
NORMAN T. SAUDERS

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

JAMES E. WHITING
ANTHONY C. YAMADA
JOHN D. PENDEGRAFT
KEITH A. MOLL
JAMES W. JOHN
THOMAS P. TALBOT, JR.
DOUGLAS B. PERKINS
KEITH R. COLWELL
BRIAN V. HUNTER
ROBERT L. GAZLAY
DAVID G. DICKMAN
RANDALL W. FREITAS
JOHN P. AHERNE
GERALD M. DONOHOE
CHRISTOPHER E. DEWHIRST
JILL D. LOSH
KEITH L. RANDALL
TIMOTHY S. SULLIVAN
DAVID W. RYAN
MARK G. VANHAVERBEKE
JEFFREY A. FLORIN
PHILLIP A. FALLIS
JAMES SABO
JOHN L. BYCZEK
JOHN C. SIMPSON
PAUL C. ELLNER
FRANK J. GROSS
MARVIN J. PONTIFF
CRAIG R. BERRY
MICHAEL J. SMITH
JOHN R. BARRETT
WILLIAM C. BENNETT
WILLIAM L. JOHNSON
STEVEN A. NEWELL
CHRISTOPHER R. MARPLE
ARTHUR E. CUBBON, JR.
JOEL R. WHITEHEAD
DOUGLAS E. MARTIN
JAMES J. LOBER, JR.
JOHN E. CROWLEY, JR.
RICHARD A. ROOTH
TY G. WATERMAN
WILLIAM C. KESSENICH
WAYNE D. GUSMAN
LAWRENCE M. BROOKS
MICHAEL J. DEVINE
JONATHAN T. GUNVALSON
TIMOTHY E. TILGHMAN
JOHN J. DAVIN, JR.
RICHARD R. HOUCK
ROBERT M. SEGOVIS
ROLAND R. ISNOR
DAVID M. MOGAN
LARRY J. LOCKWOOD
BRUCE E. LEEK
RICHARD R. KOWALEWSKI
JAMES D. SPITZER
SALLY BRICE-O'HARA
ROBERT G. POND
RITA A. NESEL
GEORGE M. FLOOD
KENNETH W. KEANE, JR.
JAMES A. STAMM
PETER A. RICHARDSON
MELVILLE B. GUTTORMSEN
CHARLES A. TEANEY
FREDERICK R. WRIGHT
BRIAN N. DURHAM
THOMAS J. MARTIN
SCOTT J. OLIN
CHRISTOPHER J. SNYDER
RONALD L. WALTERS
CLAUDE H. HESSEL
PAUL D. LUPPERT
WILLIAM C. HALL
LEE W. ELLWEIN
LAWRENCE T. YARBROUGH
DAVID M. TUCKER
RONALD J. MORRIS
JAMES G. PARKER, II
RANDOLPH MEADE, III
WILLIAM P. CUMMINS
ANDREW J. MATTA
RONALD L. RUTLEDGE
BRUCE R. FRAIL
RICHARD A. BLAIS
ERIC N. FAGERHOLM
GEORGE R. MATTHEWS, JR.
GEOFFREY D. POWERS
ALAN H. MOORE, SR.
THEODORE C. LEFEUVRE
RICHARD R. KELLY
LAWRENCE J. BOWLING
GLENN W. ANDERSON
GARY S. SCHEER
FREDERIK A. NYHUIS, JR.
LOREN P. TSCHOHL
THEODORE L. MAR
THOMAS R. REILLY
MICHAEL D. ANDERSON
ALBERT R. STILES, JR.
ROBERT W. MCGARRY
JOHN J. JASKOT
JOHN A. GENTILE
THOMAS A. NIES
GERALD L. TIMPE
SURRAN D. DILKS
TERRENCE C. JULICH
JOHN M. KRUPA
JOHN C. MILLER
JAMES S. THOMAS, JR.
ROSS L. TUXHORN
JOSEPH A. HALSCH
STEPHEN M. JACOB
WAYNE R. BUCHANAN
PETER L. RANDALL
GLENN A. WILTSHIRE
JAMES E. EVANS
STEPHEN J. KRUPA
RICHARD D. POORE
JAMES W. DECKER
GLENN R. GUNN
WILLIAM W. PETERSON, JR.
JOHN H. OLTHUIS
SCOTT E. DAVIS
JAMES T. QUINN
MARK H. JOHNSON
JAY E. HESS
DOUGLAS S. TAGGART
GLENN E. GATELY
JAMES F. MURRAY
IVAN T. LUKE, JR.
ARTHUR H. HANSON, JR.
DAVID L. KUZANEK
MICHAEL K. GRIMES
JOHN R. THACKER
WILLIAM J. PETERSON, JR.
MICHAEL L. TAGG
JAMES R. MONGOLD
DAVID J. VISNESKI
TIMOTHY S. WINSLOW
THOMAS E. HAASE
GREGORY J. MACGARVA
JEFFREY A. MCDANNOLD
JAMES M. HASSELBALCH
WILLIAM L. BRYANT
ARN M. HEGGERS
JAMES W. STARK
THOMAS J. VANAK
JAMES P. HARMON
EDWARD A. LANE
JOHN ASTLEY, III
WILLIAM D. MORRIS
STANFORD W. DENO
GILBERT J. KANAZAWA
SCOTT J. GLOVER
RICHARD F. VIERA
KEVIN L. MARSHALL
STANLEY A. ZDUN, JR.
RAYMOND H. SMOYER, JR.
PAUL A. LANGLOIS
DENNIS J. SOBECK
DANIEL B. LLOYD
ELIAS J. MOUKAWSHER

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

DANIEL C. WHITING
MARK W. CERASALE
VICTOR L. TYBER
NEAL J. ARMSTRONG
ROBIN D. ORR
KEVIN L. MAEHLER
DAVID D. SKEWES
TIMOTHY V. SKUBY
PATRICK J. DIETRICH
WILLIAM A. DYSON
HOWARD N. VANHOUTEN
MARK A. TILFORD
KEITH L. PATTERSON
PAUL L. NEWMAN
JAMES S. CUMMING
GARY E. HIATT
HARRY E. HAYNES, III
JOSEPH F. RODRIGUEZ
CLARK D. FOWLER
DAVID J. REGAN
CHRISTOPHER K. LOCKWOOD
RONALD J. LOKITES
JONATHON P. BENVENUTO
JAMES A. MCEWEN
MICHAEL P. NERINO
TAMERA R. GOODWIN
JOANNE MCCAFFREY
DOUGLAS S. TAYLOR
JEAN M. BUTLER
FRANKLIN R. ALBERO
ROBERT A. BALL, JR.
GARY M. SMIALEK
ROBERT E. DAY, JR.
ROBERT E. ACKER
MICHAEL E. RABER
MICHAEL D. INMAN
SHARON W. FIJALKA
MONYEE T. KAZEK
AUSTIN F. CALLWOOD
STANLEY J. O'LOUGHLIN, II
RICHARD D. WRIGHT
STEVEN P. HOW
IAN GRUNTHER
ROBERT J. JONES
PATRICK W. BARNES
THOMAS S. ORZECH
RUSSELL D. KRULL
JEFFREY R. FREEMAN
FREDERICK D. PENDLETON
MAURICE K. JENKINS
DOUGLAS J. FLAMMANG
MARSHALL V. LOTT, III
MARK S. PALMQUIST
ADOLFO D. RAMIREZ, JR.
CHRISTIAN P. KISVARDAY
PETER M. KEANE
MICHAEL A. HOLINCHECK
DAVID A. ALBAUGH
BARRY L. DRAGON
BLAINE H. HOLLIS
JOHN A. CAMPBELL, JR.
JOHN C. WILLIAMS
DAVID L. JONES
DONALD MILLER
GREGG W. STEWART
MARK L. MCEWEN
JAMES R. HASSELMAN
STEPHEN D. AUSTIN
JAMES H. CANDEE
DEREK H. RIEKSTS
RICHARD S. MACINTYRE
PATRICK W. MURPHY
CHRIS OELSCHLEGEL
MICHAEL D. BRAND
THOMAS D. HOOPER
BARRY L. YOUNGBLOOD
DAVID W. VERMILLION
JOHN J. PITTMAN
JAMES D. BJOSTAD
MARK A. SKORDINSKI
KEVIN M. ROBB
JOHN C. EDGAR
MARGARET F. THURBER
BRUCE E. GRINNELL
LARRY J. CLARK
ROBERT L. KAYLOR
STEVEN H. WHITE
ROBERT M. O'BRIEN
PAUL A. FRANCIS
JOHN A. MCCARTHY
DONALD E. OUELLETTE
TERRENCE W. CARTER
NORVELL E. WICKER, IV
DAVALEE G. NORTON
JOE MATTINA, JR.
MICHAEL C. MCCLOUGHAN
SERGIO D. CERDA
MITCHELL D. WEST
ROBERT H. HAZELTON
CHARLES L. SMITH, JR.
PAUL W. LANGNER
EDWIN M. STANTON
STEVEN M. DOSS
STEPHEN C. NESEL
GAIL A. DONNELLY
ROGER H. DEROCHE
JOSEPH M. JACOBS
JAMES E. HOLBERT
DONALD K. STROTHER
GILBERT E. SENA
JAMES M. SELLERS
TIMOTHY P. POWERS
RAYMOND B. MARVEL, JR.
JOHN H. WIGGER
STANLEY M. DOUGLAS
MATTHEW B. CRAWLEY
WILLIE M. DUPRIEST, III
DOUGLAS A. MCCANN
JAY G. MANIK
JAMES C. HOWE
CHAD T. JASPER
JUDITH E. KEENE
PHILIP H. SULLIVAN
LANCE L. BARDO
ERIC B. BROWN
BRIAN K. SWANSON
DAVID W. KRANKING
JONATHAN S. KEENE
STEPHEN C. DUCA
DARRELL E. MILBURN
SCOTT L. KRAMMES
FRANCIS X. IRR, JR.
ROBERT J. MALKOWSKI
ROBERT A. FARMER
MICHAEL L. FISHER
BRAD J. SUCHANEK
BRIAN J. GOETTLER
RICHARD M. KASER
CHARLES W. RAY
KURTIS J. GUTH
STEPHEN J. MINUTOLO
GARY E. FELICETTI
GEORGE G. PRIVON
VIRGINIA K. HOLTZMAN-BELL
PATRICK J. MORAN
KEVIN B. RAHL
DANIEL A. LALIBERTE
MATTHEW M. BLIZARD
KURT W. DEVOE
RICHARD A. RENDON
ROBERT J. LEGIER
BRYAN D. SCHRODER
ROBERT E. KORROCH
JOHN W. YAGER, JR.
THOMAS P. OSTEBO
ROBERT M. LOESCH
MARSHALL B. LYTLE, III
LARRY J. RUDY
MARK A. PRESCOTT
THOMAS D. CRIMAN
KENNETH H. SHERWOOD
STEPHEN J. OHNSTAD
THOMAS A. GIGUERE
JOHN M. LANG, JR.
MARK S. GUILLORY
FRANK M. PASKEWICH, JR.
CAROL C. BENNETT
CRAIG A. KOHLER
PRESTON D. GIBSON
THOMAS J. ROGERS
THOMAS E. HOBAICA
DAVID L. HILL
MICHAEL F. RALL
DAVID S. STEVENSON
MICHAEL P. FARRELL
ERIC M. LINTON
CHRISTOPHER L. BRUENING
JAMES T. HUBBARD
RICHARD A. STANCHI
GEORGE P. VANCE, JR.
ANTHONY S. REYNOLDS
PETER K. OITTINEN
SCOTT S. GRAHAM
JAMES B. BECKHAM
ROBERT M. ATKIN
MARK R. DEVRIES
CHRISTINE D. BALBONI
KENNETH R. BURGESS, JR.
MARK D. RUTHERFORD
WARREN L. HASKOVEC
PAUL E. HANSEN
ORIE T. DAVIS
PATRICK B. TRAPP
JENNIFER L. YOUNT
RODERICK E. WALKER
DAVIS J. BELLIVEAU
THOMAS O. GRAHAM
DENNIS D. BLACKALL
MICHAEL L. THORNE
DAVID W. NEAL
SAMUEL E. JEFFRIES, JR.
BARRY P. SMITH
BRADLEY R. MOZEE
THEODORE A. BULL
ANTHONY J. KOVAC
WILLIAM D. LEE
RICHARD J. FERRARO
BILLY E. ERICKSON, JR.
TIMOTHY F. MANN
DANIEL D. LARSON
JOHN R. LINDLEY, JR.
JOHN S. EVE
RICHARD L. MATTERS
DONALD R. LINCOLN
CHARLES M. COLLINS
GARY A. MASSEY
ROBERT R. O'BRIEN, JR.
DAVID M. RISHAR
CHARLES J. ALBANO, JR.
DREW R. WOJTANIK
EKUNDAYO G. FAUX
SCOTT G. WOOLMAN
DAVID L. BALTHAZOR
DOUGLAS L. TURK
GARY M. ALEXANDER
DAVID L. LERSCH
WILLIAM W. WHITSON, JR.
RICKI G. BENSON
LARRY E. SMITH
KENT R. YOUEL
MELESIO GONZALEZ
NORMAN L. CUSTARD, JR.
GREGORY B. BREITHAUPT
STEVEN E. VANDERPLAS
FREDERICK J. KENNEY, JR.
STEVEN J. BOYLE
TIMOTHY J. DELLOT
JOHN E. HAUTALA
THOMAS K. RICHEY
BRUCE D. BLACKMAN
DAVID A. HOFFMAN
DAVID W. LEDFORD
GARY BLOKLAND
GREGORY R. HAACK
ROBERT D. ENGILES
DAVID M. GUNDERSEN
MARK A. JOHNSON
RANDY B. STROBRIDGE
JEFFREY N. GARDEN
RICHARD W. WEIGAND
JAMES E. TUNSTALL
KEVIN G. QUIGLEY
JOHN W. FARTHING
MARK P. O'MALLEY
JOHN R. OCHS
RONALD D. HASSLER
KENNETH D. FORSLUND
THOMAS ZAPATA
DENNIS M. SENS
PETER V. NEFFENGER
ALVIN M. COYLE

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY FOR

PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

KURT J. COLELLA
ROBERT C. ALBRIGHT, II

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD ARE NOMINATED TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

ROBERT B. BURRIS
PHILLIP F. DOLIN
TRACY L. DUNN
ANNE L. BURKHARDT
ALLEN B. CLEVELAND
EDDIE JACKSON, III
MARC C. PERKINS
WYMAN W. BRIGGS
WILLIAM H. OLIVER, II
ROBERT E. DAVENPORT, II
RICHARDO RODRIGUEZ
JANIS E. NAGY
ERIC A. GUSTAFSON

To be lieutenant (junior grade)

SAMUEL L. HART
C. DAVID WEIMER
GENE W. ADGATE
BRIAN R. LINCOLN
GEORGE A. ELDREDGE
DONNA A. KUEBLER
SCOTT E. DOUGLASS
GARY T. CROOT
JOHN S. KENYON
WEBSTER D. BALDING

IN THE AIR FORCE

THE FOLLOWING NAMED ASTRONAUT OF THE AIR FORCE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION.

LT. COL. SIDNEY M. GUTIERREZ [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

DONALD L. MAPES [redacted]
STEPHEN T. POWEL [redacted]
JAMES D. STEVENSON [redacted]
MARSHALL R. WILLIS [redacted]

To be lieutenant colonel

THOMAS N. BEACH [redacted]
JUDITY A. VARNAU [redacted]

To be Major

JOSEPH DEL J. DYE [redacted]
RANDALL L. HAMRIC [redacted]
JODI L. SISKIN [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

CARL W. GRAVES [redacted]
SYLVAN H. RIKER [redacted]

To be lieutenant colonel

OBIE T. ATKINSON [redacted]
FRANK C. COOPER [redacted]
DONALD E. COURTS [redacted]
EVANGELINE M. GARCIA [redacted]
PAUL A. HEIDEL [redacted]
LARRY H. ISAKSON [redacted]
STEPHEN J. SHARP [redacted]
LOWRY C. SHROPSHIRE [redacted]
SEYMOUR J. STIFEL [redacted]
ROOSEVELT WATSON [redacted]

NURSE CORPS

To be lieutenant colonel

WILLARD P. GOWDY [redacted]

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

JOHN M. FLAMM [redacted]
KENNETH D. SCOTT [redacted]

THE FOLLOWING NAMED OFFICER. FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

CHAPLAIN CORPS

To be colonel

BRADFORD L. RIZA [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISION OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

To be captain

WALTER E. COCHRAN [redacted]

JUDGE ADVOCATE

To be captain

KURT D SCHUMAN [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JAMES W. BAILEY, [redacted] 5/5/91
MAJ. JAMES D. BAKER, [redacted] 4/13/91
MAJ. MARC W. BARBER, [redacted] 5/4/91
MAJ. MARC T. BERNARD, [redacted] 5/24/91
MAJ. JOHN A. BOGGS, [redacted] 5/15/91
MAJ. BRADLEY H. COPELAND, [redacted] 5/9/91
MAJ. CARL H. DAHLIN JR., [redacted] 5/8/91
MAJ. COLEMAN D. HAMM JR., [redacted] 3/15/91
MAJ. PAUL G. LOTAKIS JR. [redacted] 5/5/91
MAJ. RICHARD W. MORRISON, [redacted] 5/11/91
MAJ. MICHAEL F. RICHARD, [redacted] 5/21/91
MAJ. HENRY C. RIMMER JR. [redacted] 5/24/91
MAJ. JACK F. SCROGGS, [redacted] 5/5/91
MAJ. CRAIG E. SNOW, [redacted] 4/17/91
MAJ. JOHN T. STORY, [redacted] 4/17/91
MAJ. THOMAS W. WAGNER, [redacted] 5/4/91

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. EDWIN A. OESER, [redacted] 5/7/91

CHAPLIN CORPS

To be lieutenant colonel

MAJ. PAUL AIELLO JR. [redacted] 4/19/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. GREGORY J. DANHOFF, [redacted] 5/5/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. JOSE D. CASTILLO [redacted] 5/15/91
MAJ. HARRY J. HECK III [redacted] 3/28/91
MAJ. WILLIAM J. LONG, [redacted] 5/5/91
MAJ. JOHN D. OWEN, [redacted] 4/30/91
MAJ. WILLIAM J. WALTERS [redacted] 2/11/91

DENTAL CORPS

To be lieutenant colonel

MAJ. RICHARD F. HETTINGER, [redacted] 5/5/91

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN L. BAKER, [redacted] 5/30/91
MAJ. JOHN G. FILIOS, [redacted] 4/21/91
MAJ. MICHAEL W. FRANK, [redacted] 6/4/91
MAJ. BRUCE F. KROEHL, [redacted] 6/8/91
MAJ. ROBERT J. LOWE, JR. [redacted] 6/A13/91
MAJ. JAMES D. MARKUM, [redacted] 6/3/91
MAJ. JAMES S. MCCLURE, [redacted] 5/25/91
MAJ. ROGER C. NYBERG, [redacted] 6/8/91
MAJ. THOMAS J. POWER, [redacted] 6/21/91
MAJ. BOBBY F. RIVERS, [redacted] 5/28/91
MAJ. SALLY A. SHEAFFER, [redacted] 5/3/91
MAJ. SAMMUEL M. SHIVER, [redacted] 5/28/91
MAJ. IRENE L.C. TAYLOR, [redacted] 6/1/91
MAJ. CARL J. THOMAE, [redacted] 6/8/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. GLENN W. PASSAVANT, [redacted] 6/12/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. JOHN H. BABSON, [redacted] 6/8/91
MAJ. STEVEN D. KNIGHT, [redacted] 6/2/91
MAJ. PHILIP H. WELLS [redacted] 5/19/91

NURSE CORPS

To be lieutenant colonel

MAJ. JILL G. HERTEL [redacted] 6/8/91

DENTAL CORPS

To be lieutenant colonel

MAJ. JAMES L. BARBER [redacted] 6/8/91
MAJ. THOMAS S. TUCKER, [redacted] 5/21/91

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

LOUIS M. AYERS, JR. [redacted]
JOHN F. FOX [redacted]
JOHN D. PETRILLA [redacted]
GERARD W. TRAVERS [redacted]

To be Major

JOHN C. HUNTZINGER, JR. [redacted]
ANASTACIO A. LAMBARIA [redacted]
KAREN L. MCCLIMON [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

JERALD W. JACKSON [redacted]
NORMAN F. NIVENS, [redacted]
JAMES G. VANNESS [redacted]
CARL J. WINBAUER [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THEN INDICATED.

JUDGE ADVOCATE

To be captain

CHARLES P. KIELKOPF [redacted]

IN THE AIR FORCE

THE FOLLOWING U.S. AIR FORCE RESERVE OFFICERS TRAINING CORPS GRADUATES, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10. UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

ANDREW J ADAMS [redacted]
PHIL M AKE [redacted]
JOHN G ALLEN [redacted]
JAMES B ALLEN [redacted]
JOHN J ALLEN [redacted]
VICTORIA L AMBUEHL [redacted]
KENNETH J AMMON [redacted]
WENDY J AMTMANN [redacted]
JOHN D ANDERSON [redacted]
DONALD G AXLUND [redacted]
RAYMOND M BAESLER [redacted]
RICHARD L BAIRETT, JR [redacted]
MATTHEW A BARKER [redacted]
DOUGLAS W BARTZ, [redacted]
LINDA M BATE [redacted]
ROBERT A BEALE [redacted]
CHRISTOPHER J BECKMAN [redacted]
TIMOTHY A BERNETT [redacted]
ROBERT N BEYERLY [redacted]
STEVEN W BIGGS [redacted]
DANIEL F BILES [redacted]
NICOLLE L BOHAYCHYK [redacted]
RICHARD H BOUTWELL [redacted]
JAMES E BOWEN, JR [redacted]
BRETT L BOWERS [redacted]
SOLOMON E BOXX, [redacted]
KIP A BOYLE [redacted]
KIM BRAEUNINGER [redacted]
EDWARD S BREWER [redacted]
ANTHONY T BROWN [redacted]
ROSADO AUGUSTUS A BRUNO, JR [redacted]
BRETT M BURAS [redacted]
WILLIAM T BURKE [redacted]
RUSSEL A BURLESON [redacted]
PETER CALLAMARI [redacted]
CHRISTINE K CAMBELL [redacted]
WILLIAM B I CAMBELL, II [redacted]
EUGENE L CAPONE [redacted]
PETER L CARRABBA [redacted]
SHANNON W CAUDILL [redacted]
FIONA A CHRISTIANSON [redacted]
THEODORE A COINER [redacted]
RONALD B COLE, [redacted]
JENNIFER L CONLIN [redacted]
BARRY S COOPER [redacted]
WALTER F COPPERSMITH [redacted]
WILLIAM J COULSTON [redacted]
JON E COUNSEL [redacted]
TIMOTHY W CUNNINGHAM [redacted]
MEGAN CURRAN, [redacted]

AUDREY S CYZICK, [redacted]
MATTHEW M DARPEL, [redacted]
ROBIN L DAUGHERTY, [redacted]
BRYAN A DAVIS, [redacted]
ERIC J DAWSON, [redacted]
MICHAEL L DAWSON [redacted]
MARCELINO E DELROSARIO, JR, [redacted]
JOSEPH F DEMAY, JR, [redacted]
DARREN J DEMERS, [redacted]
JAMES B DENSON, [redacted]
JOHN L DICKMANN, [redacted]
JOHN A DIETRICK, [redacted]
KIVIN D DIXON, [redacted]
TRAVIS D DIXON, [redacted]
DAVID T DOMINGUE, [redacted]
CHRISTOPHER S DONAHOE, [redacted]
ERIC E DUBE, [redacted]
ALLAN T DUFFIN, [redacted]
SHANE C DUGUAY, [redacted]
PATRICIA R DUNN, [redacted]
DAVID S EDWARDS, [redacted]
JUDITH L EDWARDS, [redacted]
MATTHEW W EVANS, [redacted]
ERIC J FELT, [redacted]
JOSEPH P FINOTTI, [redacted]
MARK P FITZGERALD, [redacted]
DAVID A FLIPPO, [redacted]
JEAN M FLYNN, [redacted]
ERIC N FORSYTH, [redacted]
ELIZABETH A FOYEN, [redacted]
JOSEPH E FRANCOEUR, [redacted]
CHRISTOPHER T FRANKENBERGER, [redacted]
FREDERICK W FRENCH, [redacted]
DAVID S GARDNER, [redacted]
FRANK M GASCA, [redacted]
GREGORY P GILBREATH, [redacted]
ADIENNE GLENWRIGHT, [redacted]
BECKY S GLOVER, [redacted]
MICHAEL L GOODIN, [redacted]
ERIC M GRABOWSKI, [redacted]
PAUL D GREENLEE, [redacted]
LEWIS H GRIFFIN, JR, [redacted]
STEPHEN GROLL, [redacted]
JOHN B GROSS, [redacted]
SCOTT M GUILBEAULT, [redacted]
JASON W GUY, [redacted]
DARREN B HALFORD, [redacted]
JUSTIN W HALL, [redacted]
DAVID S HANSON, [redacted]
CHISTOPHER L HARBEN, [redacted]
LANCE G HARDY, [redacted]
PAUL A T HARIS, [redacted]
RANDY L HARMER, [redacted]
SCOTT A HASKETT, [redacted]
SUNG M HATFIELD, [redacted]
TIMOTHY D HAUGH, [redacted]
JOHN W HENDERSON, [redacted]
STEPHEN J HICKEY, [redacted]
ANDREA L HLOSEK, [redacted]
CHRISTOPHER T HOLINGER, [redacted]
FRANKLIN C HOWARD, [redacted]
JULIE L HUFF, [redacted]
JEFFREY H HURLBERT, [redacted]
CHERYL L HURLEY, [redacted]
CHRISTOPHER J J IRELAND, [redacted]
DAVID R IVERSON, [redacted]
WILLIAM G JAMES, [redacted]
JEFFREY J JERABEK, [redacted]
MARK S JERNIGAN, [redacted]
KIMBERLY A JOHNSON, [redacted]
SHANNON L C JOHNSON, [redacted]
LANCE M JOHNSTON, [redacted]
VALERIE A JOHNSTON, [redacted]
STEPHEN D KELLEY, [redacted]
THERESA A KELLY, [redacted]
LANCE A KILDRON, [redacted]
DAVID A KIRKENDALL, [redacted]
THOMAS D KIRK, [redacted]
ALAN J KITE, [redacted]
MICHAEL R KNOWLES, [redacted]
WAYNE H KODAMA, [redacted]
TODD C KRUEGER, [redacted]
HEATHER E KUSHIN, [redacted]
DEBORAH S LAMBERT, [redacted]
SALLY A LANDRUM, [redacted]
FRANK D LANE, [redacted]
MICHAEL S LANG, [redacted]
REID M LANGDON, [redacted]
DEBORAH L LASOCKI, [redacted]
DAVID S LATOUR, [redacted]
ROGELIO L LAWSIN, [redacted]
MARK C LAXTON, [redacted]
ROBERT J LEVIN, JR, [redacted]
ALLEN K LICHVAR, [redacted]
CHRISTOPHER P LIENESCH, [redacted]
WILLIAM JOHN LIQUORI, JR, [redacted]
LIDA M LISOWE, [redacted]
PATRICK C LOFY, [redacted]
RONALD M LUEB, [redacted]
KEITH G MACDONALD, [redacted]
CARL J MAGNUSSON, [redacted]
MARK T MAIN, [redacted]
CONRAD P MASSHARDT, [redacted]
ALTON L MCCORMICK, [redacted]
SEAN P MCGLYNN, [redacted]
SEAN A MCLEAN, [redacted]
LONNY F MERLAK, [redacted]
MICHAEL G MESSER, [redacted]
PAUL K MIKEAL, [redacted]
JOHN C MILLARD, [redacted]
PAUL T MILLHOUSE, [redacted]
MICHAEL S MILNER, [redacted]
MICHELE A MINER, [redacted]
JAMES F MURPHY, [redacted]
STEVEN A MYS, [redacted]
STEPHEN J NAFTANEL, [redacted]
DANIEL T NAUGHTON, [redacted]
WILLIAM B NORRIS, [redacted]
COREY C OLSEN, [redacted]
BRIAN PATRICK OLSON, [redacted]
SHARON F ORLANDO, [redacted]
MICHAEL J PASSAFIUME, [redacted]
GILBERTO PATINO, [redacted]
AMY M PATRIN, [redacted]
SCOTT D PAULEY, [redacted]
HEIDI A PAULSON, [redacted]
TIMOTHY J PETTIT, [redacted]
MATTHEW T PHILLIPS, [redacted]
TERRY W PHILLIPS, [redacted]
HEATHER M PIERSON, [redacted]
DANIEL J POTAS, [redacted]
MICHAEL I PROTZ, II, [redacted]
DAVID F RADOMSKI, [redacted]
MARC E RAINBOW, [redacted]
MARIA C RANDOLPH, [redacted]
LAWRENCE A RITTER, [redacted]
JOHN F ROBINSON, [redacted]
GARY E ROSE, [redacted]
JOHN E RUSSI, JR, [redacted]
GARY L SALMANS, [redacted]
MARIA N SANDERS, [redacted]
SHIRLENE D SANTIAGO, [redacted]
ANNA L SANTOS DE DIOS, [redacted]
CHRISTIAAN P SARTAIN, [redacted]
GERALD E I SASSER, II, [redacted]
JOHN A SAUNDERS, [redacted]
MICHAEL D SCHADER, [redacted]
JENNIFER C SEEBODE, [redacted]
MICHAEL R SEILER, [redacted]
PAUL K SHADLE, [redacted]
AMY T SHALIKASHVILI, [redacted]
BRIAN S SHANNON, [redacted]
DONALD G SHANNON, [redacted]
CHRISTOPHER R SIMPSON, [redacted]
ROBERT M SKELTON, JR, [redacted]
JOHN R SLOAN, [redacted]
JEFFREY R SMITH, [redacted]
JOHN P SMITH, [redacted]
RUSSELL J SMITH, [redacted]
JEFFREY C SOBEL, [redacted]
GERARD P SOBNOSKY, [redacted]
KIRK B STABLER, [redacted]
DARRELL C STEELE, [redacted]
CAROLYN A STICKELL, [redacted]
SUZANNE STOLTZ, [redacted]
DOUGLAS A STOUFFER, [redacted]
WILLIAM B STURGIS, [redacted]
IVAN SUDAC, [redacted]
DAVID J SULLIVAN, [redacted]
PAUL SUTHERLAND, [redacted]
SHANNON R SWEENY, [redacted]
ROBERT E SWERTFAGER, [redacted]
DANIEL B TALATI, [redacted]
TARA E THIESSEN, [redacted]
KELLY P THURLOW, [redacted]
BRIAN A TOM, [redacted]
STEPHON J TONKO, [redacted]
NICOLE C TROTTER, [redacted]
MICHAEL D TYYNISMAA, [redacted]
WILLIAM M UHLMEYER, [redacted]
SUSAN J. ULRICH, [redacted]
RICHARD A VAIA, [redacted]
BRYAN A WEEKS, [redacted]
DONALD J WHITEHEAD, [redacted]
MICHAEL E WILLIAMS, [redacted]
ROBERT P WINKLER, [redacted]
ROBERT E WINTERS, JR, [redacted]
DAWN M WOLFE, [redacted]
MICHAEL E WORDEN, [redacted]
MICHAEL P WORKMAN, [redacted]
KELLY D WORSHAM, [redacted]
CHANTELL J WYLAND, [redacted]
RANDY YOVANOVICH, [redacted]
LYNN A ZEMAN, [redacted]
CARLOS R ZENDEJAS, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be colonel

WILLIAM C. OHL, II, [redacted]

To be major

MARK S. BUJNO, [redacted]
*ALBERT GONZALEZ-CASTRO, [redacted]
*BRENDA J. MATTHEWS, [redacted]
BARRY L. SWAIN, [redacted]
RICHARD A. WAGNER, JR., [redacted]
WILLIAM H. PHELPS, [redacted]

MEDICAL CORPS

To be lieutenant colonel

*DAN W. BOLTON, [redacted]

To be major

*SHERMAN DUNN, JR., [redacted]
*ANITA I. CHANG, [redacted]
*FLETCHER F. MILLER, [redacted]
*EMIL A. STEIN, [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

CHARLES W. ANDRES, [redacted]
LARRY L. ARNETT, [redacted]
STEVEN J. BAUER, [redacted]
ROBERT L. BODE, [redacted]
BRUCE R. BODIN, [redacted]
DAVID K. GERMAIN, [redacted]
LARRY H. GINGRICH, [redacted]
BOBBY D. GRAY, [redacted]
HENRY S. KIMBROGH, [redacted]
CLAUDE A. NIX, [redacted]
CHARLES O. RICE, [redacted]
RAYMOND B. SCOTT, [redacted]
JIMMY D. SHERIFF, [redacted]

CHAPLAIN CORPS

To be colonel

RUFUS H. MOORE, [redacted]

MEDICAL SERVICE CORPS

To be colonel

JULIAN C. BOMAR, [redacted]
RICHARD L. MAUGHAN, [redacted]
LOUIS POMERANTZ, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

KEITH E. AAKRE, [redacted]
WILLIAM L. ADAMS [redacted]
DOYLE W. BOGGS, [redacted]
MICHAEL C. BROOME, [redacted]
JAMES M. CALDWELL, [redacted]
JEFFREY B. CALHOON, [redacted]
RICHARD R. COLSON, [redacted]
JOHN B. DRISCOLL, [redacted]
NICHOLAS FLETCHER, [redacted]
PAUL F. HANNEMANN, [redacted]
OSCAR B. HILMAN, [redacted]
ANTONIO F. HOLLAND, [redacted]
THOMAS A. JOHNSON, [redacted]
JAMES S. KNEECE, [redacted]
JAMES W. NUTTALL, [redacted]
RICHARD J. PETRONIS, [redacted]
JOHN W. SCHMIDT, [redacted]
RICHARD I. TAYLOR, III, [redacted]
RIGOBERTO TORRES-FERNANDEZ, [redacted]
RANDALL A. YORK, [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

DAVID W. HOCHENSMITH, JR. [redacted]

JUDGE ADVOCATE GENERAL CORPS

To be lieutenant colonel

DANNY R. BRADLEY, [redacted]
RICHARD G. MAXON, [redacted]

MEDICAL CORPS

To be lieutenant colonel

VASANT L. GARDE, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

CAROLE A. BRISCOE, [redacted]
CYNTHIA TRUJILLO, [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 593(A), 594, AND 3353:

DENTAL CORPS

To be colonel

ROBERT D. JORDAN, [redacted]

DENTAL CORPS

To be lieutenant colonel

DANIEL J. REESE, [redacted]
LINDA L. SMITH, [redacted]

MEDICAL CORPS

To be colonel

MERLIN G. ANDERSON, JR., [redacted]
EDWARD S. SCHWARTZ, [redacted]

MEDICAL CORPS

To be lieutenant colonel

JAMES D. KEENAN, [redacted]
ROBERT S. KLEPATZ, [redacted]
PETER P. LAWLOR, [redacted]
ROBERT E. LEWIS, [redacted]

JOSEPH S. MARTIN, [redacted]
FRANK B. MILLER, [redacted]
AYLIN RADOMISLI, [redacted]
GERALD P. RUDD, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be commander

DAVID M. HARLIN
DAVID LEIVERS

THE FOLLOWING NAMED ARMY CADET TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

MATTHEW A. LISOWSKI

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531:

RAYMOND ALEXANDER
PATRICIA M. BORDERS
KRISTIE L. MCBRIDE
JEFFREY C. STEVENSON

THE FOLLOWING NAMED NAVAL ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSE A. AYALA
COLM M. CALLAN
JEFFREY S. EINSEL
KEITH M. HARPER
THERESE C. HAUK
ANTHONY W. HICKS
KORTNEY A. KROPP
STACY R. MURCH
MICHAEL B. PARKER
JOHN W. REXRODE
PHILLIP P. ROTHER
DANIEL N. SCHILDGE
FRANCISCO H. SILEBI
MAX E. WADDOUPS
BRIAN L. WHITAKER
STANLEY W. WILES
TERRI L. WOLTHERS
ANTHONY W. WRIGHT

THE FOLLOWING NAMED FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

RONALD E. SMITH

THE FOLLOWING NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

NANCY F. FISHBACK
AUGUST L. STEMMER

THE FOLLOWING NAMED U.S. NAVAL OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GEORGE J. ALTER
MICHAEL J. BOSSE
MICHAEL J. DAWSON, JR.

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

SHARON N. HIRAKO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A. GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

GARY J. ABBATE, [redacted]
SHARON C. ABBOTT, [redacted]
RICHARD O. ABDERHALDEN, JR, [redacted]
WILLIAM H. ABERNATHY, JR, [redacted]
ANNEKE C. ABMA, [redacted]
ROBERT J. ABRAHAM, [redacted]
JOHN M. ABRUZZESE, [redacted]
JOSEPH A. ACCARDO, JR, [redacted]
PAUL R. ACKERLEY, [redacted]
JAMES L. ACREE, [redacted]
DONALD O. ADAIR, [redacted]
DANIEL S. ADAMS, JR, [redacted]
FREDERICK D. ADAMS, [redacted]
REGINALD L. ADAMS, [redacted]
WANDA L. ADAMS, [redacted]
EDWARD N. ADDISON, [redacted]
CARRINGTON C. ADKINS, [redacted]
MARCELYN A. ADKINS, [redacted]
RANDALL C. AGEE, [redacted]
ROBERT A. AGEE, [redacted]
ABRAHAM AGRONT, JR, [redacted]
WILLIAM K. AIU, [redacted]
VALERIE A. AKERELE, [redacted]
GEORGE D. AKIN, [redacted]
CARMEN M. ALATORREMARTIN, [redacted]
ANNAMARIA P. ALBA, [redacted]
PAUL S. ALBERT, [redacted]
FRANK G. ALBRIGHT, II, [redacted]
LINDA S. ALDRICH, [redacted]
STUART L. ALDRIDGE, [redacted]
JOHN E. ALERDING, III, [redacted]
DAVID L. ALEXANDER, JR, [redacted]
FELIX E. ALEXANDER, [redacted]
JO A. ALFARO, [redacted]
LIONEL D. ALFORD, JR, [redacted]
REX D. ALGATE, [redacted]
DENNIS L. ALLEN, [redacted]
GAIL C. ALLEN, [redacted]
JOHN M. ALLEN, [redacted]
OLA A. ALLEN, [redacted]
PATRICK H. ALLEN, [redacted]
TRAVIS L. ALLEN, JR, [redacted]
JOHN ALLEVA, [redacted]
WILLIS D. ALLEY, [redacted]
RANDAL K. ALLISON, [redacted]
JANICE W. ALLTON, [redacted]
CHEN G. ALMACEN, [redacted]
MONICA M. ALOISIO, [redacted]
DAVID ALONZO, [redacted]
DAVID R. ALRED, [redacted]
IRIS J. ALRED, [redacted]
JOSE C. ALVAREZ, [redacted]
ROBERT P. AMBROSE, [redacted]
DIETMAR AMELANG, [redacted]
ERNEST A. AMENDE, [redacted]
JOHN B. AMENT, [redacted]
MICHAEL T. AMES, [redacted]
DAVID K. ANDERSON, [redacted]
ERIC C. ANDERSON, [redacted]
KEITH W. ANDERSON, [redacted]
LISA K. ANDERSON, [redacted]
MARK S. ANDERSON, [redacted]
MONDELL R. ANDERSON, [redacted]
OTTO S. ANDERSON, [redacted]
RICHARD L. ANDERSON, [redacted]
RICHARD L. ANDERSON, II, [redacted]
SHERI W. ANDINO, [redacted]
WILLIAM F. ANDREWS, [redacted]
MICHAEL I. ANGAROLE, [redacted]
SALVATORE A. ANGELELLA, [redacted]
PAULA ANSELMO, [redacted]
FELICIA C. ANSTY, [redacted]
YOLAND S. ANTHONY, [redacted]
DEREK S. ANTONELLI, [redacted]
EVETTE E. APONTE, [redacted]
STEPHEN J. APPLE, [redacted]
JOSE R. ARAGON, [redacted]
HENRY J. ARBOLEDA, [redacted]
ANTHONY J. ARETZ, [redacted]
EUGENIO V. ARIAS, [redacted]
ABRAHAM T. ARMOLD, [redacted]
JON W. ARMSTRONG, [redacted]
BRADLEY D. ARNOLD, [redacted]
JEFFREY M. ARNOLD, [redacted]
LARRY J. ARNOLD, [redacted]
TONI A. ARNOLD, [redacted]
THOMAS J. ARNSPERGER, [redacted]
TINA J. ARREDONDO, [redacted]
WILLIAM J. ARTIS, [redacted]
JEFFREY R. ASH, [redacted]
PHILLIP T. ASHBY, [redacted]
KEITH C. ASSZONY, [redacted]
JARED A. ASTIN, [redacted]
TAMSEY G. AUDET, [redacted]
MARK D. AUDISS, [redacted]
SUSAN J. AUNGST, [redacted]
CARRELL V. AUSTIN, [redacted]
FRED AUSTIN, [redacted]
JOSEPH P. AVERY, [redacted]
LAWRENCE G. AVERY, JR, [redacted]
PETER R. AXUP, [redacted]
BRIAN S. AYERS, [redacted]
LOREN M. AYERS, [redacted]
PAUL L. AYERS, [redacted]
BRUCE K. BABCOCK, [redacted]
JOSEPH G. BACKES, [redacted]
CLIFTON B. BACKSTROM, [redacted]
MARGARET Y. BAECHTOLD, [redacted]
JAMES J. BAER, [redacted]
WILLIAM L. BAHN, [redacted]
CHARLES V. BAILES, [redacted]
DAVID W. BAILEY, [redacted]
DENISE S. BAILEY, [redacted]
GEORGE E. BAILEY, [redacted]
JOHN C. BAILEY, [redacted]
MARK H. BAILEY, [redacted]
MARY F. BAILEY, [redacted]
BOBBY R. BAKER, [redacted]
CHRISTINE M. BAKER, [redacted]
CINDY S. BAKER, [redacted]
CYNTHIA A. BAKER, [redacted]
MICHAEL K. BAKER, [redacted]
DAVID A. BALDWIN, [redacted]
DAVID L. BALDWIN, [redacted]
FLOYD H. BALDWIN, [redacted]
JOHN E. BALL, [redacted]
SHELBY G. BALL, [redacted]
PERRY G. BALLARD, [redacted]
J. ROBERT BALLEW, [redacted]
ALBERT T. BANGI, [redacted]
TANYA Z. BANKS, [redacted]
KAREN E. BARADON, [redacted]
NEIL J. BARANOVITZ, [redacted]
PHILIP J. BARBEE, [redacted]
MARTIN J. BARCHE, JR, [redacted]
EMILE N. BARCHICHAT, [redacted]
GARY F. BAREFOOT, [redacted]
BETH A. BARKER, [redacted]
JOHN M. BARKER, JR, [redacted]
ROBERT W. BARKER, JR, [redacted]
KAREN S. BARLAND, [redacted]
WILLIAM J. BARLOW, JR, [redacted]
ROBERT O. BARNA, [redacted]
GERALD W. BARNES, [redacted]
EDMUND L. BARNETTE, JR, [redacted]
RALPH J. BARNHART, [redacted]
DAVID J. BARRAGY, [redacted]
MARK A. BARRETT, [redacted]
STEPHEN C. BARRON, [redacted]
MARK D. BARROW, [redacted]
MICHAEL R. BARRY, [redacted]
RANDY L. BARTELS[redacted]
GARY W. BARTON, [redacted]
MICHAEL C. BARTON, [redacted]
KEITH D. BASHANT, [redacted]
WILLIAM K. BASS, JR, [redacted]
PATRICIA A. BATTLE, [redacted]
STEPHEN M. BATTS, [redacted]
JOHANN R. ERNST BAUER, [redacted]
W. STEPHEN BAUER, [redacted]
JAMES C. BAUERNFEIND, [redacted]
KURT L. BAUM, [redacted]
MARK R. BAYER, [redacted]
JOHN E. BAYNE, III, [redacted]
THOMAS L. BAZZOLI, [redacted]
JOHN K. BEALS, [redacted]
REBECCA L. BEAMAN, [redacted]
WILLIAM BEAMAN, [redacted]
GROVER P. BEASLEY, III, [redacted]
KIM D. BEAULIEU, [redacted]
SARAH A. BEAVERS, [redacted]
ALLAN R. BECK, [redacted]
CURTIS G. BECKER, [redacted]
WILLIAM R. BECKER, [redacted]
JEFFREY K. BEENE, [redacted]
TODD E. BEHNE, [redacted]
DAVID E. BELL, [redacted]
DONALD A. BELL, [redacted]
ALBERT P. BENDER, [redacted]
CARLOS A. BENDOYRO, [redacted]
MICHAEL A. BENJAMIN, [redacted]
DANIEL R. BENKE, JR, [redacted]
MACK BENN, III, [redacted]
BARRY J. BENNETT, [redacted]
GEWN B. BENNETT, [redacted]
INSLEE T. BENNETT, III, [redacted]
JAMES E. BENNETT, [redacted]
MARK A. BENNETT, [redacted]
THOMAS W. BENNETT, [redacted]
RICHARD C. BENSEMON, [redacted]
BLAKE L. BENSON, [redacted]
BRIAN D. BENSON, [redacted]
BRUCE W. BENSON, [redacted]
ROBERT M. BENSON, [redacted]
RICHARD R. BENTLEY, [redacted]
RICHARD T. BERG, [redacted]
BRIAN C. BERGDAHL, [redacted]
ALTON L. BERGER, [redacted]
KATHERINE J. BERGERON, [redacted]
MARK L. BERGERON, [redacted]
KEVIN J. BERK, [redacted]
JAY H. BERMAN, [redacted]
JOHN G. BERMINGHAM, [redacted]
STEVEN W. BERNARD, [redacted]
MICHAEL A. BERNING, [redacted]
MATTHEW J. BERRY, [redacted]
STEVEN J. BERRYHILL, [redacted]
DAVID E. BERTRAND, [redacted]
JAMES H. BEST, [redacted]
PAULETTE M. BETHEL, [redacted]
PAMELA A. BETROSOFF, [redacted]
NANCY N. BETTIS, [redacted]
JOSEPH A. BIANCO, [redacted]
MICHAEL N. BIBEE, [redacted]
STEVEN K. BIBLE, [redacted]
DENNIS A. BICKETT, JR, [redacted]
MICHAEL L. BIELEFELDT, [redacted]
BRAD S. BIGELOW, [redacted]
HENRI J. BIGO, [redacted]
LAWRENCE D. BILL, [redacted]
MICHAEL L. BILLINGSLEY, [redacted]
JOSEPH J. BINDER, [redacted]
RONALD J. BIRCHLER, [redacted]
DANIEL J. BIRSCHBACH, [redacted]
DANIEL J. BISANTI, [redacted]
GREGORY A. BISCONE, [redacted]
ELLIE N. BISHOP, [redacted]
JAMES V. BISHOP, [redacted]
PAUL H. BISSELL, [redacted]
BRADFORD J. BISSON, [redacted]
JEAN E. BITNER, [redacted]
RAYMOND A. BIVANS, [redacted]
KIM R. BJERKEBEK, [redacted]
EILEEN A. BJORKMAN, [redacted]
WEITZE L. BJORNNES, [redacted]
NATHAN W. BLACK, [redacted]
STEVEN M. BLACK, [redacted]
KAREN D. BLACKFORD, [redacted]
CHARLES A. BLACKMON, JR, [redacted]
KARL W. BLACKMUN, [redacted]
GARY C. BLACKWELDER, [redacted]
MICHAEL JAMES BLAINE, [redacted]
BRUCE E. BLAISDELL, [redacted]
WILLIAM D. BLAKEMAN, [redacted]
PATRICIA A. BLAKNEY, [redacted]
DAVID A. BLALOCK, [redacted]

RICHARD F. BLANCHETTE, [redacted]
SAMUEL BLANK, [redacted]
STEVEN BLASINGAME, [redacted]
RUDOLPH J. BLAZICKO, [redacted]
DAVID A. BLEHM, [redacted]
JEFFREY J. BLESSING, [redacted]
LARRY N. BLIGE, JR, [redacted]
BRIEUC W. BLOXAM, [redacted]
KENNETH L. BLUMENBERG, [redacted]
PAUL E. BLYSTONE, [redacted]
DENNIS A. BLYTHE, [redacted]
SUZANNE L. BOAHN, [redacted]
CARL D. BODENSCHATZ, [redacted]
RONALD BODY, [redacted]
RALPH A. BOEDIGHEIMER, [redacted]
JOHN V. BOGGESS, [redacted]
KEVIN G. BOGGS, [redacted]
HELEN A. BOHN, [redacted]
PAUL R. BOLAND, [redacted]
STEPHEN L. BOLLMAN, [redacted]
PATRICIA BOMBERGER, [redacted]
ROMAN J. BONCZEK, [redacted]
EUGENE L. BOND, [redacted]
WILLIAM J. BOND, JR, [redacted]
JONATHAN R. BONDS, [redacted]
PAUL R. BOORE, [redacted]
JACKIE H. BOOTH, [redacted]
GERARD J. BORAK, [redacted]
MARK D. BORCHARDT, [redacted]
ANTHONY R. BORJA, [redacted]
THOMAS A. BORLAND, [redacted]
RICHARD L. BORNMANN, JR, [redacted]
WILLIAM J. BORONOW, [redacted]
JOHN J. BORSI, [redacted]
PHILLIP E. BOSSERMAN, [redacted]
ROBERT S. BOURNE, III, [redacted]
DALE A. BOURQUE, [redacted]
SALVATORE BOVA, JR, [redacted]
CYNTHIA D. BOWES, [redacted]
DANIEL W. BOWHOLTZ, [redacted]
JAMES L. BOWLES, JR, [redacted]
KIM A. BOWLING, [redacted]
WAYNE E. BOWSER, [redacted]
RICHARD L. BOYD, [redacted]
DAVID A. BOYER, [redacted]
MARK E. BRACICH, [redacted]
JAMES S. BRACKETT, [redacted]
JANNETT D. BRADFORD, [redacted]
MICHAEL J. BRADFORD, [redacted]
ELIZABETH S. BRADLEY, [redacted]
TOMMIE A. BRADLEY, [redacted]
JOHN R. BRADSHAW, [redacted]
WAYNE C. BRADSHAW, [redacted]
CHARLES W. BRAMLETT, JR, [redacted]
JEFFREY A. BRAND, [redacted]
ANN M. BRANDON, [redacted]
DARRELL W. BRANDON, [redacted]
JOHN A. BRANLY, [redacted]
CLIFFORD O. BRATTEN, [redacted]
ROBERT W. BRAUN, [redacted]
DAVID L. BREEDEN, JR, [redacted]
THOMAS M. BREEN, [redacted]
WILLIAM H. BREEN, [redacted]
DANIEL J. BREES, [redacted]
GEORGE D. BREMER, JR, [redacted]
BRENDA M. BRENNAN, [redacted]
TIMOTHY P. BRENNAN, [redacted]
GLYNN E. BREUER, [redacted]
LAWRENCE C. BREVARD, [redacted]
JAMES G. BREWSTER, JR, [redacted]
FREDERICK W. BRIDGER, [redacted]
MICHAEL W. BRIDGES, [redacted]
WILLIAM J. BRIDY, [redacted]
EDWIN S. BRIGANCE, [redacted]
GLENN O. BRIGHT, [redacted]
MARK S. BRISKI, [redacted]
CURTIS D. BRITT, [redacted]
WILLIAM J. BRITT, [redacted]
DAVID P. BRITTON, [redacted]
PAULA D. BRITTON, [redacted]
RONALD W. BROCK, [redacted]
LARRY G. BROCKSHUS, [redacted]
EDMUND R. BRODEUR, JR, [redacted]
LESTER A. BRONER, JR, [redacted]
DENIS E. BROOKER, [redacted]
MICHAEL D. BROOKS, [redacted]
ROBERT J. BROOKS, [redacted]
WILLIAM L. BROOKS, JR, [redacted]
AL C. BROWN, [redacted]
BRADLEY E. BROWN, [redacted]
DARYL F. BROWN, [redacted]
DEBORAH C. BROWN, [redacted]
DEREK W. BROWN, [redacted]
GEORGE F. BROWN, JR, [redacted]
GREGORY A. BROWN, [redacted]
JAMES E. BROWN, [redacted]
JARVIS L. BROWN, JR, [redacted]
KAREN J. BROWN, [redacted]
KATHERINE L. BROWN, [redacted]
KEVIN G. BROWN, [redacted]
LESLIE R. BROWN, [redacted]
ROBERT H. BROWN, [redacted]
ROSALYN M. BROWN, [redacted]
STEPHEN G. BROWN, [redacted]
VENETIA E. BROWN, [redacted]
VINCENT M. BROWN, [redacted]
JERRY W. BROWNING, [redacted]
KAY S. BRUCE, [redacted]
ROBERT C. BRUNO, [redacted]
THOMAS J. BRUNS, [redacted]
BILLY C. BRUNSON, [redacted]
DANIEL M. BRYAN, [redacted]
MICHAEL R. BRYAN, [redacted]
JAMES A. BRYANT, JR, [redacted]
PAUL E. BRYANT, [redacted]
JAMES R. BUCHANAN, [redacted]
MICHAEL K. BUCK, [redacted]
JOHN N. BUCKALEW, [redacted]
KRIS J. BUCKLEW, [redacted]
MARK A. BUCKNAM, [redacted]
EDWARD BUCNIS, [redacted]
RANDALL W. BUDDISH, [redacted]
JANE F. BUECHLER, [redacted]
STANLEY T. BUECHLER, [redacted]
TERENCE P. BULL, [redacted]
HAROLD E. BULLOCK, [redacted]
THAD F. BUMGARNER, JR, [redacted]
MICHAEL A. BUMPUS, [redacted]
LEWIS A. BUNCH, III, [redacted]
ROBERT L. BURDSAL, [redacted]
ANDRE B. BURGESS, [redacted]
STEPHEN L. BURGESS, [redacted]
DANNY L. BURGSTINER, [redacted]
KEVIN J. BURKE, [redacted]
MICHAEL J. BURKE, [redacted]
JANE R. BURKES, [redacted]
DON A. BURLINGAME, [redacted]
RICHARD L. BURLINGAME, [redacted]
LAUREL I. BURNETT, [redacted]
GORDON R. BURNS, [redacted]
MELANIE C. BURNS, [redacted]
HUGH F. BURRELL, [redacted]
TOM BURRISS, [redacted]
CLARK D. BURTCH, [redacted]
BARON E. BURTON, [redacted]
ANNE W. BURTT, [redacted]
DONALD A. J. BUSCHUR, [redacted]
BRUCE A. BUSH, [redacted]
GEORGE BUSH, [redacted]
WANDA N. BUSSCHER, [redacted]
LAURA L. BUSSERT[redacted]
ERIC R. BUSSIAN, [redacted]
DALE E. BUTLER, [redacted]
MICHAEL S. BUTLER, [redacted]
PATRICK M. BUTLER, [redacted]
AARON D. BYAS, [redacted]
ARTHUR D. BYERS, JR, [redacted]
SCOTT W. BYERS, [redacted]
ROBERT A. BYNON, [redacted]
DIANE M. BYRNE, [redacted]
KELLY F. BYRNE, [redacted]
RONALD E. BYRNE, III, [redacted]
WILLIAM B. BYRNE, III, [redacted]
GERALDINE CADE, [redacted]
LEAH H. CADORE, [redacted]
MARY J. CAFFREY, [redacted]
GAETON A. CAFIERO, [redacted]
STEPHEN E. CAIN, [redacted]
RICHARD A. CALDWELL, [redacted]
PETER V. CALLAMARAS[redacted]
MICHAEL W. CALLAN, [redacted]
JORGE F. CAMACHO, [redacted]
CHARLES S. CAMERON, [redacted]
JAMES J. CAMPBELL, JR, [redacted]
WILLIAM L. CAMPBELL, [redacted]
JESSIE W. CANADAY, [redacted]
RAYMUNDO CANCEL, [redacted]
JOHN F. CANE, [redacted]
DAVID K. CANNON, [redacted]
DAVID N. CANNON, [redacted]
GARY C. CANZONERI, [redacted]
GREGORY S. CAPELLA, [redacted]
ANTHONY CAPRA, [redacted]
SAMUEL G. CARBAUGH, [redacted]
BRUCE E. CARD, [redacted]
MICHAEL D. CARDENAS, [redacted]
JOSEPH D. CARDWELL, [redacted]
KENTON S. CAREY, [redacted]
LANCE CAREY, [redacted]
DOUGLASS S. CARL, [redacted]
DONALD L. CARLSON, [redacted]
MARK D. CARLSON, [redacted]
MICHAEL L. CARLSON, [redacted]
TYLER R. CARLSON, [redacted]
DON A. CARMICHAEL, [redacted]
DOUGLAS N. CARMICHAEL, [redacted]
P. MASON CARPENTER, [redacted]
REYNALDO S. CARPIO, [redacted]
MARTIN W. CARR, [redacted]
EUGENE L. CARRICK, JR, [redacted]
JOEL C. CARRILLO, [redacted]
DANA G. CARROLL, [redacted]
DOUGLAS W. CARROLL, [redacted]
JAMES B. CARROLL, [redacted]
KENNETH R. CARSON, [redacted]
MICHAEL E. CARTER, [redacted]
NEIL D. CARTER, [redacted]
RONNIE L. CARTER, [redacted]
STEVEN A. CARTER, [redacted]
STUART S. CARTER, [redacted]
MICHAEL D. CARTNEY, [redacted]
AARON M. CASADY, [redacted]
JAMES E. CASE, [redacted]
DAVID L. CASEBEER, [redacted]
MICHAEL T. CASEY, [redacted]
STEVEN E. CASH, [redacted]
DAVID R. CASTILLO, [redacted]
TIMOTHY N. CASTLE, [redacted]
CHRISTOPHER M. CASTRO, [redacted]
FELIX CASTRO, [redacted]
FAUSTO CASTRODAD, [redacted]
RICHARD C. CATINGTON, [redacted]
ROBERT M. CATLIN, [redacted]
NEIL D. CATONE, JR, [redacted]
JOHN F. CAUDILL, [redacted]
JOSEPH J. CAVALLARO, [redacted]
LARRY D. CAVITT, [redacted]
CYNTHIA J. CAWELTI, [redacted]
PETER W. CERAUSKIS, [redacted]
SIGMUND A. CHABROWSKI, [redacted]
ROBIN A. CHADDERDON, [redacted]
DAVID C. CHALENDER, [redacted]
JEANNE G. CHAMBERLAIN, [redacted]
ROBERT M. CHAMBERS, [redacted]
MICHAEL G. CHANATRY, [redacted]
ALLEN CHANDLER, [redacted]
YUNHYOK CHANG, [redacted]
PHILLIP A. CHANSLER, [redacted]
JOSEPH O. CHAPA, [redacted]
ROBERT E. CHAPMAN, II, [redacted]
MICHAEL W. CHARRON, [redacted]
HECTOR I. CHAVEZ, [redacted]
JOAQUIM B. CHAVEZ, [redacted]
SCOTT A. CHAVEZ, [redacted]
WILLIAM J. CHEMELLI, [redacted]
ALICE J. CHEN[redacted]
JOSEPH F. CHENEY, [redacted]
WAYNE P. CHEPREN, [redacted]
ALTON G. CHERNEY, [redacted]
JOHN J. CHERNIGA, [redacted]
GILES M. CHERRICK, [redacted]
MARK E. CHICK, [redacted]
DONAL D. CHILDERS, [redacted]
RICHARD K. K. CHING, [redacted]
RICHARD L. CHITTESTER, [redacted]
HOON CHO, [redacted]
MYONG H. CHON, [redacted]
RANDOLPH W. CHOW, [redacted]
EDWARD C. CHRIST, JR, [redacted]
ROBERT W. CHRISTENSEN, [redacted]
BRUCE K. CHRISTICH, [redacted]
LINN A. CHUCK, [redacted]
DAVID P. CLARK, [redacted]
DELORES P. CLARK, [redacted]
EDWARD G. CLARK, [redacted]
GREGG A. CLARK, [redacted]
HAROLD D. CLARK, JR, [redacted]
ISAIAH CLARK, [redacted]
JOHN K. CLARK, [redacted]
JOHN W. CLARK, [redacted]
JULIUS CLARK, JR, [redacted]
LESTER G. CLARK, JR, [redacted]
RAY M. CLARK, [redacted]
TODD A. CLARK, [redacted]
MARY E. CLARKSON, [redacted]
CARLA J. CLATANOFF, [redacted]
BARBARA A. CLAYPOOL, [redacted]
JILL L. CLAYTON, [redacted]
WILLIAM J. CLECKNER, [redacted]
DANIEL C. CLEMENTS, [redacted]
WAYNE D. CLEVER, [redacted]
THOMAS E. CLIFFORD, [redacted]
DOUGLAS G. CLINE, [redacted]
TERESA H. CLINE, [redacted]
ROBERT C. CLINTON, [redacted]
CATHY C. CLOTHIER, [redacted]
COLETTE J. CLOUSE, [redacted]
MICHAEL A. CLOUTIER, [redacted]
GREGORY S. COALE, [redacted]
RAYMOND K. COBB, [redacted]
SANDRA W. COBB, [redacted]
MARY C. COBBLE, [redacted]
JAMES J. COCHRAN, [redacted]
STANLEY R. COCHRAN, [redacted]
BEVERLY A. COE, [redacted]
DAVID E. COFFEE, [redacted]
BRIAN S. COFFIN, [redacted]
MICHAEL L. COFFIN, [redacted]
WILLIAM R. COGGINS, [redacted]
JEFFREY S. COHEN, [redacted]
MICHEAL A. COHEN, [redacted]
WILLIAM D. COHILL, [redacted]
EDWARD T. COKER, II, [redacted]
DALE M. COLAIANNI, [redacted]
KENNETH N. COLE, [redacted]
FREDERICK R. COLEMAN, [redacted]
JANE E. COLEMAN, [redacted]
JEFFREY M. COLEMAN, [redacted]
CYNTHIA COLEY, [redacted]
JOHN COLLER, [redacted]
BRUCE W. COLLETTI, [redacted]
BRIAN J. COLLINS, [redacted]
JOE R. COLLINS, III, [redacted]
PHILLIP B. COLLINS, JR, [redacted]
RAYMOND H. COLLINS, JR, [redacted]
TIMOTHY J. COLLINS, [redacted]
GAIL B. COLVIN, [redacted]
JOCELYN E. COLVINDONALD, [redacted]
DENNIS P. COMAI, [redacted]
DOYLE F. CONE, [redacted]
LANSEN P. CONLEY, [redacted]
BRIAN D. CONLON, [redacted]
JAMES H. CONLON, [redacted]
TED D. CONNALLY, [redacted]
JOSEPH B. CONNELL, [redacted]
DARYL W. CONNER, [redacted]
FREDDIE M. CONNER, JR, [redacted]
MICHAEL A. CONNER, [redacted]
WILLIAM B. CONNOR, III, [redacted]
MARGARET K. CONRAD, [redacted]
ROBERT J. CONRAD, [redacted]
ROY M. CONRAD, [redacted]
PARIS P. CONSTANTZOS, [redacted]
DAVID V. CONWAY, [redacted]
PETER F. CONWAY, [redacted]
WILLIAM L. COODE, [redacted]

CHARLES M. COOK, [redacted]
DAVID E. COOK, [redacted]
JOSEPH W. COOK, III, [redacted]
THOMAS L. COOK, [redacted]
WILLIAM T. COOK, [redacted]
DOUGLAS K. COOKE, [redacted]
ARNOLD E. COOKSON, [redacted]
CLYDE A. COOPER, [redacted]
DANNY L. COOPER, [redacted]
KURT L. COOPER, [redacted]
ROBERT R. COOPER, [redacted]
RONALD COOPERSMITH, [redacted]
DIANE M. COPELAND, [redacted]
ROY S. COPELAND, [redacted]
SERAFINO V. CORDARO, [redacted]
NORBERT R. CORDEIRO, [redacted]
TIM G. CORDNER, [redacted]
JOHN P. CORREIA, [redacted]
MARK A. CORRELL, [redacted]
RAYMOND L. CORRELL, [redacted]
JOSEPH P. CORSO, [redacted]
WILLIAM M. CORSON, [redacted]
FRANCISCO CORTES, [redacted]
DAVID A. CORWIN, [redacted]
DANIEL G. COSHATT, [redacted]
CHARLES E. COSTANZO, [redacted]
ROBERT K. COSTIN, [redacted]
BRENT J. COTE, [redacted]
DAVID A. COTTON, [redacted]
KEITH E. COTTRILL, [redacted]
JOHN S. COUCOULES, [redacted]
CHARLES C. COURTNEY, JR, [redacted]
HERBERT B. COUSINS, [redacted]
DOUGLAS E. COUTURE, [redacted]
BILLY B. COWSER, JR, [redacted]
CLARENCE H. COX, [redacted]
ERNEST A. COX, JR, [redacted]
GARY C. COX, [redacted]
ROBERT M. COX, [redacted]
TONY G. COX, [redacted]
WILLIAM H. COX, [redacted]
WILLIAM S. COYNE, [redacted]
THOMAS P. CRABBE, [redacted]
MARITZA I. S. CRABTREE, [redacted]
JAMES G. CRAMP, [redacted]
RICHARD E. CRANDALL, [redacted]
STEVEN M. CRANDALL, [redacted]
MARK T. CRANE, [redacted]
DAVID J. CRAWFORD, [redacted]
FRANKLIN L. CRAWFORD, [redacted]
JOHN D. CRAWFORD, [redacted]
WILLIAM M. CRAWFORD, [redacted]
MICHAEL P. CREEGAN, [redacted]
PATRICIA A. CREEL, [redacted]
TRACEY HANUS CRIDER, [redacted]
JOSEPH CRILLEY, [redacted]
WILLIAM P. CRISLER, [redacted]
MARION E. CROCKER, JR, [redacted]
DAVID A. CROCKETT, [redacted]
JOHN F. CROGHAN, [redacted]
ROBERT B. CROMER, [redacted]
RONALD R. CROSBY, [redacted]
JAMES E. CROSS, [redacted]
LAURI K. CROSS, [redacted]
PAUL A. CROUSE, [redacted]
TONY D. CROWDER, [redacted]
RAYMOND M. CROWE, [redacted]
JOSEPH C. CROWNOVER, III, [redacted]
KENNETH S. CRUMPTON, [redacted]
PATRICIA C. CRUZ, [redacted]
CHRIS S. CRUZCOSA, JR, [redacted]
CARLOS R. CRUZGONZALEZ, [redacted]
LIBERTADOR O. CUARESMA, [redacted]
CHRISTOPHER R. CUELLAR, [redacted]
GARY J. CULVERHOUSE, [redacted]
CANDYCE H. CUMMINGS, [redacted]
JOYCE A. CUMMINGS, [redacted]
MARK E. CUMMINGS, [redacted]
GEORGE L. CUNNINGHAM, [redacted]
JOAN M. CUNNINGHAM, [redacted]
JOEL B. CUNNINGHAM, [redacted]
PAUL A. CURLETT, [redacted]
MARGARET M. CURRAN, [redacted]
CHARLES B. CURRENS, [redacted]
DOLORES J. CURRY, [redacted]
JAMES M. CURTIS, [redacted]
JOHN R. CURTIS, [redacted]
JOHN W. CURTIS, [redacted]
JAMES B. CUSTODIO, [redacted]
DAROLD R. CVANCARA, [redacted]
GREGORY L. DABNEY, [redacted]
EUGENE DACUS, [redacted]
CHRISTIAN C. DAEHNICK, [redacted]
DELOIS A. DAILEY, [redacted]
WILLIAM P. DAILY, [redacted]
MARY W. DALEY, [redacted]
STEVEN A. DALUZ, [redacted]
GARY G. DAMERON, [redacted]
CHARLES W. DANBURY, [redacted]
FRANK DANESI, JR, [redacted]
RAYMOND W. DANGMAN, [redacted]
TERESA D. DANIELL, [redacted]
GEORGE B. DANIELS, [redacted]
KEVIN E. DANIELS, [redacted]
EDWARD A. DANOWSKI, [redacted]
FREDERICK M. DANUSER, [redacted]
GERALD W. DARLEY, [redacted]
JOANN M. DARLINGTON, [redacted]
KEVIN S. C. DARNELL, [redacted]
JOHN C. DAURIA, [redacted]
MICHAEL L. DAVENPORT, [redacted]
CARY G. DAVIDSON, [redacted]
JOHN D. DAVIDSON, [redacted]
ALBERT L. DAVIS, [redacted]
BOBBY J. DAVIS, JR, [redacted]
CARL L. DAVIS, JR, [redacted]
CLIFFORD W. DAVIS, JR, [redacted]
DANIEL P. DAVIS, [redacted]
DOUGLAS L. DAVIS, [redacted]
MARK S. DAVIS, [redacted]
PERRY H. DAVIS, [redacted]
RICHARD W. DAVIS, [redacted]
ROBERT D. DAVIS, III, [redacted]
DONALD J. DAVITZ, [redacted]
STEPHEN H. DAWIDOWICZ, [redacted]
RHONDA L. DAWSON, [redacted]
MABEL M. DAY, [redacted]
WILLIE P. DEAN, [redacted]
JAMES T. DEAVER, JR, [redacted]
JONATHAN R. DECKER, [redacted]
STEPHEN R. DECOU, [redacted]
RIMA J. DEFORD, [redacted]
DANIEL L. DEFOREST, [redacted]
MARCEL H. DEGRAAF, [redacted]
ROBERT C. DEGROOT, [redacted]
WILLIAM M. DEHART, [redacted]
TOBY N. DEHNERT, [redacted]
ROBERT A. DEIVERT, [redacted]
MICHAEL E. DEJARNETTE, [redacted]
PHILLIP P. DELANEY, [redacted]
DONALD K. DELLINGER, [redacted]
STEVEN A. DELOACH, [redacted]
JAMES M. DENESEVICH, [redacted]
BRADLEY S. DENISON, [redacted]
DAVID B. DENNEY, [redacted]
GREGORY D. DENNEY, [redacted]
JANET H. DENT, [redacted]
LAWRENCE E. DEPATIS, JR, [redacted]
DALE G. DERR, [redacted]
ANTHONY F. DESIMONE, [redacted]
SUSAN Y. DESJARDINS, [redacted]
JAMES R. DESJEAN, [redacted]
ROBERT W. DETTBARN, [redacted]
MARK J. DETTL, [redacted]
PATRICIA A. DEUFEMIA, [redacted]
JAMES G. DEVILLE, JR, [redacted]
LINDA S. DEVLAMINCK, [redacted]
ROBERT C. DEWALD, [redacted]
JOHN J. DIAMOND, JR, [redacted]
ANTHONY M. DIAZ, [redacted]
ENRIQUE DIAZ, [redacted]
RONALD DICKENS, [redacted]
LEE G. DICKINSON, [redacted]
CHERYL L. DIETRICH, [redacted]
HOWARD A. DIETRICH, III, [redacted]
VINCENT P. DIFRONZO, [redacted]
JOHN R. DIGGINS, III, [redacted]
ELLIS B. DIGGS, [redacted]
STEVEN DIGIACOMO, [redacted]
FRANK C. DIGIOVANNI, [redacted]
PAUL H. DIJULIO, [redacted]
GARY S. DILDA, [redacted]
CATHERINE ROSE DOAN, [redacted]
JOHN M. DOBBINS, [redacted]
RALPH S. DOBBS, [redacted]
KARLA F. DODD, [redacted]
MARTIN P. DOEBEL, [redacted]
CARL T. DOMINELLO, [redacted]
JOHN M. DOMINO, [redacted]
SAMUEL J. DOMINO, JR, [redacted]
MICHAEL P. DON, [redacted]
MICHAEL C. DONALDSON, [redacted]
GEOFFREY A. DONATELLI, [redacted]
DEBRA D. DONNAHOO, [redacted]
MARA O. DONOVAN, [redacted]
RONALD G. DOOSE, [redacted]
BRUCE E. DOPFEL, [redacted]
CHRIS P. DORAN, [redacted]
ALLEN E. DORN, [redacted]
MARK A. DORNBUSCH, [redacted]
ROBERT E. DORSEY, [redacted]
THOMAS D. DORSEY, [redacted]
JAMES W. DOSS, JR, [redacted]
PATRICK K. DOTY, [redacted]
CAREN A. DOUGHERTY, [redacted]
ROBERT M. DOUGLAS, [redacted]
HOWARD L. DOUTHIT, III, [redacted]
JACQUELINE J. DOVALE, [redacted]
JERRELL W. DOVE, [redacted]
JAMES W. DOWD, [redacted]
THOMAS P. DOWD, III, [redacted]
JOHN A. DOWLESS, JR, [redacted]
KEVIN G. DOYLE, [redacted]
CHERYL L. DOZIER, [redacted]
DENNIS H. DRADER, [redacted]
JOHNNIE E. DRAKE, JR, [redacted]
MARC L. DRAKE, [redacted]
LAWRENCE W. DRECHSEL, [redacted]
KENNETH L. DRESSEL, [redacted]
STEPHEN T. DREWNOWSKI, [redacted]
GLENN S. DRIES, [redacted]
RONALD G. DRIGGS, [redacted]
COURTNEY L. DRYDEN, [redacted]
ALAN R. DUARTE, [redacted]
DEBRA J. DUBBE, [redacted]
ROBERT D. DUBEK, [redacted]
GARY W. DUCOTE, [redacted]
JACKLINE Y. DUDLEY, [redacted]
MICHAEL J. DUFRENE, [redacted]
SIDNEY L. DUKES, [redacted]
LEIGHTON R. DUNAWAY, [redacted]
PAUL A. DUNBAR, [redacted]
URCHA M. DUNBARCRESPO, [redacted]
CATHERINE M. DUNCAN, [redacted]
LARRY A. DUNCAN, [redacted]
MARC E. DUNCAN, [redacted]
FRANK P. DUNLAP, JR, [redacted]
JULIE A. DUNLEVY, [redacted]
CHRISTOPHER A. DUNN, [redacted]
WILLIAM J. DUNN, JR, [redacted]
BRADLEY B. DUNNING, [redacted]
RICKEY I. DURKIN, [redacted]
MARGARET C. DURRETT, [redacted]
BRADLEY D. DUTY, [redacted]
MICHAEL DWYER, [redacted]
BRIAN EASTWOOD, [redacted]
DOUGLAS A. EBERT, [redacted]
SCOTT B. ECKERT, [redacted]
MELINDA D. EDDINGTON, [redacted]
SCOTT A. EDGAR, [redacted]
KATREE V. EDMONDS, [redacted]
MARTY J. EDMONDS, [redacted]
DONALD R. EDWARDS, [redacted]
HARRY M. EDWARDS, II, [redacted]
JOHN J. EDWARDS, [redacted]
LEONARD R. EDWARDS, JR, [redacted]
MELINDA M. EDWARDS, [redacted]
NORMAN D. EDWARDS, [redacted]
SALVADOR EGEA, [redacted]
JOHN W.EGGEMAN, [redacted]
FRANCIS M. EGGERT, [redacted]
DON E. EGGLEY, [redacted]
CURTIS W. EHMAN, [redacted]
WILLIAM A. EHRENSTROM, [redacted]
THOMAS P. EHRHARD, [redacted]
SUE A. EHRHART, [redacted]
JAMES J. EICHELBERGER, [redacted]
ARTHUR G. EICHLER, [redacted]
JAMES T. EILER, [redacted]
JEFF P. EISENBERG, [redacted]
JEFFREY S. EISENSTEIN, [redacted]
MARY K. EISERTWLODARCZYK, [redacted]
TERRY L. ELBIN, [redacted]
RICHARD LEO ELDER, [redacted]
WILLIAM T. ELIASON, [redacted]
CURTIS R. ELKIN, [redacted]
JERROLD F. ELKIN, [redacted]
JON A. ELLER, [redacted]
PAUL I. ELLINGSON, [redacted]
MICHAEL L. ELLIOTT, [redacted]
DAVID F. ELLIS, [redacted]
HAL R. ELLIS, [redacted]
RUSSELL E. ELLWOOD, [redacted]
JOHNNY F. ELMORE, [redacted]
MICHAEL D. ELROD, [redacted]
THOMAS F. ELSESSER, [redacted]
EDWARD S. ELY, II, [redacted]
CLARK G. ENDAHL, [redacted]
KEYLOR ENG, [redacted]
GORDON T. ENGLEBRETSON, [redacted]
DAVID S. ENGLISH, [redacted]
JOHN T. ENGLISH, [redacted]
ROBERT L. ENGLISH, [redacted]
BRUCE A. ENGLUND, [redacted]
SHEREE K. ENGQUIST, [redacted]
KEVIN M. ENSRUD, [redacted]
JOHN E. ENTREKIN, [redacted]
MICHAEL J. ERICKSEN, [redacted]
STEPHEN CRAIG ERICKSON, [redacted]
DOUGLAS ERLENBUSCH, [redacted]
CHARLES R. ERLINGER, JR, [redacted]
THOMAS E. ERSTFELD, [redacted]
BRIAN D. ERTS, [redacted]
JEFFREY D. ERWIN, [redacted]
KAREN A. ESAIAS, [redacted]
CHERYL L. ESBENSHADE, [redacted]
DARREN H. ESKIND, [redacted]
SUSAN L. ESPINAL, [redacted]
LEONARD J. ESTERLY, JR, [redacted]
KENNETH L. ESTES, [redacted]
ROBERT ETHRIDGE, [redacted]
WILLIAM T. EUKER, [redacted]
MARK A. EUNSON, [redacted]
ANDREW P. EVANKO, [redacted]
DELOISE J. EVANS, [redacted]
DAVID R. EVELAND, [redacted]
MITCHELL O. EVERHART, JR, [redacted]
KENNETH G. EVERSOLE, JR, [redacted]
JOHN E. EWING, [redacted]
LOUISE W. EWING, [redacted]
DEAN A. EYRES, [redacted]
ROLANDO A. FABREGA, [redacted]
DAVID S. FADOK, [redacted]
GREG S. FALDE, [redacted]
MICHAEL FALINO, [redacted]
GEOFFREY J. FALLON, [redacted]
JOHN R. FARLEY, [redacted]
JEFFERSON J. FARMER, [redacted]
JOHN T. FARQUHAR, [redacted]
JOHN F. FARRELL, [redacted]
KENNETH M. FARRELL, [redacted]
MICHAEL T. FARRELL, [redacted]
MARTIN S. FASS, [redacted]
ANDREW K. FAULK, JR, [redacted]
BARBARA J. FAULKENBERRY, [redacted]
EILEEN J. FAULKNER, [redacted]
DALE S. FAUST, [redacted]
TIMOTHY J. FEELEY, [redacted]
DONALD J. FEENEY, [redacted]
LAURA J. FELDMAN, [redacted]
PAUL F. FELIZ, [redacted]
GARY L. FELLOWS, [redacted]
MARY E. FELTAULT, [redacted]
RANDALL K. FELTS, [redacted]
LORRY M. FENNER, [redacted]
ANTHONY D. FERGUSON, [redacted]

JOSEPH E. FERNANDES, [redacted]
JAMES F. FERNCEZ, [redacted]
ROBIN H. FERRIER, [redacted]
WESLEY A. FERRIS, [redacted]
TERESA M. FERRO, [redacted]
ANITA J. FIEDLER, [redacted]
GEORGE B. FIELD, [redacted]
CATHERINE R. FIELDS, [redacted]
PATRICK K. FILLINGIM, [redacted]
CHARLES F. FINAN, JR., [redacted]
DOUGLAS O. FINGLES, JR., [redacted]
BARBARA S. FINK, [redacted]
WALTER E. FINK, [redacted]
RICARDO A. FINNEY, [redacted]
LISA C. FIRMIN, [redacted]
JEFFREY S. FISCHER, [redacted]
MICHAEL E. FISCHER, [redacted]
MANFRED FISCHLEIN, [redacted]
LEONARD F. FISCHMAN, [redacted]
HUBERT B. FISHER, JR., [redacted]
DANIEL E. FITCH, [redacted]
MELVIN FITZPATRICK, [redacted]
THOMAS G. FITZPATRICK, [redacted]
JEFFREY L. FITZSIMMONS, [redacted]
TIMOTHY S. FLAHERTY, [redacted]
MARY A. FLAVIN, [redacted]
MICHAEL A. FLECK, [redacted]
CRAIG GARY FLEMING, [redacted]
ANNE M. FLETCHER, [redacted]
ARNOLD FLORES, [redacted]
DANNY A. FLOWERS, [redacted]
DONALD A. FLOWERS, [redacted]
JOHN M. FLOYD, [redacted]
KEVIN S. FLOYD, [redacted]
MICHAEL E. FLUTY, [redacted]
PATRICK M. FLYNN, [redacted]
STEVEN F. FLYNN, [redacted]
MICHELE A. FOCHT, [redacted]
JOHN T. FOGG, [redacted]
MARY B. FONG, [redacted]
RICHARD R. FONTAINE, [redacted]
JON M. FONTENOT, [redacted]
RONALD E. FONTENOT, [redacted]
WARREN FONTENOT, [redacted]
ROBERT B. FOOTE, [redacted]
JEFFERY A. FORD, [redacted]
LONNIE D. FORD, [redacted]
MICHAEL W. FORD, [redacted]
WILLIAM A. FOREMAN, [redacted]
ANTONIO FORNASIER, [redacted]
JAMES A. FORREST, [redacted]
DAVID R. FORSTNER, [redacted]
LARRY E. FORTNER, [redacted]
MICHAEL E. FOSSUM, [redacted]
JOHN G. FOSTER, JR., [redacted]
PATRICIA K. FOSTER, [redacted]
JACK H. FOUTS, [redacted]
ANDREW FOWKES, [redacted]
CARL E. FOX, [redacted]
GAIL ONILEE FOX, [redacted]
MICHAEL R. FOX, [redacted]
RICHARD M. FRAKER, [redacted]
DAVID W. FRANCIS, [redacted]
EMILIA M. FRANCONA, [redacted]
MICHAEL A. FRANCZEK, [redacted]
SHERRELL D. FRANDSEN, [redacted]
WILLIAM P. FRANKLIN, [redacted]
SCOTT K. FRANKS, [redacted]
WADE A. FRARY, [redacted]
JEFFREY L. FRASER, [redacted]
SCOTT C. FRAZIER, [redacted]
VICTOR R. FRAZIER, [redacted]
JOANN D. FREBURG, [redacted]
MICHAEL R. FREDETTE, [redacted]
PAUL C. FREED, [redacted]
SYLVIA GAIL FREEMAN, [redacted]
ROBERT W. FREI, [redacted]
DAVID A. FRENCH, [redacted]
JAY A. FRENCH, [redacted]
RICKIE A. FRENCH, [redacted]
CAROL P. FRENIERE, [redacted]
MICHAEL W. FRERICHS, [redacted]
GERALD T. FREY, [redacted]
BRUCE H. FRITZ, II, [redacted]
THOMAS R. FRITZ, [redacted]
CHARLES D. FRIZZELLE, JR., [redacted]
ALI C. FROHLICH, [redacted]
JAMES E. FROWEIN, [redacted]
NANCY E. FRYE, [redacted]
RICHARD S. FUHRMANN, [redacted]
STEVEN G. FULTON, [redacted]
DAVID M. FUNK, [redacted]
WILLIAM D. FUQUA, JR., [redacted]
DAVID R. FURLONG, [redacted]
JENNIFER A. FURRU, [redacted]
EDWARD F. FUSCO, [redacted]
JERRY G. GABLE, [redacted]
CLEMENS W. GAINES, JR., [redacted]
GENE R. GALLANT, [redacted]
WAYNE G. GALLANT, [redacted]
FRANK GALLEGOS, [redacted]
JAMES M. GALLIHER, [redacted]
JUDITH A. GAMBLE, [redacted]
HOWARD D. GANS, [redacted]
ROGER A. GANT, [redacted]
JAMES N. GAPINSKI, [redacted]
BRUCE M. GAPSTUR, [redacted]
JOHN M. GARBERSON, [redacted]
MARGARITA C. GARCIA, [redacted]
ARVELLA J. GARDNER, [redacted]
DAVID P. GARDNER, [redacted]
JAN C. GARDNER, [redacted]
RORY D. GARDNER, [redacted]
STEPHEN W. GARDNER, [redacted]
MARK D. GARLOW, [redacted]
JUDY M. GARNER, [redacted]
MICHAEL M. GARRELL, [redacted]
J. RICHARD GARRETT, [redacted]
RICHARD GARVIN, [redacted]
DANIEL T. GASELL, [redacted]
DONALD L. GASSMAN, [redacted]
LORENE T. GASTON, [redacted]
JEFFREY L. GATCOMB, [redacted]
HENRY J. GAUDREAU, [redacted]
KATHRYN L. GAUTHIER, [redacted]
ROBERT C. GAVEL, [redacted]
STEPHEN J. GENSHEIMER, [redacted]
ANDRE A. GERNER, [redacted]
GREGORY R. GERTH, [redacted]
MARK H. GERTH, [redacted]
MICHAEL A. GERZANICS, [redacted]
MICHAEL E. GETHERS, [redacted]
ROBERT F. GIARDINO, [redacted]
BRUCE W. GIBSON, [redacted]
JOHN H. GIBSON, [redacted]
JUDY A. GIBSON, [redacted]
BARBARA J. GILCHRIST, [redacted]
WILL WARNER GILDNER, JR., [redacted]
DANIEL L. GILL, II, [redacted]
PAMELA C. GILL, [redacted]
LARRY A. GILLIAM, [redacted]
RODERICK E. GILLIS, [redacted]
GERAL A. GILLISPIE, [redacted]
GLEN W. GILLUM, JR., [redacted]
GEORGE C. GIROUX, JR., [redacted]
MICHAEL A. GIROUX, [redacted]
TERRENCE E. GIROUX, JR., [redacted]
ALEXANDER P. GISOLDI, [redacted]
PATRICK E. GIUNTA, [redacted]
WALTER D. GIVHAN, [redacted]
EDWARD I. GJERMUNDSEN, [redacted]
DAVID B. GLADE, II, [redacted]
KENNETH M. GLADFELTER, [redacted]
HENRY GLEISBERG, [redacted]
ROBERT A. GLEISBERG, [redacted]
PETER A. GLENNON, [redacted]
JEAN L. GLINES, [redacted]
JOHN A. GLODO, [redacted]
WILLIAM S. GLORE, [redacted]
DAVID S. GLOWACKI, [redacted]
THOMAS G. GLUVNA, JR., [redacted]
DANIEL C. GNAGEY, [redacted]
WILLIAM F. GOAD, [redacted]
ROBERT E. GOCHENAUR, [redacted]
JAMES G. GODFREY, [redacted]
JAMES A. GODSEY, [redacted]
PETER J. GODWIN, [redacted]
SCOTT E. GOEHRING, [redacted]
DIANA L. GOERING, [redacted]
T. T. GOETZ, [redacted]
THELMA T. GOFORTH, [redacted]
HEIDI L. GOLDEN, [redacted]
JOHN H. GOLDEN, [redacted]
PEARL H. GOLDEN, [redacted]
WILLIAM P. GOLDEN, [redacted]
NORMAND G. GOMOLAK, JR., [redacted]
FERNANDO GONZALEZ, [redacted]
JOSE A. GONZALEZ, [redacted]
MANUEL L. GONZALEZ, [redacted]
JAIME A. GONZALVO, [redacted]
WILLIAM F. GOODWIN, II, [redacted]
ROBERT M. GORDON, [redacted]
ROBERT S. GORDON, [redacted]
FRED W. GORTLER, [redacted]
ROBERT J. GORTON, [redacted]
WILLIAM N. GOSSELIN, JR., [redacted]
JAMES W. GOTTSCHALK, [redacted]
FLOYD W. GOWANS, [redacted]
MICHAEL A. GRABLE, III, [redacted]
GARY A. GRABOWSKI, [redacted]
KATHLEEN M. GRABOWSKI, [redacted]
WALTER E. GRACE, III, [redacted]
CHARLES T. GRANT, [redacted]
KEVIN P. GRANT, [redacted]
DAVID H. GRAY, [redacted]
GARY D. GRAY, [redacted]
JONATHAN L. GRAY, [redacted]
JOHN O. GRAZIANI, [redacted]
ALTON GREEN, [redacted]
KURT A. GREEN, [redacted]
JACOB L. GREENE, [redacted]
LLOYD A. GREENE, JR., [redacted]
MARTIN E. GREENE, [redacted]
SUSAN A. GREENE, [redacted]
KARL J. GREENHILL, [redacted]
JAMES J. GREENOUGH, III, [redacted]
WILLIAM T. GREENOUGH, [redacted]
EDWARD F. GREER, [redacted]
JOANNE L. GREGOR, [redacted]
ROBERT W. GREGORIO, [redacted]
JAMES A. GREGORY, [redacted]
JOHN W. GREGORY, III, [redacted]
ROBERT W. GRESHAM, JR., [redacted]
TERRANCE P. GRIBBEN, [redacted]
CECIL L. GRIFFIN, JR., [redacted]
FRANCIS E. GRIFFIN, JR., [redacted]
HUBERT D. GRIFFIN, JR., [redacted]
JOSEPH R. GRIFFITH, [redacted]
STEVEN R. GRIFFITH, [redacted]
BRIAN J. GRIGGS, [redacted]
JOHN R. GRIGGS, [redacted]
CYNTHIA E. GRINDELL, [redacted]
JOHN M. GROBSMITH, [redacted]
MICHAEL J. GROCHOWSKI, [redacted]
FRANKLIN C. GROSS, [redacted]
LAWRENCE K. GRUBBS, [redacted]
DAVID J. GRUBER, [redacted]
LARRY K. GRUNDHAUSER, [redacted]
JOHN C. GRUPE, [redacted]
DAVID GUADALUPE, [redacted]
ROBERT E. GUDGEL, [redacted]
MICHAEL G. GUERIN, [redacted]
WALTER C. GUERRERO, [redacted]
GALEN J. GUILLORY, [redacted]
JAMES M. GUINN, [redacted]
TIMOTHY L. GULLIVER, [redacted]
CHARLES D. GUNTER, [redacted]
RANDAL P. GURCHIN, [redacted]
JOANNE C. GURETSKY, [redacted]
DANIEL L. GUSHARD, [redacted]
GREGG G. GUSTAFSON, [redacted]
GASTON U. GUTIERREZ, [redacted]
ANTHONY E. GUTSCHENRITTER, [redacted]
LAWRENCE A. GUYER, [redacted]
ALBERT L. GUYOTT, JR., [redacted]
PETER J. GVAZDAUSKAS, JR., [redacted]
CHRISTOPHER E. HAAVE, [redacted]
JERRY J. HABA, [redacted]
GREGG E. HAEGE, [redacted]
DAVID E. HAENER, [redacted]
ALLAN L. HAENSGEN, [redacted]
DOUGLAS S. HAGER, [redacted]
JERRY C. HAGGIN, [redacted]
STEPHEN J. HAHN, [redacted]
STEVEN W. HAILES, [redacted]
MITCHELL J. HAILSTONE, [redacted]
LISA M. M. HALE, [redacted]
RICHARD J. HALE, [redacted]
TIMOTHY L. HALE, [redacted]
BYRON E. HALL, [redacted]
DONALD L. HALL, JR., [redacted]
GWENDOLYN M. HALL, [redacted]
MICHAEL W. HALL, [redacted]
RUSSELL S. HALL, [redacted]
THOMAS J. HALL, [redacted]
WILLIAM C. HALL, JR., [redacted]
CINDY L. M. HALLIDAY, [redacted]
HARLOW H. HALLIDAY, [redacted]
MARTHA P. HAM, [redacted]
TIMOTHY L. HAM, [redacted]
JAMES S. HAMBLIN, [redacted]
GARY W. HAMBY, [redacted]
ROBERT A. HAMEL, [redacted]
SCOTT A. HAMER, [redacted]
CHARLES A. HAMILTON, [redacted]
JANENE B. HAMILTON, [redacted]
JILL A. HAMILTON, [redacted]
ROBERT L. HAMILTON, JR., [redacted]
MICHAEL T. HANCOCK, [redacted]
KELLY J. HAND, [redacted]
LESTER K. HANEY, [redacted]
WALTER D. HANKINS, [redacted]
JAMES N. HANLEY, [redacted]
STEVEN R. HANNA, [redacted]
GRADY C. HANNAH, III, [redacted]
JOHN W. HANNEN, JR., [redacted]
LOIS D. HANSEN, [redacted]
STEVEN R. HANSEN, [redacted]
KENNETH G. HANSON, [redacted]
MICHAEL A. HANSON, [redacted]
RONALD H. HANSON, [redacted]
STEVEN R. HANSON, [redacted]
SUSAN R. HANSON, [redacted]
LOUIS J. HARAMBASIC, JR., [redacted]
JIMMIE L. HARDEN, [redacted]
JAMES A. HARDER, [redacted]
TONZI L. HARDGES, [redacted]
TRACY A. HARDWICK, [redacted]
CAROLYN L. HARDY, [redacted]
TIMOTHY G. HARDY, [redacted]
MARY E. HARGROVE, [redacted]
GEORGE E. HARLAN, [redacted]
MARK A. HARMON, [redacted]
PAUL R. HARMON, [redacted]
KEVIN E. HARMS, [redacted]
MICHAEL Q. HARPER, [redacted]
WILLIAM P. HARPER, [redacted]
VICTOR L. HARREL, JR., [redacted]
JOHN D. HARRINGTON, [redacted]
NANCY L. HARRINGTON, [redacted]
DAVID N. HARRIS, [redacted]
DAVID R. HARRIS, [redacted]
EILEEN L. HARRIS, [redacted]
JOHN P. HARRIS, [redacted]
LIONEL E. HARRIS, JR., [redacted]
LUCILLE M. HARRIS, [redacted]
NOLAN W. HARRIS, [redacted]
REGINA V. HARRIS, [redacted]
RICHARD HARRIS, [redacted]
BENJAMIN M. HARRISON, [redacted]
SANDRA C. HARRISON, [redacted]
GREGORY M. HARSTAD, [redacted]
ROBERT J. HARTOON, [redacted]
CONRAD S. HARTZOGE, [redacted]
WILLIAM E. HARVEY, II, [redacted]
STEVEN D. HATTER, [redacted]
VERNON L. HAUGAARD, [redacted]
FRED W. HAUKAAS, [redacted]
RICHARD E. HAUS, [redacted]
EMIL M. HAUSER, [redacted]
JOHN S. HAVEN, II, [redacted]
WILLIAM I. HAVRON, [redacted]
JAMES R. HAWKINS, [redacted]
ROGER M. HAWKINS, [redacted]
ROBERT E. HAWVERMALE, [redacted]
DALE L. HAYDEN, [redacted]

JACK N. HAYDEN, [redacted]
MICHAEL F. HAYDEN, [redacted]
CHARLES H. HAYES, [redacted]
ERIN L. HAYES, [redacted]
JACK D. HAYES, [redacted]
EDWARD J. HAYMAN, [redacted]
DOUGLAS C. HAYNER, [redacted]
JAMES K. HAYS, [redacted]
RONALD A. HAZLETT, [redacted]
DUWAYNE R. HEADRICK, [redacted]
JOHN P. HEALY, [redacted]
PATRICK J. HEATHERMAN, [redacted]
MARK T. HEATON, [redacted]
BOB V. HEBERT, [redacted]
JOSEPH E. HEBERT, [redacted]
SUSANNE T. HECHINGER, [redacted]
GARY R. HECKER, [redacted]
PHILIP N. HEIDMOUS, [redacted]
JOHN L. HEIDRICK, [redacted]
MICHAEL J. HEIMANN, [redacted]
CHERYL A. HEIMERMAN, [redacted]
BRUCE B. HEINLEIN, [redacted]
BRADLEY A. HEITHOLD, [redacted]
MITCHELL L. HEITMANN, [redacted]
RICHARD N. HELMS, [redacted]
HOWARD J. HEMEON, III, [redacted]
HAROLD E. HEMMINGS, JR, [redacted]
GARY R. HENDEL, [redacted]
LARRY J. HENDERSON, [redacted]
SHELIA E. HENDERSON, [redacted]
STEPHEN E. HENDERSON, [redacted]
ROBERT H. HENDRICKS, [redacted]
WILLIAM M. HENDRIX, SR, [redacted]
JAMES G. HENLEY, [redacted]
STEVEN C. HENNEBERRY, [redacted]
ANDREW J. HENRY, [redacted]
RICARDO D. HENRY, [redacted]
BENJAMIN G. HENSLEY, [redacted]
RALPH G. HENSLEY, JR, [redacted]
STEPHEN R. HEPNER, [redacted]
GEORGE B. HEPT, [redacted]
CHARLES J. HERBERT, JR, [redacted]
MARIAISABEL HERNAEZ, [redacted]
AGAPITO HERNANDEZ, JR, [redacted]
ROBERT B. HERNANDEZ, [redacted]
RONALD T. HERPST, [redacted]
MANUEL J. HERRERA, [redacted]
STEVEN W. HERRING, [redacted]
MARTHA A. HERRON, [redacted]
MICHAEL G. HESLEY, [redacted]
DEREK S. HESS, [redacted]
JOHN S. HESTER, III, [redacted]
LEE M. HESTER, [redacted]
RAYMOND M. HESTER, [redacted]
JEFFERY M. HETRICK, [redacted]
JOHN K. HEYDT, [redacted]
HERMAN HICKS, [redacted]
MICHAEL R. HICKS, [redacted]
OTIS L. HICKS, JR, [redacted]
THOMAS E. HICKS, [redacted]
JAMES C. HIGGINS, [redacted]
KIM A. HIGH, [redacted]
CECIL G. HILL, [redacted]
DAVID B. HILL, [redacted]
LARRY G. HILL, JR, [redacted]
SCOTT E. HILL, [redacted]
PEGGY B. HILLEBRANDT, [redacted]
CRAIG S. HINSHAW, [redacted]
CHARLES J. HINTON, [redacted]
WILLIAM D. HINTON, [redacted]
DONALD A. HIRST, [redacted]
CRAIG B. HITCHINGS, [redacted]
CHARLES J. HOAG, [redacted]
RICHARD F. HOAG, [redacted]
PETER W. HOAK, [redacted]
JEFFREY J. HOBSON, [redacted]
JANET J. HOCKERSMITH, [redacted]
EDWARD F. HODEN, JR, [redacted]
KENNETH M. HODGDON, [redacted]
DAWN C. HODGE, [redacted]
MICHAEL W. HODGE, [redacted]
RUSSELL D. HODGKINS, JR, [redacted]
MICHAEL P. HODGSON, [redacted]
STEPHEN L. HOERNLEIN, [redacted]
JOSEPH H. HOFFMAN, III, [redacted]
MARK A. HOFFMAN, [redacted]
WILLIAM C. HOFFMAN, [redacted]
CHARLES R. HOFFMANN, [redacted]
DARRELL C. HOLCK, [redacted]
DAVID M. HOLLAND, JR, [redacted]
DANIEL M. HOLLEY, [redacted]
CLAUDE R. HOLLINGSWORTH, [redacted]
JACK W. HOLMBERG, [redacted]
DEWEY A. HOLMES, [redacted]
JAMES M. HOLMES, [redacted]
STEPHEN H. HOLMGREN, [redacted]
RICHARD L. HOLSINGER, [redacted]
TIMOTHY D. HOLST, [redacted]
EDWARD R. HOLSTON, [redacted]
JEFFREY L. HOLT, [redacted]
ROBERT M. HOMOLA, [redacted]
JAMES R. HONEA, [redacted]
MICHAEL A. HOOBLER, [redacted]
JOHN C. HOOPER, [redacted]
LAWRENCE V. HOPKINS, [redacted]
STEVEN D. HOPKINS, SR, [redacted]
WILLIAM R. HOPMEIER, [redacted]
GLENN T. HOPSON, [redacted]
CHARLES A. HORAN, III, [redacted]
GEOFFREY M. HORAN, [redacted]
JAMES R. HOREJSI, [redacted]
HERMAN F. HORN, [redacted]
RANDALL K. HORN, SR, [redacted]
MARTIN J. HORNYAK, [redacted]
SCOTT J. HOROWITZ, [redacted]
PHILIP HORSTMAN, [redacted]
ROBIN V. HORTH, [redacted]
KIRK S. HORTON, [redacted]
ROBERT W. HORTON, [redacted]
WILLIAM R. HORTON, [redacted]
BONNIE J. HOUCHEN, [redacted]
MARY C. HOUGH, [redacted]
JOHN W. HOUSE, [redacted]
JAMES HOUSTON, JR, [redacted]
DAVID E. HOVEY, [redacted]
GEORGE F. HOWARD, III, [redacted]
LUKE R. HOWARD, [redacted]
MILLARD HOWARD, [redacted]
RONALD W. HOWARD, [redacted]
MARK A. HOWELL, [redacted]
RICHARD D. HOWELL, [redacted]
SCOTT L. HOWELL, [redacted]
VICKI J. HOWELL, [redacted]
MICHAEL J. HOWENSTINE, [redacted]
DERRICK A. HOXIE, III, [redacted]
JOSEPH HROVAT, [redacted]
FRANK M. HUDSON, [redacted]
JAMES B. HUDSON, [redacted]
LARRY W. HUDSON, [redacted]
ROBERT D. HUDSON, [redacted]
WARREN P. HUDSON, [redacted]
CHARLES R. HUFFMAN, JR, [redacted]
NURBERT A. HUGHES, [redacted]
WILLIS J. HUMISTON, [redacted]
DAVID A. HUMPHREY, [redacted]
LLOYD K. HUMPHREY, [redacted]
DENNIS L. HUNT, [redacted]
KERRY M. HUNT, [redacted]
ROBERT D. HUNT, [redacted]
CATHERINE L. HUNTER, [redacted]
CATHERINE R. HUNTER, [redacted]
CHARLOTTE E. HUNTER, [redacted]
JOHN H. HUNTER, III, [redacted]
PAUL R. HUNTER, [redacted]
DONALD C. HUNTLEY, JR, [redacted]
KIMBERLEY HURD, [redacted]
FRANKLIN D. HURST, [redacted]
RICK D. HUSBAND, [redacted]
JOHN W. HUSSEY, [redacted]
DANA B. HUTCHINS, [redacted]
LINDA M. HUTCHINS, [redacted]
PHILLIP J. HUTCHISON, [redacted]
JAMES L. HYATT, III, [redacted]
JAMES W. HYATT, [redacted]
JOHN E. HYTEN, [redacted]
JEFFREY ILLIG, [redacted]
PETER ILLING, [redacted]
KEVIN D. ILLSLEY, [redacted]
DOLORES INCREMONA, [redacted]
LACY INGRAM, JR, [redacted]
GAIL R. INMAN, [redacted]
WILLIAM R. INTIHAR, [redacted]
EDWARD N. IRELAND, [redacted]
THOMAS A. ISKRZAK, [redacted]
GREGORY G. IUSI, [redacted]
COLLIS H. IVERY, III, [redacted]
LEON F. IVESON, [redacted]
CATHERINE R. JACKSON, [redacted]
DEBORAH JACKSON, [redacted]
HUGH L. JACKSON, [redacted]
JOAN E. JACKSON, [redacted]
JOHN K. JACKSON, [redacted]
MICHAEL G. JACKSON, [redacted]
RHONDIE G. JACKSON, [redacted]
WILLIAM A. JACKSON, JR, [redacted]
KEVIN J. JACOBSEN, [redacted]
RANDALL J. JACOBSON, [redacted]
DAYNE D. JACOBY, [redacted]
LAWRENCE A. JACOX, [redacted]
GERARD H. JACQUES, [redacted]
FREDRICK D. JAMES, [redacted]
HAROLD K. JAMES, [redacted]
HOWARD K. JAMES, [redacted]
JUDITH A. JAMES, [redacted]
JAMES D. JAMESON, [redacted]
ROBERTA A. JAMESON, [redacted]
ROBERT M. JAMNICKI, [redacted]
CLARENCE J. JANDT, [redacted]
ROWLAND A. JANISSE, [redacted]
JOSEPH M. JANKOWSKI, [redacted]
KARL J. JARANYI, [redacted]
RICHARD L. JASNAU, [redacted]
GREGORY R. JASPERS, [redacted]
JAMES R. JEFFRIES, [redacted]
AVA M. S. JENKINS, [redacted]
BELINDA G. JENKINS, [redacted]
LINWOOD J. JENKINS, [redacted]
SUSAN J. JENNAWAY, [redacted]
LARRY A. JENNINGS, [redacted]
JERRY W. JENSEN, [redacted]
ROBERT W. JENSEN, [redacted]
HARLEY C. JERGENSEN, [redacted]
HANS J. JERRELL, [redacted]
MARK G. JERSIN, [redacted]
GEORGE D. JETER, [redacted]
KENNETH A. JETER, [redacted]
WILLIAM H. JETER, [redacted]
ALEXANDRE L. JEVGRAFOVS, [redacted]
PHILLIP J. JEWITT, [redacted]
KEITH B. JOCHUM, [redacted]
KARLA I. JOHANSEN, [redacted]
LAURENCE K. JOHANSEN, [redacted]
ALLAN G. JOHNSON, [redacted]
ANDREW W. JOHNSON, JR, [redacted]
DAVID B. JOHNSON, [redacted]
DONALD D. JOHNSON, II, [redacted]
EARL JOHNSON, [redacted]
EDDIE C. JOHNSON, [redacted]
ETHEL A. JOHNSON, [redacted]
HARVEY D. JOHNSON, [redacted]
JAMES G. JOHNSON, [redacted]
KARL M. JOHNSON, [redacted]
KENT D. JOHNSON, [redacted]
KENT L. JOHNSON, [redacted]
LARRY H. JOHNSON, [redacted]
LINDLEY N. JOHNSON, [redacted]
ROBERT E. JOHNSON, [redacted]
SCOTT L. JOHNSON, [redacted]
STEVEN H. JOHNSON, [redacted]
TIMOTHY J. JOHNSON, [redacted]
TIMOTHY L. JOHNSON, [redacted]
WILLIAM B. JOHNSON, JR, [redacted]
WILLIAM W. JOHNSON, JR, [redacted]
JAMIE S. JOHNSTON, [redacted]
LINDA S. JOHNSTON, [redacted]
JEREMIAH S. JONASSON, [redacted]
DARYL P. JONES, [redacted]
DENNIS M. JONES, [redacted]
DONNA K. JONES, [redacted]
ELDON D. JONES, [redacted]
ERNEST JONES, JR, [redacted]
GARY S. JONES, [redacted]
HARVEY L. JONES, [redacted]
IDA M. JONES, [redacted]
JOHN M. JONES, [redacted]
KENNETH D. JONES, [redacted]
MICHAEL A. JONES, [redacted]
NANCY E. JONES, [redacted]
WILLIAM F. JONES, [redacted]
WILLIAM M. JONES, [redacted]
DONALD L. JORDAN, [redacted]
GEORGE E. JORDAN, [redacted]
JARRETT D. JORDAN, [redacted]
JOHN C. JORDAN, [redacted]
REX A. JORDAN, [redacted]
THOMAS C. JORDAN, [redacted]
LANE W. JORDE, [redacted]
MERKEL C. JOSEPH, [redacted]
RONALD G. JOSEPH, [redacted]
DONALD C. JOYNER, [redacted]
CAROL L. JUDGE, [redacted]
JAMES E. JUREWICZ, [redacted]
BENJIMAN A. JURGENS, [redacted]
BRITT L. JUSTMANN, [redacted]
JOHN K. JUSTUS, [redacted]
NANCY A. KACZOR, [redacted]
MICHAEL R. KAESS, [redacted]
KENNETH KAISER, [redacted]
KIM G. KAISER, [redacted]
BRUCE M. KALISH, [redacted]
MELISSA R. KALLETT, [redacted]
ARTHUR R. W. KAMMERLOHR, JR, [redacted]
JOSEPH LEON KAMYSZ, [redacted]
JAY N. KANAVOS, [redacted]
JOHN A. KANE, [redacted]
MICHAEL C. KANE, [redacted]
CHUNG C. KANG, [redacted]
CHARLES K. KAPAKU, [redacted]
SCOTT M. KAPES, [redacted]
LANCE KAPLAN, [redacted]
QUENTIN E. KARELS, [redacted]
JANET C. KARIKA, [redacted]
ROJ KARIMI, [redacted]
FRANCIS E. KARL, [redacted]
KEVIN P. KAROL, [redacted]
WILLIAM B. KARR, JR, [redacted]
FRANCES D. KASSINGER, [redacted]
GEORGE D. KASZUBA, [redacted]
MICHAEL E. KAUFHOLD, [redacted]
DAVID W. KEAN, [redacted]
MICHAEL K. KEANE, [redacted]
PHILIP A. KEARLEY, [redacted]
EUGENE C. KEARNS, JR, [redacted]
JOHN M. KECK, [redacted]
KEITH A. KECK, [redacted]
THOMAS A. KEENAN, [redacted]
LLOYD H. KEETON, JR, [redacted]
LESLIE M. KEFFEL, [redacted]
DENNIS E. KEITH, [redacted]
EDMOND B. KEITH, [redacted]
BEN KELLEY, JR, [redacted]
BRUCE T. KELLEY, [redacted]
DAVID C. KELLEY, [redacted]
DAVID L. KELLEY, [redacted]
JEFFREY W. KELLEY, [redacted]
JOHN V. KELLEY, [redacted]
JUDSON R. KELLEY, [redacted]
PAUL T. KELLEY, [redacted]
DONALD J. KELLOGG, [redacted]
ALBERT J. KELLY, III, [redacted]
CLARK A. KELLY, [redacted]
SEAN P. KELLY, [redacted]
WILLIAM J. KELLY, [redacted]
ROBERT L. KELSEY, [redacted]
GARY L. KEMP, [redacted]
J. T. KEMPER, [redacted]
JEFFREY A. KENNEDY, [redacted]
MARK E. KENNEDY, [redacted]
RUSSELL P. KENNEDY, III, [redacted]
SHARON W. KENNEDY, [redacted]
DANIEL K. KENNEY, [redacted]
GERALD J. KENNEY, [redacted]
FRANK W. KENNIASTY, [redacted]
JAMES M. KENNY, [redacted]
WILLIAM F. KENT, [redacted]
MARCEL E. KERDAVID, JR, [redacted]

ANTHONY T. KERN, [redacted]
DRUSILLA KEY, [redacted]
RICHARD A. KIANKA, [redacted]
CLARK B. KIDD, [redacted]
STEVEN D. KIEFER, [redacted]
JAMES W. KIEL, [redacted]
KEITH E. KIGER, [redacted]
WALTER K. KIKUGAWA, [redacted]
MICHAEL D. KILLGORE, [redacted]
GARY A. KILLIAN, [redacted]
CHARLES M. KILLION, [redacted]
KEVIN L. KIMSEY, [redacted]
LINDA L. KING, [redacted]
PETER B. KING, [redacted]
RONNIE E. KING, [redacted]
CHARLES C. KINKEAD, [redacted]
JAMES E. KINZER, [redacted]
GENE E. KIPPINS, [redacted]
GARY W. KIRK, [redacted]
GEORGE S. KIRK, [redacted]
JONATHAN W. KLAAREN, [redacted]
THOMAS A. KLAINE, [redacted]
EDWARD F. KLEIN, [redacted]
THOMAS D. KLINCAR, [redacted]
RANDALL L. KLING, [redacted]
EDWIN S. KLOBOUCNIK, [redacted]
RICHARD M. KLOMPS, [redacted]
PETER P. KLOPFENSTEIN, [redacted]
WILLIAM J. KLUESNER, [redacted]
ROBERT W. KNAPP, [redacted]
THOMAS P. KNAPP, [redacted]
JAMES M. KNAUF, [redacted]
JOSEPH W. KNEBEL, [redacted]
DOMINICK B. KNIGHT, [redacted]
LAWRENCE E. KNIGHT, [redacted]
PATRICK J. KNOWLTON, [redacted]
CLIFTON L. KNOX, [redacted]
YADIRA T. KNOX, [redacted]
PETER J. KNUDSEN, [redacted]
JAMES A. KOEHLER, [redacted]
WALTHER W. KOELLN, [redacted]
BRADLEY D. KOEPP, [redacted]
PENNY F. KOERNER, [redacted]
MICHAEL A. KOLB, [redacted]
JOHN JOSEPH KONDEK, [redacted]
FRED J. P. KONDRAT, [redacted]
KENNETH M. KONICKI, [redacted]
BLAISE G. KORDELL, [redacted]
CHERYL D. KOREN, [redacted]
LEO B. KOTOWSKI, [redacted]
JERRY A. KOZLOWSKI, [redacted]
DAVID J. KRAS, [redacted]
OTTO J. KRAUSE, JR., [redacted]
TIMOTHY J. KREGEL, [redacted]
LON E. KREGER, [redacted]
WILLIAM M. KREIGHBAUM, [redacted]
TIMOTHY J. KREITINGER, [redacted]
NATHAN R. KREKULA, [redacted]
THOMAS G. KRENIK, [redacted]
MARY L. KRESGE, [redacted]
PENNY P. KRETCHMER, [redacted]
DOUGLAS E. KREULEN, [redacted]
THEODORE J. KREUZER, [redacted]
BENNY J. KRIEGER, [redacted]
JAMES T. KROLL, [redacted]
DARRELL W. KROMKO, [redacted]
RANDALL C. KRUGER, [redacted]
RAYMOND M. KRUTSINGER, [redacted]
DOUGLAS P. KULES, [redacted]
RONALD L. KUPFER, [redacted]
JOHN C. KUPKO, [redacted]
VINCENT KUSH, [redacted]
MUN H. KWON, [redacted]
KEVIN M. KYGER, [redacted]
GARY H. LAAKKO, [redacted]
KEITH M. LABARGE, [redacted]
ROY E. LABUFF, [redacted]
TERESA LACHANCE, [redacted]
MAURICE P. LACHEL, [redacted]
MARK D. LACY, [redacted]
MICHAEL LAFOND, [redacted]
JOHN T. LAHMON, [redacted]
JOHN M. LAHOFF, [redacted]
MARK A. LAIUPPA, [redacted]
KARIN L. LAKEY, [redacted]
SCOTT M. LAMPRIGHT, [redacted]
ELIZABETH F. LANEJOHNSON, [redacted]
ROBERT G. LANG, JR., [redacted]
DENNIS H. LANGE, [redacted]
KAREN J. LANGE, [redacted]
PAUL C. LANGHALS, [redacted]
PHILIP R. LANGHAM, [redacted]
ROY G. LANIER, III, [redacted]
JOSEPH A. LANNI, [redacted]
PAUL A. LAPORTA, [redacted]
CAROL A. LAPORTE, [redacted]
RAPHAEL J. LAPORTE, [redacted]
DAVID R. LARIVEE, [redacted]
THOMAS E. LAROCK, [redacted]
HOWARD L. LARSEN, II, [redacted]
CHRISTOPHER R. LARSON, [redacted]
MARK S. LARSON, [redacted]
FRANK C. LATHROP, [redacted]
EDWARD L. LATIMER, [redacted]
DAVID L. LAUDERBACK, [redacted]
JOSEPH T. LAUR, II, [redacted]
STEPHAN J. LAUSHINE, [redacted]
SUE E. LAUSHINE, [redacted]
GERARD C. LAUTH, JR., [redacted]
DALE R. LAVIGNE, [redacted]
RANDY J. LAVIGNE, [redacted]
KENNETH A. LAVIN, [redacted]
DAVID A. LAVOIE, [redacted]
WILLIAM E. LAW, JR., [redacted]
ROBERT I. LAWCONNELL, [redacted]
GERALD H. LAWRENCE, [redacted]
STEPHEN R. LAWRY, [redacted]
DAVID G. LAWSON, [redacted]
CHARLES L. LEAF, [redacted]
MICHAEL B. LEAHY, [redacted]
PHILLIP R. LEATHERMAN, [redacted]
SUSANNE P. LECLERE, [redacted]
RONNIE G. LEDFORD, [redacted]
DAVID S. LEDIN, [redacted]
ALVIN C. LEE, [redacted]
KENNETH R. LEE, [redacted]
M. DAVID LEE, [redacted]
WILLIAM M. LEE, [redacted]
LAURI M. LEEPER, [redacted]
DAVID W. LEFFLER, [redacted]
JEFFREY LEHIGH, [redacted]
CRAIG A. LENHART, [redacted]
WALTER B. LENKY, JR., [redacted]
GERILYN A. LENTINE, [redacted]
JEFFREY D. LENTZ, [redacted]
RICHARD C. LENZ, [redacted]
DANNY L. LEONARD, [redacted]
JOSEPH A. LEONE, [redacted]
LYNN M. LEONHART, [redacted]
MARK E. LESAGE, [redacted]
THOMAS LESTER, JR., [redacted]
LARRY E. LETCHER, [redacted]
JOHN K. LEVENTIS, JR., [redacted]
FRANK E. LEVESQUE, [redacted]
MICHAEL C. LEVITT, [redacted]
ANTHONY V. LEVY, [redacted]
CHARLES A. LEW, [redacted]
DAVID J. LEWIS, [redacted]
DAVID M. LEWIS, [redacted]
FRANKLIN W. LEWIS, [redacted]
JAMES G. LEWIS, [redacted]
JAMES H. LEWIS, [redacted]
KEVIN R. LEWIS, [redacted]
ROBERT C. LEWIS, JR., [redacted]
RICHARD A. LHEUREUX, [redacted]
PETER H. LHOTKA, [redacted]
ROBERT S. LIAN, [redacted]
JAMES M. LIEPMAN, JR., [redacted]
BRUCE T. LIGHTSEY, [redacted]
RICHARD W. LINDERMAN, [redacted]
STEVEN W. LINDSEY, [redacted]
CLARK R. LINDSTROM, [redacted]
MARK J. LINDSTROM, [redacted]
NICHOLAS LINENBERGER, JR., [redacted]
GREGORY W. LINGLE, [redacted]
BRADLEY S. LINK, [redacted]
GEORGE LINKA, [redacted]
PAUL T. LIPARI, JR., [redacted]
LYNN M. LITCHY, [redacted]
DOUGLAS C. LITTLE, [redacted]
ALAN N. LIVADA, [redacted]
WILLIAM A. LIVELY, [redacted]
JEFFREY D. LIVINGSTON, [redacted]
BRUCE S. LLOYD, [redacted]
JEAN N. LOCKWOOD, [redacted]
DOUGLAS E. LOER, [redacted]
MICHAEL J. LOFTUS, [redacted]
KURTIS D. LOHIDE, [redacted]
HERBERT LOHRBERG, [redacted]
DAVID J. LONG, [redacted]
JOHNNIE D. LONG, [redacted]
ROBERT E. LONG, [redacted]
BARBARA L. LONGI, [redacted]
ROLLIN A. LOOMIS, III, [redacted]
GARY M. LOOPER[redacted]
JACKIE L. LOPEZ, [redacted]
GARY K. LORIMOR, [redacted]
MARSHALL K. LOUNSBERRY, III, [redacted]
BRUCE W. LOVELY, [redacted]
PHYLLIS A. LOVING, [redacted]
PHILLIP D. LOVITT, [redacted]
KURTIS L. LOWE, [redacted]
DANIEL H. LOWERY, JR., [redacted]
RALPH W. LOWRY, III, [redacted]
RONALD D. LOYD, [redacted]
MARK C. LUA, [redacted]
BETTY L. LUCAS, [redacted]
ROBERT J. LUCEY, [redacted]
SANDRA J. LUDWIG, [redacted]
BRET C. LUEDKE, [redacted]
DAVID R. LUGINBUHL, [redacted]
DAWN S. LUKACS, [redacted]
GEORGE M. LUKER, [redacted]
HUGH B. LUNSFORD, JR., [redacted]
PHILIPPE A. LUSSIER, [redacted]
WADE P. LUTTGE, [redacted]
PERRY G. LUZWICK, [redacted]
ROBERT M. LYLES, [redacted]
JAMES H. LYNCH, [redacted]
CHARLES W. LYON, [redacted]
HOLLACE D. LYON, [redacted]
JAMES M. LYON, [redacted]
MICHAEL W. LYONS, [redacted]
KATHERINE C. L. MA, [redacted]
THOMAS R. MABRY, [redacted]
WILLIAM N. MACDONALD, III, [redacted]
ERNEST C. MACHADO, [redacted]
LINDA A. MACK, [redacted]
WALTER E. MACK, [redacted]
WILLIAM E. MACLURE, [redacted]
DAVID W. MADDEN, [redacted]
ROBERT J. MADDOX, [redacted]
CAROL R. MADDUX, [redacted]
RODNEY L. MADDUX, [redacted]
THOMAS D. MADDUX, [redacted]
GERARD J. MADIGAN, [redacted]
MARK E. MADISON, [redacted]
GEORGE M. MADSON, III, [redacted]
MICHAEL J. MAGEE, [redacted]
ROBERT F. MAGEE, [redacted]
STANLEY W. MAGRYTA, [redacted]
JOHN L. MAHAFFEY, [redacted]
MICHAEL W. MAHAN, [redacted]
HEIDI A. MAHONEY, [redacted]
DAVID H. MAITLAND, [redacted]
MICHAEL R. MAKAR, JR., [redacted]
STEPHEN G. MAKAR, [redacted]
ANN ULPUS MAKI, [redacted]
EDUARDO MALARET, [redacted]
MARCIA F. MALCOMB, [redacted]
DAVID MALDONADO, [redacted]
CRAIG J. MALLORY, [redacted]
TRUMAN J. MALLORY, [redacted]
MICHAEL G. MALONE, [redacted]
THOMAS W. MANACAPILLI, [redacted]
ANDREW M. MANLEY, [redacted]
JOHN P. MANN, [redacted]
LARRY W. MANN, [redacted]
OTIS G. MANNON, [redacted]
THEODORE J. MANOLAS, JR., [redacted]
CHARLES W. MANZIONE, JR., [redacted]
SCOTT K. MARBLE, [redacted]
TIMOTHY L. MARCEAU, [redacted]
RICHARD R. MARCOUX, [redacted]
ROBERT W. MARINAN, [redacted]
DONALD L. MARKEL, [redacted]
EDWARD L. MARKEL, [redacted]
CLINT G. MARKUSCH, [redacted]
MARK A. MARKWOOD, [redacted]
WILLIAM S. MARLEY, [redacted]
ANDREW M. MAROTTA, [redacted]
ALBERT L. MARSHALL, [redacted]
REX A. MARSHALL, [redacted]
RODNEY L. MARSHALL, [redacted]
RONALD MARSHALL, [redacted]
SCOTT W. MARSHALL, [redacted]
TERRY S. MARSHALL, [redacted]
BARBARA E. MARSHALL COLEMAN, [redacted]
ANN F. MARTENS, [redacted]
CORBY L. MARTIN, [redacted]
DENNIS S. MARTIN, [redacted]
FREDERICK H. MARTIN, [redacted]
JEFFREY S. MARTIN, [redacted]
LAURA M. MARTIN, [redacted]
RICHARD L. MARTIN, II, [redacted]
ROBERT E. MARTIN, [redacted]
ROBIN D. MARTIN, [redacted]
STEPHEN D. MARTIN, JR., [redacted]
THOMAS L. MARTIN, [redacted]
TIMOTHY G. MARTIN, [redacted]
DEBRA A. MARTINEZ, [redacted]
LAWRENCE W. MARVIN, III, [redacted]
GREGORY T. MARX, [redacted]
CALVIN B. MASON, [redacted]
JEFF C. MASON, [redacted]
PAMELA A. MASON, [redacted]
SCOTT J. MASON, [redacted]
MARC L. MASQUELIER, [redacted]
KYLE E. MASSENBURG, [redacted]
ARLIN E. MASSEY, [redacted]
GREGORY W. MATHIS, [redacted]
LYDIA M. MATHIS, [redacted]
RANDALL R. MATHIS, [redacted]
KEITH A. MATHISON, [redacted]
EARNEST T. MATTHEWS, [redacted]
MICHAEL S. MATTHEWS, [redacted]
RICHARD G. MATTHEWS, [redacted]
SANDRA J. MATTHEWS, [redacted]
ROBERT S. MATZKE, [redacted]
ANTHONY M. MAUER, [redacted]
WILLIAM A. MAULDIN, [redacted]
MICHAEL H. MAUNEY, [redacted]
GEORGE S. MAXWELL, III, [redacted]
RONALD B. MAXWELL, [redacted]
RICHARD A. MAY, [redacted]
RUSSELL L. MAY, [redacted]
RANDALL J. MAYER, [redacted]
JEFFREY G. MAYS, [redacted]
JAMES H. MCADAM, JR., [redacted]
DAVID C. MCAFEE, [redacted]
JOHN J. MCALEENAN, JR., [redacted]
HELEN M. MCALISTER, [redacted]
KIM C. MCARDLE, [redacted]
NEIL H. MCASKILL, [redacted]
JAMES M. MCCALL, [redacted]
MICHAEL J. MCCARRIER, [redacted]
RANDALL S. MCCARTER, [redacted]
PATRICK M. MCCARTHY, [redacted]
MICHAEL A. MCCARTNEY, [redacted]
GAIL M. MCCARTY, [redacted]
RANDALL H. MCCASLAND, [redacted]
RALPH D. MCCLAIN, [redacted]
RICKY J. MCCLARY, [redacted]
JAMES K. MCCLELLAND, [redacted]
BEN MCCOLLUM, II, [redacted]
STEPHEN W. MCCOOL, [redacted]
WILLIAM H. MCCRARY, JR., [redacted]
CATHY MCDANIEL, [redacted]
KENNETH C. MCDANIEL, [redacted]
PAUL A. MCDANIEL, [redacted]
PHILIP W. MCDANIEL, [redacted]
DIANE M. MCDANIELS, [redacted]
DONALD P. MCDERMOTT, [redacted]
BERNARD MCDONAGH, [redacted]
ERNEST P. MCDONALD, [redacted]
JEANANNE M. MCDONALD, [redacted]

RALPH E. MCDONALD, [redacted]
GILBERT B. MCDOUGAL, [redacted]
JOHN T. MCELHENNY, [redacted]
RICHARD P. MCFARLAND, [redacted]
GLENN W. MCGEE, [redacted]
RONALD N. MCGEE, [redacted]
RICHARD T. MCGHEE, III, [redacted]
RONITA M. MCGILL, [redacted]
THOMAS M. MCGINTY, [redacted]
MARGARET A. MCGLINN, [redacted]
JAMES B. MCGUINNESS, [redacted]
KATHRYN M. MCGUIRE, [redacted]
KURT M. MCGUIRE, [redacted]
MICHAEL J. MCGUIRE, JR, [redacted]
MATTHEW G. MCHARG, [redacted]
KEVIN J. MCHENKA, [redacted]
TIMOTHY MCHUGH, [redacted]
MICHAEL P. MCINTIRE, [redacted]
VALERIE J. MCINTOSH, [redacted]
JEFFREY S. MCINTYRE, [redacted]
ROBERT KEISER MCINTYRE, JR, [redacted]
TEDD O. MCINTYRE, [redacted]
CHARLES R. MCKEE, [redacted]
HAROLD W. MCKELVEY, [redacted]
MICHAEL A. MCKENNA, [redacted]
ALBERT MCKINNEY, [redacted]
EARL H. MCKINNEY, JR, [redacted]
RICHARD B. MCKINNEY, [redacted]
ROBERT C. MCKINNEY, [redacted]
WILLIAM D. MCKINNEY, [redacted]
JOHN C. MCKOY, [redacted]
SHARI L. MCLENDON, [redacted]
WILLIAM B. MCLENNAN, [redacted]
ANNIE M. MCLEOD, [redacted]
NANCY M. MCMAHAN, [redacted]
LINDA K. MCMAHON, [redacted]
RICKY J. MCMAHON, [redacted]
LEO P. MCMANUS, [redacted]
WILLIAM J. MCMANUS, [redacted]
PATRICK S. MCMICHAEL, [redacted]
KENNETH N. MCMILLAN, [redacted]
LAJUANNA K. MCMILLAN, [redacted]
JIMMY E. MCMILLIAN, [redacted]
JOHN D. MCMONIGLE, [redacted]
PAUL MCMULLIN, [redacted]
RICHARD B. MCNABB, [redacted]
JEFFREY K. MCNEELY, [redacted]
MICHAEL T. MCNEELY, [redacted]
RON MCNEILL, [redacted]
KURT F. MCPHERSON, [redacted]
ROBERT P. MEADOWS, [redacted]
JOSEPH E. MECADON, [redacted]
MICHAEL E. MEDDERS, [redacted]
MICHAEL F. MEDINA, [redacted]
THOMAS F. MEEHAN, III, [redacted]
DEBRA L. MEEKS, [redacted]
MARK A. MEHALIC, [redacted]
RAYMOND S. MEHRINGER, [redacted]
LEROY D. MEINHARDT, [redacted]
MICHAEL W. MELENDREZ, [redacted]
JOEL E. MELSHA, [redacted]
ALVA W. MENCER, [redacted]
ORRIS B. MERCER, [redacted]
KENNETH D. MERCHANT, [redacted]
JAMES H. MEREDITH, [redacted]
WILLIAM S. MEREDITH, [redacted]
RONALD G. MERIS, [redacted]
MICHAEL A. MERITT, [redacted]
NEAL P. MERO, [redacted]
JAY S. MERSHON, [redacted]
RODNEY G. MESSENGER, [redacted]
JOHN J. MEYER, [redacted]
MARTY G. MEYER, [redacted]
THERESA A. MEYER, [redacted]
PETER N. MICALE, IV, [redacted]
LINDA S. MICHAEL, [redacted]
STEVEN J. MICHAEL, [redacted]
SHEILA P. MICHALKE, [redacted]
JANET R. MIDDLETON, [redacted]
JEFFREY A. MIELKE, [redacted]
LYNNE E. MIELKE, [redacted]
MARK E. MIELKE, [redacted]
MICHAEL W. MIKOLAITIS, [redacted]
GREGORY P. MILES, [redacted]
ALAN G. MILLER, [redacted]
BARRY R. MILLER, [redacted]
CHARLES F. MILLER, [redacted]
DAVID TERRENCE MILLER, [redacted]
DIANA B. MILLER, [redacted]
DONALD T. MILLER, [redacted]
DONALD W. MILLER, [redacted]
DOUGLAS C. MILLER, [redacted]
GLEN A. MILLER, [redacted]
JOHN O. MILLER, [redacted]
JOHN R. MILLER, JR, [redacted]
KEVIN D. MILLER, [redacted]
LAWRENCE J. MILLER, [redacted]
MARY L. MILLER, [redacted]
MITCHELL M. MILLER, [redacted]
RICHARD L. MILLER, [redacted]
RUSSELL F. MILLER, [redacted]
STEPHEN G. MILLER, [redacted]
TERRY A. MILLER, [redacted]
THOMAS H. MILLER, [redacted]
TROY S. MILLER, [redacted]
WILLIAM E. MILLER, [redacted]
MELINDA J. MILLICAN, [redacted]
CHARLES E. MILLIGAN, [redacted]
MICHAEL W. MILLS, [redacted]
RALPH P. MILLSAP, JR, [redacted]
KENNETH C. MILLSPAUGH, [redacted]
JANICE URSULA MILTON, [redacted]
SCOTT EDWARD MINER, [redacted]
DAVID G. MINSTER, [redacted]
DAVID G. MINTO, [redacted]
ALFREDO Q. MIRANDA, JR, [redacted]
PHILLIP A. MISSELDINE, [redacted]
ALVINA K. MITCHELL, [redacted]
DENNIS R. MITCHELL, [redacted]
ROBERT A. MITCHELL, [redacted]
RONALD S. MITCHELL, [redacted]
HENRY MITNAUL, [redacted]
GREG K. MITTELMAN, [redacted]
GREGORY D. MOBLEY, [redacted]
HAROLD T. MOBLEY, [redacted]
JAMES A. MOBLEY, JR, [redacted]
DENNIS P. MOCORRO, [redacted]
MARILEE A. MOLK, [redacted]
DEBRA S. MOLLOY, [redacted]
CHRISTOPHER J. MONAX, [redacted]
HILARIO MONCADA, JR, [redacted]
DOUGLAS T. MONJEAU, [redacted]
RICARDO MONTANEZ, [redacted]
CLADA A. MONTEITH, [redacted]
FERNANDO R. MONTOYA, [redacted]
JOHN C. MOODY, SR, [redacted]
LLOYD K. MOODY, [redacted]
MICHAEL M. MOON, [redacted]
DEXTER F. MOORE, [redacted]
ELIZABETH A. MOORE, [redacted]
KENNETH W. MOORE, [redacted]
ROBERT F. MOORE, [redacted]
THOMAS H. MOORE, [redacted]
NELSON J. MORA, [redacted]
TOMMY MORA, [redacted]
KEVIN F. MORAN, [redacted]
GILLES P. MOREL, [redacted]
J. H. MORGAN, JR, [redacted]
THOMAS E. MORGAN, [redacted]
RAYMUNDO M. MORILLO, [redacted]
RONALD E. MORIN, [redacted]
SUSAN J. MORNINGSTAR, [redacted]
STEVEN C. MORRESE, [redacted]
JOHN H. MORRILL, [redacted]
THOMAS A. MORRIS, [redacted]
WILLIAM P. MORRISON, [redacted]
MARK C. MORTON, [redacted]
ROBERT B. MORTON, [redacted]
SANDRA MORTON, [redacted]
ERIC M. MOSBY, [redacted]
PAUL J. MOSCARELLI, [redacted]
ROBERT K. MOSCHETTA, [redacted]
JOSEPH W. MOSCHLER, JR, [redacted]
GREGG A. MOSER, [redacted]
RICHARD E. MOSES, [redacted]
MELVIN L. MOSIER, III, [redacted]
RENE L. MOSLEY, [redacted]
MICHAEL T. MOSS, [redacted]
WENDY L. MOTLONG, [redacted]
ELAINE D. MOXNESS, [redacted]
PATRICK A. MUEHLENWEG, [redacted]
LEWIS A. MUIRE, [redacted]
BRYAN F. MULLER, [redacted]
ERNEST S. MULLER, [redacted]
WILLIAM B. MULROY, JR, [redacted]
JAMES C. MUMA, [redacted]
JOAN M. MUMAW, [redacted]
SAMUEL S. MUMAW, [redacted]
ROYAL W. MUNRO, [redacted]
LARRY A. MUNSON, [redacted]
WALTER A. MUNYER, [redacted]
DENNIS J. MURPHY, II, [redacted]
JANIS LYNN MURPHY, [redacted]
KEVIN C. MURPHY, [redacted]
RAMONA G. MURPHY, [redacted]
ROBIN L. MURPHY, [redacted]
MELVIN H. MURRAY, [redacted]
NORMAN W. MURRAY, [redacted]
THORNE A. MURRELL, [redacted]
STEVEN E. MUSTO, [redacted]
GARY J. MYERS, [redacted]
JEANNE G. MYERS, [redacted]
LYNDON A. MYERS, [redacted]
DAVID D. MYLIN, [redacted]
STEVEN W. NACHTWEY, [redacted]
KEVIN K. NACK, [redacted]
CARL M. NAGEL, [redacted]
RICHARD F. NAGEL, [redacted]
LARRY L. NALLS, [redacted]
ROBERT M. NAMENDORF, [redacted]
MARIANO NANDIN, JR, [redacted]
MICHAEL J. NAVAS, [redacted]
DAVID C. NEAL, [redacted]
SAMUEL F. NEAL, [redacted]
NANCY L. NEEDHAM, [redacted]
JOHN A. NEELY, [redacted]
ALVIN C. NEFF, [redacted]
ROBERT A. NEGLESS, [redacted]
MICHAEL R. NEILAN, [redacted]
BARBARA K. NELSON, [redacted]
DAVID M. NELSON, [redacted]
JANET E. NELSON, [redacted]
JOHN D. NELSON, [redacted]
MARTIN J. NELSON, [redacted]
PAUL W. NELSON, [redacted]
RANDY E. NELSON, [redacted]
ROBERT J. NELSON, [redacted]
KENNETH E. NERESON, [redacted]
MARYANN NERI, [redacted]
TERI C. NETTER, [redacted]
FRANCIS G. NEUBECK, JR, [redacted]
JAMES K. NEUBURGER, [redacted]
DAVID M. NEUENSWANDER, [redacted]
BENJAMIN A. F. NEW, [redacted]
GEORGE A. NEWBERRY, [redacted]
JEFFREY L. NEWMAN, [redacted]
RICHARD W. NEWMAN, [redacted]
JIMMY R. NEWSOME, [redacted]
LINDA NICHOLAS, [redacted]
DAVID J. NICHOLLS, [redacted]
ALFRED B. NICHOLS, JR, [redacted]
DAVID C. NICHOLS, [redacted]
JANET E. NICHOLS, [redacted]
MARTIN V. NICHOLS, [redacted]
JEFFREY A. NICKERSON, [redacted]
CHARLES C. NICOLOFF, JR, [redacted]
KIRBY E. H. NII, [redacted]
MICHAEL F. NISHNIC, JR, [redacted]
JAMES A. NIXON, [redacted]
WILLIAM E. NOAH, [redacted]
RITA F. NOBLES, [redacted]
JOHN A. NOLAN, [redacted]
JAMES NOLDEN, JR, [redacted]
KEVIN B. NOONAN, [redacted]
THOMAS J. NORBUTUS, [redacted]
THOMAS G. NORMAN, [redacted]
JAMES J. NORRIX, [redacted]
ERNEST D. NORTON, JR, [redacted]
KARIN DECKER NOSS, [redacted]
CHERYL A. NOSTRAND, [redacted]
FRANCIS F. NOVACK, [redacted]
JOSEPH T. NOVAK, [redacted]
KEVIN M. NOVAK, [redacted]
STEPHEN W. NOVICKI, [redacted]
CARL A. NOWACK, [redacted]
MARIA P. NOWACK, [redacted]
RICHARD E. NOWAK, [redacted]
MARK C. NOYES, [redacted]
ALBERT E. NUNLEY, JR, [redacted]
RANDY J. NUNLEY, [redacted]
MICHAEL L. NUNNALLY, [redacted]
CURTIS P. OBAL, [redacted]
ROBERT M. OBERER, [redacted]
THOMAS R. OBOYLE, [redacted]
BRIAN M. OCONNOR, [redacted]
EDWARD C. ODELL, [redacted]
ALVIN T. ODOM, [redacted]
PHILIP M. ODOM, [redacted]
DAVID D. ODONNELL, [redacted]
CHRISTOPHER E. OHARA, [redacted]
DENISE B. OHORAWEBB, [redacted]
THOMAS S. OLASON, [redacted]
JEFFREY C. OLEARY, [redacted]
MICHAEL D. OLEARY, [redacted]
GEOFFREY S. OLIVER, [redacted]
KENNETH M. OLS, [redacted]
MICHAEL J. OLSEN, [redacted]
THOMAS R. OLSEN, JR, [redacted]
BARRY N. OLSON, [redacted]
RICHARD R. OLSON, [redacted]
GORDON A. OLVERA, [redacted]
ROBERT J. OMALLEY, JR, [redacted]
EUGENE K. ONALE, [redacted]
DAVID D. ONDROVIC, [redacted]
BARRY W. ONEAL, [redacted]
CRAIG A. ONEAL, [redacted]
JOHN P. ONEILL, [redacted]
ROBERT A. ONEILL, [redacted]
HARRY N. OPEL, [redacted]
SAMUEL R. OPPELAAR, JR, [redacted]
KATHLEEN J. OREGAN, [redacted]
THERESA D. ORIHUELA, [redacted]
JOHN J. ORLOVSKY, [redacted]
ROBERT ORNELAZ, [redacted]
JOHN T. ORSATO, [redacted]
EMILIO J. ORTA, [redacted]
KENNETH A. ORTMAN, [redacted]
JAMES P. OSBORN, [redacted]
PETER M. OSIKA, [redacted]
RICHARD O. OSMUN, [redacted]
PATRICK G. OSTEEN, [redacted]
SHANE OSTROM, [redacted]
DANIEL W. OSULLIVAN, [redacted]
DIANE M. OSWALD, [redacted]
MATT W. OSWALD, [redacted]
RANDALL A. OTEY, [redacted]
MARK E. OTOOLE, [redacted]
KEITH T. OTSUKA, [redacted]
FRANK L. OTT, II, [redacted]
MICHAEL W. OTTERBLAD, [redacted]
ROBERT P. OTTO, [redacted]
GREGORY S. OWEN, [redacted]
GREGORY D. OWENS, [redacted]
JAMES L. OWENS, [redacted]
PAUL J. PABICH, [redacted]
JERRY D. PACE, [redacted]
RONALD R. PACIELLO, [redacted]
DAVID V. PACIORKOWSKI, [redacted]
DANIEL J. PAGE, [redacted]
PAUL G. PAGE, [redacted]
SHARON K. PAGE, [redacted]
MARC L. PAGLIARO, [redacted]
GERALD O. PAINTER, [redacted]
CAROL L. PAIR, [redacted]
JOSEPH H. PALMER, JR, [redacted]
ROLF S. PALMER, [redacted]
ANTHONY A. PANEK, [redacted]
DELBERT D. PAPE, [redacted]
ANDREW W. PAPP, [redacted]
SCOTT R. PAPP, [redacted]
JAMES W. PARCELS, [redacted]
SUSAN T. PARDO, [redacted]
JOHN I. PARISH, [redacted]
GREGORY A. PARKER, [redacted]
JACQUELYN S. PARKER, [redacted]
KATHY I. PARKER, [redacted]

MARY H. PARKER, [redacted]
ROBERT J. PARSONS, II, [redacted]
THOMAS E. PARSONS, [redacted]
RANDALL N. PASCHALL, [redacted]
ROBERT N. PASE, JR., [redacted]
RICHARD M. PATENAUDE, [redacted]
ANNE P. PATINO, [redacted]
DAVID J. PATRICK, [redacted]
LEONARD A. PATRICK, [redacted]
HERMANSKI PATTERSON, [redacted]
JAMES W. PATTERSON, JR., [redacted]
JOSEPH W. PATTERSON, [redacted]
RICHARD C. PATTERSON, [redacted]
ROBERT B. PATTERSON, JR., [redacted]
SUSAN L. PATTERSON, [redacted]
WAYLAND H. PATTERSON, [redacted]
WILLIAM R. PATTERSON, [redacted]
ALICE S. PATTON, [redacted]
EDWARD J. PAUL, [redacted]
KATHLEEN B. PAUL, [redacted]
ANTHONY E. PAULSON, [redacted]
JAMES R. PAVLISIN, [redacted]
CHANNON K. PAYNE [redacted]
CLYDE N. PAYNE, [redacted]
DON H. PAYNE, JR., [redacted]
DAVID C. PEARCE, [redacted]
ROBERT W. PECHA, [redacted]
JAMES D. PECK, [redacted]
JOSEPH S. PECK, [redacted]
JAMES T. PEDE, [redacted]
JIMMIE N. PEGUES, [redacted]
DARRELL C. PELAN, [redacted]
ERIC M. PELL, [redacted]
KATHRYN L. PENDERGAST, [redacted]
ANNE G. PENN, [redacted]
DAVID P. PEPE, [redacted]
JAMES T. PEPPERS, [redacted]
DAVID E. PERALES, [redacted]
ROBERT B. PERDEW, JR., [redacted]
CHARLES PEREZ, [redacted]
GLEN P. PERRAM, [redacted]
DALE R. PERRY, [redacted]
MARK R. PERUSSE, [redacted]
KENNETH R. PERVINE, [redacted]
ROBERT M. PETERS, [redacted]
VICKI J. PETERS, [redacted]
GARY L. PETERSEN, [redacted]
DOUGLAS R. PETERSON, [redacted]
JOHN C. PETERSON, [redacted]
TERRY L. PETERSON, [redacted]
CHRISTOPHER J. PETIT, [redacted]
JOHN R. PETIT, [redacted]
PATRICK S. PETOSA, [redacted]
THOMAS M. PETRASEK, [redacted]
RICHARD J. PETRASSI, [redacted]
CURTISS R. PETREK, [redacted]
RICHARD L. PETRILLA, [redacted]
STEVEN M. PETRYSZYN, [redacted]
JAMES A. PETTIGREW, III, [redacted]
THOMAS M. PETZOLD, [redacted]
JAMES J. PHELAN, JR, [redacted]
BARBARA A. PHILLIPS, [redacted]
CHARLES D. PHILLIPS, [redacted]
DAVID W. PHILLIPS, [redacted]
DIANE C. PHILLIPS, [redacted]
MICHAEL J. PHILLIPS, [redacted]
RAY R. PHILLIPS, [redacted]
STEPHANIE B. PHILLIPS, [redacted]
EUGENE J. PICKARZ, JR., [redacted]
ANDREW L. PICKENS, JR., [redacted]
KENNETH D. PICKLER, [redacted]
JOHN D. PIEGZIK, [redacted]
JAMES A. PIERSON, [redacted]
DOUGLAS E. PIKOP, [redacted]
PAUL P. PILIPENKO, [redacted]
FREDERICK A. PILLET, [redacted]
MARC Q. PINCOCK, [redacted]
JOSEPH R. PINEAU, [redacted]
SUSAN M. PINKMAN, [redacted]
BARRY L. PINSON, [redacted]
PAUL J. PIOTROWSKI, [redacted]
DAN C. PIPER, [redacted]
DENNIS M. PIPER, [redacted]
CHARLES R. PIRE, [redacted]
DAVID B. PISTILLI, [redacted]
JOHN K. PLACE, [redacted]
JAMES T. PLACKE, [redacted]
DEBRA D. PLANCK, [redacted]
JOSEPH PLOTT, [redacted]
LAWRENCE E. PLUMMER, [redacted]
GREGG A. POITRAS, [redacted]
MICHAEL L. POLANSKY, [redacted]
LLOYD E. POLION, [redacted]
THOMAS E. POLOSKEY, [redacted]
DEREK E. PONCE, [redacted]
TERRY L. PONTON, [redacted]
MICHAEL E. POOLE, [redacted]
LORAINE M. POPE, [redacted]
MICHAEL W. POPE, [redacted]
KENNETH M. POPELAS, [redacted]
PAMELA J. PORTER, [redacted]
REX LEE PORTER, [redacted]
WILLIAM E. PORTER, JR., [redacted]
SUSAN PORTERFIELD [redacted]
MICHAEL W. POTERBA, [redacted]
NETA D. POTTS [redacted]
GREGORY A. POWELL, [redacted]
JAMES E. POWELL, [redacted]
JOHN C. POWELL, [redacted]
PAUL H. POYHONEN, [redacted]
ROBERT J. PRAGGY, JR., [redacted]
JOHN W. PRATT, [redacted]
BRADLEY R. PRAY, [redacted]
LYNDON D. PREAS, [redacted]
JOHN B. PREISINGER, [redacted]
EDWARD L. PRESSLEY, [redacted]
STEPHEN PRETESKA, JR., [redacted]
BRIDGETT R. PRICE, [redacted]
CRAIG J. PRICE, [redacted]
SHELIA D. PRICE, [redacted]
WALTER R. PRICE, [redacted]
ALAN D. PRIDDY, [redacted]
ISTVAN S. PRILESZKY, [redacted]
ALAN C. PROKOSCH, [redacted]
JOY L. PROSISE, [redacted]
PHILLIP D. PROSSEDA, [redacted]
MICHAEL V. PROVOST, [redacted]
MICHAEL J. PRUSZ, [redacted]
KEITH A. PUGH, [redacted]
CARL J. PUNTURERI, [redacted]
CARL PURPURA, [redacted]
JERRY R. PUYEAR, [redacted]
GERARD J. QUENNEVILLE, [redacted]
ROBERT E. QUICK, [redacted]
STEPHEN W. QUINN, [redacted]
CURTIS G. RACKLEY, [redacted]
STEVEN C. RADY, [redacted]
MICHAEL D. RAFFERTY, [redacted]
MICHAEL O. RAFFERTY, [redacted]
JAMES R. RAINEY, [redacted]
STEVEN M. RAINEY, [redacted]
WILLIAM J. RAMEY, JR., [redacted]
DARIO O. RAMIREZ, [redacted]
GAIL S. RAMSAY, [redacted]
MARK F. RAMSAY, [redacted]
JOHNNY H. RAMSEY, [redacted]
ROBERT W. RAMSEY, III, [redacted]
JOHN R. RANCK, JR., [redacted]
JIMASON J. RAND, [redacted]
BOBBIE L. RANDALL, [redacted]
CLINTON K. RANDOLPH, [redacted]
THOMAS J. RAQUER, [redacted]
DOUGLAS S. RATTERREE, [redacted]
MARK A. RAU, [redacted]
DAVID M. RAUCH, [redacted]
MARY M. RAWLINGS, [redacted]
JUDITH A. RAWLS, [redacted]
JEFFEREY W. RAY, [redacted]
LAWRENCE P. REAGAN, JR., [redacted]
MICHAEL K. REARDON, [redacted]
JOHN M. REARIC, [redacted]
CHRIS A. REASNER, [redacted]
HELMUT H. REDA, [redacted]
CATHY D. REDD, [redacted]
LANNIE B. REDFERN, [redacted]
WILLIAM C. REDMOND, [redacted]
CHARLES D. REED, [redacted]
JAMES D. REED, [redacted]
THERESA A. REES, [redacted]
WILLIAM G. REESE, III, [redacted]
LYNDA A. REEVES, [redacted]
JOHN R. REGAN, [redacted]
PETER L. REGAN, JR., [redacted]
DAN H. REICHEL, [redacted]
DONALD L. REICHMAN, [redacted]
CONNIE M. REID, [redacted]
MARK A. REID, [redacted]
MARK F. REIDINGER, [redacted]
KEVIN T. REILLY, [redacted]
ANTHONY M. REINBERG, [redacted]
MICHAEL F. REMEIKA, [redacted]
JODY V. RENNIE, [redacted]
ALBERT J. RESPRESS, [redacted]
DANNY L. REVELANT, [redacted]
WILFREDO REYESORTIZ, [redacted]
CLAYTON L. REYNOLDS, [redacted]
MARK A. REYNOLDS, [redacted]
STEPHEN C. REYNOLDS, [redacted]
REGINALD J. RHEAUME, II, [redacted]
PAMELA M. RIBOVICK, [redacted]
JOHN A. RICCI, II, [redacted]
BARRY J. RICE, [redacted]
NANCY E. RICE, [redacted]
RONALD F. RICHARD, [redacted]
CHARLES F. RICHARDSON, [redacted]
JAMES D. RICHARDSON, JR., [redacted]
RENWICK W. RICHARDSON, [redacted]
SCOTT A. RICHARDSON, [redacted]
STEPHEN M. RICHARDSON, [redacted]
THOMAS H. RICHE, [redacted]
JONATHAN L. RICKET, [redacted]
MICHAEL O. RIDDLE, [redacted]
DARRELL B. RIDGELY, [redacted]
PATRICIA F. RIDGWAY, [redacted]
CURTIS RIDLEY, JR., [redacted]
ROBERT W. RIDLON, JR., [redacted]
KEVIN F. RIEBSAM, [redacted]
KEVIN B. RIEHL, [redacted]
TIMOTHY N. RIES, [redacted]
JAMES RIGGINS, [redacted]
REYNOLDS W. RIGNEY, SR., [redacted]
KATHRYN A. RILEY, [redacted]
ROBERT C. RILEY, [redacted]
WILLIAM F. RILEY, [redacted]
STEVEN M. RINALDI, [redacted]
NANCY ERNST RINE, [redacted]
THOMAS K. RISHER, [redacted]
THOMAS E. RITCHIE, [redacted]
JANET S. RITTER, [redacted]
LUIS R. RIVAS, [redacted]
JULIO C. RIVERA, [redacted]
MARITZA RIVERA, [redacted]
WILLIAM S. ROBBINS, [redacted]
DONALD M. ROBERTS, [redacted]
LARRY J. ROBERTS, [redacted]
MELVIN ROBERTSON, [redacted]
SCOTT B. ROBERTSON, [redacted]
TEDDY K. ROBERTSON, [redacted]
THOMAS E. ROBICHAU, [redacted]
RAYMOND A. ROBIDOUX, JR., [redacted]
BRIAN E. ROBINSON, [redacted]
CAROL L. ROBINSON, [redacted]
EMMETT F. ROBINSON, SR., [redacted]
JANE A. ROBINSON, [redacted]
JOSEPH L. ROBINSON, [redacted]
PETER N. ROBINSON, [redacted]
PHILIP L. ROBINSON, JR., [redacted]
RONNIE L. ROBINSON, [redacted]
STEPHANIE A. ROBINSON, [redacted]
HAROLD E. ROBISON, [redacted]
ROLANDO P. ROBLES, [redacted]
RICHARD C. ROCHE, [redacted]
CHRISTINE M. RODGERS, [redacted]
DAVID G. RODGERS, [redacted]
KENNETH F. RODRIGUEZ, [redacted]
PACIFICO L. RODRIGUEZ, [redacted]
DAVID G. ROE, [redacted]
WILLIAM P. ROEDER, [redacted]
JEROME P. ROEHL, [redacted]
LORRAINE Y. ROEMISH, [redacted]
ANDREW P. ROGERS, [redacted]
BRYAN D. ROGERS, [redacted]
DAVID W. ROGERS, [redacted]
DONNA L. ROGERS, [redacted]
MICHAEL A. ROGERS, [redacted]
PATRICIA A. ROHRER, [redacted]
RICHARD F. ROHRER, [redacted]
LARRY A. ROJAS, [redacted]
ROSS E. ROLEY, [redacted]
STEVEN H. ROLLINS, [redacted]
THOMAS L. ROLLINS, [redacted]
LEONARD A. ROMANO, [redacted]
ROBERT A. RONCACE, [redacted]
DEBORAH ROOKS, [redacted]
JOSEPH M. ROPER, [redacted]
DON A. ROQUE, [redacted]
MANUEL A. ROSARIO, [redacted]
FRANCES A. ROSE, [redacted]
KAREN A. ROSE, [redacted]
JAMES J. ROSOLANKA, [redacted]
DANA W. ROSS, [redacted]
HARRY D. ROSS, [redacted]
MARGARET H. ROSS, [redacted]
SHIRLEY M. ROSS, [redacted]
TEDDY D. ROSS, [redacted]
ANDREW D. ROSSI, [redacted]
MARCIA ROSSI, [redacted]
DAVID L. ROTHWELL, [redacted]
MICHAEL A. ROUND, [redacted]
ARCHIE L. ROUNDTREE, [redacted]
R. J. ROUSE, [redacted]
JOSEPH M. ROUSSEL, [redacted]
PAUL T. ROVEZZI, [redacted]
DAVID A. ROWE, [redacted]
GARY S. ROWLAND, [redacted]
REBECCA S. ROWLAND, [redacted]
JAMES M. ROY, [redacted]
RICHARD J. ROY, [redacted]
WILLIAM J. ROY, [redacted]
LAURENCE K. RUCKER, [redacted]
CLETUS G. RUDD, [redacted]
JAMES C. RUDESILL, [redacted]
JOHN K. RUDOLPH, [redacted]
PHILIP M. RUHLMAN, [redacted]
JOSE RUIZ, JR., [redacted]
WILLIAM J. RUMPEL, [redacted]
JONI M. RUSS, [redacted]
LOUIS E. RUSS, [redacted]
GREGORY L. RUSSELL, [redacted]
GREGORY M. RUSSELL, SR, [redacted]
TIMOTHY M. RUSSELL, [redacted]
LEE W. RUSSLER, JR., [redacted]
GEORGE W. RYAN, JR., [redacted]
KEVIN W. RYAN, [redacted]
STEPHEN V. RYAN, [redacted]
MICHAEL T. RYCZAK, [redacted]
DENNIS R. SACKMAN, [redacted]
PAUL D. SADOWSKI, JR., [redacted]
GEORGE M. SAFKO, [redacted]
DENNIS F. SAGER, [redacted]
WERNER SAJOWITZ, [redacted]
STEPHEN R. SALECK, [redacted]
RICHARD M. SAMARA, [redacted]
GILBERT L. SAMRENY, [redacted]
ALFRED SANCHEZ, [redacted]
GABRIEL A. SANCHEZ, [redacted]
SANDRA K. SANCHEZ, [redacted]
MARLIN L. SANDER, [redacted]
ROY J. SANDERS, [redacted]
HARL H. SANDERSON, JR., [redacted]
KENNETH E. SANDGREN, [redacted]
DAVID C. SANFORD, II, [redacted]
JOSEPH T. SANFORD, [redacted]
NICHOLAS A. SANTANGELO, [redacted]
JAY G. SANTEE, [redacted]
VICTOR M. SANTIAGO, JR., [redacted]
NEIL K. SAPPINGFIELD, [redacted]
WILLIAM J. SARAFIN, [redacted]
JOHN A. SARAKATSANNIS, [redacted]
GREGG Y. SATO, [redacted]
MARK T. SATTERLY, [redacted]
RICHARD M. SAUER, [redacted]
JAMES E. SAULTZ, JR., [redacted]
DANIEL G. SAVILLE, [redacted]
RICHARD J. SAVKO, [redacted]
DANIEL SAXON, [redacted]

JOSEPH D. SAXON, [redacted]
MARTIN L. SAYLES, [redacted]
STEVEN W. SAYRE, [redacted]
MICHAEL J. SCACCA, [redacted]
RALPH S. SCANLAN, [redacted]
RICHARD C. SCARBROCK, [redacted]
KEVIN D. SCASNY, [redacted]
WILLIAM A. SCHAAKE, [redacted]
CINDY L. SCHAEFER, [redacted]
GEORGE K. SCHAEFER, JR, [redacted]
ALBERT C. SCHAFER, [redacted]
ROBY L. SCHAFER, [redacted]
STEVEN E. SCHAFER, [redacted]
RONALD O. SCHARTON, [redacted]
KURT G. SCHELKLE, [redacted]
PETER SCHIAVI, [redacted]
YVONNE E. SCHILZ, [redacted]
JAMES H. SCHINDLER, [redacted]
MICHAEL J. SCHISSEL, [redacted]
MARK O. SCHISSLER, [redacted]
CRAIG H. SCHLATTMANN, [redacted]
ROBIN J. SCHMALTZ, [redacted]
JOHN C. SCHMIDT, [redacted]
PAUL E. SCHMIDT, [redacted]
DAVID E. SCHMITT, [redacted]
GARRET L. SCHNEIDER, [redacted]
HUBERT G. SCHNEIDER, III, [redacted]
JAMES M. SCHNEIDER, [redacted]
JOHN R. SCHNEIDER, [redacted]
KLAUS K. SCHONRANK, [redacted]
STEVEN C. SCHRADER, [redacted]
CHARLES E. SCHRAM, [redacted]
JAMES R. SCHROCK, [redacted]
CRAIG A. SCHROEDER, [redacted]
ROBERT V. SCHROEDER, [redacted]
STEPHEN C. SCHUCH, [redacted]
RICHARD K. SCHUFF, [redacted]
JAMES W. SCHULTHEIS, [redacted]
BRIAN E. SCHULTZ, [redacted]
DENISE I. SCHULTZ, [redacted]
CARL H. SCHWETZ, [redacted]
CHARLES T. SCOTT, [redacted]
DAVID P. SCOTT, [redacted]
GLENN M. SCOTT, [redacted]
JOSEPH E. SCOTT, [redacted]
MICHAEL R. SCOTT, [redacted]
RANDY W. SCOTT, [redacted]
JOSEPH S. SCRENCI, JR, [redacted]
HAROLD A. SCRIPKA, JR, [redacted]
GERALD A. SCRIVENS, [redacted]
ROBERT H. SEABERG, [redacted]
GEORGE G. SEAMAN, [redacted]
STEVEN R. F. SEARCY, [redacted]
PITTS D. SEATON, [redacted]
CHRISTOPHER A. SEAVER, [redacted]
BENNY SEAWRIGHT, [redacted]
MARK E. SECAN, [redacted]
JEFFREY M. SEDLAK, [redacted]
KARL G. SEELANDT, [redacted]
EVELYN T. SEELIG, [redacted]
WAYNE A. SEELIG, [redacted]
JOSEF SEIDL, [redacted]
MATTHEW T. SEITZ, [redacted]
ALTON L. SELF, JR, [redacted]
ERIC M. SEPP, [redacted]
VINCENT J. SERGI, [redacted]
CAROL E. SERPEN, [redacted]
WILLIAM F. SEVERIN, [redacted]
ROY D. SEYBERT, JR, [redacted]
RICHARD A. SHAFER, [redacted]
KATHARINE A. SHAFFER, [redacted]
BERNARD L. SHALZ, JR, [redacted]
JOSEPH J. SHANNON, [redacted]
DEAN E. SHARP, [redacted]
JOHN W. SHARP, [redacted]
JAMES SHAVER, [redacted]
EARL SHELLNER, JR, [redacted]
HOWARD R. SHELWOOD, [redacted]
MICHAEL ALLEN SHEPHERD, [redacted]
WILLIAM L. SHERRILL, JR, [redacted]
GARY H. SHERWOOD, [redacted]
LOUIS R. SHERWOOD, JR, [redacted]
LARRY D. SHIPMAN, [redacted]
CHRISTIAN L. SHIPPEY, [redacted]
DALE T. SHIRASAGO, [redacted]
THOMAS A. SHIRCLIFF, JR, [redacted]
HERBERT C. SHIREY, [redacted]
JERALD S. SHIVER, [redacted]
JOHN J. SHIVNEN, [redacted]
BERT T. SHOEMAKER, [redacted]
CARL E. SHOEMAKER, [redacted]
WELDON B. SHOFNER, [redacted]
BRIAN J. SHOOK, [redacted]
CLYDE M. SHOOK, [redacted]
CHARLES K. SHUGG, [redacted]
PAUL W. SIBAYAN, [redacted]
HAROLD E. SIDLER, III, [redacted]
RAYMOND C. SIKORRA, [redacted]
JAMES T. SILVA, [redacted]
MARK SIME, [redacted]
ROBERT K. SIMM, JR, [redacted]
JEFFREY A. SIMMERS, [redacted]
DANIEL W. SIMMONS, [redacted]
ROBIN A. SIMMONS, [redacted]
DAVID A. SIMMS, [redacted]
DANIEL H. SIMONS, [redacted]
MARVIN L. SIMPSON, JR, [redacted]
STACIE J. SIMPSON, [redacted]
WENDELL P. SIMPSON, III, [redacted]
JOHN H. SIMS, [redacted]
MARC L. SIMS, [redacted]
WILLIAM R. SIMS, JR, [redacted]
SCOTT B. SINES, [redacted]
WILLARD K. SINGLETARY, JR, [redacted]
KENNETH W. SINGLETON, [redacted]
JOHN C. SINGSAAS, [redacted]
MICHAEL J. SINISI, [redacted]
WILLIAM M. SIPHER, [redacted]
STEPHEN M. SISCHO, [redacted]
GARRY E. SITZE, [redacted]
DENNIS L. SIVELLS, [redacted]
EUGENE R. SKELLY, [redacted]
JILL S. SKELTON, [redacted]
SCOTT A. SKILLINGTON, [redacted]
KRISTIAN D. SKINNER, [redacted]
JAMES R. SKOTNICKI, [redacted]
KENNETH L. SLATTUM, [redacted]
JAY P. SLAUGHENHOUPT, [redacted]
ANN C. SLAVIN, [redacted]
LANE A. SMAIL, [redacted]
CAROLYN V. SMALL, [redacted]
KENNETH M. SMALLS, [redacted]
PAUL E. SMALLWOOD, [redacted]
MICHAEL G. SMELLIE, [redacted]
JEFFREY S. SMILEY, [redacted]
LUTHER S. SMILEY, JR, [redacted]
ANTHONY J. SMITH, [redacted]
BRADLEY H. SMITH, [redacted]
BRET J. SMITH, [redacted]
DEAN A. SMITH, [redacted]
DEBRA A. SMITH, [redacted]
DOUGLAS W. SMITH, [redacted]
ERIC C. SMITH, [redacted]
GARY W. SMITH, [redacted]
JAMES R. SMITH, [redacted]
KEITH E. SMITH, [redacted]
KENDEL R. SMITH, JR, [redacted]
KEVIN B. SMITH, [redacted]
LYNDA A. SMITH, [redacted]
MARK S. SMITH, [redacted]
MARVIN R. SMITH, [redacted]
MATTHEW C. SMITH, [redacted]
MICHAEL B. SMITH, [redacted]
MICHAEL D. SMITH, [redacted]
PATRICK L. SMITH, [redacted]
PATRICK T. SMITH, [redacted]
PAUL G. SMITH, [redacted]
PHILIP SMITH, [redacted]
PILOT SMITH, JR, [redacted]
ROBERT L. SMITH, JR, [redacted]
RONALD C. SMITH, [redacted]
TALLY E. SMITH, [redacted]
TIMOTHY D. SMITH, [redacted]
WILBURN W. L. SMITH, [redacted]
WILLIAM H. SMITH, [redacted]
JAMES M. SMOTHERMON, [redacted]
JOSEPH S. SMYTH, [redacted]
DOUGLAS H. SNELL, [redacted]
REX K. SNIDER, JR, [redacted]
THOMAS E. SNODGRASS, [redacted]
LETITIA J. SNOOK, [redacted]
DAVID M. SNYDER, [redacted]
KEITH W. SNYDER, [redacted]
NANCY D. SNYDER, [redacted]
WILLIAM G. SNYDER, [redacted]
MARK S. SOBOTA, [redacted]
JOYCE F. SOHOTRA, [redacted]
DONALD W. SOLANO, [redacted]
HELMUT M. SOLONCH, [redacted]
JOSE E. SOLORZANO, JR, [redacted]
ROBERT M. SONNEMANN, [redacted]
ANTHONY M. SOPRANO, [redacted]
LEONARD J. SORESE, [redacted]
WILFREDO M. SORIANO, [redacted]
JANET L. SORLINDAVIS, [redacted]
VICTOR SOSA, [redacted]
BAXTER L. SOSEBEE, [redacted]
THOMAS H. SOSZYNSKI, [redacted]
SCOTT S. SOTO, [redacted]
JUAN R. SOTOMAYOR, [redacted]
JULIO R. SOTOMAYOR, [redacted]
LYN D. SOUTH, [redacted]
GILLIAM D. SOUTHARD, [redacted]
GLORIA M. SPAIN, [redacted]
DONALD M. SPANO, [redacted]
ANNABEL S. SPARKMAN, [redacted]
MICHAEL A. SPARR, [redacted]
GARY T. SPARROW, [redacted]
DAVID L. SPEAKMON, [redacted]
JON L. SPEAR, [redacted]
DONALD R. SPEIR, [redacted]
EVELYN M. SPENCE, [redacted]
MICHAEL W. SPENCER, [redacted]
WALTER R. SPENCER, III, [redacted]
THOMAS R. SPICER, [redacted]
WILLIAM E. SPINDLER, [redacted]
TERRY L. SPITZMILLER, [redacted]
ROBERT R. SPOONEMORE, [redacted]
GEORGE E. SPOTH, [redacted]
ROBERT P. SPRACALE, [redacted]
NATALIE M. SPRADLING, [redacted]
ERICH M. SPRANGER, [redacted]
DAVID L. SPRAY, [redacted]
JERRY R. SPRAY, [redacted]
HERMAN L. SPRINGER, JR, [redacted]
MARY L. STALEY [redacted]
JOHN T. STALLINGS, [redacted]
JEFFREY E. STAMBAUGH, [redacted]
GREGORY W. STAMPS, [redacted]
ANDREW B. STANFORD, [redacted]
MARK A. STANK, [redacted]
JULIE K. STANLEY, [redacted]
CHARLES W. STANSBERRY, JR, [redacted]
WILLIAM A. STARK, [redacted]
JOHN W. STARKEY, [redacted]
DONALD E. STARZYK, [redacted]
JOHN B. STATON, [redacted]
HARRY H. STECK, [redacted]
HARRIS A. STEED, [redacted]
MICHAEL J. STEEGE, [redacted]
KEITH C. STEELE, [redacted]
ROBERT J. STEELE, [redacted]
TOMMY G. STEIBER, [redacted]
DAVID D. STEINFIELD, [redacted]
TERRANCE M. STENGER, [redacted]
LARRY F. STEPHENS, [redacted]
TERRY D. STEPHENS, [redacted]
TYRONE R. STEPHENS, [redacted]
AUBREY V. STEPHENSON, [redacted]
JAMES C. STEVENS, [redacted]
MARK R. STEVENS, [redacted]
RICHARD D. STEVENS, [redacted]
BRADLEY R. STEWART, [redacted]
DANNY C. STEWART, [redacted]
JACK S. STEWART, [redacted]
KATHY R. STEWART, [redacted]
KEITH M. STEWART, [redacted]
RICHARD P. STEWART, II, [redacted]
ROBERT G. STIEGEL, [redacted]
ROBERT F. STIERWALT, [redacted]
PETER V. STIGLICH, [redacted]
SCOTT R. STIMPERT, [redacted]
MURRELL F. STINNETTE, [redacted]
ROM B. STITTS, [redacted]
DAN J. STIVER, [redacted]
MICHAEL C. STJOHNS, [redacted]
TONJA A. STOCKS, [redacted]
PAULA M. STOEHR, [redacted]
JOSEPH M. STOKER, [redacted]
WILLIAM E. STOLL, [redacted]
RICHARD T. STONE, [redacted]
ROBERT P. STONE, JR, [redacted]
TONY G. STONE, [redacted]
MARK R. STOUT, [redacted]
JOEL S. STRABALA, [redacted]
JAMES L. STRATFORD, [redacted]
JAMES C. STRAWN, [redacted]
SCOTT E. STREIFERT, [redacted]
STEVEN C. STREIFFERT, [redacted]
ANDREW G. STRICKER, [redacted]
ROBERT L. STRICKLAND, [redacted]
KAY A. STRYKER, [redacted]
PAUL B. STUMBO, [redacted]
JOHN D. STURM, [redacted]
THOMAS R. STUTZ, [redacted]
LISA A. SUAREZ, [redacted]
MARC SUKOLSKY, [redacted]
MARK P. SULLIVAN, [redacted]
ROBERT T. SULLIVAN, [redacted]
LARRY W. SUMMERER, [redacted]
JERRY L. SUMMERFIELD, [redacted]
THOMAS D. SUMMERS, II, [redacted]
DONALD L. SUMNER, [redacted]
STEPHEN W. SUMNER, [redacted]
TIMOTHY T. SUMRALL, [redacted]
MICHAEL J. SUTTON, [redacted]
WILLIAM SUTTON, [redacted]
NANCY J. SVENSON, [redacted]
MICHAEL L. SWANKOSKI, [redacted]
ROBERT V. SWANSON, [redacted]
ELIZABETH F. SWEENEY, [redacted]
GLENN A. SWILLING, [redacted]
JOHN D. SWINDOLL, [redacted]
MARVIN N. SWINK, [redacted]
VIRGINIA A. SWINNEY, [redacted]
BRUNILDA SWISHER, [redacted]
ROGER L. SWOPE, [redacted]
RANDALL L. SYKES, [redacted]
PAUL R. SYLVESTER, [redacted]
ROBERT J. SZMANIA, [redacted]
PETER J. SZYJKA, [redacted]
MARK S. TAISHOFF, [redacted]
WILLIAM K. TANNER, [redacted]
MARK B. TAPPER, [redacted]
JAMES E. TARANTINO, [redacted]
MICHAEL S. TARLETON, [redacted]
DONALD S. TARNAUSKAS, [redacted]
DANA P. TARTAGLIONE, [redacted]
DAVIDSON FLORA M. TATE, [redacted]
MARC D. TAUB, [redacted]
CAROL A. TAYLOR, [redacted]
DAVID L. TAYLOR, [redacted]
DAVID R. TAYLOR, [redacted]
HARRY J. TAYLOR, JR, [redacted]
IRA T. TAYLOR, JR, [redacted]
JACK E. TAYLOR, [redacted]
JAMES L. TAYLOR, [redacted]
JETT R. TAYLOR, [redacted]
KENT TAYLOR, [redacted]
KERRY D. TAYLOR, [redacted]
OLIVA TAYLOR, [redacted]
RANDY D. TAYLOR, [redacted]
ROBERT EARL TAYLOR, [redacted]
STEPHEN J. TAYLOR, [redacted]
THOMAS E. TAYLOR, [redacted]
STEVEN L. TEAL, [redacted]
JEANNE E. TENNISON, [redacted]
MARK P. TEODOSIO, [redacted]
RANDY D. TERABERRY, [redacted]
DAVID L. TERRELL, [redacted]
DAVID A. TERRY, [redacted]
GARY W. TESTON, [redacted]
HARRY J. TETI, [redacted]
JEFFREY THAU, [redacted]
PAUL L. THEE, [redacted]
MICHAEL F. THEECK, [redacted]

GREGORY F. THERRIEN, [redacted]
PATRICK W. THIELE, [redacted]
JOHN H. THIGPEN, III, [redacted]
MAXWELL L. THIGPEN, [redacted]
DANNY D. THOMAS, [redacted]
JACK W. THOMAS, [redacted]
JOHNNY L. THOMAS, [redacted]
LEE E. THOMAS, [redacted]
MARK K. THOMAS, [redacted]
MARLON R. THOMAS, [redacted]
WILLIAM E. THOMAS, JR., [redacted]
GUY C. THOMPSON, [redacted]
KAREN L. THOMPSON, [redacted]
SCOTT O. THOMPSON, [redacted]
SONNY THOMPSON, [redacted]
THOMAS B. THOMPSON, [redacted]
TOMMIE THOMPSON, [redacted]
KURT E. THOMSEN, [redacted]
ROBERT W. THOMSON, [redacted]
NAT THONGCHUA, [redacted]
PAULA G. THORNHILL, [redacted]
DION P. THORPE, [redacted]
VIKKI A. THRASHER, [redacted]
KENNETH W. THRESHER, [redacted]
DAVID L. THURSTON, [redacted]
LARRY E. TIBBS, [redacted]
DONNA M. TIEFENBACH, [redacted]
ROBERT M. TIEFENBACH, [redacted]
LESLIE K. TIETZE, [redacted]
FRED L. TINDALL, JR., [redacted]
DANNY R. TIPTON, [redacted]
LUIS M. TIRADO, JR., [redacted]
JONATHAN K. TITUS, [redacted]
WAYNE TODD, [redacted]
MICHAEL A. TODER, [redacted]
ROBERTA M. TOMASINI, [redacted]
WILLIAM L. TOMSON, [redacted]
BONITA J. TONEY, [redacted]
LARRY E. TONNESON, [redacted]
FRANK B. TOOMER, SR., [redacted]
KAREN M. TORRES, [redacted]
RAYMOND G. TORRES, [redacted]
JUAN R. TORRUELLA, JR., [redacted]
DEAN O. TOW, JR., [redacted]
PATRICK R. TOWER, [redacted]
BRUCE C. TOWNSEND, [redacted]
JERRY B. TOWNSEND, [redacted]
KAZUO M. TOWNSEND, [redacted]
LAWRENCE M. TRACEY, [redacted]
RICHARD K. TRASTER, [redacted]
STEWART E. TRAUTMAN, JR., [redacted]
RICHARD C. TREASURE, JR., [redacted]
ROSS C. TREMBLAY, [redacted]
MICHAEL S. TRIMBOLI, [redacted]
THOMAS E. TRIPPE, [redacted]
JOHN E. TROUT, [redacted]
STEVEN E. TROYER, [redacted]
YOLANDA B. TRUCKENBRODT, [redacted]
DEAN N. TRUDEAU, [redacted]
TIMOTHY P. TRUSK, [redacted]
CRAIG E. TUBB, [redacted]
JAMES O. TUBBS, [redacted]
EDITH B. TUDOR, [redacted]
ELLSWORTH E. TULBERG, JR., [redacted]
JOHN A. TULEY, [redacted]
CHARLES L. TURBE, [redacted]
GEORGE FRANCIS TURNER, II, [redacted]
GUY D. TURNER, [redacted]
HERMAN L. TURNER, [redacted]
JAMES C. TURNER, [redacted]
JAMES F. TURNER, [redacted]
MARK P. TURNER, [redacted]
MICHAEL D. TURNER, [redacted]
PAUL N. TURNER, [redacted]
RANDY K. TURNER, [redacted]
TERESA G. TURNER, [redacted]
DANIEL E. TURNEY, [redacted]
DAVID M. TYE, [redacted]
DEANNA S. TYLER, [redacted]
DWIGHT P. TYNES, [redacted]
JAMES N. TYSON, [redacted]
JOSEPH F. UDEMI, [redacted]
WILLIAM W. UHLE, JR., [redacted]
JERRY D. ULLOM, [redacted]
STEVEN L. UMBAUGH, [redacted]
EDWARD T. UNANGST, JR., [redacted]
DAVID K. UNDERWOOD, [redacted]
DAVID R. UNDERWOOD, [redacted]
ALTHERIA W. UNGER, [redacted]
RONALD K. UNRUH, [redacted]
ROBERT A. UPSHUR, JR., [redacted]
BRIAN T. URBANCSIK, [redacted]
SHERYL M. UTHE, [redacted]
CHARLES T. UYEDA, JR., [redacted]
PETER M. VACCARO, [redacted]
LEWIS A. VADEN, [redacted]
GARY R. VALDATA, [redacted]
RICARDO VALDEZ, JR., [redacted]
EUGENIO H. VALENTIN, [redacted]
IAN M. VALENTINE, JR., [redacted]
DAVID A. VALLADO, [redacted]
JOHN A. VANBEMMEL, [redacted]
LARRY R. VANBROCKLIN, [redacted]
PAUL J. VANCHERI, [redacted]
JAY L. VANDERSTELT, [redacted]
JONATHAN D. VANGUILDER, [redacted]
MARK D. VANHEYNIGEN, [redacted]
VICTOR W. VANOTEGHEM, [redacted]
DONALD E. VANSLAMBROOK, [redacted]
DAVID W. VANWAGONER, [redacted]
HENRY L. VARACCHI, [redacted]
EDUARDO L. VARGAS, [redacted]
BRADLEY K. VARNEY, [redacted]
MARJORIE L. VARUSKA, [redacted]
TEDDY T. VARWIG, [redacted]
FRANK C. VASQUEZ, [redacted]
PEDRO VASQUEZ, JR., [redacted]
TIMOTHY G. VAUGHAN, [redacted]
MICHAEL G. VAUGHN, [redacted]
SUZANNE M. VAUTRINOT, [redacted]
JULIO A. VELA, [redacted]
KAREN K. VELARDE, [redacted]
RICK VELASQUEZ, [redacted]
WILLIAM M. VENABLE, [redacted]
JOHN VENEZIANO, [redacted]
PETER J. VERRECHIO, [redacted]
MICHAEL G. VIDAL, [redacted]
STEPHEN G. VISCO, [redacted]
EMI T. VISHOOT, [redacted]
MICHAEL P. VITOLO, [redacted]
JOSEPH H. VIVORI, [redacted]
DANIEL R. VOGT, [redacted]
GEORGE C. VOGT, [redacted]
KENNETH E. VONBUETTNER, [redacted]
DAVID M. VOTIPKA, [redacted]
JEFFREY W. VOUDREN, [redacted]
ROBERT P. VOZZOLA, [redacted]
WERNER W. WAAK, [redacted]
ROBERT G. WACHE, [redacted]
RICHARD A. WADHAMS, [redacted]
STEVEN D. WAGNER, [redacted]
ALEXANDER T. WALDRON, [redacted]
ANDREW WALKER, [redacted]
DANIEL R. WALKER, [redacted]
LARRY L. WALKER, [redacted]
MARCELLUS WALKER, JR., [redacted]
ROBERT M. WALKER, [redacted]
SAMUEL J. WALKER, [redacted]
SAMUEL M. WALKER, [redacted]
BYRON H. WALL, [redacted]
DAVID J. WALLACE, [redacted]
ROBERT W. WALLACE, [redacted]
MARGIE L. WALLING, [redacted]
RANDALL M. WALLS, [redacted]
MARK R. WALPUS, [redacted]
GLENN A. WALSH, [redacted]
LARRY J. WALSH, [redacted]
MICHAEL S. WALTER, [redacted]
DONALD E. WALTERS, [redacted]
GLENN WALTERS, [redacted]
WILEY W. WALTERS, JR., [redacted]
KATHY D. WARD, [redacted]
MICHAEL L. PAUL WARD, [redacted]
THOMAS J. WARD, [redacted]
SYLVIA C. WARDLEYNIEMI, [redacted]
DERRICK G. WARFORD, [redacted]
GREGORY T. WARHOLA, [redacted]
DARTANIAN WARR, [redacted]
EDWARD A. WARWICK, III, [redacted]
VICTOR L. WARZINSKI, [redacted]
LARRY S. WASHINGTON, [redacted]
MARK R. WASSERMAN, [redacted]
STEVEN C. WATERS, [redacted]
HOWARD L. WATKINS, [redacted]
JONATHAN J. WATKINS, [redacted]
MARIAN WATKINS, [redacted]
DAVID E. WATTS, [redacted]
RALPH L. WATTS, JR., [redacted]
RUTH E. WATTS, [redacted]
JAMES M. WAURISHUK, JR., [redacted]
MARK P. WEADON, [redacted]
BARBARA T. WEAVER, [redacted]
MICHAEL E. WEAVER, [redacted]
ROGER E. WEAVER, [redacted]
WILLIAM M. WEAVER, [redacted]
DENNIS N. WEBB, [redacted]
JUDITH B. WEBB, [redacted]
MICHAEL J. WEBB, [redacted]
BLAINE F. WEBBER, [redacted]
AVA N. WEBBSHARPLESS, [redacted]
SCOTT D. WEBER, [redacted]
JOSEPH G. WEBSTER, [redacted]
TERRY L. WEBSTER, [redacted]
DONALD C. WECKHORST, [redacted]
DAVID C. WEDNER, [redacted]
JAMES R. WEEKS, JR., [redacted]
TRAVIS E. WEEKS, [redacted]
DANIEL L. WEESE, [redacted]
MICHAEL G. WEIGGANDS, [redacted]
JOHN W. WEISER, [redacted]
BARNEY E. WELCH, JR., [redacted]
DAVID K. WELCH, [redacted]
JAMES M. WELLER, II, [redacted]
MARKA A. WELLINGTON, [redacted]
ANN L. WELLS, [redacted]
STEVEN C. WELLS, [redacted]
WILLIAM O. WELSH, III, [redacted]
JAMES J. WENDLING, [redacted]
WAYNE H. WENTZ, [redacted]
CHERYL A. WEST, [redacted]
JOHN T. WEST, [redacted]
WILLIAM A. WEST, [redacted]
WILLIAM F. WEST, JR., [redacted]
WILLIAM K. WEST, [redacted]
EDGAR S. WESTERLUND, [redacted]
DONALD E. WETER, [redacted]
MICHAEL J. WHEATLEY, [redacted]
JON A. WHEELER, [redacted]
SANDRA A. WHEELER, [redacted]
SCOTT L. WHEELER, [redacted]
STEVEN H. WHEELER, [redacted]
DEAN A. WHEELWRIGHT, [redacted]
GLENN R. WHICKER, [redacted]
SAMUEL K. WHILDING, [redacted]
RANDY L. WHIPPLE, [redacted]
GREGORY B. WHITE, [redacted]
JOHN V. WHITE, [redacted]
KATHARINE K. WHITE, [redacted]
LARRY D. WHITE, [redacted]
LARRY J. WHITE, [redacted]
MICHAEL P. WHITE, [redacted]
PATRICIA L. WHITE, [redacted]
RICHARD G. WHITE, JR., [redacted]
ROBERT P. WHITE, [redacted]
TIMOTHY G. WHITE, [redacted]
DOROTHY J. WHITLOCK, [redacted]
ROBERT B. WHITTLE, [redacted]
GREGORY S. WIEBE, [redacted]
ROBERT C. WIECHERT, JR., [redacted]
DENNIS R. WIER, [redacted]
GEORGE D. WIGGAM, [redacted]
ROY L. WIGGINS, [redacted]
EUGENE J. WIKLE, [redacted]
JOHN S. WILCOX, [redacted]
MARJORIE M. WILCOX, [redacted]
WAYNE WILCOX, JR., [redacted]
PAUL M. WILD, [redacted]
STEVEN WILDEROTTER, [redacted]
KAREN S. WILHELM, [redacted]
JAMES E. WILHITE, [redacted]
RODNEY L. WILKINSON, [redacted]
CLARENCE S. WILLARD, [redacted]
MARY L. WILLEFSKY, [redacted]
BARRY M. WILLIAMS, [redacted]
BRETT T. WILLIAMS, [redacted]
DANIEL A. WILLIAMS, [redacted]
DAVID J. WILLIAMS, [redacted]
EDWIN L. WILLIAMS, [redacted]
FRANK WILLIAMS, [redacted]
HILDA T. WILLIAMS, [redacted]
KENNETH A. WILLIAMS, JR., [redacted]
LARRY D. WILLIAMS, [redacted]
MARK A. WILLIAMS, [redacted]
OLIVER A. WILLIAMS, [redacted]
RANDOLPH S. WILLIAMS, [redacted]
ROBERT WILLIAMS, [redacted]
ROBERT C. WILLIAMS, [redacted]
STEPHEN L. WILLIAMS, [redacted]
STEVEN E. WILLIAMS, [redacted]
TERESA E. WILLIAMS, [redacted]
TIMOTHY R. WILLIAMS, [redacted]
TYRONE G. WILLIAMS, [redacted]
WILLIE J. WILLIAMS, [redacted]
CARL WILLIAMSON, [redacted]
DANA N. WILLIS, [redacted]
CARL L. WILSON, [redacted]
GREGORY WILSON, [redacted]
JOHN L. WILSON, [redacted]
JON C. WILSON, [redacted]
KEVIN J. WILSON, [redacted]
MYRTISTENE H. WILSON, [redacted]
NEIL C. WILSON, JR., [redacted]
ROBERT A. WILSON, [redacted]
SANDRA F. WILSON, [redacted]
STEPHEN W. WILSON, [redacted]
WILLIAM H. WILSON, JR., [redacted]
KIMBERLY A. WILSONHAWVERMALE, [redacted]
ROBBIN A. WIMMLER, [redacted]
ROBERT T. WIMPLE, JR., [redacted]
JAROLD B. WINANS, [redacted]
MARK A. WINFIELD, [redacted]
RANDY L. WINGLER, [redacted]
DAVID C. WINKLER, [redacted]
BYRON L. WINN, [redacted]
DEACON L. WINTERS, [redacted]
KATHLEEN M. WINTERS, [redacted]
ROBERT S. WINTERS, [redacted]
MICHAEL D. WINTON, [redacted]
LYNN A. WISE, [redacted]
ALAN S. WISNIEWSKI, [redacted]
RAOYD D. WITCHEY, [redacted]
MICHAEL C. WITHERS, [redacted]
MARK H. WITT, [redacted]
TIMOTHY J. WITT, [redacted]
MARTIN L. WITTEL, [redacted]
CLETUS F. WITTER, [redacted]
JOHN K. WOJAHN, [redacted]
JOSEPH A. WOJSZYNSKI, [redacted]
RICK S. WOLAVER, [redacted]
SIFES W. WOLF, JR., [redacted]
CHARLES W. WOLFE, JR., [redacted]
CAROL J. WOLOSZ, [redacted]
MICHAEL P. WOLTZ, [redacted]
ALBERT L. WOOD, JR., [redacted]
GEORGE A. WOOD, [redacted]
JOHN C. WOOD, [redacted]
RONALD B. WOOD, [redacted]
NATHANIEL WOODARD, SR., [redacted]
KENNETH W. WOODEN, [redacted]
SCOTT A. WOODHAM, [redacted]
CARMON L. WOODLEY, [redacted]
ROBERT S. WOODSMALL, [redacted]
ARLETTE C. WOODWARD, [redacted]
DAVID L. WOOLLEY, [redacted]
LETEITA S. WOOTEN, [redacted]
LARRY D. WORKCUFF, [redacted]
TERRY L. WORKMAN, [redacted]
KENNETH D. WORTHYLAKE, [redacted]
BEVERLY C. WRIGHT, [redacted]
DALE L. WRIGHT, [redacted]
DAVID R. WRIGHT, [redacted]
DEIDRE J. WRIGHT, [redacted]
IRENE E. WRIGHT, [redacted]
LAWRENCE WRIGHT, [redacted]
MARK D. WRIGHT, [redacted]
RICHARD L. WRIGHT, JR., [redacted]

PAUL D. WUEBOLD, [redacted]
JOHN W. WYLAM, JR, [redacted]
BRENT T. YAMAUCHI, [redacted]
ROBERT YATES, [redacted]
RICHARD S. YEAGER, [redacted]
CARROLL V. YEATTS, JR, [redacted]
SEAN M. YERONICK, [redacted]
DANIEL S. YINGER, [redacted]
KEITH YOCKEY, [redacted]
JOHN D. YODER, [redacted]
DAVID M. YOST, [redacted]
KIRK A. YOST, [redacted]
DAVID E. YOUKER, [redacted]
HUGH W. YOUMANS, [redacted]
DAVID C. YOUNG, [redacted]
GREGORY A. YOUNG, [redacted]
RAYMOND H. YOUNG, [redacted]
SAMMY J. YOUNG, [redacted]
CATHLEEN B. YOUNGSMA, [redacted]
ANTHONY D. YOUTZY, [redacted]
DAVID E. YOW, [redacted]
THOMAS E. ZAJAC, [redacted]
BRYAN ZAK, [redacted]
ARTURO G. ZALDIVAR, [redacted]
GILBERT ZAMORA, JR, [redacted]
ROBERT ZAPATA, [redacted]
DAVID J. ZDENEK, [redacted]
EDWIN A. ZEHNER, [redacted]
ROBERT H. ZEIGLER, [redacted]
JOSEPH E. ZEIS, JR, [redacted]
WARREN E. ZELENSKI, [redacted]
FRANCIS J. ZELLER, [redacted]
MICHAEL P. ZEPF, [redacted]
BRUCE ZEYTOONIAN, [redacted]
STEPHEN B. ZIEHMN, [redacted]
JUDD R. ZILLIOUX, [redacted]
HERBERT R. ZUCKER, [redacted]
WALDEMAR ZUKAUSKAS, [redacted]
GARRY P. ZURAWKA, [redacted]
MICHAEL D. ZWART, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be major

PAUL A. ANDERSON, [redacted]
DWIGHT R. BRASWELL, [redacted]
GARY D. BROOKS, [redacted]
DARRELL W. BRUNING, [redacted]
JAMES E. BURNETT, [redacted]
JAMES N. CUTTER, [redacted]
JEFFRY A. DULL, [redacted]
WAYNE H. FLAKE, [redacted]
DAVID R. GAETA, [redacted]
RONALD M. GAVIN, [redacted]
JEFFREY G. GUILD, [redacted]
DONALD W. HAGLER, [redacted]
TERRELL E. HAMILTON, [redacted]
MARLIN L. HARRIS, [redacted]
ROBERT P. HIGGINBOTHAM, [redacted]
GERALD A. HOUGE, [redacted]
PERRY B. IRBY, [redacted]
JADELL JANES, [redacted]
MARK E. KARLE, [redacted]
CHARLES W. LEWIS, [redacted]
PHILIP G. MCLEMORE, [redacted]
LORENZA R. MEEKINS, [redacted]
PHILLIP M. NANNEY, [redacted]
DANIEL NIGOLIAN, [redacted]
PETER B. OTTO, [redacted]
ALEXANDER PERSON, JR, [redacted]
JOEL G. RAYFIELD, [redacted]
GLENN D. ROGERS, [redacted]
WILLIAM A. RUSH, III, [redacted]
BARRY E. RYAN, [redacted]
GARY L. SMITH, [redacted]
STEWARD A. SMITH, [redacted]
RICHARD E. SPEARMAN, JR, [redacted]
KAREN H. STOCKS, [redacted]
JON R. STOVALL, [redacted]
STEVEN M. TORGERSON, [redacted]

JUDGE ADVOCATE

To be major

ANDREA M. ANDERSEN, [redacted]
ROBERT C. BARTLEMAY, [redacted]
JAMES A. BLACKWELL, III, [redacted]
DAVID F. BRASH, [redacted]
RANDALL G. BUNDY, [redacted]
CHRISTOPHER F. BURNE, [redacted]
JAMES D. BUSH, [redacted]
JOHN S. CHAMBLEE, [redacted]
DRAKE H. CHARLES, [redacted]
DAVID W. CLAYPOOL, [redacted]
LE ELLEN COACHER, [redacted]
ROBERT E. COACHER, [redacted]
PAUL J. COELUS, JR, [redacted]
ROBERT V. COMBS, II, [redacted]
DANIEL T. COOKSEY, [redacted]
DAVID W. CORDINGLY, [redacted]
ALLAN L. DETERT, [redacted]
NORBERT J. DIAZ, [redacted]
ANNETTE EDDIECALLAGAIN, [redacted]
THOMAS H. ESHMAN, II, [redacted]
MICHAEL J. FARR, [redacted]
JULIE K. FEGLEY, [redacted]
MICHAEL A. FLEMING, [redacted]
WILLIAM GAMPEL, [redacted]
GREGORY GIRARD, [redacted]
ODELL GROOMS, [redacted]
WILLIE A. GUNN, [redacted]
STEVEN A. HATFIELD, [redacted]
PAMELA HOWARD, [redacted]
CHARLES P. KIELKOPF, [redacted]
HARRIS J. KLINE, [redacted]
BEVERLY B. KNOTT, [redacted]
JOHN H. KONGABLE, [redacted]
MARK R. LAND, [redacted]
MARIANNE O. LARIVEE, [redacted]
PATRICK W. LINDEMANN, [redacted]
PETER R. MASCIOLA, [redacted]
STEVEN L. MILLER, [redacted]
RAYMOND E. RISSLING, [redacted]
WILLIAM E. SCHIREMAN, [redacted]
DAWN E. B. SCHOLZ, [redacted]
KURT D. SCHUMAN, [redacted]
SCOTT W. SINGER, [redacted]
KEITH M. SORGE, [redacted]
LAURENCE M. SOYBEL, [redacted]
JOHN F. SPURLIN, [redacted]
HOLLY M. STONE, [redacted]
JO ANN STRINGFIELD, [redacted]
RONALD E. TODD, [redacted]
JOSEPH V. TREANOR, III, [redacted]
RICHARD J. VACURA, [redacted]
DAVID R. VECERA, [redacted]
ISRAEL B. WILLNER, [redacted]
WAYNE WISNIEWSKI, [redacted]

NURSE CORPS

To be major

JANICE L. ABLES, [redacted]
LORRAINE M. ADAMS, [redacted]
PATRICIA E. ALVOET, [redacted]
SHERRY L. ANDERSEN, [redacted]
BRUCE F. ANDREWS, [redacted]
MARSHA ATKINS, [redacted]
SHARON A. BANICKI, [redacted]
NANCY N. BANNISTER, [redacted]
LYNETTE M. BELL, [redacted]
WILLIE C. BERRINGER, [redacted]
JACK C. BLAINE, [redacted]
CHERYL M. BOSCO, [redacted]
NAOMI M. BOSS, [redacted]
SALLEE A. BRITTON, [redacted]
DONNA M. BROWN, [redacted]
RICHARD E. BURROW, III, [redacted]
SHARON M. CARLISLE, [redacted]
DOROTHY L. CARTER, [redacted]
LAWRENCE D. CATON, [redacted]
SCOTT J. CHANDLER, [redacted]
RANDY L. CLABAUGH, [redacted]
RITA A. CLARK, [redacted]
MARGARET M. COLE, [redacted]
HENRY J. CORTEZ, [redacted]
ANNE T. COYNE, [redacted]
RHONDA L. DAVIS, [redacted]
JOANN H. DAWSON, [redacted]
RAMON B. DENNY, [redacted]
JOHN L. DOLAN, [redacted]
MARGARET K. DONALDSON, [redacted]
KATHY L. DUEDE, [redacted]
CRAIG E. DUNN, [redacted]
HELEN F. EDWARDS, [redacted]
PATRICIA R. ELMORE, [redacted]
NANCY A. ERBACH, [redacted]
SUSAN A. FLOW, [redacted]
DIANA L. FRANK, [redacted]
DEBRA L. GAGNON, [redacted]
ROBERT L. GAUDREAU, [redacted]
TERRY W. GIVENS, [redacted]
RANDY H. GONSALVES, [redacted]
JOAN L. GONZALEZ, [redacted]
DEBORAH M. GOOD, [redacted]
ROBERT J. GOTTSCHALK, [redacted]
CHARLES S. GRANTONIC, [redacted]
CELINDA L. GREEN, [redacted]
SOLOMON H. GREEN, [redacted]
CASIMIR T. GROCHOWSKI, [redacted]
DENISE S. HARDY, [redacted]
JANE A. HEBERT, [redacted]
LUISA M. HERNANDEZ, [redacted]
HARVEY K. HILLIARD, [redacted]
TYANN A. HINDELANG, [redacted]
DAVID T. HOCKING, [redacted]
LAWRENCE M. HOGANSON, [redacted]
ROGER H. HOLBORN, [redacted]
EVA J. HOLSTINE, [redacted]
DAWN E. ISHERWOOD, [redacted]
ANNIE B. JACKSON, [redacted]
PAULA R. JAMESON, [redacted]
MARY A. JASINSKI, [redacted]
PHILIP W. JULIAN, [redacted]
LAURA M. KARANOVICH, [redacted]
WANDA F. KARLS, [redacted]
JOYCE L. KELLY, [redacted]
NANCY M. KERR, [redacted]
DIANE L. KROSKEY, [redacted]
THOMAS F. LANGSTON, [redacted]
REBECCA S. LEBSACK, [redacted]
MARGARET L. LEOPARDI, [redacted]
MARIANNE C. LEWIN, [redacted]
CAROL A. LONGWELL, [redacted]
DAVID L. LUSK, [redacted]
JENNY B. LUTZ, [redacted]
DIXIE L. LYON, [redacted]
DOUGLAS J. LYPEK, [redacted]
PAMELA G. MADDEN, [redacted]
PETER P. MAHER, [redacted]
JOHN J. MALEC, [redacted]
ROBERT E. MANNELL, [redacted]
VICTORIA M. MARINO, [redacted]
CHARLIE H. MCGEE, III, [redacted]
SALLY A. MILES, [redacted]
LORI L. MONTGOMERY, [redacted]
DANNY L. MOORE, [redacted]
KATHLYN L. MORGAN, [redacted]
JOAN E. MORRISSEY, [redacted]
BARBARA E. NAWOROL, [redacted]
JULIA E. NELSON, [redacted]
CYNTHIA M. NORRIS, [redacted]
DEBORAH A. NOVACK, [redacted]
TERRY L. B. PARKER, [redacted]
ARLENE A. PERRY, [redacted]
WILLIAM O. PETTY, [redacted]
JUSTITO L. PLATON, [redacted]
SUZANNE M. PRILESZKY, [redacted]
SHARON J. PRIVETT, [redacted]
LINDA S. RIFFLE, [redacted]
DEBRA A. RITROVATO, [redacted]
SUANNE ROGERS, [redacted]
MELODY J. D. RYDGREN, [redacted]
KARRIN W. SAX, [redacted]
TAMMY R. SCHAEFFER, [redacted]
CYNTHIA L. SEMONES, [redacted]
MICHAELA R. SHAFER, [redacted]
JOYCE M. SHIVELY, [redacted]
VICKI L. SIMPSON, [redacted]
MONICA R. SKARBAN, [redacted]
DONNA L. SMITH, [redacted]
KARLA A. SMITH, [redacted]
PAMELA S. SMITH, [redacted]
CAROL A. STEBERL, [redacted]
DEBORAH L. STEPHENS, [redacted]
YVETTE E. STEPHENSON, [redacted]
MARY L. STEVENS, [redacted]
CHRISTINE C. STUART, [redacted]
MARGARET A. STULTZ, [redacted]
MARY J. STUTSON, [redacted]
SUSAN R. SULLIVAN, [redacted]
CELESTE B. SUMINSBY, [redacted]
CHIN S. K. SUNG, [redacted]
SUSAN C. SWANSBURG, [redacted]
DONNALEE SYKES, [redacted]
VICTORIA E. TAYLOR, [redacted]
KAREN S. THOMPSON, [redacted]
JAMES F. TITCH, [redacted]
GLORIA J. TWILLEY, [redacted]
CAROL L. UMSTEADRASCHMANN, [redacted]
ELAINE D. VEREEN, [redacted]
THOMAS E. VEZIE, JR, [redacted]
DEBORAH L. WATTS, [redacted]
ELAINE S. WILSON, [redacted]
WILLIE C. WINFIELD, JR, [redacted]
DORI L. WORTHY, [redacted]
VICTORIA G. ZAMARRIPA, [redacted]
RUBY M. ZDENEK, [redacted]

MEDICAL SERVICE CORPS

To be major

GREGORY O. ALLEN, [redacted]
ANNETTE R. ANDERSON, [redacted]
ROBERT N. ARMSTRONG, [redacted]
MORA KATHI L. BISHOP, [redacted]
F. MICHEAL BRIDGES, [redacted]
ROBERT C. BROOKES, II, [redacted]
DONALD L. BROWN, [redacted]
DAVID A. COSTA, [redacted]
JAMES P. COUNSMAN, [redacted]
FRANCIS D. CUMBERLAND, JR, [redacted]
CRAIG A. CYR, [redacted]
JEANETTE ERICKSON, [redacted]
ROGER S. GOETZ, [redacted]
DAVID S. GRASER, [redacted]
RAYMOND A. GROOM, [redacted]
WILFRID J. HILL, [redacted]
DONNA D. KELTZ, [redacted]
BERNARD J. KERR, JR, [redacted]
MARYANN LAWRENCE, [redacted]
MARK A. LAZARUS, [redacted]
ROBERT C. MALDONADO, [redacted]
ROGER L. MARTIN, [redacted]
EUGENE A. MIGLIACCIO, [redacted]
BRUCE C. MILLER, [redacted]
NANCY D. MOORE, [redacted]
RONALD S. MURPHY, [redacted]
DREXEL J. OWENS, [redacted]
JOANNE S. PARKES, [redacted]
MICHAEL L. PERRY, [redacted]
FRED W. PETERS, JR, [redacted]
JAMES C. PUSTAY, [redacted]
CHARLES M. QUINNELLY, [redacted]
DONALD L. RAGSDALE, [redacted]
YOLANDA REAVIS, [redacted]
NANCY S. REILLY, [redacted]
MARC M. SAGER, [redacted]
ROBERT D. SHERLOCK, [redacted]
JACK R. SIMPSON, [redacted]
RICHARD R. STEELMAN, [redacted]
MARY L. STROBEL, [redacted]
LARRY D. THEIS, [redacted]

DAVE E. TOFANELLI, JR, [redacted]
ARTHUR D. VILLANI, [redacted]
EDWARD Y. WALKER, III, [redacted]
MARK S. WEINSTEIN, [redacted]
RODNEY D. WILSON, [redacted]
STEPHEN M. WOLFE, [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

JOHN C. ADKINS, [redacted]
JOYCE A. ADKINS, [redacted]
TIMOTHY ANDERSEN, [redacted]
DOUGLAS A. APSEY, [redacted]
RICHARD A. ASHWORTH, [redacted]
GREGORY L. BARBOUR, [redacted]
JEFFREY M. BATEMAN, [redacted]
NEAL BAUMGARTNER, [redacted]
CATHERINE L. BECK, [redacted]
ROGER E. BOUSUM, [redacted]
RICHARD K. BRANDT, [redacted]
GRANT A. BROWN, [redacted]
DAVID R. CARPENTER, [redacted]
MARIEJOCELYNE CHARLES, [redacted]
DOUGLAS S. COBB, [redacted]
GARY B. COPLEY, [redacted]
BRIAN K. DECKERT, [redacted]
ALAN L. DOERMAN, [redacted]
MANUEL A. DOMENECH, [redacted]
MARK D. DUBAZ, [redacted]
ROBERT A. ELVERU, [redacted]
DOUGLAS A. ENGEL, [redacted]
JANET G. FLANAGAN, [redacted]
YOLANDA A. GEDDIE, [redacted]
DENNIS R. HADEEN, [redacted]
ARLIS H. HAMANN, [redacted]
WILLIE C. HARMON, [redacted]
HOWARD T. HAYES, [redacted]
MICHELE L. HEIDEL, [redacted]
PHILIP L. HOPPER, [redacted]
STEPHEN L. HUFFAKER, [redacted]
ROBERT J. JACKSON, [redacted]
LAWRENCE E. JOHANSEN, [redacted]
CRAIG E. JORDAN, [redacted]
WILLIAM A. KIEFFER, [redacted]
EDWARD H. KLINE, JR, [redacted]
ALAN R. KOLSKI, [redacted]
MICHAEL D. KREIS, [redacted]
SAMUEL J. P. LIVINGSTONE, [redacted]
JOSEPH A. LUTZ, [redacted]
WILLIAM B. MARTIN, [redacted]
RAFAEL F. MEJIAS, [redacted]
DAVID J. MIETZNER, [redacted]
DANIEL RAE MORTON, [redacted]
PHILIP L. MYERS, JR, [redacted]
ANTHONY F. OKOREN, JR, [redacted]
KELLY K. ORR, [redacted]
BENJAMIN J. PARVIN, [redacted]
DAVID R. PENNINGTON, [redacted]
CHRISTOPHER L. PHEILS, [redacted]
ALLAN L. RHOADS, [redacted]
THOMAS M. RICE, [redacted]
JAMES R. RIDDLE, [redacted]
SALLY J. SATO, [redacted]
BRUCE F. SCHUBERT, [redacted]
SEAN P. SCULLY, [redacted]
DANNY G. SEANGER, [redacted]
WILLIAM C. SIMON, [redacted]
HENRY L. SMITH, [redacted]
STEVEN R. STANEK, [redacted]
CYNTHIA A. STEFFEY, [redacted]
MIGUEL V. VALDEZ, [redacted]
CHRISTINE WAGENERHULME, [redacted]
WILLIAM G. WALL, [redacted]
TIMOTHY J. WARD, [redacted]
JOHN M. WEST, [redacted]
JEFFREY C. WIGLE, [redacted]
RODNEY D. WILSON, [redacted]
STEVEN A. WILSON, [redacted]
LINDA C. WRIGHT, [redacted]
DARYL A. YERKES, [redacted]
CHARLES S. YU, [redacted]
DON R. ZISS, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

PAUL D. AMOS, [redacted]
JERRY I. BAUGHER, [redacted]
DONALD R. BENDER, [redacted]
FRANKLIN R. BROOKS, [redacted]
FREDERICK W. BROWN, [redacted]
GORDON W. CHO, [redacted]
STEPHEN P. CLOUSE, [redacted]
PETER B. CRAMBLET, [redacted]
MARTIN H. CRUMRINE, [redacted]
JAMES R. CULLEY, [redacted]
DENNIS W. DOHANOS, [redacted]
HORACE F. EDWARDS, [redacted]
ALAN I. FOX, [redacted]
BRUCE G. FURBISH, [redacted]
ROBERT K. GIFFORD, [redacted]
GEORGE J. GISIN, [redacted]
FRED GOERINGER, [redacted]
THADDIOUS GOODMAN, [redacted]
GARY R. GREENFIELD, [redacted]
DAVID E. HAMILTON, [redacted]
ELWOOD R. HAMLIN, [redacted]
JOHN R. HAMMOND, [redacted]
LAWRENCE D. HAMPTON, [redacted]
ARTHUR W. HAPNER, [redacted]
PAUL T. HARIG, [redacted]
THOMAS G. HARRISON, [redacted]
ROBERT W. HATCHER, [redacted]
ROBERT T. HUSSEY, [redacted]
RAYMOND L. KELLER, [redacted]
RONALD C. KERSHNER, [redacted]
JAMES C. LARSON, [redacted]
KENNETH LEDFORD, JR, [redacted]
THEODORE R. LEGLER, [redacted]
ALAN L. LOVE, [redacted]
JAMES E. MCCARROLL, [redacted]
RANDALL S. MORIN, [redacted]
ROBERT J. POUX, [redacted]
LOREN T. QUIGG, [redacted]
LYMAN W. ROBERTS, [redacted]
GEORGE S. ROBINSON, [redacted]
MICHAEL J. ROGERS, [redacted]
DENIS ROSNICK, [redacted]
MARSHALL SCANTLIN, [redacted]
GEORGE SOUTHWORTH, [redacted]
ELWOOD L. STEPHENS, [redacted]
MARY A. SVETLIK, [redacted]
JOHN L. SZUREK, [redacted]
RICHARD A. WEST, [redacted]
ROBERT G. WHIDDON, [redacted]
ALLEN D. WHISENANT, [redacted]
JAMES R. WIGGER, [redacted]
JOHN T. WILCOX, [redacted]
CLARENCE R. WILLS, [redacted]
JAMES P. WILSON, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

JACKIE W. BRILEY, [redacted]
MICHAEL A. SMUTOK, [redacted]
LINDA S. STANDAGE, [redacted]

VETERINARY CORPS

To be colonel

EUGENE W. AGNEW, [redacted]
JOANNE M. BROWN, [redacted]
HENRY W. DERSTINE, [redacted]
GERALD P. JAAX, [redacted]
NANCY K. JAAX, [redacted]
LAFON C. LIVELY, [redacted]

ARMY NURSE CORPS

To be colonel

A. L. ADDAIR, [redacted]
DARLENE AMENDOLAIR, [redacted]
BEVERLY B. ANTOPOL, [redacted]
SUSAN L. BACKS, [redacted]
MARGARET M. BAIRD, [redacted]
ROSLYN D. *. BOOKER, [redacted]
CAROLYN R. BULLINER, [redacted]
ERIE D. CAPPS, [redacted]
VIRGINIA R. CHENEY, [redacted]
JEAN M. COBB, [redacted]
PAULETTE A. COOKE, [redacted]
PATRICIA L. CURRY, [redacted]
PHYLLIS H. FARSON, [redacted]
LORETTA *. FORLAW, [redacted]
BETTY S. GRUNER, [redacted]
DEBORAH A. GUSTKE, [redacted]
ANTIONETTE HAGEY, [redacted]
CAROL A. JONES, [redacted]
JILL R. KEELER, [redacted]
ELIZABETH F. KEMP, [redacted]
MARCIA L. KOSSMAN, [redacted]
JO L. LASHLEE, [redacted]
BARBARA S. MOORE, [redacted]
JAMES D. ODOM, [redacted]
BARBARA K. PENN, [redacted]
CYNTHIA B. PROBST, [redacted]
BARBARA J. RAMSEY, [redacted]
RUTH E. REA, [redacted]
GARY D. ROBISON, [redacted]
MARY T. SARNECKY, [redacted]
KATHRYN B. SCHEIDT, [redacted]
MARY L. SEALY, [redacted]
LANETTE M. SHELTON, [redacted]
BETTYE H. SIMMONS, [redacted]
ELIZABETH SULLIVAN, [redacted]
THOMAS J. VANHOOK, [redacted]
ELIZA WANERSDORFER, [redacted]
KAREN A. WAXDAHL, [redacted]
PATRICIA B. WISE, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY NURSE CORPS

To be colonel

RACHEL A. ADDISON, [redacted]
JUDITH W. ALEXANDER, [redacted]
EVA S. AUSTIN, [redacted]
MARY A. AUSTIN, [redacted]
CAROL G. BARNES, [redacted]
SHIRLEY A. BECK, [redacted]
MICHAEL E. BEEBE, [redacted]
DIANA S. BLACKMAN, [redacted]
AUDREY S. BOMBERGER, [redacted]
PATRICIA M. BOQUARD, [redacted]
LORRAINE BOUDREAU, [redacted]
SHEILA R. BOWMAN, [redacted]
NANCY R. BRECHER, [redacted]
SALLY A. BRENNER, [redacted]
NORMA S. BRIAN, [redacted]
CYNTHIA C. BRICKEY, [redacted]
ROBERT E. BUCHANAN, [redacted]
CANDACE CHILDS, [redacted]
BRENDA G. COOK, [redacted]
TAMARA T. COTTON, [redacted]
SUE M. CRANE, [redacted]
MARJORIE A. CROWL, [redacted]
LINDA G. CUPIT, [redacted]
SAMUEL C. DAINES, [redacted]
DIANNE DALESSANDRO, [redacted]
LORETTA A. DARBY, [redacted]
MARIANNE L. DARDEN, [redacted]
AUDREY C. DRAKE, [redacted]
RICHARD M. DUNDON, [redacted]
STEPHANI GINIERES, [redacted]
ELIZABET GOOLSBY, [redacted]
LORA J. GOZA, [redacted]
LARAINE H. GUYETTE, [redacted]
YVETTE P. HERNON, [redacted]
PATRICIA J. HIGGINS, [redacted]
GRETCHEN H. HOFMANN, [redacted]
HANNAH L. HOLMES, [redacted]
MARIE R. IANNACONE, [redacted]
ELVIRA R. IBRAHIM, [redacted]
PATRICIA A. JOHNSON, [redacted]
NORMAN L. KELTNER, [redacted]
CHESTINE L. KURTH, [redacted]
SHIRLEY J. LANSDEN, [redacted]
LINDA E. LEDRAY, [redacted]
MELINA M. LEDUC, [redacted]
RAMONA C. LEWIS, [redacted]
DANIEL LUCHTEFELD, [redacted]
DURWOOD D. LYNCH, [redacted]
LINDA D. MCHONE, [redacted]
ELIZABET M. MCKEON, [redacted]
HEATHER A. MCNEIL, [redacted]
DARLENE MESERVY, [redacted]
JOYCE C. MEZZANO, [redacted]
JUNE E. MILLER, [redacted]
DAVID C. MITCHELL, [redacted]
CARRIE L. NERO, [redacted]
DRATHA P. NEUMANN, [redacted]
RITA M. PAXSON, [redacted]
ROBERT H. ROBERTSON, [redacted]
JOSEPHIN ROBINSON, [redacted]
BARBARA A. ROUNDS, [redacted]
BRENDA B. ROWE, [redacted]
WILLIAM R. RUDDER, [redacted]
ROSE M. SANDECKI, [redacted]
LYNN I. SCHOMAN, [redacted]
MARY L. SMITH, [redacted]
SANDRA S. SOLOMON, [redacted]
MARIETTA P. STANTON, [redacted]
EMMIE E. STEADMAN, [redacted]
MARY M. STRANGE, [redacted]
CLARA R. WALTERS, [redacted]
MARY A. F. WARE, [redacted]
ANNIE M. WILSON, [redacted]
AUDREY T. WINFREY, [redacted]
PATR ZINDLERWERNET, [redacted]

DENTAL CORPS

To be colonel

WILLIAM C. ADAMS, [redacted]
EUGENE A. AMBROSE, [redacted]
THOMAS A. BARNES, [redacted]
JOHN BELLOME, [redacted]
EDWARD E. BEST, [redacted]
WILLIAM R. BLEVINS, [redacted]
WILLIAM A. BRADY, [redacted]
GEORGE A. BROOKS, [redacted]
EDWARD E. BRUEN, [redacted]
JAMES G. BRYAN, JR, [redacted]
MYRON R. BUCHOLTZ, [redacted]
JOHN D. BURLEIGH, [redacted]
PHILIP L. CARON, [redacted]
DAVID CHRISTENSEN, [redacted]
FRANK J. DEGAETANO, [redacted]
JOHN D. DENNEY, [redacted]
ALLAN W. ESTEY, [redacted]
LARRY J. FORSYTHE, [redacted]
ROBERT C. GORDON, [redacted]
PHILLIP M. HERNON, [redacted]
JAMES M. HERREN, [redacted]
SAMUEL L. HORTON, [redacted]
HERMAN E. HURD, [redacted]
WILLIAM H. KELLY, [redacted]
JAY K. LANGSDORF, [redacted]
JOHN P. MADDEN, [redacted]
MICHAEL J. MITROSKY, [redacted]
DONALD B. MUNGER, [redacted]
ALAN V. NEALEANS, [redacted]
CECIL E. NEWMAN, [redacted]
GARY L. NEWTON, [redacted]
RONALD J. NORTHROP, [redacted]
ADRIAN L. PATTERSON, [redacted]
JAMES L. PAYNE, [redacted]
WALTER PIENKOWSKI, [redacted]
RICHARD L. REICH, [redacted]
CLARENCE P. ROGERS, [redacted]

ROBERT H. SOLOMON, [redacted]
HARRY P. THOMPSON, [redacted]
LEONARD M. TOMSIK, [redacted]
THOMAS S. TRUITT, [redacted]
JAY A. TUOMI, [redacted]

MEDICAL CORPS

To be colonel

DAVID W. ALLEN, [redacted]
JOE F. ARTERBERRY, [redacted]
CHARLES J. BAKER, [redacted]
HERBER BEDINGFIELD, [redacted]
JACK L. BENNETT, [redacted]
TIMOTHY G. BERGER, [redacted]
WILLIA BLANKENSHIP, [redacted]
MARK F. BLUM, [redacted]
ARNOLD BROWN, [redacted]
WILLIAM L. BUHROW, [redacted]
JOHN T. CALLAGHAN, [redacted]
THOMAS W. CALLAN, [redacted]
WALTON W. CURL, [redacted]
JOHN D. CURRENT, [redacted]
IRVING M. CYRIL, [redacted]
VINCENT DECIUTIIS, [redacted]
DANTE J. DIMARZIO, [redacted]
EVAN W. DIXON, [redacted]
GARY DOPSON, [redacted]
RONALD V. DORN, [redacted]
JOHN D. DUNCAN, [redacted]
ASAF DURAKOVIC, [redacted]
ALLAN M. EISENBAUM, [redacted]
THOMAS ESKESTRAND, [redacted]
GERALD P. FALLETTA, [redacted]
LARRY R. FANE, [redacted]
AMIL J. GERLOCK, [redacted]
RITCHIE GILLESPIE, [redacted]
PEDRO I. GONZALES, [redacted]
DANIEL E. GOODING, [redacted]
JOHN W. GOODWIN, [redacted]
GERALD D. GRIFFIN, [redacted]
RAYMOND GRUENTHER, [redacted]
BARBARA GULLER, [redacted]
RAY A. HAAS, [redacted]
TAHIRA HABIB, [redacted]
MOHEB A. S. HALLABA, [redacted]
MATTHEW J. HAYES, [redacted]
JAMES B. HAYS, [redacted]
JAMES S. HICKS, [redacted]
GLYN R. HILBUN, [redacted]
ROBERT C. HOYE, [redacted]
LALITHA M. JANAKI, [redacted]
MARTIN C. JOHNSON, [redacted]
YOUNG A. JUN, [redacted]
ISAMU Y. KANG, [redacted]
RAYMOND J. KARAKUC, [redacted]
WILLIAM KELHOFFER, [redacted]
MICHAEL J. KEYES, [redacted]
EUSEBIO C. KHO, [redacted]
THOMAS N. KIAS, [redacted]
ANDREW T. KIM, [redacted]
BIRCH D. KIMBROUGH, [redacted]
JAMES D. KINGHAM, [redacted]
RODANTHI KITRIDOU, [redacted]
PATRICK KRONMILLER, [redacted]
ERNEST F. KRUG, III, [redacted]
PAUL S. KRUGER, [redacted]
JOAN R. KUMAR, [redacted]
YUN S. KWAK, [redacted]
EDWARD W. LEAN, [redacted]
GARTH G. LEE, [redacted]
YOUNG S. LEE, [redacted]
LUIS E. LUNA, [redacted]
FRANK P. LYNCH, [redacted]
BYRON P. MARSH, [redacted]
LEONARD W. MARTINEC, [redacted]
ARNOLD F. MAZUR, [redacted]
JOHN J. MCCLOSKEY, [redacted]
GARY L. MCGREW, [redacted]
DAVID L. MEYER, [redacted]
DONALD V. MICKLOS, [redacted]
LALTA R. MUDGIL, [redacted]
THOMAS J. MULVANEY, [redacted]
KAMAL A. NAGI, [redacted]
BARBA NYLUNDMORGAN, [redacted]
STUART A. OBYRNE, [redacted]
THOMAS F. OMEARA, [redacted]
EDWARD J. PIENKOS, [redacted]
GEORGE M. POMERANTZ, [redacted]
LARRY K. POWE, [redacted]
SIDNEY C. RAY, [redacted]
ANGEL L. RODRIGUEZ, [redacted]
ROBERT H. ROSWELL, [redacted]
ROB R. ROTH, [redacted]
RUBEN N. RULLAN, [redacted]
JOHN D. RUMISEK, [redacted]
FRANCIS W. RUNDLE, [redacted]
EDWARD J. SHUMSKI, [redacted]
PHILIP S. SIEGEL, [redacted]
WAYNE E. SILVA, [redacted]
WILLIAM M. SIMPSON, [redacted]
CLYBURN E. SODEN, [redacted]
RODNEY L. SOHOLT, [redacted]
MARTIN F. STEIN, [redacted]
MANUEL S. TAYAO, [redacted]
CHIEN L. TSAI, [redacted]
DANIEL S. TUFT, [redacted]
JAMES B. VANDELDEN, [redacted]
JAMES M. VEAZEY, [redacted]
JOHN WADE, [redacted]
THOMAS J. WELLS, [redacted]
WALTER C. WEST, [redacted]
DOUGLAS W. WHETSELL, [redacted]
NORRIS W. WHITLOCK, [redacted]
CHARLES E. WILLIAMS, [redacted]
ROBERT E. WILLIAMS, [redacted]
HAROLD R. WRIGHT, [redacted]

MEDICAL SERVICE CORPS

To be colonel

LINDEN J. ACCURSO, [redacted]
KENNETH R. ANDRESEN, [redacted]
THOMAS A. ANGELL, [redacted]
VINCENT J. BARRECA, [redacted]
LARRY C. BARTON, [redacted]
JOHN A. BASS, [redacted]
RONALD J. BOREMSKI, [redacted]
PATRICK J. BREHENY, [redacted]
JAMES C. BRITTON, II, [redacted]
JAMES P. BROOME, [redacted]
CAROLYN W. BUONO, [redacted]
WILLIS H. BURROUGHS, [redacted]
ROBERT E. BUXTON, [redacted]
ROBERT E. CARTY, [redacted]
WILLIAM A. CASKEY, [redacted]
JON M. CLIFFORD, [redacted]
STIRLING S. CLOSE, [redacted]
JAMES T. COLLIGAN, [redacted]
WILLIAM F. COMER, [redacted]
JAMES M. CROSS, [redacted]
THOMAS C. DAMRON, [redacted]
JAMES E. DIERCKS, [redacted]
BRIAN J. DOUGHERTY, [redacted]
BERNARD F. DUPAUL, [redacted]
CLYDE W. DUTTON, [redacted]
GALEN G. EMMONS, [redacted]
GERALD G. FONVILLE, [redacted]
STEPHEN S. FUGITA, [redacted]
JEFFREY L. GIDLEY, [redacted]
JERRY R. GLASS, [redacted]
WALTER S. GRAHAM, [redacted]
BARRY A. GRIFFIN, [redacted]
BOB T. GRIFFIN, [redacted]
RONALD N. GUIMOND, [redacted]
RALPH M. HANDLY, [redacted]
ANDREW J. HETRICK, [redacted]
DALE W. HOWARD, [redacted]
ALAN K. JACOBS, [redacted]
ALBERT L. KEMP, JR, [redacted]
GARY N. LACHER, [redacted]
TOGER J. LEAKS, [redacted]
ROBERT P. LECH, [redacted]
JOHN A. LOOMIS, [redacted]
KENNETH A. MCDONALD, [redacted]
TIMOTHY W. NAVONE, [redacted]
GORDON M. NELSON, [redacted]
WILLIAM T. NOONAN, [redacted]
THOMAS E. OBRIEN, [redacted]
LAWRENCE ONDOVCHIK, [redacted]
RALPH C. PATTERSON, [redacted]
KYLE L. PEHRSON, [redacted]
ANDREW E. PRINCE, [redacted]
GREGORY PRITCHETT, [redacted]
JOSEPH M. QUASHNOCK, [redacted]
ROBERT L. RHODA, [redacted]
JOHN E. ROBERTS, [redacted]
GARY D. RUSSI, [redacted]
GERALD A. SCHLAPPER, [redacted]
FRANCIS N. SMITH, [redacted]
JOHN W. TAYLOR, [redacted]
ALLAN D. VISNICK, [redacted]
ERIC B. WHITE, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

JUDITH A. DAY, [redacted]
WILLIAM K. FULLER, [redacted]
KAREN E. HORTON, [redacted]
DONNA J. MCNEILL, [redacted]
DOUGLAS A. MOORMAN, [redacted]
LOUISE C. NORTON, [redacted]
MARCIA B. SNOW, [redacted]
HUITTE L. TAYLOR, [redacted]
ALFREDO J. VALLEJO, [redacted]
ROSA M. VAZQUEZ, [redacted]

VETERINARY CORPS

To be colonel

MALCOM N. ALLISON, [redacted]
BRADFORD S. GOODWIN, [redacted]
ROGER B. HARVEY, [redacted]
ROBERT T. LANE, [redacted]
DOUGLAS W. MASON, [redacted]
GEORGE A. MILLIS, [redacted]
KENNETH B. PLATT, [redacted]
THEODORE W. SLONE, [redacted]

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

FLORA T. ABUEVA, [redacted]
GLENN C. ALLEN, [redacted]
PAMELA S. ALLEN, [redacted]
JOSEPHA ALTERSITZ, [redacted]
JUDY ALTSCHULER, [redacted]
FLORENTINA ANGELES, [redacted]
CHRISTEEN ARTHUR, [redacted]
KRISTINE E. ASHLEY, [redacted]
RITA M. AUGSBURGER, [redacted]
KATHERINE AUSTIN, [redacted]
ODESSA C. AUSTIN, [redacted]
KATHLEEN A. AVERY, [redacted]
CAROLEE M. BACON, [redacted]
ARTURO BAEZ, [redacted]
KATHLEEN M. BAISH, [redacted]
HARVEY H. BAKER, [redacted]
MARCIA A. BAKERJIAN, [redacted]
BARBARA A. BALFOUR, [redacted]
MARGARET A. BANKS, [redacted]
MARY E. BARATIER, [redacted]
WILLIAM E. BARNARD, [redacted]
RICHARD S. BARONE, [redacted]
MARDI B. BARTHOLDT, [redacted]
JOANN M. BASIGER, [redacted]
JAMES H. BASS, [redacted]
EDGAR W. BATSFORD, [redacted]
JOANN BLACK, [redacted]
SUSAN M. BLALOCK, [redacted]
KATHRYN M. BLUNK, [redacted]
TERRY D. BONNER, [redacted]
PATRICIA A. BOYKIN, [redacted]
OPAL C. BRADHAM, [redacted]
LINDA J. BRIER, [redacted]
SANDRA J. BRISTOW, [redacted]
SUSAN E. BROOKS, [redacted]
MARCIA R. BROWN, [redacted]
MAUREEN F. BROWN, [redacted]
KRISTI K. BURNS, [redacted]
CHRISTINE BURROWS, [redacted]
CAROL A. CAHILL, [redacted]
ANGELO J. CAMPOS, JR, [redacted]
JUDITH M. CAREY, [redacted]
KRISTEL S. CARTER, [redacted]
DONNA J. CASE, [redacted]
BONNIE CASSELS, [redacted]
EILEEN V. CAULFIELD, [redacted]
CAMILLE C. CHANEY, [redacted]
GLOR CHARDONTIR, [redacted]
LILIETH A. CLARKE, [redacted]
BERNADETTE CLOSE, [redacted]
MARCIA S. COLLINS, [redacted]
JUDY A. COOK, [redacted]
MARIE L. COSSA, [redacted]
MICHAEL D. CREASMAN, [redacted]
DANA L. CRONIN, [redacted]
DIANNE E. CROWE, [redacted]
BRENDA CUNNINGHAM, [redacted]
GEORGIA E. DAVIS, [redacted]
GLENDA L. DAY, [redacted]
BETTY R. DEGREEFF, [redacted]
KATHER DELKCALKIN, [redacted]
TERESA M. DENISON, [redacted]
CANDIS L. DENTON, [redacted]
CHRIS M. DESTEFON, [redacted]
KATHY M. DEVLIN, [redacted]
LINDA R. DONOHUE, [redacted]
KAREN L. DORING, [redacted]
ELLEN M. DOUTY, [redacted]
SHEILA E. DOWDEN, [redacted]
MARY A. DOWLING, [redacted]
CAROLYN W. DOWNS, [redacted]
MIRU M. DRUCKER, [redacted]
SUSAN T. DURKIN, [redacted]
SANDRA EGGEBROTEN, [redacted]
AGNES F. ELLIOTT, [redacted]
JULIE A. ELLIOTT, [redacted]
SUSAN C. EVERETT, [redacted]
STEPHANIE FARRELLY, [redacted]
NAOMI R. FEHRLE, [redacted]
DENISE L. FERRISS, [redacted]
KATHRYN L. FIANDT, [redacted]
LINDA J. FISHELL, [redacted]
MICHAEL F. FLOOD, [redacted]
DAVID C. FOEHR, [redacted]
MARTA A. FORD, [redacted]
CLINTON H. FOSTER, [redacted]
GAIL FOSTERSTRA, [redacted]
KATHL FREDERICKS, [redacted]
SANDRA K. FRENIER, [redacted]
SUSAN K. GALLAGHER, [redacted]
NILDA S. GARCIA, [redacted]
KATHRYN GASPERINI, [redacted]
WILLIAM C. GAUMER, [redacted]
WILLIE S. GOLDEN, [redacted]
MICHAEL H. GOODWIN, [redacted]
PATRICIA M. GORMLEY, [redacted]
DEBRA A. GRAY, [redacted]
DIANNE K. GREER, [redacted]
NANCY C. GROVHOUG, [redacted]
LOUISE M. GUSZICK, [redacted]
SEGIES A. HAAG, [redacted]
CLYDE H. HADLEY, [redacted]
KATHRYN B. HADLEY, [redacted]
CHARMAYNE HAMMEL, [redacted]
ERIC E. HANSON, [redacted]
JAYNE HARRIS, [redacted]
ELIZABETH HAWKINS, [redacted]
ANNIE M. HECKMAN, [redacted]
RAYMOND L. HEGTVEDT, [redacted]
JUDITH G. HELMS, [redacted]
SHARON M. HENRY, [redacted]
JOAN E. HESS, [redacted]
JIMMIE W. HESTER, [redacted]
MARCIA B. HOBBS, [redacted]
KAY F. HOBSON, [redacted]
MARGARET HOFFMANN, [redacted]
TIMOTHY M. HOFFMANN, [redacted]

RUTH A. HOLECEK, [redacted]
LESLIE M. HOLLOWELL, [redacted]
CAROLYN J. HOLT, [redacted]
SUSAN L. HOPKINS, [redacted]
LANELLE JACKSON, [redacted]
GEORGE J. JAMES, [redacted]
JULIA A. JANTZ, [redacted]
EVELYNE JEANNITON, [redacted]
DEBORAH JENKINSON, [redacted]
EUNICE M. JOHNSON, [redacted]
REBECCA A. JONES, [redacted]
SARA P. JONES, [redacted]
JONNIE A. JORDAN, [redacted]
JANICE R. KANE, [redacted]
LINDA M. KAROD, [redacted]
THEODORE R. KEHN, [redacted]
JACQUELINE KELLEY, [redacted]
KAREN L. KELLY, [redacted]
LYNN J. KENDRICK, [redacted]
EVELYN G. KEZAR, [redacted]
NANCY A. KHAN, [redacted]
NORMA J. KINSEY, [redacted]
DOLORES A. KNOX, [redacted]
ELLEN J. KVAL, [redacted]
MARGARET I. LAFRENZ, [redacted]
SARAH L. LAMB, [redacted]
LAURA A. LANGFORD, [redacted]
JACQUELIN LANGSTON, [redacted]
EDITH M. LARAMORE, [redacted]
ROSE M. LARSON, [redacted]
ROBERTA C. LEDDY, [redacted]
OLLIE M. LEE, [redacted]
RODNEY C. LESTER, [redacted]
PAUL G. LEVESQUE, [redacted]
PATRICIA A. LEWTER, [redacted]
CECILY A. LIGHT, [redacted]
DARLENE LIVINGSTON, [redacted]
CHANDRA N. LUCKSHO, [redacted]
CAROL B. MANN, [redacted]
JUDITH A. MANN, [redacted]
DONA J. MARTIN, [redacted]
JACKIE E. MASSEY, [redacted]
LILLIE B. MATLOCK, [redacted]
SHERYL D. MAULDIN, [redacted]
SUSAN J. MCGANN, [redacted]
SUZANNE M. MCPHEE, [redacted]
JUDITH MENDELSOHN, [redacted]
REBECCA B. MERKLI, [redacted]
DANA D. MICHELSEN, [redacted]
DANIEL C. MILLOY, [redacted]
PEGGY A. MISER, [redacted]
LILLIE P. MITCHELL, [redacted]
GAIL M. MITTELSTAD, [redacted]
KATHLEEN A. MOLPUS, [redacted]
BERNICE M. MOSER, [redacted]
ELIZABETH MOSHER, [redacted]
DAN P. MOYES, [redacted]
JOY L. MUCK, [redacted]
MARY L. MUENCH, [redacted]
MARY E. MURPHY, [redacted]
NANCY V. MURRAY, [redacted]
LINDA M. MYERS, [redacted]
LIISA J. NENONEN, [redacted]
JUDITH W. NEWSOME, [redacted]
DEANNE H. NOVAK, [redacted]
JOYCE A. NOVAK, [redacted]
LINDA L. NYE, [redacted]
MARY OCONNELLSI, [redacted]
SHEILA A. OCONNER, [redacted]
MIRNA ORTIZGUZMA, [redacted]
LESLIE A. OSTROSKI, [redacted]
PATRICIA A. OWENS, [redacted]
GEORGIA PASQUALONE, [redacted]
MARGARET M. PAYNE, [redacted]
MARRA E. PECHE, [redacted]
SUZANNE PERCIFULL, [redacted]
SUSAN J. PERRY, [redacted]
LAURA D. PETERS, [redacted]
CANDACE L. PLUMLEE, [redacted]
MARTA C. PLUNKARD, [redacted]
ELIZA M. PORTER, [redacted]
CLAUDIA F. PRIVOTT, [redacted]
ELLEN C. PUNG, [redacted]
VICTORIA J. RANSOM, [redacted]
MERRY L. RAUSCHER, [redacted]
JOHN D. RICHARDSON, [redacted]
SARAH R. RICHARDSON, [redacted]
GREGORY A. RIGELMAN, [redacted]
CYNTHIA L. ROACH, [redacted]
CECELIA A. ROBERGE, [redacted]
BRENDA F. ROBERSON, [redacted]
MARJORIE ROBINSON, [redacted]
E. RODRIGUEZC, [redacted]
DIANE P. ROUSSEAU, [redacted]
GEORGE L. RUDLOFF, [redacted]
MARY C. RYAN, [redacted]
KATHLEEN D. SANFORD, [redacted]
TAMELA A. SCHAEFFER, [redacted]
LINDA A. SCHMIDT, [redacted]
EUGENE B. SCHOCH, [redacted]
JUDY M. SCHROEDER, [redacted]
CHERYL D. SCOTT, [redacted]
NANCY E. SEREMET, [redacted]
RONDI J. SHAFER, [redacted]
MILDRED L. SHANER, [redacted]
MARTHA G. SHELVER, [redacted]
SARAH A. SHIGLEY, [redacted]
GEORGE J. SIMPSON, [redacted]
NANCY I. SIMPSON, [redacted]
DIANE M. SKIRZYNSKI, [redacted]
BETTY J. SMITH, [redacted]
ELLEN L. SMITH, [redacted]
KAREN M. SMITH, [redacted]
RONALD E. SMITH, [redacted]
SUSAN A. SMITH, [redacted]
NAOMI J. SOLOMON, [redacted]
KATHLEEN M. SPIEGEL, [redacted]
ELIZABETH SPIVEY, [redacted]
JANET M. STARR, [redacted]
JUDITH A. STATZER, [redacted]
CYNTHIA J. STEWART, [redacted]
PAULA D. SURETTE, [redacted]
KATHLEEN H. SWITZER, [redacted]
EDGARDO C. TALUSAN, [redacted]
MARIE R. TAUBMAN, [redacted]
BARBARA G. TAYLOR, [redacted]
JERI L. TAYLOR, [redacted]
WAYNE C. TAYLOR, [redacted]
ELAINE P. TERRILL, [redacted]
DIANE F. THOMAS, [redacted]
GEORGETTE THURMOND, [redacted]
RHODA E. TIMPTON, [redacted]
DIANNE M. TOEBE, [redacted]
CHRISTY TOMLINSON, [redacted]
JOSEPH W. TOTO, [redacted]
MARIA T. TREVINO, [redacted]
MARTHA M. TSURU, [redacted]
PAUL J. TURNBO, [redacted]
PATRICIA A. TYLER, [redacted]
ROBERT E. USRY, [redacted]
CAR VANSTEENBE, [redacted]
WANDA M. VAUGHN, [redacted]
YOLANDA VELAZQUEZ, [redacted]
KATHERINE VOGT, [redacted]
JEFFERY R. WALLMAN, [redacted]
SACILOTTO WARNER, [redacted]
LINDA A. WEBSTER, [redacted]
JIMMY R. WHALEY, [redacted]
MARY D. WHEELER, [redacted]
DOROTHY A. WILLIAMS, [redacted]
MARY K. WILLIAMS, [redacted]
SHARON S. WILLIAMS, [redacted]
KATIE M. WILLINGHAM, [redacted]
CINDY K. WILSON, [redacted]
LELAND H. WINGER, [redacted]
EUNA V. WRIGHT, [redacted]
MYRA L. YINGLING, [redacted]
FRANCES K. YOUNG, [redacted]
BARBARA YOUNGBERG, [redacted]

DENTAL CORPS

To be lieutenant colonel

JED G. ANDERSON, [redacted]
THOMAS C. ANDERSON, [redacted]
RICHARD ARMSTRONG, [redacted]
JEFFREY D. ASTROTH, [redacted]
JESSE BAILEY, [redacted]
KIRK R. BAUMGARDNE, [redacted]
JOHN R. BEALL, [redacted]
MARTIN J. BLANCHARD, [redacted]
MARC L. BOWEN, [redacted]
ALEXANDER BROWN, [redacted]
LARRY N. BROWNING, [redacted]
JODIE A. BUEHLER, [redacted]
RICHARD A. BULLOCK, [redacted]
JOHN F. BURTON, [redacted]
EUGENE M. BUTEL, [redacted]
FRANK D. BUTLER, [redacted]
KEVIN P. CAREY, [redacted]
DENNIS W. CHAMBERS, [redacted]
RUSSELL G. CHAMBERS, [redacted]
JERRY W. CHERNIK, [redacted]
ROOSEVELT DANIEL, [redacted]
THOMAS D. EDWARDS, [redacted]
JOHN E. FANTASIA, [redacted]
GARY L. FISHBEIN, [redacted]
DONALD J. FUCHS, [redacted]
ROBERT J. GLENN, [redacted]
PAUL L. GLICK, [redacted]
ROGER E. GRAVEL, [redacted]
CLARENCE E. HAMMOND, [redacted]
DAN T. HANEY, [redacted]
JARVIS E. HANSFORD, [redacted]
FRED I. HARRIS, [redacted]
WILLIAM J. HEIMANN, [redacted]
STEWART C. HO, [redacted]
ALVIN HOLMES, [redacted]
THOMAS J. HOLTMANN, [redacted]
THOMAS R. HULL, [redacted]
RONALD I. HUTTON, [redacted]
JAMES V. JOHNSON, [redacted]
ALLEN M. KAPLAN, [redacted]
ALAN P. KAWAKAMI, [redacted]
JAMES E. KLING, [redacted]
RUDOLPH R. KRAUS, [redacted]
THOMAS F. LAWS, [redacted]
JAMES B. LEAVITT, [redacted]
HAL M. LIPPARD, [redacted]
MICHAEL G. LOGELIN, [redacted]
WILLIAM MACDONNELL, [redacted]
MICHAEL E. MANN, [redacted]
FRANK MARCANTONI, [redacted]
GREGORY P. MARTIN, [redacted]
GEORGE H. MAXFIELD, [redacted]
HALBERT H. MCKINNON, [redacted]
TOMMY L. MCMILLON, [redacted]
GEORGE H. MCMURRAY, [redacted]
ANTHONY G. MIKULKA, [redacted]
STEVEN I. MILLER, [redacted]
STEVEN M. MILLER, [redacted]
JAMES L. MONAHAN, [redacted]
WILLIAM G. NICKLAS, [redacted]
ERNEST L. NIX, [redacted]
JEANINE E. NORDEEN, [redacted]
GOTTFRED P. OLSEN, [redacted]
RONALD B. PADGETT, [redacted]
JESSIE J. PARKER, [redacted]
RAMON PEREZGARCI, [redacted]
JEFF C. RAPHAEL, [redacted]
TERRENCE J. REILLY, [redacted]
RICHARD REINHARDT, [redacted]
JAMES P. ROBINSON, [redacted]
ENRIQUE RODRIGUEZ, [redacted]
BARRY S. ROSENBLATT, [redacted]
SALVATORE RUFFO, [redacted]
KENNETH M. SADLER, [redacted]
GARY R. SCHOENE, [redacted]
BERNARD SCHUURMANS, [redacted]
DAVID C. SMITH, [redacted]
JOSEPH S. STANKO, [redacted]
ALVAS C. TULLOSS, [redacted]
ALVIN E. UNDERWOOD, [redacted]
JOHN R. VALANT, [redacted]
DENNIS B. WEBB, [redacted]
GREGORY G. ZIMMER, [redacted]

MEDICAL CORPS

To be lieutenant colonel

ANTHONY W. ADAMS, [redacted]
MICHAEL D. ADUDDELL, [redacted]
FRANCIA V. AGUILAR, [redacted]
JAKE J. ALLEN, [redacted]
AMARAS AMARASINGH, [redacted]
RICHARD E. ANSTETT, [redacted]
FEDERICO ARCALA, [redacted]
AZUCENA ARGUELLES, [redacted]
JEFFREY P. ARPIN, [redacted]
MARJERIE M. BADILLA, [redacted]
SIDERIS D. BAER, [redacted]
STEVEN R. BAILEY, [redacted]
BENTON I. BAKER, [redacted]
JAMES R. BAKER, [redacted]
OLIVER A. BALAGOT, [redacted]
JAMES G. BALDWIN, [redacted]
JEFFREY R. BASFORD, [redacted]
JEHANGIR B. BASTANI, [redacted]
DANIEL C. BATES, [redacted]
RODERICK T. BEAMAN, [redacted]
RAMON M. BENEDICTO, [redacted]
MICHAEL C. BLAKE, [redacted]
ANTONIO F. BLANCO, [redacted]
CARLOS R. BOLANO, [redacted]
DAVID S. BRANTLEY, [redacted]
WILLIAM D. BREARLEY, [redacted]
JOHN H. BROOKS, [redacted]
JOHN O. BROWN, [redacted]
THOMAS D. BROWN, [redacted]
ROBERT F. BUCKMAN, [redacted]
ROLANDO M. BUENO, [redacted]
PETER T. BULKLEY, [redacted]
DECLET N. BURGOS, [redacted]
JAMES A. BUSACK, [redacted]
ANDREW G. BUSTIN, [redacted]
MUGUEL V. BUXEDA, [redacted]
ROGELIO G. CALINGO, [redacted]
RICHARD A. CALL, [redacted]
VICENTE E. CALLEJO, [redacted]
PRESTON C. CALVERT, [redacted]
ALAN H. CARR, [redacted]
EDWIN T. CASTANEDA, [redacted]
GODOFREDO CELIS, [redacted]
STEPHEN CHARTRAND, [redacted]
GEORGE G. CHILDS, [redacted]
PARKASH L. CHORDIA, [redacted]
PETER J. CHRIST, [redacted]
DANIEL G. CLARK, [redacted]
NORRIS E. CLEEK, [redacted]
BRUCE P. CLELAND, [redacted]
LEWIS J. COHEN, [redacted]
PAUL S. COLLINS, [redacted]
TYRONE J. COLLINS, [redacted]
DONN C. COLYER, [redacted]
ROBERT M. COSBY, [redacted]
HARRELL E. COX, [redacted]
DIRK B. CRAFT, [redacted]
JAMES R. CROTTY, [redacted]
PAUL G. CURLEE, [redacted]
DAVID G. DALY, [redacted]
AVELINA J. DATU, [redacted]
GARY M. DAVIS, [redacted]
WILLIAM R. DAVIS, [redacted]
GIL E. DELOSREYES, [redacted]
SCOTT A. DEPPE, [redacted]
JAGADISHWA DEVKOTA, [redacted]
RICHARD M. DOUGLASS, [redacted]
VINCENT A. DUENAS, [redacted]
FRANK R. EBERT, [redacted]
JOHN M. ECKEL, [redacted]
SCOTT S. EKDAHL, [redacted]
THOMAS L. EMBRY, [redacted]
JAMES B. ERHARDT, [redacted]
ARMANDO J. ESPIRITU, [redacted]
JOHN W. EVANS, [redacted]
GARY L. FALK, [redacted]
EUGENE B. FERRIS, [redacted]
HERMINIA P. FESTIN, [redacted]
WILLIAM FIALKOWSKI, [redacted]
ROBERT D. FISHER, [redacted]
STEPHANIE FLAGG, [redacted]
ERNEST FLORES, [redacted]
STANLEY E. FOUTZ, [redacted]
GREGORY G. FRIESS, [redacted]
JAMES S. FULGHAM, [redacted]
BENITO J. GALLARDO, [redacted]

JOHN G. GANSKE, [redacted]
BRIAN S. GARRA, [redacted]
NABIL S. GEMAYEL, [redacted]
DONALD K. GLASER, [redacted]
PETER M. GLASSMAN, [redacted]
JOHN W. J. GNANN, [redacted]
AGUSTIN GOMEZ, [redacted]
CARLOS GONZALEZ, [redacted]
PADMA GOWDA, [redacted]
BARRY A. GRAHAM, [redacted]
HOWARD GRANT, [redacted]
CHARLES G. GREEN, [redacted]
ANIL GUPTA, [redacted]
RAMESH C. GUPTA, [redacted]
ROBERTO GUTIERREZ, [redacted]
JEAN A. HALPERN, [redacted]
GILBERTO A. HANDAL, [redacted]
PETER N. HANG, [redacted]
DANA P. HANSEN, [redacted]
JOHN A. HARRINGTON, [redacted]
LAWRENCE P. HARTMAN, [redacted]
MARVIN Y. HAYAMI, [redacted]
CHARLES N. HEGGEN, [redacted]
JORGE L. HERRERA, [redacted]
ROBERT M. HOUSE, [redacted]
STEPHEN HOUSEWORTH, [redacted]
GEORGE S. HSU, [redacted]
YUNHSI HSU, [redacted]
ROBERT H. HUNTER, [redacted]
ALFRED T. ILORATA, [redacted]
HAMSA P. JAYARAJ, [redacted]
SAMUEL M. JONES, [redacted]
SAMUEL G. JOSEPH, [redacted]
PURNIMA P. JOSHI, [redacted]
DON W. KANNANGARA, [redacted]
LEWIS J. KANTER, [redacted]
ERIC J. KATZ, [redacted]
YAT K. KEI, [redacted]
DAVID L. KEISLER, [redacted]
STEPHEN F. KINEKE, [redacted]
JOHN E. KRAULAND, [redacted]
KHIN M. KYI, [redacted]
PETER P. LAI, [redacted]
DEBORAH I. LEAVENS, [redacted]
CHRISTOPHE LEE, [redacted]
SUNGKYU C. LEE, [redacted]
THOMAS C. LEITNER, [redacted]
JAMES D. LEITZELL, [redacted]
ENRIQUETA LEONG, [redacted]
R. A. LESTER, II, [redacted]
DAVID J. LOONEY, [redacted]
DANIEL K. LOWE, [redacted]
CHRISTOPHE LYNCH, [redacted]
WILLIS M. MADDEN, [redacted]
DIANE J. MADLONKAY, [redacted]
RICHARD MADLONKAY, [redacted]
JAMES W. MAHER, [redacted]
ALAN J. MANDEL, [redacted]
LAURENCE R. MANSUR, [redacted]
JAMES M. MARCUM, [redacted]
FREDRIC A. MARKS, [redacted]
ELLIS E. MARSH, [redacted]
AL MARTINEZAR, [redacted]
STEPHEN MATARESE, [redacted]
RICHARD A. MATHE, [redacted]
VIRGLE W. MCEVER, [redacted]
RONALD MCGARRIGLE, [redacted]
MICHAEL S. MCINTOSH, [redacted]
TED A. MCMURRY, [redacted]
JOHN C. MCQUITTY, [redacted]
GWENESTA B. MELTON, [redacted]
GENO J. MERLI, [redacted]
JOSE R. MERLOS, [redacted]
THURMAN A. MERRITT, [redacted]
RUEL T. MICIANO, [redacted]
BRADFORD R. MILLER, [redacted]
BRIAN T. MILLER, [redacted]
ROBERT M. MILLER, [redacted]
CHARLES W. MITCHELL, [redacted]
RODRIGUEZ MONTALVO, [redacted]
JOAN L. MOORE, [redacted]
STEVEN L. MOORE, [redacted]
RALPH D. MORRIS, [redacted]
CHARLES H. MORROW, [redacted]
ROY J. MOSER, [redacted]
MARJORIE A. MOSIER, [redacted]
ANDRE A. MUELENAER, [redacted]
PENELOPE MUELENAER, [redacted]
RICHARDO J. MUNOZ, [redacted]
MARIANO S. NASSER, [redacted]
MARTIN C. NATION, [redacted]
STEPHEN H. NEFF, [redacted]
STEPHEN N. NELSON, [redacted]
DY T. NGUYEN, [redacted]
FLORANTE A. NOVICIO, [redacted]
MAYNARD R. OLSEN, [redacted]
DENNIS A. OLSON, [redacted]
LOUIS S. PAPPAS, [redacted]
MAXIMO A. PARAYNO, [redacted]
STEVE H. PARKER, [redacted]
VLADIMIR PARUNGAO, [redacted]
JEFFREY A. PASSER, [redacted]
KENNETH W. PETERS, [redacted]
MARK L. PFAUTSCH, [redacted]
JOSEPH H. PIATT, [redacted]
JERRY L. PLUSS, [redacted]
RONALD E. POWELL, [redacted]
STELLA P. PULIDO, [redacted]
DELFIN A. RADA, [redacted]
RHETT K. RAINEY, [redacted]
BRYAN D. RAYBUCK, [redacted]
MAHARAJ K. RAZDAN, [redacted]
DENIS J. REAVIS, [redacted]
ALVARO RESTREPO, [redacted]
ALBERT C. REYNAUD, [redacted]
JAMES E. RICE, [redacted]
HARRY H. RINEHART, [redacted]
JAMES S. ROBBINS, [redacted]
FILI ROBLESFUER, [redacted]
COLLEEN L. ROSE, [redacted]
ALFRED D. ROTH, [redacted]
ALBERTO S. RUBIO, [redacted]
MARILYN L. RUDIN, [redacted]
FRANK M. RUMPH, [redacted]
SONIA F. SACEDA, [redacted]
SRINIVAS SAMPATH, [redacted]
IGMIDIO A. SANTOS, [redacted]
ROBERT L. SAUNDERS, [redacted]
STEVEN I. SCHMIDT, [redacted]
ROBERT C. SCHUTT, [redacted]
PRAXEDES SEBASTIAN, [redacted]
PONNURU SESHUMURTY, [redacted]
STEPHEN T. SESODY, [redacted]
DINESH C. SHAH, [redacted]
ROBERT C. SHAW, [redacted]
SADASHIV S. SHENOY, [redacted]
NATHAN M. SHISHIDO, [redacted]
MICHAEL SHOEMAKER, [redacted]
KEITH J. SIMON, [redacted]
ARTHUR C. SIPPO, [redacted]
FRANKIE T. SIY, [redacted]
ROBERT J. SJOBERG, [redacted]
ANTHONY A. SMITH, [redacted]
WILLIAM A. SMITH, [redacted]
RICHARD H. SNYDER, [redacted]
JOSEFINA C. SOTO, [redacted]
SERGE S. ST GERARD, [redacted]
WAYNE G. STANLEY, [redacted]
STEVE J. STAVRELLIS, [redacted]
RONALD G. STEEN, [redacted]
LARRY C. STETZNER, [redacted]
BRUCE C. STONE, [redacted]
DANIEL G. STROUD, [redacted]
JOHN R. TAITANO, [redacted]
CHARLIE J. TALBERT, [redacted]
CHAL THANANOPAV, [redacted]
EVELYNE F. TONI, [redacted]
SALVACION TOPACIO, [redacted]
MARCUS L. TROXELL, [redacted]
LEO J. TROY, JR., [redacted]
ZORIAN P. TRUSEWYCH, [redacted]
JOSEPH M. TUGGLE, [redacted]
MARSHALL L. UPSHUR, [redacted]
LARRY E. URRY, [redacted]
LUTHER J. VANCE, [redacted]
DAVID G. VANSICKLE, [redacted]
DAMIR VELCEK, [redacted]
ANTHONY C. VENBRUX, [redacted]
RAMIRO E. VERDOOREN, [redacted]
CIRILO VILLANUEVA, [redacted]
STEPHEN A. WAGONER, [redacted]
EARL J. WASHINGTON, [redacted]
HILARY WASHINGTON, [redacted]
JOHN D. WASSNER, [redacted]
PAUL A. WEHRUM, [redacted]
WILLIAM WEIDERMAN, [redacted]
STALIN G. WETTIMUNY, [redacted]
HOON K. WHANG, [redacted]
JERRY W. WILEY, [redacted]
BETTY J. WILLIAMS, [redacted]
WILLIAM R. WILSON, [redacted]
GORDON K. WOLFE, [redacted]
JOHN S. WOLTHUIS, [redacted]
STEPHEN D. WOOD, [redacted]
BRETT H. WOODARD, [redacted]
BARRY G. WORTHAM, [redacted]
JOHN C. WRIGHT, [redacted]
PRASAD YITTA, [redacted]
CHARLES A. YOUMANS, [redacted]
DALE C. YOUNG, [redacted]
RICHARD S. YOUNG, [redacted]
ROBERT C. YOUNG, [redacted]
ROBERT J. ZAHN, [redacted]
DONALD ZEDALIS, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL D. ABBIATTI, [redacted]
JAMES R. ADKINS, [redacted]
JOHN P. ALLEN, [redacted]
RICHARD K. ANDERSON, [redacted]
WADDY M. ANDERSON, [redacted]
THOMAS A. BACKHAUS, [redacted]
STEPHEN BAKERJIAN, [redacted]
MARTIN R. BARNARD, [redacted]
ELBRIDGE W. BARTLEY, [redacted]
MICHAEL R. BAYLOR, [redacted]
CLARENCE W. BELL, [redacted]
DOUGLAS C. BENTON, [redacted]
LOUIS J. BERENT, [redacted]
JOHN R. BOEHME, [redacted]
GARRY J. BOMBARD, [redacted]
WALTER L. BOYCE, [redacted]
JEAN H. BOYLES, [redacted]
MARLIN D. BRENDSEL, [redacted]
FRANCIS B. BRENNAN, [redacted]
RANDOLPH BRUMAGIM, [redacted]
MICHAEL D. BUNYARD, [redacted]
JOHN B. BURROUGHS, [redacted]
MICHAEL BURROUGHS, [redacted]
JEFFREY S. CADES, [redacted]
PEGGY O. CALDWELL, [redacted]
GARY C. CALLAWAY, [redacted]
GLEN A. CAMPBELL, [redacted]
ROBERT D. CARSON, [redacted]
DONALD A. CAVALLO, [redacted]
JAMES CHARLESWOR, [redacted]
JUANITA E. CHEEK, [redacted]
JOHN F. CIAK, [redacted]
JEFFREY P. CLEMENTE, [redacted]
ANTHONY COLANGELO, [redacted]
EDDIE M. COLEMAN, [redacted]
SUSAN B. COOPER, [redacted]
ERIC P. COWART, [redacted]
WILLIAM L. CRISS, JR., [redacted]
JAMES S. CROWELL, [redacted]
JERALD E. DANIELS, [redacted]
JAMES E. DAVIS, [redacted]
STAN B. DAVIS, [redacted]
WALTER DAVIS, [redacted]
WENDELL A. DAVIS, [redacted]
JAMES DELLACHIES, [redacted]
JAMES L. EBERT, [redacted]
JOSEPH Y. ESPOSITO, [redacted]
WALTER G. FAHR, [redacted]
ROBERT E. FEINBERG, [redacted]
JERRY R. FERREL, [redacted]
THOMAS A. FLYNN, [redacted]
CALVIN B. FOX, [redacted]
RONALD L. FOX, [redacted]
PATRICK N. FREESH, [redacted]
LEE A. FRIELL, [redacted]
ROBERT L. FURLOW, [redacted]
GEORGE H. GARDNER, [redacted]
FREDRICK S. GASCHEN, [redacted]
ROBERT J. GEURTZ, [redacted]
JOHN F. GIACOVELLI, [redacted]
ALLEN GILDERSLEE, [redacted]
GREGORY W. GOOD, [redacted]
RICHARD GOTTMEIER, [redacted]
CALVIN L. GREEN, [redacted]
ROGER W. GUILMAIN, [redacted]
ANTHONY GUTIERREZ, [redacted]
GARY L. HALGUNSETH, [redacted]
MICHAEL E. HAMILTON, [redacted]
SOTERIOS C. HANTZIS, [redacted]
JOAN C. HARRUP, [redacted]
MICHAEL R. HAWKINS, [redacted]
ROBERT J. HAWLEY, [redacted]
DONALD B. HEADLEY, [redacted]
BERNARD D. HEIT, [redacted]
LUTHER G. HERBERT, [redacted]
JAMES D. HILL, [redacted]
ROGER M. HILL, [redacted]
LEE F. HILLER, JR, [redacted]
ROBERT T. HOGAN, [redacted]
ROBERT A. HORNER, [redacted]
FRED H. HORTON, [redacted]
TIMOTHY M. HUBALIK, [redacted]
CHARLES D. HUSKEY, [redacted]
ROBERT HUTCHINSON, [redacted]
LARRY G. ISENBERG, [redacted]
JERRY D. JONES, [redacted]
EUGENE C. KAIN, [redacted]
THOMAS P. KEATING, [redacted]
RONALD G. KENNEY, [redacted]
DARREL W. KING, [redacted]
WILLIAM KORBA, [redacted]
JEFFREY A. LANI, [redacted]
IGNACIO G. LARA, [redacted]
JOHN R. LARSON, [redacted]
GEORGE A. LEE, [redacted]
HARVEY D. LEIGHNOR, [redacted]
GARY R. LEMASTER, [redacted]
RONALD L. LONG, [redacted]
BRUCE R. LORIA, [redacted]
TERRY M. LOTZ, [redacted]
LARRY M. MAGNUSSON, [redacted]
MICHAEL MANSFIELD, [redacted]
DENNIS W. MANSKE, [redacted]
JUDITH A. MARKS, [redacted]
RA MARTINRODR, [redacted]
MARY A. MATHIS, [redacted]
DAVID R. MCCARROLL, [redacted]
JANE I. MCCULLOUGH, [redacted]
MICHAEL F. MCGREGOR, [redacted]
THOMAS A. MCHALE, [redacted]
GEORGE I. MCLEAN, [redacted]
JAMES B. MONTGOMERY, [redacted]
JAMES H. MORRIS, [redacted]
MILTON A. MORRIS, [redacted]
FREDERICK MULLIN, [redacted]
WALLACE P. MURDOCH, [redacted]
DONALD R. NASEEF, [redacted]
GARY Y. NIINO, [redacted]
JOHN H. NONOMURA, [redacted]
CARROLL R. OATES, [redacted]
JOHN T. ONEAL, [redacted]
JOSEPH F. OSMANSKI, [redacted]
DONALD R. PANKRATZ, [redacted]
JOHN A. PARROTT, [redacted]
WILLIAM E. PERKINS, [redacted]
KENNETH D. PETERS, [redacted]
CHARLES E. PICKREN, [redacted]
ROBERT E. PITTS, [redacted]
JOHN P. PLISKA, [redacted]
MELISSIA POTTS, [redacted]
DANA F. REYNARD, [redacted]
STEPHEN F. ROACH, [redacted]
GERALD V. ROUSE, [redacted]
HARRY F. ROWLEY, [redacted]
DAVID W. RUSS, [redacted]
MARVIN L. SALIN, [redacted]
JOSEPH A. SAM, [redacted]
ARNOLD L. SANDLER, [redacted]

THOMAS F. SCHOBERT, [redacted]
STEPHEN SCHROFFEL, [redacted]
CLAUDE M. SCHUTZ, [redacted]
DANIEL J. SHARKEY, [redacted]
DENNIS F. SHEILS, [redacted]
JOHN T. SHERFINSKI, [redacted]
CHARLES D. SHIELDS, [redacted]
THEODORE J. SHULSEN, [redacted]
ARTHUR E. SIEBERT, [redacted]
WALTER W. SIGG, [redacted]
JAMES E. SLAGLE, [redacted]
JOHN W. SMITH, [redacted]
ROBERT B. SMITH, [redacted]
ERIC J. SPRENGLE, [redacted]
ROBERT D. SPRUANCE, [redacted]
JOSEPH B. STALLER, [redacted]
STANLEY J. STATES, [redacted]
THOMAS STEPHENSON, [redacted]
ROBERT R. STRANGE, [redacted]
KEVAN M. SULLIVAN, [redacted]
WALTER L. SURPRISE, [redacted]
HOWARD H. TAMAI, [redacted]
ROBERT W. TARDY, [redacted]
LELAND E. TAYLOR, [redacted]
DANIEL A. THOMAS, [redacted]
JAMES M. THOMPSON, [redacted]
BRIAN D. THORESON, [redacted]
KENNETH I. THURSTON, [redacted]
ALBIN A. TIMM, [redacted]
PRITAM S. VERMA, [redacted]
MICHAEL J. WAGNER, [redacted]
WILLIAM E. WALSH, [redacted]
MICHAEL G. WATTS, [redacted]
JOHN B. WEBSTER, [redacted]
HALL B. WHITAKER, [redacted]
JOHNNY R. WILLIAMS, [redacted]
JOSEPH O. WILSON, [redacted]
MARYANN C. WOOD, [redacted]
WILLIAM W. WOOLMAN, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

ALBERT A. ABDOO, [redacted]
KAREN R. ANDERSON, [redacted]
BR ARROYOGUAD, [redacted]
BERNARD J. ATCHISON, [redacted]
MARION L. BRACEY, [redacted]
MICHAEL P. BROOKS, [redacted]
GARY O. CAMP, [redacted]
JOICE A. CARTER, [redacted]
HOLLY A. DIEKEN, [redacted]
AMANDA D. DIN, [redacted]
LYDIA F. DORION, [redacted]
SUSAN A. GRIGSBY, [redacted]
JUDITH M. HAIDUK, [redacted]
BETTY J. HALLMON, [redacted]
CONSTANCE HARDY, [redacted]
BARBARA E. HAZEN, [redacted]
CHARLES O. HOLMBERG, [redacted]
BRENDA J. JOHNSON, [redacted]
DIANA L. JONES, [redacted]
LOYD D. JORDING, [redacted]
ROGER L. KEDDINGTON, [redacted]
AMY K. LEITNER, [redacted]
NETTA J. LEONG, [redacted]
STEPHANIE MARTINET, [redacted]
VIRGINIA M. MEYERS, [redacted]
BRUCE L. OLSON, [redacted]
VIRGINIA S. STAPLEY, [redacted]
KATHERI STRICKLAND, [redacted]
MARY B. SYKES, [redacted]
YOU Y. WHIPPLE, [redacted]
KATHERINE YOUNG, [redacted]

VETERINARY CORPS

To be lieutenant colonel

LUCAS H. BRENNECKE, [redacted]
LESLIE M. DALTON, [redacted]
JAMES M. GLOVER, [redacted]
ERIC C. GONDER, [redacted]
ASA H. JEWELL, [redacted]
HARVEY H. LEIMBACH, [redacted]
GEORGE T. MAKOVEC, [redacted]
MICHAEL E. PAULSEN, [redacted]
BLAINE R. RUSSELL, [redacted]
JOHN C. TURNIER, [redacted]
CRAIG W. WHITE, [redacted]

IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

CURTIS T. ANDERSON, II, [redacted]
CORNELL E. ANDERTON, [redacted]
PHILLIP E. APPLETON, [redacted]
SANTIAGO A. ARCHULETA, [redacted]
MICHAEL A. ARRIOLA, [redacted]
GARY E. BACHER, [redacted]
JEFFREY S. BAILEY, [redacted]
SEAN R. BANGS, [redacted]
CHRISTOPHER J. BARRON, [redacted]
SAMUEL S. BARTON, [redacted]
THOMAS E. BARTOW, [redacted]
LORI P. BATA, [redacted]
PHILIP A. BAUDE, [redacted]
DAVID M. BEDARD, [redacted]
JOHN T. BENNETT, [redacted]
CHAD S. BERBERICH, [redacted]
KENDELL A. BERGMANN, [redacted]
STACEY A. BERRY, [redacted]
CRAIG BERRYMAN, [redacted]
DONALD P. BIRD, [redacted]
BRIAN A. BISSONNETTE, [redacted]
MICHAEL N. BIZZOCO, [redacted]
ROBERT A. BLACKBURN, [redacted]
JIMMY F. BLACKMON, [redacted]
ROBERT BOERJAN, [redacted]
BRIAN F. BOREK, [redacted]
JOHNNY R. BORDEN, [redacted]
MARTIN L. BORTOLUTTI, [redacted]
PAMELA S. BRADSBERRY, [redacted]
PETER S. BRAU, [redacted]
JONATHAN S. BRIDGES, [redacted]
PAUL J. BRISTOL, [redacted]
JOHN E. BRISTOW, III, [redacted]
WILLIAM E. BRITT, JR, [redacted]
JANICE D. BROOKINS, [redacted]
MARK D. BROOKS, [redacted]
ROBERT M. BROUGHTON, [redacted]
EDWIN C. BROUSE, [redacted]
MATTHEW J. BROWN, [redacted]
RONALD D. BROWN, JR, [redacted]
TINA D. BROWN, [redacted]
FEDERICA L. BRYANT, [redacted]
BRIAN W. BUEGE, [redacted]
CHRISTOPHER J. BURNS, [redacted]
CHRISTIAN S. BUZATU, [redacted]
ANTHONY D. CAMPBELL, [redacted]
ROBERT G. CARRUTHERS, III, [redacted]
JOSEPH E. CARTER, [redacted]
YONG S. CASSLE, [redacted]
JOHN R. CAVEDO, JR, [redacted]
JASEN O. CHADWICK, [redacted]
STEPHEN CHAN, [redacted]
MICHAEL A. CHANDANAIS, [redacted]
WILLIAM CHLEBOWSKI, [redacted]
CHRIS W. CHRONIS, [redacted]
NILES K. CHURA, [redacted]
LEONARD S. CIANCIOTTO, [redacted]
ARTHUR B. CLOMERA, [redacted]
LAWRENCE E. COLLINS, JR, [redacted]
JOHN A. CONNIFF, [redacted]
MICHAEL T. COOPER, [redacted]
STACEY P. CORN, [redacted]
MICHAEL R. CORPENING, [redacted]
NICHOLAS P. CORRAO, [redacted]
ELWARD P. CORTEZ, [redacted]
BRUCE R. COYNE, [redacted]
JAMES W. CRAFT, III, [redacted]
GEOFFREY A. CRAWFORD, [redacted]
BRADLEY W. CULLUM, [redacted]
ANDREW P. DACUS, [redacted]
ERNESTO DALLAS, [redacted]
MARCUS A. DAUGHTRY, [redacted]
JAMES A. DAVEL, [redacted]
FRANK R. DAYTON, JR, [redacted]
MICHAEL A. DECARDONA, [redacted]
ROBERTO J. DEMARQUEZ, [redacted]
CRAIG M. DOANE, [redacted]
JOSE M. DOMINGUEZ, [redacted]
CHRISTOPHER P. DOWNEY, [redacted]
EDGAR R. DUCHEMIN, [redacted]
JEFFREY L. DUHRSEN, [redacted]
GLORIA D. DUNKLIN, [redacted]
JOHN G. DUPEIRE, [redacted]
JOHN S. EARWOOD, [redacted]
WILLIAM F. EAVES, JR, [redacted]
ROBERTA L. EDGAR, [redacted]
CURTIS B. EDSON, [redacted]
SIDNEY A. ELI, [redacted]
RANDALL W. ELLSWORTH, [redacted]
MICHAEL J. ERNST, [redacted]
MICHAEL J. FADDEN, [redacted]
DOUGLAS M. FAHERTY, [redacted]
GARY D. FERAUDO, [redacted]
KEVIN J. FINCH, [redacted]
PAUL R. FISCUS, [redacted]
CRYSTAL L. FLACK, [redacted]
ROSS D. FLORES, [redacted]
SUSAN M. FOLEY, [redacted]
KATHY FOX, [redacted]
ALFRED N. FRANCO, JR, [redacted]
DONALD R. FRANKLIN, [redacted]
EARL FREEMAN, [redacted]
TOD A. FRIANT, [redacted]
THOMAS M. FUGATE, [redacted]
DANIEL J. FULLER, [redacted]
GREGORY G. FURNISH, [redacted]
MARK D. GAILLARD, [redacted]
ANDREW C. GAINEY, [redacted]
BRYON R. GASTON, [redacted]
FRANK P. GAYDOS, JR, [redacted]
STEVEN J. GAYDOS, [redacted]
GEORGE J. GEHRINGER, [redacted]
HERMAN M. GENDERSON, [redacted]
DOUGLAS A. GIBSON, [redacted]
ERIK O. GILBERT, [redacted]
JACK B. GILLIAND, JR, [redacted]
PATRICK W. GINN, [redacted]
PAULA S. GLAZIER, [redacted]
DAVID J. GOETZE, [redacted]
ROBERT J. GONDOLFO, [redacted]
FELIX O. GONZALES, [redacted]
EDWARD GONZALEZ, [redacted]
RAUL E. GONZALEZ, [redacted]
WILSON GONZALEZ, [redacted]
NILSA GONZALEZMERCADO, [redacted]
KATHERINE J. GRAEF, [redacted]
DEVIN L. GRAY, [redacted]
WAYNE A. GREEN, [redacted]
LEE K. GRUBBS, [redacted]
DANIEL V. GRUSENMEYER, [redacted]
DENNIS D. GUERTIN, [redacted]
DAVID J. HAEBIG, [redacted]
MARTY G. HAGENSTON, [redacted]
SCOTT M. HAGWOOD, [redacted]
SANDRA L. HALASE, [redacted]
SAMUEL E. HALES, [redacted]
KIMBERLY M. HALL, [redacted]
BRIAN J. HAMMER, [redacted]
TONY J. HAMMES, [redacted]
DAVID W. HANSON, [redacted]
DOUGLAS J. HARDIE, [redacted]
RANDY H. HARGRAVES, [redacted]
ERNEST J. HARMON, JR, [redacted]
STUART C. HASELDEN, [redacted]
SCOTT A. HASKEN, [redacted]
JAMES K. HAYNES, [redacted]
SCOTT F. HEADEN, [redacted]
STEVEN A. HEDDEN, [redacted]
CHARLES J. HEIMANN, [redacted]
ROBERT B. HEMMER, [redacted]
JAMES H. HENDERSON, II, [redacted]
PAUL E. HERCHIG, [redacted]
BRYAN P. HERNANDEZ, [redacted]
GERARDO HERNANDEZPABON, [redacted]
JIMMY J. HESTER, [redacted]
RONALD R. HOARD, [redacted]
GARRY O. HODGES, [redacted]
ERIC D. HODOS, [redacted]
CHARLES H. HOFFMANN, [redacted]
GEOFFREY T. HOGATE, [redacted]
HERBERT H. HOLBROOK, JR, [redacted]
JAMES G. HOLLINGSWORTH, [redacted]
DAVID G. HOM, [redacted]
JOSEPH M. HONKUS, [redacted]
MICHAEL R. HORNER, [redacted]
ANDREW R. HORVATH, [redacted]
JOHN M. HOSKYN, [redacted]
JAMES L. HOWARD, JR, [redacted]
JENNIFER M. HOYT, [redacted]
KIRBY D. HUGHES, [redacted]
DARRYL B. HURST, [redacted]
SCOTT D. HUSSEY, [redacted]
PETER N. ILNITZKI, [redacted]
PAUL D. INMAN, [redacted]
ALICIA D. JACKSON, [redacted]
JEROME JACKSON, [redacted]
JAY G. JACOBS, [redacted]
BRADLEY R. JACOBSON, [redacted]
CHARLES W. JENSEN, II, [redacted]
MARK D. JERNIGAN, [redacted]
GREGORY L. JOACHIM, [redacted]
DAVINA A. JOHNSON, [redacted]
MARIO A. JOHNSON, [redacted]
WILLIAM D. JOHNSON, [redacted]
DANIEL B. JONES, [redacted]
MARTE E. JONES, [redacted]
PAUL A. JONES, [redacted]
RICHARD A. JONES, [redacted]
THOMAS E. JONES, [redacted]
TERRY L. JUNE, [redacted]
CHRISTINE O. JUNKER, [redacted]
MICHAEL A. JUNOT, [redacted]
PIERRE D. JUTRAS, [redacted]
PETER KAGELEIRY, JR, [redacted]
KAME K. KANESHIRO, [redacted]
JAMES G. KANICKI, [redacted]
MATTHEW V. KELLER, [redacted]
ANDERSON R. KELLERMAN, [redacted]
RICHARD R. KELLING, [redacted]
KEVIN G. KELLY, [redacted]
KIPP A. KELLY, [redacted]
LAURA B. KERR, [redacted]
JEFF A. KIPP, [redacted]
JOHN C. KIRALY, [redacted]
ALAN S. KNITOWSKI, [redacted]
TIMOTHY J. KNOWLES, [redacted]
RICHARD A. KOSANOVIC, [redacted]
RICHARD C. KOSTECKI, [redacted]
DAVID K. KOWALCZUK, [redacted]
MELVIN R. LAVENDER, [redacted]
DAVID A. LEE, [redacted]
TODD M. LEITCSHUH, [redacted]
LEE G. LIENEMANN, [redacted]
CRAIG A. LITTLE, [redacted]
JOSEPH S. LOCASCIO, [redacted]
GEORGE M. LOGAN, [redacted]
ARCENIO LOPEZ, JR, [redacted]
TIMOTHY D. LUEDECKING, [redacted]
CORWIN J. LUSK, [redacted]
KEVIN R. LYNCH, [redacted]
PATRICK B. MACKIN, [redacted]
ROBERT MADRID, [redacted]
ROBERT K. MAGEE, [redacted]
ANDREW B. MANSON, [redacted]
CRAIG J. MANVILLE, [redacted]
JONATHAN M. MAPLEYBRITTLE, [redacted]
KENT B. MARCHANT, [redacted]
VICTOR M. MARREROLUNA, [redacted]
JOSEPH J. MARTIN, [redacted]
LYLE L. MARTIN, [redacted]
RONALD E. MARTIN, [redacted]
DOUGLAS G. MASON, [redacted]
MICHAEL J. MATTHEWS, [redacted]
JACQUELINE A. MAUPIN, [redacted]
ANGELA M. MAVRICH, [redacted]
TIMOTHY P. MCALILEY, [redacted]
GEORGE A. MCCOLLUM, III, [redacted]
BERNARD N. MCCUTCHEON, [redacted]
CHARLES T. MCGUINNESS, [redacted]
THOMAS P. MCLEARY, [redacted]

DONALD R. MCMULLIN, [redacted]
LONNIE J. MCNAIR, JR, [redacted]
BRYAN MCNEAL, [redacted]
JACQUELINE D. MCPHAIL, [redacted]
ROBERT C. MCWILLIAMS, IV, [redacted]
CHARLES P. MERWIN, [redacted]
ROBERT E. MIDDLETON, JR, [redacted]
ERIC P. MILLER, [redacted]
JEREMY B. MILLER, [redacted]
JODY C. MILLER, [redacted]
GARY P. MISKOVSKY, JR, [redacted]
BRYAN K. MOHN, [redacted]
DAVID S. MONSON, [redacted]
RICHARD A. MONTALVO, [redacted]
KENNETH A. MONTE, [redacted]
CHARLES P. MOORE, [redacted]
STACY L. MOORE, [redacted]
VICTOR L. MORALES, JR, [redacted]
JAMES W. MORRIS, [redacted]
MATTHEW R. MORRIS, [redacted]
KEVIN C. MORRISON, [redacted]
CLIFFORD J. MULLEN, III, [redacted]
BRUCE A. MUMFORD, [redacted]
ANTONIO V. MUNERA, [redacted]
THOMAS E. MUNSEY, [redacted]
DOUGLAS J. MYERS, [redacted]
WILLIAM C. NAGEL, [redacted]
PAUL NAVAS, III, [redacted]
BRUCE W. NELSON, [redacted]
JACK H. NELSON, [redacted]
NORMAN D. NELSON, [redacted]
PAUL E. NICHOLS, [redacted]
MARCI L. NORBY, [redacted]
RUDEFORD M. NORMAN, JR, [redacted]
LIONEL L. NORTON, [redacted]
WILLIAM T. NUCKOLS, JR, [redacted]
NANCY L. NUNES, [redacted]
MARCUS J. ODUM, [redacted]
DAVID S. OESCHGER, [redacted]
JAMES M. OKEEFE, [redacted]
CRYSTAL M. OLIVER, [redacted]
STEVEN E. OSTERHOLZER, [redacted]
EDGAR PAGANTORRES, [redacted]
JERALD W. PAGE, [redacted]
CHRISTOPHER M. PALFI, [redacted]
ROBERT W. PARKE, III, [redacted]
CLIFTON L. PATTERSON, JR, [redacted]
BLYTHE R. PATTON, [redacted]
MARK L. PAULUS, [redacted]
JOHN E. PEARSON, [redacted]
MICHAEL T. PEREIRA, [redacted]
CARLOS M. PEREZ, [redacted]
GARTH N. PEREZ, [redacted]
SAUL H. PERLOFF, [redacted]
DOUGLAS J. PETERS, [redacted]
JOSEPH B. PHAMA, [redacted]
JAMES R. PHILLIPS, III, [redacted]
SEAN L. PIERSON, [redacted]
SUSAN K. PIERSON, [redacted]
DOUGLAS P. PIETROWSKI, [redacted]
MICHAEL A. PIROUTEK, [redacted]
GEORGE S. PITT, [redacted]
STEPHEN D. POMPER, [redacted]
PATRICK POWERS, [redacted]
CLIFTON PRAT, [redacted]
JOSEPH F. PRIDGEN, [redacted]
MICHELE M. PRIHODA, [redacted]
KEITH C. PRITCHETT, [redacted]
REGINALD PRUITT, [redacted]
ROLAND V. QUIDACHAY, [redacted]
DAVID G. RAY, [redacted]
EUGENE C. RENDON, [redacted]
DOUGLAS B. RIDENOUR, [redacted]
MARK S. RILEY, [redacted]
STEPHEN J. RILEY, [redacted]
MARIA D. RITTER, [redacted]
JESSIE L. ROBINSON, [redacted]
ROBERT L. ROBINSON, II, [redacted]
PAUL W. RODGERS, [redacted]
CHRISTINE A. ROMAN, [redacted]
DANIEL T. ROUSSEAU, [redacted]
ROBERT L. ROWLAND, JR, [redacted]
ELON K. ROWLEE, III, [redacted]
MICHAEL J. RUBI, [redacted]
MICHAEL S. RUSSELL, [redacted]
FRANKLIN R. SAFFEN, [redacted]
RICHARD E. SANDERS, [redacted]
KENNETH J. SANDERSON, [redacted]
JAMES E. SAUNDERS, [redacted]
KENNETH W. SCHEIDT, [redacted]
DOUGLAS A. SCHENCK, [redacted]
PATRICK D. SCHERTLER, [redacted]
JEROME P. SCHULZ, [redacted]
JAMES D. SCOTT, JR, [redacted]
LEONARD B. SCOTT, IV, [redacted]
LEE A. SEALE, [redacted]
DAVID A. SEGULIN, [redacted]
ANTHONY R. SHAVERS, [redacted]
MICHAEL R. SHEA, [redacted]
DAVID W. SHEPARD, JR, [redacted]
DAVE W. SIMMONS, [redacted]
KIM L. SIMS, [redacted]
MARK A. SISCO, [redacted]
JAMES D. SISEMORE, [redacted]
SCOTT T. SITKIEWITZ, [redacted]
STEPHEN B. SLEDGE, [redacted]
PHILLIP E. SMALLWOOD, [redacted]
ANTHONY R. SMITH, [redacted]
JESSE W. SMITH, [redacted]
MATTHEW D. SMITH, [redacted]
RANDY A. SMITH, [redacted]
SCOTT A. SMITH, [redacted]
STEPHEN C. SMITH, [redacted]
DANIEL F. SNYDER, [redacted]
ANDREW M. SOLARES, [redacted]
MICHAEL J. SORRENTINO, [redacted]
LINDA C. SPECHT, [redacted]
THOMAS A. SPEELMON, [redacted]
COREY M. SPENCER, [redacted]
LANCE E. SPITZNER, [redacted]
MARK C. SPOEHR, [redacted]
BENNY L. STARKS, JR, [redacted]
DARRYL D. STEPHENS, [redacted]
LAUREL R. STEWART, [redacted]
MARK A. STILLWAGON, [redacted]
MARK D. STIMER, [redacted]
CHRISTOPHER STONE, [redacted]
JASON T. STRICKLAND, [redacted]
MATTHEW P. SUGGS, [redacted]
ANN L. SUMMERS, [redacted]
JAMES M. SUTTON, [redacted]
DAVID A. SWALWELL, [redacted]
ADAM R. TASCA, [redacted]
BRIAN L. TAYLOR, [redacted]
CURTIS L. TAYLOR, [redacted]
DAVID T. TAYLOR, [redacted]
PAUL D. TERRELL, [redacted]
AARON T. TERUYA, [redacted]
WILLIAM L. THIGPEN, [redacted]
SAMUEL S. THOMAS, [redacted]
CHARLES E. THOMPSON, JR [redacted]
FRANK TOMINEZ, JR, [redacted]
RICHARD R. TORRES, [redacted]
THOMAS B. TREDWAY, [redacted]
DAVID W. TROTTER, [redacted]
WESLEY I. TUCKER, [redacted]
SEAN C. TULEY, [redacted]
JOHN R. UHARRIET, [redacted]
RICHARD P. ULLIAN, [redacted]
JACK L. USREY, [redacted]
MATTHEW J. VANWAGENEN, [redacted]
JOSEPH T. VASTANO, [redacted]
JUKKA P. VERANEN, [redacted]
NEIL W. WALLERSTROM, [redacted]
KENNETH D. WEBB, [redacted]
JOHN W. WEIDNER, [redacted]
MICHAEL W. WELCH, [redacted]
WILLIAM T. WELCH, [redacted]
TOMMY L. WELDY, JR, [redacted]
SHELLEY M. WERTZ, [redacted]
RANDALL E. WHEELER, [redacted]
CHRISTOPHER B. WHEELOCK, [redacted]
CARLA D. WILBURN, [redacted]
ANTHONY J. WILKINS, [redacted]
SEAN P. WILKINSON, [redacted]
GREGORY A. WILLIAMS, [redacted]
JEFFREY N. WILLIAMS, [redacted]
DANIEL B. WILSON, [redacted]
DIONNE M. WILSON, [redacted]
KATHRYN K. WILSON, [redacted]
PAUL M. WILSON, [redacted]
JEFFREY E. WOOD, JR, [redacted]
YANCY D. WOOD, [redacted]
THOMAS E. WOODIE, [redacted]
CARL J. WORTHINGTON, [redacted]
KARL W. WRIEDEN, [redacted]
RICHARD D. WYATT, [redacted]
ANDREW M. ZACHERL, [redacted]
MICHAEL R. ZELESKI, [redacted]
BRYAN R. ZENT, [redacted]
KRIS A. ZUPAN, [redacted]

MEDICAL SERVICE CORPS

VINCENT M. ANTUNEZ, [redacted]
MARSHA ATCHISON, [redacted]
ALLESA J. BIRD, [redacted]
MYRANDS L. BROMELL, [redacted]
JOHN L. CHITWOOD, [redacted]
WALTER H. CONNERY, [redacted]
DAVID J. REINHART, [redacted]
JEFFREY F. RIMMER, [redacted]
CARLENE A. SPENCE, [redacted]
PATRICK STARKEY, [redacted]
THOMAS A. SYDES, [redacted]
JAMES R. TOLSTON, III, [redacted]
STEPHEN W. WALKER, [redacted]
CHARLES G. WALLIS, [redacted]
TIMOTHY S. WORT, [redacted]

ARMY NURSE CORPS

DONALD A. CLOUD, [redacted]
MARIBETH K. DEWEY, [redacted]
JANELLE M. JAMES, [redacted]
BRETT E. MCCLOSKEY, [redacted]
SCOTT A. NEUSER, [redacted]
YZEUT M. VIVESTORRES, [redacted]
LAURA R. WEDEL, [redacted]

MEDICAL SPECIALIST CORPS

STEPHANIE E. FOX, [redacted]
EMILY D. MAGERS, [redacted]

THE FOLLOWING NAMED CADETS GRADUATING CLASS OF 1991, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

SHANNON G. CURRY, [redacted]
JOSHUA H. JONES, [redacted]
TIMOTHY G. NIX, [redacted]
DAVID J. WOOTEN, [redacted]

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1211.

To be lieutenant colonel

JAMES F. CHERRY, [redacted]

To be captains

ELMER C. WALLACE, JR, [redacted]
DAVID A. LEE, [redacted]
CHRISTOPHER V. PATTERSON, [redacted]

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532 AND 533:

CHARLES P. MCNEILL, [redacted]

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532 AND 533:

ARMY NURSE CORPS

To be lieutenant colonel

CHARLES B. HAUSER, [redacted]

To be majors

SOCORRO CASTORENO, [redacted]
RITA CORCORAN, [redacted]
FRANCES K. DEVLIN, [redacted]
KEITH E. ESSEN, [redacted]
JOSEPH HELMINIAK, [redacted]
THERESA MESSENGER, [redacted]
BYRON D. UNDERWOOD, [redacted]

To be captains

LOIS BORSAYTRINDLE, [redacted]
ELEANOR FENNELL, [redacted]
ROBERT S. HODGES, [redacted]

To be first lieutenant

OTIS WARE, [redacted]

MEDICAL SERVICE CORPS

To be majors

HERBERT M. GUPTON, [redacted]
JOE A. SANTOS, [redacted]
J. D. WHITE, [redacted]

To be captains

JOSE ANDUJAR-RIVERA, [redacted]
DONALD BACON, JR, [redacted]
DACOSTA EG BARROW, [redacted]
JESSI D. BOOKER, [redacted]
ANN C. BUDINGER, [redacted]
JEFFREY A. DANCHENKO, [redacted]
THOMAS P. DRIER, [redacted]
GREGORY R. GONZALEZ, [redacted]
MARION F. MOSLEY, [redacted]
LINDA C. ROSS, [redacted]
ADELE VOGELGESANG, [redacted]
DONALD R. WEST, [redacted]
ROBERT C. WREN, [redacted]

To be first lieutenants

MARK A. BARTH, [redacted]
JOHN M. GARRITY, [redacted]
DAVID G. KING, [redacted]
ANDREW R. ROYBAL, [redacted]
STEVEN A. SAWYER, [redacted]
JOHN A. SMITH, [redacted]

VETERINARY CORPS

To be majors

KIM B. BIGBIE, [redacted]
RONALD L. BLAKELY, [redacted]
LOREE B. GAINES, [redacted]
CARNEY JACKSON, [redacted]
MARK E. WOLKEN, [redacted]

To be captains

CORNEL L. KITTELL, [redacted]
ROBERT W. MCHARGUE, [redacted]
GEORGE C. RENISON, [redacted]
JOHN C. SMITH, [redacted]
PAUL E. WHIPPO, [redacted]

MEDICAL SPECIALIST CORPS

To be majors

JAMES R. BROWN, [redacted]
STEVEN R. ORD, [redacted]

MEDICAL CORPS

To be colonels

ROGER K. ALLEN, [redacted]
WILLIAM KENNON, [redacted]
TERRY E. PICK, [redacted]
HARVEY RUSKIN, [redacted]

To be lieutenant colonels

DAVID G. JARRETT, [redacted]

ROBERT KAMINSKI, [redacted]
WILLIAM N. LANE, [redacted]
DENVER E. PERKINS, [redacted]

To be majors

ROBERT M. GUM, [redacted]
DAVID L. MANESS, [redacted]
RICHARD E. WHITLOW, [redacted]

To be captain

JAY F. SULLIVAN, [redacted]

DENTAL CORPS

To be lieutenant colonel

ERNEST R. RICCI, [redacted]

To be majors

DALE A. BAUR, [redacted]
GREGORY A. BLYTHE, [redacted]
SHIRLEY L. BURT, [redacted]
PAUL CHRISTIANSON, [redacted]
CHARLENE CZUSZAK, [redacted]
PHILIP DENICOLO, [redacted]
JIM B. DUKE, JR., [redacted]
NANCY K. ELLISTON, [redacted]
TRENT C. FILLER, [redacted]
ANDREW E. FLOYD, [redacted]
JOHN A. GAWLIK, [redacted]
PHILIP A. HAMMOND, [redacted]
ANTHONY P. JOYCE, [redacted]
STEVEN L. KENNEY, [redacted]
CARL M. KRUGER, [redacted]
DALE L. PAVEK, [redacted]
ALLEN B. QUEEN, [redacted]
ALAN D. SMITH, [redacted]
JAMES L. THOMPSON, [redacted]
DEAN S. UYENO, [redacted]
ROBERT J. WILHELM, [redacted]

To be captains

CHRISTIAN ACHLEITHNER, [redacted]
DOUGLAS BAUMGARDNER, [redacted]
THOMAS J. BORRIS, [redacted]
LAWRENCE BREAULT, [redacted]
ANNETTE DUSSEAU, [redacted]
ANDRE K. KIM, [redacted]
CASEY P. LESER, [redacted]
GLEN D. MAYLATH, [redacted]
MATTHEW A. MCLELLAN, [redacted]
WALTER F. RONGEY, [redacted]
SAUNDRA G. STEIN, [redacted]
ROBERT R. THRASHER, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be major

FRAN W. WALTERHOUSE, [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531:

UNITED STATES MARINE CORPS AUGMENTATION LIST

To be major

SCOTT W. EVANS, [redacted]

To be captain

MICHAEL J. AHERN, [redacted]
DAVID C. ANDERSEN, [redacted]
JAY T. ARNETT, [redacted]
VAUGHN A. ARY, [redacted]
STEPHEN L. BAKER, [redacted]
CHRISTOPHEP BALESTERI, [redacted]
MARK A. BAUER, [redacted]
JOSEPH S. BELFLOWER, [redacted]
CHARLES A. BELL, [redacted]
TIMOTHY J. BLEIDISTEL, [redacted]
THOMAS G. BOGARD, [redacted]
MICHAEL L. BOOTH, [redacted]
WILLIAM R. BROWN, [redacted]
JAMES R. BROWN, III, [redacted]
PAUL W. CALLAHAN, [redacted]
KENT A. CARPENTER, [redacted]
JOSEPH P. CATAN, [redacted]
BRENT C. CHERRY, [redacted]
ROY CHISHOLM, [redacted]
STEPHEN S. CHOATE, [redacted]
JUSTON H. CLEMENT, [redacted]
BRUCE E. COOK, [redacted]
STEVEN R. CUSUMANO, [redacted]
DANIEL J. DAUGHERTY, [redacted]
DAVID M. DAUGHERTY, [redacted]
THAD W. DAVIDSON, [redacted]
ROBERT R. DEMING, [redacted]
PAUL D. DONAHUE, [redacted]
PATRICK J. DUNNE, [redacted]
ANDREW C. ENTINGH, [redacted]
BRAD L. FAHLAND, [redacted]
MARK D. FRANKLIN, [redacted]
JAY S. FREEMAN, [redacted]
CHRISTOPHEW FUNKHAUSER, [redacted]
JOHN F. GARRELTS, [redacted]
SHERYL G. GATEWOOD, [redacted]
TODD M. GLENN, [redacted]
JOHN L. GODBY, [redacted]
RICHARD E. GRANT, [redacted]
SAMUEL B. GROVE, [redacted]
PAUL B. GRUZLEWSKI, [redacted]
WILLIAM J. HARKIN, II, [redacted]
PATRICK J. HERMESMANN, [redacted]
DALE E. HOUCK, [redacted]
ALTO L. JERKINS, III, [redacted]
MICHAEL J. JOHNSON, [redacted]
MICHAEL W. JOHNSON, [redacted]
DAVID A. JONES, [redacted]
DAVID C. KNUTH, [redacted]
VINCENT C. KUCALA, [redacted]
DANIEL C. KUDLICKI, [redacted]
JAMES E. KULENEK, [redacted]
JAMES B. KUNKLE, [redacted]
JEFFREY E. LISTER, [redacted]
KURT V. LOHRMANN, [redacted]
DANIEL P. LUKSCHANDER, [redacted]
MICHAEL L. MAFFETT, [redacted]
STEVEN R. MARAVILLAS, [redacted]
DAVID A. MASTERS, [redacted]
MICHAEL P. MCSWEENEY, [redacted]
MICHAEL D. MITCHELL, [redacted]
DAVID M. MONTAGUE, [redacted]
VINCENT K. MOONEY, [redacted]
SCOTT C. MYKLEBY, [redacted]
JOHN J. NELSON, [redacted]
MATTHEW B. NORMAN, [redacted]
JEFFREY A. OLSEN, [redacted]
CHRISTOPHEJ PAPAJ, [redacted]
RICHARD M. PARR, [redacted]
GEORGE D. PICKENS, [redacted]
MARK E. PINTO, [redacted]
JOHN D. POLLARD, [redacted]
LAULIE S. POWELL, [redacted]
JOHN H. PRICE, [redacted]
REGLIN, [redacted]
MARK L. ROHRBAUGH, II, [redacted]
CHRISTOPHEB RYDELEK, [redacted]
DAVID B. SALATHE, [redacted]
MARK D. SANDERS, [redacted]
DOUGLAS L. SEAL, [redacted]
RUSSELL M. SMITH, [redacted]
ROBERT W. SPRAGUE, JR., [redacted]
STEVEN G. SPRINGER, [redacted]
ARTHUR T. STURGEON, JR., [redacted]
DIANNE L. SUMNER, [redacted]
JEROME E. SZEWCZYNSKI, [redacted]
TODD T. TILLMAN, [redacted]
VINCE R. WALKER, [redacted]
ROBERT T. WATTS, [redacted]
BEN K. WIGAND, [redacted]
PETER D. ZORETIC, [redacted]

To be first lieutenant

ROBERT A. AKIN, [redacted]
EDONNA L. ALLEN, [redacted]
STEVEN J. AMOROSO, [redacted]
DAVID J. ANDERSON, [redacted]
JAMES L. ARMSTRONG, [redacted]
NORMAN C. BAILEY, [redacted]
MICHAEL W. BARNES, [redacted]
GARY G. BLOESL, [redacted]
RANDAL S. BRELAND, [redacted]
MICHAEL A. BRUNO, [redacted]
SEAN J. BURKE, [redacted]
RODNEY D. BURNETT, [redacted]
ALBERT K. CHILDS, JR., [redacted]
STEPHEN A. CHILL, [redacted]
DAVID L. COGGINS, [redacted]
ROBERT C. COLLINS, [redacted]
FREDERICK R. CONNER, JR., [redacted]
GLENN A. CUNNINGHAM, [redacted]
SCOTT D. CUNNINGHAM, [redacted]
SHARON A. DANJOU, [redacted]
ROBERT A. DEROZIERE, [redacted]
THOMAS A. DOUGHERTY, III, [redacted]
STEPHEN E. DUKE, [redacted]
CHARLES W. DUNCAN, JR., [redacted]
BRIAN P. DURKIN, [redacted]
KATHY J. EATINGER, [redacted]
DAVID A. FALK, [redacted]
MARK S. FLANNERY, [redacted]
BRADLEY K. FLEISCHER, [redacted]
GRANT V. FREY, [redacted]
RICHARD W. FULLERTON, [redacted]
RUBEN J. GARZA, [redacted]
ANDREW J. GILLAN, [redacted]
JAY L. HATTON, [redacted]
MARK HELMUS, [redacted]
ANTHONY R. HERLIHY, [redacted]
DENNIS J. HOLLAHAN, [redacted]
JEFFREY Q. HOOKS, [redacted]
WILLIAM J. HUGHES, III, [redacted]
NANCY E. HURLESS, [redacted]
MARK D. JOHNSON, [redacted]
DAVID R. JONESE, [redacted]
JOHN E. KASPERSKI, [redacted]
STEPHEN H. KAY, [redacted]
ERIC R. KLEIBER, [redacted]
ROBIN R. KNEPP, [redacted]
ROBERT L. KUMPE, III, [redacted]
MARC J. LACLAIR, [redacted]
REIDAR F. LARSEN, [redacted]
MICHAEL A. LESAVAGE, [redacted]
JOHNNY E. LINDSEY, JR., [redacted]
JASON G. LINDSTROM, [redacted]
GENE LINFANTE, [redacted]
THOMAS A. LOGAN, II, [redacted]
BRIAN D. LONG, [redacted]
KEVIN W. MADDOX, [redacted]
MITCHELL J. MCCARTHY, [redacted]
DAVID B. MCGILLIS, [redacted]
BRENT E. MEEKER, [redacted]
LARRY L. MELTON, JR., [redacted]
BERNARD W. MEYER, [redacted]
SCOTT T. MINALDI, [redacted]
CARLO A. MONTEMAYOR, [redacted]
ANDREW J. MURRAY, [redacted]
RANDALL P. NEWMAN, [redacted]
BRENT A. NORRIS, [redacted]
PATRICK ODONNELL, [redacted]
JOEL G. OGREN, [redacted]
JAMES S. OMEARA, [redacted]
ROBERT C. OMEARA, [redacted]
MARK W. OVERTON, [redacted]
JAMES R. PARRINGTON, [redacted]
MATTHEW PATIN, [redacted]
GABRIEL PATRICIO, [redacted]
ALVIN W. PETERSON, JR., [redacted]
FRANK D. QUATTROCCHI, [redacted]
JAMES B. RAFERT, [redacted]
JOHN C. REIMER, [redacted]
JOCEPHAS ROZIER, [redacted]
JAMES L. RUBINO, JR., [redacted]
MARK D. RULLMAN, [redacted]
MARGARET A. RYAN, [redacted]
MICHAEL S. SALEH, [redacted]
WILLIAM C. SALTER, [redacted]
DEBRA A. SCHOPPE, [redacted]
HALLIBURTOJ SELLERS, [redacted]
RONALD K. SHY, [redacted]
STEVEN A. SIMMONS, [redacted]
KEITH E. SPURLOCK, [redacted]
LYNN A. STOVER, [redacted]
ROGER M. STRAUSS, [redacted]
MICHAEL R. STROBL, [redacted]
JOSEPH R. STROHMAN, [redacted]
JOHN J. SWEENEY, [redacted]
WILLIAM M. SYKSTUS, [redacted]
JOHN E. TADE, JR., [redacted]
STEPHEN R. TERRELL, [redacted]
JAMES S. TILLER, [redacted]
JOHN D. TROUTMAN, [redacted]
JEFFERY I. TURK, [redacted]
MICHAEL S. VARADI, [redacted]
LAWRENCE A. WHALEN, [redacted]
KEVIN H. WILD, [redacted]
PATRICK R. WILKS, [redacted]
BRIAN A. WILLIAMS, [redacted]
JOHN E. YOUNG, [redacted]

To be second lieutenant

JAMES T. JENKINS, II, [redacted]
JOHN R. LANGFORD [redacted]
JOHN P. MUSTICO, [redacted]
STEVEN F. PITINGOLO, [redacted]
JEFFREY A. RUTLEDGE, [redacted]
KARL R. TRENKER, [redacted]

UNITED STATES MARINE CORPS INTERSERVICE TRANSFER LIST

To be captain

JEFFERY B. KILMER, [redacted]
KARL D. KLICKER, [redacted]
MARK G. MCCONNELL, [redacted]
WILLIAM T. POTTS, JR., [redacted]

To be chief warrant officer 4

SANFORD P. PIKE, [redacted]

To be chief warrant officer 3

RODNEY S. BULLOCK, [redacted]

To be chief warrant officer 2

KARL E. DUGGIN, [redacted]
JAMES R. WESTFALL, [redacted]

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be major

RUDY K. ABRAMS, [redacted]
DELLAS R. BENNETT, [redacted]
DONALD R. HANSEN, [redacted]
DAVID F. JACOBUS, [redacted]
CHARLES A. MCWILLIAMS, [redacted]
MELVIN ROGERS, [redacted]
HOWARD A. WATT, [redacted]

To be captain

HAROLD S. AARON, [redacted]
ROBERT N. CALLISON, [redacted]
BARKLEY A. CORNWELL, [redacted]
TOMMY C. GRIFFIN, [redacted]
MERLIN J. JOHNSON, [redacted]
FRANCESCO MARRA, [redacted]

To be first lieutenant

LARRY G. CARMON, [redacted]
THOMAS L. HANKINSON, [redacted]
MICHAEL E. WEAVER, [redacted]
STEVEN R. WILLIAMS, [redacted]
ROBERT L. WOODRUFF, JR., [redacted]
FRANK E. ZEIGLER, [redacted]

IN THE NAVY

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COM-

MANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, LINE, USN, PERMANENT

RANDALL SCOTT BUTLER
PATRICK BRENDAN CARMODY
BRIAN GOODWIN FINCH
DAVID WOLF GRUBER
MICHAEL C. MCAULEY
BENJAMIN K. MILLER, JR
KENNETH R. PORTER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFEICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, LINE, USN, PERMANENT

PETER HERBERT ADOLPHSON
ANDREW ALFORD
BRIAN MICHAEL ALLEN
DONALD TODD ALLERTON
CHARLES JOSEPH ALTMAN
CRAIG DAVID ANDERSON
ERNS MOSES ANDERSON, JR
TIMOTHY RICHARD ANDERSON
WILLIAM JAY ANGUS
RICK WILLIAM ARAI
DAVID T. ARMSTRONG
MICHAEL SCOTT ASHBY
PAUL DAVIS ASHCRAFT
DONALD VINCENT AVENGER
RONALD KENT BACH
HENRY HUTCHINS FRANCI BAKER
WILLIAM ALAN BAKER
DARRYL LEIGH BARRICKMAN
JAMES ROBERT BEAMISH, JR
FORREST LEE BEASLEY
MICHAEL EDWARD BEAULIEU
RANDALL E. BECK
JOHN CLIFTON BEGLEY
DENNIS JOSEPH BELANGER
PATRICIA LEAH BENNICK
MARK DAVID BENTON
SCOTT DAVID BERGREN
THOMAS JOSEPH BERNOTA
GEORGE MICHAEL BERTSCH
CHARLES MARCONI J. BLACKWELL
GEORGE LOUIS BLASCO
KENNETH GEORGE BOBEN, JR
KEITH ALLEN BOLEN
JAMES GORDON BOTSFORD
IRVING GUSTAVUS BOUGH
PATRICK JOSEPH BOWMAN
JOHN KENNETH BOZICK
ANTHONY STEVEN BRADLEY
GREGORY ANTHONY BREEDY
PETER JAMES BRENNAN
SUSAN KAY BREWER
THOMAS EDWARD BREWER, III
RICHARD BLAKE BRIDGES, JR
KEVIN DANIEL BROFFORD
TODD JERRY BROPHY
LORENZO DAVID BROWN
JAMES WILLIAM BROWNSON, JR
VICTOR RICHARD BRUNI
FRANK BUGELLI
ROBERT LOUIS BUHROW
GREGORY GERHART BURKART
MICHAEL ALOYSIUS BUSSMANN
CHRISTIAN TOBIAS CALVO
KOLIN KENT CAMPBELL
JOHN ANDREW CANADAY
JOHN RALPH CARLSON
ROBERT CAMPAS CARRANZA
JAMES PAUL CARSON
BARBARA JEAN CARTER
KEFF MICHAEL CARTER
STEVEN BRADLEY CASTILLO
ERIC WEAVER CAUDLE
DARRYL DUANE CENTANNI
ROGER HENRY CHANDLER
DAVID CHARLES CHANG
GLEN JOSEPH CHITTY
KARL ROBERT CHRISTENSEN
CHRISTOPHER ANTHONY CIPOLLA
ALLAN TURNER CLAPP
ANTHONY JOSEPH CLAPP
DONALD LEE CLINE, II
JAMES COBELL, III
TIMOTHY JOSEPH COCHRAN
PAULA MAXWELL COLEMAN
SCOTT DAVID CONN
SHAWN ERIC COOK
TIMOTHY EARL COOLIDGE
PAULA ANNE COUGHLIN
COLE GEORGE COWARD
KENTON JOHN COX
WILLIAM MICHAEL CRANE
FLORENCE ELIZABETH CRAWLEY
KEVIN JAMES CRONIN
PATRICK STEPHEN CROSS
DEAN HAROLD CROWHURST
JEFFREY HOWARD CUNNINGHAM
BENSON DELANE CUTHBERTSON
FRANK DUDLEY DALTON, JR
JEFFREY CHARLES DAUS
JON SCOTT DAVIS
WILLIAM GEORGE DAVIS
EDWARD ANDREW DEEDS, III
LYNN LARRY DENNIS, JR
ANTHONY BERNARD DENZER
DAVID FRANKLIN DESANTO
DAVID GEORGE DICKISON
BRAVELL DODD, JR
RANDALL MICHAEL DOERNEMAN
MARK JERIMIAH DONOVAN
FRANCIS WILLIAM DORIS
DONALD DOUGLAS DORNAN, JR
STEVEN PATRICK DOUDS
JEFFREY AARON DREIWITZ
TIMOTHY JAY DUENING
PATRICK ANDREW DYER
STEVEN ALLEN EATON
KAREN JOHNSON EDWARDS
CURTIS STERLING EGGERS
JOHN CLYDE EGGLESTON
DWAYNE LYNN ELDRIDGE
SIDNEY THOMAS ELLINGTON
KEVIN RODARRICK ELMORE
STANLEY EARL ENGLE
PHILIP JAMES ENRIGHT
WILLIAM KURT ERHARDT
ROBERT ANTHONY ESPINOSA
PAUL MICHAEL ESPOSITO
JOHN ALLAN EVANS
WILLIAM ANTHONY FAKESS
RICHARD KEYES FAWCETT
JAMES LEE FELDKAMP
LYLE DEAN FINLEY, JR
WESLEY TODD FISH
TIMOTHY ALAN FISHER
RICHARD THOMAS FITE
WILLIAM JOSEPH FLANAGAN, JR
ANTHONY JOSEPH FONTANA
PAUL ALAN FORBES
CARL BYRON FORKNER
GARY HOWARD FOSTER
MARK GEORGE FREY
STEVEN JAMES FRONCILLO
HANS GEORG FUHS
LAWRENCE CHRISTOP GALLAGHER
AMY SUE GAMBRILL
STEVEN J. GASPAROVICH
GREGORY JOSEPH GEISS
KENDALL PAUL GENESER
ROBERT BRUCE GEORGE
RONALD GUENTHER GEYER
MICHAEL ANTHONY GIARDINO
CURTIS JAMES GILBERT
LEE SCOTT GINGERY
JAMES ALAN GLASS
JOHN GERARD GRAY, JR
MONTIE GREG GREENE
PETER THOMAS GREENWALD
RICHARD DALE GROENENBOOM
KEVIN ALAN GRUNDY
CRAIG EDWIN GURNEY
ROBERT VICTOR GUSENTINE
ANDREW GUYAN, JR
PAUL ALLAN HAAS
TRENT JOSEPH HALL
MICHAEL ERIC HAMLETT
ANNE NEEDHAM HANNEGAN
GRAHAM CAMPBELL HARBMAN
WAYNE JOSEPH HARRISON
JOHN WILLIAM HARTFORD
DAVID WARREN HEAD
KEVIN ROBERT HENSLEY
JOSEPH MICHAEL HINES, JR
MELANIE JAN HITCHCOCK
BRIAN DAVID HOERNING
JEFFREY DEAN HOGAN
DAVID WILLIAM HOLFINGER, II
KENNETH STEPH HOLLINGSWORTH
MARK WRAY HOLLOWAY
MARK ALAN HOLT
ARTHUR MICHAEL HONER, JR
ALBERT OSCAR HOWARD, III
PETER MACRAE HUNT
THOMAS CARTER INMAN
JEFFERY JOSEPH IOVINE
BENEDICTA RENEE JACOBY
ANDREW PATRICK JOHNSON
LOWELL MORGAN JOHNSON
TRACY ALAN JOHNSON
DAVID LOFTON JONES
DEAN SCOTT JONES
KENNETH LANCE JONES
JOSEPH LEO KABEISEMAN
JONATHAN MATTHEW KAGAN
DAVID JOSHUA KAHN
TYLER D. KEARLY
DAVID GILBERT KEAS
BRITT KYLE KELLEY
RANDOLPH GENE KELLY
CLAYTON MICHAEL KEMMERER
CHARLES WILLIAM KERSTEN
DAVID SCOTT KILLPACK
ROBERT JOSEPH KING, JR
ROBERT JEFFREY KINNEBREW
JOHN GERALD KINNEY
RANDOLPH HAROLD KLATT
MICHAEL CHRISTOPH KNIZEWSKI
JOHNMATTHEW KORIOTH
STEPHEN JAY KOZLOSKI
GREGORY ANDERSON KRESS
MARTIN JOHN KUEPKER
THOMAS HUGH LANG
TIMOTHY EDWARD LAPLANTE
THOMAS STEWART LARSON
JAMES MITCHELL LAURY
RAYMOND GORDON LAWRY, II
CHAU GIANG LE
FRED CARLTON LEWIS
EDWARD NMN LINSKY
JEFFERY BRYAN LOCKMAN
LEONARD ROBERT LOUGHRAN
CHARLES EDWARD LUTTRELL
PETER CHARLES LYLE
EDWARD DEGUZMAN MAGPURI
BRIAN ROBERTSON MALARKY
JOHN MALFITANO
JAMES WALLACE MARKWITH
JOHN JOSEPH MARSHALL
MICHAEL MARK MASLA
JOHN JONES MASON
ROBERT LOWELL MASON
EDWARD JOSEPH MATTIMOE
GARRY ROSS MAYNOR
DAVID ALLEN MAYO
MARTIN JAMES MCBRIDE
JOSEPH RICHARD MCCARTHY
CRAIG N. MCCARTNEY
SEAN MICHAEL MCCORMACK
RICHARD DUANE MCCRACKEN
ERIC SCOTT MCDONALD
KEVIN LEE MCNEAR
LAURA ELLEN MCNEIL
WILLIAM GERARD MCNERNEY
PETER EUGENE MCVETY
DOUGLAS ARTHUR MEDORE
ALEXANDER PHILIP MEISNER
JOHN ELROY MENDEL
GILBERT ANDRE MENDEZ
PRISCILLA MARIE MENDOZA
JOHN CHARLES MERCER
JOEL ANTHONY MERRIMAN
WILLIAM ROGER MESSER, JR
DAVID SCOTT MESSERSMITH
KERRY MICHAEL METZ
MICHAEL ARDEAN MEYERS
ROBERT CHARLES MEYERS
MARK SANFORD MILLER
DAVID BLAIR MILLS
DOUGLAS PAUL MINION
MARQUITA ANDREA MITCHELL
NICHOLAS MONGILLO
ANTHONY JOSEPH I. MONTEFORTE
CHARLES ALBERT MONTGOMERY
JEFFREY LYNN MORMAN
DARRELL SCOTT MORROW
JOSEPH DONALD MOSKAL, III
LARSSEN ERIC NMN MOWATT
CRAIG MARSHALL MULLENS
JOHN WARREN MUSAUS
MICHAEL STEWART NADDEF
EDWARD JOSEPH NAJMY
DAVID ELROY NELSON
ROBERT NELSON NEWBERN
STEPHEN PATRICK NIELSEN
MARTIN PATRICK OBRIEN, JR
PATRICK BRIAN OFLAHERTY
TERRENCE ROBERT OHAIRE
KRIS ALLAN OHLSON
SEAN NMN OLEARY
MARK CHRISTY OLIPHANT
MICHAEL TERRENCE ORTWEIN
PATRICK JOSEPH OSHEA
ROBERT ALAN OSMUNDSEN
PAUL JOSEPH OVERSTREET
RICHARD EDWARD PARKER
DAVID DEAN PAULS
ALAN NEIL PEPPER
DANIEL JAMES PERKINS
ERIC GEOFFREY PETERSEN
MARK DAVID PETERSON
CURTIS GLEN PHILLIPS
JEROME EMMETT PINCKNEY, III
TRAVIS SCOTT PLOWMAN
PAUL STEVEN POSEY
MELINDA LOUISE POWERS
MICHAEL LYNN PREAS
CONRAD MICHAEL PRIVATEER
JOHN ALAN RACINE
JEFFREY MICHAEL RAD
PATRICK ALLEN RAY
JOHN RICHARD REDMOND
JAMES EDWARD REED
NANCY ANN REINHARD
STEPHEN VIRGINIUS REYNOLDS
MARIA SANDRA RICE
GARY ALAN RICHARDS
CRAIG ALLAN RICHEY
DAVID KEITHERN RICHTER
PETER JOSEF ALFRED RIEHM
JESS EUGENE RIGGLE
CHRISTINE RAE RIPOSO
JOSE RAMON RIVERA
JOSEPH ROGER RIZZO, JR
BECKY ARLENE ROBERTS
GREGORY ALAN ROBINSON
HECTOR ROCHA
THOMAS LESLIE ROLAND
ROBERT EDWARD ROSE
TODD ANDREW ROSE
JAMES ANGUS ROSSER, III
ROBERT MICHAEL ROTH
S. ROBERT ROTH
KATHLEEN CHIMIAK SCHMUGGE
EVA LYNN SCOFIELD
MARK HENRY SCOVILL
EDDIE LEWIS SEATON
KENNETH EDWARD SELIGA
RICKY ALAN SEREX
JAMES GREGORY SEXTON
BRUCE ALAN SHAW
DWIGHT DAVID SHEPHERD
GREG JAMES SHUCK
DONALD WAYNE SHUEY
JEFFERY ANDREW SIGSTAD
JAMES KIRK SMITH
MARLON LEE SMITH
ADAM CLAYTON SMITHYMAN
THEODORE HUNT B. SMYTHE, II
DAVID RAYMOND SNOW
ROBERT CURTIS SOARES
EDITH ANN SPENCER
MICHAEL JAMES STEED, JR
MICHAEL DAVID STEINMANN
LEE JONATHAN STENSON
DOUGLAS EDWARD STEVENS
MARK ALFRED STROH
CURTIS DAVID STUBBS
MILTON ODELL STUBBS
JOSEPH ALFRED SULLIVAN
KENT JAMES SUTTON
MICHAEL THOMAS TALAGA
THOMAS JOHN TAMILIO
KENT ALFONZO TARTT
JOHN HAROLD TATE
TUSHAR RAMDAS TEMBE
RICHARD GUNDER TERJESON, JR
SCOTT ARNOLD TESSMER
ALFRED VALENTINE THAYER, III
DANIEL LAMAR THEUS
LEE EDWARD THOMPSON
OKE RICHARD THORNGREN
ROBERT SCOTT TORO
FRANK TORRES
ROBERT TRUMAN TRAFTON, JR
CHARLES J. TURNER
BROCK MARTIN VANN
CURTIS EUGENE VEJVODA
DANIEL FRANK VERHUEL
JEFFREY CLAYTON VIELOCK
CAESAR MICHAEL VIOLANO, JR
PATRICK MICHAEL VOORS
PHILIP L. WADDINGHAM
JOHN STUART WADSWORTH
ROY CARL WAGNER
CHRISTOPHER JOHN WALKER
MICHAEL SCOTT WALLACE
CARL ROLAND WALLSTEDT
WILLIAM DOWNEY WARD
JOHN VIRGIL WATSON
JEFFREY MASON WEAVER
PAUL STUART WEBB
BLAKE THOMAS WEBER
CHARLES ALAN WEDDLE
HARRY EDWARD WEDEWER
DAVID LEE WEGNER
JOHN MURPHY WEINZETTLE
MICHAEL JOSEPH WELLINGTON
DAVID SCOTT WELSH
MICHAEL BRIAN WHETSTONE
ERIC SCOTT WHITEMAN
CLARENCE EDGAR WILCOX
KEITH JOSEPH WILDONGER
TODD CHRISTOPHER WILLARD
ALEXANDER LONG WILSON, JR
WILLIAM HARBINSON WILSON, II
WILLIAM WALKER WILSON
JOSEPH HUTCHISON WOODWARD
WILLIAM THOMAS WORTH
TODD ALAN YUDELL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), LINE, USN, PERMANENT

ANGELA DENEEN ALBERGOTTIE
DOUGLAS J. ANDERSON
JOHN C. ARMERDING
MELODY BEASLEY
KEVIN ARNOLD BENNETT
ROBERT PETER BERG, JR
ROBERT MARSTON BLAKE, II
BRUCE MICHAEL BOURBEAU
KING E. BROWN
ROBERT COLBY BUZZELL
JEFFREY C. CALABRESE
FRED G. CAMERO, JR
CHRISTIAN GORDON CAMERON
EDWARD B. CASHMAN
DAWN L. CHALMERS
SAMUEL WARWICK COONS, III
RICHARD ELWOOD CUNNINGHAM
ERIC JONATHAN DAVIS
STEVEN PATRICK DUARTE
HENRY BANKS EDWARDS, III
CRAIG LEE ELLIS
KARL ANDERS ERIKSON
TODD J. EUBANKS
WALTER ANTHONY FERGUSON
ARIE STEPHEN FRIEDMAN
STEPHANIE GAINER
HECTOR GARCIA
ALISON CAROLINE GETGOOD
THOMAS PATRICK GREEN, JR
ENRIQUE GUERRA
ERIK O. GUNTER
MATTHEW KENNETH HAAG
DAVID LAURENCE HANNEN
RICHARD R. HARRINGTON
KURT JOSEPH HAUSHEER
CRAIG ODONALD HAYNES
ROBERT THOMAS HENNESSY
DAMON MCKINLEY HENRY
PETER DEAN HONKANEN
JOHN MICHAEL HUSS
ROBERT LEE JOHNSON
STEPHEN JOHN KENNEDY
DONNA ANN KIERAN
MARK RICHARD LAXEN
MARY THEO LEWIS
KURT J. LICKISS
ERIC TEMOCX LISH
MICHAEL JOHN LUBES
FORREST PAGE LUPO
JOHN LEE MACMICHAEL, JR
MICHAEL ARTHUR MALOWNEY
RITA MARIE MARSHALL
TOMMY DON MCCLUNG
JAMES DAVID MCCROSKY
KELLY LOUISE MERRELL
ROBERT HENRY MEYER
MICHAEL D. MILLER
STEPHANIE MILLERBARRETT
WILLIAM HOWARD MONDAY
JAMES D. MOORE
TOBIAS ANTHONY NASSIF
TUAN A. NGUYEN
DONNA LEI NIMEY
LISA SUSANNE NOWELL
JAMES MARK NULL
STEVEN BARRY OKUN
MARK PATRICK ORMOND
DAVID WILLIAM OSTER
STEVEN LEH OUELLETTE
CAROLYN REGINA OWENS
CHARLES REEDY PAPAS
PETER JAMES PARCELLIN
DIANA COLE PETERSON
DAVID D. PETRI
MICHAEL JOHN PHILLIPS
ANDREA NMN POLLARD
RACHEL LANISE PRUITT
MICHAEL DAVID RAYFIELD
PAUL LEONARD RING
SCOTT EDWARD ROBILLARD
DANIEL JOSEPH ROQUES
CHARLES KELLY RYAN
TERIANN SAMMIS
AMILCAR HERNANDEZ SANCHEZ
THOMAS CLEMENTE SASS
ERIC LEE SCHMITT
CAROL LYNN SCHWARTZ
HOUSTON BLAIR SMITH
MICHAEL DUANE SMITH
TIMOTHY LYNN SNYDER
ERIC CARTER STAATS
JAMES VIRGIL STEVENSON
THEODORE LEROY STEWART
GILBERT SCOTT STOREY
DONALD DOUGLAS STROBEL
JAMES T. THOMPSON
STEPHEN JOSEPH THOMPSON
JOSEPH L. TURNER
MARK CLARK VAILLANCOURT
KENT STEVEN VANDERGRIFT
JOHN PETER VINTON
MARK STUART WASSIL
GAYLE SMITH WILSON

MARK RUSSELL WILSON
JAMES BLYTHE WOLFE
JONATHAN WOOD
EDWARD BRIAN ZELLEM

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ENSIGN, LINE, USN, PERMANENT

ROBIN M. BALL
GARY R. BATES
TODD A. BELTZ
RUSSELL J. BOTEN
MARK D. BOWLING
MICHAEL G. BOX
CRAIG D. BROWN
THOMAS M. BURKE
J. DANIELS BYRNES
MICHAEL S. CAMPBELL
JEFFREY D. CAVANAUGH
TIMOTHY A. CHAMPE
JOE C. CHANG
STEVEN P. COLBY
ANTHONY J. DAILLY
THOMAS C. DILLEMUTH
JAMES P. EISH
RICHARD D. FEUSTEL
DAN W. FISHER
GEORGE A. FREDERICKSON
PATRICK J. FRESENDA
DENNIS L. GALLIEN
PHILIP M. GILBERT
PAUL J. GREEN
RODNEY B. HANNERS
STEVEN K. HANNULA
MICHAEL C. HENDERSON
WADE N. HENDERSON
MICHAEL D. HOUSTON
MICHAEL A. HURNI
JOE M. HUSTON
KURT E. JACOBS
MICHAEL H. JOHNSON
STEPHEN W. JOHNSON
CHRISTOPHER A. KAPPERT
THOMAS A. KARN
GUNNAR G. KEMNITZ
DAVID A. KEOUGH
ERIC KISSLINGER
CHRISTOPHER W. KOUTALIDIS
DANIEL B. KRULEWICH
DANIEL R. LANE
LOUIS J. LAZZARA, JR
MICHAEL J. LEHMAN
MICHAEL W. LEIGH
RICHARD L. LIND
MICHAEL S. LINDGREN
ANTHONY S. M. LO
PATRICK J. LOONEY
MACK D. MACLEAN
ERNEST C. MAIER
JEFFREY L. MARTY
JOSEPH MAYNEN
CHARLES W. MILLER, III
MARTIN L. MILLER
SILAS G. MILLER, JR
TROY E. MONG
MICHAEL R. MORGAN
ROBERT W. MURTO
ROBERT P. NEUMANN
SCOTT E. NICHOLSON
JOSEPH E. NICOLATO
WYNDON K. NIX
MARIE J. OBERLEY
ARMANDO PASTRANA, JR
ROGER H. PECKHAM
CHRISTOPHER P. PETERS
DEAN T. RAWLS
EDMUNDS Z. REINEKS
MICHAEL RESONG
LARRY C. ROBBINS
MICHAEL R. ROBINSON
MICHAEL F. ROEDELBRONN
WILLIAM L. ROTH
JOHN F. ROUSH
MICHAEL R. SAXTON
SCOTT C. SCHWIND
PAUL SHANNON SNODGRASS
KENNETH E. SPALDING
PAUL J. SPAULDING
KIRK A. STEFFENSEN
ROBERT W. TENCZAR
KENNETH E. TERHORST
DAVID M. TRZECIAKIEWICZ
DAVID B. WESTON
ROBERT J. WHITMAN
MICHAEL J. YOUNG

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, MEDICAL CORPS, USN, PERMANENT

NOLAN CHARLES BABCOCK
LARRY STEVEN GARSHA
WILLIAM A. KELLEY
LARRY K. MILLER
RICHARD C. WELTON

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, MEDICAL CORPS, USN, PERMANENT

LUIS IGNACIO BECERRA
PHILIP BLISS BESHANY
JAY DUDLEY
CHERYL LYNN SMI GANDEE
RODNEY LAHREN
DALE MICHAEL MOLE
JOHN E. MURNANE
TRUEMAN WINFIELD SHARP
MARK R. WALLACE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL CORPS, USN, PERMANENT

KRIS M. BELLAND
THOMAS J. GILBERT, III
STEPHEN R. OCONNELL
TERRY LEE PUCKETT

THE FOLLOWING NAMED LINE OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

FRANK DEAN QUADRINI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

ROBERT JOSEPH BESTERCY
ARTHUR LAWRENCE COTTON, III
JOHN FRANCIS COUTURE
MATTHEW PAGE FORD
RODERICK RAPHAEL HUBBARD
TAE HUAN LEE
TIMOTHY JOSEPH OBRIEN
GARY ROBERT PAETZKE
KENNETH CRAIG WILSON

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

ROGER L. DOWNING
THOMAS A. NEMETH
CHARLES E. SNEE, IV

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

DENNIS LYNN BAIRD
PIERRE CHANEL COULOMBE
PETER DUGGAN
BRIAN MICHAEL GOODWIN
RODNEY ALAN GRAY
BETH ANN HOWELL
FRANK JAMES HRUSKA
JOSEPH JACKSON
RONALD LEROY KAES
ALLEN WAYNE LANDERS
DONALD LAMAR LEWIS
BRIAN DONALD LINS
ROBERT RICHARD MAIN
DISMAS EDWARD MEEHAN
TED PADGETT PRICE
JAMES LEWIS PROCTOR, JR
FRANCIS MYRON PURDY
REGINA LETICIA ROBERTS
KARL ALAN SCHULTZ
KURT ERIC WAYMIRE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, LINE, SUPPLY CORPS, USN, PERMANENT

FRANCIS X. ASPER
TIM J. BISHOP
JOSE CERVANATES
ERIC C. FOUNTAIN
LAURIS R. GALLEY
MICHAEL D. GORDON
CHRISTOPHER W. KITCHEN
CHRISTOPHER J. PURCELL
RODNEY E. TUGADE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CHAPLAIN CORPS, USN, PERMANENT

TERRY ALAN ROBERTSON

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

SCOTT ALAN ASTON
GREGORY ALFRED GARCIA
IAN C. LANGE
ROBERT TALLEY THOMPSON

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

DEAN LYNN AMSDEN
SCOTT RAGSDALE BELL
TONY GEORGE ESSE
KATHERINE LYNN GOUDREAU
JAMES LESLIE HARDIN
SCOTT HINTON
WILLIAM ERIC JANVRIN
JOSE ALFREDO PASTRANA
KARYN MARIE RINALDI
JEFFREY MITCHEL SALTER
WILLIAM ROSS SCHOEN
GREGORY SCOTT SIMMONS
KENNETH CARR STAGG
ANNE MARIE WERNER

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

JAY G. CRABTREE
ROBERT LYLE GERSH
FREDERICK ANTHONY SCHLUETER
ANDRE EDWARD STOKES
JOHN ANDREW ZULICK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

HECTOR ARMANDO ARELLANO, JR
GLENN FREDERIC BALOG
EMMANUEL TABLAN BAUTISTA
FREDERICK ROLAND BROOME
ROBERT NORMAN MORRISON
ROBERT WAYNE TYE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, CIVIL ENGINEER CORPS, USN, PERMANENT

ROBERT W. GANOWSKI
MATTHEW T. POLK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, JUDGE ADVOCATE GENERAL'S CORPS, USN, PERMANENT

LEROY ALEXAN BROUGHTON
NANETTE M. DERENZI
WALTER MARTI FREDERICK
JENNIFER STANFI HEROLD
JON ELMER NELSON
GREGORY JOHN OBRIEN
KENNETH JOHN OROURKE
GEORGE FRANCIS REILLY
KAREN LYNN SNEATH
CHRISTOPHER JOHN SPAIN
EDWARD STANISLAU WHITE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, DENTAL CORPS, USN, PERMANENT

STANLEY DREW MOSS

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, DENTAL CORPS, USN, PERMANENT

DOUGLAS ROGER GILLETT
JAMES VINCENT KEENAN
THOMAS SHERAR KRUMHOLZ
GEORGE ALBIN WORONKO

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, DENTAL CORPS, USN, PERMANENT

VINCENT GERARD AUTH
JOHN EUGENE BORJA
RICHARD WALLACE BROWN
CARRIE LEE BURGER
FREDERICK LOOMIS CANBY
MICHAEL D. CARTER
GLENN LEE CATRON
EDWIN RAY CONNELLY
MARGARET ELIZAB DEGGES
DIANE LYNN DOYLE
JOSEPH ISRAEL GLIKSMAN
DAVID JOHN GROH
DAVID MARC HARMATZ
CARLOS VILLA JARAMILLO
DAVID ROBERT LLOYD
LOREN KEI MASUOKA
NICHOLAS MAZZEO
DONAL CAMERO MCGONEGAL
MICHAEL FRANCIS MILOS
HARVEY DWIGHT MOSS
JOHN EDWARD MURPHY
TODD WILLIAM NEILS
EDGAR PATRICK ONEILL
JAMES EDWARD RAPSON
KIMBERLY DIANE SAUER
PAUL EDWARD SCHLEIER
KYLE P. SCHROEDER
PAUL DAVID SCHWARTZMAN
LARRY WAYNE SHOOK
SCOTT MITCHELL SMITH
KEITH EDWARD SONNIER
DANIEL L. STAMBAUGH
PATRICK JOSEPH STEINER
DEBORAH ELIZABETH UHER
MICKEY LEE UNSELL
MICHAEL J. WOLFGANG

THE FOLLOWING NAMED REGULAR OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL SERVICE CORPS, USN, PERMANENT

JOHN HERMAN HARTSELL
STEVEN EDWARD MORELAND

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL SERVICE CORPS, USN, PERMANENT

WILLIAM PAUL BRADLEY
ANNE MAGDALEN BURKE
CHARLES CHRISTO CAMBUS
REX WINSLOW CASON
DAVID MERRELL CLABORN
PHILIP ANDRE DEGEORGIO
MAUREEN ELIZ DUCKWORTH
MICHAEL EDWARD EBY
LINO LUIS FRAGOSO
DAVID JEFFREY FRYAUFF
MARK LEROY HENISER
WILLIAM RANSOM JOHNSON
ROGER YVAN KIROUAC
RUSSELL SCOTT LAWRY
BENJAMIN POBRE LLANES
MANUEL FRANCI LLUBERAS
RICHARD ANDREW MARTIN
DAVID ALLEN MATER
REGINALD BRUCE MCNEIL
DEXTER RAYMOND MILLS
DEBORAH E. NELSON
GINA MARIA NIZIOLEK
LARRY LEE PICARD
MARK STEVEN POSVISTAK
DAN ALAN RATCLIFF
DIANA L. RULE
ALANA MARY RUSSELL
BRYAN RICHARD SAUERS
GREGORY TERAN SMITH
LEE STEIGER, JR
JOSEPH EDWA STRICKLAND
KEITH ALAN SYRING
GARY TABACH
SCOTT ALEXAND THORNTON
KEVIN THOMAS VALENTE
HARVEY L. VANDENBURG
ERIC GERARD WALKER
GREGG W. ZIEMKE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.

S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), MEDICAL SERVICE CORPS, USN, PERMANENT

DENISE BROBERG
WILLIAM LEWIS BROWN
WILLIAM ELTON HATLEY
MATTHEW R. HUMPHREVILLE
JAMES ALLEN LETEXIER
SCOTT CHARL LIVINGSTON
GREGORY RICHA MCKENZIE
FREDERICK W. MINOR
THERESA MARIE PASERB
JEANMARIE PATNAUDE
DAVID MICHAEL UHL
JAMES HENRY WHITE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U. S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, NURSE CORPS, USN, PERMANENT

ELIZABETH MICHE ARNOLD
KATHY TINES BECKER
ELIZABETH JO BRUMFIELD
PATRICIA SUE BURKHART
LOURDES ELENA BURTH
WILLIAM DAVID CLARK
ROBERTA CORYELL CRANN
LAWRENCE JOSEPH DUANE
LORIE LEE GREER
MARY CHAFFEE HAMBIDGE
JANICE M. HARRELLPARKER
MAUREEN ELIZ HEFFERNAN
TAMBRA M. HOLLINGSWORTH
LINDIA GAIL HUGHES
ALICE MARIE LANG
JOEL PATRICK LAROSE
LISA ELANE LESSLEY
JOHN FRANCIS LYONS
KEVIN TIMOTHY MARKS
IRENE CHRISTINE MCKIEL
MARIA VICTORI MELENDEZ
ANNE MARIE MULLEN
BELINDA CAROLE NASH
LORI LYNNE PARRISH
DAVID PEDRAZA
DEBRA ANN PENNINGTON
KATHLEEN ANN ROMAN
PEGGY MARIE SLEICHTER
JULIE ANNE SMITH
VALERIE J. SUTTON
KEVIN LERON TANZIE
CARMEN JULIA VELICHKO
SANDRA WHITTAKER
STEVEN EDWARD WILDASIN
FRANCES JANELLE WILSON
NANCY ELIZABET WISEMAN
LEANNE MARIE YORK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), NURSE CORPS, USN, PERMANENT

PAUL MONTE ALEXANDER
DONALD JOHN BURKE, JR
KATHERINE MILLER HAWES
NICHOLAS MERR KALYNYCH
ALISA JANE KOHL
CHARLES GREGORY LOFTIS
JOHN HENR NAGELSCHMIDT
LYNN DAY NOE
MENDEZ ALIDA EDIT ROIS
MICHAEL STIDHAM
RAYMOND JO TOMASZEWSKI
DELANO ISAAC WALTERS
RAYMOND DONALD WILSON

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT AS A. REGULAR OFFICER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIEUTENANT, LINE, USN, PERMANENT

MARK RICHARD JUDY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LINE, USN, PERMANENT

JEFFREY FRANCIS BROWN
GREGORY HAROLD CREWSE
BRUCE WAYNE EICHMAN
MICHAEL LEE THOMPSON

WITHDRAWAL

Executive message, transmitted by the President to the Senate on September 11, 1991, withdrawing from further Senate consideration the following nomination:

LEGAL SERVICES CORPORATION

LUIS GUINOT, JR., OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1993, WHICH WAS SENT TO THE SENATE ON FEBRUARY 7, 1991.

HOUSE OF REPRESENTATIVES—*Wednesday, September 11, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise, O God, we offer our words of thanksgiving for this new day, a day when people are receiving the gifts of freedom and liberty, a time of new respect and justice between nations. Our hearts reach out to those who for so long could not publicly express their faith, but who can now freely worship, who have been unable to speak the truth as they understood it, and who can now participate in the decisions of their own lives, we remember with gratitude those people, many whose names are unknown to us, who stood for righteousness and justice in dark times, and whose prayers for freedom and whose spirit of liberty have endured. May the spirit of reconciliation and peace, of respect and good will, that is more evident and welcome in our world, grow and be strengthened in the days to come so that all people will live with the fruits of freedom and more fully celebrate Your gifts of life. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. HUTTO] please come forward and lead the House in the Pledge of Allegiance.

Mr. HUTTO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2100. An act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; and

H.R. 2312. An act to make certain technical and conforming amendments to the Follow Through Act and the Head Start Transition Project.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2100) "An Act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. WARNER, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. LOTT, Mr. COATS, Mr. MACK, and Mr. SMITH, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2312) "An Act to make certain technical and conforming amendments to the Follow Through Act and the Head Start Transition Project Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. HATCH, and Mrs. KASSEBAUM, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 525. An act granting an extension of patent to the United Daughters of the Confederacy;

S. 646. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges;

S. 668. An act to authorize general assistance grants to Indian tribal governments to regulate environmental quality on Indian reservations;

S. 868. An act to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf war, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes;

S. 967. An act providing for a 14-year extension of the patent for the badge of the American Legion Auxiliary;

S. 969. An act providing for a 14-year extension of the patent for the badge of the American Legion;

S. 1029. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes;

S. 1145. An act to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics;

S. 1283. An act to authorize extensions of time limitations in certain FERC-issue licenses;

S. 1306. An act to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes;

S. 1507. An act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities and other national security functions of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes;

S. 1508. An act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes;

S. 1509. An act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes;

S. 1510. An act to authorize appropriations for fiscal years 1992 and 1993 for military personnel programs of the Department of Defense, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes;

S. 1511. An act to authorize supplemental appropriations for fiscal year 1991 for incremental expenses associated with Operation Desert Storm, and for other purposes;

S. 1512. An act to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes;

S. 1513. An act to authorize appropriations for fiscal years 1992 and 1993 for military construction for the Department of Defense, and for other purposes;

S. 1514. An act to authorize appropriations for fiscal years 1992 and 1993 for defense activities of the Department of Energy, and for other purposes;

S. 1515. An act to establish the Commission on the Assignment of Women in the Armed Forces; and

S.J. Res. 192. Joint Resolution designating October 30, 1991 as "Refugee Day."

The message also announced that, pursuant to Public Law 102-62, the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chair announces on behalf of the Republican leader, the appointment of Dr. Edward Meyen of Kansas, to the National Council on Education Standards and Testing.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bills and joint resolutions on Monday, August 5, 1991:

H.R. 904. An act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history;

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes;

H.R. 1006. An act to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes;

H.R. 1143. An act to authorize a study of nationally significant places in American labor history;

H.R. 2123. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia;

H.R. 2313. An act to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes;

H.R. 2427. An act making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2506. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2699. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts;

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the board of education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District Government, and for other purposes;

H.R. 3201. An act to provide emergency unemployment compensation, and for other purposes;

H.J. Res. 309. Joint resolution designating August 29, 1991, as "National Sarcoidosis Awareness Day";

S. 1593. An act to improve the operation and effectiveness of the U.S. National Commission on Libraries and Information Science, and for other purposes;

S. 1594. An act to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes;

S. 1608. An act to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes; and

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 6, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, August 5, 1991 at 11:00 a.m.: That the Senate passed without amendment, H. Con. Res. 151, H.J. Res. 166, H.J. Res. 309, H.R. 2123, H.R. 2968, H.R. 2969, and H.R. 3201, agreed to the conference report on H.R. 991, and agreed to conference report and amendments in disagreement for the following bills: H.R. 2427, H.R. 2506 and H.R. 2699.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

WASHINGTON, DC,
September 11, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: By the attached letter to Governor Robert P. Casey, I have tendered my resignation as a Representative in Congress for the 2nd Congressional District of Pennsylvania effective at the close of business September 11, 1991.

Sincerely,
WILLIAM H. GRAY, III,
Member of Congress.

WASHINGTON, DC,
September 10, 1991.

Hon. ROBERT P. CASEY,
Governor, Commonwealth of Pennsylvania, Office of the Governor, Harrisburg, PA.

DEAR GOVERNOR CASEY: I hereby tender my resignation as a Representative in Congress for the 2nd Congressional District of Pennsylvania effective at the close of business September 11, 1991.

Sincerely,
WILLIAM H. GRAY, III,
Member of Congress.

MAKING IN ORDER ON TODAY CONSIDERATION OF MOTIONS FOR SUSPENSION OF THE RULES

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that it be in order today for the Speaker to entertain motions to suspend the rules and pass the following bills: H.R. 3053; H.R. 3057; and H.R. 3034.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE SUBIC BAY NAVAL BASE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, no one wants to be an unwelcome guest, but that seems to be the case for our naval facility in the Philippines. Subic Bay Naval Base is important to maintain a high degree of preparedness, both through ship repair and military airlift, but not at all costs. The bottom line is that if they don't want us, let's pack up and leave because the time has passed for any more concessions from the United States. For nearly a century, the American military has served there with dignity, providing security for the Philippines and advanced presence for our forces. But now, as we look for alternatives to Subic Bay Naval Base, two factors must be considered: Cost and readiness. Clearly, in this time of diminishing defense resources and lessening of the Soviet threat, we must find a means to provide adequate forward basing for a smaller force at a price which fits in a tighter budget.

AMERICA IS NOT BUYING GASOLINE TAX

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, I am here to tell you that the people at home are angry. They are fed up with higher and higher gas taxes.

Throughout the month of August in town meeting after town meeting, from community to community, I heard the same message: "We do not need and we do not want higher gas taxes."

In western New York and the Finger Lakes region, we have to drive. We do not have a choice to get to work, to get to school, to get to the farmhouse, or to get to the doctor. We live in rural and suburban America and we do not have a metro system.

As New Yorkers, we have already had 16 cents a gallon in higher gasoline taxes, both Federal and State, in just the last year.

My colleagues, enough is enough.

The proponents of the 5-cent gas tax increase call it a nickel for America. Well, Mr. Speaker, America is not buying.

I applaud the President for his pledge to veto the gas tax increase, and I commend the Republican Conference and the Republican Policy Committee in this House for endorsing my resolution opposing this tax hike.

The House needs to get to work on a highway bill the President can sign. Let us put the brakes on this gas tax plan and do it right now.

□ 1210

WE CAN FIND BILLIONS OF DOLLARS OF SAVINGS IN THE DEFENSE BUDGET

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, we passed earlier this year a defense budget that was designed months, perhaps a year ago. Long before all of these monumental developments in the Soviet Union.

Now that bill appropriates nearly $300 billion for defense. Surely with all of the changes in the U.S.S.R., we can find billions of dollars of savings in that bill. I mean, look at what has happened since we passed that bill. Let us take the *Seawolf* submarine, for instance, at $2 billion a copy. That submarine is designed to contain the Soviet fleet in the North Sea.

Do we need to build additional ones at this point? Do we need 12 aircraft carrier groups? Experts tell us we can get along with fewer.

Do we need all of our conventional weapons? There are imaginative proposals on the table, like that of Chairman ASPIN, to transfer $1 billion from agricultural aid for the Soviets, to discourage the civil collapse of that nation which clearly would not be in our best interest.

But most of all let us simply save money. Let us aggressively look for ways to save money and to reduce the deficit and take advantage of these changing world circumstances.

AMERICA SHOULD HELP SOW THE SEEDS OF DEMOCRACY IN THE BALTICS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, a few days ago the Soviet Union officially recognized what everyone else has known for centuries: That Lithuania, Latvia, and Estonia are firmly European in history and culture and outlook, and that they have every right to be treated as the sovereign, independent nations that they are.

America is now extending full diplomatic relations to the Baltics for the first time since the Soviet annexation. But we ought to do more.

That is why today I am introducing a resolution with my good friend Congressman RICHARD DURBIN, to make these countries eligible for U.S. support under the SEED Act of 1989. This act extends American assistance to newly liberated Eastern European countries. It gives them the seed money to start building democratic political systems and free market economies.

The Soviets did everything possible to beat these nations down; America now has an opportunity to help lift the Baltic nations up.

WHAT ISRAEL WANTS ISRAEL USUALLY GETS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Israel wants $10 billion, and what Israel wants Israel usually gets in this body. In fact, it appears to me that Israel has more clout in Washington than California and New York combined. They must, because Los Angeles and New York are in deep trouble.

I say this today, Mr. Speaker, if Congress can find $10 billion for Israel and billions for the Soviet Union, then Congress can find money for Americans who need jobs, housing, and health insurance and a fair shake. And I think it is time that Congress starts taking care of our own country before the Soviet Union visits us.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May the Chair say to our guests in the gallery that we are delighted you are with us and we welcome your attendance, but House rules prohibit anyone who is a visitor from expressing approval or disapproval for anything said on the floor.

The Chair would be grateful for your cooperation.

THERE IS NO SUBSTITUTE FOR HARD WORK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. GOSS. Mr. Speaker, a fairly well-known southwest Florida snowbird named Thomas Edison once very wisely said "There is no substitute for hard work." As the 102d, Congress returns to Washington today—facing a daunting list of unfinished business—we should remember those words. Partisanship, measures designed to inflict political damage and symbolic gestures cannot be substituted for the hard work of Government.

Throughout my district this recess, people expressed to me their tremendous frustration with a Congress that has yet to make meaningful reforms in our budget process, a Congress that is unable to control its appetite for spending, a Congress that seems more interested in taking care of itself than in taking care of this Nation. We have heard a lot about how the administration should focus on domestic concerns—but in all fairness, Mr. Speaker, it is this Congress and this House that is dragging its feet. The American people are waiting for us to get to work on health care, crime control, education, conservation, a fair transportation program and, last but not least, putting our own house in order. What are we waiting for?

THE RETURN OF THE 438TH NATIONAL GUARD MILITARY POLICE UNIT: THEY WERE NOT FORGOTTEN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I take this moment to welcome back all of our colleagues from the summer recess.

Mr. Speaker, as occurred last summer, during the month of August, a quite cataclysmic event occurred. This summer it was in the Soviet Union.

The end effect of that is yet to be determined. We will work with that for a long time.

But, Mr. Speaker, rather than talk about a global issue, I would like to talk about one that is very local to Louisville and Jefferson County. That is, the return of the 438th National Guard Military Police Unit from its deployment since February in the gulf as part of Operation Desert Storm.

Since June, Mr. Speaker, I have been working to get these people back sooner in order that they, as reservists and National Guard, will have the chance to catch up on their civilian pursuits.

I remember in a phone conversation with Capt. Shaun Scully from the gulf, he said:

> We have high morale, we are proud to serve our country. But please, Mr. Mazzoli, don't let the people of our community forget the 438th.

To the great and everlasting credit of the people of Louisville and Jefferson County, they did not forget the 438th. We welcomed them back with fanfare out at Standiford Airport. I am proud of my community, my hometown, I am proud of what the 438th did:

Mr. Speaker, we did not forget the 438th.

TRIBUTE TO AMY SHULTZ, NATIONAL FHA PRESIDENT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I am here today to recognize one of my Kansas constituents, Amy Shultz. Amy is a senior at Neodesha High School and was recently elected president of the National Future Homemakers of America, the highest honor an FHA member can receive.

As FHA president, Amy will represent the 273,000 members of this worthy organization throughout the coming year at various events.

FHA is the only in-school student organization with the family as its central focus. The organization is devoted to developing programs to help today's young men and women prepare for multiple roles as wage earners, community leaders, and caring family members.

Thanks to FHA and its national officers, the young people of today will be better able and equipped to be leaders for tomorrow in the workplace as well as at home.

I would like to join the people of Neodesha and Kansas as they salute Amy for this honor and her accomplishments. Congratulations, Amy, on this magnificent achievement. We are proud of you.

LITHUANIA, LATVIA, AND ESTONIA: THEIR DREAM HAS COME TRUE

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, it is with pride and gratitude that I speak in the well of the House of Representatives today; with pride in the independence of the Baltic nations. For 50 years the people of Lithuania, Latvia, and Estonia have struggled for their independence and freedom. They have fought off the Nazi troops of Hitler, the Soviet armies, the Stalinist tactics which executed tens of thousands of people and deported hundreds of thousands, the virtual elimination of the Jewish population in these countries and the persecution of the Catholic Church and so many religions.

Yet they endured; they kept their hopes and their dreams alive for the day of independence.

During the last several weeks their dream has come true. I am proud of the fact that this Nation which we call home stood behind the Baltic States through their entire struggle, and I am proud that this House of Representatives, on several occasions when I offered resolutions with Mr. BROOMFIELD of Michigan and others, stood steadfastly behind the cause of the Baltic independence.

There is much more to do. I am hoping we can establish good trade status with the states through a bill I have introduced with Congressman HOYER and that we can help them receive some assistance, technical assistance, to develop their economies through the SEED Program in a bill which I have introduced with Congressman BROOMFIELD.

Let me close by telling you a small short story. Many years ago a young infant girl came to the United States from Lithuania. She came here, became an American and was proud of it, and raised her family with that pride.

During her life in this country she was always sensitive to what was happening in the land of her birth, Lithuania. With love and caring she followed the events, and I am happy to report to you that she lived to see the day when her homeland and Latvia and Estonia would be free. I am prouder still to be able to stand here as her son and report that freedom to you.

☐ 1220

REAUTHORIZATION OF HIGHWAY BILL WITHOUT INCREASE IN GAS TAX NEEDED

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, as is the case with most of my colleagues, I just spent over a month meeting with the people in Wyoming. We talked about a lot of things: restructuring health care, boosting the economy by leaving more money in the private sector, and many other things. We talked about a lot of things that people would like to see happen.

However, Mr. Speaker, higher taxes is not one of them.

Those of us who live in rural areas bear a larger share of the gas tax increase than those who do not. Families in my State would pay 2½ times the amount that a family in Washington would pay with the gas tax increase, and we do not have a metro from Cheyenne to Chuckwater.

Mr. Speaker, we need to move quickly to reauthorize the highway bill, but we need the reauthorization without the increase in the gas tax.

OUR "UN"ECONOMIC ADVISERS SAY THE RECESSION IS OVER

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, President Bush and his "un"economic advisers say that we are out of the recession. Now I spent my August recess at home with my people, and I will tell my colleagues what they are saying:

> Before President Bush and his people say we're out of the recession, he should come to eastern Ohio. Then he ought to go back and try to make that statement.

Mr. Speaker, we are losing jobs, we are losing businesses and farms. We are losing our people, and people of eastern Ohio want more attention placed on American problems, the economic problems, health, hunger, education, things like that. They get tired of seeing their money going overseas all of the time, to countries who have no respect for us, and then they get angry as hell when the President forgives them their debt. Mr. Speaker, he just forgave Senegal $43 million, and he says he does it for our friends who adhere to democratic principles. Well, who in the hell does he think gave them the money, loaned it to them in the first place? It is those who believe in democratic principles.

Mr. Speaker, that is where the money came from, from the American taxpayers, and I say to the President that he better start taking care of the American people, or they are going to take care of him next year.

THANKING THOSE WHO GO BEYOND THE CALL OF DUTY IN EDUCATING THEIR CHILDREN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today several million people are educating their children in Catholic, Christian, private, or home schools. I am a product of the public schools, and we have many wonderful and talented public educators all around this Nation. My own children all attend public schools.

However, Mr. Speaker, I would like to take a moment today to commend those who educate their children at no cost to the American taxpayer. These men and women save this Nation many millions of dollars each year, often at great sacrifice to themselves, and test scores and other indicators show that these Catholic and Christian and private schools are doing a very good job, usually at costs of one-third or one-half of the public schools.

There is also a fast-growing movement toward home schools. The love and dedication of parents who teach their children at home is truly amazing and, once again, overall they seem to be doing a great job.

Probably 99.9 percent of parents love their children deeply and want what is best for them, including those like me who send their children to the public schools. However, as the school year starts, I wanted to at least say a public "thank you" to all those who not only pay their own taxes but then go above and beyond the call of duty to educate their children in Catholic, Christian, or private schools, or at home.

COME HOME AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last August, during our recess, Iraq invaded Kuwait, and we sent thousands of United States troops to Saudi Arabia. This August the Soviet Union collapsed. I ask, "Can't these historic events wait until we're in session?"

Mr. Speaker, after spending this past month back home, the overwhelming message from my constituents is that America ought to come home. We are spending too much time, energy, and money abroad, they say, and it is time to start taking care of our own problems.

The world we find ourselves in today is far different than the world we were part of the last time we met, and just as the world is changing, so too must the Congress change. The 5-year budget agreement that we worked on last fall needs to be revised. The ceilings on domestic spending were agreed to before we knew the full effects of the recession. The deal also assumes a continued Soviet threat. That is outdated too. Who are we going to fight? The Ukraine?

Mr. Speaker, the only war we should be preparing to fight is a war within our own borders, a war against joblessness, the worsening recession, illiteracy, infant mortality, the drug epidemic, and make efforts to improve the health care of our people. Our enemies are no longer thousands of miles away. They are here within our own borders. It is time for America to come home and fight some domestic battles.

INTRODUCTION OF THE VETERANS BILL OF RIGHTS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, American veterans fought to protect and preserve the rights of all people of this country. It is time now for Congress to protect and preserve the rights of these veterans.

I rise today to introduce the veterans bill of rights, which would protect veterans from discrimination. This legislation is very straightforward: It states that qualifying veterans should not be denied any Veterans' Administration [VA] rights, benefits, or privileges on the basis of race, ethnicity, sex, religion, age, or geographic location. In my State of Florida and in my district of central Florida, our veteran population needs more facilities.

This does not mean that all veterans should receive the same amount of care. It does mean, for example, that a 50 percent disabled veteran, regardless of sex, race, ethnicity, religion, age, or geographic location, should receive the benefits that he or she is eligible for under title 38 of the United States Code. Unfortunately, this is not always the case.

My legislation would award veterans equal access to VA medical facilities and VA benefits and programs.

If you care about the treatment of veterans in this great country, then I urge you to join me in supporting the passage of a veterans bill of rights.

WOMEN'S LIVES ARE AT STAKE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, as the hearings on Clarence Thomas proceed, it is important to separate his moving personal story from his qualifications, his actions and his ideology. Judge Thomas' story is matched by many of our African-American colleagues here.

Mr. Speaker, Congressman JOHN LEWIS was raised on a poor family farm in south Alabama, and is a fighter for civil rights. Congressman CHARLIE HAYES, born into a poor rural family of 12, worked in the Civilian Conservation Corps during the Great Depression. Congressman CHARLES RANGEL, born in Harlem, raised during the Depression by his mother, a seamstress, and his grandfather, an elevator operator, a high school dropout, went on to earn a Bronze Star in Korea, went to college on the GI bill, and, after earning his law degree, et cetera, he went to work as an assistant U.S. attorney. Congressman RON DELLUMS was born the son of a longshoreman in Oakland, and, as a Congressman, emerged as a great spokesman for the disadvantaged. MAJOR OWENS, raised with eight children in Memphis, TN, went to college with the help of the Ford Foundation.

Mr. Speaker, Judge Thomas has a beautiful personal story. Many of us do right here in this Congress. That is the American dream.

The point is that we need to put people on the Supreme Court who respect the American dream for others, not just for themselves, and who respect the right of women to make personal and private choices without the interference of government. The Senate must press hard on these issues because nothing less than women's lives are at stake.

STRATEGIC DEFENSE INITIATIVE AGAINST NUCLEAR ATTACK

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, in an excellent book called Winston Churchill, the Wilderness Years it describes the debate of the 1930's for a preparation against an aerial attack of Britain. It describes the effort by Winston Churchill to convince the Parliament to permit them to protect themselves from airplanes flying over what would eventually become the Battle of Britain. The complaint was threefold.

First, there was no way that one could prevent against an aerial attack. Simply, technology would not permit it. It was ridiculous to intimate that one could build a cocoon or a canopy of protection over the British people. Therefore, they should not develop radar.

□ 1230

Second, it was technically unfeasible and, therefore, far too expensive, and, third, nothing should be done that would be provocative to Hitler during the time he was building his air force. So for the reasons that you could not protect yourself against an aerial attack, that it was too expensive to consider, and because you might provoke your enemies, you simply should not do it.

Finally, we all know what took place. We look back and say, "How could anyone be so foolish?"

Mr. Speaker, according to today's RECORD, the third largest nuclear power in the world is Kazakhstan, and the fourth largest nuclear power is the Ukraine, and 20 days ago the control of that nuclear arsenal passed into whose hands we are not sure.

Mr. Speaker, 5 or 6 years from now it is readily apparent that it is distinctly possible that the fear of the world, a Moslem atomic bomb, will be in the hands of those whom we do not know, and if that person has the capacity to attack America, rest assured, just as it did Britain in 1940 and 1941, everybody will run to the well to say, "Why don't we protect ourselves against an aerial attack of nuclear weapons?"

Now is the time to be prudent. Now is the time to protect America. We need a strategic defense initiative against nuclear attack—foolishness, and absurdity, and objection of those on the left notwithstanding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would take a moment to make the following announcement:

It is not permissible under the rules of the House to urge the other body to take action on treaties or confirmations of people nominated by the President for certain offices. It is certainly proper to speak in a general way within the context of the House rules concerning nominees but not to urge action on the part of the other body.

PROSPECTS FOR PEACE IN YUGOSLAVIA

(Mr. WOLF asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, Congressman CHRIS SMITH and former Under Secretary of State Rich McCormack and I have recently returned from Yugoslavia where we talked with political and religious leaders, as well as private, everyday citizens in both Croatia and Serbia.

We were extremely distressed at the deep, hostile feelings between the Serbian and Croatian people which date back to World War II and perhaps before that.

The U.S. Government can no longer remain silent because many people are dying each day. It is important that President Bush or Secretary of State Baker make a strong statement condemning these violent and inhumane acts, particularly the reprehensible activity of the Yugoslavian Army.

The Yugoslav Army should withdraw from their current positions and return to their barracks and cease any involvement in this fighting. Should ongoing European Community peace efforts not bear fruit quickly, serious consideration should be given to involving the United Nations, including the possibility of establishing a peacekeeping force.

The United States has consistently encouraged free elections, the development of market economies, and democracy throughout the world. Croatia has taken the first steps toward democracy and earnest support should be provided by the United States to nurture and encourage this movement. At some point, Croatia should be recognized as an independent state. Preceding this recognition is the need to provide guarantees to protect the human rights of more than 600,000 Serbians and other minorities in Croatia.

President Tudjman and the Croatian Government must constitutionally guarantee the human rights of the Serbs and all citizens and put the full force of the Croatian Government behind this bill of rights. International human rights groups should monitor the humane application of these laws.

In conclusion, there must be a ceasefire by all parties and a willingness to peacefully negotiate existing differences. The greatest need is for a spirit of reconciliation which would begin among the leaders of Croatia and Serbia so that the killing stops and the healing may begin.

This process must start now. It is essential to develop a path leading to successful solutions of these ethnic and regional difficulties.

Negotiations must not lose sight of basic regard for human rights and fundamental principles of self determination of all people. A willingness to settle disputes peacefully must be guaranteed. It is important that all sides adhere to principles contained in the Helsinki Final Acts and subsequent Commission on Security and Coordination in Europe [CSCE] accords as follows: Respect for human rights and fundamental principles, equal rights and self determination of peoples, territorial integrity, refraining from the threat of use of force, and peaceful settlement of disputes.

TRIBUTE TO BELINDA MASON

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I come before you today to pay tribute to a very special woman, Ms. Belinda Mason, and offer her life to you as an example of bravery, courage, and determination. Belinda entered the hospital in January 1987 to deliver her second child. A problem developed and a blood transfusion was necessary and, unknowingly, in trying to save Belinda's life, her fate was sealed. That transfusion contained the deadly HIV virus.

When she was diagnosed in October 1988, Belinda, short story writer, wife, and mother, did not crumble beneath the diagnosis. Instead, she began a fight, a fight to help save the lives of others. She founded the Kentuckiana People With AIDS group, the first of its kind in the Commonwealth of Kentucky, and became the president of the National Association of People With AIDS in 1989. She challenged all around her to be aware and to be sensitive to the needs she so well knew. Her dying became a call to search for a cure to this dreaded disease so that other AIDS victims might survive.

To her family I know you join me in extending our sympathy. To Belinda, let us extend our promise that neither her life nor her death will be forgotten.

BASE CLOSING IN THE PHILIPPINES

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, what a base closing commission that must be in operation in Manila. The Base Closing Commission that we had working for us was looking for ways and is looking for ways to cut down on military expenditures, to save money, to save costs. Theirs is looking for ways and means to cut back on revenue, much needed revenue for the Philippine people and for the health and welfare of its citizens; it is not to close Subic Bay, and the Senate of the Philippines is going to be acting upon it almost momentarily.

If they do not want us to be there, then we do not want to urge them to keep us there. The history and glories of Bataan and Corregidor, and the fighting side by side for the freedom of that nation and the historic interrelationship between their nation and ours is going to last no matter what they do with Subic Bay.

So many of us have come to the conclusion that we ought to be sending letters to Mrs. Aquino and saying, "Don't argue on our behalf. Don't lobby to keep Subic Bay open, please."

Mr. Speaker, if the members of the Senate of the Philippines want to release our people, I say, let our people go.

PRESIDENTIAL LEADERSHIP SOUGHT ON AIDS PREVENTION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, on September 1, AIDS activists demonstrated in Kennebunkport, seeking Presidential leadership in AIDS prevention for persons at risk.

Instead of leadership, they got Presidential rhetoric. Here's what President Bush had to say:

> I'm in favor of behavioral change. Here's a disease where you can control its spread by your own personal behavior.

Obviously, the President did not get the demonstrators' message. The irony is that people at risk have to be taught how to prevent transmission, and the Federal Government has failed to do just that. If effective prevention had been taught throughout the epidemic, there would not be over 1 million Americans infected with the AIDS virus today.

The President said, "We're spending $4 billion a year on AIDS research."

That is absolutely wrong. The Federal Government is spending only $805 million on AIDS research this year, not enough to find a cure and a vaccine.

The President also said, "If the message is compassion, I got it loud and clear." But he obviously did not get the demonstrators' message. Many Americans have been speaking loudly and clearly since the epidemic began. Compassion is not enough. When will the President get the message? The Nation needs his leadership.

□ 1240

DISCHARGE PETITION ON H.R. 917, SOCIAL SECURITY NOTCH ADJUSTMENT ACT

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, since the early 1980's, Members of Congress have been hearing from retired constituents and many retirement organizations about the Social Security "notch" issue. Because notch legislation has never been voted on by the

Ways and Means Committee, concerned retirees feel Congress has been stonewalling on this issue. It is time for the notch to be fully, fairly, and openly debated by the House.

If it is a myth, a charade, or unfair, let us find out. Today I am initiating a discharge petition on H.R. 917, the Social Security Notch Adjustment Act, to bring this bill directly to the House floor for debate and a vote.

Bringing H.R. 917 to the floor will allow us to examine the facts. We must determine whether anyone is being underpaid by Social Security. If some retirees are being underpaid, we must determine how we will correct the problem. Our constituents deserve our careful consideration of this issue. Stop the stonewalling and sign the discharge on the notch.

USED OIL RECYCLING ACT OF 1991

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, I have today filed a new list of cosponsors for our bill, H.R. 1411, the Used Oil Recycling Act of 1991, which brings the number of cosponsors to 121. I believe that those who have reviewed our proposal and joined us as cosponsors have done so because our bill uses economic principles to achieve our waste management and recycling goals. Establishing a policy that will foster a market for used oil is the key to long term success.

The premise of our bill is clear: Used oil recycling is absolutely dependent on the voluntary participation of hundreds of thousands businesses. If used oil is labelled hazardous waste, it will be much more difficult to recycle this precious resource. Its economic value, according to those who normally use it, is greatly diminished. Potential users will simply switch to virgin oil, leaving us with an expensive environmental mess and no realistic solution.

Further, if used oil is labelled a hazardous waste, less, not more, used oil will enter environmentally acceptable recycling or disposal procedures.

Our bill explicitly and unambiguously directs EPA not to list recycled oil as a hazardous waste. Instead, we direct the EPA to proceed, without further delay, to develop sensible management standards that impose sound environmental safeguards that ensure human and environmental health without destroying the market for used oil.

Our bill would also preserve markets by directing the U.S. Government, one of the largest consumers of virgin oil and one of the largest producers of used oil, to work harder to recycle their own used oil and use recycled oil products. In our view, this will save two precious commodities: oil and taxpayers' dollars.

Let me quickly point out that our bill also establishes an education program to inform the public and businesses how easy it is and how beneficial it is to do the right thing and recycle used oil.

Mr. Speaker, we all remember the gas lines and the spiraling prices of a decade ago, but the recent conflict in the Persian Gulf reminds us how vitally important energy conservation and resource management are to our national security.

THE GASOLINE TAX

(Mr. JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Texas. Mr. Speaker, we have been hearing a lot about the so-called Nickel for America 5-cent a gallon gasoline tax being proposed by our colleagues on the Committee on Public Works and Transportation.

Any gas tax is just a nickel for pork, not a nickel for America. The people of America and the people of my State, Texas, do not want, do not need, and certainly do not deserve an increase in the gasoline tax.

In Texas, we already pay 15 cents a gallon in State tax, and 14 cents a gallon in Federal tax. The proposed tax increase would mean that Texas would pay 34 cents in tax for every gallon of gasoline that they buy.

Mr. Speaker, many States are not now receiving their fair share of the highway fund in return. What makes matters worse is that we are asking them to pony up for pork.

Mr. Speaker, the American people know they are not overtaxed, but that Congress overspends. We have got to reject that tax increase.

USE SURPLUS DEFENSE FUNDS TO WIN ECONOMIC WAR

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, while the President and his economic advisers try to figure out whether the economy is in a tailspin or just dragging along, more and more Americans are losing their jobs. We do not need to turn to tax revenues to revitalize this economy. We can stop spending $140 billion defending the Germans, Belgians, French, and others from the Soviet Union.

Mr. Speaker, what is the fear today? Is it that Latvia, Lithuania, or Estonia are going to invade Germany?

Let us take that $140 billion back here in the United States. Let us put Americans to work. Last month more Americans lost their homes. Let us not wait until it is a crisis that even accountants have figured out and economic advisers.

Mr. Speaker, let us do it now. We have won the cold war. Let us take some of that money and win the economic war.

We are losing against Japan, we are losing against Germany. We are losing jobs in America, and losing the strength of this country's future. Let us put American kids to work. Let us provide health care for all Americans and housing, and not squander this money on a battle we have already won.

DO NOT CORRECT SOCIAL SECURITY NOTCH BY DESIGNING A NEW NOTCH

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, if Members had town meetings and senior citizen meetings during the August recess, I am sure some of them may have been shocked to hear that the notch, which is a myth, is not 1917 through 1921. Now they discovered that it is 1917 through 1926.

Of course it is. Those using Jimmy Roosevelt's name are going to get $10 more from all of those people. And as soon as we get to the year 1931, then the notch will be 1917 through 1931.

Mr. Speaker, I would hope that Members would talk to the gentleman from Texas [Mr. PICKLE], would talk to the gentleman from Illinois [Mr. ROSTENKOWSKI], and would talk to the gentleman from Ohio [Mr. GRADISON], before they make some foolish mistake and think that they can correct what they call a notch without designing a new notch, a notch which would be everyone born after 1916, and everyone who will be born. Just to correct the first 5 years would cost an additional $260 billion.

CRISIS IN CROATIA AND SERBIA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, a few days ago I returned from a 6-day peace mission with the gentleman from Virginia [Mr. WOLF] and the former Under Secretary of State Richard McCormick to Croatia and Serbia, two of the republics that make up Yugoslavia. Because of the ongoing fighting there, the atmosphere was exceedingly tense, bleak, and volatile.

In Zagreb, the capital of the Croatian Republic, we met with several leaders, including Croatian President Tudjman. The President expressed his deep appreciation for our physical presence in Croatia as the violence was escalating in and around his capital, and told us how absolutely vital U.S. and EC involvement was to a peaceful outcome.

Mr. Speaker, we also visited two of the cities that are under siege, Osijek and Vukovar. We saw there the absolute devastation of the bombs, the mortars, and the fragment bombs that had been dropped by the Migs over Vukovar.

Mr. President, our meeting in Belgrade with Serbian President Milosevic came on the heels of his agreement to a ceasefire and to a conference under international auspices. While we commended the President for signing the agreement approximately 12 hours before we visited with him, we frankly stressed that, in our view, he bore a significant responsibility for the military offensive thus far and the future of the fragile peace.

In a very firm but diplomatic way, we conveyed our concern over the potential for a blood bath, and that Serbia and the Yugoslavian armed forces would bear the brunt of international criticism, and one of those consequences of those escalating hostilities would be Serbian isolation, and that would be in both terms of political and economic isolation.

AMAZEMENT OVER BUDGET PROPOSALS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Members of this side of the aisle will never cease to amaze me. Today in this well we have heard one Member say that we should abrogate the budget agreement that was signed last year. That was supposed to reduce spending so we would have a budget deficit this year of less than $200 billion. Because of the tax increases last year, the budget deficit is going to be $350 billion to $400 billion, higher than any time in history. That is because we have put this country into a recession, because we raised taxes by $139 billion last year, the largest in history.

□ 1250

So what do they want to do? They want to take off all the constraints so they can spend more money, domestically they say.

Another Member came up and said that we should take the money we have been spending on defense in Europe, take that money and bring it back home and spend it on more social programs. Instead of reducing the deficit, more spending. They see a way to get their hands on more money to spend.

In addition to that, they want to raise the gas taxes on everybody who drives to and from work or anywhere by a nickel a gallon at a time when we are in a recession, and that will only exacerbate the situation.

The fact of the matter is they are like drunken sailors on leave, and I hate to denigrate the sailors of this country, but they keep spending, and spending and spending, and they keep looking for more ways to get their hands on more money.

The fact of the matter is we have to come to grips with this budget deficit. If we are going to reduce military spending, if we can finds ways to do that, and I think there are ways, that money should be applied to the deficit so that we do not leave a terrible legacy to future generations of this country.

CONCERNS OF THE CITIZENS OF MISSOURI

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, during the month of August I held 28 townhall meetings in my district of southwest Missouri. I have now returned with some substantial information and input from voters and taxpayers who do not live within the D.C. beltway, whose plain, old-fashioned common sense dictates we address the problems of job creation, economic opportunity, health care, concern for our senior citizens, and education for our children.

It is time we start devoting the energies and the assets of Government to the needs of the American people. The slogan "America First" is being heard throughout the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote, or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3053) to amend the Individuals With Disabilities Education Act to strengthen such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Act Amendments of 1991".

SEC. 2. REFERENCES REGARDING INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Any reference made in this Act to an amendment or repeal of a provision shall be considered to be an amendment or repeal, respectively, of that provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), unless another public law is specified as being the subject of the amendment or repeal.

SEC. 3. DEFINITIONS FOR ACT IN GENERAL.

Section 602(a)(1) (20 U.S.C. 1401(a)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(1)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The term 'children with disabilities' for children aged 3 to 5, inclusive, may, at a State's discretion, include children—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, need special education and related services.".

SEC. 4. SETTLEMENTS AND ALLOCATIONS.

(a) AMENDMENTS TO SUBSECTION (c).—Section 611(c)(2)(A)(i)(II) (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

(b) AMENDMENTS TO SUBSECTION (f).—

Section 611(f) (20 U.S.C. 1411(f)) is amended to read as follows:

"(f)(1) The Secretary shall make payments to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5–21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. In the case of Indian students ages 3–5, inclusive, who are enrolled in programs affiliated with Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (3). The amount of such payment for any fiscal year shall be 1 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(2) With respect to all other children aged 3–21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(3) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary of Education an application that—

"(A) meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities), 613, and 614(a);

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures required under subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618(b)(1), including data on the number of children and youth with disabilities served and the types and amounts of services provided and needed and this information shall be included in the annual report of the Secretary of Education to Congress required in section 618(g);

"(E) includes an assurance that, by October 1, 1992, the Secretaries of the Interior and Health and Human Services will enter into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations. Such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical/personal supplies as needed for a child to remain in school or a program; and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this Act, and will fulfill its duties under this Act.

Section 616(a) shall apply to any such application.

"(4)(A) Beginning with funds appropriated under section 611(a) for fiscal year 1992, the Secretary shall, subject to this paragraph, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortiums of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3-5, inclusive, on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be .25 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(B) The Secretary of the Interior shall distribute the total amount of the .25 percent under subparagraph (A) in the following manner:

"(i) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(ii) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of children with disabilities, ages 3-5, inclusive, residing on reservations as reported annually divided by the total of such children served by all tribes or tribal organizations.

"(C) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3-5, inclusive, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) The Secretary of the Interior shall offer and, on request, provide technical assistance (especially in the areas of child find, diagnosis, and referral) to State and local educational agencies (where appropriate, intermediate educational units), and tribes and tribal organizations. Such assistance may be provided through its divisions and offices at the national and local level.

"(G) None of the funds allocated under this paragraph can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(5) Before January 1, 1992, the Secretary of the Interior shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing such a plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. Such plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, children, and youth with disabilities, to tribes, and to other interested parties.

"(6) To meet the requirements of sections 613(a)(12) of this Act, the Secretary of the Interior shall establish, within 6 months of the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1991, under the Bureau of Indian Affairs (BIA), an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, children, and youth with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, children, and youth with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (3)(D).".

SEC. 5. STATE PLAN.

Section 613(a) (20 U.S.C. 1413(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by striking "this Act," and inserting the following: "this Act and with the comprehensive system of personnel development described in section 676(b)(8),"; and

(2)(A) in paragraph (13)(B), by striking "and" at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following new paragraph:

"(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child's third birthday."

SEC. 6. APPLICATION.

Section 614(a)(5) (20 U.S.C. 1414(a)(5)) is amended by inserting after "disability" the following: "(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)".

SEC. 7. PRESCHOOL GRANTS.

Section 619 (20 U.S.C. 1419) is amended—

(1) in the heading for the section, by striking "PRE-SCHOOL" and inserting "PRESCHOOL";

(2) in subsection (b)—

(A) in paragraph (1)(B), by inserting before the period the following: ", and for any two-year-old children provided services by the State under subsection (c)(2)(B)(iii) or by a local educational agency or intermediate educational unit under subsection (f)(2)"; and

(B) in paragraph (3), by striking "$1,000" and inserting "$1,500";

(3) in subsection (c)(2), by amending subparagraph (B) to read as follows:

"(B) use not more than 20 percent of such grant—

"(i) for planning and development of a comprehensive delivery system,

"(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive, and

"(iii) at the State's discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and";

(4) in subsection (f), by amending the subsection to read as follows:

"(f) Each local educational agency or intermediate educational unit receiving funds under this section—

"(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive, and

"(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H."; and

(5) by adding at the end thereof the following new subsection:

"(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.".

SEC. 8. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) AMENDMENTS TO SUBSECTION (a)(1).—Section 623(a)(1) (20 U.S.C. 1423(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting after "children with disabilities" the following: ", including individuals who are at risk of having substantial developmental delays if early intervention services are not provided,"; and

(2)(A) by moving each of subparagraphs (F) through (I) 2 ems to the left;

(B) by striking "and" at the end of subparagraph (H);

(C) by redesignating subparagraph (I) as subparagraph (K); and

(D) by inserting after subparagraph (H) the following new subparagraphs:

"(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H,

"(J) support statewide projects in conjunction with a State's application under part H and a State's plan under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments, and".

(b) NEW SUBSECTION.—

(1) IN GENERAL.—Section 623 (20 U.S.C. 1423) is amended—

(A) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) The Secretary shall fund up to 5 grants to States for 3 years for the purpose of establishing an inter-agency, multi-disciplinary, and coordinated statewide system for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at-risk of having developmental delays. To the extent feasible, such grants shall be geographically dispersed throughout the Nation in urban and rural areas. Each grantee must—

"(1) create a data system within the first year to document the numbers and types of at-risk children in the State and that develops linkages with all appropriate existing child data and tracking systems that assist in providing information;

"(2) coordinate activities with the child find component required under parts B and H of this Act;

"(3) demonstrate the involvement of the lead agency and the State interagency coordinating council under part H as well as the State educational agency under part B;

"(4) coordinate with other relevant prevention activities across appropriate service agencies, organizations, councils, and commissions;

"(5) define an appropriate service delivery system based on children with various types of at-risk factors;

"(6) document the need for additional services as well as barriers; and

"(7) disseminate findings and information in the manner prescribed in section 610(g).".

(2) CONFORMING AMENDMENT.—Section 623(f), as redesignated by paragraph (1) of this section, is amended by striking "(b) and (c)" and inserting "(c) and (d)".

SEC. 9. GRANTS FOR PERSONNEL TRAINING.

(a) NEW SUBSECTION.—Section 631 (20 U.S.C. 1431) is amended—

(1) by redesignating subsection (c) as subsection (d) ; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

"(A) Establishing a program with colleges and universities to develop creative new programs and coursework options and/or to expand existing programs in the field of special education, related services, or early intervention. Funds may be used to provide release time for faculty and staff for curriculum development, instructional costs, and modest start-up and other program development costs.

"(B) Establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, county, and voluntary sector workers who have demonstrated a commitment to working in the above fields and who are enrolled in higher education institution programs relating to these fields.

"(C) Supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in the above fields.

"(D) Identifying existing public and private agency and labor union personnel policies and benefit programs that may facilitate the ability of workers to take advantage of higher education opportunities such as leave time, tuition reimbursement, etc.

"(2) To the extent feasible, projects authorized under paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

"(3) The Secretary shall award, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), a cooperative agreement through a separate competition to an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of workers to serve children and youth with disabilities through the use of consortia or partnerships established for the purpose of retaining the existing workforce and providing opportunities for career enhancement.

"(4) The Secretary may conduct an evaluation of projects funded under this subsection.

"(5) During the period in which an entity is receiving financial assistance under paragraph (1) or (3), the entity may not receive financial assistance under the other paragraph.".

(b) AMENDMENTS TO FORMER SUBSECTION (c).—

(1) PRIORITY TO PARENTS OF INFANTS, TODDLERS, AND YOUNG CHILDREN IN EXPENDITURE OF CERTAIN FUNDS.—Section 631(d), as redesignated by subsection (a) of this section, is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10)(A) In the case of a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the organization, in expending the amounts described in subparagraph (B), shall give priority to providing services under this subsection to parents of children with disabilities aged 0–5.

"(B) With respect to a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the amounts described in this subparagraph are any amounts provided in the grant in excess of the amount of any grant under such paragraph provided to the organization for fiscal year 1992.".

(2) APPLICABILITY OF CERTAIN PROVISIONS REGARDING SERVICE TO MINORITY PARENTS; MANNER OF COMPLIANCE WITH PROVISIONS.—Section 631(d), as redesignated by subsection (a) of this section, is amended in paragraph (4)(C)—

(A) by inserting after "disabilities" the following: "(including parents served pursuant to paragraph (10))"; and

(B) by inserting before the comma the following: "by requiring that applicants for the grants identify with specificity the special efforts that will be undertaken to involve such parents, including efforts to work with community-based and cultural organizations and the specification of supplementary aids, services, and supports that will be made available, and by specifying budgetary items earmarked to accomplish this subparagraph".

(3) Reports.—Section 631, as amended by subsections (a)(1) and (b)(1)(A) of this subsection, is amended in subsection (d)(11)—

(A) in subparagraph (E), by striking "and" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ", and"; and

(C) by inserting after subparagraph (F) the following new subparagraph:

"(G) the number of parents served under this subsection who are parents of children with disabilities aged 0–5.".

(c) Conforming Amendments.—Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) is amended—

(1) in section 634(a)(3), by striking "631(c)(9)" and inserting "631(d)(11)"; and

(2) in section 635(a)—

(A) in paragraph (1), by striking "631(c)" and inserting "631(d)"; and

(B) in paragraph (3), by striking "631(c)" and inserting "631(d)".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Section 635(a)(3) (20 U.S.C. 1435(a)(3)) is amended—

(1) by striking "$12,100,000" and inserting "$15,100,000";

(2) by striking "$13,300,000" and inserting "$16,300,000"; and

(3) by striking "$14,600,000" and inserting "$17,600,000".

SEC. 11. FINDINGS FOR PART H.

Section 671(a) (20 U.S.C. 1471(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following new paragraph:

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.".

SEC. 12. DEFINITIONS FOR PART H.

(a) Infants and Toddlers With Disabilities.—Section 672(1)(A) (20 U.S.C. 1472(1)(A)) is amended by striking "language and speech development, psychosocial development, or self-help skills," and inserting the following: "language and speech development (hereafter in this part referred to as 'communication development'), psychosocial development (hereafter in this part referred to as 'social or emotional development'), or self-help skills (hereafter in this part referred to as 'adaptive development'),".

(b) Early Intervention Services.—Section 672(2) (20 U.S.C. 1472(2)) is amended—

(1) in subparagraph (C)—

(A) in clause (iii), by striking "language and speech" and inserting "communication";

(B) in clause (iv), by striking "psychosocial" and inserting "social or emotional"; and

(C) in clause (v), by striking "self-help skills" and inserting "adaptive development";

(2) in subparagraph (E)—

(A) in clause (vii), by striking "case management services," and inserting "case management services (hereafter in this part referred to as 'service coordination services'),"; and

(B)(i) by striking "and" at the end of clause (x); and

(ii) by inserting after clause (xi) the following new clauses:

"(xii) vision services,

"(xiii) assistive technology devices and assistive technology services, and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services,";

(3) in subparagraph (F)—

(A) by striking "and" at the end of clause (vii);

(B) by striking "and" at the end of clause (viii); and

(C) by inserting after clause (viii) the following new clauses:

"(ix) family therapists,

"(x) orientation and mobility specialists, and

"(xi) pediatricians and other physicians,"; and

(4)(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and".

SEC. 13. REQUIREMENTS FOR STATEWIDE SYSTEM.

Section 676(b) (20 U.S.C. 1476(b)) is amended—

(1) in paragraph (4), by striking "case management" and inserting "service coordination";

(2) in paragraph (8), by amending the paragraph to read as follows:

"(8) a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 613(a)(3) and that may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early intervention service providers,

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part,

"(C) training personnel to work in rural areas, and

"(D) training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under section 619 of part B."; and

(3) in paragraph (9)—

(A) by amending subparagraph (A) to read as follows:

"(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part,"; and

(B) in subparagraph (C)—

(i) by inserting "in accordance with section 678(a)(2)" after "responsibility"; and

(ii) by striking "agency" and inserting "agencies".

SEC. 14. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs,

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability, and";

(2) in subsection (d)—

(A) in paragraph (1), by striking "language and speech development, psychosocial development, and self-help skills," and inserting "communication development, social or emotional development, and adaptive development,";

(B) in paragraph (2), by striking "strengths and needs" and inserting "resources, priorities, and concerns";

(C)(i) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided,"; and

(D) in paragraph (7) (as redesignated by subparagraph (C)(i) of this paragraph)—

(i) by inserting after "manager" the following: "(hereafter in this part referred to as the 'service coordinator')"; and

(ii) by inserting after "needs" the following: "(or who is otherwise qualified to carry out all applicable responsibilities under this part)"; and

(3) by adding at the end thereof the following new subsection:

"(e) Parental Consent.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.".

SEC. 15. STATE APPLICATION AND ASSURANCES.

Section 678 (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A)(i) by redesignating paragraph (7) as paragraph (9);

(ii) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(iii) by inserting after paragraph (1) the following new paragraph:

"(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,"; and

(B)(i) by striking "and" at the end of paragraph (7) (as redesignated by subparagraph (A)(ii) of this paragraph); and

(ii) by inserting after paragraph (7) (as so redesignated) the following new paragraph:

"(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides and convene, with the approval of the family, a conference between the lead agency, the family, and such agency or unit at least 90 days before such child is eligible for the preschool program under part B in accordance with State law, and to review the child's program options, for the period commencing on the day a child turns 3 running through the remainder of the school year, and to establish a transition plan, and"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph:

"(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part and to ensure that such families have access to culturally competent services within their local areas, and".

SEC. 16. USE OF FUNDS.

Section 679 (20 U.S.C. 1479) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting ", and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.".

SEC. 17. PROCEDURAL SAFEGUARDS.

Section 680 (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting before the period the following: ", including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

"(3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part."; and

(4) in paragraph (7) (as so redesignated), by striking "(5)" and inserting "(6)".

SEC. 18. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "15 members" and inserting "at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678";

(B) in paragraph (2), in the first sentence, by striking "and the chairperson of the Council"; and

(C) by adding at the end thereof the following new paragraph:

"(3) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the lead agency designated under section 676(b)(9) may not serve as the chairperson of the Council.";

(2) in subsection (b), by amending the subsection to read as follows:

"(b) COMPOSITION.—(1) The Council shall be composed as follows:

"(A) At least 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) At least one member shall be from the State legislature.

"(D) At least one member shall be involved in personnel preparation.

"(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

"(2) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.";

(3) in subsection (d), by striking "to hire staff, and obtain" and inserting the following: "to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business, to hire staff, and to obtain"; and

(4) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (D), respectively;

(B) by inserting "(1)" before "The Council shall—",

(C)(i) by striking "and" at the end of subparagraph (B) (as so redesignated); and

(ii) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(D) by adding at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.".

SEC. 19. ALLOCATION OF FUNDS.

(a) AMENDMENTS TO SUBSECTION (b).—

(1) IN GENERAL.—Section 684(b) (20 U.S.C. 1484(b)) is amended to read as follows:

"(b)(1) The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortium of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior shall distribute the total amount of the 1.25 percent under paragraph (1) in the following manner:

"(A) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(B) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes or tribal organizations.

"(3) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as are needed to determine the amounts to be allocated under paragraph (2).

"(4) The funds received by a tribe or tribal organization shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children aged 0-2, inclusive, and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe and tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) To be eligible to receive a grant pursuant to paragraph (2), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D) of this Act. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(6) None of the funds under this subsection can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.".

(2) CONFORMING AMENDMENT.—Section 676 (20 U.S.C. 1476) is amended—

(A) in subsection (a), by inserting after "families" the following: ", including Indian infants and toddlers with disabilities on reservations,"; and

(B) in subsection (b)(2), by inserting after "State" the following: ", including Indian infants and toddlers with disabilities on reservations,".

(b) AMENDMENTS TO SUBSECTION (c)(1).—Section 684(c)(1) (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking "1991" and inserting "1994"; and

(2) by inserting ", or $500,000, whichever is greater" before the period at the end.

(c) TECHNICAL AMENDMENTS REGARDING DIFFERENTIAL FUNDING.—

(1) IN GENERAL.—Section 675(e)(4) (20 U.S.C. 1475(e)(4)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in subparagraph (B), by inserting "under this part" after "payment" the first place such term appears; and

(B) in subparagraph (C), by amending the subparagraph to read as follows:

"(C) MINIMUM PAYMENT FOR FISCAL YEAR 1991 OR 1992 FOR CERTAIN STATES.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part of not less than $500,000. For purposes of the preceding sentence, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(2) CONFORMING AMENDMENT.—Section 675(e)(6) (20 U.S.C. 1475(e)(6)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in the matter preceding subparagraph (A), by inserting ", except as provided in paragraph (4)(C)," before "means"; and

(B) in subparagraph (A), by inserting "the Commonwealth of" before "Puerto Rico".

SEC. 20. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 (20 U.S.C. 1485) is amended by striking "There are" and all that follows and inserting the following: "There are authorized to be appropriated to carry out this part $220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 21. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H (20 U.S.C. 1471 et seq.), as amended by section 20, is amended—

(1) by redesignating section 685 as section 686; and

(2) by inserting after section 684 the following new section:

"FEDERAL INTERAGENCY COORDINATING COUNCIL

"SEC. 685. (a) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

"(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State, and local agencies;

"(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

"(C) coordinate the provision of Federal technical assistance and support activities to States;

"(D) identify gaps in Federal agency programs and services; and

"(E) identify barriers to Federal interagency cooperation.

"(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the 'Council') and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

"(b) COMPOSITION.—The Council shall be composed of—

"(1) a representative of the Office of Special Education Programs;

"(2) a representative of the National Institute on Disability and Rehabilitation Research;

"(3) a representative of the Maternal and Child Health Services Block Grant Program;

"(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

"(5) a representative of the Health Care Financing Administration;

"(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

"(7) a representative of the Social Security Administration;

"(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

"(9) a representative of the National Institute of Mental Health;

"(10) a representative of the National Institute of Child Health and Human Development;

"(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

"(12) a representative of the Indian Health Service;

"(13) a representative of the Surgeon General;

"(14) a representative of the Department of Defense;

"(15) a representative of the Administration for Children and Families;

"(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

"(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

"(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

"(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

"(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(21) other persons appointed by the Secretary.

"(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

"(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

"(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

"(3) identify strategies to address issues described in paragraph (2);

"(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

"(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(6) facilitate activities in support of States' interagency coordination efforts.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.".

SEC. 22. STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Education shall undertake a study to identify alternative formulae for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) CONTENTS.—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding "at risk" children in formulae using child count procedures; and

(E) formulae that use other alternatives or a combination of alternatives.

(b) REPORT.—The Secretary of Education shall transmit the study and a report on such study to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 23. SECTION 6 SCHOOLS.

(a) IN GENERAL.—Section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) (relating to the program commonly known as Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: "For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards (including due process procedures), available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992–1993, and all substantive rights, protections and procedural safeguards (including due process procedures), available under part B of such Act shall be applicable to such comparable education for all other eligible children on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.".

(b) Rule of Construction.—With respect to comparable education for children with disabilities for purposes of section 6(a) of Public Law 81-874 (relating to the program commonly known as Impact Aid), the amendment made by subsection (a) may not be construed as diminishing the extent of substantive rights, protections and procedural safeguards available under such section 6(a) for children with disabilities before the date of the enactment of this Act.

SEC. 24. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Section 1409(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927(c)) is amended to read as follows:

"(c) Applicability of Certain Provisions.—

"(1) Children with disabilities.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act, other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993–1994.

"(2) Infants and toddlers with disabilities.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

"(3) Implementation timelines.—In carrying out the provisions of paragraph (2), the Secretary shall—

"(A) in academic year 1991–1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

"(B) in academic year 1994–1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services; and

"(C) in academic year 1995–1996 and succeeding academic years, have in effect the program described in subparagraph (A).".

SEC. 25. TECHNICAL AMENDMENTS TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) In General.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 602(a) (as amended by section 3 of this Act)—

(A) in paragraph (1)(A)(ii), by inserting a comma after "thereof";

(B) in paragraph (17), by striking "and social work services, and medical and counseling services, including rehabilitation counseling," and inserting ", social work services, counseling services, including rehabilitation counseling, and medical services,"; and

(C) in paragraph (22), by striking "section 703(a)(2)" and inserting "section 7003(a)(2)";

(2) in section 605(b), in the first sentence, by inserting a comma after "under this title";

(3) in the heading for part B, by striking "HANDICAPPED CHILDREN" and inserting in lieu thereof "CHILDREN WITH DISABILITIES";

(4) in section 611(a)(1), in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraph (5)";

(5) in section 612(3), by striking "first with respect to handicapped children" and inserting "first with respect to children with disabilities";

(6) in section 613(a)—

(A) in paragraph (2), by striking "and section 202(1) of the Carl D. Perkins Vocational Education Act"; and

(B) in paragraph (9)(B), by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(7) in section 617(b), by striking "(and the Secretary, in carrying out the provisions of subsection (c))";

(8) in section 622(a)(1), in the matter preceding subparagraph (A), by inserting a comma after "State educational agencies";

(9) in section 623(a)(1)(A), by striking "communication mode and" and inserting "communication mode"; and

(10) in section 624(a)(1), by striking ", including" and all that follows and inserting the following: "of such children and youth with disabilities, including their need for transportation to and from school,";

(11) in section 626, by amending the heading for the section to read as follows:

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES";

(12) in section 631—

(A) in subsection (a)(1)(E), by striking "handicapped children" and inserting "children with disabilities"; and

(B) in subsection (d)(5) (as redesignated by section 9(a)(1) of this Act), by amending subparagraph (D) to read as follows:

"(D) participate in educational decision-making processes, including the development of the individualized education program for a child with a disability,";

(13) in section 635, by striking subsection (c);

(14) in section 642, in the heading for the section, by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

(15) in section 661(b)(2), by striking "Public Law 100-407" and inserting "the Technology-Related Assistance for Individuals with Disabilities Act of 1988";

(16) in section 671(b)(3), by striking "provided to handicapped infants, toddlers, and their families" and inserting "provided to infants and toddlers with disabilities and their families";

(17) in section 676(b)—

(A) in paragraph (4), by striking "handicapped infant and toddler" and inserting "infant and toddler with a disability"; and

(B) in paragraph (6), by striking "as required under this paragraph";

(18) in section 682(e)(1)(D) (as redesignated by section 18(4) of this Act), by striking "infants or toddlers" and inserting "infants and toddlers"; and

(19) in section 611(e)(1) (as amended by section 802(d)(3) of Public Law 102-73 (105 Stat. 361)), by striking "(until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)".

(b) Public Law 101-476.—Section 901(b) of the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476; 104 Stat. 1142) is amended in the matter preceding paragraph (1) by striking "Education for the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

SEC. 26. TECHNICAL AMENDMENTS TO OTHER ACTS.

(a) Comprehensive Child Development Act.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(b) Developmental Disabilities Assistance and Bill of Rights Act.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(c) Follow Through Act.—Section 663(b)(9) of the Follow Through Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(d) Head Start Transition Project Act.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking "Education of the Handicapped Act of 1975" and inserting "Individuals with Disabilities Education Act".

(e) Rehabilitation Act of 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(f) Tribally Controlled Schools Act of 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(g) Head Start Act.—Section 640(d) of the Head Start Act is amended by striking "paragraph (1) of section 602 of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(h) Higher Education Act of 1965.—Section 465(a)(2) of the Higher Education Act of 1965 is amended by striking "section 602(1) of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(i) Social Security Act.—The Social Security Act is amended—

(1) in section 1903(c)—

(A) by striking "handicapped child" and inserting "child with a disability";

(B) by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act"; and

(C) by striking "a handicapped infant or toddler" and inserting "an infant or toddler with a disability"; and

(2) in section 1915(c)(5)(C)(i), by striking "(as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401(16), (17))" and inserting "(as defined in paragraphs (16) and (17) of section 602(a) of the Individuals with Disabilities Education Act)".

SEC. 27. EFFECTIVE DATES AND APPLICABILITY.

(a) SECTIONS 8, 9, AND 10.—The amendments made by sections 8, 9, and 10 shall take effect on October 1, 1991, or on the date of enactment of this Act, whichever is later.

(b) SECTIONS 5, 12, 13, 14, 15, 17, AND 18.—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

(c) REMAINING PROVISIONS.—The remaining sections of this Act and the amendments made by such sections shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3053 is a bipartisan bill that reflects the issues addressed in hearings held by the Subcommittee on Select Education on the reauthorization of the early intervention and preschool programs, under the Individuals With Disabilities Education Act [IDEA].

The amendments contained in H.R. 3053 build on three major principles established in Public Law 99-457, the pioneering 1986 legislation: A need to ensure continued Federal-State participation in the development of prevention services, a continued commitment to family-focused programs, and an emphasis on improved methods to identify children at risk. Other issues that strengthen the bill are, first, the involvement of minorities and underrepresented families, second, services to at-risk children, and third, personnel training. The bill reauthorizes the programs for 3 years beginning with $220 million for fiscal year 1992, an increase of approximately 50 percent over current levels.

I wish to commend the efforts of Mr. BALLENGER, ranking minority member, and his staff, as well as the work of my Democratic colleagues on the Subcommittee on Select Education.

On behalf of Mr. OWENS, I am submitting for the RECORD a more detailed account of the major provisions of H.R. 3053 which includes technical and conforming amendments that needed to be made.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support and have cosponsored H.R. 3053, a bipartisan bill to reauthorize the early intervention and preschool programs under part H of the Individuals With Disabilities Education Act [IDEA]. These programs are essential in helping families meet the special needs of children with disabilities while maximizing the child's greatest potential.

Early intervention services are critical if we want to ensure that children with disabilities are able to reach first grade ready to learn. Such services may reduce the need for and cost of special education later for children who receive services early.

In 1986, the Congress passed landmark legislation, Public Law 99-457, which established a program for States to develop a comprehensive, coordinated, multidisciplinary system to provide infants and toddlers with disabilities and their families early intervention services. This approach was revolutionary in the delivery of human services because it made State coordinate and pool different funding sources in order to provide services to infants and toddlers with disabilities and their families.

H.R. 3053 builds upon Public Law 99-457 by fine-tuning the act rather than making any major and significant changes. It includes provisions that create a smooth transition for children with disabilities to move from early intervention programs into preschool programs without experiencing a gap in services; amends the definition of children with disabilities to provide States with the discretion to include young children who are experiencing developmental delays; authorizes demonstration grants for States to develop a system to identify, track, and refer those children at risk of substantial developmental delays for appropriate services; and, ensures that traditionally underserved groups have access to early intervention services.

This program is an investment in children with disabilities and their families that will lead toward greater independence in the future for these children. It is a successful program and one that deserves our support.

The administration has no objection to this bill and I urge my colleagues to support it today.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I yield 6 minutes to my friend and colleague, the gentleman from Montana [Mr. WILLIAMS], chairman of the Subcommittee on Labor-Management Relations.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I am pleased to rise in support of the Individuals with Disabilities Education Act Amendments of 1991. As an original cosponsor of this important legislation, I am pleased with all of the hard work done by the subcommittee in continuing and improving the vital programs which serve our Nation's disabled children.

In 1986, Congress passed historic legislation which I authored to assist States in developing and implementing a statewide, comprehensive, coordinated system to provide early intervention services for infants and toddlers with disabilities and their families. This bill reauthorizes part H for 3 years and further amends the program and other relevant sections of the act to improve the operation of the programs and services established.

I would like to describe several of the improvements and the reasons for those changes. Two-thirds of America's school districts and one-third of the Nation's children are rural. Although a few rural communities may be thriving, more and more rural areas are experiencing economic and social difficulties that are contributing to the development of at-risk children. My States' economy, Montana's economy is among the most lackluster of the five-State Rocky Mountain region. It is the only State in the region to have lost jobs from June 1990 to June 1991. It has the highest unemployment rate in the region and the lowest percentage of personal income growth. Because of such extensive financial difficulties, there is a growing concern in Montana that traditionally underserved groups such as minorities, low-income, and rural populations are not likely to fully participate in the part H program, unless special efforts are made to include them. To address this concern, section 8 of this bill amends the Early Education Discretionary Program to establish competitive State planning grants for the purpose of establishing a statewide, coordinated system to identify, track, and refer all categories of children who are at risk of having developmental delays, including those who are geographically isolated. Projects may include, among other things, activities addressing identification of risk factors and populations, service needs, effective intervention strategies, as well as system planning and the coordination of all available resources.

This bill authorizes the use of funds to facilitate and improve outreach to low-income, minority, rural, and other underserved populations. A major obstacle in many rural areas is simply identifying those children in need of help; and I am pleased to see this language included to ensure that parents of all children eligible for services are made aware of the opportunities available to their children.

There has also been a growing concern about service delivery to disabled Indian children living on reservations. Many tribes have reported inadequate services. Apparently large numbers of eligible children, native Americans, are being missed because of a lack of child-find services. A 1990 GAO report confirmed many findings about the problems of coordination, data collection, and outreach within the Bureau of Indian Affairs [BIA]. These issues have been addressed in section 4 of the bill, the purpose of which is to improve the provision of services to Indian children with disabilities. This section clarifies the role of the Department of Education and the BIA when providing services on reservations, and requires the BIA to coordinate information between Federal agencies and to provide technical assistance to tribes and States to enable them to carry out their responsibilities.

Finally, recruiting and retaining special education personnel continues to be a problem. In Montana alone there is a 30-percent shortage of special education and related services personnel. An initiative authorized in this bill provides an opportunity to train and retrain workers who have demonstrated a commitment to remaining in the field, using a nontraditional approach through demonstration grants and technical assistance.

Public Law 99-457 has been called the most important children's disability legislation of the decade, and I am pleased that my colleagues have made a commitment to continue and improve programs for all children with disabilities.

☐ 1300

Mr. PAYNE of New Jersey. Mr. Speaker, I yield 7 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very apropos time for this body to be addressing the issue of education, since our children across this country are returning to schools and, of course, politicians are known to wax eloquent this time of year about the importance of education, providing lots of lofty words about how important our children are and the education system is to provide those children with a future.

But I would like to talk about this particular bill and support this particular bill today, Mr. Speaker, because this bill covers two critical ingredients to success that are so often lacking in government, particularly when politicians talk in very lofty, hollow rhetoric about education, that I think this Nation has got to look at and learn from. Those two elements are common sense, No. 1, and investment, No. 2.

This bill embodies both of those key ingredients to success which are so often lacking when politicians and bureaucrats across this country talk about providing educational opportunity for our young people.

Common sense: This bill recognizes that we have to stop putting our children, particularly our disabled children and their families, into boxes that do not relate one to the other, that these young students are children, and they come from families, and those families have real needs, and they live in real communities and they have special challenges that they have got to confront if those children are going to have the benefit of a full education. This bill recognizes that very important point of common sense, and it addresses the full spectrum of needs that are faced by families, faced by communities, faced by children trying to face the difficulties of confronting a disability and achieving excellence in education.

The other very important commonsense point that this bill addresses is that kids just do not come to school the first day of kindergarten ready to learn unless they have been prepared. It just makes common sense for our Government to recognize that some children have special needs that have to be addressed before they show up on that front step the first day of school, of kindergarten, special needs that will help them to learn as infants, as toddlers, as preschoolers, and those needs, if they are not addressed, are going to spell failure for those kids, for those families, and for those school systems when they start their formal education at kindergarten and grade one.

So those very important commonsense steps are embedded in this bill.

Second, investment. This bill goes beyond the lofty rhetoric that we have heard so often about the importance of education, and says that if we are going to have excellence in education, we have got to combine the challenge of excellence with investment. Certainly this bill, Mr. Speaker, does not go as far as I would like to see it go, and I know members of the committee agree 100 percent that it does not go as far as they would like it to go, but it puts substance over hollow rhetoric, it puts meat on the bones, it recognizes that we, as a Nation, if we are going to establish education as a priority, have got to be willing to invest in education, invest in our young people, because if we do not, two things are going to happen: No. 1, those kids are not going to get the education that they need, particularly our disabled youngsters, and, No. 2, if those schools and those communities are willing to provide them with that education, then it is going to come on the backs of property taxpayers at the local level or taxpayers at the State level who simply cannot afford even more of an unfair burden than they have already received. In other words, people in communities across America are, frankly, sick and tired of hearing politicians from Washington and bureaucrats from Washington come up with very good ideas and then pass the bill along to those people who are beleaguered from the burden of very unfair taxes at the local and State levels.

This bill makes an important step in providing investment and substance behind a very meritorious idea of providing youngsters with education that they so desperately need.

I mentioned, and I am going to close with this, that we have not gone far enough when it comes to making the investment that we need in our young people. I speak with two hats, I suppose; hat No. 1, I used to work with disabled youngsters in the field of education trying to make sure that they get a decent education in my State of Maine, and we worked with this very important point of coordination, of making sure that the left hand of government knows what the right hand is doing, that we support families, that we support communities, that we work as a team in helping those children. I feel that this is so very important to include in this legislation, and I speak from experience.

But the second one that I speak of is that I speak as a member of the Committee on Armed Services, a committee that has just debated and discussed and put before the floor of this House an Armed Services bill that came just weeks before the dramatic events that occurred in the Soviet Union just a few weeks ago. We all watched in horror, and then with awe at what happened in the Soviet Union just a few weeks ago, and we saw the courage and the conviction of the Soviet people to throw off the shackles of the past and to move boldly to build themselves a new future.

I think we can learn from that in the halls of Washington. I think that we, as a Congress, should be willing to take the shackles of the past and toss them aside and be willing to define, and then redefine the very idea of national defense and security and recognize that national security and national defense in the United States in this era are not going to be defined by how many B-2 bombers we have in our arsenal. It is going to be defined by how many young people that we send to school, ready and willing to learn, by the strength of our educational system, and by the conviction of this institution to support not only kids and their families but communities and schools and local property taxpayers to make the dream of a strong America live in the 1990's.

☐ 1310

Mr. PAYNE of New Jersey. Mr. Speaker, I appreciate those remarks of the gentleman.

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 3053, the Individuals With Disabilities Education Act Amendments of 1991. Providing special education programs for infants and preschoolers, the Individuals With Disabilities Education Act is an important component of the Education for All Handicapped Children Act.

First passed in 1975, the Education for All Handicapped Children Act was the first comprehensive approach to improve elementary, secondary, and postsecondary education for children and youth with disabilities. Over the years this program has helped millions of children and youth with disabilities lead fruitful and productive lives. Currently over 4.5 million children and youth, ages 3 to 21, are receiving special education and related services under this act.

In 1986 the Congress amended the Education for All Handicapped Children Act to include early intervention programs for infants and preschoolers with disabilities. This provision, known as the Individuals With Disabilities Education Act, is intended to assist States in providing special education programs to all children with disabilities from ages 0 to 5 by 1992. This early intervention program helps give children with physical, emotional, and developmental problems a headstart in their education.

The bill we are considering today continues to build upon the success of our Nation's special education programs by reauthorizing the Individual's With Disabilities Education Act for an additional 3 years. H.R. 3053 expands and improves the current program by adding provisions to facilitate and improve outreach to low-income, minority, rural, and other underserved populations; improve training for special education teachers; and expand parental involvement.

The State of Hawaii has done an excellent job of fulfilling the mandate of this act. As one of the only States on schedule in implementing its early intervention program for infants, ages 0 to 3 years, Hawaii has done an outstanding job in reaching out to these children and families with special needs.

However, at a time when the State is ready to go into full implementation of the program, we have encountered an obstacle in the current funding formula for the part H program for infants with disabilities. The current funding formula is based on a census count rather than a child count. This means that Hawaii and many small States receive a minimum allocation of funds without any consideration of the percentage of children eligible for the services in the States.

As a result, although Hawaii is serving a higher percentage of infants than any other State, we receive fewer dollars per child served than any other State. This is an unfair allocation of Federal funds.

For example, Hawaii has 3,259 infants in its program, with a per child allocation of $104.75. New York has 4,451 infants with a per child allocation of $996.39. This is highly inequitable and unfair to small States.

This inequity is particularly disturbing considering the fact that Hawaii is one of the only two States that have adhered to the Federal time line. Last year, in order to serve the eligible number of children in Hawaii the State provided $4,657,536 of its own funds to add to the $288,764 of Federal funds.

During consideration of H.R. 3053 in the Education and Labor Committee, I recommended that we consider changing the formula to reflect the number of children eligible for services under part H, especially for those States like Hawaii that are already for full implementation of their program.

The committee stopped short of changing the formula by mandating a study of alternative funding mechanisms, including a child-based formula. As more States begin to implement their programs in the next 3 years, I am confident that when we revisit this issue in the Congress, a more accurate funding formula will be developed.

In the meantime, we must ensure the continuation of the essential programs in the Individuals With Disabilities Education Act and strive to make these special services available to all children with disabilities across our Nation.

Mr. Speaker, I urge my colleagues to vote for H.R. 3053.

Ms. NORTON. Mr. Speaker, yesterday the House passed H.R. 3053, a bill to reauthorize the Individuals with Disabilities Education Act. This important piece of legislation, first passed in 1986, has enabled our States to implement vital programs which provide early intervention for disabled infants and toddlers. Here in the District of Columbia, the funds have been used for many worthwhile projects. One example is the development of a buddy system in which early intervention programs adopt child care centers where there might be children with disabilities. With the aid of this program, employees of these centers will gain the necessary skills to help these special children.

Americans pride themselves on their compassion for the disabled, but what disabled Americans seek most is self empowerment. The moment of empowerment begins with the first effort to defy the disability. For children, this effort often occurs within the first months and years of life. These are precious years with chances for development that often must be either captured or lost. The pliability of the young mind and the young body makes it possible to begin a process that may not begin at all if started too late.

Katherine Felicia Norton has made me understand the benefits of starting early. Born with Down's Syndrome, my daughter made me understand in the first week of her life when she smiled a broad grin that she was ready for the challenge if only I was. She went to school at the age of 2½ and at 21 years has not stopped yet. Nothing gives her greater pleasure than getting on the school bus every morning. Mentally retarded, she will never be able to do most of what her brother, John, now in his second year of college, can do. But thanks to early developmental opportunities, Katherine has succeeded beyond what otherwise would have been possible.

Every American child deserves the decent start in life that this act provides and that Katherine has had. It is imperative to start to challenge a disability early, considering that the cost of maintaining people who cannot help themselves has become prohibitively expensive. But for Americans, it should be enough that it is the right thing to do.

Mr. KLUG. I rise in support of H.R. 3053 which will reauthorize the early intervention and preschool programs under part H of the Individuals With Disabilities Education Act. These programs have been very successful in providing critical services to infants and toddlers with disabilities, and their families.

The part H program was created in 1986 in the belief that early intervention services could prevent some disabilities from developing or limit their severity by helping families meet the needs of their disabled children as early as possible. Public Law 99–457 created a framework for States to establish a comprehensive, interagency, coordinated system to provide early intervention services to infants and toddlers with disabilities and their families. The fill we are considering today, H.R. 3053. builds upon that framework.

H.R. 3053 makes several changes in the program that will facilitate the development of a seamless system of services for children with disabilities ages birth through 5. These changes will ensure that a smooth transition occurs for children with disabilities moving from early intervention programs to preschool programs without gaps in services.

The bill also authorizes demonstration programs to help States identify and refer those children at risk of developing developmental delays. Currently, States have the option of serving at risk children and the majority of States have chosen not to serve this population due to budgetary constraints. These demonstration programs should encourage States to find these at risk children and provide services before a developmental delay occurs.

Early intervention services have been successful in enabling young children with disabilities to lead a more independent life in both childhood and as an adult. These programs work and I urge my colleagues to support H.R. 3053.

Mr. BALLENGER. Mr. Speaker, I rise in support of H.R. 3053 which reauthorizes the early intervention and preschool programs under the Individuals With Disabilities Education Act [IDEA]. These programs are vital in ensuring that young children with disabilities, and their families, receive the services they need so that they can enter the first grade ready to learn.

In 1986, the Congress passed landmark legislation, Public Law 99–457, which established a framework for States to develop a system to provide infants and toddlers with disabilities and their families early intervention services. The bill we are considering today builds upon that law by making small improvements in the act rather than major structural changes.

One of the improvements is ensuring that a smooth transition occurs for infants and toddlers moving from an early intervention program into a preschool program. Currently, there is a gap in services when the child turns 3 during the school year and must wait until the following year to enter a preschool program. This bill will allow more flexibility in spending preschool and early intervention dollars so that gaps in services can be closed.

A major issue facing the subcommittee was how to encourage more States to provide services to infants and toddlers at risk of having substantial developmental delays if early intervention services are not provided. Under current law, a State has the option of providing services to at risk children, and I am proud to say that my own State of North Carolina has announced its intention to provide early intervention services to this population. The majority of States, however, have not made this commitment due to the lack of resources. H.R. 3053 will encourage these States to serve at risk children by authorizing the Secretary of Education to fund up to five demonstration programs for States to establish a statewide interagency coordinated system for identifying, tracking, and referring at risk children for appropriate services. Such demonstration programs should encourage States to find these children and provide services before a developmental delay occurs.

Early intervention and preschool programs are successful in enabling young children to become more independent and ready to learn when they enter the first grade. A clear example of such success was demonstrated during or subcommittee hearings by Matthew Underdown, a Hickory, NC boy with Down's syndrome. Matthew is a healthy, energetic, 4-year-old who is anxious and ready to enter the public school system with his nondisabled peers—a successful product of early intervention services.

Such services will provide a strong base for ensuring that children with disabilities grow up to be independent, productive, and happy adults. This is legislation that works and I urge all of my colleagues to support it.

Mr. SWETT. Mr. Speaker, I rise today to offer my support for H.R. 3053, the Individuals With Disabilities Education Act [IDEA]. I am proud to endorse the goal of a strong system of education for children with special needs. This important piece of legislation reauthorizes programs for the education of disabled children and youth from birth to age 21. I would like to congratulate the gentleman from New York [Mr. OWENS], for bringing the bill to the floor at this time.

Mr. Speaker, this bill only authorizes funds for this important program, and, of course, these costs will have to be considered in context of our overall budget goals and must be consistent with the budget constraints our Nation faces. But I am confident that the funds necessary to implement this valuable program represent an investment in the future welfare of our country. By educating the disabled, we will provide them with the skills and tools they need to become more productive members of our society. And as they improve their opportunities for economic betterment, their ability to contribute to society will increase. This is an investment that is well worth making.

H.R. 3053 expands the current structure of special education in several important ways. The IDEA program adds a new Federal grant to assist States in developing comprehensive systems for early intervention for children as young as 3. It also includes new initiatives to improve the transition between early intervention and preschool programs. By identifying and tracking children who are biologically or environmentally at risk of experiencing delay in educational development, we can go a long way toward helping children with special needs.

Mr. Speaker, while these initiatives for infants and children are important, I feel that they fall short in one important area: education for adults with learning disabilities. While there are many community-based programs for disabled adults, there is no Federal program similar to the Education for the Handicapped Act designed to serve their needs. The time has come for Congress to engage in a serious examination of the problems faced by adults with disabilities who never received a chance at an education.

This issue is of particular importance in my own State of New Hampshire. In January of this year, New Hampshire became one of the first States to permanently close its institution for the developmentally disabled. For decades the Laconia State School and Training Center was used to warehouse developmentally disabled children and adults. Many former Laconia residents are now residing in communities across the State as productive citizens.

Unfortunately, however, too many now suffer because they were denied a chance at a basic education while they were institutionalized. One such former Laconia resident is Roberta Gallant of Concord. Roberta lives at Laconia for over 23 years and has never received a formal education. While she has attempted to access education opportunities through vocational rehabilitation and other local programs, she is yet to receive basic instruction in subjects such as reading and math.

Mr. Speaker, the demands placed on our system of special education are enormous. H.R. 3053 will go a long way toward improving the lives of children with disabilities, and their families. We cannot, however, ignore the needs of those adults with developmental disabilities who did not have the benefit of special education when they were children. Too often they were forced to endure childhood shut off from society in institutions which left them unprepared for life in the community. Congress should begin to address their needs, which were neglected for so long.

Mr. RANGEL. Mr. Speaker, I support reauthorizing part H of the Individuals with Disabilities Education Act [IDEA], a program providing special education services to infants and toddlers. Many educators regard this program as one of the most important special education innovations in recent memory. It is vital that we ensure a quality education for all American children, including the disabled, and that rehabilitative services are available as early as possible in a child's life.

Part H was designed, however, before we knew that many of our States, which implement the program, would face fiscal crises. We also did know that 500,000 children would be born every year having been exposed to drugs in the womb. Crack cocaine's advent on the streets last decade will continue to impact our schools this fall, when hundreds of thousands of drug-exposed children enter America's classrooms. Many of the services such children need are included in part H of IDEA. But half the States participating in part H do not include these children in their eligible population.

Drug-exposed children often exhibit behavioral disabilities and other impediments, including slow speech development or attention deficit disorder. Teachers around the Nation report a drastic increase in the number of children with behavioral disabilities; they observe new, unusual problems and characteristics among some of their students. Perinatal drug exposure is often the cause.

Teachers and other school personnel feel exasperated. Few educators know how to accurately identify, let alone rehabilitate, drug-exposed children. All students suffer when their teacher must spend a disproportionate amount of time with one or two difficult children. If we are to ensure a quality education for every child in this country, we must provide adequate services for children in need, such as the drug exposed.

We know early intervention rehabilitation works. Drug-exposed children have responded very positively to special services provided by pilot programs in cities like Los Angeles, Washington, DC, and Chicago. A drug-exposed child who receives proper care early in life probably will need little, if any, remedial services after age 5. In other words, by investing in early intervention for drug-exposed children, we save ourselves countless future expenditures in other services later in the child's life.

I am disappointed that this reauthorization bill could not have done more for drug-exposed children. I understand members of the Education and Labor Committee feel the same way, as evidenced by the committee report. I know this Congress is limited in what it can do to part H eligibility standards, since the program was designed to be implemented at the State level. But I must voice my firm belief that the health and well-being of drug-exposed children, of all children, is everyone's responsibility. Congress can do more. We will do more. In the meantime, I want to send a clear message to States that they must make every effort to include as many drug-exposed children in IDEA as possible.

Mr. OWENS of New York. I wish to thank Mr. DONALD PAYNE for managing the bill on the floor, Mr. CASS BALLENGER, ranking minority, all subcommittee members and their respective staffs.

Preeminent among the six education goals set out by the President last year is the one that relates to ensuring that every child is ready to learn when they start school. The bill we have considered today is one of the major pieces of legislation that is aimed at ensuring the attainment of this goal. Hailed as ahead of its time when it was first passed in 1986, the program's objective was a simple one—to provide a way to identify, screen, diagnose, and refer for services infants and toddlers with disabilities in order to enhance the opportunities for learning prior to their arrival in the classroom.

This legislation represents an effort to keep pace with America's changing school population. A myriad of factors, ranging from poor prenatal care to profound language deficiencies, are causing more children from diverse backgrounds to show up in special education classrooms. Among these is the fact that 60 percent of urban children live in poverty, with future projections that a quarter of all children will be poor by the year 2000. America's racial profile is also rapidly changing. By the year 2000, this Nation will have 260,000,000 people; one out of every three will be either African-American, Hispanic, or Asian-American.

During hearings held by the Subcommittee on Select Education, concern was expressed about the rising numbers of at-risk children and how best to serve them. It is estimated that 10 percent of all live births, or 375,000 babies a year, are exposed to drugs in the womb. In certain inner-city hospitals, as many as 60 percent are born to drug abusers. The combination of poverty and poor prenatal care tends to produce more underweight babies, who are more likely to end up in special education. However, experts feel that drug-exposed children can learn in regular classrooms with others their age, as long as they get early help. To assist States in addressing the needs of this population, the bill provides funding of State planning grants to establish statewide coordinated systems that would identify, track, and appropriately refer these children.

H.R. 3053 includes several changes to enhance the opportunities of parents from underrepresented populations to be active participants in these programs and to ensure that these families have access to culturally competent services.

The bill also addresses the urgent problems of the Nation's Native American population. A 1990 GAO report on Indian children with disabilities on reservations revealed the need to address issues of coordination, data collection, and the lack of leadership by the Bureau of Indian Affairs in providing services. The bill reiterates the responsibility of the States to provide preschool and early intervention services to all eligible children, including Indian children on reservations. It is anticipated that the changes in the bill which address these problems will produce an increase in the quality and quantity of services available to Indian families and their children on reservations.

The recruitment, training, and retention of personnel continues to be a problem in the provision of services to children with disabilities. With the addition of the early intervention program under IDEA in 1986, the lack of qualified personnel entering this work force continues to adversely impact service provision. An initiative authorized in this bill provides an opportunity to train and retain workers, who currently hold entry level or paraprofessional positions in public and private agencies that serve these children and have demonstrated a commitment to remaining in the special education and related services field. Using a nontraditional approach by providing for demonstration grants and technical assistance in this area.

The amendment which has been offered today has been agreed to by the minority and includes technical changes. There are two substantive modifications. The first concerns the Department of Defense's section 6 schools. Additional language is included to clarify Congress' intent that the same rights and protections available to children age 6 and older under part B of IDEA also apply to children beginning at age 3. This provision does not affect any rights currently available prior to these amendments. The second modification clarifies Congress' intent to have Indian infants and toddlers on reservations included in the statewide system established under part H.

It is clear that an investment in early childhood education is critical to the prevention of later educational failure. Only through early interventions and preschool experiences can our youngest population of individuals with disabilities and those at-risk for developmental delays be given hope for successful educational outcomes. The bill reauthorizes these programs for 3 years. Beginning with $220 million for fiscal year 1992, an increase of approximately 50 percent over current levels.

VII. SECTION-BY-SECTION ANALYSIS

Section 1—Short Title.—"Individuals with Disabilities Education Act Amendments of 1991".

Section 2—References regarding Individuals with Disabilities Education Act.—This section is a technical provision stating that any amendment or repeal of a provision is an amendment or repeal of the Individuals with Disabilities Education Act (IDEA).

Section 3—Definitions.—This section amends the definition of "children with disabilities" in Section 602(a)(1) of the Act to provide discretion to the States to include children, aged 3 to 5, who are experiencing developmental delays in the areas of physical, cognitive, communication, social/emotional, or adaptive development, and who are in need of special education and related services. This is to prevent mislabeling of these young children who do not fit in any particular category.

Section 4—Settlements and Allocations.—This section increases the minimum amount that States can use for administration under Part B from $350,000 to $450,000. This will benefit small population States.

This section also clarifies the role of the Department of Education and the Bureau of Indian Affairs (BIA) when providing services to Indian children with disabilities on reservations who are enrolled in BIA operated or funded schools. The BIA may use 1 percent of the Part B dollars to provide services to Indian children with disabilities on reservations, aged 5-21, who are enrolled in BIA operated or funded schools and to Indian students, aged 3-5, who are enrolled in programs affiliated with BIA schools that are required by the States in which they are located to attain or maintain accreditation. The State educational agency, however, would be responsible for ensuring that all other Indian children with disabilities aged 3-21, inclusive, receive special education and related services.

Section 4 further states that beginning in FY92, the Secretary of Education shall make payments to the Secretary of Interior in the amount of .25 percent of the Part B dollars to be distributed to Indian tribes or tribal organizations to assist States in coordinating services for Indian children with disabilities age 3-5, inclusive, on reservations served by BIA operated or funded schools. None of these funds may be used by the BIA for administrative costs.

Additionally, the Secretary of the Interior is charged, under the BIA, with the establishment of an advisory board.

Section 5—State Plan.—This section amends Section 613 of the Act to ensure that the comprehensive system of personnel development under part B is consistent with that of part H. States are required to create policies and procedures to assure a smooth transition from Part H to Part B for eligible children.

Section 6—Application.—This section amends Section 614 of the Act to permit local educational agencies and intermediate educational units to use Individualized Family Service Plans (IFSP) as described in Part H instead of Individualized Education Programs (IEP), consistent with State policy and with the concurrence of the family.

Section 7—Preschool Grants.—This section amends Section 619 of the Act to allow Part B funds to be used for children who will reach their third birthday during the school year whether or not they were already receiving services under Part H. This section also raises the funding ceiling per preschool child from $1,000 to $1,500.

Section 8—Early Education for Children with Disabilities.—This section amends Section 623 of the Act to authorize the use of funds for programs which focus on infants and toddlers who are at risk of having substantial developmental delays if early intervention services are not provided. This section also authorizes the use of these funds to facilitate and improve outreach to low-income, minority, rural, and other underserved populations, and to support statewide projects to change the delivery of early intervention and special education and related services from segregated to integrated environments. Section 8 also creates the authority for the Secretary of Education to fund up to 5 competitive State planning grants for the purpose of establishing a statewide, interagency, multidisciplinary, coordinated system to identify, track and refer for appropriate services, all categories of children who are biologically and/or environmentally at risk of having developmental delays.

Section 9—Grants for Personnel Training.—This section amends Section 631 of the Act giving the Secretary of Education the authority to fund up to 5 grants to a State or entity to support the formation of consortia or partnerships to provide career advancement and competency-based training, including certificate and degree-granting programs, in special education, related services and early intervention for current workers in public and private agencies that provide services to infants, toddlers, children and youth with disabilities. A technical assistance grant and evaluation of the projects are also authorized under this provision. Section 9 further amends Section 631 to provide parent training information programs with the capacity of serving parents of children with disabilities age birth to 5 years, inclusive, with a special emphasis on serving minority parents of children from this age group.

Section 10—Authorization of Appropriations for Part D.—This section increases the authorization level for parent training centers to assist parents of children with disabilities ages birth through 5, and places a priority on those centers to use any new money appropriated after FY92 to serve parents with children ages birth through 5, including minority parents with children in this age group. The authorization is $15.1 million for FY92; $16.3 million for FY93; and $17.6 million for FY94.

Section 11—Findings for Part H.—This section adds an additional finding reflective of the need for States to serve children and families from underrepresented populations who may be in greater need of early intervention services.

Section 12—Definitions for Part H.—This section updates the terminology used in part H to currently accepted standards. For example, the bill retains the term "case management" in the definition section, but in subsequent sections uses the term "service coordination". This section also clarifies "early intervention services" by including vision, assistive devices and technology, and transportation services. Furthermore, this section includes family therapists, orientation and mobility specialists, and pediatricians and other physicians under the definition of "qualified personnel". Finally, this section places in statute the policy in current regulations that to the maximum extent appropriate, infants and toddlers receive early intervention services in natural environments, including the home and nonsegregated day-care centers.

Section 13—Requirements for Statewide System.—This section amends Section 676 of the Act to include training of paraprofessionals, and clarifies that the State comprehensive system of personnel development in Part H must be consistent with the Part B system. This section describes what may be included in the Part H comprehensive system of personnel development, including innovative strategies for the recruitment and retention of early intervention service providers, ensuring that early intervention providers are fully and appropriately qualified, trained to work in rural areas, and trained to provide a smooth transition from early intervention to preschool.

This section also clarifies the general administrative and supervisory roles of the lead agency with respect to programs and activities receiving assistance.

Section 14—Individualized Family Service Plan (IFSP).—This Section amends Section 677 of the Act in several ways. A statement of the natural environments in which services are provided is required in the Individualized Family Service Plan. Changes are also made to emphasize the central role of the parents in designing and implementing services.

The phrase "strengths and needs" of families is replaced with "resources, priorities, and concerns" in accordance with the recommendations of parents. Furthermore, a new subsection (e) is added regarding parental consent.

Finally, this section removes the requirement that the service coordination be a person from "the profession most immediately relevant to the infant's, or toddler's, or family's needs." This allows other qualified persons to function in the role of service coordinator.

Section 15—State Application and Assurances.—This section adds a new requirement to the part H State application process under Section 678 of the Act by requiring a description of the policies and procedures used to ensure a smooth transition between part H and part B. A description of the process by which the lead agency notifies and establishes a conference of the family and local educational agencies and intermediate educational units of a child's eligibility at least 90 days before Part B services must begin is also required, as are further assurances under Section 678(b) of the Act regarding policies and procedures adopted to ensure the meaningful involvement of underserved and minority groups in providing culturally-competent services.

This section also amends Section 678 to authorize and clarify that the State assigns fiscal responsibilities for Part H to several agencies. The State lead agency is then charged with assuring compliance by all State agencies with their appropriate fiscal responsibilities under Part H.

Section 15 also requires the State to designate an individual or entity responsible for assigning financial responsibility among appropriate agencies concerning the provision of early intervention services.

Section 16—Use of Funds.—This section amends Section 679 of the Act to allow Part H funds to be used to provide a free appropriate public education to children with disabilities from their third birthday to the beginning of the following school year.

Section 17—Procedural Safeguards.—This section amends Section 680 of the Act to clarify parental rights, including the right to decline any single or group of services without jeopardizing access to other services.

Section 18—State Interagency Coordinating Council (ICC).—This section modifies the composition of the State Interagency Coordinating Council under Section 682 of the Act. This section allows the Governor to designate a member of the Council to serve as the chairperson or require the Council to designate the chairperson as long as that designated member is not a representative from the lead agency. Section 18 also addresses the functions of, and allowable expenditures by, the Council.

Section 19—Allocation of funds.—This section requires the Secretary of Education to make payments to the Secretary of the Interior in the amount of 1.25 percent of the Part H dollars to be distributed to Tribes or tribal organizations for the purpose of coordinating early intervention services provided by States to Indian infants and toddlers with disabilities and their families on reservations served by BIA operated or funded schools and to assist States in child-find, screening, and other procedures for the early identification of Indian children, aged 0–2, inclusive, and for parent training. None of these funds may be used by the BIA for administrative costs. Section 19 also ensures that each State receives at least 0.5 percent or $500,000 (whichever is greater) of the funds remaining under Section 684(a) and (b) of the Act.

Section 20—Authorizations of Appropriations for Part H.—This section extends the authorization of Part H for three years and authorizes $220 million for FY92 and such sums for FY93–94.

Section 21—Federal Interagency Coordinating Council.—This is a new section which places in statute the current Department of Education policy of utilizing an interagency coordinating council similar to that required at the State level. The composition and major functions of the Council are specified.

Section 22—Study.—This is a new section which requires the Secretary of Education to carry out a study of alternative funding formulae for allocating funds under Part H of IDEA. The study is to be completed by March 1, 1993, in time for the next reauthorization cycle.

Sections 23 and 24—Section 6 Schools and Defense Dependents Education Act of 1978.—These sections of the bill amend Section 6 of P.L. 81–874, Impact Aid and Section 1409 of the Defense Dependents Education Act of 1978, respectively, to assure the availability of early intervention services for infants and toddlers with disabilities who are military dependents and a free appropriate public education for preschool children with disabilities who are military dependents comparable to those available under Parts B and H. For DOD Section 6 schools, this requirement must be met by the 1992–93 school year. With respect to DOD Overseas Schools, children with disabilities, aged 3 to 5, inclusive, must be served by the 1993–94 school year; early intervention services must be provided to eligible infants and toddlers with disabilities and their families by the 1995–96 school year.

Section 25 and 26—Technical amendments.—These sections make technical amendments to the Individuals With Disabilities Education Act and other Acts.

Section 27—Effective dates and applicability.—This section sets out the effective dates of this bill.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and pass the bill, H.R. 3053, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 1106) to amend the Individuals with Disabilities Education Act to strengthen such act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Act Amendments of 1991".

SEC. 2. DEFINITIONS.

Paragraph (1) of section 602(a) of the Individuals with Disabilities Education Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1401(a)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(1)"; and

(3) by inserting at the end thereof the following new subparagraph (B):

"(B) The term 'children with disabilities' for children aged 3 to 5, inclusive, may, at a State's discretion, include children—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, need special education and related services.".

SEC. 3. STATE PLAN.

(a) STATE PLAN.—Subsection (a) of section 613 of the Act (20 U.S.C. 1413(a)) is amended—

(1) by striking "and" at the end of subparagraph (B) of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting a semicolon and "and"; and

(3) by inserting at the end the following new paragraph:

"(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child's third birthday.".

SEC. 4. APPLICATION.

Paragraph (5) of section 614(a) of the Act (20 U.S.C. 1414(a)(5)) is amended by inserting "(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)" after "disability".

SEC. 5. PRE-SCHOOL GRANTS.

Section 619 of the Act (20 U.S.C. 1419) is amended—

(1) in subsection (b)—

(A) in subparagraph (B) of paragraph (1), by inserting ", and for any two-year-old children provided services by the State under subsection (c)(2)(B)(ii) or by a local educational agency or intermediate educational unit under subsection (f)(2)" after "inclusive"; and

(B) in paragraph (3), by striking "$1,000" and inserting "$1,500";

(2) by amending subparagraph (B) of subsection (c)(2) to read as follows:

"(B) use not more than 20 percent of such grant—

"(i) for planning and development of a comprehensive delivery system;

"(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive; and

"(iii) at the State's discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and";

(3) by amending subsection (f) to read as follows:

"(f) Each local educational agency or intermediate educational unit receiving funds under this section—

"(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive; and

"(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H."; and

(4) by inserting at the end thereof the following new subsection:

"(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.".

SEC. 6. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

Section 623 of the Act (20 U.S.C. 1423) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by inserting ", including individuals who are at risk of having substantial developmental delays if early intervention services are not provided," after "disabilities";

(2) by striking "and" at the end of subparagraph (H);

(3) by redesignating subparagraph (I) as subparagraph (K); and

(4) by inserting the following new subparagraphs after subparagraph (H):

"(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H;

"(J) support statewide projects in conjunction with a State's plan under part H and a State's application under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments; and".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Paragraph (3) of section 635(a) of the Act (20 U.S.C. 1435(a)(3)) is amended—

(1) by striking "$12,100,000" and inserting "$15,100,000";

(2) by striking "$13,300,000" and inserting "$16,300,000"; and

(3) by striking "$14,600,000" and inserting "$17,600,000".

SEC. 8. DEFINITIONS FOR PART H.

Section 672 of the Act (20 U.S.C. 1472) is amended—

(1) in subparagraph (A) of paragraph (1)—

(A) by inserting "(hereafter in this part referred to as 'communication development')" after "speech development";

(B) by inserting "(hereafter in this part referred to as 'social or emotional development')" after "psychosocial development"; and

(C) by inserting "(hereafter in this part referred to as 'adaptive development')" after "skills";

(2) in paragraph (2)—

(A) in subparagraph (C)—

(i) in clause (iii), by striking "language and speech" and inserting "communication";

(ii) in clause (iv), by striking "psychosocial" and inserting "social or emotional"; and

(iii) in clause (v), by striking "self-help skills" and inserting "adaptive development";

(B) in subparagraph (E)—

(i) in clause (vii), by inserting "(hereafter in this part referred to as 'service coordination services')" after "services";

(ii) by striking "and" at the end of clause (x); and

(iii) by inserting at the end thereof the following new clauses:

"(xii) vision services,

"(xiii) assistive technology devices and assistive technology services, and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services,";

(C) in subparagraph (F)—

(i) by striking "and" at the end of clause (vii);

(ii) by striking "and" at the end of clause (viii); and

(iii) by inserting at the end thereof the following new clauses:

"(ix) family therapists,

"(x) orientation and mobility specialists, and

"(xi) pediatricians and other physicians,";

(D) by redesignating subparagraph (G) as subparagraph (H); and

(E) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and".

SEC. 9. DIFFERENTIAL FUNDING.

Section 675 of the Individuals with Disabilities Education Act (20 U.S.C. 1475) is amended by adding at the end thereof the following new subsection (e):

"(e) DIFFERENTIAL FUNDING FOR FOURTH OR FIFTH YEAR.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, a State shall be eligible for a grant under section 673 for fiscal years 1990, 1991, or 1992 if—

"(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State's third or fourth year of participation under this part; and

"(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including—

"(i) information demonstrating to the Secretary's satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

"(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

"(2) APPROVAL OF REQUEST.—

"(A) FIRST YEAR.—The Secretary shall approve a State's request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

"(B) SECOND YEAR.—The Secretary shall approve a State's request for a second year of extended participation under this subsection if the State—

"(i) meets the requirements of paragraph (1); and

"(ii) demonstrates to the Secretary's satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

"(3) DURATION.—The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

"(4) PAYMENT.—

"(A) FISCAL YEAR 1990.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall receive a payment under this part in an amount equal to such State's payment under this part for fiscal year 1989.

"(B) FISCAL YEAR 1991 OR 1992.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment for such fiscal years in an amount equal to the payment such State would have received under this part for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

"(C) MINIMUM.—Beginning in fiscal year 1991, the payment under this part to each of the 50 States, the District of Columbia, and Puerto Rico shall not be less than $500,000.

"(5) REALLOTMENT.—

"(A) FISCAL YEAR 1990.—The amount by which the allotment computed under section 684 for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d), any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallotted, notwithstanding the percentage limitations set forth in sections 684 (a) and (b), among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(B) FISCAL YEAR 1991 OR 1992.—The amount by which a State's allotment computed under section 684 for any State for fiscal years 1991 or 1992 exceeds the amount that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallotted, notwithstanding the percentage limitations set forth in section 684 (a) and (b)—

"(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 for the previous fiscal year;

"(ii) second, if funds remain, among those States that have—

"(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

"(II) qualified for extended participation under this subsection; and

"(III) not received a reallotment payment under clause (i),

in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallotment payment that is larger than the payment such State would otherwise have received under section 684 for such year; and

"(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallotment payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(6) DEFINITIONS.—For the purpose of this subsection, the term 'State' means—

"(A) each of the 50 States, the District of Columbia, and Puerto Rico;

"(B) each of the jurisdictions listed in section 684(a); and

"(C) the Department of the Interior.".

SEC. 10. REQUIREMENTS FOR STATEWIDE SYSTEM.

Subsection (b) of section 676 of the Act (20 U.S.C. 1476(b)) is amended—

(1) in paragraph (4), by striking "case management" and inserting "service coordination";

(2) in paragraph (8)—

(A) by inserting "the training of paraprofessionals and the" after "including"; and

(B) by inserting "that is consistent with the comprehensive system of personal development described in section 613(a)(3)" after "State"; and

(3) in paragraph (9)—

(A) by amending subparagraph (A) to read as follows:

"(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part."; and

(B) in subparagraph (C)—

(i) by inserting "in accordance with section 678(a)(2)" after "responsibility"; and

(ii) by striking "agency" and inserting "agencies".

SEC. 11. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 of the Act (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as redesignated in subparagraph (A)) the following new paragraphs:

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability; and";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "language and speech" and inserting "communication";

(ii) by striking "psychosocial" and inserting "social or emotional"; and

(iii) by striking "self-help skills" and inserting "adaptive development";

(B) in paragraph (2), by striking "strengths and needs" and inserting "resources, priorities, and concerns";

(C) by redesignating paragraphs (5), (6), and (7), as paragraphs (6), (7), and (8), respectively;

(D) by inserting after paragraph (4) the following new paragraph (5):

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided,"; and

(E) in paragraph (7) (as redesignated in subparagraph (C))—

(i) by inserting "(hereafter in this part referred to as the 'service coordinator')" after "manager"; and

(ii) by inserting "(or who is otherwise qualified to carry out all applicable responsibilities under this part)" after "needs"; and

(3) by inserting at the end thereof the following new subsection:

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.".

SEC. 12. STATE APPLICATION AND ASSURANCES.

Section 678 of the Act (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (9);

(B) by redesignating paragraphs (2), (3), (4), (5), and (6), as paragraphs (3), (4), (5), (6), and (7), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,";

(D) by striking "and" at the end of paragraph (7) (as redesignated in subparagraph (A)); and

(E) by inserting immediately after paragraph (7) (as redesignated in subparagraph (A)) the following new paragraph (8):

"(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in pre-school programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides at least 90 days before such child is eligible for the preschool program under part B in accordance with State law,"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph (7):

"(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of this part and to ensure that such families have access to culturally competent services within their local areas, and".

SEC. 13. USE OF FUNDS.

Section 679 of the Act (20 U.S.C. 1479) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting a comma; and

(3) inserting at the end thereof the following new paragraph:

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.".

SEC. 14. PROCEDURAL SAFEGUARDS.

Section 680 of the Act (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting "including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law" after "information";

(2) by redesignating paragraphs (3), (4), (5), (6), and (7), as paragraphs (4), (5), (6), (7) and (8), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.".

SEC. 15. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 of the Act (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "15 members" and inserting "at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678"; and

(B) in paragraph (2)—

(i) by striking "and the chairperson of the Council"; and

(ii) by inserting before the second sentence thereof the following new sentence: "The chairperson of the Council shall be selected by and from among the members of the Council, except that the chairperson shall not be the representative from the lead agency.";

(2) by amending subsection (b) to read as follows:

"(b) COMPOSITION.—(1) The Council shall be composed as follows:

"(A) At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) At least one member shall be from the State legislature.

"(D) At least one member shall be involved in personnel preparation.

"(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(2) The Council may include other members selected by the Governor, including a representative from the agency responsible for the State governance of insurance.";

(3) in subsection (d)—

(A) by inserting "to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business," before "to hire staff"; and

(B) by inserting "to" before "obtain"; and

(4) in subsection (e)—

(A) by striking "The" and inserting "(1) The";

(B) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (D), respectively;

(C) by striking "and" at the end of subparagraph (B) (as redesignated in subparagraph (B));

(D) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(E) by inserting at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.".

SEC. 16. ALLOCATION OF FUNDS.

Paragraph (1) of section 684(c) of the Act (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking "1991" and inserting "1994"; and

(2) by inserting "or $500,000, whichever is greater" before the period at the end thereof.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 of the Act (20 U.S.C. 1485) is amended to read as follows:

"There are authorized to be appropriated to carry out this part $220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 18. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H of the Act (20 U.S.C. 1471 et seq.) is amended—

(1) by redesignating section 685 (as amended in section 17) as section 686; and

(2) by inserting after section 684 the following new section:

"SEC. 685. FEDERAL INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

"(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State and local agencies;

"(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across agencies;

"(C) coordinate the provision of Federal technical assistance and support activities to States;

"(D) identify gaps in agency programs and services; and

"(E) identify barriers to Federal interagency cooperation and program operation.

"(2) APPOINTMENTS.—The Council and the Chairperson shall be appointed by the Secretary. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

"(b) COMPOSITION.—The Council shall be composed of—

"(1) a representative of the Office of Special Education Programs;

"(2) a representative of the National Institute on Disability and Rehabilitation Research;

"(3) a representative of the Maternal and Child Health Services Block Grant Program;

"(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

"(5) a representative of the Health Care Financing Administration;

"(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

"(7) a representative of the Social Security Administration;

"(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

"(9) a representative of the National Institute of Mental Health;

"(10) a representative of the National Institute of Child Health and Human Development;

"(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

"(12) a representative of the Indian Health Service;

"(13) a representative of the Surgeon General;

"(14) a representative of the Department of Defense;

"(15) a representative of the Administration for Children and Families;

"(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

"(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

"(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

"(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

"(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants, toddlers with disabilities and their families and preschool children with disabilities; and

"(21) other persons appointed by the Secretary.

"(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

"(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

"(2) conduct policy analyses of all Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

"(3) develop and recommend strategies to address issues described in paragraph (2);

"(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

"(5) provide technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(6) facilitate activities in support of States' interagency coordination efforts.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.".

SEC. 19. STUDY.—

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall undertake a study to identify alternative for-

mula for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) CONTENTS.—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding "at risk" children in formula using child count procedures; and

(E) formula that use other alternatives or a combination of alternatives.

(b) REPORT.—The Secretary shall transmit the study and a report on such study to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 20. SECTION 6 SCHOOLS.

Subsection (a) of section 6 of Public Law 81-874 (20 U.S.C. 241(a)) (Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: "For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards, available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992–1993, and all due process procedures available under part B of such Act shall be applicable to such comparable education on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.".

SEC. 21. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Subsection (c) of section 1409 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927 et seq.) is amended to read as follows:

"(1) CHILDREN WITH DISABILITIES.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993–1994.

"(2) INFANTS AND TODDLERS WITH DISABILITIES.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

"(3) IMPLEMENTATION TIMELINES.—In carrying out the provisions of paragraph (2), the Secretary shall—

"(A) in academic year 1991–1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

"(B) in academic year 1994–1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans and make available case management services; and

"(C) in academic year 1995–1996 and succeeding academic years, have in effect the program described in subparagraph (A).

SEC. 22. TECHNICAL AMENDMENTS.

(a) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Act (20 U.S.C. 1400 et seq.) is further amended—

(1) in section 602(a)—

(A) in subparagraph (B) of paragraph (1), by inserting a comma after "thereof";

(B) in subparagraph (A) of paragraph (17) (as amended in section 2(2)) by striking "and social work services, and medical and counseling services, including rehabilitation counseling," and inserting ", social work services, counseling services, including rehabilitation counseling, and medical services,"; and

(C) in paragraph (22), by striking "section 703(a)(2)" and inserting "section 7003(a)(2)";

(2) in subsection (b) of section 605, by inserting a comma after "under this title";

(3) in the heading for part B, by striking "HANDICAPPED CHILDREN" and inserting in lieu thereof "CHILDREN WITH DISABILITIES";

(4) in section 611—

(A) in the matter preceding subparagraph (A) of subsection (a)(1), by striking "paragraph (3)" and inserting "paragraph (5)"; and

(B) in paragraph (1) of subsection (f), by striking "schools operated for Indian children" and inserting "schools for Indian children operated or supported";

(5) in paragraph (3) of section 612, by striking "first with respect to handicapped children" and inserting "first with respect to children with disabilities";

(6) in subsection (a) of section 613—

(A) in paragraph (2), by striking "and section 202(1) of the Carl D. Perkins Vocational Education Act"; and

(B) in subparagraph (B) of paragraph (9), by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(7) in subsection (b) of section 617, by striking "(and the Secretary, in carrying out the provisions of subsection (c))";

(8) in paragraph (1) of section 622(a), by inserting a comma after "State educational agencies";

(9) in subparagraph (A) of section 623(a)(1) by striking "communication made and" and inserting "communication mode"; and

(10) in paragraph (1) of section 624(a), by striking ", including" and all that follows through the end thereof and inserting "of such children and youth with disabilities, including their need for transportation to and from school,";

(11) by amending the heading for section 626 to read as follows:

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES";

(12) in section 631—

(A) in subparagraph (E) of subsection (a)(1), by striking "handicapped children" and inserting "children with disabilities"; and

(B) by amending subparagraph (D) of subsection (c)(5) to read as follows:

"(D) participate in educational decision-making processes including the development of the individualized education program";

(13) in paragraph (3) of section 634(a), by striking "section 631(c)(9)" and inserting "section 631(c)(10)";

(14) in the heading for section 642, by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

(15) in paragraph (2) of section 661(b), by striking "Public Law 100-407" and inserting "the Technology-Related Assistance for Individuals with Disabilities Act of 1988";

(16) in paragraph (3) of section 671(b), by striking "provided to handicapped infants, toddlers, and their families" and inserting "provided to infants and toddlers with disabilities and their families";

(17) in paragraph (6) of section 676(b) by striking "as required under this paragraph";

(18) in paragraph (3) of section 682(e), by striking "infants or toddlers" and inserting "infants and toddlers"; and

(19) in subsection (a) of section 684—

(A) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,"; and

(B) by inserting "(until the compact of Free Association with Palau is ratified)" after "Palau".

(b) MISCELLANEOUS STATUTES.—

(1) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(2) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(3) FOLLOW THROUGH ACT.—Section 663(b)(9) of the Follow Through Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(4) HEAD START TRANSITION PROJECT ACT.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(5) REHABILITATION ACT OF 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(6) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

(7) HEAD START ACT.—Subsection (d) of section 640 of the Head Start Act is amended by striking "paragraph (1) of section 602 of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(8) THE HIGHER EDUCATION ACT OF 1965.—Paragraph (2) of section 465(a) of the Higher Education Act of 1965 is amended by striking "section 602(1) of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act".

(9) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(A) in section 1903(c)—

(i) by striking "handicapped child" and inserting "children with disabilities";

(ii) by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act"; and

(iii) by striking "handicapped infant or toddler" and inserting "infant or toddler with disabilities"; and

(B) in section 1915(c)(5)(C)(i), by striking "(as defined in section 602 (16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401 (16), (17))" and inserting "(as defined in section 602(a) (16) and (17) of the Individuals with Disabilities Education Act)".

SEC. 23. ADMINISTRATIVE COSTS.

Subclause II of section 611(c)(2)(A)(i) of the Act (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

SEC. 24. EFFECTIVE DATE.

(a) Sections 6 and 7.—The amendments made by sections 6 and 7 shall take effect on October 1, 1991, or the date of enactment of this Act, whichever is later.

(b) Section 9.—The amendments made by section 9 shall take effect on the date of enactment of this Act.

(c) Sections 8, 10, 11, 12, 14, and 15.—The amendments made by sections 8, 10, 11, 12, 14, and 15 shall take effect on July 1, 1992.

(d) Remaining Provisions.—The remaining sections of this Act and the amendments made by such sections shall take effect on July 1, 1991, or the date of enactment of this Act, whichever is later.

MOTION OFFERED BY MR. PAYNE OF NEW JERSEY

Mr. PAYNE of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Payne of New Jersey moves to strike all after the enacting clause of S. 1106 and to insert in lieu thereof the provisions of H.R. 3053, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3053) was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT, SUNDAY, SEPTEMBER 15, 1991, TO FILE REPORT ON H.R. 3083, STUDENT LOAN MARKETING ASSOCIATION FINANCIAL SAFETY AND SOUNDNESS ACT OF 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight on Sunday, September 15, 1991 to file the report on H.R. 3083, the Student Loan Marketing Association Financial Safety and Soundness Act of 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1991

Mr. SERRANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3057) to amend the Drug-Free Schools and Communities Act of 1986 to revise the authorities of such Act relating to the National Diffusion Network, as amended.

The Clerk read as follows:

H.R. 3057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Schools and Communities Act Amendments of 1991".

SEC. 2. REVISION IN CERTAIN AUTHORITIES RELATING TO NATIONAL DIFFUSION NETWORK.

Section 5146 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3224b) is amended to read as follows:

"SEC. 5146. EVALUATION, TECHNICAL ASSISTANCE AND DISSEMINATION OF INFORMATION.

"(a) Development of Techniques for Evaluation of Projects.—Within 1 year of the date of the enactment of the Drug-Free Schools and Communities Act Amendments of 1991, the Secretary, through the National Diffusion Network (established under section 1562), shall contract with one national nonprofit agency which has expertise in the area of evaluation of model programs for—

"(1) the identification of programs already receiving funds under this Act which provide services to historically underserved or high-risk populations which are in need of technical assistance and training in the development and implementation of evaluation criteria and procedures for their programs;

"(2) the notification of the availability of such services to programs identified under paragraph (1); and

"(3) the provision of technical assistance and training before the initiation of the program funded under this Act and/or on a continuing basis during its operation.

A program which receives assistance under this subsection shall make application for review by the Program Effectiveness Panel, in furtherance of a grant under subsection (c). The contractor under this section shall provide them with technical assistance in the preparation of said application and supporting materials.

"(b) Dissemination of Information.—The Secretary, through the National Diffusion Network established under section 1562, shall award grants, independent from and may be in addition to developer demonstrator grants, to the drug education programs assisted by the independent agency contracted in subsection (a) which have successfully met the requirements of the Program Effectiveness Panel for the purposes of dissemination.

"(c) Funding.—Of the amounts appropriated under section 5111(a) for any fiscal year, the Secretary shall reserve one-fifth of one percent for carrying out this section. No more than one-fourth of this amount shall be used for contracting the independent evaluator and the remaining funds shall be reserved specifically for grants awarded through the National Diffusion Network to substance abuse programs as provided in subsection (b). The Secretary shall assure no less than six programs are assisted under subsection (a).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. Serrano] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. Goodling] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. Serrano].

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3057, which passed unanimously out of committee, is an amendment to section 5146 of the Drug-Free Schools and Communities Act. It addresses one of the Nation's greatest problems—substance abuse. It is devastating the lives of our children and it is corrupting our schools.

Experts agree that the most effective weapon to combat this plague is to educate our youngsters on the evils of drug abuse and its dire consequences.

That is the prime purpose of this amendment, which addresses three goals:

First, to identify exemplary drug education programs and disseminate information about these programs;

Second, to do so in the most efficient and least expensive manner; and

Third, to set aside a modest sum appropriated under the Drug-Free Schools and Communities Act to finance this worthwhile proposal.

As you know, by congressional mandate, all of our education programs are distributed around the country by the national diffusion network and each must first be approved by the program effectiveness panel. However, many exemplary programs do not have the resources or expertise to complete the lengthy and difficult task of applying for validation.

Currently, there are only two drug education programs listed with national diffusion network, clearly not enough for the entire Nation, especially with geographical, cultural, and economic diversity.

Accordingly, under this amendment, the Department of Education would contract with a nonprofit agency which would identify six of these exemplary drug education programs and assist them in applying for PEP validation. It is important to note that these six programs are already funded under the Drug-Free Schools and Communities Act and serve rural areas, inner cities, and similar historically underserved populations.

Programs which have won PEP validation could compete for dissemination grants funded by this amendment as well as those available through the national diffusion network.

Finally, approximately $1.2 million is set aside to fund this worthwhile activity. That amount, incidentally, is a minuscule one-fifth of 1 percent of the $600 million appropriation for the Drug-Free Schools and Communities Act for fiscal year 1991. One-fourth of these funds would be reserved for the provision of services and the remainder for the dissemination grants provided for in this amendment.

Mr. Speaker, our children are threatened each day as they walk to school by drug dealers and abusers who would use a child's innocence for personal gain. This is obscene. The ultimate tragedy is that these encounters are often the first step in the direction of drug abuse by the children themselves.

The statistics on drug abuse among school-age children are alarming. To hear students admit to using alcohol, inhalants, narcotics, and hallucinogens is more than a warning sign. It is a cry for help. We dare not ignore the startling statistics reported in 1990 that 33 percent of high school seniors used illicit drugs, 27 percent used marijuana, and 9 percent—1 in 11 students—used prescription drugs without medical supervision.

More frightening still is the fact that most students buy their drugs from classmates at school. Drugs have brought crime and violence from our streets into our schools. Instead of books and lunch boxes, today's students carry drugs and weapons.

Last May, two students from a school in my district testified at a hearing before the Subcommittee on Select Education that drug use and related violence are a part of the daily routine in their community's schools.

Mr. Speaker, this front page story in last Thursday's New York Post is a dramatic example of the degree of concern in my district and nationwide over the exposure of our school children to drugs and drug paraphernalia. Just in time for the start of the new school year, pencils that look alarmingly like drug users' syringes went on display and quickly sold out at a local school supplies store.

The Post reported that the pencils, complete with thumb plungers, also appeared in Los Angeles where they created such a furor that two companies agreed to stop importing the pencils from Taiwan. They are indistinguishable from real syringes. Five inches long, the writing lead is enclosed in a clear plastic tube with tinted fluid the color of blood and the tube itself is marked in milliliter measurements like a real syringe.

The fact that they were marketed in two areas where drug use is notoriously well known is not lost on our parents or on concerned school officials. Public safety is, or course, the responsibility of local governments and the same is true of each school system. But there is also a key role for the Federal Government in this crucial challenge.

Absent substance abuse, there would be no violence, no drug dealers. Bringing exemplary, affordable drug education programs to our schools must be a priority. If we hope to save your children, we will need considerably more than two drug education programs for the entire country.

In closing, I would like to thank members of the Education and Labor Committee, in particular Chairman FORD, Chairman OWENS, Mr. GOODLING, and the ranking minority member, Mr. BALLENGER for their support of this amendment. I respectfully urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been a recurring theme whenever a drug abuse prevention and education program is considered in the Education and Labor Committee that there is an insufficient amount of knowledge about what works and what doesn't work in terms of communicating to youth the dangers associated with drug use. Although we mandate that schools and communities provide drug education to the young people that attend and inhabit them, the word that we often are hearing is that we don't provide enough information about what types of education and prevention strategies are effective.

H.R. 3057 is designed to fill some of that gap by providing needed technical assistance and training in the area of developing evaluation criteria and procedures for drug education programs. This technical assistance and training is targeted toward programs serving high risk or historically underserved youth as they often are most in need of such assistance. The bill also provides for dissemination of successful programs through the National Diffusion Network so all schools and communities have the benefit of the knowledge we gain through the evaluations.

Mr. Speaker, the gentleman from New York [Mr. SERRANO] has worked diligently to address some shortcomings we saw with the original version of his bill. The language we are considering on the floor today, I believe, is a narrowly crafted response to the recognized need for more and better evaluations of drug education programs.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 3057, the Drug-Free Schools and Communities Act Amendments of 1991. First authorized in 1986, the Drug-Free Schools and Communities Act has helped thousands of communities across the country address the problems of drug and alcohol abuse through the use of early intervention and antidrug education.

The amendments we are seeking today in H.R. 3057 will continue the fight against drugs in many of our most neediest communities—rural and inner-city schools, disadvantaged and low-income neighborhoods, and areas with a high population of minorities. Many of these schools and communities do not have the resources to solicit Federal grants now available under this act. H.R. 3057 authorizes $631.5 million for fiscal year 1992 to establish an outreach program to make Federal grant money more accessible to schools and communities with special needs.

Mr. Speaker, we must pass the Drug-Free Schools and Communities Act Amendments of 1991 to help us combat the war on drugs in every city, county, town, neighborhood, and school in this Nation. I urge all of my colleagues to vote for H.R. 3057.

Mr. OWENS of New York. Mr. Speaker, I would like to express my support for Mr. SERRANO's bill that reauthorizes section 5146 of the Drug Free Schools and Communities Act. Mr. SERRANO has carefully crafted his legislation to ensure the vital role of this provision in expediting the dissemination and replication of quality drug abuse prevention curricula.

While we currently spend over $500 million on this program, there are less than a handful of programs within the national diffusion network's panoply of programs that have been judged as effective in the area of drug abuse education. In recent reports and testimony before a subcommittee hearing in Mr. SERRANO's district in the Bronx, GAO stated that we lack knowledge of drug abuse education programs that work. The legislation facilitates a pipeline for programs funded under the Drug Free Schools and Communities Act to be disseminated and replicated nationally.

I commend the cooperation of Mr. BALLENGER, the ranking member of the Subcommittee on Select Education, and the subcommittee members and their staffs.

I urge a unanimous vote for this bipartisan legislation.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. SERRANO] that the House suspend the rules and pass the bill, H.R. 3057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3057, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT AMENDMENTS OF 1991

Mr. JEFFERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such act, and for other purposes.

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Children With Disabilities and Crisis

Nurseries Act of 1986 (42 U.S.C. 5117d) is amended—

(1) by striking "and" after "1989,"; and

(2) by inserting before the period the following: ", $20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994".

SEC. 3. CONFORMING AMENDMENT REGARDING INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 205(d)(2) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(d)(2)) is amended by striking "has the meaning" and all that follows and inserting the following: "has the meaning given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. Jefferson] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1991 to this Congress. I would particularly like to thank my subcommittee chairman, Mr. OWENS of New York, and my full committee chairman, Mr. FORD of Michigan, for this select opportunity.

This legislation, which is the subject of our present consideration, reauthorizes demonstration grants for temporary nonmedical respite care for children with special needs and for crisis nurseries for children who have been abused or neglected or who are at risk of mistreatment.

Temporary nonmedical care—respite care as it is called—is a relatively new idea. Less than two decades ago, the only publicly funded support service available to families with children with disabilities and chronic illnesses was institutionalization. In the 1970's, national awareness of the benefits of caring for children with special needs at home and in a family setting, coupled with the concerns about the maltreatment and abuse often associated with institutionalization led to a rejection of permanent out of home placement as the best means of serving these children.

Today, we recognize that most families with children with disabilities desire to raise their children at home rather than utilize out of home alternatives especially during the child's early years. In fact, about 90 percent of families do. Congress created the Respite Care Demonstration Grant Program because it found that families with children with disabilities or chronic illness such as blindness, cerebral palsy, mental retardation, Down syndrome, seizure disorders, muscular dystrophy, congenital heart disease, cystic fibrosis, respiratory illness, and other similar debilitating illnesses, had for too long gone without the necessary assistance needed to alleviate social, emotional, and financial stresses associated with caring for special needs children.

In recent years then, greater emphasis has been placed on the need to provide families with the support services they require to raise their children at home. Families have stressed that an array of support services is needed to enhance their abilities to care for and nurture their children with disabilities, of which respite care is a crucial component. Mr. Speaker, it is now well understood that respite care is not a luxury, but for a family providing around-the-clock care for a child with a severe disability or chronic illness it is a necessity. Many parents of children with disabilities cite respite care as one of the most significant supportive services they receive. Experiences to date under the expiring act show respite care is a valuable resource for every family that utilizes it.

Specifically, respite care offers parents and other family members a chance to take time away from the stress of taking care of disabled or chronically ill children and allows them to do the things that families of healthy children take for granted.

Respite care has two primary characteristics. It is temporary and it is family centered. The Congress should continue to support respite care, Mr. Speaker, because it emphasizes family empowerment. In fact, it exists today because of the grassroots efforts of families with children with disabilities and community organizations that were and are committed to helping such families acquire critical support services. Respite care helps families that desire to help themselves, families that desire to be self-reliant rather than reliant on public institutions or foster parents. As a concept respite care recognizes that families are the most effective and natural caregivers for direct and consistent assistance to children with disabilities or chronic illnesses.

Temporary care for children with disabilities offers support to families to help them remain functional units. Crisis nurseries, which this bill also reauthorizes, provide supportive intervention in the form of temporary care for the child and counseling and referral services to family members. As a result, dysfunctional homes can become nurturing environments and so that children do not have to be permanently removed from their homes. Mr. Speaker, when we note that in 1988, a study by the House Select Committee on Children, Youth, and Families, revealed that nearly 2.2 million children were reported as victims of abuse or neglect, it should become apparent to all that these crisis nurseries are greatly needed.

Realizing the preeminence of the family's role in caring for children it is appalling that the amount of dollars spent nationally on supportive services for families is minuscule when compared to that spent on removing children from the home to institutions or foster care. It is not unimportant to mention here, Mr. Speaker, that the fiscal benefits that accrue to the States and the Federal Government from providing this family support service are significant. In most States, the cost of institutionalizing a child with disabilities far outstrips the cost of care for the child when he or she is kept at home and the family is provided with temporary supportive services.

Although Federal appropriations for respite care and crisis nurseries have grown over the years due to the tremendous success of these programs and overwhelming public support for them, every year the number of States interested in funding for respite care or crisis nurseries exceeds the number of grants that can be awarded. H.R. 3034, the temporary Child Care for Children, With Disabilities and Crisis Nurseries Act Amendments of 1991 extends for 3 years current programs that allow States to assist private and public agencies and organizations in providing temporary nonmedical care or crisis nursery support services. H.R. 3034 authorizes these grant programs at $20 million for fiscal year 1992 and such sums as necessary for 1993 and 1994.

Mr. Speaker, unlike institutionalization or foster care that often sever the family unit, respite care and crisis nurseries are constructive forms of support that give families the tools they need to build safe, comfortable, loving environments for their children. Respite care aims to alleviate stress, prevent child abuse, and promote family unity. I support temporary child care and crisis nurseries because I value the family unit, and I believe that this Congress does also. For many American families access to these programs is the difference between having to give up a son or daughter to some distant institution and being able to care for that child at home.

Mr. Speaker, I urge the passage, by this Congress, of this legislation, H.R. 3034, the Temporary Child Care and Crisis Nurseries Act Amendments of 1991. I urge each Member to join me in reenacting and extending these vital programs.

Mr. Speaker, I reserve the balance of my time.

☐ 1330

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 3034 and to urge its prompt adoption. An extension of the respite care and crisis nurseries authorization bill will ensure continuation of two important programs which hold promise for preventing child abuse and avoiding foster care placements for children with disabilities.

Over the past 20 years we have all become more aware of the magnitude of child abuse and neglect in this country. A recent report by the U.S. Advisory Board on Child Abuse and Neglect concluded that while the incidence of mistreatment continues to increase, the system we have in place, which costs billions of dollars to administer, is failing to respond adequately. One focus of the Advisory Board's recommendations was the need for more and better preventive programs. The bill we have before us today addresses that need by providing temporary child care relief to families of children who may be at risk of abuse or neglect.

Although respite care and crisis nurseries are a relatively new social service, there is promising evidence that these programs may be effective tools in preventing mistreatment of children and avoiding long-term foster care placements. In one State that received a crisis nursery grant under this program in 1990, reports of child abuse decreased by 13 percent over 9 months in those counties where nurseries were opened. The incidence of child abuse remained the same in counties that did not offer nursery services.

Respite care initiatives for families of children with disabilities have also had encouraging results so far. Last year the General Accounting Office published a study of 111 respite care programs. Parents who participated in the evaluation reported that respite services significantly reduced the stress associated with caring for their children and permitted them to perform other routine daily family activities. In addition to the GAO report, several States that have integrated respite care with other support services for families of children with disabilities report dramatic decreases in out-of-home placements for those children.

H.R. 3034 would allow us to draw on the early success of these programs. Continuation of the grant program will permit development and further testing of models designed to prevent child abuse and foster care placements. I know that we all share a desire to support prevention programs like this one which addresses the needs of children and families at risk.

In closing, I would like to recognize and thank the chairman of the Subcommittee on Select Education, Mr. OWENS, for his leadership on these issues and for continuing the Congress' bipartisan support for these programs and wish him a speedy recovery.

Mr. JEFFERSON. Mr. Speaker, I also want to wish the gentleman from New York [Mr. OWENS] a speedy recovery.

Mr. OWENS of New York. Mr. Speaker, I am pleased to support my subcommittee colleague, Mr. JEFFERSON, in reauthorizing the "temporary child care for children with Disabilities and crisis nurseries act amendment of 1991" for another 3 years.

First introduced by Mr. MILLER, this program has more than proven its worth. Over the last 3 years, with relatively modest appropriations, this program has fostered the creation of more than 67 grants, in 42 States and Puerto Rico, which have demonstrated the value of respite and crisis nurseries services. In a 1988 study, GAO identified 40 State-funded programs that had approximately 3,700 families on waiting lists. It is clear that these services are desperately needed. In light of this demand, I look forward to appropriations more closely matching authorized levels.

I anticipate that legislation will shortly be introduced to ensure a continued commitment to the expansion of family support programs.

I would like to thank the subcommittee members, especially Mr. JEFFERSON and Mr. BALLENGER, and their staffs in supporting this cost-effective program for 3 more years.

I urge a unanimous vote for this bipartisan legislation.

Mr. KLUG. Mr. Speaker, I would like to offer my support for H.R. 3034 and to urge its prompt adoption. An extension of the respite care and crisis nursery programs will ensure continuation of two programs that are designated to keep families together and to improve the quality of care for children with special needs.

The respite care portion of this bill is designed to help families with children whose disabilities limit their ability to care for themselves, to communicate, and to grow to independence. The diagnostic labels we use to identify these disabilities leave out a description of the extraordinary pressures these families face. The bill we are considering today was designed to relieve some of those pressures, to preserve the child's place in the family, and to ensure that parents can get the help they need without having to give up parental control.

In Wisconsin, about 8,000 of the State's 1.4 million children have disabilities which seriously impair their functioning. In the past, parents of those disabled children were often advised to place their child in an institution or some other setting where professional help could be provided. Little or no service was offered to the family while the child was at home. Today, because of programs like this one, we are beginning to see the benefits of meeting children's needs in their own homes and supporting parents in the caregiving role.

Wisconsin has built on Federal respite care initiatives and created its own Family Support Program which could serve as a model for other States that seek to improve services to families with disabled children. Wisconsin's program integrates State-sponsored services with Federal respite care services that are focused on the family's needs and designed to prevent out-of-home placements for disabled children.

A recent evaluation of the Family Support Program speaks to its success: In parent satisfaction surveys, families report considerable reduction in stress due to use of the program's services. Even more significantly, the program has shown a dramatic impact on the trend in out-of-home placements for disabled children in Wisconsin. At a time when the total number of children in out-of-home placements has been increasing dramatically, the number of disabled children in placement has actually decreased. Between 1987 and 1990, the placement of disabled children in Wisconsin decreased by over 20 percent, while overall out-of-home placements for all children in the State increased by nearly 28 percent.

Beyond its success at keeping families together, Wisconsin's program has also proven to be cost effective. In 1990, total program expenditures of $2.46 million resulted in savings of $4.9 million in foster care payments that were avoided because families were kept intact. This represents a 100-percent return on investment in program expenses. It need not be said that for the children and families who were kept together or reunited by this program, the return on investment was immeasurable.

H.R. 3034 would also extend the crisis nursery program which provides temporary safe facilities to protect children when they are at risk of neglect or abuse at home. Although this grant program is relatively new, early research findings indicate that crisis nursery service can reduce the incidence of child abuse. I believe we all share a desire to support programs like this one that holds promise of better protecting our Nation's children from neglect and abuse.

Finally, I would like to commend our subcommittee chairman, Mr. OWENS, as well as my colleague, Mr. JEFFERSON, for their leadership on these issues and for their bipartisan efforts on behalf of children and families in need of these services.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3034, the extension of the Temporary Child Care and Crisis Nurseries Programs. I want to thank my colleagues Mr. OWENS, chairman of the Subcommittee on Select Education, and Mr. JEFFERSON, for their commitment to helping families at risk by supporting the legislation under consideration today.

Ever since a California parent of a disabled child testified before the select Committee on Children, Youth, and Families, which I formerly chaired, in our early child care investigations and told us that she had to use up 2 months of respite care allotment just to testify, it has been clear that these services are critical for family stability.

We also know that in-home care for a disabled child costs $7,000 to $8,000, including the cost of respite care, compared with $38,000 to $40,000 annually for institutionalizing that child.

There are currently close to 100 respite care and crisis nursery programs in 44 States as a result of this program, and close to 5,000 parents and children have been served. I am especially pleased that States have funded innovative and diverse programs to meet the needs of families with disabled children, children at risk of abuse or neglect, and to some degree, children who were born drug exposed or with HIV infection.

PROGRAMS SUCCESSFUL DESPITE DEVASTATING FAMILY NEEDS

One such program in East Los Angeles, CA, the Bienvenidos In-Home Support Project, serves primarily Hispanic families with medically fragile infants and toddlers. Gangs, drive-by shootings, drugs, homelessness and school drop outs are common in this community comprising the largest barrio in America. Since January 1989, the project has provided respite care as part of a comprehensive package of services to over 200 of the most vulnerable children and not one of them has had to be removed from their family due to abuse or neglect.

The needs of families served by these projects are immense regardless of who they are or where they live. Many are at the end of their rope. The Frank Porter Graham Child Development Center at the University of North Carolina, charged with the program's evaluation, recently found that nearly 60 percent of the families served by crisis care programs were overwhelmed by family or other situations, 41 percent had deteriorating family situations and almost 20 percent used the service to prevent out-of-home placement. All families with disabled children using respite care said they were overwhelmed by their situation.

DEMAND EXCEEDS SUPPLY

We have been successful in gathering evidence to sustain and even expand the program. Last year's GAO report, prepared at my and Mr. OWEN's request found that:

> Despite the satisfaction and benefits families report from respite care use, State program officials, service providers, and parents participating in the study believe that the demand for respite care exceeds the supply; services must be flexible and meet individual family needs; and the Federal role should be enhanced and provider and parent training should be a critical component.

As importantly, GAO found that a secure funding stream is crucial. The reason the legislation involved State officials in the first place was to ensure their commitment and involvement from the beginning. In 1989, the Select Committee surveyed those States which received the first respite care/crisis nursery grants. Most striking was States' overwhelming sentiment that the resources made available through these two programs would be able to fill only a fraction of the enormous need.

Despite the overwhelming success and parental satisfaction these programs have enjoyed, this prophecy is being fulfilled. The demand is still greater than the supply. The Department of Health and Human Services has informed us that over 25 programs nationwide which applied could not be funded because of limited dollars.

GAO reported that 40 State-funded programs they identified reported 3,700 families on waiting lists in fiscal year 1988. In addition, 77 programs had referred families to other social programs for respite care services because the families had requested more services than were available or the number of families and other caretakers requesting services exceeded those available.

The Frank Porter Graham Center found that many programs are still carrying lengthy waiting lists. Nearly half of the respite care programs and almost as many crisis nurseries maintained such lists. In some respite care programs, more than 100 children were waiting for services.

TRAINING CRUCIAL FOR QUALITY CARE

Crucial to addressing families' needs for assurances about the quality of care, study participants in the GAO study called for training more respite care providers. As the select committee has documented, the skill and commitment of providers are the most important determinants of safe and reliable care.

The national evaluation conducted at the University of North Carolina found that more than half of the respite care and crisis nursery programs were offering annual staff training in child development, behavior management, communication skills, abuse and neglect, CPR and first aid, and variety of other topics. These programs are to be commended for recognizing the importance of maintaining skilled and competent providers.

Training should be recognized as an allowable expense under the act so that the remaining programs without training initiatives can follow suit. Program integrity as well as the health and safety of children in care are at stake.

CONCLUSION

I urge my colleagues to support renewal of these very successful and cost-effective programs, but I also believe that it is the right time to explore options for moving beyond the demonstration phase. I applaud and support Mr. OWENS commitment to developing a more comprehensive family support bill. It is a wise and cost-effective policy to pursue.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 3034 which reauthorizes two important programs for disabled and disadvantaged children and infants in our Nation—the Child Care for Children With Disabilities Act and the Crisis Nurseries Act Amendments.

The Child Care for Children With Disabilities Act authorizes demonstration grants for respite care for children with disabilities and chronic illnesses. Respite care allows families to provide nonmedical care to disabled or seriously ill children in the nurturing environment of their home.

Mr. Speaker, parents do not wish to send their children with disabilities or disabling illnesses to institutions. The value of keeping these children within loving and caring environment of their families is no longer a secret. And support services provided by trained professional are essential to allow parents to raise their children in their own homes.

The Child Care for Children With Disabilities Act is a wonderful example of a government success story—government helping families help themselves. Respite care is not an extravagance, it is smart government.

This bill also reauthorizes the Crisis Nurseries Act Amendments of 1991, which provides temporary care for children at risk of abuse and counseling for the family members. In 1988 almost 2.2 million children were reported as victims of abuse and neglect.

The Crisis Nurseries Act allows children and families temporary relief from the harmful situation and gives them the tools to rebuild a more caring environment at home.

Mr. Speaker, there are millions of children in our country who suffer from disabilities or chronical illness, and just as many who are at risk of being abused in their own homes. H.R. 3034 is an important step in working toward long-term solutions in caring for our children. I urge my colleagues to vote for H.R. 3034.

GENERAL LEAVE

Mr. JEFFERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3034, the bill presently under consideration.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. JEFFERSON] that the House suspend the rules and pass the bill, H.R. 3034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 19, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the rules of the U.S. House of Representatives, I have the honor to transmit the returned enrollment of H.R. 2699, together with a memorandum from the President relating to said bill received in my office at 1:15 p.m. on Saturday, August 17, 1991.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT 1991—MEMORANDUM OF DISAPPROVAL FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 102–129)

The Speaker pro tempore laid before the House the following memorandum of disapproval from the President of the United States:

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 2699, a bill providing appropriations for fiscal year 1992 for the District of Columbia.

While I do not object to the underlying legislation and the funding the bill would provide, language concerning the use of funds provided by the bill for abortion is unacceptable. I have stated my intention to veto any bill that does not contain language that prohibits the use of all congressionally appropriated funds to pay for abortions other than those in which the life of the mother would be endangered if the fetus were carried to term. The limitation I propose is identical to the one included in the District of Columbia Appropriations Acts for FY 1989, FY 1990, and FY 1991.

H.R. 2699 would place such a limitation on the use of Federal funds to pay for abortion, but would permit congressionally appropriated local funds to be used for abortions on demand with no restriction whatsoever. As a matter of law, the use of local funds in the District of Columbia must be approved by the Congress and the President through enactment of an appropriation act. Under these circumstances, the failure of H.R. 2699 to prohibit the use of all funds appropriated by the bill to pay for abortion, except in the limited circumstances mentioned above, is unacceptable.

From the outset of my Administration, I have repeatedly stated my deep personal concern about the tragedy in America of abortion on demand. As a Nation, we must protect the unborn. H.R. 2699 does not provide such protection. I am, therefore, withholding my approval of H.R. 2699.

The adjournment of the Congress has prevented my return of H.R. 2699 within the meaning of Article I, section 7, clause 2, of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2699 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH.

THE WHITE HOUSE, *August 17, 1991*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the memorandum of disapproval and the bill will be printed as a House document.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the memorandum of disapproval of the President, together with the accompanying bill (H.R. 2699), be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ON MONDAY, SEPTEMBER 16, OR TUESDAY, SEPTEMBER 17, 1991, CONSIDERATION OF H.R. 3291, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1992

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it shall be in order at any time on Monday, September 16, or Tuesday, September 17, 1991, to consider in the House, any rule of the House to the contrary notwithstanding, H.R. 3291, making appropriations for the government of the District of Columbia for fiscal year 1992, and that debate be limited to 1 hour, the time to be equally divided and controlled between myself and the gentleman from New Jersey [Mr. GALLO], and that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GALLO. Mr. Speaker, reserving the right to object, I take this time to allow the gentleman from California [Mr. DIXON], the chairman of the Committee on the District of Columbia, to explain his request.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. GALLO. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, if the gentleman will yield, my first unanimous-consent request referred the vetoed D.C. Appropriations Act for fiscal year 1992 (H.R. 2699), back to the Committee on Appropriations.

That action was required to dispose of the vetoed bill.

My second unanimous-consent request makes it in order next Monday or Tuesday to consider a new bill, H.R. 3291, that I introduced earlier today.

The new bill is virtually the same as the bill that the President vetoed, with one substantive change that strikes the word "Federal" as it relates to the abortion issue on page 24 of the new bill. That change means that no funds shall be used by the District of Columbia government to pay for abortions, except to save the life of the mother. The vetoed bill restricted the Federal funds only and allowed the District to use its local revenues in accordance with its rules and regulations in keeping with the Supreme Court's decision in the Webster versus Reproductive Health Services case which is the law of the land.

In addition, Mr. Speaker, there are two technical changes. The first is due to an oversight regarding the amount to be transferred to the D.C. Public Schools Foundation to match private contributions. That amount was $100,000 short, and that is on page 12 of the new bill. The second technical change adds a new section 203 in title II of the bill to ratify or make the fiscal year 1991 supplemental amounts and authority in the bill applicable to fiscal year 1991 activities in the event the bill is signed after September 30, 1991. That is on page 40 of the bill.

There is absolutely no change in the total appropriations in the new bill. It is exactly the same as H.R. 2699.

Mr. GALLO. Mr. Speaker, it is my understanding that the change as explained by the gentleman from California [Mr. DIXON], satisfies the President's memorandum of disapproval that was presented on the previous bill, H.R. 2699.

Mr. DIXON. As I read the President's memorandum of disapproval, the new bill satisfies the President's objections. The President states that he is not opposed to the funding or the substance of the bill except for the abortion issue.

Mr. GALLO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, during the recess period when the membership had left town, the Speaker, utilizing his powers as Speaker, announced the creation of a task force committee, subcommittee, some entity, in order to investigate the so-called October surprise in 1980.

□ 1340

Mr. Speaker, I have some questions with regard to that particular appointment of a committee relative to the rules of the House that I would like to propound at the present time.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman may proceed.

Mr. WALKER. Mr. Speaker, the press release that I saw in my district is unclear as to the composition of the committee. It would appear from press release material that the committee is to be a subcommittee or a task force of the Committee on Foreign Affairs of the House; is that correct?

The SPEAKER pro tempore. Would the gentleman please repeat the question?

Mr. WALKER. It would appear from press reports that the subcommittee or task force, or whatever the entity is that has been created, is to be a part and parcel of the Committee on Foreign Affairs; is that correct?

The SPEAKER pro tempore. The Chair at this point is unable to directly answer the gentleman's question. The Chair is unprepared and unable, at this time, to comment on the formality of the announcement of this task force to which the gentleman refers.

If the gentleman would forbear for a moment, the Chair will try to obtain the information to which the gentleman is referring, but at this point the Chair is unable to answer the gentleman's question. And if the Chair understands, what the gentleman said, correctly, the gentleman from Pennsylvania was referring to a press announcement, and, therefore, the Chair at this point is unable to directly comment on that because that is by way of being a press announcement and not a formal action by the Speaker.

Mr. WALKER. Mr. Speaker, instead of referring to a press announcement, let me put it another way. There has, in fact, been an entity created where a chairman has been named, and rather than referring to a press release, I am referring to that entity.

Does that entity that has been created, naming Mr. HAMILTON of Indiana as the chairman, exist as a part of the Committee on Foreign Affairs?

The SPEAKER pro tempore. The Speaker may attempt to address the comments and questions of the gentleman from Pennsylvania when the Speaker resumes the chair.

Mr. WALKER. May I ask when that might be?

The SPEAKER pro tempore. The current occupant of the chair cannot say, but certainly it will be within a reasonable time.

Mr. WALKER. Mr. Speaker, is this something that will be done today?

The SPEAKER pro tempore. The current occupant of the chair cannot address the exact point, but once again the questions of the gentleman from Pennsylvania will be forwarded, and certainly an effort to answer those questions will be made in a reasonable time.

Mr. WALKER. Mr. Speaker, the gentleman from Pennsylvania has some rather detailed questions that he would like to pose to the Chair on this matter, and my concern is that there seems to be organization going on, as we speak, in this particular matter. I would like to have it clarified for myself, and hopefully for other Members, exactly what is going on. I would not care to have this delayed for a period of time.

The SPEAKER pro tempore. The Chair would suggest first that there would not be any great delay, and, second, would suggest tha the gentleman might care to place upon the record the specific nature of his questions. If that could be done, the Chair would be glad to recognize the gentleman for 1 minute or for a 5-minute special order, and the gentleman could frame it in that way rather than as a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I thank the Chair for that suggestion, but what I have in fact is a series of questions. I do not have a series of points to make.

It seems to me that since the appointment took place by the Speaker, it is entirely appropriate that the Speaker should address the questions that have arisen as a result of this action. It might have worked out better had this action been taken while the House was still in session, but the fact is that there was evidently a conscious determination to do this when the House was not in session. That leaves us with the problem that the first day the House returns to session is the first time we can ask questions regarding House rules and how House rules may apply.

That is what the gentleman from Pennsylvania is attempting to do at the present time, and the gentleman would like to have some of those questions answered in what I believe is the appropriate format.

Can the Chair give me some assurance that I am going to get such answers to my questions?

The SPEAKER pro tempore. The Chair will assure the gentleman that the occupant of the chair will convey the gentleman's concerns to the Speaker and inform the Speaker of the general nature of the gentleman's concerns, and then it will be the decision of the Speaker how, and in what fashion, the gentleman's inquiries will be answered. But the Chair would assure the gentleman that the Speaker of the House will be made aware today of his concerns.

Mr. WALKER. I thank the Chair.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2967, OLDER AMERICANS ACT AMENDMENTS OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–200) on the resolution (H. Res. 219) providing for the consideration of the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 national conference on aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, which was referred to the House Calendar and ordered to be printed.

GAY AND LESBIAN SOLDIERS IN THE MILITARY

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. FRANK of Massachusetts. Mr. Speaker, I was somewhat moved by the previous speaker's warning to the House that the cossacks are coming, the cossacks are coming, but I did want to talk about something else. I wanted to talk about the ban on gay men and lesbians serving in the military.

It has been clear for some time that there were no good reasons for that ban. After listening to the Secretary of Defense and others, I have now come to realize that there are not even any bad reasons for the ban. It is just there because it is there. It is time to get rid of it.

The Secretary of Defense specifically repudiated the notion that there is any security reason to keep gay men and lesbians out of the military. He said that was not a factor. We are left, then, with a series of mumbles when we ask the administration why the policy is there. It has something to do with prejudice and something to do with incompatibility.

I must say that if the normally articulate Secretary of Defense defended America as forcefully as he defended this policy, we would have lost nine States to Cuba sometime around 1988.

The New York Times and the Washington Post have both recently done excellent editorials on the unfairness and the unwisdom of saying to men and women, who happen to be gay or lesbian, that they may not serve their country; that their desire to abide by the rules, to put on the uniform of their country, to make the sacrifices that young people make in this context, will simply be refused as we used to refuse other groups that were disfavored.

Mr. Speaker, the time has come to end that policy. The administration's inability to defend this policy ought to lead them to change it.

Mr. Speaker, I include with my remarks articles from the New York Times and the Washington Post that make this point, as follows:

GAY SOLDIERS, GOOD SOLDIERS

Do homosexual personnel, male and female, threaten the effectiveness of the armed forces? Or is it shortsighted prejudice for the military services to ban homosexuals and to discharge those discovered in its ranks?

That long-festering issue has emerged with new force in recent weeks, requiring Defense Secretary Cheney to explain anew to Congress and the public just why homosexuals are deemed "incompatible with military service."

Mr. Cheney showed little appetite for the task, with good reason. The ban deprives the armed forces of talent and the discharges damage thousands of careers and lives. All for a policy with not a shred of hard evidence to support it.

Much of the opposition to homosexuals reflects a deep-seated fear that gay personnel would make sexual advances on their heterosexual comrades, provoking fights or starting affairs that would destroy discipline. But that wrongly brands all homosexuals as sexual aggressors. The same specter of unrestrained sexuality was raised when women were first admitted to military service. Yet women have been successfully accommodated, and they performed valiantly in the Persian Gulf war.

The Defense Department is actually two-faced on the subject of homosexuality. Homosexuals are allowed to serve in civilian jobs, even at the highest and most sensitive levels, under civil service rules that outlaw sexual orientation as a criterion for employment. That is why Secretary Cheney has no trouble retaining a trusted aide who was identified as homosexual by a gay magazine.

But the department bans homosexuals from military service and has discharged more than 13,000 people as homosexuals since 1982. Many, sad to say, have been outstanding. Some have won bronze or silver stars. One was a naval cadet near the top of his class at Annapolis. Underscoring the absurdity of the policy, the commander of the surface fleet in the Atlantic last year urged, in a message to his subordinates, that investigations of lesbians not be "pursued halfheartedly" just because lesbians are generally "hard-working, career-oriented, willing to put in long hours on the job and among the command's top performers."

The official justification for the ban is a single sweeping paragraph in the Defense Department's administrative discharge directive. It asserts, with dubious accuracy, that the presence of homosexuals "seriously impairs the accomplishment of the military mission" in seven areas, including morale and recruitment.

The Pentagon may be retreating from one claim—that homosexuals are a security risk; peculiarly subject to blackmail. Unpublished studies for the military in 1957 and 1988 concluded that homosexuals were a negligible security risk, and Secretary Cheney dismissed the allegation as "a bit of an old chestnut."

Other assertions that the presence of homosexuals makes it difficult to maintain morale and insure the integrity of the command system sound like worst-case projections based on outdated stereotypes. Polls show that most Americans think homosexuals should be allowed in the military.

The most emotional reason for excluding homosexuals is that service members, in contrast to civilians in the Defense Department, "frequently must live and work under close conditions affording minimal privacy." Perhaps some heterosexual servicemen fear they would be propositioned in the showers. But that possibility could be managed with regulations proscribing sexual harassment. And what consenting adults do on their own time is their business, not the military's.

The military and its civilian overseers need to reexamine the case; there's no evident justification for discrimination on the basis of sexual orientation.

[From the Washington Post, Aug. 8, 1991]

REVISITING THE BAN ON GAYS

It was once unthinkable that blacks and whites could ever serve together in the armed forces. The mere idea suggested a threat to discipline, good order and morale. So out of deference to the temper of the times, racial segregation was rigidly enforced throughout most of the military. That is, until President Truman issued his bold executive order in 1948 establishing a policy of equality of treatment and opportunity for everyone in the armed forces. The collapse of the armed services feared by the segregationists never occurred. Nor did a recalcitrant public rise up in arms. Instead the military eventually rose—as the president had hoped it would—to the highest standards of American democracy and began to move toward an integrated service. The same result is occurring today with respect to women in the armed forces. And now similar demands are being pressed on the Defense Department by gay groups and their supporters. They deserve a well-thought-out answer.

Recently, when Secretary of Defense Richard B. Cheney first responded to questions about the military ban on homosexuals, he dismissed the often-used security risk rationale as "a bit of an old chestnut." He was on safe grounds there. That discovery was made by the federal civilian work force years ago. Now, with the possible exception of the national security agencies, where litigation is pending, sexual preference or orientation alone can't be used against employees or would-be hires, even for security clearances. Secretary Cheney can also draw support for his position from an unreleased study now under top-level review in the Defense Department which concludes that there is no connection between homosexuality and security risks. Heterosexuals, it found, are as likely to be security risks as anyone else. Yet the paradox remains at the Defense Department: if you are a civilian, you may handle classified materials and be gay; if you wear a uniform, you can't. Does that make sense?

Still the secretary told a congressional panel last week that under the policy, which he described as one he had inherited, "a gay lifestyle is incompatible with military service." That, he said, is unlikely to change soon. If so, the policy ought to be based on a better rationale than the one now being offered. Besides the enormous amount of time and money spent enforcing the ban, the lives of thousands of men and women have been and are being brought to ruin. The same agency that studied the issue of homosexuals as security risks could find no reliable scientific data to support the current policy, according to one researcher. There is, however, much social bias and fear around, he said, based on stereotyping and myths. That's what President Truman was up against too. He did the right thing.

□ 1350

FEDERAL AGRICULTURAL MORTGAGE CORPORATION IS DEPLORABLE

The SPEAKER pro tempore (Mr. SWETT). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, on August 29, the Farm Credit Administration issued a highly questionable opinion on proposed activities of the Federal Agricultural Mortgage Corporation, an organization commonly referred to as Farmer Mac.

The Farm Credit Administration, which after congressional debate was denied rulemaking authority over Farmer Mac, notified perhaps gratuitously, the Corporation that its decision to conduct debt-issuance activities does not pose safety and soundness problems, but that it lacks either express or implied powers to conduct those activities. This Member notes that these activities—which Farmer Mac has called its "Linked Portfolio Strategy"—are modeled after programs initially conducted by other Government-sponsored enterprises, such as Sallie Mae, Fannie Mae, and Freddie Mac.

The Farm Credit Administration's action is deplorable.

According to the 1987 Agricultural Credit Act, Farmer Mac was granted broad authority, and is empowered to, among other things, "* * * purchase or sell any securities or obligations * * * convenient to the business of the Corporation".

Soon the Agriculture Committee will consider legislation which would inappropriately give the Farm Credit Administration full regulatory authority over Farmer Mac that would be a tragic error.

The August 29 opinion is but one more reason why the Farm Credit Administration is not the proper entity to be given such a responsibility. It is again made clear that the agency is incapable of differentiating between what is unbiased, evenhanded, prudent regulation and what constitutes biased and anticompetitive meddling in Farmer Mac's authorized business decisions. The recent opinion by the Farm Credit Administration is an example of the latter—intentional, inappropriate meddling. Biased meddling is, of course, an unacceptable role or characteristic for a regulator.

Let it be understood that this Member also opposes placing Farmer Mac under the regulation of the Farm Credit Administration because it presents a very clear conflict of interest. The FCA currently regulates farm credit system institutions; yet representatives of these institutions comprise a significant portion of Farmer Mac's Board of Directors.

Since its inception, Farmer Mac has faced continuous, unwarranted criticism from representatives of institutions which are part of the Farm Credit System. Since Farmer Mac is still in its infancy, there is little or no possible basis yet for such criticism; it is not justified. It is merely a cover for their fear of competition from the commercial banking interests' use of Farmer Mac for their real estate and housing loans, as Congress intended.

Absent obstacles, such as the very strained opinion put forth by the Farm Credit Administration, the result of Farmer Mac's linked portfolio strategy may well be a more rapid establishment of a secondary market for agricultural real estate and rural housing loans. The banking industry strongly supports this approach as it can increase their ability to extend long-term credit at lower, stable interest rates to farmers, ranchers, and other rural residents!

The American Bankers Association has stated that Farmer Mac's decision to enter the debt markets is the only way to end Wall Street speculation and uncertainty over the new secondary market.

Providing an additional source of credit on Main Street U.S.A. for the American agricultural sector and residents of rural America is the true congressional intent of Farmer Mac. If the linked portfolio strategy is a legitimate way to help meet that goal, then it should not be maliciously sabotaged by contrived opinions from someone in the Farm Credit Administration.

While regulation of Farmer Mac is important, it must be done by an effective, unbiased regulator. I urgently plead that the relevant committees—Agriculture and Banking—to consider alternatives to regulation of the Farm Credit Administration. Alternatives such as creating a super-regulator entity for all GSE's as proposed by the General Accounting Office or a fall-back regulatory location in the Treasury Department, offered in legislation by this Member should be considered as more appropriate regulatory entities for Farmer Mac.

For the record, this Member would like to draw the attention of his colleagues to two other opinions with respect to Farmer Mac's legal authorities.

The first is a letter from Farmer Mac's outside legal counsel, the firm of Brown and Wood, in response to the August 29 FCA legal opinion.

The letter states that the FCA opinion reaches incorrect conclusions based on misinterpretations of the existing statutory authority. The letter also states that the FCA's opinion is a statutorily impermissible attempt by the FCA to substitute its judgment for that of Farmer Mac.

BROWN & WOOD,
Washington, DC, September 4, 1991.

Re: Farm Credit Administration Memorandum on Farmer Mac Linked Portfolio Program.

We have reviewed the opinion of August 29, 1991 of the General Counsel of the Farm Credit Administration (FCA) raising various concerns over the authority of the Federal Agricultural Mortgage Corporation (Farmer Mac) to implement its Linked Portfolio Strategy. We disagree with the opinion and note that it raises no concerns that were not disposed of in our prior opinions of June 6 and June 26, 1991. Thus, notwithstanding the opinion, we maintain our opinion that Farmer Mac has authority to implement its Linked Portfolio Strategy through, *inter alia*, the issuance of debt obligations, the purchase of its guaranteed senior securities and the formation of an affiliate corporation, for the reasons set forth below.

First, Farmer Mac's authority under the provisions of the Agricultural Credit Act of 1987 (the "Act") to "purchase or sell any securities or obligations" (12 U.S.C.A. Sec. 2279aa-3(c)(12)), clearly includes senior securities guaranteed by Farmer Mac under the Farmer Mac I program. In reaching the contrary position, the opinion ignores the clear statutory reference to "any securities" and misconstrues the pertinent legislative history.

Second, a reasonable construction of the statutory purposes of the Farmer Mac program, coupled with a fair reading of the statute which provides that Farmer Mac may sell "obligations," also supports the conclusion that Farmer Mac has authority to borrow through the issuance of short- and medium-term notes, as necessary to provide for a secondary marketing arrangement for agricultural real estate and rural housing mortgages. The contrary opinion of the FCA appears to be based on an unrealistically narrow view of the purposes of the Farmer Mac program and of the clear authorities set forth in the Act.

Finally, Farmer Mac may, under its statutory authority, form an affiliate corporation for the purposes of acquiring senior securities under the proposed program. The existence of this authority was clearly recognized by Congress in connection with the 1990 Farm Bill. Moreover, our review of the Government Corporation Control Act and its legislative history has led us to conclude it does not apply to Farmer Mac generally or to Farmer Mac's formation of an affiliate in particular, upon which the opinion has erroneously relied.

In summary, we believe that the opinion reaches incorrect conclusions based on narrow interpretations and misinterpretations of the statutory authority under which the Farmer Mac secondary market programs are being implemented. Neither the opinion itself nor the covering letter from the Chairman of the FCA cite statutory authority for the issuance of the legal opinion. Overall, it constitutes a statutorily impermissible attempt by FCA to substitute its judgment for that of Farmer Mac, the agency charged by Congress with implementation of the secondary market program.

The second opinion comes from the American Law Division of the Congressional Research Service affirming the authority of Farmer Mac to purchase securities, issue debt obligations, and create a corporate subsidiary to carry out those activities.

The CRS also concluded that, based on the 1987 Agricultural Act and the 1990 farm bill, Farmer Mac's outside counsel is correct in concluding that the linked portfolio strategy—which has involved created a separate subsidiary to purchase securities and issue debt—are within the authority granted to Farmer Mac.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 12, 1991.

To: Hon. Robert F. (Bob) Smith, Attention, John Hogan.

From: American Law Division.

Subject: Authority of Federal Agricultural Mortgage Corporation (Farmer Mac) To Purchase Securities, Issue Debt Obligations and Create a Corporate Subsidiary.

This is in response to your request for an evaluation of the opinion of counsel for the Federal Agricultural Mortgage Corporation (Farmer Mac) regarding the authority of the corporation to purchase "Senior Securities", to issue debt obligations to finance the purchase of these securities and to form a separate subsidiary corporation for the purpose of purchasing such securities. Upon examination of Farmer Mac's authorizing statute and amendments made thereto by the Food, Agriculture, Conservation and Trade Act of 1990 (the 1990 Farm Bill) it appears that Farmer Mac's counsel is correct in concluding that the purchase of securities, the issuance of debt obligations and the formation of a corporate subsidiary are within the authority granted to Farmer Mac by the Agricultural Credit Act of 1987.

FARMER MAC AUTHORITY TO PURCHASE SECURITIES AND ISSUE DEBT OBLIGATIONS

Farmer Mac's authority to purchase securities and issue debt obligations apparently emanates from section 702 of the Agricultural Credit Act of 1987 which sets out the general powers of the corporation. Under that provision, Farmer Mac is empowered to, among other things, "—acquire, hold, lease, mortgage or dispose of, at public or private sale, real and personal property, purchase or sell any securities or obligations, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to the business of the Corporation."[1]

Although Farmer Mac counsel accurately describes the authority by which the corporation may purchase securities, language within the legislative history underlying the provision suggests that counsel's conclusion as to "no impediment to Farmer Mac's exercising its power to—[transfer] securities that it has itself purchased to a separate entity" may be somewhat inaccurate. In the conference report accompanying the version of H.R. 3030 later to be enacted into law, the conferees noted an intent that Farmer Mac's authority to purchase or sell securities or obligations was to be limited to purchases or sales made "on [the Corporation's] own account for investment purposes and [would] not include the power to set up a securities exchange for the purpose of obtaining commissions or consideration of any kind."[2]

Consequently, whether section 702 authorizes Farmer Mac to purchase the securities and subsequently transfer these securities to its subsidiary, depends upon the purpose for which Farmer Mac is conducting these transactions. Although section 702 empowers Farmer Mac to purchase and sell securities and obligations for purposes of its own investment, the authorization provided by that section apparently was not intended to apply to transactions in which Farmer Mac would ultimately serve in a brokerage capacity for other investors in the secondary market. Thus, a purchase and subsequent "transfer" of securities by Farmer Mac to its subsidiary would apparently not fall within the authority of section 702, as intended by Congress, if Farmer Mac conducts the transfer in order to receive a commission or other consideration in exchange for the transfer. Such a transaction would arguably amount to the type "securities exchange" intended to be excluded by Congress from the authorization granted by section 702.[3] Assuming, however, that Farmer Mac intends to purchase the "Senior Securities" solely for purposes of its own investment and that any transfer of such securities would be executed not for the purpose of creating a "securities exchange" for the transferee/subsidiary, section 702 would apparently authorize its proposed transactions.[4]

FARMER MAC AUTHORITY TO ESTABLISH A CORPORATE SUBSIDIARY

In addition counsel is apparently correct as to Farmer Mac's authority to establish or acquire a corporate subsidiary in that the corporation possesses "incidental powers" granted by the act which apparently authorizes the formation or acquisition of such an entity. Under section 702 of the act, Farmer Mac is empowered to "exercise such other incidental powers as are necessary to carry out the powers, duties and functions of the Corporation in accordance with [the act]."[5] Given the absence of any guidance on the part of Congress as to the * * * of such powers are "necessary", this provision would appear to be a delegation of broad discretionary authority to Farmer Mac to take those actions it deems necessary to carry out its corporate functions. Consequently, if Farmer Mac has determined that the creation of a corporate subsidiary is "necessary" to carry out its corporate functions, the act would apparently provide authority for Farmer Mac's decision.[6]

---

[1] See 12 U.S.C. §2279ee-3(c)(12) (emphasis added).

[2] See H.R. Conf. Rep. No. 490, 100th Cong. 1st Sess. 219, reprinted in 1987 U.S. Code Cong. & Admin. News 2723, 3014.

[3] There is nothing in the legislative history that would indicate a congressional intent that Farmer Mac could create "securities exchanges" under section 702 for its corporate affiliates.

[4] One could argue, as Farmer Mac's counsel does, that additional authority to issue debt obligations may be found in the "incidental powers" granted the corporation by section 702 where Farmer Mac has concluded that the issuance of such obligations to purchase securities is "necessary" to facilitate Farmer Mac's statutory purpose. See discussion of Farmer Mac's "incidental powers" below.

[5] 12 U.S.C. §2279aa-3(c)(12).

Moreover, an examination of recent amendments to the act by the 1990 Farm Bill apparently indicates a recognition on the part of Congress that Farmer Mac is authorized under the 1987 act to establish or acquire subsidiaries. Section 1839 of the 1990 Farm Bill amended section 702 of the act to authorize Farmer Mac to serve as a pooler of agricultural loans guaranteed by the Farmers Home administration. In so doing, the 1990 Farm Bill amended the definition of the term "certified facility", as the term relates to these pooling activities, to include "the Corporation [meaning Farmer Mac] *and any affiliate thereof*."[7] In addition, section 702, as amended by the 1990 Farm Bill, authorizes the Farm Credit Administration to "provide for the general supervision of the safe and sound performance of the Corporation *and its affiliates*"[8] and defines the term "affiliate", as used in the act, to mean "an entity effectively controlled or owned by the Corporation."[9]

Thus it appears that the act, although not expressly authorizing the creation of corporate subsidiaries, contemplates discretionary authority on the part of Farmer Mac to establish such entities.

CONCLUSION

To summarize, Farmer Mac counsel appears generally correct in its conclusion that section 702 of the Agricultural Credit Act of 1987 provides authority for Farmer Mac's proposal to purchase "Senior Securities" and to finance the purchase through the issuance of debt obligations as the provision confers upon the Corporation general authority to "purchase and sell any securities or obligations." However, the legislative history indicates a congressional intent that this authority is to apply only to purchases or sales made on Farmer Mac's own account and that the Corporation is not to engage in such transactions as a broker for other investors in the market, presumably including its own subsidiaries. Assuming that Farmer Mac proposes to purchase the "Senior Securities" for its own investment and to issue obligations to finance the purchase, the proposal would appear to fall within the authority of section 702 as intended by Congress.

In addition, Farmer Mac apparently possesses authority to establish or acquire a separate subsidiary to purchase the securities under the "incidental powers" granted the Corporation by section 702. Given the absence of limiting language with regard to this provision, it appears that Congress has granted to Farmer Mac broad discretionary authority in determining under what circumstances the use of these "incidental powers" are necessary to enable the Corporation to carry out its statutory functions. The Corporation's determination that the use of the "incidental powers" to establish a subsidiary to shield itself from tax and other liabilities would appear to be reasonable and thus sustainable under judicial review. Moreover, recent amendments to the act by the 1990 Farm Bill indicates a recognition on the part of Congress of Farmer Mac's authority to establish or acquire corporate affiliates.[10]

KEVIN B. GREELY,
Legislative Attorney,
American Law Division.

This Member urges his colleagues to take greater interest and exception to the unacceptably biased views and actions of the Farm Credit Administration, in its attempt to stifle competition for the institutions of the Farm Credit System, by sabotaging the broader purposes of Farmer Mac, as established by Congress.

THE FOOD TRADE MODERNIZATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas, Mr. GLICKMAN, is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, at the same time the attention of the U.S. agricultural community in recent weeks has focused on the opportunities for increasing sales to the Soviet Union, last week the Department of Agriculture forecast that exports of United States farm goods will actually drop this year, reversing a 5-year trend of steadily increasing sales abroad.

The legislation I am introducing today, the Food Trade Modernization Act of 1991, will provide more flexibility than current authorities to ensure American agriculture can respond to the complex and dynamic challenges of an ever increasingly competitive global grain trade.

I learned firsthand during my just-completed trip to the Soviet Union as a member of a delegation of the Commission on Security and Cooperation in Europe—the Helsinki Commission—that it will no longer be business as usual in the Soviet Union, nor business as we have known it.

I am concerned, however, we have not yet adapted our ways of doing business to the new realities, especially with respect to perhaps the most important channel of commerce the United States has with the Soviet Union agriculture. U.S. agriculture, both trade and the technical expertise we can provide there on site and by instructing Soviet students at our agricultural colleges, can be, I am convinced, the main engine for further reforms in the Soviet economy and political system.

In the immediate term, I believe the United States should double the amount of credits, to $3 billion, extended to the Soviets for near-term food purchases. The Soviets have pressing needs for proteins and food grains, in particular soybeans, soybean meal, and wheat but to meet the needs, they will need additional financing from the United States. Soviet officials indicated to me that they intend to be a long-term, major purchaser of American agricultural commodities but to realize those plans, credits will have to be provided and the terms of those credits will have to be adapted to the circumstances facing Soviets. The legislation I am introducing provides a blueprint of how to tailor present credit authorities to meet these needs.

In addition to exports, the United States needs to provide massive technical and logistical expertise to the Soviets. I would propose that we send experts to the Soviet Union to accompany these shipments to ensure they are distributed quickly and efficiently. Beyond that, America's land grant colleges should take the lead in educating Soviets on modern farming techniques, markets, and in making the transition to private agriculture.

This bill is, however, more than the product of responding to the potential and peculiarities of the Soviet market. It is the culmination of hearings held in my subcommittee over a 3½-year period and is designed to meet larger challenges we face in the future. The legislation has three broad goals:

First, respond to the opportunities and demands of the Soviet market;

Second, remedy the downturn in exports which threatens the prosperity of America's farmers as well as the productivity and viability of American agriculture's infrastructure; and

Third, prepare American agriculture for the post-Uruguay round marketplace.

The contrasts in the outlook for American agriculture may not be as sharp as conditions were when Charles Dickens observed that "it was the best of times, it was the worst of times," nonetheless, the future for America's farmers is certainly a tale of two extremes.

Much of the heartland is suffering from drought and other weather related damage as severe as any disaster conditions in recent memory, while many farmers here and worldwide are harvesting crops approaching record levels. Domestic demand for some commodities is at all time highs and supplies are nearing historic lows, yet prices have remained at levels not experienced in years. At the same time one of America's farmers' biggest customers has unprecedented needs, the grain flowing to Soviet ports is coming not from Galveston, New Orleans, or the Great Lakes, but from France, Canada, and Australia.

Events in the Soviet Union of the last month drive home the point of how volatile the world is today, and how the United States must be prepared to respond to these changes instantaneously. That lesson is especially true for American agriculture and this legislation will modernize existing programs to meet these changes.

MEETING THE NEEDS OF THE SOVIET MARKET

For nearly 20 years, the Soviet Union has been one of the most important markets for America's farmers. Indeed, a recap of the fortunes of agriculture during this period shows the close relationship between periods of sales to Moscow and strong prices in the United States market and between periods when the Soviets have been out of the United States market and high domestic surpluses and weak prices. When Moscow has sniffled, Kansas farmers caught the flu.

---

[6] Note that if the Corporation's decision to create a corporate subsidiary was challenged in court, a reviewing court would probably defer to Farmer Mac's interpretation of its own authorizing statute, provided the interpretation was "reasonable" and the language and legislative history of the status failed to indicate the contrary. *See e.g., Chevron, U.S.A. Inc. v. Natural Resources Defense Council*, 467 U.S. 837 (1984). Evidently, Farmer Mac has proposed to effect the purchase of "Senior Securities" through a separate corporate subsidiary to limit its tax and other liabilities which may arise as the result of the transaction. Inasmuch as these factors could affect the future ability of Farmer Mac to engage in its guarantee and other activities, it would appear "reasonable" for Farmer Mac to conclude that the creation or acquisition of a corporate subsidiary to shield it from these liabilities was "necessary" to assure the future viability of the Corporation in carrying out its statutory functions.

[7] *See* 12 U.S.C. §2799aa(3)(B) (emphasis added).

[8] *See* 12 U.S.C. §2799aa–11(a) (emphasis added).

[9] 12 U.S.C. §2799aa–11(e).

[10] Note that, as Farmer Mac is not an "agency" or a "Government Corporation" as the term is defined in the Government Corporation Control Act, the Corporation is not subject to the provisions of that statute. *See* 31 U.S.C. §9101 *et seq.*

While the desirability of such reliance on one single customer is, and should be, debated, there is no mistaking the immediate term reality that unless U.S. export programs are made more responsive to these needs and more competitive with the programs foreign governments are offering, America's farmers will suffer irreparable harm. The Food Trade Modernization Act will respond to this challenge by:

Consolidating existing direct credit programs and allowing greater flexibility in the use of long-term direct credits;

Permitting the President to waive existing restrictions on the use of direct and guaranteed credits when the use of such credits is in the national interest;

Requiring the terms of credits, direct and guaranteed, to be competitive with the terms of similar programs offered by foreign governments;

Allowing direct and guaranteed credits to be tailored to the special financing needs of customers;

Allowing greater flexibility in the combined use of direct and guaranteed credits;

Permitting shifting of resources between short-term and intermediate-term loan guarantee programs; and

Revising the eligibility criteria of the program to promote agricultural exports to emerging democracies to reflect the changes underway in the Soviet Union and to encourage the forces of liberalization.

INCREASING EXPORT DEMAND FOR U.S. AGRICULTURAL COMMODITIES

As long as the United States responds affirmatively in meeting the future needs of the Soviet Union, demand for American agricultural exports will, potentially, increase with a corresponding increase in prices here. However, while an important and critical market, American agriculture has to compete across the board in order to sustain growth on our farms.

Recent experience has shown, convincingly, that foreign governments are standing shoulder to shoulder with their farmers and are moving into markets long held by the United States. For a farm policy dedicated to making American agriculture more dependent on market forces to succeed, our Government must make a total commitment to helping farmers take advantage of those opportunities. The Food Trade Modernization Act will respond to this challenge by:

Making export loan programs for all customers more competitive with comparable programs offered by other exporting countries.

Implementing a marketing loan program for wheat and feed grains, similar to the programs in effect for cotton, rice, and with enactment of the 1990 farm bill, oilseeds; and

Broadening the application of the export enhancement program to promote all exports.

PREPARING FOR THE POST-URUGUAY ROUND MARKET

After 4 years of negotiation on agricultural trade, the Uruguay round of multilateral trade negotiations under the General Agreement on Tariffs and Trade appears far from a successful conclusion. Moreover, it appears increasingly likely that even if an agreement on agricultural trade is reached, it will fall far short of ending the predatory trade practices American agriculture currently faces or will be effective at such a distant date U.S. farmers will suffer further declines in growth during the interim.

If this is indeed the result of the negotiations, American policy faces a critical watershed of deciding whether to remain competitive in the world and meet the competition head on, or whether to retreat to servicing solely a domestic market. While opportunities do exist in the domestic market, real growth in American agriculture hinges on maintaining a viable export trade. With the GATT talks nearing a completion, preparing for the market environment after their conclusion must begin at once. The Food Trade Modernization Act will respond to this challenge by:

Lifting the restrictions on the EEP to responding only to unfair trading practices;

Requiring the terms of export credits to be tailored to maximize the sales overseas of U.S. commodities; and

Protecting the income of American farmers while ensuring that wheat and feed grains will be priced competitively on the world market.

While the United States has been forthcoming with offers of financing to meet Soviet food needs in recent weeks, the inflexibility of the terms of the programs has slowed shipments of actual commodities. If sales are not consummated soon, not only will that delay jeopardize ability to move the goods before the Soviet winter sets in, the business will increasingly go to the competition.

In other words, it is time for the Congress to move quickly on this immediate problem and, I believe, time for Congress to move on the larger challenge American agriculture faces in the world market. The opportunities are immense, as are the risks in delay. It is my hope this legislation will prompt immediate debate and will be acted upon at the earliest possible date.

SECTION-BY-SECTION ANALYSIS—THE FOOD TRADE MODERNIZATION ACT OF 1991

SECTION 1. SHORT TITLE

Section 1 provides for the short title of the bill, "The Food Trade Modernization Act of 1991."

SECTION 101. MARKETING LOAN PROVISIONS

Section 101 requires the Secretary to offer marketing loans for the 1992 through 1995 crops of wheat and feed grains.

Current law

Sections 105B(a)(4) and 107B(a)(4) respectively of the Agricultural Act of 1949, as amended by the Food, Agricultural, Conservation, and Trade Act of 1990, permit the Secretary to allow producers to repay commodity loans for feed grains and wheat at the lesser of the loan level established for the crop or the higher of seventy percent of the loan level or the prevailing world market price as determined by the Secretary.

Sections 105B(b) and 107B(b) respectively allow the Secretary to make loan deficiency payments to producers who are eligible for crop loans but agree to forgo obtaining such loans in return for loan deficiency payments. The amount of payments made in lieu of loans are calculated by multiplying the number of bushels eligible to be placed under loan by the difference between the loan rate and the loan repayment rate.

In addition, section 1302 of the Omnibus Budget Reconciliation Act of 1990 requires the Secretary to offer marketing loans for the 1993 through 1995 crops of feed grains and wheat if, by June 30, 1992, the United States has not entered into an agricultural trade agreement in the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade.

The bill

The bill amends sections 105B(a)(4), 105B(b), 107B(a)(4), and 107B(b), one, to require the Secretary to permit producers to repay commodity loans for feed grains and wheat at the lesser of the loan rate or the higher of seventy percent of the loan rate or the prevailing market price as determined by the Secretary and two, to require the Secretary to offer producers eligible for such loans loan deficiency payments in return for forgoing placing eligible crops under loan. [Sec. 101]

SECTION 201. REFERENCES

Section 201 provides that amendments made in title II of the bill, sections, 201 through 207, are made to the relevant section of the Agricultural Trade Act of 1978 as amended.

SECTION 202. DIRECT CREDIT SALES PROGRAM

Section 202 makes several amendments to the direct sales program as established in section 201 of the Agricultural Trade Act of 1978, as amended.

Current law

Current law authorizes the Commodity Credit Corporation to finance the commercial export sales of commodities from privately-owned stocks. The CCC may offer a program of short term credits, not to exceed three years, and intermediate term credits, for periods of not less than three years nor in excess of ten years. [Sec. 201(a) and Sec. 201(b)]

Before financing intermediate term sales, the Secretary must determine that such sales will develop, expand, or maintain the importing country as a foreign market for U.S. commodities on a long term basis; improve the capability of the country to purchase and use U.S. commodities on a long term basis; and other wise promote the export of U.S. commodities. [Sec. 201(c)]

The direct credit sales program may be used for four purposes: one, to increase exports; two, to compete against foreign exports; three, to assist developing countries in meeting their food and fiber needs, and four, such other purposes the Secretary determines consistent with the development of foreign markets on a long term basis. Credits made available under the program may not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not apply to sales financed under the program. [Sec. 201(d)]

Contracts for financing sales must include a requirement that repayment be made in dollars with interest as determined appropriate by the Secretary and a requirement, if the Secretary determines appropriate to protect the interests of the U.S., that an initial payment be made by the purchaser at the time of sale or shipment of the commodity. [Sec. 201(e)]

The bill

The bill consolidates the short term and intermediate term direct credit sales program into one direct credit program. Under the bill, the CCC may finance the commercial export of agricultural commodities from privately-owned stocks for any length of time not to exceed ten years. [Sec. 202(a)]

The bill removes the requirement that the Secretary determine, for credits for terms from three years to ten years, that such sales will develop, expand, or maintain the importing country as a foreign market on a long term basis and improve the capability of the importing country to purchase and use U.S. commodities on a long term basis.

Sales financed with direct credits must, nonetheless, still meet the three criteria in current law, that they develop, expand, or maintain the importing country as a foreign market for U.S. commodities; improve the capability of the country to purchase and use U.S. commodities; and other wise promote the export of U.S. commodities. [Sec. 201(b) and 201(c)]

The bill adds a new purpose for the direct credit sales program, to provide financing on terms competitive with credit provided for foreign agricultural exports and permits such credits to be used for foreign aid, foreign policy, or debt rescheduling purposes if the President determines that the use of such credits is in the best interest of U.S. agricultural producers and is in the national interest. [Sec. 201(d) and 201(e)]

The bill rewrites the terms of credit assistance provided under the direct credit sales program. Under the bill, in general, contracts for direct sales shall include such terms and conditions as the Secretary determines necessary to increase exports; to compete against foreign exports; to provide financing on terms competitive with foreign exports; to assist countries, particularly developing countries, in meeting their food and fiber needs; and to develop, expand, or maintain foreign markets and improve the capability of importing countries to purchase U.S. commodities, and otherwise promote the export of U.S. agricultural commodities. Such contracts shall also include such terms and conditions taking into account comparable financing provided for the export of foreign agricultural commodities. [Sec. 201(f)(1)]

To ensure the competitiveness of financing provided under the direct credit sales program, contracts may include provisions to require repayment in dollars with interest accruing as determined appropriate; to delay initial payment until not later than eighteen months after the date of the sale or shipment of the commodities; to finance payment of the entire amount of principal, interest, or related charges, including freight and insurance, associated with the sale; to finance variable interest rate contracts for sale; and to subrogate or subordinate credits financed under the program in favor of other credits. [Sec. 201(f)(2)]

SECTION 203. EXPORT CREDIT GUARANTEE PROGRAM

Section 203 makes several amendments to the GSM-102 and GSM-103 export credit guarantee programs established in section 202 of the Agricultural Trade Act of 1978, as amended.

Current law

Current law authorizes the Commodity Credit Corporation to guarantee the financing of commercial export sale of commodities from privately-owned stocks. The CCC may offer a program of short term credit guarantees, GSM-102 credits, not to exceed three years, and intermediate term credit guarantees, GSM-103 credits, for periods of not less than three years nor in excess of ten years. [Sec. 202(a) and Sec. 202(b)]

Before guaranteeing the financing of intermediate term sales, the Secretary must determine that such sales will develop, expand, or maintain the importing country as a foreign market for U.S. commodities on a long term basis; improve the capability of the country to purchase and use U.S. commodities on a long term basis; and other wise promote the export of U.S. commodities. [Sec. 202(c)]

The credit guarantee programs may be used for four purposes: one, to increase exports; to compete against foreign exports; three, to assist developing countries in meeting their food and fiber needs; and four, such other purposes the Secretary determines consistent with the development of foreign markets on a long-term basis. Credit guarantees made available under the program may not be used for foreign aid, foreign policy, or debt rescheduling purposes. The provisions of the cargo preference laws shall not apply to sales financed under the program. The CCC may not guarantee credits to any country the Secretary determines cannot adequately service the debt associated with the sale. [Sec. 202(d), 202(e), and 202(f)]

Current law requires contracts for guaranteeing credits to contain such terms and conditions as the Secretary determines to be necessary. Credit guarantees may not be used to finance foreign agricultural commodities. [Sec. 202(g) and 202(h)].

Financial institutions are ineligible to receive an assignment of a credit guarantee or proceeds of a guarantee if the CCC determines the financial institution is not in sound financial condition, issued the letter of credit involved in the transaction or is a subsidiary of the issuing institution, or is owned or controlled by an entity that owns or controls the institution issuing the letter of credit. [Sec. 202(i)]

Credit guarantees issued for fish or fish products must be made on terms comparable to the terms and conditions applicable to guarantees for other commodities. [Sec. 202(j)]

The bill

The bill removes the requirement that the Secretary determine, for credits for terms from three years to ten years, that such sales will develop, expand, or maintain the importing country as a foreign market on a long term basis and improve the capability of the importing country to purchase and use U.S. commodities on a long term basis.

Before guaranteeing the financing of intermediate term sales, the Secretary must determine that such sales will develop, expand, or maintain the importing country as a foreign market for U.S. commodities; improve the capability of the country to purchase and use U.S. commodities; and other wise promote the export of U.S. commodities. [Sec. 203(a)]

The bill adds two new purposes for the credit guarantee program: one, to provide financing on terms competitive with credit provided for foreign agricultural exports and two, to assist countries with shortages of foreign exchange earnings and difficulty accessing sufficient commercial credit to meet all their food needs. [Sec. 203(b)].

The bill permits credit guarantees to be used for foreign aid, foreign policy, or debt rescheduling purposes if the President determines that the use of such credit guarantees is in the best interest of U.S. agricultural producers and is in the national interest. [Sec. 203(c)]

The bill also permits the Secretary to guarantee credits to countries that may not be able to adequately service the debt associated with the sale if the President determines that the use of such guarantee is in the best interest of U.S. agricultural producers and is in the national interest. [Sec. 203(d)]

The bill rewrites the terms of credit guarantees. Under the bill, in general, contracts for credit guarantees shall include such terms and conditions as the Secretary determines necessary to increase exports; to compete against foreign exports; to provide financing on terms competitive with foreign exports; to assist countries with shortages of foreign exchange earnings and difficulty accessing sufficient commercial credit to meet their food needs; and to develop, expand, or maintain foreign markets and improve the capability of importing countries to purchase U.S. commodities, and otherwise promote the export of U.S. agricultural commodities. Such contracts shall also include such terms and conditions taking into account comparable financing provided for the export of foreign agricultural commodities. [Sec. 203(f)(1)]

To ensure the competitiveness of financing provided under the credit guarantee programs, contracts may include provisions to delay initial payment until not later than eighteen months after the date of the sale or shipment of the commodities; to guarantee the payment of the entire amount of principal, interest, or related charges, including freight and insurance, associated with the sale; to guarantee variable interest rate contracts for sale; and to subrogate or subordinate credits financed under the program in favor of other credits. [Sec. 203(f)(2)]

SECTION 204. COMBINATION OF PROGRAMS

Section 204 expands the purposes for which the CCC may carry out a program under which commercial export credit guarantees are combined with direct credits for the export of agricultural commodities.

Current law

Current law provides the CCC authority to combine the use of export credit guarantees and direct credits to reduce the effective rate of interest on export sales of agricultural commodities. [Sec. 205]

The bill

The bill adds four new purposes for which the CCC may combine the use of export credit guarantees and direct credits. In addition to offering blended credits in order to reduce the effective rate of interest on export sales, the bill permits the CCC to use the program to compete against foreign agricultural exports; to provide financing on terms competitive with credit provided for foreign agricultural exports; to assist countries with shortages of foreign exchange earnings and difficulty accessing sufficient commercial credit to meet all of their food needs; and for such other purposes the Secretary determines appropriate, consistent with the provisions of the Agricultural Trade Act of 1978, as amended. [Sec. 204(b)]

SECTION 205. FUNDING LEVELS

Section 205 will make funds authorized for the GSM-102 and GSM-103 programs available without fiscal year restriction through 1995 and will permit the transfer of unused funds between programs.

Current law

Current law authorizes the CCC to make available $5,000,000,000 for each of the fiscal years 1991 through 1995 for short term export credit guarantees made available under section 202(a) and $500,000,000 for each of the fiscal years 1991 through 1995 for intermediate term export credit guarantees made available under section 202(b). [Sec. 211(b)(1)(A) and 211(b)(2)]

The bill

The bill authorizes CCC to make $20,000,000,000 in short term export credit guarantees, GSM-102 credits, and $2,000,000,000 in intermediate term credit guarantees, GSM-103 credits, for the fiscal years 1992 through 1995 without restrictions on the amount made available during each fiscal year. [Sec. 205(a) and 205(b)]

The bill authorizes CCC to transfer unused credit guarantees made available for the GSM-102 or GSM-103 programs to other eligible purchasers or to the other program, within the total funding level authorized for both programs. [Sec. 205(c)]

SECTION 206. EXPORT ENHANCEMENT PROGRAM

Section 206 increases the scope of the export enhancement program as authorized by section 301 of the Agricultural Trade Act of 1978 as amended.

Current law

Current law requires the CCC to carry out a program to discourage unfair trade practices by making U.S. agricultural commodities competitive. In carrying out the program, the CCC may make commodities it acquires available to exporters, processors, or foreign purchasers at no cost either directly or through the issuance of commodity certificates or make cash payments to exporters, users, and processors. The CCC is authorized to make available not less than $500,000,000 in funds or commodities each of the fiscal years 1991 through 1995 for the program. [Sec. 301]

The bill

The bill broadens the scope of the EEP to require the CCC to carry out the program to promote and increase U.S. agricultural exports in addition to discourage unfair trading practices. [Sec. 206]

SECTION 207. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES

Section 207 broadens the definition of countries eligible to receive export credit guarantees for the purchase of U.S. agricultural commodities under the program for the promotion of agricultural exports, to emerging democracies as authorized by section 1542 of the Food, Agricultural, Conservation, and Trade Act of 1990.

Current law

Current law authorizes the CCC to make available not less than $1,000,000,000 in credit guarantees under the GSM-102 and GSM-103 for fiscal years 1991 through 1995 for exports to emerging democracies. Funding authorized under this program is in addition to funding authorized under section 211 of the Agricultural Trade Act of 1978 as amended.

A portion of the funding authorized for this program is to be made available for the establishment or improvement of facilities in emerging democracies to improve handling, marketing, processing, storage, or distribution if the Secretary determines that such financing will primarily promote the export of U.S. agricultural commodities.

Under the program, eligible countries include any country, as determined by the President, that is taking steps toward political pluralism, based on progress toward free and fair elections and a multiparty political system; economic reform, based on progress toward a market-oriented economy; respect for internationally recognized human rights; and willingness to build a friendly relationship with the U.S. [Sec. 1542]

The bill

The bill broadens the definition countries eligible to receive assistance under the emerging democracies program.

Subdivisions of countries that meet the criteria of current law if such action is determined by the President to be in the national interest are eligible for credit guarantees under the program.

A country whose receipt of credits under the program will assist it in taking steps towards becoming an emerging democracy, as determined by the President, may also be eligible for credits. [Sec. 207]

AN RTC CZAR: ELIMINATING CONFUSION AND PARALYSIS AT THE RTC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Mr. Speaker, today I am introducing a bill to reorganize the Resolution Trust Corporation, the Federal agency created in 1989 by the Financial Institutions Reform, Recovery, and Enforcement Act FIRREA, (Public Law 101-73) to manage and sell the assets of failed savings and loans across our country. As the costs of the savings and loan scandal continue to skyrocket from the August 1988 estimate of $19 billion to the June 1991 figure of $160 billion, Congress cannot grant the administration's escalating requests for additional funds without tightening up the way the Resolution Trust Corporation [RTC] does its business. Make no mistake about it: The Nation is undergoing an emergency. We have never experienced an emergency like this before. It is costing us tens of billions per year. We must treat it as an emergency.

After taking a good, hard look at the organization created to resolve failed thrifts, I have concluded that only one course of action remains and that is to straighten out our cleanup program. I introduce this bill, as the House Banking Committee begins consideration of the Bush administration's request that Congress vote another $80 billion for the S&L crisis because the structure we enacted in FIRREA is cumbersome, inefficient, and mired in political paralysis. It needs to be streamlined. It needs some political insulation. It needs an individual with great talent and experience who has the latitude to run the agency decisively and independently. We need an "RTC Czar" form of organization.

FLAWS IN CURRENT STRUCTURE

The RTC is currently a convoluted, confusing hybrid agency with the responsibility to manage failed institutions; to maximize recovery of assets and minimize losses; to facilitate the sale of institutions or to liquidate and pay off depositors. It is a huge job because so many institutions, so much property, and so much money are involved.

Yet the fundamental structure of the RTC is flawed. Marshall Breger, Chairman of the Administrative Conference of the United States has described the current structure in this way:

> Congress assigned the management of the RTC, the day-to-day operations, to the Federal Deposit Insurance Corporation. The RTC is both separate from yet integrated with the FDIC. The FDIC's Board of Directors is, by statute, the RTC's Board as well. The FDIC Chair is likewise the Chair of the RTC. But the RTC has its own Executive Director and, indeed, its own inspector General. To oversee the operations of the RTC, Congress created a separate, 5-member statutory board composed of three of the executive branch's most senior officials—the Secretaries of the Treasury and Housing and Urban Development, and the Chairman of the Board of Governors of the Federal Reserve System and two private members nominated by the President and confirmed by the Senate who serve part-time. The Oversight Board itself has a permanent, full-time president.

Outside, objective observers agree that the supervisory structure of the RTC is confusing, conflicting and ineffective. It has not been structured to work. Ray Kline, president of the National Academy of Public Administration, in an August 16 letter to Congressman BRUCE VENTO, states:

> The present structure violates what are generally considered to be fundamental principles of sound organizaton. Instead of establishing clear lines of authority and accountability, the authority and accountability for the policies and operations of RTC are divided between the RTC Oversight Board and the Board of Directors of the FDIC. The Oversight Board by law is held accountable for the RTC, although exclusive authority for management of the corporation is vested in the FDIC. The FDIC board of directors is subject to Oversight Board supervision for some of its functions but not for others. *The division of functions among the Oversight Board, FDIC, and RTC inevitably causes confusion, generates conflicts, encourages second-guessing and buck-passing, and makes it impossible to hold any one individual or organization accountable for the effective performance of its tasks assigned to the RTC.* (emphasis added)

Similarly, the Institute for Public Administration says, "The current arrangement is too confusing to foster either good management or accountability."

And it has not worked. All of us have heard stories from our constituents about their inability to get the RTC to respond to an offer or about being referred from official to official, no one of whom seems to have the authority to make a decision or is willing to admit to that authority.

The current structure also invites political paralysis. To many of us in Congress, it seems, officials are afraid to make decisions for fear of being criticized by a Congressional committee or the press.

If we look at the law, we can see that conflicts abound at the top of the hierarchy. The Oversight Board is empowered to "oversee and be accountable for the Resolution Trust Corporation" (12 U.S.C. 1441a(a)(2)). Yet the RTC Board (composed of the same members of the FDIC Board) is given the power to be the "exclusive manager" of all responsibilities of the Corporation (12 U.S.C. 1441a(b)(1)(C)). Who is in charge here?

The Oversight Board is deemed a corporate body and is designed to oversee RTC. Yet the RTC is granted the authority to perform all the responsibilities of the Corporation. The RTC Board is comprised of members of the FDIC Board to facilitate resolution under the FDIC guidance and expertise in banking. However, this same FDIC/RTC Board may not obligate funds of the FDIC. How can the FDIC act as an "exclusive manager" when the authority to issue obligations and guarantees and all proposed rules and regulations are subject to the general supervision of the Oversight Board?

RESULTS OF CURRENT STRUCTURE

This organizational mish-mash is set out in the law. The authorizing legislation is flawed because it splinters responsibility and requires administration by consensus. No one person is in charge so no one person is accountable. It invites ducking of responsibility. The only solution is to rewrite the enabling legislation to repeal this statutorily mandated impotence.

Others have leveled other criticisms. The General Accounting Office has sharply criticized the RTC for being unable to keep track of money it is supposed to be recovering for taxpayers, for doling out millions of dollars in contracts that are not properly managed and for lacking comprehensive administration and information systems to enable it to ascertain the assets it controls and to dispose of them expediently. There are horror stories of the sale of the same property to two different buyers, RTC's inability to identify its own properties, and RTC requiring potential buyers to wait months before responding to offers. Basically, a cumbersome bureaucracy of two different boards with fragmented, conflicting power and authority has resulted in a virtually paralyzed institution.

Furthermore, decisionmaking is too politicized, too subject to the political whims and winds of Washington. The RTC is diverted from its basic mission as it tries to satisfy everyone. The RTC is under pressure to both sell assets quickly and to sell at the highest price when holding on to assets could bring yet a higher price. RTC personnel are pressured to keep prices higher than would sell the properties quickly and are criticized when a buyer subsequently sells a property at a higher price when that was the purpose of the buyer's investment in the first place. RTC employees are in a no-win situation. Paralysis and stalemate result.

In addition, Cabinet-level board members do not have time for the RTC. The FDIC chair cannot run two agencies. As Senator BOB KERREY of Nebraska first pointed out in Senate testimony, in 1990 the RTC Oversight Board, an organization overseeing assets of $327 billion and 617 troubled thrifts in the largest thrift industry bailout ever in this Nation's history, held 13 meetings. In 1991, only eight meetings were scheduled. In comparison, the Federal Reserve Board held 107 meetings, the SEC held 64 and the FDIC held 50.

Clearly, the status quo is not satisfactory.

THE HOAGLAND BILL

Changes must be made starting at the top. First, I propose abolishing the two boards and creating a single Board of Governors comprised entirely of private, part-time citizens, with the sole responsibility for managing the RTC. This Board would be headed by a strong CEO who would have the power to make decisions and make them stick. This power would eliminate frustration involved both within the agency that caused a strong, capable businessman like Dan Kearney to quit a top position at the RTC after only 6 weeks as well as letting investors know that there is finally someone with authority to make decisions. William Seidman, Chairman of the FDIC and the RTC support the creation of a strong CEO position.

The bill would streamline the management of the RTC and make it more accountable to the public. By creating a board of private citizens and a CEO, all with exceptional private sector experience, we can remove some of the political elements from the current structure. The private citizens on the new board would all have expertise and experience in financial and real estate management to competently guide the decisions of the czar. Also to provide political balance, no more than three of the five members would be from the same political party.

My bill would organize the RTC along the lines of the U.S. Postal Service, a quasi-public organization with a broadly public mission. USPS governors are part-time officials; USPS is run by a CEO with solid private industry experience. This structure emphasizes technical and managerial leadership at the top.

Under my bill, the new RTC Board would develop and update a strategic plan for conducting RTC activities without FDIC oversight.

In conclusion, now is the time to restructure the RTC. The RTC was established by FIRREA to last until 1996. As of May 1991, 164 additional institutions were ready to be placed into conservatorship with the RTC. Another 300 or more were sufficiently troubled to become likely candidates before the end of 1992. The RTC was created as a temporary agency. Unless we streamline now, we may see this temporary agency lasting a lifetime.

In the 1930's, the Reconstruction Finance Corporation was set up to help ailing businesses and banks. It too was a temporary agency, but it lasted 20 years. Let's learn from our own history, unless we plan to abandon thrift depositors in the midst of the cleanup, which of course we will not do. Let's do away with a failed organizational structure, install a strong CEO and nonpolitical board with the authority and independence to run the agency. It is imperative that we revitalize the savings and loan industry, save precious taxpayer dollars, and restore the public's confidence in our financial industry.

LET'S BE DARING

The SPEAKER pro tempore (Mr. SWETT). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, a wiseman once said that "most people stare at a new idea, like a cow stares at a new barn door." He must have been talking about the government in Washington, DC.

The world has completely changed, but Washington hasn't noticed.

Communism has collapsed. It is totally and completely discredited. The Red Army is busy digging potatoes and defending Russia from ethnic wars. China is a senility, waiting for revolution. Castro is being offered asylum.

What is the response in Washington?

A $291 billion military budget.

To fight the evil of communism, the U.S. Information Agency and Voice of America will spend $1.06 billion in the coming year.

The Selective Service Board grinds on, registering young men to the tune of $27 million per year.

The intelligence agencies, which seem not to have warned us of events in Russia or Iraq, secretly spend $30 billion a year.

Foreign aid will spend $4 billion-plus on making sure that poor nations have lots of weapons to defend themselves against communism.

If we had plenty of money, low taxes, and no major unmet national needs, this policy inertia and drift would be just harmless stupidity. But in the budget year that starts in 20 days, Washington will pile up $348 billion in new debt, to be paid off by our children and grandchildren.

That is about $11,035 in new red ink per second.

That is debt being bought in some large part by Japanese, German, and other wealthy foreigners—and the interest payments will go overseas to them.

The interest on just next year's new debt will be about $25 billion per year for years to come—with $25 billion, I could get half-way to a national health insurance plan that would insure all Americans and control health care costs. Next year, the total interest we will have to pay on our past profligacy will be $310 billion.

With all this deficit spending, the debaters in Washington argue that we can't afford better health care, more for education, a new highway bill, a few extra weeks of unemployment compensation, or health care for everyone.

People say that the U.S.S.R. collapsed because it was an unresponsive, unimaginative, hide-bound bureaucracy.

Those Washingtonians who live in glass houses shouldn't throw stones. What do you call our national policy that keeps spending about a billion a day to fight a war against an enemy who has surrendered.

I call it unresponsive, unimaginative, hidebound.

There must be somewhere we can cut some of the war-related spending.

Let's be daring, let's be revolutionary.

Let's abolish the Selective Service. I bet if the Nation were in trouble, its citizens would volunteer for service and the Selective Service could be reestablished.

Let's abolish the USIA. Let people tune into CNN or BBC. Anyone who believes in communism at this point is too stupid to carry out a revolution.

Let's help the democratic forces in the former U.S.S.R. by pulling some of our troops out of NATO, so that the tired old hard liners can't say that the West is a threat and that they need a big army to defend Mother Russia against an imminent NATO attack.

Last week, a bipartisan panel of the prestigious National Academy of Sciences issued a report that was actually drafted before the August events in the ex-U.S.S.R. The report urged the U.S. and a.k.a. U.S.S.R. to move beyond the recent Strategic Arms Reduction Treaty [START] that allows each nation about 8 to 10,000 nuclear weapons. These subsequent reductions to 3,000 to 4,000 weapons and an eventual limit of 1,000 to 2,000 weapons."

Therefore, I am today introducing a resolution in the House of Representatives urging that we adopt the Academy's panel report as national policy and that we immediately start new negotiations with the nuclear powers of the world for major cutbacks—and major budget savings.

Come on, America, come on, Washington, let's be creative. Let's dare to realize that the times have changed. Let's live it up and save a couple billion dollars.

HIGH HOLIDAYS 5752

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, for people of the Jewish faith around the world, the observance of Rosh Hashanah began at sundown Sunday. This year's high holidays began on the first day of the month of Tishri, 5752, under the Jewish calendar.

Rosh Hashanah, or the Day of Judgment, is the start of a 10-day period in which Jews pray, reflect on their spiritual lives, and seek forgiveness for their sins. The high holidays are a time of sober reflection, but not sadness because they symbolize God's eternal mercy and love. These holidays will culminate on September 18 with the commemoration of Yom Kippur, which is known as the Day of Atonement. At that time, God will weigh the actions of the faithful and decide whether to spare them from retribution in the coming year. These changes in fate are recorded in the Book of Life. Because it is a sacred time of forgiveness, Yom Kippur is the holiest day in Judaism.

Rosh Hashanah is celebrated at home with the lighting of candles and special meals featuring chalah bread and apples dipped in honey. These foods symbolize hopes for sweetness and good luck during the new year. The blowing of a ram's horn, or shofar, is the highlight of Rosh Hashanah services. The wailing of the shofar symbolizes the awakening of mankind's conscience and the cleaning of the human spirit.

The tradition of Yom Kippur calls for prayers of repentance, acts of forgiveness among neighbors, fasting, and abstinence from physical activities. Services commemorating Yom Kippur end at sundown with a final blast from the shofar. This symbolizes the sealing of the gates of heaven and the renewal of the human spirit. After the services, Jews return home for a large meal of festive foods to break their fast.

As Congressman for the 11th District of Illinois, which I am honored to represent, I wish to extend happy new year's greetings to all my Jewish friends, constituents, and to Jews throughout the world. "May you be inscribed in the Book of Life for a good year, L'Shannah Tovah Tikatevu."

I sense that the coming year will provide the Jews with both challenges and opportunities. The prospects for peace in the Middle East are greater today than at any time since the founding of the modern State of Israel in 1948. Meanwhile, tens of thousands of Soviet Jews are emigrating to a new life of freedom and spiritual rebirth in Israel. The assimilation of these immigrants will add to Israel's economic burdens, but I hope the spiritual healing that takes place during these high holidays will advance the struggle for peace.

POLITICAL ADVERTISING ACCESSIBILITY ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, too many Americans think the American political process has nothing to do with them. They are disinterested, disenfranchised and disinclined to participate. One group of Americans is particularly disenfranchised from a part of the process which their tax dollars, in fact, support.

During the 1988 election, the Republican and Democratic candidates each received over $46 million in Federal moneys. Yet, the television commercials, funded by Federal tax dollars, are inaccessible to millions of Americans. The recently enacted Americans With Disabilities Act would mandate the captioning of all federally funded public service announcements. Certainly, no less should be expected of federally funded campaign advertisements.

Therefore, I am introducing the Political Advertising Accessibility Act of 1991. This legislation would require that all candidates close caption any political advertisements which appear on television if the candidates receive Federal matching funds for the purpose of their candidacy for the Office of President of the United States. This legislation continues the principle, enshrined last year in law through the Americans With Disabilities Act, that the 43 million Americans with a disability have the right to participate fully in American society and that recipients of Federal funds share in the obligation to make that possible.

Twenty-four million people in the United States are deaf or hearing impaired and nearly 38 percent of older Americans have some loss of hearing. While not nearly enough deaf and hearing impaired Americans have access to decoders, legislation enacted in the last Congress will enable many more Americans to have access to captioning. The Television Decoder Circuitry Act requires that all televisions with a 13-inch screen or larger be equipped with built-in decoder circuitry designed to display closed-captioned television by 1993. In fact, some manufacturers expect to have televisions equipped with decoder circuitry on the market by the fall of 1992, well in time for the Presidential campaign season.

Hearing impaired Americans do pay close attention to who captions and who does not and they know who supports captioning efforts. A recent survey by the National Captioning Institute fund 66 percent of the deaf and hard of hearing audience surveyed stated that they are more likely to buy a product which has captioned commercials and 53 percent said they make a special effort to look for products advertised with captions. Further, 35 percent said that they had changed brands as a result of learning about products through captioned commercials.

Mr. Speaker, I believe we should make every effort possible to encourage participation in the democratic process. The Political Advertising Accessibility Act is an easily accomplished but effective effort to reach out to millions of Americans and let them know that democracy is for everyone. While some would consider it a blessing to be able to avoid political advertisements, Americans with hearing impairments should be able to make that choice for themselves. I hope many of my colleagues will join me in cosponsoring the Political Advertising Accessibility Act of 1991.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

CONGRESSIONAL HUMAN RIGHTS TRIP TO CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 60 minutes.

Ms. PELOSI. Mr. Speaker, I thank my colleagues for the opportunity to address the House on a recent development. My colleague, the gentleman from Washington State [Mr. MILLER] and the gentleman from Georgia [Mr. JONES] will join me in this special order as well as a couple of other Members.

Last week the gentleman from Washington [Mr. MILLER] and the gentleman from Georgia [Mr. JONES] and I went on a human rights trip to China. It was a delegation whose purpose it was to call to the attention of the Chinese Government the concerns of the Congress of the United States which were expressed in the debate on most favored nation status, the concerns in Congress about human rights in China, concerns about unfair trade practices of the Chinese and their effect on American workers, and concerns about nuclear proliferation.

I will go into those in detail momentarily, but first I would like to yield to the gentleman from Washington State [Mr. MILLER], who added a great dimension of weight and balance to our trip and is a leader and a champion for human rights, and has long been working on that issue with regard to the Soviet Union and other parts of the world, and is a champion of human rights and fair trade practices in China.

Mr. MILLER of Washington. Mr. Speaker, I thank my distinguished colleague from California for yielding. I must say it was a privilege and an honor for me to be a member of the delegation that she led to Hong Kong and to China along with the gentleman from Georgia [Mr. JONES]. I believe that our delegation, the first congressional delegation on human rights to visit China, achieved our mission.

We basically had a twofold mission. That was to let the leaders of the government in Beijing know that the American people had not forgotten Tiananmen Square and the struggle for democracy that Chinese students and workers waged there 2 years ago. Second, to deliver a message to the Chinese people that we have not forgotten the struggle at Tiananmen Square.

I think we can report to our colleagues that in both cases the mission was achieved, the messages were delivered.

We had lengthy meetings with many Chinese officials and ministers in which we explained our concern for human rights in China, our belief that in the long run China and the world would be better off economically and politically if there was a movement both toward economic freedom and political freedom in Beijing, meetings at which we explained to the Chinese leaders why in the United States Congress, under our trade laws in the form of most favored nation status for centralized command economies is linked to human rights.

□ 1410

We delivered that message forcefully and continuously as well as inquiring about the condition of prisoners in China, political prisoners, religious prisoners and, indeed, those that we know, Americans, that were held after the Korean war that had never been accounted for.

We also, as I said, delivered a second message, and that was to the Chinese people. That came in the form of ad hoc meetings with different Chinese citizens and also in the form of three of us visiting Tiananmen Square and laying three flowers there out of respect and admiration for those who struggled for democracy and for freedom in China.

I think at this point I might yield back to my colleague who did such an incredible amount of work during this trip. We are going from dawn to dusk. I do not think we averaged more than 4 or 5 hours of sleep; there were meetings with groups in Hong Kong, and then concentrated meetings in China, meetings where we were received graciously and hospitably, but where, to put it bluntly, there was a frank exchange of views.

I would like to yield back to my colleague from California so that the House could hear her observations of the trip from her perspective as the head of the working group on China in this House and as the leader of human rights in China, for China, and for other parts of the world.

Ms. PELOSI. I thank the gentleman for his statement and for his leadership on this issue.

It was a very important part of our trip, and it was a privilege to co-lead the delegation with him and the gentlemen from Georgia [Mr. JONES].

As I mentioned earlier, Mr. Speaker, in my remarks, earlier this year the Congress, the House of Representatives and the Senate, both debated the conditioning of most-favored-nation status, trade status, to China on an improvement of human rights, their freeing of the prisoners who were arrested in connection with their activities surrounding the Tiananmen Square massacre. In both Houses of the Congress, the bill, the original bill which was introduced which was my bill, H.R. 2212, was a bill to condition that renewal on improvement of human rights and freeing of prisoners. However, Members of both Houses expressed great concern about issues regarding trade and nuclear proliferation.

On the strength of the debate and the vote, which is overwhelmingly supportive of conditional renewal in the House of Representatives, and by a large majority in the Senate, on the strength of that debate and that vote, we thought, as an act of friendship to the Chinese, we should go there and tell them what they are up against in the Congress, what the realities are here, and what our concerns were, most importantly why this is important to the American people.

Because we are centering the debate and because I think the interest in the Chinese in welcoming us to China was because of most-favored-nation status, I will proceed down that path in the course of this debate and in the course of this discussion now.

It was important, we thought, for the Chinese Government to understand that extending most-favored-nation status to China, a centralized economy, a close economy, a Communist system, is only allowed in our law if there is a special waiver requested by the President, unless exception is made.

As the Members know, we have not extended most-favored-nation status to the Soviet Union unless they make certain codifications in their law of the freedom of people to emigrate from that closed society, from the Communist system.

History tells a tale that I do not need to go into now about how the democratic reform has succeeded in the Soviet Union but still our President, and rightfully so, says that in order for those people to have economic advantages from the United States, prodemocratic reform must continue and, again, I make the point that the Soviet Union had to live up to certain conditions in our law before it could receive most-favored-nation status as a centralized economy to dispel the notion that people say that everybody has MFN. No, everyone does not; not everyone has a centralized economy.

So with that, we took our message to the authorities. May I say that the Chinese Government extended most gracious hospitality to us in every way in being our host while we were in China and in providing opportunities for us at meetings and over meals to discuss these issues with the Foreign Minister, the Vice Minister of Foreign Affairs, and Minister of Public Security, the Commissioner of Planning, the Vice Minister of Justice, the Commissioner on Education, especially as it relates to students in America, Chinese students in America. With each of these individuals we had a particular concern.

Just to start out, one of them was to call attention to the imprisonment of Chen Zi Ming and Wang Jun Gao, two very prominent dissidents who were arrested because of their expressions for pro-democratic reform in China. In sympathy with their imprisonment, Li Lu started a hunger strike in the United States. He passed on the hunger strike to Shen Tong at the time of our departure for China, and at this moment, Shen Tong is still unfortunately continuing his hunger strike, and with this special order we ask him to stop that before it becomes more injurious to his health. His mother, I believe, is in this Chamber today, and we commend her for the commitment of her son to democratic reform in China.

Mr. Speaker, seeing that kind of commitment, it was very difficult for us to go to China and accept from the regime the statement that Tiananmen Square really did not happen in any way like we saw it on TV and, in fact, one minister told us that, "It really did not happen, and that it was a creation of CNN, and you know what television can do if it wants to." We could not accept that. That is one of the reasons we wanted to put a flower in Tiananmen Square in memory of those who gave their lives so that it would be clear that we did not accept any notion that the Tiananmen Square massacre did not occur, sad to say.

When we met with these folks, these ministers, we told them about the debate, and I would like to take the next couple of minutes before yielding to the gentleman from Georgia [Mr. JONES], who was one of the coleaders of our delegation. Before doing that, I would like to dwell for a couple of moments on the trade issues we presented to the Ministers, because it was important, I thought, for them to know that while we were there about human rights and that was important to us, and it is important to our country, it is a matter of principle and a matter of consistency in our foreign policy, all was not well with our trade relationship in many other respects, and the Congress was aware of it. It affects American jobs and our constituents, and we wanted them to know that we were on to it.

First among these is the trade deficit that America is experiencing with China. It is one thing to have a trade deficit if it talks about the competitiveness of your products, and one country's products are more competitive than the other. It is yet again another case when that trade deficit results from barriers placed by China to American products going into that country. That is absolutely unfair to American workers and to American taxpayers and to the American economy.

Goods flow freely from China to the United States to the extent that the growing trade deficit, which was $6 billion in 1989, up to $9 billion in 1990, and up to perhaps $13 billion to $15 billion this year, mostly as a result of barriers to our products going into China.

□ 1420

I think that is important to our constituents. It is unfair to American workers.

In addition to that, we have the issue of transshipments, which really does not even figure into the trade imbalance, but if they did, the deficit would even be higher for us and the Chinese surplus even greater.

I am sure you saw in the paper, Mr. Speaker, yesterday in the Washington Post where it was reported that the Customs officials had a raid on companies in the United States, and the article said that up to $3 billion in cash and commodity goods were found.

This transshipment, for the benefit of our constituents, and really it is not for the benefit of our constituents, but just so they understand what it is, transshipment is if a product is made in China, that because of our quotas, for example, on textiles or apparel, they cannot ship any more of that particular item into the United States, say it is a cotton blouse, then they say that it is made in Lebanon or another country which really does not use up all its quota, and it comes into the United States with a label indicating a country of origin which is not really true. It is really made in China, and should be part of the Chinese quota, which of course they have exhausted and are trying now to go around our quotas.

They also do another thing. For example, if something is maybe a halter top, they might call it a bathing suit instead of a blouse, and then it comes in. In any case, there are a number of ways in which they try to go around our trade quotas and the issue of transshipments, shipping it to another country and then into the United States, but all of it made in China.

This is really unfair. As one who voted against the textile bill and supported the President on this issue, I feel particularly concerned about it because I maintained at that time, I accepted the view that the quotas we had in place would adequately protect American workers; but they cannot protect them if they are not obeyed.

The other issue that is not fair to American workers is the issue of prison labor in China for export of products into the United States. In this case it breaks American law again. We have laws against our workers in this country having to compete with products that are made in other countries, in this case in China, in forced labor camps which I do not even have to tell you how unfair that is for American workers to have to compete in those circumstances.

More will be heard about this in the weeks ahead about the violation of those things.

Now, the Chinese authorities maintain these are not issues of controversy. We agree that we should not have transshipments and prison labor, but the companies just do it. So our response to them is, well, we signed a treaty with you. Are you not capable of living up to a treaty agreement? If you are not, then we should know that and we should take that into consideration when we extend trade benefits to you if you cannot control the laws in your own country governing these issues.

Another issue regarding trade that I will not go into at any length, but our colleagues, the gentleman from Hawaii [Mr. ABERCROMBIE] has been taking the lead on this in the Congress, is the exclusion by the Chinese of United States merchant fleets from operating to deliver these products to and from China.

So in every way, the Chinese have abused the trade agreements that we have made with them. They have been unfair to American workers. It is not good for our economies. The statistics are very clear that for every percentage point and for all the billions of dollars that we are in deficit in our trade imbalance, that American unemployment increases; so this is an issue of grave concern economically to our country.

I am not going to go into the nuclear proliferation issue just yet, but instead would like to yield to my colleague, the gentleman from Georgia, who joined the gentleman from Washington [Mr. MILLER] and me on this trip, along with some other human rights activists; but the gentleman from Washington [Mr. MILLER] and the gentleman from Georgia [Mr. JONES] and I focused on issues that were focused on in this Congress in the debate for the renewal of most-favored-nation status. The gentleman has been an undaunted champion on this issue in the Congress and in his district and in the country and was a tremendous asset to this delegation.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the gentlewoman for yielding to me.

I thank her, too, for that rather comprehensive overview of the issue of trade with China and human rights there, and particularly of its vital importance to American workers and to the American people.

I thank the gentlewoman for her leadership on the issue of conditional MFN to China and on her leadership during our recent visit there.

The three of us were in Beijing less than a week ago really and I last saw the gentlewoman in Tiananmen Square. We went to take a message to the Chinese Government, and that message was that we have a problem, that most-favored-nation status is jeopardized and we explained to them why we felt that way and why we felt that an overwhelming number of the people in the Congress, Members of Congress, and the overwhelming majority of the people in the United States have serious concerns about this issue.

All of us, too, I think, want to see most-favored-nation status continued with China. We want to see a good, long, and profitable trade relationship with a changing China, but I think what was incumbent upon us to make clear to them was that we also respect certain basic fundamental human rights.

Since I saw the gentlewoman in Beijing, I have since been to Moscow and heard from top Soviet officials, formerly Soviet Union officials, how they no longer consider concern about fundamental human rights within a nation to be meddling in one's sovereign affairs. In fact, they feel quite the opposite now.

Yesterday, I was in the audience as Mikhail Gorbachev spoke of a new United States of Eurasia based upon traditional democratic principles and respect for basic human rights, quite different from what we experienced in Beijing where we heard that there were no political prisoners in China, that Tiananmen Square did not happen, that there was no massacre there, that it was fiction created by CNN: but we heard that there were many guarantees of freedom of speech, freedom of assembly, that political dissent was not only tolerated, but encouraged; anybody could do anything, and they talked a fine talk, but when it came to walking the walk, we saw and sensed quite a different reality and quite a different reaction.

It is important to American workers. We did not focus on the issue of transshipments. We talked about that. We expressed our concerns. We did not talk so much about the issue of prison labor, but we did mention it and mentioned our concerns.

We mentioned also our concern about violation of human rights in Tibet and a number of other issues that are of concern in our relationships; but we focused on human rights.

There are hundreds, perhaps thousands of political dissidents sitting in Chinese jails even as we speak. Among the most prominent ones. Wang Juntao and Chen Zi Ming who are on a hunger strike even as we speak.

We brought our concern to the Chinese officials and found ourselves stonewalled at every turn and told that trade and human rights do not have anything to do with each other.

Well, they do to us and I think they do to a great majority of American people. We get to decide who we are going to do business with, so it becomes our business.

I think my sense of all this is, and there is a story in the Washington Post this morning talking about the new Chinese attitude, almost an attitude of retrenchment, of trying to withdraw into more repression. They are now the last bastion, I think, of institutionalized repression, a veritable police state in which people are afraid to sneeze without having their names taken down and put on a list. This is who we are doing business with. If we are going to exercise any pressure at all on what kind of business relationship that is going to be, I think it is incumbent upon us to condition MFN, to simplify it. Hopefully that will be what emerges from conference, and stipulate that we insist upon basic fundamental human rights. We want to see some progress in that regard.

I see my colleague, the gentleman from Washington [Mr. MILLER], who has been in the forefront on this issue. I would ask the gentlewoman to yield to the gentleman, whose perspicacity and perseverance has been very important as a reflection of the feelings of American workers, and I think of the vast majority of American people on the subject.

Ms. PELOSI. Mr. Speaker, I yield to the gentleman from Washington [Mr. MILLER].

□ 1430

Mr. MILLER of Washington. I thank my colleague for yielding.

Mr. Speaker, it was a privilege and a pleasure to serve with the gentlewoman from California [Ms. PELOSI] and the gentleman from Georgia on this delegation. I think the three of us made a good team and conveyed the message that we had both to the Chinese Government and the Chinese people.

I do want to echo the comments that my distinguished colleague from Georgia made about how those of us on this commission want the relationship of the United States and China to grow and to prosper. We want trade to continue and expand. We would like to find a way to continue the most-favored-nation trade status for China. That was the underlying foundation for our trip. But, as my colleagues have related, under our laws, which reflect deep American concerns for human rights, we cannot just disassociate trade from human rights; we cannot put them in different pigeon holes.

Perhaps it was difficult for the Chinese leaders to understand that, but I think we conveyed some of the intensity of the feelings that Americans have who watched the pictures of the tanks rolling in Tiananmen Square, the pictures of the young men and women being shot down. We also tried to get across to them that this linkage between trade and human rights made sense from a trade point of view. I think maybe some of the officials were under the impression, "Well, my goodness, why should you try to link up human rights and trade? In the short run this is going to hurt our trade prospects."

Well, maybe in the short run, but I think we believe that in the long run a China that has respect for human rights would be a much more hospitable and welcoming place for American business and trade.

I believe that a nation that respects political freedom is more likely to grant economic freedom and vice versa.

So our mission, while it was focused on human rights, I think we also were doing a service, although this was not our main purpose, we were doing a service for the long-term investment and trade aspirations of this country.

I should mention that following up on my colleague from California, who talked about our concern for prisoners in our meetings, we did gain in the course of those meetings two indications of possible progress.

First, while our request to visit prisoners was denied, the Minister of Public Security and the Vice Minister of Justice both said that the congress there would consider allowing international organizations to visit prisoners. We took that as a possibly hopeful sign, certainly of international organizations such as the Red Cross visiting China and others would be far preferable than American Congressmen visiting them.

Second, we did present them, even though they refused to release political prisoners, even though they denied they were holding political prisoners, even though they refused to release religious prisoners, even though they denied holding religious prisoners, and even though they denied that any Americans were held after the Korean War, they did agree to take from us three lists. One of the lists was of the political prisoners, Chinese political prisoners, and secondly a list of Chinese religious prisoners. Third, a list of Americans who have not been accounted for that we know were held by the Chinese after the Korean war. They agreed to take those three lists and to try to give an accounting and provide information on each of those prisoners.

So we do look forward to receiving from the Chinese Government officials some information on those prisoners.

Mr. Speaker, I see that our colleague has joined us, the distinguished congressman from South Carolina, ARTHUR RAVENEL. Mr. Speaker, Mr. RAVENEL was not part of our delegation, but when we got to Beijing we heard about him because he had visited Beijing I believe just a few days before we did and had had discussions, himself, with Chinese leaders and also met with friends and relatives of those who had suffered in China. We are so delighted that he is here to join in our special order. I would be happy, if the gentleman has some words, if the gentlewoman from California would yield to our colleague from South Carolina.

Ms. PELOSI. Mr. Speaker, I yield to our colleague, the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. I thank the gentlewoman from California for yielding to me.

Mr. Speaker, we preceded their delegation by about 10 days to Beijing. Of course, we were not part of any official congressional delegation. We were guests of principally the American Chamber of Commerce in Hong Kong, which, incidentally, has 900 members, and some other industry groups which sponsored the trip.

It was nonpartisan, and we were not there as a result of any congressional action or what have you.

When we left, we were furnished with information, a copy of a letter by Human Rights Watch to President Bush, describing the terrible conditions under which the gentleman and all of us have previously made reference to, Shen Tong. He was the young student leader who I think is about 32, 33 years old, was pursuing advanced studies in physics. He was publishing a little student newspaper and at the terrible affair at Tiananmen Square when the students, a great many of them, were killed and others hauled off of jail, he was there trying to get other students to leave so that they would not be arrested and the loss of life would be minimized.

Well, they grabbed him and put him into jail. They have now incarcerated him in a very small cell, 4 meters square, with very little light, a tiny window. He sleeps on a mat that is insect-infested, very rudimentary sanitary facilities at the end of the cell.

So we determined to try to see this man. We found out that under Chinese law, as you probably know, if you are sick, and it is reputed that he has hepatitis B, which is a very difficult type of hepatitis to cure, we found out that he had hepatitis B and also found out that under Chinese law if you are sick you can request to go home for treatment or be committed to a hospital and then after you get well you can come back.

Everywhere we went we tried to get permission to go and see this gentleman. Finally, we got up to the first secretary of the Communist Party in Communist China. We asked his permission. He said that, well, he could not make those arrangements. We said, "If you can't make those arrangements, who is the world can?" Well, he sloughed that question off.

I said can we meet with his wife? "Well, we can't make those arrangements, either."

So, finally, we got a little help from some non-Chinese, and we went through a situation which reminded us of a Sidney Greenstreet/Peter Lorre movie. But we met with his wife. She confirmed all the allegations that had been made. We understand now—and just heard today—that because of, hopefully, our visit and a protest that we lodged, and because of the visits of the gentlewoman from California and her delegation, what they did over there, and other international pressures, Mr. Kaifu was there and added his voice, and he is the top man in Japan, now, the gentleman has been released for hospitalization.

But I want to reinforce what my colleague, the gentleman from Georgia has said, and that is that the Chinese cannot understand how the United States or Americans related trade relationships with human rights. He said, "Why, over 100 countries have granted us most-favored-nation, but you, the United States of America, you are the only one to try to link human rights together with trade."

Well, we made the point to them, we said that, "Well, the average American just does not want to do business with, does not want our country doing business with, people who deny people human rights, treat them like the Chinese are treating Mr. Chen and the others."

We told him that, in leaving, they really needed to do something about this if they were to bring back the era of good feeling that preceded Tiananmen Square and all the problems out there. Hopefully, they will; hopefully, what we had to say and do, what you all did and other folks are currently doing, will help the situation.

□ 1440

Ms. PELOSI. Mr. Speaker, I thank the gentleman from South Carolina [Mr. RAVENEL]. He is a perfect messenger for the sentiments that were expressed in this body during the debate and the belief that American people have that our trade can be based on principle as well as profit. In fact, in the case of China it is based on neither at the moment. But hopefully, because of his visit and the constant repetition of the message to the Chinese Government, they will understand. So, we were proud to follow in his footsteps. He caused quite a flurry when he was there, and his message, I believe, was heard, not only by the Chinese authorities, but I believe it gave hope to those who believe in pro democratic reform and especially to those who are in prison because of their courage in speaking out for democracy. I appreciate the gentleman from South Carolina [Mr. RAVENEL] being part of this special order.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES]

Mr. JONES of Georgia. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for yielding.

Mr. Speaker, I wanted to add a few comments, one about Shen Tong, who is a young man who, at this moment, is on a hunger fast, sympathy fast, with Wang Jun Gao and Che Zi Ming who are in Beijing Prison No. 2. Shen Tong is a young man who escaped from China in the aftermath of Tiananmen Square who is a student at Brandeis University, a really fine young man who wants to go back to a free China, and I am very hopeful, and we are asking Shen Tong today, to stop his hunger strike. We feel he made his point and made it well, and we are hopeful that for health reasons he will end that strike in front of the Chinese Embassy here in Washington today.

But I wanted a couple of other observations. One: it seems to me that the Chinese Government at this point, not the Chinese people, because the vast majority of the Chinese people, I am sure, would never vote for that government in a free election. That is my own personal opinion and one, I think, that is shared throughout China, but it seems like to me that at this point in time the Chinese Government want to have their cake and eat it, too. They want this fine trade relationship. They want to open up to the outside world. They want this new technology. They want all this progress and prosperity that opening to the outside world can provide. But they do not want any of the new ideas. In fact, in the aftermath of the failed Soviet coup, and they bet on the wrong side in that one, they have become more repressive, and I think our experience there was clearly an indication of how much more repressive and much more uptight they have become.

So, Mr. Speaker, they want to have their cake and eat it too on a large scale, but even at the same time on a smaller scale. When we spoke to them of our simple humanitarian concerns, about the conditions of those political dissenters within China, they reacted, "Why how dare you meddle in the internal affairs of China? You try to bring pressure upon us." And that is their reaction to that kind of simple basic dialog when, on the other hand, here in Washington they are paying an enormous amount of money to a public relations firm to try to direct and influence this debate about MFN. So, that is the kind of double standard that they are running right now.

There are, I would say, and I do not know, but a ball park figure, a few million hard-line Chinese Communists left, and there is this idea which one hears all the time, that just a few funerals of these 80-year-old leaders, and everything is going to be just fine. Well, what we discovered is there are a lot of 70-year-olds to take their place, and a lot of 60-year-olds to take their place, and a lot of 50-year-olds to take their place. That is not going to change China, just waiting on a few funerals and hoping then that everything in the human rights field and all these other problems are going to solve themselves. It is not. We need to bring pressure, and we need to send the strongest possible signal to that government, and this is the way to do it.

Ms. PELOSI. Mr. Speaker, before yielding to the gentleman from South Carolina [Mr. RAVENEL], I would like to say what we said to the authorities in Beijing about the President. What we told them is that the President of the United States has been doing a lot of heavy lifting for the Chinese regime in the United States. He believes in what we believe in. He believes in improvement in human rights and prodemocratic reform. Basically he said to us in the Congress, "Let's do it my way, and we'll get results, rather than conditioning most favored nation status." We told them that we did not come there in opposition to our President, but to say that they owed our President a favor, that they really should produce some results for his policy, and, if they did, it would be met with great approval in the Congress of the United States and that it would be something that would eliminate the need for conditioning most favored nation status. What we wanted most of all was a united front with the President in our policy toward China, and, as I say, they have not given the President anything to show for his friendship to China in terms of human rights, in terms of fairness to the American worker by eliminating their unfair trade practices and by their insistence on the proliferation of nuclear weapons, which is of concern to every American in terms of the safety and the future of our country, especially this year when we had to go to war because of the fear of the possession of nuclear capability by Saddam Hussein.

All of that is just to address the President of the United States, as he came up in our discussions brought to mind by the message delivered by the President.

Now I yield again to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] and I would like to say to my colleague, the gentleman from Georgia [Mr. JONES], because he and I are both southern, southeastern, and most of the textile industry is, of course, concentrated in our area, and he knows 35 percent, approximately 35 percent, of what China exports winds up here in the United States. Most of that, a large percentage of that, of course is textiles, and because of the textile imports, principally from China, with low cost, and of course we do not really know exactly where those textiles are being manufactured—we understand, and a lot of people allege that a great deal of the textiles being manufactured are being manufactured by the 10 million people in jail in China, shipped to Hong Kong and transshipped as Hong Kong goods here into the United States, and over in South Carolina where we have approximately 100,000 textile workers it is costing us on average 5,000 textile jobs a year.

I mean these are the kinds of things that we are doing in this country, and those people over there who led these two poor kids, the student leaders, out of jail long enough to go to a hospital or go home to receive medical treatment. It is an incredible type situation.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from South Carolina [Mr. RAVENEL].

I am pleased to call to the attention of our colleagues that this interest in human rights and trade practices, as far as China is concerned and across the board, knows no boundaries in terms of party lines, and this crosses the line here, as well as we try to convince the Chinese authorities that concern for human rights knew no boundaries, as well, and that they were universal. So, I am pleased that the gentleman from South Carolina [Mr. RAVENEL] and the gentleman from Washington [Mr. MILLER] from the other side of the aisle are joining with us. In fact, they have taken the lead in large part on this issue.

So, Mr. Speaker, I would like to yield to the gentleman from Washington [Mr. MILLER], Republican of Washington.

Mr. MILLER of Washington. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from California [Ms. PELOSI].

The questions that I get asked, and I know many of us since our return from China have been asked, are: Well, what now? What is going to happen? And what can we do?

I was met by many members of the Chinese-American community in Seattle upon my return, by many Chinese students in the United States, but I have had people stop me on the street and ask me questions such as that. There is no question in my mind that the winds of democracy and freedom that are sweeping the world and that have swept across the Soviet Union are going to blow through China, and no new great wall that the Chinese Government leaders may erect is going to stop these winds.

☐ 1450

The question is, what can we all do to bring that result about sooner and peacefully rather than later and with violence? I think we all have our roles to play. I believe that the congressional visits that we made is one part of the persuasion and the pressure, but there are many other ways to do it.

British Prime Minister Major was in Beijing when we were there. He addressed a human rights message. Many of the business people we met with in Beijing and Hong Kong have delivered their messages. In fact, one of the businessmen in Hong Kong, a man named John Kamm, has succeeded in getting one political prisoner released. The activities of the Chinese students here in the United States have played a role and can continue to play a role. The activities of the Voice of America and of the BBC can play a role. There are many ways in the modern world that we can get our message across.

My colleague, the gentlewoman from California, said it is like chipping away at a rock. The analogy I use is that every one of these contacts is a drop on the rock, and not one drop is going to erode the rock completely, but ultimately that rock will be eroded, that rock that is blocking this stream of democracy and freedom that is ready to rush through. It is going to happen.

It is going to happen, and China cannot remain isolated from the world. I am sure that today in China a majority of the Chinese citizens devoutly want to see democracy and freedom penetrate into China. We know that a debate is raging among the Government officials themselves, despite the positions they advocated with us. They are aware of what is going on in the Soviet Union. The people in China are aware of what is going on in the Soviet Union. We have to keep that pressure up. We have to seek every way we can to do that.

One way is conditioning it on most-favored-nation trade status. Another way may be by individual contacts. A third way, one which I have sponsored with some of my colleagues, is a code of principles for American business in China. We had discussions with the American chambers in Beijing and Hong Kong about those principles that American business could follow in China that could help bring the message home to the Chinese Government, principles such as not buying forced labor goods and not allowing harassment of their employees on the premises. We want to do it as one big team, the President, Congress, business, and citizens.

Mr. Speaker, everybody, I think, can play a role here to help the Chinese people play the ultimate role for freedom to China.

Mr. Speaker, I thank my colleague for yielding.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Washington [Mr. MILLER] for his statement.

Mr. JONES of Georgia. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to my colleague, the gentleman from Georgia.

Mr. JONES of Georgia. Mr. Speaker, I would like to borrow a phrase from my colleague, the gentlewoman from California. I never heard this before, but she used it several times on our visit there, and that is this: How quickly the inconceivable can become the inevitable.

I was in Red Square yesterday, and after hearing Gorbachev deliver a speech that sounded like Thomas Jefferson, I went down to the grave of Lenin for one last look to see if the old boy was not turning in his grave.

But 10 years ago in the Soviet Union we had the same kind of rigid repression, the same abuses of human rights, and it was inconceivable then that in our lifetime there would be the kind of change that we see now so clearly and inevitably. So for those who say that China is going to take a long, long time, I think we can take a look at history. The recent history of Marxism is at a dead end, and that this kind of repression will not be accepted by the civilized nations of the world, and that perhaps in just a few short years these Chinese leaders will see the light, and allow it to shine on their poeple, and begin to respect free and fair trade agreements, which they do not now respect, and begin to respect the most basic human rights and the dignity of mankind.

Mr. Speaker, I thank my colleague, the gentlewoman from California [Ms. PELOSI], for her leadership on this matter. I thank the gentleman from South Carolina [Mr. RAVENEL]. If Georgia and South Carolina can stick together, I believe we can do just about anything. I thank the gentlewoman from California for this opportunity to speak and participate in her special order.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Georgia for his participation in the special order, and I also thank the gentleman from Washington [Mr. MILLER], and the gentleman from South Carolina [Mr. RAVENEL], for their participation and for their time and energy on this subject.

Mr. SMITH of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentlewoman from California for yielding.

While the gentlewoman from California was with her two large and obviously very capable accomplices in Beijing, I was in Moscow. The differences were so incredibly spelled out for someone like me in a city where they are trying to open the process, where they are trying to democratize; and we could read in the newspapers what was happening to the three of you in China; where they refused to let anything out, where they will not let anybody speak their mind, where we all shared the free expression of sympathy for the grief, for the pride of, and the problems, and the tragedy suffered by the people in Beijing, the people of China, during the Tiananmen Square incident. They refused to allow you to do it, so there was never more of a marked difference for me, because here in the United States it is easy, but you must have had a incredible experience, trying not even to protest, but just trying to place a wreath to commemorate the tragedy. These people would not even allow you to do that, and I think from what I read and from what I saw, you handled yourself with dignity and you handled yourself with the kind of grace that Members of Congress can achieve. I think you make a point for the American people that we will not tolerate this kind of dictatorship, this kind of repression of human rights; and no matter how much we put ourselves and you put yourself at personal risk, the three of you deserve the accolades of your colleagues for bringing home the message that the Congress stands for, that democracy will eventually win out, and we are going to continue to hammer on the Communist Chinese in mainland China until they become democratic.

I hope the President of the United States watched you, saw what you did, and was impressed, because we are here, and we are very grateful to be your colleagues.

Mr. Speaker, I also want to commend our three dear friends, the gentleman from Georgia [Mr. JONES], the gentleman from Washington, [Mr. MILLER], and the gentleman from South Carolina [Mr. RAVENEL], and I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his comments.

Mr. MILLER of Washington. Mr. Speaker, I thank the gentleman for his kind comments.

Mr. JONES of Georgia. Mr. Speaker, I thank the gentleman for his comments, and if the gentlewoman will yield further, I want to point out how specifically that came home to me yesterday.

Yesterday afternoon, as part of the Helsinki Commission delegation in Moscow, as we left, we made one last stop; and that was to put flowers on the spot where the three resisters to the coup had died, and having just a few days before seen what happened when we put a very small flower down in Tiananmen Square, the contrast between those two experiences spoke volumes.

Mr. SMITH of Florida. Mr. Speaker, will my colleague yield again?

Ms. PELOSI. I am pleased to yield further to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, this is not a compliment; this is something the gentlewoman deserves to have said about her.

I think what you did was the right thing to do. I think it was an expression of sympathy from the American people whom you represent, and I think the way you handled yourself in the face of what was thrown at you by the Chinese Government was exemplary.

I also want to say that I found it very interesting—and I hope again that the President is listening—that they said you cannot put fresh flowers in the square or that you need a permit or something, when you were actually using fake flowers.

Ms. PELOSI. Right. They said it was a health ordinance in Beijing.

Mr. SMITH of Florida. Yes, a health ordinance.

□ 1500

Ms. PELOSI. Mr. Speaker, the point is that it was made very clear to us when we were there, that if they would allow people to place flowers—real, or silk, or artificial in any other way—in Tiananmen Square, Tiananmen Square would be covered with flowers. Because the support for those who risked their lives and safety in Tiananmen Square and thereabouts, has a tremendous amount of support in China. So I think they were afraid of one little flower, because they knew that 1,000 flowers would truly blossom—probably a million or more—in Tiananmen Square, and that, more than anything, is what set off the reaction that we received there.

But that is not to diminish the hospitality that was extended to us by the Chinese to say our piece when we went there. They listened carefully. They did not agree with us.

We hope that as they make there decisions, they will remember what we said, that support for human rights is important in our country and our Congress. It is bipartisan. It is bicoastal. Mr. JONES is from Georgia, Mr. RAVENEL is from South Carolina, Mr. SMITH is from Florida, and Mr. MILLER and I are from the west coast. Frankly, the two of us are from areas that depend greatly on trade with Asia.

So we do want this relationship to continue. It is important in terms of developing a real exchange of goods, which is reciprocal in advantages to both countries.

We went there because we believe China is a great country, that we have a brilliant future with China—economically, diplomatically, politically, culturally, in every way—but that they have to understand the principles under which we operate, and also that we will fight for the rights of American workers and the impact that the trade deficit has on our economy is something that we cannot let pass without making the statements that there has to be a change.

This trade deficit, however, or—taking it from the Chinese side—the trade surplus, is what gives us leverage, because they make so much money, so many billions of dollars a year off of the American economy, and that is something they want that we have.

They have the prisoners. We would like them freed. We have trade, they want that. I think it is appropriate for us to use our leverage.

It is the right thing to do. After all, if we spend tens of millions of dollars a year in broadcasting a prodemocratic message over Voice of America into China, and when people respond to that message—as many people did in Tiananmen Square, even to the point of erecting a goddess of liberty modeled off of our own Statue of Liberty—when they respond to that message and they are crushed, killed, incarcerated, and their freedom limited, we have to make a statement about that. We cannot be accomplices in the denial and the repression that the Chinese Government is perpetrating on its people, denial that it ever happened.

Also I think it is important to mention that while we have not talked about it a great deal here, we did in our meetings, talk about religious freedom in China, which I think is important to our constituents to know about.

When the Pope appointed a Cardinal who was Chinese last spring, the Shanghai authorities detained Bishop Fan of Shanghai. We asked the Minister of Public Security if Bishop Fan was arrested for the practice of his Catholic religion. They said no, he committed crimes against the State.

Well, what crimes against the State? Just crimes against the State.

So it is important for the American people to understand that this repression is not only for political dissidents whom they fear, because they know their message has resonance among the Chinese people, but also among those of many religious groups—Catholics, Christians, Evangelicals, et cetera—who in the practice of their religion in China have risked their very freedom.

So when we talk about trying to make a difference, we hope in those meetings that we did, that they heard us. Because historically we know that throughout history, Chinese emperors have made wrong decisions because they were not given the correct information.

We want there to be no doubt in their minds about the importance of these issues to the American people and the American Congress, and the fact that we absolutely cannot tolerate the unfairness of their trade practices on American workers, as well as their human rights abuses, as well as the proliferation of weapons.

So we thought that it was an act of friendship for us to deliver the news. If the Chinese Embassy in Washington was not going to tell them the story the way it was, and nobody else was making it very clear to them, at least in conscience we wanted to be able to report back to this Congress that those words that were uttered in the course of the debate on most-favored-nation status for China, were delivered directly to the Chinese, so that they would know the terms under which we wanted to proceed.

The respect for the dignity and worth of every person is not an American idea. The Chinese taught it to the world 4,000 years ago. So we are saying what we learned from you about the preciousness of every person—and that a person does not exist for the State, but the State exists to serve the needs of the people—is a Chinese idea, and it is the commitment to that idea that we see and that we tried to bring back to them, but that we see in young people like Li Lu, and Shen Tong, and Chen Ziming, and Wang Juntao, and so many other young people who spoke out for prodemocratic reform.

Li Lu, when he wrote to us when we left on the trip, said I am ending the hunger strike, handing it over to Shen Tong, but I am ending it because you are taking my message back to China.

My grandmother, he said in his letter, was a political prisoner for over 20 years. When she was in prison, she told me about when she was imprisoned, the worst part of it was the desperate feeling of being alone, that nobody cared.

We have talked about this before. One of the most extreme forms of torture in a prison is when jailers can say to you, nobody even remembers you are here; nor do they even care.

So part of our mission, in addition to the practical aspects of trade and the idealistic message about human rights, was to also bring hope to those who responded to our prodemocratic message. I think that we did that.

We also wanted to bring the clear message that we want a relationship with China to continue. In furtherance of that, I am very grateful to Members for going on this trip and for participating in this special order today to report back to Members in the Congress and to the Amercian people about the purpose of our visit and its importance to our country.

Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the subject of my special order.

The SPEAKER pro tempore (Mr. SWETT). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. PORTER. Mr. Speaker, today, Shen Tong has entered his 12th day of a hunger strike in front of the Chinese Embassy. To preserve his energy, his movements have been restricted and his speech kept to a minimum.

Shen Tong, and Li Lu before him, are risking their lives to stand in solidarity with their colleagues in the People's Republic of China.

Almost 4 weeks ago, Wang Juntao and Chen Ziming began a hunger strike to protest their conditions in Chinese prisons. Imprisoned solely for their peaceful leadership in the prodemocracy demonstrations held in Tiananmen Square, these courageous young people continue to struggle for freedom and democracy, even as they remain behind bars.

It is an especially sensitive time for the Communist regime in China who are feeling intense pressure from the breakup of the Soviet Union. It is a critical time for the Chinese people to take advantage of this international momentum toward democracy.

But the path to freedom may be long and arduous. I hope to aid the effort by establishing Radio Free China, a targeted broadcast that would provide relevant news to the democracy movement in China. Radio Free China will give hope and knowledge to those thirsting for democracy.

In addition, the Congressional Human Rights Caucus is circulating a Dear Colleague to Secretary Baker asking him to support the hunger strikers. We are also exhibiting photographs and artwork of Tibetans in the Cannon Rotunda in honor of the "Year of Tibet". I strongly urge all my colleagues to sign on to the Dear Colleague and to stop by the Cannon rotunda.

We are here today to join our voices to Shen Tong's and to let the Chinese people know that their plight has not been forgotten. Wang Juntao and Chen Ziming represent the spirit of the Chinese people—who in the face of continued repression, refuse to give up their struggle.

SEPTEMBER 11, 1991.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: We are writing to ask your assistance on a humanitarian issue concerning several prisoners of conscience in China.

Both Li Lu and Shen Tong are leaders of the Tiananmen Square demonstration in 1989 who are now living in the United States. For the past 3 weeks they have been conducting hunger strikes to protest the unjust treatment of their colleagues in China. In particular, Li Lu and Shen Tong have joined in solidarity with five dissidents who are imprisoned because of their role in the Tiananmen Square uprising and have been on a hunger strike to protest their conditions. Both Wang Juntao and Chen Ziming are being held in solitary confinement and are in need of medical care. In addition, three other leaders, Ren Wanding, Bao Zunxin and Wang Dan, are being held in solitary confinement.

As Co-Chairmen of the bipartisan, 200 member Congressional Human Rights Caucus, we are in complete agreement with Li Lu and Shen Tong's request that these five individuals receive fair and humane treatment. We believe that these are prisoners of conscience who deserve nothing less than freedom.

We would be most grateful if you could do everything within your power to bring about their modest requests that Wang Juntao and Chen Ziming have access to a doctor of their choice and that they, and Ren Wanding, Bao Zunxin and Wang Dan, be released from solitary confinement. Moreover, it is our hope that international observers be allowed to visit these individuals since the state of their health is in question.

We greatly appreciate the fact that several State Department officials visited Li Lu during his hunger strike in the week of August 26th. It is imperative that the United States Government continue to send a consistent signal in support of those who are fighting for democracy in China.

Thank you for considering this important matter. We appreciate any assistance you can give to the plight of these hunger strikers, both in China and in the United States.

Sincerely,

TOM LANTOS,
Cochairman.
DICK SWETT,
Executive Member.
JOHN EDWARD PORTER,
Cochairman.

ANALYSIS OF EVENTS OCCURRING IN SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I have enjoyed listening to the prior special order, and commend the Members for the courage they showed, walking across the blood-stained Tiananmen Square, where so much brutality was taken against young people, and older people, in the name of communism.

Mr. Speaker, I come to the well of the House today, on our first day back, to try to set the record straight with some of the more liberal members of the press and electronic community, and try to put my own analysis on what happened during mid-August and all the days right up until today in the Soviet Union, which, of course, has been the mother country, and I hate to use the beautiful word "mother," for the principal cancer or disease spot on the Earth for the growth of communism across our country.

I was euphoric, as was my wife, as we shared those early morning moments here, it was 7 hours later in Moscow, when the armored personnel carriers pull back, leaving three dead young Russians behind, and the coup collapsed.

The ugly scene across this country that followed, with a handful of liberals, some of them I never thought of as radicals before, gloating that the conservatives in this country, those on the political right in this country, were somehow or another rebuffed or rejected because communism had ratcheted down some more in the Soviet Union, and they were acting as though we were disappointed that things had collapsed in the Soviet Union for the hardliners, the Stalinists.

□ 1510

And as some of these same commentators have taken glee confusing our high school children and some people not so sophisticated in the pseudo art of labeling in politics, they have enjoyed immensely over the last 2 years calling the hard core Communists, Leninists, Stalinists, men and women of the left, they have enjoyed calling them conservatives and right wingers. You can see the smile play across the lips of Bryant Gumbel at NBC. At least Tom Brokaw always blinked a little bit when he used those terms, as did I think, Peter Jennings. Rather has that rather blank mask when he calls these left-wing Stalinists and killers right wingers, but here is an article by a columnist in Los Angeles. You may know him. William Endicott, who says the right wing, that is the United States right wing, has "egg on its face."

His opening paragraph is, "Aside from Gennady Yanayev and the rest of the Gang of Eight hard-core Leninists of the left, the people most disappointed about the failure of the Soviet putsch or coup have to be American conservatives." Unbelievable.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me. Forgive me for interrupting the special order. I appreciate the comments you made earlier about our visit to Tiananmen Square. So many Members have expressed some interest to make a statement about that that I appreciate the gentleman's yielding.

Mr. DORNAN of California. It is my pleasure.

Mr. Speaker, that article I have before me is from the Oakland Tribune. It is written by William Endicott. He is a rather faceless newsman or columnist out there in America. Most people do not know who he is. I knew him as a political reporter for the Los Angeles Times covering the U.S. Senate race in 1982, and most Governor or congressional races he would sometimes cover as a reporter. I always suspected he was a flaming liberal. Now that he is a columnist for the McClatchy News Service, who I have been trying to contact, his true colors show. But he is not just a liberal. He is not just a man of the left in the United States. He is obnoxious. He is an airhead of the highest order, and obnoxious in the sense that he would dare claim by name in his column that BOB DORNAN, Pat Buchanan, and without even hearing what he said the whole week, he admits, that Rush Limbaugh, the phenomenal conservative radio host that is now on over 400 stations, that we all were gleeful that the hardliners had locked up Gorbachev at his Crimea dacha and were about to ignite the cold war in its worst ferocity again.

Let me, so my righteous anger will be understood, let me read most of the column. It was not a very large column. I will read that beginning again for continuity here.

"The U.S. conservative right has egg on its face," by William Endicott, political columnist for McClatchy.

"Aside from Gennady Yanayev and the rest of the gang of eight, the people most disappointed about the failure of the Soviet coup have to be American ultraconservatives. There was a little too much 'I told you so' glee in the comments of columnist and TV commentator Patrick Buchanan," totally quoted out of context, "B-1 BOB DORNAN, a Congressman from Orange County," totally quoted out of context, "and others in the immediate aftermath of the attempted putsch."

He then goes on to quote us out of context, so I will not accommodate him by following up and doing what he did. And then here is one little dumb line after he quotes Buchanan and myself. One of my comments that he quotes was that maybe the White House will learn now, and then he suggested I will never be Secretary of State. What I was talking about was learning that Yeltsin was the man of the future, not Gorbachev, and that we should get about the business of recognizing Estonia, Latvia, and Lithuania.

George Bush, our great President, has convinced me that his timing was right because he was dealing with things that I was not aware of, that he wanted Gorbachev and Yeltsin at least to take this move to give them some credibility. He gave them a week.

He stood right there proudly next to the Prime Minister of Canada, Brian Mulroney, while he recognized them a week ago Monday, and then he waited a week and did recognize the three great Baltic nations ahead of Mr. Gorbachev. So we were the 37th country of the world. I wanted us to be the first, as we were with Israel, to recognize the Baltic nations since we had never even recognized them.

I visited the Estonia delegation up in New York, and the two delegations for Latvia and Lithuania who have been here since 1940 and are right at 16th Street from the White House. I hope Mr. Bush will make it formal by going up there and visiting those good men and women up there who have kept the torch of liberty alive for over 50 years, half a century. So he obnoxiously quotes me out of context, that what I was saying to the White House the first night of the coup was, get with the Yeltsin program.

This is what he does to Rush Limbaugh.

"Fortunately, I was out of radio contact with Rush Limbaugh earlier in the week, so I have no idea what he had to say." Why is he bringing him in then?

"Although I probably would have missed it anyway since I push the button as quickly as possible whenever I come across him on the dial."

Can you imagine the childish way these liberals eat their hearts out who have been in journalism for years and they see a man like Rush Limbaugh, a force of the voice of the silent majority, a humor-filled, good-natured conservative. He is on 400 stations now from Guam to the Virgin Islands to Puerto Rico to Maine to Alaska, all 50 States, every day an audience of a million and a half people. He reaches over 18 million people a week. And Endicott, and I will find out soon and I will come to this well and mention it, is syndicated in a few papers around this country. So he is green with a little envy monster over Rush. That is why he brought him in when he does not have the faintest idea what he said all week long, 3 hours a day. He had 15 hours last week, 2 weeks ago, and the week before that, the week after that, to find out what Rush Limbaugh was saying. And what he was saying was right on target.

Now get this line. Sam Donaldson has said the same thing, stumbling over his words 2 weeks ago on David Brinkley's "This Week with Brinkley." And Phil Donahue has been saying this since I was on his show way back on November 11 in Kennebunkport in the American Legion Hall. He was trying to beat up on President Bush about the decisive course we were taking to liberate Kuwait. And even in that show on a different subject, Donahue keeps saying that the Soviet Union fell of its own weight, that conservatives around the world, freedom fighters had nothing to do with it.

Here is the key line in this whole column. "You have to sympathize with these folks," speaking of conservatives. "They have spent years building careers by warning of the Communist manace and the events in the Soviet Union and Eastern Europe over the past 2 years have invalidated all that effort."

Pardon me. How is that?

All the work of conservatives for 72 years around the world, every person proud to stand up, as I have done in this well many times, and describe themselves as anti-Communist and say it is not a term of a program to be delivered with a sneer, as most liberal journalists have delivered that word over the years.

Bill Endicott, I can assure everyone, has never written a word, never uttered a word, never probably had a thought that could be called anti-Communist in his short little life. So what piece of this action does he have?

Let us see what he says in the last half of the column. He quotes a meaningless quote from the Massachusetts Institute of Technology, MIT, some professor says, get this line, "Certainly for the last several years the Communist Party hasn't been a motivating force. It has been a drag, an inertial force." How is that?

Over the last few years? Does he mean it was not a drag, that it was not a murderous system, that it was not demotivating to the long-suffering Soviet people and all the captive nations around the world and the periphery of the octopus' arms extending out from KGB headquarters in Moscow that came all the way to this side of the world, to Chile, to all of the South American countries, to Guatemala, to El Salvador, where there are still people dying, to Nicaragua, where it was a close call unit Violeta Chamarro won the Presidency and still was an issue in doubt until its recent collapse in Moscow. This probably means that Nicaragua will not see a murderous comeback of the Ortega boys.

And there were some in this Chamber who befriended them in their cause over the course of freedom and ridiculed President Reagan and the Contras during all of that peripheral struggle on the edge of the Communist empire. For the last several years it has been a drag. Suddenly, however, there was a coup or a feeble attempt at one.

Mr. Speaker, for your edification and anybody else who follows these proceedings that are on the premises or watching through national technical means, meaning C-SPAN and television, I want to hold up my hand as a signal to kind of keep in your immediate memory a few words because he undoes himself in an embarrassing way in about four paragraphs.

□ 1520

Bill Endicott:

> However, there was a coup—or a feeble attempt at one—and the right wing felt vindicated and was much too eager to believe that the power of democratic reform would be no match for the power of the old bugaboo, communism.
>
> It was going to be like the good old days.

What the heck does he mean by that? Hungary, Czechoslovakia, food riots, Vietnam, Korea? What good old days were we conservatives supposedly yearning for?

> * * * When there was nothing like a little anti-Communist rhetoric to get the juices flowing and stir the faithful. The Evil Empire was back.

Footnote: CBS news correspondent, Dan Rather, through his man in Moscow, somebody is translating to the people in the crowd, and one of the people is pleading. This is one of the people in a tent. Who said, "We don't want the Evil Empire back here, do we?"

Really? Is that what people in the Soviet Union think, it was an evil empire? Is everybody starting here in the Congress and the Senate to apologize to Ronald Reagan for his March 8, 1983 speech in middle Florida, the most visited tourist place in America, Disney World, Orlando, Universal, MGM Studios? That is where the President said it is an evil empire, it is the focus of all of the evil in the world, and it was, and it was right up until recently, and in pockets it still is because these schemers are still out there. And God willing, they will never get another shot to try and reverse this wave of freedom on the Eurasian land mass. But he said we were hoping that the Evil Empire would come back.

You jerk, Bill Endicott. Wow.

He continues, "* * * like the inept." There is one of those words, "and bumbling plotters of the coup, the right wing in the United States badly underestimated the lust for freedom that obviously exists among the Soviet people * * *" yes, crushed for 74 years, since 1917 when the Bolsheviks stole the revolution from Kerensky—"and their determination to resist oppression."

If there was a second amendment in the Soviet Union, yes, maybe we would have seen young people dying in the streets in the 1920's, in the 1930's, or 1940's, or 1950's, or 1960's, and 1970's instead of three young men giving their lives in front of the State building, the Russian building that they call the White House.

More about those courageous young men later.

He continues, "It's interesting that Buchanan," that is Patrick, "Dornan," that is I, "and company were persuaded that some tired, old Communists—who resemble nothing less than a political version of the Keystone Cops—could reverse all that."

Now get this: He says it was Boris Yeltsin who was the man of the hour. True.

"The iconoclastic Yeltsin"—what was he iconoclastic about? An image breaker, he was alone because as a former Communist, when he quit the party in recent history he became an anti-Communist, the type of person that this columnist is attacking. He said, "Yeltsin enhanced his standing at home and his reputation abroad * * *"—yes, because liberals all across the press in Western Europe and in this city, inside the Beltway, and I am sure Endicott in California all jumped to that presumption. They were calling him a yahoo, particularly an insulting word in a country that came out of serfdom, calling him a peasant, and flat out calling him an alcoholic.

I spent some time last June with Boris Yeltsin, and I got him to sign a picture of an actor in Red Square in front of St. Basil's, which Stalin wanted to burn down, to tear down, dragging behind him the Cross of Jesus, and that was in June, and Boris Yeltsin gladly signed this picture for me in room 2118 of the Rayburn Building, signed a picture of Jesus dragging his cross across Red Square. No, Boris Yeltsin is special. He was not quite so forceful in saying that he was an atheist when he was with Gorbachev when he was on the other night on CBS, but I guess he did not want to embarrass Gorbachev. It is my own hope, and I hope it is not a fantasy, that the man will someday come back to the Russian Orthodox faith of his parents. He did not become a Communist until he was 30.

Now, says this columnist, he has "enhanced his standing at home and his reputation abroad by singlehandedly defying the junta." Singlehandedly. There were not the 200,000 people there in Red Square last March and then a few months ago defending Yeltsin when Gorbachev was trying to ruin and end his career, cut his throat politically, there were not 200,000, there were not 100,000 and there were not 50,000, but there were 20,000 people standing there through those first two nights that fully expected to die at the hands of their own young countrymen in Russian tanks, and three of them did die. Has Endicott ever heard of Vladimir Ousov, 37 years of age, shot in the face on top of a tank, the son of an admiral? You cannot see the picture of the funeral in Time or Newsweek. I am impressed that the picture was in U.S. News & World Report, and Mort Zuckerman, I know what a tremendous reporter you have been on this whole new Russian revolution, as you call it on the cover story. I had to see the admiral, the father of young Vladimir, I had to see it in People magazine as a kind of a background color story, and they did not even print pictures of the other two young men, 22-year-old Dimitri Komar, run over by one of those armored personnel carriers, and the youngest, in the beginning of the flower of youth, 22-year-old, tough name, Ilya, which is the name of one of the Russian heroes, like Paul Bunyan, there is Ilya Moramets, the great hero who held off the golden horde of invading horsemen from the far Siberian wasteland in Mongolia, Ilya Krichevsk, 28 years old. Vladimir, Dimitri, Ilya.

It was not a bloodless rolling back of this coup, and Boris Yeltsin did not do it alone. He would be the first to tell you that. But he was a figure. Was he not standing on that tank, an ex-Communist, kind of like Whittaker Chambers, an ex-Communist, or some of the great writers in this country that the mass media dominant culture has ignored because they are ex-Communists, kind of like being an ex- or a former homosexual, reformed. You do not get on U.S. television if you are an ex-Communist, at least you did not until recently.

Here is where I ask you to read all of those words. I will go back and recapitulate those words: feeble attempt, the old bugaboo, old Communists, the Keystone Cops, tired Communists.

If they are old, and feeble, and Keystone Cops, and tired, and it was a feeble attempt, how can he write this next line, that singlehandedly Yeltsin defied the junta during a 72-hour period, "when the outcome was far from certain."

Really? It was very tense, and the outcome was far from certain? Why? It was just a bunch of buffoons, Keystone Cops running the operation.

What did we learn on television last night from Moscow on CNN from that great reporter, Wolf Blizer who was a Soviet Air Force commander, when he was told by the KGB plotters that they were going to take helicopter gunships and attack that big, tall, federal Soviet building, the Russian building right behind our embassy called the White House, they were going to attack it with helicopter gunships, and I am going to learn this guy's name, I assure you, and I am going to meet with him in Moscow next month, and pardon me if I am biased a little because I am Air Force, but this Air Force general, this Soviet officer said, "If you send gunships against the Russian building, the White House, I will send up fighter planes, MiGs, and Sukhoi fighter planes to shoot down those helicopters." That one man is as big a hero as Yeltsin because this man in uniform put humanity, decency and the future of his country ahead of securing the plot, because if they had shot Gorbachev in his dacha, those post-Stalinist people that do not have quite the lust for killing that Fidel or Tito did, or the Chinese did in Tiananmen Square, or other Stalinist type plotters throughout history, or the ones who dumped Khrushchev, who did not have to kill him, if they had executed Gorbachev in his dacha in the Crimea instead of taking his missile codes away, what we call the football, and it is not so funny, that is a crisis, and you are right, and that is why it was a tense 72 hours. And that is why it is not worth anything Endicott does about putting in stupid expressions like Keystone Cops and tired old Communists.

It was a close thing, my fellow Americans, and Mr. Speaker, a damned close nightmare.

□ 1530

I was euphoric that it failed. I went to bed early that last night, because I was sick of seeing these Molotov cocktails and these APC's jamming these buses, and I was afraid all hell was about to break loose. So I said to my wife, "Maybe sunshine will bring a new day. Let us go to bed for 3 or 4 hours, wake up about 2 o'clock in the middle of the night, it will be 7 hours later there," and at 9 o'clock when we woke up, what did we see on CNN, gloriously, the back of those BNP armored personnel carriers, those alligators, we saw them leaving the city. Exhaust from a vehicle never looked so good in all my life and, yes, this Irish American's emotions were right up in my throat, and the tears rolled down my face, and I said, "I want the names of the six or seven kids who died." That is what they surmised, but it turned out to be less than half that, three, and I said, "I want to get the names of those kids." And that is why I tell you on this House floor, and no Member has mentioned them yet, Dmitri, Ilya, and the son of an admiral, 37-year-old Vladimir Usov, these are the heroes that should go down in Soviet history next to Yeltsin.

The jury is still out on Yeltsin. We do not know what kind of a democrat he is or what he holds for the future of this country, but he is certainly a far superior human being to Gorbachev. And we owe Gorbachev a lot in the pages of history, but it is all for omission, it is all that he did not roll the tanks into Poland, that he did not try to hold on to the empire, that he did not put more Black Berets from the Interior Department under the Communist thugs that he appointed to overthrow them and probably wishes that he had killed them since a couple of them have committed suicide and their lives are on the line, and they may be before a firing squad. You better believe they wish they had killed them.

You know, as a footnote here, what is important, do you know what Fidel Castro told his Marxist brother, Salvador Allende, down in Chile? I have seen the transcripts. We can listen to these international phone calls. He sent him a Thompson machinegun, chrome-plated, no less, and said, "Secure your revolution in blood. Is that not what Lenin taught us? Kill several hundred people, or it will come back to haunt you." That is what Castro had done. Remember the expression, "Take these people to the wall. Take them to the soccer stadium. Take them to the main baseball stadium in Havana. Gun them down like animals." That is what Fidel did, living up to Lenin's instructions.

Allende did not do it, so people around the world, other Communists, said, "You have got to kill people if you are going to make your revolution work."

What have the Chinese been saying, quoting Mao, "All power comes from the barrel of a gun." That was the major dictum of Chou En-lai, Mao's right-hand man in the long march and down through all this history where the issue is in doubt as to how long we are going to have to suffer with this geriatric set crushing people, keeping Catholic priests, bishops, and ministers still in jail for over 30–40 years, still keeping some of the student leaders in jail and trying and threatening to arrest American Congressmen like NANCY PELOSI, BEN JONES, and my good friend, JOHN MILLER, people from both sides of the aisle trying to put flowers and pay a little respect on the scene where tanks ground up young students so badly that all you could see was a mass of bloody clothing. I could not even pick a bone out of some of the pictures that the CIA showed me from that postmassacre bloody mess in Tiananmen Square.

So here is how Mr. Bill Endicott of McClatchy ends, "It seems clear," he said, "that Yeltsin is the future of the Soviet Union." We hope so. "And as President Bush said at a press conference Wednesday," and imagine this guy to attack me and Rush Limbaugh and to be suddenly quoting my hero, George Bush, and he did not vote for George Bush. You can bet anything that Bill Endicott, like 95 percent of the liberal press out there and all the major functions of our communications industry, they all voted for Dukakis, as about 90 percent of them voted for McGovern, and he says, "President Bush says Yeltsin stood firmly and courageously for democracy and freedom and became the symbol of the resistance," yes, with these three young men I have been talking about. "When all was said and done, Yeltsin and his followers had a lot more confidence in the democratic principles than some of the people in this country who claim to be," Buchanan, Dornan, Rush Limbaugh, "who claim to be the most ardent supporters of those principles."

Yes, I am an ardent supporter. I will call the people of McClatchy, and I will not ask for a letter to the editor at all. I am going to ask for a guest column, and I think I am entitled to it.

Now, folks, let us come to the bigger theme of Phil Donahue, Sam Donaldson, their ilk, and this jerk that I have just been reading from this article, who do we thank for the collapse of communism? Here is just a quick little list that I jotted down on the back of his article, and I am going to be back here with a 1-hour special order next week and the week after talking about people who owe this country and the world and everybody who died in 74 years fighting communism. But are these the people we should listen to: Sammy, Mr. Endicott, and Phill Donahue, Alger Hiss? We are going to find out whether he was really guilty soon when the files come out of the archives of the KGB. A lot of bozos around this country will be trying to book a passage to Castro's Cuba, and they will not be able to hide there for more than a year.

Do you think we have caught every spy in this country? Like the Walker family, these sleazeball traitors? Do you think every spy in this country, every American traitor, has been rolled up? The CIA told me they do not have all of them. And it is not their job. It is the FBI's job. They said, "We do not have all of them." Do you think they are shaking in their little booties, their traitorous booties, a little bit, as these files come out of the Soviet Union? Do you know what I am hearing as a rumor, that it is the Soviet Union that is saying that, "We have between 4 and 40 million." How is that for a game spread, between 4 and 40 million informers in this country.

Let us not have a witch hunt. Where have we heard that word before in the 1950's? It will tear this country apart. But, guess what, we do not have 40 million traitors in the United States. We do not have 4 million. We do not have 400,000. We do not have 40,000. I do not think we have got 1,000. But we have got a handful, and we can handle that, and we can have trials for these slimy traitors as we did for the Walkers. I saw him on 60 Minutes, unrepentant, during the break. The man should have been put before a firing squad, to tell other Americans who sell out their country for 30 pieces of silver. There are some spies, not just Alger Hiss.

How about the Hollywood 10 writers, the unfriendly 10? PBS says that, oh, they are not Communists; they are just unfriendly, though. We may find out in some old file how many Communists were working in Hollywood in the bad old 1930's, 1940's, and 1950's. Should we thank the Chicago Seven or the whole SDS organization, that had that Tom Hayden founder? How about thanking Tom Hayden. He serves as a traitor to the United States in the California Assembly in violation of our Constitution, but our Speaker, Willie Brown, out there, has been defending him. How about Jane Fonda at Michigan State saying, "If you people knew what communism was like, we would all be down on our knees praying for it." She owes an apology, and I am sure not going to thank her for the collapse of communism. How about Warren Beatty, who glorified the Bolsheviks stealing the revolution for freedom in 1917, at the end of the year, 9 brief months under Kerensky, and these guys steal it with guns? Lenin had one election, and he got about 23 percent. Do you know what Lenin said? He said, "We will never make that mistake again." What mistake? Having an election. He never did. And Stalin never did in his 29-year reign, or Brezhnev in his, and Gorbachev has never won an election. Yeltsin is the first man to ever win any real election in the Soviet Union.

Should we thank Ed Asner, secretary of the Screen Actors' Guild, when they deny an award from an organization that the President of the United States, Ronald Reagan, had been president of in his early years? I do not think so.

Should we listen to Gary Hart, who is over in the Soviet Union telling them not to adopt the American, or the British, or the French model, or the Canadian model for their economic policy, not the German Erhard miracle after World War II? "Make up your own model." These people do not know anything about entrepreneurship or work habits. This has been destroyed by three-quarters of a century of communism, so we are going to take Gary Hart, who almost delivered George McGovern to the United States, should we listen to McGovern? Remember what McGovern said? Does not this man, who is decent, owe us an apology when he said, "Leave Eastern Europe alone. These people have the kind of government they want. This is the system they want." Never been voted in, but it is what they want.

Should we thank President Jimmy Carter, who, at Notre Dame, sounding like William Endicott, the columnist I just tried to rip apart a little bit, where Carter says we have an inordinate fear of communism? And later that same year they invaded Afghanistan where they genocided about 1 million people of that great nation, never been conquered before, and it is going to come out of this all right now.

Four or five million Afghans, out of a population of 14 million, 4 million alone are in Pakistan, and another 1½ million in Iran, and that is not a nice place to have to run to, and some are even over in Turkey. All of that diaspora of that country was because of the Soviet killing. Who was the last general out? General Boris Gromov. Where was he during the coup, I would like to know? He suddenly disappeared. Where is the person they called the dark, the evil, the black colonel, Akhness? Why, he is sitting in their Congress. I saw him on "Nightline" the other night, the guy that said, "You bet there is going to be a civil war, and there are going to be nuclear missiles flying around here, too." Now, there is a guy with a real nice vision of the future. Where would Colonel Akhness have been, at Boris Gromov's side, the last killer to leave Afghanistan?

By the way, the Soviets have been bombing in Afghanistan, the same Soviet Air Force where I praised one general; they have been killing people for the last 2 years in Afghanistan, and they do it at a high altitude so our Stinger missiles that we have given them, against the wishes of every liberal in this Chamber and of the other body and across this country and including these columnists I talked about.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I am happy to yield to the gentleman from California, to a gentleman who has been in Afghanistan and met with the freedom fighters who have been invalidated; they wasted their time.

Mr. ROHRABACHER. A lot of the freedom fighters in Afghanistan are very proud, of course, because they believe that it was their strife and their struggle and their courage that turned the tide. They were the first people that actually stood up to the Soviet aggression and beat back the Soviet empire in an offensive mode.

I happen to believe the people of Afghanistan do deserve a bit of credit. But everyone who has suffered under communism, today all of those people who are freeing themselves in the Soviet Union and the people who did fight in Afghanistan and beat back this strategic move on the part of the Soviet Union and in their country, I just returned from the Soviet Union.

☐ 1540

I just returned from the Soviet Union and I can tell you that those people have one hero that they talk about more than anything.

Mr. DORNAN of California. The gentleman was in the Soviet Union?

Mr. ROHRABACHER. Yes. I was in the Soviet Union just prior to the coup. During the break I spent time in the Ukraine, in Georgia and Armenia and Moscow. Those people know that it was

Ronald Reagan who they need to be grateful to for these great changes. They realize that these other people offered them no hope. There is no way to describe the despair that the people who have lived under communism feel than when they heard Americans talking about moral equivalency back in the 1970's.

Mr. DORNAN of California. Hollywood's claim to fame, that the CIA is the moral equivalent to the KGB, one of the mass killing operations of millions of people, the other 98 percent intelligence gathering.

Mr. ROHRABACHER. Their only hope was that America understood this battle, and when Ronald Reagan—and I was very proud to be part of Ronald Reagan's team—when Ronald Reagan had the courage to call it an evil empire, when Ronald Reagan spoke forcefully and strongly and advocated the American cause, they heard his words. They were in chains and those people when they heard I worked at the White House, I mean it was like, "Oh, my goodness. It's such an honor to meet you. You were the only ones who gave us hope."

When the liberals who try to control this House of Representatives undercut what Ronald Reagan was trying to do, those people were praying for Ronald Reagan.

Mr. Speaker, let me draw something out of the gentleman from California. Politicians are supposed to toot their own horns, but our mothers did train us to be a little bit modest at times; but let me ask the gentleman something. He is responding to a question, not volunteering.

The gentleman was working in the White House, one of the key speech writers, on March 8, 1983, and 15 days later on March 23 at the end of the defense speech, eight pages of copy, I still have it, he mentions SDI at the end and the fur starts to fly; when the gentleman was in the White House and he used that line, the focus of evil and the evil empire, I know the gentleman cheered. The gentleman was part of that speech.

Were there some people inside the White House who got nervous, who said, "Oh, he has gone too far," like Beaver?

There were people inside the White House trying to tone down the President's speeches throughout his administration.

Mr. DORNAN of California. For all 8 years.

Mr. ROHRABACHER. For all 8 years, and one good example is when the President went to Berlin, all of us will remember what he said, "Mr. Gorbachev, tear down that wall." Most people do not understand the tremendous fight that took place behind the scenes to try to prevent the President from giving the speech to challenge Mr. Gorbachev to make his words real and to show us something tangible, rather than just talking about all this democratization.

In fact, the speech writer who worked on that came back from Berlin and said, "I think the President should say this," and the speech writing staff sort of got around and said, "Well, we're going to have to provide you some support." It was one of the greatest fights that ever took place, that no one ever heard of outside the White House, as to whether the President should actually say, "Mr. Gorbachev, tear down the wall."

The President's top adviser, George Shultz, was tearing out his hair in opposition.

Mr. DORNAN of California. He owes us an apology.

Mr. ROHRABACHER. In opposition to the President's saying, "Mr. Gorbachev, tear down the wall." It was the position of the foreign policy establishment that Ronald Reagan, just as in all his strong statements in favor of freedom that he made during the administration, that this was in some way an act of belligerence and would be a slap in the face to a man who was trying to ease his country toward democracy.

His own National Security Council opposed it vigorously, all the way from the State Department on down.

Mr. DORNAN of California. Not everybody on the NSC, not most of them.

Mr. ROHRABACHER. The official position of the National Security Council was reflected in the fact that just a short time before the President got up in Berlin to give his speech, that he was visited by a member of the National Security Council who handed him another speech and said, "Mr. President, we would prefer that you give this speech," and it was the same speech.

Mr. DORNAN of California. Unbelievable.

Mr. ROHRABACHER. It was the same speech, except for the fact that "Tear down the wall, Mr. Gorbachev" was extracted from the speech, and God bless Ronald Reagan, he looked at it and he said, "Well, no, I think I'll use my copy."

Mr. DORNAN of California. Let me tell the gentleman something very uncomfortable, because I know the gentleman admires and likes Nancy Reagan, and so do I. I never had any problem over the years, although I wish she had not kept Beaver on the payroll so long. He should have fired that guy the way he was trying to strip conservatives out of the White House, but I think those people did get to Mrs. Reagan, because I think it was in her book, "My Turn," I just kind of skip read it, that she felt that her husband's words, "evil empire" were too strong, too strident; so even against his best friend, with pillow talk, he has got to be the anti-Communist that he was his whole life fighting Communists in Hollywood today.

Mr. ROHRABACHER. Ronald Reagan had such strength of courage and strength of purpose that he was able to make decisions like the one that I just described and feel very comfortable in doing so. He knew, and he was very, very self-assured, that he lived in the freest country in the world and a country that bore a special responsibility toward the rest of the world and toward human freedom, and had we given in to the liberal naysayers and instead begun treating Soviet communism as if it was an equal to the United States, nothing will have collapsed and will of the democratic reformers who finally won out in the Soviet Union than to see that the United States was not totally on their side and the side of democracy, but instead was trying to cut deals with the Kremlin leadership.

Mr. DORNAN of California. Well, Mr. Speaker, may I ask the gentleman, do not move. Stand right there. I see the gentleman from Illinois [Mr. BURTON] is here and we are going to do something. Do not leave, C-SPAN folks, because we are going to talk about a real American hero who God is going to take to his bosom soon, Kimberly Bergalis who is dying of AIDS, infected by her dentist. She was canceled from coming up to this Capitol today or tomorrow in a stretcher. We do not know when she is ever going to be allowed to come, under the subcommittee chairman; but I just want the gentleman from Illinois [Mr. BURTON] to hear this, because I did the negative flip side about people we should not listen to, like Kim Philby, Guy Burgess, Donald McClain, Andrew Block, that whole homosexual cabal of spies in the British Government, of upper middle-class kids who went to Cambridge and Oxford and who sold out their country and extended this great moment, the collapse of communism, for years.

One of these guys, Kim Philby, was the CIA contact in Washington, DC, with everything during the Korean war, so he was telling them everything that Truman's weakest advisers were advising Harry Truman, "You were tough, you tried to contain them, Harry, but give up now. Don't bomb the Yalu bridges. Fire MacArthur. Extend that war."

There were 33,629 men who died, all fighting communism.

Look, do you gentlemen know Andy Messing, one of the guys who works around here for good conservative causes and has his own national defense council. The gentleman and I serve on the board. Andy had an idea 10 years ago, and it is valid to this day. He said, "You know, I love the Vietnam Memorial because it is sacred because of the men's names on it."

Now, all but a tiny percentage of those who died on overdosing from drugs or crashing a bar in Saigon, stoned on liquor or drugs, or who probably got shot trying to shoot their officer or frag him with a grenade in his tent, so there are a few names on that wall who died ingloriously as traitors to their country, and we will never know who they are, but it is just a tiny, tiny little handful; but of the other 99.999 percent, the eight women and all those men, do you know what Major Messing wanted to put up there, since there is not a word on that memorial, not even Vietnam, it just says 2 years, 1959 and 1975. Do you know what he wanted to put on the plaque at the base? "These men and women died fighting communism. God bless them."

Did you hear the news last night? Wolf Blitzer on CNN. Officers from the Soviet forces during the Vietnam years are coming forward. They want to tell their story. They were fighting in Vietnam. They shot and killed Americans. Soviet men shot down our airplanes. The whole story is coming out, and here is General Westmoreland saying with Larry King, and he has Wolf Blitzer on split screen live from Moscow, and he turns to Westmoreland and says, "Well, did you know this, General? President Johnson couldn't get it out. Every time I tried to get it out, the liberal media ridiculed us."

Phil Donohue was just doing, you know, lesbian shows and male strippers from Chippandale's, probably, or whatever was happening during the war, he was just starting his career, but Sam Donaldson was a cub reporter somewhere, and nobody ever heard of Bill Endicott. He was probably under a student deferment or something, ditching it all, but the truth is that the liberal media ridiculed Johnson for trying to say that. Now it is all going to come out.

I am telling you, the files coming out of the KGB are going to turn some radical leftists in this country who hid out as respected liberals, turn them upside down.

But just as I told the gentleman from Guam, BEN BLAZ today, and as I told the gentleman from California [Mr. HUNTER] on the phone last night from Sacramento, working on our reapportionment thing, I said, "DUNCAN, I want to be the first one to thank you personally as a combat Vietnam officer, airborne guy, thank you for fighting communism and bringing about the collapse in August of 1991."

I said to BEN BLAZ, a brigadier general, but a colonel in 1966 in the 9th Marines when I went out in the field with him as a reporter, I said, "I want to thank you personally and all your men who were wounded or were lucky or who died for fighting communism."

Here is what has gone on for 74 years, and I will just pick it up with the Marshall plan and billions of our taxpayer dollars. Here is why communism collapsed, the exact opposite of Endicott trying to say we have been invalidated.

Raoul Wallenberg, hanging on in the Lubyanka Prison in 1949, the Berlin airlift bringing supplies into Berlin, CIA operatives murdered in alleys all around the world.

□ 1550

U.S. citizens, our allies, and freedom fighters inside those countries, there are stars on the walls of the CIA main entrance where they still cannot put up names because they said we had ongoing operations still in these countries. That is what they told me when I was a freshman in 1977, and that is what they told me last year.

Now maybe we can put their names up on the walls and their sons, who are now in their thirties and forties can know that their dad died in an alley in Bulgaria or Hungary or was a U-2 pilot over China shot down in this cold/hot war.

The food riots in Poznan, and Korea, where we left behind thousands of prisoners but certainly 389 who were seen alive and in prison, healthy, no amoebic dysentery, no head or leg wounds, no amputations, they were seen a few days before their bunk mates came across Freedom Bridge. The whole war in Korea, the food riots, as I said, in Poznan, and Hungary, where 150,000 kids died, and older people died in the streets. The Berlin Wall. Peter Fechter, the German lying out there with his arms up and hollering the German word which is phonetically very close, "docteur," "doctor." And the second lieutenant standing there at Checkpoint Charlie, brand new to the situation, saying, "What do we do? What do we do?" And his blood draining into the ground; 200 people died, 86 right there and 200 up and down that whole hated wall.

All of them freedom fighters with a piece of this action in the collapse of the Soviet Union.

U.S. aircraft downed all around the world. The RB-47 off the northern coast of the Soviet Union, the EC-121 shot down within Nixon's first 90 days, the C-130 shot down near the Turkish border in free airspace where 14 men died. We have transcripts of the Russian fighter pilots bragging that they just shot it down.

My first meeting in this room right now was a series of lectures on the growth of Soviet power, chaired by Congressman Larry McDonald. I walked out into the lot and turned around to another freshman Member, I looked back at the dome, and I said, "It is a killing series of lectures we are getting up there. I can see this dome blown open by a nuclear device in this city, destroyed, if we do not stand tall and do something." Carter did not seem to have the big picture. That was before his Notre Dame "Inordinate Fear" speech.

Little did I know that that Larry McDonald, Democrat Congressman from Georgia, Navy doctor, Navy lieutenant commander, 10-year Member of the House of Representatives, would be murdered on Korean 007 with 268 people overall.

Now the stories are coming out from the fighter pilot himself that the lights were on, he knew it was an airliner. He told home base that, and they said, "Blow it out of the sky anyway." The plane was shot down. Three hundred and fifty men killed all around the world. We never shot down one Soviet aircraft except inside the confines of a war.

Mr. Speaker, I yield to the gentleman from California.

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Speaker, I was working at the White House when that happened. I remember Victor Belenko, who was a Mig pilot, who flew his Mig into Japan, came to my office shortly after that incident. He had been a Soviet jet fighter pilot in that same area where the KAL was shot down. I remember him playing the tape for me of the pilot's remarks to his ground crew or, I guess, ground commander. And as he moved toward the plane, Victor Belenko translated for me. The fellow said, "Now, I want you to hear." And he said, "Especially listen to this part." Then the gentleman said something in Russian, and Belenko said, "What he is saying is, 'I see the strobe lights.'" Then Victor Belenko said, "I want to play this again for you. I think it is important for you to realize what this pilot is saying." He said, "I see the strobe lights." And then he replayed it again.

Then he said, "Does any fighter pilot anywhere in the world believe that there is a spy plane that carries a strobe light at night? This fighter was absolutely aware that he was approaching a commercial jet, probably filled with people, because it had a strobe light in the middle of the night." That plane was shot down anyway.

What we need to talk about now and what the gentleman from California is really getting to is why so many Americans bent over backwards to try to give the Soviet Union, at that time headed by the leader of the KGB, I believe.

Mr. DORNAN of California. Andropov.

Mr. ROHRABACHER. Andropov.

Mr. DORNAN of California. He was sick, we did not see much of him. He was Ambassador to Hungary. He called in the tanks, and he was also Gorbachev's sponsor and mentor.

Mr. ROHRABACHER. Why is it that so many Americans took so much time and effort to try to prove that the people who ordered this type of activity, at least immediately after it was done did not say what a horrible mistake we made and said they bragged about it, why did they spend so much time and effort to try to convince the American people that the Soviets were not quality of this very crime?

Mr. DORNAN of California. And why did our liberal media buy it? I have seen a whole Nightline Show, more than one, of people saying it was our fault, we did it, they thought it was an RC–135. All this rationale by the dominant media culture and its liberals to say we were at fault.

Mr. ROHRABACHER. These same people for the entire cold war, every fault—no country is going to conduct a containment strategy and not have faults—but every time that we committed a mistake, they would blow it totally out of proportion. Every time these Communist bosses, who were just oppressing their own people, they were brutal butchers like Stalin and Andropov, they would try to minimize anything that they were doing. I do not understand that mentality. I know if that mentality would have prevailed here, communism would not be dead today.

Let me note there was even a movie that was done, talking about the expense of millions and millions of dollars.

Mr. DORNAN of California. I saw it. What was the great English actress who does the mystery show? Angela Lansbury, who had a foul line in it that the writers put in her mouth.

Mr. ROHRABACHER. Well, think of this, think about millions of dollars being spent by Hollywood, and the only purpose of that movie was basically to proselytize on the point of view that the Russians did not know they were shooting down an airliner and that Ronald Reagan was intentionally lying to the public in order to stir up a hatred against the Soviet leadership. That was the premise of the movie. That was the purpose of the movie. And why do people put out millions of dollars to try to exonerate the head of the bloody head of the KGB, holding onto power with a grip as totalitarian as any leader Russia ever had? Why do they do that? Let me say I do not believe that they are traitors. I do not claim these people are traitors. I think that there has been a mind-set in this country by the anti-anti-Communists that we have to recognize now. Had they prevailed, the world would be a much less safe place, it would be as free a place. And the people of the Soviet Union, who are now celebrating in Eastern Europe, celebrating their freedom, if these other people had prevailed, these people who spent all of their time fighting those who were trying to hold back communism, the world would not be as good a place today.

Mr. DORNAN of California. Mr. Speaker, I say to the gentleman from California, please do not leave the podium there. Let me just finish my little litany, and I am more than halfway through. I just jotted this down up here, while sitting here, thinking about a few key people who really owe this victory in August, this beginning, proving to be the beginning of the end for communism, because it has been outlawed in the country of the Soviet Union, all 15 of them. If it was a U.S.S.R. move, then whatever is left of the 15 so-called republics, the party is outlawed there but it is not outlawed here in the United States, and we still have our brave Marxist teachers in colleges because one of them from the Long Beach area just wrote me a poison-pen letter.

Now, I talk about all these airplanes shot down all around the world. The Cuban missile crisis, President Kennedy saying, "Get me the wife on the phone," the wife of Major Anderson, the U–2 pilot who was killed. Now, wherever that family is, his children, who have grown up now—that was in 1962, almost 29 years ago. So, they are big kids now. Well, wherever they are, "Your father, a pilot of that U–2 airplane, is now one of these forgotten people in history who died fighting communism."

Vietnam: The entire 11-year period from—if they want to use the date on the memorial, from 1959 to 1969 to 1979, 16 years, everybody who died there died fighting communism.

The *Pueblo*, in the middle of the Vietnam war; Duane Hodges, the young Navy man. Now, wherever the Hodges family is, "Your son died on the deck of that intelligence ship when the North Vietnamese/North Korean people strafed him." He was a victim of this struggle against communism, the 74-year struggle. Now, in Czechoslovakia, 50,000 did not die, because the young people could see what was coming, when 3,000 died. Now, the gentleman from California [Mr. ROHRABACHER] went there. I remember when he came on my television show. I remember that now just looking at him. I went there just a year after. I saw the bullet holes and the gentleman saw the bullet holes up and down those beautiful buildings on the main strasse, that street in Prague; unbelievable that people were rioting in Chicago in the very same hours that people were dying against communism because the Dubcek Prague Spring was being crushed by Communist Soviet ammunition and tanks.

Mr. ROHRABACHER. If the gentleman would yield, perhaps the most interesting part of that visit, when I was just a young man——

Mr. DORNAN of California. Was the gentleman 21 then?

Mr. ROHRABACHER. Oh, no. I was probably 19 or 20. I was involved with some student demonstrations, some playing of my guitar and sharing wine with the kids there who were struggling to free their society, democratize their society. I came back just after the invasion in December. What was fascinating to me, BOB, was that when I came back, we ran across several American New Leftists in the street. It was a very cold winter, with snow.

Mr. DORNAN of California. This was 1969?

Mr. ROHRABACHER. This was 1968, the winter of 1968.

Mr. DORNAN of California. So the gentleman just got there a few months after August 1968.

Mr. ROHRABACHER. I was there just right before the invasion and then left and then came back in December. What was fascinating is—I was trying to be with my friends to give them some hope and try to encourage them as much as I could: "America is for you. We won't forget you."

I placed flowers with the big American and Czech flags and said, "We will not forget you," at some of the statues there for the people who have been killed.

□ 1600

Mr. DORNAN of California. I just did that recently after 20 wasted years——

Mr. ROHRABACHER. But I ran into several Americans on that visit. They were on the streets, just happened to cross them. Several of my Czech students were with me, and they were American new leftists who were in Czechoslovakia, and these American new leftists, I asked them what they thought about what was going on, and I called it an occupation, and they called it a liberation.

Mr. DORNAN of California. Oh my God.

Mr. ROHRABACHER. Here were the young Americans in Czechoslovakia, after the people of that country had been so brutalized, invaded by Soviet tanks. You know, their leaders had been jailed, and their President sent away, and these young Americans were spouting the line that was so popular in that day that, you know, communism was really the hope of the world, and that these people were, the Russians, were just preventing counterrevolution that would have destroyed all the good things that Communists had done. My friends were so disturbed when they began to translate what these Americans were saying, they were going to throw these leftists in a boat in the river which was filled with ice at the time. I calmed them down and said, "Look. Don't worry. These young people are just misguided."

But the American people all of this time, the liberal left of the United States, never knew what a devastating impact their words had on these people who were living under tyranny because those people understood that there was no way that they were ever going to live in freedom and live a decent life if——

Mr. DORNAN of California. How old do you think those American new leftists were? Were they all men? Were there any young——

Mr. ROHRABACHER. They were in their twenties.

Mr. DORNAN of California. Twenties; all right. That is 23 years ago. Now they are in their forties. There is only two things they could have done in life, other than just shut up and go away or kill themselves on drugs or something. It is, one, they turned toward truth, like David Horowitz, this brilliant young writer who is one of the leaders of the new leftists.

Mr. ROHRABACHER. Right.

Mr. DORNAN of California. Ramparts magazine. Or they are writing columns like Bill Endicott saying it was all inevitable and they were somehow in the right and we were not.

Mr. ROHRABACHER. What is happening now is, if the liberal left does not in some way try to convince the American people and the world that what is happening in the great strides for freedom that are taking place in the Soviet Union now, if they cannot convince the world that they would have happened anyway, they have to share an enormous guilt for having participated in activities that actually bolstered the control of the Soviet dictators.

Mr. DORNAN of California. Let me just finish this litany. Stay with me now. Bring it up to date.

Angola. Liberals been trying to kill our covert—not so covert, very overt—operation to help Jonas Savimbi. You and I have worked together on that, as most of our California Republican delegation has. That is the tentacles of the octopus' head out of Moscow. I mentioned the Nicaraguan effort, Afghanistan, all these places around the world. Vietnam is still suffering under horrible communism, and a brutal human rights mess and starving to death. China we talked about. Castro; 10 million people, 90 miles from Key West, they are still suffering. He is either going to bathe that place in blood, or, with the help of American liberals and people like Walt Smith, who was pulled back from there once Reagan got in office, we our charge—is is going to tack, and lie, cheat? This man who has personally ordered the torture like Armando Valladores and all—what is that Spanish name for real tough heads? The prontados, the ones who said you will not break me, and they left them in their own excrement, naked, in cells, solitarity confinement, as long as our great hero, Congressman here who just came from Texas, SAM JOHNSON, who, by the way, with his suffering for 7½ years in Communist cells in Hanoi, like JOHN MCCAIN, like former Senator Dent. Those are the ones we should thank for this victory.

Now I am thinking of the periphery, all around battles still going on. I want you to help me discuss something about this labelling because I know it gets under your skin. I am going to turn to Gorbachev because he has earned a place in history for all of his slowness to resign from the party and he owes his life to other better people. But I am writing in my response to the McClatchy papers, and I hope it is a full column, not just a quickie letter to the editor.

The Endicott left, and that is Sam Donaldson, Phil Donohue, is in total disarray. His column is a feeble attempt to salvage some shred of credibility by discrediting, in any way possible, the American right, the conservatives. The liberal media has attempted to discredit conservatives by constantly calling hard-line communists right wingers—in liberal cant, in their philosophy; that is c-a-n-t, folks—anybody bad must be a right winger. Not even Mikhail Sergeyevich Gorbachev buys that. At a March meeting; that is March 1991, with scientists in Minsk; that is right near Pinsk in Belorussia, which has a seat in the United Nations thanks to Joe Stalin and has also declared they want to be independent, even though they are 99 percent ethnic Russians—in Minsk Gorbachev said that the opposition forces—he is referring to Boris Yeltsin and to all of the reformers, what the liberals in this country love to call liberals and leftists—he says they all reject with Mr. Yeltsin the Socialist idea and are in favor of making their society capitalist. Is it not clear that what we are dealing with here is a typical opposition of a right wing kind? We should call a spade a spade. I did not even know that was a Russian cliche. Excellent, Mr. Gorbachev. And I put in here, Gus Hall, phone home. Bill Endicott, phone B-1 Bob. I would like to chew on you a little bit.

These are not right wingers over there. Gary Hart says a right winger is a right winger on television the other day. So did a couple of the other Senators. They are trying to confuse high school kids in this country that somehow or other liberal, left wing Americans had something to do with the collapse of this 74-year monster. Everybody shared in crushing the 1,000-year Reich and limiting it to a 12-year span of horror, and Holocaust and murder, but mostly conservative Republicans and liberals that I can count on onehand that wrote articles against communism are those that joined the committee for the present danger to help Ronald Reagan become President or are the brilliant neoconservatives like Irving Crystal in Commentary magazine, Norman Podhoretz, his great wife, Midge Dector, their terrific son, Elliott Abrams who still takes poison in heat from liberal U.S. Senators and House Members who befriended the killing brothers Danny and Humberto Ortega while we fought that struggle.

It is incredible to see this obnoxious smile on Bryant Gumble's lips as he calls confusing our youth these left wing Stalinist hard-core Communists, as he calls them right wingers and conservatives. I am sick of it, and I am going to take a personal privilege. Every time—I have not heard it in this Chamber yet, or the Senate; maybe I missed it. But anybody tries to call these bums, these killing bastards over there conservatives, they are going to hear from me instantly every time. I am going to ask that words be taken down for knowledgeable lying.

Mr. ROHRABACHER. If the gentleman will yield——

Mr. DORNAN of California. I yield.

Mr. ROHRABACHER. Both of us come from—we are not lawyers by profession. BOB, you were in the entertainment field, as well as a journalist, and I, of course, earned my living as a journalist prior to being—going into politics and elected, and I think there is very little that disturbs me more than the pollution of the language that we have seen taking place and this particular atrocity against reason and responsible use of the language, calling these people right wingers. This is something I think everybody should be concerned with because it absolutely is done with intent, and it is done to deceive the American people, as the gentleman says, and others, and confuse them because it is clear that throughout the history of the Soviet Union the people who were the most totalitarian, the people who wanted the iron grip of communism to continue, considered themselves to be on the far left, as they still do, and that, as the gentleman says, this is nothing more than an attempt.

But, by the way, I have faith in the American people. They are going to see through this, and they are going to know that Ronald Reagan——

Mr. DORNAN of California. You bet.

Mr. ROHRABACHER [continuing]. People like him are the ones that deserve credit and that these other people who are now Johnny come lately's and, in fact, were working in the opposite direction are just people who are trying to cover their behinds.

Mr. DORNAN of California. That is exactly what they are doing. The egg is on their face.

My clock is ticking here. I only have a few seconds left. This is page 1 of 1,000. I will return to this well for another year and a few months. I do plan to run, stand for election, as Winnie would say, in the 1992 election. It may be a totally different district, my third different district, but I hope to be back with the help of the good voters of Orange County, CA, serving with you. So, for the next 3½ years, God willing, I am going to set the record straight on how glorious it was to see the left-wing Stalinist Communist animals lose. The only thing I will say for them is: God bless them. They did not have the guts to shoot people in the face like their fathers, and older uncles, and older brothers, and we are going to see, now that the barbarians outside the gates have been rolled back, these people like Sam Donaldson said when he became so inarticulate—he went, "What is the right wing going to do now that they don't have communism, the foo, foo, foo, foo, foo, foo, foo foo? He actually went foo, foo, foo, foo, foo, foo, foo, foo—meaning we feel that way about communism.

You know what I say? I am going to concentrate on him and his ilk, the barbarians inside the gates. I can put all my attention now on pornographers, abortionists, drug runners, all the pimps in our society who make this an ugly Nation for my eight grandkids and, God willing, more to come.

I yield back no time, Mr. Speaker. Thank you for indulging me, and I shall return, like tomorrow night, for more on this same theme. Thank you, conservatives and everybody who had a piece of crushing communism over 74 bloody, hot and not so cold years. Thank you, too, sir, in the gallery.

□ 1610

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

I transmit herewith the 22nd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending February 28, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Ways and Means:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1990, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act, and section 12(1) of the Railroad Unemployment Insurance Act.

The Railroad Retirement Board (RRB) serves nearly 900,000 railroad retirees and their families and almost 280,000 railroad employees who rely on the system for retirement, unemployment, disability, and sickness insurance benefits. Beneficiaries depend on the financial integrity of the pension funds for payment of their benefits.

This report includes the RRB's 18th actuarial valuation of the Railroad Retirement Program's assets and liabilities. The valuation concluded that, barring a sudden, unanticipated, large drop in railroad employment, the railroad retirement system will experience no cash-flow problems for at least 20 years. The long-term stability of the system, however, remains questionable, and under the current financing structure, actual levels of rail employment in the coming years will determine whether additional corrective action is necessary.

The Railroad Retirement Reform Commission, created by the Congress to give the rail sector a chance to address the financial instability of the rail pension, issued its report in September 1990. I strongly oppose the report's recommendation to renew the diversion of Federal income taxes to the rail pension. Since 1983, approximately $1.5 billion in such taxpayer subsidies have been given to the rail pension fund. Railroad pension benefits should be financed solely by rail sector resources, and I will continue to oppose any additional general revenue funding measures for the railroad retirement system.

Other Commission recommendations such as privatization hold promise as equitable reforms to the system; rules protecting private pensions (ERISA) should also apply to the railroad's private pension system.

The Commission adopted a proposal contained in the administration's FY 1992 budget to extend benefits to all rail sector beneficiaries, such as widows and divorced spouses. These individuals would have been eligible for benefits under Social Security but are denied equivalent benefits by the rail system. Conforming rail social security and Social Security would make the rail pension benefit structure more equitable. This administration has a strong belief in just governance and supports such a measure that would conform benefit eligibility under the Railroad Retirement Act with the Social Security Act.

The Office of Management and Budget (OMB) was concerned with the overall management of RRB programs and engaged in a thorough management review of its operations. As a result of this review, an agreement was reached between OMB and RRB that included a 5-year management plan outlining the specific improvements and resources necessary to achieve much needed reforms at the RRB. Both OMB and RRB are committed to many substantial reforms, and the RRB leadership is demonstrating a new and progressive approach to addressing inefficiencies, debt collection, and automation modernization. I commend the Board for its efforts and urge the Congress to support appropriations for these measures to enhance RRB efficiency, eliminate material weaknesses, and to protect the integrity of the trust funds. The RRB inspector general's office also deserves praise for its diligence in monitoring and enforcing industry compliance with the pension contribution statutes. Such efforts help to preserve the integrity of the rail pension funds, on which rail employees and retirees depend.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

UPDATE ON AIDS PANDEMIC

The SPEAKER pro tempore (Mr. SWETT). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the country is preoccupied today with the hearings going on in the other body regarding Judge Thomas and his try for the U.S. Supreme Court. Because of that, some very, very important news is not being realized by the American people.

One of the biggest problems facing this Nation is the AIDS pandemic. I and a number of Members have been talking about this on the floor for many years.

About 5 years ago we were told by the Center for Disease Control in Atlanta that there were about 1.5 million people infected with the AIDS virus, and it was doubling every year to 18 months.

We are still being told there are between 1 million and 1.5 million people infected, and right now, this year, we will have over 200,000 people dead or dying. The projections that I have seen indicate that by the mid-1990's, we will have well over 1 million people dead or dying of this terrible disease.

Mr. Speaker, the problem we have is, we do not know all we need to know about the AIDS virus. We do not know, for example, all the ways it is spreading, how it is being spread. We do not know where it is spreading most rapidly. We have an idea, but we do not know for sure.

We do not know exactly how long you can go without knowing you have the disease. We know that some people have contracted AIDS within 2 years of getting the AIDS virus, the HIV virus. We know others who have gone for 10 years, carrying the AIDS virus, before they actually came down with active

AIDS. So we really do not know all the information we need to know.

As a result of this, a number of Members and I have been coming to the floor for a long time talking about a comprehensive program to deal with the AIDS pandemic.

When I say pandemic, I use that term because this is bigger than an epidemic. It is something that could be completely out of control and kill 10 million people in this country. We know that in Africa, for instance, that ultimately 50 million people over there will die from this disease.

The terrible problem with AIDS is, it is so insidious. You can go out with somebody who is perfectly healthy, a star football player, a cheerleader, a person that goes to your church. They might be completely healthy, and healthy for 2 to 3 years, and all of a sudden you find out they had the AIDS virus and you contracted it because you have married them and had relations with them, and you have the virus as well. It is a very insidious kind of disease.

Recently we found out some of the information we have been receiving from the Center for Disease Control, our former Surgeon General, Mr. Koop, and from Health and Human Services, was incorrect.

Mr. Speaker, I do not know if everyone in America remembers, but there was a pamphlet sent out all across this country telling the American people the only way you could get AIDS was from blood-to-blood contact, through using needles with somebody else, or sexual contact without the use of a condom, with somebody that had the AIDS virus.

We also were told by the former Surgeon General that it was virtually impossible for anybody to get the AIDS virus from their doctor, their dentist, or a health care worker, because they take precautions, using rubber gloves and masks and so forth.

The fact of the matter is, there are 230 million AIDS viruses that will fit on a period at the end of a sentence. The virus is so small that you could drive a truck load of them through the pore holes in one set of rubber gloves. That is why some doctors and dentists are now double-gloving before they work on a patient, because they do not want to get the virus, because they think there is a risk factor.

Mr. Speaker, recently we were told you could not get it from a doctor or dentist. We were told other bits of misinformation. We were told a mother could not give it to a child, a child could not give it to a mother.

We found out that in the Soviet Union, seven children were infected with the AIDS virus. They got it from the joint use of a needle. They were all supposed to get clean needles, but the nurses were selling the needles on the black market and were using the needles over and over to innoculate various children for various diseases. So about 20-some children got the AIDS virus, and seven of the children's mothers got the AIDS virus from nursing their child. There were no breaks in the breast, and yet the mother got the disease from breastfeeding that child.

We were told earlier that that was not possible, just like we were told that you could not get it from a doctor or dentist or health care worker.

We now know that a number of these misconceptions were just that, misconceptions. It is very sad to me that the Center for Disease Control, Health and Human Services, and the former Surgeon General, made categorical statements to the American people saying you cannot get AIDS except this way or that way, when in fact they did not know all the ways it could be transmitted.

That is why a number of Members in this House have come to the floor time and again, saying we need to have a comprehensive program to deal with AIDS, to pull our heads out of the sack, and try to protect the health of this Nation.

The best way to do that is to have education, to be sure, to tell people all the ways that we know it can be transmitted.

We need also to have testing. We need to have a routine testing program, because you can carry this in your own body for up to 10 years without even knowing you have it, and you can give it to somebody else all during that period of time.

We know from past experience that 70 percent of the people who know they have AIDS do change their habits, if they are notified they have the AIDS virus. They do not go around trying to infect other people. There is a certain percentage that continues to act in the wrong way, but most people will change their ways if they know that they have the AIDS virus.

So we need to have a testing program so people will know their HIV status, and we need to have an education program to try to keep people, especially teenagers, from exposing themselves to the AIDS virus.

We know that the sexual habits of teenagers and college students have not changed since the 1960's and 1970's, because a recent survey was just done by the George Gallup Co. that proves that the sexual habits of the American young people are pretty much the same as they have been in the past, and that is a recipe for real disaster, because you can get the AIDS virus very easily through sexual contact. So we need to have education. We need to have testing.

We need to have contact tracing, some kind of a system to, once we find out a person has the AIDS virus, keep their confidentiality, but if they continue to go out and expose other people to the virus, thus giving other people a disease that kills them, then we have to deal with those people.

You cannot let somebody with a loaded gun go around shooting people, nor can you let somebody who is infected with a deadly disease go around infecting other people once they know they have it.

So we have to have contact tracing, and penalities for those who continue to act irresponsibly.

Then, of course, we need to give those people who have the AIDS virus and who do act responsibly the protection of law. We need to protect their civil rights. Regardless of how they got it, we need to protect their jobs, their health benefits, and that sort of thing, and their ability to have a home and a place to live. We do not want Americans to lose those rights.

So there are a number of things that ought to be involved in a comprehensive program to deal with the AIDS virus. but the first thing I think that needs to be done is, we need to find out how it is spreading, who is spreading it, and how rapidly it is spreading.

We do not know how many people have it. I believe we have 5 million to 6 million people infected. That is about 1 out of every 40 Americans right now.

CDC says we still have 1.5 million people infected. They said that 5 years ago, and said it was doubling every year to 18 months.

Somebody is wrong. We need to find out how severe it is, to protect the people of this Nation. The health of the Nation should be paramount.

We did find out recently that the categorical statement made by Dr. Koop and others, that you could not get it from a health care worker, was wrong, and that is the reason for my special order here tonight.

A lady named Kimberly Bergalis got the AIDS virus from her dentist, a Dr. Acer in Florida, as did four other people. They are all going to die, because that dentist had the AIDS virus. He did not inform his patients, and he infected them.

So they are condemned to death, through no fault of their own. They tried to imply that Kimberly Bergalis may have been sexually promiscuous and so on and so forth. That has all been proven false, as was the case with those other four people.

But there are five people who are going to die because of that dentist. So Kimberly Bergalis, who is a very heroic young lady, about 21, 22, 23 years old, a beautiful young lady from Florida, who had her whole life ahead of her, is about to die from the AIDS virus. There have been articles in the papers about the tortures and the horrible things she has been experiencing from this disease.

□ 1620

She wanted to bring about some change. She wants her life to have some meaning. And so she wanted to be the person who led the charge toward a comprehensive program to deal with the AIDS virus. And she said, as did some other people, that there needs to be a comprehensive testing program for everybody in this country so that we can come to grips with the problem and see what we are up against.

Kimberly Bergalis, who is dying and very close to death, was supposed to come to the Capitol tomorrow to testify before the Health Subcommittee about her position on the Kimberly Bergalis bill which would mandate that doctors and dentists and health care workers be tested and have to inform their patients if they have the virus before they work on them and do invasive procedures.

The chairman of that subcommittee, Mr. WAXMAN of California, canceled the meeting, saying they had to postpone it because they could not get a room. We do not believe that is the case. We believe a room was available but they did not want to have all of the media and everybody else focusing attention on this lady who is dying at this particular time because of the pressure it might exert upon them to come up with a comprehensive program to deal with it.

So he decided to schedule a meeting for next week, when Congress will be out of session and nobody will be here, so that there will not be a lot of attention focused on this. That is tragic.

First of all, because Kimberly Bergalis is close to death right now, and she ought to be heard. Her case ought to be made very clearly before the Congress of the United States and this country before she dies, and every day may be her last. And yet the chairman of that subcommittee, Mr. WAXMAN, chose to postpone it for a week. And now Mrs. Bergalis and her daughter say that they will not come and testify because there will not be anybody here.

In addition to that, there was another doctor who got the AIDS virus during a blood transfusion, a Dr. Ed Rosar, a Wisconsin father of five and a former surgeon who was infected with the AIDS virus during cardiac surgery in 1985. He also said that he probably will not come and testify. That again is a tragedy.

And now Dr. Koop, they are going to have Dr. Koop come and testify when they have the hearing, and Dr. Koop is going to say it is virtually impossible for a doctor or a dentist to give it to a patient. Never mind the five people who got it from Dr. Acer in Florida. He is going to say you cannot get it that way because he is trying to cover his tail because he made a categorical statement to everybody in this country sometime back saying it wasn't possible.

Let me give Dr. Koop a little additional information I just received. The State of Maryland just did AIDS studies in their prisons because there was an epidemic that was breaking out because of two dentists who recently died of AIDS. Here is what they found.

They tested in the Maryland prisons the people these two dentists worked on; 957 inmates were tested. Thirty-three of them have tested positive for the AIDS virus. And they wanted to be tested because they found out their two dentists had the AIDS virus. These 957 inmates had no reason to believe they were going to have AIDS because they were not having drugs or sex with other inmates who might have AIDS. They wanted to find out if they got that AIDS virus from those two dentists, and 33 of them did.

There were 12 others that were tested that got the AIDS virus, but that was from another source, from either drugs or promiscuous sexual behavior. But 33 of the 957 tested got it from 2 dentists.

So it can be transmitted by doctors and health care workers and dentists to their patients. And the Gallup Co. just recently did a poll that showed that over 90 percent, close to 95 percent of the people in this country want to know if their health care provider has the AIDS virus before they are allowed to do invasive procedures on them.

I think that is prudent. If I am going to have somebody digging around in my mouth or in my body doing open heart surgery or root canal or pulling a tooth, I want to know if that person has a disease that might kill me or infect my family. I think every American feels the same way, at least 95 percent of them do, and yet when we wanted to have Kimberly Bergalis come and testify for a bill that would set up a mechanism to do exactly that, test doctors and health care workers as well as their patients, if they feel they might be at risk to them, the chairman of the committee canceled the meeting and postponed it until Congress was not in session.

That is a real tragedy. I say tonight to my good friend, Mr. WAXMAN from California, I am very disappointed in you. Kimberly Bergalis and her parents are not only disappointed, they are enraged. And if that young lady dies before she has a chance to testify and plead her case because her life is on the line, I think he should be held accountable for that.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I saw Kimberly last night on television with her dad, her sister at her bedside. She was looking as pretty as she did 4 or 5 months ago when this disease first stripped all the weight off her young body. She was so saddened when she had eruptions on her face when the disease, a few months ago, her complexion has cleared up. She looked like a little angel lying there on the bed and with her own words she said now she doesn't know whether she wants to be near any people like us in Congress because of this disappointment.

I do not think we should give up hope. My wife had a suggestion that we take a group down there under the Republican Study Committee, if no other way, and I think her father would accept this, where we could go down there, three or four Members, take her testimony, have her neighbors come over, none of those others have shown the manifestations of AIDS, although it is inevitable. One of the ladies that got it after she was holding up her ticket on television last night saying, "Here is my ticket. I was booked. I was ready to come up and testify."

Take their testimony, videotape it, and then bring that videotape back and push the issue with our good friend, Mr. WAXMAN, to at least show the videotape to the subcommittee and all our colleagues. We may not have to do that because I know our good colleague, the author of the bill, my adjoining congressional seat member here, BILL DANNEMEYER, he has not given up. He thinks we can resurrect the thing.

Mr. Bergalis, if he is watching, Mr. Speaker, the proceedings of this floor tonight, we are willing to move the mountain to them so that this beautiful young angel does not die in vain.

And one footnote, how could those 33 prisoners be identified? This is what put all the mystery to rest with Kimberly. When she said, "I am a virgin, I am saving myself for my husband. I do not engage in high-risk behavior at all," they said, "Oh, yes, sure," the liberal cynics in the world. But then they tested her particular AIDS HIV against the dentist's, and it is like a fingerprint. Not quite as good as a fingerprint, but darn near.

They got what within 99.9 percent compatible identification, where the medical community, even Dr. Koop, would have to concede. We do not know the incredibly miraculous way that she was infected, but these five people in that town were all infected by this millionaire doctor.

Do my colleagues know one of the sad things of the five people infected, he left $3 million. I did not know a dentist in such a short period could rack up that much money. But Kimberly is going to get $1 million, and the second one and the third one in her family. What good does it do when you have given your life? But the other two get nothing. They get $1 each. It is horrible the way this thing shakes down.

They can identify those prisoners, and the second thing is that I do not for the life of me, we have discussed this in the well before, understand why medical people do not want to be tested when if they are, they can demand that all patients be tested and all the nurses and doctors and dentists and health care workers and paramedics in this country are in far more danger of getting AIDS with blood being thrown around from automobile and crash victims than they are transmitting it, and it puts them on solid ground to say, "I am tested. I want these people tested before I go into invasive surgery with atomized blood flying around."

I have been through that kind of surgery. I know what can happen to a doctor.

Mr. BURTON of Indiana. Mr. Speaker, if I might interrupt, the CDC was just charged with the responsibility of doing a test to find out if AIDS can be an aerosol because there is some evidence. Dr. Day, out in California, has been concerned about this for sometime. There is some evidence that during a surgery where one is using instruments where sprayed blood and water and everything is going into the air, that it might be inhaled and could be contagious. And one could get AIDS that way.

That is why CDC is currently doing a study on this issue. We really don't know all the ways that AIDS can be spread. What we do know is that we need a comprehensive program to attack this. We need to declare war on AIDS and that means we have to have a comprehensive approach to deal with it.

I would just like to say to my colleagues who may be doctors, who are reluctant to be tested, we are talking about not picking on you as health care workers. We are talking about not picking on the population. We are talking about making sure that everybody in this country is tested ultimately so we can find out all we need to do to win the war against AIDS.

Doctors should not feel like they are the target because we have also put in the Kimberly Bergalis bill that a doctor can ask for a test on a patient before he does any invasive procedure if he feels or she feels that there is some kind of risk involved.

□ 1630

We think that is right. Doctors should know the health care status of their patient before they do an invasive procedure. They have every right to know that because they are at risk as well as they are the one digging around in the person who might have the AIDS virus, so they should know.

Conversely, the patient has the right to know if the person going in and doing an invasive procedure has that virus as well, because they might get the virus. It might be a death sentence. They might carry it home to their families.

I would just like to say in closing that I am disappointed that the hearing was postponed. If Kimberly Bergalis, or her family, or any of her loved ones are paying attention, we are going to do our dead-level best to make sure that her message is given to the entire Congress and the Nation. We are going to continue to fight for her bill to make mandatory testing of healthcare workers and their patients a reality, and we are going to do our dead-level best to make sure that Kimberly Bergalis's struggle and fight is not in vain. I do not want this young lady or people who have gotten infected by Dr. Acer or others who got it in that way to think that they are going down without anybody paying any attention. We do care about you. We do love you and we feel terrible that this sort of thing has happened and that this particular hearing has been canceled.

So in closing, let me say we have to come to grips with this, and if we need to we are going to take the initiative and go down to see Kimberly Bergalis and make sure that the Congress is informed. The worst thing we can do is to try to attack this disease in ignorance. We need to be informed and let the world know what the issues really are.

THE COLD WAR IS OVER

The SPEAKER pro tempore (Mr. SWETT). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I was in the Soviet Union during the break, and I thought that it was important for me to come to the floor today and express this one sentiment, and it might surprise some people, considering the fact that we have just spoken about the cold war and about the long struggle to contain communism. And certainly everyone should be aware that I am very proud that I stood beside Ronald Reagan and was one of the cold warriors that I think has been responsible for the victory over communism and the great expansion of freedom that we see taking place in the world today. And I am very proud of that, and I am very proud to have played a small role in that.

But the message I would like to bring back today is that the cold war is over. The cold war is over and we have to realize that as soon as possible. We must recognize the change that has happened, and we have to move as quickly as possible with that recognition in order to save millions of tax dollars that are no longer needed to contain communism or to deter war with the Soviet Union.

A little bit earlier we heard the fact that there were many people who were trying to say that what would have happened with the Soviet Union would have happened anyway, and these people are really trying to say that Ronald Reagan deserves none of the credit, and our massive military buildup in the 1980's was a waste of money. I think Ronald Reagan was correct. I think Ronald Reagan deserves much of the credit for the ending of the cold war, for the victory over communism and our military buildup did a lot to deter Soviet aggression. And over these last 4 decades it was military strength of the United States and our willingness to use that military that contained communism until it had a chance to actually implode because of its own corruption.

But now we realize that, and we realize that the Soviet Union is no more, that there is no longer a need for us to maintain the military spending that we have been and that we have had to bear in these last 4 decades. This especially means that we do not have to bear the burden and the expense of trying to garrison the world.

It was important for us in the last 4 decades to contain communism. It was part of the strategy that was set out in the late 1940's by George Cannon and other Americans who said that we would contain the expansion of communism until communism indeed had a chance to change internally or to collapse. With that type of strategy it was important for us to have military bases all over the world. This was a very expensive proposition.

It no longer is necessary for the preservation of peace. It is no longer necessary to defeat communism to have these bases all over the world.

I have a message for the elected officials of the Philippines, and it is you can have your darn bases. We do not want them. We do not need your bases, and we would just as soon spend our money at home. We have been in the Philippines with our bases there to protect the Philippines and Filipino officials now expect us to give them several hundred million dollars a year for the privilege of continuing to have our bases there. When all of this adds up, we are talking about billions of dollars to man and maintain Subic Bay and other smaller bases in the Philippines. Most of that money goes directly into the Filipino economy.

Now we are told that many of these people or many of the officials there are planning to reject our offer of providing them billions of dollars of our taxpayers' money.

Do not do us any favors. It is time to close the base at Subic Bay and to spend our dollars right here at home. We do not need to repair our naval vessels in Subic Bay. In fact, there are a multitude of naval shipyard workers in my very own district who will be very grateful to have the work of repairing those vessels rather than letting the Filipinos repair those vessels.

Mr. Speaker, the world has changed. Today we have a greater chance for peace and freedom and prosperity than at any other time in my lifetime. And yes, there will be challenges during this time of transition. But communism has been defeated and we must work to move quickly to save the taxpayers' dollars on weapons systems and bases that are no longer needed.

That is not to say that we will not face challenges because we will. After my visit to the Soviet Union I went to Yugoslavia. I went to Croatia, and in fact I visited a small town called Sunja which is in Croatia, and Mr. Speaker, it was evident there that the Serbian Government of Yugoslavia, the Serbian Government that controlled Belgrade has exposed itself as the last Stalinist regime in Europe, and it is determined to use aggression and brutality in order to maintain its domination in the Baltics. In the heart of Central Europe, a brutal war is underway, a war which has killed hundreds, wounded thousands, and has sent tens of thousands of refugees fleeing outside of Yugoslavian borders, and yes, forcing hundreds of thousands to flee within their own country. The Serbs have one of the largest armies in Europe.

Let me just say that the United States should be using its influence. We do not need to do it with weapons anymore. We should be using our influence to stop these types of conflicts, and not just to fight communism in the years ahead, but to be a force for democracy and peace in the world, and we can, by using our great diplomatic and economic powers to accomplish these ends.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SWETT) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 23, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 2702(a)(1)(B)(vi) of Public Law 101-509, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person:

Ms. Charlene N. Bickford, 3220 North 5th Street, Arlington, Virginia 22201.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM HON. CHARLIE ROSE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable CHARLIE ROSE, Member of Congress:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, August 15, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50 of the Rules of the House, that I have been served with a subpoena issued by the General District Court of North Carolina for Cumberland County.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,
CHARLIE ROSE.

GIVING AMERICANS A CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia. [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I basically want to talk about giving Americans a chance in the spirit of this particular congressional session. We have a real opportunity this fall to work for Americans.

I have read the press coverage about our coming back into session with fascination. I watched, as I think most Americans did, with amazement as the people of the Soviet Union stood up for freedom, as we saw an extraordinary scale of change going on in the Soviet Union, and as we to this very day see continuing evidence of the dramatically different Soviet Union. Yet all of the articles I saw talked about politics as usual, and who is going to outmaneuver who, and in a sense painted the American Congress and the American political system as a smaller and pettier and less effective system.

☐ 1640

And as we had the glory of Yeltsin standing on the tank and the magnificence of the Russian people to march in the square and then we have a sort of cynicism and a manipulation and, I think, a lack of belief in our system right here in America, and yet we are the place that created all of this. It is our Declaration of Independence which as much as anything really created the mood of freedom now reaching all across the world.

I want to take a few minutes this evening to ask the question of my colleagues: Is it possible for us to work together to create opportunities for Americans? Is it possible for us to work together to give Americans a chance?

We have real problems. We have problems with the economy. We need to create jobs. We have problems with education. We dramatically need reform. We have problems with health. Everyone knows that our health system is too expensive and too bureaucratic. It does not cover everyone fairly. We have problems with housing. We have young people working hard who cannot afford to buy a house. We have poor people trapped in public housing projects who would like to have a chance to manage and own their own property. We have problems with the environment. We just this week began cleaning up a toxic waste dump in Douglas County, GA, which I have been involved in getting the Environmental Protection Agency to clean up, and it is evident that we need to work harder and better at how to have the right kind of environment.

Every American knows that there are problems with crime and drugs.

And yet with all of these things, all too much of what is going to happen this fall in the Congress, I am afraid, is the narrowest and meanest and poorest kind of political maneuvering and political manipulation.

My suggestion is that maybe we ought to take a lesson from this magnificent event we saw and are still seeing in the Soviet Union. Maybe we ought to be less Republican and less Democrat and find a way to work together.

I know, for example, that the Democratic leadership intends to bring up only its version next week of how it would deal with the economy. Yet, I would argue that we need to have a bill such as the Economic Growth Act that Senator PHIL GRAMM and I have introduced which would create 1,100,000 new jobs, which would help sell 220,000 additional new homes every year for working poor, for younger couples to help them get involved, which would allow senior citizens to earn an additional $8,000 a year without penalty if they want to keep working after 65, which would give every American an individual retirement account, which would create an environment where you could take the money out of your individual retirement account and loan it to your children or your grandchildren if they, in fact, wanted to buy a house.

There are a lot of good things we could be doing. We could be doing things to give Americans a chance. We could be repealing a luxury tax which, on airplanes, is killing a job for every $64 in tax that we are raising. That is right. If you look at the information brought to us from Beechcraft in Kansas, for every $64 in taxes they are paying, they are laying off a worker, possibly the most destructive single tax increase for jobs in American history.

We could work together to change things. We could work together on health. We could pass a malpractice bill which would allow doctors to quit practicing defensive medicine which has been estimated by Secretary of Health and Human Services Lou Sullivan might have saved 20 percent of the cost of Medicare, lowering the charge to the taxpayer, lowering the charge to our senior citizens, giving them better health care at less cost.

We could pass a bill that Congressman ROD CHANDLER has introduced which would provide for small businesses to band together to be able to buy group insurance. That bill by Congressman CHANDLER would cover two-thirds of the workers who currently do not have health insurance. Now, imagine that one bill, by allowing small businesses to band together to buy group insurance, would cover two-thirds of the workers who are currently not covered by the current insurance.

There are a lot of things we could do. Secretary Lamar Alexander has done a marvelous job of outlining new approaches to Education 2000, America 2000, to experiment, to create schools that will work to give our children a chance to get the education they need. We ought to pass that bill. We ought to do it in a bipartisan way.

I think the central question in America today is very simple: Do you believe the current structure will work where we do not have enough resources, in which case we ought to raise taxes and pay for the current structure, or do you believe that in health, in education, in jobs, in crime, in running the bureaucracy, in a whole range of areas, we need real reform? And the issue is not resources. It is reform.

Now, when you are told, for example, that in the Pentagon the congressionally imposed red tape and the congressionally imposed time constraints lengthen the procurement of a new weapon by 6 years and increase its cost by 40 percent, that we are paying 40 percent more and taking 6 extra years to produce it so our young men and women can have the best weapons in the world: For what reason? Because we in the Congress have not been willing to reform the red tape, to cut out the bureaucracy, to create the right system.

When you learn over and over again of ways in which your own Government is making it harder and more difficult for small businesses to be in business, is making it harder and more difficult to create jobs, is making it harder and more difficult for taxpayers to get service, you have to wonder, and yet we know that there are ways out there to solve problems.

I have one example for today. I want to come back and keep talking about this concept that we can give Americans a chance, that we can create opportunities for Americans to work together, and that we can, by focusing on reform, really do the right kind of things.

I recently had Dr. Edwards Deming, the founder of the Quality Movement, up here on Capitol Hill. We spent about 4 hours with Members talking about ideas.

As part of that, Dr. Edward McEachern from West Paces Ferry Hospital wrote the following letter to my office:

> I want to share with you some American success stories of Dr. W. Edwards Deming in Georgia.
>
> HCA West Paces Ferry Hospital is a 294 bed acute care medical surgical hospital, located in suburban Atlanta. The hospital has been undergoing a quality transformation for the past 4 years. To date our success has been remarkable, yet we are keenly aware that we are just beginning to make inroads into improving delivery of healthcare to our patients. A few of our 57 teams' successes are:
>
> 1. Lowering our C-Section rate from 24.8% to less than 11% in the last 2 years. This is one of the lowest in the state, without increase in morbid outcome.
>
> 2. We have cut the cost of cardiac care to our patients in half over the last year in face of increased patient demands. Patients satisfaction went from 78% to 85% with better patient outcomes.
>
> 3. We have cut the increase of needle sticks in half over the last year.

Now, I would just like to suggest to you that when you see these kinds of facts, cutting the cost of cardiac care in half, cutting the number of cesarean sections from almost 25 percent to less than 11 percent, those are real changes that save real dollars that improve health care for the average American, and yet we, in the Congress, are not passing these kinds of reforms.

So I would like to suggest to everyone of my colleagues that the lesson of August for all of us ought to be to study what is happening in the Soviet Union, to have the same willingness to put America ahead of our petty partisan fighting, that we have seen Yeltsin and Gorbachev and others display in the Soviet Union, to produce a bipartisan reform agenda that will give Americans a chance to be successful again, and I am convinced that if we would work together, if we would set up a bipartisan effort to truly reform the Government, to truly reform education and health, to create new housing, to create new jobs, and to take the steps necessary to defeat crime and drugs, then I believe we could have the kind of Congress we could be proud of, and I hope that the Demo-cratic leadership will agree to join in that kind of bipartisan effort.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on September 16, 17, 23, 24, 25, 26, 27, and 30, and October 1, 2, 3, and 4.

Mr. BURTON of Indiana, for 60 minutes each day, on September 30 and October 1, 2, 3, and 4.

Mr. DORNAN of California, for 60 minutes each day, on September 12, 16, 17, 23, 24, 25, 26, 27, and 30 and on October 1, 2, 3, and 4.

(The following Members (at the request of Mr. JEFFERSON) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today, September 17, and 24, and October 1, and 60 minutes on September 18, 25, and October 2.

Mr. HOAGLAND, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. PELOSI, for 60 minutes, today.

Mr. BACCHUS, for 60 minutes, today and September 12.

Mr. MFUME, for 60 minutes, on September 12.

Mr. WASHINGTON, for 60 minutes, on September 12.

Mr. BONIOR, for 60 minutes, on September 12.

Mr. JACOBS, for 60 minutes, on September 24 and 25.

(The following Member (at the request of Mr. BURTON of Indiana) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. BROOMFIELD.
Mr. CAMPBELL of California.
Ms. ROS-LEHTINEN in nine instances.
Mr. HORTON.
Mr. CAMP.
Mr. VANDER JAGT.
Mr. GALLEGLY in three instances.
Mr. GOSS.
Mr. MCDADE.
Mr. SMITH of New Jersey.
Mr. RITTER.

(The following Members (at the request of Mr. JEFFERSON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. DE LA GARZA in 10 instances.
Mr. TORRICELLI in two instances.
Mr. WISE.
Mr. ROE.
Mr. BONIOR.
Mr. NEAL of Massachusetts.
Mr. PENNY.
Mr. STARK in three instances.
Mr. EDWARDS of California.
Mr. FASCELL in two instances.
Mr. LANTOS.
Mr. FUSTER.
Mr. RANGEL.
Ms. OAKAR.
Mr. CLEMENT.
Mr. MAVROULES.
Mr. MINETA in two instances.
Mr. DURBIN.
Mr. FAZIO in two instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 525. An act granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

S. 646. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges; to the Committee on the Judiciary.

S. 668. An act to authorize assistance grants to Indian tribal governments to regulate environmental quality on Indian reservations; to the Committee on Interior and Insular Affairs.

S. 967. An act providing for a 14-year extension of the patent for the badge of the American Legion Auxiliary; to the Committee on the Judiciary.

S. 969. An act providing for a 14-year extension of the patent for the badge of the American Legion; to the Committee on the Judiciary.

S. 1029. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and or other purposes; to the Committees on Interior and Insular Affairs and Agriculture.

S. 1145. An act to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics; to the Committees on the Judiciary and Post Office and Civil Service.

S. 1283. An act to authorize extensions of time limitations in certain FERC-issue Licenses; to the Committee on Energy and Commerce.

S.J. Res. 192. Joint resolution designating October 30, 1991 as "Refugee Day"; to the Committee on Post Office and Civil Service.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 2, 1991:

H.R. 1047. An act to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes;

H.R. 1455. An act to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard to Chicago, Illinois, as the "Ralph H. Metcalfe Federal Building";

H.R. 2901. An act to authorize the transfer by lease of four naval vessels to the Government of Greece;

H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purpose of preemption; and

H.J. Res. 264. Joint resolution designating August 1, 1991, as "Helsinki Human Rights Day."

On August 5, 1991:

H.R. 1448. An act to amend the Act of May 12, 1920 (81 Stat. 596), to allow the city of Pacatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

On August 6, 1991:

H.R. 2427. An act making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2506. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2699. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 3201. An act to provide emergency unemployment compensation, and for other purposes.

On August 7, 1991:

H.J. Res. 309. Joint resolution designating August 29, 1991, as "National Sarcoidosis Awareness Day";

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes;

H.R. 1143. An act to authorize a study of nationally significant places in American labor history;

H.R. 2313. An act to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes; and

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District Government, and for other purposes.

On August 9, 1991:

H.J. Res. 166. Joint resolution to designate September 13, 1991, as "Commodore John Barry Day";

H.R. 904. An act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history;

H.R. 1006. An act to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes;

H.R. 2123. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia; and

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 12, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1908. A letter from the Secretary of Agriculture, transmitting the animal welfare enforcement report covering fiscal year 1990, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

1909. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester, pursuant to Public Law 101–508, section 13101(c)(4) (104 Stat. 1388–589); to the Committee on Appropriations.

1910. A communication from the President of the United States, transmitting his request for consideration of a 1992 budget amendment for the establishment of the Chemical Safety and Hazard Investigation Board, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 102–131); to the Committee on Appropriations and ordered to be printed.

1911. A communication from the President of the United States, transmitting his request for consideration of a 1992 budget amendment for the U.S. share of the increase in subscriptions to capital stock of the International Finance Corporation, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 102–137); to the Committee on Appropriations and ordered to be printed.

1912. A letter from the Congressional Inquiry Division, Department of the Army, transmitting notification of the decision to convert to contract operations the clothing initial issue point function at Fort McClellan, AL, as to be more cost effective, pursuant to Public Law 100–463, section 8061 (102 Stat. 2270–27); to the Committee on Appropriations.

1913. A letter from the Comptroller General of the United States, transmitting a review of the President's fifth special impoundment message for fiscal year 1991, pursuant to 2 U.S.C. 685 (H. Doc. No. 102–130); to the Committee on Appropriations and ordered to be printed.

1914. A letter from the Director, Congressional Budget Office, transmitting the CBO's sequestration update report for fiscal year 1992, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

1915. A letter from the Director, Office of Management and Budget, transmitting the OMB sequestration update report to the President and Congress, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

1916. A letter from the Secretary of Transportation, transmitting two reports of violations that occurred in the Aircraft Purchase Loan Guarantee Program, Federal Aviation Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1917. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–132); to the Committee on Appropriations and ordered to be printed.

1918. A communication from the President of the United States, transmitting the National Security Strategy of the United States, 1991, pursuant to Public Law 99–433, section 603(a) (100 Stat. 1075); to the Committee on Armed Services.

1919. A letter from the Assistant Secretary of Defense for Force Management and Personnel, transmitting the semiannual report on the promotion rates of officers in joint duty assignments, pursuant to 10 U.S.C. 662(b); to the Committee on Armed Services.

1920. A letter from the Congressional Inquiry Division, Department of the Army, transmitting notification that a cost-comparison study of the installation supply function at the Military Ocean Terminal Sunny Point, Southport, NC, has shown that an in-house operation is the most cost efficient, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1921. A letter from the Congressional Inquiry Division, Department of the Army, transmitting notification of a decision to convert the organizational maintenance and dispatch function at Fort Sill from contract to an in-house operation, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

1922. A letter from the Director, Administration and Management, Department of Defense, transmitting a report on real and personal property of the Department as of September 30, 1990, pursuant to 10 U.S.C. 2701(b); to the Committee on Armed Services.

1923. A letter from the Comptroller, Department of Defense, transmitting a report of contract authority 41, U.S.C. 11, pursuant to 41 U.S.C. 11; to the Committee on Armed Services.

1924. A letter from the Acting Deputy Director, Defense Research and Engineering, Department of Defense, transmitting summaries outlying 22 test projects recommended for fiscal year 1992 funding, pursuant to U.S.C. 2350a(g); to the Committee on Armed Services.

1925. A letter from the Under Secretary of Defense for Acquisition, transmitting selected acquisition reports [SARS] for the quarter ending June 30, 1991, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1926. A letter from the Secretary, Department of Energy, transmitting a report on the evaluation of the suitability of the training program developed by the National Institute of Environmental Health Sciences for training workers involved in environmental and waste management activities of DOE, pursuant to Public Law 101-510, section 3135(b) (104 Stat. 1833); to the Committee on Armed Services.

1927. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to repeal section 1007(d) of title 37, United States Code, to remove the limitation on collections for indebtedness to the United States from the final pay of enlisted members of the Army and Air Force; to the Committee on Armed Services.

1928. A letter from the General Counsel, Department of Defense, transmitting a copy of Executive Order No. 12767, which updates the Manual for Courts-Martial; to the Committee on Armed Services.

1929. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 61 of title 10, United States Code, to provide disability coverage for persons granted excess leave under section 502 of title 37, United States Code; to the Committee on Armed Services.

1930. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 119 of title 10, United States Code, to change the special access programs reporting date from February 1 of each year to March 1 of each year; to the Committee on Armed Services.

1931. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to clarify the minimum service requirements for members of the Armed Forces who complete flight training; to the Committee on Armed Services.

1932. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the Secretary of Defense to institute a voluntary separation incentive for members of the Armed forces to ensure an orderly, effective, and fair reduction in the size of the Armed Forces, and for other purposes; to the Committee on Armed Services.

1933. A letter from the Secretary, Housing and Urban Development, transmitting a copy of the study regarding the need for increasing the maximum loan amounts for property improvement loans insured under title I of the National Housing Act, pursuant to Public Law 101-625, section 340(a) (104 Stat. 4147); to the Committee on Banking, Finance and Urban Affairs.

1934. A letter from the Secretary, Housing and Urban Development, transmitting a report on the operation and efficiency of the Buffalo Municipal Housing Authority, pursuant to Public Law 101-625, section 502(c) (104 Stat. 4184); to the Committee on Banking, Finance and Urban Affairs.

1935. A letter from the Secretary of the Treasury, transmitting an annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1990, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

1936. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking, Finance and Urban Affairs.

1937. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1938. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1939. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1940. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Bahrain, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1941. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1942. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Ireland, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1943. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Greece, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1944. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1945. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1946. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

1947. A letter from the President, Oversight Board of the Resolution Trust Corporation, transmitting the Corporation's report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

1948. A letter from the Secretary of Housing and Urban Development, transmitting the fiscal year 1990 annual report for the Federal Housing Administration, pursuant to Public Law 101-235, section 142 (103 Stat. 2032); to the Committee on Banking, Finance and Urban Affairs.

1949. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of the District Government's Use of Private Security Firms and DAS's Bureau of Protective Service," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

1950. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Fiscal Year 1990 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

1951. A letter from the Mayor, District of Columbia, transmitting the actuaries review of benefit changes to the police officers and firefighters retirement programs, pursuant to D.C. Code, section 1-722(d)(1); to the Committee on the District of Columbia.

1952. A letter from the Director, Office of Dependents' Schools, transmitting the annual test report for school year 1990-91 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

1953. A letter from the Secretary of Education, transmitting a report studying the means of identifying, locating, and counting homeless children and youth, pursuant to 42 U.S.C. 11434; to the Committee on Education and Labor.

1954. A letter from the Secretary of Education, transmitting a copy of Final Regulations for Training and Public Awareness Projects of National Significance in Technology-Related Assistance for Individuals with Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1955. A letter from the Secretary of Education, transmitting a notice of final priority—National Institute on Disability and Rehabilitation Research—Americans With Disabilities Act, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1956. A letter from the Secretary of Education, transmitting a copy of Final Priority for the Minority Teacher Training Project—Fiscal Year 1992, pursuant to 20 U.S.C.

1232(d)(1); to the Committee on Education and Labor.

1957. A letter from the Secretary of Education, transmitting a notice of final priority for fiscal year 1991—Program of Protection and Advocacy of Individual Rights, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1958. A letter from the Secretary of Education, transmitting a notice of final funding priorities for fiscal year 1991—Fund for Innovation in Education: Innovation in Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1959. A letter from the Secretary of Education, transmitting a notice of final priorities for fiscal year 1991—Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1960. A letter from the Secretary of Education, transmitting the annual report on the activities of the National Technical Institute for the Deaf, with an accounting of all indirect costs paid by NTID to the Rochester Institute of Technology for the period ending June 30, 1990, pursuant to 20 U.S.C. 4332; to the Committee on Education and Labor.

1961. A letter from the Secretary of Education, transmitting copies of the fiscal year 1990 reports of the Department's advisory committees, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

1962. A letter from the Secretary of Health and Human Services, transmitting the Sixteenth Annual Report on the Status of Handicapped Children in Head Start Programs, pursuant to 42 U.S.C. 9835(d); to the Committee on Education and Labor.

1963. A letter from the Secretary of Health and Human Services, transmitting the Seventeenth Annual Report on the Status of Handicapped Children in Head Start Programs, pursuant to 42 U.S.C. 9835(d); to the Committee on Education and Labor.

1964. A letter from the Acting Commissioner, National Center for Education Statistics, Office of Educational Research and Improvement Department of Education, transmitting the final report of the Special Study Panel on Education Indicators entitled, "Education Counts: An Indicator System to Monitor the Nation's Educational Health"; to the Committee on Education and Labor.

1965. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Education and Labor.

1966. A letter from the Secretary of Education, transmitting a draft of proposed legislation to revise and extend the statutory authorities for the Office of Educational Research and Improvement, the National Center for Educational Statistics, and the National Assessment of Educational Progress, to simplify and make more flexible certain program authorities, and for other purposes; to the Committee on Education and Labor.

1967. A letter from the Secretary of Health and Human Services, transmitting the Annual Report for Fiscal Year 1990 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

1968. A letter from the Assistant Secretary, Department of Energy, transmitting notification that the annual report on the Federal Government Energy Management and Conservation Programs will be transmitted by the end of September 1991, pursuant to 42 U.S.C. 8260; to the Committee on Energy and Commerce.

1969. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve during the period April 1, 1991, through June 30, 1991, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1970. A letter from the Secretary of Health and Human Services, transmitting the 1989 annual report on the National Health Service Corps [NHSC], The NHSC Scholarship Program [NHSCSP], and the NHSC Loan Repayment Program [NHSC/LRP], pursuant to 42 U.S.C. 2541(i); to the Committee on Energy and Commerce.

1971. A letter from the Chairperson, Advisory Panel on Alzheimer's Disease, transmitting its second annual report, pursuant to 42 U.S.C. 679; to the Committee on Energy and Commerce.

1972. A letter from the Acting Assistant Secretary for Fossil Energy, Department of Energy, transmitting a copy of the Strategic Petroleum Reserve Annual Site Environmental Report for calendar year 1990; to the Committee on Energy and Commerce.

1973. A letter from the Inspector General, Federal Emergency Management Agency, transmitting a copy of the audit report for fiscal year 1990 on the Agency's administration of the permanent and temporary relocation components of the Superfund Program, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

1974. A letter from the Chairman, Federal Trade Commission, transmitting the 21st report concerning the impact on competition and small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

1975. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 to clarify the scope of rail safety user fees; to the Committee on Energy and Commerce.

1976. A letter from the Acting Administrator, Agency for International Development, transmitting the Agency's 1990 Annual Report on Title XII—Famine Prevention and Freedom from Hunger, pursuant to 22 U.S.C. 2220e; to the Committee on Foreign Affairs.

1977. A letter from the Acting Secretary of State, transmitting President Bush's determination that the Board of the International Fund is, as a whole broadly representative of the interests of the communities in Ireland and Northern Ireland, and that disbursements from the International Fund are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and will address the needs of both communities in Northern Ireland, pursuant to Public Law 99-415, section 5(c) (100 Stat. 948); to the Committee on Foreign Affairs.

1978. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease renewals of defense articles to the Dominican Republic (Transmittal No. 14-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1979. A letter from the Acting Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more as of June 30, 1991; an addendum to the listing of all Letters of Offer that were accepted, as of June 30, 1991, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1980. A letter from the Acting Director, Defense Security Assistant Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Netherlands (Transmittal No. 13-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Canada (Transmittal No. MC-37-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1982. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DTC-43-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1983. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the United Kingdom and others (Transmittal No. DTC-33-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1984. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the midyear update of the 1991 International Narcotics Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

1985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report by the Acting Secretary of State to remove Romania from the application of section 620(f), pursuant to 22 U.S.C. 2370(f)(1); to the Committee on Foreign Affairs.

1986. A communication from the President of the United States, transmitting a report on the total expenditures directly attributable to the national emergency declaration under the International Emergency Economic Powers Act, pursuant to 50 U.S.C. 1641(c) (H. Doc. No. 102-134); to the Committee on Foreign Affairs and ordered to be printed.

1987. A communication from the President of the United States, transmitting his annual report reviewing all activities of U.S. Government departments and agencies during calendar 1990 relating to the prevention of nuclear proliferation, pursuant to 22 U.S.C. 3281 (H. Doc. No. 102-135); to the Committee on Foreign Affairs and ordered to be printed.

1988. A letter from the Secretary of Commerce, transmitting his report on the revision of the Commerce Control List, pursuant to 50 U.S.C. app. 2405(f); to the Committee on Foreign Affairs.

1989. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1990. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1991. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 24th 90-day report on the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

1993. A letter from the Director, Office of Management and Budget, transmitting a report for pay-as-you-go calculations for Public Law 102-86 and Public Law 102-88, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1994. A letter from the Director, Office of Management and Budget, transmitting a report for pay-as-you-go calculations for Public Law 102-107, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1995. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by the GAO during July 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1996. A letter from the Chief Judge, Court of Veterans Appeals, transmitting the U.S. Court of Veterans Appeals Judges Retirement Plan for year ending December 31, 1990, pursuant to 31 U.S.C. 9503(a)(1)(b); to the Committee on Government Operations.

1997. A letter from the Acting Director, Morale, Welfare and Recreation Support Activity, Department of the Navy, transmitting the annual report of the retirement plan for civilian employees of the U.S. Marine Corps morale, welfare, and recreation activities, the morale, welfare and recreation support activity, and miscellaneous nonappropriated fund instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1998. A letter from the Comptroller, General Accounting Office, transmitting a copy of the audit of the Department of Agriculture's consolidated financial statements for the fiscal year ended September 30, 1988 (GAO/AFMD-91-65); to the Committee on Government Operations.

1999. A letter from the Director, Office of Management and Budget, transmitting a report on OMB and CBO scoring of certain appropriations legislation, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

2000. A letter from the Director, Office of Management and Budget, transmitting the Office's report on executive agencies or parts thereof that perform substantial commercial functions, pursuant to Public Law 101-576, section 303(c) (104 Stat. 2851); to the Committee on Government Operations.

2001. A letter from the Director, Division of Commissioned Personnel, Office of the Surgeon General, Public Health Service, transmitting a copy of the Public Health Service Commissioned Corps Retirement System Plan for the year ending September 30, 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2002. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1991 through June 30, 1991, pursuant to 2 U.S.C. 104a (H. Doc. No. 102-138); to the Committee on House Administration and ordered to be printed.

2003. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2004. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2005. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2006. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2007. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2008. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2009. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2010. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2011. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2012. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2013. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2014. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2015. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2016. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2017. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2018. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2019. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2020. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2021. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2022. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2023. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the second biennial report on the estimated reserves of crude oil and natural gas in the Federal Outer Continental Shelf, pursuant to 43 U.S.C. 1865; to the Committee on Interior and Insular Affairs.

2024. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Interior and Insular Affairs.

2025. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 4, United States Code, to limit the authority of a State to tax a resident of another State in income derived from Federal employment performed on a Federal area located within the borders of two or more contiguous States; to the Committee on the Judiciary.

2026. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to amend the Federal mail fraud statute to permit the more effective and efficient prosecution of persons engaged in telemarketing fraud; to the Committee on the Judiciary.

2027. A letter from the Assistant Secretary for Legislative Affairs, Department of Justice, transmitting the Department's proposed regulations to implement the Radiation Exposure Compensation Act; to the Committee on the Judiciary.

2028. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's annual report and financial audit for the period ending March 31, 1991, pursuant to 36 U.S.C. 1101(41), 1103; to the Committee on the Judiciary.

2029. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1991 term on October 7, 1991; to the Committee on the Judiciary.

2030. A letter from the Chairman, U.S. Sentencing Commission, transmitting a report on mandatory minimum penalties in the Federal criminal justice system, pursuant to Public Law 101-647, section 1703; to the Committee on the Judiciary.

2031. A letter from the Chairman, U.S. Sentencing Commission, transmitting a copy of the Supplementary Report on Sentencing Guidelines for Organizations; to the Committee on the Judiciary.

2032. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of efforts to negotiate access agreements for U.S. vessels to fish for tuna in the exclusive economic zones of other countries, pursuant to Public Law 101-627, section 105(a) (104 Stat. 4440); to the Committee on Merchant Marine and Fisheries.

2033. A letter from the Assistant Secretary, Department of the Interior, transmitting a draft of proposed legislation to authorize the Department of the Interior to construct certain facilities at Culebra National Wildlife Refuge in the Commonwealth of Puerto Rico on lands owned by the Commonwealth, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2034. A letter from the Administrator, Environmental Protection Agency, transmitting the first report on environmental estuarine monitoring of organotin concentrations, pursuant to 33 U.S.C. 2406; to the Committee on Merchant Marine and Fisheries.

2035. A letter from the Secretaries of Commerce and State, transmitting a report on the allocation of surplus Atlantic mackerel to Poland and the former German Democratic Republic during calendar year 1990, pursuant to 16 U.S.C. 1821(f); to the Committee on Merchant Marine and Fisheries.

2036. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Merchant Marine and Fisheries.

2037. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Fiscal Year 1990–92 Multi-Year Affirmative Action Plan for the Department; to the Committee on Post Office and Civil Service.

2038. A letter from the Secretary of Transportation, transmitting the 11th annual report on collision avoidance systems, pursuant to 49 U.S.C. app. 1348 note; to the Committee on Public Works and Transportation.

2039. A communication from the President of the United States, transmitting notification of his determination that a waiver with respect to the emigration practices of Romania will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432 (c), (d) (H. Doc. No. 102–133); to the Committee on Ways and Means and ordered to be printed.

2040. A communication from the President of the United States, transmitting his determination that Hungary continues to meet the emigration criteria of the Jackson-Vanik amendment to the Trade Act of 1974, pursuant to 19 U.S.C. 2439(b) (H. Doc. No. 102–136); to the Committee on Ways and Means and ordered to be printed.

2041. A letter from the Secretary of Commerce, transmitting the final report concerning the National Trade Data Bank, pursuant to Public Law 100-418, section 5413(b)(1); to the Committee on Ways and Means.

2042. A letter from the Secretary of Health and Human Services, transmitting a report on full-rate supplemental security income benefits for certain persons who are temporarily institutionalized; to the Committee on Ways and Means.

2043. A letter from the U.S. Trade Representative, transmitting a report on recent developments regarding implementation of section 301 of the Trade Act of 1974, covering the period January through June 1991, and reflects the effectiveness of this trade remedy in eliminating or reducing foreign unfair trade practices, pursuant to 19 U.S.C. 2419; to the Committee on Ways and Means.

2044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination that the "Agreement on Trade Relations Between the United States and the Union of Soviet Socialist Republics" will promote the purposes of the Trade Act and is in the national interest; to the Committee on Ways and Means.

2045. A letter from the Federal Prison Industries, Inc., Department of Justice, transmitting an independent market study conducted on the Federal Prison Industries, Inc., pursuant to Public Law 101-515, (104 Stat. 2155); jointly, to the Committees on Appropriations and the Judiciary.

2046. A letter from the Chairman, Federal Election Commission, transmitting the Commission's budget request for the fiscal year 1993, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on Appropriations and House Administration.

2047. A letter from the Executive Director, Resolution Trust Corporation, transmitting a report on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

2048. A letter from the Director, Office of Management and Budget, transmitting the sixth report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

2049. A letter from the Secretary of Energy, transmitting a report on the reasons why it will require more than 1 year to implement plans that are responsive to Defense Nuclear Facilities Safety Board recommendations with respect to public health and safety at DOE defense nuclear facilities; jointly to the Committees on Armed Services and Energy and Commerce.

2050. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Department of the Treasury for unforeseen emergencies of a confidential nature; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

2051. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the 36th report on the status of the Alaska Natural Gas Transportation System, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2052. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to require the Secretary of Health and Human Services to impose fees on persons and entities regulated by the Food and Drug Administration; jointly, to the Committees on Energy and Commerce and Ways and Means.

2053. A letter from the Comptroller, General Accounting Office, transmitting a review of the Panama Canal Commission's financial statements for the year ended September 30, 1990 (GAO/AFMD-91-76), pursuant to 22 U.S.C. 3723(b); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

2054. A letter from the Comptroller, General Accounting Office, transmitting a report on revitalizing the Department of Agriculture's structure, systems, and strategies (GAO/RCED-91-168); jointly, to the Committees on Government Operations and Agriculture.

2055. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information for the quarter ending June 30, 1991, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

2056. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation introducing technical amendments to Public Law 101-622, "To Authorize Modifications of the Boundaries of the Alaska Maritime National Wildlife Refuge"; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

2057. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas of the Philippines, pursuant to 5 U.S.C. 5928; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

2058. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TACAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan. Committee on Education and Labor. H.R. 3053. A bill to amend the Individuals With Disabilities Education Act to strengthen such Act, and for other purposes; with an amendment (Rept. 102–198).

Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan. Committee on Education and Labor. H.R. 2967. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes; with an amendment (Rept. 102-199). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY. Committee on Rules. House Resolution 219, a resolution providing for the consideration of H.R. 2967, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes (Rept. 102-200). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER of California:

H.R. 3290. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent and to encourage investment and savings, and to limit spending increases to 4 percent through 1995; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. DIXON:

H.R. 3291. A bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. HOYER:

H.R. 3292. A bill to require candidates who are eligible to receive amounts from the Presidential Election Campaign Fund to prepare television commercials with closed captioning of the oral content; to the Committee on House Administration.

By Mr. KOLTER:

H.R. 3293. A bill to direct the Secretary of Energy to enter into an arrangement with the National Academy of Sciences to conduct a study of the effects on human health of exposure to extremely low frequency electric and magnetic fields; to the Committee on Energy and Commerce.

By Mr. MAZZOLI:

H.R. 3294. A bill to delay until April 1, 1992, the implementation of provisions relating to O and P nonimmigrants; to the Committee on the Judiciary.

By Mr. MAZZOLI (by request):

H.R. 3295. A bill to amend the Immigration and Nationality Act to authorize the nonimmigrant entry of spouses and children of alien members of the Armed Forces; to the Committee on the Judiciary.

By Mr. BROOMFIELD (for himself and Mr. DURBIN):

H.R. 3296. A bill to declare that Lithuania, Latvia, and Estonia shall be eligible for assistance under United States assistance programs for Eastern Europe; to the Committee on Foreign Affairs.

By Mr. CAMPBELL of California:

H.R. 3297. A bill to extend most-favored-nation treatment to the products of the Baltic nations; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 3298. A bill to enhance the financial safety and soundness of the banks and associations of the Farm Credit System; to the Committee on Agriculture.

By Mr. ENGEL:

H.R. 3299. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. ENGLISH:

H.R. 3300. A bill to enhance the financial safety and soundness of the Federal Agricultural Mortgage Corporation; to the Committee on Agriculture.

By Mr. EVANS:

H.R. 3301. A bill to provide that the preferences afforded to veterans under the civil-service laws be extended to the Library of Congress; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. GLICKMAN:

H.R. 3302. A bill entitled: "The Food Trade Modernization Act of 1991"; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. HOAGLAND:

H.R. 3303. A bill to abolish the Oversight Board of the Resolution Trust Corporation, establish a Board of Governors of the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAFALCE (for himself and Mr. IRELAND):

H.R. 3304. A bill to preserve the disaster loan fund to assist victims of future disasters, and for other purposes; to the Committee on Small Business.

By Mr. LIVINGSTON (for himself and Mr. HOLLOWAY):

H.R. 3305. A bill to suspend until January 1, 1995, the duty on Disperse Red 279; to the Committee on Ways and Means.

H.R. 3306. A bill to suspend until January 1, 1995, the duty on Fastusol C Blue 76L; to the Committee on Ways and Means.

H.R. 3307. A bill to suspend until January 1, 1995, the duty on Luvican M-170 and EP; to the Committee on Ways and Means.

By Mr. MCEWEN:

H.R. 3308. A bill to provide for the provision of United States agricultural commodities to the Soviet Republics in exchange for petroleum products provided by such republics; jointly, to the Committees on Foreign Affairs, Ways and Means, Agriculture, and Energy and Commerce.

By Mr. NEAL of Massachusetts (for himself and Mr. OLVER):

H.R. 3309. A bill to amend title XVIII of the Social Security Act to prevent a reduction in the hospital wage index for an urban area, with a wage index below the rural wage index for the State, as a result of a reclassification of a hospital, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 3310. A bill to amend the Internal Revenue Code of 1986 to allow claims for refunds or credits in district courts or the U.S. Claims Court for estates electing application of section 6166; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. BENNETT, Mr. BILIRAKIS, Mr. FASCELL, Mr. GOSS, Ms. ROS-LEHTINEN, and Mr. LEHMAN of Florida):

H.R. 3311. A bill to provide a veterans' bill of rights; to the Committee on Veterans' Affairs.

By Mr. STENHOLM (for himself, Mr. ROBERTS, Mr. COOPER, Mr. BARTON of Texas, Mr. BOUCHER, Mr. HALL of Texas, Mr. HARRIS, Mr. LEHMAN of Florida, Mr. ROWLAND, Mr. SYNAR, Mr. TOWNS, Mr. BEREUTER, Mrs. BYRON, Mr. CHAPMAN, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Texas, Mr. COMBEST, Mr. DERRICK, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS, Mr. GILLMOR, Mr. GUNDERSON, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. KLUG, Mr. KOLBE, Mr. LANCASTER, Mr. LEWIS of Florida, Mr. MOLLOHAN, Mr. PAYNE of Virginia, Mr. PICKLE, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. RAY, Mr. ROGERS, Mr. ROSE, Mr. SARPALIUS, Mr. SMITH of Oregon, Mr. STALLINGS, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. VALENTINE, Mr. WEBER, Mr. WILSON, Mr. WISE, and Mrs. VUCANOVICH):

H.R. 3312. A bill to amend title VII of the Public Health Service Act to reauthorize and expand provisions relating to area health education centers, in order to establish a Federal-State partnership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.J. Res. 322. Joint resolution to speed the reduction of nuclear forces pursuant to the recommendations of the National Academy of Sciences report entitled "The Future of the U.S.-Soviet Nuclear Relationship" and dated August 1991; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. STEARNS (for himself, Mr. HENRY, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. EWING, Mr. FUSTER, Mr. LIGHTFOOT, Mr. SHAW, Mr. BENNETT, Mr. OXLEY, Mr. HORTON, Mr. IRELAND, Mrs. VUCANOVICH, Mr. SCHEUER, and Mr. MARTINEZ):

H. Con. Res. 199. Concurrent resolution commending the people of the Union of Soviet Socialist Republics and their democratically elected leaders for their continuing courage and commitment to freedom; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

258. By the SPEAKER: Memorial of the House of Representatives of the State of Illinois, relative to regulated banking institutions; to the Committee on Banking, Finance and Urban Affairs.

259. Also, memorial of the House of Representatives of the State of Illinois, relative to rural hospitals; to the Committee on Energy and Commerce.

260. Also, memorial of the House of Representatives of the State of Illinois, relative to foreign investment in Illinois; to the Committee on Energy and Commerce.

261. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the Safe Drinking Water Act; to the Committee on Energy and Commerce.

262. Also, memorial of the Legislature of the State of Oregon, relative to creating hazardous material management and emergency response training facility; to the Committee on Energy and Commerce.

263. Also, memorial of the House of Representatives of the State of Illinois, relative to international faculty and student ex-

change programs; to the Committee on Foreign Affairs.

264. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Croatian democracy; to the Committee on Foreign Affairs.

265. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to Americans missing in Indochina; to the Committee on Foreign Affairs.

266. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Slovenian democracy; to the Committee on Foreign Affairs.

267. Also memorial of the Senate of the Commonwealth of Pennsylvania, relative to Slovenia and its sister Republics, Croatia, Bosnia, and Herzegovina; to the Committee on Foreign Affairs.

268. Also, memorial of the Legislature of the State of Oregon, relative to a POW-MIA truth bill; to the Committee on Government Operations.

269. Also, memorial of the Senate of the State of Illinois, relative to the MIA's from Illinois; to the Committee on Government Operations.

270. Also, memorial of the House of Representatives of the State of Illinois, relative to the Abraham Lincoln Research and Interpretive Center; to the Committee on Interior and Insular Affairs.

271. Also, memorial of the Legislature of the State of Oregon, relative to Federal forests; to the Committee on Interior and Insular Affairs.

272. Also, memorial of the Legislature of the State of Wisconsin, relative to the shipbuilding industry; to the Committee on Merchant Marine and Fisheries.

273. Also, memorial of the General Assembly of the State of Indiana, relative to unemployment compensation benefits paid to exservicemembers; to the Committee on Ways and Means.

274. Also, memorial of the House of Representatives of the State of Illinois, relative to Social Security earning limits; to the Committee on Way and Means.

275. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the Clean Coal Technology Program; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Synar, Mr. Levin of Michigan, Mr. Orton, Mr. Conyers, Mr. Cox of Illinois, Mr. Dorgan of North Dakota, and Mr. Martinez.

H.R. 74: Mr. Hefley, Mr. Petri, Mr. Condit, Mr. Beilenson, and Mr. Rinaldo.

H.R. 110: Mr. Johnson of South Dakota and Mr. Michel.

H.R. 114: Mr. Rowland.

H.R. 179: Mr. Weber, Mr. Murphy, Mr. Weiss, and Mr. Mavroules.

H.R. 303: Mr. Volkmer, Mr. Cunningham, Mr. Towns, and Mr. Wyden.

H.R. 304: Mr. Brown, Mr. Blaz, Mr. Chapman, Mr. Emerson, and Mr. Towns.

H.R. 357: Mr. Fazio, Mr. Espy, and Mr. Emerson.

H.R. 376: Mr. Moran.

H.R. 423: Mr. Gunderson.

H.R. 431: Mr. Machtley, Mr. Johnson of South Dakota, Mr. Young of Florida, Mr. Yatron, Mr. Riggs, Mr. Rahall, Ms. Horn, Mr. Barnard, Mr. Dickinson, and Mr. Lantos.

H.R. 434: Ms. Pelosi.

H.R. 461: Mr. Upton, Mr. Jontz, and Mr. Fawell.

H.R. 534: Mr. Thornton, Mr. Lantos, Mr. Hoyer, Mr. Andrews of New Jersey, Mr. Lancaster, Mr. Boehner, Mr. Owens of Utah, Mr. Moody, Mr. Conyers, Mr. Condit, Mr. Hefner, and Mr. Gonzalez.

H.R. 661: Mr. Owens of New York, Mr. Kyl, and Mr. Hobson.

H.R. 668: Mr. James.

H.R. 709: Mr. Oberstar, Ms. DeLauro, and Mr. Dymally.

H.R. 710: Mr. Valentine and Mr. Camp.

H.R. 735: Mr. Doolittle and Mr. Kopetski.

H.R. 776: Mr. Faleomavaega.

H.R. 784: Mr. Peterson of Florida, Mr. AuCoin, Mr. Erdreich, Mr. Fawell, Mr. Gunderson, Mr. Reed, Mr. Ewing, Mr. Rhodes, and Mr. Clement.

H.R. 786: Mr. Sabo, Mr. Kolter, Mr. Oberstar, Mr. Thomas of Georgia, Mr. Horton, and Ms. Pelosi.

H.R. 791: Mr. Richardson.

H.R. 828: Mr. Campbell of Colorado.

H.R. 842: Mr. Faleomavaega, Mr. Hertel, and Ms. DeLauro.

H.R. 858: Mr. James, Mr. Dannemeyer, Mr. Eckart, and Mr. Hoagland.

H.R. 859: Mr. Valentine.

H.R. 941: Mrs. Unsoeld.

H.R. 967: Mr. Orton, Mrs. Boxer, and Mr. Kostmayer.

H.R. 1048: Mr. Vander Jagt, Mr. Upton, Mr. Neal of Massachusetts, Mr. Dwyer of New Jersey, and Mr. Roberts.

H.R. 1079: Mr. Neal of Massachusetts.

H.R. 1084: Mr. Oberstar.

H.R. 1126: Mr. Abercrombie, Mr. Machtley, Mr. Markey, Mr. Hoyer, Mr. Dymally, Mr. Kostmayer, Mr. Cardin, and Mr. Washington.

H.R. 1147: Mr. Mineta, Mr. Spratt, Mr. Bryant, Mr. Ewing, and Mr. Valentine.

H.R. 1161: Mrs. Roukema, Mr. Torricelli, Mr. Jones of North Carolina, Mr. Staggers, and Mr. Gordon.

H.R. 1184: Mr. Darden and Mr. Santorum.

H.R. 1185: Mr. Campbell of Colorado.

H.R. 1195: Ms. DeLauro.

H.R. 1300: Mr. Kennedy.

H.R. 1335: Mr. Bilbray, Mrs. Byron, Mr. Neal of Massachusetts, Mr. Roe, Mr. Coleman of Texas, Mr. Cox of Illinois, and Mr. Borski.

H.R. 1389: Mr. Wolpe.

H.R. 1411: Mr. Gallo, Mr. Jacobs, Mr. Hall of Ohio, Mr. Emerson, Mr. Bryant, Mr. Hobson, Mr. Owens of New York, Mr. Spratt, Mr. Pallone, Mr. Brown, Mr. Torricelli, Mr. Rahall, Mr. English, Mrs. Kennelly, and Mr. Johnson of South Dakota.

H.R. 1414: Mr. Carper, Mrs. Patterson, and Mr. Young of Florida.

H.R. 1421: Mr. Grandy.

H.R. 1456: Mr. Tanner, Mr. Shays, Mr. Hobson, Mr. Feighan, Mrs. Patterson, and Mr. Tauzin.

H.R. 1472: Mr. Neal of Massachusetts, Mr. Moran, Ms. Slaughter of New York, Mr. Andrews of New Jersey, Mr. Bilbray, Mr. Boehlert, Mr. Lehman of Florida, Mr. Torricelli, Mr. Jontz, Mr. Moody, Mr. LaFalce, and Mr. Smith of Iowa.

H.R. 1473: Mr. Wolf, Mr. Kolter, Mr. Jacobs, Mr. Ireland, Mr. Young of Florida, Mr. Gordon, and Mr. Wise.

H.R. 1497: Mr. Swett, Mr. Archer, Mr. Sarpalius, and Mr. Stenholm.

H.R. 1506: Mr. Gingrich.

H.R. 1527: Mr. Payne of New Jersey, Mr. Ford of Michigan, Mr. Ros-Lehtinen, Mr. Kildee, Mr. Roth, Mr. Montgomery, Ms. Collins of Michigan, Mr. Coleman of Texas, Mr. Flake, Mr. Sisisky, Mr. Ray, and Mrs. Vucanovich.

H.R. 1533: Mr. Machtley and Mr. James.

H.R. 1534: Mr. Lancaster, Mr. Condit, Mr. Stearns, Mrs. Byron, Mr. Bruce, and Mr. Eckart.

H.R. 1535: Mr. Goss and Mr. Eckart.

H.R. 1536: Mrs. Lloyd, Mr. Fish, Ms. Slaughter of New York, Mr. Andrews of New Jersey, and Mr. Chapman.

H.R. 1538: Mr. Neal of North Carolina, Mr. Camp, Mr. Payne of Virginia, Mr. Bacchus, Mr. Andrews of Maine, Mr. Kostmayer, Mr. Roemer, Mr. Hughes, Mrs. Boxer, Mr. Frost, Mr. Houghton, Ms. Horn, and Mr. Bustamante.

H.R. 1545: Mr. Mavroules.

H.R. 1551: Mr. Bevill, Mr. Faleomavaega, and Mr. Durbin.

H.R. 1554: Mr. Johnson of South Dakota, Mr. Bruce, and Mr. Yates.

H.R. 1557: Mrs. Kennelly, Mr. Andrews of New Jersey, Mr. Frost, Mr. Torricelli, Mr. Kildee, Mr. Bacchus, Mr. McDermott, and Mr. Feighan.

H.R. 1598: Mr. Gilman, Mr. Donnelly, and Mr. Mrazek.

H.R. 1633: Ms. Horn, Mr. Faleomavaega, Ms. DeLauro, Mr. Coyne, Mr. Waxman, Mr. Jefferson, and Mr. Durbin.

H.R. 1655: Mr. Leach and Mr. Carper.

H.R. 1656: Mr. Fascell.

H.R. 1663: Mr. Hammerschmidt.

H.R. 1664: Mr. Foglietta and Mr. Perkins.

H.R. 1665: Mr. Evans.

H.R. 1751: Mr. Petri, Mr. Gingrich, and Mr. Goss.

H.R. 1753: Mr. Barton of Texas, Mr. Brown, Mr. Costello, Mr. Crane, Mr. Hunter, Mr. Lagomarsino, Mr. McDade, Mr. McGrath, Mr. Packard, Mr. Peterson of Minnesota, Mr. Shuster, and Mr. Stenholm.

H.R. 1755: Mr. Hunter, Mr. Johnson of Texas, and Mr. Bilirakis.

H.R. 1768: Mr. Atkins and Mr. McMillan of North Carolina.

H.R. 1820: Mr. Matsui.

H.R. 1860: Mr. Clinger.

H.R. 1916: Mr. Frost, Mr. Carper, Mr. Studds, and Ms. Kaptur.

H.R. 1956: Mr. Moran.

H.R. 1969: Mr. Washington and Mr. Panetta.

H.R. 1986: Mr. Thomas of California.

H.R. 2027: Mr. Hoagland.

H.R. 2046: Mr. Browder.

H.R. 2081: Mr. Gordon and Mr. Brown.

H.R. 2083: Mr. Jacobs, Mr. Frost, Mr. Machtley, Mr. Beilenson, Mr. Dellums, Mr. Kopetski, Mr. Andrews of Maine, and Mr. Mineta.

H.R. 2084: Ms. Norton.

H.R. 2089: Mr. Kolter, Mr. Ackerman, Mr. Hertel, and Mr. Valentine.

H.R. 2092: Ms. Slaughter of New York, Mr. Fawell, Mr. Edwards of California, Mr. Kennedy, Mr. Levine of California, Mr. Mrazek, Mr. Wheat, Mr. Abercrombie, Mr. Martinez, and Mr. Lantos.

H.R. 2115: Mr. Pickett, Mr. Chapman, and Mrs. Patterson.

H.R. 2199: Mr. Abercrombie, Mr. Emerson, Mr. Livingston, Mr. Mrazek, Mr. Towns, Mr. Traficant, Ms. Pelosi, and Mr. Martinez.

H.R. 2200: Mr. Chapman.

H.R. 2208: Mr. Coleman of Missouri and Mr. Kyl.

H.R. 2233: Mr. Campbell of Colorado, Mr. Cox of Illinois, and Mr. Ravenel.

H.R. 2239: Mr. McCloskey, Mr. Payne of Virginia, and Mr. Espy.

H.R. 2240: Mr. Cox of Illinois, Mr. Espy, and Mr. Payne of Virginia.

H.R. 2242: Mr. Matsui.

H.R. 2248: Mr. Schumer, Mr. Wolf, Mr. Brown, Mr. Emerson, Mr. Stallings, Mr. Ramstad, Mr. Frank of Massachusetts, Mr. English, Mr. Wolpe, Mr. Hancock, Mr. Traficant, and Mr. Rahall.

H.R. 2255: Mr. Glickman, Mr. Kostmayer, and Mr. Towns.

H.R. 2257: Mr. Crane.

H.R. 2258: Mr. Kleczka, Mrs. Lowey of New York, Mr. Owens of New York, Mr. Rahall, Mr. Sawyer, and Mr. Yatron.

H.R. 2270: Mr. Markey and Mr. Moran.

H.R. 2303: Mr. Foglietta and Mr. Obey.

H.R. 2309: Mr. Condit, Mr. Harris, Mr. Kolter, Mr. Torricelli, and Mr. Faleomavaega.

H.R. 2333: Mr. Obey.

H.R. 2340: Mr. Ravenel, Mr. Armey, Mr. Horton, Mr. Towns, and Mr. Espy.

H.R. 2357: Mr. Grandy.

H.R. 2361: Mr. Slaughter of Virginia, Mr. Upton, and Mr. Wolpe.

H.R. 2363: Mr. Ireland, Mr. Ford of Tennessee, Mr. Frost, Mr. Swett, Mr. Smith of Texas, Mr. Wolpe, Mr. Faleomavaega, Mr. Lehman of Florida, Mr. Bilirakis, Mr. Costello, Mr. Ewing, Ms. Pelosi, Mr. Carper, and Mr. Rinaldo.

H.R. 2374: Mrs. Boxer.

H.R. 2407: Mr. Skeen, Mr. Tallon, Mr. Hefner, Mr. McCurdy, Mr. Martinez, Mr. Bliley, Mr. McMillan of North Carolina, Mr. Miller of California, Mr. Ridge, Mr. Geren of Texas, Mr. Parker, Mr. Dooley, Mr. Hobson, Mr. Nagle, Mr. Thomas of California, Mr. Ewing, Mr. Peterson of Florida, Mr. Kanjorski, Mr. Orton, Mr. Bacchus, Mr. Coble, Mr. Ford of Tennessee, Mr. Pursell, Mr. Neal of Massachusetts, Mr. Thornton, and Mr. Murphy.

H.R. 2410: Mr. Gallegly, Mr. Hammerschmidt, Mr. Camp, and Mr. Sundquist.

H.R. 2484: Mr. Clinger and Mr. Espy.

H.R. 2500: Mr. Costello.

H.R. 2511: Ms. DeLauro.

H.R. 2515: Mr. Miller of California.

H.R. 2571: Mrs. Mink, Mr. Orton, Mr. Bonior, Mr. Foglietta, Mr. Rangel, Mr. Fuster, and Mr. Johnson of South Dakota.

H.R. 2595: Mr. Duncan and Mr. Boehner.

H.R. 2632: Mrs. Mink, Mrs. Unsoeld, Mr. Vento, Mr. Rahall, Mr. Kolter, and Mr. Tauzin.

H.R. 2639: Mr. Clinger.

H.R. 2664: Mr. Hayes of Louisiana, Mr. Ramstad, and Mr. Walker.

H.R. 2672: Mr. Gingrich, Mr. Camp, Mr. Jefferson, Mr. Young of Florida, Mr. Emerson, and Mr. Martinez.

H.R. 2689: Mr. Franks of Connecticut.

H.R. 2693: Mr. Ireland, Mrs. Byron, Mr. Jontz, Ms. Norton, and Mr. Rinaldo.

H.R. 2717: Mr. Fish.

H.R. 2724: Ms. DeLauro and Mr. Jontz.

H.R. 2750: Mr. Anthony, Mr. Lancaster, Mr. Ford of Michigan, Mr. Smith of Florida, Mr. Donnelly, Mr. Guarini, Mr. Espy, Mr. Payne of Virginia, Mr. Spratt, Mr. Gonzalez, and Mr. Slattery.

H.R. 2763: Mr. Stallings, Mr. Markey, Mr. Thomas of Wyoming, Mr. Bruce, Mr. Jones of North Carolina, and Mr. Brown.

H.R. 2767: Mr. Bustamante and Mr. Skeen.

H.R. 2778: Mr. Payne of New Jersey, Mr. Evans, Mr. Espy, Mr. Johnson of South Dakota, and Mr. Dwyer of New Jersey.

H.R. 2784: Ms. DeLauro, Mr. Huckaby, and Mr. Waxman.

H.R. 2797: Mr. Aspin, Mr. Conyers, Mr. Emerson, Mr. Faleomavaega, Mr. Fazio, Mr. Hancock, Ms. Horn, Mr. Hubbard, Mr. Jacobs, Mr. Jontz, Mr. Leach, Ms. Long, Mr. Mineta, Mr. Vento, Mr. Weiss, Mr. Wheat, and Mr. Wise.

H.R. 2830: Mr. Kolbe and Ms. Norton.

H.R. 2832: Mr. Horton and Mr. Hubbard.

H.R. 2840: Mr. Wolpe, Mr. Vento, Mr. Yates, Mr. Smith of Florida, Mr. Kolter, Mr. Oberstar, Mr. Owens of New York, Mr. Stark, and Mr. Martinez.

H.R. 2848: Mr. Roe, Mr. Jefferson, Mr. Riggs, and Mr. Rangel.

H.R. 2862: Mr. Espy and Mr. Petri.

H.R. 2872: Mr. Lagomarsino, Mr. Kolbe, Mr. Dannemeyer, Mr. Hughes, Mrs. Morella, Mr. Roybal, Mr. Towns, Mr. Frank of Massachusetts, Mr. Martinez, Mr. Mrazek, and Mr. Roe.

H.R. 2875: Mr. Rinaldo.

H.R. 2880: Mr. Edwards of California, Mr. Stark, Mr. Cardin, Mr. Bennett, Mr. Vento, Mr. Conyers, Mr. Serrano, Mr. Miller of California, Mr. Rahall, Mr. Frank of Massachusetts, Mrs. Boxer, Mr. Porter, Mr. Fawell, Mr. Mrazek, Mr. Bustamante, and Mr. Johnson of South Dakota.

H.R. 2882: Mr. Brown, Mr. Fazio, and Mr. Faleomavaega.

H.R. 2890: Mr. Brown.

H.R. 2902: Mr. Packard, Mrs. Vucanovich, Mr. Tauzin, Mr. Faleomavaega, Mr. Emerson, and Mr. Campbell of California.

H.R. 2903: Mr. Packard, Mrs. Vucanovich, Mr. Tauzin, Mr. Faleomavaega, Mr. Emerson, and Mr. Campbell of California.

H.R. 2904: Mrs. Vucanovich, Mr. Tauzin, Mr. Faleomavaega, Mr. Emerson, and Mr. Campbell of California.

H.R. 2906: Mr. Carper.

H.R. 2924: Mr. Espy, Mr. Roemer, Mr. Petri, Mr. Lancaster, Mr. Schiff, and Mr. Mineta.

H.R. 2938: Mr. Kolter, Mr. Owens of New York, Ms. Ros-Lehtinen, Mr. Frank of Massachusetts, Mrs. Boxer, Ms. Molinari, Mr. Fuster, Mr. Towns, Mrs. Lowey of New York, Mr. Horton, Mr. de Lugo, Mr. Scheuer, Mr. Payne of New Jersey, Mr. Lancaster, Mr. Jefferson, Mr. Rangel, Ms. Norton, Mr. Berman, Mr. Martinez, Mr. Foglietta, and Mr. Washington.

H.R. 2946: Mr. Andrews of New Jersey, Mr. Bennett, Mr. Gordon, Mr. Hoyer, and Mr. Lehman of Florida.

H.R. 2959: Mr. Upton, Mr. Tallon, and Mr. Martinez.

H.R. 2966: Mr. Lancaster, Mr. Spratt, Mr. Martinez, Mr. Rahall, Mr. Smith of New Jersey, Mr. Hughes, Mr. Slaughter of Virginia, Ms. Norton, Mrs. Unsoeld, Mr. Clinger, and Mr. Kanjorski.

H.R. 2967: Mr. Payne of New Jersey, Mr. Miller of California, Mr. Smith of New Jersey, Mr. Roe, and Mr. Campbell of California.

H.R. 3010: Mr. Moody.

H.R. 3026: Mr. Lancaster, Ms. DeLauro, and Mr. Aspin.

H.R. 3048: Mr. Foglietta and Mr. Richardson.

H.R. 3049: Mr. Fish.

H.R. 3055: Mr. Peterson of Minnesota, Mr. Kolter, Mr. Price, Ms. Norton, Mrs. Collins of Illinois, Mr. Payne of Virginia, Mr. DeFazio, Mr. Hochbrueckner, Mr. Owens of New York, Mrs. Lloyd, Mr. Mavroules, Mr. Campbell of Colorado, Mr. Costello, Mr. Hughes, Ms. DeLauro, Mr. Jontz, and Ms. Kaptur.

H.R. 3071: Mr. Fuster.

H.R. 3078: Ms. Norton, Mr. Skeen, Mr. Brown, Mr. Lancaster, Mr. Kopetski, and Mr. Bonior.

H.R. 3081: Mr. Costello, Mr. Kopetski, and Mr. Yates.

H.R. 3093: Mr. Allard and Mr. Bustamante.

H.R. 3104: Mr. Atkins, Mr. Weiss, and Mr. Faleomavaega.

H.R. 3122: Ms. Norton.

H.R. 3141: Mr. Lancaster and Mr. Martinez.

H.R. 3142: Mr. Frost, Mr. Bacchus, Mr. Jacobs, Mr. Luken, Mr. Hoagland, Mr. de Lugo, Mr. Dellums, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, and Ms. Pelosi.

H.R. 3145: Mr. Dwyer of New Jersey, Mr. McNulty, Mr. Mrazek, Mr. Towns, Mr. Bereuter, Ms. Pelosi, Mr. Huckaby, and Mr. Solomon.

H.R. 3150: Mr. Cooper, Mr. Oberstar, Mr. Miller of California, Mr. Lancaster, Mr. Berman, Mr. Bruce, and Mr. Frost.

H.R. 3164: Mr. Dorgan of North Dakota, Mr. Volkmer, Mr. Lagomarsino, Mr. Blaz, Mr. Staggers, Mr. Kasich, Mr. Oxley, Mr. Traficant, Mr. Bacchus, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. Towns, Mr. Chapman, Mr. Goss, and Mr. Poshard.

H.R. 3172: Mr. Dymally, Mr. Bilirakis, Mr. Riggs, Mr. Andrews of Texas, Mr. Emerson, Mr. Martinez, Ms. Kaptur, Mr. Frost, and Mr. Jacobs.

H.R. 3173: Mr. Lehman of Florida.

H.R. 3207: Mr. Brown.

H.R. 3210: Mr. Franks of Connecticut, Mr. DeFazio, Mr. Hefner, Mr. Torres, Mr. Jontz, Ms. Norton, Mr. Kopetski, and Mr. Roe.

H.R. 3215: Mr. Bonior, Mr. Gonzalez, Mr. Valentine, Mr. Kopetski, Mr. Thornton, Mr. Martinez, Mrs. Lloyd, Mr. Fuster, and Mr. Bruce.

H.R. 3220: Mr. Moody.

H.R. 3221: Mr. de Lugo, Mr. Parker, Mr. Montgomery, Mr. Henry, and Mr. Taylor of Mississippi.

H.R. 3222: Mr. Peterson of Florida, Mr. Geren of Texas, Mr. Wheat, Mr. Hughes, Mr. Camp, Mr. Traficant, Mr. Lancaster, Ms. Norton, Mrs. Johnson of Connecticut, Mr. Barnard, and Mr. Martinez.

H.R. 3236: Ms. Long, Mr. Jontz, Mr. Sangmeister, Mr. Kennedy, Mr. Frank of Massachusetts, Mr. Traficant, Mr. Towns, and Mr. Wolpe.

H.R. 3250: Mr. Traxler, Ms. Kaptur, Mr. Stokes, Mr. Yates, Mr. Sabo, Ms. Horn, Mr. Vento, and Mr. Ford of Michigan.

H.R. 3253: Mr. Foglietta, Mr. Scheuer, Mr. Yates, Mr. McCloskey, Mr. Berman, Mr. Beilenson, Mrs. Byron, Mr. Martinez, Mr. Lehman of Florida, Mr. Bustamante, and Ms. Kaptur.

H.J. Res. 27: Mr. Livingston.

H.J. Res. 107: Mr. Neal of North Carolina and Mr. Bilbray.

H.J. Res. 123: Mr. Hamilton, Mr. McCloskey, Mr. Burton of Indiana, and Mr. McCrery.

H.J. Res. 152: Mr. Shays, Mr. Skeen, Mr. Wise, Mr. Emerson, and Mr. Lancaster.

H.J. Res. 156: Mr. Grandy, Mr. Cooper, and Mr. Washington.

H.J. Res. 176: Mr. Doolittle.

H.J. Res. 177: Mr. Fazio, Mr. Hobson, Mrs. Morella, Mr. Faleomavaega, Mr. Mrazek, Mr. McCollum, Mr. Solarz, Mr. Washington, Mr. Gejdenson, Mr. Archer, Mr. Weiss, and Mr. Valentine.

H.J. Res. 178: Mr. Jontz.

H.J. Res. 180: Mr. AuCoin, Mr. Barnard, Mr. Bonior, Mr. Clinger, Mr. Coughlin, Mr. Cox of Illinois, Mr. Edwards of Texas, Mr. Ewing, Mr. Frank of Massachusetts, Mr. Franks of Connecticut, Mr. Gallo, Mr. Gilman, Mr. Goodling, Mr. Hoagland, Mr. Hubbard, Mr. Jacobs, Mr. Klug, Mr. Neal of

North Carolina, Mr. REGULA, Mr. RUSSO, Mr. SHARP, Mr. STUMP, Mrs. UNSOELD, Mr. VENTO, Mr. WYLIE, and Mr. YOUNG of Florida.

H.J. Res. 191: Mr. EVANS, Mr. KLECZKA, Mr. PICKETT, Mr. FROST, Mr. HEFNER, Mr. MCHUGH, Mr. GEREN of Texas, Mr. MACHTLEY, Mr. BLAZ, Mr. PALLONE, Mr. LEHMAN of Florida, Mr. CRAMER, Mr. BENNETT, Mr. BILBRAY, Mr. CHAPMAN, Mr. HANSEN, Ms. DELAURO, Mr. KASICH, Mr. HOAGLAND, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. MAZZOLI, Mr. SCHEUER, Mr. SMITH of Iowa, Mr. YOUNG of Alaska, Mr. DICKINSON, Mr. MRAZEK, Mr. MOAKLEY, Mr. MURTHA, Mr. GUNDERSON, Mr. SPRATT, Mr. MORAN, Mr. PETRI, Mr. SAXTON, Mr. MCCRERY, Mr. GALLO, Mr. MCCOLLUM, Mr. LEWIS of California, Mr. TALLON, Mr. MFUME, Mr. ROTH, Mr. GILLMOR, Mr. WOLPE, Mr. MOODY, Mr. BROOMFIELD, Mr. ANDREWS of New Jersey, Mr. KOLTER, Mr. SABO, Mr. JENKINS, Mr. WAXMAN, Mr. WEBER, Mr. LEWIS of Georgia, Mr. VOLKMER, Mr. BLILEY, Mr. OBEY, Mr. JEFFERSON, Mr. RINALDO, and Mr. KILDEE.

H.J. Res. 212: Mr. KOLTER, Mr. STUMP, Mr. MARTINEZ, Mr. FORD of Michigan, Mr. FAZIO, Mr. CLEMENT, Mr. CONDIT, Mrs. MEYERS of Kansas, Mr. LEWIS of Florida, Mr. GEKAS, Mr. AUCOIN, Mr. ACKERMAN, Mr. BUSTAMANTE, Mr. ASPIN, Mr. ANNUNZIO, Mr. MURTHA, Mr. LAUGHLIN, Mr. OBERSTAR, Mr. OWENS of New York, Mr. DONNELLY, Mr. MRAZEK, Mr. DICKS, Mr. BENNETT, Mr. COUGHLIN, Mr. FORD of Tennessee, Mr. BARNARD, Mr. FEIGHAN, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mrs. KENNELLY, Mr. HUTTO, Mrs. LOWEY of New York, Mr. MAVROULES, Mr. BOUCHER, Mr. MCDERMOTT, Mr. YATRON, Mr. VISCLOSKY, and Mr. HALL of Texas.

H.J. Res. 223: Mr. JEFFERSON.

H.J. Res. 233: Mr. SCHAEFER, Mr. ATKINS, Mr. MILLER of Washington, Mr. MCMILLEN of Maryland, Mr. MCCLOSKEY, Mr. CAMP, Mr. COLEMAN of Missouri, Mr. TOWNS, Ms. LONG, Mr. GUARINI, and Mr. ROEMER.

H.J. Res. 241: Mr. CARPER, Mr. CONYERS, Ms. DELAURO, Mr. DICKS, Mr. DIXON, Mr. DUNCAN, Mr. DYMALLY, Mr. EVANS, Mr. FAWELL, Mr. HENRY, Mr. HUTTO, Mr. IRELAND, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. LIGHTFOOT, Mr. LUKEN, Mrs. MINK, Mr. NEAL of North Carolina, Mr. PAXON, Mr. PETRI, Mr. RAMSTAD, Mr. RAVENEL, Mr. RHODES, Mr. RIGGS, Mr. SYNAR, Mr. UPTON, and Mr. ZELIFF.

H.J. Res. 242: Mr. OBERSTAR, Mr. HAYES of Illinois, Ms. WATERS, Mr. BLAZ, Mr. BEVILL, Mr. APPLEGATE, Mr. DONNELLY, Mr. FAWELL, Mr. FEIGHAN, Mr. HEFNER, Mr. BENNETT, Ms. KAPTUR, Mr. HUTTO, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. MCCLOSKEY, Mr. GINGRICH, Mr. FASCELL, Mr. INHOFE, Mr. MATSUI, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. RAVENEL, Mr. NATCHER, Mr. LEVINE of California, Mr. HOPKINS, Mr. STAGGERS, Mr. TAUZIN, Mr. SLAUGHTER of Virginia, Mr. THOMAS of Georgia, Mr. WYLIE, Mr. YOUNG of Alaska, Mr. PRICE, Mr. TOWNS, Mr. BRUCE, and Mr. WYDEN.

H.J. Res. 261: Mr. COOPER, Mr. HAYES of Illinois, Mr. JEFFERSON, Mr. LANCASTER, Mr. LEVINE of California, Mr. PANETTA, Mr. PETERSON of Florida, Mr. RAMSTAD, Mr. SKAGGS, and Mr. STUDDS.

H.J. Res. 269: Mr. HALL of Ohio and Mr. GILCHREST.

H.J. Res. 284: Mr. MOAKLEY, Mr. MCNULTY, Mr. CALLAHAN, Mr. LEWIS of California, Mr. GRANDY, Mr. EMERSON, Mr. COBLE, Mr. WELDON, Mr. COOPER, Mr. CLINGER, Mr. CARPER, Mr. COSTELLO, Mr. KOPETSKI, Mr. MCHUGH, Mr. HAMMERSCHMIDT, Mr. MURPHY, Mr. PALLONE, Mr. SPENCE, Mr. WALSH, Mr. LIGHTFOOT, Mr. BREWSTER, Mr. LEVIN of Michigan, Mr. SAVAGE, Ms. LONG, Ms. NORTON, Mr. SHARP, Mrs. UNSOELD, Mr. SYNAR, Mr. TRAXLER, Mrs. MINK, Mr. DYMALLY, Mr. BORSKI, Mr. BEVILL, Mr. BILIRAKIS, Mr. MFUME, Mr. STALLINGS, Mr. KOLTER , Mr. ZELIFF, Mr. OXLEY, and Mr. GONZALEZ.

H.J. Res. 293: Mr. NEAL of North Carolina, Mr. LEACH, Mr. KOPETSKI, Mr. FALEOMAVAEGA, and Mr. JONTZ.

H.J. Res. 305: Mr. BALLENGER, and Mrs. MEYERS of Kansas.

H.J. Res. 321: Mr. BILBRAY, Mr. BROWN, Mr. BUSTAMANTE, Mr. CARPER, Mr. DWYER of New Jersey, Mr. LIVINGSTON, Mr. MCDERMOTT, Ms. NORTON, Mr. PANETTA, Mr. QUILLEN, Mr. FROST, and Mr. BONIOR.

H. Con. Res. 81: Mr. BLAZ, Mr. TRAFICANT, and Mr. BEREUTER.

H. Con. Res. 101: Mr. MCCLOSKEY.

H. Con. Res. 105: Mr. JENKINS.

H. Con. Res. 168: Mr. ROSE, Mr. KOPETSKI, Mr. SWETT, Mr. MARTINEZ, Ms. SLAUGHTER of New York, Mr. HOUGHTON, Mr. RIGGS, Mr. LAFALCE, and Mr. KLECZKA.

H. Con. Res. 177: Mrs. BOXER, Mr. REED, and Mr. KOPETSKI.

H. Con. Res. 184: Mr. ENGEL, Mr. SCHEUER, and Mr. MARTINEZ.

H. Con. Res. 187: Mr. PENNY, Mr. TANNER, Mr. WILSON, Mr. FRANK of Massachusetts, and Mr. SMITH of Florida.

H. Res. 64: Mr. SOLOMON.

H. Res. 116: Mr. SIKORSKI, Mrs. BOXER, Mr. SWETT, and Mr. JEFFERSON.

H. Res. 142: Mr. LIPINSKI, Mr. SMITH of Florida, Mr. RUSSO, Mr. BURTON of Indiana, and Mr. MOORHEAD.

H. Res. 152: Mr. JAMES.

H. Res. 167: Mr. ATKINS.

H. Res. 194: Mr. BEREUTER, Mr. COLEMAN of Missouri, Mr. EDWARDS of Oklahoma, Mr. WALSH, Mr. CAMP, Mr. GRANDY, Mr. MCCOLLUM, Mr. CUNNINGHAM, Mr. MCMILLAN of North Carolina, Mr. ANDERSON, Mr. FUSTER, Mr. FALEOMAVAEGA, Mr. HARRIS, Ms. SLAUGHTER of New York, and Mr. LIPINSKI.

H. Res. 205: Mr. MOORHEAD, Mr. KYL, Mr. SENSENBRENNER, Mr. TRAFICANT, Mr. HOBSON, and Mr. BAKER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

109. By the SPEAKER: Petition of the city of Jersey City, NJ, relative to the Army National Guard; to the Committee on Armed Services.

110. Also, petition of Senator Michael J. Barrett, State House, Boston, MA, relative to a National Commission on Time and Learning; to the Committee on Education and Labor.

111. Also, petition of Landeshauptmann, Dr. Josef Krainer, relative to Slovenia and Croatia; to the Committee on Foreign Affairs.

112. Also, petition of Hanover County Board of Supervisors, Hanover, VA, relative to POW-MIA bills; to the Committee on Government Operations.

113. Also, petition of city of Deerwood, Deerwood, MN, relative to police; to the Committee on the Judiciary.

114. Also, petition of city of Buffalo Lake, Buffalo Lake, MN., relative to police; to the Committee on the Judiciary.

115. Also, petition of the town of Deerfield, NH, relative to public safety; to the Committee on the Judiciary.

116. Also, petition of county of Ocean, NJ, relative to the Edwin B. Forsythe National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

117. Also, petition of New Jersey State Federation of Women's Clubs, relative to truck size and weight limit; to the Committee on Public Works and Transportation.

118. Also, petition of Legislature of Rockland County, New City, NY, relative to the Emergency Unemployment Compensation Act of 1991; to the Committee on Ways and Means.

119. Also, petition of the National Conference of Lieutenant Governors, Lexington, KY, relative to the economic development in a worldwide market; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

JOE BARTLETT'S MEMORIES OF THE HOUSE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BROOMFIELD. Mr. Speaker, some of my fellow Members may fondly remember Joe Bartlett, once the minority clerk of the House and always a wonderful raconteur with a great institutional memory.

Since he retired, Joe has been writing down some of his memories of serving in the House. He recently sent a letter to the publisher of the West Virginia Hillbilly, recalling his first days as a House page.

Joe's letter describes the Washington, DC, he found 50 years ago, in August 1941, and some of the great names associated with this body: Sam Rayburn, Wright Patman, and then-Congressman Jennings Randolph.

Joe, a retired brigadier general, calls himself a "poor boy from the hills." That he may have been when he arrived, but he left with a wealth of stories that I know will inform and entertain those who were lucky enough to have known him, as well as those who would like to learn a bit more about the history of this great institution.

I insert Joe Bartlett's letter in the RECORD:

MR. JIM COMSTOCK,
Publisher,
The West Virginia Hillbilly

DEAR FRIEND, JIM: Fifty years ago today, I came to work for the Congress.

At 7 a.m. on the morning of August 1, 1941, I arrived at Washington's awesome Union Station. I had left Clarksburg (WV) a little after midnight on the B&O's National Limited, and had spent the night sitting in the darkened coach along with passengers from St. Louis and Cincinnati and all points in between.

We detrained, and moved through the massive Station portals to behold the inspiring vision of the Dome of the U.S. Capitol.

I had a twenty dollar bill in my pocket; the most money I had ever possessed. And here I was in the Nation's Capital, and I didn't know a soul.

Less than 24 hours earlier I had been on top of the barn, repairing the roof, when I was called to the house. Someone was phoning for me. In my haste I tumbled off the shed roof and hurt my ankle, but that was soon forgotten.

On the telephone was Ethel Brase, wife of the managing director of the local Central West Virginia Auto Club, who had sponsored me in several school safety patrol ventures, and who had become the closest of friends.

In the course of one of those ventures, we had been in the company of Congressman and Mrs. Wright Patman of Texas. The Congressman and George Brase had been Army buddies in World War I. Although I had not known it, at some point Mrs. Brase and Mrs. Patman had made a private pact to try to obtain for me an appointment as a Congressional Page.

Now Mrs. Patman had sent word that her son, Bill, a Page in the House, was going home to Texas for the month of August and needed a replacement for that period. The question being conveyed was, "Would Joe Bartlett be interested in the appointment?"

Not only was I not prepared for this question, but my parents were taken completely aback. They learned it even after everyone on our country party line had heard the news!

Sure I was interested! But I did some quick calculations, and I did not see how it could be possible. I told Mrs. Brase I would call her back as soon as I could talk with my parents.

Our big family had assumed the debt of a new farm home just a year earlier. My older brother was away at college. Dad commuted to work every day as an official of the Hazel Atlas Glass Company in Clarksburg. At 14, I was the oldest male at home, and I knew much was expected of me. My hopes were not very high.

Mom, however, was, as always, enthusiastic and encouraging. But Dad would have the last word. It took a couple of phone calls and lots of reasoning before Dad gave us a reluctant O.K. Dad drove me to the night train, bought a roundtrip ticket, and entrusted me with the twenty dollar bill. There were no tears apparent at the parting, but hill folk hide their emotions, as you know.

This was not my first trip to Washington. The Brase' had carefully taken me to represent the school safety patrols of our area at the national conventions the three previous years. The fertile imagination of George Brase had sent me to march all alone in the 1938 parade. The novelty of a very small 11-year old, carrying a too-large sign proclaiming him an "Official Observer" captured the fancy of the media, and that picture was reproduced in hundreds of papers around the world. The title of "America's Typical Schoolboy Patrolman" was bestowed. Coming to work as a Page in Congress was a direct consequence.

Carrying all I had to bring did not make a very heavy burden, so I left Union Station and walked to the Capitol. I had been instructed to report to Lucille Spain in Congressman Patman's office. Miss Spain was a large, cheerful, charming institution around the Capitol. She greeted me warmly and took care of getting me on the roll. Then she sent me to keep an appointment with Ruth McGraw, secretary to Congressman Andrew Edmiston, who represented our part of West Virginia in the House. My need for a place to stay had been made known to Mrs. McGraw, and she knew just what to do. She sent me to a rooming house out on Wyoming Avenue, where a Mrs. Fisher catered to people from Clarksburg. It was a very pleasant situation, and everyone was so friendly, but that was to be my home for only a month. With school starting at 6:30 a.m., I needed to be a little closer to the Capitol.

But on this first day, the 40-minute ride back to the Capitol on the streamlined Lincoln Park streetcar was inexpressibly exciting.

The House, as usual, met at noon. But unusual by today's standards, this Friday was a full legislative day.

Prayer was offered by the Rev. Bernard Braskamp, a Presbyterian minister with a strong Dutch influence. Later, he was to become Chaplain of the House and my very good friend.

Visiting in the Gallery that day was Sergeant York. Not Gary Cooper, but the real war hero! He was there to have lunch with the Tennessee delegation, and his congressman made a speech calling for York to be made a colonel in the Army, with some none-too-kind comparisons to Charles Lindbergh who had recently resigned his colonel's commission in a dispute over preparedness.

One of the first orders of business was to permit the chairman of the Committee on Military Affairs, Representative Andrew Jackson May of Kentucky, to report legislation to extend service under the draft. This measure was to come to be regarded as one of the most crucial enactments of the pre-war period. Sadly, the respected chairman, Mr. May, was ultimately to leave Congress disgraced for having taken part in a war profits scheme.

The debate of that first day expressed the unwillingness of many Members of Congress to become entangled in the escalating war in Europe. And they were simply reflecting sentiments throughout the land. It makes interesting reading.

The President sent to the Senate nominations to 1st lieutenant in the Marines, a couple of interesting names. one, Raymond G. Davis, was awarded the Medal of Honor in Korea, and became a most respected Marine general. Another, Jess P. Ferrill, Jr., was to be my commanding officer in Basic School in 1951. Incidentally, he wanted to court martial me for smiling. But that is a story for another time.

You will be interested to know that Jennings Randolph, then a Representative in the House from Elkins (WV) extended some remarks calling for converting the Army Air Corps into a separate Air Force! Jennings was often ahead of his time, especially in aviation.

The main business of that day, however, was the consideration of the Revenue Bill of 1941. The economics of taxation caused a lot of the congressmen then, as now, to view with alarm. The dollar amounts are dwarfed by today's budgets, but the debate is familiar. The most serious concern of that day dealt with inequities caused by community property states on the joint filing of tax returns by man and wife. We have come a long way in refining our approach to that problem, but the debate on the equity of taxation is everlasting.

As it turned out, Jim, this first day was a prelude to one of the most exciting and most momentous months of the pre-World War II period.

One event of that first day that was momentous only in a personal way, and very traumatic, I might add, is almost too embarrassing to recall. We Pages sat on two long benches in the back corner of the House Chamber. The Overseer sat at a desk between the benches and monitored the Page-call system. Little electric lights indicated where somebody was calling for a Page. And the Overseer would dispatch a Page on the run.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

One of the most frequent calls came from the "Documentarian's" desk, where two Pages, at the immediate right of the rostrum, supplied current documents for the debate. When anyone at the rostrum needed a Page, the Documentarians would ring for one of us from the back of the chamber. Back on the benches you rotated your way up to the ready position to take your turn. As luck would have it, I was sitting in the first seat when a call came in from the Documentarian's desk. I dashed down to respond. The Documentarian said "Get the Speaker some fresh water", and pointed to an empty glass resting on a little white towel to the Speaker's left. I took the glass and after a few questions on the way, I refreshed the glass from a cooler in the nearby men's room. Returning to the rostrum, I started up the white marble, uncarpeted steps. About half way up, looking at Speaker Rayburn instead of where I was supposed to step, I fell forward dashing the glass of water at his feet with an awful crash.

John Rankin of Mississippi stopped speaking and turned around to see what had happened. The focused attention was terrifying. I could have died. Exactly twenty years later, and the first time I had dared mention it to him, I recalled the incident in a visit with Speaker Rayburn. Mr. Rayburn responded by saying, "If I had 'a growled at you, you'd 'of just started running and kept right on a runnin', wouldn't you?" And I answered, "Yes, Sir, Mr. Speaker, I surely would have!"

The truth of the matter is Mr. Rayburn smiled at my awful predicament that first day, an understanding smile, if not a forgiving one. In the years that followed, I was to come to have tremendous respect and affection for this good man, and greatest of all presiding officers. His reputation for being irascible was calculated and purposeful, but it was an act. But that is another story!

Sam Rayburn among them, there were many magnificent men and women in that 77th Congress. I cherish their memory. None is now serving who was there on that first day of August, and few survive. I get unabashedly sentimental about the privilege of having worked and walked with such a distinguished legion over the past half century. I will never cease thanking a gracious Almighty for providing a destiny that allowed a poor boy from the hills to enjoy such a wealth of friends and associates.

Truly,

JOE.

ECONOMIC AID TO RUSSIA MANY YEARS AGO POORLY REMEMBERED BY LATER RUSSIAN LEADERSHIP

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BENNETT. Mr. Speaker, it may be that the United States will be asked to help the Soviet Union in its projected movement toward greater democracy and a market economy; but, if history repeats itself, we are not likely to receive much thanks for our efforts according to Brig. Gen. James D. Hittle—retired, U.S. Marine Corp. In a July 15 article published in the Navy Times, General Hittle points out, and I agree, that the Soviets are still vigorously arming themselves. What inflames their fears of our intentions? Do we not need to see some material reductions in Soviet arms productions? I think so! General Hittle wrote in part as follows:

> Should the U.S. and other economically powerful nations rescue the Soviet Union from economic disaster? That could be one of the biggest strategic questions facing the United States today.
>
> The dangers inherent in Russian economic disintegration are serious and they are real. And, of course, when the economic basket case is, paradoxically, a super military power, as is Russia, the situation is potentially more explosive. It's all very well for armchair strategists to say that Soviet Russia can't foot the bill for an aggressive war, or that its armed forces are too demoralized and fragmented with dissension to fight.
>
> * * * * *
>
> A proposed solution, involving a switch to a free market, and a thorough overhaul of the Russian economic system, has been put together at Harvard's Kennedy School of Government by Russian economist Grigory Yavlinsky and western economists. This proposal is being hailed—in spite of its five-year $100 billion price tag—as a "grand bargain." If accepted by the United States and the other western nations footing the bill, and if supported and implemented wholeheartedly by the various factions in Russia, it just might, considering the alternatives, be a worthwhile investment in global stabilization.
>
> But, before the United States gets carried away with enthusiasm and puts its blessing on such a massive and expensive project, we'd better pause and look back about 70 years. That's when Herbert Hoover, later to be president of the United States, headed the American Relief Administration and was embarking on a massive relief effort in communist Russia.
>
> Passage of time alters details, but there are fundamental similarities between Russia then and now. Then Lenin had seized control of the central government, and communism was already creating havoc in Russian agriculture and the economy as a whole. This, coupled with a civil war and a drought in the Ukraine, resulted in a terrible famine. Maxim Gorki, close friend of Lenin and a famed novelist, issued an appeal for U.S. help.
>
> Herbert Hoover, a humanitarian but a very practical-minded administrator, replied. He said the American Relief Administration was willing to help. He also did something that we should remember today as the "grand bargain" is getting its media build-up. He set some very specific conditions for aid to Russia: release of Americans held in Soviet prisons, freedom of movement for relief officials, his organization's full control of distribution of food and equal treatment of all Russians regardless of "class origins." In August, 1921, the agreement was signed by Maxim Litvanov for the U.S.S.R. and Walter L. Brown for the American Relief Association. Hoover, a firm anti-communist, in reply to criticism over giving aid to the Lenin-Trotsky regime, is reported to have angrily replied, "Twenty million people are starving. Whatever their politics, they shall be fed." And, true to his word, there were.
>
> Close to $90 million (over $700 million in today's dollars) went into Russian aid in two years. Millions were saved from starvation.
>
> Did it help Lenin's government? According to former American ambassador to Russia, George Kennan, the effort "importantly aided" the government not only economically "but in its political prestige and capacity for survival."
>
> Did Russia appreciate the vital U.S. help? On July 10, 1923, Leo Kamenev, as acting president, and other commissars signed a citation scroll on behalf of the Soviet government stating official appreciation for the famine relief. The citation is indeed noteworthy as it stated, in part, that "all the people inhabiting the Union of Socialist Soviet Republics never will forget the aid rendered to them by the American people, through the agency of the American Relief Administration, holding it to be a pledge of the future friendship of the two Nations."
>
> But, unfortunately, events had already demonstrated the hypocrisy of the Soviet pledge of friendship. In spite of Hoover's conditions, practically from the beginning of the relief project Hoover's agents complained of "lack of cooperation" by Soviet authorities and told of secret police interference. This sabotage of Hoover's efforts was a mere sample of what was yet to come.
>
> Early in 1922, according to Hoover's biographer, Eugene Lyons, "the Soviet government began to seize whole train loads of provisions." Even after the aid ended and as the years went by, the Soviet vilification of Herbert Hoover's famine relief intensified. The Great Soviet Encyclopedia stated that the American Relief Administration had helped "saboteurs blow up Soviet industry," and the Moscow press, after a Hoover speech in Belgium defending liberty, devoted, according to Lyon, "four columns to smearing Hoover and his 'notorious' ARA."
>
> The criticism of American famine relief was so ingrained in official Soviet thinking that when Nikita Kruschev made his famous visit to the United States, as a guest of our government, he made the opportunity to disparage American food relief to Russia in the early 1920s. Of course, as the old saying goes, nations and individuals shouldn't expect gratitude for good deeds to others. But, by the same token, while we may not have expected gratitude, it wasn't too much to hope that our life-saving famine relief to the Soviets wouldn't be "awarded" with official denunciations and half a century of cold war and armed confrontation.
>
> So, now events have come full circle. Again the Russian economy is a basket case. Politically, the nation is facing ethnic separatism, and governmental central control is eroding. And, again, the hat is being passed for economic aid, this time to the tune of around $100 billion. The potential dangers of Russian economic and political disintegration are so great as to argue against a summary turndown of help. One cannot forecast, for instance, what could be the ultimate results of the Kremlin's loss of control over Russia's nuclear missile arsenal.
>
> But, this time let's not forget that we have been down the path of Russian relief a short 70 years ago. Let's learn from that experience. If we do not learn and apply the lessons of the past, we will not run, check in hand, to Moscow.
>
> Instead, we should put all economic aid on an installment plan, with aid payments clearly attached to specific policies and actions by the U.S.S.R. High among these actions that must be completed, or firmly set in motion are: adoption of a market economy; convertability of the ruble and, with some necessary exceptions, the abolition of price controls; privatization of property; and a distribution system that will not result in our wheat and food assistance rotting beside Russian agricultural produce.
>
> Not the least of our requirements must be a drastic downsizing of the Soviet armed

forces. It doesn't make sense for us to pour our treasures into the Soviet system while at the same time that same system, in turn, pours its dwindling resources into improving its nuclear missiles aimed at the United States.

America's heart is usually big and generous toward nations in need. We opened our pocketbooks for our former enemies after World War II. A result today is that a resurgent Germany casts its potentially dominating shadow over continental Europe, and a booming Japan is an economic and industrial titan squeezing the lifeblood out of basic U.S. industries. This time around, let's hope the United States is sufficiently hardheaded in conditioning its aid so that we are not again the victims of our own beneficence.

JEAN LINDO: FROM JAMAICA TO CITY NATIONAL BANK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Jean Lindo, who recently was featured in the Miami Herald as the first black president of Miami's Hurricane chapter of the American Business Women's Association. The article written by Charles B. Rabin tells how Jean Lindo, who came to America from Jamaica 11 years ago, worked her way up to become a prominent banker and community leader:

On July 16, Jean Lindo was named the first black president of the Hurricane chapter of the American Business Women's Association.

Some would consider the appointment a major breakthrough. Lindo's view is color blind.

"I feel, personally, it isn't anything special," she said. "They're looking for leadership, and I feel honored. The chapter has been here since 1964. I'm honored and humbled."

The organization, which was founded in 1949, has eight chapters in Dade County and a national enrollment of more than 200,000. Lindo's chapter has 55 members.

It aims to bring together business women of diverse backgrounds and help them grow, Lindo said.

"But, we mainly give out scholarships to needy women," she said. "We have fund-raisers that raise money for scholarships, only scholarships."

Lindo has been a member four years.

"She's been involved in every position she's held," said Cheryl Gray, the chapter's previous president. "She's been very thorough and organized and has shown determination."

Gray, who is assistant vice president of cash services for SunBank in Miami, said Lindo's business background should help her in her new position. Lindo is vice president of operations for City National Bank in Miami.

"Our particular chapter is made up of a very diverse group of professional women," Gray said. "I'm sure she'll do very well. She has the support of the past president and of the board."

One of Lindo's greatest sources of pride is acting as mentor for children at Bunche Park Elementary School in Opa-locka. "I get to speak as a role model, and with the help of the bank, we provide them with prizes," she said.

Growing up, Lindo never envisioned a career in big business. While attending Kingsway High School in her native Jamaica, she said, she thought she'd be a teacher or a nurse, because "that's what my mother thought I should be."

The 45-year-old mother of two sons graduated from the College of Arts and Sciences in Jamaica in 1962. She held a number of jobs before joining the Bank of Nova Scotia Jamaica. That lasted for 13 years, until she came to the United States in 1980.

"We came not because of the economic, but the political climate," Lindo said. "Our government had a good relationship with Cuba, and we feared the Communists would take over."

Lindo calls the exodus of professionals from Jamaica to the United States during the late '70s and early '80s the "brain drain." Soon after arriving in Miami, she landed a job with City National Bank as a collateral-control clerk. Two months later, she became a customer-service representative and within half a year she was customer-service officer, a position she held for three years.

In 1988, she became a vice president. She credits much of her success to the support of her husband, Farel, who runs a grocery store in North Miami called Lindo's Marketplace, and to the large Jamaican community in South Florida in general.

"If we all packed up and went home, we could probably solve some of Jamaica's economic problems, and I really believe that," she said. "Most of the Jamaicans who migrated are professionals and are making a terrific contribution to South Florida."

Entrenched in the community, Lindo's past thoughts of returning to her homeland have all but vanished.

"We came here because it was close to Jamaica," she said. "We had no intention of staying 11 years. The boys went to school and did well, and my roots have grown here. I'm old enough that I'm not going anywhere."

I am happy to pay tribute to Ms. Lindo by reprinting this article from the Miami Herald. Ms. Lindo's story is typical of the many successful immigrants who have helped make America what it is today.

PRESENTED EAGLE AWARD TO PATRICK ROBRECHT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, on July 30, 1991, Patrick Robrecht, an outstanding young man from my congressional district, was presented his Eagle Award at a Court of Honor. Patrick's dedication to his troop, his family, his school, and his community have helped him achieve the rank of Eagle Scout, the highest rank possible in Scouting. I rise today to ask that you join with me in recognizing this truly remarkable individual.

It is important that we take a moment to recognize the true significance of Patrick's accomplishment. In recent years, discussions of American youth have tended to focus on their involvement in the problems facing the United States; drug and alcohol abuse, violent crime, and a declining commitment to education and career. Patrick is an example of what the youth in American are capable of and an example of the kind of leadership this country will need if we are to effectively address the problems that face the Nation and the world.

Patrick not only has completed a list of required tasks to achieve this honor, he has enriched the lives of all those who have had the pleasure of knowing him. It is reassuring to know that there continue to exist individuals like Patrick who place value in service to others. While the rank of Eagle Scout is the ultimate in Scouting, I trust it is only the beginning of Patrick's achievements.

Mr. Speaker, I ask that my colleagues join me in saluting this inspirational young man.

THE POW/MIA ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 7, 1991, into the CONGRESSIONAL RECORD:

THE POW/MIA ISSUE

The recent release of several photographs purporting to show missing Vietnam War servicemen has raised anew questions about the fate of unaccounted-for Americans in Indochina, and about the U.S. government's efforts to account for them. The POW (prisoner-of-war)/MIA (missing-in-action) issue strikes an emotional chord with Americans, many of whom believe servicemen may still be held captive in Indochina. I have visited with relatives of missing servicemen. I am aware that new reports of sightings cause both hope and anguish for these families. This issue must be handled with great sympathy for them.

OVERVIEW

Over 2,300 Americans remain unaccounted for in Indochina, an area of Southeast Asia that encompasses Vietnam, Laos and Cambodia. The Pentagon considers 1,172 as missing and the remaining 1,101 as killed in action without their bodies or remains having been recovered. In 1978 the Pentagon declared all MIAs "presumed dead," except for one Air Force pilot who remains listed as a POW for symbolic reasons.

The number of unaccounted-for Americans in the Vietnam War is much lower than the figures for past conflicts. There were approximately 79,000 MIAs in World War II and 8,000 in Korea.

The U.S. government conducts its MIA/POW operations under the assumption that some Americans may still be held captive in Indochina. The Pentagon employs 134 people full-time on the POW/MIA issue, and plans to increase staffing to 222.

SIGHTINGS

Since 1975 there have been over 1,400 reports of live sightings of Americans in Southeast Asia. The Pentagon says that 95 of these cases remain unresolved. Other reports have turned out to be sightings of Westerners traveling freely or illegally in Vietnam, and Americans who voluntarily stayed in Vietnam after the war. The U.S. government has been unable to verify a single report of Americans still being held in captivity. The

President's national security advisor, Brent Scowcroft, stated recently that he does not believe Americans are being held captive in Indochina. That was the strongest comment made so far by any Bush Administration official.

The Pentagon has also concluded that about 370 of these reported sightings were fabrications. In recent years U.S. groups and individuals have offered rewards for information leading to the return of living Americans. These offers have inspired numerous false reports and even some phony photographs. The Pentagon is still studying the photographs recently circulating, but believes they may be fakes.

CRITICISMS

The U.S. government has been criticized—often by MIA families—for withholding information on certain cases and obstructing attempts to investigate live sightings reports. The director of the Pentagon's special office for POW/MIA affairs resigned this March charging that there was a persistent government tendency to discredit reports of Americans being held in Indochina.

The Pentagon responds that numerous congressional investigations and internal reviews have consistently refuted these charges. The Pentagon says that it must keep much information classified to protect intelligence sources and methods from disclosure and MIA families from con artists; that the government permits the sharing of intelligence reports with MIA families; and that the director of the leading national organization for POW/MIA families participates in the interagency task force that sets government policy on the issue.

VIETNAM

Vietnam released 591 U.S. POWs after the signing of the 1973 peace accords. Vietnam has consistently denied holding living Americans or the remains of the estimated 1,700 U.S. servicemen missing on Vietnamese territory. However, the remains of 310 American dead have been returned from Vietnam since 1973, and some have speculated that Vietnam holds, but has not released, the remains of several hundred more.

Since 1987 the U.S. government has been working to coordinate its MIA investigations with the Vietnamese government. We have conducted 14 joint investigations that have succeeded in repatriating the remains of 22 American servicemen and resolving 35 other cases. An office for POW/MIA affairs was recently established in Hanoi to facilitate joint searches for possible MIA remains.

Longstanding U.S. policy holds that progress on accounting for MIAs will influence the pace and scope of normalization of U.S. diplomatic and economic relations with Vietnam. The Bush Administration recently unveiled a "road map" for normalization that links advances in relations to progress on the POW/MIA issue. The objective of this new policy is to create concrete incentives for Vietnam to improve its cooperation on this issue.

ASSESSMENT

I believe the U.S. government has a clear responsibility, particularly to MIA families, to do all it can to resolve the cases of missing U.S. servicemen in Indochina. The Pentagon should vigorously investigate all reports of missing servicemen. I am encouraged by the recent opening of a POW/MIA office in Hanoi, and am hopeful that this on-the-ground presence will benefit our investigations. My sense is that Americans will not be satisfied until Vietnam gives U.S. officials freedom to move about Vietnam to pursue all reports of live sightings and investigate possible remains sites.

I am skeptical of claims that the U.S. government is conspiring to conceal information on MIA cases. The Pentagon has bungled some cases in the past, and could be more candid about its investigations and findings without necessarily compromising intelligence sources and methods. I think a more open approach would improve public confidence in government efforts. However, there has been no hard evidence to suggest a government coverup. I do not think games are being played by government officials. If this were the case, it would be cruel beyond description for MIA families.

I am also concerned by the fraud and deception surrounding this issue. Con artists continue to prey upon the hopes of families of missing Americans, and their efforts must be strongly condemned.

IMPROVING OUR SCHOOLS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GOODLING. Mr. Speaker, recently, a unique education program in my district was brought to my attention and I would like to share this innovative effort with my colleagues. The School Improvement Program has been adopted by Northeastern School District through the leadership of Superintendent Dr. David Krauser.

The enclosed article from the July 14, 1991, edition of the York Sunday News, authored by Larry Hicks, describes this program and its efforts to bring new ideas to education by making use of a little bit of the old.

[From the York Sunday News, July 14, 1991]

NORTHEASTERN ADOPTS INNOVATIVE LEARNING PROGRAM

(By Larry Hicks)

The concept reminds me of the "Little House on the Prairie" television show that was popular a few years ago.

Remember that old one-room schoolhouse, where all the kids in the community studied their reading, writing and arithmetic?

Think about a return to that one-room schoolhouse concept that was popular even in York County until about 50 years ago.

Consider older children helping to teach the younger ones. Consider the brightest math students tutoring others who have trouble with math. Consider small groups of students learning together, but at a pace based on individual needs, not age classification.

And while all of that is going on, consider the teacher walking around the room, helping where help is most needed, coaching, advising, giving assistance on a one-to-one basis.

That's exactly what's going to happen in the Northeastern School District.

Some people are going to love the idea, and some people are going to fight it every step of the way.

That's about what you'd expect.

All things considered, however, it's one of the best and brightest ideas to come along in education in many a moon.

For lack of a better name, you can call it the Northeastern Plan.

That's because Northeastern is the first and, so far, the only district in York County to attempt what it calls a School Improvement Program.

It's remarkable on its face that Northeastern (2,370 students) should be the one to put into practice an innovative program such as this when it probably has fewer resources to work with (a budget of $12.5 million in 1990-91) than most area districts.

Still, Northeastern is going to do it. Superintendent David J. Krauser says it's so.

To say that Krauser is excited about the program would be to understate his feelings. He's ecstatic about it and he doesn't mind saying so.

"We're going to totally redesign the way we teach kids," Krauser said.

You have to give the man credit, he believes it can be done. Maybe Krauser has all of his oars in the water and maybe he doesn't, but if this program fails it won't be for a lack of effort on his part or on the part of anyone associated with the Northeastern district.

The Northeastern Plan refers to the high school as a community learning center. It calls for equipping all of its "graduates for a lifetime of learning through a mentor-guided, competency-based program."

The future at Northeastern calls for graduates to be critical thinkers, innovators, creative problem-solvers and responsible citizens, Krauser said.

The plan, as you can clearly see, is an alternative to the present assembly line model of education used in most school districts.

It calls for the elimination of class periods. It's goal oriented. Students are evaluated on an individual basis and passed through the system when they meet established standards. As soon as a student shows competency at one level, he or she will be passed on to the next level without regard for age. The student will have much more to say about what type of education he or she will receive, and the student will be primarily responsible for making it work.

"It is entirely possible," said Krauser, "that a few students could graduate from high school at age 14. The other end of the spectrum is that some students could still be in high school at age 20 or 21."

What it comes down to is each student will work at his or her own pace and will get a degree when it's earned.

On top of everything else, it's a program that involves the community, teachers, students, parents and volunteers in its development.

This is a simplified description of the program, of course, but you get the picture.

A new day is dawning in education at Northeastern.

It sounds like just what the education doctor ordered.

RESERVE FORCES GAVE A SUPERB PERFORMANCE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BENNETT. Mr. Speaker, there can be no doubt that the Reserve military forces of the United States, including the National Guard, performed excellently in the Desert Storm war. The commentary of Brig. Gen. James D. Hittle, retired, U.S. Marine Corp, in the Navy Times of June 24 paid the following well-deserved tribute to the Navy and Marine Corps Reserve units and individuals:

Just before dawn, on the second day of the Desert Storm ground offensive, "B" Company, Marine Corps Reserve, from Yakima, Wash., 4th Marine Tank Battalion, 2d Marine Division, had advanced to a line about five miles north of Jaber airfield in Kuwait.

Somewhere out ahead in the desert darkness the Marines heard the telltale rumble of Iraqi armor. Then, through their night vision glasses, they saw the advancing enemy T-72 tanks. Although the enemy was just on the other side of the boundary with the 1st Marine Division, the "B" Company commander quickly sized up the situation and ordered his tankers to commence firing. In less than two minutes "B" Company stopped 34 of 35 enemy tanks.

In its four tank battles during the brief ground offensive, "B" Company knocked out a total of 59 enemy tanks, including 30 T-72s. The battle performance of one of the "B" Company tanks says a lot about how the Marine Corps Reserve delivered the goods when the talking stopped and the shooting started—firing seven rounds, the tank got five hits.

This unit's story of activation was typical of the other Marine reserve units called up for the Iraqi war. "B" Company received its notice in early December of 1990. Because they were equipped with well worn M-60 tanks, the combat-bound company was wisely told to leave the old tanks in their home sheds. Before heading for Saudi Arabia, the unit made a two-week detour to 29 Palms, Calif., where it went through desert training with the up-to-date M1A1 tank.

What the reserves from Yakima, Wash., did with those tanks provided another episode in the annals of Marine Corps valor and professionalism.

Across the spectrum of military activity, the Marine reserves did what they were supposed to do. As a partner in the Corps' air-ground team, several Marine air reserve squadrons, including attack and transport helicopters and air-to-air refueling units, contributed to the Desert Storm victory. Reserve supply, motor transport, maintenance and engineer units and individuals also folded into their assignments alongside and part of Marine regular organizations.

Of course, not all wound up in the combat area. Reserves were deployed in virtually every major area of Marine activity—Hawaii, the Philippines, Japan, Europe, Central America and throughout the continental U.S.

How well Marine reserves stepped into priority active duty missions was clearly demonstrated in Exercise Battle Griffin-91.

This is the periodic deployment of Marines to protect Norway's vital northern flank of NATO. The exercise is no routine demonstration of interest. Rather it is a complicated, long-distance operation involving the air movement of a Marine expeditionary brigade from the United States to Norway, prompt distribution of prepositioned equipment, combat-simulated defense of a key area and, then, when the maneuver is completed, reconditioning and restoring of equipment and the airlift return to the U.S.

Because about half the regular Marine Corps was in or headed for the Mideast, Exercise Battle Griffin-91 was assigned to the 2d Marine Expeditionary Brigade of the 4th Marine Division/Wing team. That meant this major exercise, requiring an unusual degree of all-around professionalism, was laid in the lap of the Marine Corps Reserve.

The reserves accomplished the exercise objectives with the esprit and skill that is the trademark of the Corps. All this happened and went unsung while public attention was, understandably, riveted on the war in the Gulf.

U.S. Navy reserves, as usual, were ready and able when called.

The Navy medical reserves are an example. To man hospital ships Comfort and Mercy, the reserves rapidly reported in at three major naval hospitals and 15 other naval facilities in the United States. This, in turn, released hospital personnel for duty aboard the hospital ships and other duty in the Gulf region. All told, about 1,500 naval medical reserves did war duty in the Mideast.

Seabees, in their tradition, did their usual "can-do" tough jobs in the United States and overseas. In our Philippines Subic Bay base, reserve Seabees helped maintain vital services when local civilians went on strike.

Here's a brief summary of what the Seabees, with a heavy proportion of reserves, did for Desert Storm: built camps for 42,000 and galleys to feed 75,000; laid 7 million square feet of aircraft matting and built 20 concrete floored hangars totaling 80,000 square feet; built four ammunition supply points, totaling 10 million square feet; prepared sites for four medical facilities totaling 1,600 beds; maintained 200 miles of unpaved 4-lane main supply routes; and built close to 5,000 miscellaneous buildings such as framed tents and huts.

Navy reserve air personnel were a big factor in the global flow of airborne personnel and cargo.

Close to 20,000 Navy reservists got the call to active duty. Of those, about 10,000 served overseas. Of the latter total, 7,000 were in the Mideast.

Considering the nature of the Navy, the core of which is ships and aircraft that must be regularly manned and ready for combat, the reserve augmentation of the active forces was both sizeable and remarkably efficient. In short, what the Navy reserves did was a reflection of the longstanding emphasis on reserve training, and another demonstration of the high morale and professionalism of the Naval Reserve.

In the case of the Marine Corps, its reserve call-up was more than 31,000. Of these, over 13,000 went to the Mideast. Reserves constituted about one third of the 2d Marine Division that fought alongside the 1st Marine Division in the sea flank attack that breached the Iraqi defense lines.

The superb performance of the Navy and the Marine Corps reserve units and individuals in the Gulf war was both a vindication and reaffirmation of our nation's "Total Force" system.

SOUTH POINTE ELEMENTARY SCHOOL BREAKS THE MOLD WITH EDUCATIONAL INNOVATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, South Pointe Elementary School in Miami Beach, FL, will introduce revolutionary changes in teaching methods as the school opens its doors to this year's students. The Washington Post recognized the mold breaking activities underway at South Pointe Elementary in an article explaining how America is improving education, one school at a time. South Pointe is recognized as a pioneer in the endeavor to remake American schools. That article by Washington Post staff writer, Kenneth J. Cooper follows:

At South Pointe Elementary School, the desks are never aligned in neat rows. No classroom is completely walled off from another. Each has a television, computer, telephone and a rocking chair in the reading corner.

Each student at South Pointe will be assigned to one of four "communities," a school within the school, and spend all of his or her elementary years there. "We want to have an atmosphere like home," said Beth Rosenthal, a third-grade teacher.

South Pointe opens here today under joint management of the Dade County School Board and Education Alternatives Inc., a for-profit company based in Minnesota. But the partnership, believed to be a first in public education, is not the only radical experiment in the classroom as the 1991-92 school year begins.

Many of the reforms at work in U.S. schools are on a smaller scale than in the past: Educators have shifted from trying to change the system to changing schools one at a time.

"It's kind of a period of creative redesign, experimental redesign, at the local school," said Ernest L. Boyer, president of the Carnegie Foundation for the Advancement of Teaching.

The highly standardized strategies that were mandated from the top—school districts and states—did not produce the results that were hoped for," said Sharon Robinson, director of the National Center for Innovation, part of the National Education Association. "Then how do you do it? You do it school by school," she said.

Denise Callaway, spokeswoman for the Milwaukee public school system, which is set to open an "African-American Immersion School," said: "We're becoming a system of schools, rather than a school system."

Detroit also has created three Afrocentric elementary schools which, like the one in Milwaukee, will be coeducational but originally were intended to serve only young black males.

President Bush has incorporated the school-by-school approach into his education plan, which seeks business support to design 15 model schools suitable for the next century. A separate component of the plan, announced in April, proposes more immediate federal funding of more than 535 existing schools that would become models.

That is the case with South Pointe, where nontraditional approaches are to be taken to instruction, classroom design and technology, in addition to management.

Education Alternatives, based in suburban Minneapolis, has helped to hire South Pointe's principal and faculty, revise blueprints for the new Spanish-style building and train teachers in "Tesseract," an instruction method used in its private schools. The for-profit company also is expected to raise about $1.2 million over five years from grants and donors interested in the experiment. That money will cover the firm's annual management fee of as much as $275,000.

South Pointe was built to relieve overcrowding at two Miami Beach schools whose enrollments have been predominantly Hispanic and poor. The educational experiment has attracted some higher-income parents whose children attended private schools, but South Pointe's expected enrollment of 550 will roughly resemble that of an urban school.

"This is where all the new immigrants come, and the rents are cheap," said Patricia

Parham, the principal. "They come in and move right out."

About 650 parents and students got a peek at the new school, which will enroll pupils from preschool to sixth grade, during an open house last week.

Besides the classroom innovation; the parents learned about Tesseract; an instructional method similar to Montessori and preschool techniques. Kathryn Thomas, vice president of Education Alternatives, described Tesseract's three principles as individualist learning, classroom flexibility and a change in the teacher's role "from being someone who knows it all and pours out knowledge to being a guide, counselor and manager."

One example of Tesseract's flexibility might astonish many public school veterans. "Our teachers don't have set lesson plans they work from," Thomas said.

The role of textbooks is reduced. "This is my [base] reading series—fine [children's] literature," Rosenthal said, opening the cabinet above her sink to rows of books such as "Charlotte's Web."

Rosenthal, 24, cited her bulletin board as an example of the Tesseract approach. There she has tacked keys of various types, with no further explanation. "I could do 100 different activities with these," she said. "I'm going to let the kids decide what we're going to do."

The keys could be used to teach basic geometry (shapes), science (sorting and classifying), math (estimation of the number) or writing (an imaginative story about a key's use), Rosenthal said.

"The reason I decided to put Jorge in this school is the educational plan. . . . The way they're going to teach is wonderful," said Astrid Gamez, a Honduran immigrant and mother of a second-grader.

Around the country, much of the experimentation in public schools has been orchestrated by groups other than the local school board.

There are about 200 schools in the Coalition of Essential Schools, based at Brown University in Rhode Island; a similar number in the School Development Program, pioneered by James Comer in New Haven, Conn.; 29 schools in the Next Century Schools Program funded by the RJR Nabisco Foundation; and six in the Mastery in Learning Consortium, a program of the National Education Association. The schools are spread out nationwide.

Nearly all of those programs said inquiries or members have increased in the last year. In 1990, 1,000 schools applied for competitive RJR Nabisco grants, while 1,600 did so this year, according to Roger Semerad, the foundation's president.

Among the nation's school districts, Dade County has been one of the most active experimenters. This fall, South Pointe and five other "Saturn schools," named for the Tennessee automobile plant that workers helped to design, will be open. One high school will emphasize maritime studies, another architecture and interior design. An elementary school will focus on aerospace.

In addition, Dade County has three "satellite learning centers" at workplaces, and 147 of its 283 schools have implemented various innovations under a program that gives teachers and parents a role in decision-making.

"South Pointe is certainly the most dramatic in terms of departures from traditional instructional techniques," said Andy Gollan, a spokesman for the Dade County schools.

Faculty excitement about the experiment was apparent to Betty Castor, Florida's education commissioner, when she attended the open house. "I think the enthusiasm and the approach is almost a guarantee that this is going to be successful," she told reporters.

Castor said that, even before South Pointe has opened, she talked to Education Alternatives about expanding Tesseract into other Florida schools. Minnesota, North Carolina and Washington state already have moved to create a small number of model schools for the next century.

It gives me great pride to know that South Pointe Elementary is considered a leader in American education. I commend the leadership of Dr. Barbara Gothard, the chairperson of South Pointe Steering Committee, Mrs. Patricia Parham, principal, and Mrs. Linda Lentin and Ms. Maria Prieto, lead teachers at South Pointe, for their commitment to making South Pointe Elementary a place where learning can happen.

TRIBUTE TO ACCESS SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to honor and congratulate Access Sacramento on the occasion of receiving for the second time the prestigious honor of "Overall Excellence in Public Access" award at the National Federation of Local Cable Programmer's annual national convention in Portland, OR, on July 25, 1991.

This coveted cable industry honor was awarded to Access Sacramento in recognition of its production of quality educational programming and for its work with schools, teachers, and administrators in furthering the use of cable technology in the classroom. Having competed against 2,063 entries from 437 cities in 38 States, Access Sacramento has been honored and identified as a standard for educational cable programming throughout the Nation.

Access Sacramento also received awards for "The Flying Samaritans" and "The ACT Games," each receiving first place honors in the international and sports categories, respectively. Since its inception in 1986, Access Sacramento has been honored with 27 finalists and 10 winners in national cable programming competitions, making it one of the most respected and well known educational cable companies in the United States.

I salute and commend Access Sacramento for its commitment to education and community outreach through cable technology. The Sacramento community is proud and honored to be home to this award-winning public access cable company, and appreciates the comprehensive service Access Sacramento provides. I congratulate Access Sacramento, once again, for its continued excellence and its most recent national recognition, "Overall Excellence in Public Access."

STRIVING FOR PEACE IN YUGOSLAVIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SMITH of New Jersey. Mr. Speaker, there is no doubt that the conflict between Croatia and the Serbian insurgents in Yugoslavia could quickly escalate into an all out civil war with hundreds of thousands being killed or wounded. As we saw last month in the Soviet Union, American opinion and stated solidarity with people under siege can go a long way to avert civil war.

On September 3, I returned from a 6 day peace mission with Representative FRANK WOLF and former Undersecretary of State Richard McCormick to Croatia and Serbia—two of the Republics that make up Yugoslavia. Because of the ongoing conflict, the atomosphere was tense, bleak, and dangerous.

In Zagreb, the capital of the Croatian Republic, we met with several leaders including Croatian President Franjo Tudjman. The President expressed deep appreciation for our physical presence in Croatia as the violence was escalating in and around this capital and told us how vital United States and EC involvement was to a peaceful outcome. He said that the borders of his republic should not change by force and lamented, at one point, that Croatia did not have sufficient firepower to adequately defend itself. We were reminded that Croatia contributes financially and sends its young men to the Yugoslavian Army which is now unofficially supporting Serb insurgents and fighting against the Croatian Republic.

President Tudjman said the United States was missing the train by not being more active in the earlier weeks of the crisis and said it was his view that United States policy was wrongly predicated on the notion that the "Yugoslavian nation can and will be saved."

We also met with Cardinal Kuharich and Archbishop Koksha at the Roman Catholic Cathedral in Zagreb. The Cardinal said the faithful were being implored to pray and work for peace, and that approximately 40 churches were either destroyed or adversely affected by the clashes thus far. He said Croatian prisoners returning from Serbia had been severely beaten and that the Yugoslavian Air Force had been bombing civilian populations.

To more adequately assess the situation and to tangibly underscore a compelling United States concern for peace and an end to the fighting, we visited two Croatian cities under intense military siege.

At Osijek we visited injured civilians and Croatian soldiers in the city's general hospital and heard several testimonies of brutality by chetniks, Serbian terrorists, and Yugoslav soldiers. A fresh reminder of the horror of war greeted us as we walked out the door: A badly wounded Croatian soldier was rushed by us on a stretcher having just suffered his wounds at Vukovar—our next stop.

Surrounded by more than 200 Yugoslav army tanks and a combination of irregular Serbian infantry and regular army troops, Vukovar is a city that has suffered much, especially since a stepped up offensive by the Serbs that began on or about August 25.

Owing to the fact that every road to Vukovar is sealed off and possibly mined by Serbian irregulars and the Yugoslav army, we gained access to this border city via a small path through a cornfield.

Once inside the largely evacuated city, we witnessed dozens of buildings including homes that had been pulverized, we were told, by hostile mortar fire and Yugoslav MiG fighter jets.

Accompanied by a small number of Croatian special forces we walked several blocks through the city clinging closely to buildings so as to avoid becoming an easy target. In open areas we jogged or ran to mitigate the danger of being fired upon. We were advised that several people had been shot by Serbian sniper teams that slipped into the city under the cover of night. According to Marin Vidic, the city official who escorted us, approximately 20 people were killed and approximately 80 wounded in various types of attacks in the days immediately preceding our visit.

We visited a shelter in the city—an old wine cellar cut in the ridge of a small hill—that housed between 150–170 city residents. One man said that the people in the shelter hadn't ventured out of the cave-like refuge since Sunday, August 25. The agony and fear of bombardment and sniper fire was etched on the faces of several of the men, women, and children.

Our delegation, then proceeded to walk to St. Phillip's Catholic Church, an historic church that had taken some hits either from MiG bombing raids or mortar fire. While we walked outside the Church, two Yugoslavia MiG fighters made two passes overhead. I photographed one of the fighters just before being herded by the special forces into the church for cover. After the MiG's passed overhead, without incident, we heard, in the distance, two explosions, but we could not confirm the source of the noise.

Our delegation was inspired by the obvious courage and commitment of Father Branimir Kosec, OFM, who along with the other priests and nuns of the parish had decided to stay in Vukovar to aid the people. In answer to a comment concerning his courage, Father Kosec simply said his courage is from God.

Both Mr. WOLF and I took several photographs of the bomb fragments and remnants in Vukovar and are sending them to appropriate U.S. Government agencies for analysis.

Confronted with our observations in Vukovar, 2 days later, Yugoslav Vice Minister of Defense, Admiral Brovet told us the MiG's were not dropping ordnance on Vukovar.

Our meeting with the Serbian President Slobodan Milosevic, in Belgrade, came on the heels of his agreement to a cease-fire and to a conference under international auspices. While we commended the President for signing the agreement, we frankly stressed that, in our view, he bore a significant responsibility for the military offensive thus far and the future of the fragile peace.

In a very firm but diplomatic way we conveyed our concern over the potential for a blood bath and that Serbia and the Yugoslavian armed forces would bear the brunt of international criticism. One consequence of initiating new hostilities would be Serbian isolation, we told him.

The President spent much of his time describing what he perceived as the mistreatment of the 600,000 Serbs living in Croatia and the fear in Serbia that Croatia was evolving in a way not unlike it had 50 years ago when it allied itself to Nazi Germany. He spoke much of the atrocities committed by Croats against Serbs during that dark period and it was clear to me that past horrors are being employed as a rationale for current policies.

We had a rich exchange with Patriarch Pavle, head of the Serbian Orthodox Church and the Orthodox Metropolitan of Zagre. The Patriarch said the clergy was admonishing the faithful to pray for peace and reconciliation. The metropolitan, however, was much more cynical suggesting that Serbs could forgive the Nazi area atrocities, but not forget. He said he feared for his own life in Zagreb.

Our delegation suggested that the Patriarch and the Cardinal consider a dramatic, highly visible joint appearance, or series of appearances to urge their respective flocks to pray and fast for peace, reconciliation, and forgiveness. We suggested that this appeal might help break the cycle of hate and revenge which is on the verge of careening out of control. While we didn't get an immediate answer from the Patriarch to this suggestion, we intend to pursue this idea.

Our meeting with Adm. Stavil Brovet, Vice Minister of Defense, provided insights into the Yugoslav army position—or at least his personal opinion. He said that the Yugoslavian army was in the uncomfortable role of separating the two sides. He said the MiG's over Yukovar hadn't dropped any bombs. We told him that the clear perception among many EC diplomats and others was that the Army had sided with the Serbians, a view he rejected by explaining, in part, how the command structure works.

We met with Budimir Loncar, foreign minister of the Federal Government, whose staff made a special point of expressing their gratitude for our trip. According to Mr. Loncar, active participation by the international community is a prerequisite for peace and a resolution to the many vexing problems Yugoslavia is experiencing. Our argument that Serbia in particular would likely be isolated if they initiated new and expanded hostilities didn't go unnoticed.

Throughout the entire mission, our delegation's message stressed military restraint, negotiation, and reconciliation. We openly supported the EC's recommendations for cease-fire and a peace conference to be held outside of Yugoslavia. And we stated our commitment to advise our colleagues in Congress, the President, and the appropriate officials at the State Department of the atrocities visited upon the people in parts of Yugoslavia.

I firmly believe that as more Americans become aware of the true danger in Yugoslavia, pressure and criticism will be brought against insurgents and other violators of the cease-fire. Only then, will the leaders of the six republics be able to focus on lasting peace.

THE NEW SOVIET UNION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SCHAEFER. Mr. Speaker, the August events in the Soviet Union have dramatically and permanently changed the face of that country and the world.

Through television transmissions from Moscow, the world witnessed unforgettable scenes of popular resistance to the self-appointed "State Committee for the State of Emergency." The resistance was epitomized by the tens of thousands of citizens who guarded the Russian parliament building in brave defiance of the tanks rumbling through Moscow. In this context, I extend my condolences to the families of Ilya Krichevskiy, Dmitriy Komar, and Vladimir Usov. Their sacrifices in defense of freedom will never be forgotten.

I applaud the anticoup resistance spearheaded by democratically elected leaders throughout the Soviet Union, including the Baltic nations. I especially recognize the resistance displayed by the Supreme Soviet of the Russian Republic, led by its speaker Ruslan Khasbulatov; the Russian President, Boris Yeltsin; and the mayor of Leningrad—now St. Petersburg—Anatoliy Sobchak. The legitimacy and authority of these democratically elected Russian leaders helped undermine crucial military support for the coup plotters.

The republics which make up the former Soviet Union are blessed with many resources, including the most important resource of all—creative and energetic people. As they increase their pace of economic, political, and societal transformation, I extend my best wishes for peace, prosperity, democracy, and freedom. In a free country, there is no limit to what people can accomplish.

IN HONOR OF MAYNARD C. SKINNER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor my constituent and friend, Maynard C. Skinner, one of Davis, CA's, most prominent citizens, on the occasion of his recent retirement from the University of California, Davis.

Dr. Skinner's retirement will culminate a 38-year career in education, including 30 years at UC, Davis. A native of Boulder CO, he received his bachelor's, master's, and doctorate degrees from the University of Colorado in Boulder. Before entering the University of Colorado, he served 2 years in the Marine Corps. After completing his master's degree, he began his education career as a science-history teacher at the St. Francis Community High School in St. Francis, KS.

Recognized for his excellence in teaching, Dr. Skinner received a prestigious Fulbright lecturer position at the University of Rangoon, Burma in 1956–57. Prior to his arrival at UC

Davis, he held an assistant professor position at the U.S. Naval Academy in Annapolis, MD.

In 1961, he began his distinguished 30-year career at UC Davis as the international student adviser and director of placement services. Two years later, he became the director of the Education Abroad Program at the university. Dr. Skinner's outstanding achievements in international education were acknowledged in 1964 when he received French and Israeli Government study grants in international education. He continued his work in international education by serving as the director for the Peace Corps training projects—India and Nepal—which were held at UC Davis.

After spending 8 years in the international education field, Dr. Skinner was promoted to the administrative dean of students and acting director of financial aid positions at UC Davis. Later, he served as the assistant vice chancellor and was responsible for overseeing undergraduate admissions and the registrar's office. In 1974, Dr. Skinner assumed his current position as assistant vice chancellor-student affairs. Throughout his tenure at UC Davis, he has strived to enhance the educational opportunities available and improve the quality of life for students at the university.

Dr. Skinner's impact on the Davis community has not been limited to his work at UC Davis. He is serving his second term as the mayor of Davis and has spent more than 10 years on the city council. Dr. Skinner has earned tremendous respect and admiration from the Davis community for his work at UC Davis and his service on the Davis city council. He has been a long-time friend, and I am honored to have the opportunity to represent him in Congress and recognize him for his outstanding career in education and service as an elected official. I join my colleagues today in wishing Maynard Skinner a happy and fulfilling retirement.

CONGRATULATIONS TO PAUL AMICO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. TORRICELLI, Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Mayor Paul Amico on the occasion of his retirement.

The son of Italian immigrants, Mayor Amico was born in New York's Lower East Side where he spent the first 6 years of his life. In 1919 his parents, Salvatore and Grace Amico, seeking a better life for their growing family, settled in Secaucus. Young Paul was enrolled in the local school system and it was not too long before he became a fixture on the baseball diamonds where he displayed the drive and determination which were to mark his many achievements in adulthood.

But economic conditions of the day dictated that Paul would redirect his efforts toward supplementing his family's income. Always a hard worker, no job was too menial nor any task too burdensome for young Paul to undertake. Dependable and responsible, he began working at age 12.

At 17, Paul started to work in the diner business where he was to make his mark in the business world. After learning the basics, he opened his own diner when he was 25. Three years later he married Catherine Lehfield and the two worked side-by-side to make the business a great success. Paul's rise in the food industry was interrupted by World War II. He entered the Army in 1944, rising to the rank of staff sergeant before his discharge in 1946.

After the war, Paul returned to Secaucus and reopened the diner. His business acumen was not only reflected in the excellent management of the diner but also in the many wise investments that he had made through the years. The dividend of his efforts was Paul's ability to retire at age 43.

He then devoted himself to civic affairs and entered the world of politics. As with everything he undertook, Paul applied himself totally to the affairs of the community. His efforts were rewarded in 1956 when he was elected to a 2-year term as the third ward's councilman. After completing his term, he chose not to seek reelection, but instead directed his efforts toward the formation of a new political movement comprised of Democrats, Republicans, and independents.

Despite the fact that Mayor Amico is a lifelong Democrat, his appeal has always cut across traditional party lines, and he was elected mayor of Secaucus in 1963, a post which he would fill for the next 28 years. His first action as the town's chief executive was to professionalize and modernize municipal government in Secaucus. His efforts are responsible for the remarkable transformation that has attracted nationally known industries and many new homeowners to Secaucus.

While much has changed in Paul's life since his early days on New York's Christy Street, he still possesses the same character traits that marked his youth. Strong self-discipline, a propensity for ceaseless toil, attention to detail, thorough organization, and personal integrity are all obvious characteristics to those who know the mayor.

Paul Amico is not simply a political person. He is a religious man and is active in numerous charitable, fraternal, and veteran organizations. After 32 years of marriage, his wife Catherine passed away. He later married the former Regina Casazza who shares the mayor's enthusiasm for community affairs. She is his No. 1 supporter and a constant source of encouragement.

HIs private life has paralleled his political life; hard work, long hours, attention to every detail and unequaled integrity are the reasons for his successes in business as well as government. Paul Amico's lifelong dedication and devotion to Secaucus has made it easy for so many people to count themselves among the "people who love Secaucus."

Mr. Speaker I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

TRIBUTE TO OUR MISSING SERVICEMEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PALLONE. Mr. Speaker, on Friday, September 13, 1991, the Middletown Township, NJ, Post No. 2179 of the Veterans of Foreign Wars will hold its ninth annual candlelight services for "American Prisoners of War and Missing in Action." This solemn occasion forces us to remember an ongoing tragedy for thousands of American families, and for countless other veterans whose friends and fellow soldiers remain unaccounted for in foreign lands.

As a cosponsor of the truth bill, I believe it is a matter of the highest importance that Federal departments and agencies disclose information concerning United States personnel classified as POW's or MIA's from World War II, the Korean conflict, and the Vietnam conflict. The Government still lists some 2,300 servicemen as missing in Southeast Asia. Suggestions have been made that information about U.S. prisoners who are still alive has been ignored or downplayed. Recent news reports have provided new suggestions that some of those men are indeed still alive and being held against their will. Of course, some of these reports are false—cruel hoaxes, playing on the hopes of desperate families. The atmosphere of uncertainty that exists will continue to fuel rampant reports of live prisoners of war. Until such time as the families of servicemen, and all the American people, receive the convincing information to which they are entitled, the question of the fate of missing U.S. servicemen will continue to be a source of national anguish.

Any further delay in releasing POW's is criminal and unconscionable. Remains of servicemen who have died in combat or captivity should be turned over to this country immediately so that their families may be able to finally arrange proper burial services and at last put an end to their uncertainty. Our State Department must make it abundantly clear that any future relations with Vietnam and other nations in that region must be conditional on a full accounting of the fate and whereabouts of all missing U.S. servicemen.

TRIBUTE TO NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, the Newark Scholars Program at the New Jersey Institute of Technology has earned widespread praise for its comprehensive program of academic and career development for students who are traditionally underrepresented in science and technology.

This unique approach to education was a product of a group of education officials known as the Council for Higher Education in Newark

[CHEN]. Their findings revealed that while blacks and Hispanics will comprise 34 percent of the total population by the year 2000, only 6 percent of the country's engineering graduates will be minorities. In establishing the program, the university sought to create a stimulating educational environment of bright, well-rounded Newark scholars who are capable of assuming prominent roles in business, industry, civic activities, and above all, becoming an integral force in the development and progress of Newark.

The Newark Scholars Program is available to those students who display a dedication to learning. To gain admittance, one must have a combined SAT score of 900, a high class rank, letters of recommendation, and submit to several interviews. This program, which came into existence just last year, not only offers an excellent curriculum, it also understands the financial hardships of attending college and offers stipends as well as scholarships to those who enter the program. Maintaining a 3.0 grade point average is essential to secure financial aid.

I would like to point out that while the New Jersey Institute of Technology is at the forefront of developing and expanding this program, Rutgers University, Essex County College, and the University of Medicine and Dentistry have begun similar programs.

Mr. Speaker, it gives me great pride to have this wonderful program developing within my congressional district. It provides the youth in the community an alternative to many of the obstacles that they may face, and enables them to choose a productive and enlightening road to a quality education.

A TRIBUTE TO THE VETERANS OF FOREIGN WARS POST NO. 11297 AND SERGEANT MANUEL E. MESA, JR.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to pay tribute to the Veterans of Foreign Wars [VFW] of the United States, Sgt. Manuel E. Mesa, Jr., Post No. 11297. On September 28, this post will hold their annual banquet dinner dance which will be held in the Four Ambassadors Hotel in Miami, FL.

On May 20, 1991, a committee started the process of organizing a new VFW post. On July 14, VFW Post 11297 was registered with 50 new members. On August 9, officer elections were held and an installation was conducted by the VFW District 5 Comdr. John J. Nick and Department of Florida Sr. Vice Commander James De Pass. During a special meeting on August 12, the articles of incorporation of the post and the post by-laws were approved. As of August 31, 1991, the post membership status is 125.

Post 11297 was formed on August 9, 1991, to honor a veteran who arrived on our shores from Cuba in 1960 when he was 15 years old. Sgt. Manuel E. Mesa, Jr., joined the United States Army in 1965, and in April 27, 1967 he was killed in Vietnam. The order posthumously awarding him the Silver Star described his valor and sacrifice for his colleagues. Esteban M. Beruvides, chairman of the banquet committee of VFW Post 11297, states that Sergeant Mesa believed in our Nation's principles and ideals and gave his life honoring those principles. His parents, who now live in Gainsville, FL, will be attending this important and significant event.

I would like to recognize and thank Reynaldo Garcia, Gustave I. Perez, Clement E. Hill, C.M. Beruvides, Elias A. Vazquez, Humberto M. Colpel, Alberto Milian, Kenneth Hurtado, Nestor Figueroa, William Prado, Carlos Clevall, Armando Martinez, Pedro Gongora, Jorge Utset, E.M. Beruvides, Jesus Tamayo, and Pablo Camacho, Jr. Their camaraderie and recognition for our veterans who made the ultimate sacrifice to preserve our freedoms and ideals is duly noted.

THE HEALTH CARE CRISIS: CONFLICTING OPTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 14, 1991 into the CONGRESSIONAL RECORD:

THE HEALTH CARE CRISIS: CONFLICTING OPTIONS

The U.S. health care system receives mixed reviews from Hoosiers and other Americans. For most of us it provides the highest quality of care with little wait for services. American medical schools are at the forefront of research on cancer, AIDS, and life-extending technologies, and U.S. physicians are among the world's best. Yet the system faces a variety of problems, with much recent attention focusing on cost and access. Some 34 million Americans, including an estimated 800,000 Hoosiers, lack health insurance. U.S. health care spending has increased 900% since 1950, and health insurance premiums in recent years have risen 20% annually. Recent polls indicate that the vast majority of Americans support reform. With so much dissatisfaction with the health care system, I am frequently asked why it can't be reformed quickly.

Despite the agreement that the system has problems, the major interested parties—physicians, hospitals, consumers, employers, insurance companies, and taxpayers—have vastly different viewpoints on solving them. Depending on which type of reform Washington implements, there will be big winners and big losers. Reform hinges on the delicate balancing of these often competing interests. Several types of reform are under consideration:

Employer-mandated Insurance: Congress is currently exploring an approach known as "play or pay". It would require employers to either provide basic health insurance coverage for their employees or pay a tax to finance a public program for those not covered.

This approach is supported by most insurance companies and by those who believe in expanding coverage by building on the existing employer-based system. Yet it is vigorously opposed by small businesses, who fear the high costs could either drive them out of business or force them to cut their full-time workers in an effort to control health care costs. Furthermore, taxpayers who already have health insurance question how such reform would benefit them. "Play or pay" does little to address their concerns about keeping health care costs down and reducing out-of-pocket costs. Moreover, they face a possible increase in taxes to help fund the public portion of the program.

Single-payer Insurance: Some favor restructuring our health care system along the lines of Canada's. Under its single-payer system, the government serves as the sole provider of health insurance and all citizens are guaranteed equal coverage.

Favored by many consumers because of its broad coverage, such a system also would significantly reduce U.S. health care spending by eliminating the administrative costs involved in having over 1500 insurance companies provide health insurance.

Insurance companies oppose this approach since it would sharply reduce their business. Some physicians and hospitals are concerned about the cost containment aspects of the Canadian plan. Since the government would be the only purchaser of health care, it would have tremendous leverage for keeping down physician and hospital fees. Physicians also oppose having government bureaucrats with no patient contact deciding what is reasonable care. Some patients worry that a Canadian-like system will involve waiting lines for care and could slow improvements in medical technology.

Medicaid Expansion: To deal with the problem of the uninsured, some propose new federal mandates which would increase the proportion of the population eligible for Medicaid, the federal/state health plan for the poor.

Since its implementation in 1965, Medicaid has been expanded several times by Congress in response to a growing number of uninsured Americans. Even so, the program has been unable to keep up. Expanding Medicaid to cover all of the uninsured would add at least $30 billion in costs annually. This prompts taxpayer opposition since it would not directly provide most taxpayers with new benefits nor address rising health care costs. Furthermore most states oppose a further expansion of Medicaid at this time, citing recent federal mandates to expand Medicaid coverage as a major source of their budget woes.

Tax Credits: Others propose government incentives to encourage individuals and families to purchase health insurance. They believe that government tax credits for the purchase of health insurance would reduce the number of uninsured.

While insurance companies favor such an approach, employees and labor unions are wary that the tax credits could be used as a substitute for employer-based coverage. The cost to the federal government of the tax credits—which could be well over $100 billion annually—would have to be offset by a tax increase which will be opposed by whichever group pays the tax. The plan would also be of limited help to poor people.

Cost-sharing: When consumers purchase health care services, most of the cost is typically picked up by insurance companies or the government. This can result in patients using unnecessary services, driving up medical expenditures. One proposed solution would be to increase deductibles and coinsurance rates which patients must pay, forcing them to make more careful decisions about what services they need. Similarly, some argue that employer-sponsored insurance plans, which are tax-exempt, encourage employees to purchase too much insurance coverage since the cost of the insurance is subsidized.

Yet patients oppose increasing their out-of-pocket costs and workers oppose losing their tax-free employer-paid medical plans. Moreover, some people fear that more cost-sharing could prevent low-income people from obtaining necessary care such as prenatal and preventive care.

Conclusion: Major reform of the American health care system to rein in costs and extend coverage to the uninsured involves a series of tradeoffs. Each reform will result in winners and losers, and each will result in some trade-off among the goals of quality, cost control, and access to health care. The difficulty in developing such a delicately balanced package suggests that our nation's health care problems will not be solved overnight. Progress will come slow and hard, and will only occur if all of the major players cooperate.

20TH ANNIVERSARY OF SENIOR CITIZEN RESOURCES, INC.

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. OAKAR. Mr. Speaker, I rise today to recognize the 20th anniversary of Senior Citizen Resources, Inc., which was celebrated on August 15, 1991.

This outstanding agency, established in the Old Brooklyn area of Greater Cleveland has, for the past 20 years, faithfully devoted itself to the service of its 3,500 elderly participants.

Senior Citizen Resources, Inc.—formerly Elder Lot, Inc.—was organized in 1971 by the Cleveland Jaycees and began serving the needs of 260 elderly residents at the Crestview Estates of Cuyahoga Metropolitan Housing Authority. In 1973 the program was expanded due to the overwhelming response. With the expansion of the programs being offered by Senior Citizen Resources, the Cleveland Jaycees extended their support as did several funding sources such as Cleveland, Beaumont, Breunig, Deaconess, Thomas H. White, and Kulas Foundations. Program funding was also received from title XX, title III of the Older Americans Act, and community development block grant money from the city of Cleveland.

With the growth of Senior Citizen Resources, Inc. came the extension of services to two other facilities Deaconess-Krafft and Estabrook Recreation Center.

While remaining within the geographical service area of the Old Brooklyn community, Senior Citizen Resources, Inc. offers programs such as nutrition, health, education, social service, and socialization to the over 9,000 residents of the area.

In addition to the financial support Senior Citizen Resources, Inc. enjoys from funding sources, they are proud to boast of the 450 senior citizen volunteers and 70 plus professional volunteers. They have contributed 72,000 volunteer hours to over 57 different social service agencies throughout Cuyahoga County.

With the success of Senior Citizen Resources, Inc. comes the ever-growing list of accomplishments. They are rightfully proud of the integration of both formerly active persons, who are now aging, with those who are physically debilitated, dispelling the belief that the latter is unable to participate in societal functions and activities.

The Golden Horizon adult day care program operates at one of the service sites 2 days a week for the 12 frail and handicapped elderly persons who enjoy programs tailored to their needs.

The Senior Citizen Olympics, now in its 7th year, has grown steadily to the current registration of over 500 persons drawn from 28 different communities, with many frail and handicapped persons enjoying the 7 days of events.

Although 3,500 plus participants have benefited substantially through the programs offered them, they, in turn, have made their contributions to the program's financial support with $10,000 annually while also addressing the community's needs with volunteer hours. Presently they serve as helpers and tutors for school children at a local public school and have assisted in the development of programs to serve the elderly at two local hospitals, Deaconess and MetroHealth Center of Cleveland.

Mr. Speaker, it is with pride that I congratulate Senior Citizen Resources, Inc. on the celebration of its 20th anniversary. I also wish to pay tribute to their well organized, resourceful and enthusiastic executive director, Doris Schwab and her hardworking and compassionate staff whose dedication and care provide the excellent services offered the elderly in our community. May their growth and success continue for the ever growing, active and proud senior residents of Old Brooklyn's area of Cleveland, OH.

HONORING SECAUCUS MAYOR PAUL AMICO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GUARINI. Mr. Speaker, I would like you and my distinguished colleagues to join me in saluting Mayor Paul Amico of Secaucus, who in December will end 27 years at the helm of his burgeoning community.

Throughout his years in office, Mayor Amico has exemplified the highest ideals of public service. He is a man of integrity, skill, and loyalty. The people of Secaucus have been lucky to have such a qualified and caring leader.

The self-educated son of Italian immigrants, Mayor Amico has gained a wide reputation for his business and political acumen during his time in office. A self-made businessman who was able to retire at the age of 43, Mayor Amico is known as a meticulous administrator and prudent planner.

And he is also known as a mayor who keeps tabs on every aspect of life in his town. Whether it be the arrival of a new resident in town, births, deaths, or weddings, Mayor Amico always knows of the event and takes the appropriate action.

Being a resident of Secaucus since the age of 6 helps Mayor Amico stay abreast of happenings in Secaucus. But even with this in his favor, his efforts would not be successful if it was not for his love of people and dedication to the residents he serves.

In this way, Mayor Amico is the classic small town mayor. But what makes him unique is that he was able to combine this style of leadership with an ability to transform his small town into a modern, bustling corporate center.

When Mayor Amico first assumed his position in 1964, he became Secaucus' first full-time mayor. At the time, Secaucus was best known for jokes about its pig farms. Nestled in the meadowlands, Secaucus was then a quiet, almost rural town.

Soon, though, major real estate companies, such as Hartz Mountain Industries, began to develop land in the town. By the 1980's, Secaucus' pig farms and swampland had been replaced by shopping malls, office buildings and condominium complexes.

Balancing the needs of the town's blue-collar residents with those of corporate newcomers was a complex task.

To be sure, there were often bitter arguments in town about the direction Secaucus was taking. And there were complaints that progress had come to the town too quickly, resulting in an overburdened infrastructure. But his continual reelection showed that Mayor Amico struck the proper balance and kept the loyalty of all residents in Secaucus.

And during the transformation, of Secaucus, Mayor Amico made sure that the human needs of Secaucus' residents were not overshadowed by corporate development.

As mayor, he oversaw the construction of two elementary schools and a high school. He implemented testing for appointments to the police department. The quality of the municipal staff was upgraded. And with the expansion of the town's ratable base, Mayor Amico kept property taxes down and improved municipal services. He also saw to it that new job opportunities were created for residents.

While working diligently for his town, Mayor Amico also took an active role in regional government. He is vice-chairman of the Hackensack Mayors Municipal Committee and the North Hudson Regional Council of Mayors.

In each of his endeavors, Mayor Amico always looked out for the people who elected him to serve them. And that has brought him praise from his residents, other public officials, and the press.

It is with great sadness that I now see Paul Amico leave his post. But I am thankful for the leadership he has given to Secaucus and his region. I wish he and his wife Jean well, and know that Mayor Amico will continue to take an active interest in the affairs of Secaucus.

Mr. Speaker, I ask that you and my distinguished colleagues join with me in saluting Mayor Amico, a true public servant. He has earned these accolades for a job well done.

HAPPY ANNIVERSARY TO THE RANCHO SIMI RECREATION AND PARK DISTRICT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to salute the Rancho Simi Recreation and Park District as it celebrates 30 years of service to the people of Simi Valley, CA, and nearby areas.

The district was formed as a result of a grassroots committee which formed in March 1961. Support in the newly developing Simi Valley area was quick to come, and the district was approved by the voters just 7 months later. Two months after that, the first board of directors approved their first budget, in the amount of $4,400.

Today, the district has a total budget of about $20 million, and operates 35 fully or partially developed facilities. Included are parks, swimming pools, a community center, softball fields, basketball courts, tennis courts, a lagoon, golf courses and a historical park. The district also offers more than 200 year-round recreation programs, activities and classes for the estimated 115,000 residents of Simi Valley and Oak Park.

As the district marks 30 years of service to the residents of eastern Ventura County, it continues to strive to meet its goal of providing a broad, well-rounded program of parks and recreation services for all district residents at the most recent cost possible and in a businesslike manner.

Mr. Speaker, I ask my colleagues to join me in saluting the Rancho Simi Recreation and Park District for 30 years of service, and in offering our best wishes for the future.

SALUTE TO BALTIC INDEPENDENCE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SCHAEFER. Mr. Speaker, the three Baltic nations have officially regained the independence they lost five decades ago. On behalf of my constituents, I congratulate the brave citizens of Estonia, Latvia, and Lithuania, for their long but successful struggle against oppressive Soviet subjugation.

The three Baltic republics are dissimilar in many ways: Their languages are mutually incomprehensible and each has its own distinct history and culture. However, all three republics were united in their determination to be free of Soviet rule. Fifty years of Soviet repression could not stifle the Baltic citizens' yearnings for freedom.

I want to recognize and congratulate the democratically elected governments of the Baltic nations. Representing the will of the people, the national parliaments in each country had legitimacy and authority on their side when they declared their independence from Moscow's rule.

As the Baltic republics resume their democratic development and economic recovery, I have no illusion that the process will be easy. Half a century of Soviet oppression and economic mismanagement cannot be fixed overnight; many legacies of Soviet rule will take years to remedy. However, the citizens in all three countries are industrious and well-qualified for the task ahead of them.

I congratulate Estonia, Latvia, and Lithuania, on their national independence, and look forward to a return to the prosperity and sovereignty they enjoyed before 1940.

MICHAEL SWANGER EARNS EAGLE AWARD

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, on June 10, 1991, Michael Swanger, an outstanding young man from my congressional district, was presented his Eagle Award at a court of honor. Michael's dedication to his troop, his family, his school, and his community have helped him achieve the rank of Eagle Scout, the highest rank possible in scouting. I rise today to ask that you join with me in recognizing this truly remarkable individual.

It is important that we take a moment to recognize the true significance of Michael's accomplishment. In recent years, discussions of American youth have tended to focus on their involvement in the problems facing the United States: Drug and alcohol abuse, violent crime, and a declining commitment to education and career. Michael is an example of what the youth in America are capable of and an example of the kind of leadership this country will need if we are to effectively address the problems that face the Nation and the world.

Michael not only has completed a list of required tasks to achieve this honor, he has enriched the lives of all those who have had the pleasure of knowing him. It is reassuring to know that there continue to exist individuals like Michael who place value in service to others. While the rank of Eagle Scout is the ultimate in scouting, I trust it is only the beginning of Michael's achievements.

Mr. Speaker, I ask that my colleagues join me in saluting this inspirational young man.

GREATER NAPLES SWEEPS LITTLE LEAGUE SOFTBALL

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GOSS. Mr. Speaker, people overuse the word "dynasty" to characterize good sports teams. But when an extraordinary achievement becomes an every day event, then, I believe, the word can fairly be applied.

Now, we can add a group of southwest Florida young women to our list of dynasties.

Earlier in August, bolstered by a one-hit pitching performance by Katy Cook, the Greater Naples Queens shut out their opponents, 2 to 0, in the championship game of the major division—ages 11 to 12—of the Little League Softball World Series in Michigan.

The dynasty was reinforced less than 24 hours later, when their elder counterparts, the Braves, who play in the 13-to-15 age category, won the championship game in their division.

For these athletes, it was just another day at the ballpark.

"At first I felt scared," said Miss Cook, who retired her last 12 batters, "but after a while it was just like a regular game."

The Braves and Queens are used to winning it all. This year marked Greater Naples' second sweep of the tournament in 3 years. In all, the Braves have won the title six times since 1980, and the Queens have done it four times since 1983. It was the Queens third victory in 4 years.

Neither team lost a game throughout this year's tournament, and they combined to outscore their opponents 283 to 37. "It's a record unmatched by any other Little League softball program," wrote one sportswriter in southwest Florida.

Mr. Speaker, I believe it's more difficult for teams to maintain dynasties than athletes in individual sports. For a group of athletes to win repeatedly, it requires extra measures of cohesion, commitment, responsibility, and hard work. I think that's why the Braves and Queens do so well year after year, because each player exhibits these precious and valuable qualities. They've made us all quite proud. Isn't it nice to read about good things that our young people do these days?

TRIBUTE TO JAMES T. DOLAN, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PALLONE. Mr. Speaker, on Friday, September 13, 1991, the New Jersey Shore Area YMCA will honor its man of the year—Mr. James T. Dolan, Jr., of Sea Bright, NJ—at a dinner/dance ceremony at Squires Pub in West Long Branch, NJ.

Mr. Speaker, James Dolan has epitomized the type of fine citizenship deserving of recognition and tribute in this House. Highly successful in the world of business, he has given back to the community with a spirit of concern and generosity. Mr. Dolan is the chairman and chief executive officer of New Jersey Resources Corp., the parent organization of New Jersey Natural Gas Co. and Commercial Realty & Resources Corp. In this capacity, he has taken a relatively small natural gas distribution firm and turned it into one of the Nation's fastest growing and innovative utilities. He has also served as chairman and director of the American Gas Association and presdient of the New Jersey Utilities Association.

Mr. Dolan's wide involvement in charitable, community and civic organizations includes chairmanship of the Irish Youth Fund. He has been effective in raising more than half a million dollars for programs aimed at helping Irish youth. For his tremendous success as a businessman and a philanthropist, Mr. Dolan has been named this year as one of the top 100 Irish-Americans by Irish America Magazine.

Mr. Speaker, it is a great privilege to join with the Shore Area YMCA on this well-deserved tribute to Mr. Dolan, his wife, Hilda, and their daughter Marian.

ABILITIES OF FLORIDA: HIGHLIGHTING WHAT PEOPLE OF DIFFERING ABILITIES CAN DO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Abilities of Florida is a nonprofit and charitable organization which provides vocational evaluation, training, and job placement for persons with disabilities. It also offers assistance and counsel to the business community of south Florida, so that it may fully comply With the Americans with Disabilities Act [ADA].

Abilities of Florida has expanded to south Florida through the former Florida Association of Rehabilitation Facilities and has relocated to a larger facility to better serve the Greater Miami area. In its expanded form, Abilities of Florida has played a vital role in assisting south Florida's disabled citizens to reach their greatest potential, through the procurement of competitive employment. This placement effort reduces unemployment for this target group, raises moral and independence, and helps alleviate the need for sustaining social services.

The statement of purpose of Abilities of Florida is telling. It is to provide opportunities which will assist disabled people to meet the demands and responsibilities of living independently. Further, its mission is to provide services which will allow each individual to reach his or her own vocational potential, and ultimately to function independently in society.

In a heartwarming letter I received from Ms. Clara R. Nogues, a constituent of my congressional district, she explains how Abilities of Florida has been a great encouragement to her. The organization has trained Ms. Nogues in word processing skills and is seeking to place her in a position of gainful employment. Ms. Nogues stressed how thankful she was to the assistance provided by Abilities of Florida and was very hopeful about working on her own.

Abilities of Florida has a motto which sums up its agenda, "What a person can do is more important than what he or she cannot do!" This conviction is sure to impact the south Florida community and further the effort to mainstream disabled people. I commend the leadership of Peter E. Houghton, the new chair of the Abilities of Florida Foundation Advisory Board; Doreen LoCicero, the development director; and Patrick Carlo, the director of the Abilities of Florida office in Miami. The organization has also benefited greatly from the efforts of many volunteers. I encourage the advisory board, staff, and volunteers to continue their good work.

THE U.S. AUTO INDUSTRY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 21, 1991, into the CONGRESSIONAL RECORD:

THE U.S. AUTO INDUSTRY

The U.S. automobile industry is in the midst of a severe recession. The Big Three automobile makers—Ford, Chrysler and General Motors—have lost $4.7 billion in the first 6 months of this year, the largest loss in automotive history, and seem certain to remain in the red for the rest of 1991. Unemployment in the U.S. auto industry is far above the national average, and sales and employment are projected to remain lower in 1991 and 1992 than in any year since 1984. U.S. automobile companies are on a perilous road, and auto executives say they may not survive the next decade, at least in the present form.

The auto industry is a major component of our national economy and a major employer. It accounts for 4.1 percent of our gross national product, a large share for an individual industry; employs nearly 800,000 Americans directly, including 50,000 Hoosiers and 3,000 residents of the Ninth Congressional District; and produces jobs for millions more in related industries. Any downturn in the industry has a significant ripple effect through the economy.

JAPANESE COMPETITION

Perhaps the most cited explanation for the sharp decline in the U.S. auto industry has been competition from Japanese automakers. The speed and the scale of the Japanese takeover of the automobile market has been truly extraordinary. Japanese cars now account for more than 30 percent of the United States market, including Japanese derived cars sold under United States car labels. Japanese companies are expected to account for at least one-third of North American automobile production capacity by the end of the decade.

Japan is the world's largest vehicle producer. It manufactures 26 percent of the world's vehicles. Japanese automakers have established full-fledged manufacturing operations in the United States and other countries in response to demands for higher local content, and depend increasingly on local component suppliers. Sales of Japanese automobiles in the United States continue to surge even during the current recession.

Many United States automakers note that our current trade policy with Japan puts them at a competitive disadvantage. First, American automakers face a relatively closed market in Japan, while Japanese automakers are much freer to market their autos in the United States. Second, protected markets at home allow Japanese firms to sell their cars in the United States below cost, enabling them to capture a greater share of the United States market. This practice is known as "dumping" and is a violation of U.S. trade laws. Third, Japanese automakers are suspected of misrepresenting the North American content of Japanese autos produced in Canada in an effort to circumvent United States tariffs. Fourth, United States officials are investigating charges that Japanese companies in the United States are underpaying their taxes.

ECONOMIC FACTORS

There have been other factors contributing to the downturn in the U.S. auto industry. The recession has caused high levels of unemployment and a reduction in consumer spending. Furthermore, high interest rates over the past few years have made it expensive for consumers to finance new auto purchases and have also deterred auto manufacturers from investing in new plant and equipment. In addition, bankers have curtailed new lending to consumers and businesses in response to concerns about their weak loan portfolios and the overall health of the banking industry. Finally, a stronger dollar has made U.S. automobiles less competitive on the world market.

INDUSTRY PROBLEMS

The structure of the auto industry has also created difficulties for U.S. automakers. There is presently an enormous worldwide excess of automaking capacity. The worldwide capacity is now 57 million cars and trucks, which would normally exceed demand by about 8 million units. The North American automobile makers have alone a 6 million unit excess capacity. In this recession year the Big Three will put on the market only 65 percent of their capacity; an 85 percent rate is considered necessary to break even.

The automobile companies have wrestled with this overcapacity problem. They have closed some plants, consolidated operations, and redoubled the pace of new model introductions. But Detroit has fought hard to do more about overcapacity because it views the shutdown of factories as ceding market share to the Japanese.

U.S. automakers face other daunting challenges. First, labor-management contracts in the auto industry lock in wage and benefit increases for three years, limiting management's flexibility to cut costs during periods of economic downturn. Labor costs per automobile rise, and the competitiveness of U.S. autos suffers. Second, U.S. automakers pay at least twice as much in health care costs for their employees than their competitors in Japan and Germany. Third, U.S. cars have been perceived as being of poorer quality than imports. Fourth, automakers are concerned about the cost of compliance with more stringent environmental and safety regulations.

CONCLUSION

The automobile companies have an extraordinary supply of good and talented people and there is no reason why they cannot compete effectively. There is no doubt that they are engaged in a bruising battle for survival. What they need most at the moment is a break from the recession, as automobile profits closely follow the ups and downs of the economy.

The automobile industry needs stable financial conditions and sufficient capital at reasonable cost. The U.S. Government can help by reducing the Federal budget deficit, lowering interest rates, and encouraging banks to ease credit restrictions. These actions could spur purchases of new automobiles and increase investment in new capital in auto plants. In addition, U.S. automakers must continue to take steps to improve the cost, quality and appeal of their products.

The Federal Government should make greater efforts to level the playing field with Japanese automakers. We must work to stop dumping by Japanese manufacturers, price fixing among automobile assemblers and suppliers, and tax avoidance. We must also pressure Japan to open its domestic market more to United States auto exports and parts supplies. The competition from Japan and other countries is very strong, and we must make every effort to ensure that United States automakers are not placed at an unfair disadvantage.

GWIN ELIZABETH DYE: VFW VOICE OF DEMOCRACY WINNER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. DICKINSON. Mr. Speaker, I am pleased to submit for the RECORD the Alabama State scriptwriting winner in the Veterans of Foreign Wars annual Voice of Democracy scriptwriting contest. Gwin Elizabeth Dye is 17 years old and resides in my congressional district in Troy, AL. Her script is as follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

A recent Time magazine cover proclaimed, "It's been a year of tremendous change. Around the world barriers are coming down. And it's curtains up for democracy everywhere." Who can forget the dismantling of the Berlin Wall and that lone Chinese student standing in front of the army tanks near Tiananmen Square? Why have hundreds of thousands of people around the world taken to the streets to demand the freedom that is rightfully theirs? Because they dare to dream of leadership of the people, by the people and for the people, and they are pursuing their dreams without concern for their own well-being, just as our forefathers did more than 200 years ago.

This world-wide democratic march is led by soldiers of freedom who are crying out for individual rights; crying for change; crying for victory of the people over oppression of the past. They are crying for the dignity of the individual and for acknowledgment of human rights. Just as the bulging buds of spring promise an abundance of summer fruit so democracy promises self-fulfillment through individual rights. Democracy is truly the vanguard of freedom, marching on its way, toppling governments and introducing new leadership around the world.

In Czechoslovakia, for example, playwright Vaclav Havel was catapulted to the country's presidency when his countrymen overthrew a corrupt government and demanded democratic change. This upheaval in national governments is also being seen in the Ukraine. The Ukrainians are celebrating what is for them an extraordinary experience—that of having a democratically chosen legislature of their own. They celebrate every day by standing outside the Ukrainian Parliament building listening to their elected delegates on loudspeakers placed in the trees. The Ukrainians, though, are learning that democracy itself is not freedom. They are learning that democracy only paves the way for the individual to exercise freedom. They are learning that democracy is not a spectator sport—that democracy requires active participation and that democracy is a responsibility.

Fortunately for us, the United States has enjoyed the blessings of liberty and freedom for over 200 years. Our nation has served as a model of democracy for other nations from the time that our Declaration of Independence set us free and from the time that our Constitution was framed to keep us free. Democracy and the Constitution work hand in hand. And, if we are to protect our Constitution, freedom's insurance policy for generations to come, we must accept the responsibilities of democracy.

We must actively work for the election of officials who best represent our attitudes, values, and beliefs, and we must keep our elected officials informed of our concerns. Furthermore, according to J.B. Priestly, "We should behave toward our country, as women behave toward the men they love. A loving wife will do anything for her husband, except stop criticizing and trying to improve him. We should cast the same affectionate, but sharp, glance at our country. We should love it, but insist on telling it all its faults. The noisy, empty patriot, not the critic, is the dangerous citizen."

I'm proud to be an American and I look forward to next year when I can exercise one of my most precious rights—the right to vote and to participate in our democratic process. Furthermore, I plan to encourage my friends to join me. We mustn't become a generation willing to fight for democracy halfway around the world yet unwilling to cross the street to vote. We must become the next generation of champions of democracy and pass on to our children the banner of freedom guaranteed by our Constitution, and in so doing we will join the proud and courageous patriots who dreamed of democracy and fought for a government of the people, by the people and for the people.

SALUTE TO FRIENDS OF LIGHT RAIL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to an organization that has done a great deal in my community to improve public transportation: Friends of Light Rail, a nonprofit public benefit corporation that was instrumental in building public acceptance of RT Metro, and in establishing Sacramento as a national public transportation leader.

Today, local dignitaries and other supporters of Friends of Light Rail will celebrate the fourth anniversary of RT Metro in Sacramento.

RT Metro spans 18.3 miles, and its trains are on time 99 percent of the time. More than 24,000 people ride RT Metro daily in Sacramento. RT Metro is helping to end road congestion and pollution in Sacramento, thus contributing to an improved quality of life for residents of the region.

I am proud to have such a fine light rail system in my congressional district. With RT Metro's exemplary performance in mind, it is my distinct honor and pleasure to ask my colleagues to join me in saluting Friends of Light Rail on the occasion of RT Metro's 4th anniversary.

TRIBUTE TO EDWIN C. HIROTO

HON. NORMAN Y. MINETA

OF CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MINETA. Mr. Speaker, throughout the history of the United States, Americans of Japanese ancestry have grown and prospered as a community because of individuals such as Edwin C. Hiroto, chief executive officer of Keiro Services.

Edwin Hiroto has dedicated his life towards building a health-care system for Japanese-American senior citizens in southern California. In so doing, he has helped to honor Americans of our parents' and grandparents' generation; and as importantly, he has helped to set a standard as a role model for future generations.

Mr. Speaker, on September 21, 1991, the Japanese-American communities of southern California will honor Edwin Hiroto on the occasion of his retirement from Keiro Services after 33 years. Vincent H. Okamoto, chairman of the board and chief executive officer of Pacific Heritage Bank, has written a biographical tribute to Mr. Hiroto. It is our pleasure to provide our colleagues in the House with that tribute here so that they may share in the knowledge of Edwin Hiroto's great contributions to our country.

MR. EDWIN C. HIROTO

There are few people of who it can be said to have made such a difference in their community as Edwin C. Hiroto. Mr. Hiroto is a highly respected member of the Japanese American Community, and has earned this respect with 33 years of dedicated service and commitment.

Mr. Hiroto attended high school in Poston, Arizona while his family was incarcerated at the Poston Relocation Center, and like many of the relocated Japanese American citizens, Mr. Hiroto enlisted in the United States Army before the war was over, serving two years with the Military Language School.

After the war, Mr. Hiroto attended the University of Missouri. Eventually, Mr. Hiroto, who had lived in Riverside before the war, came back to California, transferring to the University of Southern California where he earned a Bachelor of Arts in Finance in 1951.

The Japanese American community of Southern California was very lucky to have Mr. Hiroto back. In 1958 he left his own successful insurance agency to head Memorial Hospital of the Japanese Community, dba City View Hospital. The hospital had seen better days. Mr. Hiroto at one point pulled $100 out of his pocket so the bills could be paid. He changed the direction of intent of the hospital from profit to charity, making its status officially non-profit in 1961.

Mr. Hiroto took hold of this troubled institution with a vision. He was born a Nisei, or second-generation Japanese American. Being raised in a traditional Japanese household, but living a day-to-day American life, he was aware of the many cultural conflicts that troubled members of his community. The time was before state regulation of institutionalized care for the elderly, and Mr. Hiroto knew of the sad state most retirement homes were in throughout the United

States. Nursing home problems for the Japanese American community were compounded, however, by many cross cultural differences. The deeply ingrained Japanese tradition of caring for elderly parents in the home of the eldest son, thus making his wife the nurse and caretaker, conflicted with American culture, where women had choices, careers, and busy lives. The diet of institutional foods such as hot dogs and meat-and-potato dinners was almost completely foreign to many residents. Patients were isolated from doctors, attendants and other patients by language barriers. The children of the institutionalized elderly were racked with feelings of guilt and inadequacy, and their parents were almost always miserable and made to feel cast off. Mr. Hiroto's vision was to restore dignity to the elders so revered and respected in Japanese culture, to help these members of his community and thus help the community establish itself with pride.

In 1969, through much fund-raising efforts, Mr. Hiroto opened Keiro Nursing Home with 87 beds. Word traveled quickly throughout the Japanese American Community and soon a waiting list developed. Expansion became necessary. Mr. Hiroto organized more fundraisers and opened Minami Keiro Nursing Home with 97 beds in 1973, which also filled quickly. In 1975 the Japanese Retirement Home and the Intermediate Care Facility were opened. Mr. Hiroto continued dedicating much of his time to fund-raising efforts until at one time there were five Keiro retirement and intermediate care facilities with a total capacity of 745 in California, where Japanese American elders could live with the comfort and understanding of other Japanese Americans. Keiro Nursing Home and Minami Keiro have now been combined to form Kerio II, with an even larger capacity of 213. Mr. Hiroto also served as consultant for the 1975 establishment of Seattle Keiro, spending his free time flying back and forth to Washington. In all, he had raised funds totalling $15 million and had built up the value of Keiro Services real estate to $38 million in 1991.

With all the fundraising and directing for Keiro Services, one would believe Mr. Hiroto to have had time for little else. Once again, his list of accomplishments serves to be astounding. Mr. Hiroto has been a dynamo of community involvement. He is a member of the American Society on Aging and is a founding board member and Treasurer of the California Foundation on Aging. He was an active participant in the California Commission on Aging from 1984 to 1990, and part of the Governor's Special Task Force on Employment. He was a member of the National Advisory Council on Regional Medical Programs and was a representative to the National Advisory Council on Comprehensive Health Planning in Washington, DC. He maintains seats on the Board of Directors of two non-profit organizations: Seattle Keiro Nursing Home, and the Optimist Club Boys Home and Ranch. He also holds a seat on the Board of Directors of Pacific Heritage Bank, a Japanese American community bank based in Torrance. He is a charter member and past President of the Japanese American Optimist Club, and a past President of the Japanese American Republicans organization. He was an organizer of the Japanese American Community Services organization and is Chairman of the Board of Pacific Directions, Inc., a nonprofit, charitable organization dedicated to helping new immigrant American groups and to enhancing cross-cultural communications among Americans and new Americans. He is a member of the Little Tokyo Community Redevelopment Advisory Council, and a member of support groups for the Little Tokyo Service Center and Visual Communications, a nonprofit organization committed to promoting the Asian-American artistic community.

He is a member of the American Legion, the Sierra Club, Tree People, Little Tokyo Friends of the Library, and the Japan American Society. He has been a past Chairman of the Nisei Week Coronation Ball Committee, and he even found time to be Executive Editor of the book, Through Innocent Eyes, a collection of writings and art from the Japanese American Internment. Finally, Mr. Hiroto has been honored with "Man of the Year" and "Nisei Optimist of the Year" awards from Optimist International, and the "Man of the Year" award from the Los Angeles Police Department Athletic and Revolver Club.

In all, we are looking at an extraordinary lifetime of achievement. Mr. Edwin C. Hiroto, who was inspired by a vision of restoring human dignity to a group of people in his community, has, through 33 years of dedicated work, become an inspiration to others. Today we honor Mr. Hiroto not only for the fact that he took a troubled hospital and turned it into an institution that helps hundreds, and not only for the fact that he started with so little and created so much. Today we honor Mr. Hiroto for his character and inner spirit, the drive that pushed him on to pursue that vision and gave him the tenacity to make it come true. It is a remarkable person such as Mr. Edwin C. Hiroto that every community should, and that our community is fortunate enough to have had these many years.

A TRIBUTE TO DR. JAMES R. FULTS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Dr. James R. Fults, who continues his career with an assignment at Randolph AFB, TX, as the first Family Support Center Career Progression Manager. For the past 6 years, Dr. Fults has been serving as the director of the Family Support Center, McClellan AFB in Sacramento, CA. McClellan AFB is the largest federal sector employer in northern California.

Originally from Ohio, Dr. Fults began his career like thousands of other young Americans at the time by serving his country in the U.S. Army. Dr. Fults distinguished himself in the military as a river patrol boat soldier in the Southeast Asia theater of operation during the Vietnam conflict.

After returning from Vietnam, Dr. Fults rejoined the Federal Government in a civil service capacity. His first position was that of an aircraft mechanic at McClellan AFB where he worked until 1979. He was then promoted to a maintenence system specialist.

While working full time, Dr. Fults began to pursue his academic goals. He successfully obtained his B.A. in 1975, his M.A. in 1977, and his postdoctorate in 1985. His academic pursuits paid off because in 1980 he was again promoted and reassigned to Wright Patterson AFB, OH as a supervisor, psychologist, drug and alcohol officer. He remained in the position until 1983.

As Air Force technology was changing, the need for more programs which addressed family needs became evident. The DOD was looking for a way to enhance the delivery of human services when the idea of Family Support Centers came to light. Dr. Fults was then presented with the unique opportunity of creating, from inception, a Family Support Center. This opportunity took him to Los Angeles AFS in California where he utilized his talents to develop, implement, and direct one of the first Family Support Centers in the Air Force.

Word of his great success spread throughout the Air Force community, and in 1985 he was again called upon to exercise his creative talents and structure a Family Support Center at McClellan AFB in Sacramento, CA. Dr. Fults, along with three staff members, created what has now become the role model for all Family Support Centers.

In addition to these duties, he was awarded a Ph.D. in behavioral sciences in 1985. The early days of building the FSC posed many challenges to Dr. Fults. He is, however, a determined individual who met and overcame each obstacle. In 1987, he was able to hire the full staff needed to operate the FSC. Dr. Fults is directly responsible for the design and implementation of over 90 regular ongoing programs at McClellan AFB that consistently meet the needs of the community.

Dr. Fults' talents were again called upon as our Nation prepared for war during the Desert Shield/Desert Storm operation. His FSC quickly put into operation several support programs to meet the needs of family members who remained in the Sacramento area. The McClellan FSC led the DOD in implementing programs to meet Desert Storm family needs. Almost immediately 10 programs were established. The FSC staff worked sometimes 14 hours a day to meet the needs of Desert Storm families. Through Dr. Fult's efforts, a Desert Storm fund was established that ultimately provided 45 needy families with food shelter, transportation, and other necessities. For the support provided during the exercise Desert Shield/Desert Storm, Dr. Fults and several of his staff were presented with Congressional Special Recognition Awards for community service.

The evacuation of nonessential military and their families from the Philippines came right after the conclusion of most Desert Shield/Desert Storm programs. Again the FSC rose to meet the challenge presented. Without hesitation, Dr. Fults and his staff were ready to do whatever was necessary to aid the evacuees. Working in shifts, Dr. Fults and his staff volunteered to go to Travis AFB in Fairfield, CA to process and assist the returning evacuees. Dr. Fults contributed many overtime hours in this worthwhile endeavor.

Throughout his career, Dr. Fults has consistently been a dedicated individual and has consistently placed other peoples concerns above his own. This is indicative of the many sustained superior performance awards that he has received through the years, along with other honors and awards that include: Manager of the Month in 1980; AFA Logistics Community Relations Award in 1982; CFC

Volunteer Services and the United Way CFC Leadership and Human Care Awards in 1988; the United Way CFC Leadership and Human Care Awards again in 1989; and a Congressional Recognition Award in 1990. As the FSC Director, he accepted the following awards on behalf of the FSC: Quality of Life Self-Help Award in 1987; Quality of Life Best Interior project in 1989; CFC Golden Award for the period 1986 through 1990; United Way Best Information and Referral Agent Program in 1989; and, the Sacramento Community Services Planning Council's "People Helping People" Award in 1991.

Dr. Fults' achievements extend far beyond his work at McClellan AFB and into the Sacramento community. As a base representative working with the CFC, he served on the loan executive committee in 1987 and 1988, was assistant group executive officer in 1989 and a group executive officer in 1990. Dr. Fults also worked with the Sacramento Community Service Planning Council, and was a board member in 1988 and 1989. Dr. Fults also served on the Congressional Academy Selection Board in 1990.

I wish to extend my sincere congratulations and appreciation to Dr. James R. Fults on the occasion of his well earned promotion and reassignment to Randolph AFB, TX. His devotion, skills, and extraordinary contributions to the public sector are a shining example of service to all in our country's service. I would like to extend my best wishes in the future to Dr. Fults and his wife, Dr. Kitt Murrison.

HARLEY STAGGERS, SR.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BENNETT. Mr. Speaker, at the adjournment time of Congress just before the work period in the district, Harley O. Staggers, Sr., a former Representative from West Virginia, celebrated his 83rd birthday. He had a lot to celebrate, besides the passage of time, because he became represented in Congress by his fine son, HARLEY STAGGERS, JR., and he had his own very distinguished career as a monument to his dedication to public service. During the August recess, I learned sadly of his death and all of us mourn this loss and send our deepest sympathy to his family.

Harley Staggers, Sr. came to Congress at the same time that I did, in the 81st Congress. He served in the 15 succeeding Congresses from January 1949 until January 1981 and was chairman of the Committee on Interstate and Foreign Commerce. He was a real leader for things that were and are important for our country as a whole as well as West Virginia, which he represented in Congress.

Before coming to Congress, he had a distinguished and multifaceted career, having graduated from Emory and Henry College in Virginia in 1931, and having done graduate work at Duke. He became head coach at Potomac State College in Keyser, WV, then sheriff of Mineral County, the place of his birth. He also served with distinction as lieutenant commander in the U.S. Naval Air Corps with service as a navigator in the Atlantic and Pacific theaters of war in World War II and was elected as a Democrat to the 81st Congress.

In our years together in Congress, Harley and I had the companionship of being freshmen Congressmen at the same time and although I have never achieved a chairmanship of a full legislative committee as he did, we did find ourselves working together on many projects in which we found common ground in our efforts to be of service and to fulfill our responsibilities as Members of Congress. Certainly he performed his duties excellently here in Congress and we are all much better for this service.

Mr. Speaker, our hearts go out to the Staggers family. We hope that the knowledge they have of his great public service may give them some comfort in their grief.

SALLY G. CARROLL RETIRING

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the retirement of a close friend of mine, Ms. Sally G. Carroll. Ms. Carroll and I have both worked with the Newark Branch NAACP, of which Sally was the president of 8 years—1967–74—and is currently on the national board of directors as well as a life member. She is also a former secretary, and life member of the National Association of Negro Business and Professional Women's Clubs Inc.-North Jersey Unit, a trustee of the Newark Museum, a charter member of the Batons Inc.—the only female president in club history—and a board member of the West Side Unit of the Boys and Girls Club of Newark. Ms. Carroll worked in the Essex County sheriff's office as a court attendant and sheriff's detective for 24 years, as a New Jersey State Parole Board Member for 14 years, and at the Newark Police Department for 2 years.

With all these wonderful accomplishments mentioned, I must now add that her dedication and friendship throughout the years has made Ms. Carroll a joy to know. Mr. Speaker, I hope that my colleagues will join me in recognizing the outstanding achievements that Ms. Sally Carroll has accomplished.

TRIBUTE TO THE WORKING ORGANIZATION FOR RETARDED CHILDREN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SCHEUER. Mr. Speaker, I rise today to praise the Working Organization for Retarded Children. Since 1972 WORC has endeavored to bring dignity to people with mental retardation and developmental disabilities.

WORC introduced a unique angle to this task. They offered a healthy alternative to institutionalization—home care. The reasoning was that family environment experienced by patients in these group homes would foster better development of necessary living and social skills. In spite of some uneasiness on behalf of the local communities, WORC successfully built 10 such homes in Queens and Nassau Counties.

WORC's initiatives have produced wonderous results. A child who previously could not walk can now run. A mute child is now successfully communicating. WORC has helped prove that retarded people can live productive lives. Moreover, WORC has improved the chances for a developmentally disabled person to live a meaningful life.

This year marks the 20th anniversary of WORC's founding. I am proud to serve on this distinguished organization's board of advisors. On October 10, 1991, founders Victoria Schneps and Karen Levine and the entire board are marking this milestone with a "20th Anniversary Ball." Mr. Anthony Gentile, Mr. Robert W. Green, and Mr. and Mrs. Edward and Eileen Kelly will be honored with Vision Awards at this gala event.

Mr. Anthony Gentile is being honored in the category of Business and Industry. He operates Adventureland and Splish Splash Amusements in Suffolk County. By offering exceptional consideration to children and families with special needs at Splish Splash, his newer park which opened in 1990, Mr. Gentile has added much joy to the lives of countless children who otherwise would have been unable to enjoy a safe afternoon at the amusement park.

Mr. Robert W. Greene is being honored in the category of communications. Mr. Greene has twice been involved in Pulitzer Prize winning team operations as an investigative reporter for Newsday, a Long Island based publication. His first award came in 1969 for exposure of secret land deals in eastern Long Island. His second award was for his 1974 series "The Heroin Trail" which followed the path of the drug from Turkish poppy fields to French processors to dealers on New York City streets. Mr. Greene has also won numerous other individual journalistic awards.

Mr. and Mrs. Edward and Eileen Kelly are being honored in the category of Community and Family Life. They are the owners of a Queens-based car service bearing the family name. In addition to his time-consuming business, Mr. Kelly is the incoming president of WORC and the immediate past president of the Kiwanis Club of Bayside. Mrs. Kelly, when not actively involved in the business, is busy caring for her family, including daughter Caitlin, niece Jamie, and nephew Jason.

WORC, an organization of great distinction, is most deserving of this veneration, and this year's honorees are a truly distinguished group. I ask that my colleagues join me in applauding them and offering them our best wishes for continued success.

THE 25TH ANNIVERSARY OF OCEAN COUNTY COLLEGE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PALLONE. Mr. Speaker, in honor of its 25th Anniversary of offering educational excellence and opportunity for the citizens of Ocean County, NJ Ocean County College is planning a year-long series of celebrations called "Share the Silver." The kickoff event for Share the Silver will be held on Monday, September 17, 1991, with a dean's reception for the president and the board of trustees. I would like to take this opportunity, before the Members of the House of Representatives, to briefly discuss some of the highlights of the illustrious first 25 years of Ocean County College.

The history of the college goes back to 1957, when the Ocean County board chosen freeholders favored a study for such a facility. In 1962, the board of freeholders recommended establishment of a 2-year college with 900 students, and in 1964, the college was officially established and the nine members of the board of trustees were appointed. The college opened its doors in the fall of 1966 and graduated its first class in 1968.

In the 25 years since that fall day in 1966, some 14,000 alumni have benefitted from the many fine programs at Ocean County College. From an initial class of 979 students, the college now includes 2,998 full-time students and another 4,426 part-time students in the 1990–91 academic year.

Therefore, Mr. Speaker, I ask all of the Members of this House to join me in paying tribute to the distinguished history of Ocean County College on its silver anniversary.

REMEMBERING TROOP 41

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MINETA. Mr. Speaker, in the America of the 1930's, the Boy Scouts were a measure of the strength of this country, even in the depths of the Great Depression. Today, the Scouts remain a cornerstone of the United States, and I say that speaking as a former Scout.

Every Troop in the Nation has a unique history, perhaps none more so than Troop 41 of Pasadena, CA. Troop 41 was founded in 1931 as one of a very few composed of Americans of Japanese ancestry in Los Angeles County. For the next 60 years, Troop 41 survived and thrived, even during the toughest of times.

During World War II, Americans of Japanese ancestry were interned by the U.S. Government for no reasons other than racism, wartime hysteria, and weak political leadership. I can say from personal experience how invaluable my Scout training was to me, living as I was forced to do as an 11-year-old in a stark, barren internment camp in Heart Mountain, WY. For members of Troop 41, their wartime destination was the Gila Camp in Arizona. But now, with no younger members of the community to carry on their proud tradition, Troop 41 has become a part of our American past.

Mr. Speaker, on July 28, 1991, the Sacramento Bee published an article about Troop 41 by reporter Denise Hamilton of the Los Angeles Times. It is my pleasure to share this article with my colleagues so that they, too, will know of Troop 41's proud history, and legacy to the United States.

[From the Sacramento (CA) Bee, July 28, 1991]

AFTER 60 YEARS, IT'S TAPS FOR TROOP 41

(By Denise Hamilton)

PASADENA.—The former Cub and Eagle Scouts are in their 70s now, their uniforms and merit badges long since packed away. They sit around a table, peering at yellowed photos and reminiscing.

It was Pasadena, 1931, and they were dutiful sons, speaking Japanese with their immigrant parents. Their names were Takao, Masao, Hiroshi, Hideo. But in Boy Scout Troop 41, one of the few Japanese-American troops in Los Angeles County, they were all Yankee Doodle patriots, building campfires and grilling hot dogs at fairs.

For 60 years, Troop 41 has endured, surviving the Depression and World War II internment camps. In recent years, the struggle has been for new recruits. On Saturday, the close-knit group inducted seven Eagle Scouts—the last of 40 boys who started out together as Cubs. Then, because there are no younger members, Troop 41 disbanded.

The early members, all first-generation Japanese-Americans, call scouting the definitive experience of their youth. They say it helped bridge the gap between the settled old world culture of their parents and the booming new world landscape in which they would attain adulthood.

Some say the values and leadership skills they learned as Scouts helped sustain them when 110,000 West Coast residents of Japanese ancestry were herded into internment camps during World War II.

"The boys needed an out, something to do, so we had the Boy Scouts activate a new troop in Gila Camp in Arizona," said Masao "Bud" Fujimoto, 78, as he displayed an ornate Scouting certificate he has cherished all these years.

"Sure, we could go on hikes within the confines of the barbed wire fence and the shotguns," said Fujimoto, a camp Scoutmaster. "We did swimming in a dirty canal that ran near the camp, but I got to take them to the Phoenix YMCA to earn their lifesaving and swimming badges."

Founded in 1908 by British Army officer Lord Robert Baden-Powell, the Boy Scouts have no policy on segregation. Boy Scouts of America spokesman Blake Lewis said individual troops are sponsored by local organizations such as churches or schools, so membership is often based around religious beliefs or cultural values.

Troop 41 originally was sponsored by the Japanese Union Presbyterian Church in Pasadena. Some members recall competing with a now-defunct Japanese-American troop sponsored by a Buddhist temple in Pasadena.

In March 1942, with the evacuation of Japanese-Americans imminent, Troop 41 adopted a statement of future plans:

"Should the time come . . . when we . . . must dissolve because of the evacuation of our Scouts and their parents from Pasadena . . . each member . . . shall carry on as a Scout, bearing the responsibilities . . . and dedicating himself to his Scout Oath and Law."

The troop's charter lapsed in 1943 as members languished in the camps. It wasn't until 1951, when many of the Japanese-Americans had made their way back to Pasadena, that Troop 41 was reactivated by Scoutmaster Harry Osaki, who once held a national record for earning 105 merit badges.

Troop 41 became one of the teams to beat in local and national Jamborees, winning gold medals in competitions on Scout skills such as wilderness training. The troop has produced 112 Eagle Scouts, the highest number in its district of the San Gabriel Valley Council.

"There's no one kid in this troop that went bad. We didn't have any delinquents," boasted Fujimoto.

SALUTE TO THE MOTION PICTURE AND TELEVISION FUND

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to salute the accomplishments of the Motion Picture and Television Fund as it marks its 70th anniversary and the 50th anniversary of the fund's Woodland Hills campus.

The fund was established by Hollywood pioneers Mary Pickford, Charlie Chaplin, Douglas Fairbanks, and D.W. Griffith to help the emergency financial needs of fellow industry members. Since then, the fund, and later the retirement and health services complex in Woodland Hills, has helped the motion picture industry live up to its motto, "We take care of our own."

Indeed, no other American industry serves its employees or retirees with medical care, social services, emergency financial assistance, retirement care, and child care that matches the services of the fund.

At the Woodland Hills campus, eligible industry employees, retirees, and dependents are served by such facilities as the Motion Picture and Television Hospital, the Country House and Frances Goldwyn Lodge, two outpatient centers, and the Samuel Goldwyn Foundation Children's Center.

I would be remiss, Mr. Speaker, if I failed to mention that among those who participated in the groundbreaking ceremonies for the Country House a half-century ago was a young actor named Ronald Reagan. I'm especially pleased that former President Reagan will be on hand this Sunday for the anniversary gala.

Mr. Speaker, I ask my colleagues to join me in saluting the many outstanding contributions of the Motion Picture and Television Fund, and in extending our best wishes for the future.

PRESIDENT BUSH COMMENDS PUBLIC TELEVISION FOR ITS EDUCATIONAL CONTRIBUTIONS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GOODLING. Mr. Speaker, I would like to share with my colleagues a copy of a speech given by President Bush, via satellite, to the annual meeting of the Public Broadcasting Service.

Over the years, public television has contributed a great deal to the education of our Nation's citizens, young and old alike. As the President points out in his remarks, over 63,000 elementary and secondary schools nationwide receive educational programming through public service television broadcasts. That is a lot of education. In addition, through innovations such as closed-captioned television and descriptive video service, the public broadcasting system has allowed individuals with disabilities to take advantage of their excellent educational programming.

Mr. Speaker, I would like to join the President in commending PBS for their fine contributions to the education of our Nation, for their efforts to combat illiteracy, as well as their work to make some classroom subjects such as history more exciting through series such as "The Civil War." The President's remarks follow:

[From the Weekly Compilation of Presidential Documents, June 10, 1991]

REMARKS IN TELECONFERENCE TO THE ANNUAL MEETING OF THE PUBLIC BROADCASTING SERVICE IN ORLANDO, FLORIDA—JUNE 11, 1991

The President. Thank you for that kind introduction and for your generous comments about our approach to education. And I'll tell you, the Points of Light concept, something new with us—we're trying to put some focus on it. But believe me, it is taking hold across this country, and I think it's a wonderful thing. And I appreciate your interest in all of that.

I must confess I wish I were with you in Orlando. Instead, I'm stuck up here in Disney World North. [Laughter]

I love the idea of talking with you in this manner in a teleconference. Nothing could be more appropriate. Every day, PBS transforms ideas, lessons, and information from one side of this country to the other—big cities, small towns, and back again.

And some of us remember when PBS was called educational television. Your name's changed. But, of course, that we understand—but your mission hasn't. And today, your 300 affiliates serve 63,000 elementary and secondary schools across this country. And your broadcasts reach 30 million kindergarten through 12th grade students. And some of your programs sustain inquisitive adults. And others go straight to college and university campuses.

Personally, I'd like your help. I'm looking for a good computer instruction course. But you probably need to find a truly qualified 7-year-old to make it credible.

I was out in Milwaukee the other day. And you should have seen—maybe you all have seen this—but you should have seen the competence of these young kids as they move into the computer age—their competence on computers. It's fantastic. We've got to do more.

In the past year, enrollment, if you want to call it that, in your electronic college classroom has grown 20 percent. These and other programs fit right into our America 2000 education strategy. As you know, that strategy follows a four-track path to achieving our six national education goals: creating better and more accountable schools for today's students; inventing a new generation of American schools; becoming a nation of students, young and old; and making our communities places where learning can happen.

We've talked a bit about how you improve today's schools—track one: Everyone should get involved. For instance, I'm happy to see that PBS will be donating a satellite dish to Slanesville, West Virginia, home of the Teacher of the Year, Rae Ellen McKee. Is that she I see smiling away on the monitor, maybe? And she'll be talking to you in just a few minutes. And what a person she is. You know, I visited her school in April, and I think you'll agree when you hear her that she deserves and has earned the high honor that she's received.

State-of-the-art hardware is just one way you help our schools step into their future. My kids tell me they used to dread it when a teacher rolled a television into the classroom because they knew they'd have to look at a black and white videotaped lecture from a teacher in a room with bad acoustics. Now, no one makes those complaints anymore. You've changed with the times. You've developed new programming. You've pioneered new broadcasting techniques, including close-captioning for deaf students and the descriptive video service for blind students.

And now, as we prepare to create new American schools, you look to the heavens. Telstar 401, due to race into orbit in 1993, will let you transmit television signals nationwide. And that certainly won't hurt when it comes to developing new audiences for your shows.

Track three of America 2000, developing a nation of students, runs right through your studios. You mentioned Barbara, and I'm grateful for your very kind comments about her. But she and I cannot thank you enough for your work in giving previously illiterate Americans the gift of reading. Project Literacy U.S.—PLUS—helps turn Americans submerged in the darkness of illiteracy into beaming points of light. You offer refresher courses, practical courses in programs that cause the viewer to pause, think, and explore the universe of ideas.

I can't think of any series that has done more to advance the study of American history, for instance, than Ken Burns' series, "The Civil War."

I'll be visiting some very special students just in an hour or so, in Delaware later today—a group of night school students who've worked hard to gain high school diplomas. And frankly, I'd be surprised if they didn't owe some of their inspiration in education to you.

So, my point is simple: The days of the little red schoolhouse are over. We find ourselves in an era of competition. And education, like any other vital industry, will benefit from the constant tug and pull of new ideas, new products. You push everyone in the education industry to do more, to do better. For years, your efforts—and I've talked only about a few of them—have promoted respect for learning and an appetite for education.

In launching our America 2000 project, I have asked each State and every American community to join in an ambitious effort, a crusade—and this one is—a crusade for educational excellence. In many communities across this country, individuals have already stepped forward to be the sparkplug that energizes businessmen, parents, community leaders, and educators to make America's schools better and more accountable.

I believe our schools will change for the better when parents and communities make change their mission. And so as the America 2000 project takes root in communities across this country, I would ask each of you to join us, to become involved in this enormously important revolution to transform American education.

Well, thanks for listening to my lecture. It is a pleasure to be with you in this marvelous electronic manner. And now, with no further ado, I would once again say thanks, and I'd be glad to take a question or two. Thank you very much.

Q. Thank you very much, Mr. President. We appreciate your remarks to us. You talked about change. How will the role of the States and local educational organizations change in the next century?

The President. Well, State Governors and legislatures, along with local school districts, are absolutely crucial to the success of our America 2000 strategy. Those who think that education problems can be solved in Washington ought to know better, because the American people know better. The Federal Government provides roughly 7 percent—7 percent—of the total dollars spent on education; State and local governments provide 93 percent. At the national level, we can set goals and standards that every community, every school, and every student can try to achieve.

That was the beauty of the Charlottesville conference with the Governors. But it is in our States, it's in our communities that we must become part of the crusade to invent a new generation of American schools, to figure out better ways of teaching and learning. The States will have to agree to hold themselves and their schools to much higher standards. This simply cannot be done from Washington. I am not anti-Washington, but that can't be done from Washington.

The Secretary of Education Lamar Alexander and I are committed to lead—to exhort everyone to a higher standard and to travel this country and highlight models of what works. Next week we'll join Governor Romer, for example, the Governor of Colorado, who's very active in education. I might say here, look, this is a totally non-partisan effort. And Governor Romer, we'll be with him when he kicks off Colorado 2000, the first statewide effort to adopt the national education goals and develop the strategies to meet them. The State role is crucial as communities across the Nation compete to be America 2000 communities. Our new breed of education Governors—and they are fantastic—is essential to the success of our revolutionary new program, America 2000.

Q. And in addition to what you see as you go around the country, you often also meet with world leaders. Have you seen any education initiatives in other countries that you'd like to see incorporated in your educational goals for the United States?

The President. Well, yes, some are doing certain things better than we are. In Japan and Korea, the parents are actively involved in their children's schools—I'd say more so than here. Students do much more homework. This will go over well down there in Orlando with the public schools, but they do much more homework than the average student in American schools. In China, students routinely learn two or three languages. I happen to think we need to do better in multilingual disciplines.

In the Soviet Union, students are learning algebra in elementary school. You saw the reports the other day from this nationwide study, and it was appalling what we're not achieving in mathematics. Government leaders around the world tell me that students are learning math in different ways than American youngsters. They aren't just learning to use computers, but are applying math to everyday problems, everyday situations.

So, there is a lot to learn from other countries. I am not apologizing and saying that they're all right and we're wrong, but we should remember that we want to have American schools that countries everywhere are trying to emulate. Japan, for instance, is trying to introduce more creativity and get away from just learning by rote. And wherever we go, we're the world's grand champions in scientific research and technology. So we can learn from them and they can learn from us.

But the main point is, we're involved here in something that is really revolutionary. For America 2000 to succeed, we've got to think anew, as Lincoln said. We've got to do it in a way that approaches these problems with no fixed conclusions as to how to solve them, but with innovative ideas. And that is why I am so delighted with the participation of the Governors. That's why I'm so delighted with what you referred to, sir, as the Points of Light approach where communities and public media and everybody are involved in innovating, in putting the focus where it needs to be put—and that is on getting this country better educated.

And we can do it. This isn't just a lot of hot air rhetoric out of Washington. Believe me, as I go around this country, I sense a determination in the communities to get the job done, to improve our educational system. And it's not simply a desire of Americans to be number one again, although I think we've got an awful lot that lends that description to us right now. It's a desire to see—it's an understanding—put it this way—that a better educated young people guarantees the future of this country.

So, look, thanks for letting me drop in on you from about 22,000 miles out there in space by satellite. And thank you all for all that you are doing to make America smarter. Thank you all, and I hope you have a wonderful meeting there.

TRIBUTE TO MITCHELL ANDREW DAVIS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SMITH of New Jersey. Mr. Speaker, September 9 marked the 100th anniversary of the birth of Mitchell Andrew Davis. Mr. Davis, by becoming the first black lawyer in the city of Trenton, NJ, paved the way for blacks in the State and across the Nation to more easily pursue a career in law.

Mitchell Davis was born 100 years ago in Macon, NC. Moving to Trenton while still a boy, Mr. Davis worked his way through the Trenton school system and enrolled in Lincoln University. He received his law degree, with high honors, from Howard University in 1915.

Mr. Speaker, unfortunately, Mr. Davis was unable to fully recognize his dream of a flourishing law practice. He was drafted into the Army on the eve of World War I. As a private first class, Mr. Davis was assigned to the 248th FAAEF in June of 1918, and was soon on his way to France. On November 16, 1918, he became the only black from Trenton to lose his life serving his country in World War I.

American Legion Post 182, founded in 1919 in Trenton, was named after Mr. Davis in light of his many accomplishments. His achievements, in life and death, should be looked upon with great pride and admiration.

Recently, a celebration was held by Post 182 in honor of its namesake. A parade took place in downtown Trenton, followed by a dedication and memorial service in which a plaque commemorating Mr. Davis was unveiled. Proceeds from this celebration will go toward an annual scholarship in the name of Mitchell Davis for deserving students in the Trenton area. This occasion constitutes a fitting tribute to a man who served his country with pride and expanded the horizons of opportunity for many generations of young blacks.

Mr. Speaker, Mitchell Davis is a role model, not only for black Americans, but for all Americans dedicated to their country and equal opportunity. It is my pleasure to offer this tribute to Mitchell Andrew Davis and the road he paved for a countless number of black lawyers.

CARL E. PADAVANO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my sincerest sympathies on the passing of Carl E. Padavano.

Carl Padavano was a dedicated, respected man who spent his life serving the community of Hackensack, NJ. His distinguished military career began when he enlisted in the Marines in 1942. He served during World War II in the Pacific and was awarded the Purple Heart when he was wounded in battle. He was later awarded the Bronze Star Medal for his military service.

Carl's long list of community service awards demonstrates his commitment to his friends and neighbors. He began teaching at Hackensack High School in 1946. He was highly involved in sports and served as football line coach and baseball coach from 1946 to 1963. He held various other positions within the Hackensack School system including department head, director of pupil activities, vice principal of summer school, vice principal of junior high school, principal of high school, before becoming superintendent of schools from 1970 to 1984.

Carl's membership in community and professional organizations is long and distinguished. He was a man respected, and most of all, loved by his community. His dedication and commitment to the youth of Hackensack was inspirational. He was never too busy to extend his time and talent, energy and enthusiasm to the children of Hackensack and the community as a whole.

Kathryn Padavano, Carl's wife of 47 years, their children, Virginia, Patricia, Kathryn, Nina, and Carl, Jr., and their many grandchildren, are joined by the entire community from Hackensack in mourning this great man. He will long be remembered as a moving force in Hackensack, and he will be greatly missed.

Mr. Speaker I am proud to join in paying tribute to this exceptional man. He is among those outstanding few who truly make a difference in society.

UNITED WAY OF HUDSON COUNTY TO PRESENT COMMUNITY SERVICE AWARDS AT 56TH ANNUAL LUNCHEON

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GUARINI. Mr. Speaker, on September 17, 1991, the United Way of Hudson County will host its 56th annual campaign kickoff luncheon at the Meadowlands Hilton in Secaucus, NJ. It is expected that over 800 corporate, labor and civic leaders will attend this great event.

The United Way of Hudson County, directed by William E. Martin for more than 35 years, has done outstanding work raising funds for 35 human service agencies delivering needed social and family services to the people in my district.

Last year alone, 176,000 service calls to individuals and families in need were made, providing sharing and caring through a unique partnership of labor, industry, Federal, State and local governments, public and private agencies interfacing their talents and resources and striving to solve problems that affect people of all ages in our communities.

Founded in 1932, the Hudson County unit, together with the United Way of Tri-State, brings together 35 United Way organizations in New Jersey, New York, and Connecticut, under the direction of its new president, Mrs. Betty Beene, whose coordinating efforts aid 840 communities with more than 1,850 human service agencies.

The September 17 luncheon will have two functions: to honor individuals with community service awards and to celebrate the first anniversary of the American Way Division of the United Way of Hudson County.

William Thornton, chairman of the board of the United Way and William E. Martin, with the assistance of John Leon of the department of public affairs of the Public Service Electric & Gas Co. who heads the 1991–92 campaign will greet the special guests, many of whom will have traveled long distances to attend this event.

These guests include the Honorable Lalit Mansingh, Ambassador and Chief of Mission for the Embassy of India in Washington, DC, Michael Cooke, chairman of the board of Deloitte & Touche who is this year's chairman of the United Ways of Tri-State, Betty Beene, president of the New York Tri-State organization, and William Aramony, president of the United Way of America which is headquartered in Alexandria, VA, and represents about 2,300 United Way organizations throughout the United States.

Heading the Tri-State campaign this year is George B. Harvey, chairman and president of Pitney Bowes, Inc., which is headquartered in Stamford, CT. Locally, this year's cochairmen are Steven J. Muscat, assistant vice president of National Community Bank, and William J. Clossey, vice president of the Provident Savings Bank of Jersey City. They will be assisted in this years' drive by a team of 33 human service presidents and community representatives, working a task force of 1,100 corporate, labor, and governmental and civic leaders.

Featured in this year's luncheon will be the prestigious Family Award which has been presented only 21 times in the last 56 years. This year, the Family Award will be presented to Conrad J. Vuocolo, a lifelong resident of Jersey City and William Aramony, president of the national United Way of America.

Connie Vuocolo is being honored for a lifetime of community service which began shortly after his honorable discharge from the Army during World War II. He has been involved in the promotion of legislation that has aided hundreds of thousands of individuals throughout the Nation.

Connie's accomplishments include many firsts, both on a national and statewide level. He served as tenant relations and executive director for the 4,200 family Jersey City Housing Authority from 1951–74; developed and administered New Jersey's first Neighborhood Youth Step Up summer work program for 10,000 students from 1964–74; developed the Nation's first senior work program Operation Service in 1965; in 1955 he led a nationwide fight to change Federal law permitting single elderly to live in low-income housing; helped implement summer children's feeding programs for 20,000 and Meals on Wheels for Elderly; was appointed by President Lyndon Johnson to a 40-person nationwide committee to fight for Medicare legislation; served as delegate to the White House Conference on Aging in 1961, 1971, and 1981; helped organize the Nation's first drug treatment center in 1964 in Liberty State Park and the first Proof center for returning parolees to the community; was a charter member of the New Jersey Commission on Aging; and conceptualized the New Jersey Children's Fund Legislation to fight child abuse.

Connie also worked as grantsman for the Diocese of Paterson for about 10 years, developing programs which resulted in grants for day care, Head Start, after school programs and assistance to the handicapped and disabled.

For the past 6 years, he has worked as a member of the 12 person nationwide committee to make the Statue of Liberty and Ellis Island barrier free. For his work on this committee, in 1987 he received the Department of the Interior Conservation Service Award from the Secretary of the Interior, Donald Hodel.

In 1989, Connie retired from his job as congressional aide and press secretary to me. Since then, he has been assisting the United Way of Hudson County as president of the Hudson County Council of Social Agencies, where he helped develop the American Way program which assists immigrants.

Several years ago I was honored to receive the Family Award for governmental assistance. Other recipients of this award have included Jersey City Mayor Gerald McCann and former mayor of Bayonne, Dennis F. Collins. In the area of outstanding campaign leadership, those who received this Family Award were Thomas J. Stanton, chairman of the First Jersey National Bank; Arthur Imperatore, chairman of Arcorp; Pat Servodidio, president of WWOR–TV; Samuel Lefrak and Melvin Simon, developers of the Newport Mall; Mario Pelligrini, film producer in Alexandria, VA; David Wong, an international affairs expert based in Hong Kong; Fred Peterson, plant manager of Colgate Palmolive Co.; Frank Nilan, president of the First Savings Bank of Bayonne; John McGillicuddy, chairman of Manufacturers Hanover Bank; Robert Smith of Ryerson Steel; Norman La Gueux of New Jersey Bell Telephone Co.; William E. Martin, executive director of the United Way of Hudson County; John McAuliff, president of the United Way of Essex and West Hudson; Robert J. Donohue, vice president of the United Way of Tri-State; Edward Ford of the Hudson Dispatch; and Earl Morgan of the Jersey Journal.

The second recipient of this year's Family Award is William Aramony. His leadership of the national program of the United Way has been outstanding. His sterling direction and management brings the very best to our communities, touching every section of our great country.

Last year, the Hudson County Chapter of the United Way began the Congresswoman Mary T. Norton Award. This award was named in Congresswoman's honor because of her deep commitment to human service needs when she was in Congress. The award—a golden bronze eagle—recognizes women who have made outstanding contributions to the success of the United Way programs both in our community and throughout the Nation. It symbolizes the spirit of the United Way—to increase the organized capacity of people to care for one another.

The 1991 recipients of this prestigious award are Mary Cassaro, director of the American Committee on Italian Migration and the former executive director of the International Institute of Jersey City; Janet Haynes, vice president of the United Way of Hudson County and former president of the Coalition of One Hundred Black Women; Linda Kowalski, director of First Call for Help, an information and referral service; Patricia Mantone with the Jersey City Public Library and former chair of the United Way building funds; Jean Slifka, the former long-time director of the American Red Cross Chapter of Bayonne, NJ; and Virginia Statile, executive director of the Visiting Homemaker Service and the founder of CASE, the Child Abuse Service in an Emergency.

The United Way's 56th annual luncheon also pays tribute to those individuals who have led the fundraising efforts and is also the first anniversary celebration of the American Way Division of the United Way of Hudson County.

This program, which was started last September, is the first of its type in the entire Nation. It provides free office space, counseling and leadership to residents coming from the Philippines, India, Pakistan, Egypt, China, Korea, and Vietnam. Their volunteer representatives, who can speak the respective languages, strive to encourage those who need assistance to come to the Americn Way office at 857 Bergen Avenue in Jersey City, to discuss any difficulties or problems they may be having.

More than 1,500 individuals have attended counseling sessions, forums, or workshops for social services, information on job and economic opportunities, community response and education.

There is no question that there is a great need for this type of service in many areas of our Nation where populations are changing. Already, the organization has received many inquiries regarding the American Way concept.

I would also like to salute the American Way leaders who have worked so diligently for the last year on this program: Flor Alcantara Medel of the Philippine division who is a community leader and educator; Hardyal Singh, president of the Mahatma Gandhi Association and leader of the Indo-Pakistani division; Yong Nae Cho, a local businessman who leads the Korean division; Mohamed Emara, a community leader who leads the Egyptian division; Mary Gee Cheng, an educator who leades the Chinese division; Tony C. Tran, a businessman, who runs the Vietnamese division.

I know that my distinguished colleagues in the House of Representatives join me in extending congratulations to the award recipients and the United Way of Hudson County as they serve our Nation with their programs and leadership.

A TRIBUTE TO PIERRE ALCINDOR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to pay tribute to a constituent of my congressional district, Mr. Pierre Alcindor. In June of this year, Mr. Alcindor opened Teleco Plus, a firm that helps callers place phone calls to places like Haiti, Colombia, and Jamaica.

Mr. Alcindor insists that his company has been so successful because many of his customers either do not have phones or have long overdue bills. I am proud to submit the following newspaper article on Mr. Pierre Alcindor and his company recently published in the Miami Herald and written by Geoffrey Tomb:

> If you have ever had to pull over to a "convenience store" to use a pay telephone, stand out in the heat, find the right change, hope the device is working and you can hear from it, you will appreciate Pierre Alcindor's service.
>
> Alcindor is a telephone call maker. And receiver. Call him an operator.
>
> You can go to his store at 5199 NE Second Ave. in Little Haiti, place/receive a call to/from another phone in another country 1,900 miles away, sit in air-conditioned comfort in secure privacy and talk to your heart's content.
>
> All the while, the clock is ticking and Alcindor is smiling.
>
> If this seems terribly old-fashioned in times when people make calls while shopping, driving and eating in restaurants, not everyone is equally cellular.
>
> "Some people just don't have a phone or have past due bills or can only make local calls. Yet we from the islands like to communicate by phone. When there is political turmoil or a family emergency, people may

call home two or three times a day," said Alcindor. Mail service can take more than a week.

So in June he opened Teleco Plus Inc. It was an instant success, seven days a week. On weekends, customers wait in line to use one of his five modern phones. In its first month, the company made $19,451 worth of long-distance calls. The longest long distance lasted 92 minutes. Most, to Haiti—$7.56 for the first 3 minutes—average six minutes.

"The phone is as important as light, as electricity, as water," Alcindor said.

Using normal long-distance carriers, he charges customers a $1 service fee. Like buying gasoline, customers pay first at a glass-enclosed counter. He bills them the same charge they would pay at a pay phone but profits by being charged a lower rate himself.

Customers from Colombia, Chile, Nicaragua, Jamaica and the Bahamas now use the service. People who have difficulty with English speak their language of choice. Customers can make appointments with their party on the other end, who may also have to use a public phone.

Alexander Graham Bell would be proud. Saturday, Alcindor opens his second store at 13214 W. Dixie Highway, North Miami. Next month he opens a third at 30 W. Sunrise Blvd., Fort Lauderdale.

His plans for the future? "I'd like to own a phone company in Haiti." It's the American way.

I am thrilled to say that this gentleman who lives in my congressional district has found the American dream. I salute Mr. Pierre Alcindor as he continues to develop Teleco Plus.

TRIBUTE TO LT. COL. ARCHIE A. ESTAMPA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to salute Lt. Col. Estampa, U.S. Air Force Reserves, 940th Air Refueling Group, Mather Air Force Base, CA on the occasion of his retirement from the U.S. Air Force Reserves.

On September 4, 1991, Lieutenant Colonel Estampa will complete his distinguished military career which has spanned 29½ years and includes service in both the enlisted and commissioned ranks. For the past 11 years, Lieutenant Colonel Estampa served with distinction and pride as the commander of the 940th Consolidated Aircraft Maintenance Squadron. As commander, he provided the outstanding leadership needed to guide his large and diverse squadron of 275 men and women through periods of tremendous change and growth. Lieutenant Colonel Estampa's squadron, always fully trained and motivated, served with distinction as the first air refueling aircraft maintenance squadron to arrive in the country during Operation Desert Storm.

Mr. Speaker, it is truly an honor to recognize such a dedicated and conscientious citizen. I ask my colleagues to join me in thanking him for his many years of outstanding service and in wishing him good luck in the years to come.

THE SPACE PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 4, 1991, into the CONGRESSIONAL RECORD:

THE SPACE PROGRAM

The U.S. space program is going through a major shaking up. Several commissions have suggested overhauling the National Aeronautics and Space Administration (NASA). The House approved the space station only after a struggle. Americans generally continue to support the space program, but they are asking more questions and sharpening their thoughts about it.

Problems: There are several reasons for the space program difficulties. First, with the U.S. economy in a slump and taxpayers' own budgets tight, people are increasingly concerned about program costs and effectiveness. Second, the end of the Cold War has removed much of the competitive pressure for the space race. Third, NASA's reputation for competence is at an all-time low. Recent problems include the flaw in the Hubble Space Telescope mirror, space shuttle launch delays, antenna problems in the Galileo mission to Jupiter, and trouble in developing replacement weather satellites. Moreover, there is concern that NASA has not been able to attract and keep the best scientists and has given insufficient oversight to its contractors. Fourth, some Americans are bored with the space program and others are unclear about its goals. Only a few decades after the first airplane flight, people were buying tickets to cross the Atlantic; yet amost 25 years after man first stepped on the Moon, policymakers are debating whether the U.S. should return to the Moon or seek some other major goal. Fifth, new budget procedures in the Congress make NASA compete for funds with popular housing, veterans, and education programs. And cuts in defense spending can no longer be used to increase spending for domestic priorities. Finally, future space goals increasingly involve big extravaganzas—such as the space station, a Moon base, and human exploration of Mars—to capture the public's imagination. That has increased fears that big space programs will cannibalize other important small science programs, and has pitted scientist against scientist for limited federal dollars.

Value Of Space Program: Yet despite its problems, a strong civilian space program can help further America's interests in several ways.

Besides opening new horizons of knowledge and boosting national prestige, investment in space can be important for America's long-term competitiveness. The space program helps to attract the next generation of scientists, mathematicians, and engineers. It also helps to develop new technology: past U.S. space investment has been a major reason for the current competitiveness of American computer and aerospace industries. The U.S. is not investing enough in its future. The federal budget is heavily tilted toward current consumption, while the share devoted to long-term investment in science, education, and technology continually dwindles. Less than 8% of federal spending goes for nondefense investment.

In addition, new and important uses for space are continually being found. Lately there has been significant interst in the Mission to Planet Earth—using satellites to improve our undersatnding of problems such as ozone depletion and global warming. Americans were impressed by the use of space in Operation Desert Storm, with Department of Defense satellites providing international communications links, warning of Scud missile attacks, and helping troops pinpoint their location. Other future uses of space could include space tourism in low Earth orbit and materials processing in space factories.

In recent years, the U.S. has fallen behind other countries in one sector of the economy after another. Space technology is one area in which the U.S. is unquestionably the world leader. Yet through indecision and short-sighted policies, that could change. Countries like Japan and France are currently expanding their space programs and boosting their capabilities.

Much attention has been given, quite rightly, to the cost of NASA's programs at this time of tight federal budgets. Spending on the space program should be restrained. Yet the civilian space program is still a very small part of overall federal spending. The $14 billion spent on NASA this year represents only about 1% of total federal spending; federal spending for older Americans, for example, is more than 30 times greater. Even an expensive program like the space station would never cost more per year than a few thousandths of total federal spending.

Space Policy Goals: The President and the Congress are struggling with the problem of setting long-term space policy goals at a time of budget constraints. President Bush has called for returning humans to the Moon and then going to Mars in the 21st Century, but the daunting cost of such an effort—some $400–500 billion spread over 30 years—has put it on hold. The idea of a Mission to Planet Earth to study global change is increasingly popular, but a panel is currently critiquing NASA's plans to use large, complex platforms to house the instruments. In the near term, the main struggle over space spending priorities is likely to be between the space station and space science. A high-level commission recently recommended that space science—including observatories in space and planetary probes—receive the highest priority within NASA. Yet funding for the space station was recently approved in the House and Senate at the expense of space science activities.

Changes Needed: Overall, I believe the U.S. space program needs to focus less on the big extravaganza, and patiently and steadily develop the technology and experience we need for an orderly expansion outward from Earth. We should do smaller projects more often, which can still capture the public's imagination, and work to upgrade basic space infrastructure, for example, developing reliable, inexpensive ways to get into low Earth orbit. When longer-term projects are considered, they should be those—such as a Moon base—that provide extensive experience in living and working in space. At the same time, we should be cautious about costly and potentially dangerous manned spaceflight, and expand research into advanced robotics. We should broaden space cooperation with the Soviet Union and other countries to cut costs and tap foreign expertise.

The U.S. space program is important, but changes need to be made to shore up public support. Policymakers need to articulate its goals better, sharpen its agenda, and make its case better to the American people.

TRIBUTE TO JEAN MANSFIELD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BROWN. Mr. Speaker, next week in my congressional district will be a celebration to honor my friend, Jean Mansfield, who is retiring after completing three terms on the Riverside City Council. The Thursday Group will honor Jean's 12 years of service and acknowledge her many accomplishments.

During her years of service, Jean has worked quietly but with great effectiveness in support of many local projects. Organizations such as the Youth Service Center, the Riverside Volunteer Center, the I Care Shelter, Rape Crisis and Alternatives to Domestic Violence have benefited from her strong support and guiding hand. She has also helped guide Riverside through a very difficult period of rapid growth like that experienced by cities throughout Southern California. Perhaps it is because it is my hometown, but I believe that Riverside has met this challenge better than almost any place in the Nation.

I would also like to point out my admiration for the Thursday Group which is honoring Jean. It is an organization, almost exclusively made up of women, which advocates and acts, and I emphasize acts, on a variety of social issues. It's mandate is actually quite simple—it is to make the world a kinder and gentler place for all of us—including women and children.

Jean will be leaving public service, but is not truly retiring. She will continue as chief executive officer of the Riverside Federal Credit Union, which has seen tremendous growth under her leadership. I am sure Jean will also continue her involvement with a variety of programs and know that our community will benefit from her work.

A ROYALIST COURT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. EDWARDS of California. Mr. Speaker, as the Nation watches the Senate Judiciary Committee's hearings on the nomination of Judge Clarence Thomas to the Supreme Court, we should all keep in mind what is at stake.

Not only does the Thomas nomination raise the possibility that the balance on the Court will be shifted irrevocably in issues such as the right to privacy but, as Anthony Lewis suggested in the New York Times yesterday, the balance of power between the legislative and executive branches is also at risk.

Lewis, in his excellent column, points out the fallacy behind the Reagan-Bush claims of the last 10 years that they have been searching for "judicial conservatives" or "strict constructionists." The White House's real goal has been a Supreme Court that will increase Presidential power at the expense of the Congress. Lewis sees the nomination of Judge Thomas as yet another step toward achieving this goal. I commend Lewis' column to my colleagues' attention.

[From the New York Times, Sept. 9, 1991]

A ROYALIST COURT

(By Anthony Lewis)

BOSTON.—A great misunderstanding—a great irony—underlies the political debate about the Supreme Court. It needs illumination as Senate hearings on the nomination of Judge Clarence Thomas get under way.

President Bush and others on his side say they want a "conservative" Court, one that will merely interpret the law and not "legislate." They cheer the extent to which the present Court already fits their model. They want more of the same, and expect it from Judge Thomas.

But look at the record of the Supreme Court as the new majority consolidated its position last term. What you see is a Court bent on building up the centralized power of the President, allowing him to rewrite statutes and use the Court for end runs around Congress. A Court weakening the protection of individual from the power of the state.

In short, it is increasingly a statist court. And that is the opposite of what the conservatives who wrote the American Constitution had in mind. It is the opposite of what political conservatives have wanted of the Supreme Court through most of its history.

The Framers of the Constitution feared centralized government power. They had experienced George III and did not want a new American version of his tyranny. They equally feared the passions of a populist majority.

It was for those reasons that the Constitution had all its checks and balances built into it: the separation of powers between Congress and the executive, for one. And it was for those reasons that a Bill of Rights protecting individuals was added to the Constitution 200 years ago.

The balance of powers has been tilted out of recognition by a device of the present Court. As a rule of how to interpret statutes, it has said that it will ordinarily follow the interpretation put on them by executive officials. That applies even when officials change the interpretation and turn the meaning of a law upside down.

The case in point is last year's 5-to-4 decision in Rust v. Sullivan. In 1970 Congress passed a law authorizing Federal funds for family-planning clinics. For 17 years the law was interpreted to let doctors in those clinics give patients information on abortion.

Then, in 1988, a Reagan Administration official issued regulations that forbade the doctors to mention abortion or even to give patients the name of an outside doctor who would discuss it. It was a novel executive interpretation of the 1970 law, not easy to justify in the words of the statute, but the Supreme Court upheld the regulation.

Moreover, the Court ignored its established practice of construing statutes to avoid possible violations of constitutional rights—in this case the doctor's right to free speech. It found the ban on mentioning abortion constitutional, thus indicating the remarkable doctrine that whenever the government aids and institution it can dictate what anyone there may say.

Affirmation action provides another example. In 1971 in the Griggs case, the Court held that employment tests were suspect under civil rights laws when they produced racial disparities.

The Griggs ruling was widely applied, and accepted in industry. There was no chance that Congress would change it by legislation. So the Reagan Administration challenged it in the Supreme Court, and in 1989 the Court changed its mind and adopted the new executive reading of the statute.

Since 1989 Congress has tried to pass legislation restoring the Griggs standard. But now President Bush can thwart a majority by using his veto, and he has done so. Thus the Supreme Court has greatly increased the President's power on the issue.

For political conservatives to praise that kind of Supreme Court has a special historical irony. When Franklin Roosevelt and the New Deal came along in the 1930's, conservatives fiercely resisted the practice of Congress delegating to the President the right to issue regulations under general legislative mandates.

President Bush and his right-wing supporters say they want "strict construction" of the law by judges. It is a transparently cynical claim. What they want, and what they are getting, is a Supreme Court that will increase Presidential power and carry out the political agenda of the radical right.

It would be more honest of the President to say that that is his goal: an activist right-wing Court, a statist Court. Then the sovereign public could decide whether that is the Supreme Court it wants.

IN SUPPORT OF THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mrs. MINK. Mr. Speaker, I rise today in strong support of H.R. 3201, the Emergency Unemployment Compensation Act of 1991. Nearly 9 million Americans are unemployed, and 1.6 million have exhausted their unemployment insurance compensation benefits. These are not people who enjoy being out of work. They are hard-working Amercians who lost their jobs through no fault of their own.

When I presented my own version of this bill back in March, it was in response to the needs of the millions of Americans who have been hit hard by the recession. At that point, unemployment was at 6.2 percent; now it is significantly higher. Nonetheless, President Bush maintains that the Nation's economy is on the upswing, and that the recession is over. This morning the Labor Department announced that the unemployment rate for July dropped to 6.8 percent. The administration portrays this as an indication that the job situation is improving. Mr. Speaker, this is an illusion—the decline in unemployment occurred not because people found jobs, but because they gave up looking—450,000 left the labor force in July, and the number of jobs in the economy declined by 172,000. Furthermore, aggregate unemployment figures obscure the severity of the situation in particular States. For example, in Michigan unemployment is at 8.3 percent; in Massachusetts it is 9.1 percent, and in West Virginia it is 9.7 percent. These figures are astronomical.

All indications are that the economic conditions of our country are the consequences of a "double dip" recession; as such, the Bush administration's optimism is sorely misplaced. Five of the last eight recessions have shown a single quarter of positive growth followed by further declines. Moreover, the minimal GNP growth in the second quarter, and recent declines in factory orders, give more credence to today's "double dip" theory than to any notion that the economy is on the verge of extended improvement—sustained recovery from the Reagan-Bush recession is as elusive as ever.

Even if we are pulling out of the recession the crisis in employment is no less severe. Historically, the number of long-term unemployed continues to rise for half a year after a recovery begins because the first fired in the downturn are often the last hired in the recovery. This is exacerbated by the fact that the number of long-term unemployed has risen by more than 80 percent since May of 1990. In addition, it may be harder than usual for the long-term unemployed to find jobs in coming months. In this recession, more workers have been terminated than laid-off. Terminated workers usually take longer to find jobs, and they constitute a much larger portion of today's job losers than in past recessions. Mr. Speaker, no matter how the Bush administration portrays it, this is an emergency, and the American people need their Government to respond.

H.R. 3201 will give President Bush the authority to declare an emergency in order to allocate funds so that unemployed workers who have exhausted their benefits can continue to receive their checks. We must pass this legislation, but we must also implore the President to use the authority we are giving him. The Department of Labor estimates that the number of workers who will exhaust their 26 weeks of State unemployment insurance will rise to 3.4 million in the coming fiscal year—3.4 million. That number is 10 percent higher than last year, and 75 percent higher than 2 years ago. Add to this the fact that 8.75 million Americans are out of work and one has to ask "how can President Bush not call this an emergency?"

This President has been moved to declare emergencies in the name of the Kurds, the Israelis, and the Turks. He was even willing to risk the lives of 520,000 Americans, and spend $61 billion, for the people of Kuwait. And yet, when discussing this problem the administration states that "it would be counterproductive * * * to provide additional unemployment benefits" for Americans. This is unconscionable. The tax money of American workers is being used to address the needs of people in crisis all over the world. Isn't it time that we use more of their money to respond to the crisis they themselves are in right now?

Congress must counter the uncaring attitude adopted by the Bush administration toward working Americans. Again, the American people have another indication of the priorities inherent in the Reagan-Bush agenda. President Bush wants a cut in the capital gains tax, and he wants to bail out the savings and loans—but when it comes to the health and well-being of working Americans he says we should not respond. Mr. Speaker, these priorities are misplaced. As a result, the Congress again finds itself in the position of defending Americans against an administration that refuses to act in their best interest. The Reagan-Bush Supreme Court decimated the Civil Rights Act; in response we passed H.R. 1. Reagan and Bush refused to support the right of workers to go on strike; so we passed H.R. 5. For 10 years there has been no movement by the executive branch on the need for adequate health care; so Congress is developing a series of measures to insure that diseases are researched and Americans are protected. Now the Bush administration will not help out workers who have lost their jobs.

People out of work need help with their mortgage payments, or their rent; they need help if their children are in college, or need braces, or new clothes for school. Indeed, they may even need help paying for food. The bill before us will ease the minds of unemployed people by helping them out for a few more weeks. They will know that they don't yet have to worry about where the next meal is coming from, or how they are going to keep a roof over their heads.

The Government of this great Nation is willing to help people all over the world—shouldn't it also be willing to help people here at home? I urge my colleagues to join me in supporting this bill, and to join me in forcing President Bush to turn his sights toward the needs of his own country.

TRIBUTE TO MORAVIAN ACADEMY ON ITS 250TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. RITTER. Mr. Speaker, on September 5, 1991, Moravian Academy of Bethlehem, PA, observed the opening of its 250th year at a special chapel service in Central Moravian Church in the heart of the city's historic district. Over 650 students from the Lehigh Valley, five States and five foreign countries, their teachers, school administrators, members of the Parents' and Alumni Association Boards, and the Board of Trustees gathered for this service which was planned by the Academy's Parents Association in cooperation with the school's 250th Anniversary Committee.

It was my pleasure to be among the invited guests and to talk to the congregation to let them know the historic event would be commemorated in the CONGRESSIONAL RECORD and to read to them a letter of congratulations from President Bush.

During the service, Dr. Peter W. Sipple, headmaster, shared greetings from Moravian provinces and schools from around the world. Kenneth R. Smith, mayor of Bethlehem, read a proclamation from the city to the academy. This proclamation stated that the educational philosophy the Moravian forefathers brought to Bethlehem was unique, that Bethlehem is the only city in the United States which has the same school continuously using some of its original facilities for 250 years, and that the city and the school are celebrating their sesquibicentennial in the same year.

Forty-five years before the Congress of the United States was convened and within 6 months after the city of Bethlehem was named by the Moravian settlers who came to the new world to share their faith with other immigrants and to convert the Indians to Christianity, two schools were founded. For the Moravians, their religious faith and belief in education go hand in hand; when they established a church, they also built a school. From their founding in pre-Reformation Bohemia, the members of the Unitas Fratrum, as they were known, felt that religion without learning risked false doctrine and error and that the Bible should be in the language of the people. The 17th century Moravian bishop, John Amos Comenius, the father of modern education, further developed this commitment to universal education. It is this philosophy that the Moravian forefathers brought with them to the Pennsylvania wilderness. Unique to this philosophy was the idea that everyone, both men and women, all classes, races, and religions, deserved the opportunity to learn in an atmosphere of love and kindness and that the needs of the whole person be met, in mind, body and spirit. The Moravians believed that the better educated you were, in the whole sense, the better able you were to serve your community and your God.

The first two schools in Bethlehem, one for girls and the other for boys, evolved over the centuries into two separate and distinct institutions, both of which kept their Moravian educational mission intact.

The girls' school was the first boarding school for young ladies in the 13 colonies. The leaders of our country's revolution sent their daughters and nieces to this Moravian sisters school in Bethlehem. Their experiences led others to send girls to this school from as far away as the West Indies and the far reaches of our American frontier. Over the years the school offered a kindergarten through 12th grade curriculum as well as college level courses. This school was called Moravian Seminary for Young Ladies, then Moravian Seminary and College for Women, and in the 1950's and 1960's, Moravian Seminary for Girls.

The boys' school evolved into a coeducational day school for the children of the Bethlehem Moravian community eventually admitting children of other faiths as the town became secular. In the 1830's and 1840's it also served as the city's first public school until funding became available to build a separate school system. Known as the Moravian Parochial School until 1917, this school gained a national reputation for its college preparatory program, which prompted the church fathers to change the name of the school to the Moravian Preparatory School.

Moravian Academy is the heir of these two schools which merged in 1971. The academy is the ninth oldest independent school in the country and the oldest boarding school. Its statement of philosophy reaffirms the principles of education which have been the essential mission of the Moravians for almost half a millenium. It is no wonder that the academy takes pride in its commitment to this heritage and its 250-year history of educating thousands of young people who have gone on to serve their communities and countries.

This historic institution, Moravian Academy, rightly deserves recognition from the city of

Bethlehem, the State of Pennsylvania, and this Congress of the United States for its education contributions to the legacy of our great country.

I have had, Mr. Speaker, the personal pleasure to know many of the students and graduates and to see them grow into creative, caring, and contributing adults. I am proud, on behalf of all of my more than one-half million constituents, of their character and their achievements.

As America rededicates herself to the search for educational excellence, Moravian Academy stands as a beacon, a guiding light for others to follow.

Mr. Speaker, please join with us in celebration.

A TRIBUTE TO IAN ALPERN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to pay tribute to Mr. Ian Alpern, whose baritone voice is delighting a 600-member congregation in south Florida, Temple Zion Israelite Center. Mr. Alpern, who has been singing for more than 30 years, moved from Canada to south Florida to join as the cantor of Temple Zion. I commend to my colleagues an article, about Mr. Alpern's baritone voice, from The Miami Herald entitled "Cantor's Rich Baritone Fills Temple with Joy," written by Lori Teresa Yearwood:

Give Ian Alpern a little praise and he'll sing. His dad gave him some words of encouragement more than 30 years ago at a school recital and Alpern, 51, hasn't stopped singing since.

Now Alpern's rich, baritone voice is being praised by many who belong to the 600-member congregation at Temple Zion Israelite Center at 8000 Miller Dr.

The recognition is one of the main reasons Alpern, who got a job as the temple's cantor about a month ago, doesn't plan on leaving the center any time soon.

"I think when I found out that people actually enjoyed the sound of my voice and I was able to get across a certain element of my spirit—that I decided being a cantor was special," Alpern said. "Even when I was a teenager, when someone said they liked to listen to me, that was it."

Rabbi Michael Laxmeter said Alpern, who moved from Canada to North Miami Beach for his new job, already has a large fan club at the temple.

"In the few weeks he has been here, he has given people extra enjoyment," he said.

As cantor, Alpern's role in temple services is to accompany the rabbi's words with his voice. He said one of his biggest challenges is to help people who don't understand Hebrew to feel excited about the hymns.

"It's a great kick to turn people on to what they never knew was there," he said. "It's the kind of thing they can still get a close, personal warmth from—even if they don't understand the language."

At a recent choir practice at the temple, director Irene Medovoy instructed choir members: "Listen to the cantor. Follow the sound of his voice. No, no, listen to it. Try to copy it."

Standing in front of the choir, Alpern relied on his talent and 33 years of training to lead the seven voices through the complexities of the Hebrew hymns.

He began his musical education at the Oberlin Conservatory of Music in Ohio. At the time, he thought an opera house would be the place for him to display his talents.

But, he said, when he found out there were "7,000 other people out there hoping to do the same thing, and willing to kill people standing in their way for it," he searched for another musical career.

He chose cantorial school and found his life's profession.

"There are so many aspects of Jewish music, you could go on forever and still keep discovering different possibilities," Alpern said.

Though Alpern's father died before he got the chance to hear his son sing as a professional cantor, Alpern thinks about what his father told him after he sang at a recital one day.

"He was kind of a reserved man, but he came up to me afterward and said, 'Hey, I never knew you could sing that well,' and ever since then, I've thought, 'Well maybe I can sing.'"

I am pleased that Mr. Alpern has given many in south Florida the opportunity to hear his beautiful voice. I wish Mr. Ian Alpern much success in his future and the continual growth of his fan club.

A SALUTE TO PROCTER & GAMBLE PAPER PRODUCTS CO.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor the management and employees of the Procter & Gamble Paper Products Co. in my Congressional District for having achieved a tremendous safety accomplishment—achievement of a national record for safe operations.

Indeed, the P&G plant is now the best in the entire sanitary products industry as measured by time worked without a disabling injury. Specifically, the plant accumulated 4,643,282 effort hours between February 25, 1985, and April 22, 1991, without experiencing an injury to anyone serious enough to cause the person to lose time from work for rehabilitation.

To put this accomplishment into perspective, it is the equivalent of one person working for 2,232 years, or 100 people working more than 22 years, without an injury causing lost time.

In recognition of this accomplishment, the National Safety Council has awarded the plant its Award of Honor.

Mr. Speaker, I ask my colleagues to join me in saluting the men and women at Procter & Gamble Paper Products Co. for their outstanding safety record, and in urging all U.S. industries to aggressively work to put safety first.

EPILEPSY CENTER OPENING IN SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to announce the opening of the Sutter Comprehensive Epilepsy Services at Sutter General Hospital in Sacramento, CA. A special reception and dedication ceremony will be held this afternoon and I wanted to take this opportunity to salute the fine work of those who made possible the opening of this important new facility.

The Epilepsy Foundation of America reports that approximately 1 percent of the population has Epilepsy and 20 percent of those people have intractable seizures. People with intractable seizure disorders face major quality of life issues, such as learning disabilities and decreased occupational opportunities. The program at Sutter offers high quality services designed to meet the needs of people with Epilepsy whose seizures are not well controlled by traditional methods.

To those of us concerned with the quality of medical care in the United States, Sutter General Hospital continues to be a beacon of hope. In addition to providing outstanding service to the Sacramento community, Sutter General has been a leader of the medical community in the areas of scientific discovery, patient services, and deliverance of quality medical care. The addition of the Sutter Comprehensive Epilepsy Services is another example of the way in which Sutter Hospital continues to look for services they can provide to meet the needs of Sacramentans and others across the country.

Mr. Speaker, I ask my colleagues to join me in congratulating Sutter Hospital on the opening of the Comprehensive Epilepsy Center. I look forward to the many benefits which this facility will surely provide.

THE MEDICARE SYSTEM: FUTURE FINANCING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 28, 1991 into the CONGRESSIONAL RECORD:

THE MEDICARE SYSTEM: FUTURE FINANCING

As I travel across Indiana, I am struck by the number of Americans who rely on Medicare for health care coverage and by the importance ithis program plays in their lives. Frequently I am asked about the financial condition of Medicare. Although fiscally sound today, it faces the daunting challenge of a large future deficit.

The Medicare Program: First created in 1965 as part of the Great Society, Medicare has become a valuable part of our nation's health care system. Medicare now provides health care benefits to more than 33 million Americans, either those 65 or older or the disabled.

Medicare is one of the largest federal programs, and it is projected to overtake Social Security as the largest domestic program by the year 2020. In 1992, Medicare will provide roughly $130 billion in health care benefits. These expenditures equal 1.9% of the gross national product and 7.8% of all federal spending. Medicare finances 45% of the medical bills of the nation's older persons, pays for 23% of all physician services, and covers 27% of all hospital services. Even with Medicare, older persons still face high medical expenses.

Medicare has two parts. Part A covers inpatient hospital care as well as some nursing home and home health care. This part is basically a "pay-as-you-go" program in which payroll taxes paid by current workers and their employers pay for the benefits of those currently on Medicare. The payroll tax is now 1.45% on earnings up $125.000 a year. Since Medicare payroll tax rates were significantly lower in the past, current beneficiaries typically get back in Part A benefits much more than they paid in. Part B. which is voluntary, pays claims for physician, services. It is financed by general government revenues and a monthly premium paid by beneficiaries ($29.90 in 1991). This premium accounts for only about 25% of Part B costs.

Financial Outlook: Long-range deficits have been projected for Part A since the early 1970s. In the early 1980s the Congress took action to protect Medicare's solvency by increasing tax revenues and reforming how hospitals are reimbursed. These reforms, along with an expanding economy, improved Medicare's financial outlook in the near term.

Experts believe, however, that by the year 2005 Medicare Part A will begin running a deficit. The deficit could occur several years sooner if the economy grows at a slower rate than anticipated. Either way, the Medicare deficit will be staggering, growing to $100 billion by 2008. The Medicare deficit eventually could approach 50% of program costs. In other words, keeping Medicare solvent would require doubling payroll taxes and premiums or cutting expenditures by half. Such solutions would be much more extensive than any being seriously contemplated today.

Causes: A number of factors will strain Medicare's financing system. First, health care costs have been rising much faster than overall inflation despite efforts by the federal government, insurance companies, and health care providers to hold down expenditures. From 1983 to 1990, Medicare hospital payments rose by an estimated 57%, while inflation increased by only 30%. Second, the number of persons receiving benefits is rising sharply. In 1965, Medicare served 19 million persons. Today, it provides benefits to over 33 million Americans, and the number of beneficiaries is increasing by more than 700,000 a year. The number of beneficiaries will increase even faster once the baby-boom generation reaches retirement age. Third, the number of workers compared to retirees will decline in the coming years. The ratio of workers to those persons 65 or older is expected to decline from 4 to 1 today to 2.5 to 1 in 2025. Such a decline will sharply curtail the ability of a payroll tax to pay for Medicare benefits. Fourth, despite the financial bind that Medicare faces, many Americans are pushing for expanded benefits. Medicare does not cover many needs of older persons, like Alzheimer's disease, prescription drug costs, dental care, eyeglasses, or hearing aids.

What Next? I do not believe that the Congress and the President will allow the Medicare system to collapse. The Medicare system has significantly increased American's access to hospitals and doctors, and, despite its problems, it is a popular and valuable program. The chief problem, of course, is that costs have risen much faster and higher than anyone foresaw when the program was established in 1965.

Members of Congress are concerned but not alarmed about the Medicare trust fund. Yet changes will eventually be needed, and it is beginning to look like Americans will either have to put up more money for the Medicare program or expect reductions in coverage. Nobody wants to see the program become insolvent, but that is possible unless changes are made.

The proposed remedies are diverse and generally hold little political appeal. One approach would be to try to further constrain how much Medicare pays hospitals and doctors. Yet many health care providers have been adversely affected by recent cuts, and it will be difficult to take additional steps which restrict Medicare reimbursements. Proposals to expand revenue for Medicare—such as increasing the Medicare payroll tax, using general taxes to finance Part A, or earmarking taxes on items such as alcohol or tobacco for Medicare—face stiff opposition. Other proposals would affect who receives benefits, but some could cause older persons pain. Suggestions include delaying eligibility for Medicare to the age of 67 or requiring affluent older Americans to pay more of their health care costs.

Conclusion: Medicare looms as a big item on the future agenda of the Congress. A comprehensive solution to its projected deficit will not be easy. Medicare will not actually run a deficit for a number of years, and it will be difficult to generate the political will necessary to enact reforms several years in advance. In addition, the sheer size of the future deficit will require revisions to all aspects of the Medicare program, spreading sacrifices around and addressing short-term and long-term issues. The anticipated deficits, however, are too big to be ignored, and the Congress and the President should start now to lay the groundwork for far-reaching change later—educating the public as to the nature of the problem and building consensus for reform.

DR. ALLAN R. SANDAGE TO RECEIVE ASTRONOMY PRIZE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MOORHEAD. Mr. Speaker, on September 25, 1991, the Royal Swedish Academy of Sciences will present Dr. Allan Rex Sandage of the Carnegie Institution with the prestigious 1991 Crafoord Prize honoring his contributions to the study of astronomy.

Allan Sandage was born in Iowa City in 1926. He graduated from the University of Illinois in 1948 and earned his Ph.D. from the California Institute of Technology in 1953. He served as a research assistant to Edwin Hubble, and in 1952 he joined the Carnegie Institution, working at the Mount Wilson and Mount Palomar observatories. His most important early contribution concerned the developoment of methods to age-date stars which led to the determination that certain globular clusters, and hence the universe itself, were at least 3 billion years old.

Dr. Sandage participated in the first optical identification of quasars. He coauthored a now classic paper showing that our Galaxy was formed by the collapse of a pregalactic cloud. But Sandage is probably best known for his efforts to determine the universe's rate of expansion along with the rate at which this expansion is decelerating.

The Crafoord Prize was endowed by Holgerd Crafoord, inventor of the artificial kidney. It is awarded annually in fields that are not recognized by the Nobel Prize—mathematics, astronomy, geosciences and biosciences, on a rotating basis.

It is my great pleasure to congratulate my constituent Dr. Sandage on receiving this well deserved award and to thank him for his years of devoted work that have enlightened us all and led to an increased understanding of our universe.

A TRIBUTTE TO RED ACRE HEARING DOG CENTER

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. ATKINS. Mr. Speaker, I rise today in recognition of a very special center that allows deaf people to hear with the aid of animals that might otherwise be destroyed. For the past 10 years, Red Acre Farm Hearing Dog Center in Stow, MA, has matched deaf and hard-of-hearing people with dogs, in order to provide comfort and security for those who are unable to hear.

Red Acre Farm was founded in 1903 by Miss Harriet G. Bird as a home for old horses. Miss Bird hoped the farm would initiate and encourage projects that would prevent suffering for both humans and animals. In 1981, the American Humane Association selected Red Acre Farm to develop a regional hearing-dog center. Through the efforts of the center's Executive Director Carolyn Bird and the staff, the center now serves people throughout the United States.

To my knowledge Red Acre Farms is the only center in the country whose full-time staff includes specialists with indepth training in deafness as well as professional dog trainers.

Red Acre Farm is very proud of its unique process of matching animals and people. The process is good for both the prospective clients and animals, most of which come from local shelters. The applicant's income does not play a factor in determining eligibility, as the farm has no service charges. Red Acre Farm only accepts donations and sponsorships from the community.

I have greatly enjoyed my contact with the center throughout the years. Their dedication to rights of the deaf and hard of hearing and the animals they train is strong, well directed, and genuine. Red Acre Farm is an asset to the entire deaf and hard-of-hearing population of the United States.

THE 15TH ANNIVERSARY OF MILLER BREWING IN FULTON, NY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HORTON. Mr. Speaker, during the recent August district work period, I had the opportunity and the privilege to participate in the 15th anniversary celebration of Miller Brewing Co. operation in Fulton, NY. Over the years, Miller has made many outstanding contributions to Fulton and the surrounding community.

In order to highlight Miller's achievements and to call them to my colleagues' attention, I would like to insert into the RECORD, the statement that Leonard Goldstein, the president and CEO of Miller Brewing Co., made on this occasion.

FULTON'S 15TH ANNIVERSARY

(Statement by Leonard Goldstein)

It's a pleasure to be with you today as we celebrate a significant milestone in the history of Miller Brewing Company and the community of Fulton.

When Miller Brewing Company became part of the Philip Morris family in 1970, we were the nation's seventh largest brewer, and the level of competition in the industry was less intensive than it is now.

Philip Morris infused fresh capital and superlative marketing expertise into Miller, and the result was that Miller revolutionized the brewing industry with a dynamic new marketing strategy and the introduction of Lite beer, which created the low-calorie category.

In spite of the predictions of many naysayers, who assured us a low-calorie beer would never succeed in the marketplace, Lite is now the second largest selling beer in the United States.

By the end of 1981, Miller had moved up to second place in the industry. Since 1972, shipments of Miller Beer have increased by over 800 percent.

The Fulton Brewery played a significant role in our growth during those exciting years of the 70s. Though we had acquired other breweries during our rapid expansion, this was our first new brewery built from the ground up, and we brew almost every one of our brands here.

What we found in Fulton were a lot of hardy people, who are eager to work, and who will come in under even the most adverse conditions. Billy Apple, who was plant manager back then, tells me that in all its years of operation, the Fulton brewery has only been closed once for weather, and that was during the famous blizzard of 1978. And even then, he says, over two hundred people made it to work, coming in snowmobiles, 4-wheel drive trucks and every imaginable form of transportation—and they were mad as heck that we closed it down even for one day!

So we've got a great group of people here, and this brewery means a lot to Miller Brewing Company.

I think I can safely say it also means a lot to the local community and the state of New York.

Last year, Miller Brewing Company contributed $420 million to the economy of New York state through expenditures for salaries, wages and benefits, utilities, taxes and purchases of goods and services. That was up 15.7 percent from the previous year.

Because of the ripple effect which takes place when we purchase goods and services from other New York businesses, Miller is actually responsible for many millions of additional dollars being pumped into the state's economy, and there is a massive spinoff effect as other companies locate in this area as the result of our being here.

Since initial construction, Miller has made more than $75 million in state-of-the-art improvements in the Fulton plant.

During the past three years alone, we have put an investment of $23 million into this plant to install the unique ceramic filter required to produce cold-filtered draft beer, such as Miller Genuine Draft. That means a major commitment to this community and this area.

Miller Brewing Company is a good corporate citizen, and our employees are good citizens of their communities. This is clear when we consider the thousands of volunteer hours they devote each year to community services.

The state of New York and the communities surrounding our plants offer much to Miller Brewing Company in the way of support. We're pleased that we can return a portion of that to the community in the form of charitable gifts and event sponsorships.

With a budget of about $400,000, Miller Brewing Company sponsors a variety of special events in the area surrounding Fulton Brewery. Just a couple of these many events include the Fulton Riverfest, which is going on today and tomorrow. This event really showcases the city of Fulton. In conjunction with Riverfest, we are opening the doors of this brewery tomorrow to the community and will be hosting brewery tours. We expect thousands of visitors, and I would like to thank the Fulton Chamber of Commerce for their generous assistance in distributing tickets to the public.

For 15 years we have sponsored the Löwenbräu Golf Classic. Proceeds have benefited the United Negro College Fund, and more recently, the local INROADS program, which is an educational internship program for minority youth.

In addition, with the help of Philip Morris, Miller support more than 30 local cultural, educational and philanthropical organizations in the central New York area.

And, Miller Brewing Company contributed nearly $150,000 to support local and state charitable organizations.

As another indication of our desire to be a good corporate citizen, we are making increased efforts to reduce our use of landfills.

As part of this effort the Fulton Brewery and its employees implemented an office paper recycling program in the spring of 1990. Approximately 90 percent of Fulton's waste products are recycled into useable byproducts, and they lead all our breweries in production involving returnable bottles.

We sell 18,000 tons a year of FARM-O.N. fertilizer to local farmers. This is a brewery by-product that was previously buried in the Oswego County landfill.

I am proud of the fact that since 1988 the Fulton Brewery has reduced its solid waste sent to Oswego County's disposal facilities by 67 percent. This was realized through FARM-O.N. sales and increased recycling of glass, aluminum, corrugated cardboard and plastic. Our plan calls for being completely out of landfills in five years.

Another aspect of good corporate citizenship is encouraging responsible use of our products. Miller Brewing Company has developed a nationwide advertising campaign promoting the theme "Think When You Drink." This theme is emphasized during all Miller-sponsored events and programs.

Our alcohol education program, AIM (Alcohol Information from Miller), is based on the premise that people of legal age who choose to drink can drink responsibly. Responsible drinking can be taught and reinforced by campaigns like Miller's "Think When You Drink" and many other programs in which we are engaged.

I have talked about the impact of Miller on the economy of this region. On the national level the brewing industry's impact is even greater, pumping more than $55 billion into the nation's economy. Brewers pay more than $5 billion each year in state and federal taxes, and employ thousands of Americans.

These are good jobs. We at Miller hope, and I am sure that you in this community also hope, that we can keep providing them indefinitely into the future.

And I am enough of an optimist to believe that we can do so, but optimism must never give way to complacency.

Since Philip Morris took this sleepy industry and awakened it to the true meaning of competition, with innovative products, skillful market segmentation and state-of-the-art advertising and promotions, the whole situation has changed tremendously. For a number of reasons, the industry today is basically flat, and the only growth that is possible for one brewer is at the expense of another brewer's market share.

So Miller's first battle is to beat the competition in marketing our products. That's one we feel confident we can handle, by brewing a family of fine quality beers that the consumers want, and we don't need to ask you for any special help in accomplishing that task.

But we have a second battle we also need to win, and on this one we may need some help from you, as community and state leaders, and as concerned citizens.

This battle involves preserving the right and ability to market our products. It involves preserving an environment where our products are acceptable.

In recent years our industry has come under increasing attack and has been subjected to an increasing array of restrictions on advertising, promoting and selling our products. A vocal group of critics is out to attack our industry no matter what we say or do. And they are doing all in their power to increase their influence in government.

We are fighting back with facts, but we need your support and understanding. We are pointing out that beer is the beverage of moderation, that it is enjoyed by more than 80 million Americans, and most of these people enjoy it responsibly.

For those who don't enjoy our products responsibly, we support strict enforcement of the law and increased efforts to educate people in responsible behavior.

Another challenge faced by our industry is that excise taxes have been raised to the point where they are now more than the combined costs of the labor and ingredients used to brew the beer.

What all this means is that since direct prohibition didn't work during the 1920s, our opponents are trying to impose a kind of indirect prohibition, by excessive regulation and raising taxes so high that the simple pleasures of life may become too expensive for the average citizen.

It's very clear that the impact of the most recent federal excise tax increase on our industry, and thus on the security of jobs in our industry, has been unfavorable. The price hikes resulting from the tax increase have contributed to a 3 percent overall decline in beer sales for the first half of this year, and some analysts say this could conceivably end up as a 4 percent decline.

I hardly need to point out that taxing a legal industry into a state of decline is not the way to stimulate the economy, create jobs, ensure existing jobs, or for that matter, to raise revenue.

We must defeat further increases in excise taxes, and we've got to beat back the constant attempts to tax all advertising or eliminate its deductibility.

I hope our nation's leaders are beginning to learn that in taxes and regulations, as in many other things, there is a point of diminishing returns.

The future of our nation's economy, of this region of the country, of the beer industry, of Miller, and of the Fulton Brewery—all hinge on our success in forging a stronger consensus on these issues.

We each have our part to play in persuading our fellow Americans and our highest elected officials of these basic truths. That's the best assurance of a strong, expanding economy. That's the best assurance that this region will remain attractive to industry. That's the best assurance of solid, well-paying jobs here in Fulton.

I am cautiously optimistic that this message is beginning to be understood, but we have to work together, all of us, business, government, and labor, to ensure the continued viablity and success of this industry.

For fifteen years we have done some wonderful things together here in Fulton, and this brewery has been a major contributor to our company's growth.

As we begin the sixteenth year of our partnership, I'm confident that by working together we will find the next fifteen years even more rewarding.

MODIFYING MEDICARE'S WAGE AREA INDEX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, today I introduced legislation with First District Congressman John Olver opposing the Health Care Financing Administration's new regulations that will cut Medicare payments to Springfield-area hospitals by millions of dollars.

The cuts HCFA proposed would devastate hospitals in my district. These cuts come at a time when hospital margins are declining and hospitals are being asked to shoulder more and more of the burden for caring for the poor and uninsured.

The Medicare program reimburses hospitals on the basis of a prospective payment system. When a hospital serves a Medicare patient, the hospital is reimbursed a standardized amount. This standardized amount is then adjusted by the wage index factor. Wage index factors depend upon the wages in an area.

HCFA issued new regulations that will reduce the wage index factor for specific areas, in particular, the Springfield area. Because of this new regulation, Springfield Municipal Hospital and Mercy Hospital in Springfield, Ludlow Hospital, and Wing Memorial Hospital in Palmer will each lose tremendous amounts of revenue in Medicare reimbursements. This is obviously because of a legislation drafting error, since these hospitals will be hurt by no fault of their own.

Congressmen Olver and I recently met with Dr. Gail Wilensky, the Bush appointee responsible for the HCFA, and were advised to file this legislation that would correct a technicality in the regulation. The Neal-Olver bill would allow the Springfield area hospitals to remain considered in an urban wage area with an index which is more than, equal to, but not less than the wage index in a rural area. I have enclosed for the record a technical description of the legislation.

TECHNICAL DESCRIPTION OF LEGISLATION MODIFYING MEDICARE'S HOSPITAL AREA WAGE INDEX

(Introduced by Congressmen Richard Neal and John Olver)

PRESENT LAW

The Medicare program reimburses hospitals on the basis of a prospective payment system. Hospitals receive a standardized payment amount per case, which is subject to several adjustments.

One such adjustment is an adjustment for area wages. For purposes of the wage adjustment, hospitals are classified into regions, and the standardized amounts are adjusted by the wage index applicable in the area in which the hospital is located.

The Omnibus Budget Reconciliation Act of 1989 established the Medicare Geographic Classification Review Board. Hospitals may apply to the Board to be reclassified to a different wage area for purposes of receiving (1) the wage index applicable in that area; (2) the standardized amount applicable in that area; or both. The Secretary of Health and Human Services has limited authority to reclassify wage areas as well.

The statute contains several "hold harmless" rules designed to protect hospitals from significant reductions in their wage index as a result of decisions of the Board or the Secretary. One such rule provides that decisions can never result in a reduction in the wage index to a value below the wage index applicable to rural areas in the State. Under present law, it is unclear whether this hold-harmless protection applies if the wage index in an urban area was below the rural wage index applicable in the State prior to any decision of the Board or the Secretary.

EXPLANATION OF PROPOSAL

The bill provides that, notwithstanding the budget neutrality requirements of present law, in the case of an urban area with a wage index below the rural wage index applicable in the State, any decision of the Board will not affect the wage index applicable to the hospitals not affected by the decision. For purposes of this provision, no inference is intended as to present law.

In addition, the bill provides that no urban wage index in a State can be below the rural wage index applicable in the State. The sponsors intend that, for purposes of applying this provision, the Secretary would raise the wage index applicable for an urban area and not lower the wage index applicable for a rural area.

EFFECTIVE DATE

The first provision of the bill is effective as if included in the Omnibus Budget Reconciliation Act of 1989 (discharges occurring after April 1, 1990). The second provision is effective for discharges occurring after October 1, 1992.

TRIBUTE TO CARDINAL HAYES HIGH SCHOOL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SERRANO. Mr. Speaker, I rise today to pay very special tribute to an institution that for the past 50 years has helped prepare over 22,000 young men for the challenges of the future. I am referring to Cardinal Hayes High School in my congressional district of the South Bronx, a school that is about to embark on a 1-year celebration to commemorate 50 years of outstanding educational service in our community.

Located at 650 Grand Concourse, Cardinal Hayes first opened its doors on September 8, 1941. Founded on the premise that a quality, religious-based education should be made accessible to young men in the Bronx and other nearby areas, the school has managed to successfully educate thousands of low and middle income class students from diverse ethnic backgounds.

Cardinal Spellman, the founder of this fine institution, would be very proud. Cardinal Hayes' accomplishments are numerous. These triumphs range from the average 85 percent of Cardinal Hayes' students who have continued to pursue an education at the college level, to the many outstanding performances of the varied sports teams and school organizations throughout the years.

However, Cardinal Hayes' most significant accomplishment relates to the school's 22,000 alumni. This impressive number will soon be augmented by the current student body of nearly 1,100 who continue to exemplify the values and traditions contemplated by the school's founder.

For the past 50 years, Cardinal Hayes has been able to educate and instill Christian values to a great number of students, who in turn have gone into the world and taken their place as successful and productive members of society. Thanks to the many brothers, sisters, support staff and students of Cardinal Hayes, the future of our community looks bright. The spirit and desire of everyone in the Cardinal Hayes community gives credence to the school motto, "For God and Country."

The community of the South Bronx salutes Cardinal Hayes on this their 50th anniversary, and thanks them for their constant support in the difficult task of educating our youth. We hope that Cardinal Hayes continues to achieve success in their ardous but rewarding educational endeavor.

A TRIBUTE TO HARRY DELLAS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize Mr. Harry Dellas, an outstanding citizen in the community of south Florida. Mr. Dellas, who is fluent in six languages, coaches soccer, and teaches Italian and Spanish at Southwest High School in Miami.

I commend to you the following article on Mr. Harry Dellas from the Miami Herald written by Todd Hartman:

Harry Dellas, then and now.

Then: A boy who spoke only Greek. He used to wet his pants in grade school because he couldn't say bathroom. He endeared himself to teachers by bouncing a soccer ball on his head in class.

Now: Fluent in six languages, a former translator at the United Nations and the New York Stock Exchange, the new soccer coach at Southwest High School.

The job is a dream come true for Dellas, combining his skills and passions. In addition to coaching soccer, Dellas will teach Italian and Spanish at the school.

A 33-year-old native of New Jersey, Dellas says soccer is his first love, language his second. Both have come remarkably easy to a man who wants most of all to pass his passions on to students and athletes.

"I'm a positive guy," says Dellas, who calls parents to congratulate them when students do well. Of the Southwest soccer team, which finished 12-4-4 last season, Dellas said, "We have a great team, with a lot of potential. I expect at least a district championship."

An intriguing pronouncement, but no less so than the rest of Dellas' colorful life. Born in New Jersey to Greek parents, "three days after my mom stepped off the boat," he spoke only Greek during elementary school. But he had English licked in time for junior high.

He mastered Spanish and French in college, then spent a year in Europe. He learned Italian working in a pizzeria.

"I learned from the owner and his wife, with a dictionary in my back pocket," said Dellas, who also happened to fall in love with an Italian woman.

After getting a job as a public information assistant at the United Nations in 1983, Dellas studied Portuguese. He keeps up on his skills by attending Greek Mass on Sundays, reading magazines from around the world and chatting with an international core of friends.

Dellas left the United Nations in 1985 to take a job at the New York Stock Exchange, where he translated for visitors. He once translated for Ivan Boesky "before he went to jail."

In '88, Dellas quit his NYSE job. He hopped into the car with his dog and drove to South Florida. He worked in a pizza place in Fort Lauderdale, then at a computer school in Miami Beach before landing a teaching job at Charles R. Drew Middle School in Liberty City.

When he was growing up, he taught neighborhood kids to play. He also helped coach his junior high team. Dellas was once offered a pro contract by the Minnesota Kicks, but an injury erased that plan.

Now Dellas is eager to pass his experience to others. He speaks of nothing but the positive. He preaches Plato: sound mind, sound body, complete person. He's up, up, up.

I am pleased Harry Dellas is a part of my old alma mater, Southwest High School, and that he is working at making our young people future leaders of tomorrow. I wish him much success in all of his future endeavors.

TRIBUTE TO CAROLYN FOWLE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Dr. Carolyn Fowle who is retiring from the California Department of Education. This evening, her friends and colleagues will gather at the Sutter Club in Sacramento to recognize Carolyn's many contributions in the field of education.

After graduating magna cum laude from the College of the Pacific with a Bachelors of Arts in education and psychology, Carolyn began a 34-year career of dedicated service to California public education. In 1957, Carolyn began her career at Lodi Unified School District where she worked as Director of Pupil Personnel Services, School Psychologist, and Director of Guidance and Special Education. During her tenure at Lodi, she demonstrated tremendous ambition by concurrently earning M.A. and Ed.D. degrees in Educational and Counseling Psychology, going into private practice as a Licensed Psychologist, and becoming an Adjunct Professor of Counseling Psychology in the School of Education at her alma mater.

In 1974, Carolyn joined the California Department of Education as a consultant and then became Administrator in Education Evaluation and Research. At the Department of Education her expertise in Federal categorical programs and Compensatory Education Programs proved to be a great asset to the agency. Among her accomplishments were the development and supervision of eight regional Evaluation Improvement Centers which provide assistance to local educational agencies in evaluating categorical programs. She also developed a *Program Evaluators Guide* which was marketed internationally. Carolyn finishes Program Evaluation and Research Division. Her pleasant and dynamic personality served her well in this capacity, as she has an impeccable reputation for exemplary work.

Retirement will certainly not slow her down. Carolyn and her husband Henry Ybarra share a wide variety of interests and are actively involved with the local Rotary Club.

I ask that my colleagues join me in paying tribute to Dr. Carolyn Fowle on the occasion of her retirement from the State of California.

THE RIGHT TO DIE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 11, 1991, into the CONGRESSIONAL RECORD:

THE RIGHT TO DIE

Advancements in medical technology have greatly increased the ability of medical professionals to prolong lives. Highly trained people use sophisticated technology to aggressively treat disease. Now a sharp debate about the use of technology to prolong a life with no serious hope for improvement is making its way onto State ballots and into the courts, State legislatures and the Congress.

The centuries-old question of under what circumstances allowing a life to end is acceptable remains controversial. What is new in the debate is the development of machines that can preserve existence beyond any hope of healing. This is a difficult issue, filled with emotion and conflicting views.

Many States have adopted laws which spell out an individual's right to leave, in advance, written instructions concerning life-prolonging medical treatment. These instructions, generally known as advance medical directives, are of two types: (1) Treatment Directive: Popularly known as a living will, this directive specifies the types of treatment an individual wishes to receive under certain circumstances. (2) Appointment Directive: Commonly called a durable power of attorney, this document allows an individual to designate another person to make legal and medical decisions for him should he become incapacitated.

STATE LAW

Forty-one states have laws which recognize living wills. All states provide for the designation of durable power of attorney, and 32 States have passed laws specifically allowing the durable power of attorney for medical care.

In 1990, the Indiana General Assembly passed the Living Wills and Life-Prolonging Procedures Act, which allows anyone over age 18 and of sound mind to execute an advance directive. The law provides two model treatment directives: one to request the cessation of medical treatment, another to request its continuation. A living will may, however, include more specific directions than those provided in the model directive. The law does not require a doctor to follow the instructions in the living will, but the living will serves as strong evidence of the patient's wishes.

FEDERAL LAW

Despite the attention devoted to this issue, only five to ten perent of adults have made advance directives. In response, the President and the Congress recently enacted a law which requires health care providers who participate in the Medicare or Medicaid programs to ask all patients whether they have executed an advance directive, and to inform them of their rights under state law to accept or refuse medical treatment and to formulate an advance directive. The law, which takes effect on December 1, 1991, recognizes that the government's role is not to make decisions about the use of life-prolonging treatment, but is instead to encourage people to make better decisions by informing them of their options.

Implementation of the new federal law may be difficult because state law concerning advanced directives is often either ambiguous or nonexistent. In addition, some critics have raised concerns that patients, overwhelmed by all the decisions they have to make upon admission to a health care facility, will not clearly understand the information they are given about advance directives.

SUPREME COURT

The Supreme Court has also encouraged people to act. The question before the Court in June 1990 was whether the parents of Nancy Cruzan, a 32-year-old woman who suffered permanent and severe brain damage in a car accident, should be allowed to follow their daughter's wishes by stopping the artificially administered food and water which kept her alive. In a 5 to 4 decision, the Court ruled that there is a constitutional right to discontinue life-sustaining medical treatment. However, the Court also ruled that states could require "clear and convincing evidence" of a patient's wishes before treatment could be stopped.

The *Cruzan* case gives a strong constitutional underpinning for advanced directives. Even so, the decision raises several concerns about current law. First, the law in most States—including Indiana—stipulates that living wills are only applicable when the patient is terminally ill—that is, when there is no possibility of recovery and death will occur soon. Nancy Cruzan could have continued to live in a permanently unconscious state for years. Nonetheless, the Court held that her wishes to refuse life-saving treatment could still be honored. Second, Indiana and many other states specifically prohibit patients from requesting the removal of nutrition and hydration under any circumstances. The *Cruzan* ruling seemingly voids these provisions. Third, some experts say that a living will drafted in one State might not be honored by another State. By establishing a constitutional "right to die," the Court has implied that living wills should be portable from State to State. However, doctors may still be hesitant to act upon a living will which is not precisely written according to State law. Fourth, the new federal law only requires health care providers to inform patients of their rights under State law—not about the broader constitutional right to discontinue treatment established by the Court.

OUTLOOK:

While the impact of the *Cruzan* case is far-reaching, the Court did not address several related questions. My guess is that legislatures and courts, primarily at the state level, are going to be wrestling with a large number of right-to-die questions which arise at the intersection of medicine, law, and ethics, among them: Who should make decisions on behalf of an incompetent patient? On what grounds should decisions be made to forego life-sustaining treatment? Must the staff of an objecting medical institution follow a patient's expressed desire to forego treatment?

Most of us would agree that a patient's wishes should generally be respected, at least where there is clear and convincing evidence of a thoughtful choice by the patient. What is happening now is that having control over one's medical treatment at the end of life is becoming increasingly important to many patients. Most health care specialists say that the care of the dying has improved, and that they try now more than ever to honor a patient's wishes to forego aggressive treatment. The *Cruzan* decision puts a premium on foresight, and the new federal law encourages it. Both emphasize the importance of registering a statement of intent to guide one's family and doctors in making decisions on the use of medical care.

FAREWELL TO A DISTINGUISHED SON OF GUAM PEDRO DIAZ PEREZ

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BLAZ. Mr. Speaker, this week the Territory of Guam and the people of Guam will pay final tribute—with honors and prayers; with accolades and tears; and, with sadness—to one of her favorite sons whose enduring efforts in the name of his people have assured him a prominent place in the annals of our territory and our country.

Pedro Diaz Perez's 80 years of life—1911–91—has spanned virtually the entire history of Guam under the United States flag. He has been either an active participant in or a key witness to every memorable event in our long struggle for recognition, acceptance and equal treatment as a distinct people within the American family.

Of his many remarkable attributes, perhaps the most pronounced was that he did not seek distinction; instead, distinction sought him. In his abundant life, in every position he held, in every endeavor he undertook, he was successful. Among his many professional and personal friends, he was known with unanimity, not as a character but as a man of character.

Tun Pete, as our people affectionately and respectfully called him, took particular joy in his immediate family and was well-versed and extremely proud of his extensive and wide-reaching progeny. He and his loving wife, Antonia, raised eight children, and lived to see 35 grandchildren and 14 great grandchildren. In a manner of speaking, he embraced all within his reach and sought to make us all of one extended Guamanian family.

Having lived through some of Guam's most difficult periods; having helped her pass through them; having struggled with the innumerable barriers placed before our people; and, having labored through Spanish, American, and Japanese influences, Tun Pete understood more than most the danger of losing our identity as a people. Like the legendary shepherd of biblical times, he sought in his own special way to keep us together. He altered us constantly to the dangers of forgetting our heritage, our culture, our very selves. We are one as a people because Tun Pete was one of us.

In the military where we both served, we take particular pride in those who have died in the service of our country. Significantly and characteristically, Tun Pete died while still on active duty in behalf of Guam and the United States. Appropriately at the time of his death he was in the United States as a member of the Commission on Self-Determination. To the end of his life, he was actively pursuing fundamental rights, civil rights and human rights for us.

As we prepare to commemorate the 50th anniversary of the beginning of World War II and the enemy occupation of Guam, we should be aware of Tun Pete's heroics as one of the members of the Insular Guard who defended Guam on that fateful December morning in 1941. He was a hero in the traditional sense with the force of arms; but, in a different sense he was a bigger hero to us through the force of his ideas which envisioned a future Guam which rested securely on her unique past and history. He was not a revolutionary who advocated abrupt change through chaos and conflict; rather, he was a reasonable and reasoned statesman who wanted to guide Guam into the 21st century with her eyes open and her steps firm.

To the 21-gun salute from the military and the 21 salutations from the distinguished members of the Guam Legislature, I, as a legislative colleague, a member of the U.S. Congress, a fellow veteran and, above all, a family friend, am proud to add a 22d laurel to a man so ordinary, yet, by any yardstick, so extraordinary.

Anchors aweigh and bon voyage, dear shipmate. Sigi gi biaje mu sa ninanga hao as Yuus gi langit.

THE RETIREMENT OF COL. ORLANDO C. SEVERO, JR., USAF

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. LAGOMARSINO. Mr. Speaker, last Saturday, September 7, 1991, was the evening in which friends, family, military and community leaders alike, gathered to pay tribute to Col. Orlando C. Severo on the occasion of his retirement from an outstanding military career with the U.S. Air Force. Unfortunately, I was unable to attend this event. However, I would like to submit for the RECORD, the remarks I intended to give at Colonel Severo's retirement dinner as they truly reflect my feelings for a man who has long been a good friend to me and the communities of the 19th Congressional District.

It is with great pleasure that I stand before you this evening to pay tribute to one of our community's outstanding leaders, Orlando Severo. As Commander of the Western Space and Missile Center, Colonel Severo has proven to be a valuable asset to both the local community and our national security network.

Those of you who hail from the Air Force family understand the importance of a strong leader, someone who can take charge and oversee the administration of every day concerns and problems as well as the specialized projects that come under the stewardship of the Western Space and Missile Center. Many of the guests present this evening represent local business and civic interests. You also understand the value of good leaders who are willing to listen and work together for the benefit of the entire community. Orlando Severo has continually been that type of a leader.

In my position as a Member of the House of Representatives, I am often called upon to act as a liaison between the people of the surrounding cities and towns and Vandenberg Air Force Base. Over the years that Colonel Severo has had jurisdiction over the Western Space and Missile Center, my staff and I have come to enjoy an excellent working relationship. Whether it be a local environmental or land use matter, or an issue of national concern, Colonel Severo has always been very prompt in responding to my inquiries and concerns. I have had numerous opportunities to visit Vandenberg Air Force Base. Thanks to Colonel Severo, my visits have been both pleasant, and highly informative.

While I am sorry to see Colonel Severo leave, I understand that we each have individual goals and interests to pursue. Colonel Severo, we will certainly miss you and the many talents that you successfully applied in behalf of our community and the United

States Air Force. May God bless you and your family as you endeavor to accomplish your goals and meet the new challenges that lie on the horizon ahead of you.

I ask my colleagues to wish Evie and Joan the very best in the future.

BECAUSE THEY CARE, "CARING CAN'T WAIT"

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. VANDER JAGT. Mr. Speaker, because "caring can't wait," thousands and thousands of homes have a poster card red and black eye looking out the front window. An eye on the community, the all seeing eye which knows the who, what, where, when, and why of the local community.

Community Child Watch—so simple a concept, and so tragically necessary because our children today are threatened. So the eye becomes not only the presence of citizens concerned and protective of the safety of our young, but also a beacon to those young who may feel, or be, at risk.

My home State of Michigan has dedicated the week of September 22 through September 28 as Michigan Community Child Watch Week. During this period special attention is being drawn to the community based effort to provide protection and safe haven in our neighborhoods for our children who are so vulnerable.

Community Child Watch was born in 1979 following the abduction and murder of an 11-year-old child. The program provides a formal structure for organized efforts within the community to provide safety and communication within our neighborhoods. The participants in the program receive training in the principles which underlie their participation: watch, observe, record, and report. The participants are subjected to a criminal history check through the Law Enforcement Information Network [LEIN]. Once the 1 hour educational training session and LEIN check are completed, an individual will display the unique Community Child Watch eye—and make a real contribution to the safety of our children and to a reduction of crime in our neighborhoods.

The Michigan Community Child Watch Program—"because caring can't wait"—is an ideal opportunity for senior citizens to continue an often active history of community involvement at a time when physical limitations may restrict more demanding activities. It is ideal for the family where a parent has chosen to dedicate days to family care giving. It is ideal for every home and every adult who simply wishes to use home time constructively.

In cities across our Nation our citizens are rallying to take back their neighborhoods—from decay, from crime, from those who would turn homes into prisons out of fear and frustration.

The people of America's neighborhoods are fighting back—through crime patrols, through community clean up, through innovative recreational and neighborhood involvement programs for our youth—and through programs such as Community Crime Watch. It is a pleasure to be able to recognize the special focus that is being placed on this fine program during the week of September 22 in Michigan and in communities in our Ninth District. I hope that this kind of community spirit and interest will continue and that it will grow so that once again our children will be free to walk their neighborhood streets, to play ball in the local park until dark, to walk to and from school with only the fear of not having last night's homework finished to worry their trip.

BATTLE CREEK ADVENTIST HOSPITAL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the Battle Creek Adventist Hospital located in Battle Creek, MI, on the occasion of its 125th anniversary.

The Battle Creek Adventist Hospital has a long and rich history, beginning in 1866 when a group of Seventh-Day Adventists founded the Western Health Reform Institute, later to become known as the Battle Creek Sanitarium. The institute emphasized a nutritious diet and outdoor exercise as essential components of wellness in wholeness, and in due course became a world renown health spa. The Seventh-Day Adventist goal has been to meet the health care needs of the whole person—reflecting the Adventist dedication to wellness by healthful living through the teaching and administering of a preventative, holistic lifecare system focusing on the individual and the family.

Dr. John Harvey Kellogg, a well known surgeon, inventor, and author, became proprietor of the sanitarium in 1903, where he remained medical director for 67 years while his brother, W.K. Kellogg, served as the sanitarium's business manager. During this period, the American Dietetic Association was founded, emerging out of the search for more wholesome and nutritious foods. The sanitarium, where wheat flakes were developed as a non-meat breakfast option for patients, also can be credited with the origin of the cereal industry. W.K. Kellogg later left the sanitarium to establish the world-class cereal company that still bears his name. In 1970, the sanitarium became the Battle Creek Adventist Hospital. Today, it is the largest combined mental health and addiction treatment facility in west Michigan.

Under the current leadership of President and CEO Teddric J. Mohr, the Battle Creek Adventist Hospital has over 60 professionals—including psychiatrists, psychologists, and occupational, recreational, music and art therapists—who work together as a team to provide quality and comprehensive health care. The Battle Creek Adventist Hospital is known for its strong mental health programs for children and adolescents, and for its full range of inpatient and outpatient addiction treatment services. Specialized programs include dual diagnosis for those with concurrent psychiatric and substance abuse disorders; an addiction treatment program created for women; partial hospitalization for seniors; and special programs for eating disorders and for the treatment of cocaine addiction.

Mr. Speaker, the Battle Creek Adventist Hospital has helped countless individuals and families grow and gain in self-confidence and in the development of coping skills needed to lead productive lives. We are all in debt to the dedicated hospital administration, staff, and volunteers. I am certain my colleagues will want to join me in wishing the Battle Creek Adventist Hospital a very happy 125th anniversary.

WILLIAM K. GOSNER: AVIATION PIONEER

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. HUGHES. Mr. Speaker, during the week of August 19–25, the United States celebrated National Aviation Week. This is an annual celebration which coincides with the birthday of one of our country's most recognized aviation pioneers, Orville Wright. This year I felt it was an appropriate time to recognize the contributions of another one of America's great aviation inventors, the late William K. Gosner of Pleasantville, NJ.

As a youngster growing up in southern New Jersey, Mr. Gosner was blessed with a fascination of flight and the creative genius of an Edison. He combined those skills to develop and patent a jet propulsion airplane which marked a significant breakthrough in American aviation history.

On June 6, 1929, Mr. Gosner filed an application with the U.S. Patent Office for his invention to provide a propelling mechanism to increase the efficiency and speed of aircraft. His patent was granted on June 10, 1930—an event which ultimately helped to revolutionize the aircraft building industry.

After securing his patent rights, Mr. Gosner embarked on a lengthy process to try to attract commercial interest in his invention. Unfortunately, the race was on to build the first airplane to fly across the Atlantic Ocean, and the manufacturers who had expressed an interest in the Gosner plane were too busy to take on this project.

Mr. Gosner finally built his own plane in 1931. The 40-foot prototype was suspended from a crane on Atlantic City's famous Steel Pier, and, powered by an electric motor, flew continuously for 2 years where it was viewed by hundreds of thousands of people. By that time Mr. Gosner had improved the design of his invention, and perfected a turbine engine of his own, so that his plane hardly resembled his original patent.

Despite these efforts, Mr. Gosner was unable to attract the financial backing he needed to build and market his plane. In the meantime, he had not applied for foreign patent rights, and inventors in Italy, Germany, and England who were aware of his patent were experimenting with similar engine designs around the same time.

They succeeded in the commercial market where Mr. Gosner had failed. To this day, invention of the jet propulsion engine is generally credited to Italian and German engineers, while Mr. Gosner's pioneering efforts have been virtually ignored by those who chronicle aviation history. I believe the time is long overdue for Mr. Gosner to receive the credit and recognition he deserves.

It is interesting to note that today, the most advanced aviation engineering and design work in the world is taking place at the FAA Technical Center in Pomona, NJ—just a few miles from the site where Mr. Gosner first developed his plans for a jet propulsion engine.

At a time when thousands of people crisscross the world by air each week and space shuttles are an everyday event, it's easy to take the development of the airplane for granted. As we celebrate National Aviation Week this year, I think it is only fitting to pay tribute to all the great inventors who have made it possible for humans to conquer the skies.

In particular, I am pleased to recognize the efforts of an unheralded American inventor, Mr. William K. Gosner of Pleasantville, NJ, whose patent of a jet propulsion engine in 1930 helped make it all possible.

A TRIBUTE TO THE CENTRO ASTURIANO OF MIAMI ON ITS 28TH ANNIVERSARY OF FOUNDING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is a great pleasure for me to be able to congratulate one of our community's most treasured ethnic institutions, the Centro Asturiano of Miami, on the occasion of the XVIII anniversary of its founding.

Since its creation in 1973, the Centro Asturiano of Miami has proudly preserved and furthered the rich heritage and tradition of the Spanish culture in our community for all to cherish and enjoy. To recognize this significant occasion, the Centro Asturiano of Miami has scheduled a series of events to celebrate not only the anniversary of the center but to honor the Virgin of Covadonga, the Patron of Asturias.

As part of the celebration, the Centro Asturiano of Miami has invited, for the first time in this country, the world renowned Cuarteto Asturiana to take part in the local festivities. This most gifted musical group, formed in 1981 as part of the tencennial anniversary of the Centro Asturiano of Madrid, have performed to international audiences in Switzerland, Argentina, Uruguay, Chile and Mexico, as well as in their native Spain.

I am glad to have the opportunity to congratulate Mr. Francisco Garcia, president of this establishment, as well as Mr. Emilio Gonzalez and Ms. Hilda Garcia, vice president and secretary respectively, as well as all the members of the Centro Asturiano of Miami on the XVIII anniversary of this most prestigious cultural institution.

IN MEMORY OF FRANK O'GORMAN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. McDADE. Mr. Speaker, I learned with great sadness of the death last month of Frank O'Gorman. Frank served as my administrative assistant from the time I came to Congress in 1963 to 1975, when he transferred to the Department of Interior in the Mining Enforcement and Safety Administration.

Frank O'Gorman was a great friend, a terrific person, and a dedicated and talented public servant. He was a gregarious, caring, highly intelligent man who had many friends in northeastern Pennsylvania and Washington, DC.

I have many great memories of Frank and his tireless efforts on behalf of the people of my congressional district. He was a trusted and valued aide during my early years in Congress. I had a great respect for his professional abilities and countless warm remembrances of our friendship.

Prior to serving as my chief of staff, Frank was a professor of English Literature at Marywood College in Scranton and a grammar school and high school teacher in New York City. He also served with distinction during World War II in the U.S. Army Air Corps, earning six battle stars.

My thoughts and prayers go out to Frank's wonderful wife, Betty, and their children (Jean, Kathleen, Christine, Francis, Barbara, Susan, and Anne).

INVEST IN OUR CHILDREN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. FASCELL. Mr. Speaker, now is the time for the Federal Government to make a long-term investment in our children. As our competitive edge in the global economic arena is challenged by other nations, investing in our children is pennywise; not doing so is pound-foolish. Study after study has illustrated that fully funding the Head Start Program, creating flexible work situations to enable parents to spend more time with their families, and providing our children with preventative health care will enable them to get a jump on life before life gets a jump on them.

Contrary to what some argue, these are not grandiose social programs which will prevent America from being competitive in an increasingly crowded international marketplace. Rather, these are sound and pragmatic investments which will ensure our prominent role and our domestic productivity and international competitiveness well into the 21st century. We have an obligation to make a simple investment in our children so that they will be adequately equipped to meet the challenges they will face.

I commend to our colleagues' attention an article by Joanna Wragg, associate editor of the Miami Herald, which outlines a few simple steps which can be taken to accomplish what needs to be done.

[From the Miami Herald, Sept. 9, 1991]

WHAT PRICE TO SAVE OUR CHILDREN?

(By Joanna Wragg)

You want to "save America's children," do you? But you don't know what the country can do to get out of the quagmire of dropouts, delinquency, disease, and dysfunction?

OK. Here's the first step. It isn't complicated. It's expensive—$54 billion per year—but it's no mystery. First, we must:

Fund Headstart—completely. Cost: $4 billion in Federal funds.

Fund health care for all children. Cost: about $50 billion per year.

Then we have to let working families be families. We have to provide time for parents to be with their children.

FUND VITAL HEADSTART

The Headstart price is a big number. Four billion is 73 percent of Toys-R-Us's annual sales. But it would be a bargain.

It is much cheaper and more effective to start children in school properly than to play catch-up later. Everyone knows that. Nor is it any secret that millions of U.S. 5-year-olds are hopelessly behind when they show up for kindergarten.

Headstart brings them to school ready. Study after study has proved that this straightforward early-childhood education program reduces dropout rates, improves self-esteem, and prevents many of the teenage pathologies that splash across our front pages daily.

But Headstart now is a privilege, not a right. Two-thirds of the children who qualify on the basis of low income can't get in. That's because the Government never has fully funded this prize legacy from the Great Society.

Health care, focused on prevention and health education, has a bigger price tag. Fifty billion is the amount that the Treasury Department borrows every month to finance the Federal deficit.

Fifty billion is my own estimate. It's a projection from the $72 billion now spent on Medicaid, the Government health-insurance program for 27 million people on welfare or at welfare levels.

Another 37 million people in America, about half of them children, now are uninsured. To cover those children, and to raise the fees to match those of Medicare, would cost about $50 billion. Actually, it might cost less because most of those children are not seriously ill. They need monitoring and health education more than they need surgery or dialysis.

INVEST IN HEALTH CARE

In Florida some 37 percent of 2-year-olds do not have their "required" immunizations. Almost none are immunized for hepatitis, which produces liver disease. Dade lets children get whooping cough and then hospitalizes them at public expense. Both the pain and the expense are easily avoidable.

These two short-term items, health care and Headstart, totaling $54 billion annually, can be enacted any time the President and Congress decide to get serious about children.

Long-range, children need something else. They need parenting—more time and attention from Mom and Dad. The bill to require employers to provide family-leave time, which President Bush vetoed, would be a step in that direction.

But children need attention when they're well, too. School-age children don't need an

> idle adult at home all day waiting for them, but they do need a parent during some of their waking, active hours. The best Government remedy for parent-deprivation is:
>
> Trim the standard work week from 40 hours to 35, with a goal of 30 hours.
>
> American families today have no family time. It now takes 80 hours of adult work time to support a family that just 20 years ago was supported by 40 work hours. Little wonder that marriages are falling apart—and so are children.
>
> ADJUST THE WORK WEEK
>
> Sixty work hours per family should be plenty, with each family deciding how to apportion that time between the two parents. Thirty hours should qualify a worker as "full-time" for purposes of benefits, pensions, and promotions.
>
> There is no specific price tag on this change. Much of it should come in the private sector, but Federal, state, and local government should lead the way as employers. They should begin to offer options—for a shorter work day, a four-day week, or unpaid leave time during summers, for example.
>
> There is no one schedule that fits every family and business. But every business can accept family needs—children's needs—as a legitimate factor in negotiating hours and schedules.
>
> None of this is complicated. Headstart, health care, and more time with working parents—these are easily understood basics. The problem is the price. Or, rather, it is that we refuse to count the price that we're paying now for neglecting our children.

TRIBUTE TO THE GAJAA HEEN DANCERS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to recognize the Gajaa Heen Dancers. Since 1975, the dancers have been performing ethnic songs and dances in the State of Alaska as well as throughout the rest of the Nation. They have received numerous awards for their enthusiasm, creativity, and dedication.

The dancers, originally known as the Old Sitka Dancers, are named after a river at the Old Sitka site where the Lingits, a Native Alaskan clan, were victorious in a battle with the Russians. The group's presentations are given with the purpose of expressing varying aspects of the Lingit culture so that people will understand and appreciate the rich Lingit heritage.

The ethnicity of the dancers is as complex as the Lingit heritage itself. They are predominantly Lingit, however, the group also includes an interesting mixture of Haida, Aleut, Chinese, Irish, Russian, Cherokee, and English, just to name a few.

The dancers are a well traveled and experienced group. Their adventures include performances in the World Eskimo Indian Olympics and the Festival of Native Arts. They have traveled from Alaska to Hawaii, Los Angeles, Stanford University, and even Washington, DC.

Their work has been recognized by various organizations as well as prominent leaders such as the Governor of Alaska. The group's accomplishments are due in part to Charlie Joseph, a Lingit Tlein—big man—who began to teach the children various dances because they represent various clans. Although he died several years ago, the dancers still attribute their successes to him. I feel it is time that we recognize Mr. Joseph and the Gajaa Heen Dancers for their efforts to educate the world through art.

A TRIBUTE TO JANET PAULE REYNOLDS, A DEDICATED AND TRULY OUTSTANDING WOMAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding community service of Janet Paule Reynolds, director of alternative programs from San Bernardino City Unified School District. Janet will receive the San Andreas Council's annual Friends of Children Award in September for her outstanding dedication to the furtherance of children's issues.

Janet received her B.A. from Long Beach State College in 1965 and her M.A. from the University of Redlands in 1972. She began her career as a fourth grade teacher in 1964. After 4 years she became program manager of personnel services. Following 4 years of serving as coordinator of child welfare attendance, Janet served as director of staff development from 1984 to 1988. Presently she is the director of alternative programs.

Janet is not only a professional woman but also an avid participant in community activities. She serves as chairperson of both the San Bernardino County Juvenile Justice and Delinquency Prevention Commission and the San Bernardino Community Against Drugs. In addition Janet is an active board member on the Family Service Agency Campfire Board YWCA Nominating Committee.

In 1985 Janet received a prestigious award from the mayor commending her for her professional and community involvement. More recently she received recognition from the San Bernardino County Board of Supervisors and she received the Town and Gown, "Women of Achievement Award from the University of Redlands. Janet also was honored by the San Bernardino County Board of Supervisors with a certificate of appreciation for her work. Her other awards include being named Business Associate of the Year in 1985 by the Business and Professional Women's Association, and receiving a certificate of appreciation from Optimist International in 1989.

Not only has she been a success in the professional world and in the community, Janet has achieved many respectable personal accomplishments. She has embarked on several mountain climbing expeditions including Mount Kilimanjaro in Africa and the Himalayan Mountains of Nepal. In addition to climbing mountains, she has also flown 200 miles above the Arctic Circle.

After hearing all of this you can clearly see what a unique and honorable woman Janet Paule Reynolds truly is. As an extremely dedicated director of alternative programs in the San Bernardino School District she is a model for all children to respect. I want to personally congratulate Janet for her success and thank her for her dedication.

THE OPENING OF THE STAMFORD BOYS AND GIRLS CLUB BUILDING

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. SHAYS. Mr. Speaker, It is my privilege to recognize the successful completion of the Stamford, CT, Boys and Girls Club building.

The club has been in existence since 1925 serving the youth of Stamford. Over the years the club has been located in a variety of rented, converted, or temporary buildings, and has faithfully fulfilled its mission for thousands of boys and girls.

Now, for the first time since its inception, the club has a building that was constructed for and dedicated to the cause of providing a safe, nurturing environment for Stamford's youth.

Located adjacent to a 10-acre municipal park and within walking distance of hundreds of units of public housing, this facility will provide invaluable assistance and support for Stamford's young citizens and their families. Mindful of the future, it is worth noting the building was completed entirely with private donations.

In recognition of the need for facilities for the youth of our Nation, it is my pleasure to bring to my colleagues' attention the Stamford Boys and Girls Club. With its new building this organization can continue to offer constructive educational and recreational programs secure in the knowledge that the youth of Stamford have their own permanent home.

LIBERTY CITY DEPARTMENT STORE RISES LIKE A PHOENIX FROM THE ASHES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today three Liberty City businessmen who were recently featured in the Miami Herald as opening the first black-owned department store in the Miami area. Utilizing their experience as store managers at an Ames Department store near Liberty City which closed last year, Charles Howze, John Kilby and Joan Donaldson opened the Z Mart Discount Department Store. The article, "3 ex-managers pool resources, open store near Liberty City", tells their story:

> Last year's closing of the Ames Department Store south of Liberty City left 100 employees without jobs and a neighborhood bereft of a large discount store.
>
> For three black former store managers, the loss presented an opportunity to make history as the owners of Dade County's only black-owned department store.

Partners Charles Howze, John Kilby and Joan Donaldson lived without vacations and paychecks for nearly a year. Family members helped to support them. To raise money for loan collateral, the partners put up their homes.

Saturday at 9 a.m., they open Z Mart Discount Department Store, 1100 NW 54th St., with a back-to-school sale, and hope their struggle pays off. The store means about 70 jobs to the community and an investment of $1.7 million.

"There were points we thought it might not open at the time we thought it would happen. I don't think there was ever a time we thought it wouldn't happen ever," said Howze, the president.

Howze, Kilby and Donaldson all served as managers at the site during the years. Donaldson was the manager who closed the store when bankrupt Ames shut down its Florida operations.

Z Mart was financed through loans from the city, Miami Capital Development and private lenders including Barnett Bank. The process took the partners from the Miami City Commission to a New York bankruptcy court.

"To me, it can't miss," said Miami Mayor Xavier Suarez. "I think they're going to have magnificent success. I plan to do my shopping there for preschool."

The store's interior is alive with color, from the bold red, yellow and green stripes along the walls to the African designs and neon on the clothes racks.

By design, many of the dolls, greeting cards and framed posters showcase black faces, including a print of The Last Supper with a dark-skinned Jesus and disciples. The store also offers stationery, automotive supplies, housewares, shoes, hosiery, tools and a host of other items.

Separate vendors will run a T-shirt shop, snack bar, jewelry booth and electronics booth starting Saturday. Howze said a pharmacy will open soon.

"Inner cities are the only areas left for economic development in this country," Howze said.

One supplier is Prentice Rasheed, whose African fashion and jewelry store has been struggling on Northwest Seventh Avenue. Miranda Albury, a senior business developer for the city, said a store like Z Mart and a merchant like Rasheed are a perfect match.

"When one person moves up the ladder, you can sort of reach back and pull somebody else up," Albury said. "It's not just three black entrepreneurs who are into themselves. It's three black entrepreneurs who are concerned with not only being role models, but reaching back to help other black entrepreneurs to grow."

Most of the jobs at Z Mart have been filled, and Cheryl Eaton was one of the lucky ones. She left a job at the Ames store last year because of rumors it would close. Last month, she was laid off from a data processing job. Now, the single mother of two has been hired as a Z Mart service desk representative.

Eaton lives close enough to walk to work. She said it's a relief to be able to bring home a paycheck to son Swain, 6, and daughter Sakinah, 5.

"The best thing about here, this business is owned by black people. I thing I'm going to enjoy working here. I think it's going to be all right," Eaton said.

I am pleased to pay tribute to these entrepreneurs by reprinting this article from the Miami Herald. Their story is typical of the many entrepreneurs who made sacrifices to make their dreams a reality, and help make America what it is today.

UNITED STATES MAY BE LOSING JOBS, BUT PUERTO RICO IS NOT THE ENEMY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. FUSTER. Mr. Speaker, time and again I have pointed out to my colleagues that the federally sanctioned tax exemption benefits granted to Puerto Rico under section 936 of the Internal Revenue Code have greatly benefited the island's economic growth and have not—as critics claim—caused a mass exodus of jobs from the United States mainland to Puerto Rico. Indeed, internal regulation of the Puerto Rico Government discourage so-called "runaway plants" to relocate from the mainland to Puerto Rico in an attempt to qualify for section 936 benefits.

Thus, Mr. Speaker, during the recess I found it interesting to read an instructive article in a reputable U.S. mainland business newspaper, The Journal of Commerce, which was appropriately headlined, "Puerto Rico Is Not the Enemy." The article was written by Mr. Everett H. Trop.

Because there is much food for thought in this article, Mr. Speaker, I commend it to my colleagues today, particularly those who would misguidedly attempt to legislate against section 936 and Puerto Rico simply because jobs are being lost in their districts. The article, which appeared in the August 15, 1991 edition of The Journal of Commerce, appears below:

[From the Journal of Commerce, Aug. 15, 1991]

PUERTO RICO IS NOT THE ENEMY

(By Everett H. Trop)

SAN JUAN, PUERTO RICO—Puerto Rico has become a favorite, but undeserving target of U.S. congressmen and labor interests looking for someone to blame for the decline in manufacturing jobs in the United States. At the center of the concern is section 936 of the U.S. tax code, which exempts U.S. companies from paying federal income taxes on their earnings from operations in Puerto Rico. That program, say critics, has succeeded in luring important manufacturing concerns and badly needed jobs away from the mainland United States.

The latest congressional attempt to hamstring the section 936 program—a bill introduced in June by Rep. Fortney Start, D-Calif.—belongs on the ash heap of misguided legislation. The bill would bar companies from applying for section 936 benefits unless they could prove their presence in Puerto Rico would not cost the U.S. mainland jobs.

Placing this burden on companies, in effect, discouraging companies from relocating in Puerto Rico, would be more than just a blow to the Puerto Rican economy, which depends on section 936 for thousands of jobs. It also would stunt the growth of a Caribbean development program administered by Puerto Rico with section 936 funds. Subsidiaries of U.S. companies on the island are eligible for section 936 tax benefits as long as they bank their profits there. Puerto Rico can use these funds to provide low-interest loans to its Caribbean neighbors for manufacturing and development projects.

Rep. Stark's bill came as no surprise. The United States is experiencing a recession; unemployment is high. Lawmakers' constituents are hurting. Puerto Rico, a commonwealth with no power in Congress, makes a convenient scapegoat.

General ignorance makes it even easier to pick on the island. Most Americans (even many congressmen) if they know where Puerto Rico is at all, don't know that labor costs there are almost the same as in most states. Nor are they aware that Puerto Ricans are U.S. citizens.

Some other facts: the island has chronic unemployment of about 30%, with an official rate of about 16%—the other 14% represents people who are so discouraged they've given up even looking. Per capita income is one-half that of Mississippi and one-third the national average.

Puerto Rico must import most of its goods from the mainland at maximum shipping rates. The Jones Act, the 71-year-old maritime act reserving shipping between U.S. ports to American-owned vessels, ensures that everything costs more in Puerto Rico, including the raw materials used by factories on the island. Virtually all raw materials are imported, and virtually all manufactured goods are exported, and in U.S.-flag vessels costing top dollar.

Hourly wages on the island are a little lower than on the mainland, but mandatory fringe benefits are much higher, so labor costs are very close to mainland costs. As bad as red tape is in the states, it is worse in Puerto Rico.

The only significant inducement for manufacturers to locate in Puerto Rico is the combination of Section 936 federal tax benefits and the island's own tax incentives.

That has become even more true since the Caribbean Basin Initiative has weakened the advantage of Puerto Rico's presence within the U.S. marketplace by eliminating tariffs on many Caribbean products. These goods are produced in countries with wages of $2.50 and $3 a day, compared with wages of $7 to $15 an hour and up in Puerto Rico and the states.

U.S. manufacturing jobs have been in a long decline, but that is not Puerto Rico's fault. There are less than 200,000 employed in manufacturing in Puerto Rico, which isn't even a small dent in the stateside employment picture. Most jobs have been relocated to foreign countries where wages are very low.

Puerto Rico poses no threat to the industries suffering most in the United States. There are no auto manufacturers in Puerto Rico. No one makes TV sets or VCRs or camcorders in Puerto Rico. No aircraft or washing machines or refrigerators or air conditioners are produced on a large scale there. The island does not produce steel or other metals. It has no petroleum, and its attempts to build a petrochemical industry died with $3-a-barrel imported oil 18 years ago.

The vast majority of manufacturing jobs lost on the mainland have been lost to foreign countries. Every job that moves from a state to Puerto Rico is actually a job saved for the United States, of which Puerto Rico is a part.

U.S. labor has consistently opposed allowing Puerto Rico to have lower minimum wages than the states. In the old days, the International Ladies' Garment Workers Union was among the most powerful voices. Now much of the textile and shoe industries are in distant lands with extremely low wages.

If the Oil, Chemical Workers and Atomic Workers International Union has its way, thousands of U.S. jobs may fall by the wayside. The OCA-WIU is angered by the closing of American Home Products pharmaceutical plant in Elkhart, Indiana this year—a plant with the same product line as a two-year old Puerto Rico facility. The announcement last summer of the proposed closing led to another bill similar to the Stark proposal introduced by then-Rep. John P. Hiller, R-Ind.

If Congress wants to prevent the loss of manufacturing jobs in the United States, it had better look to other remedies. Every dollar spent in basic research and development by the federal government has yielded between $1,000 and $10,000 in benefits to the U.S. economy. Incentives should be provided for the renewal of the rust belt. Restoring the 7% tax credit for investment in a new plant and equipment would be a good place to start.

Discouraging companies from moving to Puerto Rico hurts American citizens who need the jobs and it will succeed only in driving those jobs overseas.

JUDGE ABNER MIKVA ON PRESIDENTIAL DEBATES

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PENNY. Mr. Speaker, in February, I introduced legislation, H.R. 791, that will institutionalize debates in Presidential campaigns, and will help to rekindle dwindling voter participation and interest in our elections.

The Democracy in Presidential Debates Act has three essential parts. First, it requires all candidates who receive primary matching funds, should they win the nomination of their party, to participate in at least two Presidential general election debates. Second, the legislation requires the sponsor of that debate to be a nonpartisan entity, thereby guaranteeing that the format of the debates will be in the voters' interests, not the candidates' interests. Third, the legislation sets objective criteria for the inclusion of significant national independent and minor party candidates. Historically, such candidates have been fertile sources of new ideas and new programs, and provide opportunities for the American public to enter into a diverse and open dialog on the critical issues of the day. These candidates often represent views held by large segments of the disenfranchised of our population, and their inclusion will surely stimulate discussion of substantive issues.

On June 14, the District of Columbia Circuit, in a split decision, ruled that Dr. Lenora Fulani lacked standing to challenge the tax-exempt status of the Commission on Presidential Debates. While Dr. Fulani, a 1988 Presidential candidate lost that decision, Judge Abner Mikva's dissent is a rousing defense of democratic principles. I am attaching an edited version of Judge Mikva's decision for all our colleagues, Mr. Speaker, to review.

In the spirit of democracy and the need to expand the franchise and empower voters, I urge Members to consider the Democracy in Presidential Debates Act—which is vitally needed to empower a very cynical electorate.

[U.S. Court of Appeals for the D.C. Circuit]

FULANI VERSUS COMMISSION ON PRESIDENTIAL DEBATES

(Mikva: Chief Judge, dissenting opinion:)

I.

Under Federal Election Commission ("FEC") regulations, only media organizations and non-partisan, tax-exempt organizations may stage debates between candidates for federal office. *See* 11 C.F.R. §110.13 (1991). With this in mind, the Democratic and Republican National Committees orchestrated establishment of the Commission on Presidential Debates (the "Commission"), a private, non-profit corporation dedicated to sponsoring and publicizing debates between contenders for the Presidency and Vice-Presidency of the United States.

Dr. Lenora Fulani, a candidate for President in the 1988 election, sought inclusion in debates sponsored by the Commission. Her campaign committee informed the commission that Fulani was constitutionally eligible to serve as President, that she "fully expect[ed] to be listed on the general election ballots of all 50 states" (as in fact she was), and that she had qualified for federal primary matching funds. Letter from Gary Sinawski to Frank J. Fahrenkopf, Jr. and Paul G. Kirk, Jr. (Aug. 5, 1988). After exchanges of correspondence, the Commission denied Fulani's request, citing its policy of inviting only candidates "with a realistic chance of being elected" to the Presidency or Vice-Presidency, whatever their party affiliation. Letter from Janet H. Brown to Gary Sinawski (Sept. 19, 1988).

Dr. Fulani, her campaign organization, and a supporter (collectively, "Fulani") then filed suit against the Secretary of the Treasury and the Commissioner of the Internal Revenue Service ("IRS"), seeking relief including an order requiring the defendants to revoke the Commission's tax exemption under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. §501(c)(3) (1988). They alleged that the federal defendants' failure to revoke the Commission's tax exemption constituted unconstitutional discrimination against Fulani based on her race and political affiliation.[ ]

II.

Fulani's allegations were set out most clearly in an affidavit sworn prior to the 1988 election by Fred Newman, Fulani's campaign manager. Newman averred that Fulani's candidacy "presents the Black community (as well as other disenfranchised population sectors) an historic opportunity to exert power in national politics by becoming a swing vote that can determine the outcome of the election." Moreover, he asserted that the presidential debates "confer legitimacy, credibility, [and] recognition" on candidates and their ideas. Thus:

"By excluding Dr. Fulani from debates reserved for the major party candidates, the Commission profoundly undermines her credibility with an electorate which has not been equipped to comprehend why she does not appear alongside the other two national presidential candidates on national television. Her absence from these forums casts doubt on her veracity."

For standing purposes, this court must accept each of these allegations as true. *Warth v. Seldin*, 422 U.S. 490, 501 (1975). So taken, Fulani's allegations will support a finding of Article III standing only if they demonstrate "personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *Allen v. Wright*, 468 U.S. 737, 751 (1984). When read fairly and in light of guiding precedents, they meet this test.

A. Injury

Although the majority does not dispute the constitutional sufficiency of Fulani's alleged injury, it fails to fully comprehend the nature of this injury, and consequently errs in later aspects of its standing analysis. For this reason, I address the injury question in some detail.

Fulani does *not* assert that she could have won the 1988 election if she had participated in the presidential debates. Instead, she claims 1) that her credibility as a 'spoiler' and public advocate was undermined by the Commission's refusal to invite her, and 2) that allowing then-Vice President Bush and Governor Dukakis to debate alone boosted their campaigns in comparison to hers.

It follows from Fulani's allegations that whatever advantage major-party candidates have going into two-candidate presidential debates is exaggerated by the debates themselves, and that such debates disadvantage minor-party candidates. *See Johnson v. FCC*, 829 F.2d 157, 165 (D.C. Cir. 1987) (inclusion of Citizens Party presidential and vice-presidential candidates in televised debates "undoubtedly would have benefited their campaign")[ ] This disadvantage constitutes sufficient injury to support a finding of standing. See League of Women Voters, 882 F.2d at 626 ("[T]he loss of competitive advantage flowing from the League's exclusion of Fulani from the national debates constitutes sufficient 'injury' for standing purposes, because such loss palpably impaired Fulani's ability to compete on an equal footing with other significant presidential candidates.") cf. Anderson v. Celebrezze, 460 U.S. 780, 792 (1983) (cognizable harm of early candidate filing deadline is that "[v]olunteers are more difficult to recruit and retain, media publicity and campaign contributions are more difficult to secure, and voters are less interested in the campaign.")[ ]

Dr. Fulani's core allegation is that she will be unlawfully burdened in seeking to make her political message known, while the Democratic and Republican candidates for President would be advantaged in advancing their rival political views. Whatever the merits of Fulani's claim, it suggests restriction of "classically political speech," and so goes to the core of the First Amendment.[ ]

B. Traceability

The majority holds that the link between the federal defendants' refusal to revoke the Commission's tax-exempt status and Fulani's political disadvantage is too speculative to make her injury "fairly traceable" to the defendants' failure to act.[ ]

The presence of intervening actors in a chain of events that leads from the alleged legal violation to the alleged harm will not necessarily defeat standing. [ ] Rather, causation has been found lacking only where "multiple, tenuous links" connect the challenged conduct and the asserted injury.[ ]

The paradigmatic case is Allen v. Wright, where the Supreme Court found a chain of causation between the federal tax-exempt status of racially discriminatory private schools and integration of public schools to be "attenuated at best." 468 U.S. at 757.

Establishing a causal nexus between the Commission's tax exemption and Fulani's injury requires no similar guesswork. The Commission's tax exemption enabled it to sponsor presidential debates, see 11 C.F.R. §110.13, and the Commission had pledged to do so. If those debates went forward as head-to-head affairs, Fulani alleged, the media would focus public attention on the Bush and Dukakis candidacies, thereby setting back her campaign. Only two links in the causal chain between federal tax policy and Fulani's injury are even arguably uncertain: Fulani's claims that 1) barring judicial intervention, the media would cover Bush-Dukakis debates without publicizing Fulani's campaign in an equivalent way, and 2) voters would respond by discounting Fulani's campaign. But media coverage has focused public attention on similar debates at least since 1960, *see* Commission on National Elections, Electing the President: A Program for Reform 41–43 (April 1986), and this court has already acknowledged that television debates allow candidates who appear in them "to gain publicity and credibility with the citizenry," thereby benefitting their campaigns, *see Johnson* v. *FCC*, 829 F.2d at 164, 165.

C. Redressability

The final question with regard to constitutional standing requirements is whether or not there is a "substantial likelihood" that Fulani's injury would be redressed by a favorable decision on the merits. *See Duke Power*, 438 U.S. at 75 n.20. The majority holds that there is not, arguing that the Commission "might decline to sponsor presidential debates altogether" if faced with alternatives of opening its debates to more candidates or losing its tax exemption. *See* Maj. Op. at 9–10, 12–13.

The majority's first concern cannot afford a basis for denying standing. Failing to take legally binding federal regulations as a given when evaluating redressability flies in the face of the Supreme Court's instruction that a party seeking to invoke federal jurisdiction need not negate all "speculative and hypothetical possibilities" that might frustrate the effectiveness of judicial relief. *Duke Power Co.*, 438 U.S. at 78.[ ]

Taken to its logical end, moreover, the majority's approach would preclude *any* suit to force compliance with a statute or administrative regulation. Because Congress or an administrative agency *might* alter any federal mandate, it is always speculative that legislative or regulatory action will not preempt a judicial declaration or law. For example, a case might be mooted by legislative enactments prior to judgment, or Congress might overturn a particular court decision by statute. However, real or ethereal in a given instance, such possibilities have never precluded Article III jurisdiction in the past; they cannot do so now.

IV.

The problems of conducting national elections through the electronic media have become nigh impossible to solve. The "simple" difficulty of reaching voters, the more complicated difficulty of substantively informing them, and the need for huge sums to fund such communications all drive an engine of chaos in the national campaign regimen. Congress and the courts have struggled with this urgent matter, often with frustration. See, e.g. Buckley v. Valeo, 424 U.S. 1 (1976). But whatever its proper role in correcting imbalances and imperfections in the status quo, government certainly must not abandon its posture of nonpartisanship. The government of any democracy, let alone one shaped by the values of our Constitution's First Amendment, must avoid tilting the electoral playing field, lest the democracy itself become tarnished.

The majority's decision precludes judicial inquiry into allegations that the field has been tilted in favor of the major political parties, and seems to rationalize its result by dismissing Dr. Fulani's candidacy as mere grandstanding. Yet the First Amendment requires government neutrality regardless of candidates' supposed motives. I therefore dissent from a decision that insulates from review federal complicity in keeping minor political parties off the national stage.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from the Fifth Congressional District of Illinois who has completed a majcr goal in his Scouting career. On April 13, 1991, in Chicago, IL, Randy Sheehan was honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Randy has earned many badges and awards including the Arrow of Light, the highest award that can be earned by a Webelos Scout. In addition, he has demonstrated strong leadership abilities within his troop. For example, Randy has held various positions including troop historian, patrol leader, assistant senior patrol leader, and senior patrol leader. This young man has clearly earned his rank and deserves special recognition.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask you, my fellow colleagues, to join me in honoring Randy Sheehan for attaining the highest honor in Scouting—the rank of Eagle. Let us wish him the very best in all of his endeavors.

FATHER MAURICE VAN ACKEREN: 40 YEARS OF EXCELLENCE IN JESUIT EDUCATION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. WHEAT. Mr. Speaker, Today I am proud to bring to the attention of my colleagues in the U.S. House of Representatives the outstanding contributions made to Jesuit education in the greater Kansas City, MI area by Father Maurice Van Ackeren, a devoted educator and beloved priest.

On September 13, 1991, Father Van Ackeren's friends and coworkers will gather to celebrate his 80th birthday and his 40th anniversary at Rockhurst College, the premier Jesuit institution of higher learning in our region. At that time, faculty and alumni of the college's sister academy, Rockhurst High School will present "Father Van" with the first ever "Honorary Alumnus" award for his enduring contributions to their institution.

While his career at Rockhurst spans four decades, his ties to Jesuit education date back even farther, to his days at Creighton Prep High School and Creighton University in Omaha. There he honed his considerable leadership skills, which he exhibited both in the classroom and on the athletic field—and would later bring into play on behalf of Rockhurst.

Foregoing opportunities to play professional baseball upon graduation from Creighton in 1932, Father Van opted instead to enter the Jesuit Seminary. Following his ordination, he completed postgraduate studies in education and embarked on his academic career, taking a job as principal of St. Louis University High School in 1946.

The "Father Van era" at Rockhurst began in 1951, when he came to Kansas City as the ninth President of Rockhurst College. Under his dynamic leadership, the horizons of the college have continued to expand, both in terms of student enrollment and physical facilities.

During his tenure as President, he was a guiding force in the founding of the Greenlease Memorial Campus for Rockhurst High School and presided over the landmark transformation of the College from an all-male to a coeducational institution.

Since assuming the position of chancellor in 1977, Father Van has been widely recognized for his skills in promoting Rockhurst College and his enthusiastic involvement in a wide range of worthy causes.

Whether as an original founder of the Kansas City Junior Achievement Program or as president of the Kansas City Regional Council for Higher Education, Father Van has consistently dedicated his boundless energies to the betterment of those around him.

His achievements have won accolades from a diverse cross-section of our community—from the Hyman Brand Hebrew Academy and the Rotary Foundation, to the Chamber of Commerce and the Church of Jesus Christ of Latter Day Saints. In 1968, the Catholic Church bestowed on him one of its highest honors when it invested him as a Knight of the Holy Sepulchre.

Today, in marking two milestones in the life of this remarkable man, we go beyond the honorary to celebrate the legendary achievments of Father Van.

Therefore, it is with great admiration and appreciation that I salute the termendous contributions made by Father Van to the Rockhurst community and to the people of the greater Kanasas City area.

On this special day, I am proud to join Father Van's friends and colleagues in honoring his 40 years of commitment to Rockhurst and pleased to wish him a very happy 80th birthday.

ARIZONA SHOWS THE WAY FOR HEALTH CARE REFORM

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. KOLBE. Mr. Speaker, in the wake of the current national focus on the state of the American health care system, innovative pro-

grams operating in Arizona have recently received national attention. These programs are truly progressive and are proving to be successful. As Congress examines the proposed solutions for national health care reform, progress already made at the State level needs to be closely examined. I would like to submit for the record two articles from national publications that examine Arizona's solution to improving access to health care while holding down costs.

LATE STARTER IN MEDICAID, ARIZONA SHOWS THE WAY

(By Erik Eckholm)

TUCSON, Az.—When Sandra Bejarano's 7-year-old son, Santiago, had headaches and a fever on a recent morning, she took him to their family doctor at an attractive midtown clinic. The doctor took a blood count, and though he suspected a routine viral infection he had them return the next day for another test, just to make sure.

For most Americans, an ordinary medical encounter. And that is what was so exceptional: Ms. Bejarano, who is 28 and unemployed, and her two sons are patients in Arizona's version of Medicaid, the Federal-state medical program for poor people.

SHARING A GIANT MANAGER

In much of the country, patients like Ms. Bejarano and her sons would be left to seek treatment in shoddy "Medicaid mills" or, at great public expense, in overcrowded emergency rooms. Disgusted with paltry reimbursement, many doctors even refuse to see Medicaid patients.

In Arizona, things are different. Known for year as a contrary holdout, the only state without Medicaid, Arizona belatedly started a program in 1982 that has become a model.

As in other states, Medicaid here covers only the very poor, excluding many people who still cannot afford health insurance. But for those who are included, the program, unlike others, is run like a giant health maintenance organization. Every patient joins a "managed care" plan, a group of doctors and hospitals that receives a fixed monthly sum for each patient. Every patient has a personal doctor.

The medical care is mainstream. Patients are happy, doctors are happy and costs per patient are about 5 percent lower than in other states where the quality of care is often worse.

"It may save a little money, but more important, they are getting something worthwhile for what they are spending," said Gail Wilensky, head of the Federal Health Care Financing Administration in Washington. Her agency, which pays just over half of Medicaid bills here and nationwide, hopes to see much wider use of managed care.

Managed care also has a central place in proposals being considered in Washington to greatly expand Medicaid, making health insurance available to more of the 34 million Americans who now lack it. So far, several other states have experimented with HMO's or similar managed-care plans for a portion of their Medicaid clients, and some, including New York, hope to adopt them on a large scale. But Arizona's is the only program entirely run on that basis.

Arizona has some advantages. Health maintenance organizations are well entrenched in the private sector, and doctors and patients are accustomed to them. And Arizona does not suffer the extremes of drug addiction, homelessness and AIDS that are battering health systems in some of the large cities.

But there are plenty of poor people—poorly paid or unemployed workers in the dominant cities of Phoenix and Tucson, farmworkers and many other residents scattered throughout the vast countryside, from the cactus lands of the South to the canyon country of the North. The biggest complaint about the Medicaid program is that too few people are included.

"It's great," said Ms. Bejarano, who entered the program when she was pregnant with Santiago. She selected her health group, run by doctors at the University of Arizona, over competing plans with clinics nearer her southside home because, she said, she liked it better.

A DOCTOR THEY CAN COUNT ON

"These are people who formerly had very fragmented care, in county hospitals or wherever else they could find it," said Dr. Barry D. Weiss, Ms. Bejarano's primary physician. "Now they have a doctor they can count on."

Ms. Bejarano says of Dr. Weiss, "He's my one and only." She sees him every six months for a routine checkup and brings her sons once a year and when they are sick. She pays a dollar a visit, nothing for children's checkups or for most prescriptions.

For a monthly fee prepaid by the state, the medical groups provide all care, including hospital and preventive services like immunizations. The fees average around $100 a month for younger patients and more than $250 for patients with high odds of serious illness.

The groups, in turn, pay their doctors fees that average about 60 percent to 80 percent of what they receive from their private patients. The terms are attractive enough that more than half the state's doctors participate, and the proportion is rising.

"We are delighted with the program, especially when we hear our colleagues in other states talk about Medicaid," said Dr. Thomas F. Griffin, who runs a family practice in Douglas, on the Mexican border in southeastern Arizona.

EXPENSIVE, BUT LESS SO

Because payments are preset, doctors have no incentive to offer excess services. At the same time, close monitoring by the state has deterred profiteering by scrimping on needed care.

Even after allowing for high administrative costs, net expenses per patient are about 5 percent lower than in conventional Medicaid programs, in which doctors are reimbursed for each service they perform, studies have found.

And from 1987 to 1989, the cost of medical services per patient in Arizona grew by only 9 percent, as against 17 percent in other states with similar profiles, according to a new study for the Federal Government by Laguna Research Associates, a California consulting business.

"Yes, health care is expensive, but at least I can say with a straight face that this is the most cost-effective system in the country today," said Dr. Leonard J. Kirschner, director of the Arizona program. Still, the state's contribution now soaks up 11 percent of the state budget, and counties are required to contribute too, provoking inevitable grumbling about rising costs.

MANY LACK CARE

Long-term care of needy elderly and disabled people, offered by this program only since 1989, will soon account for more than one-third of the Medicaid budget, as it does in other states. But here, too, Arizona is taking a different tack. "Case managers" receive fixed fees to provide both medical and long-term care, and efforts are made to support patients at home or in community centers rather than nursing homes.

Ms. Bejarano and her children are among the 377,000 Arizonans enrolled in the medical plan, 10 percent of the state population, including 1 in 3 pregnant women. Reflecting the state's ethnic diversity and its large Mexican-American population, more than half the patients are Hispanic, black or American Indian, with care of the latter shared with the Indian Health Service.

Advocates for the poor say that the program is good as far as it goes, but that too many needy people are excluded.

Slightly surpassing the national standard set by Congress, the program serves pregnant women and infants in families with incomes up to 40 percent above the poverty line. Apart from pregnant women, most families cannot qualify if they have annual incomes more than 32 percent of the Federal poverty level, which is $11,140 for a family of three. The average cutoff around the country is 45 percent of the poverty line.

Because of the stringent eligibility rules and a depressed economy, the proportion of Arizonans without health insurance approaches 20 percent, Dr. Kirschner said, above the 14 percent national average. One result, despite the expanding of Medicaid coverage of pregnant women, has been a worsening statewide record of prenatal care in the 1980's.

The pioneering Arizona program was born of an intense antipathy to Medicaid, which was created by Congress in the 1960's. In an example of the defiant, go-it-alone streak that runs through politics here, Arizonans preferred to avoid the Federal strings that accompany Federal dollars, and boasted of being the only state to forgo Medicaid. Indigent care was left to the counties, which performed anywhere from decently to dismally.

In the early 1980's local funds ran out, and Arizona decided at last to seek Federal aid. But legislators were determined to create their own model, and being last held an advantage: they could learn from other state's miserable experiences.

With a special Federal waiver, Arizona began the program as a "demonstration project" in 1982. Even its name was a political statement, a homage to fiscal conservatism: the Arizona Health Care Cost Containment System (AHCCCS, pronounced "access").

THE PAYOFF OF GOOD CARE

Given only a few months to start up, and with management placed in the hands of a private company, the program was nearly stillborn. In 1984, amid a sandstorm of lawsuits, bankruptcies and fraud charges, state officials took over, and by all accounts it now runs smoothly.

Grateful enthusiasm like Ms. Bejarano's is not unusual: surveys carried out by the Flinn Foundation, a Phoenix philanthropy, have found high satisfaction among patients. Then too, many doctors realized that with their payments fixed, providing good basic care pays off over time.

"When we have a child, it really behooves us to do a good job, so the patient doesn't end up in the hospital," said Dr. Sant Singh Khalsa, a Tucson pediatrician in solo practice who sees many Medicaid patients.

Dr. Griffin, in the border town of Douglas, says he and his partners, as well as their patients, are already reaping benefits from the primary care that has become more widely available through the program.

CARING FOR AN ENTIRE TOWN

Their single clinic serves nearly all the 25,000 residents predominantly Mexican-American, of Douglas and surrounding ranchland. With the nearby copper smelter shut down jobs are scarce, and so is private medical insurance. But about 30 percent of patients are enrolled in Medicaid, Dr. Griffin said, easing the task of preventive care.

In the last five years, Dr. Griffin said, the local rate of premature births has been cut in half. "The population we serve is not as sick as it was six years ago," he said.

The best and worst faces of the Arizona health system are reflected in the experience of Gary Tawney, a 31-year-old Tucson man. His job with a furniture maker offered no health benefits, and for the last several years he coped with serious asthma by taking what over-the-counter drugs he could afford. Then this year he became seriously ill with pericarditis, an inflammation of tissue around the heart.

Unable to pay monstrous hospital bills, he was quickly enrolled in the Medicaid program, which has seen him through his illness with quality care—"Thank God," he says. Visiting the University clinic recently, a portable intravenous line feeding antibiotics into his arm, he wondered about the future. "I hope I'll feel well enough to go back to work," he said. But once he makes more than $3,200 a year, he will rejoin the ranks of the uninsured.

[From U.S. News & World Report, Aug. 22, 1991]

REAL HEALTH-CARE FIXES

(By Joseph P. Shapiro)

When Lyndon Johnson signed the last major health-care-reform law in 1965, the received wisdom of the time was that all great change in the system would originate in Washington and that the states were bit players. That was the assumption underlying the creation of Medicare, the federal program for the elderly that helped pull them out of poverty, and Medicaid, a state-administered program for the poor that the law's sponsors thought would never amount to much. A generation later, health care is back at the top of the political agenda, but the 70-plus proposals already circulating that urge a strong role for Washington in helping the poor and the uninsured are unlikely to go anywhere soon. Powerful lobbies for doctors, hospitals, insurance companies, unions and business are all in disagreement.

Ironically, the real innovators are the states, which this week are trying to showcase some of their most ambitious programs at the National Governors' Association meeting in Seattle. The experimentation is driven in part by concern for those left out of the current system but largely by necessity. Medicaid, the little afterthought that Johnson did not even mention when he signed his law, has become the monster that devours state budgets, rising at the explosive clip of 25 percent this year. Governors hope their innovations can be the core of a radically revamped universal-health-care system. But any health-care reform is difficult when applied on a national scale. The reasons become clear in looking at some of the state innovations that have gained the most attention.

HAWAII: Health insurance for all. To ensure its profitability, the insurance industry has tried to cover the healthiest and weed out those who need the most-expensive care—especially those with "pre-existing" medical conditions, including deadly diseases like AIDS and cancer and more manageable problems like diabetes and hypertension. Hawaii is the only state to try to keep the promise of insurance for all by requiring every employer to provide health insurance to workers. For 17 years, Hawaii has told employers to offer a minimum health-care package to anyone working at least 20 hours a week. As a result, fewer than 5 percent of Hawaii's 1.1 million residents go without insurance—a far smaller "gap group" than the nationwide total of 16 percent. A state-subsidized universal health plan, started in 1990, gave coverage to most of the rest, including the self-employed, seasonal agricultural workers and those working on commission.

All this had made a huge difference to people like Dennis. He tested HIV-positive in 1989 and since then has taken costly preventive treatments against the viral infections and pneumonia that come with AIDS. Unlike many others with HIV, Dennis never worried about losing his employer-supported insurance. The generous policy has picked up most of his bills, even paying all but $7 of his $130 monthly prescription for the drug AZT. When Dennis quit his job this year, he was still covered when he took a new one. In every other state, such a switch would have meant almost certain loss of coverage. "It gives me a little more of a hopeful feeling," he says.

Many are touting Hawaii as the future of health care. Dr. John Lewin, the state's health director, notes that Hawaii has the nation's greatest longevity rate and says its plan is an "American-style solution" that provides insurance through the workplace, instead of a "socialistic" national health system. But exporting the Hawaiian plan to the mainland will not be easy. Would a business relocate to a neighboring state without such an expensive requirement? Would the uninsured move across the border to a state with mandatory insurance? Hawaii, in the middle of the Pacific Ocean, never faced those problems.

The biggest barriers, however, are laws and money. A 1974 federal law, the Employee Retirement Income Security Act, bars states from regulating companies that have self-insured health plans—which cover 56 percent of American workers. Congress exempted Hawaii, which had already created its insurance program. But Massachusetts, unable to get the exemption in 1988, approved a similar but less ambitious program. Passed under Gov. Michael Dukakis, the expanded-coverage experiment is now blocked by Massachusetts's new governor, William Weld, who says the fiscally troubled state cannot afford its high start-up costs. Such universal access plans—including the Senate's leading Democratic proposal, by Majority Leader George Mitchell and Edward Kennedy, which requires an employer to offer health insurance or pay into a public program for the uninsured—carry high price tags that make them look politically unfeasible.

OREGON: Serving more, promising less. As an emergency room doctor in Oregon's timber country, John Kitzhaber often saw poor patients wait to the last minute to see a doctor when pregnant or even sick with a curable cancer. They could not afford private insurance but did not qualify for Medicaid. As president of the Oregon State Senate, Kitzhaber knew that the state's Medicaid costs were a "Pac-Man" eating up the state budget. So to stretch the state's limited resources, Kitzhaber proposed the nation's first rationing scheme.

On June 30, Oregon's legislature funded Kitzhaber's plan to give Medicaid coverage to an additional 120,000 poor residents. Anyone under the poverty line—regardless of age, sex or family status—will get coverage for such basic benefits as visits to a physician and medication. To allow for the expansion, Medicaid for the first time will refuse to pay for some high-cost, low-benefit procedures. After a series of statewide town meetings, 709 procedures and treatments were ranked. The legislature funded the first 587. Medicaid recipients will no longer get disk surgery (No. 588)—or treatments for the common cold (No. 695), which can't be treated by doctors anyway.

"Oregon is only doing what everyone else is thinking but has been afraid to say publicly," says Sara Watson of the Washington Business Group on Health. In fact, Democratic Rep. Ron Wyden argues, there is already "implicit rationing" in the country. Medicaid, for example, helps women with infants and small children but not single men, poor couples or women with older children. Still, critics raise a moral objection. Why should the rich have unlimited access to care while only the poor face stated limits? Sara Rosenbaum of the Children's Defense Fund in Washington, D.C., complains that Oregon's cuts fall unfairly on the poorest women and children, since the elderly, blind and disabled, who account for 70 percent of Medicaid expenditures, are exempted from the rationing scheme.

Oregon's legislature increased Medicaid spending by $33 million to pay for the program and other reforms, including tax benefits to businesses that guarantee health insurance to their workers. The state hopes to have its full plan in effect by next July. But it must first win approval from Congress and the Bush administration. Rep. Henry Waxman of California, a key lawmaker on health policy, is skeptical. He worries that Oregon's example will start an avalanche in which other states will also make massive cutbacks in health services for the poor.

ARIZONA: Managing the cost of care. When it came to providing health care to its citizens, Arizona was a backwater. It was the last state in the union to join the Medicaid program, jumping in only after skyrocketing medical costs forced it in 1982 to accept the federal funds. But because Arizona entered two decades after most states, it also was able to learn from the mistakes of others. If Medicaid were to be reinvented today, it would look a lot like Arizona's program.

The state's primary innovation is its network of managed care. The Arizona Health Care Cost Containment System (AHCCCS, pronounced access), works like a health maintenance organization. The state negotiates fees with doctors in advance. Since the doctor's income is prepaid, he has an incentive not to refer clients for unneeded tests and procedures. Arizona's managed care imitates what is now the hottest concept in the private sector. Some 40 percent of workers in company health plans are currently in HMOs or some sort of managed care. An independent survey, notes AHCCCS Director Dr. Leonard Kirschner, found the program cut health-care costs by 7 percent. Other states are trying similar experiments but face resistance. It is easier to start off with managed care than to persuade doctors to abandon the traditional fee-for-service payment, which does not limit their moneymaking power.

Additionally, Arizona has ended the two-tier system of care for rich and poor. The state sends Medicaid clients to private doctors and hospitals, instead of to "Medicaid mills" and separate clinics for the poor.

When Laurie Valverde's husband died unexpectedly of a heart attack in January—and the family lost its private insurance—she was able to keep taking her children to their regular health clinic run by private St. Joseph's Hospital in Phoenix because the hospital had agreed to be part of the state's program. Also, people in need of long-term care, like quadriplegic James Gilland, are encouraged to live at home rather than in expensive nursing homes. From his Tucson living room, he told visiting Gail Wilensky, director of the federal agency that runs Medicaid, how the state saves hundreds of dollars a month by paying for an attendant to help him eat and get dressed rather than reimbursing the cost of a nursing home.

Critics of state experiments note that plans like those in Arizona, Oregon and Hawaii go in conflicting directions and could make it harder to enact one federal reform like nationalized health insurance. But Washington Gov. Booth Gardner, chairman of the National Governors' Association, says there is no single solution. It will be state experiments, he says, not national programs in Canada or Great Britain, that will be Washington's models when it takes up health-care-system reform in earnest.

THE FINGERPRINT MIRROR: NEW TOOL TO PREVENT FRAUD

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. DURBIN. Mr. Speaker, I rise today to commend Mr. David Reardon of Springfield, IL, the inventor of the Fingerprint Mirror™. Mr. Reardon has combined a mirror, adhesive, and cellophane tape to create a simple device that may prove to be a very effective tool in criminal detection and enforcement, and I applaud his ingenuity and enthusiasm.

Mr. Reardon's Fingerprint Mirror™ was recently honored by selection for display at the U.S. Patent Office's National Inventors Expo '91. This annual exhibition serves as a tribute to the ingenuity of American inventors. As 1 of the 66 displays, the Fingerprint Mirror™ was picked as one of the Nation's most promising new inventions.

As with many of our most successful inventions, this simple device leaves one wondering why no one ever thought of this idea before. The easy-to-use Fingerprint Mirror™ may be used wherever a signature is useful in establishing a person's identity. If a signature on a document is ever called into question, the print encoded on the Fingerprint Mirror™ can be readily examined for proof of identity. The Fingerprint Mirror™ may be attached individually or to mass-produced documents easily and inexpensively.

The Fingerprint Mirror™ is composed of a reflective layer of mylar, a clear fingerprinting adhesive, and a cellophane and touches the adhesive. A visible, quality fingerprint is left behind, preserved by the cellophane cover, protecting the print in the event that subsequent examination is required.

The Fingerprint Mirror™ may hold a myriad of potential uses, including legal or financial transactions and security or access control, and may prove to be an effective tool in combating fraud and misrepresentation of identity. The need for such a device is readily apparent—some $1.9 billion is lost each year to credit card fraud alone. Other possible uses for the Fingerprint Mirror™ include loan and rental agreements, deeds, wills, depositions, notarized statements, and much more.

The Fingerprint Mirror™ may provide a strong psychological deterrent to persons contemplating fraudulent or other criminal acts, and can provide an additional criminal enforcement tool.

With its simplicity of design, deterrent value, and criminal detection and enforcement applications, the Fingerprint Mirror™ is indeed promising. I rise today to congratulate David Reardon for his creativity and contribution in the fight against fraud, and wish him success in developing commercial applications for his invention.

UNITED PARCEL SERVICE—25 YEARS OF EXCELLENCE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to a company celebrating its 25th year of operating in my home State, Tennessee.

During those 25 years, this company has grown and prospered, offering thousands of Tennesseans the opportunity to share in that growth and prosperity. The company has been an integral part of the entire State's economic growth. It is a company familiar to every American because it operates in all 50 States. I rise today to recognize entrepreneurial spirit, celebrating 25 years of service to the great State of Tennessee.

United Parcel Service, now the world's largest package delivery company, was founded in 1907 as a messenger business in Seattle, WA. Since than, the corporation has been at the forefront of innovation and engineering in the transportation industry, growing from very humble beginnings to become an international business serving more than 180 countries worldwide.

The first day of UPS's operation in Tennessee was September 6, 1966. They started with 94 drivers and 11 centers, located in Athens, Cookeville, Chattanooga, Dyersburg, Jackson, Knoxville, Lawrenceburg, Manchester, Memphis, Nashville, and Paris.

Dedicated Tennesseans, UPSers committed to customer service, delivered packages to every address in Tennessee. The company moved from rented locations in service stations and warehouses to state-of-the-art package distribution hubs in Chattanooga, Knoxville, Memphis, and Nashville.

Through the years, UPS has experienced tremendous growth. By September 1976, just 10 years after beginning business in Tennessee, the company had grown to 370 drivers serving 6,823 regular pickup customers.

During the next decade UPS's Tennessee district would grow even more dramatically. By February 1986 the district had grown to the point where two different districts became necessary. UPS then created a west Tennessee district office in Nashville and an east Tennessee district office in Knoxville. When the offices split in 1986, the number of drivers had grown to 677, while customers numbered more than 14,000.

The Tennessee districts' operating locations had also grown. From the 11 original centers in 1966, UPS in 1986 boasted 25 centers across the State, operating in almost every major city.

Today UPS has 28 operating facilities in Tennessee, employing more than 5,000 Tennesseans, serving 19,000 customers. Nashville is also the home of the south central UPS regional office. Dedicated Tennessee UPS employees and facilities, combined with the UPS air fleet, offer Tennessee customers an efficient service link to the world and important access to the global marketplace.

UPS is a modern company with contemporary ideas, but they have always maintained old-fashioned people values. The corporations management knows that the company's most valuable asset isn't equipment or warehouses, it is the loyal and capable employees with a friendly attitude—the front line workers who serve the public that make the company a success.

Along with excellent pay, UPS offers excellent benefits, including scholarships and gift-matching programs to employees. The UPS Foundation also provides significant grants to educational institutions and charitable organizations like day care centers, child abuse programs, and to help the homeless.

In addition to the company's contributions, UPS employees have also made significant individual contributions of both their time and money to support many charitable organizations like United Way and the Tennessee Special Olympics. UPS encourages employees to take a leadership role in their local communities.

The company's commitment to the community includes a strong emphasis on safety—for both employees and the public. Safety is the first priority of UPS in determining their industry-leading design of both facilities and vehicles and developing employee training programs. The result of this emphasis on safety is an accident record that is the envy of the transportation industry. The Tennessee district is proud of the 118 drivers who have 20- to 25-year safe driving records.

Mr. Speaker, my friends at UPS have asked me to thank the thousands of dedicated Tennesseans who have joined their company; thousands of loyal customers who use UPS services; local, State, and Federal Officials who have nurtured an environment where business and families can thrive; and all of the citizens UPS serves in Tennessee.

It is my pleasure to join the Tennessee House delegation in paying tribute to this unique corporate citizen and its talented and dedicated employees.

TRIBUTE TO EARL AND BETTY BAILEY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of an outstanding couple to the Michigan Farmer's Hall of Fame. Earl and Betty Bailey of Freeland, MI, have farmed for over 58 years. Their contributions to Michigan agriculture are truly deserving of praise and appreciation.

Earl and Betty Bailey farmed 360 acres. Earl was born on the same land that he has farmed all his life. The Bailey's milked cows until 1940, and then they raised beef cattle. Earl and Betty started out farming with horse-drawn equipment. They have since modernized and purchased tractors and equipment.

Although the Bailey's are now retired, their farm continues to prosper under the Bailey name. Their nephew who now works the farm.

The Baileys have done much more than farm. They have been actively involved in their community for the past 58 years. Earl has served on the tax allocation board representing the Midland County rural area. He has also served on the local school board, held the township office of justice of the peace, and served on the board of review.

Mrs. Bailey has also been active. She raised three children and helped out with 4-H and Girl Scout activities. She also belonged to an extension group. In addition she has been involved with the PTA and been a room mother.

Earl and Betty Bailey have devoted their lives to their community and to farming. Mr. Speaker, I know that you will join me in thinking and commending this couple for their years of service and labor. We all congratulate Earl and Betty Bailey for their induction into the Michigan Farmer's Hall of Fame.

A TRIBUTE TO GORDON PETERSON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Ms. NORTON. Mr. Speaker, WUSA-TV's Gordon Peterson is well known to most of us in this body for his exceptional work as producer, writer, reporter, "Eyewitness News" anchor, and program moderator for Channel 9's nationally syndicated "Inside Washington," so I know that my colleagues will want to join me in saluting him as he completes his first 20 years as anchor of the 6 and 11 p.m. Eyewitness News broadcasts here in the Nation's Capital.

A winner of many major awards, including the prestigious Ted Yates Memorial Award in 1985 as an "outstanding journalist of exceptional merit," Gordon Peterson has travelled across this country and abroad to report on local, national and international issues of major concern. He has produced intimate, indepth examinations of the people and issues at hand in South Africa, Belfast, El Salvador, and, immediately following the Persian Gulf War, in Kuwait. He has covered the National Conventions of both political parties and the installation of Washington, DC, Cardinal Designate James A. Hickey. His professionalism and staunch dedication to his craft have served as guideposts to his peers as well as prospective journalists in their pursuit of excellence.

Gordon's dedication extends beyond his journalistic achievements, however. He has devoted countless hours to community organizations, including the Green Door and the Children's Inn at the National Institutes of Health.

Mr. Speaker, I am proud and honored to pay tribute today to Gordon Peterson for his many achievements both on and off the air, and to wish him continued success in the decades to come.

A TRIBUTE TO TONY BLANCO

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Mr. Tony Blanco on his 70th birthday, September 13, 1991.

Tony was born in Los Angeles, CA, to Jose and Celsa Blanco on September 13, 1921. At the age of 16, he enlisted in the California Army National Guard where he served as a private with Company L, 160th Infantry Regiment, 40th Infantry Division. This was the beginning of Tony Blanco's outstanding lifelong career in the military. He reenlisted with Company M in March 1938 where he faithfully served until March 1940. In May 1940, Tony was inducted into Federal service and 2 months later was discharged at the convenience of the Government. Tony joined the U.S. Marine Corps in May 1942, served in the Guadalcanal and Solomon Islands, and returned to the United States in 1943. Tony was then transferred to VMF 115 at Goleta, CA, and 2 years later, he was discharged at the rank of sergeant. However, his commitment to serve his country was far from over.

Tony reenlisted with the California National Guard, Company C, 160th Infantry Regiment, 40th Division and was selected to attend officers training at the 40th Division Officers Candidate School. He was commissioned a 2d lieutenant in February 1950 and was ordered to Fort Benning, GA, to attend Company Grade Officers School. Following his completion of that assignment, Tony was assigned to Japan, saw action in Korea, and was promoted to 1st lieutenant. He returned as company commander of Company E, 160th Infantry Division until he was honorably discharged in 1953. Tony returned to the service in 1968 at Los Angeles, Battalion B, 251st Field Artillery. Lt. Tony Blanco served until 1983 and was retired at Camp Roberts, CA.

Throughout Tony's military career, his dedication and bravery have been acknowledged by the many awards and commendations he has received. These include the Presidential Unit Citation (Navy), the Presidential Unit Citation (Korea), Asia/Pacific ribbons with a star, the American Theater Medal, the United Nations Medal, the World War I Victory Medal, the Occupation of Japan Medal, and the Medal of Merit.

Tony has not only excelled in the military, but also in life. Tony Blanco's outstanding dedication, seen time and time again, is a reflection of his loving devotion to his wife, family, and friends. He has been married to Ruth Blanco for 25 years, a marriage that continues to bring joy and happiness to those around them. Since his retirement, Tony has used his time to pursue his interest in fishing and his passion for history. I am fortunate in that I have known Tony for many years and consider him a good friend. For his friendship I am grateful.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me now in congratulating Tony Blanco on his 70th birthday. His long and distinguished record and his commitment to his family and friends are of immeasurable benefit, not only to those of us around him, but to this Nation as well.

TRIBUTE TO REV. FATHER MICHAEL SLONECKI ON THE 50TH ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a very special member of our clergy in my 8th congressional district, Rev. Father Michael Slonecki, who will celebrate the 50th anniversary of his ordination to the priesthood at the 12:00 noon Mass at St. John Kanty Church of Clifton, NJ. A reception in his honor will be held immediately following the Mass at the Knights of Columbus Hall, also located in Clifton.

Mr. Speaker, Rev. Father Michael Slonecki was born on January 30, 1916, in New York City, the son of Francis and Joanna Slonecki. He completed grammar school there, graduated from Don Bosco Prep, Ramsey, NJ in 1933, and then worked for 1 year as a machinist. In time he decided to enter the Franciscan Fathers Novitiate in Ellicott City, MD. He pursued his philosophical and theological studies in Saint Hyacinth's Seminary in Granby, MA. Two more years of theological studies followed in Seraphic College, Rome, Italy, until June 1940, when he left with all the other Americans studying there on the last ship to leave before World War II.

Father Michael was ordained in St. Stanislaus Church, Chicopee, MA, on July 5, 1941. His first assignment was at St. John Kanty R.C. Church, Clifton, NJ, where he served for 5 years 1941–1946. He was then assigned to the Franciscan Fathers Mission Band in Ellicott City, MD for 23 years, conducting missions, novenas, forty hour devotions and priests retreats in Maine, Pennsylvania, New York, New Jersey, Michigan, Maryland, and West Virginia.

In 1960, Father Michael was sent to the Shrine of St. Anthony in Padua, Italy as confessor and guide for American tourists for almost 4 months. The same year he was assigned as substitute Apostolic Confessor of Polish, Slovak, Italian and English at Saint Peter's Basilica, Rome, Italy. The next 5 years he served at St. Adalbert's Church in Elmhurst, Long Island, NY. In 1973 he returned to St. John Kanty Church as assistant pastor, where he remained until this year.

Father Michael has had many honors bestowed upon him. He was presented with the Outstanding Citizen Award in 1979 by the Pulaski Association of Police and Fire Departments of New Jersey. He remains chaplain for the Pulaski association and the New Jersey State Fireman's Association; honorary chaplain of the sheriffs office of Passaic County and the Clifton City Police Department. He served as moderator for St. John Kanty Holy Name Society.

At present, besides all his regular duties, Father Michael also serves as Saint Hyacinth's moderator for the Holy Name Society. He is working hard to build up interest and membership in this Society. Aside from all this hard work, Father Michael relaxes and unwinds by playing golf.

Mr. Speaker, as Rev. Father Michael Slonecki celebrates the 50th anniversary of his ordination to the priesthood, I know that you and all of our colleagues here in the Congress will want to join me in extending our warmest greetings and felicitations for the excellence of his service to his faith, our Nation, and all of mankind. We do indeed salute an esteemed clergyman, exemplary scholar, and great American—Rev. Father Michael Slonecki.

IN MEMORY OF MARY I. MEREDITH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mary I. Meredith, who died on Saturday, July 20, 1991. Mary was a 32-year resident of Oakland, CA, and a veteran political activist. Our community has lost both an unselfish friend and role model.

Mary Meredith was active in many walks of life in our community. Mary's participation and involvement with the Oakland Chapter of the Black American Political Association, Alameda County Democratic Central Committee, Muleskinners Democratic Club, and the Verick Center A.M.E. Zion Church are examples of her dedication and love for our community. One of Mary's proud accomplishments was establishing the Black Women Organized for Political Action. This organization has provided strong leadership and has empowered many African-American women in the East Bay.

As a community advocate at the East Oakland Switchboard, Mary helped thousands of needy residents with food, shelter, and clothing. She also found time to participate in numerous political campaigns. She helped to elect California State senators Nicholas Petris and Bill Lockyer, assemblymembers Johan Klehs and Barbara Lee, former Oakland Mayor Lionel Wilson, our great friend and colleague, Congressman Ron Dellums, and myself.

Mr. Speaker, I rise today to pay tribute to the memory of Mary I. Meredith. She will be missed.

LEADERSHIP SAN MATEO—RISING TO THE FUTURE'S CHALLENGES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. LANTOS. Mr. Speaker, I would like to call the attention of this distinguished body to an organization dedicated to bringing a bright future to the city of San Mateo, CA.

Leadership San Mateo, developed in 1989 through the joint efforts of the city of San Mateo and the San Mateo Chamber of Commerce, has a simple yet praiseworthy statement of purpose. The organization's goals are to identify and nurture existing and potential community leaders, to increase their knowledge of the community, and to develop and enhance individual leadership skills. In furthering those goals, Leadership San Mateo will have a lasting and positive impact on the community.

Those who are chosen to participate in Leadership San Mateo are deeply committed to their community. Through lectures, seminars and hands-on field trips, members of this dynamic and resourceful organization focus on issues of importance to the well being of San Mateo. In the areas of business, human services, health care, crime, transportation, education, public service, housing, and labor, Leadership San Mateo is making its mark.

On June 27, 1991, Leadership San Mateo held its inaugural graduation ceremonies. Its graduates stand ready to meet the challenges San Mateo will face in the future. Mr. Speaker, at this time I would like to place the names of these outstanding individuals in the RECORD.

Fredric Allen, Paul Baker, Michael Berube, David Brown, Gloria Brown, Rosemary Buduan, Michael Davis, Coleen Divito, Katie Dunn, Martin Eisenberg, Lois Evraiff, Vasiti Finau, Elizabeth Galligan, Louise Gumbinger, Charlotte Hunt, Deborah Hurtado, Timothy Inama, Leslie Johns, Barbara Kammerlohr, Maria Lara, Bradford Mailly, John McCarthy, Mark Norris, Robert Reinke, Perry Schuckman, Ann Stone, Christina Sutherland, Linda Tribuzi, Marilyn Waters, Linda Zimdars.

Mr. Speaker, I invite my colleagues to join me in congratulating these exemplary San Mateans and wishing them the very best. The city of San Mateo is a better place because of their dedication and hard work.

PROTECT MUNICIPALITIES FROM UNFAIR SUPERFUND LITIGATION: COSPONSOR H.R. 3026

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. ANDERSON. Mr. Speaker, I rise today in support of H.R. 3026, introduced by Congressman David Dreier of California and Congressman Robert Torricelli of New Jersey. This bill would amend the Superfund legislation so that municipalities would not be liable for the generation and transportation of municipal solid waste with regard to cleanup of Superfund sites. I commend my distinguished colleagues for introducing a bill that is critically important to 29 small municipalities in the Los Angeles region, the integrity of our environmental cleanup process, and small cities, towns, and businesses throughout the country that are threatened with unnecessary and vicious Superfund litigation.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 [CERCLA], more commonly known as Superfund, was enacted by Congress because this nation's hazardous waste problem had become so extensive, dangerous, and costly that it required immediate attention at the national level. Improperly stored and illegally dumped toxic wastes were, and still are, threatening to leach into groundwater supplies and pose serious immediate and long-term health threats to thousands of Americans who live near these sites. At the heart of the Superfund legislation was the principle that the polluter of severely contaminated sites should be forced to pay for the costs of cleanup, not the taxpayer.

The Environmental Protection Agency [EPA] to date has identified some 1,300 priority cleanup sites throughout the Nation and another 33,834 potentially hazardous sites that may require cleanup. Twenty percent of these sites are old municipal landfills. While only 63 Superfund sites have been fully cleaned up, the costs involved in cleaning up the remaining sites is estimated at about $30 million per site, at a total cost of an extraordinary $750 billion. Cleanup of even the priority sites has proceeded far more slowly than I would have liked, and money has not been spent wisely by the EPA, but cleanup is proceeding and seems to be accelerating. Now with this increased pace, the massive costs of this cleanup effort are also coming home to roost. Those costs are driving some polluters to search for ways to spread the financial pain.

Corporations and individuals that dumped toxic and hazardous chemicals and materials are now being assessed, through a litigious court process, the costs to decontaminate affected areas. Unwilling to be left holding the bag, some corporations have now sued nontoxic contributors of waste to a Superfund site in order to spread the cost. As a result, municipalities and small local businesses which only put ordinary household trash into town dumps subsequently polluted by industrial users, now face massive legal suits claiming that they are responsible for the lion's share of the cleanup costs. In the California case, 29 local cities have been sued by 64 major corporations, including such names as Occidental Petroleum, Lockheed, and Proctor & Gamble, for the cleanup of the 200-acre operating industries Superfund site in Monterey Park. The corporations want the cities to pay nearly 90 percent of the estimated $800 million total cost of the cleanup. The corporations claim that at least 90 percent of the volume of the dump is municipal trash; and while this trash is not toxic, its sheer volume will dictate the high total cost of cleanup.

The intention of the Superfund legislation was simple; to clean up hazardous waste sites and to force the creators of those sites to pay for the process of cleanup. While not pretty, ordinary household waste is very rarely hazardous. Roach traps, flea collars and the like constitute, at most, less than one percent of the total trash volume. Understanding this fact, EPA declared it would not sue local governments for Superfund cleanup if their only contribution was ordinary garbage or nontoxic sewer sludge. Of course, if there is site-specific evidence to show that the municipal trash was toxic in nature, then municipalities would be fully liable for their contribution to a site. This is a position I fully support. Unfortunately, the EPA did not have the legal power to exempt nontoxic contributors from secondary legal action by primary polluters. H.R. 3026 would return us to the standard of polluter-pays by exempting nontoxic municipal trash from Superfund liability.

The example in California is not an isolated one. In Utica, NY, two corporations have sued businesses that include a pizza parlor, an exercise gym, an Elks club, a donut shop, a veternarian, and a sausage factory for the costs of cleaning up Ludlow's sanitary landfill. There is nothing to prove that these businesses contributed hazardous waste. They only put ordinary garbage into the landfill. Examples such as this one have been repeated in New Jersey and Connecticut. The corporations which are suing in these cases are operating under a double standard. While they cannot be sued by the EPA or state environmental agencies for nontoxic contributions to a Superfund site, they obviously feel that nontoxic contributors should have to pay for their hazardous waste dumping. Mr. Speaker, this is wrong. I am not against the Superfund program and do not want to see it undermined, but I am certainly against this perversion of the law. Congress did not intend for ordinary citizens to bear the costs of someone else's misdeeds. These corporations are going against the intent of the law. We must move to close this loophole.

Some would like to see the Superfund program scrapped due to its costs. This pattern of legal suits against contributors of ordinary trash may be part of an underhanded effort to force changes to CERCLA by creating a massive outcry from a wide range of parties. Several people associated with these suits have commented on the purported real intent of the legal action. New Jersey Deputy Attorney General John MacDonald stated:

> I have seen people sued—and settle—for waste no more hazardous than cardboard. The strategy is to make the entire Superfund system so ineffective that one way or another, Congress is going to be forced to scrap it.

In fact, corporate lawyers have approached some communities asking them to seek out State and Federal officials with pleas to do less costly cleanup. Other lawyers have commented on the cynical undercurrent to this litigation which is designed to make [Superfund] into a fiasco for everyone involved.

Superfund should not be scrapped. Minor reform may be necessary, but polluters should still be forced to bear the costs of the mess they created. We should ensure that small businesses, cities, and municipalities which contributed nothing more than ordinary garbage are excluded from liability. For this reason, I have added my name to H.R. 3026. I urge my colleagues to do likewise.

LET'S EXTEND MFN TO THE BALTIC NATIONS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. CAMPBELL of California. Mr. Speaker, freedom has finally been granted to the Baltic States of Latvia, Lithuania, and Estonia. Our country has never accepted the brutal Soviet occupation of these countries. Indeed, the President and Congress have worked together to push the Soviet Union to let these countries go free. Now that independence has become a reality, Congress should act quickly to give these countries assistance so that their dream of independence and democracy may become a reality.

I believe that access to our vast market is one of the best forms of assistance that we can give these countries. Hence, I rise today to introduce the Baltic Trade Act of 1991, a bill that grants most favored nations [MFN] trade status to the Baltics. MFN is exceedingly valuable—it would reduce tariffs to an average of 4 percent, giving these countries the lowest available nonpreferential rates. Without MFN, the Baltic States would labor under a system of tariffs that would be roughly 50 percent higher. By granting MFN, we will give these countries an opportunity to earn hard currency—the key to economic growth in the international economy.

This bill should be noncontroversial. Our country never accepted the brutal Soviet occupation of the Baltics. Time and time again, our Government has urged the Soviet Union to allow these countries to go free. Since the 1920's, when we signed MFN agreements with the Baltics, we have supported the principle of free trade with these countries. We did, however, suspend these treaties during the 1950's as part of an effort to stop the Soviet Union from using these countries to circumvent our trade prohibitions. Now it is only fitting that we move quickly to restore our trade relationship with the Baltic nations.

Mr. Speaker, I hope that this Congress will act quickly on this measure. We should show Latvia, Lithuania, and Estonia that we are ready to extend our hand of friendship at a time when these counries face economic hardship. Freedom and economic prosperity go hand in hand—let's show our friends in the Baltics that we support them and that we will help them achieve economic and political independence.

BLACK CAUCUS WEEK

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. IRELAND. Mr. Speaker, between Wednesday, September 11, 1991, and Friday, September 13, 1991, the members of the Congressional Black Caucus are sponsoring numerous issue forums and workshops as part of Black Caucus Week. Many of these issue forums and workshops will explore exciting and new avenues in the area of minority business development.

Just as small business has provided the means for other Americans to climb the social and economic ladder of success in our Nation, so too, small business serves to uplift the economic status of minority Americans.

While we have done much to help to mainstream minority Americans in the area of Federal procurement through programs such as the SBA 8(a) Program and the Department of Defense Sec. 1207 Program, much work remains to be done in order to ensure that all Americans have an equal opportunity to compete at all levels of our economy without fighting the vestiges of social and economic discrimination.

I commend the members of the Congressional Black Caucus for their efforts in forging new ground for minority small business development, and for bringing visibility to those efforts through the observance of Black Caucus Week.

SECOND ANNIVERSARY OF THE PRESIDENTS NATIONAL DRUG STRATEGY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. GINGRICH. Mr. Speaker, September 5 was the second anniversary of the President's National Drug Control Strategy. Governor Martinez made the following speech at the National Press Club to recognize the progress that has been made in the our fight against drugs during the last 2 years. I hope all my colleagues take the time to read these remarks.

REMARKS OF GOV. BOB MARTINEZ ON THE SECOND ANNIVERSARY OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

Thank you, ladies and gentleman. It is a pleasure to be here.

In recent weeks, the forces of freedom have seen astonishing victories. Thankfully, in the coming months democracy will be a word on the lips of many throughout the world.

But in my position as Drug Policy Director, I am keenly aware that threats to democracy come not only from tyrants and the secret police, but also from bad decisions made by free citizens about how to live their lives. As President Bush warned exactly two years ago, drugs were "sapping our strength as a Nation." They threatened our safety, our children, our health, and our future. Drugs were threatening democracy, here and abroad, from within.

When the President came into office, drugs were a national emergency. The topic dominated domestic events—and all the news was grave. People lived in fear in their homes; they prayed as their children made their way to school; they worried about their safety in the workplace. The Congress was a sweat shop for drug bills. In 1989, one pollster reported that a domestic issue—fear of drugs—had replaced fear of war, typically the greatest long-term fear, as the greatest concern of Americans.

Deep down, the American people were aware that this situation was not simply a public policy crisis, but a profound moral crisis. There was a sense that the substance of American society was at stake. The drug crisis raised questions not only about our productivity and our efficiency, but about our National character and our fitness to lead the world. Had our ancestors fought valiantly for liberty only to see it squandered in crack houses and back alleys? Was blood spilled at Gettysburg and in the Argonne and at Normandy to make the world safe for bongs and cocaine parties and marijuana smoke-ins? Were our great cities becoming the world portrayed in "Lord of the Flies?" Were we descending into barbarism and into a world governed only by appetite and instinct?

Drugs were like a great, deadly fog that descended upon our Nation, touching every city and town, and clouding our children's future. The question was: how far would it spread; how many would it destroy?

On September 5, 1989, in his first address to the Nation from the Oval Office, President Bush discussed what he called our "gravest domestic threat." His goal was neither modest nor bureaucratic nor hedged—it was victory. "Victory over drugs," he said, "is our cause, a just cause and, with your help, we are going to win."

Since then we have come out of our houses and into the streets, *and we have fought back*. We planted signs by our schools letting the drug dealers know that this zone is protected. We told the users to get off our factory floors and to get out of our armed forces. We told the dealers to prepare to do hard time. We told the kingpins that they would be hunted as never before and sooner or later justice would be done.

We vowed to bury our fallen policemen with special honors and to give their families special care. We collected our wounded addicts, and because we are a compassionate people, we offered them treatment, even though their wounds are often, at root, self-inflicted. We pulled our young close to us and we warned them about the dangers of this scourge. And, as a people, we resolved that our Nation would not slide into this degradation.

And thanks to these efforts, the fog is lifting. It still covers too many cities and towns; it still hangs over too many families; but make no mistake—it is lifting.

I am here today to report on our progress, and great progress there is.

Before I lay out our successes, let me say a word about the skeptics. There are two types of skeptics who will scoff at assertions of progress. The first is a group I respect. These are the skeptics who continue to fight on the front lines: the law enforcement officers who do not have enough hours in the day to make busts; the treatment providers who do not have enough beds to meet the need; the educators who still see many young lives wasted. But some of these people are skeptical about progress because they are at the center of the volcano. Their reaction might be similar to that of the soldier at the front who, surrounded by body bags, scoffs at the general who has just flown in with the good news.

This group of skeptics has my sympathy and my support. I will listen to their concerns; I will fight for the resources for them. But I will nonetheless assert to them with conviction that their efforts are not fruitless and that there are unmistakable signs that we are moving toward victory. I will not argue with them—I will simply try to rally their spirits with the broader picture.

But there is another group of skeptics that I do not respect. These are the political ambulance chasers who use misfortune for political gain. They scoff at good news and assertions of progress because misery keeps the lights turned on at their press conferences. They respond to strategic analysis with anecdotes and unfounded, impressionistic assertions. Some say: "There is not progress in the drug war because drug dealing still happens at the corner of 5th and Main Streets." If cancer were cured, they would blame us for destroying hospitals. But I suspect that there are some among them who realize that we were right. For them this was never a serious issue—just a political issue. Now that they see what a remarkable domestic achievement has been accomplished, they want to sweep the whole matter under the rug. They are not skeptics; they are cynical political opportunities.

I have made a conscious effort to distinguish between these two types of critics; and my hope is that, with all due respect, the media would also seek to make such distinctions.

From the beginning, the President's Strategy has been remarkably simple: discourage drug use by weakening demand and by suppressing availability. Every policy, every program, every dollar we have requested from Congress is designed to further these goals. Enforce the law to make our neighborhoods safer; prevent drug use before it starts by warning our children; treat users who get themselves in trouble; and assist our allies who fight bravely against the cartels.

Remarkably, at the beginning, the harshest kind of criticism was hurled at such a common sense policy. When the first National Drug Control Strategy was announced in 1989, it was described as: "Gallipoli-like * * * inherently flawed * * * doomed to failure * * * halfhearted * * * contrived razzle-dazzle * * * just another hallucination * * * willfully unrealistic.

But today, there is no serious challenge to the principles set forth in the Strategy. There is no serious dispute over the need for both supply and demand reduction efforts on a broad scale. There is no alternative budget with any realistic promise of consideration before Congress—in fact, the Congress has been underfunding the President's requests in drug treatment, drug education and drug law enforcement. Ironically, the same critics who previously criticized the President's commitment on this issue now seem incapable of attending to it.

As I suggested a moment ago, their inattention may, of course, derive from our success. What has happened since 1985 has been nothing short of remarkable. Current use of any illegal drug has dropped by almost 45 percent. Since 1988, the number of Americans using cocaine has dropped 45 percent. Even greater drops in use are registered among young people, teenagers, those in their early twenties—exactly the people we are most concerned about as a Nation: our children. According to the most comprehensive recent estimate, America's users took $10 billion less out of their pockets to purchase drugs last year than they did in 1988. These gains are registered not only in surveys of households, but studies of emergency room incidents and in recent reports that drug-related crime has begun to trend downward, even in the toughest cities.

And we have devoted significant resources to this problem. If the Congress approves the President's request for Fiscal Year 1992, anti-drug resources will have expanded 82 percent since 1989. The efforts of many have been stepped up. There are hundreds of new agents; treatment capacity is expanding; anti-drug messages blanket the air waves; world leaders show new determination; neighbors watch out for neighborhoods; and parents watch over their children a little more carefully.

And while our most important indicator of success has always been reducing drug use, our successes on the supply side have contributed to this progress. Marijuana production in the United States has been dealt a devastating blow by our eradication efforts—efforts which are a model of coordination between the Defense Department, the National Guard, Federal agencies, and State and local police. This has caused a tripling of the price of marijuana in some of our major cities.

So I can say with confidence that we are moving toward victory, not because of an anecdote here or a story there, but because we have arrayed substantial forces across-the-board and because a preponderance of reporting from many fronts has begun to accumulate in my office, which follows the fight on every front.

So rightfully point out that our population of addicts, so-called hard-core users, has not declined substantially. America's addicts have indeed emerged as the most important theater in this war. They will consume a large amount of drugs and will spawn a great deal of violence and social dislocation. But what these observers fail to sometimes point out is that the end of the previous *growth* in the addict population is a sign that the tide of the battle has turned.

This I believe is the case, because so many fewer Americans are putting themselves in harm's way by taking that first puff or doing that first line. With reduced exposure to risk, there will be fewer future battlefield casualties. I will therefore predict with some confidence that our population of addicts, particularly cocaine addicts, will soon begin a slow but steady decline. With reduced availability from sources abroad, with increasing law enforcement pressure and expanding, quality treatment here at home, even this intractable user population will be reduced.

In this respect, I must again mention the irony that Congress has been derelict in providing treatment funds needed to reduce this addict population. We have moved so far so fast. We can smell victory, but as in some more recent wars, Congress is wavering just when our forces are arrayed and victory is within our grasp.

Let me take another example—that of Peru. Almost two-thirds of the coca leaf produced in the world comes from Peru. Here is a desperately poor country whose government seems willing to attack drug trafficking. Traffickers have exploited Peru's poverty to make it the breadbasket of coca. But public opinion in Peru, as in other Andean countries, has now gotten behind the effort, with solid majorities even favoring use of the military. We are offering them law enforcement, economic and security assistance to make that attack. But within the United States Congress, the priority given to the drug war has dropped so far that the committees of jurisdiction are indicating they will not provide such assistance to Peru. The Administration wants this assistance provided *now* and we will fight for it.

Another example is the recent subway crash in New York. While it appears that the motorman in that crash did not have cocaine in his system when he was tested, nonetheless there was a vial containing crack in the motorman's compartment. This, of course, is alarming no matter which motorman used it, particularly in the Nation's largest mass transit system. Yet Congress has, since March of 1990, failed to pass legislation requested by Secretary Skinner to give authority to the Department of Transportation to require random testing for mass transit employees. This is inexcusable. The value of such programs in promoting safety is beyond question. Bob Soran, the CEO of the Tropicana Corporation, a company with a stellar safety record, told me that "responsible drug testing with a supportive Employee Assistance Program was one of the best decisions ever made for Tropicana." And he told me that it also increased employee morale and productivity. And now union leaders are accepting the logic of testing because they know it will weed out the few bad apples and demonstrate that most union workers are honest, hard-working citizens. Sonny Hall of the Transport Workers Local 100 in New York said after the recent crash that his members "have no fear of drug or alcohol testing." This should not be a partisan issue—Republicans like John Danforth and Democrats like Ernest Hollings support testing. But we are still waiting for Congress to act.

If Congress will help we can see even greater progress against drugs. We have asked them to pass legislation granting trade preferences for countries fighting the war on drugs; they have not. We asked them to expand drug testing throughout our Nation's criminal justice system; they have not. We asked them to require the States to improve the quality and coordination of the Nation's drug treatment system; they have not. We asked them to provide grants to expand treatment capacity in the hardest hit areas; they have cut our request. We asked them to fund emergency drug prevention programs for tough, urban areas; they cut our request by half. And when the Congress returns next week, we are certain to see many unfounded accusations leveled about the "aggressiveness" of our law enforcement officials in their prosecution of the BCCI case. What won't be mentioned at the hearings, of course, are the cuts Congress is making in the President's request for more criminal investigations and more prosecutions.

Finally, let me say a word about law enforcement. The most consistent criticism of our Strategy was its emphasis upon law enforcement. You will not be able to reduce drug use this way, we were told. It was described as a "prohibitionist" strategy, a phrase carefully chosen for its pejorative intent.

Let me say clearly that ultimately keeping people off drugs requires reducing the demand for drugs. But we never would have been able to reduce demand so quickly and so surely had we not emphasized law enforcement. It demonstrates our seriousness of purpose. It serves as an example to our youth. It prevents easy access for users. It disrupts markets and supplies. It protects communities from the predatory. It gets people into treatment. It stands for order over disorder.

Two days ago, I visited a public housing development in Chicago. And unlike the critics of law enforcement, who write from Georgetown parlors with their security systems turned on, the residents of public housing in Chicago live daily with disorder. They did not ask me to study the root causes of poverty—they want the sheriff, and if the sheriff can't do the job, they want the cavalry. They told me that they deserve safety for their children just as much as the people who live on the North Shore.

And their call for the cavalry and their desperate plea for order represents the bad news which I have to deliver today. When this crusade began, many of us assumed that crime would drop as drug use declined. Unfortunately, there are now some preliminary indications that success in the war on drugs does not necessarily translate into success in the war on crime. While there remains clear and convincing evidence that criminals are more likely to be drug users and more likely to commit a crime when they are under the influence of drugs, it also seems apparent that there are other social pathologies at work which will continue to foster violence, especially in our inner cities. There is now some solid evidence that the percentage of violent crimes that are drug-related is declining, yet violent crime overall is not. May I respectfully leave my area of expertise and suggest that unless broken families begin to heal and, in particular, fathers begin to take greater responsibility for disciplining their teenage sons; and until we can design public assistance programs which foster the right virtues; and until we allow the criminal justice system to more swiftly and more surely punish criminal acts, which the President's crime bill would do—until we start to do these things, then I fear that in some areas of our country, drug use will be replaced by another corrosive pathology.

But we must continue to fight on the drug front and particularly in those areas that are still under siege. Therefore, I have decided to conduct a series of public meetings across the country where I can listen to community leaders and local officials who know what is happening on the ground. From New York to Los Angeles, from rural America to urban America, I am going to make certain that the American people have my ear.

Unless they tell me differently, we are going to finish the battle plan set forth by the President. It is working. The American people deserve most of the credit. But the President also deserves a great deal of credit, for he chose to lead on what some saw as a political abyss for the Presidency.

The challenge now is to keep up the fight and finish off this scourge. Yet some are ready to abandon the effort. There is rich irony in the statements of Senator Mitchell and Congressman Gephardt that the President is ignoring domestic needs here at home. On the problem that they described two years ago as the greatest threat to America, they are now silent—and their silence was forced by the commitment and achievement of the President. The Congress has moved on to chase other issues. But we will seek to ensure that they do not quit this fight before we have won.

The President has proven not only that he can spread freedom abroad, but that he can heal the birthplace of democracy here at home. Thank you.

NORTH BRUNSWICK VETERAN NAMED NATIONAL COMMANDER OF THE MILITARY ORDER OF THE PURPLE HEART

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. DWYER of New Jersey. Mr. Speaker, Mr. Joseph Hems of North Brunswick, NJ, has recently been elected national commander of the Military Order of the Purple Heart.

Joseph Hems served in the United States Army in Korea, where he was critically wounded. Mr. Hems suffered severe head wounds and was not expected to recover when he was returned to the United States for surgery in October of 1950.

Mr. Hems has always been involved with veterans who, like himself, had earned the Purple Heart. His place of business became an informal meeting place for other Purple Heart recipients in Middlesex County.

In 1985, after almost 20 years of dormancy in New Jersey, Mr. Hems became involved in reviving the Military Order of the Purple Heart in the State. Today, New Jersey has 18 chapters, with a total active membership of 2,000. In less than 7 years, the New Jersey organization has become the largest department in the country.

For the past 3 years, Joseph Hems has been the Military Order of the Purple Heart National Chairman for the Korean War Memorial Fund. He has been instrumental in having the New Jersey Division of Motor Vehicles design a New Jersey Purple Heart license plate for combat wounded veterans in our state.

I know that Joseph Hems will bring the dedication and drive, which have marked his work in New Jersey, to the new challenges he will face as the 1992 national commander. I have every confidence that Joe will be an outstanding national commander and hope that this year will be one of even greater accomplishments for the Military Order of the Purple Heart.

A TRIBUTE TO ITALIAN-AMERICAN HERITAGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. BONIOR. Mr. Speaker, today, September 5, 1991, marks a very proud day for Italian-Americans who reside in and around the Detroit metro area. On this occasion, the Italian-American Cultural Center of Warren is unveiling its Heritage Wall.

This event is a tribute to the successive generations of hardworking Italian-Americans who have built a rich and vibrant community in the heart of Michigan's 12th congressional district.

The history of 20th century America was played out against the backdrop of massive human migration. Nowhere was this drama greater than in Detroit. The news of well-paying, honest work brought thousands of Italians to our area. For the cost of a hard days labor, these courageous individuals found food, shelter, and, above all, hope, for their future, for their children, for their grandchildren.

And fittingly, it is many of those same children and grandchildren who gather today to dedicate the Heritage Wall. It permanently reminds us of those hopes and dreams. It is a touchstone, a tangible reminder, that vividly symbolizes the deep respect and gratitude for those who came before.

In closing, Mr. Speaker, I believe the Heritage Wall serves as a vital link to the history and traditions that made our country great. On this special occasion, I ask that my colleagues join me in saluting the outstanding contributions and accomplishments made by Italian-Americans in our community.

TAX RELIEF AND ECONOMIC GROWTH ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. DREIER of California. Mr. Speaker, the impact of the economic recession has varied from State to State. Some regions of the country have been hit hard, while others have been spared significant economic hardship. But one thing is the same in every region of the country: a strong and growing outcry against taxes.

It's no wonder that people are outraged! Thanks to a combination of last year's Federal tax increase—the largest in American history—and increases in State taxes, 35.1 percent of the average American worker's pay goes to the Government. This is the highest tax burden ever.

Last year, Congress chose, once again, to ignore the ominous warnings that increased taxes will exacerbate the recession. The result, according to a study by the Center for Policy Analysis, is a doubling of the negative effects of a mild recession and 512,000 fewer jobs by 1995. The roots of the recession itself are embedded in a growing Federal tax burden that eventually overwhelmed the positive benefits of the Economic Recovery Tax Act of 1981.

Mr. Speaker, we need to get the economy moving and people back to work. One of the best ways to do that is with a pro-growth tax policy and restraint in Government spending. That's why today I am introducing H.R. 3290, the Tax Relief and Economic Growth Act. It is a comprehensive bill calling for a 10-percent cut in personal income tax rates, indexing of capital gains and depreciation schedules, an expansion of IRA's and a freeze in the growth of Government spending at a nominal rate of 4 percent per year.

If enacted, personal tax rates will fall from 15 percent to 13.5 percent, from 28 percent to 25.2 percent, and from 33 percent to 27.9 percent. Business rates, however, will remain the same. Depreciation schedules will be indexed to the rate of inflation so that they reflect the actual replacement cost of depreciable assets. This will allow for a normal rate of return on investment. Likewise, capital gains will be indexed to the rate of inflation so that long-term gains are taxed fairly. A qualified asset includes a taxpayer's principle-residence.

H.R. 3290 will also expand the current individual retirement accounts (IRAs) by restoring the eligibility rules prior to the Tax Reform Act of 1986; increasing the allowable deductible contributions to $4,000 a year, with the limit indexed to inflation; and allowing penalty-free withdrawals for education, housing, and health care expenses. Only those contributions and interest in excess of $2,000 a year may be withdrawn for education, housing, and health care expenses. This will preserve the retirement component of IRAs, and spur increased savings and investment.

To pay for the tax cuts, Mr. Speaker, H.R. 3290 limits increases in all Government spending to a nominal annual rate of 4 percent through 1995, the average rate of inflation. Last year, Americans were told that new taxes were needed to reduce the Federal deficit. In reality, just the opposite will occur. For every dollar in new taxes, Congress will spend $1.83.

In just 2 years of the current 5-year budget plan, total Federal spending will increase approximately 20 percent. By limiting all spending to 4 percent per year, Congress will still have an additional $32 billion each year to spend on domestic programs. At the same time, it will free up over $250 billion through 1995 that can be used for tax cuts to provide tax relief and stimulate the economy. The benefit to the Government will be increased revenues and a reduced Federal deficit.

H.R. 3290 is rooted in the lessons of the 1980's. Tax increases stifle consumption and productivity, and eventually lead to unemployment and recession. Tax cuts, on the other hand, spur economic growth and create jobs by increasing incentives to work, invest, and produce.

The tax cuts of 1981 brought about an economic recovery that was the longest peacetime expansion in the Nation's history, generating over 20 million new jobs, raising median family income by 12 percent and increasing incomes for all income groups, from poor to rich, without increasing inflation. It worked in the early 1980's, and it will work today.

But we must act soon, Mr. Speaker. Our country is on the verge of a tax revolt many times greater than in 1978, when Californians passed Proposition 13 to limit property taxes. If we cut taxes now, we can stimulate the economy, create jobs, and provide the resources needed to reduce the deficit and fund essential Government programs.

INTRODUCTION OF TAX BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation that will correct an inequity which has developed in our tax laws and which will assist hundreds of small businesses, farmers, and ranchers across our country, and in particular, those affected groups in the State of New Mexico.

Many small businessmen and businesswomen have worked their entire lives for their families, and through their hard work have accumulated estates for the benefit of their heirs. As my colleagues know, the Federal Tax Code requires, in some cases, estates to file estate tax returns. Many taxpayers, at the time of their death, own interests in closely held family corporations, and accordingly, a vast majority of these men and women dutifully comply with our tax laws and timely file their estate tax returns.

Sometimes these returns result in litigation against the U.S. Government in cases when the Internal Revenue Service determines that additional taxes may be owed by these estates. These taxpayers are usually faced with the option of filing a lawsuit against the Government in either the Tax Court, or alternatively, the U.S. district courts or the U.S. Claims Court.

If a taxpayer opts to file suit in the Tax Court, then our laws do not require the taxpayer to pay any of the taxes alleged to be owed to the Government prior to filing their lawsuit. Rather our laws allow a taxpayer to maintain a lawsuit to determine the correctness of the additional tax owed.

If a taxpayer files suit in either the U.S. district court of the U.S. Claims Court, the taxpayer must pay all amounts of taxes claimed to be owed to the Government. This rule was adopted by the U.S. Supreme Court in a decision called Flora versus United States, and has subsequently become known as the full payment rule. Accordingly, lawsuits filed in the U.S. district courts or U.S. Claims Court usually are refund suits in which a taxpayer seeks a refund of taxes paid because of incorrect assessment made by the Internal Revenue Service.

Interestingly enough, during the time Flora was before the Supreme Court, Congress considered and adopted a provision in the Internal Revenue Code called section 6166. It was enacted by Congress to allow an estate to elect to pay that portion of its Federal estate tax liability attributable to its closely held business interests in annual installments over a 10-year period commencing 5 years after the tax liability is established. The section was designed to allow small businesses to pay their tax liability without having to liquidate and sell their small business.

This longstanding rule of fairness is now under attack. In May of this year, the U.S. Court of Appeals for the Federal Circuit in Washington, DC, decided a case called Rocovich versus United States. The court held that Flora required estates to pay all amounts of taxes alleged to be owed to the IRS, before a taxpayer estate could file a refund suit in either the U.S. district courts or the U.S. Claims Court. And it applied this rule to estates that have elected to opt for the benefits of section 6166.

Mr. Speaker, my bill seeks to clarify the effect that a section 6166 election will have on a taxpayer estate's ability to file a refund suit in the U.S. district courts or the U.S. Claims Court. Specifically, this legislation will permit these lawsuits even where there has been a section 6166 election. It will allow taxpayer estates to have a forum to contest tax assessments made by the IRS, while opting for the benefits of section 6166. This change is consistent with the intent of Congress when it first passed section 6166.

The Rocovich decision has undermined the intent of Congress and in doing so has caused financial hardship. There are roughly 80 cases in the State of New Mexico in which taxpayer estates have made section 6166 elections. The Rocovich case could make section 6166 meaningless and may force some families to weigh the difficult options associated with liquidating a family business—a result which Congress specifically sought to avoid when it enacted section 6166. This possibility needs to be avoided, and this bill provides a fair remedy to the situation.

I think it's important to emphasize that this bill does not address the final decision reached on this matter. The decision as to whether a taxpayer owes estate taxes or not will be decided by the courts. Mr. Speaker, this bill will simply restore the rules governing a taxpayer's right to have his day in court to contest estate tax assessments made by the IRS. We are talking about a small business issue and a family issue. And most importantly, it is a taxpayer fairness issue. The American people need to know that their Government will not deny them their legal right to have their disputes heard, without forcing them to cash in the family business.

A TRIBUTE TO JAN E. MATZELIGER

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. MAVROULES. Mr. Speaker, I would like to take a moment to pay tribute to the achievements of a remarkable man who will soon be honored by the U.S. Postal Service.

Jan E. Matzeliger, a native of South America, came to the United States about 1873. Defying incredible odds, this black American revolutionized the shoemaking industry. As Dennis Karwatka, an associate professor of industrial education and technology at Morehead State University noted in a biography of Matzeliger, the young man invented a machine for use in manufacturing shoes that helped transform an industry, build a great corporation, and create work for thousands of Americans.

Matzeliger left his native Suriname at age 19, worked on a merchant ship for 2 years, then sought employment in Philadelphia. Although he was a skilled machinist who had secured an apprenticeship in a shoemaking shop, the depression that swept the country in the mid-1870's had left him without a job. Matzeliger chose to move to Lynn, MA, which is in my district and at one time was the shoemaking capital of the world.

Although he was only making $9 a week working on a shoe stitching machine, Matzeliger invested his hard-earned money on several textbooks and a secondhand drafting set. Working on his own after work, he tried to develop a machine that would improve a part of the shoemaking process known as lasting. Before automation, skilled craftsmen would stretch and tack leather to form the shoe.

It took Matzeliger 6 years to design and build, but his revolutionary lasting machine became so well known that for 40 years after 1885 nearly every shoe factory in America had one. His machine became the backbone of the Consolidated Hand-Method Lasting Machine Co., which would later become part of the United Shoe Machinery Corp., an employer of thousands during its heyday in Beverly, MA.

Despite his incredible achievement, Matzeliger has received little recognition. As Karwatka noted, "If most 19th century American inventors are forgotten today—which is undeniable—black inventors are especially obscure. Almost none of them were known even in their own times."

Although the Lynn Historical Society has done a fabulous job of increasing public awareness of Matzeliger in the Massachusetts area, it is hopeful that the decision by the Postal Service to honor him with a stamp will make his name and achievements nationally known.

Not only should the people of my sixth district be proud of Matzeliger and his incredible story, but all Americans should share in his triumph over difficult odds. His story is a microcosm of what America is all about: Those who set a goal and work hard at it can achieve their dreams in this country.

SUBSTANCE ABUSE AWARENESS WEEK IN CUDAHY, WI

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1991

Mr. KLECZKA. Mr. Speaker, substance abuse in the United States continues to rise. It plagues the people of our Nation without regard to age, race, sex, or religion.

To raise the awareness of people to the dangers of substance abuse, and to better equip them to deal with this problem in constructive ways, the Cudahy, WI, Common Council and the Cudahy School Board have designated the week of September 21 through September 27, 1991, as "Substance Abuse Awareness Week."

Business, churches, Government, parents, schools, and students will work together on this worthwhile project. The events of the week include an opening rally to present trophies to the winners of the kickoff walk/run and the school-aged poster contest, continual awareness activities in Cudahy High School classrooms, and a special breakfast to encourage employees and employers to identify and help substance abusers in the workplace.

I commend the city of Cudahy and the Cudahy School Board for these worthwhile initiatives.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 12, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 13

9:30 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To continue hearings on S. 976, Resource Conservation and Recovery Act Amendments, focusing on special wastes, municipal waste and ash disposal, Native American Indian waste, industrial waste and hazardous waste recycling issues.

SD-406

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1581, to enhance technology transfer for works prepared under certain cooperative research and development.

SR-253

Foreign Relations

To hold hearings on the nominations of Arnold Lee Kanter, of Virginia, to be Under Secretary of State for Political Affairs, Edward P. Djerejian, of Maryland, to be Assistant Secretary of State for Near East and South Asian Affairs, and Thomas M.T. Niles, of the District of Columbia, to be Assistant Secretary of State for European and Canadian Affairs.

SD-419

SEPTEMBER 16

9:00 a.m.

Select on Intelligence

To hold hearings on the nomination of Robert M. Gates, of Virginia, to be Director of Central Intelligence.

SH-219

3:00 p.m.

Joint Economic

To hold hearings to examine the environmental costs of economic activity, focusing on the need to develop new ways to measure and report how pollution and devastation of natural resources is affected by economic policies.

SD-628

SEPTEMBER 17

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 1330, to enchance the productivity, quality, and competitiveness of United States industry through the accelerated development and deployment of advanced manufacturing technologies.

SR-253

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine proposals to reform the Public Utilities Holding Company Act (PUHCA) of 1935, focusing on title XV of S. 1220, which would exempt a new class of independent power producers from PUHCA's restrictions.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings on S. 976, Resource Conservation and Recovery Act Amendments, focusing on activities of the Environmental Protection Agency.

SD-406

SEPTEMBER 19

9:00 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 962 and H.R. 972, bills to make permanent the legislative reinstatement of the power of tribal courts to exercise criminal misdemeanor jurisdiction over nonmember Indians.

SR-485

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the resettlement of Rongelap, Marshall Islands.

SD-366

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 640, to regulate interstate commerce by providing for a uniform product liability law, and S. 645, to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

SR-253

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings to review the Interstate Commerce Commission's (ICC's) oversight of motor carriers.

SR-253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1228, to provide for a comprehensive review by the Secretary of the Interior of western water resource problems and programs administered by the Geological Survey, the Bureau of Reclamation, and other operations of the Department of the Interior.

SD-366

SEPTEMBER 20

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings to examine the health impact of certain pesticides manufactured in the United States and exported to Third World countries.

SD-138

SEPTEMBER 24

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on the status of the Department of Energy's research and development on the Atomic Vapor Laser Isotope Separation technology and the outlook for transfer of that technology to the private sector for commercial deployment.

SD-366

Joint Printing

To hold hearings on the proposed consolidation of the Department of Defense printing establishment.

2226 Rayburn Building

SEPTEMBER 25

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Oversight of Government Management Subcommittee

To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.

SD-342

OCTOBER 4

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the status of Great Lakes Federal programs.

SD-342

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD-342

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

CANCELLATIONS

SEPTEMBER 12

9:00 a.m.

Select on Indian Affairs

To resume hearings on proposed legislation on Indian Tribal Courts.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, September 12, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day our prayers, O God, are with those people who have great responsibility for the ordering of the nations. As leaders reflect on their actions and the directions they should take, aware of the pressures from every side, may they see more clearly the demands of justice, the concern for fairness, and the joyous opportunities of a world at peace. May Your gifts of wisdom and judgment promote liberty for the nations and freedom for every individual. Bless us, gracious God, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. RIGGS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 277, nays 94, answered "present" 1, not voting 60, as follows:

[Roll No. 254]

YEAS—277

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Clement
Clinger
Coleman (TX)
Collins (IL)
Combest
Condit
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison
Mrazek
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Reed
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Young (FL)

NAYS—94

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox (CA)
DeLay
Dickinson
Dornan (CA)
Ewing
Fawell
Fields
Franks (CT)
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Hobson
Inhofe
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Livingston
Machtley
McCandless
McCollum
Miller (OH)
Miller (WA)
Molinari
Moorhead
Nussle
Paxon
Pursell
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Payne (NJ)

NOT VOTING—60

Andrews (NJ)
Berman
Brewster
Chapman
Collins (MI)
Conyers
Cooper
Crane
Cunningham
Dannemeyer
DeFazio
Dicks
Dixon
Doolittle
Dreier
Dymally
Emerson
Engel
Fazio
Ford (MI)
Gallegly
Gillmor
Hatcher
Herger
Holloway
Hopkins
Houghton
Hunter
Hyde
Ireland
Jones (NC)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (CA)
Lowery (CA)
Markey
Marlenee
Miller (CA)
Moran
Murphy
Nagle
Nowak
Ortiz
Owens (NY)
Pickle
Ray
Roe
Savage
Serrano
Stark
Stokes
Thomas (CA)
Towns
Washington
Waters
Yatron

☐ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Speaker, during roll call No. 254 on the Riggs motion on approval of the Journal, I was unavoidably detained at a meeting at the Pentagon. Had I been present, I would have voted "Nay."

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Pennsylvania [Mr. WELDON] if he would come forward and lead the membership in the Pledge of Allegiance.

Mr. WELDON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 272. An act to provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing, and for other purposes.

IT IS TIME TO HELP OUR OWN CITIZENS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, they are back; they are back, Members of Congress who spent a month in their districts. They are back, the President and members of his staff who spent a month in Maine. They are back, Mr. Speaker.

But this group did not go anywhere. They are the unemployed, working families who have lost their jobs and are trying to work again.

They are back, those of us who are determined to press through to get unemployment, extended unemployment benefits, for these people.

Mr. Speaker, the President denied unemployment benefits, extended unemployment benefits, when he refused to consider releasing these benefits by declaring a budget emergency, 13 more weeks of benefits to working families to help them pay the mortgage, to pay college tuition, to make the car payment.

This fall the Congress is going to be asked to help savings-and-loan depositors, to help banks, to help the Soviet Union. How about our citizens, those people who have been paying the taxes for years, the working American taxpayer who needs a little temporary help themselves? They are back, Mr. Speaker, and this time they are asking the President, "Let us do it right."

□ 1230

PASSIVE LOSS LEGISLATION

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, Congress has the opportunity to pass budget-neutral legislation to help resolve the S&L crisis and help turn around the recession. H.R. 1414 has 300 cosponsors, including a majority of the committee of jurisdiction, but we may not get a chance to vote on the bill.

H.R. 1414 changes the passive loss rules which penalize owners of rental property and unnecessarily drives many owners into foreclosure. The bill would allow rental property owners to continue operating their developments, thereby reducing loan foreclosures and limiting failures among financial institutions. These failures create a burden for all taxpayers who have sunk billions of dollars into the RTC and perhaps face a similar prospect with the FDIC.

Mr. Speaker, H.R. 1414 is self-financing. Revenues foregone through the passive loss changes will be recouped from the same industry by lengthening depreciation on commercial property. Nevertheless, we hear that there will not be a vote on H.R. 1414, and there is no other vehicle.

Mr. Speaker, if a bill has 300 cosponsors, including a majority of the committee of jurisdiction, should the bill not come to the floor for a vote? I urge the Speaker to give us a vote on H.R. 1414 this year.

UNEMPLOYMENT BENEFITS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would like to read part of a letter to the editor from the New Haven Register of September 5. Debra Wendland of West Haven, writes that the President and his men should, and I quote:

> Go down to New Haven's union locals and shake hands with the men down there and ask them how long they have been out of work. I am sure the answer is not one or two months, more like 9 or 12 months with their unemployment running out long ago. Or go down to the local unemployment office and ask the 50-year-old man where is he going to get a job when his unemployment runs out?

Mr. Speaker, what does Debra Wendland know that all the President's men do not?

My people back home want their leaders to pay attention when they are hurting. They have watched as the President has offered emergency aid to the people of Bangladesh and Kuwait, and to the Kurds and the Soviets. All this while our own people cry out for disaster relief of their own.

In good times, they have paid their hard-earned taxes into an unemployment system that is now broke. For millions of Americans these are tough times, and they are calling out for the help that they have earned.

That 50-year-old man—and the millions like him—can no longer wait.

Mr. Speaker, they need our help now.

IN OPPOSITION TO THE GAS TAX INCREASE IN H.R. 2950

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, I rise in opposition to the 5-cent Federal gas tax increase in H.R. 2950.

The committee's report on the bill claims that enacting a 5-cent gas tax will "help make possible the charting of an audacious and bold new direction on the Nation's transportation policies." However, this new direction may be one filled with potholes, if we continue down the road of increasing gas taxes.

Studies have shown that for every penny increase in the gas tax it reduces GNP by $1 billion. Congress' Budget Office estimates that families earning less than $20,000 a year will spend at least eight times as high a percentage of their income for gasoline as do families that earn $50,000 or more.

And rural families already spend twice as much for motor fuel taxes as do urban families.

Congress last year passed a 5-cent gas tax increase along to the American family, and less than a month later, our economy entered a recession. Has not Congress learned its lesson?

I urge my colleagues to join me in opposing the 5-cent increase in gasoline taxes.

THE NEED FOR UNEMPLOYMENT LEGISLATION

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, last week, the Labor Department announced that the unemployment rate for August remained at 6.8 percent. In human terms, that means 8½ million Americans are out of work. In my State of Texas, 596,000 people are jobless Before the August recess, Congress gave the President the opportunity to act on this problem when we passed emergency unemployment insurance legislation, H.R. 3201. But President Bush refused to invoke its provisions.

More than a million Americans have exhausted their unemployment benefits. Hundreds of thousands more are dropped from the rolls each month. They are no longer afforded that basic measure of security that the Unemployment Insurance System was intended to provide. They have slipped through the holes of the Social Security safety net.

Soon we will be voting on the Unemployment Insurance Reform Act, H.R. 3040. This bill restores extended benefits to the long-term unemployed, and it equalizes benefits for ex-military personnel to those for civilian personnel.

When we established the Unemployment Insurance System in 1935, this country committed itself to providing some minimum level of income security for the jobless. Over the last 10 years, Americans' right to security has been eroded. Only three States qualify for extended unemployment insurance under the present system.

H.R. 3040 will improve that record. Joblessness is a personal crisis that can turn into tragedy. Let's not turn that corner. Please support the Unemployment Insurance Reform Act when it comes to the floor for consideration.

GATT DOLPHIN RULING RAISES SERIOUS QUESTIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, an international dispute panel has just ruled that certain U.S. import policies designed to help stop the unnecessary slaughter of marine mammals are in violation of our trade obligations. This ruling raises serious questions for me and for many of my constituents about whether proposed trade agreements will eventually lead to a degradation of our own environmental, health and safety standards. This ruling—which was sought by Mexico as a result of new United States import restrictions on tuna—could be seen as a test case of our ability to promote strong environmental policies around the world as part of international trade.

U.S. tuna companies have already proven that it is possible to use dolphin safe methods of catching tuna and still stay in business. We've seen that where there is the will, there is a way to reduce the needless killing. Unfortunately, it seems Mexico has still not fully demonstrated the will. Mr. Speaker, my constituents in southwest Florida are already quite skeptical about how a proposed trade agreement with Mexico could affect us; this recent ruling only heightens their concern. I have already urged the administration to stand by the United States' position on this issue, signaling to Mexico and all the nations involved with GATT that we will not sell out our principles or our Nation's best interests in our pursuit of free trade.

HOUSING AND REAL ESTATE INDUSTRIES CRITICAL IN RECESSION TIMES

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, Congress returns to work this week with a long list of things to do. Topping that list, in my view, should be legislation to shift our sagging economy into high gear.

While many sectors of our economy clearly need our attention, one sector which is so critical to economic recovery, but which we seem to be ignoring is the housing and real estate industries. These industries typically lead us out of recessions, yet they are too weak to help much and now their troubles are spreading to other parts of the economy as well.

To those who would dismiss the problem as simply the fault of the industry, I would say take a long look at yourselves. In 1986, as part of the tax reform, Congress passed new passive loss rules intended to put an end to property tax shelters. Unfortunately, as we have learned the hard way, those rules also killed credible real estate investment and brought the market to its knees. Now many investors are unable to carry troubled properties and many lenders are going under because of large inventories of real estate they have taken back from borrowers. And in the end the taxpayer winds up paying the bill.

Taxpayers in my district already get enough bills, and I think it's time we took action to remedy this problem. My colleagues, MIKE ANDREWS and BILL THOMAS, have proposed a responsible solution in the form of H.R. 1414, which I strongly support. Passage of this bill would put real estate investment on an equal footing with other business investment and help to stabilize an important part of our economic pie.

THE VISION OF THE PRESIDENT'S EDUCATION PLAN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, I take the floor today to comment on one aspect of the President's domestic agenda, an agenda for America that is being held hostage by the chronic complainers, buck passers, and alibi artists of this body. One only needs to look at America 2000 to witness an exciting and innovative new program which is the beginning of the renaissance of education in America.

President Bush, in America 2000, reaffirms an idea which is becoming lost in America—the idea that communities and individuals can solve problems better than the Federal Government and Washington bureaucrats. America 2000 will place the responsibility for and direction of reform in the hands of community leaders, parents, and teachers—those who know best what works in the classroom and are most affected by the deficiencies in our educational system.

The debate over education is more than one between Republicans and Democrats. It is about the future and who should lead us on this journey. We have the vision of President Bush's education plan or we have Senator TED KENNEDY's education plan, which, despite the Democrats' rhetoric, is the only plan they have put forth. Do we want the plan which calls for innovation and change from the people, or do we want the plan that calls for more government and more bureaucrats? As a parent, the choice is obvious: We need the President's plan.

□ 1240

PRESIDENT BUSH'S SCORECARD ON WOMEN'S LEGISLATIVE AGENDA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, to my side is a chart outlining all the women's legislation that President Bush has either promised to veto or vetoed. These 10 bills were drawn primarily from the agenda of the bipartisan congressional caucus for women's issues.

I am releasing this Bush veto score card so that women could keep track of the President's action on their issues.

The Bush record on women is worse than the Reagan record. At least Reagan was honest about his indifference toward women. Candidate Bush, however, campaigned for a kinder, gentler America promising family leave and civil rights. George Bush's campaign promises amounted to little more than political vogueing.

This Congress has taken historic strides in treating women as equal citizens in this country. We have fostered a revolution on research on women's health, passed a civil rights act that signals that discrimination against women will not be tolerated, stopped the erosion on women's right to choice, and told employers that they cannot make parents choose between their families and their jobs.

When these bills reach President Bush's desk, he employs an old skull and bones tradition: No women allowed.

I urge women not to let the Thomas Supreme Court nomination fight distract us from President Bush's effort to sabotage women's legislative agenda. The real task at hand is to make sure that we have a veto-proof Congress who will stand up to George Bush's neanderthal policies and will overturn the Bush Supreme Court decisions.

MEDIA COVERAGE OF THE CATHOLIC CHURCH

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, during the August break, sitting there glued to a television, watching the glorious events unfolding in the Soviet Union, witnessing the fall of communism in Moscow, from where all of this evil spread across the world for 74 years, I caught up on some of my reading. I had missed a press conference here in March. I had a good excuse; I was in Croatia and then Albania for the elections there. I missed the press conference on March 26 by a group called the Center for Media and

Public Affairs, releasing this booklet on media coverage of the Catholic Church.

Mr. Speaker, it is a stunning document. I am going to put it in the Congressional Record in pieces or chapters over the next few weeks.

It was produced under the codirection of Dr. Robert Lichter and his Ph.D. wife, Linda, and Dr. Daniel Ahamson. It was sponsored by the Knights of Columbus and the Catholic League for Religious and Civil Rights.

This weekend PBS in Los Angeles ran this infamous film created by radical homosexual activists called "Stop the Church." Can you imagine a film called "Stop Judaism"? Or "Stop African-Americans"? Or "Stop the Democrats"? Or better yet, "Stop the Liberals"?

If the media treated one of the world's great religions, Judaism, the way it has been treating the Catholic Church the last 10 years, it would be branded properly as vicious, bigoted, and anti-Semitic. And they would receive similar invection if they treated black Americans the way they have treated the Catholic Church.

Some of us are loyal Catholics, and we are going to fight back. The battle is now joined.

Get this book, "Media Coverage of the Catholic Church." It is a disgrace how the media has collaborated with anti-Catholic bigots to defame the church. Stop the church? I say stop the bigots.

HOW TO MAKE IT TO THE SUPREME COURT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody is asking: How do you make it to the Supreme Court?

Let us take Judge Souter. He had no, if any, legal opinions; he never looked his confirmers in the eye. And rumors persist that he flies a B-2 bomber. He cannot even be detected by radar.

On the other hand take a look and take Judge Bork, please take Judge Bork. He told it like it was, he bared his soul and more. And guess what? Souter is in, Bork is out.

Let us say one thing: Judge Thomas is an intelligent man. All he has to do is review Souter versus Bork.

I agree with the NAACP, something is wrong when America knows more about Judge Wapner than Supreme Court nominees who will be Supreme Court judges for life.

COMMENDING THE RUSSIAN PEOPLE ON THEIR COURAGEOUS STAND FOR FREEDOM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to introduce a concurrent resolution commending the people of the Soviet Union on their courageous stand for freedom and democracy.

Throughout America, we watched intently as history unfolded before our eyes. Fear of a tragic crackdown leading the Soviet Union back into darkness quickly dissolved into the excitement of the dawning of a new era. Americans are a freedom-loving people and our hearts were warmed by the discovery that the instinct for liberty and democracy dwelt deeply in the soul of a nation where it had long been denied.

I believe this resolution will be an important message for the people of the United States of America to send to the people of the former Soviet Union. Freedom and democracy are not limited resources. We are eager to teach and share the practice of freedom, the art of democracy.

We do not know where the future will take the people of this part of our world, but the spirit of the August revolution provides a basis in humanity that has inspired mankind's finest moments.

Please join me in sponsoring this resolution to commend the people of the former Soviet Union on their courageous stand for democracy.

REFORM OF BANKING INDUSTRY MUST INCLUDE PASSIVE LOSS RULES CHANGE

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, recently, FDIC Chairman William Seidman predicted that over the next 2 years, 400 U.S. banks will fail. Add to that the mounting FDIC losses and the administration's new $80 billion request for the RTC and it becomes painfully clear that America's financial institutions are in bad shape.

Our colleagues on the committees of jurisdiction have pursued painstaking efforts to reform the banking industry. However, I want to direct their attention to an often overlooked but significant contributing factor to the problems that plague our financial institutions and our economy. I am talking about the passive loss rules that continue to penalize American taxpayers who own investment rental real estate.

These passive loss rules, which did not originate in this body, effectively prevent owners of real estate from working out troubled properties. As a result, these properties are frequently repossessed, undermining the soundness of our banking industry.

Mr. Speaker, there is legislation pending in the Ways and Means Committee introduced by our colleagues Mike Andrews and Bill Thomas and cosponsored by more than 300 of our colleagues, that goes a long way toward encouraging real estate professionals to work out distressed properties and keep them operating in the private sector and out of the inventories of the RTC and FDIC. This legislation would place real estate people on equal footing with other business professionals without restoring or creating abusive tax shelters.

Frankly, Mr. Speaker, I believe the Andrews-Thomas passive loss legislation is the most constructive tax legislation we could enact this year. And I sincerely hope this House has the opportunity to vote on it in 1991.

THE YUGOSLAVIAN CRISIS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, hundreds of people are dying and thousands are losing their homes in the fighting between Croatians and Serbs.

America faces a dilemma. Americans want to do something to ease the crisis. But we have a longstanding commitment to international law. It prevents us from taking sides in the internal disputes of other nations.

However, that does not mean we are forced to sit on the sidelines and twiddle our thumbs. We should take a page from the strategy book that George Bush used in the gulf war.

Let us use the United Nations to keep the peace in Yugoslavia. Today I am offering a resolution that will call on the United Nations to dispatch a peacekeeping force to separate the parties and start the process of reconciliation.

In the gulf war, the United Nations demonstrated that it could live up to its original purpose, that it could be an effective force for maintaining the peace.

I urge my colleagues to give the United Nations an opportunity to show what it can do to stop the killing and promote peace on Earth.

HEALTH CARE REFORM: THE NEED IN IDAHO

(Mr. LaROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LaROCCO. Mr. Speaker, as a member of the rural health care coalition, I went home in August to listen to the people of Idaho, and to examine the State's health care delivery systems. What I heard indicates that the health care crisis in rural America is growing.

At a congressional subcommittee hearing at St. Luke's Regional Medical Center in Boise, I gathered comprehensive testimony from the young and old, business community leaders, insurance providers, health care professionals, and Government. Each witness dealt with the real life, day-to-day difficulties of the current health care situation, and I think it would be useful for Members of the House to consider what they had to say.

Idaho is the most underdoctored State in the Nation, and the situation is not improving.

Hospitals are pinching every penny to keep their doors open in rural communities.

Companies large and small are having trouble finding affordable insurance plans that meet the needs of their work force, and a surprising number of people are unable to find any health insurance at all for themselves and for their families.

But when all was said and done, there was one thing they all agreed on: We cannot maintain the status quo and achieve quality, affordable health care.

I found the testimony of Mr. Jim Thompson, president of the ECCO Co. in Boise, of particular interest.

Mr. Thompson has lived in Idaho for nearly 30 years, and in 1990, he was named the small businessman of the year by the Idaho Chamber of Commerce. He understands the importance of health care options in todays business world, and he has made extensive efforts to provide affordable, quality coverage for his company's team members and for their families. Unfortunately, in spite of his best efforts, he has not been able to obtain coverage that meets the requirements of his small business and his team members. Because his experience includes the full range of currently available options, I believe it would be instructive to consider his insights and remarks in the ongoing debate of health care reform. Mr. Speaker, I will insert Mr. Thompson's subcommittee hearing statement into the RECORD.

My constituents tell me there is a problem. The quality health care currently available in Idaho is in jeopardy. I think it is critical that we listen to the voices of Idaho, and of all rural America, and get on with the task of health care reform.

STATEMENT OF MR. JIM THOMPSON

Good Morning. My name is Jim Thompson. I'm the President of Electronic Controls Company [ECCO]. We're a small manufacturer with a single plant in Boise with 75 Team Members. We manufacture back-up Alarms (reverse-gear warning alarms for vehicles) and do Contract Manufacturing work for Hewlett Packard. Extended Systems, and other electronics companies. We sell our back-up alarm products all over the world against competitors from Japan, Taiwan, and Europe. ECCO has grown from 20 to 75 Team Members during the last 7 years. We are probably more concerned with the well being of our Team Members than most businesses our size. For instance:

We have an employee stock ownership plan (ESOP) that currently owns about 12% of the company. We've made annual contributions since starting the plan 4 years ago.

We have a 401K plan that is 100% vested in the first year; designed as a "portable pension" plan.

We also have a profit bonus plan that distributes 20% of the company's pre tax profit to all Team Members every month. We also provide child care financial assistance. Other small businesses that provide fewer benefits are probably even more distressed over the increases in health insurance costs.

WHERE WE ARE NOW

ECCO's cost of health insurance has increased at an average rate of 20% per year for 7 years running. A cumulative increase of 260%! On the other hand, our customers have demanded lower costs which has reduced our average sell price by 50% over the same time period. Nowhere in the business world has there ever been an industry that has been able to raise prices the way the health insurance industry has done in America.

Please note these figures do not include costs paid by ECCO for medicare or medicaid.

Currently our health insurance costs are about 2.5% of our sales dollar. Surely this will double in the next few years if left unchecked. It is well reported that health care cost is a larger cost component of an automobile than sheet metal. If America's businesses get saddled with higher costs than our world wide competitors, the result will be declining competitiveness and loss of jobs.

WHAT WE'VE DONE

We've done just about everything we could think of to reduce the impact of health insurance cost increases on our profits. Here's a list of the things I can remember:

1. We lengthened the "waiting period" for new Team Members health insurance eligibility to six months. The idea was to limit insurance to longer term Team Members only. We abandoned this 5 years ago because it was contrary to our company's way of doing things.
2. We increased the deductible amount and the number of deductibles per family.
3. We switched from a conventional medical insurance plan to an HMO. The year we did this our increase was only 12%, not the 25% offered by the conventional insurance. 1 year later we were back on the 20% increase per year track.
4. We increased the "co-payments" for doctor visits and prescriptions.
5. We encouraged Team Members with spouse employed elsewhere to have their spouse covered by the spouses employer only.
6. We raised the cost share of family coverage more than Team Member coverage to encourage Team Members to have their dependents covered by their spouses employer.
7. We raised the percentage of the total cost to be paid by the Team Member.
8. At one time we even asked prospective Team Members about their use of tobacco. The idea here was to only hire non-smokers. Ultimately, we planned to have a smoker-free work group and demand lower insurance costs. This has been temporarily abandoned.

Most of these actions either reduced benefits or shifted the cost burden to our Team Members. We only treated the symptom, not the cause.

I understand that once a company reaches about 100 Team Members the economics of self insurance makes sense. I hope that's so.

SOME SUGGESTIONS TO CONSIDER

1. Malpractice insurance costs should be reduced. Curtail settlements. The fear of being sued encourages doctors to practice defensive medicine such as ordering unnecessary tests.
2. Policy makers should look at other rich nations health care plans for ideas. Particularly Germany and Japan. Read the health care survey in the July 6th Economist.
3. The Veterans Administration health care plan and hospitals should be privatized or in some way integrated into the existing health care systems.
4. There should be a "play-or pay" system for employers. Either they have their own plan or they buy into a state or federal pooled risk plan.
5. Encourage HMOs by tax incentive or other means. This is a great concept but needs a greater market presence to flourish.
6. No one should be able to collect from multiple insurers more than the cost of the health care service billed.
7. Do away with the exemption of employer paid insurance premiums from federal and state income taxes, biased to the "better-off". This will encourage companies to choose cheaper insurance.
8. Do away with individual tax deductibility of health insurance premiums for federal and state income taxes.

CONCLUSION

Health care reform is one of America's biggest public policy challenges over the next few years. More of the same is no longer a suitable outcome. I hope all policy makers will find a path that will stabilize health insurance costs.

Thank You LARRY LAROCCO and RICHARD STALLINGS for inviting me to offer this testimony.

□ 1250

THE PROBLEMS IN YUGOSLAVIA CAN BE SOLVED

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the gentleman from New Jersey [Mr. SMITH] and I visited Yugoslavia last week, and we went to Croatia and to Serbia. A lot of people are dying. In fact, last night the AP report pointed out that 10 to 15 died on both sides and about 30 were injured. There are women and children also being killed.

Some people in this country and in the world favor the Serbs, some favor the Croatians, and perhaps most of us are perhaps neutral. But one thing we really cannot be neutral on is that the killing and the fighting ought to stop.

I call on President Bush and the Bush administration, Secretary of State and all of those in Congress to demand that there be a cease-fire, and anyone who violates the cease-fire, there ought to then be political and economic sanctions against them. With a cease-fire, peaceful negotiations and with a spirit of reconciliation this problem can be solved.

ARMS CONTROL: THE TIME IS NOW

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, the Soviet hardliners are gone. The Stalinists who dragged their feet for years on arms control are out. This gives us a once-in-a-lifetime opportunity to rid the world of the threat of nuclear destruction.

Once the Soviets sort themselves out within a few months, we can expect them to be ready, willing, and eager to snap up any mutually beneficial arms control that we propose. They have been telling us that for the last month.

We can stop nuclear testing, we can stop ballistic missile flight testing and send every multiple warhead missile to the garbage dump, and, if we do these things, the threat of a nuclear Pearl Harbor will be gone, gone forever.

What a magnificent gift to our children and to their children. What a chance to build healthcare and education here in this country rather than warheads and missiles.

Regrettably the reaction of the Bush administration to this staggering opportunity seems to be a blank stare. Yesterday Defense Secretary Cheney said, "Whether or not there ought to be additional arms control is an open question."

Mr. Speaker, it is not an open question. We need real stabilizing arms control, and we need it now. If the administration cannot negotiate it, this Congress should legislate it.

LOAN GUARANTEES FOR ISRAEL SHOULD BE DELAYED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am, and all of us are, facing a very difficult issue, and that is on the question of whether or not to delay the taking up of the issue of loan guarantees in the sum of $10 billion for Israel in order to help that nation, that valiant nation, resettle Soviet emigres.

I have great respect for a nation which has traditionally, and which does again today, extend succor and aid, and assistance and comfort to people who are displaced and people who are adrift. But I also have great respect for my President who has said, in requesting a delay in the taking up of this issue, that the debate on it or the adoption of the loan guarantees could derail or certainly put great impediments in the next month's peace conference to try to settle the issues in the Middle East.

Facing this quandary, I take the position of my President and support him in this effort. And, I believe that the House and the Senate should do nothing which could impede one great result which could come from the gulf crisis, a lasting peace in the region.

I, therefore, Mr. Speaker, urge and hope that we do delay the issue of the loan guarantees for Israel.

THE MANY ACCOMPLISHMENTS OF RUN, JANE, RUN

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise today to announce the anniversary of an organization in my congressional district: Run, Jane, Run, which performs a valuable service for the citizens of this Nation.

Run, Jane, Run, which was established by the Fort Wayne Women's Bureau on September 12, 1980, organizes sporting events for amateur women athletes on behalf of women's centers in eight cities around the country. Profits earned from Run, Jane, Run events are funneled back to women's agencies which provide valuable services, such as shelters for battered or homeless women and their families, and other support services to women.

I am proud of the accomplishments of Run, Jane, Run. The work of this organization touches the lives of many Americans. Today I extend my warmest congratulations to the women and men who give so much to this important effort, and I thank them for their hard work and dedication.

INTRODUCTION OF H.R. 3313, GRANTING MFN TO LATVIA, LITHUANIA, AND ESTONIA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I have today introduced H.R. 3313. H.R. 3313 grants most favored nation treatment to Latvia, Lithuania, and Estonia immediately. No delay.

Mr. Speaker, these small, but precious, countries are entitled to this kind of treatment. It will help them recover.

As I learned when talking with the foreign minister of Estonia, celebrating its first day of its freedom; he said, "Lithuania has always been free. We've just been occupied for a great number of years."

That sort of sums up the attitude of these people. Granting them most favored nation treatment along with granting most favored nation treatment to the U.S.S.R. would mean the first constructive step we have to change this vast area of the world.

I just returned from a long and extensive trip in the U.S.S.R. with my subcommittee. I want to say that the opportunity has never been greater to influence this part of the world. They want and they need help, and their attitude is right. It is time for us to exploit that. I think we first need a united position of free nations of the earth to get rid of the nuclear weapons the U.S.S.R. amassed by a commitment by the United States to do approximately the same thing.

NOT IN MY BACKYARD: REMOVING BARRIERS TO AFFORDABLE HOUSING

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker and colleagues, on July 8, 1991, Secretary Kemp's advisory commission on regulatory barriers to affordable housing presented a very important report outlining the results of a 2-year study on Government regulations which drive up housing costs for American families. I find the report most enlightening and commend to my colleagues an editorial entitled "Red Tape Housing" which appeared in the Wednesday, September 4, edition of the Wall Street Journal. As Members of Congress and servants of the public, we are all well aware of the growing housing affordability crisis in the United States, and I am particularly sensitive and aware of this problem because my congressional district represents 2 of the 10 most expensive and least affordable housing markets in the United States. What may not be as clear about this problem is why the problem is emerging and what specifically should be done about it.

Mr. Speaker, before being elected to Congress in 1990, I owned a small property development company in Santa Rosa, CA, and Santa Rosa is one of those communities in my district in the listing of the United States top 10 most expensive markets.

□ 1300

I can tell you from personal first-hand current experience about the deleterious effect that stringent anti-growth and well-intentioned environmental protection policies can have on affordability in a local housing market. I would argue that in many cases, such restrictions eventually backfire, compounding the very environmental growth problems they were designed to control.

Mr. Speaker, I hope Members will review the Wall Street Journal editorials, and will carefully consider the conclusions and representations in Secretary Kemp's report to President Bush entitled "Not In My Back Yard: Removing Barriers to Affordable Housing."

HOUSE SHOULD STAND FIRM ON DECISION TO SHOOT DOWN B-2 BOMBER

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, last Friday the Air Force reported that cracks in the B-2 bomber discovered more than a year ago will require a new titanium alloy and engineering changes costing some $200 million.

Today we learn that the B-2 is not as stealthy as the Air Force had promised, and as the contractor, Northrop, had promised. The cost is estimated to be hundreds of millions of dollars to fix the latest problem with the B-2.

Mr. Speaker, earlier this year the House took the position that we should stop production of the B-2 at 15, and not authorize any more. The conference committee will be meeting this week. I sincerely hope that all Members will be communicating with our colleagues that are serving on this conference committee and urging them to stand by the position that we have taken, to stop further production of this monstrous waste of the taxpayers' money, and restore some sanity to what we are doing in the Pentagon budget.

As far as I am concerned, we should stop this plane's production at 15, and save the taxpayers hundreds of millions of dollars, and billions of dollars over the next decade. We have a great opportunity to do the taxpayers a great service, if we just stick by our position over the next few weeks. I urge Members to do that.

AMERICA SHOULD SHOW ITS SUPPORT FOR CROATIA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, over the break I went to the Soviet Union just prior to the coup, and then went to Yugoslavia. I went more specifically to Croatia, which is under attack in a bloody act of aggression by its neighbor, Serbia.

It is about time that the United States not leave this problem solely to the Europeans to solve. The United States is a world leader. We have influence, and should use it to stop the bloody conflict that is going on in the Balkans today. Croatia is asking for nothing more than the right of its people to determine their own destiny and for democratic government.

Belgrade, the Serbian capital, is under the control of the last Stalinist regime in Europe. This Stalinist regime is committing monstrous atrocities against the people of Croatia, trying to subjugate them and steal territory from this newly elected republic.

Mr. Speaker, this is absolutely outrageous. The United States should take a tough stand. If the Stalinists in Serbia continue their atrocities, the murder and the mayhem they are committing in Croatia, we should recognize Croatia and be willing to throw the complete economic and political influence of the United States behind these people in Croatia, who want nothing more than to have democracy, peace, and prosperity, and to be left alone.

Mr. Speaker, as Americans we should make sure that the people who are struggling in this conflict for freedom know that we are on the side of democracy, on the side of freedom, and the side of peace in the Balkans.

GREED AND SELFISHNESS IN BANKING SYSTEM MUST END

(Mr. SANDERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, as a member of the House Committee on Banking, Finance and Urban Affairs, I spent almost 9 hours yesterday listening to the testimony of Clark Clifford and Robert Altman regarding their relationship to the Bank of Credit and Commerce, the BCCI. It was not a pleasant day.

Mr. Speaker, I do not know what Mr. Clifford or Mr. Altman knew and whether they were being totally honest with the members of the committee, but this I do know: After having observed the S&L scandal, which exposed widespread corruption among banking leaders in the S&L industry, and after having observed the collapse of hundreds of commercial banks who were investing in Third World dictatorships, junk bonds, and speculative real estate, yesterday's testimony by these two distinguished American bankers was extremely distressing.

These gentleman made huge profits by borrowing money from Middle Eastern billionaires, including governmental dictators, and then sold those investments, those stocks, for huge profits.

Mr. Speaker, the time is now for major reform in the American banking system. The function of our banks must be to reinvest in America, so we can build the affordable housing that we need, the factories that we need, and the small businesses that we need, and, in the process, create millions of new productive jobs.

Mr. Speaker, we must end the greed and selfishness that the current banking system and the leaders of our banking system are presently functioning with.

AMERICAN WORKERS NEED ASSISTANCE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, when, oh when, are we going to wise up in this country? The President of the United States says we are going out of a recession. I have to say to the President of the United States, come to Ohio, come to eastern Ohio, come to Pennsylvania, Michigan, Illinois, Indiana, Kentucky, New York, or Massachusetts. Come to the northeast quadrant of the United States and look at our jobs leaving. Look at our industries. They are leaving.

The President is giving away our jobs. He is giving away our industry, through bad trade policy and through foreign aid.

People of my district say they want this to stop. He is more interested in helping the other economies of the world, and then he does not want to help America's ex-workers by allowing them a little bit of additional unemployment compensation.

Mr. Speaker, I will say this: My people do not want unemployment compensation. They want to work. They want jobs, they want industry, and they want to keep them in the United States, not send them out of the United States.

I will say this: That if we in Congress and those in the White House do not get our heads screwed on right, the people next year are going to screw us right out of office.

PROVIDE PEOPLE WITH NECESSARY INFORMATION CONCERNING ALCOHOL

(Mr. KENNEDY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, yesterday Antonia Novella, the Surgeon General of the United States, released a report which indicated that underage drinking is rampant in America. According to Dr. Novella, the minimum drinking age is largely a myth since State laws designed to enforce it are riddled with loopholes or not enforced. As a result, some 7 million teenage boys and girls have been able to purchase liquor for themselves. And while stronger enforcement of minimum age laws is part of the solution, it is only a piece of a much larger puzzle.

The fact is that 90 percent of high school students have tried alcohol; 4.5 million teenagers have serious drinking problems. Half of all motor vehicle accidents, homicides and suicides are alcohol related.

While we spend $11 billion each year to fight the war on drugs, the industry spends billions of dollars to promote the so-called good life through alcohol use, despite the fact that alcohol kills three times as many Americans as crack, heroin, cocaine, and all other drugs combined.

Many people find out far too late that the quick road to success is just a fast trip to nowhere. Yet our Government spends only $200 million a year on alcohol abuse programs; $11 billion for drugs, and $200 million for alcohol? Come on, America; alcohol is a drug.

Mr. Speaker, I believe it is time for us to provide some balance to the thousands of irresponsible ads which glamorize the use of alcohol. That is why I introduced H.R. 1443, the Safe Act, earlier this year. This bill would require advertisers to place one of five rotating warning messages at the end of their ads.

Before any more of our young people are lured to finding success at the bottom of a bottle, let us provide them with the information they need to make the right choice.

UNSAVORY JAPANESE BUSINESS PRACTICES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I would like to share a vivid example of Japan's subtle and sometimes not subtle methods of undermining U.S. trade policy during the ongoing United States-Japan auto negotiations.

□ 1310

On August 28 I was contacted by a law firm representing Mazda. Because of the congressional political pressure finally being exerted in response to Japan's exclusionary and protectionist automotive and auto parts trade practices, Mazda wants to diffuse the pressure during the negotiations by taking a handful of United States auto suppliers into its family of suppliers.

Now most people would probably say, "Marcy, isn't this what you have been trying to achieve all along?" Not exactly, I must respond. Let me explain.

What this attorney asked for were the names of those U.S. suppliers, "most politically active" so that Mazda can get the most political credit for taking them on. He actually said so.

This is a very blatant practice of throwing crumbs to a few companies in order to get them to stop speaking out about the exclusionary practices of Japanese auto companies and their plants toward the United States industry as a whole.

I ask my colleagues, is this what we have been fighting for so long, to have a few politically influential companies bought off in exchange for our silence? This is maybe how it is done in Japan, but unsavory business practices are not slipping by unnoticed by this Congresswoman.

CONGRATULATIONS TO 1991 KEIZER, OR, MAJOR GIRLS' SOFTBALL TEAM

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOPETSKI. Mr. Speaker, there is a lot of good that goes on in our country, and today I rise to congratulate the Keizer, OR, girls' softball team, one of the best Little League teams in America.

This team ended a great season with a 16 and 4 record. Then they took the western championship, and then took this tenacity and spirit to the Little League World Series in Kalamazoo, MI. In Kalamazoo they captured third place in the world, best in the West, third in the world and first in our hearts.

These young ladies proved that commitment and dedication is the key to success whether on the sports field or off the sports field. These young ladies can truly carry their heads high with pride in their accomplishments.

This past summer's leadership, pride and teamwork shown by these young ladies reflects the same qualities in their hometown of Keizer, and indeed of all small towns throughout the great State of Oregon.

As many of the smaller communities throughout the Fifth District of Oregon face the challenges and uncertainties which lie ahead, these young ladies on this team provided an example of those qualities which do ensure success in our country.

Mr. Speaker, I am proud to be able to represent these young ladies.

I include for the RECORD the names of the players, coaches, and staff of this inspirational team, as follows:

They are Nikki Arrington, Brianne Beaty, Traci Hearn, Tanya Heyko, Sara Koski, Michelle Lackaff, Nikki Lackaff, Amber Lee, Melinda Pacholl, Michelle Penn, Heidi Priem, Amanda Rawlins, Crissy Sjolander, Allison Williams—players, Joyce Tracewell—coach, Phil Lackaff—manager.

NO CONNECTION BETWEEN U.S. LOAN GUARANTEES AND THE PEACE PROCESS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I rise to welcome those hundreds of activists participating in today's National Leadership Action Day to support absorption loan guarantees for Soviet Jews. Your arrival could not be more timely.

In the last few weeks, the President has stated his opposition to upcoming congressional action on the loan guarantee issue. He has gone so far as to formally ask that Congress defer Israel's request. But Mr. Speaker, by asking for a deferral on the eve of the historic Arab-Israeli peace conference, he is risking the creation of a whole new debilitating distraction. It can kill the peace conference before it begins.

Any further delay in providing Israel with loan guarantees will be very hurtful to Israel's effort to provide food, clothing, housing, and infrastructure development for the hundreds of thousands of Soviet Jews escaping danger and uncertainty in the Soviet Republics. But more relevant to my point, the symbolism of deferral would create political conditions in Israel which could preclude Israel's participation in the conference at all.

There is no connection between U.S. loan guarantees and the peace process. Secretary Baker deserves great credit for the fact that all relevant Middle East leaders have already agreed to participate in the peace conference without preconditions. Why does the administration want to add a whole new factor, a new roadblock? Why cannot the President and the Secretary of State take yes for an answer?

OLDER AMERICANS ACT AMENDMENTS OF 1991

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McNulty). The gentleman from Missouri [Mr. Wheat], is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. Solomon], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 219 is an open rule providing for the consideration of H.R. 2967, the Older Americans Act Amendments of 1991. The rule provides 1 hour of general debate time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule waives clause 2(L)(6) of rule XI against consideration of the bill. This clause requires that the report on any measure reported by a committee must be available to Members for 3 calendar days prior to consideration in the House. The waiver for H.R. 2967 is necessary because the accompanying report, although ordered reported on August 30 of this year, was not able to be filed until this past Wednesday, when the House returned from its August district work period.

Mr. Speaker, the rule makes in order an amendment in the nature of a substitute, the text of which is printed in the report accompanying the rule, as an original bill for the purposes of amendment under the 5-minute rule. This substitute is virtually identical to the text ordered reported on July 30, 1991, by the Committee on Education and Labor. The substitute is amendable by titles, and each title shall be considered as having been read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2967 is an extremely important piece of legislation, reauthorizing the Older Americans Act of 1965 for 4 years, through fiscal year 1995. This act is the major Federal vehicle for the development, coordination, and delivery of programs and services to meet the needs of our Nation's elderly. Although the program targets those older Americans with limited financial resources, it also reaches out to the frail elderly who are isolated from the rest of society and in desperate need of support services. For over a quarter of a century this act, through a network of over 25,000 service providers, has served hundreds of millions of home-delivered and congregate meals, offered community service employment opportunities to low-income elderly, and offered a wide range of support services for older Americans. H.R. 2967 will continue these critical services as well as adapt and expand its network of activities to meet the needs of our growing senior population. I urge adoption of this open rule, which was approved unanimously in the Rules Committee, so that we may move on to prompt consideration and passage of H.R. 2967.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am very pleased and honored today to join with my colleague from the Rules Committee, the gentleman from Missouri [Mr. Wheat], in urging Members to vote for this rule and to vote for the bill. We have before us an open rule that fully protects the rights of the minority to offer a motion to recommit with or without instructions.

The Education and Labor Committee is to be commended for requesting an open rule, as is the House Rules Committee for reporting one.

☐ 1320

I also want to take this opportunity, Mr. Speaker, to thank the chairman of the Committee on Education and Labor, the gentleman from Michigan [Mr. Ford], and the ranking minority member, the gentleman from Pennsylvania [Mr. Goodling], for their excellent work on this vital piece of legislation.

Mr. Speaker, because I believe that the Older Americans Act is one of the finest Federal programs that we have, I would like to take just a couple of minutes to express some of my own thoughts about the bill.

Mr. Speaker, since its creation in 1965, the Older Americans Act has been considered one of the best, if not the best, Federal program in existence. Although older people receive services under many other Federal programs, this act is the major vehicle for the organization and delivery of supportive nutrition and other social services to our older people.

The last time Congress reauthorized this bill, the Older Americans Act, I think was in 1987, and the act was expanded to include several new programs for the frail and the abused elderly as well as ombudsman services for long-term care and elderly outreach services. The 1991 reauthorization bill also contains some important programs, expansions which I was glad to see in the bill, which will improve the role and the administration of the act itself.

The authority of the Commissioner on Aging will be strengthened and staffing will be increased for the Administration on Aging. But even so, it will still leave this program with one of the lowest administrative costs of all Federal programs, and again that is why I commend the committee for producing this piece of legislation.

There will be an increased emphasis on coordinating services at the State and local levels to assist older individuals and stepped-up efforts to increase the training and counseling services for older workers. There will be funds for supportive activities for caregivers who provide in-home services to frail older individuals, and I think that is terribly, terribly important, and there will be an expansion for disease prevention and health promotion programs.

Among the truly most important programs to be improved and expanded, however, are the nutrition services. In fact, nutrition programs represent 66 percent of the bill's total funding. In 1990 alone, some 7 million people were served 240 million meals and I think that is just outstanding. We all know how important the Meals on Wheels Program is to our elderly.

The bill also makes grants available to the States for establishing a program of hot meals for multigenerational activities and social and recreational activities for the elderly, and elementary, and secondary schools. I think that tying that in without RSV programs is really going in the right direction.

Mr. Speaker, it is only right that such an important piece of legislation be considered under an open rule so that this entire body can work its will. Again, I commend the Committee on Rules for the open-rule process, and I would urge support for the rule. I also urge support for this vital, vital piece of legislation.

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the full committee, the gentleman from Pennsylvania [Mr. Goodling].

Mr. GOODLING. Mr. Speaker, I rise today to express my support for H.R. 2967 and to urge its prompt adoption. Twenty-six years ago, the Congress created this program to give our senior citizens the supportive services they need to lead independent lives in their homes and communities. The bill before us today presents an opportunity to build on a quarter century of progress toward the goal of the act.

Since its creation, the Older Americans Act has been the primary vehicle for organizing and delivering social services to our Nation's older citizens, and by all accounts it has been a highly successful effort. The act has been responsible for building a nationwide network of 670 area agencies on aging, which have become the primary advocates and coordinators of service for our senior citizens.

Federal funding for OAA programs has also generated growing financial support for senior programs from State and local governments. When OAA programs began, Federal funding represented nearly 90 percent of the total resources devoted to supportive programs for the elderly. Since that time, State and local participation has increased dramatically. In 1990, almost 50 percent of OAA program funds were contributed by State, county, and city governments.

Today, the OAA programs face a critical challenge. A growing population of senior citizens has generated increased demand for services, particularly in the area of in-home supportive care. We all recognize the importance of maintaining older persons in their own communities. In most cases, the quality of their lives, as well as the welfare of the community, are significantly enhanced by the contributions they are able to make. But financing and supply of in-home services have not kept pace with demand. Many States report lengthy waiting lists for long-term care programs and in some areas, very few such services are available at all. These program gaps make it all the more important for services to be coordinated and delivered in the most efficient way possible. The OAA network agencies play an important role as advocates for, and coordinators of, these vital services.

The bill before us today authorizes a $200 million increase in resources that we hope will strengthen the aging network's ability to respond to the growing demands it faces. With the exception of a controversial provision on the White House Conference on Aging, the bill enjoyed bipartisan support within the Committee on Education and Labor. The issue of the White House conference has been resolved. The en bloc amendment that will be offered today reflects an agreement worked out by the White House and the committee over the past month. With incorporation of this amendment, the administration supports passage of the bill.

As a final note, I would like to commend the subcommittee chairman, Mr. MARTINEZ, and our chairman, Mr. FORD, for his leadership on this bill and for his bipartisan efforts on behalf of our Nation's older citizens.

I would also like to thank the staffs on both sides for their work.

The fine job that is performed in my 19th District by the area agencies on aging in York, Adams, and Cumberland Counties has proven a great assistance to my many senior citizens.

The Volunteer Service Credit Act was part of our legislation back in 1988. I was an original cosponsor of the bill offered by the gentleman from Oregon [Mr. WYDEN], when this provision was added.

The amendment now, the en bloc amendments, will make it mandatory, and so we will now have additional incentive for volunteers and a way of paying back the volunteer efforts currently taking place.

Again, I would encourage all of my colleagues to support the Older Americans Act Amendments of 1991.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members have heard from both the distinguished gentleman from Pennsylvania and the gentleman from New York, there is bipartisan agreement and support for both the bill and for the process by which we will consider this bill on the floor.

I would ask that my colleagues support the previous question on this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2967.

☐ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 national conference on aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, with Mrs. PATTERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

Let me start out by saying that it is with a great deal of pleasure that I am here today to amend the Older Americans Act and its reauthorization and continue the recognition of our responsibility to the elderly of our Nation.

As we look to the end of this century and into the year 2000, we come face to face with the overwhelming needs of a graying America. As we plan for the forthcoming millennium, the increase of older individuals compels us to develop a comprehensive response to the modern needs of our citizens.

Fortunately, the Older Americans Act which was passed, as the gentleman from Pennsylvania [Mr. GOODLING] said, in 1965, 26 years ago, continues to adapt to the needs of our senior citizens and it is one that we need to reauthorize again now.

The Older Americans Act programs and funding have been the lifeblood to our communities, assisting the poor, the vulnerable, and the isolated.

The 1991 amendments will renew authority for the act for an additional 4 years, and attempts to look ahead to the needs of the older individuals in the years ahead. For that reason, we have devised improvements in the delivery system of the act along with an authorization to meet new program demands.

The amendments give the Commissioner on Aging, as the gentleman from Pennsylvania [Mr. GOODLING] has said, authority to control the administration's budget and personnel. It increases staffing levels to administer the program. It improves data collection to enhance monitoring and targeting efforts, and requires specific evaluations to improve the effectiveness of programs and forge new coordination of services in the program.

In addition, services to assist older individuals for health prevention, nutrition quality enhancement, elder abuse, legal assistance, language assistance, and intergenerational activities were added.

And, for the first time, the amendment makes Congress and the private sector equal policy participants with the administration in the White House Conference on Aging. The joining together of two branches of Government, along with private sector participants, to set the aging policy for the Nation for the next 10 years is a historical precedent.

The aging community is excited about a meaningful conference with a likelihood of congressionally mandated policy outcomes. We have the mutual support of members on both sides of the aisle for the innovative conference approach we have added.

The amendments also include a 4-year renewal of the Native American Program's authority. The well-regarded HHS Native American Program, currently funded at $30 million, makes grants to Indian tribes to assist their development toward economic and social self-sufficiency.

It is my greatest hope that we have improved the Older Americans Act programs to effect the true fulfillment of our Nation's citizens in the golden years of their lives. Communities are where we begin and win the fight for quality in the life of all Americans. I urge my colleagues to support the passage of the Older Americans Act.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to my colleague next door, the gentleman from Pennsylvania [Mr. GEKAS], who has an interest in a section of this bill.

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding me this time.

I would like to express my gratitude to the gentleman from California and his staff for helping me throughout long months of deliberation on one aspect of the bill that is before us, and to his predecessor, the gentleman from Michigan [Mr. KILDEE], and to the gentleman from Michigan [Mr. FORD], and to the gentleman from California [Mr. ROYBAL] and the gentleman from Pennsylvania [Mr. GOODLING] who all played a part in my little portion of the world of the Older Americans Act. That portion, Madam Chairman, has to do with a spectacle that appeared on the television screens of every home in America a few years back when a 92-year-old lady was being forcibly evicted from her home in Pennsylvania for failure to pay taxes on her property. The spectacle of husky men dragging this 92-year-old lady out of that house triggered a whole series of meetings and action which finally resulted in this moment on the floor of the House.

We developed legislation right from the start and brought it to the attention of the relevant committees and committee chairmen to try to forever rid our Nation of the possibility of a person over 65 years of age being forcibly evicted from their residences, for whatever reason.

Now, this does not mean that failure to pay taxes or failure to pay rent or to pay a mortgage will be forgiven and that person will forever be allowed to remain in that residence; but rather, we want a system whereby when a person is about to be evicted that filing papers for that cause would result in notification to the local department of aging, the area agency for aging, if you will, who will then be able to spring to the side of this unfortunate individual and guide the next portion of that life through a transition to better housing, alternative housing, or somehow to make up the rent or mortgage payment that caused the eviction in the first place.

What this legislation provides and for which I am grateful is a demonstration project that will permit States to put into effect some kind of free, as we call it, foreclosure relief effort for the elderly, so that never again will we have in our country once this becomes law across the land that awful tragic view of an older person being thrown out of one's residence.

Mr. MARTINEZ. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Madam Chairman, I want to thank the gentleman from California [Mr. MARTINEZ] for giving me this opportunity. I also would like to take this opportunity to congratulate him and Chairman FORD and the gentleman from Pennsylvania [Mr. GOODLING] for the fine work they have done on this authorization of the Older Americans Act.

All of us, fortunately, have been the beneficiaries of seeing this act give opportunities to senior citizens that they have not had prior to the act, whether it is title V of the Older Americans Act or any other of the myriad provisions.

I serve as chairman of the Human Services Subcommittee of the Committee on Aging. I see the gentlewoman from Maine [Ms. SNOWE] who is the ranking member. We have had eight hearings on the reauthorization of this act.

I am particularly pleased to note that the chairman has been receptive to a number of the recommendations of the subcommittee that myself and the gentlewoman from Maine [Ms. SNOWE] have been involved in.

In particular, H.R. 1504, which is the bill to create a National Conference on Aging, most of us were very concerned that the White House did not convene the 1991 Conference on Aging, and now because of the fine work of the gentleman from California [Mr. MARTINEZ] and his subcommittee, the Congress is going to play a much more important role in convening this Commission, and I think that is all to the good.

Also, along with Congressman MILLER, title III(b) of this bill reflects a concern that I and others have had about a person who receives home health aid services, that these people be subject and allowed the same standards of supervision, training, and certification, which apply to a Medicare program.

This is an extraordinarily positive and important development, as are many of the other important changes that the gentleman from California [Mr. MARTINEZ] has brought here, and the gentleman is to be congratulated and commended.

It is my hope, and I plan on working with the gentleman in the future to make sure that the provisions of this act are properly funded.

If we were to pay more attention to home health aid, if we were to provide more money there, we would save this country hundreds of millions of dollars and the suffering would be dramatically reduced for many tens of thousands of our elderly citizens. I want again to congratulate the gentleman for the fine work he has done.

Mr. MARTINEZ. Madam Chairman, will the gentleman yield?

Mr. DOWNEY. I am happy to yield to the gentleman from California.

Mr. MARTINEZ. Madam Chairman, I would be remiss if I did not commend the gentleman from New York for his hard work and diligence and being an original cosponsor of this bill. Again I thank the gentleman from the bottom of my heart.

Mr. DOWNEY. Madam Chairman, I also thank the gentleman.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BARRETT], a very important member of the committee.

Mr. BARRETT. Madam Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Madam Chairman, I rise in support of H.R. 2967. This bill continues the tradition of providing high-quality services to meet the needs of our frail and elderly citizens.

Nebraska receives nearly half its funding for elderly services from this act. Thanks to the great volunteers and tireless employees who provide these services, Nebraska's elderly are receiving better attention than ever before because of the Older Americans Act.

Thankfully, the members of the Education and Labor Committee saw fit to accept an amendment from our colleague, the gentleman from Pennsylvania [Mr. GOODLING] to restore $39 million to the authorization level for supportive services, like senior citizen centers.

Madam Chairman, when the population of elderly in this country is increasing, we cannot send signals to the elderly community that our commitment to helping them cope and remain independent, during the final years of their lives is on the wane.

By restoring the $39 million authorization, I know that the communities throughout the Nation will be heartened to see these funds restored, and that our commitment caring for the well-being of our elderly community is still very strong.

And indeed we should be doing more to help the elderly.

However, a mechanism that could help those who aren't getting the needed services and meals was not included in the bill. And that's the idea of voluntary cost-sharing.

Currently 38 States use voluntary cost-sharing for congregate meals; meaning that senior citizens can volunteer to declare their income, and then be charged on a sliding-fee schedule for the meals they receive.

When asked by the General Accounting Office, and in a separate report by the inspector general of the Department of Health and Human Services, an overwhelming number of senior citizens said they liked cost sharing because they liked paying something for the services that they receive.

But my concern with cost sharing, in no way should detract from the yoeman's job Subcommittee Chairman MARTINEZ and ranking member FAWELL have done on this bill.

I know our senior citizens will greatly benefit from their tireless efforts to insure that the elderly receive the best service possible.

Mr. MARTINEZ. Madam Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I commend the chairman of the committee, the gentleman from Michigan [Mr. FORD] and the ranking member, the gentleman from Pennsylvania [Mr. GOODLING] and especially the gentleman from California [Mr. MARTINEZ] for their vision, leadership, and the view that they have had toward reshaping the Older Americans Act. I find this very timely and very critical at this point of our history.

Madam Chairman, finding quality, affordable child care is tough on the average American. This problem will get worse unless we act now.

Earlier this year, I introduced H.R. 1822, the Older Americans Child Care Employment Amendments of 1991. My bill could match up millions of children in need of day care with millions of Americans who can provide that care. It does this by creating a nationwide program of day care centers staffed by elderly Americans.

Older Americans—many of whom have raised families of their own—are well-suited to offer the love, care, and guidance so urgently needed by young children. My bill would also give older Americans the opportunity to earn extra money, while at the same time sharing their experience and knowledge with others.

Today, we are considering the reauthorization of the Older Americans Act of 1965. That bill—which has my full support—authorizes many important programs for senior citizens, and is an excellent bill in its own right. I am pleased to say that provisions of my bill have been incorporated into the Older Americans Act reauthorization.

Under the new provisions from this bill in the Older Americans Act, the commissioner on aging will set up demonstration project grants for multigenerational activities. Seniors will be able to get involved in child care, day care, educational assistance, family support programs, and juvenile delinquency treatment. This will allow seniors the opportunity that many of them seek to stay intimately involved in their community. The result: Senior citizens are earning money while helping working American families and children cope with many of the difficulties they face.

Madam Chairman, I am proud that this important project is on its way to passage. Given the chance, I believe that this initiative can flower into a nationwide movement employing tens of thousands of older Americans and eliminating the shortage we have throughout our Nation of quality day care.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to a distinguished member of our committee, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Madam Chairman, I am pleased to have this opportunity to speak in favor of H.R. 2967, the Older Americans Act Amendments of 1991. I commend the efforts of the chairman of the Education and Labor Committee, Mr. FORD, and the ranking minority member of the full committee, Mr. GOODLING, and Mr. FAWELL in producing a bill that provides various services that enable our Nation's seniors to live and work independently.

The Older Americans Act is currently celebrating its 26th anniversary. Since its inception in 1965, the Older Americans Act has focused on the health, legal, and employment needs of our senior citizens. Some of the specific program highlights include: in-home service for frail elderly, home health services, coordination of community-based long-term care services, development of elder abuse prevention programs, training of individuals for employment opportunities in private industry, and providing home delivered meals to our more vulnerable seniors.

One example illustrating the effectiveness of the Older Americans Act is title III of the Older Americans Act that funds the home-delivered meals program. In Wisconsin, the nutrition program has served as the foundation for many seniors' programs. In 1990, western Wisconsin's 169 meals sites served over 1 million meals to seniors in 19 counties. In the bill that is before this Chamber, authorization for the home-delivered meals program has been increased from slightly over $79 million to $120 million for fiscal year 1992.

Another outstanding program authorized under the Older Americans Act is the Senior Community Service Employment Program. This program provides subsidized, part-time employment to low-income seniors age 55 and older. H.R. 2967 authorizes over $470 million for the Senior Community Service Employment Program. The program is currently being funded at $390 million. In recent years, the program has also undertaken the goal of placing participants into unsubsidized employment opportunities. In 1990, more than 24 percent of program participants were placed into unsubsidized jobs. Under the Senior Community Service Employment Program, participants work 20 hours per week and are employed in community service activities such as home health care agencies and adult day care facilities.

Over the past 26 years, the Senior Community Service Employment Program has provided employment to over 10,000 individuals in Wisconsin. In my home county of Trempealeau, seniors employed in the Senior Community Service Employment Program have worked on various landscaping and construction activities for the Osseo-Fairchild School District and for my hometown of Pleasantville.

Another important component of the Older Americans Act is the White House Conference on Aging. In the original bill that was passed by the Education and Labor Committee, the White House Conference on Aging was changed to a National Conference on Aging. After several weeks of negotiations, I am very pleased that one of the amendments offered in block will be to restore the White House Conference on Aging. I would like to express my appreciation to Chairman FORD and his staff, especially Gene Sofer, Bill Goodling, Harris Fawell, and Mary Ann Chaffee from the minority staff, for working with me on this important issue.

The White House Conference on Aging was first created by Congress in 1958. Representative John Fogarty of Rhode Island was the chief sponsor. The bill came before this body in July 1958. During floor debate both Mr. Fogarty and Mr. Bosch, of New York, said that they envisioned a conference as a means of bringing recommendations from the States together. These recommendations would then be transformed into a program of guidance for government and non-government entities at the Federal, State, and local levels.

Three White House Conference on Aging have been held since the original legislation was enacted. Those conferences have produced recommendations that have played a large role in giving birth to the Older Americans Act, improving health care services for our seniors, providing employment opportunities, and developing community service programs that will make, as stated in the 1961 Report of the White House Conference on Aging, "the gift of added years of life a period of reward and satisfaction." I am confident that the next White House Conference on Aging, which will be held in 1993, will continue the spirit of the 1961 conference.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Chairman, I thank the gentleman from California for yielding time to me.

Madam Chairman, I would like to applaud the gentleman from California [Mr. MARTINEZ] and the gentleman from Michigan [Mr. FORD] for their efforts in bringing this vitally important bill to the floor today.

For over a quarter century, the Older Americans Act has been providing older individuals with both the resources and the opportunities so that they are better able to help themselves. Passage of this reauthorization will support the efforts of the 80-year-old woman in my district who delivers meals to persons who are too frail to prepare their own food. It will continue the important work of a nursing home ombudsman who takes the time to look into the needs of a stroke victim. And it will play a significant preventative role in cost effectively assisting persons in their communities during a time of rapidly increasing health care costs.

It is for this reason that I introduced H.R. 2393, the Older Americans Health Promotion and Disease Prevention Act. This act, which has been incorporated into both the House and Senate versions of this reauthorization, will expand the preventive health services program to include disease prevention and health promotion services. By providing these services at senior centers throughout the country, I firmly believe we will improve the quality of life for tens of thousands of older Americans and save millions of dollars through education and early detection of health care problems.

One of the Older Americans Act's greatest strengths is that it is comprised of a strong coordinated national network which is flexible enough to develop services to meet local needs. H.R. 2969 continues this tradition by serving older persons with the greatest social and economic needs, while also playing a key preventive role by serving older persons in a variety of settings. I urge my colleagues to support this important legislation.

□ 1350

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the almost-ranking member on the committee, the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Madam Chairman, I am pleased to rise today in support of H.R. 2967, the Older Americans Act Amendments of 1991. This important legislation reauthorizes the Older Americans Act, which is the major vehicle for the organization and delivery of vital social and nutritional services to America's senior citizens. As the only Federal categorical program solely focused on these service needs, the importance of the Older Americans Act is unquestioned.

To many older Americans, the Older Americans Act means Meals on Wheels. But in addition to home delivered meals, the act provides for the delivery of nutritional services in congregate meal settings; sets up a new school-based program to provide hot meals to seniors; and increases reimbursement under the surplus commodities program.

For others, the Older Americans Act means the local senior center. It is in-home access and legal services, in-home care for the frail elderly, and disease prevention and health promotion activities.

For thousands of low-income persons over the age of 55, the Older Americans Act means financial independence through the community services employment program. The program provides subsidized, part-time employment, with an emphasis on the provision of services to other seniors. Participants are employed by day care centers, schools, and hospitals, and are provided with personal and job-related counseling, annual physical exams, and job training. Furthermore, from 20 to 25 percent of those leaving the program each year are successfully channeled into unsubsidized employment.

Today's bill means increased protection for America's seniors through State long-term care ombudsman programs, a new Office of Federal Long-Term Care Ombudsman, the new National Ombudsman Resource Center, direct funding for the prevention of elder abuse and exploitation, and a new foreclosure and eviction assistance program.

For native Americans, native Hawaiians, Alaskan Natives, and Pacific Islanders, this bill today means an increased opportunity for self-sufficiency.

The programs packaged together in this act are of vital importance to the well being of American's seniors, providing nutrition, social services, and job opportunities. The issues that have surfaced during the reauthorization debate have illustrated the differences in some of our perspectives, but have also served to highlight our common goal: to ensure that America's older citizens continue to be well served by the Older Americans Act.

I want to thank the gentleman from Illinois, the ranking member on the Subcommittee on Human Resources, for his work on this bill, as well as the chairman of the subcommittee, the gentleman from California. In addition, I would like to thank the ranking member and the chairman of the full Education and Labor Committee for their expedited consideration of H.R. 2967, and for their efforts in bringing the bill to the floor today.

Simply stated, the Older Americans Act Amendments of 1991 means dignity and independence for millions of America's senior citizens. I am pleased to speak out in support of this bill today, and I urge my colleagues to join me in voting to secure for our older citizens the invaluable benefits of dignity and independence.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Chairman, I want to, first of all, compliment the gentleman from California [Mr. MARTINEZ], and the gentleman from Michigan [Mr. FORD] for their leadership on this very, very important issue. It is really the lifeblood bill in many ways for senior citizens, and they have done a tremendous job in assuring people that they can get services, et cetera, the meals, and the employment programs. The health, vitality, and independence of older Americans are assured.

I also want to pay tribute to the chairman of the Select Committee on Aging, the gentleman from California [Mr. ROYBAL], who has had, as kind of a support to the Committee on Education and Labor, many, many hearings on many issues related to the elderly. I say to them, "I want to thank you from the bottom of my heart for putting in a piece of legislation that I introduced 10 years ago and had the support of the then late great Claude Pepper related to elder abuse."

Madam Chairman, 10 years ago there were about a million older Americans who could be documented as being abused. Today there are 1.5 million Americans who can be documented as being abused. Yet we never really addressed, as we had with child abuse, in spousal abuse, the problem of elderly abuse. Maybe it is because we did not want to admit that in fact older Americans are very often abused. They are abused physically, they are abused psychologically, and very often they are abused, unfortunately, by their loved ones.

Madam Chairman, I believe that this legislation, the Older Americans Act, which for the first time will have a major provision related to elder abuse, to conduct the research, disseminate information, have the clearinghouse that we have for child abuse problems, authorizes funding for State grants, and demonstration projects and training for individuals who work with the elderly, will be a very, very positive step in addressing what has been a national disgrace and a national shame. It is really a shame that in a way we have seen 15 to 20 million more Americans in that decade period be abused that may have been assisted by this legislation.

However, Madam Chairman, the fact is that we have it now thanks to the leadership of the gentleman from California [Mr. MARTINEZ], the gentleman from Michigan [Mr. FORD], and the pushing by my chairman, the gentleman from California [Mr. ROYBAL], for including this in the Older Americans Act. The Committee on Energy and Commerce was very gracious. I believe, in yielding to the Committee on Education and Labor on this because there were certain provisions; and I am very, very grateful.

Let us hope that we will see an end to elder abuse, and I am grateful, once again, for my legislation being included in the Older Americans Act.

Chairman FORD, subcommittee Chairman MARTINEZ, I would like to begin by commending you both for continued outstanding leadership in public policy as it relates to the quality of life of older Americans. The bill before us today provides for the continuation of a number of services which are vital to our senior citizens. These include supportive services, congregate and home delivered meals, the community service employment programs, and other initiatives dedicated to maintaining the health, vitality, and independence of older Americans. Current statistics indicate that malnutrition has been reported in 52 to 85 percent of all long-term care patients, and the focus of H.R. 2967 on nutrition among the elderly comes at a very critical time.

Madam Chairman, I must especially thank you and Mr. MARTINEZ for adopting the critical provisions of my legislation, H.R. 385, the Elder Abuse Prevention, Identification, and

Treatment Act of 1991. I would also like to take this opportunity to thank Chairman ROYBAL, who has always displayed tremendous leadership on these issues and also worked on this bill.

I am now closer than ever to seeing the completion of my 10-year effort, which I began with the support of our late colleague, Senator Claude Pepper, who first coined the term "elder abuse." Over a decade has passed since the Aging Committee's first report on the problem, which called for the passage of my legislation. Last year, a new report, issued under the leadership of our Aging Committee Chairman ROYBAL, found that since that first committee report, the incidence of elder abuse has increased 50 percent. In the 10 years it has taken to get this bill enacted there have been 10–15 million cases of elder abuse in the United States.

H.R. 2967 and the Senate companion, together, contain all of the essential provisions of my legislation, H.R. 385. As I have mentioned, my legislation is patterned after very successful Federal programs which address the terrible problem of child abuse. H.R. 2967 includes the language of my bill which calls for the creation of a National Center on Elder Abuse to conduct research and disseminate information to the States on all aspects of the problem. The bill before us authorizes funding for State grants and demonstration projects to address the problem of elder abuse, which, like child abuse, occurs most often not in institutional settings but in the home. Grant funding will be used in a comprehensive effort to promote coordination among State and local authorities, social workers, and health professionals who are in a position to prevent, identify, or treat the problem. The funding will also be available for training programs that give such people the tools they need to prevent elder abuse from occuring, identify the problem when it does occur, and to assist those who are affected.

It is difficult to believe that this problem is so prevalent in our Nation—we hate to even think about it. Yet, an estimated 1.5 million cases occurred in the United States last year. One out of every 20 older Americans fell prey to some form of serious abuse or neglect. It is an even greater shame that while only one out of every three child abuse cases is reported every year, only one out of every eight elder abuse cases gets reported to the proper authorities.

Madam Chairman, this is truly a watershed day for the victims of elder abuse, fraud, and neglect in the United States. Again, Chairman FORD, H.R. 2967 is a tribute to your continued concern for the quality of life of the Nation's senior citizens. This is consistent with all of the great work we have done together on the Post Office and Civil Service Committee in support of our Nation's Federal retirees.

I repeat my thanks to you, to Mr. MARTINEZ of California, House Aging Committee Chairman ROYBAL, and the entire Education and Labor Committee for this excellent bill before us today. I must also thank all those who have cosponsored my legislation, H.R. 385. I would also like to thank our distinguished colleagues in the other body, Senator DENNIS DECONCINI and Senator BROCK ADAMS, for putting this elder abuse legislation in the companion vehicle. I support the entire bill and I urge passage of this critical legislation.

FACTS AND STATISTICS ON ELDER ABUSE

The victims of elder abuse are likely to be old, age 75 or older.

Women are more likely to be abused than men. This is due, in part to their life expectancy. Women, on average, live longer than men.

The victims are generally in a position of dependency.

The abused elder is less likely to report the incident of abuse than abused persons in other age groups.

Since the release of the Aging Committee's first report on elder abuse in 1981, the percentage of elder abuse cases reported has decreased from one in six to one in eight.

43 States and D.C. have what they consider to be adult protective service laws which require mandatory reporting of abuse. However, there is little consistency among States as to penalties and who is required to report.

While some 40 percent of all required abuse involve adults and elderly adults, only 4 percent of State budgets for protective services are committed to elderly protective services. The average state expenditure was $3.80 per elderly resident.

Some 70 percent of all adult abuse reported annually involve elderly victims.

About 5 percent of the nation's elderly may be the victim of some form of abuse—physical, financial, or emotional, each year. About 1,500,000 older Americans are abused by family, loved ones and caregivers each year.

Since 1981, the primary source of Federal funding for protective services, the Soil Services Block Grant, has been cut in real terms one-third by direct cuts and inflation.

The types of physical abuse include deliberate physical injury, sexual abuse and negligence. Other forms of abuse include financial abuse, psychological and emotional abuse.

Common profiles of elder abusers—Experiencing great stress due to alcoholism, drug addiction, marital problems, or long-term financial difficulties. The son of the victim is the most likely abuser, followed by the daughter of the abuser. It is apparent that the abused person is often ashamed to admit their child or loved ones abuse them and they often fear reprisals.

Most elder abuse occurs in the home setting.

OHIO DEPARTMENT OF HUMAN SERVICES FACT SHEET—ELDER ABUSE, NEGLECT, AND EXPLOITATION IN OHIO

FACTS

9,178 elderly Ohioans were reported as having been abused, neglected, or exploited during the last twelve months (7/1/88–6/30/89).

Persons in need of protective services numbered 5,670.

3,021 were not in need of protective services, but may well have needed other support services provided through their county departments of human services.

Those in need of protective services but refusing the service totaled 826.

The county departments of human services handle abuse/neglect/exploitation reports and must begin an investigation of emergencies within 24 hours of their receipt.

Each of us has an obligation to help our older relatives, neighbors, and friends understand their options when they are subjected to abuse, neglect or exploitation.

Social, medical, and mental health care professionals are mandated by law to immediately report suspected abuse, neglect, (including self-neglect) or exploitation to the county department of human services. Also required to report are attorneys, peace officers, senior service providers, coroners, clergymen and professional counselors. Any concerned citizen should report suspected situations of elder abuse, neglect, or exploitation to their county department of human service.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], the ranking member on the subcommittee which brings us this legislation.

Mr. FAWELL. Madam Chairman, I rise today to offer my enthusiastic support for H.R. 2967 and to urge its prompt adoption. It has been a pleasure for me, as the ranking minority member of the Subcommittee on Human Resources, to work with Chairman MARTINEZ as well as Chairman FORD and ranking member GOODLING, and to take part in reauthorization of this program which has been so successful and meant so much to our Nation's older citizens.

The bill before us today increases spending authority by over $200 million, which translates to 12 percent growth in programs authorized by the Older Americans Act. It is an unfortunate fact of life, however, that current budget constraints and actual appropriations prevent us from increasing funding for OAA programs that would keep pace with inflation and the growth of our senior population.

Resource limitations make it all the more important for us to remain vigilant in ensuring that we reach those elderly persons with the greatest social and economic need. To that end, we have included provisions in H.R. 2967 that will improve program and demographic information so that our neediest senior citizens will have better access to the services they require.

I believe the bill focuses well on the need for better coordination of services for our older citizens, particularly those in need of long-term care services. We have heard testimony from a number of State officials and program managers who report long waiting lists for in-home supportive services such as homemaker assistance and adult day care. Our intent in this bill is to encourage maximum coordination of services so that network agencies can improve service delivery systems that are currently in place.

The bill also acknowledges the importance of prevention strategies to avoid the need for long-term care by authorizing a Disease Prevention and Health Promotion Program within senior centers throughout the country. At a time when burgeoning health care costs can impoverish our older citizens who suffer from chronic disease, it is important to emphasize the need for effective prevention services.

While I support the overall spirit of the bill and believe that certain new provisions will improve the aging network's ability to serve our senior citizens, I am concerned about the number and array of new requirements that H.R. 2967 would impose on the Administration on Aging, which manages OAA programs. For instance, there are provisions to create new structures within AOA for ombudsman and elder abuse programs. I think these are laudable initiatives, but there is little gain in developing new systems if the resources and management structure and appropriations to support them are not in place. Unfortunately, that is the case.

The General Accounting Office has recently completed an evaluation that looked at AOA's ability to accomplish its current mission and objectives. Regrettably, the GAO found that AOA has been overwhelmed with increasing demand during a time when resources have actually been shrinking. During a hearing of the Select Committee on Aging's Subcommittee on Human Resources, of which I am a member, we heard strong testimony from GAO about AOA's inability to provide even minimum oversight and technical assistance for the basic programs they administer.

Yet H.R. 2967 will add a number of new grant authorities to this menu of basic programs. For example, once appropriations exceed 102 percent of the previous year's level, the bill authorizes a multigenerational meal program in school sites. I understand that programs like this one have been successful at the local level and have much to recommend them, but does it make sense to require AOA to carry out new programs when they are unable to oversee the basic nutrition services they have been charged to administer for the last 20 years?

Given the compelling evidence of an agency that is obviously overwhelmed with its current requirements, it is troubling that we are now proposing to increase those responsibilities when it is highly unlikely that resources will grow sufficiently to meet new demands. It seems to be that we would have been better served by ensuring that AOA is enabled to support the basic nutrition and social services that are the backbone of this act, rather than force an unfunded expansion of efforts. I hope that over the next years the committee will exercise its oversight role to ensure that AOA is not diverted further from its primary mission.

However, the pluses of this bill, of course, far outnumber the minuses. In closing, I would like to again commend Chairman MARTINEZ of the Human Resources Subcommittee and Chairman FORD and Ranking Member GOODLING for their help and leadership in forging the bill and for making it possible to craft a compromise bill that the administration can support. The en bloc amendment that will be offered later includes language on the White House Conference on Aging that is acceptable to both the White House and the Committee. Chairman FORD's assistance, as well as Ranking Member GOODLING's, in that effort was particularly invaluable.

Mr. MARTINEZ. Madam Chairman, before I yield time to the next speaker, I, too, would like to commend the gentleman from Illinois [Mr. FAWELL] as ranking member of the Subcommittee on Human Resources for his fine work, as well as the staff of the minority who did a great, great job.

Madam Chairman, I yield 4 minutes to the gentleman from California [Mr. ROYBAL], the chairman of the Select Committee on Aging.

□ 1400

Mr. ROYBAL. Madam Chairman, as chairman of the Select Committee on Aging, I rise in support of this most important piece of legislation. I think this is one of the most important pieces of legislation that will come to the House this year.

I would like to take this opportunity to compliment the chairman of the subcommittee, the gentleman from California [Mr. MARTINEZ], and I compliment also the ranking minority member and their staffs for the wonderful job they have done in bringing this matter to the floor, particularly on this day, and for the time spent coordinating their activities with the Select Committee on Aging and presenting this important piece of legislation to the House.

The history of the Older Americans Act is one of great challenge, but it is also one of accomplishments, for this act has grown tremendously from its very inception, all due to the fact that this House and the Congress of the United States have reauthorized the act at least 12 times. I believe that each time the act has been improved, and it also has improved the ability of the aging network to deliver a full range of services to the older population.

To a frail, home-bound older person, the act may mean home-delivered meals, homemaker services, and transportation for medical appointments. To a low-income older worker, the Older Americans Act may mean a part-time, community service job under title V. For others who are isolated and lonely it can well mean meals, activities, and volunteer opportunities at senior centers—an important part of their lives.

The act as written provides elder abuse prevention, ombudsman programs, outreach and information and referral systems, health education and promotion—the list goes on. Clearly, the aging network has evolved into a sophisticated system in response to the ever changing needs of the elderly. Today, the Older Americans Act encompasses programs that were barely thought of in 1965, but which were developed as the aging community learned more about the aging process and the hopes and expectations of older Americans.

Throughout the last year the Select Committee on Aging reviewed the most recent proposals to amend the act and examined recent developments in the aging network. Many of the committee's recommendations are also included in this bill. I believe the provisions offered here today compliment and further clarify the purpose and intent of the act.

I am pleased to report that this bill includes many of the provisions of H.R. 2780, which my colleagues—the Honorable MATTHEW MARTINEZ, the Honorable MARY ROSE OAKAR, the Honorable RON WYDEN, the Honorable THOMAS DOWNEY, and the Honorable DALE KILDEE—and I recently introduced to provide a national response to abuse of our elderly in institutions and in their homes.

The Aging Committee found that the only active and effective advocate for the elderly residents of institutions in many States is the State long-term-care ombudsman. This program, however, has been woefully underfunded by the Federal Government, and its work in some instances is administratively hampered in the States. Recognizing that the incidence of abuse will continue to increase as the population ages, this bill will strengthen the ability of the State ombudsman to respond to abuse complaints expeditiously and without undue influence. This bill establishes within the Administration on Aging [AOA] an Office of the Long Term Care Ombudsman to advocate, monitor, and coordinate Federal and State long-term-care ombudsman activities.

Elderly abuse, neglect, and exploitation of elders living in their own homes is rampant. Efforts to address this kind of abuse by State adult protective service programs have proved inadequate; my colleague MARY ROSE OAKAR, has been the primary sponsor of legislation to put this program in place and I was pleased to join her in urging the placement of this program in the Older Americans Act.

Other provisions that the Select Committee on Aging has promoted and are included in the act are:

Under title III, translating services for elders with limited English-speaking ability.

The eligibility for those individuals, who under the Immigration Reform and Control Act [IRCA] of 1986, where granted resident status to participate in the programs under title V of the act.

In the area of housing for the elderly, area agencies on aging will work with nonprofit housing entities to develop access to services within the housing complex.

Heighten the distinction and effectiveness of the White House Conference on Aging by bringing both the legislative and the executive branches of Government and private individuals together for the first time in the history of the conference to formulate and establish comprehensive national policies for the older Americans.

Additonally, throughout the act key language has been inserted to promote and increase the services and the participation of elderly minorities and those of low income.

In short, these amendments provide greater focus in the act on the needs of the minorities and the frail and disabled elderly. I firmly believe that these amendments will enhance the aging network's ability to fulfill the critical role it now plays, and will increasingly play, in the lives of over 43 million Americans who are over the age of 60 and their families. I urge you to join me in supporting these amendments and demonstrating the Congress' commitment to a stronger older Americans Act and to the people it serves.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the distinguished gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Madam Chairman, I am very pleased to join my colleagues today in consideration of the House passage of the 1991 amendments for the 13th reauthorization of the Older Americans Act of 1965. We are reaffirming our commitment to this landmark legislation which provides the only national network of services to assist the older population in their own homes and communities.

The bill before us today is the product of an extensive legislative process. In February 1990, under the leadership of Chairman DOWNEY, the Select Committee on Aging's Human Services Subcommittee of which I am the ranking Republican member, began oversight hearings to begin the process in preparation for this year's reauthorization. Since then, States, local area agencies on aging, service providers, constituents, aging organizations, and the administration have all contributed recommendations to Congress for the 1991 amendments to the Older Americans Act. This has resulted in a bill which reflects their suggestions and concerns—and the growing needs of a rapidly aging population.

I want to commend my colleagues, Chairmen FORD and MARTINEZ, and ranking Republican members GOODLING and FAWELL, and their able staffs on the House Education and Labor Committee, and the Human Resources Subcommittee, for their fine work in negotiating and drafting this comprehensive bill. I also want to especially thank the committee members who were very responsive in incorporating into this reauthorization the language and intent of a significant number of the nine bills which I introduced to amend the Older Americans Act.

These bills of mine addressed a wide range of concerns: Services for family caregivers, collaborative community efforts for eldercare, equity for rural elderly, coordination of transportation services and preventive health services for osteoporosis and medication management.

Caregivers, as I have seen through my years of work on this issue, are in great need of our support. Family members, primarily female, provide 80 percent of the care and assistance needed by the frail elderly. This care is critical in allowing older individuals to retain their dignity and independence by remaining in their own homes. Providing this care is usually very rewarding, but also can be extremely stressful. For instance, this summer I visited in the home of a family who was caring for a mother who had Alzheimer's disease. The woman who was the primary caregiver told me that 4 days a week of adult day care for her mother-in-law was a godsend as it gave her some relief and time to catch up on normal activities. I introduced legislation to address part of this problem, so I am very gratified that H.R. 2967 authorizes a new program of supportive services for caregivers.

Madam Chairman, today 1 of every 6 Americans is age 60 or older. By the year 2030, this proportion will increase to more than 1 of every 4. Such a dramatic population shift will greatly increase the need for home and community-based care and services for older persons who are at risk of losing their self-sufficiency. I am pleased that the bill we are considering today includes the intent of my bill to mobilize cooperative community efforts to develop additional activities and resources to meet the escalating needs of the frail elderly and their caregivers.

In my State of Maine, 18 percent of the population is age 60 and over. My district is the largest east of the Mississippi and it is predominantly rural. Unfortunately, rural areas receive short shrift in many Federal programs, including elder services. That's why I am very glad that H.R. 2967 includes the intent of the bill I introduced to require State formulas for distributing Older Americans Act funds to take into account rural individuals' access to services. This provision should help rebalance the allocation of funding within a State to reflect the cost of providing geographical access to services for older individuals living in rural areas.

Transportation is also crucial, particularly in rural areas, if older persons are to get to the services they need. Better State and community coordination and consolidation of transportation services for social service programs are essential to eliminate duplication and stretch scarce resources. H.R. 2967 reflects a bill of mine by requiring that State and area agency on aging coordinate transportation services.

I also, Madam Chairman, want to thank the committee for adding a waiver provision for additional authority to transfer funds between the congregate and home-delivered meals programs. Because of geography, lack of public transportation, and the needs of frail elders, Maine invests more in home-delivered meals than any other State since it is the most practical way to reach elderly in rural areas. This waiver, although it is capped, is important in preserving State flexibility to design services to meet the special needs of its older population.

H.R. 2967 greatly expands part F, disease prevention and health promotion services, based on the initiative of Representative LOWEY. This section also includes provisions which I introduced regarding osteoporosis, including fall and fracture prevention. It also has provisions for medication management screening and education to prevent incorrect medication and adverse drug reactions. These are two very serious but preventable conditions of many older Americans, often resulting in painful and costly consequences.

Through the years, a perennial concern of Older Americans Act reauthorizations has been the status of the Commissioner on Aging and the organizational structure of the Administration on Aging within the Department of Health and Human Services. In August 1990, I requested a comprehensive study by the General Accounting Office to address these issues, including the capability of the Administration on Aging to fulfill its mission. Based in large measure on that study, language is in this bill which greatly strengthens the role of the Commissioner and the Administration on Aging.

The study also documented the shortfalls of the Administration on Aging's current data collection system, so I am pleased that H.R. 2967, in response, requires uniform data collection procedures for use by State agencies. Uniform data collection methods are badly needed in order obtain valid information for evaluating both the effectiveness of and need for services under the Older Americans Act.

The committee should also be praised for the bill's strong new elder rights sections, particularly for the elder abuse and State long-term care ombudsman provisions. The Nation's vulnerable elderly are entitled to protection from abusive action and my colleagues, Representatives DOWNEY and ROYBAL, are to be commended for their leadership in this area.

Madam Chairman, for 26 years the Older Americans Act has developed from a program of small grants to one which supports a national infrastructure of 57 State agencies on aging, 670 area agencies on aging, 25,000 service providers, and 194 Native American grantees. The mission and responsibilities of the act have evolved greatly and expanded through the years into an increasingly complex and sophisticated system of home and community-based support services. Hundreds of thousands of older individuals depend on Older Americans Act services to help retain their self-sufficiency—such as home-delivered meals, transportation to a doctor's appointment or help with household chores. In addition, the Older Americans Act funds important training, research and demonstration activities in the aging field, and supports a low-income older worker community service employment program. Finally, I'm pleased that the White House Conference on Aging will be convened in 1993.

Today, the Older Americans Act is truly an evolving legislative success story, and I am pleased to have played a role in the 1991 reauthorization.

Mr. MARTINEZ. Madam Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM] for the purpose of engaging in a colloquy.

Mr. STENHOLM. Madam Chairman, I thank the subcommittee chairman for yielding time to me.

Madam Chairman, I commend the chairman of the subcommittee for including in the committee's en bloc amendment the provision which would permit rural service participants in the congregate and home-delivered meals nutrition programs to serve fewer than five meals per week. Like the chairman, those of us in rural areas feel it would be ideal if all providers had the resources and ability to provide five meals a week. Unfortunately, for a variety of reasons, that is not always feasible in rural areas.

Madam Chairman, like the chairman of the subcommittee, our providers want to assist older Americans to the greatest degree possible. Our feeling is that even if five meals are not possible, two or three or four meals a week can do immeasurable good, both nutritionally and socially. The desire to accomplish all the good that we can with limited resources led us to request this provision within the committee amendment.

Madam Chairman, my understanding is that the language included in the amendment means that providers in rural areas who demonstrate the infeasibility of five meals per week will no longer be required to create paper bureaucracies to give the illusion of providing five meals, nor will they need to submit to the Federal Government a yearly waiver request to provide fewer than five meals per week. Is this understanding correct?

Mr. MARTINEZ. Madam Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the subcommittee chairman.

Mr. MARTINEZ. Yes, that is correct.

Mr. STENHOLM. Madam Chairman, I thank the gentleman for that clarification, and again, I commend him and the committee for their leadership in this bill.

□ 1410

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Madam Chairman, as we debate the reauthorization of the Older Americans Act of 1965, I rise to speak about the nutritional programs within the act that are near and dear to my heart. Adequate nutritional intake for the elderly is critical to their life and health. No other community service can make more of an impact toward the health and well-being of the elderly than nutritional services provided through such programs as the Older Americans Act.

Diseases commonly found in the older adult population that are possibly affected by diet include diabetes, hypertension, cardiovascular diseases, osteoporosis, and anemia. Increased research efforts have been targeted to identify the role of nutrition and diet in chronic disease prevention. However, after developing any one of these chronic diseases, and many elderly suffer from multiple chronic diseases, the need for food and nutrition in the form of diet therapy is now often used by the physician as the first method of treatment. If treatment is not successful with diet modifications alone, diet therapy becomes secondary only to drug therapy.

The importance of nutrition relative to well-being has been emphasized by many researchers and health professionals. Studies have shown that poor nutrition increases health problems, increases use of health care services, and thereby increases health care costs. In short, increased attention and resources paid toward the nutritional needs of older adults could very possibly contribute to a slowing in the rapid rise in future health care costs.

Recently compiled statistics from a preliminary evaluation of a community-based care demonstration project in Ohio, show that the No. 1 service needed and requested by the elderly is home delivered meals, and homemaker service—which can also include meal preparation. Adequate food and good nutritional status is critical to the life of the elderly, their health and their ability to stay in their home.

We talk about the independent elderly, usually referring to those who are not homebound, but let's not forget the numbers of elderly who even if they are functionally independent are not nutritionally independent. An Ohio survey found that the congregate meal is the only meal received by one-third of our elderly who participate in that program.

The demands for nutrition services placed on our service providers today are greater and often much different than 10 to 15 years ago. And the demands of the future will not diminish; they will not go away. We need Federal, State, and local nutrition program experts and lawmakers all sitting together at the nutrition policy and decisionmaking table to shape the plan for our nutrition programs for our elderly for the future.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Chairman, I want to commend our chairman, the gentleman from California [Mr. MARTINEZ], the ranking subcommittee member, the gentleman from Illinois [Mr. FAWELL], as well as the gentleman from Michigan [Mr. FORD], and the gentleman from Pennsylvania [Mr. GOODLING], for this great bill. I also want to give credit to the gentlewoman from Ohio [Ms. OAKAR] for her efforts to protect the elderly from abuse, and also the gentleman from Pennsylvania [Mr. GEKAS], who has dealt with the specific issue of foreclosure for our seniors.

Madam Chairman, I rise today and would say that with some of the things we are talking about with the peace dividend, would also like to see us take a piece of advice from the gentleman from California [Mr. ROYBAL], and look at the notch baby issue, which is the No. 1 issue that seniors talk to me about in my district.

Madam Chairman, this is a great bill, and I really support it. I rise today in conjunction with this bill to pay tribute to the director of our area agency on aging who is retiring, Martha Murphy. She was always available, always had the time, and developed a coordinated delivery system, where seniors always had advocacy and were treated as they should be, with the type of priority they deserve. Martha was a bulldog, and it is going to be very, very hard to replace her in that position.

Madam Chairman, I think this is a tribute today to Martha Murphy and the efforts she has done, and to this particular committee, who has done a fine job in presenting us with a fine bill.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Madam Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

Madam Chairman, I rise in support of the reauthorization of the Older Americans Act.

Earlier this year, I testified before the Human Resources Subcommittee to request that the number of frail elderly individuals be a key factor when Older Americans Act funds are distributed throughout the States and I am pleased that the committee has agreed to include language in the bill to assist the frail elderly.

Pasco County and Pinellas County, FL, both located in my congressional district, together, have one of the highest concentrations of frail elderly individuals in the Nation. Over the past several years, I have become familiar with the lifestyles of the frail elderly who have difficulty in performing everyday tasks such as bathing, cooking, or cleaning. It is not uncommon for these seniors to depend heavily on family members.

In Florida, though, there are many disabled seniors living alone and desperately in need of assistance. Otherwise, they would face institutionalization, which is not only a financial drain on the individual but in many cases, on the American taxpayer as well.

In March 1990, the House Select Committee on Aging conducted a hearing in my congressional district to discuss the needs of the frail elderly. The general consensus of the hearing was this: If more Federal and State dollars were channeled to services such as Meals on Wheels, adult congregate dining and adult day care, more frail seniors could continue to live independently instead of spending the rest of their lives in a long-term care facility.

Under current law, each State is required to develop an intrastate funding formula for allocating Older Americans Act funds for its planning and service areas. The bill before us today requires that each State consider certain statistics on individuals over 60 years of age when developing the formula. The formula will be based on the number of low-income older individuals, low-income minority seniors, and frail elderly individuals that reside in the State.

In addition, it directs the Commissioner of the National Agency on Aging to carry out a program to provide supportive activities for family members or other caregivers who provide inhome services to frail older individuals. These programs may include training and counseling for caregivers, assistance in forming support groups for elderly caregivers and they may provide information on how to obtain in-home services and respite services.

Finally, I wish to express my gratitude to subcommittee chairman MATTHEW MARTINEZ, ranking Republican HARRIS FAWELL, and Congressman TOM DOWNEY along with their fine staff members for their assistance regarding the frail elderly. I will continue to support their efforts on the Older Americans Act in order that seniors across the country will continue to reap the benefits of these essential programs and services.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to a member of the committee, the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Madam Chairman, I rise today in strong support of H.R. 2967, which reauthorizes two important laws that affect two very special segments of our population—the Older Americans Act and the Native Americans Programs Act.

For over 25 years the Older Americans Act has helped provide essential nutritional, health, employment and support services that allow older Americans to lead healthy, fulfilling, independent lives.

Older Americans are an important part of the American community. Today there are over 41 million older Americans in our Nation, and the numbers are likely to increase in the future. Providing services such as inhome meals, recreational activities and part-time employment helps to ensure that the elderly of our Nation continue to be active participants in our communities.

H.R. 2967 reauthorizes the Older Americans Act for the next 3 years. It increases funding level for the act by 4.8 percent above the current $1.7 billion to meet the rising demand for services among our Nation's elderly.

H.R. 2967 will continue such proven programs as Meals on Wheels and establishes new innovative opportunities, such as intergenerational programs that allow younger generations to interact with and learn from older Americans.

In line with the original purpose of the Older Americans Act this bill continues to focus efforts on serving the senior population in greatest social and economic need. Specifically changes have been made to ensure that minority individuals are adequately served, increase coordination of services at the State and local levels, enhance the coordination of employment training and supportive services and expand current disease prevention and health promotion services.

Madam Chairman, title VI of this bill is of particular importance to me because it provides grants for an important population of my constituency, native Hawaiians. Since 1989 native Hawaiians have received funding under the title VI of the Older Americans Act to provide statewide nutrition, health, education and support services for elderly native Hawaiians.

This program, known as Ke Ola Pono No Ka Kupuna [Good Health and Well Being for our Elders], provides services for 526 native Hawaiians, including traditional Hawaiian meals; culturally relevant recreation and health education programs; and information on social resources, legal services and general education.

Like many of the cultures that make up the American society, the Hawaiian culture reveres and honors its elders. The services provided through the Kupuna program in Hawaii allows the native Hawaiian elders to cope with the changes in their society and to pass along the traditional ways of the Hawaiian people to younger generations.

H.R. 2967 makes an important change in the funding mechanism in title VI to ensure that native Hawaiians will receive a fair share of the moneys under title VI. Under current law native Hawaiians are eligible for title VI funding only if the appropriations exceed fiscal year 1987 levels. Because of this conditional funding mechanism, 1989 was the first year that native Hawaiians were eligible for title VI funds. Without a stable funding formula it has been difficult to plan for continued and expanded programs in the native Hawaiian community.

This bill eliminates this unfair funding requirement and native Hawaiians will receive 10 percent of the title VI funds every year, regardless of appropriations level.

Madam Chairman, I am also in strong support of the reauthorization the Native Americans Programs Act, which provides important programs for the economic, social, and physical well-being of the native Hawaiian population in my State.

The Native Americans Programs Act offers grants and contracts to eligible native American and native Hawaiian entities to increase employment opportunities, business development, strengthening self-government and self-sufficiency, and for construction and renovation of housing units.

The changes offered here today strengthen the act by providing the native American and native Hawaiian organizations the desperately needed technical assistance to plan, implement and evaluate programs.

H.R. 2967 also strengthens some of the most successful programs under the act, including the native Hawaiian revolving loan fund, which provides loans for small businesses and enterprises in the native Hawaiian communities. First established in 1988 as a $3 million demonstration project, the native Hawaiian revolving loan fund has provided the capital for 62 small businesses in the Hawaiian community, including a variety of enterprises from a music school production/promotion business to a poha berry farm.

H.R. 2967 makes the native Hawaiian revolving loan fund a permanent program under the Native Americans Programs Act and expands the loan to a $5 million program by authorizing an additional $1 million from the Federal Government and a matching $1 million from the loan administrator.

Planting the seeds of growth and self-sufficiency in the native Hawaiian communities across our State, the native Hawaiian revolving loan fund is an outstanding example of how government can help people help themselves.

And Madam Chairman, that is the very goal of H.R. 2967, to assist and support the elderly and the native populations of our country to continue to be vital, productive, and an essential part of the American community.

I urge Members to vote for H.R. 2967.

□ 1420

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Madam Chairman, I rise in enthusiastic support of the reauthorization of the Older Americans Act.

Since 1965, older Americans have benefited greatly from the programs that are administered on the local level through, in New Jersey, the county offices on aging, and I am sure, around the country in agencies that mirror what we have in New Jersey.

The programs that have been administered that have been so beneficial include legal counsel, home delivered meals, employment counseling, and many other programs which are currently in place that have been a tremendous success.

During the past 5 weeks I have had the opportunity to spend an inordinate amount of time talking with older Americans, groups of older Americans, older Americans' organizations and representatives from the community generally. And to the extent that this bill expands those programs which are beneficial, I believe all of us should offer that much more support for it.

I in particular make reference to the provisions of the separate bill that was introduced by the gentleman from New Jersey [Mr. HUGHES], my good friend and colleague, and was pleased to become a cosponsor of his bill which provided for expansion of the Older Americans Act to provide programs in health-risk assessment, routine health screening, nutritional counseling and other items that are intended to maintain a good level of help and helpful programs for older Americans.

As has been pointed out by a number of previous speakers, these programs are not only helpful to individual members of the older American community, but are also of benefit to us all because the more we concentrate on keeping people healthy, the less we have to concentrate on funding those very expensive programs that are designed to help them after they have become less healthy.

To the extent that this bill includes those provisions, I offer my enthusiastic support.

Mr. MARTINEZ. Madam Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Chairman, I thank the gentleman for yielding time to me.

I want to salute the gentleman and his colleagues in the committee for a job well done and to suggest that during the recess I was back home and met with the Forum on Older Persons' Issues for Louisville and Jefferson County. They were very much devoted to the idea of reauthorizing the older Americans bill. They have many programs matching the ones authorized by this bill: job counseling programs, employment training programs and nutritional programs which, of course, are very important to senior citizens.

I was very happy to see in this bill a requirement, not just a calling but a requirement, that there be a White House Conference on Aging. Going back to the 1950's, when these conferences first began, from them have come Medicare, Medicaid, and the Older Americans Act itself. And I have reason to think that fruitful discussions held at the national level among people working with the senior citizens would be able to achieve, again, some ideas which could be implemented in the form of legislation.

So I am happy that the committee chose to require this conference and I salute the work that it has done on H.R. 2967 and certainly rise in behalf of the bill.

Mr. GOODLING. Madam Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman, I would like to commend Chairman MARTINEZ and ranking member FAWELL for the fine job that they have done in crafting a reauthorization bill that will truly be of great benefit to senior citizens all across this Nation.

This bill, H.R. 2967, of which I am an original cosponsor, will significantly strengthen the Older Americans Act by authorizing funding for successful existing programs and necessary new initiatives.

Throughout the entire reauthorization process, the chairman and ranking member's strong commitment to our Nation's senior citizens has been self-evident. The bill before us today clearly reflects there hard work and devotion to their cause, and I want to congratulate them for a job well done.

I am especially pleased that the bill incorporates several important new initiatives which I have advocated.

First, the bill includes the language of the Older Americans Health Promotion and Disease Prevention Act, H.R. 1739, which I introduced to significantly increase access to and participation in health promotion and disease prevention services.

The subcommittee's hearings made it clear that older Americans are able to benefit significantly from health promotion and disease prevention services. Moreover, at a time when health care costs continue to skyrocket, a strong emphasis on preventive health programs can cut health care costs significantly in the long run.

I believe the expansion of preventive health programs is an essential direction for the Older Americans Act to take at the present time, and I am extremely pleased that this important initiative has been incorporated into H.R. 2967.

Second, this reauthorization bill makes clear that title III supportive services may include information and counseling regarding private pension rights, and it contains a key new demonstration project aimed at creating models for expanding information and counseling services for older Americans regarding their private pension rights.

These amendments are of great importance. Many older Americans—particularly surviving spouses—have little or no understanding of their private pension rights, and do not have anywhere to turn to get this essential information. I am hopeful that these new provisions of the act will help make a difference—by shedding much-needed light on this complex and difficult subject, and by creating models for the provision of more comprehensive pension-related services in the future.

I would like to make one comment with respect to the new requirements contained in today's bill with respect to public/private partnerships. I agree with the chairman and others who are concerned that we must clearly preserve the public mission of area agencies on aging that choose to enter into public/private partnerships, and I understand the impetus for establishing clearcut rules in this area.

However, I also believe that the evolution of formalized public/private partnerships is a positive development in our efforts to meet the needs of older Americans. Therefore, I am pleased that the report accompanying the bill makes clear that the amendments are not intended to stifle the development of public/private partnerships, but only to ensure that the public mission of triple A's is not in any way compromised.

In my own district, a new public/private partnership is now taking shape that will provide enhanced services for all local residents. I believe that such ventures should be encouraged, and if we find at any stage that they are being impeded by unnecessary regulation, we should take steps to remedy the situation.

Madam Chairman, the Older Americans Act sets forth important goals for our Nation—goals of providing our senior citizens with lives of freedom, opportunity, and dignity. I am convinced that the bill before us today will move our Nation significantly closer to meeting these goals, and I am proud to strongly support it. I urge all of my colleagues to do so as well.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Chairman, I am pleased to rise in support of H.R.

2967, the Older Americans Act Amendments of 1991.

I commend the gentleman from California [Mr. MARTINEZ] for introducing this important measure, and the distinguished chairman of the Education and Labor Committee, the gentleman from Michigan [Mr. FORD] and the ranking minority member, the gentleman from Pennsylvania [Mr. GOODLING] for their unceasing efforts on behalf of our Nation's senior citizens.

H.R. 2967 amends the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995. The Older Americans Act of 1965 established a Federal Program to meet the social services needs of older people, particularly low-income individuals and minorities.

This important measure authorizes a total of $2.1 billion in fiscal year 1992, $2.2 billion in fiscal year 1993, $2.4 billion in fiscal year 1994 and $2.5 billion in fiscal year 1995, for all Older Americans Act administration, research, and services programs for the elderly. Additionally, nearly 70 percent of the funding is for grants to State and area agencies on aging, for support and nutritional services and multipurpose senior citizens centers.

The nutritional services in this measure are provided through several significant programs:

First, $505 million for congregate meals.

Second, $120 million for home delivered nutrition services, or Meals on Wheels.

Third, $15 million for school based meals for older individuals.

This important measure also establishes a new significant program to support caregivers who provide important in-home services to frail elderly. Additionally, H.R. 2967 establishes a National Ombudsman Resource Center, a National Center on Elder Abuse, and a National Commission on Board and Care Facility Quality.

Madam Chairman, senior citizens make up approximately 34.9 million of our population, and this number is growing steadily. The problems that senior citizens are confronting will eventually be faced by the whole population. By supporting H.R. 2967, a clear message is being sent to our Nation's senior citizens that Congress does care.

Accordingly, I urge all of my colleagues to give full support to this vital measure.

More specifically, fiscal year 1992 authorizations include funding for: support services, congregate meals, home-delivered meals, the Surplus Commodities Nutrition Program, the Community Service Employment Program, two in-home and frail elderly care programs, and the State Long-Term Care Ombudsman Program.

To improve the administration of the Older Americans Act, H.R. 2967 places the Administration on Aging [AOA] directly under the Secretary of Health and Human Services, increases data collection activities, and clarifies criteria for intrastate funding.

□ 1430

Mr. MARTINEZ. Madam Chairman, I yield myself as much time as I might consume in order to respond to several Members who have made inquiries and who would have liked to have been on the floor but were not able to be because of other important business.

First of all I would like to respond to the gentlemen from Texas, Mr. DICK ARMEY and Mr. CRAIG WASHINGTON. I had a request from them to clarify whether the Older Americans Act prohibits local coordination of senior services.

I am most pleased to respond to the gentlemen from Texas that it is my understanding there is nothing existing in the law itself or in these amendments that would prohibit States from coordinating program services for senior citizens within their States. In fact, in our amendments we encourage greater coordination of services within the States to provide older Americans services. So I would say to them that there is nothing in the law that prohibits that.

Another Member that I would like to respond to who would have liked to have been here is the distinguished gentleman from New Jersey [Mr. ROE]. In his inquiry he asked me to clarify the definition of counseling and its interpretation in the Older Americans Act. Mr. ROE has made this request because H.R. 2967 amends the Older Americans Act to enlarge the delivery of counseling services to older Americans.

For the purposes of honoring Mr. ROE's request, I will assist him by submitting him an agreed upon definition of counseling in the conference committee for clarification in the conference language to accompany H.R. 2967. I commend the gentleman from New Jersey for his advocacy on behalf of our Nation's senior citizens.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself what time I may consume.

Madam Chairman, first of all I would add to what Chairman MARTINEZ has just said. As a matter of fact, in the legislation, we do everything possible to encourage, if not insist, on coordination.

I would add that is always a joy to come to the floor of the House with a piece of legislation where everybody is getting up and saying how wonderful it is on both sides of the aisle. It must be awfully good because we did not have anyone object thus far. So it is truly a joy to bring legislation that was very, very beneficial to those who need us very much at this time and who have given so much to us in the past.

Madam Chairman, I yield back the balance of my time.

Mr. MARTINEZ. Madam Chairman, in closing, let me say that I, too, echo the remarks of my colleague, the gentleman from Pennsylvania [Mr. GOODLING], in that in this bill all sides have participated in a bipartisan manner. We want to especially thank the administration for their advocacy and their willingness to work with us and to compromise on language in the White House Conference on Aging and the different various aspects of the bill.

I must commend the staff, the minority staff, for the excellent work and diligent work they did in fashioning this piece of legislation. We all, I think, agree that what we want is a more efficient act that would provide services in a much more expedient manner to seniors, and, of course, we really want to emphasize that, although we have done all of these things, there is really still a desperate need to increase the money to provide for the services to older Americans.

Madam Chairman, I yield my remaining 30 seconds to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. GOODLING. Madam Chairman, I also yield 30 seconds to the gentleman from Arkansas.

The CHAIRMAN. The gentleman from Arkansas [Mr. ALEXANDER] is recognized for 1 minute.

Mr. ALEXANDER. Madam Chairman, I rise in strong support of H.R. 2967.

The services provided under the Older Americans Act allow many of our senior citizens to live better lives than would be possible otherwise.

I have seen the difference these programs make throughout my district.

Nutrition services—including Meals-On-Wheels—provide good, healthy, and well-balanced meals for people who might not have them otherwise.

Green Thumb provides jobs that would not be there without the program.

Transportation is provided for those who have none—helping access medical and other services critical to older Americans.

I have been honored to participate in the dedication of a number of Green Thumb projects in the First Congressional District of Arkansas—projects which make our communities better.

It is inspirational to see the pride of workmanship displayed by those employed through Green Thumb.

During the last 6 months of 1990, Green Thumb paid more than $1 million in wages and provided almost 300,000 man-hours of labor in rural Arkansas.

For many it made the difference—allowing them to live life with dignity instead of just barely getting by, or not getting by at all.

Madam Chairman, I am particularly proud of Green Thumb since an Arkansan, Lewis "Red" Johnson, was an early and consistent supporter of this most worthwhile program.

"Red" Johnson was a person who saw government as a vehicle to help people live better lives. And that is not an antiquated concept.

It's a guide which is as fresh as today's sunrise.

Because of "Red" Johnson, Arkansas was one of the first States in the Nation to offer employment opportunities to older Americans through the Green Thumb Program.

It was December 23, 1965, that 280 positions were authorized for Arkansas, Minnesota, New Jersey, and Oregon.

The program has had but one goal—making life better for those in their twilight years—and it has been successful.

Services offered under the Older Americans Act are vital, and should be expanded.

Madam Chairman, I firmly believe that instead of writing off debt owed to America by foreign countries, we should be collecting those debts and investing that money in expanded services for our own people.

I support this reauthorization, I congratulate those who work to provide these services, and I am grateful they are there to assist older Americans.

Madam Chairman, I wish to congratulate the chairman of the committee for the fine work they have done, and I thank the gentleman for yielding time to me.

Mr. FRANKS of Connecticut. Madam Chairman, today, the men and women who built this country into the greatest nation on Earth are attempting to live through the twilight of their years as productive, independent, and healthy citizens.

That is why I rise in strong support of H.R. 2967 which will strengthen and expand the vast array of services to the senior citizens of our country.

As Americans, we take pride in helping one another in times of need. Our society is built on the strong bonds of community and those bonds stretch from the early days of infancy to the proud years of retirement and reflection.

For many older Americans, there is a demonstrated need to provide care and assistance to senior citizens who are trying not to be a burden to their families and society.

These men and women, who fought fascism abroad, who kept our factories running, who built cities and towns, who made our world full of promise and hope for their children, merely want to live their lives without fear of want.

It is our duty as their children and fellow countrymen to support programs that not only assist those who have basic human needs, but those that bind generations together.

H.R. 2967 does that, and as a member of the Aging Committee I am encouraged by the commitment to programs under the act that have a strong record of accomplishment, and new emphasis on problems which have plagued our society for generations—especially elderly abuse.

Elderly abuse has been the silent shame of this country for many years. We all know it exists. We see its results rather than cure the symptoms and we watch as it denigrates not only the senior citizen, but their families and our society.

I have heard of stories of abuse from senior care providers in my district and State. Their tales are sad, but even more discouraging is the fact that we still know very little about the volume and scope of abuse and neglect of our senior citizens.

While many volunteer care givers, police officers, and family members are doing their best to recognize cases of abuse and neglect, we are still in the dark on how to recognize its symptoms and deal with its causes.

That is why I believe the $15 million proposed for abuse prevention programs is a good start to tackle this troubling problem.

These funds will not solve the problem of exploitation and abuse. They will not provide a cure for the deep pain and suffering of our seniors who either neglect themselves or who are unable to resist being compromised.

But it will send a message that the children and grandchildren of those who made our country full of promise will not see their parents' hard work fade into the darkness of despair.

The framework of the Older Americans Act is still strong. It will continue to provide hot meals at senior centers, meals on wheels to the homebound, transportation for medical and social needs, and jobs for those who want to supplement their incomes and add to the quality of our work force.

We should all be encouraged by the rich tapestry of services provided under the act and seek to improve the Older Americans Act with more private involvement.

Already, those who benefit from many programs voluntarily contribute to title III programs through donations. There are also thousands of volunteer care givers who spend hours and days making the lives of our seniors more productive and fruitful.

We must continue to seek new private resources to maintain and expand our commitment to senior citizens.

Mrs. LLOYD. Madam Chairman. I speak in strong support of H.R. 2967, the Older Americans Act amendments of 1991, which includes a number of improvements and innovations, while preserving the solid foundation of current programs and goals.

This legislation reflects the genius of many of our colleagues and the superb leadership that Chairman Martinez has provided. Mr. MARTINEZ has in his premiere year as chairman of the Subcommittee on Human Resources done an outstanding job. I also want to commend the work of Chairman FORD and Mr. KILDEE who has an exceptional record of advocacy for the Older Americans Act [OAA]. H.R. 2967 includes so many excellent provisions that I will only comment on a few during my remarks today.

The OAA is now over 25 years old and it is, by almost any measure, a grand success. It has provided supportive services, congregate and home-delivered meals, community service employment, transportation, and advocacy for millions of older adults. Almost everyone has friends or relatives who have benefited from OAA services which are made available to anyone over the age of 60.

This year's $1.7 billion reauthorization includes a number of exciting new programs and higher authorization levels for existing programs, but the Older Americans Act is not without problems. Congress has created so many mandates with the OAA that the aging services network constantly struggles to do all we have asked it to do with inadequate funding. Laws like the OAA flourish and grow by adding innovative programs that address current service needs, but each year the appropriations levels are barely enough to provide current service levels. This needs to change and our financial commitment to the OAA must be strengthened if we are to serve our aging population.

Madam Chairman, I would like to speak briefly about a program that I created, the School-Based Meals for Older Individuals and Intergenerational Programs Act, which has been included in this year's reauthorization. I had two primary reasons for developing this legislation. First, we need to provide more congregate and home-delivered meals to older individuals. There are millions of older persons who could benefit from nutritious meals, but the meals are simply not available to them. Second, I believe that intergenerational programs are critical to our future. We must unite the young and the old to enable them to exchange ideas and to assist one another in coping with the demands of our complex world.

This legislation will expand the Meals Program authorized under title III by creating a new congregate meals program for older Americans in elementary and secondary schools, which will be linked to intergenerational programs between students and older adults. This program has been funded at $15 million, and I believe it will make more meals available to seniors, while at the same time, providing an excellent opportunity for them to improve their self-esteem and make a major contribution to the educational process of our youth. Older Americans will contribute their unique knowledge, talent, and sense of history through roles as tutors, teacher aides, living historians, special speakers, and in other volunteer support roles.

I owe a great deal of gratitude to my distinguished colleague on the Aging Committee, JOLENE UNSOELD, who offered this program as an amendment to H.R. 2967 during full committee markup. I thank her, and Ken Camper, director of the Spice Program in Seattle from which this legislation was modeled.

Madam Chairman, H.R. 2967 also increases the per meal reimbursement that service providers receive from the Department of Agriculture from the current 56.76 cents to 65.66 cents per meal. This will help meal providers who have had to cut back programs in the past when reimbursement did not keep up with inflation. Funding levels for the Congregate and Home-delivered Meals Programs have also been increased to $435 million and $120 million respectively, and this is also a positive move.

Madam Chairman, although the House bill directs area agencies on aging to work with nonprofit housing entities to better serve residents, and does address several other housing-related issues, I am hopeful that two housing demonstration programs, H.R. 2953 and

H.R. 2954, that I wrote, will be included in the final version of H.R. 2967 when it comes out of conference committee. H.R. 2953, the Housing Ombudsman Act of 1991, would create a $1 million demonstration to provide advocacy, similar to that provided by the Long-Term Care Ombudsman Program, for residents of assisted housing projects. H.R. 2954, the Supportive Services in Housing Act of 1991 is a $4 million demonstration to enable the aging network to better target services to frail, low-income, older individuals, who live in federally assisted housing. We know that premature and unnecessary institutionalization can be prevented with supportive services, and this program would provide the network with an opportunity to show how effectively they could coordinate those services when they are provided with additional resources.

These housing demonstrations have been included in the Senate version of the OAA reauthorization by Senator ADAMS, and I ask the Members of the House to support these important initiatives in conference.

There are many other very positive elements of this year's reauthorization bill, Madam Chairman. It increases title V, the Community Service Employment Program, which is one of the many Older Americans Act programs that enables older individuals to maintain their independence. At a hearing that I conducted in Oak Ridge this year, we received strong testimony that the administration's proposed cutbacks in this program would hurt many Tennesseans. H.R. 2967 increases funding for this critical program from $448 million to $470.5 million.

During another hearing that I conducted last year in Chattanooga, I heard firsthand the stories of so many care givers who are at their wit's end trying to care for older, frail relatives. This bill provides funds for a new program for supportive activities for care givers of the elderly. These will include respite for the care givers, counseling, and training. This new program has been funded at $15 million. I think it is an excellent start toward addressing the needs of the millions of care givers in our Nation, most of whom are women.

H.R. 2967 also improves the long-term Care Ombudsman Program which serves to advocate for the rights of nursing home residents. The bill creates a National Ombudsman Resource Center and an Office of the Federal Long-Term Care Ombudsman, headed by a Federal Long-Term care ombudsman. This will add a great deal to the ability of this vital program to work in behalf of nursing home and board and care home residents.

Finally, this bill mandates a White House Conference on Aging be held in 1993, and ensures that the Congress will have a role in determining the critical issues that will be addressed. Congratulations must go out to my distinguished colleagues on the Aging Committee, Mr. DOWNEY, for his diligent efforts to push for a conference and involve Congress in its content development.

Mr. HALL of Ohio. Madam Chairman, I rise in strong support of H.R. 2967 and applaud the efforts of the distinguished chairmen of the Education and Labor Committee and the Human Resources Subcommittee in crafting a bill that is both fiscally responsible and sensitive to the needs of one of our most vulnerable populations.

I am particularly pleased to note that the bill before us today incorporates a provision from the Freedom from Want Act, legislation I introduced earlier this year, which increases the commodity reimbursement rate for senior meal programs by almost 9 cents per meal. This represents the first adjustment in the rate since 1986.

Today there are more than 30 million Americans 65 years of age or older. One in four has an annual income below $10,000. They are the single largest demographic group most likely to be at nutritional risk. One in five skips at least one meal each day. Many of these seniors rely heavily on the meals they receive through either the Congregate or Home-Delivered Meals Programs.

For many, this isn't just a good assistance program—the benefit of participation goes beyond the meal itself. The program offers a link to the world outside their front door. Sometimes it is the one factor that keeps them out of nursing homes and in their own homes.

The Select Committee on Hunger, which I have the privilege of chairing, recently conducted an examination of hunger and poverty problems in Appalachian Ohio. While there, we visited the home of Mrs. Mabel Kiraly. Mabel is 75 years old. She lives alone in the same house that she was born in on a $306-per-month Social Security benefit. She had a fall a few months back and now she needs a walker to get around. Her house sits on the side of a steep hill and, I'll tell you, it's a pretty tricky climb up to the front door. Through the Meals on Wheels Program operated by the local community action agency, Mabel gets a prepared lunch Monday through Friday and two frozen meals to carry her through the weekend. She told us that she depends on this food.

After we left Mabel's house, we were told that, due to inadequate funding, Mable was one of the many seniors in the area in jeopardy of being cut from the program.

More than 245 million meals were served under the elderly nutrition programs last year, but many meals providers have had to curtail services because of inadequate support. Without additional relief, many more will follow suit. When we start to see a decline in the number of meals served, we are going to have to remember that these numbers represent people. They represent Mabel Kiraly in Glouster, OH, or Ted Jones and Mary Brown in your own congressional district.

The reimbursement increase in H.R. 2967 will keep those meals coming. It will restore services to those whose participation has been terminated. And, for the future, it will assure annual adjustments for inflation so that programs have the resources to keep pace with the true cost of providing each meal.

Madam Chairman, times are hard. But, it is imperative that we continue to adequately support programs and services which have consistently proven to be both efficient and cost effective. The Nutrition Program for the Elderly is such a program. By passing the bill before us today we will help to protect the nutritional well-being of one of our most vulnerable populations.

Mr. FORD of Tennessee. Madam Chairman, I rise in support of the Older Americans Reauthorization Act. This act is now 26 years old, and in this past year alone has provided more than $1.3 billion in supportive services, nutritious meals, transportation, home care, adult day care, elderly abuse prevention, nursing home quality assurance, and legal services.

As we enter the 21st century, we are faced with a growing population of elderly. We as a civilized nation should assume the responsibility to take care of our senior citizens. The Older Americans Act is the primary vehicle in which we do this.

It is the primary vehicle in which we promote the independence and dignity of our elderly, and acknowledge all they have contributed to our society.

For African-Americans, the problems and hardships accompanied with the aged are more far-reaching and more complex than the total population.

Poverty hits aged African-Americans especially hard and is the primary cause of poor health and the high incidence of disease.

Figures from the 1990 census, show that 44 percent of African-Americans 65 and over live below 125 percent of the poverty line. This statistic is especially shocking when measured against the percentage for the total population of senior citizens which is only 19 percent.

Addressing the needs of the African-American elderly is a unique and challenging problem facing this country's leaders as they attempt to manage an aging society. So often the solution to problems seem far beyond our reach. Yet we believe there is hope for the future.

The Older Americans Act is a solution to the problems we face in providing adequate services to the elderly. This legislation provides better accessibility to health care, nutrition, and community based services.

It is my sincere hope that the day is fast approaching when no elderly person, black or white, will have to live with the threat of exclusion from services that should be offered to all Americans. I urge my colleagues to give their full support to legislation.

Mr. ROE. Madam Chairman, I would like to take this opportunity to thank my good friend from Michigan the distinguished chairman of the Education and Labor Committee, Congressman BILL FORD, the ranking minority Congressman GOODLING, and Congressman MARTINEZ, chairman of the Subcommittee on Human Resources and the ranking minority of the subcommittee Congressman FAWELL, for all their hard work on this critical reauthorization of the Older Americans Act.

I would also like to commend Congressman EDWARD ROYBAL, chairman of the House Select Committee on Aging, and the ranking minority member on the select committee, my distinguished colleague from New Jersey Congressman MATTHEW RINALDO, who worked diligently with both the select committee staff and the staff of the Subcommittee on Human Resources to bring forth one of the most comprehensive reauthorizations of this legislation. Chairman ROYBAL's numerous hearings with the Select Committee on Aging have served invaluable for information on the status of our Nation's older Americans.

This bill will reauthorize those important programs and services that our Nation's seniors have grown to rely on over the years:

First, the supportive services in senior centers in our district neighborhoods. Which include gerontological counseling services for the purpose of teaching senior citizens about better health care, proper nutrition, educational opportunities, welfare, and recreation.

Second, the congregate and home-delivered meals which reach many of our constituents 5 or more days a week. They provide well balanced and nutritional meals to those who have difficulty preparing their own meals 3 times a day 7 days a week.

Third, the community service employment programs which enable our senior population to continue to contribute to their local communities, and to learn new jobs and tasks. Many times their contributions serve extremely useful to the general welfare of our communities. I know in my own district in New Jersey, the older citizens are always the first to offer their assistance when an extra hand may be needed in the community.

Fourth, and finally, this legislation will reauthorize the training, research and demonstration grants which have been essential in helping Congress directly monitor the condition of our Nation's seniors and the state of programs serving our older Americans. I commend the committee on the development of a much needed Elder Abuse Prevention Program under this section, designed to prevent the abuse, neglect or exploitation of older persons; second the establishment of multigenerational demonstration programs which will allow the elderly the ability to participate in multigenerational activities such as advisers in child care, juvenile delinquency treatment, educational assistance, and family support programs; and notable grants instituted at colleges and universities to prepare students for careers in the field of aging. All of these programs will continue to assist in the delivery of supportive social services to older persons.

The programs of the Older Americans Act authorize these wide array of programs through the network of 57 State agencies on aging and 670 area agencies on aging, and native American grantees. These individuals who have worked as geriatric counselors and within the human development fields have developed an expertise within their profession. It is this profession of gerontological counseling that recently has been recognized as an important element in the carrying out of the programs under this legislation.

In June 1990, under the administration of the National Board of Certified Counselors, an important certification process for gerontological counselors was established. With these new changes occurring within this expanding profession, it became necessary to clarify the terminology of gerontological counseling in the Older Americans Act. I look forward to engaging in a colloquy with the subcommittee chairman, Congressman MARTINEZ later in debate to discuss this specific matter.

I would at this time like to thank the collaboration of the American Association of Counseling and Development and its affiliates nationwide, they have been extremely helpful in educating me on the profession of gerontological counseling and the need for expanding these services in our communities.

Once again, I thank the Members and their staffs for their hard work on this legislation and the opportunity to work with them to ensure that our Nation's seniors are provided services by individuals certified to perform these essential programs.

Madam Chairman, thank you again for affording me this opportunity to speak on such a vital piece of legislation.

Mr. WEISS. Madam Chairman, I rise in strong support of H.R. 2967, the Older Americans Act amendments. The Older Americans Act, initially conceived and enacted in 1965, paved the way for creation of community-based programs and services intended to improve the quality of life for our older citizens. Over the years, through several reauthorizations, we have continued our commitment to this legislation and the seniors who it impacts.

H.R. 2967 includes $439.4 million in fiscal year 1992 and "such sums as may be necessary" in fiscal year 1993 through 1995 for the supportive services and senior centers of the Older Americans Act. More specifically, the measure reauthorizes congregate and home-delivered meals, community service employment programs, training, research, demonstration grants, and Indian programs.

The measure creates a new program providing supportive activities for caregivers for frail seniors, as well as a program to provide meals in elementary and secondary schools for older individuals that will be linked to intergenerational programs. It also authorizes demonstration grants for programs to prevent foreclosure and eviction of the elderly and to prepare individuals for careers in the field of aging.

The Nation's seniors desperately need assistance from the Federal Government. State officials around the country are finding it difficult to keep pace with the increasing costs and demands for services. This legislation, coming to us on the 25th anniversary of the Older Americans Act, strives to strengthen our national policy toward successful aging. I urge my colleagues to support its passage.

Mr. BORSKI. Madam Chairman, I rise in support of H.R. 2967, the Older Americans Act amendments. I would like to commend Chairman FORD of the Education and Labor Committee and Chairman MARTINEZ of the Human Resources Subcommittee for their work on this important legislation and their dedication to the needs of the elderly.

The Older Americans Act [OAA] was enacted in 1965 to organize and deliver supportive, nutritional, and other social services for the elderly. While this important law provides vital services to the elderly, it needs to be expanded and strengthened. H.R. 2967 accomplishes this goal by reauthorizing successful supportive programs—such as congregate and home-delivered meals—and creating new, innovative services to support in-home caregivers and nationally monitor long-term care service delivery.

H.R. 2967 also authorizes $470.5 million for the Senior Community Service Employment Program [SCSEP], which creates jobs for thousands of low-income senior citizens nationwide. Earlier this year, the Bush administration's budget proposal for fiscal year 1992 requested a $47.5 million cut for SCSEP, which, if enacted, would have resulted in a loss of 7,800 job slots. I am encouraged to see that H.R. 2967 calls for full funding for this cost-effective employment program.

In addition, H.R. 2967 changes current law to require—instead of allow—the President to convene a national conference on aging in 1993. As you know, White House Conferences on Aging, which have contributed significantly to Federal policy on aging, have been held in 1950, 1961, 1971, and 1981. Contrary to the intent of OAA, the President did not convene a conference in 1991. H.R. 2967 will ensure that this important forum is held to focus national attention on the issues that affect all senior citizens.

Madam Chairman, as a member of the Select Committee on Aging, I recognize the value of OAA programs to our Nation's elderly. I urge my colleagues to contribute to the further success of these programs by supporting the passage of this well-crafted legislation.

Mr. FORD of Michigan. Madam Chairman, I rise today in support of H.R. 2967, the Older Americans Act Amendments of 1991. At the outset I want to congratulate Mr. MARTINEZ, the chairman of the subcommittee, and Mr. FAWELL, the ranking minority member, for bringing to the floor a bill with bipartisan support.

I am particularly pleased to vote to reauthorize this act which was first enacted in 1965 under the leadership of two great Americans, Senator Pat McNamara and Congressman James G. O'Hara, both of Michigan.

The Older Americans Act [OAA] provides critical support to our Nation's senior citizens so that they may continue to lead productive, independent, and fulfilled lives. Funds appropriated to OAA programs pay for 250 million congregate and home delivered meals. Every American has heard of Meals on Wheels but most don't know that it is the cornerstone of the OAA. In addition, the OAA supports some 65,000 community service jobs for low-income persons who are 55 years old and above. The OAA also authorizes a wide range of supportive services including in home and long-term care, multipurpose senior centers, legal services, as well as advocacy to ensure that the rights of our senior citizens are not abridged and that they are not taken advantage of.

The number of people above the age of 60, and the relative proportion of this group to general population, is increasing dramatically. The number of seniors who are 85 and above, and most likely to need assistance, is growing most rapidly of all. A real strength of the Older Americans Act is that it changes to reflect and address the changing needs of seniors as they live longer and make new accommodations to meet new circumstances.

The bill makes several more such changes.

The role of the Commissioner of the Administration on Aging [AOA] is strengthened and upgraded to reflect the important role of seniors in our daily lives;

Creation of a National Center on Elder Abuse to provide research, training, and information about elder abuse to heighten awareness of the problem and to assist policymakers at the Federal and State levels.

Establishment of the Office of the Federal Long-Term Care Ombudsman to, among other duties, investigate any situation that may adversely affect the health, safety, welfare, or rights of older individuals.

Enhanced data collection to provide for meaningful evaluation of service delivery and to determine whether those who receive services are the most in need.

In addition, the authorization assumed in the OAA reauthorization is significantly higher than the current level. I am glad that the committee saw fit to reject the administration's budget proposal for an overall freeze in OAA funding and a 10-percent cut in the Senior Employment Program.

Mr. HAMMERSCHMIDT. Madam Chairman, I join my colleagues today in rising in support of H.R. 2967, the Older Americans Act Amendments of 1991. I would first like to commend the members of the Education and Labor Committee and my colleagues on the Select Committee on Aging for the time and energy they devoted to obtaining input from seniors, aging groups, service providers, and administrators as they worked to form this comprehensive reauthorizing legislation.

Since its enactment in 1965, the Older Americans Act has grown to be the primary program responsible for providing a wide array of services to persons 60 years of age and older. These services include congregate and home delivered meals, social and legal services, job training and placement, as well as ombudsman services. H.R. 2967 will reauthorize the Older Americans Act for 4 years, to include a total of $2.1 billion in fiscal year 1992, $2.2 billion in fiscal year 1993, $2.4 billion in fiscal year 1994, and $2.5 billion in fiscal year 1995 for research, services, and administrative programs for senior citizens.

H.R. 2967 also makes some changes in existing programs to improve the administration of the act. Section 112 of the bill contains provisions for enhanced data collection, and I consider this section to be an important improvement which would aid the Administration on Aging in monitoring and targeting the delivery of services to those seniors most in need. Under this new provision, the Commissioner on Aging, after consulting with State, area, and local organizations and providers, would assist in designing and implementing uniform data collection procedures for use by State agencies. These new procedures would include uniform definitions and nomenclature, standardized data collection procedures, and, of particular importance, establish procedures for the assessment of unmet needs for services under the act.

While our elderly population continues to grow at everincreasing rates, budgetary constraints have become increasingly tighter. Because the resources to meet the needs of this rapidly growing population are difficult to find, it is imperative that limited funds reach the most needy individuals. The new data collection standards outlined in H.R. 2967 will assist States in compiling the necessary statistics and meeting the mandate of the Older Americans Act to target those seniors in greatest economic and social need.

Once again, I would encourage my colleagues to support H.R. 2967, a bill that is vital in reauthorizing programs to provide substantial services to all senior citizens, while targeting those older Americans who have special needs. The Older Americans Act has grown to be a monumental vehicle for maintaining an effective aging network. It is my hope that through the reauthorization process this year and the consideration of H.R. 2967, we have highlighted its many accomplishments, as well as ensured its success for years to come.

Mr. RINALDO. Madam Chairman, the Older Americans Act reauthorization is the most important seniors' legislation Congress will consider this year. I commend the chairman and ranking Republican member of the Subcommittee on Human Resources, as well as the chairman and ranking member of the Education and Labor Committee, for their leadership in bringing this bill to the floor.

For 25 years, the Older Americans Act has met the needs of millions of seniors by providing meals, transportation, employment, and advice about nursing homes and the benefits they are entitled to receive. It differs from most of the other aid programs administered by the Federal Government because rather than simply handing out help, the Older Americans Act is a helping hand for seniors.

The reauthorization process enables Congress to reexamine the act periodically, continuing programs which work and designing programs to meet new challenges facing our Nation's elderly. I believe that the committee's bill enhances and improves the present act.

In addition, I am pleased Chairman MARTINEZ has included in the committee en bloc amendment my proposal to strengthen current law by permitting States to fund entitlement outreach programs in areas with the greatest social and economic need. This language will help to make needy seniors aware of benefits under Medicaid, the Supplemental Security Income Program, and the Food Stamp Program for which they may be eligible.

A report issued earlier this year by the Families USA organization found that substantial numbers of seniors were unaware of their eligibility of Federal assistance. My recommendation addresses the needs of millions of older Americans who are not taking advantage of their full benefits. More needs to be done to inform seniors of their benefits, and I urge my colleagues to approve these changes and step up the efforts to reach out to our most needy seniors.

Mr. RICHARDSON. Madam Chairman, I rise today to express my strong support for the reauthorization of the Older Americans Act. This legislation targets critically needed services to those low-income elderly individuals who are most in need in my district and across the United States.

We all get older, that's just a fact of life. However, just because we get older doesn't mean that we can't remain active. For example, senior centers, which are eligible to receive funding from this legislation, can use funds to coordinate group activities, outings, and events for still active elderly individuals. Additionally, this bill provides programmatic funding so that elderly people can work and interact with young people to share the experience and expertise gained from a lifetime of living.

This legislation also provides services such as transportation, Meals on Wheels, in-home services, services for frail elderly, employment and information, and other supportive services to millions of low-income elderly individuals. Without these services, many of the elderly in New Mexico, particularly Hispanic, native American, and rural elderly, would be unable to get to their doctor's appointments, do their shopping, or take care of necessary day-to-day activities.

Additionally, many of the programs in this legislation provide much needed in-home assistance to thousands of elderly individuals thereby allowing them to remain in their own homes rather than consigning them to the sterile environment of a nursing home. This bill also provides important protection for elderly individuals against elderly abuse or neglect which, unfortunately, has become increasingly widespread.

Since New Mexico is a rural State with a high percentage of Indian and Hispanic residents, I am hopeful that both of these populations will benefit from the increased outreach programs and other critically needed services this legislation provides.

Madam Chairman, as a member of the Select Committee on Aging, I have worked hard during my tenure in Congress to improve the overall well-being of our Nation's elderly population. I believe the reauthorization of the Older Americans Act addresses many of their concerns. I am proud to lend my support to this important legislation and I urge my colleagues to do the same.

Mrs. MEYERS of Kansas. Madam Chairwoman, I am pleased to rise in support of the legislation that is before us today, H.R. 2967, to reauthorize the Older Americans Act. Since its enactment in 1965, the Older Americans Act has provided essential services and programs to this Nation's senior citizens. This legislation will strengthen the act and will enable us to expand the services available to seniors and their caregivers.

Without question, nutrition programs provided under title III of the act are essential to the well-being of older Americans. The congregate and home-delivered meals programs ensure that older Americans are receiving, at a minimum, one nutritional meal each day. This program, which is primarily carried out by area agencies on aging, also provides seniors with much needed social interaction and activity. I am pleased that the Education and Labor Committee recognized the importance of these nutrition programs in the reauthorization of the Older Americans Act.

My colleagues should also support the bill because of several other important Older American Act programs it reauthorizes. The bill provides $29 million for frail elderly in-home services and $15 million to provide support for in-home caregivers. I have long been an advocate of in-home and respite care services. As the American population continues to grow older, the need for these services will also continue to grow.

Passage of this legislation will assist this Nation's senior citizens in their every day lives through the supportive services, nutrition, legal aid, employment, and long-term care programs under the Older Americans Act.

The Older Americans Act has been a success and I strongly urge my colleagues to support its reauthorization.

Mr. KILDEE. Madam Chairwoman, I am pleased to rise in strong support of H.R. 2967, the Older Americans Act Amendments of 1991.

Since its inception in 1965, the Older Americans Act has proven to be one of the most successful programs enacted by the Federal Government.

With the aging of the population, and more and more elderly individuals confronted with the issue of paying increasing amounts for health care and housing, the programs authorized by the Older Americans Act are more critical now than ever.

Madam Chairwoman, I am particularly pleased that H.R. 2967 includes a new provision I introduced to authorize supportive activities for persons who provide in-home services to frail older individuals.

Due to a number of factors, including the aging of the population and the increases in life expectancy, more and more families are caring for an elderly relative in their homes.

According to the Pepper Commission report on comprehensive health care:

> Almost three-quarters of severely disabled elders receiving long-term care at home or in the community in 1989 relied solely on family members or other unpaid help.

Persons caring for frail elderly individuals are typically women, wives, or daughters, who struggle to provide consistent care and to manage their own lives as well.

It is not uncommon to find an elderly woman who not only cares for a frail husband but a disabled child as well.

These individuals desperately need a variety of supportive services including someone to come into the home for brief intervals to allow them to conduct personal business, keep doctors appointments, or go grocery shopping without having to worry about the safety of their loved one.

Other critical services available to caregivers under title III-H include counseling and support, training, and linkages with other services.

H.R. 2967 also contains amendments I introduced to increase opportunities for elderly minority individuals to participate in title III programs authorized under the Older Americans Act.

Over the past several years, organizations representing elderly individuals have continued to express concern that minority persons were not being adequately served by the act.

One way of addressing this issue is to require more accountability in the system.

H.R. 2967 establishes new procedures for ensuring that services are further targeted to those most in need by requiring the Commissioner on Aging to approve or disapprove State funding formulas.

Additionally, area agencies must provide designs for how they plan to increase minority participation in their service areas and include them in the plans they are required to submit to State offices.

This new authority will ensure that funds provided to States for Older Americans Act services will be distributed in an equitable manner, with particular attention to those who are most vulnerable.

Madam Chairwoman, I urge a "yes" vote on the bill.

Mr. MILLER of California. Madam Chairman, I rise in support of H.R. 2967, the Older Americans Act Amendments of 1991. These amendments will not only strengthen and improve the provision of services to America's elderly, but will make the Older Americans Act, one of our best examples of a public/private partnership, even better. With more than 31 million Americans over the age of 60, the Older Americans Act will continue to play an essential and increasing role in the lives of hundreds of thousands of Americans.

I wish to commend Mr. MARTINEZ and his subcommittee staff, and Education and Labor staff for their hard work on this legislation. I also wish to thank them for their willingness to work with me and with Mr. DOWNEY to include our amendment on quality assurances for in-home services to the frail elderly.

Meals on Wheels, home repair services, homemaker and home-health aid services, legal services to the elderly, elder abuse services, and transportation services are but a few of the services that are provided under the Older Americans Act. These vital services have enabled thousands of America's senior citizens to live independently in their homes and in their communities eliminating unnecessary institutionalization.

The 1987 Older Americans Act amendments authorized in title III the provision of in-home services for frail older individuals to prevent their premature institutionalization. These services include homemaker and home health aides, visiting and telephone reassurance, chore maintenance, in-home respite care for families and adult day care as a respite service for families.

Quality of care is a critical issue in home care and is a concern of both providers and individuals receiving in-home services. All too often we have read about elderly individuals who have been targets of fraudulent home repair services, or individuals who have had family mementos or personal property stolen by persons sent into their homes to help them.

Through passage of the 1987 Omnibus Budget Reconciliation Act—OBRA–87, Public Law 100–203—Congress made significant progress in protecting home care consumers by strengthening Medicare conditions of participation, particularly regarding training and testing of homemaker health aides. Those new standards and protections apply only to Medicare and Medicaid certified agencies, and not to organizations that do not receive funds from such sources.

But there are no Federal standards or provisions comparable to the 1987 OBRA provisions to assure quality of care provided under the Older Americans Act. Neither the enabling laws nor the implementing regulations place any supervision, training, or testing requirements on individuals who perform personal care activities. Effective State regulation of paraprofessional services exist in less than half of the States.

This lack of Federal and State quality assurance standards means that individuals providing the in-home services often go without appropriate training and supervision. And when underqualified individuals are put in the position of providing personal care, there is an increased risk that the quality of care will be poor. The risk of fraud and abuse against elderly and disabled clients may also increase.

The quality assurance amendment which Mr. DOWNEY and I have offered will ensure that individuals receiving in-home home health aide services under the Older Americans Act receive the same type of consumer protections that are provided under Medicare or Medicaid. Our amendment cross-walks where applicable, the 1987 OBRA Medicare and Medicaid quality assurance requirements for the provision of in-home services into the Older Americans Act.

Our amendment has two sections. The first section requires that home health aide services provided under section 341(a) of the Older Americans Act be provided by individuals employed by an entity that is either, first, a home health agency that meets the Medicare requirements of the Social Security Act; or second, is licensed under State law that requires training, testing, and supervisions substantially equivalent to the training, testing, and supervision required by Medicare, or third, is accredited by an agency approved by the Secretary of Health and Human Services.

The second section of our amendment requires that the entities that provide home health aide services promote the rights of each older individual who receives such services. These rights are identical to the 1987 OBRA legislation and include the right, first, to be fully informed in advance about the in-home services to be provided, and any change in the services; second, to participate in planning and changing these services unless the individual is judicially adjudged incompetent; third, to voice grievance with respect to such service, without discrimination or reprisal, fourth, to confidentiality of records; fifth, to have the property of the individual receiving the service treated with respect; and sixth, to be fully informed, orally and in writing, in advance of receiving in-home services, of their rights and obligations under this act.

The Older Americans Act has served as an important program in helping older individuals to maintain their independence and to avoid unnecessary and premature institutionalization. The addition of Federal quality assurance standards will strengthen both the act and the provisions of in-home services to help meet its goals.

Mr. DOWNEY. Madam Chairman, the legislation we consider today, H.R. 2967, the Older Americans Act Amendments of 1991, is of critical importance to millions of our elderly relatives, friends, and neighbors. When we speak of the Older Americans Act, we are really talking about countless locally organized service programs that make the lives of older people much better than they might otherwise be. We are speaking of Meals on Wheels programs, of neighborhood senior centers, of legal services, of home repair and chore assistance, of in-home health care services, of rides to the mall, and of elder abuse prevention programs. There are so many programs housed under the broad roof of the Older Americans Act, that it is difficult to list them all. But one thing is certain: All of these programs enjoy a remarkable track record of providing service over the past 26 years.

As chairman of the Subcommittee on Human Services of the Select Committee on Aging, I have been privileged over the past 3 years to meet many of the people who administer these programs at all levels, from the U.S. Commissioner on Aging to volunteers who serve the meals and deliver the reassuring words of comfort that personify the act. I have also had the pleasure of working with my colleagues, Congresswomen SNOWE, the ranking minority member, the members of the Subcommittee on Human Services, Chairman ROYBAL, Chairman MARTINEZ, and Chairman FORD. Many people have joined their efforts to draft this reauthorization bill and I appreciate the consideration shown to me.

During, the past 3 years, the Subcommittee on Human Services has held a series of hearings focusing on the Older Americans Act as preparation for this reauthorization process. We began with the Commissioner on Aging, Dr. Joyce Berry, and fittingly we ended with the Assistant Secretary of HHS responsible for carrying out the reorganization of the Department and upgrading the status of the Administration on Aging. In between, the subcommittee heard testimony regarding the special needs of the frail elderly, the opportunities and problems posed by public-private partnerships, transportation needs, research programs and data collection problems, and health promotion and outreach programs. I hope that the subcommittee's work has been helpful in developing these amendments before us.

There are a number of provisions of these amendments that merit particular attention. First, I am pleased to note that the amendments adopt a significant feature of legislation I introduced earlier this year to establish a National Conference on Aging. As my colleagues know, we should have had a White House Conference on Aging this year, but we are not going to because of the administration's failure to pay proper attention to the issue. As a result, the conference has been postponed until 1993. However, the amendments before us today give Congress a role in setting the policy and determining the agenda for the conference, through the establishment of a conference policy committee. By giving Congress a role in the White House Conference on Aging, we hope to be able to avoid a situation where, either through neglect or oversight, future conferences are put off. Furthermore since Congress will have to pass any legislative recommendations which may arise out of the conference, it makes sense to have Congress involved in the conference itself. I commend Chairmen FORD and MARTINEZ for their efforts to bring this significant reform about and I appreciate their willingness to consider and adopt my proposal.

For the past decade, Congress has struggled with the problem of elder abuse. The late chairman of the Select Committee on Aging, Congressman Claude Pepper, brought this problem into public view and it is fitting that the Older Americans Act has become the focus of legislative efforts on elder abuse. This bill makes significant improvements in the elder abuse provisions of the act and I am encouraged that all of those who have worked so hard over the years could agree on a common approach. I am particularly happy that the act continues to allow the States broad latitude in designing their own education, reporting, and treatment programs.

I am also pleased that a proposal to assure quality of care for in-home health care services provided under title III G of the act has been included. This proposal, developed by Congressman MILLER and me, arose in part out of my concern that where services are comparable, older Americans should enjoy the same protection and assurances of quality care that exist under Medicare or other Federal programs. In the years ahead, as we address the issue of long-term care in a more comprehensive manner, it is important that we do not lose sight of the need to ensure that individuals who provide these services are qualified and properly supervised.

Today, we are also addressing the issue of personnel training and development for Older Americans Act programs. For many years, the act has required the Commissioner to develop, in coordination with other Federal agencies, a national plan for personnel training and development. Yet this plan has never seen the light of day. It is important that this mandate be implemented and the legislation before us requires the Commissioner to report to Congress on progress in implementing the mandate of section 202(a)(17), and I am grateful to the committee for implementing my proposal in this area.

In addition, these amendments include a provision which requires the Commissioner on Aging to publish an annual report of completed research funded under the title IV program. This provision arises directly from a hearing held by our subcommittee on research programs under the act. In its testimony, the General Accounting Office reported that the Administration on Aging lacked a comprehensive dissemination effort despite the fact that title IV grantees often produced findings which were useful to the aging network. State agencies reported that access to this information was haphazard. I believe that this simple step will increase the efficacy of the title IV program.

Finally, it is worth noting something which is not in today's legislation—mandatory cost sharing for services provided under the act. The administration recommended that a fee-for-service system be adopted, a proposal which radically challenges the very nature of the act. The subcommittee was deeply interested in this issue and carried out and published "Cost Sharing for the Elderly: A Survey of Current Incidence and Practice," which details the diversity of views on this issue. I am happy to say that Congress has rejected this proposal.

Madam Chairman, I would be remiss if I did not publicly thank the staff of the Congressional Research Service and the General Accounting Office for the assistance provided to the Subcommittee on Human Services. I think we have all benefited from the many reports they have provided us.

I urge my colleagues to support this fine bill. Millions of elderly people are counting on the services we authorize today. They have worked hard to make this a strong Nation and they deserve our support.

Mr. HOAGLAND. Madam Chairman, as this Nation faces the graying of our population, we must face up to the challenge of providing adequate support services for the elderly such as comprehensive long-term health care. Many of the elderly have a disabling condition. Many are alone. We will all need help some day.

One of the most successful Federal programs has been the Older Americans Act. It has been successful because it fills a real need. It provides those supportive services to the elderly like Meals on Wheels and home health care that give our seniors the support they need to enable them to live a full life with dignity and to stay in their homes.

The programs funded by the Older Americans Act are crucial for thousands of America's elderly who depend on them for food, transportation, employment and training. H.R. 2967 also authorizes a number of new programs to provide more extended care for our neediest senior citizens.

Since it was first enacted in 1965, the Older Americans Act has provided a wide array of programs to seniors in their homes and in their communities, programs such as congregate—designated sites—and home-delivered meals, home health care, transportation, homemaker assistance, chore maintenance, legal services, and employment. A key benefit of these services is that they enable elderly persons to live independently on their own, where they want to be. It helps prevent them from being forced into institutions.

Close to 70 percent of the funds under the Older Americans Act support a nationwide network of state agencies on aging to provide a wide range of services such as Meals on Wheels, transportation and assistance for senior centers. In Nebraska, senior citizens make up nearly 20 percent of our State population. We are experiencing a continuing rise in our aging population. From 1980 to 1990, Nebraska's 85-and-older population rose by 25 percent. This growth rate was higher than any other State, a striking testament to our healthy Midwestern lifestyle and environment.

Nebraska received more than $5 million in funds in 1990 from the Older Americans Act to provide 226,871 rides to 7,433 older individuals; 14,379 hours of legal services to 7,443 senior citizens; 150,080 telephone reassurance calls to 10,717 elderly citizens who are home-bound, to see if they were all right or needed assistance; and 50,860 hours of education and training to 6,127 of our seniors. These funds allowed community service centers, organizations, and support groups to provide care and services to 25 percent of Nebraska's 60-and-older population.

H.R. 2967 authorizes $15 million to create a new program providing supportive activities for in-home caregivers for the frail elderly. Over 80 percent of all care for the frail elderly is provided by family members. Because of our aging population, there is a great need for in-home and community-based services, including respite for caregivers, to help those who are providing the bulk of personal care for the elderly. The intent of these programs is to keep people as independent and in their home as long as possible, thus enhancing their quality of life.

The Older Americans Act of 1991 also requires the President to convene a National Conference on Aging in 1993. A White House Conference on Aging has convened once each decade since 1960. These conferences have provided critical insights and recommendations in the field of aging. The impact of our growing population of elderly makes it more critical that planning be done now for needs of the future elderly as well as the unmet needs of our elderly today.

I urge my colleagues to join me in supporting reauthorization of the Older Americans

Act. It has created proven programs that many of our seniors have come to depend on for their dignity and independence. It is an excellent program.

Mrs. NORTON. Madam Chairman, I am pleased to rise in support of H.R. 2967, the Older Americans Act Amendments of 1991. The OAA has been an unusually successful piece of legislation. The act has come during an era when medical and health miracles have extended the lives of millions of Americans. Along with these miracles, however, comes the responsibility to help older Americans live lives that continue to be meaningful and purposeful.

Here in the Nation's Capital, more than 18 percent of the total population is over 60 years of age—up 4 percent since 1980. In 1985, 17 percent of the District's elderly population was living below poverty level. We cannot afford to let the wealth of experience and knowledge these citizens possess be wasted. We must provide for them in their golden years.

The District of Columbia Office on Aging, the local agency created to administer the Federal funds from the act, served over 30,000 seniors in fiscal year 1990. Through that office, 42 community-based agencies provide essential social and supportive services such as home-delivered meals, case assessment and management, inhome supportive services, minor home repair and renovation, and legal advice.

These programs help to fully incorporate seniors in the life of this city and this country. No country that calls itself compassionate can help but embrace this legislation. Please support it.

Ms. SLAUGHTER of New York. Madam Chairman, I am proud to support the legislation reauthorizing the Older Americans Act which the House considers today.

Twenty-six years ago when the Older Americans Act became law, Congress made a promise to senior citizens that the Federal Government would help them overcome individual and social barriers to health maintenance, economic independence, and personal dignity. As the House moves today to reauthorize the act, we recognize the great achievement of this legislation.

The programs provided under the Older Americans Act meet some of the senior citizens' most basic needs—for nutrition, transportation, even companionship. Certainly, this is not too much to give to older Americans who have enriched our Nation's history, lend meaning to the present day, and give promise to our future. Today's senior citizens have defended the Nation's freedom and kept alive for posterity traditional American values. Who could deny this deserving population?

The 30th Congressional District of New York, which I am proud to represent, is home to some 58,000 senior citizens and the greater Rochester area has a proud history of meeting their needs and looking out for their interests. Rochester-area service organizations have created dozens of innovative programs for the elderly and seniors here have many opportunities—exercise classes, mental health programs, nutritional counseling, respite for caregivers and ombudsman services. The Older Americans Act has been instrumental in shaping this proud tradition of service, complementing the work of seniors and providers in upstate New York with a solid Federal commitment to the needs of our aging population.

While Rochester-area service providers do a remarkable job of making these programs available, funding constraints exist so that not all senior residents have access to services. In hearings of the Select Committee on Aging held in Washington and in my own congressional district, I have consistently advocated for full funding of the Older Americans Act. I am gratified that H.R. 2967, the 1991 reauthorization of the act, includes a $600 million increase in authorized funding over the fiscal year 1991 appropriation.

I am also gratified that the Education and Labor Committee has seen fit to reject the administration's proposal to repeal certain unfunded programs authorized by the Older Americans Act. Among these yet unfunded programs are the health promotion and education services added to title III of the act by an amendment I authored during the 1987 reauthorization.

My amendment authorized the establishment in senior centers of health insurance needs counseling programs to protect seniors with limited incomes from Medigap insurance fraud and to help them understand their Medicare and private health insurance coverage. Also authorized by my 1987 amendment to the Older Americans Act were mental health screening, preventive health programs, exercise classes, nutrition counseling and other important programs which ensure not only the health, but also the quality of life, of our Nation's senior citizens.

The problems our senior citizens face today will only be exacerbated in the coming decades. The growing numbers of elderly, rising health care and prescription drug costs, and increasing long term care needs are already challenging the existing service delivery infrastructure. As senior citizens seek to protect themselves from these trends, they often go too far and end up with shoe boxes full of costly, duplicative and worthless health insurance policies. They can be confused by the denial of claims and unsure of what Medicare covers. They worry about losing their homes or being unable to care for a beloved spouse. They dread living alone.

These are just the types of problems which the Older Americans Act can help solve. And, these are just the types of problems which command comprehensive study and long-range policy considerations; which is why the Older Americans Act Amendments of 1991 will require the President to convene a National Conference on Aging in 1993. Such a conference will identify problems of older individuals, develop recommendations for the coordination of Federal policy and local needs, and develop a comprehensive, long-range legislative strategy for maintaining and improving the quality of life for older Americans.

My colleagues will recall that the authorization we passed in 1987 gave the President authority to convene a 1991 White House Conference on Aging. I wrote to the President and, on behalf of my constituents, strongly urged him to convene a broad-based and adequately funded 1991 Conference on Aging. Despite my petitions and the urging of the Select Committee on Aging Subcommittee on Human Services, seniors advocacy organizations, and my own long-term care advisory committee, the President failed to convene such a vital conference. I am gratified that the legislation we consider today makes certain a 1993 conference will occur and the issues of critical importance to senior citizens will be given due consideration.

As the elderly population continues to grow, the Older Americans Act is a promise we can't afford to break. Millions of senior citizens have come to depend on the Older Americans Act. On their behalf, I cast my "yes" vote on H.R. 2967 today and I urge the support of my colleagues.

Mr. SERRANO. Madam Chairman, I rise in strong support of this bill, H.R. 2967, that would reauthorize one of the most important pieces of legislation to come from Congress, the Older Americans Act.

The Older Americans Act, created in 1965, is the only Federal act dedicated to providing vital social services for those Americans in their golden years, our senior citizens. It does indeed symbolize a commitment on the part of the Federal Government to ensuring that this important population receive essential nutrition and support services with as little cost to them as possible.

H.R. 2967 requires a State's distribution formula be based on the best available data on low-income older individuals, low-income minority older individuals, and frail older individuals that reside in the State. The Commissioner shall develop regulations to insure that statistically relevant and verifiable data shall be used by States to assess the needs for services of these groups.

Within this population are resources as varied and rich as in any other segment of our society. It behooves us as a Nation to aide and encourage each senior citizen to live as full a life as possible.

Intergenerational programs that foster interaction between seniors and children should be encouraged. H.R. 2967 creates programs that would provide meals for the elderly in elementary and secondary schools to do just this.

Let's continue a proper allegiance to the elderly people of this Nation who have already paid their dues, and paved the way for each of us, by giving back to them. I urge the full support of my colleagues for H.R. 2967.

Mr. HERTEL. Madam Chairman, I rise today in strong support of the Older Americans Act of 1991. Seniors have given a lifetime of hard work to this country, and in the retirement years deserve the best we have to offer. We owe it to Seniors to make their lives comfortable and worry-free. The passage of this bill helps promote this end. I am particularly pleased that Native Americans are not forgotten under this measure as it authorizes money for Native American aging programs.

Madam Chairman, the history of success of programs sponsored under the Older Americans Act are stellar. Each day, millions of seniors from all parts of the country share a meal and companionship through the congregate meal program. Thousands more elderly are able to live in their own homes rather than in institutions as a direct result of the Meals on Wheels Program. Many of these programs are beneficial simply because they encourage seniors to get out into, or remain a part of the community which deters loneliness, one of the most common complaints of our elderly population. Other programs, such as employment and legal services, as well as disease prevention programs have remarkably proven their effectiveness.

Madam Chairman, it is particularly important to note that H.R. 2967 states that the President shall convene a National Conference on Aging in 1993. In past years, the Older Americans Act allowed, but did not require the President to call such a conference. The last conference was held in 1981, and traditionally, there has been a conference every 10 years. It is high time for the administration to address the aging issues which it has been avoiding. It is unfortunate that a conference was not called for this year, as it allows for debate on issues that have such a great impact on our senior population.

Madam Chairman, the continual erosion of programs that are beneficial to our seniors over the last 10 years is an outrage. The benign neglect by the administration of senior citizens is unwarranted and unconscionable. The Older Americans Act of 1991 is a bill that will positively affect the quality of life for those Americans who have earned the right to enjoy a decent retirement.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the House Report 102-200 shall be considered by titles as an original bill for the purposes of amendment and each title is considered as read.

Mr. MARTINEZ. Madam Chairman, I ask unanimous consent that the amendment in the Nature of a Substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Amendments of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Section 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

Subtitle A—Declaration of Objectives; Definitions

Sec. 101. Definitions.

Subtitle B—Administration on Aging

Sec. 111. Establishment of Administration on Aging.
Sec. 112. Functions of Commissioner.
Sec. 113. Federal agency consultation.
Sec. 114. Federal Council on Aging.
Sec. 115. Administration of Act.
Sec. 116. Evaluation.
Sec. 117. Reports.
Sec. 118. Federal Long-Term Care Ombudsman.
Sec. 119. Authorization of appropriations for salaries and expenses.
Sec. 120. Authorization of appropriations for the National Commission on Board and Care Facility Quality.

Subtitle C—Grants for State and Community Programs on Aging

Sec. 131. Definitions.
Sec. 132. Authorization of appropriations; uses of funds.
Sec. 133. Allotment; Federal share.
Sec. 134. Organization.
Sec. 135. Area plans.
Sec. 136. State plans.
Sec. 137. Planning, coordination, evaluation, and administration of State plans.
Sec. 138. Disaster relief reimbursements.
Sec. 139. Availability of surplus commodities.
Sec. 140. Supportive services and senior centers.
Sec. 141. School-based meals for older individuals and multigenerational programs.
Sec. 142. Preventive health services.
Sec. 143. Prevention of abuse, neglect, and exploitation of older individuals.
Sec. 144. Supportive activities for caregivers who provide in-home services to frail older individuals.

Subtitle D—Training, Research, and Discretionary Projects and Programs

Sec. 161. Statement of purpose.
Sec. 162. Administration.
Sec. 163. Grants and contracts.
Sec. 164. Multidisciplinary centers of gerontology.
Sec. 165. Career preparation for the field of aging.
Sec. 166. Pension information and counseling demonstration projects.
Sec. 167. Foreclosure and eviction assistance and relief services demonstration projects.
Sec. 168. Demonstration projects.
Sec. 169. Special projects in comprehensive long-term care.
Sec. 170. Demonstration projects for multigenerational activities.
Sec. 171. Private resource enhancement projects.
Sec. 172. Authorization of appropriations.
Sec. 173. Responsibilities of commissioner.

Subtitle E—Community Service Employment for Older Americans

Sec. 181. Older American community service employment program.
Sec. 182. Administration.
Sec. 183. Interagency cooperation.
Sec. 184. Equitable distribution of assistance.
Sec. 185. Authorization of appropriations.
Sec. 186. Dual eligibility.
Sec. 187. Treatment of assistance provided under the Older American Community Service Employment Act of 1965.

Subtitle F—Grants for Native Americans

Sec. 191. Grants authorized.
Sec. 192. Applications by tribal organizations.
Sec. 193. Applications by organizations serving native Hawaiians.
Sec. 194. Authorization of appropriations.

Subtitle G—Technical Corrections

Sec. 198. Technical amendments.

TITLE II—1993 NATIONAL CONFERENCE ON AGING

Sec. 201. 1993 National Conference on Aging.
Sec. 202. Conference required.
Sec. 203. Conference administration.
Sec. 204. Policy committee; related committees.
Sec. 205. Report of the conference.
Sec. 206. Authorization of appropriations.

Subtitle III—Amendments to the Native American Programs Act of 1974

Sec. 301. Short title.
Sec. 302. Establishment of administration for native Americans.
Sec. 303. Loan fund; demonstration project.
Sec. 304. Technical assistance and training.
Sec. 305. Evaluation.
Sec. 306. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Limitation on authority to enter into contracts.
Sec. 402. Effective dates; application of amendments.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

Subtitle A—Declaration of Objectives; Definitions

SEC. 101. DEFINITIONS.

(a) RELOCATING DEFINITIONS.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(13) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain, or mental anguish; or

"(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

"(14) The term 'adult child with a disability' means a child who—

"(A) is 18 years of age or older;

"(B) is financially dependent on such child's parent who is an older individual; and

"(C) has a disability.

"(15) The term 'area agency on aging' means an area agency on aging designated under section 305(a)(2).

"(16) The term 'board and care facility' means a facility regulated by a State pursuant to section 1616(e) of the Social Security Act.

"(17) The term 'caretaker' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship or by order of a court of competent jurisdiction.

"(18) The term 'elder abuse' means abuse of an older individual.

"(19) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

"(20) The term 'frail' means having a physical or mental disability, including having Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

"(21) The term 'greatest economic need' means the need resulting from an income level at or below the poverty levels established by the Bureau of the Census.

"(22) The term 'greatest social need' means the need caused by noneconomic factors, including—

"(A) physical and mental disabilities;

"(B) language barriers; and

"(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status.

"(23) The term 'older individual' means an individual who is 60 years of age or older.

"(24) The term 'physical harm' means bodily pain, injury, impairment, or disease.".

(b) CONFORMING AMENDMENTS.—(1) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (9), (11), (14), (15), (16), (19), (20), and (21), and

(B) by redesignating paragraphs (10), (17), and (18) as paragraphs (9), (10), and (11), respectively.

(2) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(3) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

(A) by amending the heading to read as follows:

"DEFINITION OF IN-HOME SERVICES",

(B) by striking paragraph (2),

(C) in paragraph (1)

(i) in subparagraph (E) by striking "; and" and inserting a period, and

(ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively, and

(D) by striking "part—" and all that follows through "includes—", and inserting "part, the term 'in-home services' includes—".

Subtitle B—Administration on Aging

SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON AGING.

Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended—

(1) in subsection (a)—

(A) by striking the third sentence and inserting the following:

"The Administration shall be under the direct authority and supervision of the Secretary, and the Commissioner shall report directly to the Secretary on all matters relating to this Act, including policy, budget, and administration of programs.", and

(B) in the last sentence by inserting "(including the functions of the Commissioner carried out through regional offices)" after "Commissioner" the first place it appears,

(2) in subsection (c)(3)—

(A) in subparagraph (G) by striking "and" at the end,

(B) in subparagraph (H) by striking the period and inserting a semicolon, and

(C) by adding at the end the following:

"(I) promote coordination between the administration of title III and the administration of title VI, including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

"(J) serve as the effective and visible advocate on behalf of older Indians, older Alaskan Natives, and older Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of older Indians, older Alaskan Natives, and older Native Hawaiians.".

SEC. 112. FUNCTIONS OF COMMISSIONER.

Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (3) by inserting "directly" after "(3)",

(2) in paragraph (11) by striking "provide for the coordination of" and insert "coordinate",

(3) in paragraph (18)—

(A) by inserting ", and service providers," after "agencies", and

(B) by striking "the greatest economic or social needs" and inserting "greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals",

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting "or activity" after "service" each place it appears, and

(B) in subparagraph (C) by striking "and" at the end,

(5) in paragraph (20) by striking the period at the end and inserting a semicolon,

(6) by adding at the end the following:

"(21) establish the National Ombudsman Resource Center, under the administration of the Federal Long-Term Care Ombudsman, that will—

"(A) by grant or contract—

"(i) conduct research;

"(ii) provide training, technical assistance, and information to State Long-Term Care Ombudsmen; and

"(iii) analyze laws, regulations, programs, and practices;

relating to Federal, State and local long-term care ombudsman policies;

"(B) coordinate efforts to provide information to Federal and State law enforcement authorities regarding violations of laws relating to the elder abuse;

"(C) make recommendations to the Congress and the President or elder abuse policies;

"(D) assist State Long-Term Care Ombudsmen in the implementation of elder abuse programs and abuse prevention strategies;

"(23) make arrangements with the Institute of Medicine of the National Academy of Sciences, for the purpose of having the Institute establish within the Institute, not later than 18 months after the effective date of this paragraph, the National Commission on Board and Care Facility Quality that will—

"(A) be administered by the Institute in coordination with the Federal Long-Term Care Ombudsman, and be directed in its policy by representatives of State and local governments, residents of board and care facilities (and representatives of such residents), private individuals with experience in the long-term care profession or in providing long-term care services, and by Federal policy-making officers who are appointed by the Secretary;

"(B) by grant or contract—

"(i) conduct research; and

"(ii) analyze State and local laws and policies;

relating to board and care facilities; and

"(C) not later than 18 months after the Commission is established, make recommendations to the Congress and the President concerning minimum national standards for the health and safety of residents of board and care facilities; and

"(D) assist State and local entities in the implementation of national, State, and local board and care facility quality standards and abuse prevention strategies;

"(24) not later than June 1, 1992, establish standards applicable to the training required by section 307(a)(12)(H)(iv);

"(25) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

"(A) disclose to the Commissioner and the State agency involved—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not and will not result from such contract or such relationship;

"(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

"(D) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals; and

"(26) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

"(A) uniform definitions and nomenclature;

"(B) standardized data collection procedures;

"(C) a participant identification and description system; and

"(D) procedures for the assessment of unmet needs for services under this Act.

Not later than 1 year after the date of the enactment of the Older Americans Act Amendments of 1991, such data collection procedures shall be developed by the Commissioner, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after requesting advisory information from State agencies, local governments, area agencies on aging, and local providers of services under this Act and after considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office. Not later than 1 year after developing such data collection procedures, the Commissioner shall implement and test such data collection procedures and submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report summarizing the results of such test.".

SEC. 113. FEDERAL AGENCY CONSULTATION.

The first sentence of section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended by inserting "coordinate," after "shall".

SEC. 114. FEDERAL COUNCIL ON AGING.

Section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) is amended—

(1) in the third sentence of subsection (a)(1) by inserting "from among individuals who have expertise and experience in the field of aging" after "appointed",

(2) in subsection (d)—

(A) in paragraph (2) by inserting before the semicolon at the end the following: "and of identifying duplication and gaps among the types of services provided under such programs and activities",

(B) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively, and

(C) by inserting after paragraph (1) the following:

"(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act;",

(3) in the first sentence of subsection (f) by striking "Beginning" and all that follows through "advisable", and inserting "The Council shall make interim reports to the Commissioner", and

(4) by amending subsection (g) to read as follows:

"(g) There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 115. ADMINISTRATION OF ACT.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) in subsection (a)—

(A) in paragraph (4) by striking "and" at the end,

(B) in paragraph (5) by striking the period at the end and inserting a semicolon, and

(C) by adding at the end the following:

"(6) designate an officer or employee with nutritional science and planning expertise, to coordinate and assist—

"(A) the delivery of nutrition services under this Act;

"(B) the implementation of Federal dietary, nutritional, and health services standards for nutritional planning under this Act; and

"(C) the establishment of guidelines for monitoring compliance of such nutritional services with the requirements under this Act; and

"(7) establish a policy, and be responsible for advocating, guiding, coordinating, and assisting under this Act Federal and State efforts to create, opportunities for older individuals to participate in multigenerational activities, such as serving as mentors or advisors to younger individuals.", and

(2) in subsection (c) by striking "1987" and inserting "1991".

SEC. 116. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals),", and

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

"(A) their effectiveness in serving special populations of older individuals;

"(B) the quality of nutrition provided by such services;

"(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

"(D) the characteristics of participants;

"(E) the applicability of health, safety, and dietary standards;

"(F) the appraisal of such services by recipients;

"(G) the efficiency of delivery and administration of such services;

"(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

"(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

"(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

"(K) nonfood cost factors incidental to providing nutrition services under this Act;

"(L) the extent to which commodities provided by the Secretary of Agriculture are used to provide such services;

"(M) and for the 8-year period ending September 30, 1991, the characteristics, and changes in the characteristics, of such nutrition services;

"(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

"(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

"(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

"(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization; and

"(R) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

"(2) Not later than September 30, 1994, the Secretary shall—

"(A) submit to President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations to improve nutrition services provided under this Act; and

"(B) require the Commissioner to implement such recommendations administratively, to the extent feasible.

"(h) The Secretary may use such sums as may be necessary, but not to exceed one-third of 1 percent of the funds appropriated under this Act for each fiscal year or $3,000,000 (whichever is less), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.".

SEC. 117. REPORTS.

(a) ANNUAL REPORT.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17).".

(b) REPORT ON EVALUATIONS.—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end and inserting "; and",

(3) by adding at the end the following:

"(5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals) and older individuals with greatest social need (including minority individuals) to receive services under this Act.".

SEC. 118. FEDERAL LONG-TERM CARE OMBUDSMAN.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d) is amended by adding at the end the following:

"FEDERAL LONG-TERM CARE OMBUDSMAN

"SEC. 214. (a) To assist the Commissioner to carry out section 307(a)(12), there is established in the Administration on Aging the Office of the Federal Long-Term Care Ombudsman.

"(b) Such Office shall be headed by the Federal Long-Term Care Ombudsman who shall be appointed by the Commissioner from among individuals who have expertise and background in the field of long-term care. The Federal Long-Term Care Ombudsman shall report to the Commissioner.

"(c) The Federal Long-Term Care Ombudsman shall—

"(1) advocate, monitor, and coordinate Federal and State activities of long-term care ombudsmen under this Act;

"(2) administer the National Ombudsman Resource Center;

"(3) submit to the Speaker of the House of Representatives and the president pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(12); and

"(4) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals.

"(d)(1) For the purposes of carrying out subsection (c)(4), the Federal Long-Term Care Ombudsman may—

"(A) issue subpoenas to compel the testimony of witnesses, and the production of documents, at any place in any State;

"(B) administer oaths;

"(C) examine witnesses; and

"(D) receive evidence.

"(2) The Federal Long-Term Care Ombudsman shall pay the same fees and mileage that are paid to witnesses in the district courts of the United States.

"(3)(A) A subpoena issued under subparagraph (A) may be served at any place in the United States.

"(B) Such subpoena shall be served in the manner provided in the Federal Rules of Civil Procedure for the service of subpoenas issued by a district court of the United States.

"(4)(A) If a person to whom a subpoena is issued under paragraph (1) refuses to obey such subpoena, the district court of the United States for the judicial district—

"(i) in which the Federal Long-Term Care Ombudsman is conducting the proceeding involved; or

"(ii) in which such person is found, resides, or transacts business;

may, upon application by the Federal Long-Term Care Ombudsman, order such person to appear before the Federal Long-Term Care Ombudsman to testify or to produce documents.

"(B) Failure to obey such order may be punished by such court as a contempt thereof.

"(C) Process of a court to which application is made under this paragraph may be served at any place in the United States.".

SEC. 119. AUTHORIZATION OF APPROPRIATIONS FOR SALARIES AND EXPENSES.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d), as amended by section

118, is amended by adding at the end the following:

"AUTHORIZATION OF APPROPRIATIONS FOR SALARIES AND EXPENSES

"SEC. 215. There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

"(1) $17,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $24,000,000 for fiscal year 1994, $29,000,000 for fiscal year 1995; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.".

SEC. 120. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL COMMISSION ON BOARD AND CARE FACILITY QUALITY.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d), as amended by sections 118 and 119, is amended by adding at the end the following:

"AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL COMMISSION ON BOARD AND CARE FACILITY QUALITY

"SEC. 216. There is authorized to be appropriated $1,500,000 for operation of the National Commission on Board and Care Quality established under the authority of section 202(a)(23).".

Subtitle C—Grants for State and Community Programs on Aging

SEC. 131. DEFINITIONS.

Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by section 101(b), is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking "and" at the end,

(B) in subparagraph (C) by striking the period at the end and inserting "; and", and

(C) by adding at the end the following:

"(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.",

(2) in paragraph (4) by inserting "direct" after "under the", and

(3) by inserting after paragraph (11), as so redesignated by section 101(b), the following:

"(12) The term 'caregiver' means a family member or other individual who provides (on such individual's behalf or on behalf of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

"(13) The term 'eldercare' means a supportive service provided by a caregiver to an older individual, particularly an older individual who is at risk of losing self-sufficiency.".

SEC. 132. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

(a) AUTHORIZATION FOR PART B.—

(1) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking "$379,575,000" and all that follows through "1991", and inserting "$439,406,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended by striking "$20,000,000" and all that follows through "1991", and inserting "$40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(3) OUTREACH AND RELATED ASSISTANCE.—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is amended by striking "$10,000,000" the first place it appears and all that follows through "1991", and inserting "$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(b) AUTHORIZATION FOR PART C.—

(1) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking "$414,750,000" and all that follows through "1991", and inserting "$435,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking "$79,380,000" and all that follows through "1991", and inserting "$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(3) AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(3) Subject to subsection (h), there are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to congregate nutrition services and multigenerational activities of schools).".

(c) AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking "$25,000,000" and all that follows through "1991", and inserting "$28,941,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(d) AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended—

(1) by striking "are" and inserting "is", and

(2) by striking "$25,000,000" the first place it appears and all that follows through "1991", and inserting "such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995,".

(e) AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended—

(1) by striking "Subject to subsection (h), there" and inserting "There", and

(2) by striking "$5,000,000" and all that follows through "1991", and inserting "$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(f) AUTHORIZATION FOR PART G (RELATING TO ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS).—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3012(g)) is amended by striking "$5,000,000" and all that follows through "1991", and inserting "$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(g) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is amended—

(1) by striking "(a)(3),",

(2) by striking "(e), (f)," and inserting "(b)(3), (e),",

(3) by striking ", F,",

(4) by striking "306(a)(6)(P), 307(a)(12)," and inserting "307(a)(12)",

(5) by inserting "subpart 3 of part C," after "311,", and

(6) by striking "105 percent" and inserting "102 percent".

(h) AUTHORIZATION FOR PART H (RELATING TO SUPPORTIVE ACTIVITIES FOR CAREGIVERS).—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(i) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part H (relating to supportive activities for caregivers).".

SEC. 133. ALLOTMENT; FEDERAL SHARE.

Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking "1984" and inserting "1987",

(2) in paragraph (3) by striking "$50,000" and inserting "$150,000", and

(3) in paragraph (4) by striking "satisfactory data" and inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Commissioner,".

SEC. 134. ORGANIZATION.

Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(1) in subparagraph (C)—

(A) by inserting "(as specified in section 202(a)(19))" after "statistics",

(B) by inserting "in the State" after "distribution", and

(C) by striking "individuals aged 60 and older in the State" and inserting the following:

"older individuals, low-income older individuals, frail older individuals, and low-income minority older individuals, and the access of such individuals (particularly individuals residing in rural areas) to services under this title", and

(2) in subparagraph (F)—

(A) by striking "the greatest economic or social needs" and inserting "greatest economic need (with particular attention to low-income minority individuals) and individuals with greatest social need", and

(B) by inserting a comma after "individuals)".

SEC. 135. AREA PLANS.

Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a))—

(1) in paragraph (1) by inserting "eldercare," after "nutrition services,",

(2) in paragraph (3)—

(A) by inserting "and facilities operated by organizations referred to in paragraph (6)(D)(iii)" after "centers", and

(B) by inserting before the semicolon at the end the following:

", and specify in grants, contracts, and agreements implementing such plan the identity of each focal point so designated",

(3) in paragraph (5)

(A) in subparagraph (A)—

(i) in clause (i) by striking "particular attention" and inserting "specific objectives for providing services", and

(ii) by amending clause (ii)(II) to read as follows:

"(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and",

(B) in subparagraph (B)—

(i) by inserting "frail individuals," after "elderly,", and

(ii) by inserting "and caregivers" after "such individuals",

(4) in paragraph (6)—

(A) in subparagraph (B) by inserting "and timely information" after "assistance",

(B) in subparagraph (D)—

(i) by inserting "(in cooperation with agencies, local governments, organizations, and individuals participating in activities under the area plan)" after "the community",

(ii) by adding "and" at the end,

(iii) by inserting "(i)" after "(D)", and

(iv) by adding at the end the following:

"(ii) promote the development in each community in the planning and service area of coalitions, comprised of individuals representing local governments, business and labor organizations, educational and religious organization, fraternal and civic associations, and community and nonprofit organizations that have the objective of implementing an action plan for eldercare designed to mobilize additional resources to meet the home- and community-based needs of older individuals at risk of losing their self-sufficiency;",

(C) in subparagraph (E)—

(i) by inserting "(i)" after "(E)",

(ii) by adding "and" after the semicolon at the end, and

(iii) by adding at the end the following:

"(ii) where possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations which—

"(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 for fiscal year 1981; or

"(II) came into existence during fiscal year 1982 as a direct successors in interest to such community action agencies or community action programs;

and meet the requirements under section 675(c)(3) of the Community Services Block Grant Act, unless such organizations lost their designation under such section 210 as a result of failure to comply with the Economic Opportunity Act of 1964;",

(D) in subparagraph (I) by inserting "and eldercare" after "care services",

(E) in subparagraph (O) by striking "and" at the end, and

(F) by adding at the end the following:

"(Q) identify the needs of older individuals and describe methods the area agency will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area; and

"(R) enter into voluntary arrangements with nonprofit entities that provide housing (such as housing under section 202 of the Housing Act of 1959 and under other public and private housing authorities) to older individuals, to provide—

"(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

"(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;",

(5) in paragraph (9) by striking "and" at the end,

(6) in paragraph (10) by striking the period at the end and inserting a semicolon, and

(7) by adding at the end the following:

"(11) provide assurances that any amount received under part H will be expended in accordance with such part;

"(12) provide assurances that the area agency on aging will—

"(A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

"(B) disclose to the Commissioner and the State agency—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not and will not result from such contract or such relationship;

"(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

"(E) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

"(13) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency to carry out a contract or commercial relationship that is not carried out to implement this title;

"(14) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

"(15) provide assurances that projects in the area will be given nutritional assistance and guidance to reasonably accommodate participants as described in section 307(a)(13)(G); and

"(16) provide assurances that the area agency will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI.".

SEC. 136. STATE PLANS.

(a) REQUIREMENTS OF PLAN.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting "the succeeding sentence and" after "provided in",

(2) by inserting after the first sentence the following:

"If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner determines that the State is in compliance with such requirements.",

(3) in paragraph (3)(A) by inserting "and transportation" after "legal",

(4) in paragraph (5) by adding at the end the following:

"The State agency shall establish and publish procedures for requesting and conducting such hearing.",

(5) in paragraph (7)—

(A) by inserting "(A)" after "(7)", and

(B) by adding at the end the following:

"(B) The plan shall provide assurances that—

"(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

"(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

"(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

"(C) The plan shall provide assurances that the State agency and each area agency on aging will—

"(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

"(ii) disclose to the Commissioner—

"(I) the identity of each nongovernmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

"(II) the nature of such contract or such relationship;

"(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not and will not result from such contract or such relationship;

"(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

"(v) on the request of the Commissioner, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.",

(6) in paragraph (11) by striking "governments," and all that follows through "older", and inserting the following:

"governments—

"(A) preference shall be given to older individuals; and

"(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;",

(7) in paragraph (12)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking "program which provides" and all that follows through "basis—", and inserting the following:

"program. The Office shall be headed by an individual who has expertise and experience in the field of long-term care and shall be known as the State Long-Term Care Ombudsman. The State Long-Term Care Ombudsman, personally or through other representatives of the Office, shall—",

(ii) in clause (ii) by striking "staff and volunteers and promote" and inserting "representatives of the Office and promote",

(iii) by redesignating clauses (ii) and (iii) as clauses (vi) and (vii), respectively, and

(iv) by inserting after clause (i) the following:

"(ii) provide services to assist such residents to protect their health, safety, wellbeing, and rights;

"(iii) ensure that such residents have regular and timely access to the services provided through the Office and receive from representatives of the Office timely responses to requests for such services;

"(iv) provide representation of such residents' interests through administrative, legal, and other actions;

"(v) provide administrative and technical assistance to entities designated under subparagraph (H)(vi) to assist such entities to participate in the State long-term care ombudsman program;",

(B) in subparagraph (B)—

(i) by striking "establish" and all that follows through "including", and inserting the following:

"ensure that representatives of the Office have immediate access to residents of long-term care facilities and have appropriate access to the records of such residents. Upon receipt of complaints, the State Long-Term Care Ombudsman personally shall have immediate access to such records of residents. The State agency shall establish procedures applicable to such access and",

(ii) by striking "written", and

(iii) by inserting after "resident" the last place it appears the following:

"(given in writing, or given orally by such complainant or resident and documented contemporaneously in a writing made by a representative of the Office in accordance with requirements the State agency shall establish)",

(C) in subparagraph (D)—

(i) in the matter preceding clause (i)—

(I) by striking "to assure" and all that follows through "such files", and inserting the following:

"relating to the disclosure of files maintained by the ombudsman program and providing that such files may be disclosed only at the discretion of the State Long-Term Care Ombudsman (or the designee of such Ombudsman) and only in accordance with such procedures", and

(II) by striking "by such ombudsman",

(ii) in clause (i)—

(I) by inserting "there is consent by" after "(i)", and

(II) by striking ", consents in writing" and inserting the following:

"(given in writing, or given orally by such complainant, resident, or representative and documented contemporaneously in a writing made by a representative of the Office in accordance with requirements the State agency shall establish)",

(D) in subparagraph (H)—

(i) in clause (iii)—

(I) by inserting "(I)" after "(iii)",

(II) by inserting "and' after the semicolon at the end, and

(III) by adding at the end the following:

"(II) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under clause (i);", and

(ii) in clause (iv) by inserting ", in accordance with the standards in effect under section 202(a)(24)," after "provide", and

(E) in subparagraph (J)—

(i) in clause (ii)—

(I) by striking "employee for having filed" and inserting "other person for filing", and

(II) by striking "or providing information to," and inserting "providing information to, or otherwise cooperating with any representative of", and

(ii) in clause (iv)(I) by inserting "immediate" after "(I)",

(8) in paragraph (13)—

(A) in subparagraph (B)(i) by inserting "(other than section 303(b)(3))" after "this title",

(B) in subparagraph (F)—

(i) by striking "may" and inserting "will", and

(ii) by inserting "dieticians," after "advice of",

(C) in subparagraph (H) by striking "and" at the end,

(D) in subparagraph (I) by striking the period at the end and inserting a semicolon, and

(E) by adding at the end the following:

"(J) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietician; and

"(K) the State agency will—

"(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

"(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.",

(9) in paragraph (15)(A)—

(A) by striking "and (iii)" and inserting "(iii)", and

(B) by inserting before the semicolon at the end the following: ", and (iv) give priority to providing legal assistance relating to income, health care, long-term care, nutrition, housing, utilities, protective services, and age discrimination",

(10) in paragraph (16)—

(A) in the matter preceding subparagraph (A) by striking "that whenever" and all that follows through "individuals—", and inserting "assurances that with respect to services to prevent elder abuse—",

(B) in subparagraph (A) by striking "the plan contains assurances that", and

(C) in subparagraph (C) by striking "unless" and all that follows through "agency.", and inserting the following:

"unless—

"(i) all parties to such complaint consent in writing to the release of such information;

"(ii) the release of such information is to a law enforcement agency, public protective service agency, licensing, or certification agency, ombudsman program, or protection or advocacy system; or

"(iii) upon court order.", and

(11) in paragraph (26) by inserting "and eldercare" after "care services",

(12) in paragraph (31)(A)—

(A) in the matter preceding clause (i) by striking "for fiscal year 1989"; and

(B) in clause (i) by striking "(as defined in section 302(20))" and inserting "and individuals with greatest social need,", and

(13) by adding at the end the following:

"(32) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

"(33) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

"(34) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services under this title.

"(35) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

"(B) may not be approved unless the Commissioner approves such statement and such demonstration.

"(36) The plan shall provide assurances that if the State receives funds appropriated under section 303(i) the State agency and area agencies on aging will expend such funds to carry out part H.

"(37) The plan shall provide assurances that demonstrable efforts will be made—

"(A) to coordinate services provided under this Act with other State services which benefit older individuals; and

"(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisors in childcare, daycare, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs);

"(38) The plan shall provide assurances that the state will coordinate public services within the state to assist older individuals to obtain transportation services associated with access to services provided under this title, services under titles III and VI, comprehensive counseling services, and legal assistance.

"(39) The plan shall provide that the State agency will provide for an informal procedure to review, on the request of an older individual, a refusal to provide to such individual a service under this title.".

(b) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: ", except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)"

(c) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S.C. 3027(c)) is amended—

(1) by inserting "(1)" after "(c)", and

(2) by adding at the end the following:

"(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

"(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Commissioner shall be deemed to be a reference to the Secretary.".

(d) TECHNICAL AMENDMENT.—Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking subsection (f).

(e) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking "(g)" and inserting "(f)(1)", and

(2) by adding at the end the following:

"(2) Information disclosed under section 306(12)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.".

SEC. 137. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended—

(1) in subsection (a)(3) by inserting "been" after "which has", and

(2) in subsection (b)—

(A) in the first sentence of paragraph (4)—

(i) by striking "received under section 303(b)(1) and (2), a" and inserting "received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the", and

(ii) by striking "a portion of the funds appropriated" and inserting "not more than 30 percent of such funds", and

(B) by amending paragraph (5) to read as follows:

"(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1992, not more than 25 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, and not more than 20 percent for fiscal year 1995, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

"(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds available under this title (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1993, 1994, or 1995 are insufficient to satisfy the need for services under this title, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.".

SEC. 138. DISASTER RELIEF REIMBURSEMENTS.

Subsections (a)(2) and (b) of section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) are each amended—

(1) by striking "5 percent" each place it appears and inserting "2 percent", and

(2) by striking "for carrying out the purposes of section 422" each place it appears and inserting "to carry out title IV".

SEC. 139. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—

(A) in the first sentence by inserting "(A)" after "(4)",

(B) by striking "56.76 cents" and all that follows through "1991", and inserting "65.66 cents per meal, as adjusted in accordance with subparagraph (B), during fiscal years 1992 through 1995", and

(C) by adding at the end the following:

"(B) For each of the fiscal years 1993, 1994, and 1995, the annually programmed level of assistance required by subparagraph (A) shall be the annually programmed level of assistance required under such subparagraph for the preceding fiscal year adjusted to reflect—

"(i) an increase of 2 percent; or

"(ii) the percentage increase (if any) in the food-away-from-home component of the Consumer Price Index For All Urban Consumers (published by the Bureau of Labor Statistics) during the 1-year period ending July 1 preceding the fiscal year for which the adjustment is made;

whichever is greater.", and

(2) in subsection (c)(1)(A) by striking "$151,000,000" and all that follows through "1991", and inserting "$250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995".

SEC. 140. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3) by inserting before the semicolon at the end the following: ", including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title",

(2) in paragraph (4)—

(A) by striking "or (C)" and inserting "(C)", and

(B) by inserting "; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959" before the semicolon at the end,

(3) in paragraph (6)—

(A) by inserting ", a variety of advice and informational services about the rights of older individuals (including information and referral on legal matters)," after "legal assistance", and

(B) by inserting "(including counseling relating to pension rights and benefits)" after "financial counseling", and

(4) in paragraph (17) by inserting ", including information concerning prevention, diagnosis, and treatment of age-related diseases" before the semicolon at the end.

SEC. 141. SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) PROGRAM AUTHORIZED.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e–3030g) is amended by adding at the end the following:

"Subpart 3—School-Based Meals for Older Individuals and Multigenerational Programs

"PROGRAM AUTHORIZED

"SEC. 338. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of projects that—

"(1) are carried out in elementary and secondary schools;

"(2) provide to older individuals hot meals, each of which assures a minimum of one-third of the dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council, at such schools—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(3) provide multigenerational activities in which older individuals and students interact at such schools;

"(4) provide social and recreational activities for older individuals at such schools;

"(5) develop and maintain 'skill banks' in which information on the skills and preferred activities of older individuals is maintained and made available to school officials for purposes of providing opportunities for such individuals to serve as tutors, teacher aids, living historians, special speakers, playground supervisors, lunchroom assistants, and assistants in such schools; and

"(6) provide opportunities for older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities (such as cafeterias, libraries, gymnasiums, and auditoriums).

"APPLICATION AND SELECTION OF PROVIDERS

"SEC. 339. (a) To be eligible to carry out a project under the program established under section 338 by the Commissioner, an entity shall submit an application to the State agency designated under section 305(a)(1). Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments, obtained from the appropriate area agency on aging and the appropriate local educational agency, on such plan;

"(2) an assurance that funds received from subpart 3 through the State agency to carry out such project will be expended for not more than 85 percent of the cost of carrying out such project;

"(3) an assurance that not less than 15 percent of such costs shall be paid, in cash or in kind, from non-Federal sources;

"(4) a demonstration of the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this Act in the geographical area to be served by such project; and

"(B) how such project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by rule.

"(b) SELECTION AMONG APPLICANTS.—In selecting among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

"(1) first, give priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) second, give priority to entities that carried out a nutrition project under subpart 1 in the preceding fiscal year; and

"(3) third, give priority to entities whose applications include a plan that involves a school with greatest need (as evidenced by such facts as the dropout rate, the level of substance abuse, and the number of children who have limited English-speaking ability or who participate in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 or the National School Lunch Act).

"REPORTS BY STATES

"SEC. 339A. (a) Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include a description of—

"(1) who was served in such project;

"(2) which multigenerational activities were carried out in such project;

"(3) additional needs of older individuals and students; and

"(4) any appropriate modification of such project to satisfy such needs.

"(b) Not later than 120 days after each fiscal year for which funds are appropriated to carry out this subpart the Commissioner shall submit to the Speaker of the House and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year.".

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,", and

(2) in paragraph (2) by inserting "under subparts 1 and 2 of part C" after "nutrition services".

SEC. 142. PREVENTIVE HEALTH SERVICES.

(a) CONFORMING AMENDMENT.—The heading of part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m–3030o) is amended to read as follows:

"PART F—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

(b) PROGRAM AUTHORIZED.—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended—

(1) in subsection (a) by striking "for periodic" and all that follows through "appropriate", and inserting the following:

"to provide disease prevention and health promotion services (including information) at senior centers and other appropriate sites, and through programs that provide nutrition services under part C", and

(2) in subsection (b)—

(A) by striking "Preventive health" and inserting "Disease prevention and health promotion", and

(B) by striking "Medicare" and inserting "title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)".

(c) DEFINITION.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"DEFINITION

"SEC. 363. For purposes of this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health and nutrition screening, including hypertension, glaucoma, cholesterol, cancer, vision, and hearing screening;

"(3) nutritional counseling and educational services;

"(4) health promotion programs, including programs specifically relating to osteoporosis and cardiovascular disease prevention, alcohol abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) group exercise programs;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention in the home environment (including fall and fracture prevention);

"(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(8) educational programs on the availability of benefits payable under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for preventive health services;

"(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention and treatment of age-related diseases, including osteoporosis, cardiovascular diseases and Alzheimers disease; and

"(11) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (10).".

SEC. 143. PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.

Section 371 of the Older Americans Act 1965 (42 U.S.C. 3030p) is amended—

(1) in the first sentence by inserting ", through the National Center on Elder Abuse," after "out" the first place it appears,

(2) in paragraph (2)(C) by striking "conferences,", and

(3) in paragraph (4)—

(A) in subparagraph (A) by striking "or" at the end,

(B) in subparagraph (B) by striking the period at the end and inserting "; or", and

(C) by adding at the end the following:

"(C) upon court order.".

SEC. 144. SUPPORTIVE ACTIVITIES FOR CAREGIVERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021–3030p) is amended by adding at the end the following:

"PART H—SUPPORTIVE ACTIVITIES FOR CAREGIVERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 381. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caregivers who provide in-home services to frail older individuals. Such supportive activities may include—

"(1) providing training and counseling for such caregivers;

"(2) technical assistance to such caregivers to assist them to form or to participate in support groups;

"(3) providing information—

"(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and

"(B) to caregivers who provide such services, regarding—

"(i) how to provide such services; and

"(ii) sources of nonfinancial support available to them as a result of their providing such services; and

"(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

"DEFINITION

"SEC. 382. For purposes of this part, the term 'in-home services' has the meaning given such terms in section 342.

"MAINTENANCE OF EFFORT

"SEC. 383. Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.".

Subtitle D—Training, Research, and Discretionary Projects and Programs

SEC. 161. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by inserting "and for public dissemination, to replicate such programs and services under this Act" after "individuals".

SEC. 162. ADMINISTRATION.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(d) The Commissioner shall ensure that grants and contracts awarded under this title—

"(1) are evaluated for their benefit to older individuals, to programs under this Act; and

"(2) comply with the requirements under this Act.".

SEC. 163. GRANTS AND CONTRACTS.

Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (1) by inserting "gerontology," after "(including mental health) care,", and

(2) in paragraph (2) by inserting "and counseling" after "nutrition".

SEC. 164. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in the first sentence by inserting "counseling services," after "maintenance,", and

(2) in paragraph (4) by inserting "social work," after "education,".

SEC. 165. CAREER PREPARATION FOR THE FIELD OF AGING.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended by adding at the end the following:

"CAREER PREPARATION FOR THE FIELD OF AGING

"SEC. 413. (a) The Commissioner shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Health Professions Education, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the the field of aging.

"(b) For purposes of subsection (a)—

"(1) the term 'Hispanic Centers of Excellence in Health Professions Education' has the meaning given such term in section 782(d)(2) of the Public Health Service Act;

"(2) the term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965; and

"(3) the term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965.".

SEC. 166. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa–3032), as amended by section 165, is amended by adding at the end the following:

"PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS

"SEC. 414. (a) The Commissioner may make grants to public agencies, and nonprofit private organizations, with a creditable record of providing pension information and counseling, to carry out demonstration projects to provide to older individuals information, counseling, referral, and similar assistance relating to pension benefits. In selecting recipients of such grants, the Commissioner shall consider the advice of representatives of businesses, of labor organizations, and of national organizations that advocate the well-being of older individuals.

"(b) The Commissioner may make grants to public agencies and nonprofit private organizations that have experience in providing nationwide information, referral, and advocacy services relating to retirement income and pension matters, to provide pension-related training and information to staff of focal points.".

SEC. 167. FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROJECTS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa–3032), as amended by sections 165 and 166, is amended by adding at the end the following:

"FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROJECTS

"SEC. 415. (a) The Commissioner shall make grants to States to carry out demonstration projects to develop methods or implement laws—

"(1) to prevent or delay the foreclosure on housing owned and occupied by older individuals and the eviction of older individuals from housing they rent;

"(2) to obtain alternative housing as a result of such foreclosure or eviction; and

"(3) to assist older individuals to understand their rights and obligations under laws relating to housing ownership and occupancy.

"(b) A State that receives a grant under subsection (a) shall establish methods, including a notification process—

"(1) to assist older individuals who are incapable of understanding the circumstances and consequences of foreclosure on or eviction from housing they occupy; and

"(2) to coordinate the project for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing they occupy.

"(c) Each State that receives a grant under subsection (a) shall submit to the Commissioner an evaluation of the project carried out with such grant.

"(d) The Commissioner shall submit, as part of the annual report submitted under section 207, a report on the evaluations received under subsection (c) and shall include in such report such recommendations as the Commissioner considers to be appropriate.".

SEC. 168. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking "preventive health" and inserting "disease prevention and health promotion", and

(2) in subsection (b)—

(A) in paragraph (8) by striking "and" at the end,

(B) in paragraph (9) by striking the period at the end and inserting "; and", and

(C) by adding at the end the following:

"(10) meet the needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

"(A) respite services; and

"(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children.".

SEC. 169. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

The second sentence of section 423(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(3)) is amended by striking "preventive health services" and inserting "disease prevention and health promotion services; rehabilitative services".

SEC. 170. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) is amended by adding at the end the following:

"DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES

"SEC. 429. The Commissioner shall make grants and enter into contracts, to carry out demonstration projects to provide for older individuals multigenerational activities, such as opportunities to serve as mentors or advisors in child care, daycare, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.".

SEC. 171. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g), as amended by section 170, is amended by adding at the end the following:

"PRIVATE RESOURCE ENHANCEMENT PROJECTS

"SEC. 430. (a)(1) The Commissioner may make grants to State agencies designated under section 305(a)(1) and area agencies on aging designated under section 305(a)(2), to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

"(2) Resources generated with a grant made under subsection (a) shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, or unit of general purpose local government to provide such services.

"(3) Resources generated with a grant made under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

"(b)(1) The Commissioner shall ensure that States and area agencies in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

"(2) Within such regions, the Commissioner shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or individuals with greatest social need.

"(c) The Commissioner shall monitor how—

"(1) grants are expended, and contracts are carried out, under subsection (a); and

"(2) resources generated under such grants and contracts are expended;

to ensure compliance with this section.".

SEC. 172. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) in paragraph (1) by striking "427 and 428" and all that follows through "1991", and inserting "413, 414, 415, 427, 428, 429, and 430) $72,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995",

(2) in paragraph (2)—

(A) by striking "1989" and inserting "1992", and

(B) by striking the last sentence,

(3) in paragraph (3)—

(A) by striking "is" and inserting "are", and

(B) by striking "$2,000,000 for each of the fiscal years 1989 and 1990" and inserting "$1,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995",

(4) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively,

(5) by inserting after paragraph (1) the following:

"(2) Subject to subsection (b), there are authorized to be appropriated $1,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995 to carry out the provisions of section 413.

"(3) Subject to subsection (b), there are authorized to be appropriated $1,500,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995 to carry out the provisions of section 414.

"(4) Subject to subsection (b), there are authorized to be appropriated $2,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995 to carry out the provisions of section 415.", and

(6) by adding at the end the following:

"(7) Subject to subsection (b), there are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995 to carry out the provisions of section 429.

"(8) Subject to subsection (b), there are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995 to carry out the provisions of section 430.".

(b) LIMITATION ON AUTHORIZATION.—Section 431(b) of the Older Americans Act of 1965 (42 U.S.C. 3037(b)) is amended—

(1) by striking "427 and 428" and inserting "413, 414, 415, 427, 428, 429, and 430", and

(2) by striking "105 percent" and inserting "102 percent".

SEC. 173. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Not later than January 1 following each fiscal year, the Commissioner shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared;

"(2) Such report shall contain—

"(A) the name or descriptive title of each project;

"(B) the name and address of the person or governmental entity that conducted such project;

"(C) a specification of the period throughout which such project was conducted;

"(D) the identity of each source of funds expended to carry out such project and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project; and

"(F) a bibliography identifying all published information relating to such project.", and

(2) by adding at the end the following:

"(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

"(2) The Commissioner shall—

"(A) make available to the public each evaluation carried out under paragraph (1); and

"(B) use such evaluation to improve services delivered, or the operation of programs and projects carried out, under this Act.".

Subtitle E—Community Service Employment for Older Americans

SEC. 181. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting "who have poor employment prospects and" after "persons",

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting ", and eligible individuals who have greatest economic need, at least" after "individuals",

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively, and

(C) by inserting after subparagraph (M) the following:

"(N)(i) will prepare an assessment of—

"(I) the participants' skills and talents;

"(II) their need for supportive services described in section 321(a); and

"(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as the Job Training Partnership Act or the Carl D. Perkins Vocational and Applied Technology Education Act);

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services described in section 321(a), developed as a result of the assessment provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services described in section 321(a);",

(3) in subsection (c)—

(A) in paragraph (1)(B) by striking "Director of the Office of Community Services of the Department" and inserting "Secretary",

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A) by striking "1987" and inserting "1991",

(ii) in subparagraph (A) by striking "may" and inserting "shall", and

(iii) in subparagraph (B)(i) by inserting after "goals," the following:

"costs associated with coordinating projects under this title with employment and training programs under other Acts, costs associated with subparagraphs (N) and (O) of subsection (b)(1),", and

(C) by adding at the end the following:

"Not later than 60 days after receiving a request from such agency or organization to make a determination under subparagraph (A) or (B), the Secretary shall make such determination.",

(4) in subsection (d) by adding at the end the following:

"(3) Whenever a national organization or other program sponsor conducts a project under this title in the planning and service area of an area agency on aging designated under section 305(a)(2), such organization or program sponsor shall coordinate, to the maximum extent practicable, such project with the delivery of services provided in such area by such agency.", and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Not" and all that follows through "1981, the", and inserting "The", and

(ii) by inserting ", and amend from time to time," after "issue",

(B) in subparagraph (A) by striking "and" at the end,

(C) in subparagraph (B) by striking the period at the end and inserting "; and",

(D) by adding at the end the following:

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act, as amended from time to time.".

SEC. 182. ADMINISTRATION.

The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall",

(2) by inserting after the first sentence the following:

"The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner on Aging, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services.", and

(3) by adding at the end the following:

"The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.".

SEC. 183. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

(1) in subsection (a) by striking "of the Administration", and

(2) by adding at the end the following:

"(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act.".

SEC. 184. EQUITABLE DISTRIBUTION OF ASSISTANCE.

Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)", and

(2) by inserting before the period at the end the following:

", and (3) the relative distribution of such individuals who are individuals with greatest economic need, minority individuals, and individuals with greatest social need".

SEC. 185. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 5056f(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) $470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and",

(2) in paragraph (2) by striking "62,500" and inserting "70,000", and

(3) by striking "clause" and inserting "paragraph".

SEC. 186. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056-5056g) is amended by adding at the end the following:

"DUAL ELIGIBILITY

"SEC. 510. In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of section 203 such Act applicable to adults, as amended from time to time.".

SEC. 187. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056-5056g), as amended by section 186, is amended by adding at the end the following:

"TREATMENT OF ASSISTANCE PROVIDED UNDER THIS TITLE

"SEC. 511. Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act.".

Subtitle F—Grants for Native Americans

SEC. 191. GRANTS AUTHORIZED.

Section 613 of the Older Americans Act of 1965 (42 U.S.C. 3057d) is amended—

(1) by striking "The" and inserting "(a) Subject to subsection (b), the", and

(2) by adding at the end the following:

"(b) The Commissioner may not make a grant under subsection (a) in a particular fiscal year to an applicant that did not receive a grant under subsection (a) in fiscal year 1991 unless—

"(1) the Commissioner makes a grant under subsection (a) in such particular fiscal year to each eligible tribal organization—

"(A) that received a grant under subsection (a) in fiscal year 1991; and

"(B) whose application submitted under section 614(a) for such particular fiscal year is approved under section 614(c); and

"(2) the amount of the grant described in paragraph (1) is not less than the amount of the grant made under subsection (a) by the Commissioner in fiscal year 1991 to the tribal organization.".

SEC. 192. APPLICATIONS BY TRIBAL ORGANIZATIONS.

(a) CONTENTS OF APPLICATIONS.—Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) in paragraph (10) by striking "and" at the end,

(2) in paragraph (11) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.".

(b) LIMITATION ON AUTHORITY TO APPROVE APPLICATIONS.—Section 614(c) of the Older Americans Act of 1965 (42 U.S.C. 3057e(c)) is amended by striking "The Commission" and inserting "Subject to section 613(b), the Commissioner".

SEC. 193. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j) is amended by inserting "and with the activities carried out under title III in the same geographical area" before the semicolon at the end.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

"(b) Of the amount appropriated under subsection (a) for each fiscal year—

"(1) 90 percent shall be available to carry out part A; and

"(2) 10 percent shall be available to carry out part B.".

Subtitle G—Technical Corrections

SEC. 198. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001-3057n) is amended—

(1) in section 101(8) by striking "the vulnerable elderly" and inserting "vulnerable older individuals",

(2) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), (F), and (G) by inserting "individuals who are" after "older" the first place it appears in each of such subparagraphs,

(B) in subparagraph (B) by striking "older Native Americans" the last place it appears and inserting "such individuals', and

(C) in subparagraph (E) by striking "the Act" and inserting "this Act",

(3) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking "the elderly" each place it appears and inserting "older individuals",

(ii) in paragraph (15)—

(I) by striking "the elderly" and inserting "older individuals", and

(II) by striking "older people" and inserting "such individuals", and

(iii) in paragraphs (13), (15), (16), and (17) by striking "purposes" and inserting "objectives",

(B) in subsection (b)—

(i) in paragraph (1) by striking "with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001-4),", and

(ii) in paragraph (3) by striking "the elderly" and inserting "older individuals",

(4) in section 203—

(A) in subsection (a) by striking "purposes" each place it appears and inserting "objectives", and

(B) in subsection (b) by striking "purposes" the second place it appears and inserting "objectives",

(5) in paragraphs (1), (3), and (4) of section 204(d), as amended by section 144(2), by striking "Americans" and inserting "individuals",

(6) in section 205(a)—

(A) by striking "purposes" and inserting "objectives", and

(B) by striking "to:" and inserting "to—",

(7) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need",

(8) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives",

(9) in section 301(a)(3) by striking "the vulnerable elderly" and inserting "vulnerable older individuals",

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals", and

(B) in the last sentence by striking "clause" and inserting "subparagraph",

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (C) by striking "purposes" and inserting "objectives",

(II) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals",

(III) in subparagraph (E) by striking "individuals aged 60 and older" and inserting "older individuals", and

(IV) in subparagraph (E) by striking "Indians" and inserting "individuals who are Indians", and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking "clause" and inserting "paragraph",

(II) in subparagraph (D) by striking "subclause" and inserting "subparagraph", and

(III) in subparagraph (E) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need",

(B) in paragraphs (1), (2), and (4) of subsection (b) by striking "clause" each place it appears and inserting "paragraph", and

(C) in subsection (d) by striking "clause" and inserting "paragraph",

(12) in section 306—

(A) in subsection (a)—

(i) in paragraph (1) by striking "Indians" and inserting "individuals who are Indians",

(ii) in paragraph (2)(B) by striking "elderly" and inserting "older individuals who are", and

(iii) in paragraph (5)—

(I) in subparagraph (A)(i) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need", and

(II) in subparagraph (B) by striking "rural elderly" and inserting "older individuals residing in rural areas", and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals",

(II) in subparagraph (G) by striking "clause" and inserting "paragraph",

(III) in subparagraph (N) by striking "Indians" the first place it appears and inserting "individuals who are Indians", and

(IV) in subparagraph (N) by striking "elder Indians in such area and shall inform such older Indians" and inserting "such individuals in such area and shall inform such individuals", and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "on aging" after "area agency" the first place it appears, and

(II) by striking "clause" each place it appears and inserting "paragraph", and

(ii) in paragraph (2)(D) by striking "clause" and inserting "paragraph",

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need",

(ii) in paragraph (12)(K) by striking "subparagraph (G)(iv)" and inserting "subparagraph (H)(iv)",

(iii) in paragraph (13)—

(I) in subparagraph (A) by striking "individuals aged 60 or older" and inserting "older individuals",

(II) in subparagraph (A) by striking "the elderly" and inserting "older individuals",

(III) in subparagraph (B) by striking "subclause" and inserting "subparagraph", and

(IV) in subparagraph (I) by striking "elderly participants" and inserting "participating older individuals",

(iv) in paragraph (14)(D) by striking "clause" and inserting "subparagraph", and

(v) in paragraph (16)(B) by striking "clause" and inserting "paragraph", and

(B) in subsection (b)(2) by striking "clause" and inserting "paragraph",

(14) in paragraphs (3)(B)(iii) and (4) of section 308(b) by striking "purposes" each place it appears and inserting "objectives",

(15) in section 321(a)—

(A) in paragraph (4) by striking "elderly" and inserting "older",

(B) in paragraph (14) by striking "the older poor" and inserting "low-income older individuals", and

(C) in paragraph (15) by striking "clause" and inserting "paragraph",

(16) in the first sentence of section 351 by striking "purpose" and inserting "objectives",

(17) in section 402(b) by striking "Alcohol" and inserting "the Alcohol",

(18) in section 412(b) by striking "purposes" and inserting "objectives",

(19) in section 421(a) by striking "purposes" and inserting "objectives",

(20) in section 422—

(A) in the second sentence of subsection (a)(1) by striking "the rural elderly" and inserting "older individuals residing in rural areas",

(B) in subsection (b)—

(i) in paragraph (1) by striking "elderly" and inserting "older individuals who are",

(ii) in paragraph (2) by striking "the elderly" and inserting "older individuals",

(iii) in paragraph (6) by striking "the rural elderly" and inserting "older individuals residing in rural areas",

(iv) in paragraph (8) by striking "the rural elderly" and inserting "older individuals residing in rural areas",

(v) in paragraph (9)(A) by striking "intergenerational" and inserting "multigenerational", and

(vi) in paragraph (9)(B) by striking "elderly" and inserting "older individuals who are",

(21) in section 602 by striking "older Indians, older Alaskan Natives, and older Native Hawaiians" and inserting "older individuals who are Indians, Alaskan Natives, and Native Hawaiians",

(22) in section 611(a)—

(A) in the matter preceding paragraph (1) by inserting "individuals who are" after "older", and

(B) in paragraph (9) by striking "Indian elderly population" and inserting "population of older individuals who are Indians",

(23) in section 613 by inserting "individuals who are" after "older", and

(24) in section 614(a)—

(A) in paragraph (7) by striking "Indians aged 60 and older" and inserting "older individuals who are Indians",

(B) in paragraph (8) by striking "clause" and inserting "paragraph", and

(C) in paragraphs (1), (6), (8), and (10) by inserting "individuals who are" after "older" each place it appears.

(b) Section 502(b)(1) of the Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in subparagraph (C) by striking "1954" and inserting "1986", and

(2) in subparagraph (J) by striking "persons" each place it appears and inserting "individuals".

TITLE II—1993 NATIONAL CONFERENCE ON AGING

SEC. 201. 1993 NATIONAL CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—1993 NATIONAL CONFERENCE ON AGING"

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990", and

(B) by striking "101,700,000" and inserting "103,646,000",

(2) in paragraph (2) by striking "every 6" and inserting "every 8", and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,".

SEC. 202. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Con-

ference on Aging in 1991" and inserting "In 1993 the President shall convene the 1993 National Conference on Aging",

(2) in subsection (b) by striking "Secretary" and inserting "Policy Committee", and

(3) in subsection (d)(2)—

(A) by inserting "by the Policy Committee" after "selected", and

(B) by adding at the end the following: "Delegates shall include individuals who are professionals and nonprofessionals, as well as minority individuals and individuals from low-income families.".

SEC. 203. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) by inserting ", as guided by the Policy Committee," after "Secretary" the first place it appears,

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and

(C) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee and to all staff assigned under section 204(a)(2)(D) of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,", and

(2) in subsection (b)—

(A) by striking "Secretary's responsibilities and functions under this section, assure" and inserting "the recommendations of the Policy Committee, ensure",

(B) by striking paragraphs (2) and (3),

(C) by inserting after paragraph (1) the following:

"(2) publish in the Federal Register an agenda for the Conference not later than 30 days after such agenda is approved by the Policy Committee,", and

(D) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES."

(2) in subsection (b) by striking "(b) OTHER COMMITTEES.—" and inserting "(2)",

(3) in subsection (a) by striking "(a) ADVISORY COMMITTEE.—The Secretary shall" and inserting "(b) ADVISORY AND OTHER COMMITTEES.—(1) The Secretary may",

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 30 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1991, as follows:

"(A) Fifteen members shall be selected by the President and shall include—

"(i) the Secretary of Health and Human Services, the Commissioner on Aging, a representative of the National Institute of Aging, and representatives of other Federal agencies as may be appropriate, and

"(ii) not fewer than 7 members who are representatives of public aging agencies, community based organizations specializing in aging issues, and minority aging organizations.

"(B) Six members shall be selected by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, and shall include members of the Committee on Education and Labor, the Committee on Ways and Means, and the Select Committee on Aging. Not more than 4 members selected under this paragraph may be of the same political party.

"(C) Six members shall be selected by the majority leader of the Senate, after consultation with the minority leader of the Senate, and shall include members of the Committee on Labor and Human Resources, the Committee on Finance, and the Special Committee on Aging. Not more than 4 members selected under this paragraph may be of the same political party.

"(D) Three members shall be selected jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House and Senate, and shall include representatives of public aging agencies, community-based organizations specializing in aging issues, and minority aging organizations. Not more than 2 members selected under this paragraph may be associated or affiliated with one particular political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) provide all necessary guidance and advice to the Secretary to facilitate the timely convening of the Conference,

"(B) formulate and approve an agenda for the Conference not later than 60 days after the first meeting of the Policy Committee,

"(C) make recommendations for participants and delegates of the Conference,

"(D) assign staff to participate in and monitor the activities of the committees established under subsection (b), and

"(E) formulate and approve the final report of the conference in accordance with section 205.

"(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—(A) Twenty members shall constitute a quorum for the purpose of conducting the business of the Policy Committee.

"(B) The Policy Committee shall act by the vote of the majority of the members present.

"(C) The Policy Committee shall select a chairperson from among its members. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.", and

(5) in the first sentence of subsection (c)—

(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)", and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 205. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (b) by striking "Secretary" and inserting "Policy Committee",

(2) in subsection (c)—

(A) by striking "Secretary" and inserting "Policy Committee", and

(B) by inserting "and approve" after "prepare", and

(3) in subsection (d)—

(A) in the heading of such subsection by striking "SECRETARY" and inserting "POLICY COMMITTEE", and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—(1) There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 and 1993 to carry out this title.

"(2) Authority to enter into contracts under this title shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

"(b) AVAILABILITY OF FUNDS.—(1) Except as provided in paragraph (3), funds appropriated to carry out this title shall remain available for obligation or expenditure until January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) Except as provided in paragraph (3), any such funds neither expended nor obligated before January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965.

"(3) If the Conference is not convened before January 1, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.".

SEC. 207. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5), of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this title.

TITLE III—AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974

SEC. 301. SHORT TITLE.

This title may be cited as the "Native American Programs Act Amendments of 1991".

SEC. 302. ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS.

The Native American Programs Act of 1974 (42 U.S.C. 2991a–2992d) is amended by inserting after section 802 the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"Sec. 802A. (a) There is established in the Office of the Administration for Children and Families of the Department of Health and Human Services an Administration for Native Americans (hereinafter in this title referred to as the 'Administration'). The Administration shall be headed by a Commissioner for Native American Programs (hereinafter in this title referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate. The Administration shall be the agency responsible for carrying out this title. The Administration shall be under the direct authority and supervision of the Assistant Secretary for Children and Families, and the Commissioner shall report directly to the Assistant Secretary on all matters relating to this title, including policy, budget, and administration of programs. In the performance of the functions of the Commissioner, the Commissioner shall be directly responsible to the Assistant Secretary.

"(b) In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Secretary shall take such additional action as may be necessary to promote recruitment of such individuals for employment in the Administration.

"(c) The number of full-time positions (or equivalent thereof), and the grades of such positions, in the Administration for Native Americans shall be not less than the number of full-time positions (or equivalent thereof), and the grades of such positions, in the Administration for Native Americans as of June 30, 1986.

"(d) The Administration shall—

"(1) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(2) encourage agencies that carry out projects under this title, to give preference to such individuals in hiring and entering into contracts to carry out such projects.

"INTRADEPARTMENTAL COUNCIL ON INDIAN AFFAIRS

"SEC. 802B. The Secretary shall establish an intradepartmental council on Indian affairs to review and comment on all policies and practices of agencies in the Department of Health and Human Resources, relating to programs affecting Indians, Alaskan Natives, and Native Hawaiians. The Commissioner of the Administration for Native Americans shall be the chairperson of such council and shall advise the Secretary on all matters affecting Indians that involve such Department. The Director of the Indian Health Service shall be the vice chairperson of such council.".

SEC. 303. LOAN FUND; DEMONSTRATION PROJECT.

Section 803A of the Native American Programs Act of 1974 (42 U.S.C. 2991b-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "5-year",

(B) in paragraph (2) by inserting before the period at the end the following:

"and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant",

(2) in subsection (b) by striking paragraph (6),

(3) in subsection (f)—

(A) by amending paragraph (1) to read as follows:

"(1) There is authorized to be appropriated $1,000,000 for fiscal year 1992 to carry out this section.", and

(B) by striking paragraph (3), and

(4) by amending subsection (g) to read as follows:

"(g)(1) The Secretary, in consultation with the agency or organization to which grants are awarded under subsection (a)(1), shall submit a report to the Speaker of the House of Representatives and President pro tempore of the Senate, not later than January 1 following the end of each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Secretary with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.".

SEC. 304. TECHNICAL ASSISTANCE AND TRAINING.

Section 804 of the Native American Programs Act of 1974 (42 U.S.C. 2991c) is amended—

(1) by striking "may" and inserting "shall", and

(2) by inserting "planning," after "agencies in".

SEC. 305. EVALUATION.

Section 811(a) of the Native American Programs Act of 1974 (42 U.S.C. 2992) is amended—

(1) by inserting "(1)" after "(a)", and

(2) by adding at the end the following:

"(2) The project assisted under this title shall be evaluated in accordance with this section not less frequently that at 3-year intervals.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a)—

(A) by striking "There" and inserting "(1) Subject to paragraph (2), there",

(B) by striking "sections 803(d) and" and inserting "section",

(C) by striking "years 1988, 1989, 1990, and" and inserting "year",

(D) by inserting before the period at the end ", $60,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995", and

(E) by adding at the end the following:

"(2) If for any fiscal year—

"(A) the amount appropriated under subsection (d) is less than $8,000,000; and

"(B) the amount appropriated under paragraph (1) exceeds 105 percent of the amount appropriated under such paragraph for the preceding fiscal year;

then there shall be available to carry out section 803(d) the maximum amount of the excess described in subparagraph (B) which when added to the amount appropriated under subsection (d) does not exceed $8,000,000.", and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), there are" and inserting "There is",

(ii) by striking "1988, 1989, 1990, and", and

(iii) by inserting ", 1992, 1993, 1994, and 1995" after "1991", and

(B) by striking paragraph (2).

TITLE IV—GENERAL PROVISIONS

SEC. 401. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

Any authority to enter into contracts under any amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 402. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1991.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by sections 134 and 173(1) shall take effect on October 1, 1992.

(c) APPLICATION OF AMENDMENTS.—The amendment made by section 114(1) shall not apply with respect to appointments made under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) before the date of the enactment of this Act.

AMENDMENTS OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Madam Chairman, I offer several amendments, and I ask unanimous consent that the amendments be considered en bloc, be considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment is as follows:

Amendments offered by Mr. MARTINEZ: In the table of contents, insert the following after the item relating to section 142, as so redesignated (and redesignate succeeding items accordingly):

Sec. 143. In-home services for frail older individuals.

In the table of contents, strike the items relating to title II and the heading relating to the amendments to the Native American Programs Act of 1974, and insert the following:

TITLE II—1993 WHITE HOUSE CONFERENCE ON AGING

Sec. 201. 1993 White House Conference on Aging.
Sec. 202. Conference required.
Sec. 203. Conference administration.
Sec. 204. Policy committee; related committees.
Sec. 205. Report of the conference.
Sec. 206. Authorization of appropriations.

TITLE III—AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974

In paragraph (25) of section 202(a) of the Older Americans Act of 1965, as added by section 112(6) of the bill, strike "and" at the end.

In paragraph (26) of section 202(a) of the Older Americans Act of 1965, as added by section 112(6) of the bill, strike "(26)" and insert "(27)".

After paragraph (25) of section 202(a) of the Older Americans Act of 1965, as added by section 112(6) of the bill, insert the following:

"(26) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under such title, medical assistance under title XIX of such Act, and benefits under the Food Stamp Act of 1977, of the requirements for eligibility to receive such benefits and such assistance; and

In section 207(c)(5) of the Older Americans Act of 1965, as added by section 117(b)(3), insert "low-income" after "including" the last place it appears.

In section 131(3)—

(1) strike the close quotation marks and the period at the end, and

(2) add at the end the following:

"(14) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(15) The term 'dance-movement therapy' means the psychotherapeutic use of movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical integration of an older individual.

"(16) The term 'music therapy' means the use of music interventions specifically selected by a music therapist, to accomplish the restoration, maintenance, or improvement of the social or emotional functioning, mental processing, or physical health of an older individual.".

In section 132(b)(1), strike "$435,000,000" and insert "$505,000,000".

In section 134, strike paragraph (1) and insert the following:

(1) by striking subparagraph (C) and inserting the following:

"(C) in consultation with area agencies on aging, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;",

In section 135(3)(B)—

(1) in clause (i) strike "and" at the end,

(2) redesignate clause (ii) as clause (iii), and

(3) insert after clause (i) the following:

(ii) by inserting ", older individuals who are of limited English-speaking ability," after "minority individuals),", and

In section 306(a)(15) of the Older Americans Act of 1965, as added by 135(7), strike "and" at the end.

In section 135(7)—

(1) strike the first period, the close quotation marks, and the period at the end, and insert "; and", and

(2) add at the end the following:

"(17) in the discretion of the area agency, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of local volunteer groups to provide assistance and services appropriate to the unique needs of the elderly within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan.".

In section 136(a)(13), strike the close quotation marks and the period at the end.

At the end of section 136(a)(13), add the following:

"(40) The plan shall provide that the State agency shall designate a State entity that shall carry out the programs and activities under this title that relate to the prevention and treatment of the abuse, neglect, and exploitation of older individuals.".

"(41)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(17), the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the program administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator in subparagraph (A).".

In section 136, strike subsection (d) and redesignate subsection (e) as subsection (d).

In section 137(2), strike subparagraph (A) and insert the following:

(A) in paragraph (4)—

(i) by inserting "(A)" after "(4)",

(ii) by inserting "and except as provided in subparagraph (B)" after "this title",

(iii) in the first sentence—

(I) by striking "received under section 303(b) (1) and (2), a" and inserting "received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the", and

(II) by striking "a portion of the funds appropriated" and inserting "not more than 30 percent of such funds", and

(iv) by adding at the end the following:

"(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds available under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, or 1995 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

"(i) an additional 18 percent of the funds so received for fiscal year 1992;

"(ii) an additional 15 percent of the funds so received for each of the fiscal years 1993 and 1994; and

"(iii) an additional 10 percent of the funds so received for fiscal year 1995.".

In section 140—

"(1) redesignate paragraph (4) as paragraph (5), and

"(2) in paragraph (3)—

"(A) at the end of subparagraph (A) strike "and", and

"(B) insert after subparagraph (B) the following:

"(C) by inserting before the semicolon at the end the following:

", and to provide to older individuals who provide uncompensated care to their adult children with disabilities counseling to assist such older individuals with permanency planning for such children",

(4) in paragraph (11) by inserting before the semicolon the following:

", and of older individuals who provide uncompensated care to their adult children with disabilities", and

In section 363 of the Older Americans Act of 1965, as added by section 142(c) of the bill, as so redesignated—

(1) in paragraph (10) strike "and" at the end",

(2) in paragraph (11) strike the first period, the close quotation marks, and the period at the end, and insert a semicolon, and

(3) insert after paragraph (11) the following:

"(12) gerontological counseling; and

"(13) music therapy, art therapy, and dance-movement therapy.".

In section 143, strike paragraph (2) and insert the following:

(2) in paragraph (2)—

(A) in subparagraph (C)—

(i) by striking "conferences,", and

(ii) by striking "and" at the end,

(B) in subparagraph (D) by inserting "and" at the end, and

(C) by adding at the end the following:

"(E) strengthening and carrying out activities to prevent and treat the abuse, neglect, and exploitation of older individuals.".

In section 143, insert the following after paragraph (1) and redesignate succeeding paragraphs accordingly:

(2) by inserting "through the State entity designated in accordance with section 307(a)(40)" after "out" the second place it appears,

After section 133, insert the following (and conform the table of contents, and redesignate references and succeeding sections, accordingly):

SEC. 134. OUTREACH DEMONSTRATION PROJECTS.

(a) USE OF ALLOTTED FUNDS.—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3014(d)(1)(C)) is amended to read as follows:

"(C) after September 30, 1991, such amount (excluding any amount attributable to funds appropriated under section 303(a)(3)) as the State agency determines to be adequate, but not to exceed 4 percent of the amount appropriated under section 303(a)(1), for conducting effective demonstration projects under section 307(f)(1); and".

(b) DEMONSTRATION PROJECTS.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is amended—

(1) in paragraph (1)—

(A) by striking "1986" and inserting "1991",

(B) by striking "shall" and inserting "may",

(C) by inserting after "education" the following:

", or outreach to older individuals with greatest economic need with respect to benefits available under title XVI of the Social Security Act (or assistance under a State plan program under such title), medical assistance available under title XIX of such Act, and benefits available under the Food Stamp Act of 1977,", and

(D) by striking "based" and all that follows through "704(d)(2)",

(2) by amending paragraph (2)(E) to read as follows:

"(E) be evaluated by the State agency, and the results of such evaluation, and such interim reports as the Commissioner may reasonably require, shall be submitted to the Commissioner before October 1, 1993.", and

(3) by adding at the end the following:

"(3) Each outreach project carried out under paragraph (1) shall—

"(A) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive benefits under title XVI of the Social Security Act (or assistance under a State plan program under such title), medical assistance under title XIX of such Act, and benefits under the Food Stamp Act of 1977;

"(B) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

"(C) be coordinated with State and local entities that administer benefits under such titles.".

After section 141, as so redesignated, insert the following (and conform the table of contents, and redesignate references and succeeding sections, accordingly):

SEC. 142. NUTRITION SERVICES.

(a) Congregate Nutrition Services.—Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by rule) and a lesser frequency is approved by the State agency)" after "week".

(b) Home-Delivered Nutrition Services.—Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by rule) and a lesser frequency is approved by the State agency)" after "week".

SEC. 143. IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Section 341(a) of the Older Americans Act of 1965 (42 U.S.C. 3030h(a)) is amended—

(1) by inserting "(1)" after "(a)", and

(2) by adding at the end the following:

"(2)(A) The Commissioner shall require that home health aide services provided under such program be provided only by an individual who is employed as a home health aide by an entity that is—

"(i) a home health agency, as defined in section 1861(o) of the Social Security Act, that satisfies the conditions specified in section 1891(a) of such Act;

"(ii) licensed under State law that requires training, testing, and supervision substantially equivalent to the training, testing, and supervision then required under section 1891(a) of the Social Security Act; or

"(iii) accredited by an agency approved by the Secretary.

"(B) The Commissioner shall require entities that provide home health aide services under such program to promote the rights of each older individual who receives such services. Such rights include the following:

"(i) The right—

"(I) to be fully informed in advance about each home health aide service provided by such entity under such program and about any change in such service that may affect the well-being of such individual; and

"(II) to participate in planning and changing a home health aide service provided under such program by such entity unless such individual is judicially adjudged incompetent.

"(ii) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

"(iii) The right to confidentiality of records relating to such individual.

"(iv) The right to have the property of such individual treated with respect.

"(v) The right to be fully informed (orally and in writing), in advance of receiving a home health aide service under such program, of such individual's rights and obligations under this title.".

In section 168—

(1) insert "(a) Permanency Planning.—" before "Section",

(2) strike paragraph (1) and insert the following:

(1) in subsection (a)(2) by striking "preventive health education and promotion programs" and inserting "disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)", and

(2) add at the end the following:

(b) Mandatory Model Volunteer Service Credit Projects.—Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended by adding at the end the following:

"(e)(1) The Commissioner shall, after consultation with the State agency in each State involved, make not fewer than 3 and not more than 5 grants in each fiscal year to public agencies or nonprofit private organizations or enter into contracts with agencies or organizations in such State, for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects that will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals.

"(2) Such projects shall be operated in consultation with the ACTION Agency and shall permit elderly volunteers to earn for services furnished, credits that may be redeemed later for similar volunteer services.".

In section 502(d)(3) of the Older Americans Community Service Employment Act, as added by section 181(4) of the bill, strike "coordinate" and all that follows through "such agency", and insert "conduct such project in consultation, to the maximum extent practicable, with such agency".

Strike title II and insert the following:

TITLE II—1993 WHITE HOUSE CONFERENCE ON AGING

SEC. 201. 1993 WHITE HOUSE CONFERENCE ON AGING.

(a) Name of Conference.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—1993 WHITE HOUSE CONFERENCE ON AGING"

(b) "Findings.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990", and

(B) by striking "101,700,000" and inserting "103,646,000",

(2) in paragraph (2) by striking "every 6" and inserting "every 8", and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,".

SEC. 202. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Conference on Aging in 1991" and inserting "In 1993 the President shall convene the 1993 White House Conference on Aging", and

(2) in subsection (d)(2) by adding at the end the following:

"Delegates shall include individuals who are professionals and nonprofessionals, as well as minority individuals and individuals from low-income families.".

SEC. 203. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by striking "prepare and", and

(ii) by inserting "prepared by the Policy Committee" after "agenda",

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and

(C) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,",

(2) in subsection (b)—

(B) by striking paragraphs (2) and (3),

(C) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(3) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee (The Secretary may republish such agenda together with the Secretary's recommendations regarding such agenda.),", and

(D) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively, and

(3) by adding at the end the following:

"(c) Gifts.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind) which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.".

SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.",

(2) in subsection (b) by striking "(b) Other Committees.—" and inserting "(2)",

(3) in subsection (a)—

(A) by striking "(a) Advisory Committee.—The Secretary" and inserting "(b) Advisory and Other Committees.—(1) The President", and

(B) by adding at the end the following:

"The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.",

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) Policy Committee.—

"(1) Establishment.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1991, as follows:

"(A) Thirteen members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States, and

"(ii) 10 members who are representatives of public aging agencies, community-based organizations with experience in the field of aging, and minority aging organizations.

"(B) Four members shall be selected by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, and shall include members of the Committee on Education and Labor, the Committee on Ways and Means, and the Select Committee on Aging. Not more than 3 members selected under this paragraph may be of the same political party.

"(C) Four members shall be selected by the majority leader of the Senate, after consultation with the minority leader of the Senate, and shall include members of the Committee on Labor and Human Resources, the Committee on Finance, and the Special Committee on Aging. Not more than 3 members selected under this paragraph may be of the same political party.

"(D) Four members shall be selected jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House and Senate, and shall include representatives of public aging agencies, community-based organizations with experience in the field of aging, and minority aging organizations. Not more than 2 members selected under this paragraph may be associated or affiliated with one particular political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) make recommendations to the Secretary to facilitate the timely convening of the Conference,

"(B) formulate and approve an agenda for the Conference not later than 60 days after the first meeting of the Policy Committee,

"(C) make recommendations for participants and delegates of the Conference,

"(D) establish the number of delegates to be selected under section 202(b)(2), and

"(E) formulate and approve the initial report of the Conference in accordance with section 205.

"(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—(A) Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

"(B) The Policy Committee shall act by the vote of the majority of the members present.

"(C) The President shall select a chairperson from among its members. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.", and

(5) in the first sentence of subsection (c)—

(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)", and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 205. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (b) by striking "Secretary" and inserting "The Policy Committee",

(2) in subsection (c)—

(A) by striking "The Secretary" and inserting "(1) The Policy Committee",

(B) by inserting "and approve" after "prepare", and

(C) by adding at the end the following:

"(2) Not later than 60 days after such final report is approved by the Policy Committee, the Secretary shall publish such final report in the Federal Register. The Secretary may republish such final report together with such additional views and recommendations the Secretary considers to be appropriate.", and

(3) in subsection (d)—

(A) in the heading of such subsection by striking "SECRETARY" and inserting "POLICY COMMITTEE", and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—(1) There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 and 1993 to carry out this title.

"(2) Authority to enter into contracts under this title shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

"(b) AVAILABILITY OF FUNDS.—(1) Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) Except as provided in paragraph (3), any such funds neither expended nor obligated before January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965.

"(3) If the Conference is not convened before January 1, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.".

SEC. 207. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5), of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this title.

Mr. MARTINEZ. Madam Chairman, I offer en bloc amendments today which add improvements to the services and administration of the Older Americans Act.

The amendments would change the Conference on Aging to allow for the first time joint participation by Congress and private sector groups in the setting of the national aging policy agenda for the next 10 years.

They also change the committee past formula targeting provisions to reflect the administration's targeting language in response to minority groups' concerns.

It increases the congregate meals authorization level an additional 5 percent from 1991. And they permit additional transfers between meals programs in the States beyond a 30 percent cap, with the permission of the Commissioner.

They permit States to keep elder abuse funds at the State level to target treatment and services for elder abuse.

They permit States to use title III funds to reach out to assist older individuals to receive entitlement services.

They permit rural service providers to serve fewer than five meals per week, with the permission of the State.

They also provide a number of first time services in permanency planning, volunteer service credit demonstrations, State volunteer service coordinators, and target limited English individuals for supportive service outreach.

These amendments are all supported by Members on both sides of the aisle, and I urge Members to support the en bloc amendments.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I rise to say that since we were part of en blocing the en bloc amendments, we have no objection.

Mr. MARTINEZ. I thank the gentleman from Pennsylvania.

Mr. SMITH of New Jersey. Madam Chairman, as the ranking member of the Aging Subcommittee on Housing and Consumer Interests, I rise in strong support of H.R. 2967, the Older Americans Act Amendments of 1991. This is an exemplary piece of legislation and deserves the support of every Member of the House. I am particularly pleased that legislation I authored is about to be incorporated in to H.R. 2967.

The portion of the bill I authored requires the Commissioner of the Administration on Aging to establish and carry out a volunteer service credit program. The service credit program allows seniors to provide volunteer services within their communities, accumulate credits for the services, and cash in the credits in order to receive the services of another volunteer when needed.

Madam Chairman, the service credit program has been carried out in six demonstration sites under a now expired Robert Wood Johnson Foundation grant. Some of these programs, and others which have developed throughout the country, now face funding difficulties which put the programs in jeopardy and force employees to spend much of their time seeking financing rather than concentrating on expanding and enhancing the program itself.

The cost of the program is relatively small; average yearly administrative costs are $66,000, startup costs are approximately $3,000. This legislation will require the Commissioner of the Administration on Aging to award grants to program sponsors in a variety of settings. The Federal Government will then have the capacity to evaluate each program and assess the program's adequacy in responding to the needs of senior citizens, filling existing gaps in service delivery, and offsetting the need for other costly long-term services.

According to an assessment by the Center for Health Policy Studies, Madam Chairman, the volunteer service credit program has been successful in providing essential services for the frail elderly, attracting new volunteers into the volunteer network, and instilling a positive sense of community among program participants.

The most obvious benefit of the volunteer service credit program is the service it provides to frail elderly individuals who want to remain living independently at home. The typical individual receiving services under the program is over age 76, living alone, and experiencing significant health problems. The variety of services made available by this program, such as escort services, housekeeping, shopping, respite care, and meal preparation, make it possible for seniors to delay or avoid institutionalization in a nursing home.

Another important aspect of the program, Madam Chairman, is the mental health services it offers. Senior citizens frequently identify loneliness and a sense of uselessness as one of the most difficult aspects of older age. Service credit programs help subdue these feelings by offering "companionship visits." Companionship visits have the dual purpose of providing homebound individuals with healthy interpersonal contact and also give volunteers a renewed sense of worth.

Additionally, service credit programs have been successful in drawing new volunteers into the volunteer network. This is a very valuable aspect of the service credit program considering the huge untapped volunteer potential of our senior population. A nationwide study commissioned by Marriott Senior Living Services and the Administration on Aging, found that 37 percent of the Nation's 37.7 million senior citizens indicated they would be interested in providing volunteer services. Over one-half of volunteers in the service credit demonstration programs are new volunteers and had not volunteered in the previous year.

As health care costs climb and funding for supportive services is increasingly competitive, it is essential that Congress look to creative, cost-savings methods to deliver services to those in need. The service credit program provides essential services and, through the use of accumulated credits, also guarantees volunteers that they are eligible to receive services when needed.

Madam Chairman, H.R. 2967 also contains a variety of other very important provisions which are necessary in addressing the needs of older Americans. In response to the growing incidence of elder abuse, H.R. 2967 establishes a National Center on Elder Abuse to assist States in establishing and implementing prevention and treatment programs. Also created in this legislation is the National Ombudsman Resource Center. This center will conduct research and training regarding long term care and serve as the national center on ombudsman programs.

The centers will be administered by the new Federal Long Term Care Ombudsman within the Administration of Aging who will also be responsible for coordinating State and Federal ombudsman programs and ensuring that Federal laws protecting the elderly are enforced. The Federal Ombudsman will be given powerful tools—such as the authority to subpoena and examine witnesses—in order to enforce compliance.

Madam Chairman, H.R. 2967 also provides for supportive and nutrition services to millions of senior citizens. Through a system of State grants, the Older Americans Act Amendments of 1991 ensures the availability of congregate and home delivered meals, transportation, and in-home services for senior citizens. A new program under the bill will provide training, counseling, and assistance for individuals caring for the frail elderly.

In an effort to ensure that the service programs are reaching senior citizens most in need, H.R. 2967 also requires the formulation and implementation of improved data collection techniques to ascertain exactly who is using the program and whether or not their needs are being met. Emphasis will also be placed on targeting services for minority and low-income senior citizens.

Madam Chairman, the Older Americans Act Amendments of 1991 further addresses the needs of senior citizens by providing authorization for research and demonstration programs. The programs range from educational grants for students entering aging-related careers to counseling for senior citizens regarding pension rights. Additionally, the bill includes programs to demonstrate ways to prevent housing foreclosure and eviction of the aged, and encourage multigenerational activities for seniors and children.

Madam Chairman, senior citizens deserve to maintain an independent and fulfilling life style and we need to help ensure that this is possible. H.R. 2967 addresses many of the obstacles that prevent seniors from maintaining this independence. I support the bill and urge my colleagues to vote in favor of H.R. 2967.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MARTINEZ].

The amendments were agreed to.

□ 1440

AMENDMENT OFFERED BY MR. HASTERT

Mr. HASTERT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTERT: At the end of title II insert the following (and conform the table of contents):

SEC. 207. SENSE OF THE CONGRESS.

It is the sense of the Congress that the 1993 White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act on older individuals who are employed.

Mr. HASTERT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTERT. Madam Chairman, I rise today to offer an amendment to the Older Americans Act Amendments of 1991.

Madam Chairman, first, I want to thank the chairman of the subcommittee, the gentleman from California [Mr. MARTINEZ], for his work in this endeavor in bringing forth really a very, very fine piece of legislation, and also our ranking member, the gentleman from Pennsylvania [Mr. GOODLING] as well as the gentleman from Illinois [Mr. FAWELL] of the subcommittee.

Madam Chairman, my amendment ensures that the concerns of working order Americans will not be forgotten among the many issues that will be addressed by the 1993 White House Conference on Aging.

As most of you know, I have been working for several years to lift the penalty placed on senior citizens who continue to work after they reach retirement age and earn more than $9,720 annually.

The earnings test penalizes seniors who choose to work—or must work—after they reach age 65 by taking away $1 in social security benefits for every $3 they earn over the $9,720 limit. When coupled with regular taxes, this means a senior earning a paltry $10,000 a year faces an effective marginal tax rate of 56 percent—nearly twice the tax rate of millionaires. Clearly, that is just not fair.

I am sure that most of you have heard stories from your constituents about the harmful effects of the earnings penalty. On a daily basis I receive letters from working seniors who need to work to pay their health care bills, property taxes, and daily living expenses, and yet, they find that by trying to remain independent, the government penalizes them.

While the earnings test is an example of age discrimination, there is another reason why the White House Conference should examine this penalty. Repealing the Social Security earnings limit will help our country compete in the international marketplace by keeping skilled workers in the workforce. By the end of the 1990's there will be 1.5 million fewer workers between 16 and 24 years of age who will enter the work force, but at the same time, 5 million older Americans will be retiring. It is obvious we need to remove government disincentives that prevent older workers from being productive, if they so choose.

The numbers tell us that a majority agrees; 262 Members of the House are cosponsors of my bill to repeal the earnings penalty. And the grass roots support building around the country—from citizens groups to the editorial boards of major metropolitan newspapers—demonstrates that this is something the American people want.

I wish I could be here on the floor today asking for repeal of this penalty on working seniors. But today, I am merely asking that we vote to keep this issue on the public policy agenda.

By voting for the Hastert amendment, Members of Congress will demonstrate that they believe it is important that seniors remain in the work force. Congress has the obligation, both to our Nation's older workers and to our economic vibrancy, to ensure that the White House Conference address this important issue, and I urge my colleagues to vote in support of this amendment.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HASTERT] has expired.

(By unanimous consent, Mr. HASTERT was allowed to proceed for 5 additional minutes.)

Mr. GOSS. Madam Chairman, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Florida.

Mr. GOSS. Madam Chairman, today we are giving the older Americans of this country the consideration they deserve. However, I am struck by the irony of providing Federal moneys to fund nutritional services and job creation programs, meant to enable and empower the older persons of America, while we continue to cap their earning potential. Where is the rationale for subtracting $1 for every $3 senior citizens age 65 to 69 earn after $9,720? The earnings test itself is 50 years old and ready for retirement. If, by 1993 and the convening of the White House Conference on Aging, the Social Security earnings test has not been repealed, it must be a major consideration during discussions concerning the older work force. Of course, I trust that by 1993, piecemeal liberalization will not have proven sufficient and Congress will finally heed the older Americans around the country clamoring for relief. Our economy will not recover sufficiently without the experience and perseverance of the seasoned employee. We owe them the freedom to work without penalty.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, I thank the gentleman for yielding to me, and thank him very much for bringing this important amendment to the floor at this time.

Like the gentleman and like many of our colleagues, I wish that we were in a position to deal substantively with this, and when I say like many of our colleagues, I mean like the 264 additional colleagues who have cosponsored the legislation which would repeal this outmoded, outdated, unneeded and egregious, unfair penalty on those of our productive senior citizens who want, need, and desire to continue to produce and to continue to contribute to our society.

I eagerly await the day when we can bring to the floor this provision, our bill, and act on it in a substantive manner, but in the meantime, I think it is extremely appropriate that we express, again, the sense of Congress that the Conference on Aging in 1993 should likewise consider the impact of this penalty on the elderly in this country.

I commend the gentleman for his work on this issue and for bringing this amendment, and likewise I urge our colleagues to adopt the amendment.

Mr. HASTERT. Madam Chairman, I also commend the gentleman from Arizona for his unyielding work in this area.

Mr. ZELIFF. Madam Chairman, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from New Hampshire.

Mr. ZELIFF. Madam Chairman, I thank the gentleman, my colleague, for yielding.

Madam Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. HASTERT] expressing the sense of Congress that the Conference on Aging should consider the impact of the Social Security earnings test on our Nation's seniors.

Eliminating the earnings test in Social Security benefits would, in my opinion, encourage older workers to remain in the work force, allow businesses both large and small to retain experienced and competent workers and reduce the Federal budget deficit.

Retaining experienced and competent older workers already is a priority in labor-intensive companies, and it will be even more critical as we face the new world economy that we face tomorrow.

Most important of all, we must be fair to our senior citizens. We should not, and we must not, penalize them for wanting to work. This is crazy.

America was built on self-sufficiency and the work ethic. We should not, by government edict, stop those who are willing to work to support themselves. This obsolete practice which began in the 1930's is one of the worst forms of discriminatory practices we have in America today.

It is time that we make things right, and this amendment and this bill will give us the opportunity to do it.

In response to those who would claim that repeal of the earnings penalty will hinder our economy, I submit that such a move will, in fact, significantly boost our current economic situation. Any increase in Social Security benefit payments will be more than offset by the increase in Federal revenues generated from the new taxable income of these very important elderly workers.

I urge my colleagues to support this amendment.

Mr. EWING. Madam Chairman, will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Illinois.

Mr. EWING. Madam Chairman, I rise in strong support of the sense-of-the-Congress amendment offered by my colleague from Illinois, Congressman HASTERT, concerning the Social Security earnings limitation test. I commend Mr. HASTERT for his steadfast commitment to this issue and his consistent support of older Americans.

Madam Chairman, the Social Security earnings limitation test is unfair to America's senior citizens and discriminates against those who wish to continue working during their golden years. Why should Social Security benefits be denied to those who continue to make a modest income after retirement? Social Security beneficiaries have contributed to the program and deserve an honest return on their investment, without strings attached.

The Federal Government should be adopting policies which encourage Americans to contribute to the economic system. The Social Security earnings limit test discourages those who want to play a productive role from doing so. Senior citizens should be allowed to earn an income without Government penalties.

Again, I strongly support Mr. HASTERT'S amendment and encourage my colleagues to support it as well.

□ 1450

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. HASTERT was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the ranking Member, the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I thank the gentleman for yielding to me. I merely want to compliment the gentleman for offering this sense-of-Congress resolution, and the efforts we would make on its behalf would certainly be very meaningful, I think, to our economy and to our senior citizens.

Mr. MARTINEZ. Madam Chairman, we have no objection to the amendment. Being an original cosponsor of H.R. 2967, I simply say that I agree with what the gentleman is saying. Certainly we have no problem with this amendment and we accept it.

Ms. SNOWE. Madam Chairman, I have long been concerned about the Social Security earnings test and the way in which it penalizes older individuals who remain in the work force. I believe that removing the earnings limit altogether will not only protect older individuals from having their Social Security benefits reduced because they continue to work, but will also benefit our Nation, which is becoming increasingly dependent on the talented and skills of older workers. As our population continues to age, I believe it is essential to look to our Nation's older citizens as an increasingly important segment of the labor force. I firmly believe that older workers should be encouraged to remain in the work force, without being unfairly penalized.

Currently, individuals between the ages of 65 and 70 who earn more than $9,360 have their benefits reduced $1 for every $3 earned above that amount. To correct this discrimination, Representative HASTERT has introduced H.R. 967, the Older Americans Freedom to Work Act of 1991, of which I am an original cosponsor. This bill is designed to eliminate the Social Security earnings limit altogether. In fact, 259 of my colleagues have joined as cosponsors in support of this bill.

However, the amendment which Mr. HASTERT has offered today is not about repealing the earnings test. It is not about raising the benefits to our working seniors. His amendment simply asks that we commit ourselves to investigating the Social Security earnings test's impact on hundreds of thousands of our Nation's senior citizens. How can we say no to an opportunity for increased understanding and knowledge?

I share Mr. HASTERT's concern that the issue of the Social Security earnings test has not yet been properly addressed. I applaud his initiative to learn more about this critical issue. In fact, I cannot think of a more appropriate place to study this issue than the 1993 White House Conference on Aging, nor a more appropriate place to offer this amendment than in the Older Americans Act, an act committed to serving the social and economic needs of our Nation's senior citizens.

I hope that you will join me in support of this amendment.

Mr. KLUG. Madam Chairman, I rise in support of the legislation now before us, the reauthorization of the Older Americans Act and the amendment offered by Mr. HASTERT which would express the sense of the Congress that the upcoming conference on aging should consider the impact of the Social Security earnings test. Year after year the Older Americans Act has proven to be one of the most effective and acclaimed programs funded by the Congress. It is the primary vehicle for the organization and delivery of social services to elderly Americans. The act establishes programs which try to improve the lives of seniors in respect to income, health, housing, long-term care, and transportation. These programs provide important nutritional services, create job opportunities for low-income seniors, fund training and research in the field of aging, and many other services which benefit older Americans. As I have traveled throughout the Second Congressional District of Wisconsin, I have come in contact with several seniors who benefit directly from the programs operated through this act. Without these programs numerous, elderly individuals, especially those who reside in rural areas, would have to travel great distances and go through several difficulties in order to receive the assistance they require. Regarding the amendment offered today by Mr. HASTERT, the earnings limit is something that the Congress needs to look at very closely. I am cosponsoring the legislation introduced by Mr. HASTERT which would repeal this earnings limitation and allow seniors to work past retirement without losing their Social Security benefits. The Conference on Aging would be an excellent forum to discuss the impact of repealing this Social Security earnings limit, which unfairly penalizes seniors for wanting to become independent of Government assistance. There are many talented older Americans who want to work and share their job skills, but under the present earnings limitation law, they are essentially forced out of the labor market because they lose $1 of their benefits for every $3 they earn above $9,720. This is bad public policy. This penalty, in addition to other taxes employees pay, represents an effective taxation rate of nearly 60 percent for older Americans. With rising health care and other costs, many seniors depend on outside income to meet their needs. The Government should not be in the practice of overly taxing older Americans who are attempting to be financially independent.

I urge all of my colleagues to support the amendment offered by Mr. HASTERT in addition to the reauthorization of the Older Americans Act.

Mr. GILMAN. Madam Chairman, I am pleased to rise in support of Representative HASTERT's amendment to the Older Americans Act. This amendment expresses the sense of Congress that the 1993 White House Conference on Aging should consider the impact of the Social Security earnings test on older individuals who are employed.

I would like to commend Mr. Hastert for introducing this important amendment.

As you may know, in addition to cosponsoring Mr. HASTERT's measure, H.R. 9867, the Older American Freedom to Work Act, I have introduced legislation to fully repeal the Social Security earnings test. My Bill, H.R. 102, eliminates the earnings test for Social Security beneficiaries over the age of 65, as well as raises the new cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65.

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed received their full benefits unless their earnings exceed the annual earnings limitation.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject to—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that is not affordable by most seniors.

Take for example a senior over the age 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

The Social Security earnings test originated with the creation of the Social Security System in 1935. One purpose was to remove older workers from the labor force in order to create jobs for the young. However, in today's labor situation, seniors are able to meet the increasing demand for service-oriented workers, and most importantly, they enjoy working. By allowing seniors to return to the work force, they provide many benefits to our Nation, such as increased tax revenues, as well as alleviating the depression and loneliness that often accompanies the later years in an individual's life.

Senior citizens make up approximately 34.9 million of the population, and this number is growing steadily. Our Nation's seniors are skilled, knowledgeable, reliable, and eager to work.

Madam Chairman, Mr. HASTERT's Amendment to H.R. 2967 is a step in the right direction. I urge all my colleagues to take this opportunity to help our Nation's seniors by expressing their support and voting in favor of this amendment.

Mr. RINALDO. Madam Chairman, I rise in support of the amendment proposed by Mr. HASTERT of Illinois to express the sense of Congress that the 1933 White House Conference on Aging consider the impact of the Social Security earnings test on older workers.

As a proponent of earnings test reform, I firmly believe that no person should be discouraged from striving to remain a productive part of our labor force, particularly on the basis of his age.

The earnings test helps no one. From the business community, I hear that we need mature, experienced workers to keep our Nation competitive; yet the earnings test keeps these workers out of the work place. And from older workers, I understand that financial pressures make part time, and even full time, employment a necessary supplement to Social Security benefits. Making ends meet is a struggle for many seniors, but the earnings test means a loss in Social Security benefits for even modest earned income.

The earnings test does not apply to income from investments and pensions, but it does deny Social Security benefits to millions of Americans who have not had the luxury of saving for retirement. This is clearly not fair to those older individuals who must work to keep up with increases in the cost of rent, food, and health insurance.

Previous White House Conferences on Aging have been responsible for the enactment of the Medicare Program and the Older Americans' Act. These are significant accomplishments which have improved the quality of life for older Americans.

I believe that repeal of this limit will also be a significant improvement in the lives of many of our Nation's elderly, and I am confident that expressing the sense of the Congress on this issue will certainly be an important first step toward the elimination of the earnings test.

Mr. HOUGHTON. Madam Chairman, I rise in support of the Hastert amendment. I have worked to eliminate the earnings test since I came to Congress, and I hope that this initiative will place added weight to this effort.

I have been in touch with the Social Security Administration. They tell me that among men 62 to 69, 5.1 percent who file for Social Security have their benefits reduced. This means 276,200 people. Among women, the figure is 2.4 percent or 103,810 people. The information I get from my ex-employer, Corning, Inc., tells me that many retirees return to work part time. They want to work, they are experienced, valuable contributors, but they often must quit well before their assignment is completed. Why? They have reached their earnings limit.

Madam Chairman, by changing the earnings limitation we will be able to reduce, forever, a substantial cost associated with the Social Security Program. And it will permit us to harness the usable, the useful, and the unused pool of the best talent of all—dedicated and experienced seniors. I may be missing something, but I feel it would be that simple.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HASTERT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALKER. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 255]

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1515

The CHAIRMAN. Three hundred seventy-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. WALKER], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will state this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 0, not voting 49, as follows:

[Roll No. 256]

AYES—383

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fawell
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker

Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—0

NOT VOTING—49

Berman
Coughlin
Crane
Dannemeyer
Davis
Dicks
Doolittle
Dreier
Fascell
Fazio
Gallegly
Gephardt
Gibbons
Hatcher
Hayes (LA)
Herger
Holloway
Hopkins
Hunter
Ireland
Jenkins
Jones (NC)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (CA)
Lowery (CA)
Marlenee
Mfume
Mrazek
Murphy
Murtha
Neal (MA)
Owens (NY)
Payne (NJ)
Pickle
Quillen
Rangel
Ray
Serrano
Spence
Stark
Thomas (CA)
Towns
Waters
Yatron

□ 1523

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: At the end of the bill, add the following:

SEC. 403. SENSE OF CONGRESS.

It is the sense of the Congress that a recipient (including a nation, individual, group, or organization) of any form of grant or other Federal assistance under this Act should, in expending that assistance, purchase American-made equipment and products.

SEC. NOTICE.

The Secretary of Health and Human Services shall provide procedures to inform such recipients of the Sense of the Congress under the above section.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, this is a modest amendment. It is a sense-of-Congress amendment providing that any form of grants or other Federal assistance under this act be used to purchase American-made goods and products. I think it is nothing more than a reminder. It is probably not needed, like in some instances, because our seniors usually buy American. But it is a reminder that Congress should be sending out.

Mr. MARTINEZ. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman of the subcommittee.

Mr. MARTINEZ. Madam Chairman, we have no objection to the amendment, and we accept the amendment on this side.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the vice-chairman of the committee.

Mr. GOODLING. Madam Chairman, we are happy to accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mrs. PATTERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, pursuant to House Resolution 219, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 0, not voting 47, as follows:

[Roll No. 257]

AYES—385

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw

Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—47

Berman
Condit
Coughlin
Crane
Dannemeyer
Davis
Dicks
Doolittle
Dreier
Dymally
Fazio
Gallegly
Gephardt
Gibbons
Hatcher
Hayes (LA)
Herger
Holloway
Hopkins
Hunter
Ireland
Johnson (CT)
Jones (NC)
Kaptur
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Levine (CA)
Lewis (CA)
Lipinski
Lowery (CA)
Markey
Marlenee
Mfume
Murphy
Murtha
Neal (MA)
Payne (NJ)
Pickle
Quillen
Ray
Serrano
Stark
Thomas (CA)
Towns
Yatron

☐ 1553

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Madam Speaker, I was unavoidably detained at a meeting with my constituents elsewhere in the Capitol during the vote on final passage of the Older Americans Act.

Had I been present, I would have voted "aye."

EXPLANATION OF ABSENCE

Mr. GALLEGLY. Mr. Speaker, I regret that, due to important business in my district, I was unable to participate in the votes on the Older American Act reauthorization. Had I been here, I would have supported both the Hastert amendment on the Social Security earnings test and the bill itself on final passage.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, I was unable to be here to vote on rollcalls numbered 254, 256, and 257. Rollcall vote 255 was a quorum call.

If I had been present I would have voted "no" to rollcall No. 254, "yes" to rollcall No. 256, and "yes" to rollcall No. 257.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2967, OLDER AMERICANS ACT AMENDMENTS OF 1991

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2967, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending H.R. 2967, the bill just passed.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2967, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL 6 P.M. FRIDAY, SEPTEMBER 13, 1991, TO FILE REPORT ON H.R. 3090

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until 6 p.m. on Friday, September 13, 1991, to file its report to accompany H.R. 3090.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LENT. Mr. Speaker, reserving the right to object, the gentleman from New York has no objection and consents to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. BROOMFIELD moves that the managers on the part of the House of Representatives at the conference on the disagreeing votes of the two houses on the bill H.R. 2508 be instructed to insist on maintaining the position of the House with respect to the provisions of Title IV of the House bill, related to International Narcotics Control.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes, and the gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD].

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, we support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct conferees to insist on the House position in title IV of H.R. 2508, the International Cooperation Act of 1991.

Title IV of H.R. 2508 is a comprehensive rewrite of the international narcotics control provision of the Foreign Assistance Act of 1961. While I wish the Congress could have engaged in a long overdue rewrite of the entire foreign aid process, it was not possible this year. The House did, however, rewrite and streamline the provisions of law concerning international narcotics control.

In a bipartisan effort, the task force on international narcotics control of the Committee on Foreign Affairs spent many days consolidating and updating legislation to strengthen our overseas efforts in the drug war.

While S. 1435, the Senate-passed version, was almost silent on international narcotics provisions, H.R. 2508 represents a major step forward in our ability to support international narcotics control programs, and significantly increases the administration's flexibility in such programs.

H.R. 2508 allows the administration to provide more types of narcotics-related assistance in more circumstances. H.R. 2508 authorizes the full administration request of $171.5 million for fiscal year 1992. It completely rewrites the annual narcotics certification process and links the process directly to the landmark 1988 U.N. Convention.

The requirements for the annual international narcotics control strategy report are revised and expanded to recognize the global nature of the illicit drug trade. H.R. 2508 provides flexibility for the administration by modifying a number of restrictions in current law which have been added by Congress over the last decade.

Mr. Speaker, the House unanimously approved title IV during consideration of H.R. 2508. There is no section in the bill with stronger bipartisan support. I urge my colleagues to support this motion to instruct the conferees to insist upon the House provisions.

□ 1600

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of the Broomfield motion to instruct foreign aid conferees to insist on the House provisions in title IV of H.R. 2508 dealing with international narcotics control.

As one Member who has been closely involved with legislation to strengthen our overseas counternarcotics efforts for many years, I believe the bipartisan package in title IV represents a significant advance in our efforts. Our provisions on international narcotics control were the product of careful deliberations. Title IV increases the administration's flexibility while retaining congressional oversight. It revises the annual narcotics certification process and the international narcotics control strategy report to reflect the changing nature of the international drug trade.

One major advance in our legislation is to recognize the importance of the 1988 U.S. Convention—a document which has helped to truly internationalize the war on drugs. Title IV was unanimously adopted by this House and should be retained in conference.

Mr. Speaker, I urge my colleagues to support Mr. BROOMFIELD's motion to instruct the conferees.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion to instruct offered by the gentleman from Michigan [Mr. BROOMFIELD].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

APPOINTMENT OF CONFEREES ON H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1415), to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

TRIBUTE TO THE HONORABLE WILLIAM H. GRAY III

Mr. ESPY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 220) to honor accomplishments and express the appreciation for a dedicated career in public service of the Honorable William H. Gray III on the occasion of his resignation.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution as follows:

HOUSE RESOLUTION 220

Whereas William H. Gray III was elected to serve in the United States House of Representatives in 1979 as the Representative of the people of the Second Congressional District in Pennsylvania.

Whereas William H. Gray has served the people of his Congressional District with enthusiasm, distinction and compassion.

Whereas during his tenure in the House of Representatives, William H. Gray has served with noted excellence on Congressional Committees including the Committee on Appropriations, Committee on the District of Columbia and the Committee on House Administration.

Whereas Mr. Gray's service as Chairman of the Committee on the Budget and as a Majority Whip was especially distinguished.

Whereas Mr. Gray's legislative acumen and personal affability have rendered him greatly admired and well regarded by his colleagues in the House of Representatives and in other circles throughout the United States and abroad.

Whereas William H. Gray's participation, presence and leadership will be missed in this legislative body.

Resolved, That it is in the sense of the House of Representatives that the outstanding legislative and personal achievements of William H. Gray III should be duly recognized.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. ESPY] is recognized for 1 hour.

Mr. ESPY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our beloved Member of the House of Representatives, Bill Gray, resigned on yesterday, and beyond his tenure as majority whip, we recognize his distinguished service in this House of Representatives as having served as chairman of the Committee on the Budget and as having served as chairman of the Democratic caucus, and so we would like to take this time, Mr. Speaker, just to pay tribute to a distinguished career.

There are a number of speakers, Members of the House, who asked me all day today what time we would begin this special resolution, and I am sure that they will be making their way to the floor as we move through this.

Mr. Speaker, I appreciate the opportunity to speak in support of this concurrent resolution in honor of a departing colleague who is leaving behind a legacy of service and achievement in the U.S. Congress that will inspire our Nation for many years to come.

Bill Gray is leaving behind 434 colleagues who respect his leadership and appreciate his commitment to our country. And he is leaving behind a record which will ensure his place in the history books of our Nation.

Bill Gray has mastered the art of politics. He rose to leadership in the Congress on the strength of his vision, on the basis of his ability, and because of his hard work and dedication. He moved to the top the old-fashioned way—he earned it.

Members of Congress from both sides of the aisle, and from all regions of the country, know Bill as a skillful consensus molder. We know him as an expert coalition builder. We know him as an inspirational leader and an informed teacher. And most of all, we know him as an impassioned preacher.

Bill Gray has been a leading spokesman on United States policy toward Africa. He has been a leading voice for minority- and women-owned businesses, and a champion of historically black colleges and universities. He has been a voice for working and middle-income Americans, and for those Americans who have been locked out of the economic mainstream.

He has been a voice for racial justice and a passionate fighter for civil rights.

His legislative record includes authorship of the House versions of the Anti-Apartheid Acts of 1985 and 1986, sponsoring the emergency food aid bill for Ethiopia in 1984, and writing the bill which established the Africa Development Foundation in 1984.

But, despite all of his outstanding accomplishments in this body, this particular Member of Congress will remember Bill Gray most because he has been, and continues to be, a friend.

Five years ago, as a freshman Congressman from Mississippi, I was appointed to the House Budget Committee. Bill Gray was the chairman. He did not have to take time to personally assist a new member of the committee—but he did. He did not have to take the time to help me understand the process—but he did. He could have been aloof, but he was not.

He is leaving the Congress this week—but he is not leaving the career of public service to which he is dedicated.

At the United Negro College Fund, Bill will be using his considerable talents to help provide educational opportunities to African-American youth who otherwise would have none. He will use his leadership ability to help the UNCF be even more effective in its mission of educating the next generation of African-American leaders.

His leaving will certainly be a loss for the Congress. But knowing Bill as I do, I am sure that, in the long run, it will be a plus for African-Americans, and most of all, for our Nation.

Mr. Speaker, I know that all of my colleagues will join me in supporting this resolution in honor of the service of our distinguished former majority whip, Congressman Bill Gray, and I will at this time yield time to any other Member seeking to have time in honor of the life of Bill Gray in this body and in support of the resolution honoring his life.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, and Members of the House, I rise in support of the resolution commending our distinguished colleague, William Gray, who ascended to the high office of whip in this institution.

Mr. Speaker, I concur in all of the remarks of my distinguished colleague, the gentleman from Mississippi [Mr. ESPY], in his congratulations and his laudatory comments with respect to our colleague.

I would simply conclude by saying that I have always cherished the friendship that I have with my distinguished colleague, the gentleman from Pennsylvania, Mr. GRAY, and I look forward to seeing him continue to rise and go forward in a bright and intelligent fashion that he exemplified as a Member of this body.

□ 1610

Mr. ESPY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in commendation of Congressman Gray, now our former colleague, who will always be remembered in our hearts very dearly.

Mr. CONYERS. Mr. Speaker, it is with a heavy heart that I voice my support for this resolution, as it marks the occasion of the moving on of my close friend and colleague, Majority Whip Bill Gray.

For 12 years our colleague has distinguished himself as statesman and friend to many of us in this Chamber. His work on the various committees on which he has served and in the leadership of this institution can only be described as stellar. It is rare, Mr. Speaker, that a member with such a level of dedication, affability and compassion comes among us; Bill Gray is one, and I am sorry to see him go.

Bill's leadership is the standard by which all of us in the Congressional Black Caucus, and indeed in the Congress, should strive to achieve. I wish him the best as president of the United Negro College Fund, as he continues his service to the future of black leadership.

Mr. BORSKI. Mr. Speaker, I rise to commend and congratulate my good friend and colleague, Bill Gray, as he leaves Congress.

I rise, however, with mixed feelings. I know that Bill Gray has made his decision to leave Congress based on what is right for him and for his family. I know that Bill's work for the United Negro College Fund will follow in his family's tradition of furthering educational opportunities for black Americans. And I know that the fund will be better for having Bill Gray as its president.

But in the midst of those good feelings, I feel a sense of loss, for myself, for Philadelphia, for the Congress and for the United States.

Since I first came to Congress in 1983, Bill has provided me with guidance and advice. The wisdom of a senior colleague is a valuable commodity to a junior member, and Bill was a font of wisdom.

He has been both a friend and a confidante, an advisor on politics and policy, and a steady source of support at all times. I will miss Bill Gray.

Bill has been the informal "dean" of the Philadelphia delegation since 1981. But even before that, he was hard at work for the city and its people.

Bill's work for Philadelphia has been far-reaching. He has been pastor of Bright Hope Baptist Church since 1972, and preaches there to this day.

Bill worked to improve living conditions for Philadelphia's lower income residents as head of a nonprofit housing corporation and served on the boards of the Philadelphia Urban Coalition, the Health and Welfare Council of Philadelphia and the Children's Hospital of Philadelphia. He also wrote a weekly column for the Philadelphia Tribune.

In 1978, Bill was elected to Congress, and began representing the people of the Second Congressional District of Pennsylvania. On the Budget Committee he pressed for increased funding for social programs, even in the face of the Reagan administration's defense buildup.

Bill Gray has fought for Philadelphia's port, transit system, and naval shipyard. He's struggled on behalf of Philadelphia's working men and women and for Philadelphia's fiscal survival.

One recent example of Bill Gray's lasting legacy for the people of Philadelphia is the victory he won in providing a dedicated source of State funding for mass transit in Pennsylvania.

After over 2 years of struggle, legislation sponsored by Bill forced Pennsylvania to join the rest of the country in supporting transit. With Philadelphia relying on the largest transit system in the State, this was a major achievement for the city.

To say that Bill Gray is also a major player in Philadelphia politics is an understatement. His support is critical in almost any election in Philly, and his opposition is often too overpowering to be countered. I do not think it would be stretching the truth to say that, on his retirement from politics, Bill is the most influential figure on the Philadelphia political scene.

Yes, Philadelphians will miss Bill Gray.

The Congress is also losing one of its all-time brightest stars. From the very beginning of his tenure here in Washington, Bill Gray was a man to be reckoned with.

He was elected president of the 1978 freshman class, and won seats on the Budget, Foreign Affairs and Steering and Policy Committees.

By 1985, he was chairman of the Budget Committee, where he consistently built majority coalitions in support of his committee's budget resolutions. After 4 years in the Budget Committee chair, Bill Gray moved on, and up, as he was overwhelmingly elected to the chairmanship of the House Democratic caucus.

Within a year, Bill had been elected majority whip, the office he now leaves. I have no doubt, that had Bill not decided to accept the United Negro College Fund presidency, he would have been Speaker of the House by the turn of the century. The U.S. Congress will miss Bill Gray.

Finally, America is losing one of its premier statesmen. Bill Gray has become well known throughout the country as a spokesman for Congress, the Democratic Party, Philadelphia and black Americans. And, as the highest elected African-American official, Bill has been a source of pride and a role model for the black community.

We will all miss Bill Gray. I wish him, his wife Andrea and his three children all the best.

The United Negro College Fund's gain is surely our loss.

Mr. SMITH of Florida. Mr. Speaker, I rise today to pay tribute to a colleague of ours who decided to leave the Congress: the Honorable William H. Gray, III of the great State of Pennsylvania.

Bill Gray has had one of the most remarkable careers in congressional history. In a mere 12 years of congressional service, Bill rose to become first the chairman of the Budget Committee and finally, the first African-American member of the House leadership when he became the majority whip in 1989.

Bill Gray took over the chairmanship of the Budget Committee in 1985 during very dark days for the Democrats. Ronald Reagan had just won the largest landslide in American history and the House had suffered through 4 years of budget turmoil. Under Gray's chairmanship, the House Democrats reversed the Reagan priorities and reestablished Democratic unity. The four budget resolutions by Bill

Gray's Budget Committee passed with a combined Democratic vote of 919–77, and ended the Republican/boll-weevil control of the Budget process.

As majority whip, the list of legislation Bill Gray helped pass in a mere 2 years is lengthy. By forging the coalitions needed to pass the Family and Medical Leave Act, the National Voter Registration Act, and the Civil Rights Bills of 1990 and 1991, and by garnering the votes to pass the Child Care bill, the Brady Handgun bill, the Minimum Wage bill, the Ethics Reform Package of 1989, and the largest deficit reduction package in American history, Gray proved to be both a master politician and coalition builder.

Furthermore, it is a tribute to Bill Gray's character to understand why he is leaving the House at this stage of his political life. Bill is resigning to become the president of the United Negro College Fund. Bill comes from a family dedicated to education. Both his parents were college professors, and his father was President of Florida A&M University. It is fitting that he is continuing this honorable legacy by becoming the head of the organization responsible for educating 40 percent of all the African-Americans who receive college degrees.

Bill Gray truly exemplifies the word service. Both in government and now as head of the UNCF, Bill has excelled as both a leader for Americans in general and African-Americans in particular. I will miss Bill's leadership in the House, but I know that whatever cause Bill decides to champion, he will do it with the drive and the energy that he exemplified here in the House. It has been an honor to work with Bill during my years in the House, and it is an honor to call him a friend as he pursues new and greater challenges in the years to come.

Mr. ESPY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time for the purpose of engaging the majority leader, or his representative, in a colloquy about the schedule for next week.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding to me. I have been temporarily promoted to the high office of leadership.

Mr. SOLOMON. Congratulations.

Mr. DELLUMS. Mr. Speaker, I thank my colleague. It is momentary, I assure the gentleman.

Mr. Speaker, if my colleague will continue to yield, the program for the House of Representatives for the week of September 16, 1991, is as follows:

On Monday, September 16, the House will meet at noon. There will be one bill under Suspension, S. 296, Armed Forces Immigration Adjustment Act of 1991, followed by H.R. 3291, District of Columbia appropriations for fiscal year 1992, with 1 hour of debate; and H.R. 3040, unemployment compensation amendments, rule and general debate only.

On Tuesday, September 17, the House will meet at 9 a.m. and will adjourn by 1 p.m. There will be the Private Calendar.

Also on the agenda for Tuesday will be a continuation of H.R. 3040, unemployment compensation amendments, to complete consideration.

The House will adjourn Tuesday at 1 p.m., as I said earlier, in observation of Yom Kippur.

On Wednesday, September 18, the House is not in session.

On Thursday, September 19, the House meets at 10 a.m. There will be no legislative business.

On Friday, September 20, the House is not in session.

Mr. SOLOMON. Mr. Speaker, could the gentleman enlighten the membership as to what will happen if votes do occur on any of these three bills that will be taken up prior to general debate on the unemployment insurance bill? How might those votes be taken and at what time?

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield further, the Suspension can be moved, and as the gentleman knows, under a Suspension bill the vote can be carried over until the next day.

The problem we have with respect to H.R. 3291, the District of Columbia appropriations for fiscal year 1992, is that if a motion to recommit is offered on the floor, as the gentleman knows, under the rules of the House that motion cannot be carried over until the next day.

Similarly, with respect to H.R. 3040, the unemployment compensation amendments, if a vote occurs on the previous question, again under the rules of the House that vote cannot be carried over.

So what this gentleman is saying to my distinguished colleague, the gentleman from New York, is that we cannot on this side guarantee that there will be no votes, but as I understand from the leadership, they will endeavor to work with the minority to try to construct it in such a fashion that it minimizes any hardship on the Members.

Mr. SOLOMON. Well, Mr. Speaker, if I might just inform the membership, there is in all likelihood, as a matter of fact almost guaranteed, that there will be votes on Monday. We have just completed a Rules Committee meeting on the unemployment insurance bill, H.R. 3040. To us, we think it is a very unfair rule that none of the Republican amendments were allowed to be in order, including the Republican leadership amendment and substitute.

Therefore, there will certainly be a fight on the rule on the floor, and no doubt there will be votes.

I might just point out that if that does occur, which it probably will, if we go into session at 12 noon, it looks to me that those votes might occur sometime between 2 and 3 or 3:30 in the afternoon; so I would enlighten the membership to expect votes probably at that time.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield further?

Mr. SOLOMON. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I certainly understand the gentleman's remarks. It seems clear to this gentleman that the votes may even occur earlier than 2 o'clock, so that all Members should be advised and admonished that on Monday they should be present in the Chamber because votes more than likely will occur.

Mr. SOLOMON. Well, I thank the gentleman for clarifying this for the membership.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for allowing me to ascend to the high office of the leadership momentarily.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3040, UNEMPLOYMENT COMPENSATION AMENDMENTS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–201) on the resolution (H. Res. 221) providing for the consideration of the bill (H.R. 3040) to provide a program of Federal supplemental compensation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, SEPTEMBER 16, 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 16, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 17, 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 16, 1991, it adjourn to meet at 9 a.m. on Tuesday, September 17, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT FROM TUESDAY, SEPTEMBER 17, TO THURSDAY, SEPTEMBER 19, 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 17, 1991, it adjourn to meet at 10 a.m. on Thursday, September 19, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE 450TH ANNIVERSARY OF JESUIT ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, 1991 marks the 500th anniversary of the birth of St. Ignatius of Loyola, the founder of the Society of Jesus. It is also the 450th anniversary of Ignatius' election as the first general of the Jesuit Order. Both these historical landmarks are worthy of note in themselves but, in a more personal way, the cause as well of reflection for those whose lives have been touched by the Jesuits.

The Jesuits have presented many faces to the world. In Charles Kingsley's epic tale of English adventure on the Spanish Main, "Westward Ho," the Jesuits filled the role of the fanatical janissaries of Roman Catholicism as seen from a 19th century Protestant point of view. They have been called the intellectual shock troops of the counter-reformation, owing loyalty directly to the Pope, and Jesuits such as Edmund Campion were martyred in their efforts to return the faith to England.

Jesuits were from the beginning missionaries, spreading the Gospel along the far reaches of western exploration—in India, China, Japan, Africa, and North and South America. Again there were martyrs—Francis Xavier, Isaac Jogues, and many others. They insisted on proselytizing in communities and cultures inherently hostile to their message and their means of delivering it, which was often advanced within a program of humanitarian service and social justice.

The Jesuits were, and remain, teachers. Their schools and universities throughout the world have been centers of scientific and intellectual advancement, particularly in philosophy and theology. From the Council of Trent to the Second Vatican Council, Jesuit theologians have played a prominent role in shaping the direction of Catholic doctrine. And Jesuit influence in the governance of certain European monarchies was once so prominent that it eventually led to the suppression of the order. It is probably from this political involvement that the term "jesuitical" came to mean given to intrigue or equivocation.

In this modern age, Jesuits are still martyrs—in El Salvador and other parts of Latin America. They are still teachers whose teaching both inspires and molds governing elites—often of radically different political persuasions. It is the quality of this teaching, its striving for the development of the whole man, however, that is the gift its students most employ in their lives beyond the university. His secretary described Ignatius as a "contemplative in action." Those who have received a Jesuit education are taught to strive for this duality as a means of advancing both their own faith and social justice.

For many critics of the Jesuits, it is a sign of priestly or religious failure that much of their work is politically tinged in its social activism. Some are shocked by the almost adventurist nature of some Jesuit theological thought. There are in fact areas of Jesuit expression which provoke lively discussion within the order itself and among its students. Both are signs of the vitality and intellectual vigor of Jesuit teaching and proselytizing. Both are strengths as long as they reflect devotion to spiritual growth and intellectual honesty.

For the great majority of those exposed to Jesuit teaching in this country, great controversy is removed from their experience. They count an education second to none as the benefit of their Jesuit tutelage. But all are taught to understand and to be prepared to accept the moral challenges they may encounter in life. Whatever path each may choose, he or she has a stake in the continuing mission of the Jesuits. Probably the best proof of the enduring value these products of Jesuit instruction see in what they have received lies in their willingness to send their children back to the Jesuits for educating.

These varied experiences are all part of the legacy of Ignatius and his small band of followers. As a biased product of Jesuit education, I believe the order remains a vibrant and enduring force for the pursuit of man's reconciliation with God through his effort to improve the world in which God has placed him. Long may Jesuits around the world—and those they have touched—continue to pursue this goal.

☐ 1620

LEGISLATION AFFECTING FARM PRICES AND THE CURRENT GATT TALKS

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, today I have introduced legislation that affects the current GATT talks, agriculture, aid prospects to the Soviet Union, our domestic food supplies and what the American consumer pays for their market basket of food. Obviously that is a pretty tall order especially when you consider the fact my legislation is simple; it merely moves the June 30, 1992 deadline for completion of an acceptable GATT agreement to January 1 of the coming year.

Why the legislation? Why move the deadline? In the first place, farm prices are at depressed levels and the outlook for U.S. agriculture exports is bleak. Things are tough in farm country and it may get tougher.

Second, everyone wants to help avert starvation in the Soviet Republics but how are we going to provide that assistance, especially when our current grain stockpiles are declining. Not to worry, we are not running out of grain but current carryovers are coming down to reasonable levels that usually cause concern in this town. A major Soviet purchase could bring consumer lobbies out of the price control woodwork.

Third, there is concern and frustration in farm country. The good news is that ending stocks for wheat are around 600 million bushels, a level that generally translates into $4 wheat in Dodge City, KS, and renewed prosperity and rural development. The bad news is that the surplus is at reasonable levels and there has been no price recovery, wheat is still about a dollar below last year's level. What is going on?

We are in fact at a farm program policy crossroads. Our wheat producers have lost over half of their export market share. The United States has been cast in the role of being the world's residual supplier. Our competitors for the world's wheat, grain and other commodity markets are growing in number and in their ability to produce in abundance.

It is not probable but certainly possible for this country to witness lower grain stocks at home combined with continued low farm prices, a sharp increase in food prices and demands for grain imports and a sudden realization we may be giving the Soviet people credits to purchase what we don't have.

We have provisions in the budget act to change our farm program policy if there is no progress on the GATT talks, no resolution of trade distorting subsidies; changes that will protect U.S. farmers and U.S. agriculture.

Thankfully, we have a means to get at this problem. There is a deadline for completion of an acceptable GATT agreement and it is June 30 of next year. But, why wait and endure another crop year of low prices, loss of market share and more pain and suffering throughout farm country not to mention the bizzare scenario I described previously.

My legislation would move the June 30, 1992 deadline to January 1 of the coming year. By doing so, our GATT negotiators will be able to send a clear and tough signal to the European Community that the United States will not permit any more footdragging by some of the EC member countries.

Each day, each week, each month that goes by without some resolution of the unfair trading practices adds to the economic burden we in farm country must shoulder as we struggle to feed this country, a troubled and hungry world and still make a profit.

My legislation does not change the nature of the so-called GATT-triggered trade policy tools in the reconciliation agreement. And, we do have the tools to regain market share and improve farm income; an expanded export program, a marketing loan for wheat and feed grains and no acreage reduction programs.

The rest of the provisions include waiving the budget agreement of last year, additional funding for export programs, and marketing loans—that deadline is June 30, 1993, and under my legislation would be moved to June 30, 1992.

Now, some have accused me of advocating a trade war. Consider this, we are already in a trade war and we are losing. It is time to fight back. We can no longer afford to be the world's residual supplier. We can no longer afford to be the world's sole practitioner of supply management. The more we ask our farmers to set aside, the more our competitors increase their acreage and subsidize their farmers. We can no longer afford the foot dragging by other parties to the GATT discussions that keep a final resolution out of reach.

Mr. Speaker, I am not advocating a trade war. But, as I said before, we are in the midst of a battle and I think its time to get out of the trenches. I urge my colleagues to support the development and implementation of an aggressive trade policy that will result in either a successful trade agreement or that will enable us to recapture our markets. I welcome cosponsors and debate on this issue.

A summary of my bill follows:

SUMMARY

The Agriculture Reconciliation Act of 1990, which is contained in the Omnibus Reconciliation Act, contains triggered provisions that shall or may be used in the event the USTR is unable to reach an agreement by June 30, 1992.

The statute states that if: (subsection a) such an agreement cannot be reached, the Secretary of Agriculture is:

(1) Authorized to waive any minimum level for any acreage limitation for the 93-95 crops of wheat, feed grains, upland cotton or rice. I.E., no ARP or setaside.

(2) Shall increase funding for export promotion and export programs by $1 billion beginning October 1, 1993.

(3) Shall permit (implement) market loans for wheat and feed grains.

In addition, if a GATT agreement does not enter into force, i.e., is not implemented by June 30, 1993, then:

(1) The requirements of the 1990 budget agreement can be waived in all or part.

(2) Further increases shall be made in programs authorized under the Ag Trade Act of 1978.

(3) Again, shall implement marketing loans.

The Roberts Bill leaves this provision in place, but changes the pertinent deadlines and implementation dates.

The bill's new deadline is January 1, 1992. And, all provisions authorized to kick in starting in 1993 are changed to start in 1992.

THE OCTOBER SURPRISE TASK FORCE

The SPEAKER pro tempore (Ms. WATERS). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON], is recognized for 5 minutes.

Mr. SOLOMON. Madam Speaker, Walter Lippman, that great American liberal, in his famous treatise entitled "public opinion," published back in 1922, wrote the following, and I quote:

> That legalized atrocity, the congressional investigation, in which Congressmen, starved of their legitimate food for thought, go on a wild and feverish manhunt, and do not stop at cannibalism.

Twenty-two years later, in 1944, then Senator Harry S. Truman, said in the Senate, and I quote: "In my opinion, the power of investigation is one of the most important powers of Congress."

And he went on: "The manner in which that power is exercised will largely determine the position and prestige of the Congress in the future."

Madam Speaker, while Lippman and Truman had slightly different views on the value of congressional investigations, I think they both would agree that the reputation of the Congress can be greatly affected, for better or worse, by the manner in which investigations are conducted.

I raise this point because I am greatly disturbed by the prospect of an ad hoc task force conducting a formal investigation into allegations that are over a decade old.

I am referring, of course, to the Speaker's announcement of August 5, that he was calling on the chairman of the Foreign Affairs Committee to form a task force to inquire into allegations that the 1980 Republican Presidential campaign was somehow involved in a delay of the release of hostages in Iran.

Madam Speaker, my concern is not so much about the subject of the inquiry, though I question just how much can be ascertained some 11 years after the fact. Instead I am more concerned about the wisdom of having an ad hoc task force conducting such a formal inquiry, and all its implications for the institution.

My major concern centers on the fact that task forces are not subject to House rules and procedures, including sunshine rules for meetings and hearings, protections for minority members, and the rights of witnesses.

All of these rules which now apply to House standing committees and subcommittees have been developed over two centuries and have served this institution well in ensuring orderly process, accountability, and openness.

But with just one stroke of the Speaker's pen in creating this so-called October surprise task force, these rules, procedures and protections have been thrown out the window. What we are left with is an animal of uncertain origin, traits or behavior being unleashed to roam freely in search of who-knows-what?

Madam Speaker, I raise this issue not because I have any question about the intelligence, integrity or fairness of the person who has been designated chairman of the task force. I have the greatest respect for the gentleman from Indiana [Mr. HAMILTON], dating back to our many years together on the Foreign Affairs Committee.

I know he didn't ask for this task and was somewhat reluctant to take it given all the important current concerns of his Subcommittee on Europe and the Middle East. And I can't say I blame him for being apprehensive about mounting this uncertain beast he has been stuck with.

I am sure he has already been struck with many of the same questions I have about the nature of the beast:

Are we creatures of the leadership or the committee?

What authority does the task force have?

What staff will it have and how much will it cost?

How long will the inquiry last?

Will we have subpoena power and how do we get it?

Should we be subject to the same open meeting and hearing rules as other committees?

Should we give the minority the same rights to call witnesses and file views as they have on House committees?

What are our quorum requirements and how many Members are required to depose witnesses?

Will we have both domestic and foreign travel authority?

Do we file our final report with the committee, the leadership, or the House?

How do we evade the Democratic caucus rule that limits committees to not more than eight subcommittees, including task forces lasting more than 6 months

Madam Speaker, these are just a few of the questions that are raised at the outset, before the task force has even been fully appointed or organized. Can you imagine how many more questions will arise once it begins its inquiry? Can you imagine the potential procedural and legal problems which might arise when public witnesses try to deal with this unusual entity.

Madam Speaker, I am raising these issues and questions now because I am concerned about the reputation of this institution. If we do not address them properly from the outset and ensure that the task force is operating within the same limits as other House entities, we will be opening ourselves to all manner of difficulties and even embarrassment down the road.

I strongly urge the bipartisan leadership and the Foreign Affairs Committee to sit down and iron these matters out now, before the task force sets off on its uncertain course.

Madam Speaker, I will include in the RECORD at this point a letter I have written to the Speaker on this matter. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 1991.
Hon. TOM FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As the Ranking Republican on the Rules Committee, I am writing to express my concern about certain procedural issues raised in connection with the creation of the so-called "October Surprise" task force which you announced back on August 5th.

Most of my concerns revolve around the fact that task forces are not subject to the same House Rules as standing committees and subcommittees. I would therefore like to propound the following questions:

(1) Is the task force to be considered a leadership or committee task force?

(2) Will the task force have subpoena authority, and if so, how will it get it?

(3) Will a time limit be placed on the inquiry, and if not, how long do you expect it to last?

(4) If the task force lasts longer than six months, how will this be reconciled with the Democratic Caucus prohibition on more than eight subcommittees, including task forces lasting longer than six months?

(5) Will the task force require additional staff, and, if so, how many and at what cost?

(6) Will the task force be subject to all the same rules as other House committees and subcommittees, and, if so, how will such authority, requirements, and procedures be extended to the task force—by the House, the Foreign Affairs Committee, or self-adopted rules?

(7) Will the minority have the same right to call witnesses and file views as it now has under House Rules for committees?

(8) Will the task force have foreign and domestic travel authority, and, if so, do you expect the task force to engage in extensive travel?

(9) Will witnesses before the task force have the same protections as they now have before committees under House Rules?

(10) Will the task force file its final report with the Foreign Affairs Committee, the Speaker, or the House?

I am sure you will agree that the sooner these questions are resolved, preferably before the task force begins its work, the greater will be the chances that the integrity of its proceedings and the reputation of the House will be protected.

With all best wishes, I am

Very truly yours,

GERALD B. SOLOMON,
Member of Congress.

☐ 1630

APPOINTMENT OF CONFEREES ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore (Mr. DELLUMS). Without objection the Chair appoints the following conferees on H.R. 2508, the International Cooperation Act of 1991, and, without objection, reserves the authority to make additional appointments of conferees to specific particular portions of the House bill and Senate amendment as the subject of various appointments:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, GEJDENSON, DYMALLY, TORRICELLI, BROOMFIELD, GILMAN, LAGOMARSINO and LEACH.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 1415, Foreign Relations Authorization Act, fiscal years 1992 and 1993, and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subject of various appointments:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. FASCELL, BERMAN, WEISS, DYMALLY, FALEOMAVAEGA, LANTOS, and BROOMFIELD, Ms. SNOWE, Mr. GILMAN, and Mr. SMITH of New Jersey.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915 and 1042 of the Senate amendment, and modifications committed to conference: Ms. OAKAR, and Messrs. NEAL of North Carolina, LAFALCE, LEACH, and BEREUTER.

From the Committee on the Judiciary, for consideration of sections 126, 171, and 208 of the House bill, and sections 123–25, 143–44, 711–12 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, MAZZOLI, KOPETSKI, FISH, and MCCOLLUM.

From the Committee on Post Office and Civil Service, for consideration of sections 118 and 121, and part D of title I of the House bill, and sections 119 and 920, and part D of title I of the Senate amendment, and modifications committed to conference: Messrs. CLAY, SIKORSKI, ACKERMAN, HORTON, and MYERS of Indiana.

From the Committee on Ways and Means, for consideration of sections 621, 913, 925, and 1104 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, ARCHER, and CRANE.

There was no objection.

CHARLIE MATERO: MAKING WESTCHESTER A BETTER PLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Madam Speaker, I rise today to pay tribute to one of those individuals who, through wide-ranging activities benefiting diverse parts of his community, has won the respect and admiration of the entire community. Tonight, my good friend, Charlie Matero, is being honored by Westchester's 52 Association for the Handicapped with its 1991 Medal of Honor. Charlie well deserves this recognition. He has been a loyal and reliable supporter of the 52 Association for many years, and through this and his other activities, he has made a real difference in the lives of his Westchester neighbors.

A Westchester County native, Charlie served our Nation with distinction during World War II. For many years, he has been a leader in the International Union of Operating Engineers, which he currently serves as business representative. He is also actively involved with professional organizations including the Westchester Private Industry Council, the Hudson Valley Labor-Management Council, and the Labor Advisory Board to Westchester County's government.

In addition to Charlie's many professional involvements, he has been an exceptional friend of such important charities as the Cerebral Palsy Foundation, the American Committee on Italian Immigration, the Boy Scouts of America, the American Diabetes Association, and the N.A.A.C.P. He was an active volunteer fireman for many years. In each of those capacities, he has served others and worked to make life better for many.

These good works have not gone unnoticed. Charlie has been honored for his humanitarian spirit and service the Westchester Community College Foundation, B'nai B'rith, United Cerebral Palsy of Westchester, Westchester County Affirmative Action Council, Boys Town of Italy, the Dr. I Foundation, and the National Conference of Christians and Jews.

It is my privilege to count Charlie Matero as a friend and as a trusted advisor. In working with Charlie over the years, I have seen first hand how he gets things done. His life is a fine example of the success that can be achieved by hard work, good sense and a dedication to what is right. Without fail, when the people of Westchester have needed him, Charlie Matero has been there ready to help. This latest honor is one that he richly deserves, and I am pleased to join in calling attention to all of Charlie's good works.

DRUG SUPPLY REDUCTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Madam Speaker, today I join my colleague, Mr. COUGHLIN, in introducing the second part of the President's drug strategy legislation.

This bill, the Drug Supply Reduction Act of 1991 includes interdiction systems improvements, new Coast Guard authority, financial enforcement enhancements, drug testing and other law enforcement system improvements.

Along with attempts to reduce drug demand we must also attack the drug supply side. I urge my colleagues to join us in this important legislation and I am submitting for the RECORD a section-by-section analysis of the legislation.

SECTION-BY-SECTION ANALYSIS

TITLE I—INTERDICTION SYSTEM IMPROVEMENTS

Sec. 101.—Short title for title I.

This section names this title of the Bill the "Order to Land Act of 1991".

Sec. 102.—Criminal penalty for failure to land.

This proposal would make it a criminal offense for intentionally failing to obey the order of an authorized Federal law enforcement officer to land an aircraft. One who violates this section shall be subject to fines under this title or imprisoned not more than three years, or both. Aircraft used in violation of this section may be seized and shall be forfeited.

Sec. 103.—FAA revocation authority.

This section would amend the Federal Aviation Act of 1958 to authorize revocation of an aircraft's registration certificate by operation of law upon a pilot or operator's intentional refusal to land an aircraft.

A person whose airman certificate is revoked by the Administrator may follow the appeal procedures set forth in subsection (c)(3) of Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(c)(3)).

Sec. 104.—Coast Guard air interdiction authority.

This amends title 14 of the United States Code to provide the Coast Guard with specific law enforcement authority with respect to aircraft flying over the high seas and waters over which the United States has jurisdiction.

Sec. 105.—Coast Guard civil penalty provisions.

This amends title 14 of the United States Code to provide the Coast Guard with a civil penalty, not to exceed $5000, for intentional violations of proposed section 2237 of title 18, United States Code (Section 102 of this Act), involving orders issued by Coast Guard commissioned officers, warrant officers, or petty officers.

Sec. 106.—Customs orders.

This amends the enforcement provisions of Section 1581 of Title 19 so as to clarify that Customs officers may exercise their enforcement authority outside of the United States, including any location in which Customs Officers are permitted to conduct inspections, examinations or searches, including any such location in a foreign country.

Sec. 107.—Customs civil penalty provisions.

This provides the Customs Service with a civil penalty, not to exceed $5,000, for intentional violations of proposed section 2237 of title 18, United States Code (Section 102 of this Act), involving orders issued by Customs officers.

TITLE II—NEW COAST GUARD AUTHORITIES

Sec. 201.—Short title for title B.

This section names title II the "Coast Guard Assistance Act of 1991".

Sec. 202.—Information exchange and assistance.

This section will clarify the authority of the Coast Guard to provide assistance and suggestions to the State Department on matters in which the Coast Guard may have a substantial interest. The change in new subsection (a) reflects additional missions that have been statutorily assigned to the Coast Guard since section 142 was codified in 1949. This section would broaden this authority to include the provision of assistance to the United Nations or other recognized international organizations.

Sec. 203.—Assistance to foreign governments and international organizations.

This section will clarify the authority of the President under 14 U.S.C. 149 to utilize members and facilities of the Coast Guard to assist foreign governments and international organizations.

Sec. 204.—Amendment to the Mansfield amendment to permit law enforcement operations in archipelagic waters.

Under current 22 U.S.C. 2291(c) (the Mansfield amendment), officers and employees of the United States may not directly effect arrests in any foreign country as part of a foreign police action with respect to narcotics control efforts, unless the arrest is made in the territorial sea of the country with the agreement of that country.

This amendment would permit Coast Guard operations to be conducted in the archipelagic waters of an archipelagic state as well as the territorial seas of that country, subject to the agreement of that country.

TITLE III—FINANCIAL ENFORCEMENT

Sec. 301.—Short title for title III.

This section names this title the "Financial Enforcement Act of 1991."

Sec. 302.—Anti-structuring amendment.

This technical amendment makes a change to the anti-structuring provision of the Bank Secrecy Act, 31 U.S.C. 5324, to specify that structuring transactions to avoid the $3000 identification requirement of 31 U.S.C. 5325 is prohibited.

The proposed amendment will make it clear that customer structuring of transactions or smurfing to avoid the $3000 identification requirement is also a violation of the Bank Secrecy Act.

Sec. 303.—FATF recommendations.

This section contains provisions necessary to bring the financial enforcement program in the United States into conformity with the recommendations of the Financial Action Task Force (FATF) on money laundering.

Sec. 304.—Geographic targeting amendment.

This amendment adds a provision to section 5326 prohibiting financial institutions from disclosing the existence or terms of the order to any person except as prescribed by the Secretary.

Sec. 305.—Amendments to the Right to Financial Privacy Act.

This section extends the protection of section 1103(c) of the RFPA to a financial institution that severs relations with a customer or refuses to do business because of information underlying a suspicious transaction report, and by specifying that the financial institution that acts in good faith in reporting a suspicious transaction is protected from civil liability to the customer under any theory of state or Federal law.

This amendment also broadens the protection of section 1103(c) to the wide range of bank and non-bank institutions subject to the Bank Secrecy Act, 31 U.S.C. 5312, to the extent that these institutions are required to file suspicious transaction reports. Non-bank institutions, which are required to file suspicious transaction reports, may similarly be inhibited from reporting suspicious transactions by fear of civil liability for defamation or breach of contract or under financial or consumer privacy laws.

Under this proposal, the protection from civil liability would apply to any institution enumerated in 31 U.S.C. 5312 if the Secretary has exercised his regulatory authority under proposed 31 U.S.C. 5318(g) (Section 303 of this Bill) by requiring that type of institution to file a report on suspicious transactions.)

Sec. 306.—Transfer of Records to FinCen.

Section 1112 of the RFPA, 12 U.S.A.3412, provides that an agency that obtains financial records in accordance with the RFPA (either after customer notice or pursuant to an authorized notice exception) notify a customer if it transfers the records to another agency.

The amendment adds a new subsection 1112(g) to provide that an agency can transfer records obtained in accordance with the RFPA to FinCen for criminal law enforcement purposes without customer notice. FinCen also would be able to disseminate the results of its analysis whether based in whole or in part on records obtained subject to the RFPA to the appropriate agency for criminal investigation without customer notice.

Sec. 307.—Technical amendment substituting the Secretary of Agriculture for the Secretary of the Treasury.

This amendment would give administrative responsibility for payment from the Drug Pollution Fund to the Secretary of Agriculture.

TITLE IV—DRUG TESTING

Sec. 401.—Drug testing of Federal offenders on post conviction release.

This section would create a nationwide program of drug testing for Federal offenders on post-conviction release.

Subsection (a) of section 401 adds a new section to the criminal code (proposed 18 U.S.C. 3608) requiring a drug-testing program for Federal offenders on post-conviction release.

Subsection (b) amends existing statutes to provide that defendants placed on parole, probation or post-imprisonment supervised release will be subject to a mandatory condition that they refrain from illegal use of drugs and submit to drug tests.

Subsection (c) contains amendments that make revocation of release mandatory if an offender unlawfully uses drugs or refuses to cooperate in required drug testing.

Sec. 402.—Drug testing in State criminal justice systems as a condition of receipt of justice drug grants.

This section generally conditions eligibility for federal justice assistance funding on state's adoption of drug-testing program for targeted classes of persons confined in or subject to the supervision of the state's criminal justice system.

TITLE V—OTHER LAW ENFORCEMENT SYSTEM IMPROVEMENTS

Sec. 501.—Short title for title V.

This section names this title the "Drug Law Enforcement System Improvements Act of 1991."

Sec. 502.—Enhancement of penalties for drug trafficking in prisons.

This proposal is designed to increase the penalties for drug possession and trafficking inside Federal prisons, jails, and detention facilities, as well as for smuggling or attempts to smuggle controlled substances into such institutions.

Sec. 503.—Seizure of vehicles with concealed compartments.

This section would amend the seizure and forfeiture provisions of the Anti-Smuggling Act of 1935, 19 U.S.C. 1703, to subject trucks and private automobiles to seizure if there is a concealed compartment, whether or not there is contraband or narcotics residue.

Sec. 504.—Close loophole for illegal importation of small drug quantities.

This proposal would amend section 497 of the Tariff Act of 1930, 19 U.S.C. 1497, to eliminate a loophole whereby in certain situations involving failure to declare illegal importation of small quantities of drugs, the violator is subject to a very minor penalty.

Sec. 505.—Undercover operations—churning.

This proposal would make permanent the authority in Section 7608(c) of the Internal Revenue Code, thus facilitating the ability of the Internal Revenue Service to plan long-term undercover operations targeted at money laundering.

Sec. 506.—Drug paraphernalia amendment.

This section makes an addition to the drug paraphernalia statute (section 422 of the Controlled Substances Act) (21 U.S.C. 863)). Under this law, which was originally enacted as part of the Anti-Drug Abuse Act of 1986, it is illegal to use the mails to sell drug paraphernalia, to offer for sale such paraphernalia in interstate of foreign commerce, or to import or export such paraphernalia. A violation of this law is felony punishable by up to three years imprisonment and a $100,000 fine.

The proposal would add a new subsection to the paraphernalia statute, which would create a civil penalty of up to $100,000 for violations of the paraphernalia statute, and would authorize the Attorney General to seek injunctive relief against persons who violate the statute.

Sec. 507.—Correction of resentencing sanction for revocation of probation for possession of a controlled substance.

This section takes the view that, upon revocation of probation, the court shall impose any appropriate term of imprisonment.

Sec. 508.—Conforming amendments concerning marihuana.

This amendment makes conforming changes two sections of law creating identical penalties for domestically trafficking in or importing marihuana.

The first part of the proposed amendment would add "mixture or substance" language to the lowest penalty level provisions relating to marihuana in the Controlled Substances Act and the Controlled Substances Import and Export Act, thus conforming these provisions to the others set forth in those statues.

The proposed amendment would change the provision in section 960(b)(4) to 50 rather than 100 plants.

Sec. 509.—Addition of drug conspiracies and attempts and serious crack possession offenses by juveniles as warranting adult prosecution.

This amendment would add certain "crack" cocaine and drug conspiracy and attempt offenses committed by juveniles to the list of crimes set forth in 18 U.S.C. 5032 authorizing prosecution as an adult if the Attorney General certifies that there is a "substantial federal interest in the case" that justifies adult prosecution.

Sec. 510.—Serious drug offenses by juveniles as Armed Career Criminal Act predicates.

This section includes acts of juveniles delinquency that, if committed by an adult, would meet the Act's definition of a "serious drug offense," i.e., those drug felonies that carry a maximum prison term of ten years or more.

Sec. 511.—Conforming amendment adding certain drug offenses as requiring fingerprinting and records for recidivist juveniles.

This proposal makes conforming changes to 18 U.S.C. 5038(d) and (f), statutes which require a court to fingerprint and photograph a juvenile,and transmit to the Federal Bureau of Investigation records concerning juvenile adjudications, whenever a juvenile has on two separate occasions been adjudicated a delinquent for conduct that, if committed by an adult, would be a felony crime of violence or more of several listed felony drug trafficking violations.

Sec. 512.—Clarification of narcotic or other dangerous drugs under the Rico statues.

This section substitutes a reference to offenses of dealing in "controlled substances", in order to give precise nature of the conduct prohibited.

Sec. 513.—Conforming amendments to recidivist penalty provisions of the Controlled Substances Import and Export Act.

This amendment would essentially effect two conforming changes the need for which arises from the enactment of section 6452 of the Anti-Drug Abuse Act of 1988. Section 6452 eliminated verbose language in 21 U.S.C. 841(b)(1)(A) describing the types of drug offenses repeated commission of which subjects the offender to enhanced penalties (which language is identical to that in other subparagraphs of that section and to language in 21 U.S.C. 960(b)(1), (2), and (3) and 962(b)) and replaced it with the term "felony drug offenses" which was then defined, for purposes only of subparagraph (A), in the next sentence of that paragraph. Section 6452 also amended 21 U.S.C. 841(b)(1)(A), but not its counterpart offense in the Controlled Substances Import and Export Act, 21 U.S.C. 960 (b)(1), to provide for a so-called "three-timer loser" mandatory sentence of life imprisonment for a person who commits a violation of that offense or of sections 405, 405A or 405B (new sections 418–420) of the Controlled Substances Act after two or more convictions for a felony drug offense have become final.

Under the proposed amendment, the same definitional simplification achieved by the amendment of 21 U.S.C. 841 (b)(1)(A) by section 6452 would be extended to the other subparagraphs of that section as well as to the counterpart provisions of section 960(b) and 962(b), and the applicable definition of "felony drug offense" would be moved to a new subsection (c), where it would be applicable throughout each title.

In addition, the "three loser" amendment of 21 U.S.C. 841 (b)(1)(A) enacted by section 6452 of the Anti-Drug Abuse Act of 1988 would be extended as to apply to the comparable import and export offenses in 21 U.S.C. 960 (b)(1). Sections 842 (b)(1) and 960(b)(1) are in all other respects treated identically for penalty purposes and there appears to be no valid reason for the disparity created as a result of the limited amendment in section 6452.

Sec. 514.—Elimination of outmoded language relating to parole.

This section is technical and eliminates various provisions in the Controlled Substances Act and the Controlled Substances Import and Export Act which provide that an individual convicted under the relevant statute shall not be eligible for parole.

Sec. 515.—Conforming amendment to provision punishing a second offense of distributing drugs to a minor.

The proposed amendment would increase the mandatory minimum sentence under subsection (b) to three years, the same as that for second offenses under the companion statute, 21 U.S.C. 860(b).

Sec. 516.—Conditional waiver of 4-year limitation for effective BJA projects.

The proposed new section would establish a "graduation" program that allows BJA to waive the four-year limitation for programs or projects that are proven to be effective subject to certain conditions. These conditions include a declining Federal share and a plan to continue programs or projects without Federal assistance after the sixth year. The Federal share would be limited to 50 percent for the fifth year and 25 percent for the sixth year. States are required to submit to the Bureau a plan showing how the program or project would be funded by non-Federal sources after the sixth year.

REPORT FROM COMMITTEE ON THE BUDGET ON THE STATUS OF FISCAL YEAR 1991 CONGRESSIONAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991.

This is the seventh report of the first session of the 102d Congress. This report is based on the revised budget aggregate levels and committee allocations for fiscal year 1991 as authorized in section 12 of House Concurrent Resolution 121 and as submitted to the House on May 29, 1991.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 11, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 12 of House Concurrent Resolution 121, the Fiscal Year 1992 Budget Resolution, outlined procedures for revising the fiscal year 1991 budget aggregates and allocations. This section, applicable only to the House of Representatives, permits the aggregate levels and committee allocations for fiscal year 1991 to be revised to make them consistent with the discretionary caps and pay-as-you-go provisions of the Budget Enforcement Act of 1990.

The 302(a) allocations to House committees made pursuant to section 12 of H. Con. Res. 121 were printed in the Congressional Record on May 29, 1991, page H. 3698. The new aggregates and committee allocations set all direct spending and revenues exactly at current baseline levels using Congressional Budget Office (CBO) estimates. For discretionary appropriations, the new allocation exactly equals the sum of the existing discretionary caps.

As specified in Section 12, committees are not required to subdivide the fiscal year 1991 amounts allocated to them, and enforcement of the allocations will be based on the total amounts allocated to a committee.

In order to facilitate enforcement under section 302 and 311 of the Congressional Budget Act, I am herewith transmitting the status report for fiscal year 1991 reflecting the changes in budget aggregates and allocations as authorized by Section 12.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary new budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments.

Sincerely,

LEON E. PANETTA,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 310 AS REVISED PURSUANT TO SECTION 12 OF HOUSE CONCURRENT RESOLUTION 121

REFLECTING COMPLETED ACTION AS OF AUG. 2, 1991

[On-budget amounts, in millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,187,800	1,155,800	793,000
Current level	1,187,563	1,155,200	793,000
Amount under ceilings	237	600	
Amount over ceilings			
Amount over floor			

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority, that is not included in the current level estimate, and that exceeds $237 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310, as revised, to be exceeded.

OUTLAYS

Any measure that provides new budget or entitlement authority, that is not included in the current level estimate, and that exceeds $600 million in outlays for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 310, as revised, to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310, as revised.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level		
	Budget authority	Direct loans	Primary loan guarantees
House Committee			
Agriculture	0	0	0
Appropriations	−237	0	0
Armed Services	0	0	0
Banking, Finance, and Urban Affairs	0	0	0
District of Columbia	0	0	0
Education and Labor	0	0	0
Energy and Commerce	0	0	0
Foreign Affairs	0	0	0
Government Operations	0	0	0
House Administration	0	0	0
Interior and Insular Affairs	0	0	0
Judiciary	0	0	0
Merchant Marine and Fisheries	0	0	0
Post Office and Civil Service	0	0	0
Public Works and Transportation	0	0	0
Science, Space and Technology	0	0	0
Veterans' Affairs	0	0	0
Ways and Means	0	0	0

Note.—Committees are over (+) or under (−) their 302(a) allocation for discretionary action.

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Reported[1]	Enacted[2]	Enacted over (+)/under (−) allocation
Agriculture	0	0	0	0
Appropriations	0	0	0	0
Armed Services	0	0	0	0
Banking, Finance, and Urban Affairs	0	0	0	0
District of Columbia	0	0	0	0
Education and Labor	0	0	0	0
Energy and Commerce	0	0	0	0
Foreign Affairs	0	0	0	0
Government Operations	0	0	0	0
House Administration	0	0	0	0
Interior and Insular Affairs	0	0	0	0
Judiciary	0	0	0	0
Merchant Marine and Fisheries	0	0	0	0
Post Office and Civil Service	0	0	0	0
Public Works and Transportation	0	0	0	0
Science, Space and Technology	0	0	0	0
Veterans' Affairs	0	0	0	0
Ways and Means	0	0	0	0

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting tail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels. These estimates are consistent with the technical and economic assumptions in the Concurrent Resolution on the Budget agreed to on May 22, 1991 and are compared to the revised 1991 budget aggregates pursuant to section 12 of House Concurrent Resolution 121. This report, for fiscal year 1991, is tabulated as of close of business August 2, 1991 and is summarized in the following table (in millions of dollars).

	On-budget current level	Revised on-budget aggregates	Current level +/− aggregates
Budget authority	1,187,563	1,187,800	−237
Outlays	1,155,200	1,155,800	−600
Revenues	793,000	793,000	
Direct loans	18,355	18,355	
Guaranteed loans	109,767	109,767	

Since my last report, dated July 10, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 102D CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS AUG. 2, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			793,001
Permanent appropriations	740,762	683,281	
Other legislation	668,128	695,667	
Offsetting receipts	−225,151	−225,151	
Total enacted in previous sessions	1,183,740	1,153,797	793,001
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (Public Law 102–2)			−1
Veteran's education, employment and training amendments (Public Law 102–16)	([1])	([1])	
Dire emergency supplemental appropriations, 1991 (Public Law 102–27)	3,823	1,401	
Higher education technical amendments (Public Law 102–26)	3	3	
OMB discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (Public Law 102–55)	([1])		
Total enacted this session	3,824	1,403	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution			
On-budget current level	1,187,563	1,155,200	793,000
Revised on-budget aggregates	1,187,800	1,155,800	793,000
Amount remaining:			
Over budget resolution			
Under bedget resolution	237	600	

[1] Less than $500,000.

Note.—Detail may not add due to rounding.

REGULATION WILL JEOPARDIZE MEDICAID PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HARRIS] is recognized for 5 minutes.

Mr. HARRIS. Madam Speaker, I rise today to express my deep concern about a proposed regulation by the Health Care Financing Administration that is included in today's Federal Register.

This proposed regulation will severely limit Alabama's flexibility to fund the $1.6 billion budget for Medicaid patients. Currently Alabama is scheduled to begin collecting taxes from health care providers on January 1. These taxes would help our State raise almost $800 million for Alabama's children and families. Without this substantial funding, our Medicaid Program will be underfunded and very restrictive. It is estimated by the Alabama Medicaid Agency that more than 10,000 patients would be eliminated from the program.

Medicaid provides health insurance for the neediest segment of our population. This regulation would be hardest on the children and their families who would no longer have coverage for any illnesses.

I fear that a scaled back Medicaid Program would also increase our infant mortality rate. In the past several years, with a growing budget Alabama has been able to provide more services to pregnant women and infants. It would be a tragedy to erase these important advances in the saving of our babies.

There is a real danger that all Medicaid patients will no longer receive coverage for prescription drugs. For many older patients this denial would create a severe hardship.

In addition, these changes will threaten our hospitals. In several of the rural counties that I represent our hospitals are already struggling to survive. These reduced payments will probably close their doors.

I regret that President Bush is so intent on attacking the most vulnerable part of our population. It is my hope that this regulation will be dramatically changed to allow States such as Alabama to continue to improve their programs.

FORT SHERIDAN NATIONAL VETERANS CEMETERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Madam Speaker, tens of thousands of American veterans have paid the price in broken bodies and lost lives to keep our country free. The least we can do is provide them with a final resting place that is pleasing and accessible to their loved ones.

The Department of Veterans Affairs has declared that no other region of this country has a greater need for a veterans' cemetery than metropolitan Chicago. Fortunately, the Chicago area has an ideal site for a new national cemetery on roughly 200 acres of undeveloped land at Fort Sheridan, IL.

Some have argued that the development of a golf course should be given priority at Fort Sheridan, where a U.S. Army base is expected to close in 1994. I cannot understand how a golf course could possibly be given a priority higher than a national veterans cemetery.

Congressman PHILIP CRANE and I have introduced a bipartisan bill, H.R. 315, that would authorize a transfer of the 200 acres at Fort Sheridan from the Army to the Department of Veterans Affairs for use as a cemetery. Our bill is before the Subcommittee on Military Installations and Facilities.

Madam Speaker, as debate continues on the future of Fort Sheridan, I hope my colleagues will take note of a guest column that was published in Monday's Chicago Tribune. The author of this essay argues eloquently in favor of a national veterans cemetery at Fort Sheridan. His column reads as follows:

[From the Chicago Tribune, Sept. 9, 1991]

VETERANS EARNED BURIAL AT FT. SHERIDAN

(By Rick Eilert)

LAKE ZURICH.—The Aug. 8 editorial, "A bleak future for Ft. Sheridan," is one of the most anti-veteran pieces I've ever read. It whines about a veterans' cemetery being "put on the northern end—intended for a golf course and open space."

This area was intended for no such thing; the Fort Sheridan Commission merely recommended this accommodation. The Tribune editorial smacks of elitism and fans selfish desires of a few to buffer affluent neighborhoods with something like a golf course or a park.

The environmental issue is a red herring. The north side of Ft. Sheridan has a small cemetery in place and easily lends itself to a national cemetery. However, this area is as environmentally pristine as a vacant lot in the Loop.

The issue transcends "land use." The national cemeteries were born of the tragedy of the Civil War. Tens of thousands of soldiers were hastily buried or left where they fell. In 1865 a reburial program was initiated and by 1870 more than 300,000 soldiers had been buried in 70 national cemeteries; 143,000 were unknown. From this came the development of a national policy to care for the graves of veterans in an orderly and dignified way.

The editorial suggests the base be "returned to the people who own it." What cross-section of our society better represents "the people"? The City of Chicago and its collar counties contain more than 700,000 veterans. Nationwide there are 27 million veterans and their spouses eligible for interment in veterans' cemeteries. So to what "people" is the editorial aimed?

It is not a cliche to say that this land has already been purchased by our nation's veterans. From Bunker Hill to Bastogne, from Inchon to Khe Sanh and Khafji, young Americans have suffered and continue to pay the price in every veteran's hospital across this land.

Chicagoland has been designated by the Department of Veterans Affairs as the area most in need of a national cemetery. Ft. Sheridan is vitally important because of its proximity to Chicago and the fort's historical significance. The families and friends of the area's veterans do not need indignity added to their suffering by driving a long distance to honor their loved ones.

Recently the Lake County Forest Preserve system offered $10 million for the area requested by the Department of Veterans Affairs. A local politician was quoted as saying, "It's $10 million more than the VA is offering." There's political logic for you: Let Lake County taxpayers fork over another $10 million for a park that would be utilized only by those near the fort.

If the Department of Defense and the Department of Veterans Affairs can work out an accommodation between themselves, with the transfer of funds or land already budgeted, then it's just going from one pocket to another.

Is the national cemetery system to be relegated to the cheapest land, farther from the veterans' homes, out of sight and surrounded by fields of corn? I think not. We should be saying that sacrifice is worthy of our homage.

The future is not bleak for Ft. Sheridan. A national cemetery will bring the entire community together. It will given Chicagoland the opportunity to establish an "Arlington of the Midwest," to recall the aspirations of our youth and properly mourn all that we lost.

ISRAEL IS A RELIABLE, STRONG ALLY, WORTHY OF RECEIVING LOAN GUARANTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. STALLINGS] is recognized for 5 minutes.

Mr. STALLINGS. Madam Speaker, as the House begins consideration of the absorption guarantee program to Israel, I wanted to voice my support for this measure. At this stage of the debate, I wish to make only two preliminary points.

First, the last 20 years have been marked by a United States foreign policy that emphasized the free immigration of Soviet Jews to Israel. This policy remains an essential element in our efforts to maintain strong relations with the Soviet Union. These strong relations with the Soviet Union would not be possible without free emigration of its Jewish population.

To the extent that the proposed guarantees make such immigration possible, they must be seen as a continuation of a policy begun many years ago. They are at once the fulfillment of an obligation incurred when we adopted the policy, and the mechanism to permit fruition of its goals.

Second, Israel has been a reliable friend and a strong democratic ally. Like any good friend, Israel has kept its promises, and that includes past promises to repay United States loans. Israel has never defaulted on any loan extended by the United States. Moreover, standard economic measures, such as the ratio of external debt to GDP, and the stability of its banking system, make it clear Israel is a good risk. Its financial house is in order.

Madam Speaker, I hope to have the opportunity to set out other aspects of my thinking on this issue in the future. But for now it seems to me that the perfect repayment record of Israel should leave little doubt that it is worthy of receiving these loan guarantees, and the history of our own policy suggests it is in our interests to extend them.

ORDER OF BUSINESS

Mr. DORNAN of California. Madam Speaker, I ask unanimous consent to vacate my 60-minute special order and request a 5-minute special order in lieu thereof.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BIGOTRY AGAINST THE CATHOLIC CHURCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Madam Speaker and all fellow Americans who follow the proceedings of this Congress, either by its written document printed the next day or by C-SPAN with a growing audience somewhere over 1,200,000, I would suggest you continue to follow these proceedings for the next hour or two for a special order on the distinguished Member who chose to take over the leadership of the Negro College Fund rather than continue here as one of the leaders in the majority. I am very pleased to give up my hour and try to cram an hour's worth of work into 4½ minutes here, on the subject of bigotry and prejudice in this Congress. I cannot think of a group, a caucus, a subcommittee, a committee, or anybody in this Chamber or the other body that is more knowledgeable from a personal standpoint or from years of living than the Black Caucus of the U.S. House of Representatives, who would be more sensitive to, or understanding, of bigotry.

Madam Speaker, the bigotry I speak of in this case is vented toward my religion, my Roman Catholic faith. And it just occurred to me while waiting to speak that I cannot imagine what it would be like in modern America to be an African-American woman with an Hispanic name who loves and practices her Roman Catholic faith. Talk about someone that would be getting hit from all sides on bigotry and narrowmindedness. That would be the person. And such a lady would find that if she were attacked for her gender, her defenders would be there in more numbers, than her attackers. If attacked for her Hispanic heritage or Hispanic name, groups all across this country and the dominant media culture, the liberal culture that rules Hollywood, television, the soap operas, is right there to defend any attacks far more in numbers than her attackers. For an African-American, however horrible the pockets of racism are in this country that would judge a person by the color of their skin; do not worry. Everybody in this House would stand up, if not giving their heartfelt support, then lip service at least. The dominant media culture would weigh in her favor. But if that lady has her Catholic faith attacked, she twists in the wind alone because mass media in this country has decided that my beloved religion is fair game, that one can be an anti-Catholic bigot in this country and never be so designated.

As I said in my 1-minute speech at the beginning of our session today, a PBS station, which takes in a lot of Federal money despite all well-publicized pledge weeks; this PBS station in Los Angeles, whose president, Mr. William Kobin, told me he had agonized over his decision to run a bigoted half-hour film, against the Catholic Church did so despite its obviously bigoted slant. The film had the insidious title, "Stop the Church," and, as I said earlier, who would dare run such a film in America today on a public, taxpayer-financed, PBS station? By the way, this film was kiboshed; yes, censored, if you want to use that tough word, by KCET. That means Community Educational Television, and the Los Angeles station ran the film anyway. Imagine a film that says "Stop African-Americans," or "Stop Judaism," "Stop Hispanic-Americans." Nobody would tolerate something like that, but this vicious film is an attack upon Catholicism in general, Cardinal John Joseph O'Connor of New York, the archbishop of New York, in particular.

It is an attack on the Catholic Church, indeed, the very building that was my parish when I was born and where I was baptized in May 1933, a month after I was born, and where my parents were married on June 27, 1929. St. Patrick's Cathedral in New York is one landmark on this planet that I consider a dear treasure to me and my family. And to see radical activist homosexuals go in there, chain themselves to pews, mouth off obscenities, scream at the pastor of the church, the cardinal of New York, take communion in the hand or mouth and then spit it out on the ground is more than I can bear.

I will never forget December 10, 1989, 2 years ago, when this attack was made on my former parish church, this beautiful cathedral built with the dimes of Irish-American immigrants, Italian-American immigrants, and many other faithful who came to this land between the Civil War and the outbreak of World War II.

Now this morning I said that I was going to take this book that was released in March when I was out of the country called, "Media Coverage of the Catholic Church by Dominant Media." This was by Robert Lichter, Ph.D., his wife, Dr. Linda Lichter, who coauthored the study along with Daniel Amundson. This is the same Lichter of Lichter-Rothman, one of the greatest survey organizations in this country, owing to their post-survey analysis abilities.

□ 1640

I do believe that the Lichters and Mr. Rothman and their other partner are of the Jewish faith, which makes it very credible so this is not some inside job whining from members of the Catholic Church in America, but is an objective press release. I am going to put it in the RECORD, and in whatever time I have left I am going to explain just a little bit about what is here.

I am going to submit this to our recording clerks here so they can run an analysis of how much it will cost to insert it in the CONGRESSIONAL RECORD. And I will come into the well and take the political heat for whatever amount of money it takes to print this report in toto. I said this morning that I would break it down into 13 or 12 paragraphs, but that is not fair to the report. You could put this in the RECORD over a period of 12 days, but I want it all in the RECORD all at once, because it involves bigotry in America. Just as I back up any minority or majority group in this country to try and stop bigotry, I will take the heat and stand right here and tell the American people what it costs and ask unanimous consent for it to go in toto. So this will probably be inserted at the end of next week, after I have had a chance to get a cost analysis.

As to the press conference releasing this book, let me say that I will submit the press release. Anybody interested in this book or the synopsis of the press release can look at the press release in today's RECORD and the book next week.

Madam Speaker, I will now go back to my office and listen to the tribute to the gentleman from Pennsylvania the Reverend Congressman William Gray.

SEQUENCE OF SPECIAL ORDER TIME

Mr. ESPY. Madam Speaker, I ask unanimous consent that the special order for 1 hour which had been assigned to me be allowed to precede the special order time slot which had been assigned to the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore (Ms. WATERS). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SEQUENCE OF SPECIAL ORDER TIME

Mr. DELLUMS. Madam Speaker, I ask unanimous consent that the special order assigned to the gentleman from California [Mr. DELLUMS] immediately follow the special order presently being entered into by the gentleman from Mississippi [Mr. ESPY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE STATE OF BLACK AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY] is recognized for 1 hour.

Mr. ESPY. Madam Speaker, I have the special privilege of chairing the Congressional Black Caucus's 21st Annual Legislative Weekend. It is indeed a big weekend for us. We expect approximately 25,000 African-American men, women, and children to travel to Washington for a 5-day period of reflection, of discussion, and indeed of problem resolution.

Over this 5-day period, members of the Congressional Black Caucus will chair over 50 workshops focusing on all manner of issues impacting and affecting our communities across this Nation.

So we would like to take this time to soberly review the state of the Union and the state of black Americans in the United States. For the next hour and indeed for the next 2 hours we will address the issue of black men at risk, for we know that 1 out of every 5 black men below the age of 25 will run the risk of being imprisoned. We have Members here to address the status of our cities and in fact the decay which is occurring within our cities. We have Members to talk about education and its impact on black students, minority business and finance, health and welfare, and civil rights. We have the Delegate from the District of Columbia, who will indeed speak on the issue of admission of the District of Columbia as a State within the United States, and we have other Members expert in their own right, serving as chair and subcommittee chair of their committees, to speak on these issues.

I would also like to say that the chairman of the Congressional Black Caucus, the gentleman from New York [Mr. TOWNS], has been unexpectedly called away and has asked me to coordinate this special order in his stead, and I am only proud to do that.

So, Madam Speaker, we have assembled in the House Chamber to share our perspectives on the state of the Union and the state of black America, and to formally kick off this year's Annual Legislative Weekend activities on Capitol Hill.

During the next few days the Congressional Black Caucus will address the vital issues facing African-Americans and our Nation. We will honor Justice Thurgood Marshall and other outstanding African-Americans who exemplify the best of our heritage. We will meet with constituents from across the country who have taken the time and who have gone to the expense of traveling from various points across the country to come to Washington to share in the activities over this legislative weekend.

Our theme for this 21st Annual Legislative Weekend is "The African-American Challenge," which in our opinion means defying the odds and also at the same time expanding opportunities. It is a theme which reflects the central thrust of our history while making clear the challenge we face today.

Madam Speaker, throughout our history African-Americans have been defying the odds. Ours is the story of a people who have survived the dehumanization of slavery, endured the pain of segregation, and repelled the hostility of racism. It is the story of a people who have overcome tremendous adversity and yet excelled in spite of it.

When we ponder the plight of African-Americans, we must remember that our forefathers did not land at Ellis Island looking for freedom and opportunity. In fact, Madam Speaker, they arrived in bondage, denied even the right to own their own selves. So our right to be Members of Congress cannot be taken for granted, and it was not granted at birth. So indeed we cannot take it for granted, and we have an obligation to educate and to speak out on the issues affecting our constituents and in fact to raise our voices to talk about the plight of our people and things affecting our people throughout this Nation.

So because of our special history, we have a special responsibility to the African-American community, to our Nation, and to the world.

From our perspective, Madam Speaker, the state of the Union is not good. As our departing colleague, Bill Gray, said recently, for too many Americans "the American dream looks to be more of a remnant of our past than a fact of our future." The past 12 years have been great for the wealthiest of Americans. Their incomes have soared by 75 percent, but for the rest of America incomes have fallen or have remained stagnant.

For the first time millions of Americans can no longer say with confidence that their children will live better than they did. For millions of African-Americans the hope and promise spawned by the 1960's has been replaced by the hopelessness and despair of the 1980's and the national indifference of the 1990's.

It is a great irony, but while we applaud the success of the struggle for democracy in the Soviet Union, millions of Americans feel as if they have no stake in their own democracy.

So our challenge today is to articulate a way out of this tremendous difficulty. Our challenge is to make the political process relevant to the real problems facing our constituents and our Nation. We believe that if we save the Nation, we will save our constituents.

So in order to meet our challenge today, we must gain inspiration and strength from our history of defying odds while calling on the spirit which has brought us this far. It is a spirit that tells us that no matter how high the mountain, we can make it over the top, no matter how many hungry sharks infest the water, we can make it across, and no matter how dark the night, we can make it until the morning comes. With this faith, Madam Speaker, we can move mountains, we can cross rivers, we can overcome any barrier. Our challenge today is to defy the odds and to expand opportunities for all Americans. I call now upon our colleagues to share their ideas about how this will be done.

Madam Speaker, I would first yield to the dean of black women in the Congress, the gentlewoman from Illinois [Mrs. COLLINS].

□ 1650

Mrs. COLLINS of Illinois. Thank you very much.

Madam Speaker, I rise to join my colleagues in addressing the dismaying and disheartening conditions besetting the American-African community, a community that teeters on the brink of disaster.

As the President and much of Congress turns their eyes and opens their hearts to the people and events of Eastern Europe, what is now still called I suppose a U.S.S.R. and the Middle East, this attention is disturbing to many of us whose constituents do not find similar sympathy, concern, and certainly little if any executive leadership directed toward their plight.

Instead, our concerns are met with disregard and indifference, as evidenced by the callous characterization and dismissal of the civil rights bill as promoting a quota system.

When we are told that billions of our dollars are needed in foreign countries to help divert the destabilizing effects of hunger, we wonder where the concern is for the destabilizing effects of hunger and homelessness right here in America, right here in our inner cities.

In my congressional district in Chicago, where in many communities therein unemployment is at an all time 60 to 65 percent level, the affordable housing remains unattended by the Bush administration, and, therefore, thousands of families must scurry to find shelter now, as the winds of fall stir the memories of winter.

While the administration prepares to address its request for billions in aid for the people of Eastern Europe and for the Soviet Union, surely hungry and homeless Americans deserve to be considered for assistance to avert the very destabilizing effects of bitter cold for which Chicago is known.

Do not these effects have any input at all in the administration? Why is it that they seem not to have any merit when the administration brings up its program?

We in America extoll the virtues of education and the benefits one accrues as the result of having received it. Yet, increasingly, this administration shifts funds from proven programs, such as Head Start, to fund greater expenses in penal incarceration.

Conceivably, many of those misguided youth who are undereducated and unemployed, who are swelling our prison population, conceivably would have been better off had similar millions been spent in early childhood education. Possibly, then they would be paying taxes, instead of consuming these funds.

Similarly, we watch as local school districts struggle to meet budgets and to provide teachers with an appropriate remuneration, which they don't always find the ability to do.

African-American children must wonder, when does the nightmare on my street end? When does the nightmare in my schools end, for many of those students do not have necessary paper, pencils, erasers, and chalk, from which to study and from which to become educated.

Now, we as African-Americans do not begrudge sharing our largesse of our Nation with others who are less fortunate, but we do take offense at having the very real needs of our own less fortunate Americans put at the bottom of the list of priorities.

So I ask the President to tell me, where is the justice for all in this unjust situation?

Mr. ESPY. I thank the gentlewoman for her statement.

We have a Member of Congress here, one of the members of the Congressional Black Caucus, who serves on the very important Committee of Banking, Finance and Urban Affairs, and also serves as a member of the Select Committee on Hunger, the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Thank you very much. I would like to commend the gentleman from Mississippi [Mr. ESPY] for taking the time out so we might be able to focus upon that which I consider to be one of the most neglected issues in America, and that is the condition of our urban communities.

Madam Speaker, I think that there are many who do not realize by virtue of the fact that they never come into the communities that have been impacted by the policies of this Nation over the last few years. As a Representative of New York, I clearly understand that as New York goes, so goes the rest of the Nation. As a microcosm of the very problems that are existent everywhere in this Nation, it has become very clear to me that the problems of unemployment, the problems of AIDS, the problems of pollution, the problems of lack of adequate education, the problems of lack of affordable housing, teen pregnancy, killing by gangs on our streets, are not only a New York problem, but a national problem.

Yet those who in many instances have the responsibility for making the decisions which ultimately help to solve these problems, look at the communities in which they occur and say to themselves that this does not have any impact on my life.

The reality is that the problems of urban America are not problems that are restricted by borders. There is no geographical boundary that separates urban America from suburban America. The boundary that has been created is between those who are the haves and those who are the have nots. But in reality, that boundary becomes less visionary as time goes on and the problems of urban America move into suburban America.

Therefore, the reality is that all of us must see ourselves as being participants in the process of bringing about a better change for urban America, because it is the change that will help us to become the Nation of strength that we ought to be.

I have long argued that our problem is not whether or not the Soviet Union would come and attack America. Because of the changes that have taken place over the last few years, we realize that all the more.

There is a reality, though, that our greatest crisis is not the war that is coming from without, but the war that is coming from within. As long as we neglect the concerns of the people of our Nation, as long as we continue to give them that lack of hope, that ultimately wells up in an outburst where they have no choice but to react to the conditions around them. They see no other way out but to make some expression, some vocal expression, some visible expression, that says we can no longer tolerate these living conditions.

Places like New York, where everyday there are people that are homeless walking the streets, Chicago, New York, Los Angeles, cities that represent the very essence of life in America by virtue of the size of their populations, when New York, Chicago, Los Angeles, and other major cities are impacted in the way they are, every city in America is impacted. Even small cities such as Bridgeport, which declared bankruptcy because its problems got too great for it to solve.

The problems are universal. We must address them. Yes, as the speaker before me has indicated, our concern is about what happens to the rest of this universe. But our concerns must first start with an understanding that we must solve some of our problems at home.

It is immoral, it is unconscionable, to think that in a nation that prides itself on its Constitution and markets its democracy to other nations of the world, presenting it as if it is a panacea, letting it be the model for other nations to try to pattern themselves after, and yet, within its own borders, it allows the kinds of decadence and decay to take place that is a part of the society of so many of the people who live within it and call themselves its citizens.

We must change our priorities. A part of that priority change must be an understanding that we have an obligation to provide housing to our people. We have an obligation to provide an adequate education to every American, regardless of race or color. We have an obligation to lift the standard of living so that our people are able to compete with others from these newly emerging democratic nations, so that they will be able to stand fast and compete with them, knowing that there is no barrier to their ultimate success.

The possibility of achievement exists within every child in America, whether they are born in an urban community or other parts of our society. The reality is we must help them to fulfill that potential and that possibility. It can only be done when we look to America as a whole, and not look at it in parts and fragments and pieces. When we look at America, not on the basis of who is represented by urban America, on the basis of our definition of their color, on the basis of definitions of their limitations, but look at them and understand that they have the possibility to participate in the process of helping to make America the great Nation that it ought to be.

If we are great in the eyes of those who are without our borders, then we must now do all for urban America, so that we can be great in the eyes of those who are within our borders.

Let us change our priorities. Let us change the standard of living for all Americans. Let us change the very face of urban America, so that it can reflect the America that we all dream of.

Mr. ESPY. Mr. Speaker, I thank the gentleman for his excellent statement.

Madam Speaker, the fact is that we have risen to some lofty leadership positions within this Congress. The next speaker holds such a position.

The gentleman from the great State of Missouri [Mr. CLAY], who chairs the full Committee on Post Office and Civil Service, who stands as one advocate for and a protector of the interests of working men and women.

□ 1700

Mr. CLAY. Madam Speaker, I first of all command and thank the gentleman from Mississippi [Mr. ESPY] for calling this special order and making it possible for us to document for this Nation the status of black America.

Madam Speaker, I rise to declare my view on the state of the Union and black America. Under recent administrations, rather than allowing blacks to take part as full partners in shaping the destiny of America, we have been shunted aside.

A combination of hard work and direct Government assistance have improved the living conditions of the average American citizen, but black people were left out. Now when we demand similar Government support we are told there is a new color-blind society that prohibits special consideration for any group—especially our group. We are expected to pull ourselves out of the depths of poverty and deprivation by hard work and self-reliance alone.

But, Madam Speaker, hard work and self-reliance have never enabled a race of people to pull themselves up by their bootstraps. Government policies are directly responsible for moving other Americans to middle-class status. The Government provided the resources that allowed them to move into adequate housing with front lawns and swimming pools and provided them with easy access to the central cities where their jobs were located by building freeways and subsidizing rapid transit.

Government played the key role. Black people were not given the opportunity to share in the great American experiment.

We were handicapped, victimized—not by accident, not by oversight, but by deliberate acts of Government policy. While the racist policies of today may not be as overt as in the past, the effect is the same. Today, the chances of enacting an effective civil rights law are slim. Today, we have a Supreme Court that gnaws away at gains made previously in job protection, human rights, and civil rights.

The state of black America will continue to be deplorable until we demand that Government become a partner with us in moving out of the malaise that now has us in its grip. We don't have to be ashamed to petition our Government for financial and economic assistance in order to right historical wrongs.

We don't have to apologize for expecting our Government to correct long-standing inequities and abolish unequal treatment based on race. White America did not get where it is without vast infusions of Government resources into their businesses and in other aspects of life. And we are not going to rebuild our inner city neighborhoods and eliminate the vast disparity in employment by resorting to nickel-and-dime self-help programs.

We need Government policy that compels insurance companies to insure our properties at reasonable and fair premiums; that makes banks loan money available to financially qualified black property owners for new construction, rehab, and remodeling. We need a Government policy that enforces laws enacted to prohibit discrimination in employment. And we must insist that affirmative action is a legitimate, in fact, the most effective means of changing endemic, pervasive, institutionalized racism.

When we accomplish these goals, we will be able to proclaim at one of our Congressional Black Caucus legislative weekends that the state of black America is strong and healthy. Until then we have much work to accomplish.

Mr. ESPY. Madam Speaker, I thank the gentleman for his excellent statement and would like to say that I associate myself with his statement.

I now yield to the distinguished gentleman from California [Mr. DIXON] who has served as former chairman of the Committee on Standards of Official Conduct and currently serves, among other things, as a member of the Committee on Appropriations and who distinguishes himself as chairman of the Subcommittee on District of Columbia.

Mr. DIXON. Madam Speaker, I thank the gentleman for yielding to me, and I want to congratulate him on what is going to be an outstanding Congressional Black Caucus Weekend.

I have had the honor of serving as chairman of that weekend, and I know that it is no task that goes undone that the chairman does not directly oversee. The gentleman from Mississippi [Mr. ESPY] has done an outstanding job, not only in coordinating this special order but the entire weekend.

America's urban centers which once symbolized hope and opportunity have become centers of poverty, drugs, violence, and despair. The indicators of urban decay are numerous and common to cities across the Nation. One of the most disturbing of these is police brutality and misconduct—hardly a new phenomenon for African-Americans.

It took the videotaped March 3 beating of Rodney G. King by officers of the Los Angeles Police Department which shocked Americans nationwide to focus national attention on this long-neglected problem. Following the King incident, an independent commission found a persistent pattern of excessive force, racist and sexist attitudes, and inadequate training of LAPD officers.

Police brutality, however, is not confined to Los Angeles. Similar incidents of police brutality have come to light in other cities across the country, revealing the national scope of this disturbing problem. A recent lawsuit revealed that a special unit in the police department in Reynoldsburg, OH, specifically targeted African-Americans for arrest.

The New York City Civil Liberties Union has compiled affidavits testifying that bystanders who complain about police actions are arrested and run through the system by New York City police officers. The Massachusetts attorney general's office found recently that Boston police routinely conducted unconstitutional stops and searches of minority individuals including requiring youths to submit to strip searches in public. The beating of a man by police in Clarksdale, MS, this past Saturday has resulted in the firing of one officer, the suspension of five others, and the initiation of an FBI investigation into the incident. This week, Washington, DC police appeared to have used excessive force against a young Howard University student.

The intense violence in our cities has put a great strain on police officers and citizens alike. The proliferation of automatic and semiautomatic assault weapons, coupled with the growth of the urban drug trade and gang activity, have created an environment in which the lives of our police officers and citizens are constantly at risk. The inability of some officers to communicate effectively across cultural lines has heightened tension and mistrust between minority communities and police.

There is a need for improved police training in the area of race relations, as our society grows increasingly multicultural. Independent citizen review boards and a restructuring of departmental chains of command may also be in order. The police have the opportunity and the responsibility to set the tone for improved community relations. That tone must be positive and abuse of police power must cease.

Congress has moved to increase accountability among State and local law enforcement organizations and officers. I joined chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights DON EDWARDS and members of the Congressional Black Caucus in "introducing the Police Accountability Act of 1991" (H.R. 2972). The bill would allow the U.S. Attorney General and injured persons to sue police departments that tolerate or encourage excessive force, create a new Federal criminal statute to hold police departments and individual officers accountable for police brutality, and require the Attorney General to collect statistical data from State and local governments on police brutality complaints.

Madam Speaker. The problem of police brutality cannot be totally solved, however, without effectively addressing the basic problems which afflict our cities. Our Government must increase opportunities for education, housing, healthcare, job training, and employment. This must be our Nation's highest priority. Indeed, the pervasive indicators of urban decay signal nothing if not the critical need for a new domestic agenda to revitalize America's cities and towns.

Congressional Black Caucus members have been at the forefront of efforts to cultivate a more sound domestic policy agenda in the Congress. Events during the Congressional Black Caucus Foundation's 21st Annual Legislative Weekend will address crucial domestic issues, and we will develop strategies to effect meaningful change and reverse the trend of urban decay in our cities and towns. I look forward to a productive weekend.

Mr. ESPY. Mr. Speaker, I thank the gentleman for his statement and also for his compliment and certainly will echo what the gentleman said and will associate myself with his statements.

I yield to the gentlewoman from Michigan [Mrs. COLLINS], from the great city of Detroit, who fills so capably the shoes of our retired member, George Crockett.

□ 1710

Mrs. COLLINS of Michigan. Mr. Speaker, I thank you for this opportunity and thank the distinguished gentleman from the State of Mississippi [Mr. ESPY] for yielding this time to allow me to speak to the Congressional Black Caucus state of the Union on black America.

When I think of the state of the Union and black America, the Latin phrase "res ipsa loquitor" immediately comes to mind. It means "the facts speak for themselves."

The very idea, that we speak of black America as isolated from the rest of the United States of America shows how deeply rooted the inequities suffered by African-Americans living in this "land of the free and home of the brave" really are. African-American survival in America is a testament to our strength and our ability to defy all odds.

More than 100 years ago, Dickens wrote in his classic novel "Great Expectations," "*** there is nothing so finely perceived and so finely felt, as injustice." In black America, injustice is a thread woven into the cloth of everyday life. We look at employment, housing, health, and child care and there it is—injustice.

African-Americans are living in cities crumbling from the effects of economic abandonment and bureaucratic apathy.

Drugs and crime are thriving in black America—destroying our children and robbing them of the bright futures they deserve. Imprisonment and early violent death has grappled our young black males—destroying the procreators of our next generation.

The collapse of communism in Russia and the rise of new democracies gives me hope as I look forward to the collapse of racism in America and the rise of real freedom and equality for all of black America. The death of racism will allow young African-Americans to overcome obstacles and enjoy expanded opportunities.

Mr. ESPY. Mr. Speaker, I thank the gentlewoman for her statement and certainly appreciate the things she said.

Mr. Speaker, our next petitioner is also a very dynamic woman who came to the attention of the Nation before she entered into the Halls of this august body. As a member of the California Assembly, MAXINE WATERS shook things up there for good. She brings that same kind of dynamism, that same kind of activism and that same kind of intensity to the issues that affect us in the Halls of Congress. As a member of the Committee on Banking, Finance and Urban Affairs, she has a very strong voice in the areas of minority business and finance, and she certainly has shaken things up here as well.

So Mr. Speaker, I yield to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman very much for yielding. I would like to commend the chairman of the Congressional Black Caucus, the gentleman from Mississippi [Mr. ESPY], for organizing this opportunity for us to talk about the state of black America.

So today members of the Congressional Black Caucus will present the Nation with our state of black America. The message you will hear in our voices will be messages of grief, anger, and passion as we portray the catastrophe that the African-American community suffers, the poverty, the homelessness, the drugs and violence, infant mortality, plagues and afflictions, the need for jobs, education, and hope. Our listeners may or may not be moved by what we say here today. However, no one disputes the reality; but no one believes anything will be done.

The political gridlock makes Los Angeles freeways look fluid. There is no money. There is no hope. Conservatives invent new ways to push around the poor without a prayer of providing an answer to their needs.

What are we saying here today? It is beginning to sound familiar. Yes, Mr. Bush, there is no domestic agenda. America is indeed deteriorating.

It is not simply black America that is in trouble. Working class whites will be hit just as hard as blacks by President Bush's unwillingness to extend unemployment benefits. Poor whites are in desperate need of health services and educational opportunities also.

America is in trouble. However, we must not simply bemoan the tragic state of affairs in our country. We must seize the opportunity to turn our attention to America's needs.

Charity begins at home and spreads abroad. The cold war is over. We really should be celebrating. The Soviet Union has surrendered. The great sacrifices we have made over the past 40 years are at an end. Our soldiers, our resources, our new world awaits us.

We spend over half of our military budget, about $150 billion a year, as a subsidy to our European allies to defend them against the threat of a surprise Soviet attack. Some of us thought that was an exorbitant subsidy to rich allies who really could defend themselves. Some of us thought we were not spending enough. It no longer matters. The Russians are not coming. The Communist threat has vanished. The so-called Evil Empire really does not exist and there is not threat. The mission no longer makes sense. We have no choice but to plan for conversion to a new world.

Americans will not allow their tax dollars to be squandered on a defense budget it does not need. Nor will Americans allow their tax dollars to be used to support housing, education, and business opportunities for the Soviet Union while our communities continue to suffer.

We really should be celebrating. We really should celebrate today. But we must celebrate and act. Across the world democratic movements are bringing down walls and opening up hopes. This country cannot remain frozen in a world of change. We must bring down the foolish budgetary walls that prohibit transfer of resources from military to civilian spending passed in folly as the cold war was coming to an end.

We must act to use the blessed opportunity we have been given to rebuild our opportunities here. Our opportunity here is clear. There has never been a better chance for dramatic change in 45 years.

My friends, it is no longer time to mourn. It is time to move. The Congressional Black Caucus can offer the leadership to this Congress and to this Nation. We are pained indeed, but we are not hopeless. We understand that we have power, and it is time for us to use that power. It is time for us to say to President Bush, to the leadership, to the world, we will not continue to allow this madness with the budget to continue. We must get in the forefront of undoing the Budget Reconciliation Act of 1990. We must say it is time to use those dollars from the defense budget to invest in our communities, to invest in America.

We can do that.

□ 1720

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DELLUMS). The Chair would remind all persons in the gallery that they are guests of the House, and that any manifestation of approval or disapproval of the proceedings of the House are in direct violation of the rules of the House.

Mr. ESPY. I thank the Speaker.

I would just say that all of us gathered on the floor certainly realize what is in the hearts of all those listening and looking on.

We thank the gentlewoman from California for her very powerful statement and turn now to another distinguished woman within the Halls of Congress, who represents this great District of Columbia, the gentlewoman from the District of Columbia [Ms. NORTON], who in a very short time has rendered distinguished service inside of this body and who, along with the new Mayor of the District of Columbia, has brought greater attention to the problems of the District, and, in fact, has gotten a little bit more money, a few more dollars. Mr. Speaker, we think that these are just mere coins compared to what they ought to be receiving.

It is unfortunate, when we think that within the Capital City of the greatest democracy within the world, this Capital City, this Congress is contained within the city which still has not given the District full democratic rights.

Therefore, the next speaker has no vote, but that is something, Mr. Speaker, that we seek to change, so we call upon now the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding.

Mr. Speaker, I use this opportunity, as well, to thank the gentleman for his extraordinary leadership this entire week, including this opportunity for this special order.

Madam Speaker, on the 21st anniversary of the Congressional Black Caucus, I begin by bidding the fondest of farewells and the most elaborate of thank-you's to the Reverend Mr. William Gray for his extraordinary contributions to America, to African-Americans and to 600,000 Washingtonians. Just this morning, Madam Speaker, we had a standing-room-only crowd at a forum on democracy. It was entitled "D.C. Statehood: What It Means to Black America." Washingtonians were joined by other Americans to both gain information and to bear witness. Together their presence told the assembled panel of D.C. elected officials that American democracy was incomplete, that the emperor did not have all of his clothes, and that we were all there to help him gather some.

Our country certainly has been spreading the textile of democracy around the world from the Soviet Union to southern Africa. A virtual tapestry of democracy has been woven from one shore to another as we have demanded from other countries that they give their citizens full democratic rights, never mind the hardships or traditions of current governments.

Well, America, there is an embarrassing hole in the American garment, and the tear begins right at this very spot: 600,000 people, most of them persons of color, have no voting representation in either the House or the Senate. It is a loose thread in the American tapestry. You must help us with the repair.

We pay more taxes per capita than 49 States. We were fifth per capita in troops in the Persian Gulf. We sent $2 billion to the Federal Treasury last year.

Madam Speaker, democratic rights do not have to be earned in a democracy; nevertheless, we have done the heavy lifting. Please help us to lift this burden. Help us in the District of Columbia to become the 51st State.

Mr. ESPY. I thank the gentlewoman for her statement.

Madam Speaker, I now yield to my good friend and colleague from a neighboring State, the gentleman from Tennessee [Mr. FORD], who has served in Congress with distinction and who serves on, some feel, the most important committee in this Congress, the Committee on Ways and Means.

Mr. FORD of Tennessee. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I really appreciate this time to address the House on the state of the Union, on the crises of health and welfare in black America.

As you well know, my colleague, the gentleman from Ohio [Mr. STOKES], will really address the health care state of the Union of black America.

The preamble to the Constitution of the United States of America states that the Federal Government will provide for the common defense, promote the general welfare, and secure the blessings of liberty for our posterity.

President Bush has kept one part of the bargain by providing our Nation with a strong defense. But what has happened to the general welfare? What has happened to our poor, our weak, our needy?

An overhaul of the welfare system is long overdue. The current welfare system fails to address many of the recognized causes of poverty, inadequate health care, unemployment, day care, as well as teenage pregnancy.

We know that this Congress, both Houses of Congress, passed a welfare reform package some 2½ years ago and which was signed into law. We made significant gains in that package itself.

We know that in 19 States, fathers were put out of the household if the children were to receive welfare benefits. We know that welfare mothers had no child care benefits available, and we were able to come in this Congress, not this session of Congress, but some 2 or 3 years ago, to pass that legislation.

The most pressing of these problems facing African-Americans today is the lack of adequate health care. Americans are living in an age of high-technology medicine; doctors are performing multiple organ transplants, and women over 40 are giving birth to healthy babies. Yet thousands of Americans, most of them African-Americans, are dying needlessly of diseases that our medical establishment learned to prevent or cure decades ago. As we approach the year 2000, the health of African-Americans is reminiscent of the 1940's, hospitals were segregated and flu shots a thing of the future.

The number of deaths from preventable illnesses is at an all time high. The lack of progress in providing African Americans affordable health care is one of our Nation's most pressing problems and one of the greatest challenges facing us as policymakers in this Congress.

We challenge the administration to send forth to this Congress adequate health care legislation that will respond to the needy and African-Americans in this country.

Poverty, inadequate health care access, and inferior treatment combine to discourage many blacks from seeking any type of health care until it is too late. But the root of the problem lies in the lack of money for basic health care and other welfare programs.

The Government needs to put more of an effort into bridging the gap between the level of health care provided to African-Americans and those non-African-Americans. The answers appear to lie in improving domestic programs in our welfare system.

Oftentimes, people talk about welfare and people who do not want to work and people being lazy. That is not true. Even this recession that we are in and confronted with today tells us that because of the recession the welfare rolls will continue to grow, and until we address many of the domestic problems, we will continue to see them grow.

Rather than taking responsibility for helping the poor, our society far too often blames its victims for their impoverished condition. The attitude is embodied by the rationalization that the poor do not deserve compassion and do not need relief. But it is clear that poverty is not a chosen condition by a group of people in our society.

The current welfare system fails to address many issues, but it fails to address the issue of providing adequate domestic programs which is one of those affecting those who we know in African-American communities more so than in other communities, and unless we work together as African-Americans and policymakers to start making health care a national priority, we will continue to provide things that we do not need, death and illnesses among our people in America.

It is time that we realize and recognize that we must make welfare reform our greatest legislative priority to respond to the downtrodden of this Nation, because as we look back and reflect, regardless of what color you might be, when that unemployment strikes you or members of your family, we must realize that we are only two or three paychecks away from the welfare rolls.

Mr. ESPY. Madam Speaker, I thank the gentleman from the great State of Tennessee for his statement, for his eloquence, for his passion, and for his intensity.

Let us just suggest within the RECORD that it is OK to want to lift others up by their bootstraps and prod them to do it themselves, but there are so many, Madam Speaker, who have no boots at all, who have no shoes.

Madam Speaker, we turn now to the dean of the House, the dean of the Congressional Black Caucus within the House, one who distinguished himself not only by terms of service but who has distinguished himself without a doubt in leadership. Whenever anyone across the country needs an expert in civil rights, an expert to advocate in the interests of minority rights, individual rights, an expert in government waste, whether it is fraud and abuse, one only has to look to Congressman JOHN CONYERS from the great State of Michigan, who serves as chairman of a full committee here, chairman of the House Committee on Government Operations, and chairman of a Judiciary subcommittee; we turn now to our dean, the gentleman from Michigan [Mr. CONYERS].

☐ 1730

Mr. CONYERS. Madam Speaker, I thank the gentleman from Mississippi for yielding to me.

Madam Speaker, it has become commonplace today to say that the state of America for African-Americans is deplorable. One need not even be cerebal about it with statistical references. Simply look around the streets of this Capital City to see the joblessness, lack of housing, drugs, incarceration rates as high as South Africa, and lack of hope.

As a matter of fact, you can look around any city in America and see the same thing.

Throughout the world today we are witnessing historic struggles to enhance and protect the human spirit and the notion of freedom and equality. There is a revolution of hope, of the notion of what is possible. But not here at home. Here at home we get excuses—excuses not to enact civil rights and jobs legislation. We are patronizingly told to excuse and support the appointment of a superconservative Supreme Court nominee simply because he is an African-American.

In 1988, we had the ugly exploitation of racial division in the Presidential election campaign with Willie Horton. In 1990 and 1991 we have it with "Willie Quota," the phony claim that restoring 25 years of civil rights with a protective floor will create quotas. You cannot say "no blacks allowed" but if you come up with a standardized test or some other supposedly neutral ruse that achieves the same result, then racism can prevail.

I say to you the White House is out of touch with our national community.

We cannot forget where we have been or where we must go. Washington, DC, our capital, has not always led the change. It responded because Rosa Parks was tired of the injustice. It responded because Martin Luther King became a civil rights leader and a legislator as well. It took action in the streets before Brown versus Board of Education was really implemented.

This moment in history allows for new dreams. For the first time in modern history we can begin to imagine—perhaps to create a new world order. War can potentially be seen as obsolete. The enormous sums of national wealth and talent devoted to the arms race can be redirected to our cities and small towns, to hazardous waste sites and deteriorating rainforests, to educate, housing, and health care.

We need a new set of budget priorities which this Congressional Black Caucus has regularly presented in its alternative budget.

Over the past 8 years the wealthy have seen their tax rates drop from 70 percent to 28 percent. Military spending, however, has increased by 40 percent after inflation. Domestic programs have been cut by 19 percent. Stagnant wages, budget cuts, environmental degradation, no health care for one-seventh of our population, and the devastation of drugs in our cities is taking its toll. The racial gulf is as wide as it has been in 25 years. We need a civil rights bill and a Supreme Court justice that will advance, not turn back, real, not abstract, equal opportunity.

So the Congressional Black Caucus in its 21st year faces these challenges with a confidence and a determination that we shall overcome.

Mr. ESPY. Madam Speaker, I thank the gentleman from Michigan.

Now we turn to the dean of the Ohio delegation, Congressman LOU STOKES, who serves as the chairman of another very important committee on this body, the Ethics Committee, but who for many areas serves on a committee even more important, and that is the money doling committee, the all-important Appropriations Committee.

I yield to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Madam Speaker, it is a pleasure to join my colleagues of the Congressional Black Caucus [CBC] for this special order in recognition of the 21st Annual CBCF Legislative Weekend. I want to commend the chairman of the caucus, EDOLPHUS TOWNS, and the chairman of the CBC Foundation, ALAN WHEAT, for their leadership in organizing this year's program. I want to acknowledge the work of my colleague, MIKE ESPY, who as Chair of the dinner has put together a superb program.

It is also important that we recognize the thousands of individuals who take time each year to travel to Washington and take part in our legislative weekend. I particularly want to acknowledge the participation of members of the Congressional Black Caucus health braintrust, the braintrust for which I serve as chairman on behalf of the CBC. The individuals who comprise the health braintrust—prominent and expert medical practitioners, health educators, health administrators, students and consumers—have been the driving force behind much of what we as a caucus have been able to accomplish in health. With their input and support, the CBC has been able to ensure that health policy has focused on ensuring quality and affordable health care for minorities and the medically indigent.

In fact, Madam Speaker, the health braintrust has always been in the forefront—defying odds and expanding opportunities to improve the health status of African-Americans.

The health braintrust program this year continues our mission of improved health for minorities. Our success in accomplishing this goal is a primary determinant of the future and the quality of life for African-Americans.

Madam Speaker, the health of African-Americans is in crisis. The magnitude and seriousness of this crisis have been documented and reported substantially in recent years. From these reports, we find that blacks and other minorities suffer an estimated 60,000 excess deaths annually. This, in a Nation where Federal health dollars are second only to the military budget; where—despite tremendous advances in medicine in the United States and the significant improvements in our Nation's health status—millions of African-Americans do not benefit fully or equitably from these advances. Thus, we have a situation where the status of health in minority communities is that of a third world nation.

There is a large segment of our community that has been abandoned to suffer high infant mortality rates, shortened life expectancy, a crushing burden of illness, debilitating poverty, disability and disillusionment, frustration and loss of hope. in recent years, these problems have been exacerbated by an unprecedented increase in violence, substance abuse, infectious diseases such as AIDS, and greater numbers of uninsured persons.

In this regard, the CBC health braintrust focuses its attention this year on two issues confronting our community: violence and health care reform.

Madam Speaker, as you may know, Americans are dying from unnecessary violent death in unprecedented numbers. Daily, one hears accounts of drive-by shootings, tragedies in our schools, domestic violence, and other atrocities destroying lives. This grave situation is even more prevalent in African-American communities.

For young African-American men, in particular, death by homicide is a unique and cruel phenomenon. The Centers for Disease Control [CDC] reports that nationally 1 of every 1,000 young African-American males is murdered each year. No other ethnic group in the U.S. population even approaches this rate.

Homicide was the 10th leading cause of death in the United States last year, and is the leading cause of death among black men aged 15 to 44. For men aged 25 to 34, the black homicide rate is seven times that of whites. To put it another way, black males have a lifetime chance of 1 in 21 of dying by homicide, compared to 1 in 131 for white males. This disparity is also reflected among black women who have a lifetime risk of violent death of 1 in 104 compared to 1 in 369 for white women.

As a result of this phenomenon, violent death has become a public health problem. In conjunction with the Office of Minority Health and the Centers for Disease Control, the health braintrust has assembled a panel of national experts who will examine the many complex elements of violence. It is our hope that from these discussions will evolve some strategies to eradicate this serious problem.

Madam Speaker, the afternoon session of the health braintrust centers on the pressing issue of health care reform. This issue, as you know, is one of the most important policy challenges confronting Congress. My CBC colleague, JOHN CONYERS, joins me in hosting this hearing. As chairman of the Committee on Government Operations, Congressman CONYERS has scrutinized our Nation's health care system, comparing it to the Canadian system, considering the consequences for both health care spending and access in the United States. Because of his work in this area, I am pleased that he is joining the health braintrust in this year's deliberations.

Because African-Americans and other minorities represent a disproportionate number of the uninsured in this Nation, it is crucial that we address these particular needs as part of the health care reform debate. As you may know, blacks and Hispanics have accounted for 55 percent of the increase in the number of Americans added to the rolls of the uninsured between 1977 and 1987. They are also disproportionately represented in the kinds of families at the greatest risk of being uninsured—families where no one is working and families that are poor.

These startling statistics, coupled with the health status disparity between black and white Americans, demand immediate focus on health care reform for minorities. Prominent national African-American organizations will present their views on major health care reform proposals and make recommendations on strategies that address minority health care. This discussion will help in the development of a health care reform proposal focusing specifically on minority health.

Madam Speaker, while the health braintrust devotes this time to these pressing health issues, much remains to be done to improve the health of African-Americans. National attention has centered too much around the issues of costs containment and the growing budget deficit, instead of caring about extending adequate health care to all individuals as opposed to the privileged among us and alleviating the enormous burdens.

Our Nation must come to grips with the fact that a strong and productive society will not be realized and maintained if we do not ensure a healthy future for minority Americans.

Madam Speaker, I am proud of the position the Congressional Black Caucus has taken throughout the years advocating quality and affordable health care for all Americans. We are firmly committed to ensuring this right for all citizens and look forward to the health braintrust discussions guiding our deliberations in this respect.

Again, I welcome our guests to the 21st Annual CBCF Legislative Weekend and commend my colleagues for their leadership during this occasion.

□ 1740

In closing, Madam Speaker, let me just thank the members of the Congressional Black Caucus for the opportunity, the pleasure, and honor I have had over the last 23 years of associating with them in this great endeavor on behalf of African-Americans throughout our country. It is indeed an honor to be a member of the Congressional Black Caucus.

Mr. TOWNS. Mr. Speaker, I rise to close this critical assessment of the state of the Union and black America.

We stand, today, at the helm of the world's greatest democratic vessel. And yet, on our watch and despite the valient battles waged by Members here assembled, we have witnessed the selective enrichment of the few and the deteriorating quality of life of the many. For those in the Congress, our friends and colleagues here today, and those whose interests we seek to protect both in this Nation and around the world—we have painted for you a graphic picture. The Ship of State is awash by a tide of ill will that has divided our people—rich from poor, black from white, hopeful from hopeless. The thousand points of light have not illumined the dark corners which hide and blot out the ambitions and aspirations of the children of the ghettos and barrios of our Nation—they do not lift up those who lie down on the grates of city streets in the shadow of the White House and Wall Street.

Something must be done. Recent public policies and private actions have resulted in a massive increase in those with no health care, an American education system in crumbles, the erosion of American industry in the world arena, and the virtual devastation of the Nation's moral fiber. Racist and other socially destructive behavior, once denounced, have had their licenses renewed.

The fact remains, how we will be viewed in the future depends principally on how we deal with these problems today. As defense and war expenditures have exploded, basic domestic programs important to all our citizens have come under increasing attack. The American people are told that the budget deficit is so great that we can no longer afford to take care of our own.

What then has America become? Is it the machines of war, the factories, the fields and forests? No, America is fundamentally its people. And if we do not take care of the people, all of the people, this country will fail. If we can not afford to take care of each other, we can afford nothing at all. It is that simple.

If we do not assure the health of our work force, its work will be substandard. If we do not educate our people to the emergent world industrial standard, they will not be employable, and industry can not expand. If we do not invest in the economic survival of those who are temporarily or permanently unemployed so that their children can compete, we will have to support them, or worse, leave them by the wayside to perish. And if we do not take care of our senior citizens, who have sustained and nurtured us in our youth, we will have grievously insulted a rich legacy that is both American and African-American.

There may be a large budget deficit, but the moral and social deficits evident in our collective condition are far more threatening to the future of this country. Look around us: Our resources are abundant, our productive capacity enormous. Surely we can find a way in all this to take care of each other.

Mr. Speaker, since its founding more than 20 years ago, the Congressional Black Caucus and our coalition within the House and Senate have demanded the highest level of public service, equality of opportunity, and the maintenance of an economic democracy for national survival. We ask now that we step beyond partisan boundaries to open new doors for the dispossessed and rekindle the bright flame of competitiveness and pride in the work ethic. We ask of our colleagues and those within the sound of our voices to pledge, this day, to bring about a new state of the Union. That we who are a part of each branch of Government—the executive, the legislative, and the judicial—reset the cornerstone of a democracy that is indisputably—of the people, by the people, and for the people.

STATE OF THE UNION AND BLACK AMERICA

The SPEAKER pro tempore (Ms. WATERS). Under a previous order of the House, the gentleman from California [Mr. DELLUMS] is recognized for 60 minutes.

Mr. DELLUMS. Madam Speaker, I yield to my distinguished colleague, the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Speaker, I am pleased to join today with my colleagues of the Congressional Black Caucus for this special order to discuss the state of the Union and black America.

I am here today because America is in grave danger, not just black America, but this entire Nation. The distinction, of course, is that when America is in danger, black and other minorities suffer in much greater numbers. As the only former international vice president of a labor union serving in the Congress, I have some particular concerns about the economy and the labor trends in this country. Blacks are truly suffering because of the policies of the Reagan-Bush era.

The trends suggest disturbing realities for many of America's children and families. The number of children in poverty continues to grow, with children having become the poorest age group of all Americans. Increasingly, full-time employment—even of both parents—is not enough to keep families and their children out of poverty. Not only does this administration ignore the domestic needs of this country, it makes it nearly impossible for working Americans to lift themselves out of poverty.

The current rising unemployment level leaves only about 56 percent of all working age African Americans employed. African-American workers still experience 2.4 times the unemployment of their white counterparts. It is even more outrageous for our younger African Americans who are greatly suffering. The facts are obviously directly related to the economic and social policies of the current Bush administration. Fiscal policies affect economic growth and stability; they determine how readily workers can find jobs.

Obviously this country can find dollars to help so-called emerging democracies because a deliberate choice is made—the priority is determined. This Nation—black people—are suffering, and I would contend that the southside of Chicago, Harlem, Detroit, the Mississippi Delta, and many other centers, are emerging democracies and need assistance for a new world order right here at home. The old adage that charity begins at home and then spreads abroad is clearly appropriate, but I would add that democracy, too, begins at home.

I have said it before, and will say it again. We may have to again take to the streets to gain the attention of this administration. People are jobless, homeless, hungry and, yes, dying and this administration's response is that "the recession will be over soon." The Government is to be accountable to the people, but often the people have to demand such compliance. Black people—yes, all people—need a national jobs program now.

Mr. DELLUMS. I thank the gentleman from Illinois for his contribution to these proceedings.

Madam Speaker, at this time I yield to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. I thank the gentleman from California for yielding to me.

Madam Speaker, I want to thank also the gentleman from Mississippi [Mr. ESPY], chairman of this year's Congressional Black Caucus dinner, and to say how very much I appreciate the innovative and very practical addition of this special order on the state of the Union and black America.

Madam Speaker, I want to talk about education, and I would like to begin by holding up a copy of a little red book. The little red book used to be associated with Mao Tse Tung in China. Now the red little book being circulated all over America is a copy of "America 2000: An Education Strategy of the Bush Administration."

This is one of the most dangerous documents in America. It is dangerous for all Americans who want to have the education system transformed. But it is particularly dangerous for African-Americans. This book totally leaves out African-Americans. It treats them with benign neglect, hostile neglect, total abandonment. The reason the Federal Government got involved in education at the elementary and secondary levels originally was to promote equality of educational opportunity, to focus on the disadvantaged, the poor. This is a representation of a total retreat of the Federal Government from that mission.

They have proposed to transform our schools without spending any money. It is a very misguided notion, a dangerous notion.

They are quite satisfied to have two systems in America, two school systems; one they are going to try to make world-class system, suburban schools in the richer districts; the other they are going to abandon completely. They are not going to treat at all the problems faced by the schools attended by the majority of African-American children.

In our big cities, Chicago, New York, Detroit, Los Angeles, the schools have been faced recently with devastating budget cuts, retrogression and complete deterioration has set in at a more rapid rate as a result of budget cuts which have wiped out gains that were being made slowly over the last few years.

Reading scores were going up, the dropout rate was going down; we had after-school centers in New York, a number of things that were positive; the ratio of pupils to teachers was going down. All of that has been wiped out by the recent set of budget cuts. Now in most of the big cities where our children attend school, they are proposing additional budget cuts. Only the Federal Government has the resources to come to the aid of the cities. Yet, none of that is being proposed.

America 2000 totally ignores the problem. That is the Republican strategy, this is a public-relations, Madison Avenue package that is gaining a large amount of acceptance across America. One of the reasons it is gaining wide acceptance is because it is the only ballgame in town. The Democratic Party has no strategy at all. Nothing is being offered by the Democratic Party. The Democratic Party continues to offer bright ideas from various leaders; we have a number of good bills being introduced relating to education, but the party has not put together a strategy; the party does not understand the modern needs, the salesmanship involved in the issues and therefore the Republicans have the field all to themselves.

America 2000 does not propose to help our children. We must propose and we must fight for our own strategy.

☐ 1750

We must propose it, and, in order to do that at this 21st legislative weekend, the Congressional Black Caucus education brain trust has launched a group called the National Citizens Commission on African American Education. Over the past few years we have been frustrated by discussions that are held here once a year on the weekend, and then there is no followup. We have asked for the creation of a Citizens Commission on African American Education, and we have launched it. We have a chairman, Dr. Wilbert Lemelle, who is the president of the Phelps Stokes Fund who would be the chairman of this commission. Some very bright and dedicated scholars from all over America are part of it. Parents, students, a great cross-section. It is going to be a committee of 100 with an executive committee of no less than 25 people and they will launch the commission tomorrow at 12:30 with a press conference to issue the first communique and the first guidance.

We are going to issue communiques which address the decisionmaking official world of government. We want to have an impact on Government policies. We are not going to try to do it all ourselves. We insist that our Government spend the money that is necessary, that our Government takes the steps that are necessary. We also will issue guidances to the African-American community directing the African-American community on how to mobilize best to deal with the problem internally on problems of marshaling resources, and we insist that we make education a priority. This is an organization that will force us to keep education as a priority. Everybody subscribes to that notion that education is the kingpin issue. It is the means toward which we achieve most of the ends, but sometimes other things get in the way.

For African-American children we need world-class schools before we subject them to a national testing program, as proposed by the Bush administration where world-class standards will be used, and they will be forced to meet those world-class standards although they have not gone to schools with proper teachers, laboratories, and other facilities. There are savaging inequalities that exist in our system, and these savage inequalities must be addressed by any honest effort to reform and improve the schools of America.

In New York State one school district spends more than $13,000 per pupil while New York City spends $5,000 per pupil, and even within the New York City area each school is not spending $5,000 per pupil. Some schools, most of those in the African-American communities, are spending $3,000 or less per pupil.

We cannot wait until the year 2000 to take meaningful action for our children. More budget cuts in the State and school district budgets means continuing deterioration and retrogression. We must act now to save African-American children.

What I say about New York is true of Detroit, Los Angeles, Chicago, and right across. We must have immediate appropriation, immediate appropriation of no less than $1 billion. That is one-third the cost of one aircraft carrier. This $1 billion should go to a hundred poor school districts for emergency items like books, laboratories, et cetera.

We should go further than that, appropriate $230 million, which is the amount of money the Bush administration proposes just to launch choice, to deal with choice schools across America. They propose $230 million. We insisted they match that $230 million for a fund which would bring relief to America's poorest schools by establishing an institute for the education of at-risk students, a district education agent program to provide technical assistance to our schools and funds for experimental schools in our district, and, beyond that, when the budget agreement, that awful budget agreement we are now bound by, is up, we insist that there be permanent, nationwide relief appropriated: No less than $3 billion, the cost of one aircraft carrier, for a Federal education revenue-sharing program, a revenue-sharing program to bring relief to the systems that are now instituted in those devastating budget cuts.

At this point I enter three documents into the RECORD. One is National Citizens Commission on African American Education, Vision and Purpose Statement. I also would like to enter into the RECORD in its entirety the first national public policy education communique of the National Citizens Commission on African American education entitled "Emergency Action to Prevent Retrogression and Collapse." I would also like to enter the first National Citizens Commission on African American Education guidance to the African-American community. It is entitled "Emergency Mobilization for Education: the Basic Steps Which must be Taken by African American Communities."

NATIONAL CITIZENS COMMISSION ON AFRICAN-AMERICAN EDUCATION—VISION AND PURPOSE STATEMENT

Education is the major means by which all worthwhile ends in our complex, modern society are realized. Education is the kingpin issue, the first domino which impacts on all of the others. As it is for all other groups, education is critical for the survival of the African-American community. There is an urgent need for the establishment of a body which focuses continually and permanently on the national issues and policies related to education. This is a matter which is too important to be treated as one of several priorities. To speak for the African-American community a voice, an instrument, an organization is needed which commands respect and enjoys unchallenged credibility. The *National Citizens Commission On African-American Education* will assume this vital obligation.

Representing professional educators, teachers, parents, students, civil rights leaders, church leaders, civic and fraternal leaders, school board members, business persons and other segments of the African-American community, the Commission will be a Committee of 100 persons who have made an impact on education beyond their local communities; and persons who possess the knowledge and experience necessary to make critical judgments concerning existing national education policies or the knowledge and experience necessary to propose creative alternatives. The Commission seeks to accomplish two basic objectives:

To provide a critical review of existing national education policies; and to offer alternative national education policies and strategies for the benefit of African-American children and communities.

To provide national guidance to the African-American community for educational policies, strategies, programs and practical activities; to stimulate mobilizations for education in African-American communities all over America.

What is good for African-American children and students is good for all American children and students. The first concern of the Commission is a national education policy which used the abundant and unique resources of America to support a system which maximizes, nurtures children, and maximizes effective instruction, and training, and educational opportunities for all American youth. The Commission will speak from the perspective of the experts, practitioners and participants who are striving to overcome the greatest battery of social, economic and political obstacles to learning and educational improvement. "What works" for the children and students whose problems we are most familiar with will work for all children and students.

While we recognize that education is traditionally primarily a local matter, we also fully realize that there are some vital educational tasks which the government of the United States must undertake. National federal participation in the decision-making and operations of our educational institutions may be quantitatively less than that of state and local government, but it is no less important. Indeed, this Commission maintains that only the continuous and vigorous involvement of the federal government can transform our schools and achieve the capability necessary to educate our children.

In addition to serving as a critical review agent for national policy, this Commission will conduct an exhaustive and caustic review of the support systems for education within African-American organizations and communities throughout the nation. By now it should be crystal clear to all that African-Americans will not survive in this global, modern, competitive society without maximizing the education effort for African-American children and students. Parents and families who fail to treat education as an item which is just as important as food, clothing and shelter must be deemed guilty of child neglect.

Every African-American community must be transformed into a "Learning Community" saturated with activities which encourage and support the education of adults and workers as well as children. Where necessary, the Commission insists that African-Americans take responsibility for changes in organizational habits, group mores, family and individual life-styles and changes in other conventional behavior in order to raise the level of awareness and increase the intensity of commitment to educational improvements and the enhancement of opportunities for youth within the African-American communities.

EMERGENCY ACTION TO PREVENT RETROGRESSION AND COLLAPSE

While the Commission applauds the presentation of a White House initiated comprehensive strategy for the improvement of education in America, we must hasten to expose the fact that *America 2000* fails to include a critically important chapter. Missing from this cleverly arranged scenario is a section entitled: *For Today's Students: Emergency Action To Prevent Retrogression and Collapse.*

Even before the economic decline and recession began to escalate, the budgets for public school systems serving the majority of the children of America were in a state of desperate stagnation or ruinous reduction. Deep state and local budget cuts have now further mutilated these local education agencies to the point where basic operations can not be maintained. The original beneficiaries of federal aid to elementary and secondary education—the poor, disadvantaged and students with disabilities—are served primarily by these inadequately financed systems.

The refusal of *America 2000* to advocate immediate relief for these schools struggling under the threat of disintegration represents an abandonment of the original and traditional mission of federal assistance. We deplore this failure of *America 2000* to confront this clear and present danger. Schools and students cannot be expected to meet "world class standards" when their resources are being reduced to the primitive level of underdeveloped countries.

The Commission equally deplores the fact that there is no alternative to *America 2000* being offered by a congress controlled by Democrats. While we applaud individual pieces of legislation such as the *Urban Schools of America Act* and the *Institute for the Education of the At-Risk Act*, we wish to note that these specific components are poor substitutes for a well enunciated overall strategy. This balkanization or fragmentation of congressional legislation diminishes the possibility of success for these very worthwhile proposals.

There is a lack of options which must be corrected, a vacuum which must be filled. To address this unfortunate situation, the Commission is issuing a special appeal to the Democratic leadership of the Congress to prepare a comprehensive plan which includes proposals for emergency action. We shall also request that the Congressional Black Caucus prepare A Master-Plan for the Improvement of Education in America as an alternative to *America 2000*.

Until the component which we choose to label: *For Today's Students: Emergency Action to Prevent Retrogression And Collapse* is fully articulated, all comprehensive strategies proposed for educational improvement are at-risk of becoming cynical public relations gimmicks. If federal accountability is to be delayed until the year 2000, then the plan being discussed is irrelevant for the majority of our nation's students. While some of the best schools will be stimulated to become better as a result of adopting some of the actions proposed in *America 2000*, the majority of our nation's schools are presently not equipped to begin to participate.

Before "world class standards" and tests to measure compliance with such standards are imposed the federal government must take steps to guarantee that every American student is attending a "world class school". At present most African-American Students are attending schools that are relatively primitive. Before any testing of African-American students commences, in order to enable substandard schools to move closer to comparability, the Commission demands that the following emergency actions be taken by the federal, state and local governments:

To slow the rapid hemorrhaging of the education effort in the poorest school districts, the federal government must appropriate, in this fiscal year 1992, one billion dollars (the cost of one nuclear submarine) to be distributed to the one hundred poorest Local Education Agencies (the agencies with the greatest number of students entitled to free school lunches). This allocation should be used only for non-recurring expenditures such as science laboratory equipment, other equipment for classroom instruction (typewriters, computers, etc.), books, instructional films and videos, emergency repair of facilities which are primarily used by pupils or parents.

To support a continuous long-term program for the revamping of schools in the one hundred poorest congressional districts, the federal government should allocate no less than 230 million dollars annually beginning in fiscal year 1993. These funds would be utilized to support an Institute for the Education of At-Risk Students; to fund a District Education Agent Program which establishes a federal resource and technical assistance entity in each of the one hundred poorest districts; and to fund the launching of experimental new American schools in each of the one hundred poorest districts.

To provide permanent nation-wide relief no less than three billion dollars (the cost of one nuclear air-craft carrier) should be appropriated annually for a federal education revenue-sharing program. Such funds should be distributed on a per pupil basis with all Local Education Agencies eligible except those which do not have an enrollment with at least ten per cent of the pupils eligible for the federal free lunch program.

Federal legislation must prohibit the allocation of federal funds to any state which fails to distribute its state education assistance funds on an equal per capita or per pupil basis to all of the state's Local Education Agencies. The use of trick formulas which calculate aid on the basis of attendance instead of enrollment—and thus discriminate against the school districts with the poorest families—must be discontinued.

Federal legislation must prohibit the allocation of federal funds to Local Education Agencies which fail to distribute their basic operating funds on an equal per pupil per school basis thus assuring that all schools under the LEA's jurisdiction have comparable qualified personnel, facilities, equipment and other resources regardless of the race or income level of the student body.

State and local legislators as well as chief executives must: mandate that Local Education Agencies maintain an effort at the level of tax support which existed as of December 1990, prohibit any state or local percentage reduction for education which are greater than those for the overall budget; establish a uniform floor for per pupil expenditures in order to provide an "adequate" or "minimum" education effort and mandate that expenditures be maintained at this floor level or above.

These are minimum emergency actions which must be taken to prevent retrogression and collapse in the public schools serving African-American and other at-risk children. Today's schools and students deserve a level of government support which guarantees the basics in terms of qualified teachers, safe and pleasant physical facilities, adequate books, equipment and supplies. The Commission looks forward to participation in the establishment of "world class schools"; however, failure to take immediate action would mean a loss of education opportunity for another generation. Further delay would also mean that the process of creating "world class schools" in African-American Communities would have to start from a set of skeletons and ruins.

To "promote the general welfare" is one of the most important constitutional obligations of the federal government. In modern societies the " general welfare" is greatly endangered when the populace is not adequately educated. Funds must be found to provide adequate educational opportunities for all. If necessary take education expenditures "off budget" or assign them their rightful place as a vital part of national security and place them in the same category as the defense budget. Let all defense savings yield an "education dividend".

We can not wait until the year 2000. Emergency education action is necessary now in the year 1991.

EMERGENCY MOBILIZATION FOR EDUCATION: BASIC STEPS

For African-Americans the next ten years will be decisive ones economically, politically and socially. The driving force which will determine progress in all three of these areas is education. In the African-American community a desperate effort to overcome monumental obstacles is necessary and education is the instrument, the tool, the vehicle for this exodus out of the valley of chaos and calamity.

The first duty of every African-American leader and all community based institutions must be the application of maximum continuous pressure on federal, state and city government to achieve public policy changes which will transform education in our communities. A masterful guide providing one approach to the systematic application of such pressure is the *Blue Print of the National Conference For the Education of Black Children.*

Beyond this vital necessity of agitating for the greater and more relevant use of taxpayer provided resources to improve the education of African-American students, we must mount an "overwhelming crusade" within our communities. Every entity must aggressively seek ways to create an atmosphere for intellectual development and an environment for learning. We must strive to create "learning communities" and "neighborhoods of students".

Every community organization or institution must emphasize the fact that education is for all age groups and must consciously work to provide highly visible profiles of adults who are continuing their education. Every community entity must seek ways to positively influence youth peer groups. Every entity must act immediately to take an education census of itself.

Every group of persons within the African-American community—mothers, students and laymen as well as ministers, mayors, congresspersons, city and state legislators—must conduct an education census of the time, energy, income and other activities being utilized for, and dedicated to, education. All groups—churches, lodges, fraternities, social clubs, business and professional organizations—must conduct an education census to take stock, more must immediately follow this census. Because education is the salvation of our people we must not equivocate or hesitate to fully commit our resources or ourselves. To create the momentum needed to transform African-American communities into "learning communities" and "neighborhoods of students" we must all resolve to give money, know-how, energy and time until its hurts.

Every congressperson must set-aside a portion of his/her budget, staff, schedule, etc. in Washington and in the district for activities supporting education. The Congressional Black Caucus should escalate the pressure on the administration and the congress to obtain immediate meaningful appropriations to provide emergency relief to the schools serving African-American communities which are desperately in need. The CBC should also provide leadership for all other elected officials by developing an alternative comprehensive plan for the improvement of education in America. The CBC should foster special consultations with state and local African-American elected officials in order to gain and maintain support for the implementation of a relevant education master-plan.

All local and state legislators serving African-American communities should put forth a distinct set of positions and plans for the drastic overhaul of education in their jurisdictions. Trick state aid allocation formulas (such as those based on attendance instead of per capita or enrollment) must be confronted and liquidated. Local Education Agencies must be mandated to distribute funds and other resources on a per pupil equal basis to all schools except where special populations are targeted by special projects or specific laws. Funds for personal services must also be distributed on a per pupil equal basis in order to insure that all children receive the benefit of experienced administrators and are exposed to tenured teachers with college majors in the subjects they are teaching. Requirements that all schools meet basic standards for licensed teachers, accredited libraries and certified science facilities must be established and enforced.

All mayors and county administrators must recognize the urgency and desperation of the present education situation with respect to African-American children, and they must utilize their high visibility and their executive powers to exert maximum influence on school boards and school administrators in order to achieve rapid, positive change in schools serving African-American children. It is the duty of African-American elected executives to, at all times, especially during periods of unavoidable budget reductions, serve as special guardians to protect the resources available for the education of our children.

All ministers and church leaders must resolve to more emphatically utilize the exalted position of the church in the African-American community to encourage education related activities. Every church should strive to establish and maintain a church library which includes African-American heritage books, videos and other educational materials. Church activities for youth should include spelling bees, oratorical contests, essay contests, heritage quizzes, debating clubs and other similar programs.

Every professional group should develop specific plans for the utilization of their know-how in support of the overall community education effort. Lists of professionals with summaries of their expertise and experience should be made available to local schools. Instead of waiting to be solicited by school officials, an aggressive visiting program should be initiated.

All business groups should resolve to assume responsibility for assisting with the development and monitoring of education and job training programs which are not under the jurisdiction of the school systems. In addition to continuing their traditional support for education—scholarships, awards, prizes, etc—business groups should assume special responsibilities for the provision of resources for adults and workers.

All other religious, fraternal and social groups, should move beyond their traditional token support of education with a few annual scholarships and launch efforts to greatly expand such support by mobilizing other community groups and/or by demanding greater support from corporations and other suppliers of goods and services to the African-American community.

Public libraries and librarians must be viewed as a free-standing community resource available to be utilized by all segments of the community in the process of mobilizing to improve education. Elected officials, clergy leaders, businesspersons, professionals, parents, students and all others may come together at this taxpayer supported facility. An information data-base for education can be maintained at a local library; a directory of professionals volunteering expertise and businessmen volunteering resources may also be maintained. Public libraries should be utilized as headquarters for community-wide education improvement committees.

America 2000 Comunities as designated in the President's strategy, *America 2000*, represent a desirable approach to organizing for educational improvements at the level of the congressional districts. All African-American communities are urged to participate in the processes to establish *America 2000* by adopting the six National Educational Goals, bringing together a cross-section of community leaders to set up report cards to monitor the local achievement of such goals and completing the additional necessary steps.

The current state of education in African-American communities clearly indicates that not only have we been victimized by negative and destructive public policies, we have, as a people, also acquiesced to the rampant anti-intellectualism, anti-education mind-set of mainstream America. In order to survive African-Americans must desert the ideology of consumerism and seek higher ground. We must spend most of our limited discretionary incomes and most of our bountiful supplies of time and energy on the education of our children and ourselves. Survival demands nothing less than the fullest possible commitment. We must mount the "overwhelming crusade" for education which creates "learning communities" and "neighborhoods of students".

From this moment and until the year 2000, African-Americans must march upfront; in education African-Americans must set the pace, provide the leadership, for mainstream America.

In conclusion, Madam Speaker, I want to say that this is a struggle that must be entered with the same kind of total commitment that we had during the civil rights struggle. Our children will become obsolete drones in the 21st century labor market if we do not use every resource at our command to guarantee that they get a first-class education. Only we will do it, be able to do it. We must begin the struggle now.

Mr. DELLUMS. Madam Speaker, I thank the gentleman from New York [Mr. OWENS] for his contribution to these proceedings and would now yield to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend and colleague, the gentleman from California [Mr. DELLUMS], for yielding. I also want to thank my friend and colleague, the gentleman from the great State of Mississippi [Mr. ESPY], for holding the first hour of this special order.

Madam Speaker, I rise to just say a few words about the status of civil rights in this country. Just a few months ago the news media reported that a study revealed that black Americans were three times as likely as whites to face job discrimination. That study, which was conducted by the Urban Institute, has offered strong evidence about the enduring condition of job discrimination against black Americans. The study reminds us that we, as a nation, have a long way to go to eliminate racial discrimination in the workplace and throughout this society.

Madam Speaker, too many of our brothers and sisters, thousands, millions, have been left out and left behind. Thirty years ago we saw the President, a young and energetic President, John Fitzgerald Kennedy. We saw the U.S. Congress, and we saw the U.S. Supreme Court as a sympathetic referee in the struggle for civil rights. Today, 30 years later, this Nation is crying out for leadership on the issue of civil rights. It is not just black America, but all of America is crying out for moral leadership. It is a shame and a disgrace that in 1991 we are still debating whether or not we should protect our fellow Americans from discrimination.

Thirty years ago, Madam Speaker, I came to this city as a very young man, 21 years old, to begin an historic journey called the Freedom Rides. As we travelled throughout the Nation, from Washington, into Virginia, through North Carolina, South Carolina, Georgia, Alabama and Mississippi, I saw those signs that said "white men," "colored men," "white women," "colored women," "white waiting," and "colored waiting." But I say to my colleagues, Madam Speaker, a large number of people around this Nation, black and white, young and old, rich and poor, Protestant, Catholic, Jewish, and many Members of this body had the moral courage to bring those signs down. Those signs are gone, and they will never return.

Madam Speaker, we won that battle, but our mission is not over. The fact is that almost 30 years after the 1964 Civil Rights Act and the 1965 Voting Rights Act the scars and the stains of racism are still deeply embedded in American society, and I just want to remind my colleagues that are maybe watching this procedure that during our last debate on the Civil Rights Act of 1991, we only said that this act was an attempt to take us back to where we were before the recent Supreme Court ruling. There was nothing radical, there was nothing extreme, there was nothing revolutionary about this little piece of legislation. I want to say once again that it was not one section, one paragraph, one sentence, not one word to suggest that this view was a quota view. For anyone to continue to suggest that the Civil Rights Act of 1991 had anything to do with quotas, was tampering with the truth and misleading the American people.

□ 1800

We still do not have a civil rights bill, and we need that bill now more than ever before. The passage of the Civil Rights Act of 1991 will be good for all America.

Madam Speaker, we must continue to serve and to stress the fact, as we talk and speak about the state of black America, that we are one Nation, that we are one community, that we are one people, that we are one family, and that civil rights belongs to all of us.

Madam Speaker, again I want to thank my friend and colleague, the gentleman from California [Mr. DELLUMS], for yielding.

Mr. DELLUMS. Madam Speaker, I thank the gentleman from Georgia [Mr. LEWIS] for his very compassionate and powerful contribution to these proceedings.

Madam Speaker, I now yield to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, let me first congratulate the chairman of the Congressional Black Caucus, the gentleman from New York [Mr. TOWNS] and the chairperson of the dinner, the gentleman from Mississippi [Mr. ESPY], and the chairman of the Congressional Black Caucus Foundation, the gentleman from Missouri [Mr. WHEAT]. I think that these gentleman have brought us through these times very nicely, and I would like to publicly acknowledge that without their dedication we would not be as far along as we are tonight.

Madam Speaker, as we gather tonight to assess the state of black America, let us remember that we have promises to keep. Promises that we have made to ourselves—to move forward, to remain strong, and most importantly, to be the guardians of the next generation—our children and youth.

At no time in our history have our young people faced the kind of danger they now encounter in their daily lives. In their neighborhoods, in their schools, and in their homes, it is all too often a perilous existence.

Childhood should be a time of joy, security, learning and growth. The bleak reality is that young children are more likely than any other group in our country to be poor. One in four preschool children live in poverty, and statistics indicate that African-American and Hispanic children are 2 to 3 times more likely than other children to be poor.

Changes in demographics are having a profound effect on African-American children. With the growth in the number of single mothers, day-care needs have reached the critical stage.

It is time that we recognize that we have a national crisis on our hands. We have a situation where over 38,000 infants in this country die before reaching their first birthday.

In many ways, we seem to be moving backwards—last year, more children died of a preventable disease, measles, than in any year since 1971.

In my home State of New Jersey, over 223,000 children lack medical coverage, and over 15,000 are homeless.

Nearly 300,000 children in New Jersey live in poverty.

Only 1 of every 5 children in New Jersey has access to a Head Start Program, and 10 of every 1,000 children born in my State this year will die before their first birthday.

In my own congressional district, the 10th District of New Jersey, we are dealing with a life-and-death struggle as we try to help babies born with the AIDS virus. Newborns are inheriting the alcohol and substance abuse problems of their mothers.

Following a congressional hearing in my district on the problem of abandoned infants, I introduced legislation to help keep families together by giving them the resources they desperately need to overcome their problems. The House Education and Labor Committee recently passed the measure.

Madam Speaker, there are solutions. It is my firm belief that a Nation as great as ours can offer all children a bright future, if we have the will. Surely, if a military victory on foreign soil can be accomplished, a victory on behalf of America's children is possible.

The Rockefeller Commission has recently made a number of sound suggestions for improving the quality of life for our children and youth. Among these is a $1,000 income tax credit for each child in America, which would help many families better cope with the financial burdens they now bear.

There are many creative and innovative approaches to helping our young people. Tomorrow, I will host a braintrust in conjunction with the Congressional Black Caucus legislative weekend on the topic, "Youth at Risk: Programs That Work."

A number of community activists and young people have generously agreed to share their success stories with us. In communities across the country, people are pulling together; they are forming community outreach and monitoring programs; they are giving young people an important message—that they matter, that we care.

Madam Speaker, let us reaffirm our commitment to the next generation. Let us keep our promise, because they represent the promise of the future.

Mr. DELLUMS. Madam Speaker, I thank the gentleman from New Jersey [Mr. PAYNE] for his contribution to these proceedings.

Madam Speaker, I now yield to my distinguished colleague, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Madam Speaker, let me thank the gentleman from California [Mr. DELLUMS] for yielding to me.

Madam Speaker, I feel so proud of being an American, I am proud of being a member of this distinguished body, but I am even so much more proud to be a member of the Congressional Black Caucus.

Some 21 years ago I joined the Congress with the distinguished gentleman from California, and at that time, under the leadership of former Congressman Charles Diggs, we came together to form the Congressional Black Caucus. That was 21 years ago, and in each session and each term the strong keeps getting stronger and we are able to return to this Congress, and I think, more than any other group here, we provide more protection for this Constitution and what this country is supposed to represent than any group that has served in this honorable body. There is no question in my mind that history is going to so record those facts, not because we have higher morality or because we have stronger convictions but because we have constituents who are the strongest and most patriotic Americans that this country has ever seen. They have fought on every battlefield from the cotton fields to our recent excursion to the Persian Gulf. Yet they believe in those principles of life, of liberty, and of the pursuit of happiness, and they have asked us not to do these things just for African-Americans but for all Americans, although somehow it appears as though the political structure has just bypassed us.

So there is no question, if we are talking about the homeless, the jobless, and the hopeless, that hope is found in our Congressional Black Caucus in all these areas.

□ 1810

Recently our President came to this House and asked a joint session to join with him in a war against drugs. No one applauds it more than I do, because, knowing the President's propensity to get involved in excursions in which he declares war, I had hoped that there would be a sense of sincerity here in having someone at the helm to be able to say that the real threat to our society is not the communists, but are those that have no hope, that cannot fulfill their dream that this country can produce for them. That is the only reason that anyone would give up their minds and bodies to drugs that preys on them.

But when the President indicated that his war was going to be conducted by a crime bill, one had to pause and wonder whether he understood what the problem was all about. We cannot win any war by taking the most productive part of our society, those that we expect to participate in making us more productive, that being the labor force that we are going to need to compete, and think that all we have to do is warehouse them in jails.

We cannot compete if all we are going to do is wait for some kid to drop out of school to be found homeless, to believe that he can find a better life in drugs than he can in seeking a higher education. We cannot help because we are able to lock him up.

A society that is willing to pay more to keep someone in jail than they are to keep them in school, a society that does not believe it is their responsibility to deal with the problems of the homeless and the jobless, cannot win any war against drugs.

We fight this war with no chief of a joint staff to guide us, with no foreign policy to affect those nations that are creating and producing tons of coca leaves and cocaine and opium and heroin. We come with an Attorney General that has no plan to give any assistance to those who find that they may be on their way to jail for rehabilitation, so that they can come back into society and be productive.

We have no plan, no national strategy in terms of rehabilitation for those that have fallen. But, worse than anything else, Madam Speaker, we have no plan to give our youngsters an alternative to death on the installment plan by addicting themselves to drugs.

Our hospitals, our emergency wards, are swollen with children being born every day addicted to drugs, some with AIDS, abandoned sometimes by parents.

Our emergency wards find children who have killed other children, and others are wounded. Others suffer with hypertension, heart disease, liver failure, and kidney failure, all related to drug addiction.

I know that if we are going to win this struggle, and we will, it is going to take the programs as initiated by my beloved Congressional Black Caucus. It is going to take a Congress that is concerned about that Constitution and making certain that each and every individual in this country has the opportunity to succeed and be able to form that dream that the late prince of peace, Dr. Martin Luther King, talked about.

But you cannot form that dream in some shelter, living on the streets, or just squandering in some jail cell. We are going to have to make an investment to make certain if this great Nation of ours is going to remain competitive, if we are going to reduce our budget deficit, if we are going to bring some balance to trade, that we have to have a labor force that is going to be able to produce.

Madam Speaker, I tell you I am convinced that as soon as we get finished losing islands to invade and areas that we are bringing liberty to for dictators that never appreciated the qualities that we have evolved, at least in writing, in our Constitution, until we can decide we are more concerned with education than we are in creating a defense force when there is no one to fight, until we are willing to invest in our schools what we are willing to invest in building our jails, then we won't come anywhere near really reaching the high goals and ideals that are in this Constitution.

So as we move on to this 21st year, let me say to the new Members, that we have a challenge to present to this House, but we also have a responsibility to go in every county and every city and every congressional district to see that our numbers get stronger. Because when the final pages of history are written, I am thoroughly convinced that it will say when all people were trying just to get reelected, it was the Congressional Black Caucus who stayed on that road that best protected our national security and the Constitution and moral values that America truly should and does believe in.

Mr. DELLUMS. Madam Speaker, I thank the gentleman for his very powerful presentation.

Madam Speaker, I would now yield myself the balance of my time, as I understand the gentleman from Maryland [Mr. MFUME], will follow with an additional hour and my colleagues in the Congressional Black Caucus who have not spoken will have an opportunity to speak during that one hour.

Madam Speaker, in making my contribution to these proceedings, I will look back, pause momentarily in the present, and also attempt to look prospectively.

Prior to making my remarks, I would like to first thank the gentleman from Mississippi [Mr. ESPY], for organizing these special orders, and feel very pleased and privileged to be part of it.

Second, Madam Speaker, I would say that it is always with a profound sense of pride that I stand with a group of people that I consider the most progressive and compassionate legislators in the United States. I have had the great privilege of serving with members of the Congressional Black Caucus now for nearly 21 years, faces now lined with gray hair and deep lines.

But over the course of that time, it has always been with a great sense of strength and pride that I rise with the Congressional Black Caucus, as we on numerous occasions have taken to the well, to challenge, to advocate, to inspire, to energize, indeed, to have the audacity to attempt to prevail, on behalf of our respective constituents. So I feel great pride in rising this afternoon.

I rise today to speak out on behalf of the poor and the powerless in our society, Madam Speaker, the young, the elderly, the physically disadvantaged, the single mothers striving against increasing odds to maintain the social fabric of the family, and the majority of our minorities who still suffer the tortures of discrimination and deprivation in the classroom, the workplace, among other places, and in their access to affordable housing and health care.

Madam Speaker, I speak out this afternoon with a combination of personal pain, persistent anger, political and professional commitment to intensify the struggle to secure social equity and economic justice for all in our society, regardless of race, national origin, religion, age, gender, economic condition, or political preference.

The pain and anger, Madam Speaker, have multiplied with each succeeding year during the past decade, because of the disastrous short-term and long-term consequences of what came to be known as Reaganomics. Sadly, the Congress has been unwilling to stand up with courage and conviction to challenge the ascendant administration's philosophy of greed, selfishness, self-aggrandizement, by the privileged and the powerful, at the expense of America's middle class and working poor, the overwhelming but powerless majority of our citizens.

Ten years ago, after Mr. Reagan submitted his first budget to the Congress, I wrote the following analysis to my constituency in the eighth Congressional District in California. I quote in part:

> The new administration's budget is the most flagrant systematic assault by government on the economic well-being of America's middle class, working poor, and unemployed, in this century. The proposed cuts from social service programs for the poor, the elderly, the unemployed and the handicapped, will be transferred directly to the Pentagon.
>
> This is a deliberate escalation of the international arms race on which this administration plans to spend a minimum of $1.3 trillion in the next 5 years. The administration's plan to stop runaway inflation and revitalize our economy will produce even greater budget deficits and more long-term unemployment than its Carter counterpart.

☐ 1810

Tragically, Madam Speaker, those prophecies have become reality during the past decade. For those who refuse to believe, consider the following: During the Reagan-Bush era the tax rate for the highest income earners was decreased from 70 to 28 percent; the corporate tax rate for the largest corporations was reduced from 56 to 34 percent; the capital gains tax was reduced to 28 percent and the current administration is lobbying to have it reduced even further to 16 percent.

A decade ago the Dow Jones average of leading industrials was 954.01, the day after Reagan's inauguration. Yesterday it was 2,982.56. During the past decade the United States spent more than $3 trillion on the military budget, $2.958 trillion in budget authority, $2.780 trillion in outlays, and foreign military assistance and transfer programs, $118.44 million.

During the past decade the national debt has almost quadrupled. It is currently in excess of $3.528 trillion. The projected budget deficit for fiscal year 1991 is $279 billion; $336 billion in fiscal year 1992, due in large part to the catastrophic nature of the S&L crisis and continued excessive military spending.

During the same decade the following fiscal, social, and economic injustices were inflicted on the American people: The total tax burden, including increased Social Security, State, and local taxes for middle class and working poor has actually increased almost a fifth. During the past decade revenue-sharing and CETA funding were totally eliminated. During the past decade HUD-assisted housing programs and urban aid programs were both cut by more than 70 percent.

During the past decade, while the inflation rate rose more than 40 percent, cumulative food and nutrition assistance to the poor and needy increased less than 20 percent; the Food Stamp Program, less than 5 percent; elementary, secondary and vocational education assistance, less than 15 percent; higher education assistance, less than 12 percent; veterans' nonservice-connected pensions less than 2 percent.

During the past decade health care costs and insurance for middle class and working Americans have more than doubled. More than 37 million Americans currently have no health insurance whatsoever. On any given day that number is even astronomically beyond 37 million.

The United States and South Africa, very interesting juxtaposition, remain the only industrialized nations in the world without a national health insurance program. This explains in part, Madam Speaker, why the United States currently ranks—here is a superpower—ranks 21st in the world in terms of infant mortality and no longer is in the top 10 in terms of life longevity.

In 1979, the total unemployment rate was 5.9 percent. In 1980, in the wake of the second Arab oil boycott, it averaged 7 percent. In August of this year, 6.8 percent. For Black America the current crisis borders on the catastrophic.

Consider the following realities: In August of 1991, black unemployment was still double that of whites at 12.3 percent. For Hispanics, almost as grim, 9.9 percent. The latest official unemployment statistics for blacks, 39.7 percent, and Hispanics, 23.8 percent. Teenagers have increased from what they were a decade ago. They have almost tripled and doubled respectively the rate of their white tenage counterparts.

While white poverty fell marginally during the past decade, black poverty has significantly increased. More than one of every three blacks in America live in poverty or worse.

The current census projections of the black population—listen to this—the current projections of the census on the black population in America means that at this very moment there are somewhere in the neighborhood of 14 to 15 million black Americans living in poverty, living below the poverty level.

The number of blacks who are among the poorest of the poor, those who have income less than half of the official poverty level, has increased by almost 75 percent in the past decade. The poverty rate for black children is now hovering around 50 percent, the highest rate since the Great Depression, even worse for black children below the age of 6 years.

Black female heads of families are 4 times more likely to be poor as black married couple families. The ratio is even worse for families headed by women between the ages of 15 and 24. The poverty rate for blacks lacking a high school diploma exceeds 40 percent. The poverty rate for blacks with a high school diploma is four times as great as their white counterparts.

There are more black males, Madam Speaker—check this out—there are more black males between the ages of 18 and 25 incarcerated in America's prisons than in every single 4-year institution in this entire country, a nightmarish statistic with alarming implications for the present and the future.

Madam Speaker, homicides by guns, already alluded to by others, or other weapons are now the leading cause of death among black males from ages 16 to 25.

Madam Speaker, because of the fiscal and social horrors that I have just cited, and those are only a few to just paint a partial picture of the nightmarish realities that are the realities of the black condition in America, and because of the dramatic changes in the international security situation in recent months, I believe it is imperative, Madam Speaker, that the Congress take the lead in rethinking our national and international priorities and reordering our spending priorities, both at home and abroad.

During the past decade this group, the Congressional Black Caucus, has continually tried to address these critical issues in the context of a changed and changing world through the proposals contained in its annual quality-of-life budget, alternative budget proposals that clearly were visionary and forward-thinking, for we have the audacity to carve out a new role for this country in a rapidly changing world.

Now in the wake of the budget summit agreement last year and recent events, I and other concerned Members of the House are firmly convinced that we must now seize this historic moment to address these new realities in a constructive and enlightened manner. We must go beyond the limitations and the constraints of last year's agreement to forge new programs that address the challenges and crises of today and tomorrow. The world has changed.

If we are all telling the truth here, we are about the business of losing an entire generation of our children. This country does not look the same. It does not feel the same, and it does not smell the same. These realities combined mean that we must seize the moment to bring change.

Last year's budget resolution is an antiquated idea that has to go with the evolving and changing world. The Cold War and the Warsaw Pact and the Berlin Wall are history, and our national security budget ought to accept and respond to these realities.

□ 1830

There will continue to be problems caused by the disintegration of the Soviet Empire and the reemergence of national ethnic and religious animosities, but these absolutely must be addressed within the context of the United Nations and collective security agreements. We cannot be the police officers to the world.

Old myths can no longer be utilized to justify the continued escalation of the nuclear and conventional arms race, nor further U.S. unilateral overt or covert intervention in Third World countries.

Accordingly, the Congress should give serious consideration to further responsible, orderly reduction in nuclear and conventional forces.

If these proposals that many of us are prepared to present, to debate, to advocate, and to push forward—if these proposals were adopted and implemented during the next 4 years, this Government could cut military spending from the current $292 billion per annum to less than $150 billion over the next 4 years. That is in constant 1992 dollars. This would result in budget savings of almost $600 billion over the next 4 years.

It staggers the imagination to consider the extraordinary compassionate, innovative, and marvelous things we could do to make this world a better place for our children and our children's children with $600 billion, not dedicated to ending life on this planet with the insanity and the absurdity of nuclear weapons and conventional forces that are obsolete, given the changing world.

As an initial commitment to the changed national and international priorities, Congress should take the first step by further reducing the military budget in fiscal 1992. I am quite aware that the budget summit agreement of 1990 provides that 50 percent of any reduction in the military budget must go to deficit reduction, but given the realities of the changing world and the human needs that are going to be neglected and that need to be reconsidered, that figure, it seems to me, is too high. I think we need to bring down the budget deficit, but 50 percent of the cuts, that is a figure I think we need to change. There are critical human needs that must be met in the year ahead if America is to endure as a compassionate nation.

Besides budget reduction, I propose that a portion of the reduction should be spent through international relief agencies to the former Soviet Republics most in need of food, energy, and health care assistance. An equal or greater amount should be directed through these same international relief agencies to the starving and displaced millions of sub-Saharan Africa, because their needs are even greater and more acute. We indeed do have international responsibilities. I believe in the global responsibility. It is good politics, it is compassionate politics, it is a role that a major power like the United States should play.

However, I hasten to point out that I believe the overwhelming portion of these dollars should be promptly redirected back into the human needs, social services, educational programs there were cut by $50 billion in last year's budget agreement. This should serve as a prelude or the basis for a new budget summit that will honestly deal with long-term solutions rather than short-term fiscal fig leaves.

The proper reordering of our national priorities will then enable us to work toward the rebuilding of our national infrastructure in order to make us more competitive in the new world marketplace. That in turn will necessitate the rehabilitation and revitalization of our inner cities and long overdue improvements of our mass transit systems, et cetera.

However, this can only be achieved by a massive commitment by the National Government to quality education programs at all levels, from preschool to professional school so as to provide the properly educated work force to meet the challenges of a new century.

This must be accompanied by massive but necessary outlays for substantive improvements in housing and health care. This commitment to education, to jobs, to housing, to health care must be made to all of our people, especially our minorities, particularly our constituency.

The bottom line reality is this: We will either pay now, Madam Speaker, or we will pay later, but we will pay. We must be willing to pay now to increase constructive educational and job opportunities for all of our youth, or we will pay later in the form of more racial and economic segregation, more taxes for more prisons, more police and, tragically, yes, more violence predicated upon class as well as race. It is time that we as a Nation give up to the promises and dreams inherent in the Declaration of Independence and indeed the Bill of Rights.

This Nation was founded as a representative democracy. For more than two centuries many of our forefathers, forebearers of all colors and both genders have struggled to make this a more inclusive society with increased opportunity for all. Now it is incumbent upon us to elect people to the Presidency and to the Congress who will respond to the needs and aspirations of all to make this a better society for our children and for our children's children.

We are at a critical crossroads in our historical future. We cannot afford to step back or step away from the path of national purpose and collective effort that will help us achieve racial harmony and economic justice for all. I ask you assembled in this place and those not assembled in this place to join with us in making these dreams a new national reality.

As a final comment, Madam Speaker, I simply say again to my distinguished colleagues who comprise the Congressional Black Caucus, this has been my family for 21 years. We have fought here together, we have cried here together, we have felt pain, we have felt anger here together. But I am renewed and energized by our efforts today and the fact that I know that we will continue to struggle over the days ahead to continue to challenge this institution, and indeed this country to a more lofty place.

Madam Speaker, I yield back the balance of my time.

STATE OF THE UNION AND BLACK AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 60 minutes.

Mr. MFUME. Madam Speaker, I thank my distinguished colleague, the gentleman from Mississippi [Mr. ESPY], for convening us here today for this historic special order on the eve of the 21st anniversary of the Congressional Black Caucus. Also my thanks to my colleague, the gentleman from California [Mr. DELLUMS], for continuing the second hour of this very important debate. I, like many others, also seek time, but first, Madam Speaker, I would like to yield to the gentleman from New Orleans, LA, Mr. JEFFERSON.

Mr. JEFFERSON. Madam Speaker, I rise today to participate in this special order on the state of black America. I wish to thank my distinguished colleague from Maryland [Mr. MFUME] and my colleague from Mississippi [Mr. ESPY] for reserving this time for this important discussion.

While our Nation as a whole has undergone a serious international reassessment of its strengths and weaknesses to discover how it will compete in the year 2000 and beyond, black America has also undergone a reassessment of its status. Especially is this true in the area of higher education. Access to college for black Americans is less now than it was 10 years ago. College-going rates are down, and so are graduation rates.

□ 1840

To a large extent, the diagnosis and the prescription are the same for both America as a whole and for black America. Our Nation is at risk. Black America is at risk. For both, the cure is education.

Fortunately for black Americans, historically black colleges and universities have, since their creation in 1865, been a progressive and creative force in the vigorous pursuit of the achievement of social justice, cultural awareness, and academic excellence for black Americans. As a native son of the South where most black colleges and universities can be found and as a graduate of one of these outstanding institutions, I speak with personal knowledge about the significant role these colleges and universities play in eduacting and uplifting black Americans.

In no other region of the country has the impact of historically black colleges and universities been felt more directly than in the South. Mired, as it has been, in the depravity of its past injustices toward its black citizens, the South today shows strong signs of changed cultural and political landscapes and an increasingly enlightened appreciation for its rich diversity. This would not have been possible without black colleges and universities.

Madam Speaker, it is no accident that the South has the greatest number of black elected officials of any region in the country. Without fanfare and with meager resources, black colleges and universities have prepared overwhelming numbers of black lawyers, black doctors, military officers, and academics. As W.E.B. Du Bois described them, these colleges were practical enough to nurture black Americans in the enterprise of learning here on the Earth, yet able to point us to new horizons in the skies, wherever we aspire.

Historically black colleges, Madam Speaker, must be preserved. They must be strengthened. They must be enhanced so that they might continue their stellar contributions to the evolution of black Americans.

To this end, I, along with several other members of the Congressional Black Caucus and others of my colleagues on the Committee on Education and Labor, have introduced H.R. 3244, the College Opportunity Act of 1991. This act will better meet the needs of our Nation's historically black colleges and universities, to remove the barriers to higher education facing our African-American youth. It will strengthen and enhance historically black colleges, and it will improve the access and educational attainment of the students they serve.

In the Higher Education Act of 1965, Congress recognized the fundamental wisdom of bolstering historically black colleges and universities to help meet important goals for the Nation.

As we reauthorize this act in 1991, I believe that all Americans must recognize the progress of the Nation as a whole is inextricably bound to the educational progress of black Americans and that, indeed, Madam Speaker, breaking down barriers and building opportunities for black Americans is building the strength and enhancing the competitiveness of all Americans.

Mr. MFUME. Madam Speaker, I appreciate the remarks of the gentleman from Louisiana.

Madam Speaker, let me, if I might, take a moment to yield to the gentleman from Missouri [Mr. WHEAT], the distinguished member of the Committee on Rules.

Mr. WHEAT. Madam Speaker, as I rise to participate in this critical assessment of the state of our Union and the state of black America, I could not help but take a few moments to pause and thank several who have come before for their contributions and their accomplishments.

One we think of, because as Members leave this well, they are on their way to a last reception for a colleague who is retiring for a higher calling, the majority whip of the House of Representatives, our colleague, Bill Gray, recognizing that there is an important task within this body, but that each of us has a role to play wherever it may be, and he goes on to become the president and the executive director of the United Negro College Fund. We applaud him and thank him for the 12 years that he gave us in this body.

I also want to take a moment to thank another colleague who is no longer with us, a colleague who left us 2 years ago on a mountaintop in Ethiopia, a colleague who came here with Bill Gray and who served steadfastly for 10 years in this Congress, our friend, Mickey Leland.

Mickey Leland believed that we had a mission as the Congressional Black Caucus in this Congress. Mickey pointed to the troubles that exist not just in this country but throughout the world. He pointed to the people that he loved best, the children of the world, and he pointed to one problem that exists for most of those children: The problem of hunger, accompanied by disease and oftentimes starvation. Mickey Leland said that hunger was a disease for which we all knew the cure, that if a child was hungry, that it had to be fed. Mickey reminded us that it was important to care for children everywhere, but more than that, he said it is not enough to care. We have to act.

And that is the mission of the Congressional Black Caucus, to act on the pressing issues and struggles of our day.

As I stand here and as all of us have stood here in this well, we have stood at the helm of the world's greatest democratic vessel, proud to be members of the Congressional Black Caucus, and, Madam Speaker, I might add that I am proud to know that people have journeyed to Washington, DC, to participate in this struggle, and as you pointed out, it makes us understand once again that there is a struggle worth fighting for.

Yet, even as we struggle on, despite the valiant battles waged by Members who have been assembled here, we have witnessed the selective enrichment of the few and the continuing deteriorating quality of life for the many.

For those in the Congress, our friends and colleagues here today, and those whose interests we seek to protect both in this Nation and around the world, a graphic picture has been painted for you: A ship of state awash in an ill tide of evil will that has divided our people, rich from poor, black from white, and hopeful from hopeless.

Even here in Washington, DC, great people abound, and I do not mean great by any dint of accomplishment. I do not mean the people at the White House nor do I even mean the people in this body. I mean the people who sleep in the shadows of the White House, in the winter in Washington, DC, on the grates in the sidewalk because it is the only warm place they can find to lay their head.

The thousand points of light are not brilliant enough to reach into those shadows cast by the White House, and socially destructive behaviors like racism, once denounced in this country, have had their licenses renewed. And what do we hear from the White House in response? We are told that the American people can no longer afford to take care of their own, that our budget deficit is too great.

There may be a large budget deficit, but the moral and social deficits evident in our collective condition are far more threatening to the future of this country. Look around us, our resources are abundant. Our productive capacity is enormous. Surely we can find a way in all of this to care for each other.

☐ 1850

As a people, I believe we are too caring to turn our backs on our fellow citizens in need. As a nation, the future holds great promise if we can but channel the tremendous reservoir of talent, energy, and resources that our country possesses.

This week we have a clear reminder of what our Government can be. As the hearings begin in the U.S. Senate on the nomination of a candidate to replace Justice Marshall on the High Court in this land, with the departure of Justice Marshall from the U.S. Supreme Court, a towering figure of the civil rights era is preparing to leave the scene. By using the judiciary as a tool for positive social change, he by himself perhaps did more than any other American in modern times to expand the rights of ordinary citizens.

The civil rights era launched by Thurgood Marshall, by Rosa Parks, by Martin Luther King, and other champions of justice was marked by the passage of landmark legislation banning discrimination in employment, in housing, in public accommodations, and the voting booth.

Our Government during those years became an instrument to change the odds for the most vulnerable members of our society and to give them a vision of hope for the future.

Thanks to this watershed period in our Nation's recent past, an unprecedented number of black Americans are now economically secure. Yet, as you have heard from the colleagues today, recent events have shown us that we cannot take these gains for granted, or in the words of a former U.S. Senator from Louisiana who put it this way when he was asked to sum up the civil rights movement, he said, "You people"—and we know who he meant when he said "You people"—he said, "You people almost had it made, but you rested just too soon."

Well, Madam Speaker, there is an old African proverb that says, "Going slowly does not stop one from arriving."

We in the Congressional Black Caucus and you in this country have been on this journey for a very long time and this journey will continue until we arrive, but even now an increasingly hostile U.S. Supreme Court has begun to chip away at the underpinnings of our Nation's antibias safety net, and this administration has shown itself willing to play Willie Horton politics with legislative safeguards against discrimination.

In the face of the obstacles to progress, the Congressional Black Caucus will rise to the challenge of developing strategies to address the inequities that continues to confront our modern society and we will create new opportunities for an increasingly diverse African-American population.

President Bush has called for a new world order. We ask simply for the old American dream.

Today we ask of our colleagues and others within the sound of our voices to pledge to bring about a new state of the Union. We ask that those who are a part of each branch of Government, the executive, the legislative, and the judicial, set the cornerstone of a democracy that is indisputably of, by and for all of the people of this great land.

The SPEAKER pro tempore (Ms. WATERS). Does the gentleman request unanimous consent to strike references to the gallery from his remarks?

Mr. WHEAT. Madam Speaker, do I understand that it is against the rules of the House to refer to the people in the gallery?

The SPEAKER pro tempore. It is against the rules.

Mr. WHEAT. Madam Speaker, I ask permission to strike remarks in reference to the gallery.

The SPEAKER pro tempore. The Chair thanks the gentleman. Without objection, it is so ordered.

There was no objection.

Mr. MFUME. Madam Speaker, I want to thank the distinguished gentleman from Missouri for his comments, his eloquence, his friendship, and his leadership in this body, as a member of the Rules Committee and as chairman of the Congressional Black Caucus Foundation.

Madam Speaker, I take this well to offer concluding remarks to a continuation of a special order brought about through the conception and through the ideas of the gentleman from Mississippi [Mr. ESPY]. I want to thank the gentleman for again convening us today and for all the other members of the Congressional Black Caucus who have come to this well to raise before this Nation the very real nature and the condition of black America and to argue forcefully and effectively that the well-being of black America really is the well-being of all of us in this great Nation, and that this Nation cannot, nor should it ever consider, overlooking any one segment of its society deliberately or otherwise, without realizing the damage that it does to the entire society.

I come here also at the conclusion of this debate, recognizing that I am the last person to speak tonight, remembering as I do as a child that we were often taught that the last shall be first, and I think of that not in terms of myself, but in terms of the ongoing contradiction that seems to exist unfortunately in our society, that in fact we can even have people who come last, people who because of the color of their skin or because of their last name or because of the ethnicity or for some twisted reason must come behind someone else. I would urge Members of this body and again remind citizens of this Nation that that is not the American way.

But I come this evening remembering as I do, thinking about the state of our Nation, and in particular the state and the condition of those of us of African-American ancestry. I am reminded of the great eloquence of Abraham Lincoln who in 1848 in a speech delivered in Edwardsville, IL, addressed these words to his countrymen:

> When you have succeeded in dehumanizing the Negro, when you have put him down and made it for him to be but as the beast of the field, when you have extinguished his soul in this world, and placed him where the ray of hope is blown out as in the darkness of the damned, are you quite sure, that the demon you have roused will not turn and rend you?
>
> What constitutes the bulwark of our freedom and independence? It is not our crown embattlements, our bristling seacoast, our Army or our Navy.
>
> These are not our reliance against tyranny.
>
> For all those may be turned against us without having made us weaker for the struggle.
>
> Our reliance, he said, is in the love of liberty which God has planted in us.
>
> Our reliance is in the spirit of freedom which prides itself as the heritage of all men everywhere.
>
> Destroy this spirit and you have planted the seed of despotism at your own doorstep.
>
> Ignore the chains of bondage and you prepare your own limbs to wear them.

> Accustom to trample on the rights of others and you have lost the creative genius of your own independence and become fit subjects of the first cunning tyrant who rises among you.

☐ 1900

Lincoln's words, uttered over 143 years ago, in many respects have gone unheeded. Poverty, despair, hunger, homelessness, degradation, deprivation, denial, and disprivilege are too often the norm in a society that can and must do better.

So we are confronted, as Dr. King once said, with a fierce urgency of now. That is this unfolding conundrum of life and history that there really is such a thing as being too late, for procrastination is the great thief of time. Too often, philosophically, ideologically, and sociologically we find that we are sometimes stifled and stymied and stultified by those in our number who pontificate but do not produce, by those who confuse but will not clarify, by those who go but will not give, by those who seek but will not serve, and by those who harm the preservation of culture and our history by refusing to hold on to it.

So then we must be the ones to close the gap between what we say and what we do, what we accept and what we reject. For the great enemy of truth is very often not the lie, deliberate, contrived, dishonest; but the myth, persistent, persuasive, and unrealistic.

Too often, then, we hold fast to the conclusions of other people, we enjoy all of the comfort of opinion without the discomfort of thought. So then perhaps it is good on this occasion to recall the words of Jesse Jackson and Dr. James Cheek, and Dr. Martin Luther King and others who call and beckon back to us, in this very real time of need, and make the argument, in some instances from their graves, that we understand that we have yet to become the society that we seek to be. For the last 30 or 40 years many of us of African ancestry in this country have concentrated on the public sector to make our case. I would remind us and argue that in 1991 and beyond there must be also a new corporate focus, that we must focus anew on corporate America and that buying a page in a men's day program, for showing up at one of our conventions in some booth or suite, represents generosity. We argue and we insist for economic reciprocity. Corporations in many instances have boycotted the black community. Corporations have put us on aid by denying us trade, by refusing to deal with us.

And so black America, then, suffers from a budget deficit that is a direct result of a trade imbalance. We cannot balance our trade and reduce budget deficits in our community by simply dealing with public aid alone. We must also insist on expanding private trade. Historically, in this Nation the black community has had a free-trade policy. We have not put up trade barriers, import restrictions in our community. But corporate America, understanding that and realizing it, in many respects has taken advantage of it by exploiting us and adopting a restraint-of-trade policy.

We have traded with them and, in doing so, helped to develop their businesses, but they have not always traded equally with us to help develop our businesses.

So we are looking for actions that will stop this restraint of trade. A fair and equitable return on the black dollar is a demand that black communities, black business people are making over and over again.

I speak about business development because that is my area of expertise in this body. But I could speak beyond that, as could many of you who watch this discussion tonight, about other things that speak again to the quality of life in this country for purposes of African ancestry and cause us to come to places like this, at moments like this, to make their case. And yet, just the other day I went to visit a proud lady celebrating her 109th anniversary, and she stands, even as I speak, in the New York Harbor. In her right hand is a great torch, in her left hand she clings the Declaration of Independence close to her breast.

On her head is a crown of spikes and on her feet are broken shackles that symbolize freedom from tyranny.

Yet, as that plane flew over, I could still look down and hear her cry out through silent and concrete lips, saying, "Send me your tired, your poor, your huddled masses who yearn to be free, the wretched refuse of your teeming shores. Send those, the homeless, tempest-tossed to me for I lift my lamp beside the golden door."

And so we came, each of us and all of us from different directions and different reasons, but we came and became those children of the new day Sun in this Nation that knows and puts new meaning in the words "My country 'tis of thee, sweet land of liberty, of thee I sing. Land of the pilgrims' pride, land where my fathers died. From every mountainside let freedom ring."

Just a few months ago, in many villages, towns, and hamlets across this Nation there occurred what many people refer to as a celebration of the 37th anniversary of the Supreme Court decision in Brown versus the Board of Topeka, KS.

When on May 17, 1954, nine men robed in black assembled on that historic day to announce their unanimous decision among the Nation's black citizens and among some of its whites there was indeed a celebration. At black colleges classes were suspended and parties were hastily assembled. There was dancing in the streets of Richmond, Raleigh, Baltimore, Washington, and shouts of victory echoed and reverberated throughout our communities. Our parents saw, in that decision in 1954, the dawning of a new era. They felt in the innermost parts of their hearts and in fact in the bowels of their existence that this Nation was at long last launched on an unalterable course, and that the American idea was in fact to become the American reality. Yes, it is indeed true that that 1954 Supreme Court decision became the watershed in our Nation's history with respect to the law of the land and that that verdict, by a unanimous Supreme Court, became the threshold of a launching of a new era in all areas of life, for that same group of people who had suffered, endured, and survived three centuries of slavery, oppression, deprivation, denial, and disprivilege.

And from 1954 onward through the decade of the 1960's many of us felt that all sectors of this society were at last determined that we would overcome the legacy of our Nation's past.

☐ 1910

But in 1969, a high-ranking official in the White House advised the President in what later became known as the Celebrated Memorandum. He said, and I quote,

> That blacks had made so much progress in moving into the mainstream of American economic, social, and educational life that our Nation's policies * * * with respect to problems and issues related to the status of blacks should be accorded benign neglect

In a period of just 2 decades since then, through the 1970's and through the 1980's, that neglect, once proposed as benign, is now a neglect that has become malignant.

So, I believe and I suggest humbly to my colleagues this evening that we use this occasion, this eve of the 21st anniversary of the Congressional Black Caucus, as a glittering reminder of the success of our experience, but also as a challenge to recommit ourselves to sharing the dream, the dream of Martin Luther King and Fannie Lou Hamer, the dream of Douglass, DuBois, and Washington and Tubman, the dreams of all those nameless and faceless people who just laid down one day and made their bodies a bridge that we might run across, and get to the Congress of the United States, and become the heads of corporations and to lead our communities, and we must do that, not just through our prose and through our poetry, or even through our prayers. We must do it through our action, action that removes a large part of our distress by first changing the conditions that created it.

So, on this occasion and on behalf of this distinguished organization in this body, I have come to say to my colleagues tonight that I have not given up on the American ideal or on the American possibility, and I ask my colleagues not to give up also. I am convinced that this Nation still stands before the world as perhaps the last expression of a possibility of man, devising a social order where justice is supreme ruler and law is but its instrument, where freedom is the dominant creed and order is its principle, where equity is the common practice and fraternity the common human condition, and it is also my opinion that we might be the last generation of Americans that has the opportunity to help our Nation fulfill its promise and to realize its possibility.

So, the Congressional Black Caucus, nameless and faceless as we are, seek over and over again to unite with the hearts and minds of other people, nameless and faceless throughout this Nation, who feel a burning desire to believe, as naive as it may be in this day and age, that, yes, all people are created equal, and that, yes, they are endowed with certain unalienable rights, and, yes, that among those shall be life, liberty, and the pursuit of happiness, and that we are prepared to take the Founders at their word and to call due the check on which they base the Constitution, and the Preamble, and the Declaration of Independence and all the other pronouncements that they issued to justify their revolution against tyranny. We call that check due, and we argue that in order for us to be that nation, that model that really leads the way, that we must remember that we are judged by how we treat the least of these, those people who are sleeping on grates across the street from the White House, those farmers in the Midwest who cannot make ends meet, that family in some large city that is trying to decide how they are just going to be able to pay the gas and electric or to send a kid to school, the middle-class families of this Nation who find now that they are continuing to bear the brunt of nonsense that we do. All those people, nameless and faceless, we stand for, and all those people make us proud that we, as African-ancestored Americans, are in fact Americans and are calling due that special note that the Founders of this Nation put forth.

Madam Speaker, on behalf of the Congressional Black Caucus, my thanks again to all those Members who have participated in this special order and to the thousands and thousands of people who have come and descended on Washington, DC, for these 4 or 5 days. It is my hope that we walk away, not just with a good feeling, but with an agenda, an agenda for positive change that takes the lead in pointing this Nation in its correct direction.

THE COUNTRY TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Madam Speaker, it is an honor for me to speak this evening, and follow the gentleman from Maryland [Mr. MFUME] and to echo in my small and humble way some of the themes he touched. Madam Speaker, I want to talk about the country today, I want to talk about America this summer, I want to talk about what we have not been talking about, particularly since this body adjourned over a month ago.

With the entire cold war international system disappearing before our eyes during the month of August, I do not think it was any surprise at all, no surprise at all, that the attention of this country, the attention of the world, was riveted to the drama unfolding in another part of the world, and for those who have lived the tension of the last 70-some years, the nuclear tension, the tension of not having enough to take care of our families, our cities, our towns, our villages, our farmers, the tension of pitting poor people in Central America against each other or in Africa against each other and Asia against each other, the tension that was built around the financial collapse in many ways of this great country of ours because of our concern with the cold war, indeed it was not surprising at all to find the country so riveted on what happened in Moscow, in St. Petersburg and other places in the Soviet empire, the once Soviet empire.

□ 1920

But now pundits in the media, the electronic media, the news media, are calling for a Marshall plan for the Soviets. Some of our leaders outline ways to break the budget agreement and divert money to the fledgling republics. Editorial writers across the country today are busy penning away their endorsements of emergency aid to any new nation that embraces this concept of free trade. But those who gaze across the Atlantic, imagining ways to play a role in these momentous events, have only to turn around and see another dramatic story, a story of a courageous, hard-working people who have been squeezed from virtually every angle.

It is the story of America's families, and it is particularly poignant to look at America's families in the summer of 1991. They are squeezed by a deep and prolonged recession. And it is deep, and it is prolonged. Those who say that we are moving out of it fool themselves.

One only needs to look at the statistics. Housing is down more than eight-point-something percent, personal income is down, and 300,000 people are off the unemployment compensation rolls in the month of July alone. It is a deep recession.

In my State of Michigan, 9.3 percent of the people are unemployed, and that is up from 8.1 percent. We are squeezed by tough competition from Germany, France, and the countries of the Pacific rim. We are squeezed by a system that has raised taxes on the poor and the middle class but given a $25,000-a-year tax cut to the richest 1 percent of America. That is $25,000 a year at the expense of America's families.

We are squeezed by a health care system that is expensive for those who have insurance. And heaven knows, it is expensive. All you need to do is talk to people who say they cannot go to the drug store to get the prescription drugs they need because they cannot afford the accelerating cost. They cannot afford to go to get that checkup that is needed, even though they have a suspicion that something is wrong with them, and God forbid the mental torment, the fear that something may be wrong with their child or with their parent. And they tell of their inability to take care of basic dental needs. They are squeezed by it, but they are not as squeezed as the 37 million Americans who have no health insurance, not a dime.

I tell this story back in my district often, and I tell it because it is true and because it moved me. It moved me deeply. I met with a group of women, five of them, who work in a nursing home. They belong to a labor union. It is a good labor union, yet they only make $5 an hour. They are working in a nursing home, taking care of our mothers and our fathers, our grandmothers and our grandfathers, bathing them, changing their bedpans, caring for them and loving them; yet they themselves, mostly single parents, had no health insurance for themselves, for their loved ones, or for their children. One woman told me she goes to bed every single night saying a prayer that her children do not get sick.

During the last month, while the President busied himself with the Soviet crisis, the back pages of the newspapers throughout this country, Madam Speaker, confirmed the magnitude of the crisis right here at home. In August the numbers of long-term unemployed, those out of work for more than 26 weeks and still looking for jobs, rose to 1.2 million. More than 300,000 Americans exhausted their unemployment benefits in July alone, as I said. This was the highest 1-month total in the last 40 years. If we continue at this rate, the number of Americans who run out of unemployment benefits this year will exceed any year since the program was established in 1930.

I remember speaking from this microphone in this well about a year ago. It was after the President had committed us and our young men and women, along with some of our older men and women, to the Persian Gulf. There are 2 million more people out of work today in America. There are 2 million people out of work today in America that had jobs a year ago.

Since June of this year, three-quarters of a million Americans who had jobs have no jobs, and they have all the mental anguish that goes with that, worrying about paying the bills, making ends meet, paying for groceries, having enough set aside perhaps for the education of one of their children, and, of course, all the wonderful little extras in life that make life so enjoyable. They have seen those hopes and dreams shattered.

But they say to themselves, "Well, I'm going to get a little bit of a reprieve. Maybe the economy will turn around, but at least I know that we have an unemployment compensation system in this country. We have a health care system that has a lot of holes in it, but at least I will have something coming in to pay the mortgage and to take care of the basic needs of my family."

But what has happened? These Americans at an exceedingly fast rate have run out of benefits. It is an emergency of great magnitude for them and for the country.

Those of us here in the Congress came to the Congress of the United State, believed in the extension of unemployment compensation benefits because we know there is a pool of money available to help these people, over $8 billion that has been paid into it to take care of a situation like this, and we said to the President of the United States, "Mr. President, we know under our budget agreement that it takes an emergency for you to release funds, but we've got a lot of hurting people here in this country. You took care of the needs of the Israelis, the Turks, the Kurds, and the people in Bangladesh who need assistance. You signed the bills into law that declared an emergency for them. Won't you help our own?"

And the President, who was in Maine on vacation—and he deserves a vacation because he works hard; I am not going to take that away from him—said to the American people, "I'll sign that bill, but I won't declare an emergency for Americans. I won't declare an emergency for that family who wants to put some food on the table for their loved ones. I won't declare an emergency for that family that needs to pay the mortgage, that family that is having difficulties or that has a sick child who needs medical care. But I'll sign the bill."

I do not know why he signed it, but he said, "I'll sign the bill," and maybe it was just to make it look as if he really cared. But if he really cared, he would have released the fund. He said no to releasing the fund.

☐ 1930

So we are back to square one. We come before you again, Mr. President, in the process of providing for these Americans, and there are 10 million of them out there out of work, with another bill. But this time, if you sign the bill, you release the funds.

That will be debated in this body next week. I hope my colleagues, no matter where they are from, what State, what region, will understand the pain, not only of their constituents, but the pain of textile workers in the Southeast who are out of work, of automobile workers in my district, 10 percent, perhaps, who have no jobs today and are laid off, of people who work in the lumber industry in the Northwest, in the computer industry, in the service industry that has been devastated, and, of course, government workers across this country who have been laid off by the tens of thousands recently because of the budget squeeze that we are undergoing.

I hope all of my colleagues will understand the pain that is going on with their friends who serve them on respective committees and in various buildings in this great Capitol of ours, and that we send the President a bill, and the President will say to the Americans, yes, you are as important to me as someone from Turkey, someone from Bangladesh, someone from Israel. I will take care of you.

What about health care? I talked about health care a little bit. By the year 2000, nearly one-sixth of our Nation's gross national product will be consumed by health care costs. One-sixth.

Our national spending on health care, which is already higher than any developed nation, will climb from 12.3 percent to 16.4 percent of gross national product by the end of the century.

I will tell you, if we do nothing and let that happen, the economic decline of this country will accelerate at a dazzling pace.

What are we getting for all of this money? Just this morning the Washington Post reported that more than one-half of the children age 2 and younger in the Washington area have not received their proper immunization. This sort of story is being repeated all across the country.

The health care system in this country is turning into a disaster. It is a system that people do not understand, with the Medicaid system, a Medicare system, a CHAMPUS system for the military, the private system, a VA system, and 37 million people with no system. It is a bureaucracy that is so laden and heavy with paperwork we spend 26 cents on $1 in this country just on paperwork. That is where the health care dollar is. Twenty-six cents of it is just on paperwork.

Canadians, for instance, spend only 11 cents on paperwork. the Japanese, far less. The West Germans, far less than us.

With the costs of health care soaring, and many needs unmet, it is no wonder that our working families list health care as the No. 1 priority on their list.

We have all heard it. We all go back to our districts, no matter if it is in Iowa, Michigan, California, Vermont, Georgia, or Texas. You name it, we all have town meetings. We have Rotary Club meetings.

The thing we are hearing the most is, do something about health care. The costs are killing us. It is the No. 1 issue negotiated at the bargaining table in many industries today.

Many people, as I have indicated, do not have access. The issue is white hot. It is as hot as it can be. We have to move on it. We have to address it.

Our party, the Democratic caucus, in conjunction with the Senate leadership, will have a program for America on this issue in a very short time that will address the cost issue, the access issue, and the overall health care quality issue for the people of this country.

Now, let me go back, if I can, and talk about this administration and this recession.

Before we left the administration, the Secretary of Treasury said about the recession, it is, "No big deal." It is no big deal.

The OMB Director said give them unemployment compensation benefits and you basically, and I am paraphrasing, you basically only perpetuate their needs to not go back to work.

The President signs a bill, but does not declare the emergency. What callousness, what insensitivity, what a real lack of understanding of what is happening in American towns and cities across this country.

It is a damn big deal when you are out of work. It hurts to be out of work. It robs you of your dignity. It robs you of your ability to provide for your family's needs.

Anybody who has had a parent or a loved one, the head of the family, who is out of work, understands that. They understand that. They understand it in the morning when they wake up and have to face the gloom and despondency of that person. They understand it during the day when it is on their mind, as well as on the breadwinner's mind. And they understand it in the evening when the extra things that might be there to make the day enjoyable are not there.

It is a big deal, Mr. Brady. It is a real big deal.

A few other things about the troubling news we have learned during the month of August. The Commerce Department reported that personal income for Americans fell for the first time in over 6 months. The Nation's gross national product continued to shrink during the second quarter of 1991. The national unemployment rate remained unchanged during August, yet, in Michigan, as I have indicated, it skyrocketed up to over 9 percent.

Don't be fooled by the number, that it wasn't changed in August, that it was 6.8 percent in July and 6.8 percent in August. It wasn't 6.8 percent in July. It was between 7 and 8 percent. What they do not tell you is that in July, 416,000 Americans dropped off the rolls and were not counted. They gave up hope. There was nothing out there. Nothing out there.

Ironically, the very same administration that brought us these sobering statistics also claim that the recovery is on its way, happy days are here again, and we are just around the corner. Everything is going to be fine, and hunky-dory, and just hang in there with us, and it is going to be just great.

But the American middle class was not fooled when the President trumpeted the end of the recession from his vacation home in Kennebunkport, in between his jogs around the golf course. The tough times are not over just because the President says they are, and our working families in this country know it.

The economic impact of the recession was not the only bad news of this recession. The GAO released its gloomiest assessment yet of the health of our banking system.

□ 1940

Almost 100 major banks will fail in the next 3 years at a cost of more than $30 billion, with a "b," $30 billion to pay off their depositors.

These are not just dry statistics. They are a symptom of an economy still struggling through a very profound and deep recession. And these statistics help to explain the deep frustration of America's middle class, frustrations of people whose lives are strained to the breaking point because they cannot make ends meet. And those who have not reached economic middle-class status, you can imagine the strain there. These are the issues that we have got to address in this Congress with a credible health care reform that can free our working families of the fear that sudden illness will wipe them out, with a tax relief for our people and a guarantee that the wealthiest citizens will pay their fair share to meet the Nation's needs.

We need to cut the taxes of the people who got zippo during the last 12 years, and that is most of America. People on the top did real well, the top 1 percent of America, people that have the incomes of $300,000, $400,000, $500,000 a year. And there are a lot of them, 2.5 million of them did very well. After-tax income went up during the last decade 122 percent. The rest, the rest of us, flat or down. We paid for their good time.

It is called trickle down, but it never trickled down. It stayed on the top. It is a system of economics that is not fair, lacks substantial merit. We need to change that. We need a system of going up where we provide the working families in this country with a tax cut, put some money in their pockets, giving them the opportunity to pay off debt, to invest in their children's education or to buy the necessities that they have been denied for so many years. That is what we are going to do in this Congress.

We are going to provide the vast majority of families in this country with a tax cut, not the top, but those people who have been left out.

So if you are a person left out there, if you have been the ones were the tax bite has been the hardest, do not feel you have gotten any relief, we are going to put a bill on the floor that is going to pass. And we will send it to the President, and we are going to hope he is going to sign it because we need it. We need it to grow and to get out of this recession.

We did it during 1962, I believe, the Kennedy administration got this country moving ahead. We will do it for the right reasons, and we will do it for the right people.

We need to put money in their pockets, and it needs to be the engine of economic growth.

Madam Speaker, the time has come to focus our attention right at home in America. Of course, we want to respond with compassion and generosity to the needs of others. We have done that. We will always do that. We will take pride as Americans for doing it. But first we have got to take care of our own right here at home, and each week I intend to raise this issue of taking care of Americans, whether it is unemployment compensation benefits, whether it is rebuilding our roads and bridges and highways and putting 2 million people to work over 5 years, as we will do with the transportation bill when it comes to the floor later this fall, whether it is middle-income tax cuts for the people who have not got anything over the last 10 years, we are going to challenge the country, the President, my colleagues on this side of the aisle to step forward and start looking after Americans, start looking after the people that have been paying the bill, start looking after the constituents that send us here, start looking after those kids that do not have a proper education, do not have health care they deserve, do not have the immunization shots that they should have.

I ask my colleagues who are interested in these issues to join with me. Let us give the struggling republics in the Soviet Union something they can really use, they can really use, a lesson by example of a nation that can take care of itself.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROBERTS) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 60 minutes, on September 16.

Mr. ROBERTS, for 5 minutes, today.

Mr. RIGGS, for 60 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. ESPY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. HARRIS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STALLINGS, for 5 minutes, today.

Mr. DELLUMS, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes each day, on September 16, 17, 19, 23, 26, 27, and 30, October 3 and 4.

Mr. HAYES of Illinois, for 60 minutes, on September 17.

(The following Member (at the request of Mr. DELLUMS) to revise and extend his remarks and include extraneous material:)

Mr. NEAL of Massachusetts, for 60 minutes, on September 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROBERTS) and to include extraneous matter:)

Mr. MACHTLEY in two instances.
Mr. GALLEGLY.
Mr. DUNCAN.
Ms. ROS-LEHTINEN.
Mr. BAKER.
Mr. GALLO.
Mr. DAVIS.
Mr. SCHULZE.
Mr. ROTH.

(The following Members (at the request of Mr. ESPY) and to include extraneous matter:)

Mr. WEISS.
Mr. FASCELL in two instances.
Mr. FOGLIETTA.
Mr. GUARINI.
Mr. MCCURDY.
Mr. KILDEE in two instances.
Mr. BONIOR.
Mr. MILLER.
Mr. WYDEN.
Mr. LANTOS.
Mr. PENNY.
Mr. ACKERMAN in four instances.
Mr. DOWNEY.
Mr. HALL of Ohio.
Mr. STUDDS.
Mr. DINGELL.
Mr. TORRICELLI.
Mr. BRUCE.

ADJOURNMENT

Mr. BONIOR. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p.m.) under its previous order the House adjourned until Monday, September 16, 1991, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

2059. Under clause 2 of rule XXIV, a letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–139), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. BONIOR. Committee on Rules. House Resolution 221; a resolution providing for the consideration of H.R. 3040, a bill to provide a program of Federal supplemental compensation, and for other purposes (Rept. 102–201). Referred to the House Calendar.

Mr. TORRES. Committee on Banking, Finance and Urban Affairs. H.R. 2654. A bill to require the clear and uniform disclosure by depository institutions of interest rates payable and fees assessable with respect to deposit accounts; with an amendment (Rept. 102–202). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (for himself, Mr. JENKINS, Mr. PEASE, Mr. SCHULZE, Mr. ANTHONY, Mr. COYNE, Mrs. JOHNSON of Connecticut, Mr. MCEWEN, Mr. MOODY, Mrs. SCHROEDER, Mr. BILBRAY, Mr. FEIGHAN, and Mr. BUSTAMANTE):

H.R. 3313. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. DURBIN, Mr. FEIGHAN, Mr. RITTER, Ms. SLAUGHTER of New York, Mr. SKAGGS, Mr. WELDON, Mr. JONES of Georgia, Mr. LAUGHLIN, Mr. KLECZKA, Mr. SOLARZ, Mr. GALLO, Mr. HORTON, Mr. KYL, Mr. PENNY, Mr. BROOMFIELD, Mr. COX of Illinois, Mr. MOAKLEY, Mr. ENGEL, Mr. HOBSON, Mr. LENT, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. SARPALIUS, Mr. GORDON, Mrs. MORELLA, Mr. PALLONE, Mr. VISCLOSKY, Ms. NORTON, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. HENRY, Mr. ECKART, Mr. MARTINEZ, Mr. FAWELL, Mr. EDWARDS of California, Mr. TORRES, Mr. FOGLIETTA, Mr. SMITH of Florida, and Mr. SCHEUER):

H.R. 3314. A bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania; to the Committee on Ways and Means.

By Mr. LANTOS:

H.R. 3315. A bill to amend the Federal Deposit Insurance Act to require consideration by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation of the interests of the employees and former employees of depository institutions for which such corporation has been appointed conservator or receiver; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDWARDS of California:

H.R. 3316. A bill to amend title 18, United States Code, to authorize the Federal Bureau of Investigations to obtain certain telephone subscriber information; to the Committee on the Judiciary.

By Mr. BARNARD (for himself, Mr. HASTERT, Mr. NEAL of North Carolina, Mr. MCMILLEN of Maryland, and Mr. RAY):

H.R. 3317. A bill to amend the Securities Exchange Act of 1934 to require disclosure of short positions of major short position holders, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BENTLEY:

H.R. 3318. A bill to clarify and make uniform the maritime law of the United States with respect to the recovery and allocation of compensatory damages; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Ms. MOLINARI, Mr. BLAZ, Mr. JONTZ, Mr. ACKERMAN, Mr. BROWN, Mr. JACOBS, Mr. EWING, Mr. HUCKABY, Mr. CONDIT, Mr. ATKINS, and Mr. ANDREWS of Maine):

H.R. 3319. A bill to amend the Internal Revenue Code of 1986 to treat as sale proceeds of a residence amounts paid by the Secretary of Defense representing the reduction in the value of the residence on account of a military base closing; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING):

H.R. 3320. A bill to improve education for all students by restructuring the education system in the States; to the Committee on Education and Labor.

By Mr. CAMPBELL of California:

H.R. 3321. A bill to amend the Older Americans Act of 1965 to provide for State and area volunteer services coordinators; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 3322. A bill to designate the Wellston Station facility of the U.S. Postal Service in St. Louis, MO, as the "Gwen B. Giles Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. FRANK of Massachusetts:

H.R. 3323. A bill to amend the Public Health Service Act to provide that students of occupational therapy are eligible borrowers for purposes of the program established in title VII of such act for insuring loans for education in the health professions; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 3324. A bill to amend the Internal Revenue Code of 1986 to provide that the entire 5-cent increase in motor fuels taxes enacted by the Revenue Reconciliation Act of 1990 shall be deposited into the Highway Trust Fund; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 3325. A bill to allow Connecticut to permit certain recipients of aid to families with dependent children a one-time election to purchase capital equipment for a small business, to prohibit depreciation of such equipment, and to require that repayments by such persons of the principal portion of small business loans be treated as business expenses for purposes of the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. MICHEL (for himself and Mr. COUGHLIN):

H.R. 3326. A bill to augment and clarify law enforcement agency roles in ordering aircraft to land and vessels to bring to, to enable improved money laundering investigations, to promote drug testing in Federal and State criminal justice systems, and for other law enforcement system improvements; jointly, to the Committees on the Judiciary, Public Works and Transportation, Merchant Marine and Fisheries, Ways and Means, Banking, Finance and Urban Affairs, Energy and Commerce, and Foreign Affairs.

By Mr. MONTGOMERY (for himself and Mr. RANGELL):

H.R. 3327. A bill to amend title 38, United States Code, to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department; to the Committee on Veterans' Affairs.

By Ms. OAKAR:

H.R. 3328. A bill to amend title II of the Social Security Act to provide for an increase of up to 10 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

By Mr. REED (for himself, Mr. HAYES of Illinois, and Mrs. UNSOELD):

H.R. 3329. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to encourage more efficient and effective administration of the TRIO Programs by mandating a 5-year grant cycle; requiring adequate notice of the success or failure of grant applications; encouraging coordination among institutional, State, and Federal programs for disadvantaged students; strengthening early identification efforts; and continuing the authorization of appropriations for the programs; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 3330. A bill to improve the effectiveness of the provisions of the Agricultural Reconciliation Act of 1990; to the Committee on Agriculture.

By Mr. SCHULZE:

H.R. 3331. A bill to amend the Internal Revenue Code of 1986 to simplify the definitions of highly compensated employee and compensation for pension plan purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 3332. A bill to simplify the tariff classification of certain plastic flat goods; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 3333. A bill to provide congressional approval of the Governing International Fishery Agreements; to the Committee on Merchant Marine and Fisheries.

By Mr. WEISS:

H.R. 3334. A bill to amend the Higher Education Act of 1965 to provide Perkins Loan forgiveness to encourage individuals who enter the teaching profession to teach in schools serving low-income areas; to the Committee on Education and Labor.

By Mr. DYMALLY:

H.J. Res. 323. Joint resolution designating October 30, 1991, as "Refugee Day"; to the Committee on Post Office and Civil Service.

By Mr. HOBSON (for himself, Mr. CRANE, Mr. RITTER, Ms. LONG, Mr. JACOBS, and Mr. MCCLOSKEY):

H.J. Res. 324. Joint resolution designating October 12, 1991, as "Centennial of Concrete Paving in America Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD (for himself, Mr. SMITH of New Jersey, Mr. ROHRABACHER, and Mr. WOLF):

H. Con. Res. 200. Concurrent resolution to recommend that the United Nations Security Council dispatch United Nations forces to the Republic of Croatia for the purpose of stopping the bloodshed there; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself, and Mr. SMITH of New Jersey):

H. Con. Res. 201. Concurrent resolution expressing the sense of the Congress relating to the need for a Conference on Security, Stability, Development, and Cooperation in Africa and commending the Helsinki Commission for its leadership on this initiative; to the Committee on Foreign Affairs.

By Mr. GUARINI:

H. Con. Res. 202. Concurrent resolution expressing the sense of the Congress that the United States should not provide direct financial assistance to the Soviet Union until the Soviet Union ceases all of its direct economic and military support for the regime of Fidel Castro; to the Committee on Foreign Affairs.

By Mr. ESPY (for himself, Mr. CONYERS, Mr. CLAY, Mr. STOKES, Mr. DELLUMS, Mr. RANGEL, Mr. COLLINS of Illinois, Mr. FORD of Tennessee, Mr. DIXON, Mr. DYMALLY, Mr. SAVAGE, Mr. OWENS of New York, Mr. TOWNS, Mr. WHEAT, Mr. HAYES of Illinois, Mr. ESPY, Mr. FLAKE, Mr. LEWIS of Georgia, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. COLLINS of Michigan, Mr. FRANKS of Connecticut, Mr. NORTON, Mr. JEFFERSON, and Mr. WATERS):

H. Res. 220. Resolution to honor accomplishments and express the appreciation for a dedicated career in public service of the Honorable William H. Gray III on the occasion of his resignation; considered and agreed to.

By Mr. PENNY:

H. Res. 222. Resolution expressing the sense of the House of Representatives that the President should provide agricultural export credit guarantees and technical assistance to the Soviet Union, the Baltic Nations, and the Soviet Republics to avert hunger and support economic, political, and social reforms there; jointly, to the Committees on Agriculture and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CAMP.

H.R. 62: Mr. SHAYS.

H.R. 75: Mr. GILCHREST.

H.R. 78: Mr. CONDIT.

H.R. 85: Mr. SOLOMON.

H.R. 123: Mr. WALSH, Mrs. JOHNSON of Connecticut, Mr. BENNETT, Mr. ROTH, Mr. BURTON of Indiana, Mr. CLINGER, Mr. SWETT, and Mr. SUNDQUIST.

H.R. 127: Mr. KYL, Mr. ESPY, Mr. FORD of Michigan, Ms. ROS-LEHTINEN, Mr. ORTON, Mr. VENTO, Mr. COSTELLO, Mr. BOEHNER, Mr. LEVIN of Michigan, and Mr. ALLARD.

H.R. 200: Mr. AUCOIN, Mr. RIGGS, and Mr. CARDIN.

H.R. 251: Mr. FOGLIETTA.

H.R. 252: Mr. SOLARZ, Mr. REED, Mr. BROWN, and Mr. JOHNSTON of Florida.

H.R. 255: Mr. SCHIFF, Mr. GLICKMAN, and Mr. ECKART.

H.R. 256: Mr. BARRETT, Mrs. VUCANOVICH, and Mr. GLICKMAN.

H.R. 281: Mr. MARTINEZ.

H.R. 288: Mr. SMITH of New Jersey, Mr. JOHNSTON of Florida, Mr. DERRICK, Mr. MOODY, Mr. OWENS of New York, and Mr. BILBRAY.

H.R. 310: Mr. STALLINGS.

H.R. 311: Mr. ANNUNZIO.

H.R. 318: Mr. OBERSTAR.

H.R. 413: Mr. BACCHUS, Mr. KOLBE, Mr. LENT, Mr. ROHRABACHER, Mr. ORTIZ, Mr. MINETA, Mr. OWENS of New York, Mr. COBLE, Mr. JACOBS, Mr. LEVIN of Michigan, Mr. DOWNEY, Mr. DANNEMEYER, Mr. FALEOMAVAEGA, Ms. OAKAR, Mr. WEISS, Mr. SCHEUER, Mr. CAMPBELL of California, Mr. MARLENEE, Mr. RAY, Mr. BRYANT, Mr. MARTIN, Mr. GOSS, Mr. MOLLOHAN, Mr. HOCHBRUECKNER, Mr. ANTHONY, Mr. HATCHER, and Mr. KOLTER.

H.R. 467: Mr. FRANK of Massachusetts, Mr. ACKERMAN, Ms. COLLINS of Michigan, Mr. EVANS, Mr. STUMP, Ms. NORTON, Mr. SCHIFF, Mr. LEWIS of California, Mr. MANTON, Mr. DERRICK, Mr. FALEOMAVAEGA, Mr. JENKINS, Mr. ATKINS, Mr. EMERSON, Mr. SPENCE, Mr. PAYNE of New Jersey, and Ms. PELOSI.

H.R. 504: Mr. JOHNSON of South Dakota.

H.R. 565: Mr. JAMES, Mr. GILCHREST, Mrs. PATTERSON, Mr. HALL of Texas, Mr. FEIGHAN, Mr. KANJORSKI, Mr. HOBSON, Mr. TAYLOR of Mississippi, and Mrs. MINK.

H.R. 710: Mr. OWENS of Utah and Mr. CRAMER.

H.R. 755: Ms. COLLINS of Michigan, Mr. UPTON, and Mr. SPRATT.

H.R. 791: Mr. ECKART.

H.R. 793: Mr. RAVENEL, Mrs. MINK, Mr. HAMILTON, Mr. ENGLISH, Mr. DOOLEY, Mr. MARKEY, Mr. VANDER JAGT, Mr. PURSELL, Mr. HOAGLAND, Mr. MARTINEZ, Mr. CLEMENT, Mr. SARPALIUS, Mr. DEFAZIO, Mr. WYDEN, Mr. SMITH of Oregon, Mr. BACCHUS, and Mrs. LLOYD.

H.R. 827: Mr. STUMP.

H.R. 829: Mr. BOUCHER.

H.R. 840: Mr. CRAMER, Ms. KAPTUR, and Mr. MURTHA.

H.R. 843: Mr. FAZIO, Mr. BROWN, Mr. MARTINEZ, and Mr. MCMILLEN of Maryland.

H.R. 852: Mr. TORRES.

H.R. 856: Mr. ANNUNZIO.

H.R. 862: Mr. ALLARD.

H.R. 880: Mr. MCGRATH.

H.R. 886: Mr. HUCKABY.

H.R. 911: Mr. OWENS of New York, Mr. SOLOMON, Mr. BARNARD, Mr. MORAN, Mr. CLINGER, Mr. BILIRAKIS, Mr. TOWNS, Mr. PAYNE of Virginia, and Mr. JOHNSON of South Dakota.

H.R. 951: Mr. TOWNS, Mr. LOWERY of California, Mr. ANDREWS of Maine, Mr. LEWIS of California, Mr. ROE, and Mr. FAWELL.

H.R. 978: Mr. SWETT.

H.R. 1025: Mr. YOUNG of Florida.

H.R. 1063: Mr. VENTO, Mr. ORTON, and Mr. PAYNE of New Jersey.

H.R. 1076: Mr. BARNARD, Mr. SUNDQUIST, Mr. TOWNS, Mr. RIGGS, Mr. HORTON, Mr. GRANDY, Mr. MCNULTY, Mr. VANDER JAGT, Mr. STAGGERS, and Mr. COSTELLO.

H.R. 1092: Mr. BENNETT and Mr. PAXON.

H.R. 1124: Mr. SCHIFF, Mr. GINGRICH, Mrs. LLOYD, Mr. EMERSON, and Mr. GEREN of Texas.

H.R. 1185: Mr. QUILLEN.

H.R. 1190: Mr. MCCLOSKEY and Mr. MCGRATH.

H.R. 1201: Mr. PERKINS and Mr. SIKORSKI.

H.R. 1218: Mr. COYNE, Mr. GEPHARDT, Mr. EDWARDS of Oklahoma, and Mr. PETRI.

H.R. 1239: Mr. LOWEY of New York.

H.R. 1240: Mr. PANETTA.

H.R. 1257: Mr. STEARNS.

H.R. 1277: Ms. PELOSI Mr. DOOLEY, Mr. WISE, Mr. REED, Mr. PETERSON of Florida, Mr. ATKINS, and Mr. MCDADE.

H.R. 1346: Mr. LAROCCA, Mr. WASHINGTON, Mr. FLAKE, and Mr. VISCLOSKY.

H.R. 1360: Mr. DERRICK.

H.R. 1364: Mr. FORD of Tennessee.

H.R. 1405: Mr. WILSON.

H.R. 1414: Mr. REED.

H.R. 1433: Mr. MARLENEE.

H.R. 1447: Mr. HOAGLAND.

H.R. 1467: Mr. JACOBS, Mr. ANTHONY, Ms. SNOWE, and Mr. STUDDS.

H.R. 1468: Mr. GILCHRIST.

H.R. 1473: Mr. MOLLOHAN, Mr. JOHNSON of South Dakota, and Mr. SIKORSKI.

H.R. 1481: Mr. WYLIE and Mr. MACHTLEY.

H.R. 1495: Mr. HEFNER, Mr. RICHARDSON, Mr. RAY, Mr. FASCELL, Mr. STARK, Mr. HORTON, and Mr. APPLEGATE.

H.R. 1504: Mr. BORSKI.

H.R. 1516: Mr. WALKER, Mr. SKEEN, and Mr. CRAMER.

H.R. 1547: Mr. STUMP.

H.R. 1598: Mr. LAGOMARSINO, Mr. WHEAT, Mr. YOUNG of Florida, Mr. FORD of Tennessee, Mr. WOLF, Mr. TRAFICANT, Mr. INHOFE, Mr. LANCASTER, Mr. GALLO, Mrs. ROUKEMA, Ms. NORTON, Mr. PETERSON of Florida, Mr. RANGEL, Mr. IRELAND, Mr. TORRICELLI, Mr. DOWNEY, Mr. EMERSON, Mr. HUCKABY, Mr. JEFFERSON, Mr. PETRI, and Mr. BONIOR.

H.R. 1601: Mr. MACHTLEY.

H.R. 1608: Mr. WAXMAN, Mr. ECKART, Mr. GUARINI, Mr. DERRICK, Mr. BILBRAY, and Mr. FAWELL.

H.R. 1617: Mr. NEAL of North Carolina.

H.R. 1650: Mr. EDWARDS of Oklahoma.

H.R. 1662: Mr. ORTON.

H.R. 1663: Mrs. UNSOELD.

H.R. 1681: Mr. RANGEL, Mr. BATEMAN, Mr. DWYER of New Jersey, Mr. JONTZ, Ms. NORTON, Mr. MORAN, Mr. PAYNE of Virginia, and Mr. HORTON.

H.R. 1723: Mr. JEFFERSON.

H.R. 1733: Mr. VENTO, Mr. SLATTERY, Mr. STENHOLM, Mr. HAMILTON, Mr. GEREN of Texas, and Mr. SMITH OF NEW JERSEY.

H.R. 1771: Mr. BARNARD, Ms. DELAURO, Mr. DWYER of New Jersey, Mr. HAYES of Louisiana, Mr. LIVINGSTON, Mr. OBERSTAR, Ms. PELOSI, and Mr. VANDER JAGT.

H.R. 1856: Mr. PARKER, Mr. RAMSTAD, Mr. ESPY, Ms. PELOSI, and Mr. KENNEDY.

H.R. 1889: Mr. RAY.

H.R. 2041: Mr. GIBBONS.

H.R. 2063: Mr. VENTO, Mr. EMERSON, and Mr. CONYERS.

H.R. 2098: Mr. FEIGHAN.

H.R. 2215: Mr. ACKERMAN, Mr. GUARINI, Mr. HOYER, Mr. MCNULTY, Mr. MRAZEK, Mr. ROE, Mr. STARK, and Mr. VENTO.

H.R. 2224: Mr. SANDERS, Mr. JONTZ, Mr. PETERSON of Minnesota, Mr. RANGEL, and Mr. HUNTER.

H.R. 2229: Mr. WISE.

H.R. 2336: Mr. FRANKS of Connecticut, Mr. OBERSTAR, Mr. RIGGS, Mr. FALEOMAVAEGA, Mr. BROWN, and Mr. COMBEST.

H.R. 2354: Mr. ATKINS.

H.R. 2374: Mr. MARKEY, Ms. DELAURO, Mr. RANGEL, Mr. KOSTMAYER, Mr. MILLER of California, Mr. STARK, Mr. TRAFICANT, Mr. RAHALL, and Mr. TRAXLER.

H.R. 2410: Mr. Rahall, Ms. Kaptur, and Mr. Hansen.

H.R. 2416: Mr. Kostmayer.

H.R. 2451: Ms. DeLauro, Mr. Gejdenson, Mrs. Lowey of New York, Mr. Brown, and Mr. Bustamante.

H.R. 2452: Mr. Weiss.

H.R. 2455: Mr. Espy.

H.R. 2464: Mr. Browder, Mr. Bacchus, Mr. Callahan, Mr. Wilson, and Mr. Hansen.

H.R. 2470: Mr. Poshard and Mr. Roth.

H.R. 2493: Mr. Bateman.

H.R. 2530: Mr. Mfume.

H.R. 2534: Mr. Perkins, Ms. Snowe, Mr. Traficant, Mr. Hubbard, Mr. Coyne, Mr. Goodling, Mr. Rahall, Mr. Traxler, Mr. Staggers, Mr. Gunderson, Mr. Kolter, Mr. Owens of Utah, Mrs. Morella, Mr. Smith of Florida, Mr. Wise, Mr. Orton, Mr. Gallo, Mr. Dicks, Mr. Scheuer, and Mrs. Boxer.

H.R. 2553: Mr. Smith of New Jersey, Mr. Faleomavaega, Mr. Regula, Mr. Clinger, Mr. Houghton, Mr. Weber, Mr. Henry, Mr. Upton, Mr. Barrett, Mr. Hyde, Mrs. Morella, and Mr. McCollum.

H.R. 2561: Mr. Jefferson and Mr. Bilbray.

H.R. 2598: Mr. Barnard, Mr. Luken, Mr. Rhodes, Mr. Miller of Washington, Mr. Shays, Mr. Ramstad, and Mr. Smith of Oregon.

H.R. 2633: Mr. Peterson of Florida, Mr. Dannemeyer, Mr. Hochbrueckner, Mr. Gilchrest, Mr. Walsh, and Mr. Lipinski.

H.R. 2695: Mr. Martinez, Mr. Davis, Mr. Carper, and Mrs. Unsoeld.

H.R. 2717: Mr. Kopetski, Mr. Lehman of Florida, and Mr. Bonior.

H.R. 2746: Ms. Kaptur, Mr. Jontz, Mr. Faleomavaega, and Mr. Scheuer.

H.R. 2755: Ms. DeLauro, Mr. Berman, Mr. Waxman, Mr. Scheuer, Mr. Schumer, Mr. Martinez, and Ms. Pelosi.

H.R. 2773: Mr. Quillen, Mr. Barnard, and Mr. Kleczka.

H.R. 2840: Mr. Sabo, Mr. Foglietta, Mrs. Lloyd, and Mr. Bustamante.

H.R. 2881: Mr. Dwyer of New Jersey, Mr. Fascell, Mr. Rinaldo, Mr. Weiss, and Mr. Weldon.

H.R. 2894: Mr. Moran, Mr. Roe, and Mr. Horton.

H.R. 2922: Mr. Sikorski, Mr. Yates, Ms. Norton, Mr. Towns, Mr. Evans, Mrs. Boxer, Mr. Jefferson, Mr. Frost, Mr. Owens of Utah, Mr. Torres, Mr. Lancaster, Mr. Stark, Mr. Brown, Mr. Dwyer of New Jersey, Mr. Weiss, Mr. Roe, Mr. Kildee, Mr. Rangel, and Mrs. Morella.

H.R. 2943: Mr. Chapman, Ms. Norton, Mr. Rangel, Mr. Riggs, and Mr. Valentine.

H.R. 2946: Mr. Johnston of Florida and Mr. Quillen.

H.R. 2974: Mr. Moran, Mr. Gordon, Mr. Towns, Mr. Lipinski, Mr. Chapman, Ms. Norton, Mr. Torres, Mr. Lancaster, Mr. Kopetski, and Mr. Frost.

H.R. 3002: Mr. Evans, Mr. Vento, and Mr. Owens of Utah.

H.R. 3015: Mrs. Lowey of New York and Mrs. Mink.

H.R. 3048: Mr. Kyl and Mr. Rangel.

H.R. 3062: Mr. Boehner and Mr. Pursell.

H.R. 3070: Mr. Aspin, Mr. Bilbray, Mr. Bruce, Mrs. Byron, Mr. Campbell of Colorado, Mr. Durbin, Mr. Edwards of California, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Foglietta, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gillmor, Mr. Harris, Mr. Huckaby, Mr. Hughes, Mr. Jacobs, Mr. Kanjorski, Mr. Kleczka, Mr. Martinez, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Miller of California, Mrs. Mink, Mr. Moody, Ms. Oakar, Mr. Oberstar, Ms. Pelosi, Mr. Rahall, Mr. Rinaldo, Mr. Sangmeister, Mrs. Schroeder, Mr. Skeen, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Stallings, Mr. Thomas of Georgia, Mr. Torres, Mr. Weiss, Mr. Williams, Mr. Hall of Ohio, Mr. Lehman of Florida, Mr. Matsui, Mr. Montgomery, Mr. Sawyer, Mr. Studds, Mr. Yates, and Mr. Rose.

H.R. 3092: Mr. Dornan of California and Mr. Dannemeyer.

H.R. 3098: Mr. de Lugo, Mr. Washington, Mr. Coleman of Texas, Mr. Cunningham, Mr. Bilbray, Mr. Towns, Mr. Horton, Mr. Mfume, Mrs. Boxer, Mr. Brown, Mr. Berman, Mr. Rangel, Ms. Norton, Mr. Lancaster, and Mr. McNulty.

H.R. 3105: Mr. Serrano and Mr. Martinez.

H.R. 3128: Mr. Gingrich, Mr. Roe, Mr. Pallone, Mr. Tallon, Mr. Boehner, Mr. Skeen, Mr. Riggs, Mr. Upton, Mr. Lowery of California, Mr. Goss, Mr. Dickinson, Mr. Myers of Indiana, Mr. Ireland, and Mr. Rinaldo.

H.R. 3130: Mr. Fields and Mr. Goss.

H.R. 3152: Mr. Hefley.

H.R. 3171: Mr. Markey.

H.R. 3172: Mr. Gingrich, Mr. Weber, Mr. Packard, and Mr. Evans.

H.R. 3192: Mr. Allard.

H.R. 3195: Mr. Faleomavaega.

H.R. 3211: Mr. Kildee, Mr. Wolpe, Mr. Frank of Massachusetts, Mr. Penny, Mr. Brown, Mr. Washington, Mr. de Lugo, Mr. Perkins, and Mr. Hughes.

H.R. 3231: Mr. Espy, Mr. Costello, Mr. Yates, Ms. Kaptur, and Mr. McCloskey.

H.R. 3236: Mr. Lipinski, Mr. Torres, and Mr. Sanders.

H.R. 3280: Mr. Owens of New York, Mr. Lehman of Florida, Mr. McHugh, Mr. Rangel, Mr. Martinez, Mr. Guarini, Mr. Mazzoli, Mr. Hughes, Ms. Pelosi, and Mr. Edwards of California.

H.R. 3281: Mr. Frost and Ms. Pelosi.

H.R. 3286: Mr. Mrazek, Mr. Horton, Mr. Abercrombie, Mr. McNulty, Mr. Dellums, Mr. Bilbray, and Mrs. Vucanovich.

H.R. 3311: Mr. Lewis of Florida and Mr. Dornan of California.

H.J. Res. 14: Mr. Lowery of California and Mr. Doolittle.

H.J. Res. 223: Mr. Moorhead.

H.J. Res. 233: Mr. Sharp and Mr. Hochbrueckner.

H.J. Res. 235: Mr. Kanjorski and Mr. Shays.

H.J. Res. 241: Mr. Engel, Mr. Gekas, Mrs. Meyers of Kansas, Mr. Orton, Mrs. Patterson, Mr. Rose, Mr. Roth, Mr. Sanders, Mr. Savage, Mr. Sharp, Mr. Sisisky, Mr. Slaughter of Virginia, and Mr. Traficant.

H.J. Res. 244: Mr. Kanjorski, Mr. Kopetski, Mr. Lagomarsino, Mr. Markey, Mr. Manton, Mr. Payne of Virginia, Ms. Pelosi, Mr. Price, Ms. Slaughter of New York, Mr. Smith of Florida, Mr. Smith of New Jersey, Mr. Stokes, Mr. Vander Jagt, Mr. Walsh, Mr. Washington, Mr. Waxman, Mr. Weiss, Mr. Wolf, Mr. Wylie, and Mr. Yatron.

H.J. Res. 253: Mr. Shays, Mr. Luken, Mr. Fields, Mr. Nagle, Mr. Wylie, Mr. Ritter, Mr. Rohrabacher, and Mr. Quillen.

H.J. Res. 274: Mr. Anderson, Mrs. Boxer, Mr. Carper, Mr. Coble, Mr. Fascell, Mr. Gonzalez, Mr. Kildee, Mr. Miller of Washington, Mr. Mineta, Mr. Rangel, Mr. Sisisky, and Mr. Vento.

H.J. Res. 284: Mr. Fascell, Mr. Natcher, Mr. Hayes of Louisiana, Mr. McDermott, Mr. Neal of North Carolina, Mr. Wolpe, Mr. LaFalce, Mr. Murtha, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Bruce, Mr. Jontz, Mr. Levine of California, Mr. Carr, Mr. Chandler, and Mr. Coleman of Texas.

H.J. Res. 294: Mr. Hammerschmidt, Mr. Darden, Mr. Walsh, Mr. Smith of Iowa, Mr. Perkins, Mr. Kennedy, Mr. Stenholm, Mr. Boehlert, Mr. Gonzalez, Mr. Hastert, and Mr. Martinez.

H.J. Res. 302: Mr. Penny and Mr. McDermott.

H.J. Res. 305: Mr. Hubbard, Mr. Huckaby, Mr. Hyde, Mr. Inhofe, Mr. Johnson of South Dakota, Mr. Johnston of Florida, Mr. Jones of Georgia, Ms. Kaptur, Mr. Kennedy, Mrs. Kennelly, Mr. Lewis of Georgia, Mr. Lightfoot, Mrs. Lowey of New York, Mr. McCollum, Mr. McDade, Mr. McHugh, Mr. Matsui, Mr. Mazzoli, Mr. Mfume, Mr. Miller of Washington, Mrs. Mink, Mr. Moody, Mr. Nowak, Mr. Obey, Mr. Olin, Mr. Ortiz, Mr. Packard, Mr. Pallone, Mr. Parker, Mr. Panetta, Mr. Peterson of Florida, Mr. Pickle, Mr. Rangel, Mr. Rhodes, Mr. Roemer, Mr. Sabo, Mr. Sangmeister, Mr. Sarpalius, Mr. Shaw, Mr. Aspin, Mr. Kleczka, Mr. Abercrombie, Mr. Ackerman, Mr. Andrews of Texas, Mr. Annunzio, Mr. Atkins, Mr. Berman, Mr. Borski, Mr. Boucher, Mrs. Boxer, Mrs. Byron, Mr. Campbell of Colorado, Mr. Carper, Mr. Carr, Mrs. Collins of Illinois, Mr. Cox of California, Mr. Crane, Mr. DeFazio, Mr. DeLay, Mr. de Lugo, Mr. Donnelly, Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Fazio, Mr. Gejdenson, Mr. Gekas, Mr. Gephardt, Mr. Geren of Texas, Mr. Gibbons, Mr. Glickman, Mr. Goss, Mr. Hefner, Mr. Herger, Mr. Hertel, Mr. Hoagland, Mr. Horton, Mr. Hoyer, Mr. Shuster, Mr. Skaggs, Mr. Skeen, Ms. Slaughter of New York, Mr. Solomon, Mr. Spratt, Mr. Staggers, Mr. Stenholm, Mr. Stokes, Mr. Swett, Mr. Swift, Mr. Synar, Mr. Taylor of North Carolina, Mr. Thornton, Mr. Visclosky, Mr. Walker, Mr. Washington, Mr. Waxman, Mr. Weber, Mr. Wheat, Mr. Wilson, Mr. Wise, Mr. Young of Alaska, Mr. Oberstar, and Mr. Valentine.

H.J. Res. 316: Mr. Smith of Texas, Mr. Gonzalez, Mr. Gekas, Mr. Jones of North Carolina, Ms. Horn, Mr. Fazio, Mr. Towns, Mr. Skeen, Mr. Stokes, Mr. Mrazek, Mr. Foglietta, Mr. McDermott, Mr. Vander Jagt, Mr. Fuster, Mr. DeFazio, Mr. Horton, Mrs. Roukema, Mr. Roe, Ms. Pelosi, and Ms. Norton.

H. Con. Res. 65: Mr. Reed and Mr. McCloskey.

H. Con. Res. 69: Mr. Volkmer.

H. Con. Res. 163: Mr. Bonior, Mr. Cardin, Mr. Faleomavaega, and Ms. DeLauro.

H. Con. Res. 198: Mr. Sanders, Mr. Chapman, Mr. Traficant, Mr. Huckaby, Mr. DeFazio, Mr. Clinger, Mr. McNulty, Mr. Miller of Ohio, and Mr. Applegate.

H. Res. 107: Mr. Fawell, Mr. Schiff, Mr. McNulty, Mr. Saxton, Mr. Burton of Indiana, Mr. Kostmayer, Mr. McMillan of North Carolina, Mr. Bevill, Ms. Snowe, Mr. Ireland, Mr. Gunderson, Mr. Sisisky, Mr. Bereuter, Mr. Martinez, Mr. Martin, Mr. Smith of New Jersey, Mr. Faleomavaega, Mr. Emerson, Mr. Hancock, Mr. Jontz, Mr. Valentine, Mr. Myers of Indiana, and Mr. Rhodes.

H. Res. 204: Mr. Kolter, Mr. Towns, Mrs. Vucanovich, Mr. Bilirakis, Mr. Applegate, Mr. Marlenee, Mr. Gingrich, and Mr. Rangel.

SENATE—*Thursday, September 12, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led today by a guest chaplain, Father Paul G. Wynants, chaplain, Fairfax Hospital, Falls Church, VA.

Father Wynants, please.

PRAYER

The Reverend Father Paul G. Wynants, chaplain, Fairfax Hospital in care of St. Ambrose Catholic Church, Annandale, VA, offered the following prayer:

Let us pray:

We have returned from the summer recess after meeting with our own people in our own States. We have seen the successes of the people and their failures. We have heard their laughter and seen the tears of frustration. We witnessed the good in people, our own people, and we experienced the harshness of some, brother against brother, sister against sister, parent against child, and child against parent. Mindfull of our own poverty and aware of these facts, we pray to You, Lord:

LORD

When I am hungry,
Give me someone in need of food.
When I am thirsty,
Send me someone needing a drink.
When I am cold,
Send me someone to warm.
When I am grieved,
Offer me someone to console.
When my cross grows heavy,
Let me share another's cross, too.
When I am poor,
Lead me to someone in need.
When I have no time,
Give me someone I can help a little while.
When I am humiliated,
Let me have someone to praise.
When I am disheartened,
Send me someone to cheer.
When I need people's understanding,
Give me someone who needs mine.
When I need to be looked after,
Send me someone to care for.
When I think only of myself,
Draw my thoughts to another.
Amen, and I mean it, Lord!

OUR GUEST CHAPLAIN

Mr. BAUCUS. Mr. President, I rise to give recognition to our guest chaplain, Father Paul G. Wynants, on attaining his 40th anniversary of ordination as a Catholic priest in the congregation of the Immaculate Heart of Mary.

Father Wynants, was born August 2, 1925, in Heverlee, Belgium. He entered the congregation in 1944, was ordained a priest on July 29, 1951, and left his native Belgium for missionary work in our United States on December 7, 1953. He has served throughout the United States. In 1975, he was appointed director of vocations for the U.S. Province and rector of the Missionhurst Religious Community. Currently, he is the Catholic chaplain at Fairfax Hospital in Virginia and has personally attended the needs of some of my staff.

The past 40 years of dedication by Father Wynants to strengthening the moral fabric of our Nation, is reflective of our forefathers, who like the good Father, came to this land in order to deepen their love for God and to search for a deeper meaning to life.

Today, many of his friends gather here in this Senate Chamber to express their appreciation for the hard work and dedication Father Wynants has shown for the improvement of his fellow man. His opening prayer is a true reflection of this commitment and I am pleased to have the opportunity to say thanks for your many years of service to our country and your fellow man.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order the leadership time has been reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein.

The Senator from New Jersey [Mr. BRADLEY] is permitted to speak, by previous order, up to 20 minutes, and the Chair recognizes Mr. BRADLEY for 20 minutes.

HIGHER EDUCATION SELF RELIANCE SCHOLARSHIP

Mr. BRADLEY. Mr. President, I add as cosponsors to S. 1562, the Higher Education Self Reliance Scholarship Proposal, the following Senators: BINGAMAN, DASCHLE, CONRAD, SANFORD, LIEBERMAN, ROBB, REID, and CRANSTON.

Thomas Jefferson once wrote "If a Nation expects to be ignorant and free * * * it expects what never was and never will be."

Yet every day in America there are people who, because they do not earn enough money, cannot get a college education commensurate with their ability. To help them get a better chance, today I propose self-reliance scholarships available to all Americans up to the age of 50.

A New Jerseyan recently wrote me the following letter.

The letter states:

> When it was time for me to apply to college in the late 1970's my choice of college was practically unlimited because of the comprehensive Federal financial aid programs which were in place, * * * Today my youngest sister who is now 18 years old, finds herself in a very different situation. My sister has been forced to apply to colleges based on finances rather than her considerable academic ability. Her choices were severely curtailed by my parents' modest, middle-class income and the fact that she is the last remaining dependent child in their home. Even though my parents are "better off" than in the 1970's, my sister does not even have the same opportunity I had fourteen years ago.

A letter from a New Jerseyan.

This family's story is not unusual. It is happening all across America. But the tragedy is bigger than the individual family. It is a national tragedy of America shooting itself in the foot while stiff international competition; of America choosing not to realize its human potential; of America, because of inaction, endangering its conviction about a better tomorrow.

America has always been about the future. We were founded out of the spirit of the enlightenment—a belief that man could order his world so that freedom led to improvement of ones physical circumstances and intellectual capacities. The Founders were educated men; one was even the president of the Pennsylvania philosophical society. They believed that education was the key to unlock the future's treasure. It is no coincidence that Jefferson listed as his two proudest accomplishments: Virginia's freedom of religion law, and the founding of the University of Virginia.

Over our history the appreciation for the importance of formal education fused with an awareness of the value of practical experience. The story of the frontier was about learning how to survive in and tame a wilderness. Those who were respected were those who knew things. Over the horizon there was always the promise of a new life for those who were ready to explore the unknown.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The waves of immigration also shaped our optimism about the future and our respect for education. When people arrived in America from all over the world the first thing they had to do to advance was learn—a new language, a new culture, new laws. Learning the formalities of language, or the folkways of the streets provided the means to a better life. The virtues of Ben Franklin, the ideas of Jefferson, and the ethos of deferred gratification—all gave them a new identity: American. An identity they had chosen.

But for most of Americans education ended long before college. The factories of the 19th century valued hard work and punctuality over intelligence. The workers weren't expected to grow intellectually, they were expected to perform—to take orders and physical risks for a paycheck with which they could help their families. What they did on their own was up to them but work was not a place for a seminar.

After World War I with the advent of a mass culture—the automobile, the radio, advertising, mass circulation magazines—people began to know more about more places. Working as a backdrop to our national development was still the ethos of self-government. Dale Carnegie, Horatio Alger, and countless others reminded Americans that through education they could "every day in every way * * * get better and better." Still, higher education was the experience of very few Americans.

World War II changed all that with the passage of the GI bill, one of the most important pieces of legislation in American history. With veterans filling the student ranks, the number of college students nearly doubled. The result was the most talented work force in the world and a broad recognition of and support for higher education. State legislatures, alumni, even the Federal Government began to invest in higher education. After sputnik the commitment intensified. By 1970 enrollment doubled again to about 9 million students.

My story—small town boy, small high school, goes to college far away, alters life path, shapes one's sense of possibility—happened over and over again all across America.

College became more than a privilege. Some argued it should be a right. Families, many without a college grad, often middle class, came increasingly to see its value and to recognize without it, life chances diminished.

Then just as more and more American families came to see the importance of college and develop the expectation that their children had to go to college to have a better life, college costs skyrocketed and assistance from the Federal Government failed to keep pace.

In the 1980's, college costs increased by 50 percent in real terms while Federal funds for college assistance increased 25 percent. In addition, eligibility requirements tightened. Nearly 500,000 students lost eligibility for college loans in the last decade.

Middle income families—remember 85 percent of Americans earn under $50,000—the backbone of America, beset by the cost of living, have begun to be extremely worried about the future. During the last 12 years, health care costs, energy costs, housing costs, interest rates all have skyrocketed. Taxes, especially property taxes, leapt up. Paychecks did not keep up. Mom entered the work force. Two incomes generated just enough to pay off some debt, or go on a little vacation, or pay for child care, or keep the house from being foreclosed, or take care of grandmother. Things got a little better, but the costs kept going up. Only oil prices have dropped in the last decade. Everything else has kept going up. Financial pressure increased. The kids were now in the eighth grade. College was in sight. Parents began to ask how would they pay for it. Stress increased. Financial pressure began to build again and in some cases desperation set in.

Last February, 35 percent of New Jersey parents believed their kids would have a lower standard of living than they have. Last month that number jumped to 51 percent.

I believe one of the key causes of this desperation is the fact that the promise of higher education is drifting further and further away from the reach of hardworking families who get little from government but pay most of its costs.

I say it is about time we helped them help themselves. Out of the $135 billion that America pays for higher education, the Federal Government spends only $25 billion. We should do more. We have to relieve the financial pressure that middle-income parents experience as they try and often fail to send their children to college.

We also have to recognize that the desire and need for a college education is changing too. No longer is it just 18-year-olds. There are the 28-year-olds who have worked for a decade out of high school only to realize that escaping a dead end job requires more education, new skills such as computer, engineering, language, design. Then there are mothers who have raised their kids, yearn for independence and more income and are now 35, 38 and want to go back to college. Then there are companies who need to find a way to constantly upgrade the skills of their work force and see the community college structure as an untapped resource for cooperation and development. All of these groups deserve an opportunity to go to college if they have the ability. Income should not be a barrier to achievement or the realization of one's potential.

Right now the only help Government gives is through grants to families under about $25,000 and loans to families under about $40,000 to $45,000. These grants and loans are rarely enough and are good only for kids going to college out of high school. They are not useful for the 28-year-old worker, the mother who wants a college education or the employee whom the company wants to retrain.

What we need is something that builds on the virtues of independence and hard work and gives everyone a chance to increase their life chances by going to college.

In a highly competitive international work force where quality and skills are the only resources that matter, higher education cannot be a luxury. It cannot be a luxury for our economy and it cannot be a luxury for individuals with ability. We have to recognize that all of us are better off with a better educated work force. All of our living standards will rise.

Parents and students may not be familiar with this statistic, but they sense it from their own experience. A college graduate will earn about 60 percent more than someone with just a high school diploma. A college degree is worth as much as $500,000 over a lifetime. Our economy rewards college graduates because we need their skills.

Self-reliance scholarships harness the value of a college education—the 60 percent higher salary, the $500,000—to get over the hurdle of paying for it. Students' own earning potential, not what their parents happen to earn, would open the door to whatever colleges they could get into. Students whose families earned too little to pay a State college tuition would not be turned away. Students whose families might earn a little too much to get aid under current programs would not be turned away.

Self-reliance scholarships would give anyone—anyone—up to age 50, as much as $33,000 for higher education, in exchange for a commitment to pay a percentage of their income to an education trust fund for a specified number of years. The percentage and length of commitment would be flexible. If you took out $10,000, for example, you could sign a contract to pay back about 1½ percent of your income for the next 25 years. Or you could agree to pay a little more, say 2½ percent of your income, and pay off your obligation a little faster, in 15 years.

There would also be a ceiling and a floor on repayments, so that no graduate could avoid paying his or her fair share, and graduates fortunate enough to earn very high incomes would not be penalized for success. A typical student who borrowed $10,000 and agreed to pay back 1½ percent of income for 25 years would pay no less than $477 in the first year and no more than $1,083.

I have developed self-reliance scholarships because the current Federal student loan and grant programs do not meet all the needs of today's students. First, those sources of funds are shrinking in relative terms while the cost of tuition is rising. The Bush administration's answer has been to narrow eligibility for Pell grants to families earning less than $10,000. While low-income Americans deserve more help, they are not the only families that need help with tuition at today's prices. Trying to choose between the have-nots and the have-not-enoughs reflects a failure of imagination about the value of higher education. It is no choice at all. It is like the choice Secretary of Education Lamar Alexander suggests to parents who cannot pay for college. He says, choose a cheaper college. It is time for some fresh thinking about how to pay for college.

Self-reliance scholarships solve this problem by giving everyone a new option. Some students will use them to finance their entire education. The average public education cost in the country is $5,000 a year, for example. Some might use family savings to pay for four-fifths of the cost, and self-reliance scholarships for the rest. Some might use them to pay for the difference between the college they really dream of attending and the one they would have to settle for under the current system. Some students will combine self-reliance scholarships with other grants and loans currently available. The only thing that all of them have in common is that all of these students will pay back their self-reliance scholarships obligation in full.

That goes to the second big problem with the current system—the default rate. Students graduate with loan burdens that they simply cannot pay with their starting salaries. So they default. Defaults on guaranteed student loans will cost more than $2 billion this year. About 13 to 15 percent of those who have them default. But with the self-reliance scholarships geared to the ability to pay, the student owes a percent of his or her income to the education trust fund, and because the payments would be deducted from income and collected through the IRS, there would be no way to avoid repayment. With guaranteed student loans, the taxpayer pays for the interest before graduation, the defaults, and administrative costs—$1.4 billion to banks last year. But self-reliance scholarships are direct loans with no subsidy to banks and virtually no defaults. Yet they cover all the costs of the program. Within 15 years the whole system would pay for itself. America would have a permanent educational trust fund available to help pay college education.

The third problem with the current system as I have said is that it does not meet the needs of nontraditional students. Working Americans need to continually upgrade their skills to get ahead in their jobs and to keep up with changing technology and job requirements. But there is very little help available to independent, nontraditional students. Self-reliance scholarships are the perfect option for such students, who usually have a good sense of just how much more they are going to earn with a better education. Finally, companies who wanted workers retrained in specific areas could encourage the use of self-reliance scholarships by covering part of the worker's payment obligation over the 15 or 20 years.

The self-reliance scholarship will require an initial investment to get started before it begins to pay for itself. That pool of starting capital will be paid for, in my proposal, by selling Treasury bonds and by a temporary 10-percent surtax on millionaires.

I hope that the wealthiest Americans will see the importance of making this investment in kids with ability, and in turn, making an investment in the future of the American economy. The surtax would be temporary—only until the fund becomes self-financing and all Americans regardless of income would be eligible for this scholarship.

I have been very gratified by the response to the self-reliance scholarship proposal. I have talked about it with families in their homes; I have talked about it with students this spring at high school and college graduations; I have talked to colleagues both in the Senate and the House. From everyone, I have heard the same thing: This is an idea whose time has come. Tuitions are skyrocketing. Aid is shrinking. Self-reliance is the answer.

Mr. President, for the United States to remain the No. 1 economic power in the world, we have to be ready for jobs that involve computers, information, numbers, and intense creativity. We have to demand more from students, but we also have to promise more. We have to promise that if you work hard, if you have ability, if you believe in yourself, and if you can get into college, you will be able to go. Self-reliance scholarships will help young people realize that promise by relying on themselves.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from North Carolina, Senator SANFORD.

Under the previous order, the Senator is recognized for up to 10 minutes.

SELF-RELIANCE SCHOLARSHIPS

Mr. SANFORD. Mr. President, I certainly want to commend the distinguished Senator from New Jersey [Mr. BRADLEY] for bringing this idea, now, to us in the form of legislation. Several of us in the university world some years ago attempted this and it worked very well. The trouble was, no one could find the adequate capital for the front money while we, I think, at Duke, put several hundred thousand dollars into it to see if it would work. There was not any way to carry it forward. And I think the experience there, the experience that John Silber has written about, the experience at Yale, will be instructive as to how we might get this started as a practical matter. And I commend my colleague for doing this.

UNIVERSITY VALUES: THE AGE OF THE PEOPLE

Mr. SANFORD. Mr. President, on October 12, 1987, I spoke of our relationship with the Soviet Union, our unique challenge to lead the world toward freedom. Events of the last 4 years make me even more convinced of our need to lift up our eyes to the hopes of the people of the world.

For that reason, I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY VALUES: THE AGE OF THE PEOPLE

(University Day Address, the University of North Carolina at Chapel Hill, October 12, 1987, Senator Terry Sanford)

Honored recipients of the Distinguished Alumnus Awards, Chancellor Christopher Fordham, distinguished faculty and trustees, alumni and students: You honor me by inviting me to take part in University Day at my Alma Mater, the University of North Carolina at Chapel Hill.

As I often do, and I do especially on this University Day, I refresh myself by recalling what I learned at Chapel Hill.

Reflecting on almost 200 years of a Chapel Hill tradition of intellectual freedom and development, Chancellor William B. Aycock reminded us in 1960: "History does not record a single successful effort to fix or freeze knowledge or beliefs. A university must provide an environment in which diversity, controversy and tolerance prevail." That is the theme of what I want to say today.

What we learned at Chapel Hill was not chemistry and economics and mathematics. Those were the instruments of learning. We learned, we absorbed, with Frank Porter Graham as our master teacher, that solid tradition, those hopes of this University born of the beginning of a new nation, values this great University continues to nourish—freedom and liberty and tolerance, the search for truth, the defense of dignity, courage to arrive freely at convictions, and the personal courage to stand for those hopes and truths. These values are not part of the curriculum; they are the undergirding strengths of democracy and free people, sustained in part by the dedication of the universities of a free people. Our old University at Chapel Hill has always understood that duty to humanity.

Freedom. Liberty. Individual rights. It is these words that we celebrate today and every time we set foot on this campus. This is the vocabulary of our strength. While this legacy is enormously complex, it is also simple. It holds that men and women who are free of oppression will do some extraordinary things. They can and they will govern themselves. They can and they will find ways to care for the weak and respect the strong.

They can and they will convert ideals into pragmatism.

The minds and energies of free people are infinitely powerful. We have yet to measure that power around the world because it has yet to be unleashed around the world. Our own nation and our history are memorials to its potential. But think for a moment of a world in which the liberties that we enjoy were everywhere, when others were not necessarily duplicating our exact model or structure, but finding, as most people yearn to find, our tradition, our scope, our value of humanity, our sense of people free from oppression, free to think, to move, to act, to create without the repressive hand of power. The prospect of universal freedom is so dazzling that we will only allow ourselves to consider it in a moment of suspended disbelief. Its creativity would be so irresistible that we could rationally aspire to the solution of poverty, hunger, conflict, disease, illiteracy, hopelessness.

But, of course, that time is not here. Two-thirds of the world is still in bivouac, not yet marching toward the goal of freedom. My concern, on this University Day, in this domicile of freedom, is that we as a nation do not quite believe freedom can be, or perhaps should be, a worldwide goal. That is to say, we do not believe in ourselves. We seem dismayed that the Iron Curtain countries are talking of more freedom.

I have come here from a place that you have sent me, where leaders in authority spend more money on armed forces than any other time or place in history, where leaders in authority send a gigantic armada to protect oil that was not in danger, where leaders in authority are so afraid of our traditional foe—the foe of communism, a system terribly flawed and weak—so afraid that they have been struck timid and unsure.

Is there no courage left? Has our faith in the great strength of America been lost? Instead of confidence and vision, we see bombast and epitaphs. Instead of initiative and encouragement, we see wailing and wringing of hands. The slogans, "Russians always lie," and "You can't trust the Russians" may or may not be true, but such phrases are the ready refuge for the weak of heart. Is there no one willing to stand up to the Soviets on our grounds, not theirs, relying on our strengths, not theirs, willing to bring our weapons to the area, instead of theirs? Is there no leader in authority strong to say, "We are too strong to fear the Russians"?

That question is more important today than ever before, for history will record that we are at the end of an era; at the beginning of a new one.

The swing in the world is toward freedom and democracy. Will and Ariel Durant have divided history into the Age of Reason, the Age of Napoleon, the Age of Faith, and other ages. Now, we ought to be coming into "The Age of the People."

That era has been long anticipated in Chapel Hill. Getting ready for the age of the people is what the University has been doing since the beginning.

It takes no courage to brandish arms as our first line of national initiative. It takes no courage to point missiles and sail warships and fly aircraft as our first response to national challenge. It takes no courage to beat up on a little nation of two and a half million people. It takes no courage to curse the darkness. We are simply not being faithful to our legacy. We are playing another team's game while our real power waits on the bench.

Certainly we must have military arms. Certainly they must be the best we can make, although they don't have to be as many as we can make. Certainly we need enough arms to make attacking us unthinkable.

Adequate arms serve a critical purpose, but they didn't create us. Ideas did. George Washington's armies got the British out of our hair, but George Washington's Constitutional Convention in Philadelphia set us free.

Strong, muscular ideas founded this nation, have protected it, and will sustain it. Powerful, irrefutable ideals are our contribution to our world. They are found in the books that students on this campus take to class. They are found most indelibly in the Constitution that we have all celebrated this summer. They are found in our lives. They are found in the dreams of people everywhere.

Now we are in a new period. The evidence is very clear. Changes will be profound. There is a historic window in the events of the world. Our belief in ourselves will be severely tested.

The great Soviet socialist experiment has failed. The time for a move to freedom, to open societies, to individual rights and opportunities, to people, is at hand. We, oddly enough, do not want to believe it has failed.

For the past forty years our relations with the world have been dominated by our attitude toward the Soviet Union. For the most part those policies have been successful. With our arms and our allies, we have prevented the Soviet Union from achieving its earlier goal of world domination. Far from attending our funeral, as Khrushchev predicted, they have seen us stand our ground, and we have prevailed. It is clear that in the Soviet Union today, there is a tacit admission that communism has not worked.

It has not failed because our military might has defeated them.

It has not failed because our military might has intimidated them.

It has failed because our idea is better than their idea.

Our idea is the idea of a free people. It is the idea of a confident people.

Soviet leader Mikhail Gorbachev has received great attention for two initiatives: "Perestroika," or restructuring, and "Glasnost," or openness. They are a call for innovation in the marketplace. They are a call for freedom beyond anything previously permitted. The Soviet Union has had to admit defeat. They don't use that word but, in effect, the Soviets and the East Europeans are saying, "We've fallen way behind. We are not competitive. We must borrow lessons from the West. There must be something to the idea of strength from freedom."

The implications of those admissions cannot be overestimated. What are the alternatives for a Soviet government that finds itself behind? There is only one rational answer. Amazingly they are grasping it. It is more freedom for its people. Freedom is the salt of creativity and the Soviets have begun to realize that creativity is the way for its people to compete economically. They have seen it work on their western border in Europe and they are watching it beginning to work on their eastern border in China. Farther to the east, there is the colossus of Japan, whose brilliant successes have come full grown from a democratic system that we designed.

With glasnost and perestroika, the Soviets are taking the first, cautions steps in a direction that is unfamiliar to them. They have had to try to turn our way. In doing so, they are creating an unparalleled opportunity for us. We can continue to face off the Soviet Union, or we can help it ease into the world economic community on terms we accept as beneficial for world society. We can help them find their own way to become a freer and safer nation. If we persist, or assist, in the Soviet failure, we will have helped throw that nation in reverse. The hard-line conservatives will replace Gorbachev. The chance to have a "worthy adversary" will have been lost. Eastern Europe will become a place of dangerous turmoil. We will be back in the old game on the Soviet terms, not in a new game on our terms. Civilization will be the loser.

Freedom's moment of opportunity is not created by the Soviet Union alone. In the Pacific, rising democracy prevails. In Europe, it dominates. In Eastern Europe they are jolting toward it. In South America, it is being tried. In Central America, it has a rare chance. Africa has heard the call.

Freedom's success depends on the United States. Shall we be its friend or foe as freedom cautiously gets a breath of air in places where it has long been stifled?

It is time for us to abandon our fears. It is time for us to use our strength, to set the agenda for the future of the world. It is time for us to be a leader, not a combative, fearful participant. We can't trust the communists, they say. We can't trust the Sandinistas, they say. Consequently, they say, we must resist the Russian perestroika and glasnost, and must thwart the peace plan of the Central American presidents. We must understand that we are strong enough to credit them with good faith, and yet save the day if our trust is badly placed.

Our military preparation has been the driving force of our foreign policy. It should be the other way around. Our leaders in authority have put the caisson before the horse. We need to declare our directions and ideals in foreign policy. We need to quit being afraid. We need to stand strong in the world, brave because our ideals and our idea of free people is a mighty sword. We must have a courageous, not a fearful, United States foreign policy.

We cannot let ourselves be overwhelmed by the fear of Russia—our values have already defeated that system—and the paranoia that has understandably existed is no longer justified.

America is not a nation of weaklings. We are strong enough to take the risk. We are strong enough to accept Chairman Gorbachev in good faith. This is an unsure path, for him. We need to be helpful and reassuring. We are not weaklings.

This is a painful political shift. We must suddenly learn that we cannot deal with the problem by simply calling names, raising fears, and building greater arsenals. There is no reason for Americans to be afraid of the Soviet Union. Why is it so hard for us to understand the tremendous strength that we have, and that they do not? Why is it that we cannot understand that freedom accepted anywhere in the world strengthens us? We have had to conclude that wars could no longer be absorbed and tolerated so somehow had to be abolished. The Soviet Union has had to conclude the same. Now the Soviet Union also has concluded that they can never be a first-rate nation without freedom for people and enterprise.

I noted in the beginning that personal courage was something learned here and to be celebrated on University Day. It takes courage to change. It takes courage just to have faith in our ideals. It is a new era. It is time for courage, time for a new foreign policy, one founded on confidence, not fear. The United States must be the leader. There is no other.

The promise and prospect of universal freedom is dazzling. Oppressed and benighted people around the world wait for bravery in America. The role for the University is apparent: To change the climate of fear, to make ready young people to participate, to lead, as we move to what surely in future centuries will be known as the beginning of "The Age of the People."

I thank my University.

THE PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S.J. Res. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for no more than 3 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

SELF-RELIANT SCHOLARSHIPS

Mr. LIEBERMAN. I thank the Chair and I thank the Senator from Georgia for yielding me these moments before he goes forward. I wanted to take this opportunity briefly to rise and congratulate our colleague from New Jersey, Senator BRADLEY, and to associate myself with him in support of this simple but brilliant idea for self-reliant scholarships.

Mr. President, this is the breath of fresh air, the helping hand that middle-class America desperately needs today. If we look at an income curve in our country, we will see some are doing very well, and those at the top with higher income, and there are obviously some at the bottom and not doing very well. The mass of the people are the middle class. They pay most of the taxes and do most of the work that keeps our society going. Increasingly, they are squeezed and they are wondering what we in Washington are doing to help them go on with their lives without a sense of being overburdened. They are squeezed by ever-rising taxes; they are squeezed by dramatically increasing health care costs; and they are squeezed and pressured mercilessly by the never-ending increases in the cost of higher education, putting out of reach for too many middle-class Americans the dream that so many work for, which is to educate their kids, send them to college so they can do better than their parents' generation has done.

The average cost of a college education today is over $11,000. A lot of colleges are a lot more than that.

People in America, the middle class and the lower-income folks need help, and this idea is the way to do it. It is a simple idea. One can borrow up to $10,000 a year from the Federal Government regardless of income, and that is a way to finally open up again the doors of aid to the middle class who have been shut out.

Today, most guaranteed student loans go to families that make less than $30,000 a year. Pell grants basically go to families that make less than $10,000 a year. The middle class is not being helped. This is the way to do it: $10,000 a year in loans from the Federal Government regardless of income and an automatic obligation to repay those loans on a percentage basis payroll deduction carried out by the Internal Revenue Service; dramatically reducing, I am sure, the rate of default; increasing the rate of payment and letting the student pay back that bill on a percentage basis in proportion to his income.

So I think Senator BRADLEY has a great idea. I am proud to join him as a cosponsor, and I hope that we can adopt this proposal in the next several months so that by the time parents have to face that awful moment of writing a check for tuition to college that the Federal Government will be there to help them, regardless of income, to make that dream come true.

I thank the Chair. I thank my colleague from Georgia, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for up to 20 minutes.

DOUG GEORGE—A DEDICATED INTELLIGENCE OFFICER AND VALUABLE SENATE STAFF MEMBER

Mr. NUNN. I thank the Chair. Mr. President, this past weekend the Nation lost a dedicated public servant, and the Senate and the Armed Services Committee lost a valuable staff member. Doug George, a senior member of the Armed Services Committee staff and a former intelligence official with a distinguished career in the U.S. intelligence community, died at his home last Friday evening after a courageous fight with cancer.

Doug joined the Armed Services Committee staff a little over a year ago. When he came to the committee, we knew that we were getting a seasoned professional in the fields of arms control and U.S. intelligence. Over the past year, Doug played a key role in the committee's oversight of Operation Desert Shield and Desert Storm. He played a key role in our continuing work on the CFE and START treaties; on command and control of the nuclear arsenals of the United States and the Soviet Union; and on the reorganization of the U.S. intelligence community. Doug was tireless in providing the members of the Armed Services Committee with his views and his professional assessment of these issues. He drew on the broad experience he gained in the field of intelligence analysis and management.

Before Doug joined the Armed Services Committee staff, he served almost 25 years in the U.S. intelligence community. He rose from the position of analyst to become one of the senior members of the U.S. intelligence community staff. In his last assignment before coming to the committee staff, Doug was deputy director of the intelligence community staff for requirements and evaluation, where he worked directly with the Director of Central Intelligence and other top intelligence officials in the Government. In recent years, Doug regularly testified before the congressional intelligence oversight committees on weapons proliferation, arms control, and intelligence community operations.

In the mid-1980's, Doug served as the chief of the arms control intelligence staff and the executive secretary of the CIA's Steering Group on Monitoring Strategic Arms Limitations. As the CIA's most senior specialist and executive on arms control issues, Doug played a key role in several United States-Soviet summit meetings, including the Reykjavik summit.

I first got to know Doug during the debate on the SALT II Treaty. At the time, Doug was serving in the CIA's Office of Scientific and Weapons Research, and was an expert in the Soviet Union's nuclear capability. During that debate Doug gained a wide reputation from all who dealt with him, for his absolute honesty and total integrity that became the hallmark of his career as an intelligence official. In all of the years I have worked with Doug, I never knew him to ever hesitate to give his own objective analysis of a particular issue or problem, and he never let his analysis be swayed by partisan or political considerations.

No matter where the pressure came from for Doug to in any way tilt his assessment, he never yielded 1 inch from what he believed to be his professional judgment. He did that with a tremendous amount of integrity, and he did it at times when I knew there was a great deal of pressure on him.

The quality of Doug's work was recognized throughout the U.S. intelligence community. He had a well-deserved reputation as a strong and active manager with a positive attitude and an ability to get things done. As a result, he received a number of awards and citations from the intelligence community, culminating in 1987 with the prestigious Distinguished Intelligence Medal.

Mr. President, Doug George's distinguished career in the service of our Nation's intelligence community is a matter of public record. All of us appreciate his service to the country, and we are grateful for the privilege of having known and worked with him closely.

But people should also know that Doug's demeanor and his spirit in the last months of his life were an inspiration to those who observed and those who were close to him.

Doug faced his disease with determination and courage. After his cancer was diagnosed in April, he continued to carry out his responsibilities to our committee, often in spite of terrific physical pain. He remained involved in our committee's work even in the last days before his death, and I was told yesterday by a senior member of the staff that he was discussing conference issues in their last conversion the day before his death.

Mr. President, I know all of my colleagues join me in offering our condolences to Doug's wife, Kathyrn. Kathryn has had an outstanding career in her own right, and she has been a great partner to Doug.

In a letter to me this week, Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, described Doug very well. General Powell wrote:

> The many officers of the Joint Staff and in the field who worked with Doug knew him to be a wise and thoughtful man of uncompromising integrity and patriotism whose goal was always to do the "right thing" for America.

Mr. President, Doug George was a true professional and a public servant of great integrity. He always did the right thing for America. Those of us who knew him will miss him, but we will remember him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. WARNER].

DEATH OF DOUG GEORGE

Mr. WARNER. Mr. President, I join the distinguished chairman of the Armed Services Committee, and the two of us are speaking on behalf of all members of our committee and, indeed, the majority and minority staff, in wishing to express our deepest sympathy to the family of Doug George, especially his wife Kathryn, friends, and colleagues.

Doug passed away last Friday night. He was truly a valued member of the Senate Armed Services Committee staff. He was also a professional intelligence officer in the finest sense of that profession. Members of the Armed Services Committee first came to know Doug when he served as the CIA's top arms control specialist, providing members and staff with briefings and testimony on important verification topics. He impressed us as objective, knowledgeable, and always a very hardworking, conscientious individual.

In 1987, Doug was promoted to deputy director of the intelligence community staff, with responsibility to determine the requirements and set the direction of the U.S. intelligence community. He performed admirably in this position, and for his work he was awarded the Distinguished Intelligence Medal, the Nation's highest intelligence award.

Doug joined the staff of the Armed Services Committee in 1990 as a member of the majority to work on arms control and intelligence matters. But despite his membership on the majority, he worked closely with the minority, which is a hallmark of the members of our staff. There is very little, if any, partisanship whatsoever, especially as it relates to arms control and intelligence matters.

During his time on the committee, he provided an invaluable service to members on both sides of the aisle in a wide variety of issues. He was always available, and I stress always available, despite, as the chairman said, in his declining days, he fought courageously against his illness right up to the end to be of service to the members and to join with other staff members. He was willing to work with both at all times.

Doug brought to the Armed Services Committee the knowledge and experience of a senior intelligence and arms control specialist, and he was hardworking, energetic, considerate, and helpful. He dedicated his work throughout his life to service to our Nation. We shall miss him particularly in the months and years to come when the very issues on which he had such a great expertise and a reputation for credibility come up. He will be missed as we address these problems.

I thank the Chair and yield the floor.

DOUG GEORGE

Mr. BOREN. Mr. President, this past Friday, September 6, 1991, Mr. Doug George, a valued staff member of the Senate Armed Services Committee, a friend of the Senate Intelligence Committee, and a seasoned intelligence professional passed away. His untimely death is a loss not only to close family members, friends, and colleagues, but to the entire Nation.

As chairman of the Senate Intelligence Committee, I came to know Doug George over the last several years as a hard-working and objective professional intelligence officer.

While still in the executive branch, he supported the Intelligence Committee with energy and determination—first as director of the arms control intelligence staff and then as deputy director for the intelligence community staff. His counsel was both thoughtful and prudent, and greatly valued by our members.

Doug subsequently joined the Senate Armed Services Committee, where he focused on a variety of important issues—arms control, nuclear security, the Persian Gulf, and the organization and management of the intelligence community. He maintained a solid working relationship with the Intelligence Committee—always willing to share his thoughts and insights.

Over the course of his career, Doug was the recipient of several awards and honors, including the Distinguished Intelligence Medal, the DCI Meritorious Officer Award, the DCI Distinguished Officer Award, and the Intelligence Medal of Merit.

We will remember Doug as a consummate professional. Even during difficult periods of his illness, he continued to work on issues that he believed to be vital to the Nation.

Doug is survived by his wife, Katherine. On behalf of the members of the Intelligence Committee and our staff, I wish to express my condolences to her. We will all miss Doug George.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Under the previous order, the Senator from Tennessee is permitted to speak for up to 20 minutes.

Mr. GORE. I thank the Chair.

THE SOVIET UNION

Mr. GORE. Mr. President, I rise this morning to comment on recent developments in the former Soviet Union and to make some proposals for how our policy ought to be modified in light of these recent revolutionary developments.

If, last year, the cold war came to an end, then this year, the government and philosophy that gave birth to the cold war have also come to an end.

Ahead of us is the possibility of a great prize. We could see a large part of the Eurasian continent organized on the assumption of peace rather than in the constant expectation of war. We could see an immense new region extending through Eastern Europe and on into all the vast territories of the former Soviet Union, open for investment and for trade. We could see American security interests essentially unthreatened in the Atlantic or the Pacific. We could see a world open for competition without conquest and for cooperation without domination.

But we do not have an unlimited amount of time for sunny contemplation. In fact that time is over now. Because the alternative future is one of decomposing international order; of murderous tribalism inheriting the debris of empire; of the failure of democracy in the eyes of those who now see it as their last best hope, and of the emergence in its place of a new philosophy based on resentment, racial hatred, and state power.

Events are not only moving at great speed for the Soviet Union, but for ourselves as well. Of course it is a mistake to overestimate our ability to influence these events. But it could be a much greater mistake to underestimate the impact our actions can have, especially in these early and formative periods of the change underway. While our policies need to be realistic, they also need to be timely. Moreover, while all of us will admit that prudence is important, there are moments when a little risk taking is in order, considering the high-stakes payoff from success.

Reduced to its essence, what has happened in Moscow as a result of the meeting of the Congress of Peoples' Deputies last week is: an appearance of due process and continuity has been sustained, as the Congress voted to sanction the modified plan devised earlier by Gorbachev, Yeltsin, and other leaders of the Republics there. What now exists however, is a rump, interim governmental structure charged with two tasks: to prevent chaos and calamity, while at the same time preparing a new charter for what is presumably a permanent new form of government.

In effect, President Gorbachev at the head of his new State Council, will be flying by the seat of his pants in totally uncharted territory. His greatest source of power will be the fear of what might happen if he fails. The consequences can be so severe as to override the normal jealousy, turf building, and idealistic excess that will work to prevent the level of cooperation needed to avoid economic disaster, civil wars in various places, and a collapse of recognizable authority.

Insofar as all there exists in place of the former Soviet Union is an interim government, which is in a race against time to arrange for its own demise by orderly means, U.S. policy must in that sense also be interim. And yet, our every move can have long-term influence. An ability to make our moves with the long-term consequences in mind is what will make the difference between ad hoc improvisation and long-sighted moves in a dicey period.

On economic aid, or in the area of vital international agreements including arms control, the West in general and the United States in particular will be forced to ask some tough, blunt questions of those who are contending for power in the Soviet Union, all of them variants of the same issue—for purposes of dealing with the outside world, who is in charge?

In this new polity what does a governmental signature imply? What is the process of ratification for agreements? How secure is ratification as the interim government gives way to its successor? What about Republican claims to sovereign control: of the right to print new money; of disposition of old Soviet debt or future U.S.S.R. debt or new debt taken on by governments of the Republics? What about the Republics' claims to control all natural resources within their borders? What about their claims to control of military assets within their borders? There are presently no guides and no reliable answers to any of these questions and many more like them.

So the West faces a dilemma. We could stand by and wait until the U.S.S.R. sorts out all of this at whatever pace they can manage. But that kind of passivity might allow opportunities to perish and it could encourage outcomes to struggles over these issues within the U.S.S.R. that are much less favorable to Western interests than might otherwise have been the case. A middle course exists, and that is we can be ready to act fast, prepare ourselves to do so, but also set the terms under which we are ready to proceed and make those terms clear. We had better start thinking hard and fast about just exactly what our agenda is if we get the right answers to these questions back from the U.S.S.R.

Let me apply these general concerns and observations to a few specific issues: security cooperation and economic cooperation. I'll start with security, making special reference to the new situation in arms control. Some people think this subject is dead—overtaken by changes in military forces that are driven by economics and politics much faster than diplomacy can handle. That, in my view, is extremely short sighted. We need agreements to help place ceilings on forces that reflect mutually accepted logic. These are safeguards against reversal of trends working in our favor. Arms control may be different in the future, but it is still the one way in which military force is subject to the discipline of international reasoning and agreement.

It seems to me that any agreement now in force must be considered to be still so, on grounds of the law establishing the new Soviet interim government—a law which explicitly says that the old Union's international obligations will be honored by the interim government.

Agreements that have been signed but not yet ratified are a more interesting case. Start with the CFE agreement. That treaty has provisions that apply to some Soviet Republics that are attaining sovereignty. The Baltic States, for example. Maybe Moldavia—and an independent Moldavia might just be an interim step toward union with Romania—and maybe Georgia, we don't know.

For simplicity, let's restrict this discussion to the Baltics as an illustrative case. If they gain complete control of their air space, territory, and territorial waters—which is now expected—a qualitatively new situation exists as regards CFE. It would be necessary for them to formally adhere to the treaty, and in the process to define their own security arrangements. Will they have armed forces of their own? Will those forces be subject to equipment ceilings as are the Armed Forces of Poland, for example? Will there be a residual Soviet military presence in the Baltics? It appears not. But in that case, who is the guarantor of provisions in the CFE Treaty that are concerned with forces in the Baltics? Looking to the future, the case for naval arms control of some sort needs to be reexamined in light of the independence of the Baltic States, particularly, if they acquire full military control of their territories including both airspace and territorial waters.

Then there are the Republics of the Ukraine and Byelorussia whose territories fall into the so-called CFE extended zone. The extended zone used to cover the Warsaw Pact states and four Soviet military districts in the former Soviet Union: the Baltic, Byelorussian, Carpathian, and Kiev military districts. The Soviet portion of that zone originally amounted to an area in which Soviet heavy equipment, that is battle tanks, armored troop carriers, aircraft and helicopters, was limited by the terms of the treaty, but in which this equipment could be moved around as suited the central government.

When the treaty was negotiated, Republican borders cutting across the CFE zone meant nothing. Now, however, these borders mean some very serious things: if these Republics secure control of armed forces within their territories, or if they decide to set up forces of their own that have treaty-limited equipment. And they certainly could mean something in terms of access and freedom of movement for on-site verification.

Should the Senate put this treaty on hold for a few years? Should it just ratify and hope for the best? Or should it ratify on the proviso that we receive certain assurances: for example, the central government that emerges there is sole guarantor of the treaty's terms; that all Republics concerned not only acknowledge this but give up, as formal, constitutional matters, any claim on their part to powers that would enable them to prevent the treaty from operating properly; and that if any Republic subsequently repudiates these terms, the agreement as a whole is null and void for the United States. These questions must be resolved before the Senate can determine now to proceed with this pending, signed, but unratified treaties.

Believe me, if the Senate puts these questions to the interim government in the territory of the former Soviet Union, it will be a defining moment. The Republics will realize that by interfering with the entry into force of the CFE agreement, they can damage their own efforts to build independent political and economic ties not only with the West but with Eastern Europe. On the other hand, the answer they give to these questions represents a number of fundamental precedents as to the powers of the Republics vis-a-vis whatever new central government emerges after this interim government in the realm of military forces.

There are similar questions ahead for START. And, in the event of a chemical weapons agreement, an even more intensified issue relating to the challenge inspection of civilian production facilities where the rights and responsibilities of Republican governments would clearly need to be defined.

Finally, there is the question of follow-on negotiations, whether relating to conventional forces or strategic forces, or perhaps a successor to the INF talks, to deal with remaining theater nuclear systems.

Although my reactions to much of what is going on in the former Soviet Union tend to be cautious, in the area of nuclear doctrine and policy, I believe it is time to think boldly, and I would like to share a few propositions that I am reflecting upon.

First of all, the START Treaty recently concluded but not yet brought before this body does not require the destruction of ballistic missiles or nuclear warheads withdrawn from service. While that is certainly not grounds to prevent ratification of the treaty, circumstances have changed in a way that ought to make us see this matter as a major piece of unfinished business: perhaps the basis for an urgent protocol to the treaty after it is in force.

This, in my view, Mr. President, is an extremely serious matter. It is not in our interest to have a treaty which simply removes missiles from their silos and leaves them stacked in warehouses under the control of who knows what authority. The terms have changed. The circumstances have changed. We should not prevent ratification of START because of this concern. In my view, however, we should insist on the speedy pursuit of a protocol to this treaty dealing with the destruction of the missiles withdrawn from the arsenals of both sides and the destruction of the warheads. Ironically, it was apparently at our insistence, our side's insistence, that we were not able to go farther during the negotiations. But again, things have changed and I believe the Senate ought to insist and proceed on this new protocol.

Just before going into summer recess, the Senate debated changes to U.S. policy on SDI which at one extreme would cause us to abrogate the ABM Treaty if we could not radically alter it through negotiations. In light of what has taken place since then, it seems to me that we ought to do nothing that would place pressure on a major existing security agreement.

In the mid-to-longer term, nuclear doctrine should shift from support of limited nuclear war options requiring large numbers of warheads for an extended target base to mutual deterrence based on declared policies of no first use, and aimed at assured ability to retaliate rather than at supplementing conventional forces.

This implies very major reductions of forces on both sides. Single warhead missiles and mobility emerge as part of the deterrent force for the year 2000. Tactical nuclear weapons that are ground based, for example, artillery, need to be removed from Europe under negotiated terms. Again, the circumstances have changed.

Moving to another topic, if this is not the time for a total test ban including underground testing—and it might well be the time to ban such tests—it is certainly time for a major reduction in yields and numbers of such tests. Overall, a scaled down nuclear weapons establishment should be designed to support this reduced emphasis on nuclear forces.

Again, let us understand that this situation has changed. The test site where the Soviet Union has exploded their weapons underground is in Kazakhstan. The Government of the Republic of Kazakhstan has said, "No more." And they mean it. The popular movement there—they chose the name Nevada for their movement, has prevented any tests for the last 2 years. The alternative site in Novaya Zemlya in the territory of the Russian Republic, was available, hasn't been used recently, but now apparently will not be used in the future. So we face a situation where it is extremely likely that the Soviet Union has a de-facto unilateral ban on any further nuclear underground tests. How do we respond? How should we respond?

Now, I do not believe that on these points I just mentioned, we need to hurry into full-scale negotiations of any new agreements. The issue of who is in charge needs to be settled first. And it would certainly be a risk to enter full negotiations with an interim government whose guaranties might or might not be picked up by its successor. However, we can and should push the Soviet and Republic governments to give us sensible answers to the "who is in charge" issue. And we also have to face up to what our own agenda is: we should move into dialog, and we must establish the range of what we are prepared to put on the table.

In the area of economic assistance, we will face comparable issues.

Different Western players will have different inclinations. The Germans want to move fast. However, they may have exhausted their own means to lend to the U.S.S.R. and so be unable to act unilaterally. I suspect that the U.S. Government will in the end have a very heavy influence on what actually happens. In my view, we should be ready to move on an expedited basis, but only after we push for and get responses to "who's in charge," and responses incidentally, that meet our own requirements as we have clearly defined them.

The self-absorbtion of the Republics is understandable, but an extreme luxury given their present circumstances. Insofar as their individual and collective well-being depends critically upon their ability to integrate themselves into the world economy, the requirements of that integration must become major elements of the internal Soviet debate at every level. The West needs to lean hard on this aspect of the new debate and the new reality that the Soviet and Republic leaders there face.

But there are also very hard questions for us to answer.

Surely we will extend ourselves to help the Soviet Union avoid a winter of deep misery. This is not only humane but wise policy, very much in our own self interest. But where are the funds? To find them, are we going to have to break the budget agreement? Could we find ourselves unable to act decisively because we cannot manage our own domestic politics because we have no leadership from the White House?

One view is that the only source for a sizable emergency fund for Soviet relief is the defense budget. Congressman LES ASPIN wants to make a billion dollars available to the President for emergency supplies, probably to be transported by the U.S. military. Our colleague, Senator NUNN, seems to be considering a comparable sum—for the purpose of promoting Soviet conversion of defense production to civilian production.

The issue illustrated by these contrasting proposals is how to pick the time and scale of our responses when confronted by strategic opportunities: that is, in the case of the Aspin proposal, to succor the peoples of the U.S.S.R. and work against chaos, and in the case of the Nunn proposal, how to help the U.S.S.R., or perhaps the Russian Republic's, economy through a profound change.

But these considerations are, in turn, dealing with matters on a necessarily smaller scale than will be required eventually if we really want to facilitate structural changes in the Soviet economy. And it is at this level that the issue of who's in charge, and the question of what are we ready to do intersect.

Not long ago, the IMF and the World Bank issued a joint study on the question of Soviet economic conversion and entry into the world trading system, and in particular, the role of the IMF in making that possible. For the near term, Soviet associate membership in the IMF—and possibly associate membership for the Republics as well—may be exactly what is needed. Associate membership opens the expertise of the IMF to a government, but does not entitle it to draw on IMF resources.

But the IMF's experts will say that membership requires a real budget planning process; full autonomy of enterprises; real market driven prices, and currency convertibility. Whoever declares themselves to be in charge of the former Soviet Union's economic life must be able to make and carry out policies along these lines. But they will also point out that such policies cannot be carried out without external financial assistance from the IMF and from other countries on a bilateral basis.

At that point, the ball is back in our court—meaning that it will be up to the United States, the European Community and the Japanese to respond. One answer is a grand bargain of some sort, perhaps along the lines worked out by experts at Harvard earlier this summer. The grand bargain was in effect a step-by-step correlation of what the Soviets needed to do in order to get from where they were to where they say they want to be—a marketdriven economy—and the external financial help that would be needed at each stage to make that process workable.

It emphatically was not a massive give away of vast sums of money. But it did underscore the need for Western readiness to commit substantial amounts over a period of several years. If the Soviets or their successors cannot get their act cleaned up we would be out of our minds to lend them such sums of money. But if we are not ready to lend, then there might be insufficient incentive for them to get their act cleaned up. Real leadership and some risk taking is needed on both sides of that equation. Neither side can afford to sit back and wait for the other to make all the moves.

Mr. President, I would like to conclude with the following observation.

As the century nears its conclusion, it is open season on political organization. Nation states that jealously guarded their independence in Europe are apparently moving toward ever deeper union. Multinational polities such as the Soviet Union, are disaggregating to their constituent ethnic parts—to nation states or post national entities roughly approximating nation states.

But in the midst of all this change, I think there is a visible general theme: people are in search of political relations based upon the consent of the governed—whether that leads them toward or away from centralized forms of organization. And they are looking, to be a little more precise, for new equilibria—appropriate to themselves and to their circumstances—between freedom and its creative power, and the need for order and predictability in societal relationships.

That search is the core of our own history as a nation. Twice before in this century, we have gone to war to oppose efforts by others to impose notions of world order based on ossified concepts of permanence. Now, what we shed blood for is actually happening. But it is happening at a time when there are temptations for us to step back and leave these events to others and to fate. This is not the moment to do that. If leadership does not come from us, it will come from nowhere else. This is the moment of truth for American statecraft, and it for American political leadership to step forward.

I hope that President Bush will meet that challenge. I hope that those of us in this body, as we look at the treaties now pending for ratification and at the various proposals for how we might accelerate the transition inside the former Soviet Union to a market-driven economy will also meet that challenge.

This is a period, to say the least, of great turmoil for the former Soviet Union. I might say that early in our history, at the conclusion of our own Revolutionary War, we had a distrust and hostility toward centralized authority that was every bit as strong as what we now see expressed by the peoples of the former Soviet Union. As we designed our new government, we first of all, devolved as much power as we possibly could to the States, and before we arrived at the U.S. Constitution we lived for a decade or so under the Articles of Confederation. The flaw in that first attempt by Americans to arrive at a new social compact, was that is disbursed too much power to the States and reserved too little to the central government.

When the Constitutional Convention convened, its purpose was to "form a more perfect union." The words as they were understood then, conveyed a meaning that stood in apposition to the mistakes learned during the period we were ruled under the Articles of Confederation. It may well be that if some of the Republics which made up the former Soviet Union ever do recombine into a new political entity it will be only after they have learned for themselves out of their own political experience that there is such a thing as giving too much power to the Republics and reserving too little for a central government in spite of one's antipathy for statism and centralized power.

Of course, their historical experience is so completely different, the degree of homogeneity among their peoples and the various cultures and traditions in the former Soviet Union makes it most unlikely that they will travel that route. But it is quite possible that some of those Republics will travel a course not dissimilar from the one that we have traveled.

In any event, the odds that they will be successful at arriving at self-determination based on the consent of the governed, a free market economy, respect for individual rights, and the freedoms which Thomas Jefferson said in our Declaration were not just for the United States but properly the birthright of all human beings, the odds of them being successful in achieving those dreams will be enhanced by decisions we have to make in this Chamber and that the Government of the United States as a whole has to make very quickly.

BUSH ADMINISTRATION ENDORSES PAPERWORK REDUCTION ACT

Mr. KASTEN. Mr. President, I rise today to announce to the Senate that the Bush administration has endorsed the effort to reauthorize the Office of Information and Regulatory Affairs—or OIRA—through the enactment of S. 1139, the Paperwork Reduction Act of 1991, introduced by myself, Senator SAM NUNN and Senator DALE BUMPERS.

S. 1139 seeks to enhance OIRA's role in reducing the paperwork and regulatory burdens imposed on the individuals, small businesses, research institutions, and nonprofit organizations.

Our bill enjoys the broad bipartisan support from both Democrats and Republicans. With the Bush administration's support, I believe that small businesses and the American public will finally get some relief from the Government's incessant need for more paper.

I ask unanimous consent that letters from myself and several Senators urging the administration's support for S. 1139 as well as the letter of endorsement from Vice President DAN QUAYLE be printed in the RECORD immediately following my remarks.

The being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENATE REPUBLICAN CONFERENCE,
OFFICE OF THE SECRETARY,
July 17, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge your support for S. 1139, the "Paperwork Reduction Act of 1991".

S. 1139 provides you with the opportunity to legislatively reaffirm your commitment to restraining the growth of Government paperwork burdens on the public and to curbing the natural proclivities of Government agencies to issue more and more regulations.

This bill makes an unequivocal statement in support of your principles regarding restraining unwarranted Governmental burdens on the public. It enjoys strong support within the business community, especially the small business community. It addresses concerns consistently expressed by State and local governments and the educational and non-profit communities.

S. 1139 enjoys strong bipartisan support within the Senate, being sponsored by Sam Nunn, the senior Democrat on the Governmental Affairs Committee as well as the Small Business Committee, with Dale Bumpers, Chairman of the Small Business Committee as one of the principal Democratic cosponsors. The bill is gradually gathering cosponsorships by many of the Democratic members who supported the 1980 legislation sponsored by Lawton Chiles, including Lloyd Bentsen and Fritz Hollings.

The alternative being offered by the Chairman of the Committee on Governmental Affairs is unequivocal in its objective to diminish your authority to coordinate the regulatory policies of the Executive agencies and to limit the Paperwork Reduction Act's ability to restrain Government-sponsored paperwork burdens imposed on the public. The Administration's opposition to this legislation, S. 1044, the "Federal Information Resources Management Act", also needs to be enunciated.

The choice presented by these two bills is stark. Some urge a wait and see policy with those who would seek to curb your authority. We believe that a firm statement of our fundamental principles is necessary in order to sharply contrast our diverse positions.

Further, we need to make a clear statement to the coalition supporting S. 1139, that we stand with them regarding public protection from unwarranted and excessive paperwork and the burdens of Government regulations which you have worked so long to restrain.

Now is the time to firmly support S. 1139, the "Paperwork Reduction Act of 1991".

Sincerely,

Robert Dole, William V. Roth, Jr., Christopher S. Bond, Ted Stevens, Conrad Burns, Jake Garn, Robert W. Kasten, Jr., Malcolm Wallop, Charles E. Grassley, Connie Mack, Richard G. Lugar, Orrin Hatch, Steve Symms, Robert Smith, John Seymour, Dan Coats, Thad Cochran, Phil Gramm.

U.S. SENATE,
Washington, DC, June 11, 1991.

Hon. DAN QUAYLE,
Vice President,
The White House,
Washington, DC.

DEAR DAN: I am writing to urge your support for the "Paperwork Reduction Act of 1991," which was recently introduced by myself, Sam Nunn, Dale Bumpers, and Bill Roth, among others.

Administration support of this bill would greatly compliment the work of the President's Competitiveness Council in trying to rein in excessive government regulation. The bill seeks to enhance OIRA's role in reducing the paperwork and regulatory burdens imposed upon the public.

Our bill enjoys broad support from the business community. I hope the Administration can join us in our effort to give business and the public some relief from the government's incessant need for more paper.

For your information, I have enclosed a copy of a recent op-ed on this issue.

Best regards,

ROBERT W. KASTEN, Jr.

THE VICE PRESIDENT,
Washington, August 2, 1991.

Hon. ROBERT W. KASTEN, Jr.,
U.S. Senator,
Washington, DC.

DEAR BOB: Thank you for your letters to John Sununu, Dick Darman and me regarding S. 1139, the "Paperwork Reduction Act of 1991."

The Administration strongly supports your efforts to reauthorize the Office of Information and Regulatory Affairs (OIRA) by passing S. 1139. As you know, the President relies upon OIRA to oversee the regulatory process and to protect the American public from unnecessary and burdensome regulations and paperwork. The Paperwork Reduction Act of 1991 reaffirms Congressional support for a strong paperwork review process and clarifies the responsibilities of departments and agencies to manage paperwork burdens efficiently. It also closes the loophole created by the Supreme Court's decision in *Dole* v. *Steelworkers*, thereby ensuring that all paperwork required by the Federal government is covered by the Act.

S. 1044, the "Federal Information Resources Management Act," would also reauthorize OIRA. However, its codification of disclosure provisions raises serious constitutional concerns, and could not be accepted by the Administration. As we indicated last year, the President's Senior Advisors would recommend a veto of any bill containing such disclosure provisions.

We urge Congress to reauthorize appropriations for OIRA. We look forward to working with you and Senator Glenn and others on the Governmental Affairs Committee to secure passage of sound legislation reauthorizing OIRA along the lines of S. 1139.

Sincerely,

DAN QUAYLE.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2707, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NOS. 1109, 1110, 1111, AND 1112

Mr. HARKIN. Mr. President, there are four additional amendments which have been cleared on both sides. I would like to describe them very briefly.

The first is an amendment to add $2 million for substance abuse prevention in the workplace, offset by a transfer of funds. That is an amendment by Senators HATCH and KASTEN.

The second is an amendment to add $450,000 for training of professional staff serving older Americans within available funds at the Office of Human Development Services at HHS. The second amendment also adds $500,000 from available funds for independent living programs. That is to be presented by Senator DOLE.

The third amendment is an amendment to extend for one more year grants for independent living centers. Again that is an amendment by Senator DOLE.

The fourth amendment is to establish a prostate cancer research center within available funds at the National Cancer Institute. That is an amendment by Senator STEVENS and Senator INOUYE.

Mr. President, I ask unanimous consent that the pending committee amendments be temporarily laid aside for the purpose of adopting the four amendments just described.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I send four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 1109 through 1112 en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 29, line 21, insert before the period the following: ": *Provided*, That $2,000,000 of the funds available under this heading, which would otherwise have been made exclusively available for carrying out programs through the Office of Substance Abuse Prevention, shall be transferred to the account "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I of this Act for the purpose of providing technical assistance to small and medium sized business on the establishment of workplace substance abuse programs which shall be administered cooperatively between the Office of Substance Abuse Prevention and the Department of Labor".

Mr. HATCH. Mr. President, I want to thank the distinguished floor managers for agreeing to accept this important amendment and desire only to spend a few moments explaining the amendment's purpose and meaning.

Combatants in the war on substance abuse generally agree that any serious attempt to deal with this problem must focus on a reduction in the demand for drugs.

While this solution seems apparent, its translation into a plan for action has proven very difficult. In most respects, it is like declaring war and then not being able to find where the enemy is hiding.

However, recent studies of this problem are beginning to offer some insight into ways to reduce the demand for drugs and alcohol. Specifically, we now know that about 68 percent of all those who use illegal drugs are employed, either in a part-time or full-time capacity. Additionally, we know that 1 out of 10 individuals in the United States has an alcohol problem and that most of these people also work.

With this knowledge, it becomes clear that the workplace is an institutional setting offering great opportunity for addressing the demand for drugs and alcohol. Add to these recent findings the fact that persons with addictive disorders often value their jobs more highly than their families or other social support networks, and the workplace appears to offer the most hope for effectively motivating a substance abuser to receive the help he or she needs to break this addiction.

Now, Mr. President, many large business operations in the United States have recognized that there are numerous advantages to their helping employees overcome substance abuse. The benefits for these businesses include increases in productivity, lower absenteeism, and fewer accidents and illnesses. All of these factors, of course, lead to reduced insurance and compensation costs, reductions in employee theft, and tremendous potential savings in benefit packages—such as in controlled health care costs.

However, establishing programs to deal effectively with employee substance abuse problems requires a high level of expertise and up-front groundwork. Thus, generally, such programs have been limited to larger companies. Small businesses most often find these time and technical requirements prohibitive.

This has led to some interesting observations, Mr. President. Specifically, as the larger companies adopt programs to deal with substance abuse problems, employees tend to move to other companies to escape detection. In other words, rather than to accept offers of help, for all the reasons that they are substance abusers in the first place, these employees opt to leave employment with large employees and move to employment with smaller employers.

After looking at this problem recently, Mr. President, Representative RON WYDEN of Oregon, the chairman of the House Small Business Committee's Subcommittee on Regulation, Business Opportunities and Energy, said that "substance abuse in the nation's small businesses is a health care problem of forest fire proportion." He concluded that for "workers who do drugs, America's small businesses are becoming the employers of last resort."

If this problem is to be overcome, something must be done to address the problems that currently prevent small businesses from becoming involved in employee substance abuse assistance programs. Small business owners generally identify these problems as: First, a lack of information about how to set up and run these programs; second, financial constraints; and third, the fear of potential legal problems.

Mr. President, the purpose of the amendment I have offered today is to help address these problems through the dissemination of relevant information and training concerning structuring and administering employee assistance programs in small business.

Briefly, let me explain what employee assistance programs [EAP] consist of. Generally, there are five key elements in an EAP: First, a workplace substance abuse policy; second, supervisory training; third, employee orientation; fourth, drug and alcohol education and awareness; and fifth, assessment and referral mechanism so that the employee can obtain needed help overcoming an addiction.

What this amendment does is to provide the Secretary of Labor, in conjunction with the Secretary of HHS, with funds to provide to small businesses the information and technical assistance they need to develop these elements of an employee assistance program.

To accomplish this, the amendment simply transfers $2 million of moneys already existing in the budget of the Office of Substance Abuse Prevention that were provided for the purpose of administering community partnerships. The Office of Substance Abuse Prevention [OSAP] is designed to support early intervention projects through these community partnerships. To accomplish these objectives, OSAP would be given $281.6 million in fiscal year 1992, of which $113.9 million would be provided to administer these community partnership programs.

By simply shifting $2 million to the Department of Labor to begin the administration of these small business substance abuse programs, the bottom line objectives of combating substance abuse would be advanced significantly. As I stated, this is so because it has become apparent that the best way to reach substance abusers is through the workplace. With this in mind, it seems appropriate to begin this effort with this $2 million from the Office of Substance Abuse Prevention because of the similarity of the overall mission. This transfer does not harm the ongoing goals of OSAP because it is intended that they work cooperatively with the Department of Labor in getting this job done. Also, the vast majority of funds allotted OSAP remains in place. This transfer complements OSAP's goals by creating a cooperative effort that will permit much more than either is capable of independently.

Mr. President, if the Congress is truly serious about attacking drugs in our society, I think small businesses provide battlegrounds wherein great advances are possible. Because of this amendment, small business owners who want to help rid their workplaces of the problems associated with substance abuse will be able to do so. Reliable information will be available to them that will assist them in offering a helping hand to their employees.

Mr. KASTEN. Mr. President, I am pleased to join Senator HATCH in offering this amendment to help small businesses rid their workplaces of drug abuse, and I applaud him for his leadership on this issue.

Our amendment would provide $2 million to the Department of Labor for assisting small business owners in addressing the problems of substance abuse in their workplaces. Specifically, the amendment would enable the Labor Department to provide additional help to small business owners in setting up employee assistance programs [EAP's]. EAP's are cost-effective job-based strategies for helping employees with drug and alcohol abuse.

We must attack the scourge of drugs in all facets of our lives: in the workplace, in our schools and churches, and at home. In the workplace, employee substance abuse is estimated to cost over $200 billion annually, in the form of increased accidental injuries, health care costs, lost work days, and other expenses. Employee assistance programs are believed to be the most effective tool in helping to eradicate the problem. A 1990 Gallup survey of Wisconsin workers conducted by the Institute for a Drug-Free Workplace showed that 77 percent of workers in my State support EAP's.

Yet small businesses, which employ over a majority of working Americans, are less likely than larger ones to implement these programs. Seventy-five to eighty percent of the Fortune 500 companies have EAP's, but less than 10 percent of small business have EAP's.

According to the Labor Department, small businesses have difficulty setting up these programs because they believe that implementing and operating a substance abuse program to be too complex and costly. Others lack the knowledge and guidance necessary to establish and maintain an EAP.

The Department is actively working to promote awareness of the EAP's among small businesses. In particular, it is working on expanding its information dissemination and is looking into using personal computers to provide training materials. The $10 million provided by this amendment will go a long way in helping them continue these efforts and developing a demonstration system to deliver this technology.

The drug plague is a serious threat to our prosperity. We need creative solutions like this amendment—and I support it strongly.

AMENDMENT NO. 1110

(Purpose: To require that certain appropriated sums be used for a program regarding training for professional and service providers.)

On page 43, line 6, after the colon insert the following: ": *Provided further*, That of the amounts made available under this heading, $450,000 shall be used for making grants and entering into contracts under section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) to establish a program under which professional and service providers (including family physicians and clergy) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of aging persons, and communication with the mental health network; and

"(B) advanced clinical training regarding means of assessing and treating the problems described in paragraph (1);

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at a major university;

"(B) mental health professionals; and

"(C) nationally recognized consultants in the area of rural mental health and

"(3) held in county hospital sites throughout the State in which the program is based": *Provided further*, That $500,000 of the funds available under this heading shall be used for making grants and entering into contracts under section 162 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082) to establish innovative approaches to consumer-responsive personal assistance service which shall enhance opportunities for individuals with disabilities to live independent and productive lives with full inclusion in their community".

Mr. DOLE. Mr. President, I rise today to offer an amendment that will provide the necessary funding to enhance the delivery of mental health care to our Nation's rural elderly. The mental health needs of people living in rural areas is not being met. Similarly, the mental health needs of the elderly are not being met. Consequently, elderly persons who live in small rural areas are at double jeopardy when faced with mental health problems. The lack of mental health services is not, however, the greatest issue among rural elderly—elderly people in general are often resistant to seeking and accepting formal mental health services.

The elderly are more willing to take their mental health problems to people they have regular contact with; people they know and trust. Professionals—that is, family physicians and clergy—and service providers—that is, senior center directors and staff members, county extension agents—have regular, trusted contact with rural elders. But, few service providers are trained to recognize warning signs of depression, suicide, alcoholism, complicated grief of Alzheimer's disease; many professionals were trained before gerontology was included in the curriculum. The reality is that professionals and service providers most likely to come into contact with an elder who has mental health concerns have little or no training in aging or mental health.

In Kansas, an innovative project is being developed to alleviate this rural health problems. Through the enhancing mental health services for rural elderly project a core group of trusted professionals and service providers will be trained in gerontology and mental health issues of the elderly. As a result of this project the rural elderly will have trained people in their community to help them recognize and overcome problems of depression, suicide, alcoholism, complicated grief of Alzheimer's disease.

Training will be provided by Kansas State University faculty and selected graduate students in human development and family studies, mental health professionals in the field, and nationally recognized consultants in the area of rural mental health. Training sessions will be held in county hospital sites throughout the State for both professionals and service providers.

Training will be focused primarily in the following areas: First, normal aging; second, recognizing problems of aging persons; and third, communicating with the mental health network. The professionals—that is, physicians and clergy—will also receive advanced clinical training in ways to assess and treat these problems.

My amendment directs $450,000 of moneys to be appropriated under title III of the Older Americans Act to ensure that elderly persons be afforded appropriate and adequate mental health care. The enhancing health services for rural elderly project is a step in the right direction in assuring that the mental health needs of people living in rural areas are being met.

Following their training programs, service providers who understand normal aging and the warning signs of specific mental health problems can then refer elderly persons to local clergy or family physicians. Members of the clergy or family physicians whose assessment skills are more advanced can then determine the need for specialized mental health treatment and provide the critical link to mental health services.

AMENDMENT NO. 1111

(Purpose: To require that funds appropriated to make grants for the establishment and operation of independent living centers be used to support persons currently receiving the grants)

On page 57, line 3, insert before the period: ": *Provided*, That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support persons currently receiving grants under the section".

Mr. DOLE. Mr. President, 1 year ago today, 2,000 people gathered on the White House lawn for the historic signing of the Americans With Disabilities Act of 1990.

The ADA, which prohibits discrimination on the basis of disability in employment, public services, public accommodations, and telecommunications, was the most comprehensive civil rights law to be enacted since 1964. Its about the integration of all citizens into every aspect of American society. It is about real people with real life issues.

A few months ago, for example, I heard eloquent and moving testimony before the Committee on Labor and Human Resources on the need to ensure independence and equal opportunity for people with disabilities.

The hearing, which addressed the use of personal assistance services [PAS], made it clear that Congress needs to build on the gains achieved 1 year ago today. In his poignant testimony, Tim Steininger of Dodge City, KS, persuasively justified the revision of current policies to include a comprehensive and flexible PAS program. No doubt about it, the timely and thorough consideration of such a program is one of my top priorities.

Why? Because I believe, as do my colleagues, that everyone deserves the right to self-determination. Is this too much for a person with a severe disability to expect out of life? Inclusion should mean enjoying the rights that those of us fortunate to be self-sufficient take for granted everyday. Is that not what the ADA is all about?

Mr. President, I believe we need to enhance the delivery of personal assistance services in this country if we are to afford people with disabilities their right to lead independent and productive lives. I am optimistic about the future of disability policy. Let's build on the gains we have made to ensure independence and freedom for all Americans.

The amendment I am offering today will invest in the promise of an all inclusive society by developing innovative approaches to the delivery of consumer-responsive personal assistance services. Within the projects of national significance under the administration on developmental disabilities, the monies appropriated for the expansion of personal assistance programs will be a step in the right direction in building a comprehensive array of personal assistance services.

AMENDMENT NO. 1112

On page 23, line 4, before the period, insert the following: ": *Provided further*, That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center".

The PRESIDING OFFICER. Is there further debate on the amendments? Hearing none, the question is on agreeing to the amendments.

The amendments (Nos. 1109, 1110, 1111, and 1112) were agreed to en bloc.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD HEALTH RESEARCH CENTERS

Mr. SPECTER. Mr. President, I would like to enter into a colloquy with my good friend and distinguished chairman of the subcommittee for the purpose of clarification.

Once again the subcommittee has recognized the importance of providing additional funding to the Child Health Research Centers Program at the National Institute of Child Health and Human Development [NICHD]. Created at the urging of this subcommittee in fiscal year 1990, child health research centers are intended to build basic research capacity at established and developing pediatric institutions and to develop pediatric investigators. The goal of this innovative "bench to bedside" research program is to speed the transfer of basic science to clinical applications, thereby improving the care of infants and children.

Is my understanding correct that the subcommittee provided $2 million in fiscal 1990 to initiate the Child Health Research Centers Program and an additional $1,500,000 in fiscal 1991 to expand the program?

Mr. HARKIN. The Senator from Pennsylvania is correct.

Mr. SPECTER. Then, is my understanding also correct, Mr. President, that coupled with the additional $3 million the subcommittee is providing in this bill, the total expenditure for the Child Health Research Centers Program in fiscal year 1992 will be $6,500,000?

Mr. HARKIN. My friend, the Senator from Pennsylvania, is again correct.

Mr. SPECTER. I thank my good friend and subcommittee chairman for clarifying this matter.

LIBRARY CAREER TRAINING

Mr. SARBANES. Mr. President, I am pleased to note that the Senate is providing $5 million for the Library Career Training Program under title II-B of the Higher Education Act for fiscal year 1992. This modest sum will make a significant contribution to alleviating the shortages of librarians and library educators.

Librarians in the United States currently number fewer than 200,000, and nearly 40 percent of them will be 65 years of age or older by the year 2000. Library employers report severe shortages, especially for children's librarians, school library media specialists, catalogers, librarians with technological expertise, and librarians who are members of minority groups.

In the early and more adequately funded years of the HEA II-B program, a corps of leaders was recruited to the library field or enabled to earn a Ph.D. Many of the current faculty, deans, and library directors around the country are II-B fellowship recipients. With the dramatic decrease in appropriations for the II-B program in the 1980's, replacements for such leaders are not coming along fast enough to make up for losses and retirements.

In addition, we require more advanced education and skills of our librarians than we are willing to pay for. For example, school library media specialists are expected to hold a teaching degree and have a master's degree or additional course work in library and information science. The master's degree is the minimum level generally required in public and academic libraries. Many positions also require fluency in foreign languages, advanced study in public administration, computer and communication techniques, social services and community outreach, or such specialized knowledge as children's literature, Government documents, or law or medical librarianship.

I recently introduced a bill, S. 1099, which addresses the serious shortage of librarians and library educators by increasing the authorization level for HEA II-B to $15 million. Meanwhile, I am pleased that we are taking action in the Labor/HHS/Education appropriations bill to prevent the erosion of the unique and vital services provided by libraries to citizens and communities throughout the country.

Because the fiscal year 1992 level is a significant increase in II-B funding, I wanted to take this opportunity to engage in a brief colloquy with the chairman and ranking minority member concerning congressional intent regarding the most appropriate use of the $5 million for library career training.

Mr. HARKIN. I would welcome an opportunity to clarify our intent with regard to funding for this important program.

Mr. SARBANES. It is likely to be next spring before institutions or organizations are notified that they are successful applicants for II-B grants, leaving precious little time to recruit strong candidates for graduate study during the 1992-93 academic year. Time would be particularly short for potential Ph.D. candidates, who might have to relocate, leave jobs, and make appropriate arrangements for their families. It would be my recommendation that the Department of Education officials move quickly in administering this program, but at the same time, consult extensively with representatives from the library community on the most effective use of II-B funds for fiscal year 1992.

Mr. SPECTER. I also have a special interest in the HEA II-B library training program. Three fine institutions in my State—Clarion University of Pennsylvania, Drexel University, and the University of Pittsburgh—provide graduate library education programs. The law allows library career training funds to be used for assistance to institutions of higher education, library organizations or agencies for fellowships, traineeships, and institutes, or other training or retraining programs in library and information science.

I urge the Department of Education to use the majority of the increased funds for HEA II-B for fellowships at both the doctoral and Master's levels, and to use a smaller percentage for other training, retraining, and library and information science education projects. The Department should consider raising the current stipends for fellowship recipients. I understand the stipends have not been adjusted for some years, and are now inadequate to cover true expenses. I further urge the Department to consult with the library community concerning the best mixture among the authorized purposes under this program, and concerning fiscal 1992 priorities for assistance.

Mr. HARKIN. I concur with those expectations, and would expect appropriate officials of the Education Department to take note of them.

Mr. SARBANES. I appreciate the cooperation of my colleagues in clarifying the committee's intent. I would simply raise one other point, and that is the importance of this program for the recruitment of minorities to the library field. The importance of this issue and the continuing need for such assistance were reinforced recently by the delegates to the White House Conference on Library and Information Services. More than one recommendation called for assistance for the training and retraining of library and information science professionals to serve the needs of multicultural, multilingual populations. This should be a priority for II-B grants in fiscal 1992.

Mr. HARKIN. I would agree that the continuing need for assistance in minority recruitment is one of the reasons for our increased support, and it should be a priority in the use of title II-B funds.

Mr. SIMON. Mr. President, as a longtime supporter of and advocate for libraries, and as a member of the Senate Labor and Human Resources Subcommittee on Education, Arts, and Humanities, I too have an interest in clarifying the intent of title II-B of the Higher Education Act.

My great State of Illinois has three outstanding graduate library education programs, which are located at the University of Illinois, Northern Illinois University, and Rosary College. I certainly agree with the support the comments made by my colleagues regarding the use of title II-B funds.

This summer, I had the honor of addressing the White House Conference on Library and Information Services and talking with the delegates. The delegates strongly supported and recognized the importance of recruiting and training minorities under title II-B. I couldn't agree more. More than 15 library and higher education organizations, including the American Library Association, recommended reauthorization of title II-B with a particular emphasis on the recruitment and retention of minorities as one of the most critical needs in the profession.

Title II-B has played a key role in the recruitment of minorities. In recent years, however, this has not been listed as one of the top title II-B priorities by the Secretary. Only 7.7 percent of graduate degrees in library and information science are annually awarded to minorities. We can and should do better. This should be a top priority for title II-B.

THE COLORADO BIOMEDICAL VENTURE CENTER AT THE NATIONAL INSTITUTES OF HEALTH

Mr. WIRTH. Mr. President, we all recognize the need to maintain and enhance our country's international competitiveness in all areas of high technology. With our existing world leadership in the biomedical area, the increasing global demand for improved diagnostics and therapeutics and this country's $10 billion a year Federal research effort, we should pay particular attention to promoting our competitiveness and productivity in this area.

I am a member of the Senate Committee on Energy and Natural Resources and last year we held hearings on the human genome project. At these hearings, the importance of our technical leadership and its economic benefits were driven home to me and the other members of the panel.

It would be a mistake for the United States to rest on its laurels as the world's leader in the biomedical field. Japan is undertaking an aggressive effort to make major advances in biotechnology transfer. In a recent article in Business Tokyo a senior manager of Suntory Co. said that:

> America is, and will remain, the leader in the field. Japan will never equal the United States commitment to basic research. And if basic research isn't sound, you won't have the constant stream of ideas on which to develop products.

That is, products produced in Japan—based on United States research. During the 1980's, more than 200 biotechnology transfer agreements between Japan and American companies were signed over a 5-year increment. The export of U.S. basic research has already begun.

I would hope, Mr. President, that we can look to history for guidance. While the transistor was developed in the United States, it was produced overseas. And, if we are to learn from our past mistakes, we need to take steps to maintain our leadership in the commercial biomedical field.

To do this, we must encourage the efforts being made by the National Institutes of Health [NIH] Office of Technology Transfer to help our Nation's intellectual capital generate a secure strong industry leading us into the 21st century.

Mr. President, I am proud to say that the State of Colorado is a national leader in biomedical research and in the commercialization of these technologies. Our excellence in research was emphasized by the Nobel Prize awarded to Dr. Thomas Cech of the University of Colorado for his work on RNA. In 1990, Colorado was home to more than 200 biomedical companies producing combined sales of more than $1.2 billion. These companies exported as much as 40 percent of their products to Japan, other Pacific rim countries, and Europe.

Colorado has sought to stimulate this field by creating several public-private technology transfer programs. In particular, the Colorado Biomedical Venture Center [CBVC] is working to develop commercial applications from biomedical discoveries made within the State's universities and hospitals. This State seed-funded, nonprofit corporation is ideally suited to work with the NIH's Office of Technology Transfer to assist in the development of commercial applications from discoveries made at the Institutes. Indeed, it is my understanding that the CBVC and NIH are developing a memorandum of understanding for this purpose.

It is also my understanding from Senator HARKIN that funds are available in the NIH extramural construction appropriation to help stimulate the development of this NIH-CBVC application development demonstration project. It I might inquire of the distinguished Senator from Iowa, what is the subcommittee's view of this project? Is the Colorado project eligible for receipt of $2 million from this program?

Mr. President, I yield to the distinguished chairman.

Mr. HARKIN. Mr. President, I am aware of the technology transfer project and NIH appropriation referred to by Senator WIRTH and I agree that we must encourage our continued commercial leadership in the biomedical field. It is also my understanding the project referred to by Senator WIRTH can serve as a valuable model for this effort—demonstrating to ourselves and other States that we can take that extra step from the laboratory to the marketplace.

Therefore, I encourage Colorado to apply for funding to develop this project and I sincerely hope that the administration will see fit to promote this worthwhile effort.

Mr. WIRTH. I thank my good friend from Iowa and you can be assured that we will pursue this project with NIH.

Mr. President, I yield the floor.

JOB CORPS FUNDING COLLOQUY

Mr. WIRTH. Mr. President, I would like to briefly discuss with the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education a program which deserves our attention. I refer to the Job Corps Program that is an important part of our efforts to assist our Nation's youth and prepare them to enter the work force. The basic education and vocational training provided by Job Corps helps at-risk youth that might otherwise not complete their education and begin productive careers. I understand that the Appropriations Committee has supported the program in the legislation we are now considering. Is that correct?

Mr. HARKIN. The Senator is correct. The committee does support the program. Our report recognized the success of the Job Corps and the merits of the 50-50 plan that would allow the program to serve 50 percent more poverty youth annually by opening 50 new Job Corps centers throughout the country. Accordingly, we provided an increase of $40 million above the President's budget, $30 million of which would be used for center relocations, opening previously approved new centers, and planning and site acquisition for further expansion.

Mr. WIRTH. I thank the chairman and commend the committee's actions. Colorado is underserved by the program. In fact, of the 42 States that have centers, Colorado ranks 37th in the percentage of poverty youth served by Job Corps. Five of the States that lack a center or serve a lower percentage of poverty youth than Colorado are already slated to receive new centers. The only center in Colorado is located in a rural area and several cities in Colorado's populous front range have significant populations of youth that could greatly benefit from a new center for Colorado.

I recognize that the 50-50 plan will take a number of years to implement and that we do not have the resources to immediately place a center in every area that would benefit. The House provided $28 million less for center construction and renovation and, given the constraints we face, the committee has made a good start at encouraging the program's expansion. I would like to ask the chairman if he intends to work to preserve funding for the program's expansion as the legislation goes to conference with the House.

Mr. HARKIN. I support the Job Corps Program and will work on behalf of the Senate's position as we move to Congress. I am also aware of the strong interest in Colorado in the expansion of the program and the broadbased support in that State for obtaining a Job Corps center and participating in the Job Corps Program. The report includes a list of areas that have an interest in the program and community support for a new center and Colorado's front range proposal certainly should be considered on an equal basis with locations on that list. I thank the Senator from Colorado for his interest in the program and support of the committee's efforts.

Mr. WIRTH. I thank the chairman for his efforts and comments. I hope that the Senate's position will prevail in conference and Colorado will be able to obtain a new center as the program expands.

JOB CORPS DEMONSTRATION PROJECT

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of this bill, Senator HARKIN, in a colloquy about a Job Corps demonstration project.

Mr. HARKIN. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. I would like to direct the attention of the chairman of the Labor, Health and Human Services

Subcommittee to my proposal to provide $1,500,000 for a Job Corps demonstration project in up to three States. The Secretary of Labor would be authorized to contract with public vocational, technical, and community college facilities to set up nonresidential programs for the same population of disadvantaged youth eligible for the regular Job Corps Program. These youth would be paid the minimum wages for a 40-hour work week, in lieu of stipends and room and board. The eligible participant will be provided with a combination of job and remedial skills training, education, and work experience for 40 hours each week. Through this program, the youth will be able to utilize the Job Corps expertise and the public vocational, technical, and community college facilities to receive job counseling and training.

This demonstration program distributes the resources of the Job Corps more efficiently and will allow the benefits of the Job Corps to reach those disadvantaged youth who, for some reason or another, cannot participate in the residential program. I first noted this need 25 years ago and am happy finally to be able to provide a nonresidential source of Job Corps benefits to disadvantaged youth.

I am aware that there is funding within this Department of Labor appropriation bill for demonstration programs. I believe that the demonstration program that I have just outlined would be available for funding from the amount provided for the demonstration programs. Is that correct?

Mr. HARKIN. Yes, that is correct. A portion of the demonstration resources in the bill could be used to carry out demonstrations of the type described by the Senator. I would urge the Secretary of Labor to fund demonstration programs of this type.

EMPLOYMENT AND TRAINING

Mr. COCHRAN. In title I of H.R. 2707, making appropriations for the Department of Labor, the committee has made available $38.7 million for pilots and demonstration programs related to employment and training. I have recently learned of an innovative model developed by Mississippi Very Special Arts in cooperation with other States in the Appalachian region, which would offer employment services to talented individuals with disabilities, and teach them the skills necessary to develop a sales distribution network for the goods they produce. This program, which has been endorsed by disability advocacy groups throughout the State, would enable this truly displaced group of workers in Mississippi and around the Nation, to find financial independence. Funds provided would allow professional artists with disabilities in the region to form an arts collective which would support a production center and establish a national marketing and distribution system. It is a modest, cost-effective design which I believe merits funding from the Department of Labor.

Knowing of your longstanding commitment to programs which offer the promise of independence and self-sufficiency to people with disabilities, I hope you will join me in endorsing this employment model and encouraging the Department of Labor to find the necessary funds—$400,000 in fiscal year 1992—to fully develop this program for eligible residents in the Appalachian region.

Mr. HARKIN. Let me first thank my colleague from Mississippi for informing us about this very interesting new initiative. I am well aware of the alarming unemployment rate among persons with disabilities and the difficult economic conditions which plague the Appalachian region. The program you describe offers a unique approach to job creation and economic development for persons with disabilities and one that I would certainly support and encourage the Department of Labor to fund.

THE MCNAIR PROGRAM

Mr. SPECTER. Mr. President, I want to join the chairman of the Subcommittee on Labor, HHS, and Education appropriations in support of the amendment to lift the "cap" on the Ronald C. McNair Postbaccalaureate Achievement Program authorization. We have consulted with the Democratic and Republican leadership of the Subcommittee on Education, Arts and Humanities and the Committee on Labor and Human Resources. They strongly concur in this effort.

The limitation placed on the portion of the overall trio appropriation allocated to the McNair Program was intended to assure that this new program, created by the Higher Education Amendments of 1986, would not adversely impact funding for the existing programs. Additionally, this concern was based in part on the limited funding provided for the trio programs. Since fiscal year 1987, the Congress has increasingly recognized the importance of the trio programs' focus on early identification and academic support and counseling as critical elements to improving the access and success of minority, low income, handicapped and first generation students in higher education.

The trio appropriation has increased from $176.3 million in fiscal year 1987 to $333.8 million in fiscal year 1991. During that same period, the McNair allocation has increased from $1.5 million in fiscal year 1989—the first year of its implementation—to $3 million in fiscal year 1990, to $5.0 million in fiscal year 1991. This year the Senate bill provides $385.8 million and we hope that the Department will allocate a significant portion of this increase to the McNair Program.

The $5 million must be lifted now or the department has advised us that it will be bound by the limitation in section 417(d)(6)(B). The need to increase minority participation in graduate education is clear and the contributions of this small, but critical program to that effort is essential. The need to increase the numbers of Americans receiving the Ph.D. in such areas as mathematics and the physical sciences is equally important. This vital program helps America do both.

We must take this step now or postpone enhancing the contribution this program can make until the completion of the pending reauthorization of the Higher Education Act. I urge my colleagues to support the package of amendments and our efforts to expand graduate education opportunities for all Americans through the Ronald C. McNair Postbaccalaureate Achievement Program.

ALZHEIMER'S DISEASE RESEARCH

Mr. GRASSLEY. May I ask the Senator a question about his amendment?

Mr. HATFIELD. Certainly.

Mr. GRASSLEY. I congratulate the Senator on his amendment, which I certainly support and would like to cosponsor.

I, too, was intrigued by the Post article to which the Senator referred in his remarks. As I understand it, "substance P" protected experimental rats from nerve cell death similar to that caused by Alzheimer's disease. Apparently, the scientists who work in this area are very excited at the possibility that this work may lead to drugs which could actually prevent Alzheimer's disease.

This work resulted from a drug development program being carried on at the National Institute on Aging. The aims of this program are, among others, to stimulate discovery of new compounds focusing on preventing or delaying the progression of the disease, to encourage collaboration between university researchers and researchers in industry, and to commence international collaboration in the testing of new compounds.

As I understand it, the NIA Program will focus on relatively high risk lines of research, such as how to deliver compounds to specific target areas in the body and at finding compounds to regulate gene expression, which industry researchers may be reluctant to undertake. The project managers at the NIA believe that, once their sponsored research begins to produce results, industry will begin to undertake research to build on those results.

Finally, the NIA Program is trying to make it easier to more quickly test compounds. Some 30 academic and other health institutions have formed a coalition to help accelerate the testing of compounds.

Clearly, this is a program with great promise.

I am concerned, however, because, given the current level of funding for this activity—$7 million—we may be facing a relatively long period before it will culminate in a drug—"substance P" or some related product—that can be used with Alzheimer's disease victims. I know that the Alzheimer's program at NIA has many other high priorities, but this work surely deserves increased emphasis.

My question is whether the Senator intends that some of the money his amendment is providing be used to increase the efforts at the National Institute on Aging devoted to development of new drugs for use with Alzheimer's disease victims?

Mr. HATFIELD. I would very much like to see some of this money added to the current level of support being provided new drug development for use with Alzheimer's disease victims. As I said in my statement a moment ago, medical research is the only hope we have for preventing further suffering by patients and families from this terrible disease. Drug development is certainly one of the things we should be concentrating on. As I noted, the new development on which the Post reported deserves our full attention.

Furthermore, I would like the Senator to know that I intend to do my best to persuade the committee of conference on this bill to emphasize the importance of this work.

Mr. GRASSLEY. I thank the Senator. I am very pleased that he believes this work at the Institutes deserves additional support.

CASH AND MEDICAL ASSISTANCE

Mr. MACK. I would like to ask a question of the Senator from Iowa regarding the cash and medical assistance appropriation in the Labor-HHS bill.

In the Senate version, although full disbursement of funds is delayed until fiscal year 1993, the appropriation for cash and medical assistance is maintained at $234 million. This is in contrast to the House Appropriations Committee language which allots only $117 million for fiscal year 1992, after which the cash and medical assistance program would be phased out.

As you know, the Refugee Act of 1980 has a dual purpose: First, to provide a procedure for the annual admission of refugees to the United States and second, to authorize Federal assistance to resettle refugees. The Refugee Resettlement Program is administered by the Office of Refugee Resettlement [ORR] in the Department of Health and Human Services [HHS].

One of the major domestic resettlement assistance programs authorized under the Refugee Act is cash and medical assistance. The House Labor-HHS Appropriations Committee phases out this critical program after fiscal year 1992.

Phasing out the cash and medical assistance program is inconsistent with the numbers of refugees still entering the United States. The fiscal year 1991 ceiling on total refugee admissions into the United States was 131,000. The fiscal year 1991 appropriation for cash and medical assistance was $234 million. The State Department has estimated the fiscal year 1992 refugee admissions ceiling at 144,000. The President's fiscal year 1992 request for cash and medical assistance at $240,000,000 reasonably reflects the numbers of refugees for the upcoming fiscal year. The Senate maintains the fiscal year 1992 level at $234 million, but makes half this amount available on a delayed obligation basis to reimburse the States. The House, however, has only appropriated $117,600,000 for cash and medical assistance to be available through March 31, 1992, after which the program would be phased out.

If the Congress adopts the House language, the Federal Government would be sending the message to the States that it is reneging on the commitment made under the Refugee Act. While the number of refugees is increasing by 30 percent, the House language decreases cash and medical assistance to resettle these refugees by 50 percent for this fiscal year before phasing out the program in March of 1992. Does this mean the United States will not be accepting any more refugees after fiscal year 1992? No. It's just another example of how the Federal Government has fallen short on its responsibility to assist the States with the consequences of Federal immigration policy. Florida and other States affected by large refugee populations have already spent millions of dollars without Federal reimbursement.

More importantly, the legislative history of the Refugee Act clearly indicates that refugee resettlement costs are the responsibility of the Federal Government. In the report to accompany the Refugee Act of 1980, the Senate Judiciary Committee made two important points: First, refugee resettlement is a Federal responsibility; and second, the Federal Government committed itself to reimbursing the States 100 percent for the first 2 years of refugee resettlement.

At that time, the committee explained:

> Because refugees admitted to the United States are a result of a national policy decision and by federal action, the federal government clearly has a responsibility to assist States and local communities in resettling the refugees—assisting them until they are self-supporting and contributing members of their adopted communities. * * * The bill limits the 100 percent federal support of medical, cash and employment programs to the first two years after the refugee's entry into the United States.

Congress originally authorized reimbursement to the States for 100 percent of the costs of providing refugees with cash and medical assistance during their first 36 months in the United States. In 1986, the period of Federal reimbursement was reduced from 36 to 31 months, further reduced to 24 months in 1988. In 1990, States were told that reimbursement would last for only the first 12 months of refugee resettlement.

In addition, this year alone, Florida was not reimbursed for almost $1 million in AFDC and medicaid costs, as a result of a Federal decision to limit to 4 months reimbursement to the States for categorical refugee programs.

Florida's grant allocation for cash and medical assistance in fiscal year 1990 was $6.8 million; in fiscal year 1991, approximately $8 million. Phasing out this cash and medical assistance would clearly mean that Florida and other States will not continue to receive its fair share of Federal assistance.

The House action to phase out cash and medical assistance is wrong. The Congressional Research Service [CRS] has commented that "cash and medical assistance is the heart of the refugee resettlement program." Without cash and medical assistance, the States would be forced to assume an unfairly excessive financial burden.

I would therefore like to pose the question to the Senator from Iowa: What is the committee's intention with regard to this vital cash and medical assistance program?

Mr. HARKIN. I agree with the Senator from Florida. Cash and medical assistance is an integral element of the Federal government's responsibility in domestic refugee resettlement.

The committee does not intend to terminate cash and medical assistance on March 31, 1992, or anytime thereafter, and would certainly hope this position will prevail in conference with the House.

OSHA PROGRAMS

Mr. KASTEN. Mr. President, I would like to inquire of the distinguished chairman if the chairman of the Small Business Committee, and the senior Senator from Mississippi could engage in a colloquy regarding certain items in the committee report language that affect the Occupational Safety and Health Administration?

Mr. HARKIN. I would be happy to yield to the senior Senator from Wisconsin in order to discuss these issues.

Mr. KASTEN. Mr. President, an amendment offered by Senator COCHRAN and Senator BUMPERS, which was adopted in committee, deleted a House-inserted provision that would have required the Occupational Safety and Health Administration to expand accident reporting requirements for employers of fewer than 10 workers. I want to express my strong support for this language and urge the chairman to press for the Senate language in conference.

Mr. COCHRAN. I would like to join the Senator from Wisconsin in urging that the Senate conferees retain this language. Currently, all businesses, large and small, are required to report workplace accidents to OSHA when five or more workers are hospitalized. As passed by the House, the bill language required only small businesses of 10 or fewer workers, to report accidents where 1 worker is hospitalized. This would create an unfair situation and impose additional reporting burdens on small business.

Mr. HARKIN. I would inform the Senators that I am aware of your concerns about this issue and will do my best in conference to secure the Senate position.

Mr. COCHRAN. On another issue concerning OSHA, I would like to inquire of the chairman how much money is set aside for OSHA's on-site consultation program?

Mr. HARKIN. I would inform the Senator that we have included $2.5 million in additional compliance assistance funding that is intended for the consultative services program.

Mr. BUMPERS. Mr. President, am I correct in that the House did not include any additional funding at all for the consultation program?

Mr. HARKIN. The distinguished Senator from Arkansas is correct.

Mr. BUMPERS. Mr. President, I urge the chairman to try and retain the Senate position. This program is extremely helpful to small businesses, especially in view of the recent sevenfold increase in OSHA civil penalties that was included in last year's budget summit agreement.

In fact, I wish that we could find more money for this program. Over the past 10 years, consultation programs across the country have experienced large reductions in the consultation staff. Moneys available to OSHA for the consultation effort have not kept pace with inflation. In Arkansas, the consultation program would have received $324,673 in additional funding this fiscal year if the program had kept pace with inflation.

I am sure the Senator from Wisconsin is facing the same situation. Before the Senator responds, however, I would like to echo my colleagues' concerns regarding increasing the reporting requirements for businesses employing fewer than 10 employees.

Mr. KASTEN. The Senator from Arkansas is correct. If funding for the program had kept pace with inflation, Wisconsin would have received close to $600,000 in additional funding.

In fact, I received a request a few days ago from the Wisconsin State Laboratory of Hygiene for help in securing additional funding for the Wisconsin Occupational Health laboratory. Since 1975, the laboratory has provided analytical laboratory services to most of the States which have the consultation program. The lab needs $450,000 for additional capital equipment.

Even with the modest program increase included in the Senate bill, States will only receive at the most $50,000 or $60,000 in additional funding. However, I know that the funding is too limited to provide any more money for the Wisconsin laboratory and the program.

I would like to make one last point. I find it ironic that the Labor Department requests $1.3 million and 24 positions for implementing the higher civil penalties enacted in last year's budget summit bill, but does not provide such attention to helping small business comply voluntarily with the law so that they don't have to pay these fines.

Mr. HARKIN. I would say to the Senators that I support this program. I am aware that Iowa would receive over $150,000 in additional funding if the program had kept pace with inflation.

I can assure the Senators that I will work with them to secure the additional $2.5 million in funding provided in the Senate bill.

Mr. COCHRAN. I thank the chairman for his efforts I, too, have heard from my constituents regarding the merits of this program and hope that the additional funding can be retained in conference.

REPORT LANGUAGE CLARIFICATION ON STAR SCHOOLS

Mr. HARKIN. Mr. President, I want to take this opportunity to clarify a point contained in the Senate report accompanying H.R. 2707. The committee included under the Star Schools heading language to establish a statewide, publicly owned or controlled two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions. The language inadvertently restricted eligibility to those networks having a point of presence in every community college, and in every public and private college or university.

The committee did not intend to qualify community colleges and public and private colleges or universities with the term every, to require that each such institution in the State participate, but rather it intended that the network touch each type of institution. In other words, the committee intended that the points of presence should include these types of institutions, but that they need not include every institution.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 47, LINES 1 THROUGH 9

Mr. HARKIN. Mr. President, I ask unanimous consent that the following committee amendment be agreed to, and that is on page 47, lines 1 through 9.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, this is an amendment by the distinguished Senator from Oklahoma [Mr. NICKLES]. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the excepted committee amendment on page 47, lines 1 through 9, was agreed to.

Mr. HARKIN. Mr. President, I further ask unanimous consent that the bill, as thus amended, be considered as original text for the purpose of further amendment, provided that no points of order be waived by reason of this agreement.

Mr. COCHRAN. Mr. President, reserving the right to object, and I do not intend to object, this does not change the status of the committee amendments in terms of their being subject to further amendment; is that correct?

Mr. HARKIN. That is correct.

Mr. COCHRAN. I have no objection. I withdraw my reservation.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. HARKIN. Mr. President, here we are. We would like to let Senators in their offices who may be following this know where we stand on H.R. 2707, the appropriations bill that is now before us.

It is the beginning of our third day of floor consideration. I hope we can finish very shortly and go to third reading maybe even by lunchtime or early afternoon.

At the present time, we know only of the possibility of several additional amendments that may be offered by the Senator from North Carolina [Mr. HELMS]. We know of the possibility of amendments from other Members, but it is just as likely at this point that those amendments will not be offered. We just have no way of knowing right now.

Again, Mr. President, we do not wish to foreclose any Senator from the opportunity of offering an amendment. We are here on the floor. We are available. They can come and offer amendments right now. In fact, Senator COCHRAN and I are the only two Senators here right now. So I ask Senators who have amendments to offer to this bill to please come over and offer their amendments.

Again, Mr. President, I hear around here all the time about 8 o'clock at night everyone is griping about how come we are here late. Senator COCHRAN is here. The Senator from Iowa is here. We are ready to deal with amendments and we are looking at an empty Chamber. If people get over here, offer their amendments, we can deal with them, finish this bill, and perhaps we can start getting out of here at a reasonable time at night.

If Senators do not come and offer amendments, of if Senators do not indicate that they do not want to offer an amendment, we just cannot keep going on the basis of rumors. That is what I have heard. I heard rumors there are Senators who want to offer amendments. Well, are Senator COCHRAN and I supposed to sit here all day because there are rumors floating around that people want to offer amendments? That is not fair to Senator COCHRAN. It is not fair to the Presiding Officer. It is not fair to other Senators who have their agendas and want to get on with their business today.

So I hope that we can get on to third reading as soon as possible today. I understand that Senators have schedules to meet and some things may interrupt it. I understand that. I understand the flow of business in the Senate and how busy Senators are. But, my gosh, we have been here 3 days. We sat here yesterday for quite awhile and did not have anything and here we are again this morning.

As soon as I get finished speaking, I will yield to any Member who has an amendment. But if they do not show up, we are just going to be sitting here waiting. So I hope other Senators will come over.

Otherwise, it is my understanding, if I am not mistaken, Mr. President, that if we are sitting here and we are not in a quorum call and nobody seeks to offer amendments that the Chair could go to third reading.

Well, I can tell you that if Senators do not get over here pretty soon and start offering amendments, and we only hear rumors, this Senator will not feel obligated to protect anyone's right if the Chair wants to go to third reading. Obviously, now, we will wait for awhile. But I hope that Senators would come over and offer amendments.

With that, Mr. President, I suggest the absence of a quorum and we will sit here.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, it is my purpose today not to offer an amendment but rather to put into historical and political perspective an issue within this legislation having to do with the Federal Government's commitment to assist States in the cost of the transition of large numbers of formerly illegal entrants into a naturalized U.S. citizen or permanent resident. The history of this goes back into the early 1980's. There were a series of commissions which focused on the breakdown in America's immigration law. Identified was the fact that we had an unknown number but estimated in the ranges of 3 to 6 million illegal entrants within the United States, most of them having been drawn by the economic magnet of America, some for political reasons.

There were efforts made in the early and mid-1980's to deal with this issue. It was not, however, until 1986 that the necessary consensus of opinion—consensus within the Nation, consensus between the Congress and the Presidency, and within the Congress itself—occurred in order to make the passage of legislation possible.

That 1986 legislation had a number of significant features. Among those was a grant of amnesty to aliens who had resided continuously in the United States prior to January 1, 1982, and for seasonal agricultural workers who had worked 90 days in agriculture between May 1985 and May 1986. It was recognized that this grant of amnesty would have, among other things, some serious financial implications. An undetermined but significant number of persons who had not previously been eligible for various public assistance programs in education, health care, and job training would now become eligible as a result of this amnesty program. Many of those programs were administered either totally at the State level or through some form of Federal-State partnership.

I was Governor of the State of Florida during much of this debate in the 1980's and was chair of the National Governors' Association Committee on Immigration and Refugees. I represented a State which was significantly affected by this 1986 legislation.

Prior to 1986, one of the stumbling blocks for passage of legislation had been: How would the cost of financing this transition from illegal to legal status be borne? It was the original position of the States that since it was the Federal Government's immigration policy, or failure to enforce immigration policy that had resulted in this large number of illegal persons being in the United States, that the Federal Government should pay the full cost of transition.

The States, however, eventually agreed to this sharing arrangement. They agreed to a 7-year program under which the States and local governments would be partially reimbursed for their transition costs. That reimbursement would come in the form of $1 billion a year, beginning in fiscal year 1988 until a total of $4 billion had been deposited in a trust fund. Those funds would be drawn down by the affected States based on regulations to be developed by the Department of HHS and submissions by the States for their proportionate share.

It was recognized that the cost of transition would likely be substantially more than $4 billion, but any expenses beyond that $4 billion would be the obligation of the States. It was also recognized that it would take more than 4 years to complete this transition period.

It was suspected that some of the illegal aliens would be reticent to apply for amnesty in the early part of the program; that there might be significant numbers who would be applying late in the amnesty window. Some of these costs, such as health costs, education, and retraining, would likely take more than a few months or years in order to accomplish.

So the arrangement was a 7-year transition period, the Federal Government providing $4 billion—$1 billion a year during the first 4 years of that 7-year period—and then 3 years of no additional Federal funding, but in which the trust fund could be utilized for the balance of transition costs, the States being required to bear the burden for all costs above the $4 billion.

As the program went into effect, there were some delays. There was a significant delay in the Federal agency's development of regulations.

So, for the first period, States were making their applications for reimbursement without knowing what the specifics of the rules would be. There were also some other bureaucratic sources of delay. The States built their plans on the expectations that the Federal Government would provide a total of $4 billion, and they would receive their proportional share based on cost of delivering services and the number of illegal aliens within their State applying for amnesty.

In 1988 and 1989 fiscal years, the full $1 billion was appropriated. In fiscal year 1990, however, over half of the promised funding was not appropriated. There was only $450 million, rather than the $1 billion, which was appropriated. The allegation upon which this reduction was made was that there was a surplus. The answer is that, yes, there was a surplus, because the whole program was predicated on a 7-year payout, as against a 4-year Federal payment into the fund.

So the fact that there was a surplus was not a surprise; it was part of the program design. Nevertheless, it was the basis upon which the administration recommended a cut in payments in fiscal year 1990 into the fund, and which the Congress, I think, improvidently incurred.

In fiscal year 1991, only $433 million was appropriated into this fund, leaving a balance of $1.2 billion beyond the 4-year period that originally had been contemplated. There was a commitment made in 1991, as there had been made in 1990, that the balance of the funds would be forthcoming, albeit beyond the original 4-year period of anticipated Federal payments for this program.

We are now at 1989, the year in which there was a commitment to appropriate $1.12 billion to complete in the fifth year what was originally to have been a 4-year, $4 billion Federal payment. What do we have in the bill that is before us today, the year in which the Federal Government was to faithfully fulfill its obligations to the States who entered into this partnership? The answer is zero money in fiscal year 1992, another promise to pay the States in 1993.

Mr. President, in May of this year the General Accounting Office, at the request of the chairpersons of the two subcommittees, Senator HARKIN and Congressman NATCHER, completed a study on what were the States' needs for fiscal year 1992. Did they need the full $1.12 billion in fiscal year 1992 or could they continue to provide services at a lesser figure and defer again some of the $4 billion of commitment?

The GAO study indicated that both from the perspective of the States and the Federal agency, the Department of HHS, Health and Human Services, the estimate was that the cost for 1989 would be $450 million. Yet we are not only not appropriating the balance of $1.12 billion that we committed to—twice we committed to—but we are not appropriating the minimal amount which at our own request the States and the Department of Health and Human Services and the General Accounting Office has stated to be the amount that is actually needed for the 12 months that would begin October 1 of this year.

What are the results of our action? The most immediate result is some States are going to have to shut down their program despite the promise of additional funding in 1993. The effect of that is going to be that an additional burden is going to be placed upon States which are already suffering some of the most severe budget crises in modern history. It means that people who we have stated we will give the assistance to move from poverty into the mainstream of participation in America through adequate education programs, job training programs, health programs, are going to be denied. That is a very serious statement in terms of the human condition.

Mr. President, there is another important statement that we are making on the political condition of America, and that frank statement is that the States cannot depend upon the Federal Government living up to its long-term financial commitments and obligations. Our federal system of government, which is now being looked to around the world, and most specifically within the Soviet Union, as a model of a relationship between its central government and republics, our Federal Government depends upon comity, trust, respect between the Federal Government and the States.

Many of our most important programs, education, health, environmental, transportation, and others, depend upon a functioning partnership between Washington and the 50 States.

Mr. President, how are we going to be able to tell the States that this is a partnership upon which they can rely, upon which they can make their own serious commitments to administer programs when they have the example of what we are doing today relative to this commitment of 1986?

With tremendous budget shortfalls, States cannot afford to take the risk that the Federal Government will fulfill its obligations.

Mr. President, I regret that Congress has thus far chosen to abrogate unilaterally the contract that it formed bilaterally just 5 years ago.

I have asked to be entered into the RECORD immediately after my remarks a colloquy with Senator HARKIN in which the Senator indicates this expectation that the Department of HHS would continue to provide the limited administrative resources to keep some heartbeat alive in this program in expectation that in 1993 we would live up to our commitments of 1986 and fully fund the balance remaining on this program.

I hold out some hope and optimism that will in fact occur, that we will see that this is not just a program providing assistance to millions of persons who we invited through an amnesty program to join the family of America, but also is a fundamental statement of the Federal Government's respect for and commitment to the 50 States from which the Federal Government was formed.

I appreciate Senator HARKIN'S difficult task in attempting to accommodate within a constrained budget allocation many important programs for America. This is one of those programs that as of today is an orphan from that family, an unfunded Federal commitment.

I look forward to 1993, when we will meet our obligation and we will say to the States you can have confidence in Washington when it makes a commitment and we will repair the scar which currently exists on American federalism as a result of our failure today.

SLIAG

Mr. President, I have been clear in expressing my disappointment with the decision of Congress and the administration to defer funding again this year for State Legalization Impact Assistance Grants [SLIAG]. Without an appropriation for fiscal year 1992, there will also be an absence of funds for the Division of State Legalization and Repatriation [DSLR] for SLIAG purposes.

SLIAG is a complex program which needs strong Federal oversight—including the review and approval of State cost claims, the operation of the Cost Document System [CDS], and the provision of monitoring and technical assistance. The Department of Health and Human Services [HHS] has expended approximately $1.5 million a year ensuring the responsible implementation of this important program.

Even without a 1992 appropriation, several States will be drawing down funds in the coming fiscal year from past appropriations. In order to do so, and in order to ensure that the Federal Government only provides reimbursements for appropriate State expenditures, DSLR must continue to operate with sufficient resources.

I want to confirm with the distinguished chairman of the subcommittee that the funds appropriated in this bill for administrative expenses of the Administration for Children and Families within HHS are intended to include an adequate level of administrative support to DSLR for SLIAG purposes in fiscal year 1992.

Mr. HARKIN. That is indeed our intention, and I thank my colleague from Florida for calling the Senate's attention to this issue.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Illinois is recognized.

AMENDMENT NO. 1113

(Purpose: To call for a reconvening of the budget summit)

Mr. SIMON. Mr. President, I send an amendment to the desk in behalf of Senator HARKIN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. HARKIN, proposes an amendment numbered 1113 to the excepted committee amendment on page 3, line 24.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) changing world realities, particularly recent events in the Soviet Union, have provided our country with an historic opportunity to reexamine our budget priorities;

(2) in the next fiscal year, our Nation will still spend $295 billion on defense, despite enormous changes taking place in the world, even before the Soviet coup of August 19;

(3) our Nation faces urgent, unmet domestic needs in every area, including housing, education, and health care;

(4) the economy of the country continued to decline throughout the summer and more than 8½ million people are currently unemployed;

(5) the 1990 budget summit agreement prevents Congress from making any major changes in spending priorities until 1994;

(6) the 1990 budget summit agreement has failed to restrain our skyrocketing budget deficit; and

(7) a bipartisan overhaul of the 1990 budget agreement is needed, to outline new budget priorities which accurately reflect the new world order and our nation's pressing domestic needs.

(b) It is the sense of the Senate that the President of the United States should summon the Democratic and Republican leadership of the Congress and reconvene the budget summit to discuss possible budget revisions for fiscal year 1992, and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

Mr. SIMON. Mr. President, this amendment is simply a sense-of-the-Senate resolution that says that the President should summon the Democratic and Republican leaders and have a budget summit to modify the budget agreement that we now have.

The world has changed dramatically in the last 3 weeks, and for us simply to blithely go along and spend money as we did before without recognizing the changed world I just do not think makes any sense at all.

The amendment is very general in nature. Let me just read the concluding sentences here.

> It is the sense of the Senate that the President of the United States should summon the Democratic and Republican leadership of the Congress and reconvene the budget summit to discuss possible budget revisions for fiscal year 1992—

It does not say that has to happen, though frankly I think we should—

> and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

That is it.

I am not wedded to any language. But it seems to me it is general enough. It is common sense. We ought to be doing it.

I would like to have printed in the RECORD a letter from the U.S. Conference of Mayors endorsing this. I would like to insert into the RECORD a letter from the Council for a Livable World, and to insert into the RECORD a letter from OMB Watch, in behalf of this, and a statement in behalf of the proposal by Gov. Mario Cuomo in behalf of this. I ask unanimous consent to print all of these in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, September 11, 1991.

DEAR SENATOR: The Nation's cities have experienced more than a decade of neglect from the Federal Government; Federal funds for key urban domestic programs have been slashed at the very same time that cities' tax bases have been dwindling and urban ills such as homelessness, drugs, and violence have been escalating.

The U.S. Conference of Mayors, representing mayors of cities over 30,000, strongly urges you to reject the constraints imposed by last year's budget agreement and calls upon Congress and the administration to undertake a serious shift in Federal funding priorities from the defense budget to the domestic needs of our Nation.

The U.S. Conference of Mayors strongly supports the sense-of-the-Senate resolution which will be offered by Senator Simon as an amendment to the Labor-HHS appropriations bill.

As President of the U.S. Conference of Mayors I pledge our bipartisan support to you in this effort. The cities need your help now. We cannot wait any longer. Please support the Simon amendment.

Sincerely,

RAYMOND L. FLYNN,
President, Mayor of Boston.

COUNCIL FOR A LIVABLE WORLD,
Washington, DC, September 11, 1991.

Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: Council for a Livable World enthusiastically endorses your sense-of-the-Senate amendment to the Labor-Health and Human Services Appropriations bill urging new budget negotiations to revise last year's budget summit agreement.

The budget deal negotiated last year is clearly out of date. It merely provides modest reduction in real growth in Pentagon spending, an agreement drawn up for an entirely different world environment than exists today. Secretary Cheney's five-year military budget plan was designed primarily to cope with a continuing Soviet threat.

The failed coup last month confirmed the demise of the Communist system in the Soviet Union and the end of the military and political competition that drove up our security costs. The Philippine Senate vote to reject the Philippines base agreement, combined with the Mount Pinatubo eruption, has reduced another American overseas burden. The completion of the START and Conventional Forces in Europe agreements can lead to still further reductions in weapons and personnel.

The Simon amendment is a good first step away from a bad budget deal. We urge its adoption.

Yours sincerely,

JOHN ISAACS,
President.

OMB WATCH,
Washington, DC, September 11, 1991.

Hon. PAUL SIMON,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SIMON: On Thursday, September 12, Senator Paul Simon is expected to introduce a resolution calling for the budget summit between Congress and the President to be reconvened in light of changed circumstances. We urge you to vote for Senator Simon's resolution. We believe that economic conditions at home and events abroad call for a reassessment of the discretionary spending limits established in the Budget Enforcement Act [BEA] as well as the Act's emergency spending provisions.

The continuing recession has resulted in unemployment remaining high. According to the latest figures for the month of August, unemployment remained at the July level of 6.8 percent. Yet the provisions of the BEA have enabled the President to sign a bill to provide emergency benefits without declaring the emergency necessary to provide the funds. Congress has yet to overcome this obstacle. There is still no foreseeable end to the recession, with the Congressional Budget Office warning that the possibility of a "double-dip" recession cannot be ruled out. Congress is unable to respond with countercyclical spending because of the BEA. The States are facing historic fiscal crises with Congress unable to help them since fiscal policy is constrained by the BEA. Meanwhile, cataclysmic events are occurring in the Soviet Union which could finally allow us to realize the long-promised "peace dividend," except that Congress is unable to respond to them: its hands are "tied" by the budget summit agreement.

We believe that Congress has a responsibility to respond to the needs of the country and to events around the world by reconvening the budget summit. We believe that Congress cannot continue to abide by an agreement which is increasingly becoming obsolete and prevents the Nation from effectively responding to changing times and domestic crises. We urge you to support Senator Simon's resolution.

Sincerely,

GARY D. BASS,
Executive Director.

STATEMENT ON SENATOR SIMON'S BUDGET PROPOSAL, SEPTEMBER 10, 1991

I commend Senator Paul Simon for calling on President Bush to reconvene the Budget Summit to renegotiate last year's budget agreement. It has been increasingly evident that this agreement tied the hands of the Congress to address the urgent needs of the Nation and the profound changes in Eastern Europe and the Soviet Union.

At a time when the recession has pushed 10 million Americans out of work, when 30 million Americans have no health insurance, when 12 million children are trapped in poverty, and when AIDS, homelessness, and substance abuse threaten the survival of our cities, Congress has been unable to respond.

Moreover, the 1990 budget agreement committed the expenditure of more than $1.4 trillion on defense over 5 years. Spending for defense of this magnitude was unwarranted in 1990 at the dawn of a new world order and is clearly excessive today given the events in the Soviet republics over the last few weeks. Unless the budget agreement is changed, savings in the defense budget will continue to accrue to the defense account—at the expense of domestic needs and at the expense of urgently needed humanitarian aid.

Now, with the collapse of the "Evil Empire", it is apparent that we should not wait until after the 1992 election—certainly not until 1994—to reorder our priorities in recognition of the crisis we face at home and the end of the major threat from abroad.

I hope others in the Congress will follow Senator Simon's lead and call for changes to the 1990 budget agreement. I firmly believe that the budget process can be changed to better reflect national priorities while retaining the fiscal discipline that is essential to our economic health.

In addition, I recommend that Congress take immediate action on two proposals pending in Congress. First, I wholeheartedly support Senator Tom Harkin's amendment to shift $3 billion in unobligated defense funds to health, education, and other domestic needs. Second, I support the proposal being advanced by Representatives Gephardt, Aspin, and Fazio in the House to provide humanitarian aid to the Soviet republics by shifting funds from the defense to the international category of the budget. These are two interim steps Congress can take as the reconvened Budget Summit meets to negotiate a budget that reflects the new world realities.

Mr. SIMON. Mr. President, I do not think I need to go into great detail here. We know about the deficit. We know it ought to be brought down. We have an opportunity now to do this.

We are now spending $295 billion, or scheduled to, on defense, most of it for a possible Soviet invasion of Western Europe. We are more likely to see the disintegration of the Soviet Union. And I do not know of a military person anywhere who thinks the Soviet Union is going to invade Western Europe.

I want a strong defense. I want a good, strong, flexible, conventional defense that can respond to the Iraq-Kuwait kind of situation.

But I also want a strong domestic economy. And that means getting a hold on the deficit; it means paying attention to the needs of our cities and our rural areas; it means paying attention to education; it means paying attention to health care, health research, housing needs, all kinds of things. I could go on, Mr. President.

I am willing to work out—I say to the staff members on the Republican side—I am willing to work out a time agreement here. I want to be reasonable. But I also think it is reasonable that we take another look at our budget priorities. It does not mandate anything. It is a sense-of-the-Senate resolution. If we can adopt it by voice vote, that is fine. But I want to see it adopted. I want to send a message to the President. I think the Senate ought to make clear that we recognize the world has changed, that we are not indifferent to that.

Mr. President, if no one else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I want to support the resolution that has been offered by Mr. SIMON, but I cannot support it unless there are some changes made in it. I have discussed the problems I have with it with Senator SIMON, and I believe that he is agreeable to modifying his resolution. Let me state them for the RECORD.

Paragraph 6 of the resolution reads as follows:

> The 1990 budget summit agreement has failed to restrain our skyrocketing budget deficit.

Mr. President, our skyrocketing budget deficit is not the result of failure on the part of the 1990 budget summit agreement. I will not support a resolution that casts that reflection on the summit agreement. We did the best we could with the circumstances that were before us at that time.

The skyrocketing budget deficit is in great measure caused by developments such as the savings and loan debacle and the recession. The recession has had a great impact on the deficit. And so let us not attribute to the budget summit agreement the failure to restrain the skyrocketing budget deficit.

Second, I do not believe that we should be enacting a sense-of-the-Senate resolution calling on the President to summon a reconvening of the budget summit. We do not need a formal reconvening of the budget summit now.

I recognize that things have changed, and that events that have occurred subsequent to the summit have had a major impact on the future outlook. I think it is quite all right for the President of the United States to sit down with the congressional leadership and discuss possible modifications to the agreement. But I would urge that we not adopt a resolution calling on the President to formally convene another budget summit at this time.

Perhaps some modifications are called for, and they probably are. I would probably support some modifications. I think they ought to be discussed between the President and the congressional leadership, certainly on an informal basis at this point, certainly not in the context of a formal reconvening of the budget summit at this point.

I also feel that such a discussion might be helpful in orienting us in a direction other than the piecemeal approach, such as the one yesterday in which there was an amendment offered to take from Defense several billion dollars and apply it to domestic discretionary spending. I would like to see a lowering of the Defense budget. I would like to see more money spent for domestic discretionary initiatives. But we cannot adopt a piecemeal approach like we were about to do yesterday. There ought to be a logical, methodical, reasonable, workable, approach in bringing about any modification. It should not be piecemeal at this juncture.

I make these statements for the RECORD, hoping that other Senators will be in accord with my views on these two points.

I see the distinguished Senator from Illinois is wanting me to yield. I am happy to yield.

AMENDMENT NO. 1113, AS MODIFIED, TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 3, LINE 24

Mr. SIMON. I thank the distinguished Senator from West Virginia. He has made two suggestions that I think are constructive suggestions. No. 1, by implication, that point No. 6 could suggest—and it was not the intent, but I can understand how it could be read to blame the budget summit for the deficit. The simple way is to simply knock that out, and I will be submitting a modification to the clerk in just a moment. And to make No. 7 No. 6.

And then, again in line with the suggestion of Senator BYRD:

> It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions. * * *

I apologize to the Republican staff members. I did not have a chance to go over this after discussing this with Senator BYRD. But it seems to me that may satisfy everyone. I hope it is something that could be acceptable, and I modify my amendment in that regard.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

> At the appropriate place, insert the following:
>
> SEC. . (a) The Senate finds that—
>
> (1) changing world realities, particularly recent events in the Soviet Union, have provided our country with an historic opportunity to re-examine our budget priorities;
>
> (2) in the next fiscal year, our Nation will still spend $295 billion on defense, despite enormous changes taking place in the world, even before the Soviet coup of August 19;
>
> (3) our Nation faces urgent, unmet domestic needs in every area, including housing, education, and health care;
>
> (4) the economy of the country continued to decline throughout the summer and more than 8½ million people are currently unemployed;
>
> (5) the 1990 budget summit agreement prevents Congress from making any major changes in spending priorities until 1994; and
>
> (6) a bipartisan overhaul of the 1990 budget agreement is needed, to outline new budget priorities which accurately reflect the new world order and our Nation's pressing domestic needs.
>
> (b) It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions for fiscal year 1992, and to revise the congressional budget process for fiscal year 1993 and subsequent years, in order to reflect new world realities and new domestic priorities and to achieve significant reductions in the Federal budget deficit.

Mr. BYRD. I thank the Senator. I have always found him to be most cooperative and considerate.

I think this helps. Certainly from my point it does. Nobody would claim—and nobody, I hope, ever thought—that the budget agreement would result in a zero budget deficit very soon. It was not expected to be a cure-all.

I said at the time we adopted that agreement that we could expect to see the national debt continue to increase and interest on the national debt, as well as future deficits. But I think we have to look at it from the standpoint of where we would have been had we not had a budget summit. The deficits would have been even greater than they are.

I think it was a helpful step. I have explained the day before yesterday on this floor, the reasons why we had to go to a summit—we were faced with a situation at that time in which there was going to be an $85.4 billion sequester, half of which was going to come out of defense, half of which would have come out of nondefense items. It would have been across the board. It would not have been selective. We were faced with a fait accompli. We had to go to a summit in order to keep that sequester from happening. We went to the summit and everybody gave a little and took a little, and we worked out an agreement finally that the President would support and that the congressional leadership on both sides would support.

But, if there are those who wish to blame the summit agreement for the skyrocketing deficits, they really ought to take another look at the record.

Mr. SIMON. If my colleague will yield?

Mr. BYRD. Yes.

Mr. SIMON. I agree with the President pro tempore in his comments completely. This was by no means an attempt to place blame. The budget summit, in fact, restrained spending and the deficit would be greater but for the budget summit, and I think we all recognize that.

Mr. BYRD. I thank the distinguished Senator.

Mr. SIMON. May I say to my colleagues on the other side of the aisle, I am willing to do this by voice vote or enter into a time agreement.

The PRESIDING OFFICER. The Senator from Illinois must be recognized if he wants to make a motion. Otherwise, does he seek the floor?

Mr. SIMON. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I had not been aware of this amendment. I think it is fair to say I do not know how many people on our side had been aware of it. I think there are some real problems with what we say in the "finding" section of it.

I think also that the whole thrust of this amendment is that, first, we ought to declare a peace dividend by cutting defense again. I think that is something that was the subject of very real debate on the floor the other day. My own feeling is that we ought to stay with this year's defense number, which has already been cut by 25 percent as part of a 5-year program, gather more information about what is happening in the Soviet Union, and make the decision next year.

The second thing that this amendment does is that if you look at the findings, it really prejudices the conclusion of such a summit toward the idea that we ought to increase domestic spending. I, for one, believe that if there is a peace dividend, we ought to apply part of that to reduce the deficit, and we ought to give the rest back to the working men and women of America by raising the personal exemption so that the American family can spend more money on housing, on education, on health, and on other things that are important to them.

I suggest, rather than everybody running all over to the floor to debate this and delay the bill, that if we could perhaps set this amendment aside until some point this afternoon to give everybody over here an opportunity to look at it, it may very well be that, with some changes in the finding, we can all agree to this.

As for the findings on the summit agreement, I agree with the distinguished majority leader. Nobody is more unhappy about the deficit than I am, but had there been no summit agreement, the deficit would have been bigger.

So the idea that it failed, I think, is just bad wording, and perhaps we could put in here a statement of principle, that as we look at defense spending we ought to weigh all options from deficit reduction to tax cuts to spending. Maybe we can come up with something everybody could support.

As of right now I do not support this. I am just afraid that by the time we get in touch with all of our people, we will have wasted 2 hours that we could use moving with the bill. And if it could be set aside I think it would be beneficial.

Mr. BYRD. Mr. President, I merely suggest that the Senator may wish to correct the RECORD to remove the preeminently great compliment that he paid me. I am no longer the distinguished majority leader.

Mr. GRAMM. I am sorry. In my mind, Mr. President, that is fixed.

Mr. SIMON. Mr. President, if my colleague from Texas will yield?

The PRESIDING OFFICER. The Senator may proceed.

Mr. SIMON. Mr. President, the one offending clause, 6, there, that my colleague mentioned, I have dropped from that. I think the Senator's point is well taken. Senator BYRD made that same point.

And I have changed the language under the sense of the Senate so it now reads:

> It is the sense of the Senate that the President of the United States should work with the Democratic and Republican leadership of the Congress to seriously consider possible budget revisions.

But, again, I am not wedded to any. I think we have to reexamine where we are. That is the intent of this.

I gather the Senator from Texas is not opposed to doing that, so I hope we can work something out. I am willing to set this aside. I do not know the correct procedure.

Mr. President, I ask unanimous consent, unless there is objection, to set this aside for a period of 2 hours and then people can take a look at this. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment of the Senator from Illinois has been set aside for 2 hours.

Mr. BYRD. Mr. President, I thank the distinguished Senator for the action he has taken to revise his amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1114

Mr. HELMS. Mr. President, shortly I will send an amendment to the desk which proposes to take $10 million the National Institutes of Health has targeted for two different national sex surveys this year and use that money—instead of wasting it as NIH proposes—to fund title XX of the Adolescent Family Life Act. Title XX, as I understand it, has been authorized but it has not been funded. This amendment will provide Senators with a clear choice between right and wrong.

With that preface, I send this amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Is there objection to laying aside the pending committee amendment?

Mr. HELMS. It was my understanding from the manager of the bill that there was no amendment pending, but if one is pending, I ask unanimous consent that it be laid aside.

The PRESIDING OFFICER. The Chair hears none. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1114.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 25, line 8, strike the period and insert the following: "': *Provided, however*, That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act.".

Mr. HELMS. I thank the clerk for his courtesy.

Mr. President, let me reiterate that this amendment will give Senators a choice between two very different proposals. Senators can, on the one hand—if they support this amendment—vote to support title XX, which happens to be the only federally funded sex education program that counsels our children to abstain from having sexual relations until they are married. This is the only Federal program that does that, and it is not being funded under this bill.

What is being funded—and I want to take the money away from it—is NIH's proposal for national sex surveys. I am going to get into that in some detail and some of it is going to sound a little bit raw. But I think the record needs to be clear about what is happening on the one hand and what is not happening on the other in the expenditure of the American taxpayers' money.

The NIH funds these sex surveys—the real purpose of which is to "cook the books," so to speak, in terms of presenting "scientific facts"—in order to do what? To legitimize homosexual lifestyles of course.

Mr. President, let me just say that I am sick and tired of pandering to the homosexuals in this country. If anybody wants me to go into detail of why, I will be glad to do that.

The pending amendment presents a clear choice, therefore, between support for sexual restraint among our young people or, on the other hand, support for homosexuality and sexual decadence. That is as clear as I can make it.

Mr. President, the sexual liberation crowd is pushing our children into the mode of having sex at younger and younger ages as they move their sex education agenda into the elementary schools. Of course, the liberal free sex agenda is often camouflaged as so-called AIDS education. But the intent and purpose, the effects, are the same—to desensitize children at younger and younger ages to immoral sexual lifestyles.

That is why the teenage pregnancy rate is growing. That is why it will continue to grow as long as the Federal Government uses the taxpayers' money to support programs to tell kids that having sex is OK as long as it is so-called safe sex. I say baloney.

By funding these so-called sex education programs in the schools—which really amount to little more than how-to sex clinics—we are essentially telling our young people that promiscuity is just fine as long as they are, to use the liberals' phrase, "contraceptively prepared" for it.

The legislation before us, Mr. President, the underlying legislation, effectively kills title XX—the only Federal program that makes a stab at telling kids, "Don't do it. Wait until you are married."

The pending bill, if this amendment is not passed, will kill title XX because, as I say, title XX has been authorized but the Appropriations Committee provided no money to fund it.

Title XX of the Public Health Service Act is called the Adolescent Family Life Program, and the homosexuals hate it, and the free sex crowd hates it because, as I said earlier, it is the only voice of reason and morality in the sex education debate. That is why it is the one Federal sex education program that is not being funded under this bill. I say to you, Mr. President, this is an outrage.

The Title XX Program's message—the program that is not being funded under this appropriations bill now pending—is that it is healthier—physically, psychologically, and from an economic standpoint—to forego sexual relations until marriage. And, Mr. President, that message is anathema to the crowd, for example, that went out to my house in Arlington, VA, last week and stretched a big canvas condom over the top of it. They do not like me and I do not like them.

I am not going to support them. I do not want to take any of their legitimate rights away from them, but neither do I want to give them preferential treatment.

Mr. President, the "sex liberation" crowd also hates the fact that the $10 million Adolescent Family Life Program's resounding success makes the abject failure of the liberals' $140 million title X so-called Family Planning Program stand out. You do not need to take my word for it. For example, a former Deputy Assistant Secretary for Population Activities at the Department of Health and Human Resources said last year that the Adolescent Family Life Program—which the bill now pending will kill if my amendment is not passed—

> * * * has demonstrated declines in pregnancies, abortion, and birth rates over the last 3 years, and evaluation of the pregnancy rates of eighth grade female program participants against a matched comparison group shows that 5 percent of program participants became sexually active by the end of the school year compared to 15 percent in the other group.

By contrast, Mr. President, millions of tax dollars have been wasted during the past two decades under the liberals' Title X Program on the premise—and it is false—that the best way to prevent teenage pregnancy is to provide children with free and ready access to contraceptives. Well, let us look at the results. They speak for themselves.

After 20 years, more teenagers than ever are getting pregnant and having abortions, and I might add at a catastrophic rate. Planned Parenthood admits this. They admit that very few sexually active teenagers have not used contraceptives. Indeed, the universal availability of contraceptives, and the courses showing our teenagers how to have sex so they can use them, has encouraged, not quelled, the explosive rise in teenage sexual activity.

What the Nation has seen is greater pregnancy rates and, of course, greater abortion rates to eliminate—I guess Planned Parenthood would call them "accidents."

Mr. President, Planned Parenthood claims that in 1987 there were 200,000 fewer births of babies to teenagers than in 1970 as a result of title X funding. But they neglected to tell us the facts that totally negate their self-serving report.

For example, Planned Parenthood—which grabs at Federal funds every time you turn around—just happened to overlook telling us the fact that there were 400,000 fewer adolescents in 1987 than in 1970. They also failed to mention that even with 400,000 fewer teens, there were still 250,000 more abortions performed on teenagers in 1987 than in 1970. They just overlooked these few minor details. It was not intentional. If anyone believes that, they will believe anything.

But Planned Parenthood also failed, Mr. President, to report that the teenage pregnancy rate in 1987 showed a large increase compared to 1970, or that the number of illegitimate births to unmarried teenagers increased—what do you guess—53.5 percent during that period of time.

So the bottom line on Planned Parenthood's statistics, Mr. President, is that all of the problem rates went up into the stratosphere except for the overall teenage birth rate—which Planned Parenthood kept down by increasing the teenage abortion rate. In other words kill the babies, and then you do not have so many births. That is the way Planned Parenthood works. That is the reason I object to even a dime of the taxpayer's money being given to Planned Parenthood.

I do not think it is logical to expect Planned Parenthood—which is a multimillion-dollar corporation that makes millions of dollars every year performing abortions on pregnant teenage girls—to do an enthusiastic job of discouraging teenage girls from getting pregnant. Planned Parenthood's own statistics show that this flawed arrangement between Planned Parenthood and the Federal Government has not and will not work.

Mr. President, the simple fact that the pregnancy rate—as opposed to the birth rate—has not gone down after 20 years is testimony enough to the failure of the policies supporting the Title X Program. It is also an indictment of those who have such a devil-may-care attitude about the emotional and physical well-being of our Nation's youth that they would presume to continue a failed program, even as they seek to eliminate the only program that really works—title XX, the Adolescent Family Life Program. That is what this amendment is all about.

Mr. President, I want to take a moment to look at the national sex surveys that my amendment, now pending at the desk, would defund—that is, take the money away from them so that the money can be shifted to the successful Title XX Program.

As I said before, the American public should understand that the real purpose behind the current sex survey proposals is not to stop the spread of AIDS. The real purpose is to compile supposedly scientific facts, if you will, to support the leftwing liberal argument that homosexuality is a normal, acceptable lifestyle; they would have us believe that it is not abnormal.

I say baloney. They have their rights, but that does not discount the fact that they are perverted and that is what they want to cover up. However, despite their sexual perversion, they demand the rest of us respect their lifestyle.

As long as I am able to stand on the floor of the U.S. Senate, I am never going to yield to that sort of thing, because it is not just another lifestyle. It is sodomy.

In any case, these purportedly scientific Government surveys will be cited time and time again in attempts to destigmatize homosexuality by portraying it as normal, just another lifestyle.

However, if the very homosexual practices that currently account for 80 to 90 percent of the Nation's AIDS cases are given free license in this country, then we should be prepared for an increase, not a decrease, in the number of AIDS cases.

I know enough about the history of AIDS in this country to recall that the Centers for Disease Control in Atlanta, GA, can pinpoint the first case of AIDS that came into this country. It was brought in by a male airline attendant, and he started the spread of AIDS.

I was condemned by some newspaper editor because I stood where I stand today, and I said, "If the homosexuals will stop doing what they are doing, we can get AIDS under control." But we cannot, and we will not, get AIDS under control as long as there is a trend toward giving the homosexual community rights that they do not deserve, and Federal dollars that the American taxpayers should not be required to cough up.

In short, the results of the proposed Federal sex surveys will be used to legitimize the very behavior that accounts for the overwhelming majority of AIDS cases in this country.

From a scientific perspective, Mr. President, sex surveys—by their very nature—are neither objective nor scientific because, on average, 40 to 60 percent of the people asked to participate in them will refuse. I would refuse as would most everyone else in this Chamber.

However, the Centers for Disease Control say that any refusal rate higher than 15 percent for participating in any survey will skew a survey's result a minimum of 50 percent.

Mr. President, the participation rates for sex surveys are so low because most Americans' natural modesty keeps them from voluntarily answering questions about how often they engage in relations, with whom, their preferences for sexual partners, and which sex acts they prefer. If you can believe it, all of that is in the surveys in embarrassing detail.

(Mr. WELLSTONE assumed the chair.)

Mr. HELMS. Therefore, the inherent scientific flaw in any so-called sex survey is that only people with a desire to share the graphic details of their sexual intimacies, whether real or imagined, will even participate in such survey.

Such a limited group of participants—who are anything but modest—will have profound biases in favor of loose or perverted sexual behavior and, thus, can never be said to be scientifically representative of mainstream sexual behavior.

For example, Mr. President, what kind of parent is going to allow his or her teenage child to answer the following questions from the NIH's proposed teenage sex survey?

Here are some of the questions, and I hope I will not offend anybody watching on television or in the galleries or elsewhere, but I said at the outset that in order to try to make my case, I was going to have to be a little bit graphic in my remarks here today.

Here's one of the questions the liberal's want to ask our children in the 7th to 12th grades.

> Have you ever rubbed another man's penis to sexually excite him?

And the next one I hate to say in front of the Senate pages, but it needs to be said. Another question, and these are just two examples of hundreds of questions each child will be asked.

> Have you ever had your partner's penis up your rectum?

Now, come on, Mr. President. How degrading can we be in the awarding of the American taxpayers' money? Are we going to pay for garbage like that? For that matter, what kind of parent would answer such questions himself or herself, let alone allow his or her child to answer them?

Nevertheless, the questions from the proposed teenage sex survey go on and on in graphic detail about all kinds of sexual acts, many, if not most of them, perverted. So any parent who would allow his or her child to read these questions, let alone answer them, raises questions about the parent. I do not believe many fit parents would do it.

The shocking nature of these questions make it obvious why 40 to 60 percent of Americans traditionally refuse to participate in this kind of survey. Yet we are being asked to fund this and call it scientific, when it in fact is not scientific. It is utter debasement is what it is. And we are sending the research bill to the American taxpayers—and I jolly well think the taxpayers resent it.

Mr. President, the inherently flawed scientific methodology of these kinds of surveys does not deter the avidly prohomosexual members of the scientific community, not by a longshot; no, sir. They know that sexual deviates and perverts and homosexuals will be disproportionately represented in every sex survey. In fact, that is what they are counting on. They want to buttress their political and social arguments that homosexuality is not deviant behavior by citing such supposedly "scientific"—and again, I want to put "scientific" in quotes, because there is not anything scientific about it; it is a ploy—such "scientific" federally fund surveys, to say that 1 in 10 or 1 in 5 people in the population are homosexuals, and that is just not so.

Such deception and misrepresentation have been endemic in these surveys from the very beginning, starting with Alfred Kinsey's original sex survey back in the 1940's—the survey that is the original source for the often-cited statistic that 1 in 10 people—1 out of every 10 people—is homosexual.

Mr. Kinsey knew before he started what he wanted his survey to prove. So he never publicized the fact that he surveyed mostly homosexuals, prisoners, and college students, an obviously nonrepresentative sample of the general American public.

Despite this fact, Dr. Kinsey passed his findings off as being representative of the population as a whole, not just of the crowd—what is the word—subset, that he chose to interview.

Mr. President, the community of these sex survey "scientists" has itself acknowledged the real purpose behind Kinsey's deception. Just a few years ago as part of a National Research Council report, the so-called sex "scientists" stated that Alfred Kinsey's, and let me quote:

> * * * claim for the legitimacy of science in the area of sexuality was an attempt to change the rules of the game that defined what conduct was normal and what was abnormal.

So you see, Mr. President, sex surveys from the very beginning have been a fraud; a fraud. The American taxpayers, directly and indirectly, have usually been required to pay for them.

But these sex surveys have not—have not—been concerned with legitimate scientific inquiry as much as they have been concerned with a blatant attempt to sway public attitudes in order to liberalize opinions and laws regarding homosexuality, pedophilia, anal and oral sex, sex education, teenage pregnancy, and all down the line. And this tradition of fraudulence continues to this day.

For instance, the Federal Government's supposedly objective investigators for the proposed SHARP survey of adult sexual behavior are anything but unbiased. These are the Government's proposed investigators, hired and paid for by the American taxpayer.

Let me tell you a little bit about them. One of the three investigators is a fellow named Stuart Michaels, a former chairman of the American Sociological Association's Lesbian and Gay Caucus. Do not try to tell me that he is objective. Do not try to tell John Q. Public that he is objective.

Another one of the investigators is John Gagnon, who has been an adviser or board member of various organizations, among them the National Organization for the Repeal of Marijuana Laws, the National Sex and Drug Forum, and the Institute for the Advancement of Human Sexuality. Let me read you a quote from Mr. Gagnon's 1977 book, titled "Human Sexualities." I am quoting directly from the book.

> The horror with which society views the adult who has sexual contact with young children is lessened when one examines the behavior of other mammals. Sexual activity between adult and immature mammals is common and appears to be biologically normal.

That fellow does not have all four wheels on the ground. His elevator does not go to the top. He is nuts. And yet, he is regarded as a scientific expert. Do not tell John Q. Public that he is.

Yet, this is the kind of guy that the American taxpayers are being required to fund at the same time the U.S. Senate proposes to cut off program funding for the only Federal project that is successfully teaching young people to be moral and clean until they get married, and then to have sex.

Mr. Gagnon may be right, Mr. President, but not in the way he thinks. Most Americans, I think, would agree with my observation that any adult who has sexual contact with a child or children is indeed an animal and ought to be treated as such.

Mr. President, with people of this caliber conducting these surveys, the results of the surveys can never be trusted because it is a brainwashing job to deceive us into believing—if we are willing to stand still for it—that homosexuality is just another lifestyle, and that it is a so-called "hate" crime to be critical of homosexuality. But if it is a crime, open up the prison doors, because I am going to continue to commit that crime.

The question is inevitable: Why does the NIH propose wasting money on people and projects like this? I will tell you why. It is because the surveys are part and parcel of the homosexual movement's agenda to legitimize their sexual behavior and thereby gain public acceptance.

Mr. President, Dr. Sullivan, the Secretary of Health and Human Resources, deserves to be commended—and I sure do commend him—for recognizing the absurdity of the NIH proposal to spend $18 million—$7.1 million this year alone—on a national sex survey of American teenagers. Even though Secretary Sullivan has promised to cancel this project, $7.1 million for it is already in this year's budget.

The House of Representatives, believe it or not, added an amendment to the reauthorization bill for the National Institutes of Health that requires NIH to start a study of adolescent health, including teenage sexual practices. So despite Secretary Sullivan's efforts, the teenage sex survey is still being pushed by the same old crowd for the same old reason. And I hope Secretary Sullivan stands his ground.

Now, I am not through yet, Mr. President. NIH proposes spending yet another $3 million of the American taxpayers' money this year on a sex survey of adults. This is evidently the same so-called SHARP survey of adult sexual behavior that the Office of Management and Budget and the House Appropriations Committee defunded in 1989, and bless their hearts for doing it.

Nevertheless, on page 115 of the Senate committee report on the pending bill, the committee states that the appropriation for the National Institute of Child Health and Human Development includes "the requested amount for the proposed SHARP survey of adult sexual behavior."

The fact is, Mr. President, despite the noble efforts of the administration to stop both of these surveys—to stop this nonsense, period—funding for both sex surveys is still contained in the pending appropriations bill.

So I will conclude as I began. The pending amendment presents Senators with a clear choice. Senators can either support title XX—which counsels children to abstain from sex outside of marriage—or, on the other hand, Senators can support the NIH homosexually biased sex surveys. Senators can either support a sexually responsible family life program or they can choose to support the continued onslaught of homosexuality and general sexual decadence that I am convinced is undermining the very moral fabric of the Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. HELMS. Will the Senator forbear for just one moment?

Mr. MOYNIHAN. Yes.

Mr. HELMS. I need to modify my amendment, and since the yeas and nays have not been obtained, I think that is in order. I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 1114) as modified, is as follows:

> On page 25, line 8, strike the figure before the period and insert the following: "$523,826,000: *Provided, however*, That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act.".

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I am going to speak briefly on this matter, and I hope to be able to keep control of my sense of humor. I know this is a very nerve-racking matter, and I know that when people get nervous about these matters, doctors tend to get nervous about these people. But I will not say anything more on that score.

I would say that the question involved here is an appropriation in the fiscal year 1992 Labor-HHS appropriation bill for the National Institutes of Child Health and Human Development. Of the appropriated $523 million for the Institute, a very small sum is to be used for a series of surveys of human reproductive patterns. That is how, in case people do not know this, children come about; as a consequence of reproductive behavior. That is not instantly evident to children, and they are often misled about this until later in their lives. But a time comes when ever they as young persons learn about these matters. And the race goes on in that way.

Only very recently in our history have we learned to study the human species through sample surveys so that you get a sense not just of what you know but also of the whole universe involved. It is much newer than we perhaps realize.

The technique of the survey was developed at Columbia University in the 1930's by a very distinguished professor, an emigre, one of those great Jewish scholars from Frankfurt who came to our country, Paul Lazarsfeld. He and his students went to Elmira in upstate New York—Elmira is on the southern tier where Mark Twain wrote "Huckleberry Finn," as a matter of fact—and did a study of public opinion and sampling. The mathematics of sampling that he developed and their book on Elmira was published in about 1938, I think. The next thing you know we have polls that can tell you with an accuracy of plus or minus 2 percent, who is going to be the next President of the United States. Read about them, hear about them. All of this came out of that work.

But there is another side of polling which in ways is more interesting, which is to poll a sample of people and learn about characteristics of the whole population in matters that may be more important than who are you going to vote for.

One of the places where this technique, this technology, this social science, this mathematical science has been most developed is at the University of Chicago in the National Opinion Research Center. I first came upon the center when the very distinguished American scholar Peter Rossi, now at the University of Massachusetts, was head of the NORC. One of his associates there was Father Andrew Greeley who was, and is, a Catholic priest and a sociologist. He was interested in religious beliefs and practices, and much of Greeley's very distinguished work, particularly on American Catholics, was done at the NORC, as it is described. They are wonderful people. They do great work, and they have been doing it now, I would think, for half a century. Indeed they have taught the world.

I do not want to get into any disagreement with others, but I think they are probably the best in the country and that means the best in the world, or at least they are of that rank which has no better, no superior group.

NORC for some years has done work in family formation and patterns. They, of course, are much involved with the census and the demography of our country. And they embody that great proposition, Mr. President, a distinguished scholar in his own right, that demography is destiny. If you want to know where things are going, look at who is being born, look who died, what the population is doing—who comes forward?

Demography is destiny. NORC studies our destiny for us through demography. It helps to know some of these things.

We have had some surprising disturbances in the advent, for example, of the AIDS epidemic, which appeared in the 1980's. It is clearly an epidemic. How long it will run we do not know. Whether it will become endemic we cannot say, although epidemics break. Study of the species can tell you that, otherwise the black plague would have wiped out Europe altogether in the 14th century.

One thing that is not surprising, for example, however, is that the birth rate in the United States goes down and down and down. Every census since the 1800's has shown a decline in the birth rate. We are just about on the level of a sustainable rate of reproduction, of maintenance. You need about 2.1 births per female to maintain a population. That is not surprising. It is consistent, anyway.

However, we have had one event in the past 30 years that has knocked our sox off with respect to our population, and that is the rise of out-of-wedlock births. It is unprecedented for our population.

As the distinguished report of what is called the Rockefeller Commission—published recently by our very good friend and able colleague from West Virginia—noted, in the last 30 years the illegitimacy ratio in our country has gone from 5 percent to over 25 percent. It is, in fact, 26 percent, one child in four born out of wedlock. We have no precedent in our experience for this.

It is not just 1 in 4; this varies greatly by population group, by city. Here in the District of Columbia, 73 percent of black births are illegitimate. In other parts of the country it is higher. Other parts lower.

It is not the same thing everywhere. If it were the same thing everywhere we would know one thing. But when we find it is different we think—what makes the difference?

Yesterday on the floor our beloved and irascible senior Senator from Alaska was describing the problem of cancer of the prostate for which he was successfully treated this summer. He was being very open about things you used to never talk about. Imagine a U.S. Senator coming to the floor and talking about cancer of the prostate? You did not mention cancer. You certainly did not mention the prostate. He talked about both, very ably and very wisely. He said watch yourselves fellows, have a doctor watch you.

He said in males who survive to age 80, we will find about 70 percent will have cancer of the prostate.

He then went on to observe that this ailment, frequently a fatal illness, is almost unknown among Asian males in Asia. But when they come to the United States they acquire an incidence not different from the rest of the population. Which of course argues that this is obviously an environmentally specific ailment. We learn things like that.

I have learned here in our country that there is a great difference in the rates of illegitimacy from the States with the highest to those States with the lowest. We have the highest rate of illegitimacy in the District of Columbia, which is 62 percent of all births. When we know that about the births, do not expect anything from the school system, or so I believe. This goes all the way down to Utah where it is at 12 percent.

It happens that the national rate is 26 percent and that is just the rate of North Carolina; one child in four in North Carolina. In my State of New York, 30 percent, 3 in 10.

As I said, Mr. President, this breaks down differently in groups. In our country today altogether, 24 percent of white births and 67 percent of black births are out of wedlock, are illegitimate. There is no other moment in our history with this incidence.

Mr. President, I will ask unanimous consent that these tables be printed in the RECORD so we might know what we are dealing with.

I say once again, we do not know what hit us; what happened. I will publish in this week's issue of America magazine the information that this subject of welfare we have been talking about is obviously simply a dependent variable—can I use that word—on the issue of illegitimacy.

We now have the numbers. I would like to have them included in the RECORD at this point: that of the children born in the period 1967 to 1969, 16 percent of the white and 72 percent of those black children were on welfare before they reached age 18, almost a quarter of our population, which fits that almost a quarter were illegitimate. The numbers have been rising.

We project children born in 1980, the ratio will be 22 percent for white and 83 percent for black, which again corresponds. It is a little bit higher than the illegitimacy ratios, which figures. But illegitimacy is a sentence in this regard. We do not know what is going on. Something new has happened.

When we see something new like this going on, it is very important to ask is it going on anywhere else?

I have to say it is going on in Canada; The same quadrupling, quintupling of illegitimacy in one generation. It is going on in Great Britain, places we have a certain connection with.

But again, we find that it varies. I have a list of tables, Mr. President, entitled "Percent of Births to Unmarried Women in Selected Countries, 1985," and the highest rate was Panama with 72 percent. The United States had 22 then. We are at 26 percent now. This goes up and up. We have Austria higher than us, immediately higher; France immediately lower. Guess who is at the bottom, Mr. President? Japan with 1 percent.

Maybe the diet, and maybe the climate, and maybe the climate of opinion of morals of acceptance, and so forth, is the cause, but I say that something has happened and it is of great importance to us that we find out; that we begin to ask what is happening.

My good friend from North Carolina, where 26 percent of all births are out-of-wedlock, which makes it the typical American State seems to think that the surveys we are talking about are mostly concerned with bizarre practices. I do not want to disappoint any potential readers, but I have to say that all those bizarre practices were surveyed 40 years ago. That has been done, Mr. President.

What has not been done is the study of how it has come about that so many of our children are born to single parents and in consequence face lives in which all the odds are against them. Individually, they are always winners, but as a class, the odds are against them.

They will be on welfare. Being on welfare, Mr. President, is not being poor. Being on welfare is to be a pauper, a ward of the State, bereft of income, property, even rights. That is what a quarter of our children are being born into; three-quarters of some of our children.

Would it be really out of the question that we might ask how come? What happened? How come it is so much more? It is five times greater in one generation.

We are talking about the National Institute of Child Health and Human

Development which has a appropriation of $523,826,000.

Mr. President, I want to say something about this child development. I have been 30 years in this city, from before the creation of this institute, asking what is happening to illegitimacy. Why is it going up and up and up? And I have never had 5 cents' worth of information out of the National Institute of Child Health and Human Development. They have never asked the question to my knowledge, or never certainly have they come up with the answers they would share with anybody. Millions of dollars have gone off somewhere, but not to this central question.

Ask them down to meetings and they come to meetings. But ask about this subject and they do not know anything about it. It is a taboo subject, Mr. President. Taboo. If you find anything out about this subject you might get in trouble, so keep your professional life secure and let the children go to hell. That is what we are doing.

Never ask any embarrassing questions and let those little children suffer and die out there. They are dying every day in the streets of the cities, but do not find out about them because somebody might say, why did you ask that question? Because the children are dying.

We are not alone. We always learn something. I know the distinguished Presiding Officer shares my view that when you have a problem in our country, it is always interesting to ask how are they doing in Canada on this? We learn something. Sometimes we find they are doing better, often worse.

Canada has the same problem. What is going on? A lot of things we know. The age of menarche has dropped below 12 years, the median age. In New York City not long ago a 10-year-old gave birth. That is a biological change that obviously is different from about 150 years ago. The oldest series we have comes from, I think, Norway where the median age of menarche was 17 years, 5 months. So we learn things like that.

Mr. President, I want it recorded, that I have had the privilege of talking to Professor Gagnon and Ed Laumann, of the NORC project. Both able, careful, respected workers in their field. Dr. Gagnon graduated from the University of Chicago, and is now a professor in the department of sociology at the State University of New York at Stony Brook. We, for a trivial sum, might now begin to get, just begin to get a little hold, a little purchase, as we say in the Navy, on this subject.

Let one point, Mr. President, be clear. We have had a great many studies of the reproductive patterns of females. Naturally enough. And we know a lot about that. But what we do not have and what we will get in this work from the National Opinion Research Center is a study of the reproductive patterns of males. It being pretty well established that human reproduction is a male-female phenomenon. It is that missing male that haunts our cities and haunts our biological data. We do not know how those males behave, and we need to. This is an effort that will find out.

We are going to hold hearings on this subject in the Committee on Finance, the Subcommittee on Social Security and Family Policy. We will ask the National Institute to come and tell us what they do not know. And they will come and tell us not much but at least they are willing to have others find out for them.

I hope, Mr. President, as we talk about education, as we talk about child health, as we talk about welfare, we might be willing to learn where so many of the problems begin, which is the status of the child at birth.

I cannot believe we are going to adopt this amendment. It is embarrassing. It would be best if we said as little about it and went on to our other matters. Our distinguished managers of the bill, no doubt, will share our view on this matter.

I see my able friend from the State of Washington has risen. I do not want to keep him.

So, Mr. President, I yield the floor, asking that the article in America and the associated tables be printed, and saying, once again, that the survey in mind will study male reproductive behavior as well as female and we will know more about ourselves and may possibly be able to do a little better for our children. Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From America, Sept. 14, 1991]

SOCIAL JUSTICE IN THE NEXT CENTURY

(By Daniel Patrick Moynihan)*

Cetesimus annus, Pope, John Paul II's encyclical on social justice was proclaimed May 1, 1991, the feast of St. Joseph the Worker and the 100th anniversary of *Rerum Novarum*. This encyclical of Pope Leo XIII first set forth the doctrine of the Roman Catholic Church on the subject of the rights of workers.

Looking back at Leo's work it becomes clear how great a distance Western, and not just Western, society has moved in the period. At the close of the 19th century there was a seemingly unreconcilable conflict in Europe and the United States between the doctrines of laissez-faire capitalism on the one hand, and state socialism or some mode of collectivism on the other. Economics was the *only* issue. (War, for example, had evidently become obsolescent.)

In this atmosphere the church set forth what can be seen as a sensible middle ground where most industrial democracies would eventually settle. By middle ground I do not mean splitting the difference. Rather, Leo XIII, asserting the rights of private property, even so set forth a radical doctrine of workers' rights that extended to a "just wage," and most especially, the "natural human right" to form private associations, including trade unions. Many proposed measures, the limitation of working hours, special treatment for children and women, Sunday rest, and such, seem routine at this remove. But they were hardly such at the time. Still, the important event was the extension of the concept of rights to the marketplace. Labor, it was decreed, was not a commodity.

As John Paul II puts it, *Rerum Novarum* pointed the way to reforms under which "society and the State . . . both assume responsibility, especially for protecting the worker from the nightmare of unemployment." Responsibility, that is, for a general level of well-being that we have learned to call the welfare state. It is notable, then, that the present Pope goes on to a sharp exchange with this "so-called Welfare State."

"In recent years the range of such intervention has vastly expanded, to the point of creating a new type of State, the so-called 'Welfare State.' This has happened in some countries in order to respond better to many needs and demands, by remedying forms of poverty and deprivation unworthy of the human person. However, excesses and abuses, especially in recent years, have provoked very hard criticisms of the Welfare State, dubbed the 'Social Assistance State.' Malfunctions and defects in the Social Assistance State are the result of an inadequate understanding of the tasks proper to the State. Here again *the principle of subsidiarity* must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good."

"By intervening directly and depriving society of its responsibility, the *Social Assistance State leads to a loss of human energies* and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending" (emphasis in original).

Michael Novak, who holds the George Frederick Jewitt Chair in Religion and Public Policy at the American Enterprise Institute, has responded with great enthusiasm. In an article in The Washington Post (5/7/91), "Wisdom from the Pope," he writes that John Paul . . . offers the papacy's strongest language ever about limitations on state power. It includes a trenchant but fair criticism of the human losses involved in the 'welfare state' and even more in the 'social assistance state.' No neo-liberal or neo-conservative ever made the case more profoundly and with so resounding a ring of truth. The pope emphasizes the human side—or better, the anti-human side—of bureaucratic 'social assistance.' He all but uses the phrase 'the little platoons' of society."

How's that? The Pope a conservative in the Burkean mode? This suggestion did not escape the notice of Harvey Cox of the Harvard Divinity School. Indeed, it provoked him to something like anger, which is not at all like him. Writing in New York Newsday shortly after, Professor Cox is dismissive equally of the "triumphalist" commentary by "the American Enterprise Institute's resident theologian" and of the encyclical itself. "Unfortunately, his years in Rome have not sharpened Karol Wojtyla's pen. He succeeds in being pretentious, provincial and pedestrian at the same time. He credits his predecessor Leo XIII with exerting 'far-reaching influence' on the birth of Social Security, pensions and health insurance. But don't the labor unions and citizens' movements that, like Al Smith, could probably not even pronounce the word 'encyclical' properly get a little credit too? Did Frankin Delano Roosevelt read *Rerum Novarum*? . . . Do we need someone who is carried around on a palanquin by Swiss Guards to tell us this? The conservative theologians who complain that liberals too often borrow their ideas from the secular realm must be wincing in embarrassment about the derivative qualiy of this ho-hum document.

---

*Daniel Patrick Moynihan is the Democratic Senator from New York. This article is adopted from a paper presented at an April 29 conference sponsored by the Graduate School of Social Service of Fordham University to mark the University's sesquicentennial year and the 500th anniversary of the birth of St. Ignatius Loyola. The author acknowledges with gratitude the able assistance of Paul Offner.

"But let us be more generous. What is exhausted is not the Pope but the social encyclical genre itself, with its improbable claims to universal validity and its consequent temptation to resort to bland truisms.

"My hope is that *Centesimus Annus* marks not only the 100th anniversary of papal social teaching but the end of the chapter in Christian history."

Professor Cox has a point about the medium. Encyclicals have the quality of an imperial decree. Americans do not instantly take to such modes of address, although he should be careful about patronizing Al Smith. There is not the least evidence that the Governor had difficulty pronouncing the word. We have it on the authority of a not inconsiderable theologian, Reinhold Niebuhr, that when this subject arose during the 1928 Presidential campaign, Smith simply asked: "Will someone tell me what the hell a Papal Encyclical is?"

Format apart, there continues to be a real problem of English translation. Thus the new encyclical observes: "*Rerum Novarum* criticizes two social and economic systems: socialism and liberalism." Three decades ago, in *Beyond the Melting Pot*, referring to *Rerum Novarum* and the message of Catholic social teaching, Nathan Glazer and I wrote: "Catholic spokesmen have used the term 'liberal' to refer to laissez-faire economics of the Manchester School, and have generously denounced same." The result, we continued, had been total confusion among the Catholic laity who had to assume that in denouncing "liberalism" Rome was anathematizing the New Deal. And here again we have the same usage. Misusage. No wonder Harvey Cox got mad. The term "liberalism" means something altogether different in American English today, and has done so for generations. A correction is in order. If not a correction, then surely an explanation.

II

That being said, *Centesimus Annus* could turn to to be as seminal a statement as its predecessor. *Rerum Novarum* concentrated on issues of the workplace, as did social policy in the United States in the years that followed. Labor, declared the Clayton Antitrust Act of 1914, is not a "commodity." Workers, declared the Fair Labor Standards Act of 1938, must be paid a minimum wage. Minorities, declared the Civil Rights Act of 1964, could not be discriminated against in employment.

Again, these may seem routine matters today. They were anything but when the issues first arose. The dislocations associated with industrialization were absolutely baffling when they first appeared. What was unemployment? Why did it happen? Who was responsible? An era of fierce doctrinal argumental preceded the era in which a consensus of sorts was reached. Note particularly that along the way we began to learn to measure the things we were arguing about. Two events were of particular note. First came the establishment in 1920 of the National Bureau of Economic Research that began the systematic, quantitative analysis of the business cycle. Next, the Employment Act of 1946 established the Council of Economic Advisors and the annual Economic Report of the President to the Congress with the quantitative analysis of employment. There is no sense in which unemployment is a problem of the past. But we know how to measure it, and within limits we know what to do about it. It is to the problem of our age.

FIGURE 1. *Welfare dependency rates of children by race proportion of children receiving A.F.D.C. prior to age 18 1967–69 (actual)*

White	15.7
Black	72.3

But now a new issue has arisen. The issue of dependency, the growing number of children born to single parents and dependent during childhood on, well, "the Social Assistance State." In 1965 in America, I published the first data that suggested that we might be moving into such an era, one in which destitution in childhood, relatively independent of economic forces, would be our principal social problem ("A Family Policy for the Nation," America, 9/18/65). This was, I believe, a new proposition. I think it important that it arose in the context of research on the "earlier" problems of unemployment, wages and hours, and suchlike matters. In brief, the policy planning staff of the U.S. Department of Labor came upon indications that the connection between child welfare and the workplace was breaking up. Earlier, when unemployment had dropped, new welfare cases dropped. No longer. Seemingly, dependence was an independent variable, possible out of control.

This seemed especially so among minorities, a proposition I took to President Lyndon B. Johnson, who said as much in an address at Howard University in 1965. The President's analysis, however, was rejected. People said it wasn't so, and we could not prove otherwise. In truth, nothing much had yet happened. We had these indicators, but no more. And so we had to wait for the answer, or at least an approximate answer. We now have it. We were right.

Specifically, we now know that of children born in the years 1967–69, some 22.1 percent were dependent on welfare (Aid to Families With Dependent Children) [A.F.D.C.] before reaching age 18. This breaks down to 15.7 percent for white children; 72.3 percent for black children. In his 1965 address at Howard, President Johnson had stated: "Probably a majority of all Negro children receive federally-aided public assistance sometime during their childhood." This was from my first draft of his address. So much for the charge that we were being alarmist. (See Figure 1.)

This is as far as our longitudinal data take us We *know* about the life experience of that cohort in its first 18 years, those years having now passed. What about the cohorts that followed? We don't finally know, but we can make an educated guess. The data tell us that children under the age of 8 were, on average, 36.8 percent more likely to have been on A.F.D.C. in the 1970's than their predecessors in the 1960's. If we assume that this same increase will show up for the whole of the 18 years (0–17), then we can project rates for children born as late as 1980. This gives us a white rate of 22.2 percent, and a black rate of 82.9 percent. (The latter would seem too high, and is of course only a projection. Still, we face the daunting possibility that five in six minority children are destitute and on welfare by age 18. See Figure 2.)

This surely raises the issue of social justice; if, that is, it can be shown that such destitution in childhood is, in the main, a debilitating event. Not for each individual, but generally speaking for a class of individuals. Lawrence M. Mead of New York University believes this to be so. In *The New Dependence Politics* he writes: "The inequalities that stem from the workplace are now trivial in comparison to those stemming from family structure. What matters for success is not whether your father was rich or poor but whether you had a father at all."

III

Now this would appear to be a new social condition. Nearly one third—30.2 percent—of all children are paupers before attaining their majority. Not a pretty word; but not a pretty condition. That is in fact what it means to be on "welfare." No income of your own and virtually no possessions. This rise in dependency has been paralleled, preceded may be the better term, with a rise in out-of-wedlock births. For 1988 the overall ratio was 25.7 percent, which breaks down into 17.8 percent for white births and 63.5 percent for nonwhite. There are now health districts in New York City where more than 80 percent of live births are out of wedlock.

There has also been a rise in asocial behavior. by the 1980's it was common to hear of "children having children." In the 1990's we begin to hear of children murdering children, as firearms have moved into urban neighborhoods and down the age scale. This, too, was forecast. In the 1965 article in America I wrote: "From the wild Irish slums of the 19th-century Eastern seaboard, to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: A community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any rational expectations about the future—that community asks for an gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved."

This year, in a superb preface to *Beyond Rhetoric: A New American Agenda for Children and Families*, the Final Report of the National Commission on Children, its distinguished chairman Senator John D. Rockefeller IV wrote: "Too many of today's children and adolescents will reach adulthood unhealthy, illiterate, unemployable, lacking moral direction and a vision of a secure future. This is a personal tragedy for the young people involved and a staggering loss for the nation as a whole. We must begin today to place children and their families at the top of the national agenda. . . . Many young people believe they have little to lose by dropping out of school, having a baby as an unmarried teenager, using and selling dangerous drugs, and committing crimes. When they lack a sense of hope and the opportunity to get a good job, support a family and become a part of mainstream adult society, teenagers are frequently not motivated to avoid dangerous or self-destructive behaviors. These youth can see few compelling reasons to avoid or delay activities that provide immediate gratification. Unfortunately, their actions often make their expectations a self-fulfilling prophecy."

Note the shift in terms. We are not talking about unemployment here. We are talking of children who come of age "unemployable." We are not talking of the blameless victims of impersonal market forces. We are talking of adolescents "lacking moral direction." We are not talking of the need for social security programs; we are talking of the youth who have no "vision of a secure future."

It would be fair to say that our analysis of 1965 has finally been accepted. But it would be equally fair to ask whether it is as yet agreed that we are dealing with something *new*. The National Commission Report is long—519 pages—on prescriptions for expanded government programs, but short on analysis. Warily, the report does tell us that matters are worsening. "In 1960 only 5 percent of all births in the United States were to unmarried mothers; in 1988 more than 25 percent were." But it does not tell us whether in the view of the Commission a fivefold increase represents a qualitative change. Rather, it is as if we are being told that unemployment in the coal fields, in the textile towns, is worse than ever. *But*, the same subject as of old. The question whether a new social condition has appeared in simply not addressed.

FIGURE 2. *Welfare dependency rates of children by race proportion of children receiving A.F.D.C. prior to age 18 1980 projected*

White	22.2
Black	82.9

This is in no wise intended to fault the Commission's work. It is simply to assert that this question has to be addressed. *Has* a new social condition appeared? Is something new going on? Are we missing something large? As an example, in February 1991, some months before the National Commission report appeared, the Senate Democratic Caucus had approved a legislative program entitled, "Strengthening America: The Democratic Agenda." A section on children included this passage: "There are some 64 million children in the United States. At current dependency rates, 16 million or one-quarter, will be on welfare before they have reached the age of 18. . . . Children now make up the largest proportion of poor persons in the United States. There is no equivalent in our history to such a number or such a proportion.

"All this is new. This circumstance did not exist during the era of the New Deal, a half century ago. It did not exist during the era of the Great Society, a quarter century ago. It marks the emergence of a new issue in social policy. The issue of dependency."

However, before the document was sent to the printer, the "error" was spotted by the Committee staff. The text that read: "This circumstance did not exist during the era of the New Deal, a half century ago. It did not exist during the era of the Great Society, a quarter century ago," was changed to read: "This circumstance was *not as recognized* during the era of the New Deal, a half century ago, nor during the era of the Great Society, a quarter century ago" (emphasis added).

As I had written that passage, I asked about the change. It became transparently clear that those responsible had simply thought they were correcting a mistake. This is becoming the liberal orthodoxy: that there *is* nothing new. It is not, come to think, so very different from the views of those in the 19th century who, on observing an industrial society all around them, could not conceive that society had changed to the extent that institutions needed to change as well. Thorstein Veblen called it "culture lag."

If Veblen has a successor today, in stature as in style, it is James S. Coleman, also at the University of Chicago. Mr. Coleman traces our present situation back to the emergence of the corporation in medieval Europe and its gradual displacement of kinship structures. "The central fact about the modern corporation . . . is that it is not an outgrowth of the family, but constitutes an alternative institutional structure, independent of the family and little by little drawing power and strength away from it." He notes that only about 20 percent of 19th century American households were without children under 18; this proportion is now something like 65 percent. Thus, raising children is now carried out with the incomes of a minority of adults. Child welfare becomes a minority interest. Before the transformation of society represented by the rise of the corporation—in this respect think City of Detroit no less than General Motors—"the family was the central institution of society on which all others were built, and children were part of that center, both an immediate economic asset and an investment for the future. Now that the transformation is largely complete, the family is a peripheral institution and children an economic burden on that periphery. An economist might describe the change as one in which children have become a public good—and, as with all public goods, this one presents a problem of who will pay the cost of supplying it. Children are not, I should note, an economic burden, a public good, for all segments of society. By a perverse twist of incentives, children are an economic asset at the lowest economic level, through the welfare support they make possible."

Let us return one last time to those hapless young staffers on the Democratic Policy Committee. Had they been checking a text that proposed that the problem of AIDS "did not exist during the New Deal," they would not for a moment have been disposed to change this to "not as recognized." AIDS appears in the 1980's. (It was first recorded by the Centers for Disease Control in 1981.) Had the text read that the problem of "crack" cocaine "did not exist during the era of the Great Society," there would have been no disposition to correct that either. (The "crack" epidemic first broke out in the Bahamas in 1983.) What, then, is the problem with recognizing that our present plague of illegitimacy, welfare dependency, child disorders and youthful violence is also discontinuous? Part of the difficulty is that it isn't exactly. In his introduction to *Recent Social Trends* (1933), an early and still unequalled Federal social survey, C. Wesley Mitchell wrote: "Society has three problems which have existed throughout all history—poverty, disease and crime." Fair enough. But what I argued in 1965 was that we were about to ascend a giant S curve, to the point that what had been familiar and quiescent would soon be something altogether new. Like a cobra, springing up, prepared to strike.

It seemed to me then that there would be a more or less coherent response. The AMERICA article began: "The United States is very possibly on the verge of adopting a national policy directed to the quality and stability of American family life." In this I was quite wrong. We did nothing of the sort. The evidence was rejected as inconclusive or worse. It is still rejected in the sense that orthodox opinion rejects the notion that there is anything qualitatively different about the present, insisting instead that the Federal Government simply do more of what we have been doing.

Enter John Paul II asserting that what we have been doing is precisely the problem. We have been creating the "Social Assistance State" which has led to "a loss of human energies and an inordinate increase of public agencies." Not to mention "an enormous increase in spending." Well, now.

What we have here is a considerable role reversal. A century ago, addressing the social question of that time—it was called The Social Question—the church called for more intervention by the state. Now it appears to be saying that state intervention has to some extent created or at least worsened the social problems of the present age. This is high irony. For most of those 100 years, certainly the first 50 or so, liberal opinion in the United States simple *assumed* the hostility of Catholic social teaching to, well, "liberalism." (We have to assume that President Roosevelt did not in fact read *Rerum Novarum.*) But all of a sudden it may be that the Catholic teaching in this area is *in fact* opposed to liberal opinion.

The intriguing part of all this, of course, is that the papal pronouncement has American fingerprints all over it. It would be well for those involved to come forward, and it would help if Rome let it be understood that to do so is not only acceptable but necessary. How so? Because the argument must proceed from evidence. There are natural law elements in the encyclical. We are told to distinguish between the society and the state; fair enough. We are reminded again of subsidiarity, which again has doctrinal sources. (Not least the ecclesial sanction of Edmund Burke!) But this is a matter for social science as well, and we have a right to hear the complete argument.

Further, we need to learn from these American Catholics whether *they* think something new is going on. This may just be a fixation of mine, but I cannot puzzle my way out of it. If there is a new social circumstance, then, for example, there is no "contradiction" at all between the two encyclicals. The industrial economy that *Rerum Novarum* describes continues, but the enormous dislocations of the past have been quite overcome. Is it possible that some general theory will come along that will tease out the sources of welfare dependency and get this problem back down to an acceptable level as Keynes did with unemployment? A reassuring thought, actually.

So much for the long run. For purposes of the short run it may be useful to note that in 1988 Congress enacted the Family Support Act, the first change in the welfare system since it was established as a Federal program in the midst of the Great Depression. In recent Senate testimony Judith Gueron, president of the Manpower Demonstration Research Corporation, described the legislation: "The vision of welfare reform that we see reflected in the F.S.A. [Family Support Act] is of a 'social contract' between poor parents and government, in which each party has responsibilities. Parents—both mothers and fathers—have the responsibility to contribute to the support of their children to the best of their abilities and to engage in activities designed to improve their self-sufficiency. The responsibilities of government are to provide the means for poor parents to become self-sufficient—such as employment services and supports—and to provide income when their best efforts fall short."

It remains to be seen whether the Family Support Act will be made to work. It is, in any event, only one of many measures that will be called for if, as is at the very least likely, the issue of dependency becomes the central issue of social justice in the next century. Come to think, millennium!

STATISTICAL NOTE

Regarding the charts, in 1968, the Office of Economic Opportunity provided funds for the Panel Study of Income Dynamics (P.S.I.D.) at the University of Michigan. Under the direction of Dr. Greg Duncan, this longitudinal study that began with 5,000 families and has since been expanded, makes possible a statistically sound measurement of welfare dependency over time. At the joint request of the Subcommittee on Social Security and Family Policy of the Senate Committee on Finance and the Administration for Children and Families of the Department of Health and Human Services, the P.S.I.D. researchers developed the figures reported on pages 134 and 135 and reflected in Charts 1 and 2. The data are contained in a memorandum from Greg Duncan, Terry Adams and Deborah Laren, Institute for Social Research, University of Michigan, to Bill Prosser, Department of Health and Human Services, Aug. 24, 1990. The information had been requested by Senator Moynihan in a letter of Sept. 18, 1990, to Jo Anne Barnhart, assistant secretary for Children and Families.

Births to unmarried women as a percentage of all births, 1988—All races, State rankings

[Nationwide: 25.7 percent]

	Percent
(1) D.C.	61.7
(2) Mississippi	37.6
(3) Louisiana	33.5
(4) Maryland	32.6
(5) New Mexico	32.3
(6) South Carolina	30.3
(7) New York	30.1
(8) Georgia	29.6
(9) Illinois	29.5
(10) Florida	28.7
(11) Arizona	28.7
(12) California	28.6
(13) Alabama	27.9
(14) Tennessee	27.6
(15) Delaware	27.1
(16) Pennsylvania	26.5
(17) Arkansas	26.5
(18) Ohio	26.4
(19) North Carolina	26.3
(20) Missouri	25.0
(21) New Jersey	24.3
(22) Connecticut	23.8
(23) Virginia	23.8
(24) Oregon	23.6
(25) Alaska	23.4
(26) Rhode Island	22.9
(27) Indiana	22.7
(28) West Virginia	22.7
(29) Oklahoma	22.4
(30) Washington	22.3
(31) Massachusetts	22.2
(32) Hawaii	22.2
(33) Kentucky	22.0
(34) Wisconsin	21.9
(35) Michigan	21.6
(36) South Dakota	20.9
(37) Montana	20.8
(38) Maine	20.3
(39) Texas	19.7
(40) Colorado	19.6
(41) Nevada	19.1
(42) Vermont	18.6
(43) Minnesota	18.3
(44) Nebraska	18.1
(45) Kansas	18.1
(46) Iowa	17.7
(47) Wyoming	17.2
(48) North Dakota	15.6
(49) New Hampshire	14.4
(50) Idaho	14.1
(51) Utah	11.7

Source: Monthly Vital Statistics Report, National Center for Health Statistics, U.S. Department of Health and Human Services.

PERCENT OF BIRTHS TO UNMARRIED WOMEN BY RACE, 1988: CITY RANKINGS

[(National average, cities of 100,000+: white—24.9 percent; black—68.1 percent) (National average, 1987: white—23.6 percent; black—66.7 percent)]

	1988 (percent)	1987 (percent)
WHITE [1]—HIGHEST		
(1) Hartford, CT	58.5	60.7
(2) Bronx, NY	50.0	51.9
(3) Newark, NJ	42.0	42.0
(4) San Bernardino, CA	39.6	37.0
(5) New Haven, CT	39.3	31.4
(6) Los Angeles, CA	38.4	36.6
(7) Pueblo, CO	38.1	32.6
(8) Bridgeport, CT	38.0	16.1
(9) Springfield, MA	37.7	35.4
(10) Paterson, NJ	36.5	36.6
(11) Gary, IN	36.4	37.8
(12) Fresno, CA	35.9	33.7
(13) Jersey City, NJ	35.5	32.8
(14) Providence, RI	35.2	33.1
(15) Baltimore, MD	34.7	33.1
(16) Manhattan, NY	33.8	34.7
(17) Cleveland, OH	33.8	31.1
(18) Syracuse, NY	33.2	35.1
(19) Santa Ana, CA	32.9	30.4
(20) Detroit, MI	32.6	29.1
BLACK—HIGHEST		
(1) Peoria, IL	83.5	80.5
(2) Baltimore, MD	82.6	80.5
(3) St. Louis, MO	80.7	79.2
(4) Rockford, IL	80.3	77.6
(5) Syracuse, NY	79.3	78.6
(6) Milwaukee, WI	79.3	78.1
(7) Chicago, IL	79.0	77.3
(8) Springfield, IL	78.9	74.2
(9) Pittsburgh, PA	78.8	77.4
(10) Philadelphia, PA	78.8	78.2
(11) Louisville, KY	78.8	77.8
(12) Cleveland, OH	77.7	77.1
(13) Toledo, OH	77.0	75.6
(14) Dayton, OH	77.0	75.6
(15) Erie, PA	76.9	75.5
(16) Davenport, IA	76.7	71.7
(17) Paterson, NJ	76.7	72.7
(18) South Bend, IN	76.5	76.7
(19) Omaha, NE	76.4	73.9
(20) Cincinnati, OH	76.4	74.2

[1] The category "white" includes most Hispanics.

Source: National Center for Health Statistics, unpublished data, obtained Aug. 16, 1990.

Births to unmarried women as a percentage of all births, 1988—By race, State rankings

[Nationwide: White—17.7 percent; black—63.5 percent]

	Percent
White—Highest ratios:[1]	
(1) New Mexico	27.0
(2) California	26.9
(3) Arizona	24.3
(4) Oregon	22.4
(5) W. Virginia	21.0
(6) New York	20.7
(7) Maine	20.3
(8) Washington	20.1
(9) Rhode Island	19.4
(10) Vermont	18.5
White—Lowest ratios:[1]	
(1) Alabama	10.6
(2) Utah	10.8
(3) Mississippi	11.4
(4) N. Dakota	11.6
(5) N. Carolina	11.7
(6) Georgia	11.9
(7) S. Carolina	12.4
(8) Michigan	12.4
(9) Louisiana	12.9
(10) Hawaii	12.9
Black—Highest ratios:	
(1) Wisconsin	76.5
(2) Illinois	75.3
(3) Pennsylvania	75.2
(4) D.C	73.2
(5) Missouri	71.5
(6) Ohio	71.5
(8) Indiana	69.1
(9) Nebraska	68.3
(10) Tennessee	68.3
Black—Lowest ratios:	
(1) Hawaii	15.3
(2) N. Dakota	16.8
(3) Maine	20.0
(4) S. Dakota	20.5
(5) New Hampshire	27.5
(6) Alaska	28.5
(7) Wyoming	37.0
(8) Montana	37.2
(9) Vermont	38.2
(10) Utah	47.2

[1] The category "Whites" includes most Hispanics.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, the Senator from North Carolina has raised the issue about whether it is appropriate for the Federal Government to fund research on human sexual behavior. It seems ridiculous to me that we are arguing about this today in our country when we face unprecedented rates of teenage pregnancy, sexually transmitted diseases, and AIDS. We can only combat these public plagues on our society, and health threats, with knowledge about what people do, why they engage in risky behavior, and what can potentially be done to prevent it.

Mr. President, the Senator from North Carolina read aloud several questions from the teenage survey. I also understand that these questions were removed from the survey 2 years ago.

I just wonder what the purpose was. Did the Senator wish to shock people into voting with him, or was he hoping that this, maybe, was just some disinformation, because these have been removed? When the teenage pregnancy rate is at an all-time high, when the rates of STD's are climbing, we need solid, scientific evidence of what to do about these trends.

Opponents of this kind of scientific research argue that to study sexual behavior is to encourage it. By now, we all know this is just plain bunk. Pretending that controversial behavior does not exist, or lecturing people not to engage in risky behavior, does not work. It is just plain not so. For years, we have been funding programs that encourage abstinence as the only approach to addressing teenage pregnancy. We have learned from evaluations of these abstinence-only programs that they do not work. There is no scientific evidence that abstinence-only programs reduce the rate of teenage pregnancy.

Yes, we hope people will abstain and will be better people in their total lives for having maybe done so, but it is not the way society is. It is not reality. What we have to deal with, in this body, is the reality of how we deal with a growing public health problem that is destroying our future. What is our future? Our children.

So why waste any more money on programs that do not work. Let us invest money in basic research. That is what we are talking about, basic research that will get to the root of why risky behavior continues. What we need is solid, scientific behavioral, and social research to complement the already advanced biomedical research of the NIH.

If my colleagues choose to shut their eyes to the real health problems of America, that this kind of research addresses, and vote in support of the amendment of the Senator from North Carolina, then the future of our Nation is very bleak. Disease will continue. Teenagers will be irreparably injured and we will not know how to confront the problem.

This is the last time we should debate this issue. If we care about our Nation, then we must ensure continued Federal funding for important scientific research on public health implications of sexual behavior. We need this kind of information now because the health and lives of our young people depend upon it.

I strongly urge my colleagues to oppose the amendment of Senator HELMS which would transfer funds to the Adolescent Family Life Program.

I finish by quoting from a letter from a public health official in my State:

> If the Helms amendment were passed, we would have to continue "flying blind", basing sexually transmitted diseases and AIDS interventions on inadequate data.

Mr. President, I ask unanimous consent that an article in USA Today dated July 26, 1991, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, July 26, 1991]

REJECT PRUDERY; TEEN SEX SURVEY NEEDED

A handful of politically potent prigs are treating a major public health problem like a dirty joke.

Secretary of Health and Human Services Louis Sullivan gave in to ideologies who objected to questions about sexual practices in a five-year survey of adolescent sexual behavior and killed funding for this worthwhile effort.

He may have killed more than a study. Ignorance about the risks our young people are taking can cost lives.

The goal of this study was to discover not just what teens are doing but why. Why are they putting themselves in danger of AIDS, sexually transmitted diseases and unwanted pregnancy at younger ages and in greater numbers? What influences do family values have on their decisions? What part do school, peers and the community play?

If this misplaced prudery prevails, we'll never know. Many, like the writer across the page, think that's just fine. They're content with the current state of knowledge and don't want to spend government money to learn more.

This is a dangerous advocacy of ignorance.

Many questions that raised objections had been dropped from an early draft. Three-quarters of the questions were not about sexual practices. Each of the 24,000 teens answering the survey would do so with parental consent. Parents would answer separate questionnaires.

These days, a teen who is careless with sex risks far worse consequences than parental disapproval.

AIDS cases among teen-agers in the United States have increased about 40% in two years, which means that there are now thousands infected with the deadly virus. Other data tells us that awful number is bound to grow:

Half of girls have had sex by age 17; half of boys by 16.

Only one-third of boys always use condoms.

Nearly 80% of boys and 50% of girls age 18–19 switch partners within 12 months.

That's a recipe for disaster for our young people.

AIDS is just one of the diseases that can wreck their lives; they're also in danger of infections that can cause sterility and pregnancy that can put them on welfare. Fifty-nine percent of women who were receiving welfare in 1988 were age 18 or younger when they first gave birth.

If these grim facts are going to change, we have to learn more about teen behavior. What encourages teens to take such risks? What would persuade them to avoid those risks?

Secretary Sullivan should heed the House vote late Thursday affirming such surveys. What better use for public money than buying a tool to save young lives?

What we choose not to know can ruin their lives—or kill them.

Mr. ADAMS. Mr. President, it is my understanding that there are no further requests for debate and there has been an agreement on the yeas and nays.

So I would move at this time, Mr. President, to table the amendment provided that the yeas and nays are ordered.

Mr. HARKIN. Will the Senator withhold at this moment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I wonder if I might inquire of the majority leader if there is a possibility of limiting amendments on this bill. I do not mean limiting anybody, but saying there are so many amendments left. Otherwise, I know my colleagues, when it gets to be 6, 7 o'clock tonight, are going to wonder why they are still here.

One way to prevent that is to go ahead and get the amendments and get them debated. I thank the majority leader for trying to protect a Member on this side who is absent until 6 o'clock. Then we can start voting.

I want to help the majority leader, if he has any ideas on how I can do that.

Mr. MITCHELL. Mr. President, I discussed earlier this morning, and more recently, with the distinguished Republican leader my desire to proceed to complete action on the pending bill. I will, of course, as always, endeavor to accommodate those Senators who are, by virtue of emergency, unable to be here at certain times.

We have now been on the bill for 3½ hours today, and we have not been able to get to a vote for that reason. But it seems to me that the fair and yet responsible way to proceed would be to prepare a list of those amendments that do remain, identify them, limit consideration to those amendments, obtain time agreements for their consideration, and then have the votes later today at a time when all Senators can be present.

The alternative to that is that we will simply be here again late tonight, doing that which we could have done throughout the day. Of course, Senators will be inquiring why it is that, once again, we are debating at 9, 10, 11 o'clock in the evening after a day without any votes having occurred.

So I inquire of the Republican leader—I am advised that the Democratic staff has prepared a list of all of the amendments to be offered on the Democratic side, and that they are three in number, and that we are prepared to enter into an agreement. I am advised that there are three on the Republican side. And if we could identify them in the next few moments and reach agreement on a reasonable time for debate on those, and then stack the votes at a time when all Senators can be present, we will achieve both effective utilization of the Senate's time and accommodation of the Senators who, by virtue of an emergency, have not been able to be present.

Mr. DOLE. I will be happy to try to get a list on this side. Hopefully, they will not all require rollcalls. Maybe we can get short time agreements so that we might complete at an early hour this evening.

Mr. MITCHELL. Mr. President, might I ask then that, it now being 2:05, since I think both sides have gone through this process, if we could ask the staffs in the next 10 minutes to prepare such a list, and I will come out at that time—and I hope the Republican leader will be present—and propound a request to get an agreement on that basis so that we can proceed.

There are only two alternatives to it. We can proceed one at a time, move to table the pending amendments, and vote on them now, or end up doing that at some late hour this evening, to the inconvenience of a very large number of Senators.

So I hope we can reach agreement on that. And I will, therefore—so those Senators who have an interest in this will have an opportunity to come to the floor at approximately 2:15—propound such a request to see if we can get an agreement on that basis.

Mr. HARKIN. Will the majority leader yield?

Mr. MITCHELL. Yes, sir.

Mr. HARKIN. We have an amendment pending now. And I think all debate has been finished, and we can proceed right now to a vote on Senator HELMS' amendment. I believe all debate has been finished.

Mr. MITCHELL. The Senator from Iowa was not present during the earlier part of this conversation. One of the Republican Members of the Senate has been, by virtue of a personal emergency, called away and is not present.

They are making an effort not to have votes at this time. I am trying to accommodate that by getting an agreement that will enable us to complete the amendments and the bill, and stack the votes at a time when everybody can be here. I am trying to avoid the situation that we do not do anything now.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Illinois.

Mr. SIMON. Mr. President, I have an amendment that we set-aside until 1:45. I ask unanimous consent—our staffs are still trying to work it out—that that be set-aside until 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I wonder if I might proceed with a statement on a different matter.

Mr. MITCHELL. Mr. President, I yield the floor.

GOOD NEWS ON TWO FRONTS

Mr. DOLE. Mr. President, certainly, the two landmark events of this year have been our great victory in the Persian Gulf war, and the collapse of the Soviet state and Soviet communism. The changes wrought by the dramatic events continue to unfold—as was again apparent during the past 24 hours.

The Desert Storm victory has opened the door to a possible solution to many problems which have long vexed the Middle East—none more important than the problem of hostages held in Lebanon and elsewhere. It is therefore very good news, indeed, that Israel has announced the release of 51 Lebanese prisoners and the return of the remains of 9 others in its custody. That action followed the release of information by the so-called Hezbollah Shiite Muslim organization on two Israeli servicemen long missing, and now reported dead.

The families of our own hostages, and of the other hostages and prisoners being held in the region, have ridden the roller coaster of rising hopes and crashing disappointment many times. So it serves no good purpose to let our expectations get ahead of the facts. But for one of the few times, this time there is come concrete and positive developments underlying the renewed hope. So hope, and pray, we do—that this will indeed turn out to be a breakthrough to the release of all hostages.

I would also note that we must insist, when and if our hostages are released, that we also obtain a full accounting for U.S. Marine Col. Rich Higgins—taken hostage while on duty with U.N. peacekeeping forces in Lebanon. Colonel Higgins is believed to have been murdered by his captors, but we have never had final confirmation of his fate. Equally important, if indeed he is dead, we must demand the return of his remains, for final disposition by his family.

I have personally pledged to his wife, Marine Maj. Robin Higgins, that I will never rest until we—and she—obtain the full and final accounting to which we have a right. And I know that all Members of Congress, and President Bush and the members of his administration, share that same determination.

I would also note that—especially because Colonel Higgins was on duty with the United Nation at the time of his capture—it is absolutely incumbent upon Secretary General Perez de Cuellar and other U.N. officials involved in these delicate negotiations to keep Colonel Higgins' case at the top of their agenda.

Meanwhile, and almost simultaneously, we have heard the very welcome announcement that the Soviet Union will soon withdraw its military forces from Cuba.

Among a number of serious barriers to fully normalized and cordial relations between the United States and the rapidly changing Soviet Union, none has been more important than Moscow's long-time and lavish support of Castro's Communist state.

Until now, partially protected by the Kremlin's troops and bolstered by billions of rubles in subsidies, Fidel has hunkered down behind his own little Iron Curtain—keeping the democratic revolution which is sweeping the rest of the world at arms length.

If the Soviet forces are indeed removed—and if that is followed, as Soviet officials are promising—by an end to massive Soviet military and economic aid, then there will be a real hope that the deterioration of Castro's tyranny will accelerate; and there will be a real hope that someday soon we may see the restoration of freedom for the people of Cuba.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1113, AS MODIFIED

Mr. SIMON. Mr. President, I had offered an amendment urging that we take another look at our budget priorities in view of what has happened in the world. Senator BYRD made some very constructive suggestions and I modified that.

In the meantime, Senator DOMENICI has also offered suggestions and I would like to modify my amendment. I think it is acceptable to everyone at this point. I know of no opposition.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Is there objection to modifying the amendment?

Mr. SIMON. I am modifying my own amendment. Senator COCHRAN and Senator DOMENICI are here on the floor. I believe there is no objection to the amendment as it has been restructured.

Mr. DOMENICI. Mr. President, the Senator from Illinois is correct. I checked with the Republican leader, Senator DOLE. In fact, I ran it by Senator BYRD, who was present at the summit also. I do not believe we have any objection on our side. Senator GRAMM helped the Senator from New Mexico with the draft of changes. I understand with that kind of consent that it will be adopted by voice vote. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1113), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) Since the 1990 budget summit agreement, extraordinary events in the world, particularly in Central Europe and the former Soviet Union, may provide our country with an opportunity to reexamine the broad spending priorities embodied in the 1990 budget summit agreement.

(b) It is the sense of the Senate that the President of the United States and the Democratic and Republican leadership of the Congress should consider establishing new priorities. If it is so determined, based on current and changing world events, the defense spending path negotiated in the 1990 summit could be reduced in the future, then any such reduction should be made available for reducing Federal budget deficits, reducing Federal tax burdens, increasing domestic spending, or any combination thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1113), as further modified, was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask that I might be permitted no longer than 10 minutes to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank the Chair.

LOAN GUARANTEES TO ISRAEL

Mr. D'AMATO. Mr. President, we have heard a great deal lately about the problems in the Middle East, particularly with respect to the proposals for loan guarantees to the State of Israel. I find myself in the position of having to say, quite candidly, to the administration: I fail to understand what you are doing and why you are doing it.

It seems to me that our foreign policy should be one which rewards our friends, which works with our friends, and punishes the enemies of freedom and democracy.

We have forgotten the lessons of history. I remember coming to this Senate floor and being excoriated by Democrats, Republicans, and the administration alike, because I said, "no more loan guarantees to Saddam Hussein, the 'Butcher of Baghdad'." "What do you mean cutting off loans and loan guarantees to him?" One would have thought I was attacking Mother Teresa. Incredible.

Between 1983 and 1990, the United States made agricultural loan guarantees to the "Butcher of Baghdad" of some $5 billion. As a matter of fact, he still owes us $1.9 billion. Who knows if we will ever get paid.

Take a look at the history of the State of Israel. It has never defaulted on its loans or any loan guarantee. Never. Now, what about this $10 billion? I have many constituents who write and say, "we should be taking care of our own. Why are we giving foreign aid? Why are we giving $10 billion to Israel?" We are not giving $10 billion to Israel. That is absolutely not the case.

In fact what we would guarantee, in the event the State of Israel fails to pay back its loans—and let me reiterate, she has never defaulted on any loan—$10 billion which would come from the private sector. And what are these guarantees for? They will meet the humanitarian needs of housing, of shelter, of infrastructure, for 1 million immigrants that are coming into the State of Israel.

The United States led the fight for Soviet Jews who sought return to Zion. We have the moral responsibility to provide them that opportunity by underwriting aid for the most humanitarian of purposes.

A short time ago, we gave billions of dollars in loan guarantees to the Butcher of Baghdad. Was he rehabilitating people, providing housing, providing shelter? No. He was gassing the Kurds, gassing the Iranians, and building his military fortress.

Who invaded Kuwait? It wasn't Israel. She was withstanding incredible physical and psychological torment. I was there when the Scud missiles were coming into Israel and the people were saying "What will we do? What will we do?" We asked and urged Israel to act with restraint. That she did. Is this her reward?

Mr. President, the $10 billion is not going to cost the taxpayers of the United States one penny. This must be understood. Fully one-third, if not more, of the $10 billion over the next 5 years will be spent in the United States, producing 60,000 or more jobs, which means there will be a significant return to our economy. It will not cost the taxpayers anything. In fact, the taxpayers of this country are going to benefit. People are going to get work. The private sector is going to finance these loans, not the U.S. taxpayer.

We are asking that the United States stand up and say yes, we are part of the humanitarian effort to make it possible for a million people to come into a small country like Israel and to provide them with the basics, with shelter, with infrastructure, with job opportunities. It will create jobs here. And that is the right thing to do: reward our friends and punish our enemies.

This may seem too simplistic, but I suggest to you that we have had a foreign policy that all too often has done the opposite—rewarding our enemies with promises of what we will do for them, including giving them loan guarantees only to see them attack us, clearly flying in the face of what democracy and moral values can and should be about.

That makes no sense. What this will do is set back the peace process. Who wins with this approach?

The PLO? The hard-line, militant Arabs who now say that the United States relationship with Israel, is less than what it has been; less than the total commitment of support for a precious ally with the voices of democracy. If the peace process is ready to go ahead, let it go ahead. Let the issues, the complex issues that may exist, be debated and negotiated at the bargaining table.

I do not believe that holding Israel hostage as it relates to this $10 billion is right, morally or politically. It is unconscionable. It is not the noble course that this Nation should be seeking or undertaking. It is not a course where we are standing up for what is morally correct. If anything, we put ourselves in the place of a blackmailer for the wrong purposes.

I hope that we will reevaluate this position. I hope that the Congress of the United States, working together with the administration, will fashion a course that says we stand with our friends, and we stand for democracy.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOFFORD. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOAN GUARANTEE TO ISRAEL

Mr. WOFFORD. Mr. President, I have just read the dispatch telling that the President has threatened to veto action by the Congress of the United States for a loan guarantee to Israel. I rise to say that I think this policy of linking the loan guarantee to the peace process—delaying this loan guarantee because of the peace process—is unwise and is wrong.

Now is the time, after we have just shown with such dedication in the Persian Gulf why it is important to act for peace in the Middle East on behalf of an independent Arab State, to stand firm in our support of the one true democracy in the region.

We who have had such a stake in getting Soviet Jews and Ethiopian Jews free to go to Israel should take this action now. I was once in Ethiopia, with the Peace Corps, working with the Ethiopian Jews. And I've worked in the Soviet Union as president of the International League for Human Rights, with the Soviet dissidents, seeking freedom for Soviet Jews. Knowing what America has done to press for that freedom, it seems to me that this is no time for delay in showing our commitment to assisting not by a loan but by a guarantee for an ally whose record of paying loans to this date has been perfect.

Therefore, I strongly dissent from the President of the United States, who has threatened to veto an action which the conscience of the world calls for us to take.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I am listed on the list of having an amendment involving the prosthetic foot. I will be offering that amendment. Prior to offering it, I was going to make a short statement. I think it has been agreed upon by both sides, but I wanted to explain it, because there has been a great advance not only for Members of this body but for some of the senior citizens in this country.

I am very pleased to offer this amendment to H.R. 2707, because it is intended to ensure that the Rehabilitation Service Administration of the Department of Education provides the full funding for those few vital programs in the field of prosthetic education. I have watched with growing alarm over the last few years, as my distinguished colleague from Iowa has, as the RSA has cut back on these educational programs, because to have someone use one of these types of prosthetic devices requires considerable skill in the educational area.

One of the programs funded under this Federal effort is at my alma mater, the University of Washington, in Seattle. I am extremely proud of the work that is being done on that program in the Department of Rehabilitative Medicine in the University of Washington Medical School. I have seen the use of this in such people as a former Member of this body, Senator Magnuson, which gave him years of additional usage of his limbs, and the ability to do things that he had not and would not have been able otherwise to have done.

The amendment will ensure that the RSA provides adequate funding for O&P education by restoring the funding in the O&P program to its former level. This important rehabilitation field will be able to address the continuing challenges and serve the Nation's disabled population. I commend the leadership Senator HARKIN has shown, both on this subcommittee and on the Senate Subcommittee on Disability Policy, where his leadership and vision have reflected to Americans with disabilities one of the most important pieces of civil rights legislation this Nation has ever known and ever seen.

I believe this amendment is supportive of the objectives and goals set in this landmark legislation and I urge its adoption. I know of no objection to this amendment.

AMENDMENT NO. 1115

Mr. ADAMS. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS] proposes an amendment numbered 1115.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, line 3, before the period, insert the following: "*Provided*, That of the funds made available under this heading, no less than $1,400,000 shall be for the full funding of orthotics and prosthetics training programs".

Mr. ADAMS. Mr. President, I am pleased to offer an amendment to H.R. 2707 intended to insure that the Rehabilitation Services Administration of the Department of Education provide the full funding necessary for those few vital programs in the field of orthotic and prosthetic education. I have watched with growing alarm over the past few years, as has my distinguished colleague from Iowa, as the RSA has cut back on these educational programs. By restoring the funding of O&P programs to its former level, this important rehabilitation field will be able to address its continuing challenge: to serve the Nation's disabled population.

One of the programs funded under this Federal effort is at my alma mater, the University of Washington in Seattle. I am extremely proud of the work being done in that program in the Department of Rehabilitative medicine at the University of Washington medical school.

Over the last 21 years that program has graduated 188 students, whose proficiency in their chosen field has been in the profession's national certification examinations. Those graduates have gone on to careers providing quality care for thousands of disabled patients throughout the United States.

The Seattle area, with the University of Washington and Prosthetic Research Study provides those students with a unique opportunity for interaction with current research and development. Those students spend time working directly with leaders in the field of computer-aided design and computer-aided manufacturing of prosthetic devices. Just this month, Prosthetic Research Study of Seattle, WA, was a 1991 National Award Recipient from Allied Services, a national leader in the field of providing resources for people with disabilities. Prosthetics Research Study is one of the world's leading centers for the research and development of mobility aids for the disabled, including the Seattle Foot, worn by more than 65,000 amputees.

Practitioners trained in orthotics and prosthetics design and fit braces and prostheses that enable physically challenged individuals to overcome often serious and crippling conditions and return to productive lives. Unfortunately, cuts in funding by the RSA may jeopardize the availability of these critical services.

Orthotic and prosthetic [O&P] services are provided by highly-trained, certified, allied health practitioners. These professionals evaluate the needs of individual patients, often in emergency situations, and consult closely with prescribing physicians to fit patients with the appropriate orthosis [brace] or prosthesis [artificial limb] for his or her individual needs. Orthotists and prosthetists have long-term involvement with their patients, instructing them in the proper use of the brace or prosthesis and conducting follow up care throughout the course of the patient's disability or rehabilitation to ensure that the brace or prosthesis continues to fit properly and is properly used by the patient.

The O&P field is a relatively small one, with only about 2,600 certified practitioners available to serve the entire United States. The services of the O&P profession are rehabilitative in nature. Typically, they reduce the length of stay for beneficiaries in costly inpatient settings and help restore mobility and ability to function unaided, making it possible for the O&P patient to return to useful work.

The practice of orthotics and prosthetics is unique among the allied health professions since it calls for a mix of clinical and mechanical/engineering skills. The teaching of the necessary skills to provide specialized O&P clinical care is a painstaking process. It requires education in an extensive interdisciplinary curriculum which includes such varied subjects as anatomy, physiology, kinesiology, and materials property.

For over 20 years, the profession of orthotics and prosthetics has relied exclusively upon the RSA to provide funding for the schools which provide orthotic and prosthetic education. These funds have been critical to this very expensive and very specialized education. Many of the 10 schools which have historically provided such educational opportunities are State institutions. These State institutions are restricted by their respective legislatures from charging a self-sustaining tuition for the O&P programs which require costly materials and fabrication laboratory facilities.

The O&P profession is experiencing a funding crisis. Since 1988, O&P education funding has been substantially cut. In fact, O&P programs at New York University and the University of

California at Los Angeles have both closed and Florida International University is presently evaluating the viability of continuing its program. In the past, no program has been resuscitated after losing RSA funding. Additional school closings will occur if RSA continues on its present course.

Despite numerous attempts by the O&P field to secure relief, the RSA has persisted in ignoring the needs of this fragile profession, and continues to disregard the will of the Congress. The RSA is clearly permitted to expend funds for education in O&P, and has done so for nearly 20 years. The recent reductions in O&P education funding serves to dilute the objectives expressed by Congress in the Americans With Disabilities Act [ADA], and defy specific congressional directives to restore O&P training funding to its former level. In addition, direct inquiries from my office have failed to elicit an appropriate response from RSA.

Although Congress has been clear with respect to its intent to continue funding O&P education, the RSA continues to reduce O&P funding. If RSA later restores funding to any closed program, the agency will have to spend additional monies for the startup of closed programs—sums that would be saved if the RSA kept these programs alive. If any of the programs remain closed, the need for O&P training will simply not be met.

Orthotics and prosthetics has the potential to help children, the elderly, and especially trauma victims live full and productive lives. However, the success formula requires a continuous stream of qualified practitioners. The RSA's actions to date may jeopardize the realization of the goals envisioned by the passage of the Americans With Disabilities Act. Without RSA financial support and the resulting decrease in practitioners, the needs of America's disabled cannot be adequately served.

This amendment will ensure that the RSA provides adequate funding for O&P education. By restoring the funding of O&P programs to its former level, this important rehabilitation field will be able to address its continuing challenges and serve the Nation's disabled population.

I commend the leadership Senator HARKIN has shown, both on this subcommittee, and on the Senate Subcommittee on Disability Policy, where his leadership and vision were reflected in the Americans With Disabilities Act, one of the most important pieces of civil rights legislation this Nation has ever seen. I believe this amendment is supportive of the objectives and goals set in that landmark legislation, and I urge its adoption.

Mr. President, I ask that the managers approve this amendment.

Mr. COCHRAN. Mr. President, while the manager on the Democratic side comes to the floor let me just say that we have taken a look at the amendment of the distinguished Senator from Washington. We have no objection to it on this side and recommend that it be approved.

Mr. HARKIN. Mr. President, we, also, have no objection to it. We accept the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1115) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. I thank the managers.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, we are trying right now to work out a list of amendments that Senators plan to offer so that we will know which amendments will be offered. Then we will have some idea how much time debate may take and we may be able to vote on final passage of the bill. There is still some discussion about one of the amendments.

I have one amendment that is on the list and I am prepared to offer that if it fits with the schedule of the managers of the bill. I am awaiting copies of the amendment to be delivered to me in their final form, but just for the information of Senators, if there is any interest in looking at the list of amendments or knowing what we may be about to have propounded as a unanimous consent-request, now is the time to inquire because we are at that point in the management of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only remaining amendments in order to this bill, other than the pending Helms amendment No. 1114 and the excepted committee amendments, be the following, that they be considered under the time limitations listed and that the time be evenly divided and controlled in the usual form:

An amendment by Senator KERREY of Nebraska regarding impact aid, 5 minutes; an amendment by Senator FORD regarding Medicaid, 30 minutes; an amendment by Senator HELMS regarding Pell grants to the committee amendment, 20 minutes; an amendment by Senator COCHRAN regarding model garment programs to the committee amendment, 1 hour; an amendment by Senator DOLE regarding impact aid to Kansas, 10 minutes; an amendment by Senator HATCH regarding home health, 20 minutes; an amendment by Senator SEYMOUR regarding SLIAG, 45 minutes; an amendment by Senator SEYMOUR regarding OSAP post partum babies, 20 minutes; an amendment by Senator SMITH regarding sense-of-the-Senate, Ryan White, 10 minutes; and amendments agreed upon by the managers.

Further, that there be 5 minutes for debate remaining on the pending Helms amendment No. 1114, that there be 10 minutes for debate remaining on the bill; that once this agreement is agreed to, all committee amendments be agreed to en bloc with the exception of the pending committee amendment and two additional committee amendments, one beginning on page 9 and one beginning on page 60; and that following the disposition of any second-degree amendments to these excepted committee amendments, the committee amendments be deemed agreed to, as amended, if amended, without further debate.

I further ask unanimous consent that any rollcall votes ordered to occur on the above-listed amendments be stacked to occur today at a time to be determined by the majority leader, after consultation with the Republican leader, and that if debate and disposition of the above matters have been completed prior to the time set for the rollcall votes to occur, then in the intervening time the Senate proceed to the consideration of H.R. 2686, the Interior appropriations bill.

Mr. HATFIELD. Mr. President, reserving the right to object, and I do not plan to object, I would like one clarification or two. On the pending amendment by Senator HELMS, No. 1114, I wonder if the majority leader would include in that, to be disposed of by a tabling motion.

Mr. MITCHELL. I have no objection to that.

Mr. HELMS. I did not hear the Senator.

Mr. HATFIELD. I suggested that the pending Helms amendment, at the expiration of the time, it would be disposed of by a tabling motion.

Mr. HELMS. I say to the Senator, I would much prefer an up-or-down vote, but a tabling motion is the very same thing. The people of this country understand that it is a distinction without a difference and a difference without a distinction, but that would be satisfactory with me.

Mr. MITCHELL. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, further clarification, I would also suggest that on the second Helms amendment relating to Pell grants that that be disposed of, at the expiration of the time, by a voice vote.

Mr. MITCHELL. Mr. President, I do not believe that is appropriate to include in a unanimous-consent agreement. This agreement does not require a rollcall vote. If we get to that amendment and there is no demand for a rollcall vote, then it can be disposed of without a rollcall vote. I do not believe it appropriate to attempt to include that in the agreement in advance.

Mr. HELMS. Mr. President, I wonder if the distinguished leader would permit me to request a brief quorum call so I could speak with him?

Mr. MITCHELL. Certainly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, the distinguished managers of the bill.

I now yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, would I be correct that the pending business is the amendment by the distinguished Senator from North Carolina?

The PRESIDING OFFICER. The Senator is correct. The amendment is under a time agreement.

Mr. MOYNIHAN. Mr. President, I move to table the amendment.

Would the Senator wish to speak? There is 5 minutes, I believe.

Mr. HELMS. I was just asking if the Senator would withhold so I could speak for about 3 minutes?

Mr. MOYNIHAN. Yes, sir, of course. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, there were very few Senators on the floor this morning during the debate on the pending amendment. So, obviously, Senators cannot possibly know much about it. I think the best illustration I can offer for what the amendment is about is to ask informally that I be permitted to place a copy of the sex survey questions, on both the Democratic and Republican tables.

The material is not prepared by me. It is a photocopy of a few of the actual survey questions so that Senators may at least look at them.

Furthermore, I would just say in connection with this, that for any Senator who may not feel that the sex surveys are all that bad, I hope they would at least glance at the questions. It might turn their stomachs a little, but I think they ought to know what I am talking about. I am not going to read any more questions. I read just two this morning and that was quite enough.

The point is this: Title X is the planned parenthood title. Title XX is the only Federal program that seeks to persuade young people that sexual activity before marriage should not occur. We have only one program. Both title X and title XX have been authorized. But in this bill, only title X has been funded. I propose to transfer the money from the sex surveys and put it into title XX so that title XX will not become extinct.

I hope Senators will have an opportunity to give some thought to that.

I thank the Senator for withholding.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, in the spirit in which the distinguished senior Senator has spoken, I would like to say the same, and appeal to colleagues on both sides of the aisle—this is hardly a matter of partisanship—to understand that the work that is contemplated would be, among other things, the first serious, systematic effort to learn the fertility history, both of adult women and of adult men, at a time when one child in four in our country is born out of wedlock. In the Senator's State 1 in 4; in mine, 3 in 10; in some cities, 7 in 10; in some groups, 6 in 10.

Across the Nation, this is a wholly new experience. In the past 30 years the illegitimacy ratio in our country has grown from 5 percent to 26 percent. The Canadians have something of the same experience. Other nations, such as Great Britain, as well.

This is not an understood phenomenon. It is new. It is at the base, almost surely, of most of what we call the social problems in our country.

This is a responsible effort by mature demographers, social scientists, trying to get a record of an unprecedented experience for the Nation. It is serious work today—social science on a new subject of the utmost gravity. I cannot suppose that we will not let the National Institute of Child Health and Development go forward with this study at the National Opinion Research Center at the University of Chicago.

So, Mr. President, I respectfully move the amendment be tabled.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. I believe, Mr. President, the votes have been delayed to a later period in the day.

The PRESIDING OFFICER. The Senator is correct. The vote will occur later today.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. Chair recognizes the Senator from Mississippi.

AMENDMENT NO. 1116 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 9, LINE 10

(Purpose: To prohibit the Secretary of Labor from expending certain funds for the implementation or enforcement of certain regulations concerning model garment programs)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1116 to the excepted committee amendment beginning on page 9, line 10.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 10, strike out "$231,326,000," and insert in lieu thereof the following: "$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.),".

Mr. COCHRAN. Mr. President, this is an amendment to the committee amendment on page 9 which will prohibit the use of funds in this portion of the bill by the Secretary of Labor to enforce regulations relating to model garment programs, or model garment enforcement policies of the Department of Labor under the Fair Labor Standards Act.

Specifically, the purpose of the amendment is to recognize, as a matter of law, that such model garment programs should not be included under the wage and hour rules of the Fair Labor Standards Act for the following reasons.

For some years now, retail fabric stores—those selling bolts of cloth, buttons, and other items that are used to make garments, patterns that are used by people in their homes to make clothes—have had programs with their own employees that would permit an employee to receive fabric at no cost, with patterns and other necessary items to make clothes, and then to proceed to make model clothes to display in the store so that customers could see the kinds of clothes that could be made with the materials that are for sale in that fabric store. And at the end of the display period, which customarily is 3 to 6 weeks, the employee would then be permitted under this program to keep the dress or keep the clothes that the employee made. This turned out to be a very popular program with a lot of employees in many fabric stores all over the country.

A question was raised, though, by some who considered this to be a violation of the wage and hour rules under the Fair Labor Standards Act because the employees were not actually paid in cash, or as a part of their earnings by the store, for making that garment at home for display in the store. But it was considered by both the employer, the store owner, and the employee to be fair compensation if the employee could keep the garment after it was displayed for a short period of time. And so that is the issue. Is that kind of program violative of the wage and hour rules of the Fair Labor Standards Act? Many said it was; some said it was not. So the issue was debated. Finally, in 1988, the Department of Labor issued regulations which seemed to support the exception of this program from the Fair Labor Standards Act.

You read the regulation, like I guess a lot of Federal regulations, and you think it is going to conclude one way, and then it turns out with two paragraphs right at the end, after they talk about the program and talk about how there ought to be a separate policy for the model garment program under the Fair Labor Standards Act—it does not criticize this program; it does not say it violates any laws—then it gets to the end of the regulations and it says:

> An accurate record in home worker handbooks is maintained of all hours worked in the home sewing activities and the employees are paid for all hours worked both in the stores and in the home sewing activities in accordance with the provisions of the FLSA.

Having gone through this entire page of regulations talking about how this was a good program and how it benefited employees, it was popular with them, it showed consumers the kind of clothes that could be made with the fabrics there, it was good for the business, it was good for the employers, they then go down there and say but if you are going to have a program like this, you have to keep a record of all the hours worked at home and then you have to pay, separate and above giving the free clothes, for the work—the wage is the same for the home work—that would have been paid if the worker performed in the store. And so there is no program, in effect, under this regulation.

But when the minimum wage bill that we had before the Senate a few years ago was on the floor, I filed an amendment similar to the one that I filed today. This was the bill that changed the minimum wage rules, phased in increases in the minimum wage bill, and it was my hope that the Labor Committee would take a look at that problem and deal with it on that bill.

After some discussion with the chairman of the Labor Committee, Senator KENNEDY, I was promised that if I would not push that amendment at that time that Labor Committee staff would work with our staff and we would try to meet with the Department of Labor officials and resolve this dispute so that there would not be a termination, in effect, of the model garment programs in all the fabric stores in the country.

I am sad to report that, after some meetings were held, no progress whatsoever was made in getting any changes to these regulations that were issued in 1988. And so we come to this point in time, Mr. President, where we have run out of any other avenue to pursue what seems to this Senator to be a clear misunderstanding of the kind of program that the model garment program is, the fact that it is fair to employees.

The employees, frankly, enjoy being able to get the free materials from the store in which they already work and then to get patterns and to work at home on their own to make display garments for the store and then keep them and show them to their friends or wear them and enjoy them.

I have, for example, a petition—I have received a lot of calls and letters when this first started being discussed—but I have a petition from some employees in one store in Michigan who heard about the fact that we were trying to modify this program and permit it to go forward.

I ask unanimous consent, Mr. President, that a copy of this petition that is signed by a number of employees be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

JUNE 1, 1990.

We, the undersigned, who are employees of Minnesota Fabrics #613 (Warren, Michigan), would like to express our outrage at the elimination of our model garment program. We have been compared to "sweatshops" and we would like to make it quite clear that this is a misnomer.

(1) This program is a voluntary program. Some employees choose not to make items, be it for personal reasons or disinterest. Many of the employees are delighted to make craft items or garments. We are willing to put our time in because we enjoy sewing and learning new and more efficient methods of construction.

(2) We consider this program to be a truly wonderful benefit of our job. We get to experiment with new materials, patterns, accessories, and methods. It is most certainly to our advantage that we get our materials at no charge. We are able to update our wardrobes, where some may be lacking because of the expense. We are able to make things as gifts, where maybe we would have been very reluctant because of the cost and time involved.

(3) It is to our advantage and the store's to make our model garments. We are walking advertisements for our merchandise. We are able, first hand, to know if a fabric is suitable, durable, and compatible with our needs. We are able to help our customers with quirks, problems, or advantages of certain patterns. Customers are able to see garments in a variety of sizes, too. It often is very difficult to picture a garment in a size 16 or 18 when the garments that are sent in and the pattern books are only showing them in svelte sizes.

(4) The model garments we make are often characteristic of our region and a reflection of our customer's needs. We reflect a broad cross-section of people. One store may cater mainly to professionals who are looking for suits, maybe dry-cleanable and made by dressmakers. Another area caters to working women and homemakers looking for easy care fabrics and styles that they can make for themselves and their families. It is not uncommon for customers to inquire, comment, and compliment us on garments that have long been down from displays. We see the needs of our customers and we do our very best to accommodate those needs.

(5) Our store is "personalized" by our model garments. When a customer walks into our store now, it is nearly void of "personality". Now we are fixtures, fabrics, and signs. No longer do customers walk in the door and "tour" the store! The few garments that have been sent in are too basic, poorly constructed, unstylish, and uninteresting. Our customers also can see the same garments at every store in the district! Rarely do they stop and "check them out", ask questions, or choose to use the same patterns and fabrics. Our customers see the pride we have put into our own model garments. They often take ideas away with them and/or want to duplicate them.

In conclusion, we feel strongly that for the opinions of a few, we are being deprived of a fine program. It is a program of which we are very proud! We enjoy it a great deal, see it as a substantial "perk" to our job, and maintain that it is a necessity to the advertising and the selling of our products.

LYNNE A. SETLAK
(and 12 others).

Mr. COCHRAN. Mr. President, in essence, what these employees are saying in their petition, which is a request for reinstatement of this kind of program, is that this is a voluntary program. Some employees choose to make clothes. Some do not. Many of the employees are delighted to do this. "We are willing to put our time in because we enjoy sewing and learning new and more efficient methods of construction. We consider this program to be a truly wonderful benefit of our job." And then they go on and talk about some of the other aspects. Customers are able to see the garments in a variety of sizes. They talk about how most model garments are in very small sizes, whereas most average people may be bigger than the small sizes that are displayed in a lot of the retail merchandise stores that we are normally accustomed to seeing. They say this is really a characteristic that is appreciated by many customers.

In conclusion, I am going to quote from the petition—

> * * * we feel strongly that for the opinions of a few, we are being deprived of a fine program. It is a program of which we are very proud! We enjoy it a great deal, see it as a substantial "perk" to our job, and maintain that it is a necessity to the advertising and the selling of our products.

And then a number of employees have signed the petition.

But that is not unlike many of the calls and letters that I have received since I have been working to try to restore this program. The American Home Sewing Association has been in contact with me. A number of stores in my State enjoyed this program. Now they are, in effect, out of business. The stores are not as attractive, I am told, and it is a shame that these employees cannot voluntarily engage in this home sewing program that supplements their ability to provide for their own needs. It deprives them of opportunities to learn new ways of making clothes to benefit their families.

So it seems to me, Mr. President, that this is a very harmless exception to make to their Fair Labor Standards Act. I know the hue and cry that rises from the union leadership when you make any exception to the Fair Labor Standards Act. We cannot get anywhere in talking about a voluntary agreement or a change in these regulations that would be recommended by those on the other side of the issue to the Department of Labor. So the Department of Labor will not move on it. They do not want to get confronted with a big, long, drawn-out confrontation over this small issue because it, to them, is a very small issue. To the people involved, it is a very important issue.

So I bring it up again, Mr. President, in hopes that we can agree to make this modest change. It is not going to destroy the integrity of the protections of the Fair Labor Standards Act for wage earners, from those in the sewing industry, for the garment plants around the country. It is not going to do any damage to the integrity of those institutions or to that industry or to the workers, to the union members as well.

So I hope the Senate will look anew at this issue today and approve this suggested change, which is very modest. But I hope I have been able to explain it in a way that is understandable to the Senate so that we can agree that it is something that needs to be done.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair. First off, I will inquire of the distinguished Senator from Mississippi if he will be willing to make me a principal cosponsor of this amendment.

Mr. COCHRAN. Mr. President, I appreciate the Senator's suggestion, and I ask unanimous consent that the distinguished Senator from North Carolina be listed as a cosponsor. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Senator and I thank the Chair.

Obviously, Mr. President, I support this amendment and do so enthusiastically. It is a first step toward achieving a full loaf, as the saying goes. This amendment just makes plain common sense. It allows employees to sew model garments at home which are then displayed at the store, and then the employee owns the garment. The employee loves this program. The store likes it because this is a model for display of patterns and all the other things necessary to sew dresses and other pieces of apparel.

Mr. President, here is how the program used to work before the Department of Labor stuck its nose into it: A retail store would decide to give several employees some fabric and some patterns and the employer would say, "If you sew this at home, we will display it at our store for a few weeks or a few months and then you can have the dress." Obviously, as I said earlier, the employees loved this program because it gave them a chance to sew a new dress for themselves. But then the Department of Labor stepped in and said, "Oh, no, no, no, you cannot do that."

You have to keep records and pay minimum wage and all the rest of the Federal bureaucratic gobbledygook. This is a result of the current ban on home work in women's apparel. Well, of course, the employers do not want to go through all of that redtape—so the program falls. They stopped programs that were such a benefit to the employees and beneficial to the store itself because it helped focus attention on the fabric and all the rest necessary for making the dress.

It seems to me, as the Senator from Mississippi so eloquently said, we should be encouraging this type of program, not discouraging it. This program was a benefit to the employee because the employee was able to keep the dress, and furthermore, the employer provided the material for the garment at no cost to the employee.

I do hope Senators will approve this amendment, because it is a good one. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, an effort is being made to resolve the amendment that I had just offered on the Model Garment Program, and while negotiations are underway, we are willing to go forward with a couple of other amendments that we could proceed to consider that would not require any roll call votes.

So I ask unanimous consent that the Cochran amendment be temporarily laid aside so we can proceed to other business.

The PRESIDING OFFICER (Mr. DIXON). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1117

(Purpose: To require the Secretary of Education to treat certain States as being in compliance with certain regulations with respect to Impact Aid)

Mr. COCHRAN. Mr. President, on behalf of Senator DOLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOLE, proposes an amendment numbered 1117.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, line 4, insert before the period the following: ": *Provided further*, That the Secretary of Education shall treat States as being in compliance with the regulations under section 5(d)(2) of the Act of September 30, 1950 (Public Law 81–874), if such States utilize equalization formulas, based upon the wealth-neutrality standard as contained in section 222.64 of title 34, Code of Federal Regulations, that the Secretary has not previously determined to be in noncompliance with such regulations.

Mr. DOLE. Mr. President, the recession and rising program costs have created education budget crunches for many States. Kansas is no exception. Only last Sunday, Kansas' top expert on financing elementary and secondary education for the last 25 years, Dale Dennis, stated in a newspaper article that "It's the toughest year I've been through." Now I understand that a reinterpretation of regulations under the Federal impact aid law may make it even tougher.

Impact aid compensates the States for increases in student populations and/or loss of property taxes due to a Federal presence. To ensure that Federal money is properly distributed to affected districts, States are required to develop equalization systems. In 1974, a colloquy on the subject between myself and my friend, the senior Senator from Rhode Island [Mr. PELL], pointed out that it would be extremely difficult to develop one definition or formula with which every State program would be in conformity. Instead, the colloquy suggested that the head of Education, the Commissioner at that time, be granted the latitude to only, and I quote, "Determine individually whether or not a State has 'an equalization program,' taking into account the major aspects relating to both expenditures and local effort." Although I have seen no study or review, the Department's recent reinterpretation of these regulations has moved toward a single definition. It seems to me that the Department is getting a little ahead of itself, and forgetting that the purpose of these equalization formulas is to eliminate windfalls to federally impacted schools.

The proposed reinterpretation would present rural States, such as Kansas, with significant hardship because it allows no flexibility to adjust the formula for a district's wealth. For example, Kansas' formula takes into consideration both the tax base and student expenditures. This enables poor districts to receive State aid, while wealthier districts receive less. By ignoring the tax base of a district, the new interpretation would require that State aid be spent on our wealthier districts because these districts' pupil expenditures are greater than the Department's aid benchmark. As these districts also happen to be the largest districts in Kansas, little State-aid money would be left for truly needy districts.

And rural districts need State aid the most—smaller teacher-to-student ratios boost per-student expenditures anywhere from $3,000 to $5,000 above the national average. Kansas could only comply by consolidating districts to provide more cost-effective teacher-to-student ratios. However, such compliance would require that rural students ride a bus for 45 miles or more each way. In some areas, I am told, the communities are so far apart that students would have to be flown to school. That would not save any money—not to mention that pulling out these schools will turn affected areas into ghost towns.

Mr. President, to this Senator's knowledge, there has not been any allegation by anyone that this equalization formula has been abused, has resulted in any unfairness, or has been in conflict with Congress' purpose. As congressional intent is nevertheless being forgotten here, it's necessary to ensure that States which have operated within the principles of impact aid not be needlessly penalized by this reinterpretation. I would like to send the following amendment to the desk.

Mr. President, this amendment would provide that at least for this fiscal year, my State's impact aid funding is not threatened in the middle of this formidable challenge to our educational system. I appreciate the support of my colleagues in this matter.

Mr. HARKIN. Mr. President, we have no objection to the amendment on this side.

Mr. COCHRAN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. All time is yielded back. the question is on agreeing to the amendment.

The amendment (No. 1117) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1118

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH (for himself and Mr. HELMS), proposes an amendment numbered 1118.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 5, after the number 3302 add the following: ": *Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer $2,900,000 to carry out Section 339 of the Public Health Service Act".

Mr. HATCH. Mr. President, I rise to offer an amendment to the bill today. My amendment is a simple one. It will allow for the continued funding of the managed health care services in the home demonstration programs that are currently ongoing in five States. These States, Hawaii, South Carolina, North Carolina, Mississippi, and my own State, Utah, have undertaken the task of demonstrating this unique concept of health care. They have been funded for the past 3 years but need the funding for an additional 2 years to complete the demonstration and give us an adequate report on how the program worked. Three years is simply not an adequate time period to conclude this demonstration. The first year is spent in organizing the program and getting the staffing up to the proper levels. The second year is a productive year in finding the target population in need of the services and beginning the work called for in the demonstration. If we cut off the program after the third year the staff will start to leave in search of other emloyment and all we would only have 1 year of actual service to base our information for future decisions on the program. I have spoken at length to the people involved in the program and they strongly feel that a full 5 years is needed to adequately demonstrate the need for managed home health care services.

Mr. President, I want to spend a few moments on the reason that I am on the floor today defending the managed health care services in the home program. The sad truth of the matter is that all to many of our young children, and a great many of our elderly people, do not have adequate access to proper health care. There are many reasons why this occurs. The managed health care services in the home program was devised to see if there was a way to bring the necessary health care to these people. Some of the initial reports have been encouraging. We are seeing some real success stories out there. Now is not the time to stop this important demonstration. I am fully aware that we are faced with tough economic decisions in every spending bill we debate. This is a particularly tough one since it affects the vast majority of Americans. I am supporting a concept that I believe has true merit. It not a large sum of money in the whole scheme of things, but is a great deal of money to the people who are receiving the services provided in this demonstration. I urge my colleagues to give this program a fair test and fund it for this year and the final year in fiscal year 1993. If the reports are as favorable as we think they will be, then there will be a time when every Member of the Senate will be supporting this innovative concept in health care.

Mr. HARKIN. Mr. President, we have no objections on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1118) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1119

(Purpose: To insure a fair distribution of AIDS care grants. To allow for funds to be distributed to the States relative to the number of HIV cases in each state)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 1119.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 19, insert before the period a semicolon and the following: "*Provided further*, That it is the sense of the Senate that none of the funds appropriated pursuant to this paragraph for "counseling, testing, and partner notification grants" in connection with the human immunodeficiency virus shall be distributed pursuant to title IIIA of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990".

Mr. SMITH. Mr. President, my amendment would express the sense of the Senate that funds distributed for AIDS counseling, testing, and partner notification be distributed pursuant to preexisting formulas, rather than the mechanism contained in the CARE bill. The CARE formula would result in reductions for 40 States, including my own State of New Hampshire, which gets 16 cents on the dollar under the Ryan White bill.

My amendment not only protects States without metropolitan areas and with cities containing less than 2,000 AIDS patients, but it protects AIDS patients who do not live in these areas. AIDS is a problem not only in the big city. Small cities, suburban, and rural areas are not immune to the disease.

This amendment is only a sense of the Senate amendment, but I believe it puts the Senate on record more forcefully on behalf of the proposition that AIDS money be distributed to the States more proportionately to the amount of AIDS cases in each particular State.

The Ryan White bill was named after Ryan White, a young boy whose struggle with AIDS captured America's heart. Under the first part of the Ryan White bill, however, Kokomo, IN, the community from which Ryan White came would not get any financial assistance. Cities such as West Palm Beach, which has 62 children who are dying of AIDS, would receive no funds, while cities such as Oakland, San Diego, or San Francisco, which all have under 20 cases of AIDS-infected children would be among the 18 eligible cities to receive these large grants.

In sum, Mr. President, the amendment before us will insure that AIDS funds are fairly and adequately distributed in a way which will insure that all AIDS victims in both large and small States can benefit. I urge its adoption.

Mr. HARKIN. Mr. President, this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, that amendment has been cleared on this side. We ask that the Senate approve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 1119) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Kansas [Mrs. KASSEBAUM] be added as a cosponsor to the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Wisconsin [Mr. KASTEN] be added as a cosponsor to the Cochran amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator CRANSTON be added as an original cosponsor to the amendment adopted earlier today to establish a prostate cancer research center.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are working out the Cochran amendment. I hope we will have that resolved shortly.

Again, I say to Senators that we have time limits. We have a limited number of amendments, and the sooner we get the amendments considered and adopted the sooner people will be able to go home tonight. Now, we have a Kerrey amendment, a Ford amendment, another Helms amendment, two Seymour amendments. The Smith amendment was just adopted. Those are the only amendments left.

I hope the Senators will come over so we can take up additional amendments to those being offered by those Senators whose names I just listed. But as long as they stay away from the floor, the longer we are going to be here tonight, Mr. President.

Mr. HELMS. Mr. President, to keep things moving, I send an amendment to the desk which I have discussed with the distinguished manager of bill, the majority and minority leader. I ask it be stated.

The PRESIDING OFFICER. Is there unanimous consent to once again set aside the amendment by the distinguished senior Senator from Mississippi?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1120

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

> The Senator form North Carolina [Mr. HELMS] proposes an amendment numbered 1120.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does he yield time?

Mr. HELMS. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for as much time as he may require.

Mr. HELMS. Mr. President, let me just explain in a few moments what the amendment does. It is the same amendment that the Senate approved to H.R. 2608, the Commerce, State, Justice appropriations bill back on July 30. A motion to table it failed by a vote of 38 to 60. I vitiated the yeas and nays on the amendment and it passed unanimously by a voice vote.

Mr. President, let me begin, as I did in July, by reading to the Senate a hand-written letter that I received from a hard-working, average citizen of North Carolina, who wrote:

> Hon. JESSE HELMS: For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for. At the same time I learned of this, every governing body that effects us has either already raised our taxes or is in the process, claiming that they have cut all spending to the bare bone. The honest hard working taxpayer is being blasted from all sides while the criminal gets light sentences, early release, lawyers paid for, air conditioned cells with color TV and carpet; plus a college education. It is no wonder we're having a crime wave. The better it is made for them, the more crime you're going to get.
>
> Please answer one question for me, Why?
>
> BILLY TETTERTON.
>
> PLYMOUTH, NC.

I might add, Mr. Tetterton is a small businessman who works hard and pays his taxes. He does not understand a lot of things that go on in Washington, DC, just as this Senator does not understand a lot of things that go on in Washington, DC.

Billy Tetterton is the owner of a small restaurant which he has named "The Little Man Restaurant" in Plymouth, NC.

Mr. President, Americans may find it hard to believe—as did I—but criminals are indeed able to receive Pell grants to pay for their college educations while they are in prison. You heard it right: The Federal Government is providing free college tuitions for prisoners at a time when so many law-abiding, taxpaying citizens are struggling to find enough money to send their children to college.

The amendment that is now pending would end this anomaly by making incarcerated criminals ineligible for Pell grants.

Mr. President, I believe that incarcerated persons should not receive Pell grants to pay their college tuition. In H.R. 2707—the Labor, Health and Human Services Appropriations bill—the pending bill—the Appropriations Committee proposes spending $5,460,000,000 on Pell grants just this year, which is $14,282,000 less than last year. Discussions concerning this year's reauthorization of the Higher Education Act have also included various proposals to increase the maximum Pell grant a student can receive from the current $2,400 to as much as $4,500. Some are even asking that Pell grants be made an entitlement program while other proposals would restrict eligibility for the grants to students in the lowest income brackets—a bracket sure to include most prisoners since the majority of them have little, if any, income while they are in jail.

While I do not know the total amount of money the Federal Government spends on giving Pell grants to prisoners, I do have a newspaper article that appeared a few months ago in North Carolina which indicates that it is a significant amount of money—even by Washington's standards.

Mr. President, I ask unanimous consent that the July 14, 1991, article from the Raleigh News and Observer titled "Inmates Get Student Aid for College Courses" be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. According to the article, Mr. President, college professors were sent into four prisons in North Carolina to teach 223 inmates this year. Those prisoners altogether received a total of $689,246 in student financial aid—$345,000 of which came directly in the form of Pell grants. How did these inmates obtain so much Federal student aid money? Because the convicts' lack of annual incomes made them eligible for the maximum Pell grant award.

Fortunately for the taxpayers, the cost of tuition in this particular college program was less than the $2,400 per prisoner the taxpayers could have been forced to fork over. However, the taxpayers were still stuck with paying close to $1,550 per inmate in the program.

Mr. President, the fact remains that the American people still spent $345,000 worth of Pell grants for just 223 prisoners from only four prisons in North Carolina. Now if we multiply that amount by all the inmates in every prison all across the country who are taking college courses at Federal expense we are probably talking about hundreds of millions of dollars.

How do we justify this massive expenditure of money to the millions of American taxpayers forced to foot the bill for these inmates' college tuition while the taxpayers themselves are forced to take out thousands of dollars in loans to send their own, law-abiding children to college? The answer is that it cannot be justified.

Mr. President, an article that appeared in the Chronicle of Higher Education this past June 5 notes that several States have discovered that the Pell grant program is a great way to spend less of their own money on vocational rehabilitation for prisoners. Instead of paying for it out of the State's budget, they encourage the inmates to apply for Pell grants.

The article also notes that the practice could become more widespread as States become squeezed by financial problems and as more States turn prison management over to private companies.

However, Robert Keys, president of John Wood Community College in Illinois, has refused to let his school help prisoners apply for Pell grants as the State of Illinois has asked him to. Mr. Key's refusal is based on his belief that using Pell grants to offset State prisoner rehabilitation spending "does not seem to be consistent with the intent of the Pell grant program." As Mr. Keys said, "if more prisoners receive Pell grants at the State's prodding, that might mean that some deserving student in North Carolina or someplace else doesn't."

Mr. President, I agree with Mr. Keys and I respect him for sticking by his guns. It is important that prisoners be made ineligible for Pell grants now. The number of prisoners in the one program in North Carolina jumped from 158 last year to 223 this year. So, the word is getting around with increasing speed and we can expect that—unless this amendment is approved—more and more inmates will take advantage of this free college education in the future.

I expect Senators will hear arguments about prisoner rehabilitation and sundry other concerns about the poor plight of prisoners. But the fact, Mr. President, is that the Federal Government already spends large amounts of money on prisoner rehabilitation and prison literacy programs. And Congress has already, as part of the Anti-Drug Abuse Act of 1988, denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. That act denies any grant, contract, loan, professional license, or commercial license to convicted drug criminals. I see no reason why other criminals, including murderers, should be treated any better.

Mr. President, some may say that the measure of whether prisoners should get student aid should be based on the benefit it provides society; that is, does a diploma change prisoners? Well, the Raleigh newspaper's interview with a 65-year-old student prisoner, David Ellis, was as revealing on this point as it was candid and honest.

Mr. Ellis stated that his college classes seemed like something out of a remedial high school. Mr. Ellis went on to say that one student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm. This 65-year-old man—who has been around awhile—also observed that many of the inmates were taking the classes just for so-called gain time—because for every course a prisoner passed, the prison would knock 20 days off the inmate's sentence.

Mr. President, Mr. Ellis made one other comment that I have to admire for its honesty and truthfulness. He said, regarding his tuition assistance, "I really don't deserve this."

I do not mean to be cruel or spiteful, but I think this prisoner is absolutely right, Mr. President.

If one inmate, receiving the largess of this program, can understand the fundamental moral inconsistency in what the Federal Government is doing, then we—the people's representatives—should understand it as well. If we do not, I guarantee you that the criminals will, and do, understand the message this program sends them.

Mr. President, our duty in providing Federal funds for student financial assistance—particularly in this era of budget deficits at both the State and Federal levels—is to first satisfy those seeking a college education who are not in prison. Otherwise, we send a message to the public that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education—something that thousands of taxpaying, law-abiding Americans are unable to afford.

I reserve the remainder of my time. I yield the floor.

EXHIBIT 1

INMATES GET STUDENT AID FOR COLLEGE COURSES

(By Billy Warden)

In a drab room heavy with stale air one floor below death row, David Ellis leans forward as if to confide a secret.

"I really don't deserve this," he says.

He's not talking about the life sentence he's serving for first-degree sex offense. He's talking about his education. First, taxpayers put Mr. Ellis in prison. Now they're putting him through college.

Mr. Ellis, 65, entered Central Prison on Nov. 4, 1988. A year later he began going to class in a spartan room, just past a row of cramped steel cages.

Shaw University provides the teachers, the materials and the diplomas. Federal and State aid programs provide the money. Mr. Ellis receives a federal Pell Grant, the chief means of financial aid for poor students, as well as several state grants that benefit the poor.

He points out that most prisoners will one day be back in society and will need a college diploma to lead productive lives.

"These programs," he says, "don't hurt anybody."

But they have rankled many. Lt. Gov. James C. Gardner fired off a letter to Sen. Jesse A. Helms this month opposing grants for prisoners.

"I find it outrageous that our government is paying for what amounts to a free college education for criminals," Mr. Gardner wrote. "It sends the message that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education, something that many law-abiding citizens cannot afford. * * * I would rather see prisoners apply for student loans and be required to pay * * * the government back."

State Sen. Daniel R. Simpson isn't pleased either.

"I am upset about tuition money going to prisoners when I don't think everyone in this state who isn't in prison and who wants and needs help can get it," says Mr. Simpson a Republican from Morganton.

"First, we've got to satisfy those who aren't in prison. If there's any money left over, and the prisoners want an education, I think that's fine."

Last year, Shaw sent professors into four prisons to teach 223 students. The inmates received $689,246 in aid, all of which went to Shaw. Inmates usually are eligible for the maximum amount allowed through Pell Grants, $2,400 a year. Last year the grants, named for U.S. Sen. Claiborne deB. Pell of Rhode Island, accounted for $345,000 of the aid Shaw received.

DEMAND GROWING

Pell Grants are a federal entitlement program, meaning that a needy college student—generally defined as coming from a family making less than $35,000 a year—probably can get a grant. For the next academic year, the grants are scheduled to go to 3.4 million students.

The amount Congress sets aside for the program and the number of applicants determines the maximum amount of each grant. The current maximum is $2,400.

The problem has been that the maximum has not kept pace with inflation. Poor students often take on several loans to make ends meet. Inmates don't take out loans. As one official in the State Department of Correction put it, "What bank, what business would take the risk of loaning inmates that kind of money?"

Exact figures are not available, but more inmates are lining up for Pell Grants, according to the Chronicle of Higher Education.

At Shaw, the number of prisoners using Pell Grants jumped from 158 in 1989-90 to 223 in 1990-91. The overall rise could hinder efforts to raise the dollar value of the grants by increasing the number of hands grabbing for the dollars.

Many students not in prison are counting on grants. Hasoni Andrews is a junior at N.C. State University who depends on a $7,000 aid package, including a Pell Grant. Last month Ms. Andrews sat before a Congressional committee bemoaning the shortage of grant money.

Is she worried that prisoners using Pell Grants might jeopardize her aid?

"I think the measure of whether prisoners get grants should be what the benefit is to society," she says. "Does a diploma change prisoners, or do they get out and go back to crime?"

GETTING OUT, STAYING OUT

"Nobody," Robert Powell proudly says, "Nobody who graduated from one of our programs and got out is back in prison."

Dr. Powell is the assistant academic affairs officer at Shaw and co-founder of the prison program. In 1983, Shaw, a private, historically black college in downtown Raleigh, started offering a two-year Associate of Arts degree and a four-year bachelor's degree in business management at the N.C. Correctional Institute for Women in Raleigh.

Shaw now offers associate degrees at Central Prison, bachelor's degrees at the Harnett and Eastern correctional institutes, and associate and bachelor's degrees at women's prison.

Since 1983, 167 inmates have received associate or bachelor's degrees from Shaw at ceremonies on prison grounds. But only a handful of the graduates have been released.

Education directors at the prisons say that as far as they know, none of the graduates released since the mid-1980s has returned to prison. If they're right, that's a zero recidivism rate. The average rate of recidivism in North Carolina is about 33 percent.

Massachusetts also gives prisoners free college educations. The overall recidivism rate there is 50 percent. For men who earn degrees in prison, it's about 10 percent.

Ex-convicts at least have a chance with a degree, Dr. Powell says.

As soon as the prison program comes up, Dr. Powell turns from bureaucrat to impassioned advocate.

"Helping the downtrodden is a part of this university's mission," he says.

The prison program is misunderstood and underappreciated, he thinks.

"We're a black institution," he says brusquely. "The prison is where the black male is. If you want to educate the black men, if you want to reclaim that talent out there, you have to go into the prisons.

"Look, man, it took us a long time to get inside those walls. People told us it would never work. But it does work, Shaw is on the cutting edge."

A BETTER PERSON?

Far from being cutting edge, Mr. Ellis says his first year of Shaw classes seemed like something out of a remedial high school.

One student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm.

Many of Mr. Ellis' classmates were in it just for "gain time." For every course a prisoner passes, the Department of Correction knocks 20 days off the inmate's sentence.

Mr. Ellis took four classes. Each class met once a week from 6:20 p.m. to 9 p.m.

After class, Mr. Ellis found himself and his classmates ostracized by other inmates. "The men in the program are looked down on," he says. "People say, 'Oh, you're a sissy,' The black men tell the black students, 'That's a white thing to do.'"

By the second year, the slackers had flunked out or dropped out. The homework that Mr. Ellis took back to his cell got tougher. Shaw's classes aren't as "intensive" as he would like, but Mr. Ellis says he is learning.

Both UNC-Chapel Hill and N.C. State University accept course credits from Shaw, but not all the program's graduates feel particularly erudite.

"I didn't learn a lot," says Lynn Adams, 28. "What you learn you can't really apply to the real world. It's not college-level education. It's more for people who just got their high school GED and want to learn a little more."

Another graduate feels she pushed her life forward with the courses she took at women's prison. Because she wants a "normal life," she would not speak for attribution.

She left prison in 1988 with a bachelor's degree from Shaw. She was trying to start over after being convicted of second-degree murder and serving five years. "I was devastated going into prison," she says. "Being in the Shaw program, I didn't feel so isolated anymore; I got self-esteem."

A month after going free, she landed a job as an administrative assistant. She makes $20,000 a year, $5,000 more than she made before going to prison. She got a loan and bought a house. She now supports her high school-age daughter and is working toward a master's degree in public administration.

"I don't think that when I got out, I would have turned to a life of crime without a degree," she says. "But it kept the focus on the positive, and now I can teach my children about striving to be a better person."

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. May I say to the distinguished senior Senator from Rhode Island, as I understand it, the time allocation is 20 minutes evenly divided. The distinguished senior Senator from North Carolina has taken about 2 minutes of time. The distinguished senior Senator from Rhode Island has 10 minutes.

Mr. PELL. I thank the Chair.

I am rising to comment in opposition to this amendment that is before us at this time.

We all know that the prison population in America is soaring. Today we have a higher percentage of our population in prison, in jail, than any other nation in the world except for South Africa. In fact, the United States and China lead the world in the total numbers of prisoners.

Nationwide, the total inmate population has increased fivefold in the past 20 years. In 1970, the population in local, State, and Federal institutions was less than 200,000. As of 1988, that number has gone up to 600,000. In other words, in the short period of 18 years the prison population had tripled.

Today, there are over 1 million men and women behind bars in this country.

The cost of incarceration is enormous. On average, we spend $30,000 a year to keep a person in jail. In other words, it costs us more to send a person to jail than to Yale.

Education is our primary hope for rehabilitating the prisoner. Without education, I am afraid we are doomed to a recidivism rate of almost 50 percent. In other words, the door into jail will remain a revolving one. With little or no education, a person will leave prison only to commit another crime and be returned to prison. In other words, prisons are becoming schools for crime.

Unfortunately, education in our prisons today is inadequate and underfunded. All too often, the main source of educational assistance is the very small amount of money we provide through Federal programs and in what is available through the Pell Grant Program.

Make no mistake about it, the amount is small. The incarcerated account for only one-tenth of 1 percent of all Pell grant expenditures. That help, however, is crucial if we are to return to society an individual who has the training to get a job and not resort to a life of crime.

Despite the small amount we invest in corrections education, we are making a difference. For those who receive education and training while in prison, the drop in the rate of recidivism is considerable. For instance, graduates of Alabama's largest inmate education program, J.F. Ingram State Technical College, have a recidivism rate that is one-third lower than that of the Alabama prison system as a whole. In Arkansas, for inmates who attain a high school degree in conjunction with postsecondary vocational training, the recidivism rate is approximately 8 percent.

Mr. President, we can take steps to insure that funds go to those with the best chance of rehabilitation, but I do not believe that we should drop the incarcerated entirely from Pell grant eligibility. In the higher education reauthorization bill we are now putting together, we will exclude from Pell grant eligibility those who are in prison and serving under sentence of death or any life sentence without eligibility for parole or release. We will also make sure that the grant covers only the actual cost of instruction. These are changes, however, that should not be made on this appropriations bill. Rather, we should make them on the authorizing bill, which is precisely how I would like to proceed.

I realize that this is a difficult and highly charged issue. Yet, it is an issue where, if we approve the Helms amendment before us, we will pay an even higher price than we are already paying. I would ask my colleagues to join me in opposing the Helms amendment.

In this regard I ask unanimous consent to have printed in the RECORD two letters which demonstrate the importance of the Pell Grant Program to the incarcerated. One is from the National Association of Student Financial Aid Officers as well as a number of other prominent education organizations and the other is from Robert E. Obenhaus, president of the Microcomputer Technology Institute in Houston, TX.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NASFAA,
September 9, 1991.

DEAR SENATOR PELL: The National Association of Student Financial Aid Administrators (NASFAA) and the undersigned higher education associations urge you to reject any amendment to the Labor, HHS, Education Appropriations bill for FY-92 which eliminates from Pell Grant eligibility individuals incarcerated in Federal and State prisons. We believe that this legislation on an appropriations bill is inappropriate and the proper examination of this issue should occur in conjunction with the Reauthorization of the Higher Education Act which will be considered by the Senate later in this Congress.

Beyond this simple jurisdictional argument, we urge rejection of the amendment because it is neither sound education nor sound social policy. It ignores the fact that most incarcerated individuals do not spend their entire lives in prison (only approximately 8 percent of inmates are "lifers"), but are released into society after serving their sentences or are paroled. To deny these individuals a Pell Grant, which can be used to help cover their direct educational costs, and the chance to rehabilitate themselves through a postsecondary education, results in such individuals leaving prison with no further education or marketplace skills. An inmate who does not receive any additional education while in prison is more likely to fall into old criminal patterns. All evidence shows that recidivism rates are drastically lowered for those who participate in postsecondary education programs while they are serving their sentences.

The amount of Pell Grant funds that are expended upon these persons each year, which in turn enables them to obtain an education, is a minuscule fraction of the cost of maintaining a prisoner for a year which ranges from $15,000 to $40,000. This is cost effective education with tangible results, not only for those who receive the educational assistance while in prison, but also for their families. There is a greater benefit to society in terms of reduced personal injury or loss of property for every individual who does not go back to a life of crime.

In the attachment, NASFAA shares with you some correspondence from incarcerated persons who have received Pell Grants in the past and the benefits they describe are worth listening to. Again, we urge you to reject any amendment which restricts eligibility for Pell Grants to incarcerated individuals.

The following higher education associations endorse this letter:

American Association of Community and Junior Colleges.

American Association of State Colleges and Universities.

American Council on Education.

Association of Catholic Colleges and Universities.

Association of Community College Trustees.

Association of Jesuit Colleges and Universities.

Association of Urban Universities.

National Association for Equal Opportunity in Higher Education.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of State Universities and Land-Grant Colleges.

National Association of Student Financial Aid Administrators.

National Association of Student Financial Aid Administrators.

COMMENTS FROM INCARCERATED INDIVIDUALS ON THE IMPORTANCE OF PELL GRANTS AND THEIR EDUCATION

"I understand that I am in prison for a crime. I am sorry for this but how can I change my life if there are no avenues for me, or others, to pursue? I quit school because of peer pressure and teacher pressure, my own misguided way, yes . . . but this college program is giving me the ability and the confidence to believe in myself. I ask you to keep the "ax" from falling upon the Pell Grants, please give me, please give people the chance to better their lives, particularly those of us who want to and need to."

"I am a graduate student at the University of (name deleted) working toward my Ph.d in an area of theoretical chemistry. Despite the demands of the program and the hectic lifestyle it gives rise to I feel very fortunate to be involved in something truly worthwhile and productive. Had someone suggested that I might be doing (and enjoying) this type of lifestyle only a few short years ago I would have been flattered but hardly in agreement with them. However, it is a reality now and it was made possible only by the moral support of caring people and Pell Grants. I served more than five years in the (name deleted) Correctional System and it was there that I earned my Associates and Bachelors degrees."

"I have a perfect 4.0 average and have been congratulated for making the Dean's List, as a result of a lot of hard work. Without funding through Pell, this would have never been possible as I, along with the other prisoners here, have no income, nor any way to pay to attend the college classes offered at this and many other prison institutions . . . I had never attended college before, but once I am free (in a few months) I intend to pursue further education at a nearby community college . . . Now, at 30 years old, I can get my degree and have a chance at learning something that I can build on, or make a career out of. Without the opportunity to attend these classes, while incarcerated, on a Pell Grant my future would not hold the promise that it does now."

"All of the individuals who have benefitted from the (name deleted) College Program were only able to do so with the Pell Grant. That the program has been beneficial, as well as worthwhile, I can attest to; I graduated this past June . . . As an incarcerated woman who was given the opportunity to obtain a college education while incarcerated, I can tell you that I am 100% more secure with myself and my chances to successfully reintegrate into our society. The purpose, as I see it, to corrections is to offer individuals in prison a different approach to live productively in our society. College educations offer this in the correction setting. Sir, most respectfully I beseech you to not discontinue that Pell Grant to incarcerated individuals. We desperately need programs like the (name deleted) College program. These programs do far more than just educate, they offer us life; the productive life that will insure our success in society."

"I am a senior . . . My GPA is 3.18 and have received several college honors. Most of these achievements occurred while I was incarcerated. I was released two months ago from prison . . . A person that has college training statistically has less monitoring needs upon release than those inmates who do not have college training. Cutting Pell Grant eligibility will not save money. In fact, removing this educational opportunity from the incarcerated will cost the taxpayer much more in the long run because there would be much higher additional costs to house more inmates and higher monitoring costs when someone is released from prison."

"Pell Grants fund programs in prison that keep inmates busy. We have all heard the aphorism 'idle hands are the devil's workshop.' There is more than a grain of truth in this old saw. One of the largest problems facing prison administrators is that of finding work for inmates. College courses provide jobs for many men . . . They also provide incentives for good behavior because, in many facilities, only men without disciplinary problems are allowed to participate. These programs keep inmates busy and out of trouble, reducing property damage to the facilities and saving taxpayers money. Pell Grants reduce recidivism. They accomplish this by improving an ex-offender's employability, by reducing the reoccurrence of 'bad' behaviors, and by improving social skills. An ex-offender often has trouble finding meaningful work. College programs provide ex-cons with job skills and a proven record of achievement in an environment that is not conducive to self-improvement. These programs teach inmates self-confidence, self-esteem and the healthy value systems that are necessary to survive in today's society. By allowing inmates to see new possibilities, new worlds, they are better able to achieve their goals and not return to their destructive behaviors, because they no longer need to or want to. Programs often improve social and communication skills and this reduces recidivism by enabling the ex-offender to perform better in the home and workplace, reducing stress and the impulse to commit crime. By reducing recidivism, Pell Grants save the taxpayers untold millions of dollars."

"I am writing this letter to express my concern over the possibility that the Pell Grant for incarcerated persons may be terminated. I am presently a 4.0 student at (name deleted). I really enjoy the program here at the prison. It allows me to get something positive out of a negative situation. The learning I get can benefit me for the rest of my life. I think that it will make my transition back into society much easier. The (name deleted) College Program is the most rehabilitative program here and I know that I am not alone in thinking that cancelling it would be a very counterproductive move toward correcting the behavior of the inmates who are in the program. Also, I'd like to add that the inmates who are in the program are about 93% report free."

"The Pell Grant has allowed me the opportunity to again realize my dreams and goals. I'd previously dreamed of being a history instructor, but those dreams all but evaporated when I was called upon to serve my country during the Vietnam war. We all need the educational financial assistance, because getting an education is the only realistic avenue to improving our social status. Everyone benefits when we have informed, highly motivated individuals seeking to reform their lives. Pell Grants, then, should not be discontinued. Please work to discourage the passage of such legislation. Help us return something to society, even if it's no more than an individual with renewed self-esteem and confidence."

"Most of the people that are incarcerated have little or no education or job skills, the one way that they can obtain these skills is through educational programs at their respective facilities. The cost of this education is minimal when compared to the benefits that may derive from it. There is a greater chance of conforming to the laws for an inmate who educates himself than for one who does not; further for every dollar spent to educate an inmate that succeeds in society once released the amount he pays in taxes as a productive citizen will more than offset the cost of providing him with a Pell Grant. I am presently at the (name deleted) Department of Corrections and am involved in the (name deleted) College program at my facility, I would be unable to participate in this program were it not for the Pell Grant I receive. I also believe that you should know that I am a Vietnam veteran who has a service connected disability and while incarcerated could not go to school were it not for the Pell Grant. I am not the only person in this situation, there are many, and it is these many that will benefit from education, an education they will not receive if they lose their Pell Grants. I further realize that we are the dregs of society and the easiest to attack or remove benefits from. That is one of the reasons that there is such a large recidivism rate, the people who leave the prisons of this country have no job skills; or for that matter societal skills. With the program that is going on here in (name deleted) there is a good chance that many of the participants will become productive members of society. For sure their chances are better than those not participating in this program."

"I had very little education prior to starting classes here. Now that I am obtaining that much needed education I can clearly see where I have made my mistakes in the past. I now have a viable way to make a clean and honest living thanks to the training that (name deleted) is giving me. This will help me after my release from prison to obtain a legal job and to better serve my community in a fruitful manner. To be a productive citizen is my goal and this is a most promising start in that direction. All of this is due to the Pell Grant. The Pell Grant has brought hope to a man who had no hope of surviving at all. On my release I will be able to find a job that will support my family and I. This will also free a family from the grip of welfare and the fate that befalls the children in that predicament."

"Think about it. Education, now, in prison is far less expensive to taxpayers than the $26,000+ annual cost of future incarceration. Education and training are necessary to reduce recidivism. Eliminating our use of Pell Grants would effectively condemn us to living on the fringes of society, along with our children, at great expense to taxpayers. The healthy attitude should be to promote our assimilation into the taxpaying workforce. This can only be accomplished by use of the Pell Grant."

MICROCOMPUTER TECHNOLOGY INSTITUTE,
Houston, TX, August 15, 1991.

Senator CLAIBORNE PELL,
Subcommittee on Education, Washington, DC.

DEAR SENATOR PELL: It has just come to my attention that Senator Helms was successful in passing an amendment that would deny the use of Pell Grants for those who are incarcerated. I further understood that this action was in response to a complaint received from one of his constituents.

Over the past two years, Microcomputer Technology Institute has been selected to provide vocational training at several pre-release prison facilities in Texas. During this time, a number of eligible inmates have received vocational skills in these institutions and have gone on to productive jobs upon their release from prison. It should be noted that graduates from these programs greatly benefited from the Pell Grants which funded their education. I have enclosed copies of letters received from some of these inmates for your interest and review.

I realize that there may be some who believe that an inmate should be denied the educational benefits that have been traditionally available in this country. However, I am not sure that these same individuals are aware of the much greater cost to society when these inmates are not provided with suitable work skills. Throughout this country it costs between $30,000 to $40,000 per year to incarcerate a single prisoner. Considering the high rates of recidivism, these figures are then multiplied many times over. The cost of a Pell Grant applied to educational training would seem to be a small price to pay as an alternative to continued incarceration.

What our country needs today are more productive citizens with marketable work skills. However, to now deny inmates the right to these educational opportunities, would seem to be sending them the wrong message. Therefore, I support your opposition to the Helms amendment and would urge you, along with others, to reverse this measure.

Sincerely,

ROBERT E. OBENHAUS,
President.

SEPTEMBER 13, 1990.

MTI—CULINARY FOOD SERVICE

Upon entering in culinary food services, I had a basic skills of this class, and hoped to gain the basic skills of this course also. The class started kind of rough not knowing if or when we would get a teacher.

And we, meaning the class, were fortunate with not only a teacher that is a teacher, but with an assistant that can be a teacher; and the two have gained the respect of all inmates of the class. I feel as if I owe this individual a special thanks for letting me know; there is a way; just open ones eyes and you can be something in life other than being locked up.

And I feel we should all take this time to better our life for tomorrow, because yesterday is gone.

So, I thank you MTI and also Mrs. Davis and Mrs. Webster; for a job well done. Your care and concern has greatly benefitted not only myself, but a great many other inmates at the Bridgeport Pre-Release Facility.

Sincerely Yours,

KENNETH RAY GORDON #362891.

(Student at WCC-Bridgeport Pre-Release Facility.)

MARCH 7, 1991.

DEAR SIR: I am writing in regards to one of you employees here at Wackenhut's Bridgeport Pre-Release Facility.

I would like you to be aware of the outstanding job that Ms. Angela Perkins is doing as an Automated Warehousing instructor. Ms. Perkins has undying patience, a vast knowledge of computers, and a great sense of humor. These three qualities combine, I feel, to make her the best instructor in your employ at this unit without a doubt. She has rekindled a flame in me to pursue my education after a long drought. She continues to inspire me and I feel that I can safely speak for others in the same context.

Sir, it is my opinion that her dedication and professionalism should in some way be rewarded if at all possible.

In closing, I thank you for the MTI courses here at Bridgeport and a quality instructor in Ms. Perkins.

Respectfully,

SCOTT A. MOLLETTE.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
New York, NY, August 9, 1991.

Hon. CLAIBORNE PELL,
Russell Senate Office Building, Washington DC.

DEAR REPRESENTATIVE PELL: I have been following your views on the President's education initiatives in recent issues of *Educaton Week.*

My field of research is the intersection of education law and policy. I have some rather strong, and negative, views about educational choice. Those views are expressed in the first two-thirds of the enclosed draft of a book review of John Chubb's and Terry Moe's book on educational choice. The book review will appear in the *Yale Law Journal* this Fall. I am passing along a copy of the review in case it is of interest to you and those members of your staff who are working on the "choice" aspects of the President's proposal.

Sincerely,

JAMES S. LIEBMAN,
Vice Dean and
Professor of Law.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island yields the floor, having assumed the floor for 1½ minutes of his allocated 10. The distinguished senior Senator from North Carolina has 8 remaining.

Mr. HELMS. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. I inquire as to whether each of the Senators will yield their time?

Mr. PELL. I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. The time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 1120) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are making good progress now, and at the present time the pending amendment, as I understand the parliamentary situation, is the Cochran amendment. I can report that we are continuing to try to work on some language that we can agree upon and recommend adoption of that amendment. But, in the meantime, we are prepared to proceed to the consideration of other amendments. There are amendments on the list that have been ordered to be considered before we can get to final passage. we hope that Senators will come forward and offer those amendments.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Nebraska.

AMENDMENT NO. 1121

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The time allocation is 5 minutes, equally divided. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1121.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, in line 4, insert before the period the following: ", except that any percentage increase or decrease in the cost of an equivalent level of education described in section 3(d)(2)(B)(i) shall be multiplied by two in making such determinations under section 3(d)(2)(B)".

Mr. KERREY. Mr. President, I thank the Chair. This amendment is a rather arcane amendment dealing with impact aid. I believe it has been cleared on both sides. It simply directs that the status quo used for the distribution of impact aid will be maintained. It corrects House language that would, in fact, have us making more rapid payments but would, in my judgment, create some inequities in the payment.

Mr. President, this amendment ensures that those school districts receiving funding under section 3(d)(2)(B) of the Impact Aid Program—that part of the program which provides supplemental funding to the most needy districts—are allowed to receive a funding level equal to current year costs as is the intent of this section of the law.

This amendment is necessary to clarify provisions that were sent over by the House in H.R. 2707, the bill before us today, and ensure that the payment to the manful of 3(d)(2)(B) districts in our country reflect their actual per pupil costs. This amendment is necessary to maintain the status quo that was changed by the provisions drafted in the House and which was also submitted to the Congress by the administration in its fiscal year 1991 budget.

The House included a provision in H.R. 2707 that provides for the use of prior year data for all impact aid payments under section 3. This approach, using prior data, has the support of the impact aid community because it will help ensure that all federally impacted districts receiving impact aid will receive their Federal payment earlier. In fact, many school districts do not receive, nor know what their actual payment will be until after a school year is finished.

The House provision allows for the Department of Education to more quickly calculate what amount should be held back for the 3(d)(2)(B) districts and write checks for all the other districts that have "A" or "B" students. However, the problem with the House language is that the very neediest districts that were promised by the program that they would have the highest priority because of the fact that they could not otherwise offer an educational program comparable to other school districts in the State, will be receiving payments that are below their actual cost. Their payment will be based on per pupil costs from the prior year and therefore they will face a shortfall that the authorizing legislation specifically sought to avoid.

This amendment takes the percentage of increase or decrease from old data and multiplies it by 2, to bring it closer in line with current costs.

The Department of Education has seen the amendment, and it is my understanding that it is their view that this amendment will maintain the status quo. Further, the National Association of Federally Impacted Schools [NAFIS] also supports this amendment because it is attempting to maintain the status quo.

It is unfortunate that we have need to address this problem on the floor at this late hour, but it is an effort to correct an oversight that arose due to the change to prior year data under section 3 payments.

Mr. President, I want to thank the managers of this bill for their attention to this matter and look forward to working with them to see that we retain this provision in conference.

The PRESIDING OFFICER. Is there any further comment on this amendment?

Mr. HARKIN. We have no objection to the amendment.

Mr. COCHRAN. The amendment is cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1121) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. One of the Senators who has an amendment is on his way to the floor. Pending his arrival, seeing no other Senator with an amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask further unanimous consent that the bill under consideration be temporarily set aside and that we be permitted to operate in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOAN GUARANTEES FOR ISRAEL

Mr. LAUTENBERG. Mr. President, I am saddened by a statement just made by the President of the United States within the last couple of hours saying that he is going to veto any legislation approved by the Congress to provide refugee loan guarantees for immigrants going into Israel if it is done before January.

I do not understand his decision to throw down the gauntlet like that instead of working with the Congress, holding discussions with us on issues surrounding these loan guarantees.

There is strong support in the U.S. Senate for extending these guarantees, and I am joining with Senators INOUYE and KASTEN to introduce legislation for their approval. I am also circulating a letter to Senate Appropriations Committee members, with Senators INOUYE and KASTEN, to ask the President to continue the dialog with Congress despite his announcement today.

I am not going to walk away from our commitment to the Soviet emigres and neither will others in the U.S. Senate. It is unfortunate that the White House has linked congressional action on the loan guarantees with the peace process. It has created an issue where none existed heretofore.

The request for these loan guarantees has been expected. It has been discussed for more than a year. Very specifically, it was understood that this request would be made in the first week of September. There was not a hint from the White House until last week that it had any concern about the timing of the request. And I am puzzled that the President made this announcement today when leaders in the Senate were reaching out to him and to the administration for a resolution of the differences here.

I do not think that approval of loan guarantees should have been linked to the peace process anyway. Approval of loan guarantees to assist with the absorption of Soviet emigres is a humanitarian issue, not a political issue, and should not be linked in any way to the peace process.

For decades the United States has led the world in appealing for freedom for movement, for freedom for exit by Soviet Jews. Not only did we support Soviet Jewish emigration, but we encouraged refugees to go to Israel by essentially limiting their access to our country. And now we ought to step up and meet our moral and humanitarian commitments.

As promising as developments are in the Soviet Union, we are entering a period of political and economic uncertainty, which has always been a problem for the Jews in that part of the world.

These loan guarantees have been discussed for a year. And given the congressional calendar, lack of action now means that no action will take place perhaps through the entire 1992. Nor has the administration made a commitment saying that it will support these guarantees if there is a 4-month delay.

Soviet refugees have been arriving in Israel at the rate of about 20,000 a month, and over 1 million refugees are expected to emigrate over the next 5 years. That will be an increase of about 20 percent of the population.

We cannot turn our backs on these people when we encouraged and fought so hard for their freedom to emigrate. We had the Jackson-Vanik law. We had other conditions imposed on the Soviet Union that said unless you permit freedom of movement we are not going to do business with you, we are not going to trade with you.

The Congress ought to act to provide this assistance in the near term. I hope my colleagues will join in prompt approval of our loan guarantee legislation.

The legislation is very simple. It says that all costs associated with the procurement of these loans will be borne by the Government of Israel, not by the citizens of the United States. There will be no cost to the taxpayers.

This is different than when we went to bat for $7 billion forbearance of loans owed to America by Egypt. And thank goodness she joined with us in the Persian Gulf conflict. Egypt had no damage to property, did not lose a life in that war. They were a good friend and deserved our help and got $15 billion worth of loan forgiveness from other countries. The American taxpayers shared in that with a $7 billion forbearance.

That is not what is being asked here. Loans will be made by commercial banks and Israel, again, will cover any costs associated with any origination fees. Through war and peace, Israel's credit record has been 100 percent perfect; never defaulted on a loan; not a dime.

So I regret the President's announcement today and I hope that my colleagues will join me and continue to work for timely approval of assistance to the refugees and that my colleagues and I will be able to continue a dialog with the White House on this issue.

With that, Mr. President, I relinquish the floor. I thank my colleague from California who gave way so I could make this speech.

Mr. HARKIN. Mr. President, I wonder if the Senator will yield at this time?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I was leaving the floor, but I wanted to listen to what the Senator from New Jersey had to say. I would like to associate myself with his remarks.

Mr. LAUTENBERG. I would appreciate that.

Mr. HARKIN. I want to be very supportive. Quite frankly, I do believe our whole foreign aid program needs to be looked at, revamped, and many changes need to be made. We have to start looking at what we can do in this country to help our own people. But the matter of Soviet Jews is one area in which we have a deep moral obligation.

I have thought about this.

What we have been telling the Soviet Jews for years, they have been on a ship, held prisoner on a ship in which they have been repressed, suppressed, tortured, imprisoned, and then we told them to jump off the ship. We are sitting down there with all the life boats. Well, the Soviet Jews have jumped off the ship and now we are pulling the life boats away and saying: "Now you have to swim for it."

Is that what kind of country we are? I do not believe so. I do not think that is what the American people meant to do when we said that we were going to help Soviet emigres, that we were going to help the Soviet Jews if they wanted to get out of the Soviet Union. No, we said we were going to support them.

Now the Bush administration says, "We are going to pull the life boats away from you. Swim out on your own out in the middle of the ocean." I do not think that is the right course for a powerful, big, and generous country like the United States of America.

Second, I do not think it is right to hold hostage these emigres who have had to endure so much suffering in the Soviet Union, who had to fight their way out, and who had to find their way to Israel after so much difficulty. We said we would not take more here in the United States, forcing all to go to Israel. And now we are saying we are not going to help them resettle. I do not understand that.

We are holding the Soviet Jews hostage to the power plays that are going on with our new friend, Hafiz Assad of Syria. Reminds me of another old friend, Saddam Hussein. Saddam Hussein was Bush's old friend. Now Hafiz Assad is the new friend of this administration and the Soviet emigres are being held as hostages to these big power plays. Again, I do not think that is a right and proper course for the United States of America. So I associate myself with comments of Senator LAUTENBERG. He is right on the mark.

However else one may feel about foreign aid—and I strongly believe we have to revamp it and look at how we can start helping our own people at home—this is one area in which our country has made a commitment in the past and we ought to stick by that commitment.

I thank the Senator.

Mr. LAUTENBERG. I thank the distinguished Senator from Iowa.

I ask unanimous consent that I have just 3 more minutes, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. I would like to add to a comment that the Senator from Iowa made. The fact is, as we examine our foreign policy we ought to remember who our friends are. We ought to remember that when we say to Israel there is a precondition to humanitarian aid, what we are doing is helping Israel's opponents become more intransigent.

We are not saying to the hostile Arab countries "Stop the embargo. Take a U.S. passport and treat it as a document, with the respect that it deserves." This says that you are a U.S. citizen and you can go anyplace you want, except in Saudi Arabia and Kuwait and a couple of countries there, where they will not take it if you visited Israel in the process.

What we are doing is aiding the rigidity and intransigence of the Arab position. We are saying Israel has to agree to preconditions, and not Arab countries. It is a mistake in terms of foreign policy. It is a mistake in terms of seeking peace. And it is a mistake in terms of developing America's interest in the area.

I yield the floor.

Mr. HARKIN. I want to add one point, and I know the Senator mentioned it, but I want to make that point again. That is that, unlike other foreign aid when we discuss these guarantees, we are not talking about a gift; we are not giving anything away. This is not a loan, as the Senator said, like the administration just forgave Egypt for $7 billion of loans to their country, and other countries. It is not this at all. This is simply a guarantee that is going to have to be repaid, and that based on its track record, will be repaid by Israel.

Israel has repaid every loan and made good on every loan guarantee to date.

Mr. LAUTENBERG. Every cent.

Mr. HARKIN. When you have a good credit risk like Israel, and we add our moral obligation to Soviet emigres, then the course of this administration in blocking these guarantees is totally wrong, and I appreciate the Senator's remarks.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Rhode Island.

LOAN GUARANTEES FOR ISRAEL

Mr. CHAFEE. Mr. President, President Bush, as we know, has requested that Congress delay for 120 days Israel's request for $10 billion in additional United States loan guarantees. The President is doing this in order that his most promising peace initiative be given a fair chance of succeeding. For the first time in history there appears to be a good chance that Israel and its Arab neighbors will be sitting down together at the peace table.

Nothing should be done now that might interfere with that prospect, President Bush said, and I totally agree with him. No individual has worked harder to bring about a peaceful resolution to the troubled Middle East than President George Bush.

In the past year—let us just think about this—in the past year, the United States, indeed the world, went to war to secure stability and peace in the Middle East. From our efforts in the Persian Gulf has come renewed dedication to finding a solution to over 40 years of Arab-Israeli discord. Now, when we are so close finally to getting the parties to sit down together to discuss their differences, is not the time to rock the boat.

I, for one, support the President's request to delay consideration of the Israeli loan guarantee request for 120 days. Furthermore, I am absolutely confident the American people also support the President, President Bush, in this effort.

I thank the Chair.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1122

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment by the senior Senator from Mississippi will be set aside. The distinguished Senator from California sends an amendment to the desk, and the clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1122.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 21 before the period, insert the following: ": *Provided further*, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than $60,000,000 will be spent for competitive demonstration projects serving pregnant and postpartum addicts and their infants".

Mr. SEYMOUR. Mr. President, I bring this amendment to the floor because there is no issue that tears at my heart more than that of parental substance and alcohol abuse and its effects on the soon to be born and newborn children. At this very minute, there are babies being born exposed to cocaine. Those babies, through no fault of their own, will face this harsh world of ours at a tremendous disadvantage, and not only will they suffer from withdrawal, mental retardation, and respiratory problems, but their ability to contribute to society later on in life will be adversely affected by these problems I just mentioned.

The most recent estimates, Mr. President, from the California Department of Alcohol and Drug Abuse indicate that approximately 72,000 births each year involve infants prenatally exposed to drug substances, including alcohol. Approximately 10 percent of all deliveries in this country are associated with illegal drug use and, Mr. President, that is a very conservative figure, because I am sure that there are countless drug-addicted mothers out there who do not bother seeking assistance.

This problem is not just a lower-class problem. It is not a minority problem. It is not just a middle-class problem. It is a national problem. As a matter of fact, it is more than a problem, Mr. President; it is a national epidemic, a national tragedy.

In 1985, there were 543 drug-exposed infants born in Los Angeles County. In 1986, a year later, this number increased to 915. In 1987, the number rose to 1,619. Mr. President, this represents, over a 3-year period, an almost 300-percent increase in the number of infants born exposed to drugs in Los Angeles County alone.

Additionally, the Los Angeles County coroner is reporting a number of fetal deaths associated with the ingestion of illegal chemicals. While the drug of choice among pregnant mothers is cocaine, other drugs, such a heroin, PCP, amphetamines, and alcohol have equal, and in some instances, more severe effects on the fetus.

As a matter of fact, heroin addicts are at extremely high risk of contracting the deadly HIV virus and passing it on to their fetus.

Studies have proved that the combination of absent prenatal care and drug abuse have resulted in a marked increase in the number of premature infants born throughout the country. Mr. President, it is for these reasons that I am requesting $60 million to be exclusively devoted to demonstration programs for pregnant and postpartum addicts and their infants. In my State of California, there is presently a 3-month waiting period for outpatient drug-treatment programs, and an even longer waiting period for residential drug programs.

A large percentage of these women cannot remain drug free without the proper assistance and guidance offered by these programs. The programs that will benefit from my amendment are those that emphasize early identification, education, and intervention, and intervention during pregnancy must include the provision of both prenatal care and drug treatment designed to meet the special needs of these women.

Nationally, approximately 80 percent of pediatric AIDS patients acquire the disease prenatally. In Los Angeles County, that figure is 50 percent. Furthermore, the majority of prenatally acquired AIDS is associated with intravenous drug-abusing women, or women who are sexual partners with IV drug users. Due to the nature of this addiction, it is not possible to address the problems in this population with education alone. I really wish it were that easy.

Mr. President, I also wish to bring to your attention the cost effectiveness of these programs. At Harbor-UCLA Medical Center, a center which I visited, participants in the Obstetrical Substance-Abusing Mothers program [OSAM], delivered infants with fewer complications, lower mortality and morbidity rates, and lower overall hospital stays. A premature drug baby may require several months in a hospital at 3 times the cost; that roughly equates to $250,000 of taxpayers' money in the first 6 months of the life of this premature baby.

Mr. President, pregnancy and motherhood are strong motivating factors for women to become drug free. The programs operating under the Office of Substance Abuse Prevention aim to see this goal achieved. I wish I did not have to stand here today on the floor of the U.S. Senate and earmark these funds for these programs, because it is a problem that I wish did not exist.

As I said, I have personally visited pediatric units in private and community hospitals throughout California, and it deeply saddens me to see these helpless beings, newborn babies lying there helpless, struggling for air, their bodies craving that poison that afflicts them mercilessly. Mr. President, it is not their fault.

Mr. President, we can pass all the laws we want on combating drug abuse. Though what we really need to do is educate pregnant women who are abusing drugs; we need to provide them the support of prenatal care and drug treatment, and to free them from a drug-dependent lifestyle to one of a drug-free lifestyle. This way, we will give our children a fair chance at survival.

Mr. President, it is my understanding that my amendment has been accepted by both sides.

Mr. COCHRAN. Mr. President, the amendment of the distinguished Senator from California has been reviewed on this side of the aisle. We recommend that it be approved. It has been cleared.

Mr. HARKIN. Mr. President, I am a strong supporter of the Office of Substance Abuse prevention programs for pregnant and postpartum women and their infants. A couple years ago when I took over as chairman of the HHS subcommittee, the new program was funded at about $4.5 million.

Since that time, this subcommittee, with help on both sides of the aisle including Senator COCHRAN, has increased that funding to over $50 million in fiscal year 1991, and about $60 million in fiscal year 1992. That is about $5 million more than the President's request.

Senator SEYMOUR's amendment guarantees that OSAP will dedicate no less than $60 million of its demonstration funds for pregnant and postpartum women and infants. This is consistent with the committee bill. I certainly support that goal, provided that funds do not come out of other important treatment programs, such as the high-risk youth demonstration.

That being the case, the amendment is acceptable to this side.

The PRESIDING OFFICER (Mr. LAUTENBERG). Do the Senators yield back time?

Mr. SEYMOUR. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1122) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF WILLIAM H. GRAY III

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177 now at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 177) to honor the accomplishments and express appreciation for a dedicated career in public service of the honorable William H. Gray III, on the occasion of his resignation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 177

Whereas, William H. Gray III was elected to serve in the United States House of Representatives in 1979 as the Representative of the people of the Second Congressional District in Pennsylvania.

Whereas, William H. Gray has served the people of his congressional district with enthusiasm, distinction and compassion.

Whereas, during his tenure in the House of Representatives, William H. Gray has served with noted excellence on congressional committees including the Committee on Appropriations, Committee on the District of Columbia and the Committee on House Administration.

Whereas, Mr. Gray's service as Chairman of the Committee on the Budget and as a majority whip was especially distinguished.

Whereas, Mr. Gray's legislative acumen and personal affability have rendered him greatly admired and well prepared by his colleagues in the House of Representatives and in other circles throughout the United States and abroad.

Whereas, William H. Gray's participation, presence and leadership will be missed in the Congress.

Resolved, That it is the sense of the Senate that the outstanding legislative and personal achievements of William H. Gray III should be duly recognized.

Mr. HARKIN. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Before the Senator begins, we have a couple of matters that have to be dealt with. Pursuant to a previous order, the amendment on page 60, line 13 through line 7 on page 61, as amended, is agreed to.

The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, the question I had, that amendment you just referred to, is that the amendment that I offered that dealt with pregnant and postpartum addicts and their infants?

The PRESIDING OFFICER. That amendment had to do with Pell grants.

AMENDMENT NO. 1122, AS MODIFIED

Mr. SEYMOUR. Mr. President, my first request would be, with reference to that amendment that I did offer 20 minutes ago having to do with pregnant postpartum addicts and their infants; there was one word we wanted to change, that is, "will" to "to", and that was agreed upon by both sides.

So in that specific amendment I am requesting that in the third to last line where we refer to no less than "$60,000 will be spent," that be changed to "$60,000 to be spent."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 29, line 21 before the period, insert the following: ": *Provided further*, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than $60,000,000 to be spent for competitive demonstration projects serving pregnant and post-partum addicts and their infants".

Mr. SEYMOUR. Mr. President, the other reason I have risen was with the original intention of offering an amendment having to deal with SLIAG funding. But the reality is there is nowhere near the support necessary to make it a viable amendment. Therefore, I would like to dispense with offering the amendment and merely request an opportunity to speak to the matter.

The PRESIDING OFFICER. Without objection, the time agreed to for the amendment will be available for debate purposes, that is, of course, without the amendment being offered.

Mr. SEYMOUR. Mr. President, the amendment that I was going to offer was quite simple. The intent of the amendment would make good on the Federal Government's, this body as well as the House of Representatives and the administration's promise, to reimburse States and local governments for their health care, education and public assistance costs under the Immigration Reform and Control Act of 1986 (IRCA) for the approximately 3 million persons who were granted amnesty under that act.

Under IRCA, the State Legalization Impact Assistance Grant program, commonly referred to as the SLIAG program, was enacted to reimburse State and local government costs of the amnesty program. The law provided for $4 billion through fiscal year 1994 for this program. Accordingly, States, including my State of California, and communities moved forward to provide the essential services this new population of Americans would access. And they counted on the Federal Government, the promise of this body and the House of Representatives and the administration for reimbursement of the costs of those programs. After all, that was the deal, and that is the law.

Unfortunately, beginning in fiscal year 1990 and again in fiscal year 1991, the Congress slashed SLIAG funding, in effect saying to States and communities "Sorry, guys, the deal is off." Those of us who have served in local government, as I did for 8 years, and at the State level of government where I served for an additional 8 years, can attest to the true impact of a Federal policy that simply shifts the costs of that Federal responsibility onto the shoulders of local communities and States. Especially in the area of immigration and refugee policy where the Federal Government is backing out of its partnership with the States.

Mr. President, I am urging Members of this body to keep one thought in mind: States and local governments are powerless to protect themselves from the consequences of Federal immigration policy which is, by law, the sole responsibility of the Federal Government.

California is home to approximately 1.6 million amnesty recipients. Those amnesty recipients are almost as great as the entire population of the State of Delaware times 3, 1.6 million.

In Los Angeles county alone more than 1 out of every 10 residents, 850,000 persons in this one county have applied for amnesty. Let us put this number in perspective. The number of persons in L.A. County who have applied for amnesty is 4 times the population of Des Moines, Iowa.

I do not mean to present this in any mean spirited way. The Senator from Iowa and his subcommittee worked very diligently to craft a balanced bill within the parameters of the budget agreement and their task has been a difficult one. I do not envy them at all in that regard. But I must say that as a result of the subcommittee's actions they have made the task of State and local governments even more difficult if not impossible.

The bottom line, Mr. President, what this action means to the State of California is a cost of over $400 million. You know, State and local governments do not have the privilege we have here. They have to balance their budgets. They cannot throw their responsibilities onto others. That is why SLIAG funding is so important and essential to the fiscal sanity of the State of California, New York, and others who have counted on and budgeted based upon that promise of SLIAG funding. But today, once again, the Congress is deferring its responsibility, breaking its promise and breaking the backs of local governments in my State.

The law provided that $1 billion would be appropriated for each of the fiscal years 1987 through 1991, for a total of $4 billion, and it stated that any unexpended funds would remain available for the States through fiscal year 1994 at which time any unexpended funds would be returned to the Treasury.

This second component of the SLIAG agreement, the carryforward authority, expressly acknowledged the fact that as a reimbursement program, not all claims for services provided would be forthcoming in the first few years.

That is where California and other similarly situated States find themselves today. We are now in the outyears of the program, but we have not seen claims for bona fide services disappear. In fact, they are increasing just as IRCA's legislative history anticipated.

The demand for SLIAG-related services are there. Under the law, they must be provided, and—also under law—they should be reimbursed through SLIAG. That is what the States and local governments expect, that is the deal they agreed to back in 1985 and 1986 when IRCA was debated and enacted and the promises were made.

Unfortunately, the Federal Government and the Congress see it differently; the Federal Government wants to back out of the deal and wash its hands of the entire matter.

The States were hesitant in the first place to embrace any amnesty program that did not protect them from the spiraling costs associated with this new population, 1.6 million people in my State.

I was serving in the California State Senate at the time, and I can recall vividly the internal debate that took place in our house in the State legislature. We saw the merits of providing amnesty. On the other hand, we feared the fiscal impact of such a policy. I know there must have been similar debates in other States.

Now, California, Texas, New York, Florida, Colorado, and other States are finding that support for SLIAG has ended. It may be true that California is being shortchanged $400 million this year alone and the other States I mentioned may not be affected until next year. We are being hit with this devastation this year, and I can promise you that perhaps there will be the political will next year when other States are impacted the way my State is being impacted.

But, unfortunately, that impact will not occur until next year so I am left here standing alone.

All those States expect and all my State of California expects is for the Federal Government to pick up its end of the deal so that these same hospitals and clinics and school districts can assure a full level of service to entire communities. In Los Angeles County alone, SLIAG cuts in this bill will force a major reduction in county health services, including major reductions in outpatient clinics and medical and surgical beds.

The ultimate impact of the SLIAG cuts in Los Angeles County will be that the health status of indigent clientele served by the county will greatly worsen, and more people will die needlessly.

California's budget deficit is well known to all in this Chamber. Governor Wilson informs that cutting SLIAG funds will only worsen California's budget woes. Moreover, the impact to communities statewide will be enormous. For instance, consider the fact that:

Pregnant women will not receive prenatal care, health education, nutrition, and child health services so critical to our next generation of Americans and Americans yet unborn.

Pediatric encounters will not be provided, reducing the number of vaccinations, nutritional checks and physical examinations necessary to prevent future health problems for children.

Many elderly patients will be deprived of basic medical care, so chronic and acute diseases like cancer, osteoporosis and other syndromes associated with old age will not be detected at an early and very possibly treatable or managable stage.

Many outpatient mental health treatment clinics will be closed. Thus, mental health treatment will only be provided to "the most seriously ill," resulting in a high incidence of expensive, 24-hour care.

Probably even more important in the long term, the number of adult literacy classes available in California will dramatically decrease, leaving hundreds of thousands of students—yes, persons that were given amnesty who will become citizens of our State of California and this Nation—without the ability to speak English.

Mr. President, what is going to occur in the future in my State is these hundreds of thousands of amnesty recipients will become citizens in future years, but because of their inability to communicate in English, they will be unable to find a job. They will be on our welfare rolls, which will increase our costs. They do not want that. We do not want that.

But you cannot expect us to do it all alone. You cannot just take $400 million away from us this year and expect us to provide education and literacy to this population.

Back in the medical area, I find this fact astounding, over 20 percent of all hospital admissions in Los Angeles County are illegal aliens—now legal under amnesty. Mr. President, consider the fact that one out of every 200 babies born in this country is born to an amnesty applicant in one Los Angeles County hospital.

Let us be clear: Cutting SLIAG funds, and eliminating them, total elimination, does not cause the demand for services or the related costs to disappear for those services that were mandated by the Federal Government when IRCA was approved. All it does is shift the burden—unfairly and inappropriate—to a few State and local governments.

When hospitals cannot be reimbursed, when people cannot receive the basic language training they need—and I mean basic; I am talking about 40 hours to learn the English language—I defy any one of us to try to learn a foreign language in 40 hours. So we are not asking much. Forty hours. They are going to be deprived of that—and when outlays for public assistance programs go unreimbursed, it is not a simple case of a legalized alien not receiving a service. There is a ripple effect and everybody in the community must pay.

If we are to cut these funds, then we must be prepared to acknowledge the fact that we are creating an underclass of citizens who will not have the tools to fully participate and benefit in our society.

Now, while rhetorical, the points that I have raised are very real questions that we must confront and for which we will be held accountable should we not fulfill the Federal Government's promise under IRCA. I am not sure, Mr. President, that any Member in this Chamber would like to take credit for that kind of disaster.

Cutting SLIAG gives the Federal Government just one more opportunity to foist yet another fiscal burden on to the shoulders of State and local governments. And that is the bottom line, of which no one can be proud.

What I was going to try to do with this amendment that I found little or no support for was rather simple. I thought it was a logical and altogether fair approach, because the amendment would have called simply for a three-quarters of 1 percent—less than 1 percent—three-quarters of 1 percent reduction across the board in programs in the bill before us and diverts those funds—$45 million—to SLIAG.

But three-quarters of 1 percent obviously was too much to ask. So I will be back again next year, Mr. President, when more States are then impacted like California. When that happens, there is going to be a greater outcry than just this one voice. And with that outcry will come the votes necessary, I am hopeful, of keeping the promise that was made in funding this program.

I yield back my time, Mr. President.

Mr. COCHRAN. Mr. President, let me simply respond by first congratulating the Senator from California for bringing this problem to the attention of the Senate. And it is a serious problem in the State of California and a couple of other States as well, where the projected drawdown of funds under this grant program that was designed to help alleviate the fiscal problems associated with amnesty for illegal aliens is resulting in some exceedingly serious financial burdens to those States.

Some States have not used all the funds that were earmarked and available for them and, because of that, the committee approved language that is included in its report directing "the department to submit to the Congress"—and I am reading from the committee record now—"submit to the Congress within 120 days a report outlining the extent of the fiscal year 1992 shortfall and options for mitigating program disruption in shortfall States, taking into consideration the needs of States with currency surpluses."

The point is that this is a program that has resulted in a lot of additional costs for health care, for education, and other expenses that the distinguished Senator from California so correctly points out.

The administration requested a rescission of the unused funds in this program, $1 billion. The committee did not go along with that. We recommend in this bill that that amount simply be deferred to the end of the fiscal year and that the additional funds, if there are any available, be made available within 15 days of the beginning of the next fiscal year. So that is the commitment that is made in this bill to the States like California.

I do not know whether that is going to solve the problem or address the concerns that the Senator has raised here. But it is important that HHS take a look at this, that OMB and the administration seek to work this out, because it is a serious problem. I sympathize with the situation that California finds itself in and hope that there is some way we can resolve it to the satisfaction of the Senator before the next fiscal year comes around.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ADAMS). Without objection, it is so ordered.

AMENDMENT NO. 1116

Mr. BUMPERS. Mr. President, I will be very brief. I just want to comment on the Cochran amendment, of which I am a cosponsor, and say I hope that amendment could be accepted here without a vote. Not that I have any hesitancy about a vote, nor do I have any doubt about the outcome of a vote.

But for purposes of the RECORD, I have checked with a number of people and this has nothing to do with home industries or anything that is going to cause one single person in any industry to lose a job. It is a very common practice, as I understand it. It is a very common practice for fabric shops that have patterns, Simplicity patterns or other patterns, to allow employees in those shops to make clothes at home according to a particular pattern. Maybe it is something they are pushing.

They use the clothes that are made by the employees in that shop maybe in a display window or in displays inside the fabric shop. And after they have received all the economic benefit they can get out of that sort of advertising of those clothes, they give those clothes to the employee who made them.

Frankly, I do not know why anybody—and I do not think anybody does, very much—could object to this. As a matter of fact, it seems to me it is the sort of thing that ought to be promoted.

No. 1, it is an incentive for an employee to do something at home, maybe make clothes for a teen-aged child who is in school, help supplement their income because they know they are going to be able to pass that piece of clothing on to a child. I do not know why anybody would object to that.

So I must confess, I did not know this was a fairly common practice in the United States until Senator COCHRAN offered this amendment. I remember in a staff conference in my office when this first came up and I asked for an explanation of it, I thought there must be something hidden and not visible. Because it seemed so palpably clear that it was a good idea, there must be some hidden agenda here.

On further investigation, I find there is absolutely nothing hidden; it is a front-on amendment. It makes eminently good sense, and I hope we can accept it, even without a rollcall vote. I think it would be unanimously approved here.

Mr. COCHRAN. Let me thank the distinguished Senator from Arkansas for his comments. I am encouraged, in the negotiations that are underway to resolve this issue, that we may be able to resolve it and accept the amendment with a modification on a voice vote. That is my hope. That is what we are working toward right now.

It seems pretty clear to me that both sides are recognizing this is an issue that does need to be resolved, and this is an appropriate way to resolve it, on this appropriations bill. So in hopes we can complete those negotiations and get the final language set out in a modification, I am happy to pass on that information to the Senate.

This leaves us, Mr. President, with all of the amendments that were listed on the order the majority leader advanced earlier in the day completed, with the exception of the Cochran amendment that is pending, and the Ford amendment. So we, I think, have accomplished quite a bit today.

When the distinguished Senator who is in the chair offered his amendment, that started the ball rolling. The Adams amendment was agreed to, and others began to be considered and agreed to by the Senate.

It seems we are nearing completion of action on this bill. For my part, I want to thank Senators on this side for cooperating with the managers of the bill.

AMENDMENT NO. 1116 TO ACCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 9, LINE 10, AS MODIFIED

Mr. COCHRAN. Mr. President, we have worked on some additional language in an effort to modify the Cochran amendment so it will be acceptable and the Senate can vote in favor of it on a voice vote, maybe. In that connection, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Chair will order that the modified amendment is in order, and the Senator may proceed with his amendment.

The amendment, as modified, is as follows.

On page 9, line 10, strike out "$231,326,000," and insert in lieu thereof the following: "$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) *Provided*, That the model garment program comply with the following:

(1) The employee's work is voluntary.

(2) The patterns, fabrics, and notions are provided by the employers at no cost to the employees.

(3) The employees retain ownership of the model garments after the display period:

(4) The model garments are in fabrics, styles and sizes determined by the employees to be appropriate for the employees' use.

Mr. COCHRAN. Mr. President, what we are seeking to do with the modification of the amendment is to spell out the specific parts of the regulations that the Senate is approving as appropriate, as an exemption from the Fair Labor Standards Act.

The PRESIDING OFFICER. The Chair was just being certain that the Senator had the right to modify the amendment, and it would be considered in its modified form, and has so ordered that.

So the modified amendment is the one that is now pending.

Mr. COCHRAN. I thank the Chair.

The Senator from Mississippi is attempting to explain what the modification is so that Senators will know what they are voting on.

We sent a modification to the desk for the benefit of Senators to spell out specifically the parts of the regulation issued by the Department of Labor that will qualify a model garment program as exempt from the provisions of the Fair Labor Standards Act.

We appreciate the counsel and advice and suggestions from other Senators and members of their staff in crafting this modification so it could be accepted.

I do not know of any other Senators on this side who are seeking to debate the issue. We are willing to have the amendment agreed upon on a voice vote.

Mr. BUMPERS. Mr. President, parliamentary inquiry. The modification is now a part of the Cochran amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BUMPERS. Mr. President, we are prepared to vote on the Cochran amendment.

The PRESIDING OFFICER. There is time remaining on the amendment. Do both Senators yield back the remainder of time they have?

Mr. COCHRAN. I yield back all the time remaining on the amendment allocated to this Senator.

Mr. BUMPERS. I yield back such time remaining on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Mississippi, as modified.

The amendment (No. 1116), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 9, line 10, as amended.

The committee amendment on page 9, line 10, as amended, was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to table the Helms amendment occur at 6:30 p.m.; that the time between now and then be equally divided and controlled in the usual form for further debate on the Helms amendment; that upon the disposition of the Helms amendment, the Senate proceed without any intervening action or debate to third reading and to vote on final passage on the pending bill; and that it now be in order for me to ask for the yeas and nays on the vote on final passage.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none and it is so ordered.

Mr. MITCHELL. Mr. President, I now request the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, Senators should therefore now be aware that there will be two rollcall votes beginning at 6:30 p.m.; one on the motion to table the Helms amendment, then following disposition of the Helms amendment a vote on final passage of the bill. Immediately thereafter, the Senate will proceed to consideration of the Interior Department appropriations bill, and I will have a further statement to make with respect to the schedule at that time.

I thank my colleagues.

I suggest the absence of a quorum.

Mr. FORD. Will the majority leader withhold.

Mr. MITCHELL. I withhold my request.

Mr. FORD. Mr. President, one of the amendments that was not included in the unanimous consent was an amendment that I wanted to bring up this evening on this piece of legislation as it related to Medicaid and the new regulations that have been promulgated by HCFA that will go into effect on January 1, which would cause a great deal of hardship as it relates to Medicaid payments within many of our States. Two hundred seventy thousand underprivileged and those in poverty in my State receive help as it relates to health care.

Under the legislation that we passed, that OMB has now set some figures on, it came out of Congress with CBO figures, but once it becomes law the OMB figures are used. They are now increasing—from $500 million to $1.5 billion, now $2 billion it is going to cost the Treasury. And, of course, if it is scored that way, it would mean we would have to have a sequester, and none of us want that at the end of the fiscal year.

There will be a colloquy between the distinguished senior Senator from Texas, the chairman of the Finance Committee, and myself that will accompany this piece of legislation and it will be offered, hopefully, before final passage of the legislation.

Some of my colleagues have been interested in moving forward with this amendment. I think it has a sufficient number of votes to pass, probably pass overwhelmingly. But under the circumstances with the scoring that OMB now said they will use, it means a sequester on all domestic programs, and I do not think any of us want to be placed in that position. It is another way to eliminate help for the underprivileged and those in poverty by the administration.

I regret it very much and look forward to the colloquy and maybe a stand-alone piece of legislation that we could pass out of the Senate and send a message before we leave for the year.

Mr. President, I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. FORD. Yes.

Mr. HELMS. I thank the Senator.

AMENDMENT NO. 1114, AS MODIFIED

Mr. HELMS. Mr. President, may I inquire of the situation. I have been in an Ethics Committee meeting.

The PRESIDING OFFICER. The parliamentary situation is there is a motion to table the Helms amendment that is to be voted on at 6:30. Between this time and 6:30 the floor is open to the Senator from North Carolina. Thereafter, there is a vote on final passage.

Mr. HELMS. I thank the Chair. Does that mean that I have 5 minutes or 4 minutes?

Mr. MOYNIHAN. May I share one of those?

Mr. HELMS. Certainly.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. If I might respond, the agreement provided that the time would be equally divided on the two sides, whatever time remains.

Mr. HELMS. I see.

Mr. MITCHELL. The Senator would be entitled to half the remaining time and Senator MOYNIHAN the other half.

The PRESIDING OFFICER. At this point Senator HELMS has 2 minutes, 30 seconds, and the opposition has 2 minutes, 30 seconds.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have moved to table the resolution of my friend——

Mr. HELMS. I did not realize that. I thought the Senator was going to speak. I hope he will withhold. In any event, I do not think it would be in order for him to so move until time has expired.

The PRESIDING OFFICER. Under the unanimous consent agreement, time is to be divided equally between the Senator from North Carolina and the Senator from New York. The Senator from New York is to be recognized for 2½ minutes. The Senator from North Carolina is to be recognized for 2½ minutes. Then there will be a vote on the motion to table.

Mr. HELMS. I see. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I said, I have moved to table this amendment for the simple reason that the issue before us is a survey of reproductive, procreative patterns in men and in women, adult, of course, at this time. It is to be carried out by the National Opinion Research Center at the University of Chicago by distinguished social scientists, people who work with the National Research Service, Professor Gagnon, for example, of the State University of New York.

The issues are pressing. The area is one of surprisingly spare knowledge. We need to know more about how, when, why children are born, why the processes proceed, and particularly we need to know more about the large, growing number of out-of-wedlock births in our country. They are now at 26 percent of all live births, 5 times the rate of 1960.

In one generation we have seen this extraordinary increase. In some cities, Baltimore, for example, the rates approach three-quarters, in some groups three-quarters, in Senator HELMS' State, 26 percent of births, which is the average for the Nation, in my State 30 percent, varying among our States, varying in the world. Japan has 1 percent.

This is something we need to know more about, learn in a dispassionate, scientific survey. That is what will go forward and that is why we hope in the bill, the managers will be allowed their wish and the administrations' wish that the National Institute of Child Development will be able to do this work.

Mr. President, I thank the Chair and I thank the Senate.

The PRESIDING OFFICER (Mr. GLENN). The Senator's time has expired. The Senator from North Carolina is recognized for 2½ minutes.

Mr. HELMS. Mr. President, I do not question the statistics. I think they are correct as given by Senator MOYNIHAN. The point is that the present policy of this Government is to encourage young people to think that sex before marriage is OK just so long as it is "safe sex."

However, the Federal Government has one, just one, small program—title XX—that promotes delaying sex until marriage and it is that one small program, which is not funded in the underlying bill.

Mr. President, for those Senators, if any, who may think that the sex surveys which we discussed in detail earlier are not all that bad, I am going to send down to the Republican desk several copies of some of the questions. I ask that they be available for Senators on both sides of the aisle to read what the American taxpayers are being required to finance over the will and judgment of Secretary Sullivan.

I am not going to read any of the questions because I do not want to be responsible for putting such language in the CONGRESSIONAL RECORD. But I say again, any Senator who strongly supports these studies should be willing to at least take a look at what we are talking about so that the public can see what they are being required to pay for.

The bottom line is that under the present system we are encouraging teenagers, whether we intend it or not, to engage in sex just so long as it is "safe sex." On the other hand, the only Federal program, the only activity in the Federal Government, that pleads with young people to abstain from sexual activity until they are married is title XX—and the pending bill does not fund it.

I think the Federal Government ought to fund title XX and that is the purpose of the pending amendment.

Mr. KOHL. Mr. President, this amendment creates for me a difficult choice. It is unfortunate that the limitations of the budget forces us to choose between two worthwhile measures.

The Adolescent Family Life Program is a valuable addition to the compliment of sex education and pregnancy prevention programs funded by the Government. I think the outreach to adolescent males this program has provided is especially important.

However, I strongly disagree with the Senator from North Carolina's characterization of the studies sponsored by the National Institute of Child and Human Development. His characterization of these surveys is wrong, misleading, and malicious.

I am surprised that the Senator is so out of touch with his own constituency at the University of North Carolina at Chapel Hill that he is quoting questions that were deleted from the survey 2 years ago. Considerable effort has already been spent to develop the questions in these surveys, and that development is continuing at the University of North Carolina and the University of Chicago.

The surveys the Senator attacks have been endorsed by the American Medical Association, the American Public Health Association, the American Psychological Association, the American Sociological Association, and 30 other national health and scientific organizations.

The surveys the Senator calls unscientific have been reviewed by some of the finest minds in the United States. I suggest that those scientists are better able to judge the scientific merit of these surveys than is the U.S. Senate.

We look back at the days of the Scopes monkey trial with embarrassment. And yet we are moving dangerously close to the same intellectual climate where unpopular ideas are shouted down or made illegal.

As I said at the outset, the Adolescent Family Life Program is a valuable program and deserves funding. It can stand on its own merit. We do not need to cloud the issue with misinformation about valuable and much needed research. If we must choose which of these programs to fund let us do so on the merits.

On one hand we have a set of surveys that are needed to guide policy formation for the prevention of adolescent pregnancy and the spread of sexually transmitted diseases. We are now making policy using data that is 40 years old.

On the other hand we have a program that will add a unique and valuable dimension to the programs of Federal sex education.

I understand that this amendment is expected to pass overwhelmingly. I urge my colleagues to work in the conference committee to see that both the AFLP and the NICHD surveys are funded.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order we move directly to the vote on the motion to table.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—34

Adams
Akaka
Bentsen
Bingaman
Bradley
Burdick
Chafee
Cohen
Cranston
DeConcini
Dodd
Glenn
Gore
Harkin
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Riegle
Sanford
Sarbanes
Simon
Wellstone
Wirth
Wofford

NAYS—66

Baucus
Biden
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
Daschle
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Rudman
Sasser
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

So, the motion to lay on the table the amendment (No. 1114), as modified, was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1114), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 25, LINES 5 THROUGH 8, AS AMENDED

The PRESIDING OFFICER. The committee amendment on page 25, lines 5 through 8, as amended, is agreed to.

HEALTH RESOURCES AND SERVICES

Mr. BENTSEN. Mr. President, I would like to engage my distinguished colleague, the senior Senator from Hawaii [Mr. INOUYE], in a colloquy regarding a provision in the pending bill (H.R. 2707). Specifically, my concern relates to title II, making appropriations for Health Resources and Services.

I understand that the provision appropriates funding for the creation of an Office of Adolescent Health within the Department of Health and Human Services. The appropriations bill for that Department specifies that $2 million should be used to establish this office. Would the distinguished Senator please clarify the proposal further? I am particularly interested in hearing more about the source of funding, and whether the Senator contemplates permanent funding of this program. More specifically, would the Maternal and Child Health Block Grant [MCH] Program, authorized by title V of the Social Security Act, be the source of the funding? And is the $2 million seed money intended to initiate the effort only, or is the use of title V funds in the nature of a long-term commitment?

Mr. INOUYE. I would be pleased to answer my colleague's questions. The source of the funding for an Office of Adolescent Health would be the Federal portion of the title V program used for conducting Special Projects of Regional and National Significance ("SPRANS"). I view the $2 million as seed money to assist the Department in developing a plan for a Federal role in addressing the needs of adolescents.

Mr. BENTSEN. I thank the Senator. I also would appreciate further clarification about the provision in the appropriations bill.

It is my understanding that the intent of the provision is to make funds available for an Office of Adolescent Health in anticipation of authorizing legislation. Is my understanding correct?

Mr. INOUYE. The Senator's understanding is correct.

Mr. BENTSEN. Since the source of the funds to create the Office of Adolescent Health is the SPRANS portion of the MCH Program, and since the MCH Program is within the jurisdiction of the Committee on Finance, I would be interested in knowing whether the Senator contemplates asking the Committee on Finance to authorize the new program.

Mr. INOUYE. Certainly, I would be pleased if the Committee on Finance would consider authorizing an Office of Adolescent Health under title V of the Social Security Act. I would like to point out, however, that I am not necessarily seeking the creation of such an office, per se. The appropriations provision is intended to catalyze the Department of Health and Human Services to focus on the topic of adolescent health, and to develop a coordinated, systematic effort in this area. It is not essential to this end that a new bureaucratic entity be created at this time.

Mr. BENTSEN. I thank the Senator for clarifying that. Is it correct to assume that the Senator expects that the Department's efforts in this area be directed by the Maternal and Child Health Bureau within the Health Resources and Services Administration? I believe it is especially important to clarify this point in light of current reorganization efforts within the Department of Health and Human Services.

Mr. INOUYE. I agree with my colleague and can affirm his assumption that I expect the Maternal and Child Health Bureau to oversee the Department's efforts to develop a systematic approach to addressing the health care needs of adolescents. And, if an Office of Adolescent Health is established, I would expect that office to be created and administered under the auspices of the bureau.

Mr. BENTSEN. I appreciate my colleague's assistance in clarifying this provision and I commend his efforts to get the Department to develop a systematic approach to adolescent health. I, too, am interested in the special health care needs of adolescents, and would be pleased to consider authorizing an Office of Adolescent Health within the Maternal and Child Health Bureau.

My colleague from Hawaii has long been a leader in attempting to improve the delivery of health care. And as one of the principal requestors of a study on adolescent health by the Office of Technology Assessment [OTA], he has already demonstrated his concern for adolescents. I joined him in requesting this important work. Unfortunately, the OTA study indicated that many of our Nation's teenagers suffer serious health care problems—such as chronic physical illness or substance abuse—that too often go unattended. To help ensure that older children and adolescents have access to the care they need, I authored a provision that was included in last year's budget act which expands the Medicaid Program to cover all children under age 19 with incomes below the Federal poverty level on a phased-in basis, so that all teenagers will be eligible for Medicaid by the year 2002.

Thus, I agree with my colleague that it would be reasonable to consider the creation of an Office on Adolescent Health which can guide Federal policy on the provision of health care to adolescents. Given the Maternal and Child Health Bureau's expertise in addressing the health care needs of special populations, it is entirely appropriate to consider creating and administering such a program under the auspices of the Maternal and Child Health Bureau.

AMENDMENT NO. 1084

Mr. SIMON. Mr. President, on June 3, 1991, 11 Senate Appropriation Committee members wrote to the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies requesting $1.67 billion in fiscal year 1992, for the Low-Income Housing Energy Assistance Program [LIHEAP]. This modest and necessary increase would allow the program to keep pace with inflation.

On June 28, 1991, I joined 51 of my colleagues in writing to the Appropriations Subcommittee supporting the position of our 11 colleagues. We urged the subcommittee to allow LIHEAP enough funding to keep current services.

We will have to make some tough decisions this month. However, what good are we doing if we are only robbing Peter to pay Paul? There are many effective and beneficial programs fighting for the same limited Federal dollar, but we cannot turn our backs on children and elderly who have chronic health problems because their home doesn't have heat or whose family must choose between eating and paying the utility bills. LIHEAP is often what keeps families from being tossed out to the streets and becoming homeless.

LIHEAP provides needed heating and cooling assistance to our Nation's increasing poor. Nationwide, about 60 percent of LIHEAP households have annual incomes under $6,000. For my State of Illinois, a staggering 82.1 percent of households receiving LIHEAP had annual incomes of under $6,000. For these households a high percentage of their incomes is spent on paying utilities. In Illinois, roughly one-third of LIHEAP households spend more than 12 percent of their incomes on winter home energy bills.

LIHEAP only serves a fraction of eligible households. Approximately 17.4 to 25.2 million households across the country are eligible for LIHEAP assistance; however, only about 5.8 million households are served nationwide. The recession has created an additional 2 million eligible households. In Illinois, only 143,564 households were served in 1990. Many of our country's elderly and disabled individuals are LIHEAP beneficiaries. In Illinois, elderly persons live in 21 percent of the LIHEAP households, and disabled individuals live in 13.6 percent.

The recession hit many individuals and families hard. Cuts in both State and Federal funding of energy assistance programs like LIHEAP compounds the problems that these Americans face. The impact of these cuts on Illinois means that 56,481 households will lose heating assistance. Furthermore, another estimated 9,000 households will lose crisis assistance and weatherization services. In other words, it would be as if we turned off all the heat and the electricity to every house in the second largest city in my home State, Rockford, Illinois, during the dead of winter.

Mr. President, sometimes we get so consumed by the numbers that we forget just what they mean in real terms. To give a face to the numbers, I want to tell you about Ms. Anna Finkley, who bravely told her story to Mrs. Lillian Drummond of the South Austin Coalition Community Council in Chicago, IL.

Anna Finkley's story is typical of a LIHEAP participant. Anna, age 54, lives in Chicago's westside with her mother, age 71. She receives $165 a month in general assistance and $102 a month in food stamps. Her mother receives $407 in Social Security benefits. In order for Anna and her mother to avoid disconnection of their electricity and gas, they must come up with about $1,500. This is an insurmountable figure. Anna was recently notified that she would no longer be eligible to receive general assistance or food stamps.

In addition to basic expenses, Anna faces growing medical bills due to health problems and the costs of caring for her elderly mother. Anna has a history of heart disease, relies on oxygen therapy because of an asthma condition, suffers from arthritis, and is undergoing radiation treatment for cancer. In addition to her health problems, Anna is responsible for the care of her elderly mother who has suffered from a heart attack. Anna had applied for SSI, but was denied because the Social Security Administration believed she was able to work. This summer, Anna's outpatient care will no longer be covered by the State.

Needless to say, Anna Finkley and her mother are facing difficult and desperate times. The Finkley's did receive energy assistance last winter, but because of State and Federal cuts, it is unlikely that Anna will receive benefits this winter. Recently, because of the loss of other assistance and mounting medical problems, Anna was forced to choose between paying the utilities, the rent, or eating. This is a choice no one should be forced to make. Anna and her mother have been notified that the electricity and the gas will soon be shut off. All they can hope for is a mild Chicago winter and a miracle.

Because of State and Federal budget cuts, no assistance will be available for the millions of families like Anna's. Like others faced with a similar situation, Anna may be forced to build extremely dangerous fires in her bath tub to keep warm or bring choking charcoal grills into the house to cook their food. Many who have foolishly done this have lost everything to fires and some have died. But the choice is either to chance the high probability of death by fire or face certain death from the cold.

Finally, Mr. President, I would like to commend Mrs. Finkley for sharing her story. Many of those who face similar hardship are too embarrassed and proud to come forward. Still others are so busy just trying to survive, they haven't the time or the energy. The population that this program serves does not have the expertise or the big expense accounts necessary to lobby Congress. Often, they are overlooked. I urge you today to not forget them, and to do what's right—support the Harkin amendment, and if that fails then support the Harkin-Wirth-Rudman amendment.

AMENDMENT NO. 1084

Mr. DIXON. Mr. President, I would like to take this opportunity today to highlight a program which I believe is in dire need of adequate funding—a program for the poor, the elderly, and the disabled.

The Low-Income Home Energy Assistance Program [LIHEAP] was designed to assist the 17 to 23 million disadvantaged households in dealing with skyrocketing home energy prices. Unfortunately, since its inception in 1980, LIHEAP has routinely been underfunded. Even during its peak funding year, the program was only able to reach a mere one-third of the needy families across the country that so desperately need our help.

Funding for the program has steadily declined in recent years, with a total cut of approximately $2.8 billion from 1987 to 1992. What that means is, that since 1987, 1 million households have been cut from the LIHEAP program and are no longer able to receive the assistance that they need to ensure that they can pay their winter heating bills, or other equally critical home energy needs. This means that we have cut off 3 million men, women, and children who need our help. This is why the LIHEAP program needs to be adequately funded.

The steady decline in funding has created a huge pool of disadvantaged families which are all competing for the same scarce funds. Eligibility requirements for this program have become very strict. The annual income cutoff in order to receive benefits in my home State of Illinois is set at a mere $15,875 per year. The typical household eligible for assistance, however, has an annual income of only $6,000 or less; over 80 percent of the recipients in Illinois fit this description.

But even if a family meets the strict eligibility requirements for benefits, the LIHEAP program can only afford to cover a small portion of a recipients total energy bills. These households with poor, elderly, or disabled occupants may still have to pay nearly 75 percent of their home energy bills on their own, which can add up to almost a quarter of their total income. In comparison, the average U.S. household spends only 3 percent of its income on home energy. As a result, too often these disadvantaged families must choose between heat and the other basic necessities of daily life, such as clothing for their children or food for the dinner table.

States and local governments have worked hard to try to ensure that the poor and disadvantaged do not have to face such a terrible choice. In Illinois, for example, an effective program called REAPP—the Residential Energy Assistance Partnership Program—has been established to coordinate State and Federal funds to pay energy bills for thousands of disadvantaged Illinois households. Private industry has helped to create and finance weatherization projects and utility fuel funds. And a LIHEAP coalition has been formed in Illinois, comprised of advocacy groups for children and the elderly, labor unions, church and public interest groups, as well as the utilities.

Neither State and local governments, nor the private sector, however, can solve the problem alone. The Federal Government must shoulder its fair share of this responsibility as well. LIHEAP simply must be more adequately funded so that the poor, the elderly and the disabled will not have to choose between food to eat or heat for their homes.

Thank you, Mr. President.

AMENDMENT NO. 1084

Mr. DODD. Mr. President, as we debate the Labor-HHS Appropriations legislation, I want to call attention to a program vital to many low-income families, especially as we approach the winter months—the Low-Income Home Energy Assistance Program. The bill as reported by the Appropriations Committee would have cut the basic LIHEAP funding by $300 million. The Harkin-Wirth amendment restored $200 million of those funds. It is based on an amendment, which I cosponsored, originally proposed by Senator RUDMAN. I would have liked to have seen an actual increase in regular funding for a program so important to many Connecticut citizens. All of us, however, understand the difficult task the Subcommittee on Labor, HHS, and Education faced in trying to meet ever-growing needs with a shrinking pot of money. I greatly appreciate Senator HARKIN's vigorous efforts to increase LIHEAP funding over the level approved by the House and his willingness to work with us to find a way to do even more for the needy households that depend on this vital program.

Each year, LIHEAP is literally a lifeline for millions of the most disadvantaged people in this country. It protects very vulnerable families from freezing during the cold winter months and from exposure to dangerous heat in the summer. Substantial cuts in LIHEAP funding, as the committee originally recommended, would jeopardize this lifeline and the health and safety of the families who need it.

The Harkin-Wirth amendment brings total LIHEAP funding to $1.5 billion. An additional $300 million is contained in an emergency fund that may be released only if the President makes a formal request to Congress. The amendment also increases the funds available for obligation beginning on October 1 of this year by $239 million. The bottom line is that more money will be available to the program overall and more will be available immediately to help needy families through the coming winter months.

Last year, as chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism, which oversees LIHEAP, I sponsored the Human Services Reauthorization Act of 1990 to extend LIHEAP's authorization. I can assure my colleagues that when we talk about LIHEAP, we are talking not about a luxury item, but about a basic necessity of life. All too often, the very poor must make a choice between putting food on the table and heating their homes. To make ends meet, many go without heat for a time or resort to alternatives—such as space heaters or using the stove for heat—that place their families at risk.

Last year, LIHEAP helped over 6 million households—including 86,000 in Connecticut—heat or cool their homes. LIHEAP recipients include many poor children living in households headed by single mothers. Roughly 37 percent of recipients are elderly and 15 percent are disabled persons. Overall, LIHEAP households are among the poorest of the poor—three-fifths have incomes below $6,000 a year. Yet many of the families who benefit have members who are working, but are unable to quite make ends meet.

But let's not fool ourselves that these are the only households in need and that we have some cushion to cut. LIHEAP funding has been under siege for several years and currently is half a billion dollars below its 1985 level. Last year, LIHEAP served only between 25 and 35 percent of eligible households. Those lucky enough to receive assistance were still in need. On average, LIHEAP covered only about 22 percent of the household's energy costs. For the poorest households in my own State of Connecticut, those energy costs can equal as much as 25 percent of total household income.

I believe the case for restoring LIHEAP funds is compelling. Last year, at a hearing I chaired on the reauthorization of LIHEAP, several LIHEAP recipients put an all too human face on the need for energy assistance. There was Mr. Carlos Dominguez, whose family narrowly avoided homelessness with LIHEAP's assistance. There was Mrs. Ruth Kavanagh, an elderly widow on a fixed income, for whom LIHEAP assistance freed up a little more cash to be spent on food and transportation. Finally, and most tragically, there was Mrs. Ethel Peacock, who only 2 months before had lost three small sons in a house fire caused by a frayed space heater cord. She had never heard of LIHEAP. In her courageous testimony, she said, "You must put more funds into energy assistance. My children should not have to live without heat, lights and water. My three boys did not deserve to die."

I can think of no better justification, Mr. President, for this amendment. Like the cord on Mrs. Peacock's space heater, our so-called social safety net is becoming tattered and frayed. The LIHEAP provisions in this amendment mend it only a little, but they are an important step. Clearly, the task of preserving the safety net will only grow more difficult as we search for solutions to our budget deficit problems. But I remind my colleagues that programs such as LIHEAP—which provides for a basic human need—define our Nation's social conscience. This amendment helps prevent that definition from blurring and is an important statement about our commitment to preserving this lifeline for needy families.

HEALTH CARE FINANCING ADMINISTRATION

Mr. BENTSEN. Mr. President, I am deeply concerned about the omission of certain funding in the pending bill H.R. 2707. Specifically, I have noted that the bill includes no funds for the survey and certification of health care facilities serving Medicare beneficiaries, and provides drastically reduced administrative funding for the Health Care Financing Administration, which oversees the Medicare and Medicaid programs.

The survey and certification of hospitals, nursing facilities, and other health care providers is necessary to ensure that Medicare and Medicaid beneficiaries receive quality care. A facility that does not meet the certification standards will not be reimbursed for providing care to these beneficiaries. Moreover, the survey process is at the heart of implementing new standards for nursing home care that were established in the Omnibus Budget Reconciliation Act of 1987.

Mr. President, I fully recognize the prerogative of the Appropriations Committee to make judgments regarding funding levels for the administrative expenses of entitlement programs such as Medicare and Medicaid. Nevertheless, as chairman of the authorizing committee responsible for the Medicare and Medicaid programs, I feel I must express my concern about the impact of the decision to eliminate funding for these critical functions.

The committee report clearly states that the bill does not include the $300 million in funding that normally would be applied to survey and certification activities. Under the Senate appropriations bill, funds for survey and certification would be available only if the President requests congressional designation of a budget emergency and a user fee is not collected. I am not willing to let these quality assurance activities depend on the President's willingness to seek the declaration of a budget emergency, especially when the emergency could have been prevented. Moreover, the "emergency" designation under the Budget Act was not intended to be used for ongoing governmental functions such as survey and certification.

The alternative suggested by the Appropriations Committee is for the authorizing committees to consider a tax increase in the form of a fee levied against nursing homes, hospitals, and other health care facilities providing care to Medicare and Medicaid beneficiaries.

Mr. President, the report accompanying the Senate bill indicates that a technical scorekeeping issue required the committee to reduce HCFA administrative expenses so drastically, and that the committee really intended to cut these funds from the Medicaid Program to reflect the Federal portion of survey and certification expenses. The House bill includes the full $300 million needed for Medicare and Medicaid expenses associated with survey and certification activities. Thus, the Senate conferees will be able to restore funding necessary for these essential activities to ensure quality care for Medicare and Medicaid beneficiaries. I would hope that my colleague from Iowa [Mr. HARKIN], chairman of the Labor/Health and Human Services Appropriations Subcommittee, is as concerned as I am about the quality of care provided to our nation's elderly, disabled, and low-income citizens. I speak today to urge him and other Senate conferees to work toward a reasonable compromise in the conference to protect Medicare and Medicaid beneficiaries by ensuring that the quality of their health care is not jeopardized by a shortfall in funding for survey and certification. Thank you, Mr. President.

FUNDING FOR NIDRR RANDOLPH-SHEPPARD BLIND VENDING FACILITY PROJECT AT HONOLULU INTERNATIONAL AIRPORT

Mr. AKAKA. Mr. President, I ask the chairman's help, on behalf of the Hawaii delegation, in clarifying and elaborating upon language contained in the report of the Senate Appropriations Committee on the pending bill. Specifically, the report refers to funding for a project of great interest to the State of Hawaii: establishment of a national model cluster of blind vending facilities under the Randolph-Sheppard Act at the Honolulu International Airport.

Mr. HARKIN. I will be pleased to do so.

Mr. AKAKA. It is my understanding that the committee expects funds to be expended for this demonstration project out of money appropriated to the National Institute of Disability and Rehabilitation Research in the Department of Education, that the amount of such funds is to be $250,000 to be provided to the state to do whatever is necessary to defray the cost of planning, developing, and establishing a number of blind vending facilities at the Honolulu International Airport, and that such funds are to be provided to the Hawaii Department of Human Services directly, or through a supplemental grant or cooperative agreement with the Pacific Basin Rehabilitation Research and Training Center.

Mr. HARKIN. The committee enthusiastically supports the provision of funds to the State of Hawaii for this very important demonstration project.

Mr. AKAKA. I thank the Senator. I wish to commend the senior Senator from Hawaii [Mr. INOUYE] for promoting this project in committee, and to thank the Senator from Iowa for his strong support. The project will bring new employment opportunities for blind Hawaii residents, and will serve as a national model under the Randolph-Sheppard blind vending facility program.

SOCIAL SECURITY ADMINISTRATION EXPENSES

Ms. MIKULSKI. Mr. President, would the chairman yield?

Mr. HARKIN. I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. As the chairman knows, the Social Security Administration is having increasing difficulty administering its programs.

The number of people making initial claims for disability has grown so much that even the agency admits its own budget request will be insufficient to meet the need. The budget request stipulates that even if it gets the $4.532 billion it has requested, pending initial claims for disability will rise by 80 percent to over 700,000 by the end of fiscal year 1992. In better times, unaddressed requests for disability coverage hovered around 175,000 per year.

Mr. President, that means that 700,000 Americans will have asked for assistance and will not have their needs addressed promptly. And it may be that this backlog of pending requests will be even higher than predicted.

This means disabled Americans may have to wait for as much as six months before they get the assistance they are entitled to from the Social Security Program. This is simply unacceptable. The agency, in documents submitted to the Ways and Means Social Security Subcommittee, specifically says that it needs $5.1 billion to properly administer its programs.

I urge the distinguished chairman of the Labor-HHS Subcommittee to do all that he can in conference to at least meet the House level for the Social Security Administration funding. I would like to work closely with him and others in the upcoming fiscal year to see what we can do to raise additional resources available to the agency so that it can reasonably and efficiently carry out its responsibilities to the American people.

Mr. HARKIN. I agree with the Senator from Maryland that the needs of the Social Security Administration are great and will do my best to provide a more sufficient level of funding in conference. I would also be happy to work with my colleague on this problem in the coming months to see what can be done to improve this situation.

JOB CORPS

Mr. BURDICK. Mr. President, I want to take a moment to recognize Chairman HARKIN and my colleagues on the subcommittee for the tremendous job they have done regarding the fiscal year 1992 Labor, HHS, and Education appropriations bill. Each year I am extremely proud of the professionalism that accompanies this bill.

I would also like to point out an item in this legislation which I find to be very important. This bill includes funds needed to initiate the Job Corps

50-50 plan. This plan would strengthen and expand our Government's most successful residential employment and training program for poverty youth.

For the past 28 years, Job Corps has proven it effectively turns young lives around through education and training provided on centers. The citizens of North Dakota will soon have a new Job Corps center in the community of Minot to serve poverty youth across our State. We look forward to the results.

Chairman HARKIN, I cannot stress enough the importance of strengthening and expanding Job Corps through the 50-50 plan. This is an initiative that our country needs now more than ever and I look forward to working with you to complete the 50-50 plan in the coming years.

RESEARCH ON CHILD DEVELOPMENT AND SOCIAL POLICY

Mr. DODD. Mr. President, there is an issue which I would like to clarify with the distinguished chairman of the subcommittee related to language contained in the report urging the National Institute of Child Health and Human Development to give priority to funding the Bush Center in Child Development and Social Policy located at Yale University.

The Bush Centers in Child Development and Social Policy have operated for more than a decade at a number of sites nationally, including Yale University. While the work of these centers is indeed meritorious, I understand that they lack the basic biomedical research component that would qualify them for the mission of the Child Health Research Centers program. Furthermore, I understand that the fine work of the Bush Centers falls more directly under section 1110 of the Social Security Act, authority for which is traditionally granted to the service agencies of the Department of Health and Human Services.

Mr. HARKIN. As the Senator from Connecticut knows we, with the leadership of Senator INOUYE, have encouraged NIH and all the Institutes to do more behavioral research and NICHD is no exception. Nevertheless I would be pleased to work with the Senator from Connecticut to explore additional funding options such as those under section 1110 of the Social Security Act, priority be given to funding the Bush Center at Yale University.

Mr. DODD. Mr. President, I concur with the recommendation of my friend and colleague from Iowa and join him in urging that the Assistant Secretary for Children and Families give priority to providing section 1110 moneys to the Bush Center at Yale University. I want to thank the distinguished chairman for clarifying this matter and for his continuing commitment to quality research on issues affecting children and families.

AMENDMENT NO. 1084

Mr. DODD. Mr. President, I rise in strong support of the Labor-HHS-Education appropriations bill, especially as amended by the committee to expand funding for vital programs including LIHEAP, certain education programs, and childhood immunization. I strongly supported the amendment yesterday to shift greater funding into chapter 1, vocational education, foreign language assistance, and Federal student aid programs. Those increases reflect my belief that education must be a No. 1 priority for this Nation.

I want to commend Senator HARKIN for his outstanding leadership in developing a final bill that responds to the most pressing social needs across the Nation. It is always difficult to determine how best to stretch thin dollars to cover the many unmet needs of American children and families. But this year, that challenge has been more formidable than at any time I can remember. Yet, despite the unprecedented budget constraints, Senator HARKIN and other members of the subcommittee have found creative ways to prioritize and to target funding where it will make the most difference for millions of American families.

As chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism and a member of the Education Subcommittee, I have been directly involved in the growth and development of many of the programs funded by this bill—Head Start, the Child Care and Development Block Grant, the Child Abuse Prevention and Treatment Act, and the Low-Income Home Energy Assistance Program [LIHEAP]. Every time we conduct a hearing on one of these programs, the stories pour out. The witnesses sound the same themes, time and time again. They describe the outstanding and proven records of these programs. They also tell the other part of the story: Of the two-thirds of eligible children who cannot participate in Head Start, of the children who fill the child care waiting lists unable to find space with safe providers, of the teenagers whose parents piece together college tuition, of the families who cannot afford to heat their homes when LIHEAP runs out of funds to assist them. So many of our social programs could be described in exactly the same words—they bring direct and immediate improvement in people's lives, they result in long-term societal savings far exceeding their costs, and they serve only a small portion of those in need.

Mr. President, faced with these undeniable facts, I believe our responsibility is to roll up our sleeves and figure out how to reach more families through programs that work. Regrettably, our job is made more difficult by an administration that continues to focus its attention and resources on world problems at the expense of any real domestic agenda. Too much of our attention in Labor-HHS-Education appropriations is drained by battles simply to protect effective programs from administration-proposed slashing.

Throughout our history, we as Americans have shared a common goal—to make life better for our children than it was for us in our own time. Today—for the first time in our history—America's working families can no longer count on a better life for their children. Caught in a squeeze between changing family demographics, stagnant income, and rising basic costs, families now question whether the American dream is beyond reach.

The 1980's were great for the wealthy, but working people were left far, far behind. I see the ravages of the 1980's throughout my State of Connecticut, and I know my colleagues see the damage across this country. But this Nation needs a President—a leader—who sees it as well. We need a President whose interest in the people of Bridgeport, New Haven, Hartford, Naugatuck, and Windham is as great as his interest in most-favored-nation status for China. As yet another company in Connecticut shuts down and the unemployment lines grow longer, I look with hope to President Bush for recognition of the concerns and needs of families right here at home.

In the meantime, I am pleased with the steps taken by this appropriations bill. Let me take a moment on a few programs of top priority for me and for my State of Connecticut.

The Child Care and Development Block Grant would be funded at $825 million, which is its full authorization level and an increase of $93 million over fiscal year 1991. The Head Start Program would be funded at $2.2 billion, an increase of $250 million over fiscal year 1991 and $150 million more than the administration request.

Because of the amendment adopted yesterday, originally submitted by Senator WIRTH, funding levels for chapter 1, vocational education, foreign language assistance, and federal student aid programs has been increased significantly. I applaud this change from the bill reported by the committee. The children of our Nation deserve a seamless garment of programs and opportunities as they grow up, from safe child care to an affordable college education. The final appropriations bill helps to weave that seamless garment.

The Low-Income Home Energy Assistance Program—or LIHEAP—has been the subject of much debate. This program provides home heating and weatherization assistance to low-income families. The administration proposed cutting LIHEAP by $600 million. The final Senate Labor-HHS-Education appropriations bill, as amended, restores funding. On behalf of the people of Connecticut, I would have liked to see an even greater increase in funds for this program, but given the budget constraints and the extreme administration proposal, I appreciate the responsiveness of Senator HARKIN and others and believe the final bill is fair.

The bill also includes $80.5 million for construction and rehabilitation of job corps centers. This will cover the higher than anticipated costs of opening four centers, including the one in New Haven. I am very pleased that we will be able to bring this new program into the state. The New Haven center will provide disadvantaged youth with concentrated training and other services to help them become employed.

Finally, there are many, many ways in which this bill would improve services to children and families. This long list reflects the thoughtful attention of the subcommittee whose members recognized that a multitude of often small programs make a tremendous difference in people's lives.

For example, the bill doubles funding for critical programs to prevent and address domestic violence. Similarly, the states will welcome the $2 million in additional funding for grants for child abuse prevention and treatment activities. and the $3 million for outreach to homeless children through mobile medical units—pediatric vans—will reach children otherwise lost to our health care systems.

In addition, the subcommittee's bill significantly strengthens key health programs such as the community health centers and the maternal and child health block grant. In communities like New Haven—where we face very high infant mortality rates—these funds are desperately needed and can be put to immediate use.

Mr. President, when we look back on 1991, the picture will be a mixed one. The people of Eastern Europe have made strides toward freedom and democracy, fulfilling their dreams. But the people of America have faced a growing economic squeeze and often crumbling social services. This appropriations bill has been an important opportunity to address the needs of American children and families directly and to give renewed hope to their dreams. Under tough circumstances, this bill does a good job, and I am pleased to support it.

CHILDHOOD LEAD POISONING

Mr. LIEBERMAN. Mr. President, I rise today to offer my strong support for the childhood lead poisoning prevention provisions that are included in the Department of Labor and Health and Human Services appropriations bill. For decades we have known of the devastating effects of lead poisoning on children. Exposure to even low levels of lead may cause irreversible neurological damage, decreased intelligence, learning disabilities, and disruptive behavior in unsuspecting children. Lead is a stealth disease. The effects of lead poisoning can exist long before any overt symptoms appear. There are, however, actions the government can and must take to protect our children from the scourge of this stealth disease.

On February 7, 1991, I cosponsored the Lead Exposure Reduction Act of 1991, along with Senators REID, BRADLEY, and JEFFORDS, which would enable us to begin to wage a war against this disease. It provides for a ban on lead in certain consumer products such as paint, food cans and packaging, toys, curtain weights, and foils for wine bottles. The bill also includes a comprehensive program to promote lead exposure abatement by developing better standards for detection of lead levels in blood, studying the sources of lead exposure in children who have elevated blood lead levels, and studying the contribution to blood lead levels from water, air, soil, and paint. This bill was reported out of the Environment and Public Works Committee on August 1, 1991. At the markup, I was pleased to support amendments that would require the disclosure of any known lead hazard in a home at the time of sale or lease, the distribution of information describing the risk posed by lead, and a recommendation that home inspections be conducted at the time of sale or lease. When this bill comes to the Senate floor, I plan to offer an amendment requiring inspection of elementary schools, nursery schools and day care centers for the presence of lead in paint and lead in soil.

The childhood lead poisoning prevention provisions in the Labor-HHS appropriations bill are a critical complement to the Lead Exposure Reduction Act. These provisions expand the number and scope of grants from the Centers for Disease Control so that more States will have the ability to increase the number of children screened and to refer affected children for appropriate treatment. Without a national screening program we will not be able to identify those children being exposed to potentially dangerous levels of lead and remove them from their lead-contaminated environment as early as possible.

In order for national screening to be effective, the public must be educated on the sources of lead in their homes and their environment and the vast benefits of and the means for reducing lead in their environment. Health care providers must be made aware of the importance and benefits of doing routine blood lead screening of the children they care for. The childhood lead poisoning prevention provisions will allow the establishment of a national education program to provide public and professional education on the sources and routes of exposure, the value of screening, and preventive measures to decrease exposure.

The childhood lead poisoning prevention provisions also will provide for a research program to develop improved testing measures that are simple, accurate, and inexpensive to detect lead poisoning in children. In addition, the provisions will support the conduct of a much needed long-term study that will assess the occurrence and prevalence of lead poisoning. Currently it is estimated that between 3 and 4 million children suffer from lead poisoning. However, the studies called for in the provisions and in the Lead Reduction Exposure Act will identify where the greatest prevalence of lead poisoning can be found and to what it is attributed.

The nationwide screening, education, and research programs that are provided in the childhood lead poisoning prevention provisions of the Labor-HHS appropriations bill and in the Lead Reduction Exposure Act are the means to begin to wage a war against the No. 1 environmental disease of young children. Unfortunately, since lead has contaminated our environment for hundreds of years it is ubiquitous and, therefore, the war against lead poisoning will not be a quick and decisive one. Nonetheless, it must begin before we lose even more of our precious resources—our children—to this stealth disease.

CONGRESS MUST BE FISCALLY RESPONSIBLE

Mr. CRAIG. Mr. President, today we are taking action on the Labor, Health and Human Services, and Education appropriations for fiscal year 1992—a bill that provides funding for some of our Nation's most important programs—and, unfortunately, a bill that contains some of Congress' most excessive spending.

While this bill may meet targets set by last year's budget agreement, excessive spending in the out years will greatly contribute to the Nation's budget deficit. The fiscal irresponsibility of this bill does not demonstrate any ability to face the reality of our national debt. This bill is over $21 billion more than last year's adjusted appropriations, which is an increase of more than 10 percent—a level well over the rate of inflation. How can we get our budget deficit under control when the Congress continues to appropriate at these fiscally irresponsible levels?

There are some excellent Federal programs that promote the welfare of our Nation—for example, the National Institutes for Health, Medicare and Medicaid, Impact Aid, Head Start, Vocational Education, TRIO programs, and employment training. I do not oppose adequate funding for these sorts of programs. However, adequate funding does not mean double-digit percentage increases.

I am very pleased to see the funding levels maintained for Medicare contractors, which covers toll free information lines for beneficiaries and providers. My colleague Senator BROWN and I worked to get that funding maintained, and language included in the report to require the Health Care Financing Administration to maintain those lines. There are other areas such as increases in funding for medical research in the areas of Alzheimer's disease, cancer, and AIDS. I also strongly support the funding for community and migrant health centers, which are such a vital part of my State of Idaho's health care delivery system.

On April 16 of this year, I testified before the Senate Appropriations Subcommittee on the importance of adequate funding for educational programs critical to the State of Idaho. Any significant increase in existing programs is difficult to justify in light of our large Federal budget deficit. However, existing programs of proven worth must be funded equitably with existing resources. Among the programs I support which have been provided for include Impact Aid, Vocational Education, Head Start, Dislocated Worker Assistance, and TRIO. The track record of these programs is well-established. They have shown their worth over time and deserve adequate funding. In addition, funding has been provided for President Bush's "America 2000" proposal, contingent upon congressional authorization before December 31, 1991. I support these bold new education initiatives, crafted by the President and Secretary of Education Lamar Alexander, and believe they should be given a chance to work.

Some will argue that the funding levels in this bill, especially for education, are too low. I perceive them to be more than adequate—far outpacing inflation. To illustrate this point, the Department of Education's appropriation for fiscal year 1991 was about $27 billion. This bill would boost that to more than $30 billion, an increase of greater than 10 percent.

Mr. President, Congress continues to go beyond this Nation's financial capability. If we are going to continue to enjoy the kind of economic growth and stability that allows us to provide these important services to Americans, then we must work toward solving our budget problems. There are a number of rural friendly programs being funded in this bill, which I support. However, Mr. President, the overall excessive spending in this bill compels me to oppose it. Congress must be fiscally responsible.

LABOR DEPARTMENT TEST DEVELOPMENT ACTIVITIES

Mr. HATFIELD. Mr. President, I would like to clarify with the manager of the bill the intent regarding use of employment service national activities funds for contracts with non-State entities for test development research. The Labor Department has undertaken a research program intended to address a number of important issues surrounding the use of the general aptitude test battery. These issues were raised in a National Academy of Sciences study and elsewhere. These efforts should be continued and, where feasible, State agencies should be utilized. However, where expertise is not available through the States the Department has flexibility to procure services elsewhere.

Mr. HARKIN. It is indeed our intent that funds may be obligated by the Department of Labor in contracts with non-State entities for test development activities which benefit the Federal-State employment service system.

MEDICAID REGULATIONS

Mr. FORD. Mr. President, I wonder if the distinguished chairman of the Senate Finance Committee might be willing to enter into a colloquy with me about this subject of Medicaid regulations.

Mr. BENTSEN. I would be delighted to discuss this issue with my colleague from Kentucky.

Mr. FORD. Does the chairman share my concerns that these regulations may have a devastating impact on our States and their ability to fund Medicaid services for our neediest families?

Mr. BENTSEN. As the Senator knows, these regulations were just issued today, and the committee has not had time to fully assess their impact on the States. However, it is clear that many States believe that these regulations will require either significant changes or elimination of their Medicaid voluntary contribution or provider-paid tax programs. The doubt arises from the ambiguity of the regulatory language—which you alluded to—and I believe that the Department of Health and Human Services owes it to the States and Congress to clarify the meaning of the regulations. I intend to obtain such clarification from the Department.

For some States, including Texas, the impact of these regulations could be significant. The Committee on Finance has already held one hearing on this issue, and I encourage the States to advise us of the impact of these regulations on their programs a soon as possible. I can assure the Senator that my staff and I will be closely reviewing these regulations and the comments of the States to ensure that congressional intent is followed.

However, I am concerned that OMB will score a cost for an extension of the current moratorium, which would lead to a sequester of many equally vital programs. I do not believe we can risk such a sequester at this point. But I can assure the Senator that we will be listening to the States in the coming weeks to assess the full impact of these regulations on their programs and will take whatever action is appropriate to resolve this issue.

Mr. FORD. I appreciate the comments of my good friend and distinguished colleague, the chairman of the Finance Committee, and look forward to working with him to address this issue before the end of the year. In light of the chairman's comments, I will not be offering this amendment at this time.

The Congressional Budget Office advises me that no costs would be scored for this amendment. However, under the Budget Enforcement Act enacted last year, OMB has the final say on the cost estimate for this amendment. I recognize the concerns of some that OMB will score a cost, which would trigger a sequester in domestic programs, and I clearly would not want to be responsible for that. But the fact is, if HCFA is arguing that these regulations merely implement current law and go no further, then extending the moratorium through the end of this fiscal year should have no cost impact. On the other hand, if these regulations do go farther than Congress intended, as I suspect, OMB will certainly be able to come up with a cost.

Mr. President, we need to send a signal to HCFA, today, that Congress intends to deal with these regulations and we will reserve time for our authorizing committee to do so before the interim rules become effective on January 1. We need to send a signal, today, to our States, that they will not have to convene their legislatures between now and the end of the year in order to avoid busting their budgets next January in the middle of their fiscal year. And we need to send a signal, today to the poor families who depend upon these programs to pay for much needed Medicaid benefits, that we will work to ensure that they have access to basic health care.

While I believe that my amendment would have sent such a signal, there is simply not enough time to achieve that result. But HCFA and OMB should not take my decision to mean that I either sanction these regulations or will sit by and let them be implemented, thereby robbing the poorest families in Kentucky of basic health care. I am serving notice to HCFA, and OMB, that I will fight to allow my State to continue to find innovative ways to take care of our people.

Mr. President, I will ask unanimous consent that an article by Gov. Wallace Williamson of Kentucky be printed in the RECORD following my statement.

Mr. President, I had intended to offer an amendment to this bill which would have extended through the end of this fiscal year the moratorium enacted in OBRA 90 on final regulations by the Department of Health and Human Services on State Medicaid matching payments through voluntary contributions and provider-paid taxes.

Without this extension, my State, and approximately 30 others, stand to lose millions of dollars next year under interim final regulations issued by the

Health Care Financing Administration today. Under the current moratorium, these regulations will become effective on January 1, 1992, right in the middle of most States' fiscal year. These States simply do not have enough time to adjust their budget to comply with the regulations.

Those States affected by these regulations met earlier today with officials from the Department of Health and Human Services. According to Kentucky officials who attended the meeting, HCFA admitted that the regulations do not necessarily reflect what was intended, but that the Department wants to work with the States on an individual basis to revise these programs. Regrettably, Kentucky's poorest families simply cannot take the gamble of losing $500 million in Medicaid benefits through such negotiations.

The moratorium we enacted in OBRA 90 was actually an extension, in part, of a moratorium enacted first in 1988, and extended in 1989, on regulations affecting voluntary contribution programs used by the States to generate Federal matching payments under Medicaid to pay for escalating Medicaid costs. Last year, however, we also made it clear that States could use provide-paid tax programs to raise revenues for Medicaid, with an exception to exclude taxes for a provider's cost base for purposes of Medicaid reimbursement. The Department claims that the regulations issued today merely conform and interpret that exception. Based upon the meeting today, my State believes that these regulations go far further.

I ask that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHANGES IN RULES ON MEDICAID FUNDING COULD LEAD TO TAX HIKE, CUTS IN BENEFITS

(By Wallace G. Wilkinson)

This year Kentuckians are celebrating an historic event, the 200th anniversary of our statehood. Two hundred years in partnership with our sister states and the federal government.

This year also marks another anniversary, one that will not be observed with parades, picnics or other festivities. It is the silver anniversary of the implementation of Medicaid—an extension of the state/federal partnership to ensure that the least able of our fellow citizens have access to health care.

Unfortunately, there are efforts underway in Washington right now that threaten to tear apart the very fragile fabric of the 25-year-old Medicaid partnership between states and the federal government.

In 1985, the federal Health Care Financing Administration (HCFA) sanctioned the use of private funds as part of the states' share of Medicaid costs. The concept of using such "provider" fees or "donations" was subsequently included in the Omnibus Budget Reconciliation Act of 1990 passed by Congress and signed into law by President Bush.

Kentucky has led the way in the use of these legitimate, innovative methods of financing health care costs of our citizens. As a result of legislation proposed by my administration and passed by the General Assembly in the 1991 Special Session, Kentucky has been able to preserve benefits for some 425,000 Kentuckians and extend in-patient hospital coverage to 350,000 more of Kentucky's so-called working poor without additional costs to Kentucky taxpayers.

This fiscal year alone, Kentucky's share of federally mandated Medicaid expansions will cost an additional $56 million. That figure will rise to $71 million next fiscal year and surpass $85 million the year after that. That is how much more it costs Kentucky just to meet our share of Medicaid expenses under existing federal mandates. That is in addition to the $353 million the Commonwealth already is spending in this fiscal year to match federal dollars.

Provider fees and donations have provided the states with a practical and feasible alternative to meeting the costs of federal mandates. Without them the states would have no choice but to raise taxes on the general public or cut services.

Had Kentucky not used the vehicle of provider fees to match federal dollars, our Commonwealth would have been forced to reduce payments, eliminate coverage or move money from some other needed government program to pay our Medicaid bill.

In this fiscal year alone, Kentucky's provider assessment program will produce $533 million in Medicaid funds. It is important to note that of the $156 million being produced by Kentucky's provider assessment program matched with $377 million federal dollars, not one penny will go anywhere other than to fund Medicaid services for Kentuckians.

Nevertheless, because Kentucky and 38 other states, playing by Washington's rules, are providing additional services through a federally authorized option, there is now a move afoot to squelch these programs, leaving the 50 statehouses with the unpaid bills and a shrug of the shoulders from the White House.

Interim regulations are being rushed through by HCFA to nullify provider assessment and donation programs such as the one passed by Kentucky. If these regulations take effect, this important option for meeting the federal government's mandated expansion of Medicaid will end. HCFA will penalize states for not meeting deadlines for expanded services, while simultaneously turning a deaf ear to governors and legislators who will be forced to raise taxes or cut programs.

These regulations must not take effect. We must speak firmly and loudly against this "reneging" by the White House on a law that gave states a much needed funding avenue. More importantly, neither HCFA nor any other federal agency should be allowed to presume that it has any authority to dictate to a sovereign state government which taxes it may impose and upon whom it may impose them.

In simple terms, Washington established the rules of the game and now wants to change them. We cannot let that happen.

Let your voice be heard. We cannot allow the federal government to force states into the same deficit-spending way of doing business that is the norm in Washington. If we do not prevail, thousands of our fellow Kentuckians, indeed millions of Americans, will suffer.

COMMENDING THE SUBCOMMITTEE

Mr. LAUTENBERG. Mr. President, I rise in support of the Labor, Health and Human Services, and Education appropriations bill for fiscal year 1992. I commend Senator HARKIN, the subcommittee chairman, for putting together this bill. Many worthy programs compete for limited funds in this appropriations bill and the Senator from Iowa had to make some very difficult choices in crafting this bill.

I appreciate the willingness of the subcommittee chairman to include funding for a number of important programs which I requested that are designed to address critical domestic needs.

One of the biggest health challenges of the last decade has been the AIDS epidemic. The AIDS epidemic now affects young and old, men and women, black and white, urban and rural, and has already taken over 150,000 lives. This epidemic, which is now growing at approximately 35 percent per year, has been crippling our public health system for the past few years.

In response to this epidemic and the tragic death of Ryan White, the Congress passed the Ryan White CARE Act in 1990. I was a cosponsor of this legislation that was designed to provide emergency funding for AIDS care, prevention, and education. The bulk of the funding was designed to go to 16 target areas, including Hudson County, NJ, and the Newark, NJ, metro area, and the 50 States.

Recognizing the great need for Ryan White CARE Act funding, I urged Senator HARKIN to include $440 million for this act in fiscal year 1992. This would have doubled the funding from fiscal year 1991. Given the nature of this epidemic, I believed that this response was appropriate. While this bill includes $289 million for the Ryan White CARE Act, which is less than my request, it is an increase of $68 million over last year's level and $47 million more than the House fiscal year 1992 level. I commend the chairman of this subcommittee for including this increase even though the Labor and Health and Human Services allocation was below last year's level plus inflation and hope that we can work together in the future to provide the highest possible funding for this program.

The $289 million total for Ryan White programs will provide about a 40 percent increase in funding for AIDS care and education programs in Newark, NJ, and Hudson County, NJ, as well as other hard-hit areas across the United States.

This bill also provides funding for the National Institute of Allergy and Infectious Diseases [NIAID]. The committee report recognizes that minorities have been underrepresented in NIAID's AIDS clinical trials research groups. Recognizing that New Jersey has one of the highest per capita rates of HIV infection and pediatric AIDS, the committee report encourages NIAID to create more clinical trials at the University of Medicine and Dentistry of New

Jersey [UMDNJ] in Newark for research purposes that will benefit women and minorities in New Jersey and nationwide.

This bill also restores a House cut in the domestic refugee and entrant assistance program and provides the full funding of $410.2 million. The House cut $117 million from the Refugee Cash and Medical Assistance Program [RCMA] and the Senate Appropriations Committee restored these funds but delayed their obligation until the end of fiscal year 1992. I am pleased to see that the committee amendments to this bill includes a provision dropping this delayed obligation, thereby making all of the funds available for regular quarterly reimbursement to States. I commend the chairman of the subcommittee for recognizing how critical the domestic refugee and entrant assistance program is to successful resettlement of refugees fleeing desperate situations in their home countries.

Mr. President, I have also been concerned about meeting the need for innovative elementary and secondary education programs to improve our Nation's schools. This bill includes $9.5 million for the model community education employment centers [CEEC] authorized in the Carl D. Perkins Vocational and Applied Technology Act of 1990. I secured the authorization for this new program because there is a great need for innovative school-based programs to help low-income, disadvantaged children to graduate from high school and secure meaningful employment. I am pleased that the committee report which accompanies the bill encourages the Department of Education to test the success of this model program in an urban school district in New Jersey.

This bill also includes $5.25 million for computer-based instruction programs funded through the Secretary's Fund for Education Innovation. I secured authorization for this program in 1988 and it has received appropriations since fiscal year 1989. The computer education program provides funds for special projects that expand and strengthen computer education resources in elementary and secondary schools. It is designed to increase opportunities for our young people to receive hands-on experience with computers and technology.

This bill also includes a provision that overturns the administration's gag rule on health professionals giving women who visit family planning clinics advice and information about reproductive choices, including abortion. Several other Senators and I urged Chairman HARKIN to include this language. I hope the administration sees the handwriting on the wall and reverses this policy which intrudes on the confidentiality of the doctor-patient relationship.

I am also pleased that the Senate adopted an amendment that restored much of the funding for the Low-Income Home Energy Assistance Program [LIHEAP]. The new total of $1.5 billion for LIHEAP in the Senate-passed bill will provide essential assistance to low-income families that must struggle to pay heating bills each winter. Without adequate funding, many current LIHEAP recipients are so poor that they must choose between heating their homes and buying food.

I am also extremely concerned about the growing problem of trauma-related injuries. For this reason, I asked Senator HARKIN to include special funding for injury control and head and spinal cord injury research and treatment. The Centers for Disease Control [CDC] received a total appropriation of $28,066,000 for injury control which is $4,030,000 over last year and $2 million above the House passed level. Out of the $28,066,000 total, $1 million was set aside for a new injury control and demonstration center. The University of Medicine and Dentistry of New Jersey [UMDNJ] meets most of the criteria described in the report and I expect them to compete for these funds that I requested that Senator HARKIN set aside. In terms of head and spinal cord injuries, I also urged Senator HARKIN to include funds in the National Institute of Neurological Disorders and Stroke [NINDS] for regional trauma care and research centers that combine injury science with basic science and are integrated with a health-care delivery system and a Level I trauma-care center. I also believe that UMDNJ is well qualified to host such a center.

Once again, I commend the distinguished chairman of the Labor-HHS appropriations subcommittee for accommodating my requests and I will work closely with him to ensure that all of these items are satisfactorily included in the fiscal year 1992 conference report accompanying this bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read for a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—78

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NAYS—22

Bond
Brown
Coats
Conrad
Craig
Dixon
Exon
Garn
Gramm
Hatch
Heflin
Helms
Kasten
Lugar
Mack
McCain
Nickles
Roth
Smith
Symms
Thurmond
Wallop

So, the bill (H.R. 2707), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. GLENN] appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. COCHRAN, Mr. GRAMM of Texas, and Mr. GORTON conferees on the part of the Senate.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will proceed to the immediate consideration of the bill, H.R. 2686, the Interior appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, [$516,865,000] *$537,049,000* of which the following amounts shall remain available until expended: not to exceed $1,400,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a(i)), and [$27,000,000] *$20,000,000* for the Automated Land and Mineral Record System Project: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors[;–and in addition, $12,300,000 for Mining Law Administration program operations: *Provided further,* That the sum herein appropriated shall be reduced as mining claim holding fees are received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than $516,865,000: *Provided further,* That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim holding fees shall be credited to this account for the costs of administering the mining claim holding fee program, and shall remain available until expended: *Provided further,* That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.]

FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire presuppression, and other related emergency actions by the Department of the Interior, [$122,010,000] *$222,879,000,* to remain available until expended: *Provided,* That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further, That any funds needed for emergency firefighting above the amount of $100,869,000 shall be designated to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

[EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

[For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $100,869,000, to remain available until expended: *Provided,* That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirement" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further,* That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101–508.]

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, [$12,503,000] *$15,518,000,* to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, [$33,640,000] *$16,660,000* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; [$93,074,000] *$96,994,000,* to remain available until expended: *Provided,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,687,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That [notwithstanding 44 U.S.C. 501,] the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93–408, [$509,891,000] *$526,327,000* of which [$10,306,000] *$10,806,000* shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

CONSTRUCTION [AND ANADROMOUS FISH]

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [$71,102,000] *$95,465,000* to remain available until expended[,–of which $300,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757g):] *Provided, That hereinafter notwithstanding any other provision of law, procurements for the Patuxent Wildlife Research Center, the National Education and Training Center, and the replacement laboratory for the National Fisheries Research Center—Seattle, Washington, may be issued which include the full scope of the facility: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.*

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments *and restoration activities* by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); [$3,740,000] *$5,000,000* to remain available until expended: *Provided*, That notwithstanding any other provision of law, in fiscal year 1991 and thereafter, sums provided by any party, including sums provided in advance or as a reimbursement for natural resource damage assessments, may be credited to this appropriation and shall remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$87,722,000] *$85,530,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $6,705,000 for Grants to States, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), [$11,000,000] *$14,000,000.*

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,201,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $8,500,000, to remain available until expended.

[SPORT FISH RESTORATION ACCOUNT]

(LIMITATION ON OBLIGATIONS)

[None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for the Sport Fish Restoration Account, Payments to States, for fiscal year 1992.]

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 145 passenger motor vehicles, of which 129 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That hereafter the Tinicum National Environmental Center in Philadelphia, Pennsylvania, shall be known as the John Heinz National Wildlife Refuge at Tinicum.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the Fish and Wildlife Service is hereafter authorized to negotiate and enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement on a public-private cost sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan: Provided, That the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: Provided further, That interest earned by the Foundation and its subgrantees on funds drawn down to date but not immediately disbursed shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $566,000 for the Roosevelt Campobello International Park Commission, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93–408, [$969,047,000] *$949,724,000* without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $59,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation[: *Provided further*, That of the funds provided herein, $700,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States]: *Provided further*, That none of the funds appropriated to the National Park Service in this Act may be used to construct horse stables or any other facilities for the housing of horses at the Manassas National Battlefield Park.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [$23,420,000] *$25,269,000, of which $7,500,000, including acquisition by non-Federal entities under cooperative agreements entered into pursuant to 16 U.S.C. 462(e), shall remain available until expended*: *Provided*, That no funds appropriated under this head for the Calumet Historic District may be obligated until funds provided for the Calumet Historic District under construction planning are specifically authorized.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $35,931,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1993: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [$237,506,000] *$194,797,000*, to remain available until expended: *Provided*, That not to exceed $11,200,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That none of the funds under this head may be expended for the Calumet Historic District unless specifically authorized[: *Provided further*, That of the funds provided under this heading, $1,500,000 shall be available for site acquisition for the Lincoln Center in Springfield, Illinois: *Provided further*, That of the funds provided under this heading, $2,000,000 shall be available for a grant to restore the Chicago Public Library, Central Building as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e))]: *Provided further*, That notwithstanding any other provision of law, $1,000,000 shall be made available for renovation of Tad Gormley Stadium: *Provided further*, That of the funds provided under this heading, up to $100,000 shall be available to assist the Town of Provincetown, Massachusetts with planning and construction of a solid waste transfer station on town-owned land provided that the Town and the National Park Service enter into an agreement for shared use of the facility for its lifetime at a rate based on actual operating costs and percentages of total contribution of solid waste by the National Park Service[: *Provided further*, That of the funds provided under this heading, $3,650,000 shall be available for construction of a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor]: *Provided further*, That [until March 1, 1992,] none of the funds appropriated under this [head] *Act or any subsequent Act* may be expended for the Steamtown National Historic Site unless specifically authorized.

[URBAN PARK AND RECREATION FUND]

[For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) $10,000,000, to remain available until expended.]

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$108,365,000] *$84,750,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which [$23,500,000] *$15,500,000* is for the State assistance program including $3,500,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $14,000 shall be available in 1992 for administrative expenses of the State grant program.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1992 by 16 U.S.C. 460l-10a is rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $22,945,000, of which $16,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 465 passenger motor vehicles, of which 322 shall be for replacement only, including not to exceed 355 for police-type use, 11 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further, That section 323 of Public Law 101-512 is amended by striking out "B1/2NW1/4 section 9" and inserting in lieu thereof "E1/2NW1/4 section 9": Provided further, That the Secretary of the Interior, acting through the Director of the National Park Service, may enter into a cooperative agreement with the William O. Douglas Outdoor Classroom under which the Secretary may expend Federal funds on non-Federal property for environmental education purposes.*

Notwithstanding any Master Plan, Development Concept Plan or policy of the Olympic National Park, nor any federal regulation, to the contrary, the Superintendent of the Olympic National Park, located in the State of Washington, is authorized and directed to issue a ten-year, special use permit for the continued operation of Kamp Kiwanis by the Hoquiam Kiwanis Club and the Hoquiam Y.M.C.A. at the location described below within the boundary of the Olympic National Park:

A plot of land in Section 13, Township 23 N., Range 10 W., W.M. described as follows:

Beginning at an iron pipe which is on the section line and south 860 feet from the south 1/16 corner of Sections 14 and 13 in Township 23 north, Range 10 W, W.M.; thence north 13½ degrees east 572 feet to an iron pipe; thence south 55 degrees east 319 feet to an iron pipe; thence south 16 degrees west 458 feet to an iron pipe; thence north 75½ degrees west 277 feet to point of beginning, containing 3.43 acres, more or less; also a right-of-way for a pipeline from Higley Creek to the above area about 2,000 feet along the section line between Sections 13 and 14, T. 23N., Range 10 W., W.M.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$589,499,000] *$569,457,000*, of which $62,058,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 26 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224: *Provided further, That the Geological Survey (43 U.S.C. 31(a)) shall hereafter be designated the United States Geological Survey.*

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$208,090,000] *$199,614,000*, of which not less than [$66,784,000] *$66,574,000* shall be available for royalty management activities: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1993: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities[: *Provided further*, That notwithstanding any other provision of law, $10,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due]: *Provided further, That notwithstanding any other provision of law, $136,400,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.*

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$175,890,000] *$172,349,000*, of which [$101,382,000] *$99,523,000* shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions and, heretofore and hereafter, fees to be deposited in the contributed funds account from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies. *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; [$110,250,000] *$110,065,000* and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, from performance bond forfeitures in fiscal year 1992: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1992 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further, That notwithstanding the requirements of section 705 of Public Law 95–87 (30 U.S.C. 1295) appropriations herein shall be available to fund the full costs to the States to implement the Applicant Violator System in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. and Manuel Lujan, Jr., Secretary, United States Department of the Interior, et al.*

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, [$190,200,000] *$188,404,000* to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95–87, as amended (30 U.S.C. 1232 (g)): [$130,000,000 to carry out section 402(g)(1) and 402(g)(5),] $12,000,000 to carry out section 402(g)(2) [and $48,200,000 to carry out sections 402(g) (3) and (4)]: *Provided, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office*]: *Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95–87, administrative expenses may not exceed 15 per centum: Provided further, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95–87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement.*

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide [education and] welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions[, or schools]; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including expenses in field offices, [$1,283,630,000] *$801,089,000*, [including $302,025,000 for school operations costs of Bureau funded schools and other education programs which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which funds obligated as grants to schools pursuant to Public Law 100–297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and] of which not to exceed [$74,912,000] *$18,392,000* for [higher education scholarships,] adult vocational training, [and assistance to public schools under the Act of April 16, 1934 (48

Stat. 596), as amended (25 U.S.C. 452 et seq.),] shall remain available for obligation until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) [, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A)] shall remain available until expended by the contractor or grantee; and of which [$2,021,000] *$3,021,000* for litigation support shall remain available until expended, [$5,000,000] *$3,000,000* for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,139,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That $200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds *from which the beneficiary can determine whether there has been a loss* [: *Provided further*, That $300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That not more than $3,218,000 shall be made available for the Federal Financial System in fiscal year 1992: Provided further, That none of the funds provided in this Act may be used to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force consisting of tribal, Bureau and departmental representatives reviews any proposal to reorganize the Bureau and provides a final report to the Committees on Appropriations regarding consultation and a review of the proposal: *Provided further*, That none of the funds provided in this Act may be used to undertake a reorganization pursuant to 64 Stat. 1262 or any other provision of law: *Provided further*, That income received by the Bureau of Indian Affairs as a deduction from timber sale receipts shall remain available until expended]: *Provided further, That funds intended for the United Keetoowah Band of the Cherokee Indians shall be held in abeyance until such time as legislation is enacted addressing the status of the United Keetoowah Band: Provided further, That funds provided in this Act shall be used to continue the activities of the Task Force on Bureau of Indian Affairs Reorganization under its charter as adopted and amended on April 17, 1991: Provided further, That any reorganization proposal shall not be implemented until the Task Force has reviewed and recommended its implementation to the Secretary and such proposal has been reported upon to the Committees on Appropriations.*

INDIAN EDUCATION PROGRAMS

For the operation of Indian Education programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding schools, day schools, or institutions; maintenance of law and order, management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Office of Indian Education Programs (OIEP) 431,741,000, including $302,025,000 for school operations costs of Bureau-funded schools which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which, funds obligated as grants to schools pursuant to Public Law 100–297 shall be made on August 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calender year; of which not to exceed $56,520,000 for higher education scholarships and assistance to public schools the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: Provided further, That $300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation.

CONSTRUCTION

(INCLUDING RESCISSION)

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, [$219,856,000] *$107,010,000*, to remain available until expended: *Provided*, That of the funds previously provided under this head for construction contract support, [$7,000,000] *$3,000,000* is hereby rescinded: *Provided further*, That $1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act*: Provided further, That funds appropriated for construction of the Wind River Indian Irrigation Project in fiscal year 1990 (Public Law 101–121), fiscal year 1991 (Public Law 101–512) and hereafter shall be made available on a non-reimbursable basis.*

EDUCATION CONSTRUCTION

For construction, rehabilitation and repair of educational facilities, including acquisition of land, advance planning and design, and program management $92,798,000, to remain available until expended.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98–500, 99–264, 100–580, 101–618, 101–602, 101–628, 101–486, and 100–585, including funds for necessary administrative expenses, $87,617,000, to remain available until expended: *Provided*, That income earned on funds appropriated by Public Law 101–121, October 23, 1989, 103 Stat. 701, 715 for the purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101–41, June 21, 1989, 103 Stat. 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes[: *Provided further*, That of the funds included for Public Law 101–602, $12,000,000 shall be made available on September 30, 1992; of the funds included for Public Law 101–628, $23,000,000 shall be made available on September 30, 1992; and of the funds included for Public Law 101–618, $12,500,000 shall be made available on September 30, 1992].

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d–30), including necessary administrative expenses, $4,000,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,000,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $3,039,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,735,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Indian Financing Act of 1974, as amended, $8,512,000: *Provided*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $56,432,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

MISCELLANEOUS PERMANENT APPROPRIATIONS

Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77-457) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended: Provided, That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 188 passenger carrying motor vehicles, of which not to exceed 147 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, [103,177,000] *$74,150,000*, of which (1) [$99,194,000] *$69,847,000* shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention [and brown tree snake control and research;] late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) [$3,983,000] *$4,303,000* shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$27,951,000] *$22,451,000* to remain available until expended including $17,651,000 for operations of the Government of Palau [to be expended as determined by the Government of Palau]: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1992, shall be credited as an offset against fiscal year 1992 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1992: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, [$26,010,000] *$25,010,000*, to remain available until expended, as authorized by Public Law 99-239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219: *Provided further*, That the language in the third proviso under this head in Public Law 100-446 is amended by striking the word "Ejit" and inserting the word "Majuro" [: *Provided further*, That of the amount appropriated, $2,000,000 shall be available ex gratia for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such sum shall be paid to a trustee selected by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary of the Interior to be held in trust pursuant to the provisions of a trust agreement approved by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided further*, That the Secretary may approve expenditures of up to $500,000 in fiscal year 1992 for projects on Mejatto: *Provided further*, That the Government of the United States shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds: *Provided further*, That of the amount appropriated, $1,000,000 shall be available for studies on Rongelap Atoll]: *Provided further*, That $2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: *Provided further*, That the Government of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the Section 177 Agreement (pursuant to section 177 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap Trust not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000: *Provided further*, That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided further*, That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, [$66,414,000] *$58,428,000*, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$30,525,000] *$31,902,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, [$24,244,000] *$25,518,000.*

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,243,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, [$1,890,000, subject to authorization] *$2,490,000.*

[OILSPILL EMERGENCY FUND

[For necessary expenses for contingency planning, response, natural resource damage assessment and restoration activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction; $3,900,000, which shall remain available until expended.]

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section *are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and* must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof[: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted]: *Provided further*, That all funds used pursuant to this section *are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and* must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.]

SEC. [108] *107.* Notwithstanding any other provisions of law, in fiscal year 1992 and thereafter, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [109] *108.* No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. [110] *109.* No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. [111] *110.* No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. [112] *111.* No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. [113] *112.* No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 145 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. [114] *113.* None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. [115] *114.* The provision of section [114] *113* shall not apply if the transfer of management or control is ratified by law.

SEC. [116] *115.* Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, any appropriations or funds available to the Department of the Interior in this Act may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Department of the Interior programs.

SEC. [117] *116.* Appropriations under this title in fiscal year 1992 and thereafter, may be made available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work for units of the Department of the Interior.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$183,572,000] *$176,850,000* to remain available until September 30, 1993.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$205,041,000] *$193,332,000*, to remain available until expended, as authorized by law: *Provided, That a grant of $4,500,000 shall be available to Mercer County, West Virginia for the construction and equipping of a hardwood training and a flexible manufacturing center: Provided further, That $250,000 is available for the Center for Snow Science at Alta, Utah: Provided further, That $5,000,000 shall be available for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, subject to the passage of authorizing legislation: Provided further, That outlays for the Foundation shall not exceed $1,000,000 in fiscal year 1992.*

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Firefighting", and "Land Acquisition", [$1,280,947,000] *$1,379,205,000* to remain available for obligation until September 30, 1993[, including $30,968,000 for wilderness management], and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1991, shall be merged with and made a part of the fiscal year 1992 National Forest System appropriation, and shall remain available for obligation until September 30, 1993: Provided, That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume directed by this Act: Provided further, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: Provided further, That none of the funds provided in this or any other Act shall be used to establish a timber sales offer volume different from that stated in the Committee report accompanying this legislation, without the advance approval of the Committee.*

FOREST SERVICE FIREFIGHTING

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression, and emergency operations on, and the emergency rehabilitation of, National Forest System lands, [$189,803,000] *$302,203,000*, to remain available until expended: *Provided*, That such funds are also to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further, That any funds needed for emergency firefighting above the amount of $112,000,000 shall be designated to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

[EMERGENCY FOREST SERVICE FIREFIGHTING FUND

[For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, $112,000,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirement" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further*, That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101–508.]

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$350,420,000] *$265,545,000*, to remain available until expended, of which [$78,607,000] *$78,272,000* is for construction and acquisition of buildings and other facilities; and [$271,813,000] *$187,273,000* is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1992 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed [$113,000,000] *$120,000,000*, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers[: *Provided further*, That $5,000,000 of the funds provided herein for road repairs shall be available for the planned obliteration of roads which are no longer needed.]

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$90,735,000] *$84,210,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided, That $6,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101–624, the Food, Agriculture, Conservation and Trade Act of 1990: Provided further, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section: Provided further, That the Forest Service shall make a grant of $633,000 to the City of Missoula, Montana, from funds appropriated by Public Law 101–512 for direct acquisition of property known as Rattlesnake Greenway and currently under option to the City of Missoula, Montana: Provided further, That no funds shall be available to purchase Special Improvement District permits and any remaining funds shall be available to acquire additional properties for recreation and open space in the same vicinity.*

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,148,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $97,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 207 passenger motor vehicles of which 17 will be used primarily for law enforcement purposes and of which 176 shall be for replacement only, of which acquisition of 137 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 68 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction[: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.]

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, *and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: Provided, That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1992 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.*

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized *hereafter* to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals *to print educational materials and* to continue the Challenge Cost-Share Program.

[None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-age management in hardwood stands in the Shawnee National Forest, Illinois: *Provided*, That none of the funds available in this Act shall be used to administer timber sales, including timber sales under contracts entered into prior to fiscal year 1992, which involve clear cutting or other forms of even-age management.

[None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.]

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

[None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California.]

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

[The Forest Service shall conduct a below cost timber sales test on the Shawnee National Forest in Illinois in fiscal year 1992.]

In fiscal year 1992, the Forest Service is directed to offer for sale new timber volumes in the following regions—Region 1, 940 million board feet; Region 2, 340 million board feet; Region 3, 375 million board feet; Region 4, 345 million board feet; Region 5, 1.3 billion board feet; Region 6, 3 billion board feet; Region 8, 1.1 billion board feet; Region 9, 800 million board feet; and Region 10, 450 million board feet.

In fiscal year 1992, the Forest Service shall prepare timber sales for offering in future years by conducting the necessary environmental documentation (Gate 2) and by conducting field activities and appraisal activities so that the sale is ready for advertisement: Provided, That in fiscal year 1992 the Forest Service is directed to prepare sales volume through Gate 2 totaling 8.42 billion board feet, distributed as follows—Region, 1, 800 million board feet; Region 2, 375 million board feet; Region 3, 410 million board feet; Region 4, 410 million board feet; Region 5, 1.2 billion board feet; Region 6, 2.275 billion board feet; Region 8, 1.1 billion board feet; Region 9, 850 million board feet; Region 10, 1 billion board feet: Provided further, That in fiscal year 1992 the Forest Service is directed to prepare sales volume through Gate 3 totaling 5.965 billion board feet, distributed as follows—Region 1, 740 million board feet; Region 2, 320 million board feet; Region 3, 300 million board feet; Region 4, 345 million board feet; Region 5, 1 billion board feet; Region 6, 1.27 billion board feet; Region 8, 900 million board feet; Region 9, 690 million board feet; Region 10, 400 million board feet.

Notwithstanding any other provision of law, funds allocated by the Forest Service to a specific national forest in fiscal year 1993 for National Forest System trail construction; trail maintenance; wildlife and fish habitat management; soil, water, and air management; cultural resource management; wilderness management; reforestation and timber stand improvement; timber sale administration and management including all timber support costs shall be increased by 10 per centum on October 1, 1992 if the specific national forest attains the timber sale offer volume and timber pipeline preparation volume directed in fiscal year 1992: Provided, That these funds shall be made available in fiscal year 1993 from fiscal year 1992 timber receipts returned to the Federal Treasury and shall be available until expended: Provided further, That these funds are in addition to any *other funds appropriated for these activities and can be merged into regular appropriated accounts.*

Notwithstanding any other provision of law, the payment, from fiscal year 1992 receipts, to the State of South Carolina pursuant to the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500) for the Francis Marion National Forest, which was affected by Hurricane Hugo in September 1989, shall be not less than 90 per centum of the average annual payment made to the State, based on receipts collected on the Forest during the 4-year baseline period of fiscal years 1986 through 1989.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

[Projects selected pursuant to the fifth general request for proposals to be issued not later than March 1, 1992,] *Notwithstanding the issuance date for the fifth general request for proposals under this head in Public Law 101–512, such request for proposals shall be issued on August 10, 1992: Provided, that a sixth general request for proposals shall be issued not later than February 1, 1994: Provided further, That funding for the sixth general request for proposals shall be provided from unobligated balances from prior appropriations under this head: Provided further, That the Secretary shall, not later than November 1, 1993, report to the President of the Senate and the Speaker of the House of Representatives on the amount of such funds which are available for the sixth general request for proposals: Provided further, That such general requests for proposals* shall be subject to all provisos contained under this head in previous appropriations Acts unless amended by this Act.

Notwithstanding the provisos under this head in previous appropriations Acts, projects selected pursuant to the fifth [general request] *and sixth general requests* for proposals shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities: *Provided*, That budget periods may be used in lieu of design, construction, and operating phases for cost-sharing calculations: *Provided further*, That the Secretary shall not finance more than 50 per centum of the total costs of any budget period: *Provided further*, That project specific development activities for process performance definition, component design verification, materials selection, and evaluation of alternative designs may be funded on a cost-shared basis up to a limit of 10 per centum of the Government's share of project cost: *Provided further*, That development activities eligible for cost-sharing may include limited modifications to existing facilities for project related testing but do not include construction of new facilities.

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements[; (1)] for use on projects for which cooperative agreements are in place, within the limitations and proportions of Government financing increases currently allowed by law [, or (2) for which requests for proposals have not yet been issued]: *Provided*, That hereafter, the Department of Energy, for a period of up to five years after completion of the operations phase of a cooperative agreement may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from demonstration activities conducted under the Clean Coal Technology Program and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a Clean Coal Technology project: *Provided further*, That hereafter, in addition to the full-time permanent Federal employees specified in section 303 of Public Law 97–257, as amended, no less than 90 full-time Federal employees shall be assigned to the Assistant Secretary for Fossil Energy for carrying out the programs under this head using funds available under this head in this and any other appropriations Act and of which *not less than* 35 shall be for PETC and *not less than* 30 shall be for METC: *Provided further*, That hereafter reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of each session of Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99–190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$453,989,000] *$454,015,000*, to remain available until expended, of which [$438,000] *$278,000* is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94–586 (90 Stat. 2908–2909) and of which $3,100,000 is available for the fuels program: *Provided further, That none of the funds made available under this head may be managed by any individual who is not subject to the "employment floor" provisions in Public Law 97–257 as amended or, in the alternate, who is not the Acting Assistant Secretary for Fossil Energy: Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds provided herein, $2,000,000 shall be available for a grant for the National Research Center for Coal and Energy, and $1,500,000 shall be for a grant to be matched on an equal basis from other sources for the University of North Dakota Energy and Environmental Research Center.

Of the funds herein provided [, $40,800,000] is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided*, That [35] *40* per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1992, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

Funds in the amount of $8,000,000 provided under this head in Public Law 101–512 to initiate a ten-year industry/government cooperative agreement to design, construct, and operate a proof-of-concept oil shale facility employing modified in-situ retorting and surface processing of mined shale and waste at Federal Prototype Oil Shale Lease Tract Cb near Meeker, Colorado, are rescinded.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) the Government contribution to such project shall not exceed 50 per centum of the amount of remaining project costs after the disbursement of funds from the Environmental Account established in section 2(b) of the Trust Agreement, shall be in the form of a loan, and shall not exceed $30,000,000; (3) [no disbursements from either the Reserve Account established in section 2(b) of the Trust Agreement or the Environmental Account shall be made without written assurance from the Environmental Protection Agency that the project technology is proper and that more restrictive emissions constraints over those in current permits will not be imposed] *a report shall have been submitted by the Secretary of Energy not later than March 1, 1992 commenting on the adequacy and cost effectiveness of the proposed environmental control measures in satisfying such environmental emissions requirements as may exist and commenting on what further assistance, if any, is to be provided to the project*; and (4) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account for any increased revenues or profits realized as a result of the sulfur control project.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [$238,200,000] *$222,300,000*, to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, **[**$559,661,000**]** *$526,084,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1992 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That **[**$247,893,000**]** *$220,150,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1991: *Provided further*, That of the sums for weatherization assistance for low-income persons, $3,000,000 shall be for the incentive program authorized by section 415d of the Energy Conservation and Production Act, as amended by Public Law 101–440: *Provided further*, That **[**$3,000,000**]** *$1,500,000* of the amount under this heading shall be for metal casting research consistent with the provisions of Public Law 101–425: *Provided further, That $1,500,000 of the amount provided under this head shall be available for a grant to the National Center for Alternate Transportation Fuels: Provided further, That $5,000,000 of the amount provided under this head, and such amounts as may be provided hereafter in appropriations Acts, shall be available to continue a contract funded in Public Law 101–512 for the development of an Integrated Management Information System for the steel industry, and the government's share of the cost of such project shall not exceed 50 per centum using the same criteria for acceptance of contributions as for steel and aluminum research below*: *Provided further*, That **[**$17,968,000**]** *$17,967,000* of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190), and implementation of steel and aluminum research authorized by Public Law 100–680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further*, That *up to* $27,000,000 of the amount provided under this head is for electric and hybrid vehicle battery research to be conducted on a cooperative basis with non-Federal entities, such amounts to be available only as matched on an equal basis by such entities: *Provided further*, That section 303 of Public Law 97–257 is further amended by changing the number for the Office of the Assistant Secretary for Conservation and Renewables from "352" to "397".

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, **[**$15,114,000**]** *$14,428,000*, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,300,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $185,858,000, to remain available until expended, including $122,685,000 to be derived by transfer from funds deposited in the "SPR petroleum account" as a result of the test sale of the Strategic Petroleum Reserve begun on September 26, 1990, as authorized under 42 U.S.C. 6241(g)(1): *Provided*, That the provisions of 42 U.S.C. 6241(g)(6)(B) shall not apply to the use of these funds: *Provided further*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to **[**750,000,000**]** *700,000,000* barrels.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses as authorized under 42 U.S.C. 6247, **[**$203,000,000**]** *$243,000,000*, to remain available until expended: *Provided*, That notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *: Provided further*, That no funds made available by this or any other Act may be used for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either, except pursuant to the procedures of section 174, part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101–383:*]* *Provided further, That the Secretary of Energy may contract, without regard to sections 171(b)(2)(B) and 173 of the Energy Policy and Conservation Act (42 U.S.C. 6249(b)(2)(B) and 6249b), or to the restrictions which title II of Public Law 101–512 imposes on the leasing of crude oil, for storage in the Strategic Petroleum Reserve of crude oil owned by one or more foreign governments, or their state-owned oil companies, or agents of either*: *Provided further*, That the running of the 12 month period described in section 161(g)(6)(B) of the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6241(g)(6)(B)), shall be suspended during fiscal year 1992: *Provided further*, That outlays in fiscal year 1992 resulting from the use of funds in this account other than those deposited as a result of a test sale or drawdown of the Reserve shall not exceed **[**$139,000,000**]** *$144,000,000*.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, **[**$77,908,000**]** *$77,073,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; **[**$1,432,712,000**]** *$1,489,091,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That **[$294,551,000]** *$296,311,000* for contract medical care shall remain available for expenditure until September 30, 1993: *Provided further*, That of the funds provided, *not less than* $5,990,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $35,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for expenditure until September 30, 1993: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100–713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, **[$295,211,000]** *$202,068,000* to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Standing Rock Sioux Tribe for use solely as the Aberdeen Area's Youth Regional Treatment Center, and may use funds appropriated to the Indian Health Service to renovate the buildings for that purpose.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided, That no later than 30 days after the end of each quarter of the fiscal year, the Indian Health Service is to report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on any proposed adjustments to existing leases involving additional space or proposed additional leases for permanent structures to be used in the delivery of Indian health care services*: *Provided further*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Services facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, **[$77,547,000]** *$77,400,000*, of which $57,692,000 shall be for subpart 1 and $16,596,000 shall be for subparts 2 and 3: *Provided*, That $1,570,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1993.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, **[$31,634,000]** *$30,572,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native

Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, part A), **[$8,187,000]** *$6,087,000*, of which not to exceed **[$350,000]** *$300,000* for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$286,269,000] *$281,074,000*, of which not to exceed [$26,679,000] *$25,229,000* for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of the funds appropriated herein shall be made available for acquisition of land at the Smithsonian Environmental Research Center before the date of the enactment of an Act authorizing the use of funds for that purpose.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

Funds previously appropriated in this account for the American Institute of Indian Studies Forward Funded Reserve may be invested in India by the United States Embassy in India in interest bearing accounts with the interest to be used along with other funds in the account to support the ongoing programs of the American Institute of Indian Studies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $8,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$27,710,000] *$24,700,000*, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, [$20,100,000] *$19,350,000*, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be made available for construction of the East Court Building project, National Museum of Natural History before the date of the enactment of an Act authorizing the use of funds for that purpose.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, [$48,236,000] *$49,900,000*, of which not to exceed [$2,870,000] *$3,370,000*, for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized [$6,850,000] *$3,600,000*, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, [$5,819,000] *$5,744,000*.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, [$147,700,000] *$143,583,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,500,000, to remain available until September 30, 1993 to the National Endowment for the Arts, of which $13,000,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$153,150,000] *$144,550,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which [$8,200,000] *$1,600,000* for the Office of Preservation shall remain available until September 30, 1993.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$25,050,000] *$30,450,000*, to remain available until September 30, 1993, of which [$12,050,000] *$16,050,000* shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $27,344,000, including not to exceed $250,000 as authorized by 20 U.S.C. 965(b).

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $722,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $2,623,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, [$4,500,000] *$5,000,000*.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $33,000, to remain available until September 30, 1993.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,807,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, [$4,491,000] *$5,026,000*, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, [$10,605,000] *$7,300,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 308. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 310. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 311. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 312. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 313. None of the funds made available by this or any other Act with respect to any fiscal year may be used by the Department of the Interior or the Forest Service, Department of Agriculture to make any reimbursements to any other Federal department for litigation costs associated with the Prince William Sound oilspill.

SEC. 314. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to increase fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management [by more than 22 per centum per user in fiscal year 1992] over the levels in effect on January 1, 1989.

SEC. 315. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture.

SEC. 316. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1992 receipts shall not be less than 90 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1992.

SEC. 317. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1992 receipts derived from the Oregon and California grant lands shall not be less than 90 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1992.

[SEC. 318. None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of the Interior, after consultation with the United States Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of the Interior has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a-10c) as amended by the Buy American Act of 1988 (Public Law 100-418; 102 Stat. 1545): *Provided further*, That the Secretary of the Interior responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of the Interior requirements on a timely basis or the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

[SEC. 319. GRAZING ON THE PUBLIC RANGELANDS.—(a) FEE STRUCTURE.—(1) Notwithstanding any other provision of law, the Secretary of Agriculture with respect to public domain lands (except for the National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish the following domestic livestock grazing fee structure for such grazing:

[(A) For fiscal year 1992, the grazing fee on such lands shall not be less than $4.35 per animal unit month.

[(B) For fiscal year 1993, the grazing fee on such lands shall not be less than $5.80 per animal unit month.

[(C) For fiscal year 1994, the grazing fee on such lands shall not be less than $7.25 per animal unit month.

[(D) For fiscal year 1995, and each fiscal year thereafter, the grazing fee on such lands shall not be less than $8.70 per animal unit month or fair market value, whichever is higher.

[(2)(A) For purposes of this subsection, the term "fair market value" is defined as follows:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

[(B) For the purposes of subparagraph (A)—

[(i) the term "Forage Value Index" means the Forage Value Index computed annually by the Economic Research Service, United States Department of Agriculture; and

[(ii) the term "Appraised Base Value" means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per head or pair month) for the pricing area concerned, as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled "Grazing Fee Review and Evaluation", dated February 1986.

[(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

[(b) GRAZING REFORMS.—(1) Section 309(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(d)) is amended by adding at the end the following new sentence: "The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register of May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section.".

[(2) Section 5(c) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904(c)) is amended to read as follows:

["(c) Funds appropriated pursuant to this section or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public lands or National Forest lands in the 16 contiguous western States shall be used for the restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment management plans, and regulations regarding use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739) and other interested parties.".]

SEC. 318. Notwithstanding any other provision in this Act, each item of appropriation in this Act shall be reduced by an amount equal to the sum of the President's Budget request for fiscal year 1992 for personnel compensation, personnel benefits, travel, transportation of things, printing and reproduction, supplies and materials, and equipment for that account times the Congressional Budget Office's January, 1991 estimate of the rate of the growth of the fixed-weight GNP price index for fiscal year 1992.

SEC. 319. The Forest Service is directed to continue the preparation of all environmental documents necessary to implement the management goals, policies, standards, and guidelines contained in the land and resource management plans in Region 6, Oregon and Washington.

SEC. 320. LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 668dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a state cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the coalition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United Stats shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1992".

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under a prior agreement, the Senate is now proceeding to consider the Department of the Interior appropriations bill. I previously indicated there will be no more rollcall votes this evening. I am grateful to the distinguished chairman of the Appropriations Committee who will be here to open debate on the bill and get the consideration of it under way. It is my hope we can complete action on that bill tomorrow. That means we will have a day of debating and voting.

I am grateful that we are able to complete action on the Labor-HHS appropriations bill this week. I discussed it earlier with the distinguished Republican leader and, understandably, we view it from a different perspective. It was an important bill. The actual amount of work on the bill, I believe, could have been completed in about a day. It took 3 days, in part because we were able to accommodate the concerns of several individual Senators who were occupied with other business; in each case an entirely valid and legitimate concern about proceeding, having to do with a personal medical situation and participation in the Thomas hearings and other matters. There was no delay caused by any lack of attention or other activity. It merely was a sequence of events which in each individual instance was valid but the cumulative effect of which is it took longer than I had anticipated it would take on the bill.

I hope that we can proceed with some dispatch tomorrow on the Interior appropriations bill. We still have a number of appropriations bills to handle and much other important business. It remains my hope that during this fall session we can conduct our business so as not to require the late evening sessions that were unfortunately a regular feature during the July legislative period and that we can adjourn sine die at a reasonable time this fall so that Senators can return to their States to meet with their constituents to the extent possible.

I simply say that whether we are able to do either or both of those things will depend upon Senators themselves. We have a certain amount of business that must be completed—we are all generally cognizant of what that is—and a certain amount of time within which it must be completed. The sooner we can do that, the better for all concerned, I believe. And I hope that we can move expeditiously on the next few appropriations bills that we will be dealing with to enable us to accomplish the objectives which I have set forth.

I yield to the distinguished Republican leader and to the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I say to the majority leader I certainly do not disagree with him. I think in this case it was a very important bill. They all are. This was about a $200 billion bill. I think it is almost record time. I look back at some of the other times when we spent a week or 10 days on this particular bill. And, then, the first day was consumed by a very important amendment, I will not say the most important, but the most controversial amendment on gutting defense. That did take most of 1 day. And I think, as the majority leader indicated today, he accommodated one of our Members, which we appreciate very much.

But I also say we would like to get out early this fall if we can. I do not know of any Member who does not. Certainly on this side of the aisle, where we can, we will be happy to cooperate with the majority leader, as we have in the past.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MITCHELL. I yield to the distinguished chairman of the Appropriations Committee.

HOW MUCH IS A BILLION DOLLARS

Mr. BYRD. Mr. President, I merely take the floor, now that has been yielded to me by the distinguished majority leader, to thank the manager and the ranking manager, Senator HARKIN and Senator SPECTER, for their good work on this most difficult, very complex Labor, HHS appropriation bill.

As the distinguished Republican leader has already pointed out, it is a bill that amounts to over $200 billion. Of course, the greater part of that is mandatory. But if one wants to understand how much a billion dollars is, I put it like this. There have only been 1 billion minutes since Jesus Christ was born. That is a dollar for very minute. Another way of thinking of it would be this: Cyrus the Great became the king of Anshan in 559 B.C., and became the king of all Persia in 550 B.C. But let us just for the moment take 559 B.C.

If the distinguished Senator from Pennsylvania [Mr. SPECTER] owned a corporation at that point or if he had a billion dollars—let us say he had a billion dollars in 559 B.C. and decided to give away a thousand dollars a day, every day from 559 years before Christ to today. He would still be in business today. He would still be giving a thousand dollars a day and could do that for the next 181 years. That is how far a billion dollars would go at $1,000 a day.

Now, the Labor-HHS appropriations bill is over $200 billion. It is the second, largest bill among the 13, second only to the Department of Defense and fast gaining on the Department of Defense bill. So those two Senators worked together, cooperated and conducted lengthy hearings. It is a most difficult task and lots of witnesses had to be heard, and then the markup of the bill, the managing of it on the floor—it is a very difficult, contentious at times, piece of work and I congratulate them both. As chairman of the Appropriations Committee, I commend them because out of it all, they came in with a bill and they completed action on a bill here in the Senate that is still below the allocations ceilings. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

COMMENDING MEMBERS AND STAFF OF THE SUBCOMMITTEE

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator BYRD, for those very kind comments. I compliment him on the outstanding job he is doing as chairman at a very difficult time. He is trying to make ends meet with very little funds available and many, many demands. That is the situation in which we found ourselves on the bill which was just enacted, Labor, Health and Human Services and Education.

I commend my distinguished colleague, Senator HARKIN, for the work he has done as chairman of the subcommittee. I want to thank especially Senator HATFIELD, the ranking Republican on the full committee who took over the floor management in my absence due to my obligations on the Judiciary Committee, where we have been sitting full days on the nomination of Judge Clarence Thomas for the Supreme Court. I thank Senator HATFIELD for that.

I want to pay tribute to a very distinguished staff, to Craig Higgins and Bettilou Taylor and Robin Rosencrantz and Janet Lamos on our side of the aisle, and on the majority side, Mike Hall, Jim Sourwide, Carol Mitchell, Margaret Stuart, Amy Shultz, Gladys Clearwater, and Susan McGovern. I had not realized until I asked for a list of the staffers how many more the majority has than the minority side has.

It is an enormous bill. It has been completed within our allocation. I think it is a step in the right direction, balancing as we best could the many competing demands with limited funds. I thank the Chair and yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I believe the ranking member, Mr. NICKLES, is on the floor. I bring before the Senate today the fiscal year 1992 Department of Interior and Related Agencies appropriations bill. As compared with the bill that the Senate just passed, this is a rather small bill. The allocation totals $13 billion as compared, as I was saying a little earlier, to something over $200 billion in the Labor-HHS appropriations bill.

The allocations here total $13 billion in budget authority and $12 billion in outlays.

This bill is directly on target with respect to outlays as scored by the Congressional Budget Office, and is $1 million under the allocation of budget authority. So that is cutting it pretty thin.

The Interior bill is essentially at its spending limit. Any further amendments that add money to the bill's total or which increases the spending rate for items already in the bill must be accompanied by an offsetting amendment to reduce spending elsewhere in the bill. If not, the amendment would be subject to a 60-vote point of order under the Budget Act.

This bill, although it is not as large as some of the other bills that we have passed making appropriations, was difficult to fashion, given the very tight budgetary restraints. The 602(b) outlay allocation for the subcommittee is $213 million less than the amount proposed by the President and $79 million less than the outlays associated with the Interior bill that was passed by the House. Furthermore, new outlays in this bill are down some 8.6 percent below the CBO baseline for fiscal year 1992.

I have had the splendid cooperation of Senator NICKLES in developing these recommendations which I bring before the Senate today. This is our first year in working together as a team on the bill, and I appreciate the insights and the help and the splendid cooperation that Senator NICKLES has offered as the ranking member. We have had a fine working relationship. It could not have been better.

I believe that the bill represents a bipartisan package. There is not enough money available to satisfy the virtual flood of requests which the subcommittee has received. Over 3,000 requests have been submitted for projects of interest to Members of the U.S. Senate. Over 3,000 requests. There are only 100 Members in this body, so that is an average of over 30 per Member.

Every Member of the Senate has expressed an interest in at least one provision or another in this bill. Some of the items of interest in the bill are as follows: Total funding in the bill for land acquisition and State assistance is $271,210,000. This amount is $70,465,000 below the fiscal year 1991 appropriations and $79,064,000 below the President's request for the coming fiscal year.

Total funding for construction in the Bureau of Land Management, Fish and Wildlife Service, the Park Service, and Forest Service amounts to $571,325,000. This total is $84,184,000 below the fiscal year 1991 appropriations for these same construction accounts and $110,600,000 above the President's request for fiscal year 1992.

Within the construction and land acquisition accounts, the committee has recommended a total of $14,409,000 for emergency projects that were not included in the President's budget request and for other projects which the President proposed to fund in different accounts.

In total, then, the non-Indian land acquisition and construction accounts are $17,127,000 or 2 percent above the President's request. Elsewhere, for Indian construction related to education, health clinics and basic services, the committee has recommended a total of $398,876,000 which is an increase of $255,555,000 over the budget request. I emphasize that this additional funding is for basic services. Truly for basic services. It is not for recreation projects or the like.

The committee has funded firefighting within the domestic discretionary totals in the same amounts and manner as requested by the President.

This means that any subsequent requirement for firefighting will be treated as an emergency expense for purposes of the Budget Enforcement Act.

The committee faced extreme difficulty in formulating a bill that complied with the subcommittee's 602(b) allocations. Consequently, the bill contains a provision in section 318 which would deduct funds budgeted for inflationary increases for salaries and certain other items such as travel and supplies. This provision would not deny the pay raises which are due Federal employees next January, but rather would require agencies to absorb pay raises and other inflationary costs by filling vacant positions more slowly than planned, and doing less travel, for example.

In summary, then, I believe that this is a fiscally responsible bill.

With respect to specific program and policy issues in the bill, I offer the following notations:

The bill contains none of the mining-claim patent moratoria language which was in the House bill.

The bill contains no increase in grazing fees which the House has proposed to raise.

The bill does contain a provision within the Minerals Management Service which would deduct the cost of the mineral royalty collection program from the total receipts prior to distributing those receipts to the State and the Treasury. This "net receipts" proposal means that the States would share equally in the program cost and the program revenues.

While this provision may not be popular with all Senators, it strikes a balance between receipt sharing and program cost sharing with the States. Also, this is a very necessary provision that raises $68 million to keep the bill's outlays in compliance with the 602(b) allocation. Any change in this provision would require a substantial off set elsewhere in the bill.

Senator NICKLES and I, and Senator HATFIELD, the ranking member on the full committee, Senator STEVENS and others have been working with other interested Senators in an effort to make some modifications here, and I hope and believe that we have arrived at a resolution of the matter.

The bill does retain all House bill language related to Outer Continental Shelf oil and gas leasing moratoria.

The bill contains significant operating increases and facility construction funds to address the most critical health and safety needs of our native American population.

The bill before you contains a reduction of nearly $40 million in the timber road construction program. This is about 20 percent below the similarly funded programs last year.

The bill includes no specific legislative protection regarding timber harvest and the spotted owl in the Pacific Northwest.

Before I yield the floor to Senator NICKLES for any remarks which he may have, I would like to take this opportunity to extend a special acknowledgement and a heaping word of thanks to the Appropriations Committee support staff which have made possible this and all the other appropriation bills which have been considered by the Senate this year. In the editorial office I would like to thank: Richard Larson, Bernie Babik, Robert Swartz, Clarence Erney, and Patrick Joe Thomas. Ever at the ready on the committee's switchboard have been Nancy Brandel and Rheda Freeman. And, lastly, I would like to thank in our computer services and liaison office Bob Putnam, Jodi Capps, and Jack Conway.

On the Interior Subcommittee staff I would also like to thank Sara Masica, Rusty Mathews, Ellen Donaldson, and Carla Burzyk on the majority staff and Ginny James on the minority staff.

Beyond these, I also thank Mary Oswald and Anita Skadden on the full Appropriations Committee staff.

I want to thank Charlie Estes, who is the staff director for the subcommittee, and I thank Jim English, the staff director for the full committee; Keith Kennedy, ranking member on the full committee, and Sherry Cooper, who is the ranking member on the Interior Subcommittee.

Mr. President, I yield to Senator NICKLES if he wishes to address the Senate at this point.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, the chairman of the full Appropriations Committee and also the chairman of the Interior Subcommittee, Senator BYRD, for his leadership in putting together not only this bill but also managing to put all of our bills together in a way that is acceptable to the budget agreement that was made last year.

I compliment, as he did, the staff. The staff has worked tirelessly. He mentioned Jim English and Charlie Estes on his side who have done such a great job. And I would also like to compliment Sherry Cooper, who has worked tirelessly on our side to put together a package to present to the Senate today.

I might mention, Mr. President, in looking at all the appropriations bills, with the exception of defense, the bill has a lower rate of growth in spending than any other bill that we take up before the Senate.

Defense has actual real reductions. Defense spending—and I am talking about discretionary budget authority and outlays—declined by 2.43 percent. Budget authority goes up one-half of 1 percent. In all other appropriations bills, we see real increases. In the Interior bill that we are taking up tonight, we have an increase in budget authority of 2 percent and an increase in outlays of actually less than 1 percent. Agriculture outlays actually increased by 12 percent, Energy and Water increased by 5.5 percent; Commerce, Justice, State, increased outlays by 9.5 percent; District of Columbia was 25 percent; Foreign Operations, 2.7 percent; Labor-HHS, which we just passed—I am talking about discretionary—6.5 percent, Legis Branch was 7 percent; Milcon about 7 percent; Transportation, 7.5 percent; Treasury, Postal, 7 percent; VA-HUD, 5 percent.

So we saw all Appropriations subcommittees in the nondefense amounts increasing by various amounts from 2 to 25 percent. Interior increased by less than 1 percent.

Again, I compliment the chairman for his willingness to somewhat set the example of trying to contain the growth of spending.

So in the bill that we have before us, we have budget authority increasing by 2 percent and outlays increasing by less than 1 percent.

That is difficult because we probably have more requests by our colleagues than any other committee, maybe all of the other committees combined. Chairman BYRD mentioned that we have had over 3,000 requests by our colleagues to try to help them in areas that are important to them. I understand that. I think many of those requests are quite legitimate. Not all of them are.

We could not fund them all. We could not come close to funding all of them. But many of them are quite serious and quite important to some Members because the Government owns two-thirds of the land in their State, and so they have to be involved in land management and mineral management. They have to be involved in grazing. They have to be involved in the Federal Government because the Federal Government happens to own the majority of the land in many of the Western States.

So I appreciate the interest of our colleagues. We tried to accommodate the desires when they made sense, and when we could afford it. That was not always the case. We tried to do it as many times as we possibly could.

As Senator BYRD mentioned, the budget authority for the committee is $13 billion. Outlays are $12.05 billion—again, a 2-percent increase in budget authority and less than a 1-percent increase in outlays.

There are a lot of controversial issues I expect will come up in the next couple days. I expect that we will have an amendment dealing with grazing fees. I know that is very sensitive to many Senators from Western States. We expect that we may have an amendment dealing with mining holding fees, a moratorium on mining patterns, grazing fees, mineral receipts.

We want to be fair. We want to pass a good bill. It is not this Senator's interest to try to legislate all items that deal with Western land management on the appropriations bill. It would be my preference to have that done in the authorizing committee and hopefully that will be the case.

We cannot prohibit Senators from offering amendments, and we know some of those amendments are going to come up. It might be in my interest to say let us let the authorizing committees handle those functions and maybe the Senate will agree, maybe it will not. We will have to wrestle with those. We know the House has dealt with those issues and likewise we will as well. It is my hope we will move expeditiously on this bill.

I would like to finish the bill in the next couple of days. I have already had colleagues tell me they do not want to vote on Friday or Monday. I guess we will have to wrestle with that. It is my hope we will take up the amendments, approve the amendments that we can approve, and the ones that require extended debate or discussion, we will begin those and, hopefully, be able to proceed rather rapidly.

I do not think it is in anybody's interest to prolong debate on these issues. We have a lot of work to be done between now and the end of September. This is just one of nine appropriations bills that the chairman said we have left. It happens to be one that has a lot of controversy in it. Hopefully, we will be able to finish it.

Again, I thank the chairman of the full committee and the subcommittee for his leadership. It has been a pleasure to work with Chairman BYRD and also his staff, Charles Estes and Jim English, as well as with Cherie Cooper. I think we have done a good job. Hopefully, we will be able to complete the bill in the next couple of days.

Mr. WALLOP. Mr. President, let me express my gratitude to both Senator BYRD and Senator NICKLES, and to Charlie and Cherie for working with us.

I heard one thing in there that I wish strongly to encourage the managers of this bill to do; that is, to try to keep us away from legislation on this appropriations bill. It is an appropriate thing for the authorizing committees to deal with the very prickly issues that are coming up. It would be my hope that all of us can gather around the appropriations rule, and try to stick to it through this legislation. Otherwise, it is almost certain we will be bogged down in considerable periods of time over things that have nothing to do with how moneys are expended but everything to do with how the various functions of Interior are administered.

Mr. CRAIG. Mr. President, I rise to recognize the chairman of the Interior Appropriations Committee and its ranking member for the work they have done in assembling the Interior appropriations bill and related agency legislation that is so critical that has been mentioned by my colleague from Oklahoma to States like mine and other Western States that are well over 50 percent owned by the citizens of this country and managed by the agencies of the Federal Government. It is a piece of legislation that the chairman worked diligently on to address just the necessary moneys needed to appropriately manage the agencies and the responsibilities of those agencies.

Throughout that process, Mr. President, Chairman BYRD worked extremely hard to keep what is known as a clean bill, that we would not find legislative efforts tied within it. As our colleague from Oklahoma mentioned, there could be contentious-type amendments come up. My colleague from Wyoming has mentioned the same thing.

Is it appropriate on an appropriations bill to legislate? No. It is not. It is supposed to be against the rules of this body and the other body. And it has not been the normal procedure for a good long while. Yet we are told that in the course of the debate on this legislation some of our colleagues may offer a patent moratorium to mining. Why would they do that?

There are some who believe that the 1872 mining law ought to be amended. I suggest to them that they come to the appropriate committee to have the hearings not only in that committee but out in the field of the States that would be most affected by it and not attempt on an appropriations bill to find that as an avenue for legislation.

What would it mean, that type of legislation, a moratorium on patents for mining?

It is the beginning of a process to have greater control over the surface of the land on which a mining operation would sit. That kind of control would ultimately be dictated probably by the Bureau of Land Management and it would take away the kind of flexibility that a mining company has to operate for the purpose of providing minerals and metals for the industries of this country for our national defense and for our economic well-being.

I think you know, Mr. President, that is not something you debate lightly on the floor and attempt to shove through an appropriations bill. It is something you have extensive hearings on in the appropriate committee and out in the field of the States most affected before you arrive at that type of legislation.

Another issue, as mentioned by my colleague from Oklahoma, could well be an attempt to raise the grazing fee that is charged for Western public lands, the right to graze on those lands by the ranchers of many of our Western States. If it were a conscious effort to raise the price because there was some concern that it was not equitable to what is being charged in the private sector—and there are many of us who will demonstrate in the course of the debate on that legislation if that amendment comes up that it is equitable—if it were that and that alone, I would say the appropriate place to debate it is in the committee, not on the floor. But there is an ulterior motive. It has been played out in the public on television and in the press, across the media of this country, suggesting that grazing land, Western public grazing land, ought not be grazed anymore; that for some reason it is damaging the environment; that for some reason it is no longer a public policy in this country—or should not be—that we should utilize those public grazes for the purpose of grazing to provide red meat and protein to the citizens of this country.

I believe it is an appropriate use, within reason, properly managed, and properly priced. Western States like mine and others depend greatly upon the livestock industry and those that graze on public lands for their very vitality. That will be another issue that we are told will be on the floor, another issue to attempt to legislate a change in a formula that took an extensive study and several years of debate in the appropriate committees to arrive at.

Here, in a few moments, we will attempt to legislate an appropriations bill and change it.

I hope that the chairman of the committee and our ranking member of that committee will make every effort to oppose this kind of activity on the floor of the Senate. It is not that the authorizing committees have avoided these issues. It is that those committees have not allowed these kinds of issues to come forth because they did not believe them appropriate, because they could not get a majority vote of the necessary committees to be brought to the floor in a proper fashion.

That appears to be the ground, the nature in which we will debate a most important piece of legislation, this legislation, the appropriations for the Interior Department and related agencies so critical to the running and the management of the public lands and the public resources of this Nation.

I hope that my colleagues will join with me and other Western legislators to assure that we do not come to the floor with mischievous pieces of legislation that have some form of ulterior motive than just change the law appropriate to reasonable and responsible management of these resources.

So I hope we can move expeditiously on a piece of legislation that in fact stays within the kind of economic growth that our country is experiencing. It is not an extravagant appropriations bill as has been mentioned by our colleagues, a lower growth rate in actual expenditure than any other bill except the Department of Defense legislation. For that reason, it is worthy of all of our consideration and our support as presented by the Interior Appropriations Subcommittee to the full Appropriations Committee, without the kind of legislative activity that may well be attempted in the coming hours as we work the will of the Senate on this issue.

I yield the remainder of my time.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 8:26 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, the Senate reassembled at 8:52 p.m., when called to order by the Presiding Officer (Mr. BREAUX).

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have certain amendments that make technical corrections and other amendments that have been agreed to between the two managers and other Senators.

I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to the request; that the following committee amendments be excepted from this en bloc adoption request; namely, BLM minerals language, page 2, line 21, beginning with the semicolon, through page 3, line 22; Park Service administrative provisions, page 23, line 5 through page 24, line 12; grazing fee, line typing, page 110, line 11 through page 113, line 8; territories, page 46, line 4, through page 48, line 4; and that the following technical corrections and other substantive amendments be considered en bloc, agreed to en bloc, (subsequently designated amendment No. 1123) and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I have not objected. I have reviewed these amendments with my colleague, Senator BYRD, and agree with his unanimous consent request.

The amendment (No. 1123) is as follows:

AMENDMENT NO. 1123

On page 2, line 11, strike "$537,049,000" and insert in lieu thereof "$537,199,000".

On page 11, line 22, strike "$95,465,000" and insert in lieu thereof "$96,275,000".

On page 13, line 8, strike "$85,530,000" and insert in lieu thereof "$84,720,000".

On page 16, line 19, strike "$949,724,000" and insert in lieu thereof "$950,274,000".

On page 17, line 16, before the period, insert the following ": *Provided further*, That of the funds provided herein, $65,000 available for a cooperative agreement with the Susan LaFlesche Picotte Center".

On page 18, line 22, strike "$194,797,000" and insert in lieu thereof "$199,397,000".

On page 20, line 23, before the period insert the following ": *Provided further*, That of the funds available under this head for emergency, hardship, and holdings, $850,000 shall be available for the acquisition of the Shipley and Granview Schools in Harpers Ferry, West Virginia".

On page 27, line 3, delete "$136,400,000" and insert in lieu thereof a new italic number of "$68,200,000".

On page 27, line 7, before the period insert the following ": *Provided further*, That in accordance with Section 6004(c) of Public Law 101–380, the Oil Pollution Act of 1990, $21,000,000 shall be made available as compensation in full, including interest, to the State of Louisiana and its lessees for net drainage of oil and gas resources by the United States and its lessees occurring as of September 1, 1988 in the West Delta Field of the Outer Continental Shelf, as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989".

On page 35, line 12, before the period, insert the following ": *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended".

On page 35, line 24, strike "$431,741,000" and insert in lieu thereof "$431,541,000".

On page 36, line 22, before the period, insert the following ": *Provided further*, That funds for Self-Governance Compact tribes may be transferred to the Operation of Indian Programs appropriation without further action by Congress".

On page 38, line 16, strike "$92,798,000" and insert in lieu thereof "$93,308,000".

Also on page 38, line 16, before the period insert the following ": *Provided further*, That funds for Self-Governance Compact tribes may be transferred to the construction appropriation without further action by Congress".

On page 76, line 25, before the period insert the following ": *Provided further*, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada—Las Vegas".

On page 84, line 1, strike "$243,000,000" and insert in lieu thereof "$179,000,000".

On page 85, line 4, strike "$144,000,000" and insert in lieu thereof "$141,000.000".

The following technical corrections:

On page 18, line 23, line type "$11,200,000" and insert new italic number of "$9,340,000".

On page 19, line 10, after the parenthesis—should be italic print through line 12 before the ":".

On page 35, line 24, insert the italic "$" before the "431,741,000".

On page 61, line 7, the italic number should read: "$84,270,000".

On page 66, line 19, line type "99–714" and insert new italic reference of "102–116".

On page 76, line 12, the italic number should read: "$462,015,000".

Mr. BYRD. Mr. President, the en bloc amendments which I am offering have been cleared on both sides. These are noncontroversial amendments to resolve small deficiencies in the bill as it presently stands.

The en bloc package begins with a series of technical corrections. These technical corrections conform the bill to the numbers indicated in the committee report and in no case do these changes modify the outlay and budget authority scoring of the Bill.

After that, the first substantive amendment adds $150,000 to the Bureau of Land Management's Management of Lands and Resources account to permit the Bureau to implement the Prehistoric Trackway Act of 1990 and to protect these irreplaceable resources.

The next two amendments shift $810,000 from the Fish and Wildlife Service land acquisition allowance for refuge water rights to the Fish and Wildlife Service construction account to accomplish the planning and design of the Wichita National Environmental Education Center. The committee initiated this project last year by providing $450,000 for land acquisition and the city of Wichita and the Kansas Wildlife and Parks Department are contributing an additional $1,500,000 in cost sharing for this Fish and Wildlife Service project. The funding for refuge water rights is already covered within the Department's operating budget; and, consequently, the committee's recommendation of $810,000 in the land acquisition account is not needed for that purpose.

The fourth amendment adds $550,000 to the operation of the National Park System account for the Mimbres Native American archaeological sites in the Southwest.

The fifth amendment clarifies the availability of $65,000 for a cooperative agreement with the Susan LaFlesche Picotte Center to commemorate the life and works of the first female Native American doctor in America.

The sixth amendment adds $4,600,000 to the National Park Service construction account for four purposes. First, $3,600,000 of this amount would be added to funds already included for the New Jersey Urban History initiative. This additional funding will permit a total of $1,808,000 for Perth Amboy $1,892,000 for Trenton and $4,700,000 for Newark, in addition to $4,200,000 which has been included previously for Paterson. Second, this amendment allocates $500,000 for the Darwin Martin House in Buffalo which likely will be matched with an equal amount of nonfederal funding. These moneys are made available under the authorities of the Historic Sites Act of 1935 and will be used to preserve important structures from our national heritage and which are listed on the National Register of Historic Places. The third item under Park Service Construction adds $400,000 for planning and design of a boat shelter at Vicksburg National Military Park. The Park Service should use these funds to develop a cost assessment for the Committee regarding the construction of a shelter which would be suitable to protect the U.S.S. *Cairo*. The fourth and final element under the Park Service construction amendment is $100,000 to continue the Coal Heritage Study which the Park Service conducted in fiscal year 1991.

The seventh amendment provides that $850,000 within available funds for National Park Service land acquisition shall be available for the acquisition of the Shipley and Grandview Schools for use by the National Park Service's Interpretative Design Center.

The eighth amendment modifies the committee amendment on net receipts in the Minerals Management Service so that States will pay only 25 percent of the program administration cost rather than 50 percent as proposed in the committee amendment.

The ninth amendment would provide $21 million for the settlement of drainage claims against the Federal Government in the West Delta field, as authorized by section 6004 of Public Law 101-380.

The 10th, 12th and 14th, amendments are designed to provide reprogramming flexibility for the Bureau of Indian Affairs in its efforts to implement the self-governance compacts with tribal organizations. the flexibility provided herein will not change the total funding allowances for the Bureau in any way.

The 11th and 13th amendments address the Indian education accounts. Education construction is increased by $510,000 and operational programs are decreased by $200,000. An increase of $310,000 is recommended for repairs to the Navajo Academy, located in Farmington, NM. This school is a preparatory school for Native Americans and the current facilities are in need of some basic safety repairs—fire alarms and functional sewer lines. The second element involves a transfer of $200,000 from education program management to construction to allow the Bureau of Indian Affairs to conduct the necessary planning, design, and oversight of the new school construction and existing school repairs recommended in the committee Bill. The $200,000 decrease in the Indian Education Programs account is taken from the funding requested for volunteer services in the Indian schools. The Department has informed the committee that it will be unable to conduct the volunteers program since the costs of required background investigations might well exceed the benefits to be gained. As a result, the funds requested in the budget for this purpose are no longer necessary.

The 15th amendment clarifies the intent of the Congress last year when it provided funds for the acquisition of computer by the Office of Fossil Energy in the fiscal year 1991 Department of the Interior and Related Agencies appropriation bill.

The last two amendments provide the necessary offsets in budget authority and outlays to make the amendments noted above budget neutral.

Mr. President, I would like to note that the committee reported bill contains $250,000 for the Park Service or a third party, using the authorities of the Historic Sites Act of 1935, to stabilize an existing railroad engine house in the National Register—Historic District of Thurmond, WV. Funds available in the current fiscal year may also be used for this purpose should the Secretary determine that would be an appropriate expenditure. The committee has also included $376,000 in the National Park Service Construction account to be made available under the same 1935 authority for the emergency stabilization of the Kennicott site in Alaska, and these funds may also be made as a private grant for stabilization purposes if the Secretary of the Interior determines that approach is appropriate. However, should the Secretary subsequently decide to acquire either of these properties in the future, the grants should be made under the condition that the appraised value of either property be reduced by the amount of the Federal grant for stabilization.

Mr. President, this reduction in the appraised value is appropriate because the National Park Service should not be in the position of providing a grant to a private owner to stabilize one of these historic structures and then subsequently have to pay a price for that property which is enhanced by the very grant made earlier by the Secretary.

NET RECEIPTS

Mr. WALLOP. Mr. President, reserving the right to object, it is my understanding that one of the en bloc amendments reduces the amount of administrative costs payable by the States for Federal mineral leasing programs from 50 percent to 25 percent. While I am not happy with this amendment, it is moving in the right direction. It is my understanding that it is the chairman's intent to base these costs on the basis of actual costs for each State rather than the current pro rata basis. Am I correct?

Mr. BYRD. I am in sympathy with the Senator's position on a cost-based system. However, the Department of the Interior has not been able to persuade the committee that it has accurate information to make cost-based charges to the States. If accurate information can be provided to the Congress prior to the completion of the conference with the House on this bill, then it would be my intent to support bill language in the conference that implements a cost-based system for State charges.

Mr. WALLOP. It is my further understanding that the chairman will be working with the Department of the Interior and the ranking member and this Senator to determine the precise formula for this cost-based approach in conference. Is that correct?

Mr. BYRD. The Senator is correct.

Mr. WALLOP. Is this also the understanding of the Senator from Oklahoma?

Mr. NICKLES. Yes.

Mr. WALLOP. With those assurances, I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc with the exception of the following excepted committee amendments:

BLM minerals language, page 2, line 21, beginning with the semicolon, through page 3, line 22;

Park Service Administrative provisions, page 23, line 5 through page 24, line 12;

Grazing fee, line typing, page 110, line 11 through page 113, line 8;

Territories, page 46, line 4, through page 48, line 4.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the en bloc amendments were agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendment on page 1 on page 100, line 14, be excepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. If the chairman will yield, it is my thought that Senator McCain has an amendment dealing with the Grand Canyon and that he will be prepared to bring that amendment up early in the morning. We do not have it ready to lay down at this point. Hopefully he and his staff will be ready and when we convene in the morning that will be our first amendment up.

Mr. BYRD. Very well. If Senator McCain will be here, I wonder if we could begin by say 9:30 a.m. on the bill. Does the Senator from Oklahoma know whether or not the distinguished Senator from Arizona [Mr. McCain] will be here at 9:30 to offer his amendment?

Mr. NICKLES. I am sure. I will encourage him, and also other Senators, if they have amendments. I hope they will be ready. I know the Senator from West Virginia is ready and we would like to finish as much of this bill as possible tomorrow. So if Senators have amendments, including the amendment from the Senator from Arizona, but other amendments, I hope they will bring them forward so we can dispose of them before too long a time period.

Mr. BYRD. Mr. President, I share that hope. I, too, urge all Senators to be prepared to call up their amendments. I will be here and, Lord willing, and Senator NICKLES will be here, the Lord willing, at 9:30 a.m. ready to discuss amendments with Senators. As far as I am concerned that is all we can do today.

Mr. NICKLES. If the chairman will yield one moment further, I believe the Senate is scheduled to convene at 9:15 for morning business.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 5 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTANCE OF BUSINESS INCUBATORS

Mr. KASTEN. Mr. President, I rise today to bring to the attention of the Senate a successful, proven tool for creating jobs and starting new small businesses in local communities. This tool is a small business incubator. During August recess, I had a chance to see firsthand the important role that incubators are playing in local entrepreneurial development.

Incubators are business assistance programs for startup and fledgling firms. They can be sponsored by educational institutions, private businesses, economic development organizations, not-for-profit organizations, and city, county, and State governments.

A small business incubators goals are quite broad and include: economic diversification, neighborhood revitalization, technology transfer, and job creation. They are unique economic development tools that can be tailored by local sponsors to meet the special needs of their communities, whether rural, urban, or suburban. In Wisconsin, for example, we have manufacturing incubators, service-business incubators, inner city and women's business incubators.

Let me give you a few examples of incubators. In 1984, an old shoe factory in a blighted area of north Milwaukee was closed and 700 local residents were laid off. The building was donated to a coalition of enterprising people who worked with private corporations, the Economic Development Administration, the city of Milwaukee, the State of Wisconsin, and the Milwaukee Area Technical College to form the Milwaukee Enterprise Center. Celebrating its fifth anniversary in August, the MEC currently holds 61 companies employing 220 people full time and 88 people part time. MEC's growth has lead to the creation of the Milwaukee Enterprise Center South, which will be opening soon.

I'm hearing similar incubator success stories all over Wisconsin from places like north Milwaukee's Metroworks, the Business Incubation Center of Superior, the Sheboygan County Enterprise Center, the Madison Enterprise Center, and the Advance Business Development Center in Green Bay to name a few. But no matter whether the incubator is urban or rural, their mission is all the same—to give hard-working, energetic individuals the opportunity to start their own small firms and create local jobs.

A typical incubator provides entrepreneurs with flexible space at below-market rents in a building where start-up and fledgling firms are housed together, to encourage networking and sharing. Incubators also provide basic business services such as clerical, receptionist, and bookkeeping assistance, access to equipment such as fax and copy machines, and to janitorial, security, and mail services.

Most incubators also offer their tenants access to a network of business and technical advisers through a combination of in-house management expertise and local resources. Included in this network are experts in marketing, legal, accounting, engineering, business management, prototype development, and others.

Finally, and perhaps most importantly, many small business incubators provide tenants with financing assistance. Incubator management will often help entrepreneurs obtain conventional loans through banks or venture capital. But more and more incubators are establishing their own small business microloan funds. As ranking member of the Small Business Committee, I am proud to join the chairman, Mr. BUMPERS, as a sponsor of S. 1426, the Economic Opportunity Enhancement Act, which will establish a Federal Microloans Program to boost many incubators' lending efforts.

I have taken an active role in support of business incubators in my home State of Wisconsin and nationally. As a matter of fact, at my request, the National Incubator Association will be holding its fall meeting in Washington. I've asked some of our Nation's incubator experts to deliver a briefing on Friday, September 20, for interested Members and their staffs.

The growth of small business incubators is nothing less than phenomenal. As recently as 1980, only 10 to 15 incubators were in operation in the United States. The most recent count shows that there are nearly 450 today, more than 22 in Wisconsin alone. Incubators have been opening at the rate of more than one a week since 1986.

Mr. President, currently there are several small sources of Federal funds located in many agencies that can benefit incubators. Among other things, we ought to work to better coordinate those resources, perhaps through the Small Business Administration, to encourage incubator growth.

I also believe we need to provide assistance to help assess the feasibility of an incubator. Any Federal role, however, should encourage State and local matching participation.

Mr. President, I hope my statement today has sparked some interest in this worthy small business project. It is my hope that this body will be hearing more from me and my colleagues on the importance of business incubation to job creation and economic development.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,371st day that Terry Anderson has been held captive in Lebanon.

I also note that today marks the fifth anniversary of Joseph Cicippio's captivity in Lebanon. According to an Associated Press report, his family observed the anniversary in a solemn—but hopeful—ceremony, heartened by recent news from Beirut.

Mr. President, I take this opportunity to express my own hope that all the remaining hostages be released and ask unanimous consent that the Associated Press article I mentioned be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOSTAGE'S FAMILY MARKS FIFTH YEAR OF CAPTIVITY

(By A.J. Hostetler)

NORRISTOWN, PA.—Joseph Cicippio's family marked the beginning of his sixth year in captivity in a solemn ceremony Thursday brightened by news that his kidnappers expressed hopes for a "happy ending" to the hostage ordeal.

"Never, never did I dream that Joseph would be held for such a long time," Cicippio's brother Tom said.

The 10-minute ceremony with Carmella LaSpada, founder of the support group No Greater Love, marked the first time all six surviving Cicippio siblings have appeared together in public since their brother's kidnapping Sept. 12, 1986.

Their sister, Helen Fazio, who is growing weak from cancer, sat at a table while her five brothers one by one set up small placards bearing the names of all Western hostages.

Tom Cicippio, 67, and Mrs. Fazio, 71, then held hands as they lit a candle and watched it burn against the breeze. One of Joseph's children, David, read a prayer.

Ms. LaSpada read a message to Mrs. Fazio from Cardinal Anthony Bevilacqua telling her that he was "praying that you will soon see your brother, Joe."

The ceremony ended with a guitarist playing "Let There Be Peace On Earth."

Family members had expected a quiet occasion to observe the fifth anniversary of Cicippio's kidnapping. But news from Beirut changed that.

Early Thursday, the groups holding Cicippio, former British pilot Jack Mann and American hostage Terry Anderson released photos of Mann and Anderson.

"It's good news because it's the same people holding Joseph," said Tom Cicippio. "We thought Joseph was left by himself once (Edward) Tracy was released, because Tracy was held with Joseph all that time."

Tracy, an American, was released Aug. 11.

Knowing Joseph Cicippio may not be alone, his brother said, "gives us a very nice feeling."

Cicippio, the acting comptroller at the American University of Beirut, became the fourth American hostage when he was kidnapped on the campus. He turns 61 on Friday.

The last communication about him was a photograph authenticating an Aug. 10 statement by his Shiite Muslim kidnappers, the Revolutionary Justice Organization. The statement promised the release of an American hostage.

But the man who walked to freedom was Tracy.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider all nominations reported today from the Committee on the Judiciary, and that the nominations be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid on the table; that the President be immediately notified of the confirmation of nominees; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations reported today, considered and confirmed en bloc, are as follows:

Andrew J. Kleinfeld, of Alaska, to be U.S. circuit judge for the ninth circuit;

Eugene E. Siler, Jr., of Kentucky, to be U.S. circuit judge for the sixth circuit;

Benson Everett Legg, of Maryland, to be U.S. District Judge for the District of Maryland;

Harvey Bartle III, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

Dee V. Benson, of Utah, to be U.S. District Judge for the District of Utah;

William G. Bassler, of New York, to be U.S. District Judge for the District of New Jersey;

William H. Yohn, Jr., of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

Donald L. Graham, of Florida, to be U.S. District Judge for the Southern District of Florida;

Jorge A. Solis, of Texas, to be U.S. District Judge for the Northern District of Texas;

Michael R. Hogan, of Oregon, to be U.S. District Judge for the District of Oregon;

James T. Trimble, Jr., of Louisiana, to be U.S. District Judge for the Western District of Louisiana;

Shelby Highsmith, of Florida, to be U.S. District Judge for the Southern District of Florida;

Stewart R. Dalzell, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania;

J. Williams Roberts, of Illinois, to be U.S. Attorney for the Central District of Illinois for the term of 4 years;

Karen K. Caldwell, of Kentucky, to be U.S. Attorney for the Eastern District of Kentucky for the term of 4 years;

John F. Hoehner, of Indiana, to be U.S. Attorney for the Northern District of Indiana for the term of 4 years; and

Thomas B. Heffelfinger, of Minnesota, to be U.S. Attorney for the District of Minnesota for the term of 4 years.

ON THE NOMINATION OF JUDGE WILLIAM BASSLER TO SERVE ON THE U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

Mr. LAUTENBERG. Mr. President, I rise to support the nomination of New Jersey Superior Court Judge William Bassler to serve on the U.S. District Court for the District of New Jersey.

Judge Bassler was an accomplished attorney in New Jersey, and has served since 1988 as a Judge of the Superior Court of New Jersey, the general trial court in our State.

Judge Bassler is a graduate of St. Charles College Seminary and Fordham University. He received his J.D. from Georgetown University Law Center in 1963 and an LL.M. from New York University in 1969.

He served as a clerk to then appellate division Judge Mark Sullivan, and then entered the private practice of law in Monmouth County, NJ.

He was an associate and then a partner in the law firm of Parsons, Canzona, Blair & Warren until 1970, when he became a partner in the law firm of Labrecque, Parsons & Bassler. In 1983, he joined as a partner of Evans, Koelzer, Osborne, Kreizman & Bassler. And in 1984 until his ascension to the bench, he was a partner in Carton, Nary, Witt & Arvanitis.

Judge Bassler's practice was primarily in civil law, before the State courts. His areas of expertise were in the areas of local governmental law; real estate; trusts and estates; and insurance law, which he practiced as general counsel for a local insurance company. He served as borough counsel to Red Bank, NJ, and to local zoning boards.

After briefly serving in the law division of superior court, Judge Bassler has served since September 1988 in the chancery division, family part in Monmouth County.

Mr. President, the family court brings out the human side of judging—a side we sometimes lose sight of. In tragic cases of child and spousal abuse, the court is often asked to separate a child from a parent, or a spouse from a family. In those cases, a judge is called upon to make some of the most difficult decisions one person can be asked to make. The answers are often of the sort that are found not in the law book, but in one's judgment of character, review of the facts, and sense of justice. And the public's perception of the fairness of our judicial system is shaped by how our system handles such cases.

People whom I respect have told me that Judge Bassler has performed well in the family court. He has approached his cases with a sense of humanity, and with a dedication to finding the just result.

The ABA panel that reviewed his nomination unanimously rated him qualified.

Judge Bassler recognizes that despite his accomplished career as a local attorney, and a State judge, he will, if confirmed, confront a range of new and complex legal issues.

Those familiar with his work say he has the will and the intellect to learn what he needs to know, to be the kind of judge the public deserves and expects. In my own meeting with Judge Bassler, I was impressed with his sincerity, and his commitment to the task ahead of him.

I urge my colleagues to support his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, on behalf of the majority leader and the distinguished Republican leader, I send to the desk a resolution on authorization of the production of Senate records, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislation clerk read as follows:

A resolution (S. Res. 179) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a number of regulatory and law enforcement entities have requested access to documents obtained by the Permanent Subcommittee on Investigations during its recent investigation into fraud in the insurance and reinsurance industries.

In keeping with the Senate's customary practice with regard to similar requests, this resolution would authorize the Chairman and Ranking Minority Member of the Subcommittee to provide to these entities, and other regulatory and law enforcement entities that may make similar requests, Subcommittee records of its investigation into the insurance and reinsurance industries.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 179

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations of fraud in the insurance and reinsurance industries;

Whereas, regulatory and law enforcement entities have requested access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide, to regulatory and law enforcement entities requesting access, records of the Subcommittee's investigation of allegations of fraud in the insurance and reinsurance industries.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3034. An act to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such Act, and for other purposes; and

H.R. 3057. An act to amend the Drug-Free Schools and Communities Act of 1986 to revise the authorities of such Act relating to the National Diffusion Network.

The message also announced that pursuant to section 2702(a)(1)(B)(vi) of Public Law 101-509, that the Clerk of the House appoints as a member of the Advisory Committee on the Records of Congress Ms. Charlene N. Bickford of Arlington, Virginia from private life on the part of the House.

At 2:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 1106) to amend the Individuals With Disabilities Education Act to strengthen such Act, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3034. An act to amend the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 to extend the programs of such Act, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 2426. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-147).

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 2942. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-148).

By Mr. SASSER, from the Committee on the Budget, unfavorably without amendment:

S.J. Res. 186. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE REPORT OF A COMMITTEE DURING ADJOURNMENT

The following executive report of a nomination was filed on August 29, 1991, during the adjournment of the Senate:

By Mr. RIEGLE, Committee on Banking, Housing, and Urban Affairs, with a printed report (Ex. Rept. 102-14):

Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1986.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Andrew J. Kleinfeld, of Alaska, to be United States Circuit Judge for the Ninth Circuit;

Eugene E. Siler, Jr., of Kentucky, to be United States Circuit Judge for the Sixth Circuit;

Benson Everett Legg, of Maryland, to be United States District Judge for the District of Maryland;

Harvey Bartle, III, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

Dee V. Benson, of Utah, to be United States District Judge for the District of Utah;

William G. Bassler, of New Jersey, to be United States District Judge for the District of New Jersey;

William H. Yohn, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

Donald L. Graham, of Florida, to be United States District Judge for the Southern District of Florida;

Jorge A. Solis, of Texas, to be United States District Judge for the Northern District of Texas;

Michael R. Hogan, of Oregon, to be United States District Judge for the District of Oregon;

James T. Trimble, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana;

Shelby Highsmith, of Florida, to be United States District Judge for the Southern District of Florida;

Stewart R. Dalzell, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania;

J. Williams Roberts, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years;

Karen K. Caldwell, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years;

John F. Hoehner, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years; and

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years;

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE:

S. 1705. A bill to resolve claims of the Sisseton-Wahpeton Sioux Tribe of South Dakota, the Devils Lake Sioux Tribe of North Dakota, and the Sisseton-Wahpeton Sioux

Council of the Assiniboine and Sioux Tribes of Montana arising out of a judgment fund distribution; to the Committee on the Judiciary.

By Mr. FOWLER:

S. 1706. A bill to suspend temporarily the duty on pyrmethyl alcohol, metmercazole, and TAC; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1707. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. SANFORD (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Mr. ROBB, Mr. BRADLEY, Mr. METZENBAUM, Mr. ADAMS, Mr. DODD, Mr. SARBANES, Mr. SIMON, Mr. SHELBY, Mr. AKAKA, Ms. MIKULSKI, Mr. FORD, Mr. DECONCINI, Mr. BIDEN, Mr. REID, Mr. JOHNSTON, Mr. KERRY, Mr. WELLSTONE, Mr. LEVIN, Mr. WOFFORD, Mr. FOWLER, Mr. KENNEDY, Mr. KOHL, Mr. BRYAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. RIEGLE, Mr. HARKIN, Mr. HEFLIN, Mr. INOUYE, Mr. LIEBERMAN, Mr. DASCHLE and Mr. LAUTENBERG):

S.J. Res. 193. A joint resolution to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. MITCHELL (for himself, Mr. DOLE, Mr. KENNEDY, Mr. WOFFORD, and Mr. SANFORD):

S. Res. 177. A resolution to honor accomplishments and express appreciation for a dedicated career in public service of the Honorable William H. Gray III, on the occasion of his resignation; considered and agreed to.

Mr. LUGAR (for himself and Mr. KENNEDY):

S. Res. 178. A resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons; to the Committee on Foreign Relations.

Mr. BYRD (for Mr. MITCHELL, for himself and Mr. DOLE):

S. Res. 179. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1707. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Energy and Natural Resources.

FORT TOTTEN NATIONAL HISTORIC SITE ACT

• Mr. CONRAD. Mr. President, I rise today to introduce legislation that would designate Fort Totten, a former military post and Indian school near Devils Lake, ND, as a national historic site. I am pleased that my colleague, Senator BURDICK, has cosponsored this bill.

The legislation is similar to a bill we introduced last year, S. 2802. The Senate Energy and Natural Resources Committee held hearings on that bill in October 1990, and the full Senate approved the bill that month.

Fort Totten State Historic Site on the shores of Devils Lake stands as a monument to the relationship between the United States Government and the American Indians. From the policy of pacification practiced during the mid-nineteenth century, to the attempt to assimilate Indians into the society's mainstream, to the mid-twentieth century effort to terminate reservations, Fort Totten reflected the Federal responses to the "Indian question."

The Park Service testified last year that there are no units of the National Park System like Fort Totten that represent the attempts by the Federal Government to assimilate Native Americans into our culture. The site is unique and nationally significant, and deserves the support of my colleagues.

Fort Totten was founded as a military installation in 1867 and closed as a reservation community school in 1959. It is one of the best preserved military posts surviving from the Indian wars in the trans-Mississippi west. Fort Totten played a significant role in American Indian history, first as an Indian agency for Indians coming to the area and then, from 1890 through 1960, as an Indian industrial school.

To the Army during the nineteenth century, the Devils Lake area appeared as an oasis. As a result of the constant water supply of Devils Lake, the region had rich vegetation, wild game, and fish. Because it was remote from the civilized centers of nineteenth century America, however, the Devils Lake region drew few white explorers in its early history. The Indian that sought the game and shelter of the Devils Lake region generally belonged to the great Sioux or Dakota nation, a tribe that traced its relations with white settlers back into the seventeenth century.

The initial spark for military activity was struck with the Great Sioux Uprising of 1862 in Minnesota. The uprising was the culmination of generations of white harassment, broken treaties, and the noticeable absence of the military due to the drain of the Civil War. Gen. Harry Hastings Sibley was sent in to quash the rebellion, and after Congress abrogated all existing treaties early in 1863, many Sioux bands migrated to areas of refuge and security and so the forest and waters of the Devils Lake area became a haven.

The War Department found that killing of whites and depredations to property posed a major threat to the expanding agricultural frontier and thus demanded a positive and forceful reaction. By the spring of 1867, the majority of hostile attacks had been limited to main travel routes, mail carriers, and inter-fort communication routes. Nevertheless, the sporadic harassment of the growing and vital lines of communication and travel became an increasing concern for the military. What had been mostly incident-reprisal warfare between the whites and the Indians became a constant Sioux guerrilla war on early trade, supply, and travel routes.

In the summer of 1867, 323 soldiers of the 31st Infantry under the command of Capt. Samuel A. Wainwright built Fort Totten about 900 feet from the shore of Devils Lake. From 1867 to 1880, the post served as an important link to a chain of posts that included forts throughout the Dakotas and Montana. The last hurrah of real military action for the fort came in 1865 when the northern border regions became insecure as a result of the Riel Rebellion in Canada.

When Secretary of War Redfield Proctor submitted his Annual Report of 1890–1891, he recommended that the fort be closed due to relative calm in the region. The final military unit at Fort Totten, ten men under the direction of the last post commander, Maj. S.S. Conrad, left the post for Fort Abraham Lincoln near Mandan, ND on December 21, 1890. On the same day all post buildings were turned over to the superintendent of the Indian School at Devils Lake, and the Devils Lake Sioux opened their first school session at the abandoned post on January 19, 1891.

Fort Totten's original function had been the protection of the routes of travel and communication that grew through its jurisdiction. The men who struggled with the harsh earlier life of the prairies went about their duties protecting the first mail and travel routes and escorting the varied mapping, survey, and telegraph and rail crews. In turn, this growth provided an umbrella of protection for new communities. The garrison was a market for the new farms, a store for manufactured foods for the area's population, and a source of new settlers.

The military years of the fort, however, were only a part of the colorful history of the site. The military stage represented only 23 of the 92 years of operation. The Dawes Act of 1887 attempted to make Indians self-sufficient citizens rather than wards of the U.S. Government and emphasized the need for a system of industrial schools to be developed to speed up the process of assimilation. Fort Totten became one of those schools, and its subsequent history is a microcosm of the successes and failures of the Federal relationship with the American Indian.

Fort Totten remains significant, in part, for its magnificent physical survival. It is also significant as a result of the soldiers who lived and survived there and the Indians who struggled with Federal policies toward Native Americans. It is significant for the life Fort Totten brought—the towns and farms that now inhabit the region. The legislation that Senator BURDICK and I are introducing today would recognize that significance by establishing Fort Totten as a National Historic Site.●

By Mr. SANFORD (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Mr. ROBB, Mr. BRADLEY, Mr. METZENBAUM, Mr. ADAMS, Mr. DODD, Mr. SARBANES, Mr. SIMON, Mr. SHELBY, Mr. AKAKA, Ms. MIKULSKI, Mr. FORD, Mr. DECONCINI, Mr. BIDEN, Mr. REID, Mr. JOHNSTON, Mr. KERRY, Mr. WELLSTONE, Mr. LEVIN, Mr. WOFFORD, Mr. FOWLER, Mr. KENNEDY, Mr. KOHL, Mr. BRYAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mr. BURDICK, Mr. CRANSTON, Mr. DIXON, Mr. RIEGLE, Mr. HARKIN, Mr. HEFLIN, Mr. INOUYE, Mr. LIEBERMAN, Mr. DASCHLE, and Mr. LAUTENBERG):

S.J. Res. 193. A joint resolution to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States; to the Committee on the Judiciary.

BICENTENNIAL OF THE DEMOCRATIC PARTY

Mr. SANFORD. Mr. President, I rise today to introduce a joint resolution which would establish a commission to commemorate the bicentennial of the Democratic Party of the United States.

On May 13, 1792, the Democratic Party (first known as the Republican Party) was born, under the leadership of Thomas Jefferson, a man whose life was built around the American principles of freedom and democracy. Thus began the legacy of the oldest party in the history of the United States, and indeed, in the history of the world, to be devoted to free government "by the people and for the people." I believe that it is only fitting that we trace the roots of a party whose historical development has been so intricately bound to the history of the United States as a democratic Nation.

Our forefathers had written the Constitution, and had successfuly created a skeleton for what a democratic government should stand for and should be. However, it was not until the Democratic party evolved, paving the way for a political party system, that flesh was put on this skeleton and life breathed into our Constitution. The birth of the Jeffersonian Party should not be looked upon as a historical event to be celebrated exclusively by today's Democrats; it has much greater significance than that. The original Democratic Party blazed the trail for future Democrats and Republicans alike. One can see their influence on each party that has been created since 1792, and no one could or should deny the debt our current national political system owes to the Democratic Party of 1792 for the new ground it so bravely broke for our Nation.

I am sure that there will be similar historical celebrations taking place in the future, recognizing other crucial building blocks in the creation of our national party system. I will certainly welcome the acknowledgment of these historical events when they come about. I surely do not question the validity of a celebration of the Republican Party's history, when each and every milestone anniversary arrives.

In the early 1790's, Thomas Jefferson and James Madison emerged as the leaders of what would eventually become the first "popular party" in history. They fought the ideas of the Federalists, whose focus was on a strong, aristocratic Federal Government, yet they dissociated themselves from the antiFederalists, whose members were opposed to any general government. Jefferson and Madison were searching for an organized form of government, but one which balanced power between the leaders and the general populace, allowing the States to exercise as much authority as possible without the interference of the Federal Government.

Jefferson described the goals of his new party as focusing on "the increase in direct popular control over the government, the widening of the right of suffrage, the limitation of the power of the Federal Government and the conservation of the powers reserved to the States by the Constitution." There is no question that Jefferson and the other founding members of the Democratic Party in America had a major impact on our country's struggle for a free government, and I would like to ensure that their role is not forgotten.

For this reason, I propose that we establish a commission to celebrate this anniversary and to educate the American public on this national heritage. It is my hope that this commission will organize events all around the country to remember and renew our Nation's dedication to the goals and purposes which Jefferson, Madison, and others had in mind when they formed the Democratic Party.

An awareness of the history of the Democratic Party is essential to a true knowledge of the history of our country. This 200th anniversary presents a rare opportunity for initiating a nationwide, year-long history lesson, through which all Americans may become better acquainted with their Nation's past.

This commission will organize celebratory events all around the country to commemorate this bicentennial and tell the story of the Democratic Party. Throughout 1992, there will be festivities at Hyde Park, Independence, Nashville, and other shrines, as well as at the Jefferson Memorial, Monticello and numerous other sites of significance to the Democratic Party.

The commission will include up to 20 members, to be appointed by the Majority Leader of the Senate, the Speaker of the House of Representatives, the Chairman of the Democratic Governors' Conference, and the Chairman of the Democratic National Committee. It will be privately funded, and will work to coordinate and oversee all of the bicentennial activities and events for 1992.

Mr. President, I believe that it is appropriate and worthwhile to establish a commission to commemorate the 200th anniversary of the Democratic Party. The birth of this party on May 13, 1792, which emphasized the "power of the people" to run their own government, is of profound importance to our country's development as a free and just nation. I believe that the Democratic Party, its founders, and those who have carried on its policies, purposes and traditions, deserve to be remembered and honored during the bicentennial celebration year of 1992.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 98

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989.

S. 301

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 301, a bill to amend the Trade Act of 1974 to strengthen and expand the authority of the United States Trade Representative to identify trade liberalization priorities, and for other purposes.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Maine [Mr. COHEN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 542

At the request of Mr. GRASSLEY, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], the Senator from Utah [Mr. HATCH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 542, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. SMITH], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 866

At the request of Mr. BREAUX, the names of the Senator from Utah [Mr. GARN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 1226

At the request of Mr. JEFFORDS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1226, a bill to direct the Administrator of the Environmental Protection Agency to establish a small community environmental compliance planning program.

S. 1318

At the request of Mr. HATFIELD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1318, a bill to amend the Solid Waste Disposal Act so as to protect the environment from discarded beverage containers; to reduce solid waste and the cost in connection with the disposal of such waste through recycling; and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1398

At the request of Mr. REID, the names of the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. DANFORTH], the Senator from Florida [Mr. MACK], the Senator from Arkansas [Mr. PRYOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1441

At the request of Mr. COCHRAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1466

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1466, a bill to amend the Congressional Budget Act of 1974 to ensure the neutrality of the Congressional Budget Office.

S. 1505

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1562

At the request of Mr. BRADLEY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. CONRAD], the Senator from North Carolina [Mr. SANFORD], the Senator from Virginia [Mr. ROBB], the Senator from Nevada [Mr. REID], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1562, a bill to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan repayment is contingent upon such student's income, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maine [Mr. COHEN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1700, a bill to amend the Food Stamp Act of 1977 to modify the application of such act to disabled railroad annuitants, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Illinois [Mr. DIXON], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 39

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer".

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 136

At the request of Mr. RIEGLE, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Joint Resolution 136, a joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes.

SENATE JOINT RESOLUTION 139

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BURNS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 139, a joint resolution to designate October 1991, as "National Lock-In-Safety Month."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Vermont [Mr. JEFFORDS], were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 175

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Resolution 175, a resolution to support the activities of the Peace Corps in Estonia, Latvia, and Lithuania.

AMENDMENT NO. 1112

At the request of Mr. HARKIN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Amendment No. 1112 proposed to H.R. 2707, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

Mr. KERREY. Mr. President, please let the CONGRESSIONAL RECORD reflect that, as of August 2, 1991, my name has been removed from the list of cosponsors to S. 1192.

SENATE RESOLUTION 177—RELATIVE TO THE RESIGNATION OF THE HONORABLE WILLIAM H. GRAY III

Mr. MITCHELL (for himself, Mr. DOLE, Mr. KENNEDY, Mr. WOFFORD, and Mr. SANFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas, William H. Gray III was elected to serve in the United States House of Representatives in 1979 as the Representative of the people of the 2nd Congressional District in Pennsylvania.

Whereas, William H. Gray has served the people of his Congressional District with enthusiasm, distinction and compassion.

Whereas, during his tenure in the House of Representatives, William H. Gray has served with noted excellence on Congressional Committees including the Committee on Appropriations, Committee on the District of Columbia and the Committee on House Administration.

Whereas, Mr. Gray's service as Chairman of the Committee on the Budget and as a Majority Whip was especially distinguished.

Whereas, Mr. Gray's legislative acumen and personal affability have rendered him greatly admired and well prepared by his colleagues in the House of Representatives and in other circles throughout the United States and abroad.

Whereas, William H. Gray's participation, presence and leadership will be missed in the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate that the outstanding legislative and personal achievements of William H. Gray III should be duly recognized.

SENATE RESOLUTION 178—RELATIVE TO CHINESE POLITICAL PRISONERS AND CHINESE PRISONS

Mr. LUGAR (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 178

Whereas, in February 1991, the Government of the People's Republic of China sentenced the co-founders of the Beijing Social and Economic Science Research Institute, Wang Juntao and Chen Ziming, to 13 years in prison on charges of sedition for "masterminding" the 1989 pro-democracy movement;

Whereas Wang Juntao and Chen Ziming had peacefully engaged in the exercise of their internationally recognized human rights of free expression and association;

Whereas, since April 1991, these two courageous men have been held in punitive solitary confinement in Beijing Prison No. 2 in squalid, inhumane, and unsanitary conditions;

Whereas the Government of China has denied Wang Juntao's many requests for improved diet and living conditions and access to adequate medical care, in disregard of his serious liver disease and declining health, and it has been impossible to verify Government claims that he is receiving improved treatment;

Whereas the Government of China has denied to Members of Congress, the United States State Department, human rights groups, and others that Wang Juntao and Chen Ziming are in poor health;

Whereas the Government of China has refused regular access to Wang or Chen by their relatives since both men began a hunger strike on August 14 to protest their solitary confinement and to demand proper medical care;

Whereas Wang Juntao's life is in danger unless he is granted immediate medical parole, as allowed under Chinese law;

Whereas Chen Ziming is also ill due to the poor conditions of his confinement;

Whereas the United States Government has denounced Wang's trial and protested the harsh treatment suffered by Wang and Chen, but the Government of China has thus far not responded to low-level United States appeals; and

Whereas the Government of China has an international responsibility to respect and uphold the rights of all of its citizens: Now, therefore, be it

Resolved, That the Senate hereby urges the President—

(1) to communicate directly to the leadership of the Government of the People's Republic of China the urgent concern of the Congress and American people for the life and welfare of Wang Juntao and Chen Ziming and to call for their immediate release from prison on medical parole so that they may receive treatment by independent physicians of their choosing; and

(2) to request the Secretary General of the United Nations to use his good offices to urge Beijing officials to provide quality medical care for all political prisoners, including Wang Juntao and Chen Ziming, and to dispatch representatives of the United Nations Human Rights Commission to China to assess and report on the treatment of political prisoners and the general condition of Chinese prisons.

- Mr. LUGAR. Mr. President, today I am happy to be joined by my colleague, Senator KENNEDY, in introducing a Senate resolution expressing our deep concern for the plight and well-being of Wang Juntao and Chen Ziming, two leaders of the democracy movement in China who are now imprisoned in China.

Both Wang and Chen are incarcerated as political prisoners in China and have been subjected to excessively harsh treatment by Chinese prison officials. These two individuals, along with thousands of other brave Chinese citizens, were leading organizers of the historic demonstrations for democracy in Tiananman Square culminating in the brutal violence in June 1989.

There have been numerous reports, including opinion editorials, from various credible sources describing the prolonged hunger strike by both Wang and Chen to protest their shabby treatment by Chinese prison authorities in Beijing Number 2 Prison, These reports have been confirmed by the Department of State. All describe the deplorable record: the denial of adequate medical treatment for both Wang and Chen who have been in poor health, the refusal of regular family visits, solitary confinement, and conditions of poor sanitation and other substandard treatment.

Both Wang and Chen have been treated badly because they were principal organizers of the Chinese pro-democracy movement in spring of 1989. A third leader, Mr. Li Lu, a young courageous man, is now a graduate student here in the United States. His hunger strike here in Washington, DC in recent weeks dramatized the extent to which the pro-democratic forces are still active inside and outside China.

It is unconscionable that Wang and Chen were sentenced to long periods of confinement solely because of their political convictions and their willingness to act them out in a peaceful manner. It is even more deplorable that Chinese officials have resorted to cruel and inhuman treatment in contravention of normally acceptable standards of human rights and decency. It is excessive punishment being meted out on top of excessive sentences which, themselves, were not justified.

This resolution urges the President of the United States to directly raise with the relevant Chinese officials the status and treatment of Wang and Chen and to seek improvements in prison treatment of all political prisoners. The resolution further urges the President to seek the assistance of the good offices of the Secretary General of the United Nations to help remedy the abuse of individual rights of political prisoners in China. It also urges the Secretary General to dispatch representatives of the United Nations Human Rights Commission to assess and report on the conditions and treatment of all political prisoners in the Chinese prison system.

No one can deny the courage and conviction of these pro-democracy leaders. I am encouraged in recent days by signs that Chinese officials may be rethinking the harsh treatment given to political prisoners, specifically Wang Juntao and Chen Ziming. I urge the Chinese leadership to respond to the worldwide please for more humane treatment of political prisoners.

Human rights remains a very serious irritant in U.S.-Sino relations that can be eased by removing official prison practices which are in clear violation of generally accepted international standards. Chinese steps to improve prison conditions would be a very good place to start.

Mr. President, I have been someone who has sought to maintain working relations with China and to forestall any sudden deterioration in relations between our two countries because our ties are so fundamental to peace and stability in the world. For this reason and for the sake of fundamental humanitarianism, I urge the Chinese leadership to seriously consider easing up on its harsh treatment of political prisoners, to end the punitive treatment of Wang and Chen, and to grant amnesty to Wang, Chen, and other political prisoners now in prison. If the Chinese leadership takes such steps, the potential positive effects of improved relations between our country and China could be significant.

Mr. President, I am honored to be joined in introducing this resolution by Senator KENNEDY whose record on human rights around the world has few parallels. We introduce this resolution with the hope that all members of this body will join me as cosponsors.•

Mr. KENNEDY. Mr. President, the imprisonment, torture, and execution of members of the pro-democracy movement in China make it more important than ever for Americans to take a strong stand with the forces of freedom in that country.

The resolution that Senator LUGAR and I are introducing today emphasizes America's deep concern over the mistreatment of democratic leaders Wang Juntao and Chen Ziming and other political prisoners now languishing in Chinese prisons.

In February, 1991, the Government of China sentenced Mr. Wang and Mr. Chen, co-founders of the Beijing Social and Economic Science Research Institute, to 13 years in prison for masterminding the 1989 pro-democracy movement in Tiananmen Square—punishing them for exercising their internationally-recognized human rights of freedom of expression and association.

The Chinese Government has subjected both men to prolonged periods of solitary confinement in inhumane and unsanitary conditions, denied them access to adequate medical care, and prohibited family visits. Both are in poor health, and Mr. Wang is suffering from a life-threatening liver disease.

Since August, Mr. Wang and Mr. Chen have been on a hunger strike to protest their treatment, and their cause has received considerable international attention. The Department of State recently requested the Government of China to grant an amnesty for Mr. Wang, Mr. Chen, and all other political prisoners, and to end the trials of remaining political detainees.

Under China's penal code, Mr. Wang and Mr. Chen could be granted medical parole in order to receive better medical care. Their requests for such parole, however, have been turned down.

Our Senate resolution urges President Bush to raise the issue of political prisoners and the status of Mr. Wang and Mr. Chen with Chinese officials. In addition, it asks the President to encourage the Secretary General of the United States to urge the Chinese Government to provide decent medical care to all prisoners, and to send representatives of the United Nations Human Rights Commission to China to report on the treatment of political prisoners and the condition of Chinese prisons.

Congress must continue to take a strong stand against the repression of democratic forces and the denial of human rights in China. If America is to retain its role as the leader of the free world, we should be in the forefront of supporting the Chinese people in their continuing struggle to achieve the ideals of freedom and democracy upon which our own country is founded.

I urge my colleagues to join me in supporting this important legislation.

SENATE RESOLUTION 179—AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations of fraud in the insurance and reinsurance industries;

Whereas, regulatory and law enforcement entities have requested access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide, to regulatory and law enforcement entities requesting access, records of the Subcommittee's investigation of allegations of fraud in the insurance and reinsurance industries.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

HATCH (AND KASTEN) AMENDMENT NO. 1109

Mr. HARKIN (for Mr. HATCH, for himself and Mr. KASTEN) proposed an amendment to the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 29, line 21, insert before the period the following: ": *Provided*, That $2,000,000 of the funds available under this heading, which would otherwise have been made exclusively available for carrying out programs through the Office of Substance Abuse Prevention, shall be transferred for the purpose of providing technical assistance to small and medium-sized business on the establishment of workplace substance abuse programs which shall be administered cooperatively between the Office of Substance Abuse Prevention and the Department of Labor".

DOLE AMENDMENTS NO. 1110 AND 1111

Mr. HARKIN (for Mr. DOLE) proposed two amendments to the bill H.R. 2707, supra, as follows:

AMENDMENT NO. 1110

On page 43, line 6, after the colon insert the following: ": *Provided further*, That of the amounts made available under this heading, $450,000 shall be used for making grants and entering into contracts under section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) to establish a program under which professional and service providers (including family physicians and clergy) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of aging persons, and communication with the mental health network; and

"(B) advanced clinical training regarding means of assessing and treating the problems described in paragraph (1);

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at a major university;

"(B) mental health professionals; and

"(C) nationally recognized consultants in the area of rural mental health; and

"(3) held in county hospital sites throughout the State in which the program is based: *Provided further*, That $500,000 of the funds available under this heading shall be used for making grants and entering into contracts under section 162 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082) to establish innovative approaches to consumer-responsive personal assistance service, which shall enhance opportunities for individuals with disabilities to live independent and productive lives with full inclusion in their community".

AMENDMENT No. 1111

On page 57, line 3, insert before the period: ": *Provided*, That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support persons currently receiving grants under the section".

STEVENS (AND INOUYE) AMENDMENT NO. 1112

Mr. HARKIN (for Mr. STEVENS, for himself, Mr. INOUYE, and Mr. CRANSTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 23, line 4, before the period, insert the following: ": *Provided further*, That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center".

SIMON (AND HARKIN) AMENDMENT NO. 1113

Mr. HARKIN (for Mr. SIMON, for himself, and Mr. HARKIN) proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) The Senate finds that—

(1) Since the 1990 budget summit agreement, extraordinary events in the world, particularly in Central Europe and the former Soviet Union, may provide our country with an opportunity to reexamine the broad spending priorities embodied in the 1990 budget summit agreement.

(b) It is the sense of the Senate that the President of the United States and the Democratic and Republican leadership of the Congress should consider establishing new priorities. If it is so determined, based on current and changing world events, the defense spending path negotiated in the 1990 summit could be reduced in the future, then any such reduction should be made available for reducing Federal budget deficits, reducing Federal tax burdens, increasing domestic spending, or any combination thereof.

HELMS (AND NICKLES) AMENDMENT NO. 1114

Mr. HELMS (for himself and Mr. NICKLES) proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

On page 25, line 8, strike the figure before the period and insert the following: "$523,826,000: *Provided, however*, That funds made available under this heading to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior shall instead be expended, at the same outlay rate, to carry out title XX of the Public Health Service Act.".

ADAMS AMENDMENT NO. 1115

Mr. ADAMS proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 57, line 3, before the period, insert the following: ": *Provided*, That of the funds made available under this heading, no less than $1,400,000 shall be for the full funding of orthotics and prosthetics training programs".

COCHRAN (AND HELMS) AMENDMENT NO. 1116

Mr. COCHRAN (for himself, Mr. HELMS, Mr. KASTEN, and Mr. BUMPERS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 9, line 10, strike out "$231,326,000," and insert in lieu thereof the following: "$231,326,000, none of which shall be expended by the Secretary of Labor to implement or enforce model garment regulations or model garment enforcement policy promulgated under the Fair Labor Standards Act of 1938 (20 U.S.C. 201 et seq.), provided that the model garment program comply with the following:

(1) The employee's work is voluntary.

(2) The patterns, fabrics, and notions are provided by the employers at no cost to the employees.

(3) The employees retain ownership of the model garments after the display period.

(4) The model garments are in fabrics, styles and sizes determined by the employees to be appropriate for the employees' use.

DOLE (AND KASSEBAUM) AMENDMENT NO. 1117

Mr. COCHRAN (for Mr. DOLE, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 54, line 4, insert before the period the following: ": *Provided further*, That the Secretary of Education shall treat States as being in compliance with the regulations under section 5(d)(2) of the Act of September 30, 1950 (Public Law 81-874), if such States utilize equalization formulas, based upon the wealth-neutrality standard as contained in section 222.64 of title 34, Code of Federal Regulations, that the Secretary has not previously determined to be in noncompliance with such regulations.

HATCH (AND HELMS) AMENDMENT NO. 1118

Mr. COCHRAN (for Mr. HATCH, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 19, line 5, after the number 3302 add the following: ": *Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer $2,900,000 to carry out section 339 of the Public Health Service Act".

SMITH AMENDMENT NO. 1119

Mr. HARKIN (for Mr. SMITH) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 22, line 19, insert before the period a colon and the following: "*Provided further*, That it is the sense of the Senate that none of the funds appropriated pursuant to this paragraph for "counseling, testing, and partner notification grants" in connection with the human immunodeficiency virus shall be distributed pursuant to title IIIA of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990".

HELMS AMENDMENT NO. 1120

Mr. HELMS proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 61, line 7, insert after the word "student" a colon and the following: "*Provided further*, no person incarcerated in a federal or state penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965".

KERREY AMENDMENT NO. 1121

Mr. KERREY proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 54, in line 4, insert before the period the following: ", except that any percentage increase or decrease in the cost of an equivalent level of education described in section 3(d)(2)(B)(i) shall be multiplied by two in making such determinations under section 3(d)(2)(B)".

SEYMOUR AMENDMENT NO. 1122

Mr. SEYMOUR proposed an amendment, which was subsequently modified, to the bill H.R. 2707, supra, as follows:

On page 29, line 21 before the period, insert the following: ": *Provided further*, That within the funds made available under this heading the Secretary shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, allocate no less than $60,000,000 to be spent for competitive demonstration projects serving pregnant and postpartum addicts and their infants".

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

BYRD (AND NICKLES) AMENDMENT NO. 1123

Mr. BYRD (for himself and Mr. NICKLES) proposed an amendment to the bill (H.R. 1123) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 2, line 11, strike "$537,049,000" and insert in lieu thereof "$537,199,000".

On page 11, line 22, strike "$95,465,000" and insert in lieu thereof "$96,275,000".

On page 13, line 8, strike "$85,530,000" and insert in lieu thereof "$84,720,000".

On page 16, line 19, strike "$949,724,000" and insert in lieu thereof "$950,274,000".

On page 17, line 16, before the period, insert the following: ": *Provided further*, That of the funds provided herein, $65,000 available for a cooperative agreement with the Susan La Flesche Picotte Center".

On page 18, line 22, strike "$194,797,000" and insert in lieu thereof "$199,397,000".

On page 20, line 23, before the period, insert the following: ": *Provided further*, That of the funds available under this head for emergency, hardship, and inholdings, $850,000 shall be available for the acquisition of the Shipley and Grandview Schools in Harpers Ferry, West Virginia".

On page 27, line 3, delete "$136,400,000" and insert in lieu thereof a new italic number of "$68,200,000".

On page 27, line 7, before the period, insert the following: ": *Provided further*, That in accordance with section 6004(c) of Public Law 101–380, the Oil Pollution Act of 1990, $21,000,000 shall be made available as compensation in full, including interest, to the State of Louisiana and its lessees for net drainage of oil and gas resources by the United States and its lessees occurring as of September 1, 1988 in the West Delta Field of the Outer Continental Shelf, as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989".

On page 35, line 12, before the period, insert the following: ": *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended".

On page 35, line 24, strike "$431,741,00" and insert in lieu thereof "$431,541,000".

On page 36, line 22, before the period, insert the following: ": *Provided further*, That funds for Self-Governance Compact tribes may be transferred to the Operation of Indian Programs appropriation without further action by Congress".

On page 38, line 16, strike "$92,798,000" and insert in lieu thereof "$93,308,000".

Also on page 38, line 16, before the period, insert the following: ": *Provided further*, That funds for Self-Governance Compact tribes may be transferred to the construction appropriation without further action by Congress".

On page 76, line 25, before the period, insert the following: ": *Provided further*, That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purposes shall be provided as a grant to the University of Nevada-Las Vegas".

On page 84, line 1, strike "$243,000,000" and insert in lieu thereof "$179,000,000".

On page 85, line 4, strike "$144,000,000" and insert in lieu thereof "$141,000,000".

The following technical corrections:

On page 18, line 23, line type "11,200,000" and insert new italic number of "$9,340,000".

On page 19, line 10, after the parenthesis, should be italic print through line 12 before the ":".

On page 35, line 24, insert in italic "$" before the "431,741,000".

On page 61, line 7, the italic number should read: "$84,270,000".

On page 66, line 19, line type "99–714" and insert new italic reference of "102–116".

On page 76, line 12, the italic number should read: "$462,015,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 1671, the Waste Isolation Pilot Plant Land Withdrawal Act of 1991.

The hearing will take place on Saturday, September 21 from 1 p.m. to 5 p.m. at the APS/TVI Board Room, 717 University Boulevard SE, Albuquerque, NM.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224–7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 12, beginning at 10 a.m., to conduct a hearing on the waste management provisions of S. 976, the Resources Conservation and Recovery Act Amendments of 1991—including special wastes, municipal waste and ash disposal, native American Indian waste issues, industrial waste, and hazardous waste recycling issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on legislation authorizing marriage and family counseling for veterans of the Persian Gulf War (S. 1553), on Thursday, September 12, 1991, at 9:30 a.m. in SR–418.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 12, 1991, at 10 a.m. on S. 640, the Product Liability Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 12, 1991, at 10 a.m. to receive testimony on the base closure recommendation process: Loring Air Force Base, ME.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 12, at 10 a.m. to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 12, 1991, at 9:30 a.m. to conduct a hearing on the activities of Salomon Brothers, Inc. in Treasury bond auctions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 12, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 12, 1991, to receive testimony on title XVII of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991, and S. 1501, the Reclamation Reform Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, September 12, 1991, at 10:30 a.m. The committee will hold a full committee hearing to examine the issue of pension expansion and simplification.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 12, 1991, at 11 a.m. to hold a hearing on the President's trade agreement proposing most-favored-nation trade status for the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on September 12, 1991, at 2 p.m. to hold a hearing on tax simplification proposals, including S. 1394, H.R. 2777, and S. 1364.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

B-2 BOMBER TERMINATION

• Mr. LEAHY. Mr. President, on August 1, 1991, I offered an amendment to terminate production of the B-2 bomber program. Unfortunately, Senator ALAN CRANSTON, a consistent opponent of the Stealth bomber, was not listed as an original cosponsor to my amendment. I would like all Senators and their staffs to know that Senator CRANSTON has been a leader in the effort to halt the B-2 and his name should have been included on the list of original cosponsors.•

TRIBUTE TO ALBANY

• Mr. McCONNELL. Mr. President, I rise today to highlight the small town of Albany, situated in the Appalachian foothills of southern Kentucky.

Albany is often overlooked by travelers even though it is a town rich in the beauty of its natural surroundings. Not only is this a town abounding in beauty, but also one vibrant in history. Two Kentucky Governors, Thomas Bramlette and Preston Leslie, were born in Clinton County, along with the notorious Civil War guerrilla "Champ" Ferguson, who historians have claimed was "an excellent fighter who was also quite fond of liquor and women."

Recently, Albany was been experiencing a miniboom in its economy due to the recent discovery of the State's largest oil well on Jack Ferguson's farm. The discovery has sparked a growing amount of economic investment in the town and its residents. Farmers who once staggered under economic strain are now able to lease their land for more than it would sell.

An improving economy in Albany is coupled with education reform under way in the county's public schools. In the past 6 years, the schools have risen from last out of 183 schools to 123d out of 177, and they continue to improve.

Although the economy may stagnate from time to time, most residents would not have it any other way. "Look at what happened to Somerset," says Eva Conner, a local historian. "It's a nightmare going in there. Living here is great, but if you bring all this industry and all this traffic, it becomes a less desirable place to live." This sums up a common view among Albany's 2,062 residents.

Many people take pride in being from Albany. They enjoy the distance from a metropolitan town, and the lack of outside business gives the town an old-fashioned look. These factors and traffic patterns allow for the town to remain just the way the residents like it—quiet and undisturbed.

I ask that an article pertaining to Albany be printed in the RECORD.

The article follows:

OIL BOOMS GIVE A NEEDED LIFT TO PLACE WITH HIGH JOBLESS RATE AND LOW WAGES

(By Kirsten Haukebo)

On a still day, especially if the price is $20 a barrel or more, you can catch a whiff of crude oil pumping as fast as machines and Mother Nature will allow.

"It does have a tremendously good smell to it," said Jack Ferguson, a farmer whose land just south of Albany contains the biggest oil well in state history. Struck last September, the well spewed an average of 1,800 barrels a day for 100 days even without a pump.

Since then, and especially when the price of oil doubled during the Persian Gulf War, Albany has experienced a mini-boom in oil exploration. Oil wells dot the surrounding fields and farms.

The activity is confined to a smaller area than in the oil heydays of the 1940s, 1960s and early 1980s, but residents are seeing effects. Farmers, able to lease their land now for more than it's worth to buy, are driving new cars. Ferguson used some of his money to put high-quality fencing around his property.

Syndicated Options Ltd., which struck the Ferguson well, apparently got caught up in the oil fever. The Austrian company placed a sign at the end of Ferguson's road: Biggest Oil Well in the U.S.A.

"If they would have said the largest oil well at 1,087 feet, they would have been right, Ferguson's son Gary, noted dryly. Most big oil wells go much deeper, he said.

Call it Little Texas in the Appalachian foothills: Albany's spirits—and fortunes—seem to rise and fall with the price of oil.

"The economy is just absolutely horrible here and the oil gives it such a boost," said Charlene King Smith, who opened a pipe and supply company after the Ferguson well hit.

Smith vividly recalls the early 1980s oil boom. "There was so much money here it was incredible. People would drive in and ask to invest in your well. You couldn't get a hotel room. You couldn't get housing. People were renting rooms in their homes."

Those are fond memories in a county that consistently has one of the highest unemployment rates in the state. Although several clothing factories—including one of the biggest employers, Oshkosh B'Gosh—have moved to town in recent years, few other industries have expressed much interest in Albany, according to Mayor Lanny Bowlin.

"We have all the garment factories that keep the ladies who want to work employed, but we don't have much for the men. And it hurts," he said. "A lot of people would like to see more businesses, more things happening."

Residents mention the closing of a Kingsford charcoal plant as a blow to the town, although the loss was mainly symbolic. In 1988, the company employed only seven people.

For men who don't work on farms, there are few options. Many travel to other towns for work. As a result, wages are low by state standards."Six dollars an hour here is real good money," Bowlin said.

That Clinton County is still heavily agricultural is clear to anyone driving through town on a weekday afternoon: The briskest business is done at the feed stores. Bowlin himself runs a mill that makes cattle feed. Local farmers raise beef and dairy cattle, tobacco and hogs.

Not everyone agrees with Bowlin that the town needs more businesses.

"Look at what happened to Somerset," says local historian Eva Conner. "It's a nightmare going in there. Living here is great, but if you bring all this industry and all this traffic, it becomes a less desirable place to live."

Bowlin said he ran up against opposition when he tried to bring a Wal-Mart to town during his first term about five years ago. "In 10 days, I had 1,700 signatures in favor of a Wal-Mart store." But local stores worked against it, he said. For whatever reason, Wal-Mart eventually decided to open a store about 20 miles away, in Monticello.

Bowlin said he's tried to lure factories, too, without success.

Residents cite several reasons for the lack of industrial development. Although the two-lane U.S. 127 cuts through town, Albany has been avoided or forgotten when it has come time for improvements or other road projects. Gov. Wallace Wilkinson's plan to widen and improve Highway 127 stops just north of Clinton County.

Also, residents are reluctant to sell land for development, and the Fiscal Court is loath to condemn land. Frustrated residents often mention the lingering poor reputation of the county's schools as a barrier to industrial development.

Clinton County was catapulted into the national spotlight seven years ago when the CBS program "60 Minutes" aired a report on one man's stranglehold on the local school system.

As an earlier Courier-Journal series had found, a wealthy businessman named Robert Polston had exercised tremendous power during his more than 30 years as school superintendent. With only political cronies on the school board, Polston hired unqualified administrators and liberally handed out jobs as cooks and custodians. At least six of his relatives also worked in the county's schools.

The year before the series was published, Clinton County's students ended up last out of 183 school districts on achievement tests.

Polston retired after a wave of investigations by the state, the FBI and the U.S. Department of Education. Many changes have been made since then and test scores have improved some. In 1990, Clinton County students scored 123rd out of 177 school districts on achievement tests.

The lack of new businesses—only two national fast-food chains have outlets here, for example—gives the town a remarkably old-fashioned look.

Except for an elegant new courthouse, the town square looks as though it hasn't changed in forty years. The courthouse was completed in 1983, three years after the earlier courthouse was destroyed by fire.

It was the second time the county's courthouse burned. In 1864, Civil War guerrillas set fire to the building, but it was repaired and used until it could be rebuilt 30 years later. The area was subject to many raids from both sides during the Civil War, mainly because of its location on the Tennessee line.

One unusual feature of the new courthouse is its two identical entrances—each one facing a side road rather than any of the offices on the square. Local wags joke that this is because each business person on the square wanted the courthouse entrance to face his or her office. That presumably would have been good advertising for one of the many lawyers on the square—or, for that matter, for J.C. Guns and Knives across the street from the courthouse.

Albany police occupy a tiny storefront office just off the square, sort of like Andy Griffith's in the 1950s TV show. A large blue and white sign says, "Albany Police/Tourist Information."

Clinton County, wedged between Lake Cumberland and Dale Hollow Lake, drew nearly $23 million in travel-related expenditures in 1990, making it third among counties in the Lake Cumberland region.

With two lakes, though, you might expect Clinton County to be No. 1. Traffic patterns may explain why it's not. Many visitors to Dale Hollow Lake come from Nashville, Tenn., and stop when they get to the southern end of the lake, which lies in Tennessee.

Visitors to Lake Cumberland come mainly from Louisville, Indiana and Ohio, stopping when they reach the northern end of that lake.

However, the quieter area between the lakes has attracted numerous retirees, who also bring dollars to Albany, Mayor Bowlin said.

Tourists like to spend time in the rolling green hills of Dale Hollow Lake State Resort Park. One of the most popular local attractions is 76 Falls.

The falls was the state's highest continuously flowing waterfall until the impoundment of Lake Cumberland. A dangerous tradition of diving from the falls—about 38 feet at normal pool—continues today.

Another source of income for local retailers is lottery tickets. Tennesseans, who lack a state lottery, flock across the border to snap them up. Albany is only five miles from the state line.

Money also flows in the other direction. Since Clinton County is dry, the nearest beer is at one of the six package stores in tiny Static, which straddles the border. (Appropriately, there is also a radio station in the town).

Perhaps Albany's greatest asset is the natural beauty of its surroundings, "I think this is the garden spot of the world," Bowlin proclaimed.

Ten-year-old Jeremiah Cummings, who spends his summers here with his aunt and uncle, put it more modestly. "It's real nice and green and doesn't have too much seedy stuff," he said, soaking up the sun outside Albany's Wishy Washy Coin Laundry.

After some thought, Jeremiah, of nearby Byrdstown, Tenn., added that one of the best things about Albany is his Aunt Bercie's apple pie.

"Ooooh," he said, "Is she a good cook!"

ALBANY

Population, 1990: Albany, 2,062; Clinton County, 9,135.

Per capita income: Clinton County, 1987: $7,035, or $4,962 below state average.

Media: Newspapers: Clinton County News (weekly), Radio: WANY (country); WSBI (country and adult contemporary), Cable TV offers 23 basic channels, including "superstations" in Atlanta and Chicago.

Jobs in county, 1988: Manufacturing, 871; wholesale/retail, 346; services, 279; government, 402; construction, 83.

City's big employers, July, 1991: Sutton Shirt Corp., 320 employees; Oshkosh B Gosh (clothing), 170; Ann Rashel Sportswear, 150.

Education: Clinton County Public Schools, 1,632 students, Clinton County Area Vocational School, 300 students.

Transportation: Air: Spring Creek Airport, four miles south of Albany, has one 2,400-foot runway, Nashville Metropolitan Airport, 133 miles southwest of Albany, has the closest nearest airline service, Trucking: Seven Trucking companies serve Albany.

Topography: Foothills of the Appalachian Mountains.

Famous facts and figures

Two Kentucky governors and a governor of Montana were born in Clinton County, Gov. Thomas Bramletee, a major general in the Union Army, was elected in 1863 and served one term during the tumultuous last years of the Civil War. Preston Leslie succeeded to the position in February 1871 after Gov. John Stevenson resigned. Leslie was re-elected later that year. In 1887, President Grover Cleveland appointed him territorial governor of Montana. Samuel Ford, a grandnephew of Leslie, joined him in Montana and later became a two-term governor of the state from 1940 to 1948.

Notorious Civil War guerrilla "Champ" Ferguson was born near Albany. In 1865, he was captured and tried in a military court in Nashville, Tenn., on 53 counts of murder. Ferguson responded individually to each charge, with remarks such as: "He ought to have been killed sooner," "He richly merited his fate" and "I killed John Crabtree. . . and stabbed him and did a good job when I did it. He was a murderous villian. Ferguson, one of the most feared men in the Confederacy, is portrayed by historians as an excellent fighter who was also quite fond of liquor and women.

Locals pronounce it "ALL-benny," Legend has it that after the county was formed in 1836, an election was held to determine the site of the county seat. The winner was the site of Benny Dowell's store, Supporters of Benny's place shouted "All for Benny," and later "All Benny." This may have given the city fathers the idea to name the town after Albany, N.Y.•

FIGHTING TO END THE DECLINE OF A CITY

• Mr. SIMON. Mr. President, many of my colleagues are familiar with the economic devastation that has occurred in East St. Louis, IL, over the past several decades. Between 1960 and 1990, population was cut in half. Over 50 percent of the residents of East St. Louis receive some form of government assistance. Two years ago, because of a lack of funds, the city stopped trash collection. This is a far cry from the city that, in 1960, was given the Chamber of Commerce's "All American City Award."

Three months ago, voters elected a new mayor—Gordon Bush. Mayor Bush is a lifelong resident of East St. Louis. He is bringing hope, creativity and cooperation to residents of his hometown and the surrounding area. The Christian Science Monitor recently published an article on Mayor Bush and what his administration has been able to accomplish in a few short months. I join my colleagues in the Illinois delegation in a salute to Mayor Bush and asked the article be printed in full in the RECORD.

The article follows:

[From the Christian Science Monitor, July 25, 1991]

EAST ST. LOUIS MAYOR FIGHTS DECLINE

(By Elizabeth Levitan Spaid)

Three young paperboys sit patiently outside the East St. Louis mayor's office, their legs dangling from chairs, paper sacks near their feet. They're here to give a message to Gordon Bush, the city's new mayor.

Ushered into his office, they crowd around him. "There's prostitutes standing right down there," pipes up one boy, referring to one of the city's main streets. Another boy complains the police aren't taking care of the problem. "Police officers got to do right, too," he says.

For Mayor Bush, a large man with a gentle voice and easy smile, such visits are common. In the nearly three months he's been in office, citizens young and old have called or come in to voice concerns or offer support.

That support is badly needed. As mayor of one of the poorest and most troubled cities in the United States, he has what many consider the most difficult and challenging job of any city leader in the U.S. and is seen as the last hope for reversing the city's three-decade economic decline.

"I don't envy him his task," says Thomas Fitzsimmons, executive director of the Illinois Municipal League of Cities. "I hope something can be done, because right now it's a blight."

Across the Mississippi River from the Gateway Arch and modern high rises of St. Louis, East St. Louis resembles a scarred ghost town in areas, with blocks and blocks of empty and burned-out houses. Unemployment hovers around 50 percent, the crime rate is one of the highest in the state, the city's debt is estimated at $50 million, and it has almost no tax base.

East St. Louis hasn't always been regarded as an urban wasteland. In 1960 the US Chamber of Commerce honored it with an All-American city award. Stockyards and meat-packing plants were the main industry. Well-kept homes housed the mostly white, blue-collar workers. But after 1960 the plants began to close, some moving to the South, where labor was cheaper. Residents either migrated with them or remained here, unemployed. Between 1960 and 1990 the population plummeted from about 82,000 to a little under 41,000.

Mayor Bush, a lifelong resident of East St. Louis with a master's degree in urban planning, is seen as a considerable improvement over Carl Officer, a funeral director who ran the city for the last 12 years. Under Mr. Officer, the city, already debilitated by mainly corrupt, white-led administrations, slid into further decline. The city's population now is about 90 percent black.

With few resources, Bush has begun efforts to restore basic services other US cities take for granted. One such service is trash pickup. Several years ago, the fiscally strapped city stopped collecting trash. Unable to afford paying for private collection services, many residents either burn garbage in their yards or dump it where they can.

City, county, and state officials are finalizing an estimated year-long trash cleanup plan that Bush says will begin in the next few weeks. Part of the money to finance the several-million-dollar project will come out of a $7 million community fund set up in January with fines from a fraudulent riverfront development project.

"Making the town clean and safe are two things we must do and are in the process of doing," Bush says. A new police chief and five new police cars the state provided for an anti-drug unit have already helped eliminate some of the crime and crack-cocaine selling on the street.

Another crisis the new mayor has temporarily resolved is irregular employee paydays. Often over the past two years, empty city coffers have meant sporadic paychecks. Bush has obtained a $3.75 million bailout loan from the state which will help pay employees through 1992.

"That really caused a tremendous increase in the morale of employees," he says. "You can't expect a police and fire department and other municipal employees to go out and do a dynamic and inspired job when they're not getting paid."

Bush's aides have been cleaning house and sifting through the last administration's sloppy record-keeping. The mayor estimates the city will retrieve nearly $1 million in uncollected fees from such sources as demolition of buildings, speeding tickets, and billboard advertising. Meanwhile, he is trying to attract industry to the area and says negotiations are under way with a number of businesses. He expects the city will have funds next year to start a riverboat gambling enterprise on the East St. Louis side of the river, a venture expected to generate $3 million to $4 million in revenue.

Plans to further develop what many consider prime land along the weed-filled riverfront include proposals for a golf course, a mall, apartments, and a hotel. But some people say it will take more than determination and good management to turn the city around.

"If you look to larger issues like how will they provide really adequate services and achieve some kind of economic development it becomes a much bigger question mark," says Charles Leven, a professor of economics at Washington University in St. Louis. "I can see real improvements going on through Gordon Bush in the sense that an impoverished population is probably going to be somewhat more comfortable than before. [But] it's not realistic to expect them to do very much without massive amounts of assistance from the outside."

Unlike Mayor Officer, who often shunned outside help, Bush is actively seeking it from county, state, and federal sources. So far, this is paying off. Housing and Urban Development funds which were taken away from the city under Officer because of poor management will be reinstated. Companies from around the area have offered trucks to help pick up trash. The United Way donated $20,000 to help reopen the city's swimming pools, and people in towns across the river sent checks.

U.S. Rep. Jerry Costello (D) of Illinois says Bush's willingness to cooperate with all levels of government is key to the city's success.

"I think Mayor Bush is off to an excellent start. There are major differences between the previous administration and every indication as to how he will conduct his administration," he says.

Bush says turning the city around will ultimately depend on the people. But he remains optimistic and determined: "I know how the city used to be, and I believe within my heart it can be equal to what it used to be and even greater. If I did not feel within myself that it were possible I wouldn't be here."•

SALUTE TO DADE COUNTY DEPARTMENT OF HUMAN RESOURCES EMPLOYEES

• Mr. GRAHAM. I rise, Mr. President, to commend the employees of Metropolitan Dade County Department of Human Resources for their commitment and progress to being the cornerstones of effective human services.

The Department of Human Resources is a vital part of Dade County's health and human services delivery system with programs relating to the community, health care, social services, and substance abuse/mental health care. It reaches out to those in greatest need with a continuum of care. Services range from prevention to treatment to rehabilitation, relieving suffering and assisting our residents in becoming more self-reliant, productive, and independent. Over a quarter of a million residents from the Broward County line to Homestead receive these critical services annually.

Mr. President, the Metropolitan Dade County Department of Human Services has been the recipient of over 117 National Association of Counties awards for its innovative and high standard programs.

These special individuals will be honored at the Employees Recognition Banquet during the Ninth Annual Department of Human Resources Week in Miami.

Mr. President, I along with the people of Dade County commend the employees of the Dade County Department Human Resources for a job well done.•

DISTRUSTING GOVERNMENT

• Mr. SIMON. Mr. President, during the August recess, I wrote two newspaper columns that I think might be of interest to our colleagues, one about our Nation's transportation policy and the other about the American public's growing cynicism about Congress and government in general. I ask that they be printed in the RECORD.

The articles follow:

SOUND TRANSPORTATION MEANS LIFEBLOOD TO NATION

Back in 1966, Senator Claiborne Pell of Rhode Island wrote a book with the awkward title, *Megalopolis Unbound*.

It did not become a best seller, but its basic message is as timely today as then—that the United States needs a more balanced transportation policy.

We assume that if we simply let the free market system operate, with certain minimum constraints, the net result will be good for the traveling public.

To a great degree that is true.

But we have also learned that we went too far in airline deregulation. We should not go back as far as we were before deregulation, but we should not continue to let the fate of airline service for a community be at the whim of some financial baron or dictated by monopoly control of air hubs. We should not let the economics of an airline deteriorate to the point that corners are cut on safety.

Another example: There is some talk and research on electric automobiles, but progress is slow. It is not a high priority. I've introduced legislation to permit anyone who buys an electric car after January 1, 1994, to be able to deduct on his or her income taxes one-fourth of the cost of the purchase. Electric cars would not only improve air quality; they would conserve energy too. If only 1 percent of the cars sold were electric cars, it would save 60,000 barrels of imported oil a day. If my bill should pass, consumer interest in electric cars will grow, and car manufacturers will increase research dramatically.

Part of the imbalance of transportation policy is that we do far too little to encourage mass transit in metropolitan areas and too little to encourage passenger train service between cities.

Of the 11.5 cents of federal gasoline tax that goes to transportation, only 1.5 cents goes to address transit needs, the remainder for highways. No assured source of funding yet exists to address the nation's passenger railroad needs.

Japan has had high-speed rail service since 1964—twenty-seven years ago! In a few years, the United States will have it in the Dallas-Fort Worth area, but we should be planning for Chicago to St. Louis, New York to Washington, Los Angeles to San Francisco, and many other regions.

Even the present method of rail passenger service came close to disappearing, and might have, if not for vigilant railroad passenger advocates who lobbied Congress hard to preserve Amtrak. And now Amtrak not only survives, it is growing healthier, and more and more Americans are learning the pleasures and the efficiency of railroad travel.

But why should someone in a rural area, far from any railroad service and far from big city mass transit, support these?

First, because we are an interdependent society. Just as city people should support farm programs, rural people should support urban programs. Eventually the improved status of either helps the other.

Second, if people in metropolitan areas do not have the good mass transit systems they need to go to work, they take their cars, and more cars, and more cars. More highways will have to be built, taking money that might otherwise be used for rural roads and bridges.

Third, the more we use mass transit and railroads, the less air pollution our nation and our planet will have. That helps all of us.

The nation cannot drift into a healthy, balanced transportation policy any more than we can drift into a healthy, balanced education policy.

Aimless drifting will satisfy our current appetites, but it will not satisfy our long-range needs.

STYMIED LEADERSHIP AND A CYNICAL PUBLIC

Two recent books and innumerable commentaries suggest that the American public is getting more cynical about our government and both political parties.

You don't need to read books or newspaper columns to know that. You can feel it as you walk the streets of Illinois or any other state.

I believe it is caused in large measure by three things: First, the public knows that the President and Congress are not facing many of our basic problems, such as the deficit. They are right.

Second, the public has a deep suspicion that those who make the decisions in government are not making them for the benefit of the average citizen, but for the wealthy and powerful. They may not know the statistics about the income gap between rich and poor widening in the 1980s. (Average incomes in today's dollars rose 122 percent after taxes for the top 1 percent of households but fell 10 percent for the bottom fifth.) But without knowing the figures, they sense the reality and they properly blame government policy, and they scatter the blame widely on both political parties.

Third, the public sees government as less and less responsive to their personal concerns. Mayor David Pierce of Aurora, Illinois, put it to me from the government official's perspective: "Leading in government is less enjoyable than it used to be. We used to be able to do more to help people with their problems." The reality is that much of the federal money that formerly went to help people with their immediate needs now goes into elaborate, expensive weapons systems, and even more, to pay interest on the huge and growing federal debt.

In inflation-adjusted percentages, during the last 10 years, federal government spending for discretionary non-defense matters, such as health care and education, has dropped 11 percent, defense spending has grown 30 percent, and the gross interest expenditure has increased 105 percent.

All these problems are related, of course.

One reason is that we elect too many officials who simply follow the public opinion polls rather than provide real leadership.

A second reason is our system of financing political campaigns, that makes government respond too much to the big contributors.

A third, and less visible reason, is that we have taken away political muscle from the congressional leaders.

I read the stories about congressional leaders not leading, and there is validity to the criticism. What the stories do not say is that the congressional leadership has been substantially weakened in the last three decades.

I recall visiting with a thoughtful former Republican member of the House, Charles Whalen of Ohio, who said, "I voted for every reform that came along. And individually I can defend each of my votes. But the net effect of all these reforms is a weaker legislative body."

He is correct.

At one time, a recorded vote could not take place in the Senate, for all practical purposes, without the approval of the majority or minority leader. Now any senator can demand a roll call. At one point, the two Senate leaders decided on what committees members served. Now we have almost half the Senate involved in the decision-making, diminishing the muscle of leadership.

I can defend each of those changes—and many more—but they also weaken leadership. We cannot both complain about weak leadership and maintain the causes of weak leadership.

One senator can completely tie up the entire body with parliamentary maneuvers. Occasionally, that is good, but if a leader has to constantly worry about pampering every senator, it becomes difficult to provide effective leadership.

I do not want to return to the days when a Lyndon Johnson had a huge amount of power in his hands.

But if we are to respond to the public clamor for tackling the nation's difficult problems, we must permit congressional leaders to force us to make difficult, unpopular choices.

Giving congressional leaders more authority is not going to significantly reduce public cynicism. But it is one piece of the puzzle. The President generally has the courage to lead on the domestic agenda is his decision. But for those who head Congress, we have taken away some of the tools of leadership. If we deprive them of the means to be stronger leaders, we cannot complain when they do not lead with strength.●

TRIBUTE TO CARLOS ARBOLEYA

● Mr. GRAHAM. Mr. President, I rise today in tribute to an outstanding humanitarian and civic activist, Carlos Arboleya.

This gentleman's good deeds, community contributions, and special awards for his accomplishments are numerous. This Cuban-American has truly given generously of himself to his chosen country.

Mr. Arboleya came to Miami from Cuba in 1960 with his wife, son, and $40 in his pocket. He left a comfortable life in Cuba for freedom in America.

In his chosen home he began working in a shoe factory, forsaking 16 previous years of banking experience. He quickly rose through the ranks of the company until he returned to the banking profession. His ascent in the banking field was quick and noteworthy, with success following him every step of the way.

In addition to a wide range of professional and community activities, Mr. Arboleya has maintained interests with youth, scouting, the arts, regional schools of higher education, religious and charitable organizations. The depth and diversity of his endeavors truly represents a person who has committed his work to his community.

In acknowledgment of his efforts, Southeast 8th Street and Brickell Avenue will be dedicated to Carlos Arboleya.

Mr. President, I, along with the people of Miami, applaud Carlos for his efforts. May his shining examples of service and dedication continue to be an inspiration to all immigrants who strive to fulfill the American dream.●

TRIBUTE TO DAVE WINFIELD

Mr. DURENBERGER. Mr. President, today I rise to commend St. Paul native and University of Minnesota alumni Dave Winfield. While he plays baseball for the California Angels, he exhibits an outlook on life to which all Americans can adhere.

Wednesday, August 14, 1991, Dave hit his 400th career homerun while playing in Minneapolis. Ironically, this milestone was reached against the Minnesota Twins as he became only the 23d player in major league history to accomplish such a feat. Although his deeds on the playing field have often resulted in rave reviews, it is what Dave Winfield does off the diamond which deserves a closer look.

In the May–June 1991 issue of Minnesota: The Magazine of the University of Minnesota Alumni Association, Dave gives us a good example of how to approach and enjoy life when he states, "I like to be positive, upbeat. From nurturing young people to reinforcing older people, that's the way I would operate. And if you can't operate under those circumstances, then you're gone; you're history. But you don't threaten people to succeed." He continued, "If you make yourself better every day and improve yourself and your knowledge, it's exciting. Every day is exciting. You get up and there's something to do. The way I look at it is not how can I waste time, but how can I take advantage of it? How can I get everything into a day? It's a fast, ever-changing world, so I just try to stay up on it." As Dave said during his interview, "Discipline and hard work will get you what you want, where you want to be. If you're challenging yourself, it hurts. But overcoming that hurt just makes you better."

Behind this philosophy lies a caring and generous individual. Dave's charitable work and volunteer spirit was best exemplified in his recent trip to the Twin Cities. Prior to the game in which he hit his 400th homerun, Dave shared his know-how with area youth during a hitting clinic at the Inside Sports training center in St. Paul. This is but one way he has continued to maintain ties with his native Minnesota.

The work which Dave Winfield is proudest of concerns the Winfield Foundation, established in 1973 shortly after signing with the San Diego Padres. Minnesota magazine says the Foundation was originally established to provide scholarships for minority student athletes. He also sponsored after-game lunches, and medical clinics for children who did not get regular physical exams.

Since its inception, the Winfield Foundation's focus has shifted toward the Nation's growing substance-abuse problem. Included in this focus is a program called "Turn It Around," which allows the Foundation to work with existing drug-prevention programs at the elementary-school level. Dave feels that organizations such as his must work with the community in order to curb substance abuse. "Individuals and individual groups can't do it. Whole cross-sections of communities, everybody working together, same cause, same wavelength, can make progress, can grab it and turn it around," he said. The positive influence of the Winfield Foundation is a reflection of Dave Winfield's spirit. "My career has been important," he said. "But my life has been important, and that's what it's all about."

This philosophy and uplifting outlook on life makes Winfield a successful individual and team player. As we take up our work, Dave Winfield reminds us of how to successfully approach the challenges that America faces. Dave is a man of charity and his approach to life is contagious. I am proud of the work he has accomplished in my home State of Minnesota as well as for the citizens of this Nation. Dave Winfield is a true champion.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9:15 a.m. Friday, September 13; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m. with Senators permitted to speak therein for up to 5 minutes each; and that upon the conclusion of morning business, the Senate resume consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does my colleague wish to say anything further?

Mr. NICKLES. No. Mr. President, I look forward to taking up the Interior bill, and look forward to its progress.

Mr. BYRD. I thank the Senator for his cooperation today, and I thank the other Senators for the cooperation in developing the en bloc amendments.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. BYRD. If there be no further business to come before the Senate, in accordance with the order previously entered, I ask that the Senate stand in recess until the hour of 9:15 a.m.

There being no objection, the Senate recessed at 9:03 p.m. until Friday, September 13, 1991, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1991:

THE JUDICIARY

FREDERICK J. SCULLIN, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTERTERRORISM.

ROBERT STEPHEN PASTORINO, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

THE FOLLOWING-NAMED PERSONS TO BE THE REPRESENTATIVE AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 35TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

REPRESENTATIVE:
JAMES D. WATKINS, OF CALIFORNIA.
ALTERNATE REPRESENTATIVES:
RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA.
JANE E. BECKER, OF THE DISTRICT OF COLUMBIA.
IVAN SELIN, OF THE DISTRICT OF COLUMBIA.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

REGINALD J. BROWN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT. (REAPPOINTMENT)

DEPARTMENT OF VETERANS AFFAIRS

JAMES ASHLEY ENDICOTT, JR., OF TEXAS, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE RAOUL LORD CARROLL, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN A. SHAW, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE QUINCY MELLON KROSBY.

U.S. INSTITUTE OF PEACE

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR TERMS EXPIRING JANUARY 19, 1996:

THEODORE M. HESBURGH, OF INDIANA, VICE RICHARD JOHN NEUHAUS, TERM EXPIRED.

ELSPETH DAVIES ROSTOW, OF TEXAS. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12, 1991:

THE JUDICIARY

ANDREW J. KLEINFELD, OF ALASKA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

EUGENE E. SILER, JR., OF KENTUCKY, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

BENSON EVERETT LEGG, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

HARVEY BARTLE III, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEE V. BENSON, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

WILLIAM G. BASSLER, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

WILLIAM H. YOHN, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DONALD L. GRAHAM, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

JORGE A. SOLIS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

MICHAEL R. HOGAN, OF OREGON, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

JAMES T. TRIMBLE, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

SHELBY HIGHSMITH, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

STEWART R. DALZELL, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DEPARTMENT OF JUSTICE

J. WILLIAM ROBERTS, OF ILLINOIS, TO BE U.S. ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

KAREN K. CALDWELL, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS.

JOHN F. HOEHNER, OF INDIANA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

THOMAS B. HEFFELFINGER, OF MINNESOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

THE 25TH ANNIVERSARY OF THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to the University of Maryland Baltimore County [UMBC] as it celebrates its 25th anniversary.

Founded in the 1960's with a new, talented, and young faculty hand-picked from the Nation's leading research universities, UMBC together with its students have over the last 25 years built a doctoral degree granting research university recognized for its leadership in many areas. It has become foremost in life sciences, languages, history, performing arts, and for its emerging contributions to engineering and computer science. Every year over one-third of its undergraduates go on to complete advanced degrees at America's great universities. UMBC's debate teams, choirs, and thespians have won national and international prizes. Its students and faculty have won Woodrow Wilson and NSF Young Investigator fellowships and Fulbright, Truman, and Mellon scholarships.

Not only is the university known for its academic prowess, but it contributes to the communities it serves through students who volunteer for school and social service projects; through its large cooperative education programs in business and industry; through its continuing education programs; and through its faculty, who consult on the regional, national, and international scene.

I congratulate UMBC and its students on its silver anniversary. It has lived up to Gov. J. Millard Tawes' statement that the founding of the school was a "momentous event in the history of education in Maryland." The people of Maryland are proud of all that UMBC has accomplished, and we all look forward to what will certainly be continued years of academic excellence and outstanding contributions to the greater Baltimore community and to the Nation.

A TRIBUTE TO CENTRO CAPESINO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to pay tribute to the Centro Campesino, a nonprofit community development corporation providing affordable housing to low-income families in south Florida. Centro Villas, their 71-unit development, as a self-help housing project which provides homeownership opportunities to families earning as little as $10,000 per year.

On August 17, 1991, Centro Campensino hosted its "Elected Officials Day," where public representatives had the opportunity to help farmworker families build their own homes.

I am pleased to submit the following article entitled, "Volunteer-Friendly Design is Necessity * * * Keeps folks from slipping off roof," written by Mr. Don Finefrock in the June 16 edition of the Miami Herald.

Designing a home so it can be built with volunteer labor presents some interesting challenges for architects.

Consider the roof.

Make the pitch too steep and volunteers are apt to fall off, said Ryce Stone Stallings, an architect at Wallace Roberts & Todd in Coral Gables.

The homes to be built this week in Liberty City by the Greater Miami Chapter of Habitat for Humanity reflect the concern, he said.

"The roof slopes were kept low, so that volunteers won't fall." said Stallings, whose firm helped design the project.

The use of volunteer labor also can influence the choice of building materials, the shape of the home and its dimensions.

"That's one of the reasons they [Habitat] don't build concrete block houses," Stallings said. "They're concerned about volunteers lifting concrete blocks and dropping them on each other."

The walls of the homes will be formed instead with light-weight panels made of rigid foam and welded wire.

"Obviously, when you design, you design for simplicity." said Robert Chisholm, an architect who works with Centro Campesino in Florida City.

KEEPING COST IN MIND

Centro Campensino has built 45 low-cost homes in south Dade County with the help of farm worker families and student volunteers.

"You don't get into strange angles, you don't get into strange geometry," Chisholm said. "Everything is to the standard of the industry."

A simple design also helps to reduce costs—a major consideration for groups such as Habitat for Humanity and Centro Campensino. Both organizations build houses for low-income families.

Habitat for Humanity, a nonprofit Christian organization that counts former President Jimmy Carter among its backers, plans to build 14 homes and a child-care center this week at Northwest 62nd Street and 20th Avenue.

Carter and a small army of other volunteers—skilled and unskilled—are scheduled to begin work Monday. The three- and four-bedroom homes should be complete by week's end.

"It is not an award-winning design, it is not a fancy design. It is just a basic house" said Alyn Pruett, the WRT architect who designed the child-care center. "What is special is it's all done with volunteer labor. To get all of these people to produce a product is a real accomplishment."

EASY TO HANDLE

Architect John Fernsler, a senior associate at WRT and vice chairman of Habitat for Humanity of Greater Miami, plans to work as one of those volunteers. "How you build it is always a factor. It is not an easy job for people like me," Fernsler said.

"One of the key systems is the roof," Pruett said. The roofs of the Habitat homes will be built with wood trusses.

"The key is to keep those trusses to a manageable size, so people can actually pick them up and put them on the walls," Pruett said.

"Thirty feet is about as much as you can handle by hand," Fernsler said. Trusses for the Habitat homes will be about 25 feet long, he said.

The preformed panels that will be used to form the walls also are easy to handle.

"It is very volunteer-friendly, which is one of the reasons we are using it," said Dirk Holkeboer, executive director of the local Habitat chapter.

NEW METHOD

The four-foot by eight-foot panels represent a relatively new building technique for Habitat, which has built seven other homes in Dade County, all but one of which were wood-frame.

Tom Phillips, Habitat's project manager and staff architect, said the group sought and won permission to use the panels from county building officials.

"The main advantage over wood is [the panel method] is just faster to erect," Stallings said. "It just goes up in four-by-eight sheets."

"There is very little nailing," Pruett said. Interior walls of the Habitat homes will be wood frame.

"That was a way to get more volunteers involved in the project," Stallings said. "Everybody can swing a hammer," Pruett said.

Unlike Habitat, Centro Campesino builds its homes from concrete block.

But the group hires professionals to lay the block, said Steve Mainster, the groups's executive director. Professionals also apply the stucco and install the home's plumbing and electrical systems.

EVERYBODY PITCHES IN

Centro Campesino has seven homes under construction, and plans to start work on another seven shortly.

The families who will buy those homes are required to put in at least 350 hours of labor. Habitat families must contribute 400 hours, Fernsler said.

On a recent Saturday, the Centro Campesino families helped prepare the new home sites so that the slabs could be poured.

"Whatever is happening that week, they do," Mainster said.

The homes built by Centro Campesino cost $53,000 to $58,000. Habitat's homes cost $35,000 to $37,000. In both cases, the groups help their families obtain low-interest or no-interest loans, so mortgage payments are kept at a minimum.

"The nuts and bolts of something like Centro and Habitat are different, [but] the philosophy I think is exactly the same," Mainster said. "By involving the families we save money."

I wish to thank Mr. Steven Mainster and all the volunteers at Centro Campesino for their

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tremendous work in giving the opportunity for many families to live in homes of their own. Their work and achievements are admired and appreciated by many.

HIV DILEMMA IN HEALTH CARE WORKPLACE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. FOGLIETTA. Mr. Speaker, I would like to insert in today's CONGRESSIONAL RECORD an article written by my niece Thea Foglietta Silverstein which recently appeared in the Arizona Business Gazette. In her article, she thoughtfully explores the issues of AIDS and HIV in the health care community.

HIV DILEMMA IN HEALTH CARE WORKPLACE

(By Thea Foglietta Silverstein)

Recent media attention generated by reports of a Florida dentist with AIDS (acquired immune deficiency syndrome), who apparently infected some of his patients, has led to a call for the mandatory testing of health care workers. Similarly, some in the health care industry advocate routine HIV tests of patients to protect health care workers from contracting AIDS in the workplace.

Employers should recognize that AIDS is generally considered a covered handicap under federal and most state handicap laws. The Federal Rehabilitation Act of 1973, which prohibits employment discrimination against otherwise qualified persons on the basis of handicap, is applicable to all recipients of federal funds, including health care providers who receive Medicare and Medicaid funds. Under this act, employers are required to make "reasonable accommodations" to "otherwise qualified" handicapped employees or job applicants, unless the employer can show that the accommodation would impose "undue hardship" on the employer. Reasonable accommodation of an employee with AIDS may include a change in job duties, work schedules or department assignment. With respect to both physicians and health care employees, the ability of the health care facility to act on test results is limited.

A person who tests positive for AIDS probably cannot be terminated for that reason, without bringing into play federal and/or state handicap discrimination laws. In addition, the release of information, suggesting that the person is perceived as being at risk for AIDS, may trigger publicity and generate litigation.

Often, a health care facility will be unaware that a physician has AIDS or has been infected with the HIV virus. Physicians who are aware of their HIV infection have a strong disincentive to disclose that to the hospital or health care facility because of the possibility of adverse action against the physician and because of the potentially devastating impact on the physician's practice once the condition is disclosed.

The American Medical Association issued a statement in January in which it recommended that HIV-infected physicians should either abstain from performing invasive procedures which pose identifiable risks of transmission or disclose their HIV-positive status prior to performing a procedure, and proceed only if there is informed consent by the patient.

Last month the AMA rejected a resolution proposing mandatory testing of doctors but endorsed voluntary testing of doctors at high risk. It also passed a resolution supporting HIV testing of physicians and other health care workers "in appropriate situations." The AMA resolved to study specific issues related to such testing.

In keeping with the AMA's January recommendations, health care facilities or medical staffs may choose to adopt a policy under which physicians are responsible to disclose to their patients any physical impairment, including HIV infection, that may adversely affect patient care. The facility or its medical staff also may consider the policy of requiring disclosure by physicians of HIV or AIDS infection to the facility or staff itself.

Once a health care facility discovers that a physician has AIDS or is HIV positive, the facility must decide on a course of action. Discrimination against the physician could trigger claims under the Rehabilitation Act of 1973 and may threaten a facility's tax exempt status. Policies for dealing with HIV-infected physicians should be implemented only after consultation with legal counsel and input from the medical staff. Once implemented, physicians should be made aware of the policies and should be provided copies.

Before taking any action concerning a physician with AIDS or HIV infection, the health care facility should be certain of the physician's AIDS diagnosis or sero-positive status. All information should be kept strictly confidential. While failure to disclose the condition to patients may be a source of potential liability exposure if a patient becomes infected by the doctor, disclosure may be prohibited by state or federal law, and subject the facility to a claim by the physician.

Moreover, rather than revoking a physician's privileges because he or she has become infected with the AIDS virus, which could lead to a handicap discrimination suit, the facility should attempt to work out an accommodation with the physician to redefine the physician's scope of practice, or perhaps require the physician to comply with specific safety precautions.

Each case must be evaluated individually, based, among other things, on the individual physician's condition and type of practice. The facility also should consult with its legal counsel as well as the medical staff, before attempting to impose requirements of restrictions on a physician who is infected with the AIDS virus.

By its recently adopted resolution, the AMA supports HIV testing of physicians, other health care workers and patients, consistent with testing for other infectious and communicable diseases. Neither the Centers for Disease Control nor the American Hospital Association recommends routine screening of health care employees or patients. Both recommend obtaining consent for testing. In addition to consent, the CDC recommends that knowledge of test results be limited to those directly involved in care of infected patients or as required by law. The American Nurses Association also rejects compulsory testing of nurses and patients but supports voluntary testing and disclosure by infected nurses. There is also a question of whether HIV testing may create a false sense of security, and may in fact increase the potential for transmission of communicable diseases, including HIV transmission, from unidentified patients.

It appears that the current weight of authority does not support mandatory testing. Rather, the implementation and strict compliance with Occupational Safety and Health Administration and CDC standards and guidelines for workplace safeguards against transmission of blood-borne diseases, coupled with continuing education of health care workers on the issue of HIV transmission, may be the most effective way to combat the risk of transmission of AIDS between patients and health care providers.

HONORING GRADUATES OF SUBSTANCE ABUSE TREATMENT PROGRAM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of the House of Representatives to the accomplishments of 133 heros.

These are not men and women who are returning to their lives after winning a battle on foreign soil to protect our liberty, these are people who are first finding their lives, after facing possibly an even greater enemy and certainly as dangerous a threat to our society.

I am talking about the men and women of Samaritan Village, a substance-abuse treatment program headquartered in my district.

On August 29, a group of these brave fighters graduated from treatment and returned proudly back to society. They have left Samaritan Village after months, and in some cases, years, of counseling, intense vocational training and extensive restructuring of their values and aspirations.

They leave, not dependent and lost, but independent, self-confident, and on the road to fulfillment and happiness. Through their hard work and intense desire no only to change the course of their lives, but also to influence others to avoid the same pitfalls, they have enriched their lives and changed the course of their neighbors' lives as well.

I have been privileged to watch a neighborhood counseling center grow to be the third largest residential therapeutic community in the Nation. Under the dynamic leadership of Richard Pruss, the president of Samaritan Village, along with Elizabeth Barton, the executive vice president, Tino Hernandez, the vice president for clinical services, Dr. Peter Pinto, and the other clinical and support staff, the residents of Samaritan Village receive treatment for their addiction not based on their ability to pay, but based on their desire to heal themselves.

Mr. Speaker, I ask that all of my colleagues in the House join me in congratulating the graduates of Samaritan Village, especially as we celebrate "Treatment Works" month this September. Congratulations and keep up the good work!

THE PERKINS LOAN IMPROVEMENT ACT OF 1991

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. WEISS. Mr. Speaker, today, teachers in 18 States, plus the District of Columbia, are at a disadvantage compared with their peers in the rest of the country.

The teachers in those States are distinctly disadvantaged if they took out a Perkins loan to fund their college education.

Under the Perkins Loan Program, authorized by the Higher Education Act, teachers can have their loans forgiven for teaching in a public or nonprofit private school where 30 percent or more of the students come from low-income households. Those schools must also receive chapter 1 assistance.

However, the Higher Education Act also mandates that not more than 50 percent of the schools within any State may be designated as institutions in which teaching service qualifies borrowers to cancel their Perkins loans.

Currently, 18 States plus the District of Columbia have more than 50 percent of its schools as qualifying institutions under the Perkins Loan Forgiveness Program. I have included a list of the States affected by this cap. They are as follows: Alabama, Alaska, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Maryland, Michigan, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Thus, a teacher could be teaching at a potentially qualifying school, but would not be eligible for loan forgiveness because of the cap.

This situation is wholly unfair to the teachers in those schools. Many teachers have taken out Perkins loans with the expectation of loan forgiveness, only to discover the school they work in is not on the Department of Education's list of schools qualifying for forgiveness because of the 50-percent cap.

The current policy also has the unintended affect of hurting the neediest students in the neediest States by not fully encouraging teachers to work with those students in those parts of the country. And to be sure, loan forgiveness is an incentive to work in those areas.

I have introduced Perkins Loan Improvement Act of 1991 to correct this disparity. The bill would simply remove the 50-percent limitation. The policy goal of the Perkins Loan Forgiveness Program should be to encourage teachers to work in schools that serve low-income populations, especially given the fact that recent projections show a teacher shortage of nearly 1 million by the year 2000.

The current law falls short of that objective and I hope that this bill can be included as a provision in the upcoming reauthorization of the Higher Education Act. I welcome any support my colleagues can provide in correcting this anomaly in the law:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins Loan Improvement Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that it is necessary to enact improvements in the Perkins Loan program—

(1) to alleviate projected shortages of teachers by the year 2000, especially in schools that serve low-income areas;

(2) to encourage teachers to work in schools serving low-income students by forgiving the teacher's Perkins loans for teacher service at all non-profit private and public institutions that receive Chapter One assistance and have more than 30 percent of the student enrollment coming from low-income families as defined in 111(c) of the Elementary and Secondary Education Act of 1965;

(3) to increase the participation of the schools serving low-income areas in the Perkins Loan Forgiveness program by removing the 50 percent limitation on the number of schools that may be currently designated in any state as an institution where teacher service qualifies for loan forgiveness;

(4) Eighteen states and the District of Columbia have more than fifty percent of the schools whereby teacher service could qualify for Perkins Loan forgiveness.

SEC. 3. ELIMINATION OF THE FIFTY PERCENT LIMITATION.

That section 465(a)(2) of the Higher Education Act of 1965 be amended by striking in subsection (A) the following "and each determination shall not be made with respect to more than 50 percent of the total number of schools in the State receiving assistance under such chapter 1."

AN EXAMPLE OF COOPERATION BETWEEN ELECTED OFFICIALS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, too often people read about feuding between and among officials at various levels of government. I believe it is a mistake for local, State, and Federal officials to be quick to accuse each other of causing problems. In my experience, when citizens read of State, local, and Federal officials hurling accusations at each other they are inclined to believe all of the above.

Because these disagreements make news, it is important to bring forward the more common example which is one of cooperation between and among elected officials at various levels. Recently, my Massachusetts colleagues and I worked with other Members to persuade the Internal Revenue Service to drop a proposal which would have had a devastatingly negative effect on cities and towns in many parts of this country. Misinterpreting congressional intent with regard to pensions, the IRS was about to wreak financial havoc on hard-pressed municipalities.

Because of the combined efforts of many of us in Congress, the IRS dropped this effort and the municipalities were saved an extraordinarily unnecessary expense.

During the recess I received a letter from the town administrator of the town of Natick, Frederick C. Conley, who was acting on behalf of the board of selectmen of Natick in thanking all of us in the Massachusetts congressional delegation for the work we did in this regard.

To carry out the request of the selectmen that I pass along their commendations to my colleagues, and to give an example of the way in which government is supposed to work, I ask that Mr. Conley's letter be printed here. Mr. Conley and the selectmen also deserve credit for this result because of the useful information they provided to me in our efforts on their behalf.

NATICK, MA, AUGUST 20, 1991.

Congressman BARNEY FRANK,
Longworth Bldg., Washington, DC.

DEAR CONGRESSMAN FRANK: At their meeting on August 12, 1991, the Board of Selectmen voted to commend you and, through you, to commend and thank the entire Massachusetts Congressional delegation for the outstanding work in preventing the dramatic changes in social security regulations as applied to the Commonwealth and its political subdivisions.

If the proposed rules had gone into effect, it would have cost the Town of Natick $2.2 million annually. Obviously in the present fiscal climate these regulations would have resulted in fiscal disaster for the Commonwealth and for all of its cities and towns.

We again thank you for your outstanding work in our behalf.

Sincerely,

FREDERICK C. CONLEY,
Town Administrator.

A FAREWELL TO LEW ROTH

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. GALLEGLY. Mr. Speaker, it is with sadness that I rise today to pay final respects to a longtime leader of my hometown of Simi Valley, CA. Lew Roth, who passed away last week at the age of 58, devoted more than two decades to making Simi Valley a better place, and he will be missed.

Lew was a leader in the effort to incorporate our city, but he will be best remembered for his tireless efforts on behalf of education. As a school board member for 22 years, he helped guide the Simi Valley Unified School District from a relatively small system to one of the largest in California. During his tenure in office, his influence was felt statewide as well. Among his many accomplishments was the passage of legislation for academic programs for gifted student.

Even after he left the board, he retained his interest in his schools and channeled his energies into establishing the fledgling Simi Valley Education Foundation, a nonprofit organization devoted to raising funds for school programs.

Lew was also a great family man, and was devoted to his wife of 34 years, Rollie, and his three grown children.

Mr. Speaker, I ask my colleagues to join me in offering condolences to Rollie, Meriam, Paul, and Barry, and in honoring a man who truly gave much to his community.

CONGRESSMAN KILDEE SALUTES FLINT HISPANIC AWARDS CEREMONY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise today to pay tribute to the Hispanic awards ceremony that will be held on Saturday, September 14, 1991, at the General Motors Institute in my hometown of Flint, MI.

As part of the National Hispanic Heritage Month, the third annual awards ceremony kicks off a month-long celebration of Hispanic culture, ideas, and achievement in Genesee County. Continuing the tradition of the past 3 years, the Hispanic community of Genesee County will once again honor those individuals who have selflessly committed themselves to making Flint and Genesee County a better place in which to live.

This year's awards will recognize those outstanding individuals whose contributions have been a positive shaping force for our community. The Pedro Mata, Jr., Leadership Award will be presented to Paul Vasquez, while the "Tano" Resendez Service Award will go to Celestina Reyes. In addition, the Joe Benevidez Education Award will be given to Aurora Elicerio, and the Hispanic Veteran of the Year Award will be presented to Ernesto Perez. Finally, the Labor Award will be given to Ben Cortez, and the three recipients of the Youth/Student Awards will be Staci Gatica, Andrea Lyn Cantu, and David Reyes Richmond.

It is such a pleasure to know that the recipients of these awards have continued the outstanding tradition of community service set forth by the individuals after whom the awards were originally named.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to commend the Hispanic community of Flint for their outstanding community service, and I congratulate them for their tremendous accomplishments.

HENRY STEPHEN PETERS—A PROFILE IN COURAGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I pay tribute to one of my constituents, Mr. Henry Stephen Peters, a very courageous citizen. Mr. Peters was recently recognized by President Bush for his efforts to fight crime and personally apprehend criminals. He received a certificate of merit on behalf of the President and the Office of National Service.

Mr. Peters, a retired White Plains, NY, police officer, has risked his life on numerous occasions to assist police since he moved to Miami in 1972. In 1978, he rescued a 10-year-old girl who was drowning. In 1982, he received a merit award from the American Police Hall of Fame for chasing two strong-arm robbers until he could write down their license number for police. In 1983, he rescued four children from a burning building in a Liberty City apartment. For this good deed, he was honored with the silver star for bravery of the American Police Hall of Fame. In 1984, he helped El Portal police catch two men who snatched an elderly women's purse. He received a second silver star for bravery in 1989, for following a driver for miles who shot three pedestrians, thereby giving police directions on his car phone.

For his many acts of good citizenship over the years, he has also received recognition from the city of Miami, the city of White Plains, the American Law Enforcement Association, the U.S. Customs Service and the Citizens Crime Commission of Greater Miami.

I had the pleasure of bringing to the attention of the President such a distinguished citizen as Mr. Henry Stephen Peters. His selfless dedication to his fellow citizens is quite admirable. His acts of bravery and heroism have earned him an excellent reputation in our community.

I admire Mr. Henry Stephen Peters. He is truly an inspiration and a fellow citizen we should tailor our lives after. I am proud to bring him to the attention of my colleagues and the American public. Henry Stephen Peters—another one of Miami's many contributions to the thousand points of light.

A SALUTE TO SGT. BARRY CHARLES, AN AMERICAN HERO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a true American hero. Sgt. Barry Charles of Philadelphia proved himself to be a soldier of the finest quality during the recent gulf war, and has become a shining example and an inspiration to his entire community.

Prior to his outstanding service in the Middle East, Sergeant Charles was well known for his outstanding military skills, as well as his astounding boxing abilities. In 1990, Charles won the European Boxing Championship in the super heavyweight division, a feat that required physical stamina, as well as skill and mental determination.

Sergeant Charles took the attributes that made him a world class boxer with him as he boarded a plane on Christmas Eve 1990, headed for Saudi Arabia. His performance during the war was unfailing. Even after receiving a debilitating injury, Charles completed his mission tenaciously, zealously completing any task assigned to him. He has been described by his commanding officer as "a charismatic leader, whose tactical prowess significantly contributed to the accomplishment of the mission for his squad, platoon, and company."

The Army certainly recognized the accomplishment of Sergeant Charles, and decorated him with no less than 6 medals, the most notable of these being the "Hero of Hohenfels" award for the best combat soldier in a field exercise. Sgt. Barry Charles is a fine example of military and personal excellence in Philadelphia, and throughout the United States. He has served his country honorably and selflessly. I certainly wish this American hero the best of luck in the upcoming years.

HONORING BELL PARK JEWISH CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to the Bell Park Jewish Center, which on October 13, 1991, will be celebrating its 40th anniversary of serving the spiritual and social needs of the community.

In the summer of 1951, a Queens housing development was opened for American veterans. Members of the Jewish community living in that development met in August to prepare for the upcoming High Holidays. Using chairs borrowed from a funeral parlor and a meeting room in the housing development, they made arrangements for the worship of Rosh Hashanah, the Jewish New Year, and Yom Kippur, the Day of Atonement. Soon they had secured the services of a rabbi and Torah scrolls from other synagogues, and on the first of these High Holy Days 154 people crowded into the meeting room, admiring the voice of a retired cantor, Harry Kesselman, who had volunteered to lead the worship. The Bell Park Jewish Center was born.

Since that humble beginning, the congregation has received a charter and grown to become one of the largest in Queens. Last summer, I had the pleasure of greeting Rabbi Moshe Kwalbrun and President Daniel Friedenreich on the steps of the U.S. Capitol. Mr. Friedenreich has been an esteemed member of Bell Park Jewish Center's congregation since its inception, serving 17 terms as its president.

Mr. Speaker, I would like my colleagues in the House of Representatives to join me in congratulating Bell Park Jewish Center on its 40th anniversary, and in wishing them the best for many years to come.

KOREA MUST NOT BE FORGOTTEN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. FRANK. Mr. Speaker, a constituent and good friend of mine, William J. Cavanaugh, is a retired military man who maintains an active interest in the well-being of the young men and women who serve our country in the Armed Forces. I have benefited from Bill Cavanaugh's advise on a wide range of issues involving the military, most importantly the unfair Feres doctrine which works against the rights of military personnel in the area of medical malpractice.

Recently, Bill Cavanaugh wrote a very eloquent and heartfelt letter to the Middlesex News in Framingham, MA about the Korean war and the need to remember that war. I ask that this forceful letter be reprinted here.

[From the Middlesex News (Framingham, MA) Aug. 8, 1991]

KOREA MUST NOT BE FORGOTTEN

July 27th has come and gone in this deliriously victorious post-Gulf War summer of 1991 with nary a passing reference in the Middlesex News (or in any other Greater Boston newspaper I have seen for that matter) to the historic armistice signed at 10 a.m. on that date in 1957 at Panmunjom Korea. Twelve hours later, hostilities officially ceased in the three-year, first and only direct conflict with the post-World War II Communist World.

The terrible costs have never been accurately totaled. Clay Blair, author of the epic history of that conflict, "The Forgotten War," lists the Pentagon's estimate of military casualties on both sides at close to 2.4 million. "Other sources," Blair says, "estimated civilian casualties in North and South Korea at about two million. Thus the total number of men, women and children, both military and civilian, killed and wounded is about 4.4 million, not to mention the devastation of an entire country.

Americans paid an enormously high price for this first engagement as a bonafide world class power only five years after World War II . . . 54,246 dead and 103,284 wounded. More than 7,000 are still listed as missing in action or otherwise unaccounted for. Incredible, almost 40 percent of these U.S. casualties, including 12,300 combat deaths, occurred in the final two stalemated years of the war (1951-1953) as the Panmunjom peace talks droned on.

These "late battle casualties" included my 19-year-old consin, Navy Medic Joseph M. Keenan, killed four months before the armistice serving with the U.S. Marine Corps in one its endless retakings of some remote god-forsaken hill somewhere near the 38th Parallel.

I have reflected long and painfully on our "forgotten war" during and since our extraordinarily successful Persian Gulf War. Like nearly all United States citizens, I am enormously proud of our armed forces and their leadership throughout this most recent conflict. I wonder however, if the true total costs will be tallied, let alone disseminated. In the euphoria of victory, will they be forgotten along with those of the Korean War?

I, for one, do not think it excessive that we remember with reverence our first "U.N." war casualties at least once a year. It needn't be on July 27, and perhaps combining it with all other past U.S. conflicts on Memorial Day or Veterans Day is OK too . . . but let's not forget the "forgotten war" and the countless sacrifices of so many.—William J. Cavanaugh, Colonel, US Army Reserve (Retired).

SALUTE TO CALIFORNIA RIDESHARE WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. GALLEGLY. Mr. Speaker, next Tuesday the Simi Valley Chamber of Commerce is sponsoring the Simi Valley Transportation Management Association's first annual California rideshare week celebration. As a native southern Californian, I am pleased that businesses in my hometown are working together to promote ridesharing, one of the most cost-effective ways of reducing air pollution.

More than a dozen of Simi Valley's largest employers have banded together to help businesses comply with Ventura County's vehicle trip reduction regulations. The TMA is an action-oriented association designed to collectively address transportation-related issues and to take advantage of public and private resources.

It's primary goal is simple—and necessary: to reduce traffic and improve air quality by using ridesharing, public transit, alternative work-hour programs, and other programs.

The rideshare celebration will inform area residents of some of the TMA's services, including a computerized ridesharing service, bus information, guaranteed ride home programs for employees who use transit or share rides, and information on developing child-care programs that fit in with a company's commuting needs.

Clean air is everyone's goal, and by reducing the number of cars on the roads we can make significant improvements in air quality. Mr. Speaker, I ask my colleagues to join me in saluting the TMA and encouraging all Americans to consider public transit and ride-sharing whenever possible.

CONGRESSMAN KILDEE HONORS TOM CORDELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in honoring Tom Cordell who recently retired from the Michigan Petroleum Association after 19 years of outstanding service. Since 1973, Tom has been the guiding hand behind the MPA, molding it into a cohesive, effective trade organization.

Under Tom's leadership, the MPA has grown in stature and importance, working with the State government and regulatory agencies to meet the needs of business, government, and the public. As executive director of MPA, Tom also established the Michigan Association of Convenience Stores as well as many numerous programs and projects.

Tom's outstanding service for the MPA has been but a small part of his long and distinguished career in business association management that has spanned 44 years. Prior to his tenure at the MPA, Tom served for over 20 years as manager of the Chambers of Commerce in Michigan City, IN as well as Niles, Port Huron, and Highland Park, MI. In addition, Tom also served as vice president of government affairs at the Michigan Retailers Association. Over the past 44 years, Tom has earned the respect and admiration of his peers and the gratitude and appreciation from his fellow lobbyists and trade association executives.

Mr. Speaker, above and beyond Tom's professional talents, I truly mark him among my personal friends for his kindness toward me and love of his own family as well as his sincere concerns about the well-being of my family. Tom is an overall gentlemanly good human being. Tom will be missed by his coworkers and friends. MPA will not only lose a great executive director but a great person as well. I wish him and his lovely wife Lois a fruitful and prosperous retirement.

THE MILITARY HOMEOWNERS' BASE CLOSING TAX RELIEF ACT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. BRUCE. Mr. Speaker, I rise today to introduce the Military Homeowners' Base Closing Tax Relief Act. This bill will offer much-needed tax relief to the thousands of military and civil service homeowners forced to sell their home due to a military base closing.

The Military Homeowners' Base Closing Tax Relief Act is designed to require the Internal Revenue Service to include as real estate proceeds the monetary benefits many families received through the Defense Department's Homeowners' Assistance Program [HAP]. The IRS currently interprets the Tax Code to treat HAP benefits as personal income.

When a military base closure is announced, the market value of homes in the vicinity often falls dramatically. The HAP program was created in 1966 to assist military families and civilian employees of the Department of Defense faced with selling their homes at a loss by reimbursing them for the loss up to 95 percent of the preclosure value.

The HAP Program is run for the Secretary of Defense through the Department of the Army's Corps of Engineers. The programs are administered locally through the Corps of Engineers, who process all HAP claims, benefits, and withhold taxes for the IRS. According to the Corps of Engineers, approximately 20 percent of every HAP benefit is withheld for tax purposes.

When the IRS chose to tax the HAP benefits as personal income and not let them stand as sale proceeds of the home, it undermined the intent of the program. The Government is giving with one hand and taking away with the other.

The fact that the Base Closure and Realignment Commission recommended 34 bases for closure earlier this year makes the need for this legislation more urgent. Thousands of military and civil service employees can be assisted by this legislation.

Chanute Air Force Base in Rantoul, IL, was ordered for closure in 1988. Hundreds of people in and around my district have been unfairly treated by the taxing of their HAP benefits. The IRS has unfairly collected over $82,000 in HAP benefit taxes from the people at Chanute Air Force Base since May 1990.

Nationwide, there are HAP programs being run at Chanute and Pease Air Force Bases, and the IRS has collected over $3 million from the unsuspecting Defense Department employees at those bases who thought their Government was really helping them with the process of relocating due to the base closure. It wasn't until a large portion of their benefits were taken away by the IRS that they realized what had happened.

My legislation has been endorsed by the Non-Commissioned Officers Association, The Retired Officers Association, the Fleet Reserve Association, and the National Military Family Network. These organizations represent a wide variety of military organizations and hundreds of thousands of American citizens and voters nationwide. These organizations and their members, our Armed Forces and their families, know the affect of this legislation, and they support it.

Don't let the IRS put another burden on those who must move or relocate due to a base closing. Ease that burden by cosponsoring the Military Homeowners' Base Closing Tax Relief Act, and enacting this important legislation this year.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF AMOUNTS PAID ON ACCOUNT OF MILITARY BASE CLOSINGS.

(a) IN GENERAL.—Section 1034 of the Internal Revenue Code of 1986 (relating to rollover of gain on sale of principal residence) is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) TREATMENT OF AMOUNTS PAID ON ACCOUNT OF MILITARY BASE CLOSINGS.—Amounts received under section 1013 of Public Law 89-754 (42 U.S.C. 3374)—

"(1) shall be treated for purposes of this chapter as part of the amount realized on the sale of the residence, and

"(2) shall not be treated for purposes of this title as compensation for services."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1989.

NATURAL RIGHTS GO TO OUR ROOTS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. KOSTMAYER. Mr. Speaker, as the Senate confirmation hearings on the nomination of Judge Clarence Thomas to the Supreme Court get under way, the issue of natural law is receiving much attention. The judge's endorsement of a natural law philosophy has generated considerable controversy and has become a central issue in the Senate hearings.

To add to this important debate, I am submitting for the record an editorial which appeared in the Philadelphia Inquirer earlier this week. The op-ed piece, written by respected Philadelphia attorney Jerome Shestack, helps to shed some light on this important, but often misunderstood, matter.

While natural law arguments have been used to support an array of conflicting conclusions, and have raised concerns at both ends of the political spectrum, Mr. Shestack argues that natural rights philosophy deserves much more credit than it has been receiving.

In short, the editorial maintains that natural rights philosophy provided the moral underpinning for the U.S. Declaration of Independence, for the French Declaration of the Rights of Man, and for the Universal Declaration of Human Rights adopted by the United Nations. To Thomas Jefferson, these "unalienable" natural rights were life, liberty, and the pursuit of happiness. In fact, much of the American Bill of Rights can be seen as a delineation of aspects of natural rights.

Mr. Shestack concludes his essay with the hope that "[Judge] Thomas' espousal of natural rights may hopefully turn out to give comfort to those of us who believe that protection of individual rights and liberties is the core of our constitutional democracy." Indeed, on a conservative high court with increasing disregard for individual rights, this would be a welcome development.

Mr. Speaker, I ask unanimous consent that Mr. Shestack's article be printed in the RECORD.

[From the Philadelphia Inquirer, Sept. 10, 1991]

NATURAL RIGHTS GO TO OUR ROOTS

(By Jerome J. Shestack)

A number of critics of Judge Clarence Thomas have focused on his espousal of natural rights philosophy. There are many reasons to question Thomas' qualifications for the Supreme Court, but doing so because he endorses natural rights seems to reflect a rather know-nothing attitude toward natural rights.

Natural rights philosophy deserves much more credit than it has been getting. Indeed, natural rights principles provided the moral underpinning for the U.S. Declaration of Independence, for the French Declaration of the Rights of Man, and for the Universal Declaration of Human Rights adopted by the United Nations.

Historically, the chief exponent of natural rights theory was John Locke, England's great enlightenment philosopher of the 17th century. Locke posited a natural state of man in which liberty prevailed since no one was subjected to the will or authority of another. However, to obtain the benefits organized society can provide, the members of a natural state entered into a compact by which they mutually agreed to form a body politic. But they retained their natural rights for life, liberty and property. If government did not protect these natural rights, it would forfeit its validity.

This concept lay behind Jefferson's statement in the Declaration of Independence that certain rights were "unalienable." To Jefferson, the natural rights were life, liberty and the pursuit of happiness. Indeed, the denial of those rights, as the preamble to the Declaration of Independence states, was the rationale for the American Revolution.

The main criticism of natural rights doctrine was that it left vague what is considered part of the law of nature and, therefore, inalienable. In short, what is "natural" can differ from theorist to theorist.

Of course, establishing natural rights norms as constitutional principles solves a good part of this problem. Much of the American Bill of Rights can be seen as a delineation of aspects of natural rights, such as liberty (freedoms of speech, religion, privacy assembly) and life (integrity of the person, fair trial, etc.). Some of our Founding Fathers, such as Alexander Hamilton, James Wilson, and Benjamin Rush, believed that such rights were self-evident, inherent in a republican form of government. But Jefferson, Adams, and most of the delegates at the 1787 Constitutional Convention believed that individual (natural) rights required constitutional protection. Fortunately, that view prevailed with the adoption of the Bill of Rights.

During the 19th century, natural rights theory fell into disfavor and was largely replaced with legal positivism. Positivism holds that legal authority stems solely from what the state has laid down as law. However, the flaw in positivist philosophy is that the law is no better than the source of its authority. The state can produce unjust and evil laws.

After World War II, natural rights theory revived, due in part to the revulsion against Nazism which revealed the horrors that could emanate from a positivist system that completely subjugated the individual to the state.

The approach of most of the new philosophers of natural rights can be called a qualified natural law approach in that they try to identify the values which have an eternal aspect. They also hold that only a positive law which meets those values can function as an effective legal system.

The renaissance of natural rights theory has had a beneficial influence on modern international human rights.

Thus, the 1948 U.N. Universal Declaration of Human Rights, begins: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . ." Such concepts obviously have natural rights roots.

On the U.S. Supreme Court, all justices rely on textual justification in constitutional issues but one's philosophy invariably influences one's reading of the text. The conservative members generally incline to a positivist view that emphasizes the centrality given to Congress as the law making authority.

Liberal justices such as Justices Hugo L. Black, William J. Brennan Jr., Harry A. Blackmun and Thurgood Marshall, have stressed individual, unprescriptable rights, revealing a natural rights perspective. It is ironic that Thomas, expected to vote with the conservative majority, should be criticized for a natural right philosophy which might well impel him to favor individual rights. The hearings on Thomas' nomination should provide ample opportunity to explore the sources, limits and expanse of his philosophy.

Whatever the shortcomings of natural law, the responsibility of government to promote human worth and dignity and the use of reason to realize men and women's potential in society are part of natural law philosophy and also the thesis of democratic government.

Thomas' espousal of natural rights may hopefully turn out to give comfort to those of us who believe that protection of individual rights and liberties is the core of our constitutional democracy.

CELEBRATING DEMOCRACY: OREGON'S WINNING VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM SPEECH

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. WYDEN. Mr. Speaker, today I am proud to present the speech of Edwin Allen Reed, a young man from my district in Portland. Mr. Reed won the Veterans of Foreign Wars annual Voice of Democracy scriptwriting scholarship for the State of Oregon.

At a time when democracy is breaking out all over the world and many nations are recognizing the value and importance of an ideal the United States has held dear for over two centuries, it is gratifying to know that young people like Mr. Reed are taking the time and effort to think, write, and speak on the challenges of American citizenship, freedom, and democracy.

I commend Mr. Reed, as well as the other 138,000 students nationwide who participated in the program.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Edwin Allen Reed)

Jane Namirimu will not vote today. She will not vote today or tomorrow, or next week or next year. She may never have that freedom.

Jane lives in Uganda. She has known wars that have ravaged her country for her entire life, wars that have left control in the hands of dictator after dictator, depriving the country of over 800,000 of its citizens.

Uganda is not a bastion of democracy. It is a third-world country very different from our own democracy. Its government is unable to provide enough food and water to feed its people.

President Idi Amin's regime in Uganda and its disregard for the sanctity of human life and its massive violation of basic human rights is an example of what Amnesty International considers an enormous human freedoms violation. It is estimated that at least 100,000 people have been killed by Amin's forces since he took power in 1971.

Tom Wygant recently voted. He was not attacked on the way to the voter's booth, his house was not ransacked, his favorite political candidate was not assassinated in a back alley, and the local newspaper was able to report truthfully the results of the election in the morning edition.

Tom lives in the United States. Our democracy has created a haven for Tom's beliefs. It is his shield against the oppression and violence that exist in many nations around the world.

Like a house that provides shelter, democracy is protection. A roof will keep out rain and sleet and snow, just as democracy will defend its citizens from the harsh elements of political suppression, religious intolerance and social rebuke. Democracy, like the forward elements of an army, the vanguard, is continuously fighting to achieve freedom, and hold back the enemy.

Unlike any other system of government, democracy preserves human freedoms because of the principle upon which it is based: that power is in the hands of the people, and those people will determine what policies toward their fellow man will be allowed.

It was a concept that Thomas Jefferson knew well when he wrote these words in the Declaration of Independence: "When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to separation.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

Democracy is in the front lines, in the trenches, advancing to new levels of human freedom. But the battle is a tough one.

Many poor countries believe that it is essential to provide economic gains at the expense of political rights, thus foregoing the traditions of Democracy. There is the belief that these advancements can only be made when civil and political rights are restricted.

America was born of an intense dislike for the tyranny of the previous rule. This dislike has made America the strongest democracy because along with the belief that it is essential to provide food and shelter as an everyday necessity, we also believe that the right to vote, the right to assemble, the right of political freedom and expression and the humanity of our justice system is an everyday necessity.

We must always remember, however, that although democracy, and particularly that democracy of the United States, is at the vanguard of human freedoms, the front line is only as strong as those who support it. It is the duty of every citizen of Democracy to uphold the basic human freedoms of the Ton Wygants of this world, and to fight for those same freedoms for the Jane Namirimus.

LOAN GUARANTEES TO ISRAEL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. TORRICELLI. Mr. Speaker, during the August recess, both the Washington Times and the Miami Herald printed an insightful piece by our colleague, Representative LAWRENCE J. SMITH, on Israel's desire for United States loan guarantees. I believe that this piece clears up a good deal of the confusion that has been surrounding this issue, and I wish to submit it for inclusion in the RECORD.

[From the Miami Herald, Aug. 10, 1991]

$10 BILLION U.S. LOAN TO ISRAEL IS NOT A LOAN (OR $10 BILLION) IT IS AN INVESTMENT IN FREEDOM

(By Representative Lawrence J. Smith)

There is a great deal of confusion about Israel's desire for loan guarantees. It is said that Israel wants $10 billion in cash from the U.S. Government, that it needs the money immediately, that the deal will be a budget-buster, that this is a quick payoff for attending the peace conference. But the truth is different.

1. The issue is immigrant absorption. A tidal wave of refugees, a million strong, is coming to Israel from the Soviet Union, Ethiopia, and Eastern Europe. Israel must provide homes and schools and jobs for the multitude, and do so with few economic resources in scarcely no time at all.

America's commitment to freedom of emigration was never made without an awareness of the consequences. By supporting the right to emigrate, the United States committed itself to provide a full measure of absorption assistance. Just as the battle is being won, we cannot abandon the refugees or their intended haven. The moment to fulfill our commitment is at hand.

2. Israel is not seeking foreign aid. It needs loan guarantees, not grants or credits. It needs the United States to act as a co-signer, not as a lender, and not as a donor.

3. American taxpayers are not being asked to spend $10 billion. We are not being asked to lend it to Israel either. Israel wants to borrow $2 billion per year for the next five years from international banks. The loans will be repaid in full during the next 30 years. By guaranteeing the loans, the United States will enable Israel to obtain credit at favorable interest rates.

4. The net cost to the United States should be zero. The only Federal outlay will be a reserve to insure the Government against nonpayment or default. Loan guarantees are essentially an exercise in paperwork. Unless Israel misses a payment or defaults—something that it has never done—this loan program will consist of nothing more than the U.S. Government moving money from one account to another.

5. It's no budget-buster. The guarantee will represent only a small percentage of the loan amount. This "scoring" of the account can be as little as one-half of 1 percent of the face value of the loans for nations with sound economic prospects and a sterling record of debt repayment. If the Congress and the Office of Management an Budget agree that the account for Israel should be scored at one-half of 1 percent, the United States could guarantee the loans for Israel with as little as $50 million.

Although the reserve will have to be treated in the Federal budget as money spent, the budgetary impact can be addressed in a number of ways. Money may be reallocated form other accounts. More money may be allocated to the Israel loan account. Or Israel may reimburse the Federal Government for the amount needed for the scoring. Israel also will pay administrative fees to the U.S. Government that will total several million dollars a year.

6. Loan guarantees are nothing unusual. The U.S. Government guarantees loans all the time. Farm loans and student loans rely on Government guarantees. So do the securities issued by Fannie May and Ginnie May. In 1992 alone, the Federal Government will lend or provide primary or secondary guarantees worth more than $213 billion.

7. It's a low-risk proposition. Israel has never defaulted on a loan, never had to postpone repayment. To date, Israel has repaid the United States nearly $8.7 billion in loan principal alone. By the common measures of credit worthiness—foreign debt as a percentage of Gross Domestic Product, annual foreign-debt service as a percentage of exports, and total foreign debt as a percentage of exports—Israel's standing is highly favorable.

8. The U.S. economy will benefit. The absorption of a million new citizens will require the importation of construction equipment, housing materials, machinery, and advisory services. Israel is already one of the best customers for products "Made in the U.S.A.," and its purchases during the next five years will create thousands of American jobs.

9. Israelis themselves, not the United States, will pay the lion's share of absorption costs. Over the next decade, the total cost of absorption likely will exceed $50 billion. The Israeli taxpayer will provide at

least $30 billion. Loan guarantees from other nations and donations from throughout the world will underwrite the balance.

10. The loan guarantees are politically and fiscally justified. They will enhance our influence with the nations of the Middle East and the USSR. They represent the final stage of a 20-year battle for freedom of emigration. They are an affirmation of America's humanitarian ideals, an exercise in justice and common sense.

BISHOP BARAGA DAY CELEBRATIONS

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. DAVIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the work of Bishop Frederic Baraga. Each year the Bishop Baraga Association, with offices in Marquette, MI, holds a 2-day commemoration of the life and ministry of Bishop Frederic Baraga, the first Catholic bishop of upper Michigan. The significance of Frederic Baraga's life goes far beyond the Catholic Church and upper Michigan. Baraga devoted his life to the Chippewa and Ottawa Indians of northern Michigan. He wrote a grammar and dictionary of the Otchipwe language, built schools and provided teachers, bought land which he deeded to the tribe and energetically opposed all traffic in liquor. He lived among the Chippewa as one of them, sharing their poverty and the hardships of their lives. He also served the copper and iron mining communities as they developed.

This year Baraga days were held in Washington, DC, where James Cardinal Hickey, archbishop of Washington, delivered the following homily:

BISHOP BARAGA DAY CELEBRATIONS

Dear friends in Christ, in recent encyclical letters, Pope John Paul has called the Church to a renewed missionary zeal . . . he called us all to have a vigorous and urgent concern for bringing the Gospel to those who have never heard it, or to those whose faith is forgotten or has grown dim. Our Holy Father has also called the Church to the task of re-evangelization . . . to rekindle the faith in countries where the Church has been well established, yet where so many people have left the Church. Indeed the Pope has challenged all of us to be profoundly renewed in the authentic faith of the Church so that we can help others to re-discover the faith of their parents and ancestors.

On this special weekend, we have been reflecting on Bishop Baraga—on his holiness, his determination to follow the Lord, "to do the one thing necessary." Today I want to speak of Bishop Baraga, the missionary, the tireless preacher of the Gospel; I want to speak of how he lived out the words of St. Paul; "Preaching the Gospel is not the subject of a boast; I am under compulsion and have no choice. I am ruined if I do not preach it!"

We may think it was easier to preach the Gospel in times past. We may see past centuries as less complicated than our own or imagine that the Church in past times was more serene than it is today. We should not harbor that illusion in the case of Bishop Baraga! He encountered much misunderstanding and great hardship in his efforts to preach the Gospel. But he pressed on, courageously and lovingly, to become an example for all who would be evangelizers—or re-evangelizers. He was a man anxious, determined to share his faith.

We know that Frederick Baraga was ordained to the priesthood at St. Nicholas Cathedral in Ljubljana in 1823. It was not an easy time to be a priest. During that period, much of Europe had grown cold in the faith, often as a result of an erroneous view of the faith called Jansenism. Prayers to the saints were discouraged, pilgrimages, sodalities, processions, novenas were banned. Only rarely was the Blessed Sacrament exposed, the blessing of candles and pictures was frowned on. The practical effect of Jansenism on the people was to discourage confession, making it overly rigorous and, in consequence, the reception of the Eucharist became a rare event. Many felt they were practically beyond the mercy of God; and some of the clergy, themselves practically beyond the mercy of God; and some of the clergy, themselves infected by Jansenism, did not help their people understand and accept the transforming mercy of God.

But the young Father Baraga was not among them, He was first sent to St. Martin's in Smartno where he brought true nourishment to the spiritually starving people. In consequence, long lines of people were found at his confessional. He helped his people as well to experience the joy of the Eucharist, to open their hearts to the merciful, loving and forgiving Lord Jesus. He practiced great charity to the poor. He reached out to the sick in great numbers, more than any of the priests with who he served. So many were won over and brought back to the faith; So many returned to the Sacraments!

All this did not go unnoticed by his fellow priests. Some accused him of exaggerated devotion to the Blessed Sacrament. Some called him "the fool of St. Martin's." They objected to his introduction of the Stations of the Cross and his emphasis on devotion to the Sacred Heart of Jesus and to our Mother Mary. Soon he found himself reprimanded, even by his bishop and transferred to Metlika; aware of the criticisms, he still reached out in love in this new parish just as he had done before in Smartno. He was convinced of the need to preach the Gospel. Again his spirit of personal penance, his convincing sermons, his tireless work irritated his colleagues; they soon berated him and complained about him to the bishop.

What a heavy cross this must have been for him. His efforts to preach the Gospel met with ridicule . . . and he began to wonder if the Lord were calling him to preach the Gospel elsewhere. Then one day, he happened upon a booklet written by Bishop Benwick, the Bishop of Cincinnati. Bishop Fenwick described the great needs of his vast diocese which extended through Ohio to the upper reaches of Michigan and Wisconsin. The Bishop spoke of his desperate need for priests to minister to the Native Americans living there. Bishop Fenwick's appeal promised only hardship but Father Baraga eventually understood that the Lord was asking him to preach the Gospel there. In 1829 he asked permission of his bishop to go the missions, to work in the Diocese of Cincinnati. In 1830 he was welcomed by Bishop Fenwick to the missions of the New World and by May of 1831 Father Baraga found himself at Arbre Croche near the present day Harbor Springs, Michigan, preaching the Gospel to the Ottawa Indians of the region.

His first winter at Arbre Croche was very long and unusually severe. His log cabin, which permitted the rain to come through, afforded even less protection against the cold. All day long he wore an overcoat even though a good fire was kept in a little iron stove. Some of the days in the first two months of the new year were so cold that he thought he would not be able to finish Mass. Before services he would heat the water and wine, but before the time came for its use, he would have to break the ice that had formed.

His zeal for the Gospel was truly remarkable. In 1833 he visited the Grand Rapids area in Michigan; in 1835 Marire City, Sault St. Marie in upper Michigan; and then La Pointe in present day Wisconsin. In 1843 he went to L'Anse in upper Michigan. All of the missions sometimes required immense hardships. Our heroic missionary suffered much as he travelled through this vast wilderness. Once he walked without stopping for nearly 24 hours to reach a remote village. When necessary he would go on snow shoes with only a piece of bread in his pocket; but in his heart and on his tongue was always the Gospel—to preach in a hut or the assembly hall of a newly-founded settlement.

This great missionary not only preached the Gospel he also communicated it by writing. He composed a grammar and a dictionary in the Chippewa language and proceeded to write some 28 devotional books!

In 1853, the great missionary Frederick Baraga was ordained a bishop and was given responsibility for Michigan's upper Peninsula. He had few buildings, little money and only 17 priests. Already his health was declining yet he laid strong foundations for the Church. He established many missions and mission schools. He defended the rights of the Native American Indians, mindful of their human dignity in the eyes of God. He continued his arduous travels and lived in true poverty!

Then in 1866, while attending the Second Plenary Council of Baltimore, Bishop Baraga suffered a fall and a stroke. It weakened his body but did not crush his spirit. He insisted on returning to Marquette to die among his beloved Indians. The stroke changed the Bishop's physical appearance so that he came to resemble the Indians whom he loved so much.

Dear friends, what lessons do we draw from the life of this courageous missionary as we keep his Cause alive in our hearts? Let me suggest the following:

First, Bishop Baraga teaches us the need to be evangelizers, to spread the Gospel, to help bring back those who have fallen. If we would hope to spread the Gospel, we must know the Lord and be convinced of the saving power of His love. We must have confidence in the teaching of our Church and in the graces received in the sacraments. We must know that the Gospel as it comes to us through the Church are words of "spirit and life"—capable of transforming and redeeming us!

Second, we must not be afraid to suffer ridicule for the sake of the Gospel. Jesus told us to expect persecution for the sake of the Gospel. Biship Baraga experienced it and we can expect to experience also when we reach out to the alienated and the unchurched, when we stand up for what is right. Like Bishop Baraga we must not be deterred; we must not fall silent or change our mind! We must speak the truth in love!

Third, we must be true missionaries . . . missionaries in our homes, in our places of work, among our friends and even to our enemies. We must look for every opportunity to help people understand what the Church teaches and why. By our charity, our concern for others we must show the mercy and love of Jesus. We must be ready to encourage people to know and love the Lord Jesus.

Dear friends, with St. Paul and Bishop Baraga as our guides, we must ask for the grace to be good evangelizers . . . men and women of deep faith, men and women ready to share our faith with our families, our neighbors, our friends. We may not walk for hours in snowshoes to remote villages but we must have the same urgency in preaching the Gospel of Jesus to all. Through the prayers of Bishop Baraga may we respond to the Lord's call: "Go into all the world and preach the Gospel . . .".

WOLFFS—50 YEARS IN AMERICA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. WEISS. Mr. Speaker, every year I come to the well of the House to commemorate the anniversary of my arrival in America. On that day, I reflect upon the many meaningful lifetime opportunities which I have had in this great country. Now, it is my great pleasure to tell the House of the anniversary of my constituent, Ellen Wolff Ducat, on behalf of her brother, Walter Wolff, and her late parents, Arthur and Elisabeth Wolff, who arrived in America, 50 years ago today, on September 12, 1941.

In 1933, the Wolffs left their hometown of Koblenz, Germany and moved to Brussels. They fled Brussels in 1940, only days before the German army marched in. Traveling by car, the Wolffs, accompanied by an American family friend, headed for France. Throughout their 1-year journey, they occasionally found themselves face-to-face with the German army.

Ellen Wolff Ducat remembers one particular event during their journey when her family was quartered in a castle in Noyelles-sur-Mer, a coastal village northwest of Paris, Platoons of German soldiers also inhabited these grounds, for the estate was being used as a staging area to fan the army throughout the region. One day Ellen returned to the family's quarters and found that their possessions had been ransacked. Among the rummaged items in the family car, Ellen discovered a Hebrew prayerbook which had belonged to her grandmother. Ellen hid this prayerbook, and kept it with her for the rest of her journey. Fortunately, the soldiers who were responsible for the raid were suddenly relocated and the Wolffs fled to safety again. Recently, Ellen presented her grandmother's prayerbook to one of her daughters as a symbol of their family legacy and their heritage.

Finally, in July 1941, after months of frustrating negotiations with American embassy officials in Marseilles and the help of relatives in the United States, the Wolffs were granted visas to America. They obtained transatlantic passage on the *Navemar,* which sailed from Cadiz, Spain, and arrived 6 weeks later on September 12, 1941, in Brooklyn Harbor.

The family's son, Walter Wolff, completed his last year of high school in New York City and was then drafted into the U.S. Army. He first served as a medic, and later in military intelligence in the European Theater of Operations. Returning to New York after the war, Walter graduated from Columbia University and is now a successful retailer. Walter is married to Leila, and they have a son, David, who is in business with his father, and a daughter, Nina, who is an artist.

In the 50 years since the family arrived in the United States, Ellen Wolff Ducat has made a home for herself on the Upper West Side of Manhattan and has become an accomplished watercolorist. When not painting, she works as a multilingual tour guide in New York. As an adult, she graduated with honors from Brooklyn College. Ellen and her former husband, Josef B. Ducat, are the parents of two daughters: Sue, producer of the television news program Washington Week in Review; and Vivian, a television producer for public television in this country and for the British Broadcasting Company.

I join with Ellen and her family in their celebration of this very momentous anniversary.

A CONGRESSIONAL SALUTE TO BISHOP D.B. BOUGHAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has dedicated much of his life to the betterment of our society. On Thursday, September 12, 1991, Bishop D.B. Boughan will be honored as the Worshipful Master of the Year and Mason of the Year presented at the 52d Annual Convention of the Masons of the World. This occasion gives me the opportunity to express my deep appreciation for his dedicated work in this key community organization.

Bishop Boughan was initiated into the Most Worshipful St. Joseph Grand Lodge in May 1976. Since that time he has proven to be one of the most dedicated and supportive members of this chapter. A prime example of his leadership role is evident in his founding of the local chapter, the Patmos Lodge 777, of which he was recently elected worshipful master. In his long and distinguished Masonic career, Bishop Boughan has also been awarded the ACC-Pauline Award for Masonic Achievements.

In addition to his Masonic work, Bishop Boughan has contributed greatly to the spiritual community. He has been given the distinct honor of pastoring the Chapel of Roses Church for the last 24 years. Local community leaders acknowledged his leadership role by awarding him the 10th District Ministarium Award. A man of such strong conviction is also a man of tremendous learning, obtaining a doctorate of divinity and honorary doctorate of letters and law degree.

Bishop Boughan has also been recognized for his long history of community service with such awards as the 8th and 10th District Service Awards and the Los Angeles Police Department Crime Prevention Award.

On this special and most deserving occasion, my wife Lee, joins me in extending our heartfelt thanks and congratulations to Bishop Boughan. We wish him all the best in the years to come.

WESTERN SAHARA: AFRICA'S LAST COLONY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. TOWNS. Mr. Speaker, in 1975, Morocco's King Hassan II led 300,000 of his subjects into the Western Sahara territory by foot to establish Morocco's claim. When Spain pulled out a few months later, it divided the territory between Morocco and Mauritania. Under pressure from the Polisario Front, a group fighting for Western Saharan independence, Mauritania gave up its claim in 1979, however, by 1988 Moroccan lines extended down to the Mauritanian border in the south.

While conflict over this vast, mineral-rich desert region has been going on for 16 years, Morocco and the Polisario guerrilla group signed a cease-fire agreement in June, setting September 6 as the cease-fire date, as a first step toward ending the dispute. A total of 1,700 United Nations peacekeepers are expected to deploy in the region to monitor this cease-fire agreement while officials prepare for a U.N.-supervised referendum in January 1992. At that time native Sahrawis from the territory will be asked in a secret ballot to choose between independence or integration with Morocco.

I submit for your review the following analysis by Ms. Teresa K. Smith de Cherif made at the African-American Institute's Congressional Staff Seminar in New York on June 14, 1991. Ms. Smith de Cherif has over 10 years of professional and academic experience in Northwest African affairs. In addition, for 4 years she directed the Sahara Campaign, a U.S. nongovernment organization that focused on the human rights situation and development challenges of the Western Sahara people. This statement provides historical background and reiterates that Sahrawi democratic expression has begun to take form through the call for free elections. The people of the Western Sahara deserve the same right of self-determination as people in the Soviet Union or Eastern Europe. The referendum will be the first democratic choice of the Sahrawi people. If independence is the outcome of the vote, they have committed themselves to a multiparty democracy with a free-market economy. Hopefully, the United States will fully support the self-determination efforts of the Sahrawi people.

THE UNITED STATES AND WEST SAHARAN REFERENDUM

(By Teresa K. Smith de Cherif)

The Sahrawis of Western Sahara are an African people hardly known in the West. There have been no televised-music concerts, nor front-page news stories on their plight. Yet, this desert nation has persevered. Their country, the former Spanish Sahara, is located across the ocean from Florida, wedged between the Atlantic and the inhospitable hamada region of the vast Sahara, between the Mediterranean littoral and sub-Saharan Africa, and between the West and Islam.

U.S. interest in the Western Sahara began 175 years ago, when James Riley, captain of a U.S. brig named the Commerce, and his crew were shipwrecked on September 7, 1815 off the Cape Blanc peninsula, the southernmost tip of Western Sahara. Two years later, he published an account of his trek through the desert with the fiercely independent Sahrawi nomads.

Since 1975, the Kingdom of Morocco, with 160,000 troops, and the Sahrawis' nationalist Polisario Front have been contending for control of this mineral- and fisheries-rich patch of desert land. Had it not been for the Tripartite Madrid Accords of 14 November 1975, the Western Sahara already might have achieved independence, after nearly a century of Spanish rule. The fate of the Sahrawis, however, coincided with a dying Generalissimo Francisco Franco and with grave uncertainties about an orderly transfer of power in metropolitan Spain. Setting honor and obligations aside, Spain devised a manner to retrench from its last overseas colony in a record 103 days. The Tripartite Accords allotted the northern two-thirds of the Spanish Sahara to Morocco and the southern third to Mauritania. This violated the standard practice on decolonization and prevented the holding of a self-determination referendum for the Sahrawi people. Only a year earlier, in 1974, Spain finally had agreed to organize a plebiscite, following annual requests by the United Nations (UN) since 1966.

The Spanish reversal prompted the armies of both Morocco and Mauritania to roll into Western Sahara in the autumn of 1975. The Sahrawi people resisted, but not without great human costs. During the course of the war, thousands of Sahrawis have died from bombardments and aerial bombings or have disapproved. After four years, Mauritania withdrew and signed peace with Polisario on 5 August 1979. Some nine days later, Morocco moved to occupy the whole of Western Sahara.

The annexation of Western Sahara by Moroccan military force contravened important principles of international law, including the respect for boundaries inherited from the colonial period, the right of a nation not to be annexed against its will, and the primacy of a people's right to self-determination over the historic claims of neighboring states.

Morocco argued that its Saharan campaign was designed to recover lands of its lost empire, "Greater Morocco." While Moroccan dominion was said to have extended from contemporary Morocco to the Senegal River and to salt mines in northern Mali, Morocco suddenly dropped its 20-year claims to all of Mauritania and to parts of Algeria, Mali, and Senegal, in pursuit of the acquisition of Western Sahara. At the time, in 1975, Western Sahara was an easy grab, as compared with all the other independent neighboring states. Moreover, in 1962–1963, in trying to make western Algeria its own, Morocco had initiated and lost one war. While military units secretly took up positions in Western Sahara, 350,000 Moroccans crossed the border on 6 November 1975 as a popular expression of support for King Hassan's moves.

Even the Green March, as this Moroccan popularity poll was called, could not confer on the Moroccan state any right to the territory of Western Sahara. As a UN Mission of Inquiry that toured Western Sahara in May 1975 reported, the Sahrawis categorically were in favor of independence and they opposed integration with any neighboring state. Furthermore, the International Court of Justice, in an exhaustive study published in October 1975, had dismissed both Moroccan and Mauritanian claims over Western Sahara, emphasizing that the Sahrawi people should enjoy their right of self-determination. Nevertheless, it was the so-called Green March that caught the world's attention for a brief moment in the long history of the Sahrawi people.

At the time, if U.S. policymakers had read Captain Riley's account, they may not have believed the expert predictions that the Saharan affair would be over in six weeks.

After sixteen years of war, the Sahrawi population may be divided by sand berms and international boundaries; yet, in many ways, they remain a vibrant community. Currently, there are 165,000 Sahrawi refugees in southwest Algeria, some 50,000 ethnic Sahrawis in Morocco and Mauritania, sizable Sahrawi communities in the West, and, perhaps, 30,000 Sahrawis inside Western Sahara. For example, in Spain, the Sahrawi community has earned education, advanced skills, and work experience. Accordingly, across mainland and insular Spain, one can find Sahrawi air-traffic controllers, engineers, restauranteurs, psychologists, nurses, pharmacists, lawyers, and students. In Mauritania, the Sahrawis have become technocrats in the state's fishing and mining industries, as well as private entrepreneurs, students, and workers in mines and other factories.

It is in the refugee camps, however, where the most remarkable progress has been made. There, the Sahrawis have turned the harsh desert of their exile into an enabling environment. In the midst of another drought on the African continent, the Sahara is blooming: Sahrawis have planted 100 acres of vegetable gardens in their refugee camps. The gardens are one of many self-supporting programs initiated by the Sahrawis. By meeting some food needs locally, this agricultural initiative also reduces the total dependency on foreign food aid that is quite common for refugee populations, let alone many developing countries.

While refugees and displaced persons in much of the Third World suffer from starvation and disease, the Sahrawi exiles are generally healthy. Today, there are no listless faces, nor blank gazes in the hamada. Fifteen years ago, however, conditions in Sahrawi camps were similar to those in northern Iraq, coastal Bangladesh, and the southern Sudan. Since then, the Sahrawis have implemented a comprehensive health-care system, whose main thrust is preventative. This self-supporting measure makes every effort to produce a caring environment, where health problems are addressed at an early stage.

While the World Bank and others only recently have begun to make development efforts people centered, the Sahrawis have focused on building human capacities throughout their sixteen years in exile. With minimum supplies of books, paper, and visual aids, the Sahrawis have created public schools from the nursery through secondary levels, vocational training programs, and remedial education classes for adults. This program aims to enable the Sahrawis to use their own resources, by tapping the intellect and creativity of each individual.

While many African countries remain tied to foreign aid, the Sahrawis have aimed for self-sufficiency. Emphasizing grassroots participation, indigenous training, and the informal sector, the Sahrawis have created an enabling economic environment out of the otherwise harsh hamada. Today, the Sahrawis are meeting the most basic needs of food, clothing, and housing through local production. By encouraging individuals to show the way, the Sahrawi development strategy has produced a vibrant labor force. Remarkable strides made by the informal sector are evident among Sahrawi nomads. Today, some 200 nomadic families supply food and raw materials to the Sahrawi refugees. With support from the overall Sahrawi population, they have succeeded in reestablishing impressive camel herds in Western Sahara. By having found an outlet for their crafts and desert materials, Sahrawi nomads have incorporated themselves into the emerging Saharan economy. With continued encouragement, they may be able to continue practicing an art that is disappearing rapidly in other Saharan countries.

The enthusiasm for democracy burgeoning across the African continent also is emerging in the Sahrawi refugee camps. Demanding democratization before independence, however, is truly remarkable, given the postcolonial African history of monotonous one-party rule. Individual Sahrawis have led the way with concrete measures for the achievement of political pluralism. Sahrawi democratic expression has begun to take form—through individual dissent, non-governmental commissions for human rights and democracy, and the call for free elections. The Sahrawi democratic initiative is an extension into politics of their economic program of individual empowerment.

Self-help measures are what have moved the Sahrawis from crisis to growth. With high morale, future-oriented direction, and practical experience, the Sahrawis have overcome the difficulties of exile. Moreover, they are implementing political reforms aims at the total democratization of Sahrawi society.

Sixteen years ago, the United Nations was powerless to prevent the war in Western Sahara and the exile it produced. Empowered by unprecedented multilateral cooperation, the United Nations will implement in January 1992 a self-determination referendum in the Sahrawis' homeland. The Sahrawis will choose between independence and integration with Morocco. The achievements of the Sahrawis during sixteen years of exile point to a bright future. The central question is whether the world will pay attention to Western Sahara at its turning point.

Unfortunately, the United Nations faces limitations in implementing the referendum process, not the least of which is the $200 million budget. It will be difficult for a small UN force of 1,695 peacekeeping troops to prevent incidents and clashes in a territory the size of Colorado. Furthermore, there will be nearly one Moroccan soldier stationed in Western Sahara for every eligible Sahrawi voter, making it critical that there be a climate of fairness, not intimidation. The UN plan does aim to provide some confidence-building measures, which I am sure will be discussed today. As yet, however, the United Nations has made no provisions to locate some 800 disappeared Sahrawi civilians. What is more, 100,000 Moroccan civil servants and settlers will remain in Western Sahara at the time of the vote, outnumbering the civilian Sahrawis. No independent observers nor press coverage, save UN radio and TV, are planned.

In addition, the UN High Commissioner for Refugees (UNHCR) will organize the repatriation program for Sahrawi refugees and individuals who live outside the territory but are eligible to vote. The difficulty is that UNHCR independently must raise the $34 million necessary for this operation. Its first pledging conference began in Geneva, on 13 June 1991.

The referendum will be the first democratic choice of the Sahrawi people, who have committed themselves to a multiparty democracy with a free-market economy, should independence be the outcome of the vote.

This moment offers key officials in the United States and Spain to become involved in an UN effort to solve another regional conflict. Still, more is required than lending verbal support or pledging funds to the budgets of the UN referendum mission (MINURSO) and UNHCR repatriation program. The Congress should engage the administration of George Bush in as many levels as possible. Dear colleague letters may offer a start. The United States should attach personnel to MINURSO, and encourage the former colonial power in Western Sahara, Spain, to do the same. This would help alleviate regional tensions and strengthen moderate forces within the Sahrawi and Moroccan communities. A success in Western Sahara also could help move the United Nations another step toward its envisioned role as world peacemaker.

THERE IS AN UNEMPLOYMENT EMERGENCY IN AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. FASCELL. Mr. Speaker, a long shadow was cast over Labor Day observances across the country this year—the collective shadow of the 7 million unemployed Americans. These people want to work, support their families, and contribute to society, but there simply are not enough jobs to go around. The unemployment benefits many of them receive will soon run out and, contrary to some economic declarations, the economy is not yet on the rebound and there are no jobs on the horizon.

Millions of Americans are facing personal emergencies as the end of the 6 month time period for which unemployment benefits are paid approaches. Feeding and housing families is hard enough, but doing so without a job and without unemployment benefits is a genuine emergency and should be treated as such.

As the House resumes its deliberations on this issue, I commend to our colleagues' attention today's editorial from the Miami Herald.

JOBLESS-PAY CUTOFF IS CRUEL

The August unemployment figures aren't encouraging. Though the national rate stayed at 6.8 percent, Florida's is a stunning 8.1 percent.

That's the percentage of the work force looking for work in August. However, only 2.4 percent of Floridians who qualify for unemployment insurance are receiving benefits. Most of Florida's unemployed fall into nebulous categories. They may get welfare, or be secondary wage earners hoping to shore up family finances or students.

Federal rules require that the proportion of unemployed insured workers receiving benefits would have to reach 5 percent before Florida could extend benefits by six months. The 2.4 percent of insured unemployed doesn't include those—96,000 Floridians—who have exhausted their benefits. By comparisons, a total of 88,600 exhausted theirs in all of 1990.

The maximum weekly unemployment payment in Florida is $225, but not everyone qualifies for that much. Payments can last a year. When payments run out, some people have to sell their homes or exhaust whatever savings they may have left.

Others may find low-paying jobs and simultaneously learn a new skill. Federal programs pay for tuition then. The irony is, most people getting jobless benefits can't apply for retraining aid until jobless benefits run out. Florida's Labor Department sensibly wants the Feds to change the rules.

Forcing unemployed workers to desperation levels before helping them learn new skills is demoralizing. It can destabilize communities where unemployment is widespread. Florida has many, Dade County among them. Congress ought to change the education rules, but it has already provided help now. It voted to extend jobless benefits across the board for six months, calling the economic situation an emergency.

President Bush signed the bill but not the emergency declaration needed to trigger extensions. He thus cast adrift millions of jobless Americans struggling to recover from layoffs and plant-closings. Their decline will further erode communities. The President's cold-hearted attitude ill bespeaks his "kinder and gentler" rhetoric.

PRIVATIZATION AND LINE ITEM VETO

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. DUNCAN. Mr. Speaker, I recently read two commentaries which deserve the attention of our colleagues.

First, a column by David Broder which appeared in the Washington Post and syndicated to other newspapers across the country, calls privatization something "no politician—liberal or conservative—can ignore." He emphasizes efforts by State and local government to rid itself of those activities which the private sector can and should do better than the bureaucracy.

Former Defense Secretary Caspar Weinberger, writing in the August 19 edition of Forbes, calls for privatization, line-item veto, a balanced budget requirement, and other budget process reforms.

If Congress is serious about reducing the deficit it will heed the advice in these columns and enact these meaningful tools to eliminate unnecessary spending and focus Federal resources on the critical issues facing our Nation that are the proper purview of the Federal Government.

The text of these columns follow.

[From Forbes magazine, Aug. 19, 1991]

PRIVATIZATION AND ITEM VETOS—GOOD FOR STATES AND WASHINGTON

(By Caspar W. Weinberger)

Several states, ranging from Maine to California, have had an exceptionally difficult time balancing their budgets this year. They went days and even weeks beyond the start of their fiscal year without any budget, and were forced to stop many state activities. Some cynics think this is all to the good, but state governments do perform some important functions, many of which need to be continued. Part of the problem is common to most states: Their revenues fell far below last year's estimates because the national economy fell below expectations, and state revenues based on sales and income taxes declined accordingly.

Most states have constitutionally mandated balanced-budget requirements and must address a deficit. The federal government deals with the problem by inaction or desperate budget summits (which are usually worse than inaction). The last federal budget summit agreement resulted in deficit projections in January of about $280 billion for fiscal year 1992. By last month the projected deficit had risen by nearly $70 billion.

The Office of Management & Budget insists that the summit's deficit reduction plan is a success because "the major changes in estimates have been in areas that are exempt from the new budget disciplines, such as deposit insurance, [the net cost] the Gulf war, and technical reestimates." This is an odd definition of success.

Incidentally, with respect to the Gulf war, the latest figures show that our allies have contributed about $44.5 billion, and pledges will add another $10 billion. This should still some complaints about our allies' support.

But, back to the states. Most distressed state governments are addressing the deficit problem in traditional ways, that is, with a combination of increased taxation and some reluctantly granted reductions in spending.

There is a third, and a fourth, way, as former OMB Director James Miller has pointed out. The third way is the adoption of a number of budget procedural reforms, such as an item veto. That veto is now in effect in 43 states, 10 of which give their governors the authority either to write in a lower spending level or to veto the entire item. Mr. Miller suggests, after a careful study of all the data, that if the President had been given this power, as Presidents for decades have requested, about $450 billion would have been saved over the period 1982–89.

Other budget procedural reforms that could help both the states and the federal government include reducing or eliminating so-called nonappropriated funding outside normal budgetary review; requiring super majorities such as two-thirds or three-fourths of the legislature to approve tax increases; and, of course, a constitutional balanced-budget requirements.

Mr. Miller recently told the House Ways & Means Committee of a fourth way to reduce expenditures: privatization. The states are embarking on this path by contracting out some health and custodial requirements, meal services, etc. What is not realized is the number of congressional roadblocks to privatization of federal activities. We could, for example, farm out the collection of delinquent loan payments owed the federal government and eliminate the Postal Service monopoly—in fact, privatize the whole Postal Service.

We still have a federal Postal Service only because of a typical compromise made in the early 1970s. A determined effort to privatize the delivery of mail met postal unions' and, therefore, congressional opposition. Instead of the issue's being fought through, a compromise was arrived at under which we have the worst of all worlds: a government-owned corporation; 750,000 civil service employees with a strong union helped by a Congress that responds to pressure groups of 750,000; and the ever-increasing cost of mailing a letter—always with more to come.

We could sell Amtrak, as we did Conrail in 1987, and thus eliminate the annual subsidy we pay for it. We should sell the power marketing administrations, such as Bonneville

Power, Alaska Power and others, whose delivery of power is more costly than by private utilities. There are many other examples.

There is more privatization at the state level than the federal because the states must meet balanced-budget requirements, which is another good reason for imposing that on the federal government.

[From the Washington Post]

PRIVATE FIRMS, PUBLIC SERVICE

(By David S. Broder)

CHICAGO—At first glance, no two public officials could seem less alike than Chicago Mayor Richard M. Daley and Massachusetts Gov. William F. Weld. Weld is a patrician Republican with a strong libertarian streak. Daley is a lunch-pail Democrat, whose values reflect the influence of his famous father's instinct for melding government perquisites and political power.

Yet Weld and Daley have become equally ardent advocates of "privatization," the process of opening government services to competitive bidding by private firms as a way of cutting costs and improving productivity in a time of fiscal austerity.

Under the relentless pressure of budget crises in state and local government, privatization has moved with remarkable speed from being a conservative cult idea to the center of policy innovation by Democrats as much as Republicans. Indeed, when Sharon Pratt Dixon, the new mayor of Washington, asked Daley for advice, his reply, officials say, was "to privatize everything you can."

From high-speed rail service in Texas to liquor sales in Montana, governors of both parties are seeking ways to spin off functions to private business so they can reserve their own budgets for essential tasks. Claims of efficiency override ideology and tradition—nowhere more dramatically than in Chicago.

When Daley became mayor two years ago, one of the main gripes of citizens and aldermen concerned the number of abandoned cars on the streets. Policemen had to tag each car and report its location, then wait for a city crew to haul it away. Even after fines and reclaiming charges were assessed, it was costing the city $25 per car.

Daley decided to start shifting the work to private towing companies, working from "hotline" citizen complaints. The response is faster, and now the city collects $25 per car—a net shift of $50 for each transaction. So far, more than $2 million has come into the treasury—and policemen are freed for other duties.

Similar steps have been taken with tree-trimming and stump-removal and with janitorial services in some public buildings. While these measures have been generally applauded, Daley ran into criticism when he shifted the work of a neighborhood drug-treatment center to private firms and told the displaced city employees to work nights and weekends at other health centers. But he is convinced that privatization is the policy to push.

"We're constantly looking at more things," Daley said in a recent interview. "I don't automatically say no to anything." After successful results with a recent experiment in contracting out engineering work for backlogged sewer projects, he is prepared to let private engineering firms bid on more city jobs. Maintenance contracts are now included on all city purchases of trucks and cars, and Daley wants more public building management and maintenance handled by private firms.

"Cities have taken over many functions we should not be doing," the mayor said, "and we've lost sight of our vital responsibilities."

Daley has hedged his privatization with important political safeguards. So far, no city employee has been fired, although many have been transferred to other, more useful duties. To avoid any charge of union-busting, Daley has an ironclad rule that the city will deal only with unionized firms. But it still means that city employees and their unions face new competition.

Frank Kruezi, Daley's policy adviser, concedes that the privatization drive might seem strange to the first Mayor Daley, who built a renowned political machine of city payrollers. But with voters in rebellion against high taxes, Kruezi says time has run out on the old City Hall joke, "Why hire one person when four will do?" As the new Mayor Daley put it, "People want services without higher taxes, and they don't care who gives it to them."

Weld, the newly elected governor of Massachusetts, could not agree more. In a recent Washington speech to the National Privatization Council, he said he has ordered each of his Cabinet members to give him a checklist of regulations that prevent private firms from competing with the state in providing public services. "It's not an issue of public versus private," Weld said, "It's an issue of monopoly versus competition. . . . I've discovered that regulations can act sort of like an import tariff. . . . They are protectionist. They keep other providers from entering the market."

Weld has learned, as Daley did, that privatizing health services is a good deal more controversial than turning over menial functions like laundry and janitorial services to business firms. Social-service employees and their clients fight change. But, like Daley, he is looking for areas to expand the experiment, whether it be a high-speed rail link from Boston to Springfield or the operation of a second Boston airport.

Across the country, the Privatization Council meeting showed, other mayors and governors are moving in the same direction, seeking to bring the benefits of competition inside the public sector.

The common factor in all these experiments is the desire to set up a system that pays for results—and builds in accountability. Clearly that is what citizens want. If privatization can deliver it, no politician—liberal or conservative—can ignore this approach.

INTRODUCTION OF THE BANK EMPLOYEE PROTECTION ACT—H.R. 3315

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. LANTOS. Mr. Speaker, earlier this year the Government Operations Subcommittee on Employment and Housing, which I chair, held a series of hearings on how poorly bank employees are treated when the Federal Government seizes a failing bank. Our hearings focused on the Federal Deposit Insurance Corporation's [FDIC] takeover of the National Bank of Washington [NBW] and its sale to Riggs National Bank.

Riggs purchased NBW's assets at a bargain basement sale price. The sale sign should have read: "Going Out of Business Sale—50–80% Off." This was a deal that even Crazy Eddie couldn't beat. The takeover of the NBW by the FDIC and the sale to Riggs amounted in effect to legalized bank robbery.

It was the NBW employees, however, who got robbed. The NBW employees not only lost their jobs, but they were robbed of benefits guaranteed them under the collective bargaining agreement between NBW and the Office of Professional Employees International Union. Accrued vacation pay and severance pay were denied by the FDIC. The NBW had acted as a self-insurer for health insurance benefits for many of its employees. Hospitalized NBW employees and their families suddenly found themselves without insurance to pay their hospital bills. Claims for medical services and treatment incurred by NBW employees before the Federal Government closed the NBW were refused payment by the FDIC. NBW retirees lost their company paid health insurance without warning.

In 1989, Congress passed financial institution rescue legislation, the Financial Institutions Reform, Recovery and Enforcement Act [known, as all things are in Washington, by its acronym FIRREA]. Section 1821(e) of FIRREA gives the FDIC authority to terminate contracts of a failing bank that are "burdensome." On its face this section of the statute does not distinguish between business or commercial contracts and a collective bargaining contract. Congress never considered and never intended that a collective bargaining contract would be treated as if it were an extermination contract with Orkin. When Congress crafted the FIRREA statute, it failed to provide specific protections for workers at financial institutions seized by the Federal Government, a situation that this legislation will change.

This bill—H.R. 3315—seeks to protect the jobs and benefits of bank workers in the event of Federal Government takeover. It empowers the FDIC to require a purchaser of a bank to retain the employees or give these employees a preference in any future hiring. It provides for the payment of accrued benefits to the workers. It also limits the FDIC's ability to repudiate an existing collective bargaining agreement at will.

Mr. Speaker, I would like to place in the RECORD a particularly cogent editorial from the July 22, 1991, Washington Business Journal. The editorial asks why—when the National Bank of Washington failed—did the FDIC choose to cover $10 million in uninsured deposits which the bank had in its Caribbean branch, while at the same time denying severance pay, accrued vacation, health insurance, and retirement benefits to the bank's employees?

Mr. Speaker, this is a question all of us should be asking. It is a matter we in the Congress should address. I invite my colleagues to join me in sponsoring this important piece of legislation to assure fair and equitable treatment of employees of banks in bank takeovers.

[From the Washington Business Journal, July 22, 1991]

A QUESTION OF PRIORITIES

When the National Bank of Washington failed, $10 million in uninsured deposits the bank had in its Caribbean branch were quietly paid off by the Federal Deposit Insurance Corp. through Riggs National Bank.

When the National Bank of Washington failed, the bank's 800 employees were left without severance, accrued vacation, health insurance or even retirement benefits they had earned over years of service. They asked for $1 million. They have received nothing.

We have to wonder why. Why would the FDIC pay $10 million to individuals most certainly more wealthy than the bank's employees whose lives were turned upside-down when NBW failed? One reason the FDIC gives is that it isn't compelled to do so under the law. But that argument doesn't wash given the insurance agency's conduct in recent years and with NBW in particular.

The law, as it stands and to which L. William Seidman, chairman of the FDIC, pledges such allegiance, actually gives the FDIC wide discretion in its decisions about what to cover and what not to. The Bank of New England was "too big to fail," and both its employees and its uninsured depositors were safe. NBW, under this doctrine, was not too big to fail. But those $10 million in foreign deposits, the FDIC obviously thought, were too important to snub.

Instead, the FDIC snubbed 800 of Washington's workers, and still are ignoring them. The agency has not allowed their rightfully claimed compensation to dwindle its books.

Rep. Tom Lantos, a California Democrat, posed the question to Seidman last winter: "I'm not asking you what you can do under the law, I'm asking you what you should do." Seidman's only answer was "You made the law."

On the eve of the nation's most sweeping reform of the banking system, we hope Congress can look away from the glamorous issues of bank powers for a moment and look at the issues of deposit insurance reform, and its impact not only on the depositors of this country but also the people who take care of those deposits. Not the people with golden parachutes, but the people who by being there every day, to help a customer make a deposit, make this country's depositors feel much safer than the FDIC sticker on the door.

H.R. 3315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Employee Benefits Protection Act".

SEC. 2. RETENTION OF EMPLOYEES BY ACQUIRING DEPOSITORY INSTITUTIONS.

Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) is amended by adding at the end the following new paragraph:

"(10) EMPLOYEE RETENTION.—

"(A) IN GENERAL.—As a condition for providing any assistance to any insured depository institution or depository institution holding company which acquires (as defined in subsection (f)(8)(B)) any insured depository institution for which the Corporation has been appointed conservator or receiver, the Corporation shall require such acquiring institution or company to take such action as the Corporation determines to be appropriate to retain employees of the institution for which the Corporation has been appointed conservator or receiver or give such employees a preference in any future hiring by the acquiring institution or company.

"(B) APPLICABILITY IN CASE OF MORE THAN 1 ACQUIRER.—If the assets and liabilities of any insured depository institution for which the Corporation has been appointed conservator or receiver are purchased or assumed by more than 1 acquiring institution, the Corporation may apply the requirement established by subparagraph (A) with respect to such acquiring institutions in such manner as the Corporation determines to be appropriate.".

SEC. 3. PROTECTION OF EMPLOYEE BENEFITS.

(a) CONTINUATION OF COLLECTIVE BARGAINING AGREEMENTS OF DEPOSITORY INSTITUTIONS IN RECEIVERSHIP.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended by adding at the end the following new paragraph:

"(14) COLLECTIVE BARGAINING AGREEMENTS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Corporation may not disaffirm or repudiate any collective bargaining agreement with any insured depository institution for which the Corporation has been appointed conservator or receiver which was in effect at the time of such appointment.

"(B) RENEGOTIATION.—Subparagraph (A) shall not be construed as prohibiting the Corporation from renegotiating the terms of any collective bargaining agreement referred to in such subparagraph in accordance with the provisions of such agreement.".

(b) EMPLOYEES OF INSTITUTIONS IN RECEIVERSHIP WHO ARE NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—

(1) IN GENERAL.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall take such action as may be necessary with respect to any depository institution for which any such Corporation has been appointed conservator or receiver to ensure that the obligations and policies of the institution with respect to employees of such institution as of the date of such appointment, including any retired or other former employee, are honored by the Corporation as conservator and receiver and any successor to the institution.

(2) BENEFITS SPECIFICALLY INCLUDED.—The obligations and policies referred to in paragraph (1) include the following obligations and policies with respect to employees:

(A) Health care coverage, including continuation coverage requirements for group health plans, and other medical benefits.

(B) Severance pay.

(C) Accrued sick and vacation leave.

(D) Pension rights and benefits, including any liability for any unfunded or underfunded pension plan or deferred compensation plan.

(3) PROCEDURES TO PROVIDE FOR ASSUMPTION OF EMPLOYEE BENEFIT OBLIGATIONS BY SUCCESSOR INSTITUTIONS.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall implement procedures, in connection with the resolution of insured depository institutions for which any such Corporation has been appointed conservator or receiver, to ensure that any insured depository institution or depository institution holding company which acquires any such institution (or is otherwise the successor to such institution, including any bridge bank or new bank established under section 11 of the Federal Deposit Insurance Act) shall assume the obligations and continue the policies of the acquired institution with respect to the employees and former employees of such institution to the greatest extent practicable.

(c) RECOMMENDATIONS FOR FURTHER LEGISLATION ACTION.—Before the end of the 120-day period beginning on the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit a report to the Congress containing such recommendations for additional legislative action as the Corporation may determine to be appropriate to carry out the purposes of this Act.

AG TRADE AND TECHNICAL ASSISTANCE FOR THE SOVIET UNION AND BALTICS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. PENNY. Mr. Speaker, today, along with Representatives GUNDERSON, BROWN, BOEHNER, PETERSON of Minnesota, WEBER, STALLINGS, BARRETT, JOHNSON of South Dakota, WALSH, KAPTUR, VENTO, and SIKORSKI, I am introducing a House resolution urging the President to continue to provide agricultural credit guarantees and technical assistance in agriculture for the Soviet Union, the independent Baltic nations, and the individual Soviet Republics.

The Soviet grain harvest for 1991 appears to be much reduced from last year. The Soviets imported about 26 million tons of grain last year, but 1991's estimated import needs are 40 million tons or more. In addition, consumer hoarding of foods, poor storage, transportation, and marketing systems, and the fact that many collective farms are withholding their harvests for the prospect of higher prices means the Soviet food pipeline could be nearly empty this winter.

Increased exports of U.S. grains and value-added products like meats, butter, and vegetable oil in addition to much-needed technical assistance in food production and distribution will greatly increase consumer confidence in the ability of reform-minded government officials to put food on the tables of Soviet citizens. Increasing the food security of the Soviet people is the best short-term way we have to support the dramatic democratic reforms happening there.

The United States has provided $2.5 billion of agricultural credit guarantees this year to the Soviet Union, and reports indicate that much more could have been used. This is not food aid nor direct credit, but Government guarantees of bank credit for commercial sales of foods and feeds. We should support the continued use of this program to meet the important food needs of the Soviet people and to fill requests that we are receiving from the independent Baltic nations and the Soviet Republics.

In addition, U.S. exports of agricultural goods create a tremendous multiplier effect on our economy, improve our trade balance, and lead to budgetary savings due to lower crop deficiency payments. Since U.S. banks are balking at the use of the GSM Program in its current form, I urge the President to consider increasing the GSM guarantee level for both principal and interest payments. I think the credit guarantee program will prove to be the most cost-effective way to assist the Soviets and United States farmers over the long term.

Finally, I am urging the administration to increase our technical assistance and exchange programs in agriculture with the Soviet Union, the Baltic nations, and the individual Soviet Republics. The Soviets suffer from poor agricultural production, inadequate food storage, processing and transportation systems, and a lack of adequate agricultural input supply and food marketing networks. United States farmers, agricultural cooperatives, and private agribusinesses are highly qualified and ready to assist the Soviets and all of Eastern Europe with their food production problems.

One such program which has proven to be highly successful is the Farmer-to-Farmer Program funded by the U.S. Agency for International Development and implemented through Volunteers in Overseas Cooperative Assistance [VOCA]. The Farmer-to-Farmer Program has sent over 1,000 American farmers to assist in the development of efficient private sector agriculture in developing countries and emerging democracies. The program has been especially successful in supporting the growth of small- and medium-scale agribusinesses and private sector cooperatives in Poland and is now being expanded to other Eastern European countries.

Following is a text of the resolution:

H. RES. —

Whereas the Soviet Union, the independent Baltic Nations, and the individual Soviet Republics face possible short-term food, feed, and fiber shortages in the coming winter due to short harvests, inadequate infrastructure and processing facilities, and consumer hoarding;

Whereas food and feed shortages in the Soviet Union could contribute to added political, economic, and social instability there, and United States food and feed exports would help to foster continued democratic reforms in the Soviet Union;

Whereas representatives of the Soviet Government and the Soviet Republics have repeatedly stated their food, feed, and fiber import needs, and have indicated their desire to purchase, on commercial terms, United States agricultural commodities, including value-added products such as pork, poultry, butter, vegetable oil, flour, beef, and milk powder;

Whereas the Soviet Central Government and the governments of the Soviet Republics continue to request credit and credit guarantees for the purchase of United States agricultural commodities;

Whereas the United States provided the Soviet Union with $2,500,000,000 in agricultural credit guarantees in 1991;

Whereas the Soviet Union has historically been one of the largest and most important markets for United States agricultural products and has traditionally been a reliable cash customer for United States agricultural goods;

Whereas United States farmers have benefitted greatly from agricultural sales to the Soviet Union, and such sales have contributed positively to the United States trade balance and the United States budget deficit by lowering agricultural subsidies paid to United States farmers;

Whereas the current GSM agricultural credit guarantee program has not been utilized fully, including funds recently allocated but still unregistered because of United States banks' unwillingness to participate in the program due to the amount of loan principal and interest guaranteed: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should—

(1) allocate to the Soviet Union and the Soviet Republics the remaining $585,000,000 in agricultural credit guarantees available for 1991;

(2) consider granting additional agricultural credit guarantees, up to at least 1991 levels, to the Soviet Central Government, the independent Baltic Nations, and the governments of the Soviet Republics to meet their food, feed, and fiber needs for the coming year;

(3) make necessary changes to the GSM agricultural credit guarantee program to increase the amount of guaranteed principal and interest to increase the use of the program by United States exporters and banks;

(4) continue to send teams of United States agricultural experts from the United States Department of Agricultural and the private sector, including United States agricultural cooperatives, to the Soviet Union and the Baltic Nations to assess food and feed needs and the need for technical assistance to improve the food production, processing, storage, transportation, marketing, and agricultural input distribution systems; and

(5) increase the level of United States cooperative technical assistance, training, and exchange programs with the Soviet Union and the Baltic Nations in agriculture and related fields, send United States agricultural cooperative experts to the Soviet Union and the Baltic Nations, and increase support for such existing efforts as the "Farmer-to-Farmer" exchange program so that they may be initiated in the Soviet Union and the Baltic Nations.

A CONGRESSIONAL SALUTE TO DR. P.J. JONES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding leader in the Los Angeles area. On Thursday, September 12, 1991, Dr. P.J. Jones will be honored for his 50 years of distinguished service to the Masons of the world. This occasion gives me the opportunity to express my deep appreciation for his dedicated work for this key community organization.

Dr. P.J. Jones holds the distinct honor of having carried the intent of formation of the Most Worshipful St. Joseph Grand Lodge and the Most Worshipful Mount Olive Grand Chapter, Order of the Eastern Star to the National Headquarters in Texarkana, AK in 1949. There he met with Grand Master I.W. Muldrew to receive the rights of organization for the local chapter. This meeting, 50 years ago, signaled the beginning of the long history of Dr. Jones' work to organize lodges and Eastern Star chapters throughout the United States and across Europe and Asia.

Alongside his worthy contributions to the Masonic organization, Dr. P.J. Jones has also dedicated much time and effort to many noteworthy religious services. He is the founder and pastor of the First Evergreen Missionary Baptist Church in Compton, CA, and vice president of the Baptist Minister Conference.

His many years of service in the private sphere brought Dr. Jones to the attention of Los Angeles civic leaders who asked him to serve as president of the Los Angeles Mayors Civic and Hospitality Board. It was not a surprise that Dr. Jones carried out this job with all the dedication and energy he brought to his past efforts.

It is not often an individual with such a wide range of community service comes to my attention. Therefore, on this most special and deserving occasion, my wife Lee, joins me in extending our heartfelt thanks and congratulations to Dr. Jones. We wish him all the best in the years to come.

THE V-22 OSPREY PROGRAM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. WELDON. Mr. Speaker, Congress will make a critical decision this year on the V–22 Osprey Program. Defense conferees will determine whether we move ahead with construction of additional aircraft or defer to the Department of Defense and remain in a research and development holding pattern yet another year.

The V–22 tiltrotor combines the features of fixed wing aircraft and helicopters to offer increased range, speed and maneuverability over the existing medium-lift fleet. Many studies, including one done by the Department of Defense, show the V–22 to be the most cost-effective option to replace the worn fleet of CH–46's.

I am confident that Members recognize the advantages of this revolutionary military aircraft, and that Congress will work to ensure its timely delivery to our military forces. But many do not recognize the full domestic potential of the Osprey. Acquisition of this aircraft would spawn a whole new generation of tiltrotor aircraft with far-reaching domestic potential. For example, use of tiltrotors would reduce congestion at major airports because they do not require a runway for takeoff. They could be used to fight forest fires, contain oilspills and aid in search and rescue and in many other domestic services.

To illustrate the domestic potential of this aircraft, I would like to submit for the RECORD a letter I received from Dr. Mark Alexander. His comments make it clear: The V–22 could make the difference between life and death not only on the battlefield, but in health care delivery here in the United States. That may be one of the most important benefits of this aircraft, but is only the beginning. I urge my colleagues to read his comments and consider the many benefits this revolutionary aircraft could bring to communities throughout America.

WINSTON-SALEM, NC,
May 14, 1990.

NANCY LIFSET,
Office of Congressman Weldon, Washington, DC.

DEAR CONGRESSMAN WELDON: I am concerned about the possible cancellation of the V-22 Osprey program. This program could be instrumental in improving or aiding the aeromedical field.

I am a resident in Emergency Medicine. In the field of trauma care the faster a badly traumatized victim reaches surgery the more likely they will survive. If a victim can reach surgery within the first hour after an accident the morbidity and mortality are dramatically reduced. This first hour is called the Golden Hour. Helicopters have been instrumental in reducing the time it takes to get a person to surgery as well as provide sophisticated medical personnel and equipment directly to the scene of an accident. The V-22 could provide fast service to further areas away from trauma centers. This could prove instrumental in saving lives in areas not normally serviced by rapid emergency services. When seconds count in the matter of a life, speed can be an invaluable friend.

The Coast Guard also would be able to put the V-22 to excellent use. The V-22 does not have the downwash of a helicopter and would not buffet a debilitated victim who has been in the water for a long period of time. Due to the V-22's speed, fuel efficiency and longer range it could cover more of a search area. This would be invaluable in search and rescue as well as with anti-drug operations.

On the battlefront the ability to land vertically as well as combining the speed of an airplane could provide safe medical evacuation from a battlefield. The combination of helicopters and the V-22 could advance medical trauma care. These two technological advances could be instrumental in saving lives. Both have advantages that need to be explored in order to provide fast, rapid, safe medical evacuation from accident scenes.

The Air Care program here at North Carolina Baptist Hospital was instrumental in saving airman's life here. He had crashed in an ultralight aircraft into an area that could not be reached by ground equipment. Helicopters and vertical takeoff/landing aircraft are invaluable in rescues like this. The V-22 could definitely save time with its speed. I know of many times that the rapid delivery of patients by the Air Care helicopter was instrumental in saving the lives of critically injured patients.

Thank you for your time.

Sincerely,

DAVID ALEXANDER, M.D.

BAY AREA LEADERS ENDORSE WATER REFORMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. MILLER of California. Mr. Speaker, we are making very significant progress towards reforming the archaic, costly, and wasteful allocation of the water in the State of California.

In recent weeks, leading newspapers in southern and northern California have joined in endorsing legislation by Senator BILL BRADLEY and myself that would allow for the redistribution of some of the water currently under long-term contracts in order to address severe fish and wildlife impacts, to provide supplemental supplies for urban areas, and to reduce public subsidies.

We have met with business leaders, farmers, and water officials and won unprecedented support for our reforms, which include an end to the Department of Interior's mindless determination to renew all 40-year water contracts as they expire for an additional 40 years at current volumes.

Recommitting water in the 1990's as it was allocated in the 1940's, when California had less than a third of its current population, is bad resource management, bad economics, and bad for the environment. Water is the key to economic growth and to environmental quality. Agriculture is a crucial part of our State's economy, but a relatively small part. To continue to allocate agriculture 85 percent of all our water, while some farmers are using subsidized water to grow surplus and subsidized crops, is simply no longer acceptable. A modest savings, achievable through reasonable conservation, improved cropping patterns, realistic pricing, and retirement of low quality, contaminated lands can easily produce all the water urban areas require for the foreseeable future, and at a significant cost saving to taxpayers.

As a result of the drought, many in our State are rethinking their traditional views on water allocations. The San Diego Water Authority, whose agricultural customers pay $400 an acre-foot—compared to less than one-tenth that price in some Central Valley project-served areas—is actively supporting our efforts, as are developers, municipal officials, and others in southern California.

The House has already passed important drought relief and water reform legislation. We are very hopeful, based on the public comments of Chairman Bennett Johnston in San Francisco last week, that the Senate will soon act on its bills so that we can enact this long-awaited, and increasingly consensus legislation, without further delay.

This week, the Bay Area Economic Forum, a coalition of business, labor, academic, and local leaders, issued an impressive new report that further strengthens our case. "Using Water: A Market-Based Approach to California's Water Crisis" demonstrates that the economic future of our State is dependent on the development of a modern, growth-oriented, environmentally sound water policy.

Here is a portion of the executive summary of this important new report:

USING WATER BETTER

WHY CALIFORNIA NEEDS A WATER MARKET

Experts in water policy often assert that water allocation is complicated. That is not true. The truth is that water allocation has been made complicated by water policy. It is not the nature of water that makes allocation difficult, it is the nature of policies adopted over the years.

In fact, water is one of the simplest commodities known to man. It literally falls from the sky, while ground water comes from wells. Water arrives in the form most desired—it does not have to be reprocessed for use except to remove impurities picked up in the transportation system.

The complications arise because of an unwillingness to treat water the way we treat most other products. While policy makers often intervene in the distribution of other resources—with taxes, restrictions, and regulations—markets still are relied upon to determine final allocations within those constraints.

With water, however, policy makers have not permitted decentralized users to determine final allocations, but have instead decided to control distribution of water directly. And in doing so, policy has been forced to explicitly consider the millions of decisions about water use—decisions that would be made more flexibly, automatically, and at lower cost by individuals in a decentralized market.

Water is a resource that can be squandered or used wisely. The difference between these outcomes is determined by how well the allocation process works. A look at the current administrative allocation system leads to one clear conclusion: centralized planners do not have sufficient knowledge to make wise choices about how to best allocate water.

In contrast, a decentralized market system allows actual users to decide how much to use, balancing the value of those uses against the value of potential uses by others. By taking into account these individual-specific needs, values, and uses, a market leads to better allocations. For, while water is a simple commodity, it has a pervasive and complicated role in human activities and industry, and wise decisions about water require the detailed assessment and mutual adjustment possible only at the individual level.

IMPORTANCE TO THE BAY AREA

Reforming the water allocation system is important to all regions in the state, and the Bay Area is no exception. In fact, water supply problems are threatening to become a major constraint to the region's growth.

The region's important semiconductor and computer industries are threatened. Along with most other businesses in the area, they need dependable sources of high quality water to maintain their production, yet recent water policies have undermined reliability, availability, and quality.

A report presented last year to the Bay Vision 2020 Commission indicates that eight of the nine Bay Area counties will meet or exceed their water supply capacities by 2010. Only Sonoma County has a supply sufficient to support growth beyond that year.

The Hetch Hetchy system is the largest single water source for the Bay Area, serving 2.6 million people. Nearly all of the existing capacity of the system is committed to current users. While San Francisco has the right to draw additional water from the Tuolumne River, it lacks the conveyance capacity to deliver this water to its customers.

The Contra Costa and Santa Clara Valley Water Districts together serve almost two million people. Both draw much of their supply from the Delta region. Even in normal years, water quality is a problem because of high concentrations of dissolved salts.

The East Bay Municipal Utility District serves more than one million customers. It has abundant rights to water from both the Mokelumne and American Rivers, but it lacks sufficient storage capacity for the former and conveyance facilities for the latter.

Exports of water both upstream and from within the Delta average more than 50% of total freshwater flows. These diversions threaten wildlife, fisheries, and the efforts by the public and private sectors to reduce pollution of the Bay and Delta.

Water is a paradox in the Bay Area. It defines the region, provides much of the physical beauty of the area, and is a major reason the economy has developed and blossomed. It also is largely taken for granted by the region's economic interests. Business has been complacent, allowing the Bay Area's 67 water districts to deliver water to the area's nine counties in an uncoordinated fashion.

Further, when water resources have been threatened, economic interests have been quiet. When the Bay became polluted in the 1960s, and swimming was not allowed in San Francisco's Aquatic Park, it was environmental groups, not businesses, that spoke out and worked to clean up the Bay. Yet the benefits of a clean bay to business are immeasurable. The tourist industry thrives on it, industrial firms demand it, and the fishing industry survives on it.

Silence, however, is no longer an option. Five years of drought have caused Bay Area residents and businesses to take a hard look at water policy in the state. Luckily, there are solutions. Primarily, we have to re-think the way we allocate water in the state. In this report, it is shown how a shift to a market-based allocation system for water in the state can provide ample water to urban areas for growth and improve the environment without sacrificing a strong farm economy.

A BLUEPRINT FOR REFORM

Water allocation needs to be reformed. The current drought has highlighted the ineffectiveness of the allocation system. Farmers face severe cutbacks in deliveries, urban consumers are rationed, and the environment suffers.

Perhaps worst of all, the cutbacks are widely viewed as arbitrary and unfair. Users are pitted against each other in a contentious zero-sum political process to get a bigger share of the pie, rather than determining responses that will minimize the cost of a drought.

It is the view of the Bay Area Economic Forum that fundamental reforms are needed in the state's allocation system. The reasons behind this view, and a blueprint for an effective, reformed water distribution system, are the focus of the report, "Using Water Better: A Market-Based Approach to California's Water Crisis."

WHAT WOULD THE SYSTEM LOOK LIKE

A market-based water allocation system would not be an unregulated system. The nature of the industry suggests that it would best be designed and operated like other utilities.

Holders of water rights should be able to freely sell their current or long-term rights in a market. Markets, such as those used to trade oil, natural gas, or bulk electrical power, offer models of how such a market can be structured.

The water transportation network is a natural monopoly. Although some exceptions may apply, most of the system can be operated as a common carrier that sets rates to cover delivery costs and a return on the invested capital.

Water utilities would continue to be regulated. Rates should be based on a fixed charge that covers capital costs and a variable charge that reflects the utility's cost of buying the water.

TIME TO MAKE A CHANGE

The recent drought has highlighted the unfairness and ineffectiveness of the current allocation system. But the problems would have emerged even without the drought. California's population is growing rapidly, and urban needs for water are rising while available supplies are falling.

Preventing this growth by limiting water supplies for new growth is not an option. Both federal and state law dictate that urban use takes precedence over agricultural use. If limits on urban users remain unreasonably high, political interests will move to force the reallocation.

Moreover, preventing growth by arbitrarily limiting water is not desirable. Properly managed, growth brings new, dynamic companies to the region, and creates strong employment opportunities for the area's residents. New residents enrich the culture of the state.

The state is at a crossroad. We can choose to build new facilities to create a temporary fix, but that will impose large costs on water users and on the environment. We can impose some arbitrary changes in agricultural use and water allocations that do not use incentives to promote innovations in production practices. Or we can turn to market forces and use a system that encourages conservation and careful use—a system which responds flexibly at minimum cost to changes in supply and demand conditions and ensures that water used most productively.

The key findings of the report, "Using Water Better: A Market-Based Approach to California's Water Crisis," are the following:

California's water problem is not one of supply, but one of poor allocation.

Current allocation methods impose large and unnecessary costs on the state's residents. Switching to market-based approaches would provide significant benefits to those residents.

While market allocations would provide large benefits over the current system, they would not change final allocations very much. The value of some additional water to urban users is very high, but they don't need very much more. Thus, minor changes in agricultural practices could free up enough water to satisfy those needs. And farmers would voluntarily make those changes in return for compensation offered in a market.

Water markets can make all water users better off.

Market-based approaches are feasible, but require fundamental changes. Shifting to a market-based allocation system can be done, and the costs during the transition will not be that high. Changing the system involves the following steps:

Defining water rights. In setting these rights, the owner must have clear title to the resource and be able to sell it to other potential users; and the total amount of rights cannot exceed the available supply (the system cannot be over-committed).

Establishing environmental standards. Water quality standards need to be established (in the form of minimum flow requirements) to protect environmental quality. Moreover, to protect ground water resources, the process of regulating ground water basins must be extended to all overdrafted basins in the state.

Providing compensation. If the new rights distribution requires diminished rights, those who lose rights need to be compensated.

Changing the focus of regulators. Under a market-based approach, the government would continue to have several important functions: achieving environmental quality standards. The state would ensure that sufficient water is reserved or allocated to protect the environment. It could also buy additional water for the purpose of environmental enhancement, setting rates of return for the water transportation and distribution networks.

Although the changes are fundamental, they need not take a great deal of time. Water rights are evolving and can be steered towards greater definition. The process to establish water quality standards is underway, and can be speeded up. And, the bureaucracy to regulate water is in place, and can be redirected.

A TRIBUTE TO MONROE COUNTY PHEASANTS FOREVER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Pheasants Forever, a national nonprofit organization of conservationists and sportsmen and women dedicated to protecting, preserving and developing pheasants and pheasant habitat.

This organization is represented very strongly in Monroe County, MI, where local sportsmen and women, farmers, and the business community have joined together to make certain that the pheasant survives and thrives in southeast lower Michigan. Monroe County chapter president Rob Seib has led this group's work to assure that the necessary environment and food are provided for an ideal wily ringneck pheasant habitat.

Because of rural and urban land use practices over the past several decades, many of these natural habitats have been destroyed, threatening the pheasant's existence. The Monroe County chapter has joined several chapters of Pheasants Forever in many other States to finance and promote the restoration of a liveable pheasant ecosystem.

Pheasants Forever allows its local chapters to retain all money raised for use in the restoration process. As a result, the Monroe County chapter has individually established its own program to address the most critical restoration needs of our community.

Mr. Speaker, this evening in Temperance, MI, the Monroe chapter is holding its first Sportsman's Dinner to raise additional funds which will further its most noble mission. I would like to take this opportunity to congratulate Monroe County Pheasants Forever on the occasion of its first Sportsman's Dinner, and to thank its members for the inspiring work they are doing on behalf of Michigan's wildlife.

PASSIVE LOSS CORRECTIONS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. GALLO. Mr. Speaker: I rise today to urge that the House be given the opportunity to promptly consider the bill HR 1414, the Passive Loss Corrections bill. This important legislation, which enjoys the support of more than 300 cosponsors, is needed to correct a provision of the passive loss rules which unfairly penalizes owners of rental real estate.

The issue, Mr. Speaker, is fairness. Fundamentally, it's about fairness to those property owners who are being squeezed during these difficult economic times because the present passive loss rules treat them differently from those involved in other businesses.

But it's also about fairness to the American taxpayer, who is picking up the tab to fund the Resolution Trust Corporation. One of the reasons that tab is continually growing is because the current passive loss rules are encouraging property owners to abandon properties which would otherwise be productive, thus adding to the RTC's inventory of marginal properties.

Enactment of this bill will not solve all of the problems facing the real estate industry. However, it will help reverse the troubling downward trend which continues to threaten our economic recovery. We cannot hope to have a robust recovery unless the real estate sector of our economy participates.

Mr. Speaker, this bill has broad support in this House and in the committee of jurisdiction. I urge you to bring it to the floor for a vote as soon as possible.

BUT WHAT IF WE'D HAD THE OSPREY?

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. WELDON. Mr. Speaker, the success of Operation Desert Storm has erased many nagging doubts about the value of our defense dollar. The money we invested in high-tech weapons systems and a well-trained force gave us the critical edge in battle, and enabled us to bring this conflict to a rapid and victorious conclusion.

We can take pride in the positive findings of the postwar analysis. But we must also determine the limitations we faced and make necessary adjustments if we intend to maintain an advantage against any future aggressors.

I would like to submit for the record the attached article from the Marine Corps Gazette. This piece illustrates many advantages that V–22 would have provided in this conflict, including a dramatic increase in combat readiness, decreased reliance on foreign air bases and reduced strain on our overburdened strategic airlift fleet. Also revealing are the many advantages this aircraft offers which were not required in this conflict, such as protection against nuclear and biological contamination, but which may be vital in future encounters.

We now have four V–22's flying, with over 500 hours of flight time. The House has directed the Navy to proceed with the construction of six additional aircraft, and the program has been moving along without any major technical difficulties. Every major study done on this program has shown that the V–22 has greater speed, range and maneuverability than existing medium-lift aircraft and that it is the most cost-effective option for replacing the overworked fleet of CH–46's. It is time Congress move ahead with this program, and ensure that our military forces have the best technology available to give them the edge they need in battle:

BUT WHAT IF WE'D HAD THE OSPREY?

(By Col. Harvey F. Crouch, Jr.)

(What if Marine and Army forces in the Gulf had MV–22 Ospreys during operations there? Would the MV–22 now be touted as one of the best examples of the United States' technological edge in weapons design? In this article, the author postulates what might have happened had a force of MV–22s been substituted for the actual medium-lift helicopter mix of CH–46Es and CH–53Ds that actually did serve in the Gulf.)

The success of the 5-month Desert Shield deployment and the 100-hour Desert Storm campaign will result in analysis and assessment of all aspects of both for years to come. Force structure and weapons systems effectiveness will be examined in great detail for lessons learned. While such studies will be invaluable to improve existing force composition, Desert Storm will also provide an excellent opportunity to compare developmental systems with the demonstrated capabilities of currently fielded systems. The superb execution of both operations allow them to serve as excellent benchmarks to measure the effectiveness of future programs.

DEPLOYMENT

Deployment of a large force is a complicated and difficult operation at best. Desert Shield required the largest deployment of U.S. forces since the Vietnam War and, to ensure a reasonable probability of success, demanded that the major elements of the force be in place and operationally ready as quickly as possible. The major pacing factors in the deployment phase were the distances to be flown and the number of C–5 and C–141 strategic airlift sorties available. The demands for space on these critical sorties that current medium-lift helicopters required were of major proportion. Although helicopters were high priority items for early arrival in the objective area, they competed with other high priority forces for critical lift assets. Had the MV–22 been available to the Desert Storm force, it would have provided a self-deployment capability that would have significantly expedited flow of other forces by airlift.

For purposes of comparison, 60 MV–22 aircraft could be substituted for the 80 Marine Corps CH–46E and CH–53D medium-lift helicopters actually airlifted in Desert Shield. Although fewer in number, the increased capabilities of the MV–22 over the CH–46 would have provided approximately the same lift capability. To ensure time-distance equality in the comparison, MV–22 aircraft are assumed to have originated from the same stations as did the actually deployed helicopters. Twenty-four MV–22s were originated from Marine Corps Air Station (MCAS) El Toro, CA, and 20 from MCAS Kaneohe Bay, HI, for a total of 44 selfdeploying aircraft. The remaining 16 New River-based MV–22s were assumed to be sealifted on amphibious ships.

To enable self-deployment, the Osprey, with four internal fuel tanks installed, has a flight ferry (no payload) range of 2,100 nautical miles with a 10 percent fuel reserve. Although not required for Desert Shield deployment (see Figures 1 and 2), it is also equipped for in-flight refueling.

FIGURE 1.—KANEOHE BAY DEPLOYMENT

Day, depart, and refuel	Arrive	Distance	Flight time	Days
1st, Kaneohe	Alameda	[1] 2.075	8.3	1
2d, Alameda, Tinker	Cherry Point	[1] 2.211	8.8	1
3d, (Crew Rest Cherry Point).		0	0	1
4th, Cherry Point, Bermuda.	Lajes	[1] 2.489	9.7	1
5th, Lajes	Sigonella	[1] 1.969	7.4	1
6th, (Crew rest Sigonella)		0	0	1
7th, Sigonella	Saudia Arabia	[1] 1.806	6.8	1
Total			41.0	7

[1] Nautical miles.

FIGURE 2.—El Toro Deployment

Day, depart, and refuel	Arrive	Distance	Flight time	Days
1st, El Toro, Tinker	Cherry Point	[1] 2.012	8.1	1
2d, Cherry Point, Bermuda	Lajes	[1] 2.489	9.7	1
3d (Air crew rest Lajes)		0	0	1
4th, Lajes	Sigonella	[1] 1.969	7.4	1
5th, Sigonella	Saudia Arabia	[1] 1.806	6.8	1
Total			32.0	5

[1] Nautical miles.

Organic KC–130s routinely accompany self-deploying aircraft by transporting maintenance crews, spare parts, and other equipment associated with the ferry flight and are also capable of providing emergency air-to-air refueling for the MV–22 if required. The routes shown would have resulted in all aircraft arriving in Saudi Arabia within seven days of departure from their home bases with crews rested and ready for assigned operations. Comparison with the equivalent force moved via strategic airlift can be seen in Figure 3. Note that a savings of 14 days results from self-deployment.

FIGURE 3.—Marine Deployment Summary

	24 CH–46E/20 CH–53D	44 MV–22	Delta
C–5 loads	18	0	−18
Aerial tankers	0	0	0
Support aircraft	0	5	+5
Cost to move[1]	5.5	3.2	−2.3
Time to load in days	10	0	−10
Transit time in days	1	7	+6
Time to unload/reassemble/flight check (days)	10	0	−10
Day until combat ready in Saudi Arabia	21	7	−14

[1] In millions of dollars.

The time to load factor in figure 3 is the hours required to load a C–5 with CH–46Es or CH–53Ds. Trained personnel, special tooling, ground-handling equipment, and ramp space availability were all pacing factors. The comparison uses minimum instead of actual Desert Shield deployment times. During Desert Shield, the actual lift by 10 C–5 equivalents of 12 CH–46Es and 12 CH–53Ds from El Toro took 41 days from first airlift launch to last airlift landed in Saudi Arabia. It should be noted, however, if there were unlimited trained personnel, special tooks, ground-handling equipment, ramp space, and strategic lift available, the El Toro lift would have used only 25.5 hours from start to finish. Load planning factors are as indicated in Figure 4.

FIGURE 4.—LOADS, LOADING, AND MAINTENANCE PROFILE

	CH–46E	CH–53D	UH–60	AH–1W	AH–64	MV–22
C–5 capacity	3	2	6	8	6	0
C–141 capacity	0	0	2	2	2	0
Load time (hours)[1]	5.0	5.0	2.0	8.0	6.0	0
C–5 unload time (hours)	2.0	3.5	2.0	.5	4.0	0
Assembly time/flight check maintenance (hours)[1]	16.0	15.0	3.0	.5	.5	0
Internal tank removal and check (hours)	0	0	0	0	0	4.0

[1] Crew of six to eight skilled maintenance personnel required. Only three to five aircraft can be disassembled or assembled at a time because of limited availability of special tools, ground handling equipment and trained personnel.

[2] Times shown are per C–5 or C–141 load.

Using the above example of self-deployment, the advantages to I MEF of an MV–22-equipped force for Desert Shield would have been:

Combat ready in Saudi Arabia 14 days sooner than the CH–46/CH–53D fleet.

18 C–5 load equivalents freed to lift other forces.

Deployment directly to dispersed operational sites, avoiding airport congestion.

Aircraft and flight crews prepared to undertake the full range of medium-lift missions on day of arrival.

ARMY DEPLOYMENT

A brief examination of the U.S. Army deployment indicates similar lift saving advantages if some portion of the UH-60 force deployed were replaced with the MV-22. The actual airlifted U.S. Army helicopter deployment of 105 UH-60s indicated utilization of 18 C-5 equivalents. The flow time for the air movement was 39 days for the 101st Air Assault Division Fort Campbell. KY, (90 aircraft) from first takeoff to last landing in Saudi Arabia.

DESERT STORM EMPLOYMENT

Peformance and employment advantages of the MV-22 are examined in several missions areas—amphibious operations, tactical recovery of aircraft and personnel (TRAP), special operations capability (SOC), and other related operations. A general comparison of performance characteristics of the CH-46E and MV-22 is contained in Figure 5. These figures are utilized in the following employment scenarios:

FIGURE 5.—CH-46E VS. MV-22 COMPARATIVE PERFORMANCE DATA

General performance factors	CH-46E	MV-22
Cruising speed (KTS)	125	250
Combat radius (NM)	70	[1] 400*
Payload (pounds)	4,400	10,000
Troop lift (USMC)	16-18	24
HMMWV list (external)	0	1
Maintainability (MMH/FH)	22	11
Combat survivability (ratio)	1	3

[1] National combat radius and other figures based on Burdeshaw Associates Ltd. study. How Well Would the V-22 Tilrotor Meet Tomorrow's Needs: An Analysis of the V-22's Potential in Saudi Arabia. 15 February 1991.

AMPHIBIOUS OPERATIONS

Although it was ultimately unneeded during Desert Storm, an amphibious task force (AFT) was prepared to conduct amphibious operations if directed. The Gulf coastline of Iraqi-occupied Kuwait presented an opportunity to facilitate the general offensive by outflanking the Iraqi fortified line facing U.S. forces in Saudi Arabia, cutting major lines of communication, and establishing a lodgement for follow-on introduction of coalition forces. In recognition of our amphibious capability. Iraqi deployed 60-80,000 personnel along Kuwait's coastal region with the primary mission of establishing a defense in depth against a possible landing. Additionally, the beaches were mined extensively.

Within this scenario, the advantages offered by an MV-22/CH-53E force compared against an equal-lift CH-46 CH-53D force in a vertical amphibious assault are examined. The speed, load, and range capabilities of the MV-22 combine to provide an overwhelming advantage. For example in order to land Marine expeditional forces MEF assault elements within 90 minutes (considered minimum acceptable time) in a landing zone 20 nautical miles inland, a CH-46E/CH-53E force would have to launch from a point no farther than 25 nautical miles offshore. Given the same scenario, an MV-22/CH-53E force could launch at 75 nautical miles offshore, fly 20 nautical miles inland, and still make the 90-minute time requirement. The map in Figure 6 depicts just how dramatic this range capability is in relation to the Persian Gulf and illustrates several salient points:

[Figures 6-8 not reproducible in the Record:]

The upper Persian Gulf is a relatively small and very shallow body of water, studded with oil rig platforms, which effectively compress ATF maneuver room. With the exception of a deep water ship channel leading into Kuwait harbor, the Gulf contains unacceptably shallow water, filled with antiship mines extending from about 10 nautical miles to 30 nautical miles offshore. Because of water depth limitations, the only possible launch point available to the CH-46 force at 25 nautical miles is in the middle of the channel leading to Kuwait port facilities. This would almost completely eliminate maneuver room and would place portions of the task force about 12 nautical miles offshore and within range of long-range artillery fire.

The map demonstrates the advantage inherent in the MV-22 force's capability of launching at 75 nautical miles. The ATF would clearly be beyond line of sight from the Iraqi coastline and in water deep enough to maneuver with reasonable safety. If the ATF were to move in to a 50 nautical miles launch point as shown in Figure 7, it would still be comfortably within the distance needed for an over-the-horizon operation and yet maintain maneuver room.

In summary, the MV-22's greater speed, range, and lift capacity would have opened up most of Kuwait and southern Iraq to the vertical envelopment arm of amphibious exploitation without appreciably hazarding the fleet. These increased capabilities would seriously have complicated Iraq's defensive arrangements. Instead of concentrating only on a coastal band about 20 miles wide, the Iraqis would, of necessity, have had to face the prospect of contending with landings practically the length and breadth of Kuwait and the southern portion of their own homeland as well. In fairness, it must be said that the CH-46 force could have reached into Kuwait and undoubtedly was prepared to do so, but, as the map shows, only about half as far as the MV-22 could have and at considerably greater risk to the ATF.

THE TRAP MISSION

Unfortunately the air-to-ground phase of Desert Storm provided several opportunities to exercise the TRAP mission to recover downed aircrewmen. Many efforts were successful; some, however, were not. At least some of these unsuccessful rescue attempts, and some that were not attempted, were due to the large distance between the downed aircrew and friendly lines. Figure 8 below shows the vastness of the Desert Storm area and the disposition of potential targets.

Given the assets that were available the probability of successful search and rescue within the majority of the area was severely limited. During recent testimony to the Senate Armed Services Committee, Army Gen. Carl Stiner stated, "Special Operations forces assigned to rescue American aircrews shot down inside Iraq quickly came face-to-face with the limitations of their helicopters."

Compared to the current force of CH-46/CH-53s, the MV-22 would have provided a significantly greater probability of rescuing and returning downed aircrew with the least possible risk to aircraft as a result of its inherent range, speed, and survivability capabilities. The increased range advantage almost doubles the area of coverage to include all of Iraq. The MV-22 range capability is such that after picking up the downed aircrew, it could continue unrefueled into Turkey, further enhancing survivability. When the increased speed of the aircraft, 275 knots, is added to the increased range, the advantage of the MV-22s becomes overwhelming.

Additionally, considering the emphasis during Desert Storm on night tactical air operations, the probability of a single sortie being shot down at night would be lessened as a result of the cover of darkness. However, the frequency of night downings would probably have increased simply because of the massive number of night sorties that could have been flown. Thus, the night, adverse weather capability of the MV-22 would have significantly enhanced the aircraft's ability to effect successful rescues at night, thereby further enhancing survivability of the mission.

THE SPECIAL OPERATIONS CAPABLE [SOC] MISSION

The MV-22 is ideally suited to the special operations mission. Its speed, range, and maneuverability allow a commander to attempt missions with reasonable certainty of success that he would otherwise reject out of hand. When Iraq is examined with respect to distances, terrain, and the threat one is likely to encounter, it is evident that SOC missions previously regarded as "not possible," become quite practical. On SOC missions, such as hostage rescue, special reconnaissance, airfield seizure, and direct action missions against such targets as SCUD sites, increased capability means increased odds for success. In many cases, helicopters simply could not meet the vital requirements for range, speed, survivability, hover power, and transit altitude. Additionally, SOC forces prefer to execute missions under cover of darkness because of the clandestine nature of most of their operations.

Therefore, it becomes very important to mission success to have vertical lift capability that has sufficient speed to infiltrate, accomplish the objective, and exfiltrate in a relative short period. This allows the entire mission to be conducted with surprise and stealth under cover of darkness. For instance, to operate against some key targets north of Baghdad would require helicopter-borne forces over six hours of transit time from northern Saudi Arabia to north of Baghdad and return again. The MV-22 could perform the same mission in half the time (see Figure 9).

FIGURE 9.—SOF MISSION PERFORMANCE COMPARISON

	CH-53	CV-22
Unrefueled radius	325	520[1] (covers 9/40 of Iraq).
Speed	125	250 (permits total mission at night).
Time	7.08	3.54.
Hover out of ground effect [HOGE][2].	No	Yes.
Survivability:		
Small arms		Advantage.
Missile		Do.
Night/all weather/terrain following.	Limited	Yes.
Maximum altitude (transit)	10,000 feet	25,000 feet.

[1] Based on CV-22's fuel configurations which is specifically tailored to special operations missions.

[2] Based on 855 nautical miles hover at midpoint, exflitrating one special forces team with equipment (12 personnel 4,000 pounds), with midpoint hover conditions, 4,000 feet. +40C.

As an example, if the 855 nautical miles mission depicted in Figure 9 were done by a CH-53 helicopter, it would require some flying during daylight and a forward area refueling point/or numerous air refuelings, to complete the mission—all additional risk factors that raise the odds against a successful operation. The MV-22, on the other hand, would require only two nighttime refuelings over friendly Saudi territory and under the cover of darkness to complete the same mission.

THE MEDEVAC ROLE

The time elapsed between injury and arrival at appropriate medical facilities has been proven to be directly linked to the mortality rate. The speed advantage of the MV-22 alone is significant enough to save lives. During Desert Storm, if allied forces had experienced the extensive casualty rate predicted by some, medical facilities in northern Saudi Arabia would have quickly field to capacity. The range advantage of the MV-22 would have permitted evacuation from frontline aid stations directly to medical facilities in central Saudi Arabia or hospital ships in the region.

CHEMICAL AND BIOLOGICAL SURVEY OPERATIONS

Had Iraq utilized chemical and biological weapons as it had threatened to do, a fast, responsive, accurate chemical and biological survey to determine areas contaminated and the degree of contamination would have been of utmost importance. Currently, such surveys are done by both air and ground vehicles. Both not only require special monitoring equipment, but also that the individuals and equipment conducting the surveys be protected individually, since current helicopters are not sealed against agent penetration. The aircraft itself will become contaminated inside and out and will be a hazard until decontaminated—a difficult and dangerous task. The MV-22, however, has built-in chemical and biological protection systems, which could have accomplished these surveys faster and with considerably more safety than other helicopters. More important, the MV-22 would receive only surface contamination, which is easily and safely removed. The aircraft's interior, all its critical components, the crew and its passengers are all located inside the aircraft, which is sealed against nuclear, biological, and chemical (NBC) agent penetration.

HIGH-SPEED RESUPPLY

During Desert Storm, planned use of high-tech components, weapons, and ammunition would have provided coalition forces a significant advantage if major resistance had materialized. Not only would such items likely have been consumed rapidly and in large quantities, but the distances over which resupply would have had to have been transported were vast and availability of high-grade surface transportation systems scarce. Large quantities of missiles, fire control, night vision, and other high-tech equipment would have been used on a daily basis. Since all these items were in short supply and relatively fragile, normal truck transportation systems would have proven inadequate or unable to meet time requirements. The ability of the MV-22 to fly long distances at high speed and then land vertically in close proximity front-line units would have made it the ideal aircraft for the rapid resupply mission.

INSERTION OF A BLOCKING FORCE

The reduced sound footprint that the MV-22 brings to the battlefield offers the maneuver warfare commander opportunities that are not currently in existence with any other transport platform in the present force. The resultant advantages offer the potential of expanding the battlefield, gaining decisive surprise, and maintaining momentum beyond the enemy's ability to cope. The capabilities of the MV-22 in this regard limit the opportunities for maneuver warfare only to the imagination of the commander.

If the MV-22 had been available for the CH-46E/CH-53D, and UH-60 missions in Desert Shield/Storm, it would have enormously improved deployment flexibility, reduced deployment costs, and significantly reduced the time for Marine and Army aviation units to become combat-ready once in-country. During Desert Shield/Storm, in every operational employment scenario considered, the MV-22, in concert with other helicopter and fixed wing assets, would have provided a quantum increase in balanced force effectiveness. The war-fighting advantages of the MV-22, with its significant increases in range, speed, and survivability, would have been a significant force multiplier. It would have added a whole new dimension to existing SOC capabilities and could have rescued downed aircrew twice as fast, with a higher probability of success, than any existing aircraft. Overall, the margin of superiority that the MV-22 could have provided in force maneuverability and support is something commanders through the ages have attempted to achieve. The bottom line is simple: The MV-22 Osprey will reduce risk, expand the battlefield, and save lives.

FATHER STRANO CELEBRATES ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, September 21, Father Edward Strano, the pastor of St. Clements Roman Catholic Church in Matawan, NJ, will celebrate the 35th anniversary of his ordination to the priesthood. I would like to take this opportunity to add my sincere congratulations to this dedicated clergyman on this great milestone in his life.

Father Strano has been the pastor of St. Clements for the past 5 years. Prior to that, he was the pastor at St. Ann's Roman Catholic Church in Keansburg, NJ. His first pastorship was at St. John Vianney, Colonia, NJ.

In addition to his work with the people and communities that entail the parish of St. Clements, Father Strano also serves as vicar of education for the Diocese of Trenton.

Father Edward Strano, throughout his long and distinguished career, has exemplified the finest qualities of the calling to the priesthood—faithful dedication to church teaching, an effective ability to run the day-to-day affairs of his parish and an abiding compassion and concern for the members of the community.

RETIRE THE EARNINGS LIMIT

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ROHRABACHER. Mr. Speaker, last month, I had the opportunity to hold a series of town hall meetings throughout my congressional district. Perhaps the most often mentioned concern of my elderly constituents was the unfair, punitive, and discriminatory Social Security earnings limit. I heard testimony after testimony concerning the pain this Depression era law is inflicting on citizens between the age of 65 and 70.

Mr. Vincenzo "Nino" Cristiano was one of those hurt by the earnings limit. He spoke out forcefully against the law and gave me a letter protesting the limit.

Nino is an example of America at its best. He immigrated from Italy in the 1950's and opened up an Italian restaurant in Long Beach. He has worked hard his whole life and deserves more respect than he has received from the Social Security Administration.

Seniors that work are being taxed at a rate higher than that of Donald Trump. I support the Freedom To Work Act which would allow elderly Americans to keep the fruits of their labor. It is my hope that this measure is finally acted upon so seniors can have the same rights as any other American.

LONG BEACH, CA

September 1, 1991.

This letter is in regards to the rude treatment of Social Security office workers in Long Beach. I am a senior citizen and an American citizen. I have worked all my life and have been an outstanding citizen, contributing to my community and humanity in general. Please allow me to explain my situation to you. I was called to the Social Security office located at 120 West Broadway in Long Beach. I was asked to bring my 1988 and 1989 income tax returns. The day that I went to the office with my wife, will be remembered as one of the most humiliating experiences of my life. When we tried to say hello to the lady, she yelled and screamed at us and made false accusations to me and my wife. She also demanded my 1990 tax returns and insisted that they were asked for in the letter, which they were not. I am the owner of Nino's Ristorante Italiano. I am presently retired. I go in on a regular basis to visit with family, friends, and old time clients. This woman accused me of working 7 days a week and in full-time employment. She said she had someone follow me. I am 67 years old and do not need to be followed as a criminal. In addition, I am old, but not dead. This woman yelled and screamed at me like I was dirt. My family has taken over the business for me, but it is still a place I enjoy going to visit. I have spent over half my lifetime at Nino's, why would I stop now? This letter is not only to explain myself, but to bring to someone's attention the rudeness old people are getting from the office workers at the Social Security office. They were rude to everyone. They showed no respect. They did not say hello to anyone, they treated us like we were already dead and did not matter. I hope that you or someone will go to an office and see for your own eyes how horrible the experience is. We are Americans and our rights should be reserved even as we grow old. The people who work in these offices are civil workers, and should be working for the people. It is a very sad experience to grow old in America, but it does not have to be, I think we still have a chance in changing it for a better future.

Thank you

VINCENZO CRISTIANO.

CAPE COD LITHUANIANS REJOICE AT LITHUANIAN INDEPENDENCE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. STUDDS. Mr. Speaker, the members of the Cape Cod Chapter of the Lithuanian-American Community have worked hard in recent years to press for United States support for Lithuania's courageous, peaceful drive for independence from the Soviet Union. At long last, they are witnessing the realization of their dream as Lithuania is once again free. I share in their delight and am pleased to submit for the RECORD their resolution of September 3, 1991.

We, Lithuanian-Americans of Cape Cod, MA, at a meeting held on September 3, 1991, in Hyannis to celebrate the restoration of Lithuania's independence, send our warmest greetings to the people of Lithuania and pledge our full support to the freely elected democratic government in Vilnius headed by Vytautas Landsbergis, and unanimously adopt the following:

RESOLUTIONS

Whereas, on September 2, 1991, President George Bush restored complete United States of America's diplomatic recognition to the Independent Republic of Lithuania, we thank him for his efforts.

Whereas, we thank Congressman Gerry Studds and other members of Congress and the Senators that supported Lithuania's drive for independence.

Whereas, Lithuania has immediate and long-term needs of economic and technical aid for their rebuilding of an independent nation. Therefore, we ask President Bush, members of Congress and the Senate for their continued support of Lithuania in the coming months and years.

Be It Resolved, That we, as Lithuanian-Americans support the people of Lithuania and their freely elected democratic government in Vilnius.

We thank President Bush, the Congress and the Senate for their efforts in Lithuania's drive for independence and for their continued support.

We ask that President Gorbachev remove the Soviet Army and KGB from Lithuania.

Alfonsas Petrutis, President; Bronius Markeliunas, Secretary; Regina Petrutis, Member Exec. Comm.; Edward Shakalis, Member Exec. Comm.; John Pautienis, Member Exec. Comm.

TIDINGS OF COMFORT AND SOY AT PEORIA AG LAB

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. MICHEL. Mr. Speaker, it is an honor for me to be able to announce that one of the government's four outstanding senior research scientists in the Nation hails from my hometown of Peoria, IL. Timothy Mounts, who has worked at the National Center for Agricultural Utilization for 34 years, recently received this distinction as a result of his research in the processing and usage of soybean oils. In fact, according to the director of the Ag Lab, Richard Dunkle:

> If you go to the supermarket, you'll see literally hundreds of products that have soy oil and soy protein in them as a result of the work Tim has done here.

As his Congressman and a fellow consumer, I extend my congratulations to Timothy Mounts on a job well done.

At this point in the RECORD I wish to insert an article which appeared in the Peoria Journal Star, "Ag Lab Veteran Cited for Work."

AG LAB VETERAN CITED FOR WORK

(By Douglas Fruehling)

Timothy Mounts, a 34-year veteran of the National Center for Agricultural Utilization Research, has been named one of the government's four outstanding senior research scientists in the nation.

Mounts, the lab's research leader in food quality and safety research, was honored for his work in processing and using vegetable oils, particularly soybean oil.

He was responsible for research that led to packaging unhydrogenated liquid soybean oil in plastic bottles.

"He has solved many problems over his time here at the center in the soybean industry," said center Director Richard Dunkle.

"If you go to the supermarket, you'll see literally hundreds of products that have soy oil and soy protein in them as a result of the work Tim has done here."

Mount was one of eight scientists—one from each of the Agricultural Research Service regions—nominated for the awards. Of the eight, three were named outstanding scientists and one was named a distinguished scientist.

Mount said the award is good recognition for ongoing research at the center.

The research is a joint effort, he said: "There are many associates who helped."

K.D. Murrell, Midwest area director of the Agricultural Research Service, said Mounts was nominated because of the impact his research has had and for the "high regard" in which he is held in the industry.

Mounts will receive a plaque and a monetary award at a January ceremony in Washington.

RECOGNIZING LA CLINICA DE LA RAZA FOR ITS TWENTY YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. STARK. Mr. Speaker, today, I would like to congratulate La Clinica de la Raza for its 20 years of service to the diverse ethnic communities of Alameda County. As we are all aware, millions of Americans do not receive adequate health care, particularly, those living in communities of color. La Clinica, however, has served as the safety net to those individuals of Alameda County.

In 1971, four individuals—Joel Garcia, David Hayes-Bautista, Alex Velasquez, and Juan Cochran—saw the need and set out to improve the quality of life and health of Alameda County's medically underserved. From its first few days, La Clinica began expanding at a rate no one could have imagined: In 2 years the clinic received its first public grant from the county; in 1975, La Clinica's budget reached $1 million; the following year, it opened its first satellite clinic—the San Antonio Neighborhood Health Center—and in 1987, its second site—Clinica Alta Vista. Now, in 1991, it employs approximately 200 people, operates out of 12 buildings, receives funding from over 40 sources, and has an annual budget of over $7 million.

As I mentioned, La Clinica serves a primarily low income, minority population. Of the 73,000 client visits last year, 98 percent were people of color and 85 percent were near or at the poverty level. Of the 11,000 clients, 62 percent are women and children, and this is largely because of their ability to operate exceptional perinatal and pediatric care programs.

As far as the future of La Clinica de la Raza, they face the increasing challenge of providing quality health care for their patients. Their strategic plan calls for the development of a new facility to be built within the next 3 to 5 years. The new facility is seen not only as a response to their current space and operational needs, but also as a way to expand their capacity in the future.

Mr. Speaker, I rise today not only to recognize La Clinica's achievements of the last 20 years, or its ability to progressively plan for the future, but for its dedication and continuous commitment to providing quality health services to all, regardless of their ability to pay.

MFN STATUS FOR THE BALTIC STATES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. HOYER. Mr. Speaker, today, I, along with many of my colleagues, am introducing a bill that would accord most-favored-nation status to the Baltic States. I have just returned from chairing a Helsinki Commission delegation trip whose itinerary testifies to the remarkable changes that have recently taken place in the international arena. From Vienna, where negotiators are elaborating a new system of security guarantees in Europe to reflect the end of the cold war, we went to the Baltic States—the last remaining victims of World War II and the cold war that followed it. Ours was the first congressional delegation to visit the Baltic States after the restoration of their independence, and the recognition of their return to independent statehood by the United States. It was our privilege and pleasure to share the long-awaited and prayed-for moment of triumph with the people of Latvia, Estonia and Lithuania.

Our delegation met with Presidents Anatoly Gorbunovs in Latvia, Arnold Ruutel in Estonia, and Vytautas Landsbergis in Lithuania. We also met with Latvian Prime Minister Ivars Godmanis, and with senior government and parliamentary officials in all three Baltic States.

The members of our delegation shared with these Baltic leaders a profound sense of relief as well as joy: In February of this year, not long after assaults by Soviet "black beret" forces on Lithuanians and Latvians, a helsinki Commission delegation visited Latvia, Lithuania and Estonia. At the time, prospects for Baltic independence seemed bleak indeed, and our purpose was to convey to the Baltic people our commitment to their cause, despite America's preoccupation with the war in the Persian Gulf.

Since then, the failure of the coup plotters this August in Moscow had made possible a mind-boggling acceleration of historic processes: Latvia and Estonia declared formally their independence from the U.S.S.R. following Lithuania, which had done so in March 1990. It was a hair-raising time, especially before it became clear that the coup attempt would fail. The members of our delegation were deeply moved to hear Latvian Prime Minister Godmanis describe how he sat in his office, waiting for Soviet forces or their Latvian allies to break in to arrest him—or worse.

The victory of democratic forces in Moscow, and Boris Yeltsin's support for the right of the Baltic peoples to choose their own path, sealed the issue, and ensured the historic return of the Baltic States to the community of free countries. Our Delegation had the honor to attend the opening of the CSCE conference on the human dimension in Moscow—the first CSCE meeting at which representatives of the Baltic States sat at the table as full and equal participants in the Helsinki process.

But Mr. Speaker, while we are delighted to welcome Latvia, Lithuania, and Estonia back to their rightful place in the world, we should all recognize that a difficult transition period awaits them. The Baltic states face colossal problems as a result of five decades of Sovietization: Environmental disasters, unbalanced and backward economic structures, the need to address social and economic upheavals that fundamental economic reform will entail, as well as a mentality among segments of the population that views profit, capitalism, and the market with distrust. And Latvia Lithuania, and Estonia face also the poignant need to create and fund institutions that a newly independent state requires, such as a foreign service.

Considering how expensive all this will be, it was enlightening and comforting to hear the leaders of the Baltic States ask our delegation not for grants of aid, but for the benefit of our expertise in establishing market principles and structures. What they seek for their people is not charity, but the chance to stand on their own feet. They want to build healthy economies that can export their products and compete in international markets. They want to create favorable conditions for American investors, and they are working on the necessary laws to establish the legal underpinnings for secure economic ties with all countries. The leaders of the Baltic States asked our delegation to send them expert advice on establishing and strengthening such structures. They also asked us to inform American business about investment opportunities in their countries.

I am introducing today a bill on most-favored-nation [NFN] status for the Baltic States. As you know, the United States gave them such status in the 1920's, but suspended it after their forcible incorporation in the U.S.S.R. by Josef Stalin. Granting them MFN would ease their way into the world economy; it would be only a first step, or course, but a vital one.

It is critical that the people of the Baltic States see the benefits of fundamental economic reforms; to realize the fruits of their labors, and to feel the value of sacrifice. Their work ethic has survived even 50 years of Soviet communism—It is our job now to show them that they are not alone as they use all their human and material resources in what will certainly be a long struggle to adapt to a much more competitive international economy than the one they left in 1940.

Mr. Speaker, on behalf of our delegation I presented to all three Baltic Presidents a special watch, minted by the Franklin Mint, with an American eagle emblazoned on it. I told them that the eagle—the symbol of our country—flies high and free. They, too, finally have the chance to do so again. And as our long-standing partnership with the Baltic States enters a new phase, noting could be more fitting or beneficial than immediately granting most-favored-nation status to the most jubilant nations on Earth.

SOCIAL SECURITY CARE PROVIDER ACT OF 1991

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Ms. OAKAR. Mr. Speaker, when Social Security was first created almost 60 years ago, men were in charge of making the money, and women were entrusted with caring for the children, grandparents, and sick relatives. Today, almost 70 percent of women are part of the American work force.

Women in the 1990's are not only responsible for the bread and butter on the table, but for the bread and butter in the bank as well. However, many working women are forced with the tough choice of leaving the work force to remain at home caring for young children, or ailing parents. Unfortunately, our Social Security System does not recognize these caregiving years. Rather, it penalizes them by averaging a zero into the benefit computation, thereby reducing the monthly payment these women receive. A typical woman, who leaves a paying job to care for her children for 12 years, will receive $80 less a month in Social Security benefits. And the "zero years" inequity is worsened by the fact that the wages upon which Social Security is based are generally lower for women than for men. The average American woman spends 11½ years out of the work force caring for children and elderly parents. Men spend an average of 1.3 years.

Mr. Speaker the legislation I am introducing today would help to greatly alleviate this problem. The Social Security Care Provider Act of 1991 would allow an individual up to 10 years of disregarded elapsed time in their base computation years for the purposes of determining the monthly benefit. For the purpose of this legislation those years are to be spent providing care to a child, or chronically dependent child, spouse, or parent.

This legislation is important to women with small children, but I feel it is even more important to that vast number of women providing elderly care. Seven million Americans are unpaid caregivers of the elderly, of these, 72 percent are women aged 45 or older. Unfortunately, once these women reach retirement age themselves, 75 percent of them will live in poverty, by the year 2020. Nearly all of the elderly living in poverty will be women; women who depend on Social Security benefits as their prime source of income.

How can we as a society ask our mothers and daughters to remain home as caretakers, and then penalize them for the love and care they provide? Our Social Security System is stuck in the 1930's. No longer can we afford to penalize those who leave the work force to act as caregivers to their loved ones. No longer should we support a system that counts this as a year of "zero earnings." instead, we must acknowledge those years as necessary and remove them from the computation years. The Social Security Care Provider Act of 1991, is legislation for the family, legislation for the elderly, legislation for the poor, and legislation for the 1990's and beyond. I ask my colleagues to have the foresight to do what is right for the family caregiver and support this legislation.

TRIBUTE TO JEWELL SUMNER HIGH SCHOOL OF LOUISIANA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. BAKER. Mr. Speaker, I rise today to offer my congratulations to Jewell Sumner High School for winning the America Set a Good Example Contest for the second year in a row.

Jewell Sumner High School's campus Just Say No Club is the perfect vehicle through which to channel drug-free activities of the school because 92 percent of the students are members. Participation is voluntary, and at least once a month, Sumner students are involved in some worthwhile drug-free activity.

Some of the projects that Sumner students have been involved in through the years include: smoke-out campaigns; Louisiana Youth Takes a Stand; Tangipahoa Parish Drug Conferences; State of Louisiana Drug Rallies; Red Ribbon Campaigns; local parades; helping other schools organize Just Say No clubs; MADD campaign participation and taping of a TV commercial with an antidrug message.

Sumner High School has also been recognized as a State and National winner in the Drug-Free Schools competition sponsored by the U.S. Department of Education.

Set a Good Example is an annual contest sponsored by the Concerned Businessmen's Association of America that recognizes and awards student-designed programs to educate themselves and their peers on the evils of drug abuse. The contest is designed to encourage student involvement in urging students to say "no" to drugs.

THE RETIREMENT OF GEN. HARRY E. SOYSTER

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. McCURDY. Mr. Speaker, I want to advise my colleagues of the impending retirement of the Director of the Defense Intelligence Agency, Lt. Gen. Harry E. Soyster. General Soyster will soon leave the Army after more than 34 years of exemplary service.

As Director of the Defense Intelligence Agency [DIA] since December 19, 1988, General Soyster has exhibited a quality of leadership that has enhanced the Agency's reputation as the Nation's preeminent military intelligence organization. Nowhere was his understanding of the reality that intelligence, to be useful, must be both timely and reliable, more evident than during Operations Desert Shield and Desert Storm. As a part of the response of United States forces to the invasion of Kuwait, General Soyster took the unprecedented step of establishing a national level Joint Intelligence Center to expedite the flow of intelligence information both to national decisionmakers and to the forces deployed in theater. The success of the Center has led to calls, from both within the Department of Defense and without, to institutionalize this concept. This example is illustrative of the foresight General Soyster has brought to his work, and demonstrates that his influence over the mechanisms for collecting, producing, and disseminating military intelligence has been far-reaching and significant.

In his tenure as head of DIA, General Soyster has devoted himself to improving the quality of the intelligence product available to the Joint Chiefs of Staff, the Secretary of Defense, the operational commanders of the unified and specified command system, the Congress, and other national decisionmakers. In this regard, he has directed a reorganization of DIA to further enhance the Agency's efficiency. these efforts will be both a lasting contribution, and a lesson to other intelligence agencies that organizational changes can be made in ways which reduce duplication of effort without sacrificing the quality of the intelligence product. As budget constraints become more widely felt, restructuring will be necessary throughout the intelligence community, and General Soyster performed a valuable service in taking the lead in this area.

I want to especially note and commend the cooperative approach General Soyster adopted in his dealings with the Intelligence Committee, and other key committees of the House. Cognizant of the Intelligence Committee's important oversight responsibilities, he responded promptly and fully to all requests for information or testimony. The members of the committee found him to be candid and forthcoming, and we appreciated the dedication with which he discharged his duties.

Mr. Speaker, I want to applaud General Soyster for his distinguished career of service to the U.S. Army and the Defense Intelligence Agency. His commitment to excellence in defense of the Nation has well served the people of the United States. I want to wish him a fulfilling retirement, and continued success in his future endeavors.

TRIBUTE TO LEISURE MANOR I

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. BONIOR. Mr. Speaker, today, September 12, 1991, marks a proud and important day for those of us who share a deep concern for the welfare of senior citizens in and around the Metro Detroit area. On this occasion, the city of St. Clair Shores celebrates the 20th anniversary of the opening of its premier senior residence center—the Leisure Manor I.

Leisure Manor I is the result of this tight-knit community's vision, compassion, and dedication to its senior citizens.

The city of St. Clair Shores boldly stepped forward and opened Leisure Manor in 1971 responding to the changing nature of work and the large numbers of seniors who arrived at retirement with hopes and dreams yet to be fulfilled.

For local officials, it was a widely admired model of what local government can do for its citizens. For families and loved ones, it has provided financial and emotional relief from the worry of long-term care for parents and grandparents. And for seniors, it has promised and continues to promise many things—friendship, safety, recreation, health. But above all, Mr. Speaker, Leisure Manor promised its residents simple dignity. It allowed them to live full and independent lives on their own terms.

Over the past 20 years, Leisure Manor I has expanded and modernized its services and facilities. Residents enjoy spacious living arrangements, regular recreational activities, and a staff that is sensitive and responsive to the special needs of seniors.

I have been to Leisure Manor several times and have seen its many good works in progress. The reciprocal affection and caring among residents, loved ones, friends, and staff can only be summed up in one word—family.

In closing, Mr. Speaker, the dedication and commitment of the St. Clair Shores community to its senior citizens have made Leisure Manor I much more than another bureaucratic solution to the problems of an aging population. Rather, the community has fully embraced its generational responsibilities and provides to its seniors a healthy and vibrant place to live with dignity and independence. It is a promise we must always keep.

On this special occasion, I ask that my colleagues join me in congratulating Leisure Manor I on its 20th anniversary.

GWEN B. GILES POST OFFICE BUILDING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. CLAY. Mr. Speaker, today I am introducing legislation to designate the Wellston Station facility of the U.S. Postal Service in St. Louis, Missouri, as the Gwen B. Giles Post Office Building.

Mrs. Gwen B. Giles was one of the great public leaders in St. Louis. Her intelligence, independence, and dedication earned her the respect of the entire community.

She was an early and active proponent of civil rights issues and worked tirelessly to help those in need. She was executive secretary of the St. Louis Council of Human Relations, director of the Civil Rights Enforcement Agency and a founder of the West End Community Association.

Mrs. Giles was the first American woman of African descent elected to the Missouri State Senate and the first female Assessor for the city of St. Louis. She was frequently described as a community bridge-builder, bringing together black and white, and Catholic, Protestant, and Jew. She was a pioneer whose life of public service will serve as a model for generations to come.

Gwen B. Giles was born on May 14, 1932, in Atlanta, Georgia. She moved to St. Louis, Missouri, with her parents when she was three years old. She attended St. Liguori High School and Saint Louis and Washington Universities. She died March 26, 1986.

I feel it appropriate to designate the Wellston Station Postal Facility located at 1409 Hamilton, in her beloved West End, as the Gwen B. Giles Post Office.

A TRIBUTE TO THE AMERICAN RAILWAY BRIDGE AND BUILDING ASSOCIATION ON ITS 100TH ANNIVERSARY

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. SANGMEISTER. Mr. Speaker, it is with great pride I rise today to salute the centennial of an organization dedicated to maintaining and improving our national rail system—the American Railway Bridge and Building Association, headquartered in Homewood, IL.

The history of the American Railway Bridge and Building Association closely mirrors the development of American rail travel itself. The association was founded during the golden age of railroading by superintendents, architects and engineers responsible for the design, construction and maintenance of rails, bridges, and buildings.

Since its inception, the association has served as a forum for the exchange of ideas and information among those men and women who help keep our railroads safe and efficient.

More than 2,000 members and guests are expected to celebrate the association's 100th anniversary at its annual national conference September 23–25 in St. Louis, MO.

Mr. Speaker, I would like to extend my best wishes to the members of the American Railway and Bridge Association on a successful centennial conference.

LEGISLATION TO IMPROVE OUR NATION'S ECONOMY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. COSTELLO. Mr. Speaker, Congress returns to Washington today facing a variety of important issues that are intended to improve this country and its economic standing. It is my hope that in the coming days, this House will approve again the unemployment compensation legislation the President has yet to agree to.

Another essential piece of legislation to improve our Nation's economy has already been introduced this session, in the form of H.R. 1414. This legislation would reform the passive loss rules as they apply to our Nation's real estate.

Our tax laws discriminate against those in the real estate industry by taxing them on gross, not net, income. In doing so, current law discourages real estate professionals from working out troubled properties; in fact, these rules provide an incentive to turn these properties over to the Government.

We have already heard estimates that the FDIC and the RTC are on the verge of bankruptcy, with taxpayers now facing the prospect of bailing out more banks in the year to come. This legislation would keep many troubled properties in the real estate industry, bringing relief to these drained funds. I urge my colleagues to join me in pushing for this legislation before the end of this session.

TRIBUTE TO EDITH JOLLY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. PORTER. Mr. Speaker, I rise today to salute Edith Jolly of Arlington Heights, IL, who recently retired after 12 years on the Arlington Heights Village Board.

Edie leaves behind a legacy of dedicated public service. Her tenure on the village board was distinguished by virtues of selflessness, dedication, compassion, and integrity, and stands as a touchstone for anyone who would serve the public interest as an elected official. I am delighted to have her as a valued friend.

Edie Jolly is the kind of person President Bush has in mind when he talks about one of the "thousand points of light." Because of her dedication and concern for the residents of her community, she often worked 60 or 70 hours a week on village business, attending to constituent needs and serving on special committees of the village board. For more than a decade, the residents of Arlington Heights have known that if they had a serious problem, they could count on Edie to help them.

Edie's desire to assist her fellow citizens and her community was not just limited to her service on the Arlington Heights Village Board. Almost to the day Edie and Bob Jolly and their four children moved to Arlington Heights in the 1950's, she became meaningfully involved. One of the first activities at the Jolly household was a coffee for her new neighbors to meet aspiring State candidates.

The first of Edie's many careers was as a teacher at both the junior and senior high school levels, working to inspire the youth of the community. Throughout the 1960's she served on various advisory committees, including one that established William Rainey Harper Community College, now an important source of higher education in the area. Edie's career in education culminated in the presidency of the elementary district 25 school board in 1978–79.

Further evidence of Edie's civic dedication is her work for the American Cancer Society campaigns, the U.S. Census Bureau, and as a social worker aiding needy and troubled youths.

Mr. Speaker, Edie Jolly represents the true spirit of what it means to be a citizen and a public servant in America—that we should always strive to contribute to the community in which we live and work; that we should lead lives of dedication and integrity; and that we should always have a place in our hearts for our neighbors, friends, and families. Please join me in congratulating her for her good works and in wishing Edie and her husband Bob all the best for the years to come.

COMMEMORATING THE "DALLAS LADY" AND HER CREW

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. ROTH. Mr. Speaker, on September 14, 1991, dedication services for the monument to the B–24 liberator bomber the *Dallas Lady* and its crew will be held in France by the French General Council and the American Legion Department of France—Nice. I wish I could be present for the dedication, but I certainly will be there in spirit.

I join others in expressing anew our appreciation for the courageous deeds of the crew of the *Dallas Lady* and particularly the two crew members who were from the 8th District of Wisconsin.

The 11-member crew consisted of Earl A. DesJardins, pilot; Dale W. Marston, copilot; Frank D. Russ, pilot observer; James W. Bryant, navigator; Stanley Gluckman, radio operator; Robert Hermans, bombardier; Louis E. Kess, gunner; Guido Lancia, bombardier/observer; Steven E. Leycik, engineer; Anthony R. Skarl, gunner; and Joseph Boone, gunner.

They flew with the 15th Air Force in the 831st and 885th bomb squadron of the 485th bomb group between June and September 1944.

After numerous successful missions against Nazi targets in Romania, Germany, Austria, and France the brave crew made the ultimate sacrifice on September 12, 1944, when the *Dallas Lady* went down in southeast France.

Representing the Eighth District of Wisconsin, I take particular notice of pilot Earl A. DesJardins and bombardier Robert Hermans, who were both residents of my district.

I, along with the district I represent and the entire Nation, appreciate the dedication of the memorial honoring these brave men on this day, the 47th anniversary of the final flight of the *Dallas Lady*.

Finally, I pay tribute, once more, on behalf of our grateful nation, to those young men who helped purchase with their lives a country dedicated to the principles of liberty, equality, and democratic government.

SOVIETS MUST STOP AID TO CASTRO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing a resolution to state that the United States should not provide direct financial assistance to the Soviet Union until the Soviet Union ceases all of its direct economic and military support for the regime of Fidel Castro. Simply stated, we should not be sending American tax dollars to a nation that still sends billions of dollars to prop up Castro's Communist dictatorship in Cuba.

As everyone knows, Fidel Castro has no regard for internationally accepted human rights standards or the promotion of democratic values, and has instigated guerrilla activities in Latin America for years. Mr. Castro allows no freedom of the press, no religious activities, no workers' rights, and no criticism of his regime.

The Cuban people who live under this despot yearn for freedom and endure harsh prison sentences merely for striving for fundamental human rights that people in most nations take for granted. Each year, thousands of Cubans risk their lives crossing by boat or on home-made rafts to Florida to escape this ruthless dictator, while millions more continue their daily drudgery of labor for a failed system.

Fidel Castro maintains a military oriented economy which has detracted from the standard of living of the Cuban people. That military is a viable threat to our national security just 90 miles from our shore. We cannot forget the Cuban Missile Crisis, which awakened Americans to the reality that there are armed nuclear warheads just minutes from our population centers.

We must learn a lesson from history. This same man is far more desperate today than he was in the 1960's. He is cornered, his economy is crumbling, and he is increasingly isolated in a world that has all but abandoned a fatally-flawed Communist ideology.

Mr. Speaker, until recently, Fidel Castro has counted on the Soviet economy for many of Cuba's resources. Indeed, 70 percent of Cuban trade is with the Soviet Union. Cuba also receives almost all of its oil—vital to Cuban industry—from the vast Soviet petroleum reserves.

Moreover, at least $1 billion in Soviet military aid flows to Cuba annually in addition to the over $3.5 billion in economic assistance.

Over the past few years, we have watched one Communist government after another being swept aside, giving rise to democracy, freedom, human rights, and economic opportunity. Eastern Europe is now free. The Baltic States are free. The Soviet Union is collapsing into loosely associated republics with newfound rights and opportunities for their citizens.

But Fidel Castro stubbornly clings to his repressive Communist ideology. Cubans are no closer to true freedom today than they were in 1960, and Mr. Castro, an irreversible Marxist, intends to keep it that way.

Today, as we watch the drastic new steps the Kremlin is taking, we have begun serious debate on whether to grant direct financial assistance to the Soviet Union in the form of direct loans and grants of American tax dollars. The merits of that assistance is an issue very separate from the one I am raising here today. I am here to remind my colleagues that such direct financial assistance to the Soviet Union at this time would indirectly assist the Communist government of Fidel Castro. This is clearly contrary to the foreign policy interests of the United States. Even if United States tax dollars themselves do not reach Havana, they could very well free up other Soviet funds to help prop up Mr. Castro.

My bill would not affect granting most-favored nation status to the Soviet Union. It would not interfere with agricultural credits. It would not hinder closer United States-Russian ties or ties with any new republics. Again, I repeat it just states that we should not be sending American tax dollars to a nation that still sends billions of dollars to prop up Castro's Communist dictatorship in Cuba.

I welcome President Gorbachev's announcement that he will cut back Soviet troops in Cuba. This resolution provides incentive for him to continue these cutbacks. If the Soviet Union is serious about democratization, and if they want assistance from the United States, then their foreign policy and foreign aid must reflect this commitment. Subsidies to Fidel Castro must stop. I urge my colleagues to support and cosponsor this important resolution.

INTRODUCTION OF THE BETTER EDUCATION FOR ALL STUDENTS ACT OF 1991

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. GOODLING. Mr. Speaker, I am pleased to join my colleagues on the Committee on Education and Labor, Chairman FORD and Mr. KILDEE, in introducing this legislation today. This legislation is truly revolutionary in the way it builds upon local, State, and national efforts to dramatically improve schools and could intensify and accelerate that process. It creates a structure within which the President's education initiatives, America 2000, can take hold in every Congressional district across the country.

We have all read that despite the good-faith efforts of the past 10 years to improve our schools, student achievement has not improved. At the same time, we have become even more aware of the importance of education for our Nation's continued prosperity. Recent reports by the National Governors Association, the Business Roundtable, and others who have studied the problem, all come to a similar conclusion. Recent school improvement efforts have failed mainly because they have been piecemeal and have not sought to change the system itself within which schools and teachers must operate.

Many of our States have already heeded this message and have initiated statewide systemic reform. For example, my own State of Pennsylvania has joined with Secretary Alexander and announced a Pennsylvania 2000 effort. They will be looking at the goals, curriculum, assessments, regulations, and other factors that govern local school operations—with an eye toward meeting the national education goals.

The legislation we are introducing today encourages this approach in States not already undertaking it and facilitates reform in States that have started down the road. It does this through several principles that the President and Secretary have been advocating around the country over the past few weeks. They are: States and local communities must bring political, education, business, and other leaders together to work on education reform; these leaders must go through a logical process of analysis and decisionmaking on what are the goals for the education system, how can those goals be met, and how can progress be measured, and; the hard work of actually planning and operating schools in whatever fashion is necessary to allow every student to reach the national education goals.

As you can see, this legislation contains requirements for some cooperation, some process, and some action. It will take all three of these and lots of hard work to really bring our schools into line with our expectations.

I hope that this bill can serve as a bipartisan vehicle for providing States and local schools with additional resources to make the dramatic changes necessary to achieve the national education goals. I look forward to working with many Members of the House as we continue to refine and improve this legislation.

TIME TO SIMPLIFY CONFUSING PENSION LEGISLATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1991

Mr. SCHULZE. Mr. Speaker, today I am introducing a bill to simplify complicated employee benefit definitions and regulations regarding minimum coverage rules. Companies are facing increasingly complex employee regulations, to the extent that some companies have eliminated their benefit packages. Congress should make laws which encourage employers to adopt benefit packages rather than eliminate them.

My bill will clarify the term "highly compensated" to mean employees earning in excess of $75,000. The current definition is time-consuming for employers to compute and unnecessarily complicated. Furthermore, my legislation will make a uniform definition of compensation as wages or earned income. Under my bill, an employer may also elect to treat other deferrals as compensation. Current law defines compensation in several ways, making pension laws even more confusing.

Finally, my bill would alter the qualification requirements for pension and profit-sharing plans. My bill would allow collectively-bargained employees to be included for the purposes of meeting minimum coverage rules under section 410(b) of the Internal Revenue Code. Highly unionized companies are being discriminated against because they cannot include the benefits they are providing for union employees when proving that they do not discriminate in favor of highly compensated employees.

In essence, the same laws designed to prevent pension benefit discrimination are themselves discriminating against highly unionized companies. In order to remedy this unfairness, employers must be given the election to include collectively-bargained employees in minimum coverage testing. The election would be irrevocable and only allowed when benefits provided to union employees are equal to non-collectively bargained plans under section 401(a)(4) nondiscrimination regulations.

It is time to simplify complicated and confusing pension legislation. Mr. Chairman, in light of future pension hearings soon to take place, I hope that my recommendations will be taken into account and adopted for everyone's benefit. There is no time like the present.

SENATE—*Friday, September 13, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9:15 a.m., on the expiration of the recess, was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

God of our fathers, as I pray this morning I am mindful of a word from James Madison in 1788 who said: "To suppose that any form of government will secure liberty, or happiness without any virtue in the people is a chimerical idea." Those who founded our Nation were not saints; they were sinners as are we all. But they took God seriously, as should we. And they took virtues and values seriously. They believed in a God of love, full of grace and truth who, in mercy, forgives the sinner when he acknowledges his need. Though they, as we, often failed, their faith sustained them through the bitterest days of the Revolution and the invention of a form of government for which they had no models in history. Their faith in God made them strong and envisioned them for a political system in which people were sovereign, equal, and free. And the purpose of government was to guarantee this equality and freedom.

Gracious God, in these exciting and critical days, forbid that we should deny that faith, the virtue it generates, and put our future at risk. Renew in us the belief in a righteous God who ordained righteousness which exalts a nation, and save us from the sin which denies law and order, the foundation of democracy.

In the name of Him who is righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

JUDGE THOMAS AND THE TV SPOTS

Mr. SANFORD. Mr. President, the misleading or vicious television spot is a recent development that has severely damaged the American political process. A quick slur, a lie, a racial innuendo, displaces reason and truth. This technique ought to be stopped, ought to be rejected by voters, by candidates, by political consultants—by all of us—as undemocratic. It undermines the essence of democracy, which is the triumph of truth.

The crowd that gave us Willie Horton, the crowd that invented the vicious, divisive, slanderous 30-second television political spot, is at it again. This time they exploit Judge Clarence Thomas for their sleazy purposes.

Negative, abusive, bullying, lying television ads are damaging and disgraceful, especially as America more than ever must set the shining example for people around the world who are grasping for the elements of democracy. We should not be teaching that the way to go is to fool the public.

The issue about Judge Thomas concerns his fitness to serve a lifetime on the Supreme Court. It is a serious and profound question, and Senators who must decide are obligated to give the question honest and studious attention. I am sure that they will.

The ads being run in support of Judge Thomas, without his consent and after his disapproval, are relevant only in that the reaction to them by Judge Thomas is relevant. I was disappointed that while he denounced them, Judge Thomas stopped short of demanding that this tactic not be used in his behalf.

I hope he will insist that his name not be sullied by association with scurrilous campaign techniques. Judge Thomas cannot do anything about personal attacks on himself except to rise above them, but he can demand that others not be attacked in his name, especially U.S. Senators who are charged by the Constitution to give sober consideration to his confirmation.

Last week, the Willie Horton crowd began placing television ads in North Carolina with false associations daring me to vote against confirmation of Judge Thomas.

My reaction to being assaulted by this sleazy crowd is simple enough: I do not take well to threats and bullying.

Those of us who are eastern North Carolinians have our faults, but one thing we do not do is back off from a bully.

I expect that they will be on my case again next fall. I'll be ready for them. I will make sleazy political campaigning an issue at every opportunity. American democracy deserves honesty and decency. That is a major issue because a candidate who embraces dirty campaigns will embrace bad government.

I will not vote on the basis of the underhanded techniques of these self-seekers. But I do believe that Judge Thomas' reaction to the ads will reveal something important in his character.

I hope that he will stand up in behalf of all Americans whose democratic processes are maligned and undermined by false, mean, or tricky attacks of distortion and prejudice. I hope he will issue his personal cease-and-desist order. It is a simple matter of manhood.

DON LAUGHLIN

Mr. REID. Mr. President, on September 26, 1991, Don Laughlin will be inducted into the Gaming Hall of Fame at a dinner coinciding with the World Gaming Congress and Exposition 1991. Don is being honored because he is a man of vision and a man of daring.

Many years ago, Don purchased a plot of undeveloped desert whose only claim to fame was its location across the Colorado River from Bullhead, AZ, the hottest place in America. Don, though, was a man who dreamed big, and he dreamed that this isolated, desolate patch of ground could someday be a grand oasis—a tourist resort where millions of tourists would flock annually.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Twenty years ago, Don Laughlin's dream was considered outrageous. But he proved the skeptics wrong, and today his dream has emerged into the fastest growing resort location in the United States; it is now a city that bears his name, Laughlin. He built the Riverside Hotel along the banks of the Colorado River, and offered his guests around-the-clock entertainment, great food and accommodations, and a tremendous opportunity for outdoor recreation and indoor gaming.

Word of his success spread so rapidly that within just a few years, several other large resorts have sprawled on the Colorado's banks, each of them emulating the vision that Don Laughlin provided. For this reason, Don is a true pioneer and entrepreneur.

I have a great respect for Don because he is also a man who knows how business and government can work together for the betterment of both. For example, Don Laughlin knew that traffic across the river from Arizona was essential for the growth and stability of the new resort. More importantly, though, the bridge meant the saving of lives. The road between the two States was a narrow, two-lane road that crossed the immense river upstream at Davis Dam. The road, which was built on the dam, could not be enlarged, and the Federal Government did not have the resources to build a bridge to span the river and accommodate the additional traffic. Don Laughlin worked with Federal, State, and local government, and he financed the construction with his own money.

Recently, Don Laughlin spent millions of dollars of personal moneys to expand and improve airport facilities in the Laughlin area, and he worked with the FAA to ensure that the airport was constructed to meet or exceed standards. It is rare to find one to invest their own money on government-type projects. But Don knew that his gamble would pay off—and it has, by creating jobs and opportunities for tens of thousands of Nevada residents.

It is with great pleasure that I congratulate, Don Laughlin, for being honored as an inductee into the World Gaming Hall of Fame.

STEVE WYNN

Mr. REID. Mr. President, I rise today to recognize a leading figure in the growth and development of the tourism/resort industry in my home State of Nevada.

On September 26, 1991, Steve Wynn will be inducted into the Gaming Hall of Fame at a dinner coinciding with the World Gaming Congress Exposition 1991. Steve is a remarkable man with a remarkable history, and though he is still a young man, he is truly one of Nevada's gaming pioneers.

During the 1940's, 1950's, and 1960's, the Golden Nugget was the pillar of downtown Las Vegas. However, the downtown area and the Golden Nugget began to fade. Steve Wynn could see the solution to revitalizing downtown. He purchased a controlling interest in the Golden Nugget and put his theory into practice. He put his money where his mouth was. He refurbished and rebuilt the Golden Nugget into what many said was the finest resort in Nevada. It not only helped the Nugget's balance sheet, but all of Glitter Gulch as well.

Not content to rest on his laurels, Steve began the development of another project, a hotel that would revolutionize the tourist industry. Two years ago, that vision also became a reality with the opening of the Mirage Hotel and Casino on the Las Vegas Strip. To say that the Mirage is a world class resort is an understatement. With its exploding volcano, its waterfalls and lush landscaping, and its magnificent design, the Mirage Hotel has set a new standard for excellence and quality as a resort destination. It is, as they say, the top of the line.

Steve, along with his wife and partner, Elaine, has invested heavily in the future of Las Vegas. However, they have also contributed to the community to ensure that Las Vegas residents will also share in the success of the future. Steve and Elaine have been the most avid supporters of education in Nevada. They helped inaugurate the UNLV Foundation, a fundraising project that has helped propel the University of Nevada, Las Vegas into the forefront as one of the best universities in the Western United States.

In addition, Steve and Elaine have contributed time, energy, and resources to make the Clark County School District more productive and more vigorous to meet the needs of a challenging future. And on a more individual level, with the establishment of the Golden Nugget Scholarship Foundation, they have personally helped hundreds of young people attend school who would otherwise not be able to afford to go.

The Wynns have set a great example of community involvement. It is therefore with great pleasure that I congratulate Steve for being honored as an inductee into the World Gaming Hall of Fame. The Hall of Fame would be incomplete without the name of Steve Wynn on its honor roll.

KIRK KERKORIAN

Mr. REID. Mr. President, I rise today to recognize a leading figure in the growth and development of the tourism/resort industry in my home State of Nevada.

On September 26, 1991, Kirk Kerkorian will be inducted into the Gaming Hall of Fame at a dinner coinciding with the World Gaming Congress and Exposition 1991. Kirk is being honored because of his courage, his integrity, his reputation, and his success as one of America's all-time leaders in the business world.

I first met Kirk Kerkorian in Las Vegas when I started practicing law in 1964. He was a client who was developing an interest in the potential growth of southern Nevada's small, but internationally recognized tourist industry. He had already proven his financial acumen as a successful California entrepreneur.

At first, his activity was small, but as his interest grew, so did the legal work of the law firm. Soon after coming to Nevada, Kirk embarked on the first of several major, innovative projects in the State, this being the construction of the International Hotel, now known as the Las Vegas Hilton, one of the largest resort hotels in the world.

This venture was daring not only because of its location, but also because of its size. The undertaking was a symbol of Kirk's own creative spirit; he is a daring man who dreams and who dares to build to the distant horizon. He was not content with this success, but continued to pursue a larger vision, which culminated in the unique world-famous MGM Grand Hotel. This venture set the standard for the resort industry throughout the world.

Kirk Kerkorian is now embarking on another major project, the development of a new MGM Grand Hotel and Theme Park. This project, massive in size and design, befits a man who has always reached for the stars.

I have also known Kirk from another perspective. During my legal career, I frequently worked on projects for Kirk's family, particularly his sister Rose and his brother Nish. Though not as well known or as noteworthy as Kirk, both were as brilliant as their famous brother. I consider myself fortunate to be able to refer to Rose, Nish, and Kirk Kerkorian as friends.

From my perspective as a friend and legal counselor, I have been impressed with many of Kirk's attributes. But the most attractive, lasting feature of this good man is his devotion and loyalty to his family. To me, that says it all.

It is therefore with great pleasure that I congratulate Kirk Kerkorian for being honored as an inductee into the World Gaming Hall of Fame.

BILL PENNINGTON

Mr. REID. Mr. President, I rise today to recognize a leading figure in the growth and development of the tourism/resort industry in Nevada.

On September 26, 1991, William Pennington will be inducted into the Gaming Hall of Fame at a dinner coinciding with the World Gaming Congress and Exposition 1991. Bill is being honored because his vision dramatically changed the shape and form of tourism in Nevada.

My relationship with Bill Pennington's family goes back a long way. I worked with Bill's father when I ran for Lieutenant Governor of Nevada in 1970. He was a valuable adviser to me, a candidate new to a statewide campaign.

I remember many conversations with Bill, Sr., about Nevada's great natural resources. I particularly recall his familiarizing me with Nevada's potential oil reserves. He thought the Railroad Valley area of the State contained a rich oil field. Time has proven his father to be visionary. This area of Nevada now has the single largest producing well in the continental United States.

I tell this story because it helps explain where Bill Pennington, Jr., acquired his insight and his innovative talent.

Bill had a vision of a resort complex in Las Vegas that would cater to families and that would provide entertainment for children and adults alike. Skeptics of his project thought he was wrong; Las Vegas was an adult's playground and a marketing effort devoted to families was doomed to fail.

But he persisted and operated the Circus Circus Hotel and Casino. The concept of the hotel was truly remarkable. Circus acts preformed around the clock, with trapeze artists soaring directly over the casino floor. A tremendous amusement center surrounded the facility, and the hotel has always been packed with people.

Almost overnight, the marketing strategy for the city changed, and most of the hotel properties in Reno and Las Vegas have now developed family oriented facilities. Today, Circus Circus Enterprises, with its new addition, the Excalibur Hotel, is one of the most successful businesses in the State.

Bill Pennington took a huge gamble. He dared to walk a path that no one had ever walked before. But his gamble was tempered with the insight and creative genius that marks true leaders and innovators.

I am, though, most impressed with the unique partnership he helped create. That partnership involves the association of the two Bills: Bill Bennett and Bill Pennington. Their incomparable development of Nevada's gaming industry is an example of what friendship and good business practices is all about.

It is with great pleasure that I congratulate Bill Pennington for being honored as an inductee into the World Gaming Hall of Fame.

SI REDD

Mr. REID. Mr. President, I rise today to recognize a leading figure in the growth and development of the tourism/resort industry in my home State of Nevada.

On September 26, 1991, Si Redd will be inducted into the Gaming Hall of Fame at a dinner coinciding with the World Gaming Congress and Exposition 1991. Si is a genuine pioneer, and he is being recognized as a man who truly made a difference in the gaming industry.

I first met Si Redd when I represented him and his company, Bally Distributing. Later, I also represented him as his personal attorney.

Si was a man of vision and daring. As a slot machine distributor, he observed that people enjoyed squaring off against a machine, but that they were frustrated with the limitations of playing nickels and quarters. Players wanted action. He therefore proposed the creation of dollar slot machine carousels. Unfortunately, executives throughout the industry told him he was wrong, that slot players were not serious gamers and would not invest in dollar amounts.

Undaunted by this negative reaction, Si left Bally's and went out on his own and developed the dollar carousel. He approached casinos, large and small, with a proposition that the operators had trouble refusing; namely, he would bear all of the expense and share in the profits. This worked well, both for Si and for the casinos.

Si has many attributes, but his most significant is his making the word salesman a positive. Si dealt fairly and honestly and sold a good product.

More than an innovator, however, Si is also a kind, compassionate man. He has helped numerous people get started in the gaming and resort business because he likes to see other people succeed. That is the kind of person he is.

Si has also ensured that our State's young people have a chance to get a head start in life. His generous contributions to the University of Nevada, Las Vegas have helped that school grow into a leading academic institution.

It is therefore with great pleasure that I congratulate Si Redd for being honored as an inductee into the World Gaming Hall of Fame.

KEN AND MARY ELLEN McCAFFREE—50 WONDERFUL YEARS OF MARRIAGE

Mr. GORTON. Mr. President, today I congratulate Ken and Mary Ellen McCaffree on celebrating 50 wonderful years of marriage together. The McCaffrees celebrated their golden anniversary with family and friends, of which I am honored to be included. Mary Ellen has dedicated most of her professional life to public service; Ken, too, has influenced for the better the lives of many through his career as labor arbitrator and a professor of economics.

Each of us in the Senate knows all too well the trials of a life of public service and its effects upon those dear to us; Ken and Mary Ellen have remarkable children, grandchildren, and a satisfying life. Together they are a positive affirmation that we can both fulfill our obligation to public service and have an equally joyous family life.

Mary Ellen answered the call to public service in order to positively impact the lives of her family and friends. She was elected to the Washington State House of Representatives in 1962, which was where I first had the pleasure of working with this enthusiastic and skillful politician. Mary Ellen's delightful personality and political acumen made her the clear choice to fulfill the position of chief of staff during my first term in the U.S. Senate. Although her time as my chief of staff was brief, her impact was nonetheless influential. Mary Ellen brought an enthusiasm to that position which few have matched. That same enthusiasm for life can be found in Ken McCaffree.

Ken's career is equally impressive. He spent 32 years as a professor of economics at the University of Washington. But Ken has worn many different hats throughout his life: professor, labor arbitrator, charter member, and past-president of Group Health Cooperative of Washington State, husband, father, and grandfather. He has hung up a few of these hats, for now, and will undoubtedly find new ones to wear in the future. But retirement has not slowed down Ken or Mary Ellen one bit.

Mr. President, I thank you for allowing me to honor my dear friends today. I have had the distinct pleasure of knowing the McCaffrees for many of their 50 years together. It is with much confidence that I close this tribute to Ken and Mary Ellen by remarking that this is one couple which you will certainly not find complacently rocking away their golden years—they simply have far too much left to do.

IN HONOR OF SILVIO O. CONTE

Mr. KERRY. Mr. President, today we are honoring one of the most dedicated public servants to ever represent the Commonwealth of Massachusetts, and one of the greatest individuals who has served in Congress, Silvio Conte.

The Senate shortly will pass legislation I introduced in the Senate with Senator KENNEDY to rename the Pittsfield, MA Federal Office Building the Silvio O. Conte Federal Building. It was our hope when we introduced this bill that this action will serve as a small token of our respect and affection for Sil and as a tribute to his tireless efforts to help his fellow citizens.

Sil Conte entered politics because he wanted to make a difference. During his congressional service he made a very big difference for the people of Massachusetts's First Congressional District, whom he served for 32 years and, indeed, for people throughout the United States. He was a compassionate defender of the common man who never lost sight of the reason he was elected.

Too often, Members of Congress get wrapped up in the atmosphere of Washington, persuaded that what happens there is more important than anything happening anywhere else in the world. With his wit and humor, Sil Conte always brought the issues back into perspective.

Silvio Conte spent his life helping working men and women and their families, providing assistance to the disabled and destitute, protecting the environment, and trying to give every American a chance to achieve the American dream. Where he saw facets of America that needed to be changed, he tried to make those changes. Where he saw things of value, he tried to preserve them. And he did not let party politics stand in his way or obscure his vision or judgment. His congressional career and its accomplishments stand as a monument to good government and to the highest standards of integrity in public service.

It is a special honor the Senate is according to Sil, but one which he richly deserves. As we do business in, or just pass by, the Silvio O. Conte Federal Building, we will be continually reminded of a man who distinguished himself in his service to and for his fellow human beings, and will have held before us a high standard for service to which we all can aspire.

TRIBUTE TO PAUL HARVEY

Mr. THURMOND. Mr. President, for the past 40 years, America has been entertained and informed by the energetic, thoughtful, and humorous Paul Harvey. His famous morning blend of news, humor, and political satire is now heard by 22 million people nationwide and is radio's longest running show. He is respected and admired by members of government, the broadcasting industry, and the media; but more importantly, he is respected and loved by his audience.

Mr. Harvey has a great ability to discover stories which are unique, touching, ironic, and at times almost unbelievable. He skillfully incorporates these tidbits into his broadcast along with the important daily events of the world. It is the combination of his down home manner and the carefully crafted content of his show which appeals so greatly to Middle America. Many Members of this body would love to have Mr. Harvey's gift of communication.

Recently, Insight on the News magazine published an article about Mr. Harvey which I found most enjoyable. I ask unanimous consent that a copy of the article be included in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Insight, Aug. 5, 1991]

PROFILE, PAUL HARVEY: STAND BY FOR . . . THIS QUIRKY NEWSMAN

Summary: For 40 years, homey broadcaster Paul Harvey has treated middle America to a picnic of humor, news and political scolding. He can throw a punch, plug a product, rattle about world events, romanticize a real-life tale—floating with total ease. Harvey, 72, is an unstoppable hobbiest. And, by the way, he tends to bristle at the conservative label.

(By Mark Lawrence Ragan)

It's several hours before dawn on a typical weekday morning, and a limousine has pulled up to 333 N. Michigan Ave. in Chicago's Loop. A balding, 72-year-old man emerges from the car and heads into the building, taking the elevator to a soundproof radio booth and newsroom perched on the 16th floor. For the next few hours, he sifts carefully through the stories that have come in during the night, searching for the gems in the never-ending flood of everyday news, until the engineer gives the signal and he's on the air.

"Hello, Americans!" booms the familiar voice over millions of radios around the country. "This is Paul Harvey . . . Stand by for . . . News."

The inflated pauses and the staccato delivery are the hallmarks of radio's longest-running ritual, the quirky mixture of humor, irony and journalism known as "Paul Harvey News and Comment."

Every morning for 40 years, Harvey has brought his distinctive, provocative and down-home views on issues of the day to an attentive audience that has grown to 22 million people.

On this particular morning, for example, he runs through a quick wrapup of Big News—soldiers injured by a fire in Iraq, negotiations on U.S. air bases in the Philippines—before reporting that nudists in Lakeland, Fla., are upset that outsiders are sneaking a peek through a hole in their fence. "Police," Harvey says drily, "promise to look into it."

With a contract rumored to be worth more than $5 million, Harvey is sitting on top of the radio world. Of the top five network radio programs in the country, three—a morning broadcast, another at midday and a feature program called "The Rest of the Story"—are his.

His new book, a collection of homey, offbeat stories read on his radio broadcast titled For What It's Worth, is a best-seller. And Harvey continues to draw $30,000 for speeches to industry groups. Even Rush Limbaugh, radio's sensationally popular talk show host, can't touch him.

He is widely admired in the industry, even by those who may not share his conservative political views. Says Larry King, the well-known national talk show host: "Someone once said to me, 'I don't agree with Paul Harvey, but I'd hire him tomorrow.' He is an opinionated, engrossingly captivating radio performer. He's a performer of the news."

Or, as Les Acree, operations manager of WIVK in Knoxville, Tenn., put it: "Sometimes he's like a Baptist preacher, and sometimes it's like someone whispering in your ear."

Harvey in person is nearly indistinguishable from Harvey on the radio: a Norman Rockwellish figure who spins folksy stories depicting the wit and homespun wisdom of ordinary Americans. His office is filled with the memorabilia of everyday America: the keys to Sidney, Neb., and Anniston, Ala., and countless other towns; a plaque from the Order of the Eagles; a replica of the Statue of Liberty; and numerous citations and awards from Rotary and Kiwanis clubs.

The radio announcer is nothing, if not optimistic. When asked if he'll ever retire, Harvey grins. "I'm committed to ABC into the next century." Then he talks about his favorite tie. It's the one that shows two miners dancing with joy over discovering gold.

"I think of myself as getting up every morning and panning for gold," he says. "I can't wait to get down to the Teletype machines and the fax messages and go through those thousands of words looking for some dust, and maybe, here and there, a real nugget."

But Harvey is more than an avuncular chronicler of middle America. During his Saturday morning broadcasts, he continues to deliver acid-tongued jeremiads against big government, muddleheaded bureaucrats and—a favorite—the ballooning federal deficit. And though he is viewed as a staunch conservative, the commentaries frequently belie the label.

Few people remember that it was Harvey who went on the air in May 1970 to denounce the Vietnam War. ("Mr. President, I love you—but you're wrong," he said.) It was Harvey who, after some gentle prodding by his wife, embraced the Equal Rights Amendment. And it was Harvey who lashed the Bush administration for becoming too cozy with Saddam Hussein in the days leading up to the Persian Gulf war and for agreeing to raise taxes.

"His about-face on taxes, when Americans learned they could no longer trust his lips, was such a grotesque blunder that the president needs something he can claim as a significant victory," Harvey told his listeners soon after the war erupted.

Not surprisingly, Harvey bristles when people refer to him as a conservative. "I used to think I was unabashedly conservative," he says. "But then one morning I woke up and found myself in bed with [former Arkansas Sen.] Bill Fulbright. Here Fulbright had been the ultimate liberal, and yet we agreed on Vietnam.

"Labels keep changing their meanings. Paul Harvey does not."

His occasional tilt toward liberal stands—he is also pro-choice—has alienated friends and fans who have at times viewed him as a turncoat conservative.

"When I made my Vietnam broadcast, some of my dear, old American Legion friends thought I had deserted them," he says. "They were for America, right or wrong. But I don't think our enlightened generation subscribes to that philosophy. I think we want our country to be right."

Paul Harvey Aurandt was born Sept. 4, 1918, in Tulsa, Okla.—"only 12 years after Oklahoma had been Indian territory," he says. (He dropped the last name after moving to Chicago during World War II at the advice of his producer, who feared that the ethnic name would turn off some listeners.) His father, whom he describes as an "old Oklahoma days lawman," was killed in the line of duty on Christmas Eve when Harvey was 3. His mother rented out apartments in the family home to support Harvey and his older sister.

"We were poor, but we didn't know it," he recalls. "We didn't have Lyndon Johnson telling us where the breakoff point was."

Harvey got his start in radio when, at age 14, he persuaded a station manager at KVOO in Tulsa to hire him to do spot announcements, play the guitar, read the news off the wire and clean the studio before heading home. "I hung around KVOO for two years before he put me on the air," says Harvey. "I think they put me on the payroll just to limit my hours because I was hanging around till midnight."

After hopscotching from Tulsa to Salina, Kan., and Oklahoma City, Harvey landed a $29-a-week job at KXOK in St. Louis, where he met his wife, Lynne Cooper (he calls her Angel), who was handling school announcements while working on a master's degree. Harvey's career took off after his marriage to Angel. The couple moved to Chicago, where Harvey was hired by the ABC Radio Networks after making a splash with a local 10 p.m. news program.

Robert Mulholland, a Chicago journalism professor who worked with Harvey in the ABC newsroom in 1956, recalls how reporters would fight for position around the Teletype machines to grab any stories that broke while Harvey was on the air. Harvey had established the practice of announcing the name of the reporter who had handed him the story. ("A late-breaking story has just been handed to me by . . .")

"It was the cheapest form of insurance ever invented to make sure that nothing ever broke while he was on the air that he missed," says Mulholland.

But the most telling story from Harvey's life may be the way he got married. As the story goes, Harvey needed a ride to the local airport and asked Angel if she would drive him in her white Nash Lafayette—a car that Harvey still keeps on his Reveille Ranch in Missouri.

"Is that your pretty white car out front?" Harvey recalls asking her. "And then I said, 'You're driving me to the airport.'" They ate dinner together and he proposed the same night in the Lafayette.

The story of his marriage, and the lushly romanticized way in which Harvey likes to tells it, is emblematic of his style on radio. Dramatic, uplifting and, at times, sentimental, Harvey peppers his news broadcasts with similar Frank Capra-like dramas that are faxed or called in to his Chicago office by fans from throughout the country.

There's a story of the minister who overhears a child praying to God to "please take care of yourself [because] if anything happens to you, we're sunk." Or the father who finds a note on his pillow after disciplining his child: "Daddy, I hate you—Love, Sarah."

In less skillful hands, such stories risk coming across as phony or saccharine-sweet. But Harvey has the uncanny ability to pull them off. What's more, he does so between segments on Saddam Hussein and a congressional pay raise. "He can move from the small, warmhearted personal vignette to something larger, and make it seem that there's a certain harmony to it all," says Scott Simon, the host of National Public Radio's "Weekend Edition." He can be funny, and he can bespeak the tragic sense of the story. He's someone you like being with every day."

At times, Harvey paints a nostalgic views of America, an America of the 1950s brimming with clean living and Father Knows Best decency. Even his commercials, which he writes and reads himself, seem a little dated. During one recent broadcast, as he sang the praises of the Royal Vacuum cleaner, Harvey noted that the machine could be handled by "even the daintiest feminine hand"—words that conjured up a June Cleaver-ish housewife posing happily next to her ironing board.

Not everyone appreciates the Harvey style. James Warren, the Chicago Tribune's media critic, hasn't written a word about Harvey, even though Chicago named a street outside his building after him.

"I think a fair amount of his stuff is rather wacky, and some of it crazily antiquated and right-wing. But he's an American phenomenon. If you look at the ratings, it's stunning. He's got a big audience out there."

Most of that audience is in the South, the Midwest and the Great Plains states, where Harvey's brand of patriotism and his down-home style have wide appeal. The regions account for nearly 70 percent of his audience, according to Derek Berghuis, a senior vice president at ABC. "Folks down here really like Paul Harvey a lot," says Kelly Allgood, president of the Mississippi division of South Central Bell. "You'll find people on break standing in the hallway listening to Paul Harvey."

If Harvey laments anything on his radio broadcasts, it's the disappearance of what he sees as a traditional American decency that has always been associated, perhaps mythically, with the South and the Midwest. And he's not afraid to point it out, even at the risk of alienating his fans.

In 1980, for example, Harvey used a speaking appearance before country radio broadcasters to criticize what he said was the increasing use of dirty lyrics in country music. "He had in that room the power of the country music industry," says Acree, the operations manager for WIVK. "Here he was criticizing them for playing dirty lyrics—and he had them in the palm of his hand."

Although Harvey is widely praised by his fellow radio broadcasters, some fault him for his continuing practice of reading commercials on the air, often between news segments.

It takes a practiced listener to even know when Harvey begins an ad. On a recent broadcast, he began with his customary lead-in ("Stand by for . . . News"). But instead of news, listeners heard a pitch for Royal Vacuum cleaner couched in a newsy style.

This advertising format is what makes Harvey so popular among potential radio advertisers. Moreover, his reputation among his listeners is so solid that the product and the announcer become one.

"He is a person who has a very, very high degree of credibility," says Dennis Glynn, ABC's Midwest sales manager. "He's wrapped in the American flag and he's very honorable."

Harvey defends the practice, saying he only endorses products that he and his staff have thoroughly investigated. "I'm very proud of endorsing the people who are willing to put their money where my mouth is. I cannot look down my nose at people who pay the bills."

Sponsors pay $24,500 to the ABC Radio Networks each time Harvey sells their products during his programs. That compares with $1,200 for a canned spot on the Rush Limbaugh show, or $4,000 to $5,000 for an ad on programs hosted by CBS's Charles Osgood.

Still, Harvey has been known to turn down sponsors because they were entangled in unseemly legal battles or because after trying a product, he didn't like it. In one instance, he rejected an educational book publishing company whose door-to-door sales force had developed a nasty reputation for the hard sell.

Harvey's rejection of sponsors often shocks ABC's sales managers, says Glynn. "It's very frustrating for some of the account executives around the country," he says. "If someone comes in willing to pay $1.3 million for 52 units, you know that, as often as not, he'll refuse that advertiser."

When Harvey is not pitching products, reading the news or commenting on word events, he is an indefatigable hobbiest. His son, now the writer of Harvey's afternoon broadcast, "The Rest of the Story," has counted some 50 different athletic pursuits undertaken by his father.

Age has not slowed him. Last November, the septuagenarian was visiting California when he heard about a world-class skydiving champion whose airfield was located nearby.

Within hours, Harvey was diving out of an airplane, back arched, legs hoisted high behind him, catapulting toward the California vineyards below. "I knew then why birds sing," he says. He is also an outspoken advocate of protecting the desert, which he came to adore after frequent visits to Arizona.

Yet, despite his love of the outdoors and his taste for adventure, the pull of work is even stronger. Of the six weeks of vacation allotted to him by contract, Harvey rarely takes more than two. And even when he travels, he insists on continuing his broadcasts. His farm in Missouri and his winter home in Phoenix are both equipped with sound studios that link him to the ABC Radio Networks.

His broadcasts away from Chicago are the most difficult, however, when he's traveling on the West Coast. Because he faces East Coast Deadlines. Harvey must hoist himself from bed at 1:30 a.m. to begin researching and writing his stories. "At that time in the morning, there's nobody on the street but homebound bartenders, bakery drivers, bad girls and Paul Harvey," he says.

Now, as he approaches his 73rd birthday, Harvey has no intention of retiring. "Goodness! It would be terrible to have to get up every morning and play golf the way I play golf," he says. "Maybe something's going to come along some day that's going to intrigue me more than this. I haven't found it."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,372d day that Terry Anderson has been held captive in Lebanon.

QUORUM CALL

The ACTING PRESIDENT pro tempore. The Chair, in its capacity as a Senator from the State of Wisconsin, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the two managers of the bill, Senator NICKLES and I, are here, and we invite Senators who have amendments to come to the floor so that we can get an early start on this very difficult bill.

I am concerned that we will not finish the bill today, and Senators, of course, will be running, heading for the airports and other places early in the afternoon, and Monday will be a slow day until Senators can drag themselves back in, which means it is going to be Tuesday, I guess, before we will finish action on this bill.

Then we have a long and difficult conference with the House. In addition we have the September 30 deadline coming up fast. We will be starting a new fiscal year on October 1. I would hope that we could complete action on this bill, take it to conference, get it on the President's desk well in advance of October 1.

So, while other Senators may be able to take their time and delay any action on this bill, the two managers have a responsibility to try to move it along and get action on it. So, I urge Senators, again, to come to the floor. I urge their staffs, who may be listening, to encourage the Senators who have amendments to come to the floor and let us begin considering them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I certainly concur with Senator BYRD's comments. We would encourage Senators to bring their amendments. I understand Senator MCCAIN may have an amendment. We are calling his office now to see if we can get that one to come forward. We do expect votes.

Some of my colleagues asked me if we would have controversial amendments, and we are looking for any amendments. If they have those amendments, I think we are prepared to do business on those whether they be on grazing fees or minerals or leasing or whatever. I would hope that they would come forward and try to handle these amendments and dispose of as many as possible this morning.

Mr. BYRD. Mr. President, I understand that there will be a grazing fee amendment, and I suppose that will be controversial. I would suggest, if the Senator wishes to call up the grazing fee amendment, come on over and call it up. Let us start debate on it. It may be subject to a tabling motion after adequate debate. That is a controversial amendment, I am told. So I would hope that Senators would not leave, thinking there will not be any votes, because a tabling motion can be made and that will bring forth a vote.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1124

(Purpose: To protect the natural and cultural resources of the Grand Canyon and Glen Canyon)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the committee amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DECONCINI, proposes an amendment numbered 1124.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 115, between lines 21 and 22, insert the following new title:

TITLE IV—GRAND CANYON PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the "Grand Canyon Protection Act of 1991".

SEC. 402. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereafter in this title referred to as the "Secretary") shall—

(1) operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in this title; and

(2) exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall carry out this section in a manner fully consistent with and subject to—

(1) the Colorado River Compact;

(2) the Upper Colorado River Basin Compact;

(3) the Water Treaty of 1944 with Mexico;

(4) the decree of the Supreme Court in *Arizona v. California*, 376 U.S. 340 (1964); and

(5) the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River storage project and participating projects, and for other purposes", approved April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), and the Colorado River Basin Project Act (43 U.S.C. 1511 et seq.), that govern the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

(c) RULE OF CONSTRUCTION.—Nothing in this title is intended—

(1) to alter the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established; or

(2) to affect the authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.).

SEC. 403. INTERIM OPERATION OF GLEN CANYON DAM.

(a) PLAN.—

(1) DEVELOPMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a plan for operating Glen Canyon Dam on an interim basis to protect, mitigate adverse effects to, and improve the condition of the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(2) IMPLEMENTATION.—The Secretary shall implement the plan on the earlier of—

(A) September 1, 1991; or

(B) the cessation of research flows used for preparing the environmental impact statement ordered by the Secretary on July 27, 1989.

(b) CRITERIA.—The interim plan developed pursuant to subsection (a)(1) shall be designed—

(1) not to interfere with the water storage and delivery functions of Glen Canyon Dam established pursuant to—

(A) the Colorado River Compact;

(B) the Upper Colorado River Basin Compact; and

(C) other laws relating the allocation of the Colorado River;

(2) to minimize, to the extent reasonably possible, the adverse environmental impact of Glen Canyon Dam operations on Grand Canyon National Park and on Glen Canyon National Recreation Area downstream from Glen Canyon Dam;

(3) to adjust fluctuating water releases used for the production of peaking hydroelectric power and adjust rates of flow changes for fluctuating flow that will minimize, to the extent reasonably possible, adverse downstream impacts;

(4) to minimize flood releases, consistent with section 402;

(5) to maintain sufficient minimum flow releases from Glen Canyon Dam—

(A) to minimize, to the extent reasonably possible, adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and on Glen Canyon National Recreational Area downstream from Glen Canyon Dam; and

(B) to protect fishery resources; and

(6) to limit maximum flows released during normal operations—

(A) to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on grand Canyon National Park and on Glen Canyon National Recreation Area downstream from Glen Canyon Dam; and

(B) to protect fishery resources.

(c) CONSULTATION.—The Secretary shall develop and implement the interim plan described in this section in consultation with—

(1) representatives of appropriate bureaus of the Department of the Interior, including the Bureau of Reclamation, the United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian tribes; and

(5) the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) BEST AVAILABLE DATA.—The Secretary shall develop and implement the interim plan referred to in this section using the best and most recent scientific data available.

(e) TERMINATION OF INTERIM PLAN.—The interim plan described in this section shall terminate upon compliance by the Secretary with section 404.

(f) DEVIATION FROM INTERIM PLAN.—The Secretary may deviate from the interim plan referred to in this section upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of section 404(a);

(2) respond to hydrologic extremes or power system operating emergencies; or

(3) reduce adverse effects on downstream Colorado River natural, recreational, or cultural resources.

SEC. 404. ENVIRONMENTAL IMPACT STATEMENT AND LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) FINAL ENVIRONMENTAL IMPACT STATEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUDIT.—The Comptroller General of the United States shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

(2) report on the results of the audit to Congress and the Secretary.

(c) ADOPTION OF CRITERIA AND PLANS.—

(1) IN GENERAL.—Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (a) and the audit performed pursuant to subsection (b), the Secretary shall adopt criteria and operating plans separate from, and in addition to, those specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), and exercise other authorities under existing law, so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 402.

(2) ANNUAL OPERATIONS REPORT.—Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall submit to Congress and to the Governors of the Colorado River Basin States a report, separate from, and in addition to, the report specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), on the operations undertaken pursuant to this title during the preceding year and as projected for the upcoming year.

(3) CONSULTATION.—In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)) and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) REPORT.—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to Congress—

(1) the environmental impact statement described in subsection (a); and

(2) a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigage adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream from Glen Canyon Dam.

SEC. 405. LONG-TERM MONITORING.

(a) IN GENERAL.—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with section 402.

(b) RESEARCH.—Long-term monitoring of Glen Canyon Dam shall include all necessary research and studies to determine the effect of the Secretary's actions under section 404(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) CONSULTATION.—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 406. RULE OF CONSTRUCTION.

Nothing in this title is intended to affect in any way—

(1) the allocations of water secured to the Colorado Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

Mr. McCAIN. Mr. President, I offer this amendment on behalf of myself and Senator DECONCINI. I hope my colleagues will provide their attention on this amendment. It may be one of the most important pieces of environmental legislation, at least in my view and in the view of the citizens of the Southwest and perhaps the entire Nation, that we will consider in the 102d Congress.

Let me say from the outset, this amendment, Mr. President, is strongly supported by the conservation community. It is endorsed by such groups as the Grand Canyon Trust, Sierra Club, the Wilderness Society, American Rivers, the Natural Resources Defense Council, America Outdoors, the Environmental Defense Fund, the National Parks and Conservation Association, the Izaak Walton League, the National Wildlife Federation, Trout Unlimited, the Audubon Society, as well as other national and local conservation and recreation organizations.

Why should this be so important? Why would practically every major national environmental organization rally behind this measure?

The reason is simple, Mr. President. It is the Grand Canyon, the crown jewel of our National Park System and one of the Seven Wonders of the World, is at significant risk, in the view of many, and needs our help. Three years ago, the Department of the Interior reported to us that operating practices at Glen Canyon Dam have been destroying natural resources within the Grand Canyon National Park. Due, in part, to widely fluctuating water releases from the dam used to generate peak electric power, we have lost Colorado River beaches, riparian vegetation, fish, and other natural and cultural resources within our most cherished national park unit, resources which will never be recovered.

I am sure that my colleagues are aware of this situation as it has been the focus of increased attention throughout the country and was addressed in a recent Time magazine cover story. Clearly, we cannot sit idly by and watch a precious part of our national heritage wash away into oblivion.

To do so would be unconscionable. The good news is that we have an opportunity to help stop the damage and preserve the Grand Canyon for all people and all times. We can begin by adopting this amendment—legislation which is identical to the Grand Canyon Protection Act Senator DECONCINI, Senator BRADLEY, and I introduced earlier this year.

How will this measure safeguard the Grand Canyon? In four vital ways. First, it requires the Secretary of the Interior to operate Glen Canyon Dam in a manner which will fully protect the Canyon environment. No longer will the park be deprived of its rightful place in our priorities.

Second, the measure ensures the timely completion of an environmental impact statement on dam operations.

This study will provide the Secretary with the scientific data he needs to make responsible decisions on long-term operations at the dam, and to fulfill his duty to protect our national treasure.

Third, because the environmental study will not be completed for 2 more years, the Secretary is directed to implement protective flows pending completion of the study. Interim flows would mitigate environmental damage associated with erratic water releases while the search for long-term solutions is underway.

Finally, the Secretary would be required to develop and implement a long-term resource monitoring program to ensure the ongoing protection of the park.

Mr. President, there is no controversy on the substance of this legislation. In fact, the measure has been agreed to by the affected parties including the conservation community, regional power distributors, and the Colorado River Basin water authorities.

Moreover, the Senate has spoken on this issue. Last year, we passed the Grand Canyon Protection Act with overwhelming support. Regrettably, the measure did not make it to the President's desk—not because of any controversy over substance—but the legislation was tied to other more controversial matters and time ran out in the 101st Congress.

Mr. President, time is running out for Grand Canyon National Park. Time is running out on the park's beaches—so many of which have been scoured away by the erratic release of water from Glen Canyon Dam. Time is running out for ancient Indian ruins and cultural sites. Time is running out for the disappearing riparian vegetation and the wildlife it supports. Time is running out for endangered fish species. And time is running out for us to do the right thing.

With an environmental impact statement on dam operations underway, and a commitment from Secretary Lujan to implement protective interim flows this fall, some might ask why legislation is necessary. Some might ask why the hurry? What's the emergency?

Indeed, the Secretary, after the urging of millions of Americans and that of myself, Senator DECONCINI, as well as other Members of this body, ordered an EIS, and has committed to implement interim flows while the study is underway. I support the Secretary's decision to do so.

Enactment of the Grand Canyon Protection Act, however, is critical because it will provide vital guidance and legal support to the Secretary in his efforts. Congress has an obligation to permanently and clearly codify our standards in statute and leave no doubt, now and in the future, about our national responsibility to protect the Grand Canyon.

Administrative decisions of this importance and magnitude must have solid and indisputable grounding in law. While I firmly believe current law requires the Secretary to ensure that Glen Canyon Dam is operated in a fashion which will protect the park, making the law as clear and unambiguous as possible is critical. It will protect the Secretary from legal challenges intended to delay and frustrate efforts to reconcile the dam with the Grand Canyon. In fact, I'm informed that certain parties are preparing lawsuits to challenge the Secretary's administrative authority to alter dam operations for park protection purposes.

In sum, passage of this legislation will establish beyond question, legal challenge or administrative fiat a high and permanent standard of protection for the canyon. It is a blueprint for action to see that Glen Canyon Dam is operated in harmony with the interests of our most vital national park. That is our responsibility and the reason we need the legislation without delay.

Let there be no mistake, Mr. President, Glen Canyon Dam has provided, and will continue to provide, many benefits—clean and dependable energy to help power the region's growth; water for people to survive and for our crops to grow, and recreational opportunities for millions.

This legislation does not suggest that we forego these benefits. In fact, the amendment, beyond any question, ensures that the dam's water storage and delivery functions shall not be interfered with. And the dam will continue to produce vital electric power for the region.

It merely puts our priorities back into perspective. It will see that we do not allow our constructive use of one important resource to become an abuse of another—particularly the Grand Canyon.

Mr. President, I know that some may have procedural objections about adding this legislation to an appropriations bill. But, I would submit to my colleagues that our obligations to the Grand Canyon—our responsibilities to the family of nations as the steward of this world treasure—must transcend questions of procedural correctness.

In the Interior appropriations bill we seek to spend $12 billion to manage our Nation's natural resources. In fiscal year 1992 we intend to spend nearly $1.3 billion to preserve our national parks.

The protection of public resources is what this bill is all about; and, clearly that is what this amendment is all about.

I freely admit this amendment will not cost the taxpayer one penny. There is no question about it. In fact, I am immensely proud of that. But, it will mean everything to the future of the Grand Canyon. I think that is a pretty good bargain.

Mr. President, I believe in process. I have had the pleasure of debating the process with the distinguished chairman of the Appropriations Committee and look forward to doing so in the future. It is always an educational and enlightening experience for me.

Had the Senate not passed this bill with overwhelming support last year and had the bill not been agreed to by the affected parties, I might concur with those who would argue against the measure for procedural reasons. But the fact is that the Senate passed this bill last year. With the exception of one controversial provision on financing, which has been deleted, it is identical. There is no debate on the substance of the bill.

We have agreed this is the right thing to do, so let us get it done.

I remind my colleagues of the words of Theodore Roosevelt, one of the first and most dedicated supporters of the Grand Canyon. It was almost 90 years ago that President Roosevelt stood at the edge of the Grand Canyon and marveled at the magnificence he beheld. Moved by its grandeur, the President admonished those assembled. "Leave the canyon as it is," he said, "you cannot improve on it. The ages have been at work on it, and man can only mar it. What you can do is to keep it for your children, your children's children, and for all who come after you."

Mr. President, we are marring the Grand Canyon today. We are destroying beaches. We are endangering already endangered species. We are destroying archeological sites that are invaluable. We are doing things to the Grand Canyon which must be stopped and must be stopped immediately. I urge my colleagues concerned about this issue of procedural question not to hold up the halting of an ongoing system of destruction to the Grand Canyon.

This year marks the 75th anniversary of the National Park Service. In this landmark year, let's send the American people and the world a message that we are worthy caretakers of the sublime natural legacy with which we have been blessed. Let's adopt this amendment. Let's do as Theodore Roosevelt beseeched us and as our sense of right dictates. Let us protect the Grand Canyon for our children and those who follow.

I would like to make a couple of additional points, Mr. President. Although technically—and I speak technically--there is a budget impact by this amendment, the reality is this amendment does not cost one penny to the taxpayer.

It provides strict guidelines on the releases from the Grand Canyon, and any costs associated with those changes will be made up by increases—very minimal increases—in rates to the consumers of power from Glen Canyon Dam. Every major environmental organization in this country agrees with the urgency of taking this action.

Mr. President, later on I will be including various letters and other information in the RECORD that we received from these environmental organizations, not the least of which is the Grand Canyon Trust, outlining the urgency of this situation and is the primary reason why I bring this amendment to the floor today.

Let me just read from a letter from the American Rivers, American Outdoors, Grand Canyon Trust, Sierra Club, and the Wilderness Society.

> While the recent decision by the Secretary of the Interior to mandate interim flows at Glen Canyon until the Bureau of Reclamation can complete an environmental impact statement offers some temporary protection, the Grand Canyon deserves the permanent protection afforded by this legislation.
>
> In addition, in order to ensure that the EIS will be conducted in an orderly and timely fashion after years of delay, Congress must establish a realistic timeframe for its completion.

Mr. President, I think it is important to point out to my colleagues, who I do not expect to be experts on the Grand Canyon, 8 years of study have already been completed. Then we were told that we needed 2 more years, at least, to complete further studies, and these studies, unless we enact this legislation, are basically open-ended.

So, Mr. President, I urge adoption of this amendment. I yield the floor.

Mr. SYMMS. Mr. President, will the Senator yield for a question before he yields the floor? I thank the Senator for yielding, and he makes a very persuasive argument. He listed a long list of people—I happen to be one of those that is not an expert on the Grand Canyon—and of organizations that support the legislation.

Who is opposing it?

Mr. MCCAIN. I say to my friend from Idaho, there may be objection on procedural grounds that we are familiar with: One, legislating on an appropriations bill; and two, that there is a technical budgetary impact of this bill.

I am sure, I have to say to him in all candor, there are groups or individuals who may be opposed to this legislation but do not intend to make it visible, if you see my point. In other words, there are those who may be in opposition but have not publicly opposed the merits of the legislation.

Mr. SYMMS. Are there consumer electric users that are opposed to it? There are no grazers involved, or miners, or anything; correct?

Mr. MCCAIN. Two years ago, we had a meeting of the power interests, Basin water authorities and the environmental organizations primarily represented by Mr. Ed Norton, who is the head of the Grand Canyon Trust. After several months of negotiations, they all agreed to this package. I have to tell my friend from Idaho that last year there was an amendment that was added to the bill which required payment by the taxpayers for any studies, which was a significant change from the normal way of financing studies concerning Federal projects.

That particular amendment was vehemently opposed by the administration, and would have to have been worked out in conference because it was not in the House bill. So there is that element of controversy as well, an amendment added in committee by Senators WIRTH and WALLOP. That is not part of this amendment.

Mr. SYMMS. I thank the Senator very much for a very impressive statement.

Mr. MCCAIN. I thank my friend from Idaho, who continues to show his commitment to our environment, and who also represents, I think, in many ways, perhaps maybe the second most beautiful State in America.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. SANFORD). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, if the Senator will yield, I compliment him for his work, and also for his statement. I add, I may have some aversion to the legislation on this bill. There are going to be several attempts, I mention to my colleague from Idaho and other States, to legislate on this bill. It is my inclination to oppose those.

Certainly I will consult with Senator BYRD and others to seek wisdom. I am not that familiar with this legislation. But the Senator mentioned it passed last year. Did it pass as a separate, independent bill; not as an amendment to an appropriations bill?

Mr. MCCAIN. It passed as part of the reclamation package at the end of the last Congress, and was passed out through the normal process. It was heard in the committee, and was passed out to the floor of the Senate. I believe it was a voice vote. It was a voice vote.

Mr. NICKLES. If the Senator will yield further, is there any reason why we cannot pass it through the Energy Committee? If it passed by unanimous or strong support last year, is there any reason why we cannot do it this year through the authorizing committee, so we will not entangle this bill up with the legislation?

Mr. MCCAIN. I say to my friend from Oklahoma that the problem seems to be this year that there are significant other issues within the committee, reclamation reform, that I know my friend from Oklahoma is familiar with, and I have repeatedly sought passage of this legislation through the committee.

Again, I have been told—and I see that the Senator from New Jersey is here. He probably could add more additional information on this issue. But I have been told time after time that it would be considered and passed, but yet we are now into September. I have been seeking this since we came in January. Again, there is no opposition, but no move to proceed with the legislation, unfortunately.

Mr. NICKLES. If my understanding is correct that there is some opposition from the authorizing committee, again it may not be on the substance of the Senator's legislation. But I understand that both Senator JOHNSTON and Senator WALLOP and others may have some opposition regarding procedural grounds.

It would be probably my intention to respect that, although I certainly understand the intention of the Senator from Arizona, and I compliment him for it. I think he has worked diligently on this. This is possibly one vehicle that he might be able to attach it to.

But, as a general rule, I hope we will not try to pass everything that we did not pass last Congress on this piece of legislation.

I will yield the floor and listen to the others. I encourage those. If Senator WALLOP or Senator JOHNSTON have strong feelings about this, I think they should speak up concerning the authorizing committee.

But I thank my friend and colleagues from Arizona for his statement.

Mr. MCCAIN. Mr. President, first of all, I would like to thank my friend from Oklahoma for his consideration on this issue.

Second of all, as I mentioned in my prepared statement, I do not like to violate, in any way, the rules, but at the same time, I think it is important to point out that I think this bill is unique in that it already passed the Senate, was approved by the committee last year, and failed to be enacted, not because of any lack of will of the Senate, but because of the fact that it was tied up at the end of the session.

I understand that there may be a challenge to this on procedural grounds, and obviously I would seek to have that overridden.

I see my friend, the Senator from New Jersey, here on the floor, who I think will be able to add a great deal to this debate, since he has been heavily involved not only on the issue itself, but he has been one who we in the West have been very grateful to for his commitment to the Grand Canyon and to the great natural treasures that it embodies.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I am one of the original sponsors of the Grand Canyon Protection Act, which is the amendment that the Senator from Arizona has offered to the Interior appropriations bill.

The Grand Canyon Protection Act is an authorization, is legislation, and it is inappropriate for it to appear on an appropriations bill.

Over the last 2 years, the Water and Power Subcommittee, which I chair, has heard extensive testimony on the need for this legislation. Senators McCAIN and DECONCINI have presented the case for the Grand Canyon Protection Act with great force and with persuasion.

I join with them in their sense of urgency to move forward to secure passage of this legislation as soon as possible.

Earlier this summer, representatives of two of the Indian tribes also visited in Washington to urge prompt passage. They spoke eloquently about the importance of the Grand Canyon and the damage caused by the fluctuating releases of water from the Glen Canyon Dam. I shared their concerns and agreed that we have to act in their interests, and in a broader public interest, by protecting the Grand Canyon's natural values. In short, I think that the amendment that the Senator has offered in the substance of the bill is very important.

I think he knows, as we have talked on any number of occasions, that I strongly support it. I have been to the Grand Canyon. I have witnessed the fluctuation. The range is from 7,000 to 35,000 cubic meters per second coming from the Glen Canyon Dam. I have seen the banks washed away. I have talked to the voters. So the Senator should have no doubt about where I am on the substance of this bill. I have also told the Senator that I expect that the Water and Power Subcommittee would be marking up this bill sometime within the next month, and I have essentially been very direct with him.

So the Senator seems not able to wait another few weeks and chooses to come to the floor and put an authorization that should legitimately go through the Water and Power Subcommittee on an appropriations bill. Let us just pause a minute and think of what that implies. We might as well disband the Water and Power Subcommittee. We might as well disband the Energy and Natural Resources Committee, if the Senator is going to take the work of the Energy and Natural Resources Committee and, instead, not going through the committee, put the amendment, the substantive legislation, on an appropriations bill. I think that that is clearly not the way to do business.

The distinguished chairman of the Appropriations Committee has spoken often and eloquently about legislation on an appropriations bill, and I think this is a perfect example of what he is saying. My guess is that we have probably another eight or nine Western water bills. If this amendment goes through, goodness knows what is going to be offered on any other bill. By analogy, why should it apply only to the Energy and Natural Resources Committee? What about the Human Resources Committee? Or what about the Banking Committee? Or what about any other committee in the U.S. Senate? If this is the procedure that is going to be used, let us not do banking legislation by working through the Banking Committee and having hearings and developing legislation and bringing that legislation to the floor. Just put banking legislation on an appropriations bill. By analogy, if we are going to do a big tax bill, forget the Finance Committee, just put an amendment on an appropriations bill.

So I hope that the Senator will take my assurances to him, as I have offered it in the past, and not push this to a vote, and allow us to work through the Water and Power Subcommittee and the Energy and Natural Resources Committee. That is the place where this should be done.

I say to the Senator, I know he is motivated by the best of impulses and a desire to protect the Grand Canyon. I share those. But his action is destructive of the Senate. There is a kind of fragile balance here. If suddenly everything is going to be put on appropriations bills, I think we are in a free-for-all situation that makes it extremely dangerous for the way we do our business here.

So I hope the Senator will accept my assurances and find no cause to push the amendment further.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to, first of all, thank the Senator from New Jersey for his visits to the Grand Canyon and his commitment to it. Let me express, at the same time, my deep disappointment that he would choose to oppose this protection of a great natural treasure of this world on the grounds that it has not gone through his committee, when it went through his committee last year in exactly this form. I cannot understand why this degree of parochialism over a committee procedure, which already took place a year ago, which would block the halting of irreparable damage to the Grand Canyon. Frankly, I am astounded.

Let me also say to the Senator from New Jersey, if he told me that he was going to bring it up next month, then I either do not recollect it, or he told somebody else. I do remember visiting, several months ago, in the Senator's office, with the head of the Grand Canyon Trust, when the Senator told me he would make every effort to bring it up in June, remembering that this legislation has been pending since January. It is now September. We are supposed to go out of session by Thanksgiving, I am told.

Last year we know what happened. After the bill had gone through the Senator's subcommittee, had been approved by the entire U.S. Senate, it got hung up on other issues. I am not accusing the Senator from New Jersey of anything, except that there are rumors around that this bill is going to be held hostage, as it was last year, to other more controversial issues.

Mr. President, to me, it is unconscionable to hold the greatest natural treasure of this globe, certainly of this Nation, hostage in order that other agendas might be pursued. The Senator from New Jersey says next month he may take it up. That is the month of October. We are supposed to go out of session by the end of November. Everyone around here knows how clogged up everything gets. Things are placed on the calendar, and one Senator can block a measure from being brought to the floor for consideration.

So if the Senator from New Jersey or the Senator from West Virginia chooses to raise an objection to this amendment on procedural grounds, then I will ask for a vote to override that. But let me say again to the Senator from New Jersey, if this legislation had not already gone through his committee, had not already been passed by the U.S. Senate, it would be one thing. I also point out that if the Senator from New Jersey is as concerned about the damage to the Grand Canyon as he has just stated, which I believe he is totally sincere, then he would have some time ago passed this legislation through his committee and we would have been able to get it passed by the entire U.S. Senate, leaving me, Mr. President, with only one option and that is to attach it as an amendment on this bill.

The Senator from New Jersey is concerned about legislating on an appropriation bill. Let me point out to him that there is already legislation on the appropriation bill and that legislation—I reference the provision on the strategic petroleum reserve, which I might add is under the jurisdiction of the Energy Committee. Is it so important that we legislate on oil leasing, but we cannot legislate on the Grand Canyon? There is an appropriation in this bill concerning the strategic petroleum reserve which is clear legislation on an appropriation bill.

So without getting too emotional about this, Mr. President, because I have been working on this issue for many, many years, I want to keep the acrimony involved in this issue to as low a level as possible. This is an obligation I have, not to the people of Arizona, not to the people of the United States of America, but to the people of the world.

Last year, Mr. President, Millions of people visited the Grand Canyon. Over 50 percent of those were from foreign countries. Every environmental organization in America says we must act and act immediately. This legislation was introduced again when we came back into session in January. For reasons that perhaps the Senator from New Jersey can make clear, the Energy Committee and his subcommittee did not act and, as he said, we met on several occasions. I met in his office with the head of the Grand Canyon Trust. Native American representatives have come to Washington and asked and begged and pleaded that their great national heritage, the land that they hold sacred, not continue to suffer destruction as it is today.

I am compelled to be here this morning under these circumstances, and again if a procedural objection is raised, I will, of course, ask for a vote on those grounds.

Mr. President, I yield the floor.

Mr. NICKLES. Mr. President, will the Senator yield for an additional comment or question? And this is again for my information.

Mr. McCAIN. I yield.

Mr. NICKLES. I am very sympathetic to the Senator from Arizona and what he is trying to do. But, in the legislation that passed last year, if I remember the statement correctly there were some differences. This was an amendment put on, I believe, by Senator WALLOP and Senator WIRTH, that dealt with protected customers in the upper basin and talking about millions of dollars in expenses. I am not that familiar with it. But I would like to know what the differences are between the amendment the Senator from Arizona has today and from the amendment on the bill that passed last year?

Mr. McCAIN. I would like to respond to my friend from Oklahoma, Mr. President. There was an amendment added which required that the burden for the funding be assumed by the taxpayers. That was not in the House version of the bill.

Let me also state to the Senator what the administration had to say about that amendment.

The administration strongly objects to section 1007, the section I am talking about, which is the only change from the bill passed last year, which requires the Federal Government to bear the full cost of preparing the Glen Canyon impact statement, including the cost of supporting studies and long-term monitoring. Such a requirement violates longstanding congressional-executive branch policy which appropriately allocates such costs to project purposes and beneficiaries. This precedent could result in potentially significant cost to Federal taxpayers.

That is the difference. And one of the reasons that I have left it out, besides the fact of my own objections, is that the administration would veto the legislation if it were in this bill. So that is the primary differences between the two. It has nothing to do with the protection of the Grand Canyon itself. It has nothing to do with it. But it has to do with who bears the cost of the studies.

Mr. NICKLES. Let me make sure I understand. So, under the Wirth-Wallop amendment would the taxpayers pay for the study?

Mr. McCAIN. Yes.

Mr. NICKLES. Under the Senator's legislation he is silent on it, on who would pay for it?

Mr. McCAIN. Under our historical precedents, the beneficiaries are the ones who would pay, would assume the burdens for the studies, which is the historical precedent for all studies of this nature. The reason that the administration objected so strongly was because of the fact that it was a precedent shattering amendment.

Mr. NICKLES. Again, the Senator is convincing in his argument. He is saying under his proposal that is before us today, that the—I guess in this case it would be the utility.

Mr. McCAIN. The ratepayers?

Mr. NICKLES. The ratepayers in that area would pay instead of the taxpayers across the country.

Mr. McCAIN. Actually ratepayers all over the West, practically speaking, since there are power companies who receive electrically all over the West including California, from the Glen Canyon Dam.

Mr. NICKLES. Again, I know there is at least a difference of opinion, I believe, with Senator WALLOP and others. I would hope that he would come to the floor and address this issue, because I am not that involved in the details particularly of this one amendment. I know it is important. I know we are talking about millions of dollars. I know the Grand Canyon is important and I appreciate the Senator's effort.

I might refer the next question to Senator BRADLEY.

Did I not hear him mention he was willing to consider this in the Energy Committee within a month?

Mr. BRADLEY. I said to the distinguished Senator from Arizona that it was my full intention to do so, and that is what I do intend to do. I would hope that we would be able to move this bill as well as a number of others. And as I told the Senator, I am an original cosponsor of this bill and I have strongly supported it. I have visited the Grand Canyon I have seen the merit of the proposal. But I do not see a reason here to make an end run around the authorizing committee.

The Senator spoke with a degree of urgency. The Senator from Arizona, and I appreciate his sense of urgency. But another month is not really going to make the ultimate determination about the Grand Canyon. I mean the Grand Canyon is millions of years old, and we are talking about here, by the time this works its way through the whole process, through the House and through a conference, we are looking at maybe the end of this year, I would hope.

And so the Senator should feel assured I have a sense of urgency about this equal to his sense or urgency, but perhaps a little greater respect for the way that we should do things in the Senate. Again, I think that on something this major it is kind of a dangerous precedent to set.

Mr. NICKLES. If the Senator will yield further, is it his intention to mark up this bill in the Energy Committee and report it to the floor of the Senate at least this year?

Mr. BRADLEY. Absolutely. That is my full intention.

Mr. NICKLES. I thank the Senator and encourage him on that. Since I am a member of that Energy Committee I will try to expedite the procedure as well and, hopefully, we will be successful in getting this bill passed. I think it obviously has merit. I am not that familiar with the slight difference on this one amendment and maybe that should be further discussed in the Energy Committee.

Mr. BRADLEY. If the Senator will yield, I heard his questions to the distinguished Senator from Arizona. I must say there is one question that has to be looked at, and that is whether this would violate the pay-as-you-go provisions of the budget deal.

It is possible that it might, because with the passage of this bill WAPA will end up with less revenues from peaking and the range that will provide $30 million could very well violate the budget deal. But that is clearly something we want to look at carefully while we are marking up the bill. That is another reason not to proceed here but rather to allow the authorizing committee to work its will.

Mr. NICKLES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. First of all, I will try in order to address the comments of the Senator from New Jersey. He says that the legislation requires examination by his subcommittee. It was examined last year when it went through his committee. Nothing has changed, I tell the Senator from New Jersey. The only thing that has changed is more archeological sites destroyed for riparian areas and beaches. Endangered species have been harmed and damaged during the intervening year since the Senator from New Jersey considered that in his committee. It was considered in his committee and passed out through the committee.

Mr. BRADLEY. Will the Senator yield at this point?

Mr. McCAIN. If the Senator from New Jersey shares the sense of urgency, the logical question is: Why did his subcommittee not take up the legislation in January when the legislation was introduced—it is now September—if he shares my sense of urgency? So we are getting repetitious on this issue.

Again, I say to my friend from New Jersey, I do not want to get emotional on this issue. But to allow a strictly procedural matter on an issue that has already been reported out and approved by the Senate would be a travesty. I wonder if the Senator from New Jersey is as exorcised about the part of the bill concerning the strategic petroleum reserve, which is legislation on the appropriations bill. I would ask my friend from New Jersey to respond to that as soon as I finish.

The fact is that the Western Area Power Authority—the Federal agency responsible for marketing the power from Glen Canyon Dam—is required by law to meet its financial obligations from those who benefit from the water stored behind the structure and the hydroelectric power it generates: from the ratepayers, not the taxpayers.

Small rate increases will be implemented to make up the cost of replacing any power which may be lost from the dam due to operational changes.

However, the procedure for adjusting rates takes some time.

Yes, the Department of Energy will be required to cover any shortfalls between expenses and revenues but only until the appropriate rate adjustments can be made to reimburse the Treasury.

So if there is a question, it is a purely technical one as far as violation of the Budget Act is concerned. And my friend from New Jersey should understand that clearly, and I will be glad to explain it to him again if he has further questions about it.

I just would repeat again, the year grows late, Mr. President. We all know what happens around here at the end of a session. We saw what happened last year after this bill had been passed by the U.S. Senate. It was blocked from consideration on the floor for a long time, finally allowed to pass by unanimous vote, and then it was held up on the other side in the waning hours of the session.

Mr. President, again, this is not something new. This is something the committee has already considered and the full Senate has already considered—protection of the Grand Canyon.

I am befuddled at the Senator from New Jersey, who says he shares my sense of urgency, yet here we are in September, and we could have taken it up in January and probably gotten it done. So, Mr. President, I will not go through this again and again as I say. I am trying to avoid acrimony on this issue. I do not want to get too emotional about it, but we are addressing one of the most critical issues for this Nation's environment, the great natural resource of the United States of America. To allow it to be hung up on procedural grounds, when the issue has already been considered, is frankly something that I cannot comprehend.

I yield the floor.

Mr. BRADLEY. Mr. President, I think maybe a few points ought to be made that will give a little context for the Senator's sense of urgency on this bill, the substance that deals with the operation of the Glen Canyon Dam, which is under the Bureau of Reclamation, which is under the Department of the Interior, which is a Department in the Government of President Bush.

The fact of the matter is what the Senator wants could be done tomorrow—could be done tomorrow—if the Secretary of the Interior ordered it, if the Bureau of Reclamation chose to do it. So let us keep in context where the sense of urgency does not lie.

I want to protect the Grand Canyon. The Senator from Arizona clearly wants to protect the Grand Canyon. We have given him a commitment that we are going to move this bill through this year. And he says, well, what has happened between last year and this year? Only the Budget Act. Only the big budget summit agreement that this bill could possibly violate that we need to look at.

So I urge the Senator to withdraw the amendment and not push this so that we could enact his bill and Senator DECONCINI's bill in a clear and prudent manner.

Mr. JOHNSTON. Mr. President, I say to my friend from Arizona that I held hearings in San Francisco on Senator BRADLEY's bill last week, I believe it was; in any event, in the recent past. I told those assembled there, as I have said elsewhere, that it is no longer a question of if we are going to move the Bradley water bill. The question is what the content of it would be. And therefore I said that we would discuss whatever they wanted to discuss but that we intended in the Committee on Energy and Natural Resources as a matter of high priority to pass the Bradley water bill. He has put in a tremendous amount of work on that bill.

The Grand Canyon is part of it. We are giving it a high priority in committee. I hope that assurance will reassure the Senator from Arizona that we will legislate on his bill as a very high priority matter.

I state that and hope that he would go along with the subcommittee chairman, Senator BRADLEY, in allowing that to go as part of this bill. He very strongly feels, and the committee supports him in this, that water policy ought to be dealt with as a package. So it is not a question of "if." Nobody opposes the Grand Canyon. It is a question of whether you enact it today as part of the bill or whether you wait not too long before we pass it. So I hope that reassures the Senator from Arizona.

Mr. MCCAIN. Not only does it not reassure me, the statement of the Senator from Louisiana confirms my suspicions and concerns about our ability to protect the Grand Canyon. Clearly the Senator from Louisiana is under the impression that this vital act will be tied to an omnibus bill which will have issues associated with it of enormous controversy, reclamation reform, many others. Very frankly, it reinforces—and I appreciate the Senator from Louisiana bringing this to my attention—reinforces my profound desire and motivation to have this amendment adopted, since clearly the intentions are to tie the Grand Canyon Protection Act to very controversial legislation which may never see, frankly, agreement by both Houses on the President's desk.

Mr. BYRD. Mr. President, I rise to urge the Senator to withdraw his amendment. I am not going to make a point of order that it is legislation on an appropriation bill.

But as manager of the bill, I do have to go to conference with the bill, and we will have a contentious—a contentious—conference as we usually do because there will be many controversial issues involved. I do not want to see this one added. It will be one more contentious issue in the conference.

I urge the Senator to withdraw the amendment in light of the assurances that have been given by Mr. JOHNSTON and Mr. BRADLEY. Would he consider withdrawing the amendment?

Mr. MCCAIN. Mr. President, if I could respond to the query?

Mr. BYRD. Mr. President, I yield for that purpose. I retain my right to the floor.

Mr. MCCAIN. Mr. President, with the greatest respect to the distinguished chairman of the Appropriations Committee and former outstanding majority leader of this body, I must say to him that sometimes we talk about issues in which procedures become insignificant or pale in significance. I must add to the Senator from West Virginia, the Senator from Louisiana has just made clear what the strategy is on this issue. It is the intention to put the Grand Canyon Protection Act in with very, very controversial issues which have to do with the entire structure of water law in the West—reclamation reform and others.

Very frankly, Mr. President, I cannot entrust the Grand Canyon to be included in that kind of controversy. The distinguished chairman of the Energy Committee just said that it would be part of an omnibus package. That omnibus package may end up containing elements which would be resisted by Members of both the Senate and the House from the Western United States with incredible vigor and also by the administration.

Mr. President, I say with the greatest respect and affection for the distinguished chairman of the Appropriations Committee, I do not wish to complicate his duties. I understand his position. But I also hope that the distinguished chairman would have appreciation for the fact that this legislation was already passed by the U.S. Senate.

I am not springing a surprise on the Members of this body. This legislation was already considered by the Energy Committee. And yet months and weeks and even years go by and the destruction to what is viewed not only by me but by others—starting with President Roosevelt 90 years ago—as one of the great natural treasures of this world is being destroyed. So with all due respect to the chairman of the committee, understanding that he may have to raise a point of order on this issue because of his jurisdictional and chairmanship responsibilities, I cannot withdraw the amendment.

Mr. BYRD. Mr. President, may I say to the distinguished Senator, I have no particular interest one way or the other in this amendment. I would in all likelihood vote for the bill when it is brought before the Senate as it will be reported from the committee. But I do have an interest in this appropriation bill. And, as one who participated in the budget summit, I have to have an interest in amendments that are subject to Budget Act points of order.

I am not going to make a point of order that the amendment is legislation on an appropriations bill. I could do that, but I shall not.

I am going to make a different point of order. I hesitate to do it. I do not like to do it. I do it with apologies to the Senator. But I have urged him to withdraw the amendment, and he has a right, of course, not to withdraw it. I recognize that right. But for the reasons I have already stated, I will make a point of order.

Mr. President, I am advised by the Budget Committee that there is a section 401 Budget Act point of order on this amendment in that it would cause a loss in revenues of between $10 and $30 million. I, therefore, make the point of order that the amendment is not in order.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to waive section 401 of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Let me just say to the Senator from West Virginia, the distinguished chairman of the Appropriations Committee, he knows full well, or should be briefed by the staff, that this is purely a technical violation of the Budget Act. The costs will be made up by project beneficiaries not taxpayers. And the fact is that it is very understandable why the chairman of the Appropriations Committee would use a budget point of order rather than germaneness because of the requirement of the number of votes.

I say to the distinguished chairman of the Appropriations Committee I hope that he understands—and I can provide him with factual evidence—that this is a purely technical violation of the Budget Act and one which is clearly not in keeping with the spirit of what was intended by the Budget Act.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. DECONCINI. Mr. President, I was unable to get over here due to the Thomas hearings and other things, and I ask unanimous consent if I can speak in favor of the amendment offered by the junior Senator from Arizona for 3 minutes.

The PRESIDING OFFICER. This is a debatable motion.

Mr. DECONCINI. I did not realize it was a debatable motion. I thank the Chair.

Mr. President, I concur with my colleague from Arizona. There is every reason to waive this technical requirement here on the budget because this bill has passed the Senate last year. We have enacted it. And I rise in strong support of the amendment offered by the junior Senator from Arizona.

This legislation, in my opinion, represents a fair and equitable balance between the power generation requirements of the Glen Canyon Dam and the need to protect the natural and recreational resources of the Grand Canyon.

This legislation is virtually identical to legislation that passed the Senate last session. I normally do not like to pursue authorizing issues on appropriations bills. And I appreciate immensely the deep concern about this of the President pro tempore and chairman of the Appropriations Committee. He has expressed it many times and been extremely consistent about it.

For the information of my colleagues, there is other authorization legislation in this bill already. And in view of the criticalness of this issue and the importance of the Grand Canyon, I feel compelled to support Senator MCCAIN in asking the Grand Canyon protection be included in the Interior bill.

Where else are we going to go? We are up against it. We have tried for a number of years to see that this passed. I know the Senators from New Jersey and Louisiana have been extremely helpful in passing this bill in the last session. I hesitate to come out here and cause them any consternation and concern. But I am at my wit's end, of how do we get the Grand Canyon protected?

I know the Energy Committee under the distinguished leadership of the Senator from Louisiana has just not been able to deal with all the legislation that is before that committee. But in fact this bill has passed. It is substantially the same bill. The Senate has already been on record. To me this is an ideal moment to see that the Grand Canyon is protected.

The major objectives of this legislation are threefold: First, it requires the timely completion of the environmental impact statement currently underway on dam operations; second, while the EIS is being completed, the Secretary is to implement interim, protective flows to mitigate the damages occurring to the canyon while the search for a long-term solution is underway; and third, the bill requires the Secretary of the Interior to operate the dam in a fashion which will protect and mitigate damages to the natural and recreational resources of the Grand Canyon.

Recently, Secretary Lujan issued interim operating criteria for the Glen Canyon Dam. In view of the fact that this is one of the major objectives of the amendment, one could argue that it is not necessary. However, I believe that this amendment gives the Secretary the necessary legal standing to undertake this action. It gives clear congressional direction on this issue and thus would hopefully insulate the Secretary from potential lawsuits on his proposed interim operating criteria.

The relationship between Glen Canyon Dam and the Grand Canyon is truly unique. In the 27 years since this dam was built, it has provided water and energy to much of the Southwest. It is representative of the interlocking structure of common allegiances that typify the Colorado River Basin. The Colorado River Storage Project Act [CRSP], passed in 1956, authorized the construction of Glen Canyon Dam. CRSP also provided for the establishment of the upper basin fund into which revenues from power generation—mostly from Glen Canyon Dam—would finance the construction of the other upper basin projects authorized by the act. Further, the large reservoir behind the dam provides storage space in order that the upper basis could use its entitlement to Colorado River water.

The construction of the Glen Canyon Dam has forever changed the Colorado River through the Grand Canyon. To assume that all of these changes are bad is simply not the case. The water released at the bottom of Glen Canyon Dam is clear and cold. This has resulted in the creation of one of the best trout fisheries in the country. Fishing enthusiasts from around the world travel to Lee's Ferry in anticipation of catching 4- and 5-pound rainbow trout. Also, the dam has controlled seasonal floods which has allowed vegetation to grow along the banks of the Colorado River. This situation has contributed to this area becoming home to one of the most diverse bird populations in the Southwest.

Another positive contribution of the dam is that it has evened the flows through the canyon. Prior to the construction of the dam, the historic flows of the Colorado River through the Grand Canyon varied from almost nothing to more than 200,000 cubic feet per second. With the beginning of impoundment behind the dam, the flows are now more consistent and even. In order to meet the high urban energy demands during the summer months, more water is released from the dam and there are higher flows during this normally dry, but popular rafting period.

Notwithstanding these beneficial aspects, a number of studies have concluded that the operations of Glen Canyon Dam are having an adverse impact on some of the natural and recreational resources of the Grand Canyon. In 1982, the Secretary of the Interior initiated the Glen Canyon Environmental Studies [GCES]. These studies were meant to answer two principal questions: First, are the current dam operations adversely affecting the existing river-related environmental and recreational resources of Glen and Grand Canyons? Second, are there ways to operate the dam, consistent with CRSP water delivery requirements, that would protect or enhance environmental and recreational resources? GCES did indeed conclude that some aspects of the operations of Glen Canyon Dam were adversely affecting the downstream resources of the Grand Canyon and further concluded that modified dam operations could protect and enhance these resources.

Among the adverse impacts identified in the GCES final report included the erosion of the beaches along the river. As mentioned previously, the water discharged by the dam is clear and cold, thus giving it tremendous carrying capacity for sediment. As the saying goes, a clear river is a hungry river. Some may argue that the erosion of beaches impacts only a select number of rafters and campers. However, it is the beaches that provide the habitat for wildlife and create backwaters for certain aquatic species.

The GCES final report also identified a number of impacts on certain endangered species, particularly the humpback chub. It was determined that the lower river temperatures are having a negative impact on this and a number of other native species. Also, the blue ribbon trout fishery created by the dam is being impacted by the way it is being operated. The fluctuating flows strand fish, interfere with fish production, and impact fishing activities.

In response to these findings, the Department recommended that a second phase of the GCES be undertaken. Because these further studies would have likely led to a NEPA study and that an environmental impact statement would provide the same information, Senator McCAIN and I wrote to Secretary Lujan in June of 1989 suggesting that the Department immediately begin preparing an EIS. On July 27, 1989, the Secretary ordered the Bureau of Reclamation to prepare an EIS. This document will identify the impacts of the current operations of the dam and determine what measures are needed to protect the downstream environment. It is expected to be completed by the end of 1992. Public interest in this process has been overwhelming. The Bureau has received over 17,000 written comments and more than 1,200 people have attended the hearings.

Faced with the findings of GCES phase I and the length of time that it would take to prepare the EIS, Senator McCAIN and I again wrote to Secretary Lujan in April of this year suggesting that he develop an interim operating criteria. We felt that these interim measures would protect the Grand Canyon while a search for a long-term solution was underway. We expressed to him that this interim criteria should not impact the timely completion of the EIS and the water delivery requirements of the Colorado River compact. I felt at the time, and still do, that the Secretary has adequate administrative authority to implement such interim operating criteria and that legislation was unnecessary. However, as was expressed in our April letter, should the Secretary choose not to exercise this authority, we would reserve the right to pursue a legislative remedy.

Which brings us to the amendment we are offering today. The objection to this amendment are merely procedural. in response to these objection I have two points: First, this legislation passed last year; and second, there is already authorizing legislation in this bill as it is reported out of the Appropriations Committee. In view of the importance of the need to protect this national treasure, the Senate should pass this legislation now.

Mr. President, I ask our colleagues here to please give some consideration to one of the Wonders of the World. I am deeply grateful to the chairman of the Appropriations Committee for the many things that he has included in this bill and in past bills that help the native Americans in Arizona, the park and BLM lands that are under his jurisdiction, of that committee. I hope he understands my reluctance to ask him for this assistance after so much he has done for Arizona. He is known in Arizona as the third Senator from Arizona for the sincere efforts that he has given to us so many times.

But I beg him to understand the necessity of this. The Grand Canyon is one of the great Wonders of the World, situated in our State, and the Senator from Arizona and I really feel that we have no other recourse but to move this on this bill.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DECONCINI. I am happy to yield.

Mr. BYRD. Mr. President, I do understand the Senator's position. I understand his desire to see this legislation attached to the bill. I am very sympathetic to his interests and very supportive of them.

But, in view of the assurances that were given by Senator JOHNSTON and Senator BRADLEY, I had hoped that the amendment would be withdrawn so as to save the time of the Senate. We have already taken some time now. I had hoped to save the time of the Senate, No. 1.

Second, as I stated, it is just another burden on the conferees when we go to conference. And I make the point of order apologetically. I did not seek to make the point of order on the basis that this was legislation on an appropriations bill because appropriations bills normally have some legislation on them. But, because they do, there is no reason to hesitate to make such a point of order against other legislation. I shall make a stronger point of order and for a better reason, as I have explained. This amendment would cause a loss in revenues of between $10 and $30 million. I think we have to do everything we can to protect the budget agreement, and it is for these reasons that I make this point of order.

Mr. DECONCINI. I understand.

Mr. BYRD. I hold no animus to the Senator; hoping his amendment will be enacted another day. But I hope Senators will vote against the motion to waive the point of order.

Mr. McCAIN. Will the Senator yield? Will my colleague from Arizona yield?

Mr. DECONCINI. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to thank my colleague from Arizona, Senator DECONCINI, for his very eloquent statement in support of the legislation and his efforts to protect the Grand Canyon, as well as many other natural treasures of the State.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Is there further debate on the motion? If not, the question is on agreeing to the motion to waive section 401 of the Budget Act for consideration of amendment No. 1124 offered by the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "no."

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—34

Bingaman
Bond
Brown
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
DeConcini
Dole
Durenberger
Gore
Gorton
Grassley
Jeffords
Kassebaum
Kasten
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Pell
Pressler
Roth
Rudman
Seymour
Smith
Specter
Symms
Thurmond

NAYS—65

Adams
Akaka
Baucus
Bentsen
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Wallop
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Helms

So the motion was rejected.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, a parliamentary inquiry. I would like to know if section 401 of the Budget Act, which was just voted on, applies to this amendment also?

The PRESIDING OFFICER. The Senator's amendment does not violate section 401 of the Budget Act.

Mr. McCAIN. My understanding is that the last vote we took was relatively meaningless because section 401 did not apply to my amendment, which is very interesting. I could force another vote on this, but the results would probably be the same. So I will not do so. But I think it of interest to this body that we just voted on an alleged violation of the Budget Act, which, according to the Parliamentarian, was not the case.

Mr. President, could I say again what has been done here is very interesting. I believe that the people all over this country are going to be outraged, and I hope that the Senator from New Jersey and the Senator from Louisiana understand the obligation that they have assumed to protect the Grand Canyon, and not tie legislation that is associated with other controversial issues to the Grand Canyon. They obviously can if they want to do so, but they should not portray themselves as protectors of the Grand Canyon if they do so.

Mr. President, I guess the correct parliamentary procedure is to withdraw my amendment since the objection was not germane. Is that correct?

Mr. BYRD. Mr. President, the Senator would need to ask unanimous consent to withdraw his amendment because he got the yeas and nays earlier.

The PRESIDING OFFICER. Is the Senator seeking to receive consent to withdraw?

Mr. McCAIN. I ask unanimous consent to vitiate my request for the yeas and nays.

The PRESIDING OFFICE. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, while the Senator from Arizona is on the floor, I wish to compliment Senator McCAIN for his leadership on the issue. As a member of the Energy Committee, I feel that the Energy Committee should have jurisdiction over the issue.

I appreciate the commitment that Senators BRADLEY, JOHNSTON, and WALLOP have made. I tell the Senator from Arizona I will work energetically, first, to report the bill out and, second, to try to keep it separate from some of the other entanglements that we found in the past due to the Energy Committee.

I do not think this should be tied to the Bureau of Reclamation reforms that many are trying to make and which I may well support as well. I will work with the Senator from New Jersey on that. I think the Senator has a good bill, a bill that should be reported, and a bill that should be passed. I will work with him to make that happen this year.

Mr. BYRD. Mr. President, I think it ought to be said for the RECORD here, so that all Senators and others who read the RECORD may understand, the Chair was—may we have order? May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, the Chair was correct in that the point of order that was made was not based on the appropriate section of the Budget Act. There was a great deal of confusion among the Parliamentarians and staff representatives of the Budget Committee as to whether the point of order should be under 401 or not, and, even while the rollcall was going on, those discussions were still going forward—some saying 401 was correct, some saying it was not.

I was advised that 401 was the appropriate section, and I followed that advice. After the rollcall vote had already started, it was decided that the point of order would appropriately ride on sections 601 and 602 of the Budget Act, in that the amendment would cause the bill to exceed its budget authority and outlay allocations. If the Senator feels that he has been done in by the Senate or by me, I am very willing, if the Senator did not withdraw his amendment, to make the appropriate point of order under sections 601 and 602.

And I think the votes indicated by the rollcall would indicate that the proper point of order would have caused the amendment to fall. The RECORD now will show that the point of order was incorrectly made because the wrong advice was given to me by people around here on whom we depend for advice on such matters and who were not agreed among themselves. But because the rollcall vote had started, I could not call it off. It is my intention now to make the appropriate point of order, which would require 60 votes to waive, and I will do it yet, if the Senator wants to offer his amendment and have a rollcall vote on his waiver under the appropriate paragraphs of the Budget Act. I had urged him to withdraw his amendment earlier, but if the Senator wants to have another run at it under the appropriate paragraphs, I will be happy to have another vote.

Mr. McCAIN. Mr. President, first of all, to explain to my distinguished chairman of the Appropriations Committee, I am not withdrawing my amendment. I asked to vitiate my request for the yeas and nays. The amendment is still alive at this time. If I might have a ruling from the chair, is that correct, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been vitiated.

Mr. McCAIN. Thank you. I would like to help clarify that for the distinguished chairman.

Second, I thought it would be appropriate to point out that the last vote was relatively meaningless, because it did not apply as to how the Chair rules. It does not mean—and I stated so when I asked for the ruling from the Chair—that I would seek another vote on any violation of the Budget Act. I thought it was interesting that we just spent the time of the Senate on an issue which was not germane, in the view of the Parliamentarian.

I do not seek to withdraw my amendment. I will be more than glad to have a voice vote on this amendment and, certainly, as I stated previously, I tell the chairman, I do not seek another vote, because I have fully understood that there are technical—I emphasize technical—violations of this act, which also the distinguished chairman either does or should know, because this violation is clearly only technical in nature and does not cost the taxpayer one penny.

I hope the distinguished chairman understands, as well, that this is a pure technical violation, although under the rules of the Senate and the rules of the budget, is clearly in violation, because I venture the outcome would be the same—it would waste the time of the

Senate, if we repeated the exercise that we just completed. But I would ask for a voice vote on my amendment, rather than withdrawing it.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1124) was rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks the floor?

Mr. BYRD. Mr. President, the bill is open for amendment. I urge Senators who have amendments to call them up.

EXCEPTED COMMITTEE AMENDMENT, PAGE 2, LINE 21

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the committee amendment, page 2, line 21.

The committee amendment was agreed to.

EXCEPTED COMMITTEE AMENDMENT, PAGE 23, LINE 5

The PRESIDING OFFICER. The clerk will report the next committee amendment.

The legislative clerk read as follows:

On page 23, beginning on line 5, insert new language through page 24, line 12.

Mr. BYRD. Mr. President, I hope Senators know what the Senate is doing. The Senate is adopting committee amendments that were excepted.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the last vote be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, so that the committee amendment which has been agreed to is not yet agreed to; am I correct?

The PRESIDING OFFICER. Not agreed to, and is now pending.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, we have several amendments that have been listed as being of interest to Members. I hope the respective cloakrooms will call Senators, those who have amendments, and urge them to come over and call them up. I hesitate to read the names at the moment of those who have indicated interest in amendments. Perhaps the cloakrooms will try to seek this information for us and we will know better how to proceed.

It is Friday morning at 11:45 on the clock. We have plenty of time. The majority leader has indicated he does not want any rollcall votes after 3 o'clock p.m. today. But we still have 3 hours and 15 minutes on that basis. I hope that time will not be wasted.

Mr. President, I thank all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if there is not an amendment pending within the next 15 minutes, I am going to suggest the absence of a quorum and I will make it live so that Senators will have to come to the floor. Perhaps when we get them to the floor, someone will be ready and willing to offer an amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT ON THE INTERIOR APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2686, the Interior appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $663,000 and under its 602(b) outlay allocation by $455,000.

I compliment the distinguished manager of the bill, Senator BYRD, and the distinguished ranking member of the Interior Subcommittee, Senator NICKLES, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Interior appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2686

INTERIOR SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2686:		
New budget authority and outlays	12.4	7.9
Enacted to date	.7	4.2
Adjustment to conform mandatory programs to resolution assumptions		
Scorekeeping adjustments	0	0
Bill total	13.1	12.1
Senate 602(b) allocation	13.1	12.1
Total difference		
Discretionary:		
Domestic	13.0	12.0
Senate 602(b)	13.0	12.1
Difference		
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	0	0
Senate 602(b)	0	0
Difference	0	0
Total discretionary spending	13.0	12.0
Mandatory spending	.1	.1
Mandatory allocation	.1	.1
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	.9	−.2
Senate-passed bill	NA	NA
House-passed bill	−.3	−.1

Mr. BYRD. Mr. President, 5 minutes ago I said that if an amendment were not offered within 15 minutes I would suggest the absence of a quorum and would make it go live. Ten minutes remain. At the end of that time, if an amendment is not pending, I will suggest the absence of a quorum, I will make it go live, and then we will see how many Senators want to go home early. If they do not show up, we might as well all go home. There is no point in my wasting my time, and Mr. NICKLES wasting his time, if other Senators are not going to call up amendments.

A live quorum will get most Senators over here and hopefully we will get some amendments up.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will tell the chairman we are working. I am trying to get some information. I believe Senator WIRTH has an amendment. I am not that familiar with it. We have asked the administration for some of their comments on it. Senator BUMPERS is here, and I know he has an amendment. I am familiar with that. I know that it will conjure up a little discussion this afternoon.

But I am happy to proceed with either of those amendments and we will continue trying to get some assessment and evaluation of those amendments from the administration during the discussion and the debate.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1125

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 1125.

Notwithstanding any other provision of law, none of the funds in this or any other

Act shall be available before April 1, 1992, to accept or process applications for patent for any oil shale mining claim located pursuant to the general mining laws or to issue a patent for any such oil shale mining claim, unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of enactment of this Act.

The PRESIDING OFFICER. Is the Senator finished with the pending committee amendment?

Mr. WIRTH. Mr. President, this amendment addresses a longstanding problem regarding oil shale mining claims located prior to 1920. Both the Congress and the courts have long grappled with this problem. The House of Representatives has passed legislation to resolve the issue several times in the past few years, and in January 1990 the Senate Committee on Energy and Natural Resources unanimously reported a bill which addressed the problem in a somewhat different manner than the House.

Today I am offering an amendment to preserve the status quo so that the authorizing committees may finally resolve this issue, and both are very close to doing so.

There are approximately 1,600 unpatented oil shale mining claims located on approximately 240,000 acres in Colorado, Utah, and Wyoming. These claims were located prior to 1920 pursuant to the general mining laws of the United States.

The Senate has debated and will devote more time to debating the merits of the patenting provisions of the mining law of 1872, under which claimants who locate valuable mineral deposits on Federal lands can apply for and receive a patent to the Federal land and minerals. Today I would like to focus only on oil shale mining claims.

These oil shale mining claims are different than other claims in a variety of ways. In 1920, Congress enacted the Mineral Leasing Act, which provided for the leasing of oil shale, but grandfathered existing valid claims that were thereafter maintained in compliance with applicable law. All of the claims that we are now dealing with are over 70 years old, creating great difficulties in providing whether or not they were valid then, and how we should treat them today—much less what has happened in the 70-year intervening period of time.

In determining whether a claim has been maintained in compliance with the law, the courts have treated oil shale mining claims differently than other mining claims. The courts have also established a definition of what makes an oil shale claim valuable that is far different from that applied to other claims under the mining law today.

In 1987, we passed a moratorium on processing oil shale claims on the Interior appropriations bill, to give the Congress time to legislate a solution to this controversy, and find a fair way to protect the public interest in these lands. That moratorium expired, but even so the Department of the Interior held off processing further applications for patenting oil shale.

However, they have once again begun to process pending oil shale patent applications. If action is not taken, 240,000 acres of Federal land may be sold for $2.50 an acre. If these claims were made for silver or gold by a miner under the mining laws as we apply it to these minerals today, they would not be valid. Even under the special rules and legal rulings which apply to oil shale, the status of many of these claims is highly controversial.

This amendment provides for a 6-month moratorium on both the acceptance and processing of oil shale mining claim patent applications, and on the issuance of patent applications for which the first half final certificate has not been received. My colleagues will ask why we should do this now, when a legislative solution has eluded the Congress for the past 5 years? The answer is, the situation has, I believe, materially changed and the Congress can and will soon come up with a legislative solution.

Last year, the Senate Energy Committee unanimously reported legislation on the disposition of these oil shale claims, and just a few weeks ago, my colleague from Colorado, Congressman BEN NIGHTHORSE CAMPBELL, in whose district the vast majority of these claims lie, introduced legislation virtually identical to that reported by the Energy Committee unanimously last year.

For the first time, it looks to me as if the Senate and the House are far closer on this issue than they have ever been before, and that we can now move forward to reach an agreement and put it before the President for his signature. I strongly urge the Senate to adopt this moratorium and allow the authorizing committees finally to resolve this issue in a way that ensures the best possible protection of the public interest.

I might add, Mr. President, that this issue became highly controversial in the mid-1980's when some 83,000 acres of oil shale land was patented for the fee of $2.50 an acre. The people receiving the patent turned right around and sold that land for well over $30 million, thereby gaining overnight a $30 million windfall. But more important, that land went, and nobody believes that it is going to be used for oil shale.

As the situation has changed, oil shale as a valuable resource for energy has just disappeared off the screen. We are not talking about oil shale anymore, and clearly what is going on in a lot of the areas related to oil shale lands are a number of things: Speculation for gravel, other surface rights, a whole variety of activities unrelated to oil shale and unrelated to the purpose of the original mining law.

Another thing that has happened is that a vast amount, in this situation nearly 100,000 acres of prime hunting territory became private and was, therefore, fenced off. This had been some of the most valuable mule deer hunting area in the State of Colorado that suddenly disappeared from public access, something that we do not want to have happen here.

Another note, Mr. President, in answer to questions that were raised earlier about this amendment, is that what we have done with this is comply with the order of Judge Finesilver to make sure that the mining claims legitimately held by Marathon are recognized, and they would be under this amendment. That is why the language very clearly makes the distinction between those who have and have not received first half final certificate for patent. That takes care of the one group that everybody agrees has very legitimate claims. Those will go. We will deal in this legislation with the other very murky and controversial claims to the oil shale.

I have discussed this amendment with my colleague from Colorado, Senator BROWN. I note that almost all of the oil shale claims are in the State of Colorado. I had originally drafted this moratorium for a year's period of time. Senator BROWN suggested that we make it a 6-month period of time, which I have done in this amendment. None of these funds will be made available before April 1, 1992. That is the 6-month moratorium.

I think that makes sense, and we can certainly deal with that both in the Energy Committee in the Senate, doing what we did last year, and in the House of Representatives, and have this legislation passed.

So I hope this moratorium provides also a little greater leverage to BLM and the Department of the Interior, as they are attempting to deal with that and it makes it clear there is a distinction between the legitimate Marathon claims, and there could be as much as 240,000 more acres that could be gone from the taxpayer ownership, from citizen ownership, at a modest $2.50 an acre for lands that really do not have any value that anybody suggests as an energy resource.

So I hope that we can accept this amendment. It is a constructive approach, and leads us right into the legislative solution which will be forthcoming, I believe, this fall.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, the committee amendment, which is pending, will be set aside so that the Senator may proceed with his amendment.

Mr. WIRTH. I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want to commend and applaud the Senator from Colorado for this amendment. I think it is timely, and I think in light of the debate that will ensue in the next day or two, it is also very important this amendment was offered at this time.

As the Senator from Colorado recognized, oil shale, by an act of Congress, was taken out of the patenting process, as far as the 1872 mine law, about 1920. It was done by virtue of the fact that the prove ups of oil shale were taking place and people were using that land for purposes other than mineral exploration.

Even though Congress passed an act 70 years ago, as the Senator from Colorado mentioned, the facts still remain that litigation has been going on and on and on for decades. Members of the Senate will hear in the next few hours examples of mischievous conduct being taken as a result of the 1872 mining law. A vast majority of those mischievous actions relate not to precious metals, not to gold, not to silver, not to copper, but to oil shale, silica sand, things of that nature, which Congress prohibits, but it has still been in the courts.

We will hear at a later time about an example in one of the beaches in Oregon where there was a prove up of silica sand, but that was by virtue of the governmental agencies denying that patent. But the person went to court and the courts approved that. Now the land on the beach is worth lots of money.

The point the Senator from Nevada wishes to make is the fact that these acts that are so grievous do not relate to precious minerals, do not relate to gold and silver production, and other things of that nature.

I think the Senator's amendment will go a long way toward making sure people understand that, in truth and in fact, in the amendment I understand will be offered shortly, we will not be debating oil shale; we will not be debating silica sand; but rather we will be debating whether or not public policy of this Nation should allow for the exploration of precious metals.

So I commend and I applaud the Senator from Colorado in offering this timely amendment.

Mr. BUMPERS. Will the Senator from Nevada yield for a question?

Mr. REID. I will be happy to.

Mr. BUMPERS. Why is it bad for oil shale to be purchased for $2.50 an acre and resold for $2,000 an acre, but good for mining claims to be purchased for $2.50 an acre and sold for $13,000 an acre?

Mr. REID. The Senator from Arkansas asked a question that clearly can be recognized from the fact that if you are going to prove up on a, for example, someone exploring for gold, if you are going to prove up on a gold patent, the acreage cost—the average cost; some are more, some are less—the average cost is about $220,000 before the Government will issue that patent.

That is much different than these claims that go back prior to 1920, and these people spent literally no money proving up those claims. It used to be relatively inexpensive to prove up to a claim, whether it was for gold or oil shale.

Now I repeat, the average cost of proving up a claim for gold is about $220,000, almost a quarter of a million. The issue is not whether or not the fair market value should apply because, as the Senator from Arkansas knows, that is a relatively small cost, $220,000—if, in fact, somebody had to pay fair market value. That is not the question.

As I understand it, the Senator from Arkansas is going to offer an amendment to prohibit, during the next year's period of time, the issuance of patents, and we will debate that at some subsequent time. But the fact is you cannot compare oil shale claims where the prove up was done prior to 1920 and a prove up of a mining claim that is done in modern day where it cost $220,000. There is a significant difference. It is a difference between night and day, apples and oranges.

Mr. BUMPERS. If I may pursue this a tad further and ask the Senator an additional question, in light of what the Senator has just said, if it costs $220,000 to prove up a claim, for example, for gold—my amendment does not prohibit miners from mining that land. What it does is prohibit them from taking it for $2.50 an acre and selling it for ski resorts, condominiums, or whatever at anywhere from $2,000 to $50,000 an acre. If you want to mine, you can still mine that unpatented claim that you have proved up under my amendment.

Now, I take it that the Senator from Nevada simply wants miners to have a right to prove that claim and be able to work that claim, is that correct?

Mr. REID. Is that a question of the Senator from Nevada?

Mr. BUMPERS. Yes.

Mr. REID. The Senator has asked two questions. Why is it necessary that there be fee title issued to someone who is attempting to prove up a mining claim for gold, for example? The answer is very simple. The production of gold in this country is like the production in other industries. It is expensive to get your product out. By virtue of the fact that it is expensive to get your product out, you have to borrow money normally. Banks, as we all know—I am sure the Senator from Arkansas went home during this 5-week break we had and people complained about how money is not being lent. Well, the fact is that it is the same in Nevada, Arizona, Idaho, all Western States where mining takes place; it is very difficult to get capital. You cannot borrow capital on a claim that you do not own. You can, however, borrow money on land that you own, especially if you have already proven there is gold on it.

The Senator and I have had a number of conversations privately. There are probably 400,000 unpatented mining claims in Nevada, but in those claims you do not have to prove there is anything on them. On a patented mining claim, you have to prove to the Federal Government that there is mineral value in that land. You have to prove it. And it costs, as I said, up to $220,000 to prove that. The reason you need the fee title to that land is so that you can produce capital for exploration.

Mr. BUMPERS. If I may interrupt the Senator at that point, because he is saying they cannot borrow money on the claim unless they own the land, how does the Senator account for the fact that banks all over this country loan billions of dollars to oil and gas companies every year for exploration on lands they do not own; all they have is a leasehold interest and the chance of their finding oil is 50-50. What is the difference?

Mr. REID. There is a significant difference, as the Senator from Arkansas should know. The difference is that with oil and gas production, they are loaning money, generally speaking, to companies that have assets in other areas. Most oil companies now own other businesses. The Senator will find very few loans in modern-day America on wildcat explorations. There are very few dollars now being loaned on oil and gas exploration in this country. One of the reasons is that the product is not there; it cannot be proven it is there.

Mr. BUMPERS. Let me ask the Senator a specific question. If a mining company has to have a deed to the land in order to borrow money, even though they have proved to the satisfaction of BLM that there is gold, silver, what else under that land, if that is the only way they can borrow money, how does he account for the fact that Newmont Mining Co. borrows money to mine land in the Senator's home State on a ranch on which all they have is a leasehold interest and, incidentally, are paying 18 percent royalty on? How do they borrow money on just a leasehold interest?

Mr. REID. I am not specifically aware that Newmont Mines——

Mr. BUMPERS. The Senator is familiar with Newmont Mine, is he not?

Mr. REID. Very familiar.

Mr. BUMPERS. The Senator is familiar with the ranch that they mine gold off of and he is familiar with the leasehold which says they will pay—they started off, I think, paying 12 percent; it goes to 18 percent, which is what they are paying right now, and then later pay 24 percent. The royalty is a separate issue. But let us just stick with the leasehold interest. How do they borrow money on lands with a leasehold interest that the Senator says, if that is on Federal land, they could not do it?

Mr. REID. No, the Senator from Nevada did not say that Newmont Mines could only borrow money if they have a patented claim. They have other operations, just like the Senator mentioned oil and gas companies do around the world.

We will get specific detail on the ranch to which the Senator refers, but to my recollection the ranch about which the Senator speaks was adjacent to a very successful mining operation that had been going on for at least 15 years in Elko County, NV, and in that operation originally the ranch was purchased because simply it got in the way of the mining operation that was taking place. After they purchased the ranch, they found significant mineral deposits on the ranch, and now they have a very successful mining operation on that ranch. Prior to buying the ranch, as I recall, there was no knowledge that, in fact, there were mineral interests on that land.

Now, there are many operations in the State of Nevada and other places in the Western United States—this mineral patent law applies to all the Western part of the United States. And the fact is that one of the ways they develop capital is by virtue of mining patents.

So we do not have a misunderstanding, very few mining patents are issued. Last year, I think, around 50 were issued for the whole year. And remember, one of the reasons there are so few issued is because it is so expensive to prove those up. In fact, in 1980, there were 58 issued. We could go through the list. There are just a few issued each year. Last year there were 75 issued for the whole year, totaling approximately 20,000 acres.

Now, the State of Nevada alone is about 75 million acres, so it is a relatively small part of the land.

Mr. BUMPERS. Mr. President, if we could go back to the question about which we were originally in this colloquy, the argument that the Senator from Nevada was making was that you have to have a patent to the land in order to borrow the money to work the claim, and yet there are a lot more mines in this country, 2,000 to be precise, operating on unpatented mining claims. How are they doing that?

Mr. REID. I can explain that very easily. Having been raised in a mining community in the southern part of the State of Nevada, we have and still have interspersed through the searchlight mining district a number of patented claims and a number of unpatented claims. There are some of the unpatented claims that have been fairly successful, and usually the reason they are successful is that there is some type of product you can see on top of the ground or it was relatively easy to discover.

It is not always that way. There are a lot of times that you have to really work hard to find that value in the land. One of the ways you do that is, if you think there is something in the ground, you prove to the Federal Government there is something in the ground, and by virtue of that fact you have the ability to build a structure on the land. An unpatented mining claim, all you can build on it is a hoist house, some place to put your shipment. Because with an unpatented mining claim you really have no right to the surface of the land. You only have a right to dig into the land.

Mr. BUMPERS. Mr. President, I do not understand the sophistry of the response. You have 2,000 mines in this country operating on unpatented lands and yet the Senator's original argument was that they have to have a deed to the land; otherwise, they cannot borrow money. Now, those 2,000 mining operations in this country include gold, silver, and all kinds of underground mining. They are not things you can see on top of the ground. On the contrary, a majority of those are mining for something that is under the ground. This idea that you have to have a patent in order to borrow money is just another scam for giving people lands for $2.50 an acre so they can turn around and sell it for $5,000 an acre.

I would ask this question of the Senator from Nevada. Does he think it is right for somebody to prove up a mining claim just long enough to convince BLM to give them a deed to that land for $2.50 an acre, and then turn around and sell it for thousands of dollars an acre? The Senator does not think that is right, does he?

Mr. REID. I am happy to respond.

Mr. BUMPERS. Let me ask as an old trial lawyer, could the Senator say yes or no and then, if he wants to explain it, explain it? Does the Senator agree with that?

Mr. REID. As a young trial lawyer let me respond in a way that I feel is appropriate. I want to answer the question. The Senator has used the word "scam," a statement that deserves some explanation on his behalf.

Mr. BUMPERS. I am happy to explain that.

Mr. REID. There have been instances, rare in nature, where there have been people who have gone in and through fraud and deceit perhaps, done things that they should not, and allowed the Federal Government to be a part of the scam. If in fact there are minerals in that land, they should have to use it for the purpose for which they claimed.

Let me just say this: The Senator has indicated there are 2,000 miles going on in our country today that are unpatented.

Mr. BUMPERS. Unpatented claims.

Mr. REID. There are a number of those in Nevada. No one is saying the only way you can mine is through patented claims. It is a way to develop mining claims, through the patenting process.

I repeat to the Senator, the average cost of patenting the claim is $220,000. There are very few people that have the ability to spend $220,000 for some kind of a scam. There have been rare instances, and I am familiar with several of them, but it is so rare.

Mr. BUMPERS. Then the Senator's answer is no. He does not agree with people being able to get a deed and turn around and sell it for whatever purposes they want to, does he?

Mr. REID. If I could complete my response very quickly, there is no problem with the fact that the Senator from Arkansas seems to be hung up on the $2.50 per acre.

Mr. BUMPERS. I will admit some of them have to pay $5 an acre.

Mr. REID. And the Senator from Arkansas well knows that we could enter into an agreement immediately to change that to fair market value. Nobody complains about that. The Senator from Nevada, and I think all Western Senators would agree, believes that would be a fair thing to do. But that has nothing to do with the Senator's approach to, in effect, stop mining.

That is what would happen. Nevada mining, Utah mining, Arizona mining, all the Western States are doing well now. We are a net exporter of gold. It is one of the few things that we export.

Does the Senator from Arkansas—let me respond by asking a question—feel we should do away with mining and have all of our mining, like a lot of industries we have, go overseas if the company could go mine cheaper in Australia, Indonesia, Peru, and places like that? That is in effect what this amendment would do. It would stop the development and further exploration of mining.

Mr. BUMPERS. I just got through saying my amendment does not stop one single mine from operating, not one. I just got through saying there are 2,000 mines in this country operating on unpatented lands. I just got through saying my amendment does not prohibit that. I still do not know how the Senator feels about what is a scam where people may spend $220,000 to prove up a claim and turn around and sell it for $5 million.

I want to know from the Senator the answer to a simple question. I would like to have a simple answer. Yes or no. I think it is bad for people to buy lands from the U.S. Government for $2.50 an acre and turn around and sell it for God knows what. I know the Senator, my good friend from Nevada. I consider him one of the finest men in the U.S. Senate. Surely he can give me a clear-cut answer on a question like that. The Senator does not approve of that, does he?

Mr. REID. If in fact there are abuses to the 1872——

Mr. BUMPERS. I have a catalog full of them. The Senator is familiar with this catalog.

Mr. REID. Again let me respond. The Senator does not have a catalog of abuses. He has a number of abuses, and I have seen them. I agree with my colleague that some of them are reprehensible.

Mr. BUMPERS. Some of them?

Mr. REID. Yes. Some are responsible. The point of the matter is, the Senator's amendment does nothing to solve the problem because we need to have mineral exploration. The moneys developed by the mining company—they are able to have these lands or moneys used for exploration. There are hundreds of millions of dollars spent each year in exploration. This money does not fall from the sky. This money has to come from someplace. One of the places it comes from is the fact that people need to own real estate. Real estate allows people to produce money.

Mr. CRAIG. Mr. President, will the Senator from Nevada yield?

Mr. REID. I would be happy to yield after making one statement.

Out of all the land in the Western part of the United States, there is just a fraction of a percent that has ever been put to patent. It has produced jobs in the State of Nevada. There are over 10,000 jobs, good jobs, not people flipping hamburgers, but good jobs as a direct result of these people being able to, for example, patent these claims.

Further exploration needs to take place. The average lifespan of the mine is less than 10 years. You need further exploration all the time so when one body of ore is gone, you can hopefully have another one. Again gold is something that we export and one of the few things we still export.

I respectfully submit to my friend from Arkansas, even though I know his intentions are well taken, I think the direction he is taking with the amendment that will be offered is wrong.

I yield to the Senator from Idaho.

Mr. CRAIG. I thank my colleague for yielding.

Mr. BUMPERS. Would the Senator allow me to make one statement, and I will get out of this debate for a second?

Mr. CRAIG. May I ask what the length of that one statement might be?

Mr. BUMPERS. Thirty seconds.

Mr. CRAIG. I yield.

Mr. BUMPERS. The Senator from Nevada says that of all these scams here, that he disapproves of some. Senator, I want to make this statement: If the Senator votes against my amendment, he is approving a continuation of the same thing because there is absolutely nothing in the law to keep this from continuing to happen unless my amendment is adopted.

Mr. CRAIG. Let me briefly say we have what is in my opinion two separate issues here. We have a Wirth amendment that deals with an ongoing controversy in the State of Colorado that deserves to be addressed, apart from the kind of accusations that my colleague from Arkansas is making as it relates to the ability under the 1872 mining law to patent, to gain little for the purposes of mining development.

We are going to have plenty of time this afternoon and well into the evening to discuss whether the 1872 mining law as both public policy and concept ought to erode the economic base, the defensive base, the vitality of the mineral industry of this Nation which is our strength and our muscle.

So why do not we keep the two issues separate at this time, address the real fundamental question, long of controversy in the State of Colorado as it relates to oil shale and the ability to patent, and therefore the ability to gain title itself? Let us do that, and then let us move on to the amendment of my colleague from Arkansas, which I think, although they address the same area of the law, are fundamentally two separate issues.

I yield the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Just one observation. All of my colleagues who have read "Animal Farm" remember that great quote about "some pigs are more equal than other pigs." This argument about somehow or other scams in the oil shale industry are terrible, but scams in the hard rock mineral industry are OK kind of fits that "some pigs are more equal than other pigs."

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1126.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued to read, as follows:

On line 2, strike the words "before April 1, 1992" and insert the following: "before July 1, 1992".

Mr. BUMPERS. Mr. President, this amendment is very simple. It simply amends the Wirth amendment to extend the moratorium from 6 to 9 months. I would prefer a year's moratorium, but my objection to the 6-month moratorium is that we would have only until April 1 to redo this. Everybody knows what happens around here when we come back into session. Half of the time, you do not get a chance to even offer an amendment until we have been back for 30 to 60 days. I do not think we can deal with an extension or a change in the law. According to a bill I have pending, which I hope will be out of committee by then, 9 months is a more suitable time.

The reason for this is crucial. Here is an Associated Press story that came out this morning and says:

> Environmentalists and wildlife concerns say they are working to prevent the scheduled sale of about 54,000 acres of public land in Colorado and Utah at $2.50 per acre processing fees.
>
> The U.S. Interior Department on July 24 said 27 oil shale mining claims in Garfield and Rio Blanco Counties in Colorado and Uintah County in Utah were considered for patents.
>
> * * * Tom Lustig, of the Colorado Wildlife Federation, was outraged. "The likelihood of these claims ever being developed is very small," he said. "These guys are ripping off the public with no real intention to develop oil shale."

I will go on here, and it says: "Wirth earlier proposed a ban on the patenting of oil shales claims, after the patenting of 82,000 acres"—of oil shale lands—"in Colorado in 1986,"—5 years ago—"much of which later sold for $2,000 an acre."

Mr. President, I ask unanimous consent that this AP story be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Sept. 13, 1991]

PUBLIC LAND SALES RAISING QUESTIONS AGAIN

Environmentalists and wildlife concerns say they are working to prevent the scheduled sale of about 54,000 acres of public land in Colorado and Utah at $2.50 per acre processing fees.

The U.S. Interior Department on July 24 said 27 oil shale mining claims in Garfield and Rio Blanco Counties in Colorado and Uintah County in Utah were considered for patents.

Under that process a public land mining claim is turned into private property in exchange for the processing fees.

Tom Lustig, of the Colorado Wildlife Federation, was outraged.

"The likelihood of these claims ever being developed is very small," he said. "These guys are ripping off the public with no real intention to develop oil shale."

"What has the environmentalists concerned is that the public loses control of these lands when they're patented," he added. Today, "you and I have a say in what goes on. But as soon as that patent issues, we're told to shut up."

The Interior Department said a June ruling by a federal court in Denver gave it no choice but to issue patents on qualifying oil shale claims.

The activists are looking to Sens. Tim Wirth, D-Colo., and Dale Bumpers, D-Ark., to lead the battle against the move.

Wirth earlier proposed a ban on the patenting of oil shales claims, after the patenting of 82,000 acres in Colorado in 1986, much of which later sold for $2,000 an acre.

But it died in a committee.

Bumpers has legislation pending now that would ban patents, and offers as an interim measure a plan to freeze all patents for one year. While Wirth has expressed doubt about applying the freeze to all patents, he does want to halt the patenting of oil shale claims.

An aide to Wirth on Thursday said the senator hopes to find another solution to the issue before voting on Bumpers' plan.

Mr. WIRTH. Mr. President, I thank the distinguished Senator from Arkansas for his support of this amendment. I hope that we will accept his amendment. That is probably a fair compromise. I originally had a year in here. Senator BROWN suggested 6 months. The splitting of 6 months and a year gives you 9 months. That would seem to be a reasonable thing to do.

Also, Mr. President, we are hoping that regarding these very controversial oil shale claims, we can deal with them legislatively. This has been going on for 70 years.

I point out that there are about 10,000 acres of claims which everybody agrees should not be held up. Those have been through the process in court and so on. The BLM would be allowed to process these under the Wirth amendment. The others would be expected to be dealt with legislatively. I hope we can do that rapidly.

Again, we passed oil shale legislation unanimously last year out of the Energy Committee. There was one objection on the floor, and it did not pass. The House is looking at very similar kind of legislation, and in this 9-month period of time I believe we can resolve this 70-year-old controversy once and for all.

I thank the distinguished Senator from Arkansas, and I thank the distinguished Senator from Idaho for his words of encouragement and support. I hope we can accept the Wirth amendment, as amended, and go on to the more controversial underlying issue.

Mr. NICKLES. If the Senator will yield, I am trying to see if we cannot conclude the Senator's amendment. Is it the Senator's desire, if we can get an agreement, to pass it by a voice vote?

Mr. WIRTH. It would be fine with me.

Mr. NICKLES. That is my hope, and maybe we can move on to Senator BUMPER'S amendment. I understand there is no objection from Senator BYRD on adopting the Wirth amendment.

Mr. REID addressed the Chair.

Mr. WIRTH. I believe the Senator from Colorado still has the floor. We have pending the Bumpers amendment to the Wirth amendment. I ask unanimous consent that the Bumpers amendment be considered as accepted.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

Mr. NICKLES. If the Senator will withhold, there is some who would prefer it to be 6. I am trying to dispose of the amendment, whether it be 6 or 9 months. Maybe we can hear from the Senator from Nevada.

Mr. WIRTH. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I certainly have no objection. I think 9 months is probably better than 6 months.

I did want to respond to my friend from Arkansas. We are talking here about oil shale which is some 54,000 acres. During the last 10 years, there has never been a year when there has been half that much land that has been patented by mineral patents for essential minerals.

And so that the record is clear, this oil shale amendment has been offered by the Senator from Colorado, and a subsequent amendment, perfecting type amendment, offered by the Senator from Arkansas, has nothing to do with the issues that we are going to debate this afternoon. We are all glad, those of us from the Western part of the United States, that this issue will not get mixed up in the real issue at hand, and that is: What should happen in regard to the issuance of mineral patents as it relates to gold, silver, and other such things.

Mr. NICKLES. Mr. President, I know of no objection to the Bumpers second-degree amendment to the Wirth amendment. I hope that we will adopt both the Bumpers and the Wirth amendment, as amended.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Nevada is correct when he says that the 54,000 acres that BLM is getting ready to patent, if we do not take action here, is a lot, and more than normal in hard rock minerals; that is true. But I can tell you that there is quite a difference in a few acres of land, 500 or 600 acres next to a ski resort, than a mountain of stone, which essentially what oil shale land is.

In the past 12 years, BLM has patented 66,000 acres of hard rock minerals, and 84,000 acres of oil shale. So they have been running neck and neck. And to suggest that if somehow or other we pass this, we are stopping a bad practice, but if you vote against the Bumpers amendment that would be bad, is so inconsistent, and I hope I would not even have to draw the distinction.

When it comes to the amount of land, you are talking about oil shale land which has no other suitable purpose, unless you can convince them that the oil shale goes on down into the soil and you get some nice topsoil, which they did in 1986.

As I say, it was sold for $2,000 an acre. That is not all that much, compared to what they sell the hard rock mineral lands for.

Mr. REID. Mr. President, I know people are anxious to get things done, but I do not want to leave certain things unsaid. Yes, that is true, some 66,000 acres, I think, was the figure the Senator mentioned, have been issued in the way of patents in the past 10 years. Remember, the State of Nevada alone, not the largest Western State, has 74 million acres. The fact is that 0.3 percent of these public lands, out of approximately 701 million acres of public lands, have been transferred to private ownership since 1981 for agriculture, railroads, State grants, timber, desert, stone, desert lands, 0.3 percent out of 701 million have been for mining purposes.

To say there is no distinction between oil shale patents, which were outlawed by Congress in 1920, and patents for gold, for example, to say there is no difference is outrageous. There is a significant difference. What this moratorium does is allow there to be some stability in the issuance of these patents that are basically not issued by the Federal Government; they are issued by the courts.

These are cases pending in the courts for some 70 years.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I know of no objection to the Wirth amendment, as will soon be amended by the Bumpers amendment. I hope we proceed and agree to that amendment and then we can debate the other amendments.

The PRESIDING OFFICER. Is there further debate?

The Senator from Idaho.

Mr. CRAIG. Mr. President, a point of clarification. There seems to be some confusion on the first-degree and second-degree amendment. The Wirth amendment is being amended by our colleague from Arkansas in the second degree and that is to extend from 6 months to 9 months, is that correct, the moratorium that is being proposed by our colleague from Colorado?

The PRESIDING OFFICER. The Senator from Idaho is correct.

Mr. CRAIG. Let me also add the concern that I think needs to be on the record as it relates to what the moratorium might do. Although I support what my colleague from Colorado is attempting to do, we had had a congressional or legislative moratorium that is off, but the administration up until a continued point of time continued to practice that.

In a judicial decision by Judge Finesilver that is being in part addressed by the amendment by our colleague from Colorado, there was a concern expressed about the concept of taking, whether in fact you have a patent, and that is a property right under our law, or you are in the process of gaining a patent through a legal claim, and you are, in essence, in the first half of the certification that is part of the process of patenting. You in fact have legal rights. In those legal rights if you even for a tentative period of time block that, as these amendments would do, there is a legitimate question as to whether that is not a quasi-taking.

Mr. WIRTH. Will the Senator yield?

Mr. CRAIG. I will be happy to yield.

Mr. WIRTH. I excluded those. I refer the Senator to the last sentence of the amendment which reads "unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of action on this act," precisely the distinction applied by Judge Finesilver in his ruling. Those are excluded. They can go patent those lands.

Mr. CRAIG. I thank our colleague for clarifying that. It is important not only to this amendment but to the legislation that will be proposed by the colleague from Arkansas as relates to a blanket for moratorium including, I assume, that stage of the process as it relates to patent and that we, and I think it is important the record show, suggest that we may well be putting the Federal Government into a situation where they could provoke a snowstorm of lawsuits by people under the legitimate claim of the law that they have, in essence, a right and that right is being denied.

I am pleased that our colleague from Colorado has recognized that. It is important to show that this body does recognize the law and the right of citizens as it relates to their rights under it and that we would not attempt to block those rights or, in essence, to take. In the first Lutheran decision that has been clarified and the U.S. Supreme Court in fact said that if you are to block and/or prohibit the private citizen in the pursuit you have taken, and that is not the position that I believe this Senate would want to put the Government of this country in.

I am pleased that our colleague from Colorado has recognized that in the amendments as it relates to oil shale in his statement.

I yield back my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, for the benefit of the Senator from Idaho, who has made a perfectly valid point, I would like to say my amendment excludes those patent applications which have reached the cutoff point which the courts have said is point at which a miner has an equitable right to a patent. Those are excluded from my amendment.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question occurs then on the amendment in the second degree by the Senator from Arkansas.

The amendment (No. 1126) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the underlying amendment of the Senator from Colorado?

Hearing none, the question occurs now on the amendment by the Senator from Colorado as amended by the second-degree amendment by the Senator from Arkansas.

The amendment (No. 1125), as amended, was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I said "all pigs are created equal but some pigs are created more equal than others." The actual quote is, "Some animals are created equal but some animals are created more equal than others," and that was a little expression propounded by the pigs. Let the record so reflect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1128 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 2, LINE 21

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1128.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 21, in lieu of the material proposed to be stricken, insert the following: ": *Provided further*, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein and lode claims and section 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date."

Mr. BUMPERS. Mr. President, we are back at the same old stand where we were last year just before we left here. Much of what needs to be said, not all, and not a majority, but much what needs to be said has already been said in the debate on the Wirth amendment.

But for the memory refresher course for all of my colleagues who are generally familiar with the issue but who will have forgotten many of the salient points that I want them to remember, I will begin by discussing the 1872 mining law signed by Ulysses S. Grant about 120 years ago and which is still operative in this country, though one of the primary reasons for the law to begin with was to encourage people to move West.

I do not think Governor Wilson, our former colleague, would like to believe that is a rationale for the continued existence of this law, and that is to encourage people to move to California. It was designed for two or three reasons. One was to encourage people to move West and another to bring some order out of chaos in mining claims out West.

So here is the way it worked in 1872 and here is the way it works in 1991: You can go out to any State, particularly in the West, and put four stakes in the ground after you survey 20 acres of ground and you can take that 20-acre claim down to the courthouse and file it and that 20 acres is yours for use as long as you put in 100 dollars' worth of work a year on that claim.

Now, that is a separate issue. But obviously there are a 1.2 million claims in existence today. You think about it. There are 1.2 million claims with 4 rocks or 4 posts or some other identification on 20 acres of ground. And as long as you can convince BLM that you have done 100 dollars' worth of work on that 20 acres in an effort to determine whether or not it has commercially producible hard rock minerals, it is yours for another year.

Now, most people, obviously, do not do anything. They just send a little certificate in. BLM has testified before our committee time and time again they do not have time to go through them. To suggest that BLM goes out and checks 1.2 million claims to see whether or not work actually has been done or not is an absurdity. So people just fill out little affidavits. That is one of the reasons even the Bush administration wants to put an annual fee of $100 for holding these claims. Out of the 1.2 million claims, making these people paying $100 instead of just saying they did 100 dollars' worth of work when everybody knows they did not, making them pay that $100 would probably reduce the number of claims immediately to 800,000.

Let us assume further, to make it interesting, let us assume you have 25 claims equallying 500 acres of land. Keep everything easy so everybody can figure it. So you have a claim on 100 acres of land that is contiguous and you have recorded your claim down at the courthouse and you get serious about it. You decide that claim has gold under it. And so you begin to do some tests to determine whether or not that gold is there in sufficient quantities to warrant the kind of investment you would have to make to mine it.

Assume further that you decide that the mineral is there in a sufficient quantity, and then you go to BLM and say, "Look, I have decided that this land has gold under it and I want to mine it, but before I mine it, I want a deed. I want you to give me a deed to it."

If his proof is satisfactory, and it quite often is, to BLM, that he does indeed have gold under that 500 acres, Mr. President, they will give him a patent, which is the same as a warranty deed that you hold on your home and that I hold on my home; they will give him a warranty deed for the princely sum of $2.50 an acre or $5 an acre in case it is what they call a load claim. But $5 an acre is the most Uncle Sam will make you pay.

So here is 500 acres of land. And assume under the worst-case scenario that they made him pay $5 an acre. He now has $2,500 invested. Now, bear in mind that if he convinces BLM that it has gold under it but that he is not particularly interested in getting a deed to it, or they for some reason or other do not want to give him a deed to it, they can still give authority to mine that land whether he has a deed to it or not. And they do it all the time.

Those of you who were listening to the debate on the Wirth amendment heard me point out that there are 2,000 operating mines in this country on lands for which a deed or patent has never been issued.

The scenario continues. They give him a deed for $2,500 and he brings in his equipment and he starts to mine it and he finds the mother lode. And he is using this new heap leach mining system where they put I believe it is cyanide, it drips down through a huge pile of soil, it leaches the gold out into a trench on the side of this big dump and they can mine gold for less than $100 an ounce. And even with the depressed price of gold right now—because everybody is afraid the Soviet Union is going to start dumping their gold on the market—about $340 an ounce, even at the today's prices, Mr. President, you will agree that when you can mine gold for $100 an ounce and sell it for $340 an ounce, that "ain't" a bad profit.

Last year, according to most estimates, between 4 and 6 billion dollars' worth of minerals were taken off Federal lands. Do you want to know the sequel to that? Uncle Sam did not get one penny in royalties. Not one thin dime.

Go back a moment. Let us assume that this same person who has 500 acres and a deed to it because he has convinced BLM that it has commercially producible hard rock minerals, namely gold, let us assume he decides he would rather sell it to a ski resort. Let us assume he decides he would rather sell it to a developer who wants to put condominiums on it for people to come and watch the sunset or to ski or whatever else. Or let us assume that he just wants to build a palatial mansion of his own on it. There is not one single prohibition in the law today that will keep him from doing just that.

Indeed, an awful lot of people have claims on 20 acres, make no pretense of mining it, have no intention of ever mining it. Some of them have held those claims for 100 years, handed them down from father to children, and they build homes on them. And all they have to do is send a little certificate every year saying, "Yes I stuck a spade in the ground and spent $100 on this claim" and they have a 20-acre home site free, courtesy of Uncle Sam.

Mr. President, the third scenario. The company that has this 500-acre claim, not only are they going to mine hundreds of millions of dollars' worth of gold and not pay the U.S. Government a penny, chances are they will also leave when they have mined it and leave an environmental disaster for you and me to pick up the tab for cleaning up.

Incidentally, Mr. President, I just want to inject this before I forget it. I think I lost this amendment by two votes last year. I am a poor loser. In all the years I practiced law—this is not to be self-serving—I think I lost two jury trials, and it just drove me crazy. And losing here causes me to toss and tumble in my bed at night, and I think about what did I do wrong; why is it I cannot seem to make this point?

There are two things I have concluded. There is an old expression, "Everybody's business is nobody's business." You will hear virtually every Senator from the 8 to 10 Western States come over here to speak against this amendment. And the Senators from the other 40 States, I do not know whether it is just indifference; they do not care?

But I will tell you what I think it is. I think it is so bizarre and such a colossal scam, nobody believes it. But you have to stop and ask yourself, why would they not believe it when I have a GAO report here that validates every single thing I am saying?

When you file a claim in a forest, sometimes the Forest Service will require a bond to make sure you clean it up. BLM is beginning to write some regulations that are sort of haphazard. But do not buy that argument about State laws, because there are some States that have no environmental requirements on Federal lands. So if you go get permission from BLM to mine land in Arizona and New Mexico, where Federal lands are not covered by their environmental laws, you can wreak havoc and leave it, abandon it for the taxpayers of the United States to clean up.

I promise you, we have billions of dollars' worth of those sites right now that have been abandoned. You see them all over the West. The rape, ruin, and run boys left it for us to pick up the tab to clean up.

Mr. President, on top of that: the fourth scenario. Let us assume that mining company N decides that the 500 acres that they just got a deed to really does not warrant the kind of investment they would have to make to mine it. But there is 500 acres adjoining it belonging to the XYZ ranch that they think contains the mother lode. What do they do? They go to the owners of XYZ ranch and they say: We would like to lease this land. We think it has gold under it.

The owner says, "Well, that is fine. I did not know I had gold."

So they cut a deal. He says, "I will let you mine it and I will give you a 20-year lease with an option to extend for 20 more if you want it. Here are the terms. No. 1, you will put up a bond of several million dollars to promise me that this is going to be cleaned up when you leave."

Or he says, "I am going to get so much out of this, I could not care less whether there is a bond or not. You are going to destroy my 500 acres, but am I going to get filthy rich out of it?"

So he cuts a deal and says, "Look, if you want to mine gold off my land, you are going to have to pay me 6 percent of the value of this gold for the first 2 years; 12 percent for the next 2 years; 18 percent for the next 2 years; and 24 percent for every year thereafter."

The guy claps his hands and says, "What a deal."

Is it not curious in that scenario—and that is an actual scenario—that these mining companies, and even some of the smaller miners, are willing to pay a private owner up to 24 percent in royalties for his gold, but come to the Senate floor and argue we will go bankrupt if we have to pay the U.S. Government a red cent.

It is just that simple. Mr. President, if we do not pass this moratorium for the next year and say to BLM, "You may not issue any patents in the next 12 months"—No. 1, I have a comprehensive mining reform bill. Congressman RAHALL has one in the House. We hope those bills will be out of committee before we leave here this fall, and may be on the Senate floor where we can address this in a comprehensive way.

What I am trying to stop are some of the scams that I will read to my colleagues here in a moment over the next

12 months, until we can deal with this in a comprehensive way. You have to bear in mind, my amendment does not stop one single mine from going into operation; not one.

I started this debate by saying that my amendment simply says you cannot get a patent on this deed and us face the chance you are going to take it and sell it for thousands of dollars an acre after we gave it to you for $2.50, in good faith, for you to go mine on it.

But here is what is going to happen in the next 12 months if my amendment is defeated. There are about 350 patents pending right now. That was as of March 31. I do not know how many there are now. But as of March 31 of this year, BLM had 350 mineral patent applications pending.

Do my colleagues know how many acres are involved? 115,000 acres. Everybody said let us not even have a rollcall vote on oil shale, because there are 54,000 acres of oil shale that may be patented in the next 9 months. There are 115,000 acres pending for deeds from the U.S. Government for $2.50 an acre this very minute, and probably more. As I say, that was as of March 31.

And even under my amendment, let me say for the Senator from Idaho, who raised this point a moment ago, 150 pending applications will be exempt from my amendment because the courts would hold that these have gone so far that the applicant has an equitable interest.

The GAO report said over the last 117 years, the Government has sold 3.2 million acres, an area about the size of Connecticut, for $2.50 an acre or $5 an acre. They have issued patents in the past 12 years totaling 66,000 acres.

Mr. President, we ain't talking about beanbags.

One night I was on the MacNeil-Lehrer show with a couple of very worthy opponents, on the space station: Senator GLENN and Senator GARN. As my colleagues know, the space station cost has gone from $8 billion to $40 billion and incidentally, I am serving notice now I will be on the same stand next year until we have killed that sucker.

Mr. ROBB assumed the chair.

Mr. BUMPERS. Mr. President, I made the point on that show that night that here we were about to appropriate $2.1 billion next year just for the space station, which is certainly going to be killed at some point, so that $2 billion is just wasted, and all day that very day I had been sitting in the Appropriations Committee trying to find $20 million for the immunization program. It is always a question of priorities, is it not? And here the mining companies of America take between $4 and $6 billion out of the ground on Federal lands that belong to all the taxpayers of this Nation and do not pay one thin dime in royalties to the U.S. Government.

Mr. President, you heard my colleague, Senator REID, a moment ago, when I asked him: Do you approve of these things? And I am not sure, but I think he said that he did not. He said he did not approve of all of them, anyway. So I will ask my other 98 colleagues: Do you approve of this?

Phoenix, AZ, 15-acre sand and gravel mining operation patented in September 1985 for $38. BLM says the fair market value, not counting the minerals, is $272,000.

Phoenix, AZ, a 19-acre granite operation patented in 1987 for $47. There is hardly a person in this room who does not have $47 in his pocket. Sold, $3.8 million.

One Senator, incidentally—I have to say this; this is an amusing story. When I first started this fight 3 or 4 years ago, I came to the floor and said, "I need a Republican cosponsor of this amendment," and I told him what was going on. I asked "How about it?" He said, "No. I am going out West and start filing claims."

What I would not give to have been able to get that little old 19-acre tract out in Phoenix for $47 and get $3.8 million.

Phoenix, AZ, again, 40-acre sand and gravel operation. We are moving up the ladder; this one cost $100. Fair market value, $400,000.

Las Vegas, a city in the State of my good friend who has been an adversary on this issue, Las Vegas, 449 acres—we are skipping through the dew now—449 acres sand and gravel operation patented in 1981 for $1,124. Somebody may have had to go to the bank to get that much money. Sold, $2 million.

Las Vegas, 310-acre site, not being mined in 1988, close to a ski resort and hotel, got a patent in 1983 for $775. Fair market value, $1.2 million.

California, 9-acre active gold mine near a tourist town, the town of Jackson, CA, patented in 1983 for $45. Estimated value—not too much—$900,000.

California, 12 acres near West Point, patented in 1982 for $62. It was for sale when the GAO auditors went to look at it. Estimated fair market value, $125,000.

California, 34 acres near Sonora, cost $170 to patent it in 1985, not being mined; estimated fair market value, $510,000.

Colorado—here is a goodie—near Keystone, 160 acres patented in 1983 for $400. Where can you buy 160 acres for $400? In Colorado. No mining on it as of 1988 because there is a zoning ordinance in the community that prohibited mining. And 44 acres, I believe, have been sold; 44 acres are up for sale, not yet sold, $11,000 an acre.

Of course, we have heard the one about the oil shale in Colorado in 1986, 1,700 acres of oil shale land, cost $42,500. That is a lot, $42,500 for 1,700 acres; sold, $37 million. Not up for sale, sold.

Mr. President, Oregon sold land in an area called the Oregon Dunes National Recreation Area. Think about it: 780 acres right in the middle of a national recreation area in Oregon. The reason they did it, they said this is just not ordinary sand. The applicant said this is a special sand, uncommon variety sand, not just your ordinary old river sand, an uncommon variety sand. You have to do that. You cannot just get a patent on sand. So this was an uncommon variety. And BLM was more than happy to sell them 780 acres right in the middle of a national recreation area. Can you believe that? They paid $5 an acre for it, $3,900 this family paid for that 780 acres.

There has been a firestorm out there and so now the Forest Service is trying to buy the 780 acres back. What do you think the asking price is by the family that bought it? The family that bought it, I believe, in 1987, for $3,900, or $5 an acre, they say they will sell it back to the Government now for $12 million. And we will probably pay it.

That is a catalog, but that is not all of them, either. There is a rocky hill site outside Phoenix, the Pointe at Tapatio at Cliffs resorts. They cater to movie stars, tennis pros. They offer $180 a night suites with marble trim and French doors opening onto tropical courtyards, mountain vistas, and city lights. The Federal Government sold the land in 1970 to Phoenix miner Frank Melluzo for $2.50 an acre. Melluzo sold it in 1980 to a resort for $400,000 and 11 percent interest in the resort.

Stefan Albouy, a miner in Aspen, CO, staked a claim to 10 acres in Forest Service land next to a downhill ski run.

He can patent that land for $2.50 an acre, and that is not bad, where a quarter acre residential lot sells for $776,000.

Another one. Keystone, CO, again. Ski resort. In 1983, the Forest Service sold miner Mark Hinton 160 acres of land for $2.50 an acre for $400 total. He turned around and sold it for $1 million.

It is impossible, but as I say I think one of the reasons we cannot muster that extra 2 or 3 votes around here is nobody believes this. If you do not believe this Senator, call GAO. Most of what I have given you is in the GAO report.

Now, Mr. President, the real problem here is not mining. That is a diversion. That is a distraction. I have heard those arguments about how South Africa and the Soviet Union and Brazil, they are going to have the whole gold market. If my amendment passes today, there will not be one single miner in America lose his job. There will not be one ounce of gold that will not be mined. What there will be is a stopping, a cessation of people getting deeds to land from the U.S. Government on the pretext of being a miner and turning around and selling it for millions of dollars. It is just that simple.

The bill which I hope you are going to vote on late this year or next year covers royalties, reclamation, bonds, holding fees, the whole 9 yards. All this amendment does is say BLM, do not give out any more deeds until we have a chance to address this problem.

The director of the Bureau of Land Management, Cy Jamison, a perfectly nice guy—sometimes I get terribly agitated with him like when he spends $4,500 on a dossier telling the people of the BLM we have to start an advertising crusade essentially to stop the Bumpers bill. Now, what on Earth is going on? But I asked him, I said Mr. Jamison, once these people come to you for an application for a deed to this land and you give them the deed, do you ever monitor what happens to it after that? He said no, we do not care what they do with it after that.

Let me repeat that. Mr. Jamison, does BLM care what happens to this land after somebody comes to them with a mining application and says I want to mine this land and I would like to have a deed for it for $2.50 an acre? Do you know or do you care what happens to that land after you give him a deed to it? Answer. No.

It is so absolutely unreasonable and outrageous. I am like a lot of my colleagues, I have a hard time believing it, too.

You will hear arguments here about how we export gold, how many miners are involved in this, how much money they spend developing these claims. That is fine. I am not refuting that. Let them go ahead and mine. But do not let them take it and sell it for $1 million the next day to a ski operation.

What a scam. I know my colleague from Nevada takes exception every time I call it that, but I just do not know what else to call it. A rose by any other name smells the same.

You will hear people say, well, GAO is blaming the messenger instead of the message. Nobody has refuted the central point of the GAO report, and that is the fair market value of the land is nothing. The law of 1872, 117, 118 years old, said you can have it for $2.50 an acre.

Now, some of the other things that we've talked about, the fact they do not pay Uncle Sugar a red cent, that is not in my amendment; the fact they do not actually perform a dollar's claim work every year, that is not in my amendment; the fact that they do not put up a reclamation bond to assure the American people that they are not going to have to pick up the tab for an environmental disaster, that is not in my amendment. All my amendment says is you cannot give anybody a deed for $2.50 and risk the chance of them going out and selling it for a bonanza.

The argument is made these people cannot borrow money if they do not have a deed. Well, how are these 2,000 mining operations going? They do not have a deed. They are operating on unpatented lands. How about oil and gas companies that drill on my and Betty's land, we did not give them a deed to it. We gave them a right to go out there and drill a well. And if they find something, I am going to get three-sixteenths of it. Where do they borrow money? They do not own this land; I own it. How do they borrow money? Why, they borrow money just like these miners do. Another diversion, distraction.

This is a digression, Mr. President, but do you know one of the reasons we cannot get our house in order? This country is constantly being diverted or distracted by trivial issues or trivializing important issues.

I read a story: In 1954 a famous World War II general said, "My wife and I have a lot of problems in our life." He said, "She has almost driven me insane at times." The thing that drove him the craziest was that she squeezed the toothpaste tube in the middle. He wanted her to squeeze it at the end.

I confess I have a little of that in me. I get so exasperated over little things like that.

But he said, "You know, we have had big fights over the fact she squeezed the toothpaste tube in the middle." He said one day he went to the doctor, and he said, "You have cancer of the lung. You will be lucky to be alive 6 months from now." He said "Suddenly, I didn't give a damn where she squeezed the toothpaste tube."

That is the way it is around here. We allow ourselves to be diverted by inane, elemental, simplistic, and fallacious arguments. Nobody can define this, nobody. You can make those arguments. Somebody may raise a point of order of this being legislation on appropriations. Let me read you something. Incidentally, this is in the House bill. The language is precisely the House language. Section 306 of this bill:

> None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest.

Is that legislation? I promise you some Senator can answer that for you. I do know who put it in, but that is important to some Senator here. And if that is not legislation, I will eat this sheet of paper.

Section 310:

> None of the funds provided by this Act * * * may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

That is just fine. I do not want them hunting on the Loxahatchee Wildlife Refuge either. So I am willing to eat that little legislation on this bill.

Section 311: No funds herein may be used for the harvesting of the giant sequoia trees. I am for that. Is that legislation? While the Parliamentarian could not keep a straight face on any of these, the bill is full of them.

One time I was in a conference committee, and the chairman of the House committee on the other side said that is legislation on appropriation. We could not allow that in the House. This was a long conference; lasted several weeks. I had my staff work on it. How many amendments do you think were in that bill, in the House bill, that had legislation on appropriations? Forty pages—not 40 amendments—40 pages. Why everybody in here knows if you are against something and the question of legislation on appropriations or germaneness comes up, to give you a little something to hang your hat on, it goes on and on. We have done this before.

This is not virgin, not new. We had moratoriums in 1986 and 1987.

Incidentally, it was back then when I first realized what was going on in this mining operation. That is when I begin to think about introducing legislation.

Mr. President, when I mentioned a moment ago how we postpone, trivialize, divert ourselves—the space station is going to get killed, in my opinion the B-2 bomber is going to get killed. But only after we have spent billions and billions of dollars because nobody wanted to face reality and go home and face that old argument about he is weak on defense.

When I think about all the defense arguments that have been made on this floor every year since I have been here, I do not believe I have ever seen more than 3 to 4 percent of the defense budget contested. We all agree that 95 to 98 percent of the defense budget is just hunky-dory. But sometimes when there is a multibillion-dollar weapons system in there that we do not think fits our force structure, that we do not need, the costs of which we cannot afford, those are what the debates are about.

It took me 8 years, 8 long years—I have only been on this 3 or 4 years—took 8 years to get BLM to start leasing oil and gas lands by other means than the lottery. For crying out loud, all these years we have been violating the criminal laws of this country by letting people pay $10 to put their name in a hopper and play bingo with it. If their name was pulled, they got an oil and gas lease sometimes worth millions for $1 an acre. It took 8 years to go to a competitive system. You know what is really curious about it? Everybody who argued against that, including BLM, now thinks that competitive bidding on oil and gas lands is the hottest thing since night baseball.

Mr. President, you are not talking about bean bag here. You are talking about megabucks. If you do not think the mining industry will spend millions, which they have already done, to defeat not just this but especially my mining reform bill, they will spend millions. They write letters to the editors all over the State of Arkansas to tell them what a bad actor I am. And the people of Arkansas do not have a clue as to what this is about.

One of the reasons we will never get scammed is because I offered a quick amendment in here to exclude Arkansas from this kind of tommyrot. I remember when Shirley MacLaine was saying quartz crystal would cure cancer and all those things, you rub it just right. You know where the biggest quartz deposit in the United States is? Ouachita National Forest in Arkansas.

We had people all over the United States in the Ouachita tearing the place apart, garden tools, scraping up those quartz crystals and they were very valuable. And the Forest Service called me and said what are we going to do? I said I tell you what we will do. We will get the Ouachita Forest excluded from the 1872 mining law so you can charge them and regulate it. We did it.

That was also about the time I began to realize what was happening in this whole thing.

Mr. President, I will not take any more time. Frankly, I think I have said about all I want to say. I will wait until others speak and respond, and then we will vote, whatever you want to do.

Incidentally, this has nothing to do with my amendment, but I want you to bear in mind, when the bill hopefully comes up later this year or early next year, what I consider one of the most specious arguments of all which is the royalty provision. I have never understood, and certainly the Senator from Nevada did not give me any satisfaction this morning, why the mining companies are perfectly willing in the Senator's home State of Nevada to pay an 18-percent royalty for every ounce of gold they take out, and they mine lands on Federal lands in the same State and do not pay a red cent.

I am not just picking on that particular company. They will argue that they will go broke. They will go broke if they have to pay a royalty on Federal lands, but they are happy to pay it on private lands. How much longer is Congress going to permit that?

You know, one time Sam Donaldson, I forget that show they do, "20-20," "Nightline," whatever it is, they did a big story on this. Just about every big exposé television show in the country has done a piece on this very thing, showing graphic scenes of the environmental disaster, and so on. One Senator called and said, "For God sakes, put me on as a cosponsor. My phone has been ringing off the wall this morning." He voted against the amendment last fall. There must be something in the water.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, my friend from Arkansas, and he is my friend, I have great respect for him, has made an effort, and it has been a successful one, to confuse the issue. He has done a very good job of that. He has used on a number of occasions—in fact I have kept track—seven or eight times the word "scam." I would submit to my friend from Arkansas his liberal use of the word "scam" could also be directed toward his argument, which in effect is a scam.

We have here, Mr. President, a situation, and let us make it clear. The big problem that we have with my friend from Arkansas is he cannot get, in his own committee, a bill out. You know, in Congress, in the House and the Senate, we have a procedure. That procedure is a very simple one. You take a bill, it is introduced, and it is referred to a committee. This mining reform bill that he has talked about, that he has wanted to get passed for 10 years, whatever the figure is, is a bill that was referred to the Energy and Natural Resources Committee.

On that committee there are people from all over the United States represented. Senator BUMPERS is the second in seniority. Only the chairman of the committee has more seniority than he has. It would seem to me that is the place he should be talking about these things that he is concerned about.

He said, "What did I do wrong?" He is on the wrong side of the issue which is one problem that he has. The reason he has some sleepless nights is he is on the wrong side of this issue.

Mr. President, if someone says something long enough, even though it is wrong, people tend to start listening, and it may be right, or at least people think so. In this instance, my friend from Arkansas has said time after time after time, how all these things are wrong.

What he does, very cleverly, is confuse the issues, like he is confusing the fact that this legislation should be considered on an appropriation bill. It should not be. It should not be considered on an appropriation bill. It should be handled in the Energy and National Resources Committee and come here; that is the authorizing committee. He has not done it. I do not know why my friend has not worked that committee and had a bill come in here in its natural course.

What he has done—he has had a whole year, and this is the most powerful, the most senior man in that whole committee network. It would seem to me he should be able to get a bill out of the committee, if it has any merit. Maybe this is lacking in merit, and that is why we do not get it through the normal process.

We should not be debating this legislation on an appropriation bill. It came up last year. On that basis, it was turned down.

Also, my friend from Arkansas has confused this issue. Let us understand, in the West there are a couple of ways to go into a mining operation. The first is, you can go out into the land and see a place that looks like you might want to mine. You can go and locate a claim. As the Senator said, you can put the markers and file a location notice, and then you do work every year. That is called an unpatented mining claim.

The Senator from Arkansas keeps getting the two confused and keeps talking about unpatented in one breath and patented in the next. On an unpatented mining claim, anyone can go locate that claim—anyone. If he does do that, there is no ability, by law, to build a house on that land, or put a mobile home. The only thing he can do is put personal property on that real estate to further his mining operations—maybe a hoist house, maybe a toolshed. But that is the only way he can use the surface of an unpatented mining claim.

So I want Members of the Senate to understand that these are two different things Senator BUMPERS is talking about. He is interchanging them. We are talking about the second issue here today—a patented mining claim. Under the 1872 mining law, a person could go find a piece of land, and he then would go to the governmental authorities and say: I can show you that there is mineral value in that land. The Government would then come out, and there has to be a mineral survey; there has to be a showing that there are minerals in that land, and after that is done, a patent is issued.

As I stated earlier today on another matter before the Senate, the average cost of obtaining a mineral patent in the United States today is $220,000—let us say a quarter of a million dollars is the average.

An unpatented claim that my friend from Arkansas keeps talking about may, as has been indicated here, not cost very much. We are not talking about unpatented claims.

We all agree that the committee of which my friend from Arkansas is a member—and he is the chairman of one of the subcommittees—should do something and review this law, have hearings, witnesses, and produce something out here that we can debate, and not bring it up on this, which is not a relevant piece of legislation.

The Senator says that the patented and unpatented are the same, at least for the purpose of debate, and we know they are not. The authorizing committee of which he is a member, the one of which his is the ranking member, should look at this law, this 1872 mining law, and see if there should be a reversionary interest, fair market value. He said he wants to bring to this floor a comprehensive reform bill.

I would love to work with him in that regard. To show how the argument of my friend from Arkansas could be—the word he likes to use so freely and liberally—a scam—is the fact that he goes back to the time of Ulysses S. Grant, a President of the United States, and says that the legislation has not been changed since then. Absolutely wrong. That legislation has been changed 37 times.

Also, I think it is of note, before we get off of the subject, that he said: If the Senator from Nevada supports the oil shale amendment, how possibly could he not support this amendment?

Let us look at this oil shale program. Let us make sure that we understand what we did earlier today. All of the claims that we offered in our amendment, which was adopted, applied to claims that were located between 1913 and 1920, when oil shale, by law, was a locatable mineral under the mining law.

Following the enactment of this act, the Department of the Interior began an aggressive campaign of contesting thousands of oil shale claims that had been filed. In 1930, though—in the 1930's—the U.S. Supreme Court—not once, but twice—ruled that while the Department could determine that a claim is valid for lack of discovery, it had no authority to invalidate an oil shale claim, based upon the failure to not do the assessment work. As a result, between 1935 and 1960, claims covering 350,000 acres were patented to private parties.

In the sixties, Interior reserved its efforts to invalidate these claims. In 1970, again the Supreme Court limited the basis upon which claims could be invalidated to situations where there was a failure to substantially comply with assessment work.

Remember, assessment work has nothing to do with what we are talking about here today on the amendment offered by the Senator from Arkansas. Assessment work is only as it relates to gold and silver claims, unpatented mining claims. We are not talking about that here today. It is where you have to do $100 a year in work, or whatever amount the statute says. The Supreme Court said in 1970 that you could not hold up an issuance of a claim because there had not been substantial complaints.

In 1980, they found oil shale valuable for purposes of grant and title, and rules that Interior could not invalidate claims, and that they had no present commercial value. Judge Finesilver, in 1985, directed the Government to transfer all title to the 82,000 acres of claims to the claimants, including the entire subsurface mineral estate.

This is a real abuse, not done by Congress, but done by the courts. That is what the amendment offered by my friend from Colorado is directed toward; that is, to put a moratorium on that until we can pass a law to undo some of this harm.

So anyone that thinks the oil shale amendment is like the amendment here today, it is not. Let us not confuse the issues like my friend from Arkansas has tried to do during this entire debate.

I was born and raised, Mr. President, in a rural community in the West. I have learned to very much appreciate other parts of this country, as I hope other people appreciate the western part of the United States. It is different—different topography, different way of life than in Richmond, VA, as an example, or in Little Rock, AR, or in Bar Harbor, ME; it is different.

I appreciate, respect, and admire the many different parts of this country. I appreciate so much the great food belt we have in this country. There are only three places in the world that have fine soil, the best soil in the world for growing things. In the West, Iowa, Nebraska, those areas. We hear so much about the Baltic States—the Ukraine is another. And the other area is in Argentina. The point is that I do have respect for the manufacturing meccas of this country, the maritime interest of this country. I do not understand them very well, but I try to learn from my friends that have significant interest in the maritime industry. Farming.

So I am here today with others that understand the West perhaps more than people living in Massachusetts and Florida. And all I ask them to do is to try to understand and appreciate the western part of this country.

I guess putting it in real earthy vernacular, I am here to defend, in this instance, the western way of life, because you see, Mr. President, the western way of life is really under attack.

Do not be misled by many of the arguments made here today because, you see, a 1-year moratorium on mining patents would not satisfy people who do not want mining. They do not want mining of any kind. Why? Because if you dig a hole in the Earth there is a hole. It scars it. Some people do not want a hole punched in the Earth for any reason. So a 1-year moratorium to some is only a method to stop mining totally.

The fact is there are people who do not appreciate, do not understand, and in many cases never have been to a Western State in their entire life.

As I indicated here a couple times today, I was born in the western part of the United States in a rural community. My father was a hard rock miner. He worked years and years of his life basically in the dark, underground. And I grew up watching him work in the mines. And the mining has changed in the years since then.

There are not many mines anymore like those my dad worked in. The mines now are bigger operations. The hole is a big open pit, hundreds and hundreds of feet deep in some instances. But it is a hole in the ground in an effort to get the minerals out of the ground.

Mining means a lot, not only to someone from Idaho, from Montana, from Nevada, from California, Arizona; mining means a great deal to every one of us. Why does it? It means a lot because most people pass their days with no thought of what the role of mining plays in their lives. They know where to buy things they want, but seldom consider the origins. Food comes from a grocery store, electricity comes from a wall socket, tools from a hardware store, cars from a dealer, appliances from a department store, and so on.

If we think of how things are created, many of us probably think well of farms, factories, and power stations. In fact, every one of the things that I have mentioned—and I am reading from a publication entitled "What Mining Means to America"—in fact, they all begin with mining.

Without minerals we could not till our soil, build machines, supply energy, transport goods, or maintain any society beyond the most primitive. Our horn of plenty starts with a hole in the ground, with mining. But extracting minerals from the earth is only part of this miner's job, whether it is a miner like my dad underground or the modern miner above the ground with a truck and something to scoop up the earth.

Protection of the environment, the air, we would like to think—and we will show during the course of this debate—is part of every mining operation today whether the miner wants to do it or not. When my dad mined, the environment really was not a big concern. They did not have the controls then that they have now. But every mining operation today, any place in this country—contrary to what the Senator from Arkansas says—is bound by strict environmental standards in every State.

Not only are there Federal rules and regulations but every State has reclamation laws—every State. And not only that, Mr. President, but all the Federal agencies require bonding.

The Senator from Arkansas is absolutely correct. The Bureau of Land Management, I think, was very dilatory and late in coming up with bonding requirements. Now they have them. I know they have them because I get complaints from my folks in Nevada all the time. Why the BLM is requiring these huge bonds? Because they have the authority under law to do so and they have done it.

Most Americans probably have never seen a mine except perhaps a rock quarry or gravel pit. Yet mining touches everyone's life. How different modern society would be without the automobile, television, or telephone, or the fuel, electricity to make them work, more than half of which is generated from coal mined in the United States.

Few people realize that an automobile contains about 15 different mineral materials. Each automobile we drive, 15 different mineral materials; a color TV set, 35 different mineral materials; a telephone, about 40.

Coal, oil, and uranium fuel our cars, light our homes, provide heat and air conditioning for our comfort. All require minerals, whether you are digging coal, manufacturing turbines, stringing transmission wires, or capturing solar light or cutting firewood with a saw; all require mines.

Construction, all railroads, mines. Whether foundation, shingles, plumbing, wiring, ducts, insulation, kitchens, homes and offices, they all require minerals. Kitchen appliances, computers, toys, typewriters, stereos, photocopiers, transportation, cars, trains, trucks, planes, subways, bicycles, bay shuttles, all require minerals.

National defense. All require minerals. Machineguns, missiles, helmets, submarines, tanks, field hospitals, communications. I could go on. But I think the illustration has been made, Mr. President.

Mining does mean something to America, all Americans. Mining is important to the whole western part of the United States and by virtue of being brought to the western part of the United States, that is for jobs.

It is also important to the rest of the country for the reasons I have already mentioned.

The industry created by mining is being threatened by virtue of this amendment here today.

Again I ask why we cannot have this brought in a normal course. My friend from Arkansas did not just get here, as I have heard him say, did not just get off the turnip truck. I heard him say that he did not just get off the turnip truck. Why did he not bring this before the Senate in the ordinary regular process by going through the Energy and Natural Resources Committee? Why would he bring it on an appropriation bill? Is it because the legislation is weak? I do not know, but I have a good idea.

In a State like Nevada, mining is the second leading industry, second only to tourism. The people that hold these jobs have been targeted, I submit to this body, by punitive—and that is what this legislation is, punitive shortsighted legislation.

It seems there are certain groups, people, in this country, and perhaps a few in the Congress, that do not like success. Let me tell you. Mining, gold mining, is a success. We are exporting gold. We have not always exported gold. Only in the last couple of years have we been able to export gold. Why? Because we have much competition. We have tremendous use for gold here in our country. Now we are producing more than we can use here. We are shipping it overseas.

But we hear so much about the trade deficit, balance of payments. And once we get where we are pushing out a product, then we come and try to turn it back? Why?

I think this legislation is punitive. It is shortsighted. The jobs the industry created by mining are threatened. The livelihood and the very way of life are in danger.

Mr. President, there was a survey conducted a little after 1980 that dealt with what has happened to jobs. It is unbelievable the increase in jobs in the gold, silver, molybdenum industry.

If we look at the gold industry alone, it is easy to see the role that the West plays, in particularly Nevada. Last year, Nevada produced 62 percent of all the gold in the United States. Nevada right now has 155 million ounces that we have discovered, and there is about 300 million in other parts of the United States. But this will be gone shortly. There must be additional exploration that goes on.

There is also, I think, important information that shows not only is mining important in Nevada, but in Alaska, in Arizona, in California, in Colorado, Idaho, Montana, South Carolina, South Dakota, Utah, and Washington. But I submit to my colleagues here in the Senate just because I have only mentioned about 10 or 12 States does not mean this operation called mining is not important to us all. There is not a thing that we have done today that involves personal property, that involves the way we got to work, the way we make a telephone call, the way we copy a piece of paper, that does not involve minerals. It could not be done without minerals. And that is what this debate is all about.

If you take a State like Alaska, during the 3 years from 1986 to 1989, 6,600 jobs, new jobs, were created in Alaska because of mining; 6,600 jobs in a small State like Alaska is a lot. We could go through other States. It is not necessary other than to say that in those States I have mentioned, we have had thousands of new jobs created in just 3 years.

And if we look beyond Nevada to the national level at the economic future of this industry, there is concern that should be shared by everyone. Recent information suggests that current mining operations in this country may be attainable at the current level for only 7 more years. That is the crux of this debate with the Senator from Arkansas. That is, there must be, on a daily, a weekly, a monthly, and a yearly basis, continual work done on exploration. It used to be it was done by a man on a donkey riding out in the desert. Now it is done with airplanes, with all kinds of fancy electronic equipment, fancy drills, using diamond bits and other such things that are very expensive.

So every day that a mining operation is in operation, they must also have, in addition to the ore they are taking out of the ground, they must have other operations exploring the minerals they hope they can find someplace else. This makes the patenting process even more important in the overall scheme of the mining exploration operation, so there can be maintained the favorable position that we, the United States, occupy in the current world market.

We look at some of the facts about the future role of mining exploration at the national level as they relate to access and security of tenure. You will see that access and security of tenure are the most important things that we have in the industry.

> In order for the United States to remain a viable world leader and to ensure that American citizens continue to enjoy a high standard of living, the vast mineral and raw material potential of the public domain must play a key role in the future economic development of the nation. For this to happen, the public domain must be available for mineral exploration and it must be possible to gain access to mineral deposits that are discovered.* * *
>
> The risky financial nature of mineral exploration and development is why U.S. miners need secure tenure—

That is what we are talking about here.

Mr. President, I suggest the absence of a quorum.

Mr. PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote on this amendment or in relation thereto occur at 2:30 p.m. today, with the understanding that Mr. BUMPERS would have 2 minutes, Mr. CRAIG 5 minutes, Mr. REID 2 minutes, Mr. BRYAN 5 minutes, and Mr. BURNS 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr President, I thank all Senators.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding the Senator from Nevada will move to table. Thereafter, if that does not prevail, the Senator from Nevada would have further debate on this amendment. I just wanted to make sure the record is clear in that regard for other Senators.

I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is the Senator from Nevada asking unanimous consent?

Mr. REID. I did do that.

Mr. BYRD. Yes. If the amendment to table fails, the amendment may still be debated. I hope that will be understood as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. Mr. President, it will not take me long to sort of recap what we are trying to do. We want to accommodate the chairman and move this amendment so we can move this bill. We understand the time constraints he is under.

I do not think anybody could make the argument any plainer than the Senator from Nevada [Mr. REID]. The problem with this moratorium—and that is basically what it is—is we just do not know what effect that will have on the mining industry as a whole. There are two different bills now pending in the Energy and Natural Resource Committee, of which he is a member and I am a member, to be acted upon. One is a 2-year study to find out what happens in reform of the National Mining Act. We all refer to it as the 1872 Mining Act. That is not the title of the act. It was the National Mining Act. That happened to be the year it was passed. Since then it has been amended many times to reflect the times and the changes that occurred in this country—as it should have been.

Now, let us talk about just a couple of things. Let us put this in perspective on Western mining. We have some Federal land out there that is costing taxpayers dollars. It may be just a wasteland; there is not anything that would grow on that. I do not care if you got 40 inches of rain, 2 tons of fertilizer, you could not raise an umbrella. And it is worth zero because there is nobody going out there buying it. You could put it up for sale and you would not have one bid on it because it is a wasteland, until somebody files a claim and goes out there and picks around on a Sunday afternoon and maybe comes up with something.

Ownership of this land does not change hands until two things happen: No. 1, there has to be a discovery; No. 2, it has to be proved up as to being a viable economic enterprise. Then and only then does the deed change hands.

Remember, you have this 1 acre of land in the West that is worth zero? In fact, it costs the taxpayers dollars and dollars, and thousands of dollars to administer these lands every year. If you do not think so, just look at the BLM budget. And no dollars come back from it. Zero. It is worth zero. A man files a claim. It is still worth zero. If there is a discovery, the value goes up a little bit. If it is found economically valid, then the value goes up again. Then mining has to take place.

What have we done? We have taken a liability to this country and the American taxpayers, and we have turned it into an asset. Maybe $2.50 or $5 an acre, it does not make any difference. But what we have done, we have created taxes, capital gains taxes. Ask the other side. They do not want to give us capital gains taxes. When the owner sells it for $1 million, 30 percent is going to come to the Government.

Remember we are doing this on an acre of land that was not worth anything. It was not producing anything. And that comes to the Government. All those payroll taxes come to the Government, all the FICA taxes go into Social Security, off an acre of land which, up until 5 years ago, was doing nothing or not adding anything to the GNP of this country. Those are facts. I cannot lay them out any plainer.

Mr. SYMMS. Will my colleague yield for a question?

Mr. BURNS. I will yield.

Mr. SYMMS. I thank my colleague for the points he has made regarding this amendment. Fundamentally, this is a private property issue. We have mines in the Coeur d'Alene mining district in Idaho that would be affected by this amendment just as you have described. The Lucky Friday mine is one example.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. BURNS. Mr. President, I ask unanimous consent for 3 or 4 more minutes just to respond to the question, and then I will wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. In the case of the Lucky Friday mine, the patent lay dormant and then was claimed. It was 79 years from the time that the first claim was staked to Lucky Friday, until the first shaft was sunk to start opening the production of the mine. Countless millions of dollars of galena ore have been mined. Thousands and thousands of families have been raised, millions of dollars have been paid in taxes; exactly what the Senator said. But without the tenure and ownership from this system, they would have never sunk a shaft thousands of feet in the ground to find the ore body. You have to have that. It is fundamental to what this issue is about. I would urge colleagues to vote to table this amendment. This is an improper time and place to consider it.

Would the Senator not agree that is a critical point?

Mr. BURNS. I agree with the Senator from Idaho, and I appreciate his making that point. I want to wrap up quickly because I know there are other Senators who want to speak.

Yes, there has been a violation, but that is an enforcement problem, it is not the law. Nobody likes to see anybody break the law, and it should be enforced. I would be the first one to jump on the wagon and do that. But there are also law violations in every social program that we run in this country. The papers are full of articles about people who violate the laws on all kinds of welfare programs. Do we hear anybody jumping up and wanting to lead the reform on that, or do away with the program? I do not think so. And they cost us money, too.

Be very, very cautious on this, because there is a fundamental American right here that could be violated if we go into a moratorium, because nobody knows what effect that is going to have on the mining industry. Be very cautious, or it could be a surrogate issue for something else that has not been identified yet.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, the general mining law has helped spur America's industrial growth and continues to help U.S. manufacturers keep up with foreign competition.

The reason given for the moratorium on patents is that this law is a ripoff. That just is not true. The case just has not been made that this law is broken.

The administration is working to fine tune this law to keep up with modern mining practices and has done so. The Bureau of Land Management has recently announced new regulations requiring new bonding requirements designed to ensure reclamation on all mining operations on BLM lands. BLM Director Cy Jamison has told me that his goal is to require reclamation bonding for all mining activities on Government lands.

Mr. President, these new regulations will be added to the burden on mining companies that exist from a myriad of costly State and Federal environmental regulations, laws, and permits required for mining operations. The sponsor of this amendment ignores these facts.

Environmental laws enacted in the past two decades have had a profound effect upon activities under the mining law and provide a good example of the flexibility inherent in the mining law and how it adapts to changing circumstances. State reclamation statutes typically cover both exploration and mining. Permits are usually required before mining starts and an operation, or reclamation, plan must be approved in order to obtain a permit. There are specified reclamation standards, provisions for performance, and reclamation bonds resulting in a comprehensive program of regulation.

The Federal Land Policy Management Act and Forest Service Organic Act grant the Federal Government more than sample opportunity to require reclamation of mining sites on public lands and such reclamation is being accomplished.

Both the Bureau of Land Management and Forest Service have issued separate sets of comprehensive administrative surface-management regulations governing mining activities. These comprehensive regulations impose substantial requirements on anyone attempting to prospect for minerals on public lands, and to develop any valuable deposits that are discovered.

Activities under the mining law must comply with all of the following laws: The Clean Air Act; the Clean Water Act; the no-net-loss wetlands policy; the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Toxic Substances Control Act; the Endangered Species Act; the Archaeological Resources Protection Act, and numerous others. Also, the National Environmental Policy Act requires the preparation of an environmental-impact statement whenever a Federal agency has to take a major action significantly affecting the environment. Generally, the development of a mine will require some Federal permit, license, or right-of-way that will result in the preparation of an environmental impact statement under NEPA.

Now, I do not know what else we can do to stop mining on Government land in this country, but this amendment is a good first step. I do not believe that mining law is broken and I do not think this amendment is needed to give the Senate time to think more about changing this law. I would urge my colleagues to oppose this amendment.

Mr. CRAIG. Mr. President, in the overall debate on this amendment of our colleague from Arkansas, instead of dealing with and discussing in a broader way the issue of the law itself, and what my colleague is attempting to do with his amendment to establish a moratorium on patents, let me go to some of the issues that my colleague has addressed as they relate to what he suggests is a gross, and unacceptable, giving of Federal property at some $2.50 an acre.

One of the things that has been so profound in our Nation for over 200 years is the concept of private ownership, and that at one time most of this land was held by the Government. During certain periods it was given out, granted out, acquired by private interests for the purpose of generating wealth.

I thought it was unique that President Gorbachev was returning from the Crimea to meet with representatives of the Republics of the Soviet Union for the purpose of signing a treaty of the unions, or a union treaty. And to my colleague from Arkansas, one of the clauses in that treaty was to return to the Republics greater control over the development, and the utilization, of their natural resources.

In the history of the mining law, there have been some 3 million acres in which we have granted private rights for the purpose of development; 3 million acres nationwide, all 50 States. In the State of Arkansas, the Federal Government has given to that State approximately 11,936,834 acres, not for $2.50 an acre, not for $1.50 an acre, but for nada, nothing, Mr. President.

The Senator from Arkansas represents a State in which the Federal Government turned over to that State and private interests over 11 million acres of land. Why? To strengthen the position of the State; to promote the economy, to create and generate human enterprise. Private property ownership is the basis, and the foundation, of this country's great wealth. It always has been and it always will be. How do we fund the schools of Arkansas? We fund them from 933,000 acres of land that the Federal Government gave to the State of Arkansas for not one penny. There are some 196,000 other acres for schools. Those railroads, those private interest railroads, those profit making railroads, were given 2.5 million acres of land in the State of Arkansas.

I think the point I am trying to make, if it is not now obvious, is the fact that you can make all of the accusations you want, but there is another side to the story. And the other side to the story is that this Nation has had a history of seeking to develop its wealth, and generate wealth, through the utilization of its public land resources. What we are talking about is the method by which it is accomplished, Mr. President, and how we seek to continue to do that. It is fundamentally important.

Let us look at the mechanism of the law itself. We are not changing the 1872 mining law. We are simply saying to the employees of the Bureau of Land Management that if someone comes into a field office, out in the State of Idaho or Nevada, and they have an application for patent, that State and Federal employees cannot take the application. The law is still there. I can still insist that they do it because the law says I can go to patent on a claim if I can prove certain things exist.

Why does our colleague not go before the authorizing committee and change the law instead of tying the hands of the employees of the BLM who, by law, are required to administer this law? I will tell you why, because he has tried and that committee has said no. On more than one occasion they have said no, in large part because, thank goodness, this Congress still believes that our public lands ought to be allowed to be utilized when valid for the purposes of the generation of this kind of national wealth.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. That is the issue. The question is, Is the amendment credible? I say it is not because it is not appreciable in a practical consent.

Mr. HATCH. Mr. President, I stand in strong opposition to the amendment offered by the senior Senator from Arkansas. There are several good reasons for opposing this amendment, and I would like to briefly discuss those reasons.

First and most important, the use of the appropriations process to make a substantive change in the mining law of 1872 is objectionable. The appropriations process is an improper vehicle to amend the mining law piecemeal. The public policy implications of such action needs to be evaluated in the larger context of comprehensive mining law reform. In both the House and Senate, authorizing committees with jurisdiction over the mining law are holding hearings on mining law reform legislation. The issue of patents and whether the patent process should be modified is an integral part of these deliberations and should not be preempted through the appropriations process. My esteemed colleague from Arkansas is attempting to engineer an end run around the authorizing committees whose responsibility and current actions are addressing this exact issue. In fact, they are assessing his own bill.

The right to a patent is one of the most important aspects of a miner's security of tenure under the mining law. After a mineral discovery is made, and the Government has determined that sufficient mineralization is present to justify development of a mine, a patent is issued that transfers ownership of the mineralized claims to the miner. The patent establishes fee ownership. This ownership is particularly critical for large-scale mining operations that may face a great variety of operating conditions over a period of as long as 100 years. Economic cycles, temporary closures, and changing land-use patterns all result in significant risks to a mine's existence unless real land ownership exists.

Without the ownership protection provided by a patent, miners throughout the West will have difficulty in bringing a mineral discovery into development. Banks will be reluctant to finance mines, and miners will hesitate to expend the large amounts of money needed for exploration. As a simple analogy, would a bank loan a person money on his or her home if he or she was merely a renter?

Some have argued that our existing mining law enables companies to control vast amounts of land in the American West. However, the issuing of patents under the mining law has in no way been a land grab situation that needs the drastic remedy of a moratorium. The facts speak for themselves: Since 1781, over 700 million acres of Federal public lands have been transferred to private ownership for agriculture, railroads, mining, State grants, timber, stone, and desert lands. Of that 700 million acres, only 3 million acres have been patented for mining since 1781.

Some have asserted that a moratorium on patenting is needed now to avoid a "rush to patent all mining claims in sight." The BLM statistics on patent applications and patents issued invalidate this assertion. In fiscal year 1990, only 75 patent applications were filed for a total of 1,225 mining claims; and only 34 patents for only 447 claims were issued, covering slightly over 8,000 acres. This small number of patents was issued in spite of the fact that currently there are over 1.2 million mining claims in the United States.

The popular press and certain Members of this body have indicated that the public is being ripped off by miners who can buy public lands for as little as $2.50 to $5 per acre. As my esteemed colleague from Arkansas knows, this is a bogus argument. In order to demonstrate to the Government that an ore body is worth developing, miners must complete extensive exploration work that often costs hundreds of thousands or even millions of dollars per claim. The $2.50 to $5 charge is a patenting fee and is not at all associated with the cost of purchasing the land. It becomes quite tiresome to constantly hear these low fees being used against the mining industry when in fact miners pay huge sums of money to develop a mine, to create jobs where there were none, to keep their mine going through tough economic times, and to pay significant taxes.

I urge my colleagues to oppose this patent moratorium amendment since it would create chaos with respect to good faith mining applications that are now pending before the Government. A patent application represents many years of diligent exploration and investment. It would be unjust for a patent moratorium to be enacted by Congress for applicants who have expended scarce dollars in their endeavor to secure a patent. Furthermore, a patent moratorium would stop an important part of the present mining law debate in its tracks. A moratorium could lead the Government to the permanent elimination of patents through a series of extensions, as is the case for such moratoria in general. At risk are the new mines this Nation must have to sustain its minerals production capabilities and the jobs that would be created.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, time is already allocated to certain Senators under the order of the Senate.

Mr. BRYAN. Mr. President, if I might inquire.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. BRYAN. I thank the Chair. Mr. President, I rise to express my strong opposition to making a fundamental change in the 1872 mining law through an amendment to the Interior appropriations bill. Mining law reform is a complex issue and it deserves steady deliberation in this body, a process that is presently underway in the appropriate committees.

The language to ban the expenditure of funds by the Bureau of Land Management to process applications and to issue patents under the mining law of 1872, as amended, will severely harm a critical U.S. industry and one that is particularly important to my own State.

A basic tenet of the existing mining law includes a right to apply for, pay applicable fees and to receive a patent to the land and minerals within a mining claim after establishing—Mr. President, I think it is important to note this—after establishing that an economically viable mineral deposit has been located.

Investment in mining operations tends to be inherently risky. Volatile world commodity prices and the vast capital requirements for the development of mining operations create business risks for mining operations. I might note parenthetically, Mr. President, that in the past few weeks, the world has been astonished and by and large pleased at the results of what has occurred in the Soviet Union as the forces of reform have gained over the forces of oppression. That same instability, however, has had a direct impact upon the price of gold on the international market. Speculation mounts that the Soviet Union, because of its own domestic crisis, may have to unload substantial amounts of gold on the international market, and that has caused the price of gold to decline. Those are factors that are beyond the control of the domestic mining industry in this country and adds to that uncertainty of which I just spoke.

The right to secure title to mineral deposits discovered is essential in order to ensure continued ability to prospect for, finance investments and to mine essential resources. It should also be noted that obtaining a patent or mining claim is not a routine or inexpensive or a pro forma procedure as has been suggested by some on this floor. The actual granting of the patent occurs at the end of a complex, time consuming, expensive and infrequent process that may require years or decades of expensive research and development.

In the current fiscal year, despite mining activity in Nevada being at or near an all time high, only three patents, Mr. President, have been issued, totaling some 728 acres. Over the past 23 years, a total of only 33,000 acres in Nevada have been patented. These patents, occurring at a time of vigorous mining exploration, comprise about 5/100ths of 1 percent of the more than 560 million acres of federally owned land in the State of Nevada. Thus, rather than being abused, the patenting process in my State has been rarely used.

The patent process merely is used to protect the security, tenure and title to the claimant after investing an enormous amount of time and a vast resource of money in developing a mineral resource. By some estimates, preparing a claim for patenting may cost as much as $12,500 per acre, an investment in the property that would not occur if there was not the ability to patent the land.

On the subject before you, rescission of this historic mining law of 1872 is complicated and the issue is a sensitive one for those of us who are both concerned about the economy of the Western States, as well as the status of our public lands.

The 1980's have witnessed a remarkable rural economic renaissance in my State largely because of our entry into the third era of world class minerals protection in Nevada.

The earlier eras were the Comstock Lode boom of 1860–90's, and the Goldfield-Tonopah boom of 1905–15.

Nevada is known for its gold and silver production, but copper production sustained the economy in the Ely area from the turn of the century until the 1970's. Nevada also possesses substantial resources of molybdenum, lithium, barite, tungsten, iron, gypsum, and a variety of specialty clays, all of which are important strategic minerals.

Many of these resources are largely undeveloped but will become important to Nevada and the Nation in the future. We also have active exploration for platinum. Total nonfuel minerals production in Nevada in 1990 was nearly $2.6 billion, about 12 percent of the total gross State product. We produce more than 6 million ounces of gold, about 62 percent of the United States production, about 11 percent of the world's production. Nevada's gold production reduces the Nation's trade deficit, since we are a net exporter of gold.

Mining companies have invested $5 billion in Nevada in the last decade; employment in the industry has increased from 6,000 jobs in 1985 to a peak of 16,000 last year; State and local taxes paid by the mining industry have increased from $21 million in 1986 to about $90 million annually.

Thus, mining is an integral, and critical element of the Nevada economy. Much of that activity would have been hindered if the companies involved could not be assured of the ability to patent and perfect their mining claims.

There is currently pending in the Senate a very responsible legislative approach to revising the mining law. I am an original cosponsor of Senator BURN's bill, S. 785, which would provide for a balanced and comprehensive study of the industry, existing Federal and State regulatory and taxation schemes, and is intended to produce substantive recommendations to update the mining law. I believe this is a responsible approach because of the rapidly changing conditions in the minerals industry and our economy.

For instance, Nevada's first general mining reclamation law was passed by the last session of the Nevada Legislature in 1989, and only became effective on October 1, 1990. The impact of that legislation, which was adopted with the cooperation of the mining industry—a historic first for my State—are only now becoming apparent and will no doubt affect both the economics and environmental implications of the Nevada mining industry. Likewise, a host of other environmental laws and regulations have grown around the basic parameters of the mining law, and their impact should be considered as well.

However, I also recognize and appreciate the efforts of Senator BUMPERS and others who have legitimate concerns about revising the mining law of 1872. I know that some isolated abuses of the mining law for nonmining purposes have been described, and I believe there is a broad consensus within the industry as well as outside to prevent such abuses. But for those of us who represent public land States—Nevada is comprised of nearly 86 percent federally owned land—it is critical that mining reform not spell the demise of our mining industry.

Often the Federal ownership of vast tracts of land does little to benefit the residents of a State like Nevada, and efforts to create more private ownership have been slow. The use of these lands for mining, however, contributes much to the host state. Where abuses have occurred, change may be warranted, but the approach advocated by Senator BURNS is reasonable and I urge your consideration of that legislation.

In any event, it is apparent that efforts will be made in this Congress to fully address this issue in a substantive fashion, and working through the relevant committees is the proper way to do so. Action in this matter through the appropriations process is not good legislative policy. I have strongly defended and appreciated the historic general mining law, and Nevada has benefited from its provisions as well as its philosophical approach. I intend to be closely involved in the legislative process, and to defend against proposed changes that would adversely impact Nevada.

As I have indicated, Nevada is the leading mining State in our Nation. We lead the country in the production of gold, silver, and barite. Mining contributes many jobs to our economy, and is the third largest source of State tax revenues. I believe we can affirmatively state the case for Nevada that the fundamentals of the mining law should be retained so that our mining industry continues to prosper.

The mining law has served the Nation well. It should not be altered without careful consideration by this body. To propose a fundamental change now, on the appropriations bill, simply is not a wise decision. I urge my colleagues to reject this amendment, as they did last year, and to fully debate this issue in the relevant committees.

Mr. BUMPERS addressed the Chair.

Mr. BRYAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas [MR. BUMPERS] is recognized. Mr. BUMPERS has 2 minutes.

Mr. BUMPERS. Mr. President, first of all, I want to say this amendment is not directed, nor is my personal concern about this issue directed, the legitimate mining companies of this country. They do a superb job. The fact that they do not pay royalties and do not put up reclamation bonds is not their fault; it is our fault. But on this particular amendment, all I am saying is the people who are not legitimate miners, the people who get lands from the Federal Government for $2.50 an acre with no intention of mining, but of capitalizing and selling it for thousands of dollars an acre and taking advantage of this 117-year-old law are no friends of mine.

When it comes to getting us out of the authorizing committee, the Senator from Nevada suggested maybe there is a lack of merit to this bill. There is not a lack of merit. There is a lack of non-Western Senators on the Energy Committee, and that is the reason I have to utilize this method of trying to stop a scam that 90 percent of the people of America, including legitimate miners, deplore. I yield the floor.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Nevada, Mr. Reid, has 2 minutes remaining.

Mr. BAUCUS. Mr. President, I ask unanimous consent to be able to speak for one-half minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I will vote against the amendment proposed by the distinguished Senator from Arkansas, but I do so with great reluctance. Given the mining industry's importance to Montana, I believe it is best to proceed with caution. I believe the best course of action would be for the Energy Committee to report legislation to the full Senate.

I realize that the Senator from Arkansas has waited for years for this to occur. He has worked hard. He has been patient. The Senator is right in contending that it defies logic to claim that a 119-year-old law can meet the environmental challenge of regulating the modern mining industry. Moreover, there is not a doubt in my mind that most Americans and most Montanans would be dismayed to learn that fee title to Federal lands is being sold for $2.50 per acre.

While reasonable people may disagree about how the general mining law should be changed, there is little doubt that change should come.

It is time for some interests within the mining industry to stop resisting change. It is time for the mining industry to sit down with the Senator from Arkansas and talk reasonably about a comprehensive mining law that is good for the mining industry, good for the environment, and good for the American taxpayer. Mr. President, patience is thin. If we do not resolve this by this time next year, I will vote for the Senator's amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada [MR. REID] is recognized.

Mr. REID. Mr. President, I do not justify the abuses that have place with this 1872 mining law. There have been some. We have explained in detail this should be approached in the proper committee of jurisdiction.

I state publicly to the Senator from Arkansas, the second-ranking member of that committee, I will work with him. The Nevada mining people will work with him to talk about reversionary interests, fair market value, and the other things that perhaps would improve this legislation.

But let us not throw the baby out with the bath water. That is what my friend from Arkansas is trying to do, is to throw the baby out with the bath water. His amendment is not good. I therefore move to table.

Mr. DOMENICI addressed Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The Senator from New Mexico.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I wonder if the Senator from Nevada would yield for 1 minute? I was going to ask unanimous consent to speak for 1 minute. I already checked with the managers. They saw no problem. One minute. And then the Senator will have the floor under my request for the motion the Senator just made.

I am opposed to the inclusion of a patent moratorium on an appropriations bill. The 1872 mining law is a very complex piece of legislation which deserves the full consideration of the authorizing committee.

Two bills are currently being considered to amend the law (S. 433 Bumpers, and H.R. 918 Rahall). Over 250 people have given testimony on those 2 bills this year. To include a moratorium on the appropriations bill would circumvent their reasonable expectation that the bills will have the benefit of full legislative procedures.

I believe a moratorium on patenting is not the answer to the problems most often attributed to the mining law—the problems of the public not receiving a fair price for patented lands and the problem of lands patented under the law being resold for other purposes at large profits.

The fact is only a small percentage of lands have been patented under the 1872 law—just 0.3 percent of all public lands transferred to private ownership since 1781. To apply a moratorium on patenting is like swatting gnats with a baseball bat.

Security of tenure is a necessity for obtaining financial backing on mine enterprises. A patent can be secured only after the applicant has invested a considerable amount of time and money in diligent exploration and development.

Mr. President, if you were going to change the mining law, what is before us now is the very worst change you can make unilaterally. You are telling those who are trying to turn a mining claim into a business that when they have come to the end of the line and are ready to finance and go to work, for a year we are just going to, willy-nilly, without regard to where, who, or why, say you have to stop. We are telling business people all across America that we do not expect them to succeed, we do not care about them.

We ought to change the law in an overall way, not picking and choosing, and in so doing pick the very worst place to start this reform.

Mr. DECONCINI. Mr. President, I rise today in strong objection to the amendment being offered by my friend, the Senator from Arkansas.

This Senator does not find it easy to disagree with Senator BUMPERS. However, I believe that the ramifications of what he is proposing are significant and will, in my opinion, seriously jeopardize the mining industry in this Nation. While it may be his intent to go after a number of large mining corporations, the impact of his legislation will be felt by many working-class citizens of my State.

I shall take a moment of the Senate's time to relate to you the importance of mining to the economy of the State of Arizona. The 11 major mining Western States account for over 70 percent of U.S. production of metallic minerals. Arizona alone produces in excess of 61 percent of the total copper production in the United States. This is a strategic mineral, essential to our national defense.

The mining industry contributes almost $5.67 billion to Arizona's economy. Mining has a particular impact on the economically distressed rural areas of Arizona. In Greenlee County, AZ, for example, the mining industry is responsible for 70 percent of the personal income in this economically depressed area of my State.

Mr. President, I refer my colleagues to a map and several charts that put the impact of the amendment offered by the Senator from Arkansas in perspective. As you can see, Mr. President, almost 83 percent of the total land mass in Arizona is public lands. This includes 25 percent of Indian lands and 45 percent administered by agencies such as the Forest Service, Bureau of Land Management, and the National Park Service. Twenty-five percent belongs to the State of Arizona. This leaves only 17 percent of the land in Arizona in private ownership. On the map, the private land is indicated in the white.

On the other hand, in Arkansas, for example, 88 percent of the land is private. You may ask what does this have to do with this debate. Mr. President, Arizonans depend on the public lands for their livelihoods. If you take into consideration the public lands that are off limits to multiple-use because they are in national parks or designated as wilderness areas, and combine this with limited amount of private land, there is simply not much land available for Arizonan's to make a living with. On the other hand, with over 88 percent of Arkansas in private hands, there is much more of an opportunity for the residents of that State to earn a living through industries such as agriculture and timber. As far as I am concerned, the Bumpers amendment further restricts the ability of Arizonans to utilize the lands in our State to provide economic opportunities.

It seems to me that the major argument in support of the amendment is that it will stop the wholesale giveaway of our Federal lands by preventing claim holders from patenting mining claims. Much has been made about the administrative processing fee for the patenting of mining claims. It ranges from $2.50 to $5. Mr. President, while it may sound good to suggest in floor statements that your Government is giving away land at $2.50 an acre, it is simply not the case. As the Senate knows, patents are only issued when there has been a discovery of valuable minerals and only if it can be proven that these minerals exist in economic quantities. The real cost of patenting a mining claim is reflected in the thousands and sometimes millions of dollars spent in the discovery and delineation of a potential ore body.

It is not a free giveaway of our Federal lands. If it were, why have there not been more patents granted? In 1989, out of over 15,000 applications pending, only 15 were granted. In fact, Mr. President, only 3 million acres of public lands have ever been patented under the mining law. By comparison, 288 million acres of public lands have been converted into private ownership as agricultural homesteads.

Senator BUMPERS also makes the argument that the elimination of patents will not prevent claimholder's from developing them. This is not entirely correct. Security of tenure is essential to the success of any mining operation. If a miner were unable to obtain fee title to the minerals and the surface area necessary to conduct mining operations, an element of uncertainty would be introduced. As you know, financial institutions, when making financing decisions, look for certainty and predictability. Eliminating patents would have the likely effect of jeopardizing the financing of mining operations. This will have a particularly detrimental effect in my State. As I mentioned previously, Arizona is the largest copper producing State in the Nation. The security of title provided by a patent is necessary to protect the enormous investment required to open and operate a competitive domestic copper mine.

As many of my colleagues know, the Senator from Arkansas currently has a bill pending before the Energy and Natural Resources Committee that would virtually rewrite the mining law. In his justifications for the need for that bill, the Senator from Arkansas raises a number of issues. These range from the unauthorized occupancy of mining claims to the inadequacy of the $100 in annual assessment work required by the current mining law to maintain a valid claim. I believe that many of the issues raised by the Senator from Arkansas deserve attention. The abuses that Senator BUMPERS outlines are troubling to not only this Senator, but to legitimate hardrock miners as well.

However, the approach adopted with the amendment we are considering, a patent moratorium, is comparable to curing a headache with brain surgery when aspirin would have been sufficient. I believe that the issues raised by the Senator from Arkansas are better addressed in the bill currently before the authorizing committee. Because of its impact to the domestic mining industry, this issue deserves full and careful consideration as opposed to an 11th hour amendment to an appropriations bill.

I ask that the Senate reject the Bumpers amendment.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I rise today to speak against a moratorium on mineral patents under the mining law of 1872. Several of my colleagues have already spoken against this amendment. They have very ably explained why this moratorium is not needed. Rather than repeat their arguments, I would like to focus on the bigger picture and speak briefly on the problems facing the minerals industry in general as a result of single interest opposition to mining on the public lands. That is what this debate is really about. A very vocal, very powerful, minority of our population is opposed to mining. Period.

Mr. President, our Nation has come so far that some have lost touch with the land. But they don't see it that way. They are blinded by a desire for a nonexistent utopia. They drive to work in cars built of steel and powered by gasoline but they oppose mining and oil drilling. They eat steak dinners in snug houses and write letters to oppose grazing and logging. They have truly lost touch with how we exist as a society. We exist because we are able to wisely manage the abundant resources of our land.

Mr. President, approximately one-third, 720 million acres, of the total land in our Nation is owned by the Federal Government, the vast majority of which lies in the Western States and Alaska. It is in those same States where the largest part of our mineral resources are concentrated.

Over two-thirds of these public lands have been withdrawn or restricted from mineral development. This shocking withdrawal has occurred largely as a result of Congress and the Executive failing to consider the cumulative impact of multiple public land withdrawals when acting on individual land withdrawal proposals.

Consistently, proponents of the withdrawal tout the merits of each withdrawal proposal and characterize an area as only a small part of the United States, or of the public lands system, or of the public lands within a particular State. But these individual withdrawals which our Government has allowed to accumulate make up the two-thirds of public lands now withdrawn from mining.

A serious concern is the fact that too many wilderness areas and other land withdrawals have been established without adequate regard for access to the area's minerals or access through the wilderness area to the minerals of an adjacent area. In fact, some wilderness areas have even been established specifically to prevent known mineral potential from being developed.

Mineral development in this country has suffered from the deliberate shift in public lands policy from multiple use to no use. This no-use lands policy, implemented on an incremental basis and ostensibly in the public interest, has hampered our ability to compete abroad, contributed to our trade deficit, and caused our Nation to become dangerously dependent on foreign sources for our minerals needs.

Our dependence on foreign sources for critical minerals is directly related to our public land policies and our overregulation of the mining industry. Thirst for public land withdrawals and environmental regulations, which are incrementally piled one on top the other without regard to our Nation's mineral security, is drying up our domestic minerals industry.

We cannot afford to take a similarly narrow view of mining law reform. The Senate's consideration of mining law reform must go well beyond a discussion of difficulties or abuses in the administration of the well-developed and dynamic 1872 mining law. The overall impact of any reform proposal on our domestic minerals industry and our Nation's mineral security must be considered. I can assure you any of the changes this Senate may make in mining law will have far-reaching affects on our nation and Alaska's future.

A case for legislative reform must be made. Before we undo a system that has been carefully refined over more than 100 years of application and around which many other Federal and State regulatory schemes have been built—not to mention the investments of private individuuals—we must be absolutely certain of the need for reform and its potential impact.

Any consideration of mining law reform must include looking for ways to revitalize our minerals industry by providing increased exploration and development incentives. In this regard, the single most important action we can take to reduce U.S. dependence on insecure imports of minerals would be to reform the process by which access is granted to Federal lands for mineral exploration. At present, vast areas of these lands have been closed to exploration and development because of restrictive land-use policies. These policies pay no regard to the potential importance of the minerals that might be found.

Any consideration of revising the 1872 mining law should cause us to take a second look at the mineral potential lost now that over 88 million acres of wilderness have been closed to mining. Incentives and access for mineral exploration on the public lands goes to the very heart of the 1872 mining law. Mining law reform should be specifically addressed and fully debated by this body and should include exhaustive committee hearings and a comprehensive analysis of the history of public land withdrawals, an assessment of the mineral development opportunities foreclosed as a result of such withdrawals, and the disincentives created by the current regulatory framework within which mineral development must take place.

We should not enact a far-reaching moratorium that will have a very real, and I submit, a very negative effect on the U.S. minerals industry as a provision of an appropriations bill. If this body chooses to address the mining law of 1872 it should be done through the established procedure and deliberative framework of the Senate Energy and Natural Resources Committee.

In closing, I ask my colleagues to reflect on the important place minerals have in our daily life—bridges, buildings, lights, cars, dental and medical uses, and the thousands of essential industrial uses that we take for granted. Should we work to make mining more difficult? Let us proceed with great care and caution befitting the importance of minerals to each of us.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. HARKIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mr. GRAHAM] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 46, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—47

Baucus
Bingaman
Brown
Bryan
Burns
Byrd
Chafee
Cochran
Conrad
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Ford
Fowler
Garn
Gore
Gorton
Grassley
Hatch
Hatfield
Heflin
Helms
Inouye
Kasten
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Reid
Rudman
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—46

Adams
Akaka
Bentsen
Biden
Boren
Bradley
Breaux
Bumpers
Burdick
Coats
Cohen
Cranston
Daschle
Dixon
Exon
Glenn
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—7

Bond
Dodd
Graham
Gramm
Harkin
Nunn
Seymour

So the motion to table the amendment (No. 1128) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

the motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 2, LINE 21

The PRESIDING OFFICER. The pending question is the committee amendment on page 2, line 21.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, Mr. JEFFORDS and Mr. METZENBAUM have an amendment which they will jointly offer having to do with grazing fees. The matter has been discussed with both of them. It is not anticipated that action would be completed on that amendment at all early Monday. It would be, I should think, into the evening before action would be completed, and I have been told there will be a tabling motion on it.

So I have every hope that the matter would be disposed of on Monday evening in time for the Senate—I have discussed this with the distinguished majority leader also, and if it is agreeable with the distinguished Republican leader—in time to go to, if we cannot finish this bill Monday evening, then following the disposition of the grazing fee amendment, that we would go to the transportation appropriation bill, possibly complete it that evening. If not, it could be completed Tuesday, and the MilCon appropriations bill could be completed on Tuesday. That way, then, on Wednesday, which is the Jewish holiday, we could go back on this bill, which I am managing and Senator NICKLES is joining with me in managing, we would go back to this bill then on Wednesday and at least get within sight of completing it, stack any votes for Thursday that might be ordered on it.

AMENDMENT NO. 1138

Mr. BYRD. Having said that, and I know it is agreeable to the distinguished majority leader and with Mr. NICKLES and with other Senators here and with the two authors of the amendment, I ask unanimous consent that the amendment by Mr. JEFFORDS and Mr. METZENBAUM be made the pending business at this point with no action on it to occur today; that if there are other amendments called up today, and there may be some that can be disposed of by voice vote, or perhaps the two managers can accept some of the amendments, that there be no action on the Jeffords-Metzenbaum amendment today but it be made the pending amendment before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. And I ask unanimous consent that it be in order that it be made the pending amendment.

The PRESIDING OFFICER. The Chair hearing no objection to the unanimous-consent request propounded by the distinguished Senator from West Virginia, without objection it is so ordered.

Mr. BYRD. Mr. President, I have suggested what we hope to be the plan of rotation among the various appropriations bills. But that will be for the leader to determine after he and Senator DOLE talk about the matter. But at least we now have an amendment—and it is a controversial amendment, probably the only remaining controversial amendment, certainly the most controversial amendment that remains on this bill—that is pending. I hope that we can dispose of it Monday evening. And then it is my hope that, if the two leaders can agree, we could proceed to take up the transportation bill, which Mr. LAUTENBERG has indicated he is prepared to go with, and the MilCon bill, which I am sure Senator SASSER is prepared to go with. Those two could be disposed of on Tuesday if not Monday evening.

So I thank all Senators. I think we have had a good day. We have disposed of two controversial amendments today, one very controversial amendment. So I am prepared at this point, and I believe Mr. NICKLES is, to discuss any other amendments that Senators may have. We do have an en bloc amendment which we will be glad to offer, which I think has been agreed upon.

Mr. NICKLES. Will the chairman yield for a little further clarification? So all of our colleagues will know, we are going to try to dispose of the grazing amendment on Monday, so that Senators who wish to debate it either pro or con will be on the floor. We plan on having a busy, active day on Monday, with votes Monday evening.

I might also mention to the chairman and to other colleagues, we have contacted Senator HELMS. I believe he has an amendment dealing with NEA that may come up on Monday as well. And hopefully we will deal with other amendments, if we happen to have time on Monday, intervening with the grazing amendments and that we could also dispose of those amendments at the same time or maybe stack the votes or whatever is necessary for Monday evening.

Mr. CRAIG. Will my colleague yield?

Mr. BYRD. I yield the floor.

Mr. CRAIG. Mr. President, let me inquire, the Senator spoke of debate on the grazing amendment on Monday with a vote later on in the day. Have you yet determined when that vote might occur? I think it is important that we establish somewhere near the time, at least after a given hour, because there are a good number of our colleagues who will be en route. And, of course, as the chairman said, fundamentally, it is probably the most controversial and important amendment to this bill and I think that would be important to understand.

Mr. NICKLES. In response the Senator's question, I think the general agreement or outline by the majority leader was that we will not have votes on Monday before 5 o'clock. And so it is my guess that we may have one or more votes stacked after the hour of 5 o'clock. Certainly the grazing amendment will be after 5 o'clock because Senator JEFFORDS is the principal sponsor and I am told he will be attending a funeral and will not even return until about 4:30. So my guess is there will not be a vote on the grazing amendment until 7 o'clock or sometime later in the evening.

Mr. WALLOP. Mr. President, will my colleague yield to me for a question?

Mr. NICKLES. I am happy to yield.

Mr. WALLOP. I realize we have already entered into a unanimous-consent agreement, but it seems now patently unwise. If Senator METZENBAUM is going to be in the Thomas hearings and Senator JEFFORDS is not going to return from the funeral until 4 o'clock, those of us who are opposed to it will have nothing to debate in their absence. I would just say to my friend if that proves to be the case and there is nobody here to debate, this Senator will not intend to allow that to come to a vote, realizing, of course, that the chairman of the committee or the Republican manager can move to table. But that does not seem a fair way to treat a thing that has the livelihood of so many of the men and women of the public land States at stake.

Mr. NICKLES. As my friend and colleague from Wyoming knows, we were not successful obtaining a unanimous-consent agreement for a vote at a time certain; and maybe precisely for his reasoning. We hope to be able to finish the amendment sometime. We expect to give all sides ample opportunity to participate in the debate to the degree necessary. But also we would like to wrap it up at some point.

Mr. WALLOP. If my colleague will yield again, the normal pattern is for the proponents of an amendment to explain its rationale before those who oppose it are set in opposition. It would appear we will not be in much of a debate until after Senator JEFFORDS returns from the funeral. Is that a rational proposition? I do not know who we would debate; the proponents will not have even been here for the laying down of their amendment, and the rest of us will be debating into the sky. I do not think that is an appropriate consequence for an amendment that is so vital to the livelihood of many of the people of my State and other Western States.

Mr. NICKLES. Again I appreciate the concern of the Senator from Wyoming and I doubt he will be debating a straw man. But his arguments are legitimate. We will try to proceed. That is one of the reasons why I mentioned we may have additional debates dealing with NEA, or several other amendments. We have a list of about 30-some-odd amendments that have not been agreed to. Hopefully, we can dispose of those as well on Monday. Maybe some will require rollcalls, maybe some will not.

Mr. WALLOP. I thank the Senator. I raise the point just because it is my intention to have this something other than a rote environmental vote. This is a vote about people's lives and I intend to have it sincerely debated. I know that is the Senator's intention, too, but I had not realized the principal proponents would not be here until so late in the afternoon.

Mr. NICKLES. I understand. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, at the moment, there is no amendment before the Senate that action can be taken on. Senator NICKLES and I and some other Senators are working on some amendments which we hope to dispose of before the day is over.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at this time there be a period for the transaction of morning business for not to exceed 10 minutes and that I may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PAUSE FOR PEACE

Mr. BYRD. Mr. President, yesterday President Bush publicly reiterated his request that Congress delay debate on Israel's request for $10 billion in loan guarantees for absorption assistance for 120 days. The President strongly believes that the request for loan guarantees should not be considered now because the world stands—and I use his words—"on the brink of a historic breakthrough" that could "launch direct peace negotiations between Israel and the Arab States, something the State of Israel has sought since its inception."

Mr. President, is not this exactly what every successive President since 1948 has sought: Direct peace talks between Israel and its Arab neighbors? I believe that our chief concern, as Members of the United States Senate, is to take no action that would interfere with or negatively affect the prospects for a regional peace conference and the possibility of direct talks between Israel and its Arab neighbors. Peace—stable, long-lasting peace—in the Middle East should be our goal—a goal we share with the President, with Israel, and with our allies worldwide.

It is a goal for which we have completed the largest deployment of U.S. forces in two decades, to fight a war with an Arab State for the first time in our history. Those who seem anxious to throw a peace conference into confusion, and risk its fragile prospects ought to remember the commitments that we have just fulfilled to Israel and to stability and to peace in the region. No other power in the world could have done this, and we did so with the help of our British allies and others, with stunning, overwhelming success. Those who would so easily break with the President on the most crucial issue of peace today—peace in the Middle East—might well step back a bit and contemplate the stakes in this and the great success for which we have all praised the President and our Armed Forces. The President is to be commended for his courageous and decisive policies in that excruciatingly difficult situation to date. And so, Mr. President, let us give the President a chance on this one. Let us give him at least the benefit of the doubt. He has taken on a task of historic importance, and such opportunities are not available everyday. They come seldom, and I think that we ought to nurture them carefully when they come, as in this instance.

I do not believe that 120 days is an unreasonable period of time to wait to allow the peace process to go forward. The President has merely requested a pause for peace. There is no question about whether the Congress will consider Israel's request. The issue is whether we rush to consider it now, on the eve of convening the peace conference, and run the risk of our action being seized on by those who are intent on thwarting negotiations, or whether we give the President the time he needs to move this process forward.

This morning, on the "Today Show," Israeli Defense Minister Arens reiterated Israel's commitment to the peace process. He said: "You know, we need peace more than anybody else.

We have been the victims of five wars. We've lost some of our best sons in these wars. And if we can make some progress towards peace, that is Israel's primary interest."

Should that not be our primary interest as well, Mr. President? I support the President's request for a 120-day "pause for peace" and I urge my colleagues on both sides of the Hill to do so as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration en bloc of Calendar Order Nos. 209, 215, and 216; that committee amendments, where appropriate, be agreed to; that the bills be read a third time and passed; a motion en bloc to reconsider the passage of the items be laid upon the table; that any statements relating to these Calendar items appear at the appropriate place in the RECORD; and that the consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NONDEVELOPMENTAL ITEMS ACQUISITION ACT OF 1991

The Senate proceeded to consider the bill (S. 260) to provide for the efficient and cost effective acquisition of nondevelopmental items for Federal agencies, and for other purposes, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nondevelopmental Items Acquisition Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the acquisition of nondevelopmental items can lower Federal agency procurement costs by—

(A) reducing or eliminating the need for research and development;

(B) reducing acquisition lead time by making use of existing production lines and facilities;

(C) opening competition for Federal agency contracts to thousands of manufacturers who sell products in the commercial market; and

(D) increasing Federal agency access to the market-driven innovations and efficiencies available in the commercial market;

(2) the efficient acquisition of nondevelopmental items is impeded when Federal agencies impose complicated specifications and unnecessarily burdensome contract requirements on simple commercial and off-the-shelf products; and

(3) legislation is needed to reduce impediments to the acquisition of nondevelopmental items and encourage increased acquisition of such items.

(b) PURPOSE.—The purposes of this Act are to—

(1) establish a preference for the use of performance specifications and the acquisition

of nondevelopmental items by Federal agencies;

(2) require training of appropriate personnel in the acquisition of nondevelopmental items;

(3) require Federal agencies to designate personnel responsible for promoting the acquisition of nondevelopmental items and challenging barriers to the acquisition of nondevelopmental items; and

(4) reduce impediments to the acquisition of nondevelopmental items by Federal agencies.

SEC. 3. NONDEVELOPMENTAL ITEMS.

(a) AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new section:

"ACQUISITION OF NONDEVELOPMENTAL ITEMS

"SEC. 303H. (a) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall require that, to the maximum extent practicable—

"(1) the requirements of Federal agencies with respect to a procurement of supplies are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that nondevelopmental items may be procured to fulfill such requirements;

"(3) such requirements are fulfilled through the procurement of nondevelopmental items; and

"(4) prior to developing new specifications, executive agencies conduct market research to determine whether nondevelopmental items are available or could be modified to meet agency needs.

"(b) As used in this section, the term 'nondevelopmental item' means—

"(1) any item of supply that is available in the commercial marketplace;

"(2) any previously developed item of supply that is in use by a department or agency of the United States, or a State or local government;

"(3) any item of supply described in paragraph (1) or (2) that requires only minor modification in order to meet the requirements of the procuring agency; or

"(4) any item of supply being produced that does not meet the requirements of paragraph (1), (2), or (3) solely because the item—

"(A) is not yet in use; or

"(B) is not yet available in the commercial marketplace.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 303G the following:

"Sec. 303H. Acquisition of nondevelopmental items.".

SEC. 4. COMMERCIAL ITEMS.

(a) SIMPLIFIED UNIFORM CONTRACT.—(1)(A) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall include a simplified uniform contract for the acquisition of commercial items by Federal agencies and shall require that such simplified uniform contract be used for the acquisition of commercial items to the maximum extent practicable. The uniform contract shall include only—

(i) those contract clauses that are required to implement provisions of law applicable to such an acquisition;

(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such an acquisition; and

(iii) those contract clauses that are determined to be consistent with standard commercial practice and appropriate for inclusion in such contracts.

(B) In addition to the clauses described under subparagraph (A), a contract for the acquisition of commercial items may include only such clauses as are essential for the protection of the Federal Government's interest in the particular contract, as determined in writing by the contracting officer for such contract, or in a class of contracts, as determined by the agency head with the approval of the Administrator for Federal Procurement Policy.

(2)(A) The Federal Acquisition Regulation shall require that, except as provided in subparagraph (B), a prime contractor under a Federal agency contract for the acquisition of commercial items be required to include in subcontracts under such contract only—

(i) those contract clauses that are required to implement provisions of law applicable to such subcontracts; and

(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such subcontracts.

(B) In addition to the clauses described under subparagraph (A), a contractor under a Federal agency contract for the acquisition of commercial items may be required to include in a subcontract under such contract only such clauses as are essential for the protection of the Federal Government's interest in the particular subcontract, as determined in writing by the contracting officer for such contract, or in a class of subcontracts, as determined by the agency head with the approval of the Administrator for Federal Procurement Policy.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Department of Defense may use uniform contract and subcontract clauses developed under section 824 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2325 note) in lieu of the uniform contract and subcontract clauses developed under this subsection.

(b) WARRANTIES.—The Federal Acquisition Regulation shall require that, to the maximum extent practicable, Federal agencies take advantage of warranties offered by commercial contractors and use such warranties for the repair and replacement of commercial items.

(c) MARKET ACCEPTANCE.—The Federal Acquisition Regulation shall direct agencies to require, where appropriate and in accordance with criteria prescribed in the regulations, offerors to demonstrate in their offers that products being offered have—

(1)(A) achieved a level of commercial market acceptance necessary to indicate that the products are suitable for the agency's use; or

(B) been satisfactorily supplied under current or recent contracts for the same or similar requirements; and

(2) otherwise meet the product description, specifications, or other criteria prescribed by the public notice and solicitation.

(d) PAST PERFORMANCE.—The Federal Acquisition Regulation shall provide guidance to Federal agencies on the use of past performance of products and sources as a factor in award decisions.

(e) DEFINITIONS.—As used in this section—

(1) the term "commercial item" means any item of supply that—

(A) requires no modifications or only minor modifications to meet the needs of the procuring agency;

(B) regularly is used for other than Government purposes; and

(C) is sold or traded to the general public in significant quantities in the course of normal business operations; and

(2) the term "Federal agency" has the meaning given such term in section 3(b) of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 472(a)).

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or amendments made by this Act shall be construed to impair or affect the authorities or responsibilities conferred by section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) with respect to the procurement of automatic data processing equipment and services.

SEC. 6. IMPLEMENTATION.

(a) TRAINING.—The Administrator for Federal Procurement Policy shall issue guidelines for the training by executive agencies of contracting officers, program managers, and other appropriate acquisition personnel in the acquisition of nondevelopment items. The guidelines shall provide, at a minimum, for training in the requirements of this section and the implementing regulations. In addition, the program shall provide for training of appropriate personnel in—

(1) the fundamental principles of price analysis and other means of determining price reasonable which do not require access to commercial cost data; and

(2) market research techniques and the drafting of functional and performance specifications.

(b) NONDEVELOPMENTAL ITEMS ADVOCATES.—Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting full and open competition, promoting the acquisition of nondevelopment items, and challenging barriers to such acquisition, including such barriers as unnecessarily detailed specifications, unnecessarily restrictive statements of need, and unnecessarily burdensome contract clauses.".

(c) REGULATIONS REQUIRED.—Within 270 days after the date of the enactment of this Act, Government-wide regulations to carry out the requirements in this section and rescind any regulations that are inconistent with such requirement shall be published for public comment. Within one year after the date of enactment of this Act, final regulations shall be promulgated in the Federal Acquisition Regulation, and as necessary in the Federal Information Resources Management Regulation.

(d) IMPROVED MARKET RESEARCH.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report and recommendations on the use of market research in support of procurement of nondevelopmental items. Such report shall include—

(1) a review of existing Government market research efforts to gather data concerning nondevelopment items;

(2) a review of the feasibility of creating a Governmental-wide database for storing, retrieving, and analyzing market data, including use of existing Government resources; and

(3) such recommendations for changes in law or regulation as the Comptroller General may consider appropriate.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 260), as amended, was passed as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nondevelopmental Items Acquisition Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the acquisition of nondevelopmental items can lower Federal agency procurement costs by—

(A) reducing or eliminating the need for research and development;

(B) reducing acquisition lead time by making use of existing production lines and facilities;

(C) opening competition for Federal agency contracts to thousands of manufacturers who sell products in the commercial market; and

(D) increasing Federal agency access to the market-driven innovations and efficiencies available in the commercial market;

(2) the efficient acquisition of nondevelopmental items is impeded when Federal agencies impose complicated specifications and unnecessarily burdensome contract requirements on simple commercial and off-the-shelf products; and

(3) legislation is needed to reduce impediments to the acquisition of nondevelopmental items and encourage increased acquisition of such items.

(b) PURPOSE.—The purposes of this Act are to—

(1) establish a preference for the use of performance specifications and the acquisition of nondevelopmental items by Federal agencies;

(2) require training of appropriate personnel in the acquisition of nondevelopmental items;

(3) require Federal agencies to designate personnel responsible for promoting the acquisition of nondevelopmental items and challenging barriers to the acquisition of nondevelopmental items; and

(4) reduce impediments to the acquisition of nondevelopmental items by Federal agencies.

SEC. 3. NONDEVELOPMENTAL ITEMS.

(a) AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new section:

"ACQUISITION OF NONDEVELOPMENTAL ITEMS

"SEC. 303H. (a) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall require that, to the maximum extent practicable—

"(1) the requirements of Federal agencies with respect to a procurement of supplies are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that nondevelopmental items may be procured to fulfill such requirements;

"(3) such requirements are fulfilled through the procurement of nondevelopmental items; and

"(4) prior to developing new specifications, executive agencies conduct market research to determine whether nondevelopmental items are available or could be modified to meet agency needs.

"(b) As used in this section, the term 'nondevelopmental item' means—

"(1) any item of supply that is available in the commercial marketplace;

"(2) any previously developed item of supply that is in use by a department or agency of the United States, or a State or local government;

"(3) any item of supply described in paragraph (1) or (2) that requires only minor modification in order to meet the requirements of the procuring agency; or

"(4) any item of supply being produced that does not meet the requirements of paragraph (1), (2), or (3) solely because the item—

"(A) is not yet in use; or

"(B) is not yet available in the commercial marketplace.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 303G the following:

"Sec. 303H. Acquisition of nondevelopmental items.".

SEC. 4. COMMERCIAL ITEMS.

(a) SIMPLIFIED UNIFORM CONTRACT.—(1)(A) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall include a simplified uniform contract for the acquisition of commercial items by Federal agencies and shall require that such simplified uniform contract be used for the acquisition of commercial items to the maximum extent practicable. The uniform contract shall include only—

(i) those contract clauses that are required to implement provisions of law applicable to such an acquisition;

(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such an acquisition; and

(iii) those contract clauses that are determined to be consistent with standard commercial practice and appropriate for inclusion in such contracts.

(B) In addition to the clauses described under subparagraph (A), a contract for the acquisition of commercial items may include only such clauses as are essential for the protection of the Federal Government's interest in the particular contract, as determined in writing by the contracting officer for such contract, or in a class of contracts, as determined by the agency head with the approval of the Administrator for Federal Procurement Policy.

(2)(A) The Federal Acquisition Regulation shall require that, except as provided in subparagraph (B), a prime contractor under a Federal agency contract for the acquisition of commercial items be required to include in subcontracts under such contract only—

(i) those contract clauses that are required to implement provisions of law applicable to such subcontracts; and

(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such subcontracts.

(B) In addition to the clauses described under subparagraph (A), a contractor under a Federal agency contract for the acquisition of commercial items may be required to include in a subcontract under such contract only such clauses as are essential for the protection of the Federal Government's interest in the particular subcontract, as determined in writing by the contracting officer for such contract, or in a class of subcontracts, as determined by the agency head with the approval of the Administrator for Federal Procurement Policy.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Department of Defense may use uniform contract and subcontract clauses developed under section 824 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2325 note) in lieu of the uniform contract and subcontract clauses developed under this subsection.

(b) WARRANTIES.—The Federal Acquisition Regulation shall require that, to the maximum extent practicable, Federal agencies take advantage of warranties offered by commercial contractors and use such warranties for the repair and replacement of commercial items.

(c) MARKET ACCEPTANCE.—The Federal Acquisition Regulation shall direct agencies to require, where appropriate and in accordance with criteria prescribed in the regulations, offerors to demonstrate in their offers that products being offered have—

(1)(A) achieved a level of commercial market acceptance necessary to indicate that the products are suitable for the agency's use; or

(B) been satisfactorily supplied under current or recent contracts for the same or similar requirements; and

(2) otherwise meet the product description, specifications, or other criteria prescribed by the public notice and solicitation.

(d) PAST PERFORMANCE.—The Federal Acquisition Regulation shall provide guidance to Federal agencies on the use of past performance of products and sources as a factor in award decisions.

(e) DEFINITIONS.—As used in this section—

(1) the term "commercial item" means any item of supply that—

(A) requires no modifications or only minor modifications to meet the needs of the procuring agency;

(B) regularly is used for other than Government purposes; and

(C) is sold or traded to the general public in significant quantities in the course of normal business operations; and

(2) the term "Federal agency" has the meaning given such term in section 3(b) of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 472(a)).

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or amendments made by this Act shall be construed to impair or affect the authorities or responsibilities conferred by section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) with respect to the procurement of automatic data processing equipment and services.

SEC. 6. IMPLEMENTATION.

(a) TRAINING.—The Administrator for Federal Procurement Policy shall issue guidelines for the training by executive agencies of contracting officers, program managers, and other appropriate acquisition personnel in the acquisition of nondevelopmental items. The guidelines shall provide, at a minimum, for training in the requirements of this section and the implementing regulations. In addition, the program shall provide for training of appropriate personnel in—

(1) the fundamental principles of price analysis and other means of determining price reasonableness which do not require access to commercial cost data; and

(2) market research techniques and the drafting of functional and performance specifications.

(b) NONDEVELOPMENTAL ITEMS ADVOCATES.—Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting full and open competition, promoting the acquisition of nondevelopmental items, and challenging barriers to such acquisition, including such barriers as unnecessarily detailed specifications, unnecessarily restrictive statements of need, and unnecessarily burdensome contract clauses.".

(c) REGULATIONS REQUIRED.—Within 270 days after the date of the enactment of this Act, Government-wide regulations to carry out the requirements in this section and rescind any regulations that are inconsistent with such requirements shall be published for public comment. Within one year after the date of enactment of this Act, final regulations shall be promulgated in the Federal Acquisition Regulation, and as necessary in the Federal Information Resources Management Regulation.

(d) IMPROVED MARKET RESEARCH.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report and recommendations on the use of market research in support of procurement of nondevelopmental items. Such report shall include—

(1) a review of existing Government market research efforts to gather data concerning nondevelopmental items;

(2) a review of the feasibility of creating a Government-wide database for storing, retrieving, and analyzing market data, including use of existing Government resources; and

(3) such recommendations for changes in law or regulation as the Comptroller General may consider appropriate.

LINDY CLAIBORNE BOGGS LOCK

The bill (S. 627) to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs Lock," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The lock and dam numbered 1 on the Red River Waterway in Louisiana is designated as the "Lindy Claiborne Boggs Lock".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the lock referred to in section 1 is deemed to be a reference to the "Lindy Boggs Lock".

SILVIO O. CONTE FEDERAL BUILDING

The bill (S. 1418) to designate the Federal building located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Silvio O. Conte, during his 32 years in Congress, embodied the true spirit of public service;

(2) Mr. Conte dedicated his entire life toward helping those individuals less fortunate than himself; and

(3) Mr. Conte's presence in Congress will be sorely missed.

SEC. 2. DESIGNATION.

The Federal building located at 78 Center Street in Pittsfield, Massachusetts, is designated as the "Silvio O. Conte Federal Building".

SEC. 3. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the Silvio O. Conte Federal Building.

Mr. BYRD. Mr. President, I thank my friend, Senator NICKLES, for his cooperation.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, Senator NICKLES and I are still hoping to shortly adopt some amendments that are ready on behalf of Members, and accordingly, I suggest the absence of a quorum in the meantime.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 1129–1137

Mr. BYRD. Mr. President, I have a list of amendments which have been agreed to by Mr. NICKLES, he has the list before him, and by other Senators.

Mr. President, I wish to propose for adoption the following en bloc amendment package which includes amendments offered on behalf of the following Senators and for the following purposes. These amendments have been cleared on both sides:

An amendment offered by Senator GORTON related to Kamp Kiwanis in Olympic National Park.

An amendment offered by Senator DECONCINI related to land management stewardship contracts in the Forest Service.

An amendment offered by Senators BENTSEN and GRAMM to strike sections 113 and 114 of the bill related to the management of a National Wildlife Refuge on Matagorda Island, TX.

An amendment offered by Senators INOUYE and SEYMOUR allowing the use of interest from the San Luis Rey settlement fund to administer the settlement agreement.

An amendment offered by Senators LEAHY and MITCHELL transferring funds appropriated for the Forest Legacy Program from the Forest Service Land Acquisition account to the Forest Service State and Private Forestry account.

An amendment offered by Senator HATFIELD for $250,000 added to the Bureau of Land Management Construction account for initial planning and design of a cost-shared End of the Oregon Trail Visitor Center.

An amendment offered by Senator BOREN requiring a report from the Secretary of the Interior on what is being done to protect and restore murals which are located in the main Interior building.

An amendment offered by Senators ADAMS and GORTON shifting funds for the Bureau of Indian Affairs from one project in the State of Washington to another project in that State.

An amendment offered by Senator CRAIG providing $100,000 within available funds for the BIA to lease space in a facility to be built by the Nez Perce Tribe.

Mr. President, that concludes the list of en bloc amendments.

Mr. President, I ask unanimous consent that these amendments be considered en bloc; that they be agreed to en bloc; that statements explaining the amendments appear appropriately in the RECORD; and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 1129

At title I, page 23, line 22, of the bill, after "Y.M.C.A." and before "at", insert the following: ", and for reconstruction of the main lodge at Kamp Kiwanis,".

AMENDMENT NO. 1130

On page 72, line 21, insert the following new paragraph:

[F]or the purpose of achieving ecologically defensible management practices, the forests in the Southwest and Intermountain regions are authorized to apply the value of a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the congressional expectations for the annual timber harvest. The value of the timber removed shall be considered as money received for the purpose of computing and distributing 25 per centum payments to local governments under 15 U.S.C. 500.

AMENDMENT NO. 1131

On page 55, strike line 12, starting with "Sec. 113" through line 21, ending with the period.

Mr. BENTSEN. Mr. President, Matagorda Island, TX, is a unique barrier island ecosystem under separate management of the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department. The State of Texas is currently working with the Fish and Wildlife Service for joint—Federal and State—management of the entire island. This amendment will allow those proceedings to continue and to allow for a management plan to be reached and signed. The Governor of Texas, the Texas Parks and Wildlife Department, and the Fish and Wildlife Service are currently working on that plan and are enthusiastic about the prospects of a comprehensive plan to develop and maintain the resources of Matagorda Island.

AMENDMENT NO. 1132

On page 56, before line 10, insert the following new section:

"SEC.   . Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the Authority, funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the Fund. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands subject to the terms of the Memorandum of Understanding between the band and the Department dated August 5, 1991. The Secretary shall not disburse any funds from the Fund in amounts greater than as provided in a budget of the Authority approved by the Secretary, less any other funds provided to the Authority from any other source; provided that, under no circumstances shall any funds disbursed pursuant to this subsection be distributed to the bands, or members of the bands not directly associated with the Authority."

AMENDMENT NO. 1133

On page 61, line 7, strike "$84,210,000" and insert in lieu thereof "$78,210,000".

Delete text beginning on page 61, line 9 with the semi-colon through the word "section" on page 61, line 17.

On page 61, line 17, delete the word "further".

On page 56, line 21, strike "$193,332,000" and insert in lieu thereof "$199,332,000".

On page 57, line 7, before the period, insert the following text: ": *Provided further*, That $6,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservative and Trade Act of 1990: *Provided further*, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section".

AMENDMENT NO. 1134

On page 5, line 16, strike "$15,518,000" and insert in lieu thereof "$15,768,000".

AMENDMENT NO. 1135

(Purpose: To require the Secretary of Interior to report to the Congress on the restoration of the Native American murals on the penthouse floor of the Department of the Interior building.)

On page 56, between lines 9 and 10, insert the following:

SEC. 118. The Secretary of the Interior, in consultation with the Administrator of General Services, shall submit to the Congress, within 60 days after the date of enactment of this Act, a report on any action that has been taken, or is proposed to be taken, to restore and protect the South Penthouse Native American murals located in the main building of the Department of Interior in Washington, DC.

AMENDMENT NO. 1136

(Purpose: To provide funds for the purchase of McGlynn Island, the development of a plan to reclaim the Skokomish River Delta, and for increased funding for the Squaxin Island tribe's fisheries.)

On page 32, line 6 strike "$801,089,000" and insert in lieu thereof "$801,364,000".

On page 37, line 6, strike "$107,010,000" and insert in lieu thereof "$106,735,000".

Mr. BYRD. Mr. President, based on information provided by Senators ADAMS and GORTON the amendment shifts money from the purchase of the Skokomish River Delta to the purchase of the McGlynn Island property, the development of a plan to reclaim the Skokomish River Delta, and for increased funding for the Squaxin Island Tribe's fisheries.

The amendment provides funds to purchase a property similar to the Skokomish River Delta called McGlynn Island. This property is adjacent to the Swinomish Tribe's reservation but is privately owned. The Swinomish Tribe and every political and environmental organization in the State of Washington support the purchase of this land.

The amendment directs that the Skokomish Tribe receive $175,000 of the money originally designated for the purchase of the land to develop a plan for reverting the land to its natural state. The amendment also provides $100,000 for the Squaxin Island tribal fisheries program.

AMENDMENT NO. 1137

(Purpose: To make funds available for leasing a facility owned by the Nez Perce Tribe in Lapwai, Idaho.)

On page 35, line 12, before the period insert ": *Provided further*, That within available funds $100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: *Provided further*, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement.".

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business was closed.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending business is an amendment to be offered by Senator METZENBAUM pursuant to the unanimous-consent request ordered earlier by the Senate.

Mr. BYRD. I believe the amendment is to be offered by Mr. JEFFORDS and Mr. METZENBAUM.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 1138

Mr. BAUCUS. Mr. President, I rise today in opposition to the amendment offered by the Senator from Vermont and also offered by the Senator from Ohio [Mr. METZENBAUM]. There are three problems with this amendment. It is antiagriculture, it is antimultiple use, and it is antienvironment.

It is an antiagricultural amendment because it would drive ranchers off the land. These are good, hard-working people who do care about the land and their community. These ranchers also make an enormous contribution to the economy of the American West. For example, in my home State of Montana it is estimated that grazing off public lands generates $125 million per year in total economic activity. That is big money in a State with just over 800,000 people.

Of course, some may question the wisdom of subsidizing the economies of Montana and other Western States. Fair enough. But is the current grazing fee a subsidy? Absolutely not. First, the current fee is indexed to livestock prices. When the markets go up, so does the grazing fee. That is important to understand. When the market goes up, so does the grazing fee. That is fair. That is the way it should be.

I certainly do not want anybody to realize the windfall from a resource that belongs to the American people.

But Federal grazing permits are far from a windfall. In addition to the cost of the grazing permit, ranchers must pay for a number of additional expenses: fencing, water improvements, predator control, and roads, just to name a few.

Moreover, most Federal grazing allotments do not cover fertile bottomland. It is important to understand that. Most Federal grazing allotments do not cover fertile bottomland. Rather, most of our Federal rangelands are in arid country, or high elevation mountain pasture. It can require as much as 50 acres to sustain one cow on some of these lands—50 acres for one AUM. That is one animal unit, one cow. It is neither cheap nor easy to manage livestock over such large areas.

All of this says nothing—absolutely nothing—of the bureaucratic hassles and headaches that many ranchers must endure. As much as I respect the professionalism of the Forest Service and the BLM, it is not always easy to deal with Uncle Sam when you are a rancher.

This amendment is also antimultiple use. Its net effect is to price the rancher right off the land. Antigrazing activities—the "No Moo in '92" crowd—would never succeed in eliminating grazing as one of the multiple uses listed in the Multiple Use-Sustained Yield Act. And they know it. Instead, they have opted for this back door approach.

Again, grazing is one of the uses under multiple use. It is in the statute. It is intended. We need it. It should be there.

If you believe in the Multiple Use-Sustained Yield Act—and I think everyone in this Chamber does—and if you believe there is a place for grazing on public lands, vote against this amendment.

Contrary to what some claim, this amendment would actually hurt the environment. That is right. This amendment would actually hurt the environment. Well-managed grazing can actually improve range conditions. Cattle aerate the soil and spread seeds. Wildlife also benefit from stock water improvements. Wildlife benefits when ranchers put out a stock pond or waters his livestock in other ways; wildlife also utilizes those services;

Perhaps more importantly, let us think for a moment about what will happen if the rancher is driven off the land. That is not a small item. Ranchers are on the brink. They are close to extinction. Some ranchers—not all, of course, but some will be driven off the land. And what will happen? First, more fences will go up between public and private land. The section lines between checkerboard lands pictured on the map will become more real. They will become lines of barbed wire.

Wildlife migration patterns will be disrupted. Many game species will find it difficult to move freely from high summer range, mostly on public lands, to lower lying winter range on private land.

Second, I am deeply concerned about the impact that this amendment will have on many of the scenic valleys of western Montana and other western public land States. In Montana, places like the Stillwater, the Madison, the Beaverhead, and the Big Hole.

Today these valleys—places with fertile low-lying private lands, higher elevation Federal rangelands and rugged peaks off in the distance—remain largely agricultural. These valleys with the vistas, the wonderful beautiful vistas on the sides and off in the distance, themselves are largely agricultural.

And because of this, they possess a wonderful openness. Pay one visit to any of these places, and you will know why they call the State of Montana the Big Sky State.

But what happens to the character of these valleys if we pass this amendment and drive the current permittees, the ranchers, off of the land? Can most of these ranchers sustain economically viable cattle operations on their deeded acres alone? The answer is no, they cannot.

With no ecomically viable alternatives, many landowners will be forced to subdivide their acreage and sell their lands. Where there was once green, open space providing good winter range for wildlife, there will be double-wide trailer houses; there will be subdivisions; where there was once healthy range with cattle widely disbursed over the land, there will be horses grazing the land down to the bare dirt.

Is that the future we want for these scenic valleys? Of course not. But that is the future we will most assuredly get if this amendment is adopted.

It is for all these reasons, Mr. President, that this amendment is poison—a fatal dose of poison—to Montana and to the American West.

I urge my colleagues to take a stand for agriculture; to take a stand for the environment; and take a stand for balanced multiple use.

If there are abuses in the grazing of public lands—and there probably are some abuses—then the professional foresters, the Forest Service, and the BLM should set conditions on those permittees so the land is not overgrazed. That is the solution to overgrazing. That is the solution to abuse where abuse does occur. The solution is not to increase the grazing fees to such a degree that ranchers are driven off the land, and so these areas are no longer grazed. That is the solution.

This is, as I said, a backdoor approach to prevent ranchers from grazing on public lands, grazing done properly. And where there are abuses, we should stop it. But done properly, it is not only a permissible use, it is necessary to achieve the goals for multiple sustenance.

I strongly urge my colleagues to vote against this amendment. It is very shortsighted. It is myopic, nonsensical, and I urge its defeat.

I yield the floor.

I guess the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Jeffords-Metzenbaum amendment to the Interior appropriations bill.

Mr. WIRTH. And that has been laid down, is that correct?

The PRESIDING OFFICER. That has been laid down. That is correct.

Mr. WIRTH. Mr. President, I cannot say how strongly I oppose this amendment, for a whole variety of reasons related to the environment of my State as well as to the economy of my State and much of the Rocky Mountain West. This is an amendment that will have an absolutely draconian effect on the cattle industry in the State of Colorado and in the State of Wyoming and in all of the Rocky Mountain States. Let me explain why.

The purpose of this amendment is to dramatically raise the fees charged individuals who graze cattle on the public land. Currently those fees are a little less than $2 per animal unit month. And the thrust of the amendment is to effectively increase those by a factor of 4 over a relatively short period of time.

Presumably there is a purpose behind this amendment. We have not had any hearings in the U.S. Senate on this amendment anywhere. I sit on the Energy and Natural Resources Committee which has jurisdiction over this issue. There has not been 1 day of hearings on this in the Senate. We have not heard from the sponsors about the purpose of the amendment. We have not heard from anybody in the agricultural community about their reaction to the amendment. We have not heard from any of the impacted States about the amendment.

I assume that there is a set of purposes to the amendment but those have not been clear nor have they been laid out to anybody. There is no record anywhere about the purposes of this amendment.

But I assume there is one of two purposes in this. We can only look at it and assume if you are going to raise the grazing fees by a factor of 4 times, maybe what people are trying to do is to raise revenue. If this is a way of raising revenues, certainly that is justifiable. Then what we ought to be doing is look to raise revenues from a whole variety of other sources.

I do not know how many Members of the Senate have gone out and said they do not want to raise revenue. But whatever the rhetoric may be that has been out there we should realize that this amendment would raise what is in fact a very small amount of money for the Federal taxpayer, $30 or $40 million a year. But this has not been laid out, how much this will raise, where it comes from, and what its purpose is.

Perhaps the purpose of this is to "protect the public lands in the West." If that is the purpose, this amendment is severely misguided. As one who has spent a great deal of time on concerns about the environment and what our environment is going to be over this coming decade and into the 21st century, I want to explain in very brief terms why the unintended consequences of this amendment are absolutely devastating for the environment is much of the Rocky Mountain West.

Let me explain. Most of the mountain valleys in Colorado and in the mountain West were settled by ranchers. Most of the valley bottoms, lands where the water is, are not national forests or Bureau of Land Management lands. The areas in the bottom of the valleys are private lands. Those ranchers chose the best land. That is the land where you can grow hay or alfalfa; that is the land where you can have irrigated pasture; that is the land where you can probably winter cattle.

The economics of agriculture in this part of the world are such that individuals who are attempting in these small mountain valleys to make a living in the cattle industry, must summer their cattle on the public lands and then winter their cattle on their private lands in the valley bottoms. That is generally the way this works. That is generally the way it operates for almost all of the small ranchers in the Rocky Mountain West.

It is a very marginal business. If you are a new rancher getting into the business, it is practically impossible to do so.

Given the price of cattle and all of the costs of raising cattle, you cannot break even and make the payments on a ranch as well. There is no way in the world you can do that, even if you can grow more hay and alfalfa than you need yourself and you get very good prices for hay, very good prices for alfalfa. But even if there is a good market for that out there, you cannot make a go of it unless the ranch happened to be handed down from one family to another.

So we do not find young ranchers going into the business. It is too marginal to make it work. It does not go that way, Mr. President. There simply are not all kinds of people making scads of money at taxpayer expense. It is a very difficult and a very marginal business.

What does happen, Mr. President, is being able to graze cattle on the adjoining public lands—on the national forest or on the BLM lands—allows these people to come close to breaking even if, in fact, they already own their ranches. If, in fact, they are not making interest payments on the land; if they do not have the mortgage payments, then the economics can about break even.

I am not speaking now about very large cattle operations on private land in Florida or on private lands elsewhere where almost all of the cattle in the country are raised. I am talking about the small operators in the Rocky Mountain West, family-owned ranching operations.

If this amendment goes through, what is going to happen is that those ranchers who are raising a few hundred head of cattle, and using an allotment on BLM or an allotment on the Forest Service for summer grazing for their cattle, if those fees are raised by a factor of four times, a lot of these individuals are going to be driven out of business. They will no longer make a go as ranchers in the mountain valleys. And then what happens?

If you are a rancher in a mountain valley in the State of Colorado, and your grazing fees are raised dramatically, your cost of business goes up and you effectively cannot make it in the cattle business, then what are you going to do? You have one resource remaining, and that resource is your ranch with its water rights. You have that one resource remaining: that land and the water that goes with it.

So what are you going to do, if you have that one resource? You have one of two choices then remaining. One of those choices is to sell your water rights.

If we sell water rights out of these high mountain valleys, the result will be the destruction of these mountain valleys, having exactly the opposite environmental impact that the people say this amendment will have, which is to save the environment. It is going to have just the opposite effect.

Any individual who has driven through South Park in Colorado or the Via Grande in New Mexico will be familiar with areas that have been dewatered because people went in and bought the rights and sold them to big cities. Those valleys are gone forever. They will never be restored.

What this amendment is going to do is to force any number of ranchers to precisely that conclusion and that has exactly the opposite impact of what the framers of the amendment, I think, are suggesting they want to do. They would suggest that this is an environmentally benign amendment. It is just the opposite.

If those ranchers, Mr. President, do not sell their water rights, they have one other choice remaining, and that is to subdivide their land. In the State of Colorado, you can subdivide into 35- or 40-acre "ranch estates." You can do that under State law without having to get any kind of zoning permission. You are allowed to do that.

What is that impact of that? Just precisely the opposite of what the framers of this amendment presumably intended. That destroys the environmental values in all those valleys as well. In fact, you are destroying the integrity of these areas in that way as well.

The two major unintended consequences—and I assume they are unintended—of this particular amendment offered by the Senator from Ohio and the Senator from Vermont are going to be, one the sale of water rights and, second, the subdivision of these high mountain valleys.

Anybody who has been in this part of the country knows we are spending an enormous amount of effort and money trying to preserve our mountain country, through the good efforts of the chairman of the Interior Appropriations Subcommittee, Senator BYRD, to purchase various pieces of Federal land to preserve areas through wilderness designation, to acquire in holdings.

What we are trying to do is preserve these areas and not go in the opposite direction. This amendment, Mr. President, goes precisely in the opposite direction. It is going to have a devastating impact on the environment of the States of Colorado, Wyoming, Montana, and the rest of the Rocky Mountain West. Of course, we have not had a day of hearing on this.

I suspect the people offering the amendment have no idea this is going to happen; they do not know about the economics of the cattle industry in the West; they do not know anything of what happens with water rights and why western water law is different from what happens in the State of Ohio or the State of Maine. We have enough 40-acre ranchettes in the State of Colorado to last three, four, five generations. We do not need more. We do not need to subdivide more ranches. This is simply devastating to our environment—which we spend, on the other hand, a vast amount of time, money, and attention attempting to preserve.

This amendment does just the opposite of what I suspect its framers would suggest it is going to do.

Not only, Mr. President, is there this serious set of unintended, very damaging impacts on the environment; it has a very negative, economic impact as well.

I will cite one example. The largest part of the economy of the State of

Colorado is agriculture. That is the single most important element in the economy of my State. The second most important is tourism and recreation. The third is small manufacturing.

Agriculture is the most important, and of agriculture, cattle makes up 65 percent of the total. Not all the economics of the cattle industry are the public lands ranchers. Some of those are large feedlots, but I cite the 65-percent figure only to illustrate the fact that this is a very important industry to the State but most important to rural communities in the Rocky Mountain region, small rural communities that are already struggling to survive.

We all talk a great deal about what happens in the rural areas of the country, and we want to preserve small town America; we want to preserve the family farm; we want to do a verity of these things that practically everybody in this body has spoken about. There are important values related to this, values related to these communities and the structures and the societies of those communities. These communities are also very important to the viability of whole regions of rural America.

The cattle industry makes up an important part of the fabric that holds these communities together. Unfortunately, Mr. President, the impact of this amendment is going to kill many small towns in the Rocky Mountain West. It is going to kill many of the small communities that hold together that whole region of the country.

The amendment offered by the two Senators from Ohio and Vermont will have a devastating economic impact on rural areas of the Rocky Mountain West.

Has that been understood? Has that been discussed? Again, we have not had a moment, a minute, an hour, a morning, a day of hearings anyplace in the U.S. Senate on this issue.

Mr. President, this is an amendment that sounds good if you say it fast enough. What is being said is that cattle are ripping off the land. There is, in some cases, a bad history of mismanagement of public lands in the West, particularly in the arid desert West. But the Forest Service is getting better, and I believe also that the Bureau of Land Management is getting better now, too.

This is an amendment that sounds good if you say it fast enough. We are going to repair these public lands by not having cattle graze on them. It sounds good if you say it fast enough, but does not take into account what this is going to do to those high mountain valleys. It does not take into account what the impact of this is going to be on the sale of water out of these areas and a drying up of the whole part of the West. It sounds good if you say it fast enough, but does not take into account the impact this is going to have on small towns throughout the Rocky Mountain West.

Mr. President, there are a lot of changes that ought to occur in the management of our public range lands. There are a lot of things we ought to do. One of the things we ought to do is to be very good, careful, and prudent about the way in which the BLM and the Forest Service manage these lands. There are other things we should perhaps consider.

Maybe one of the amendments we ought to have would say that the money that comes in from the grazing fees to the BLM and the Forest Service ought to go right back to those agencies so they can better manage the land. But right now this money goes into the black hole of the Federal budget and pays for MX missiles or pays for SDI or pays for the debt.

If we are going to be serious about managing these public lands, why not take the funds that are raised by any grazing fees and have them go directly back to the agency so they can better manage the land. That seems to me a very good idea. Not in this amendment. We do not have the opportunity to bring it up because there was not one day of hearings.

Maybe we ought to be making a differential between the various kinds of lands that are impacted; there are significantly different kinds of land in the Rocky Mountain West than the desert Southwest, significantly different problems in the management of the BLM and the management of the Forest Service, significantly different kinds of problems, and those ought to be recognized. But not this amendment. That could not be in this amendment because we have not had a chance to have a discussion about it, no possibility of saying anything about it.

Maybe we ought to make a distinction, Mr. President, between range corporate ranching interests—and there are a few of those—that may be using the Tax Code to write off various losses that they are incurring in the agriculture or ranching area, and the small rancher who is struggling to stay alive. Maybe we ought to make that distinction.

It seems to me that maybe a pretty good idea, too, but we do not have an opportunity in this amendment to do it because we have not had a single day of hearings, and have not taken the time to consider this.

My colleague from the State of Colorado, Senator BROWN, has proposed that maybe what we ought to do is to develop a formula—he and I were talking about this the other day—in which investments made by cattlemen on the public land, such as fencing or water developments maybe the investment they make should come off the fee. Maybe that ought to be part of a formula.

There is no chance to do that in here, Mr. President, because we have not had a single day of hearing or suggestion about what this is, what would work and what does not work.

There are a whole variety of things that we might do. Maybe we ought to have as well, Mr. President, some kind of a cost-of-living escalation in here. Maybe that is something that ought to be included. That might be something that is fair and reasonable. Maybe we might base that on last year or we might base that on when this formula was originally set up. But we do not have a chance to give that serious consideration because this amendment is upon us without a moment of hearing or discussion.

Mr. President, I obviously have a very deep parochial interest in this, and I admit that. The Rocky Mountain region in my State, high mountain country, is absolutely beautiful country, and a lot of those high mountain valleys are dependent on and maintained by ranching families.

I do not want to see that part of the country subdivided. I do not want to see those small ranchers forced to sell their water to Denver or Los Angeles or San Diego.

We have also millions of people in this country who travel to that part of the country because they want to see what was extraordinarily beautiful for our forefathers. They do not want to drive up these valleys and see subdivisions. They do not want to drive up these valleys and see them dried out like the Via Grande or dried out like South Fork. Not under this amendment, Mr. President. This amendment would be absolutely devastating to that.

Mr. President, this is a very bad idea. It is bad economics. It is bad environmentally. It is bad for our legacy in this country, and it is bad for our future. This amendment should not be supported by Members of the Senate.

This amendment should not be supported by those in the State of Florida or those in the State of Massachusetts who understand the importance of recreation. This amendment should not be supported by any of those who understand and are concerned about the environment and what our environment is going to be. It should not be supported by anybody who has any concern about a reasonable economic basis for rural economies in our country. I ask all of my colleagues to oppose this amendment.

Mr. WIRTH. Mr. President, I strongly oppose this amendment.

An increase in the cost of grazing cattle and sheep on BLM and Forest Service lands of this magnitude, Mr. President, would spell economic disaster for many ranchers in Colorado and throughout the West. It would be especially devastating for smaller ranchers, for the family which has built its life around raising cattle or sheep on a ranch which simply would not work at all without using the public lands around it.

Many ranchers in Colorado are dependent on the public lands for their livelihood—and so are countless communities across the State. According to Colorado State University, grazing on the public lands contributes $200 million and 4,700 jobs to my State's economy every year. I want to emphasize to my colleagues that most of those dollars and those jobs are concentrated in rural communities, where they are an important factor in the very survival of those communities.

If the current fee level was a subsidy, Mr. President, I would support it, as a reasonable, inexpensive and positive way to keep those rural communities alive and well. I frankly think that is a worthwhile goal, and one the Congress should support.

IS THE FEE A SUBSIDY?

But is the current grazing fee a subsidy? The dictionary defines "subsidy" as "monetary assistance granted by a government to a person or a private commercial enterprise." The grazing fee is not a payment from the government to the ranchers, it is a fee the ranchers pay the government.

We do subsidize other agricultural enterprises, and those subsidies are supported by the Congress for good reasons. We have price support programs under which the government guarantees rice farmers, corn farmers, wheat farmers, and dairy farmers a price for their product, and the government pays out millions to farmers for that program. We do not do that for beef, and that is not what we are talking about here. The government is not paying these ranchers—they are paying the government.

The question is, I guess, are public lands ranchers paying enough? Do they pay enough to cover the Government's costs in running its grazing program? Yes, I think they do, and the Director of the Bureau of Land Management has testified that they do. For while the total costs of range programs run by the Bureau of Land Management and the U.S. Forest Service are considerably higher than what we take in in grazing fees—though it is not by anyone's calculation as high as the amendment would take the grazing fee—a great part of what is included in those programs do not serve the rancher—they are various programs the Congress or the executive have required these agencies to do, whether or not there is livestock grazing. They include baseline ecological inventories, and wildlife management work, and other functions that BLM estimates make up 40 percent or more of their range budget. The BLM has testified that the grazing fee does, in fact, cover their costs of administering grazing on the public lands.

Is the grazing fee unfair because public lands permittees are not paying as much as ranchers who lease private lands? I believe that the current fee is fair, and does not give the public lands rancher an advantage over his competitors on private lands. For while private lands leases may sell for considerably higher annual rental rates than the grazing fee, that higher price leases a very different package than you get when you graze on public lands.

When you graze on private lands, you rent not only forage but facilities that the private owner has paid for—fences, water supplies, roads, and other amenities—and you get them exclusively. You get their full use, and you don't have to share them with anyone.

When you graze on public lands, you pay only for the forage—and you can not get it without having invested in private land to qualify for Federal grazing rights. You are required by the leasing agency to invest in the facilities on public land. Those facilities, too, are not designed just to maximize grazing benefits—they are designed to meet other standards as well, including standards to protect wildlife, to allow other public uses, and to accommodate other public values. And you pay for that. And you don't get exclusive use of the lands—you coexist with recreationists, miners, loggers and anyone else who wants to participate in the multiple use of public lands. You can only hope they close the fence behind them.

Not that that is bad. It is multiple use, and it is good. It is the very principle we prize most about the public lands. They are public. But we should recognize that renting cotenancy on the public lands is very different from renting the exclusive use of private lands.

Others of my colleagues will, I am sure, lay out some of the calculations of comparable costs done by academics who have studied private and public land leasing side-by-side. Their calculations generally show that the total costs of ranching on public lands exceeds that of ranching on private lands.

The Members should understand that most public lands ranchers have no alternative. They do not have the option of leasing private lands. They are a captive audience, if you like, and if faced with a 400-percent increase in fees on public lands they do not have the luxury of going elsewhere. Some may survive, but for most of these permittees, the result of a fee increase of this magnitude will simply be to force them out of business, and out of their homes, and out of their communities.

So we are not talking about giving people a choice between paying the government a vastly increased fee, or going elsewhere. We are talking about making a difficult business—ranching on the public lands in the west—impossible.

Are public lands ranchers getting rich off the Federal Government? No, Mr. President, they are not. Most of the permittees on Federal lands are small, family-owned operations which provide a living, but not much more. They have good years, when beef prices are high, and bad years, when they are low. The number of permittees is shrinking, for the simple reason that most of these cattle operations are only marginally profitable.

GRAZING FEES AND THE ENVIRONMENT

Mr. President, I particularly want to talk about the effect of this proposal on the environment—a subject of great personal importance to me, as my colleagues know. The proponents of a grazing fee increase propound a theory that the grazing fee increase is needed to protect the environment. I think they are wrong.

It is certainly true that there are examples—too many examples—of bad grazing management in the West: of overgrazing, and of negative impacts of grazing on the riparian areas so critical to our western wildlife.

But there are many more permittees who are doing their best to be good stewards of the public lands they use. If you are a family rancher who has inherited your ranch and your range permit from a previous generation, and who wants to be able to hand it to your own children, your ability to do so demands that you plan to improve the condition of the public rangelands you use. The future of that ranch depends on it.

There are many permittees who have gone well beyond just being good lessees, and who have spent lifetimes working successfully with the BLM and the Forest Service, and on their own, to improve range conditions on lands that suffered greatly from abuse in the days of open-range grazing and the great cattle booms of the last century.

This fee increase penalizes these permittees as well as the few bad actors we should be encouraging the BLM and the Forest Service to pursue.

Mr. President, that makes no sense. It is bad public policy.

Some proponents of this amendment have said that it is needed to end overgrazing on the public lands. Does it make sense to you that by increasing the fees charged to a marginally profitable business and making it even more marginal, you somehow make the businessman more amenable to taking care of environmental amenities and long-term environmental values? Of course not.

In fact, no one has ever shown me any evidence that raising the grazing fee would have any effect on overgrazing, except to the degree that it makes ranching of any kind impossible. This proposal does not improve grazing management on the public lands—it just ends grazing whether it is being done well or not.

Mr. President, I think that is bad public policy.

What would be the result of this amendment on the environment in the West? As near as I can see, this amendment would hurt wildlife and environmental quality on public and private lands alike throughout the Western States.

That is because its clear impact would be to force many, perhaps most, public lands ranchers out of business.

What would that do? Well, for some ranchers it would mean they would sell their land for second-home development, replacing ranches with subdivisions and roads, and taking private river bottom lands now used to grow hay, alfalfa and other winter feed for cattle which graze on public lands in summer out of agricultural production. But those private lands are an important source of food and shelter for wildlife of all types in virtually every area of the West. They are key winter habitat for deer and elk, and are used by a boundless variety of western wildlife.

The less financially fortunate rancher would be the one in a community where there was no market for residential development. That rancher would have no one to sell his ranch to. The local bank holding the mortgage of it and two dozen like it would probably fail. And the community itself would shrink, or perhaps disappear.

And with the disappearance of that ranch there would also disappear something else that is very important to the public lands surrounding it—the rancher, and his personal presence on that public land.

The presence of that rancher is something that is not in the regulations, and it's not in the agency land use plan, and it has never been covered by an environmental impact statement, but it is something that is very important to the environment.

Let us take the example of erosion causing gullying on some public rangelands. To a BLM district manager, or a forest supervisor, this is something he will never likely see. The average BLM district or national forest is more than a million acres in size, and the BLM does not have the time, personnel, or interest to keep a careful eye on it on an acre-by-acre basis. But to the rancher who leases that land, that gully is cutting into the land he uses. He sees it. He cares about it. He will get BLM or the Forest Service to pay attention to it, and he will act with them to stop that gullying.

That personal presence and personal involvement is something that in most cases will be lost forever if we force that permittee out of business. Is that good for the public lands? Is it good for this vast and important piece of the environment? No. In fact, Mr. President, I think it is very bad for the environment. I think it would be a tragedy.

A MATTER FOR THE AUTHORIZING COMMITTEE

Mr. President, I would hope that my colleagues will consider the fairness of taking an action of this magnitude by amendment to an appropriations bill without so much as a hearing by the authorizing committee.

This proposal, I believe, would have serious social, economic, and environmental consequences for the West. I strongly believe that the thousands of families and communities directly affected by this proposal deserve, at the very least, an opportunity to testify on their own behalf and that the Congress should not act prior to giving this issue a thorough scrutiny.

This amendment represents, to me, a very destructive instance of legislation on an appropriations bill, and I urge my colleagues to reject it.

I urge my colleagues to vote against this amendment, as poor public policy and as an inappropriate way for the Senate to address an issue of serious social, economic, and environmental consequences throughout the West.

Mr. President, I ask unanimous consent that supporting documents be included in full in the RECORD, including a small sample of the letters I have received from ranchers in Colorado, and from rural banks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION 91-1018

Whereas, legislation has previously been introduced in the Congress of the United States to raise grazing fees on public lands administered by the U.S. Forest Service and the Bureau of Land Management to an unaffordable level and similar legislation is currently pending; and

Whereas, such legislation threatens to force family ranchers to sell out to developers and ruin the greenbelt environment of Colorado and the West; and

Whereas, the General Assembly supports the concept of multiple use of public lands and recognizes livestock grazing as one of the traditional uses of land in Colorado; and

Whereas, grazing on public land has historically been used as a tool to manage such land and to stabilize the western livestock industry as well as counties and communities throughout the West, and not as a means to balance the federal budget; and

Whereas, there have been two multi-million-dollar studies conducted by federal agencies to determine the fair market value of grazing rights, both of which studies have endorsed the grazing fee formula in the present federal "Public Rangelands Improvement Act" (PRIA) of 1978 which is also supported by economists, the Congress, and an executive order of the President of the United States; and

Whereas, grazing on public land is a viable use which supports Colorado's economy by contributing over two hundred million dollars per year and providing over four thousand seven hundred jobs for Colorado residents; and

Whereas, studies indicate that in 1991, considering both the cost of grazing fees and other costs associated with the grazing of livestock, which are estimated at twelve dollars and twenty-nine cents per annual unit month by a Utah State study, permittees will be paying fourteen dollars per annual unit month, which is far above the amount paid for private land leasing; and

Whereas, private lands are cultivated and irrigated and have fenced meadows, and therefore should not be compared with public land leasing; and

Whereas, laws and regulations require permittees to own base property to obtain the privilege of grazing their livestock on public lands, requiring a large investment; and

Whereas, permittees' base property furnishes habitat for game animals for five or six months out of the year, upon which private habitat such game animals are dependent and in connection with which the permittees receive no compensation for the resulting loss of grass; and

Whereas, permittees have spent thousands of dollars and great effort improving the ranges by obtaining "Section 4" permits, which are one hundred percent paid by permittees, and in cost sharing projects, which are fifty percent paid by permittees, and have maintained improvements, including water development improvements, all to the benefit of wildlife and the enhancement of range lands; now, therefore,

Be It Resolved by the House of Representatives of the Fifty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the General Assembly supports the present grazing fee formula now contained in the federal "Public Rangelands Improvement Act" (PRIA) of 1978, which sets forth a workable, equitable, and fair method of arriving at fair market value; and,

(2) That field hearings be held on any legislation which will change or override the present formula; and

(3) That the base, indices or indexes used in the PRIA formula not change without documented proof; and

(4) That the General Assembly hereby requests that another study be conducted prior to any change in the present formula.

Be It Further Resolved, That copies of this resolution be sent to the Governor of the State of Colorado, the executive director of the Colorado Department of Natural Resources, the Commissioner of Agriculture of the State of Colorado, and the United States Secretary of the Interior, the Secretary of Agriculture, the members of the Colorado congressional delegation, the House Committee on Interior and Insular Affairs, and the House Committee on Agriculture.

MEEKER, CO,
August 26, 1991.

Senator TIM WIRTH,
Russell Senate Building, Washington DC.

DEAR SENATOR WIRTH: The Halendros Family Ranch began as a dream in the mind of a five year old peasant boy named Regas K. Halendros as he was tending sheep in the middle of Greece around the turn of the century. The dream of going to America, the land of hope and opportunity haunted Halendros until 1912. Then, he alone, with 60 cents in his bundle arrived on the New York harbor boat docks. Speaking two words of English and mimicking what he saw others doing, Halendros eventually found his way to Utah and worked in the coal mines. In 1922 Halendros left the coal mines to be a sheepherder in the valley of the White region near Meeker, in Western Colorado.

Many uncertainties faced the young Greek as he quickly learned that sheep and those related to the livelihood of raising sheep were not welcome in the cattle country of Meeker. The Colorado State Militia opened the road-blocks setup by angry cattlemen in order to prevent sheepmen and their herds from grazing on their claimed open range. In the winter time sheepmen moved their herds toward Utah to graze in the somewhat milder climate for open range pastures. The competition for available grass among sheep herds resulted in the harsh treatment of the Public Lands during the early 1930's.

After 7 years of working for a rancher, Halendros bought enough sheep to establish his own herd and homesteaded near Meeker, Colorado. The Taylor Grazing Act put an end to the open range wars and life for Halendros improved in several ways. First, Halendros received his geographical piece of Federal grazing land and second, he was able to improve his homestead property by purchasing some irrigated private land to enhance the public land he was using. Halendros had to do what was necessary to manage and improve his private as well as his public lands in order to survive. Without proper stewardship the soil, water, and grass would be lost.

Regas Halendros was in the mainstream of the American way-of-life. His ranching properties began to blossom as he began the costly and constant toil of improving and upgrading his pastures. He did not look upon the public land being different than his private land, both needed care and improvements; fences had to be built, water reservoirs had to be made, brush controlled, roads had to be built, and grass seeded. The cost for all the improvements both to private and public land were personally paid for by Halendros and occasionally, a Federal cost-share program would exist. The management practices applied by Regas Halendros were passed on to his sons. In 1989 the two Halendros brothers received Conservationist of the Year Award for Range Management.

All that began as a dream for a five year old Grecian boy in 1912 became a reality for Regas Halendros, my father. It was through his hard work, perseverance, and his range management skills, that my brother and I (first generation born Americans) own and manage 5,000 acres of private land and 150,000 acres of public land. We have a year-round sheep operation of 2,500 head.

The proposed increased grazing fees of $5.90 and the $8.70 per AUM will be the death "nail" of the Halendros Brothers' Ranch. My family and my brother's family live jointly on the 5000 acres of private land. Our private land is not fertile enough to produce enough grass to support 2,500 head of sheep year-round. Our sheep business would be drastically reduced by at least 80% and one or both families would be forced to sell or to seek employment elsewhere. The problem is, where do we go for work in Western Colorado with limited industry and service companies? Do we become part of the exodus from rural America? You do not sell 5000 acres, displace two families, pay off debt, and start over again in midlife overnight!

The economic impact of the proposed fees will have a far reaching effect and it will not be isolated to rancher. Schools, stores, small businesses, and social center for seniors in the Western States will suffer from the impact due to loss revenue from ranch operations. Families in the business of ranching contribute to their communities just like anyone else. Can the US government continue to force families from the rural areas into the urban areas? What happens to a nation when basic food production businesses (farmers and ranchers) can no longer afford to be in the business of producing food? Can we import it all?

The current formula for Grazing Fees is a good balance for a rancher. It is important to keep the grazing fees in balance with the cost and income it takes to operate a sheep business or cattle ranch. Right now sheep prices are very depressed and the increased fees will push myself and others out of business.

Please help maintain the current grazing fee formula as you prepare for your debate on the Senate floor.

Sincerely,

GUS HALENDROS.

COST OF IMPROVEMENTS, HALENDROS BROTHER'S RANCH

The cost to improve and maintain both the public and our private land comes directly from the family income.

Sheep-tight wire fences, $8,000 per mile.

Reservoir structures lined with sealant, $700–800 each.

Brush cutting, $35 per acre.

Grass seeding.

Cost of machinery, labor.

ALAMOSA, CO,
August 20, 1991.

TO WHOM IT MAY CONCERN:

The Oliver ranch is a family operated ranch. My wife, myself and two sons run the ranch with little or no hired help.

We put up hay all summer to winter approximately 600 cows and 450 yearlings.

Our summer grazing on deeded land. Our monthly grazing fee on deeded land is approximately $8.00 per head per month for cow and calf and $7.00 per month for yearlings. This includes all pasture, corral facilities, fencing, salt and unloading cattle on an oiled highway. One man can service the cattle, checking in one day. There is a horse pasture on the ranch for my riding horses. The death loss is minimal—maybe 1 percent.

This compares to our Federal grazing permits. I have 310 cows and calves on a Forest permit and 125 units on B.L.M. This necessitates an extra person to ride these cattle.

The fee is $1.97 per month—death loss 4–5 percent per year and $2000.00 to $2500.00 per year. Hauling over gravel roads 110 mile to one permit $12.00 per cow and calf—furnish and pack my own salt, $250.00 per year—maintain the fences—$350.00 per year. There is pickup and horse trailer to check cattle and horses—$1.00 per head.

Our mountain permits are high in elevation leading to a high altitude disease called big brisket which in some years is devastating.

I feel that an increase in grazing fee per month is not justified in lieu of all the expenses on Federal Land. Our Federal Forest Service and BLM personnel are good people to work with. We get along great.

We value our permits to balance our cattle operation. Our cattle know the range and it is their summer home.

But, we can't survive with an exorbitant increase in fees it costs to run on the range!

Sincerely,

ED OLIVER.

FEDERAL LAND BANK ASSOCIATION
OF SOUTHWEST COLORADO,
Montrose, CO, August 5, 1991.

Senator TIM WIRTH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WIRTH: The Federal Land Bank Association of Southwest Colorado represents over 1,200 borrowers in the southwestern part of the State. Approximately 40 percent of our loans are with cattle and sheep operators and a high percentage of these rely on assured grazing on Federally owned lands. Recent legislation, primarily Bills H.R. 944 introduced by U.S. Representative Mike Synar of Oklahoma and H.R. 481 introduced by U.S. Representative George Darden of Georgia together with a very recent bill introduced in the House by Representative Ralph Regula of Ohio, are of a major concern to the livestock industry in Western Colorado. All three of these bills would allow the grazing fees to increase to levels which will force the cattle and sheep operators out of business in our area, as they will not be able to pay the grazing together with the other expenses that go along with operating on assured Federal leases.

As representatives of the agriculture community, we are firmly in favor of multiple use of public lands, and studies continue to show that the present grazing fee formula provides a very competitive fee structure for livestock owners operating on public lands as the operating expense for grazing on public lands is considerably higher than on leased fee-owned property. Cattle and sheep operators using the forest and BLM assured leases must continually monitor and move the herds in order to protect the public lands.

Also, the operators of these assured leases have put many improvements at their own expense on the public lands. These improvements are of a permanent nature and there is no way to be repaid for these improvements if the operators lose the permits or cannot afford to pay for the permits on the public lands. We are located in an area of heavy recreation, but it has been proven that the recreators and the livestock industry can both utilize through multiple use programs all of the lands which are presently under the BLM and Forest Service jurisdictions. There simply is not enough private land to lease in our area, and any significant increase in assured lease fees will cause a large number of cattle and sheep operators to be forced out of business.

Also, the Federal Land Bank has always considered assured leases in our lending guidelines as both collateral and income producing assets. As the cattlemen and sheepman are forced off of assured leases, these permits will have no value and will severely impact the collateral base and income earning base of borrowers with both long-term and short-term loans. Therefore, the board of directors of this Association are unanimous of their support as being firmly against any move by the Senate or the House to change the existing formula for calculation of assured grazing permit fees.

If you have any questions, please feel free to contact us at any time.

Yours Truly,

John R. Kroeger, Board Chairman, Durango, CO; Kirk Alexander, Vice Chairman, Norwood, CO; William E. Guerrieri, Director, Gunnison, CO; Clay V. Bader, Director, Mancos, CO; Robert F. Fury, Director, Dove Creek, CO; and Frank Garcia, Jr., Director, Montrose, CO.

BACA STATE BANK,
Springfield, CO, August 20, 1991.

Senator TIM WIRTH,
Senator HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATORS: Allow me to visit with you regarding the legislation that is presently coming before you concerning the increase in dollar amount the grazing fees are facing our ranchers who graze on Federal Lands here in Baca and Las Animas counties here in southeast Colorado.

We have a total loan portfolio of $9,145,467.00 here at Baca State Bank. Our ranch customers who have grazing permits on the Comanche National Grassland have 20.8% of the total portfolio, which we have on our books this date.

The impact of the proposed increase of ⅓ in cost this next grazing year, will surely cause our ranch customers to change their way of doing business. Trying to manage the resources of livestock, grass and water, will certainly make the job of having a positive bottom line much more difficult.

If the price of grass goes higher and higher, it comes a time when ranchers will be unable to cope and therefore go out of the ranching business as a livestock operator. The story that follows we all know, the land does not produce income to carry its weight in taxes.

Thank you very much for listening.

Sincerely yours,

RICHARD H. PATTERSON,
President.

1ST SECURITY BANK OF CRAIG,
August 20, 1991.

To: Hon. Senator Brown.

DEAR SENATOR: In regard to the proposed increase in grazing fees, we feel very strongly against any additional costs that will attribute to the failure of our livestock operators in Western Colorado. The Sheep Industry can not stand any more adversities. Most all sheep operators have substantial losses with the current price of grazing fees. Cattle prices have been abnormally high in recent years but increased costs coupled with a down turn in the market, will put severe pressure on this industry as past history has indicated. Increased fees for most of our sheep customers, that are barely surviving will put some of our customers out of business.

Our Loan Portfolio of approximately $16,5000.00 is mixed with Personal, Installment, Commercial and Agriculture Loans. $3,600,000.00 of our agriculture loans are directly involved. The balance is indirectly affected. When our Agriculture customers loose income this stresses the rest of our customers income as well as putting direct pressure on the banks Quality of loan Portfolio, which increases costs of funds to our customers.

We all seem to forget the mid 70's and again in the mid 80's when the agriculture sector was in a depression. The sheep industry is currently in that cycle again and with any deterioration in the cattle market coupled with increased grazing fees, a large portion of our customers could be in financial danger again this year.

We would encourage you to vote against any legislation that would attribute to the demise or harm to the livestock industry.

Respectfully Yours,

MICHAEL K. DARVEAU,
Senior Vice President.

Mr. WIRTH. I realize that the time is late on a Friday afternoon. There is going to be more debate on this on Monday. I understand now the plan is that there be a vote on this on Tuesday. I assume we will have a unanimous consent on that soon. I know that many of my colleagues from elsewhere in the Rocky Mountain West will be speaking, perhaps more calmly than I, on the subject. I realize that this is something that is incredibly important to my State. It is incredibly important to my region in the country. And it is wrong. It is fundamentally wrong.

Mr. President, I yield the floor.

I thank the Chair.

Mr. RUDMAN. Mr. President, I rise today to express my concern over the committee's recommendation for fiscal year 1992 for the Department of Energy, energy conservation programs.

Since coming to the Senate, I have strongly supported DOE State and local assistance programs, particularly the weatherization program. Over the years, the Congress and the Committee on Appropriations have consistently supported weatherization funding and I want to compliment the Senator from West Virginia, the chairman of both the committee and the subcommittee for his leadership in this regard. This year, however, even while recognizing the tight budgetary constraints facing us, I believe the proposed appropriation is unreasonably low. The committee recommendation of $177.6 million represents a 12-percent cut from the fiscal year 1991 level.

The DOE Weatherization Assistance Program provides for the installation of insulation, storm windows and doors, and other energy efficiency improvements to reduce heat loss and conserve energy in the homes of low-income citizens. By improving energy conservation, the program saves consumers billions in heating costs, and reduces the demand for energy assistance programs and other programs aiding those in need. The program has served millions of homes, saved millions of gallons of fuel, and created countless jobs.

I was disappointed with the administration request of $24,000,000 for the Weatherization Assistance Program, a dramatic reduction of 88 percent below the level appropriated in fiscal year 1991. The argument that energy assistance programs should be funded by the States using moneys disbursed to them through the petroleum overcharge fund is hollow. Congress has wisely never accepted this attempt to justify the virtual elimination of this program. The fact is that the oil overcharge refunds are a dwindling resource. A recent report of the National Consumer Law Center indicated that 100 percent of the oil overcharge funds have been allocated, with a vast amount of the funds obligated and most spent. Moreover, oil overcharge was meant to supplement not supplant these programs. While energy assistance funding is reduced, energy costs continue to rise, leaving many citizens no choice but to pay the terrible consequences.

The volatility in fuel oil prices over the last several winters has made the country more concerned over our energy vulnerability. The weatherization program not only enhances our energy security but also leverages other dollars by serving as seed money. In New Hampshire, during the past winters, retail customers saw their heating bills rise by over 60 percent. A dramatic rise in energy prices affects everyone in society; in particular, the elderly, handicapped and low-income families. Unfortunately, Mr. President, purchasing heating fuel is not an option or a luxury. It is an essential part of survival.

Mr. President, we have a responsibility to provide adequate energy assistance to those who most need it. Full weatherization of homes in America is achievable and I believe that it is in our interest to attain this needed goal. To do so, Congress must continue to provide sufficient funding for the DOE Weatherization Assistance Program. Accordingly, I urge the Senate to recede to the House level of $200 million in conference.

STATE AND LOCAL ASSISTANCE PROGRAM FUNDING

Mr. GORE. Mr. President, I want to express my admiration for the remarkable balance of interests and priorities that the Interior Subcommittee has achieved in this bill. I appreciate the very difficult constraints the subcommittee operated under. Many tough choices had to be made, and I congratulate the chairman, my distinguished colleague from West Virginia, Senator BYRD for his success in beginning, and maintaining, many vital initiatives in this bill.

However, I have one remaining set of concerns which a number of my colleagues share and which I would like to mention to the distinguished chairman and ranking member. Simply put, the cuts in the Department of Energy's State and Local Energy Conservation Programs, including the Low-Income Weatherization Program, the Schools and Hospitals Program and the Energy Extension Service, will have serious consequences if they are not changed during House-Senate conference.

Where the bill provides $200 million for these programs, the House provides $248 million. Fiscal year 91 funding was slightly over $246 million. Support for these programs is very strong in this body. On June 3, 1991, I was 1 of 50 Senators signing a letter to the subcommittee urging that these programs be increased by 25 percent. Instead, this bill calls for a 10-percent cut.

This cut in funding is particularly troubling in light of the decreases in funding these programs have already experienced. In fiscal year 1979, $558 million was appropriated for these programs. Even if our goals was only to maintain this level of spending in real terms, today we would be appropriating $1 billion for these programs.

Mr. President, there is a slowdown in all energy conservation funding and activity in all sectors of the economy, and the poor are especially hard-hit. Funding for low-income weatherization, the State Energy Conservation Program [SECP], the Schools and Hospitals Program [ICP], and the Energy Extension Service [EES], come from several Federal and State sources and are combined with DOE moneys to improve the energy efficiency of low-income housing, small businesses, the transportation sector, the industrial sector, and so forth.

In the recent past, the largest source of funds for these initiatives was the petroleum violation—or oil overcharge—fund. The revenue in this fund has now been entirely committed, and will not be a serious factor in fiscal year 1992.

There are also far fewer funds available at the local level for weatherizing housing units. In my home State of Tennessee, for example, funding is less than half the level of 4 years ago. And many other States are faced with similar funding constraints.

Mr. President, the bottom line is that these programs are a good investment of Federal dollars. Weatherization serves the extremely poor, and for many, it is their only chance to reduce their energy bills and properly heat their homes.

In addition, the programs require direct matching funds of up to 50 percent, so they are a way for us to leverage our investment and achieve important gains that could not be achieved with Federal dollars alone. All four programs attract matching energy investments in the tens of millions of dollars from utilities, landlords, businesses, and other governmental entities. When we cut the Federal base, we lose the private sector match, and thus, a golden opportunity to improve the homes of the poor and to cut energy consumption in businesses, hospitals, schools, and residences throughout the country.

Moreover, because they lead to reduced energy consumption, these programs actually save money over time. In fact, paybacks in energy savings from these programs are generally less than 3 years. Weatherization, for example, has been shown to save approximately 20 percent of the average client's usage or about $240 each year. This amount exceeds the average fuel assistance payment, and the improvement is permanent. Clearly, cutting back on conservation dollars here would only waste money.

In my home State of Tennessee 1,426 buildings have benefited from the schools and hospitals program, and energy savings from the projects has produced an estimated $28 million in energy savings. Projects implemented range from simple lighting and insulation retrofits to wood burning heating system installations and waste heat incinerator programs.

The Tennessee Energy Office also operates an energy and water conservation program that helps detect water system loses, conducts training classes and helps keep water use and energy use down. Through July 30, 1991, the program targeted 295 water systems statewide at a cost of $2.7 million—but produced benefits roughly 11 times greater than that cost. In addition, the State has implemented a Community Energy Partnership Program which helps local governments reduce their energy usage through training and technical energy audits. This program has achieved reductions in energy expenditures of some $2 million, and the savings are permanent.

Mr. President, cutting programs for the poor, cutting programs for our schools and hospitals, cutting energy efficiency measures that make all sectors of the economy more competitive, is inappropriate at this time are in our Nation's effort to modernize our infrastructure, provide jobs for our citizens, and reduce our consumption of energy that increasingly threatens our environment and our security. The Interior Subcommittee clearly had very difficult choices to make and operated under the most trying of constraints.

Mr. President, it is my hope that when those limitations and constraints change in the context of the House-Senate conference, the Senate conferees will see their way clear to recede to the House figures on these important programs. Without objection, Mr. President, I wonder if I might pose a question to that effect to the distinguished chairman of the subcommittee at this time?

I appreciate the strong support the chairman has shown for the State and Local Assistance Program over the years. In the face of annual proposals from the administration to eliminate the programs, you have fought especially hard to maintain funding, and I applaud your efforts.

While I appreciate the very limited availability of funds, and the many worthy programs that need funding, I would like to request that the distinguished chairman prioritize the State and Local Assistance Program and to work in conference to recede to the level of funding provided by the House.

Mr. BYRD. I thank the distinguished Senator from Tennessee and I assure him that every effort will be made to increase funding in conference for the very worthy programs he has spoken of.

Mr. GORE. I thank my colleague.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I believe the first committee amendment is the amendment beginning on page 2, line 21, and running through line 22 on page 3. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, that amendment was excepted by agreement of Senator NICKLES and myself, and with the consent of the Senate, in order that Senator BUMPERS could offer his amendment thereto.

Now that the Bumpers amendment has been disposed of, I ask unanimous consent that their first committee amendment be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Excepted committee amendment on page 2, line 21, was agreed to.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 6:30 p.m. on Monday, September 16, the Senate proceed to executive session to consider Executive Calendar 10, the agreement with the Union of Soviet Socialist Republics on the maritime boundary.

I further ask unanimous consent that the treaty be considered as having been advanced through the various parliamentary stages up to, and including, the presentation of the resolution of ratification; that no other amendments, understandings, or reservations be in order; that any statements appear as if read in the RECORD; that the Senate vote on the resolution of ratification without any intervening action or debate; that the President be immediately informed of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the resolution of ratification at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I ask for the yeas and nays on the resolution of ratification.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102-14

Mr. MITCHELL. Mr. President, as in executive session.

I ask unanimous consent that the injunction of secrecy be removed from the Consular Convention with the Mongolian People's Republic (Treaty Document No. 102-14), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am transmitting, for the Senate's advice and consent to ratification, the Consular Convention Between the United States of America and the Mongolian People's Republic signed at Ulaanbaatar on August 2, 1990. I am also transmitting, for the information of the Senate, the report of the Department of State with respect to the Convention.

The signing of this Convention is a significant step in the process of improving and broadening the relationship between the United States and Mongolia. There currently does not exist a bilateral agreement on consular relations between the two countries. The Convention sets forth clear obligations with respect to important matters such as notification to consular officers of the arrest and detention of nationals of their country and protection of the rights and interests of nationals of their country.

The people of the United States and Mongolia have begun to establish ties of friendship and cooperation. I welcome the opportunity through this Consular Convention to promote good relations between the two countries. I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 13, 1991.*

MORNING BUSINESS

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate at this time, I ask unanimous consent that there be a period for morning business with Senator DOMENICI to be recognized to address the Senate, and that upon the completion of Senator DOMENICI's remarks, the Senate stand in recess, as under the order, until 12:30 p.m. on Monday, September 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States a treaty which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. GEJDENSON, Mr. DYMALLY, Mr. TORRICELLI, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, and Mr. LEACH.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. BERMAN, Mr. WEISS, Mr. DYMALLY, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. BROOMFIELD, Ms. SNOWE, Mr. GILMAN, and Mr. SMITH of New Jersey.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 128, 915, and 1042 of the Senate amendment, and modifications committed to conference: Ms. OAKAR, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. LEACH, and Mr. BEREUTER.

From the Committee on the Judiciary, for consideration of sections 126, 171, and 208 of the House bill, and sections 123 to 125, 143 to 144, 711 and 712 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. MAZZOLI, Mr. KOPETSKI, Mr. FISH, and Mr. MCCOLLUM.

From the Committee on Post Office and Civil Service, for consideration of sections 118 and 121, and part D of title I of the House bill, and sections 119 and 120, and part D of title I of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mr. SIKORSKI, Mr. ACKERMAN, Mr. HORTON, and Mr. MYERS of Indiana.

From the Committee on Ways and Means, for consideration of sections 621, 913, 925, and 1104 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 680. A bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes (Rept. No. 102–150).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 243. A bill to revise and extend the Older Americans Act of 1965, and for other purposes (Rept. No. 102–151).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1709. An original bill to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. ROTH:

S. 1708. A bill to repeal certain provisions of law which impede the normalization of United States-Soviet Union relations; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEAHY:

S. 1709. An original bill to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

Mr. LEAHY:

S. 1710. A bill to establish the Food for Freedom program whereby the United States may assist the developing democracies of the world through the provision of food assistance and other assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1708. A bill to repeal certain provisions of law which impede the normalization of United States-Soviet Union relations; to the Committee on Banking, Housing, and Urban Affairs.

NORMALIZATION OF UNITED STATES-SOVIET UNION RELATIONS

• Mr. ROTH. Mr. President, this week the Finance Committee held 2 days of hearings on the United States-Soviet trade agreement which the President recently submitted to Congress. This agreement is one of two important requirements that must be met under title IV of the Trade Act of 1974 in order to grant the Soviets most-favored-nation treatment [MFN]. The other requirement was met earlier this year when the President waived title IV's freedom-of-emigration provisions. Now that these two requirements have been met, I hope that Congress will now do its part to normalize trade relations with the Soviets by granting MFN treatment as soon as possible.

During the course of the hearings this week, we heard from the United States business community on the importance of moving quickly to extend MFN to the Soviets. We also heard about the need to enact legislation to repeal the so-called Stevenson-Byrd amendments which have placed limits on the ability of Eximbank to provide credits and credit guarantees to United States companies interested in doing business in the Soviet Union. This is one simple but important step we can take right away to help the United States take advantage of what will be the growing opportunities in the Soviet market. This will help not only ourselves, but also the Soviet people for they need United States private sector expertise and assistance in meeting the huge economic challenges they face. Today I am introducing such legislation.

In repealing the Stevenson-Byrd limits on Eximbank activities in what was formerly called the Soviet Union, we will be moving in the direction that our major trading partners have already begun moving in—providing government backing to new, but perhaps somewhat risky, business ventures which offer great potential. As one key witness stated during the hearing this week—"it's time for government policy to get in line with business reality." Swift enactment of this legislation is one piece of that puzzle which we must start putting together.●

By Mr. LEAHY:

S. 1710. A bill to establish the Food for Peace Program whereby the United States may assist the developing democracies of the world through the provision of food assistance and other assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD FOR FREEDOM ACT

● Mr. LEAHY. Mr. President, I rise today to introduce legislation which I hope will focus our discussions of agricultural assistance to the emerging democracies of the Soviet Union, the Baltic States, and Eastern Europe.

This legislation requires a new direction of thought in the executive branch about providing assistance to foreign countries. It will require a close partnership with the United States private sector. In fact, the lion's share of the responsibility for devising workable programs to aid in the economic development of the Soviet Union and Eastern Europe will lie with the private sector.

The destruction of communism and totalitarianism in the Soviet Union and Eastern Europe is the most significant political and social event to occur since the surrender of the Axis powers in 1945. The ultimate triumph of pluralism and capitalism in these countries will shape the future of the world for our children and grandchildren.

We cannot ignore the significance of these events. We cannot take this opportunity lightly.

I believe this is one overriding key to the success of the reform movement: A working economy based on free-market principles.

Almost every treatise I read on the development of a working economy in these countries states that the reform must begin with agriculture. The agricultural sector is the foundation of the economies in most of these countries and it is there, from the ground up, that reform must begin.

Second, I do not believe that governments, neither the United States Government and especially not the remnants of the Soviet Government, can provide the proper role-model to develop the private sector.

The United States private sector will be the best teacher to the Soviet Union and Eastern Europe.

The Soviet people do not need the government, even a reformist government, telling them what to do. That is the old way.

The Soviet people need to be taught by the private sector of other countries. The need to see the marketplace work directly and they need to be in control of development projects.

Third, we cannot wait and let the political situation in the Soviet Union sort itself out. It may be years before this happens.

Economic reform must not, and should not be dependent on the government structure of the Soviet Union of the republics.

The seeds of economic reform, if sown at the grassroots level, will prosper and begin to be the engine that drives political reform, rather than the other way around. The prosperity of the people will cause them to demand more freedom and they will not be denied.

Today, I am reintroducting the Food for Freedom Program that was contained in the trade title of the Senate version of the 1990 farm bill. This program totally revises the Food for Progress Act that was contained in the Food Security Act of 1985.

The Food for Freedom Program will provide the administration with the broad authority necessary to provide assistance to the former Soviet state. It is directed primarily toward the private sector-both in the United States and in the Soviet Union. Government to government assistance is not the answer. We must design strategies that invigorate the private, entrepreneurial spirit of the people of the Soviet Union. We need reform from the bottom up.

Under Food for Freedom, the President is authorized to use agricultural commodities provided by the Commodity Credit Corporation for the purpose of assisting the development of democracy and market-based economic reform in these formerly totalitarian and communist societies.

This authority is designed to be flexible. The President may enter into agreements with these countries or with members of the United States private sector to carry out projects in Eastern Europe or the Soviet Union. Using U.S. agricultural commodities (either donated, sold, or offered on credit terms), members of the U.S. private sector will be able to initiate and fund projects such as developing processing facilities or helping establish farmer-owned cooperatives in these countries.

This program also authorizes the President to provide direct food aid assistance if he determines it is necessary to help feed the Soviet people during the upcoming winter.

The Food for Freedom Program can be integrated into existing assistance programs and will fill a void that currently exists in our aid efforts. Repeatedly, the experts have stressed that it is the middle of the agricultural sector in the Soviet Union that is the most in need of repair.

To date, however, most of our assistance to Eastern Europe and other countries has focused on the production side of agriculture and on applied agricultural research. Mr. President, I ask unanimous consent to insert a summary of the Foreign Agricultural Service activities in Eastern Europe into the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF AGRICULTURAL TECHNICAL ASSISTANCE FOR CENTRAL AND EASTERN EUROPE, FISCAL YEAR 1991

POLAND

Extension Service (ES): Provided a new Senior Extension Advisor (SEA) to the Ministry of Agriculture and Food Economy. In conjunction with the SEA, the ES is providing advice and technical assistance in restructuring the existing extension system to service the private agricultural sector. The ES also recruited and sent five two-person teams for six month assignments to field offices in the Polish countryside. These teams assist the local offices in working more closely with producer associations, private farmers and rural communities to teach the skills necessary to operate successfully in a free-market economy.

Economic Research Service (ERS): In March 1991, ERS, with the participation of the National Agricultural Statistics Service

(NASS), conducted a needs assessment and developed contacts in various Polish institutions for the purpose of establishing a commodity reporting and forecasting system, as well as improving Polish data. As a follow-up to the March team's visit to Poland, a team of seven Polish officials spent two weeks engaged in intensive training and joint planning activities in Washington in May. The ERS training focused on techniques for analyzing and disseminating situation and outlook (S&O) information. It also acquainted the Polish officials with the range of analytic tools available for market-oriented policy analysis, and the organizational structure used to integrate these activities within ERS and USDA.

A jointly established workplan then identified three high priority commodities as the initial focus on S&O analysis: grains, pork and dairy. Priority issues for applied policy analysis include: a study of the interactions between the European Community's Common Agricultural Policy and Poland's agricultural sector; an evaluation of alternatives for intervening in the dairy market; and the development of a capacity to evaluate policy options using some of the ERS policy simulation models.

Following the Polish team's return to Warsaw, the Ministry formed working groups to prepare S&O reports on dairy, pork, and grains, and an ERS team of four commodity analysts arrived in Warsaw to initiate analytic work on these commodities. The principal responsibility for the reports was assigned to the Institute for Agricultural Economics. However, staff from the Ministry, the Agency for Agricultural Markets, and the Central Statistical Agency also participate in the training and report preparation.

The initial training focuses on data compilation, outlook forecasting, and report organization. A version of the USDA/FAS Production Supply & Demand (PS&D) data base was provided for use in Poland, along with initial training on the computer software necessary to use the data. These data bases would most likely be shared with Hungarian and Czechoslovak counterparts by the end of FY '91.

Cochran Fellowship Program (CFP): CFP received funding through "SEED Act II" to fund approximately 40 Polish participants. Forty three (43) candidates applied for the program and 19 were selected.

The CFP encountered one major problem in Poland: Some candidates from the emerging private agribusiness sectors did not apply for fellowships because they could not afford the round-trip airfares between Warsaw and Washington. USDA addressed this problem by establishing a local currency account which will pay up to one-half (about $500/participant) of the the international airfares. This will be used to contribute to the airfares for the 19 participants selected. USDA's FAS Agricultural Counselor's office in Warsaw will continue to identify additional candidates for the 1991 program and the CFP will utilize VOCA and USDA's Extension Service teams to identify other agribusiness candidates.

Training for Poland will occur in the following areas: agricultural credit, banking and finance; agricultural machinery; seed multiplication and distribution; animal breeding and artificial insemination; agricultural marketing; meat processing agribusiness; and vegetable production and marketing.

In summary, we anticipate that about 30 of the 40 participants planned for Poland will receive training by the end of calendar year 1991. Currently, we estimate that funding for about 10 participants will be carried over for 1992 programs. (Please see the attached Status Report for more information on the program, which applies on a regional basis.)

Restructuring of Research System: OICD's Research and Scientific Exchanges Division (RSED) identified two research specialists, one in ministry-level research systems (Dr. James Smith) and one in university-level research systems (Dr. Howard Teague). Drs. Smith and Teague traveled to Poland in February 1991, with Dr. Jerry Walker (OICD/RSED/Program Leader) to assess Poland's current research system. They agreed that Dr. Smith should return in March to set up planning initial committees and lay the ground work in the appropriate Polish ministries for development of a plan to restructure the Polish research system.

Dr. Smith returned to Poland in mid-March 1991 and, with officials from the Polish ministries of Agriculture, Education and the Academy of Sciences, worked within the framework of two committees. The first is the Strategic Planning Committee which looks at the ministries' missions, structure and implementation practices. The second is the Coordinating Committee on Science and Education and was set up by the World Bank to study the structure of agricultural research between the Ministries of Agriculture and Education and the Academy of Science.

Dr. Smith and Polish officials have drafted and orally agreed on a Research Reorganization Plan. Written agreement is expected by this Fall, when the plan will also be implemented. Dr. Smith and these two committees also drafted a strategic action plan to support this new research system. This plan emphasizes research management training for relevant levels of ministry and university research program leaders. Finally, Polish officials have also submitted reports and implemented actions required by the World Bank.

Dr. Smith will meet three Polish officials in Washington in September 1991 for the first orientation of ministry-level research management. These officials will meet with USDA/ARS officials at Beltsville, MD and other USDA officials in Washington, DC to observe first-hand the U.S. agricultural research system in action.

Dr. Smith will return to Poland in September 1991 to help implement the research system reorganization and the strategic action plan. Two other scientific research leaders will come to one of the U.S. universities in August-September 1991 to study the U.S. university research management system. Finally, a U.S. Soil Scientist will travel to Poland late in CY-91 to train Polish Soil Science research leaders in research management.

Agricultural Marketing Service (AMS): In early FY 1991, the AMS sent a team to Poland to hold a series of seminars and presentations on post-harvest handling (storage, transportation, marketing, etc.) of perishable commodities. The seminars were held in six different towns over a two-week period and were extremely well-received. As a follow-up to that exercise, AMS has another team taking a similar approach to wholesale market development, market news and inspection.

BULGARIA

Economic Research Service (ERS): Assistant Secretary Bruce Gardner, together with Guy Haviland and Duane Acker, traveled to Bulgaria to meet with Bulgarian Minister of Agriculture Boris Spirov in April, 1991. They discussed the Bulgarian request for a long-term resident policy advisor to work directly with Minister Spirov. ERS responded to that request by selecting Ron Meekoff, who has extensive experience in practical policy analysis while serving on Assistant Secretary Gardner's Economic Analysis Staff. Dr. Meekoff was introduced to Minister Spirov during the Minister's June visit to the United States. An ERS reconnaissance team, led by ERS Administrator John Lee, will be in Bulgaria in early July to discuss in more detail the major issues to be addressed by the resident advisor and to initiate a 3 week TDY by the advisor. We expect Meekoff to be in Sofia on a permanent basis by the beginning of September. In addition, a project similar to the one being implemented in Poland will begin after Hungary, but before Czechoslovakia (i.e. CY 1992).

Soil Conservation Service (SCS): In May, 1991 a team consisting of officials from USDA/SCS, EPA, the Bureau of Mines and Louisiana State University visited Bulgaria to more closely examine the problems that that country is having with regard to heavy metals (arsenic, cadmium, zinc and lead) in its soil and irrigation water. The team identified sources of the metals and the levels at which they were present in the subject areas. They were able to allay some fears of host-country officials in terms of the immediate dangers (toxicity), but they also recommended that more steps be taken to isolate and treat the affected areas. The problems present potentially large and long-term hazards in the areas of agriculture and health, and will be addressed in USDA/SCS technical assistance proposals for Fiscal Year 1992.

Cochran Fellowship Program (CFP): SEED Act II funds will be used to fund 16-18 participants, although more than 30 candidates were interviewed. Topic areas for Bulgaria's 1991 programs are: agricultural credit, banking and finance; agricultural marketing and farming management; market information systems and agricultural media; privatization of veterinary services; cotton marketing and trade; privatization of animal breeding services; and livestock marketing. In addition, CFP supported the trip of Bulgaria's Minister of Agriculture to the U.S., which provided him the opportunity to better understand the U.S. system of agriculture and USDA's role in supporting agriculture, and to discuss Bulgaria's developmental needs as they begin to privatize their agricultural systems. (Please see full Status Report, attached)

HUNGARY

Economic Research Service (ERS): In beginning its project to establish a commodity analysis and reporting system, the initial ERS reconnaissance team, again with NASS representation, visited Hungary in March, 1991. The team found a high degree of interest in establishing a commodity reporting and forecasting system, as well as interest in establishing an institutional structure to support such activities. The Hungarians invited a second ERS team to visit the country in June.

The second ERS visit fortified the Hungarian commitment to the project and served to catalyze contacts across institutions, which, as in Poland, will likely lead to a more formal restructuring of Hungarian institutions. A Hungarian team will be in Washington for an in-depth training and joint planning session in mid-July.

Cochran Fellowship Program (CFP): It is estimated that 12 participants will be funded out of SEED Act II and that all SEED Act II funds will be used within calendar year 1991.

Eighty (80) applicants were interviewed. Topic areas for Hungary's 1991 program are: agricultural credit, banking and finance; animal breeding and artificial insemination; U.S. feed manufacturing; agricultural cooperatives; wood products utilization; organization of agricultural research institutions; poultry feed rations; seed multiplication and distribution; greenhouse production; and integrated pest management. (Please see full Status Report, attached)

CZECHOSLOVAKIA

Economic Research Service (ERS): The work in Czechoslovakia is in an earlier phase than similar projects for the other countries. A draft proposal, transmitted to officials through the Agricultural Counselor, received strong interest. The Czechs and Slovaks are preparing a proposal to initiate discussions with the ERS reconnaissance team, scheduled to arrive in late June. ERS is also responding to a request by the Czechoslovakian Ministry of Foreign Trade to send an expert to provide a seminar in the implications of the European Community Common Agricultural Policy. It is expected that an ERS economist will be in Prague by mid-July to present this seminar.

Cochran Fellowship Program (CFP): It is estimated that SEED Act II funds will be used to train 12 participants from the CSFR in 1991 and that all funding will be used by the end of the 1991 calendar year. Forty candidates were interviewed. Topic areas for the 1991 CSFR programs include: agricultural credit, banking and finance; privatization of input supply systems; vegetable production and marketing; livestock breeding and artificial insemination systems; agribusiness management; international trade policy and analysis; and privatization of veterinary services. (Please see full Status Report, attached)

Mr. LEAHY. Mr. President, the Soviet Union has the capacity to produce but does not have the means to get that production to the people who want to buy it. Under Food for Freedom, our agricultural assistance will focus on creating a marketplace, fixing a derelict distribution system, and injecting profit and pride into a motivationally bankrupt sector.

This program, which Senator LUGAR and I introduced last year in a virtually identical form, will give the President the ability to structure programs that will put our private sector on the forefront of our reform efforts.

I have stated several times concerning the provision of export credit guarantees to the Soviet Union that program was not the right tool to use to begin to transform the Soviet economy. I remain more convinced of that premise today.

I believe one reason the President has repeatedly used this program is that there were no viable alternatives. We had to show we would help the Soviet Union through this time of hardship. The export credit guarantee program was all that was available.

Now, it appears that well is running dry. First United States banks balked at providing even guaranteed credit to the Soviet Union. Now, the European banks that finally lent the Soviets money earlier this year appear to be unwilling to provide more credit. This is in spite of the fact that the U.S. Government is willing to guarantee 98 percent of the risk. The remaining 2 percent appears to be too much of a risk for these banks to bear.

The controversy surrounding the issuance of agricultural export credit guarantees prevents us from concentrating on the depth of the Soviet problem. Extending export credit guarantees will help the Soviet Union buy food this year, but it will do little to enable them to buy food next year. It will not provide our farmers with the long-term market they need. One does not patch a flat tire with Elmer's glue.

The Food for Freedom Program will provide the mechanism through which the President can put our agricultural assistance to its best use.

Mr. President, I ask unanimous consent that various materials relative to the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

BACKGROUND ON SOVIET AGRICULTURE

Today, the Soviet food production system is in crisis. Consumer subsidies increase food demand while waste and inefficiencies depress marketable supplies.

Soviet crop yields are a fraction of those of the Western world. Soviet livestock productivity is about half the U.S. level. Still, the acreage under cultivation in the Soviet Union, about 230 million hectares, is the most extensive of any country in the world. The Soviet Union is the world's largest producer of wheat and one of the world's largest producers of grain.

The Soviet Union's total production of grain for 1991/92 is forecast at 190 million tons, down 45 million tons from the bumper 1990 crop and the lowest in 7 years. Coarse grain output in the Soviet Union is projected at 91.5 million tons, a drop of nearly 22 million tons from 1990/91.

Soviet agriculture produces on a per capita basis sufficient food to feed the country's population. Per capita production of grain and meat is in line with levels in Western Europe.

A major source of problems in agriculture are caused by breakdowns in the distribution of inputs. One example is the decline in chemical fertilizers. While the Soviet Union is the world's largest producer of mineral fertilizers, phosphorous fertilizers are often unavailable. More than 3 million tons of mineral fertilizers (10 to 15 percent of agricultural deliveries) are lost annually due to technology and bureaucratic difficulties. While Russia has increased its application of mineral fertilizers more than three times in the last 20 years, grain production rose only 20 percent.

Another example is the sharp decline of production and deliveries of agricultural equipment. Output of tractors and machines and equipment for the cattle and feed sectors fell by 7 percent in 1990.

The Soviets estimate that post-harvest losses are 25 percent or greater for most commodities. Losses in the fruit and vegetable sector are believed to range as high as 50 percent. Over 22 million metric tons of uncollected grain was left to rot at the Russian collective and state farms last year.

The General Accounting Office report concluded that many of the problems of Soviet agriculture involved at least the following elements:

Confusion about the direction of reform:

Bureaucratic resistance to policy changes;

Little autonomy for Soviet farmers contending with serious supply problems;

Serious infrastructure problems in transportation, storage, and processing;

Lack of workable price reforms; and

Monetary imbalances in the overall Soviet economy.

These shortfalls have led to the need for large food subsidies, estimated to equal 20 percent of the Soviet budget expenditures in 1990. This spring, however, the Soviet government tripled the prices for meat and bread, and greatly increased other retail food prices.

The Presidential Mission on Food Availability in the U.S.S.R., headed by Under Secretary of Agriculture Richard T. Crowder, found no evidence of a food shortage in the Soviet Union as of May of this year. The delegation concluded that last winter Soviet citizens bought and hoarded food in anticipation of the government's price increases, causing a "food crisis."

The delegation found that the few reports of isolated food shortages were overshadowed by a widespread, unmet demand for animal feeds. The delegation also found that there has been an increasing reliance on barter and inter-regional trade to fill local needs.

The Presidential delegation found that distribution, more than production, is the heart of Soviet food problems. The four chief causes that the delegation found include:

Physical Plant is Not Structured Properly: Facilities are sometimes outdated, underutilized, or in the wrong location. Simultaneous over-investment and under-investment in the food distribution system creates inefficiencies and bottlenecks.

Some examples of these inefficiencies include dairy processing. In Kiev, a UHT milk processing line runs at half capacity because of short supplies of the special cartons the milk requires. Another example is that there is typically only a single dairy product processing plant in a region, so much milk is wasted before it can be pasteurized and bottled.

No Organized Wholesale Market: The shortfall creates massive inefficiency in food distribution. Approximately two-thirds of the major commodities are purchased by the government. Farmers, however, choose not to fill state orders because the product is worth more as an input or for barter than what the state pays. Estimates indicate that from one-fourth to one-third of food trade currently moves by barter at negotiated rates of exchange.

Lack of Emphasis on the Distribution System: There is also a belief by many senior Soviet agricultural officials that they can produce themselves out of their food problems, and a failure to recognize a need for improvements in processing and storage.

Lack of Ownership of Food: The lack of ownership of food as it moves through the state system results in careless handling of the product.

In addition, the delegation found that the reform of the state ownership of property seems stalled in an intermediary phase of collective ownership.

SUMMARY OF FOOD FOR FREEDOM

The Food for Freedom Program would replace the Food for Progress program that was enacted in the Food Security Act of 1985.

Under Food for Freedom, the President could enter into agreements with emerging democracies or with private voluntary organizations, businesses, or cooperatives, to provide agricultural commodities to support the democratization of the governments of such countries, the granting of individual liberties to the people of such countries, the development of a free market economy, and the promotion of economic growth and freedom within such countries.

The commodities could be donated, offered on credit terms, or on such other terms as determined by the President.

Agreements entered into with private voluntary organizations, businesses, or cooperatives would require them to use any commodities provided to carry out the purposes of the program. In addition, the pvo's, businesses, or cooperatives may be authorized to sell or barter the commodities and use the amounts generated—

(1) to promote the establishment and expansion of private enterprise in the recipient country;

(2) to aid in the production of food in the recipient country through improved agricultural research, processing, transportation and marketing systems, and instruments of production in such country; and

(3) to help develop commercial markets for the purchase of agricultural commodities.

Eligible countries are those that have begun the transformation of the system of government from a non-representative type of government to a representative democracy; or have made commitments to introduce or expand free enterprise elements in their economy.

Under this program, the Commodity Credit Corporation is authorized to make agricultural commodities available to the President for use in this program and to finance the sale and exportation of such commodities to the extent necessary to carry out agreements entered into under this section.

Commodities may be made available from CCC stocks or the CCC may purchase the necessary commodities. The CCC may pay certain enumerated expenses in connection with the provision of commodities.

No funds of the Commodity Credit Corporation in excess of $50,000,000 (exclusive of the cost of any commodities) in each fiscal year shall be used to carry out the program unless such excess is authorized in advance in appropriations Acts.

The bill would also make some minor changes in the commercial trade programs found in title II of the Agricultural Trade Act of 1978. In general, the bill would allow some of those programs to be used in conjunction with the Food for Freedom program. The bill would also authorize the Secretary of Agriculture to waive, in limited situations, the requirement contained in the direct credit program that repayment of principle and interest always be made in U.S. dollars.

ONE FORM OF ASSISTANCE UNDER FOOD FOR FREEDOM

The Food for Freedom program will enable the U.S. government to help the people of the Soviet Union to begin to reform their economic system. Because this program focuses on direct contact between the U.S. private sector and the beginning private sector in these countries, direct involvement by the Soviet Government or the government of the Republics will not be a crucial component to the success of the projects.

Under one structure of assistance under this program, currencies generated by the provisions of agricultural commodities could be combined and managed by a joint board. The membership of the board would be comprised of representatives from the U.S. private sector and the Soviet private sector. Those currencies could be directed by the board toward projects that would aid in the development of processing, storage, or transportation facilities. The establishment of a viable wholesale or retail system would also be a proper use of these funds.

The ultimate goal of this program is to direct U.S. assistance away from the remnants of the Soviet government and toward the Soviet people. It is our hope that the U.S. private sector would seize this opportunity, join with the U.S. government, to show the people of the Soviet Union how they can participate in and benefit from a free-market system.

Projects developed these lines have been successful in the past. A recent example occurred in Uganda where Agricultural Cooperative Development International has used 10,050 metric tons of U.S. vegetable oil to generate a local currency equivalent of over $6 million. Those funds have then been directed into private sector development projects—stretching from production through processing and marketing of agricultural products.

Land O' Lakes, a Wisconsin cooperative, has made great strides in getting a project off the ground in the Republic of Russia. Although in the planning stages, Land O' Lakes is using its expertise to help develop a private co-op in the Russian Republic. Such a project could fit neatly within the programs authorized by Food For Freedom.

U.S.-SOVIET AGRICULTURAL TRADE

The Soviet Union has been a significant, but unstable, consumer of U.S. grain. (see table below).

U.S. Agricultural Exports to the U.S.S.R.

[In millions of dollars]

Year:	*Amount*
1981	1,685
1982	1,871
1983	1,473
1984	2,878
1985	1,923
1986	658
1987	938
1988	2,246
1989	3,597
1990	2,262

The value of U.S. agricultural exports to the USSR declined 37 percent in calendar 1990, largely due to a drop in grain exports. The volume of corn exports fell almost 50 percent, and wheat fell 31 percent. Grain accounted for 85 percent of U.S. agricultural exports to the USSR during 1970-90 and 62 percent of total U.S. exports to the USSR.

The United States has entered into three long term grain agreements with the Soviet Union, extending through 1995. Despite these grain agreements with the United States, the Soviets have not met the terms in four of the five years covered by the second U.S. grain agreement. Some of the 1991 exports of wheat, however, have been credited against the 1989/90 agreement year by the USDA Export Sales Office.

The current agreement requires the USSR to buy an average of 4 million tons of wheat and 4 million tons of coarse grains per calendar year; however, the USSR may purchase as little as 3.25 million tons of either wheat or feed grains in a year, making up the remaining 750,000 tons with the other commodity. Annual purchases of another 2 million tons of either wheat, feed grains, soybeans, or soybean meal is required in the agreement. USSR purchases credited to this year include 1.5 million tons of wheat and 6 million tons of corn.

The United States has used the Export Enhancement Program (EEP) to make U.S. wheat competitive in the Soviet market. Total EEP bonuses for U.S. wheat sales to the USSR since May of 1987 exceed $736 million, of which $116 million was for sales thus far in 1991.

In December 1990, the Secretary of Agriculture announced $1 billion in short-term export credit guarantees to the USSR. In June 1991, President Bush approved an additional $1.5 billion in additional credit guarantees, for allocation in fiscal 1991 ($600 million) and fiscal year 1992 ($900 million). In late August, President Bush announced that $315 million of the credit guarantees would be advanced from the fiscal year 1992 schedule.●

ADDITIONAL COSPONSORS

S. 243

At the request of Mr. ADAMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 243, a bill to revise and extend the Older Americans Act of 1965, and for other purposes.

S. 581

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 614

At the request of Mr. DASCHLE, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 775

At the request of Mr. CRANSTON, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 904

At the request of Mr. BRADLEY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 904, a bill to provide for the establishment of a Children's Vaccine Initiative, and for other purposes.

S. 1091

At the request of Mr. ADAMS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1091, a bill to require that certain information relating to nursing home nurse aides and home health care aides be collected by the National Center for Health Statistics and the Bureau of Labor Statistics, and for other purposes.

S. 1226

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1226, a bill to direct the Administrator of the Environmental Protection Agency to establish a small community environmental compliance planning program.

S. 1228

At the request of Mr. HATFIELD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1228, a bill to provide for a comprehensive review by the Secretary of the Interior of western water resource problems and programs administered by the Geological Survey, the Bureau of Reclamation, and other operations of the Department of the Interior, and for other purposes.

S. 1257

At the request of Mr. BOREN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

SENATE JOINT RESOLUTION 93

At the request of Mr. HEFLIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to designate the period of September 13, 1991, through September 19, 1991, as "National Ballroom Dance Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 170

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Delaware [Mr. ROTH], the Senator from Michigan [Mr. RIEGLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. PELL], the Senator from Vermont [Mr. LEAHY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Wisconsin [Mr. KOHL], the Senator from Wisconsin [Mr. KASTEN], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. GARN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Illinois [Mr. DIXON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from West Virginia [Mr. BYRD], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KERRY], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 170, a joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing the display of the National League of Families POW/MIA flag on flagstaffs at certain Federal facilities.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

MCCAIN (AND DECONCINI) AMENDMENT NO. 1124

Mr. MCCAIN (for himself and Mr. DECONCINI) proposed an amendment to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 115, between lines 21 and 22, insert the following new title:

TITLE IV—GRAND CANYON PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the "Grand Canyon Protection Act of 1991".

SEC. 402. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereafter in this title referred to as the "Secretary") shall—

(1) operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in this title; and

(2) exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall carry out this section in a manner fully consistent with and subject to—

(1) the Colorado River Compact;

(2) the Upper Colorado River Basin Compact;

(3) the Water Treaty of 1944 with Mexico;

(4) the decree of the Supreme Court in *Arizona v. California*, 376 U.S. 340 (1964); and

(5) the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River storage project and participating projects, and for other purposes", approved April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), and the Colorado River Basin Project Act (43 U.S.C. 1511 et seq.), that govern the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

(c) RULE OF CONSTRUCTION.—Nothing in this title is intended—

(1) to alter the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established; or

(2) to affect the authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.).

SEC. 403. INTERIM OPERATION OF GLEN CANYON DAM.

(a) PLAN.—

(1) DEVELOPMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a plan for operating Glen Canyon Dam on an interim basis to protect, mitigate adverse effects to, and improve the condition of the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(2) IMPLEMENTATION.—The Secretary shall implement the plan on the earlier of—

(A) September 1, 1991; or

(B) the cessation of research flows used for preparing the environmental impact statement ordered by the Secretary on July 27, 1989.

(b) CRITERIA.—The interim plan developed pursuant to subsection (a)(1) shall be designed—

(1) not to interfere with the water storage and delivery functions of Glen Canyon Dam established pursuant to—

(A) the Colorado River Compact;

(B) the Upper Colorado River Basin Compact; and

(C) other laws relating the allocation of the Colorado River;

(2) to minimize, to the extent reasonably possible, the adverse environmental impact

of Glen Canyon Dam operations on Grand Canyon National Park and on Glen Canyon National Recreation Area downstream from Glen Canyon Dam;

(3) to adjust fluctuating water releases used for the production of peaking hydroelectric power and adjust rates of flow changes for fluctuating flow that will minimize, to the extent reasonably possible, adverse downstream impacts;

(4) to minimize flood releases, consistent with section 402;

(5) to maintain sufficient minimum flow releases from Glen Canyon Dam—

(A) to minimize, to the extent reasonably possible, adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and on Glen Canyon National Recreational Area downstream from Glen Canyon Dam; and

(B) to protect fishery resources; and

(6) to limit maximum flows released during normal operations—

(A) to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on grand Canyon National Park and on Glen Canyon National Recreation Area downstream from Glen Canyon Dam; and

(B) to protect fishery resources.

(c) CONSULTATION.—The Secretary shall develop and implement the interim plan described in this section in consultation with—

(1) representatives of appropriate bureaus of the Department of the Interior, including the Bureau of Reclamation, the United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian tribes; and

(5) the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) BEST AVAILABLE DATA.—The Secretary shall develop and implement the interim plan referred to in this section using the best and most recent scientific data available.

(e) TERMINATION OF INTERIM PLAN.—The interim plan described in this section shall terminate upon compliance by the Secretary with section 404.

(f) DEVIATION FROM INTERIM PLAN.—The Secretary may deviate from the interim plan referred to in this section upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of section 404(a);

(2) respond to hydrologic extremes or power system operating emergencies; or

(3) reduce adverse effects on downstream Colorado River natural, recreational, or cultural resources.

SEC. 404. ENVIRONMENTAL IMPACT STATEMENT AND LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) FINAL ENVIRONMENTAL IMPACT STATEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUDIT.—The Comptroller General of the United States shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

(2) report on the results of the audit to Congress and the Secretary.

(c) ADOPTION OF CRITERIA AND PLANS.—

(1) IN GENERAL.—Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (a) and the audit performed pursuant to subsection (b), the Secretary shall adopt criteria and operating plans separate from, and in addition to, those specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), and exercise other authorities under existing law, so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 402.

(2) ANNUAL OPERATIONS REPORT.—Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall submit to Congress and to the Governors of the Colorado River Basin States a report, separate from, and in addition to, the report specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), on the operations undertaken pursuant to this title during the preceding year and as projected for the upcoming year.

(3) CONSULTATION.—In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)) and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) REPORT.—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to Congress—

(1) the environmental impact statement described in subsection (a); and

(2) a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigage adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream from Glen Canyon Dam.

SEC. 405. LONG-TERM MONITORING.

(a) IN GENERAL.—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with section 402.

(b) RESEARCH.—Long-term monitoring of Glen Canyon Dam shall include all necessary research and studies to determine the effect of the Secretary's actions under section 404(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) CONSULTATION.—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of—

(A) the academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 406. RULE OF CONSTRUCTION.

Nothing in this title is intended to affect in any way—

(1) the allocations of water secured to the Colorado Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

WIRTH AMENDMENT NO. 1125

Mr. WIRTH proposed an amendment to the bill H.R. 2686, supra, as follows:

Notwithstanding any other provision of law none of the funds in this or any other Act shall be available before April 1, 1992, to accept or process applications for patent for any oil shale mining claim located pursuant to the general mining laws or to issue a patent for any such oil shale mining claim, unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of enactment of this Act.

BUMPERS AMENDMENT NO. 1126

Mr. BUMPERS proposed an amendment to amendment No. 1125 proposed by Mr. WIRTH, to the bill H.R. 2686, supra, as follows:

On line 2, strike the words "before April 1, 1992" and insert the following: "before July 1, 1992".

SEYMOUR AMENDMENT NO. 1127

(Ordered to lie on the table.)

Mr. SEYMOUR submitted an amendment intended to be proposed by him to the bill H.R. 2686, supra, as follows:

On page 20, line 23, after the period, insert the following: "Nothing under this heading shall preclude the use of Land and Water Conservation Fund monies for acquisition by condemnation at Santa Monica Mountains National Recreation Area.".

BUMPERS AMENDMENT NO. 1128

Mr. BUMPERS proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 2, line 21, in lieu of the material proposed to be stricken, insert the following: ": *Provided further*, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein and lode claims an section 2329, 2330, 2331, and 2333 of the revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date."

GORTON AMENDMENT NO. 1129

Mr. BYRD (for Mr. Gorton) proposed an amendment to the bill H.R. 2686, supra, as follows:

A title I, page 23, line 22, of the bill, after "Y.M.C.A." and before "at", insert the following: ", and for reconstruction of the main lodge at Kamp Kiwanis,".

DECONCINI AMENDMENT NO. 1130

Mr. BYRD (for Mr. DeConcini) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 72, line 21, insert the following new paragraph:

[F]or the purpose of achieving ecologically defensible management practices, the forests in the Southwest and Intermountain regions are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship and result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the congressional expectations for the annual timber harvest. The value of the timber removed shall be considered as money received for the purpose of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500.

BENTSEN (AND GRAMM) AMENDMENT NO. 1131

Mr. BYRD (for Mr. Bentsen, for himself and Mr. Gramm) proposed an amendment to the bill H.R. 2686, supra, as follows:

On pages 55, strike line 12, starting with "Sec. 113", through line 21, ending with the period.

INOUYE (AND SEYMOUR) AMENDMENT NO. 1132

Mr. BYRD (for Mr. Inouye, for himself and Mr. Seymour) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 56, before line 10 insert the following new section:

"Sec. . Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"'(c) Authority to Disburse Interest Income From the San Luis Rey Tribal Development Fund.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the Authority, funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the Fund. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands subject to the terms of the Memorandum of Understanding between the band and the Department dated August 5, 1991. The Secretary shall not disburse any funds from the Fund in amounts greater than as provided in a budget of the Authority, approved by the Secretary, less any other funds provided to the Authority from any other source; *Provided*, That, under no circumstances shall any funds disbursed pursuant to this subsection be distributed to the bands, or members of the bands not directly associated with the Authority.'".

LEAHY (AND MITCHELL) AMENDMENT NO. 1133

Mr. BYRD (for Mr. Leahy, for himself and Mr. Mitchell) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 61, line 7, strike "$84,210,000" and insert in lieu thereof "$78,210,000".

Delete text beginning on page 61, line 9 with the semi-colon through the word "section" on page 61, line 17.

On page 61, line 17, delete the word "further".

On page 56, line 21, strike "$193,332,000" and insert in lieu thereof "$199,332,000".

On page 57, line 7, before the period, insert the following text: ": *Provided further*, That $6,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservation and Trade Act of 1990: *Provided further*, That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section".

HATFIELD AMENDMENT NO. 1134

Mr. BYRD (for Mr. Hatfield) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 5, line 16, strike "$15,518,000" and insert in lieu thereof "$15,768,000".

BOREN AMENDMENT NO. 1135

Mr. BYRD (for Mr. Boren) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 56, between lines 9 and 10, insert the following:

Sec. 118. The Secretary of the Interior, in consultation with the Administrator of General Services, shall submit to the Congress, within 60 days after the date of enactment of this Act, a report on any action that has been taken, or is proposed to be taken, to restore and protect the South Penthouse Native American murals located in the main building of the Department of the Interior in Washington, DC.

GORTON (AND ADAMS) AMENDMENT NO. 1136

Mr. BYRD (for Mr. Gorton, and Mr. Adams) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 32, line 6 strike "$801,089,000" and insert in lieu thereof "$801,364,000".

On page 37, line 6, strike "$107,010,000" and insert in lieu thereof "$106,735,000".

CRAIG AMENDMENT NO. 1137

Mr. BYRD (for Mr. Craig) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 35, line 12, before the period insert ": *Provided further*, That within available funds $100,000 is available to less space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho; *Provided further*, That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement.".

JEFFORDS (AND METZENBAUM) AMENDMENT NO. 1138

Mr. JEFFORDS (for himself and Mr. Metzenbaum) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 24, line 12, strike all after the numeral 10, and insert in lieu thereof:

"W., W.M.

SEC. . GRAZING ON PUBLIC RANGELANDS.

(a) Fee Structure.—Subsection (a) of section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended to read as follows:

"(a)(1)(A) Subject to subparagraph (B) beginning with the grazing season that begins on March 1, 1992, the Secretary of Agriculture and the Secretary of the Interior shall charge annual domestic livestock grazing fees for the public rangelands (except for the National Grasslands) that are equal to the fair market value of the grazing.

"(B) The fee charged for any year shall not be more that 33.3 percent greater than the fee charged for the previous year.

"(2)(A) As used in this subsection, the term 'fair market value' means the amount obtained in accordance with the following formula:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

"(B) As used in subparagraph (A):

"(i)(I) The term 'Forage Value Index' for a calendar year means the average of the forage value per-head index for the 11 contiguous Western States (computed annually by the National Agricultural Statistics Service of the Department of Agriculture) during the calendar year and the previous 2 calendar years, as adjusted in accordance with subclause (II).

"(II) The average calculated in accordance with subclause (I) shall be adjusted—

"(aa) for 1991, by setting the 1991 Forage Value Index equal to 100; and

"(bb) for later years, by multiplying 100 by the percentage that the average for the calendar year is of the average for 1991.

"(ii) The term 'Appraised Base Value' means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per mature cow, including calf, or per yearling) as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled 'Grazing Fee Review and Evaluation' and dated February 1986, on a westwide basis using the lowest appraised value of the pricing areas adjusted for advanced payment and indexed to 1991.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this subsection.".

(b) Grazing Reforms.—

(1) Grazing Advisory Boards.—Section 309(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(d)) is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraph:

"(2) The grazing advisory boards established pursuant to an action of the Secretary, notice of which was published in the Federal Register of May 14, 1986 (51 Fed. Reg. 17874), are abolished. The advisory functions exercised by the boards shall, after the date of enactment of this paragraph, be exercised only by the appropriate councils established under this section.".

(2) Use of Funds.—Subsection (c) of section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904(c)) is amended to read as follows:

"(c) Funds appropriated pursuant to this section, section 401(b)(1) of the Federal Land Policy and Management Act of 1976, or any other provision of law related to the disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous Western States shall be used by the Secretary of the Interior and the Secretary of Agriculture for—

"(1) soil protection and stability;

"(2) increased production of forage and browse for domestic livestock and other grazing ungulates;

"(3) restoration and enhancement of wildlife and fish habitat;

"(4) restoration, enhancement, and protection of watersheds and riparian areas, with emphasis in areas where domestic livestock grazing occurs;

"(5) restoration and enhancement of native plant communities; and

"(6) the development, implementation, and enforcement of applicable land management plans, allotment management plans, and regulations regarding the use of the lands for domestic livestock grazing, including use of supervision and monitoring.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 1, 1991, beginning at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on measures pending before the subcommittee. The bills are:

S. 452, to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes;

S. 807, to permit Mount Olivet Cemetery Association of Salt Lake City, UT, to lease a certain tract of land for period of not more than 70 years;

S. 1182, to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes;

S. 1183, to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, UT, and for other purposes;

S. 1184, to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, UT, and how best to preserve the resources threatened by such salt loss; and

S. 1185, to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the act, of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the impact of the 10 percent luxury excise tax on boats. The hearing will take place on Tuesday, September 17, 1991, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Carson or Jane Bonner at 224-8485.

Mr. President, I would like to announce that the Small Business Committee will hold a full committee markup of S. 1426, the Small Business Economic Enhancement Act of 1991. The markup will be held on Thursday, September 19, 1991, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball or Patty Forbes of the Small Business Committee staff at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, September 13, beginning at 9:30 a.m., to conduct a hearing on the waste management provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991—including special wastes, municipal waste and ash disposal, native American Indian waste issues, industrial waste and hazardous waste recycling issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 13, 1991, at 10 a.m. on S. 1581, the Technology Transfer Improvements Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 13, at 10 a.m. to conduct a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, September 13, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF NATIONAL REHABILITATION WEEK

• Mr. HARKIN. Mr. President, I rise today in recognition of the forthcoming National Rehabilitation Week, which will be celebrated September 15-21, 1991. This event honors the thousands of Americans and the programs and organizations through which they address the needs and goals of persons with disabilities. These programs and activities are at the cutting edge of efforts to make the Americans With Disabilities Act a reality.

Rehabilitative services and the professionals who provide them are key components in building a system to unlock an enormous national resources: the knowledge and productivity of millions of Americans with disabilities. If we are to have the kind of society which the ADA envisions, a society in which each person has an opportunity to join the cultural, political, social and economic mainstreams, it is essential that education and training programs and other rehabilitative services be made available.

If our Nation is to retain its vitality and competitive edge, as well as its moral leadership, we cannot afford to squander our human resources. The rehabilitation programs and professionals which we honor this week must have the tools and support necessary to this task. Thus we will need to strengthen our commitment in Congress to continuing the development of policies and enhancing the fiscal foundation upon which these programs rely.

Dr. Jonas Salk said, "The greatest reward for doing is the opportunity to do more." We have made real progress, but much remains to be done. There are many areas of need in research, education, training, application of new technologies and treatment if we are to meet the goal of ensuring that all persons with disabilities live active lives at the greatest level of independence possible. Meeting these areas of need will be require new chapters to be written in this Nation's proud history of opening more doors, breaking down more barriers, and extending basic human rights to more and more people.

Mr. President, in closing, I urge my colleagues to join me in rededicating ourselves to the completion of the tasks ahead. In this way do we most clearly thank these outstanding Americans, both those with and without disabilities, whose aspirations and achievements we celebrate this week.•

TRIBUTE TO FATHER MAURICE E. VAN ACKEREN

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable man who has devoted years as an educator and civic servant to Rockhurst College and Kansas City, MO. I am speaking of Father Maurice E. Van Ackeren.

Father Van has been a devoted educator and administrator for over 40 years. His career is marked with numerous accomplishments including honors bestowed upon him by the Hyman Brand Hebrew Academy, Rotary International, Chamber of Commerce of Greater Kansas City, Church of Christ of Latter-day Saints, the city of Kansas City, the Catholic Church, Creighton University, Georgetown University, St. Louis University, Benedictine College, William Jewell College, University of Missouri in Kansas City, and of course, Rockhurst College. The devotion to education that Father Van Ackeren has displayed would be hard to match.

Mr. President, the staff, alumni, and students of Rockhurst College are grateful for Father Van's 40 years of service. I join his family and friends in wishing him happy 40th anniversary and a happy 80th birthday. Kansas City is, indeed, fortunate to have such a dedicated public servant as Father Maurice E. Van Ackeren. We look forward to his continued service and role he plays as a mentor to us all.•

INTERNATIONAL FAMILY PLANNING: WHERE'S THE LEADERSHIP?

• Mr. SIMON. Mr. President, Congressman CHET ATKINS from Massachusetts recently had an op-ed piece in the Washington Post on why the United States should be aiding the U.N. Population Fund.

I'm pleased that the Senate adopted an amendment of mine overwhelmingly to restore funding for that fund, and I would remind those who are critics that there were carefully drafted provisions in that amendment to make sure none of the money could be of assistance to China in its forced abortion plans.

What our House colleague from Massachusetts has to say makes such eminent good sense that I ask to insert it into the RECORD at this point, and I urge my colleagues in both Houses to read what he has to say.

The article follows:

INTERNATIONAL FAMILY PLANNING: WHERE'S THE LEADERSHIP?

(By Chet Atkins)

In 1984, after over two decades as the leading force behind efforts to improve access to family planning worldwide, the United States jumped ship. At the World Conference on Population in Mexico City in 1984, we espoused our new belief that population growth was a "neutral phenomenon" that neither advanced nor inhibited the development of a given nation.

At Mexico City, we also reaffirmed the Reagan administration's "pro-life" position by stating that the United States would not fund any organization that counsels women about abortion. Reflecting these newfound beliefs, we precipitously and dramatically withdrew our funding from the world's two largest and most effective international family-planning organizations, the International Planned Parenthood Federation and the United Nations Population Fund (UNFPA). Since 1984, this perverse combination of twisted demographic logic and misdirected morality, known as the "Mexico City policy," has hindered family-planning efforts worldwide.

In the United States we live in a virtual utopia, almost completely isolated from the pressure that rapid and uncontrollable population growth is exerting on the rest of the world. Few of us will ever watch our children starve to death or watch our crops and our livelihood be ruined because deforestation has allowed a mud slide to ruin our farmland. It is easy for us to engage in a sophisticated moral debate about abortion. We are so far removed from the pain, suffering and hardship of everyday life in the developing world that we cannot fully comprehend the desperate situation that faces most people.

Recently, I visited Bangladesh. While there, I spoke with a woman who ran a family-planning clinic partially funded by U.S. assistance. She told me that she did not understand the way that Americans think about abortion. She pointed to the 30-odd women squatting outside the clinic. She told me that each of them had watched at least one of her children die of malnutrition or a treatable childhood illness. She explained that when a woman in Bangladesh gets pregnant with her 13th child, she does not engage in a moral discussion about the life of the fetus. She deals with reality.

The woman already has 12 children she cannot feed, and she does not want to watch another child starve. So she goes out into a rice paddy, finds a dried root and self-induces an abortion. Within 20 minutes, still in excruciating pain, the woman returns to work. Exasperated, the woman in the family-planning clinic explained that no law that the United States makes can stop that woman from going into the rice paddy and finding that dried root—why did we think that it would?

If our proscriptions have not stopped women in the developing world from having abortions, what have they done? Disturbingly, the Mexico City policy has proven to have some dubious successes. The policy has let us to delete U.S. funding for the organizations most capable of ensuring that women have no need to have an abortion—the nongovernmental and multilateral organizations that provide contraceptives to the developing world; it has mired the organizations that do receive our funds in an endless sea of bureaucratic red tape; and it has proven just how ignorant the United States is of the pressure that overpopulation is exerting on our planet.

In October 1990, the International Planned Parenthood Federation had operational family-planning programs in 95 countries, and the United Nations Population Fund was in 115 countries. The U.S. Agency for International Development was operational in only 71 countries. Logic would dictate that whenever possible we would channel our funding through the organizations most capable of reaching the largest number of people with their services. But clearly logic has no place in the administration's international family-planning agenda. For fear of associating us with "the abortion issue," AID cannot share its resources with the organizations having the greatest presence and effectiveness worldwide. We are the only nation in the world that has chosen to withdraw funding from IPPF or the UNFPA—a particular embarrassment considering that we were a major force behind the creation of the UNFPA.

The UNFPA estimates that since 1985 it has lost $286 million because of a loss of U.S. funding. The United States withdrew funding because of the UNFPA's supposed involvement with coercive family-planning programs in China. No other nations followed our lead, and to this date it has not been conclusively proven that the UNFPA was involved in these programs to begin with. When the United States stopped funding IPPF in 1985, it lost one-fourth of its total operating budget.

Within the next few decades, 3 billion young people will reach their reproductive years. This represents the largest "baby boom" the world has ever witnessed. Since 1960, the world has made tremendous strides toward lowering fertility rates and improving contraceptive use rates. In 1960, the global contraceptive use rate was approximately 10 percent. In 1990 that number had risen to 45 percent, a phenomenal increase. Our commitment to family planning since 1960 has prevented an estimated 412 million pregnancies—yet the population of the world has still increased by more than 2 billion, and there are still billions of people without adequate food, shelter and health care.

By the year 2000, all of the important gains we have made might be lost. With a tidal wave of young people about to enter their peak reproductive years, the global community will have to substantially increase its commitment to family planning simply to keep from losing previous gains, let alone to make more progress. Demographers have several different theories about what the world's population will be when it peaks and levels out around the year 2050. A critical factor in their calculations involves global commitment to family planning. Without an increased world effort to improve contraceptive use rates and lower fertility rates, the estimated world population in 2050 is upward of 15 billion, three times the size of today's population. With dramatic increases in world commitment to family planning, demographers see world population leveling at just under 6 billion, only slightly larger than today's population. Without renewed U.S. interest and leadership in international family planning, there is no hope of the world population peaking at the ideal population of 6 billion.

The House of Representatives recently voted to take action to cope with global population problems and return the United States to its position of leadership on this issue. On June 12, during consideration of the foreign aid authorization bill, the House voted to reverse the Mexico City policy and restore funding to the UNFPA. On July 26, the Senate approved a foreign aid authorization bill with similar family-planning provisions. Clearly the House and the Senate, reflecting public opinion, are trying to send the president a message. The White House has refused to listen. President Bush has promised to veto any legislation to reverse the Mexico City policy or restore funding to the UNFPA.

I urge the president to look beyond the "pro-life" advocates who have so tightly encircled him and consider legislation that would really promote life—sustainable life on this planet. Overpopulation is a time-sensitive problem that cannot be ignored. One decade from now, it will be too late. When the foreign aid bill comes before the president, he has an important choice to make. He must choose between those policies that claim, erroneously, to protect the unborn fetus, and those that will protect and improve the lives of the 5.4 billion people who currently inhabit this Earth.•

AMENDMENT NO. 1084 TO H.R. 2707

• Mr. **KERREY**. Mr. President, I will vote against the Harkin amendment to the fiscal year 1992 Labor-HHS-Education appropriations bill because I believe it reverses the order in which we should address this enormous budget problem.

The Harkin amendment would take $3.1 billion in budget authority and $1.6 billion in outlays from unobligated balances in defense for years 1988 to 1991 and apply them to 10 programs under the jurisdiction of the Labor-HHS Subcommittee.

While the amendment, on its face, is appealing, I will vote against it. What we need now is a fundamental reassessment of our priorities. There have been major changes in the parameters of the budget debate since this budget agreement was fashioned. Of great importance is the recent CBO projection which estimates the 1992 deficit at $362 billion. This far exceeds the earlier estimates of $280 billion—and it compels us to act. Equally important, the threat that has driven much of our defense spending in the past 45 years is now greatly altered. At the same time, the demand for additional attention to vital domestic needs grows stronger every day.

The amendment does not provide us with that fundamental reassessment. It may give us the impression that we've dealt with the problem, but we haven't.

Domestic needs in America are growing. Thus, this amendment frames a legitimate issue—our budget priorities. However, I believe it does so in the wrong terms. It signals that all we have to do is cut defense and fund social programs at higher levels and we will solve our problems. That's just the same old song. The deficit and restructuring of priorities is much different than that.

The amendment would have overturned the budget agreement, not for real reform, but for tinkering purposes. It quibbled. The amounts involved were small in comparison to the $1.4 trillion budget and did not represent a real realignment of priorities.

Budget priorities need major overhaul, but throwing out a few more dollars to a few popular programs which didn't get quite enough in the subcommittee mark is not the way to accomplish that.•

THE VIETNAMESE BOAT PEOPLE PROBLEM IN HONG KONG NEED FOR AN URGENT SOLUTION

• Mr. **SIMON**. Mr. President, I received a letter and the enclosed resolution from the Honorable Allen Lee, senior member of the Legislative Council of Hong Kong, the legislative body for Hong Kong.

Enclosed with his letter to me was the resolution adopted by the Hong Kong Legislative Council. It involves U.S. policy, among other things.

What they are asking makes a great deal of sense; particularly, the last item in their resolution, urging that the United States modify its policy toward Vietnam so that the Vietnam economy can improve. My instinct is that if we work with Vietnam on their economy, we can also be of assistance in improving the human rights situation in that country, a situation that is not good.

I ask to insert into the RECORD the resolution adopted by the Hong Kong Legislative Council.

The resolution follows:

THE VIETNAMESE BOAT PEOPLE PROBLEM IN HONG KONG NEED FOR AN URGENT SOLUTION

INTRODUCTION

Hong Kong is facing another massive influx of Vietnamese boat people (VBPs). Over 13,800 have arrived this year, bringing the total VBP population in Hong Kong to over 55,800. At present, 97% of clandestine departures from Vietnam head for Hong Kong averaging hundreds a day. Hong Kong simply cannot carry his burden single-handedly any longer.

BACKGROUND

Since 1979, Hong Kong has practised a policy for first asylum and has never turned away a single Vietnamese boat.

Up to 1988, all Vietnamese landing in Hong Kong were given refugee status automatically. Resettlement countries considered the majority of arrivals not to be refugees and started their own screening in the early 1980s. Consequently, more and more Vietnamese were stranded in Hong Kong.

This forced Hong Kong to a adopt a screening policy in June 1988 to ensure the resettlement of refugees. The move was intended to prompt resettlement countries to clear the backlog of refugees stranded in Hong Kong.

The screening process is monitored by the United Nations High Commissioner for Refugees (UNHCR). Those found to be refugees are housed in open refugee camps pending resettlement; those found to be non-refugees and are therefore illegal immigrants are accommodated in detention centres pending repatriation to Vietnam.

COMPREHENSIVE PLAN OF ACTION

In June 1989, 75 countries attended the International Conference in Geneva. They agreed on a Comprehensive Plan of Action which consisted of 4 elements:

1. First asylum;
2. Screening;
3. Resettlement of Refugees; and
4. Repatriation of Non-Refugees.

1, 2 and 3 were implemented but efforts to implement 4 in full failed. Hong Kong is now left with over 18,000 screened-outs (i.e. non-refugees) who will never be accepted by resettlement countries. Over 37,800 VBPS await screening.

Since March 1989, around 7,700 VBPs returned to Vietnam under the voluntary repatriation programme but over 53,400 arrived and over 5,100 were born. The voluntary programme is no solution.

EXPLOSIVE LOCAL SITUATION

Repatriation of illegal immigrants is an internationally accepted practice. All illegal immigrants from China, once caught, are repatriated automatically. In 1990, some 30,000 were returned. Over 80% of VBPs are not refugees. They are economic migrants leaving their country for better economic opportunities. Yet they are automatically admitted.

The disparity in treatment for illegal immigrants from China compared to the Vietnamese is deeply resented by the Hong Kong residents, many of whom have been waiting for years for their wives, children or parents to join them from China.

So far, Hong Kong has spent billions of dollars on VBPs, not to mention other facilities and services, such as hospitals, accommodation and manpower resources, which are much needed by the local community. At the same time, Hong Kong cannot see any genuine efforts by the international community in addressing the problem. Our people feel aggrieved by international criticisms of camp conditions when many of our own people have to put up with a very poor living environment. Our people do care about the world around them and have financially contributed towards overseas natural disasters and justified needs. Our growing frustration, caused by the lack of understanding and cooperation internationally in resolving the problem, is fast approaching explosive proportions.

URGENT SOLUTION NEEDED

The objection of the United States to return of non-refugees back to Vietnam has left Hong Kong with no choice but to keep them in detention centres.

The international community, in particular the United States and Vietnam can help to solve this human tragedy by agreeing to the automatic return of non-refugees, thus putting an end to their futile waiting. Camp life is not pleasant for the VBPs and the effect on children is even worse. Overcrowding, violence and crimes in camps have created serious management problems and posed danger to the VBPs as well as the staff who looked after them.

The increasing number of daily arrivals coupled with the lack of ways of returning the stranded non-refugees have aroused strong calls from the frustrated Hong Kong public to scrap the first asylum policy. Unless an urgent solution is found, Hong Kong may be compelled to abandon the first asylum policy to preserve stability.

The VBP problem is a foreign affairs issue. Hong Kong looks to the British Government to:

Formulate an effective and practicable strategy to curb the influx of Vietnamese Boat People and expedite the repatriation of all non-refugee Vietnamese boat people stranded in the territory;

Contribute to the expenses incurred resulting from the Vietnamese boat people in Hong Kong and encourage other countries such as the United States to make similar contributions; and

Press the United States to take appropriate action to facilitate the improvement of the Vietnamese economy which is the root cause of the boat people problem.•

THE 25TH ANNIVERSARY OF THE COLONIAL MANOR OF LaPORTE CITY, IA

• Mr. GRASSLEY. Mr. President, I wish the U.S. Senate to make note of the 25th anniversary of the Colonial Manor of LaPorte City, IA. The Colonial Manor was built for $260,000 and was completely private—there were no Federal financing or special grants. In fact, the only donations requested were for furnishing in the living room.

This facility has 46 residents and 46 employees along with numerous volunteers contributing over 6,000 hours, making it one of the largest volunteer programs in the State of Iowa.

In addition, Colonial Manor has received the "E Award" in 1988 from the Beverly Enterprises, an honor given to very few facilities. And in 1990, they received the Sterling Award from the BritWill Co. for being one of a handful of facilities in the State of Iowa to receive a no deficiencies inspection from the Iowa Department of Inspections and Appeals.

The good people of LaPorte City are no doubt proud of what Colonial Manor has done in the past quarter century and are looking forward to another 25 years of distinguished service to the residents.•

GRAND CANYON RAILWAY—2D ANNIVERSARY OF OPERATIONS AND THE 90TH ANNIVERSARY OF THE HISTORIC WILLIAMS DEPOT

• Mr. DECONCINI. Mr. President, on September 14, and 15, 1991, in Williams, AZ, the Grand Canyon Railway will be celebrating its 2d anniversary of operations and the 90th anniversary of rail service at the historic Williams Depot.

Mr. President, I would like the Senate to know about this celebration and share in this special occasion with the people of Arizona. The Grand Canyon Railway is important not only to the Grand Canyon but to northern Arizona as well.

In its 2 years of existence, the Grand Canyon Historic Railroad has provided a tremendous service for the Grand Canyon environmentally. As you know, Mr. President, the Grand Canyon is one of our most visited national parks. Last year, over 9 million visitors viewed this national treasure. However, at this level of visitation there is a significant problem with vehicle congestion that is adversely impacting the resources of the Grand Canyon. The Grand Canyon Railroad has already kept approximately 50,000 automobiles out of the Grand Canyon National Park and will hopefully maintain at least these levels for many years in the future.

The Grand Canyon Railroad also enriches our historic appreciation of the development of the Grand Canyon. The railroad was very significant in the development of the Grand Canyon Village on the South Rim. In fact, Mr. President, as you may already know, there is a rich tradition of American Presidents riding on the Grand Canyon Railroad as they visited the canyon. Theodore Roosevelt was the first to ride the train in 1903 and Dwight Eisenhower the last. I am hopeful that we will once again see the day when our Presidents will ride the railroad when they visit the Grand Canyon.

Mr. President, I think you will agree that the Grand Canyon is a significant part of our national heritage. Therefore, I think it is entirely appropriate that this body take a moment to recognize the achievements of Max and Thelma Biegert for their efforts in making the Grand Canyon Railroad once again a part of the Grand Canyon. Also deserving of recognition is the community of Williams, AZ, for its efforts on behalf of the restoration of train service from this community to the canyon.

Tomorrow will be a historic day in Williams, AZ. My only regret is that I am unable to join personally in the festivities. The ceremony is scheduled to begin at 11:15 a.m. followed by a barbecue lunch at noon and a train ride on the Kaibab Short Line from 1:30 to 2:30 p.m.

Mr. President, I wish Max and Thelma well as they enter the third of what will hopefully be many years of service to the State of Arizona.•

TRIBUTE TO ST. MARY'S HOSPITAL AND DR. KENNETH HALLER

• Mr. SIMON. Mr. President, East St. Louis, IL, is the third poorest city in the United States. Ninety-five percent of the residents are black; 15 percent are unemployment. Residents have a meager $4,000 per capita income. Crime is prevalent and high school dropout rates have reached 50 percent. Yet out of this seeming despair emerges hope.

St. Mary's Hospital is a 273-bed hospital owned by Ancilla Systems of Chicago and run by the Christian religious order Poor Maidens of Jesus Christ. St. Mary's Hospital's dedication to the East St. Louis community, serving its medical needs, makes it a model American establishment, one deserving the priase of the U.S. Senate. With over 86 percent of its patients receiving Medicare or Medicaid and receiving no tax support from Federal or State agencies, St. Mary's is constantly faced with budget problems. Nevertheless, their administration has proven they can run the facility well and maintain quality care.

The problems of St. Mary's patients are similar to the problems of many U.S. urban hospitals. Poverty makes regular and preventive medical care a low priority for East St. Louis citizens; infant mortality is two to three times the national average; and their trauma unit is constantly plagued with the problems of drugs and drug-related violence. Still, amidst these problems emerge a committed staff. St. Mary's president, Charles E. Windsor suggests, "People come here because they care about a community in need. These are the people who like to do battle with impossible situations, people who like to prove it can be done."

Staff doctor Kenneth A. Haller exemplifies this spirit of St. Mary's. A Creighton University graduate, pediatrician Dr. Haller has committed himself to help solving the problems of East St. Louis. Dr. Haller claims, "I want to help people. I want to make the biggest contribution where people need medical help most." Dr. Haller sees patients whose symptoms are manifestations of the problem of poverty: Poor nutrition, infections induced by poor living conditions, babies born of mothers addicted to cocaine. Amidst these problems, Dr. Haller seeks and has delivered solutions. Focusing on education, he seeks empowerment for the teenage parents he counsels. Dr. Haller stands out as one who is committed to his community, one who seeks improvement.

The American Medical Association recently recognized Dr. Haller for his efforts to raise the health standards and self-esteem of this community in need. I ask that the AMA's commendation of Dr. Haller be included in the RECORD.

Mr. President, I urge my colleagues to join me in saluting Dr. Haller and St. Mary's Hospital of East St. Louis. Their dedication to quality health care in the United States is worthy of our praise.

The commendation follows:

"Children are the real victims of poverty. Imagine a 3-lb. 10-oz. human being who tests positive for cocaine"—Dr. Kenneth A. Haller, East St. Louis, Illinois.

With a wall full of credentials, this 36-year-old pediatrician could have set up his practice almost anywhere.

Instead, he chose one of the most depressed inner-city environments in the U.S. "People here will tell you East St. Louis is a city without jobs. Without basic services. And some would say, a city without hope.

"We're seeing all the diseases of poverty," continues Dr. Haller. "Crack babies. Malnutrition. Congenital syphilis and AIDS. For a lot of these people, there's just a sense of hopelessness."

But Dr. Haller sees hope in the children. "These are bright, happy active kids. And I'm demonstrating to them that someone does care about them. That their existence does make a difference."

The American Medical Association (AMA) salutes Dr. Haller in his selfless efforts to raise the health standards and self-esteem of this community in need. And his colleagues in the AMA share his concern about bringing quality health care to underserved groups. It is fully in keeping with the AMA Principles Of Medical Ethics set forth 144 years ago.

Today, over a quarter million AMA physicians are dedicated to providing medical care with compassion and respect for human dignity.

As Dr. Haller puts it, "Sometimes that's what people need. To have someone say 'you're important. You have a reason for being.'"

If you would like to learn more about the AMA's position on people outside the health care system, write Larry Jellen, Dept. 201, American Medical Association, 515 North State Street, Chicago, Illinois 60610 and we will send you our latest booklet called "Five Issues in American Health."●

HISPANIC HERITAGE MONTH

● Mr. HARKIN. Mr. President, during the month of September, many Latin American countries will be celebrating their independence from Spain. Additionally, many Hispanics in the United States, with roots in many of those countries, have made invaluable contributions to our Nation's economy, education, heritage, and freedom.

I would like to pay particular attention to the Hispanic community in our State of Iowa. On behalf of Hispanic in our State, I am offering for the RECORD a proclamation declaring September 1991 as "Hispanic Heritage Month." I ask that the text of this proclamation be printed in the RECORD.

The text of the proclamation follows:

PROCLAMATION

Whereas, our nation has paid tribute to Hispanics by celebrating "National Hispanic Heritage Week," highlighting a rich part of America's culture; traditions and offering all Americans an opportunity to recognize the qualities and contributions of Hispanic Americans from earlier colonial times to the present; and

Whereas, the fabric of Iowa Hispanics—Mexican, Puerto Ricans, Central Americans, South Americans and others—bring a rich enhancement of culture and language to share with us all; and

Whereas, Hispanics exhibit an eminent pride in our American heritage and their proud Hispanic culture and traditions; their passionate love of family, profound devotion to their spiritual faith and religion, loyalty and patriotism, and energetic commitment to hard work stand as an inspiration to all people of this state; and

Whereas, Iowa Hispanics played a distinguished role in our state's history and continue to play a distinguished role; from gallant Hispanic citizens who have risen to the call of duty in defense of liberty and freedom, to women and men who have distinguished themselves in the arts, science, education, industry, government and many other areas of productive endeavors which have benefited our great state of Iowa; indeed they are a part of all that makes Iowa great; and

Whereas, the State of Iowa, has strived to advance the cause and involvement of Hispanics, and it is fitting and proper that we join with our fellow citizens to commemorate and pay tribute in honor of the Hispanic people who have enriched our daily lives, contributed to our Iowa tradition;

Now, therefore, I, Tom Harkin, USA Senator for the State of Iowa, do hereby proclaim the month of September of 1991 "Hispanic Heritage Month" in Iowa, and we call upon the citizens of the United States and the State of Iowa to join in appropriate commemoration recognizing the need to continue to advance the cause of equality for Hispanics.

TOM HARKIN.●

THE MUSEUM OF DISCOVERY, SAFFORD, AZ

● Mr. DECONCINI. Mr. President, I would like to bring to the attention of the Senate the outstanding work of the Graham County Citizens Task Force, chaired by former State senator Ed Sawyer, and their efforts on behalf of the Mt. Graham International Science and Cultural Center Foundation. The goal of this organization is to eventually construct the Museum of Discovery in Safford, AZ.

The Museum of Discovery will serve primarily as a visitors center for the nearby Mount Graham International Observatory. Construction on the museum is scheduled to begin sometime in late October 1992. The visitors center will feature several astronomy-related exhibits, including a planetarium, a display of the Mount Graham International Observatory facilities and a 20-inch telescope that will be available for use by amateur astronomers. Other museum themes will focus on the history, geology, agriculture, mining, and ecology of the upper Gila River Valley.

Mr. President, I'd like to take a moment to tell my colleagues a little bit about the unique surroundings and setting of the Museum of Discovery's location. The city of Safford is in the southeastern portion of Arizona and lies at the base of the magnificent 10,700 foot high Mount Graham peak. Surrounding Mount Graham are the scenic and wild Pinaleno Mountains.

The Museum of Discovery means a great deal to the economy of this rural area of Arizona. Currently, the dominant economic underpinning of this area's economy is agriculture. The opening of the Museum of Discovery will signify the beginning of a new direction in the economy of Graham County. As forecasted by the city of Safford's comprehensive plan, this community's population will grow from 7,800 persons in 1985 to over 15,000 persons by the year 2005. According to the plan, this projected growth in population will be driven by three primary economic sectors: small industry, retirement, and recreation and tourism activities.

Mr. President, while agriculture will continue to be a major economic force, the forecasted increase in population for this area will certainly bring additional income sources. I continue to see many small towns lose jobs and people. But, Graham County is proving it doesn't have to be that way. The Museum of Discovery will fit in nicely with and contribute greatly to the new economic direction of the upper Gila River Valley. The efforts of the Graham County Citizens Task Force just proves to me that ingenuity and hard work can go a long way toward ensuring a prosperous future for the cities and towns of Arizona.

I look forward to working together with the task force and the citizens of Graham County on the realization of this dream—the ultimate completion of the Museum of Discovery.●

A COMMITMENT TO JOB CORPS

● Mr. SIMON. Mr. President, yesterday, the Senate finished its work on the fiscal year 1992 Labor/HHS appropriations bill, perhaps in record time with less than usual controversy.

Much credit must be given the Appropriations Subcommittee Chair TOM HARKIN. We all appreciate how difficult the current budget constraints make the appropriations process. There are no easy choices and I applaud the work done by Chairman HARKIN.

There is much in the Senate bill that I support. I would like to take a moment to talk about one particular strength—the increase included for the coming fiscal year in the Job Corps Program. The Job Corps has proven to be a highly effective job training program for young people for over 30 years. Chairman HARKIN has included money to begin implementing the Job Corps 50-50 plan. This plan would strengthen the Job Corps significantly, adding new centers in areas of high poverty and unemployment among young people. Chicago, with over 30 percent of the city's children living in poverty and over 20 percent of those between 16 and 19 having dropped out of school, could greatly benefit from having a Job Corps center. The expansion of the Job Corps Program envisioned by Chairman HARKIN will allow Chicago to establish a Job Corps center.

I want to commend Chairman HARKIN on his commitment to finding solutions to the problem of youth unemployment. The Job Corps 50-50 plan will make a significant difference in cities like Chicago and I look forward to working closely with him to see this become a reality.●

AMENDMENT NO. 1084

● Mr. MURKOWSKI. I rise today in support of the committee amendment to the Labor HHS appropriations bill which will restore much-needed funding for the Low Income Home Energy Assistance Program [LIHEAP].

OPPOSE LIHEAP REDUCTION

While I appreciate the budget constraints which initially led the committee to reduce funding for LIHEAP from its current level of $1.675 billion to $1.3 billion, I strongly opposed this reduction and the proposed change in the timetable for the distribution of these funds to the States. Under this bill, approximately one-third of the total allocation would not be available to the States until September 30, 1992. This would have required many States which wanted to continue the program to come up with their own funds up front, since the majority of costs in the program are incurred in November, December, January, and February.

IMPORTANCE IN ALASKA

Mr. President, LIHEAP funding is critical to low-income households in Alaska. This year's allocation under LIHEAP for Alaska was $9.6 million. In this age of trillion dollar national debts and billion dollar programs, $9.6 million may not seem like a significant amount of money. However, the importance of these funds to low-income Alaskans cannot be overestimated.

Alaska is known for its harsh and unusually long winters. In the northernmost parts of my State, winter temperatures begin before Washingtonians even think of fall. In places such as Barrow, AK above the Arctic Circle, winter stretches seamlessly from late August to June. Barrow has already experienced its first snow of the year and can look forward to temperatures which average below zero in November through April. May and June bring a summer heat wave to the Alaska's North Slope with temperatures averaging between 18 and 33 degrees. Even Anchorage residents, who live in one of the more temperate climates in the State, have already begun to look to the mountains surrounding the Anchorage bowl for what they call termination dust, that first snowfall dusting the peaks of the Chugach mountains, a telltale sign that the termination of summer is at hand and that Alaska's long winter night is soon to follow.

Unlike the lower-48, sunlight does not provide relief from the cold in Alaska. Communities such as Anchorage and Fairbanks revel in their few hours of daylight in the winter months. In more northern communities the amount of daily sunlight is radically diminished, reaching an extreme in Barrow, where the sun does not rise in the winter for an average of 67 days.

IMPACT IN ALASKA

The $9.6 million allocation for this program had a significant impact in the lives of low-income Alaskans. The current funding level allowed the program to reach approximately 15,000 low-income Alaskan households representing 42,000 people through July of this year. According to the LIHEAP coordinator in Juneau, AK the average grant was for $390 dollars. These grants went primarily to households in the most rural parts of the State. According to the Association of Village Council Presidents, many of the recipients in the western region of Alaska received the maximum grant of $625. This amount is particularly significant in that the cost of a barrel of heating oil along the remote western coast of Alaska can exceed $100.

COMMITTEE COMPROMISE

I am very pleased to report that the Committee has agreed to accept a compromise amendment, which I cosponsored, that will increase funding for the program and disburse funds to the States when they need it most. Thanks to the efforts of my colleague from New Hampshire, Senator RUDMAN, the committee has agreed to increase funding for the program to $1.5 billion. $1.094 billion will be paid out to the States on October 1, 1991 and the remaining $405,607 million will be available September 30, 1992.

CONCLUSION

As we all know, the heating bill is a standard part of a family's budget. The need to keep warm does not distinguish between rich or poor. Low-income Alaskans and Americans should not be forced to choose between food and fuel this winter. Hopefully the Senate's action will spare them from making that choice.●

NOMINATIONS OF JUDGES SHELBY HIGHSMITH AND DONALD GRAHAM

● Mr. MACK. Mr. President, the Senate yesterday confirmed the nominations of two outstanding Floridians—the Honorable Shelby Highsmith and Mr. Donald Graham—to the U.S. District Court in the Southern District of Florida.

Don and Shelby will fill two of five vacancies in the southern district of Florida, a district which has one of the highest criminal caseloads in the country. This statistic underscores the critical need in the southern district that their appointments will address. For this reason, I would like to thank not only the Senate, but also the Senate Judiciary Committee for moving forward on these nominations.

I am sure my Senate colleagues are as proud of these two outstanding candidates as I am. I would now like to take a few moments of the Senate's time to reiterate their fine qualifications.

After graduating from Georgia Military College Preparatory School, Shelby Highsmith served in the U.S. Army during the Korean war with the 1st Cavalry Division. In Korea, Shelby received numerous honors including the Bronze Star Medal, the Silver Battle Star, and a Presidential unit citation.

Shelby Highsmith attended University of Missouri where he received a bachelor of arts degree. While in law school at University of Missouri, Shelby was a member of the Bench and Rose and the Torch and Scroll Honor Societies. When Shelby graduated from law school, he was honored as the outstanding law senior.

After graduation, Shelby went into private practice for several years in Missouri and later, Florida. In 1970, Shelby was appointed to a judgeship in the 11th judicial circuit in Dade County, FL, where he was praised as a fair and capable jurist.

Judge Highsmith resigned from the State bench after serving 5 years in order to form his own law firm in Miami, FL. Shelby Highsmith presently is a senior partner in his well respected trial firm where he practices civil law.

In addition to being a dedicated advocate and jurist, Shelby Highsmith has served the community as the special counsel to the War on Crime Program. Shelby Highsmith also served as a member of the Inter-Agency Law Enforcement Planning Counsel. One of his most notable cases was when he represented the State executive branch before senate select committees of the State of Florida involving allegations of corruption of public officials.

Shelby Highsmith enjoys an excellent reputation in his community and is highly regarded by the local bar. I have received numerous letters in support of Shelby Highsmith from those who have both appeared before him and worked beside him, the very people most qualified to evaluate Shelby Highsmith's competency, disposition, and overall judicial demeanor.

Don Graham has served the legal profession with distinction over the past 18 years. He attended law school at Ohio State University where he served on the honor council. During law school, Don was the recipient of the Moot Court Best Oralist Award and the Judge Huber Memorial Hooding Award for being the outstanding trial practice student. After graduating from law school, he joined the Judge Advocate General Corps [JAG Corps] where he served in West Germany and Florida.

Upon completing his work with the JAG Corps, Don became an assistant U.S. attorney in the southern district of Florida. In the U.S. attorney's office, he served in various leadership capacities including chief of special prosecutions, and of the major narcotics traffickers section. In addition, he was given special assignment to the organized crime and racketeering section.

Presently, Don practices law in Miami where he does trial and appellate work handling both civil and criminal cases. His legal experience alone uniquely qualifies Don to be a Federal judge.

Aside from being an accomplished legal advocate, Don Graham has been an educator. He served as an adjunct professor in business law while stationed in West Germany with the U.S. Army. During law school, Don also served as an administrative hearing officer for the Ohio Department of Welfare.

Donald Graham enjoys an excellent reputation in his community and is highly regarded by the local bar. Donald Graham has displayed his outstanding leadership qualities in a number of the professional organizations in which he is involved. He has served as president of the Federal Bar Association, south Florida chapter, as well as one of the chairpersons of the National Association of Criminal Defense Lawyers. He has also served with esteem on the Florida Bar Grievance Committee, serving as vice chairman.

In recognition of his outstanding career, Don has received a number of awards including a Department of Justice Special Achievement Award, and the Arthur S. Fleming Award, presented to 1 of 10 Outstanding Young Men and Women in Federal Service. He has also received the U.S. Army Commendation Medal and the Achievement Medal.

As many of you may be aware, I established a judicial advisory commission to make recommendations to me for district court opening in my State. The commission highly recommended to me Shelby Highsmith and Donald Graham for my consideration. Recently, I had the chance to sit down with these gentlemen and discuss their reasons for wanting to become Federal judges. I found Shelby and Don to be men of the highest integrity, and I found each to be extremely qualified for the position to which each aspires.

The simple facts reveal that Shelby Highsmith and Donald Graham are eminently qualified for the U.S. district court's southern district.•

S. 272, THE HIGH-PERFORMANCE COMPUTING ACT

• Mr. SIMON. Mr. President, I would like to make a brief statement regarding the recent Senate passage of S. 272, the High-Performance Computing Act, introduced by Senator GORE. S. 272 passed during a pause in the debate on the Labor, Health and Human Services, Education and Related Agencies Appropriations, by voice vote. Its passage should not go unnoticed.

I commend my colleagues, Senator GORE and Senator JOHNSTON, for their efforts, and in particular for their efforts to include libraries into the network created by S. 272. S. 272 provides new opportunities for research and scholarly communities in performing research in the creation of new knowledge that will improve U.S. economic competitiveness. My own State, Illinois, has already taken the initiative in paving the way for the network highway, and S. 272 has received support from the Institute for Illinois Executive Council.

As the bill moves into conference, I hope that the conferees continue to include libraries as vital components of the network.•

NATIONAL ENERGY SECURITY ACT

• Mr. WALLOP. Mr. President, currently pending on the Senate Calendar is S. 1220, the National Energy Security Act of 1991—the most comprehensive energy legislation ever presented to the Senate. This measure is structured to strengthen our economy consistent with protecting the environment.

It thus is unfortunate that the representatives of some environment groups continue to criticize this bipartisan effort, rather than recognize its energy, economic, and environmental importance to our Nation. Among those individuals who continue to mischaracterize S. 1220 is the president of the Sierra Club, Phillip Berry, and its executive director, Michael Fischer, in their August 19 letter to Energy Secretary Watkins.

I will ask that the Sierra Club letter and Secretary Watkins' response appear in the RECORD following my remarks.

Mr. President, S. 1220 reflects the reality that both energy demand and supply initiatives are necessary if the United States is to free itself from an excessive dependence on imported oil. The measure thus contains initiatives to encourage efficiency in energy use as well as production and initiatives to foster alternative and renewable energy resources as well as conventional energy supplies.

S. 1220 endorses the formulation of a national energy strategy that reflects a least cost approach in its formulation. The measure also requires the incorporation of the costs of environmental compliance in such calculus.

As the United States approaches the 21st century, it is critical that we have a comprehensive national energy strategy such as that reflected in S. 1220.

I ask that the material to which I referred be printed in the RECORD.

The material follows:

SIERRA CLUB,
Washington, DC, August 19, 1991.

Adm. JAMES D. WATKINS,
Secretary of Energy, Washington, DC.

DEAR SECRETARY WATKINS: Sierra Club recognized your efforts to craft a National Energy Strategy process which could lead to a more balanced approach to energy policy. We appreciate your affording us opportunities to testify before the National Energy Strategy hearings you chaired. Unfortunately, White House officials removed those proposals which provided some balance, such as those promoting energy efficiency and renewables, from your draft.

In light of your efforts to shape a more responsible National Energy Strategy, we were surprised and disappointed to receive your letter of June 28, 1991 defending the environmentally destructive Johnston-Wallop bill. We believe that letter contained a number of errors which we would like to call to your attention.

Your letter asserts that: "Nothing in S. 1220 would allow unsafe nuclear reactors to be built or licensed."

Fact: The Johnston-Wallop legislation severely undermines nuclear power plant safety by weakening the licensing process and gutting the public hearing process. A "streamlined" plant could be designed, sited and licensed decades before operation, but the public could not request hearings on any new health and safety issues discovered during the ensuing decades. In the past, public oversight has been responsible for improved design, training, cooling processes, leakage prevention, inspections and effluent treatment. Under S. 1220, a new nuclear plant could actually begin operation without further public hearing even if an identical plant in the next county had just suffered a severe malfunction.

Your letter asserts that: "S. 1220 would . . . provide for more effective public participation in the nuclear licensing process."

Fact: The Johnston-Wallop bill would virtually eliminate the public's right to participate in the nuclear licensing process. S. 1220 specifically states that new reactors are no longer subject to the section of the Atomic Energy Act that requires the Nuclear Regulatory Commission to provide a public hearing to ensure that a plant will not endanger public health and safety. Any pre-operational hearing would be subject to highly discretionary NRC standards and would be limited to discussing the plant's conformance with its license. This would not include issues such as design safety, emergency evacuation or site suitability. Public concern over these and other significant new safety issues would be relegated to a petition process, which has resulted in only 2 hearings out of the 321 petitions filed in the last ten years.

Your letter asserts that: "The bill's 'WEPCO' provisions . . . cannot . . . worsen acid rain."

Fact: The Johnston-Wallop bill weakens the Clean Air Act by allowing utilities to extend the life of old polluting power plants and thereby escape meeting the standards for new plants. Refurbished power plants would be allowed to increases local sulfur dioxide emissions, which could worsen local acid rain and impair visibility. All modified plants would also be exempt from new controls on nitrogen oxides—a prime component of acid rain and urban smog. Last year, the Congress rejected very similar proposals to allow refurbished power plants to evade the new Clean Air Act.

Your letter asserts that: "S. 1220 does not . . . override the NEPA or the Endangered Species Act."

Fact: The Johnston-Wallop bill would prevent the application of NEPA and the Endangered Species Act to small hydropower projects (less than 5 megawatts) by allowing states to substitute a state process for regulating these hydropower projects. Currently, the federal government is responsible for licensing and regulating hydropower projects with a capacity of 5 megawatts or less (which account for about two-thirds of all licensed hydroelectric plants). Section 5302 of S. 1220 would allow states to take over regulation of small hydropower plants but would provide the states with almost no standards or directions for such regulation.

Such transfer of authority to the states would automatically remove these projects from the applicability of federal laws or key sections of federal laws that are triggered by the federal licensing action—including NEPA, the Endangered Species Act, the Fish and Wildlife Coordination Act, and historic and archeological preservation laws.

Removing many hydropower projects from the applicability of key environmental statutes could lead to the dewatering of thousands of miles of rivers and streams, and cause major damage to fisheries and wildlife.

Your letter asserts that: ". . . by fostering broader competition in electricity generation, PUHCA reform will encourage use of innovative technologies, including renewable technologies."

Fact: The Johnston-Wallop bill's proposed changes to the Public Utilities Holding Company Act (PUHCA) will not improve competition and will undercut state conservation efforts and put renewable energy sources at a distinct disadvantage. S. 1220 would allow utilities to create "independent affiliates" that could sell power back to the parent company on the wholesale market, free from state laws. Utilities could shift a major portion of new power plant construction and electricity sales to the wholesale market, which is regulated by the Federal Energy Regulatory Commission rather than the states. This would undercut state efforts to institute least-cost planning practices and conservation programs. Federal utility regulators have ignored, if not resisted, such efforts.

Monopolistic practices allowed under S. 1220 combined with utility control of access to transmission lines ensure that safe renewable and cogeneration source (mostly independently owned) would be largely locked out of the market. S. 1220 also encourages the building of costly, polluting nuclear and coal plants because it removes the current ban on fuel suppliers like coal and nuclear companies from building power plants.

Your letter asserts that: "S. 1220 would not 'destroy' the Nation's premier wilderness areas—the Arctic National Wildlife Refuge, . . . and other fragile coastal areas.'"

Fact: The Johnston-Wallop bill opens to oil and gas drilling what the Department of Interior calls "the biological heart" of the pristine Arctic National Wildlife Refuge in Alaska. The oil drilling experience at Prudhoe Bay demonstrates that allowing the big oil companies into this spectacular arctic wilderness will destroy its value as habitat for 160 wildlife species with mining, road construction, air and water pollution, and toxic wastes.

In addition, S. 1220 directs the Minerals Management Service to reassess the entire Outer Continental Shelf for oil drilling, even those areas that are protected by Presidential or Congressional decree. The bill requires the NMS to develop alternative OCS leasing processes that are clearly biased towards oil drilling. One required alternative would override current regulatory safeguards which were upheld by the Supreme Court in 1984. Another prodrilling requirement calls for a comparison of the amount of oil spilled from OCS operations versus import shipping. Since we import 50% of our oil and get 4% from OCS sources, the outcome of this comparison is obviously prejudiced.

In your letter you call for a debate on energy issues based on the merits. Nothing would please the Sierra Club more.

Unfortunately, as you discovered when you took your energy proposal to the White House last year and saw it eviscerated by the President's own advisers, special interests—the auto, nuclear, utility and oil industries—have politicized the debate and misrepresented the policy options available to the nation.

That's why we are urging the Senate to say "No" to the special interests by rejecting the Johnston-Wallop bill. Only after this environmentally destructive legislation is defeated can we engage in the reasonable debate which you seek.

Sincerely yours,

MICHAEL FISCHER,
Executive Director.
PHILIP BERRY,
President.

THE SECRETARY OF ENERGY,
Washington, DC, September 6, 1991.

Messrs. PHILLIP BERRY and MICHAEL FISHER,
Sierra Club, Washington, DC.

GENTLEMEN: Thank you for your August 19, 1991, letter concerning the environmental implications of various provisions in S. 1220, the proposed "National Energy Security Act of 1991."

In developing the National Energy Strategy (NES), the Department of Energy conducted a comprehensive examination of steps the Federal Government could take to ensure a secure, reliable, and environmentally acceptable energy supply for the Nation in the coming decades. As you note in your letter, the Department provided the Sierra Club with opportunities to participate in the development of the NES. The Sierra Club and others identified diverse approaches to meeting the Nation's energy needs. It became clear that a successful strategy must strike an appropriate balance between improvement in energy efficiency and the development of new energy supplies. This approach has been embodied in the NES and S. 1220.

We recognize that some elements of a comprehensive and balanced approach will upset some organizations. However, the Sierra Club's broad opposition to S. 1220 is unfortunate. Catchy phrases and general statements about a few of the many provisions of S. 1220 do not do justice to this comprehensive energy legislation that supports efficiency, renewables, and other new energy supplies and removes unnecessary regulatory barriers that prevent the market from achieving our energy goals for the least cost to consumers and taxpayers. S. 1220 deserves thorough and objective consideration by the American people and the Senate.

As discussed below, some of the statements contained in your August 19, 1991, letter ignore significant details of the proposed legislation, and others are misleading and inaccurate.

NUCLEAR POWER PLANT LICENSING REFORM

The purpose of the legislation is to improve the efficiency of the licensing process—not to diminish safety evaluations or exclude parties from the process. Under the current licensing process, the Nuclear Regulatory Commission (NRC) does not make its final safety decision until after the construction of a new powerplant is completed. A full adjudicatory hearing is conducted at that time. This reduces the probability of new investments in nuclear plants because operators may be prevented from operating a plant, even after its completion, by challenges of questionable or no merit.

S. 1220 provides for setting safety issues before a plant is constructed. The NRC would approve the nuclear plant design and site, along with acceptance criteria and tests, and inspections and analysis that would ensure that the plant would be constructed in accordance with the terms of its license. Full public participation and adjudicatory hearings would still be part of each step of the NRC approval process. In addition, once a plant is licensed, the public would retain the same rights for participation that have been effective in protecting the public health and safety during the safe operation of nuclear power plants in the United States for more than 30 years.

"WEPCO" PROVISIONS

If power plant modifications automatically trigger new source review under the Clean Air Act, utilities would lose the flexibility to reduce system-wide sulfur dioxide emissions in the most cost-effective manner. The "WEPCO" provisions of S. 1220 will not permit an overall increase in sulfur dioxide emissions. Increases in local emissions could occur, but only if permitted under the national ambient air quality standards and the prevention of significant deterioration increment. Moreover, state and local permitting authorities retain the right to impose more stringent limitations for control of nitrogen oxides.

REGULATION OF RENEWABLE HYDROELECTRIC ENERGY

It is ironic that your letter affirms support for renewables, yet the Sierra Club opposes legislation that would remove unnecessary regulatory barriers that threaten to prevent use of 16,000 megawatts of renewable hydroelectric capacity. This increase in capacity would be achieved primarily by improving existing facilities and adding new generators at existing dams.

Federal jurisdiction over hydroelectric projects derives from the location of a project on Federal lands or from a determination that the waterway is navigable or historically was once used for navigation for purposes of interstate commerce. In S. 1220, small projects on Federal lands would continue to be subject to all Federal laws, excluding the Federal Power Act, through the land management agency's permitting process. Small projects that are not on Federal lands have little or no impact on interstate commerce, and the Federal Government should not preempt State authority to regulate such projects. The Sierra Club's position that States, unlike the Federal Government, are unable to ensure that small hydroelectric projects are built and operated in an environmentally sound manner ignores many strong State environmental protection programs.

REFORM OF THE PUBLIC UTILITIES HOLDING COMPANY ACT

Your characterization of the likely impacts of S. 1220's provisions for amendment of the Public Utility Holding Company Act is inaccurate in three respects.

First, you say that the legislation would "allow utilities to create 'independent affiliates' that could sell power back to the parent company . . . free from State laws." On the contrary, Section 15106 affirms that the Federal Power Act does not limit the authority of State regulators to review the prudence of decisions by utilities under their jurisdiction to purchase electricity at wholesale, except in certain cases where the Federal Energy Regulatory Commission has approved an agreement involving the sale and purchase of electricity among affiliates of a registered holding company. Thus, there would be ample latitude for State regulators to hold that a utility decision to purchase from an affiliate is imprudent if not made in accord with State law or regulations.

Second, you assert that an increased reliance on power purchased in wholesale markets "would undercut state efforts to institute least-cost planning practices and conservation programs." As noted above, States will retain regulatory responsibility for power purchase programs undertaken by utilities under their jurisdiction. Programs or individual purchases which are not consonant with State-approved least-cost or integrated resource management programs could also be found imprudent.

Third, you hold that the lack of provisions for transmission access in S. 1220 ensures "that safe renewable and cogeneration sources . . . would be largely locked out of the market." We agree with you that efficiency will be enhanced if access to transmission is readily available to wholesale buyers and sellers.

However, it is not clear that legislation is required to achieve this objective. Our approach is to secure more open access using existing Federal and State authorities. If these efforts are not fruitful, they will clarify what legislative changes are needed. Further, there are many technical questions associated with broadening access and maintaining reliability that should be resolved where possible through negotiation among transmission owners and users. Any legislation on this subject must be crafted carefully to avoid preempting or inhibiting such activities.

DEVELOPMENT OF GAS AND OIL SUPPLIES IN THE ARCTIC NATIONAL WILDLIFE REFUGE

As you know, the effect of oil exploration and development in Prudhoe Bay has resulted in only a minuscule loss of the total habitat available. In addition, the evidence clearly shows that this has had no adverse effect on the populations of any species of wildlife using Alaska's North Slope. The industry now has a 20-year track record that demonstrates overwhelmingly that Alaskan oil production is compatible with environmental protection.

Similarly, full development in the Arctic National Wildlife Refuge (ANWR) would directly impact only 13,000 acres, an extremely small portion (less than 1 percent) of the 1.5 million acre coastal plain where leasing would occur. The coastal plain, in turn, is a small portion of ANWR itself, which totals 19 million acres. In addition, a variety of potentially less environmentally intrusive approaches have been proposed for use at ANWR based on North Slope experience. Examples are smaller production pads, the use of ice rather than gravel as the base for exploration pads, and smaller spacing between wellheads.

The need to increase domestic oil production is grounded on an indisputable fact: for the foreseeable future, oil will remain a critical fuel for the United States, even with aggressive efforts to reduce consumption through substantial increases in energy conservation and the use of alternative fuels. It is for this reason that the potential petroleum resources in ANWR and carefully selected offshore areas are deemed to be vitally important to our Nation's energy future. The Administration will support energy exploration and development only where the potential energy benefits to the Nation outweigh the environmental risks.

We hope that you will reassess your position on S. 1220. The legislation should not be condemned because of its limited impacts on certain resources, but supported because of its mix of programs and policies would benefit the entire Nation.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).●

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

● **Mr. CHAFEE.** Mr. President, one issue very much on my mind as we work our way through this session of Congress is our Nation's competitiveness in the global marketplace. Our ability to compete is not just a function of how many semiconductors we produce, or how quickly we make progress in various forms of research into super-advanced technology. Competitiveness includes our long-range prospects: the depth and relevance of the education we provide to our children, and the diligence with which we bring our entire society into the technological age. Investing in our youth and disadvantaged citizens must be a priority if we aspire to continued leadership in the world economy.

The bill approved by the Senate last night, although not perfect, takes steps toward placing a greater priority on this investment by recommending increased funding in several areas. It shows that the Senate not only recognizes the importance of programs, such as the Childhood Immunizations, Head Start, the Maternal and Child Health Block Grant, but also is working to ensure their success.

I lend my full support to the Appropriations Committee's proposed 1992 funding levels for the Department of Labor. The Department's employment and training programs reach out to a variety of groups finding themselves on the periphery of the job market. Our disadvantaged youth, veterans, senior citizens, and underskilled workers will directly benefit from this year's Department of Labor budget increases through literacy, job training and community service employment programs. These initiatives help tap both latent talent and proven experience, adding to the total human resource our Nation has to work with in competing on the world market.

In particular, the Senate version of H.R. 2707 provides for an increase of $60 million in the Job Corps Program, which includes basic education, vocational training, and job placement for poor youths between the ages of 16 and 21. The Job Corps initiative is just one of the many ambitious programs I hope will succeed in meeting the needs of disadvantaged young people who have a great deal to offer to their communities and their country.

Together with making sure that our workplaces are busy, we should endeavor to make them safe. The committee's recommended $20 million increase in funding for the Occupational Safety and Health Administration [OSHA] over last year's budget marks a commitment toward reaching that goal. The advent of new technologies and higher work standards often places our workers under increased risk of injury. OSHA has performed well in seeing to its mission, and I encourage my colleagues to see to it that it has the funds to continue in its fine record.

In the area of scientific research, the National Institutes of Health [NIH], one of the world's premier research institutions, would receive almost $9 billion—$683 million more than in fiscal year 1991. In addition to supporting major research projects such as the human genome initiative, this budget will permit 6,040 new research grants to be awarded to scientists at universities and other research institutions—this is the highest level of new awards since 1988.

Under the committee's proposal the Centers for Disease Control [CDC] would receive $1.5 billion. The CDC has led efforts to prevent diseases such as malaria, polio, smallpox, and more recently AIDS and HIV infection. The agency's mission is to improve the quality of life for all Americans, by preventing unnecessary disease, disability, and premature death by promoting healthy lifestyles. Some of the Centers at CDC are familiar to us, like the National Institute of Occupational Safety and Health [NIOSH]. Others may be less familiar, but no less important as efforts to develop effective prevention programs continue.

I also would like to note that the Senate version of H.R. 2707 increases funding for childhood immunization programs. Childhood immunizations are one of the most cost-effective health services we have available today. Yet, many pre-school children are not being immunized because support for the Childhood Immunization Program administered by the Centers for Disease Control has not kept pace with the spiraling costs of these services.

Earlier this year, I joined Senator BRADLEY in initiating a letter urging members of the Appropriations Committee to increase funding for immunization efforts. I am pleased that the committee favorably considered this request and included $227.8 million for various immunization programs—an increase of $60 million over last year's appropriation.

The Senate version of H.R. 2707 also provides full funding—$686 million—for the Maternal and Child Health [MCH] Block Grant. The MCH Block Grant is a core public health program for children and pregnant women, and serves as one of our Nation's primary defenses against preventable and costly disease and disability among our population. The committee's recommendation will support efforts to implement key strategies such as home visiting and one-stop shopping, which were included in the reauthorization of the MCH Block Grant 2 years ago, but have not been funded. These strategies have proven successful in making prenatal and pediatric services more accessible, and mothers and children more healthy.

By providing over $600 million for community and migrant health centers, the committee recognized the valuable contributions these centers make toward improving the availability of primary and preventive health care services in medically underserved areas. At a time when we are exploring ways to increase access to health care for all Americans, and also trying to maximize the benefit for each health care dollar, I believe that our community and migrant health centers are a good investment.

I also am pleased that an amendment was accepted to provide $10 million for the Trauma Care Systems Planning and Development Act, which was approved in the last Congress. This act is designed to assist State governments in the development and improvement of regional systems of trauma care services.

The bill includes a $250 million increase over last year's appropriation for the Head Start Program for a total of $2.2 billion. Head Start offers high-quality preschool experiences that prepare children for entry into elementary school, along with health screenings, and other preventive health care services.

Overall, the Senate version of H.R. 2707 includes $27.2 billion for Department of Education programs. This budget will provide $6.9 billion for student financial aid programs, which are vitally important as students and their families work to meet rising tuition costs. Even with grants, loans, and part-time work, it is sometimes impossible for students to afford the cost of a college education. I have been an active and steadfast supporter of existing student aid programs, such as Pell grants, guaranteed student loans, and other forms of assistance, and am pleased by the committee's recommendation.

Having said all that, there are aspects of the bill that cause me concern. First, I regret that the committee did not directly appropriate more funds for Medicare contractors. Medicare contractors, usually insurance companies, are responsible for reimbursing Medicare beneficiaries and providers in a timely manner. In addition, these contractors also provide information, guidance, and technical support to both providers and beneficiaries. While the committee recommended $1.4 billion for this purpose, a significant portion of this request will remain in contingency reserves. In the past, the indirect funding approach has not assured adequate levels of service for beneficiaries and providers.

Second, I am concerned about language which could lead to the imposition of user fees for Medicare and Medicaid survey and certification. Earlier this year, the administration proposed to eliminate Federal funding for survey and certification activities for Medicare and Medicaid, and to convert the system to a user fee system in which health care providers would pay to be certified as a Medicare and/or Medicaid provider. Without this certification, providers cannot receive reimbursement under Medicare or Medicaid.

Although the committee did not accept the administration's proposal, it did not restore funds, as the House did, for activities related to survey and certification. Instead, the bill includes language that grants the President authority to spend funds by declaring an emergency in the event that user fee legislation is not enacted by the authorizing committee. We have imposed significant requirements on providers in recent years, particularly long-term care facilities for the elderly, and I am not concerned about the appropriateness of imposing user fees for these services.

Mr. President, the members of the Appropriations Committee faced an enormous task in developing the bill before us today, and I commend them for their efforts.•

BLACK CONCERNS AND THE WHITE HOUSE

• Mr. SIMON. Mr. President, one of the things that deeply concerns me is the failure of this administration and even more of its predecessors to try to heal the Nation in its ethnic divisions.

Look to Eastern Europe and people ask, "How can people from Serbia and Croatia fight each other? How can people in Armenia and Azerbaijan fight each other?" The list goes on and on.

We don't need to look any further than home. What has caused much of the division in Eastern Europe is shortsighted political leadership.

That is precisely what we have at home at this point.

Recently, the Christian Science Monitor had an editorial titled, "Black Concerns and the White House."

Their editorial calls for the administration to follow the example of two fine Republicans, Senator JACK DANFORTH of Missouri and Housing and Urban Development Secretary Jack Kemp.

The President would do well to heed the advice of the Christian Science Monitor and see to it that our country is a country that offers opportunity for everyone, and a country that brings people together and not further divides us.

I ask to insert the Christian Science Monitor editorial into the RECORD at this point.

The editorial follows:

[From the Christian Science Monitor, July 26, 1991]

BLACK CONCERNS AND THE WHITE HOUSE

President Bush is back from a nine-day trip to Europe where, from London to Ankara, he played with relish his role of world leader. Next week in Moscow the president again takes world center stage to sign the START treaty with Soviet leader Mikhail Gorbachev.

Yet amid the crucial foreign policy matters Mr. Bush must deal with are a number of equally important domestic issues. Education and the economy come to mind. But no area today needs more attention—and rethinking—in the White House than that of race.

Race is one of the most sensitive and potentially divisive issues in the US. We have fought a civil war and generated a civil rights movement over it. That's why a recent series of White House decisions on issues related to civil rights and race seems questionable—if not always for content, at least for tone and timing.

Among the decisions:

White House stonewalling of the Senate's civil rights bill as a "quota bill." Sen. John Danforth, a Republican, came to the White House with five compromises, but no agreement could be reached with the president's chief of staff, John Sununu. Moderates from both parties wonder why.

The president's "political correctness" speech at the University of Michigan this spring. Bush's concerns about free speech and the rise of intolerant orthodoxies on campus are well taken. Yet the speech was perceived by many blacks as soft-pedaling the problem of racism.

The decision by Commerce Secretary Robert Mosbacher not to adjust 1990 census figures. Urban areas and minorities could thus be shortchanged in the redistricting process.

The nomination of Clarence Thomas to the Supreme Court. Mr. Thomas may be a fine candidate. He believes in the virtues of black self-help. But Thomas is questioned by blacks for attacking affirmative action principles that helped him get where he is.

The lifting of sanctions against South Africa two weeks ago. Given the Thomas nomination and stalling on civil rights legislation, this seemed bad timing. (Now news of Inkatha funding by the police puts Pretoria's good faith in question.)

The nomination of Carol Iannone to an advisory panel of the National Endowment for the Humanities. The administration fought hard for Ms. Iannone, who recently attacked the literary merits of popular black author Alice Walker.

None of these developments alone is egregious or divisive. Yet taken as a whole they indicate a pattern of majoritarian decision-making. The political motives for such a tack are complex. The White House seems to be appeasing some on the political right who feel too much money and effort is spent on race-based issues. Minority groups may feel ganged up on, but the White House now controls the political mainstream. In such a climate, establishment black civil rights leaders are perceived as vulnerable to the kind of Republican free-market, self-help agenda that new black conservatives espouse.

Yet the present White House course contains some dangers. The administration has to show, through its words and through more actions like the Justice Department's admirably strong stand for voting rights, that it can affirm black and minority issues. It must do more than pay lip service to constructive programs such as Housing and Urban Development chief Jack Kemp promotes.

The danger is a politics that could alienate blacks and widen racial divisions in the US.

Senator Danforth has offered wise counsel in this regard. After his civil rights bill was stalled, the senator commented, "It is very dangerous to divide the country along partisan political lines." He contends that race issues are more important to US stability than foreign policy matters or the federal deficit.

The trust that has been built in the black community over the past 20 years is fragile. Blacks do not have generations of wealth or college education to build on like many whites. Their traditional communities have been ravaged by drugs and flight to the suburbs. In general, they have fewer comfortable assurances than do whites. It may be true that some black leaders exploit these issues, but the issues are real.

Race can't be treated casually. The nation's highest official must speak and act meaningfully on the healing of racial divisions.•

THE FARM CREDIT SYSTEM FINANCIAL SAFETY AND SOUNDNESS ACT OF 1991

• Mr. GRASSLEY. Mr. President, I rise in support of this legislation and urge my colleagues to support it when it comes to the floor for a vote.

The Farm Credit System was created by Congress in 1916 to ensure that the farmers of this great Nation had access to the capital they needed at a reasonable rate. The System is unique in that it is owned by those who borrow from it. It is in everyone's best interest to promote the safety and soundness of the System.

In the 1980's, the System experienced financial difficulty for a number of reasons. Congress led the effort to restructure the system to help it rebuild and set the course for the future. Our intent was to ensure the future growth and the future safety and soundness of the system with the emphasis on minimal cost to the farmer with maximum access to the capital needed.

What has happened since the passage of the Agricultural Credit Act of 1987? The System is generating profits, is paying back its debt, which was far less than the maximum it was authorized to borrow, and is safer and sounder than it ever has been. The objectives of this legislation are to improve upon what has been done and to address concerns raised about Government Sponsored Enterprises [GSE's] by the Treasury, General Accounting Office, and our own Congressional Budget Office.

Congress is concerned about the impact on the taxpayers of the bailouts of S&L's and banks. The S&L bailout will cost over $500 billion. Assisting the Farm Credit System in 1988 cost $1.3 billion, which is being paid back with interest. That is a significant difference in taxpayer dollars.

The almost $1 trillion in exposure generated by all GSE's is another source of concern to us. We need to make sure that safeguards are in place to eliminate any further risk to the citizens of this Nation. Farmer MAC, at the present time has an exposure of approximately $20 million of that $1 trillion. That is a very small portion indeed. In spite of this minimal risk, we have taken steps to strengthen the oversight of this GSE.

I support the bill as proposed and commend the committee for the work they have done in listening to all the various interested parties and achieving the best legislation possible.

I am very supportive of the System banks reaching their own agreement to set performance standards which are above the minimum required. I commend their efforts and look forward to reviewing the signed document.

The steps taken to ensure timely repayment of financial assistance received, promoting the enhancement of insurance reserves, and improving loan risk management standards will all help make the system safer and sounder.

The proposed management qualifications and structural changes will improve system oversight by the regulator and by the insurer. In addition, the bill provides for better protection of the System should banks or associations choose to leave.

The bill also calls for several studies, including one to determine the potential cost savings for System institutions and the Farm Credit Administration if they were required to comply with the GSA standards for office space, furniture, and equipment. This is of particular interest to me because of what has happened in the past and the fact that the costs are paid for by the farm borrower.

I also strongly support the regional representation language, which will promote demographic representation on the boards of banks and associations. This is especially critical if the System institutions continue to merge.

In 1987 we created Farmer MAC, which was to promote the secondary market as a source of funds for the direct lenders. Farmer MAC has been slow to produce, for a number of reasons. Recently, however, things seem to be more optimistic. The oversight of this GSE is the responsibility of the Farm Credit Administration. This bill pro-actively creates an office, within FCA, of secondary market oversight. This office will ensure the safety and soundness of Farmer MAC as it begins to participate in the market.

Mr. President, I strongly support this bill and urge my fellow Senators to do the same.•

THE ISRAELI LOAN GUARANTEE ISSUE

Mr. DOMENICI. Mr. President, I had not planned to speak on the Israeli loan guarantee issue today but after the remarks of the distinguished chairman of the Appropriations Committee addressing this issue I have decided that I should make my position clear now.

I do not want this to be a confrontation on the timing of the loan guarantee issue between our President and Israel, America's friend. I know that the President did not want this confrontation. His six points of reassurance that were offered to Senators INOUYE and KASTEN earlier this week are evidence that the President was and is trying to avoid anything that would hurt those Jewish people fleeing the Soviet Union and I do not think anyone can justify any other interpretation of his conduct.

I believe that the leaders of the relevant appropriations subcommittees, Senators KASTEN, INOUYE, and LEAHY do not want this confrontation. They are trying to accommodate the President's pause for peace and the genuine needs of the immigrants from the Soviet Union to Israel. This confrontation helps no one and threatens many. It certainly does not help the cause of peace.

Having said all this, I am fully prepared to support the President on this issue with my voice and with my vote if all parties concerned cannot reach agreement. That is the reason I saw fit to speak today.

My position at this time is not popular with some of my very good friends. I know that and I regret that. I do not believe, though, that if the President is backed into a corner he will lose. Quite to the contrary. I believe he will win. I want to help the President bring about peace in the Middle East. I want to help the President aid the Soviet immigrants to Israel, who need help. But I repeat if he is backed into a corner, he will win. I will support him. I want my friends in my home State to know this.

I have had an opportunity to speak with many of them. They may disagree but I want them to know that my hope is that this will all work out, but for now I believe the President's pause for peace deserves my support. I want them to know that I am going to support him.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12:30 p.m. on Monday, September 16; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein; that during morning business, Senator WELLSTONE be recognized to speak for up to 30 minutes; that the Senate resume consideration of H.R. 2686, the Interior appropriations bill, at 1:30 p.m., with the Jeffords-Metzenbaum amendment No. 1138 as the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, SEPTEMBER 16, 1991 AT 12:30 P.M.

The PRESIDING OFFICER. Under the previous order the Senate now stands in recess until 12:30 on Monday.

Thereupon, the Senate recessed at 5:14 p.m. until Monday, September 16, 1991, at 12:30 p.m.

HOUSE OF REPRESENTATIVES—*Monday, September 16, 1991*

The House met at 12 noon.

Chaplain Herbert B. Cleveland, Chief of Chaplains, Department of Veterans Affairs, Washington, DC, offered the following prayer:

Almighty and everlasting God, Creator of all, Author of life and love, we come to You this day seeking Your gracious wisdom for the affairs of this Nation.

O Lord grant that justice and mercy be a part of our deliberations and decisions.

O Lord inspire the representatives of this great land to give us just laws tempered by Your love.

O Lord as we feel the fresh wind of freedom blowing throughout this world we pause to give You thanks for the generous service of our veterans during these long years as they fought and stood guard for the cause of freedom.

O Lord we thank You for the gift of the American veteran and the freedom he has kindled throughout the world.

Gracious God bless this land today and always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 211, nays 87, not voting 134, as follows:

[Roll No. 258]

YEAS—211

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Bacchus
Barton
Bateman
Beilenson
Bennett
Bevill
Bilbray
Bonior
Boxer
Brooks
Browder
Bruce
Callahan
Cardin
Carper
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Erdreich
Evans
Fascell
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hochbrueckner
Horn
Hubbard
Huckaby
Hughes
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kaptur
Kennelly
Kildee
Klug
Kolter
LaFalce
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Luken
Manton
Markey
Matsui
Mazzoli
McCurdy
McDermott
McMillan (NC)
McMillen (MD)
McNulty
Mink
Moakley
Montgomery
Moran
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oberstar
Obey
Ortiz
Orton
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Price
Quillen
Reed
Richardson
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roth
Russo
Sangmeister
Savage
Scheuer
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waxman
Wheat
Wolpe
Wyden
Wylie
Yates

NAYS—87

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Chandler
Coble
Coleman (MO)
Cox (CA)
Cunningham
Dannemeyer
Dickinson
Dreier
Edwards (OK)
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gilchrest
Gingrich
Goss
Gradison
Grandy
Hancock
Hansen
Hefley
Henry
Hobson
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
McCandless
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Nussle
Paxon
Ramstad
Regula
Rhodes
Rogers
Rohrabacher
Ros-Lehtinen
Santorum
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Wolf
Young (AK)

NOT VOTING—134

Ackerman
Alexander
Applegate
Atkins
Barnard
Berman
Borski
Boucher
Brewster
Brown
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Carr
Chapman
Clay
Condit
Conyers
Coughlin
Crane
de la Garza
DeLay
Dicks
Doolittle
Dornan (CA)
Engel
Espy
Fazio
Feighan
Ford (MI)
Gaydos
Gekas
Goodling
Guarini
Hastert
Hatcher
Herger
Hertel
Holloway
Hopkins
Horton
Houghton
Hoyer
Hunter
Hutto
Jenkins
Johnson (TX)
Jones (NC)
Kanjorski
Kasich
Kennedy
Kleczka
Kopetski
Kostmayer
Lantos
Lehman (FL)
Lewis (CA)
Lloyd
Lowery (CA)
Lowey (NY)
Machtley
Marlenee
Martin
Martinez
Mavroules
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
Mfume
Miller (CA)
Miller (WA)
Mineta
Mollohan
Moody
Morella
Mrazek
Murphy
Neal (NC)
Nichols
Oakar
Olin
Olver
Owens (NY)
Packard
Payne (VA)
Pickle
Porter
Pursell
Rahall
Rangel
Ravenel
Ray
Ridge
Riggs
Ritter
Roberts
Roukema
Rowland
Roybal
Sabo
Sanders
Sarpalius
Sawyer
Saxton
Schiff
Schulze
Smith (NJ)
Spence
Stallings
Stark
Sundquist
Tauzin
Thomas (CA)
Thomas (GA)
Towns
Traxler
Valentine
Washington
Waters
Weiss
Whitten
Williams
Wilson
Wise
Yatron
Young (FL)
Zeliff
Zimmer

□ 1233

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. ROSE] please come forward and lead the House in the Pledge of Allegiance.

Mr. ROSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 656. An act to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 260. An act to provide for the efficient and cost effective acquisition of nondevelopmental items for Federal agencies, and for other purposes;

S. 627. An act to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs Lock"; and

S. 1418. An act to designate the Federal building located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building," and for other purposes.

THE ISSUE OF LOAN GUARANTEES

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I cannot set silently as divisive comments made accusing President Bush of anti-Semitism for his beliefs about Israeli loan guarantees.

On this issue, there is great agreement between Congress and the administration. We support the settlement of Jews in Israel following their emancipation from the Soviet Union.

We agree that America should extend loan guarantees to build housing.

We want the peace process to succeed, and I believe it can and should proceed without linking the loan guarantees either to the international conference or to settlements.

The parties differ only over timing. I believe a compromise can be reached, and I join in the search to find it.

This is no time for accusations about the President's motives. This is no place for polarizing comments from anyone.

The relationship between Israel and the United States is too special and strong to be strained by words that hurt.

IN SUPPORT OF BIPARTISAN EFFORTS ON BEHALF OF ISRAEL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to first commend and thank the very distinguished majority leader for his very fine and statesmanlike statement. There has been a bipartisan effort for over 20 years to help ensure the Jews who live in the Soviet Union have an opportunity to emigrate. It has been a very strong commitment on both sides, no matter which party was in the White House, and with very strong support in both the House and the Senate.

There remains in this body an absolute bipartisan commitment to work with President Bush to ensure that every person who seeks to leave the Soviet Union will have a chance to do so, to ensure that they are safe, to ensure that they are not the victims of anti-Semitism.

Over time I am convinced, as the majority leader is convinced, that we will find a way, working with President Bush, to ensure that housing guarantees can be passed, they can be signed, that everyone who desires an opportunity to seek freedom will have that freedom.

I just wanted to commend the gentleman from Missouri [Mr. GEPHARDT], the leader on the other side, for what he said. I think it is vital that all Americans remain united in their opposition to anti-Semitism and their opposition to bigotry and their joint commitment to work together, recognizing that we do have real opportunities in the near future in the Middle East to possibly achieve historic breakthroughs and that it will take statesmanship and good will on both sides in this country, but that together we can ensure that that happens.

VETERANS' EDUCATIONAL ASSISTANCE AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 868) to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the Reserve components of the Armed Forces who served on active duty during the Persian Gulf war, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for the purpose of explaining his request.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the Senate bill presently under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I urge my colleagues to support S. 868, the Veterans' Educational Assistance Amendments of 1991. The provisions of this measure are substantially the same as those contained in H.R. 1108, as amended, which was approved by our Subcommittee on Education, Training, and Employment on May 15. Additionally, sections 2 and 3 of S. 868 are nearly identical to provisions contained in H.R. 1175 which was approved by the House on March 13 of this year as part of our Operation Desert Storm benefits package.

Briefly, sections 2 and 3 of S. 868 would restore VA educational assistance entitlement and extend the delimiting date for the men and women who were forced to disenroll from school, and failed to receive credit for the courses in which they were enrolled, because of active duty services during the Persian Gulf war. Many members of the Guard and Reserve who served on active duty during that conflict are now preparing to resume their studies. Swift approval of S. 868 will assure that they will reenter school with the full entitlement they had before initiating the period of study which was interrupted because of their military duties.

Section 5 of the bill would extend eligibility for employment assistance under chapter 42, title 38, United States Code, to include activated Guard and Reserve members with less than 180 days of active duty who serve during a period of war or are awarded a campaign badge. Although the men and women activated during the Persian Gulf war are well protected in terms of their reemployment rights, too many of these individuals returned home to discover that the recession had resulted in layoffs and business failures—thus, they have no job to which they can return. Enactment of the bill we are considering today will assure that veterans' employment specialists in local job service offices will be able to assist all gulf war veterans in their efforts to find employment.

Mr. Speaker, S. 868 is a good bill which will provide appropriate assistance to our Persian Gulf war veterans. The administration supports the bill, and I urge its adoption.

□ 1240

Mr. STUMP. Mr. Speaker, I rise in strong support of S. 868, the Veterans' Educational Assistance Amendments of 1991.

This bill, which Chairman MONTGOMERY has explained, is directly related to the Persian Gulf war. It would prevent the loss of VA educational benefits for Reserve and active duty military personnel who could not complete their school courses because of their wartime duties. Also, for reservists who were called up, it would extend the period of time they have to use their Montgomery GI bill benefits.

Mr. Speaker, these provisions prevent those who answered the call to duty from being disadvantaged by their military service.

It should be recognized that S. 868 does have a relatively small pay-as-you-go implication for budget purposes of $10 million or less. The savings or revenue will have to be found in the future to prevent enlargement of the Federal deficit. I am confident that this will be worked out. Failure to enact this type of remedial legislation for wartime veterans due to quibbling over a minor detail would be indefensible.

Mr. Speaker, I urge House approval of S. 868.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of S. 868, the Veterans' Educational Assistance Amendments of 1991.

I would like to commend the distinguished chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY], for bringing this important measure to the House floor and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for his unceasing efforts on behalf of our Nation's veterans.

S. 868 will amend title 10 and title 38, United States Code, to improve the educational assistance benefits for members of the Reserve components of the Armed Forces who served on active duty during the Persian Gulf war, as well as to improve and clarify the eligibility of certain veterans for employment and training assistance.

Mr. Speaker, this important measure would restore educational assistance entitlement to participants in VA-administered programs who had received benefits for the pursuance of courses which they were unable to complete.

Additionally S. 868 would extend the period during which the reservists may use his or her Montgomery GI bill benefits under chapter 106 of title 10 by a period equal to the length or their active service plus 4 months, and provide that the reservist is not to be considered to have been separated from the Selected Reserve for education purposes by reason of their active duty service.

Moreover, this important measure would clarify that Vietnam-era veterans' eligibility for veterans' readjustment appointments in Federal employment based on having a service-connected disability is limited to veterans who are entitled to disability compensation.

Mr. Speaker, ensuring the integrity of the veterans' educational system should remain an important concern of this body. Accordingly, I strongly support this measure, and urge my colleagues to vote in favor of it.

Mr. SMITH of New Jersey. Mr. Speaker, as the ranking minority member of the House Veterans' Affairs Subcommittee on Education, Training and Employment Chairman, I rise in strong support of S. 868, which will restore certain education benefits for Persian Gulf veterans. This legislation is similar to legislation that I cosponsored in the House, H.R. 1108, which was approved by the subcommittee earlier this year on May 15.

Mr. Speaker, when the President called up the Reserves, many individuals had their academic pursuits interrupted. S. 868 will restore educational benefits for guardsmen and reservists who were called up to active duty in the Persian Gulf war. It would be unconscionable for these brave men and women to lose a portion of the educational benefits due to them as a result of their service.

If adopted into law S. 868 will exempt the period of active duty service for persons serving in the Persian Gulf conflict from the 10-year delimiting period for educational benefits. In addition, this legislation would restore the educational entitlement for selective reservists called to active duty, as well as for active duty personnel who were relocated or otherwise unable to continue their educational pursuits, in cases where they do not receive credits for college courses or approved training.

Mr. Speaker, S. 868 also addresses the situation of selected reservists who have served on active duty in the Persian Gulf for less than 90 days. Current law provides preference in employment assistance only to individuals who serve on active duty for more than 180 days. Under this legislation, anyone who served on active duty during the Persian Gulf war for a discharge would be eligible for these employment and training benefits. I fully support this change in law, which is similar to provisions already enacted into law for other veterans benefits, such as VA home loans.

Mr. Speaker, as a cosponsor of the House version of this legislation, I fully support passage of S. 868 and urge all Members to support this important legislation.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Educational Assistance Amendments of 1991".

SEC. 2. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

"(A) be charged against any entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocation objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her course pursuit.

"(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(C) of this subsection.".

(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter if the Secretary finds that the eligible veteran—

"(i) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, or 673b of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagrah, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

SEC. 3. DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, serves on active duty pursuant to an order to active duty issued under section 672(a), (d), or (g), 673, or 673b of this title—

"(i) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(ii) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"(B) For the purposes of this paragraph, the term 'Persian Gulf War' shall have the meaning given such term in section 101(33) of title 38.".

SEC. 4. CLARIFICATION OF ELIGIBILITY FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 2014(b)(2)(A)(i) of title 38, United States Code, is amended by striking out "has a service-connected disability" and inserting in lieu thereof "is entitled to disability compensation under the laws administered by the Secretary or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.".

SEC. 5. ELIGIBILITY OF MEMBERS OF A RESERVE COMPONENT FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 2011(4) of title 38, United States Code, is amended to read as follows:

"(4) The term 'eligible veteran' means a person who—

"(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

"(B) was discharged or released from active duty because of a service-connected disability; or

"(C) as a member of a reserve component under an order to active duty pursuant to section 672(a), (d), or (g), 673, or 673b of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.".

SEC. 6. IMPROVEMENT IN PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVISTS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (3) of section 1780(a) of title 38, United States Code, is amended to read as follows—

"(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

"(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

"(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person had been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof; or".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of August 1, 1990.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING UNEMPLOYMENT COMPENSATION BENEFITS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as Members well know, we will be taking up legislation regarding unemployment compensation, and it is to this issue that I wish to address my remarks, especially from the perspective of my State of California.

Mr. Speaker, expressions and symbols of concern such as the one issued by President Bush in response to long-term unemployment will not answer the needs generated by his economic policies. The consequences of the last decade of shutting down investments in our prosperity and selling ourselves short are now hitting California with full force. We need more than symbols to sustain the loss of nearly 100,000 manufacturing jobs and more than 50,000 construction jobs in the last year.

The State's shrinking middle class is being doubly squeezed by the decline in high-paying and middle-paying skilled jobs and the cuts in public services needed by parents and children. Many of those forced out of the job market in this unrelenting recession were the source of security for three generations.

Economists from the U.S. Chamber of Commerce cannot find the hard evidence for economic recovery. Neither can the people who have exhausted their unemployment benefits and remain jobless.

Mr. Speaker, H.R. 3040 will help the long-term unemployed survive the symbolic recovery and help it take some solid shape. Compassion for the unemployed is no substitute for action and a solid program of economic recovery.

IT IS TIME TO CLEAN UP THE POSTAL MESS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, last week, all of us got a letter from House Post Office Committee Chairman BILL CLAY. It warned of "hidden agendas" and "cheap shots."

Those are serious charges. They are also untrue.

The target of these charges is a very straightforward resolution I introduced. It would create a bipartisan commission to study America's postal system.

It's been 20 years since the U.S. Postal Service became an independent entity. Since then the system has gotten no better. It fact, it has gotten worse. We need some fresh faces and some fresh thinking.

A lot of my colleagues agree with me. I expect we will soon have one-third of the House Members signed on as cosponsors.

The resolution has no hidden agenda. It has only one mandate: find a better way to manage the postal system.

Today I sent a letter to all of my colleagues. It outlines some of these points. I hope to get your support. If you have not already signed on as a cosponsor, I urge you to do so today.

AMERICAN WORKING PEOPLE SHOULD COME FIRST

(Mr. PRICE asked and was given permission to address the House for 1 minutes and to revise and extend his remarks)

Mr. PRICE. Mr. Speaker, we all know that President Bush prefers to concentrate on foreign policy, and we welcome his leadership in foreign affairs. But this country needs leadership on domestic issues too. It is time to pay some attention to what is going on here at home.

America is suffering the effects of the economic recession, although our President seems oblivious to it. Every day, more Americans are joining the ranks of the unemployed, more Americans are exhausting their unemployment benefits and more Americans are struggling to avoid getting pulled under by this recession.

Right now, 8.4 million Americans are unemployed; 2 million of those have lost their jobs in the last year. This year, some 2 million unemployed workers have exhausted their jobless benefits, including 350,000 in the month of July alone. Economic experts say we are in the eye of the storm, with little relief in sight.

Yet our President says there is no emergency, and he has refused to extend jobless benefits. Pay attention, Mr. President. Unemployed American working people and their families need help.

Tomorrow, the House will consider a bill to extend jobless benefits for those Americans who have exhausted their benefits since January. We are going to provide for Americans hardest hit by the recession, and we are not waiting for President Bush to declare an emergency first.

I urge my colleagues to support this bill, and to send a message to the White House that American working people and their families must come first.

"STAR-SPANGLED BANNER" STILL WAVES O'ER THE LAND OF THE FREE

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, 177 years ago this weekend, the U.S. National anthem, "the Star-Spangled Banner," was written by Francis Scott Key.

Key, a Baltimore lawyer, penned the anthem while he was a prisoner on the British warship *Supreme*, watching the bombardment of Fort McHenry, MD.

Mr. Speaker, I point out to my colleagues that ours is the only national anthem in the world that asks a question and issues a challenge.

The last line of our anthem asks, "Oh, say, does that Star-Spangled Banner yet wave o'er the land of the free and the home of the brave?"

As I watch the turmoil in the Soviet Union and the continuing battles for freedom around the world, I have a new appreciation for my ability to answer Mr. Key's question in the affirmative.

America has proven beyond a shadow of a doubt that it is, indeed, the "Land of the Free."

My hope for the emerging democracies across the globe is that they soon will see, "by the dawn's early light," their own banners flying high for freedom and democracy.

JOBLESS WORKERS SHOULD NOT BE FORCED TO GO ON WELFARE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I am proud that this past August Congress passed a bill to extend unemployment benefits for jobless American workers. But I am not proud that our President, while 8.5 million Americans are looking for work, would not release funds to pay for extending those benefits.

The other week, I spoke to an Indiana woman who was typical of the 8.5 million Americans looking for work.

This woman lost her job when a plant closed and is having trouble finding work to support her family. She could not understand why a President she had voted for would not provide her with the help she needs while she is looking for work. She is not looking for a handout. She is looking for a hand to lift her up.

For 22 years she raised her children and paid her bills with her own hard-earned money. And now, with no paychecks coming in and no unemployment compensation coming in any longer, she asked me, "How am I supposed to feed my children?"

Her question, I am sad to say, is not uncommon in the Third Congressional District of Indiana. The Bristol-Myers Squibb Co. will be closing its Michigan City Laboratories in October. And hundreds of workers are losing their jobs as Whitehall Laboratories in Elkhart and the Uniroyal plant in Mishawaka close.

Jobs just are not there. Just tell those men and women in Indiana's Third District that the United States is not in a recession.

Mr. Speaker, I am afraid that some people in the White House have forgotten what is most important: the American people. The strength of this country always has been and always will be her people. And this recession is hurting people.

Getting this economy back on track should be the No. 1 priority of this Congress and this administration. I urge President Bush to sign this unemployment bill and restore benefits for our jobless American workers.

TEA PARTIES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, southwest Florida is famous for many things, but tea parties is not one of them. That is changing.

Last month recreational boaters staged a memorable tea party reminiscent of Boston Harbor to protest the irresponsible boat-user fee tax that Congress included in last year's so-called budget deficit reduction package.

Many Americans think that legislation was a tea party, too, something reminiscent of Alice in Wonderland.

Mr. Speaker, 412 Members of this body repudiated the boat-user fee tax in a sense-of-Congress action that took place just before the August break. That is promising, but it does not do the job. We need full repeal, and we must do so before we go home this fall.

So far I understand less than 325,500 user fee decals have been purchased out of a potential 4.1 million, generating about $12 million of the $127 million targeted to be in hand by now.

Mr. Speaker, that boat-user fee tax is failing to produce revenue; it has failed the fairness test.

Let us repeal it now.

□ 1250

C–17'S MAIDEN FLIGHT A SUCCESS

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, yesterday afternoon, the C–17 cargo jet, the U.S. Air Force's newest and most advanced heavy-lift cargo plane, made its maiden flight from its assembly plant in Long Beach, CA, to its new home, Edwards Air Force Base. I would like to commend the McDonnell Douglas Corp. for this successful flight. A special note of recognition is owed to the over 7,000 Douglas employees who have worked around the clock for months to ensure the safety and success of this aircraft. Although the program has suffered some delays, McDonnell Douglas' firm commitment to quality and its strict safety standards have been rewarded by a flawless flight, and the promise of a successful test program. Once again, I would like to congratulate the thousands of workers in Long Beach, and across the country, who have taken part in production of the C–17.

TIME TO SHUT DOWN MEAN-SPIRITED OPERATION

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today the charges were dropped against Oliver North. What does it all mean?

It means that Lieutenant Colonel North is a hero. Lawrence Walsh is a zero.

This was never a criminal prosecution. It was a political persecution, and a long time has passed when the Iran/Contra circus should have been put behind us.

Larry Walsh has been strutting around this town like a bantam rooster, like an egotistical patrician with the power to destroy the lives of anyone he chooses. He thinks he is the ringmaster, but it is time to get this clown out of town.

Walsh disregarded the responsibilities he was given as a special counsel. He was supposed to determine what could or could not be prosecuted. Instead, he went for the publicity, and in the process, he nearly destroyed the lives of many innocent families, and that which he continues to do, to attack innocent people and destroy their families.

He tried to make political points for his patrons, and he wasted tens of millions of dollars of the taxpayers' money. It is time to shut down this mean-spirited operation.

DECLARE BUDGET EMERGENCY TO HELP UNEMPLOYED AMERICANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, an Israeli official not only called the President an anti-Semite, he called him a liar.

There is also something else I want to refer to. The same Israeli official said that if America can forgive a $7 billion loan for Egypt, then America can guarantee a $10 billion loan for Israel.

Now, what is going on here? It has gotten to the point where foreign countries not only expect foreign aid and handouts, they now demand it. Mr. Speaker, there is something seriously wrong when it is easier politically in America, in America, to declare a budget emergency to help Israel, Turks, and Kurds, than it is to declare a budget emergency to help out unemployed American workers. That is the issue in this House, and the American people are fed up with it.

FREE THE "BOAT TAX 8,000"

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, last fall Congress imposed so-called luxury taxes on the first retail sale of higher priced boats. Defenders of this tax claimed that it was a painless way to raise $148 million in Federal revenue over 5 years from high-income taxpayers. In reality, about 8,000 American boat builders have lost their jobs. It is time to free the boat tax 8,000.

Six months after enactment of these taxes, the reality of their impact on blue-collar workers is being realized. The trickle of projected Federal tax revenue into the Treasury has turned out to be a river of tax and budget expenditures out of Federal, State, and local treasuries from reduced tax revenue and higher payments to unemployed workers. The Federal Government has been losing about $5 for every $1 of revenue gained from the boat tax.

A study of the employment costs associated with the misbegotten luxury tax on boats has just been released. That analysis shows that there are at least 7,600 jobs, $53 million in family income, and $16.1 million in Federal taxes lost because of the luxury boat tax.

Losses in the automobile, plane, jewelry, and fur industries are similar. The combined impact of all the so-called luxury taxes is to throw tens of thousands of Americans out of work, killing jobs and increasing the Federal deficit. Furthermore, the taxes do little to achieve their purported goal of raising revenue from upper-income persons. Prospective boat buyers simply delay purchases, repair their current boats, buy used boats, or even purchase foreign-made boats. The wealthy can avoid the luxury boat tax; the American worker cannot.

Mr. Speaker, the luxury tax has been crafted so that the American boat builder gets shafted. It is time to repeal the luxury boat tax, get boat builders back to work and put tax raisers out of work.

LET US GET OUT OF THE PHILIPPINES

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there could be very good news today for the American taxpayer. Notice I say "could."

I think Americans have been outraged when they have seen their foreign-aid dollars being wasted all over the planet, and one of the main reasons for their waste was the insistence upon coupling it as rent for overseas bases. They would say, "Well, we cannot say anything about how they wasted it, because we need the base so badly to defend ourselves."

Mr. Speaker, today the Philippine Senate turned down the American agreement, because we were not giving them enough foreign-aid money. This has been one of the worst examples of foreign aid being wasted so we could retain base rights.

I think, with the threat severely diminished in the Pacific, with excess capacity in other parts of the Pacific owned by the United States, this is a wonderful way to start saying to the American taxpayer, "We are not going to put your money out for foreign aid anymore unless it really does what it is supposed to do," and that we get out of the Philippines where we do not appear to be wanted by the people that are there.

I think we could start a whole new day of saying we will not pay anything to anyone just for the right of staying there and defending them. That is a crazy position, and hopefully we will get a new one.

A NEW RELATIONSHIP WITH THE PHILIPPINES

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, today the Philippine Senate rejected a new treaty for the American bases. A two-thirds vote was needed for ratification, and the vote was not even close despite the millions upon millions of dollars in American sweeteners.

The Philippine people's representatives have spoken. Now is the time for those in Manila and in Washington who profess to support democracy in the Philippines to abide by this decision.

The world has changed, and we must change with it. In time, we will all see that this is the right course for both countries. The American taxpayer will save billions, and the Philippine people will keep their pride.

AID TO THE SOVIETS AN INVESTMENT IN AMERICA'S FUTURE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, my recent visit to the Soviet Union convinces me that the profound changes over there present an enormous opportunity for America.

For 45 years, our country's taxpayers have paid with their sweat and their dollars to fund the cold war. Brilliant minds and precious resources have been devoted to fighting communism and countering the Soviet nuclear threat.

Especially in the last decade we have neglected domestic problems in the areas of health care, education, and infrastructure in favor of hundreds of billions of dollars for massive new weapons systems and war-ready troops.

It is in America's best interests to respond quickly to Soviet requests for food credit and technical help to bring stability to the area and begin building a new society there based on human rights and free-market principles.

The Soviets do not want handouts but food shipments on credit to make it through the winter. They also need our technical expertise in agriculture, communications, and transportation.

If we help see the Soviets through this immediate crisis, we may finally turn America's full attention and full resources to securing a prosperous future for our children at home, making sure they receive an education, adequate health care, and a productive place in a strong at-home economy.

RELIGIOUS FREEDOM AND OUR CONSTITUTION

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, this is the time to think of Religious Freedom Week next week.

The United States of America is unique in the liberties and opportunities offered to American citizens and immigrants from other nations. For some 200 years our Constitution has guaranteed religious freedom and protected speech, the press, and the right of assembly and petition.

Americans must be continually vigilant to protect this precious right. I became more aware of the uniqueness and importance of our freedom as I watch the recent events and conflicts unfolding in Europe and the Middle East.

Unlike most other nations, Americans can attend religious services without risk and the State cannot tell us how, or where to pray—nor can the state—with the exception of some of our Nation's schools—forbid us to pray. The separation of church and State is an important element of the American system.

We should recall the words of President George Washington who, in 1790, wrote to the Touro Synagogue in which he said:

> To bigotry, no sanction; to persecution, no assistance.

Religious freedom is our right and, that is why I am again sponsoring a joint resolution to designate the weeks of September 22, 1991, and September 20, 1992, as "Religious Freedom Week."

□ 1300

TOBACCO, THE GREAT KILLER OF KIDS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, here is a quiz that the American people should take. What is the one substance in America that kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, fires, car accidents, and AIDS combined? The answer is tobacco.

Tobacco-related disease is the No. 1 preventable cause of death in America today. Each year our tobacco companies lose about half a million of their best customers. Almost 400,000 will succumb to tobacco-related diseases, and the remainder quit smoking.

Now, where do the tobacco companies turn to find new customers? To our children. And that is why the recent report from the Center for Disease Control in Atlanta is so alarming. A survey of 11,000 American high school students recently taken shows that a steady drop in the percentage of teenage smokers has come to a halt. Our kids are taking up the tobacco habit faster than ever.

The only good news is that despite targeted advertising, blacks and poor children have shown a dramatic decline in tobacco use; but the problem is still there, and that is why I salute the Smoke-Free Educational Services Co. of New York and Scholastic magazine for starting a nationwide effort to tell kids in elementary schools that smoking will kill you.

PRESIDENT IS OUT OF TOUCH WITH UNEMPLOYMENT PROBLEM

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I thought President Bush was out of touch with America's unemployed working men and woman because he has been spending so much time outside the country, but after reading the editorial page today in USA Today, I also know he is out of touch because he is getting the wrong advice from his own Secretary of Labor, a former Member of this body, Lynn Martin, who incredibly says in an editorial that the answer to unemployment and to America's millions of unemployed working men and women is a job.

Well, that is no surprise to most of us, especially to those who do not have a job.

When I think about the Bush administration vetoing the minimum wage, not putting any money into targeted assistance trade adjustment for people who are out of work due to imports, the type of insensitivity that her remarks reveal does not surprise me at all.

Now, I come from a district where unemployment now is over 11 percent and nationwide the unemployment is higher than it was 1 year ago. For the Secretary of Labor to suggest that we do not need unemployment compensation at this time is downright incredible. Let her bring the jobs she is talking about to places like Toledo, OH, and at least for the sake of decency sign the unemployment compensation bill, tell the President to sign it.

CHINESE LABOR CAMPS

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, last night Harry Wu, a very courageous man, and Ed Bradley of the CBS television program "60 Minutes" provided us with a very compelling and horrifying look into the Chinese gulag. Mr. Wu, a former prisoner in a Chinese forced labor camp returned to one of these camps at great personal risk to himself, to show us their conditions. More to the point, he showed us clearly that the people in these camps are being exploited to produce goods that will eventually be sold right here in the United States.

Mr. Speaker, we must ask ourselves why, at the very time that the Soviet gulag has been broken open by the forces of reform, we are not only tolerating the existence of a similar gulag in China but also encouraging it by ensuring the profitability of China's forced labor camps. President Bush proposed to grant China most-favored-nation status, and thus he will provide the Chinese with a market and a reward in hard currency for this outrageous system.

There is a way for us to let the Chinese know that we will not tolerate this situation any longer. The House has already passed the Pelosi bill which would make further granting of MFN dependent on China honoring human rights. Among these rights is freedom from torture and inhumane prison conditions.

Unfortunately, the President has threatened to veto this bill. If he does, he will send the wrong message to the American people and even worse, he will send a message of hopelessness to those imprisoned in the Chinese gulag. He will be telling them that we have turned our back on their plight.

I urge the President to watch a tape of this outstanding "60 Minutes" program and to listen carefully to Harry Wu's message. We must not reward a labor system which views beatings as the preferred method of quality control. When American consumers put on their clothes they ought to be sure that they are not putting on garments washed in the blood of forced labor.

THE EXONERATION OF OLIVER NORTH

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, the exoneration and final acquittal of Oliver North today on all charges against him should lead the Congress to reconsider the usefulness of the Office of Independent Counsel. After spending millions and millions of taxpayer dollars, Special Prosecutor Lawrence Walsh has once again come up emptyhanded.

When Oliver North testified before Congress and millions of Americans watched him tell his story, I dare say that having listened to that testimony most Americans would not have wanted their taxpayer dollars spent on prosecuting a man who did his best to help the freedom fighters in Nicaragua; but Congress had a different idea. Congress created an Office of Special Prosecutor with an unlimited budget, dozens of lawyers, who reported to no one, not even to the President.

Now millions of dollars later, the Special Prosecutor has come up emptyhanded again.

Congratulations to Oliver North. Congratulations to his lawyer, Brendan Sullivan, who worked for free to show that the congressional criminalization of policy differences with the President will not be tolerated. Congratulations to Lawrence Walsh for admitting he could not win his case.

Now it is up to Congress to let the taxpayers off the hook. Let us not waste further millions on the Office of Independent Counsel.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DURBIN). Pursuant to the provisions of clause 5 of rule I, the Chair announces the he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken at the end of legislative business today.

ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 296) to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably—or are enlisted to serve—in the Armed Forces of the United States for at least 12 years, as amended.

The Clerk read as follows:

S. 296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(A) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (I),

(2) by striking the period at the end of subparagraph (J) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted in incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.".

(b) NUMERICAL LIMITATIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as inserted by section 121(a) of the Immigration Act of 1990, is amended by adding at the end of the following new paragraph:

"(6) SPECIAL RULES FOR 'K' SPECIAL IMMIGRANTS.—

"(A) NOT COUNTED AGAINST NUMERICAL LIMITATION IN YEAR INVOLVED.—Subject to subparagraph (B), the number of aliens granted status as special immigrants described in section 101(a)(27)(K) in a fiscal year shall not be subject to the numerical limitations of this subsection or of section 202(a).

"(B) COUNTED AGAINST NUMERICAL LIMITATIONS IN FOLLOWING YEAR.—

"(i) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS.—THE number of visas made available in any fiscal year under paragraphs (1), (2), and (3) shall each be reduced by ⅓ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K).

"(ii) REDUCTION IN PER COUNTRY LEVEL.—The number of visas made available in each fiscal year to natives of a foreign state under section 202(a) shall be reduced by the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(iii) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS WITHIN PER COUNTRY CEILING.—In the case of a foreign state subject to section 202(e) in a fiscal year (and in the previous fiscal year), the number of visas made available and allocated to each of paragraphs (1) through (3) of this subsection in the fiscal year shall be reduced by ⅓ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(C) APPLICATION OF SEPARATE NUMERICAL LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), the number of individuals who may be granted special immigrant status under section 101(a)(27)(K) in any fiscal year (other than as a spouse or child described in such section) may not exceed—

"(I) in the case of aliens who are nationals of a foreign state for which there is a numerical limitations treaty or agreement (as defined in clause (iii)), 2,000, or

"(II) in the case of aliens who are nationals of any other states, 100.

"(ii) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of clause (i) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) as of the date of the enactment of this subparagraph.

"(iii) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In clause (i), the term 'numerical limitation treaty or agreement' means a treaty or agreement in effect on the date of the enactment of this subparagraph which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States.".

(c) ADJUSTMENT OF STATUS.—The Attorney General may adjust to the status of lawful permanent resident any alien—

(1) who qualifies for the status of a special immigrant described in section 101(a)(27)(K) of the Immigration and Nationality Act,

(2) who is otherwise admissible for permanent residence, and

(3) who is physically present in the United States at the time of approval of an application for a visa for admission as a special immigrant described in section 101(a)(27)(K) of the Immigration and Nationality Act,

in the same manner as if the alien had been previously inspected and admitted or paroled into the United States.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, it is my pleasure to yield such time as he may require to the chairman of our committee, the distinguished gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in strong support of S. 296, a bill to provide a small, limited number of immigrant visas to foreign nationals who serve honorably in the Armed Forces of the United States.

The outstanding achievement of U.S. military forces in the Middle East has reinvigorated our Nation's sense of pride and admiration for our brave military forces. A small and frequently forgotten component of those forces consists of some 3,000 Filipino sailors who served right alongside our own U.S. citizen military personnel. By all accounts, this small contingent of foreign nationals—almost exclusively Filipinos—is remarkable for its loyalty, commitment, and sense of duty. It is fitting, therefore, that this measure be brought to the floor at this time.

S. 296 would allow individuals who have served honorably in our Armed Forces for either 12 years, or 6 years with a commitment to reenlist of an additional 6 years, to become permanent resident aliens. The number is limited to 2,300 sailors a year, though in reality the number will more likely be 400, since 400 is the number of new Filipino recruits the Navy accepts each year. Individuals who meet the requirements of this bill upon date of enactment would be grandfathered in. That would be about 1,800 sailors.

Let me be clear that I view last year's Immigration Act as a very generous bill. It dramatically increased the number of annual immigrant visas available. Because of this situation, I am pleased that S. 296 achieves its laudable goals by not adding additional visas to the levels we set last year. Instead, visas provided pursuant to S. 296 will be deducted from the ceilings set last year.

Mr. Speaker, this bill, at every step of the way, has had wide bipartisan support. I urge my colleagues to vote for S. 296.

Mr. MAZZOLI. Mr. Speaker, I thank our distinguished chairman of the committee for that supportive statement, and I thank him, too, for moving our bill so quickly to the floor.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. PICKETT].

□ 1310

Mr. PICKETT. Mr. Speaker, many individuals have assisted in bringing this bill to the floor, and I want to thank in particular Chairman BROOKS, as well as Mr. FISH, the ranking minority member of the Judiciary Committee, and Chairman MAZZOLI of the immigration subcommittee for their valuable assistance. The Navy has also provided considerable data and support in developing this legislation.

Mr. Speaker, the Armed Forces Immigration Adjustment Act of 1991 would grant to a small group of alien U.S. service members special immigrant status in recognition of both their service to our country and their potential contributions as American citizens. The bill is strongly supported by the U.S. Navy.

These individuals enter our Armed Forces under special agreements which the United States maintains with the Philippines, the Federated States of Mirconesia, the Republic of the Marshall Islands, and the Republic of Palau. All but 10 of the 3,034 servicemen who now serve in our Armed Forces as a result of these agreements are from the Philippines, and all are members of the U.S. Navy.

Today, a citizen of one of these islands can enlist in the U.S. Navy, serve honorably on active duty for a full career of 30 years or more, and yet never acquire the status of a U.S. resident even though he may have been physically present in the United States for years. This was not always the case. The present law makes an exception for those who serve on active duty in time of war. However, this avenue has been closed since President Carter signed an Executive order in 1978 which officially terminated the military action in Vietnam.

This small group of principally Filipino sailors who would be affected by this bill perform the same duties as their American counterparts. They participated fully in Operation Desert Storm, the war in Vietnam, and all other similar United States naval operations conducted since our Nation entered into the agreement with the Philippines in 1947.

In addition, since these service members are neither citizens nor permanent residents, they are by law denied advancement in the Navy to positions which require access to classified information, and they are not permitted to become officers.

As a result, their career opportunities are severely restricted and the Navy is deprived of the considerable talents which these young people possess. It has been estimated that for each of the approximately 400 Filipinos who are accepted into the Navy under this program, there were another 250 who have applied. Only the very best of those who apply are accepted for this program. All of these recruits have high school diplomas and many have attended college.

It is for these reasons, Mr. Speaker, that this bill is so strongly supported by the Navy, which wants to give these exceptional recruits the opportunity to progress in their naval careers.

The bill is very simple. It would grant to these foreign nationals special immigrant status if they complete 12 years of honorable, active duty service. Alternatively, if they complete 6 years of honorable activity duty service and have reenlisted for an additional 6 years, they would also be eligible. No more than 2,300 people could quality in any year, and all beneficiaries would fall within existing worldwide and per country immigration ceilings beginning in fiscal year 1992.

The Norfolk Naval Base is in my congressional district. I have been privileged to meet with and discuss this bill with a number of Filipinos who have served or are serving in the Navy and who would be affected by its provisions. They are most eager to see this bill pass. I can assure the House that the servicemen with whom I have spoken are bright, industrious individuals who would make outstanding citizens.

There is a long and proud tradition associated with Filipinos and Filipino-Americans who have served in the U.S. Navy. The legislation promises to bridge the gap to the opportunity for citizenship that many thought was a part of that tradition.

Mr. Speaker, the Armed Forces Immigration Adjustment Act of 1991 is nearly identical to legislation which this House passed in the last Congress and which was approved by the Senate Judiciary Committee last year. The bill was placed on the Senate Calendar, but unfortunately, for reasons totally unrelated to the merits of the legislation, it did not come up for final consideration during the final days of the 101st Congress.

We now have the opportunity to see this needed legislation passed and signed into law.

I urge passage of S. 296.

Mr. MAZZOLI. Mr. Speaker, let me take a moment to commend the gentleman from Virginia [Mr. PICKETT] on an outstanding job. His unswerving support for the bill and his zealous pursuit of the legislation process has really brought us to this day. So, I want to thank him because the work that he is doing is excellent and represents his constituency very well.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 296, the Armed Forces Immigration Adjustment Act of 1991. This bill is substantially the same as H.R. 639, which this House passed by voice vote in the last Congress. Regrettably, H.R. 639 was caught in the end-of-Congress scramble last year, and the other body failed to take action on this noncontroversial bill prior to adjournment.

S. 296 amends the Immigration and Nationality Act to provide special immigrant status to an immigrant—

Who enlisted outside the United States in the U.S. Armed Forces under a treaty or agreement;

Who has served honorably on active duty for 12 years, or who has served for 6 years and has reenlisted for another 6; and

For whom the Executive department, under which the immigrant serves or served, has recommended the granting of special immigrant status.

The spouses and minor children of these immigrants also would be granted special immigrant status. This legislation would benefit individuals who meet the requirements, whether or not they currently are on active duty.

While the number of people who may benefit under this act is limited to 2,300 per fiscal year, the actual numbers are expected to be much lower. Immigrants who are eligible under the bill at the time of enactment, about 5,000 total, will be grandfathered in.

As a practical matter, the majority of the people affected by this bill are the 400 Filipinos who enlist or enlisted each year in the United States Navy in the Philippines under the military bases agreement of 1947. Each of them has at least a high school education; many have college degrees. They are highly valued and motivated recruits; more than 95 percent reenlist.

Since the Vietnam war was officially declared over in 1978, these alien members of the Armed Forces who enlist abroad have not been eligible for U.S. citizenship. As a result, they may not receive security clearances, which effectively bars them from more than two-thirds of Navy occupations and from officer programs. Furthermore, after serving 20 or 30 years in the U.S. Navy, they will be required to leave the United States. S. 296 would correct this situation and recognize the service and dedication of these recruits.

Recognizing years of service to the United States and the personal ties that result from years of service to or in this country is consistent with other provisions of immigration law that provide special immigrant status to Panamanians who served the United States Government for 15 years and to employees of international organizations who have resided in the United States for 15 years.

The Subcommittee on International Law unanimously approved S. 296, and the Committee on the Judiciary ordered it reported favorably after amending it to address a technical problem arising from changes made in the immigration laws by the Immigration Act of 1990.

This bill is noncontroversial and enjoys the strong support of the U.S. military. It is a reasonable and balanced bill that recognizes the service of these aliens in our military. It will also make it possible for our military to fully utilize the abilities and dedication of these recruits. I urge my colleagues to vote for S. 296.

Mr. Speaker, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to commend Gene Pugliese, who is staff director of our subcommittee, and Mr. Kevin Anderson, who assisted Gene in moving the bill along. I would like also to thank Dan Freeman and Jon Yarowsky of the full committee staff, who have helped us to reach this point, and minority staff as well.

Mr. Speaker, essentially the bill has been described. It is a very important bill, as well as a relatively uncomplicated bill. It has been shepherded with adroitness to this point by the gentleman from Virginia [Mr. PICKETT], whose leadership we very much value in this House and on this issue.

Mr. Speaker, this bill basically would correct the problem that disallows Filipino sailors to advance in their careers and to be cleared for secured information, which currently are denied them—both advancement within the ranks as well as access to classified information—because they cannot become permanent residents or become eventually citizens. So, what this bill does, within careful limits, as has been described by the gentleman from Texas [Mr. SMITH], my friend, and it is a great pleasure to work again with my friend from Texas.

As the gentleman has described, within very careful limits this bill would permit a few thousand now and a few hundred thereafter per year to rise to the opportunities available within the Navy and within the Armed Forces as long as they serve honorably and for at least a 12-month period. The truth is most of them serve at least that, if not more.

□ 1320

The bill was passed by the House in the 101st Congress. It was reported this year unanimously by the other body, and we will, I think, be able to make proper adjustments in the two versions of the bill.

Mr. Speaker, I think that this measure has been discussed as much as it needs to be discussed, and at this point I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr.. Speaker, I rise in strong unqualified support of S. 296, and I thank my friends, the gentleman from Kentucky [Mr. MAZZOLI] and the chairman of the committee, the gentleman from Texas [Mr. BROOKS], for bringing forth the legislation.

I served over 20 years in the Navy and have personal experience with the Filipino community and the service of Filipinos to this country. I come from the State of California, where just last weekend I met with our border patrol, and I might state that we have about 10,000 illegal aliens per day come through a 14-mile strip at San Diego. We miraculously wave a wand and make those people, through an amnesty program, citizens. We have had Filipinos since the 1940's fight and die for this country, and they have received very little recognition. I think that the time is due that we would bring forth this bill, S. 296, and support it. That is one of the things that I think is so very important.

I would also say to my colleagues that during Desert Storm many of the Filipinos who served in Desert Storm had not served for 12 years, but they enlisted as Filipinos, gave up their rights as Filipinos, and yet even though they fought and died in the Persian Gulf war, their families would have been deported from the United States.

On January 22, my colleague, the gentleman from California [Mr. HUNTER], and I wrote a letter to President Bush asking him to issue an Executive order on this matter. Later in the year we had 37 Members from both sides of the aisle sign the following letter asking that Filipinos could become citizens if a time of hostility was declared by the President, and I would urge the President to take that action as well.

MARCH 25, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to respectfully urge you to issue an Executive order pursuant to your authorities under 8 USC 1440.

Four thousand Filipinos fought for America in the gulf war, yet they are ineligible to apply for American citizenship. We believe that it is only fair that the men and women who bravely fought for America should be eligible to become citizens of America.

By declaring a period of hostilities with respect to the conflict between the U.S. Armed Forces and Iraq, you can put into motion the process of naturalization of Filipinos serving in the gulf. Similar actions were taken during our conflicts in Vietnam and Grenada, and we strongly believe that such an Executive order is merited now.

The Filipino people have served America nobly since World War II, and your acknowledgment of their efforts in the war against Iraq would grant them their long-cherished goal of American citizenship.

We applaud the great victory of our troops in battle and eagerly await your response to our request.

Thank you for your consideration.

Respectfully,

Randy "Duke" Cunningham, Fortney Pete Stark, Bill Lowery, Neil Abercrombie, C. Thomas McMillen, Robert K. Dornan, Norman F. Lent, James H. Scheuer, William H. Zeliff, Jr., Wally Herger, Steny H. Hoyer, Bob Stump, William J. Jefferson, James T. Walsh, Jerry Lewis, Andy Ireland, Bill Barrett, Ben Blaz, Herbert H. Bateman. Frank Horton, Duncan Hunter, Ileana Ros-Lehtinen, John T. Doolittle, Charles E. Bennett, Jim Saxton, Ron Packard, William M. Thomas, Susan Molinari, Dana Rohrabacher, Tom DeLay, Jim McCrery, Frank Riggs, Richard H. Baker, Wayne T. Gilchrest, Gary Franks, Carlos J. Moorhead, Robert J. Lagomarsino, Ike Skelton.

I would like to take a look at some other things the Philippine community has made as contributions. In San Diego we have a large population of Filipinos. They have immigrated, they have become understanding members of the community, and in almost every family, from the day a child is born, they stress education. We look at the Philippine children and see how they come into our society, and I think the contributions that the children make on a day-to-day basis are noteworthy.

Mr. Speaker, I urge the House to join me in supporting an Executive order to allow Filipinos who have served in the gulf war to become American citizens. In the meantime, I commend the sponsors of this bill, S. 296, for their efforts and urge the House to pass this important legislation.

The Philippine Government has a favorite saying. It is "Mabuhay." It means welcome or long life. So I say, "Mabuhay ang pilipinas mamachalin keta hangang wakas" (Long live the Philippines. I love you until the end of time).

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, I would like simply to commend the leadership of the subcommittee under the chairmanship of the gentleman from Kentucky [Mr. MAZZOLI].

Mr. Speaker, I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to extend congratulations to the gentleman from California [Mr. MINETA]. In an earlier setting, the gentleman from California in the 101st Congress was a main sponsor of this bill and has been as unflagging in his support for this effort as the gentleman from Virginia has been. His plane, unfortunately, has been late in arriving or he would have been on the floor to make his own remarks, and in his absence I would like to extend congratulations to him for a job well done.

Mr. MINETA. Mr. Speaker, I am proud to rise in support of the Armed Forces Immigration Adjustment Act of 1991.

Since 1947, the U.S. Navy has recruited Filipinos and other Pacific islanders—from Palau, Micronesia, and the Marshall Islands—for active duty.

And since that time, these sailors have laid their lives on the line for our country in times of war and peace.

Indeed, from the Korean war to Operation Desert Storm, Filipinos and Pacific Islanders have demonstrated their loyalty and dedication to the United States countless times.

These same sailors, however, have been barred from attaining permanent resident immigration status even while they were serving with distinction in our armed services.

And because they have been prevented from acquiring permanent resident status, these sailors have been excluded from more than two-thirds of navy occupations and from all officer programs.

Mr. Speaker, that is patently unfair.

The Armed Forces Immigration Adjustment Act will grant permanent resident status to these seamen and to their families.

With the enactment of this bill, we will open Navy career to all qualified seamen. And just as importantly, we will allow their immediate families to share in the benefits of their expertise and dedication.

In the 101st Congress, I introduced similar legislation, which the House passed without dissent. Unfortunately, the other body could not complete action on the bill before we adjourned.

I commend Senators KENNEDY and SIMON for their action on the Armed Forces Immigration Adjustment Act in the 102d Congress with Senator SIMPSON from Wyoming.

I would like to extend my thanks to full committee Chairman BROOKS, ranking minority member HAMILTON FISH, and especially to subcommittee chairman RON MAZZOLI. His help and that of ranking minority member BILL MCCOLLUM have been invaluable.

Mr. Speaker, passage of the Armed Forces Immigration Adjustment Act will allow the Filipinos and Pacific Islanders in the U.S. Navy to rise to the level that their proven ability entitles them.

And it will show that the United States appreciates and rewards dedication and skill.

I urge my colleagues to support the bill.

Mr. LOWERY of California. Mr. Speaker, I rise in strong support of S. 296, the Alien Armed Forces Immigration Act of 1991.

This worthwhile legislation will enable citizens of the Philippines, Micronesia, the Marshall Islands, and Palau who have served honorably in the United States Armed Forces for 12 years to become eligible for United States citizenship. An individual will also be eligible if he has served for 6 years and has reenlisted to serve for a total of 12 years.

As my colleagues know, since 1947, the United States has allowed natives of the Philippines to serve in our Armed Forces, primarily the United States Navy. These Filipinos have made a tremendous contribution to the Navy and their dedication has rightly earned them the opportunity to become citizens of this great Nation. In San Diego, the primary home port of the Navy on the west coast, we know the value of our Philippine sailors to the fleet. They are, and always have been, some of the most dedicated, professional, and patriotic members of the crews in which they serve.

The bill before us today will allow 2,300 aliens to be granted permanent resident status. This will include 2,000 citizens from the Philippines and 100 citizens each from Micronesia, the Marshall Islands, and Palau. There would be no limit on spouses or children, or to beneficiaries who have already met the bill's service requirements. There are currently 1,800 service personnel who have met the requirements set by the legislation. Including their families there would be approximately 4,400 beneficiaries. This is a relatively small number of people and it is consistent with the limits set by current U.S. immigration law.

Mr. Speaker, our Philippine sailors have given of themselves unselfishly in the service of the United States. It is only fair that their substantial years of service enable them to become full citizens of this Nation. I urge the passage of S. 296.

Mr. ABERCROMBIE. Mr. Speaker, thank you for this opportunity to speak in favor of the Armed Forces Immigration Adjustment Act of 1991.

I want to thank Mr. BROOKS and Mr. MAZZOLI for their work in bringing this bill to the floor.

Since the days of the Roman Republic, nations have recognized that special consideration is owed to those who serve in its armed forces. For many of those who have served, nothing is more precious than citizenship and the right of residency.

And in the case of the people who have served in the Armed Forces of the United States, those who are ready to put their lives on the line for this country have earned the right to be part of it.

Unfortunately, the law does not recognize that right in all cases. The U.S. Navy recruits 400 Filipinos annually, but does not extend to them the rights of permanent resident status, eligibility for U.S. citizenship, the opportunity to earn commissions, or to serve in 64 ratings that require access to classified information.

Each of these 400 slots is the object of intense competition. There are about 250 applicants for each one. As a result, the Navy acquires 400 highly motivated and qualified recruits every year. It is not only unfair to deny them immigration status, it is also short-sighted. These people are contributors, not burdens.

By removing the roadblocks to citizenship and career advancement, this bill serves the cause of justice. It will also provide the Navy and the Nation with educated, motivated people who have proven their devotion to this country.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

The SPEAKER pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the Senate bill, S. 296, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. DIXON. Mr. Speaker, pursuant to the order of the House of Wednesday, September 11, 1991, I call up the bill (H.R. 3291) making appropriations for the government of the District of Columbia and other activities chargeable, in whole or in part, against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The Clerk read the title of the bill.

The text of H.R. 3291 is as follows:

H.R. 3291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

FISCAL YEAR 1992 APPROPRIATIONS

Federal Payment to the District of Columbia

For payment to the District of Columbia for the fiscal year ending September 30, 1992, $630,500,000.

Federal Contribution to Retirement Funds

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

Metropolitan Police Department

For a Federal contribution to the District of Columbia for the Metropolitan Police Department, $75,000, of which $25,000 shall be for an accreditation study by a recognized law enforcement accrediting organization and $50,000 shall be for community empowerment policing programs.

Board of Education

For a Federal contribution to the District of Columbia, $3,205,000, of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities; $330,000 shall be for the Options Program; $250,000 shall be for the Parents as Teachers Program; and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided,* That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further,* That of the $3,205,000 appropriated under this heading, $1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992.

District of Columbia General Hospital

For a Federal contribution to the District of Columbia General Hospital, $9,500,000, of which $8,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992.

Department of Human Services

For a Federal contribution to the District of Columbia for the Department of Human Services for the breast and cervical cancer screening program, $500,000.

District of Columbia Institute for Mental Health

For a Federal contribution to the District of Columbia Institute for Mental Health to provide professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columbia, $1,000,000.

Children's National Medical Center

For a Federal contribution to the Children's National Medical Center for a cost-shared National Child Protection Center, $3,000,000.

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $110,921,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $8,326,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9–151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8–20 (March 25, 1991).

Economic Development and Regulation

Economic development and regulation, $106,430,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $930,836,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That $50,000 of this appropriation shall be available at the discretion of the Chief of Police for community empowerment policing programs: *Provided further,* That not to exceed $25,000 of this appropriation shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accrediting organization: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective

March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective September 30, 1989 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1992, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That the staffing levels of each engine company within the Fire Department shall be maintained in accordance with the provisions of the Fire Department Rules and Regulations, if any: *Provided further*, That the reduction in the staffing levels of each two-piece engine company shall not take effect until such time as the Fire Chief certifies to the Committees on Appropriations of the House and Senate that the Department is taking all reasonable steps to reduce the expenses of the Department, including steps to reduce overtime, filling eligible vacancies, returning detailees to their intended positions, and other measures deemed appropriate by the Fire Department: *Provided further*, That when staffing levels are reduced, the pay and salary levels of fire fighter technicians shall be held harmless during the term of the collective bargaining agreement in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Firefighting Division of the Department: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $708,536,000, to be allocated as follows: $519,344,000 for the public schools of the District of Columbia; $2,625,000 for pay-as-you-go capital projects for public schools, of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided*, That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further*, That of the $708,536,000 appropriated under this heading and the $2,625,000 allocated for pay-as-you-go capital projects for public schools, $1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further*, That of the $519,344,000 allocated for the public schools of the District of Columbia under this heading, $3,150,000 shall be paid within fifteen (15) days of the enactment of this Act directly to the District of Columbia Public Schools Foundation for a series of demonstration projects including Project ACCORD ($900,000 of which $300,000 shall be paid directly to the Foundation when the Foundation certifies that an equal amount of private contributions has been received); the Anacostia Project ($1,000,000); the Cooperative Employment Education Project ($500,000); and the Options Program ($750,000); $84,200,000 for the District of Columbia Teachers' Retirement Fund; $73,495,000 for the University of the District of Columbia; $20,578,000 for the Public Library, of which $200,000 is to be transferred to the Children's Museum; $3,527,000 for the Commission on the Arts and Humanities; $4,290,000 for the District of Columbia School of Law; and $477,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1992, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $875,033,000: *Provided*, That $20,848,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That $8,500,000 of this appropriation for the District of Columbia General Hospital shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public Works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $234,390,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $13,110,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $277,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $41,170,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,423,000.

CAPITAL OUTLAY

For construction projects, $312,453,946, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved

April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C. Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $17,707,000 shall be available for project management and $10,273,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That $2,625,000 for the public school system for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further*, That up to $1,500,000 of the funds provided under this heading may be used to secure access, rights-of-way, easements or title to lands not now in public ownership known as the Metropolitan Branch Trail from its current owners: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1993, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1993: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $219,752,000, of which $38,006,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $51,690,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That $25,608,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $8,450,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,000,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1993, shall be transmitted to the Congress no later than April 15, 1992.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 115. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 116. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 117. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 118. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 120. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 121. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1991 shall be deemed to be the rate of pay payable for that position for September 30, 1991.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 122. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 123. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 124. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1992, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1992 revenue estimates as of the end of the first quarter of fiscal year 1992. These estimates shall be used in the budget request for the fiscal year ending September 30, 1993. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 125. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1991" and inserting "sold before October 1, 1992".

SEC. 126. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 127. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 129. Section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1991" and inserting "December 31, 1992".

SEC. 130. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 131. For the fiscal year ending September 30, 1992, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 132. None of the funds provided in this Act may be used by the District of Columbia to provide for the salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 133. (a) Up to 75 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1991 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of sections 142(d) and 144(d) of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; Public Law 96-122; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) If any of the 75 light duty positions that may become vacant under subsection (a) of this section are filled, a civilian employee shall be hired to fill that position or it shall be filled by an officer or member of the Metropolitan Police Department for a temporary period of time.

(d) The limited duty policy of the Metropolitan Police Department shall be that in effect prior to July 8, 1990: *Provided*, That nothing herein is intended to prohibit the parties from negotiating a limited duty policy that is fair for all concerned and that does not impede the Department from carrying out its duties: *Provided further*, That whatever negotiations take place should also consider methods to prevent abuse of the program which drains scarce police resources.

(e) If less than the 75 officers or members excluded under subsection (a) are retired on disability, the actuary shall adjust accordingly the determinations made pursuant to section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122).

SEC. 134. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1992 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

This title may be cited as the "District of Columbia Appropriations Act, 1992".

TITLE II

FISCAL YEAR 1991 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $257,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2226 to 2227), $5,650,000 are rescinded for a net decrease of $5,393,000: *Provided further*, That of the $9,077,000 appropriated under this heading for fiscal year 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2226), to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, none shall be derived from the general fund and not to exceed $9,077,000 shall be derived from the earnings of the applicable retirement funds: *Provided further*, That within fifteen days of the date of enactment of this Act the District of Columbia Retirement Board shall reimburse the general fund of the District by an amount not to exceed $818,000 for any expenses of the Board paid with general fund revenues in fiscal year 1991: *Provided further*, That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9–151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8–20 (March 25, 1991).

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $37,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2227), $29,525,000 are rescinded for a net decrease of $29,488,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $10,774,000, of which an additional $3,600,000 shall be allocated to the Fire and Emergency Medical Services Department; an additional $84,000 shall be allocated to the Civilian Complaint Review Board; and notwithstanding any other law, an additional $7,090,000 shall be allocated for the District of Columbia Police Officers and Fire Fighters' Retirement Fund: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2227 to 2229), $20,711,000 are rescinded for a net decrease of $9,937,000: *Provided further*, That notwithstanding any other provisions of law, of the funds available for fiscal year 1991, $225,000 of the amount allocated to the District of Columbia Judge's Retirement Fund are rescinded.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2228), is repealed: "*Provided further*, That at least 21 ambulances shall be maintained on duty 24 hours per day, 365 days a year:".

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $200,000 for the Public Library to be transferred to the Children's Museum.

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2229), $11,123,000 for the D.C. Public Schools; $10,000,000 for pay-as-you-go capital projects for public schools; $3,418,000 for the University of the District of Columbia; $41,000 for the Education Licensure Commission; $327,000 for the Commission on Arts and Humanities; and notwithstanding any other provisions of law, $23,650,000 for the District of Columbia Teachers' Retirement Fund are rescinded for a net decrease of $48,359,000.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2229), is repealed: "*Provided further*, That the amount allocated under this title for the public schools shall be increased, dollar for dollar up to $36,400,000, by the amount the annual Federal payment for fiscal year 1991 is increased above the current $430,500,000 Federal payment in fiscal year 1990:".

HUMAN SUPPORT SERVICES

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2229 to 2230), $11,227,000 are rescinded.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $2,965,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2230), $2,949,000 are rescinded for a net increase of $16,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $2,756,000.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", $8,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

The paragraph under the heading "Repayment of General Fund Deficit", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2231), is repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $8,142,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $311,000.

SUPPLY, ENERGY, AND EQUIPMENT ADJUSTMENT

The paragraph under the heading "Supply, energy, and equipment adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2231), is repealed.

PERSONAL SERVICES ADJUSTMENT

The paragraph under the heading "Personal services adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518, 104 Stat. 2231), is repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $73,570,000, to remain available until expended: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for the Mount Vernon Square Campus project of the University of the District of Columbia, $39,134,000 are rescinded for a net increase of $34,436,000: *Provided further*, That $2,644,000 shall be available for project management and $3,212,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", $23,633,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2232), $35,880,000 are rescinded for a net decrease of $12,247,000: *Provided further*, That $35,852,000 of the amounts available for fiscal year 1991 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $36,608,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2232): *Provided further*, That $15,477,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects instead of $39,609,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2232).

GENERAL PROVISIONS

SEC. 201. Section 112 of the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101–518; 104 Stat. 2234), is amended by striking "April 15, 1991" and inserting "May 17, 1991".

SEC. 202. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1991 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

SEC. 203. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1991.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1991".

The SPEAKER pro tempore. Pursuant to the order of the House on Wednesday, September 11, 1991, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes and the gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, as Members know, the President on August 17, 1991, vetoed H.R. 2699, the first D.C. Appropriations Act for fiscal year 1992. In his memorandum of disapproval he stated that he does not object to the underlying legislation and the funding included in the bill, but he does object to language in the bill that allows the District to use local revenues for abortions.

Mr. Speaker, even though the Supreme Court in the Webster versus Reproductive Health Services case stated that local jurisdictions have the right to promulgate their own rules and regulations concerning abortions and how they are financed, the President will not allow this local jurisdiction that right.

The President is saying that the city of Washington cannot do what other jurisdictions are permitted to do as it relates to abortions.

The new bill (H.R. 3291) that is now before the House makes the change that the President wants. Section 114 on page 24 of the bill reads:

> None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

The word "Federal" that was in the vetoed bill and was the source of the President's objections has been deleted. That is the only substantive change from the vetoed bill, H.R. 2699.

There are two other changes and they are technical in nature—they do not change the total appropriations provided in the bill.

The first concerns the amount to be transferred to the D.C. Public Schools Foundation within the public education appropriation to be matched with private contributions—the amount has been increased by $100,000. That is on page 12, line 14 of the bill.

The second technical change inserts a new section on page 40 of the bill (section 203) that makes the fiscal year 1991 supplemental funds and authority in the title II effective in fiscal year 1991. This language is necessary to preclude any potential antideficiency problem which might occur if this bill is signed after September 30.

All other funding, general provisions, and legislative provisions in H.R. 3291 are retained and are identical to the vetoed bill, H.R. 2699.

Mr. Speaker, let me emphasize that the total funding in this bill is exactly the same as in H.R. 2699.

We on the committee are well aware of the District government's continuing needs for office space for the various programs and services it provides to District residents. The historic District Building serves as City Hall with offices for the Mayor and the Council as well as other administration officials. That building has to be vacated because of ongoing construction to complete the Federal Triangle. We encourage the District to acquire permanent space to house its agencies thereby reducing its rental costs for office space. And let me note at this point, Mr. Speaker, that there were no funds earmarked in H.R. 2699 and there are no funds earmarked in this bill (H.R. 3291) to cover the costs of the current lease of the 800 North Capitol Street property.

Mr. Speaker, the drug and related crime problems that are pervasive throughout the Nation are taking their toll on our communities. And this District is experiencing those same drug and crime problems, but the battle by our citizens and our communities will not be lost. And we are confident that the Mayor's efforts to downsize the District government and reduce the number of personnel will not impact the Metropolitan Police Department and the public safety of the residents and visitors to our Nation's Capital.

Let me point out that there is no separate report accompanying H.R. 3291. Therefore, the executive branch and the District government are directed in their administration of H.R. 3291, to follow precisely the reports of the House and Senate Committees on Appropriations and the joint committee on conference as well as related floor debates on the previous bill (H.R. 2699). I am referring specifically to House Reports 102-120 and 102-181 and Senate Report 102-105. The three exceptions to this directive relate to the changes I discussed a moment ago.

Mr. Speaker, I urge my colleagues to vote "aye" on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3291.

The chairman of our subcommittee, Mr. DIXON, has provided a full explanation of this bill.

This bill contains only one major change from the original D.C. appropriations bill that was approved by Congress before the August recess.

As expected, the President objected to the original bill on the issue of abortion. As requested, this bill now restricts all moneys in this bill, Federal and local D.C. tax dollars, from being used for abortions except in the case of the life of the mother.

While I strongly disagree with restricting the way the District can use its own moneys, I am prepared to support this new bill because our first responsibility is to approve the D.C. budget and to provide the Federal payment in a timely fashion.

With this change, I am assured that the President will sign this bill and it can be finalized before the beginning of the new fiscal year.

Again, I thank the gentleman from California for bringing this matter back to the House quickly and I urge my colleagues to support this bill and move the process forward.

Ms. NORTON. Mr. Speaker, we are grateful for the strong support the District of Columbia appropriation has received from both the Congress and the administration. At the same time we must express our profound opposition to the use of the veto in violation of democratic principles of self rule and in derogation of the Congress does not have the super-majority to override such a clearly unsupportable veto.

A decisive majority of Americans support a woman's reproductive right to choose. Yet, I would be the first to acknowledge that this is a contentious issue. Particularly in light of this division, this appropriation is not an appropriate basis for a veto, requiring in turn a super-majority when such a large proportion does in fact endorse a right.

Nevertheless, I have had to concur with the wise counsel and decision of the chairman of the D.C. Appropriations Committee, who has fought so valiantly for this right over the years, that our colleagues should not be summoned to try to override this veto again this year, when we have counted the votes and know that they are not there. I concur especially because my colleagues have been so generous in the past repeatedly engaging in veto exercises on this issue in our behalf, always to no avail. It cannot be long, however, before the manifest will of the people does in fact prevail. I hope that by next year we can gather the forces and finally allow the exercise of this basic right in the District of Columbia as it is now exercised in other parts of our country.

The constitutional fate of a woman's right to choose remains in doubt, and that is, of course, one of the main reasons for concern about the nomination of Judge Clarence Thomas, in hearings at this moment. The Supreme Court has at least left this matter in the discretion of democratic majorities in the various jurisdictions. Thus, a kind of truce has been called until this matter of right can be settled as a constitutional matter by the Supreme Court. Each jurisidication is allowed to decide for itself so long as it does not offend the constitutional restrictions that remain.

Mr. Speaker, as Americans, the residents of the District of Columbia are surely justified in feeling entitled to all that other Americans expect and enjoy. It is manifestly undemocratic to deny to District residents a right available to others only because they happen to live in the Capital City. The denial is all the more offensive because it is a class-based denial.

Mr. Speaker, I can get an abortion in the District of Columbia. My colleagues in Congress can get an abortion in the District of Columbia. My former colleagues at the Georgetown University Law Center can get an abortion in the District of Columbia. Most Washingtonians can get an abortion in the District of Columbia. Only those too poor to afford an abortion are denied.

I rise therefore, Mr. Speaker, in behalf of those women and girls whose right to reproductive choice has been conditioned on income. During the recess, in their behalf, I wrote a letter to President Bush, which I am submitting for the RECORD. I indicated to the President that we in the District strongly prefer and indeed make available options to abortion. I appreciate that the President considered my letter, but he remains intransigent and we in the District continue to be barred from spending our own funds—the 75 percent of our budget raised from local sources—for abortions for poor women.

The Congress must one day express the unmistakable will of the American people and override vetoes of pro-choice legislation. The D.C. appropriation is surely the place to make a stand. Here one can stand for democracy in two ways. The first is the democratic right to make the most fundamental of decisions. That, of course, is the right of a woman in any country that calls itself a democracy to decide reproductive matters for herself. The second is the democratic right of self rule that Congress itself granted the District and President Nixon signed in 1973. Once given, this right should not be countermanded by vetoes on issues where there are Presidential preferences not endorsed by the majority of District residents.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 1991.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: First, I want to express my deep appreciation for your assistance to the District of Columbia over the past several months. I especially appreciated your help last week when a problem developed in the Senate with the federal payment formula bill, a vital part of the package necessary for fiscal reform in the District of Columbia.

I write now to ask for your help again, this time to allow our appropriation as passed by the House and Senate to become law. I understand and respect your feelings concerning abortion. The residents of the District feel strongly that this is a matter between a woman, her physician, and, for some, a religious counselor. Therefore, the District is seeking the local option that other jurisdictions now have under the Supreme Court decision in *Webster* v. *Reproductive Health Services*, an approach that we believe is consistent with the position of your administration.

The *Webster* decision leaves the matter to be decided by each of the 50 states and the District of Columbia. The District alone has been denied the option of spending funds raised exclusively from its own sources to finance abortions for poor women. The restriction has had a serious impact here, where there is both a severe AIDS crisis and a severe drug crisis affecting these and other poor women. District residents believe that so serious a decision should not be contingent upon income.

We in the District strongly prefer options other than abortion, and there are many programs in the District that make other options available. We ask only that the residents of this city, consistent with the rights granted other Americans, be allowed to aid poor women in appropriate circumstances.

Sincerely,
ELEANOR HOLMES NORTON.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 11, 1991, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1330

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3291.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

RESPECT WORKERS AROUND THE GLOBE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the television show "60 Minutes" showed us slave laborers in China; people who, as one Chinese official said, were beaten if they did not keep up the quality of their goods.

The Bush administration, of course, is not ready to do anything about that. But it should not be a surprise, because the Bush administration will not do anything about the unemployed workers who have lost their jobs because they are out there competing with slave and prison laborers in China.

We want to extend unemployment comp. The Bush administration opposes that. The Bush administration will not do anything about the heroes of Tiananmen Square sitting in jails manufacturing the goods that American consumers buy to fund the oppressive regime in China.

Mr. Speaker, we need to have a domestic policy and a foreign policy that reflects American workers and all workers around the globe.

PROVIDING FOR CONSIDERATION OF H.R. 3040 UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3040) to provide a program of Federal supplemental compensation, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report, shall be considered as having been read when offered, and shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment. It shall be in order to consider en bloc the amendments numbered 1 in the report of the Committee on Rules and said amendments shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, today we address an emergency for the American people. The Secretary of the Treasury said recently that this recession that we are in is "no big deal." That is what he said, it is no big deal.

Mr. Speaker, the fact is we are in a deep and prolonged recession. Over the last 24 months it has cost us 700,000 jobs. Three hundred fifty thousand workers ran out of unemployment benefits in July. That is a record. They join 1.8 million others who have exhausted their benefits since January.

Mr. Speaker, that is only part of the story. As someone once said, statistics do not bleed. So let me, if I could, try to construct for Members and the American people the agony, the true agony and misery that people suffer who are robbed of the dignity of work.

Imagine for a moment that you have worked all of your life. One day the boss calls you in, if you are lucky enough to have the boss call you in, and says, "You are out of a job."

It is not your fault. As the personnel people would say, maybe the company is shrinking the workforce. Maybe the plant is closing. Maybe it is moving to Taiwan or Mexico. So you have a last awkward lunch with the coworkers who are lucky enough to stay.

Suddenly you wake up and you have no place to go in the morning. There is no place to go, so you have an extra cup of coffee. You call everyone you know. You answer every ad. But day after agonizing day, nothing works. Nothing works.

Then panic sets in. How can you pay for the mortgage, put food on the table, put aside that 50 bucks a month that you are setting aside for your kid's college education, his tuition? Or, God forbid, if you are 1 of the 24 million Americans who have worked and know the pain of not being able to provide health insurance for yourself or your family, the agony of knowing that you might not be able to take care of your children, take them to the doctor when they need it?

There are millions of people out there that feel that pressure, day after day after day. Mr. Speaker, at this very moment, that is what life is like for them.

No big deal? It is a big deal. It is a big deal if you have been laid off, or even if you think you are going to get a pink slip. And it is a particularly big deal if you have been out of work for more than 26 weeks and you have exhausted your benefits. It is a damn big deal. It is a miserable big deal.

Mr. Speaker, that is why last summer, before we left, Congress passed a bill extending unemployment benefits. We called on the President. We said, Mr. President, it is important. We have people in this country who need your help. We have passed a bill. Trigger the benefits for these people. Release the funds to help them, the insurance funds that they have been putting aside for this day, which we all dread, which we did not want to happen, but which is here, and which the worker and the employer put aside.

We have got this pot of money, over $8 billion, to take care of this need for these people.

How could the President refuse? He declared an emergency for the Kurds, he declared an emergency to help the Turks, he declared an emergency to help the people of Bangladesh. Would he not do the same to help Americans take care of their own?

Mr. Speaker, this was not a partisan vote. Not at all. One hundred eighteen Republican Members stood with us, Members from States like New York, like California, like Georgia, joined in with the Democrats.

But the President chose to turn his back. I do not know why he did. Maybe he was persuaded by Mr. Darman, who said extended unemployment benefits only encourage people to stay unemployed.

□ 1340

How cynical. How callous. But whatever the reason, now we have the chance to put it to the President again and to do it right.

I have debated the other side before. Last week, in fact, I debated the distinguished minority whip on TV, and I know what the other side is going to say. They will say, "It is too bad about these people, but we really need to look at the long-term view. We need economic growth."

I agree; I cannot agree more.

I am glad to see them finally agreeing with us. After 11 years of Republican administrations, America's productivity is abysmal. Our savings rate is at the bottom. We have rolled up so much debt, it takes all the income taxes of people west of the Mississippi to pay the interest on the debt.

United States expansion during the first 3 years of this administration was the slowest, the slowest since the Second World War. From the first quarter 1989 to the first quarter 1991, it was 0.7 percent. How does that compare?

Germany grew 11 percent, 11 percent as fast as we did. Japan grew 17 times as fast. Of course, we need economic growth, but the way to do that is to have middle-income tax cuts.

Democrats want to stimulate the economy by putting more money back in the pockets of the middle class. That is not how the other side sees it. They trotted out the oldest and most outdated play in their play books, capital gains, yet another tax break for the richest 1 percent, yet another tax break for a group that has gotten over $1 trillion in tax breaks over the last decade.

Mr. Speaker, the middle class need the money, not the Trumps, not the Lorenzos. We do not want to give money to the rich, hoping that it will trickle down. We say give money back to that much squeezed middle class and let it bubble up and let us get this economy moving again.

Before we do anything, Mr. Speaker, let us help those who through no fault of their own have no income now for their families, cannot pay their bills, cannot pay their rent, cannot pay their mortgage, cannot feed and clothe their kids, cannot provide for the education that is necessary for the future of their family, who have been robbed of their dignity by an administration that says, "It is no big deal that we have this recession," or an administration that says, "You know, you give these people extended unemployment benefits and that just encourages them to stay on unemployment."

We not only know what the other side will say, but we know what they are going to do, and it is the most cynical of tactics on the most delicate of issues. Parliamentary tricks, filibusters, delays, anything to keep this bill away from the President. They are going to want to wait us out, but the American people, Mr. Speaker, cannot wait. They cannot wait.

Mr. Speaker, I urge my colleagues to support this rule, support the previous question on the rule. To those who think this can wait, I say, come out of your air-conditioned offices. Skip one three-martini lunch and come watch the long lines that gather whenever jobs are advertised. See how desperately people want to work in America. We do not have to go any further than Silver Spring, right out here in Maryland. A church there put up an ad in the paper for a janitor last August. Three hundred, fifty people applied in Silver Spring.

To those who say, "No, we have to save our emergencies for the Kurds and for the Turks this week; the people in the Baltic States, save our emergencies for them," I say it is time to help the people right here in the United States.

To those on the other side of the aisle who joined us last summer, I say nothing has changed. It has gotten worse, in fact. The unemployment data is worse.

Look at your States; look at your districts. Can Members go back, after having cast that vote, and explain why they are going to turn their back on these people today? Nothing has changed. It has gotten worse in many respects. It was an emergency then. It is even more of an emergency now.

I ask my colleagues, join us, join us in helping people in our home States and in our districts.

Mr. Speaker, I urge my colleagues, do not turn your backs on hardworking Americans who need help. Do not sacrifice those who built America on the phoney altar of capital gains. Support this legislation. Support these Americans who want nothing more than a job, the dignity of work, and the ability to help their families.

Mr. Speaker, House Resolution 221 provides for the consideration of H.R. 3040, a bill concerning Federal supplemental unemployment benefits. The rule provides 1 hour of general debate, and makes in order a Ways and Means Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. All points of order against the substitute are waived.

The rule makes in order only the amendments printed in the report to accompany the resolution. These amendments shall be considered in the order and manner specified; shall be debatable for the period specified in the report, and are not subject to amendment. The rule waives all points or order against these amendments.

The rule makes in order an amendment by Chairman ROSTENKOWSKI to delete provisions of the bill relating to optional benefits for certain school employees. This amendment shall be debatable for 10 minutes.

The rule also makes in order an amendment by Representative PAT WILLIAMS, which shall be debatable for 20 minutes, concerning the extension of railroad unemployment insurance benefits.

Finally, the rule makes in order an amendment by Chairman ROSTENKOWSKI relating to the financing of the extension of unemployment benefits.

The rule makes in order one motion to recommit with or without instructions.

Mr. Speaker, I urge my colleagues to support the rule so that we can move quickly to consider this imporant legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] in between some of his political rhetoric, has adequately explained the technicalities of this rule, and I will not bother repeating them.

I might make just one observation. When the gentleman mentioned the two-martini lunches and air-conditioned offices and wishing that people were over here on the floor, maybe he had forgotten another group of—what is it?—country club liberals. Maybe that group ought to be here on the floor right now, too, participating in this debate.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I do not know any liberals who can afford to join a country club.

Mr. SOLOMON. Mr. Speaker, I would like to know where they are today.

For my colleagues who may have voted against last year's Deficit Reduction Act because they had no faith that Congress would abide by it, and I am one of those Members, or even if they are one of those Members who did vote for it, I think they ought to be totally outraged at the bill that is here before us.

The unemployment insurance bill before us today totally disregards the budget agreement. The gag rule we are about to vote on legalizes a breach of faith with the American people by waiving the Budget Act and increasing the $360 billion annual deficit, an annual fiscal deficit that is bigger than the entire defense budget. We are going to waive the Budget Act that all of us swore we would live up to and abide by.

We are going to waive it and increase the deficit by another $6 billion within the next 20 minutes or so.

Mr. Speaker, under this, what I would classify as a hypocritical, unfair gag rule, only three amendments are made in order. All points of order are waived against all three amendments as well as the basic text of the bill itself. All three amendments are sponsored by Democrats, notwithstanding requests before the Committee on Rules by four Republicans to have their amendments made in order as well.

Mr. Speaker, one of those amendments made in order is by the gentleman from Montana [Mr. WILLIAMS]. It would bring railroad workers under the coverage of the bill. Mr. Speaker, the Committee on Rules chose to make this amendment in order, even though it is not germane and is within the jurisdiction of the Committee on Energy and Commerce. It has not been the subject of hearings and has not received clearances from the ranking Republican on that committee. And for the first time railroad workers are going to be brought under this program. How that clouds their other benefits, I do not know. But if I were a railroad worker, I would be very much concerned at what is about to happen here today.

Finally, Mr. Speaker, the rule makes in order an amendment by the chairman of the Committee on Ways and Means on his own behalf, and that is to increase the payroll tax receipts to fund this program.

Mr. Speaker, while I cannot vote for that amendment because it increases taxes, I do commend the chairman of the Committee on Ways and Means for at least trying to comply with the budget agreement signed into law last fall. I commend the gentleman from Illinois [Mr. ROSTENKOWSKI] for at least sticking to his guns.

□ 1350

As Members are aware, the committee substitute breaks the budget agreement by not complying with the pay-go requirements, and instead designates the extended benefits program as an emergency.

Mr. Speaker, the mandatory emergency designation is in and of itself a violation of the budget agreement, which provides that only the President may declare an emergency, with the concurrence of the U.S. Congress. We are busting that agreement completely.

Mr. Speaker, I think the mandatory emergency designation is, without question, legally suspect since it conceivably, and highly likely, could be enacted into law over the President's veto, thereby circumventing the Presidential designation required by the Deficit Reduction Act that we all swore to uphold.

But even if we put aside the legal problems of the bill, it is clear that the committee substitute blatantly violates the spirit of the budget agreement, and there is not a man or a woman on this floor who can deny that. We heard eloquent testimony in the Rules Committee to that effect, from both the chairman of the Ways and Means Committee, a Democrat, and the Budget Committee chairman, a Democrat, and the Budget Committee's ranking Republican. In fact, the ranking Republican on the Budget Committee, the gentleman from Ohio [Mr. GRADISON], asked us to make in order his amendment to strike the mandatory emergency designation as well as the CBO-directed scorekeeping provisions of title V. But our attempt to make that in order failed on a partyline vote. That is cooperation?

We also failed on a partyline vote to have three other Republican amendments made in order. First, an economic growth package of tax incentives offered by our distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH]. Among other things, the amendment would, and I wish Members would listen to this in their offices or out on the country club links, wherever they are, reduce the capital gains tax rate and index it to inflation. It would provide for enterprise zones, something the Members on the other side of the aisle want, but are being denied here today. It would permanently extend the R&D tax credits for research and development. it would establish an IRA-plus program. It would provide a first time home owner's tax credit. It would establish penalty-free IRA-plus withdrawals for home purchases, higher education, and health costs. And it would reduce the Social Security penalty on the working elderly. My God, is that needed here today.

In short, Mr. Speaker, the economic growth package is aimed at creating jobs and stimulating the economy. Yet, not only did the Rules Committee majority deny our Republican whip that opportunity to offer his package as a substitute, it even denied a second motion to allow him to add it as an amendment to the committee measure.

Mr. Speaker, the committee also denied my amendment which would have repealed the recreational boat fee, which is a regressive and unjustified tax on lower- and middle-income Americans. And it also rejected my motion to make in order the amendment by the gentleman from Texas [Mr. ARMEY] to repeal the luxury taxes that are throwing thousands and thousands of Americans out of work in the boat and aircraft industries today.

Mr. Speaker, why did the Rules Committee reject all of these worthwhile amendments, denying us a debate on the floor of this House? The only reason we were given is that they were not germane.

Think about that for a minute, you Members who want to be fair. Here we have a rule that waives all points of order, including germaneness and Budget-Act points of order against the committee substitute, the bill, and three other Democrat amendments. It waives that germaneness entirely, and yet four requested Republican amendments were denied because they were not germaine. Members of Congress, what kind of hypocrisy is that, especially when considering the fact that the underlying committee substitute totally violates the budget agreement?

Mr. Speaker, pay as you go just got up and left, thanks to the Democrats in this House. And yet, they turn around and they chastise Republicans for running afoul of the germaneness rule. That is a little like an arsonist criticizing a backyard barbecue chef for smoking up the neighborhood. Actually, that analogy is not too far off when we think about it. The Democrats' attitude toward the budget agreement seems to be if you cannot stand the heat, burn down the kitchen. And they have certainly put the torch to that document called the budget agreement.

In conclusion, Mr. Speaker, you can tell I am obviously fed up with this kind of double standard that says it is OK to waive all points of order against all Democrat amendments, but it is not OK to accord the same treatment to even one of the Republican amendments.

The issue before the Rules Committee should not have been whether to favor or oppose the amendments on their merits, but rather whether or not the House should have a chance to work its will on these amendments. Yet the attitude of the Rules Committee majority in such cases seems to be that it will decide for the House what is good for them. Our judgment is better than theirs. We will protect the House from itself.

Brother, what a democracy.

My colleagues, that is not my idea of democracy. That is an oligarchy where the few decide for the many, and it is dead wrong; it is a shame that it takes place in this body.

But we do have one last chance in this House today to reverse that decision and to say yes, we at least want to consider one further amendment in addition to the four Democratic amendments. We can vote down the previous question on this rule and amend it to make in order H.R. 3130. I would like all Members back in their offices to get that bill, the Economic Growth Act of 1991. We would like to make it available as an additional title to the committee bill. And keep this in mind: It keeps in place the entire Democratic unemployment extended benefits bill, but it also creates 1 million new jobs so that many of the current unemployed will not have to use those extended benefits.

Members, this is your chance, maybe your last chance, to vote on an economic growth package that puts America back to work by creating jobs in the private sector. We have been assured by the Parliamentarian's office that such an amendment to the rule is germane because the Rules Committee already waives all points of order against the four amendments and the bill itself now under this rule.

So I urge my colleagues to vote down the previous question, and in so doing strike a blow for economic growth through tax incentives that will help create tens of thousands of new jobs for the good of the country.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, 8½ million Americans are looking for work. More than a million have been out of work for longer than 6 months. And each and every month, more than 300,000 Americans exhaust their benefits before they can find new jobs.

Middle-class workers who exhaust their benefits have special difficulty finding new jobs; more than 60 percent had not found work 10 weeks after their benefits ended. These families are in grave danger of slipping into poverty.

In July, the largest number of workers in any month on record-and monthly records have been kept for 40 years—exhausted their unemployment benefits. And record numbers are not eligible for extended unemployment aid.

These people have slipped out of the work force. Now we are letting them fall through the safety net.

At this pace, Mr. Speaker, more unemployed will be without assistance in 1991 than in any year since the Unemployment Insurance Program was established. Even measured as a percentage of the overall labor force, the number of Americans who exhaust their benefits is at a record high.

Strangely enough, at the same time we are refusing to provide extended benefits, the unemployment trust fund has built up an $8 billion surplus.

Why are record numbers exhausting their benefits? Not because they are being pushed out of the labor force by new entrants. Baby boomers have already been absorbed, and the shock of large numbers of women, teenagers, and immigrants entering, as in the seventies and eighties, is over. The startling fact is, in the nineties, the labor force just is not growing.

The record numbers are not explained by the depth of this recession. All recessions, even relatively mild ones, are frightening and tragic for those who suffer.

Still, this recession is no worse than the recessions of the seventies and early eighties. So, why the record numbers? The problem is with our extended benefits program itself. In 1971, 1974, 1975, 1977, 1982, 1983, and 1984, at least we enacted temporary measures to supplement the existing extended benefits program.

Mr. Speaker, the truth is, even these temporary measures are not enough. The Federal eligibility requirements themselves need to be reformed. The unemployment rate in Massachusetts in July was 9.1 percent; in August, it was 9.2 record—well above the national average. If you live in Massachusetts, however, you're not eligible for extended benefits.

In Michigan, the rate is 9.1 percent; Florida, New York, and California are also all well above the national average but none of those States qualify for extended benefits. Only Rhode Island and Puerto Rico now meet Federal requirements for extended benefits. Mr. Speaker, more than 95 percent of those who exhaust their regular benefits are not eligible for extended benefits.

None of these numbers, of course, can express the human side, the suffering, the desperate need, the dislocation, the slow grinding down of the spirit associated with long-term unemployment. But the numbers do tell us we must act and we must act now.

Mr. Speaker, a temporary extension of unemployment benefits was enacted in August; however, the benefits were contingent on the President declaring the spending as an emergency.

Early in August, President Bush said he did not consider this an emergency. Funds were not released.

Mr. Speaker, now is the time. Let us move the previous question, adopt the rule, and move the bill.

□ 1400

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished Republican whip.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have to say I rise today with a little bit of sadness. We had a very good colloquy, I thought, in the Committee on Rules the other day about the idea that possibly if the Democratic leadership found it too large a risk to replace the unemployment bill with an employment bill that they might make in order as an amendment our Economic Growth Act, and I thought that offering it as an amendment would be particularly appropriate, because even under the Democratic leadership's unemployment plan, the money runs out.

The question we are addressing is: How do we create jobs so that when the money runs out there is a job? Simply extending unemployment without creating employment misses the underlying problem. The underlying problem in America is we are still in a recession. The underlying problem in America is we are not creating enough jobs. The problem is not getting another government check to tide us over if there is not going to be a job at the end of the unemployment period. The problem is: How do we create employment so people can find work so that they can have a better job so that they do not need unemployment?

I was willing to accept, as I said in the Committee on Rules the other day, I was willing to accept the premise that the Democratic leadership wants an immediate short-term extension of unemployment, and if they could have accepted it as an amendment, creating jobs, 1,100,000 new jobs, creating 220,000 additional home sales, allowing senior citizens an additional $8,000 in income without penalty by Social Security, if they could have accepted those kinds of positive changes so that at the end of their short-term extension we would then have been in a position to have real jobs and to be out of the recession that I, frankly, could have found it in my heart at that point to join with them to pass an employment bill that also has unemployment compensation.

But to simply pass an unemployment compensation extension with no hope, no plan, no program to create new jobs and get out of the recession, we will be back here at the same stand in 15 weeks trying to extend it again, and I just wanted to say to my friends that I think when I am told, as I have been, that this is not the right time, that it is never the right time, that it is a cruel game to play these things.

You know, it is not the right time now, because the committee has not reported. The committee, of course, will refuse to hold hearings, and they will refuse to report the bill, and then we will be told later that we do not have an agenda because we do not have something to bring to the floor, because the committee did not report it, so the Committee on Rules cannot offer a rule, and then we will be told, "Gee, I am sorry, it is never quite the right time, but life is like that."

The losers in this are not the Republicans. The losers are the young couple out there who want to buy a new home who would get a tax credit on their downpayment if the Economic Growth Act passed. The loser is the senior citizen who is 65 years old who wants to keep working who would have 8,000 additional dollars if only the Economic Growth Act could pass. The loser is the family whose mother or father has lost a job, the family that wants more than another government check, a family that wants a job. We can say, "Well, we will get around to it later," but I was astonished; I was going back and rereading some of the great speeches of Hubert Humphrey, maybe the most passionate advocate of the unemployed in modern American politics, and I think for him to be told that his party is now saying that we will get around to helping the unemployed later by trying to create jobs, we will get around to helping the working poor buy a home later, we will get around to helping the senior citizens later, I think he would have said it is not good enough.

I want to ask my colleagues on both sides of the aisle that if you will help us defeat the previous question, then the gentleman from New York [Mr. SOLOMON] can offer an amendment to the rule that will make in order the Economic Growth Act, and together we can try to help the country create 1,100,000 new jobs, we can try to help the country have 220,000 new couples buy a house, we can try to help the country so that the senior citizens can work without the kind of Social Security costs that they have today, and all we are asking is a chance to bring it to the floor to debate it, to let people decide whether we need an employment bill, not just an unemployment bill.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond just for a second to my friend from Georgia. The package of the gentleman from Georgia has much in it that is quite attractive. I mentioned to him in the Committee on Rules, and I will tell my colleagues today on the floor, that we need to get this economy moving again and growing again.

The way to do it, though, is not with one of his features, which is the capital gains tax cut, which benefits the top 5 percent. They have done very well over this last decade.

The way to do it is to cut taxes for middle-income people that have been squeezed on every front. They have been squeezed out of jobs and now they want to squeeze them out of benefits.

I would say to my friend from Georgia that we will get on with the task, and by the way, the gentleman's bill was introduced 4 days before he came to the Committee on Rules, legislative days.

Now, let me point one other thing out. The gentleman's State of Georgia has an unemployment rate where tens of thousands of people are out of work, and the percent of growth in those who exhausted unemployment benefits in the first 7 months of 1991, versus the first 7 months in 1990, is 151 percent. The people are dropping off the benefit rolls at an alarming rate in the State of Georgia with nothing to support them, their families, putting food on their table, having hope and faith for the future and education of their children, being able to take care of their medical needs, at a rate of 151 percent over a year ago.

It would seem to me that we, as a Congress, could initially address this drastic and terrible problem of people not having enough to take care of their families.

The growth issue we both agree on, and we will have that debate, and we will have it soon on the House floor, because this administration has had the worst growth record in the first 3 years of an administration since the Second World War.

But, for God's sake, let us take care of those people who have nothing, who have to get by day by day to feed their families, to provide education, provide health care.

It seems to me that if we can take care of an emergency situation for people around the world, we can take care of our own.

So I would ask him to join us today, have him persuade in his articulate and persuasive fashion, and capable fashion, his other colleagues in the Republican Party to join us today to take care of these people, and then we will come back soon and deal with the growth issue, because God knows we need growth to get this economy moving again.

Mr. Speaker, I yield 4½ minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I, too, would like to respond briefly to the gentleman from Georgia and say that there was one statement he made that I cannot let go by, and that is that somehow we are asking today for Government checks for people who have lost their jobs. It is not a Government check when someone pays premiums into an insurance fund with their employers to take care of the event of unemployment.

I think it is vital and important, as the majority whip has said, that we address this question of unemployment today.

□ 1410

This is not welfare. This is insurance, and in every other recession that we had since World War II, by this time in the recession we had considered and usually passed a bill to extend unemployment benefits.

The gentleman from Georgia is correct in wanting us to have a debate in this House about the future of the American economy, about what we should be doing now to make sure that there is growth in our economy. I welcome that debate. The majority whip welcomes that debate. I think Members on both sides are waiting to have that debate and we will have it, hopefully, this year. I think we should, because one of the reasons we are here today talking about unemployment benefits is because of the Republican economic policies we have been following over the past 10 or 12 years. By design of the supply siders, Americans are paying more in taxes, receiving fewer Government benefits, and experiencing stagnant or dropping incomes. Growth in America is anemic. As the gentleman knows, it lags behind Germany, France, Japan, Italy, and Holland.

Every President of the post-war era achieved higher levels of economic growth than occurred under President Bush. Civilian employment has actually dropped by 300,000 jobs since the President took office. This record stands in stark contrast to the policy made at the Republican Convention in August 1988, and in accepting the nomination of his party he said and he promised that there would be 30 million new jobs created over the term of his Presidency. Obviously, these figures have a long way to go.

The Republicans now hope to end the latest recession by, yes, again the idea of cutting the capital gains rate for the rich. The Republican former chairman of the Council of Economic Advisers, Herb Stein, assessed trickle-down economics in the Washington Post yesterday, and he calculated that a 1-percent increase in the incomes of the rich would trickle down to us, but he said it would take 58 years.

I do not know about you, but if I were unemployed, I would want assistance from my Government in the form of insurance that I paid for, not in the year 2049, but in 1991.

So the issue before us today is are we going to extend unemployment benefits for people who have paid into the insurance fund, which has $8 or $9 billion sitting in it, or will we simply sit here as the President said we should do in August and show concern for people, but not quite bring ourselves to let the benefits they paid for flow.

I think it is time to do the right thing. I agree with the gentleman from Georgia. We need a debate about how we get this country out of this economic circumstance, and we will have that debate this year; but the issue for today and tomorrow is what should we as a country do now to help people who need help now, people who have paid their premiums to the insurance fund, people who every time in the last 45 years when they have been employed have gotten extended benefits and are looking to us in the House of Representatives today to do the right thing and let the benefits they have paid for flow.

Mr. SOLOMON. Mr. Speaker, in recognizing the next speaker, let me just say that the gentleman from Michigan [Mr. BONIOR] and the gentleman from Missouri [Mr. GEPHARDT] both promise a bill dealing with economic growth and a tax-the-rich scheme. The trouble is, that bill will be a political document brought to this forum under the same form this one is, a closed rule allowing no Republican input.

Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, before I begin my remarks, I am happy to yield to my good friend, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding to me, and since both Members of the Democratic leadership who just both mentioned my name, let me just say it seems to me they cannot come to grips with certain facts.

First, the Democratic leadership killed President Bush's economic proposals in 1989 and 1990, and then they seek to blame the President for the recession that their legislative action created.

Second, when the Democratic leadership has a bill it wants, it gets it to the floor within a few days with or without committee action, so whether or not this bill is 4 legislative days or over would be immaterial if the Democratic leadership wanted it to come to the floor.

Third, the Economic Growth Act is not merely a capital gains bill. It includes a tax credit for the working poor to be able to buy a home, an IRA program for every American, a penalty-free IRA withdrawal for housing, education and health, as well as for retirement. It allows parents and grandparents to withdraw from their IRA to loan to their children and grandchildren to buy a home. It raises the Social Security earnings limit and it has an economic growth dividend that says that if the economy grows by more than 3 percent, that all the additional revenue to the Government would go to the taxpayer in the form of an increased personal deduction.

Now, it seems to me that is dramatically more than what was described by the Democratic leadership for it.

We are told that hopefully we will soon have a bill. Well, we have had 2½, almost 3 years now, with the Democratic leadership blocking the President's efforts to create economic growth. Hopefully is not good enough for the people of Georgia.

Last, I would say to my good friend from Michigan, the people of Georgia want a check from a job. The people of Georgia want an employment check, not an unemployment check. I think it is not enough to simply say to them, "We'll send you the unemployment check now and later on if we get around to it, hopefully we will provide something better."

Mr. ARMEY. Mr. Speaker, let me refocus this debate. This debate is on the rule. A rule is given to us by the Rules Committee and defines which bill will come to the floor and the circumstances under which the bill will come to the floor.

Now, let us be clear about the Rules Committee. The Rules Committee has four minority members on it and it has nine members of the majority Democratic Party. The Democratic Party which likes to posture itself across the Nation as the champion of minority rights has once again demonstrated their commitment to minority rights by allowing a bill to come to the floor written by the majority party and to allow amendments to that bill only if requested by Members of the majority party and to disallow any participation in the process by anybody from the minority party, and they wonder why we are angry.

We are angry because this great party that champions minority rights to participation is concerned about that everyplace but where they work.

The concept of equal rights participation does not apply to them when they are the majority.

Now, what is the bill we are bringing to the floor? It is said that this is a simple extension of extended unemployment benefits. Not so. It is a complete redefinition of the circumstances under which extended benefits can be awarded in a State, a redefinition which we will talk about later, which biases in favor of States that have low-skilled, seasonal unemployment, and against States that have long-term unemployment in skilled continuous employment jobs.

It is a bill that says, "Our response to you if you are thrown out of work in this country is we will spend more tax money to give you more unemployment benefits so you can remain unemployed for a longer period of time."

The minority point of view, expressed by the Republicans, says the legitimate response to the American people should be to enact legislation that reduces the number of people who are unemployed—a whole different idea.

Now, we know that in that ill-fated luxury tax passed in the budget summit agreement at the behest of the majority Democratic Party in their interest to punishing the rich for their success is creating thousands of job losses across the country.

□ 1420

In this year alone we will lose 1,470 jobs in the aircraft industry.

We will lose an additional 330 jobs in the jewelry industry, and over 19,000 jobs in the boating industry.

We had asked the Rules Committee to repeal it. The tax is losing $5 for every dollar that it takes in. The Treasury is losing money on it, people are losing their jobs. It is a dumb policy.

And they say no. Instead Mr. ROSTENKOWSKI asked, "Can you give me an opportunity to offer an amendment on the floor to raise taxes on every job in the United States that pays over $14,000? It failed in my committee. My committee voted it down, but I want to bring it to the floor." And the Rules Committee says, "Of course, since your committee doesn't want this provision in the bill, we will let you take it to the floor to raise taxes," to raise taxes.

When you raise taxes on jobs, people will demand fewer of those jobs.

In the State of Michigan, if this tax amendment brought to the floor by Mr. ROSTENKOWSKI is passed, in the State of Michigan you will see 4,146 jobs lost, 230 per congressional district. And then, of course, the congressman from Michigan can go home and ask those unemployed people to thank him for the extended unemployment benefits.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentlemen for yielding.

Mr. Speaker, I can only hope that our colleagues are being attentive to this debate. This debate is not just on the issue of an emergency extension of unemployment compensation benefits. This debate is on the issue as to whether or not we are intending to address the root causes of the problems in this economy as well as simply treating its symptoms. Mr. Speaker, I cannot for the life of me understand why the Democratic majority is unwilling to allow the debate to extend to the causes of the problem rather than simply trying to give us a palliative for the effects of the problem. It is not just a debate on extending the benefits. I support extending the benefits. I did so in the previous resolution a month ago. I intend to vote for the resolution, should we or should we not win this point today. But I oppose the previous question because you are not allowing us, not allowing the House, not allowing the American public to have hope that the underlying causes of this economic malaise are going to be addressed. We are talking about, yes, capital gains tax reduction; but the benefit is not just to the rich. Read the entire resolution. There is an economic growth dividend that the growth in the economy as it expands in response to that will be shared in a tax cut to all the American working men and women across this country.

We are talking about targeting those areas in this Nation which right now have the highest levels of unemployment. I cannot speak for all States, but I can speak for mine. Detroit, Flint, Grand Rapids, where our urban cores have higher unemployment than the altogether too high unemployment in the State. We target those centers and give them a chance with economic enterprise zones to quick-start their local economies.

A permanent extension in research tax credits. The IRA Plus Program. You would think that this was something that fell off the Moon. It is your own Vice Presidential candidate last time around, though I realize that the good Senator thought quite differently than Governor Dukakis about the issue.

Scores of Members in the House and Senate have cosponsored an enhanced IRA, as a way of enhancing capital formation in order to reduce the cost of capital, which is higher in this country than in Germany, reduce the cost of capital, which is higher in this country than in Japan. By the way, reducing capital gains still would not bring us down to the Japanese capital gains tax rate and the German capital gains tax rate.

The first-time home buyer tax credit to stimulate and jump start the housing industry, that is what we are debating. We are debating addressing the root causes of this malaise as well as addressing its symptoms. I oppose the previous question.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad we are debating these issues. I would say to my friend, and he is my good friend, from Michigan that many of the things he has mentioned, and the gentleman from Georgia mentioned, and the gentleman from Texas [Mr. ARMEY] has mentioned, I agree with. I agree part of this luxury tax has been a disaster. I agree we ought to be taking care of people who cannot afford to provide—to buy a home for the first time; I agree that we ought to be doing some of these things for our senior citizens in these proposals. I agree with a lot of these things.

I agree on another component that we ought to have, and that is to cut the taxes for middle-income people. But you know from a parliamentary standpoint as well as I that if we put that on the floor, it is going to pass, I have no doubt that that package will pass; and then we would be in a situation with the other body where we will be arguing about the details of major programs for weeks and months. That was a major concern.

In the meantime, in the meantime you have got 10 million people that cannot feed their kids, who cannot deal with their mortgage. Now let us take care of them, and then we will move on to these programs that you talked about, many of which I support.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Michigan.

Mr. HENRY. I thank the gentleman for yielding.

Mr. Speaker, I say to the gentleman we have been here 9 months debating these issues. We have not had an opportunity to get them to this floor.

Mr. BONIOR. But for 9 months I have been told by this administration, "There is no recession, we are doing just great." Well, we are not doing just great. This economy has grown its worst in 45 years.

Mr. HENRY. For 3 years the administration has pled for these kind of incentives to keep the economy strong. The administration does not have majority control of this House, it does not have majority control of the Senate, and that is why we have this problem today.

The high cost of capital, the high tax on capital, the discouragement to invest, discouragment on research and development. The leadership in this House and the leadership in the Senate has refused to allow full-scale open debate on these issues, and that is what this question is about and that is why we are asking our colleagues to oppose the previous question.

Mr. BONIOR. And the gentleman will have the opportunity to debate that in short order.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am glad to see that we are not discussing the Mideast today, we are finally discussing the Midwest. I think it is wise for Congress to start looking at the problems in New York and Los Angeles as we spend too much time on Tokyo and Tel Aviv.

Let me say something: The American people are watching today, specifically the American worker. I will tell you what they are saying. They are saying neither major political party is really doing anything in the Congress. And I today have to agree.

And Congress is not reading the grafitti in the subways or the crime statistics of our streets or the cries of the American worker. Everybody might laugh about the National Organization for Women; they are saying they despair completely. There should be a third major political party. American workers are rising up all over this country wanting the creation of a third political party.

Think about it. The time will come that we will have the third political party because I will tell you like it is; there is not much difference between Republicans and Democrats anymore. Someone show me the difference on trade, someone show me the difference on fast track, on MFN. If you leave it up to Congress, Ma Bell will turn into Taco Bell. The American workers are saying, "What else can you do with foreign aid?" The big debate in the Congress is would we in fact guarantee a $10 billion loan for Israel now or 3 months from now?

Let me tell you what, folks: When this Congress will allow a President to declare a budget emergency for everybody, including the House of Ronald McDonald, but will not extend or declare a budget emergency for the sad state of the American workers, then something is very wrong in our country. I am hoping to God that the Democrats come to life.

Where is the trade program stopping illegal trade and fraudulent labels, keeping our American workers on the job? They do not want food stamps, they do not even want extended unemployment benefits. They want a job. But Congress will not deal with those issues. Congress is afraid to deal with those issues. And that is why I predict there will be a third major political party.

□ 1430

In addition, let me say to my colleagues, you all leave here after these great debates and all the rhetoric, and everybody goes home, and everybody thinks they're doing a good job. Let me tell you what about a good job. There are a lot of people who think that doing a good job is like wetting your pants in a dark suit. You get a warm feeling, but nobody notices, and I want to tell you what. The American workers are not noticing that so-called good job you think you're doing.

Mr. Speaker, Congress has more of a feel for the political clime of the Soviet Union than they have for the climate in our own country, and we better start reviewing Los Angeles and New York.

I am for this bill, and I hope to God that the Democrats become Democrats again.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding. I think we ought to realize what is really happening as we deal with this debate. What is really happening is the Democrats over the last 18 months have consciously and knowingly killed economic growth in this country. They did so during the debate last year on the budget when they insisted upon taxes. They knew the economy was weak at this point, but it was still growing, but it was a weakened economy, and yet the only thing they insisted on as a part of the budget deal was that taxes be raised. They said over and over again that they would sign on to no deal that did not include taxes. They said absolutely taxes had to be a part of any kind of finished product.

Mr. Speaker, the fact is that taxes in a weak economy kill economic growth, and so today they come to the floor, having knowingly killed economy growth, and suggest that what they want to do now is pay the penalty of that by paying the unemployed, who are the victims of what they have done. I can understand why they want to take care of their victims, because they, in fact, are responsible for them being there in the first place. But taxes simply do not work as a way of promoting economic growth, and we should know that by now.

The fact is the Democrats have been wrong about the economy ever since the early eighties, when they suggested that Ronald Reagan's tax cuts were going to bring on inflation, and recession and all of those things, and in fact it brought the most unprecedented period of economic growth, and today we see the penalties for it.

So, what do they do today? Today they come to the floor with another bill with guess what? A proposal for another tax increase. That is right. They put the Rostenkowski amendment in order on this bill in order to get more taxes.

No, they do not think it is going to pass, but the fact is they allowed it.

The Republicans wanted to offer an amendment, too. They wanted to offer an economic growth amendment to cut taxes. Was that amendment made in order? No. We could not have that amendment on the floor. That would be a policy change that we cannot have.

But, when it come to raising taxes, by golly, we can wheel that one out on the floor, and the chairman of the committee can bring that to the floor, and that is exactly what they are going to allow him to do.

Now, if we do not pass his amendment, how are they going to pay for this travesty that they are perpetuating in terms of killing off economic growth? Well, then they are going to allow higher deficits because what they propose to do is simply say, "We declare this an emergency, the caps are all off, and we're going to have higher deficits."

Higher deficits also kill jobs; they know that. It raises interest rates. It does all the things that small business does not need at the present time, and so what they are doing is with both proposals that they will have before us, with taxes and/or higher deficits, they are going to kill jobs and growth in this country.

What could we be doing? What we could be doing is helping the unemployed by finding other nonpriority areas of government that we cut back in order to provide the $6 billion that is needed. We could be doing that. We are not because the Democrats will not allow it.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, my good friend, the gentleman from Michigan [Mr. BONIOR], and he is a good friend, and the gentleman from Missouri [Mr. GEPHARDT], who is also a good friend, have talked about the fact that the Gingrich bill, H.R. 3130, dealing with economic growth, was just introduced back in July. Well, my colleagues, everybody knows that all of the contents of that bill are a compilation of bills that have been introduced over the last 2½ years. Capital gains are a very small part of it. It also deals with enterprise zones. We have had hearing after hearing on that. It also permanently extends the research and development tax credit. Every Member of this House knows that, and we could go right down the line on all of these issues.

Mr. Speaker, the truth is that, when a bill comes before us sometime later on, it will be a Democrat political document. Members of Congress, like me, do not believe in taxing, in soaking, the rich necessarily. But I have an amendment I tried to offer during the reconciliation bill last year which would have established a new tax bracket based on an income of over $300,000. JERRY SOLOMON is not going to have a chance to even offer that because the Democrats will bring in a rule on this floor shutting me and all other Republicans out, and they will go on with their political document.

Let me just say to the Members that one issue before the Congress today is the need to provide extended unemployment benefits to those who have exhausted their benefits under existing law. Another issue before this Congress is the equally important issue of providing private sector economic growth incentives that will help to stimulate the economy and create hundreds of thousands of new jobs to help the unemployed. Unfortunately the unemployment bill before us today does not create even one new job because this rule blocks legislation that would. But by defeating the previous question, and the Democrats ought to listen to this, we will immediately bring back the unemployment bill to this floor within 15 minutes. It will contain all of the unemployment benefits the Democrats want, and I want. It will continue the emergency clause, which they have in their bill. But it will make in order H.R. 3130 for a legitimate debate on this floor. This added amendment would create a million new tax-paying jobs in America for the people who the gentleman from Michigan [Mr. BONIOR] has been talking about.

We can do that by defeating the previous question right now and bringing this bill back on the floor with that amendment in order. Let us have a fair and open debate. The American people will love us for it.

Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield the balance of our time to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I had a town meeting in Bay Shore, NY, and I had a gentleman from that town, Mr. Capparelli, who came to me and said, "Congressman, when are you going to pass your unemployment bill? I'm not so much interested in it for myself. It's my son. I'm paying his rent. He's looking for a job, and his benefits are about to be exhausted in 2 weeks."

What do the Republicans say to Mr. Capparelli and the 2 million people who have exhausted their benefits or who are about to? There are 300,000 people who are exhausting their benefits each month. What the Republicans have raised from a virtue now into an art form is the dodge, the great diversion of attention.

Mr. Speaker, the Republicans say, "Don't talk about the need of 2 million people, of the 300,000 each month who are losing their benefits, who face paying rent and mortgages." What they talk about is their ethereal concept of growth that somehow a capital gains tax rate cut for the rich and a variety of other measures, some of which are very good, will somehow help people who face the loss of unemployment next week.

This is going to help them? I do not think there is anybody over there; is there? None of my Republican friends are saying this growth package is going to help any of the unemployed in the next couple of weeks? I say, "You know that can't possibly be the case."

Mr. Speaker, the reality is these people need help now, and that is what the Democratic bill does. It provides them the help they need today.

Mr. GILCHREST. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, today we are faced with the decision of what to do about America's unemployment problem, and the rule before us seeks to limit debate to the hollowest, most overly simplistic approach we could consider. Under this rule, we would be forced to choose between doing nothing for the unemployed, and offering them only transient assistance.

H.R. 3040 is no more a solution for the unemployment problem than morphine is a cure for cancer. A temporary extension of benefits might placate the unemployed for a few weeks, and ease the hardships they face, yet at the end of those weeks they will be every bit as bad off as they were before. The bill before us temporarily treats the symptoms of the disease while possibly exacerbating the illness.

Obviously, we would all like to provide our unemployed constituents with an extension of benefits to help them make one more mortgage payment or one more car payment or buy new school clothes for their children. What is frustrating about the package before us is that it mortgages their chances for reemployment by creating recessionary spending.

No one questions the adverse affect the Federal deficit has on our economy; indeed, many of the proponents of this bill have been known to wring their hands over the perennial shortfalls. It is no coincidence that our current recession began with the latest increase in Government spending. If this package is of sufficient priority, it could easily displace one of the other so-called priorities in our $1.3 trillion budget.

The Rules Committee opted to gag every amendment which sought to address the real problem of unemployment. Our colleague from Georgia, Mr. GINGRICH, offered a revenue-neutral substitute which would have done much to create jobs for the people we claim to want to help. Mr. ARMEY'S amendment sought to repeal the luxury tax which is responsible for so much unemployment. Mr. GRADISON offered an amendment which simply sought to fund this program without raising overall spending levels, yet so offensive was this concept to the rules committee that they prevented its discussion on the floor.

Mr. Speaker, it is widely accepted both here and in the media that this package is not meant to become law, and that is instead a political card being played by those who covet the President's popularity. However, unemployment is a significant problem in my district; in fact it was not so long ago that I faced it myself. For this reason I find it offensive that anyone would use this problem and these people as political pawns.

Congressmen GINGRICH and ARMEY have offered amendments which seek to provide the unemployed with what they want most—jobs. Congressman GRADISON has offered a package which would provide them with temporary relief without slowing the economy and worsening their chances of future employment. Not only do these warrant discussion, the warrant passage into law. Yet this rule seeks to ensure that this never happens. I urge my colleagues to oppose this rule.

Mr. BONIOR. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER, pro tempore (Mr. MAZZOLI). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 141, answered "present", not voting 77, as follows:

[Roll No. 259]

YEAS—214

Abercrombie
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bevill
Bilbray
Bonior
Borski
Boxer
Brewster
Brooks
Browder
Bruce
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Feighan
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kolter
LaFalce
Lancaster
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mazzoli
McCurdy
McDermott
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Russo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Wheat
Wise
Wolpe
Wyden
Yates

NAYS—141

Allard
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Hobson
Horton
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lightfoot
Livingston
Machtley
McCandless
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Paxon
Petri
Porter
Quillen
Ramstad
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays

Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zimmer

NOT VOTING—77

Ackerman
Alexander
Applegate
Barnard
Berman
Boucher
Brown
Bryant
Bustamante
Campbell (CA)
Carr
Clay
Conyers
de la Garza
DeLay
Doolittle
Espy
Fazio
Ford (MI)
Gaydos
Hastert
Hatcher
Herger
Holloway
Hopkins
Houghton
Hunter
Hutto
Jenkins
Jones (NC)
Kanjorski
Kleczka
Kopetski
Kostmayer
Lantos
Lehman (FL)
Lewis (CA)
Lowery (CA)
Marlenee
Martin
Martinez
Mavroules
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
Miller (CA)
Miller (WA)
Moody
Mrazek
Packard
Pickle
Pursell
Rahall
Ridge
Riggs
Rowland
Roybal
Sabo
Saxton
Schulze
Spence
Stallings
Sundquist
Thomas (CA)
Thomas (GA)
Towns
Washington
Weiss
Whitten
Williams
Wilson
Yatron
Zeliff

☐ 1502

The Clerk announced the following pairs:

On this vote:

Mr. Fazio for, with Mr. Thomas of California against.

Mr. Berman for, with Mr. Zeliff against.

Mr. Kleczka for, with Mr. Doolittle against.

Mr. Rahall for, with Mr. Packard against.

Mr. Washington for, with Mr. McCollum against.

Messrs. LENT, FISH, DAVIS, and McMILLEN of Maryland changed their vote from "yea" to "nay."

Mrs. SCHROEDER changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOSTMAYER. Mr. Speaker, I was unavoidably detained during rollcall votes 258 and 259. Had I been present, I would have voted "aye" on rollcall 258 and "aye" on rollcall 259.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 128, not voting 74, as follows:

[Roll No. 260]

AYES—230

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Bevill
Bilbray
Bonior
Borski
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mazzoli
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Russo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Wheat
Wise
Wolpe
Wyden
Yates

NOES—128

Allard
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefley
Henry
Hobson
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
McCandless
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Paxon
Petri
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Tauzin
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zimmer

NOT VOTING—74

Ackerman
Applegate
Barnard
Berman
Boucher
Bryant
Bustamante
Camp
Campbell (CA)
Carr
Clay
Conyers
de la Garza
DeLay
Doolittle
Espy
Fazio
Ford (MI)
Gaydos
Guarini
Hastert
Hatcher
Herger
Holloway
Hopkins
Houghton
Hunter
Hutto
Jenkins
Jones (NC)
Kleczka
Kopetski
Lantos
Lehman (FL)
Lewis (CA)
Lowery (CA)
Marlenee
Martin
Martinez
Mavroules
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
Miller (CA)
Miller (WA)
Moody
Mrazek
Packard
Pickle
Pursell
Rahall
Riggs
Rowland
Roybal
Sabo
Saxton
Schulze
Spence
Stallings
Sundquist
Thomas (CA)
Thomas (GA)
Towns
Unsoeld
Washington
Weiss
Whitten
Williams
Wilson
Yatron
Zeliff

☐ 1521

The Clerk announced the following pairs:

On this vote:

Mr. Fazio for, with Mr. Thomas of California against.

Mr. Berman for, with Mr. Zeliff against.

Mr. Kleczka for, with Mr. Doolittle against.

Mr. Rahall for, with Mr. Packard against.

Mr. Washington for, with Mr. McCollum against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1520

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished majority whip how he perceives the rest of the day to unfold. It is my understanding there is potential for several more votes.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my distinguished friend.

Mr. BONIOR. Mr. Speaker, I would say to the minority leader that the schedule is as follows: We will have an hour of general debate on the unemployment bill, which will follow immediately our colloquy, and then there will be appointment of Members to the conference on the Defense authorization bill, and I would tell my colleagues that there is a possibility at that point that we could have a number of votes on that particular matter, motions to instruct, previous questions on motions to instruct, motions to close the conference, so they should be prepared for other votes.

Mr. MICHEL. I thank the distinguished gentleman, because there were a number of Members inquiring as to whether or not this was the last rollcall of the day, and I said that I thought we had better check for sure, and as the gentleman indicates, there is certainly potential for two, maybe three, rollcall votes yet before the day is concluded if we proceed upon that kind of schedule.

I thank the distinguished gentleman.

UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 221 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3040.

□ 1522

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3040) to provide a program of Federal supplemental compensation, and for other purposes, with Mr. LEWIS of Georgia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Insurance Reform Act of 1991, as amended by the Committee on Ways and Means.

Before the August recess, the House and Senate passed H.R. 3201, the Emergency Unemployment Compensation Act of 1991. The President signed that bill on August 17, 1991, but he did not declare an emergency to trigger the payment of benefits. Today, I am asking the House to support H.R. 3040, which makes much-needed permanent changes in the unemployment insurance system and delivers benefits to millions of unemployed Americans and their families.

As approved by the Ways and Means Committee, H.R. 3040 restores extended benefits to long-term unemployed workers; establishes the same benefits for ex-military personnel as civilian personnel; restricts unfair disqualifications of otherwise eligible workers; funds a demonstration of the cost-effectiveness of job search assistance; requires the Department of Labor to develop a new method for distributing administrative funds to States; and encourages States to accumulate adequate trust fund reserves.

The primary feature of the bill is a restoration of extended benefits to long-term unemployed workers by replacing the ineffective Extended Benefits Program with a new Federal Supplemental Compensation Program. In addition to the normal 26 weeks of benefits provided by the regular State programs, the bill would make available 5, 10, 15, or 20 additional weeks of benefits, depending on the unemployment rate in each State. In addition, the bill would reach back to provide benefits to unemployed workers who have exhausted their basic benefits since the beginning of the year.

Although there has been speculation that the recession has ended, the need for an extension of unemployment benefits will increase in the months ahead. Much like past recessions, the rate at which workers are running out of benefits has risen from about 28 percent to 33 percent, while the number of workers exhausting benefits each month reached a record 350,000 in July. Already over 2 million more workers have run out of benefits this year, and the total could reach 3.5 million next year. Given these data, its no surprise that only 37 percent of the unemployed are even receiving benefits today.

Some critics has argued that the August unemployment rate of 6.8 percent suggests that an extension of benefits is not needed. However, the rate of job loss in this recession has been more severe than the job loss in the last five recessions. In addition, the current Extended Benefits Program has failed as an antirecessionary measure. The program activated an additional 13 weeks of benefits in only eight States during this recession and is presently only available in one State. In the 1980 recession, all States were activated on extended benefits.

The committee bill also restores unemployment benefits for ex-military personnel to the same benefits received by civilians. As a result, exservicemembers' benefits will increase from 13 weeks to 26 weeks. In addition, the number of continuous days a reservist must serve on active duty to qualify for unemployment benefits is reduced from 180 days to 90 days.

Mr. Chairman, the additional benefits provided in this bill are essential in securing the financial well-being of millions of American workers who have lost their jobs. The recession has been tough on these families. They deserve our help. We estimate that approximately 3½ million workers would receive benefits under the new Federal Compensation Program. About a third of those workers qualify because of the reachback period; the remainder are workers who are expected to exhaust their benefits after the date of enactment.

My colleagues know I am a strong supporter of the pay-as-you-go requirements enacted in last year's budget agreement. At my insistence, the Committee on Ways and Means has long observed this pay-as-you-go provision, beginning well before it was enacted last year. Therefore, I am extremely disappointed that the committee was unable to adequately and properly finance the bill. I would have preferred to give the President the choice to allow the taxes necessary to finance the benefits to go into effect, as TOM DOWNEY and I proposed in the introduced bill, or to designate the benefits as an emergency and to forgo the taxes. I am troubled that the committee did not agree with this approach, but I can understand why a majority of my colleagues believe this bill qualifies for and deserves designation as an emergency under the Budget Act. The urgency of this legislation may well justify the emergency designation within the meaning of the Budget Enforcement Act.

Therefore, tomorrow I will offer an amendment which will restore the financing TOM DOWNEY and I proposed in the original bill. Being a realist, I have no illusions about the outcome of tomorrow's vote, but I believe Members should have an opportunity to cast a fiscally responsible vote.

Mr. Chairman, this Congress has some tough decisions to make. We can no longer tolerate a delay in reforming the unemployment insurance system. But we should also comply with last year's budget summit agreement. Millions of unemployed workers have waited long enough. There is a lot of pain in America today. We cannot let them down. Despite my reservations about financing, I urge my colleagues to support this essential bill.

Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have three strong objections to the bill the majority is bringing to the floor today.

First, the unemployment insurance system has worked exactly as we designed it to work and, therefore, does not need to be changed at this time.

Last year, the system provided 8.1 million workers with $18 billion in benefits. This year, it provided 10.7 million workers with $25 billion in benefits. Last year, about 40,000 workers received extended benefits. This year, 160,000 workers received extended benefits. As unemployment went up, more workers qualified for and received benefits—including extended benefits.

Today's level of unemployment—6.8 percent—is lower than the level of unemployment when Congress ended supplemental benefits after the 1982 recession.

When Congress voted to begin benefits during that recession, unemployment was over 10 percent—nearly 50 percent above today's level.

Second, it is a mistake of great consequence to undermine last year's budget agreement. The Federal Government has now struggled through nearly a decade of budget crisis. We have tried living up to the 1974 budget procedures, Gramm-Rudman-Hollings, and now the widely lauded 1990 budget agreement.

Even with these sincere attempts to control the wild spending habits of the Congress, we still face deficits of historic proportions.

Having participated in last year's budget debate, I personally witnessed the almost insurmountable task of Republicans and Democrats striking a deal on taxes and spending. As abhorrent as taxes are to Republicans, the President agreed to 165 billion dollars' worth of them in exchange for supposedly airtight guarantees on spending.

But, there was insistence on some provision that would allow the pay-as-you-go requirements to be breached in emergencies. What was finally agreed on was a procedure under which both the President and Congress agreed that an emergency was at hand.

The bill directly violates that critical agreement found in paragraph (e) of section 252 of the Budget Act.

Consult with your staff, with staff at the Congressional Budget Office or Congressional Research Service, or with any other source knowledgeable about the budget agreement. There is no doubt—I repeat, no doubt—that this bill violates both the spirit and letter of the agreement.

The third major problem with this bill is that it uses an emergency procedure to support permanent changes in the Nation's fourth biggest domestic program. In past recessions, Congress always voted for temporary additional benefits to assist workers who had exhausted their basic benefits. The last time we voted such temporary additional benefits, unemployment was over 10 percent. Now, when unemployment is less than 7 percent, we invoke emergency procedures to enact permanent increases in spending.

Yes, we can revoke the rules of the U.S. Government and say that this new spending will not count in our annual budget calculations.

But the Congress cannot revoke the rules of mathematics. We are again spending money we don't have. This spending will increase the Federal deficit by an estimated $6.3 billion over the next 5 years. Even under nonrecessionary unemployment levels, this liberalization of the unemployment program will exert a constant upward pressure on Federal spending—and, in the long run, taxes.

And all of this under the thin veil of a national emergency in order to fuel the majority's insatiable hunger for a domestic political issue.

This legislation should be defeated. We do not have a national unemployment emergency big enough to justify permanent increases in unemployment benefits.

This bill trashes the budget agreement. The sea is off, with consequences only to be guessed at.

I urge you to vote "no" on H.R. 3040.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY], the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. DOWNEY. Mr. Chairman, we have got to hand it to the Bush administration. They have tried absolutely everything to divert attention to the problem of the unemployed and the problem of this recession.

First, they tried the ostrich approach, sticking your head in the sand and say there is no recession. They even sent DAN QUAYLE to New Hampshire who declared in his infinite wisdom that the recession was over.

The recession is not over. Unemployment remains high.

After that ostrich approach was not working, they took a page out of the American Dental Association, "It will only hurt a little bit. Don't worry. If it's not over now, it will be in just a few short weeks."

Wrong again, and what have they asked the Bush minions in the House today? What is their new strategy? It is the Marie Antoinette approach, "Let the unemployed eat the Gingrich growth package. That will solve the problem of the unemployed."

Tell them that a capital gains tax cut, the reduction of taxes on luxury boats, will in fact help the unemployed.

All they talk about is how not to worry. Talk to the people who are unemployed. Sense the fear in their faces, the knots in their stomachs when they try to tell you about the future and what they are going to do, how they have worked 18 years, 20 years, blue collar, white collar workers, never before unemployed, and all we can provide them is 26 weeks of benefits, regardless how long they paid into the trust fund, regardless of their work history. That is nonsense. The unemployment system that the chairman has talked about is broken. It needs to be fixed. Two million people, people who are ready to work, interested in working and wanting to work and looking for jobs have exhausted the benefits that we have given them. Three hundred fifty thousand of them, more than in any other recession, exhausted their benefits in July of this year.

Now, 118 Republicans voted to spend $5.7 billion to extend benefits in August. Of course, the President did come up and say how not to worry, "Vote for it. I will never extend the money. I will never declare the emergency," the most cynical and heartless of positions.

Now all we are saying is for $500 million more, $6.2 billion, we will declare the emergency for the President if he does not want to do it. If he does not want to pass this bill, he can veto it, but give us the opportunity here in the House to extend benefits.

After all, my colleagues, for those of you from the States of Florida, from Michigan, from Pennsylvania, from Illinois, from New York, from New Jersey, and from California, your unemployment rate has gone up; so when you vote against this bill tomorrow, you tell the unemployed workers in those States, "Hey, I'm sorry. You know, I voted for it this time because I knew it wasn't going to work, but now when I had to confront the reality of providing the benefits, I'm sorry, I just couldn't help you."

These people need our help. These people deserve our help. These people want to go back to work. They just cannot find a job. None of us want to see them lose houses or apartments, see families breakup. We can do something for these people.

Please, my colleagues, be consistent. One hundred eighteen of you voted last time to extend the benefits. I hope that just a fraction of that number will provide us the necessary votes this time so if the President decides to follow the Kennebunkport-Marie Antoinette strategy, we have the votes to override.

□ 1540

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the ranking Republican on the Subcommittee on Human Resources, the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, there are a number of issues on which our parties disagree—and that is exactly as it should be.

The clash of ideas, supported by reason, evidence, and political rhetoric, is what democracy is all about.

But the majority bill on unemployment insurance violates an institution even more basic than democratic debate. Underlying the legalistic language of last year's Budget Act is perhaps the most fundamental principal governing relations among humans. That principal is that a person's word is his bond.

I urge Members, particularly Democrats to read section 252, paragraph (e) of last year's Budget Act. That paragraph says, in the clearest possible language, that both the President and Congress must agree that an emergency exists before new direct spending will not count in the calculations for a budget sequester.

Are Democrats planning to live up to this fundamental agreement? Consider this possible legislative scenario:

First, Congress passes this bill with its provision, found in section 502 of the committee report, that the bill becomes law and, for budget purposes, that there is an emergency as defined in the Budget Act;

Second, the President vetoes the bill;

Third, the Congress overrides the veto;

Fourth, in accord with section 502, the bill becomes law and the U.S. Treasury incurs a new deficit of $6.3 billion over the next 5 years.

Now I ask you: Did the President agree to an emergency?

No, in fact, he will soon declare for a second time with his veto pen that there is not an emergency worthy of destroying the budget agreement.

So Congress violates the Budget Act. Last year's sacred agreement now becomes merely another in the long line of failed devices invented by Congress to control its addiction to spending.

But more important, we now discover that the majority is willing to give its word and then, less than a year later, smash it. Here is the most notable fact about this legislation: the majority's word is not its bond.

I would like to say to all my Republican colleagues whom I urged to support last year's budget agreement: I was wrong, you were right. We cannot trust the majority to live up to its word. To the majority, spending money and making political points is more important than trust.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I do not understand, I say to my friend from Florida, this argument about "your word is your bond." I voted for the Budget Act. What we are saying is there is an emergency here. We are putting that into the legislation, and the President can agree or he can disagree.

If he disagrees, he will veto it.

He agreed, when he came to Kurdish refugees, that it was an emergency. He can decide when he looks your constituents and mine in the eye if there is an emergency.

I just want to tell you who these people are. I have been to the unemployment comp office in Madison Heights three times now, I think it is. I visited places where the unemployed meet. They are blue-collar workers. I met some carpenters sitting around. They say to me, "We have worked all our lives. We don't want to be laid off." Somebody said to me, "Who are you in Washington to tell me the recession is over?"

Now, you can do that if you want; I am not going to do it.

White-collar workers, I have come to know an accountant who got in touch with our office. He sends out 40 to 50 résumés per month, per month. He is an articulate, capable human being who cannot find a job. He has exhausted his benefits. He wants to work. I do not think he had ever been in an employment office before.

Now, if you do not think it is an emergency for him, you go on and tell him that, and the President can; but I am not going to.

Mr. SHAW. Mr. Chairman, would the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I would like to put forth the point, obviously for anyone who is unemployed and running out of his benefits, it is a personal emergency. But what I was referring to, which I think the gentleman well understands, is that the budget agreement required the emergency to be concurred with both by the House and the President.

Mr. LEVIN of Michigan. All right. And the President will have his chance.

Mr. SHAW. This is a violation.

Mr. LEVIN of Michigan. No, it is not. The President can say "yes" or "no." When you have hundreds and hundreds and hundreds of thousands of people in this country, white-collar, blue-collar workers, all across this Nation who are exhausting their benefits, or who have exhausted them, the President can say there is no emergency, he can say the recession is over. He is wrong. He is very wrong.

We owe it to the people who worked for a living in this country to give them the benefits which they earned and the benefits which their employers have paid for. There is an emergency, vote for this bill.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the ranking Republican on the Committee on the Budget, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 3040, the Unemployment Insurance Reform Act of 1991. Adoption of provisions contained in title V of this bill would set a troubling budget precedent, would undermine the fiscal discipline that has been observed thus far this year, and would be tantamount to repealing the bipartisan budget agreement.

In addition, I oppose this bill because the deficit spending or tax increase required by the bill, depending on whether Chairman ROSTENKOWSKI'S amendment is adopted, would tend to retard the economic recovery and, thus completely offset the modest benefits that this bill has to offer to the long-term unemployed. In sum, this bill doesn't help us with what Americans, both employed and unemployed, want: a swifter economic recovery, greater job-creation, and continued fiscal discipline.

For a number of years now, achieving fiscal discipline has been a legislative goal of Congress. Given the discretionary caps and paygo rules in last year's budget agreement, many of us were of the opinion that the conduct of government's fiscal affairs in a prudent manner had become a real possibility. Title V of this bill, however, reminds us why we must be forever vigilant. I regret that the rule will not permit me to offer an amendment to strike title V.

Section 501 in title V is a "directed scorekeeping" provision that specifies the dollar amounts that OMB is to use in scoring the costs of the bill. By including this provision in the text of the bill, the authors of this legislation have politicized both the cost estimate and, by implication, the Congressional Budget Office. The authors must be fully aware that the President has promised unequivocally to veto any bill that includes such directed scoring. One can only presume, therefore, that guaranteeing a veto is part of their political strategy.

Someone unfamiliar with the convoluted politics of this bill would find it most peculiar that the section 501 directed scoring provision is immediately followed by a section that essentially states that the scoring numbers are irrelevant. Section 502 provides that this act be treated as an emergency by the President and the Congress and none of its costs will be counted under the Balanced Budget and Emergency Deficit Control Act of 1985.

The emergency designation should be used to respond to events which are sudden, unpredictable, unforseen and not permanent. The current unemployment situation is neither unpredictable nor unforseen. Both Congress and the President fully anticipated current economic conditions when budgets were submitted last year. Congress has had ample opportunity to budget for expansion of unemployment benefits. And even though the unemployment rate is expected to decline, this bill would establish a permanent expansion of benefits that continue indefinitely.

Furthermore, this section denies the President the statutory right to determine independently whether enacted spending programs should be designated as an emergency. It attempts to treat the unemployment bill as an emergency even if it were enacted over the President's veto. I doubt the legality of this language and vehemently oppose its inclusion. It violates both the letter and the spirit of the emergency clause which was carefully constructed to apply to only those items so designated by both the President and Congress, acting separately and independently. Section 502 makes an end run around this understanding and would likely trigger lengthy litigation rather than provide immediate assistance to the long-term unemployed.

Finally, in regard to title V of this bill, section 502 would prohibit all new budget authority, outlays, and receipts resulting from the bill from being considered for purposes of the Budget Enforcement Act. This section and section 503, which exempts the spending in the bill from sequestration, completely undermine the core of the Budget Act.

Also, I would like to remind my colleagues that the Unemployment Trust Fund from which extended benefits are drawn is merely an accounting device—a way of keeping track. The oft-cited trust fund surplus is not a pot of money or manna from heaven but a bookkeeping entry. It contains no assets that can be quickly liquidated in order to pay benefits. Increased benefits for the long-term unemployed must be paid for either by increasing taxes on businesses or breaking the budget agreement and borrowing more money. Either choice could well delay the recovery and create more long-term unemployment.

In addition, I would like to point out that the Democrats who are claiming we must provide higher unemployment benefits now, when unemployment stands at 6.8 percent, waited until unemployment hit 10.1 percent to provide emergency benefits during the 1982 recession, a level no one expects this recession to reach. Furthermore, Congress ended those emergency benefits when unemployment substantially exceeded the current level.

H.R. 3040 would increase the budget deficit, undermine the budget process and tend to slow economic recovery. I urge my colleagues to defeat this bill. This is not the first test of the 1990 budget agreement, nor will it be the last.

□ 1550

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GRADISON] has expired.

Mr. ARCHER. Mr. Chairman, I yield the gentleman from Ohio [Mr. GRADISON] 1 additional minute.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Ohio [Mr. GRADISON] for yielding.

Mr. Chairman, I am just reading section 501. This is, of course, a new innovation. I have not seen this sort of direct destroying provision before. As I understand the bill, the bill does not contain within it any revenue measure, any tax, that being the reason for the request of the gentleman from Illinois [Mr. ROSTENKOWSKI] for amendment. In this directed scoring, where apparently the committee tells the scorekeepers what their results shall be, it does have in the years 1993, 1994, and 1995 revenue receipts.

Mr. Chairman, does the gentleman understand how in any way they could have a receipt of additional revenues if there are no measures, no tax measures, in the bill?

Mr. GRADISON. Mr. Chairman, the gentleman from Texas [Mr. ARMEY] should be advised that the bill, as it is before us, does include a revenue measure. There will be an amendment which has been made in order, offered by the chairman of the Committee on Ways and Means, when we move to amendments tomorrow to strike the revenue provisions.

Mr. ARMEY. That are in the bill?

Mr. GRADISON. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GRADISON] has expired.

Mr. ARCHER. Mr. Chairman, I yield the gentleman from Ohio an additional 30 seconds.

Mr. ARMEY. Will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from Texas.

Mr. ARMEY. So then within the bill there is some provision to raise tax revenues?

Mr. GRADISON. Mr. Chairman, the gentleman from Texas [Mr. ARMEY] is correct.

Mr. ARMEY. That would take effect now, and the committee then has in the passage of the bill sent along in section 501 instructions to the people who will score the costs and revenue impact of this legislation as to what the results of their scorekeeping activities shall be?

Mr. GRADISON. The gentleman is correct, and it is a direct repudiation of the explicit language of the budget revisions which were passed less than a year ago.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Ohio [Mr. GRADISON].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Chairman, I thank the distinguished chairman of the Committee on ways and Means [Mr. ROSTENKOWSKI], for yielding time to me.

Mr. Chairman, this week we have before us once again, H.R. 3040. Across the Nation, more than 8 million people are now unemployed. Only 38 percent of those out of work receive unemployment compensation benefits.

Despite pronouncements by the Bush administration that our economy is improving, the harsh reality for my constituents in Detroit is that employment prospects have gotten worse, not better. The unemployment rate for the city of Detroit is 13 percent—double the national rate. That rate for black males alone is an astounding 21 percent. Over the last year, almost 9,000 of my constituents have lost their jobs and are now among the more than 58,000 Detroit residents who are officially counted as unemployed.

Many more people, in Detroit and across the country, have given up looking for a job and are no longer included in the unemployment stats. Still others are underemployed in part-time positions. Without temporary assistance during these difficult times, the harsh reality of joblessness means dependence on public assistance, living without a home, and living without hope.

This bill before us would declare joblessness an emergency and would provide up to 20 weeks of additional benefits for those who have exhausted their benefits since January 1. At last count, there was some $9 billion available in the unemployment insurance trust fund to support such additional benefits.

This bill is only one part of the answer to the economic crisis gripping our Nation. The full solution is neither simple, nor short term. We must improve our long-term economic stability. We can only accomplish that by reorganizing our national priorities.

How much longer will we continue to ignore our own citizen's needs and continue to waste billions of dollars building expensive, unnecessary, and often unproven weaponry, such as the $1 billion per plane stealth bomber, which recently flunked its own radar tests?

While we work to eliminate the root causes of unemployment, let us do what is right and extend unemployment insurance benefits now. Let us provide sufficient time for those without work to find a position in these trying economic times.

When will we realize that our strongest defense and our best foreign policy is to improve the economic strength of our people and provide for their future?

The unemployment rate nationwide belies the administration's claim that the economy is improving. In Detroit, that rate has reached emergency levels. Let us not turn our backs on our fellow citizens who are struggling to make ends meet. The very least we can do is pass the unemployment insurance extension bill.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GRANDY], a member of the Committee on Ways and Means.

Mr. GRANDY. Mr. Chairman, I thank the distinguished ranking member, the gentleman from Texas [Mr. ARCHER] for yielding.

Mr. Chairman, it probably comes as no surprise to anybody in this body that I am not an economist, and I cannot comment probably knowledgeably on the Marie Antoinette theory of economics, but I do know this: By subsidizing something, one will get more of it, whether it is corn or unemployment, and, by taxing something, we get less of it, and during the course of this debate today and tomorrow we will have a chance to do both, and that is probably why the 118 Members of this side of the aisle that saw fit to make a temporary measure in August will probably not be compelled to make the same vote tomorrow. Because comparing the bill that is before us today to the one that was before us in August is like comparing a flu shot to a heroin addiction. This is permanent law. This redefines the entire methodology by which we define unemployment.

In other words, Mr. Chairman, we create a permanent emergency and say that no longer is insured unemloyment the basis for our measurement, but total unemployment. In other words, a college student who comes into the work force for the first time, a homemaker who comes into the work force for the first time. In other words, Mr. Chairman, job losers and job seekers are the same statistics under this bill. That is all right and something that I agree to on a temporary basis when indeed unemployment is high, but the fact of the matter is unemployment has remained exactly the same between now and in August, and I will not be able to give my support to this legislation for those very critical reasons.

Now the inside argument that this breaks the budget deal; well, of course it does, and those of us, and I find myself in the same category as my colleague, the gentleman from Florida [Mr. SHAW], who feels somewhat betrayed about this because it is not as though we are just breaking the budget deal here, it is that all of a sudden we on the minority are asked to agree to the majority opinion, which is the budget deal is what we say it is. No matter what happens as we redefine the rules, obviously the minority will concur.

Mr. Chairman, this Member of the minority will not concur with that, and neither will the President. But I will ask this: What is the conclusion to be drawn in the absence of the budget agreement? If the ceiling is taken off, what do we put in its place? Another half-cocked attempt at fiscal integrity and congressional discipline?

□ 1600

Mr. Chairman, all I ask is that particularly those Members on this side of the aisle who in August saw fit to make a pact over temporary insurance deny the right to put into permanent law a bill that basically subsidizes something that this country does not need more of—unemployment.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of H.R. 3040.

Last month I stood with many other Members and urged the President, on behalf of 8.5 million unemployed Americans, to extend unemployment benefits, but the President decided that there was no emergency here at home.

Well, indeed there is an emergency. Back in August I said in my State of Rhode Island that we were one of the few States that qualified for extended benefits. Today we have an 8.2 percent unemployment rate, and we have 20 percent of our population affected by the worst banking crisis since the Great Depression. Yet, unless we pass this legislation, Rhode Island will no longer qualify for extended benefits. So this is an issue of not only benefits but important reform in the system itself. That is another reason why I am here to speak out.

The recession is not over. Ask the 40,000 people in Rhode Island who are without jobs if the recession is over, and they will have one answer—no. And they have one question. They are absolutely baffled that the President does not recognize the fact that we are in a deep, desperate recession, and in Rhode Island it is the worst we have seen in years and years.

Mr. Chairman, we must act today. We must act to extend unemployment benefits. The minimum we can do for these people is to sustain them in these difficult times.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, last week my colleagues and I came back to work. And isn't it good to be back? But Mr. Chairman, many of our fellow Americans did not find themselves as fortunate. As we returned to work from our summer break, over 8½ million Americans did not have that luxury. As we returned to our jobs, nearly 7 percent of our population remain unemployed.

I spent the August recess in my home State of Connecticut meeting with people throughout the State. And frankly, I do not care what the economists are saying, my constituents are saying, "the recession is not over." They are finding it no easier to pay their mortgage, no easier to buy their children back-to-school clothes and no easier to put food on their kitchen tables. Why? Because those who have been laid off from their jobs have not been asked back.

On August 2, before the Congress adjourned, both the House and the Senate passed a comprehensive unemployment compensation bill. Unfortunately, we gave the administration an out and they elected to use it. By refusing to declare an emergency they effectively vetoed the bill. Well, perhaps the unemployment rate in Kennebunkport is not high enough to warrant additional unemployment compensation, but that is simply not the case across the rest of our country.

No one can deny that many of our citizens are facing a catastrophe. They are trying to find jobs, but often the jobs just are not there. The fear of continued unemployment is an iron weight on the shoulders of the working men and women of this country. We must help them.

Today we have before us a new version of the unemployment compensation bill. The difference is this bill does not give anyone an out. Let us send a strong message. Let us pass this bill with such a large margin that there is no veto. It is time our fellow Americans got the relief they so desperately need.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, if ever there was a time when it was incumbent upon us to read the fine print of a piece of legislation before us and to think about it, it is now.

Mr. Chairman, this is not just a simple bill that will extend unemployment benefits out of an existing trust fund surplus. First of all, there is no money in the trust fund. Congress has already spent it someplace else. So if there is a payment of these funds, it will either have to be out of new deficit spending or paid for by a tax increase.

Second, this is not a simple extension of unemployment benefits. It is a total redefinition of the principles, the rules, and the measurement under which unemployment benefits will be extended, and as there is this long-term permanent redefinition of the basis by which there will be an extention of unemployment benefits, there is a new definition of which States are the winners and which States are the losers. In general, those States that have durable, high-technology, sophisticated, skilled jobs will lose relative to those States that have a good deal of seasonal, low-skilled, temporary employment. The worst example is the State of Connecticut, which is the biggest relative loser in this bill. It has an insured unemployment rate of 3.86 percent, the ninth highest in the Nation; it would only qualify for 4 weeks of extended benefits, compared to Mississippi, which would qualify for 20 weeks of extended benefits, even though its insured unemployment rate is only 3.2 percent.

So we should be careful as we vote. If you are a Congressman representing any of the following States, to vote yes here guarantees that your State will be the new loser in this race to see who qualifies for extended benefits; so if you want your State to be a loser, you can do so if you are from Arkansas, California, Idaho, Pennsylvania, Vermont, Illinois, Maryland, Missouri, New Jersey, New York, Nevada, Ohio, Oregon, South Carolina, Tennessee, Washington State, Arizona, Colorado, Kentucky, Kansas, Minnesota, North Carolina, and Wisconsin. You lose. Go back and check the record. Make sure that you have checked out how your State came out. You lose if you are from any of these States. I have in my office a very highly documented study that will verify that. These States lose.

Let me not read the list again. Let met go on to this: If we do not finance this ill-conceived redefinition of winners and losers in this country through deficit spending, we will pass the tax increase that the gentleman from Illinois [Mr. ROSTENKOWSKI] will come to the floor and ask us to pass tomorrow. If we pass that tax increase, which is a redefinition of unemployment insurance tax, which amount to an increase in unemployment insurance tax on every job that pays over $14,000 in this country today, we will have a reduction in jobs; that is, we will decrease jobs. As my good friend, the gentleman from Iowa [Mr. GRANDY] says, if we want less of something, we tax it. Of over 100,000 jobs lost, California will lose the most jobs, 13,000; New York will lose 6,700 jobs; and I could go on and on down the list. I have that list, too, in my office, if the Members wish to examine it.

□ 1610

We have examined this legislation and the proposed funding mechanism Members will see tomorrow. The American people lose. They lose equality of opportunity guaranteed them by the founding documents by this country, in a misguided effort to give equality of outcome.

Certainly, it is a compassionate effort, but compassion without understanding is cruel, and this is cruel legislation.

Finally, the framers of this bill did not want to take a chance on the Congressional Budget Office or the Joint Tax Committee or the Office of Management and Budget scoring the real impact on this legislation in the lives of the American people. They dictated what the outcome will be in their bill.

They are saying, let us tell you what will be the results of our efforts. Don't you look at it scientifically, don't you look at it objectively, don't you look at it with a clear idea about what is good for the people of this country. We will dictate to you about what is good for our legislative efforts.

Mr. Chairman, I say vote no. It is irresponsible and ill advised.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, I would like to say a couple of things. One is I think what happened in the month of August when the President signed the legislation that we passed on unemployment benefits, but yet refused to declare an emergency, just demonstrates how cynical this administration really is.

It is really a shame that the President would take that kind of action and want to have it both ways.

Second, I think the statement of the gentleman from Texas, and I use the words "his statement," demonstrates what is wrong with this institution at times. He is talking about winners and losers in terms of States. We are talking about individuals.

In my State alone, 300,000 Californians are now off of unemployment benefits and cannot get any extended benefits. We realize, yes, this costs people money, because the unemployment rate is about 7 percent.

But the reality of the situation is we should be concerned about those people. Frankly, for one to say one State wins and another State loses, when we are talking about individuals, is cynical, hypocritical, and makes no sense at all.

This is good legislation that came out of the Committee on Ways and Means.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. No, the gentleman can have his time later. There will be more time.

Mr. ARMEY. I just had my time.

Mr. MATSUI. I have 2 minutes. I will not yield.

Mr. Chairman, let me just conclude by saying we probably could have done better if we would have had more support from the minority party, the Republican Party, but we did not get that support. That is why we had to craft the legislation the way we did.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, I believe the gentleman from California [Mr. MATSUI] was referring to me throughout his speech, and I believe he used the expression that I was being hypocritical.

The CHAIRMAN. I wonder if that is parliamentarily acceptable language.

Mr. MATSUI. Mr. Chairman, if I may, I was referring to the statement, not the individual. Certainly I would never denigrate any individual of this institution. But I did state "statements." I made it a point to say "statements."

Mr. ARMEY. Mr. Chairman, I believe I am entitled to a point of order that the gentleman's words be taken down. I see no distinction.

The CHAIRMAN. The Chair will rule that debate has intervened, and the question is moot.

The ARMEY. Mr. Chairman, what debate? I heard no debate. There has been no intervening debate.

The CHAIRMAN. The gentleman from California [Mr. MATSUI] continued his statement, and was not challenged. That is the ruling of the Chair.

Mr. ARMEY. Mr. Chairman, I asked the gentleman to yield. I was on my feet at the time the statement was made asking the gentleman to yield.

The CHAIRMAN. When one demands that words be taken down, the demand must be made at the time the challenged words are uttered.

Mr. ARMEY. I thank the Chair for that information. I have no doubt that I will have many opportunities in the future to use that information with greater timeliness.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I do not know if I rise in support for or against the bill right now. But what I want to say for the RECORD is that the distinguished gentleman from California [Mr. MATSUI] and the distinguished gentlewoman from Illinois [Mrs. COLLINS], both said that in their districts they have lost thousands of jobs. I believe the distinguished gentlewoman from Illinois [Mrs. COLLINS] indicated 9,000.

Well, let us take a look at why we have lost jobs and talk about the facts. We are going to have to raise taxes. That costs jobs, because jobs cannot operate. When the liberals want to cut defense by 25 percent, and, following this debate there is going to be a request for those cuts, we have people paying into this budget, we have people drawing medical benefits, and we cut them, and it costs jobs. You create a condition, and then you cry because you do not have the funding to do it.

Well, let us provide the jobs, and not cut defense. Let us not increase the gas tax, which will cut transportation jobs and exacerbate the problems you are already talking about.

One of the things that we have also on this House floor is we have supported the radical environmentalists against jobs. If you take a look at things like the gnat catcher in California, we would have to set aside 365,000 acres for a bird, which cuts jobs.

Instead of increasing compensation to the workmen, let us provide the jobs, instead of paying the extra money out we do not have.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, obviously, we have all listened to the debate, and when we listen to the debate we can understand the frustration of the American people. I think all of us recognize that there is a need. There is a need within society, the 10 million unemployed, to try to confront that problem.

A few weeks ago 375 votes on this floor confirmed that we do have a problem that needs to be addressed. Yet we have heard nothing but excuses as to why somehow we cannot confront it.

For those that would assert that somehow the budget agreement is one of the reasons for not being able to do anything, I think they are wrong. The budget agreement was not designed as an excuse for inaction. The basic fact is that it was designed to ensure not only deficit reduction, but that we would react when in fact there were needs within our society.

It was not designed just to give the President alone the power to decide what is an emergency or not an emergency. It was not designed to deprive the Congress of overriding the President's veto should he decide or disagree that it was not an emergency. That was never discussed in the context of the budget discussions. Never did we give up the power of the Congress to be able to override that kind of veto.

Mr. Chairman, if we feel there is a need, there are three ways to address it. One is to have it declared an emergency, and that is presented here as one option; second, to pay for it, and that would be presented as one option; and third, for the President to veto it because he disagrees.

All three options should be presented to the President, and that would be in complete accord with the spirit of the budget agreement.

Mr. Chairman, let me assert for those who are concerned about the budget agreement that the surest way to not undermine this budget agreement is for either the President or the Congress to be fair and balanced about how we implement it. If the President thinks he can alone declare an emergency when it comes to the Kurds, when it comes to Bangladesh, when it comes to the Persian Gulf war, when it comes to other areas that he alone and only he can assert what is an emergency, that is the surest way to bring down this agreement.

If, on the other hand, he works in cooperation with the Congress in looking at the real needs within our society, that is not only a fulfillment of the budget agreement, it is a fulfillment of our responsibilities as representatives of the people.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have great respect for the chairman of the Budget Committee, but I also have respect for the legislative language that was hammered out after very intense negotiations last year and found its way into law. That language specifically says, and I read now from the law,

> If for fiscal year 1991, '92, '93, '94, or '95 a provision of direct spending or receipt legislation is enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority outlays and receipts in all fiscal years through '95 resulting from that provision shall be designated as an emergency requirement as required under subsection (d)."

□ 1620

It does not say that the Congress unilaterally in statute can make self-executing the President's authority and prerogatives to designate an emergency requirement.

I think the chairman knows the difficulty in reaching the agreement last year and how important this requirement, its specific implications were to the acceptance of that agreement, because all effort was made to prevent an exacerbation of the deficit as a result of new spending programs or new tax reductions.

Clearly this takes away the prerogative of the President to, as it says in the statute, "designate an emergency." It clearly is a violation not just of the good will and spirit that was incumbent in the process but a violation specifically of what is stated in the law.

No one can deny, Mr. Chairman, that this Congress or any other Congress can repudiate a previous law by majority vote and can override a President by failing to sustain his veto. That is clearly a part of our process. So no law in that sense is sacrosanct.

But to hear a debate which attempts to excuse this effort as being in accordance with the budget agreement is clearly inappropriate.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I just want to say to the gentleman from Texas [Mr. ARCHER] that I supported that Budget Act last October and that paragraph that he has read is the only reason that I voted for it. Now I find that this action of the Congress means that they are completely losing faith with what was agreed to, and I think it is a very sad day in the Congress that we cannot be trusted to our word.

Mr. ARCHER. Mr. Chairman, let the Democrat majority that is fostering this legislation say, "We do not want to live with the terms that we specifically agreed to last year. We have an emergency in our minds and we are going to enact it with the self-executing emergency provision that the President can have no say over."

Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, I would just like to address this issue of the Budget Act as the 11th Commandment and the issue of permanent versus temporary changes, since we have heard them throughout this debate.

The chairman talked about the budget agreement as a flexible document, not rigidly granting the President the sort of authority that obviously the minority would like him have. We have already played by the rules.

I would just say to my friend that we already gave the President the opportunity to live under the Budget Act, and he decided to sign the bill and not declare the emergency. We are not removing any prerogative here.

The President can veto this bill and no emergency will be declared, if his veto is not sustained. So we are not taking anything from the President.

What we are granting to us is the ability to move the President a little further. If, for instance, we continue to pass the President's legislation that, let us assume, for instance, we could override H.R. 3201, nothing would happen. The Congress, by its will, two-thirds of it could have said to the President, "We want these benefits declared," and we left to him solely the position to make the determination on benefits. That is not how, I believe, the majority of Members of the House of Representatives wants to see the Budget Act work.

No. 1, with respect to permanent versus temporary, the 118 who voted for H.R. 3201, some of them can be comforted by this false notion that "I only voted for something that is temporary; that is, after all, a terrible permanent change."

The change that we made in H.R. 3201 was about the failure of the extended benefits program. So rather than just temporarily, which they already voted for, to fix that failure, we permanently fixed the failure. The benefits do not go to anyone that is different under H.R. 3040 than they did under 3201. A person must be looking for work, qualified for the first 26 weeks of benefits in order to get extended benefits.

I have heard a member of our colleagues say, "Oh, different people will get these benefits, teachers and students." Nonsense.

If a person is not eligible for benefits now, they are not eligible for extended benefits. We make no change there.

As for the permanent versus temporary change, it is permanent in the sense that in a future recession, we will not have to come back and try and fix the program temporarily. To suddenly think that somehow there is this broad grant of authority that was not contemplated in the other act is simply not true.

If my colleagues voted for $5.7 billion of extended benefits on August 2, what are they going to tell the people on September 16 or 17, that they cannot extend the benefits again?

Not once during the debate has the minority suggested that there is a better way to pay for these benefits. All they have done is talk about section 323(e) of the Budget Act and poohpoohed the attempt of the gentleman from Illinois [Mr. ROSTENKOWSKI] and myself to figure out a way to pay for it.

Have they even offered us the Dole approach? Have they even shown one scintilla of interest in the fact that there are 2 million people who have lost their benefits? All we hear is the Budget Act this, the temporary that.

Go talk to somebody who has worked their whole life and is faced, in the next week or two, with exhausting their benefits. Tell them about the sanctity of section 323(e) of the Budget Act. Tell them how permanent benefits is somehow inimical to the economic process and we cannot possibly do that. And then wait for their reaction, because they are just going to tell Members what they have told me: "I am looking for a job. I can't find one. Just give me a couple of more weeks of help, and maybe I can find it."

That is what this bill is about. It is not about the cosmic questions of whether the economy is going to fail or whether we are going to rewrite the Budget Act. It is simply about helping people who need our help.

Mr. ARCHER. Mr. Chairman, I yield myself the balance of my time to respond to the gentleman from New York [Mr. DOWNEY] by saying that if his argument made any sense whatsoever, then there would have been no need for the provision that I read specifically out of the law, section 502, which permitted the President to declare an emergency, to designate an emergency.

He is saying the President can still veto. If that is all we intended to do in the Budget Act, we need not have written this terminology into the law because the President can always veto.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me. I am pleased to rise in support of the Downey measure.

Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Compensation Amendments of 1991 and I would like to thank the chairman of the Ways and Means Committee, the gentleman from Illinois [Mr. ROSTENKOWSKI], and the gentleman from New York [Mr. DOWNEY] for their efforts in bringing this measure to the floor.

Mr. Chairman, H.R. 3040 makes permanent an extension of our unemployment benefits program that we all know is right and just. This measure makes permanent the commitment our Nation has to its workers. It makes permanent our obligation to protect our citizens from the worst effects of a recession—poverty and starvation. This is more than sound policy—this is our duty.

Make no mistake, Mr. Chairman, our working men and women are out of work because they cannot find jobs. They are not idle people, who would rather collect unemployment benefits than find gainful employment. The encouraging signs of a resurging economy have not trickled down to our out-to-work citizens yet.

My constituents are hungry for work, and their families are hungry from not being able to find work. When I go home to New York some of our residents in the 22d Congressional District tell me that they are losing their houses and their life savings because they have become the inevitable victims of our economic recession.

Mr. Chairman, let us throw our hard-working citizens a lifeline to keep them afloat a while longer. Let us extend their unemployment benefits a little longer until these hard-working Americans, who have been put out of work through no fault of their own, can find employment in our reviving economy.

Mr. Chairman, I support this measure and I urge all my colleagues to vote in favor of its passage.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, I probably will not take all of the 30 seconds, but there is a segment of this bill that I think corrects an inequity, and it is one that I feel very strongly about.

My colleague from New York [Mr. DOWNEY] and I have worked very hard to increase the military unemployment, which currently is at 13 weeks, taking effect after 4 weeks. For the civilian arena, it is 26 weeks after 1 week.

That inequity is corrected in this bill and, therefore, I support this legislation wholeheartedly.

Mrs. MINK. Mr. Chairman, I rise today in strong support of H.R. 3040, the Unemployment Insurance Act of 1991. When I spoke on this issue last August 2, nearly 9 million Americans were unemployed, and 1.6 million had exhausted their unemployment insurance compensation benefits. Has the economy improved for these individuals since then? Absolutely not. In the latest month for which statistics are available, the number of people with jobs fell by 300,000. That is 300,000 individuals who need three meals a day, clothing, and homes.

I am not willing to abandon these people now in their temporary time of need, and this Congress is not willing to ignore them. I think most Americans are employable, they just need a strong economy to give them opportunity. And until then they need a short-term helping hand. It is my belief that most Americans believe in the dignity of hard and honest work, all they want is a chance.

H.R. 3040 is different from last month's Emergency Unemployment Compensation Act, H.R. 3201, in several ways. As you will recall, President Bush did not think the plight of the unemployed warranted any emergency response. Hence the unemployed were prevented from receiving much needed benefits.

H.R. 3040 does not leave it up to the domestic priorities of President Bush. If we pass the bill, then the President must either sign it into law and give the increased unemployment benefits, or he must veto the bill and publicly say no to all of the Nation's unemployed.

Frankly, the current bill is superior to last month's bill, and I wish we had never tried to appease the President originally by giving him loopholes.

The emergency designation of this bill would take place automatically upon the President's signature. There is no more time to waste.

Under the bill, unemployment insurance benefits would be extended to all States with the level of the benefits depending upon the level of unemployment in a particular State. For the most severely affected States, the bill would extend benefits up to an extra 20 weeks. All States will get at least 5 weeks of additional benefits. Ex-service members would also be eligible for unemployment benefits, including those who served in Operation Desert Storm, at the same rate as civilian employees. The bill covers individuals who had exhausted their benefits since January 1 of this year.

I have heard from citizens across this country on how deeply this recession is hurting them. That is why I presented my own version of this bill last March. Here we are in September and the only thing we have accomplished is getting the Bush administration to admit finally that we are in a recession. But now they are telling us it is over. However, I don't think the nearly 9 million who are unemployed take comfort in this.

An additional 318,000 Americans exhausted their unemployment benefits 1½ months ago, the highest level in 40 years. But the Bush administration says there is good news. Technically, unemployment went down by 13,000 in one month. But this statistic is meaningless, it fails to show the real pain of the hundreds of thousands of Americans who have simply given up looking for a job. Since they are no longer actively looking for work during this current recession, some policymakers would give up on them as unemployable.

I am optimistic about this Congress' ability to solve the temporary problems of our unemployed. But I do not make rosy predictions for an immediate strong economic recovery. Many indicators suggest we could have a double-dip recession. Five of the last eight recessions have shown a single quarter of positive growth followed by further declines. Moreover, the minimal GNP growth in the second quarter, and recent declines in factory orders, give more credence to today's theory of a stop-and-start recession.

I look forward to the day when the recession does end, but that will not stop the problem of employment. Historically, the number of long-term unemployed continues to rise for half a year after a recovery begins because the first fired in the downturn are often the last hired in the recovery. Another factor makes this recession worse than previous ones. More workers have been permanently terminated rather than temporarily laid-off.

Mr. Chairman, the state of the unemployed in this country is an emergency. I urge my colleagues to join me in supporting H.R. 3040.

Mrs. COLLINS of Illinois. Mr. Chairman, President Bush is concerned about working men and women, I am certain of that. Unfortunately, these workers are employed in Chinese factories and Mexican maquilladoras. And the administration is definitely concerned with human misery—in Kurdistan and Bangladesh that is.

It is unconscionable that President Bush has a domestic policy for every nation in the world, except the United States. America's unemployed need immediate help and they don't have the resources to fly to northern Iraq to obtain it. The economic recovery, if it indeed exists, has not reached inner city Chicago, Mr. Chairman. The unemployment lines continue to stretch out the doors of local benefit offices and thousands of workers are falling through the safety net of unemployment insurance every month. Unemployment has in fact reached upward of 65 percent in some pockets of my district. That is an emergency, Mr. Chairman, if not a tragedy as well.

H.R. 3040, the Unemployment Insurance Reform Act, is the second effort by the Congress to provide an additional 20 weeks of unemployment insurance for the Nation's unemployed. Unlike the previous measure which withered away on the President's desk when he failed to declare an emergency, H.R. 3040 already contains this provision.

Mr. Chairman, we are all concerned with runaway Government spending and not breaking last year's budget agreement. However, the budget agreement in all its significance is a mere scrap of paper when compared to the disillusioned and hungry children of unemployed workers whose benefits have run dry.

I urge my colleagues to support H.R. 3040.

Mr. ATKINS. Mr. Chairman, I rise in support of the bill.

Last week the city of Lowell, the largest city in my district, was declared a labor surplus area by the Labor Department. "Labor surplus" is as cruel and obscure a reference to massive unemployment as are the terms friendly fire or collateral damage to needless deaths in time of war. Lowell joins Lawrence, Worcester, Fitchburg, Fall River, and much of the rest of Massachusetts for this designation, which is little more than a callous label. It places these communities in a line with more than 1,600 other municipalities across the Nation in competition for only $1 billion in Federal contracts. It is a coldly bureaucratic response to a human problem, and does little to alleviate the severe hardship that faces 13,800 unemployed people in Massachusetts alone whose benefits ran out in August.

The citizens of Massachusetts deserve real assistance from the Government. They need unemployment compensation and job training for those who are out of work. They need Research and Development Programs to revitalize the economy. Instead, they are told that they have been designated a labor surplus area, as if human beings are nothing more than a surplus commodity.

I recently received a résumé from a constituent in Lowell who was an engineer in the computer industry. After 10 years of work on the job, he was laid off and is still looking for work. He and his wife, who is also out of work, have college degrees and are trying to raise a 7-year-old child. They are not lazy people. They are hard-working, intelligent individuals who have important skills to contribute to our society. They are just one of the many middle-class families who form the backbone of our economy and have never asked for a handout. They aren't working because there aren't any jobs. And there aren't any jobs because there is a long and difficult recession.

Mr. Chairman, the Bush administration is engaged in massive denial about the economy. They cynically claim that an extension of unemployment benefits is not necessary because the recession is over. So they use statistics and euphemisms like labor surplus area in order to deflect the real impact this recession is having on families.

Last week, unbeknowst to most Americans, the administration forgave Senegal's $42 million debt to the United States. During the Persian Gulf confict, we forgave $7 billion owed by Egypt. The President has also declared emergency spending this year to aid Kurdish refugees, and for the cleanup of the S&L crisis. While these are all worthy causes, I fail to understand how we can find the dollars to meet these needs and not those working Americans who have fallen victim to the economic hardship at home. The administration's reliance on rhetorical euphemisms is no substitute for leadership and action.

In my State and my district, the ravaging effects of the recession is creating a desperation in which families simply do not see the rosy economic future predicted by the President. Those who are out of work are doing everything they can to find a job and then some. These families need relief now and not at some future unknown date when the recession will supposedly end. They do not have the luxury of telling the bill collectors that they will pay their bills when the recession is over. Vote yes on H.R. 3040, and defeat the President's massive denial of the real impact this recession is having on American families.

Mr. GEJDENSON. Mr. Chairman, I would like to take this opportunity to express my strong support for the Unemployment Insurance Reform Act (H.R. 3040).

Mr. Chairman, there is no reason for us to be here today debating this issue. In August, this Congress passed a good bill that gave much needed assistance to Americans who have lost their jobs. Unfortunately, instead of helping the 2.15 million American workers who have exhausted their benefits, President Bush decided to ignore them and do nothing. While he has declared emergencies for the people of Bangladesh and the people of Turkey—thus making them eligible for American assistance—President Bush has not extended this same courtesy to the American worker.

Luckily, my colleagues and I in the House have decided that this situation is an emergency and we are doing something about it. I support H.R. 3040 because it provides additional unemployment benefits to long-term unemployed workers by replacing the current Federal-State extended benefits with a stronger, more comprehensive program. The current system provides 13 extra weeks of unemployment benefits for workers whose benefits have run out, but who are still looking for work. H.R. 3040 allows for benefits to be available for an additional 20 weeks, depending on the unemployment rate in the State.

The bill would also change each State's calculation of its unemployment rate to accurately reflect the numbers of the unemployed. Instead of counting just the people who are receiving unemployment compensation, as is the current practice, States would be able to count all people who are out of work. This new accounting procedure would help ensure that those who are out of work get the benefits that they deserve.

H.R. 3040 could mean a great deal to workers in my home State of Connecticut where, according to the State department of labor, over 2,000 people have exhausted their unemployment benefits. Many of these people are unemployed defense workers who have given their talent and toil to build strong national defense programs. Now, as the cold war thaws and defense spending drops off, these workers deserve additional efforts by Congress and the administration to maintain economic health in the years to come.

It is time to go beyond promising economic aid to any foreign nation who asks and start focusing on people in this country who desperately need assistance to begin rebuilding their lives.

Ms. SNOWE. Mr. Chairman, I rise to express my support for providing additional benefits to the unemployed workers across the country.

In my own State of Maine, over 47,000 people were unemployed in the month of July. These are hard working men and women who are asking only for the chance to work. But, Mr. Chairman, there are just no jobs out there. They are looking for work—some have even left the State in hopes of finding a way to support their family—but the opportunities are not there. They are undergoing a wrenching experience. It is hard enough being unemployed at any time, but particularly so when the economy is mired in a recession.

These people need our help, Mr. Chairman. The bill before us today will provide that needed assistance. It will provide Maine families with up to 20 weeks of additional benefits so they can pay the electric and water bills, the rent and so they can buy food for the table.

My constituents are independent people who are used to paying their own way. They need and deserve our help. Passage of this bill will give them the financial resources necessary to make it through this rough period. I urge my colleagues to support H.R. 3040.

Mr. GILCHREST. Mr. Chairman, it is with great reluctance and greater frustration that I rise in support of H.R. 3040.

Mr. Chairman, it is most unfortunate that the House adopted the rule under which we are considering this bill, as it only allows us to consider the most simplistic and the hollowest approach to helping the unemployed. The bill before us is no more a solution to unemployment than morphine is a cure for cancer. The Rules Committee has prohibited any proposal which could have done any real good. We are left with two choices.

We could pass the bill as it stands, raising the deficit, slowing an already slow economy, and lessening the chances that the unemployed will ever be reemployed. It might ease their hardships, letting make another mortgage payment or buy school clothes for their kids, but it mortgages their future in the process.

The alternative, no more attractive, is to do nothing. We can try to ignore the problem in the name of fiscal sanity, and try to serve their long-term interests by creating an economy where unemployment is not a constant fact of life. Unfortunately, the chances of this Congress passing a growth package this year are no better than the chances that the Orioles will win the 1991 World Series.

In short, Mr. Chairman, the rule allows us two alternatives: one is cowardly and shortsighted while the other is heartless. I'd like to thank the Democratic leadership for forcing us all into a position where we have to make such a decision.

It should have been relatively painless for us to fund this extension through spending cuts. The $6.3 billion this will cost over 5 years represents less than one-tenth of 1 percent of our budget over 5 years. Yet when our colleague, Mr. GRADISON, tried to offer a proposal to do this, the Rules Committee found it so offensive that they prohibited its discussion on the floor.

Congressman GINGRICH and Congressman ARMEY tried to offer proposals which would give the unemployed what they want most—jobs. Yet the Democratic leadership felt that job creation had no place in a debate over unemployment.

It is widely accepted both here and in the media that this package is designed to be vetoed, and that it is actually just a political card being played by those who covet the President's popularity. However, unemployment is a significant problem in my district. In fact, it was not so long ago that I faced it myself. For this reason I find it offensive that anyone would use this problem and these people as political pawns.

Mr. Chairman, in all candor, I cannot turn my back on the unemployed people of America, even in the name of fiscal responsibility. The issue, as the majority has framed it, is a lost-lost question in an area where we could have done a great deal of good. Reluctant as I am to admit it, however, I find good fiscal policy easier to ignore than the concerns of my unemployed constituents. Once again, Congress plays politics with policy and the American people lose.

Mr. FAZIO. Mr. Chairman, I rise again today in support of H.R. 3040, the Unemployment Insurance Reform Act, legislation to address the unemployment emergency which is still gripping the American economy.

This Republican recession has put close to 9 million Americans out of work. This country remains in a recession despite the wishful forecasting of this administration. Yet, President Bush continues to bury himself in foreign policy. Strike one, Mr. President.

Last month, we here in Congress passed a bill that extended unemployment compensation benefits to more than a million unemployed Americans who had exhausted their benefits since the beginning of this year. But the President had to declare an emergency in order for our bill to take effect. So, although the President signed our bill, he prevented it from being enacted because he refused to declare the emergency. Strike two, Mr. President.

Now, the number of Americans who have exhausted their benefits since the beginning of this year has increased to nearly 2 million. Of the 334,000 Americans who ran out of unemployment protection in the month of July alone, 16,000 are eligible for extended benefits. Yet, the administration is still saying that the recession is over, or at least that things are getting better. They tell us that this legislation is unnecessary. But the 8.5 million American workers who are out of work know otherwise.

In the past 40 years, every President has extended unemployment benefits during a recession, as we are attempting to do now. Now is the time to support aid to American workers, Mr. President. This is your third and last chance to score a home run for America.

Mr. MATSUI. Mr. Chairman, although the unemployment rate has moderated over the past few months, the need for H.R. 3040, the Unemployment Insurance Reform Act of 1991 is keen. More than 8.5 million Americans are presently unable to find a job. The unemployment rate has held steady at 6.8 percent for 2 months. While some pundits may say this recession is over, unemployed American workers know otherwise.

In California the unemployment rate in August was 7.3 percent. While this is a drop from the 8.2-percent unemployment rate in June, it is significantly higher than the 5.5-percent unemployment recorded in August 1990. There were over 1 million unemployed Californians in August.

This legislation would provide real relief to the millions of Californians and others around the country who are without jobs or regular income. California, like many other States that have passed the 7-percent unemployment rate, is unable to secure extended benefits for its citizens.

The current unemployment insurance system is ill-equipped to serve the numbers of people needing continued benefits. Cuts in the unemployment insurance extended benefits program during the 1980's have left this program unable to meet the needs of the unemployed. This is the first recession since the 1950's during which extended benefits have not been triggered for the long-term unemployed. It is unacceptable that Michigan, Maine, and West Virginia, all of which have experienced unemployment rates of over 9 percent, fail to quality for the extended benefits program. Congress must act to extend these benefits to the millions of unemployed Americans who have exhausted their regular unemployment benefits.

The United States is a country made up of people who are proud to work. It is offensive that there are those who argue these people are lazy or do not try hard enough to find employment. The jobs are not there and it is our responsibility as Members of Congress to do all that is within our power to provide an adequate safety net to protect them when they are in need. I urge my colleagues to support this critical legislation.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. KENNELLY) having assumed the chair, Mr. LEWIS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3040) to provide a program of Federal supplemental compensation, and for other purposes, had come to no resolution thereon.

□ 1630

GENERAL LEAVE

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3040, the bill just considered.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

Mr. BENNETT. Madam Speaker, pursuant to clause 1 of rule XX, and by direction of the Committee on Armed Services, I move to take from the Speaker's table the bill (H.R. 2100) to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BENNETT].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Madam Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. DICKINSON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2100 be instructed to insist on the provisions contained in sections 513, 611, 612, 613, 614, 623, and 627 of the House bill, relating to various military personnel authorities identified as needed as a result of the experience of the Armed Forces in Operation Desert Shield/Desert Storm.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, I request, under the rule, 20 minutes of the time that is available in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Florida [Mr. BENNETT] in favor of the motion?

Mr. BENNETT. I support the Dickinson motion, Madam Speaker.

The SPEAKER pro tempore. The debate will be divided three ways. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes; the gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes; and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many of my colleagues on the other side of the aisle will think because I am offering a motion on a defense bill that it is controversial, even partisan. I would like to put their fears to rest. My motion to instruct the conferees on H.R. 2100 is neither controversial nor partisan.

This is a motion that should pass without objection because it is about helping individuals and families in the military. The Armed Services Committee learned a lot about problems facing our military personnel during Desert Storm and we addressed them in a bipartisan fashion in H.R. 2100. The provisions listed in my motion were adopted without controversy by the committee back in May, and by the House during floor consideration, also in May.

My motion would once again put the House on record in support of the following measures:

First, allowing retired officers to be recalled to active duty in the highest grade of satisfactory service—section 513.

Second, repealing the current prohibition against paying hostile fire pay and family separation allowances during time of war—section 611.

Third, increasing both imminent danger pay and family separation allowance—sections 612 and 613.

Fourth, paying activated reservists in the medical, dental, psychological, and nursing specialities the same special pays as their active counterparts—section 614.

Fifth, authorizing reservists without dependents to draw a quarters allowance—section 623.

Sixth, providing up to 30-days transitional health care for reservists and others upon release from active duty—section 627.

Although the Senate generally agrees with the need for these provisions, the manner in which they have approached them is less clear and, in some cases, more restrictive than the House provisions.

Whether or not the United States cuts defense spending more deeply then currently programmed, it is critical that our military forces maintain the capability to attract and retain quality people. A smaller force structure can only succeed if it is comprised of quality people. Desert Storm demonstrated the magnificent readiness, dedication, and motivation of this Nation's All-Volunteer Force. While Desert Storm taught us how well the total force policy had evolved since the early 1970's, it also pointed out how badly our personnel policies, our personnel safety net if you will, had failed to keep pace.

For example, enlisted soldiers deployed to the Persian Gulf earned less money than they did in peacetime. Reservists and their families were forced into severe financial difficulty because the existing rules prevented them from receiving a housing allowance. Upon their release from active duty, many reservists also found themselves without any health care benefits. My motion addresses these kinds of problems.

Adoption of my motion to instruct would help to ensure that these temporary fixes become permanent. In so doing, we would guarantee that the men and women in both the present and future total force do not face the same kind of problems managing their lives during a crisis that our people did during Desert Storm.

I understand that Congressman FRANK will ask the House to defeat the previous question on my motion in order to offer an amendment instructing the conferees to return a conference report with the House funding levels on strategic programs and the lower of the House and Senate figures on every other program in the bill. I will have much more to say on Mr. Frank's amendment if the House defeats the previous question on my motion.

Suffice it to say, if the FRANK amendment were to pass the House, it would be instructing our conferees to return a conference report with: a 50-percent deeper cut in Guard and Reserve end strength over the next 2 years than in the House bill; $600 million and three aircraft less for the V-22; no remanufacture of F-14 aircraft; and only $50 million of equipment modernization for the Guard and Reserve out of a total of approximately $1.3 billion added to both bills. These are only the highlights because the Frank amendment, if adopted, would affect hundreds of programs in the Defense bill and would result, according to CBO, in an overall reduction in fiscal year 1992 defense spending of between $11 and $15 billion.

Therefore, I urge my colleagues to support my motion. More importantly, I urge them to reject any attempt to defeat the previous question that might be construed by Senate conferees as the House's rejection of necessary fixes to problems facing our men and women in uniform.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I will do this on my time, if the gentleman wants, and I appreciate his yielding. I will yield myself time to say that the way this proposed construction is drafted, I would not detract from anything the gentleman from Alabama is offering. My intention is to offer an amendment that adds to the gentleman from Alabama and in no way conflicts with it.

Mr. DICKINSON. I thank the gentleman.

So in order for him to be allowed to offer his amendment, we would have to vote down the previous question, which would then open it up for an opportunity for him to offer his amendment.

□ 1640

What would his proposed amendment do? Well, I will say it will create a great deal of mischief. For instance, and I would hope that we do not need further debate on this later, but as to the gentleman speaking, it would require a 50-percent deeper cut in the Guard and Reserve end strengths over the next 2 years than in the House bill. He would require 50 percent less for Guard and Reserve; $600 million and three aircraft less for the B-22.

We have been around the track several times on the B-22. It has gotten to be almost an emotional issue here. The House has pretty well spoken on it.

But if the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be made in order, he would take out $600 million and three less aircraft for the B-22. There would be no remanufacture for the F-14. That is something near and dear to the hearts of many people that feel like it is absolutely necessary that we go forward with the remanufacture of the F-14 for the Navy if we are not going to build new aircraft.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts if he is going to correct something I said that is in error.

Mr. FRANK of Massachusetts. Madam Speaker, that is exactly what I had in mind.

Certainly, my intention, and I believe the reading, we would not hit the F-14 at all. If the gentleman would show me where he thinks ours touches the F-14, I would show him, but it was not our intention to cut the F-14 at all.

Mr. DICKINSON. Well, let me say that in the flurry of activity immediately preceding this, my staff was of the opinion that this was one of the things that would be hit, and the remanufacture, for instance, it would require that the lesser of the two figures between the House and the Senate be adopted. The House has 19 and $680 million. In the Senate this takes out, and it would reduce it to $137 million, if I am reading correctly. That is in the Senate bill which would force us to go to the lower figure which does what I said it would do.

Anyway, I would be glad to give the gentleman an opportunity to argue it.

But these are the facts that I am given. What I am saying is we have done the best that we could for our reservists, those who were called up, and we have done the best we could to fashion a bill.

In essence, the House came in on the very low side for all the strategic programs compared to the Senate, and we did much better on the conventional side than did the Senate in many instances. The gentleman from Massachusetts [Mr. FRANK] would require us to take the House position on the strategic which is the low figure and then go to the Senate figure which, again, is the low figure, and would do a great deal of mischief, as I pointed out here. I think it would be counterproductive.

I do not think it is in the best interest of our Department of Defense for the men and women who have served, nor in the acquisition of our weapons systems. I think it would be shortsighted. It is not the intent of the House that it works against what the House fashioned in terms of its bill that went to the Senate.

I would ask if we get to that point where we vote up or down on the previous question that we vote in support of the previous question to allow my instruction to the conferees to put in place, in permanent law, these things that have been for the Guard and the Reserves that have been called up.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman has correctly laid out the parliamentary situation. Let me note that we have just apparently seen a mass conversion on the part of the Republican Party. Maybe a little bit of it slipped over to here.

The previous question, which was an evil instrument a little while ago, has suddenly become much more defensible. Myself, I am not for or against the previous question. In principle, I think it is sometimes reasonable and sometimes not. The previous question I am asking people to vote against now is the selfsame position that was the cause of a considerable amount of Republican rhetorical fury a couple of minutes ago on the unemployment bill.

I said I was opposed to the motion offered by the gentleman from Alabama [Mr. DICKINSON], which is a condition of getting the 20 minutes and, of course, I comply fully with the condition. I am opposed to it, but I am only opposed to it because of its incompleteness.

I am only opposed to it because it is unadorned. With a little dressing up, I would not be opposed to it anymore.

It is not my intention to ask people to vote against it. I, in fact, will, if the previous question is voted down, offer an amendment which will leave the motion offered by the gentleman from Alabama [Mr. DICKINSON] untouched. It will be purely an addition to his motion, so everything he says I agree with and hope that the House will ultimately be able to vote for it virtually unanimously.

I want to add, and what I want to add would be an effort to reduce the budget deficit and to reduce the budget deficit without spending a single penny of the money on any other purpose.

Later this year, next year, we will be talking about possibly taking some military expenditures and putting it elsewhere in part.

Today, all that we will do, if we reduce the spending level, and that is what my instruction would try to advance, would be to reduce the budget deficit to some extent.

The gentleman described what he thought would be the effect. I understand how he described it. I think he missed it in all good faith.

There are two key provisions, A and B. A deals with strategic programs, and it is an instruction to the armed services conferees, with all the great attention that instructions always get, which is sometimes more than other times, but it is an instruction to the conferees, and they cannot be bound absolutely by the instructions since they have to go to the conference with both bodies, but it is an expression of the House's intention that in the strategic program area we stick with the House bill which, as the gentleman said, are generally lower. So, yes, the most binding part of this, the most nearly binding, since it cannot be totally binding, but the most restrictive part of this says that in the strategic area, go with the House numbers, which are the lower numbers.

In the nonstrategic area, the F-14, the National Guard, the others the gentleman talked about, and here is where I disagree with the gentleman from Alabama, it does not say, as it does in A, to go with the lower numbers. It says go with the lowest possible numbers "consistent with emerging national security needs."

Many of us believe that what happened in August in the Soviet Union means you can make some reductions in some areas. It specifically calls in the second section for reductions which might be made possible by a greater assistance on burden sharing, and I must tell the Members that one area where I found the administration deficient everywhere except in the gulf war is in burden sharing. The administration did a very good job in getting burden sharing made a reality during the gulf war.

If they had put the same energy and attention into burden sharing elsewhere, we could save the American taxpayer a lot of money and reduce the deficit some.

There is a difference between A and B. A says go to the lower number. B says, which would include the F-14, which would include the other spending the gentleman from Alabama mentioned, go to the lowest number within the scope of the conference "consistent with emerging national security needs."

That is meant to give some flexibility to our Committee on Armed Services, also to give them, if this passes, an indication that many in the House feel that the bill today may offer us in the nonstrategic area some opportunities for savings we had not previously seen, and that we think that the numbers the House voted for in the strategic areas, that we voted for before August, we feel even more strongly about. That is the purpose of this instruction.

It does not detract from the gentleman's instruction.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Madam Speaker, I thank the gentleman for yielding me this time.

I thank the gentleman for his generosity.

Madam Speaker, let me say that I support the motion to instruct offered by my distinguished colleague, the gentleman from Alabama [Mr. DICKINSON].

His motion is both meritorious and, in this gentleman's humble opinion, noncontroversial and certainly should go forward.

But I also rise in support of the motion, the additional amendment, offered by my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK], because I also think that his motion is, indeed, meritorious.

First, as I understand it, the gentleman is simply saying that with respect to strategic programs such as the B-2, SDI, et cetera, that the House has debated, the House has taken some very strong positions, and to the maximum extent possible and within the comity that exists between the House and the Senate in the dynamics of conference, attempt to stay with the House position on strategic weapons. Is that correct?

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman is correct.

Mr. DELLUMS. Madam Speaker, second, I would also say that I support very strongly the assertion of my colleague, the gentleman from Massachusetts, that with respect to nonstrategic programs that the gentleman is also correct, because the operative language here that allows the members of the conference the flexibility necessary to make appropriate judgments is found in the statement that says: "that is consistent with emerging national security needs."

□ 1650

Therefore, to stand on the floor and suggest in very rigid terms that means the reduction of very specific programs at this time is a very premature assertion, because to use this quotation "consistent with emerging national security needs" obviously is an issue that is judgmental and provides the opportunity for discussion and debate. Within that context, I think the gentleman's efforts are meritorious as well.

Am I interpreting my colleague's position correctly?

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman is, and I appreciate his making this absolutely clear.

Mr. DELLUMS. I thank the gentleman.

Third, the gentleman is simply suggesting that we increase burden sharing on the part of our allies, which is an issue that has been fervently and aggressively debated in a very heated fashion in these Chambers on more than one occasion.

So I would simply suggest to my colleagues that the gentleman from Massachusetts [Mr. FRANK] is simply attempting to amend the motion to instruct that is consistent with the majority will of this House, and I am very pleased and very privileged to rise in support of my distinguished colleague.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman, who speaks from his experience as a past and future conferee, I would expect.

Mr. ASPIN. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Madam Speaker, let me first thank the gentleman from Alabama for his work on this and congratulate him for the motion to instruct the conferees. It is an issue that I think is extremely important in these seven personnel issues included in the Defense authorization bill for fiscal year 1992. As you know, in the emergency legislation last year, we put in some proposals, and I think to include those in the proposals for 1992 is important. We worked long and hard last year to come up with a bill and were unable to get some of this legislation in because of the scoring problems that we had which have now been resolved.

The gentleman from Alabama is absolutely correct, these initiatives correct shortcomings in personnel policy which became apparent during Operation Desert Shield and Storm. The brilliant success of our Armed Forces during Desert Storm is a direct result of the resources we invested in recruiting and retaining the highest quality fighting force in our Nation's history. Make no mistake, our stunning victory in the Persian Gulf belongs to the men and women who serve our Nation in the Armed Forces. They were the dedicated professionals, both active duty and citizen soldier, who left their families, homes, communities and, in the case of reservists, jobs and businesses so that our Nation could prevail.

We did not achieve this capable and responsive force without being sensitive to the needs of the people that make it work. The provisions referenced by the gentleman from Alabama, and all the other personnel issues included in the bill, are examples of our continuing effort to understand the needs of the members of the Armed Forces and provide workable, cost effective solutions that will ensure we continue to attract the best and the brightest. Given the uncertain and often dangerous world we live in, how could we do anything less?

The gentleman from Alabama has focused on some of our most important Persian Gulf war lessons learned from the DOD personnel policymakers. While the call-up of Reserve forces was an unqualified success, we did need to fine tune procedures and enhance benefits during the war to recognize the special sacrifices of our reservists and protect them from unfair treatment, and we now need to make those advancements permanent. As the gentleman from Alabama has indicated we: First, opened the opportunity for reservists to retire in the grade that they fairly earned during their Desert Storm service; second, ensured that reserve health providers received the same pay as their active duty cohorts with whom they served; third, authorized unmarried reservists to receive housing allowances to support the home that they left behind; and fourth, provided a transitional health care plan to ensure that reservists and their families were protected as they returned to civilian life.

During the early days of Desert Shield, it became obvious that aspects of our pay system needed to be updated. The gentleman from Alabama has highlighted two important increases in compensation that proved to be critical to morale during the war—the increases in imminent danger pay and family separation allowance. We need to make both those increases permanent so that we are prepared for the next contingency. The final issue is repeal of a provision of law that could prevent both imminent danger pay and family separation allowance from being paid in a future Operation Desert Storm.

Madam Speaker, I again commend the gentleman from Alabama for offering the motion to instruct the conferees.

Mr. DICKINSON. Madam Speaker, I would like to thank the very distinguished gentlewoman from Maryland for her remarks. She is chairman of the Subcommittee on Military Personnel and Compensation of the Armed Services Committee.

Madam Speaker, I yield 3 minutes to the very distinguished gentleman from Virginia [Mr. BATEMAN], the ranking member of the Subcommittee on Military Personnel and Compensation of the Armed Services Committee.

Mr. BATEMAN. Madam Speaker, I thank the distinguished gentleman from Alabama for yielding me this time, and rise in support of the motion to instruct conferees sponsored by the gentleman from Alabama.

As ranking minority member of the Subcommittee on Military Personnel and Compensation, I fully supported these provisions when they were temporarily enacted in the Desert Storm supplemental authorization. Now that we have the opportunity to implement the lessons learned from our Desert Storm experience, I fully endorse the effort to make these personnel provisions permanent law.

A simple glance at the specific provisions proposed by the gentleman from Alabama [Mr. DICKINSON] illustrates the wisdom of supporting the motion. Taken in total, the motion presents a package of measures that would benefit active, guard and reserve personnel who would be involved in future contingencies. These benefits include:

First, modest increases in imminent danger pay and family separation pay.

Second, transitional health benefits for reservists and others.

Third, special pay for medical, dental, and other specialists in the Reserves so that when recalled to active duty, they can earn what their active duty counterparts earn.

Fourth, a basic allowance for quarters so that reservists without dependents are not forced to sell their homes solely because they were activated during a contingency.

Fifth, a repeal of prohibitions on the payment of hostile fire pay and family separation pay during wartime; and

Sixth, permitting involuntarily recalled retirees to serve on active duty in the same rank they held upon retirement.

I am sure that my colleagues in the House will agree that these are reasonable provisions in the existing House-passed version of the fiscal year 1992–93 Defense Authorization Act. They are already budgeted for in the framework of a reduced defense budget. Furthermore, they recognize the special hardships endured by military personnel—particularly those in the Reserve components and involuntarily recalled retirees—when they are forced by unexpected national emergencies to leave civilian life and serve in a potential war zone.

I ask Members to support the motion by the gentleman from Alabama.

Mr. FRANK. Madam Speaker, I yield myself 3 minutes.

I want to express my admiration for the work done by the Subcommittee on Military Personnel and Compensation, and as I said previously, my support for the instructions contained in the motion of the gentleman from Alabama.

We are not debating whether or not those ought to be in the instructions. We are debating then only one question, whether in addition to that we should add an instruction which first, says that in the strategic area, we should stick with the House position.

Second, in the nonstrategic area, we should instruct our conferees to go with the lowest numbers that are consistent with emerging national security needs, that we say to them, perhaps a little unnecessarily, take into account the world as it is today and as you look at these versions, see whether we can make some savings, and if we cannot, if you think that the national security needs are the same as they were before, then you go ahead with them.

Third, it says that we should increase burden sharing.

I want to say again that my criticism of this administration on burden-sharing is that they have only done a partial job. They have shown us how good a job they can do, but compare what we did in the gulf and the burden sharing results to what goes on elsewhere in the world, and the effort that other nations were required to make and made in the gulf financially to ease the burden on the American taxpayers they have not made elsewhere.

And yes, I think we should instruct the conferees to say, remind the President that we want more burden sharing.

We want to instruct our conferees to say, and I want to make it clear, this is not saying that because of what happened in the Soviet Union we can radically restructure the military. That is an issue we will deal with later. We are in conference, of course, constrained to choose between the House and the Senate. We do not in either case have the ability to go below. Nobody is trying to do that.

What we are saying is just be very clear. The amendment offered by the gentleman from Alabama is an important one that ought to go forward with the proper help. The help consists of first, I would not want anyone to think I was opposed to this amendment when I was not. As I said, I am opposed to it only unadorned.

But in addition, we need to say in the strategic area that the House was right and the Senate was not right and we can go with the lower numbers and reduce the deficit.

We need to say in the nonstrategic area that we urge the committee to go with the lowest numbers consistent with national security, and in the third area that we remind the administration that the good job it did on burden sharing in the gulf is something that ought to be broadened.

Madam Speaker, I think those three points ought to be terribly controversial. At the very least, we ought to have a chance to vote on them. By defeating the previous question, we do not in any way retard the instructions of the gentleman from Alabama. We simply give an opportunity for the additional wording that I have mentioned.

Mr. ASPIN. Madam Speaker, I yield myself such time as I may consume.

I rise actually to see what my position is on all of this.

First of all, I would like to say I would support the motion of the gentleman from Alabama (Mr. DICKINSON) to instruct the conferees. The House was right to make permanent changes in the benefits provided to those who took part in Operation Desert Storm and it is right to make that point again as we enter the conference.

□ 1700

That does not mean—and I find actually the arguments of the gentleman from Massachusetts rather persuasive, so I want to say at this time that I will vote to defeat the previous question on the motion to instruct so that Mr. FRANK of Massachusetts may have the opportunity to offer his amendment to Mr. DICKINSON's motion, which, as Mr. FRANK has pointed out, is a broadening amendment rather than anything against Mr. DICKINSON's amendment. A vote to defeat the previous question is not a vote against the Dickinson motion to instruct. It cannot be construed as a vote against the benefits for our military people. Mr. FRANK's amendment will preserve the instructions moved by Mr. DICKINSON.

Madam Speaker, I reserve the balance of my time.

Mr. DICKINSON. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM] who has had some pertinent experience in combat on the effectiveness of the F–14.

Mr. CUNNINGHAM. I thank the gentleman from Alabama for yielding this time to me.

To my distinguished colleague from Massachusetts [Mr. FRANK], I say he was talking that he wants to reduce the budget, he wants to cut taxes. He wants to reduce the deficit. You know, just a second ago we were talking about workmen's unemployment compensation bill that would increase taxes or increase the deficit by over $6 billion over the next 5 years.

You cannot have it both ways. If you cut defense, if you cut to the bare-bone minimum, it costs jobs. We looked at the base closures, we looked at the F–14's; there are 24 of them in the budget and the Senate zeroed that out.

I have got kids flying 20-year-old aircraft. When we are talking bare-bones minimum, I say to the gentleman from Massachusetts [Mr. FRANK], we are talking about bare-bones minimum. It takes about 360 aircraft a year to maintain the current force level. We have not procured more than 105 aircraft over the last 8 years.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Madam Speaker, would the gentleman say that national security would require us to go forward with the F–14?

Mr. CUNNINGHAM. Yes, I do.

Mr. FRANK of Massachusetts. I do too. That is what the resolution says. The resolution says they should go with the level consistent with national security, and I agree with the gentleman.

Mr. CUNNINGHAM. I say to the gentleman from Massachusetts, how about SDI? I look at SDI, and we have in the Soviet Union, with all the Republics failing, we have got 10 people out there sitting there with their finger on nuclear weapons. That also zeroes out the Patriot missile.

Mr. FRANK of Massachusetts. Madam Speaker, would the gentleman yield further?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman asked me about the F–14. I agreed with him. With regard to SDI, I would have to say to my friend, "One out of two ain't bad."

Mr. CUNNINGHAM. Well, I sure do not want my children sitting there having to put on gas masks, looking for incoming weapons, when the increased threat of the Soviet Union and the Republics where you have 10 people sitting there with nuclear weapons—you know, it is a crime.

Let me put it in a different perspective, not speaking as a Congressman, Madam Speaker. But as a kid who had his rear end in a jet at one time, we flew 20-year-old aircraft. I can remember losing a very close friend in Vietnam, and I sat there and I swore—have you ever had your guts ache and your heart burst and you say "Why? Who are those rascals back in Congress, the Jerry Browns, the Tom Haydens, the Jane Fondas," that actually got people killed. And by cutting to the lowest denominator that you are trying to do when we are already at a bare-bone minimum is going to cost lives. The top gun wants the best to the best. You cannot jump into an F–14 or a T–62 tank or a submarine tomorrow and say, "I am trained." You have got to train those people, whether national security declares it or not. What the training level is is what is important here; not to cut defense more, which also cuts jobs and we will have to increase our taxes.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 1 minute to say a couple of things to my friend. I understand his emotion. But that really does not justify, it seems to me, getting away from the facts. In the first place, his reference to former Congressmen, like Jerry Brown, Tom Hayden, and Jane Fonda, I do not know when any of them served. I was just quoting the gentleman. But more important, let me point out that the gentleman is flatly wrong when he says this would zero out the Patriot. In fact, the House, I am told, is higher on the Patriot level than the Senate. The Patriot would be protected by this. It is not a strategic program. Now, maybe the gentleman is trying to argue that the Patriot is really part of the SDI. It has not been, it is not the way we have done this, and it would not be cut.

So I understand the gentleman's anguish. It is not directed against anything I in fact do. The experiences of Vietnam, I would tell him, are simply not before us today. No one is talking about a military budget that would be less than the greatest in the world. No one is talking about going below the House or the Senate numbers. We are trying to talk about specific facts, but the facts do not support that.

Madam Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

The gentleman talks about the lowest denominator of the need. Well, if the chairman of my committee wanted to give $1 billion to the Soviet Union out of defense, there are Members on the other side of the aisle who would cut defense 50 or 75 percent. That is the whole problem, where we draw that line.

Mr. FRANK of Massachusetts. I take back my time in order to say to the gentleman that is an issue he can debate when it comes up. We are not the Senate, I say with all respect to that august institution.

Mr. CUNNINGHAM. I happen to be in the minority party, and the gentleman controls it.

Mr. FRANK of Massachusetts. I have got the time. The fact is none of what the gentleman just talked about is before us. We are not talking about 50 or 75 percent, we are not talking about the Soviet Union. We are talking about what we are talking about. I know that it is sometimes inconvenient to stick to, but that is all that we have got. Lower on strategic and consistent with national security on nonstrategic.

Madam Speaker, I yield 2½ minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding.

I am not sure that I can do it in 2 minutes.

Madam Speaker, I just simply say to my distinguished colleague from California with respect to his remarks regarding the previous legislation, someone much wiser than this gentleman said many years ago that the purpose of our political system is to decide who gets what, when, where, and why; it is, simply restated, that the issue is always a question of priorities. That is an important debate. And, if we believe that it is an important priority to make sure that unemployed people get resources, then that is fine. We think that that priority makes more sense than building weapons of destruction; if that is the case, then that is what this process ought to be.

Second, I think it is important that we not allow hyperbole to enter into this discussion. As I understand the motion offered by the gentleman from Massachusetts, it simply states what our position ought to be anyway. The House of Representatives goes into conference with the Senate with the expressed desire to maintain the integrity of the House position. Whether that is on strategic weapons or nonstrategic weapons. He is simply restating what we ought to do.

He did it on strategic weapons, and he pointed out over and over again when this gentleman took the floor to underscore the point with respect to nonstrategic programs he does have operative language. And, that is that you make the reduction that is consistent with emerging national security needs. That provides the opportunity for a discussion and debate.

So this continued preoccupation with the notion that this general language goes to the F–14 is disingenuous, incorrect, and premature.

Mr. CUNNINGHAM. Madam Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Madam Speaker, that is the whole point, where that line falls. His definition and the liberals' definition of what we need for national security is totally different. The definition of the kids who have to put their butts in those seats and fight those wars, their line is much different than yours.

Mr. DELLUMS. Reclaiming my time, I am not sure I understand the gentleman's point, that there is a level of hostility in the gentleman's comment that was not intended by this gentleman.

Finally, just let me say that with the world moving toward democracy, I would simply suggest to my colleague that this process about this gentleman's right to take his position and the gentleman from California's right to take his position. What this process is about is debate and discussion. Once that is done and the position is taken, then let us go forward with it. But this gentleman has never attempted to characterize the gentleman from California's position, and I would hope that the gentleman from California would never feel the need to characterize this gentleman's position.

Mr. CUNNINGHAM. I have not attempted to characterize the gentleman from California's position.

Mr. ASPIN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

□ 1710

Mr. KYL. Madam Speaker, I appreciate the chairman, the gentleman from Wisconsin [Mr. ASPIN], generously yielding a couple minutes of time.

Madam Speaker, I support the previous question, and in part do so because, if it is defeated, then our colleague, the gentleman from Massachusetts [Mr. FRANK], will be offering his amendment, and I do not think that that amendment is really a wise thing to bind our conferees by.

Now, either the language means something, or it does not. If the language has the restrictive meaning which could be given to it, which would hold the conferees to the lower of the number between the House and Senate on anything but strategic programs, then on some programs we are going to be advocating the House position, but on others we are going to be advocating the Senate position. If, on the other hand, the language does not have that restricted meaning, but rather has total flexibility of it, then there is no point in offering the language in the first place, and my point there is that clause B of section 1 provides that in the case of the nonstrategic programs at the lowest levels within the scope of the differences between the House bill and the Senate amendment that are consistent with emerging national security needs, a phrase which is incapable of definition on which my colleague, the gentleman from Massachusetts [Mr. FRANK], and I might agree on some points, and on others we might disagree, and certainly we would disagree with the Senate on some.

The point is it has no meaning. We are not really instructing conferees because it is not subject to meaning.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Just for purposes of discussion, there are three paragraphs. I would disagree with the gentleman on B, but I would note that there are two other operative paragraphs. Even if the gentleman is correct on that one, he would not be correct on the other, and I would suggest that if I agree to drop B, which I would not, he would not agree with it anyway.

Mr. KYL. On the point of the first paragraph I would object on substantive grounds, which, if the motion is defeated, I will have an opportunity to do, and I plan to do, but I am trying to suggest that we need to defeat, or rather to pass, to support the previous question so that we do not get into this question of the substantive merits, which I think is going to engage us in a long debate. It is going to be contentious, and it really is not necessary because the conferees from the Committee on Armed Services understand well their charge.

Mr. DICKINSON. Madam Speaker, I yield 2¼ minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, taking the comments of the gentleman from Arizona [Mr. KYL] to their logical extent, it would seem that, if the gentleman's amendment passes, the position of the gentleman from Massachusetts [Mr. FRANK] passes, and we defeat the previous question, then we could actually be taking some $11 to $15 billion out of the top line for defense, as agreed to by the budget agreement last year. I say, "You take out $11 billion or $15 billion at max from the defense budget, particularly out of the strategic programs, and it seems to me you're going to be causing havoc with the defense posture of this Nation."

Now, as the gentleman from California a minute ago pointed out, we are moving toward a more peaceful world, and that is great. Everybody has to applaud that, and hope for the best and hope that maybe eventually nobody will need a defense system, and this will indeed be utopia, but, until that happens, I think we would be foolhardy to simply willynilly cutout of particularly the strategic programs when there are indeed still threats existing throughout the world.

Madam Speaker, if we had listened to the gentleman from Massachusetts [Mr. FRANK] over the last 11 years, I do not think there is any doubt in the world that we would not be standing here under the current environment. We would not have seen the collapse of communism, we would not have seen the collapse of the Soviet Union, we would not have the benefits of and opportunities that the changing world is offering us today because the United States would not have stood toe to toe with Gorbachev and all his predecessors, and the good old Communist system would have been churning on, putting more money into their defense and taking up more and more countries throughout the world. The fact is, because we did stand strong, because we did build up our defenses, because we did match them and override their technological advances, they are now collapsing, and that is wonderful.

But what happens in the future? I would only point out that with the conditions, as we spoke of in Iraq today, we do not even know if they are complying with the sanctions. We do not know if they are getting rid of their missiles, we do not know what the Soviet Union is doing 1 day from now, much less 2 years from now, and we are taking a big risk if we do not add into the SDI budget of this country.

Mr. ASPIN. Madam Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Madam Speaker, I thank the chairman, the gentleman from Wisconsin [Mr. ASPIN], for yielding.

Madam Speaker, I am here to support the position of the gentleman from Massachusetts [Mr. FRANK], and also, I am pleased to say, of the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN].

Madam Speaker, none of us would be irresponsible enough to do anything to hurt the defense posture of the United States of America, but I think not to really understand realities does not make any sense either. The world is greatly changed since we passed the defense budget bill last May, and even our highest level intelligence gurus at the CIA never guessed, or certainly did not tell us, that the Soviet Union was going to be so radically transformed so quickly. But the unforeseeable and the unbelievable did happen, and the world order that we face today is nothing like the one we faced last May.

Today's reality is that the average American citizen is more likely to be killed in his or her own neighborhood by drug related crossfire than by Soviet bombs. The average American citizen is more likely to face poverty, homelessness, illiteracy, and hunger, than face a Soviet soldier in combat.

The responsible thing for us to do today—as representatives of the American people—is to insist that the Defense bill which comes out of conference reflect this current reality. The current level of military spending has for too long diverted precious resources from domestic needs for health care, education, housing, transportation, budget deficit reduction, and safeguarding the environment.

In the Persian Gulf, we learned that international collective security arrangements through the United Nations hold real promise for the future. This is the direction our defense policy should take. The United States need not spend 6 percent of its GNP on defense—protecting Japanese sealanes, defending South Korea, and guarding our wealthy NATO allies—when those countries we are protecting spend between only 3 and 1 percent of their own GNP on their own defense. The Frank motion to instruct conferees insists that our allies shoulder their fair share of defense costs.

Historical events in the Soviet Union hold out to us today the opportunity to make a positive change in our spending priorities. Let's not let that opportunity pass us by. I urge my colleagues to support the Frank motion to instruct and to defeat the previous question.

Mr. ASPIN. Madam Speaker, I yield back the balance of my time.

Mr. DICKINSON. Madam Speaker, I yield 2 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH], after which the gentleman from Massachusetts [Mr. FRANK] will speak, and then I will close.

Mr. GINGRICH. Madam Speaker, let me say that I appreciate very much the gentleman from Massachusetts [Mr. FRANK] making this fight because it makes every point I could possibly hope to make.

First of all, it proves that those people who said less than a year ago that they would keep their word in the budget agreement, now have a chance to vote either way. If my colleagues vote no on the previous question, they are voting to break the budget agreement. They know they are voting to break the budget agreement, and that is explicitly what they will be doing. Those of us who opposed the budget agreement did so in part because we said the Democrats will break it. They will get the taxes raised, and then they will start breaking the deal.

Second, this is a perfectly mindless way to legislate. First of all, the Congressional Budget Office has no idea what this amendment will mean. They think it is somewhere between $11 and $15 billion in defense cuts, but they have no idea exactly what it would mean.

□ 1720

In fact, if you read the proposed amendment carefully, you cannot tell what it would mean since it has a huge escape valve which either means a lot or means nothing.

Third, it is an extraordinarily antidefense amendment if you take it seriously. If you assume in fact that the conferees are expected to follow it, it would have the effect under the House rules of zeroing out the Patriot missile, it would have the effect of zeroing out the Stinger, it would have the effect of dramatically cutting the F-14, it would have the effect of zeroing out the Air Force Reserve C-130's, and you could just go down the list of things that would be zeroed out if you in fact believe it would be a serious instruction.

Fourth, for those of our friends on the Democratic side who keep saying, "Gee, how will the Republicans ever have a chance to talk about the vote on Kuwait, about the Democratic Party's antidefense bias, or about the willingness of the Democrats to cut defense under any circumstances?" This is a perfect vote, because it is a vote for an amendment which is totally unknowable except it sends the perfect left-wing signal: "Let me be antidefense."

Last, how can you have lived through the last 3 weeks—

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself my remaining time.

On the tenterhooks of suspense, none of us will ever know how the gentleman from Georgia lived through the last few weeks, but maybe we will learn later.

Madam Speaker, the gentleman from Georgia struck reality a glancing blow or two, but not very firmly. For example, he said this violates the budget agreement——

Mr. GINGRICH. Madam Speaker, will the gentleman yield for 30 seconds?

Mr. FRANK of Massachusetts. Yes, I yield to the gentleman from Georgia.

Mr. GINGRICH. Madam Speaker, I just want to make this point about the last 3 weeks: We have just lived through the extraordinary period of the coup and the failure of the coup in the Soviet Union, we have no idea how the world is going to evolve, but to have an automatic knee-jerk reaction to cut defense spending in the middle of this instability strikes me as unbelievably out of touch with reality.

Madam Speaker, I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman from Georgia.

Frankly, I prefer the suspense to knowing what he had to say.

Madam Speaker, the gentleman began by saying this is a violation of the budget agreement. That is nonsense. The budget agreement was not a mandate to spend. This does not breach the ceilings on spending. It does not take military spending and spend it elsewhere. It does not send it to Russia. It does not send it to China, and what some of my colleagues over there might most object to, it does not even send it anywhere in America. It simply saves it. It says we will spend less than the budget mandates.

Now, may be that is why the gentleman from Georgia tried so hard to defeat the President's budget deal last year, because he interpreted it apparently as meaning that we were obligated to spend every last penny that the budget agreement authorized. He was wrong. The budget agreement set ceilings, not floors.

When we say we think now we can spend less than the maximum set in the budget, the gentleman from Georgia says this violates the budget agreement. It is nonsense.

Second, he says this is some automatic knee-jerk reaction; it means too little or it means too much, et cetera. Here is what it means: There is nothing knee-jerk about it. What it says is that on strategic programs, the B-2 bomber, SDI, and strategic programs, we instruct the conferees to stick to the House number. That is clear cut. The instruction does not mean they get shot if they deviate. They have got to go to conference. But it is, as we all know, a firmer statement by the House. We say we really mean it on the B-2, and it means we can save money. My friend, the gentleman from Georgia, says if we do not spend every penny under the B-2 that has been authorized, we are breaking the budget agreement. No one believes that is true. It says in the strategic area that we will spend the House version.

We are not talking here about a free fall of defense. We are talking about sticking with the House version rather than the Senate version. It also says, burden sharing, which I know causes great conniptions on the other side. They do not like to hear us talk about it.

I do not believe the American taxpayer ought to be subsidizing Japan, Germany, Denmark, or the Netherlands. This is what this says: Do your best to take burden sharing seriously. That is not a free-fall of defense.

There is good conservative economics that says people will demand more of a good if they get it for free. We indulge the Europeans and the Japanese in this. All this says is let us do burden sharing, and that is pretty specific. Then it says, in the nonstrategic programs, given what has happened recently, let us go to the lowest figure that is consistent with national security.

Does that mean an $11 to $15 billion cut, as someone said? Of course not. We know who these conferees are. Is it anybody's serious contention that the gentleman from Wisconsin and the gentleman from Georgia and their colleagues think $15 billion is OK? I would not mind, but I would not get any hopes up. No one else thinks that is rational.

We have had this myth described. It is a pretty good rule of politics that when they cannot beat you on the merits and they wish you had not brought it up, then they are going to misdescribe it. The gentleman was wrong on the budget agreement. He was wrong on the Patriot missile. This does not zero out the Patriot missile. The House is high on the Patriot, and I personally believe that if we put it in the nonstrategic area, national security says that we ought to have Patriot missiles.

Then, let us talk about what happens if we defeat it. If we defeat it, what you are saying is, no, do not even think about what happened in the Soviet Union, meaning that we can spend the money elsewhere. We are hoping here to reduce the deficit. We will not spend any of the money this year, but if we can reduce the deficit now, it makes it easier in the future to talk about health care and to talk about transportation and housing.

The gentleman from California said, "Boy, aren't you inconsistent. You are insisting on burdensharing, but you are going to do unemployment compensation." That is exactly the kind of inconsistency which I hope this House will be proud of.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. DICKINSON. Madam Speaker, I yield myself the remainder of my time.

Madam Speaker, in closing, I would just like to point out three things which I think are very salient or important at this point.

No one has said they are opposed to my motion to instruct. Everybody says it is a good thing. Fine, let us leave it at that. It is a good thing. The House has already done this, and the Senate has done substantially what the House has done. What we are doing is instructing them and saying, "Let us put in permanent law what we have done on the emergency measure."

Second, if we follow the wishes of the gentleman from Massachusetts [Mr. FRANK], we would take the lowest of the strategic and then take the lowest of the conventional and come out with the worst of all possible worlds. We would be deleting programs that are absolutely essential, programs that have gone into the thinking of the House and the Senate when they marked up the bill, because they knew that when they go to conference, there will be some give and take. But this would take away the flexibility and the discretion on the part of the conferees.

Third and last—and this is very important, and I hope everyone will listen to this—if we do not support the previous question, if we vote it down, we will have another hour of debate here this evening, which will run us up to about 7 o'clock. So if we want to get out of here, let us just support the previous question, get on with it, and then maybe we can get home hopefully by 6 o'clock.

Madam Speaker, I move the previous question on the motion to instruct.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DICKINSON. Madam Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 145, not voting 67, as follows:

[Roll No. 261]

YEAS—220

Allard
Anderson
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)

Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLauro
Dickinson
Dicks
Dooley
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fields
Fish
Foglietta
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hobson
Hochbrueckner
Horton
Hubbard

Huckaby
Hyde
Inhofe
Ireland
James
Jefferson
Johnson (CT)
Johnson (TX)
Kasich
Kennelly
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Luken
Machtley
Mazzoli
McCandless
McCurdy
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nichols
Nussle
Olin
Ortiz
Orton
Oxley
Pallone
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Porter
Quillen

Ramstad
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—145

Abercrombie
Alexander
Andrews (ME)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bonior
Borski
Boxer
Brooks
Brown
Bruce
Cardin
Collins (IL)
Collins (MI)
Condit
Cox (IL)
Coyne
DeFazio
Dellums
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Early

Eckart
Edwards (CA)
Engel
Espy
Evans
Feighan
Flake
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Glickman
Green
Guarini
Hamilton
Hayes (IL)
Hoagland
Horn
Hoyer
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kildee
Kolter
Kostmayer

LaFalce
LaRocco
Lehman (CA)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
McCloskey
McDermott
McHugh
Mfume
Mineta
Mink
Moakley
Moran
Morella
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi

Perkins
Peterson (MN)
Poshard
Price
Rangel
Reed
Roe
Rose
Rostenkowski
Roukema
Russo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder

Schumer
Serrano
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Staggers
Stark
Stokes
Studds
Swift
Synar
Thornton
Torres

Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Waters
Waxman
Weiss
Wheat
Wise
Wolpe
Wyden
Yates

NOT VOTING—67

Ackerman
Berman
Boucher
Bryant
Bustamante
Campbell (CA)
Carr
Clay
Conyers
de la Garza
DeLay
Derrick
Doolittle
Dymally
Fazio
Ford (MI)
Gaydos
Gradison
Hatcher
Herger
Holloway
Hopkins
Houghton

Hunter
Hutto
Jenkins
Jones (NC)
Kleczka
Kopetski
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lowery (CA)
Marlenee
Martin
Martinez
Mavroules
McCollum
McCrery
McDade
McEwen
McGrath
Miller (CA)
Moody
Mrazek

Packard
Penny
Pickle
Pursell
Rahall
Rhodes
Riggs
Rowland
Roybal
Sabo
Saxton
Schulze
Sharp
Smith (NJ)
Stallings
Thomas (CA)
Washington
Whitten
Williams
Wilson
Yatron

□ 1755

Messrs. WHEAT, VENTO, SAVAGE, SMITH of Iowa, PRICE, and TOWNS, Mrs. COLLINS of Illinois, and Mr. COYNE changed their vote from "yea" to "nay."

Messrs. CAMPBELL of Colorado, LIPINSKI, McMILLEN of Maryland, and SANTORUM, Ms. DeLAURO, and Mr. EWING changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion to instruct offered by the gentleman from Alabama [Mr. DICKINSON].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETING

Mr. ASPIN. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ASPIN moves that pursuant to rule XXVIII 6(a) of the House rules, the conference committee meetings between the House and the Senate on H.R. 2100, the fiscal year 1992 Department of Defense Authorization bill, be closed to the public at such times as classified national security information is under consideration, *provided however*, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 69, as follows:

[Roll No. 262]

YEAS—363

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)

Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski

Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)

Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Russo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—69

Ackerman
Berman
Boucher
Bryant
Bustamante
Campbell (CA)
Carr
Clay
Conyers
de la Garza
DeLay
Derrick
Doolittle
Dymally
Edwards (OK)
Fazio
Ford (MI)
Gaydos
Gradison
Hatcher
Herger
Holloway
Hopkins
Houghton
Hunter
Hutto
Jenkins
Jones (NC)
Kleczka
Kopetski
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lowery (CA)
Marlenee
Martin
Martinez
Mavroules
McCollum
McCrery
McDade
McEwen
McGrath
Miller (CA)
Moody
Mrazek
Packard
Penny
Pickle
Pursell
Rahall
Rhodes
Riggs
Rowland
Roybal
Sabo
Saxton
Schulze
Schumer
Sharp
Smith (NJ)
Stallings
Thomas (CA)
Washington
Whitten
Williams
Wilson
Yatron

☐ 1813

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably detained in my district by official business. If I had been present, I would have voted "yes" on rollcall No. 258, "yes" on rollcall No. 259, "yes" on rollcall No. 260, "yes" on rollcall No. 261, and "yes" on rollcall No. 262.

I ask unanimous consent that this appear with the permanent RECORD following each vote.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 330

Mr. GREEN of New York. Madam Speaker, I ask unanimous consent that the gentleman from Texas [Mr. WILSON] be deleted as a cosponsor of H.R. 330, the Refuge Wildlife Protection Act, of which I am the sponsor.

The SPEAKER pro tempore. (Mrs. KENNELLY). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees, and without objection reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subject of various appointments:

CONFEREES ON THE DEFENSE AUTHORIZATION BILL

[H.R. 2100 AND SENATE AMENDMENT]

From the Committee on Armed Services, for consideration of the entire House bill and Senate amendment, and modifications committed to conference:

Messrs. ASPIN, BENNETT, MONTGOMERY, and DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Messrs. MAVROULES, HUTTO, SKELTON, MCCURDY, and FOGLIETTA, Mrs. LLOYD, Messrs. SISISKY, RAY, SPRATT, MCCLOSKEY, ORTIZ, DARDEN, HOCHBRUECKNER, PICKETT, LANCASTER, TANNER, MCNULTY, BROWDER, TAYLOR of Mississippi, DICKINSON, SPENCE, STUMP, HOPKINS, DAVIS, HUNTER, MARTIN, KASICH, BATEMAN, BLAZ, IRELAND, HANSEN, WELDON, KYL, RAVENEL, and DORNAN of California.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Mr. WILSON, Mrs. KENNELLY, and Mr. SHUSTER.

As additional conferees from the Committee on Education and Labor, for consideration of sections 3131 and 3132 of the House bill, and sections 805, 811, 2109, 2807, 3131, and 3136 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, GAYDOS, KILDEE, WILLIAMS, PERKINS, GOODLING, COLEMAN of Missouri, and HENRY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 331, 336, 3131–33, 3138, and 3201 of the House bill, and sections 320, 2804, 2806, 2846, 3131–36, 3138–39, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

Messrs. DINGELL, SHARP, SWIFT, ECKART, SLATTERY, LENT, RITTER, and FIELDS.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 304, 313, 812 and 3136 of the House bill, and sections 211(b)(3), (g), (h), and (i), 229, 304, that portion of section 801 adding 10 USC 2526, sections 905, 1111, 1113, 1117–22, 1127, 1129, 1133–34, 1138, 1143–44 and 1147 of the Senate amendment, and modifications committed to conference:

Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, BERMAN, BROOMFIELD, GILMAN, and LAGOMARSINO.

As additional conferees from the Committee on Government Operations, for consideration of sections 811, 816 and 817 of the House bill, and sections 319, 527, 822, 826, 829, 835, 839, 1103, 1141, 2806, and 2823 of the Senate amendment, and modifications committed to conference:

Messrs. CONYERS, ENGLISH, SYNAR, and WISE, Mrs. BOXER, and Messrs. HORTON, SHAYS, and SCHIFF.

As additional conferees from the Committee on the Judiciary, for consideration of section 817 of the House bill, and sections 626, 826, 1128, 3134, and 3145(b)(4) of the Senate amendment, and modifications committed to conference:

Messrs. BROOKS, FRANK of Massachusetts, EDWARDS of California, FISH, and GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 521–29 of the House bill, and title XXXV of the Senate amendment, and modifications committed to conference:

Messrs. JONES of North Carolina, STUDDS, TAUZIN, YOUNG of Alaska, and FIELDS.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of section 508 of the House bill, and sections 526, 622, 624, 627, 831, and 3504 of the Senate amendment, and modifications committed to conference:

Mr. CLAY, Ms. OAKAR, and Messrs. SIKORSKI, ACKERMAN, SAWYER, GILMAN, HORTON, and MYERS of Indiana.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 336 of the House bill, and modifications committed to conference:

Messrs. ROE, ANDERSON, NOWAK, BORSKI, OBERSTAR, HAMMERSCHMIDT, SHUSTER, and PETRI.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 801–05, 811, 907, 3132, and 3137–39 of the Senate amendment, and modifications committed to conference:

Messrs. BROWN, SCHEUER, VALENTINE, BOUCHER, STALLINGS, WALKER, LEWIS of Florida, and PACKARD.

As additional conferees from the Committee on Small Business, for consideration of section 842 of the Senate amendment, and modifications committed to conference:

Messrs. LAFALCE, SMITH of Iowa, and SLAUGHTER of Virginia.

There was no objection.

NATIONAL POW/MIA RECOGNITION DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 233) designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Madam Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO] who is not only the chief sponsor of this resolution, but who in his own personal and political life has probably spent as much time as any Member, working with other Members, other colleagues on both sides of the aisle, and folks within the administration. He has traveled to other parts of the world and spent a great deal of his personal time, advancing this particular cause.

□ 1820

Mr. LAGOMARSINO. Madam Speaker, I rise in strong support of the resolution I introduced, along with Asia and Pacific Subcommittee Chairman STEVE SOLARZ and cosponsored by 231 of my colleagues, designating September 20, 1991, as National POW/MIA Recognition Day and to authorize the display of the National League of Families POW/MIA flag at important Federal Government facilities on this special day.

I want to thank Congressman TOM SAWYER, the chairman of the Census and Population Subcommittee, for bringing this resolution to the floor in a timely manner. I also want to thank the ranking minority member of the subcommittee, the gentleman from Pennsylvania [Mr. RIDGE]—a member of the House POW/MIA task force—for his assistance. I also appreciate the support the resolution received from the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY] and ranking minority member [Mr. GILMAN], the dedicated former chairman and current vice-chairman of the House POW/MIA task force.

I also want to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP}, the chairman and ranking member of the Veterans Affairs Committee respectively, for waiving jurisdiction and expediting the consideration of this resolution. Their committee has always been very supportive of POW/MIA efforts.

Today, over 2,273 American servicemen remain unaccounted for in Southeast Asia; 8,000 remain missing from Korea; and some 78,000 from World War II. While there is much talk about how the Persian Gulf war has lifted the shadow of the Vietnam war, sadly, the final chapter of our involvement in Indochina and on the Korean Peninsula—namely the fate of our POW/MIA's—remains unfinished, but certainly not forgotten.

We continue our serious and ongoing efforts to achieve the fullest possible accounting of these missing American servicemen as soon as possible.

In Southeast Asia, the remaining mission of retired Gen. John Vesey, President Bush's special POW/MIA emissary, to Vietnam and the agreement reached to open up a POW/MIA office in Hanoi signify that progress, despite being slow, is being made. Some results are happening. The office is now open and numerous investigations are underway. We are now receiving more cooperation from the Vietnamese, Cambodians, and Laotians than ever before. But, more actions by these Indochinese governments and more results are needed.

By designating this third Friday in September, as we have for the past few years, as National POW/MIA Recognition Day, we remind the American public that the POW/MIA issue remains a highest national priority. It also provides an excellent opportunity around which to coordinate special recognition and educational activities. Many are planned for next Friday, including a special ceremony at the Pentagon sponsored by the Secretary of Defense.

This joint resolution I introduced and now pending before us also authorizes the display of the POW/MIA flag at all national cemeteries, the National Vietnam Veterans Memorial, and certain key Federal Government buildings like the White House, the State Department, the Pentagon, the Veterans Affairs Department headquarters, and the primary offices of the Selective Service Commission. The POW/MIA flag is already on permanent display in the U.S. Capitol—right in the rotunda—in accordance with previous legislation I am proud to have cosponsored and helped enact.

As chairman of the bipartisan House POW/MIA task force, I very much welcome my colleagues' support for this joint resolution and urge its expeditious adoption.

Mr. RIDGE. Madam Speaker, continuing under my reservation of objection, I yield to our friend and colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Madam Speaker, as an original cosponsor, along with our colleagues, the gentleman from New York [Mr. SOLARZ] and the gentleman from Illinois [Mr. MICHEL], and the distinguished chairman of our task force on MIA/POW's, the gentleman from California [Mr. LAGOMARSINO], I am pleased to rise in support of House Joint Resolution 233. This resolution established September 20, 1991, as POW/MIA Recognition Day. It also authorizes the flying of the official POW/MIA flag on that day and on certain other appropriate Federal holidays.

Madam Speaker, of all the wars America has fought in the 200 years from our Declaration of Independence in 1776 to our bicentennial celebration in 1976, American hearts have always been broken upon the conclusion of hostilities by the number of missing Americans who remain unaccounted for. As a matter of fact, there were less POW's and MIA's at the conclusion of the Vietnamese conflict than any other hostilities in our Nation's history.

However, while our hearts continue to go out to the families and loved ones of the many missing from earlier wars, our missing POW's and MIA's from Vietnam have a special place in our hearts. For unlike our previous wars, the United States did not militarily control the battlefields upon the cessation of hostilities. This has led to nearly two decades of frustration on the part of the American people in demanding to know what happened to the 2,273 American heroes who, as of today, are unaccounted for.

Madam Speaker, the strength, determination, and will of the American people was demonstrated before the world during Operation Desert Storm. Americans are similarly united in purpose with the goal of a full accounting.

In recent months, however, Americans have had their hearts broken time and time again. The hopes of Americans were risen by photographs purporting to depict live Americans in Southeast Asia. These hopes were dashed when, yet again, these photos were proven to be nothing more than cruel hoaxes. Similarly, American hopes were raised by former Pentagon officials who claimed to have evidence of a coverup of evidence of live Americans in Southeast Asia. When these officials were unable to produce such evidence, in open hearings of the Congress, in closed hearings, or even on nationwide television interview shows, again hopes were dashed.

Madam Speaker, this resolution does more than designate this coming Friday as POW/MIA Recognition Day. It also authorizes display of the POW/MIA flag at our public buildings on POW/MIA Recognition Day, as well as on Memorial Day and Veterans Day. It authorizes the display of the flag at the White House, at the Departments of State and Defense, at the Department of Veterans Affairs, and at our Selective Service offices on September 20.

Madam Speaker, 230 of our colleagues joined with Mr. SOLARZ, Mr. MICHEL, Mr. LAGOMARSINO, and myself in sponsoring this resolution. Let us approve this resolution unanimously, sending a message to Hanoi and around the world that we Americans are not willing to forget—and that we never will forget—until our last American hero is accounted for. We can do no less for those who gave so much for all of us.

Mr. RIDGE. Madam Speaker, continuing under my reservation of objection, I might add to my colleagues and friends, that of the nearly 2,300 individual cases involving POW/MIA's, we understand that many of them, those men would fall into the category of having been killed in action and their bodies not recovered. But during the past several years, this administration, through General Vesey and others, have pursued as aggressively as possible what they call internally "discrepancy cases," cases where the last known corroborated sighting of the man wearing the uniform of this country was a live sighting from a source that was considered to be credible.

Clearly, before the government of Hanoi today are dozens of those discrepancy cases. While we can send as many, and we should send as many, groups as possible to individual crash sites, I think we all understand it is unlikely we will find a POW or MIA in or near one of the crash sites. It is likely we will find some remains. But when it comes down to these discrepancy cases, I think it is very important for the government of Hanoi to understand that they may not be able to understand why Americans are obsessed with bringing its warriors home but they had better recognize it as a political fact of life in the real world with which they are going to have to deal.

So I congratulate my colleagues who sponsored this resolution, brought it to the floor to give national recognition to this particular effort and, hopefully, the governments of Indochina will recognize that we clearly will not rest until the remains or until, more importantly, there is a full and as complete an accounting as possible of those nearly 2,300 men in that part of the world. I am glad my colleagues reminded this country again that there are 8,000 POW/MIA's still classified from the Korean war and over 50,000 from World War II.

□ 1830

As a country, Madam Speaker, we lose part of our soul if we forget any of these men and women who served our country.

Mr. SOLARZ. Madam Speaker, I am proud to rise today as a cosponsor of House Joint Resolution 233, designating September 20, 1991, as National POW/MIA Recognition Day—along with my good friend from California and chairman of the House Task Force on Prisoners of War and Missing in Action in Southeast Asia, Mr. LAGOMARSINO; the vice-chairman of the task force, Mr. GILMAN; and the distinguished minority leader, Mr. MICHEL.

The resolution before us would authorize and request from the President a proclamation calling on the American people to set aside this day to remember the thousands of Americans who, while in the service of their country, vanished or were forcibly taken from us.

It would also require that the National League of Families' POW/MIA flag be displayed at all national cemeteries, the Vietnam Veterans Memorial, and certain Federal buildings on Memorial Day, Veterans Day, and on National POW/MIA Recognition Day.

It is, when compared to the sacrifice of these brave American servicemen, a small gesture—but not a hollow one.

It says to those families whose sons, brothers, husbands, and fathers never came home, that we remember.

It says to the families of those young Americans whose final resting place remains unknown, that we remember.

And that on this day, when they bow their heads and grieve, they will not be alone.

And it says to those Americans who may still be wearing the shackles of their captors that we will not cease our efforts—we will not slacken in our resolve, until they are home.

This resolution again demonstrates the broad bipartisan support that exists in the Congress not only for the families of our POW's and MIA's, but also for the efforts continuously underway to get the answers that have eluded us for so many years.

There are no heroes or villains on this issue—only Americans—Americans from every walk of life and every region of this country who have expressed to this Congress their concern and their commitment to our POW's and MIA's.

We, in this body, will not forget.

The American people will not let us forget.

With this resolution, the Congress reminds the administration that we, in turn, will not allow it to forget the unfinished business at hand—that we will accept nothing less than that this issue continue to be pursued as one of the highest national priority.

I wish to thank BOB LAGOMARSINO for the tremendous job he has done over the years as chairman of the POW/MIA Task Force.

Long before it was politically fashionable and with few political rewards for doing so, BOB doggedly pursued fact over fiction concerning the fates of our POW's and MIA's.

In my 10 years as chairman of the Subcommittee on Asian and Pacific Affairs, I have presided over more hearings on this issue than on any other—having held four hearings and two briefings between May and July of this year alone.

This is added to the other 50 hearings and briefings we've held over those 10 years. The subcommittee has heard from over 120 witnesses and compiled over 3,000 pages of testimony.

But in the final analysis, it is the governments of Vietnam, Laos, and Cambodia who can and must provide the answers we seek.

I applaud Gen. Jack Vesey, the President's special envoy to Vietnam for POW/MIA's, and the Vietnamese Government on the establishment of a temporary investigative office for POW/MIA's currently in operation in Hanoi.

This is perhaps the single, most important development to come about on the road to improving the bilateral relationship between our two countries.

With regard to Laos, that country's recent efforts in helping the United States track down and resolve the mystery behind the photographs purportedly showing Navy Lt. Daniel Borah warrants our sincerest thanks.

It is the fervent hope of all Americans that the spirit of cooperation on this humanitarian issue will continue.

Together, we can not only seek the truth regarding the fates of our POW's and MIA's—but also flush out the forgers and profiteers whose manipulation of the emotions of their families has been nothing less than criminal.

Unity of purpose between the countries of Southeast Asia and the United States—and unity of purpose among Americans here at home—provides the best chance we have to resolve this issue once and for all—and to heal the wounds that have been festering for over 20 years.

In conclusion, I would like to add that while our POW's and MIA's who served in Southeast Asia weigh heaviest on our minds, this resolution establishes a day to remember all those American servicemen who remain MIA's—and perhaps even POW's—including from the Korean war and the two world wars.

The passage of time does not lessen their courage, their sacrifice, or the loss still felt by their families.

Time does not decrease our gratitude.

On September 20, we will commemorate and honor not only the men who are our POW's and MIA's, but the cause in which they believed and the love they had for their country—the country for which they gave the last full measure of their lives.

I urge my colleagues to support House Joint Resolution 233.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 233

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf War;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas in section 2 of Public Law 101-355, the Congress officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF "NATIONAL POW/MIA RECOGNITION DAY".

September 20, 1991, is hereby designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY POW/MIA FLAG AT ALL NATIONAL CEMETERIES, THE NATIONAL VIETNAM VETERANS MEMORIAL, AND CERTAIN FEDERAL BUILDINGS.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1991 (Memorial Day), September 20, 1991 ("National POW/MIA Recognition Day"), and November 11, 1991 (Veterans's Day), and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 20, 1991,

as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House, and

(2) the buildings containing the primary offices of the—

(A) Secretary of State,

(B) Secretary of Defense,

(C) Secretary of Veterans Affairs, and

(D) Director of the Selective Service Commission.

(c) PROCUREMENT AND DISTRIBUTION.—Within 30 days after the date of the enactment of this joint resolution, the Administrator of General Services shall procure POW/MIA flags and appropriate distribute such flags as are necessary to carry out this joint resolution.

(d) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERMAN-AMERICAN DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 151) to designate October 6, 1991, and October 6, 1992, as "German-American Day", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, within this reservation I yield to the gentleman from Ohio [Mr. LUKEN], who is the chief sponsor of this resolution.

Mr. LUKEN. Madam Speaker, I am happy to draw attention to an important resolution that officially designates October 6, 1991, and October 6, 1992, as German-American Day. This annual celebration of German-American Day calls attention to the many contributions Americans of Germanic descent have made to the building of our country.

Madam Speaker, we are experiencing an era of unprecedented change in our world. Recent events showed that people everywhere are rising out of the bonds of oppression and taking control of their own destiny. This trend toward democratic reform was most particularly evidenced when the Berlin Wall fell.

The celebration of German-American Day here in the United States will allow Americans of Germanic descent time out to reflect on their achievements as well as on their obligations. It revives the spirits of all German-Americans.

Madam Speaker, since the arrival of the first German immigrants in the United States on October 6, 1683, their number has grown to an estimated 52 million, making them one of the largest ethnic communities in the United States. German-Americans have contributed immensely to all facets of American life and culture, and they will continue to contribute to the development, life, and culture of our great country. These outstanding people have earned this very special day to pay tribute to their achievements.

This is truly an important sign of recognition and appreciation from the United States Congress to German-Americans across the country.

Madam Speaker, I thank my friend, the gentleman from Pennsylvania [Mr. RIDGE], and my friend and colleague, the gentleman from Ohio [Mr. SAWYER], for bringing this legislation to the floor.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 151

Whereas since the arrival of the first German immigrants to America on October 6, 1683, in the area of Germantown, Pennsylvania, German-Americans have made significant contributions to the quality of life in the United States;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States, of which the German-American Friendship Garden in Washington, D.C., is evidence;

Whereas German-Americans pledge their unconditional support for further expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its Government and democratic principles, and will also work to help assure the freedom of all people;

Whereas President Bush lauded German unification and the spirit of friendship and cooperation between the people of the Federal Republic of Germany and the people of the Untied States during proclamation ceremonies for German-American Flag Day on October 3, 1990; and

Whereas the Congress unanimously passed joint resolutions designating October 6 of 1987, 1988, 1989, and 1990 each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1991, and October 6, 1992, are designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such days with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COUNTRY MUSIC MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 305) to designate the month of October, 1991 as "Country Music Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from Tennessee [Mr. CLEMENT], who is the chief sponsor of this resolution.

Madam Speaker, I withdraw my reservation of objection.

H.J. RES. 305

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of the United States and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies the spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas the month of October 1991 marks the twenty-seventh annual observance of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1991 be designated as "Country Music Month" and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILDREN'S DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 126) to designate the second Sunday in October of 1991 as "National Children's Day" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so first to acknowledge the chief sponsorship of this resolution by our colleague and friend, the gentleman from Massachusetts [Mr. KENNEDY], and also to yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I am pleased to rise in support of Senate Joint Resolution 126 which designates October 13 as National Children's Day, and I would like to commend the gentleman from Massachusetts [Mr. KENNEDY] for his efforts in bringing this measure to the floor of the House of Representatives.

Madam Speaker, as we review our current education policies and as we review the statistics on child welfare, we cannot help but conclude that our Nation is not taking appropriation care of its children.

Birth weights are down, illiteracy is up, and more children live in poverty in the United States than in other developed countries. The most important priority we, as legislators, could have is our children. Our national policy should first be directed toward bettering the condition of our next generation, who indeed are our future. If we fail them, we are failing our Nation.

Madam Speaker, I welcome designating the second Sunday in October as "National Children's Day," in order to help draw necessary attention to the plight of children in the United States. I urge my colleagues to join in full support.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 126

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their chilren on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1991 is designated as "National Children's Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE DANGERS OF INCREASING BORROWINGS OF PUBLIC DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to express serious concern with the economic dangers facing this Nation resulting from dramatically increasing levels of Federal debt.

In August 1989, during consideration of the $50 billion savings and loan bailout legislation, I stood here in the well of the House and warned my colleagues that within 2 or 3 years the administration would be coming back to us, looking to the American people for more money to finance the bailout. Regrettably, my fears were more than justified.

Today, a little over 2 years since that prediction, the administration has made three further requests for bailout funds: A $30 billion financing request that Congress approved last spring; an $80 billion request to cover still more thrift institution losses made last week; and a $25 billion request to recapitalize the bank depository insurance fund, an amount that may also grow in the future.

Mr. Speaker, in 1989 and with every new request, the administration has insisted on not paying for this bailout money. However, it is inescapable that the Federal Government has to borrow to cover these financing commitments, or it can properly finance these commitments through self-initiated revenue increases or spending cuts.

Make no mistake about it. The extra Federal borrowing to finance the administration's request for insolvent thrifts and recapitalized banks will mean that the Federal debt ceiling will be reached much sooner than anticipated last year when the budget agreement was enacted. All the more sooner due to budget deficits in excess of $350 billion.

This greatly increased level of public debt will result in a long-term financial burden to our Nation, will further slow our recovery from the recession, and will make for explosive politics just prior to next year's election.

Let me issue a new warning to my colleagues and to the American people: If the Federal Government—the Congress and the President alike—do not take our collective budget responsibilities seriously, we will be engaged in an ugly, divisive debate over increasing the debt ceiling during the final months of the 102d Congress, right during the heat of the Presidential elections.

I take no pleasure in being right in my 1989 predictions about the soaring costs of the thrift institution bailout. Don't prove me right again about the dangers of soaring amounts of Federal debt. I appeal to the President—to my colleagues in the Congress—and to the American people—let's get our economic house in order now before the political finger-pointing starts next year.

□ 1840

PASSIVE LOSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. DWYER] is recognized for 5 minutes.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to rise today to voice my strong support as an original cosponsor of H.R. 1414. This legislation would amend the Internal Revenue Code provisions on the treatment of rental and nonrental real estate activities under the limitations on losses from passive activities.

Though this issue can be a confusing one, H.R. 1414 currently has over 300 cosponsors. Similar legislation in the 101st Congress had over 325 cosponsors, of which I was proud to be one. These bills seek to redress a situation which originated in the tax law changes of the mid-1980's.

Before the Tax Reform Act of 1986, few limitations were placed on the ability of real estate professionals to offset losses from investments in rental real estate against income from other real estate activities and from nonreal estate activities, including wages and investment portfolio income.

Provisions were included in the Tax Reform Act of 1986 which limited the deduction of passive activity losses to the amount of income or gain from passive activities. Therefore, passive losses could not be offset against active income or investment portfolio income.

Passive loss is generally defined as a trade or business in which a taxpayer does not materially participate. All rental activities, including rental real estate, are classified as passive activities, even if the management, ownership, and operation of rental real estate were an integral part of a taxpayer's real estate business. To materially participate in nonrental activities, a taxpayer must be involved in the operations of the activity on a basis that is regular, continuous and substantial.

Active participation requires at least a 10-percent interest in the property and participation in the form of making significant management decisions. There is a small exception which allows persons who actively participate in rental real estate activities to offset up to $25,000 in losses from such activities against all income.

As a result of the current passive-loss regulations, professionals in the real estate business are taxed on the gross income of their overall real estate business operations, and not on their net income, as is the case with other small business people.

Not only do the current regulations unfairly penalize just one class of small businessmen and women, but it places an additional burden on an industry which has been extremely hard hit by the current economic downturn. I call on my colleagues to redress this issue and join me in supporting H.R. 1414.

THE COLLAPSE OF COMMUNISM IN RUSSIA—NOTES ON THE INHOFE FLIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I am going at some point during this special order—hopefully, sooner rather than later, after a few minutes—to invite to join me one of my colleagues, one of the most famous private aviators in our great distinguished body, a man who pulled off a childhood dream of mine, and accomplished something magnificent. He flew around the world in a two-engine light plane, a Cessna 414. I am speaking, of course, of JIM INHOFE of the great State of Oklahoma, the former mayor of Tulsa, a pilot who has also trained all of his children and checked them out himself as the IP to become private pilots.

He has been trying for several weeks, since he got back from the Soviet Union, to find the right moment to do this, and I think the right moment, given the central time zone of Oklahoma, for all the great people in that State, the right time is now. So I am going to defer what I thought was a very important special order and just tease it and say that maybe with a little luck I will do it tomorrow afternoon, because we are going to adjourn early for the Jewish high holy days.

What I did want to speak about again was this amazing passage of history, the collapse of communism in the motherland of communism, the Soviet Union, in Moscow itself. I do not know how many Members in this Chamber find it absolutely glorious to see the name of Leningrad change from bearing the name of one of the world's great killers. There are still apologists all across this country on our politically correct campuses, carrying out what I consider to be incorrect teaching. It is said that Stalin was the evil usurper who destroyed the great Marxist dream of Mr. Ulyanov Vladimir Ilyich, Lenin, the name Lenin being an assumed name, just as Stalin, "man of steel," was an assumed name.

But there are other great scholars of the Soviet Union around the world who feel that Stalin was a natural outgrowth of the bloody terror that had been unleashed by Lenin himself. I would like to do something commercial without having talked to the Oxford University Press. Let me recommend a book that I think should be in every home in America where there is serious reading on what is going on right at the current time. We can understand it by understanding the prologue, and this is about the 73, almost 74 years of the Soviet Union, since the November 17, 1917 revolution. That is according to our calendar; their calendar is October 25. I recommend this book by a gentleman whom I had the honor to have on a television show I was fortunate enough to host almost 20 years ago, and it was written by Mr. Robert H. Conquest. His book, "The Great Terror," that came out 20 years ago is a study of the unbelievable holocaust, of killings that went on under Stalin. He was British-born, but he is an American. He has spent the last 20 years studying, writing, and lecturing at the Hoover Institute on War, Revolution, and Peace at Stanford University, and he has taken his great seminal work, "The Great Terror," and updated it with all the new information that has been available in the last amazing year and 10 months, since the Berlin Wall came down, and he can probably do a fine-tuning on a slightly amended version a year or two from now when we get into the bowels of the KGB and look at all these records and see in final, positive detail just how incredibly mind-numbing was this murderous wave of killing unleashed by Lenin but brought to a satanic level by Stalin.

I am looking at a review that is a year and a half old now from the Los Angeles Times, written by another great Soviet scholar, Robert V. Daniels, who is an instructor at the University of Vermont, professor emeritus of Russians history, and just listen to one or two lines here. He says: "There is scarcely anyone in the Soviet Union today who did not have a relative or a friend's relative either perish or emerge half-dead from the holocaust perpetrated on his own people by the dictator Stalin, whom one eminent Soviet historian recently described as even worse than Hitler."

We do not have to learn this from some anonymous Soviet historian. How about Mikhail Sergeyvich Gorbachev? I was in the Soviet Union in August 1988 with my older son, my younger son Mark, having just ridden the trans-Siberian railroad from Mongolia up to Irkutsk and across the whole country. I did what JIM INHOFE did, but I did it the hard way, on rails, and I was in Moscow listening to a documentary with one of our great embassy people, one who is fluent in Russian.

□ 1850

He is translating for me as Gorbachev is speaking, it was a rebroadcast of something he had done the month before in July 1988, and I heard this out of the mouth of Gorbachev, that Stalin killed millions more people than Hitler, and it is a terrible, sad reckoning that the Soviet people are going to have to come up with as they dig for the remains of people under huge apartment complexes where they deliberately built these apartment buildings on top of mass graves of people slaughtered in Stalin's name.

I will probably do a special order tomorrow night and read a great amount of this review by a professor at the University of Vermont, Prof. Bob Daniels, and then encourage a lot of you, and I think this Christmas I am going to be giving out terrible presents for Christ's birthday, but I am going to be giving some friends who I think are serious about understanding what has gone on in the Soviet Union, why it took so long for the people to fight back, and why there are very few liberals in this Chamber—there are a handful, TOM LANTOS, my good friend STEVE SOLARZ, and a few others, who have a piece of this action—even though I bet they were on the wrong side in Vietnam.

But this vote I want to talk about for a couple of minutes, and then defer to Mr. INHOFE.

This was a stunning vote today. A straw in the wind, I do not want to put too much emphasis on it, because things change quickly around here, but we had a vote, two votes ago, on, complicated congressional language, the previous question on the motion to instruct the conferees, and this Chamber went with Mr. BILL DICKINSON, a Republican from Alabama, ranking member, leader of the Republicans, on the Committee on Armed Services, and rejected instructions from Mr. BARNEY FRANK of Massachusetts to our conferees to break the, nonetheless flawed, October surprise, the budget agreement, where our great President asked all of us to unread our lips, and a lot of us refused to.

But nevertheless this great gentleman was trying to compromise with the majority leadership in this House and the other body, liberal as it is, and say if you will promise to defend defense at least 3 out of the 5 years of this budget agreement, and make these massive billion dollar cuts, I will go along with massive billion dollar tax increases.

Here we are, it is not even October yet, 11 months later, and Mr. FRANK of Massachusetts is suggesting we break that budget agreement, and a huge percentage of us here did not even go along with it as it was, and start to gut the second of these 3 years that defense was supposed to be fenced and protected.

So we had a classic struggle here between a conservative from Alabama, Mr. DICKINSON, and a very liberal person from Massachusetts, Mr. FRANK.

I stood right on that spot next to BILL DICKINSON, who was sitting in this chair behind me, and I said, what do you think, Leader? I said, is this going to be a party line vote? Mr. ASPIN, the Democratic leader of the Armed Services Committee, is probably going to try to make this a party vote. Do we have enough conservative boll weevil Democrats out there?

If all of our 166 Republicans are here, and they aren't, there are 9 Californians battling in Sacramento at this moment for reapportionment and 8 Democrats are up there, so I said we are not going to have a full House here. But if we get all our Republicans, can we get 40 or 50 Democrats to go with us, so we go into a conference, and I am one of the conferees, thanks to Mr. DICKINSON, I said, can we go into this conference without instructions from the House, overwhelming instructions, to gut strategic defense, stay with the House position, to zero out the B-2 stealth bomber? What do you think?

He says, I do not know. It is going to be a close call.

Ladies and gentlemen, here is the glorious vote. We did not get 40 Democrats, 50, 60, 70; we got 84. There is an Orwellian number for you; 84 Democrats joined 136 Republicans. We only lost 4, so there are 26 Republicans who were not here for the vote around the country. We were not supposed to have all these big votes today.

The four Republicans are, from New York, BILL GREEN; from Maryland, CONNIE MORELLA. She thinks that is what best serves all of her feather merchants, all of the Federal workers that live in this district north of us here in Maryland. MARGE ROUKEMA of New Jersey. That is kind of a surprise to me. And CHRIS SHAYS of Connecticut. A tiny surprise.

We lose 4 Republicans, we gain 84 Democrats, a net gain of 80. And the result was 220 to 145 saying don't gut defense.

Now, I repeat, this is a straw in the wind. So far, so good. But I just came back from Anaheim, the Republican Convention in Anaheim, CA. When we were not doing interparty battling over the direction of our State, where the conservatives are still the majority force in our California Republican Party, people were saying to me over and over again, Friday night, all day Saturday, all day Sunday, "Congressman, are we going to cut defense? Are we going to cut defense? Are we going to repeat the mistakes of the post-World War I, post-World War II, post-Korea, post-Vietnam? Are we going to cut all our defenses and get caught in a still dangerous world with our powder wet or gone or destroyed?"

I kept saying, I don't know.

Well, I am a pretty happy Congressman right now, because it looks like we have learned the lessons of those other four mistakes, all of them within this century, from 1919 to today. It looks like we are going to draw down our military in a careful way. That means a 25-percent cut. Five hundred thousand good men and women, many of them with combat and service decorations from the gulf war, we are telling them we don't need you any more. You volunteered your life for your country in the military. We are cutting back 500,000-plus people.

Why should we gut ourselves and cut 1 million people out of our military, when we still do not know what is going to happen with these 15 so-called Republics in the Soviet Union, these former States, spinning off all these ethnic rivalries, people dying in Croatia, which I only visited just a few months back in March, people still suppressed in China.

You take 250 million Americans and add 1 billion people, and that is the population of China. There are people in Tibet right now, people in Vietnam, North and South, and there are people in Tibet right now, people in Vietnam, North and South, and there are people in Cuba, 90 miles from Key West, that still do not feel peace breaking out all over.

So I am really pleased with this vote, and I will talk more about it tomorrow.

Now, with great pleasure I would like to invite into my special order in the preeminent position in the well, with some charts that I have not had an opportunity to see, except a little piece here and there on the floor, the gentleman from Oklahoma [Mr. INHOFE].

The gentleman has told me about this great journey. Please take the floor. I will be Walter Mitty, you did it. Tell me how you fulfilled one of my boyhood dreams.

Mr. INHOFE. Let me first thank the gentleman from California. That is great. I cannot think of anything more appropriate than for us to join special orders. Because the whole reason for having this one is to share with the American people some of the things that I have discovered, that we discovered, going through Siberia, as to why we cannot afford to cut defense in this country.

I did not know what your special order was going to be on, but it could not be more appropriate.

Mr. Speaker, I thank you for the time that we will be taking today to share these revelations that took place in the Soviet Union, or what was then known as the Soviet Union, in making a passage.

Mr. Speaker, 60 years ago a very famous aviator, that certainly the gentleman from California [Mr. DORNAN] will be eminently familiar with, named Wiley Post, flew a very famous airplane, it was a Lockheed Wasp, it had a Wasp engine, a 9-cylinder round engine, around the world. It is called the *Winnie Mae*.

Wiley Post may not be quite as well known to some people, I would suggest to the gentleman from New York, as Charles Lindbergh, as Amelia Earhart, but, nonetheless, he was a very, very famous aviator.

This happens to be a picture of Wiley Post, the only picture known in circulation of Wiley Post without his patch over his eye. He was one who, I would suggest to the gentleman from California, they always tell us as pilots you don't have your depth perception. But he had pretty good depth perception.

Anyway, in Oklahoma he is considered to be one of our two very famous Oklahomans, Wiley Post and Will Rogers. Ironically, Wiley Post and Will Rogers died in a plane crash at Fort Barrow. This was not the trip in the *Winnie May*, however.

I had three other individuals, four of us made this trip. The other three were more concerned about commemorating the 60th anniversary of Wiley Post than perhaps I was in terms of priority. I was concerned about that, of course.

But the main thing I wanted to do in going around the world was to tell the world that we can offer a very compelling case that Tulsa, OK, in my district, is the aerospace and aviation capital of the world.

I remember many years ago when I was mayor of the city of Tulsa for 3 years, I put together some statistics that drew us to that conclusion. Nobody believed it.

But now, today, since the demise of the oil industry, without any close seconds, aviation and aerospace is the No. 1 employer in my district.

□ 1900

I am not talking about just the very large giants, American Airlines, Rockwell International, McDonnell Douglas, Nordam, but many of the others. We have a total of over 300 companies that are in aerospace or in aviation.

When we single out one particular specialty, for example, training, we are going to be celebrating the 50th anniversary of the Spartan School of Aviation here in just a few weeks, and that is where most of the Royal Air Force, from Great Britain was trained prior to World War II. They are coming back for the 50th anniversary.

I would like to have the gentleman from California [Mr. DORNAN] come in and join. There is no greater group to have around a table at one time than that group that fought that war.

Mr. DORNAN of California. Please make me part of that. I was lucky enough to have President Bush appoint me to be leader of the Presidential delegation to the 50th anniversary of the Battle of Britain and to the air show last year, and most people do not know the great role we played because President Roosevelt was doing a lot of this sub rosa, the great role we played along with the Commonwealth nation, then Canada, in training all of these young British aviators who went and faced Adolf Hitler and his Fascist hordes alone during the early years of the war. So I do know the role that Oklahoma played and also some bases around the country, like Thunderbird Field in California, training Flying Tigers to go over to fight as civilians and then the war caught up with them and only a handful fought before Pearl Harbor, but that 50th anniversary, I invite the gentleman to be with me at Pearl Harbor coming up December 7. We will try to put together a Codel, and I sure accept the invitation to be there with the gentleman.

Mr. INHOFE. That would be great.

We had, in the 40th anniversary, I was there at that time, we had this group. There is no greater bunch of guys than those guys that fought from Great Britain, and they all looked so young considering how old they must have been. Maybe they drafted them into that at 12 years old.

The gentleman talks about the Battle of Britain Museum. Every time I go to London, this same group that I met 10 years ago, we meet and we go out to the museum out there and see the old hoppers and everything that we enjoy so much looking at now. In areas, especially in my district, simulators, flight simulators, not just the big companies like Aviation Resources, Inc., and Burtek and Flight Safety, but we have seven more, Aero Weld, AMI, Hill, Rediffusion Simulation, and Safety Training Systems, Inc. Virtually all of the simulators used throughout America in defense and in civilian aviation are manufactured right in Tulsa, OK.

The second reason I wanted to go was because as many of the pilots are aware, we have a problem in congested air space. I have a bill; in fact, I was not the one who thought of this change in air space. It was a guy that was from, I believe the district of the gentleman from California. His name was Barry Shiff. Barry Shiff is a TWA pilot who told me back in 1986, he said, "Why won't Congress look at our corridor system for getting into TCA's and ARSIS for VFR pilots?" We went into it. We have experimented in several areas.

When I left for my trip around the world, I did not have one coauthor on that bill. Two days after I got back, including those who are in the Chamber today, I had 136 coauthors. So as a result of that, I think that did give some credibility in order to get some things passed in the House of Representatives concerning air space.

We had a number of sponsors on this trip, as we always have to have. Mobil was the sponsor that bought the gasoline and also their AV-1 engine oil. This is 100 percent synthetic oil. It was so good that we, by accident, had to break in a new engine, a right engine, on that oil. That is something normally you do not consider doing on synthetic oil. To this day, it does not use a drop. Another one was Avemco, writing the insurance.

I do have to single out, when one is trying to fly around the world, we had one of the gentlemen with us, Joe Cunningham, who was a navigator in World War II on B-17's. So we had ground reference charts in case our system went down. But we had, from Trimble Navigation, a global positioning system that was redundant. We had one with a back up that was Omega and one with a backup that was loran. And the satellites never came down. The system never failed.

We went entirely around the world and knew within 50 meters where we were all the time. That was the system that is shown in these two items here on this panel, the 421 that we flew around the world.

I hasten to mention one other name, too. His name is Dr. Millard Harmon from Delmar, NY. Dr. Harmon has flown his Bonanza into the Soviet Union, into places mostly in the area of Moscow and Leningrad. He was a big help to us on this tip.

So if I might, I would like to take just a few minutes and take us around the world, the way we went. Then I want to return to three places for the three lessons that I learned, or reminders. I did not need to learn those lessons, because I knew them before I left.

We were going to make this circumnavigation from Tulsa, OK, to Tulsa. Then we decided, since there is an airport in Oklahoma named after Wiley Post, we would also make it from Wiley Post to Wiley Post.

As it turned out, since I had to jump in the plane and come back to Washington, we also had one from Washington National to Washington National.

We took off from Washington National after coming up here from Oklahoma. We had to vote for 3 days, and I did not want to leave until after that. That coincided with the day that Wiley Post was leaving on his trip around the world 60 years ago.

So we took off from National Airport, and I have to say, and it is kind of an indictment on our system, the only runway delay that we had of any length of time at all was at Washington National Airport.

In fact, we had to take off to go around the world without our IFR clearance, and we had to pick that up right before getting into Moncton and crossing into Canada.

Mr. DORNAN of California. Let me ask the gentleman one question. A lot of world attention, I mean amazing world attention went to Dick Rutan, the younger brother, and Jeana Yeager in their nonstop flight around the world, because they were going for a record. And they flew a little south of your route, but they took off at Edwards and landed at Edwards. So they did not have a chance to learn some of the lessons that you did or have them reinforced. And between the two, except for going in the history books and saying I flew around the world nonstop, what was it called, the *Condor?* The *Voyager*. It is hanging in the entranceway now from the ceiling into the Smithsonian, which the gentleman's is not.

Other than that tremendous historical first, I would rather have been a stowaway on the gentleman's voyage. I am just telling people that the reason they never heard of your trip is because many people have done it before you, Howard Hughes. But Howard Hughes stopped, refueled and hardly got off the airplane, when he did it in the late 1930's and took the Post record. And we have had a lot of businessmen doing this going through Tehran, not going through the Soviet Union, flying a well-beaten path across the world and up through Tokyo.

The gentleman's flight is a very unusual flight because he got the Soviets to cooperate. So blast off again and take us around.

Mr. INHOFE. That is true. As a matter of fact, I was at the Bell Helicopter plant the other day. I flew down there and talked to Dick Smith.

Dick Smith flew a Bell helicopter on the route that was first suggested. He got as far as Sydney. That was a great flight, the *Rutan*, they were talking about endurance on that flight and also new technology. We will not get into that. That would take another special order. We will have to talk about some of the contributions that they have made to aviation.

We circled Roosevelt Field. Roosevelt Field was where Wiley Post took off on his trip around the world. It would be a McDonald's parking lot today, so we were not able to stop there.

Mr. DORNAN of California. And Charles Lindbergh, Lindbergh took off at Roosevelt Field also.

Mr. INHOFE. So we tried to replicate that as nearly as possible, where the airports would cooperate with us.

So in going around the world, we went from there to Moncton, went to Goose Bay. Goose Bay is an interesting place. I am quite sure that the gentleman has flown into Goose Bay, but that is really kind of remote up there, not to have to mention say one, maybe two or three pilot stories, but only one that I can think of.

Coming out of Goose Bay, in taking off from Goose Bay, we did not have time to take care of our squawk list on our 414 before we left. We did not have an outside air temperature gauge.

One can imagine starting around the world in some of the parts of Siberia and places without that. We took off. It was one of those blinding rainstorms on the ground at Goose Bay, very, very cold, even though we are talking about June. And we took off, could not see the wings of our airplane. We took off, and I was thinking, going up, that freezing level has got to be up here somewhere.

So we got in contact with one of the Canadian Air Force guys and asked if they would read off the temperatures, and we went up and we found where the freezing level was. And that is how we keep from going into the freezing level.

□1910

The reason I mention this is when I came out from the clouds and I looked down, the one comfortable thing I had about this flight was that we were going to be over gross the entire flight. That means in a twin-engine airplane you have to land if you lose an engine, you cannot fly on, so the only comfortable place would be crossing the Atlantic, because you can always ditch it and at least walk away from it. And I always remember coming out from these clouds and looking down for my first time at the North Atlantic, and there is nothing but icebergs, I mean nothing but icebergs. You know, you talk about the tip of the iceberg, well you can really see how it is there. And if you run into those, it is like a brick wall. So that is not a really reassuring thing.

We went on to Narssarssuaq, and for those of you who have flown out of there, you have to come in, and this is a picture of coming into Narssarssuaq right here, and this is a fjord, about 50 miles up this fjord, and you hit the runway, and when you take off to go to Iceland you are going up this ice cap that rises 7,000 feet from sea level. So you are climbing up this 7,000 feet, it looks like that would be easy to land on. I understand you do not want to land on an ice cap.

So we made it from there on to Keflavik in Iceland to Manchester.

One of the interesting things is when you fly, and we were going over here and going across Goose Bay——

Mr. DORNAN of California. Could you bring that map over a little closer and that tripod a little closer, because I know the limitations of the camera, and that map is fascinating.

Mr. INHOFE. I will try this, but when you are going across, going east, as all of us pilots know, we are so smart, we know that we are going to have tailwinds when you go up to altitude. Well, we had headwinds every time, every single time going around and between, and that is what we discovered going along between these bodies of water to Keflavik, to Manchester, and we looked down at the groundspeed. When we looked down on the GPS system you can tell the groundspeed, and our groundspeed was 150 knots. And we calculated, we went entirely around the world and our average speed, taking total difference of time it took, it was 150 knots. Let me assure you that it is a big world at 150 knots.

Mr. DORNAN of California. And that is a pretty standard speed for pilots before our generation. That is for the Gooney Birds, their speed flying supplies over the hump, and the Catalina speed, or a little below that. Also the B-17, full load of bombs, B-24, and B-29, and guys like **Ben Gilman** who flew those probably cranked up about 40 knots on that. But that is about pretty standard. That was the speed of the HU-16 I piloted from Hamilton all the way to Hawaii, 14 hours and 15 minutes without stopping, the pilot going to Vietman. That is one of the biggest distances, Hawaii to the West Coast. What was Wiley Post's speed?

Mr. INHOFE. He had just about the same groundspeed, because he had the normal type of tailwinds you would expect to have. The Lockheed he was flying was one that actually has its true airspeed at only about 30 or 40 knots which was different than mine was. But as it turned out, we ended up with just about the same groundspeed going all the way around the world.

The difference between his flight and ours is that he had some advantages. For example, as the gentleman well knows, if you are over gross weight and you have two engines and you lose an engine, you have to land. The likelihood of losing an engine in a twin-engine plane is twice as great as losing one in a single-engine plane.

Second, he had a much longer range than we had. Third, he had one of these big round wasp engines, and you can knock out one, two or three cylinders and still keep going on those.

Mr. DORNAN of California. What was your best leg range compared to Wiley Post?

Mr. INHOFE. He had one leg considerably longer than ours. However, there was only one that was longer, and our longest leg was about a little over 1,400 statute miles. That was with headwinds.

Anyway, let me go on. We went from here to Berlin. And this is one of the things I want to come back to, the experience we had in Berlin, because in Berlin I got a chance to see a contrast as to what it was like before the wall came down and after the wall came down. We will save that for just a minute.

In Berlin I went to the Soviet Embassy. One of the problems in the Soviet Union is that they do not talk to each other. You know, we had it arranged that we would pick up our visas in what used to be East Berlin in the Soviet Embassy. We went by, and I spent 3 days in the Soviet Embassy and I finally gave up. I can remember watching the people. The only place that is still impoverished looking in East Berlin, and it is not just bustling right now with prosperity, is the Soviet Embassy. I sat down there and I finally gave up.

We went out and got in the plane and we flew from Berlin to Moscow, landed in Moscow with no visas. And when we landed in Moscow the officer there said, this official said he would like to see our visas. I said we did not have any. I said they were supposed to be in Berlin but we could not wait any longer. I had Admiral Busey with me, and we were going to a procurement seminar, and he had a deadline, and I had to get him back to Tulsa. So I had to go, and we got there, we got to the Soviet Union without a visa. I asked the guy where are you taking us, and he just told me to go along, to follow him. I said where are you taking us, I pressed him, and he said that we are going to the hotel for visitors without visas. You know what that is.

So luckily we were saved by someone from our American Embassy and we did not have to go to the hotel for visitors without visas.

After that we went to Sovetsky. That was a long leg going up to Sovetsky. We did not want to go to Sovetsky. Wiley Post did not go to Sovetsky. We did not know why we went to Sovetsky, but since we had to take a Soviet navigator, and here is the picture of Igor in front of the 4414, the spirit of Wiley Post, we had to take him along, and then we found out later that he had friends in Sovetsky. So that is why we went there.

We landed there, and it is so primitive that they still harness reindeer as their primary mode of transportation. And in Sovetsky we had an experience which would be the second thing that I want to come back to. I am going to read a letter to you from four people who gave me a letter when I came back. They had never seen an American before.

We got gas and we left, and in fact, Sovetsky is the first place I saw an AN–2. You know what that is? An AN–2 is this biplane, big round engine. I do not know when they were made, somewhere back around the Wiley Post era. And they go in there, and they will load the people in, and then they will stand there and hold onto hoops like in a trolley, and then they will take off. They might make 80 knots. It is a pretty reliable form of transportation. But that is what they are using in Aeroflot to transport most of the people within Siberia. There is a fleet of three of them.

Mr. DORNAN of California. We captured one of those in Grenada, so our Defense Department has one somewhere. And I believe they are still using them, and they use them for paratroopers, and they use them all over in the farming industry, and there were some in Nicaragua.

Mr. INHOFE. I remember seeing them in Honduras or in an area just north.

Mr. DORNAN of California. This first stop then, is it west of the Urals? In other words, Sovetsky in Russia, where would that be?

Mr. INHOFE. I would classify that as northwestern Siberia. But here is what it looked like. It was a beautiful place. We stayed there and slept on boards. They did not have mattresses. They had a thin blanket there on these boards, and we stayed there where the workers stay. There were 23 rooms and a bathroom in there, but again, we are going to come back to Sovetsky. That is really critical to understand some of the things that happened.

So from there we went to Novosibirsk, and this is where I had the first realization that we were having a problem with the airplane. The gasoline in the Soviet Union does not look very pretty. When you look at it, it does not look like ours. It is not clear, beautiful blue. It is kind of like a urine specimen, has things floating around in it kind of, kind of a yellowish and greenish color, and it had little specks. And yet I was told that you cannot really strain it because they get some of their octane from some of these little particles that are in there. I do not know that much about it. But we brought a specimen back that we are going to find out a little more about.

The octane was not the problem as we thought it would be. It was the particles. When we were on our way down on this long leg to Novosibirsk, right down here, I looked over here and the fuel that goes from the necell tanks right here to the tip tanks, as the fuel transfers it does not go directly, but it has to go to the tip tank and then go back to the engine. It clogged up and it stopped flowing. So we turned it off and on, and off and on, and off and on. At the time we thought this could be a serious problem so we punched in the nearest airport with our navigation system, our GPA system, and the nearest airport was 512 nautical miles.

Mr. DORNAN of California. And you are flying over forests?

Mr. INHOFE. This is a picture taken, and this is rugged mountains and snowcapped peaks. There is no place that we could see, no river beds, no sign of anyone ever having been there, like a road. So this is the concern we had.

Incidentally, when you look down it is so incredibly beautiful, no sign of human life, but the natural resources, the timber, and the prosperity that could have been there if they had some other system.

Then the other problem we had going on that same leg was that we noticed that we were losing manifold pressure on the left engine, which was the new engine. And what do you do on a twin-engine plane when you lose manifold pressure?

□ 1920

You drop the other engine down, so we were running along at about 50-percent power, and with the headwinds, as it turned out, and, now, I happen to be a Christian, the Ephesians, second chapter, verse 8 and 9 type, and I really believe we were not alone on that trip, because by having to bring it down to 50-percent power, there are two legs that we probably would not have made under the conditions of the headwinds and the groundspeed that we were making.

But anyway, that got us through there. We went down from Novosibirsk to Irkutsk. Irkutsk is supposed to be one of the places that people visit, that is supposed to be pretty nice. It is just north of Mongolia. You can see Mongolia from there. You can almost see Japan if you look a little east and south from there. In landing there, I thought that this was a place that was considered to be a resort area on the water, and I went into two stores.

There was not any meat in either the two stores. They had some bloated cans of something that I do not know whoever would buy it, and they had some gallon jars of colored water like Kool Aid. That was the extent of what they had in there. This was supposed to be one of the wealthier areas, more prominent areas, of the Soviet Union in southern Siberia.

The gentleman was there, was he not?

Mr. DORNAN of California. I was there in 1988, with my son, Mark. We went into one store there, and there was like a big 2-gallon oil can, paint can, and it had tomatoes in it. Unfortunately they were all mildewed on the top, and my son, first, as sons will do, criticized me for staring. He got over it after about a week on the trip, and he started staring at everything, too. You cannot travel; it is hysterical.

He said, "Don't, you are going to embarrass them. Don't look at those mildewed tomatoes." I said, "Wait a minute, why are they there? Why are they not thrown out? I think they are selling them." "No. Come on, Dad." And a little babushka goes over and ladles these mildewed tomatoes into a little can.

We found one thing, and I do not know if you were by the fish store there, kind of nice main street, and every now and then these pre-Bolshevik, these wood-carved, filigreed houses, so beautiful, and you can imagine what it was like, all new in snow, and we went into one store and found lemon wafer cookies. They were pretty good. We stored up on them and ate them for the next 4 days on the train to Moscow. If it were not for the cookies, we would have starved on the train, because the dining car did not come up to the title "dining car." It was borscht, and back to our room in the East German-made car for our cookies, but Irkutsk is worth seeing. It is way upriver from Lake Baikal, but it is beautiful.

Mr. INHOFE. This is Irkutsk right here, and you know what I thought of, and I will just share this with the gentleman from California, that when I saw those wood-carved buildings, I thought of the old Hansel and Gretel storybooks. That is what it looked like. That is what I am sure inspired that. That is what it was.

There was a lot of beauty there, and I am certainly not here to beat up Siberia. I am just saying that those people there that had a starvation for freedom and knew there was a better way out there, they have been eating this stuff.

The only thing we ate all the time going across was all they had, and maybe it was because it was the season, but it was a pasty white stuff, and I know there is a name for it, and I cannot remember what it is, and on top of it they put a hunk of meat. That meat, depending upon where you are, and up in Sovetsky it is probably bear meat, and down here it could have been anything else. But I got so tired of that that I lost 10 pounds in 8 days going across Siberia, and I was not even trying.

One of our sponsors was Nutri-System, and I did not even use that. I was just trying to get along on the food that was there.

What year was it that the gentleman was there?

Mr. DORNAN of California. In 1988.

Mr. INHOFE. 1988. You know, it has not really changed.

Mr. DORNAN of California. From what I can hear, and from what I can understand, and I have been back once to the western side, it just keeps going downhill. That is why Gorbachev might come over here and declare in the Democratic primary for President. He has got a great amount of support here, more than he does over there. I do not know now that he has given up Marxism if he would get anywhere looking for his percentage of the Democrat vote.

Mr. INHOFE. Well, that is the other thing we want to talk about in just a minute. I am not sure that they have completely given up all of these things.

But look at the expanse here, going across Siberia from here all the way to Providencya, and you go across 11 time zones, the size of this, the magnitude of this great country that they have got there. It was incredible. So we went to Olekminsk, and then from there to Magadon, and I am going to come back to Magadon, too, because I met a young man there, an incredible guy, a 23-year-old guy, but that was probably the best accommodations we had in Siberia or even in all of the Soviet Union, because we found a five-story structure where all of the Aeroflot pilots stay, five stories, one bathroom, but it was the best place that we had all the time we were staying, and it was even the little restaurant that they had, it is still white stuff with meat on it, but it was the best white stuff with meat on it that we had during the time we were going across the Soviet Union.

So Magadon is something I want to come back to in just a minute. We went from there to Providencya.

Incidentally, when you leave the Soviet Union, they take their money. If you ever wonder what happened to the KGB, I found her. She was the customs official in Providencya, just before you cross over to Nome, AK, across the Bering Strait, the meanest gal I think I have ever seen in my life. She was not going to let us go for a while there. We gave up all of our money, and off we went.

Anyway, it was just so great after going across Siberia to go across and land at Nome, AK, United States, even though it was that far north. We enjoyed the trip across there. We went from there to Fairbanks, followed the routing of Wiley Post, and people remembered him. They remembered Wiley Post. They talked about him. There were things in writing about him.

In fact, in Germany when we were going across, we talked to a man who actually did meet him on his trip coming across in the Winnie Mae 60 years ago.

Mr. DORNAN of California. Just a little cultural question: Did you go into a market in Nome to get resupplied or anything?

Mr. INHOFE. We did not. Nome is the same as it was 100 years ago. Nome, as far as I could say, had not changed a bit. I do not think there is a structure there that was not built back during the Gold Rush.

Mr. DORNAN of California. I just wondered. Whenever I come out of the Soviet Union, the first supermarket I go into, whether it is in Helsinki, Finland, or London, or back in the States, it just hits you right away.

Mr. INHOFE. There is no supermarket that I know of in Nome. You can see everything in town. There was not one but in Fairbanks there was. And what a feeling it was. There were supermarkets there, but I went into the PX, the commissary at Fort Wainwright. That is when I looked around, and it is so hard to reprogram yourself. You know, we went into, in Magadon, we went into a store that is supposed to be a big clothing store. They had in shoes one pair for each size of women's shoes, one pair. Now, if they, or unless they wanted that brown pair of shoes, there was no choice. Then the next one coming around who wanted size 7 or however they size them over there, they are out of luck.

Mr. DORNAN of California. We use this term of Hobson's choice incorrectly. I just learned this recently, I do not want to sound pedantic. But we always say Hobson's choice as if it means both choices are bad. That is not what it means. What little Mr. Hobson did in his British shoe store was say you take what he offers first up. If you say that you would like those, "No; no. That is tomorrow or the next day. You take this or nothing." And that is what you get is a Hobson's choice in the Soviet Union. You say, "I am in line, and I would like that." "We do not have that today. All we have today is toilet paper, and you are lucky to get that, and that is all that is on sale today. Goodbye." So we don't know but what the whole place is one big Hobson's choice.

Mr. INHOFE. Magadon is supposed to be one of the areas that has the most selection and the most variety, and that is, again, what it was. When we went in there was just one of everything if you are lucky. We went from there down to Juneau, back here in the United States, Fairbanks to Juneau, and in fact right here in Juneau, going down, is the only time we really got disoriented. We had one serious navigation problem there the whole trip. We made the mistake of taking our eyes off the Trimble GPS system and trusted our judgment, and you know what can happen to you in fjords. Here it is, in fact, right here. This is the picture. Look how low that is. What would you say that ceiling is right there?

Mr. DORNAN of California. Fifteen hundred feet, a thousand feet?

Mr. INHOFE. Not 1,000 feet. This is right down on the water. We are flying up and down these fjords. We did have one close call there. It comes in like that.

Mr. DORNAN of California. Like a legal buzz job.

Mr. INHOFE. Exactly. Anyway, from here down to Edmonton. Edmonton was kind of good for me, because we had quite a large delegation there meeting us who were able to tell Tulsa, OK's, aviation and aerospace story, and we had contact from an individual who may be relocating part of his operation as a result of that trip.

Mr. DORNAN of California. Did Wiley Post follow that route down through Canada?

Mr. INHOFE. Yes, to Edmonton. In fact, if you go in the Edmonton airport, you see pictures of the Winnie Mae and of Wiley Post. He rode there. I do not know of anyone who is more of a hero than Wiley Post is in Edmonton and some of the other places where he went. Anyway, we went down across Cut Bank and then back into the United States at Cheyenne. He did not stop at Cheyenne. He stopped at a different place. We went from there to Wiley Post Airport in Tulsa, had our seminar with Admiral Busey, and then I looked, and I got a call from the office up here, and the first thing I thought when I got down there was that I would never want to get inside for at least another month the cabin of that 414, but we got down, and we found out we had a vote, and the only way to get there was to fly, get in it and fly back to Washington Airport.

□ 1930

Mr. DORNAN of California. Did the tower give the gentleman permission to do a flyby at Tulsa?

Mr. INHOFE. No. We did not ask for that. We landed there and made that one of our circumnavigations.

In fact, this is my hangar in Tulsa right here.

Mr. DORNAN of California. So the gentleman was met by family, Miss Oklahoma, the chamber of commerce, and all that?

Mr. INHOFE. I even had my mother-in-law there, and she does not even like airplanes.

Mr. DORNAN of California. May I ask the Speaker a question. We can revisit those and the gentleman can reallocate his time.

How much time do we have left now, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 15 minutes left of his time.

Mr. DORNAN of California. Good, 5 minutes for each one of those 3 that the gentleman wants to pause in.

Let me tell people who always comment, it happened to me again at the Republican Convention in Anaheim this weekend, they always say, "You had a great special order. I was watching it, but I was embarrassed."

So some people are thinking here is Mr. INHOFE giving these fascinating experiences to Mr. DORNAN, who is the only one on the floor.

Folks, as the Speaker knows, there are 1½ million people watching right now and that C-SPAN audience keeps growing, so we are not alone here. Have a second cup of coffee, or a cup of tea, enjoy yourself and do not feel embarrassed. There are plenty of people sharing this experience with Mr. INHOFE.

Mr. INHOFE. I mentioned before this to the Speaker that we may run over a little bit and I am going to be prepared to ask unanimous consent to do so, because this is the critical part right there.

Mr. DORNAN of California. Well, the gentleman has his own special order coming up.

Mr. INHOFE. That is next in line, so there should not be a serious problem there.

In East Berlin, I mentioned that the last time I was there was October 7, 1989. The gentleman remembers what happened. Hans Honneker was making his speech. It was after Tiananmen Square. That is when we were expecting to see incredible riots to the same dimension they were at Tiananmen Square.

I wanted to see it firsthand, because I do not really believe a lot of things I get out of the Washington Post and some of the Eastern newspapers. I wanted to see what happened there, so I went out, as the gentleman has done many times. I do not know why more Members of Congress do not do that. I went out to Andrews Air Force Base and jumped on a military transport. I went over there and then I went over with a plain clothes military.

Now, this is in October 1989. We heard the speech. We saw a few bottles being thrown and all that, but it was not successful. I think we all know why it was not.

Mr. DORNAN of California. Jump ahead, too. This is 1 month and 2 days before the wall comes down, that great historical day, November 9.

Mr. INHOFE. I had no way of knowing that the wall would come down. If I had, I would not have been tempted to do what I almost did not do. I was in the Soviet sector and two Soviet soldiers tried to bribe me to get me to let them go across Checkpoint Charlie back to West Berlin in the trunk of our car. I did not do it. I swear I did not do it, but I was tempted.

Mr. DORNAN of California. A noble temptation.

Mr. INHOFE. They knew they would be executed on the spot if they had been caught trying to go back across the border. They were willing to take that chance.

Mr. DORNAN of California. And now we are in East Berlin having trials of those who shot people, 200 or more, 86 just in Berlin shot.

Mr. INHOFE. Is that not incredible, to see the people at that time who were yelling across, hundreds of them hanging on that wall on the west side talking to their loved ones, hoping that someday they would be able to come across, not knowing that a month later that wall would be down, the remnants, as it is today. So there they were doing that and there we were looking at a society in East Berlin that was supposed to be the epitome, supposed to epitomize everything good about communism. You know, if you are a good Communist, you are going to spend a week in East Berlin. The gentleman remembers that.

You go down the streets of East Berlin, we walked by a liquor store. There were three bottles there. That was their total inventory, with something oozing out of the top of each bottle, and it was just like the stores were that we just described. Then you come back on this trip around the world, 18 or 20 months later and see what changes have been made in just 20 months of freedom, a bustling, prosperous East Berlin, and it is one that you cannot even tell where the wall used to be now. Just a few remnants are left there for collectors, and all that happened in just 18 or 20 months.

Mr. DORNAN of California. Just a curious question. I was first in Berlin in 1966, crossed over, bought a tie that fell apart, I just wanted to have something to buy, and I asked where Hitler's bunker was and they got hostile. "Why do you want to know? No, it's gone. We don't know where it is."

So I followed old maps and finally I found a street, there was black rubble and all these cones saying you cannot go in here.

I would hope they would turn it into a tourist place to visit, running the risk that some incipient Nazis are going to go there and genuflect, but I think it is good to show people that he died like a little rat coward at his own hand, Goebbels executing his wife and six kids with poison and then shot himself or poisoned himself, to show this sick end in this bunker being hammered by artillery of the "Thousand Year Reich."

The gentleman did not happen to hear if they are going to do that or if it is still up a dark alley somewhere?

Mr. INHOFE. No; I did not. I do not have anything to reflect on that; but what the gentleman said reminded me of a friend of mine.

I think every Member of Congress has kind of his unofficial advisers in different areas. You go back home and one guy is only interested in social issues, one guy in defense and all that. Well, my East Berlin expert is a German who came to this country after the war as a prisoner of war. He fought as a sailor in the German Navy in World War II. He lives in South Padre Island, TX. His name is Helmut Kade.

Two of his brothers lived in East Germany. He would tell me all about what happened after the war in East Germany, how they started taking their property. Any of the farms over 100 acres they automatically took and the Government then became the owner of those farms, and the smaller ones they would leave in private ownership but they were not able to buy anything on the market, so they would end up giving it up.

If somebody had a small business, a butcher shop, as I think one of his brothers did, they could have kept that in private ownership. But where would they buy the meat? They had to buy it from the Government.

So the bottom line is that Helmut Kade is right. He mentioned to me just this morning on the phone, one of his brothers took a 1½-hour video in East Berlin and different towns in East Germany. He said it was just amazing the difference that has taken place already.

I wanted to mention also the experience that we had in Magadon. There is a young man there in Magadon by the name of Roma Gagara. Roma Gagara is 23 years old. He taught himself English and Japanese, speaks them both fluently. He started telling me about life over there and what is going on. He talked about the one manufacturer of cars and how you can buy a car for 22,000 rubles, which did not sound like very much money, but there is no supply, so the black market gets them and it costs 80,000, if they want one.

Mr. DORNAN of California. How big a city is that?

Mr. INHOFE. The city is a pretty good-sized city. It is about 400,000 people; although most of the activity is in the mountainous area right around the airport. It is beautiful. You have the rolling hills and the mountains around there.

He took me to where his parents lived in one of the communes, I guess. His dad has a good job. He makes 600 rubles a month. His mother has a good job working for the airport on avionics. She makes 400. That is 1,000 rubles, which is about $40 a month. Now, that is considered a good job.

Mr. DORNAN of California. A far cry from the legal price of a car for 22,000 rubles.

Mr. INHOFE. Yes. When you stop to think about it, you are talking about $880 for an automobile.

Mr. DORNAN of California. One thing I learned riding on the train, that even if you get the car, there is no garage. None of their apartment buildings have underground garages. They do not even have proper parking lots. Sometimes you are not allowed to park on the streets, so they go down to the railroad by the right-of-way. Because of the noise and all the soot from the railroad, they get packing crates that just barely would fit around your car. If you went into the garage, you would be hunched over with 8 inches on each side and they put these mini self-made garages all along the railroad tracks. It took us a day to figure out what the heck they were. So if you are lucky enough to get a car, you have no place to put it.

Mr. INHOFE. You see, part of that propaganda in all this at the time was, look, for 22,000 rubles you can get a fine automobile. That is $880, that is what it costs in the United States. What they did not say, No. 1, it does not work because there is no profit motive there. It might as well be $200, or it could be $2,000. It would not make any difference.

No. 2, they are not available anyway. You can buy a lot of things cheap when there are none, just like their gas over there. I would not want to go make that trip again using that gas, but it was only a nickel a gallon. A nickel a gallon; is that not a bargain?

Mr. DORNAN of California. I was thinking, you are going to find that your chemist's reindeer contribution is going to be in that specimen of fuel.

Mr. INHOFE. I think that is probably right; but I wanted to mention this because he acted as an interpreter. In fact, he talked a little bit about Boris Yeltsin's campaign.

He said, you know, there is a guy named Geronovski who ran against him. The gentleman may or may not be aware of that. Geronovski was in the election running against Yeltsin. His platform was they were going to get Alaska back from the United States for the Soviet Union. That is what his platform was. They say things like that. I guess politics is the same all around the world.

This guy acted as an interpreter and I have got to share this with the Speaker and with the gentleman from California and others, and that is when you get into the Soviet Union and you talk to people who knew people individually, such as Boris Yeltsin, they tell you stories about him. This guy told me, and looked me in the eyes. He looked like a very honest person and I had the interpreter there whose name I just mentioned to you, and he said that Boris Yeltsin was the hardest of hardliners when he was in Magadon in that area, the hardest of hardliners, and when he saw that the people could not be suppressed, that they knew that freedom was out there and they were going to have their experiment in freedom and capitalism and democracy, that he then said, "Well, since we can't suppress them, we'll join them." He jumped on that horse, rode that horse to freedom with these people, and now he is the great freedom rider; but as he said to me, he would be just as comfortable on the other horse that he was riding before.

I think Richard Nixon the other day, the gentleman was sitting right next to me when he addressed a group of Republicans in a conference, and he said, "You know, it's a lot easier to gain democracy and freedom than it is to keep it."

Look at Chamorro down in Nicaragua. That is true, and that is what our major concern is.

Mr. DORNAN of California. Look at Cory Aquino, the President of the Philippines, trying to get a referendum to get the money from the United States for Subic Bay or that country is going to go belly-up economically.

Mr. INHOFE. Well, he went on to say that we would be a lot better off if it had not happened than if it happened, and it fails and they go back. He said, "How many years is it going to be until that can emerge again?"

□ 1940

I think we are all concerned about that. But I have to share one story with the gentleman from California that is something that I will not give the name of the Soviet official who told me this, but I was trying to secure a mission to go down to this island right here in southeastern Siberia. I had met the governor of that island, and I wanted to go down there. So I said I would like to go about 250 miles south of my course at that point and go to the Sakhalin Islands. He said, "No, you can't," very abruptly. Now, this is a Soviet official. I said, "Why? They posted it 60 years ago." He looked at me and he said, "Yes, but 60 years ago we had nothing to hide. If you take a chance and go down there, you may be shot down." Now, that is pretty terrifying when there are Members of this body who feel there is no threat out there. I can assure you one thing I did learn on this trip is that they have never quit cranking out their hardware. All the good things that they are talking about, the experiment in freedom, sure it is a Third World nation in most of the countries, but it is a first-class defense nation. They have never stopped cranking out the tanks, and they are all out there right now.

The gentleman from California and I learned this when he and I went out on the first freedom flight to Kuwait City, the first 12 Members of Congress to go in right after the Persian Gulf war. What did we see there? We saw their threats all over the world. It is not just in the Soviet Union. So that is the message I brought back from Magadon. It is that we have got to keep a strong America.

Mr. DORNAN of California. That is why it does dovetail to the vote that I mentioned today, 220 to 145; 145 is an interesting number because in this House that is a perfect third, when all seats are filled, everybody is healthy and all the men and women are here; 145 is what you need, a third, for a veto, to keep the President veto-proof. But in this case it is the other way around; 145, a third of this House, says, "Let's go for BARNEY FRANK's idea to cut SDI and kill the B-2 and start chopping up all these priorities." And then they always say, "Well, I am prodefense, I want to keep this base open, I want to build more F-15's, 16's, 14's, more tanks, more this." We have to let our former colleague, Dick Cheney, and the President structure the strategic defense system, the strategic defense systems of which you have almost nothing. Patriot is a tactical battlefield weapon. We have to be careful how we do this.

Mr. INHOFE. I would suggest to the gentleman from California that it is important for people not just to look at a vote that somebody has cast but look at the critical votes. Look at the votes to give the President the power to use force in the Middle East. A lot of people do not realize what would have happened if that vote had failed, and it almost did fail in the Senate. That would have been, for all practical purposes, a 90-day moratorium that would have given Saddam Hussein time to develop his nuclear capability. The outcome could very well have been different.

To look at the American security rating, if you want to know how somebody votes on security issues, that is very, very significant.

I would like in the final few minutes that we have to go back to Sovetsky in that northwestern part of Siberia, where the people are so remote that they had not even been subjected to anti-American propaganda. They loved us.

Mr. DORNAN of California. Did they talk about any gulag camps that were in that area in the archipelago, the prison camps?

Mr. INHOFE. No, they did not. And I asked them And they were very, very quiet about anything having to do with that. They were trying to keep everything upbeat. I ran into four guys, and I have to share this with the House, with the Speaker and with the Nation, and the gentleman from California. This is a letter in Sovetsky, primitive Sovetsky——

Mr. DORNAN of California. Spell that name very slowly so I can look for it on my map tonight.

Mr. INHOFE. You will not find it on your map. But we put it on this map. It is S-o-v-e-t-s-k-y.

Mr. DORNAN of California. It is almost like Soviet-sky.

Mr. INHOFE. That is right.

Now, this letter is a letter where one guy several years ago taught himself English and taught himself how to write English, and he wrote this letter, waiting for an American to come through one day, and we were the Americans that came through. He give us this letter and said, "Can you take this letter back?" This is beautiful handwriting. And by the way, this is the size of this letter. This is not blown up for the camera. This is the size of this letter.

Mr. DORNAN of California. It look like the Declaration of Independence.

Mr. INHOFE. It does. It looks like a John Hancock could have drafted it and signed it. These four fellows, the one who presented it to me, were so proud of it—he took it out of this folder that he had kept I don't know how many years, waiting for someone to come through and bring it back. And the thrust of the letter is "would someone back in the United States consider hiring the four of us?" Collectively, they had about 20,000 hours of helicopter time in the most severe northern region of anywhere in the world, where they operate them. Sovetsky, the main reason for the town is that it is a little helicopter pad. That is where we landed when we came down to refuel in that area.

So this letter is begging for a job in the United States of America; a man to seek this freedom and, hopefully, fulfill is someday, learned English, learned to write, wrote this beautifully grammatically perfect letter, to send it back to the United States of America to find someone who would give him a job so he could go over there on a visa and work in the United States.

Mr. DORNAN of California. The unfortunate thing is, because of our long, hard struggles against communism in the cold war that was very hot and very bloody at times, Vietnam, Korea, that we trained 19- and 20-year-old warrant officers by the thousands to fly our Huey Slick's and Hawk's and gunships and Cobras in Vietnam, and the Marines too, and that is the one job category where we have more talented young Americans in their thirties now available to fly pararescue, lumber, transport out to oil rigs; that is the one thing we do not need from the Soviet Union. If they want to come and drive cabs in New York, we can use them.

Mr. INHOFE. But they do not need English for that.

Mr. DORNAN of California. That is right.

Mr. INHOFE. Well, I would have to say that the rewarding part of getting that letter was that it was America, there was not anybody else there waiting to come through. We are still the beacon of hope and freedom.

Do you remember in one of the most famous speeches of all time, and I think history will reflect that someday, when Ronald Reagan back in 1965 or 1966 gave his "Rendezvous with Destiny" speech? Do you remember that? I am sure you do. That was during Castro's reign, when he was just getting in and people were fleeing from Cuba. He told a story about a Cuban who was trying to get out of the enslaved situation. They had broken up his family, put him in a labor camp, and he escaped from Communist Cuba, and he came over here, and there was a lady on the shores of Florida who welcomed him as he came off. He was talking about the atrocities and all that that he had been under. The lady said, "I guess we don't know how lucky we are in this country." And the Cuban said, "How lucky you are? We are the ones who are lucky; we had a place to escape to."

Do you remember the hospital tent in Honduras when we were down there trying to help the freedom fighters gain their freedom? I will never forget as you have stood in that hospital tent many, many times, it was a hospital tent about a fourth the size of this Chamber, 46 beds all the way around in a circle, and in the middle was the operating table, almost all amputations, if you will recall.

Mr. DORNAN of California. Is this Aqua Cate?

Mr. INHOFE. Yes. Now, I speak Spanish. I remember asking each one, "I want to know why you are doing this? I admire you. You are so incredibly brave. But knowing there is no way you can win this thing, no way in the world, the incredible odds of all that Soviet equipment that the Sandinistas have to work with, how can you win this, do you think? Why are you doing this? The last person was a little girl named Maria Elena Gonzalez, and I remember she might have gone 85 pounds soaking wet. She had those beautiful big, limpid eyes. And she—this was her third trip, even though she was only 19 years old, it was her third trip back to the hospital tent. She would not be going back out again. She had been fighting since she was 13 years old. They amputated her leg that morning. I saw it still bleeding through the bandages. I remember talking to her and asking her that question.

She looked up and this is her response. She said,

> Estamos luchando porque han tomado todo de lo que teniamos. Creemos que ustedes en Los Estados Unidos nos entienden, ya que tuvieron que luchar para su libertad lo mismo que estamos luchando ahora.

What that means was she said, "We thought we were fighting because they had taken everything, our farms, our homes, taken everything away from us. But surely you in the United States would understand because you had to fight for your freedom the same as we are fighting." That little girl could not read or write. She was ignorant, but she was brilliant in her knowledge of freedom. She did not know whether our Revolution was 20 years ago or 200 years ago but she knew that we felt the same way, we fought against impossible odds. And that we were that beacon of freedom.

□ 1950

Mr. DORNAN of California. Mr. Speaker, let me close on a tough note because this is a political Chamber, this great legislature.

One of our former colleagues just recently declared for the Presidency. I will mercifully not mention his name, but in his declaration speech he talked about traditional family values. What the Senate needs, like a load of dynamite that is unstable, is another Catholic for abortion, and then he said, "We have conquered nazism, fascism, and communism," and this particular person has never lifted a finger to conquer communism since the day he got elected to this Chamber as a Watergate baby. As a matter of fact, he was down there meeting with the Ortegas to help figure out how to crush this little girl and all of her fellow freedom fighters.

So, we have got a lot of people running around the country now talking about conquering communism, how great it was, that never lifted their pinkie to conquer communism. They never have done anything for traditional family values, and that is going to be their pattern. They have to check the scorecard to follow the dialog and the rhetoric coming up in this Presidential campaign.

Mr. Speaker, I thank the gentleman for absorbing my special order. I have loved it better than any special order I have done myself because this, I repeat, was something I wanted to do all my life.

We had a young man from my district. I am so embarrassed that I cannot remember his name. It is like Allamande or something. He is 10 years of age. His dad was the pilot, because he could not do it legally; but he flew at the controls, another Cessna—Citation—single engine, and he got all the way through a somewhat similar route. He had a little bigger cities in the Soviet Union, and he made the mistake of letting his dad take him on a side trip fishing in Alaska, and they wrecked their plane. So, they had to borrow a plane to finish the trip, but it was still a great effort by this family from San Juan Capistrano, and there will be other Americans going through there. But you had the eyes of a Congressman, and the experience of a lifelong anticommunist, who has seen freedom fighters throughout the world, to appreciate some of the fine tuning that you can absorb on one of these great experiences.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for letting me impose upon his special order, and let us keep America strong and the beacon of freedom bright.

LEAVE OF ABSENCE

[Omitted from the Congressional Record of Thursday, September 12, 1991]

By unanimous consent, leave of absence was granted to:

Mr. COUGHLIN (at the request of Mr. MICHEL), for today, after 12:30 p.m., on account of accompanying the President on a visit of the Philadelphia Veterans Hospital Drug Treatment Program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Mr. GEPHARDT), for today and tomorrow, on account of a death in the family.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today, on account of official business in the district.

Mr. ZELIFF (at the request of Mr. MICHEL), for today until 5 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on October 7, 8, 9, 10, and 11.

Mr. EMERSON, for 5 minutes, on September 17.

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. CHANDLER, for 5 minutes, on September 17.

Mr. MILLER of Washington, for 5 minutes, on September 17.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DWYER of New Jersey, for 5 minutes, today.

Mr. CARPER, for 60 minutes, on September 17.

Mr. COYNE, for 5 minutes, on September 17.

Mr. SOLARZ, for 60 minutes, on October 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mr. MACHTLEY in two instances.
Mr. BURTON of Indiana.
Mr. CUNNINGHAM.
Mr. GALLEGLY.
Mr. COLEMAN of Missouri.
Mr. CALLAHAN.
Mr. EMERSON in two instances.
Ms. ROS-LEHTINEN in three instances.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. YATRON.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. DORGAN of North Dakota.
Mr. MCMILLEN of Maryland.
Mr. FUSTER.
Mr. MONTGOMERY.
Mr. LUKEN
Mr. NATCHER.
Mr. TRAFICANT.
Mr. ANDREWS of New Jersey.
Mr. VISCLOSKY.
Mr. TORRICELLI.
Ms. PELOSI.
Mrs. LOWEY of New York.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 260. An act to provide for the efficient and cost effective acquisition of nondevelopmental items for Federal agencies, and for other purposes; to the Committee on Government Operations.

S. 627. An act to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs Lock"; Committee on Public Works and Transportation.

S. 1418. An act to designate the Federal building located at 78 Center Street in Pittsfield, Massachusetts, as the "Silvio O. Conte Federal Building", and for other purposes; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 17, 1991, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2060. A letter from the Assistant Secretary of the Army (Financial Management), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter March 1, 1991, through June 30, 1991, pursuant to Public Law 101–165, section 9008 (103 stat. 1130); to the Committee on Appropriations.

2061. A letter from the Secretary, Department of the Navy, transmitting notification that a major defense acquisition program has breached the unit cost by more than 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

2062. A letter from the Under Secretary of Defense for Acquisition, transmitting notification that a major defense acquisition program has breached the unit cost by more than 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

2063. A letter from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting a report of individuals who filed DD Form 1787; report of DOD and Defense Related Employment, for fiscal year 1990, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

2064. A letter from the Secretary of Health and Human Services, transmitting a report on the study on the application of job programs to Indians, pursuant to 42 U.S.C. 681 note, Public Law 100–485, section 203(d) (102 Stat. 2380); to the Committee on Education and Labor.

2065. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1990 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

2066. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 91–48), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2067. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's Proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (transmittal No. 91–47), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2068. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from April through mid-May, 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2069. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Robert Stephen Pastorino, of California, to be Ambassador to the Dominican Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2070. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Edward Gibson Lanpher, of the District of Columbia, to be Ambassador to Zimbabwe, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2072. A letter from the Bureau of Naval Personnel, Department of the Navy, transmitting the 1989 annual report for the Navy nonappropriated fund retirement plan of employees of civilian morale, welfare, and recreation, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2073. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 516 of title 44, United States Code, with respect to the prosecution of defaulting contractors by the General Counsel for the Department of the Treasury; to the Committee on House Administration.

2074. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright office, for the fiscal year ending September 30, 1990; accompanied by a copy of the annual report of the Library of Congress Trust Fund Board, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

2075. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of the Zuni Indian Tribe's judgment funds in Docket 161–79L (Railroad Claim) before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

2076. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS area, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2077. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2078. A letter from the National President, Women's Army Corps Veterans' Association, transmitting the annual audit of the Association as of June 30, 1991, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

2079. A letter from the Acting Commandant, United States Coast Guard, transmitting an update on the status of the study of problems on commercial fishing industry vessels and a study of fish processing vessels, pursuant to 46 U.S.C. 4502 note; to the Committee on Merchant Marine and Fisheries.

2080. A letter from the Administrator, General Services Administration, transmitting copies of Report of Building Project Survey for Northwest Indiana, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

2081. A letter from the Administrator, General Services Administration, transmitting copies of Reports of Building Project Surveys for Laredo, TX, and Pembina, ND, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

2082. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend part D of title IV of the Social Security Act to authorize financial incentives for more effective State child support enforcement programs, to provide for the charging of fees for State child support enforcement services, and for other purposes; to the Committee on Ways and Means.

2083. A letter from the Chairman, Physician Payment Review Commission, transmitting the Commission's report commenting on the Notice of Proposed Rulemaking released by the Health Care Financing Administration on June 5, 1991; jointly, to the Committees on Energy and Commerce and Ways and Means.

2084. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in Kuwait, pursuant to 5 U.S.C. 5928; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Sept. 11, 1991, the following report was filed on Sept. 13, 1991]

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3083. A bill to amend the Higher Education Act of 1965 to ensure the continued safety and soundness of the Student Loan Marketing Association, and for other purposes; with an amendment (Rept. 102–203). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Sept. 12, 1991, the following report was filed on Sept. 13, 1991]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3090. A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services (Rept. 102–204). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Sept. 16, 1991]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2607. A bill to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes; with an amendment (Rept. 102–205). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER of California:

H.R. 3335. A bill to amend the Internal Revenue Code of 1986 to allow up to a $2,000 deduction for retirement savings for a nonworking spouse; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 3337. A bill to require the Secretary of the Treasury to mint a coin in commemoration of the 200th anniversary of the White House; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BATEMAN:

H.R. 3338. A bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Interior and Insular Affairs.

By Mr. BEREUTER:

H.R. 3339. A bill to improve supervision and regulation with respect to the financial safety and soundness of the Federal Agricultural Mortgage Corporation, and for other purposes; to the Committee on Agriculture.

H.R. 3340. A bill to prevent potential abuses of electronic monitoring in the workplace; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts (for himself and Mr. GEKAS):

H.R. 3341. A bill to amend the Ethics in Government Act of 1978 with respect to honoraria, and for other purposes; jointly, to the Committees on Post Office and Civil Service, House Administration, Armed Services, and the Judiciary.

By Mr. GEKAS (for himself and Mr. FRANK of Massachusetts):

H.R. 3342. A bill to amend title 5, United States Code, to provide for the forfeit of the retirement annuity of an individual convicted of bribery; to the Committee on Post Office and Civil Service.

By Mr. HASTERT:

H.R. 3343. A bill to suspend temporarily the duty on 3,4,4'-trichlorocarbanilide; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER (for himself, Mr. BARNARD, Mr. BROWDER, Mr. PENNY, Mr. DANNEMEYER, Mr. HUGHES, Mr. ERDREICH, Mr. BACCHUS, Mr. MCMILLEN of Maryland, Mr. MAZZOLI, Mr. MCNULTY, Ms. KAPTUR, Mr. DOOLITTLE, Mr. PAYNE of Virginia, Mr. HENRY, Mr. HOUGHTON, and Mrs. PATTERSON):

H.R. 3344. A bill to establish the National Commission on Intergovernmental Mandate Reform; to the Committee on Government Operations.

By Mrs. MINK:

H.R. 3345. A bill to amend the Immigration and Nationality Act to provide for prompt parole into the United States of aliens in order to attend the funeral of an immediate blood relative in the United States; to the Committee on the Judiciary.

By Mr. TORRICELLI:

H.R. 3346. A bill to amend title XVIII of the Social Security Act to permit separate payment under part B of the Medicare Program for the interpretation of electrocardiograms provided by a physician during a visit, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. BENTLEY (for herself, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of New Jersey, Mr. AUCOIN, Mr. BACCHUS, Mr. BALLENGER, Mr. BARNARD, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BREWSTER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARPER, Mr. CHAPMAN, Mr. CLEMENT, Mr. DANNEMEYER, Mr. DELLUMS, Mr. DE LUGO, Mr. DORNAN of California, Mr. DREIER of California, Mr. EMERSON, Mr. ERDREICH, Mr. EWING, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FROST, Mr. FUSTER, Mr. GILCHREST, Mr. GUARINI, Mr. HALL of Texas, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HUCKABY, Mr. HUTTO, Mr. JACOBS, Mr. JONTZ, Mr. KLECZKA, Mr. KOLTER, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OWENS of New York, Mr. PACKARD, Mr. PAXON, Mr. QUILLEN, Mr. RAMSTAD, Mr. RANGEL, Mr. ROE, Mr. SCHEUER, Mr. SKEEN, Mr. SLATTERY, Mr. SOLARZ, Mr. TOWNS, Mr. WEISS, Mr. WOLF, and Mr. YATRON):

H.J. Res. 325. Joint resolution to designate the weeks of September 22 through 28, 1991, and September 20 through 26, 1992, each as "Religious Freedom Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOYER introduced a bill (H.R. 3336) for the relief of Florence Adeboyeku; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. HANSEN, Mr. WEBER, Mr. ROGERS, and Mr. JAMES.

H.R. 123: Mr. EDWARDS of Oklahoma.

H.R. 177: Mr. MCCLOSKEY.

H.R. 187: Mrs. COLLINS of Michigan, Mrs. KENNELLY, Mr. PETERSON of Minnesota, Mr. FASCELL, Mr. WILLIAMS, Mr. SABO, Mr. BROWN, Mr. COSTELLO, Mr. UPTON, Mr. VENTO, and Mr. SMITH of Iowa.

H.R. 213: Mr. VENTO and Mr. RANGEL.

H.R. 328: Mr. PETRI.

H.R. 394: Mr. SKAGGS and Mr. MAVROULES.

H.R. 418: Mr. GILMAN, Mr. OBERSTAR, Mr. RIGGS, Mr. TAUZIN, Mr. PERKINS, Mr. DE LUGO, Mr. WISE, Mr. MARTIN, Mr. APPLEGATE, Mr. BUSTAMANTE, and Mr. GEKAS.

H.R. 585: Mr. MCCLOSKEY.

H.R. 623: Mr. BENNETT and Mr. BOEHNER.

H.R. 722: Mr. OBERSTAR, Mr. PETRI, AND Mr. GUNDERSON.

H.R. 723: Mr. OBERSTAR, Mr. PETRI, and Mr. GUNDERSON.

H.R. 924: Mr. COSTELLO.

H.R. 945: Mr. HAMMERSCHMIDT, Mr. TAYLOR, of Mississippi, Mr. BATEMAN, Mr. CRAMER, and Mr. WILLIAMS.

H.R. 1154: Mr. BILIRAKIS, Mr. NAGLE, Mr. SANDERS, Mr. PAYNE of New Jersey, and Mr. SPRATT.

H.R. 1202: Mr. GILMAN, Mr. ROYBAL, Mr. MINETA, Mr. DIXON, Mr. MILLER of California, Ms. KAPTUR, and Mr. DURBIN.

H.R. 1241: Mr. TAYLOR of North Carolina, Mr. STAGGERS, Mr. COYNE, Mr. RHODES, Mr. ROE, Mr. BILBRAY, and Ms. KAPTUR.

H.R. 1288: Mr. FAZIO, Mr. BRYANT, Mr. DWYER of New Jersey, and Mr. VENTO.

H.R. 1318: Mr. HORTON, Mr. SPRATT, Mr. MARTINEZ, Mr. YATES, Mr. SCHEUER, and Mr. JEFFERSON.

H.R. 1346: Mr. CLAY, Mr. MANTON, Mr. KOSTMAYER, and Mr. ACKERMAN.

H.R. 1389: Mr. BORSKI.

H.R. 1414: Mr. SWETT and Mr. STALLINGS.

H.R. 1446; Mr. SHAYS.

H.R. 1456: Mr. PACKARD.

H.R. 1483: Mr. ATKINS and Mr. PRICE.

H.R. 1500: Mr. TORRICELLI, Mr. GUARINI, Mr. MARTINEZ, Mr. EDWARDS of California, Mr. DIXON, Mr. FRANK of Massachusetts, Mr. PEASE, Mr. LEHMAN of Florida, Mr. MFUME, Mrs. UNSOELD, Mr. MOODY, Mr. DERRICK, Mrs. MORELLA, and Mr. KLECZKA.

H.R. 1502: Mr. COLLINS of Michigan, Mr. FAZIO, Mr. FEIGHAN, Mr. VENTO, Mr. FALEOMAVAEGA, Mr. KASICH, Mr. VISCLOSKY, Mr. EVANS, and Mr. SANGMEISTER.

H.R. 1515: Mr. CHAPMAN, Mr. BACCHUS, Mr. JEFFERSON, Mr. WYDEN, Mr. WILSON, Mr. TOWNS, Mr. FUSTER, Mr. RAVENEL, Mr. MARTINEZ, Ms. PELOSI, Mr. WOLPE, Mr. SERRANO, and Mr. EWING.

H.R. 1717: Mr. RHODES.

H.R. 1809: Mr. CONDIT and Mr. LANCASTER.

H.R. 2008: Mr. OBERSTAR, Mr. UPTON, and Mr. FISH.

H.R. 2072: Mrs. MEYERS of Kansas.

H.R. 2299: Mr. KOPETSKI, Mr. BEILENSON, Mr. ESPY, and Mr. DOWNEY.

H.R. 2363: Mr. UPTON, Mr. PANETTA, Mr. LEWIS of Florida, Mr. RHODES, Mr. ANDREWS of New Jersey, Mr. HOBSON, and Mr. FISH.

H.R. 2365: Mr. FISH.

H.R. 2385: Mr. LENT, Mr. ANNUNZIO, Mr. FASCELL, Mr. MONTGOMERY, Mr. BATEMAN, Mr. NATCHER, Mr. CRAMER, Mr. CARDIN, Mr. FAZIO, and Mr. BENNETT.

H.R. 2419: Mr. WISE, Ms. HORN, Mr. STUDDS, Mr. COSTELLO, Mr. STARK, Mr. JOHNSON of South Dakota, Mr. SCHEUER, and Mr. ERDREICH.

H.R. 2470: Mr. FISH.

H.R. 2553: Mr. APPLEGATE, Mr. LEWIS of California, Mrs. JOHNSON of Connecticut, Mrs. COLLINS of Illinois, Mr. PEASE, and Mr. PAXON.

H.R. 2565: Mr. ACKERMAN, Mr. BEREUTER, Mr. BERMAN, Mr. BOUCHER, Mr. BROWDER, Mr. CHAPMAN, Mrs. COLLINS of Illinois, Mr. COX of Illinois, Ms. DELAURO, Mr. DINGELL, Mr. DURBIN, Mr. FOGLIETTA, Mr. FROST, Mr. HORTON, Mr. HUGHES, Mr. JEFFERSON, Mr. JONES of Georgia, Mr. JONTZ, Mr. KILDEE, Mr. KOLTER, Mr. LAFALCE, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MILLER of Ohio, Mr. MURTHA, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTON, Mr. OWENS of New York, Ms. PELOSI, Mr. REGULA, Mr. ROE, Mr. SANGMEISTER, Mr. SCHIFF, Mrs. SCHROEDER, Mr. SKEEN, Mr. TOWNS, Mr. WALSH, Mr. WILSON, and Mr. YATES.

H.R. 2607: Mr. SLATTERY and Mr. PERKINS.

H.R. 2652: Mr. LAFALCE, Mr. FROST, Mr. HUGHES, Mr. LEHMAN of California, Mr. BILIRAKIS, Mr. EMERSON, and Mr. OBERSTAR.

H.R. 2782: Mr. FRANK of Massachusetts.

H.R. 2811: Mr. BRUCE, Mr. PARKER, Mr. MURPHY, Mr. DURBIN, Mr. DE LUGO, Mr. LIPINSKI, Mr. JEFFERSON, and Mr. EWING.

H.R. 2812: Mr. OWENS of New York, Mr. PEASE, Ms. NORTON, Mr. SMITH of Florida, Mr. MORAN, and Mr. SCHEUER.

H.R. 2825: Mr. PAYNE of Virginia.

H.R. 2833: Mr. OBEY.

H.R. 2838: Mr. FORD of Tennessee, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. LANCASTER, Mr. MARKEY, Mr. MCCLOSKEY, Ms. OAKAR, Mr. STUDDS, Mr. WALSH, and Mr. WILLIAMS.

H.R. 2855: Ms. DELAURO, Mr. EMERSON, Mrs. LOWEY of New York, Mr. BURTON of Indiana, Mr. KOPETSKI, Mr. DAVIS, and Mr. ESPY.

H.R. 2860: Mr. TOWNS, Mr. FEIGHAN, Mr. ACKERMAN, and Mr. LENT.

H.R. 2861: Mr. ROE.

H.R. 2862: Mr. SERRANO.

H.R. 2870: Mr. RHODES, Mr. RAMSTAD, Mr. GREEN of New York, Mr. HENRY, Mr. RIGGS, Mr. MARTIN, Mr. GUNDERSON, Mr. FAWELL, Mr. BOEHLERT, Mr. KYL, Mr. DORNAN of California, Mr. BATEMAN, Mrs. VUCANOVICH, and Mr. HANCOCK.

H.R. 2926: Ms. HORN.

H.R. 2936: Mr. ORTON and Mr. FASCELL.

H.R. 2944: Mr. HUGHES, Mr. MARTINEZ, and Mr. FROST.

H.R. 2946: Mr. SAXTON.

H.R. 2959: Mr. BREWSTER, Mr. BROWDER, Mr. GEREN of Texas, Mr. HUTTO, Mr. ORTON, Mrs. PATTERSON, Mr. TAYLOR of Mississippi, Mr. VALENTINE, Mr. EMERSON, and Mr. ECKART.

H.R. 3006: Mr. FALEOMAVAEGA and Mr. WALSH.

H.R. 3122: Mr. JOHNSON of South Dakota, Mr. MARTINEZ, and Mr. CONYERS.

H.R. 3142: Mr. DORGAN of North Dakota, Mr. SABO, and Mr. EMERSON.

H.R. 3209: Mr. MCNULTY.

H.R. 3216: Mr. EWING, Mr. DORGAN of North Dakota, and Mr. BOEHNER.

H.R. 3233: Mr. FALEOMAVAEGA.

H.R. 3252: Mr. JACOBS, Mr. OWENS of New York, Mr. DELLUMS, Mr. DEFAZIO, and Mr. STARK.

H.R. 3285: Mr. BROWN, Mr. JONES of North Carolina, Mr. LANCASTER, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. ROSE, Mrs. UNSOELD, Mr. ATKINS, Mr. HENRY, Mr. SKAGGS, Mr. WOLPE, Mr. PAYNE of Virginia, Mr. SPRATT, and Mr. WALSH.

H.R. 3296: Mr. HENRY, Mr. FRANK of Massachusetts, Mr. PAXON, Mrs. KENNELLY, Mr. LIPINSKI, Mr. FEIGHAN, Mr. SARPALIUS, Mr. PENNY, Ms. OAKAR, Mr. ECKART, Mr. BEREUTER, and Mr. BATEMAN.

H.R. 3314: Mr. SENSENBRENNER, Mr. MILLER of Washington, Mr. LIPINSKI, Mr. ARMEY, Mr. SAWYER, Mr. GLICKMAN, Mr. KANJORSKI, Mr. EVANS, Ms. OAKAR, Mr. ANNUNZIO, Mr. HUGHES, Mr. FUSTER, Mrs. BYRON, Mr. RUSSO, Mr. JEFFERSON, Mr. STUDDS, Mr. PORTER, Mr. HERTEL, and Mr. BRUCE.

H.R. 3329: Mr. ROEMER and Mr. PAYNE of New Jersey.

H.J. Res. 67: Mr. VENTO, Mr. SCHAEFER, Mr. VOLKMER, Mr. GEJDENSON, Mr. MCCLOSKEY, Mr. SHAW, Mr. RINALDO, Mr. ANDREWS of New Jersey, Mr. JONES of Georgia, Mr. MILLER of California, Mr. CALLAHAN, Mr. KILDEE, Mr. TALLON, Mr. WOLPE, Mr. DIXON, Mr. WAXMAN, Mr. ROSE, Mr. HEFNER, Mr. RHODES, Mr. MCDADE, Mr. SISISKY, Mr. PARKER, Mr. PRICE, Mr. GEKAS, Mr. HOUGHTON, Mr. MCCOLLUM, Mrs. PATTERSON, Mr. KASICH, Mr. COYNE, Mr. CONYERS, and Mr. TRAXLER.

H.J. Res. 69: Mr. REED, Mr. GORDON, Mr. HUNTER, and Mrs. BOXER.

H.J. Res. 177: Mr. VOLKMER.

H.J. Res. 180: Mr. COX of California.

H.J. Res. 191: Mr. STUDDS, Mrs. VUCANOVICH, Mr. HUNTER, Mr. FRANKS of Connecticut, Mr. DORNAN of California, Mr. ROSE, and Mr. HERTEL.

H.J. Res. 201: Mr. YATRON, Mr. KOLTER, Mr. MARKEY, Mr. VISCLOSKY, Mr. UPTON, Mr. TRAFICANT, Mr. SMITH of Oregon, Ms. OAKAR, Mr. LEVIN of Michigan, and Mr. BENNETT.

H.J. Res. 230: Mr. MCMILLAN of North Carolina, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. SAWYER, Mr. STALLINGS, Mr. OWENS of New York, Mr. MACHTLEY, Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. NEAL of Massachusetts, Mr. GUARINI, Mr. BENNETT, Mr. DWYER of New Jersey, Mr. MCNULTY, Mr. HALL of Ohio, Mrs. PATTERSON, Mr. ESPY, Mr. ANDERSON, Mr. BUSTAMANTE, Mr. AUCOIN, Mr. MFUME, Mr. TRAFICANT, Mr. DE LUGO, Mr. RAVENEL, Mrs. MORELLA, Mr.

McHugh, Mr. Rangel, Mr. Smith of New Jersey, Mr. Jontz, Mr. Engel, Mr. Emerson, Mr. Scheuer, Mr. Martinez, Mr. Roe, Mr. Camp, Mr. Dorgan of North Dakota, and Mr. Hughes.

H.J. Res. 241: Mr. Alexander, Mr. Annunzio, Mr. Bliley, Mr. Brewster, Mr. Bustamante, Mr. Feighan, Mr. Geren of Texas, Mr. Green of New York, Mr. Gunderson, Mr. Lantos, Mr. Lent, Mr. Lewis of California, Mr. Mavroules, Ms. Molinari, Mr. Montgomery, Mr. Murtha, Mr. Nowak, Mr. Payne of Virginia, Mr. Ridge, Mr. Rinaldo, Mr. Sawyer, Mr. Skaggs, Mr. Tallon, Ms. Waters, Mr. Wise, and Mr. Wylie.

H.J. Res. 283: Mr. Rhodes, Mr. Bilbray, Ms. Kaptur, and Mr. Schumer.

H.J. Res. 300: Mr. Ackerman, Mr. Bilirakis, Mr. Borski, Mr. Espy, Mr. Fascell, Mr. Green of New York, Mr. Kolter, Mr. Miller of California, Ms. Oakar, Mr. Price, Mr. Quillen, Mr. Skeen, Mr. Fazio, Mr. Hertel, Mr. de Lugo, Mr. Fuster, Mr. Sharp, Mr. Emerson, Mr. Gejdenson, Mr. Evans, Mr. Mavroules, Mr. Bonior, Mr. Clement, Mr. Levin of Michigan, Mr. Martinez, Mr. Hochbrueckner, Mrs. Johnson of Connecticut, Mr. Manton, Mr. Lancaster, Mr. Berman, Mr. Bevill, Mr. Bustamante, Mr. Cardin, Mr. Dixon, Mr. Grady, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Markey, Mr. Murtha, Mrs. Roukema, Mr. Sabo, Mr. Spratt, Mr. Tauzin, Mr. Traficant, Mr. Wilson, Mr. Weber, Mr. Feighan, Mr. Kennedy, Mr. Matsui, Mr. Mfume, Mr. Moakley, Mr. Ravenel, Mr. Roybal, Mr. Scheuer, Mr. Wheat, Mr. Yatron, Mr. McGrath, Ms. Norton, Mr. Dwyer of New Jersey, Mr. Rangel, Mr. Stark, Mr. Faleomavaega, Mr. Guarini, Mr. Hammerschmidt, Mr. Spence, Mr. Yates, Mr. Jontz, Mr. de la Garza, Mr. Jefferson, Mr. Erdreich, Mrs. Morella, Mr. Weiss, Mr. Waxman, and Mr. Traxler.

H.J. Res. 303: Mr. Fazio, Mr. Waxman, Mrs. Unsoeld, Mr. Camp, Mr. Levine of California, Mr. Smith of Texas, Mr. Feighan, Mr. Skaggs, Mrs. Byron, Mr. McGrath, Mr. Gonzalez, and Mr. Mavroules.

H. Con. Res. 119: Mr. Faleomavaega and Mr. Skeen.

H. Con. Res. 160: Mr. Faleomavaega.

H. Con. Res. 188: Mr. Jones of Georgia, Mr. Stokes, Mr. Atkins, Mr. Broomfield, Mr. Annunzio, Mr. LaFalce, Mr. Armey, Mr. Towns, Mr. Faleomavaega, Mr. Roemer, Mr. Engel, Mr. Martinez, Mr. Sikorski, and Mr. Gallegly.

H. Con. Res. 193: Mr. Ackerman.

H. Con. Res. 197: Mr. Hyde and Mr. Torres.

H. Con. Res. 199: Mr. Hutto, Mr. Hughes, Mr. Jefferson, and Mr. Walsh.

H. Res. 139: Mr. Lewis of Georgia, Mr. Stump, Mr. Spratt, Mr. Reed, Mr. Burton of Indiana, and Mr. Darden.

H. Res. 140: Mr. Hughes, Mr. Traficant, Mr. Coyne, Mr. Towns, Mr. Faleomavaega, Mr. Engel, Mr. Scheuer, Mr. Roe, Mr. Gordon, and Mr. Payne of New Jersey.

H. Res. 184: Mr. Baker.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 330: Mr. Wilson.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

120. By the SPEAKER: Petition of the town of Rice Lake, Duluth, MN, relative to opposing "Police Bill of Rights" legislation (H.R. 2946); to the Committee on the Judiciary.

121. Also, petition of the council of the city of Fairview Park, OH, relative to the National Labor Relations Act and the Railway Labor Act; jointly, to the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation.

SENATE—*Monday, September 16, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we prepare to pay reverence to the Supreme Judge of the world, the Senate will be led in prayer by the Senate Chaplain, Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * forgive us our trespasses as we forgive those who trespass against us * * * if ye forgive not men their trespasses, neither will your Father forgive your trespasses.—Matthew 6:12,15.

Eternal God, our loving Heavenly Father, forgive us for the ease with which we abandon relationships. In our contemporary culture, especially in this city, relationships are disposable, like cartons and containers. (In our contemporary culture, we use people and love things, when we ought to love people and use things.) We develop relationships only for what we can get out of them and then abandon them. We do this with spouses, with children, with peers, colleagues, neighbors, and friends. We treat relationships as if they are meant to be exploited, after which they are of no further use to us. Forgive us, Lord. Help us to take reconciliation seriously, to deal with alienation in love and forgiveness, that broken relationships may be healed, restored, and dignified.

In His name who was incarnate forgiving love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the journal has been approved.

The PRESIDENT pro tempore. The majority leader is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time reserved for the two leaders there will be a period for the transaction of morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein. During that time, Senator WELLSTONE will be recognized to address the Senate for up to 30 minutes. When morning business is completed at 1:30 p.m. today, the Senate will resume consideration of H.R. 2686, the Interior appropriations bill, with the Jeffords-Metzenbaum grazing fees amendment No. 1138 pending. Debate on that pending amendment as well as other amendments is expected to continue throughout the day.

At 6:30 p.m. today, under a prior agreement, the Senate will go into executive session to vote on the agreement with the Soviet Union on the maritime boundary. Upon conclusion of that vote, the Senate may then turn to the consideration of either H.R. 2426, the military construction appropriations bill, or H.R. 2942, the Transportation appropriations bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. The time of the two leaders is reserved by unanimous consent.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m. with Senators permitted to speak therein.

The Senator from Minnesota [Mr. WELLSTONE] is recognized for not to exceed 30 minutes.

Mr. WELLSTONE. Thank you, Mr. President.

STATE SINGLE PAYER ENABLING AMENDMENT

Mr. WELLSTONE. Mr. President, I rise today to discuss an amendment that I have developed to S. 1227, the health care reform bill introduced by the Democratic leadership.

My proposed amendment is called the State single payer enabling amendment. This amendment would enable and encourage States to move forward and experiment with alternative systems of health care other than those mandated by the Democratic leadership bill.

I am pleased to state this proposed amendment is endorsed by Senators SIMON and ADAMS, two of my colleagues on the Labor and Human Resources Committee. We have all been working on a State single payer enabling amendment and I looked forward to working with them to move this idea forward.

Mr. President, I will describe the proposed amendment in more detail below and I ask unanimous consent that the text and summary of the proposed amendment be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. Mr. President, everywhere I travel in Minnesota and around the country, health care is the most pressing issue on the minds of people I meet. Everywhere I go, health care is what people want to talk to me about and it is what they want me to talk to them about. In small towns it is the issue; cafes, it is the issue; farms, it is the issue. At the Minnesota State Fair, day after day after day, it was the issue. In the cities, on street corners, in the neighborhoods, it is the issue.

Mr. President, it is clear to me that in the last 6 months there has been a dramatic change in what people in our country collectively are feeling and thinking and hoping for and angry about in our country, and there is no question in my mind that health care is a very, very central issue to peoples' lives. Increasingly the voices that are calling for reform here in the U.S. Congress represent every segment of our society.

The astronomical increases in health care costs bring us all together and a crisis which once affected the poor now affects all of us in our country.

Mr. President, I think it is interesting for someone who has always cared fiercely about this issue to look at the way in which the political dynamic is changing. So many people in our business communities, small businesses and larger businesses, are calling for major health care reform. And so many providers, the doctors and the nurses and the nurses' assistants are calling for health care reform.

Mr. President, this crisis increasingly unites us all. My basic starting principle is that every citizen in the United States deserves access to affordable, dignified, humane, and quality health care regardless or employment status, regardless of income regardless of age and regardless of current or prior health care condition. But increasingly, Mr. President, the economics of health care, the cost of health

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

care, and the unavailability of private health insurance has put this goal out of reach for many, and more and more Americans.

There is no doubt that the health care system is in a state of crisis, all spelled in capital letters, and that this is a national crisis demanding a national solution. Yet in Washington I hear so often from my colleagues, colleagues that I respect and that I work with every day, about the so-called political realities, that we really cannot push forward any major health care reforms in our country. But I do not hear this talk in towns, in cafes. It is the talk I hear in Washington about the political realities.

And the question, Mr. President, is this: Can we make universal health care a reality? That is the question that we ask right here in the U.S. Senate. And to answer that question, can we make it a reality, let us look at some other realities.

Our health care system is in a state of crisis. That is a reality. More than 34 million people in our country have no health insurance whatsoever. That is a reality. Double that number are underinsured. That is a reality. The number of underinsured and uninsured are growing daily. That is a reality. The United States of America, a country I love very much, is the only advanced economy in the world without a form of universal health care coverage. That is a reality; I think a disgraceful reality.

Families can be bankrupted by long-term illness at any time, and that is a fate that could befall any of us—a reality. The United States spends more on health care than any other country; 12 percent of our GNP—a reality.

Automobile manufacturers spend more money for health care coverage for workers per car than the cost of steel. That is a reality. A quarter of our health care bill, a $750 billion bill, is spent on administration instead of caring for people who are in need; one-quarter of the health care dollar is spent on administration. That is a reality.

The number of health care administrators is rising three times as fast as the number of physicians or health care workers. That is a reality.

Mr. President, it is because of all these realities that health care reform must become a reality right here in the U.S. Senate.

The question is not whether we are going to have any health care reform. The question is no longer whether or not we are in crisis. The question is no longer whether or not there are problems. The question is what kind of reform will we have? What shape will it take?

In the Senate this year the debate over reform is centered to a large extent on S. 1227, the legislation introduced by the Democratic leadership, Senators MITCHELL, KENNEDY, RIEGLE, and ROCKEFELLER. This legislation is an employer mandate, or pay-or-play proposal. And it is coupled with a new, expanded public health care program, to provide universal health care coverage for our citizens. The leadership bill also proposes to control spiraling health care expenditures by establishing a mechanism which would make recommendations on costs in different sectors of the health care economy.

I commend my colleagues, the sponsors of S. 1227, for their efforts to address one of the key imperatives of our day. And I share the goals of the sponsors of this legislation: Universal access to health care and cost containment. But I differ with them in some of the goals. And I want to lay out some of my critique and some of my proposals.

The leadership bill is an important bill but I think we need to do even more to control health care costs. The bill mandates the establishment of a health expenditure board as an independent agency of the executive branch and the bill gives this board a broad mandate to look at expenditures and to establish expenditure goals. But it has no power. It has no power to enforce these recommendations.

Given the crisis in health care costs I think it is essential that this board be given more enforcement power. I worry about cost containment. I worry about State governments that are being hit by these costs. I am worried about the ability of our businesses to continue to absorb these costs. And I am worried about the cost to our society of these increased health care costs.

More fundamentally, I am concerned about the way in which this legislation links health care coverage to employment status. My concern is that this could very well lead to a two-tier system, which is inefficient and inequitable. And I am also concerned that this employer-mandate may be putting too much of a burden on our businesses and our workers for the financing of health care.

Achieving universal health care coverage and some cost control through an employer mandate system may be an interim solution to our crisis. It may be an important step in the right direction. But I am convinced that the ultimate answer to our crisis of access and the crisis of cost is a single-payer system, a national health insurance program. It is the simplest. It is the most efficient. And it is the most equitable path to health care reform.

The concept is to streamline and simplify the administration and financing of health care and to preserve consumer choice in the delivery of health care. In other words, the Federal and State governments would finance the system. But the Government does not run the clinics. Government does not run doctors' offices. Government does not run the hospitals. Services will be delivered through the same sources that we have today, the same sources: Private doctors and nurses; health maintenance organizations, HMO's, clinics, nursing homes and hospitals.

The goal is to make the system simpler. Everyone will be covered by the same system instead of this confusing and inefficient system we have today. And administrative costs will drop dramatically with a single payer. Capital costs will be budgeted at a regional or State level. And there will be some control over what has become a spiraling medical arms race.

Such a system can work and it does work. We only need to look to our neighbor in Canada. We need to study the Canadian example, borrowing from what works well there and not using what does not work. No one is saying we should adopt the Canadian system in the whole. But many are saying that we ought to take advantage of this system and study its successes and see what we can learn.

There are several features of what we have in the United States today that I would fight to the very end to preserve. I come from a State where managed care is very important. We need to preserve those HMO's. I spent time and visited with the Mayo Clinic in Rochester, MN, and no one needs to tell me about the importance of education and to continue to have these centers of excellence. I took part in a 2-day internship, spent time in hospitals, two major hospitals in Minnesota. Nobody needs to convince me about the importance of technologies that save lives and in the long run lead to less expense.

In large measure, I believe that the cost of a national health insurance program could be borne by the savings gained from the administrative efficiencies and other cost control measures. And these savings which come from single payer may be the way in which we finance long-term health care as well. In fact, a report introduced and published by the General Accounting Office in June pointed out that we can save an estimated $67 billion a year if we move to single payer; $67 billion a year.

The New England Journal of Medicine pointed out that we could save $136 billion a year. I firmly believe that what is going to drive this debate is how we control these health care costs and how we make quality health care available to people. I firmly believe otherwise we will never be able to address this crisis of long-term care; that people toward the end of their lives should live in such fear of catastrophic expenses—that is wrong. For citizens, older Americans, not insured by private insurance—and our public system is woefully inadequate, and you only receive public assistance when all of your resources, or just about all of your resources of depleted—and that is wrong.

I am convinced that only with a universal health care coverage program, single payer, with these huge savings in administration will we be able to have a serious, long-term health care program. As a matter of fact, I would argue that a single-payer system has the ability of bringing together the broadest coalition of citizens. I am talking about the vast majority of people in this country, united behind a universal health care coverage for our country.

The point is this. Health care reform is not a liberal issue. And it is not a conservative issue. It is not a Democratic issue. And it is not a Republican issue. It is not a business issue. And it is not a labor issue. It is an issue that unites the people in this country.

The Wall Street Journal pointed out this summer a poll that found that 69 percent of the Americans in our country support a Canadian style national health system; almost 70 percent of the people. We have to listen to voices of people. We have to make this reality. This is a national crisis that demands a national solution.

But if Washington is not ready to act decisively with a national single-payer bill, if we are not ready to act decisively and enact national health care reform, if there is gridlock here in Washington, then I think at the very minimum if we cannot be a part of the solution, we should not be part of the problem, and it is important that we encourage States to move forward with their own health care reform.

There are dynamic ideas and dynamic forces for change coming at the State level. That should not surprise anyone. We live in a grassroots political culture. And the States are closer to the crisis that people face. I have seen these forces in Minnesota and I have seen these forces in other States as well.

As an illustration of this activity in the States, I point to a survey by Citizens Action which summarizes single-payer legislation in 20 different States.

Mr. President, I ask unanimous consent that this summary be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. There being no objection, the Senator's request will be agreed to.

(See exhibit 2.)

Mr. WELLSTONE. We should tap into the ideas and creativity and commitment of those people working in the State level on health care reform. In the history of our country States have often served with distinction as the leaders and the laboratories for reform.

And so, Mr. President, it is in this spirit that I have developed an amendment to the leadership health care legislation. My proposed amendment encourages individual States to set up single-payer systems on a statewide basis as model demonstration projects. The amendment specifies minimum requirements that States must meet to qualify for Federal financial incentives. But the States will be given maximum flexibility to design their own single payer systems.

Under this amendment, a public authority in each participating State would administer the single-payer plan or a public employee or a public authority would designate an intermediary agent to administer the plan. For States that qualify, the amendment encourages the development of a single-payer system with some grant money. It provides States that implement the single-payer system with Federal waivers for AmeriCare, for Medicare, for Medicaid, for ERISA—in other words, States that move forward with their single-payer systems will receive the same amount of Federal money. There is also a provision for matching Federal grants for the 10 demonstration States that implement single-payer plans.

Mr. President, I must acknowledge and thank all the people, particularly in my home State of Minnesota, who have given so generously of their time and who have helped me to develop the policy that is embodied in this proposed amendment.

I also want to pay tribute to Representative MARKEY. His work in the House of Representatives is essentially on what we built this amendment. His bill is called the State Health Reform Opportunity Act. It was introduced earlier in the House of Representatives by my friend from Massachusetts, and I thank him for his work. This proposed amendment is built upon his legislation.

I would encourage my colleagues to help improve and refine this proposed amendment. I think it is going to happen in the discussion and in the debate. I would urge my colleagues to give a lot of thought of this general concept of State-enabling legislation so that States can move forward with their own proposals if we have gridlock in Washington.

But I would conclude, Mr. President, by saying in as strong a way as I can, in the last analysis we must understand that this is a national crisis and it certainly requires a national solution. In no way, shape, or form should we put the burden on the States. I am talking about enabling legislation that allows States to move forward with their own proposals, backed by some Federal waivers and incentives, because I think that may be the way we move our country forward.

As I said earlier, this is a national crisis.

Too many people in this country have no health insurance, too many people in this country have too little health insurance, and too many businesses in our country cannot afford to cover their employees with health insurance. Virtually no one in this country, no one in this country, including everybody in the gallery today, is immune from the crisis that could affect them if there is a catastrophic illness and expense in their own families. Too many individuals and too many businesses and the vast majority of people in our country are affected by our failure to move forward with serious national health care reform.

Roosevelt talked about it in 1935. That was over a half a century ago. But I will tell you something, Mr. President. There is no question in my mind that we could do much better, much better in a country which spends more on health care than any other country in the world and in a country which has the best medical services and the best research in the world, the tragedy being that it is not for all the citizens who live in our country. It is time for a fundamental change to address a fundamental problem. There really is no other choice but to enact major health care reform in the United States of America. This time of crisis requires no less.

Mr. President, I will finish by speaking in a very personal way to you, because you are someone, from the time I first came to the Senate, with whom I have had a chance to speak in a very informal and personal way. I want to do well for people in the State, and I think the way you do well for people is to try to understand what people are really thinking about, what they really care about, and you try to enact good public policy that will improve the lives of people. You try to enact public policy that will make a real difference.

I am convinced that the honor of speaking in this Chamber, the honor of being in the Senate—every single day I think about the honor of it—is to be here to do well for people. I did not say, Mr. President, that it would be easy. You have so much experience and you know how difficult it is to pass major legislation. I am just starting out in the Senate. But what I want to say in this Chamber today is that I think this is an important idea. I think this proposed amendment is an important amendment.

I really look forward to being a part of the discussion and the debate starting in my own committee, the Labor and Human Resources Committee, and the debate and discussion we will have on the floor.

This is what it is all about. This is why you put so much sweat and tears to a campaign to get elected, so you can come to Washington and develop legislation, and you work with your colleagues. So you never give up; you keep on pushing and you keep on pushing until you pass legislation that you

know will lead to the improvement of peoples lives. That is what I think this health care legislation is all about.

I thank the Chair. I yield the remainder of my time.

EXHIBIT 1

STATE UNIVERSAL ACCESS LEGISLATION

(Summary provided by Citizen Action, August 15, 1991)

CALIFORNIA

SB 36, the California Right to Health Care Act, has been introduced by Senator Nick Petris. It would create a publicly financed state health plan to provide comprehensive benefits to every Californian. In April, SB 36 passed the Senate health committee and is now pending in the tax and revenues committee.

COLORADO

HB 1251, the Universal Health Insurance for Colorado Plan Act (UHICO), would create a single, publicly financed statewide health plan by January 1, 1991. The bill was assigned to the House Finance Committee where, on February 13, it was tabled by a narrow 6-5 vote. The UHICO coalition is currently considering revisions and the bill will be reintroduced in 1992.

FLORIDA

HB 1 and SB 1212, the Florida Universal Health Access Plan would establish a single, publicly financed statewide program to provide coverage to all residents. The legislation, sponsored by Representative Gordon and Senator Weinstock, was passed by the House Health Services Subcommittee (7-3), the House Health Care Committee (14-4), the House Appropriations Committee (17-12), and the Senate Health and Rehabilitative Services Committee (7-0). The legislative session ended, however, before the legislation was considered by the Senate Finance and Taxation Committee or the full House or Senate. The bill will be reintroduced in the next legislative session.

ILLINOIS

SB 300 and HB 300 (now HB 1217) was introduced by Senators Smith and Del Valle and Representatives Young and Scharkowsky. The Universal Health Care Act would create a single, publicly-financed state health plan covering all Illinois residents and providing comprehensive, equitable benefits. On April 23, the House Insurance Committee voted 11-6 in favor of HB 300 but, because 12 positive votes were needed to advance the bill under committee rules, fell just one vote short. The legislation was attached as an amendment to HB 1217. During floor consideration on May 23, the bill received the support of the Speaker of the House and the chair of the Health Committee but failed on a 52-64 vote.

INDIANA

HB 1898, the Indiana Universal Health Plan, was introduced by Representative Brown and was the subject of a hearing before the House Ways and Means Committee on February 26. HB 1898 would establish a statewide plan to cover all residents in Indiana and others who agree to pay appropriate charges.

IOWA

The Iowa Universal Health Insurance Plan, sponsored by Representative Johnie Hammond, would establish a single, publicly financed and publicly accountable statewide health plan to cover all residents. The bill, House File 329, passed the House Human Resources Committee on March 18 by a vote of 12-6. It will be the focus of legislative hearings throughout the state this summer.

KANSAS

SB 205, introduced by Senators Walker and Winter, would cover all Kansas residents and out-of-state residents employed in Kansas if they pay the requisite fees. Kansans would receive a basic set of health care benefits, with an emphasis on primary and preventive care, through a state-run program. They could purchase an additional package of approved benefits through the state program or from private insurers. The bill will undergo interim summer study in 1991. The Kansas legislature passed SB 403 this session, creating the Kansas Commission on the Future of Health Care to develop short-term and long-term strategies of the state.

MAINE

LD 1727, the Universal Health Care bill, was introduced by House Speaker John Martin, Representative Charlene Rydell, and Senators Dale McCormick and Beverly Bustin. The bill would create a select committee to develop and, by July 1, 1993, implement a statewide, publicly financed health program which would be run by a publicly-accountable, non-profit agency. An amended version of the bill requiring a feasibility study to provide universal access passed both houses and was opposed by the governor, although further action may occur a special legislative session this year.

MASSACHUSETTS

The Massachusetts Family Health Plan, HR 4145, introduced by Representative John McDonough, would establish the Health Resources Corporation to develop and implement a state health care plan. Under the plan, Massachusetts residents, (as well as out-of-state persons working or attending post-secondary educational facilities in the Commonwealth if they pay appropriate fees), would be able to select coverage through a state-run program or alternative plans which meet Corporation-established requirements. The bill is currently pending in committee.

MICHIGAN

Michicare is being sponsored by Representative Perry Bullard. It would create a single-publicly-financed program to provide comprehensive benefits to all residents of Michigan and non-residents employed in the state who pay the requisite tax. The bill will be introduced this summer and is expected to be the focus of public hearings.

MINNESOTA

The Minnesota Health Assurance Plan, sponsored by Representative Lee Greenfield and Senator Ron Dicklich, would be an established, phased program leading to implementation of a single, statewide program covering all Minnesotans by January 1, 1996. During a transition period, the bill would establish a number of insurance underwriting reforms. HF 393 is currently in committee and was the focus of an April 5 hearing before the Health Care Access Division of the Senate Health and Human Services Committee.

MISSOURI

HB 28, the Missouri Universal Health Assurance Plan, was introduced by Representative Gael Chatfield. The bill would create a single, publicly financed state health plan covering all Missouri residents and, upon payment of appropriate surcharges, out-of-state residents who work in Missouri. In February, HB 28 passed the House Critical Decisions Committee by a 7-5 vote. It was debated in the House in April, where proponents successfully prevented a gutting of the bill by amendments. The bill lost on a final vote by 63-86.

NEW YORK

An Act to Provide Health Care to All New Yorkers and to Control Health Care Costs will be introduced shortly and will be one of the proposals to be discussed in a June 4 legislative hearing. Under the NYHEALTH plan, all residents of New York would receive a full range of services through a single, publicly financed state program.

OHIO

The Ohio Universal Health Insurance Plan, HB 175, was reintroduced this session by Representative Robert Hagan and 29 co-sponsors. The bill would establish a single, publicly financed state program to provide comprehensive benefits to all residents of Ohio. The legislation was the focus of a major lobby day in April by the wide-ranging coalition supporting the bill. It is currently being considered by a select committee, whose membership includes 4 HB 175 co-sponsors.

OKLAHOMA

The Universal Health Care Act, offered as a substitute for HB 1578, would establish a Universal Health Care Board, is sponsored by Representative Angela Monson. The Board is required to develop a plan by January 1, 1993 to provide universal coverage of comprehensive benefits to all residents of Oklahoma. The Board would also establish the date for actual implementation. The bill passed the health committee but was sent back to committee after it failed to win passage in the full House. It will be reintroduced in the 1992 legislative session.

OREGON

SB 790, sponsored by Representative Carl Hosticka and others, would create a universal, single-payer system to provide comprehensive, quality benefits to all Oregon residents beginning January 1, 1994. The bill is currently in committee and a Senate floor vote is anticipated this summer.

VERMONT

S. 217, a bill creating the Vermont Health Care Program, sets a timetable and criteria for establishing a single-payer health care system covering all Vermont residents. The bipartisan bill, sponsored by Senators Cheryl Rivers and Tom McCauley, would establish a 7-member committee to develop and implement the plan. S. 217 will be one of the proposals considered by a Senate commission established to study the state's health care system and access problems this summer. The bill's sponsors intend to reintroduce the bill next year.

WASHINGTON

The Washington Health Care Service Act of 1992 was introduced in April by Representative Dennis Braddock. Representative Braddock was the author of universal coverage legislation which passed the House during the last legislative session. The bill would require that all Washington residents be covered for basic health services through the state plan or a state-approved alternative by July 1, 1996. The bill will be one of the alternatives studied by a state commission this summer and may be considered during the next legislative session.

WEST VIRGINIA

HB 2925, the West Virginia Universal Health Care Act, introduced by Delegate David Grubb, would cover all state residents under a single, publicly financed insurance program. Regional public hearings would be required to obtain consumer and provider input into the development of the program, which would be implemented by July 1, 1993. HB 2925 is one of the proposals which will be considered by a state commission created by the passage of HB 2461 to study solutions to West Virginia's health care problems.

WISCONSIN

The Wisconsin Universal Health Plan, authored by Assembly Speaker Pro Tem David Clarenbach and Senator Russ Feingold, would create a single-payer, publicly financed program to cover all Wisconsin residents. The bill, which will be introduced officially within the next two months, already has three Senate and 17 Assembly co-sponsors.

AMENDMENT INTENDED TO BE PROPOSED BY MR. WELLSTONE

On page 340, between lines 3 and 4, insert the following new section:

SEC. 602. SINGLE-PAYER HEALTH CARE PLANS.

(1) SHORT TITLE.—This section may be cited as the "State Single-Payer Enabling Amendment".

(b) DEFINITIONS.—As used in this section:

(1) FEDERAL HEALTH CARE PROGRAM.—The term "Federal health care program" means—

(A) the AmeriCare program established under title XXI of the Social Security Act, as added by section 601 of this Act;

(B) the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the maternal and child health block grant program established under title V of the Social Security Act (42 U.S.C. 701 et seq.); or

(E) any other Federal health care program that the Secretary identifies as providing health care services to qualified recipients.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) SINGLE-PAYER HEALTH CARE PLAN.—The term "single-payer health care plan" means a plan described in subsection (c)(4) under which—

(A) all residents in the State are provided with health care insurance for basic benefits through a State-sponsored plan;

(B) one entity in each State reimburses all health care providers for the basic benefits covered by the State-sponsored plan; and

(C) the plan is funded through the use of tax revenues.

(4) STATE.—The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(c) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall make development grants of not to exceed $2,000,000 to each State submitting an application approved under paragraph (2) to assist the State in developing a health care planning process that—

(A) provides for the participation described in paragraph (3); and

(B) will result in development of a single-payer health care plan designed to accomplish the requirements specified in paragraph (4).

(2) APPLICATION.—To be eligible to receive a development grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) PARTICIPATION.—Each State receiving a development grant under this subsection shall provide for representative participation in the health care planning process that shall include—

(A) participation by—

(i) individual and business consumers of health care;

(ii) individual and institutional health care providers; and

(iii) representatives of State and local governments; and

(B) full opportunity for public comment, in writing and in public hearings.

(4) REQUIREMENTS OF HEALTH CARE PLAN.—The requirements of a single-payer health care plan of a State are as follows:

(A) UNIVERSAL ACCESS.—The plan shall guarantee access to services covered under the plan on uniform terms and conditions for all residents in the State, except that the preceding shall not be interpreted to preclude targeted programs to serve the special needs of special populations, or reduced cost-sharing requirements for low-income populations.

(B) ELIMINATION OF DISPARITIES.—The plan shall not permit disparities in health care access to services covered under the plan on the basis of age, gender, occupation, race, income, health status, and geographic location, except that the preceding shall not be interpreted to preclude targeted programs to serve the special needs of special populations, or reduced cost-sharing requirements for low-income populations.

(C) CONSOLIDATION OF PROGRAMS.—The plan shall, to the maximum extent practicable, provide for the consolidation of Federal, State, and local programs that provide health care services in the State. As part of the development and planning process, the State shall identify all such public programs that currently provide health care services in the State.

(D) BENEFITS.—The plan shall provide for access to medically necessary health care services, with a focus on primary and preventive care, including benefits at least as comprehensive as the benefits covered under section 2102 of the Social Security Act (as added by section 601 of this Act). The cost-sharing requirements of the State single-payer plan shall not exceed the cost-sharing requirements under title XXI of the Social Security Act (as added by section 601 of this Act).

(E) COST CONTAINMENT.—The plan shall provide for a cost containment program that will achieve the expenditure goals established for that State by the Federal Health Expenditure Board established under section 2761 of the Public Health Service Act (as added by section 411 of this Act).

(F) REDUCTION IN ADMINISTRATIVE COSTS.—The plan shall provide for a reduction in the rate of growth in health care costs by lowering administrative costs and eliminating unnecessary paperwork.

(G) REIMBURSEMENT SYSTEMS.—The plan shall include standardized reimbursement systems (including fee schedules, global budgets for hospital operating costs and separate capital budgets, and capitation for group practice arrangements) for institutional and individual providers.

(H) FINANCING.—The plan shall provide for progressive and equitable financing of health care costs.

(I) ADMINISTRATION.—

(i) PUBLIC AUTHORITY.—The plan shall be administered and operated on a nonprofit basis by a public authority appointed or designated by the government of the State.

(ii) COMPOSITION.—The public authority shall include representatives of—

(I) individual and business consumers of health care;

(II) individual and institutional health care providers; and

(III) State and local governments.

(J) DESIGNATION OF INTERMEDIARY AGENT.

(i) IN GENERAL.—Under the plan, the public authority of a State shall have the power to designate an agent to serve as an intermediary. Such agent shall carry out on behalf of the public authority any responsibility in connection with receipt or payment of accounts rendered for covered services.

(ii) ASSESSMENT AND APPROVAL.—It shall be a condition of the designation under clause (i) that all accounts are subject to assessment and approval by the public authority.

(K) TRANSITION.—The plan shall provide for full implementation and achievement of the requirements of this paragraph within a 6-year period, except that coverage shall be provided during the transition period for at least as great a portion of the population in the State as would occur without implementation of the State single-payer plan.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make development grants under this subsection such sums as necessary for fiscal year 1992 and each subsequent fiscal year.

(d) TRANSFER TO STATE OF FEDERAL HEALTH CARE EXPENDITURES FOR SERVICES COVERED UNDER THE STATE SINGLE-PAYER HEALTH CARE PLAN.—

(1) IN GENERAL.—

(A) PAYMENTS.—Notwithstanding any other provision of law, if a State makes the demonstration described in paragraph (2), the Secretary shall provide that, instead of any payments made under Federal health care programs with respect to residents or providers of health care in the State for services for which payments may be made under the State single-payer health care plan, the total of such payments shall be transferred to the State to be used for implementation of the plan of the State.

(B) BASIS.—Such payments shall be made on such a periodic basis as approximates the periodic payments made under such programs.

(2) DEMONSTRATION.—In order to receive the payments described in paragraph (1), a State shall demonstrate to the satisfaction of the Secretary that—

(A) the State has enacted a law that establishes a single-payer health care plan;

(B) under the plan there would be no reduction in the quality of care or the number of individuals covered under the Federal health care programs within the State; and

(C) no Federal funds to be provided under this subsection would be used to replace State or local revenues that would otherwise be spent providing to qualified recipients services covered under the single-payer health care plan.

(3) LIMITATION TO COVERED SERVICES.—Paragraph (1) shall not affect payments under Federal health care programs within a State for services not covered under the single-payer health care plan.

(4) CONSTRUCTION.—This subsection supersedes any provision of law that otherwise entitles individuals or providers within a State to payment under Federal health care programs for health care services covered under the single-payer health care plan in the State.

(e) DEMONSTRATION PROJECT IMPLEMENTATION GRANTS.—

(1) AUTHORITY.—The Secretary shall award implementation grants to the first 10 States that enact laws that establish single-payer health care plans that meet the require-

ments of this section. The implementation grants shall be utilized to pay for the Federal share of the State single-payer health care plans. Such grants shall be available in each such State for a period of 6 consecutive years.

(2) FEDERAL SHARE.—The Federal share of the single-payer health care plans as described in paragraph (1) shall be an amount equal to 50 percent of the amount of the increase in total health care spending in the State that is attributed to activities undertaken to achieve the requirements described in subsection (c)(4).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992 and each subsequent fiscal year.

(f) RELATION TO OTHER LAWS.—

(1) ANTITRUST LAWS.—

(A) IN GENERAL.—Notwithstanding any provision of the antitrust laws, it shall not be considered a violation of the antitrust laws for a State, or a public authority described in subsection (c)(3)(E), to develop or implement a single-payer health care plan in accordance with this section.

(B) DEFINITION.—For purposes of this section, the term "antitrust laws" means—

(i) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, commonly known as the "Sherman Act' (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

(ii) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

(iii) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the "Clayton Act" (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

(iv) any State antitrust laws that would prohibit the activities described in subparagraph (A).

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—With respect to single-payer health care plans implemented in accordance with this section, the provisions of this section supersede any provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) and section 301, in the event of any conflict.

(3) HEALTHAMERICA ACT.—With respect to single-payer health care plans implemented in accordance with this section, the provisions of this section supersede any provision of the Healthamerica Act in the event of any conflict.

EXHIBIT 2

STATE SINGLE-PAYER ENABLING AMENDMENT TO S. 1227, HEALTHAMERICA: AFFORDABLE HEALTH CARE FOR ALL AMERICANS

Purpose: To enable and encourage interested states to develop and implement statewide single-payer health care plans. The amendment specifies minimum requirements the states must meet to qualify for federal financial incentives, but the states are given a maximum amount of flexibility to design their own single-payer systems to serve as demonstration projects.

Definition of "single-payer": All residents of the state are provided with health care insurance for basic benefits through a state-sponsored plan; one entity in each state reimburses all health care providers for the basic benefits covered under the plan, and the plan is funded through tax revenues.

Requirements for states:

Participation: Full opportunity for public comment, in writing and in public hearings, in the health care planning process.

Universal access: To covered health care services.

Elimination of disparities: Based on age, gender, occupation, race, income, health status, and geographic location.

Consolidation of public health care programs: To the maximum extent practicable.

Benefits: Must be at least as comprehensive as the basic benefits mandated in S. 1227, the HealthAmerica Act. The cost-sharing requirements of the state plan shall not exceed the cost-sharing requirements under the HealthAmerica Act.

Cost Containment: The state shall provide for a cost containment program that contains costs, as least in part, by reducing administrative costs.

Reimbursement of providers: Standardized reimbursement systems, including fee schedules, global budgets for hospital operating costs and separate capital budgets, and capitation payments.

Financing by the state: Progressive and equitable financing of health care costs.

Administration of the state single-payer plan: On a nonprofit basis by a public authority or an intermediary agent designated by and accountable to the public authority. The public authority shall include representatives of individual and business consumers of health care, individual and institutional health care providers, and state and local governments.

Transition: The state may phase-in the single-payer system over a six-year period.

Incentives to states to develop and implement single-payer plans:

Transfer to state of Federal payments: Including federal payments for AmeriCare, Medicare, Medicaid.

Development and planning grants: Of up to $2,000,000.

Implementation grants: To cover, for a six-year period, 50% of the amount of increase in total health care spending in the state attributed to achieving the requirements of this legislation. These implementation grants shall be awarded to the first 10 states to enact laws establishing single-payer plans that meet the requirements of this amendment.

Preemption of ERISA.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leader the time reserved?

The PRESIDING OFFICER. The Senator is correct.

The Republican leader is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1711 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE DISMISSAL OF CHARGES AGAINST OLIVER NORTH

Mr. DOLE. Mr. President, it is no secret that I have been very critical of Mr. Walsh's investigation for some time, so, in fairness, I do want to congratulate him on making the right decision in dropping charges against Colonel North.

Unfortunately for Colonel North, this decision was made only after the years of harassment and millions of dollars of legal fees.

I think the next decision is obvious. It is time to close the doors on the investigation once and for all. For nearly 5 years, Mr. Walsh and his army of attorneys and investigators have run up a $50 million bill, operating out of some of Washington, DC's most exclusive office space.

What have American taxpayers received for their $50 million? A lot of press releases. A lot of rumor and innuendo. But little in terms of justice. Every conviction won by Mr. Walsh has been overturned, or is likely to be overturned.

So it seems to me that we will reach a point where the American people are going to say how many millions should we spend, how many attorneys do we need, and how much office space do we need, if we are going to finally catch somebody and convict somebody. I do not suggest that people should not be brought to justice, but we do have the Justice Department, full of lawyers and, again, costing the taxpayers a lot of money. It seems to me that this duplication has gone on long enough. If there is any evidence of any wrongdoing, Mr. Walsh can certainly turn it over to the Justice Department, and I believe we have outstanding men and women in the Justice Department who will make certain that everybody is treated fairly, as they should be, of course, in the American system of jurisprudence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask that I may be able to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES-SOVIET MARITIME BOUNDARY TREATY

Mr. MURKOWSKI. Mr. President, I rise in support of the new United States-Soviet Maritime Boundary Agreement, which is a treaty of the greatest importance to the United States, especially my State of Alaska.

I am pleased to report to you, Mr. President, that this agreement, which was approved overwhelmingly in committee, at long last resolves areas of dispute between ourselves and the Soviet Union over fishing rights and mineral exploration in the Arctic Ocean and the Bering Sea.

The United States-Soviet Maritime Boundary Agreement represents a very favorable outcome in terms of United States strategic and resource interests. It precisely defines the convention line which was drawn when we purchased Alaska from Imperial Russia in 1867.

Mr. President, in particular, this is the line that separates Siberia from Alaska near the area of the Bering Strait.

The treaty limits the United States and the Soviet Union's territorial sea, exclusive economic zones, or the EEZ's, as they are referred to, and the Continental Shelf jurisdiction when they would otherwise overlap.

As a result, it settles disputes which have in the past arisen concerning fishing rights and oil and gas explorations in this disputed area. Under the terms of the Maritime Boundary Treaty, the parties agreed that the 1867 convention line is the maritime—and I stress maritime—boundary between the United States and the Soviet Union.

It also clarifies how the 1867 line is to be defined, something that was left ambiguous in the convention because we and the Russians used different mapping techniques. Rope line and various other technologies were used and they meant different things to different people. This difference resulted in almost 21,000 square nautical miles in the Bering Sea being claimed by each nation as falling on its side of the 1867 line. The disputed area contains rich fishing grounds and may have tremendous potential for offshore oil and gas exploration. The new agreement divides the disputed area between the parties. The 1,600-mile maritime boundary it creates—the longest in the world—will definitively establish United States and Soviet territorial sea jurisdiction, as well as EEZ and Continental Shelf jurisdiction in the Bering Sea and Arctic Ocean. The treaty also establishes a precise maritime boundary in areas where our two countries' 12-mile territorial seas or 200-mile EEZ's overlap or are otherwise in dispute, and delimits the parties' Continental Shelf jurisdiction beyond their 200-mile EEZ's. Finally, by adopting an innovative special areas formula the treaty minimizes the size of the so-called doughnut hole in the Bering Sea that is beyond the fisheries jurisdiction of either party. In other words, that area of the North Pacific Bering Sea 200 miles from Alaska.

The bottom line is that this treaty places about 70 percent of the Bering Sea under U.S. jurisdiction and gives the United States an extra 13,200 square nautical miles—an area nearly equal in size to the combined area of New Hampshire and Vermont—as compared with the most favorable equidistant line.

I hope the Chair will not admonish the Senator from Alaska as he attempts to generalize the size areas we are talking about by using a formation of States. As the Presiding Officer knows, Alaska is almost three times as big as Texas. The interior of Alaska, of course, is an area that is substantially vast as well.

The entire Alaskan congressional delegation supports the Maritime Boundary Treaty, and I am equally pleased to note that it has the support of the State of Alaska. In fact, I have received a copy of a May 31 letter from Governor Hickel to the Foreign Relations Committee in which he states that:

> I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska.

I ask unanimous consent that Governor Hickel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
Juneau, May 31, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Senate Subcommittee on European Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska.

This treaty would resolve longstanding boundary disputes between the U.S. and the Soviet Union that have retarded fisheries management and mineral development. The treaty would allow oil development by U.S. companies in previously disputed areas, and would facilitate fisheries management and enforcement by clearly delineating extensive areas available to U.S. fishermen. Also, the treaty would extend U.S. jurisdiction to an additional 13,200 square nautical miles, thereby placing approximately 70% of the Bering Sea under U.S. control.

The final resolution of the current dispute would be further evidence of the evolving cooperation and goodwill between the U.S. and the Soviet Union. In turn, this spirit of cooperation will create increased trade, scientific and medical exchanges, and other types of economic and social interchange between U.S. and Soviet citizens.

It is my understanding that the treaty negotiations never encompassed the issue of ownership of Wrangel and other Bering Sea islands and that the proposed treaty does not address this question.

Thank you for considering my views.

With best regards.

Sincerely,

WALTER J. HICKEL,
Governor.

Mr. MURKOWSKI. Mr. President, I would like to take a moment to address a peripheral issue—an issue which really has nothing to do with the treaty before us today, but one which has nonetheless attached itself to it. This is the matter of the so-called Five Islands, or Wrangel Island, that island being the largest of the five. U.S. citizens were involved in the discovery or exploration of each of these islands located in the Chukchi and East Siberian seas. It is alleged that by ratifying the Maritime Boundary Treaty the United States would recognize Soviet claims to these islands. But such an allegation is mostly definitely not true. The treaty, as I emphasized a minute ago, is a maritime agreement, not an instrument that addressed the issue of sovereignty over territory. The five islands are not mentioned or alluded to in the treaty we are now considering, and a vote in favor of the treaty in no way prejudices potential future U.S. claims to these islands, whatever they may be.

It appears, Mr. President, that these islands, while founded by various sea captains, made no claim from the standpoint of filing the claim, and, as a consequence, there is no formal claim having been filed by the United States according to the information supplied to us by the State Department.

Mr. President, I have a particular sensitivity to one Wrangel Island, having lived in Wrangel, AK, from 1962 to 1966, and I can vouch that the Wrangel Island in southeast Alaska is not the Wrangel Island referred to in any dispute over the United States-Soviet boundary treaty.

In conclusion, I urge the Senate to ratify the United States-Soviet Maritime Boundary Agreement. It will resolve significant bilateral differences between us and the Soviet Union in the Bering Sea and will allow for the peaceful management of fisheries and mineral exploration in the area, and it will be most beneficial to the United States and my State of Alaska because it puts an area that was previously under questionable jurisdiction clearly under the jurisdiction of the United States. Therefore, we can enforce fisheries in those areas and, as a consequence, that will have a substantial beneficial effect to maintaining and managing those resources for future generations.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUG GEORGE

Mr. GORE. Mr. President, I rise to join my colleagues in saying a few words in memory of Doug George, a member of the staff of the Senate Armed Services Committee who passed away last Friday.

Everyone in the Armed Services Committee knew that Doug George was seriously ill with cancer, and we also realized that his odds of surviving were not good. But his courage and grit were such that as we saw him in the course of business, that thought somehow was pushed aside. He was still a lucid and forceful voice, a profound expert, and a man of great intellectual integrity and courage, so much so that the announcement of his death came as a shock. He had not faded. He had persevered almost to the end, with such grace that he made us forget to think of him as anything else but our respected associate.

It is difficult to accept this loss. I have recollections of Doug during his work not only for this body, but years before, as a senior official at the CIA carrying heavy responsibilities for arms control verification. I can see him in those older days, armed with a cigar and a grin, trying to make sure that whatever else happened, no one who sought the truth from him would leave with anything less than that. Given the political sensitivity of the issues he dealt with, there were plenty of people in this town across a number of administrations who must have wished that Doug would bend the truth to accommodate the existing policy and fashion. But he did not, which marked him as a rare and valued associate.

Let me therefore join in expressing my respect for his memory and in extending my prayers and condolences to his wife.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Jeffords/Metzenbaum amendment No. 1138, to increase grazing fees assessed to ranchers on Forest Service and Bureau of Land Management Lands.

AMENDMENT NO. 1138

The PRESIDING OFFICER. The pending question is amendment No. 1138.

Mr. BYRD. Mr. President, the pending question is the grazing fees amendment. Most of those Senators who are interested in this amendment one way or another will come to the floor this afternoon and debate the amendment. I also hope that some agreement can be reached on the amendment before the evening hours begin as to a time for voting on or in relation to the amendment.

In order to expedite that hoped-for result, I also have to express the hope that Senators will come to the floor. I know this is a controversial amendment and there are several Senators who are very much opposed to it and others who support it. This would be a good opportunity now for them to air their views so that we might expedite final action on or in relation to the amendment.

I yield the floor.

Mr. NICKLES. Mr. President, I certainly concur with Chairman BYRD's comments and hope that colleagues would use this time available to discuss this amendment. It is a controversial amendment. We have Senators who have very strong feelings on both sides of the issue. I just hope that the proponents and opponents would use this time to debate this issue.

If other Senators have other amendments, if we have an interlude, I would ask the chairman, I expect he would be willing to wrestle with those and set this amendment aside and dispose of those amendments.

We have kind of a busy agenda. This is the Interior appropriations bill. The chairman has additional appropriations bills he would like to pass before the week is out. With no votes on Wednesday, we are going to try to get as much work done as possible. I would like to finish this bill today or tomorrow, if possible. If our colleagues have amendments, we hope they would bring them over and maybe we will be able to dispose of those, probably even without rollcall votes. I urge our colleagues, whether it be on the grazing fees amendment or other amendments, to bring those up as soon as possible.

Mr. BYRD. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. BYRD. I thank the Senator for his suggestion that Senators who have other amendments might also stay around close to the floor, because if there are interludes, as the distinguished Senator has suggested, the Senator from Oklahoma [Mr. NICKLES] and I would be happy to take a look at their amendments and possibly we could dispose of some of those amendments this afternoon.

In the meantime, I also express the hope that the Senate can, during the evening hours today, take up the Transportation appropriations bill and/or the military construction appropriations bill and perhaps dispose of one or both of those bills.

Wednesday is a religious holiday. Several of our Jewish Members will be away from the Senate on Wednesday, but the Senate can proceed with business and postpone rollcalls until the next day. But in looking forward to Wednesday and the fact that there will not be any rollcall votes that day, I urge that we attempt to complete action on the Transportation appropriations bill and the military construction appropriations bill prior thereto, as well as the bill that is now pending before the Senate, the Interior appropriations bill. I thank the Senator for yielding.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONSE TO REMARKS OF ISRAELI CABINET MINISTER ZEEVI

Mr. BYRD. Mr. President, this morning a Reuters wire service story reported that an Israeli Cabinet Minister, Rehavam Zeevi, has accused President Bush of being a liar and an anti-Semite and has called for the peace conference to be delayed until the $10 billion loan guarantee issue is resolved.

Mr. President, I am distressed that a member of the Israeli Cabinet would inflame an already difficult situation by charging the President of the United States with anti-Semitism. Mr. Zeevi's accusations are incomprehensible under any interpretation of the facts. Mr. Zeevi's accusations are untrue, and they are wrong. For asking that Congress delay consideration of the loan guarantees for 120 days, Mr. Bush has now been labeled an anti-Semite by a member of the Israeli Cabinet. This is a sad development.

It is a sad day, indeed, when the President of the United States cannot propose to Israel a different course of action—or express a difference of opinion—without being labeled anti-Semitic. Our long-standing, close, relations ought to be able to weather such differences of opinions without vicious name calling. We do not always agree; we need not always agree. But we must never give vent to our emotions in ways that are so inflammatory and that can do so much harm. One American lobbyist in favor of providing all the housing aid now has, according to the press, characterized the President's remarks about "powerful political forces" as "coming pretty close to the line of inciting anti-Semitism." No reasonable person could possibly make such a connection. I get the impression that such comments really reflect the belief that any critical expression about using political influence is somehow to be regarded as out-of-bounds. But no lobby group should be sacrosanct and above discussion or comment in our representative democracy.

Healthy debate and commentary are vital to our system. Intimidation and innuendo, on the other hand, are not healthy, proper, or tolerable.

The difference between healthy and poisonous commentary is like one between night and day and is easily recognizable. Unfounded charges of anti-Semitism, from whatever source, are inappropriate and counterproductive.

The Washington Post also reported this morning that 80 percent of Israelis favor their country's participation in a regional peace conference; 67 percent would favor freezing construction of settlements in the occupied territories in order to get peace negotiations going. It is obvious that Mr. Zeevi's opposition to convening a peace conference is not shared by the Israeli people.

I hope that this ugly incident will not impede the efforts of President Bush and Secretary Baker to finalize plans for the peace conference.

I deplore Mr. Zeevi's comments, and I welcome Defense Minister Arens' subsequent repudiation of those comments. I hope Mr. Arens' views are shared by the rest of the Israeli Cabinet.

Mr. President, I ask unanimous consent to have printed in the RECORD a news article from the Washington Times of today, Monday, September 16.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEWS IRKED BY BUSH'S POSITION ON ISRAEL

(By Ralph Z. Hallow)

Strong sentiments are raging in the American Jewish community in the wake of President Bush's stepped-up—and increasingly public—campaign to delay $10 billion in U.S. loan guarantees to Israel.

Some Jewish leaders took offense at the president's highlighting of the intense pro-Israeli lobbying effort on Capitol Hill, while still others hoped to avoid a confrontation with Mr. Bush by working out a compromise that would ensure approval of the loan guarantees as quickly as possible.

"We take strong issue [with] what the president has said. But we still need to be looking for ways to move forward on the loan guarantees, and it doesn't serve anyone in the Jewish community to get into a fight with the administration," American Jewish Congress spokesman Mark Pelavin said Friday.

"The community's reaction is real anguish and concern that there not be a confrontation with [Mr. Bush]. Both sides seem to have painted themselves into a corner," agreed Jewish Community Council Director Murray Tennenbaum.

Perhaps the most extreme view is that of Morris Amitay, treasurer of the pro-Israel Washington Political Action Committee and former executive director of the powerful American Israel Political Affairs Committee.

"What really disturbed our community was that the president talked about 'powerful political forces,' whom he called 'lobbyists,'" Mr. Amitay said. "But he was really referring to hundreds of Americans merely exercising their right to influence their government.

"That bothered a lot of people who felt that the president was coming pretty close to the line of inciting anti-Semitism," he said.

The use of the highly charged word "anti-Semitism" was a measure of the depth of feeling the confrontation between Mr. Bush and Israel's friends has elicited.

But other Jewish leaders, clearly eager to avoid a fight with the president, cast about for an acceptable way out. Some looked to Sen. Phil Gramm, Texas Republican and a friend of the president's who has met with both sides, to fashion a compromise.

"It would be helpful if someone with the credentials of Phil Gramm, who has been helpful to us in the past, were to try to find a path the two sides can walk together," said Mr. Tennenbaum.

A Gramm spokesman would say only that the senator has met with both sides.

Most Jewish leaders agreed that the meeting scheduled tomorrow between Secretary of State James A. Baker III and Prime Minister Yitzhak Shamir in Jerusalem might produce the mechanism to allow both sides "to get off the collision course they seem to be on."

A compromise that some of Israel's supporters began floating privately among members of Congress late last week envisions a veto-proof majority in each house passing a resolution instead of the loan package. The resolution would pledge Congress to enact the loan legislation in 120 days.

"If Israel's friends in Congress, the government in Jerusalem and the [Bush] administration are of one mind that this compromise is the way out [of confrontation], and it defuses the situation, then we would look favorably on it," said Dan Mariaschin, B'nai B'rith international affairs director. "But our preference is that the matter be dealt with now rather than later."

Although Mr. Bush said at his news conference Thursday that he would not unconditionally agree to support the loan guarantee to win delay, some Jewish leaders think he may signal acceptance without public endorsement.

"It would let the president, Israel's supporters in Congress and Shamir off the hook," said a Jewish activist who has been meeting with all sides but asked not to be identified.

An alternative may be for the Senate to pass an authorization for the $10 billion, leaving it up to the president to say when and how the loan guarantee would actually go to Israel.

A third way would be for Congress to enact a partial bill, giving Israel only $2 billion in guarantees next year, with the remainder to be decided on depending on what transpires at the peace talks.

The Israeli government insists it needs U.S. backing as quickly as possible so it can secure loans to provide for the growing wave of Soviet Jews emigrating to Israel. The administration is fearful, however, that many of the new arrivals will be settled on the occupied West Bank, thus aggravating tensions between Arabs and Israelis on the eve of the hoped-for Middle East peace conference.

"Nobody disputes the fact the settlements are controversial and have to be negotiated, but why ask the Israelis to make a concession of that magnitude before they come to the table?" Mr. Tennenbaum asked.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with consideration of the bill.

AMENDMENT NO. 1138

Mr. JEFFORDS. Mr. President, I am going to speak on my amendment. I certainly want to express my appreciation to the Senator from West Virginia for his courtesy, and to the Senator from Oklahoma, also, for allowing me to have this rather long gap between when I proposed the amendment until I had an opportunity to speak on it.

Also, Mr. President, this will be a novel moment for me, having been 14 years in the House and having not made any speech longer than 5 minutes there and only, I think, one other speech to fill time here, in the area of 20 minutes. Because I do not anticipate there is going to be a large number of Members of the Senate rallying behind me to talk on this amendment, I will be speaking for some length of time.

The Senator from Ohio [Mr. METZENBAUM] will be joining me at some time to assist me in this. But this is one of those issues, when you get involved, obviously you are picking on programs very dear to the hearts of citizens of certain States. It is difficult for us to take on the issue and say this is an important enough issue that, notwithstanding the problems it creates, we believe it is important enough to the country that we try to take care of what I consider very serious, actually unfair advantages that certain areas of the country have regarding beef production relative to other areas, at the taxpayers' expense. Basically, what I am looking for here is to try to establish equity among beef producers as well as equity to taxpayers because it is unfair to subsidize certain producers when the people in the private enterprise system have to pay so much more for the right to graze.

So what I am going to try to establish as we go along is the fact that all we are trying to do is promote equity among beef producers. And, having been 14 years on the House Agriculture Committee, I am aware of these issues. But I am also very concerned that I don't do anything that would unfairly affect certain regions of the country, and that any impact we make is not one that is going to reduce the amount of grazing that is going to occur. But on the other hand, we need to take care of the cost of that program so that it is not a burden on our taxpayers.

What our amendment does is change the formula that determines the fee charged for grazing livestock on public rangelands. The fee would increase under our amendment. But I point out—at the beginning—what we will be doing is putting in a fee that will be one half in the final analysis of the fee which is presently in the bill before us, the Interior appropriations bill.

The House increased that fee rather dramatically. I just felt it was too high. The House fee level would result in a reduction in the amount of grazing. So we basically have half of what the House has attached to the Interior appropriations bill. In addition to that, at best, our fee next year is only 40 percent of the fair market value of the Federal forage.

Let me speak about that again. We are using terms like AUM and all of that. Let us get it down to a simple understanding. An AUM [animal unit month] is the amount of feed it would take to feed a cow and a calf or five adult sheep for 1 month. It is about 900 pounds of forage. So we are really going to be talking about AUM's. So, an AUM in Arizona is the same in Oregon or Washington or wherever. It is 900 pounds of feed.

Now if you want to think about it, on the private lands, an AUM is about a penny a pound. For the people we are talking about here, it is about two-thirds of a cent a pound, to give you some idea of the kind of range of benefit we are looking at here. The difference, of course, the fair market value now and the fees as a subsidy amounts to about only 2 percent of the livestock industry holding Federal grazing privileges.

In other words, producers that have that special fee represent only 2 percent of the beef industry in this country. And the others have to pay a lot more for these so-called AUM's, or forage.

The subsidy itself will total $71 million—that is the Federal subsidy—this year, or $2,627 for each permittee. The top 12 percent of the permittees—those with herds bigger than 500 head—will capture 48 percent of that subsidy, or about $10,256 per producer.

I could show you who these permittees are. For instance, we have here one from the Union Oil Co. of California. So a large number of these AUM's go to the kinds of people and the kinds of corporations who don't need the subsidy. There is absolutely no way we could justify this kind of Federal subsidy for them.

Our amendment gradually moves the fee to fair market value, netting the Federal Government $110 million in additional receipts over fiscal years 1992 through 1996. Fifty percent of these receipts, incidentally, will be plowed back into range improvements that benefit the permittee. So although we are increasing the amount of the permit fees, 50 percent is going to go right back into improving the rangeland upon which these permits are.

In addition to that, and I will bring this out again, another $28.8 million over and above the $110 million in additional Federal receipts will go back to the counties of origin for schools and roads.

So what we are doing here is, yes, we are increasing the fees to bring them up nearer to fair market value, but the money is going to be used to benefit permittees and people in their communities. The net increase that will go to our Treasury is substantial, some $40 million that will help reduce the Federal deficit.

The permittees can afford to pay more for their privilege because grazing fees amount to only $6.25 per cow. What does that mean? That means of all the cash expenses permittees have in raising a cow, only $6.25 is for Federal forage, on the average. It is done usually at a time when the calf is just born and while the calf is building its structure. So this is less than 3 percent of the total cash cost on a per cow basis.

I want to make it clear that what we are doing here is not a substantial or very substantial part of the cow production costs.

The U.S. Forest Service and Bureau of Land Management adminster public rangeland grazing. The agencies agree—this is very, very important—the agencies agree that under my amendment, the so-called Regula amendment in the House, no reduction in grazing will occur. In other words, we are not going to reduce the amount, because of the increase of the fee, of the number of cows that will be grazing on the land.

Mr. President, the debate on this amendment will be long, and I believe, arduous. It will end sometime tonight. I think the last time the Senate debated the grazing fee issue was in 1978, when it passed the Public Rangelands Improvement Act, [PRIA].

PRIA established the current formula on a 7-year trial basis. Congress instructed the Departments of the Interior [DOI] and Agriculture [USDA] to study the formula and to report their findings to Congress by the end of the 1985 grazing season.

Before the Departments could issue the report the cattle industry convinced President Reagan to issue an Executive order in February 1986 extending use of the PRIA formula indefinitely. The report was dated February 1986, but was released 1 month later—after the Executive order. In other words, a study went on and recommendations were made to change this formula, to make it more equitable for all beef producers and taxpayers. But political pressure was applied and that study was set aside. An Executive order was issued to replace it and continue a formula I do not think anybody can defend now. And I do not know anyone that is involved in this issue that can defend the current formula, or does not know that there has to be changes.

The PRIA formula is seriously flawed. It produces grazing fees much lower than the true market value of the Federal forage. In fact, fee revenues do not even cover the costs of administering the grazing program.

Now why should we be allowing this to happen? I cannot answer. The House of Representatives recognized this. Last year, the House attached a grazing fee increase to the Interior appropriations bill, but the Senate deleted it in conference. It was dropped.

But in the conference committee the conferees said "You are right, We have to do something. This cannot go on." So the conference committee ordered as much as you can in an appropriations bill. Anyway, the appropriate authorizing committees hold hearings and provide a resolution to the issue."

Well, the Senate energy committee did not see fit to hold any hearings.

The House passed two grazing fee reform amendments earlier this summer. The first—known as the Synar amendment—is a part of the House version of the Interior appropriations measure we are considering right now. It passed by a 232-to-192 vote.

The second—known as the Regula amendment—was attached to the Bureau of Land Management reauthorization bill by an even larger margin of—this is my amendment right here—254 to 165.

Now it is time for the Senate to act.

The amendment Senator METZENBAUM and I are offering is similar to the Regula amendment. The fee for the 1991 grazing season, which runs from March through next February, is $1.97 per animal unit month or AUM, as I mentioned.

An AUM is the amount of forage—about 900 pounds—that one adult cow with calf or five adult sheep require for 1 month. So a livestock operator who turns out a 500-head herd for 4 months would be billed for 2,000 AUM's [500×4=2,000] or $3,940.

Let me go to my chart here first and show what this demonstrates. This is a comparison of my amendment. My amendment, which is in the white, is the "good guy amendment" right here. And this is what the House did, the Synar amendment.

This is the first year fee level, the second, third, fourth, and fifth year—fee levels, under each amendment.

We start off with a fee, $2.63 next year, compared to the House bill, which has $4.35 in it. In 1993, our amendment goes to $3.50 per AUM. The Synar amendment goes to $5.80. In the third year, 1994, our fee level is $4.67, Synar: $7.25. Then we go to $5.09 and Synar goes to $8.70. In 1996, the Synar fee stays at $8.70; we go to $5.13.

This makes some presumptions, of course, because the formulas have what is called a forage value index [FVI]. We have presumed a 1-point annual increase in the FVI. But the relative difference will be the same because the two amendments would move the same way.

I wish my colleagues would keep this in mind. In the final analysis, what you will be voting for if you vote for my amendment is you think that the House version of the bill has too extreme a fee increase. I think the Jeffords-Metzenbaum amendment is much more reasonable, and is one the Senate can support.

So you can go away feeling good. You will have helped ranchers out in the West by reducing what the House bill would impose and put them in a position to feel good about themselves and recognize that they will pay a fair share and contribute to reducing the deficit. Half of what they pay, as I pointed out, will improve the range in their own areas. In addition, they will be helping their school systems out.

As my colleagues can see, as I pointed out, this amendment also is 40 percent lower, on the average, than the fee levels under the Synar amendment. I might add that we do not allow any more than a 33-percent increase in our fee level from one year to the next.

Our amendment is designed to promote equity among the livestock producers and for the American taxpayer. I hope my colleagues will see that and study it because they are going to hear a lot of information and a lot of facts here.

I am not going to use any facts I cannot verify from people who work on these issues—BLM, Forest Service, or GAO.

Incidentally, I will point out again, GAO did a study and agreed the present formula is inherently designed to yield a low fee. We will get to that in a minute. I went to BLM, to the Forest Service, and asked is my amendment going to reduce grazing? And they said, no, it is not going to promote any loss of AUM's. There will be no decrease in grazing.

Twenty-seven thousand operators hold permits to graze their livestock on nearly 300 million acres of public rangelands in 16 Western States. The U.S. Forest Service and BLM administer these lands. These operators represent just 2 percent of the Nation's cattlemen. In the 11 States where most of this grazing occurs, Federal permittees are just 16 percent of the total number of producers. Over the past 10 years this fraction of the industry has seen its Federal forage costs decline 15 percent. This is according to GAO. The grazing fee was, for instance, $2.31 in 1981; now it is $1.97.

During this time, the amount of money that cattlemen have received for their cattle has increased. The amount private lessees have paid has increased very substantially over this period. So the other 98 percent of the industry, not fortunate enough to have these grazing privileges, have seen their forage costs increase.

Let me demonstrate with another chart here. I think it is much easier to see this.

Over this period of time, from 1975 to 1990, the green line indicates what has happened to private lease rates. They have gone from a little under $6 to over $8; in fact, this year, it's $9.66 per AUM. This red line represents what has happened to the Federal grazing fees or public rangelands. You will notice that it has gone down. It has a little peak in 1980, but it has gone down.

The GAO found that the current formula is flawed because it has two factors that reflect ability to pay. According to the GAO, if you revise the formula—eliminate double counting and index the base value, the formula would produce a fee not too far from where our amendment is.

As my colleagues can see, the grazing fee has hovered around $2, while the private lease rates climbed slowly but surely. The average private land lease rate in the West—just announced by USDA—is $9.66.

Keep in mind a couple of things there. CBO estimates that Federal permittees spend about 16 cents per AUM each year, on the average, for improvements. That investment should be considered, but it is nowhere near the $7 or $8 difference between those two Federal fees and the private grazing land lease rate.

So, we are here taking a look at this just to show how bizarre and out of whack this system is. A moment ago I mentioned a permittee would spend about $3,940 for 2,000 AUM's for public forage. His neighbor might spend $19,320 for the same amount of public forage. That is a different of $15,380 between the two producers. There is no way you can justify that.

Public and private land ranchers face the same market conditions, send their cattle to the same sale yards. So it's not surprising not all of the beef producers are opposed to what I am trying to do. I know the Independent Cattlemen's Association of Texas supports me. They point out they go to the same sale yards, and they have this tremendous disadvantage over those who come in off the public grazing land.

Public land ranchers have seen their forage costs drop 15 percent over the past 10 years because, the GAO says, "low fees are an inherent result of the current formula's design." I talked about that a minute ago.

Private land ranchers have seen their forage costs increase 17 percent over the past 10 years because they compete for forage on an open market. That is not fair. It is that simple.

Now, before one of the opponents of this amendment jumps up, let me point out that private lease rates should be higher than the Federal grazing fees. We do not deny that. Private lands tend to have better forage conditions. Lessors may provide services the Federal Government as a landlord does not. So we are going to see some differences and they are justified. We do not argue that. We do not argue that.

Let us get something else straight. One amendment will not make grazing fees equal to private land lease rates, as I was just saying. Fees will stay substantially below the private land lease rates. Even our 1996 fee of $5.13 is only 53 percent of the average lease rate this grazing season. We are still going to have a tremendous deal here.

What concerns me is that the forage costs for private land ranchers are going up. Forage costs for public land ranchers have been going down. That is not fair.

I mentioned at the outset that our amendment is designed to promote equity for the American taxpayer as well, and I think it is important for us who are not out in those areas, who are not beef producers or represent beef producers to take a look at the impact on the taxpayer.

Public rangeland forage is a resource all Americans own.

Now, I recognize that when you get into the Far West, without the use of the public lands, many cattle ranchers could not exist. So I do not have a problem with the fact that they get a private benefit from the public lands. I do not have a problem with that. But the question is, how much of an advantage should they have?

First is the equity issue—fairness to the non-Federal permit beef producer. But second and importantly for all of us who do not live in the region or who do have beef producers is the fairness to the American taxpayer.

For instance, the Federal Land Policy and Management Act of 1976 mandates that the Federal Government receive fair market value for its public land resources. At a minimum, we ought to cover the costs of the grazing program with fee revenues. Remember, a lot of this money does not go to the cost of the grazing program. It goes to other places. Right now, though, we are getting neither. We are not getting enough to cover the grazing program.

Let me explain why. The 1986 USDA-DOI fee evaluation study reported that in 1983, the two land management agencies spent $2.87 per AUM on managing livestock grazing.

I will put that in the RECORD at the end. This amount does not include range improvements. It reflects management costs only.

Let me give you that figure again—$2.87 per AUM just to administer the program. You will note that that does not get you, with all the moneys collected, anywhere near covering the costs of that program.

Even if there were no inflation over the past 8 years, that total is still 90 cents higher than the current fee.

Here is the rub. Both agencies use 50 percent of their receipts for on-the-ground range improvements, which is fine. The Forest Service, by statute, returns 25 percent of its receipts to the States for distribution to the county of origin for schools and roads. Keep that in mind. What will happen is that some fee receipts accrue to the Treasury but most of the receipts go back to help those people in those areas that are paying the fee.

BLM, on the average, returns 17 to 18 percent of its receipts for distribution by the States to the county of origin. That is fine.

So the Treasury retains 25 percent of Forest Service receipts, or 49 cents per AUM at the current fee level, and about 32 percent of the BLM receipts, or 63 cents per AUM. Remember that 8 years ago it cost the agencies $2.87 to administer each AUM of livestock grazing.

This fiscal year, Forest Service and BLM expenditures on livestock grazing will exceed grazing fee revenues by $65 million.

The Congressional Budget Office, [CBO] estimates our fee formula will increase net Federal receipts by $110 million over the fiscal years applicable here. By "net," I mean after the States receive their shares. And that is good for the American taxpayer.

Before I demonstrate how the current fee is below fair market value, I want to address the most serious issue of the debate: how our amendment affects small family permitters. As I mentioned earlier, that question disturbed me greatly, and I got the people in BLM and the people in the Forest Service to come in and meet with me and go over this amendment and address that question. The last thing I want to do is create a situation which is going to create serious hardship for large numbers of beef producers, or small numbers of beef producers for that matter.

Opponents of this amendment will, as they have in the past, characterize this whole approach as "No Moo in '92." They will claim the ulterior motive is to price cattle off the public rangeland. There are people, quite candidly, who would like to see that done.

I do not go along with that. I do not believe that. Knowing the history of the West and how it was developed and all, we should not deny access to those lands to the ranchers who over the years have depended upon them because there are no private lands readily available.

Well, back to whether or not our amendment is going to create a loss of a substantial number of beef producers: There is absolutely no evidence that will occur. I might add, I find such characterization, in view of my own deep interests in farmers, personally offensive. No one has worked harder to protect the small family farmer and rancher than I have. I served many years on the House Agriculture Committee, worked on farm credit, and all of these issues to ensure that we enhance the ability of farmers in the United States to be able to stay in business.

Indeed, if there are "No moo in 92" forces out there, they should be lobbying against this amendment. They should be saying, "Hey, this is not going to do the job."

The evidence is you are not going to knock anybody off grazing. I am sorry, that is the truth. The Forest Service and BLM, no friends of any "cattle-free" movement, agree that this amendment will not reduce the amount of AUM's used—the amount of grazing that occurs.

Anyone who argues this amendment will lead to the demise of family ranchers is just plain wrong. There is an old saying, "Everyone is entitled to his own opinion but not his own facts."

Anyone who argues that this amendment will shut down the livestock industry is appealing to emotion because he does not have the facts, and I hope the debate today can stay on the facts and merits of this amendment. Let's not get off on an emotional argument.

I will tell you why this amendment will not have the cataclysmic effects some claim it will have. I will get into some facts and figures and certainly if anyone wants to argue about them, that is his or her option to do so, and I look forward to that.

The average Federal permittee relies on public rangeland forage for 23 percent of his herd's total feed requirements. The grazing fee, which amounts to about $6.25 per cow—that is about four AUM's, a little less than that—represents a little less than 3 percent of the permittee's total cash cost.

If you are in business, and an input that amounts to less than 3 percent of your total cash cost goes up—in our amendment by 33 percent—you may not be happy about it but generally you can afford it.

All the evidence we have—there is plenty there, and this is another thing I checked on with the Forest Service and BLM people when they were before me, whether a higher fee will drive down grazing, not just in the first year but in the out years, too. They said no. If you are purchasing an input at a price below fair market to begain with, you can afford that kind of increase.

In 1982 and 1983, the Forest Service and BLM undertook a massive market value appraisal of public rangelands. The purpose of the appraisal was to determine the price livestock operators would pay for grazing use of public rangelands if it were offered for rent or lease on an open market.

Thirty professional appraisers took 17 months to complete the fieldwork, interviewing over 100,000 individuals—permittees, nonpermittees, farm management specialists, local bankers and loan officers, and others knowledgeable about livestock production in the West.

The Forest Service and BLM appraisers determined that the 1983 westwide market value of grazing on public rangelands—that is all the Western States—was $5.99 per AUM. This is back in 1983, I remind you. The westwide average market value of grazing on public rangeland was $5.99 per AUM.

(Mr. ROCKEFELLER assumed the chair.)

The appraisal factored in the differences in terms and conditions that presumably make public rangelands less desirable than other forage alternatives.

The Federal grazing fee at the time was $1.39 per AUM, or just 23 percent of the fair market value. Even today, without indexing the $5.99 to 1991, the current fee is $4.02 below the fair market value on a per-AUM basis.

The difference, of course, represents a subsidy for the 2 percent of the industry that grazes its livestock on public rangeland.

One of the things that the appraisers discovered is that Federal permittees were subleasing their grazing privileges. This is a very important thing to note. What is a better way to determine the value of the lease? The best way to determine fair market value is to go out and sublease the privilege. What can you get for it?

In August 1986, two Colorado State University faculty members published a study analyzing the 1983 appraisal data of 1,000 sublease arrangements across the West. The authors revealed that Federal permittees who were paying a Federal fee of $1.39 at the time, were subleasing their privileges to other operators for rates exceeding $7, and pocketing the difference.

Now you will hear that Congress has taken steps to prohibit subleasing. But that misses the point. Subleasing points to the fact that there is a huge difference between the fair market value and the fee level permittees are paying.

In 1981 the Forest Service and BLM contracted for an inventory and analysis of grazing fees charged by other Federal agencies such as the Fish and Wildlife Service, the Bureau of Reclamation, the Department of Defense, the Army Corps of Engineers, and State and local governments.

I think this is very critical, very, very important to take a look at. These are not private lands. These are public lands that are leased to beef producers. And you will remember that we are talking now about comparing what the present fee system for the Federal Government under BLM and Forest Service is.

Let us take a look at this chart that tells how much the State and local governments and other Federal agencies charge to allow them to be used for grazing. Again, these are State, local, and other Federal agency grazing fees. This is the total number of the States. Take a look at each State. I will give you a moment to do that as I talk.

For instance, in California, the Federal agencies and the State and local governments get $9.21 per AUM. You go to other areas, some areas where it would be much less, New Mexico, for instance, is $4.41; up to North Dakota, $6.63; $7.76 for South Dakota. All much, much higher than what the BLM and Forest Service leases even today are bringing into the Treasury. How can you possibly defend what is being charged now?

The study revealed, as I said, that the average is $6.44. The BLM and the Forest Service—at the time when the average of these other leases here was $6.44—charged $1.86; or less than one-third of what these other public bodies were getting for their leases.

There is no evidence there is any difference in the kind of services provided, at least on the Federal land.

The appraisers who prepared the 1983 study noted that 600 competitive leases involving 9 million areas of Federal lands brought an average price of $6.53 per AUM.

In each instance, the landowner, whether the Fish and Wildlife Service, the Army Corps of Engineers, or the Bureau of Reclamation, did not provide caretaker services for the livestock. Remember that, because that is one of the big arguments for those who say the fee should be so much lower for Forest Service and BLM lands because they do not provide services.

Here you clearly see the Government—whether other Federal agency, State, or local—does not provide services and yet receives $6.53 per AUM.

Mr. President, I would like to take the next few minutes describing the current fee, why it is flawed, and how our amendment would fix it.

As mentioned earlier, Congress established the current fee formula when it passed PRIA 13 years ago. The formula consists of a base value—$1.23 per AUM. I would point out that the base value has never been updated by inflation. That base was derived from 1966 and is supposed to represent a fee level that would equalize total fee and nonfee costs for public and private land ranchers.

The theory was that if total costs were equal, the public lands ranchers would not be advantaged or disadvantaged relative to the private land competitor.

At any rate, under PRIA, the base value, $1.23 per AUM, is modified by annual changes in three indices. The first index, forage value index, tracks changes in the average lease costs of private lands in the West. In other words, what percentage did they go up over last year?

The second index is the beef cattle price index, which tracks the fluctuations in prices livestock operators receive for their cattle. That is, of course, again, a percentage. If it goes up, obviously, then the fee should go up.

The third index is the prices paid index, which tracks changes in the prices that permittees pay for certain of their inputs. This is the one so troublesome.

The PPI reminds me just of other farm indices—all the figures we used to use for our farm products. They got so far out of skew that we threw them away for dairy and feed grain years ago. But PPI remains. GAO reported that PPI overstates what the actual production costs are. It really skews the formula.

In fact, I know we will be talking later about the industry itself, and certainly one of the great leaders of it, Dr. Frederick Obermiller, of Oregon State University, who has advised the industry on formula changes. He has admitted that the present formula is no longer accurate. He goes to an updated index with just the one index, forage value. We still have problems with that one. But at least it is a change in the right direction.

In June GAO issued its report stating that "low fees are an inherent result of the existing formula's design." That is GAO's interpretation.

The formula, according to GAO, double counts ranchers' ability to pay by including both the forage value index and the prices paid index. That is what I was talking about.

The latter is so skewed and wrong that it really has, for instance, given us a ridiculous result where you would think that the price of beef has been going doing down or all of the people in the industry would have gone broke years ago.

The PPI overstates livestock operation costs by excluding certain inputs and heavily weighting others, such as fuels, that are sensitive to inflation.

I already mentioned that the grazing fee is 15 percent lower now than it was in 1981. That is basically because of two factors. One, not indexing the rate. Two, more importantly, the costs that the producers are paying out are greatly overstated. As a result, although grazing lease rates generally have gone up in the private sector—by 17 percent—under this formula, for the producers who are Federal permittees, the fee has gone down by 15 percent.

The 1986 fee study and the GAO report both observe that the PRIA formula adds and subtracts the indices, rather than incorporating them into a ratio format. In other words, it is flawed from a mathematical perspective. By adding and subtracting the indices, it is possible for the formula to generate a negative value.

In other words, the Federal Government would have to pay ranchers to graze their livestock on public range lands. Obviously, that would be bad. Instead of "no moo in '92," we might have "no fee in '93." That is how bad the formula is.

Our amendment streamlines and updates the formula by replacing the current base value of $1.23—which was arrived at 25 years ago—with new base value of $4.89. The 1986 report indicated the fair market value of forage ought to be around $4.89.

Then we index the new base with the forage value index, which is the change in the cost of private grazing land lease rates. Obviously, that is a good index for what we ought to be charging on public lands. If cattle prices go up, the value of the leases will go up. If cattle prices go down, the value of the leases will go down. FVI gives you an accurate picture of what is occurring in the free market system.

The new base value reflects the 1983 appraised value for public rangeland forage, as I stated. I mentioned a moment ago that the study revealed an average price of $5.99 per AUM. What the appraisers did was break the west into 6 pricing areas, because forage conditions vary from area to area, as we can see on this chart.

We have taken the fair market value for the least expensive pricing area, area 5, which contains States like New Mexico, Arizona, most of Nevada, and southeastern California. The 1983 appraisal estimated the fair market value for pricing area 5, which includes those States, at $4.68 per AUM in 1983. We have taken that value and indexed it to 1991 for the new base of $4.89. That is how we got our figure.

Because we update the base value, we need to update the forage value index, too. To establish an updated base for the forage value index, we used the average price for 1989-91, set to be equal to 100. We start off with our base value, and with a new index.

We calculate annual changes in the forage value index on a rolling 3-year average value. The use of a multiyear base reduces the risk of relying on a single atypical year. A rolling average reduces volatility.

The forage value index is sufficient proxy for market conditions. When prices are high, ranchers expand their herds and bid up the price of the forage; when low, the forage drops.

As I mentioned, our formula is similar to the Regula formula, which passed overwhelmingly in the House. It is also similar to the one that existed prior to 1978, in concept. By the way, a joint USDA-Department of Interior 1977 study endorsed the concept of this formula that we are presenting to you today.

Mr. President, I have one more chart, which depicts where we are on the grazing fee issue. This is a pretty lively one, and has a lot of material in it. Let me explain it, to show you all of the ways of looking at this issue. No matter how you get there, this current fee is nearly off the chart it's so low. In fact, the only thing that is close to it is the fee level under my amendment, in the first year.

This is a current fee right here, $1.97. This is where we would start, next year, $2.63. The next value is an interesting one. Keep this in mind. This is what the banks, the beef producers on the public lands, figure the additional value is of that permit. That is the one they will give you. You can borrow money on this. If you have a lease, you can borrow money, using the $3 or more as a value of each AUM you have. You can use that as an asset. That includes the fee. It would be up here, if you put the fee on.

Anyway, this is our amendment on the final year; OK. This one here is an interesting one. Sometimes, because the fencing is not too good, and sometimes a cow roams around—this is a Forest Service trespass fee right now—if the Forest Service finds an "innocently interloping cow" wandering onto agency land, it charges $6.08. If you have a permit and your cow wanders over there, you end up paying $6.08.

Then the next one here, this is the average USFS sublease rate, from the study done by the University of Colorado 5 years ago. If you look at the average USFS sublease, these are the guys that have the permits, and then they say: Well, if we can make more money by subleasing our AUM's than we can by ranching them ourselves, we will sublease them.

That is the one I showed you, a lease from the Union Oil Co. in California, which has some of this—$7.06. Pay $1.97 and sublease it for $7.06; not a bad deal. I wish I could find something like that.

BLM is even better. I do not know if that means better lands, but you can get $7.75 for a sublease. This is years ago, not this year. Also, notice how close this is to the recent figure I gave you as to private lands. The innocent trespass fee for the BLM—that is, your innocently interloping cow strays onto Federal lands—is $9.19. Just as a footnote, if you do it deliberately—this is normal trespass law—it is $27 per AUM, or treble damages.

Here we are. This is the present situation. There is nothing close to it except our amendment. So certainly, if you want evidence that we are being reasonable, of course, ours goes up to here. But still, we are well below all these other values.

How can you answer the question: Why are we charging this? It does not even pay the cost of the program. We are subsidizing something which is worth so much more than what we charge for it. Permittees can turn around and receive a 350-percent profit.

I tell you, at this time, I just cannot see how anyone can defend voting against increasing this fee. How do you go home to your taxpayers and say: Yes, they have a deal out there, but they are nice guys. We did not want to hurt them.

Not only that, when what you do—most of it—will be a transfer from the pocket of the ranchers, which will put them up into fair competition with others. The money will be used to take care of their land. Then additional funds will be used to help schools, roads, and the community. How in the world can you vote to say that we should not change this?

Mr. President, my friend from Ohio will have a good deal more to say about the merits of this amendment. I will yield to him in a moment if he is here. I know he is presently involved in two very critical nomination hearings, both very much in dispute. But I certainly expect him to be here sometime in the not too distant future. I tell you I finished earlier than I anticipated. He did not expect to be here this soon. I want to make sure everyone has available time because I know our leader on this bill, Senator BYRD, desires to finish this tonight.

I want to review again, just before I yield the floor, some of the important points I have tried to bring home to you. First, we are talking about 2 percent of the beef industry. We are not talking about a large percentage of it. We are talking about 2 percent that have near-permanent rights to this land. That is another thing I have not talked too much about. You should know how this land gets to a rancher.

If you live near Federal grazing land, you probably do not have enough land to really be in the ranching business. It is understandable you look to the Federal Government. That is appropriate and nothing wrong with it. Without it the West would not be the West we know and love. That is not the question. But when you do have one of these permits, it is in perpetuity. It is not theoretical. It is a 10-year lease. You get very substantial rights on that. For example, if you do not want to graze 3 years, you still keep the permit. If you went to the bank, as I said earlier, they will recognize that you have this permit because tradition allows you to renew the permit, even give you a value for it, so you can capitalize that value.

These are wills, they are for life. In fact, many of Federal permitters have had them so long they really and sincerely believe that is their land, and they get upset if someone is going to raise the fees. It is so valuable they have an argument here when they do transfer it. It was transferred to them; they probably paid for that extra value in some form. So they will argue that you should not consider the fact that it is more valuable.

Second, I want to again remind you that we are proposing the formula which does not even get close to what fair market value ought to be for those grazing fees. We are only at 40 percent. I do not think that is unfair. I agree there is some basis to the argument Federal permitters provide services that the Government does not, services you get with private leases.

Again, I will point out, all the money here is not going to the Federal Government. It is going back to the areas where those leases are changed. Still, I am willing to say if we get a little more than what we are getting right now, I will be happy; it will help reduce the deficit and cover the cost of the program. In addition, it will help the grazing lands. I continue to have a problem that revenues from these leases do not cover the cost of the program.

Third, the current formula is inherently designed to produce low fees. If that is the policy you want, if you want to continue subsidizing Federal permittees at a time when we are cutting back on everything else, and you do believe they should have an advantage over the other 98 percent of the industry, then oppose this amendment. But I cannot go along with that. I do not believe that we should be allowing a fee, which is, admittedly, designed poorly, to keep the price down, to never even catch up. You have to at least correct the formula. As I mentioned before, Professor Obermiller is willing to say he recognizes you have to change the formula; it is a terrible one. It grossly misrepresents the real values here.

Fourth, the grazing fees—keep this in mind—amount to less than 3 percent of the average cash cost per cow. The Federal permittee, pays $6.25 per cow to the Federal Government—and gets either $400 or $500 or $600 for that cow. So, the increase affects a very small percentage of cash costs, 2.8 percent. You remember that I mentioned I met with the BLM and Forest Service and asked them at least two times this question because I wanted to make sure we would not in any way be reducing the amount of grazing on Federal lands. I said: Will they have the ability to pay this increase? The answer was, yes, there is the ability to pay it even when it reaches the highest amount. If you take a look at the facts and figures, it is true. There is no evidence to support the position otherwise.

Fifth, permittees can afford to have the fee gradually inch closer to the formula. That is all we are doing, raising it gradually. If you changed it tomorrow, the evidence from BLM and the Forest Service is that it would be painful. We all have a tendency to spend every buck we get. Sure, you have to adjust and do things. As far as what they get and what they pay for raising that cow, they could afford it.

Sixth, the amendment will ensure equity to taxpayers. By raising the fee, our amendment will increase net Federal revenues from grazing fees by $110 million over the next 5 years.

Seventh, our amendment is supported by taxpayer groups, including the National Taxpayers Union. The Council for Citizens Against Government Waste lists increasing the grazing fee to reflect the market value as one of its critical issues for the 102d Congress. I do not quite raise it to that level. Also, it was one of the items on the Grace Commission. Remember the Grace Commission? I do. I am sure many of you do. The Grace Commission recommended actions that we should take to restore equity and fairness and get rid of Government waste.

In addition, the environmental groups support the amendment because they feel this is important that all the money goes for multiple use of the lands. The Federal plan ought to be multiple use, and most of the money should go back for range improvements. They are also in favor of it because it reduces the deficit.

I know the opponents are lining up. My friends are still languishing somewhere, I am sure. These are the toughest amendments you can bring up. I hate to do it. I try not to pick on people whom I have tremendous confidence in their abilities. I understand they have to fight this. I hope that those who are not involved in this personally will take a look at these facts, recognize that if we in this Congress cannot do something as glaring as this just because it affects the States of some of our friends, how can we expect the public to have confidence in us to handle some of the tougher issues? Certainly I think that this is a test. It is a test as to whether or not you are willing, notwithstanding the fact it is a hard and emotionally difficult thing to have to face your fellow Senators, to address these tough issues. It will establish some credibility about our real willingness to tackle some of the problems we have with our Government of not having an equitable situation or giving unfair advantages.

So I urge you to listen to all the debate, take a look at it, closely examine it, take a look at the figures I give you, nothing I cannot give you the document for. I have told you nothing which I have not had a chance to talk to the people who will be affected. If you do not want to see a single increase here, then you vote against me. But if you want to run middle road and say, hey guys, the House version is too high, Jeffords is 40 percent less—that is a pretty good deal, it should not make anybody too mad, and is certainly a lot better than the House version, then vote for my amendment. Otherwise, it is going to look like you do not want to change anything at all, you feel the current formula is fair and appropriate and should go on the way it is.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in strong opposition to the proposed increase in grazing fees on public lands. Quite simply, this amendment will bankrupt hundreds of hard-working ranchers in my State of North Dakota, and thousands of farm families all across the Great Plains. It will deal a harsh blow to the already fragile farm economy. It will do a great deal of harm, without doing any good. This amendment may be well intentioned, but it will not accomplish its goals.

I am not overstating the case. I am not exaggerating. If we raise these grazing fees, thousands of farm families will be driven out of the ranching business, families that have worked their ranches for generations, who have been good and faithful stewards of their own land and of public land. We have heard that leasing public lands for grazing harms wildlife. If that is true, then why have big game populations increased so dramatically? Since 1960, the elk population has grown 782 percent. The antelope population has grown 112 percent.

I will tell you why. It is because the ranchers who lease public lands have built tens of thousands of watering sites, providing water in the arid West not only for livestock, but for millions of wild animals. They build these sites and maintain them at their own expense, and the public benefits.

We have heard a good deal of talk on this floor that there is a difference between the public grazing fees and what is being paid on private land. That is true. But that is comparing apples and oranges, Mr. President. On private land, fencing is provided, water is provided, roads are provided. With respect to public lands, the lessor provides the fencing, provides the water, and in many cases provides the roads. A dramatic difference.

Why should we deny these people their livelihood? Who will gain? Will the wildlife be better off? The answer to that is simply, "No." The wild animals will have less access to water. Will the consumer be better off? Again, the answer is, "No." The producers who can remain in business will pass the higher grazing fee costs on to the consumer, inevitably pushing up meat prices. Or, the deficit in U.S. meat production will be filled by imports from countries in Central and South America, where they are cutting down rain forests just to create grasslands.

Mr. President, what sense can this possibly make to have a policy that would encourage the cutting down of rain forests to create grasslands because we are not willing to use our natural grasslands to produce the meat that is necessary to feed this society?

We have heard this amendment will drive huge corporate ranchers off public lands. I do not know about that, Mr. President. I am not so sure. But I am certain that it will drive family farmers out of business in my State.

The ranchers who lease public lands in North Dakota run small family sized operations.

I cannot speak for other States. I can speak for my own. In North Dakota, we have just over 1 million acres of national grasslands managed by the Forest Service, and I now understand that the Senator has excepted those grasslands from this amendment. We appreciate that. But we know where this will go. We know that if this formula is established for other public lands, that soon it will apply to the national grasslands.

In addition we have 67,000 acres managed by BLM to which this amendment does apply. This land is leased to 630 ranchers in my State, Mr. President, who lease an average of 830 animal unit months. An animal unit month is the land necessary to sustain a cow and a calf for 1 month. Eight hundred and thirty AUM's allows the average holder of a lease in my State to run about 104 head of cattle for 8 months on public lands.

Let us repeat that, Mr. President. We have heard talk that this legislation is going to get the big corporate rancher. In my State, the average public lands lease is for 104 head of cattle. That is not a big corporate operation. That is a very small ranching operation, and they are experiencing extraordinarily difficult times. That is the reality.

I just spent the better part of a day going through the grasslands of a BLM area that would be affected by this amendment. I wish my colleagues could have been with me. I wish they could look into the faces of the people who are running animals on that land. I wish they could see their financial situation.

Mr. President, these people sent me their tax returns. They sent me their tax returns so that I could see what it is that they are making or, in some cases, not making. Mr. President, almost without exception in my State, these ranchers are on the brink of going broke. That is the reality that we are dealing with.

One hundred and four head of cattle—that is not a corporate ranch. Most North Dakota ranchers must own or lease private land to have a large enough ranch to make a living for their families. Even the members of the McKenzie Grazing Association, the largest in North Dakota, run an average of just 140 cattle. These are family sized ranches—and not very big family ranches either.

Raising the grasslands fees to the levels suggested in this amendment will close the grasslands to these ranchers and put many of them out of business. Are we willing to bankrupt thousands of family ranchers to deny access to a handful of corporate ranchers? Is that really what we are about here?

Mr. President, I hope that any such amendment would be targeted. If you want to go after the corporate ranchers, that is fine. But goodness knows, leave these small family ranchers alone. They are having enough trouble. It simply does not make sense.

Let me provide some real-life examples, Mr. President, of what we are talking about with respect to this amendment. Melvin Leland leases 254 animal units. He has provided over $30,000 in improvements, including an extensive watering system.

Again when we here talk of the difference between private lease rates and public lease rates. Let me remember that, on these public lands, the ranchers have made significant investments in water, in roads, in fencing, and in other improvements in order to have an operation. That is different than what private landowners provide.

The maintenance of watering facilities and fences on public lands costs Mr. Leland more than $18,000 per year in supplies, depreciation of equipment and his own time and labor.

The Greenwood ranch in western North Dakota has invested $54 per animal unit for water and fencing alone, not including equipment costs, labor, and the material needed for maintenance. Because the Greenwood ranch has invested so much in improving the public land, it could be leased for more than the current fee that applies on the Forest Service land, the national grasslands, of $3.82 per animal unit month.

Certainly, now that the improvements have been made by the Greenwood family, the Forest Service could lease it for more to someone else. Would that be fair to the Greenwood family that, in good faith, made those improvements, made those investments? I think not, Mr. President, and lest anyone think Mr. Greenwood is getting rich on this lease, I would be happy to show them the Greenwood ranch cash-flow analysis which he sent me. I would be happy to share it with any colleague.

Sufficient to say, he is netting only a fraction of the income of those who would put him out of business.

More eloquent than anything I can say are the words of the ranchers who have written to me concerning the grazing fee issue. They are proud people, and they do not like to admit they are living on the edge. But after 4 long years of drought, many are barely hanging on.

These ranchers do not live and work in isolation. The life of the small communities that supply and support agriculture is at stake as well. Allow me to quote another handwritten letter from Medora, ND, a family that runs 200 head on public lands.

> Our family has lived on and operated this ranch for twenty-six years. . . . We depend on the National Grasslands to carry (us) through the summer grazing season and partly for winter use also. If the grazing fees are raised to the proposed $8.70 per animal unit. * * *

I want to acknowledge here the formula has been changed and the $8.70 that they were referring to was the legislative proposal that passed the House, not the one we face here today, which is more in the range of $5. Nonetheless, I think this will give my colleagues some sense of what we are dealing with.

> * * * our operation will phase out in a very short period of time. This then will reflect onto the bankers, the grocery store operator, the fuel supplier, the feed plant people, everyone on down the line that we do business with. We would have to move to town and take a job away from someone there or else go on county welfare causing higher taxes for the taxpayers. We feel we have been using these National Grasslands to help make a living for us and the local business places and we do take care of them by making range improvements. We would like to continue this type of lifestyle if we are allowed to.

This rancher attached a worksheet and his tax returns for the past few years. If the higher fee had been in effect for the 1990 grazing years, this family's net ranching income would have dropped from $18,000 to $10,600. Big corporate ranchers? Big bucks cattle operation? They are making $18,000 now, on a fee of $3.80, which is what we pay in the forest land.

If they were asked to go to the $5, they will be slowly pushed out of business, I understand that $5 is the level in this amendment, I also understand what will happen if this amendment passes, I know what will happen. They will be next in line for a sharp increase in fees.

If the fees had been in effect for the past 7 years, this rancher would have seen big annual losses, instead of small annual profits. In short for this rancher, raising the fees would make the difference between earning a living and losing his shirt.

It seems to me that this amendment is aimed solely at removing domestic animals from the Nation's grasslands. Those who support this amendment may not intend it, but it will also remove thousands of family ranchers from their homes and their lands. And I think that if the supporters could spend just a few weeks with one of these families, see how hard they work, and how small the reward for that work is, they would change their minds.

I believe we can continue to improve the management of our national rangelands without driving honest and hard-working ranchers out of business. I urge my colleagues to defeat this amendment.

Mr. President, let me just conclude by saying I do sincerely wish my colleagues could spend time with the ranchers of western North Dakota. They are the ones who are on the public lands, the BLM lands, that are affected by this amendment—the national grasslands would be next.

I wish they could just see the extraordinary economic struggle that these folks put up with every day of their lives. I believe if they could, this amendment would be defeated in a resounding fashion. I thank the Chair and yield the floor.

Mr. **JEFFORDS**. Will the Senator from North Dakota yield for a question?

Mr. **CONRAD**. I am pleased to yield to the Senator.

Mr. **JEFFORDS**. I am concerned with the issues he raised, and that is the reason we reduced ours, because there was evidence that the rate of the Synar, the one in the bill before us, would hurt farmers.

We have exempted grasslands. Looking at the census of 1983, with respect to North Dakota, it lists 18,548 producers at that time, but only 100 would be affected by this bill.

Is that accurate? This is what our evidence is, that only 100 of your farmers out of the whole State would be affected by my amendment. I appreciate knowing the answer to that.

Mr. **CONRAD**. I will be glad to do that. The Senator is right if the Senator accepts the notion that this would only apply to the BLM lands and would not be soon translated over into the national grasslands.

Let me just say right now, national grasslands are paying about double the AUM rate that the BLM land is paying. I think it is clear what would happen. This situation of differential rates would not last very long; one rate on one type of public lands and another rate on other public lands is not sustainable. Even if the current legislation directly affected the national grasslands, it would not be large numbers of people because we only have 630 lessors, including on the grasslands.

Let me say I do not care if only one rancher is affected. If you could spend time with the folks I am representing, and I am speaking for, I think honestly you would come away and say: My God, we should not increase those people's rates a penny. They are on the brink now.

Mr. JEFFORDS. Will my colleague object to the rate that is being paid on the grasslands?

Mr. CONRAD. Would I object to a $3.80 rent applying to the BLM land?

Mr. JEFFORDS. Yes.

Mr. CONRAD. I would not mind seeing an equalization for everyone. But I would roundly oppose going to $5. And I must say before I would sign off on any increase in BLM land rents, I would want to see the specifics of who was affected. What would happen—I can tell my colleague right now—that, because my people are on Forest Service land paying $3.80 instead of the $1.90, there is real hardship.

I would say to my friend and colleague, I would like to see an equalization. But I think the equalization ought to occur at a level much less than $3.80, that is what our folks are paying.

I must say, if you would come and see the people that I am talking about, the average income—average income, $18,000. I used to be the tax commissioner and I know these ranchers are not making much, about $18,000 per year on average.

These ranchers are in very tough financial condition. So I would say to my friend, I favor an equalization but it would be at a rate for below the $3.80 that we are paying now.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I note other Senators are on the floor who want to speak. I yield myself 6 minutes at this point, if the Chair will advise me when I have used that time.

I want to say, for fellow Senators, this particular situation is not going to be resolved this evening. We believe it will be resolved tomorrow morning. Those of us who come from public domain States must have the opportunity to be heard. And we cannot do that without using up part of tomorrow morning.

Then we will propose a motion to table because we truly believe there is not a situation more suited to a motion to table than this situation.

Now let me proceed for a few moments to try to tell the Senate why.

First of all, we are talking about thousands of acres of public domain land, and because institutions like the GAO, who do not have a cattleman around, have done studies on this particular grazing of public domain. Today in an appropriations bill where there has not been one single solitary hearing about the livelihood of 31,000 Americans—31,000 ranchers with their families, so it is far more than 31,000—no hearings whatsoever in the U.S. Senate in the Appropriations Committee. This amendment does not belong on this bill. This amendment belongs in a freestanding bill with full hearings and full debate since some want to change the grazing fee 15 or 20 percent.

Oh, let us charge the big cattlemen, rich corporate cattlemen a little more, maybe 20 cents more an acre. It may be nothing. If it happens to be the marginal rate to stay in business—and we do not know that. We do not know if going from $1.95 to $2.50 will be too much for the average cattleman because we have not had any hearings. So we come along and say it is time to raise the fee because of some people headed by some House Member who loves to make noise, loves to get press, loves to use the GAO. So now, we are busy on an appropriations bill putting hundreds and hundreds if not thousands of Americans out of jobs. Is it not interesting? Do you know what kind of jobs? I do not believe a single one is in a city.

And what do we worry most about jobs? What is happening to rural America? We see bills come through here allowing us to spend $150 million and let the Agriculture Department excite people about living in rural America. Is that not magnificent? For an additional $7.5 or $8 million, which is the first-year collection under this amendment, we are just going to go about putting hundreds of cattlemen out of work. Then next week or next month we will run an economic development for rural America bill through the Senate and it will say let us give the Council of Governments this much, and the State that much. To do what? To build jobs right where we got rid of them because we do not know what we are doing.

Let me repeat the numbers, a little State like New Mexico, 1.5 million people, at least 9,000 cattle ranchers who use some public domain land to live on.

And are they big, fat cats as some are implying around here?

Incidentally, Mr. President and fellow Senators, if you are looking to get so-called fat cats, if any exist, you are less apt to get them by raising the fees than you are the little man, the man who is making $18,000 or $20,000 with 100 head of cattle. That is who you are going to get. You go after the big guy and he will add this, that, and the other and he will make it and add some more land and you will not get him.

What kind of people are we talking about in terms of these cattle ranchers who will be affected with this amendment without knowing what we are doing? We can have all the charts we want and it does not substitute for a good solid set of hearings about the economic significance of these kinds of fees to permittees on the public domain.

And yes, while we are at it, since there is so much inference about environmentalism in this, we ought to have that in one of the hearings, too. And we ought to ask those who say—and there are some, Mr. President, who are really saying it is not the fees we want; it is the cattlemen we want. We want them off the public domain.

We ought to ask experts what the public domain, which is owned by the American people, would look like if you had no cattle grazing on it. There is nothing on it. The Federal Government would have to maintain it all. There is hardly any water on it. Most of the water is on private land. They would have to fence it all. I think one of our Senators has some information about how much it might cost just to fence what the ranchers are now fencing because they have possessory rights, and to keep their cattle in line, they pay for it.

Now, in our State—and nationally we believe that family operations are about like this—88 percent of the ranches are on public domain who make less than $28,000. And we have no idea what that means in terms of family members, their own acreage or anything else.

So we are not talking about extremely wealthy people. We are talking about ranchers who have had two reasonably good years, thank God. That good year is based upon the price of cattle.

Let me go on with just a couple more thoughts. In the State of New Mexico, for size, 8,900 ranches in my State, about 72 percent are small, 21 percent medium, and 7 percent we would call large ranches. Small is defined as zero to 99 head; medium, 100 to 499; and large, 500 or more.

So for those who wonder, in a poor state like mine, that is where we are. There are no fat cats. There are no big ranchers making a killing on the Federal Government, but quite to the contrary.

Now, Mr. President, let me talk about where we are today. A couple of things we will show the Senate tomorrow. We will have a Congressional Budget Office analysis that will show what kind of damage you can do by passing an amendment on an appropriations bill.

And I note sitting here today is a fellow Congressman, Representative SKEEN, who tried his best in the House not to let this happen. But the Synar amendment was passed in the House, and I just alluded today to how that came into being when I talked about those who use these kinds of situations to make a lot of racket.

It turns out, an independent firm working for the Congress at large, the Congressional Budget Office, says if you wanted to make more money for the Federal Government, you just failed because you will collect less money under Synar than you will under the existing law.

Lo and behold, why do you think that is the indication? It has gone up manyfold. Do you know why? Because it is their estimate of what the real action on the range will be, and they are saying cattlemen will go broke. They will leave the range and give it back to you, and fewer will be paying.

So it is not just Westerners who are saying you can change that fee and cause far more damage than you know about. The Congressional Budget Office will now have to score an amendment which will affect those who are trying to make a living in a competitive world. You better know what you are doing or you might be playing right into the hands of the few who want no cattlemen on the public range.

I hope there are few. I hope there are few in the Senate who think that the public domain should not be used by private users who manage it properly, pay for the upkeep, put the fences in and pay for the water so they can make a living in a manner that their ancestors made it. It is probably one of the remaining lifestyles that carries some significant values. And why do we want to destroy it when we do not even know what we are doing?

Now, tomorrow we will put some more evidence in the RECORD. For now I just want those who are not present to know this is a very serious issue for us. We do not think we ought to raise the fee.

Please understand, Mr. President, we have to go to conference with an appropriations bill from the House that has the Synar amendment in it. It is already higher than $8 in the fifth year. We think we ought to go to conference with nothing from the Senate, sending a strong signal that we do not like to legislate on appropriation bills when it has to do with thousands and thousands of lives and lifestyles of American people; that we ought to wait and do it right.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I think the Senator from New Mexico, who talks with a great deal of passion about this subject, had a lot to say, and I want to footnote about trying to legislation on an appropriations bill.

There was a hearing held on grazing fees over in the House of Representatives. It was never voted on. In fact, if a vote was taken on the committee, both Interior and Agriculture, it would not have passed. This would not have seen the light of day had it been dealt with in this body we call Congress if it had to be voted on in committee. And that is where we do most of our work. The Chair knows—and I serve on several committees with him—that is where a majority of the problems are solved. But if we cannot get something through that process, then we circumvent that and we find the place to do it.

The subject that the Senator from North Dakota brought up, the grasslands, yes, their grazing fees are a little higher than those found on BLM. I do not have a lot of fancy graphs, but I do have about 25 years in the livestock marketing business in the West and understand what those people make as income and what it takes to produce it. There are also 40 percent more bankruptcies of those producers who rented in the grasslands in western North Dakota than there are those who run on BLM, and the fee is not that much higher.

(Mr. AKAKA assumed the chair.)

Mr. BURNS. So much for that. I do not think we could stand 40 percent more bankruptcies on those folks who depend on public lands for grazing their livestock.

Let us address a few things that come up that will be talked about today and tomorrow which will probably lay the basis of what this discussion is all about down.

It is not all about income to the Government. You want to take livestock off the range? Twenty percent of the available grazing on public lands was not used this year or last year. Why? Economically it did not work, I would imagine.

We do not have a program out there to bail the cowboy out. He has to buy a cow, hope she has a calf, and hope the calf is worth something when it comes to market the next fall, or a yearling the fall past that. There is no program to protect him.

It is like getting back to the old watermelon story. Maybe we are not very smart, but a couple fellows used to drive down in Mississippi and buy watermelons for 75 cents, haul them back to Montana and sell them for 74 cents. One looked at the other, says "we are not making any money." He said, "I know it. We have to get a bigger truck." It does not make a lot of sense. We do not make the investment unless we can realize something out of it.

The cattle business has not been all that shiny the last 2 or 3 years. We have gotten well, paid some bills.

You want to know about the grazing up there.The reason grazing fees and the value of the livestock do not react as fast is because it is put into the formula the next year.

I can tell you that we might have sold calves for a dollar last year, but I can remember in 1982 when we sold them for 45 cents a pound. That market goes up and down. When it slides off, there are a lot of people that take a pretty big chipping.

Let us take the argument that Texas cattlemen do not want to compete against the producer that runs on public lands. No. 1, Texas has no public lands; not one producer runs competition against cattleman that runs on public lands. Texas does not have it.

It only effects 2 percent of the business. Is 98 percent going to worry about 2 percent in the field of competition? I do not think so.

And we can put it down on paper. OK, BLM says it takes so much to administer this land—$2. And I will not dispute those figures, although I can. I can remember when I moved to Montana back in the early 1950's there were probably 35 people who worked for the BLM and there are over 600 today. I do not know what they do. I guess they stay out of each others way. But they have a lot of country to do it in because we are 38 percent public lands in the State of Montana.

So the price is not too high when you figure on your water. And I think the Senator from Vermont brought it up very plainly. There are things we receive that we do not receive on public lands that we do when we rent private lands. There is also a difference in the country. If some of that range was so good, why was not it homesteaded and held onto in the first place? At the time that the Society of Range Management was established and we thought we had problems in our rangelands—and we did have some problems at the time of that establishment—we could not hardly run our ranges anymore because there was not any grazing out there, and there was not any wildlife either. There was no water. All the good land had been taken up. It was purchased and paid for. This was kind of left over.

But there were some abuses. There was an organization established that has probably done more to bring these ranges alive in the area of water conservation, and wise water use, and yes, carrying capacity on dry lands. And keep in mind, folks, we are talking about short grass country. We are not talking about the lush meadows of the Forest Service. I am talking about eastern Montana, in short grass country, where less than 14 inches of rain fall a year. In the last 7 years we have been in a drought.

Do you want to look at the value of forage? It is not very high when there is not any, when grass in the spring stools out that is only this tall.

So there, in your formulas, the value of that particular acre goes way down.

I am just talking from personal experience—what it takes to make it work in communities where the biggest share of the county is public lands, and you increase those fees and only 25 percent of it comes back in the form of PILT—payment in lieu of taxes—do not even compare to personal property taxes paid on one cow or one yearling or one calf in a year to the county government.

I am an old commissioner. I can tell you about that. PILT payments will not even touch it.

Of course, maybe you do not have to worry about that. Maybe it will come back to the county. There will not be any ranchers, no kids, so we do not need the schools. I guess you can think about that. Move to town, get on the welfare rolls, and it costs us seven times more.

So we look at all of these things put together and we wonder why we get so excited about those of us who live in States where we have high acreage of public domain.

We could look at it from an ecological standpoint, from the environment, from wildlife, from soil conservation—all of it. Because when the Society of Range Management was established it was outside the Federal Government. It said we have to start putting a partnership together and we have to become land managers along with the Federal Government because, to be right honest with you, very few schools back in the early 1950's and the late 1940's even offered a degree in range management. But it was through their efforts. And now we have people who suddenly come out and tell us what it is worth. But they also tell us they want us off, not giving two generations of Americans any credit at all for improving this great resource that is renewable every year—that is if it rains. No credit. "We do not want you. We want you out of there. Get off the range."

I will guarantee you—let us talk about subleasing. It is against the law to sublease. It is against the law. They just do not do it. Those that have been caught lost their permits. It is against the law.

So with all of these points that have been made—and as this debate goes on I hope Senators and people around America will keep all of these things that we bring to mind that are basic and American: if those who are born of the soil take care of the soil, they will provide food and fiber for this Nation at a very, very low cost.

They are asking nothing, just to raise their families. They buy pickups made in Michigan. We do not manufacture one pickup in Montana. We have oil and gas, but it costs us as much there as it does in Kentucky or anyplace else.

Of all the services that are required in animal health, none of it is produced in the State of Montana. It is bought from some other State. So it impacts their economy. But mainly we will get up here and make great speeches with family, keeping families together, keep people working.

Yet, everything we do undermines that very value. So as this debate goes on, I will speak on a cooperative event that is happening in Montana in providing winter range for elk, and how those grasslands are managed, with grazing included in the whole formula.

That makes a lot of sense. For what happens in some of our scenic areas in the State of Montana, for instance, if a ranch cannot be viable as a ranch and raise livestock—and part of this public land is necessary to keep it economically viable—the rancher has no other alternative than to what? Develop his ranch and sell 20-acre plots to the folks who want to come in and play cowboy 30 days out of the year.

Once these ranches are broken up into 20-acre plots, folks, habitat for wildlife and our water quality goes down and, yes, this animal called man impacts every other animal in the area, and the whole ecosystem.

You will hear people that can put it in a lot better words and make it probably a little more understandable, but we are talking about the basic industry of the State of Montana—agriculture. It impacts that, and especially the people. If it was so lucrative—if it is a bird's nest on the ground, we would have people standing in line ready to invest in a ranch, and you have to have a ranch in the area before you can lease at BLM.

That is not the case. That is just not the case, because the margin of profit is just not there. That is why they call us "not very smart." We will work for nothing.

If a guy inherited a million dollars and they said: "What are you going to do with it" He would say: "Stay on the ranch until it is all gone." And he will. But he will have something he will feel very dear about: this land of not only public domain, not only America's, but also their own.

This is an opening argument, so to speak, but I think we ought to lay it out in terms everybody can understand. We are talking about people that have raised this question, who live 2,100 to 4,000 miles away from any public lands whatsoever, and especially in an arid, harsh land, which can be harsh; we are talking about a way of life. This definitely would impact it.

I will go into a little more later on, as the debate carries on, about how this partnership between the Society of Range Management, who understood the problem, works diligently to correct those problems, to increase the carrying capacity, not only for just cattle or sheep, but any split-hoofed animal, such as elk, deer, and a multitude of other wildlife that we enjoy.

You have to remember that all wildlife that enjoy public lands in the summertime spend winter on private lands. They would starve to death. That is all part of it, too. So usually these questions are raised by people who just absolutely do not understand what grass is, how important a part it plays to the lives of those of us who live in the West, and also to the ecosystem of this great country, of which all of us like to be called environmentalists.

Mr. President, we will have our drafts done later on, and until that time, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I ask unanimous consent that Floyd Deloney, a legislative aide from my office, be granted floor privileges during the pendency of H.R. 2686, the fiscal year 1992 Interior appropriations bill, including at the time of votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I rise in strong opposition to the amendment of the Senator from Vermont. I have the greatest respect for the Senator, and we find ourselves often on the same side of certain issues.

This amendment, Mr. President, of my friend from Vermont, is devastating to the cattle industry in the State of Arizona, not to mention other Western States. It would raise the grazing fee over 200 percent by 1995. Imagine any business man or woman having to sustain an increase of 200 percent in part of their costs to produce. I do not know any business that could maintain that and stay in business. Indeed, that is exactly what would happen if this amendment is adopted and enacted into law.

This would literally wipe out rural Arizona, and I will explain that shortly to demonstrate why it is so devastating.

Most of the 3,700 Arizona ranchers who graze livestock on public lands operate small, family owned ranches. They depend on Federal grazing lands for their livelihood. These are not large corporations or meat-packing concerns that have a vast amount of acreage under lease in Arizona, because it does not work that way under our laws, or in practicality, in my State.

Under the amendment offered by the Senator from Ohio and the Senator from Vermont, if it is adopted, these operations will be forced to shut down due to the artificial increase in the operating costs.

They make a living, these ranchers, but they do not make a killing. Rarely is the price of beef of such a nature that these people are considered wealthy landowners or land tenants. To illustrate my point, I would like to point to a map of the State. We have asked for an easel, Mr. President. Maybe that will be coming.

To demonstrate the ownership of the State of Arizona—many Western States are similar to this—you see the various colors here indicating Indian reservations, which is the yellow land. You see how many we have in Arizona—20 altogether. You see the green lands for different parts, and other areas of State land indicated in the checkerboard here. The white is the only part of the State of Arizona that is owned by individuals, that is a tax base that is economically viable for use other than that part of the Federal lands are available for leasing.

This land is imperative to the well economic being of my State, the use of all these Federal lands—not the yellow land, the dark yellow Indian lands; some are used, but very little. But the rest of this, without it, we cannot survive, literally. The bottom line is that the constituents of these two Senators do not have this problem, as we do.

Let me just point out to you just one chart that we had drawn up. This is the State of Vermont, which gives you some kind of indication of what the land situation is in that State. There, they have 89.6 percent of their land which is privately owned, which means their farmers, their cattle growers, their dairy farmers own the land, and they are assessed taxes on it. But there is no fee to the Federal Government, other than what the local taxes and income tax on their profit is, if they have any.

In contrast, that State has all of 6 percent of Federal lands, and 4.4 percent of State lands. In Arizona, I point out that it is quite a different story. You will see the Federal lands, not counting Indian lands, which are in trust with the Federal Government as the trustee, amount to 44.5 percent of the State of Arizona—almost half of my State is Federal lands.

The Indian lands, which, as indicated, are held in trust for the native Americans by the Federal Government, amount to 25.4 percent.

That means almost 70 percent, or a little over 70 percent of the land in Arizona is controlled by the Federal Government. The State of Arizona has 13.1 percent of the land that they operate, and that land is set aside by our Constitution for school purposes, meaning that when it is sold or traded the profits must go to the education system, not for anything else, leaving a tax base and a fee simple transfer base of 17 percent for the State of Arizona.

I think a lot of people do not understand that, at least as I travel around the country. Even Members of this body, as I talked to them over the years that I have been here, have no understanding how the West came about being developed like this. Arizona is not an exception. You take Nevada and Utah—California, I believe, is 30-some percent federally owned. You wonder why a State like Vermont has only 4 percent Federal lands and a State like Arizona has, counting Indian lands, over 70 percent. It has to do with how we came into being as a State.

In 1912, when Arizona was granted statehood, 1 day after the State of New Mexico was granted statehood, there were less than 100,000 people in Arizona. Quite frankly, this body that voted to let Arizona in had no idea what to do with all the land out there. There was nobody there. So maybe at that time it was logical. Of course, I do not think so because I have to live with it on a day-to-day basis. But given the fact that in 1912, a long time ago, it was logical, nobody is out there, so let us set aside this land for public domain for the use of everybody and to permit at that time those that were in Arizona to also use that land and, yes, pay a nominal fee. I do not know how many of you have been to Arizona. I think, of course, it is the most beautiful State in the Union. But much of my State is barren land. That is one of the beauties. We have all those wide open spaces and always have them primarily because we have land that cannot be developed. You do not see condominiums, hotels; the only thing you see on this land is what nature provides and some cattle, and that is why this is such a devastating amendment if it should be adopted.

The Jeffords-Metzenbaum amendment would have the effect of driving ranchers off Federal lands, and Arizona ranchers would literally be out of business. I think if anybody takes a moment, what are we talking about here is very little economic gain to the Federal Government and devastation for the free enterprise system. We in Arizona and in other Western States have to have a benevolent Federal Government, and not always is it benevolent. If it is not receptive to our needs, we might as well only have a State 17 percent of the size of Arizona. What Senator here would want to give up some 80 percent of their State? Nobody. So we have to deal with the here and now, and the here and now is that the Federal Government controls our destiny every day; it controls what we do in Arizona because of the makeup of the land that was granted to the States, to the Indians, and to the Federal Government, and that small amount that has been granted in 1912.

So I ask my colleagues to put themselves in our shoes. How would they feel if someone came along and proposed taking away some 80 percent of their State, just taking it away, just the use of it, not taking away fee title?

Those who support the amendment argue that because only 2 percent of the cattle in this country are grazed on public lands, we should raise the fees on these ranchers higher than economics truly warrant. That logic is similar to saying that because only 2 percent of the milk produced in this country comes from the State of the author of this amendment, we should eliminate dairy price supports. Nobody has offered that, but maybe somebody else will someday, particularly if we continue to do this kind of devastation to one part of our country. It does not make sense, I do not think, to do away with dairy supports for that reason. There may be other cost-savings reasons, but certainly not because 2 percent of the milk produced in this country comes from the State of Vermont.

For the information of my colleagues, 63 percent of the cattle produced in Arizona are grazed, at least part of the year, on public lands. So our cattle industry cannot survive. Livestock alone contributes almost three-quarters of a billion dollars annually to Arizona's economy. Again, if this amendment should become law, we are out of business. We lose three-quarters of a billion dollars.

There are other compelling reasons to block the amendment offered by my friend from Vermont. Practically speaking, the pattern of State lands interspersed with Federal lands in Arizona makes it difficult to separate the two ownerships from practical ranching.

Let me put this up. This may be a little difficult to see. The camera can focus in for anybody watching it. With the small checkerboard being the State land, the wide solid being the private land, of course, the cities of Phoenix and Tucson marked in black, you see you have to have cooperation with those who own the land next to you. Who owned the lands next to these ranchers? The State of Arizona does to a small extent, all of 13 percent, but Uncle Sam to the extent of 44.5 percent. So, how can you possibly have any economic benefit if you cannot deal and have some kind of relationship with the Federal Government?

The current grazing fee formula was established by bipartisan approval under the Carter administration and later extended under President Reagan by Executive order. This was not something that was cooked up in the back room with some kind of economic benefits going under the table or any such thing. It was in the public interest that these fees were set. It is my understanding that the Bush administration also supports the current formulation on these grazing fees. The current system of determining grazing fees is based on market conditions, and fluctuates, up and down, based on the changes in market variables. What can be fairer for the taxpayer who does own this land? All of us own this land. Our producers only have the right to use the surface, to put a few cows on that land, and the basis of our putting a few cows on that is on a formula based on market variables. Over the past years, Federal grazing fees have risen from $1.35 per annual unit, known as AUM, to $1.81 per AUM and have been as high as $2.31 per AUM. So it goes up as the price of cattle and the economics go up, and, of course, the price comes down. As it goes up the taxpayer receives a little more benefit, but it does not put anybody out of business.

This amendment would artificially increase grazing fees nearly 200 percent and, as I said, who could sustain that in business today? Nobody could sustain a 200-percent increase. It is tough enough just when the market goes up and there is a justification to raise it 3, 4, 5 percent.

The amendment offered by my colleague from Vermont raises suspicions in my mind as to the reason it would be offered. I believe that the motivation is not to raise revenues but instead it is an effort to eliminate livestock from grazing on Western lands. I do not know and I cannot prove that, but I have a feeling there is more here than just raising a few dollars for the Federal Treasury because we are talking about not even a drop in the bucket or ocean by what would be raised by raising this amount of fees. I say this because the fiscal arguments used by the proponent of the amendment are simply not supported by the facts. A major argument for the amendment being offered by the Senators from Vermont and Ohio is that the current grazing fee is an unfair subsidy for public land ranchers. As evidence of this, the proponents of the amendment attempt to demonstrate that there is a disparity between the fees paid by ranchers who graze their herds on private range and those who graze on public lands. This rationalization is intellectually incorrect and bankrupt.

As many of my distinguished colleagues know, ranchers leasing on public lands are required to pay for and build improvements. They have to invest their money to build ponds, to do fencing, to build the trails. If they overgraze, they are subject to losing their lease. This does not come without somebody writing a check. The Federal Government does not pay for it. The rancher pays for it. On private lease land, these improvements are provided by the lessor, by the owner of the land, usually, and so that is not absorbed in the costs of the lessee.

Ranchers of public lands must also contend with higher cattle death rates due to predators as well as higher transportation costs. Combine these additional costs with the fact that on private land ranchers can graze virtually an unlimited number of cattle. If you have a lease with somebody, generally it does not restrict how many cattle you can put on it. Here it does. For every acre that is under lease from the Federal Government, there is a restriction on how many head of cattle or animals you can have on it.

On Federal land, the Government strictly limits the numbers. As a result the cost of grazing on Federal lands is comparable to the cost of grazing on private land. Mr. President, Federal grazing permit holders are not being unfairly subsidized.

The proponents of the amendment also argue that the costs of administering the grazing program are greater than the fees it generates. Again, blanket statements such as this are made without checking the facts. The BLM estimates that its cost to administer is $1.66 per AUM. Thus the Government is making a profit of 31 cents per AUM. Proponents of the bill also contend that livestock grazing is adversely impacting wildlife habitat.

Nothing could be further from the truth. I live it. I walk it. I see it. I do not just fly over it on American Airlines or on USAir when I am flying into Phoenix. I know Arizona. I was born there, walked part of it and driven over most of it.

While there is no question some public lands were overgrazed in the past, rangeland experts from a number of universities and Federal land agencies agree that the public rangelands are in better condition today than any time this century. And it is partly due to enforcement of the leases that are made. These are not giveaways. These are contractual leases that are entered into with the rancher and the Bureau of Land Management representing the Federal Government.

As evidence of this, one need only look at the soaring number of big game animals on public rangelands. Mr. President, according to the BLM, big game populations since 1960 have increased dramatically; 782 percent in fact for elk alone. One can give a great deal of credit to the ranches for this.

More than just cattle drink from those water ponds that are constructed by the ranchers for their cattle. There is no restriction. There is not a sign up there saying only Mr. Rancher's animals can come and drink here. No. Any animal can come and drink. So they are increasing. So we are actually giving something, in addition to the Federal Government, to us, to the people that own all of this blue land and own most of my State of Arizona.

As many of my colleagues know, in recent actions, the House has included language similar to the Jeffords-Metzenbaum amendment in the BLM reauthorization bill. This bill is the appropriate vehicle to consider this amendment. This issue deserves a full hearing before the appropriate authorizing committee in the Senate. I would suggest that it would be responsible public policy to consider the objectives of the Jeffords-Metzenbaum amendment during the debate on the BLM reauthorization.

Mr. President, I ask my colleagues to look at the equity of what one State or a group of States does to another. We all have interests to protect, I understand that. We all have interests that go beyond our own States and sometimes do spill over into other States, and we have seen that about waste management control and shipping solid waste from one State to another. This is not an issue of shipping solid waste from one State to another. This is an economic viability, this is the heart of rural Arizona and the West.

So I plead with my colleagues—when the appropriate time comes, I will make a motion to move to table, or somebody will, I believe—to vote to table this amendment that my friend from Vermont took to the authorization committee. If he really believes that a public interest needs to be served here, that there should be hearings, that we should go back if he wants to as we did when President Carter's administration attempted to increase, and also as we did, and as President Reagan's administration discussed this, and we went through a public process and came up with a new formula.

I hope this is the way we would go rather than doing it on an appropriation bill, which is clearly legislating on appropriations.

Mr. CRAIG. Mr. President, I rise today to discuss with you and with our colleagues here in the Senate an amendment that has been offered by my colleague from Vermont as it relates to public land grazing fees in this Nation and to also join with my colleague from Arizona, who has just made some extremely valuable points as it relates to the economies of public land States like Arizona, Idaho, and Wyoming, the type of an economy and an inter-relationship that probably my colleague from Vermont does not begin to understand.

I say that not in a reflection of his studies and his efforts, but largely because he was not raised in a Western State and understands the uniqueness of the kinds of interrelationships between the local and State economies and the public land resources that make up those States and the decisions made in public policy historically in this country to reflect how this country would want its public resources to be managed and utilized to accommodate the economies of those States, but also to get a return for the American people from those resources, a return that the American people thought reasonable. That happened in our very early days. It has changed and moved over the years to accommodate public desire, but also to balance that with wise and judicious use of those resources.

I wish I could feel that my colleague from Vermont has presented the amendment in that context, in the good faith of demonstrating that there was a time for, a need for public policy change, because something was crying out that that need was necessary. But in all honesty, I do not believe that. I am disappointed that, at this point in time, there may be an effort at hand to create a schism between two segments of American agriculture that will not serve either of those two industries well—the public land grazing industry of American agriculture and the dairy industry.

For years I have worked, as others have worked, to make sure that, when competing forces within these industries got sidetracked, we tried to bring them back together and that in doing that it was important that American agriculture stood together, was supportive of each other. And where it had its differences never did we try to surface those differences on this floor or in any major public forum. I wish that were the case today. I do not necessarily believe it is.

But aside from that, let me go on to debate the issues tied within this amendment. As they say, you have to be born in the West to understand the West. Not necessarily. You can read history. You can see what was intended by public policy historically. You see that those who stood on this floor before us recognized the importance of that balance of public resource that I talk about. It was reflective of those national interests and those local Western public land State interests.

It is not by chance that my grandfather grazed on public lands and was extremely desirous of the development of the Taylor Grazing Act, so that we could bring balance and management to our public lands. And I grew up listening to my father talk about grazing on public lands and its use and its balance.

I no longer do that. Neither I, nor does my immediate family, own or lease any public lands, so there is no personal interest in this today. But oftentimes we learn a good deal at the breakfast table of our family home, listening to our parents, or our grandparents.

I suspect one of the things I grew to appreciate was the unique balance that has occurred on our public lands in the West for well over 100 years, a balance that today my colleague from Arizona was very effective in recognizing. He was effective in recognizing the phenomenal increase in wildlife, in recognizing the wise management that improved natural habitat. And when you have better elk or deer numbers that says, when you have those numbers, there is more forage out there and a capability for those animals to sustain that livelihood. And wise management brought that about.

If we were to listen to the reports of some who have a different reason that the wise and judicial balanced management of our lands—I am speaking to a reason of single use—then you would believe our rangelands in the West are worse off today than they have ever been; that the management of the BLM, and the Forest Service under their plans and procedures, were not producing the kind of results we would need.

If that were the case, those public figures that speak to the increase of wildlife on the habitat of Western lands simply could not exist. Yet they do. And all of the fish and game management agencies of our States, and U.S. Fish and Wildlife Service, all agree with those numbers.

So why are we here today? We are here because one Senator has a different motive for doing certain things. And there are others I suspect who are now believing that a better way to manage our public lands is through a single use approach: We ought to lock this up; we ought not allow certain types of management practices and resource utilization efforts to go on.

We did that in 1963 with the Wilderness Act. We have done it through other kinds of public policies over the years. But we have always tried to keep a balance, and in so doing we felt it best served the Nation. But it also preserved and maintained livelihoods and economic viability for large public land States like my State of Idaho, like that of my colleague who just spoke, Arizona. All of those economies developed over the years by that interrelationship of being able to utilize the public land resource in conjunction with the private economies of those States. We have said it year after year, in public policy. We said it in 1978, after an exhaustive study of how we would manage those lands as it related to grazing.

Out of that study came what was known as the Public Range Improvement Act of 1978. Out of that act came a formula, known as the PRIA formula, which is the one that currently is in use today. That balances costs of operation against private costs, all of those combination of things, and comes up with a method by which you arrive at an AUM, or an animal unit month, that the Forest Service and the BLM charge to the leaseholder for his or her animals.

Then again, in February 1986, Executive Order No. 12548, President Reagan largely agreed with the work that had been done by Congress and by its committees and by the agencies in 1978, in the establishment of that law.

That is what is being challenged here today. Is the work that was done in 1978 still valid? Or has the philosophy changed? Has the American public's attitude shifted away from a balanced use to a restricted single use? And, in so doing that, what have we accomplished, or what would we accomplish by this amendment?

I can say as many would suggest, you ought not legislate on an appropriations bill, Mr. President. Clearly one of the reasons for that, I think, is the technical nature of what we approach today in the amendment proposed by my colleague from Vermont, and what I am trying to explain.

We really ought not to be debating it here on the floor until after the fact, until after we have gone back and looked into the studies of 1978 and beyond to see whether they are still valid; whether our agencies are still managing in the way they should manage, consistent with the law.

There were no field hearings in the States; no work in the authorizing committees. Oh, yes, there is a political drum beat out there today, spawned and promoted by certain interest groups who think differently than I do about resource management, and who have a different agenda about that management. And some Senators on this floor, believing it.

But, be that as it may, what is happening here—or I should suggest what is not happening—is a thoughtful, overall, extensive effort by the authorizing committee to review the processes at hand and what would result if these kinds of changes were made.

If this amendment were agreed to, if it were to become public law in this country, what would happen? I am going to try to address it in as fair and balanced a way as I might.

The debate should have gone on in the committees, I might suggest to my colleague, as the debate that will go on in the committees if we decide to change dairy policy in this country.

What will happen if we agree to the amendment of my colleague from Vermont? He might argue, what will happen is that the ceiling on the increase in grazing fees will be no more than 33⅓ percent annually. It could not rise any more than that. And that would protect, if you will, the grazer from a spiraling, astronomical increase, that would run that individual rancher off the land.

That does not sound too bad, if you were to allow that to happen. But anybody who has been in business, I suggest, would understand if you knew your costs of operation were going to go up 33 percent next year but you could not offset that with an increase in the price of the product you produced from that cost of operation, would that not in itself do you harm? In the dairy industry?

Mr. JEFFORDS. Is the Senator asking me a question?

Mr. CRAIG. Surely. I will yield to my colleague from Vermont.

Mr. JEFFORDS. Right now use of the AUM, it is less than 3 percent of the cost of raising the cow. So when my colleague says the cost of production goes up 33½ percent, my colleagues should be saying 3 percent of the cost of production goes up 33 percent. That is not a fair statement, the way my colleague made it. I hope my colleague would agree with me. It is not appropriate to say that this amendment is going to raise the cost of production by 33⅓ percent.

Mr. CRAIG. OK. Let me then change that because I think my colleague brings up a valid point, only to the extent as it relates to the number of AUM's, or the length of time of a AUM. Let me back off from that. That would not be appropriate to say.

The length of grazing months that a given operation would be involved in——

Do you graze cattle on public lands for 3 months? Or 6 months?

Well, it depends on the area of the country which you are in. It depends on a given range. It depends on the rainfall. It depends on the climate of the year, that exists over that given piece of public graze.

Let me suggest that in many instances it lasts for 6 months of the year and, I would suggest to my colleague from Vermont, that during that time the largest single cost of operation would be that grazing fee.

Mr. WALLOP. Will my friend from Idaho yield for minute?

Mr. CRAIG. I will be happy to yield.

Mr. WALLOP. Nothing yet has portrayed the lack of awareness of how this whole system works more than the interruption of the Senator from Vermont. If you are in Arizona it is a 12-month proposition, in which case it does raise it that much. If you are a permittee in the forest in Northern Wyoming, it may be 2 months. Then you come down and you go to the Bureau of Land Management, you might add the other 10 months there.

What it proves is that the Senator from Vermont does not have the faintest notion of how this system works, or how it affects people.

What my colleague said was absolutely true, in the case of a tiny proportion of the permittees who operate under these systems. But in the case of a much larger proportion of the permittees what the Senator from Idaho says is absolutely true. It is, again, the problem of somebody from New England making a blanket assumption of what happens to his idea of how the public lands ought to be managed.

Mr. CRAIG. I thank my colleague from Wyoming for adding to this colloquy and this debate because he is absolutely correct. Depending upon the climate, obviously, that you are ranching in, and the State in which you reside, it would vary.

I remember from my background that we grazed for approximately 5 months out of the year. And, as a cost of doing business, it was a substantial part of the overall cost. So it would vary. But I would have to believe that based on the figures you have given——

Mr. JEFFORDS. Will the Senator yield on that issue, because I want to let my colleague know where I am getting my figures from? Of course if they are wrong it is very difficult.

Mine come from the USDA Economic Research Service. I am reading from them here, where their conclusion is that grazing fees as a percent of cash costs is 2.8 percent, with the present permit fee. So that is what I am using.

I realize it may vary from State to State. I understand in Arizona it is going to be higher, and other States it is going to be more.

Mr. CRAIG. It could be higher.

Mr. JEFFORDS. The average AUM is around 3 or 4 months. I have to use the facts I am given, and I am sure they vary in the Senator's State. But if USDA is wrong, then, of course, you have to take that up with them. But I just want to make sure this body knows all I can use, as a poor little farmer representative from the State of Vermont, who does not talk in terms of thousands, 2,000 and 3,000 acres, like you people do. It is a little bit difficult for me to understand. I have to rely on the figures USDA gives me. That is where they came from. If they are wrong, then I would apologize for them. But I have reason to believe they are not.

Mr. WALLOP. Will the Senator yield for another comment?

Mr. CRAIG. Yes, I will be happy to yield.

Mr. WALLOP. Again, I say this is precisely the problem with this amendment.

To base the livelihoods of our ranchers and farmers on a bureaucrat's idea of what constitutes profitability is not something I suggest to which the Senator from Vermont would entrust the livelihoods of his dairymen. The fact is that these figures all come out of a mishmash of things, but they do not relate to the individual experience of people.

The Senator mentioned USDA as the source of these figures. Lots of people in my State, probably most of the people in my State, graze both with the Department of the Interior and with the Department of Agriculture.

So these figures are irrelevant to making a livelihood. They may make a nice statistical statement, but they do not have anything to do with life and times on a real ranch, under real ranching circumstances. That is the problem that the Senators from the West are trying to point out to the Senator from New England, who comes from a State without a public land experience.

Mr. CRAIG. I thank my colleague from Wyoming for assisting me as it relates to those overall figures.

Let me suggest to the Senator from Vermont that in working on the Senate Agriculture Committee, one of the things I do and I have done consistently with him over the course of my short tenure here, some 8 months now, is to try to understand the uniqueness of agriculture's different faces. In struggling with this dairy problem that we have out there—and that relates to profitability of individual operations—I have taken the counsel and the advice of my colleague from Vermont as it relates to his dairy farmer, uniquely different from my dairy farmer. My dairy farmer is a different kind. Usually by age he is 20 or 30 years younger. The average herd size may be substantially different, much larger. All of those are different components. And you can take averages, if you wish, but averages do not always work very well. I think that my colleague from Vermont probably understands his dairy farmer much better than I ever would because my dairy farmers are not like his. And as I have sought the Senator's advice and taken it, I would trust that maybe the Senator would listen for the next few minutes to some of the facts and figures I would like to talk about.

Mr. JEFFORDS. Sure.

Mr. CRAIG. Because I think they are substantially more relevant as it relates to the uniqueness of this kind of grazing in the West and how it works with a given farming-ranching operation that sometimes is not reflected in the figures, or if it is it is reflected in averages. The Senator and I both understand one thing very clearly. In fact, the Senator and I have talked about it—about the human tragedy, about the human drama that goes on when lack of policy or bad policy drives an economic unit out of place, destroys it. Dairy policy may be doing that in this country today.

Let me suggest to the Senator what he would be doing—and I say "he" because he is the author of this amendment—as it relates to family ranching operations in the West, not the big, expansive 2,000-cow operations because they are relatively few and far between. But let me talk to the Senator about the kind of rancher that exists in my State of Idaho and across the West that are so much in the majority as it relates to the Senator's amendment.

It is projected, based on analysis of a variety of interest groups, that if the Senator's amendment becomes law, in the first year you will drive 1,900 ranching families out of business—1,900 families out of business.

Mr. JEFFORDS. Is this Idaho or nationwide?

Mr. CRAIG. Nationwide.

That within 4 years two-thirds of western small ranching families, some 31,000 ranching families operating in America, of which only 88 percent—I should put it this way: 88 percent of them make less than $28,000 a year, somewhere in about the category of the Senator's dairy farmers. in other words, not great big, massive, profitable businesses but a family-related business where father and son and father and mother and daughter work together, very typical of the dairy farms in Vermont, making $28,000 a year on the average in a good year. Two-thirds of them will be out of business because of this amendment.

Now, when you talk about the human tragedy that is going on with the Senator's dairy industry, the Senator and I in a somewhat abstract way understand it but do not feel that we were the cause of it. We want to help it. We want to change it. We want to improve the dynamics of that economy so that it is better.

I will tell the Senator that if you pass this legislation, I personally believe the Senator will be the cause of these kinds of families being disrupted and their lives being destroyed. And let me suggest that is devastating, where? In Idaho, in Montana, in Wyoming, in Arizona, in 16 Western States where there is substantial public grazing and where these very unique economies exist.

How do I arrive at those figures? Well the Senator talks about his indexes and new formulas and putting a cap that allows grazing fees to increase no greater than 33.3 percent—no greater than. But in reality what the Senator is proposing will ultimately in its cycling bring grazing fees to about a 380-percent increase based on the formula and analysis of the formula as it was first presented in the House and as different groups have had an opportunity to look at it and analyze it. When I suggest to the Senator that this type of economic dislocation will occur in the West, it is based on those kinds of facts. That is reality. That is the human tragedy.

Mr. JEFFORDS. Again, this is of great concern to me.

Mr. CRAIG. It should be.

Mr. JEFFORDS. What concerns me is the fact that BLM—and I had both BLM people and Forest Service people in. I asked them this question two or three times, as to what the impact would be. If the Senator is talking about SYNAR, I could agree with him.

Mr. CRAIG. I am not talking about SYNAR. I am talking about REGULA.

Mr. JEFFORDS. Which is only 40 percent of fair market value. They assured me, and we have a letter to that extent, written not to me but to Congressman REGULA, that there would be no decrease in the use of AUM's with my formula.

Now, I understand that some marginal producers obviously could go out and somebody would pick those AUM's up. But I am confused. When I asked that question and I got those responses, and I have that letter that was——

Mr. CRAIG. If I can stop the Senator at that point, I can understand why the Senator is confused, and the reason is the way the words were used.

Did the Senator ask them if current permittees, current operating ranchers, would still be operating—I am talking about the current family.

Mr. JEFFORDS. I understand.

Mr. CRAIG. Would they still be operating 4 or 5 years from now under these new prices? I will have to tell the Senator, in many instances probably not. What they did tell the Senator is there would not be a loss of AUM's.

Now, that is a whole lot of difference. Am I going to suggest that there will be under the current dairy policy fewer milking cows or fewer hundredweight of milk being produced in the Nation 5 years from now than today?

The answer is probably not. That is not the issue here. The Senator's concern is the current operating farmer in Vermont, and will he and his family be operating 5 years from now if we do not change policy. The answer is probably they will not be because they are currently in great economic stress.

So you see, what we are talking about is fundamentally the same thing. Will these AUM's be filled at that number? In some instances, yes, they would. And yet today, under the current structuring of the AUM, a substantial number are not filled as of today.

Did the Senator ask them how many current available AUM's were not being filled today? Is there this great demand for public grazing? There is not.

I think my colleague from Arizona talked about that unique border boundary—adjacent, interrelated management type of thing that goes on with a ranching unit, the public lands around it, and the interdispersed lands; all of those kinds of things.

Let me ask to continue a few more moments.

Mr. JEFFORDS. Let me answer the question.

Mr. CRAIG. I will yield for a question.

Mr. JEFFORDS. They told us there were a substantial number of AUM's not being utilized at this time. I asked that question. The answer I got was that all those that are available are being used, and they have no problem in leasing them. There is a substantial number that are out there, but presently not available.

Mr. CRAIG. The figure is 20 percent.

Mr JEFFORDS. That is the figure I have. That does not indicate there would not be a demand for them if they were available, is my understanding. These are the facts. I am just here trying to learn.

Mr. CRAIG. Again you have to be awfully careful the way the words are being used, and the questions get asked and how they get answered. The reality is that 20 percent of the AUM's that are out there—and in many instances being offered—are not being filled today.

If that is the test of the Senator's legislation, let me suggest that his legislation has no strength. What is the test of his legislation, in my opinion, is will this serve to do a couple of things. Will it serve to return more money to the Treasury of this country, and therefore to be argued as a more fair approach toward the current resource allocation of our public lands?

Mr. JEFFORDS. The answer to that is yes.

Mr. CRAIG. That is what the Senator believes. I believe it will not, based on the fact that this is only a portion of the total cost, and does not effectively compare it with private grazing. But aside from that, I think what is most important and what is so tragic about the Senator's amendment is that the very people he is trying to address, in a circular approach, the dairy industry of his State, based on the same kinds of human concerns that I have about this, are not being met; that he is going to disturb the lives and the economy of thousands of western ranching families, and not solve his own problems, the problems of his State's dairy industry, and the problem of our Nation's dairy industry.

For the life of me, I find that very, very difficult to understand why the Senator would approach it from this manner then. I think I know. But I will leave it at that.

Let me go ahead and talk some more about the kinds of impacts we are talking about. There is a popular word out there today. In fact, we are talking about a word called linkage. The Senator knows about linkage. The Senator knows about linkage in the context of an agricultural will economy. What happens when the dairy farmer in the local community goes down? Well, it means that he or she is no longer buying fuel at the local fuel distributor, the local co-op; no more tires, no more baling twine, no more new equipment. They are out of business. When they go out of business, small town America begins to die even more.

That is what the Senator and I fight to preserve. That is called linkage when that dairy farmer goes down, so the community around him goes down. When the western ranching family goes down, so the community around him goes down. But it goes beyond that.

If 400 percent—that is about where the formula of the Senator gets us, in a 3- to 5-year period. If there is a 400-percent increase in grazing fees and this Senator is anywhere near accurate in the dislocation, the human dislocation that he talks about, what are we going to do about this? What is the Senator and I going to do about these new figures? What happens when 16.4 percent of the farm credit loans in the Farm Credit Administration tied with public land ranchers in the State of Arizona goes down the tubes?

Are we going to have a farm credit system back here saying you have got to help us, got to bail us out? They might because in the State of Nevada, it is not 16.4 percent of the total loans of the production credit association or the Federal land bank. I will tell you it is 42.9 percent of their loans tied to public grazing ranchers. And in the State of Utah it is 16 percent.

What are we talking about there? In those instances we are talking collectively of almost 300 million dollars' worth of loans out. If I am anywhere near accurate, that two-thirds of current AUM usage by current permittee's will no longer be in existence by those permittee's. They will be out of business. They will then have to be addressing this shortfall.

That is what I think is linkage in the current context, linkage that the Senator and I, coming from current small agricultural States, probably know and should be able to speak about better than anyone else.

Mr. JEFFORDS. Will the Senator yield for another question? I am concerned about what he says.

Mr. CRAIG. I hope the Senator is.

Mr. JEFFORDS. Whether or not the Senator has seen the chart, the information we have again from USDA says that in the Senator's State that the average charge for AUM's by State, local, and other Federal agencies other than BLM and the Forest Service is $6.20. Can the Senator tell me as to whether or not his State or his local governments are reducing their charges for AUM's in order to solve the problems that the Senator is dealing with?

Mr. CRAIG. Let me answer the question.

Mr. President, my colleague from Vermont places a very important question as it relates to the cost of AUM charged by the State land agency in my State. Again, let us go back to a little bit of western knowledge and western understanding.

You do not have large tracts of State land in my State, contiguous blocks of lands of thousands and thousands of acres. What you have are sections, individual sections spread amongst the Federal lands, the public land. In other words, State agencies do not have much cost of management.

Those State lands are also spread within private lands. In a ranch that I used to be a partner in there are several State sections in amongst our private, deeded lands. There were not any fences around them. If you rode out across them on a horse or in a Jeep, you would never see them or at least you would never know you were on them.

Why am I giving you this as a point and example? Because there is little management cost, because they are tied within; and because they hold us hostage to them, in essence, I am willing to pay substantially more to retain that 600-plus acres inside my private land than to let it go, and State land agencies know it, and they bid accordingly.

That is why we would pay more. If they stood alone and had to compete with BLM, the price would come down, and that is absolutely the case.

I am sorry the Senator is rubbing his chin. The reason is he probably has never been West. He has never sat in on public State land board meetings, as I have, and heard the debate, and listened to how they interrelate these lands and how they arrive at their formula, based on what they can get, because of the way the Federal Government formulates.

Mr. JEFFORDS. If I may, Mr. President. This mystifies me. You are talking about economic devastation, and you are talking about your State and the local governments taking advantage of ranchers in your State because of the location of their particular lands, and getting a much higher price than the Federal lands.

I cannot believe that if you have that economic problem there, that your State would be taking this much higher fee from their own farmers. I do not understand. Maybe that is the West. I do not understand the west, if that is the case.

Mr. CRAIG. Mr. President, let me try to explain. When 64 percent of your State is Federal and 3 percent of it is State owned, and that 3 percent is spread amongst the 64 percent, maybe that helps you get a better understanding.

It is also because when this land got divvied up out there, when the Federal Government said to the States, "You can have those sections of land for financing schools and universities," guess what happened? The States went out and picked the very best. There was a higher value established from that moment of selection.

When you lease the broad sense of a BLM allotment or a Forest Service allotment that may involve hundreds of thousands of acres, and you and other ranchers are out there grazing in common, you take it all. You and I both know that if you are going to rent something, if you are going to lease something, you go out and look at it; you yourself assess a value to it, based on what you think you can get in return.

That is as good an explanation as I can give, because I think it is the right one; it is the truthful one; it is the one that history supports me on. It is the one that, if you would come West and ride over those lands with me, I can show you those State sections versus the Federal sections, and you can begin to get an understanding of the uniqueness of this relationship. I think, then, you would begin to recognize that the kind of an amendment you have, the very technical amendment that was studied for several years in the 1970's, and out of it came what appears to be a relatively complicated formula of all kinds of indexes, from market value to forage values, all of those got interplayed into what is known as the PRIA formula.

One thing I know for sure is that you would not be here on the floor of the Senate trying to legislate a very technical piece of legislation, until it was handled in the authorizing committee.

Like we both know, we are not going to try to craft a formula regarding the dairy industry that brings some kind of economic hardship and hurts the stability of that industry and bring it here to the floor. We are going to do that in the appropriate authorizing committee, because that is the way you do good public policy. You do not do that on the floor of this Senate.

Mr. JEFFORDS. If I may inquire, Mr. President, I do not disagree with what the Senator is saying. But what concerns me, again, is that for 13 years there has been no hearing, no action whatsoever in the Energy Committee.

Mr. REID. Parliamentary inquiry, Mr. President. Who has the floor?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Thank you, Mr. President. I am about to conclude. My colleague has responded to some of my comments. It was a response of frustration and I think one that deserves comment from me and others who would debate this issue on the floor today and tomorrow.

There are oftentimes issues that come before the House or the Senate that do not get heard because a majority of the Members of these bodies feel it is unnecessary to hear them, that the existing public policy serves the need. I think that was largely true since 1978 on.

It was in 1986, with an executive order during the Reagan administration, that this policy was extended forward. And we live with that executive order today, which retained the PRIA formula.

We have constantly reviewed dairy policy, rightfully or wrongfully so. Why? Because a majority of the body felt it was necessary. In all instances, it was not legislated here on the floor of the Senate. It was legislated in committee, and the work product of the collective minds of the authorizing committee was brought to the floor to be debated and voted upon.

The issue before us is important. The value of public graze in the West as it relates to the economies of the States involved is in many ways incalculable. I speak to that because I talk of that linkage within the economies of the local areas that is so darned important.

Only after that farmer or rancher has failed and gone out of business did we begin to realize that there are just a few less tires sold at the local tire shop, a few less gallons of fuel bought from the local distributor, a couple of layoffs occur on Main Street because those people no longer have those kinds of businesses, and that kind of economy, and that dollar that rolls so successfully down the main streets of America that we call our market system.

What my colleague from Vermont attempts to do today with this amendment, in my opinion—and in the opinion of a good many people—is to substantially alter the face of Western America and the economies of those States as we now know them, and the thousands of ranching families that will largely be dislocated by this, as turmoil exists and will be increased by this effort.

That is to speak to the human side of it. I will go on later, as others will, to talk about the environmental side of it. And while there are many who would argue that this is an appropriate environmental move, I think my colleagues and I will be able to clearly demonstrate that it will be a fundamental change in the environment of our Western grazing lands, Western public lands, our Western habitat lands, whatever they wish to be called by those who call them. But it will significantly alter the environments and, in most instances, not in a positive way.

In my State of Idaho today, we have more elk, more deer, more antelope than ever in the history of the State. When Lewis and Clark came through my State, they recorded in their journals that they nearly starved to death. In a State with thousands of head of elk today, thousands of head of deer, antelope abundant, why would they have starved to death? Because the elk were not there, and the deer were not there.

Men helped them get there. By the stewardship of our lands, we have not only created a positive environment for man and his efforts, but for wildlife. And it is this kind of unique balance that, ever since the Taylor Grazing Act days forward to today, we in the West, along with this Congress, have attempted to maintain.

The amendment that has been presented by my colleague from Vermont does not speak to balance; it speaks to imbalance. It speaks to single-use management. It speaks to the kind of economic dislocation that will severely damage ranching families in the West, thousands of them, who rely on public land graze as a part of the blend of their operating unit for the purposes of maintaining their economy and, just by chance, supplying an abundance of red meat protein to the consuming people of our Nation.

I hope that both colleagues watching and those who will read the debate and those who will participate in it today and tomorrow recognize how really significant this is, and these kinds of changes do not deserve the treatment they are getting on the floor. This legislation has to go back to the authorizing committee, with hearings and studies. Understanding the kinds of dislocations that would occur if we are to make changes is fundamentally important as we work to address this kind of public policy. It is significant and I trust that my colleague from Vermont may now, with the little bit I have been able to offer, recognize some of the consequences of his potential actions here on the floor. The kind of loss that he wishes to address in his own State with the plight of his dairy industry, he, by his efforts, is now inflicting upon Western States, those that are dominantly public land-grazing States with the small farmer and rancher family that this particular economy is tied to.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I thank the Chair and thank my colleague from Idaho and, in fact, I thank my colleague from Vermont because I think that at last we are beginning to get to know how little of the consequences of this amendment he understands. I say that not by way of criticism but by way of suggesting there is lots yet to learn for the Senate and the Senator.

Mr. President, I am a rancher and I prefer to call myself that still over Senator. I think it probably is a more honorable profession. My family has been for a hundred years on our ranch in Wyoming. That is not long in New England's terms or Virginia's terms, but it is getting to be a long time in western terms.

I do not run on public lands, Mr. President, but I used to. And I do not run on public lands because it was not a good deal. And the issue that was raised, quite correctly, by the Senator from Vermont in questions to the Senator from Idaho as to what is happening, Are your States and private people gouging your ranchers merely because they happen to have land in between them? does not come close to talking about fact. I lease private property now to run livestock, and I pay a higher fee. I do not know where the Senator got the averages; that is not the kind of fee I pay that the Senator's chart shows for Wyoming. I pay a higher fee. But, Mr. President, my lessor fences it. My lessor maintains the reservoirs. My lessor keeps the public out from amongst my livestock. My lessor helps put out the salt, he manages my cattle. I am responsible for looking at their well-being from time to time. My lessor is responsible for looking at their well-being virtually on a daily basis. These are not the kinds of services provided by the Bureau of Land Management or the Forest Service, I say to my friend. These are quite the opposite in the private sector. And the Forest Service can, at the drop of a hat, change the rules, and does.

I have a letter here dated September 4 to the lessees, permittees on the Big Horn National Forest. It says: "Dear Permittee: I appreciate all the work you put in maintaining the range lot and improvements over the years"—proof positive, the obligation of the permittee and not of the Forest Service. "In the past, the Forest Service has supplied some of the materials for maintenance, but due to the tightening of our budget this practice will be curtailed. We may be able to provide some supplies, but each will need to be evaluated individually. Of course, we will still provide some materials for new improvement," so on and so forth.

The point I am making is that that permittee contributes to a fund which obligates the Forest Service to pay the expenses, and they are telling him he will not. That is what the Land Improvement Fund is about, and that is what all these fees that they pay are supposed in part to cover, but they do not.

You have the process with a private lessor to negotiate terms and conditions upon which your livestock run, but the Forest Service can tell you what the terms and conditions of grazing will be even to the extent that, if you have private land which surrounds their public land, they will tell you what you can do with your private land as a condition of allowing your cattle onto their public land. Nobody in the private sector does that, and it is worth a lot of money not to have it happen to you.

Mr. President, I am a rancher who does not use public lands, though I did, for the very reason they are not good value. I was in a fortunate position to be able to step out from under that burden because of where my lands lay. Some of my friends in the business are not.

Mr. President, I want to make a couple other points here. This amendment is not just about the effect on ranchers, stockmen, sheep men. This is an amendment about the effect on our small towns in Wyoming, our small businessmen in Wyoming, our small businessmen in the West.

The people who supply the propane gas, the veterinary medicine, the balers, truckers, the bankers, the savings and loan operators, druggists. Yes, Mr. President, we have a very robust tourist business in Wyoming, but it is seasonal and its employees provide a drain on the amount of unemployment compensation and other kinds of things. It is fundamentally the livestock industry—the agricultural industry—which is the underpinning of the tax base of our State. Fundamentally the livelihoods of small towns are sustained by that. They are embellished by tourism. Many of the bills in Wyoming are paid by oil and gas. This Congress does its best to level assaults on that, but that is another issue. My town of Sheridan is just under 15,000 people, but it serves a market area of a little over 30,000 people. A substantial proportion of the area are ranchers who graze on the public land. Some grazing comes to us from Montana and from areas east as far as 70 miles from our little town. Toying with the livelihoods of those ranchers, my small bankers, schoolchildren, propane suppliers, medicine suppliers and the others, calls me to rise up just as the Senator from Vermont would, or any Senator on this floor would when the livelihoods of small towns, small-time America are threatened.

So the Senator from Vermont uses statistics provided by bureaucrats to say whether or not these people can conduct their lives and make a living on public lands—these are people who have never been in the private sector. And the bureaucrats can say that you can stand this rise in prices, which the Senator has said and he quoted his letter. There is now a new letter that addresses the Senator's information and it says this is so if one assumes that these AUM's would be easily transferable. They are not.

Over the course of this debate I will have maps which will edify the Senator from Vermont, the Senator from Ohio, and hopefully others in the Senate trying to use this vote as a cheap environmental way to get well with some groups that give ratings because they simply do not have the constituency affected by it, and that is the truth. But for the grasslands east of Wyoming, there are no public lands so no constituents are affected by it. The Sierra Club, Audubon Society, the National Taxpayers Association come along and others come along and say this is good for America. But, it is not good for the people who have to cut a living with Uncle Sam as a neighbor. Fifty percent of my State is owned by the Federal Government, it is much higher in Nevada, and somewhat lower in Montana. It depends on where you are, but the fact of it is that public employees do not know what it takes to live on your own with Uncle Sam as a neighbor. There are those who stand and sup at the public trough and cannot make that judgment from experience and they do not make that judgment from experience; they make it from tables such as the ones that have been provided for display in the Senate this afternoon.

It is not the fee that controls overgrazing. If there is overgrazing on these public lands, it is because these same bueaucrats who say that you can easily sustain this grazing are not managing well.

But I would say to the Senator, that the public lands are by and large well managed and not overgrazed. But the fact of it is, they are going to be overgrazed if the fees go up.

Now Americans do not trust their Government. I think that is proven by innumerable polls. And one of the reasons they do not trust their Government is because small groups, 31,000 ranchers, cannot believe that their Congress would act without thinking, without hearings, on the basis of a few tables and just go change it on the judgment of an expert from Vermont and his colleague from Ohio that says they will not be hurt. Well, they will be hurt. And it is not just the ranchers again that will be hurt, but it is the people who live and populate our small towns.

Mr. President, when the Government of the United States began withholding land in the public lands States, its purpose was a viable broad-based economy. They did not want the lands to fall into a few hands so there would be one great timber operation, or one great ranching operation, or one great mining or oil operation. They wanted oil and gas and timber and recreation and livestock and grazing and all of those things to coexist. And they have.

Now, one by one, with amendments like this, you are starting to pick off those multiple uses, to satisfy the elitist demands of people who live in apartments in New York City and Washington, DC, who think that somehow or other there should be no commercial use on public land, lest they be changed. And the result is going to be that, whether it is the intention or not. I am not suggesting it is the Senator from Vermont's intention. I am suggesting it is the Senator from Vermont's result.

Mr. President, I said before this is a cheap vote for a lot of people, who get a nice little race which brings in a lot of contributions, and it does not affect or risk any constituent dissatisfaction because they do not exist in all the States east of Wyoming, Colorado, Montana, but for that little piece grasslands.

Now the Senator from Vermont has made the case that this would raise our PILT payment, payment in lieu of taxes.

Again, it is hard to argue this thing because it is not the truth. The truth of it is that the formula for PILT, we will get a slightly higher payment from the Government, from the Forest Service, to BLM and to the counties and school systems because of the increased taxes. But, guess what? The payments in lieu of taxes are offset directly, so all we get is the economic consequence of it. It is one of those lovely things that makes Americans wonder what their Government is all about; oh, you get this nice little percentage increase in your fees, so raising the fees is not going to be nearly as bad to your tax base as you thought, but while we are at it, there is a direct offset.

It hurts, my friends, for people in my State to sit around and think that people could make such glib comments and get away with them and have the public believe it, have it enter the public domain, have people say, well, see it is not going to hurt them after all. And what does it matter? It is not going to hurt them in their tax base and there are going be be a few less ranchers around, a few little people who have been in the country 75 years, 50 years.

My county was settled primarily by folks of my heritage, by Texans and Poles and Slovaks, who came to mine. I have neighbors out in the country called Badger Creek with names like Koltiska or Gorzalka, brothers whose parents came to mine and who saved money from mining and who bought small ranches to begin to put themselves in the dream of Europeans to become land vested in their country, in America. Part of their vestment, so says the Internal Revenue Service of the United States, is their grazing allotment, which goes into their estate, a value upon which they have borrowed from banks for money.

That is why banks begin to fail when these allotments begin to lose, because they have to say to the Koltiska or Gorzalkas and other people of that extraction, you have to give us the money because the value of the land upon which you are operating, upon which money has been borrowed is not as high anymore because the Government wants you off because they have raised grazing fees and you cannot make a living off it. So pay us more. And they say, I cannot, and the banks begin to foreclose, and the towns begin to collapse.

That is what takes place. Make no mistake about it. Tomorrow or later this evening I will try to demonstrate to the Senate that the view that most people have of the public lands is totally irrelevent. They are not seas of Federal land managed by people who can go ride across them for days, drive across them for days and cannot see the end. In a State like Wyoming, they intermingle.

If you have a piece of Taylor grazing land that is more than 240 acres—it is really rare to have one big as a section. Guess what? They are surrounded up by the deeded land. Guess what else happened? I said it earlier. In being surrounded by the Federal land, the Federal Government comes along and says you may not graze on your own land any more than I say you can graze on it, lest some of your livestock sets foot on the Federal land.

And I will show you a place in Wyoming where the Union Pacific goes across and the old checkerboard came about. And the old checkerboard will show you every other section is private and public, and private and public, and private and public.

Now not one of those sections of and by itself is an annual, seasonal habitat for wildlife. Not one of them. Some will have a little shelter and some grass; some will have a little water and no shelter; some will have various combinations. But you cannot lease just a section, because there is no value in it. And besides, it is not fenced. And therein comes the rub. This is going to cost money, $97 million just to fence the Rocks Springs Grazing District in my State.

What happens? A year ago, 2 years ago, maybe a couple more than that, a rancher named Taylor Lawrence put in a drift fence of some 8 or 9 miles in the southwest part of Wyoming, and the Fish and Wildlife Service and Fish and Game of Wyoming, and the State of Wyoming, Bureau of Land Management all sued him though the fence was on his property. They said he was interfering with the migration of antelopes onto winter range. And they won, because the fence did in fact block access to some of what is critical winter habitat, some of which is owned by the BLM and some of which is privately owned.

Now what happens to the wildlife when you put a fence on every section, because somehow or other you are going to have to keep those people's private livestock off the public lands?

When you do that, there will be suits on the Federal Government, either to pay for the fencing or pay for the taking. Because something is going to happen to private property—which I understand according to some on the Judiciary Committee, is not important in America anymore—yet private property is one thing driving revolutions in the old Communist empires.

You do not have any idea of the consequences of this. Many of the private lands along the forest are the winter habitat of the wildlife that summer in the forest.

In my State of Wyoming in the Big Horn Mountains, an elk cannot winter over the winter months on the mountain. Nor can a deer. Ranchers provide the winter habitat.

How many of those people who lose their leases are going to be willing to try to provide habitat for the Government's wildlife when their own livelihood has been taken from them and they have to maximize the amount of grass they have left?

What is going to happen to traditional elk and deer migration patterns, antelope migration patterns, when these fences start to go in?

Whoever ends out having to pay for them, make no mistake they will have to be fenced, otherwise there is a taking. Ranchers are going to have to allow people to use their private property. I will have maps of the several different kinds of ranches in Wyoming to demonstrate this. But what I am saying is this amendment has not been thought out. This has been brought out. It has been trotted out in the House; a similar kind of thing by a man from Oklahoma. But it has not been thought out. The consequence of it has not even begun to be realized, even by those of us who are public land States representatives.

I yield the floor to the Senator.

Mr. JEFFORDS. The Senator has alluded to some information, and he was saying tomorrow he was going to get into it in more detail. I wonder if he would share with me the source of the figures on the cost of improvements? I am concerned because the figures we get from a joint BLM-Forest Service study are 16 cents per AUM for improvements and Forest Service, 30 cents per AUM for management. Those figures seem to be very small and difficult to put in perspective with respect to what the fair market value is with private leases.

A lot of emphasis has been placed on the tremendous burden on permittees, on the management. I wonder where the Senator got his information? The Senator from Idaho told me his information on the economic impact came from the CONGRESSIONAL RECORD and debate in that. We are going to be able to find that if it is there. I wonder if you could share with me where the Senator's facts come from?

Mr. WALLOP. Once again you are relying on bureaucrats for the information what is and what is not. Bureaucrats are saying we are going to be able to take this land from the people who presently use it and transfer it to somebody else.

I am using standard fencing costs in Wyoming per mile. I have a figure in the middle of it, between the lowest and the highest. If you have to start fencing these lands off in order to protect the public's investment in the public lands, and to deny the former user access, these are fencing costs. You are going to have to fence the land off, I would say to my friend from Vermont. You have to fence them off or you have to do the worst of all possible things and tell somebody with private property that he or she may not use that property.

Mr. JEFFORDS. Are you referring to possible future improvements?

Mr. WALLOP. They will be mandated future improvements because the only way to keep these livestock off of public lands that are surrounded totally by private lands is to fence them. No other way.

We do a lot of things with livestock. But nobody has yet figured out how to train one not to set foot over an imaginary piece of ground. You just do not seem to understand, because the experience is not there, about these lands. Some are contiguous to public lands and some surround public land—in the southwest part of my State, all of which surround public lands. And what is going to happen? How are the antelope going to migrate through these fences? How are they going to do it?

How are the elk going to come down from the mountains through these fences, or the deer? Who is going to say to the rancher who has been denied an economic use that his Government taxed him on and has charged him for, that he must continue to shoulder the burden of wintering and harboring the State's wildlife? Who is going to do that?

Mr. JEFFORDS. I point out 50 percent of the money from this increase is going into the improvement of the lease land.

Mr. WALLOP. Mr. President, I again say this is just blatantly typical of the lack of understanding of what I am trying to say.

These lands commingle. They are not separate seas of private land and public land. They commingle.

Raise the fee to the point where the guy who is currently leasing them says: Look, my friend, I can no longer do this. It is beyond my ability to pay. These are not improvements. These are barriers to the use of those lands as they have been traditionally used. They are not improvements. They are obligations, either of the lessee, who you are going to charge $97 million, or the Government who you are going to charge $97 million. Or you are going to have to get in some kind of massive land trade where they block up exchanges of public lands for private lands so you can get these things into the kinds of seas that sit in the back of your mind as you run this equation through your head.

Mr. JEFFORDS. Let me ask the Senator this. You asked who is interested in my area? My taxpayers want to know why we, who receive less money from the Federal Government than we send down, should provide this kind of a subsidy to your ranchers to pay for the management and things which now our tax dollars are paying for when your area, those 16 States, receive $11 billion more a year than goes to the Federal Government. So why should my taxpayers support this kind of thing?

Mr. WALLOP. I find it ironic that somebody who comes from a dairy State starts talking about subsidies. But let me suggest the fundamental thing is when the BLM testified in the House, they testified they were approximately making money. One of the problems with the Forest Service is that they have not figured out they are going to have to operate these lands with the same set of criteria and requirements with or without their grazers. The grazers pay for the improvements today, I say to my friend.

There is no subsidy here. I would again say that for any of us in agriculture who speak of trying to exist without some level of subsidy. The livestock industry is the least of it. The dairymen have it, as do the corn growers and the soybean growers. The public have to pay for wheat to be grown and then they have to buy it back and pay for it to be exported because we have raised it beyond the price of the market. But the fact of it is that when the BLM testified in the House Committee, that taking into account that they had certain sets of fixed obligations and maintenance, they were essentially making a little money. Not very much.

And I say again, the Senator is not talking about subsidizing some ranchers and some livestock men. The Senator is talking about the livelihoods of small towns and banks. They may not mean anything to people in Vermont. But they mean a lot to us.

The Secretary of Health and Human Services in his wisdom has now made a new rule that will mean we cannot have magnetic resonance imagers in the State of Wyoming because the only way we can afford them is to have some of them partly physician owned. So the Government at the drop of the hat, the same kind of thing the Senator is trying to do here, said you can go to Billings, or Denver, or Salt Lake City to be examined. We do not go to Billings, or Salt Lake City, or Denver to bank. And we cannot do it, those few of us who have a little private land and can manage to continue to survive. We need the breadth of economic vitality that multiple use offers. And, while your people are questioning you about this subsidy, ask them of the subsidy for the recreation industry that uses those same lands. Ask them what the recreation industry pays for the privilege of fishing, hunting, driving, backpacking. A pittance here and there for camping overnight; nothing else.

Subsidy in the public lands as an American subsidy goes all the way around. Those paying their way are the commodity users of the lands. Timber operations, livestock operations, the oil and gas operations. The rest of them do not pay. And nobody says to Americans that they should have to pay to set foot in their forests, nor ought they. So I am suggesting that we are toying with 31,000 people because they do not seem to count.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I would first like to express my admiration and respect to my friend, the junior Senator from the State of Vermont, for the way in which he has presented this amendment.

I do not agree with the amendment. I strongly oppose the amendment. But I do believe the Senator from Vermont, knowing him the way I do, thinks his position is right. I hope in this day that we have been able to educate those Members of the Senate, including my friend from Vermont, how people do not understand the Western part of the United States, how, in fact, it would have been better had this legislation been presented to the authorizing committee where hearings could have been held, where evidence could have been taken, and that the matter could have reached the floor, if in fact it would have reached the floor, through the ordinary authorizing process. This is not the appropriate place to deal with a matter of this magnitude.

For those Members present who may not understand the grazing fee formula, let me, Mr. President, provide a few brief facts to shed additional light on this complex matter. As we have been told by people who have appeared here before, PRIA, or the Public Rangelands Improvement Act, was passed in 1978, and is based on a set of three things: One, the price of beef; two, the cost of production; and three, the lease rate index, which is the difference between the cost of grazing on public and private lands. These issues have more to do with policy than appropriations, and therefore it should not be on this Interior appropriations bill.

It has been argued that grazing fees on public lands constitute a subsidy. Conveniently, this argument generally falls well short of a thorough examination of factors that go into grazing livestock on public lands.

Mr. President, I should like to take a short time this afternoon to talk about some things that have been raised during the debate and things that have been raised only indirectly during this debate. These are what we can call key talking points about grazing fees.

For example, Mr. President, over the past 4 years the grazing fee has been increased by almost 50 percent—to be exact, 46 percent. The grazing fee formula has changed because it was set up to change. But the formula does provide, under the bases that I just indicated, stability and predictability. That is what this important part of American industry, that is, the cattle industry, needs, stability and predictability. That is why in 1978 the formula was developed.

It is true that private rangeland rents are typically higher than public rangeland grazing fees. We acknowledge that. But we have not discussed here today in any detail the fact that private leases are self-sufficient units, where the owner typically provides fencing, water improvements, and roads.

On public lands, by contrast, Mr. President, almost nothing is provided. Instead, the public leaseholder must bear most of these costs, including larger management costs, higher death loss and poor animal performance due to the inherently wider open range environment.

Finally, ranchers leasing public lands also bear the increased costs of complying with today's range management guidelines—and we will talk about some of those, but they are significant.

Public land livestock grazing makes a significant contribution to rural economies in the West. Mr. President, consider 88 percent of the cattle produced in Idaho, 64 percent in Wyoming, and 63 percent in Arizona depend in part on public grazing lands. In Nevada, my State, 87 percent of the land is owned by the Federal Government. We cannot lease private lands. It is owned by the Federal Government—87 percent of it.

For this reason, the Director of the Bureau of Land Management maintains that significant increases in grazing fees would result in devastating impacts on Western States where the ranching areas have historically low base values.

Even if no livestock grazing were permitted, the Bureau of Land Management and the Forest Service would still bear the cost of basic legislative requirements such as monitoring, analysis, and management. In fact, if the practice of grazing lands ended tomorrow, the Bureau of Land Management estimates that its range management program budget would increase by as much as 50 percent.

I think it is of note, Mr. President, that in 1990 the Bureau of Land Management grazing fee receipts were about $19 million, roughly two-thirds of the BLM's $29 million budget. Those moneys would have to come from someplace.

I think it is also interesting that there are many, many scholars who talk about the ranges of this Nation being in the best condition they have been in during this century.

I have a magazine article here that we distributed, Mr. President, to all the Senators. We did that last year. It is interesting that in this magazine we supplied to the entire Senate—Range magazine, spring of 1991, on page 12 there is a picture from the State of Nevada. In fact, it is a picture within a picture. It shows some rangelands with grass that is knee high. But on the inset in this photograph, we have a picture taken in 1919 that shows devastation. It shows mud holes, it shows the exact same feature of land, without thick foliage on it; the other devastated because of overgrazing. This is how the rangelands have improved.

There is also a picture from the Santa Rosas, also in Nevada, that shows a hillside that is denuded, that has been overgrazed especially by sheep, and it shows there being nothing in this land. Whereas, in 1991, it shows beautiful, thick rangeland.

There are many other such examples that show the change of the rangelands based upon proper management. Rangelands have not gotten worse. They have gotten better.

It is like mowing a lawn or pruning. Controlled grazing promotes plant vigor and diversity, aerates soil and scatters seeds. Grazing itself, plus the brush clearing, and grazing operations also help prevent fires.

That, Mr. President, is fact, not fiction.

We know that by bringing on water and salt for livestock, and the other improvements that ranchers make, that the rancher invites a host of other animals, including, in fact, many predators.

On public lands, the cost of predation and disease are cyclically higher than those on private lands. Wide open spaces are what we are talking about. The cost of lost livestock is very high. Then there are broken fences, wounded stock, trash, and the like. Unfortunately, often this comes from the public, which also shares this land. That is what multiple use means. And for the western rancher, this is all the cost of doing business.

Most of the ranchers who depend on Federal lands, we have been told time and time again, are small, family-run operations, and they are. Many make under $28,000 and many make a lot less. For example, in South Dakota during the late 1980's, the bankruptcy rate among public land ranchers was over three times that of ranchers who use private lands. Struggling with the availability of land and sheer geography, the rancher is in no position to shop for land. He cannot very well haul his stock around looking for more affordable private pastures to rent.

Even if public grazing were ended tomorrow, the next day, next week, next month, next year, the agencies would still have to make substantial outlays to take care of these lands. You just cannot let them go.

In 1987, the Interior Assistant Secretary Griles testified that such basic activities as modern analysis management would require still 40 percent of BLM's range budget. What we have to understand in this debate, Mr. President, is that cattle contribute as much, for example, to Montana's economy as wheat does to the economy of Kansas, or oranges to the State of Florida.

But Montana is hardly the only Western State that depends on affordable public forage; 88 percent of Idaho's cattle depend on public forage. In States like Wyoming and Arizona, this figure is also high, better than 60 percent. In Nevada, it is also very high.

I have here some quotes from people who are talking about these range lands. These are direct quotes. I will give a couple of them. This is from Patricia Honeycutt, executive director of the Public Lands Restoration Task Force for the Izaak Walton League of America, a conservation group. Here is what she said:

> There has never been a time when a conscientious cowboy (livestock herder) has been more valuable to the West. In his act of being environmentally conscientious with his livestock, he's helping bring back watershed, which leads to increase water resources. If this were left to natural forces alone, there are places in the West where the process could take a century or more. But where there's conscientious cowboy, we can cut that time to about a decade. I've seen it done.

A Georgia cattleman by the name of Bill Bullard said:

> My first impression (on seeing a public range) was that if a rancher was paying anything to graze that land, he was paying too much.

The U.S. Forest Service:

> Twenty percent of public grazing permits and allotments go unused by ranchers, in part because of the high cost associated with their use.

Finally, Cy Jameson, the Director of the Bureau of Land Management, says:

> If ranchers are removed from public land, the cost to government of managing the range in their place could rise by as much as 50 percent.

I have also, Mr. President, a letter that I ask unanimous consent be made part of the RECORD. This letter is from Roger E. Porter, Assistant to the President of the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE,
> *Washington, April 2, 1991.*
>
> Hon. MALCOLM WALLOP,
> *Russell Senate Office Building, Washington, DC.*
>
> DEAR MALCOLM: Thank you for your thoughtful letter to Governor Sununu expressing your concerns about Federal grazing fee legislation.
>
> As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."
>
> We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.
>
> Thank you again for taking the time to express your views about the grazing fee issue. We appreciate your interest in working with the Administration to achieve a workable and effective grazing policy.
>
> Warmest regards,
>
> ROGER E. PORTER,
> *Assistant to the President*
> *for Economic and Domestic Policy.*

This is written to Senator MALCOLM WALLOP. It says:

> As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."

My friend from Vermont, in his opening statement this morning, said: See how much more fair we are than the House. Our cuts are only this high.

Well, this is like, someone reminded me, having a bully on the block, and he is telling you what a great guy he is because he only beats you up every other day, while the bully before him beat you up every day. The increases suggested by this amendment are outrageous, and are no better than the legislation that Cy Jameson talked about, and that Roger Porter refers to in his letter.

Roger Porter, Assistant to the President, further states:

> We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.

We have heard statements here today suggesting that perhaps the Senator from Vermont and the Senator from Ohio should take a trip to the West and spend a day or two, or a week, in effect watching what these cowboys do, what these ranchers have to put up with.

When I went home during the break, I had the opportunity to visit a couple of ranches. I did this after holding a number of town hall meetings throughout the rural part of Nevada. These ranchers that came to these town hall meetings are not people that would normally come to town hall meetings. This had to be a crisis, in their minds, for these cowboys, and sometimes their families, to come to these town hall meetings.

They came to these town hall meetings because they are frightened. They are frightened because they believe their way of life is going to be wiped out.

If this grazing fee formula is increased, not all of them will go broke, but it will wind up like the people from the grasslands. With this extraordinarily high grazing formula, about half of them will go broke. But they came to these town hall meetings, which was unusual for them, as I indicated. Some of them came mad. They were upset that the Government would try to take away their way of life. Some of them came sad, afraid.

So after I attended these town hall meetings, Mr. President, I went and spent a day on two ranches. One of them was the Glaser Ranch in Elko County, OH, the other occasion, I went up into the Marys River area to watch what the Federal Government is doing in conjunction with ranchers to increase, to improve, and to benefit that whole area; to bring up high terrain areas, to do a lot of good things that they could only do with the help of the ranchers.

The trip I took was extraordinary because I went with my friend, Norm Glaser, to his ranch. Here is a report in a newspaper of the trip that I took:

> The Glaser ecology ranch tour viewed part of the Old United States Cavalry. They were there way before the turn of this century, the Fort Halleck preserve, a natural wetlands originating during the confluence of the Humboldt Creek. We also viewed irrigated, manmade wetlands made by ranchers, pond construction made by ranchers, meadow rehabilitation by ranchers, a bird island made possible by ranchers.

The rookery on the ranch is composed of hundreds of birds of various species, according to the game biologist that went with us from the Nevada Game and Wildlife.

In the middle of the hot summer, August, in this clump of trees, which is not often seen in the desert, there were hundreds and hundreds of birds during the day at this resting place of theirs.

Glaser explained the ranch conservation program of providing biodiversity in this construction of ponds along with shaping, grading, and seedbed preparation. Glaser stated the enhancement program has been accelerated and has become more sophisticated in recent years with the planting of trees, milo, and other grain.

In addition, Glaser explained that the program accomplishes three things: It provides a grass cover higher in protein and increased yields. Ranchers now work with the Government to get better grass. It is better for the environment and better for their cattle. It increases the efficiency of water distribution and utilization and smoother meadows, and prolongs the life of expensive haying equipment.

Although a restoration program has been in effect for many years in the Star Valley Conservation District, it has been reviewed affirmatively by the Army Corps of Engineers and Fish and Wildlife Service to see if it complies with section 404 of the Clean Water Act. It has a positive potential for improving conditions for migratory geese, wildlife, and domestic stock. The ecosystem has definitely been improved.

In this article is a picture of two sandhill cranes we saw that day looking at us. They are there because of level pasture. Norm Glaser said he had not seen many of these cranes lately, and he hoped the work he had done environmentally will bring back more of these birds.

Mr. President, I ask unanimous consent that a statement by Robert Wright and letters by Harvey and Susan Barnes that set out what they do on the ranches be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LANDS COUNCIL

My name is Robert R. Wright, and I am a lifelong resident of northeastern Nevada. I have been involved in the livestock business all of my life. My ancestors were also livestock producers, and they settled in the area in 1872.

The ranch that we own is a family operation. Our son is part-owner, and will, hopefully, carry on the family ranch. My wife and I have five grandchildren, and four of them help with the ranch work, when not in school. The ranch is a definite adhesive factor for our family.

One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the Act and the rules and regulations that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that has resulted from their work. Unfortunately, none are alive today.

Congress was delegated the authority under the Taylor Grazing Act to set grazing fees each year. As soon as Congress convened in January it would set hearings to set fees by the billing date of March 1st. Of course, Congress rarely had the feed set by then. It was particularly difficult for the "permittees" to finalize their budgets on January 1st, not knowing what the grazing fee would be. The hearings were a hassle with the testimony being given by land-managing agencies, western congressmen and senators, livestock organizations from every western state and numerous "permittees". That is one of the desirable features of the grazing fee formula; eliminating the hearing process that was expensive and time consuming. "Permittees" can also finalize their budgets on January 1st, for they know what the grazing fee is to be. Don't do away with the grazing fee formula for it works in more ways than just setting the fee.

If the grazing fee is increased as being proposed in legislation, then "permittees" would have to decide if it was economical to produce food from the public lands. Many would just vacate, and parts of the West would become another "Grapes of Wrath".

The public land ranges that I am familiar with, have improved substantially since the enactment of the Taylor Grazing Act. There are more species of wildlife, and in greater numbers than ever before. Congress should adhere to the testimony of range researchers and university economists who are experts in their fields, rather than radical extremists and their emotionalism. The ranges today are in better condition than at any time in this century.

My family and I hope to carry on in the food producing business and particularly in the livestock part of it. It would be very disheartening to see over a hundred years of endeavor go for naught. The present grazing fee formula is not a subsidy and should be allowed to continue for it is in the best interest of everyone concerned.

BARNES RANCHES

Barnes Ranches is a Small Business family corporation established in 1968 to make it possible for us (Harvey and Susan Barnes) to acquire ownership in his parents' ranch. We now have 75% of the shares.

The ranch is located 40 miles south of Elko near the base of the Ruby Mts. Barnes' purchased it from the Ed Carville Estate in 1948. Hillery Barnes had been cattle foreman for 19 years for the Mary's River ranches north of Elko and wished to settle on a smaller operation.

Ed Carville bought tracts of land from several people to form the present main ranch. His first acquisition was in 1878.

E. P. (known to all as Ted) Carville was a Governor and Senator of Nevada. He was a lawyer and handled the selling of the ranch for the heirs. The ranch had been leased for 28 years because the family's professions were elsewhere.

During the 1940's and 1950's fencing was the primary project on public lands by Barnes. The ranch did all the labor and also bought the materials. The BLM money at that time was used primarily for artificial revegetation. Following the fences which created allotments, came wells, troughs, pipelines from spring to better distribute and increase water supplies, which also had to be mainly supplied by the ranch. We invested between $25,000 and $35,000 in these Federal land projects—which compensate for fees not recognized by non-range users. Allotment management plans were made feasible by these expenditures and intensified grazing systems have been administered by the Forest Service and BLM.

In 1948 my parents were able to buy 640 A. of fenced Federal land and in 1962 they bought 760 Acres of land being used by the ranch. This land is the only owned grazing land encompassed in the ranch. The meadow lands supply the hay for winter feed and must be free of livestock during the growing and haying season. Livestock remain on the private land from November to April 15, during which time vaccinating, culling, winter feeding and valving occurs. From April 15 to June 1st livestock are on BLM ground. After that time half are on BLM and half on Forest land. The ranch is absolutely dependent upon the rights acquired on Federal lands.

Labor costs have been kept at a minimum. The family have had to be frugal and provide their ranch labor. Labor costs have been kept at a minimum.

A substantial grazing fee increase would have a devastating affect on our family operation. the profit margin on a well managed ranch is narrow even in prosperous years that we have recently enjoyed. To survive such a fee increase, the ranch would have to cut down on maintaining conservation practices and would have to curtail improvements and maintenance on federal lands. This would be the rule for western livestock operations. Our climate with short growing seasons limit any diversification opportunities for these livestock operations. By eliminating a productive segment of an areas economy, it creates a downward trend in other industries. Immediate effects may not be felt by the entire country, but I will guarantee an erosion from within will expand and in future years our nation will add a paragraph of destruction in our history.

Our son graduated from UNR this spring and wants to return to the ranch, and it is our hope that he may be able to continue the operation that has been in the family for 43 years.

NORTHERN NEVADA RANCH, MEDIAN SIZE FAMILY RANCH

[Analysis of effect of grazing fee increase]

	Number of AUM's	Cost per AUM paid	Net income	If cost of AUM is	Net income	If cost of AUM is	Net income	Difference what paid and $5.09	Difference what paid and $8.70
Sept.30, 1990	2,902	1.81	$4,909	$5.09	($4,611)	$8.70	($15,097)	$9,519	$19,995
Sept.30, 1989	2,264	1.86	15,978	5.09	8,665	8.70	492	7,313	15,486
Sept.30, 1988	2,256	1.54	2.157	5.09	(6,917)	8.70	(16,144)	9,074	18,301
Sept.30, 1987	2,760	1.35	22,243	5.09	11,921	8.70	1,957	10,322	20,286

NORTHERN NEVADA RANCH, MEDIAN SIZE FAMILY RANCH—Continued

[Analysis of effect of grazing fee increase]

	Number of AUM's	Cost per AUM paid	Net income	If cost of AUM is	Net income	If cost of AUM is	Net income	Difference what paid and $5.09	Difference what paid and $8.70
Sept.30, 1986	3,030	1.01	(17,788)	5.09	(30,150)	8.70	(41,088)	12,362	23,300
Sept.30, 1985	2,684	1.35	(898)	5.09	(10,936)	8.70	(20,625)	10,038	19,727
Sept.30, 1984	2,357	1.37	(29,125)	5.09	(37,893)	8.70	(46,402)	8,768	17,277
Sept.30, 1983	2,519	1.40	(2,993)	5.09	(12,288)	8.70	(21,382)	9,295	18,389
Sept.30, 1982	2,267	1.86	15,053	5.09	7,731	8.70	(453)	7,322	15,506
Sept.30, 1981	2,519	2.31	45,650	5.09	38,647	8.70	29,554	7,003	16,096
Total	....	1.59	55,185	5.09	(35,831)	8.70	(129,178)	91,016	184,363

Mr. REID. I would like to read one paragraph from Wright's letter which says:

> One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the act and the rules and regulations that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that has resulted from their work. Unfortunately, none are alive today.

I guess what we are saying here today is that we want understanding; we want people to appreciate what these cowboys go through, because it is not easy. We hear a lot of things kicked around about prices and whether it should be this much or that much. But what, in fact, we have here that we are trying to protect is a way of life that contributes to the economy of this country.

Mr. President, I have been to Elko County, and I was there recently. Once each year, they hold a cowboy poetry contest which has become world famous. They do not have enough rooms to take care of the people that come there once a year. These poems are written by cowboys in their bunkhouses or around a campfire. They can say in just a few words perhaps what we have been trying to say here all day. Let me read to you a poem written by Nyle Henderson, which is entitled, "How Many Cows?"

A fella from town stopped by the other day.
The talk that we had sorta went this-a-way.
He said, "I've got something that I'd like to ask you,
And if you know the answer, I'd like to know, too.
"I want to be a rancher and at prices today,
How many cows would I need to make my livin' pay?
Would a thousand cows be better than just one or two?
Do you have any advice on what I should do?"
"Now that's a tough question I'll tell you for sure,
Not one that can be solved with any one cure.
Machinery's sky high and so is the land,
And interest rates are more than anyone can stand.
"And there's imports and embargoes and all the like,
Remember now, as a rancher that you can't go on strike.
There's politicians, vegetarians and ecologists, too,
And a hundred government agencies telling' you what to do.
"There's the cost of fuel and fences and labor and seed,
And tools and tires and water and feed.
There's always a horse needin' shod and veterinary bills,
I'll telling' ya friends, ranchin' ain't all thrills!
"Startin' early in spring you'll be calvin' all night,
There's still feedin' to be done and the water's froze tight!
Insurance and utilities are always goin' up,
And remember, that wife of yours is about ready to pup.
"The whole cost of operating hasn't yet reached a peak,
While the price of beef is just pretty darn weak.
So here is the answer to this little test,
The man with the fewest is doin' the best.
"Only he's not makin' more, like you might guess,
The fact is, my friend, he's just losin' less!"

Well, I think that that is what it is all about here, Mr. President. This is not a situation where these ranchers, cowboys, are taking vast amounts of money, putting it in the bank and shipping it overseas. These are people that are barely surviving; yet, they contribute a great deal to our economy. What would rural Nevada be without ranching and mining? It has only been in the last few years that we have had mining. Mining has made a comeback, as we talked about Friday. Prior to mining, all rural Nevada had was ranching. That is how the schools were kept. That is how the roads were paved. That is how the cities were maintained. People would come to Elko, Battle Mountain, and buy a piece of farm equipment. That is how it kept going.

So it is really important to our way of life that these number of unseen expenses we have talked about are calculated and remembered by people in the Senate, because the costs are significant.

Mr. President, I see my friend from Alaska, who is such a protector of the public lands, and I want to leave time for him to speak. But I do want everyone that can hear my voice to understand that we cannot appreciate what these ranchers go through. It is not easy. But to them, it is their lives. It is their lives, and in these letters I have introduced which were made part of this RECORD, they talk about their children being on the land and their grandchildren and how they work the land. That is what we are trying to do, protect a way of life.

So, if, in fact, there is something wrong with the grazing fee, let us change it by having hearings so that people from Nevada, Arizona, Idaho, and other Western States, can come and talk about what impact it would have on their lives. Do we want all the cattlemen to go out of business, or 50 percent of them?

I heard my friend from North Dakota talking here today, defending a way of life. He was asked a question, if an increase only applied to about 100 people in his State. Only 100, in a State like North Dakota, is a significant number of people. In fact, what we should be doing here today, instead of trying to increase the formula for these rangelands, is to be decreasing the fee for those in the grassland States, because, as I have indicated, half of them have gone bankrupt because of that increased formula.

I will close, Mr. President, recognizing, as I indicated, that others wish to speak. Ranchers and cowboys, consider themselves strewards of the land and in fact they are. These pictures I have talked about here today show the dramatic improvement in the rangelands. We have heard from the people that run Government agencies; the Forest Service, and the Bureau of Land Management, saying if we are going to maintain the lands even at the level they are now maintained and you get rid of the cowboys, the ranchers, consider that you are going to have to increase our budget significantly.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, I certainly appreciate the very strong statement of the Senator from Nevada in defense of the ranchers and cowboys of the West.

REFINED PRODUCT RESERVE

Mr. D'AMATO. Mr. President, I am pleased that our committee's Interior appropriation bill includes funding under strategic petroleum reserve to initiate a 3-year test of the refined petroleum product reserve [RPR] that we established in legislation passed last fall. The RPR should be an effective way to avoid great human suffering and economic loss in times of shortage and high demand for refined products such as heating oil.

I am concerned, though, that the Department of Energy apparently still plans to make this test entirely at a facility on the gulf coast rather than in product-importing regions of the country. The authorizing legislation lists three criteria for citing RPR facilities. One of those criteria is proximity of RPR facilities to product-importing regions. A site on the gulf coast clearly doesn't qualify, and the law doesn't let DOE pick and choose the criteria it wants to apply. DOE is required to meet all the criteria in this law.

I note that the committee report on this appropriation in the other body contained language making this point. If the full Congress endorses this view, I expect that will change DOE's mind on locating RPR facilities. I hope the Interior appropriations conference will adopt language making clear to DOE that its present RPR plans do not comply with the law, and that it must implement the RPR in full compliance with all three criteria in the law.

Also, DOE's insistence that it would be too expensive to have more than one RPR facility makes this issue much more difficult than it needs to be. DOE must lease unused private storage for the RPR because the law says it can't build any facilities. So using smaller, multiple facilities in different regions is just a matter of accounting, not a cost problem. I hope the conferees will make this point to DOE. It would also be useful for them to mention that multiple facilities will better serve the purposes for which we authorized the RPR by putting stored product closer to the markets in several major product-importing regions: For example, the Upper Midwest and Hawaii as well as my own Northeast region.

WEATHERIZATION PROGRAM

Mr. LIEBERMAN. Mr. President, I rise to commend the chairman of the subcommittee, Senator BYRD, for putting together such a well balanced piece of legislation. This was particularly difficult this year since the budget compromise put real constraints on subcommittee spending.

I would like to make one comment on the subcommittee's funding for the Weatherization Program. The Senate bill cuts funding for this most important program by 11 percent. I would ask the distinguished chairman of the subcommittee to consider acceding to the House number, which increases funding by 1 percent.

I make this request with the greatest respect. The DOE Weatherization Program is alive today only because of the support of Chairman BYRD. That point must be clearly understood. Unfortunately, today States face declining resources for helping the poor with the essentials like keeping warm in the winter, while demand continues to increase.

Because of severe budget difficulties, Connecticut will no longer be able to meet past Weatherization Program amounts. And Connecticut is not unique. There has been a severe slowdown in all energy conservation activity for the poor.

Yet, at the same time, we are trying to make our Nation more energy efficient. The Weatherization Program is one of the most effective tools we have for helping the disadvantaged with their energy problems. It cuts energy costs by weatherizing housing units. The program has been shown to save approximately 20 percent of the average clients' usage or about $240 each year. This amount exceeds the average fuel assistance payment. Cutting back on conservation wastes money.

In addition, weatherization is attracting tens of millions of dollars in matching energy investments from utilities and landlords. When we cut funding at the Federal level, we lose funding from the private sector as well.

Again, I appreciate the chairman's hard work in putting together this bill, but I ask that he consider acceding to House numbers in conference on the Weatherization Program.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate is scheduled to vote at 6:30.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that, upon the disposition of the Executive Calendar, treaty No. 10, and the return to legislative session, the Senate proceed to the consideration of H.R. 2426, the military construction appropriations bill; that the committee amendments be agreed to en bloc and considered original text for the purpose of further amendment; and that the bill be considered under the following time limitation: 30 minutes of debate on the bill equally divided and controlled in the usual form with no amendments in order to the bill other than the committee amendments and the three amendments listed below, the time for consideration of which to be included in the overall 30-minute time limitation on the bill. The amendments are an amendment by Senators SARBANES and MIKULSKI regarding a land transfer at Fort Meade, MD, to the Fish and Wildlife Service; an amendment by Senator DOLE regarding tornado relief money at McConnell Air Force Base; and an amendment by Senator GARN regarding a land transfer at Fort Douglas; further, that upon the conclusion or yielding back of time, the Senate proceed to third reading and final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Members of the Senate therefore should be aware that following the vote which is about to occur on the treaty, the Senate will proceed to consideration of the military construction appropriations bill under the agreement just approved. It is not my intention, nor the intention of the distinguished Republican leader, nor the managers of the bill, to seek a rollcall vote on any of the amendments or on final passage of that bill. We cannot preclude that in advance, but if no Senator seeks a rollcall vote, in that event, the vote about to occur will be the last rollcall vote this evening.

If a Senator does intend to seek a rollcall vote on the military construction appropriations bill, it is obviously important, for the convenience of our colleagues, to express that indication now or as soon as possible so that Senators can be aware of the schedule.

Further, it is my intention, as I previously stated on many occasions, to proceed, upon the disposition of the military construction appropriations bill, to the Transportation appropriations bill. I hope that we can at least get that laid down tonight and complete action on that tomorrow, and then be in a position to return to the Interior appropriations bill and have a vote on the pending amendment or in relation to the pending amendment sometime during the day tomorrow.

Mr. President, I know of no Senator who would seek a rollcall vote. I am pleased to yield to the distinguished Republican manager at this time.

Mr. NICKLES. If the Senator will yield, I agree with the scenario the majority leader outlined. I hope though, before we leave tonight, that we could agree to a vote at some time certain on the Jeffords-Metzenbaum grazing amendment. I do not care what time it is. I would just like to have a time set down or else we would have another full day of debate.

Mr. MITCHELL. I hope we can do that. I see the distinguished Senator from Vermont on the floor and inquire through the Chair if the Senator from Vermont and if he could speak for his cosponsor of the amendment, the Senator from Ohio, would be prepared to agree to a vote on or in relation to the amendment at a time certain tomorrow?

Mr. JEFFORDS. Mr. President, in reply to the question, I have no objection whatsoever to setting a time certain. I do want to accommodate all of those who have a desire to speak against the amendment. I think many have been accommodated. I know there are one or two that will be here tomorrow, so there should be some more time. But I have no objection to a time certain, providing all the Members that want to speak are accommodated. And I say it is not a great line behind me on my side.

Mr. MITCHELL. Mr. President, might I suggest that the Senate could of course continue to debate this evening if any Senator wishes to address the matter. It is my hope that we can get to it and complete action on the Transportation appropriations bill during the day tomorrow and have a vote on or in relation to this amendment during the day tomorrow.

Mr. DOMENICI. Mr. President, I might say that anyone could move to table. Thus far, I have indicated that I intend to. There are a number of us who have already spoken.

We would like, rather than to jump back and forth from Transportation without us understanding where we are, we would like some time preceding a tabling or a vote on the amendment. I think maybe without asking Senators, since there are still five or six who have not spoken, we could just leave it tonight that in the morning, you, or the managers of the Interior bill will accommodate us with a reasonable request that some time during the day we will return to Interior for this amendment, at which time a vote on it or in relation to it will occur 1 hour thereafter, or 40 minutes.

Mr. MITCHELL. Certainly; what I suggest now is that we proceed to the vote, and during the time of that vote and during the time that the military construction appropriations bill is being considered for its disposition, I think we can work out an agreement that will be acceptable to all concerned.

Mr. SYMMS. If the Senator will yield, I think what the Senator from New Mexico is trying to say, for those of us who feel strongly about this amendment is until we see how the tabling motion comes out we cannot do anything on the Interior bill.

Mr. MITCHELL. Nobody has asked for that.

Mr. SYMMS. Just as long as we understand that.

Mr. MITCHELL. Nobody has asked for anything beyond that. The understanding is that at a time certain tomorrow there would be a vote on or in relation to the amendment which presumably would be on a tabling motion, and I have not asked anybody to do anything beyond that.

Mr. DOMENICI. Mr. President, if the leader will yield, I see the distinguished chairman of the full committee, who happens to Chair the Subcommittee on Interior, on the floor. I want to say although he is not from a public lands State, he has been most accommodating. This Senator has no intention at this point but to reciprocate and be as accommodating as possible. He knows this is a very contentious issue, and I have told him that.

Mr. BYRD. Will the majority leader yield?

Mr. MITCHELL. I am pleased to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if we could proceed as the majority leader has suggested and during the vote see if we could work out a time that would be agreeable to all concerned on this amendment or on a tabling motion.

Mr. MITCHELL. Mr. President, before we vote, those Senators who have just come in should be aware, and I will repeat for their benefit, that we are going to take up the military construction appropriations bill immediately after this vote. It is not my intention to seek a rollcall vote on that. But should a Senator insist, then that could occur and we are going to proceed. We are going to finish that bill tonight. So Senators who depart immediately after this vote do so understanding that risk. I do not think it is a substantial one because neither side has received any notice of any Senators desiring to have a rollcall vote on that. But so there is not any misunderstanding, we are going to finish the military construction appropriations bill this evening, and I hope to start on the transportation bill and finish that tomorrow.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes.

Mr. STEVENS. Will there be any votes on the amendments themselves?

Mr. MITCHELL. I am advised that the committee has indicated willingness to accept the amendment. So there will not be any vote on those.

Mr. STEVENS. I thank the Chair.

Mr. MITCHELL. I thank my colleagues for their cooperation, and I yield the floor.

EXECUTIVE SESSION—AGREEMENT WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY

The PRESIDING OFFICER. Under the previous order, the hour of 6:30 p.m. having arrived, the Senate will proceed into executive session to vote on Executive Calendar Order No. 10, 102d Congress, 1st session, Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary.

The resolution of ratification will be read for the information of the Senate.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990.

Mr. PELL. Mr. President, I am pleased to bring before the Senate today a treaty concerning our maritime boundary with the Soviet Union. This treaty was approved and favorably recommended to the Senate by the Foreign Relations Committee just before the August recess.

This maritime boundary agreement defines the maritime boundary between the United States and the Soviet Union off the coasts of Alaska and Siberia in the North Pacific Ocean, the Bering and Chukchi Seas, and the Arctic Ocean. It resolves conflicts concerning the sovereign rights and jurisdiction of the two countries with regard to territorial sea, exclusive economic zone, and Continental Shelf jurisdiction, thereby settling longstanding disputes over fishing rights and mineral resource development.

In the 1867 United States-Russia Convention Ceding Alaska, Russia ceded to the United States all territory and dominion up to the western limit specified in the convention, which became the maritime boundary for purposes of defining fisheries and oil and gas deposits in the seas between Alaska and Siberia.

Sometime in 1977, it became clear that the two countries were measuring the location of the 1867 line differently, resulting in a disagreement over some 21,000 square nautical miles in the Bering Sea, which each country claimed were on its own side of the 1867 line. Discussions about the boundary began in 1981, resulting in the agreement which is now before the Senate. It was submitted for advice and consent in September of last year.

The agreement reaffirms that the 1867 convention line is the maritime boundary between the two countries and agrees upon a common depiction of that line. The disputed area is divided, and territorial sea, exclusive economic zone, and Continental Shelf jurisdictions are established by a precise boundary.

This agreement, which represents a compromise between the two nations' competing claims, will serve this country's political and economic interests in several ways:

First, it will remove a significant potential source of political dispute between the two countries;

Second, it will settle disputes concerning jurisdiction over fish, seabed, and subsoil resources, enabling development of these valuable resources—especially fisheries and seabed resources—to go forward;

Third, it will place 70 percent of the Bering Sea under U.S. resource jurisdiction; and

Finally, it will end harassment of U.S. fishermen and companies in the maritime areas between Alaska and Siberia.

Mr. President, I am pleased to present this treaty to the Senate today and I urge that the Senate give its advice and consent to its ratification.

Mr. HELMS. Mr. President, the maritime boundary agreement between the United States and the Soviet Union has been a matter of concern to this Senator for a number of years.

I have had four major areas of concern:

First, I have sought to ensure that the agreement be in treaty form and be duly submitted to the Senate for its advise and consent as required by the Constitution.

Second, I have sought to protect the status of the DeLong Islands—Bennett, Henrietta, and Jeannette Islands—in the Arctic.

Third, I have sought to protect the status of Wrangel and Herald Islands in the Arctic. While several islands bear the name Wrangel or Wrangell, the island that I am referring to lies in the Chukchi Sea of the Arctic Ocean about 100 miles off the Siberian coast. The island is about 80 miles long and about 30 miles wide. A harbor in the southeastern part is in latitude 70°57" N. and longitude 178°10" W. The island is about 2,925 square miles in area.

Finally, I have sought to ensure that the proposed maritime boundary treaty would not foreclose the U.S. right under international law to pursue its claims to sovereignty over the five islands. I believe these four goals have been achieved.

The first concern has been resolved to my satisfaction through the submission of the U.S.-U.S.S.R. Maritime Boundary Agreement to the Senate in treaty form for its advice and consent.

The second concern has been resolved to my satisfaction through assurances given by the Legal Adviser of the Department of State, Edwin D. Williamson, to the Committee on Foreign Relations and to me personally and through my staff. The Legal Adviser has assured the committee that this maritime boundary agreement does not affect the status of the Arctic islands. Further, the Legal Adviser has stated that the United States has neither relinquished claims to these islands nor officially acquiesced to other claims over these islands. Referring specifically to the five American Arctic islands in his testimony before the committee, Mr. Williamson states as follows:

> The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands.

The third concern has also been resolved to my satisfaction with respect to Wrangel Island, since the statement of the Legal Adviser of the Department of State that the maritime boundary agreement does not affect the legal status of the five Arctic islands clearly includes Wrangel island.

Therefore, the legal situation that obtains today with respect to these Arctic islands will remain exactly what it is today, namely, one of conflicting claims under international law. The guarantee of the Legal Adviser of the Department of State that the U.S.-U.S.S.R. Maritime Boundary Agreement itself does not take a position with respect to the conflicting claims of the United States and the Soviet Union with respect to these five islands.

This means that the question of ultimate ownership is not prejudiced by the treaty, and remains open for future decision. The legal adviser has assured me that the United States has never officially relinquished its claims to these islands nor officially acquiesced to Soviet claims to these islands. In my judgment, the U.S. claims are sound, and should be pursued vigorously.

Unfortunately, past experience has shown that the State Department frequently regards legitimate American interests as obstacles to accomplishment of its grandiose plans for an international order based upon the subordination of national sovereignty to a global governmental regime.

Since I doubt that the State Department will make use of the opportunity to press U.S. claims to the five islands—even though the right to do so is preserved—I intend to vote against the treaty.

BOUNDARIES AND THE SENATE

On September 26, 1990, the White House submitted the U.S.-U.S.S.R. Maritime Boundary Agreement to the Senate for its advice and consent. This action by the executive branch was the proper course of action and satisfied this Senator's concern that agreements affecting the boundaries of the United States—whether land boundaries or maritime boundaries—must be in treaty form and duly submitted to Congress and not merely in the form of an executive agreement.

I was concerned for a number of years that the executive branch would seek to use an executive agreement procedure rather than a treaty procedure for our maritime boundary with the U.S.S.R. Such a procedure would circumvent congressional review of the matter and would circumvent the advice and consent of the Senate. There is nothing more fundamental to national sovereignty and to national security than the question of boundaries. Our land boundaries with Canada and Mexico were established by treaty. All previous maritime boundary agreements between the United States and foreign nations were established by treaty. The issue of maritime boundaries has become important since World War II. Modern 20th century international law, owing to advances in science and technology, has had to concern itself with issues such as Continental Shelf rights and exclusive economic zones out to 200 miles from shore. The Alaska Purchase and the discovery and claim of the Arctic islands being considered here occurred in the 19th century.

The convention line of 1867 for purposes of the Alaska Purchase was never a boundary line as understood by international law either at the time of the Alaska Purchase or under today's modern international law. The line was merely a line of demarcation to indicate what the United States had purchased from the imperial Russian Government; that is, everything east of the line. It by no means indicated the status of territories, such as the five islands under discussion, which was not claimed as part of imperial Russia in 1867.

Nor did it relate to territories undiscovered at the time. The DeLong Islands were not discovered until 1881. Wrangel Island was sighted by an American whaling vessel in 1867 but claimed for the United States in 1881. Herald Island was sighted by a British ship in 1849 but later fell under the penumbra of the United States claim to Wrangel Island.

The Department of State in its own publication entitled, "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" specifically states as follows:

> Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used.

During the course of my staff's review over the past decade of the maritime boundary negotiations information reached my office that the legal adviser's office in the Department of State was considering a procedure which would have alleged that the convention line of 1867 was indeed a boundary line. From this position the Department would then allege that all that was needed to arrive at a maritime boundary agreement with the U.S.S.R. was an executive agreement which would have technically described a variation of the convention line, the supposedly already existing boundary line.

The originally proposed procedure was averted because of congressional vigilance and action.

On December 18, 1985, I introduced Senate Resolution 279 relating to the transfer of U.S. territory in the Arctic Ocean. On January 25, 1989, I introduced Senate Resolution 20 relating to the preservation of U.S. territory in the Arctic Ocean. The purpose of these resolutions was to clarify the historical situation relating to these islands and to underscore the proper constitutional procedures relating to boundaries of the United States.

Fortunately, pressure from concerned Senators and Congressmen was sufficient to ensure that the executive branch follow the Constitution. On July 20, 1989, I submitted amendment No. 387 to the Foreign Relations Authorization Act. The amendment, which was agreed to, stated as follows:

It is the sense of the Senate that—

> The Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to boundaries of the United States.

The final language which appears in title X, section 1007 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 is as follows:

> It is the sense of the Congress that all international agreements pertaining to the international boundaries of the United States should be submitted to the Congress for such consideration as is appropriation pursuant to the respective constitutional responsibilities of the Senate and the House of Representatives.

For the record, it should be noted that opposition to the maritime boundary agreement has been registered in several resolutions passed by the Alaska State Legislature. For example, Alaskan Senate Joint Resolution No. 12 relating to the determination of the State's boundaries with the Soviet Union and Canada was approved by both houses of the Alaska State Legislature and signed into law by the Governor in 1988. Alaskan Senate Joint Resolution No. 61 requesting the Government of the United States to reassert jurisdiction over Wrangel Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island was approved by the State senate in February 1988.

The U.S. Supreme Court has repeatedly noted that the treaty power does not authorize the Federal Government unilaterally to divest a state of its territory without its consent. (See, e.g., *DeGeofrey* v. *Riggs*, 133 U.S. 258, 33 L.Ed. 642, 645 (1890); *Fort Leavenworth R.R. Co.* v. *Lowe*, 114 U.S. 525, 541 (1885).

On May 17, 1991, the committee received an official letter from the Alaska State Legislature signed by 47 Alaska State representatives and senators. The letter, an additional copy of which was forwarded to me by Alaska State Senator Paul A. Fisher, states, in part, as follows:

> No Alaskan official has ever been invited to participate in the treaty negotiations, in spite of abiding Alaskan interests in fisheries, petroleum and other potential continental shelf resources and the consideration of navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice. There is precedent. In 1842, at the behest of Secretary of State Daniel Webster, two commissioners from the State of Maine and three from Massachusetts participated in U.S. negotiations with England over a border disputed since the time of the Revolutionary War.
>
> * * * * *
>
> It is our purpose to urgently recommend that the presently proposed treaty not be ratified by the U.S. Senate, and that negotiations be continued to include appropriate Alaskan officials and current United States and Alaskan historic, territorial, and resource interests.

THE DELONG ISLANDS

The status of the five Arctic islands—the three islands in the DeLong group and the Wrangel and Herald group—which the United States had taken possession of during the last century also was of concern to this Senator.

The historical record is clear with respect to the history of the DeLong Islands. They were discovered in 1881 by an official U.S. expedition. They were immediately taken possession of in behalf of the United States in accordance with the accepted practices of the day. Numerous Senate and House documents as well as U.S. Government documents reveal this historical record.

The legal adviser of the Department of State, as noted earlier, has assured the Committee and this Senator that the U.S.-U.S.S.R. Maritime Boundary Agreement in no way affects the status of these three islands. That is to say, the United States by ratifying this treaty does not relinquish any claims to these islands nor does it acquiesce to any Soviet claims to these islands. This assurance by the Legal Adviser favorably resolves my concerns with respect to the status of these three islands.

The DeLong Islands were discovered and taken possession of in behalf of the United States during a congressionally authorized and financed expedition to discover the location of the North Pole. On March 18, 1878, the Congress approved an act in aid of a polar expedition designed by James Gordon Bennett, a citizen of the United States and widely known publisher of the New York Herald newspaper.

This act authorized the the Secretary of the Treasury to issue an American registry to the vessel *Jeannette* purchased in Great Britain in order that the ship could be used for the expedition. On February 27, 1879, Congress approved an act authorizing the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the use of a north polar expedition under the command of a U.S. naval officer.

Two congressional documents from the period, which include nautical charts, clearly reveal the historical record of the discovery of and the incorporation into U.S. territory of the three DeLong Islands. These documents are, House of Representatives, 47th Congress, 2d session, Executive Document No. 108, "Loss of the Jeannette"; and House of Representatives, 48th Congress, 1st session, Mis. Doc. No. 66, "Jeannette Inquiry."

These documents establish through testimony of members of the expedition and official documents of the expedition including the journals of Lt. Comdr. George W. DeLong (U.S.N.) commander of the Polar Expedition of 1879–81 the fact that the DeLong Islands were discovered and taken possession of in behalf of the United States by this congressionally authorized and funded expedition.

Subsequent official documents and nautical charts published by the U.S. Government clearly reveal the three islands as part of the territory of the United States. Examples of these documents include the U.S. Geological Survey document No. 187 entitled "Geographic Dictionary of Alaska" published in 1902 and printed in a second edition in 1906. It was written by Marcus Baker, the Secretary of the U.S. Geological Survey. Bennett, Henrietta, and Jeannette Islands are included in the book as part of the territory of Alaska.

In 1930, the U.S. Geological Survey published its bulletin No. 817 which was entitled "Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States." This publication was written by Edward M. Douglas and was a revision and enlargement of the 1923 edition. The DeLong Islands are described as discovered by the DeLong polar expedition and claimed for the United States.

In 1986, the U.S. Naval Institute Press published a book entitled "Icebound, The Jeannette Expedition's Quest for the North Pole," by Leonard F. Guttridge. The book is an authoritative and exhaustive study of the expedition and documents the discovery of the DeLong Islands and the fact that they were taken possession of in behalf of the United States.

WRANGEL ISLAND

The status of Wrangel Island and nearby Herald Island which is associated with it has also been of concern. Herald Island was discovered in 1849 by Captain Kellett of the British ship *Herald* but in 1924 a group of Americans visited the island, found it unoccupied, and raised the American flag claiming the island in behalf of the United States. Information relating to both islands and to the American claim of Wrangel Island was published in Senate, 48th Congress, 1st session, Ex. Doc. No. 204, "Report of the Cruise of the U.S. Revenue Steamer Thomas Corwin in the Arctic Ocean 1881," by Capt. C.L. Hooper, U.S.R.M. commanding.

The logbook of Captain Hooper for August 12, 1881, off "Wrangel Land" states as follows:

> Went on shore and took possession of in the name of the United States.

The Corwin voyage, including this passage from the logbook, has been documented in a study entitled "The Discovery of Wrangel Island," by Samuel L. Hooper published by the California Academy of Sciences as Occasional Paper No. XXIV, San Francisco, 1956. John Muir, the famous American naturalist and founder of the Sierra Club, was a member of the Corwin voyage. In a memoir he wrote that "a notable addition was made to the national domain when Capt. Calvin L. Hooper landed on Wrangel Island and took formal possession in the name of the United States."

The U.S. Geological Survey documents cited above also include Wrangel Island and Herald Island as part of the territory of the United States.

The "Digest of International Law" by Green Haywood Hackworth, 1973 edition, in volume I, chapter IV, page 464 states as follows:

> The United States has not relinquished its claim to Wrangel Island.

While the legal adviser stated that the U.S.-U.S.S.R. Maritime Agreement does not affect the status of these two islands, it must be noted that in order to implement the treaty provision relating to the northern Eastern Special Region a baseline must be used from Herald Island in order to depict this special region. Using such a method, Herald Island would apparently be considered to be Soviet territory. However, the status of Wrangel Island would not be affected nor would the status of the three DeLong Islands.

In my view, there can be no question that the DeLong Islands are a part of the territory of the United States. Even though Wrangel Island has been under Soviet occupation since 1924, the legal adviser to the Department of State as noted above has stated that the United States has never officially relinquished its claim to it and that this maritime boundary agreement does not do so.

Mr. ADAMS. Mr. President, I would like to congratulate the State Department, its Soviet counterpart and the Committee on Foreign Relations for their excellent work in completing the agreement being ratified by the Senate today.

The agreement divides the disputed maritime area along a 1,600-mile boundary between both countries. It clarifies the two countries' territorial seas, exclusive economic zones and Continental Shelf jurisdiction by establishing a precise boundary, where their jurisdictions would otherwise overlap. The disputed area contains rich fishery resources and, among other mineral resources, the potential of major oil and gas deposits. Under this agreement, both sides have reached a compromise based on their historical positions. Special areas will be under the exclusive control of each country.

I am particularly gratified about this agreement because it minimizes the size of the donut hole. The donut hole is an area of the Bering Sea where neither country can exercise its exclusive economic rights. As I stated a couple of years ago:

> A predictable result of the displacement of the foreign fleet has been the effort by foreign fishermen to find a way to stay in business. Large numbers have turned their attention to the high seas region of the Bering Sea known as the donut hole. Since 1984, reported donut hole harvests by vessels for Japan, Korea, Poland, and China have increased. * * * Other foreign vessels have resorted to illegal fishing, especially in waters near the donut hole region.

This agreement will not solve the problem entirely. As long as there is no international fishery management system to scientifically assess stocks and to account for and control the level of harvest in this area, the Bering Sea fishery will be at risk. We must renew our efforts internationally to put an end to the uncontrolled fishery in the donut hole. The shelter it provides fish pirates must be destroyed.

I strongly urge my colleagues to vote for the agreement.

Mr. STEVENS. Mr. President, I am here to speak about the issue that will come before the Senate at 6:30 p.m., the United States-Soviet Maritime Boundary Agreement.

That agreement is very important to my home State of Alaska. Its ratification will improve cooperation between the United States and the Soviet Union, but most importantly it will improve the relations between Alaska and our neighbors to the west, and improve the continued United States-Soviet efforts to control international fishing in the Bering Sea.

Under the agreement the Soviet Union will permanently transfer jurisdiction over three special areas to the United States. These areas, whose combined area covers 3,850 square nautical miles, are presently within the Soviet Union's 200-mile exclusive economic zone. Under the agreement these areas will now be on our side of the maritime boundary. In exchange, the United States will give the Soviet Union control over one small 300-square-nautical-mile special area that is within the U.S. exclusive economic zone, but which lies on the Soviet side of the boundary.

As a result, the United States will gain control over 12 times the amount of territory ceded to the Soviet Union. This unprecedented transfer of sovereign jurisdiction ensures control over areas that would otherwise become international waters, the expansion of which would be deterimental to our fisheries because of the economic and ecological threat caused by unregulated high seas fishing.

Such unregulated fishing is already occurring in an area of international waters in the middle of the Bering Sea. This area, known as the Doughnut, is 48,000 square nautical miles and does not lie within the 200-mile exclusive economic zone of either the Soviet Union or the United States. In order to reach the doughnut, fishing vessels must pass through waters which belong to the United States or the Soviet Union. Our Coast Guard has apprehended numerous foreign vessels that have used the doughnut as a staging area to illegally fish in our waters and illegally raid our stocks.

Through these illegal raids, large amounts of pollock are taken each year, as well as an increasingly large incidental take of salmon, herring, cod, and other species. Foreign fishing fleets report taking 1.4 million metric tons of pollock from the doughnut annually—that is more than the amount of pollock taken annually inside the U.S. exclusive economic zone legally. It is simply too much for the North Pacific.

Recently United States and Japanese scientists have reported that the pollock stocks in the doughnut are collapsing. This collapse is so drastic that in my opinion the United States should close a productive fishing area inside our exclusive economic zone, the Bogosloff, in order to protect the long-term health of the pollock resources within our 200 mile zone.

I have been working to address this problem for some time. In 1988 the Senate unanimously approved Senate Resolution 396, a resolution I introduced which called upon the State Department to work with the Soviet Union to bring about a moratorium on fishing in the doughnut. Since that time, negotiations have been underway between our two countries to try and address the problem of unregulated fishing on the high seas.

In addition, I will be introducing legislation to prohibit any vessel that has access to either fishing or purchasing of fish within our 200-mile limit, which operates in the doughnut area, from having legal access to our zone.

This maritime boundary is supported by U.S. fisherman because it grants the United States jurisdiction over 13,200 square miles more than the amount of territory that the United States would have received using a line equidistant between the two competing boundary claims. The transfer of the three special areas from the Soviet Union to the United States will give our citizens significant new areas from which to harvest fish and will settle a longstanding dispute over what portion of the Bering Sea each of our nations control. This clearly defined boundary will prevent the continued harassment of United States boats by the Soviet Union. As some may recall, as recently as 1987 Soviet gunboats and planes were threatening United States fishing boats in the disputed areas.

In summary, the benefits to U.S. fishermen and the protection of the marine ecosystem that come from increased U.S. control of the Bering Sea make this boundary agreement worthy of Senate ratification.

U.S.-U.S.S.R. MARITIME BOUNDARY AGREEMENT

Mr. BIDEN. Mr. President, the United States and the Soviet Union have entered a watershed period in their relationship. Following the dramatic events of last month, the two nations now have an opportunity to leave behind them the history of distrust and conflict that have characterized their relations for nearly half a century. There is now the real possibility of constructive cooperation, in our mutual benefit and to the benefit of the whole world.

Today the Senate is giving its approval to a measure that constitutes one small step down the path of cooperation. This measure—the United States-Soviet Maritime Boundary Agreement—represents the attempt of the two sides to resolve a significant dispute through negotiation, compromise, and a mutual pledge to abide by the solemn obligations of a bilateral treaty and international law.

The dispute this treaty would lay to rest concerns the sovereign rights and jurisdiction of the United States and the Soviet Union in the seas between Alaska and Siberia. The treaty would govern each country's right to manage fisheries and conduct oil and gas exploration and development in a vast maritime area.

The United States-Soviet Maritime Boundary Agreement was signed by Secretary of State Baker and Foreign Minister Shevardnadze on June 1, 1990, after 9 years of negotiation, and was submitted to the Senate for its advice and consent last September. The Foreign Relations Committee held a hearing on the treaty on June 19, and ordered it reported on June 27 with the recommendation that the Senate consent to its ratification.

The negotiations on this treaty addressed four issues:

First, the basis for defining the limits of each country's maritime jurisdiction, where under international law they would otherwise overlap;

Second, the method of depiction of the boundary line established by the 1867 Convention by which Russia ceded Alaska to the United States;

Third, the limit of each country's maritime jurisdiction in areas outside their 200-mile exclusive economic zones; and

Fourth, the question of jurisdiction over four areas that are within one country's 200-mile zone, but on the other country's side of the boundary line.

The agreement resolves these conflicts by:

First, declaring that the 1867 Convention Line is the maritime boundary between the United States and the Soviet Union;

Second, establishing a precise geographic depiction of the line; and

Third, providing for the transfer of jurisdiction and sovereign rights in four potential special areas.

The Maritime Boundary Agreement serves U.S. interests in several important ways. It will remove a significant potential source of political dispute between the United States and the Soviet Union. It settles disputes concerning jurisdiction over fishing and oil and gas resources, thus ending harassment of U.S. companies and fishermen in disputed areas and enabling resource development to proceed. And it places 70 percent of the resource-rich Bering Sea under U.S. jurisdiction.

I believe the agreement to be fully in the interest of the United States and its relations with the Soviet Union and I am very pleased that the Senate is expected to give its advice and consent to ratification of the treaty.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification on Treaty Document No. 101-22, 102d Congress, 1st session, agreement with the Union of Soviet Socialist Republics on the Maritime Boundary.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. DOLE. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 86, nays 6, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gore
Gorton
Graham
Gramm
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—6

Craig
Grassley
Helms
McCain
Smith
Symms

NOT VOTING—8

Bond
Glenn
Harkin
Kerrey
Packwood
Seymour
Simpson
Wirth

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The clerk will report H.R. 2426.

The bill clerk read as follows:

A bill (H.R. 2426) making appropriations for military construction with the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic).

H.R. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[$877,585,000]** *$798,770,000*, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[$118,915,000]** *$102,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 101-148, $39,000,000 is hereby rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[$848,429,000]** *$878,211,000*, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[$79,700,000]** *$67,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 100-447, $10,972,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, $45,420,000 is hereby rescinded.

Military Construction, Air Force

(including rescissions)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[$1,129,420,000]** *$924,590,000*, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[$74,300,000]** *$62,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, $16,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, $63,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, $13,600,000 is hereby rescinded.

Military Construction, Defense Agencies

(including transfer of funds)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[$745,990,000]** *$654,330,000*, to remain available until September 30, 1996: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[$85,489,000]** *$56,340,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

North Atlantic Treaty Organization Infrastructure

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, **[$158,800,000]** *$254,400,000* to remain available until expended: *Provided*, That none of the funds appropriated or otherwise available under the North Atlantic Treaty Organization Infrastructure Account in this or any other Act may be obligated for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$161,281,000]** *$233,274,000*, to remain available until September 30, 1996.

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$172,690,000]** *$231,506,000*, to remain available until September 30, 1996.

Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$94,860,000]** *$114,723,000*, to remain available until September 30, 1996.

Military Construction, Naval Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$20,900,000]** *$60,400,000*, to remain available until September 30, 1996.

Military Construction, Air Force Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$20,800,000]** *$22,800,000*, to remain available until September 30, 1996.

Family Housing, Army

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$167,220,000]** *$141,950,000*; for Operation and maintenance, and for debt payment, **[$1,412,025,000]** *$1,367,025,000*; in all **[$1,579,245,000]** *$1,508,975,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$182,440,000]** *$166,200,000*; for Operation and maintenance, and for debt payment, **[$725,700,000]** *$694,700,000*; in all **[$908,140,000]** *$860,900,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[$161,583,000]** *$151,583,000*; for Operation and maintenance, and for debt payment, **[$924,400,000]** *$827,400,000*; in all **[$1,085,983,000]** *$978,983,000*: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

Family Housing, Defense Agencies

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $200,000; for Operation and maintenance, $26,000,000; in all $26,200,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

Homeowners Assistance Fund, Defense

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $84,000,000, to remain available until expended.

Base Realignment and Closure Account, Part I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), **[$658,600,000]** *$674,600,000*, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than **[$200,800,000]** *$241,800,000* of the funds appropriated herein shall be available solely for environmental restoration.

Base Realignment and Closure Account, Part II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), **[$100,000,000]** *$297,000,000*, to remain available until expended: *Provided*, That of the funds appropriated herein such sums as may be required shall be available for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1992, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred Second Congress.

SEC. 117. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1992, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1992 to encourage other member nations of the North Atlantic Treaty Organization and Japan *and Korea* to assume a greater share of the common defense burden of such nations and the United States.

SEC. 118. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 119. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 120. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than $15,000,000 may be obligated for contract cleaning of family housing units.

SEC. 121. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

(TRANSFER OF FUNDS)

SEC. 122. During the five year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred: *Provided*, That the next to the last proviso of section 121 of the Military Construction Appropriations Act, 1987, (Public Law 99-500; 100 Stat. 1783-294 and Public Law 99-591; 100 Stat. 3341-294) is hereby repealed.

SEC. 123. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 124. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 125. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. Section 402 of Public Law 102-27 (105 Stat. 155) is amended by inserting "(a)" preceding "In", by inserting "effective November 5, 1990" after "repealed", and by adding at the end thereof the following new subsection:

"(b) Effective November 5, 1990, chapter 113A of title 18, United States Code, is amended to read as if section 132 of Public Law 101-519 had not been enacted.".

This Act may be cited as the "Military Construction Appropriations Act, 1992".

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll, and without objection, the time will be charged to each side equally.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 5 minutes without the time being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Unless we are ready to go on military construction, I would like to have some understanding——

The PRESIDING OFFICER. The Senate is not in order.

Mr. BYRD. Mr. President, I would like to get some understanding, if we can at this time, as to how we are going to proceed, and when, and on what, because there is the grazing amendment that will be subject to a tabling motion, and there will be a tabling motion.

In view of the fact that Wednesday is going to be a religious holiday, we cannot have any rollcall votes that day, and I had agreed to putting over the grazing fee vote, so that there would be a vote today to accommodate Senator SIMPSON and, I believe, Senator WIRTH. I would like to have some understanding, if we can get it, as to how we proceed on tomorrow, or the rest of the day.

I hope that we can dispose of this grazing fee amendment tomorrow. But prior to that, I hope that we can dispose of the defense appropriations bill. Senator LAUTENBERG, the manager of the Appropriation Subcommittee on Transportation, came to me Wednesday and, subsequently, we decided we can take it up on Wednesday. If we can finish that bill tomorrow, then we could have a vote on the grazing fee and then put this bill, my bill, the Interior appropriations bill, over until Wednesday, and then we can continue on it, and any votes that are ordered, we can stack them until Thursday.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in response to the inquiry of the distinguished chairman of the Appropriations Committee, I have stated previously on several occasions that we hope to complete action on the transportation appropriations bill and the military construction appropriations bill this week. To accommodate the interests of all of the Senators concerned, it was agreed that today would be a day for debate on the grazing amendment, but that there would not be a vote, and that not having the vote was to accommodate Senator SIMPSON and Senator WIRTH, both of whom have an interest and wanted to be here for that vote.

My understanding, initially, was that they would be prepared to vote at any time on Tuesday. I am now advised that there is a request for additional debate on the grazing amendment and, of course, any Senator has a right to speak at any time for as long as he or she wishes. I had previously inquired of the Senator from Vermont and the opponents of that amendment as to whether it would be possible to agree upon a time certain for a vote on a tabling motion tomorrow, preceded by a specified time for debate that would be agreeable to all concerned.

What I had hoped to propose—and I am now responding sooner than I had intended to, but in answer to the question of the Senator from West Virginia—is that if we could proceed to the transportation appropriations bill and then set a time certain for the debate and vote on the grazing amendment, to occur either at that time or upon disposition of the transportation matter, whichever first occurs—that is, if we set it for a time in the late afternoon, but then the transportation bill finishes sooner, that we could perhaps move it up some or perhaps expand the time for debate to give opportunity for everyone to have their say. In that way, we can finish the grazing amendment and the transportation bill tomorrow, if that were agreeable to all Senators. If we got to the time certain and the transportation bill had not been completed, then it obviously would be set-aside to go forward and complete action on the grazing amendment.

Mr. WALLOP. Mr. President, if the majority leader will yield, I did not know quite where that puts the grazing amendment in play. It is clear that, among those who have not been here and debated it today, although there was a good debate, was the other cosponsor of the bill, Senator METZENBAUM. I talked with Senator JEFFORDS, and although this seems like a lot of time, it seems that some could and would be yielded back. And it would be our suggestion that we start closing debate on that at the hour of 2 o'clock when the policy lunches are finished, and each side would have 1½ hours with the intention of yielding some back. As I understood it from a conversation with Senator JEFFORDS, that would be acceptable to him.

Mr. MITCHELL. I think that would put the vote at a time too late for some of the Senators who are required, for religious reasons, to participate in religious activities tomorrow. Might I suggest having the vote not later than 4 p.m., which, if we ended the caucuses at 2 and had debate from 2 to 4, if that time would be divided in such form as both sides could agree, then we could hopefully try to finish the Transportation bill in the morning, if that is possible. We can start at 9 and try to finish that bill. If we cannot, then we cannot, and we have to come back to it at a later time.

Mr. DOMENICI addressed the Chair.

Mr. BYRD. Mr. President, I have the floor.

Mr. DOMENICI. Might I offer an observation?

Mr. BYRD. Yes.

Mr. DOMENICI. The problem is—not from this Senator's standpoint, because I was privileged to find some time today. We did not waste any time, but I think, leaving me out, I think there are eight Senators that have requested to be heard in opposition to the amendment. I do not know how to do that. Maybe we can just stay the hour and get it in.

It seems not enough time for it.

Mr. MITCHELL. Mr. President, I would like to discuss this with all Senators at once. I now suggest the absence of a quorum.

Mr. BYRD. I do not yield for that purpose.

Mr. MITCHELL. I would like to make a suggestion which I think will accommodate this and expedite it.

Mr. BYRD. I would like to say one thing and then I will yield.

It seems to me I have been pretty magnanimous agreeing not to vote on the grazing fee tonight, and a vote can be forced on that at any time by a tabling motion. I do not want that on my bill. But because Senator SIMPSON wanted to vote on that amendment in particular I agreed to protect him. After I did that I found that Senator WIRTH also wanted some protection. I agreed to protect Senator SIMPSON, but this bill I have to manage in conference. It seems to me some consideration ought to be given to the manager who was magnanimous enough to avoid having a vote on the grazing fee to protect a Senator on that side of the aisle. I did not know anything about Senator WIRTH when I made that agreement.

I am not bound to wait on any tabling motion except on my commitment not to do it tonight. So, I think somebody better be helping us to work out some kind of agreement, else we go on that bill in the morning and I will move to table when Senator SIMPSON gets back here, and Senator METZENBAUM is entitled to speak as he was tied up all day. We have been on that amendment 5 hours today. I do not now see why we have to repeat all this debate after 5 hours on it today. We could have the vote tonight if I had not made the agreement not to vote because I could move to table. I do not have to wait on anybody else. I want to accommodate other Senators, and I tried to accommodate them, and have accommodated them.

So, may I ask the Republican leader why cannot we lay down the Transportation bill tonight? We could at least get some debate on it tonight and possibly some amendments. Senator SIMPSON does not care whether we have other votes or not, just that particular vote he is interested in.

Mr. DOLE. If the Senator will yield, I indicated earlier we have an objection to going to the Transportation bill tonight. That happens from time to time. I think it will be resolved by morning. But it has already been said publicly on the floor there would be objection to taking it up tonight. So I think we have been fair. There has been a good spirit of accommodation. We finished a very important bill last week and we are going to finish MilCon here, maybe it will be finished before we conclude this colloquy. But in any event we certainly want to accommodate everybody, and I do not know how many amendments there are on the Transportation bill or how long it will take. Maybe it will not take long.

Mr. BYRD. It will probably not take long on the amendments.

Mr. DOLE. But, is it necessary to wait until afternoon to vote on the grazing fee? Can we not have that debate in the morning?

Mr. BYRD. The problem is if we have it in the morning we will not finish the Transportation bill, as the distinguished majority leader pointed out. We hoped to finish that because of the religious holiday on Wednesday.

Senator LAUTENBERG has to leave.

I yield.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it is obvious we are trying to accommodate several people with conflicting interests and conflicting schedules. So let me make a suggestion to all of the Senators here, that in order to permit the full debate that Senators want on the grazing amendment, the Senators from New Mexico and Wyoming indicated a number of Senators still want to speak on it, that we set that debate for Wednesday during which time we are not going to have any rollcall votes because of the religious holiday. There could be the 4 hours that the Senator wanted or perhaps even more, and then have the vote on that set for first thing on Thursday morning. Tomorrow we could take up Transportation and be able to spend the full day at it.

We now had 1 full day of debate on the grazing amendment. This would permit another full day of debate on the grazing amendment and would accommodate the schedules of all concerned and give everybody the time they want to debate this.

Several Senators have already spoken, and if the Senator indicates they want 4 or 5 hours we can do that on Wednesday, the one exception being we have to accommodate Senator METZENBAUM to permit him to speak in the morning because he will not be here on Wednesday, and he was not able to make it today. That way we could take care of all of the time and all of the Senators without slowing up the business of the Senate.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield to the distinguished chairman.

Mr. BYRD. That is agreeable to me. I would like to have the understanding, however, between ourselves and the two leaders that on Wednesday if other amendments to the Interior bill were available to be called up that we could call them up, debate them, and perhaps set them over to Thursday. There is a rollcall vote added. I simply want an understanding that we not confine Wednesday to the grazing fee amendment.

Mr. MITCHELL. That was not my intention. My intention is to set aside a period of time for the grazing amendment and also permit other business to occur. If we are fortunate we might be able to conclude action on the entire measure by votes on Thursday morning.

Mr. NICKLES. If the majority leader will yield a moment, I think there is an interest on this side to try to conclude debate tomorrow. And I think the Senator's original proposal has great merit. And he was talking about having a vote no later than 4 o'clock tomorrow. I think that is in this Senator's interest and in the interest of the chairman of the Appropriations Committee. We would like to see this issue resolved and we could do a lot of other things. I think we could work that out.

I have a list of 3 hours of requests, but I also know many colleagues on this list who were asking for 30 or 20 minutes we could probably get down to 5 or 10 and still have that vote. If we can have 2 hours tomorrow, we should be able to finish this amendment and not waste all Wednesday on it.

Mr. DOMENICI. I agree. I believe Tuesday is better than Wednesday with the vote on Thursday.

We have another problem with that. We have to check with someone on the Wednesday and Thursday scenario. I think an hour each on each side, starting at 2 and finishing at 4, would be sufficient on our side. As we have been talking, and as the distinguished chairman of the committee said, a motion to table is in order any time, and if we lose the motion to table we do not know where the bill is going. It may be a long discussion, and it may be over with, and you may be in conference.

We want to be helpful. Some of us have to go to conference with the chairman. We do not want this amendment tagging along. We want to go there without it. We want to do our best. I believe if you propose 2 hours equally divided starting at 2, the vote on it, or about it, to occur thereafter, I think you would have no objection from what I can tell here on this side.

Mr. BYRD. Mr. President, will the Senator yield again?

Mr. MITCHELL. Yes, I certainly yield.

Mr. BYRD. I sense that Transportation is being held hostage to the grazing fee amendment. I would like to get the Transportation bill up tomorrow for reasons already stated. It is my intention to vote for the tabling motion at the moment. That is my intention. I think you are going to win. So I hope I am incorrect in sensing that the Transportation bill is being held hostage because of this amendment.

If we do not get Transportation finished tomorrow, it will not get finished until Thursday and we do not get this bill—I say "this bill"—we do not get Interior finished Thursday anyhow, no matter which bill.

Mr. LAUTENBERG. Mr. President, will the majority leader yield for an observation?

Mr. MITCHELL. Yes, certainly.

Mr. LAUTENBERG. It would be at a fairly substantial personal inconvenience if we had any votes after 3 o'clock tomorrow.

This has been a long debate. Apparently, it is going to continue tomorrow. Why would it not be possible to have the debate cutoff tomorrow and have the vote taken at a time certain Thursday morning with no further debate?

The Transportation bill is ready, has been ready, to come up tonight if we can get a time certain for the debate on the Transportation bill. I would be pleased to enter into that kind of a time agreement and, let us say, have that start at 9:15, 9:30, and end at 2, if that would be acceptable to the leadership, and have a vote at that time.

I do not know of any controversial amendments. It is possible there would be and we would have to take them up in the order as they arise. But it would be a terrible personal inconvenience for me on this particular holiday to have any vote later than 3 o'clock. I have to get up to New Jersey. I hope my colleagues would understand that and would cooperate.

But the Transportation bill, if we can get a time certain, start the debate later on the grazing bill, and have that vote carry over until the next time the Senate assembles Thursday morning.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with consideration of the bill.

Mr. SASSER. Mr. President, the military construction appropriations bill that we are taking up this evening under a unanimous-consent agreement was reported out of the full Appropriations Committee last Thursday. Copies of the bill and report have been available for Senators to review for several days. Because of the crush of Senate business, and for the sake of time, I will briefly summarize the work of the Military Construction Appropriations Subcommittee on this military construction bill.

The bill recommended by the full Committee on Appropriations is for $8,414,000,000. This is under the President's budget request by $149.3 million. It is under the 602(b) congressional budget allocation by $150 million. It is below the House allowance by $69.3 million.

So, Mr. President, a case can be made that this bill has been reduced somewhat.

We have brought before the Senate a bill which complies with the national priorities of moderating our defense expenditures in light of world events and diminished, I might say, greatly diminished national security threat.

I would also point out that the military construction investment accounts of this bill are 31 percent below the fiscal year 1985 level, adjusted for inflation. Albeit the 1985 level was the high watermark, it still is, I think, a convenient reference point.

So the trend is clearly in the right direction. We expect to see this trend continue for the next several years.

While we are cutting the military construction budget and carefully scrutinizing the Department's request, we are still able to provide the Nation's military and their families with adequate investments in a quality workplace and community facilities.

I would point out that many base closure and realignment decisions have not yet been made by the administration. There are still two authorized base closure commissions which will meet in 1993 and 1995.

Base closures overseas have now begun, but it is far from clear what our overseas base structure will be 5 or 10 years from now.

The administration and the Congress will most likely scrutinize the force structure currently planned for the future. Such a review is necessary in light of the certain crumbling of the Communist conventional threat, which has undergone an almost total diminishing in the past 2 or 3 years.

So many basic decisions regarding the future base and force structure of the Nation's military remains to be made in future years. It is important, therefore, that we continue to substantially moderate our new capital investments until we have a better idea what bases are to be kept open and which ones are to be closed.

I would say to my colleagues that this has been a difficult year to draft military construction appropriations. The subcommittee had a record amount of add-on requests, over $1 billion.

As in previous years, the subcommittee has altered the priorities which the administration has assumed in the budget request. The administration had sought large increases over current levels for overseas projects and for projects for the active services. We have made substantial reductions in these areas while we have restored many of the cuts which were sought by the administration for what we perceive here in the Congress to be the most cost-effective National Guard and Reserve units. I would point out that, because of budget constraints, we were unable to provide the Guard and Reserve with the level of resources that we feel are required for this important element of our force structure.

We have fully funded the authorized levels for the base closure account. Almost $1 billion is contained in the bill for base closure activities.

If anyone ever thought closing military bases would be cheap, I think they now realize they are living in a dream world. The fact is that the Department of Defense has failed to adequately program sufficient funds to pay for the upfront costs of base closures. So increasingly we are going to see the cost of base closure activities crowding out valid investments which need to be made in the remaining base structure of the Nation's military.

Over time, Mr. President, base closures will save money—no question about it—primarily because of the attendant personnel reductions which will follow. But for the next several years, the base closure costs which are funded in this bill will continue to absorb a large percentage of available resources.

We have increased the base closure accounts funded in this bill by $238 million.

Mr. President, we have increased the base closure accounts funded in this bill by $238 million. These funds are specifically provided to allow for the acceleration of the environmental restoration of closed military bases. I believe that environmental restoration should be afforded a high priority in the base closure process.

Those Senators with bases being closed know very well the dire economic impact base closures will have in many locations. But if bases are to be closed, and we all know in our hearts that they must be, the Federal Government has a responsibility to assist those local communities which will be severely impacted by the loss of military personnel.

The committee believes that closed military bases should be made available for local community development where possible as quickly as possible. If the economic impact of base closures is to be minimized, bases must be made available for alternative uses as soon as possible. For this to occur, closed bases must be cleaned up and made environmentally sound. The committee has added funds to allow for the acceleration of environmental cleanup activities and we urge the Department to request adequate amounts in future years.

Before I yield the floor, Mr. President, I would like to take a few minutes to talk about the NATO Infrastructure Program.

The committee has provided $254.4 million for NATO and for the NATO military construction program. This amount is $95.6 million over the House allowance and is $61.7 million over the fiscal year 1991 amount.

Mr. President, the provision of such a large amount for NATO during the dramatic changes occurring in Europe may seem to be out of sync with the times. But it is our opinion that that is not the case.

We have cut $104.4 million from the request for NATO. However, even with this large cut, we are still agreeing to provide a quarter of a billion dollars for the NATO Infrastructure Program.

Mr. President, NATO has done a superb job of keeping the peace for 45 years. I believe that the existence of NATO has helped to bring about the monumental changes we are now witnessing in the former Eastern bloc. And there is no question in my mind, NATO should remain a viable though perhaps changed, institution.

The subcommittee has reviewed the future plans for the NATO Infrastructure Program and is satisfied that the funds we are providing can be validated to meet specific requirements.

The NATO Infrastructure Program is changing certainly. As force structures decline in Europe, in both the East and the West, facilities necessary to monitor and verify force reductions will be necessary. The NATO Infrastructure Program will play an important role in monitoring this force reduction program.

In addition, Mr. President, an increasing share of the NATO Infrastructure Program must be directed toward the construction of embarkation facilities inside the United States. As we draw down our forces based in Europe, we must improve our ability to project military power from the United States. NATO must help build embarkation sites for those Army, Navy and Air Force units inside the United States which will be designated to a future role in a European theater.

I have met with our NATO commander, Gen. Jack Galvin. He is, in my view, probably the most effective military leader on active duty today. Certainly one of the most effective. I have the highest regard for General Galvin's professional abilities. He has distinguished himself in the military service over many years. He has a difficult job before him. But these funds we are providing today should help provide General Galvin with the tools he needs to maintain the U.S. role in a changing NATO institution.

There is one issue on which I must regretfully and respectfully disagree with General Galvin, for whom I have the highest personal and professional regard, and with some of our leaders in the administration. That is the issue of building a new Air Force base in Italy.

There are no funds in this bill to continue with the construction of a new Air Force base at Crotone, Italy, for the 401st Tactical Fighter Wing. We have reduced the NATO infrastructure account by $60 million, which would have been the U.S. share during fiscal year 1992.

It is my view, and the view of the Appropriations Committee, Crotone is an extravagance given the events which have taken place in the world and the diminished threats faced by NATO and the United States. The simple fact is that we do not need a new full service air base at Crotone to respond to military threats in Europe or in the Middle East or the Mediterranean region.

The 401st was deployed effectively in the Persian Gulf and did not need a Crotone base to get there. In fact, the first aircraft we sent to the region were from Langley Air Force Base in Virginia. And those aircraft arrived in Saudi Arabia in 14 hours from the time the order was given. So it is just not a likely scenario that we will ever deploy the 401st as a spearhead from Crotone or any other European base. We will first send aircraft based in the United States to deal with any future contingency just as we did in the gulf war.

So Crotone is not needed as a full time, full service Air Force base. We simply have other viable options to meet our legitimate security concerns in the area.

Mr. President, NATO has already committed more than $150 million for Crotone base construction which is sufficient to build a bare bones base capable of supporting periodically deployed rotational aircraft.

If we need a presence in Italy, that should be the NATO presence. After several years of involvement in the Crotone issue, I think we can legitimately meet our commitment to NATO and to the Italians with such a barebones base. In all fairness, I will state that the administration has agreed to reduce certain elements of the cost of Crotone construction. But the administration still envisions a full-time base with 6,500 American personnel and dependents and 48 F-16 aircraft. The most recent plan provided the committee requires that the Treasury of the United States provide at least $188.5 million as the U.S. share, and that does not count the potential expenditure of another $80 to $100 million for military housing.

Mr. President, while we are appropriating $970 million to close bases here in the continental United States, it is difficult to justify opening an expensive new base in Italy.

Mr. President, I know this position is strongly opposed by the administration, but our Appropriations Committee simply does not agree with the Pentagon and State Department, which apparently believe we can accomplish a builddown by building up. Perhaps a case can be made for that, but I am not convinced.

Mr. President, that concludes my remarks. Before I yield, I thank our new ranking minority Member, the junior Senator from Texas [Mr. GRAMM]. He has been a very active member of the subcommittee. His counsel has been valuable, and I look forward to continuing to work with him in future years.

I also might take this opportunity to announce that the very able minority staff director of the subcommittee, Mr. Rick Pierce, has announced he is leaving the committee to move to Texas, so the Senate is losing a very valuable staff member. He served in good times and bad as majority or minority clerk of the subcommittee for 13 years. His expertise has been of value to both sides of the aisle. Rick Pierce will be missed on our Senate staff and we wish him the very best in his endeavors.

Mr. President, I see the distinguished ranking Member is on his feet. I yield to him at this time.

Mr. GRAMM. Mr. President, let me thank our chairman for his outstanding work on a very difficult bill. As we begin the process of beating swords into plowshares, I think this is a good start. It is a tough bill. It is a bill that recognizes that we are, first, beginning a massive builddown, second, that we incur costs in closing military bases and, third, that our basic mission and force projection needs have changed as we move troops back home. This is only the first of, I suspect, many bills that will be difficult to write. I think it is a good start. I congratulate the chairman for it.

Mr. President, I join our distinguished chairman in commending Rick Pierce, who has done an outstanding job. I have learned a lot from him. I have enjoyed working with him. I hope he is taking a lot of money to Texas with him to invest in our economy.

Finally, Mr. President, let me say that under the unanimous-consent request there are only three amendments in order. They are all acceptable. I support all of them. I yield the floor.

The PRESIDING OFFICER. May the Chair state there are 18 minutes and 33 seconds under the control of the Senator from Texas and 3 minutes and 44 seconds under the control of the Senator from Tennessee.

Mr. DOMENICI. Mr. President, I rise in support of the fiscal year 1992 military construction appropriations bill now pending before the Senate.

I commend the distinguished chairman and ranking member of the subcommittee, Senators SASSER and GRAMM, for reporting a military construction appropriations bill that advances the modernization of the Nation's defense infrastructure and promotes the well-being of our military personnel.

Mr. President, the bill as reported by the Senate Appropriations Committee provides $8.4 billion in budget authority and $2.8 billion in new outlays for military construction and family housing activities in fiscal year 1992. When outlays from prior year budget authority are taken in account, the bill totals $8.4 billion in budget authority and $8.3 billion in outlays for these programs in fiscal year 1992. I congratulate the chairman and ranking member for reporting a bill that is under its section 602(b) allocation.

I would like to take a moment to recognize several important projects of interest to New Mexico. This bill provides $110.7 million for military construction in New Mexico, $72.6 million of the total is targeted to the relocation of the F-117 Stealth fighter to Holloman Air Force Base from Tonopah, NV. The second largest project for New Mexico is $20 million for phase II construction of the large blast thermal simulator at the White Sands Missile Range. This appropriation will essentially complete construction of this project.

In closing, I would like to thank the subcommittee for its endorsement of military construction projects in New Mexico. I urge my colleagues to support the bill.

HEALTH NEEDS OF THE MILITARY

Mr. SANFORD. Mr. President, it has become quite evident that there is a compelling need to reassess the needs, mission, and structure of our military. The extreme budget constraints, the changing nature of the threat to our national security, and the ever pressing need for addressing our domestic problems are all vital factors compelling us to reshape this Nation's defense establishment into the 21st century.

It should be noted that after selected bases are closed, budgets are cut, and troop reductions are made, the United States will still maintain one of the largest military forces in the world. With that will come a continued need to provide for our military personnel, their dependents, and our military retirees. Congressional committees have acted with great deliberation in determining what the key elements are that will keep our defense infrastructure in prime condition. One of the most important parts of that infrastructure is the health care system of the military.

The chairman of the Appropriations Military Construction Subcommittee, Senator SASSER has acted with great foresight and great concern for our military with that subcommittee's most recent bill. He has taken into account all of the factors I mentioned earlier that are key components in reshaping our military. Included in this year's military construction budget are funds for construction of a new medical center at Fort Bragg that would replace Womack Army Hospital. The current facility will not be able to meet the future needs of the Fort Bragg area.

Fort Bragg itself is already one of the largest military installations in the world. Because of the Base Closure Commission recommendations, it will increase in size as troops from closed domestic bases are relocated there. The staff and services of Letterman Army Medical Center will be placed at Womack burdening an already heavily used facility. Also, thousands of troops relocated from Europe will also be stationed at Fort Bragg. Let us not forget that with these thousands of troops come thousands of dependents that are entitled to the care of the military medical system.

The new facility would be of mutual benefit to the civilian and military medical academic world. North Carolina has four outstanding medical teaching centers easily accessible from Fort Bragg. The University of North Carolina at Chapel Hill, Duke University in Durham, East Carolina in Greenville, and Wake Forest University in Winston-Salem will be able to contribute toward making Womack a first-rate military medical center and certainly one of the premiere medical centers in the Nation. Providing the best education and training for military medical professionals assists both in their recruitment and retention.

Mr. President, I would like to again commend the work of the Military Construction Subcommittee and its chairman. Projects like that of the Womack Army Medical Center are not just important to the local areas in which they are located, but important to the entire medical system of the military. Of the utmost importance, however, is how essential such facilities are to the men and women of our armed services, their families, and our military retirees. As the world changes and budgets get smaller, we must always put them first.

Mr. SASSER. Mr. President, I see the distinguished minority leader.

Mr. DOLE. My amendment is one of those that has been agreed to. I just wonder if I might offer it.

Mr. SASSER. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 44 seconds.

Mr. SASSER. Mr. President, I ask unanimous consent we have an additional 10 minutes, or perhaps 15 minutes equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

AMENDMENT NO. 1140

Mr. SASSER. Mr. President, the unanimous-consent agreement calls for three amendments to be in order.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee, Mr. SASSER, for Mr. SARBANES (for himself and Ms. MIKULSKI) proposes an amendment numbered 1140.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SEC. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by Section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres provided that they are consistent with all laws pertaining to wildlife refuges.

(d) the description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

Mr. SARBANES. Mr. President, on behalf of Senator MIKULSKI and myself, I am pleased to offer an amendment to transfer 500 acres at Fort George G. Meade to the Fish and Wildlife Service.

Under the provisions of this amendment, the acreage will be added to the Patuxent Wildlife Research Center. This will complete a process begun last year when Congress approved the transfer of 7,600 acres to the Patuxent Center.

Mr. President, this issue properly falls within the jurisdiction of the Armed Services Committee. I want to thank my colleague from Georgia, Senator NUNN, for allowing us to proceed today with this amendment that is of great importance to the State of Maryland.

It is my understanding that the Armed Services Conference Committee will discuss this issue during its subsequent proceedings.

Mr. President, my amendment is consistent with the provisions of the Johnston-Breaux amendment that was adopted during consideration of the authorization bill. During the last 2 years, the local community has united against development of this parcel. A Fort Meade Coordinating Council was formed with representatives of local elected officials, State officials, businesses, local citizens organizations, the National Security Agency, and other interested parties. As an ex-officio member of the council, I can tell you that the group voted unanimously to support a transfer to the Patuxent Center.

Today we have an opportunity to ensure that the community's wishes become a reality. I urge my colleagues to adopt this amendment.

I want to thank my good friend, the Senator from Tennessee, for his assistance on this issue. I appreciate his efforts and thank him for his cooperation in seeing this important land transfer enacted.

Ms. MIKULSKI. Mr. President, the amendment which Senator SARBANES and I are offering here tonight is a noncontroversial one. Last year the Congress approved transfer of 7,600 acres of surplus property at the Fort Meade Army Base to the Fish and Wildlife Service to provide additional acreage to the Patuxent River Wildlife Center. This amendment transfers an additional 500 acres which were not included in last year's legislation.

The base closing process requires that the local community decide how to dispose of excess property, and that procedure has been carried out in this case. Approval of transfer should properly be included in the authorization bill, however, and I wish to acknowledge that including such a transfer in this appropriations bill is not the appropriate procedure. In view of the delay in the consideration of this year's authorization bill, though, the authorizing committee has agreed not to object in this particular case.

Mr. SASSER. Mr. President, the amendment by the Senators from Maryland simply provides for a land transfer at Fort Meade, MD. It is similar to language included in the Military Construction Act last year. It is an authorization issue. I understand the authors will be working to get this matter before the authorization conference. It is my understanding this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1140) was agreed to.

Mr. SASSER. I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I see the distinguished minority leader on the floor. I yield to him at this juncture.

AMENDMENT NO. 1141

(Purpose: Add funds for military construction, Air Force and Air Force family housing)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of myself and Senator KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas, Mr. DOLE, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1141.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 25, strike the number and insert in lieu thereof $967,570,000.

On page 4, line 2, strike the number and insert in lieu thereof $65,200,000.

On page 9, line 2, strike the number and insert in lieu thereof $163,883,000.

On page 9, line 4, strike $978,983,000 and insert in lieu thereof $991,283,000.

Mr. DOLE. Mr. President, as our Nation knows well, in April of this year, storms and tornadoes ripped through the Midwest, causing devastation throughout a three-State area.

Nowhere was this destruction more severe than in Kansas. But with the help of the Federal Emergency Management Administration, and other Federal agencies, the people of Kansas, as is their heritage, pulled themselves out of the rubble of their homes and businesses, to rebuild and to start over again. I am proud to state that the efforts of the people of Kansas rapidly moving to completion. We in Congress must now provide the necessary funds to reestablish the Federal facilities that also were devastated by that storm. Accordingly, I submit for consideration a package for the rebuilding of the vital facilities for the families of McConnell Air Base.

McConnell Air Base, one of our Nation's major strategic air command bases located in Wichita, was badly damaged in the storm. Although the aircraft of our Nation's strategic traid were protected, the base itself was hit hard. The damage wrought from the storm has left thousands of Air Force families without schools for the children, a fully operating based hospital, and for many, homes.

This amendment will provide $55.28 million to rebuild these vital necessities for McConnell; $42.98 million of these funds will be allocated to rebuild the hospital, schools and support facilities that were damaged or destroyed in the storm, and $12.3 million will go to the construction of family housing. These construction projects will ensure that the families of those that protect this Nation will once again have the basic necessities of health, education and housing.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Tennessee.

Mr. SASSER. Mr. President, the amendment of the Senator from Kansas is, as he has stated, to provide funding requested by the administration for the urgent supplemental. Mr. President, because of the uncertainty of the supplemental and the clear need to clean up the damage, certainly it would be in order to accept this amendment.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1141) was agreed to.

Mr. SASSER. I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1142

Mr. GARN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 1142.

Mr. GARN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991, (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is listed on the National Register of Historic Places, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

Mr. GARN. Mr. President, this amendment would require the Department of the Army to fund neglected operations and maintenance functions at Fort Douglas, UT. Fort Douglas will be one of the first bases closed of those bases listed on the first base closure list passed by Congress in 1989. Last year, Congress passed a law to retain the Army Reserve activity at Fort Douglas and transfer approximately 55 acres of the 119-acre area of Fort Douglas property to the University of Utah. The transfer is scheduled to occur on November 5, 1991.

The legislation requires that in lieu of payment for the property, the University of Utah will relinquish its legal right to withdraw approximately 4,200 additional acres of land. Earlier acts granted the university the right to select thousands of acres of Federal land for the use of higher education.

I have been concerned that since the Congress passed legislation last fall, the Army has neglected repairs. This includes repairs which directly affect the health and safety of those who live and work at Fort Douglas.

For example, the Army has refused to conduct a natural gas survey to check for leaks. These checks are routinely done for maintenance purposes. Even though natural gas surveys are inexpensive and relatively easy to perform, the Army has refused to conduct one prior to the transfer. Also, the Army has refused to allow the University of Utah to pay for such a survey or to conduct one on the base.

Clearly, the Army has the attitude that if a problem is not found prior to the transfer of the property, the Army is not responsible for the cost. This could not be further from the truth. Ironically, the Army has decided to conduct a survey on the portion of the fort that will be retained for the Reserve Forces, after the surplus land is transferred to the University of Utah. This policy is totally inconsistent with the Army's position that maintenance problems related to the health and safety of the employees would be satisfactorily resolved.

Another concern this amendment addresses is the failure of the Army to adequately maintain those buildings on Fort Douglas listed on the National Historical Registry. Recently, I learned that a structural engineering survey had been conducted on the historic chapel at Fort Douglas. This survey concluded that the chapel roof is at risk of collapsing. The Army currently has no plans to repair the facility prior to transferring the property. This approach is not consistent with our historical preservation acts.

This amendment would require the Army to carry out the necessary repairs within 1 year after the transfer of the land. I would appreciate the Senate's favorable consideration of the legislation. Senators SASSER and GRAMM have been helpful in resolving this problem, and I thank them for their assistance.

THE FORT DOUGLAS LAND EXCHANGE

Mr. GARN. Mr. President, I have offered an amendment to the military construction appropriations bill which would require the Department of the Army to fund neglected operations and maintenance functions at Fort Douglas, UT. I have been concerned that since the Congress passed legislation last fall, making a land exchange between Fort Douglas and the State of Utah effective November 5, 1991, the Army has failed to adequately maintain the property consistent with the protection of life and the safety of the individuals who use the fort.

For example, the Army has refused to conduct a natural gas survey to check for leaks prior to the transfer of the fort. Internal documents from the Army clearly indicate an attitude that if a life and safety problem is not found, prior to transferring the fort, the Army will have no obligation to pay for fixing the leaks. The Army has also refused to allow the University of Utah to conduct, or pay for, a natural gas survey to be completed. I find this policy to be totally inconsistent with the Army's position that maintenance problems related to the health and safety of the employees would be satisfactorily resolved.

Another concern this amendment addresses is the failure of the Army to adequately maintain those portions of Fort Douglas listed on the National Historical Registry. In August, I was informed that a structural engineering survey had been conducted on the historic chapel at Fort Douglas. This survey concluded that the chapel roof is at risk of collapsing. The Army had no plans of fixing the building. This is not consistent with our Nation's historic preservation laws.

Mr. SASSER. I understand the concern of the Senator from Utah about the condition of the property at Fort Douglas. This legislation may have been more appropriately addressed on the authorization bill, but I understand the issues involved came to the Senator's attention during the August recess. Since the authorization bill had already passed, there was no opportunity to address this issue in the authorization bill. Therefore, I would have no problem in accepting the amendment as an amendment to the military construction appropriations bill.

Mr. NUNN. I am concerned that this issue was not handled on the National Defense Authorization Act for 1993, but understand that the Senator from Utah was not aware of the problems at the time the authorization bill was considered on the floor. I would like the authorization conference to deal with this issue. I would hope if the Fort Douglas language is addressed in the authorization conference that this amendment would be dropped from the appropriations bill. Is that approach agreeable to the Senator from Utah?

Mr. GARN. I would have no problem with dropping this amendment from the military construction appropriations bill during conference with the House of Representatives, if the conferees' on the Department of Defense Authorization Act adequately addresses the issues contained in the amendment in the authorization bill. I would like to thank the Senators from Georgia and Tennessee for their interest and assistance in ensuring that the land exchange between the Army and the State of Utah is successful.

Mr. SASSER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1142) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, many of my colleagues have military bases in their States that are scheduled to be closed. This base closure process is going to be difficult, as communities try to adjust to the departure of military facilities they have lived with for decades. One of the great challenges at many of these facilities is cleaning up environmental contamination so that the communities can redevelop sites and protect their local economies. This is going to be an expensive and time-consuming process, but Congress has a special responsibility to these affected communities to make certain that the cleanup is completed expeditiously.

Last month the Senate approved a Defense authorization bill that added substantial funds for base closure cleanup, in accordance with new estimates provided by the services. I am very pleased to see that the military construction appropriations bill for fiscal year 1992 also provides higher funding levels, in accordance with new estimates by the Department of Defense regarding what cleanup funds will be needed in the coming year. In my own State, at Wurtsmith Air Force Base, a legacy of toxic contamination must be addressed so that the community can pursue alternative uses for the facility. At many other bases slated for closure around the country there are similar problems including unexploded ordnance that poses a direct threat and must be removed.

So, on behalf of my constituents and also for my colleagues, I want to thank the distinguished senior Senator from Tennessee, the chairman of the Appropriations Subcommittee on Military Construction for providing this important funding increase. I realize how difficult it is, under the current budget constraints, to find money above the administration's original budget request for this activity.

The updated figures for fiscal year 1992 cleanup were not provided by the Department of Defense until the Armed Services Committee requested them in July. A number of my colleagues from both sides of the aisle joined me in bringing this issue to the attention of the appropriators, and I am very gratified at their response in this bill.

I understand that Members of the House of Representatives have written to the chairman of the House Armed Services and House Appropriations Committees asking them to yield to the Senate funding figures for base closure cleanup—those House bills were written before the revised DOD figures were released. That's a pretty powerful indication that the Senate is on the right track.

We will face this issue of base closures and environmental cleanup for many years—it's important to do the job swiftly and to do the job right. This bill does that, and I encourage my colleagues to support the base closure provisions.

HIGH COST OF CONTRACTORS

Mr. PRYOR. Mr. President, I rise today to place into the RECORD a few pages from a report by the General Accounting Office on the high cost of contractors. I asked the GAO to do this report to try to get a clear answer to the question of whether using contractors saves money.

The GAO findings challenge the philosophy that using contractors is always a cost-effective way to get the government's work done. Plain and simple, it costs more to use contractors. In fact, the GAO found that it cost 25 percent more to use contractors.

The Department of Energy spends about $500 million a year on support service contracts. These are the type of contracts that generate the stories of contractors writing congressional testimony, holding administrative hearings and performing much of the basic work of government. Now, besides these abuses, we find out today that we are not even saving money with these contractors.

The only troubling thing to me is that while this is the first comprehensive agency-wide report of its type, the GAO is essentially merely confirming what was apparent all along. When I held a hearing on the DOE's use of contractors in 1989, I heard testimony from a high-ranking DOE official that it cost from 20 to 25 percent more to use contractors. Why didn't that testimony, based on an internal DOE study, get the attention of DOE and OMB officials? What will it take to convince the policy makers in the administration that to have cost-effective government, we are going to have to close the open money sack that has been used to fund excessively costly contracts for the past 10 years.

Finally, since DOE spends $500 million on support service contracts we are wasting about $100 million a year. I compliment the GAO, and I am hopeful that this report of such unnecessary waste will serve as a catalyst for some long overdue changes in the way our Federal Government spends its money.

I also wish to place in the RECORD a short article from the New York Times entitled "Congressional Study Challenges Federal Use of Private Contractors."

Mr. President, I ask unanimous consent to print in the RECORD the GAO report and the article to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, August 16, 1991.

Hon. DAVID H. PRYOR,
Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, U.S. Senate

DEAR MR. CHAIRMAN: This letter responds to your request that we review the Department of Energy's (DOE) support service contracting practices. These contracts provide staff for a wide variety of services related to DOE's management, administrative, and technical activities. Specifically, you asked us to (1) discuss the overall cost and use of these contracts, (2) examine the adequacy of controls to ensure that DOE's support service contracts are cost-effective, and (3) evaluate whether work performed on selected support service contracts could be performed less expensively by federal personnel. To address these concerns, we, among other things, reviewed 75 DOE support service contracts and completed 12 cost comparisons at four DOE locations.

RESULTS IN BRIEF

In fiscal year 1990, DOE obligated $522 million on support service contracts, a 56-percent increase from fiscal year 1986. Support service contracts are appropriate for, among other things, fulfilling specialized needs or needs of a short-term or intermitted nature. However, most of the contracts we reviewed at DOE were not justified on these bases. Instead, most were awarded because DOE lacked sufficient resources to perform the work.

According to the Office of Management and Budget (OMB), the government's policy is to conduct its operations in a cost-effective manner. Although cost comparisons are an essential control in deciding the most cost-effective way to meet the government's need for services, OMB's guidance on support service contracting does not uniformly require agencies to compare contract and in-house performance costs to determine which is cost-effective. For example, OMB guidance does not call for cost comparisons when contracting for services needed to fulfill new agency requirements or when federal performance is not considered feasible.

Few of the DOE contracts for support services we reviewed were awarded on the basis of comparisons between federal and contract costs. DOE officials said that they did not compare costs since they could not get additional staff to perform the work in-house because of personnel ceilings.

Some DOE support service contracts cost substantially more than would using additional federal employees for the same work. Eleven of the 12 support service activities for which we conducted cost comparisons were, on average, 25 percent more costly. Fiscal year 1990 contract costs for these activities totaled $5 million more than the estimated cost of federal performance. Because we judgmentally selected activities for the cost comparisons, the findings cannot be projected to the universe of DOE's support service contracts.

OMB officials acknowledged that agencies had little opportunity to increase their staffing levels during the 1980s. However, recent actions indicate that OMB now may be willing to consider requests for additional staff if the requests adequately justify cost savings. OMB officials cite their approval to convert 13 DOE support service contracts to in-house performance as evidence of OMB's change in attitude.

OMB has also advised DOE that it will consider additional DOE staff positions in fiscal year 1993 if DOE can demonstrate that converting contracts would result in substantial cost savings. DOE plans to identify possible conversions as part of its fiscal year 1993 budget submission, but some DOE officials question whether OMB's position regarding ceilings has really changed. For example, DOE offidials stated that OMB has not officially changed its policy or provided guidance on what type of cost comparison would be needed to justify contract conversions.

BACKGROUND

To address a long-standing concern about the extent of government competition with private enterprise, the Bureau of the Budget, in 1955, promulgated a government policy that federal agencies should not carry on a commercial activity to provide services that could be obtained through ordinary business channels. Every administration since 1955 has endorsed the general policy of relying on the private sector to provide commercial services required to support the government's operation. Inherent governmental functions—those ultimately related to the public interest—are to be performed by federal employees.

In addition, recent administrations have used personnel ceilings to limit the number of federal employees as a means of reducing federal spending and of encouraging agencies to rely on the private sector to meet the government's need for goods and services. Between 1980 and 1990, for example, ceilings imposed by OMB, which replace the Bureau of the Budget, reduced DOE's staffing levels from 21,208 to 17,000 full-time positions, with a low of 16,103 in fiscal year 1989.[1] For fiscal year 1991, OMB increased DOE's ceiling to 17,965. In requests for staff during the 1980-91 period, DOE asserted that its need for staff exceeded the ceiling levels established by OMB.

DOE USES SUPPORT SERVICE CONTRACTS EXTENSIVELY

To meet the need for additional staff, DOE contracts extensively with private firms and companies for support in planning, managing, and carrying out its work. Between fiscal years 1986 and 1990, DOE's support service contracting grew by 56 percent, from $334 million to $522 million. According to DOE's data system on procurement acquisitions, DOE had 498 active support service contracts during fiscal year 1990. Although DOE does not track the number of persons hired under these contracts, in 1989 DOE estimated that it had received the equivalent of about 8,600 staff from support service contractors during fiscal year 1988. During the same period, DOE employed 16,258 federal staff.

According to DOE officials, support service contractors are an integral part of DOE's day-to-day operations and are needed for, among other things, fulfilling specialized needs or needs of a short-term or intermittent nature. However, most of the contracts we reviewed were not justified on these bases. Instead, we found that most of the contracts were awarded because DOE lacked sufficient resources to perform the work.

Support service contractors and DOE employees frequently perform similar activities. In fact, many of the contracts we reviewed added staff to activities already being performed by DOE employees. For example, during fiscal year 1990, DOE contracted for

Engineers to review the quality of DOE's operations at one field location;

Auditors to supplement DOE's Inspector General staff;

A clerk for data entry at a DOE support office;

Staff to support personnel surveys and assessments of staffing needs for DOE headquarters; and

Personnel for project planning, scientific and technical support, operation of a computer center, and acquisition and financial services at one of DOE's energy technology centers.

Many of the activities we reviewed had been performed by contractors over prolonged periods of time. Although DOE's guidelines for managing support service contracts limit the duration of each contract to 5 years, the guidelines do not limit how long an activity can be performed under successive support service contracts. Consequently, we identified certain activities that had been performed by contractors since 1977, the year DOE was created. Furthermore, according to DOE personnel, some of these activities had been previously performed under contract for DOE's predecessor agencies. On average, the activities covered by the 75 contracts we reviewed had been contracted out for about 7 years, and almost all of the activities were expected to continue under contract in the future. For example:

One DOE operations office hired contractors in 1985 to help monitor the transportation of nuclear materials, such as the nuclear weapons. Cognizant DOE personnel told us they expected that contractors would continue performing this activity for as long as

---

[1] According to OMB, the ceiling decrease resulted, in large part, from reductions in the Economic Regulatory Agency following the abolition of petroleum allocation and price controls.

DOE had materials to move. DOE hired a contractor to operate a new facility for training guards employed at DOE facilities. Begun in 1984, this activity is expected to continue under contract indefinitely.

DOE headquarters began using contractors to estimate the cost of construction projects before 1980 and, according to agency officials, will continue to do so as long as DOE has construction projects.

DOE contracted for automated data processing services to support its headquarters operations at least 15 years ago and expects to continue this activity under contract indefinitely.

The size of DOE's support services also varies considerably. For example, one contract provides a part-time weatherization grant inspector at $22,600 a year, while another supplies approximately 620 people for automated data processing and telecommunications at an annual cost of $32 million.

COST COMPARISON REQUIREMENTS

According to OMB policy, government activities are to be conducted in a cost-effective manner. With respect to support services, the policy is principally embodied in OMB Circular A-76, which emphasizes cost comparison procedures for determining when it is more economical to contract for services currently performed by federal employees.

Circular A-76 states that one of the overall objectives of government is to achieve economy and enhance productivity in its operations. To help achieve this objective, the circular specifies cost comparison procedures for determining whether commercial activities, such as engineering and janitorial services, can be more economically performed by contractors or federal employees.

The supplement to the circular requires cost comparisons in three instances. First, agencies must periodically compare the cost of activities currently performed by federal employees with the cost of performing the work under contracts. If private sector costs are found to be lower by at least 10 percent for personnel-related costs, the agency should switch to private contractors. Second, if an agency expects the expansion of an existing federal activity will increase the cost of performing the activity by 30 percent or more, it must conduct a cost comparison. Third, an agency must compare costs when, as a result of having monitored the contracts for continued cost-effectiveness, it determines that contract costs have become unreasonable or that performance has become unsatisfactory. In this situation, an agency must also determine that (1) in-house performance is feasible and (2) recompetition with other commercial sources would not result in reasonable prices.

Despite its emphasis on cost-effectiveness, the circular does not uniformly require cost comparisons in deciding whether to contract out. For example, cost comparisons are not required in contracting for services needed to fulfill new agency requirements. Unless contract prices are viewed as unreasonable, OMB's circular states that services normally will be obtained through contracts—without any assessment regarding the comparable cost of performing the work in-house. Further, an agency need not consider the cost of in-house performance when a federal work force is not considered "feasible." The circular neither defines the term nor specifies circumstances that make federal performance infeasible. However, an OMB official said this would include peak and valley work loads and cases where the government cannot pay enough to recruit federal employees.

In addition, OMB Circular A-120 provides guidance on contracting for advisory and assistance support services that support or improve agency policy development, decision-making, management, administration, and the operation of management systems. The circular does not require agencies to conduct cost comparisons.

Finally, DOE Order 4200.3B establishes DOE's policy and procedures for awarding and managing the agency's support service contracts. Like Circular A-76, DOE's order stresses the need for cost-effectiveness in DOE's operations. For example, the order states that DOE shall not enter into or maintain a support service contract when the service (1) is more economically available at DOE or (2) may be provided through other means at a substantial savings in cost to the government. Except by reference to Circular A-76, the order does not require cost comparisons or establish other controls that could be used in assessing whether DOE's support service contracts are cost-effective. For example, the order does not define what is meant by unreasonable in Circular A-76 or require DOE managers to conduct comparisons when in-house performance is thought to be less expensive. Further, although the order requires requesting offices to specifically address in-house resources as an alternative to contractor performance in written contract justifications, the order does not require the requesting office to conduct cost comparisons between the alternatives.

DOE SELDOM COMPARED COSTS TO ENSURE COST-EFFECTIVENESS

Although cost comparisons are an essential control in deciding the most cost-effective way to meet the government's need for services, few of the DOE contracts we reviewed were awarded on the basis of comparisons between the cost of using federal employees and private contractors. Specifically, we found that DOE conducted cost comparisons on only 3 of the activities covered by the 75 support service contracts we reviewed. Each of these comparisons was initially performed as part of DOE's review of existing in-house operations under OMB Circular A-76 to determine if they should be contracted out. Furthermore, DOE personnel believed that 23 of the 75 activities could be more economically performed in-house, a factor that could be construed as meeting the test of unreasonable cost under Circular A-76. However, DOE did not conduct any cost comparisons for 21 of the 23 activities.

According to DOE headquarters and field officials, the principal reason for not conducting cost comparisons was the lack of sufficient federal staff because of personnel ceilings. Officials told us that ceilings had essentially rendered the issue of cost comparisons irrelevant since, in their view, OMB would not have considered increasing DOE's staffing ceiling to allow the work to be performed in-house.

USING CONTRACTORS COST SUBSTANTIALLY MORE THAN USING FEDERAL WORKERS IN SOME CASES

DOE's use of support service contracts cost more than federal employees would have cost for 11 of the 12 contracts for which we conducted cost comparisons.[2] Ten of these contracts were also identified by DOE officials as ones that could be performed less expensively in-house.

Specifically, we estimated that DOE spent at least $5 million more, or 25.4 percent, in fiscal year 1990 than it would have spent if 11 of the 12 activities we reviewed had been conducted in-house. The increased contractor costs for the services ranged from more than 3 percent to about 73 percent higher than if they had been performed by federal employees. We estimated that the twelfth activity cost $113,750, or 9 percent, less by contract than if it had been done in-house. We discussed our cost comparison methodology with DOE and OMB staff, who generally agreed with the procedures we used. However, because we selected the contracts judgmentally, our results cannot be projected to the universe of DOE support service contracts. The results of our cost comparisons are provided in appendix II.[3]

Moreover, we believe our estimates may substantially understate the amount of savings available through in-house performance for the activities that we reviewed. While we based our estimate of federal costs on the guidance in Circular A-76, we modified several steps to simplify and, thus, reduce the time required to make the comparison. Overall, these modifications overstate the cost of in-house federal performance. For example, we did not attempt to determine the most efficient and effective organization that was capable of accomplishing the work requirements.

OMB POSITION ABOUT PERSONNEL CEILINGS MAY BE CHANGING

Recent actions indicate that OMB's position about personnel ceilings may be changing. As part of its 1992 budget request to OMB, DOE proposed converting 13 support service contracts to in-house performance. The proposals were based on cost comparisons developed by DOE's Office of the Inspector General and the Western Area Power Administration to justify increases in their staffing levels. Collectively, the units estimated that in-house performance would save about $7.3 million annually on the 13 contracts.[4] As a result of the comparisons, OMB approved conversion of 164 contractor staff to in-house performance.

OMB officials said that during the 1980s OMB had a clear policy of reducing federal employment and of aggressively studying federal positions to determine whether they should be contracted out. They said, however, that OMB is now willing to consider requests for additional staff if the requests adequately justify cost savings. While OMB has not issued a formal policy reflecting the change in its position, OMB officials cited the DOE conversions as evidence of OMB's change in attitude. Further, for fiscal year 1993, OMB has advised DOE that it would be willing to provide additional staff positions if DOE can demonstrate that converting contracts to federal staff would be cost-effective. On the basis of discussions with OMB,

---

[2] A recent GAO report, *Nuclear Safety: Potential Security Weaknesses at Los Alamos and Other DOE Facilities* (GAO/RCED-91-12, Oct. 11, 1990) found that DOE could save about $15 million annually in labor and benefit costs if guard services at nine DOE facilities were performed by DOE employees. DOE had not updated or conducted periodic cost comparisons, in part, because of the difficulty in obtaining OMB's approval for the number of federal positions that would be needed.

[3] During our review, DOE's Office of the Inspector General was also conducting cost comparisons for seven randomly selected support service contracts at DOE headquarters. This report is expected to be issued in September 1991.

[4] One of the units identified another eight contracts that could be performed less expensively by federal employees. However, according to DOE personnel, they did not propose converting the contracts because they wanted to make a strong case to OMB and these eight contracts involved less dollar savings.

DOE has requested its units to identify conversions in connection with its fiscal year 1993 budget preparation.

In spite of these recent actions, some concerns about converting support service contracts still remain. For example, OMB officials said that if it approves contract conversions, DOE may not reduce contract spending by a corresponding amount. Instead, DOE could leave the contracts in place or use the additional money on other contracts. In contrast, DOE officials said they are concerned that OMB will not approve sufficient staff to accommodate both the Department's expanding need for staff and the contract conversions. For example, although OMB approved contract conversions involving 105 positions for the Western Area Power Administration, DOE officials noted that OMB decreased the administration's personnel ceiling by 83 positions overall. This decrease, according to OMB officials, was for reasons unrelated to the conversions. Thus, the administration realized a net increase of only 22 positions. As a result, DOE officials said one option under serious consideration is to contract out for the difference in staffing, thus reducing the level of projected savings. DOE officials also questioned why OMB had not officially changed its policy or provided guidance on what type of cost comparisons would be needed to justify contract conversions.

CONCLUSIONS

DOE rarely considered the cost of in-house performance in awarding the support service contracts we reviewed. In 1990, inadequate attention to cost-effectiveness cost the government at least $5 million more than was necessary to perform 11 of the 12 DOE activities for which we conducted cost comparisons. DOE officials said that they did not compare costs since they could not get additional staff to perform the work in-house because of personnel ceilings.

We recognize that there are a variety of reasons for using support service contractors, including an inability to recruit specialized skills and the need for flexibility in accomplishing tasks of an intermittent nature. However, even when other reasons exist, we believe cost comparisons are an essential management tool in deciding whether to contract out. As we found in conducting our cost comparisons, such comparisons need not be burdensome.

OMB acknowledges that agencies had little opportunity to increase their staffing levels during the 1980s. Recent actions indicate that OMB now may be willing to consider requests for additional staff if the requests adequately justify cost savings. However, given the long-standing practices of DOE and OMB, some uncertainty remains as to (1) whether DOE units will be motivated to carry out cost comparisons, (2) whether DOE will request additional staff for converting support service contracts, and (3) how OMB will respond to these requests. Although one solution to this situation would be for the Congress to establish reporting requirements for overseeing DOE's and OMB's actions in this area, we are not recommending congressional action at this time. Instead, we believe DOE and OMB should be given the opportunity to resolve these problems independently However, a recommendation along these lines could be forthcoming if subsequent work determines that DOE and OMB have not taken action to ensure that cost is adequately considered in DOE's support service contracting decisions.

RECOMMENDATION TO THE SECRETARY OF ENERGY

To ensure that DOE's support service activities are conducted in a cost-effective manner, we recommend that the Secretary of Energy

Require DOE units to conduct cost comparisons before awarding or renewing support service contracts and regularly review existing contracts to ensure that they are cost-effective and

Use the results of cost comparisons to support requests for additional staff from OMB for converting any contracts determined to be less expensively performed in-house, except where other reasons exist for continuing the work under contract, and if conversions are approved by OMB, DOE should reduce its support service contracting budget by a corresponding amount.

RECOMMENDATION TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

To ensure that DOE understands OMB's position about converting costly support service contracts, we recommend that OMB issue guidance documenting the position and any additional information that would be needed to justify conversions, such as information about the type of cost comparisons DOE should perform.

We performed our work at DOE headquarters, its operations offices in Richland, Washington, and Albuquerque, New Mexico, and its Morgantown Energy Technology Center in West Virginia between June 1990 and May 1991. Our work was performed in accordance with generally accepted government auditing standards. Appendix I provides detailed information about our objectives, scope, and methodology.

As requested, we did not obtain official agency comments on a draft of this report. However, we discussed the facts with DOE and OMB officials and incorporated their comments where appropriate. As agreed with your office, we plan no further distribution of this report until 30 days from the date of this letter. At that time we will send copies to the Secretary of Energy; the Director, Office of Management and Budget; and other interested parties. We will also make copies available to others upon request.

[From the New York Times, Sept. 16, 1991]

CONGRESSIONAL STUDY CHALLENGES FEDERAL USE OF PRIVATE CONTRACTORS

WASHINGTON, Sept. 15.—The Federal Government could often save money by using its own employees rather than private contractors for certain work but sometimes lacks the personnel to do so, a report by an investigative arm of Congress said today.

The study by the General Accounting Office, which examined 75 support service contracts assigned by the Department of Energy, offers the first broad challenge to the practice of the Reagan and Bush Administrations of limiting employment as a way to reduce spending.

Senator David Pryor, the Arkansas Democrat who requested the study as chairman of the Senate Governmental Affairs Subcommittee on Federal Services, said: "Time and time again over the past 20 years we have heard from the executive branch that using private contractors saves money. This report makes it clear that, at least in some cases, this is a myth."

A LACK OF PERSONNEL

The accounting office's report said the Energy Department contracts were intended to fulfill "specialized needs or needs of a short-term or intermittent nature." But the study found that most of the department's $522 million in support service contracts in the fiscal year 1990 were not justified on those grounds, but were signed because the agency "lacked sufficient resources" to properly perform the activities.

In 1980, before the Reagan Administration began cutting the Federal staff, the department had 21,208 employees. But the staff was reduced to 16,103 by 1989. Outside contracts increased by 56 percent from 1986 to 1990.

Since then the White House budget office has authorized the department to increase its staff to 17,965. Phil Keif, a spokesman for the department, said the staff had been increasing in recent years because of a new demand for cleanups of weapon plants and hazardous waste sites. Yet officials at both the department and the accounting office said more personnel were needed.

The department had compared costs for only 3 of the 75 contracts reviewed by the accounting office. The office's researchers, who conducted their own cost comparisons for 12 of the activities, found that 11 of the 12 would have been cheaper by 25.4 percent, or a total of $5 million, had the department used its own employees.

Mr. Keif said the department did not have enough staff members to perform the analyses or to carry out the activities. But he said department officials agreed with the report's findings and the need for cost analyses. He said it was developing a method of analysis to carry out those studies.

The Reagan Administration began replacing Federal workers with private contractors in the belief that private industry was more efficient.

Although the White House budget office's policy in the 1980's was to reduce the number of Federal employees, the report said there were indications this policy was changing. The researchers said officials of the office had told them that they might be willing to hire more people if they could justify cost savings. Budget office officials had no comment on the report.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2426, the military construction appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $0.2 billion in budget authority and $0.1 billion in outlays.

The Military Appropriations Subcommittee faced a daunting task this year as it attempted to assign the proper priorities to our military construction programs in light of the fiscal and international realities. I would like to express my appreciation to Senator PHIL GRAMM, the distinguished ranking member, for his assistance in bringing this bill to the floor today.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the military construction appropriations bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2426—MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING TOTALS

[Senate Reported; in billions]

Bill summary	Budget authority	Outlays
H.R. 2426:		
New BA and outlays	$8.4	$2.8
Enacted to date	0	5.5
Adjustment to conform mandatory programs to resolution assumptions	0	0
Scorekeeping adjustments	0	0
Bill total	8.4	8.3
Senate 602(b) allocation	8.6	8.5
Total difference	−.2	−.1
Discretionary:		
Domestic	0	0
Senate 602(b)	0	0
Difference	0	0
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	8.4	8.3
Senate 602(b)	8.6	8.5
Difference	−.2	−.1
Total discretionary spending	8.4	8.3
Mandatory spending	0	0
Mandatory allocation	0	0
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	−.1	−.1
Senate-passed bill	NA	NA
House-passed bill	−.1	−.1

MILITARY CONSTRUCTION—1992 APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Discretionary spending:										
Domestic:										
New spending in bill	0	0	0	0	0	0				
Outlays prior	0	0	0	0	0	0				
Supplementals (PL 102–27)	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments	0	0	0	0	0	0				
Subtotal	0	0	0	0	0	0				
602(b) allocation	NA	NA	0	0	0	0				
Bill above/below (+/−) allocation	NA	NA	0	0	0	0				
International:										
New Spending in bill	0	0	0	0	0	0				
Outlays prior	0	0	0	0	0	0				
Supplements (PL 102–27)	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments	0	0	0	0	0	0				
Subtotal	0	0	0	0	0	0				
602(b) allocation	NA	NA	0	0	0	0				
Bill above/below (+/−) allocation	NA	NA	0	0	0	0				
Defense:										
New spending in bill	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160				
Outlays prior	0	5,502,377	0	5,502,377	0	5,502,377				
Supplementals (PL 102–27)	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments	0	0	0	0	0	0				
Subtotal	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537				
602(b) allocation	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000				
Bill above/below (+/−) allocation	NA	NA	−80,994	−24,477	−150,255	−133,463				
Total Discretionary:										
New spending in bill	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160				
Outlays prior	0	5,502,377	0	5,502,377	0	5,502,377				
Supplementals (PL 102–27)	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments	0	0	0	0	0	0				
Subtotal	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
Mandatory spending:										
New spending in bill	0	0	0	0	0	0				
Permanent appropriations	0	0	0	0	0	0				
Outlays prior	0	0	0	0	0	0				
Subtotal, mandatory	0	0	0	0	0	0				
Resolution scoring adjustment	0	0	0	0	0	0				
Adjusted mandatory total	0	0	0	0	0	0				
Bill total:										
Discretionary	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
Adjusted mandatory	0	0	0	0	0	0				
Subtotal	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
602(b) allocation	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000				
Bill above/below (+/−) allocation	NA	NA	−80,994	−24,477	−150,255	−133,463				
Discretionary total compared to:										
President's request	NA	NA	−80,024	−23,922	−149,285	−132,908				
House-passed	80,024	23,922	NA	NA	−69,261	−108,986				
Senate-passed	149,285	132,908	69,261	108,986	NA	NA				

Mr. SASSER. Mr. President, that concludes the amendments in order under the unanimous-consent request. There being no further debate on this bill, I am prepared to yield all my time if the distinguished ranking member is prepared to yield back his time.

Mr. GARN. I am happy to yield back.

Mr. SASSER. I yield back our time.

The **PRESIDING OFFICER.** All time is yielded back.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2426), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 2426, and request a conference with the House, and that the Chair be authorized to appoint the conferees.

The motion was agreed to, and the Presiding Officer (Mr. LAUTENBERG) appointed Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. FOWLER, Mr. BYRD, Mr. GRAMM of Texas, Mr. GARN, Mr. STE-

VENS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. SASSER. Mr. President, I thank the Chair. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, if the Senator will withhold——

Mr. SASSER. I withhold.

Mr. BYRD. Mr. President, the distinguished subcommittee chairman, Mr. SASSER, and the distinguished ranking member, Mr. GRAMM, are to be commended for their skillful and expeditious handling of the fiscal year 1992 military construction appropriations bill. Both Senator SASSER and Senator GRAMM are extremely knowledgeable in all areas of the bill, and they make the difficult seem to be easy. Their splendid efforts brought to the floor a good bill that is within the subcommittee's 602(b) allocation.

I also compliment the loyal, hardworking staff of the subcommittee for their fine work in the preparation of the bill.

I add my thanks to both the manager and the ranking member for the expeditious handling, and for their good work in bringing this bill to the floor and for the expeditious action on the floor.

Mr. SASSER. Mr. President, I thank the chairman, the distinguished chairman of the full committee, for his kind and generous remarks here this evening. It is characteristic of the chairman that he would stay here until this late hour to watch the adoption of one of the appropriations bills that emanates from his committee, to see that it is done with precision, to see that we do it in an expeditious manner, and I am very pleased always to join with him in moving these bills out of the Appropriations Committee and through the full Senate.

I thank him for his kind remarks, and for his generous assistance over the years, and over this year in particular with the military construction appropriations bill.

Mr. BYRD. Mr. President, I thank the distinguished Senator. My feeling for the expertise, skill, cooperation, and effectiveness of the Senator from Tennessee goes beyond the action on just this bill. I have been in the Senate quite a long time now. I was the 1,579th Senator out of the 1,799 who have served in the U.S. Senate since 1789, and I must say that this young Senator from the State of Tennessee—I say he is young because I was once upon a time as young as he is—has certainly grown in my estimation over these years, based on my observations. I have watched him as chairman of the Budget Committee, I have seen him take the difficult positions, I have seen him win, and I have seen him lose. I have seen him lose sometimes when he was right.

He is to be commended. He does not say a lot on this floor, but when he speaks, others listen. I admire his character and certainly he has inspired me to believe that there is a lot of quality in this Senator from Tennessee.

So I thank him again not only for his work on this bill, but more particularly on his meticulous work, his firmness, and the high degree of dignity and skill which has marked all of his work as I have watched him through these many years.

Mr. President, I yield the floor.

Mr. SASSER. Mr. President, before suggesting the absence of a quorum, I once again want to express my thanks for the kind remarks directed to this Senator by the distinguished President pro tempore of the U.S. Senate.

I might say that our distinguished chairman of the Appropriations Committee and President pro tempore of the U.S. Senate, ROBERT C. BYRD, by example, has demonstrated to younger Senators coming into this body and to this Senator, who is no longer as young as I was a few years ago, and is no longer as young as I would wish to be, has demonstrated by his example that service in this body is an honor, really, and that each one of us must earn anew almost every day. And he has been an example to me and to many others. I look forward to many, many years of continued service with the distinguished senior Senator from West Virginia.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following consultation with all of the interested Senators, I believe that I have a proposal that will resolve the issue which we earlier were discussing.

Therefore, I ask unanimous consent that at 12:30 p.m. tomorrow, Tuesday, September 17, the Senate resume consideration of the Interior appropriations bill, and that from 12:30 p.m. until 2:15 p.m., there be debate only upon the Jeffords-Metzenbaum grazing fee amendment, equally divided and controlled in the usual form; and that at 2:15 p.m., there be a vote on or in relation to that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, then, we will complete action on the military construction appropriations bill this evening, and I thank the distinguished chairman and ranking member who have agreed to make that possible.

We will then come into session at 9 a.m., with a period for morning business of 30 minutes. At 9:30 a.m., I or my designee will seek consent to proceed to the Transportation appropriations bill. We have already been apprised that objection will be made to any request to go to it this evening. It is my hope that we can work that out and get that consent in the morning.

We would then be on the transportation bill from 9:30 until 12:30, to make such progress as we can, and if at all possible even finish the bill.

At 12:30, the respective party caucuses will occur as scheduled. But during that period of time, instead of the Senate recessing, as is ordinarily the case, the Senate will stay in session for purposes of debate only on the grazing fee amendment.

There will be a vote at 2:15 on or in relation to the amendment. It is my understanding that a motion to table will be made, and that a vote will occur on that.

The agreement does not preclude further debate if the amendment is not tabled, of course. As we well understand, if the amendment is tabled, that is dispositive of the issue. If it is not tabled, there could be further debate for an unlimited period, or until such time as limitation is imposed on the amendment.

At 2:30, following that vote, if we have not completed Transportation, then we will return to that bill. And it would be my hope that we could complete action on that bill tomorrow afternoon.

Later tomorrow and Wednesday, the Senate will be back on the Interior appropriations bill, with the hope that other amendments will be presented. And then we can complete action on that bill early Thursday morning.

Mr. President, I will be pleased to yield to the distinguished Republican leader.

Mr. DOLE. I just wanted to indicate we hope to be able to go to the Transportation bill at 9:30 a.m., and I will advise the majority leader and the chairman of the committee, Senator LAUTENBERG.

Mr. MITCHELL. I thank my colleagues.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I want to compliment him and thank him on this approach he has worked out. I think it is very agreeable, very reasonable, and I go home tonight with a lighter burden, feeling that the end of the tunnel may be in sight on both these appropriations bills at some point in time.

Mr. MITCHELL. I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SASSER. Mr. President, I ask unanimous consent that there be a period for morning business for up to 7 minutes, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S.S. "CAIRO" AT THE VICKSBURG NATIONAL MILITARY PARK

Mr. LOTT. Mr. President, the distinguished chairman and ranking member of the Senate Appropriations Committee, I rise today to offer my comments and express support for the Interior appropriations bill, H.R. 2686. This measure makes funding possible for the Department of the Interior and a number of related agencies. What is also significant about this bill is that it makes historic preservation possible all across this great country of ours.

When I was home in Mississippi over the August recess, I had the opportunity to visit and tour the Vicksburg National Military Park, the site of an important battle in the War Between the States. The park site, as many of my colleagues know, is a tribute to the courage, valor, and sacrifice of all the soldiers who fought in the war.

Each State participating in the war was given the right to identify locations where their troops fought. They were further given the right to erect markers to commemorate their service. Twenty-eight States supplied the 140,000 Confederate and Union troops that struggled for control of Vicksburg in 1863. Twenty-six monuments in the Vicksburg National Military Park pay tribute to the States whose brave soldiers were a part of this historic battle shaping our country.

A chaplain during the war, Abram Joseph Ryan, once stated, "A land without ruins is a land without memories—and a land without memories is a land without history." How fortunate we here in the United States are, for we have a rich history and we preserve and protect it. Vicksburg National Military Park is a part of our history and we must preserve and protect it.

This national military park is also home to the U.S.S. *Cairo*, a Union gunboat that was built in 1861 to aid the Union Navy's effort to seize the Mississippi River from Confederate control. The U.S.S. *Cairo* was the lightest and fastest of the Union Navy's seven city-class gunboats.

In December 1862, while escorting a flotilla up the Yazoo River, two mines exploded beneath the starboard bow causing the U.S.S. *Cairo* to sink in less than 12 minutes. There the boat lay until 1964 when it was raised from the mud of the Yazoo River where it had been entombed for the past 102 years.

The U.S.S. *Cairo* is currently a popular open-air exhibit in the Vicksburg National Military Park. It attracts tourists from all around the world. But now, the historic fabric of the gunboat is deteriorating day by day at an accelerating rate due to its exposure to damaging environmental elements such as humidity, temperature fluctuations, birds, insects, and rodents.

This historic war gunboat, which attracts tourists from around the country and the world, needs to be protected by a climate-controlled environmental shelter. This bill provides for a cost assessment to be made of the damage to the gunboat, and a following report made to the distinguished chairman and ranking member of the Senate Appropriations Committee. An environmental shelter suitable to protect the U.S.S. *Cairo* is desperately needed. British author and critic, John Ruskin, said, "Our duty is to preserve what the past has had to say for itself." I agree with that philosophy for that is an important mission, protecting our country's rich heritage.

At this time I would like to share with my colleagues a letter I recently received from the National Trust for Historic Preservation and an article from the Historic Preservation News. The article chronicles one of the first cases prosecuted in the South under the Archaeological Resources Protection Act. The case involved two men who were found guilty of looting the Vicksburg National Military Park in Mississippi after they vandalized the battlefield by excavating Civil War ammunition. Mr. President, I request that this letter and accomplying article be entered in the CONGRESSIONAL RECORD along with my statement on the U.S.S. *Cairo*.

I ask today that my colleagues on both sides of the aisle give their support to this Interior appropriations bill. It gives all of our States an opportunity to enjoy and cherish our Nation's military parks, and other historic treasures. Most importantly, it helps preserve a significant part of our Nation's history.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES REPRESENTED IN VICKSBURG NATIONAL MILITARY PARK MONUMENTS

Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Texas, West Virginia, Wisconsin, Florida, Maryland, North Carolina, South Carolina, Virginia.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
September 3, 1991.

Hon. TRENT LOTT,
United States Senate, Washington, DC.

DEAR SENATOR LOTT: Enclosed is a copy of the most recent issue of the National Trust's newspaper, *Historic Preservation News*. I thought you might be interested in the story on page 17, featuring one of the first cases prosecuted in the South under the Archaeological Resources Protection Act which involved two Baton Rouge, Louisiana men prosecuted for looting the Vicksburg National Military Park in Mississippi after they vandalized the battlefield by excavating Civil War ammunition.

The National Trust is dedicated to saving such sites and landmarks, and to demonstrating the benefits of preserving our nation's heritage. I hope you will share this information with all your constituents as part of the continuing process of educating the American people about their past.

Sincerely,

JACK WALTER,
President.

[From the Historic Preservation News, September 1991]

In one of the first cases prosecuted in the South under a federal archaeological protection act, two Baton Rouge, La., men were each fined $5,000, barred from all federal and state Civil war parks, and ordered to complete at least 200 hours of community service after pleading guilty to vandalizing Vicksburg, Miss., National Military Park. A $12,000 Jeep also was seized in connection with the violations. In May the men entered guilty pleas to violations of the 1979 Archaeological Resource Protection Act, which protects archaeological resources and sites on public land. According to Joseph Holloman, assistant state attorney for the southern Mississippi district, the men vandalized the battlefield by excavating Civil War ammunition. Holloman says that this case, which is the first to be prosecuted under the act in Mississippi, will have national impact. "If we don't have effective deterrents and people don't fear what's going to happen to them, [such incidents] will be repeated," he says.

JEFFORDS-METZENBAUM AMENDMENT TO RAISE GRAZING FEES

Mr. DASCHLE. Mr. President, I rise today to express my strong opposition to the Jeffords-Metzenbaum amendment to increase grazing fees on Federal land. I believe it is an ill-conceived proposal that would do almost nothing to benefit the range or increase Federal revenues, but would do much to drive many farmers further into oblivion.

As my colleagues know, the House of Representatives has passed two provisions to raise the fee. The first, which was added to the Interior spending bill, would increase the fee from the current level of $1.97 per animal unit month to $4.35 next year and then $8.70 by fiscal year 1995. The animal unit month, or AUM, is the amount of forage required to feed one cow and a calf, or five sheep, for one month.

Another effort to alter the grazing fee formula has been included in the House version of the Bureau of Land Management Reauthorization bill. The provision would slow down the increase to no more than 33 percent from 1 year to the next up to a level of $5.17 per AUM. Some provisions I have seen don't even have this cap.

The net effect of either provision, and I understand that the amendment being offered today is the latter provision, the net effect would be a 250- to 400-percent increase in the grazing fees. This would have had a devastating impact on many areas of South Dakota.

Proponents of raising the grazing fee claim that the Federal fee is far below what is charged on private lands, and that raising the fee is necessary to prevent range damage on public lands. This logic is flawed for two reasons: First, private lands are often far more productive grazing lands than public lands, and many of the amenities that are often found on private land, such as fences and watering holes, don't exist on public land. Therefore, private lands usually deserve a higher grazing fee. Second, poor range conditions, where they exist, are not the result of a rancher paying too little in fees. More likely, they are the result of poor management by the Federal officials responsible for the land.

There seems to be a common misperception that Western farmers and ranchers are getting rich off taxpayer giveaways. This attitude reflects a complete lack of understanding of how hard people work, and how protecting and improving the range—not destroying it—is in the rancher's best interest. And anybody who thinks your typical rancher is wealthy has not spent much time in ranch country lately.

There is also the issue of what such a dramatic rise in the grazing fee would do to the livestock industry. If the grazing fee goes to $5.17, or $8.70, or above, the small- and medium-size rancher will simply not be able to afford to use public lands. He or she will either have to find other areas to graze, or sell off part, or all, of their herd. And who will benefit? The corporate rancher who can afford higher fees, and who wants to further consolidate control of the industry. And who would manage the range better—a family rancher who has lived in a given area all his or her life, or some corporation in Chicago or New York whose only concern is the bottom line on a financial statement?

I recently conducted a series of meetings in rural South Dakota regarding the proposed grazing fee increase. There is not unanimity that the fee should stay at $1.97 forever. People who graze on Forest Service lands pay more than this already. Many people acknowledge that an adjustment in the BLM fee may be appropriate. But there is overwhelming consensus that an arbitrary and several-fold increase in the fee is punitive and unfair.

If an adjustment in the grazing fee is necessary, so be it. But any proposal to increase the fee should be drafted by the relevant congressional committees with some consideration to the long-term impacts of raising the fee, both on the health of the range and on those who make their living off it. Moreover, whatever is done in committee should be done with the goal of providing a long-term solution, and a solution that is based on fairness, not on mere ideology.

The grazing fee proposals advocated by the House and advanced today go beyond proper range management or increasing revenues to the Government. Their goal is to pure and simple—to get people off the range, and should they pass, this will be the result. There should be no mistake about this.

At a time when the family rancher is struggling to stay afloat, the Jeffords-Metzenbaum would simply be one more nail in the coffin for many. I cannot support that, and I hope that my colleagues will not either.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,375th day that Terry Anderson has been held captive in Lebanon.

MESSAGES FROM THE HOUSE

At 6:19 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 868. An act to amend title 19, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3291. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1860. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Department of Agriculture: Revitalizing Structure, Systems, and Strategies"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1861. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notification of the intention of the President of the United States to exempt military personnel accounts from sequester, if a sequester is necessary; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-1862. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, United States Army, transmitting, pursuant to law, a report on the conversion of the Commercial Activities program at Fort McClellan, Alabama, to performance by contract; to the Committee on Armed Services.

EC-1863. A communication from the Director of the Office of Dependents Schools, Department of Defense, transmitting, pursuant to law, the Annual Test Report for school year 1990-91 for the overseas dependents' schools administered by the Department of Defense; to the Committee on Armed Services.

EC-1864. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapter 61 of title 10, United States Code, to provide disability coverage for persons granted excess leave under section 502 of title 37, United States Code; to the Committee on Armed Services.

EC-1865. A communication from the President of the United States, transmitting, pursuant to law, a report on the exercise of export control authority; to the Committee on Banking, Housing and Urban Affairs.

EC-1866. A communication from the Secretary of the U.S. Department of Housing and Urban Development, transmitting, pursuant to law, a report on the matter of increased maximum loan amounts for property improvement loans; to the Committee on Banking, Housing, and Urban Affairs.

EC-1867. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1868. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report with respect to an investigation to determine an estimate of the total discovered crude oil and natural gas reserves and undiscovered crude oil and natural gas resources of the OCS; to the Committee on Energy and Natural Resources.

EC-1869. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1870. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1871. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1872. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1873. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1874. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1875. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1876. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1877. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1878. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1879. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1880. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize modification of the boundaries of the Alaska Maritime National Wildlife Refuge; to the Committee on Energy and Natural Resources.

EC-1881. A communication from the Acting Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, a report of the Strategic Petroleum Reserve Annual Site Environmental Report for Calendar Year 1990; to the Committee on Energy and Natural Resources.

EC-1882. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to eliminate the General Services Administration's statuatory responsibilities concerning the repair and improvement of the United States Mint at Philadelphia, Pennsylvania; to the Committee on Environment and Public Works.

EC-1883. A communication from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report regarding the final regulation to fold hospital capital payments into the Medicare prospective payment system; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes (Rept. No. 102-152).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. DOLE (for himself, Mr. BOREN, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 1711. A bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes; to the Committee on Labor and Human Resources.

Mr. BROWN:

S. 1712. A bill to provide an annuity to certain surviving spouses and dependent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978; to the Committee on Armed Services.

Mr. GRASSLEY:

S. 1713. A bill to suspend until January 1, 1993, the duty on Fomesafen; to the Committee on Finance.

Mr. LUGAR:

S. 1714. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRAMM (for himself, Mr. JOHNSTON, Mr. COCHRAN, Mr. LOTT, and Mr. MACK):

S. 1715. A bill to ensure the protection of the Gulf of Mexico by establishing in the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

Mr. KOHL:

S. 1716. A bill to amend section 1102 of title 11, United States Code, to permit governmental units to participate as members of committees of creditors and of equity security holders on chapter 11 proceedings; to the Committee on the Judiciary.

Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. REID, Mr. BURDICK, Mr. DECONCINI, and Mr. AKAKA):

S. 1717. A bill to amend the Native American Programs Act of 1974; to the Select Committee on Indian Affairs.

Mr. GRAMM (for himself, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSTON, Mr. LOTT, and Mr. MACK):

S.J. Res. 194. A joint resolution to designate 1992 as the "Year of the Gulf of Mexico"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. BOREN, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 1711. A bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes; to the Committee on Labor and Human Resources.

GLASS CEILING ACT OF 1991

Mr. DOLE. Mr. President, last month the Department of Labor released its report on the glass ceiling confirming what many of us have suspected all along—the existence of invisible, artificial barriers blocking women and minorities from advancing up the corporate ladder to management and executive level positions.

I have carefully reviewed this report and consider it an important and historic first step in building a much-needed and long-overdue record on this issue. I congratulate the Secretary of Labor—and for that matter her predecessor—on this report and look forward to working with her on this issue down the road.

EQUAL ACCESS AND EQUAL OPPORTUNITY

For this Senator, the issue boils down to ensuring equal access and equal opportunity. These principles are fundamental to the establishment of this great Nation and the cornerstone of what other nations and other people consider unique to the United States—namely, the possibility for everyone to go as far as their talents and hard work will take them.

But as this report indicates, the American dream may not be as easy for some to pursue as for others. Indeed, while women and minorities make up over half the workforce, studies indicate that they hold less than 5 percent of senior management positions in big corporations—representing only a 2-percent increase since 1979.

While there is no right or correct number, and my opposition to any notion of quotas could not be stronger, you do not have to be a brain surgeon to deduce that something is wrong out there.

TIME TO MOVE GLASS CEILING LEGISLATION

Mr. President, in February, along with a number of my Republican colleagues, I introduced the Women's Equal Opportunity Act of 1991, which was referred to the Judiciary Committee.

Unfortunately, no hearings or other action has been scheduled on this important legislation which addresses such critical issues as sexual harassment in the workplace, street and domestic violence against women, and employment opportunities for those seeking access to management jobs and apprenticeship programs.

While I consider every piece of this comprehensive package to merit careful consideration and urge all of my colleagues to lend their support to its passage, today I am reintroducing that subtitle of the Women's Equal Opportunity Act dealing with the glass ceiling with the hope that this particular legislation can be moved on an expedited basis.

I am pleased to note that Senators KASSEBAUM, BOREN, HEFLIN, and SHELBY have joined the original cosponsors of the Women's Equal Opportunity Act as cosponsors of the Glass Ceiling Act.

GLASS CEILING ACT OF 1991

The legislation I am now reintroducing is both consistent with and builds upon the important work begun by the Department of Labor.

GLASS CEILING COMMISSION

It establishes the Glass Ceiling Commission which is provided with the resources and powers to fully examine those practices and policies in corporate America which impede the advancement of women and minorities.

That is where the word "glass ceiling" comes from. You get up so far, you bump up against this glass ceiling, and you cannot go any higher if you are a woman or a member of the minority group.

REPORT

This legislation also specifically charges the Commission with preparing a report for the President and Congress due 15 months after enactment, examining the reasons behind the existence of the glass ceiling and making recommendations with respect to policies which would eliminate any impediments to the advancement of women and minorities.

NATIONAL AWARD

Finally, Mr. President, this legislation provides for the establishment of the national award for diversity and excellence in American executive management to be made by the President on an annual basis to a business which has made substantial efforts to promote opportunities for women and minorities to advance to top levels.

SHATTER THE GLASS CEILING

Mr. President, whatever the reasons behind the glass ceiling, it is time we stopped throwing rhetorical rocks and hit the glass ceiling with enough force that it is shattered.

It is my firm belief, and my firm commitment, that by raising the national awareness of the existence of the glass ceiling from the assemblyline to the boardroom, by studying and better understanding why the glass ceiling exists, and what holds it up, and finally by having recommendations in hand as to how corporate America can break that ceiling, we will have ensured that everyone has access to the same employment opportunities.

Mr. President, I ask unanimous consent that the full text of the Glass Ceiling Act of 1991 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glass Ceiling Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in management and decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" undertaken by the Department of Labor, including the release of the report entitled "Report on the Glass Ceiling Initiative", has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the management and decisionmaking levels in the United States work force;

(B) the underrepresentation of women and minorities in line functions in the United States work force;

(C) the lack of access for qualified women and minorities to credential-building developmental opportunities; and

(D) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which management and decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artificial barriers to, the advancement of women and minorities to management and decisionmaking positions;

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities; and

(8) employment quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) PURPOSE.—The purpose of this Act is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills management and decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the management and decisionmaking levels in business.

SEC. 3. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) IN GENERAL.—There is established a Glass Ceiling Commission (referred to in this Act as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to management and decisionmaking positions in business.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 17 members, including—

(A) five individuals appointed by the President;

(B) three individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) CONSIDERATIONS.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold management or decisionmaking positions in corporations or other business entities; and

(C) possess academic expertise or other recognized ability regarding employment issues.

(c) CHAIRPERSON.—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) MEETINGS.—

(1) MEETINGS PRIOR TO COMPLETION OF REPORT.—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 4(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) MEETINGS AFTER COMPLETION OF REPORT.—The Commission shall meet once each year after the completion of the report described in section 4(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) QUORUM.—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code; and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 4. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO MANAGEMENT AND DECISIONMAKING POSITIONS IN BUSINESS.

(a) ADVANCEMENT STUDY.—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which management and decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the management and decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions; and

(C) compensation programs and reward structures utilized to reward and retain key employees.

(c) ADDITIONAL STUDY.—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

SEC. 5. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.

(a) IN GENERAL.—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) CRITERIA FOR QUALIFICATION.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmental experiences of women and minorities to foster advancement to management and decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) MAKING AND PRESENTATION OF AWARD.—

(1) AWARD.—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) PRESENTATION.—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(3) PUBLICITY.—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to management and decisionmaking positions.

SEC. 6. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. 7. CONFIDENTIALITY OF INFORMATION.

(a) INDIVIDUAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 4 and 5, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) CONSENT.—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the

business or employee, as the case may be, with respect to which the information is maintained.

(b) AGGREGATE INFORMATION.—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

SEC. 8. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act. The sums shall remain available until expended, without fiscal year limitation.

SEC. 10. TERMINATION.

(a) COMMISSION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this Act.

(b) AWARD.—The authority to make awards under section 5 shall terminate 4 years after the date of the enactment of this Act.

Mr. MCCAIN. Mr. President, I strongly support and am pleased to cosponsor the Glass Ceiling Act of 1991, introduced today by my esteemed colleague, Senator DOLE. Equality of opportunity for women and others has become a tenet of American law. However, it has become increasingly clear that, although equal opportunity and civil rights laws have allowed many to step on the workplace floor, a glass ceiling has stopped career advancement for minorities and women.

It is time to shatter the glass ceiling. American workers should be judged on merit, plain and simple. Mr. President, I can say it no more succinctly.

For too long we have stymied the growth and potential of many of our best and finest workers. For this shortsightedness, our Nation has suffered. I am proud that we are now trying to rectify this situation.

U.S. Department of Labor Secretary Martin stated that out of nine Fortune 500 firms studied by the Department last year, women comprised 37 percent of the work force but less than 5 percent of senior management. These figures cannot be justified.

Mr. President, I believe that it is important to recognize the existence of the glass ceiling and to shatter it. Further, I believe it is especially timely that this bill be introduced now.

The Glass Ceiling Act correctly focuses our attention on equality of opportunity and individual merit. It seems that lately our discussions on civil rights issues have turned to quotas and numbers and away from individual ability. Americans do not want quotas. They are inherently punitive in nature, serve to balkanize our society, and discourage excellence. By shattering the glass ceiling we achieve many of the goals of the 1964 Civil Rights Act and its call for colorblindness without any of the ominous quota language that has been circulated in the Congress in the past.

I applaud the Department of Labor for its efforts in this area and encourage the Department to move forward. When we ignore segments of our society such as women and other minority groups, we ignore potential business, increased tax revenues, and the brilliance these individuals can offer us all. As I have said in the past, we will all benefit by breaking this invisible barrier.

Mr. President, let us truly make opportunity, through all strata of society and business, equal. This bill is a good start in that direction, and I urge my colleagues to support it.

Mr. SEYMOUR. Mr. President, I am pleased to join with the distinguished Republican leader, Senator DOLE, and 16 of my distinguished colleagues to introduce the Glass Ceiling Act of 1991. While I am already an original cosponsor of S. 472, the Women's Equal Opportunity Act of 1991, the legislation being introduced today reaffirms my commitment, and makes clear my feelings concerning the advancement of women and minorities to upper level management positions in business.

We as a nation have long advocated the belief that Americans should have the opportunity to rise to the level that desire and talent will take them. Upholding this tradition has not been without struggle. A Civil War, four constitutional amendments, hundreds of State and Federal laws, and millions of determined Americans have torn down walls of hate and arbitrary discrimination. They stand as monuments of achievement, chapters of history to remind us that it has been a winning struggle, but one that still must be fought.

After generations of progress, there still exist numerous artificial barriers and variables that are systematically preventing talented women and minorities from climbing to the top rung of the corporate ladders in this country. Many of these barriers are of such a subtle nature that they are labeled "glass ceilings", practices that are invisible on the surface but real in their effect. Victims of the glass ceiling can see the executive suite, but they just can't get there.

In 1989, the Department of Labor, under the leadership of Elizabeth Dole, decided to throw a symbolic rock at corporate America, to see if a glass ceiling existed, and if so, how thick and effective was it as a barrier to advancement.

Sure enough, in a recently published report, the Department of Labor's rock struck glass. The report confirms that changing demographics have resulted in a growing number of women and minorities contributing to corporate America. Together, they represent approximately half of all jobs in the Nation's 1,000 largest corporations. However, they represent less than 10 percent of executive level positions. Other studies also have concluded that minorities and women have made modest gains in admission to the corporate penthouse over the past decade: from less than 3 percent in 1979, to less than 5 percent today.

More importantly, the Department of Labor has identified the primary ingredients of the glass ceiling. Based on its pilot study, the Department concluded that certain formal and informal practices of corporate culture—long believed to be effective in finding the best and the brightest minds—are working to systematically keep minorities and women in the back of the corporate bus. The "good ol' boy" network of employee referrals is one such practice found to have discriminatory results, as well as reliance on executive headquarters that fail to recruit talented minorities and women.

And, in some instances, advancement was stalled simply because corporations fail to give skilled minorities and women the opportunity to demonstrate their talents, making it difficult for these individuals to move up the corporate ladder.

Mr. President, how can any society struggling for supremacy in a growing global marketplace work to stifle opportunity for over half of its work force?

Surely, we don't mean to compete in a global economy with one hand tied behind our back?

Well, that is most certainly what we've been doing, and it will continue to happen unless we become more conscious of the talent that is tied down by the time-worn practices within our corporate culture.

Keeping America at less than its full strength is not a burden suffered by minorities and women. All Americans bear this burden of lost potential, of lost opportunity.

Today, by introducing the Glass Ceiling Act, we intend to break free from our self-imposed barriers to opportunity, and play the corporate market with both hands in operation.

The central element of the legislation we introduce today is the establishment of a glass ceiling commission. The commission would be charged with assisting the Labor Department and corporate America in a concentrated effort to shatter the glass ceiling once and for all. There is a time-honored saying that those who live in glass houses should not throw stones. Well, it'll be the motto of this commission that those who work under a glass ceiling should throw many stones.

The glass ceiling commission is meant to be a partner with business in dismantling discriminatory barriers, to serve as an adviser, rather than an adversary. After all, it is in the best interests of American business—it's in the best interest of all Americans—to take a close look at job advancement policies, and expand access for talented women and minorities. Business could only gain by expanding opportunity and diversifying its work force.

Finally, this legislation establishes an annual award for businesses that have excelled in promoting greater opportunities for all talented employees. Of course, the real rewards for such achievement will be seen on the balance sheet in the form of greater productivity and presence in the global marketplace.

In short, smashing the glass ceiling is not just good government, or even good public relations. It's good business.

In closing, Mr. President, I want to commend the Secretary of Labor, Lynn Martin, as well as her predecessor, Elizabeth Dole, for their determined efforts to take aim at the glass ceiling. By passing this legislation, we can further their achievements. But more importantly, we can draft another successful chapter in our continuing struggle to achieve a simple goal: equal opportunity for all Americans.

Mr. ROTH. Mr. President, today I am pleased to join with the distinguished minority leader in offering legislation to promote equal opportunity for women in the work force.

I commend Senator DOLE for taking the lead in seeking to smash the glass ceiling that prevents highly qualified women from achieving management positions. This is not just an issue of fairness to hard-working women seeking parity in the work force, though that is surely an important goal of the legislation. I believe this bill is about national survival as it involves taking a critical step forward in helping our economy become more competitive. Since women make up over half of our work force, it is imperative that they have access to the same opportunities as men to develop their maximum potential and increase our Nation's productivity.

A recent pilot project conducted by the Labor Department which investigated the glass ceiling in nine Fortune 500 companies revealed that while increasing numbers of minorities and women have made significant gains in entering the work force, slots for minorities and women in mid- and senior-level management positions remain scarce. Clearly, something must be done to change the way institutions develop and promote women and minorities to prevent them from having to tread water when they have the desire and ability to swim.

Following through on an initiative of former Labor Secretary Elizabeth Dole, this legislation establishes a glass ceiling commission to conduct a study on the advance and promotion of women and minorities to senior management and decisionmaking positions in the private sector. The commission envisioned in this legislation will help us to gain the knowledge and receive the necessary recommendations to encourage corporate strategies that eliminate the artificial barriers that have prevented women and minorities from forging ahead in their careers. In addition, the legislation will bring recognition to businesses which bring a progressive approach to their employment practices by establishing an annual national award for excellence in the advance of women and minorities in business.

I encourage my colleagues to seriously consider this bill. We cannot afford to stand by and allow the talents of individuals to go by the wayside due to entrenched practices of the past. Our strength as a nation depends greatly on the extent to which we provide individuals equal opportunities to achieve excellence regardless of their race or gender.

Again, I commend Senator DOLE for his leadership on this issue and urge all of my colleagues to support this effort to provide the equal employment opportunities for a significant part of our work force to succeed.

By Mr. BROWN:

S. 1712. A bill to provide an annuity to certain surviving spouses and dependent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978; to the Committee on Armed Services.

ANNUITY FOR CERTAIN SURVIVING SPOUSES OF MILITARY RESERVISTS

Mr. BROWN. Mr. President, today, I am introducing legislation to rectify inequities in the military survivor benefit plan [SBP] affecting widows of deceased military reservists.

More than 5,550 reservists who served our country for 20 years or more died between 1972 and 1978 without receiving a penny of the annuities their service had earned. Due to a quirk in the law, none of their surviving spouses received these benefits either.

Many Reserve members, who honorably served our country in combat during World War II, were called to active duty to fight again during the Korean War. These reservists made family and career sacrifices to serve our country a minimum of 20 years. Frequently, they served as long as 30 and almost 40 years.

A 1972 law allowed reservists to join the Reserve Components Survivor Benefit Plan. However, if these reservists died after attaining service eligibility, but before reaching age 60, their spouses could not receive any portion of the reservists' annuities. The law was changed in 1978 to correct this inequity, but it only applied to reservists who died after 1978. Therefore, eligible reservists who died during the first 6 years the program was in effect—1972–1978—and their survivors were left out.

My acquaintance with the plight of the forgotten widows of military reserve members has been through Mrs. Mary A. Barry, widow of Capt. Jeremiah J. Barry, U.S. Naval Reserve.

Captain Barry served a total of 30 years in the Navy on active and reserve duty, from 1943 to 1973. During World War II, Captain Barry was assigned to an aircraft carrier in the Pacific and fought in the Battle of Midway. After the war, he returned home and started his own business, only to be recalled to fight in Korea. In his absence, the business failed, and all of his family's savings were lost. Captain Barry served a total of 7 years on active duty in both wars. During this time, he received five Silver Stars and two Bronze Stars, among other citations.

After the Korean War, Captain Barry volunteered to remain in the Naval Reserves. He became commanding officer in the Air Intelligence Squadron in Chicago, IL, traveling at his own expense between his Reserve duty assignment and his home in Denver, CO. Through the years, he carried out his service duty in addition to his full-time positions as a statistician at McDonald-Douglas Aircraft and Martin-Marietta.

Capital Barry died in 1976, at the age of 56. He was survived by his wife and their three college-aged children. Captain Barry had met all of the requirements for survivor benefits for his family. His family received none of them, though, because of Captain Barry's death before age 60.

This bill would allow those "forgotten widows" of eligible Reserve service members or retirees who died during this period to receive a portion of the annuity. It applies to reservists who completed all requirements for retirement except living to age 60, who died during the 6-year period between September 21, 1972, and September 30, 1978.

In his Second Inaugural Address, Abraham Lincoln said, "Let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan." Let us not forget to care for survivors of the veterans who served this great Nation.

By Mr. LUGAR:

S. 1714. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; to the Committee on Agriculture, Nutrition, and Forestry.

SUPPORT FOR EMERGING DEMOCRACIES ACT

• Mr. LUGAR. Mr. President, today, I am introducing legislation that will make available to the peoples of the Soviet Union the unsurpassed expertise of American farmers and agribusinessmen. This bill creates a new system of fellowships that will permit American farmers and others in the agricultural sector to go to the former Soviet Union and work side by side with their counterparts to improve transportation systems, teach modern farming practices, instill market principles into food markets, and otherwise assist Russia and the other republics to make a long-term transition to democratic capitalism.

I propose this bill because we need additional legislative authority in order not only to help the Soviet people through the coming winter but to make certain that subsequent winters do not bring waste and want.

If the Soviet republics are to build a working, sustainable democracy, an improved agricultural sector is absolutely necessary. There has been much discussion about food aid and credit, and appropriately so. Indeed, the legislation I introduce today will lift a congressional cap on the amount of commodities that can be employed in an important agricultural development program. But the more significant part of this bill is the authority it provides to induce farmers and other private individuals to share their own experience and knowledge in a variety of areas—from farming to food distribution; from rail transportation to commodity trading.

I believe this new fellowship program will prove instrumental in encouraging the development of free markets and free institutions throughout the former Soviet Union. A necessary complement to the fellowship program is a second part of the bill, which lifts current legislative caps on the amount of Government-owned commodities that can be used in the Food for Progress Program in 1992. Unless the caps are lifted, the current program restrictions would permit us to assist Soviet enterprise in the coming year in only a very limited way.

Food for Progress allows U.S. commodities to be distributed within recipient countries, with the local-currency proceeds then used to develop the economies of these countries—in ways that mirror the needs of the struggling Soviet economy, and that will complement the expertise of the American farmers and agribusinessmen who participate in the Fellowship Program created in the first part of the bill.

Mr. President, events are moving rapidly throughout Eastern Europe and the Soviet republics. Passage of this legislation is urgently needed. I urge my colleagues to support it. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Emerging Democracies Act of 1991".

SEC. 2. SHARING OF UNITED STATES AGRICULTURAL EXPERTISE.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1522 note) is amended—

(1) in paragraph (d)(2) by adding the following new subparagraph:

"(C) by providing necessary subsistence expenses in emerging democracies and necessary transportation expenses of United States' farmers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging democracies."; and

(2) in paragraph (d)(9) by striking "$5,000,000" and inserting "$10,000,000".

SEC. 3. FOOD FOR PROGRESS.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in paragraph (f)(4) by inserting "in each of the fiscal years 1993 through 1995" after "this title"; and

(2) in subsection (g) by striking "1986 through 1995" and inserting "1993 through 1995".•

By Mr. KOHL:

S. 1716. A bill to amend section 1102 of title 11, United States Code, to permit governmental units to participate as members of committees of creditors and of equity security holders in chapter 11 proceedings; to the Committee on the Judiciary.

BANKRUPTCY EQUITY ACT

• Mr. KOHL. Mr. President, I rise to introduce legislation that is long overdue: The Bankruptcy Equity Act of 1991. This bill makes governmental units, such as public employee pension funds, eligible to be appointed by U.S. bankruptcy trustees to serve on creditor and equity holders committees.

Under present bankruptcy law, the U.S. trustee appoints committees of unsecured claim holders in chapter 11 reorganization cases. Ordinarily, the creditor and equity holders committees are composed of persons or institutions holding the seven largest claims of the kind represented by that committee. So, for example, an equity security holders' committee would be composed of those persons holding the seven largest amounts of equity securities. These committees have a broad range of powers to ensure their interests are protected during organization.

However, under the current Bankruptcy Code, virtually all governmental units are precluded from participating as voting members of these committees. Governmental units were evidently excluded on the mistaken assumption that they would always be creditors holding tax claims, which are accorded priority status of bankruptcy distributions.

This has not proven to be the case. Many governmental units, including state pension and retirement funds, do not receive priority status yet are not permitted to serve on creditor or equity holders committees. The unique interests of retirement funds, as long-term investors, are not represented by other creditor and equity holder committee members, who may have different goals or shorter investment horizons. Governmental units, and the public, are thus put at an unintended fiscal disadvantage.

Mr. President, this is not an academic issue. For example, the State of Wisconsin investment Board [SWIB] manages a $22 billion retirement fund for over 360,000 public employees. SWIB, like all large institutional investors, occasionally finds itself involved in a bankruptcy. However, because SWIB is a State agency, it is at a severe disadvantage. Even when it was the largest outside shareholder in a bankrupt company, it was denied a voting position on the equity holders committee. The economic impact of its disenfranchisement may be borne not only by public employees, but also by the taxpayers of Wisconsin who are ultimately liable for the underlying pension obligations.

The legislation I introduce today would allow SWIB and similar governmental units—those which do not currently receive priority status—to serve on these committees, as long as they meet all other appropriate criteria. It would not give governmental units any special treatment; instead it would simply lift an unintended burden they presently shoulder.

Mr. President, I and many of my colleagues have expressed concerns over the events in Bridgeport, CT, which this June became the first municipality ever to file for chapter 9 bankruptcy. I want to assure them that the legislation I am introducing today does not effect this complex and troubling issue.

Mr. President, I urge my colleagues to support this legislation, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTICIPATION BY GOVERNMENTAL UNITS IN COMMITTEES IN CHAPTER 11 PROCEEDINGS.

(a) AMENDMENT OF BANKRUPTCY CODE.—Section 1102(b) of title 11, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) A governmental unit that holds a claim or interest other than or in addition to a claim described in section 507(a)(7) shall be deemed to be a person eligible to be appointed to a committee of creditors or committee of equity security holders under this section.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall be effective with respect to reorganization proceedings that are pending on and after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 101(41) of title 11, United States Code, is amended by striking "unit," and all that follows through the period and inserting a semicolon.•

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. REID, Mr. BURDICK, Mr. DECONCINI, and Mr. AKAKA):

S. 1717. A bill to amend the Native American Programs Act of 1974; to the Select Committee on Indian Affairs.

NATIVE AMERICAN PROGRAMS ACT OF 1974 AMENDMENTS ACT

• Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize and amend the Native American Programs Act of 1974. In introducing this bill, I thank my co-sponsors, Senator MCCAIN, the vice-chairman of the Select Committee on Indian Affairs, and Senators SIMON, WELLSTONE, MURKOWSKI, REID, BURDICK, DECONCINI, and AKAKA, all of whom are members of the Select Committee.

The Native American Programs Act is administered by the Administration of Native Americans in the Department of Health and Human Services. It is a small agency within that Department, and its budget is not large, but each year nearly 150 tribal governments and Native American organizations rely upon its programs for the opportunity to initiate projects that will move Native Americans increasingly toward self-sufficiency.

There are now nearly 2 million Native Americans, about half of whom are citizens of or participants in over 550 tribal governments or Native American organizations. Although many American Indians hold important positions in business, the professions, and government, most American Indians live where economic opportunities are limited and where unemployment levels are very high. By all indicators of social and economic wellbeing, Indians and Alaska Natives are among the lowest ranking of any group in America.

Effecting sustained improvements in these social and economic circumstances, by responding to initiatives of tribal governments and other Native American organizations, is the goal of the Native American Programs Act. Among other things, the bill I introduce today reauthorizes the act through 1996. Matching grants will continue to be awarded on a competitive basis to tribal governments and other native American organizations to strengthen tribal governments and community control over resources; to foster stable, diversified local economies and to reduce dependency; and to support access to and coordination of programs to advance the well-being of native communities.

Mr. President, this is a governmental program that is finding substantial success in achieving its goals. There was abundant testimony of its successes in April of this year when the Select Committee on Indian Affairs conducted an oversight hearing on the reauthorization of the program. At the hearing, the committee also received recommendations for changes in the basic legislation, and, in large measure, these have been incorporated in the bill.

Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Programs Act of 1974 Amendments Act".

SEC. 2. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended as follows:

(1) immediately after section 803A, insert the following new section:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Office of the Secretary the Administration for Native Americans (hereafter in this title referred to as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (hereafter in this title referred to as the 'Commissioner'). The Administration shall be the agency for carrying out the provisions of this title. There shall be a direct reporting relationship between the Commissioner and the Secretary.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities described in this title;

"(2) serve as the effective and visible advocate in behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary; and

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing a biennial report to the Congress about such conditions.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs, which shall be headed by the Commissioner. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties defined in this section, the Council shall, within 180 days following the date of the enactment of the Native American Programs Act of 1974 Amendments Act, prepare a plan to allow tribal governments and other eligible Native American organizations to consolidate grants administered by the Department of Health and Human Services and to designate a single office to oversee and audit the grants, and to recommend such plan to the Secretary for implementation. Notwithstanding any other provision of law, the Secretary, in order to accomplish the purpose of this section, shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the department.

"(e) ADMINISTRATION.—The Secretary shall assure that adequate staff and administrative support is provided to carry out the purposes of the Act. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the purposes of the Intra-Departmental Council on Native American Affairs, the additional reporting requirements established, and the staffing levels previously maintained in support of this program.";

(2) in section 803, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner", and in the first sentence thereof, delete "Indian organizations" and insert in lieu thereof "Indian and Alaska Native organizations";

(3) in section 803A, delete "agency or organization to which a grant is awarded under

subsection (a)(1) of this section" each place it appears therein and insert in lieu thereof "Office";

(4) in section 803A, delete "agency or organization" each place it appears therein and insert in lieu thereof "Office";

(5)(A) in section 803A, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(B) in section 803A(a)(1), delete "one agency of the State of Hawaii, or to one community-based Native Hawaiian organization" and insert in lieu thereof "the Office of Hawaiian Affairs of the State of Hawaii (hereafter in this section referred to as the 'Office')";

(6) in section 803A(a)(1), delete "5-year";

(7) in section 803A(a)(1)(A), delete "agency or Native Hawaiian organization" and insert in lieu thereof "Office";

(8) in section 803A(a)(2), insert the following immediately before the period at the end thereof: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(9) section 803A(b)(6) is repealed;

(10) in section 803A(f)(1), delete "and 1990 the aggregate amount $3,000,000" and insert in lieu thereof "1990, 1991, 1992, 1993, and 1994 the aggregate amount $5,000,000";

(11) section 803A(f)(3) is repealed;

(12) section 803A(g) is amended to read as follows:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following the end of each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(13) amend section 804 to read as follows:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements (1) technical assistance to the public and provide agencies in planning, developing, conducting, and administering projects under this title, (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title, and (3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(14) in section 805, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(15) Immediately after section 805, insert the following new section:

"ANNUAL REPORT

"SEC. 805A. The Secretary shall prepare an annual report to the President pro tempore of the Senate and the Speaker of the House of Representatives on the social and economic conditions of Native Americans who are within the scope of this title, together with such recommendations to the Congress as are appropriate, and such report shall accompany the President's budget at such time as it is transmitted to the Congress.";

(16) in section 806, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(17) in section 807, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(18) in section 808, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(19) in section 809, delete "Secretary" and insert in lieu thereof "Commissioner";

(20) in section 810, delete "Secretary" and insert in lieu thereof "Commissioner", designate the existing text as subsection (a), and add at the end thereof the following new subsection:

"(b) An organization whose application is rejected on the grounds that it is an ineligible organization or that activities it proposes are ineligible for funding may appeal to the Commissioner for a review of such determinations, but must do so within 30 days of receipt of notification of such ineligibility. On appeal, if the Commissioner finds that an organization is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(21) in section 811, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(22) immediately after section 812, insert the following:

"STAFF

"SEC. 812A. Professional staff employed by the Administration shall be required to have knowledge of social and economic conditions characteristic of the intended beneficiaries of this title. Consistent with this requirement, the Commissioner is authorized to extend employment preference to Native Americans.";

(23) section 813 is amended to read as follows:

"ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(24) in section 816(a), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996";

(25) in subsections (a) and (b) of section 816, delete "and 803A" and insert in lieu thereof a comma and "803A, 804, subsection (e) of this section, and such other programs as are identified by the Congress for specific funding";

(26) in section 816(c)(1), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996"; and

(27) section 816 is amended by adding at the end thereof the following new subsection:

"(e) For fiscal year 1992, there are authorized to be appropriated such sums as may be necessary for the purpose of continuing the development of a detailed plan, including the conduct of contributory research demonstration projects, for the establishment of a National Center for Native American Studies and Indian Policy Development. Such plan shall be delivered to the Congress no later than 90 days after the convening of the Second Session of the One Hundred Second Congress.".

Section-by-Section Analysis of a Bill to Reauthorize and Amend the Native American Programs Act of 1974

Section 1. Short Title. This Act may be cited as the "Native American Program Act of 1974 Amendments Act."

Section 2. Amendments

ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

New Sec. 803B (a) establishes in the Office of the Secretary of Health and Human Services the Administration for Native Americans to be headed by a Commissioner; (b) requires appointment by the President and approval by the Senate; (c) defines the duties of the Commissioner to include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department, and compilation of information for the Secretary's annual report on social conditions of Native Americans.

Subsection (d) of this new section establishes within the Secretary's Office the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department. In addition to duties described above, the Council, of which the Commissioner would be chairman and the Director of the Indian Health Service would be co-chairman, would, within 6 months of enactment of this Act, develop a plan to allow tribal governments to consolidate grants from the Department to allow oversight by a single office and to recommend such plan to the Secretary.

Subsection (e) of this new section requires that the Secretary assure that adequate staff and administrative support is provided to the Administration to meet responsibilities described in this legislation.

Subparagraph (2) amends section 803(a) to clarify that Alaska Native organizations in urban or rural nonreservation areas, as well as Indian organizations, are eligible for financial assistance.

NATIVE HAWAIIAN REVOLVING LOAN FUND

Sec. 803A of the Native American Programs Act is amended by identifying the Office of Hawaiian Affairs of the State of Hawaii as the revolving loan fund recipient, by ending the prohibition against loans after a 5-year period, by authorizing the Native Hawaiian revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal requirements of the 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

TECHNICAL ASSISTANCE AND TRAINING

Section 804 of the 1974 Act is amended by requiring the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

ANNUAL REPORT

Section 805A requires the Secretary of Health and Human Services to report annually to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

APPEALS

Subsection (b) in section 810 provides for Secretarial review of a Commissioner's finding that an organization or proposed activity is ineligible for funding.

STAFF

Section 812A authorizes the Commissioner to extend employment preference to Native Americans, based upon the requirement that staff of the Administration have a knowledge of social and economic conditions among Native Americans.

ADMINISTRATION

Section 813 is amended, repealing existing delegation of authority and restrictions on such delegation in Section 813 of the current act, preserving only the language that allows interagency agreements and making conforming changes in that paragraph.

APPROPRIATIONS

Section 816(a) is amended, extending the authorization of "such sums as may be necessary" for the social and economic development grant program through 1996.

Sections 816 (a) and (b) are amended to exempt costs of technical assistance, funding for the establishment of a National Center for Native American Studies and Policy Development, and such other programs as are identified by the Congress for specific funding from the requirement that 90 percent of the funds appropriated be made as grants for social and economic development grants.

Section 816(c) is mended, extending the authorization of $500,000 for the purpose of providing financial assistance to other Native American Pacific Islanders through 1996.

Section 816(e) authorizes such sums as may be necessary for the purpose of continuing the development of a plan, including contributory research demonstration projects, for establishment of a National Center for Native American Studies and Indian Policy Development and requires the delivery of the plan to the Congress 90 days after the second session of the 102d Congress convenes.●

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 98

At the request of Mr. PRESSLER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989.

S. 284

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. GORE], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 567

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 995

At the request of Mr. GORE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 995, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes.

S. 1010

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1139

At the request of Mr. DOLE, his name was added as a cosponsor of S. 1139, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 1146

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1146, a bill to establish a national advanced technician training program, utilizing the resources of the Nation's two-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced-technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1381

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1420

At the request of Mr. COCHRAN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Mississippi [Mr. LOTT], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1420, a bill to amend the Community Reinvestment Act of 1977 to reduce onerous recordkeeping and reporting requirements for regulated financial institutions, and for other purposes.

S. 1423

At the request of Mr. DODD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1426

At the request of Mr. BUMPERS, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1503

At the request of Mr. NUNN, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1503, a bill to amend the Higher Education Act of 1965 to provide more stringent requirements for the Robert T. Stafford Student Loan Program, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month".

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Resolution 178, supra.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

DIXON (AND SIMON) AMENDMENT NO. 1139

(Ordered to lie on the table.)

Mr. DIXON (for himself and Mr. SIMON) submitted an amendment intended to be proposed by him to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 68, immediately after line 5, insert the following:

None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois: *Provided*, That, with respect to the hardwood timber of the Shawnee National Forest, Illinois, none of the funds in this Act shall be used to administer timber sales that involve clearcutting or other forms of even-aged management, including any such timber sales under contracts entered into prior to fiscal year 1992: *Provided further*, That the Forest Service shall conduct a below cost timber sales test on the Shawnee National Forest, Illinois, in fiscal year 1992.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

SARBANES (AND MIKULSKI) AMENDMENT NO. 1140

Mr. SASSER (for Mr. SARBANES, for himself and Ms. MIKULSKI) proposed an amendment to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, as follows:

At the end of the bill insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by Section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres provided that they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

DOLE (AND KASSEBAUM) AMENDMENT NO. 1141

Mr. DOLE (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2426, supra, as follows:

On page 3, line 25, strike the number and insert in lieu thereof "$967,570,000".

On page 4, line 2, strike the number and insert in lieu thereof "$65,200,000".

On page 9, line 2, strike the number and insert in lieu thereof "$163,883,000".

On page 9, line 4, strike $978,983,000 and insert in lieu thereof "$991,283,000".

GARN AMENDMENT NO. 1142

Mr. GARN proposed an amendment to the bill H.R. 2426, supra, as follows:

At the appropriate place insert:

SEC. . (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is listed on the National Register of Historic Places, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1992

ADAMS (AND INOUYE) AMENDMENT NO. 1143

Mr. SASSER (for Mr. ADAMS, for himself and Mr. INOUYE) proposed an amendment to the bill (H.R. 3291) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 3 at line 16, strike "$9,500,000" and insert "$9,250,000".

On page 13 at line 20, strike "$875,033,000" and insert "$874,783,000".

On page 4 after line 11 insert:

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

For the construction and renovation of the George Washington University Medical Center, $250,000, pursuant to Trauma Care Systems Planning and Development Act of 1990 (Public Law 101-590; 104 Stat. 2929), together with $16,750,000 to become available October 1, 1992, $16,500,000 to become available October 1, 1993, and $16,500,000 to become available October 1, 1994: *Provided*, That any funds appropriated under this head pursuant to section 6(e) of the Trauma Care System and Development Act of 1990 shall not be in excess of the amount allocated under section 602(b) of the Congressional Budget Act of 1974, as amended, to the Subcommittees on the District of Columbia of the Committees on Appropriations of the Senate and House of Representatives required to provide for the Federal Payment, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, (87 Stat. 774, Public Law 93-395, as amended) and the Federal Contribution to retirement funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122, as amended).

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has changed the date for the full committee markup of S. 1426, the Small Business Economic Enhancement Act of 1991. The markup will be held on Tuesday, September 24, 1991, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball or Patty Forbes of the Small Business Committee staff at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 16, 1991, at 9 a.m. to hold a confirmation hearing on Robert M. Gates to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE OF FINANCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy, of the Committee of Finance be authorized to meet during the session of the Senate on September 16, 1991, at 10 a.m. to hold a hearing on child support enforcement.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, September 16 at 9:30 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTERNATIONAL WEEK OF PEACE

• Mr. AKAKA. Mr. President, I rise today to recognize the International Week of Peace. From September 15 to September 21, 1991, the Performing and Fine Artists for World Peace will host, in Hawaii, the first International Week of Peace.

The goal of the International Week of Peace is to broaden our perception of what peace signifies. Peace is more than freedom from war; it is being in harmony with each other; it is understanding the diversity of cultures and ideas, and it is recognizing that we all share the same precious environment.

The Performing and Fine Artists for World Peace are dedicated individuals working to "bring the concept of peace to the grassroots level." Their belief is simple: One person can make a difference, in the community and in the world.

The late Senator Spark Matsunaga devoted his life's efforts to the impassioned pursuit of world peace. His relentless perseverance resulted in the foundation of the U.S. Institute of Peace, a preeminent organization whose goal is to further international understanding and cooperation. Spark must be pleased to see the fervor with which so many citizens of the world are continuing his legacy.

President Nixon once said, "It is not enough to be for peace. The point is, what can we do about it." We can and should contribute by getting involved, making the difference. Let us take the first step during this international Week of Peace to reinvigorate our commitment to work toward greater consonance among ourselves, because only then can we productively work toward greater international accord.

Mr. President, tomorrow, September 17, 1991, will be International Day of Peace. I ask my colleagues to take a moment of silence to honor the travails and sacrifices of all those who have given so much of themselves so that the world may one day be a place of full and enduring peace.•

TRIBUTE TO SOUTHEASTERN KENTUCKY

• Mr. MCCONNELL. Mr. President, as we delve into the busy fall season and the yearend crunch to pass appropriations bills and other measures, I would like to recount an extraordinary experience shared by me and my staff.

For several years, we have held annual staff retreats in Washington, bringing our Kentucky-based staff up here for a weekend of meetings. These sessions give all of us in the office an opportunity to exchange ideas and set priorities so that we can better serve our constituents.

This year we took a different tack. My D.C. staff rode on a bus 600 miles to Corbin, KY. Down Interstate 81 through Virginia to Knoxville and up Interstate 75, the drive itself was an adventure—highlighted by a harrowing shortcut on Highway 421 where tour buses are rare. Their final destination, Cumberland Falls State Park in McCreary and Whitley Counties, exemplifies the rugged beauty of eastern Kentucky. Upon arrival, all passengers agreed the drive was worth it.

Anyone who has been to southeastern Kentucky will know the trip was its own reward. As a traveler's guide noted: "In a time when we are too often weary from the hurry and stress of our days, Kentucky is a land where we can still escape to the peace of the great ourdoors."

We had a busy series of business meetings that focused on constituent services, legislative priorities, projects, and correspondence. Nevertheless, we managed to visit the Big South Fork National River and Recreation Area and take a journey on the Big South Fork Scenic Railway from Blue Heron, formerly a coal company town, 6 miles up through a gorge.

We also saw beautiful Laurel Lake, located in the midst of the Daniel

Boone National Forest. Laurel Lake is a mecca for water sports enthusiasts, campers, and hikers. It is also good therapy for anyone working on Capitol Hill.

While the raw natural beauty of southeastern Kentucky is extraordinary and beyond description, it is the residents of the area who are its greatest resource and were the highlight of our visit. The warm friendliness of these Kentuckians is legendary. Their courage and tenacity through often rough times has been fodder for many documentaries. Yet, to truly appreciate the hospitality and courage of the region, one has to go there.

Upon hearing that we would be in the area, a number of talented musicians put together a wonderful presentation of their impressive musical skills. It was an unexpected treat that was one of the most heartwarming experiences any of us have ever had. The performances were a tribute to the immense talent within this region that is a source of great pride and enriches us all.

It is my great pleasure to extend our warmest regards and appreciation to these people who gave us the most generous gift—an unforgettable hour sharing their talent. These performers are Stephen Lowe, a pianist currently attending Corbin High School; Valerie Graham, an excellent singer and student at North Laurel Junior High School; JoAnne Thomas, an impressive soloist and native of Leslie County; Edith Ely, a member of the Patriot Trio and resident of Corbin; Brenda Daniel, a member of the Patriot Trio and teacher at Corbin High School; and the Corbin High Dance Team.

I would like to pay special tribute to the Corbin High Dance Team and its directors, Judy Jackson and Betty Surmont. In 1990, the team placed ninth nationally. Truly astounding is the fact that these young women have achieved national prominence after only 3 years of existence as a team and simultaneously maintaining a 3.5-grade point average.

Finally, my deep gratitude to Janie Catron and Jann Nelson for their hard work in making the trip a success.

While we completed our agenda of meetings and memos, perhaps the most significant benefits of the trip were intangible. The people of this region captivated us with their generosity and kindness. The natural beauty of the vast wilderness, mountains, rivers, and lakes, humbled and inspired us.

Mr. President, it was with regret that we left Kentucky but it is with great pride and determination that we return to our Nation's Capitol to work for the Commonwealth and its uncommon people.●

JAPAN-AMERICA STUDENT CONFERENCE

●Mr. ADAMS. Mr. President, this summer marked the 57th anniversary of an exceptional cross-cultural program, the Japan-America Student Conference. Each summer, 40 university students from Japan and 40 from the United States receive an intensive introduction to the values and behaviors of another culture and engage in a stimulating exchange of ideas. Over the past half century, the conference has proven to be an extraordinary program of cultural understanding, and today I salute the founders, participants, and sponsors who have insured both the survival and excellence of this program.

Many features distinguish the conference from the exchange programs which have proliferated in recent years, but two attributes in particular merit special attention. The first unique quality has to do with the origin and operation of the program.

The conference was conceived and completely planned by a group of Japanese university students distressed at the deteriorating relations between the two countries. An initial mission of four student emissaries visited American college campuses in early 1934, starting with the University of Washington. They encountered similar enthusiasm on the part of American students, 77 of whom returned the visit to Japan to begin the first conference. Though their efforts at peacemaking failed, they had begun a project that continued through 1940 and resumed activities in 1947. Though some years the conference was not held, it is now continuing on a regular basis and this year marks the 43d conference.

Although fiscal realities have compelled the students to turn over some program activities and the fundraising to the nonprofit JASC, Inc. organization, the students still completely plan and stage the actual conference. Such resourcefulness and independent initiatives are not only gratifying, they are an important reminder that our young people can indeed identify a problem and tackle it with an energy and freshness too often lacking in those with more experience.

Yet another noble feature of the conference is its content. Unlike most exchange programs which emphasize lessons in cultural understanding and language fluency, the conference goes further by engaging the participants in intense discussions of the critical, often controversial, issues of the day. The students do acquire an overview of the other culture, but of greater importance they must confront what may be significantly different viewpoints and thinking processes. The clash of ideas occurring in an arena of radically different cultures that can result from such a conference can lead to a level of understanding that is essential for international cooperation. The conference builds leaders for tomorrow, and from this particular experience, these leaders gain a knowledge and skill in intercultural communication which will eventually prove beneficial to the people of both nations. The roster of those from past conferences who have gone on to make significant contributions in fields of international relations, academia, and business is impressive indeed.

Throughout its nearly 60 years of existence, the Japan-America Student Conference has operated with a modest budget and a low profile, yet it is often the quiet, unassuming program which effects the significant advances for human relations.

I am proud of the role the State of Washington has played in this drama: It was at the University of Washington that the student emissaries from Japan first encountered American students. The response was so enthusiastic that the visitors were encouraged to take their invitation to other universities in the United States. Since that date, the University of Washington has been host to the entire delegation on two occasions and frequently is the site for the predeparture orientation for the American delegation going to Japan. Student participation from Washington universities has always been strong—at least one a year for the past decade. This year three participants are from universities in Washington State, and the chairman of the American delegation is a native of Seattle.

In July of this year, 40 American young people from universities throughout the country met in Seattle for a 3-day orientation program. From there, they went to Japan to join 40 Japanese university students for the 43d conference. I commend the Japan-America Student Conference and those who are responsible for its continuance and encourage them in their efforts toward promoting international tolerance and understanding.●

AMENDMENT NO. 1136

● Mr. GORTON. Mr. President, I rise today to briefly discuss my amendment to the Interior appropriations bill which was accepted by Mr. BYRD, the distinguished chairman of the Appropriations Committee. This amendment, cosponsored by Senator ADAMS, provides full funding for the purchase of a beautiful, scenic, and ecologically important piece of land called McGlynn Island. This land lies at the confluence of the North Fork of Skagit River and the Swinomish Channel in Washington State.

This property is adjacent to the Swinomish Tribe's reservation but is privately owned. The land provides a critical link between the Skagit Bay Wildlife Refuge and the Padilla Bay National Estuarine Sanctuary. By purchasing this land and saving it permanently from future development, the land will remain prime breeding, roosting, and nesting ground for various species including bald eagles.

Beyond providing a wildlife sanctuary, the land also supports a unique mix of mature madrona and Douglas fir forests. The land provides an undisturbed examples of native grassland type of heritage quality rarely found in other areas of the State.

I thank the Interior Appropriations Committee, and my distinguished colleague and chairman of the committee, Mr. BYRD, for accepting my amendment. Also, I urge the committee to retain full funding for the purchase of the property in conference.•

TRIBUTE TO ELIZABETHTOWN

• Mr. McCONNELL. Mr. President, I would like to make a few comments about Elizabethtown, a small, but highly frequented town in central Kentucky.

Distinctive from many other small towns in Kentucky, Elizabethtown is traversed by tourists as well as travelers. Due to this continual flow of people through the town, Elizabethtown has become known as the hub city of Kentucky. It is said by residents that while traveling Kentucky, "either you go through Elizabethtown, or you take the long way."

Many residents, including the mayor, are not originally from Elizabethtown, yet they are exceedingly proud of what they now call their town. These people chose to live there, so when they say how proud they are of their city, it means something. However, not everyone born in Hardin County has remained. For instance, Abraham Lincoln was born in a small part of the county, but later moved away. Nevertheless, Elizabethtown has always been a temporary stopping point for people. Both James Buchanan and Spiro Agnew made Elizabethtown their home during their stays at Fort Knox.

Although Elizabethtown has grown into a small metropolitan area, the residents do not seem to mind. "I used to know everyone in town," said resident Edith Dupin, "and now I don't, but I speak to everybody anyway." This is just a small example of how welcome change is in this town.

Why do people take pride in being from Elizabethtown? Because they are able to enjoy the comforts of a small town without feeling that they have lost touch with the rest of the world. They truly do enjoy being the hub of Kentucky.

Mr. President, I would like to insert the following Elizabethtown article from the Lousiville Courier-Journal into the RECORD.

The article follows:

[From the Louisville Courier Journal, Sept. 9, 1991]

ELIZABETHTOWN: OPEN THE MAP AND THROW A DART—GOOD CHANCE YOU'LL HIT PLACE CALLED "HUB CITY"

(By Beverly Bartlett)

Chances are, you know the place.

You bought gas there on your way to or from Louisville. Or you had a hamburger there on your way to Paducah. Maybe you stopped to fill the cooler with ice on your way to Mammoth Cave or Nashville. Or had the oil checked on your way to Lexington. You spent the night there—local people hope—while visiting a son or a daughter at Fort Knox.

If you have ever traversed Kentucky, the chances are good you either went through Elizabethtown or took the long way.

Hub city they call it. The Heartland of the state.

"You can open the Kentucky map and close your eyes and throw a dart and I guarantee you're going to hit Elizabethtown," said Nancy Hubbard, executive director of the Elizabethtown Visitors and Information Center.

That would not necessarily win you any dart tournaments. The state's geographic bullseye lies somewhere in Marion County. But chances are, you've never been to Marion County. It's relatively hard to get to, unlike Elizabethtown, which sets at the intersection of Interstate 65 and the Western Kentucky and Blue Grass parkways.

And it's convenient in more ways than one. This is a town of 18,167 with three McDonalds and two Hardees—not to mention a Wendy's, a Long John Silver's, a Burger King, a Captain D's, a Taco Bell and a . . . well, you get the picture.

There are more than 1,000 hotel rooms in the city that is commonly known as E-town. And this is not one of those Kentucky towns fretting about the mixed blessings of the arrival of a Wal-Mart. It has a Wal-Mart and a Kmart, a Rose's and a Lowe's—and the people talk instead about the mixed blessings of a 51-store, 404,000-square-foot indoor mall.

Listen to how casually people here embrace change.

"I used to know everyone in town," said Edith Dupin, executive vice president of the Elizabethtown/Hardin County Chamber of Commerce. "And now I don't, but I speak to everybody anyway."

"I just think it's a little metropolitan area, really," said Joel Cyganiewicz, the former coach of a local swim club who helped lure the 1991 Masters Long Course Championships and its 750 participants to Elizabethtown this year—despite competition from big cities. "I think it's a very upbeat community in a lot of ways."

This is not the kind of pride born in some small towns, those whose residents never left because they love it, but love it just because it's always been home.

Consider Cyganiewicz, the mayor, the county judge-executive and the industrial-foundation president—a former mayor for whom the community center is named: None of them was born in Elizabethtown. So when they say that they're proud of this city, or that they love it, it means something. They chose to come here. They chose to stay.

Not everyone has done so. Plenty of people, by choice or otherwise, have left Hardin County. Abraham Lincoln, who was born in a part of Hardin County that has since became LaRue County, was neither the first nor the last. They city claims to have been a temporary stopping point for many important and famous people, from James Buchanan, 15th president of the United States, to Spiro T. Agnew, the vice president who resigned under Richard Nixon. He was one of thousands who made the area their home during a stint at Fort Knox.

And anyone who takes the free summer walking tour through downtown on a Thursday evening meets several other people who've passed through.

Local volunteers play Jenny Lind, a famous singer of the 1800s who spent a night in Elizabethtown in 1851; Sarah Bush Johnston, the second wife of Lincoln's father and therefore possibly the most famous stepmother in history; Phillip Arnold, who got rich and infamous in the mid-1800s selling interest in a diamond mine that did not exist; Carrie Nation, the fiery temperance worker who was struck in the head with a chair, twice, by a local tavern owner (she proudly proclaimed it the first time she had ever shed blood for her cause); and Gen. George A. Custer, who was once stationed in Elizabethtown with a battalion of the 7th Cavalry.

True to Elizabethtown's habit of doing small-town things in a big-city way, the characters are all convincingly acted by volunteers, who for the most part even look like the characters they're playing. Custer has long, curly blond hair. Nation has a stocky build and a stern mouth and comes around a corner bleeding to tell of her assault.

But those taking the walking tour do not meet Custer's wife, Elizabeth, who once wrote a letter describing the town as "the stillest, dullest place. No sound but the Sheriff in the Court House calling 'Hear ye' three times as each case comes up. The most active inhabitant of the place is a pig."

The pig wouldn't be top dog anymore.

Elizabethtown is nothing if not an active place. Dixie Avenue, which links the city to Radcliff and then moves on through southwestern Jefferson county, is such a busy place that former Mayor and industrial-foundation President J. R. Pritchard describes it as the "narrowest four-lane highway" in the state.

And the bright lights and big signs of the Dixie, as it's affectionately called, are challenged by the similar development around the interstate and parkway interchanges. And there is this constant movement in other circles as well.

The county is building an $11 million, five-story addition to Hardin Memorial Hospital, which will include a radiation oncology center, a larger emergency room and outpatient surgery facilities.

The Elizabethtown Industrial Foundation is building its first shell building to help attract new industry, a take it first undertook when it was founded in 1956—about when the Kentucky Turnpike opened.

That road, which eventually evolved into Interstate 65 and now has six lanes to Louisville, was derided by former Gov. A. B. "Happy" Chandler as a "toll road to start nowhere and end nowhere." It drained parts of the business community as people breezed up to Louisville in less than an hour to shop.

But the new roads have also meant that people from Hodgenville and Bardstown and Leitchfield and Munfordville can breeze into Elizabethtown to shop. Or to work. Or to eat. More than many Kentucky communities its size, Elizabethtown does have a metropolitan kind of feel.

This is where people from several counties come to study at Elizabethtown Community College, or to be treated at Hardin Memorial Hospital or to shop at the Towne Mall. "We are truly a regional area," said Jim Roberts, president of the chamber and owner of Omni Personnel.

And Elizabethtown does not shy away from promoting the communities around it. Although the country ranks fifth in tourism receipts—due largely to the hotels on the interstate—a recent Elizabethtown promotion on the side of a tractor-trailer truck listed only one Elizabethtown attraction among the four tourist spots mentioned.

Abraham Lincoln's birthplace in Hodgenville and Fort Knox's Patton Museum and Gold Vault Depository were listed along with the Coca-Cola Museum, which is in Elizabethtown and is billed as the largest privately owned collection of Coca-Cola memorabilia.

And within the county, community leaders are working together more than ever through the formation of a 2010 Committee that includes Mayor Pat Durbin, County Judge-Executive Glenn Dalton and the mayors of three other Hardin County towns.

The committee means the group carries more weight when asking the state for funds for projects, and the monthly meetings encourage cooperation, Dalton and Durbin said.

"Instead of pulling apart, we're pulling together," Dalton said.

Fort Knox contributes to the urban nature. Many soldiers live in Hardin County; Though their presence is most widely felt in Radcliff, which in the 1990 census surpassed Elizabethtown as the largest city in the County, Army camouflage is no rare sight in Elizabethtown. It also has a large contingent of retired military officers, Pritchard is among them.

Fort Knox "has given us a flavor of being a little more urban because we have had exposure to cultures all over the world," Durbin said.

But the tie to Fort Knox also means the local economy is tied to world events and the whim of the Pentagon. City leaders are scrambling to replace Electronic Data Systems, an employer of 110 that was lost about a year ago when the military decided to stop contracting that work out locally.

And the city rides a roller coaster of emotions as the military strives to restructure itself. The number of civilian employees at the post has been drastically cut in the past few years, but parts of the post stand to grow as units from Europe and closed posts in other parts of the country are redeployed locally.

And the city seems ready to ride out the changes, if the "Editor's Hotline" is any indication. The local daily paper, The News-Enterprise, prints the comments readers leave on an answering machine. This "hotline" frequently includes comments from people concerned about changes at Fort Knox, but also about the perils and pleasures of being a dry county or the annoyances of cruising teen-agers, or whether or not it's a sin for women to cut their hair.

No one thing, it seems, preoccupies the minds of residents. It is not purely a farming community or completely an industrial community. It is not a military community, like Radcliff, or a largely tourism-based town like Bardstown.

"I think we're a blend," Durbin said. "That's what makes us unique. We're not into one particular niche."

Population: Elizabethtown, 18,167; Hardin County, 89,240.

Per capita income: (Hardin County, 1988) $12,193, $637 below the state average.

Media: Newspapers—The News-Enterprise (daily except Saturday); Hardin County Independent (weekly), Radio—WASE-FM (105.5), light rock and oldies; WIEL-AM (1400), oldies; WKMO-FM (106), country; WQYE-FM (100.1) adult contemporary, Out-of-town cable-television offerings—About 40 channels are available, News programs from Louisville, Lexington, Cambellsville, Bowling Green, Chicago and Atlanta are included.

Big employers: Crucible Materials Corp, and Crucible Magnetics Division, 596; AP Technoglass, 560; Gates Rubber Co., 521.

Jobs: (Hardin County, 1989) Total employment, 24,000. Manufacturing, 4,761; wholesale/retail, 7,423; services, 4,115; government, 4,130; contract construction, 1,283.

Transportation: Air: Addington Field, four miles west of Elizabethtown, airport charter service, but no regular airline schedule, Rail; CSX Transportation and the Paducah and Louisville Railway provide mainline service. The nearest piggyback facilities are in Louisville, 44 miles away. Truck; Thirty-five common carriers serve the city, which has three local terminals.

Topography: Rolling knobs and forests.

Education: Public schools: The Elizabethtown Independent system, with about 1,900 students and the Hardin County system, with about 12,300, Private schools: Elizabethtown Montessori Child Care Center; 90 students; St. James Elementary, 200. Colleges: Elizabethtown Community College, with more than 3,300 students, is a two-year college. The city is also within 45 miles of St. Catharine College in Springfield, Campbellsville College in Campbellsville, and Bellamine College, Jefferson Community College, Spalding University and the University of Louisville, all in Louisville, Eight colleges also offer extension courses at Fort Knox. Vocational school: Elizabethtown State Vocational-Technical School, 797 students.

FAMOUS FACTS AND FIGURES

A 1974 Courier-Journal article suggested there was something a little old-fashioned about Elizabethtown parking because "you can still park on the square for a nickel an hour," Well, there's nothing quaint about the parking these days: The digital meters charge 25 cents per half hour.

The U.S. Constitution and the Declaration of Independance were put in the Fort Knox Bullion Depository in Hardin County for safekeeping during World War II.

John LaRue Helm, who served two short terms as governor of Kentucky, was instrumental in shaping Elizabethtown's future. (As lieutenant governor, Helm assumed the last year of Gov. John J. Crittenden's term when Crittenden was appointed U.S. attorney general in 1850. Helm was elected to a second term in 1867, but he died after only five days in office.) Between terms, while practicing law in Elizabethtown, Helm ensured that the L&N Railroad would come through the city by offering to pay the taxes of every resident in the Meeting Creek precinct if they'd approve the $300,000 bond issue, according to a history by H.A. Sommers published in 1921. The bond issue passed, and Helm paid the people's taxes each year until his death.

Severns Valley Baptist Church was established in 1781 and claims to be the oldest evangelical church west of the Allegheny Mountains, it has about 3,500 members.

Few country inns are likely to have a past as varied as that of Bethlehem Academy Inn just south of Elizabethtown. The childhood home of Gov. John Helm, it was built in 1818; it became a Catholic girls' school about 12 years later. Owner Mike Dooley says it was a stop on the underground railroad.•

THE 1991 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

• Mr. ADAMS. Mr. President, today I rise to speak once again on behalf of the Congressional Call to Conscience Vigil for Soviet Jews. It is truly unfortunate that we must mark another year with these statements to call attention to the continued difficulties faced by Soviet Jews who wish to emigrate.

Since 1978, Members of the House and Senate have spoken out to remind our colleagues and our constituents of the thousands of Soviet Jews waiting to leave the Soviet Union. In the last year over 200,000 Jews have emigrated from the Soviet Union, and while the rate is increasing, there are still hundreds of thousands of Jews waiting to get out. Hundreds of families, for one reason or another, are still listed as refuseniks and we must work to draw attention to their cases and encourage a more liberalized emigration policy.

In spite of the unprecedented events of the past month in the Soviet Union, we must not forget that thousands of refuseniks are still unable to emigrate freely, anti-Semitism is on the rise, and the future of the Soviet Union raises serious questions about future emigration policies. Over the last few weeks the nationalist movements of the Ukrainian, Moldavian, and Central Asian Republics have spawned a rash of anti-Semitic incidents. Unfortunately, it does not look like these developments will reverse themselves in the near future.

I would like to bring to the attention of my colleagues the case of Alla Iosifovna Makavoz of Kharkov in the Ukraine. Mrs. Makavoz is the mother of Seattle resident David Makavoz and the grandmother to he and his wife Marina's two small children. David and Marina Makavoz were allowed to emigrate to the United States in 1989 and Mrs. Makavoz has not seen her children or her grandchildren in more than a year and a half. Mrs. Makavoz is suffering from breast cancer. After complications with her first cancer operation, Mrs. Makavoz is desperate to be reunited with her family in the United States and to receive the advanced treatment she needs as a result of complications related to the poor care she received with her first cancer operation in the Soviet Union. Mrs. Makavoz needs to receive a Soviet exit visa and expedited entrance into the United States immediately, so that she may receive this much needed treatment. On July 3, 1991, she received refugee status. To date, Mrs. Makavoz has still not been allowed to emigrate, despite her desperate circumstances.

Though thousands have been able to leave the Soviet Union, hundreds more remain on the refusenik list and thousands more are not even allowed to apply for emigration because of their supposed security value to the Soviet Union. Although the Soviet legislature had codified this new emigration policy, in light of the events of the last month, the new Soviet Government must continue these important steps. The full implementation of the Soviet emigration bill is scheduled for 1993. It is my sincere hope that further steps are taken under the new spirit of democracy in the Soviet Union to allow those who wish to emigrate, like Mrs. Makavoz, to do so, and to do so immediately.•

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

• Mr. ADAMS. Mr. President, today the legislation reauthorizing part H of the Individuals With Disabilities Education Act will reach the desk of President Bush. I strongly urge him to sign this legislation into law as it is one of the most important pieces of legislation for infants and toddlers with disabilities and at risk of developmental delay.

I am proud to have been an original cosponsor of the bill to reauthorize part H of the Individuals With Disabilities Education Act Amendments and to be a supporter of the committee bill passed by the Senate last Friday. By passing this legislation, the Congress showed its commitment to education for all Americans and for early intervention for young children so that all of our Nation's children will begin school ready to learn.

The Senate and House both recommended a 50-percent increase in appropriations for part H. It is time we funded these programs sufficiently to ensure that these programs can be delivered to children and their families. I know my State of Washington is well on the way in meeting the health and education needs of these young children.

Comprehensive, coordinated early intervention with toddlers and infants with disabilities is very critical. The additional services and the improvement in the continuity of services between part H and part B in this bill are significant. For example, the legislation requires a smooth transition for infants and toddlers to preschool. It also assures services to Native American children with disabilities and creates a program for tribal child-find and referral. I am pleased that we have included the dependents of military families in Department of Defense schools in this bill. No child should be excluded from the health and education services he or she requires on the basis of residence on a reservation or because their parents are members of the Armed Forces.

Another new provision provides for training of personnel. In order to give the appropriate services and help to more young children, we must ensure that there are sufficient numbers of well-trained personnel. Quality services depend upon the training and quality of the persons who deliver them.

Infants and toddlers with disabilities should not be exempt from considerations of improved education and health. Early intervention is the key for many children's futures, especially their educational progress. I urge the President to show his commitment to these children and their families by signing this legislation immediately.•

DISTRICT OF COLUMBIA APPROPRIATIONS—H.R. 3291

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3291, the District of Columbia appropriations bill, just received from the House.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislation clerk read as follows:

> A bill (H.R. 3291) making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against, the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, once again we are called upon to reconsider the District of Columbia appropriations bill because of a President veto. Certainly, the President has the authority and the right to veto any bill with which he disagrees. However, in a few minutes I will argue that in this instance he should have refrained for other public policy reasons. Before addressing the veto I want to explain what's in this bill.

Mr. President, this bill is the same as the conference report the Senate agreed to on August 2 of this year with three exceptions. First, the bill modifies section 114 to conform to the President's objections as stated in his August 17 Memorandum of Disapproval. In addition there is a number correction in the public schools portion of the bill; and a provision in title II which deems that title to be enacted as of September 30, 1991.

Mr. President, the bill includes $699,850 million in budget authority in fiscal year 1992, this amount is the same as in the original Senate bill. It is within our 602(b) allocation, and includes a Federal payment, $630.5 million, which was the amount contained in both bills and the amount authorized in a bill signed by the President on August 17. I will briefly summarize the other highlights of the bill.

Mr. President, the House has included, $500,000 to continue the breast and cervical cancer screening program for poor women as originally recommended by the Senate. This program will provide cancer screening for women who have no insurance and do not qualify for Medicare. This is the second year of this program which will serve approximately 5,000 women per year.

The bill also includes an additional $1 million for the highest priority programs at D.C. General Hospital in 1992 and will provide another $8.5 million in 1993. The hospital will use these funds to carry out priority programs, such as a program to immunize poor school age children against various childhood diseases, and to begin a program to address the rising incidence of pediatric HIV cases.

In the original bill the Senate had included $10 million to establish a trauma care fund. The conference agreement does not include this provision. In leaving this provision out of this bill, we are not expressing the view that this is an unnecessary element in the city's health care system, but rather acknowledging that the District Council has pending before it bill 9–193, the District of Columbia Health Insurance and Health Care Coverage Act of 1991. The Council bill includes a provision establishing an uncompensated care trust fund similar to the one proposed by this amendment. The conferees have encouraged early action on this portion of the legislation and will carefully follow its progress.

For the D.C. public schools the bill includes $2,125 million for renovation of athletic and recreational facilities and other maintenance improvements. This will help them with a $150 million backlog in repairs to school buildings.

The bill also included $330,000 in the school's budget to operate the Options Program of the National Learning Center during next school year and through the summer. This program is an intensive dropout prevention program for youths 12 to 15 years of age who are at least 2 years behind grade level. A recent report on this program shows that in one semester the kids increased their reading level by more than one grade level, and increased their math scores by 1.6 grade levels.

Mr. President, also included by the conferees is $250,000 for a Parents as Teachers program which encourages parental involvement as the most important component of a child's education.

The Senator from Missouri [Mr. BOND] provided the leadership to have this provision included in the original Senate bill and now in the new bill. It is a very worthwhile program and we look forward to receiving a report on its operation during next years' hearings.

Mr. President, the bill contains a directive to keep fire Engine Company No. 3 open during fiscal year 1992 as originally recommended by the Senate. We had wanted to keep it open and provided some funds to cover a portion of the additional operating costs. At conference on the original bill the House agreed to keep the engine company open, but refused to provide any funds for that purpose and the new bill contains that requirement. The budget had proposed closing this station house, thus removing nearby fire and ambulance protection. We are aware of the Mayor's plans to improve the ambulance service, and certainly support any effort to improve that vital service. The conferees have included language in our statement of managers stating that support.

Mr. President, 2 years ago the Congress included funds authorized to hire 700 additional police officers. We did so because we were concerned not only about the violence on the streets but equally about the number of retirements that will be taking place in the Metorpolitan Police Department in the next few years. The committee has been getting reports of the onboard strength of the department during fiscal year and we are concerned that those reports show that the department is 141 police officers below the level it was at the beginning of the year. The committee hopes that the city administration will take steps to ensure that the department has an adequate number of officers to patrol the streets, without undue reliance on overtime and inexperienced officers.

Mr. President, I stated at the outset of my remarks that I would have something more to say about abortion, and I do. The President has once again vetoed the D.C. appropriations bill objecting to language allowing District citizens to decide how their local tax dollars will be spent on abortion. The Congress has long held that this decision is appropriately left to the local legislature, just as is done with every other jurisdiction in the United States. I have expressed the hope that in the future the President would permit the District's citizens the same rights as enjoyed by all other citizens of the United States. This pleading has had no effect.

Mr. President, I intend to continue pressing for this right for District women and to implore the President to seek the counsel of his own heart.

Mr. President, that concludes my summary of the major provisions in the bill. I should add, Mr. President, that while this is a new bill we expect the District government to comply with all of the requests and directives contained in the statement of the managers on the conference report on H.R. 2699, and in the Senate and the other body's reports on that bill.

Mr. President, I want to thank my colleagues on the subcommittee for their assistance and support during the year. To our ranking member, the Senator from Missouri, I want to say that I have enjoyed working with him this year. Both he and the Senator from Oregon [Mr. HATFIELD], the distinguished ranking member of the Approprition Committee have aided us in achieving the necessary resources to make this a historic bill.

Finally, Mr. President, I want to express my appreciation for the support we have received from the distinguished chairman of the Appropritions Committee, Senator BYRD.

The PRESIDING OFFICER. Are there any amendments to the bill?

AMENDMENT NO. 1143

Mr. SASSER. Mr. President, on behalf of Senators ADAMS and INOUYE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. ADAMS, (for himself and Mr. INOUYE), proposes an amendment numbered 1143.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3 at line 16, strike "$9,500,000" and insert "$9,250,000".

On page 13 at line 20, strike "$875,033,000" and insert "$874,783,000".

On page 4 after line 11 insert:

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

For the construction and renovation of the George Washington University Medical Center, $250,000, pursuant to Trauma Care Systems Planning and Development Act of 1990 (Pubic Law 101–590; 104 Stat. 2929), together with $16,750,000 to become available October 1, 1992, $16,000,000 to become available October 1, 1993 and $16,500,000 to become available October 1, 1994: *Provided*, That any funds appropriated under this head pursuant to section 6(e) of the Trauma Care System and Development Act of 1990 shall not be in excess of the amount allocated under section 602(b) of the Congressional Budget Act of 1974, as amended, to the Subcommittees on the District of Columbia of the Committees on Appropriations of the Senate and House of Representatives required to provide for the Federal Payment, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, (87 Stat. 774, Public Law 93–395, as amended) and the Federal Contribution to retirement funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122, as amended).

Mr. INOUYE. Mr. President, the Senate bill included a provision that allowed for the renovation and modernization of the George Washington University Medical Center. That amendment was returned in true disagreement because our colleagues from the other side could not accept any part of the amendment. They rejected that amendment on the original bill, and it is not included in the House passed version of this bill.

Mr. President, this is a worthwhile and needed project, even the opponents will agree with that. The question is how should it be funded. The other side was concerned that it could deplete the amount available for the Federal payment in future years. As a practical matter that would never be allowed to happen. In order to assure that this is the case we have redrafted the amendment to expressly state that the amounts for the medical center in the future must be in excess of amounts required for the Federal payment and amounts required for payments to the retirement funds.

Mr. ADAMS. I thank my colleague, the Senator from Hawaii [Mr. INOUYE] for his efforts on behalf of this project, and for his willingness to allow us to proceed with the first bill. In return I committed to revive that provision on this second bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No 1143) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I know of no other amendments that will be offered on the D.C. appropriations bill. So at this juncture we yield back all time on behalf of the chairman.

Mr. GARN. We yield back our time.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3291), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS

Mr. SASSER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1106.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1106) to amend the Individuals with Disabilities Education Act to strengthen such act, and for other purposes.

(The amendment of the House is printed in the RECORD of September 11, 1991 beginning at page 22622.)

• Mr. HARKIN. Mr. President, I rise today in support of S. 1106, the Individuals With Disabilities Education Act Amendments of 1991, as amended by the other body.

I am pleased to inform my colleagues that the House has accepted the entire Senate bill with the addition of minor changes and amendments. These changes contribute to a strong bill which will expand and greatly enhance opportunities for infants and toddlers with disabilities to receive high quality, family-centered, community-based early intervention services.

Last year, when we passed the Americans With Disabilities Act, I dedicated that legislation to the next generation of children with disabilities and their parents. At that time I said:

> With the passage of the ADA, we as a society make a pledge that every child with a disability will have the opportunity to maximize his or her potential to live proud, productive, and prosperous lives in the mainstream of our society.

But without appropriate early intervention, preschool, and special education services provided under IDEA this promise will not be realized for many newborn infants and older children with disabilities. Part H, which we are reauthorizing today, and which has been called "the most important children's disability legislation of the decade," provides these services while maintaining a focus on the family.

At our subcommittee hearing, Dr. Richard Nelson, president of the Association for Maternal and Child Health, and professor of pediatrics and director of specialized child health services at the University of Iowa, testified that:

> Part H represents a critical national initiative for our Nation's youngest citizens. The legislation has the potential to be a template for all future health and human services legislation requiring the concerted efforts of multiple federal programs to address the needs of a population. We commend the subcommittee's commitment to these most vulnerable children and families.

I agree with this assessment, and I am delighted that today we will be able to complete this important step.

Mr. President, I would like to explain to my colleagues, the principle substantive additions made by the House to the Senate bill. First, the House amendment clarifies and improves the procedures ensuring that eligible Native American infants and toddlers with disabilities and their families receive early intervention services under part H, and that eligible Native American children and youth with disabilities receive a free appropriate public education and related services under part B of IDEA. These changes also are designed to facilitate collaboration between the Departments of Education, Interior, and Health and Human Services and the relevant agencies of State government in providing these services. Related changes promote effective policy formulation and services planning and delivery, and encourage parental participation.

Second, the House amendment provides new authority under section 623 of IDEA to establish statewide, interagency, multidisciplinary coordinated systems for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at risk of having developmental delays. These grants are intended to assist States to create data systems for linkage and tracking of information, coordinate child-find activities, document needs and barriers, coordinate activities and agencies, and define appropriate delivery systems.

Third, the House amendment authorizes up to five personnel training grants, to States or entities under section 631, to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training in special education, early intervention and related services for current workers in agencies which provide services to infants, toddlers, children, and youth with disabilities. Funds could also support related programmatic and research activities, and could be used to identify relevant personnel policies and benefit programs, to facilitate the ability of workers to take advantage of higher education opportunities.

In addition to the three principle substantive additions, the House amendment clarifies the rights under section 6 of Public Law 81-874, impact aid, of children with disabilities to receive a free appropriate public education consistent with the provisions of part B of IDEA and the rights of infants and toddlers with disabilities and their families to receive early intervention services consistent with part H of IDEA.

First, the amendment ensures that for the purposes of providing a comparable education, by academic year 1992-93, all substantive rights, protections, and procedural safeguards—including due process procedures—that are generally available to children with disabilities, ages 3 to 5 inclusive, in a State shall also be available to those children, ages 3 to 5 inclusive, of members of the Armed Forces on active duty, and of federally employed civilian personnel residing on Federal property—eligible dependent children.

Second, the amendment ensures that for the purposes of providing a comparable education, by academic year 1992-93, all substantive rights, protections, and procedural safeguards—including due process procedures—that are generally available to infants and toddlers with disabilities and their families in a State shall also be available to eligible dependent infants and toddlers with disabilities and their families. It is the intent of Congress that the Department of Defense, as the agent charged with operating the section 6 schools, retain flexibility to determine which entity will serve as the lead agency and which entities will provide the early intervention services.

Third, the amendment clarifies the meaning of "comparable" for children with disabilities 6 years of age and older. The amendment specifies that not only do the substantive rights and protections apply—currently recognized by the Department of Defense in its regulations—but the procedural protections, including the due process procedures, also apply. This amendment is necessary because current Department of Defense regulations do not make the due process procedures available to children with disabilities age 6 and older. The applicability of the procedural protections—including the due process procedures—shall be effective on the date of enactment of the Individuals With Disabilities Education Act Amendments of 1991.

Furthermore, a statutory construction provision specifies that rights available to infants, toddlers, and children with disabilities on the day prior to enactment are not diminished by enactment of this bill.

These and other technical changes represent valuable additions to S. 1106 and will ensure that the States and the armed services will develop the seamless web of services and programs envisioned under part H and part B of IDEA. However, as we take another step today toward meeting the educational needs of persons with disabilities, I must note areas of continuing concern which need to be addressed before we return to the next reauthorization of the Individuals With Disabilities Education Act.

Since passage of S. 1106 on June 24, 1991, a report has been published by the Carolina Policy Studies Program concerning the progress of the States in developing a definition for the term "developmentally delayed." This is a vital issue for the implementation of early intervention services programs in that it can be used to define the size and composition of eligible populations. The impact of such variable definitions may be reflected in the finding that, at the end of 1989, there were 30-fold differences among the States in the percent of infants and toddlers receiving early intervention services, ranging from 0.23 to 7.11 percent of the birth through 2 years population.

The report notes that, while policymakers are making progress in the development of eligibility policy, there continues to be enormous variability between States when eligibility criteria are compared. This appears to be true in all three eligibility categories, that is, children who:

First, are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures * * *,

Second, have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay * * *, or

Third, are at risk of having substantial developmental delays if early intervention services are not provided.

Questions of how best to determine the degree or extent of disability in a given child, or how delayed that child must be to be eligible, are difficult and often controversial issues. While States need flexibility in making such determinations in order to deal effectively with local and regional realities, these complexities seem inadequate to account for the extraordinary differences among even similar States.

In providing the States discretion in defining the eligible population, Congress clearly intended that there should be limits which should not be exceeded. House Report 99-860 noted that:

> In providing this discretion to the States, the committee wishes to emphasize that it is not our intent to permit a State to totally ignore or establish standards of measurement or other definitional provisions that preclude addressing any one of the five developmental areas included in the definition.

Sound eligibility policy must be based on current and comprehensive knowledge, must utilize technically sound methods, and must create sensitive and specific mechanisms for identifying the population, including children who were exposed prenatally to hazardous amounts of alcohol and other dangerous substances. The Carolina Policy Studies Program report concludes that the "States' eligibility policy in general often fails to meet these criteria."

These are important issues for the Secretary to consider as the Early Intervention Services Program under part H moves into its full implementation phases over the next 3 years. IDEA directs the Secretary to approve applications, conduct monitoring visits, and provide technical support for the States and this bill establishes a Federal Interagency Coordinating Council with broad expertise and access to all relevant resources of the Government. I would expect the Secretary to use these authorities and resources to assist the States to examine the eligibility issue and, if possible, to reach consensus on appropriate standards and best practices which can be applied more uniformly.

In another recent report, the Carolina Policy Studies Program reviewed the progress the States are making in the implementation of part H. The review revealed that the areas of least progress to date include: Assignment of financial responsibility, timely reimbursement, interagency agreements, administration and monitoring of the system, and comprehensive personnel development. While I believe the changes which have been made in IDEA under this bill will contribute substantially to future progress in these areas, it is clear that the Department, with the assistance of the Federal Interagency Coordinating Council, will be a vital participant in facilitating the resolution of some of these problems. Of particular note was the finding that the use of Medicaid funds has been problematic for many States. The study noted that the Health Care Financing Administration [HCFA] has been particularly slow in approving changes in the Medicaid State plans. Furthermore, the authors report, "HCFA staff from different regions provide different and sometimes conflicting answers."

These do not appear to be isolated findings. In a recent report on Medicaid's Early and Periodic Screening, Diagnosis, and Treatment [EPSDT] benefit, Fox Health Policy Consultants found that most States are only just beginning to take effective steps to implement the provisions mandated under the Omnibus Budget Reconciliation Act of 1989 [OBRA '89]. They noted:

> The unevenness that we found in States' implementation of the EPSDT expanded benefit mandate appears to indicate that not all Medicaid-enrolled children are gaining access to a broader package of medically-necessary diagnostic and treatment services * * *. Perhaps what has been made most clear from our survey is the degree of confusion about certain aspects of the new statutory requirements. Many States are eager for definitive guidance on key implementation issues. * * *

I expect that the Secretaries of the Departments of Health and Human Services and of Education will pursue prompt and reasonable solutions to these problems. This is clearly one area where the FICC must contribute substantially, as Congress has intended.

Likewise, concerns have been expressed that part H coordinators and related program personnel charged with statewide systems change may not have sufficient rank, visibility, authority, or autonomy to carry out their assigned roles, and that more needs to be done to promote public awareness of part H and its relationship to other programs which focus on the development of community-based service systems. These are other areas in which the FICC might effectively provide technical assistance and recommendations to the Department to facilitate State interagency coordination efforts. I expect that the Department will provide sufficient resources to the FICC to carry out such assignments. I urge the agencies represented on the FICC to encourage their counterparts in the States to assist the State Interagency Coordinating Council and part H coordinators to effect early and meaningful systems changes.

Another area of concern which has been repeatedly brought to my attention over the past weeks relates to the need for trained personnel. Though the current changes in IDEA should help address this need, I want to emphasize that the need for such personnel is a particular problem in rural areas. I expect that the Department will take specific and focused steps to ensure that this priority is explicitly identified among its training program offerings.

Mr. President, I also wish to take this opportunity to offer further clarifications on two points in this bill. First, section 14 of this bill includes clarifications to section 677 of the act, including the provision that limited the service coordinator—formerly the case manager—to a person from the profession most immediately relevant to the infant's or toddler's or family's needs. Under the amendment, the service coordinator could also be a person who is otherwise qualified to carry out all applicable responsibilities under part H. The House amendment in no way modifies the Senate bill in this regard, and thus the Senate report language explaining this provision is controlling. In the Senate report, we stated that:

> The committee recognizes that parents are also the coordinators of their own child's affairs and that in some instances these responsibilities may be life-long. These responsibilities include determining when and what early intervention services their child should receive, consistent with State child abuse and neglect laws. Therefore, in some circumstances, a parent may elect to serve in the capacity of "service coordinator" for purposes of part H and elect not to use the "service coordination" services available under part H.
>
> The committee expects that in making the decision to reject these service coordination services, the parents receive adequate information about the family's right to the service and the full range of the functions that a service coordinator may perform under part H. Parents may want to assume certain responsibilities while retaining a service coordinator provided by the system to provide other aspects of the service. As explained previously in the report, parent training centers are encouraged to provide training to parents to better enable them to carry out their parental roles and responsibilities in this regard.

Second, section 18 of this bill modifies section 682 of the act pertaining to the composition, roles, and responsibilities of the State Interagency Coordinating Council. Congress intends that the responsibilities of, and allowable expenditures by, the Council include: Conducting hearings and forums, reimbursement of members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties—including child care for parent representatives—and paying compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business.

In conclusion, though these and many other areas of concern will need to be met over the next few years as the States move to fully implement IDEA, I am encouraged by the spirit of cooperation and the enthusiasm which I have seen expressed during this reauthorization process.

I wish to especially thank those members of the Congress who worked so closely together to draft a bipartisan consensus bill. In particular, I would like to note the contributions of Senators DURENBERGER, KENNEDY, and HATCH and the other members of the Subcommittee on Disability Policy. I also wish to thank Representatives MAJOR OWENS and CASS BALLENGER, the chairman and ranking member of the House Subcommittee on Select Education, for their efforts to develop a strong bill. Likewise, I wish to acknowledge the support and assistance which I received from the disability community, professional organizations, and other individuals during this reauthorization process.

I also wish to note the contributions of Robert Silverstein, staff director of the Subcommittee on Disability Policy. Without his untiring efforts, insight, and organizational skills, it would have been far more difficult to develop the consensus needed to move quickly in this complex area. He was aided in this process by the rest of the subcommittee staff, in particular by Dr. Jim Hanson, a pediatrician and birth defects specialist from the University of Iowa, who brought his own knowledge and experience in child health issues and interest in education programs for children with disabilities to this process. Jim has been spending this year with my subcommittee as a public policy fellow of the Joseph P. Kennedy, Jr. Foundation. I especially appreciate the continuing efforts of the Kennedy Foundation in supporting public policy fellowships with Congress. The technical knowledge and insight of an outstanding group of Kennedy fellows on my committees and on those of other Members of Congress has contributed immensely to the formulation of effective policies and legislation. The Foundation is recognized widely for its leadership in the area of disability policy and for the quality of its programs.

Finally, I would like to thank the children and families who brought these programs to life for our subcommittee. Bob and Diane Sanny, and their children Gretchen and Monica, of Fairfield, IA, Michelle Marlow of Baltimore, MD, Jeanette Behr of St. Elmo, MN, and Aric Murray of Akron, OH, and our other witnesses brought home to me, once again, that government programs can make a difference in the lives of families.

I am confident that the improvements which we make here today will contribute substantially to the new educational reawakening in America, and to making the dream of inclusion and independence for millions of children with disabilities a new American reality.●

Mr. SASSER. Mr. President, I move that the Senate concur in the amendment of the House and that the motion to reconsider be laid upon the table.

The motion was agreed to.

NATIONAL POW/MIA RECOGNITION DAY

Mr. SASSER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 170, designating September 20 as National POW/MIA Recognition Day; that the Senate proceed to its consideration, and that the joint resolution be deemed read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 170) was deemed read a third time and passed, as follows:

S. J. RES. 170

Whereas the United States has fought in many foreign wars;

Whereas the most recent of these wars, the Persian Gulf War, involved an unprecedented display of unity of purpose among the participating allies;

Whereas thousands of members of the Armed Forces of the United States who served in the foreign wars fought by the United States were captured by the enemy or were officially considered missing in action;

Whereas many such members who were captured by the enemy were subsequently subjected to brutal and inhumane treatment by their enemy captors;

Whereas such treatment constituted a violation of international law;

Whereas many such prisoners died as a result of such brutal and inhumane treatment;

Whereas many members of the Armed Forces of the United States who were officially considered missing in action remain missing in action or have their locations unknown;

Whereas the uncertainty surrounding the fate of such members has caused the families of such members to suffer acute and continuing hardship;

Whereas in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the concern and commitment of the people and Government of the United States to resolve as fully as possible the fates of members of the Armed Forces of the United States who fought in Southeast Asia and who are officially missing in action, including those who may still be prisoners of war;

Whereas the members of the Armed Forces of the United States who are officially considered missing in action or whose locations are unknown as a result of any foreign war of the United States and the families of such members have made singular sacrifices;

Whereas by reason of such sacrifices, such members and their families deserve of the recognition and support of the people and Government of the United States; and

Whereas such recognition and support is expressed in the continued high priority given to efforts to determine the fates of every member of the Armed Forces of the United States who is a prisoner of war, who is officially considered missing in action, or whose location is unknown as a result of a foreign war of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 20, 1991, is hereby designated as "National POW/MIA Recognition Day", and the President is requested to issue a proclamation calling upon the people of the United States to recognize the day with appropriate ceremonies and activities.

SEC. 2. AUTHORIZATION TO FLY THE NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG AT CERTAIN FEDERAL FACILITIES.

(a) DISPLAY OF FLAG.—The POW/MIA flag is hereby authorized to be flown as follows:

(1) On National POW/MIA Recognition Day, September 20, 1991, on a flagstaff of the White House, the Departments of State, Defense, and Veterans Affairs, the Selective Service Commission, each national cemetery, and the National Vietnam Veterans Memorials.

(2) On Memorial Day, May 30, 1991, and on Labor Day, September 2, 1991, on a flagstaff of each national cemetery and the National Vietnam Veterans Memorial.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the POW/MIA flag be displayed in accordance with the provisions of subsection (a) as an expression and symbol of the concern and commitment of the people and Government of the United States to resolving as fully as possible the uncertainty relating to members of the Armed Forces of the United States who are missing in action or whose locations are unknown as a result of the foreign wars of the United States, including those members who may still be prisoners of war.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "national cemetery" means any cemetery in the National Cemetery System referred to in section 1000 of title 38, United States Code.

(2) The term "POW/MIA flag" means the flag designated as the National League of Families POW/MIA flag pursuant to section 2 of the Joint Resolution designating September 21, 1990, as "National POW/MIA Recognition Day", and recognizing the National League of Families POW/MIA flag (Public Law 101-355; 104 Stat. 416).

(3) The term "flagstaff", in the case of each Federal facility referred to in paragraphs (1) and (2) of section 2(a), means any appropriate flagstaff at the facility, including the main flagstaff of the facility, as designated by the appropriate officer.

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, September 17; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their

use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; that the Senate resume consideration of H.R. 2686, the Interior appropriations bill at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. SASSER. Mr. President, there being no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Tuesday, September 17.

There being no objection, the Senate recessed at 8:17 p.m., until Tuesday, September 17, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1991:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL H. MOSKOW, OF ILLINOIS, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE SIDNEY LINN WILLIAMS, RESIGNED.

DEPARTMENT OF COMMERCE

ALAN M. DUNN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ERIC I. GARFINKEL, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

GEORGE M. WILLIAMS
GLENN P. O'BRIEN
DAVID B. ANDERSON
JOHN K. MINER
RONALD C. ZABEL
DENNIS R. MCLEAN
SAMUEL E. BURTON
ALBERT J. ZABOL
KENNETH C. KREUTTER
DAVID T. JONES
BRUCE B. STUBBS
ALLEN K. BOETIG
MYRON F. TETHAL
JOHN H. FEARNOW
MELVIN W. GARVER
TERRANCE P. HART
JONATHAN M. VAUGHN
JOHN M. MURPHY
GUY T. GOODWIN
JAMES C. OLSON
SAMUEL J. APPLE
ROBERT L. PRAY
CHRISTOPHER T. DESMOND
JAMES A. KINGHORN, JR.
JOHN S. MERRILL
PHILIP C. VOLK
PATRICK M. STILLMAN
DAVID J. REICHL
CARL D. MAIN
JAMES J. RAO, JR.
GEORGE B. BRINSON
MICHAEL J. DONOHOE
ROBERT S. MAAS
RICHARD W. HARBERT
BRIAN W. HADLER
RICHARD J. DAVISON
JAMES G. FORCE III
BARRY C. CAPELLI
WILLIAM J. CHANG
JOHN C. DUSCH
HENRY W. MOTEKAITIS
MAX R. MILLER, JR.
THOMAS H. WALSH
ANHONY REGALBUTO
RICHARD C. WIGGER
ALAN S. GRĄCEWSKI
JAMES T. CLARKE
CHARLES D. WURSTER
THOMAS M. GEMMELL III
JOSEPH F. TUCKER III
ROGER W. COURSEY
LANE I. MCCLELLAND
CHARLES C. BECK
JOHN P. WIESE
GORDON D. MARSH
RONALD F. SILVA
DANIEL E. KALLETTA
EDWARD F. MURPHY
GREGORY S. COPE
LARRY H. GIBSON
SAMUEL R. HARDMAN, JR.
STEVEN W. VAGTS
CARL A. SWEDBERG
TOM R. WILSON, JR.
PATRICK A. TURLO
ROBERT C. FOLEY
CHARLES S. HARRIS
THOMAS J. MARHEVKO
THAD W. ALLEN
DENNIS W. CLEVELAND
PAUL D. BARLOW
F. SUTTER FOX
STEVEN J. CORNELL

EXTENSIONS OF REMARKS

GIBSON COUNTY HIGH AT HOME IN BUSCH STADIUM

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. TANNER. Mr. Speaker, I rise today to recognize the efforts of a Gibson County resident who has consistently given of his time and effort to the benefit of the citizens of Gibson County.

Doug Franks, a shipping foreman at Eaton Corp., in his other life, spends a great deal of time promoting Gibson County and more specifically Gibson County High School. Since 1987, Mr. Franks and the Gibson County High School band have traveled to St. Louis for Gibson County Day.

This past Saturday when the Cardinals and Mets squared off at Busch Stadium and the Cardinal's legendary fielder Stan Musial was honored for his 50 years in the Cardinal organization, the Gibson County High School band marched onto the green astroturf for the fifth straight year. The GCHS band is one of only three high school bands to play at Busch Stadium. The other two bands that have played at Busch Stadium are from St. Louis.

Mr. Speaker, it is because of Doug Franks and his devotion to the high school and Gibson County that these things happen. I have known Doug for several years and participated in Gibson County Day at Busch Stadium with him in 1989 and his energy and promotion-minded attitude are a great benefit to the people of Gibson County.

I include the following article:

[From the Jackson Sun, Sept. 15, 1991]

GIBSON COUNTY HIGH AT HOME IN BUSCH STADIUM

(By Dan Morris)

ST. LOUIS—Since football season is in full swing by now, major league baseball has never been part of my September schedule.

Gibson County's Doug Franks changed all that a few months back with some persistent phone calls and an offer that was too tempting to resist.

This is Gibson County Day at Busch Stadium in St. Louis, where the Cardinals are playing the New York Mets. During pregame ceremonies on the field, Franks said eight of us will greet Cardinals Hall of Famer Stan Musial and Musial's wife Lillian before Bill Carey, superintendent of the Gibson County School District, makes a special presentation.

To commemorate Musial's 50th year with the Cardinals' organization, the Gibson County folks have had an official Stan Musial Louisville Slugger baseball bat created, bronzed and gold plated for the occasion.

Musial, who played his first game for the Cardinals on Sept. 17, 1941 against the Boston Braves, is likely to show the 40,000-plus fans his celebrated, left-handed batting stance as soon as he accepts the present.

Cameras will click to preserve the moment, the smiles, the handshakes. Snapshots will continue when the Gibson County High School band marches onto the artificial turf for the fifth straight year and plays the national anthem. It is one of only three high school bands to ever play on the field at Busch Stadium. The other two are from St. Louis.

Standing to the side, away from the spotlight, will be Franks—the man responsible for bonding such a special relationship between the Cardinals and Gibson County High. He shuns attention but finds enormous pleasure in seeing Gibson County honored in some way by the Redbirds.

Franks is a traffic director and shipping foreman at Eaton Corporation in Humboldt. He likes his job, but says he "would probably work promotions all the time" if he weren't 45.

"The Cardinals have been great to us over the years," said the 1965 Yorkville High graduate. "And it gets better every year."

It gets better because Franks makes sure of it.

A life-long Redbirds fan, Franks gradually became a Cardinals insider during the mid-1970s. He attended about 25 games a year back then and got to know the stadium policemen. He became good friends with patrolman Harry Holcomb, whose wife, Betty, happened to run the switchboard for the Cards.

Betty Holcomb became the go-between that got Franks his first meeting with the Cards' Joe Cunningham, director of community relations. Soon afterward, Gibson County High's band had its first invitation to play at Busch Stadium in 1987.

Since then, the Cardinals have been part of the Pioneers' annual activities. At least 14 Cardinal players and executives, including President and Chief Executive Officer Fred Kuhlmann, have visited GCHS as part of the Cardinal Caravan the last two years.

Frank's biggest coup, however, was getting Musial to speak at a banquet and be part of the Strawberry Festival Parade last May.

"I think that was the greatest thing that ever happened to Gibson County High," Franks said. "It was a special day for all of us."

And the special times continue. Saturday was Merchants State Bank Day at Busch Stadium, and Jackie Tucker, guidance counselor at Gibson County High, did a tremendous job of singing the national anthem for the second straight year.

Today we look forward to some special moments with Stan "The Man."

"St. Louis is the greatest baseball city in America," Franks says. "I just can't say enough about the Cardinals."

And Gibson County High can't say enough about Franks.

TOO MUCH GOVERNMENT

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. CALLAHAN. Mr. Speaker, hundreds of letters come across my desk daily from individuals in south Alabama. Some write because they have a problem with a Federal agency and need assistance; others write to express their views regarding particular legislation and still others write to let me know their feeling about the general state of things. It's the latter that I'd like to make a part of the record today. Mr. Ron Bernier of Daphne, AL has very eloquently expressed what I believe is perhaps the greatest problem facing this country today, too much government intrusion in our private lives, and I am sure there are many others who will read this and agree.

R & K DIVERSIFIED,
DAPHNE, AL,
August 3, 1991.

Representative H.L. SONNY CALLAHAN,
Mobile, AL

DEAR SIR: I realize that the legislature is about to adjourn for the session and I thank God immensely for it. I would ask as a voter, constituent, or victim that you would consider the cry of my heart. Please do not pass any more laws to protect me! God knows I am as protected as I can be.

I can no longer get in a car without fastening a seat belt around me (in order to save the insurance company money). No one debates the fact that it is a safer procedure to put your seat belt on but it is safe only for the individual. The question is: Do we legally have the right to pass laws to force everyone to protect themselves? I don't smoke but if I did I'm sure someone would pass a law saying I have to protect myself—that I am not allowed to smoke anymore.

Already we have so many laws on the books that as a mature adult of reasonable intelligence, if I have a splitting headache the only thing I can take is aspirin because, God forbid, if you allowed anything stronger someone might be addicted and turn into a narcotics addict. I frequently travel around the world on business. As you are well aware, because you travel also, in almost any country I can get Panadine or a multitude of different aspirin combined with codeine. They believe that as an adult I am intelligent enough to determine if an aspirin will do it or if I need something stronger—except when I come back to my own country. Then, of course, I am an absolute moron and must pay at least $50 to a doctor for an office call to get a prescription. It's amazing to me how much intelligence I lose by coming back into my own country.

I am protected in at least a thousand different ways against myself. My car battery actually has a sticker on it that says, "Do not take internally." I don't know what it costs to have this law passed that these stickers must be put on twelve volt batteries nor have I any conceivable idea why anyone would want to pass a law to that effect but I am sure the companies don't put this sign on just for no reason. Someone somewhere probably drank some, sued the company and got some senator to pass a law that we had to put a notice on twelve volt batteries that you shouldn't drink it. My God in heaven! Is there no common sense left in this country?

We have to come to a place where we must stop spending. You can not continue to spend and then raise taxes to come up with the money. We must stop spending. Yes, I mean if the highways fall apart, if the bridges fall apart, if Medicare goes down the tube, if we can't pay the welfare system, all of it must go down. We have to quit spending. We just can't keep coming up with new ways to tax the very few left who are still working.

If I may add this one final comment. No one, no where is responsible for anything in this country anymore. Let me cite an example.

Prior to the 1920's, narcotics in all forms were perfectly legal in this country. Yes, that's right, they were legal. We assumed that people had maturity and intelligence and could make their own decisions. A few people abused the narcotics so our answer was to pass laws that made narcotics illegal for everybody. Then we have a situation where anyone could buy a hunting rifle or gun and go hunting. A few people abused guns so we make a law that says nobody can have guns.

I could go on and on and on but in every single case rather than dealing with the individual that committed the crime, who committed the abuse, who caused the problem, we make it illegal for the entire population because nobody is ever responsible for anything.

Please! I would rather pay the Congress and the Senate and the Legislature to stay home than to go in and pass anymore laws to protect me—while I have yet any freedoms left. Please leave me to make my own mistakes, do my own harm. Do not outlaw chocolate cake on the grounds that I might eat too much and get fat.

Thank you.

Sincerely,

RON BERNIER.

SALUTE TO CALIFORNIA RIDESHARE WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. GALLEGLY. Mr. Speaker, next Tuesday the Simi Valley Chamber of Commerce is sponsoring the Simi Valley Transportation Management Association's first annual California Rideshare Week Celebration. As a native southern Californian, I am pleased that businesses in my hometown are working together to promote ridesharing—one of the most cost-effective ways of reducing air pollution.

More than a dozen of Simi Valley's largest employers have banded together to help businesses comply with Ventura County's vehicle trip reduction regulations. The TMA is an action-oriented association designed to collectively address transportation-related issues and to take advantage of public and private resources.

Its primary goal is simple—and necessary: to reduce traffic and improve air quality by using ridesharing, public transit, alternative work-hour programs, and other programs.

The Rideshare Celebration will inform area residents of some of the TMA's services, including a computerized ridesharing service, bus information, guaranteed ride home programs for employees who use transit or share rides and information on developing child-care programs that fit in with a company's commuting needs.

Clean air is everyone's goal, and by reducing the number of cars on the roads, we can make significant improvements in air quality. Mr. Speaker, I ask my colleagues to join me in saluting the TMA and encouraging all Americans to consider public transit and ride-sharing whenever possible.

A TRIBUTE TO EDGAR AND FAITH MOORE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to wish Edgar and Faith Moore, of Fall River, MA, a happy 50th wedding anniversary. On September 20, 1991, they will be celebrating 50 years of marriage.

Celebrating their anniversary with them will be their two children, Robert and Sharon. They also have two grandchildren, Scott and Stacy.

Edgar Moore served with the Fall River Police Department before retiring after 32 years of service. Faith was employed by Frito Lay for 15 years and Cumberland Farms for 5 years. Since their retirement they have remained very active in the community through their efforts to spread the word on the notch inequity. Edgar Moore is the president of the Fall River Notch Coalition. He has been instrumental in organizing the notch effort with neighboring States.

The notch inequity was created in 1977 during efforts to correct Social Security benefits. The result of this was that people born between 1917–26 suffered a decrease in benefits. It has since become a personal goal of Edgar and Faith Moore to not only lobby Members of Congress to correct this situation, but also to motivate other notch victims to speak out against this injustice.

The effort being given by Edgar and Faith Moore are vitally important to correcting the great notch inequity. It is untiring efforts of people like Edgar and Faith Moore that further motivate me to push Congress to correct the notch problem. Please join me in wishing Edgar and Faith Moore a happy 50th anniversary and all the best wishes for health and happiness in the years to come.

VA CHAPLAIN HERBERT B. CLEVELAND

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. MONTGOMERY. Mr. Speaker, the very moving invocation and tribute to America's veterans at the beginning of House business today was delivered by Chaplain Herbert B. Cleveland, Director of VA's Chaplain Service. He has very capably served VA and its important constituency for 30 years.

Chaplain Cleveland began as a part-time chaplain at the Fort Meade, SD, VA Medical Center in 1961. He rose to chief of chaplains at that facility and was serving in that position when, in 1983, he was named Deputy Director of the Chaplain Service at VA headquarters here in Washington.

In September 1988, Chaplain Cleveland was appointed to head the Chaplain Service. He is responsible for assigning and guiding the activities of hundreds of chaplains at VA's 172 medical centers.

As an early leader in the field of religion and mental health, Chaplain Cleveland served 3 terms on the National Mental Health Association Board of Directors and sponsored many conferences and mental health and religion. He also served in several parishes of the Lutheran Church in South Dakota and Minnesota and served as a dean of the American Lutheran Church.

For 9 years, Chaplain Cleveland cohosted, with his wife, Connie, a radio talk show dealing with mental health and religious issues in South Dakota.

Chaplain Cleveland served 3 years in the U.S. Army during the Korean conflict. He later served in the National Guard and the U.S. Army Reserve. A graduate of the U.S. Army Command and General Staff College at Fort Leavenworth, he currently holds the rank of Colonel.

He received a bachelor's degree from the University of North Dakota and a master of divinity degree from Luther Theological Seminary. He has completed extensive post-graduate work in counseling and military management.

A leader within the American Lutheran Church, Chaplain Cleveland also has held a variety of leadership positions on national, educational, and community organizations and committees.

Mr. Speaker, we are very fortunate to have someone with Chaplain Cleveland's experience and wisdom overseeing the spiritual ministry and counseling services provided to our veterans. He is doing a fine job, and I thought my colleagues should know about it.

UNITED NATIONS EXHORTS CONGRESS TO ACT ON PUERTO RICO'S STATUS

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. FUSTER. Mr. Speaker, many times in the past 2 years I have pointed out to my colleagues interesting articles and other material having to do with the ongoing political status issue in Puerto Rico. As you know, Mr. Speaker, the House passed legislation in the closing days of the 101st Congress that would authorize a plebiscite in Puerto Rico between the choices of statehood, independence, and an enhancement of the existing commonwealth status, which I favor.

Similar legislation failed to clear the committee of jurisdiction in the Senate this year, and it appears that no plebiscite will take place in Puerto Rico until 1993 at the earliest, since none of the major political parties wants a referendum to conflict with the general elections of 1992.

Nevertheless, in coming years the issue is bound to remain on the congressional agenda, not to mention the international agenda, and to that end, Mr. Speaker, I would like to share with my colleagues today the resolution approved in August on a 9 to 1 vote by the United Nations Decolonization Committee on the matter of Puerto Rico's political status. The text follows:

THE SPECIAL COMMITTEE

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December, 1960, and the resolutions and decisions of the Special Committee concerning Puerto Rico,

Having examined the report of the Rapporteur of the Special Committee on the implementation of the resolution concerning Puerto Rico,

Having heard statements and testimony representative of various viewpoints among the people of Puerto Rico and their social institutions,

Bearing in mind the agreement of the Puerto Rican political leadership to request the President of the United States of America and the United States Congress to adopt legislation with a view to consulting the people of Puerto Rico so that they may express themselves freely, voluntarily, democratically and without interference on their political future,

Aware of the appeal made by the President of the United States of America, Mr. George Bush, to the Congress that it should take the necessary steps to allow the people of Puerto Rico to exercise as soon as possible their right to self-determination,

Deploring the fact that the United States Congress has not yet adopted the legal framework for the holding of a referendum to enable the people of Puerto Rico to determine their political future through the exercise of their right to self-determination,

Recognizing that the Legislative Assembly and the Governor of Puerto Rico, in the exercise of their powers, have approved legislation declaring Spanish to be the official language,

Hoping that the international community will continue to afford Puerto Rico the opportunity to participate in those international activities which correspond to its political status,

1. Reaffirm the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (xv) of 14 December, 1960, and the application of the fundamental principles of that resolution with respect to Puerto Rico;

2. Trusts the United States Congress to adopt as soon as possible the legal framework to enable the people of Puerto Rico to exercise their right to self-determination, through popular consultations, in accordance with the principles and practices of the United Nations;

3. Requests the Rapporteur to report to the Special Committee on the implementation of its resolutions concerning Puerto Rico;

4. Decides to keep the question of Puerto Rico under continuing review.

A BILL TO PROVIDE PROMPT PAROLE INTO THE UNITED STATES FOR ALIENS TO ATTEND THE FUNERAL OF A FAMILY MEMBER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mrs. MINK. Mr. Speaker, today I have introduced a bill to make immigration law fairer to people from other countries who wish to enter the United States to attend funerals of immediate family members.

Our country has a proud tradition of providing humanitarian solace to those who are suffering. When relatives pass away it is often the family that provides strength and comfort during this time of loss. And those who live outside of the United States should be able to enter this country automatically to be with loved ones and properly grieve the loss.

Mr. Speaker, current policy allows the parole of aliens for this purpose. However, in practice aliens from certain nations are delayed and often denied entry into the United States. The experience of the people in my own district shows that relatives from certain countries, mainly the Philippines, face far greater difficulty in being granted parole status to be with their grieving family in the United States.

This is blatant discrimination against the people of the Philippines and their relatives who live in our country. What has happened to the principles of equality and justice for all people, whether from Europe, Asia, or the Pacific?

Mr. Speaker, we cannot let this injustice continue. It is hard enough to learn of the death of a loved one, many miles away or across an ocean. But to outright deny someone the ability to travel to the funeral of a loved one is cruel and heartless.

That is not what America is about. That is not what our forefathers envisioned for this Nation. They envisioned a nation of equality, a nation of compassion, a nation which reaches out to those suffering and in pain.

Mr. Speaker, the bill I have introduced today, will correct this injustice in our current policy, by granting entry into the United States to any alien who can prove the death of an immediate blood relative with a death certificate. The relative must be the alien's mother, father, son, daughter, brother, sister, or spouse.

Under this bill those allowed into the United States in accordance with this provision would be allowed to stay in the United States for up to 30 days. The Attorney General will have the power to grant longer stays to individuals with exceptional circumstances.

Mr. Speaker, the sweeping immigration reform bill we passed last year is based on the importance of the family and sought to break the barriers of national boundaries which have separated many families in the world today.

The bill I have introduced today builds upon this purpose and allows family members to be united for a brief period to pay their respects and mourn their loss.

Mr. Speaker, I urge my colleagues to continue the tradition of fairness and human compassion in our country and support this bill.

TRIBUTE TO DR. DAVID STEWART OF BROWNSVILLE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. TANNER. Mr. Speaker, I rise today to recognize the long and dedicated service of Brownsville, TN, physician Dr. David Stewart.

Dr. Stewart, who turned 77 on September 15, ends a distinguished medical career he has sometimes referred to as "a calling" and closes the door to the West Main Street office he built in 1954 one last time today.

As a family practitioner, Dr. Stewart and his colleagues in Brownsville and Haywood County underwrote the purchase of enough of the polio vaccine to inoculate every student in the county's school system.

Families had been asked to donate some amount of money as a form of payment for the vaccinations and ultimately contributed enough to not only pay for the vaccinations, but also pay for the Haywood County Hospital's first EKG machine.

Mr. Speaker, stories like this are a tribute to Dr. Stewart, his colleagues in Brownsville, and the fine people of Haywood County. I believe Dr. Stewart has demonstrated a lifetime of service to his community and he should be publicly commended.

I include the following article:

DR. STEWART WILL RETIRE SEPTEMBER 16

(By Mary Ann Lindsey)

He closes his eyes when he speaks of the past, and he laughs when he opens a small box that holds three home remedies he saves as keepsakes. Dr. David Stewart is retiring from a profession he quietly refers to as "a calling," and September 16 will be his last official day in his office on West Main.

A "cure" for fever turns out to be a string necklace that holds 11 small stones with holes drilled through their centers; cramps could supposedly be cured or warded off by a dime that has a hole in its middle and also dangles from a string, and nose bleeds were attacked by a flat lead weight, on a string, of course, that also could be put to good use as a fishing line sinker.

Dr. Stewart was educated in Haywood County schools—Chestnut Grove through Haywood High School—and earned a bachelor of science degree from Union College (now University) in Jackson in 1936. He worked in the bio-chemistry department at Vanderbilt two years as a research assistant until he received one of the medical school's Commodore scholarships. After earning his doctor of medicine degree from Vanderbilt in 1942, he married his sweetheart, Edna Outlaw, and they moved to Memphis where he served a year's rotating internship at City of Memphis Hospital before he was "invited" to join the Air Force in 1943.

When he was discharged from the service in 1946, the Stewarts moved back to Brownsville, and he opened his first office in the old Everett Hotel. Dr. Stewart and Dr. Thomas Russell built the present duplex clinic in 1954.

From medical school to retirement, Dr. Stewart has seen the technology and practice of medicine change faster and more dramatically than during any other time in history, and the drama began with the discovery of one drug—penicillin.

"It was and still is THE wonder drug," he said. "And two other major breakthroughs were the tetracycline family of drugs and the polio vaccine."

When the vaccine first was made available, the doctors in Haywood County underwrote the purchase of enough vaccine to administer to all the school children in the county. Sugar cube stations were set up in several places, and families were asked to donate what they could to help cover the costs. Twenty-five cents was the asked price, but families were so thankful to have their children protected from the dreaded disease that donations not only covered the price of the medicine, but enough was left over to buy the first EKG machine for the Haywood County Hospital.

Dr. Stewart is a member of the American Academy of Family Practice, the American Medical Association and the Tennessee Medical Association. He also is a member and past president of the West Tennessee Consolidated Assembly and served as a member of the Hospital Corporation of America's Board of Directors.

Locally, he participated in the reorganization of Haywood County Memorial Hospital to Haywood Park General Hospital and served as preceptor of the University of Tennessee Medical Education Community Orientation Program in the summer of 1978. He served as medical director of the laboratory, chairman of the professional standards committee and the board of trustees and is a past chief of staff and chief of medical services.

A deacon at Brownsville Baptist Church, he has served on the board of directors for the Tennessee Baptist Convention Service Corps, the Tennessee Baptist Foundation and Union University. He is a past president of the Exchange Club and a member of the Rotary Club.

Was medicine—the training, the struggling, the house calls in the middle of the night, the delivery of countless babies, the losses, the gains, the constant reading and learning and studying and work—just a job for him?

"No," he said, quietly. "I wanted to help people, and I hope my patients knew that. When I thought I couldn't help, I sent them to someone I thought could, but I always tried to help."

A family physician for 45 years, Dr. Stewart plans to "practice" retirement in the workshop behind his home, "nurse" his garden, "diagnose" the best places to catch crappie at Pickwick, and be "on call" to travel wherever he and "Miss Edna" want to go. And now there also will be more time to spend with their son, David, their daughter, Elise (Mrs. Stanley) Mullikin, and their two grandchildren.

And just before he closes his office and medical practice, David Stewart will pass one more milestone: On September 15, he will celebrate his 77th birthday.

Happy day!

And many, many happy days, Doctor . . . gentle man . . . friend. . . .

SALUTE TO THE MOTION PICTURE AND TELEVISION FUND

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to salute the accomplishments of the Motion Picture and Television Fund as it marks its 70th anniversary and the 50th anniversary of the fund's Woodland Hills campus.

The fund was established by Hollywood pioneers Mary Pickford, Charlie Chaplin, Douglas Fairbanks, and D.W. Griffith to help the emergency financial needs of fellow industry members. Since then, the fund, and later the retirement and health services complex in Woodland Hills, has helped the motion picture industry live up to its motto: "We Take Care of Our Own."

Indeed, no other American industry serves its employees or retirees with medical care, social services, emergency financial assistance, retirement care, and child care that matches the services to the fund.

At the Woodland Hills campus, eligible industry employees, retirees, and dependents are served by such facilities as the Motion Picture and Television Hospital, the Country House, and Frances Goldwyn Lodge, two outpatient centers and the Samuel Goldwyn Foundation Children's Center.

I would be remiss, Mr. Speaker, if I failed to mention that among those who participated in the groundbreaking ceremonies for the Country House a half-century ago was a young actor named Ronald Reagan. I'm especially pleased that former President Reagan will be on hand this Sunday for the anniversary gala.

Mr. Speaker, I ask my colleagues to join me in saluting the many outstanding contributions of the Motion Picture and Television Fund, and in extending our best wishes for the future.

A TRIBUTE TO DAN CEREL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Dan Cerel, who is retiring from 46 years in the jewelry business in Pawtucket and Lincoln, RI. His retirement marks the end of an era in the Pawtucket business community.

Dan Cerel served 3 years in the military before World War II. He then went on to attend optometry school in Boston. After earning a degree in business from Providence College, he joined his father's jewelry business.

Not only has Dan Cerel been a leader in business, but despite a busy schedule he has maintained an active role in the community. He is past president of the Pawtucket Plaza Associates Merchant Group, the Pawtucket Credit Rating Bureau, and Temple Beth Am in Warwick, RI. Dan Cerel has also served on several mayors committees for the development of downtown Pawtucket. In addition he has and continues to support many national and local charities.

Please join me in wishing Dan Cerel and his family best wishes on his retirement from the jewelry business.

KHALISTAN: THE ONLY SOLUTION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. BURTON of Indiana. Mr. Speaker, I rise today in support of the freedom of the Sikh nation. On October 7, 1987, the Sikh nation declared independence from India forming the separate country of Khalistan. I want to go on record as saying Khalistan is the only solution to the Punjab problem.

Under the oppression of the Indian Government, the Sikhs have suffered untold atrocities. Since 1984 over 100,000 Sikhs have been killed by Indian police, paramilitary forces, and death squads. At this very moment 15,000 Sikh prisoners of conscience languish in Indian prisons without charge or trial.

I quote a recent Asia Watch report:

> Torture, extrajudicial murders, "encounter killings," rape, "disappearances," extortion, arbitrary arrest, detention without trial, the denial of freedom of press and expression, and the maintenance of internationally repudiated draconian laws are among the gross violations committed by the Indian Government and its forces.

The report adds that—

> Throughout Punjab, torture is practiced systematically in police stations, in prisons and in detention camps used by the paramilitary forces. In virtually every case Asia Watch investigated, persons taken into custody were tortured.

Police are even given quotas by their superiors to kill a certain number of Sikhs each month. Mr. Speaker, can we honestly attach the good name of democracy to a country which terrorizes, tortures, and murders its own minorities?

The Sikh nation is fighting for its freedom and it needs the support of the U.S. Congress. I submit for the record a resolution passed by the National Federation of Young Republicans on July 13 urging the government of India to "remove all occupying forces from Khalistan and honor the independence of the Sikh nation."

I submit, as well, the Associated Press list of the world's 10 "Would-be-Nations," on which Khalistan is listed. Today three of the nations on the list—Latvia, Estonia, and Lithuania—are independent, and three others—Slovenia, Croatia, and Georgia—are well on their way there. With the help of the international community Khalistan, too, will soon have its freedom.

I want to note that the drive to censure India for its violation of human rights is fast gaining international consensus. Both Germany and Norway, have moved to reduce aid to India. I have introduced a bill, the Human Rights in India Act (H.R. 953) which would terminate U.S. aid to India until the Indian Government allows internationally recognized human rights monitors within its borders to investigate atrocities. Amnesty International has been denied entry for this purpose since 1978. I beseech all my colleagues in the U.S. Congress to support this bill. India must receive the message that the world community will not tolerate its government by oppression. And we, the Members of the U.S. Congress, must take a leading role in creating a new world order in which freedom is the rule not the exception.

INDIA BLAMES NORWAY FOR GERMAN FOREIGN AID CUT

(By Narendra Taneja and Sverre Trandhagen)

India lays blame on Norway for the controversial plan to cut foreign aid to the country.

"Germany wants to reduce aid for exactly the same reason that Norway did earlier," claimed a high placed official in the Indian foreign department to Dagens Naeringsliv.

This awakened considerable irritation from the Indian authorities when they were informed last fall of the decision that Norwegian foreign aid would be drastically reduced.

Even though there is talk now of a cut of 35 million crowns in agricultural grants, from 140 million in 1990 to 105 million crowns in 1991, the Indians expressed strong concern of a "snowball effect" where other contributing countries follow Norway's example.

According to the German press, the federal ministry of economic cooperation (BM2) in Bonn has now decided to reduce foreign aid to India by at least 25% starting next year. Germany's annual foreign aid has been around 365 million marks.

Foreign Aid minister Grete Faremo is not overly convinced about the Indian accusations that Norway is responsible for German foreign aid cuts.

"I cannot accept such a premise. It is stretching it a bit to say that other countries will reduce their foreign aid because Norway has done it. But it is a fact that foreign aid funds are limited goods," says Faremo to Dagens Naeringsliv.

Underlying this is a Norwegian desire to give priority to Africa. This became apparent in the budget which Syse's government presented, and has been continued under Faremo and the labor government.

A gradual 3-year scaling down of the agricultural program funds to India has been decided upon. Starting in 1993, there will be a change in foreign aid distribution, but it is not determined if India will be dropped as a main cooperating partner with Norway.

Even though Norwegian policy is mainly governed by the wish for a greater impact of foreign aid by to a greater extent concentrating on Africa, also India's expenditures on weaponry and atomic power had had an influence.

The reason given for the German cut in aid is that India, which has more people than the entire African continent, has now done well, and the country has a high defense budget.

According to sources in the Indian foreign department, who didn't want to have their names revealed, the German decision now substantiates their statement warning Norway of the danger of a "snowball effect."

"The Norwegian decision was unfortunate and incorrect. Look how many countries now are following suit. Today it is Germany, tomorrow it can be Sweden. Soon the whole world will say that India doesn't need foreign aid," state Indian officials who claim that it is the Indian poor who are effected.

Indian authorities believe that the foreign aid funds are used effectively and also say that the defence budget is being reduced.

Former special adviser in the foreign department, Bernt H. Lund (now ambassador in Nambia) was sent last September to India by foreign aid minister Tom Vraalsen to inform about the foreign aid cuts. Lund said to Dagens Naeringsliv after the rather unpleasant trip that he didn't believe there would be any "snowball effect" from other contributing countries to India.

KHALISTAN

Whereas the Young Republican National Federation is concerned about the violence in Khalistan, and

Whereas the Indian government currently has at least 500,000 paramilitary and full combat forces deployed in Khalistan, and

Whereas the denial of basic human rights continues under the current Indian government, and

Whereas the Indian government has refused to allow internationally recognized human rights monitors such as Amnesty International within its borders to investigate atrocities, and

Whereas domestic human rights groups such as the Punjab Human Rights Organization, have fully documented the existence of Indian government death squads which indiscriminantly murder the Sikhs of Khalistan, and

Whereas the Indian government has diverted water from Khalistan in direct violation of the internationally recognized riparian principle governing regional water rights, and

Whereas the Indian constitution displays an undue prejudice against the Sikhs and having the effect of denying Sikhs their democratic, political rights, and

Whereas laws under the Indian constitution like the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1985 have been called "disturbing" and "completely unacceptable" by members of the United Nations Human Rights Committee, and

Whereas no representative of the Sikh nation has ever been a signatory to the Indian constitution, and

Whereas freedom is the birthright of all nations: Now, therefore be it,

Resolved, by the Young Republican National Federation that the Sikhs of Khalistan, like all peoples of all nations, have the right to independence; that the independence of Khalistan, as declared by the leadership of Sikh nation on October 7, 1987, should be honored by the Indian government with the immediate removal of all occupying forces from the soil of Khalistan; and that the Indian government should settle this matter peacefully by immediately sitting down with the leadership of the Sikh nation to demarcate the boundaries between Indian and Khalistan.

[From New Dimensions, Sept.-Oct. 1991]

OPPRESSION OF THE SIKHS: THE UNTOLD STORY

(By Timothy B. McPharos)

Recently, the world has finally taken note of the long-suffering Kurdich people. But there is another "forgotten" people who have suffered tremendously in modern times—virtually without notice from the West. The Sikhs of India, who wear the turban traditional to their religion, believe in one God, individual liberty, abolition of the caste system, and civil liberties for all, regardless of race, creed, or sex. Yet the government of India, which bills itself as "the world's largest democracy," as systematically oppressed them.

Since 1984, 95,000 Sikhs have been killed by Indian government police, paramilitary forces, and death squads. Today, over 15,000 Sikhs languish in Indian jails without charge, trial, or access to legal counsel. Reportedly, they are made to endure some of the most brutal forms of torture known to man. Since early January, the Indian government has massed a military force of over 500,000 troops in Punjab, the Sikh homeland, enforcing an undeclared martial law of the Sikh people.

In addition, the Sikhs continue to suffer under the 1984 Terrorist and Disruptive Activities Act (TADA), which according to Rep. Ben Blaz (R, Guam), "permits the security forces to arrest and detain indefinitely anyone they arbitrarily decide is a terrorist. Yet to my knowledge," Blaz reports, "no supposed Sikh terrorist has ever been brought to trial. Instead, they die in police custody or in . . . fake encounters.

To understand the hostility of Hindu India (or Hindustan, as many Sikhs and Kashmiri Muslims call it) toward the Sikh people, one must look to its history. When India was seeking its independence from Britain in 1947, Sikh political and military leaders were influential in that struggle along with the British, the Muslims (who received Pakistan), and the Hindu, League (which received India). Since Punjab is a rich agricultural region known as "the breadbasket of India," dia," Mahatma Gandhi and Jawaharlal Nehru felt that it was vital to keep the Sikhs within India. Accordingly, Nehru promised the Sikhs autonomy. "No law will be passed [which effects the Sikhs] without the approval of the Sikh people," Nehru is reported to have said. With this promise, the Sikhs took their place within India rather than opting for independence.

The promise was not kept. Rather, Presidential rule of the sort imposed in the Soviet Union has been imposed upon the Sikhs mine times since India became independent. According to Rep. Dan Burton (R, Ind.), 20 to 30 Sikhs die in Punjab each day in extrajudicial (illegal) killings. To put an end to this cruel treatment, on October 7, 1987, Sikh leaders declared their independence, giving their new state the name Khalistan (meaning "Land of the Pure").

"Khalistan's declaration of independence is irrevocable, irreversible, and non-negotiable," says Dr. Gurmit Singh Aulakh, President of The Council of Khalistan which describes itself as "the organization leading the Sikh struggle for freedom." Yet in spite of their declared independence, the Sikhs have been living under continual Presidential rule for the last four years. "India is disintegrating," adds Aulakh, "and the assassination of Mr. Gandhi has only accelerated the process. Gandhi was the victim of the violence he helped to sustain."

Last March, Simranjit Singh Mann, leader of the largest faction of the Akali Dal, the principal Sikh political party, declared Khalistan "an Indian colony" and urged Sikhs to move to Pakistan. Mann had earlier received a letter from the sarpanches (mayors) of six Sikh villages detailing a threat by an Indian army brigadier that his army would kill the sarpanches and all the village youth, then confine the women to army camps and "breed a new race." Mann called upon the U.S. to help the Sikhs achieve their independence. "The U.S. is our friend. We hope that they will come to our aid," said Mann.

In response, Rep. Burton and 44 co-sponsors introduced legislation known as the Human Rights in India Act (H.R. 953), that, in the words of Burton, "would cut off developmental aid to India until its government allows internationally recognized human rights groups within its borders to investigate the violation of human rights."

At present, the Human Rights in India Act is bottled up in the Near East and South

Asia subcommittee of the House Foreign Affairs Committee. The subcommittee chairman, Rep. Steven Solarz (D, New York), has been described by some as "India's best friend in Congress," so the bill may have an uphill fight to get passed. A similar bill was rejected last year.

But Blaz, other members of Congress, and several Sikh leaders are saying the same thing: "Khalistan is the only solution to the Punjab problem."

Croatia and Slovenia, constituent republics that have declared "independence" from Yugoslavia, growing number of regions worldwide where nationalism is feeding a drive for sovereignty. Here's a look at some of them:

LITHUANIA—The Supreme Council parliament declared the republic of 3.8 million independent on March 11, 1990. The Kremlin imposed an economic embargo of oil, natural gas and other raw materials in an effort to force the republic to back down on some of its laws that foster independence. The crackdown's bloodiest attack came on Jan. 13, when Soviet army troops and tanks stormed the Vilnius television broadcasting complex. Thirteen civilians and a KGB officer died.

ESTONIA.—The Estonian parliament on March 30, 1990, declared the Soviet Union an occupying power and pledged to restore full independence gradually. Soviet President Gorbachev at first offered Estonia, a republic of 1.5 million, "special status" in a revamped Soviet federation if it would drop its independence bid. They persisted, dropping the trappings of Soviet power and the words "Soviet Socialist" from its name, leaving "The Republic of Estonia." Gorbachev decreed that the Estonian declaration was illegal.

LATVIA.—The Latvian Supreme Soviet parliament declared independence May 4, 1990, but the measure called for a transition period of unspecified length. About 54 percent of the republic's population of 2.7 million is Latvian. The rest are mainly Russians, many of whom oppose independence. Like Estonia, Latvia first got an offer from Gorbachev of special status in a renewed federation, but its independence declaration amounted to a rejection of that offer. Presidential decrees declared the Latvian declaration invalid.

GEORGIA.—Georgia first declared independence on May 26, 1918, during the civil war that followed the 1917 Bolshevik Revolution, but it was forcibly absorbed into the Soviet Union three years later. In the first direct presidential election in Soviet history, Georgia reasserted its independence on May 26, 1991. It is one of the six Soviet republics that have refused to sign Gorbachev's Union Treaty to hold the splintering nation together.

CROATIA.—Croatia is governed by the Croatian Democratic Union, a staunchly nationalist party that won last year's parliamentary elections. Its parliament declared independence from Yugoslavia this week. The party's leader, Franjo Tudjman, a former Communist general, was named president by the legislature. Ethnic Serbs, who claim discrimination, have declared independence for their enclave of Krajina in western Croatia. They have formed a separate government and have resisted efforts to re-establish Croatian authority in the area, which accounts for about a quarter of the state's territory.

SLOVENIA.—Slovenia is ruled by Demos, a coalition of six center-right parties that last year beat the reformed Communist Party in the first multiparty elections in 45 years. Milan Kucan, a former Communist, was elected president of the Yugoslav republic, which declared its independence from Belgrade this week.

ERITREA.—The ouster last month of Ethiopia's Marxist government by Eritrean and Tigrean rebels may pave the way for the independence of Eritrea, Ethiopia's northernmost province. Eritrea long has been coveted by foreign powers because of its strategic location on the Red Sea. Italy colonized the region in 1891. Allied armies took Eritrea in 1941 and for the next 11 years it was under British military administration. Eritrean leaders pushed for independence, but Ethiopia, needing access to the Red Sea, annexed the region. Eritrea's 3.5 million people speak nine languages and are divided between Moslems and Christians.

KURDISTAN.—The region that Kurds claim as their homeland lies across the Zagros mountains of Iran, the Taurus mountains of Turkey, the upper reaches of the Tigris and Euphrates rivers, small parts of Syria and Soviet Armenia, and south across the Mesopotamian plain of Iraq. Kurds are traditionally Sunni Muslims. Split mainly between four nations—Turkey, Iraq, Iran and Syria—and often sub-divided into warring clans, the estimated 25 million Kurds seem no closer to winning a homeland than they were after World War I.

KHALISTAN.—Sikh militants in India, seeking to establish a separate nation in Punjab state, have been active since 1982. Sikhs comprise 2 percent of India's 844 million people, but they are in a majority in Punjab, a rich farming state. Sikhs claim their community is discriminated against by the Hindus, who represent 82 percent of the country's people. The Sikhs say that Khalistan, their hoped-for nation, would contain at least Punjab state.

TAMILS.—The Tamil campaign for independence from Sri Lanka's Sinhalese majority began in 1983 and escalated into all-out war. Tamils, who seek autonomy in the north and east of Sri Lanka, believe that they are discriminated against by the Sinhalese. Tamils, who are predominantly Hindu, make up 18 percent of Sri Lanka's 16 million people. The Buddhist Sinhalese comprise 75 percent, while Muslims constitute 7 percent.

COUNCIL OF KHALISTAN,
Washington, DC, August 27, 1991.

ASIA WATCH SCORNS INDIA FOR OPPRESSION OF SIKHS—INDIAN GOVERNMENT EXPOSED FOR BRUTAL VIOLATION OF HUMAN RIGHTS

Asia Watch, a division of the American based Human Rights Watch, released on August 25 a blistering 138 page report, Human Rights in India: Punjab in Crisis, documenting massive violations of human rights by Indian police, paramilitary and security forces.

Torture, extrajudicial murders, "encounter killings," rape, "disappearances," extortion, arbitrary arrest, detention without trial, the denial of freedom of press and expression, and the maintenance of internationally repudiated draconian laws are among the gross violations committed by the Indian government and its forces.

Encounter killings continue to be the Indian government's primary means of suppressing the Sikh nation. According to an Asia Watch press release issued with the report:

"Asia Watch investigated many cases of extrajudicial killings of Sikhs by the security forces in staged "encounters" in which the police allege that they came under attack by militants. In most cases, however, the victims have simply been murdered in police custody. In some cases, the police have actually recruited and trained and trained extrajudicial forces to carry out these killings. Detainees have also frequently "disappeared" in police custody; police frequently have defied court orders and thwarted efforts to locate detainees and produce them in court. The police also seized local newspapers and harassed journalists."

The report adds that:

"Throughout Punjab, torture is practiced systematically in police stations, in prisons and in detention camps used by the paramilitary forces. In virtually every case Asia Watch investigated, persons taken into custody were tortured.

"During house to house searches, the security forces routinely assault and threaten civilians. In some cases, virtually all the male residents of entire villages have been subjected to beatings and other forms of assault."

Despite the pervasiveness of such brutality, "no member of the security forces in Punjab has been convicted of any human rights violation committed in the state," Asia Watch verified.

Dr. Gurmit Singh Aulakh, President of the Council Khalistan stressed that "over 100,000 Sikhs have been killed by Indian government forces since 1984 without any action taken against those responsible. Can anybody honestly refer to the Indian government as the so-called 'world's largest democracy'? It is not a democracy. It's nothing less than the world's largest tyranny."

While criminal acts by security forces should clearly be condemned, ultimate culpability for the oppression the Sikh nation faces today rest on the shoulders of the highest tiers of the Indian political structure. Asia Watch reports:

"Central government politicians under the Congress (I), National Front, and Janata Dal (S) administrations have given blanket authority to the police and paramilitary forces in Punjab to act outside the law. As a result, these forces have engaged in gross and systematic human rights abuses. . . . The corruption endemic to the Indian police system has also played its part. Police have routinely detained, tortured and killed persons in pursuit of bribery and extortion. By failing to prosecute members of its security forces responsible for such abuses, or even to acknowledge that abuses have taken place, the Indian government has effectively condoned these practices."

According to its press release, Asia Watch is "the first international group to carry out a fact-finding mission in the [Punjab]." Amnesty International has been denied access by the Indian government since 1978. That organization, however, has a mandate in its charter dictating that it must first gain the approval of governments before it conducts formal investigations. Asia Watch has no such stipulation in its charter.

Dr. Aulakh, praised the report as a milestone in the struggle for the freedom of the Sikh nation, which declared its independence on October 7, 1987 forming the separate country of Khalistan in the face of overwhelming Indian government oppression. "Asia Watch has now validated what Sikhs have been trying to bring before the international community for the past decade," he said. "India is the worst violators of human rights in the world at this time. The only solution is outright independence. Freedom, after all, is the most essential human right. Without it we cannot expect to survive in a manner acceptable by civilized standards. Either we achieve freedom or we remain the slaves of the Indian government."

As for the involvement of the international community, Dr. Aulakh sees its role as crucial. "After this report, the United states and the other donor nations will have to make a very important decision: will they or will they not terminate aid and Most Favored Nations trading status for India? The decision is obvious. Germany has already made clear its intention to condition aid to human rights and weapons spending. Because India will not respect the freedom of the Sikhs, it's going to see quite a bit more of this sort of pressure. The Indian government will soon learn that it cannot simply terrorize an entire nation and get away with it."

Though various Indian governments have long promised a resolution to the situation in the Punjab, every solemn commitment made to the Sikh nation has been broken. After quite some time, the extermination of tens of thousands of Sikhs and the torture, rape, extortion, disappearance, and humiliation of many more, the international community is now beginning to see the reality of the situation. It knows that the Sikh nation has been betrayed at every juncture. As Asia Watch reports, the new government under Prime Minister Narasimha Rao offers only more of the same.

"His government, like the two that preceded it, is a minority government, one that may find itself too preoccupied with its own survival to diverge from established policy in Punjab. If that is the case, it will be tragic for Punjab and India."

The situation in the Sikh homeland is extremely grim, but as Dr. Aulakh has promised, "the Sikh nation will not rest until it can bask in the brilliant glow of freedom." The only solution to this problem is independence for the Sikh nation. The entire world looks to the Indian government and wonders if it has yet received this message.

SPOUSAL EQUALITY IN SAVINGS ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. DREIER of California. Mr. Speaker, the benefits of IRA participation are currently skewed heavily toward working mates, and away from women who work either in the home or in lower paying jobs. Spouses should have the same individual retirement rights as those working outside the home. That's why today, I am introducing the Spousal Savings Act. This legislation will address this inequity by granting nonworking spouses the full $2,000 deduction for IRA contributions.

Current IRA rules are inequitable in three ways. First, the extra $250 allowed a worker with a nonearner spouse is inadequate. Homemakers should not have to rely on their spouse to set up and contribute to an IRA on their behalf. Rather, they should be able to set up and contribute to an IRA in their own right.

Second, the spousal restrictions effectively ignore the full worth of work done in the home. The fact that individuals who perform this work are overwhelmingly female adds to the impression that society undervalues work done primarily by women. The feminization of poverty is accelerated under the current law.

Third, many women who work outside the home leave the job market for a time in order to take care of young children. Without a change in the spousal IRA law, they will be unable to continue their IRA accounts when they are not working outside the home.

Mr. Speaker, there has been a lot of talk in recent months about the need to make our Tax Code fair toward families. I support these efforts, and hope my colleagues will not ignore the discrimination that exists against single-earner couples with respect to IRA contributions. The Spousal Savings Act will bring about equity with little loss of revenue.

A Wall Street Journal once stated:

> You have to wonder about a society that would penalize parents who choose to devote more time to raising their kids.

I urge my colleagues to cosponsor the Spousal Savings Act.

WHERE'S THE HIGHWAY BILL?

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. COLEMAN of Missouri. Mr. Speaker, here we are—on September 16. The significance of this date is that it effectively leaves 7 days for Congress to act and reauthorize the surface transportation programs before they expire on September 30. To date, the Democrat leadership has failed to bring a bill to the floor on which members could act. President Bush stood before Congress in March and challenged both bodies to act on the transportation bill within 100 days. We have seen 100 days come and go with no highway bill. The administration has submitted their proposal for consideration. The Senate has acted. Where is the House highway bill?

As majority leadership haggles over political points, they are causing us to lose the opportunity to act responsibly. Now that the committee has produced a bill, it should be up to the Members to vote on these difficult issues, such as the gas tax—instead we lose precious time as these decisions are made for us behind closed doors. It causes one to wonder about the motive for these delays. Is it to enhance national transportation policy to benefit constituents? It would seem not.

As a result of failing to get this bill to the floor in a timely fashion, roads will not be built. In my district in Missouri, construction will be halted on important projects. For example, in St. Joseph, bids for a project on a major artery through the city—Frederick Boulevard—were to be let in November. This is a $3 million project. In Maryville, the request for bids for the first phase of a long-awaited project—a bypass on Highway 71—was scheduled for October. This is an $8 million project. On one of the most important north-south links in northwest Missouri—Highway 65—bids were to be let in October to replace a bridge over railroad tracks in Livingston County. This is a $3 million project.

These projects will not go forward if the surface transportation programs are permitted to expire. The Nation's infrastructure is vital to the economic development of these communities. Businesses depend on the infrastructure to get their wares to market. Emerging industries are attracted to communities based on the ease with which they can access their markets, and depend on this infrastructure for their economic viability. I should think that as people and businesses are struggling during these difficult economic times, getting this bill to the floor would be the greatest priority for Congress. Then why does the majority leadership hold up action on this bill?

We are on the verge of making tremendous strides in transportation policy, which will impact the future of our country. I want to see us go forward, not remain static, and certainly not bring the programs to a dead stop. I urge the leadership to bring reauthorization of the transportation programs to the floor, and allow us to vote. Let's get this show on the "road."

C.M. BATES, JR., OF KENTUCKY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. NATCHER. Mr. Speaker, I would like to take this opportunity to pay tribute to the late C.M. Bates, Jr., who served as an employee of the House of Representatives beginning in 1942 and extending until the late 1970's. During this period, he served for 5 years as building superintendent, and he served with dignity and honor. A building superintendent, as we all know, is the position involving maintaining facilities in the three House of Representatives office buildings. He was always ready to be of assistance to all of the Members, and during his tenure as an employee of the House, he established many friendships. He was an exemplary figure and made every effort to see that our buildings were in excellent order and convenient for all of the Members.

Mr. Bates was born in Dry Creek, KY, and he moved to the Washington area and began working for the House in the year 1942.

While a resident of the metropolitan area, he lived in Falls Church, VA, and later on lived in Greenville, NC, Ocean City, MD, and New Carlisle, OH. He was married to Sylvia S. Bates and is survived by his mother, Anna Bates of New Carlisle, OH; two sons, Richard S. Bates of McLean, VA, Robert Bates of Ocean City, MD; and two grandchildren.

Mr. Speaker, the reason why the House of Representatives operates in an orderly, excellent manner is because we have people like C.M. Bates, Jr., who work with us to make sure that this condition exists. He was a man dedicated to his assignment and one who loved and respected the House of Representatives of the U.S. Congress.

I salute his many accomplishments and am grateful for the contributions that he made to our House of Representatives. I extend my sympathy to all of the members of his family.

COMMENDING REPUBLIC ENGINEERED STEELS, INC.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. VISCLOSKY. Mr. Speaker, I am very pleased to commend the employees and management of Republic Engineered Steels, Inc., for fine work that earned them the U.S. Department of Labor's prestigious 1991 LIFT [Labor Investing for Tomorrow] America Award. On September 11, Russell W. Maier, president and chief executive officer of Republic, and C. William Lynn, president of the United Steelworkers of America [USWA] Local 1200 in Canton, OH, accepted Republic's LIFT Award from Labor Secretary Lynn Martin.

I would also like to congratulate the workers and management of Republic's plant in Gary, IN, who helped to make this LIFT Award possible. The hard work, leadership, and dedication of Mike Milsap, president of USWA Local 3069, and Ed Cook, former president of USWA Local 3069, were crucial to Republic's success in earning a 1991 LIFT Award. Garry, plant manager Gerry Bruni, and former plant manager Nick Dunyak also contributed greatly to Republic's award-winning performance.

LIFT Awards are presented annually by the Labor Department to honor creative solutions to the challenges faced by America's workers and employers. Republic was chosen as one of only eight 1991 LIFT Award recipients selected from over 400 applicants. Republic received the LIFT Award in the Employee Worklife Programs category for its efforts to improve the quality of work life for all its employees through participative management. Indeed, part of Republic's new management system includes a comprehensive 30-hour business education program for all of its employees.

Republic Engineered Steels is an employee-owned company with approximately 5,000 workers at eight plants in five States. Republic is a leader in the production of quality engineered carbon, alloy, stainless, and tool steels. Employees purchased the company in late 1989, and established a committee, known as the H-1 Committee, which decided that in order to reach its full potential, the company must provide the opportunity for every employee to contribute to the success of the company.

The H-1 Committee, consisting of union members, salaried employees, and management representatives, is designed to involve all employees with the goal of improving labor-management relations. Republic's management system functions through a series of crew, department, plant, and corporate meetings designed to integrate all of its nearly 5,000 employee-owners into the problem solving process. Guided by the H-1 Committee, Republic's management program has resulted in improved customer satisfaction, increased market share, increase value of products and services, cost reduction, and waste elimination.

Congratulations again to everyone at Republic for a job truly well done.

A TRIBUTE TO DOROTHY MOORE AND MEMBERS OF DANCYVILLE UNITED METHODIST CHURCH

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. TANNER. Mr. Speaker, I rise today to recognize the dedicated work of members of the Dancyville United Methodist Church. Led by Dorothy Moore, their hard work and diligent effort was rewarded recently when their church and its adjacent cemetery were listed on the National Register of Historic Places.

That listing secured the church's place in Dancyville's history, rightfully protecting it from future building projects that might adversely affect the building's historic character and longtime role in the community. The church has a history in Dancyville and Haywood County dating back some 150 years. The Dancyville United Methodist Church is easily worthy of this coveted recognition.

The work of church members toward achieving this goal is to be commended. I've been going to Dancyville all my life and the communtiy is filled with wonderful people. It remains a community wrapped in strong moral fiber and sound American values.

I want to join my friends in Dancyville and Haywood County in expressing my congratulations to Ms. Moore, the church, and its members on this historic achievement.

Clearly, it is a treasure worth preserving in Dancyville, TN.

I include the following article:

DANCYVILLE UNITED METHODIST CHURCH ADDED TO PRESTIGIOUS NATIONAL REGISTER

Haywood County's contribution to the list of history-making places swelled by two March 13 when the Dancyville United Methodist Church and its adjacent cemetery on the southern edge of Haywood County were added to the National Register of Historic Places.

The church and cemetery, dating to the mid-19th century, were considered for nomination and examined by the 13-member State Review Board in January. Though Steve Rogers of the Tennessee Historical Commission said Monday that the church made the list in March, notification to the state came only last week.

The listing in the National Register of Historic Places of the Department of the Interior provides recognition of places worthy of preservation but does not encumber property with federal regulations.

The Dancyville church's inclusion reinforces its historic importance and assures protective review of federal projects that might adversely affect the character of the property. By virtue of its listing, the property could qualify for certain federal investment tax credits for rehabilitation.

One of the Dancyville church members who has been instrumental in moving the church's nomination through the recognition process, Dorothy Moore, said that the community is overjoyed by the acceptance of the church and cemetery to the national register. Members of the community plan to purchase markers for the property as soon as possible.

TRIBUTE TO JOSEPH "CHUBBY" CARNISH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Joseph "Chubby" Carnish, a man who made outstanding contributions to Carbon County and the Sixth District as a whole. Mr. Carnish has been actively involved in little league baseball, as a businessman and as a community leader in Summit Hill for over 30 years. He has, in the process, become a well respected member of the community and an integral part of Carbon County.

On September 29, 1991, Mr. Carnish will be honored by the Summit Hill Little League Association for his 30 years of service—1960–90—as the president of the league. Over this period, Mr. Carnish has been involved with the lives of countless young people and helped them to enjoy our great American pastime. I am glad to be able to congratulate this man who has made such a tremendous contribution to his community.

Mr. Carnish began his long career of service to others as the president of his class at Summit Hill High School where he graduated in 1939. He then served his country in the United States Air Force for 3 years in England. After the war, he returned to Carbon County where he operated a restaurant with Ann, his wife of nearly 46 years. Mr. Carnish has received many other honors including the Summit Hill Community Improvement Organization "Citizen of the Year" Award and the Panther Valley Chamber of Commerce Community Achievement Award. He served as the cochair of Summit Hill's year-long centennial celebration in 1989 and as the grand marshal of the 1985 Summit Hill Memorial Day Parade. He is also an active member of many local organizations including the St. Stanislaus Catholic Church, the American Legion Post 316, the St. Gabriel's Club, and the Polish-American Club.

I ask my colleagues to join me in saluting Mr. Carnish. His record of service to the community is admirable. On behalf of the people of the Sixth District, I congratulate Mr. Carnish for his outstanding achievements.

IMAGINE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. DORGAN. Mr. Speaker, as I stand on the floor of the U.S. Congress today, a group of young North Dakotans are in Moscow as part of a touring group called IMAGINE. Just a month ago, they were in this capital building. Last week, they were in Bejing, China, and today, they are in Moscow.

This is a group of talented, young artists from China, from the Soviet Union, and from the United States performing a play that contains some of the musical culture of all three countries and combines a wonderful message of working and living together in peace.

Project IMAGINE has been the work of dreamers. John Marks and Vicki Chepulis, two talented North Dakotans brought together young people—Chinese, Soviets, and Americans—to work together, play together, learn together. They knew that small dreams that become real can demonstrate bigger opportunities for a better world.

If the currency of wealth in our world is friendship and human kindness, then the world is wealthier because of the dream come true for Vicki Chepulis and John Marks and a group of young people who speak different languages but who are performing today in Moscow using a language that the entire world can understand.

HONOR GRADUATE OF THE YEAR AWARD

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and recognize the outstanding achievement of Officer Richard L. Burton for being the first recipient of the Federal Law Enforcement Training Center Honor Graduate of the Year Award.

Officer Burton is assigned to the U.S. Capitol Police Patrol Division. His principal duties include conducting regular motorcycle patrols of the U.S. Capitol, the House and Senate grounds, and our national monuments.

While in training at the Federal Law Enforcement Training Center, Officer Burton was designated Honor Graduate of his class based upon an academic average of 99 percent; a firearms qualification score of 297 of a possible 300; and high marks in his physical fitness tests.

Officer Burton's exemplary service as a member of the U.S. Capitol Police Force is much appreciated by myself and those who are a part of the Capitol Hill community. As a resident of my congressional district, our residents are proud of him for receiving this award and the distinction he has given to Millersville, MD.

I congratulate Officer Burton for his being named the Federal Law Enforcement Training Center Honor Graduate of the Year and look forward to his continued outstanding service as a part of the U.S. Capitol Police Force.

TRIBUTE TO PATRICIA C. TREISCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Patricia C. Treisch of my 17th Congressional District who has retired after 45 years of service to the American Red Cross.

Pat began volunteering for the Red Cross in her hometown of Galion, OH, where she was a water safety volunteer. In 1950, she moved to Trumbull County, OH, and worked as the health and physical education director of the Trumbull County chapter of the Red Cross. In 1953, she became the water safety chairman for the chapter and began the Packard Pool Swim Program, which is recognized as one of the best Red Cross adapted aquatic programs in the country. Pat's service to the American Red Cross continued in 1971 when she was appointed health and safety director for the Trumbull County chapter.

Since 1971, Pat has made great strides within the Red Cross. In 1974, she became the first woman in the Eastern United States to receive delegation of authority from the American Red Cross to train instructors trainers in CPR. She was one of the first presidents of the Trumbull Canoe Club and helped establish the Mahoning River as a canoe trail. Pat began the annual swim-a-cross which helps to raise money for the health and safety department of the chapter.

Pat officially retired on June 14, 1991. She received the American Red Cross Tiffany Award for employee excellence and will be honored at a retirement dinner on September 26, 1991. Through her years of unselfish service she has made our community a better place to live and I am honored to represent such an outstanding individual.

SONS OF CINCINNATI

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. LUKEN. Mr. Speaker, this week two of Cincinnati's favorite sons conclude 44 years of combined service in the Board of Directors of the Federal National Mortgage Association. Both Joseph P. Hayden and John M. O'Mara have been central players in helping make America's housing one of the marvels of modern times. These men are retiring from the Board and will be honored this evening at a special dinner given by Fannie Mae.

Since May 21, 1970, John O'Mara has been a distinguished member of Fannie Mae's Board of Directors. His departure will be a loss to the company especially since he has been a key factor in so many of its gains.

Inside Fannie Mae, Jack has served with distinction in a diverse range of assignments—on the stock price committee, on the compensation committee in the 1970's, and a long list of others. Since 1982, he has chaired the asset and liabilities policy committee, the key body that makes recommendations to the board on the financial policies and goals of the corporation.

Jack was head of the search committee that brought David Maxwell—chairman and Chief Executive Officer at Fannie Mae throughout the 1980's—to a then-struggling corporation at the outset of the last decade. it was a decision that lit the fuse to Fannie Mae's phenomenal growth.

Jack O'Mara has carved an enviable career from managing director of Chase Manhattan Bank, to chairman and chief executive officer of Global Natural Resources, to chairman of the executive committee at Quality Care Systems, Inc. From banking, to the environment, to health care, he is an accomplished leader.

In these times of uncertainty and instability, Fannie Mae has been at the core of strength and reliability. In large part it is because of strong and reliable men like Jack O'Mara.

Joseph P. Hayden, after 22 years as a member of the Fannie Mae Board, also is moving on to devote more time to his other considerable responsibilities.

Joe joined Fannie Mae on May 15, 1969. For more than 22 years he served on the corporation's audit committee and leaves as the committee chairman. The experience and meticulous attention to technical affairs Joe brought to his work helped Fannie Mae function smoothly and become the model of efficiency it is today.

Joe Hayden also has had a remarkable career at the Midland Co., from 1950 when he joined the company as vice president of the mobile home division, to December 1980 when he became Midland's chairman and chief executive officer, the position he holds now. He has been a civic treasure to his native Cincinnati, and a major asset to Fannie Mae.

He is just as much a man of achievement and distinction in sports as he is in business. His Midland Redskins, an amateur baseball team composed of young men between the ages of 15 and 18, won still another championship this year with a record of 58–6–2. It was the fourth championship in 8 years, a record any team, anywhere would envy.

Joe Hayden's career is its own testimonial to the power of sacrifice and community contribution. My best to him in the years of consistent giving and leadership he has ahead of him.

Mr. Speaker, the Nation should be as grateful as Cincinnati is proud that Joe Hayden and Jack O'Mara have been so willing to serve and have served so well.

TRIBUTE TO TAKEO OKAMOTO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Ms. PELOSI. Mr. Speaker, I rise today to pay special tribute to Mr. Takeo Okamoto. On August 16, 1991, the Japanese Cultural and Community Center of Northern California [JCCCNC] honored him for his outstanding service to the Japanese-American communities of northern California. Mr. Okamoto helped found the JCCCNC and served as its first president in 1971.

Mr. Okamoto was born in 1908 in San Francisco but was raised in Japan. At the young age of 17, Takeo Okamoto chose to return to San Francisco where he graduated from Lowell High School and the University of California. Subsequently, he established an import/export business.

At the start of World War II, Mr. Okamoto and his family including his wife, parents, and two small children were evacuated to a temporary assembly center at Tanforan Race Track where they lived in a horse stall for over 3 months. The family then moved to Boulder, CO where Mr. Okamoto taught Japanese to naval intelligence students.

In 1946, Mr. Okamoto and his family returned to San Francisco where he established the first Nisei real estate brokerage firm in the bay area, T. Okamoto & Co. In 1991, the San Francisco Association of Realtors named Mr. Okamoto an honorary member of their organization for his exemplary service to his clients and profession.

Mr. Okamoto is a founding member of four organizations established to serve the Japanese-American community: the Japanese Businessmen's Club, the San Francisco Japanese-American Citizen's League, the Japanese Culture and Community Center of Northern California and the Kokusei Kai Shigin Group. He is also active in the Lions Club, Boy Scout Troop 12 and the Japanese Chamber of Commerce of Northern California.

I salute Mr. Takeo Okamoto for his service to the Japanese-American communities of northern California. His work has benefited not only those communities but all of the citizens in the city and county of San Francisco and the entire bay area.

A TRIBUTE TO SHIRLEY F. BECKER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. TORRICELLI. Mr. Speaker, I rise today to offer my congratulations to Shirley F. Becker of the Albert Ettlin American Legion Auxiliary No. 36 on her installation as president of the American Legion Auxiliary, State of New Jersey.

Over the years, Shirley F. Becker has held all offices in unit No. 36 and the Hudson County American Legion Auxiliary, as well as on the State level. She has served on numerous committees, including Americanism, Child Welfare Veteran's Affairs and Rehabilitation. To aid those in need, she chaired many fundraisers and assisted a Firemen's Benevolent Association Drive to aid the Child Burn Unit at St. Barnabas Hospital. As department auxiliary chaplain, she wrote a prayer book for the members in New Jersey to use at meetings, et cetera. This book was reproduced and distributed to those who attended the National Chaplain's Seminar of the American Legion and was also reproduced and distributed to those who attended a district seminar in California. She chaired many memorial services for deceased members and veterans; one of which took place aboard a boat. At the conclusion of this service, wreaths were set afloat in their memory.

Shirley is also an active member of the Hudson County Salon No. 79, 8/40 which is affiliated with the American Legion Auxiliary. Their prime purpose is to assist children with tuberculosis, cystic fibrosis, and other lung and respiratory diseases. Hereto, she has held all offices and served on many committees in the county and State 8/40.

She has been just as active in other civic organizations in serving on committees and holding the office of president of PTA's and the No. 2326 Women's Social Club of the Harrison-East Newark Lodge of Elks. She encouraged other organizations to sponsor hospital and off-season parties for veterans. Shirley is a volunteer at West Hudson Hospital for the past 3½ years and held an office in the auxiliary's guild. During her busy schedule, she found time to teach Sunday school and served as superintendent of Sunday school. Also, she taught at a summer Bible school. She served on an altar guild and was president for the Episcopal Women's Group for several terms. She instituted and chaired many fundraising programs for her church. For approximately 10 years she served as parish secretary/treasurer and edited a weekly news bulletin and the Sunday service bulletin.

In the community, over the years, Shirley was a member of the board of education for several years, served or chaired blood banks, fund raisers for fire victims, Kidney Foundation, crippled and retarded children, March of Dimes, school trips, eighth grade banquets, held arts and craft programs in her home and playground for children, assisted with the drug-free programs, AAU/Junior Olympics and Special Olympics. She conducted a program commemorating the 200th anniversary of the U.S. Constitution and New Jersey's Ratification Day and planted a "Living Legacy."

Shirely F. Becker was cited on numerous occasions for her voluntary services to the community, evidence of leadership ability, lasting contributions to the community and cooperation with individuals and organizations. Several of the awards were the Jersey Journal Women of the Year, the New Jersey American Legion Press Association's Jerry Dwyer Award, Chapel of Four Chaplains Humanitarian Award, the American Legion Child Welfare Foundation Award, National Poppy Award, National Veterans Affairs and Rehabilitation Award, the West Hudson/South Bergen Chamber of Commerce Outstanding Citizen Award, et cetera. Along with her busy schedule, she is employed as the Municipal Court and Violations Clerk in the Borough of East Newark.

Her husband, William E. Becker, is vice president of the National American Legion Press Association, and Guarde de La Porte Nationale, 40/8. They have three daughters and eight grandchildren.

TRIBUTE TO DR. MARCIA A. SAVAGE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mrs. LOWEY of New York. Mr. Speaker, the auxiliary of St. Agnes Hospital and Children's Rehabilitation Center has chosen a remarkable woman to honor at its annual luncheon this week. As president of Manhattanville College, Dr. Marcia A. Savage has been a vocal and effective advocate of improvement of our education system and expanded opportunity for women and minorities.

For more than 15 years, Dr. Savage has been a rising star in the world of higher education. After serving as dean of the college at her alma mater, Clark University, she became president of Hartford College for Women in 1980. After 5 successful years there, she came to Westchester County to lead Manhattanville into the 1990's.

Her triumphs there have been numerous. She has strengthened the school's financial base, upgrading facilities, and increasing faculty salaries in the process. She has revised the college's curriculum to be more inclusive. And she has worked together with locally based corporations to establish innovative programs—a wellness program in cooperation with Nestle Foods Corp. and Intercultural House in conjunction with PepsiCo, Inc. By doing all of these things, she has enhanced Manhattanville's reputation and admissions profile. More importantly, she has helped make a proud institution an even better place for students to grow intellectually and to widen their life experience.

Marcia Savage's contributions to Westchester have reached far beyond the Manhattanville campus. She is a member of the Westchester County Women's Advisory Board and the Women's Forum, Inc. She also serves on the board of trustees of the Westchester County Chamber of Commerce and the board of directors of the Council for the Arts in Westchester and the Westchester Coalition, Inc. In addition, Dr. Savage has spoken at colleges and conferences in Washington, Connecticut, and South Carolina, and has been the recipient of numerous awards.

All in all, Dr. Marcia A. Savage's career has been one of remarkable accomplishment. Literally thousands of young people have had their educational lives enhanced because of her caring and professionalism. Thursday's luncheon in her honor is yet another well-deserved recognition. I offer her my warmest congratulations.

THE 25TH ANNIVERSARY OF LAPORTE HOSPITAL

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. ROEMER. Mr. Speaker, though 1991 has been a year filled with events of global importance, there are also events happening that are significant locally. Once such event in my district is the 25th anniversary of LaPorte Hospital.

I would like to take this time to recognize the silver anniversary of a facility that has brought so much more than just medical care to people in and around Indiana's Third District.

Mr. Speaker, providing quality medical care is a daunting task. Expanded abilities to provide new, important and life saving procedures are hampered by soaring costs. The most careful planning and development is thwarted by unforeseen emergencies and catastrophes. Enormous gains in preventive health care are not available to millions of our uninsured.

Yet, in LaPorte, IN, we have a hospital and staff that works through these problems every day, and achieves great things. With a combination of caring, dedication and a determination to serve, the people of LaPorte hospital have created a health care environment of noteworthy achievement.

LaPorte Hospital was born in 1966, with the merger of Holy Family Hospital and Community Hospital. This facility has had many trials and tribulations in its 25-year history, but managed to serve and thrive through recessions, crises, and periods of startling need.

Mr. Speaker, as time has passed, LaPorte Hospital has grown. Recognizing the challenges in health care, this organization embarked upon a bold plan that has realized the creation of a full-service facility that resembles a larger, urban hospital. LaPorte Hospital boasts a number of fine, modern facilities—the Schick Rehabilitation Center for occupational and physical therapy, speech pathology, sports medicine, and inpatient rehabilitation; the cardiac services unit specializing in the prevention and treatment of heart disease; and the stress center is dedicated to resolving what is clearly one of the most debilitating problems of this generation—stress disorders. The cancer treatment center offers outpatient cancer and blood treatment, using the latest therapeutic options. Diagnostic Imaging provides state-of-the-art screening for a wide variety of health problems. Obstetrical Services provides high quality prenatal, obstetric, postnatal and pediatric care. Continuing care is LaPorte's hospital-based nursing home, for special care needed by adults prior to going home. And surgical services is a thoroughly modern treatment center which is always expanding with the latest medical breakthroughs in equipment and procedures.

This is merely a glimpse of the total picture of services provided to generations of LaPorte area citizens, by generations of dedicated caregivers. People like the Predds, the Backers, the Sprechers and Knellners, the Moores, and the Wolfs, where entire families have dedicated themselves to health care and community service, and have done it at LaPorte Hospital.

Mr. Speaker, it is my sincere pleasure to congratulate the many dedicated workers of LaPorte Hospital for the fine work they do, much of it under the most difficult circumstances. These people keep the hospital itself healthy, vibrant, and growing. In particular, I would like to commend the board of directors, and hospital President Leigh Morris for their outstanding stewardship. Running a hospital, any hospital, in this day and age takes intelligence, leadership, and courage. Mr. Morris and the board have shown all of these qualities, and more, in fashioning a facility where quality, dignity, and dedication are routine.

Mr. Speaker, no tribute would be complete without acknowledging the priceless contribution of the hospital volunteers. LaPorte Hospital enjoys the services of 300 volunteer workers, who work side by side with the staff to create the caring environment for which LaPorte Hospital is known. The volunteers are integral in extending the quality of health care services, and routinely making hospital stays pleasant and comfortable. LaPorte has every reason to be proud of its hospital volunteers, such as Harold Bowen, whose retirement from a major highway construction firm lasted about 2 weeks before he began giving his free time to the hospital, working more than 6 hours a day, 6 days a week. As President Leigh Morris says, "Harold is on the job every day."

And then there's Vera Hasselfeldt, who drove herself to the hospital during the worst snowstorm in memory because she was afraid other volunteers wouldn't be able to make it in. Vera brought a packed suitcase and was prepared to stay as long as the hospital needed her. These two fine people, both senior citizens, are wonderful examples of the commitment of all of LaPorte Hospital's volunteers.

Is LaPorte hospital perfect? I would venture to say, Mr. Speaker, that they do not think so. The staff and administration have formed a team that is never satisfied with today, but is always trying to build for a better tomorrow, to create what they proudly call complete care. Though they will never be satisfied with the status quo, I believe that their efforts to create a perfect environment have not hit too far off the mark.

In closing, I would like to recognize the theme for this anniversary of LaPorte Hospital, "25 Years of Caring, Curing, and Comforting." These are most worthy words for this institution, but I would add one more word—community. Because, through all their efforts in health care, LaPorte Hospital has also assiduously attended to the larger needs of society. They have been a friend to the city and county of LaPorte, a neighbor to the people who live there, and a guardian to the organizations that strive relentlessly to improve our quality of life in Indiana.

Mr. Speaker, LaPorte Hospital is a proud model of Hoosier sharing, caring, and involvement. I am proud to represent them.

DR. MICHAEL S. GORDON HONORED BY UNIVERSITY OF MIAMI SCHOOL OF MEDICINE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I received a most inspiring letter from Dr. Bernard J. Fogel, the senior vice president for medical affairs and dean of the University of Miami School of Medicine, explaining the outstanding contributions of Dr. Michael S. Gordon to the field of cardiology. It is Dr. Fogel's desire to establish a Michael S. Gordon, M.D. Chair in Medical Education. Dr. Fogel's letter to me explaining the impressive personal history of Dr. Gordon follows:

> I am writing to ask you to work with me to honor Dr. Michael S. Gordon on the occasion of his 25th anniversary at the University of Miami School of Medicine. Mike's colleagues and friends have asked me to establish the Michael S. Gordon, M.D. Chair in Medical Education, and I am 100 percent committed to that goal.
>
> Mike came to our School of Medicine when I did, in 1966. His background predicted success: He had concurrently earned his M.S. and Ph.D. degrees while obtaining his M.D. at the University of Illinois and his Residency/Fellowship training at the Mayo Clinic. He had received the Leadership Award of the Mayo Foundation and had been awarded a Post Doctoral Research Fellowship by the National Institutes of Health. During an additional Fellowship year at Georgetown University with Dr. W. Proctor Harvey, his career aspirations changed from basic science to that of practicing cardiologist and teacher.
>
> Since coming to the University of Miami in 1966, his major interest, in addition to patient care, has been the application of technology to medical education and skills training. To carry out his mission, he attracted a national consortium of cardiologists, surgeons, emergency physicians, educators and engineers, many of whom have been part of Mike's "Group" for over 20 years. He attributes any success of his work to these world class leaders in medicine. They attribute that success to their confidence in him.
>
> In the area of patient care, Mike has repeatedly been named among a limited number of cardiologists acknowledged as the Best Doctors in the United States. In the academic area, the most well known reflection of his work is "Harvey", the Cardiology Patient Simulator, currently training 40,000 learners at 39 institutions world-wide in multiple languages. The project has received several national "Awards for Scientific Excellence", including such recognition from the American Medical Association and the American College of Cardiology. Mike's current interests also include the development of state-of-the-art Computer Assisted Instruction systems for teaching and certification, and first responder Emergency Medical Skills Training systems in cardiology, trauma and pediatrics. The latter programs now train over 3,000 learners per year, including 2,000 paramedic/firefighters that respond to the emergency needs of nearly 3 million citizens of Florida.
>
> Because of Mike Gordon's accomplishments and our belief in his abilities, the University of Miami Board of Trustees approved the establishment of the Medical Training and Simulation Laboratory a decade ago, with Mike as its Director. Here again, we have seen his leadership foster a world class, one-of-a-kind educational research and training center, the growth of which has been exponential. Physicians and educators from around the world visit this facility daily to learn the secret of the Laboratory's success. The secret is Mike—his administrative ability, his fund-raising ability, his research ability, his patient care ability and, most important, his uncanny ability to bring together so many diverse interests and groups and individuals—and to make believers of all of us.
>
> Mike is my Doctor, but in truth, he is the Doctor for all of us. For 25 years, his programs have trained those who care for us. That includes those who respond when you and I have an emergency and dial 911. He has done all of this by making a 24 hour a day commitment to us for 25 years. The University of Illinois recently honored Mike by naming him their Alumnus of the Year. They acknowledged "the renaissance he has brought to bedside teaching through space age technology and a passion for excellence". Now it is our turn to honor and thank him.
>
> Join me at Annual Advisory Board Meeting/Demonstration on Friday, October 18th at 11,30 A.M., at the Medical Training and Simulation Laboratory, and again at the Annual Advisory Board/Founders Dinner Dance on Saturday evening, December 7th at 7:30 P.M. at Coral Reef Yacht Club. We shall honor Mike and commit ourselves to establishing the Michael S. Gordon, M.D. Chair as a small token of our thanks for all he has done for medical education and cardiology world-wide, for our community, for our school, for each of us personally and, truly—

for the future of mankind. Mike has given all of us something wonderful that will live beyond our years. It is now time for us to return that gift in kind.

Sincerely,

BERNARD J. FOGEL, M.D.
Senior Vice President for Medical Affairs and Dean.

I commend the efforts of Dr. Fogel and the friends and colleagues of Michael S. Gordon, M.D. to give him the honor he very much deserves for his contributions to cardiology education. And to Dr. Gordon I offer my best regards and encourage him to continue his great work.

CITATION FOR HY ROSENBLUM

HON. GERALD B.H. SOLOMON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1991

Mr. SOLOMON. Mr. Speaker, since the days of our Founding Fathers, who left their homes and professions to serve their fellow countrymen, and the American pioneers who would join together to raise a barn for a neighbor or a schoolhouse for their children, America has been built to a unique degree upon the selflessness and volunteer spirit of its citizens.

On October 4, 1991, I have the great privilege of serving as honorary chairman of a testimonial honoring a citizen of my district who embodies as well as anyone this American spirit of community service: Hyman Rosenblum.

The son of Jewish immigrants from Russia, Hy Rosenblum worked his way through law school, and has had a distinguished legal career, practicing in Rensselaer county for over 50 years now. He also possesses a place in the history of broadcasting in upstate New York as a founder and director in 1941 of the Hudson Valley Broadcasting Corp. which led to the creation of the WTEN television and WROW radio stations in Albany.

But Hy is best known for his tireless efforts on behalf of his fellow man, particularly in the field of education. His special interest in nurturing the minds and character of our young people is reflected in his 38 years of service to date as a trustee and secretary of Hudson Valley Community College in Troy, NY, having been among the founding trustees of that institution in 1953.

And, in a highly personal and special commitment, Hy had sponsored annual awards at Columbia and Maple Hill High Schools in his hometown of Schodack since 1943. Known as the consideration awards, they recognize students who exhibit exemplary character and who show consideration for the next fellow.

Add to these commitments a distinguished record in promoting State Park development in his area and active involvement in various civil organizations, and you can well appreciate what an outstanding American Hy Rosenblum truly is.

Mr. Speaker, I ask you and all other Members to join with me in saluting Hy Rosenblum of his many achievements, and in thanking him for all of his past and continuing contributions to his community, his fellow man, and his nation. He is indeed a great American and I am proud to call him my friend.

TRIBUTE TO TOBY JOHNSON

HON. ROBERT T. MATSUI

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Toby Johnson who will be honored on Thursday evening, September 19, 1991, in Sacramento, CA. Toby is being recognized for the experience and knowledge he has lent to the cause of the Mathews Foundation for Prostate Cancer Research.

Toby Johnson has spent most of his life serving the people of Sacramento County. His extensive background in education, business management, and labor relations have made him one of the most effective supervisors ever to serve the Fifth District of Sacramento County. Now, having recovered from successful treatment for prostate cancer in the winter of 1988, Toby has turned his energies toward finding a cure for prostate cancer.

Toby Johnson will be working with the Mathews Foundation to establish the Institute for Prostate Cancer Research. Inspired and founded by Bob Mathews, a remarkable businessman and unfortunate victim of this dreadful disease, the Mathews Foundation has already made great progress toward the achievement of the Institute for Prostate Cancer Research. It is envisioned as a Western Hemisphere equivalent to the Karolinska Institute in Stockholm, Sweden and is intended to be a complete research center where the best and brightest in the biomedical research field can work together in a world-class research facility to solve the puzzle that prostate cancer presents. The institute will have an academic affiliation with the University of California at Davis School of Medicine and should make Sacramento the world's premiere prostate cancer research site.

Mr. Speaker, I have no doubt that Toby Johnson's efforts will make a great contribution to the fight against prostate cancer. His accomplishments are truly worthy of praise and I ask my colleagues to join me in saluting this outstanding individual.

HONORING CUBAN BASEBALL STARS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 16, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize a small museum named La Casa del Baseball Cubano. Sitting on a street corner in Little Havana, caretaker Lorenzo Fernandez proudly talks about the most famous Cuban baseball players in an article in the Miami Herald entitled "Hall of Fame, Museum in Little Havana Honors Cuban Baseball Stars," written by Todd Hartman:

A small, plain white house stands on the corner of Southwest Fourth Street and 14th Avenue, quietly guarding history. Inside, an 86-year-old man shuffles about, straightening this, re-arranging that and talking continuously, his emphatic words seeping into the storied walls of the shrine.

"Jose de la Caridad Mendez," the man recites, pointing to a grainy, black and white framed photo, circa 1910. "One of the most famous pitchers in Cuba's history. He shut out the Boston Red Sox on a two-hitter."

Welcome to La Casa del Baseball Cubano, a dignified, spotless and charming gallery filled with pictures and paraphernalia, a memorial to nearly every noteworthy Cuban baseball star to play the game since baseball swept the island in the late 1800s.

Nestled on this Little Havana street corner, the place is looked after by Lorenzo Fernandez, a light housekeeper of sorts doubles as an audio history book. He talks Cuban baseball lore until you tell him you have to leave. Then he talks about it some more.

Inside this miniature Cooperstown sits chairs with legs made of baseball bats and light fixtures painted like baseballs. In Fernandez's office hangs the most colorful display of all, a collage titled Los Cubanos en las Grandes Ligas (Cuban in the Major Leagues).

More than 100 Cuban major leaguers, from Jose Canseco to Tony Perez to Camilo Pascual, are featured. Even Fernandez's son, Chico, is there. Chico played for the Chicago White Sox before a head injury ended his career.

The central attraction is the "Hall de la Fama," filled with portraits dating to the 1880s. Umpires, radio personalities and writers are included. A few frames are empty, containing names and dates but no pictures.

Some of the more interesting mementos in the museum include the ball that pitcher Camilo Pascual, a major league star of the 1960s, threw his 2,000th strikeout with; a uniform worn by Tony Oliva, the former Minnesota Twins star and American League batting champion in 1964, 1965 and 1971; and the glove of Cookie Rojas, a major-leaguer who played all nine fielding positions from 1962 through 1967.

La Casa del Baseball Cubano opened in 1985, thanks to the efforts of Fernandez and the late Antonio Pacheco, a former major leaguer and pro scout, who arranged the purchase of the house, remodeled it and adopted it for an exhibit.

Fernandez's biggest concern these days is keeping the place open. Donations from various businesses continue to help pay off the house, but staffing is a problem.

"We have to find a way to keep the house open on weekdays from 1 to 5 p.m.," Fernandez said. "We have to look for volunteers. We can't afford paying a man to sit here."

Seconds after saying it, Fernandez was talking baseball again, Cuban baseball. Money was the furthest thing from his mind.

I wish to thank Lorenzo Fernandez and all others involved in La Casa del Baseball players. The mission that this museum carries on is one which should be recognized and remembered.

FIRST BAPTIST CHURCH OF BALLSTON SPA IS 200 YEARS OLD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. SOLOMON. Mr. Speaker, the 24th District of New York is rich in history. The district is dotted with old church structures which serve as monuments or museums to that history. Every one of those churches has its own history and I'd like to mention one of them, because it's one of my favorites.

The First Baptist Church of Ballston Spa symbolizes a steadfast commitment to the moral values which have held our country together for the past 200 years. Since its founding, the church has offered a living example of strong faith and good values.

But I could not tell the church's story better than can a brief history which the church recently compiled and which I proudly place in today's RECORD.

A BRIEF HISTORY OF OUR CHURCH

The earliest organization of the church was in August 1791 when 24 members were dismissed from the mother church in Stillwater. In 1797, this church, then called the Second Baptist Church of Milton, joined the Shaftsbury, VT Association. The old stone church was known as First Baptist Church of Milton. Our church was known as the Second Baptist Church of Milton until 1802. In 1805, the church withdrew from the Shaftsbury Association and the Saratoga Association was formed.

In the early period, the church met in a schoolhouse south of the village. Having no pastor, the church was supplied by ministers of neighboring communities. Elder Lee, the first settled pastor, served for 28 years. Elder Lee gave the property on which the first meeting house was built. Located on Ballston Avenue at the present site of the village cemetery, the wood building was dedicated in 1803. The pulpit was located directly above the place where Elder Lee is buried.

In the 1830's, the church outgrew its meeting house and a new church was built. The new sanctuary was completed in 1836. For many years, the First Baptist Church stood at the head of Front Street, a shining beacon of Christian faith. Because of its proximity to the railroad, the walls began to crack and the noise of the trains continually interrupted the services.

The present lot on Milton Avenue was purchased for $5,500, and in the spring of 1896, the cornerstone laid for the present edifice. This building, made of Esperanza Blue Marble from West Rutland, VT, was complete at the cost of $30,000 and dedicated on December 20, 1896. The stained glass windows of Munich Glass were given by Deacon and Mrs. H. Ferris. The seats are of quartered oak and had cushions of olive green plush. The carpets were made by Mrs. Ella White.

Over the years several changes have been made. In 1959, phase I of the Program of Progress was completed with remodeling of the basement and addition of classrooms above the fellowship hall.

Phase II of the Program of Progress, completed, in 1963, included general renovations and a new roof.

A new parsonage on Greenwood Drive was built in 1968.

In 1969, under the leadership of Dr. Nelson Elliott and Marion Hyatt as director, The Church Mouse Nursery School was formed. Today, the nursery school has an enrollment of 154 students.

Presently, we have a planning committee looking into the expansion of our facility in the rear of the property.

Today, we have an active membership of 228.

Over the years, we have had 28 pastors and celebrated our 100th, 150th, and 175th anniversaries. We are looking forward to our 200th anniversary in 1991, the theme of which will be "Our Living Church: In Touch With the Past, in Tune With the Present, Intent on the Future." Mr. Speaker, I ask you and all Members present here today to rise and join me in saluting the First Baptist Church of Ballston Spa for all it has contributed to the community over the last 200 years.

TRIBUTE PAID TO SENATOR WEISS OF THE NEW JERSEY STATE LEGISLATURE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to pay tribute to one of the most respected and influential members of the New Jersey State Legislature, and, indeed, one of the most distinguished public officials I have ever known: Senator Laurence S. (Larry) Weiss.

Mr. Speaker, prior to my election to this body, I was a member of the New Jersey Senate. In that capacity, I had the honor and privilege of serving as a member of the Senate Revenue, Finance and Appropriations Committee, which is chaired by Senator Weiss. The fiscal matters of the State of New Jersey have been the central concern of Senator Weiss' legislative career, which began with his election to the senate in 1977 and has continued with three consecutive re-elections. The senator also serves as a member of the Commission on Capital Budgeting and Planning, the Legislative Services Commission and the Joint Legislative Commission on Ethical Standards. In addition to these responsibilities, Senator Weiss continues to effectively represent his Middlesex County district.

Besides his success in politics and business, Senator Weiss also has a distinguished record as a member of the Armed Forces of the United States. He won the Purple Heart, Bronze Star, and Silver Star medals as an officer in the 24th Infantry Division in the South Pacific during World War II. Separated with the rank of captain, he was recalled and served another 2 years during the Korean conflict, during which he was promoted to major.

Mr. Speaker, as a friend and former colleague of Senator Weiss, I take great pleasure in sharing the accomplishments of this fine public official with the Members of this House.

A TRIBUTE TO ORLANDO RIVERON AND ORLANDO RIVERON, JR., AND THEIR BARBER SHOP IN LITTLE HAITI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, two of my constituents tell about the opening of their barber shop in Little Haiti. In an article from the Miami Herald entitled "Barbers' Cut-Rate Style Attracts Clients," written by Geoffrey Tomb, Orlando Riveron and his son Orlando Riveron, Jr., explain how to be competitive in a market that has several barber shops within a mile.

If hair grows seven days a week, why are there so few barber shops? This is about a seven-day barber shop.

The senior barber, 56, a third-generation cutter, speaks Spanish. His son, 27, now a fourth-generation barber, speaks English and Spanish. Most of their customers speak Creole and French. Right. A Miami story.

When Orlando Riveron and his son Orlando opened their barber shop three months ago in Little Haiti at 159 NE 54th St., they knew there were five barbers within a mile. To be successful, they decided to be several cuts below the others' prices and stay open every day.

"Many Haitians work Monday through Saturday. Their only day off is Sunday," said Orlando Riveron Jr. "You have to be open if you want to compete."

There they stand, behind their twin classic 1961 Koken barber chairs, restored in baby blue, armed with various electric trimmers, German-made scissors and air jets to blow away the cuttings, from 8 a.m. to 6 p.m. Monday through Saturday and from 9:30 a.m. to 2:30 p.m. Sunday.

If their spoken French isn't quite up to speed, the Orly Barber Shop's business cards are. The cards list hours and prices in two languages.

Men (Homme) Regular cut $4. Enfant $3. Fades $4.50. Flat Top $5. Fades and flat tops, some with lightning bolts and the customer's name in his hair, are popular with teens. Most places these cost $8 to $12, easy.

"This is an area where you can make money because there is not as much prejudice. Offer the public a good price and they will come to you," said the younger Riveron.

"In other neighborhoods, people won't try a new barber."

It is also a neighborhood where people visit the barber more than semi-annually. One customer Wednesday got a trim and said he would be back Saturday. $4.

For another customer, Riveron did something special. The 12-year-old wore a body cast from a car accident. He wanted a fade with a double part, but had to sit in a regular chair. Riveron got down on his knees. $4.

I think it is wonderful that a father and son have exemplified the American dream. I wish them much success with the future of their barber shop.

TRIBUTE TO DONALD EUGENE MILLER II, ON ATTAINING RANK OF EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Donald Eugene Miller II, of Sunbury, PA, on the occasion of his attaining the rank of Eagle Scout. Donald, the son of Donald and Patricia Miller, is a member of Boy Scout Troop 330, at St. John's United Methodist Church in Sunbury.

Young Donald has shown an admirable dedication toward community service, as he recently completed a beautification project at Shikellamy State Park Marina in Sunbury. Donald's project consisted of four separate jobs, including painting the markings and arrows on a walking path at the marina, building and reconstructing old and new bluebird houses, painting tree identification signs located along the walking paths at the marina, and painting rusting grills throughout the marina's picnic areas.

Donald's long hours of hard work with this Eagle Scout project will be of benefit for many future visitors to the marina for many years to come. He has been a very active member of troop 330, having been a Cub Scout, Scribe, Patrol Leader, and Senior Patrol Leader.

I know that his family, friends, and fellow Scouts are very proud of his work in attaining the rank of Eagle Scout. He has shown he is a hard worker by maintaining a 4.0 grade point average in school, and in being a member of the Junior National Honor Society and the student council.

I congratulate Donald for his accomplishments and wish him the best in his future civic and educational endeavors.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 17, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 19

8:00 a.m.
Armed Services
To hold hearings to examine Soviet military conversion.
SR-222

9:00 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 962 and H.R. 972, bills to make permanent the legislative reinstatement of the power of tribal courts to exercise criminal misdemeanor jurisdiction over nonmember Indians.
SR-485

Select on Intelligence
To resume hearings on the nomination of Robert M. Gates, of Virginia, to be Director of Central Intelligence.
SH-216

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the resettlement of Rongelap, Marshall Islands.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up H.R. 2521, making appropriations for fiscal year 1992 for the Department of Defense.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings to review a General Accounting Office report on the Bank of New England failure.
SD-538

Foreign Relations
To hold hearings to examine future prospects for, and the West's response to, the Soviet Union's democratic revolution.
SD-419

Judiciary
To resume hearings on the nomination of Clarence Thomas, of Georgia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 640, to regulate interstate commerce by providing for a uniform product liability law, and S. 645, to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.
SR-253

2:00 p.m.
Budget
To hold hearings to examine Federal budget accounting practices, and on S. 101, to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, and to require honest budgetary accounting.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the Interstate Commerce Commission's (ICC's) oversight of motor carriers.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1228, to provide for a comprehensive review by the Secretary of the Interior of western water resource problems and programs administered by the Geological Survey, the Bureau of Reclamation, and other operations of the Department of the Interior.
SD-366

SEPTEMBER 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings to examine the health impact of certain pesticides manufactured in the United States and exported to Third World countries.
SD-138

Select on Intelligence
To continue hearings in closed session on the nomination of Robert M. Gates, of Virginia, to be Director of Central Intelligence.
SH-219

10:00 a.m.
Joint Economic
To hold hearings to examine foreign direct investment activities in the United States.
SD-538

SEPTEMBER 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the status of the Department of Energy's research and development on the Atomic Vapor Laser Isotope Separation technology and the outlook for transfer of that technology to the private sector for commercial deployment.
SD-366

Small Business
Business meeting, to mark up S. 1426, to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.
SR-428A

Joint Printing
To hold hearings on the proposed consolidation of the Department of Defense printing establishment.
2226 Rayburn Building

SEPTEMBER 25

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.
SD-342

SEPTEMBER 26

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1495, to provide for the establishment of the St. Croix,

Virgin Islands Historical Park and Ecological Preserve, and S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico.

SD–366

OCTOBER 1

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 452, to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, S. 807, to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years, S. 1182, to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, S. 1183, to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, S. 1184, to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, Utah, and how best to preserve the resources threatened by such salt loss, and S. 1185, to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36).

SD–366

OCTOBER 2

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner.

SR–253

OCTOBER 4

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the status of Great Lakes Federal programs.

SD–342

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD–342

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

POSTPONEMENTS

SEPTEMBER 17

9:00 a.m.

Conferees on H.R. 1415, to authorize appropriations for fiscal years 1992 and 1993 for the Department of State.

2172 Rayburn Building

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1991*

The House met at 9 a.m.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Gracious God, as the times change and we hope for a more secure world, we remember all those who yet are in danger or know any peril of conflict. We specially remember the hostages of many nations who do not experience the freedoms that we celebrate each day. O loving God, we pray that the hearts of the captors will be moved so that those separated from their families and friends will be released and enmity and suspicions will be put aside. May Your peace, O God, that passes all understanding, be with each person with any need so we will all live in harmony and respect, one with another. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. TAYLOR] please come forward and lead the House in the Pledge of Allegiance?

Mr. TAYLOR of North Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3291. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S.J. Res. 170. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing the display of the National League of Families POW/MIA flag on flagstaffs at certain Federal facilities.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 1928a, the Chair appoints as members of the U.S. group of the North Atlantic Assembly the following Members on the part of the House: Mr. FASCELL of Florida, Chairman; and Mr. ROSE of North Carolina, Vice Chairman.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute requests from 10 Members on each side.

PASSIVE LOSS CORRECTIONS

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, we have only a few weeks left in this session of Congress and we still have not addressed some of the most crucial issues facing this Nation.

One vital issue we must address is the failure of our financial institutions and the cost of taxpayer bailouts. We must alleviate as many of the causes of failure as we can.

I sit on the Banking Committee and I know how difficult it is for banks to stay afloat in the midst of decreasing property values and massive foreclosures. The members of the committee have worked tirelessly to draft reforms to our current system to help reduce bank failures and protect depositors. This has been a monumental task.

Another step Congress can take in alleviating the causes of bank failure is embodied in H.R. 1414, the passive loss legislation introduced by Congressmen ANDREWS and THOMAS. Under the provisions of this bill real estate professionals would be treated the same in the Tax Code as professionals in other businesses. Currently this law, which did not originate in the House, encourages owners to turn property over to lenders at the first sign of loss. Last year, banks wrote off 7.6 billion dollars' worth of property loans—with another $45 billion now classified as problem loans.

Mr. Speaker, we have been asked time and again to provide billions of dollars to the Resolution Trust Corporation so that they can continue to resolve the failed thrifts. The most recent request is for $80 billion. The RTC has told us time and again that much of its portfolio consists of real estate property. I sincerely believe that we must do all we can to keep these properties off the rolls of the Federal Government.

Mr. Speaker I urge my colleagues to support this bill and I hope that we have the opportunity to vote on it in the full House before we adjourn for the winter recess.

H.R. 3040 WILL COST JOBS; HURT SMALL BUSINESS

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, we all know what road is paved with good intentions. And while I am sure that it is well-intended, H.R. 3040—which would permanently extend unemployment insurance benefits to the tune of $7 billion over 5 years—is nothing more than asphalt for that road.

Proponents claim that these added billions don't count in the budget. But we all know that money cannot be spun out of thin air.

Eventually, it will show up—in the form of increased payroll taxes on small businesses. The increased payroll costs will translate into fewer jobs—jobs that would do much more for our Nation's unemployed than a few more weeks of Government handouts.

Mr Speaker, I say to my colleagues that H.R. 3040 will only make worse the very problem it claims to be fixing. It's bad for small business, bad for workers, bad for our Nation's unemployed, and bad for America. I urge you to vote against H.R. 3040.

Remember, it is easy to say that you are for small business. But it is how you vote that really counts.

NO BIG DEAL?

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, last summer, we sent a bill to the President asking him to extend unemployment benefits, and he decided at that time that it was no emergency, that the recession was, in the Secretary of the Treasury's words, "no big deal."

Mr. Speaker, to those who say it is no big deal I say, "Come out of your air-conditioned offices, and watch the long lines gather for jobs that are available for American workers." To those who say we have to save our

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

emergencies for the Kurds and the Turks, I say, "It's time to start taking care of our home, right here in America today." And to my 118 colleagues on the other side of the aisle who joined with us last summer I say, "Stick with us today. It's even more of an emergency now than it was then. It's a big deal all right. Don't turn your backs on hard working Americans who need help. Support this legislation, support these Americans who want nothing more than the chance to work."

WATCH FIDEL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, reports are saying that Cuban Dictator Fidel Castro is feeling—and I quote—"dismayed" by Mikhail Gorbachev's decision to pull Soviet troops out of Cuba.

Well, I am happy Mr. Castro is ready to join the ranks of the dismayed. You see, for 31 years now, freedom-loving Cuban people have been dismayed by the loss of liberty they have endured from their government.

As I speak here today, there are probably Cuban citizens risking their lives to regain their freedom, possibly floating on makeshift rafts in the perilous waters of the Florida straits to flee Fidel Castro.

Last week's announcement by Mr. Gorbachev should be good news, but it leaves new questions. Will Mr. Castro tighten his grip on the Cuban people, brutally driving his society back to previous centuries and eventually driving even more of his people to Florida's coasts? What will he do with his shabbily built nuclear reactor that lies 90 miles from south Florida? And what will Castro's next foreign affairs move be—closer ties with the Chinese hardliners in the name of military hardware?

Yes, there is reason to be encouraged by last week's announcement, but many questions remain about Fidel Castro. Now is the time for Fidel watchers to watch carefully.

□ 910

OPPOSITION TO UNEMPLOYMENT COMPENSATION LEGISLATION

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, I rise in strong opposition to H.R. 3040. As one of only 45 Members of the House who voted against a similar bill, H.R. 3201, I also urge my colleagues to oppose this bill.

In the early and mid-1980's, Nebraska's economy was racked by the farm crisis and a major outmigration of our population to other States, because people saw no opportunity, and thought there weren't any jobs.

As a member of the Nebraska legislature at the time, I helped guide a controversial proposal, drafted by the Republican Governor, which called for major changes in Nebraska's tax policy, that would attract businesses and retain existing businesses.

Today, Nebraska has the lowest unemployment rate in the country at 2.3 percent, and is the biggest job producing State in the Nation—creating 35,000 jobs in the past year.

Today, Nebraska has a labor shortage, not high unemployment. I have no doubt this is due in some part to the passage of a pro-growth tax policy.

We have an opportunity to take the first step toward a pro-growth tax policy. Voting against H.R. 3040 tells Americans that we will work on a job creation bill, and not on the dogma of an unemployment preservation bill.

OUR PUBLIC TRUST CAN BE REBUILT TODAY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to support the restoration of common sense in this country, the extension of unemployment benefits in the midst of a recession. Frankly, it is hard to believe that such a simply step would require two acts of Congress and the potential override of a Presidential veto. No wonder Americans have grown cynical about politics.

Mr. Speaker, today we can rebuild public confidence and a just society by doing what is right by putting government on the side of working Americans.

In Connecticut we are stuck in a 2-year-long recession with no end in sight; 123,000 people are unemployed, which does not include the 40,000 whose benefits have lapsed since January. These working Americans must be puzzled. They have worked for a living. Their employers made contributions to a trust fund for the kind of recession we now face.

Mr. Speaker, by what possible principle can President Bush now say no to this basic protection that most Americans just took for granted, and by what principle do people in need in Bangladesh, Kurdistan, and the Soviet Union assume a higher priority? This is a violation of the public trust, and Congress today should act to rebuild the bond between people and government.

UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, during the Bush administration's first 3 years, American economic growth hit its lowest point since we began measuring the GNP back in the Truman administration. There is a loss of about $350 per person in income since January 1989 when the President was sworn in. And where has the President been?

The President had the opportunity to show his support for the extension of unemployment benefits last month. He chose instead, to refuse to declare American unemployment an emergency thereby denying millions of Americans the benefits they and their families so badly need.

Last month the unemployment rate in my home State of Florida soared to a 9-year high of 8.1 percent. With the fall of Pan Am, and Eastern Airlines, the shutdown of the Diplomat Hotel, and electronic firms closing down, it does not look as though conditions are going to better for south Floridians anytime soon.

Mr. Speaker, America's workers and their families need help. The President needs to park Air Force One, put away his golf clubs, and sign the Unemployment Insurance Reform Act we are about to pass. The 9 million Americans looking for work thanks to the Republican recession need this bill to become law and they cannot wait another month for Congress to send it to the President again.

RTC URGED TO ACCEPT FARMER MAC'S OFFER TO BUY LOANS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as a member of the Banking Committee, this Member is concerned that the Resolution Trust Corporation may be missing an opportunity to get the biggest return on some of its acquired assets.

In the process of closing down failed savings and loan institutions, the RTC has acquired portfolios of agricultural loans.

The Federal Agriculture Mortgage Corporation, known as Farmer Mac, approached the RTC and offered to buy the farm loans at almost 100 cents for every loan dollar. However, the RTC has not been interested and is evidently selling these loans at a price substantially less than what Farmer Mac was willing to offer the agency.

It is a shame a financial shame, that the RTC has not pursued Farmer Mac's proposal. The sales of acquired agricultural loans to Farmer Mac is potentially a win-win situation for both the RTC and Farmer Mac. By accepting Farmer Mac's bid, it seems that the RTC could recover nearly all of its losses in acquiring the assets, and Farmer Mac will have purchased performing loans that would enhance its secondary market activities.

Absent specific operational problems with this kind of sale, this Member strongly urge the RTC to give serious and positive consideration to Farmer Mac's offer.

UNEMPLOYMENT COMPENSATION BILL NOT A GOVERNMENT HANDOUT

(Mr. WISE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, someone on the other side just called this bill that is coming up today to extend unemployment benefits a government handout.

A government handout? That is insulting. These are benefits to go temporarily to working Americans who have been working, who are going to work again, and they need some assistance. That is the way we should look at it.

A government handout? What disrespect you have for working Americans. Our colleagues on the other side of the aisle would offer tax cuts as their alternative, tax cuts to the wealthy and capital gains. They say, "Give us more of the same that we have had for the last 12 years." They ignore the fact that studies have just come out this week that show that under George Bush these policies have created the lowest economic gains in our gross national product of any President in our recent memory. That is right, a whopping three-tenths of 1 percent.

We say, "Thanks a lot, guys, for all your help, but no, thank you, we don't want your tax cuts. What we want to do is assist working Americans who are temporarily out of work, who ask if you can help the Kurds, if you can help Bangladesh, and if you can consider aid to the Soviet Union, why can't you help them for 13 more weeks so they can pay the mortgage, keep the kids in school, write the tuition check, and make the car payments until they get work again."

They are saying to us, "We paid taxes for many years, our employers pay taxes. We don't want a handout. We just want some decent respect. We want 13 weeks of additional benefits so we can go back to work again."

Mr. Speaker, I ask the Members to pass this bill today.

A PROPOSED REVITALIZATION OF HOUSING AND REAL ESTATE INDUSTRIES

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, as has been indicated, it is clearly obvious that there are segments of our economy that are very sluggish, and in fact, New England is in my opinion in a severe recession.

The housing and real estate markets are the vehicle to take us out of that recession, but unfortunately the housing and real estate markets have been designed today, with the Tax Reform Act of 1986, to be a repressed industry.

We need to change that. We need to look to the future. We need to build ourselves out of this recession. Real estate is being unfairly taxed. These properties are in my opinion, a strong factor in the enormous cost of our staggering S&L bailout program.

Mr. Speaker, there are 300 Members of Congress who have recognized this and who have in fact cosponsored H.R. 1414. I would respectfully urge the Committee on Ways and Means to give Congress a vote on this most important piece of legislation so that the real estate and housing industries can help build this country out of the current recession.

DOES AMERICA NEED A THIRD POLITICAL PARTY?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the National Organization of Women and many American workers now believe that America needs a third major political party. In fact, there are now growing lists of Americans that call themselves Independents.

The reason is very simple. There is really not much difference between the Democrats and the Republicans. Take trade. Both parties are letting American workers get ripped off. Take foreign aid. Both parties are giving away the farm.

American workers are unemployed, and they are paying the bill.

And now we talk about unemployment? The President will declare a budget emergency for people overseas, but we as Members of Congress are going to have to pass a tax today to help the American worker. That is how bad it is, folks.

Mr. Speaker, I say, you had better take a good look at your future today because there are a lot of American people who call themselves Independents who may put Congress, both Republicans and Democrats, in unemployment lines in this country.

A PLEA FOR A MULTIPLE-USE GRAZING PROGRAM FOR THE WEST

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I want to talk a little bit about employment, too, although from a little different aspect than my associates who have been up here this morning. I want to talk about ranchers in the West.

We had a vote a little while back, and most of you who are talking about employment voted to put our ranchers out of business. We need some jobs there. Some of us may have read this morning's paper. I went over it pretty well. We are talking about grazing fees.

This legislation is in the Senate right now, and it will be back over here soon. This House passed a proposition to raise grazing fees 400 percent in the West, which will put family ranchers out of business.

One of the reasons we talked about it here in the House was to avoid overgrazing. Let me say to the Members that there is no relationship between grazing fees and overgrazing. The fees are set by the Forest Service or the BLM, and grazing is also managed by the Forest Service and the BLM, and there is no relationship between the two. As a matter of fact, there are a great many animal unit months that are not used now.

What we need to do in the West where we have resources, where the Federal Government owns 50 percent of my State, is to have shared use, multiple use. That is what we are seeking to do. We are seeking to keep grazers on the land so that wildlife is better off, so that there is water developed, and so that we have winter pasture and summer pasture.

Mr. Speaker, I would urge the Members, when this comes back from the Senate, to take another look at the West with regard to jobs and with regard to unemployment. Let us take a reasonable look at unemployment, and let us take a reasonable look at grazing fees so that we can have multiple use in the West.

UNEMPLOYMENT BENEFITS NEEDED BY MIDDLE INCOME FAMILIES

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise in support of the unemployment benefits legislation and urge the President to agree, by signing the bill, that the needs of middle-income families are, indeed, important, and worth exempting the bill from the limitations of the budget agreement. This bill, for unemployed Americans, is certainly more important than other measures—requested by the President—which waive the budget agreement so that we can spend more on foreign aid. Before we address problems throughout the world, we must make sure that we give the working middle income in this country fair consideration.

Our Nation now has the highest unemployment rate in 5 years. That means something to Americans. It means there is a significant problem that is economically squeezing an already pinched middle income. It means there is a problem that is affecting hundreds of thousands of workers and families. And, despite what happens to our economy in the future, assisting unemployed Americans and their families is a problem that needs attention today.

I urge support of the bill.

SUPPORT UNEMPLOYMENT INSURANCE REFORM ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House will take up the bill H.R. 3040, the Unemployment Insurance Reform Act. Under the terms of the bill, up to 20 weeks of additional unemployment benefits will be granted to the long-term unemployed. Those are people who have already exhausted their 26 weeks of unemployment benefits under current law.

Unemployed people in Kentucky could qualify under the bill for up to 13 additional weeks of unemployment benefits. I hope the bill passes. It is very important.

Mr. Speaker, I also hope the Rostenkowski amendment passes, in order to make the bill not a budget buster.

Mr. Speaker, there is one element in the bill which has not received much attention, which is very important. It deals with ex-service people and reservists coming off of active duty. Obviously this aimed at people involved in Desert Storm.

Mr. Speaker, this provision would require reservists to wait not 4 weeks, but only 1 week, before qualifying for unemployment benefits; they will have had to have been on active duty not 180 days, but only 90 days to qualify; and they would receive up to 26 weeks of benefits not the 13 weeks currently provided.

Mr. Speaker, we need to take care of our returning veterans and our returning reservists. This bill does it. Let us pass H.R. 3040.

THE URGENT NEED FOR A REALISTIC NATIONAL ENERGY POLICY

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, U.S. producers of crude oil are increasingly spending their exploration dollars in foreign countries. Why? Because the United States continues to impose more and more costly regulations, continues to adopt counterproductive tax policy and continues to cut back on the number of areas open for exploration. That is why, for the first time in 5 years the cost of finding a barrel of oil in a foreign country is cheaper than finding a barrel of oil right here at home. It's this maze of taxes and restrictions we call our current energy policy that has handcuffed oil production and left us at the lowest level of oil production of the past 25 years.

Imported oil now accounts for over 50 percent of our domestic needs. If current trends continue, we will be importing 70 percent by the year 2000.

Since 1986 spending in the United States has grown by 8 percent while spending in foreign countries has increased by an astonishing 58 percent. It's no wonder American companies are forced to go overseas to find work. One Houston-based company now chalks up 70 percent of their business overseas and just 5 short years ago it was the other way around.

These figures demonstrate the compelling need to develop a comprehensive national energy policy. I believe we must, at a minimum, mitigate the negative effects of recent changes in the U.S. tax structure which have discouraged oil and gas investment. The U.S. petroleum industry has been one of the most heavily taxed U.S. industries throughout the 1980's, a period in which energy prices almost continuously fell. This heavy tax burden has placed domestic oil companies at a serious disadvantage in terms of competing with other industries for investment capital.

As we in the Congress continue to consider the President's national energy strategy, I urge my colleagues to consider the importance of encouraging exploration here in the United States. Let us keep the energy exploration business, jobs and dollars here at home and we will all reap the benefits.

PUT WORKERS FIRST

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, I rise today in support of H.R. 3040, the Unemployment Benefits Extension Act.

In western Massachusetts, the recession has been long and deep, and current unemployment figures indicate a long road to recovery.

Yet the President says that the recession is over. In August he refused to spend emergency money on unemployed workers, but had no problem declaring an emergency for Kurdish refugees.

Well, Mr. President, if your benefits have run out, your kids need clothes, the bank is ready to take your house, it is an emergency—and you shouldn't have to move to Kurdistan to get help.

Extended unemployment benefits are not a handout for the lazy. They are a bridge over these tough times for people who desperately want to get back to work.

When the President refused to fund this bill, he put the needs of American workers behind the needs of other countries. Today, we can change our priorities and put American workers first.

I urge my colleagues to support extension of unemployment benefits.

GIVE UNEMPLOYED A HELPING HAND

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, why does President Bush refuse to give the unemployed a helping hand? Millions of Americans are now facing the prospect of turning to welfare while they look for another job. What is unfair about the situation is that we have billions of dollars in the unemployment trust fund, money collected for the express purpose of protecting the unemployed in a recession.

Last year President Bush said this recession would be short and shallow. Many of us crossed our fingers and hoped he was right. Now 2 million more Americans are out of work since the President made that statement. Today a total of 9 million Americans are looking for work, and more unemployed Americans have exhausted their unemployment benefits than at any time in this Nation's history in the last 40 years.

Show us a little kindness, and the gentle side of your nature, Mr. President. Support benefits for America's unemployed.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REGRET OVER GATHERING STORM BETWEEN ISRAEL AND UNITED STATES

(Mr. SCHEUER asked and was given permission to address the House for 1 minute.)

Mr. SCHEUER. Mr. Speaker, I rise to express my regret at the unfortunate train of events in the Middle East and the gathering storm between Israel and the United States. It is unfortunate, it is unnecessary, and we ought to put it behind us.

The President certainly has the right to establish his priorities for his administration. Reasonable men and women may agree or disagree about his posture on the West Bank, but certainly he has the right to state it.

The member of the Israeli Knesset who expressed views about the President, implying anti-Semitism on his part, implying hostility toward Israel on his part, ought to be ashamed of himself. As a fellow parliamentary colleague of that gentleman, I wish to apologize for his statements, which were grossly in bad taste. They were not worthy of a parliamentarian in any democratic parliament.

Mr. Speaker, let me say I understand that the President feels strongly that the Israelis ought to change their behavior in regard to settlement of the West Bank, which he sees as an impediment to peace.

However, let me add that perhaps the President may want to think about having some jawboning with the Arab countries about aspects of their behavior that are impediments to peace.

□ 930

For example, the Arab economic boycott of Israel—this is an act of war. For example, the continuing state of war between all of the Arab States except Egypt with Israel—surely, they could move from a state of war to nonbelligerency as the Egyptians did under Sadat before the final peace. And how about the flow of venom and viciousness and hatred that emanates every day from the Arab press, radio and television. Certainly he could pressure them to cut this steady diet of hostility and misunderstanding that they feed to their people daily.

Such actions would be evidence on the part of the Arabs that they are willing to move and to give and to make compromises on the road to peace.

UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 221 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3040.

□ 931

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3040, to provide a program of Federal supplemental compensation, and for other purposes, with Mr. LEWIS of Georgia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, September 16, 1991, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the Committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Unemployment Insurance Reform Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

Subtitle A—Establishment of Program

Sec. 101. Federal-State agreements.
Sec. 102. Federal supplemental compensation account.
Sec. 103. Supplemental benefit periods.
Sec. 104. Payments to States having agreements for the payment of Federal supplemental compensation.
Sec. 105. Definitions; special rules.
Sec. 106. Fraud and overpayments.

Subtitle B—Repeal of Extended Program

Sec. 111. Repeal of extended unemployment compensation program.

TITLE II—MODIFICATIONS TO ELIGIBILITY PROVISIONS

Sec. 201. Limitation on disqualifications under State law.
Sec. 202. Payments of unemployment compensation to former members of the armed forces.
Sec. 203. Optional benefits for certain school employees.
Sec. 204. Treatment of certain determinations.
Sec. 205. Promotion of retraining of long-term unemployment compensation recipients.
Sec. 206. Treatment of certain youth service program participants.

TITLE III—DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE

Sec. 301. Demonstration program to provide job search assistance.
Sec. 302. Job search assistance program.
Sec. 303. Administrative provisions.

TITLE IV—FINANCING REFORMS

Sec. 401. Transfer of income taxes on unemployment benefits to Unemployment Trust Fund.
Sec. 402. Modifications to Federal unemployment accounts.
Sec. 403. Report on method of allocating administrative funds among States.
Sec. 404. Advisory Council on Unemployment Compensation.

TITLE V—BUDGET COMPLIANCE PROVISIONS

Sec. 501. Cost estimate.
Sec. 502. Treatment under pay-as-you-go procedures.
Sec. 503. Exemption of Federal supplemental compensation from sequestration.

TITLE I—FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

Subtitle A—Establishment of Program

SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) GENERAL RULE.—Any State which desires to do so may enter into and participate in an agreement with the Secretary under this subtitle. Any State which is party to an agreement under this subtitle may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of Federal supplemental compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law,

(B) have no rights to compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and is not paid or entitled to be paid any additional compensation under any such State or Federal law), and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada,

(2) for any week of unemployment which begins in the individual's period of eligibility.

(c) EXHAUSTION OF BENEFITS.—For purposes of this subtitle, an individual shall be deemed to have exhausted his rights to regular compensation under a State law—

(1) when no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period, or

(2) when his rights to such compensation have terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this subtitle—

(1) the amount of the Federal supplemental compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law for a week of total unemployment, and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for Federal supplemental compensation and the payment thereof; except where inconsistent with the provisions of this subtitle or with the regulations of the Secretary promulgated to carry out this subtitle.

SEC. 102. FEDERAL SUPPLEMENTAL COMPENSATION ACCOUNT.

(a) GENERAL RULE.—

(1) ESTABLISHMENT OF ACCOUNT.—Any agreement under this subtitle with a State shall provide that such State will establish, for each eligible individual who files an application for Federal supplemental compensation, a Federal supplemental compensation account with respect to such individual's benefit year.

(2) LIMITATION ON BENEFIT PAYMENTS.—The amount of Federal supplemental compensation payable to an eligible individual with respect to any benefit year shall not exceed the amount in such individual's account established under this section for such benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in any Federal supplemental compensation account shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to

the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

(B) the applicable limit times his average weekly benefit amount for his benefit year.

(2) APPLICABLE LIMIT.—For purposes of this subsection—

In the case of weeks *beginning during a:*	***The applicable limit is:***
8-percent period	*20*
7-percent period	*15*
6-percent period	*10.*

(3) SPECIAL RULE.—In determining whether Federal supplemental compensation is payable to any individual for any week, the applicable limit in effect under paragraph (2) for such week shall be taken into account; except that an individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which Federal supplemental compensation was payable to the individual from the account involved.

(4) DETERMINATION OF PERIODS.—

(A) IN GENERAL.—For purposes of this subsection, the terms "8-percent period", "7-percent period", and "6-percent period" mean, with respect to any State, the period which—

(i) begins with the month after the 1st month for which the applicable trigger is on, and

(ii) ends with the month after the 1st month for which the applicable trigger is off.

(B) APPLICABLE TRIGGER.—In the case of any 8-percent period, 7-percent period, or 6-percent period, as the case may be—

(i) the applicable trigger is on for any month if the rate of total unemployment in the State (seasonally adjusted) for the most recent 3 months for which data are available (as of the close of such month) falls within the applicable range, and

(ii) the applicable trigger is off for any month if the requirements of clause (i) are not satisfied.

(C) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	***The applicable range is:***
8-percent period	*A rate equal to or exceeding 8 percent.*
7-percent period	*A rate equal to or exceeding 7 percent but less than 8 percent.*
6-percent period	*A rate equal to or exceeding 6 percent but less than 7 percent.*

(5) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) COORDINATION WITH TRADE ACT OF 1974.—

(1) Except as provided in paragraph (2), the maximum amount of Federal supplemental compensation payable to an individual shall not be reduced by reason of any trade readjustment allowance to which the individual was entitled under the Trade Act of 1974.

(2) If an individual received any trade readjustment allowance under the Trade Act of 1974 in respect of any benefit year, the maximum amount of Federal supplemental compensation payable under this subtitle in respect of such benefit year shall be reduced (but not below zero) by the aggregate amount of trade readjustment allowances payable in respect of such benefit year.

SEC. 103. SUPPLEMENTAL BENEFIT PERIODS.

(a) GENERAL RULE.—For purposes of this subtitle, in the case of any State, a supplemental benefit period—

(1) shall begin with the month after the 1st month for which there is a State "on" indicator, and

(2) shall end with the month after the 1st month for which there is a State "off" indicator.

(b) SPECIAL RULES.—

(1) MINIMUM PERIOD, ETC.—In the case of any State—

(A) no supplemental benefit period shall last for a period of less than 3 consecutive months, and

(B) no supplemental benefit period may begin before the 4th month after the close of a prior supplemental benefit period with respect to such State.

In the case of weeks beginning during any extension of a supplemental benefit period under subparagraph (A), 10 shall be treated as the applicable limit for purposes of section 102(b); except that, if such period began by reason of subsection (e), 5 shall be treated as the applicable limit for purposes of section 102(b).

(2) NOTIFICATION BY SECRETARY.—When a determination has been made that a supplemental benefit period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(3) TRANSITIONAL RULE.—No supplemental benefit period shall begin before the later of—

(A) the month following the month in which this Act is enacted, or

(B) the month following the month in which the agreement under this subtitle is entered into.

(c) ELIGIBILITY PERIOD.—For purposes of this subtitle, an individual's eligibility period shall consist of the weeks in his benefit year which begin in a supplemental benefit period and, if his benefit year ends within such supplemental benefit period, any weeks thereafter which begin in such supplemental benefit period. In no event shall an individual's period of eligibility include any weeks after the 26th week after the end of the benefit year for which he exhausted his rights to regular compensation.

(d) STATE "ON" AND "OFF" INDICATORS.—For purposes of this section—

(1) "ON" INDICATOR.—There is a State "on" indicator for a month if—

(A) for the period consisting of the most recent 3 months for which data are available as of the close of such month, the rate of total unemployment in such State (seasonally adjusted) equals or exceeds 6 percent, and

(B) the rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in subparagraph (A) equals or exceeds 120 percent of the average of such rates for the corresponding 3-month periods ending in each of the preceding 2 calendar years.

(2) "OFF" INDICATOR.—There is a State "off" indicator for a month if either the requirements of subparagraph (A) or (B) of paragraph (1) are not satisfied.

(e) TEMPORARY NATIONAL TRIGGER.—

(1) IN GENERAL.—For purposes of determining eligibility for Federal supplemental compensation for weeks beginning before October 1, 1992—

(A) if the requirements of paragraph (2) are met for any month—

(i) a State "on" indicator shall be deemed to be in effect in all States for such month, and

(ii) a State "off" indicator shall not be treated as in effect in any State for such month, and

(B) in the case of weeks beginning during any supplemental benefit period which would not have been in effect but for subparagraph (A), 5 shall be treated as the applicable limit for purposes of section 102(b).

(2) NATIONAL TRIGGER.—The requirements of this paragraph are met for any month if the rate of total unemployment for all States (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available as of the close of such month equals or exceeds 6 percent.

(f) TRANSITIONAL RULE.—In determining whether there is a State "on" or "off" indicator under this section (or whether there is an applicable trigger under section 102) for any month before the Secretary has established a system for making seasonal adjustments on a State-by-State basis, determinations under subparagraphs (A) and (B) of subsection (d)(1) of this section and under section 102(b)(4)(B) shall be made—

(1) as if such provisions did not include the phrase "(seasonally adjusted)", and

(2) by substituting "6" for "3" each place it appears.

SEC. 104. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF FEDERAL SUPPLEMENTAL COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this subtitle an amount equal to 100 percent of the Federal supplemental compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this subtitle or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this subtitle in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this subtitle shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this subtitle for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) CERTIFICATION.—The Secretary shall from time-to-time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subtitle. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the supplemental compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(e) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, to the supplemental compensation account such sums as may be necessary to make payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code, and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 105. DEFINITIONS; SPECIAL RULES.

(a) GENERAL RULE.—For purposes of this subtitle—

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) COMPENSATION.—The term "compensation" means cash benefits payable to individuals with respect to their unemployment.

(3) REGULAR COMPENSATION.—The term "regular compensation" means compensation payable to an individual under any State unemployment compensation law (including compensation payable pursuant to chapter 85 of title 5, United States Code), other than additional compensation.

(4) ADDITIONAL COMPENSATION.—The term "additional compensation" means compensation payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(5) BENEFIT YEAR.—The term "benefit year" means the benefit year as defined in the applicable State law.

(6) BASE PERIOD.—The term "base period" means the base period as determined under applicable State law for the benefit year.

(7) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(8) STATE AGENCY.—The term "State agency" means the agency of the State which administers its State law.

(9) STATE LAW.—The term "State law" means the unemployment compensation law of the State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1986.

(10) WEEK.—The term "week" means a week as defined in the applicable State law.

(11) RATE OF TOTAL UNEMPLOYMENT.—

(A) IN GENERAL.—Determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.

(B) SPECIAL RULES FOR VIRGIN ISLANDS.—

(i) The rate of total unemployment in the Virgin Islands for any period shall be a rate which bears the same ratio to the rate of insured unemployment in the Virgin Islands for such period as—

(I) the rate of total unemployment in all States for such period, bears to

(II) the rate of insured unemployment in all States for such period.

(ii) The provisions of section 103(f) shall apply to the Virgin Islands for all periods whether or not the Secretary has established a system for making seasonal adjustments on a State-by-State basis.

(iii) Determination of the rate of insured unemployment shall be made as provided in the Federal-State Extended Unemployment Compensation Act of 1970 (as in effect before its repeal by subtitle B of this title).

(b) REACHBACK PROVISIONS.—If any individual exhausted his rights to regular compensation under the State law after December 31, 1990, and before the month following the month in which this Act is enacted (or, if later, the month following the month in which the agreement under this subtitle is entered into), such individual shall be entitled to supplemental compensation under this subtitle in the same manner as if his benefit year ended no earlier than the last day of the first week of such following month.

(c) COORDINATION WITH REPEALED EXTENDED PROGRAM.—If an individual received extended compensation under the Federal-State Extended Unemployment Compensation Act of 1970 (as in effect before its repeal by subtitle B of this title) in respect of any benefit year, the maximum amount of Federal supplemental compensation payable under this subtitle in respect of such benefit year shall be reduced (but not below zero) by the aggregate amount of extended compensation so received.

SEC. 106. FRAUD AND OVERPAYMENTS.

(a)(1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal supplemental compensation under this subtitle to which he was not entitled, such individual—

(A) shall be ineligible for further Federal supplemental compensation under this subtitle in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation, and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2)(A) In the case of individuals who have received amounts of Federal supplemental compensation under this subtitle to which they were not entitled, the State may require such individuals to repay the amounts of such Federal supplemental compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(i) the payment of such Federal supplemental compensation was without fault on the part of any such individual, and

(ii) such repayment would be contrary to equity and good conscience.

(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any Federal supplemental compensation payable to such individual under this subtitle or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal supplemental compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(C) No repayment may be required, and no deduction may be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

Subtitle B—Repeal of Extended Program

SEC. 111. REPEAL OF EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—

(1) The Federal-State Extended Unemployment Compensation Act of 1970 is hereby repealed.

(2) Subsection (a) of section 3304 of the Internal Revenue Code of 1986 is amended by striking paragraph (11) and by redesignating the following paragraphs accordingly.

(3) Subsection (c) of section 3304 of such Code is amended by striking "(including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11))".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—

(1) Section 905 of the Social Security Act is amended—

(A) by striking "extended unemployment compensation account" each place it appears and inserting "supplemental compensation account",

(B) by striking "EXTENDED UNEMPLOYMENT COMPENSATION Account" in the heading of such section and inserting "SUPPLEMENTAL COMPENSATION ACCOUNT",

(C) by striking "EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT" in the heading of subsection (d) and inserting "SUPPLEMENTAL COMPENSATION ACCOUNT",

(D) by striking "section 204(e) of the Federal-State Extended Unemployment Compensation Act of 1970" in subsection (c) and inserting "section 104(d) of the Unemployment Insurance Reform Act of 1991", and

(E) by striking "the Federal-State Extended Unemployment Compensation Act of 1970" in subsection (d) and inserting "subtitle A of title I of the Unemployment Insurance Reform Act of 1991".

(2) Sections 901(c)(3)(A), 901(f)(3), 902 (a) and (c), and 903(a) of such Act are each amended by striking "extended unemployment compensation account" each place it appears and inserting "supplemental compensation account".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to weeks of unemployment beginning after the month in which this Act is enacted.

TITLE II—MODIFICATIONS TO ELIGIBILITY PROVISIONS

SEC. 201. LIMITATION ON DISQUALIFICATIONS UNDER STATE LAW.

(a) GENERAL RULE.—Paragraph (10) of section 3304(a) of the Internal Revenue Code of 1986 (relating to requirements for approval of State laws) is amended by inserting "(A)" after "(10)", by striking "total", by inserting "and" after the semicolon, and by adding at the end thereof the following new subparagraph:

"(B) compensation shall not be denied to any individual by reason of the circumstances under which such individual separated from employment by any employer unless such separation was such individual's most recent separation from employment;".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on November 1, 1993.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1993, the amendments made by subsection (a) shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1993.

SEC. 202. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF CERTAIN LIMITATIONS.—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

SEC. 203. OPTIONAL BENEFITS FOR CERTAIN SCHOOL EMPLOYEES.

(a) IN GENERAL.—

(1) Subclause (I) of section 3304(a)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking "shall be denied" and inserting "may be denied".

(2) Subparagraph (A) of section 3304(a)(6) of such Code is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) with respect to services described in clause (ii), clauses (iii) and (iv) shall be applied by substituting 'may be denied' for 'shall be denied', and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.

SEC. 204. TREATMENT OF CERTAIN DETERMINATIONS.

(a) IN GENERAL.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 (as amended by section 111) is amended—

(1) by striking "and" at the end of paragraph (16),

(2) by redesignating paragraph (17) as paragraph (18), and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) no finding of fact or law, judgment, conclusion, or final order made with respect to a claim for unemployment compensation benefits pursuant to the State's unemployment compensation law may be conclusive or binding or used as evidence in any separate or subsequent action or proceeding in another forum, except proceedings under the State's unemployment compensation law, regardless of whether the prior action was between the same or related parties or involved the same facts; and".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on November 1, 1992.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1992, the amendments made by subsection (a) shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1992.

SEC. 205. PROMOTION OF RETRAINING OF LONG-TERM UNEMPLOYMENT COMPENSATION RECIPIENTS.

(a) GENERAL RULE.—Paragraph (8) of section 3304(a) of the Internal Revenue Code of 1986 (relating to requirements for approval of State laws) is amended to read as follows:

"(8)(A) compensation shall not be denied to any individual for any week because during such week such individual is participating (as defined in regulations issued by the Secretary of Labor) in training with the approval of the State agency (or because of the application, to any week during which such individual is so participating, of State law provisions relating to the availability for work, active search for work, or refusal to accept work), and

"(B) in the case of an individual who has received compensation under the State law for 10 weeks or more during the benefit year, the State agency shall approve any program of training involving—

"(i) classroom training,

"(ii) occupational skill training,

"(iii) basic or remedial education, or

"(iv) literacy or remedial English training,

unless such agency determines, from a preponderance of evidence, that such training would not provide a net social benefit;".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on November 1, 1992.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1992, the amendment made by subsection (a) shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1992.

SEC. 206. TREATMENT OF CERTAIN YOUTH SERVICE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—Subparagraph (A) of section 3304(a)(6) of the Internal Revenue Code of 1986 (as amended by section 203) is amended by striking "and" at the end of clause (v) and by inserting after clause (vi) the following new clause:

"(vii) compensation may be denied to an individual on the basis of services for an organization described in section 501(c)(3) and exempt from tax under section 501(a) as a participant in a youth service program which is operated by such organization and which is designed to foster a commitment to community service and occupational and educational development and does not include any substantial commercial activities, if the remuneration under the program consists solely of—

"(I) amounts established by the program to approximate the transportation, meals, and other miscellaneous expenses incurred by the participant in performing services, or in attending educational classes, pursuant to the program, and

"(II) amounts received on completion of such individual's participation in such program as a cash award or as a scholarship, and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.

TITLE III—DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE

SEC. 301. DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE.

(a) GENERAL RULE.—The Secretary of Labor shall carry out a demonstration program under this title for purposes of determining the feasibility of implementing job search assistance programs. To carry out such demonstration program, the Secretary shall enter into agreements with 3 States which—

(1) apply to participate in such program, and

(2) demonstrate to the Secretary that they are capable of implementing the provisions of an agreement under this section.

(b) SELECTION OF STATES.—

(1) IN GENERAL.—In determining whether to enter into an agreement with a State under this section, the Secretary shall take into consideration at least—

(A) the size, geography, and occupational and industrial composition of the State,

(B) the adequacy of State resources to carry out a job search assistance program,

(C) the range and extent of specialized services to be provided by the State to individuals covered by the agreement, and

(D) the design of the evaluation to be applied by the State to the program.

(2) REPLICATION OF PRIOR DEMONSTRATION PROJECT.—At least 1 of the States selected by the Secretary under subsection (a) shall be a State which has operated a successful demonstration project with respect to job search assistance under a contract with the Department of Labor. The demonstration program under this title of any such State shall, at a minimum, replicate the project it operated under such contract in the same geographic areas.

(c) PROVISIONS OF AGREEMENT.—Any agreement entered into with a State under this section shall—

(1) provide that the State will implement a job search assistance program during the 1-year period specified in such agreement,

(2) provide that such implementation will begin not later than the date 1 year after the date of the enactment of this Act,

(3) contain such provisions as may be necessary to ensure an accurate evaluation of the effectiveness of a job search assistance program, including—

(A) random selection of eligible individuals for participation in the program and for inclusion in a control group, and

(B) collection of data on participants and members of a control group as of the close of the 1-year period and 2-year period after the operations of the program cease,

(4) provide that not more than 5 percent of the claimants for unemployment compensation under the State law shall be selected as participants in the job search assistance program, and

(5) contain such other provisions as the Secretary may require.

SEC. 302. JOB SEARCH ASSISTANCE PROGRAM.

(a) GENERAL RULE.—For purposes of this title, a job search assistance program shall provide that—

(1) eligible individuals who are selected to participate in the program shall be required to participate in a qualified intensive job search program after receiving compensation under such State law during any benefit year for at least 6 but not more than 10 weeks,

(2) every individual required to participate in a job search program under paragraph (1) shall be entitled to receive an intensive job search program voucher, and

(3) any individual who is required under paragraph (1) to participate in a qualified intensive job search program and who does not satisfactorily participate in such program shall be disqualified from receiving compensation under such State law for the period (of not more than 10 weeks) specified in the agreement under section 301.

(b) ELIGIBLE INDIVIDUAL.—For purposes of this title—

(1) IN GENERAL.—The term "eligible individual" means any individual receiving compensation under the State law during any benefit year if, during the 3-year period ending on the last day of the base period for such benefit year, such individual had at least 126 weeks of employment at wages of $30 or more a week with such individual's last employer in such base period (or, if data with respect to weeks of employment with such last employer are not available, an equivalent amount of employment computed under regulations prescribed by the Secretary).

(2) EXCEPTION.—Such term shall not include any individual if—

(A) such individual has a definite date for recall to his former employment,

(B) such individual seeks employment through a union hall or similar arrangement, or

(C) the State agency—

(i) waives the requirements of subsection (a)(1) for good cause shown by such individual, or

(ii) determines that such participation would not be appropriate for such individual.

(c) QUALIFIED INTENSIVE JOB SEARCH PROGRAM.—For purposes of this section, the term "qualified intensive job search program" means any intensive job search assistance program which—

(1) is approved by the State agency,

(2) is provided by an organization qualified to provide job search assistance programs under any other Federal law, and

(3) includes—

(A) all basic employment services, such as orientation, testing, a job-search workshop, and an individual assessment and counseling interview, and

(B) additional services, such as ongoing contact with the program staff, followup assistance, resource centers, and job search materials and equipment.

(d) INTENSIVE JOB SEARCH VOUCHER.—For purposes of this section, the term "intensive job search voucher" means any voucher which entitles the organization (including the State employment service) providing the qualified intensive job search assistance program to a payment from the State agency equal to the lesser of—

(1) the reasonable costs of providing such program, or

(2) the average weekly benefit amount in the State.

SEC. 303. ADMINISTRATIVE PROVISIONS.

(a) FINANCING PROVISIONS.—

(1) PAYMENTS TO STATES.—There shall be paid to each State which enters into an agreement

under section 301 an amount equal to the lesser of the reasonable costs of operating the job search assistance program pursuant to such agreement or the State's average weekly benefit amount for each individual selected to participate in the job search assistance program operated by such State pursuant to such agreement. Funds in the supplemental compensation account (as established by section 905 of the Social Security Act) shall be used for purposes of making such payments.

(2) PAYMENTS ON CALENDAR MONTH BASIS.—There shall be paid to each State either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such method as may be agreed upon by the Secretary and the State agency.

(3) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, by transfers from the supplemental compensation (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(4) SPECIAL RULE.—Notwithstanding any other provision of law, amounts in the account of a State in the Unemployment Trust Fund may be used for purposes of making payments pursuant to intensive job search vouchers provided pursuant to an agreement under this title.

(b) REPORTS TO CONGRESS.—

(1) INTERIM REPORTS.—The Secretary shall submit 2 interim reports to the Congress on the effectiveness of the demonstration program carried out under this title. The 1st such report shall be submitted before the date 2 years after operations under the demonstration program commenced and the 2d such report shall be submitted before the date 4 years after such commencement.

(2) FINAL REPORT.—Not later than the date 5 years after the commencement referred to in paragraph (1), the Secretary shall submit a final report to the Congress on the demonstration program carried out under this title. Such report shall include estimates of program impact, such as—

(A) changes in duration of unemployment, earnings, and hours worked of participants,

(B) changes in unemployment compensation outlays,

(C) changes in unemployment taxes,

(D) net effect on the Unemployment Trust Fund,

(E) net effect on Federal unified budget deficit, and

(F) net social benefits or costs of the program.

(c) DEFINITIONS.—For purposes of this title, the terms "compensation", "benefit year", "Secretary", "State", "State agency", "State law", "base period", and "week" have the respective meanings given such terms by section 105.

TITLE IV—FINANCING REFORMS

SEC. 401. TRANSFER OF INCOME TAXES ON UNEMPLOYMENT BENEFITS TO UNEMPLOYMENT TRUST FUND.

(a) GENERAL RULE.—Paragraph (1) of section 901(b) of the Social Security Act is amended by striking "an amount equal to" and all that follows through the period at the end thereof and inserting the following: "an amount equal to—

"(A) 100 percent of the tax (including interest, penalties, and additions to the tax) received during the fiscal year under the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.) and covered into the Treasury, plus

"(B) the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the application of section 85 of such Code (relating to taxation of unemployment compensation)."

(b) TRANSFERS BASED ON ESTIMATES OF BENEFIT PAYMENTS.—The 2d sentence of section 901(b)(2) of such Act is amended by inserting before the period at the end thereof the following: "(or, in the amounts referred to in paragraph (1)(B), of the amount of unemployment compensation paid during the month)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1991.

SEC. 402. MODIFICATIONS TO FEDERAL UNEMPLOYMENT ACCOUNTS.

(a) TREATMENT OF STATES MAINTAINING ADEQUATE BALANCES.—Section 904 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Increase in Quarterly Credits for States With Adequate Balances

"(h)(1) If a State's high-cost multiple exceeds 0.5 for any calendar quarter, the Secretary of the Treasury shall transfer (as of the close of the succeeding calendar quarter) from the general fund of the Treasury to the account of such State in the Unemployment Trust Fund an amount equal to the applicable percentage of the portion of the earnings of the Fund which are credited under subsection (e) to such account as of the close of such succeeding calendar quarter.

"(2) For purposes of paragraph (1)—

***"If the State's high-cost** multiple:*	***The applicable percentage is:***
Exceeds 0.5 but does not exceed 1.0	*5 percent*
Exceeds 1.0 but does not exceed 1.5	*10 percent*
Exceeds 1.5	*15 percent.*

"(3)(A) For purposes of this subsection, the high-cost multiple of any State for any calendar quarter is the amount obtained by dividing the fraction set forth in subparagraph (B) by the fraction set forth in subparagraph (C). Such multiple shall be determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury before the close of the calendar quarter following the quarter for which the multiple is being determined.

"(B) For purposes of subparagraph (A), the fraction set forth in this subparagraph with respect to any State for any calendar quarter is a fraction—

"(i) the numerator of which is the account balance of the State as of the close of the quarter determined after any reduction provided in subsection (e) and by taking into account any transfer under this subsection as of the close of such quarter, and

"(ii) the denominator of which is the total amount of wages (determined without regard to any limitation on amount) subject to contributions under the State unemployment compensation law for the most recent 4 calendar quarters for which data are available.

"(C) For purposes of subparagraph (A), the fraction set forth in this subparagraph with respect to any State for any calendar quarter is the following fraction determined for the preceding calendar year for which such fraction is the highest for the State: A fraction—

"(i) the numerator of which is the total amount of compensation paid under the State law during the calendar year, and

"(ii) the denominator of which is the total amount of wages (determined with regard to any limitation on amount) subject to contributions under the State unemployment compensation law for the calendar year."

(b) TRANSFERS TO FEDERAL UNEMPLOYMENT ACCOUNT.—

(1) IN GENERAL.—Section 902 of the Social Security Act is amended—

(A) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively, and

(B) by inserting after the section designation the following new subsection:

"(a)(1) Except as provided in paragraph (2), the Secretary of the Treasury shall transfer (as of the close of October 1992 and each month thereafter), from the employment security administration account to the Federal unemployment account, an amount determined by the Secretary to be equal to 10 percent of the amount by which—

"(A) transfers to the employment security administration account pursuant to section 901(b)(2) during such month, exceed

"(B) payments during such month from the employment security administration account pursuant to subsections (b)(3) and (d) of section 901.

If for any such month the payments referred to in subparagraph (B) exceed the transfers referred to in subparagraph (A), proper adjustments shall be made in the amounts subsequently transferred.

"(2) The Secretary of the Treasury shall make no transfer pursuant to paragraph (1) as of the close of any month if the Secretary determines that the amount in the Federal unemployment account is equal to (or in excess of) the limitation provided in subsection (b).".

(2) REDUCTION OF CEILING.—Paragraph (2) of section 902(b) of such Act, as redesignated by paragraph (1) of this subsection, is amended by striking "five-eighths of 1 percent" and inserting "0.375 percent".

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 901(f)(2) of such Act is amended by striking "902(b)" and inserting "902(c)".

(B) Subsection (c) of section 902 of such Act, as redesignated by paragraph (1) of this subsection, is amended by striking "subsection (a)" and inserting "subsection (b)".

(C) Subsection (d) of section 902 of such Act, as redesignated by paragraph (1) of this subsection, is amended by striking "section 902(a)" and inserting "subsection (b) of this section".

(D) Paragraph (1) of section 903(a) of such Act is amended by striking "902(a)" and inserting "902(b)".

(E) Section 1203 of such Act is amended by striking "902(a)" and inserting "902(b)".

(c) INCREASE IN CEILING ON SUPPLEMENTAL COMPENSATION ACCOUNT.—Subparagraph (B) of section 905(b)(2) of such Act is amended by striking "three-eighths of 1 percent" and inserting "0.625 percent".

(d) BORROWING BETWEEN FEDERAL ACCOUNTS.—Title IX of such Act is amended by adding at the end the following new section:

"BORROWING BETWEEN FEDERAL ACCOUNTS

"SEC. 910. (a) IN GENERAL.—Whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that—

"(1) the amount in the employment security administration account, Federal unemployment account, or supplemental compensation account, is insufficient to meet the anticipated payments from the account during the next 3 months,

"(2) such insufficiency may cause such account to borrow from the general fund of the Treasury, and

"(3) the amount in any other such account exceeds the amount necessary to meet the antici-

pated payments from such other account during the next 3 months,

the Secretary shall transfer to the account referred to in paragraph (1) from the account referred to in paragraph (3) an amount equal to the insufficiency determined under paragraph (1) (or, if less, the excess determined under paragraph (3)).

"(b) TREATMENT OF ADVANCE.—Any amount transferred under subsection (a)—

"(1) shall be treated as a noninterest-bearing repayable advance, and

"(2) shall not be considered in computing the amount in any account for purposes of the application of sections 901(f)(2), 902(c), and 905(b).

"(c) REPAYMENT.—Whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that the amount in the account to which an advance is made under subsection (a) exceeds the amount necessary to meet the anticipated payments from the account during the next 3 months, the Secretary shall transfer from the account to the account from which the advance was made an amount equal to the amount so advanced.".

(e) REPEAL OF EXPIRED PROVISIONS.—

(1) Paragraph (2) of section 901(f) of such Act is amended—

(A) by striking "(A) Except as provided in subparagraph (B), the" and inserting "The", and

(B) by striking subparagraph (B).

(2) Section 901 of such Act is amended by striking subsection (g).

(3) Subsection (g) of section 904 is amended by striking all of such subsection that follows the 1st sentence.

(4) Paragraph (1) of section 905(b) of such Act is amended by striking ", in the case of any month before April 1972, to one-fifth, and in the case of any month after March 1972, to one-tenth," and inserting "to 10 percent".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1992.

SEC. 403. REPORT ON METHOD OF ALLOCATING ADMINISTRATIVE FUNDS AMONG STATES.

(a) IN GENERAL.—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report setting forth a proposal for revising the method of allocating grants among the States under section 302 of the Social Security Act.

(b) SPECIFIC REQUIREMENTS.—The report required by subsection (a) shall include an analysis of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) ways to ensure that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) ways to simplify the method of allocating such grants among the States,

(5) ways to eliminate the disincentives to productivity and inefficiency which exist in the current method of allocating such grants among the States,

(6) ways to promote innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of the proposal set forth in such report on the grant amounts allocated to each State.

(c) CONGRESSIONAL REVIEW PERIOD.—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 12-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

SEC. 404. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

Section 908 of the Social Security Act is amended to read as follows:

"ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

"SEC. 908. (a) ESTABLISHMENT.—Not later than December 31 of 1991 (and of every 5th year thereafter), the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the 'Council').

"(b) FUNCTION.—It shall be the function of each Council to evaluate the unemployment compensation program, including the countercyclical effectiveness, benefit adequacy, solvency, and administrative efficiency of the program.

"(c) MEMBERS.—

"(1) IN GENERAL.—Each Council shall consist of 17 members as follows:

"(A) The Secretary of Labor, who shall be the chairperson.

"(B) 8 members appointed by the President.

"(C) 8 members appointed by the Congress.

"(2) QUALIFICATIONS.—Of the members appointed under subparagraph (B) or (C)—

"(A) ¼ shall be Members of the Congress,

"(B) ¼ shall be representative of the interests of business,

"(C) ¼ shall be representative of the interests of labor, and

"(D) ¼ shall be representative of the interests of State governments.

"(3) VACANCIES.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

"(d) STAFF AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Each Council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) ASSISTANCE FROM SECRETARY OF LABOR.—The Secretary of Labor may provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) COMPENSATION.—Each member of any Council—

"(1) shall be entitled to receive compensation at rates fixed by the Secretary of Labor (but not exceeding $100) for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) REPORT.—Not later than October 1 of the year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

"(g) TERMINATION.—Each Council shall cease to exist after the date on which the Council submits its report under subsection (f)."

TITLE V—BUDGET COMPLIANCE PROVISIONS

SEC. 501. COST ESTIMATE.

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

For fiscal year	Increase in Outlays:	Increase in Receipts:
1991	$1,620,000,000	$0
1992	$3,975,000,000	$0
1993	$412,000,000	$20,000,000
1994	$140,000,000	$20,000,000
1995	$140,000,000	$20,000,000.

SEC. 502. TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.

Notwithstanding section 501—

(1) the provisions of (and amendments made by) this Act shall be treated as provisions designated as emergency requirements by the President and the Congress under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, and

(2) any amount of new budget authority, outlays, or receipts resulting from the provisions of (and amendments made by) this Act shall not be considered for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 503. EXEMPTION OF FEDERAL SUPPLEMENTAL COMPENSATION FROM SEQUESTRATION.

Payments under title I of this Act (relating to Federal supplemental compensation program) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1992 or any succeeding fiscal year.

The CHAIRMAN. No amendment to said substitute shall be in order except those amendments printed in House Report 102–201. Said amendments shall be considered in the order and manner specified in said report, shall be considered as read, and shall not be subject to amendment. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a member opposed thereto.

It shall be in order to consider en bloc the amendments numbered 1 printed in House Report 102–201. Said amendments shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 102–201.

AMENDMENTS EN BLOC OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. ROSTENKOWSKI:

Page 24. strike lines 6 through 24.

Page 25, line 1, strike "SEC. 204." and insert SEC. 203.".

Page 26, line 7, strike "SEC. 205." and insert "SEC. 204.".

Page 27, line 20, strike "SEC. 206." and insert "SEC. 205".

Page 27, strike line 22 and all that follows through line 3 on page 28 and insert the following:

(a) IN GENERAL.—Subparagraph (A) of section 3304(a)(6) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) compensation may be denied to an

Page 50, strike the table following line 6 and insert the following:

For fiscal year:	Increase in outlays:	Increase in receipts:
1992	$5,515,000,000	$0
1993	$392,000,000	$0
1994	$120,000,000	$0
1995	$120,000,000	$0

Page 2, strike the item relating to section 203 in the table of contents and redesignate the items relating to sections 204, 205, and 206 as relating to sections 203, 204, and 205, respectively.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Ways and Means Committee amendment would delete section 203 of the reported bill, which would provide States the option to cover nonprofessional school employees under their unemployment compensation programs. This provision would have allowed cafeteria workers, crossing guards, custodians, and other nonprofessional school employees to receive unemployment benefits when they could not find another job between terms or academic years. These benefits would have been financed by employer reimbursements of $20 million per year to the Federal unemployment trust fund.

Mr. Chairman, the committee strongly supported this provision, but the additional Federal receipts it would generate could allow the Senate to interpret H.R. 3040 as a revenue bill. This unfortunate characterization could lead to many mischievous revenue amendments in the other body, which would sidetrack this important bill from its main objective, providing essential benefits to unemployed workers.

The Committee on Ways and Means recommended deleting this provision with great reluctance. Despite this reluctance, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is any Member opposed to the amendments en bloc?

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back the balance of my time and ask for the adoption of the amendments en bloc.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in the House Report 102–201.

It is now in order to consider amendment no. 3 printed in House Report 102–201.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROSTENKOWSKI: Strike title V of the bill and insert the following (and conform the table of contents accordingly):

TITLE V—BUDGET COMPLIANCE PROVISIONS

Subtitle A—Congressional Designation of Emergency

SEC. 501. CONGRESSIONAL DESIGNATION OF EMERGENCY.

Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates the provisions of (and amendments made by) this Act as emergency requirements.

Subtitle B—Effect of Failure of President to Designate Emergency

SEC. 511. CERTAIN PROVISIONS APPLICABLE ONLY IF PRESIDENT FAILS TO DESIGNATE EMERGENCY.

The provisions of (and amendments made by) sections 512, 513, and 514(a) shall take effect only if the President does not, on the date of the enactment of this Act, designate the provisions of (and amendments made by) this Act as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 512. MODIFICATIONS TO FEDERAL UNEMPLOYMENT TAX.

(a) GENERAL RULE.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of Federal unemployment tax) is amended to read as follows:

"SEC. 3301. RATE OF TAX.

(a) GENERAL RULE.—There is hereby imposed on every employer (as defined in section 3306)) for each calendar year an excise tax, with respect to having individuals in his employ, equal to the sum of—

"(1) 5.4 percent of the total wages (as defined in section 3306(b)) paid by him during the calendar year with respect to employment (as defined in section 3306(c)), and

"(2) 0.2 percent of the total Federal taxable wages paid by him during the calendar year with respect to employment (as so defined).

"(b) FEDERAL TAXABLE WAGES.—For purposes of subsection (a), the term 'Federal taxable wages' means wages as defined in section 3306(b), except that the contribution and benefit base determined under section 230 of the Social Security Act for the calendar year shall be substituted for '$7,000' each place it appears in paragraph (1) of section 3306(b).

"(c) PHASE-IN.—Paragraph (2) of subsection (a) shall be applied with respect to Federal taxable wages paid in a calendar year before 1996 by substituting the applicable percentage determined under the following table for '0.2 percent':

"In the case of Federal taxable wages paid in calendar year:	The applicable percentage is:
1993	0.4 percent
1994	0.4 percent
1995	0.23 percent."

(b) CONFORMING AMENDMENTS.—

(1) MODIFICATION TO CREDIT PROVISIONS.—

(A) Paragraph (1) of section 3302(c) of such Code is amended to read as follows:

"(1) No credit shall be allowed under this section against the tax imposed by section 3301(a)(2), and the total credits allowed to a taxpayer under this section shall not exceed 100 percent of the tax against which such credits are allowable."

(B) Subparagraph (A) of section 3302(c)(2) of such Code is amended—

(i) by striking "5 percent of the tax imposed by section 3301 with respect to the wages" in clause (i) and inserting "0.3 percent of the wages", and

(ii) by striking "an additional 5 percent, for each succeeding taxable year, of the tax imposed by section 3301 with respect to the wages" in clause (ii) and by inserting "an additional 0.3 percent, for each succeeding taxable year, of the wages".

(C) Paragraph (3) of section 3302(c) of such Code is amended by striking "7½ percent of the tax imposed by section 3301 with respect to the wages" and inserting "0.45 percent of the wages".

(D) Subsection (d) of section 3302 of such Code is amended by striking paragraph (1) and by redesignating the following paragraphs accordingly.

(2) INSTALLMENT PAYMENT PROVISIONS.—Subsection (b) of section 6157 of such Code is amended to read as follows:

"(b) COMPUTATION OF TAX.—The tax for any calendar quarter or other period referred to in paragraph (1) or (2) of subsection (a) shall be determined without regard to paragraph (1) of section 3301(a)."

(c) EFFECTIVE DATE.—Subject to section 511, the amendments made by this section shall apply to remuneration paid after December 31, 1992.

SEC. 513. COST ESTIMATE.

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

For fiscal year:	Increase in outlays:	Increase in receipts:
1992	$5,515,000,000	$0
1993	$392,000,000	$2,004,000,000
1994	$120,000,000	$3,249,000,000
1995	$120,000,000	$874,000,000

SEC. 514. TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.

(a) FINDINGS.—The Congress finds that—

(1) over fiscal years 1992 through 1996, the total increase in receipts resulting from the provisions of this Act exceeds the total increase in outlays resulting from the provisions,

(2) in fiscal year 1992, increased outlays exceed increased receipts because of the current recessionary economic conditions in the United States, and

(3) due to such economic conditions, the provisions of this Act are of a type which would constitute emergency requirements within the meaning of section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) BUDGETARY TREATMENT.—Notwithstanding section 513, any amount of new budget authority, outlays, or receipts resulting from the provisions of (and amendments made by) this Act shall not be considered for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle C—Additional Provisions

SEC. 521. EXEMPTION OF FEDERAL SUPPLEMENTAL COMPENSATION FROM SEQUESTRATION.

Payments under title I of this Act (relating to Federal supplemental compensation program) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1992 or any succeeding fiscal year.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI], will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

Is the gentleman from Texas [Mr. ARCHER] opposed to the amendment?

Mr. ARCHER. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes.

The chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment to H.R. 3040 that would comply with the pay-as-you-go requirements enacted in last year's budget agreement, and pay for the 5-year cost of the bill.

My amendment would give the President the full range of options that were contemplated in last year's budget summit agreement.

If the President signs the bill, the pay-as-you-go requirements could be satisfied by raising sufficient additional Federal unemployment taxes. Alternatively, the President could declare an emergency and pay for the bill with the $8 billion reserves in the unemployment trust fund. The President is given the choice, and can choose the option he deems most fiscally responsible.

If the President chooses additional unemployment taxes, the Federal unemployment tax rate would gradually drop from its current 0.8 percent to 0.2 percent in 1996 and thereafter. At the same time, the taxable wage base would rise from the current $7,000 to the same level as the Social Security wage base, projected to be $58,800 in 1993. No additional State unemployment taxes would result because the Federal unemployment wage base would be decoupled from State tax bases. Over the 5-year projection period, this amendment would raise about $6.5 billion, enough to fully cover the cost of the bill.

If, on the other hand, the President declares an emergency, the additional taxes would not take effect. The Federal unemployment tax rate would stay at 0.8 percent and the wage base would remain at $7,000. The cost of the bill would be covered by $8 billion previously paid into the unemployment trust fund for extended benefits.

Mr. Chairman, the House must make some tough decisions here today. But this will not be the last tough vote we are asked to cast. The vote we are about to cast will set a precedent for future votes on equally compelling issues. Clearly, we all want to help unemployed workers. Not so clear is our commitment to last year's budget summit agreement. In my opinion, we should stick to the pay-as-you-go principle and give the President the option to do the same. In either case, we will have complied with the budget summit agreement and the pay-as-you-go principles, and can provide much needed unemployment benefits to millions of American workers and their families.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Although I commend Chairman ROSTENKOWSKI for what—on the surface—is an attempt to make this bill comply with last year's budget agreement, I cannot support his amendment.

I say "on the surface" because while the amendment is deficit neutral over 5 years, it increases the deficit by $5½ billion in 1992.

I respect his personal commitment to fiscal responsibility, though his amendment falls short of meeting his own goal of compliance with the budget agreement.

But my opposition is not based on that timing discrepancy. It's far more basic.

We do not need a tax increase—and particularly we don't need a tax increase to pay for something that—in my opinion—is not necessary.

During yesterday's debate on the underlying bill, a number of our colleagues offered a host of reasons why the creation of a new permanent extended benefits program is unnecessary at this time.

Those who have looked at the history of unemployment—and particularly at congressional response to changes in unemployment—realize that we have never in the past considered a 6.8 percent rate to constitute an emergency.

In fact, today's 6.8 percent unemployment rate is three-tenths of a percent lower than the level of unemployment during 2 years of the Carter Presidency.

That's when Democrats controlled both the House and Senate—and the White House. Why did the majority fail to declare an emergency then.

If they are now calling 6.8 percent an emergency, what word do they use to describe the 9 or 10 percent levels of unemployment that historically prevail when Congress votes for additional benefits?

There's another historic aspect to the chairman's amendment—the perhaps unprecedented delegation of authority for the President to choose between a $6.4 billion tax increase or declare an emergency and spend an equal amount of money without paying for the benefits.

That raises some interesting prospects for future tax bills—and perhaps a convenient way out of our scorekeeping dispute over capital gains rate reductions and other dicey issues.

Adoption of this amendment would be an admission on the part of the majority that you can't make up your minds whether to pay for your spending excesses or not.

The notion of throwing that decision into the lap of the President is an incredible abdication of congressional prerogatives.

Yes, I do respect Chairman ROSTENKOWSKI'S motivations in offering his amendment.

I do not, however, feel compelled at all to join him in an effort to abdicate our congressional responsibilities and propose a massive tax increase on a struggling economy to fund an untimely expansion of Federal spending.

□ 940

Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I appreciate the chairman yielding me this 1 minute. I rise in support of his amendment.

I think the gentleman from Illinois has been a leader in this Congress in the lonely battle of trying to bring some fiscal responsibility to our deliberations, taking very strong and courageous stands as the gentleman is taking today.

It does seem to me very clear that if we too quickly abrogate the 1990 budget agreement, and if we too quickly declare emergencies and in effect skirt the caps and limits which we imposed upon ourselves by that 1990 act, then we of course are not exercising fiscal discipline, we are not exercising the fiscal discipline that we must if we ever are going to extricate ourselves from these terrible budget deficits. I am not happy we have reached this particular position in the sense that no one wants to talk about increased payroll taxes of any sort.

But in any event, this is the only way we can measure up to the task given us by the 1990 act, and I rise in support of the gentleman's amendment.

Mr. ARCHER. Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, once again we see the Republicans adopting a strategy from contemporary culture. This time it is the "Saturday Night Live" personality, Roseanne Roseannadanna, made famous with the idea that it was always something that was wrong with your proposal. Members recall yesterday the Republicans said that the declaration of the emergency violated the budget act, even though the chairman of the committee disagreed with that. Then they went on to say that if the violation of the budget act was not bad enough, then it was the fact that we were going to spend $6.2 billion and increase the deficit which would cost jobs and hurt the economy. Also untrue, but also another reason to be opposed to it.

Now today the chairman of the committee, trying to live within the strict requirements of the budget act, comes up with a plan that will give the President additional discretion and follow the exact letter of the budget act by providing for a base broadening payroll tax increase that will finance the cost of this unemployment bill, not hurt the economy, provide $6 billion in stimulus and make sure that the trust fund in the future years will be solvent so that in the event that this recovery does not last a long time, and we are plunged back into a recession, that we will have the money to pay extended unemployment benefits. This is the responsible position to take. It will lower the tax on small business, not increase it, and in my opinion it is richly to be supported so that the President will be given additional options. He can declare emergencies, he can trigger taxes, or if he chooses he can veto the bill, but it is clearly in our interest to make sure that the trust fund is put in a position in future years so that we have the money to pay benefits.

Please support the Rostenkowski amendment to keep this fund viable.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this amendment is truly the spend and tax amendment, because the Democrats have now come up with a new spending plan that they want to have the country adopt and force upon the President. Now they are talking about raising the revenues necessary in order to take care of their spending.

I suppose that they can regard that as the responsible thing to do. But the fact is that when you raise taxes you charge a price to the economy, and taxes are not revenue sources. They are a price to the economy. They are a price taken out of the economy.

Just an interesting little figure that I came across the other day, and that is that if you take $1 and you double that $1 over a period of 20 years, doubling it each year, you end up at the end of that 20 years with $1 million. However, if you add a 35-percent tax rate to that period of time, you end up with a total of $24,000 at the end of 20 years. In other words, the 20-year total of cost to the economy in that kind of a scenario is over $975,000.

I would suggest that that is the price that we do not want to exact, particularly out of small business employers. And that is the other interesting thing about this particular amendment. This amendment goes to the people who the Democrats regard as rich.

Consistently, they tell us that when we talk about lowering capital gains tax rates you cannot do that because the benefits go to the rich. The reality is that the benefits in capital gains tax reductions go to small business entrepreneurs across the country. In this particular instance, what they are doing is not only holding up capital gains taxes, which they refuse to lower because they think that somehow that is economic madness, but in this particular case what they are now saying is not only should we retain an unacceptable capital gains rate, but we ought to raise the taxes on small business even further.

So this particular amendment would say to small business employers there is a cost to you, folks, there is a big price you ought to pay, and that is to bail out the economy.

And why is the economy in this shape? Because the Democrats last year decided that they wanted to destroy economic growth, and so they insisted as part of the budget process on tax increases. They got their victims, and now they are trying to figure out a way to tax them.

All this amendment does is figures out additional taxes to put on small business to pay for the victims of last year's budget deal.

I would suggest that this is not a responsible course of action. It may be regarded as responsible if you think that we should raise spending in this manner. It is not responsible though in terms of the economy. The economy will pay another tremendous price for having raised taxes, and that tremendous price will be a deeper recession instead of coming out of recession, more people will lose their jobs because the tax burden will be even greater.

I would suggest what this House ought to be considering today is ways of creating jobs, not ways of creating more spending and more taxes in order to fund people who have been victimized by Democratic spending in the past.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in support of the amendment of my colleague and chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and commend him for offering it.

I have been a longtime supporter of extended benefits for unemployment compensation. It was 9 years ago that I first introduced legislation to, on a permanent basis, create extended benefits.

This proposal before us today is a very modest one compared with what ought to be done and a temporary one, but it is, nonetheless, very much worthy of support considering the hundreds of thousands of Americans who, through no fault of their own, are unemployed and remain unemployed. But good as this bill is, there are budget concerns with the bill as it comes before us on the floor today.

It does not pay for itself and, therefore, would add to the deficit if President Bush signs the bill. The amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] takes care of that problem and makes this bill conform to the budget agreement of last October and, therefore, I heartily support it.

This bill, if the amendment is approved, will serve unemployed Americans two ways. One, it will extend their benefits which they need, but, second, it will do so without increasing the deficit and thereby putting an additional drag on the economy.

Americans who are unemployed need benefits now, but they need employment in the future, and we should not be increasing the deficit and thereby putting a drag on the economy, making it difficult to create and extend jobs in the future.

The gentleman from Illinois [Mr. ROSTENKOWSKI], as usual, is showing a very responsible posture in supporting this amendment. I urge the other Members to support it as well.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise to call attention to the amendment, but also to talk about the bill itself.

First, George Bush said this bill is not needed because the recession is over. Many claim it will bust the budget because too many people would need the help.

Then the President signs an earlier bill, but kills the money by saying American joblessness is not an emergency. This is the same President who said the Kurds were an emergency, who said the savings and loans were an emergency. There was for them enough money in the budget.

Well, I am asking Mr. Bush to answer this question tomorrow when he visits my State of Oregon for a $1,000-a-plate dinner: If the Kurds are an emergency and the S&L's are an emergency, why are not 40,000 Oregonians an emergency?

That is how many Oregonians have exhausted their unemployment benefits, 5,000 of them since mid-July. In Lane County, the heart of timber country, 100 people a week are running out of help. In Jackson County, 70 people a week are getting their last unemployment check.

Mr. Chairman, it is time that the people became one of this administration's leading economic indicators.

Let us put this bill back on George Bush's desk.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me just say that I think this amendment draws very starkly the difference between the party of unemployment and the party of employment.

To propose a tax increase in the middle of a recession and a tax increase which is essentially a tax on labor, a tax on work, and a tax on jobs, I think, is the most destructive possible policy, to suggest that what we ought to do is raise taxes and vote for more taxes and taxes on work. Remember, the unemployment tax is specifically a tax on labor. This is not anything indirect. This is not anything fancy and complicated. This is a question: Do you want to charge more for poeple to have the right to work?

Unfortunately our friends in the Democratic leadership seem absolutely committed to raising taxes during a recession when this is precisely the time you ought to be cutting taxes. I do not know of any economic philosophy, neither Keynesian philosophy, nor supply-side philosophy, not Milton Friedman, and I do not think even the most left-wing economist in America would argue seriously that in the middle of a recession you ought to significantly be involved in raising taxes, and yet this amendment includes a tax increase.

There is one particular analysis which was prepared for the gentleman from Texas [Mr. ARMEY], the ranking Republican on the Joint Economic Committee, which came out just this month which suggests that there is a substantial job loss involved in raising the unemployment tax.

The estimate, for example, and our colleague from Oregon just got up a minute ago and was telling us about his concerns for Oregon, and yet this study suggests there will be a significant number of jobs lost in the State of Oregon. In fact, it suggests there will be 170 fewer jobs per congressional district in Oregon with this tax increase.

We went to the Committee on Rules and we tried to get an Economic Growth Act made in order to be added to this bill which would have cut taxes and increased jobs by about 1 million. I would have said to my friend from Oregon that we want people to have a job. We think having a job is better than getting an unemployment check. We think you should bring some legislation to the floor that creates jobs.

Just to take another couple of examples, California would lost 13,000 jobs, according to this estimate under this tax increase, and that is 307 jobs per congressional district. My home State of Georgia would lose 2,340 jobs, and that is 234 jobs per congressional district under this. Missouri, to take another example, would lose 1,826 jobs. That is 203 jobs per congressional district.

I do not see why any Member of the House would vote to raise taxes in the middle of a recession to kill jobs, and I would hope that this House would decide, instead, to insist that we bring an Economic Growth Act to the floor and to insist that we become a place that is concerned about employment, not unemployment.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Chairman, first, let me commend the chairman of the committee, the gentleman from Illinois [Mr. ROSTENKOWSKI], and the chairman of the subcommittee, the gentleman from New York [Mr. DOWNEY], for the tremendous hard work that they and the members of the committee have done to bring this bill to the floor now for the second time to try to get the President to agree with an overwhelming majority in the Congress that we should be extending benefits for people who are unemployed, people who have paid into this insurance program over the entire lifetime of their employment so that they can continue to look for work, they can go to school to try to become retrained, they can become again active in the economy of the United States.

The administration, the President, some Members of the Congress do not want this bill debated. They do not want it to come up.

When I hear Members on the other side say that by this amendment we want to tax people, there are some important facts that are left out. This tax does not start if the amendment passes, and I hope it will, until 1993. There is plenty of money in the trust fund to pay these benefits.

But why do we bring up this amendment? We bring it up because we believe there is another indication in economics. It is called fiscal responsibility.

My friend from Pennsylvania talked in disparaging terms about the budget agreement of last year that his President, our President, asked the Congress to engage in, and we did. We came up with a program of spending reductions and, yes, tax increases, unfortunately too heavily on the middle class, but it was the best we could do, because we wanted fiscal responsibility.

Part of making this economy work is stopping the Federal Government from borrowing all the available capital.

□ 1000

Also part of making this economy work is allowing people to get the benefit of their hard labor in the past terms of contributions they have made to the unemployment fund. This is not welfare. This is not a handout. This is the payment of insurance, just as you pay into an insurance fund if your house burns down or you wreck your car or you get sick, you get the benefit of those previous payments. That is what this is about.

The chairman by this amendment is simply trying to say that if the extension is given and if the payments are made and if there is a problem with the fund in 1993, we will change the tax to make it more progressive and to replenish those funds, as we have always done in the past.

I will end with this. Forget all the statistics. Forget all the arguments and just keep in your minds the woman that I am sure you have met that I met here a couple weeks ago who had worked as a cleanup person in a hotel for 30 years, a black woman who had worked for 30 years as a cleanup person, had never been out of work and has been out of work because her hotel closed last year. She looked me in the eye and said:

> Mr. Congressman, I paid these taxes to this fund and now I would like to have the benefit of these extended benefits until I can find a job and I can continue supporting my four kids.

That is what this is about. Make no mistake about it, it is that flesh and blood American out in front of us who has paid these taxes and earned these benefits and now we must pass this bill and ask George Bush to join us, either as an emergency or putting the tax in place in 1993 to help that woman and those like her to get back to work.

Mr. Chairman, let me commend Chairman ROSTENKOWSKI and Chairman DOWNEY for the great job they have done on this legislation, for the administration, and its allies in Congress, did not want this bill debated at all.

This legislation reminds Americans that a decade of policies favoring the rich is behind us, another Republican recession is upon us, and years of no growth or slow growth may be ahead of us.

It reminds us that 8.5 million Americans have lost their jobs.

It reminds us that working Americans are paying more in taxes, receiving fewer Government benefits, and experiencing stagnant or dropping incomes.

Now is time to invest in our workers because prosperity in the homes of middle-income families is now understood to be the foundation of national prosperity and national economic strength.

For starters, this means paying unemployment benefits to the jobless workers who have earned them.

While President Bush wants to keep this money in Washington, we believe the money in the trust fund belongs to the unemployed people who paid for these benefits.

He wants to kill the checks, we want to mail the money to the people to whom it is owed.

The amendment before us puts this legislation on a pay-as-you-go footing by actually reducing the tax rate on employers, while broadening the tax base.

This amendment gives President Bush the option of either paying for the cost of the bill or declaring an economic emergency—a tactic he has used to fund disaster programs overseas. I believe the pay-as-you-go amendment represents good policy, and I intend to support it.

But make no mistake.

However Members choose to finance the bill, a recession and high unemployment constitute as grave an emergency in Missouri and Michigan and Florida as the calamities to which America has responded abroad.

Fewer people are working today than on Inauguration Day in 1989. On that day, President Bush promised to use his power to help people.

Today, we can give him the power he needs to help the American people weather the recession he and his economic policies helped create. In the days ahead, we can turn our attention to the progrowth policies we must adopt to catch our allies in the international economic competition.

I urge support of the amendment and the legislation before us.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in support of this amendment and again commend the chairman and the subcommittee chairmen for their action. This is the right thing to do.

If, in fact, there is a temporary emergency and it is necessary to increase benefits, the President has the means under this bill to do so. If, in fact, it is not temporary and there is a necessity to permanently increase benefits, we have an obligation to find a means of paying for it.

Today I must express my desire to extend unemployment benefits to American workers in a fiscally responsible manner. I voted affirmatively for the extension of unemployment benefits on August 2nd because that measure represented a temporary response to the effects of the recession. In accordance with the Budget Enforcement Act, this temporary extension of benefits would have been declared emergency spending if both Congress and the President agreed to such a declaration. However, on August 17, the President declared that emergency spending was not needed.

If the unemployment benefits insurance system must be permanently changed, as this bill attempts, then we must comply with the pay-as-you-go provisions of last fall's budget agreement by cutting entitlement outlays or raising revenues. Unemployment benefits are essentially insurance benefits that protect individuals against sudden changes in employment status. I know of no insurance company which will permanently increase the benefit without increasing the premium.

Chairman Rostenkowski's amendment to H.R. 3040, the Unemployment Insurance Reform Act, is the most appropriate way to comply with the pay-as-you-go rule. The current unemployment tax is particularly burdensome on small business since it imposes a tax only on the first $7,000 of each employee's wages. The amendment is more progressive because it reduces the tax rate to .2 percent for the first $58,000 of employees' wages. This spreads the burden more evenly. The Chairman's amendment complies with the pay-as-you-go rule for entitlement programs. Without Chairman Rostenkowski's amendment or a declaration of emergency spending from the President, I cannot support the Unemployment Insurance Reform Act.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting to listen to this debate. My colleague, the gentleman from New York, the chairman of the subcommittee, said that the chairman's amendment today strictly adheres to the budget agreement. I must point out that that is not accurate.

In my preliminary comments, I noted that it would create over a $5 billion deficit in the first year in 1992. That does not live up to the terms of the budget agreement. It would normally under the budget agreement require sequestration in the year 1992. So we should get the facts out before the people.

There is a seductive appeal to the majority's legislation, no question about it. There is a seductive appeal to spend money in many categories. That was understood when we went through the trauma of the budget negotiations last year, and there was a specific provision put into the budget agreement to resist those seductive appeals, and here we are already trashing the budget agreement, even in the first year of the chairman's amendment, trashing the budget agreement, and the American people should understand that; and yet we are doing it in a way to take what is currently an insurance benefit, to expand it for people who paid a lower premium and to put a higher premium on future generations to pay for it to make it revenue neutral in the 5-year period. That higher premium, a payroll tax, one of the most regressive taxes in this country and certainly a job deterrent which will cost jobs to Americans in the future is a part of this amendment; so we should see it for what it is, yes, an effort at greater responsibility than is in H.R. 3040, but nevertheless one which does not meet the strict requirements of the Budget Act and the budget agreement of last year.

Mr. ARMEY. Mr. Chairman, will the gentleman yield for a moment?

Mr. ARCHER. I am happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, let me just say very quickly, I had the Republican Staff Joint Economic Committee do a study of what would be the employment impact of this tax. I can tell you that should this tax be enacted, it would result in over 100,000 jobs being destroyed, remembering that this is a tax on the job, not on the employee. That 100,000 jobs destroyed would result in over 200 jobs lost in every congressional district in America.

Now, the fact of the matter is there is not a Member of Congress if told that a firm would shut down or lay off 200 employees would not be upset, concerned and go to bat for those 200 employees who would be losing their jobs in their districts.

Now, in this case we are talking about enacting a tax that would get the same results.

Now, furthermore, if in fact you increase unemployment by over 100,000 people, most likely most of these unemployed people in the higher paying jobs, since that is where the tax has the greatest impact, that of course is going to be that much more of an increased demand for unemployment compensation.

Now, I see in section 501 of the bill the committee has dictated to the scorekeepers what will be the cost of implementing these extended benefits should the law be enacted. I wonder if the committee in making that calculation including what would be the additional cost of unemployment compensation benefits and extended benefits as well of the additional over 100,000 people who would be put out of work by the tax itself.

Now, some people say, well, that is hypothetical. We said the same thing last year when we speculated about what would be the real impact on the lives of real working men and women of the luxury taxes, and we said that if you tax something, increase the price of something, the cost of it, people will buy less of it. It is a fundamental irrefutable law of economics, and sure enough, we saw this. So with the imposition of the luxury tax, we have documented highly trackable data that shows the job loss, thousands of jobs, in those affected areas; so I would say this is not hypothetical. The job loss will follow and it is my guess if in fact the scorekeeping practices employed here by the committee are at all like what we have seen around here, there has been no calculation; so the upshot of this is that we will take in less tax revenues than what was anticipated by this tax. Our unemployment benefits costs will go up more than anticipated, and the size of the deficit will be even greater.

☐ 1010

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of this amendment, not because it is popular or easy, but because it is fundamentally right. This amendment marks the difference between those who will always curse the darkness, always find any excuse to do anything to address this Nation's problems and those who are trying to deliver benefits to those in need.

This is right for three reasons. The first, Mr. Chairman, is that it takes the President at his word. He said this is not an emergency, but he said at the same time that he would accept a responsible approach that pays for these benefits. This amendment provides a responsible approach for paying for these benefits. It challenges the President to tell the American people whether or not he truly supports unemployment compensation for the long-term unemployed.

Second, Mr. Chairman, the amendment provides the ability to pay for the permanent changes it makes in the law. What we are doing here today is making permanent changes in the law, not just temporary changes, and, if we are going to make permanent changes in benefits, then we ought to provide a permanent way to pay for it. This amendment does that.

Last, it is right because it follows the fundamental budget discipline of paying for new spending.

Mr. Chairman, it drives me crazy that there are those who now embrace the budget amendment and yet run from it every time they are asked to have the courage to, in fact, pay for the benefits that we are providing. I wonder, I wonder, if there will ever be, ever be, a program they will think is worth paying for. Transportation; Members run from a gas tax. Health care reform; they will run. Unemployment; they are running. And even in the minority party's proposal for a $27 billion tax cut over 5 years, there is not one thing in it about how or even whether it is to be paid for.

Mr. Chairman, this amendment is a fundamental test of our credibility, whether we want to make just a political statement or whether we want to deliver the benefits to those in need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 263]

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey

Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich

Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson

Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister

Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift

Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1035

The CHAIRMAN. Three hundred ninety-three Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas (Mr. ARCHER) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Members will have 5 minutes on this vote.

The vote was taken by electronic device, and there were—ayes 65, noes 341, answered "present" 1, not voting 25, as follows:

[Roll No. 264]

AYES—65

Abercrombie
Aspin
Beilenson
Bennett
Borski
Carper
Cooper
Coyne
Dixon
Downey
Early
Edwards (CA)
Fazio
Foglietta
Gephardt
Gibbons
Gonzalez
Goodling
Green
Guarini
Hamilton
Hoagland

Jefferson
Jontz
Kanjorski
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Lewis (GA)
Lipinski
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McGrath
McHugh
Mrazek
Olin
Orton
Panetta
Pease

Pelosi
Penny
Petri
Pickett
Rostenkowski
Roth
Roybal
Sabo
Sanders
Scheuer
Serrano
Solarz
Swift
Traxler
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat

NOES—341

Ackerman
Allard

Anderson
Andrews (ME)

Andrews (NJ)
Andrews (TX)

Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Flake
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Kaptur
Kasich
Kennedy
Klug
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Perkins
Peterson (FL)
Peterson (MN)
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Russo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waters
Weber
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Dingell

NOT VOTING—25

Alexander
Berman
Doolittle
Dymally
Ford (MI)
Herger
Holloway
Hopkins
Hunter
Johnston
Jones (NC)
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lloyd
Marlenee
Owens (NY)
Pickle
Rahall
Rowland
Saxton
Slaughter (VA)
Thomas (CA)
Yatron

☐ 1048

Messrs. MINETA, SAVAGE, CONYERS, DELLUMS, POSHARD, BILBRAY, and ROE changed their vote from "aye" to "no."

Mr. OLIN and Mr. McCLOSKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FORD of Michigan. Mr. Speaker, I was unavoidably detained on rollcall vote No. 264.

Had I been present, I would have voted aye.

Mr. ANDERSON. Mr. Chairman, I rise in support of H.R. 3040.

Our country faces its highest unemployment rate in the last 5 years. Over 8.5 million Americans, unemployed through no fault of their own, are unable to find a job. During this emergency, our unemployment insurance program has failed to provide a safety net for the American worker. A record 350,000 Americans exhausted their benefits in July, and only 5 percent of these people were eligible for extended benefits. Mr. Speaker, it is time for Congress to pass this much needed legislation to help working Americans get back on their feet again.

The Congress passed legislation on August 2 declaring the unemployment situation as an emergency. This legislation would have extended benefits for up to 20 weeks, and for a minimum of 5 weeks if the national unemployment rate was at least 6 percent. Although President Bush signed the bill, he did not declare the situation to be an emergency, thus voiding the bill's contents. While foreign lands, such as Kurdistan, Bangladesh, and Kuwait, have received emergency funds this year, the American worker has been ignored.

The President will not declare this domestic problem as an emergency because of reports that the economy is recovering. While the economy has shown signs of increased growth, this recovery has been a slow one. Furthermore, most economists agree that employment levels will not significantly improve for at least 6 months. For example, California's unemployment rate has climbed to just over 8 percent. Passing this legislation would aid these workers and their families with 20 additional weeks of unemployment benefits.

Extending these benefits will ensure that the American worker has the security to be a part of our economic recovery. For this reason, I rise in strong support of H.R. 3040 and hope that the President will recognize this domestic emergency.

Mr. SERRANO. Mr. Chairman, I rise in strong support of the bill, H.R. 3040, to help the thousands of men and women in the unemployment lines around this Nation.

I know in my State of New York alone there are thousands of people who were once employed, working for a living and paying taxes, but who have lost their jobs because of a recession that for them has not relented. As of July, 1991, 32,358 persons in New York State have exhausted their State unemployment compensation benefits, according to the U.S. Department of Labor.

Despite what economists in pinstripe suits are telling the White House, and thence the President telling us, times are not getting better. Large populations without jobs are in desperate need of assistance through employment compensations and their payment extensions.

So that those people who want to carry their own weight can do so, we need to create an economic atmosphere wherein the creation of new jobs is seen as vital. We need to help these people get back in the work force. My district, the poorest in the Nation, definitely needs added assistance. Through demonstration job search assistance programs and extended benefits when times are hardest, we can help them. Times are hardest now.

People do want to work, but until there are jobs for them, they will need help. H.R. 3040 is bold and addresses this crisis.

Mr. KLECZKA. Mr. Chairman, today the House meets again to address the plight of unemployed workers in the United States, a plight which is the result of the economic policies of the 1980s. These policies encouraged debt-loading through mergers and takeovers by businesses and borrow-and-spend tactics by the Federal Government. Both have shortchanged the American worker.

The Government has a responsibility to help the unemployed work force during this uncertain period so these Americans can keep the homes and possessions they have worked so hard to acquire. When the economy moves slowly or stagnates for an extended period, and when firms do not hire for an extended period, then clearly there will be an extended period of unemployment. That is the reality, but our unemployment policies do not do enough to address extended rates of unemployment. We must respond to the needs of 8.5 million unemployed workers.

H.R. 3040 is similar to legislation we passed this summer (H.R. 3201). It extends benefits to those who have or will soon exhaust their 26-week benefit payments. Based on higher rates of unemployment in some States, the number of weeks of supplemental benefits are greater (up to 20 weeks) if the unemployment rate is higher. Unlike the previous bill, however, the President cannot approve the legislation and then refuse to fund it. If the President approves this measure, benefits will be payable.

Mr. Chairman, the United States helps its neighbors in need, even if that means declaring a budget emergency. Among those we have helped so far this year are the Kurdish refugees in Iraq and the disaster-stricken nation of Bangladesh. Both of these acts were approved by the President. But the neighbors in need I speak of today are not overseas, they are your next-door neighbors. We cannot turn our backs on working families.

Let us send the President legislation which will help struggling workers get through this difficult time. Support the Unemployment Insurance Reform Act.

Mr. HOUGHTON. Mr. Chairman, Ralph Waldo Emerson once said something to the effect that consistency is the mark of a small mind. Hobgoblin, I think, is the word he used. Well, I plead guilty. Because, despite the fact that I stand solidly behind a single-minded approach to deficit reduction (this whole sloppy, borrow-from-tomorrow technique is going to do us in), in this particular case I support the stretching out of benefits for the unemployed.

Will there be more pressure on the budget? Sure. Will there be "freeloaders" trying to abuse the system? Sure. But put into perspective, there are people out there who need help—the present unemployment insurance system is not working. And if there is one thing central government should do, it is to step into the breach periodically and help those who, through no fault of their own, cannot help themselves.

Although I vote today for a change on the extension in the unemployment insurance laws, tomorrow I plan to resume course and to fight, to cut, to reduce, to save so that we will avoid being swept over the Niagara Falls of deficit financing.

Mr. GUARINI. Mr. Chairman, I rise in support of H.R. 3040.

As chairman of the Budget Committee task force on urgent fiscal issues, I recently held hearings on the plight of the unemployed. Workers who have lost their jobs and run out of benefits related their own experiences. I wish I could capture on this floor today the same heartfelt anguish that these people expressed to me.

Unemployment is a frightening thought for someone who supports a family. It is even more frightening to run out of benefits without finding a new job.

And I'll tell you what else is frightening: The growing number of unemployed workers, the growing number of workers exhausting their benefits without finding new jobs, and the growing number of workers not receiving any unemployment benefits at all.

With a national unemployment rate approaching 7 percent, we now have over 8½ million people out of work. My district in New Jersey has been particularly hard hit, with an unemployment rate of over 10 percent.

Many more people are not even counted among the unemployed. This includes those no longer actively looking for work and those who have accepted part-time work as a poor substitute for suitable full-time work. These people could actually double the official unemployment rate.

Over 250,000 people each month are running out of benefits without finding new jobs. How can we callously tell these people that the Government doesn't care and can't provide additional benefits until they get back on their feet? We're talking about honest, responsible citizens who want to work but cannot find work because of the recession.

What's more, only 37 percent of unemployed workers actually receive benefits when they lose their jobs. In past recessions, as much as 65 percent of the total unemployed received benefits. There is something desperately wrong with a system that protects only one-third of all temporarily unemployed workers.

Yet the Bush administration insists that there is nothing wrong and refuses to declare an emergency to provide additional benefits to these desperate American workers. If the President can declare an emergency for the Kurds in Iraq and for Bangladesh, how can he turn his back on his own people?

Since the President won't declare an emergency, I rise in support of H.R. 3040, which automatically declares an emergency. There is no need to raise taxes to pay for the additional benefits because there is already an $8 billion surplus in the extended benefits trust fund. How can we deny additional benefits to people when there is money sitting in a trust fund collected specifically for this purpose?

I also support Chairman ROSTENKOWSKI's amendment to H.R. 3040, which gives the President the option of accepting the emergency declaration or of raising the Federal unemployment tax just slightly to cover the expected costs of the additional benefits. If the President wants to raise taxes instead of declaring an emergency, let him do so.

Mr. Chairman, providing additional unemployment benefits is not a handout. It is an investment in the American worker and in the American economy. By preserving the purchasing power of unemployed workers, we are really lessening the severity of the recession. We help everyone in the Nation at the same time that we restore the worker's dignity.

Mr. MURPHY. Mr. Chairman, today I rise in support of extension of unemployment insurance benefits for the victims of our current recession. Like many pressing issues, this crisis situation has been papered over by a President who governs by the old maxim "out of sight out of mind." Mr. Bush's "domestic agenda" has been repeatedly run over by the constantly moving wheels of Air Force One, as it taxis the President once more to destinations far from the realities of day to day American life.

Although many experts suggest that our economic downturn is over, the rising unemployment rate is proof that a turnaround has not yet arrived. It is a disgrace that 8.7 million American workers now find themselves without jobs.

In June, the unemployment rate rose to 7 percent. It has increased by 1.7 percentage points since the recession began last July. Most troubling, however, is that almost 1.2 million American workers have been without work for more than 26 weeks and are no longer eligible for unemployment benefits. Another 1.4 million workers have been unemployed for more than 15 weeks but less than 26 weeks. Many of these additional workers will soon join the ranks of those losing unemployment insurance benefits, even if the economy starts to recover. While many of these workers would like to jet off to other parts of the world like the President until the bad times subside, the cold, hard fact is that for the unemployed their greatest concern now is feeding families and paying bills.

In every economic downturn over the 50 years, Washington has stepped in and extended unemployment benefits beyond the initial 26 weeks for the majority of the long-term unemployed. At a time when almost 1.2 million workers have been unemployed for more than 26 weeks, the Unemployment Benefits Program currently provides assistance to fewer than 100,000 workers. This situation itself, is a case study in misapplied priorities. While we should exercise fiscal restraint with regard to many big Federal spending programs, hesitation in providing benefits to many desperately unemployed people has created a surplus in the program of nearly $7 billion.

This mockery should not be allowed to continue. I urge the President to act now to work with the Congress to enact legislation expanding eligibility for extended unemployment benefits assistance. Both the money and the need exist now, and I ask that you act promptly for the good of those hardest hit by the recession.

Mr. VENTO. Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Insurance Reform Act which would provide much-needed extended unemployment benefits.

Here we are yet again to deal with the issue on extended unemployment benefits that we thought we had already resolved, because the President refused to join with Congress to relieve the severe financial problems of thousands of American workers who are out of jobs and unable to find another in the tough economic circumstances that persist today. This time, however, the passage of H.R. 3040 will designate the expenditures in the bill as an "emergency" and remove any misunderstanding that may have persisted.

It is offensive to American workers that President Bush would fail to provide this limited protection for them when he has declared budget emergencies to provide aid to the Kurds and the people of Bangladesh and Turkey.

Last August, the workers in our Nation were left to deal with an extended benefits system which is inadequate for their needs which, unfortunately, only continue to grow; 350,000 jobless Americans ran out of benefits in July and only 5 percent of those were eligible for extended benefits. This despite the fact that the Federal Government now has more than $8 billion in the extended unemployment benefits trust fund.

President Bush has stated that the recession is nearly over. Well I am sure that this is less than reassuring for the 8.5 million people out of work in this country. Families cannot survive on such reassurances even from the President. American workers need less rhetoric and more concrete action today, Mr. Chairman, not tomorrow.

Mr. HERTEL. Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Insurance Reform Act. This legislation throws a lifeline to millions of unemployed workers who, after 26 weeks of regular unemployment insurance, remain unable to find a job in this recession.

The House of Representatives demonstrated its support of the unemployed worker in August when it enacted the extended unemployment benefits bill. The plight of the unemployed was ignored, however, by an unsympathetic administration that refused to implement the bill. Presently, our unemployment problem is not greatly improved. The national unemployment rate has remained unchanged, and over 2 million jobless Americans have exhausted their benefits this year alone. Employment in my district has been especially hard-hit by the recession. The median unemployment rate for July was nearly 9 percent, 30 percent higher than the national unemployment rate. There are no indications that the situation will improve very soon, either. Therefore, it is mandatory that we pass this legislation that will help people weather this recession.

The people who are affected by this extended recession have been paying taxes their entire lives, in part to prepare for hard times like these. We cannot let them down by denying them the benefits they have already paid for. There is a great deal of talk about sending aid overseas, but our first priority is here. It's time we started helping the people at home.

Mr. FEIGHAN. Mr. Chairman, we have been here before. Last month, we passed a bill that deals with the problem of compensation for the long-term unemployed. Just about everybody in Washington—including most of both the House and Senate—supported that bill. Just about everybody—except the President that is.

He signed the bill, but he blocked its implementation. It saddens me that the President himself broke the national consensus on that unemployment measure. We shouldn't have to do this all over again. But because there are people out there who will soon exhaust their unemployment benefits—if they have not done so already—we must pass a stronger guarantee that they will get the unemployment benefits they deserve.

We must guarantee that working men and women, who have been thrown out of work in this ongoing recession, will still be able to provide for their families while they look for new work.

Last time around, the unemployment benefits extension bill was supported overwhelmingly on both sides of the aisle here in the House. But now I hear stiff opposition from the Republican side. What happened in the last 6 weeks? Why was there near-unanimous support at first, but not now?

Whatever the reason, I implore all my colleagues to hear their better sense. I urge them to think about the thousands of workers who are mere days away from exhausting their unemployment benefits. Think about their families.

We still owe it to millions of working men and women to ensure that they can provide for their families in hard times. Our debt to them has not changed. So why should anyone here in Congress who supported the benefits extension before change their vote this time? I strongly urge my colleagues to continue their commitment to millions of working Americans and pass this bill.

Mr. BORSKI. Mr. Chairman, I rise in strong support of H.R. 3040, the Unemployment Insurance Reform Act.

Mr. Chairman, in the past Congress has approved dire emergency funding bills for everything from droughts and hurricanes to foreign aid and wars overseas. Now is our chance to provide dire emergency funding for American workers and their families.

The recession we find ourselves in now is not over. Unemployment in America is 6.8 percent. Over 8.5 million Americans are out of work, 2 million more than a year ago.

In my hometown of Philadelphia, the unemployment figure stands at 7.1 percent. In addition, labor unions in Philadelphia report that up to 50 percent of their members are looking for jobs.

But these are not just numbers, not just statistics. They are real men and women and their families. They are my friends and neighbors, people I grew up with, people I see every day.

The people behind the unemployment statistics are not welfare cheats or lazy. They desperately want work, but can find none. They are out of work through no fault of their own.

Apparently, President Bush does not believe that there is an unemployment problem in this country. Last month, when the Congress sent him a bill to extend unemployment benefits, he signed it. However, he did not designate an emergency and release the money necessary for the extra benefits.

The President has reacted strongly to emergencies abroad. But for some reason, he has failed to react to emergencies here at home, emergencies that threaten the survival of American families.

I hope and pray that the President will recognize this emergency and sign this bill. I hope he will not let politics stand in the way of doing what is right for Americans left unemployed by this recession.

Because, Mr. Chairman, to the workers and families that have now exhausted their 26 weeks of unemployment benefits, the emergency is very real. More and more workers run out of benefits every day, more and more families face the prospect of empty dinner tables.

We have an obligation to end this domestic emergency. H.R. 3040 will take two steps toward that goal.

This legislation will automatically declare its expenditures as emergency spending and extend unemployment benefits by up to 20 additional weeks. Workers who have already depleted their benefits would receive at least 5 additional weeks of benefits, as long as the national unemployment rate is at least 6 percent.

H.R. 3040 will also permanently expand the extended benefits program and provide for full Federal financing. Under current law, only 13 additional weeks of benefits are available after the regular 26 weeks of unemployment compensation, and only half of that is financed by the Federal Government.

Mr. Chairman, millions of Americans who want to work cannot find a job because of this recession. The current extended benefits program is not working and American families are threatened. It is time we addressed this domestic emergency. I urge my colleagues to support H.R. 3040.

Mr. GAYDOS. Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Insurance Reform Act.

Over the past several months, the White House has been proclaiming continuously that one of the longest economic recessions in our Nation's history is at an end. Every day, Americans can witness the President or one of his trusted advisers preaching how strong the recovery is and that the United States is on the fast track back to economic prosperity.

Personally, I can tell you that there are at least 8.5 million unemployed American citizens who know for a fact that this country is not on the road to recovery, but is stalled on a long stretch of highway and they are being abandoned by the only help available—the Bush administration.

Currently, 1,175,000 Americans have been unemployed for 27 weeks or longer. In July alone, another 350,000 jobless Americans ran out of unemployment benefits and another 300,000 Americans lost jobs. Furthermore, since 1988 when President Bush assumed the Office of the Chief Executive, the unemployment rate has risen from 5.5 to 6.8 percent and the economy itself grew less than 1 percent. I cannot recall a time when economic growth has been so stagnant. Can any Member of this body rightly say that these figures portray a nation that is on the road to a strong economic recovery? These figures tell me that we have a President who lacks a domestic policy.

It is obvious to me that the hard-working people in the United States have been shortchanged by a President who is more concerned with emergencies in Bangladesh, Kuwait, Kurdistan, and Israel than the unemployment emergency existing in his own backyard. People in this country are needlessly suffering and I will not stand by and let this Presidential charade go on any longer. It is time for the Congress to take action and help relieve the pressures mounted on the backs of labor in this country. We must see through the smokescreen that the administration releases everyday in the media and push forward this important legislation declaring the economic emergency needed to release additional unemployment benefits.

Mr. Chairman, this country has slowly undertaken a path of deindustrialization. My own district has undergone a transition that has forced the jobs of 40,000 steelworkers to be reduced to barely 5,000 workers involved with the creation of steel, iron, and coke. We have gone through, and still experience high unemployment.

Now, much of the Nation is trying to avoid the pressures to lay off workers and dissolve existing jobs, but at the same time, it is happening. People are losing jobs, money, and livelihood. In August of this year, the Congress passed legislation to extend unemployment benefits, but the President did not want to recognize the need to help unemployed Americans and effectively pocket vetoed the measure. The President was coldhearted and wrong. Today, the U.S. House of Representatives has a chance to right the President's wrong.

We in the Congress must take a stand against the administration and pass the Unemployment Insurance Reform Act to help Americans stand on their own feet with dignity and respect. I urge all of my distinguished colleagues to support and pass this most important piece of legislation.

Mr. SCHEUER. Mr. Chairman, the legislation before us, H.R. 3040—the Unemployment Insurance Reform Act—would go a long way toward easing the plight of hundreds of thousands of our Nation's currently unemployed.

Last month, alarmed by the depth of the current recession, we in Congress passed legislation to provide extended unemployment benefits for long-term unemployed workers. Despite its overwhelming support in Congress, President Bush refused to declare the emergency required to implement the act.

Now, we are faced with more disturbing statistics. Nationally, unemployment remains around 7 percent, and in New York, it is 9.3 percent.

In a recession, it becomes harder to find work. When the ranks of the unemployed are swelled by the loss of 300,000 jobs per month, as occurred in August, it becomes even harder for those workers who are unemployed to find work. Yet current policy allows these American workers to run out of assistance before finding new jobs. In the month of July, a record 350,000 unemployed exhausted their benefits.

This bill would provide up to 20 weeks of additional benefits, depending on the individual State's rate of unemployment. It would insure its implementation by designating the necessary expenditures as emergency.

And it would enact a series of long-needed reforms in the unemployment insurance program and fund a demonstration program on job search assistance, an essential component of any response to our current recession.

I might add that unemployment insurance reform is only one part of the solution to our unemployment woes. As long as we lack effective programs that educate, train, and place unemployed noncollege youth, we will continue to experience unacceptably high unemployment rates. That is why I look forward to forthcoming amendments to the Job Training and Placement Act later this fall.

Mr. FORD of Michigan. Mr. Chairman, I rise today in strong support of the Unemployment Insurance Reform Act, the bill to extend benefits to our Nation's unemployed workers, and I urge the adoption of the Rostenkowski amendment, which would pay for this measure by increasing the Federal unemployment taxable wage base.

It has been 1 month to the day since the President, while vacationing in Maine, signed H.R. 3201—Congress's last unemployment relief bill—but refused to declare an emergency, effectively blocking the release of its benefits. Mr. Chairman, there may not be an emergency in Kennebunkport, Maine, but there is a dire emergency in the State of Michigan.

In the last month, the unemployment rate in my State has climbed from 8.3 percent to 9.1 percent, with over 30,000 people joining the 371,000 already unable to find work.

The number of WARN notices in Michigan, notices of plant closings and permanent mass layoffs, continued at a level that has long since surpassed the number of such notices Michigan had in all of 1990. Every notice means at least another 50 jobs gone—never to return.

While the President has been worrying about how the Soviets will survive the harsh Russian winter, I have been worrying about how my constituents will survive the harsh Michigan winter. While the administration has been occupied forgiving well over 1 billion dollars in debts owed by Senegal, Bolivia, and Bangladesh, thousands of unemployed Michiganders have been worried about their own mounting debts.

Despite what the administration would have us believe, the legislation we are considering today is not a quick fix or a budget-busting gimmick. It makes important, and much needed, changes in our country's unemployment insurance system. H.R. 3040 would repeal the current Federal-State Extended Benefits Program and replace it with a reworked Federal Supplemental Compensation Program. This new system would make benefits available for an additional 10, 15 or 20 weeks, depending on the jobless rate of each State, rather than the current insured unemployment rate. This legislation would also make these new extended funds available for some workers who have already exhausted their benefits, by insuring that these workers in all States would be eligible for at least 5 weeks of aid should the national unemployment rate reach 6 percent.

H.R. 3040 would also erase a terrible inequity, by increasing the unemployment benefits that veterans of Operation Desert Storm and other former service members could receive, from 13 weeks to 26 weeks. It further slashes the time our veterans must wait to be eligible for benefits after leaving the service. The bill also reduces the number of continuous days a reservist must serve on active duty from 180 to 90 in order to be eligible for unemployment insurance.

Mr. Chairman, I also urge my colleagues to support the Rostenkowski amendment to H.R. 3040. We cannot, in good conscience, only extend benefits; we must show our commitment by financing them as well. This measure would increase the Federal unemployment taxable wage base, beginning in 1993, from its current $7,000 to a level equal to the Social Security wage base, which will be approximately $58,000 in that year. At the same time, the Federal unemployment tax rate on employers would be reduced from the current 0.8 percent to 0.4 percent in 1993 and 1994, 0.23 percent in 1995, and 0.2 percent in 1996 and thereafter. This extension measure is too important to simply put on a credit card. We owe our unemployed workers a hand, but we also have a obligation to our children to be fiscally responsible by not adding to the deficit.

Mr. Chairman, the administration can claim that the recession is over, and that jobs are just around the corner. But that doesn't make it true, and it doesn't help the millions of American families who desperately need the help this bill provides. We have already waited too long to act. I urge my colleagues to pass this legislation.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 3040, the Unemployment Insurance Reform Act, which will provide additional unemployment benefits to the 3.5 million unemployed workers who will exhaust their benefits this year. I consider it an insult to America's working men and women that Congress has to enact legislation to provide extended unemployment benefits for the second time in as many months, because the President refused to acknowledge the seriousness of the economic distress our country is experiencing.

I also want to take this opportunity to thank those Members of Congress who have so quickly brought this legislation to the floor for a vote, including the Speaker, and the entire Democratic leadership, Chairman ROSTENKOWSKI, and Congressman DOWNEY. Through their persistence and dedication to helping the long-term unemployed workers in the United States, we have the opportunity to reaffirm our commitment to America's working men and women, and let them know that Congress has not forgotten them, or turned a deaf ear to their suffering.

Mr. Chairman, I am extremely disappointed that we have to be here today, once again debating the obvious need for the extension of unemployment benefits for the millions of Americans who have exhausted, or will exhaust, their regular 26 weeks of benefits. We debated and enacted legislation to address this urgent need over 1 month ago. However, President Bush chose to ignore the millions of Americans who have lost their jobs, and exhausted their benefits, due to the severity of the current recession. President Bush's cynical assertion that the recession is over—and therefore an extension of unemployment benefits is unnecessary—is a slap in the face to all the honest, hard-working, decent Americans who have been thrown out of work by 11 years of Republican policies that produced both tremendous deficit and the recession currently plaguing our Nation.

President Bush's refusal to declare a budget emergency to provide these extended benefits cannot be allowed to stand. Millions of Americans who want to work, but cannot find work because of the current recession, need these extended benefits desperately. How can the President of the United States say to these millions of Americans that are being thrown out of work, and who are unable to pay their rent or buy food and clothing for their families, that their plight does not constitute an emergency? The President has already designated emergencies for the Kurds, Bangladesh, and Kuwait. How can he send foreign aid to these countries and ignore the millions of Americans being forced into poverty because of long-term unemployment caused by the Republican recession?

Permit me to cite some distressing unemployment statistics from my home town, Cleveland, OH. In 1990, the black unemployment rate in Cleveland exceeded 20 percent, the highest black unemployment rate of any large city in the Nation. The overall unemployment rate in Cleveland was 13.8 percent, the second highest in the Nation. In human terms, these numbers mean that over one in five blacks in Cleveland could not find work, and over one in eight of all Clevelanders was unemployed in 1990. More importantly, these numbers do not even count the thousands of unemployed Clevelanders who have exhausted their benefits, or who have been forced to take a part-time job to try to make ends meet.

When I contemplate numbers like this, I want to ask President Bush: "Mr. President, you declared an emergency for the Kurds; you declared an emergency in Bangladesh and Kuwait; Mr. President, what about Cleveland?" If the President can declare emergencies for people half-way around the world, then he can recognize the emergency millions of Americans are facing here at home.

Mr. Chairman, I urge all my colleagues to show compassion to the millions of Americans who are facing the indignity and pain of being unemployed each and every day. Vote for passage of H.R. 3040, and tell the American working men and women that we understand the difficulty they face in finding work in the current economic climate, and that we will stand by them as they search for work. Vote for passage of H.R. 3040 and declare an emergency for Americans who desperately need our help.

Mr. RICHARDSON. Mr. Chairman, before we left for August recess, we passed important legislation extending unemployment benefits for 8.5 million Americans that are currently out of work. Now we are here today, considering similar legislation because our President—the fighter for America's working families—refused to declare an emergency, so that the people this legislation was designed to help, could receive those benefits.

The irony of all this is that the President stated his opposition to unemployment benefit legislation which would automatically declare an emergency—he threatened to veto such a bill. So, in trying to work with our President, we did not include such a provision. Instead, we assumed that he was as concerned about the health and well-being of our unemployed as we were and would declare the emergency himself.

What we should have assumed—based on previous experience—was that our President has often proclaimed that he is a family President, yet each time legislation benefiting our Nation's low- and middle-income families comes up, he opposes it.

Mr. Chairman, such actions are simply unacceptable to me and apparently to many of my colleagues as well—otherwise we would not have before us today the legislation we do. This time, we must hold firm. We have 8.5 million Americans unemployed. These people have families they have to feed, clothe, house, and take care of in an economy where there are simply not enough jobs—in New Mexico alone, the unemployment rate has remained at over 7 percent. Mr. Speaker, I am proud to fight for our Nation's unemployed by supporting this important legislation and I urge my colleagues to do so as well.

Mr. GEJDENSON. Mr. Chairman, I would like to take this opportunity to express my strong support for the Unemployment Insurance Reform Act (H.R. 3040).

Mr. Chairman, there is no reason for us to be here today debating this issue. In August, this Congress passed a good bill that gave much needed assistance to Americans who have lost their jobs. Unfortunately, instead of helping the 2.15 million American workers who have exhausted their benefits, President Bush decided to ignore them and do nothing. While he has declared emergencies for the people of Bangladesh and the people of Turkey—thus making them eligible for American assistance—President Bush has not extended this same courtesy to the American worker.

Luckily, my colleagues and I in the House have decided that this situation is an emergency and we are doing something about it. I support H.R. 3040 because it provides additional unemployment benefits to long-term unemployed workers by replacing the current Federal-State extended benefits with a stronger, more comprehensive program. The current system provides 13 extra weeks of unemployment benefits for workers whose benefits have run out, but who are still looking for work. H.R. 3040 allows benefits to be available for an additional 20 weeks, depending on the unemployment rate in the State.

The bill would also change each State's calculation of its unemployment rate to accurately reflect the numbers of the unemployed. Instead of counting just the people who are receiving unemployment compensation, as is the current practice, States would be able to count all people who are out of work. This new accounting procedure would help ensure that those who are out of work get the benefits that they deserve.

H.R. 3040 could mean a great deal to workers in my home State of Connecticut where, according to the State Department of Labor, over 2,000 people have exhausted their unemployment benefits. Many of these people are unemployed defense workers who have given their talent and toil to build strong national defense programs. Now, as the cold war thaws and defense spending drops off, these workers deserve additional efforts by Congress and the administration to maintain economic health in the year to come.

It is time to go beyond promising economic aid to any foreign nation who asks and start focusing on people in this country who desperately need assistance to begin rebuilding their lives.

Mr. RANGEL. Mr. Chairman, I rise to revise and extend my remarks in support of the Unemployment Reform Act of 1991. It seems to me that we should not even have to be standing here at this time. The President should have recognized the severity of unemployment and its duration for so many Americans and designated the current situation an emergency. Unfortunately, we are here to make the President understand what he seems most unable to do; appreciate depth of the despair of Americans so unfortunate as to have lost their jobs in this recession.

I do not have to repeat the data my colleagues have set forth in this debate about the magnitude of the unemployment problem. What I will note is the growing despair in communities throughout the Nation. In communities like mine it is positively frightening. Already we are faced with an intolerable number of young people unable to secure their first jobs or any steady work. The despair of these young men and women is what incubates the epidemic of drug and alcohol abuse. By ignoring the plight of those who have lost their jobs and have exhausted their benefits we are just going to add to the level of despair in those communities that can least bear it.

I really wonder how the President expects these people to make ends meet. Remember that for more than 80 percent of America incomes have not increased adjusted for inflation over the last decade. These people have been scraping just to get by. If not for the policies of the past two administrations these people might have some cushion. But I rather imagine that the only cushion is their unemployment check.

So, the number of unemployed grow and the period of their unemployment grow longer while the smoke and mirror dreams of supply side economics finally fades. Of course, this recession hits hardest on those who have the thinnest cushions to protect themselves during unemployment. Recently a group of workers laid off by the city of New York visited my office. They were hospital workers. They had become the victims of the decade long effort to shift responsibility to the State and local governments without an effort to provide the fiscal means to meet the responsibilities. They along with thousands of others were among the low-income workers the city has had to lay off because of its fiscal crisis. They are scared. They never earned much and now they're uncertain about their ability to get another secure job. They seem at wit's end. These are people who have worked hard every day in difficult jobs trying as sincerely as they can to help others even poorer than they are to get well. Frankly, I don't know what to say to them. I was hoping I could tell them that they could expect their Government would stand behind them. But, I wonder if they will continue to feel that way if we do not succeed in enacting this bill.

Mr. BUNNING. Mr. Chairman, I rise today in opposition to H.R. 3040—the Unemployment Insurance Reform Act.

I am not going to stand here and say that we don't face some serious problems with the economy and the unemployed, but ignoring the Budget Act and depleting Federal funds is not the way to get Americans back to work.

Our country has faced recessions before—most recently in September 1982. Unemployment that month stood at 10.1 percent. Now that's an emergency.

The Congress and the President responded with temporary relief and appropriate steps to bring the economy around. The temporary relief ended when unemployment hit 7.2 percent.

Yet today we debate a bill which disregards the lessons of the past and declares an emergency when unemployment stands at 6.8 percent.

And we are not talking about any temporary steps here. We are talking about permanent steps to limit the States' ability to restrict the eligibility of workers who simply quit their jobs. We are talking about a violation of last year's Budget Act and the pay-as-you-go agreement. We are talking about eventually raising taxes to pay for this entitlement expansion. Like it or not the bill is going to come due. And it won't be temporary either—it will be permanent.

Let's stop playing politics with the unfortunate unemployed and get on with the business of bringing back economic stability to the workers of America.

I urge my colleagues to join me in opposing this legislation.

Mr. RIDGE. Mr. Chairman, I rise today in support of legislation extending jobless benefits to the long-term unemployed.

It is not un-American to be unemployed. These people did not volunteer for the unemployment lines. It is un-American to be unwilling to do something about their plight.

This country has forgiven billions of dollars of other countries' debts for years. We will not be able to forgive ourselves if we fail to recognize our debt to working Americans who have lost their jobs through no fault of their own.

For the unemployed there is no greater frustration than the inability to find work. There is no greater agony than the day-to-day struggle to put food on the table and to pay the bills. Our efforts here are but the very least we can do, should do, to lend help, to extend a hand.

In Pennsylvania, nearly 450,000 individuals are now unemployed and looking for work. The unemployment rate in the State is 7.3 percent and that's up over 2 percent from just a year ago. The percentage of Pennsylvanians who have exhausted their normal benefits is running 30 percent higher than last year. I believe that trend will continue for some time.

This important legislation provides some income protection, some purchasing power, to workers while they look and train for new jobs.

Without this help, many of Pennsylvania's, and America's, unemployed will fall through gaping holes in the employment safety net.

Those who benefit from this bill are not asking for a handout. They are simply asking their Government to release funds that they, and their employers placed in a trust fund. It wasn't put there to help the deficit.

But the fact is we'd better start thinking of ways to give people a job rather than a check. This extension ought to be part of an economic recovery package, one that includes a highway bill, one that stimulates the economy by addressing the credit crunch, by helping small businesses expand. For if there's still no hope of work after these additional 20 weeks then our efforts here have done little to change the plight of these families.

I say it's high time we spend less time fighting about spending trust funds and spend more time fighting for the American worker, their jobs, their families.

Mr. MARKEY. Mr. Chairman, I rise in strong support of H.R. 3040, the Unemployment Insurance Reform Act of 1991. In my home State of Massachusetts we are now experiencing close to double digit inflation, employment has declined by over 160,000 jobs in the last year, and all sectors of our economy have experienced a serious downturn. Only the health services industry has experienced any growth over the past difficult year. The Commonwealth of Massachusetts was forced to borrow over $100 million last month to support the approximately 130,000 people being paid every day from the unemployment insurance fund daily.

If the President doesn't believe we are in an emergency situation, perhaps he should drive through Massachusetts on his way back from Walker's Point.

If he stopped in towns like Tewksbury and Wilmington and Burlington in my district, the President would meet people who are enduring real hardship; who have not only suffered the indignity of losing a job but who have suffered the despair of losing their savings, their homes, and, finally, their hope that the American dream still exists for them.

President Bush would meet high-technology engineers who sought and gained a place in an industry they were told would grow exponentially into the next century—and are now seeing computer company after computer company announce huge layoffs and hearing dire predictions about the industry's future.

He would meet teachers laid off as local and State budgets are slashed and as local school officials increase the size of classrooms and cut course offerings.

He would meet homebuilders and contractors who started successful small companies in the 1980's, only to have bankers and big-time developers squander billions of dollars on empty skyscrapers and doomed condominium projects. Now they can't get the capital they need to keep their companies going.

The President would hear about the struggles of the modern two-income family. Squeezed in the 1980's by the high cost of living and overleveraged by an inflated real estate market, many of these families now find one of their incomes is gone—lost to the recession the President's advisers insist has already passed.

These are difficult times in Massachusetts. Unlike our last serious recession in 1982, we are not just enduring a normal downturn in the business cycle; we have major long-term problems in some of our most important industries, including banking, high technology, and construction.

This year alone, 85 banks have failed nationwide and more than 1,000 are on the Federal Deposit Insurance Corporation's problem list. In Massachusetts, the failure of the Bank of New England—which could ultimately cost the Government more than $5 billion—is just the most spectacular of a slew of failures.

In the past year, Massachusetts has lost almost 20,000 high-technology jobs. The recession coupled with intense foreign competition—particularly from the Japanese—have forced companies like Digital and IBM to lay off workers for the first time in their histories.

As a result, workers face not just a few months of unemployment but serious long-term job displacement.

The President's decision not to fund this bill is unconscionable. Later this month, Congress will be asked to spend another $80 billion to bail out the savings and loan industry but the President cannot find $6 billion to extend benefits for people suffering from his administration's inept economic policies.

Mr. Bush says he cannot declare the emergency necessary to provide the extension of unemployment benefits under H.R. 3201, the Emergency Unemployment Compensation Act of 1991. These are unemployment benefits that so many people in this country desperately need, however, he is more than willing to sign the piece of paper that the bill is written on in a tragic act of hypocrisy.

The President wishes to hide amidst the rhetoric of marginal real GNP gains and third quarter growth, but arcane economic jargon doesn't help the people of Massachusetts. The Unemployment Insurance Reform Act before us today will do something real for these people. This bill, H.R. 3040, will provide for the extensions of benefits that will mean the difference between absolute tragedy and a fighting chance at surviving this depression.

The need for a program of Federal supplemental compensation cannot be understated. The recession is still very real, and when our economy finally begins to recover we know that the unemployment will last still longer than the recession that caused it.

Mr. FRANKS of Connecticut. Mr. Chairman, today I rise in general, albeit reluctant, support of extending unemployment benefits, as offered by H.R. 3040, to those workers who have been especially hard hit by the deep recession in New England.

On August 2, I voted for H.R. 3201 to extend unemployment benefits to allow workers who are seeing economic hard times, an opportunity to get through this recession cycle. I realize, and am sympathetic to, the needs of the unemployed, especially in the Fifth District of Connecticut. In fact, I felt that the President should have declared an emergency to allow for the extension of benefits to be implemented.

While I do not fully agree with the procedure and practices that have been written into this legislation, I feel compelled to support this legislation. Although I voted against the rule under which H.R. 3040 is being considered, I see how badly the people in my district have been hit by this recession.

As I walk the streets or drive my car, the one thing people always express to me is the need for unemployment benefits to be extended in order to survive these times.

Cities in my district such as Waterbury, Naugatuck, and Meriden, to name a few, are experiencing near 10-percent unemployment. The times here are definitely tough.

Therefore, I feel forced to vote for H.R. 3040 because it is the only alternative to what I feel is desperately needed, and that is extending unemployment benefits.

There are major flaws in H.R. 3040. For one, I feel it sets bad precedents, but because of the majority party's reluctance to allow the minority party any amendments, we are stuck with this alternative.

My preference would be to temporarily extend these benefits until the recession cycle is over. I would also like to see this extension financed through the surplus of funds in the unemployment trust fund. And finally, I would like to see nondeficit spending as well.

However, it is imperative for the survival of the Fifth District of Connecticut that we extend these benefits. Our unemployed must have the extra time to seek work that is extremely difficult to find.

Finally, Mr. Chairman, I do not fully support H.R. 3040 as policy, but I will vote for it because I support the concept of extending unemployment benefits. I continue to be hopeful that many of the provisions in the financing mechanism will be changed in the final version. We must allow our workers to get through these tough times. But we also have a responsibility here in Congress to spur economic growth and to help create jobs so we will not need to extend these benefits in the near future.

Ms. SLAUGHTER of New York. Mr. Chairman, in parts of my district, nearly 1 out of every 10 workers is unemployed. In New York

State, last month's unemployment rate was 7.5 percent. Eight and a half million Americans are out of work; more than half are not receiving unemployment benefits. This recession has been a tragedy for millions of working men and women who have seen their jobs, their homes, and their quality of life disintegrate before their eyes. These workers, who have spent years as productive taxpayers, now find their Government has turned its back.

During the Great Depression, Franklin Roosevelt made a covenant with our people called the New Deal. It was founded on the principle of putting people to work and providing basic protections for them until they found jobs. All across America FDR's vision is crumbling. In July, the largest number of workers in any month in 40 years, and possibly in the history of the unemployment program, exhausted their unemployment benefits without becoming eligible for any additional unemployment aid. Middle-class families whose breadwinners have lost jobs are now in danger of slipping into poverty.

We must meet our responsibility to the millions of Americans who want to work, but cannot find jobs. In this Congress, we have declared emergencies for the Kurds, Bangladesh, and Kuwait. Today we must recognize the emergency that our fellow Americans face.

Extended benefits are now available to workers in only two States—Alaska and Rhode Island. Under this legislation, additional benefits would be available to workers in all States as long as the national unemployment rate is at least 6 percent. This bill provides up to 20 additional weeks of unemployment compensation, depending on the unemployment rate in each State. In New York, workers would be eligible for 15 additional weeks of benefits. At the same time, workers would receive additional protection from State laws which disqualify people who are rightfully entitled to benefits. For instance, States can no longer disqualify a worker who voluntarily left a job to move to a new position, and then was laid off.

This legislation also recognizes our fighting men and women by increasing ex-servicemembers' unemployment benefits from 13 weeks to 26 weeks and reducing the time they must wait to receive those benefits after leaving the service from 4 to 1 week. Reservists would also receive additional protections under this bill, which reduces the number of days a reservist must be on active duty from 180 to 90 in order to be eligible for unemployment insurance. This legislation is particularly crucial as our Nation responds to changing global events and diminish superpower tensions by downsizing our military, trimming the defense budget, and closing some military bases. Our service men and women deserve these protections.

America's working families need this legislation, and I am proud to support it.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 3040, the Unemployment Insurance Reform Act. In early August Congress met to consider legislation extending unemployment insurance. We recognized the seriousness of the recession we were in and voted to extend benefits to unemployed workers. The bill then went to the President, who signed it, but callously neglected to declare the state of emergency necessary for the bill to go into effect.

Now, more than a month later the situation that prompted us to act not only persists, it has worsened—8.5 million Americans are unable to find work, and our economy continues to lose jobs. Mr. Chairman, the recession is not over. Americans are not finding new jobs and their unemployment benefits are running out. Two million unemployed workers have had their benefits expire this year, 350,000 in July alone. Of course, the ultimate solution is to find permanent employment for these workers, but in the meantime we must help those Americans who are at or nearing their financial breaking point.

Despite frequent claims from the President, and my colleagues across the aisle, that the recession is over, we are not in a recovery. In my home of New York City, close to 100,000 people have exhausted their benefits this year, nearly 16,000 in August alone. The numbers for New York State are even more frightening. From January 1 through the end of August, 205,500 workers had their benefits expire; that compares with 106,000 for all of last year. Mr. Chairman, with a recovery like this, who needs a recession.

If the President would turn his attention homeward, he would see that emergencies exist not only in Bangladesh, Kuwait, and for the Kurds, but here in the United States as well. Millions of Americans are without jobs, and without the means to support themselves and their families. It is our responsibility to help these Americans who want nothing more than to work, but who, because of the recession, can find no employment. By refusing to declare the state of emergency necessary to extend these much needed benefits, the President has told unemployed Americans that they are on their own. I urge my colleagues to support the American worker and vote for H.R. 3040.

Mr. GREEN of New York. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] to replace the Unemployment Insurance Reform Act's provision which automatically declares expenditures under the bill "emergency" funds for the purpose of complying with the 1990 budget enforcement agreement.

As we all know, the 1990 Budget Agreement mandates that any legislation creating new entitlement authority be offset by new revenue or spending cuts—unless the President declares an emergency. Without the declaration of an emergency, the bill violates the 1990 budget enforcement agreement and could trigger a sequester of other vital entitlement programs.

Under the amendment offered by Mr. ROSTENKOWSKI, if the President does not declare an emergency—and it is already clear that the President will not declare one—the Federal unemployment tax paid by employers would be increased to pay for the extended benefits program. According to the Congressional Budget Office, the increased tax would raise $6.5 billion through 1996, more than enough to cover the extended benefits program, which is estimated to cost approximately $6.3 billion.

After reviewing Ways and Means Committee data and listening to employment and social insurance experts testify at a New York City field hearing organized by the House Budget Committee, I was convinced that there has been a significant long-term erosion in the unemployment insurance system. According to the Ways and Means Committee 1991 "Green Book" on entitlement programs, in 1975 the percentage of insured unemployment as a percent of total unemployment was 76 percent. Throughout the 1980's a tremendous disparity emerged between the percentage of insured unemployment as compared with total unemployment—1990 marked the seventh straight year that unemployment insurance coverage dropped below 40 percent nationally.

As you can see, we do not have an emergency on our hands, but rather the steady erosion of the Unemployment Insurance Program that has transpired over the last 15 years. The national unemployment rate of 6.8 percent, while higher than anyone would like, is far below the 1982 recession levels and lower than the 7.2 percent rate when the extended benefits program was allowed to expire in 1985. In addition, the long-term erosion of the unemployment system was understood before we adopted the 1990 Budget Enforcement Agreement, as amply demonstrated by the 1990 "Green Book". In short, the case for an emergency simply cannot be made.

Unlike the unemployment insurance benefits extension legislation that was adopted by the House on August 2, 1991, H.R. 3040 is not a temporary measure, H.R. 3040 addresses the erosion of benefits by making permanent changes to the unemployment insurance system that will enable all States to provide some extension of benefits. I applaud those changes. However, if H.R. 3040 is adopted without the Rostenkowski financing amendment, we violate the 1990 Budget Enforcement Agreement—our only statutory source of budget discipline. In addition, we retreat on a promise made to the American people, just last October, to reduce the budget deficit.

In closing, there is ample evidence that the current unemployment insurance system has seriously been eroded and it is clear that if we are going to reform the system we have to pay for it. H.R. 3040, the Unemployment Insurance Reform Act, makes permanent changes that are long overdue, and the Rostenkowski financing amendment pays for the benefits program without violating last year's Budget Enforcement Agreement.

I encourage my colleagues to stop the charade and support the Rostenkowski financing amendment. The 8.5 million unemployed Americans deserve no less.

Mr. CONYERS. Mr. Chairman, one issue we were unable to address today in the debate on H.R. 3040 was the issue of unemployment insurance benefits for railroad workers. This matter is of particular importance to me, as I have the privilege of representing hundreds of railroad workers in Michigan's first district, and as the Committee on Government Operations, which I chair, has reviewed the financial vulnerabilities of the Railroad Retirement Board.

As many of us may know, Mr. Speaker, the Railroad Retirement Board is entrusted with administering railroaders' retirement, disability, sickness, and—most importantly today—unemployment benefits. The solvency of the trust funds with which the Board pays these benefits depends on railroad corporations paying their taxes.

The Railroad Retirement Board's Inspector General has been auditing railroad tax payments over the last three years. His testimony before the Government Operations Committee was that the railroads are shortchanging this system with bookkeeping tricks to keep from paying what they owe to their workers.

It is against this backdrop that H.R. 3040 comes before us. We are forced to consider this legislation today because the President, by signing the unemployment insurance bill last month without implementing it, did nothing more than pay lip service to the victims of his failed economic policy.

H.R. 3040 corrects this inaction by the Bush Administration. Beyond that, I hope Congress will act to fully protect all our railroad workers who have been shortchanged by corporate accounting gimmicks, Gramm-Rudman—Hollings sequestration, and economic slumps like the current one.

Two critical changes to H.R. 3040 must be made that will extend critical protections to all railroad employees:

First, we must provide unemployment benefits to those who otherwise would not have them; and

Second, we must protect the railroad retirement trust funds from sequestration.

The first measure will affect some 6,000 unemployed railroad workers with less than 10 years of service—workers who tragically fell through the cracks of deficient existing unemployment legislation.

The second change, protecting the Railroad Retirement trust funds from sequestration, only makes sense. These funds are not paid for out of general revenues; they are, as I have mentioned, paid for by a special tax on railroads, much like the Social Security tax. Subjecting these funds to Gramm-Rudman-Hollings sequestration would not affect the deficit, as they can be used only for the purpose of providing benefits to railroad workers. There is no role whatsoever for these funds in deficit reduction.

Mr. Chairman, as the Maintenance of Way railroad union's national headquarters is based in my district, and as chairman of the Committee on Government Operations, I know what railroad workers need to protect their much needed and well-earned benefits. As it stands, H.R. 3040 is a good first step, but we need to address these other two remaining areas to insure fairness to all railroad employees. I urge my colleagues to join in supporting these needed reforms at the earliest feasible time.

Mr. FLAKE. Mr. Chairman, I rise today to communicate the urgency and seriousness of the House approving H.R. 3040, the Unemployment Insurance Reform Act. As you know, we passed similar legislation which the President signed into law in late August. Passage of H.R. 3040 is critical because the previous legislation was prevented from being effective because the President refused to declare the expenditures in the bill as emergency funds.

As the President continues to declare a state of emergency and approves aid for tragedies abroad, the President refuses to call a steady unemployment rate of 6.8 percent and 8.5 million jobless Americans a state of emergency. This is truly absurd, the America beyond the beltway is indeed experiencing an emergency when 1 out of every 14 able persons is out of a job.

The legislation which we will consider today releases funds for those whose benefits have expired. The White House believes that the economy is on an up-swing and therefore additional unemployment benefits are unnecessary. However, I refuse to tell the American people that when their benefits expire they will live on promises and optimistic forecasts. These people need tangible, emergency assistance TODAY. We must declare our own Nation a state of emergency and pass the Unemployment Insurance Reform Act today.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of H.R. 3040, the Unemployment Insurance Reform Act. More than 25,000 El Pasoans are currently looking for work while news reports are saying the recession is ending. But residents of Texas' 16th Congressional District, who cannot pay their bills, will tell you that the recession is real. I believe these workers agree with a majority of the U.S. Congress that the extension of unemployment benefits is an emergency.

Already this year, the President has designated $1.14 billion in emergency funding for foreign aid programs and not a dime for domestic programs. It is time that we turn our attentions to the needs of Americans at home.

Last month George Bush denied the emergency funding for the extension of these benefits, and more than 300,000 jobs have been lost. Almost 1.2 million Americans have been unemployed for more than 26 weeks, and are ineligible to receive benefits. The rate of unemployment has doubled, and this doubling of long-term unemployment is troubling.

Unemployment declines after financial recovery is underway and, to contradict the administration, recovery has not yet begun. Therefore, long-term unemployment will persist.

The weakness of the economy has been straining family finance, in my district and across the United States, since well before the recession began. The House Budget Committee reports that adult participation in the labor force peaked at 66.6 percent in 1989 and remained flat until the recession began in mid-1990. Since then, there has been a decline of 65.7 percent.

Additionally, the adjusted unemployment rate, which reflects the unemployed workers no longer seeking work because they do not believe jobs are available, is now 12 percent, or 2.5 percentage points higher than it was before the recession.

In Texas, based on the unemployment rates, unemployed workers would receive an additional 6 weeks of benefits. But those 6 weeks could mean the difference between finding a job and losing a home.

I also support the House Ways and Means Committee amendment to H.R. 3040, which would have deleted a provision giving States the option of providing unemployment benefits between terms or academic years to noninstructional employees. Under present law, States are prohibited from paying unemployment benefits to all school employees between terms or academic years.

The Congressional Budget Office estimated this provision would cost $20 million per year, but would also add $20 million per year in Federal receipts. This would occur because governmental and nonprofit schools have the option to reimburse the Federal unemployment trust fund for these costs rather than pay experience-rated unemployment taxes.

I agree with the committee's position that this provision could be interpreted by the other body as a revenue bill, which in turn would open the door for other revenue amendments in the Senate. This could detract from the main objective of the bill, which is providing essential benefits to the unemployed.

My additional concern was that poor school districts, such as those in my congressional district including El Paso, Ysleta, Socorro, and San Elizario, could be forced into an untenable financial situation and be required to pay for benefits which they currently are not under obligation to pay. While I am empathetic with seasonal and nonprofessional school district employees obtaining unemployment benefits to which they are entitled, current laws define the time period during which they are eligible.

Nonetheless, we have the opportunity to place the extension of benefits with a funding alternative on President Bush's desk. The needs of more than 8.5 million American workers, and their families, are at stake. If the President does not agree that the extension of unemployment benefits constitutes an emergency, he will have to resort to his use of the veto. The decision he makes will reflect on his concern for all Americans.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1050

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. LEWIS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3040) to provide a program of Federal supplemental compensation, and for other purposes, pursuant to House Resolution 221, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. GINGRICH. Mr. Speaker, I demand a separate vote on the so-called Rostenkowski amendment No. 1 which cuts out janitors, school bus drivers, and cafeteria workers.

The SPEAKER. The Clerk will report the amendments en bloc on which a separate vote has been demanded.

The Clerk read as follows:

Amendments:

Page 24, strike lines 6 through 24.

Page 25, line 1, strike "SEC. 204." and insert "SEC. 203.".

Page 26, line 7, strike "SEC. 205." and insert "SEC. 204.".

Page 27, line 20, strike "SEC. 206." and insert "SEC. 205".

Page 27, strike line 22 and all that follows through line 3 on page 28 and insert the following:

(a) IN GENERAL.—Subparagraph (A) of section 3304(a)(6) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) compensation may be denied to an

Page 50, strike the table following line 6 and insert the following:

For fiscal year:	Increase in outlays:	Increase in receipts:
1992	$5,515,000,000	$0
1993	$392,000,000	$0
1994	$120,000,000	$0
1995	$120,000,000	$0

Page 2, strike the item relating to section 203 in the table of contents and redesignate the items relating to sections 204, 205, and 206 as relating to sections 203, 204, and 205, respectively.

The SPEAKER. the question is on the amendments en bloc.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROSTENKOWSKI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRIES

Mr. ROSTENKOWSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROSTENKOWSKI. Mr. Speaker, as I understand the situation, what the gentleman from Georgia [Mr. GINGRICH] has done is he is asking us to delete an amendment that was agreed to unanimously by the Committee on Ways and Means. An aye vote would retain the posture and the position of the Ways and Means Committee and support what the minority as well as the majority did on the Committee on Ways and Means, is that correct

The SPEAKER. Insofar as that is a parliamentary inquiry, the gentleman is correct.

Mr. GINGRICH. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. The gentleman from Georgia is entitled to one as well.

Mr. GINGRICH. Mr. Speaker, as I understand it, the Rostenkowski No. 1 amendment would have the effect of cutting out janitors, school bus drivers and cafeteria workers from unemployment benefits also.

The SPEAKER. That is obviously not a parliamentary inquiry.

The vote was taken by electronic device, and there were—ayes 84, noes 324, not voting 24, as follows:

[Roll No. 265]

AYES—84

Abercrombie
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Archer
Aspin
Bateman
Beilenson
Bereuter
Bilirakis
Bonior
Bryant
Cardin
Carper
Chandler
Coleman (TX)
Combest
Cooper
Coyne
Crane
Derrick
Dickinson
Dingell
Foglietta
Franks (CT)
Geren
Gibbons
Gonzalez
Goodling
Grandy
Guarini
Hastert
Henry
Hoagland
Houghton
Hoyer
Hutto
Johnson (CT)
Kanjorski
Klug
Kopetski
LaFalce
Laughlin
Leach
Levin (MI)
Lewis (GA)
Lipinski
McCandless
McDermott
McMillen (MD)
Meyers
Miller (WA)
Montgomery
Moran
Morella
Mrazek
Murtha
Nowak
Oberstar
Orton
Owens (UT)
Parker
Pease
Penny
Peterson (MN)
Porter
Pursell
Ramstad
Ray
Rostenkowski
Scheuer
Shaw
Shays
Skaggs
Smith (FL)
Spratt
Stenholm
Sundquist
Traxler
Upton
Vander Jagt
Weldon
Zimmer

NOES—324

Ackerman
Allard
Andrews (ME)
Annunzio
Applegate
Armey
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bennett
Bentley
Bevill
Bilbray
Bliley
Boehlert
Boehner
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gordon
Goss
Gradison
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hobson
Hochbrueckner
Horn
Horton
Hubbard
Huckaby
Hughes
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
LaRocco
Lehman (CA)
Lent
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moorhead
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Oxley
Packard
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Petri
Pickett
Poshard
Price
Quillen
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—24

Alexander
Berman
Doolittle
Dymally
Herger
Holloway
Hopkins
Hunter
Johnston
Jones (NC)
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lloyd
Marlenee
Owens (NY)
Pickle
Rahall
Rowland
Saxton
Slaughter (VA)
Thomas (CA)
Yatron

□ 1116

Mr. MILLER of California, Ms. SLAUGHTER of New York, Messrs. STAGGERS, BUSTAMANTE, SAWYER, MARKEY, GEJDENSON, TORRICELLI, GLICKMAN, SLATTERY, SYNAR, DORGAN of North Dakota, and COX of Illinois, Ms. PELOSI, Messrs. FAZIO, SWETT, BORSKI, DIXON, and KOSTMAYER, and Mrs. BYRON changed their vote from "aye" to "no."

Mr. PORTER and Mr. RAMSTED changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment in the nature of a substitute adopted by the Committee of the Whole.

The amendment was agreed to.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. MICHEL was allowed to speak out of order for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader how the rest of the schedule might evolve for today.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, so that Members may know the schedule for voting for the rest of the day, I would like to give a sense of what votes are ahead and when we will leave.

We have a motion to recommit. That vote will be a 15-minute vote. That will be followed by a vote on final passage, which will be a 5-minute vote, and then we will go to the D.C. appropriations bill. There will be a vote on disagreeing with the Senate amendment and that will be a 15-minute vote; that should happen in pretty good sequence, so within 35 or 40 minutes the business for today ought to be finished.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GINGRICH. I am opposed, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GINGRICH moves to recommit the bill H.R. 3040 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment as follows:

At the end of the bill add the following new title:

TITLE I—INVESTMENT AND JOB CREATION INCENTIVES

Subtitle A—Reduction in Capital Gains Tax for Individuals

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) DEDUCTION ALLOWED FOR CAPITAL GAIN.—

"(1) IN GENERAL.—If, for any taxable year, a taxpayer other than a corporation has a net capital gain, an amount equal to the sum of the applicable percentages of the applicable capital gain shall be allowed as a deduction.

"(2) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under paragraph (1) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(b) APPLICABLE PERCENTAGES.—For purposes of this subsection, the applicable percentages shall be the percentages determined in accordance with the following table:

"In the case of:	**The applicable percentage is:**
1-year gain	10
2-year gain	20
3-year gain	30.

"(c) GAIN TO WHICH DEDUCTION APPLIES.—For purposes of this section—

"(1) APPLICABLE CAPITAL GAIN.—The term 'applicable capital gain' means 1-year gain, 2-year gain, or 3-year gain determined by taking into account only gain which is properly taken into account for periods on or after April 15, 1991.

"(2) 3-YEAR GAIN.—The term '3-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the long-term capital gain determined by taking into account only gain from the sale or exchange of assets held more than 3 years.

"(3) 2-YEAR GAIN.—The term '2-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 3-year gain, or

"(B) the long-term capital gain determined by taking into account only gain from the sale or exchange of assets held more than 2 years but not more than 3 years.

"(4) 1-YEAR GAIN.—The term '1-year gain' means the net capital gain for the taxable year determined by taking into account only—

"(A) gain from the sale or exchange of assets held more than 1 year but not more than 2 years, and

"(B) losses from the sale or exchange of assets held more than 1 year.

"(5) SPECIAL RULES FOR GAIN ALLOCABLE TO PERIODS BEFORE 1993.—For purposes of this section—

"(A) GAIN ALLOCABLE TO PERIODS AFTER APRIL 15, 1991, AND BEFORE 1992.—In the case of any gain from any sale or exchange which is properly taken into account for the period beginning on April 15, 1991, and ending on December 31, 1991, gain which is 1-year gain or 2-year gain (without regard to this subparagraph) shall be treated as 3-year gain.

"(B) GAIN ALLOCABLE TO 1992.—In the case of any gain from any sale or exchange which is properly taken into account for periods during 1992, gain which is 1-year gain or 2-year gain (without regard to this subparagraph) shall be treated as 2-year gain and 3-year gain, respectively.

"(6) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this subsection with respect to any pass-thru entity, the determination of when a sale or exchange has occurred shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.

"(7) RECAPTURE OF NET ORDINARY LOSS UNDER SECTION 1231.—For purposes of this subsection, if any amount is treated as ordinary income under section 1231(c) for any taxable year—

"(A) the amount so treated shall be allocated proportionately among the section 1231 gains (as defined in section 1231(a)) for such taxable year, and

"(B) the amount so allocated to any such gain shall reduce the amount of such gain."

(b) TREATMENT OF COLLECTIBLES.—

(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (11) the following new paragraph:

"(12) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) CHARITABLE DEDUCTION NOT AFFECTED.—

(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) MINIMUM TAX.—Section 56(b) is amended by adding at the end thereof the following new paragraph:

"(4) CAPITAL GAINS DEDUCTION DISALLOWANCE.—The deduction under section 1202 shall not be allowed."

(d) CONFORMING AMENDMENTS.—

(1) Subsection (h) of section 1 is hereby repealed.

(2) Section 12 is amended by striking paragraph (4) and redesignating the following paragraphs accordingly.

(3) Section 62(a) is amended by inserting after paragraph (13) the following new paragraph:

"(14) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1202."

(4) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(5)(A) Section 170(e)(1)(B) is amended by inserting "(or, in the case of a taxpayer other than a corporation, the nondeductible percentage of the amount of gain)" after "the amount of gain".

(B) Section 170(e)(1) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), the term 'nondeductible percentage' means 100 percent minus the applicable percentage with respect to such property under section 1202(b)."

(6)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(7)(A) Section 221 (relating to cross reference) is amended to read as follows:

"SEC. 221. CROSS REFERENCES.

"(1) For deduction for net capital gain, see section 1201.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 221 and inserting "references".

(8) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) Adjustments.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for net capital gain). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(9) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for net capital gain) shall not be taken into account."

(10) Paragraph (6)(C) of section 643(a) is amended—

(A) by inserting "(i)" before "there", and

(B) by inserting ", and (ii) the deduction under section 1202 (relating to deduction for excess of capital gains over capital losses)" before the period at the end thereof.

(11) Paragraph (4) of section 691(c) is amended by striking "1(h),".

(12) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for net capital gain) and" after "except that".

(13)(A) Subparagraph (B) of section 904(b)(2) is amended by striking out so much of such subparagraph as precedes clause (i) and inserting the following:

"(B) Special rules where corporate capital rate gain differential.—In the case of a corporation, for any taxable year for which there is a capital gain rate differential—".

(B) Subparagraphs (D) and (E) of section 904(b)(3) are amended to read as follows:

"(D) Capital gain rate differential.—There is a capital gain rate differential for any taxable year if any rate of tax imposed by section 11, 511, or 831(a) or (b) (whichever applies) exceeds the alternative rate of tax under section 1201(a) (determined without regard to the last sentence of section 11(b)(1)).

"(E) Rate differential portion.—The rate differential portion of foreign source net capital gain, net capital, or the excess of net capital gain from sources within the United States over net capital gain, as the case may be, is the same proportion of such amount as—

"(i) the excess of the highest rate of tax specified in section 11(b)(1) over the alternative rate of tax under section 1201(a), bears to

"(ii) the highest rate of tax specified in section 11(b)(1)."

(14) Section 1402(i)(1) is amended to read as follows:

"(1) In general.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(e) Clerical Amendment.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Deduction for capital gains."

(f) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after April 15, 1991.

(2) Treatment of collectibles.—

(A) In general.—The amendment made by subsection (b) shall apply to taxable years beginning after April 15, 1991.

(B) Special rule for 1991 taxable year.—In case of any taxable year which includes April 15, 1991, for purposes of section 1202 of the Internal Revenue Code of 1986 and section 1(h) of such Code, any gain or loss from the sale or exchange of a collectible (within the meaning of section 1222(12) of such Code) shall be treated as gain or loss from a sale or exchange occurring before such date.

SEC. 102. PREVENTION OF EXCESSIVE DEDUCTION.

(a) General Rule.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) General Rule.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property,

shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) Depreciation Adjustments.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168 (as in effect before its repeal by the Tax Reform Act of 1976), 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188 (as in effect before its repeal by the Revenue Reconciliation Act of 1990), 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) Limitation in Case of Installment Sales.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Economic Growth and Jobs Creation Incentives Act of 1991", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) Conforming Amendments.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is amended to read as follows:

"(B) Depreciation adjustments.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain to which section 751(b) applied."

(3) Subparagraph (D) of section 1250(d)(8) is amended—

(A) by striking "additional depreciation" each place it appears and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(4) Paragraph (8) of section 1250(d) is amended by striking subparagraphs (E) and (F) and inserting the following:

"(E) Allocation rules.—For purposes of this paragraph, the amount of gain attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property reduced by the greater of the adjusted basis of the section 1250 property disposed of, or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction."

(5) Subsection (d) of section 1250 is amended by striking paragraph (10).

(6) Section 1250 is amended by striking subsections (e), (f), and (g) and by redesignating subsections (h) and (i) as subsections (e) and (f), respectively.

(7) Paragraph (5) of section 48(q) is amended to read as follows:

"(5) Recapture of reduction.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(8) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Economic Growth Act of 1991)".

(9)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) Special Rule for Pollution Control Facilities.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(F) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(10) Subsection (d) of section 1017 is amended to read as follows:

"(d) Recapture of Deductions.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(11) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect on the day before the date of the enactment of the Economic Growth and Dividend Act of 1991)."

(d) Effective Date.—The amendments made by this section shall apply to dispositions made on or after April 15, 1991, in taxable years ending on or after such date.

Subtitle B—Inflation Adjustment for Investments

SEC. 111. INDEXING OF CERTAIN INVESTMENTS AFTER APRIL 15, 1991 FOR PURPOSES OF DETERMINING GAIN.

(a) In General.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF INVESTMENTS ACQUIRED AFTER APRIL 15, 1991 FOR PURPOSES OF DETERMINING GAIN.

"(a) General Rule.—

"(1) Indexed basis substituted for adjusted basis.—Solely for purposes of determining gain on the sale or other disposition by an individual of an indexed asset which has been held for more than 1 year, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) Special rule for recapture gain.—

"(A) In general.—Paragraph (1) shall not apply for purposes of determining the amount of recapture gain on the sale or other disposition of an indexed asset, but the amount of any such recapture gain shall increase the adjusted basis of the asset for purposes of applying paragraph (1) to determine the amount of other gain on such sale or other disposition.

"(B) Recapture gain.—For purposes of subparagraph (A), the term 'recapture gain' means any gain treated as ordinary income under section 1245, 1250, or 1254.

"(b) Indexed Asset.—

"(1) In general.—For purposes of this section, the term 'indexed asset' means—

"(A) any stock in a corporation, and

"(B) any tangible property (or any interest therein),

which is a capital asset or property used in the trade or business (as defined in section 1231(B)) and the holding period of which begins after April 15, 1991.

"(2) Certain property excluded.—For purposes of this section, the term 'indexed asset' does not include—

"(A) Creditor's interest.—Any interest in property which is in the nature of a creditor's interest.

"(B) Collectibles.—Any collectible (as defined in section 408(m)(2) without regard to section 408(m)(3)).

"(C) Options.—Any option or other right to acquire an interest in property.

"(D) Net lease property.—In the case of a lessor, net lease property (within the meaning of subsection (i)(3)).

"(E) Certain preferred stock.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(F) Stock in foreign corporations.—Stock in a foreign corporation.

"(G) Stock in s corporations.—Stock in an S corporation.

"(3) Exception for stock in foreign corporation which is regularly traded on national or regional exchange.—Paragraph (2)(F) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis or is authorized for trading on the national market system operated by the National Association of Securities Dealers other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)),

"(B) stock in a passive foreign investment company (as defined in section 1296), and

"(C) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) Indexed Basis.—For purposes of this section—

"(1) Indexed basis.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) Applicable inflation ratio.—The applicable inflation ratio for any asset shall be determined by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year preceding the calendar year in which the taxpayer's holding period for such asset began.

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-hundredth.

"(3) Conventions.—For purposes of paragraph (2), if any asset is disposed of during any calendar year—

"(A) such disposition shall be treated as occurring on the last day of such calendar year, and

"(B) the taxpayer's holding period for such asset shall be treated as beginning in the same calendar year as would be determined for an asset actually disposed of on such last day with a holding period of the same length as the actual holding period of the asset involved.

"(4) CPI.—For purposes of this subsection, the CPI for any calendar year shall be determined under section 1(f)(4).

"(d) Short Sales.—

"(1) In general.—In the case of a short sale of an indexed asset with a short sale period in excess of 1 year, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) multiplied by the applicable inflation ratio. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date on which the holding period for the asset begins and the closing date for the sale shall be treated as the date of disposition.

"(2) Short sale of substantially identical property.—If the taxpayer or the taxpayer's spouse sells short property substantially identical to an asset held by the taxpayer, the asset held by the taxpayer and the substantially identical property shall not be treated as indexed assets for the short sale period.

"(3) Short sale period.—For purposes of this subsection, the short sale period begins on the day after property is sold and ends on the closing date for the sale.

"(e) Treatment of Regulated Investment Companies and Real Estate Investment Trusts.—

"(1) Adjustments at entity level.—

"(A) In general.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) Exception for corporate shareholders.—Under regulations in the case of a distribution by a qualified investment entity (directly or indirectly) to a corporation—

"(i) the determination of whether such distribution is a dividend shall be made without regard to this section, and

"(ii) the amount treated as gain by reason of the receipt of any capital gain dividend shall be increased by the percentage by which the entity's net capital gain for the taxable year determined without regard to this section exceeds the entity's net capital gain for such year determined with regard to this section.

For purposes of the preceding sentence, any amount includible in gross income under section 852(b)(3)(D) shall be treated as a capital gain dividend and an S corporation shall not be treated as a corporation.

"(C) Exception for qualification purposes.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(D) Exception for certain taxes imposed at entity level.—

"(i) Tax on failure to distribute entire gain.—If any amount is subject to tax under section 852(b)(3)(A) for any taxable year, the amount on which tax is imposed under such section shall be increased by the percentage determined under subparagraph (B)(ii). A similar rule shall apply in the case of any amount subject to tax under paragraph (2) or (3) of section 857(b) to the extent attributable to the excess of the net capital gain over the deduction for dividends paid determined with reference to capital gain dividends only. The first sentence of this clause shall not apply to so much of the amount subject to tax under section 852(b)(3)(A) as is designated by the company under section 852(b)(3)(D).

"(ii) Other taxes.—This section shall not apply for purposes of determining the amount of any tax imposed by paragraph (4), (5), or (6) of section 857(b).

"(2) Adjustments to interests held in entity.—

"(A) In general.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) Ratio of 90 percent or more.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) Ratio of 10 percent or less.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) Valuation of assets in case of real estate investment trusts.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(3) QUALIFIED INVESTMENT ENTITY.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) OTHER PASS-THRU ENTITIES.—

"(1) PARTNERSHIPS.—

"(A) IN GENERAL.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners (but only for purposes of determining the income of partners who are individuals).

"(B) SPECIAL RULE IN THE CASE OF SECTION 754 ELECTIONS.—In the case of a transfer of an interest in a partnership with respect to which the election provided in section 754 is in effect—

"(i) the adjustment under section 743(b)(1) shall, with respect to the transferor partner, be treated as a sale of the partnership assets for purposes of applying this section, and

"(ii) with respect to the transferee partner, the partnership's holding period for purposes of this section in such assets shall be treated as beginning on the date of such adjustment.

"(2) S CORPORATIONS.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders. This section shall not apply for purposes of determining the amount of any tax imposed by section 1374 or 1375.

"(3) COMMON TRUST FUNDS.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants (but only for purposes of determining the income of participants who are individuals).

"(g) DISPOSITIONS BETWEEN RELATED PERSONS.—This section shall not apply to any sale or other disposition of property between related persons (within the meaning of section 465(b)(3)(C)) if such property, in the hands of the transferee, is of a character subject to the allowance for depreciation provided in section 167.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—The applicable inflation ratio shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property."

(b) GAINS AND LOSSES FROM INDEXED ASSETS NOT TAKEN INTO ACCOUNT UNDER LIMITATION ON INVESTMENT INTEREST.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended by adding at the end thereof the following new sentences:

"Gain from the sale or other disposition of an indexed asset (as defined in section 1022) held for more than 1 year shall not be taken into account for purposes of the preceding sentence. The preceding sentence shall not apply to gain from the sale or other disposition of any such asset if the taxpayer elects to waive the benefits of section 1022 in determining the amount of such gain."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of investments acquired after April 15, 1990 for purposes of determining gain."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dispositions of any property the holding period of which begins after April 15, 1991.

(2) EXCEPTION FOR CERTAIN TRANSACTIONS BETWEEN RELATED PERSONS.—The amendments made by subsections (a) and (b) shall not apply to any property acquired after April 15, 1991, from a related person (as defined in section 465(b)(3)(C) of the Internal Revenue Code of 1986) if—

(A) such property was so acquired for a price less than the property's fair market value, and

(B) the amendments made by this section did not apply to such property in the hands of such related person.

Subtitle C—Enterprise Zones

PART I—DESIGNATION

SEC. 121. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7880. Designation.

"SEC. 7880. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITION.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior,

designates as an enterprise zone.

"(2) AUTHORITY TO DESIGNATE.—The Secretary of Housing and Urban Development is authorized to designate enterprise zones in accordance with the provisions of this section.

"(3) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area, and

"(ii) the procedures for designation as an enterprise zone, including a method for comparing courses of action under subsection (d) proposed for nominated areas, and the other factors specified in subsection (e).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 48-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) June 30, 1991.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban development may designate—

"(I) not more than 50 nominated areas as enterprise zones under this section and

"(II) not more than 15 nominated areas as enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B), not more than 30 by the end of the second 12-month period, not more than 45 by the end of the third 12-month period, and not more than 50 by the end of the fourth 12-month period.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated as enterprise zones, at least one-third must be areas that are—

"(I) within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined using the most recent census data available);

"(II) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)); or

"(III) determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designations under this section unless—

"(i) the local government and the State in which the nominated area is located have the authority to—

"(I) nominate such area for designation as an enterprise zone,

"(II) make the State and local commitments under subsection (d), and

"(III) provide assurances satisfactory to the Secretary of Housing and Urban development that such commitments will be fulfilled, and

"(ii) a nomination therefor is submitted by such State and local governments in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall prescribe by regulation.

"(4) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) TIME PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs, "(B) the termination date specified by the State and local governments as provided in the nomination submitted in accordance with subsection (a)(3)(D)(ii),

"(C) such other date as the Secretary of Housing and Urban Development shall specify as a condition of designation, or

"(D) the date upon which the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the State or a local government in which the area is located is not complying substantially with the agreed course of action for the area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as an enterprise zone only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government;

"(B) the boundary of the area is continuous; and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of not less than—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(3)(C)(ii)) is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

"(II) 1,000 in any other case; or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State or local governments in which the nominated area is located certifies, and the Secretary of Housing and Urban Development accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment and general distress;

"(B) the area is located wholly within the jurisdiction of a local government that is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this Act;

"(C) the unemployment rate for the area, as determined by the appropriate available data, was not less than 1.5 times the national unemployment rate for the period;

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was not less than 20 percent for the period to which such data relate; and

"(E) the area meets at least one of the following criteria:

"(i) Not less than 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(ii) The population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) ELIGIBILITY REQUIREMENTS FOR RURAL AREAS.—For purposes of paragraph (1), a nominated area that is a rural area described in subsection (a)(3)(C)(ii) meets the requirements of paragraph (3) if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that the area meets—

"(A) the criteria set forth in subparagraphs (A) and (B) of paragraph (3); and

"(B) not less than one of the criteria set forth in the other subparagraphs of paragraph (3).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the State and the local government or governments of the jurisdictions in which the nominated area is located agree in writing that, during any period during which the nominated area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may include, but is not limited to—

"(A) the reduction or elimination of tax rates or fees applying within the enterprise zone,

"(B) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(C) an increase in the level or efficiency of local services within the enterprise zone, for example, crime prevention, and drug enforcement prevention and treatment,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area,

"(E) mechanisms to increase equity ownership by residents and employees within the enterprise zone,

"(F) donation (or sale below market value) of land and buildings to benefit low and moderate income people,

"(G) linkages to—

"(i) job training,

"(ii) transportation,

"(iii) education,

"(iv) day care,

"(v) health care, and

"(vi) other social service support,

"(H) provision of supporting public facilities, and infrastructure improvements,

"(I) encouragement of local entrepreneurship; and

"(J) other factors determined essential to support enterprise zone activities and encourage livability or quality of life.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures to permit or require a course of action to be updated or modified during the time that a designation is in effect.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give preference to the nominated areas—

"(1) with respect to which the strongest and highest quality contributions have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief,

"(2) with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action will actually be carried out during the period of the enterprise zone designation,

"(3) with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(4) which best exhibit such other factors determined by the Secretary of Housing and Urban Development, including relative distress, as are consistent with the intent of the enterprise zone program and have the greatest likelihood of success.

"(f) GEOGRAPHIC DISTRIBUTION.—In making designations, the Secretary of Housing and Urban Development will take into consideration a reasonable geographic distribution of enterprise zones.

"(g) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia.".

"(h) CROSS REFERENCES FOR—

"(1) definitions, see section 1391,

"(2) treatment of employees in enterprise zones, see section 1392, and

"(3) treatment of investments in enterprise zones, see sections 1393 and 1394.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D. Designation of enterprise zones.".

SEC. 122. REPORTING REQUIREMENTS.

Not later than the close of the second calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each second calendar year thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 123. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7880 of the Internal Revenue Code of 1986 (as added by this Act) shall not—

(1) constitute approval of a Federal or federally assisted program or project (within

the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)); or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(b) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7880 of such Code shall not constitute a Federal action for purposes of applying the procedural requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

PART II—FEDERAL INCOME TAX INCENTIVES

SEC. 131. DEFINITIONS AND REGULATIONS; EMPLOYEE CREDIT; CAPITAL GAIN EXCLUSION; STOCK EXPENSING.

(a) GENERAL RULE.—Chapter 1 (relating to normal tax and surtax rules) is amended by inserting after subchapter T the following new subchapter:

"Subchapter U—Enterprise Zones

"Sec. 1391. Definitions and regulatory authority.

"Sec. 1392. Credit for enterprise zone employees.

"Sec. 1393. Enterprise zone capital gain.

"Sec. 1394. Enterprise zone stock.

"SEC. 1391. DEFINITIONS AND REGULATORY AUTHORITY.

"(a) ENTERPRISE ZONE.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone' means any area which the Secretary of Housing and Urban Development designates pursuant to section 7880(a) as a Federal enterprise zone for purposes of this title.

"(2) TERMINATION OF ENTERPRISE ZONE.—An area will cease to constitute an enterprise zone once its designation as such terminates or is revoked under section 7880(b).

"(b) ENTERPRISE ZONE BUSINESS.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone business' means an activity constituting the active conduct of a trade or business within an enterprise zone, and with respect to which—

"(A) at least 80 percent of the gross income in each calendar year is attributable to the active conduct of a trade or business within an enterprise zone,

"(B) less than 10 percent of the property (as measured by unadjusted basis) constitutes stocks, securities, or property held for use by customers,

"(C) no more than an insubstantial portion of the property constitutes collectibles (as defined in section 408(m)(2)), unless such collectibles constitute property held primarily for sale to customers in the ordinary course of the active trade or business,

"(D) substantially all of the property (whether owned or leased) is located within an enterprise zone, and

"(E) substantially all of the employees work within an enterprise zone.

"(2) RELATED ACTIVITIES TAKEN INTO ACCOUNT.—Except as otherwise provided in regulations, all activities conducted by a taxpayer and persons related to the taxpayer shall be treated as one activity for purposes of paragraph (1).

"(3) SPECIAL RULES.—

"(A) RENTAL REAL PROPERTY.—For purposes of paragraph (1), real property located within an enterprise zone and held for use by customers other than related persons shall be treated as the active conduct of a trade or business for purposes of paragraph (1)(A) and as not subject to paragraph (1)(B).

"(B) TERMINATION OF ENTERPRISE ZONE BUSINESS.—An activity shall cease to be an enterprise zone business if—

"(i) the designation of the enterprise zone in which the activity is conducted terminates or is revoked pursuant to section 7880(b);

"(ii) more than 50 percent (by value) of the activity's property or services are obtained from related persons other than enterprise zone businesses; or

"(iii) more than 50 percent of the activity's gross income is attributable to property or services provided to related persons other than enterprise zone businesses.

"(c) ENTERPRISE ZONE PROPERTY.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone property' means—

"(A) any tangible personal property located in an enterprise zone and used by the taxpayer in an enterprise zone business, and

"(B) any real property located in an enterprise zone and used by the taxpayer in an enterprise zone business.

In no event shall any financial property or intangible interest in property be treated as constituting enterprise zone property, whether or not such property is used in the active conduct of an enterprise zone business.

"(2) TERMINATION OF ENTERPRISE ZONE.—The treatment of property as enterprise zone property under subparagraph (A) shall not terminate upon the termination or revocation of the designation of the enterprise zone in which the property is located, but instead shall terminate immediately after the first sale or exchange of such property occurring after the expiration or revocation.

"(d) RELATED PERSONS.—For purposes of this subchapter, a person shall be treated as related to another person if—

"(1) the relationship of such persons is described in section 267(b) or 707(b)(1), or

"(2) such persons are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of paragraph (1), in applying section 267(b) or 707(b)(1), '33 percent' shall be substituted for '50 percent'.

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of subtitle C of title II of the Economic Growth Act of 1991, including—

"(1) providing that Federal tax relief is unavailable to an activity that does not stimulate employment in, or revitalization of, enterprise zones,

"(2) providing for appropriate coordination with other Federal programs that, in combination, might enable activity within enterprise zones to be more than 100 percent subsidized by the Federal Government, and

"(3) preventing the avoidance of the rules in this subchapter.

"SEC. 1392. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) GENERAL RULE.—In the case of a taxpayer who is an enterprise zone employee, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 5 percent of so much of the qualified wages of the taxpayer for the taxable year as does not exceed $10,500.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE EMPLOYEE.—The term 'enterprise zone employee' means an individual—

"(A) performing services during the taxable year that are directly related to the conduct of an enterprise zone business,

"(B) substantially all of the services described in paragraph (1)(A) are performed within an enterprise zone, and

"(C) the employer for whom the services described in paragraph (1)(A) are performed is not the Federal government, any State government or subdivision thereof, or any local government.

"(2) WAGES.—The term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such subsection).

"(3) QUALIFIED WAGES.—The term 'qualified wages' means all wages of the taxpayer, to the extent attributable to services described in paragraph (1).

"(c) LIMITATIONS.—

"(1) PHASE-OUT OF CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) $525, over

"(B) 10.5 percent of so much of the taxpayer's total wages (whether or not constituting qualified wages) as exceeds $20,000.

"(2) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (c)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(d) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount (if any) of tax imposed by section 55 (relating to the alternative minimum tax) with respect to such taxpayer for such year.

"(e) CREDIT TREATED AS SUBPART C CREDIT.—For purposes of this title, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C of part IV of subchapter A of this chapter.

"SEC. 1393. ENTERPRISE ZONE CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include the amount of any gain constituting enterprise zone capital gain.

"(b) DEFINITION.—For purposes of this section—

"(1) IN GENERAL.—The term 'enterprise zone capital gain' means gain—

"(A) treated as long-term capital gain,

"(B) allocable in accordance with the rules under subsection (b)(5) of section 338 to the sale or exchange of enterprise zone property, and

"(C) properly attributable to periods of use in an enterprise zone business.

"(2) LIMITATIONS.—Enterprise zone capital gain does not include any gain attributable to—

"(A) the sale or exchange of property not constituting enterprise zone property with respect to the taxpayer throughout the period of twenty-four full calendar months immediately preceding the sale or exchange,

"(B) any collectibles (as defined in section 408(m)), or

"(C) sales or exchanges to persons controlled by the same interests.

"(c) BASIS.—Amounts excluded from gross income pursuant to subsection (a) shall not be applied in reduction to the basis of any property held by the taxpayer.

"SEC. 1394. ENTERPRISE ZONE STOCK.

"(a) GENERAL RULE.—At the election of any individual, the aggregate amount paid by such taxpayer during the taxable year for the purchase of enterprise zone stock on the original issue of such stock by a qualified issuer shall be allowed as a deduction.

"(b) LIMITATIONS.—

"(1) CEILING.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer shall not exceed $50,000 for any taxable year, nor $250,000 during the taxpayer's lifetime.

"(A) EXCESS AMOUNTS.—If the amount otherwise deductible by any person under subsection (a) exceeds the limitation under this paragraph (1)—

"(i) the amount of such excess shall be treated as an amount paid in the next taxable year, and

"(ii) the deduction allowed for any taxable year shall be allocated among the enterprise zone stock purchased by such person in accordance with the purchase price per share.

"(2) RELATED PERSON.—

"(A) IN GENERAL.—The taxpayer and all individuals related to the taxpayer shall be treated as one person for purposes of the limitations described in subsection (b)(1).

"(B) EXCESS AMOUNTS.—The limitations described in subsection (b)(1) shall be allocated among the taxpayer and related persons in accordance with their respective purchases of enterprise zone stock.

"(3) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (b)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Except as otherwise provided in regulations, if a taxpayer disposes of any enterprise zone stock with respect to which a deduction was allowed under subsection (a), the amount realized upon such disposition shall be treated as ordinary income and recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 5 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If a taxpayer disposes of any enterprise zone stock before the end of the 5-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the amount determined under subparagraph (B).

"(B) ADDITIONAL AMOUNT.—For purposes of subparagraph (A), the additional amount shall be equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(i) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disposed of.

"(d) DISQUALIFICATION.—

"(1) ISSUER OR STOCK CEASES TO QUALIFY.—If a taxpayer elects the deduction under subsection (a) with respect to enterprise zone stock, and either—

"(A) the issuer with respect to which the election was made ceases to be a qualified issuer, or

"(B) the proceeds from the issuance of the taxpayer's enterprise zone stock fail or otherwise cease to be invested by the issuer in enterprise zone property, then, notwithstanding any provision of this subtitle other than paragraph (2) to the contrary, the taxpayer shall recognize as ordinary income the amount of the deduction allowed under subsection (a) with respect to the issuer's enterprise zone stock.

"(2) SPECIAL RULES.—

"(A) LIQUIDATION.—Where enterprise zone property acquired with proceeds from the issuance of enterprise zone stock is sold or exchanged pursuant to a plan of complete liquidation, the treatment described in paragraph (1) shall be inapplicable.

"(B) TERMINATION OF ENTERPRISE ZONE.—The treatment of an activity as an enterprise zone business shall not cease for purposes of paragraph (1) solely by reason of the termination or revocation of the designation of the enterprise zone with respect to the activity.

"(C) PARTIAL DISQUALIFICATION.—Where some, but not all, of the property acquired by the issuer with the proceeds of enterprise zone stock ceases to constitute enterprise zone property, the treatment described in paragraph (1) shall be modified as follows—

"(i) the total amount recognized as ordinary income by all shareholders of the issuer shall be limited to an amount of deduction allowed up to the unadjusted basis of property ceasing to constitute enterprise zone property,

"(ii) the amount recognized shall be allocated among enterprise zone stock with respect to which the election in subsection (a) was made in the reverse order in which such stock was issued, and

"(iii) the amount recognized shall be apportioned among taxpayers having made the election in subsection (a) in the ratios in which the stock described in paragraph (2)(C)(ii) was purchased.

"(3) ADDITIONAL AMOUNT.—If income is recognized pursuant to paragraph (1) at any time before the close of the 5th calendar year ending after the date the enterprise zone stock was purchased, the tax imposed by this chapter with respect to such income shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(A) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date of the disqualification event described in paragraph (1),

"(B) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disqualified.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE STOCK.—The term 'enterprise zone stock' means common stock issued by a qualified issuer, but only to the extent that the amount of proceeds of such issuance are used by such issuer no later than twelve months followed issuance to acquire and maintain an equal amount of newly acquired enterprise zone property.

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any subchapter C corporation which—

"(i) does not have more than one class of stock,

"(ii) is engaged solely in the conduct of one or more enterprise zone businesses,

"(iii) does not own or lease more than $5 million of total property (including money), as measured by the unadjusted basis of the property, and

"(iv) more than 20 percent of the total voting power and 20 percent of the total value of the stock of such corporation is owned by individuals, partnerships, estates or trusts.

"(B) LIMITATION ON TOTAL ISSUANCES.—A qualified issuer may issue no more than an aggregate of $5 million of enterprise zone stock.

"(C) AGGREGATION.—For purposes of applying the limitations under paragraph (2), the issuer and all related persons shall be treated as one person.

"(3) AMOUNT PAID.—For purposes of subsection (a), the amount 'paid' by a taxpayer for any taxable year shall not include the issuance of evidences of indebtedness of the taxpayer (whether or not such indebtedness is guaranteed by another person), nor amounts paid by the taxpayer after the close of the taxable year.

"(f) ISSUANCES IN EXCHANGE FOR PROPERTY.—If enterprise zone stock is issued in exchange for property, then notwithstanding any provision of subchapter C of this chapter to the contrary—

"(1) the issuance shall be treated for purposes of this subtitle as the sale of the property at its then fair market value to the corporation, and a contribution to the corporation of the proceeds immediately thereafter in exchange for the enterprise zone stock, and

"(2) the issuer's basis for the property shall be equal to the fair market value of such property at the time of issuance.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a taxpayer elects the deduction under subsection (a), the taxpayer's basis (without regard to this subsection) for the enterprise zone stock with respect to such election shall be reduced by the deduction allowed or allowable.

"(h) LIMITATIONS ON ASSESSMENT AND COLLECTION.—If a taxpayer elects the deduction under subsection (a) for any taxable year, then—

"(1) the period for assessment and collection of any deficiency attributable to any part of the deduction shall not expire before one year following expiration of such period of the qualified issuer that includes the circumstances giving rise to the deficiency, and

"(2) such deficiency may be assessed before expiration of the period described in paragraph (1) notwithstanding any provisions of this subtitle to the contrary.

"(i) CROSS REFERENCE.—

For treatment of the deduction under subsection (a) for purposes of the alternative minimum tax, see section 56.".

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (23); by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 1394(g), in the case of stock with respect to which a deduction was allowed or allowable under section 1394(a).".

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by inserting after the item relating to subchapter T the following new item:

"SUBCHAPTER U. Enterprise zones."

SEC. 132. ALTERNATIVE MINIMUM TAX.

(a) CORPORATIONS.—Section 56(g)(4)(B) (relating to adjustments based on adjusted current earnings of corporations) is amended by adding the following new clause at the end thereof:

"(iii) EXCLUSION OF ENTERPRISE ZONE CAPITAL GAIN.—Clause (i) shall not apply in the case of any enterprise zone capital gain (as defined in section 1393(b)), and such gain shall not be included in income for purposes of computing alternative minimum taxable income.".

(b) INDIVIDUALS.—Section 56(b) (relating to adjustments to the alternative minimum taxable income of individuals) is amended by adding the following new paragraph at the end thereof:

"(4) ENTERPRISE ZONE STOCK.—No deduction shall be allowed for the purchase of enterprise zone stock (as defined in section 1394(e)).".

SEC. 133. ADJUSTED GROSS INCOME DEFINED.

Section 62(a) (relating to the definition of adjusted gross income) is amended by inserting after paragraph (14) the following new paragraph:

"(15) ENTERPRISE ZONE STOCK.—The deduction allowed by section 1394.".

SEC. 134. EFFECTIVE DATE.

The amendments made by this part shall apply to taxable years ending after December 31, 1990.

PART III—REGULATORY FLEXIBILITY

SEC. 141. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONE FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction defined in paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any unit of government that nominated an area which the Secretary of Housing and Urban Development designates as an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986) that has a rule pertaining to the carrying out of any project, activity, or undertaking within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 1392(b)(1) of such Code).".

SEC. 142. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of any government which nominated an area that the Secretary of Housing and Urban Development has designated as an enterprise zone under section 7880 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives with respect to such zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within such zone.

"(b) Nothing in this section shall authorize an agency to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, familial status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If such a request is made to any agency other than the Department of Housing and Urban Development, the requesting government shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) violate a statutory requirement (including any requirements of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental or occupational health or safety, or of environmental pollution.

"(e) If a request is disapproved, the agency shall inform all the requesting governments, and the Department of Housing and Urban Development, in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section, the time such waiver or modification takes effect and its duration, and the scope of applicability of such waiver or modification.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary. Such determinations shall be published with the proposal to amend such rule.

"(i) No waiver or modification of a rule under this section shall remain in effect with respect to an enterprise zone after the enterprise zone designation has expired or has been revoked.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The analysis for chapter 6 of title 5, United States Code, is amended by redesignating the items relating to sections 611 and 612 as items relating to sections 612 and 613, respectively, and by inserting after the item relating to section 610 the following new item:

"611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title 5 is amended by inserting "(except for purposes of section 611" immediately before "means".

(d) Section 613 of such title 5, as redesignated by subsection (a), is amended—

(1) in subsection (a) by inserting "(except section 611)" immediately after "chapter"; and

(2) in subsection (b) by inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence.

SEC. 143. FEDERAL AGENCY SUPPORT OF ENTERPRISE ZONES.

In order to maximize all agencies' support of enterprise zones, the Secretary of Housing and Urban Development is authorized to convene regional and local coordinating councils of any appropriate agencies to assist State and local governments to achieve the objectives agreed to in the course of action under section 7880 of the Internal Revenue Code of 1986.

PART IV—ESTABLISHMENT OF FOREIGN TRADE ZONES IN ENTERPRISE ZONES

SEC. 151. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7880 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone so designated.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones so designated, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications, to the maximum extent practicable, consistent with their respective statutory responsibilities.

PART V—REPEAL OF TITLE VII OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

SEC. 161. REPEAL.

Title VII of the Housing and Community Development Act of 1987 is hereby repealed.

Subtitle D—Research and Experimentation Credit Made Permanent

SEC. 171. RESEARCH AND EXPERIMENTATION CREDIT MADE PERMANENT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Section 28(b)(1) of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

TITLE II—SAVINGS INCENTIVES

SEC. 201. ESTABLISHMENT OF INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"408A. INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, an individual retirement plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) INDIVIDUAL RETIREMENT PLUS ACCOUNT.—For purposes of this title, the term 'individual retirement plus account' means an individual retirement plan which is designated at the time of the establishment of the plan as an individual retirement plus account. Such designation shall be made in such manner as the Secretary may prescribe.

"(c) CONTRIBUTION RULES.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an individual retirement plus account.

"(2) CONTRIBUTION LIMIT.—

"(A) IN GENERAL.—Except in the case of rollover contributions, the aggregate amount which may be accepted as contributions to an individual retirement plus account shall not be greater than the excess (if any) of—

"(i) the nondeductible limit with respect to the individual for the taxable year under section 408(o) (after application of subparagraph (B)(ii) thereof), over

"(ii) the designated nondeductible contributions made by the individual for such taxable year to 1 or more individual retirement plans.

"(B) $1,000 INCREASE AFTER 1996.—In the case of any taxable year beginning after December 31, 1996, the amount determined under subparagraph (A)(i) (without regard to this subparagraph) shall be increased by $1,000.

"(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—The nondeductible limits under subparagraph (A) for an individual and for such individual's spouse shall be an amount equal to the excess (if any) of—

"(i) $2,000, over

"(ii) the sum of the amount allowed as a deduction under section 219 for contributions on behalf of such individual or such spouse, plus the amount determined under subparagraph (A)(ii) with respect to each.

In no event shall the sum of such limits exceed an amount equal to the sum of the compensation includible in the individual's and spouse's gross income for the taxable year, reduced by the sum of the amounts determined under clause (ii).

"(3) CONTRIBUTIONS AFTER AGE 70½.—Contributions may be made by an individual to an individual retirement plus account after such individual has attained the age of 70½.

"(4) LIMITATIONS ON ROLLOVER CONTRIBUTIONS.—No rollover contributions may be made to an individual retirement plus account unless such rollover contribution is a contribution of a distribution or payment out of—

"(A) another individual retirement plus account, or

"(B) an individual retirement plan which is not allocable to any amount transferred to such plan which represented any portion of the balance to the credit of an employee in a qualified trust (or any income allocable to such portion).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) IN GENERAL.—Except in the case of a qualified distribution, the rules of paragraphs (1) and (2) of section 408(d) shall apply to any distribution from an individual retirement plus account.

"(2) TREATMENT OF QUALIFIED DISTRIBUTION.—In the case of a qualified distribution from an individual retirement plus account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' means any distribution—

"(i) made on or after the date on which the individual attains age 59½,

"(ii) made to a beneficiary (or to the estate of an individual) on or after the death of the individual, or

"(iii) attributable to the employee's being disabled (within the meaning of section 72(m)(7)).

"(B) DISTRIBUTIONS WITHIN 5 YEARS.—No distribution shall be treated as a qualified distribution if—

"(i) it is made within the 5-taxable year period beginning with the 1st taxable year in which the individual made a contribution to an individual retirement plus account, or

"(ii) in the case of a distribution properly allocable to a rollover contribution (or income allocable thereto), it is made within 5 years of the date on which such rollover contribution was made.

"(4) SPECIAL RULES RELATING TO ROLLOVERS FROM REGULAR INDIVIDUAL RETIREMENT ACCOUNTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, any amount paid or distributed out of an individual retirement plan on or before the earlier of—

"(i) the date on which the individual attains age 55, or

"(ii) June 30, 1993,

shall not be included in gross income (and section 72(t) shall not apply to such amount) if the individual receiving such amount transfers, within 60 days of receipt, the entire amount received to an individual retirement plus account.

"(B) TREATMENT OF TAX-FAVORED AMOUNTS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), there shall be included in gross income (but section 72(t) shall not apply to) the portion of any amount transferred which bears the same ratio to such amount as—

"(I) the aggregate amount of contributions to individual retirement plans with respect to which a deduction was allowable under section 219, bears to

"(II) the aggregate balance of such plans.

"(ii) TIME FOR INCLUSION.—Any amount described in clause (i) shall be included in gross income ratably over the 4-taxable year period beginning with the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) ROLLOVER CONTRIBUTIONS.—For purposes of this section, the term 'rollover contributions' means contributions described in sections 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), and 408(d)(3).

"(f) DETERMINATIONS.—For purposes of this section, any determinations with respect to aggregate contributions to, or the balance of, individual retirement plus accounts shall be made as of the close of the calendar year preceding the calendar year in which the taxable year begins.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Individual retirement plus accounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE III—HOMEOWNERSHIP INCENTIVES

Subtitle A—First-Time Homebuyers Tax Credit

SEC. 301. CREDIT FOR PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—If an individual who is a first-time homebuyer purchases a principal residence during the taxable year, there shall be allowed to such individual as a credit against the tax imposed by this subtitle for such taxable year an amount equal to $1,000.

"(b) INCOME LIMITATIONS.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to any individual whose adjusted gross income for the taxable year exceeds $41,000.

"(2) PHASE-DOWN OF CREDIT.—The $1,000 amount set forth in subsection (a) shall be reduced by $10 for each $100 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $31,000.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' has the meaning given to such term by section 408A(e)(3)(E)(ii).

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(3) PURCHASE.—The term 'purchase' means any acquisition of property, but only if the basis of such property in the hands of the person acquiring it is not determined—

"(A) in whole or in part by the reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(B) under section 1014(a) (relating to property acquired from a decedent).

"(4) TREATMENT OF MARRIED INDIVIDUALS.—The adjusted gross income of any individual for any taxable year shall include the adjusted gross income of such individual's spouse for such spouse's taxable year corresponding to the taxable year of the individual. For purposes of the preceding sentence, marital status shall be determined under section 7703; except that an individual shall not be treated as being married if such individual would not be treated as being married under section 21(e)(4).

"(5) JOINT PURCHASES.—If a residence is purchased together by 2 or more individuals for use as their principal residence—

"(A) such individuals shall be limited to 1 credit under this section for such purchase and the amount of such credit shall be allocated among such individuals in the manner prescribed by the Secretary,

"(B) no credit shall be allowed under this section for such purchase unless all of such individuals are first-time homebuyers, and

"(C) the aggregate adjusted gross income of all of such individuals shall be taken into account in determining the amount of the credit allowable under this section for such purchase."

(b) CLERICAL AMENDMENTS.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Purchase of principal residence by first-time homebuyer.

"Sec. 36. Overpayments of tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to principal residences purchased after July 31, 1991.

Subtitle B—Penalty-Free IRA Plus Withdrawal for Home Purchase, Higher Education, and Health Costs

SEC. 311. PENALTY-FREE IRA PLUS WITHDRAWAL FOR HOME PURCHASE, HIGHER EDUCATION, AND HEALTH COSTS.

(a) GENERAL RULE.—Subparagraph (A) of section 408A(d)(3) (as added by title II) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end thereof the following new clause:

"(iv) which is a qualified special purpose distribution (within the meaning of subsection (e)).

(b) QUALIFIED SPECIAL PURPOSE DISTRIBUTION DEFINED.—Section 408A (as so added) is amended by redesignating subsections (e) and (f) as (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) QUALIFIED SPECIAL PURPOSE DISTRIBUTION FROM IRA PLUS ACCOUNTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified special purpose distribution' means—

"(A) a qualified first-time homebuyer distribution, or

"(B) an applicable medical or educational distribution.

"(2) 25 PERCENT ACCOUNT LIMIT.—

"(A) IN GENERAL.—A distribution shall not be treated as a qualified special purpose distribution to the extent it exceeds the amount (if any) by which—

"(i) 25 percent of the sum of—

"(I) the aggregate balance of individual retirement plus accounts established on behalf of an individual, plus

"(II) the aggregate amounts previously treated as qualified special purpose distributions, exceeds

"(ii) the amount determined under clause (i)(II).

"(B) LIMITATION NOT TO APPLY FOR PURPOSES OF SECTION 72(t).—Section 72(t) shall not apply to any distribution which would be a qualified distribution but for the limitations of subparagraph (A).

"(3) DISTRIBUTIONS FROM IRA PLUS ACCOUNTS USED TO PURCHASE A HOME BY FIRST-TIME HOMEBUYER.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer (or by a parent or grandparent of a first-time homebuyer) from an individual retirement plan to the extent such payment or distribution is used by the individual receiving the payment or distribution before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such first-time homebuyer.

"(B) BASIS REDUCTION.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from the gross income of such first-time homebuyer (or parent or grandparent thereof) by reason of this section.

"(C) RECOGNITION OF GAIN AS ORDINARY INCOME.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, except as provided in clause (ii)—

"(I) gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under this section, be treated as ordinary income by such individual, and

"(II) section 72(t) shall apply to such amount.

"(ii) EXCEPTION.—Clause (i) shall not apply to any taxable year to the extent of any amount which, before the due date (without extensions) for filing the return for such year, the taxpayer contributes to an individual retirement plus account. Such amount shall not be taken into account for purposes of any provision of this title relating to excess contributions.

"(iii) COORDINATION WITH OTHER PROVISIONS.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plus account to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, such amount cannot be so used,

the amount so paid or distributed may be paid into an individual retirement plus account as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(4) APPLICABLE MEDICAL DISTRIBUTIONS FROM IRA PLUS ACCOUNTS.—For purposes of paragraph (1), the term 'applicable medical distributions' means any distributions made to an individual (not otherwise taken into account under this subsection) to the extent such distributions do not exceed the amount allowable as a deduction under section 213 for amounts paid during the taxable year for medical care (without regard to whether the individual itemized deductions for the taxable year). For purposes of determining the amount so allowable, any child or grandchild of the taxpayer shall be treated as a dependent of the taxpayer.

"(5) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLUS ACCOUNTS FOR EDUCATIONAL EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable educational distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified special purpose distributions, determined after application of paragraph (4)) does not exceed the qualified higher education expenses of the individual for the taxable year.

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(I) the taxpayer,

"(II) the taxpayer's spouse, or

"(III) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(ii) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE IV—WORK INCENTIVES

Subtitle A—Reduction in Social Security Penalty on Working Elderly

SEC. 401. PHASED-IN INCREASES IN THE EARNINGS TEST OVER THE PERIOD 1992-1997 FOR INDIVIDUALS WHO HAVE ATTAINED NORMAL RETIREMENT AGE.

(a) IN GENERAL.—Subparagraph (D) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be—

"(I) for each month of the taxable year ending after 1991 and before 1993, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000,

"(II) for each month of the taxable year ending after 1992 and before 1994, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000,

"(III) for each month of the taxable year ending after 1993 and before 1995, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000,

"(IV) for each month of the taxable year ending after 1994 and before 1996, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000,

"(V) for each month of the taxable year ending after 1995 and before 1997, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000,

"(VI) for each month of the taxable year ending after 1996 and before 1998, the exempt amount so applicable for each month of the preceding taxable year, plus 1/12 of $1,000.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i)(VI) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1996.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after 1991.

SEC. 402. TRANSFERS TO TRUST FUNDS.

(a) IN GENERAL.—There are hereby appropriated to each payor fund amounts equivalent to the aggregate increase in social security benefits payable from such fund which is attributable to the amendment made by section 401.

(b) TRANSFERS.—The amounts appropriated by subsection (a) to a payor fund shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such subsection. Any such quarterly payment shall be made on the first day of such quarter and shall take into account social security benefits estimated to be received during such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) DEFINITIONS.—For purposes of this section—

(1) PAYOR FUND.—The term "payor fund" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(2) SOCIAL SECURITY BENEFITS.—The term "social security benefits" means any amount received by a person by reason of entitlement to monthly benefits under title II of the Social Security Act.

(d) REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress and to the Secretary of Health and Human Services on—

(1) the transfers made under this section during the year, and the methodology used in determining the amount of such transfers and the payor funds to which made, and

(2) the anticipated operation of this section during the next 5 years.

SEC. 403. STUDY TO DETERMINE IMPACT OF TOTAL REPEAL.

(a) STUDY.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall undertake in 1997 a study for the purpose of determining whether further amendments relating to deductions on account of work and the exempt amount provided for under section 203 of the Social Security Act are necessary or appropriate. Such study shall be conducted in full consultation with the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce. The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce shall provide the Secretary with such appropriate assistance and information requested by the Secretary as the Secretary considers necessary and appropriate to carry out the study under this section.

(b) SPECIFIC MATTERS TO BE STUDIED.—

(1) IN GENERAL.—The Secretary, in carrying out the study provided for in this section, shall address, analyze, and report specifically on various effects—

(A) which have resulted from the amendment made by section 401, and

(B) which would reasonably be expected to result from repeal, effective with respect to taxable years ending after calendar year 1997, of the provisions relating to deductions on account of work and the exempt amount provided for under section 203 of the Social Security Act.

The Secretary shall include in the report any other information which the Secretary considers would be relevant and useful to the Congress in considering legislation relating to deductions on account of work and the exempt amount.

(2) EFFECTS TO BE INCLUDED IN STUDY.—The effects referred to in paragraph (1) shall include—

(A) the effect on numbers in the workforce, by category of income;

(B) the effect on the purchasing power of members of the workforce, expressed in constant dollars;

(C) the effect on the working elderly with wage or salary income at or below the national average wage level;

(D) the short-term and long-term effect on the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund;

(E) the effect on the Federal budget; and

(F) the effect on the national economy.

(c) REPORTS.—The Secretary shall submit to each House of the Congress, not later than November 1, 1997, a final report of the findings of such study.

Subtitle B—Economic Growth Dividend

SEC. 411. USE OF ECONOMIC GROWTH DIVIDEND.

(a) GENERAL RULE.—If the Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") determines that there is an economic growth dividend for any fiscal year beginning on or after October 1, 1992, such dividend shall be used to increase the amount of the personal exemptions as provided in section 412.

(b) ECONOMIC GROWTH DIVIDEND.—For purposes of this Act—

(1) there is an economic growth dividend for any fiscal year if the Secretary determines that the real growth in the gross national product during such fiscal year was at a rate in excess of 3 percent, and

(2) the amount of the economic growth dividend for such fiscal year is the amount which the Secretary estimates will be the annual increase in Federal tax receipts resulting from the real growth in the gross national product during such fiscal year at a rate in excess of 3 percent.

Determinations under the preceding sentence shall be made before the close of the calendar year in which the fiscal year ends.

(c) SPECIAL RULE FOR FISCAL YEARS BEFORE 1996.—In the case of any fiscal year beginning before October 1, 1995, subsection (b) shall be applied by substituting for "3 percent" each place it appears the estimated rate of real growth in the gross national product for such fiscal year as set forth in the President's budget submission for such fiscal year under section 1105 of title 31, United States Code.

SEC. 412. INCREASE IN AMOUNT OF PERSONAL EXEMPTIONS.

(a) GENERAL RULE.—If the Secretary determines that there is an economic growth dividend for any fiscal year beginning on or after October 1, 1992, the amount of the exemption amount for taxable years beginning after the close of the calendar year in which such fiscal year ends shall be increased by an amount which the Secretary estimates will reduce Federal tax receipts for taxable years beginning in the following calendar year by an amount equal to 100 percent of the amount of such economic growth dividend.

(b) SPECIAL RULE FOR FISCAL YEARS BEFORE 1996.—In the case of any fiscal year beginning before October 1, 1995, 50 percent of the economic growth dividend shall be used in accordance with subsection (a), and 50 percent of the growth dividend shall be used to make a downward adjustment in the maximum deficit amount of section 250(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) EXEMPTION AMOUNT.—For purposes of this section, the term 'exemption amount' means the amount which would otherwise be the exemption amount under section 151(d) of the Internal Revenue Code of 1986 before the application of paragraphs (2) and (3) thereof.

(d) INFLATION ADJUSTMENTS.—Any increase determined under this section shall be adjusted for increases in the cost of living under procedures similar to those provided in section 151(d)(4) of such Code.

Mr. GINGRICH (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ROSTENKOWSKI. Reserving the right to object, Mr. Speaker, I do not know the content of the motion. As I understand it, what the gentleman from Georgia [Mr. GINGRICH] is offering is what he offered in the Rules Committee.

☐ 1120

Mr. GINGRICH. That is correct, Mr. Speaker.

The SPEAKER. Without objection, the motion is considered as read.

There was no objection.

POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ROSTENKOWSKI. Mr. Speaker, I make a point of order that the motion is not germane since it exceeds the scope and content of the pending legislation.

The SPEAKER. Does the gentleman from Georgia [Mr. GINGRICH] wish to be heard on the point of order?

Mr. GINGRICH. Mr. Speaker, if I might just briefly state, the House just decided by 324 to 84 to add a revenue measure to the bill, and this broadened the act, and the Economic Growth Act, which I offer, is an amendment which relates directly to unemployment by changing the Tax Code to create 1,100,000 new jobs. So, it seems to me, clearly on an unemployment bill, it is germane to the question of unemployment.

Mr. ROSTENKOWSKI. Mr. Speaker, I insist on my point of order that it goes beyond the scope and content of the pending legislation.

The SPEAKER. The Chair is prepared to rule.

The gentleman from Illinois [Mr. ROSTENKOWSKI] makes a point of order that the amendment proposed by the motion offered by the gentleman from Georgia [Mr. GINGRICH] is not germane to the bill.

The bill, as reported, is confined to provisions relating to unemployment insurance and compensation within the jurisdiction of the Committee on Ways and Means.

The amendment proposed in the motion offered by the gentleman from Georgia [Mr. GINGRICH] contains provisions "to provide incentives for work, savings and investments in order to stimulate economic growth, job creation and opportunity." These provisions range beyond matters of unemployment compensation and involve the jurisdiction of committees other than the Committee on Ways and Means, to wit: the Committee on Banking, Finance and Urban Affairs and the Committee on the Judiciary.

Accordingly, the Chair finds the amendment is not germane, and, therefore, the motion to recommit is not in order.

The Chair sustains the point of order of the gentleman from Illinois [Mr. ROSTENKOWSKI].

MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ARCHER. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ARCHER moves to recommit the bill H.R. 3040 to the Committee on Ways and Means with instructions to report the same back forthwith to the House with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1991".

SEC. 2. AMENDMENTS.

Public Law 102-107, the Emergency Unemployment Compensation Act of 1991, is amended—

(a) by striking "after August 31, 1991" where it appears in Section 3(c)(4)(A), and inserting "after the month in which this section takes effect",

(b) by striking "September 1, 1991" where it appears in Section 3(d)(1)(A)(i), and inserting "the first day of the first month following the month in which this section takes effect", and

(c) by striking "August 31, 1991" each place it appears in Section 3(d)(3)(A), and inserting "the month in which this section takes effect",

(d) by striking "not later than the date of the enactment of this Act" where it appears in Section 10(b) and inserting "not later than December 31, 1991".

Mr. ARCHER (during the reading). Mr. Speaker, I ask unanimous consent that my motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in support of his motion to recommit.

Mr. ARCHER. Mr. Speaker, less than a year ago, Congress raised taxes by $165 billion. That was the price—or so we thought—for getting a relatively simple promise: for the next 5 years any new spending on top of what is already built in, other than for emergencies, has to be paid for. That promise is really the heart of any deficit reduction we may achieve in the future.

The emergency clause of the budget agreement was intended as a way for financing unanticipated spending that the President and Congress both agree are emergencies. Congress is now about to unilaterally declare an emergency to enact permanent unemployment benefit expansions.

My motion to recommit gives us perhaps the last chance we will have to save that budget agreement, and live up to that simple promise.

A few weeks ago, the President signed into law a bill that could have provided a temporary program of extended benefits for the unemployed. Under that law, which complied with the budget agreement, the President had only until the date of its enactment to declare an emergency, or none of the provisions would take effect.

As we know, the President did not declare an emergency at that time. The provisions for providing benefits never took effect.

Under this bill and the current law those provisions cannot take effect even if the President declares an emergency in the future.

The motion to recommit calls for an amendment to give the President until the end of this year to declare an emergency if in his discretion one exists between now and then.

If employment conditions worsen over the next few months, a justifiable emergency may arise. Giving the President the option to invoke a temporary emergency program that is already law would not be unreasonable in that situation.

Most importantly, though, it is surely preferable to trashing last year's budget agreement and enacting permanent benefit expansions under the ruse of emergency spending.

If at anytime before January 1, 1992, the President declares an emergency, the law's provisions would take effect. Benefits would begin to be payable starting the month after the emergency is declared, and the program would end by July 4, 1992.

In addition the motion to recommit makes the benefit levels conform to those already passed in H.R. 3201.

Giving the President the option to declare an emergency in the future is far preferable to breaching the budget agreement and enacting a permanent expansion of unemployment benefits.

I urge the adoption of this motion to recommit.

The SPEAKER. Does any Member seek recognition in opposition to the motion?

Mr. DOWNEY. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. DOWNEY] for 5 minutes in opposition to the motion to recommit.

Mr. DOWNEY. My colleagues, when we met last in August and sent to the President the bill extending benefits, we gave the President the opportunity to declare the emergency. He signed the bill and chose not to. What the gentleman from Texas [Mr. ARCHER] proposes to do is to give the President until Christmas to make up his mind.

Mr. Speaker, we have in this House voted billions of dollars to bail out the savings and loans. We have helped the Kurds and Turkey. We have helped the Bangladeshis. It is time to help Americans.

My colleagues, let us not wait until Christmas to learn that there is no Republican Santa Claus for the unemployed.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. The Chair announces that subsequent to this 15-minute vote any vote ordered on final passage will be limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 129, noes, 279, not voting 24, as follows:

[Roll No. 266]

AYES—129

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Hobson
Houghton
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Leach
Lent
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Parker
Petri
Porter
Quillen
Ramstad
Rhodes
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Skeen
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—279

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bentley
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
LaRocco
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Pursell
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOT VOTING—24

Alexander
Berman
Doolittle
Dymally
Herger
Holloway
Hopkins
Hunter
Johnston
Jones (NC)
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lloyd
Marlenee
Mrazek
Pickle
Rahall
Rowland
Saxton
Slaughter (VA)
Thomas (CA)
Yatron

☐ 1148

Mr. PAXON and Mr. GUNDERSON changed their vote from "aye" to "no."

The Clark announced the following pairs:

On this vote:

Mr. Doolittle for and Mr. Lantos against.

Mr. Lewis of California for and Mr. Rowland against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOWNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. The Chair repeats the previous announcement that this vote will be limited to 5 minutes. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 125, not voting 24, as follows:

[Roll No. 267]

AYES—283

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
LaRocco
Leach
Lehman (CA)
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Pursell
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise

Wolpe
Wyden
Yates
Young (AK)
Young (FL)
Zimmer

NOES—125

Allard
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Cooper
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Dreier
Duncan
Ewing
Fawell
Fields
Gallegly
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Hobson
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Lent
Lightfoot
Livingston
Lowery (CA)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Penny
Petri
Porter
Quillen
Ramstad
Ray
Rhodes
Riggs
Roberts
Rohrabacher
Roth
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Skeen
Smith (TX)
Solomon
Spence
Stenholm
Stump
Sundquist
Tanner
Taylor (MS)
Taylor (NC)
Thomas (WY)
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Wolf
Wylie
Zeliff

NOT VOTING—24

Alexander
Berman
Doolittle
Dymally
Edwards (OK)
Herger
Holloway
Hopkins
Hunter
Johnston
Jones (NC)
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lloyd
Marlenee
Pickle
Rahall
Rowland
Saxton
Slaughter (VA)
Thomas (CA)
Yatron

□ 1158

The Clerk announced the following pairs:

On this vote:

Mr. Lantos for, with Mr. Doolittle against.

Mr. Rowland of Georgia for, with Mr. Lewis of California against.

Mr. Rahall for, with Mr. Thomas of California against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1200

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2946

Mr. COBLE. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2946.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1092 AND H.R. 261

Mrs. BOXER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1092, and that the name of the gentleman from North Carolina [Mr. McMILLAN] be removed from the list of cosponsors of H.R. 261.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME MOTION TO DISAGREE TO SENATE AMENDMENTS TO H.R. 3291, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it be in order at any time to offer an indivisible motion to take from the Speaker's table the bill (H.R. 3291) making appropriations for the government of the District of Columbia and other activities chargeable, in whole or in part, against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes with Senate amendments numbered 1 through 3 thereto, and to disagree to said Senate amendments; that such Senate amendments be considered as read; that such motion be debatable for one hour, equally divided and controlled by myself and the gentleman from New Jersey [Mr. GALLO]; and that the previous question be considered as ordered on such motion to final passage without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from California.

Mr. GALLO. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the chairman of the committee to explain the procedures that we are going to follow.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. GALLO. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, yesterday evening the Senate took up the new District of Columbia appropriations bill which we passed earlier in the day, and added three amendments, which taken together, have the effect of adding $50 million for George Washington University. I am proposing a two-step process by which I seek unanimous consent to make in order a motion to disagree to the three Senate amendments. If consent is granted, I will then formally move to disagree with the amendments of the Senate. This motion is technically debatable for 1 hour, although I do not believe it will take but a few minutes. I will then ask for a rollcall vote on my motion to disagree with the actions of the Senate, insisting that the project be dropped in this year's bill.

Mr. GALLO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. DIXON. Mr. Speaker, pursuant to the order of the House just agreed to, I move to take from the Speaker's table the bill (H.R. 3291) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments numbered 1 through 3 thereto, and disagree to the Senate amendments 1 through 3.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the motion and the Senate amendments.

The Clerk read as follows:

Mr. DIXON moves to take from the Speaker's table the bill (H.R. 3291) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments numbered 1 through 3 thereto, and disagree to the Senate amendments numbered 1 through 3, as follows:

Senate amendments:

Page 3, line 16, strike out "$9,500,000" and insert "$9,250,000".

Page 4, after line 11, insert:

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

For the construction and renovation of the George Washington University Medical Center, $250,000, pursuant to Trauma Care Systems Planning and Development Act of 1990 (Public Law 101–590; 104 Stat. 2929), together with $16,750,000 to become available October 1, 1992, $16,500,000 to become available October 1, 1993, and $16,500,000 to become available October 1, 1994: Provided, That any funds appropriated under this head pursuant to section 6(e) of the Trauma Care Systems and Development Act of 1990 shall not be in excess of the amount allocated under section 602(b) of the Congressional Budget Act of 1974, as amended, to the Subcommittees on the District of Columbia of the Committees on Appropriations of the Senate and House of Representatives required to provide for the Federal payment, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774, Public Law 93–395, as amended) and the Federal Contribution to retirement funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122, as amended).

Page 13, line 20, strike out "$875,033,000" and insert "$874,783,000".

The SPEAKER pro tempore. Pursuant to the order of the House just agreed to, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the three amendments added to H.R. 3291 last evening by the Senate would appropriate $50 million over a 4-year period to the George Washington University Medical Center. There is nothing wrong with the spirit and the desire of the Senate to provide additional money for the health delivery system here in Washington, DC. But what is wrong is for that money to come out of the 602(b) budget allocation of the District of Columbia.

As Members know, the financial status of the District is very serious. This year, fiscal year 1991, we provided an urgent supplemental appropriation of $100 million, and the Congress is providing an additional $200 million for fiscal year 1992 in this bill.

There are at least four or five other proprietary hospitals that are in the same position as the George Washington University Medical Center, and to single out George Washington University for the next 4 years is entirely unfair and inequitable to the other proprietary hospitals. But just as important, it takes away the discretion of our committee to make those judgments.

Certainly one of the major issues in the District is providing health delivery services for approximately 20 percent or 120,000 people who have no insurance. But it is up to the District of Columbia to work out an equitable arrangement with those proprietary hospitals, and it is totally inequitable to single out one of five or six proprietary hospitals and provide them with $50 million.

I have no problem with the project itself. I have a very serious problem with the way it is to be funded.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the amendment added by the other body to H.R. 3291 and ask that the House vote in favor of disagreeing with the Senate amendment.

After the House approved H.R. 3291 yesterday with the modification requested by the President on the issue of abortion, the Senate then considered this measure and added $50 million in additional spending for George Washington Hospital.

In conference on the first D.C. appropriations bill, we reported this same amendment back to the House in true disagreement. The House insisted on its disagreement and the measure was dropped from the bill. I ask the House to follow that same course today.

Let me make it clear that I am not an opponent of George Washington University Hospital.

George Washington Hospital is a vital institution and plays a critical and important role in the health care delivery system of the District of Columbia.

And, like many other hospitals, it faces the problems of uncompensated care and aging facilities.

But, we simply cannot commit $50 million over the next 4 years out of the District's budget allocation to pay for improvements to a private health care facility.

To take this funding from the District's appropriation would jeopardize the good faith and credit that has been built between Congress and the administration of Mayor Dixon.

Granted, I do not disagree that George Washington Hospital has pressing needs. But, this same need exists at other D.C. health care facilities as well. The fact is that other D.C. health care facilities bear an even greater share of the uncompensated care burden.

More important, this amendment makes promises for the future that I am not sure we can meet. Once we provide the Federal payment and the mandatory Federal contribution to the D.C. retirement fund, there is very little money left over.

In the past we have used this extra money to help the District address such needs as fire code violations in the District's schools and the need for more police foot patrols. Who is to say that next year we will have $17 million available within the D.C. budget.

Some more dire need may also arise next year that will require these moneys. If we agree to this amendment, we won't have the flexibility to respond to these needs and more important, the District will not have that flexibility.

In speaking with the Mayor this morning, she shares these same concerns. We do not deny that George Washington Hospital has real needs—but this bill is not the appropriate place to address them.

Mr. Speaker, I urge my colleagues to reject this amendment and to vote "aye" on our motion to disagree with this amendment.

□ 1210

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. GALLO. I am happy to yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I rise in strong support of H.R. 3291, the revised bill making fiscal year 1992 appropriations for the District of Columbia and against the Senate amendment to hijack $50 million of the District's money.

Along with the chairman of the District of Columbia Committee, Mr. DELLUMS of California, I pledged to this body earlier this year that in supporting H.R. 2123, the formula Federal payment bill for the District of Columbia, I would fight against any further unauthorized and excessive appropriations. Let us not destroy in one vote a principle which we have worked so hard over the past 7 months to put in place.

The Congress must end its past practice of squirreling away Federal funds or pirating District funds for pet projects. Even when well-intentioned these practices have no place in the new day of District government where a very real crisis is being met with fortitude and determination by the Mayor and Council.

Unfortunately, we are faced with a situation in the other body where one Member is trying to insist on obligating $50 million in District of Columbia money for a private hospital. We must reject such a power play. Not only does the other body's amendments hijack District funds without its desire or approval, but it does not even provide the mantle of respectability by setting up a competitive process for awarding these funds to the most qualified recipient. These funds would be strictly earmarked for one private institution to the exclusion of the District budget process and of any other qualified and deserving recipient in the District. The House has spoken on this issue and it has unanimously rejected this ploy. I urge all Members to uphold the intent of this body by approving H.R. 3291 as written and insisting on the House position.

The District of Columbia appropriations bill needs to be signed before October 1, so that the new and crucial funding measures can go into effect at the start of the fiscal year. I applaud the chairman of the subcommittee, Mr. DIXON, and the ranking Republican, Mr. GALLO, for a job well done. I thank them for their efforts and their willingness to work steadfastly for the good of the District in this most critical of times. I urge all of my colleagues to vote in favor of the House position on H.R. 3291.

Mr. GALLO. Mr. Speaker, I reserve the balance of my time.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I am constantly amazed at the cavalier way in which Members of the other body interject themselves in a personal manner into the D.C. budget process. At a time when Members of this body have joined together in a bipartisan manner to amend the District of Columbia Home Rule Act, extending local autonomy and bringing much needed relief to the District's budget crisis, it would seem unconscionable for a Member of the other body to personally intervene so as to direct $50 million of D.C. appropriations moneys to be set aside for an institution he holds dear.

It is the gravest breach of the right of local autonomy as well as a flagrant abuse of congressional prerogatives.

Finally, Mr. Speaker, I urge my colleagues in that regard to join with the chairman, the gentleman from California [Mr. DIXON], and the ranking Republican member, the gentleman from New Jersey [Mr. GALLO], and other members of the D.C. Appropriations Subcommittee in rejecting the Senate amendments to H.R. 3291.

I urge a vote in favor of the motion to disagree with the Senate amendments.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I ask this body to hold faith with the original appropriation understanding and to vote aye on this motion.

The District appropriation must surely be the smallest of all the appropriations. The reason this request from George Washington University Hospital has come to us is because they tried other doors and found they were closed. They are now picking on the smallest boy on the block.

This body has been generous to the District. We would not break faith with you, and we would certainly, therefore, not ask you to approve this amendment.

Understand what the language says. It says that every dollar above the prescribed Federal payment and retirement fund would go to a private institution, George Washington University Hospital.

We have debt-recovery bonds out. We do not know what that may hold, but we know this: It means that we will not be able to borrow if we get in trouble. We will have to come here for any excess that might be available in our appropriation.

My friends, this is nothing more and nothing less than a private bill. We cannot approve it at a time when the District is sending out layoff notices to people who have been employed in our city for 10 and 20 years. We cannot approve a grant of this magnitude to a single institution when our schools are having layoffs. We cannot approve this at a time when our city is overrun with emergencies such as gun violence and babies who are abandoned at hospitals.

If there is $1 over the Federal payment, these are the causes to which that dollar should go, not to a single private institution which ought to go out and raise its own funds.

Mr. GALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIXON. Mr. Speaker, I am asking for an aye vote on the motion to disagree.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DIXON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows;

[Roll No. 268]

YEAS—405

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—27

Berman
Dickinson
Doolittle
Dymally
Edwards (OK)
Herger
Holloway
Hopkins
Hunter
Johnston
Jones (NC)
Lantos
Lehman (FL)
Levine (CA)
Lewis (CA)
Lloyd
Lowery (CA)
Marlenee
Pickle
Rahall
Rowland
Saxton
Slaughter (VA)
Sundquist
Thomas (CA)
Towns
Yatron

☐ 1237

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the disposition of the Senate amendments to the fiscal year 1992 District of Columbia appropriations bill, and that I be allowed to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL 5 P.M., FRIDAY, SEPTEMBER 20, 1991, TO FILE REPORTS ON H.R. 3298, FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1991 AND H.R. 3300, FEDERAL AGRICULTURAL MORTGAGE CORPORATION SAFETY AND SOUNDNESS IMPROVEMENT ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 5 p.m., Friday, September 20, 1991, to file the reports on H.R. 3298, entitled the "Farm Credit Banks and Associations Safety and Soundness Act of 1991," and H.R. 3300, entitled the "Federal Agricultural Mortgage Corporation Safety and Soundness Improvement Act of 1991."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RE-REFERRAL OF H.R. 1182, AUTHORIZING AND DIRECTING EXCHANGE OF LANDS IN COLORADO TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the bill, H.R. 1182, a bill to authorize and direct the exchange of lands in Colorado, originally referred to the Committee on Agriculture be re-referred to the Committees on Agriculture and Interior and Insular Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT, WEDNESDAY, SEPTEMBER 18, 1991, TO FILE REPORT ON H.R. 3039, DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be given until midnight on Wednesday, September 18, 1991, to file a report to accompany H.R. 3039.

I understand this request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

AID FROM THE G-7 COUNTRIES OF THE WORLD TO THE SOVIET UNION SHOULD BE TIED TO REMOVAL OF NUCLEAR WEAPONS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think as we look at this interim period, we are seeing a rising debate on what should happen vis-a-vis aid to the Soviet Union, or dis-Union, as the world may have it.

□ 1240

However, Mr. Speaker, I think it is terribly important that the United States step forward and show very strong leadership, to ask the G-7 countries of the world, the other wealthy countries, to please tie all aid to making sure that they dismantle the nuclear weapons that are there. If we can get the Soviet Union stabilized, and moving forward, and get nuclear weapons out of there, we will have accomplished a tremendous task for this country, and for the planet and for peace.

Mr. Speaker, I am really, really horrified by the lack of leadership on the United States' part in framing that, so I hope they start to crank up. I think it is one of the most important issues out there, and I think the horror of the Soviet Union becoming more destabilized with all those nuclear weapons is something none of us wants to see happen.

So, Mr. Speaker, I hope the leadership occurs very shortly by the United States.

STAY TUNED

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, this is a shameless, utterly shameless, commercial for my 1-hour special order tonight.

The hour is young. It is only 9:40 on the west coast, 7:40 in the morning in Hawaii, and I am going to do a triple special order on attacks on the Catholic Church. It is growing nationwide. I am tired of it. Nobody is walking on my faith anymore, the faith of my beautiful Roman Catholic Church. I am going to talk about liberals all across this country, not good liberals like we have here, but crazed liberals who are saying that conservatives and anti-Communists had nothing to do with the collapse of communism around the world, that we are invalidated, and wasting our time, and now what are we going to do with our time?

Mr. Speaker, I have got time to talk about attacks on the Catholic Church, and the third thing I am going to talk about in this 1-hour special order is about a doctor in Los Angeles who stops doing abortions because he is tired of tearing apart perfect little human beings in the second trimester, and he wanted to practice his Jewish faith, and he could not do it in conscience while he was killing little human beings. It is a dynamite editorial; I mean a guest column in the Los Angeles Times, and it has torn apart their own editorial office. People are offended that they ran this article and that they showed a picture of a perfect little person, a 4½-month-old fetus.

So, stay tuned. Stay for the excellent special order of the gentleman from Pennsylvania [Mr. GEKAS], and then I will be back.

APPOINTMENT OF CONFEREES ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore. (Mr. MCMILLEN of Maryland). Pursuant to the authority granted on September 12, 1991, the Chair revises the appointment of conferees on H.R. 2508, the International Cooperation Act of 1991, to read as follows:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment (except title IX), and modifications committed to conference: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, GEJDENSON, DYMALLY, TORRICELLI, BROOMFIELD, GILMAN, LAGOMARSINO, and LEACH; except as otherwise appointed in the case of Mr. LEACH.

As additional conferees from the Committee on Foreign Affairs, for consideration of title IX of the Senate amendment, and modifications committed to conference: Mr. GEJDENSON and Mr. BROOMFIELD.

As additional conferees from the Committee on Agriculture, for consideration of section 502 of the House bill, and section 516 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, ROSE, GLICKMAN, ROBERTS, and MORRISON.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 401, 403, 644(g), 844(b), and 846(b) of the House bill, and sections 515-16, 520(b), 606, 721-23, 731, 741-42, 771-74, and titles IX and XVIII of the Senate amendment, and modifications committed to conference: Ms. OAKAR, and Messrs. NEAL of North Carolina, LAFALCE, TORRES, LEACH, and BEREUTER.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 848(b) and 1104 of the House bill, and title XVI of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, ECKART, LENT, and RITTER.

As additional conferees from the Committee on Judiciary, for consideration of that portion of section 621 which adds a section 7202(f) to the Foreign Assistance Act and section 642(b) of the House bill, and modifications committed to conference: Messrs. BROOKS, MAZZOLI, KOPETSKI, MCCOLLUM, and SMITH of Texas.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of that portion of section 101 which adds a section 1303 to the Foreign Assistance Act of 1961, and that portion of section 621 which adds a section 7403 to the Foreign Assistance Act of the House bill, and sections 305 and 680A of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, TAUZIN, DAVIS, and LENT.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 848(b) of the House bill, and title XVI of the Senate amendment, and modifications committed to conference: Messrs. ROE, NOWAK, HAYES of Louisiana, HAMMERSCHMIDT, and PETRI.

As additional conferees from the Committee on Ways and Means, for consideration of sections 642(c), 901, and 1071 of the House bill, and sections 514–16, 607A and 690 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, ARCHER, and CRANE.

The Clerk will notify the Senate of the changes in conferees.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 25, 1991

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, September 25, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM THURSDAY, SEPTEMBER 19, 1991, TO MONDAY, SEPTEMBER 23, 1991

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, September 19, 1991 it adjourn to meet at noon on Monday, September 23, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PENSIONS SHOULD NOT ACCRUE WHEN PUBLIC OFFICIALS ARE CONVICTED

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, I have introduced legislation which will add a strong deterrent to those Members of Congress, or other high elected or appointed officials, from committing bribery, fraud, or other illegally conceived means by which to self-aggrandize their own pockets. I am introducing legislation that would say that if an individual, like a Member of Congress, should be convicted of bribery, that in addition to the fines and penalties, including a jail sentence, that might be appended to such a conviction, that indeed the pension that would accrue to that individual be forfeited. That would close a loophole that too often stands in the way of making sure that our fellow public officials wend their proper way through the courts of justice.

Mr. Speaker, what happens is that we have seen a history of this kind of occasion when a Member of Congress or other high official is convicted, goes to jail, pays a fine and then comes out of the prison sentence only to find his pension waiting to sustain him the remainder of his life. There is something wrong with that. My bill would end that kind of ludicrous outcome.

□ 0920

SUPPORT POW/MIA TRUTH BILL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EWING. Mr. Speaker, I would like to bring to the attention of my colleagues the plight of Navy Lt. Daniel Borah, Jr., of Olney, IL, whose plane was shot down in 1972 during the Vietnam conflict. Lieutenant Borah is still missing in action.

Lieutenant Borah's sister, Kathy Borah Duez of LeRoy, has remained confident over the years that her brother survived the crash and is still alive in southeast Asia. She has struggled to obtain information about her brother's fate. Recently two photos have surfaced, taken in Laos, of a man who bears a stunning resemblance to Lieutenant Borah.

I don't know whether Borah is alive or not. But there certainly is substantial evidence that he could be, and this case must be fully investigated. The Borah case is another example of the difficulty many POW/MIA families have in obtaining complete information about their loved ones.

I would like to commend Congressman JOHN MILLER for his introduction of H.R. 1157, the POW/MIA truth bill, which will help thousands of families like the Borah's to get the information they deserve about the fate of their loved ones. I encourage my colleagues to cosponsor this very important legislation.

[From the Bloomington, IL, Pantagraph]

SPECIALIST TO EXAMINE MIA PHOTOS

(By Melinda Zehr)

A forensic specialist is expected to determine whether a LeRoy woman's brother, who has been missing since his airplane was shot down in 1972 during the Vietnam War, is the same man pictured in photographs allegedly taken recently in Laos.

Michael Charney, a former anthropologist at Colorado State University, said during a telephone conversation yesterday that he has been informed he is to receive photographs of Navy Lt. Daniel Borah Jr. of Olney and will begin an analysis as soon as they are received.

"We already know that it is him but we need—more for the media than anyone else—proof, or, rather, confirmation, that it's him," said Borah's sister, Kathy Borah Duez of LeRoy.

Charney, who has conducted many similar comparisons, was described by Mrs. Duez as a respected expert in photo identification.

Modestly, 80-year-old Charney said the process is "simple," given the expertise and right equipment.

Once he receives the photographs of Borah—both in Laos and before his Vietnam tour—Charney said the faces, including eyebrows, hairline, eyes, nose, mouth, lips, chin, ears and any muscle creases, will be outlined.

The outlines, one in red and the other in black, will be made using a computer that "will draw a line for me to an accuracy of 1/100th of an inch," Charney said.

Then, the two images will be superimposed, allowing conclusion to be drawn.

He will start with the ears because they are highly distinctive.

If there is a difference between the lobes, "we don't go any further; it isn't necessary." But if the lobes are the same, Charney said he will look at other aspects of the ears, including the folded outer rim.

Then, additional parts of the faces will be scrutinized until all have been compared.

Charney said it doesn't matter that the age difference between the photographs of Borah is nearly 19 years. Borah was 26 years old when his airplane was shot down; he would be 45 now.

"It doesn't much matter what happens to a person over the years," Charney said. "Your nose may get a little heavier, . . . you'll form pouches and you'll get creases and you'll get jowls.

"But the bone doesn't change; the underlying bone remains the same," he added.

Charney said that in most cases, he can determine "yes or no" whether two photographs are of the same person.

"Do I make errors? I suppose so," Charney said, answering his own question. "Everyone makes errors and I'll correct them where I see them."

Earlier this year, Charney determined that a photograph taken in February 1990 in Laos is that of Vietnam POW/MIA Army Capt. Donald Carr of East Chicago, Ind.

"I don't think it's the same guy; I know it is the same guy," Charney told USA Today.

Charney also is expected to make comparisons of the men pictured in the first photograph that surfaced recently in the media—one purportedly of Air Force Col. John Leighton Robertson, Air Force Maj. Albro Lynn Lundy Jr. and Navy Lt. Larry James Stevens, all fliers.

He began lending his expertise to families of missing U.S. service people in 1985, when he was asked by the wife of a Vietnam POW/MIA to determine whether the skeletal remains sent to her were indeed that of her husband.

"That's when I first discovered that the Army was just plain lying—not making errors, but deliberately lying," Charney said. "And I said so in front of a congressional committee in 1986. All they say is that I'm ludicrous."

Until most recently, Charney said "99.9 percent" of the POW/MIA work he has done involved determining whether the identification of skeletal remains was properly done by the U.S. military.

He does his work free of charge to the families of missing U.S. service people.

KERRY TRACKING "HOT" MIA LEADS

BOSTON.—Saying he has "hot leads" on the fate of American servicemen missing in southeast Asia, Massachusetts Sen. John Kerry is traveling to Thailand, Cambodia and Vietnam. He leaves today on the eight-day trip.

"I approach this with an absolute judgment of possibility that somebody is alive," said Kerry, a Vietnam veteran and chairman of a new Senate committee on missing serviceman. "We have a number of cases where there are 'hot leads.'" He declined to be specific.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that the 60-minute special order previously granted to the gentleman from Georgia [Mr. GINGRICH] for today be vacated and that he be granted a 5-minute special order today instead.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1250

THE PASSIVE LOSS CORRECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to speak in support of H.R. 1414, the passive loss correction bill. I am one of over 300 cosponsors of this important legislation. If H.R. 1414 is passed it would permit real estate professionals to operate under the same tax rules imposed on other professional entrepreneurs, thereby allowing those who spend at least one half of their business time on activity related to real estate to deduct losses generated by a real estate project in which they actively participate.

Mr. Speaker, H.R. 1414 would increase the supply of affordable rental housing, opening up opportunities for middle-class Americans to attain decent housing. This bill would also keep real estate values constant and help shore up the Nation's financially troubled banks and savings and loan associations.

The passive loss rules did not originate from the House of Representatives. However it is our responsibility to correct this inequity so that our economy can begin a new growth period—and that will benefit all Americans.

UTAH SEEKS RELIEF FROM WASTE DISPOSAL PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Speaker, I am increasingly concerned about the problem of interstate waste incineration and disposal operations. The situation in Utah is a textbook illustration. Certain States are being singled out to bear the waste disposal burdens created by others. I absolutely object to this brand of exploitation. States such as Utah are literally left holding the bag—bags which are filled with municipal or toxic refuse—for other States which, instead of recycling and otherwise dealing with their own waste problems, send them out of State, and out of mind, for disposal.

Utah is threatened by a proliferation of waste incinerators with an overall capacity far beyond the State's own needs. A total of 19 facilities, including hazardous waste incinerators, nerve gas and munitions incinerators, medical waste incinerators, cement kilns, and a garbage incinerator, have either received permits or have submitted applications to burn various types of wastes in Utah all of them in beautiful unspoiled Utah.

For instance, two hazardous waste incinerators have received permits to operate in Tooele County. One of these is already under construction. Their combined capacity is approximately 180,000 tons per year, an absolute guarantee that they will accept hazardous wastes from out-of-State. A medical waste incinerator is under construction in Salt Lake County, while two more have either applied for or received permits, one in central Utah and the other in Ogden. Two more commercial facilities have applied for permits to burn waste tires as fuel.

The Army currently operates four incinerators in Tooele County for the destruction of chemical weapons, with a group of five more under construction and an additional one on the drawing board. These facilities are supposedly going to close following the destruction of the 42 percent of the Nation's chemical weapons which are stockpiled in Utah. But, there are already concerns that the capital investment involved will encourage the Army to continue to run the incinerators for other Federal wastes shipped from out of State. Will be prepared to fight that one.

But, incinerators represent only part of our growing interstate waste story. A commercial hazardous waste landfill in Tooele County disposes of hazardous wastes and PCB's. A second commercial landfill in the same county is licensed to handle naturally occurring radioactive materials, the only such facility licensed in the entire United States. It also has a cell for mixed hazardous and low-level radioactive wastes.

We are also confronting the unpalatable prospect that Utah will be forced to accept municipal garbage from other States or even Canada. A large commercial landfill of 2,400 acres is planned in east Carbon County. The owners have received the necessary permits to dispose of municipal and industrial wastes, including foreign garbage. It is widely perceived, in part because of the landfill's size and rail access, that it could become yet another magnet for out-of-State wastes.

Increasingtly, Utahans are calling for changes in Federal law to give us control over what now appears to be a mushrooming trend toward out-of-State wastes. I've introduced legislation, H.R. 816 and H.R. 2671, which would provide the needed authority. I firmly believe that it's the only fair way to go. I urge my colleagues to support that progressive, fair approach to waste disposal.

LISTENING TO HOOSIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, in the last few weeks and months I have been listening, listening to the people in the heartland, in the Middle West. At open meetings from Nappanee to Michigan City, I have heard from Hoosiers who are proud, especially proud that the principles that we cherish, democracy and freedom, have finally prevailed in the long and tense cold war. But these same people are very worried, Mr. Speaker, and in Indiana they have come to open meetings to ask tough and important questions.

Hoosiers are worried about jobs. They are worried about their children's opportunities in the future, and they are worried about the American dream and fulfilling that dream through college education and home ownership.

Mr. Speaker, they asked me why we need to be spending $7.1 billion each year defending Japan and the Asian basin and $17.7 billion each year defending Western Europe when the old Warsaw Pact no longer is a military threat, and when here at home our own borders are not secure from illegal aliens and drug smugglers.

Hoosiers asked me why our students here in the most powerful Nation in the world, are behind students from other countries in math and science skills. They asked me why so many people in Washington are talking about sending our American tax dollars to the Soviet Union when our national debt continues to escalate and spiral. Hoosiers asked why the United States has now become more dependent than ever on foreign oil.

And again, Mr. Speaker, I heard good, tough questions about health care.

□ 1300

Young working couples are asking how they can choose between paying their rent and paying for their children's health care costs.

Mr. Speaker, at one town meeting that I had just recently, a young couple came up to me and said, "Tim, we want to live in the Midwest. If our grandparents or parents get sick, we want to be near them and keep the nuclear family together." But that quest is becoming more and more difficult, because we are not being proactive enough in keeping our manufacturing jobs in this country.

Older Americans have asked me how they can be protected from an illness wiping them out and wiping away a home or a farm or a lifetime of savings.

Mr. Speaker, the people of the Third District of Indiana are ready for our Nation's leaders to turn their attention to problems here at home. And I believe these Hoosiers represent the concerns and hopes of most Americans.

The American people are looking for courageous and innovative leadership on a new national security strategy that doesn't put the policing of the whole world on the back of our taxpayers.

They are looking for an energy policy that doesn't leave our economy in the hands of foreign governments.

Americans are looking for someone to step forward with ideas for affordable health care for our Nation. My constituents don't think there are any simple and easy answers, but they do believe we can do better.

The people of Indiana, and people everywhere in America, want democracy and peace around the globe. But they want that peace to mean that we can now focus on improving our schools, on repairing our roads and bridges, on making health care affordable, and on reducing the deficit.

Mr. Speaker, to those in this body or those who sit in offices down Pennsylvania Avenue who doubt that the American people want the Congress to focus our energies on problems here at home, I advise a trip out of the office for a few days of listening. What the people of this country are saying makes a lot of common sense.

NATIONAL ACCESSIBLE HOUSING MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, 1 year ago Congress and the President enacted landmark legislation, the Americans With Disabilities Act. The goal of this legislation is to help Americans with disabilities to enter the mainstream of American society. For this legislation to be effective, it is crucial that the public be aware of the obstacles faced by Americans with disabilities on a daily basis.

In that regard, I am joined today by my colleague from Maryland, Congressman HOYER, in introducing a joint resolution designating the month of November 1991 National Accessible Housing Month.

Over the past year we have seen the development of public-private partnerships intended to heighten public awareness of such problems. This legislation seeks to highlight such partnerships.

One such partnership is the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corp. The program, entitled "Easy Access Housing for Easier Living," focuses on home designs which accommodate persons with disabilities. The program answers questions about barrier-free designs and structural accommodations which allow easy entry and movement throughout homes.

Since 70 percent of all Americans will at some time during their lives suffer from a permanent or temporary disability, it is clear that barrier-free homes are or will be an important consideration for many Americans.

Although retrofitting existing structures to remove obstacles such as stairs, narrow doorways and other structural impediments can be very costly, designing barrier-free homes from the outset can be cost effective.

Let's encourage the establishment of such public and private partnerships to solve problems in an innovative manner form the outset.

Please join Congressman HOYER and me in cosponsoring House Joint Resolution 326, designating the month of November 1991 as National Accessible Housing Month. A copy of the resolution is printed below.

H.J. RES. 326

Whereas the Congress in the Americans with Disabilities Act of 1990 found that there are 43,000,000 individuals with disabilities in this Nation;

Whereas 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability that will prevent them from climbing stairs;

Whereas 32,000,000 Americans are currently over age 65 and many older citizens acquire vision, hearing, and physical disabilities as part of the aging process;

Whereas many older Americans who acquire a disability are forced to leave their homes because the homes are not longer accessible to them;

Whereas 1 out of every 3 persons in the United States will need housing that is accessible to the disabled at some point in their lives;

Whereas the need for accessible single-family homes is growing;

Whereas the need for public information and education in the area of accessible single-family homes is increasing;

Whereas this Nation has placed a high priority on integrating Americans with disabilities into our towns and communities;

Whereas the private sector has helped increase public awareness of the need for accessible housing, as exemplified by the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corporation, entitled "Easy Access Housing for Easier Living"; and

Whereas increased public awareness of the need for accessible housing should prompt the participation of civic leaders, and representatives and officials of State and local governments, in the drive to meet this need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1991, is designated as "National Accessible Housing Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

CHICAGO'S 26TH ANNUAL GENERAL VON STEUBEN DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this week marks the 261st anniversary of the birth of Gen. Friedrich Wilhelm von Steuben, a German immigrant who fought with skill and valor during the American Revolutionary War.

We honor his memory because General von Steuben helped to establish our American democracy during the birth of our Nation. As a soldier and patriot, General von Steuben epitomizes the contributions made by tens of thousands of German-Americans to the development of the United States.

To honor these contributions, I am proud to announce that the United German-American Societies of Greater Chicago are sponsoring their 26th annual von Steuben Day parade this Saturday in downtown Chicago. The parade, which begins at noon, will showcase German-American heritage with colorful floats, drum and bugle corps, marching bands, and dancers in traditional costumes. The parade will include a salute to our friendship with the Federal Republic of Germany, which has moved swiftly in the past year to begin rebuilding Eastern Germany after the fall of communism.

I wish to extend my congratulations and best wishes to Mr. Karl C. Laschet, who is serving once again as the outstanding grand marshal of the parade. I also would like to offer greetings to all German-Americans from the 11th Congressional District, which I am honored to represent, and to German-Americans across the United States.

Because German immigrants have contributed so much to America, I have cosponsored a bill designating October 6 as German-American Heritage Day. That date marks the anniversary of the arrival of the first German-American immigrants, who settled near Germantown, PA in 1683. The resolution reads as follows:

H.J. RES. 180

Whereas since the arrival of the first German immigrants to America on October 6th, 1683, in the area of Germantown, Pennsylvania, German-Americans have made significant contributions to the quality of life in the United States;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States, of which the German-American Friendship Garden in Washington, DC, is evidence;

Whereas German-Americans pledge their unconditional support for further expansion of the existing friendship between Germany and the United States, and will continue to contribute to culture of the United States, support its government and democratic principles, and will also work to help assure the freedom of all people;

Whereas President Bush lauded German unification and the spirit of friendship and cooperation between the people of the Federal Republic of Germany and the people of the United States during proclamation ceremonies for German-American Flag Day on October 3, 1990; and

Whereas the Congress unanimously passed joint resolutions designating October 6th of 1987, 1988, 1989, and 1990 each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1991, and October 6, 1992, are each designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such days with appropriate ceremonies and activities.

As one of America's best-known German immigrants, General von Steuben contributed to our struggle for freedom by establishing professionalism among America's Armed Forces. A Prussian Army officer who had served as an aid-de-camp to King Frederick II, von Steuben accepted a commission in the American Continental Army in 1778. Gen. George Washington assigned him to the task of training American troops, and von Steuben earned such praise for this effort that the advanced to the rank of major general. That winter von Steuben wrote "Regulations for the Order and Discipline of the Troops of the United States", a training manual that reflected his genius for military discipline and organization. Known as the "Blue book," this work served as the Army drill manual until 1812.

Von Steuben contributed battlefield skills to the American cause as well. During the crucial siege of Yorktown in 1781, von Steuben commanded one of three divisions of American troops under George Washington. On the night of October 11, von Steuben's forces boldly set the stage for victory by establishing fortifications a mere 300 yards from the British lines. Encircled and facing defeat, the British general, Charles Cornwallis surrendered on October 19. Von Steuben shared in this triumph that was America's greatest victory of the war.

The U.S. Government showed its gratitude to von Steuben by granting him citizenship, and Congress approved a $2,500 yearly pension for him after the war. The State of New York added the gift of a 16,000-acre estate near Utica, where von Steuben lived until his death in November 1794.

PRESIDENT SET NEW RECORD FOR SLOW GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, the debate today concerned the unemployment extension bill. I heard remarks from the other side that concerned me when somebody referred to this bill as a Government handout, a handout to working men and women who are temporarily unemployed through no fault of their own and are trying to get work again, and just need help for another 13 weeks to keep the kids in school, to pay the tuition, to pay the car payment, to make the mortgage payment, to keep the health insurance in effect.

That is no Government handout. These are men and women who have invested in this country every year in the form of tax dollars in their own commitment.

Then there are also proposals made from the other side about a growth package, they called it, to help the economy along. Don't help the victims of it, but help the economy along. So they offered us tax cuts that equaled the sum of the tax cuts enacted before.

Mr. Speaker, I think we ought to talk about what the results of those 12 years of economic policies have been, because I think it is pretty clear from the administration's own statistics.

If you look at this chart beside me prepared by the Democratic Study Group, you will see the comparison of economic growth during the first 3 years of the Bush administration compared to all the Presidents going back to President Eisenhower.

What you see is that under President Bush to date, there has been growth in our economy, our gross national product, GNP, of only 0.7 of 1 percent. That is this tiny red bar right here.

The other area, the shaded area, the pink area, is the projected growth by the administration, by the Office of Management and Budget, for the first 3 years of the Bush Presidency. If they are correct, and if in the next few months they actually get 2.3 percent GNP growth, which is a pretty tall order, but if they do, it brings it up to here, 3 percent.

Three percent in the first 3 years, compared to President Reagan having 5.8 percent in his first 3 years, compared to President Carter having 11.7 percent in his first 3 years, compared to President Ford having 5.1 percent, President Nixon, 5.3 percent, President Johnson, 17 percent, President Kennedy, 14 percent, and President Eisenhower, almost 6 percent. Three percent. But, significantly, 0.7 of 1 percent is all we have seen so far.

How does that stack up compared to the other countries? Is President Bush just presiding over a generally stagnant world economy?

Not exactly, because in the same period of time, France, for instance, has grown by 4.6 percent, the Netherlands has grown by 5.8 percent, Germany by 8.2 percent, and Japan, experiencing its first slight recession, is still 11.7 percent.

Once again, the Bush record is 0.7 of 1 percent.

But then you start looking back and you can see that the policies we are being asked to adopt today by the other side, the same policy of tax cuts without paying for it, of adding to the deficit, of not investing, doing the kind of public investment in infrastructure and education that needs to be done, you can see where those policies have gotten us.

Mr. Speaker, let me make another projection. When I come back, hopefully when I come back next year and the year after, and we are looking at this chart, we are going to see the stagnant growth has continued. Why? Because there is no economic policy.

It is interesting that they fight so hard for the stealth bomber, because they have a stealth economic policy, a stealth domestic agenda. They say it is up there, they say it is out there, you ought to be able to hear it, but you cannot see it.

You can see the results. The results are very clear, that the economic policies pursued by this administration have gotten us 0.7 of 1 percent growth. That is it, folks. Count it up, if you can see it, 0.7 of 1 percent growth in the time President Bush has been in office. And at the very best, and these are the administration's figures, by the President's own figures, the most we can expect for his first 3 years is 3 percent.

Now let us talk about who it is that knows how to run the economy. These figures bear out quite clearly, I believe, that the economic policies must be changed, and that we need to be going toward growth policies, those policies that truly reflect growth. We need to be investing in job training, investing in helping our working American families keep their jobs. And in the time they are in transition, we need to help keep their body and soul together. We need to be investing in education, in making sure that working families get assistance they need through Pell grants and guaranteed student loans to send their children to college.

Mr. Speaker, we need to be talking about health care. We need to be talking about preventive medicine, in which a dollar put in today saves $5. There are a whole lot of things we need to be talking about.

Mr. Speaker, I think this needs to set the record straight. We heard a lot of claims today from the other side, but the one thing they did not talk about is what the actual record is. Now I think you know, and now I think you know whose agenda we ought to be adopting.

BANKING COMMITTEE OVERSIGHT OF THE INSURANCE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the recent collapse of several major insurance companies highlights the importance of the oversight and legislative functions of the Committee on Banking, Finance and Urban Affairs regarding insurance regulation. Insurance companies, like depository institutions, have begun to suffer the financial consequences of their risky investments, including portfolios similar to those of savings and loans in the late 1970's and early 1980's, that is, exorbitant promises to pay—liabilities—coupled with declining asset values.

In addition, the General Accounting Office has identified lax regulation, low capital standards, overvalued assets, flimsy accounting practices, and fraud as principal causes of insurer failures. In the last 7 months, five large life insurers—Executive Life, First Capital Life, Monarch Life, Mutual Benefit Life, and Guarantee Security Life—have been seized by regulators due to insolvency.

The Guarantee Security Life Insurance Co., sixth largest in Florida, collapsed due to its vast junk bond holdings, while the Mutual Benefit Life Insurance Co. of New Jersey had $1.1 billion of its $14 billion in assets tied up in four problem loans and experienced runs prior to seizure. Also, the collapse of the Executive Life Insurance Co. has resulted in devastating losses, and in at least one case failure, for hundreds of community banks around the country that purchased municipal bonds guaranteed by Executive Life.

The regulation of the business of insurance is a function which has historically been performed by the States, with the Federal Government choosing not to exercise its preemptive authority. However, in light of the destabilizing impact of insurance company failures on the national economy, the Banking Committee, and its Subcommittee on Policy Research and Insurance, will increase its oversight of the insurance industry and reexamine what should be the proper role of the Federal Government in the regulation of the business of insurance.

State regulation has resulted in duplicative, conflicting, and often inadequate regulation. For example, although approximately 17 States have adopted some form of independent certified public accountant requirement, no two States have adopted exactly the same requirements. Also, the adequacy of regulation over an insurer will vary depending on the sufficiency of the resources devoted to that function by the State with primary regulatory responsibility over that particular insurer. The safety and soundness of the insurance industry is perilously subject to all these vagaries.

The business of insurance has traditionally meant the spreading of risk so as to minimize the destabilizing effect of sudden and often catastrophic economic losses. However, in recent times, the business of insurance companies has come to encompass much, much more. Modern insurance companies have developed into full scale financial intermediaries and perform many of the same functions as other financial institutions in today's global economy.

Financial intermediation is an activity through which the savings of individuals are used to meet the borrowing needs of businesses, governments, and households. Financial intermediaries that are permitted to accept deposits are called depository institutions. Nondepository financial intermediaries include insurance companies, pension funds, and mutual funds, whose accounts are not considered deposits, even though checks can be written against them.

Because financial intermediaries act as middlemen in arranging financing for purchases by firms, governments, and households, they participate in two markets: the market for receiving loanable funds and the market for investing. Depository institutions receive their loanable funds primarily through accepting deposits. Insurance companies receive their loanable funds by selling insurance policies. In fact, commercial banks and life insurance companies engaged in the greatest amount of net lending in 1988 in the U.S. intermediary capital market.

Insurance companies now offer many of the same financial and investment services as banks and other depository institutions. For example, insurance companies attract savers' funds by offering guaranteed investment contracts [GIC's], which are similar to bank investment contracts. Also, the insurance industry is an enormous source of lendable funds, and as a provider of credit, it competes with depository institutions in attracting borrowers.

Likewise, as the distinction between banks and insurance companies becomes further blurred, banks are offering more insurance services. Current national bank insurance activities include the underwriting of insurance in the form of credit-life policies to accompany loans, the sale of insurance policies where the bank is based in a town of fewer than 5,000, and the sale of annuities, which are traditionally an insurance company product. Also, some States allow their state-chartered banks broader authority to sell insurance, and recently one State has become the first to allow its state-chartered banks to underwrite and sell all types of insurance inside and outside the State.

The Banking Committee's exclusive jurisdiction over the insurance industry is provided for in rule 10 of the rules of the House, which contains the specific grant of jurisdiction to the committee over banking that is, the solicitation of deposits (including GIC's which are in turn loaned out), "credit" (insurance companies are an enormous provider of credit in the U.S. economy), and "economic stabilization" (the spreading of risk by insurance companies is possible the single most stabilizing function in the U.S. economy). As a practical matter, it also makes sense that the Committee with jurisdiction over the banking industry, deposit insurance, flood insurance, and crime insurance also have jurisdiction over life insurance, property/casualty insurance, and the companies which provide such insurance.

The Subcommittee on Policy Research and Insurance has done extensive work in the field of insurance. In March of this year, the subcommittee produced a comprehensive report on the business of insurance entitled "A Descriptive Analysis of the Insurance Industry in the United States." The subcommittee has recently reauthorized the Federal flood and crime insurance programs, and has held numerous hearings on the need for a Federal earthquake insurance program. These programs are illustrative of the Banking Committee's responsibility, concurrent with its jurisdiction over insurance matters, to assess where the private insurance market has failed and therefore requires Federal intervention. The subcommittee will soon conduct additional hearings on the adequacy of State insurance guarantee funds.

In recognition of the need for regulation to ensure the safety and soundness of the insurance industry, on July 31, 1991, I introduced the Federal Reserve Liquidity Assistance Act of 1991. The act would provide for the short-term liquidity needs of insurance companies, as was needed but unavailable from the State insurance guarantee fund in the case of Mutual Benefit, and establishes minimum solvency standard which an insurance company must meet before it may obtain discounts or advances from the Federal Reserve.

Under this bill, an eligible insurance company must meet minimum financial resource requirements, as established by the Federal Reserve in consultation with State insurance regulatory authorities. This requirement would provide an incentive to any insurance company that wanted access to the Federal Reserve discount window to maintain minimum standards of health, and would be a first step in establishing uniform safety and soundness standards.

There are several aspects of the insurance industry, and the regulation thereof, which the Banking Committee must address. The first involves the question of what role the Federal Government should play in the regulation of the insurance industry. The overriding goal of any regulation should be to promote the safety and soundness of the industry. This involves many fac-

ets of the insurance industry: Chartering and licensing, reporting, examinations, customer protection, rate setting, investments, product lines, health and solvency measures/standards, enforcement, reinsurance, Government guarantees, life/health versus property/casualty, and insurance service organizations. Some areas may benefit from uniform Federal regulation, while others might operate more efficiently on a state-by-state basis. Some form of dual regulation, as in the banking industry, may be desirable. These are the initial issues which the Banking Committee will address. Much must be done, and the Committee is eager to move ahead with the task.

Mr. Speaker, for the RECORD I submit H.R. 3119 and an article from the September 16, 1991, New York Times.

H.R. 3119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Liquidity Assistance Act of 1991".

SEC. 2. PROCEDURES APPLICABLE TO LIQUIDITY ASSISTANCE TO INSURANCE COMPANIES.

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 13a the following new section:

"SEC. 13B. PROCEDURES APPLICABLE TO LIQUIDITY ASSISTANCE TO INSURANCE COMPANIES.

"(a) IN GENERAL.—For the purpose of ensuring that liquidity assistance is available on an objective basis to any insurance company, particularly if 1 or more insurance companies are threatened by a potential liquidity crisis and short-term credit may not otherwise be available to such companies and in addition to any other procedure or condition established under this Act, the procedures and conditions established under this section shall apply to liquidity assistance provided by any Federal Reserve bank under this Act to any insurance company.

"(b) ELIGIBILITY.—An insurance company may obtain liquidity assistance under this Act only if the company is certified by the board to be eligible for such assistance in accordance with the procedures established under subsection (d).

"(c) FINANCIAL RESOURCE REQUIREMENTS.—

"(1) ESTABLISHMENT REQUIRED.—Before the end of the 180-day period beginning on the date of the enactment of the Federal Reserve Liquidity Assistance Act of 1991, the Board, in consultation with State insurance regulatory authorities, shall establish minimum financial resource requirements for insurance companies for purposes of this section.

"(2) DENIAL OF LIQUIDITY ASSISTANCE FOR FAILURE TO MEET MINIMUM REQUIREMENTS.—No insurance company may be certified by the Board as being eligible for liquidity assistance under this Act unless such company meets or exceeds the minimum financial resource requirements established under paragraph (1).

"(d) PROCEDURES FOR CERTIFICATION OF ELIGIBLE COMPANIES.—

"(1) IN GENERAL.—The Board shall establish procedures for certifying insurance companies as eligible for liquidity assistance under this Act.

"(2) GUIDELINES FOR VALUATION OF COLLATERAL AND DETERMINATION OF RATES.—The certification procedure shall include guidelines for—

"(A) the valuation of collateral provided by any insurance company in connection with any liquidity assistance provided under this Act; and

"(B) the determination of financing costs applicable for any such assistance.

"(3) LIST AUTHORIZED.—The Board may maintain a list of the insurance companies which are eligible for liquidity assistance under this Act.

"(e) TERMS AND CONDITIONS OF ASSISTANCE.—

"(1) COLLATERAL REQUIREMENT.—No liquidity assistance may be provided under this Act by any Federal Reserve bank to any insurance company unless the assistance is secured by collateral of a type and in an amount approved by the bank.

"(2) COMPARABLE TERMS.—Any liquidity assistance provided under this Act by any Federal Reserve bank to any insurance company shall be made for such period of time and at such financing costs as are generally applicable to advances to depository institutions (as defined in section 19(b)(1)(A)) under section 10, 10(a), and 10(b).

"(3) NOTICE OF LIQUIDITY ASSISTANCE TO BOARD AND STATE INSURANCE REGULATORY AUTHORITY.—Any Federal Reserve bank which provides liquidity assistance under this Act to any insurance company shall provide prompt notice of such assistance to the Board and any appropriate State insurance regulatory authority.

"(f) REQUESTS FOR LIQUIDITY ASSISTANCE.—

"(1) COPIES TO BOARD AND STATE INSURANCE REGULATORY AUTHORITY.—A copy of any request to any Federal Reserve bank for liquidity assistance under this Act by any insurance company shall be submitted to the Board and any appropriate State insurance regulatory authority.

"(2) CONTENTS OF NOTICE.—Any request for liquidity assistance under this Act by any insurance company shall contain a certification by the company that—

"(A) as of the date of such request, the company is and, during the 12-month period ending on such date, has been in compliance with the minimum financial resource requirements of the Board and any appropriate State insurance regulatory authority; and

"(B) the collateral offered by the company to secure any such assistance is adequate.

"(g) COMPLIANCE REPORTS FROM STATES.—No liquidity assistance may be provided under this Act to any insurance company if any State insurance regulatory authority which has jurisdiction over such company, or any activities conducted by such company, has failed to provide any examination or other enforcement or compliance report requested by the Board or any Federal Reserve bank.

"(h) LIQUIDITY ASSISTANCE DEFINED.—For purposes of this section, the term 'liquidity assistance' means, with respect to any insurance company'—

"(1) any advance made by any Federal Reserve bank under this Act to the insurance company; or

"(2) the discounting by any such bank under this Act of any note, draft, bill, or other obligation issued, drawn, or endorsed by the insurance company.

"(i) REGULATIONS.—The Board shall prescribe such regulations as the Board may determine to be appropriate to carry out the purposes of this section.

"(j) ANNUAL REPORT TO BANKING COMMITTEES.—The Board shall submit an annual report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on any liquidity assistance provided by any Federal Reserve bank to any insurance company during the year covered by the report.".

AID FUND CONSIDERED BY INSURERS

(By Eric N. Berg)

The nation's large life insurance companies have quietly begun exploring the establishment of a giant emergency fund that could provide short-term assistance to cash-strapped insurers.

The fund, which would be financed by the companies themselves, would probably be modeled after the Federal Reserve's lending program for distressed banks.

As the Federal Reserve acts as a lender of last resort to banks whose cash is being depleted by depositor withdrawals, the insurance fund would be used to rescue insurers that are financially sound but unable to handle an onslaught of policyholders seeking refunds.

HOPING TO AVERT PANICS

"The plan should keep policyholders from panicking at the first hint of trouble," said David S. Hochstim, a financial institutions analyst at Bear, Stearns & Company, "Such panics can themselves cause a crisis for even healthy institutions."

The idea of creating an emergency fund is in the embryonic stage. Nothing firm has been put on paper and the obstacles to establishing such a fund are numerous and formidable—from deciding how much each insurer would contribute in making sure the fund was not used to bail out incompetent managements. Indeed, industry experts say the chances are against such a fund being created.

But the fact that top insurance executives are taking about such a program is testimony to the extraordinary change in psychology that has swept through the industry.

BOLSTERING PUBLIC CONFIDENCE

Insurance executives hope that the existence of such a fund could avert the type of policyholders' runs that led regulators earlier this year to seize three giant life insurers. Executive Life and First Capital Life of California and Mutual Benefit Life of New Jersey. Industry analysts say that at a minimum, establishing a fund would bolster public confidence.

"Financial institutions are confidence games," said Michael W. Blumstein, an analyst at Morgan, Stanley & Company. "So anything you can do to bolster the confidence of policyholders has got to be viewed positively."

As recently as March, before the failure of Executive Life, most industry executives would have denied that a life insurer could suffer the equivalent of a run on a bank, with hordes of customers clamoring for their money at once. Even if the effort to create a loan fund fails, analysts say, the industry will continue to seek ways to protect insurers that are basically sound but are being driven from business by policyholders cashing in.

Life insurance industry executives were unwilling to talk about the loan-fund discussions, saying that even publicizing the subject could rattle already-nervous policyholders. But people familiar with the effort say it is being led by Ian M. Rolland, the chairman and chief executive of the Lincoln National Life Insurance Company, the nation's 13th largest life insurer, with nearly $20 billion in assets.

Mr. Rolland is also the chairman of the newly formed solvency committee of the American Council of Life Insurance, the industry's Washington-based trade group. Also on the committee are Robert C. Winters, chairman and chief executive of the Prudential Insurance Company of America, who is understood to strongly support a loan fund, and Edward H. Budd, chairman and chief executive of the Travelers Corporation. None of the three executives returned telephone calls seeking comment.

MEETING PLANNED

All three men are expected to attend a meeting of the solvency committee to be held before the council's regularly scheduled board meeting on Friday in Laguna Niguel, Calif., south of Los Angeles. Establishing a loan fund is not on the solvency committee's agenda, but given Mr. Rolland's strong interest in a fund, it is possible he could raise the subject before the council's board.

Should the current exploratory talks develop into concrete plans, the effort would almost surely be coordinated by the council. Richard S. Schweiker, the former United States Senator from Pennsylvania who is the council's president, has already participated in conference calls in which top industry executives have discussed the idea of a loan fund.

But neither Mr. Schweiker nor the council's board has lent support to the concept. And while acknowledging that creating a loan fund is being discussed, Mr. Schweiker issued a statement on Friday emphasizing that the effort so far amounted only to "initial, exploratory discussions," largely by industry technicians.

HELP FOR CURBING PANICS

If a loan fund like the Federal Reserve's bank operation could be organized, experts said it could go a long way toward preventing another policyholder panic like the one that most recently claimed the Mutual Benefit Life Insurance Company, a huge life insurer based in Newark.

While no one disputes that Mutual Benefit suffered enormous losses from its investments in commercial mortgages, many insurance experts note that to this day, the company remains solvent. The only reason Mutual Benefit had to be seized, these experts say, is that a large number of customers became unnerved by the company's losses and demanded refunds of their savings at once.

In theory, the experts say, if a loan fund had been in place, either the run might not have occurred or Mutual Benefit could have borrowed from the fund to meet its cash needs.

"Establishing a liquidity facility would be positive because, at present, there really is no lender of last resort in the insurance industry," said Joan Zief, a life insurance analyst at Merrill Lynch & Company. "Today, the question policyholders and insurance-stock investors are asking is not, 'What is the value of your assets?' but rather, 'How much money can you raise overnight?'"

Terence Lennon, head of the Life Insurance Bureau of the New York State Insurance Department, also favors a loan fund. He said a fund could help an insurer avoid being forced to sell assets because of huge policyholder withdrawals.

"Just having the loan fund there might eliminate the need to sell assets," he said.

But Mr. Lennon and other experts said dozens of issues would have to be worked out before a fund could be established. For example, policyholders might not be as vigilant in selecting an insurer if they felt the loan fund would bail them out should the insurer face a cash-flow problem.

Another issue is avoiding abuse of the insurance loan fund. In particular, the fund would help companies that were essentially healthy but were suffering short-term cash pinches. But cash-flow problems often reflect more fundamental problems.

□ 1320

TERRORS WE FACE IN THIS WORLD

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

ANNIVERSARIES CELEBRATED TODAY

Mr. DORNAN of California. Mr. Speaker, I am shocked that during the whole debate today and in all of the 1-minute speeches, both before and after the regular legislative session, that no one mentioned that this is a glorious day for the Congress of the United States. It is our birthday. On September 17, 204 years ago, the Constitution of the United States was passed. That document created not only the House of Representatives but also the U.S. Senate, where our distinguished brothers and sisters serve in the upper Chamber at the north end of this, the most beautiful building in the world. But the Constitution also established the Supreme Court, where Mr. Clarence Thomas, judge of the Ninth Circuit Court, has just finished some excellent testimony which began 5 days ago. And I look forward to him joining that great branch of Government as an Associate Justice. But this great document also established the Presidency and the White House and our tripartite system of Government with its checks and balances. All of that was today.

And it is a special day for the cloakroom, because one of the great police officers on this Hill, serving 8 years defending us, joined the Republican cloakroom 5 years ago—13 years of service. So to Peggy Sampson, whose birthday it is today—still in the low thirties but I will not specify the exact number—happy birthday. And as I went up to Peggy to remind her about her wonderful birthday, she reminded me—and I am glad she did, although it was in the back of my mind this morning to call California—that this is the fourth birthday of one of my eight grandchildren, Erin Mary Griffin. She was born 4 years ago on the 200th anniversary of the birth of the U.S. Constitution and our great system of Government.

And it is also the birthday of one of the people, just to break a rule, Mr. Speaker, one of our visitors in the House gallery today. Happy birthday to the young bride up there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. If the gentleman will suspend, his remark is not in order. It is not in order to address members of the gallery.

Mr. DORNAN of California. I am sorry, Mr. Speaker. I cannot take back the happy birthday though.

But I should note that our great former colleague, Congresswoman Lindy Boggs, who still commutes between her beautiful area of New Orleans and Washington, DC, to lend her considerable talents to the furtherance of the commonwealth of our country, always says to me every time she sees me, "How is that little granddaughter of yours, Erin? Is she still going to be the first lady President?" She certainly got a good start being born on the 200th anniversary of our Government, and I hope she does serve in Congress someday. And I hope her mother, Robin, serves in Congress someday, as well as her brothers, Kevin and Colin.

Anyway, to the more serious business that I talked about earlier, Mr. Speaker, in my 1-minute speech. I couldn't decide whether to talk today about the great terror in the Soviet Union—almost 74 years of communism this coming November 7—or to talk about an emerging terror in this country, the attack upon Christianity in general, but with a specific vitriolic twist to the attacks upon my Christian faith, Roman Catholicism, or whether to talk about the great terror of abortion in this country, 1,600,000 of America's children each year, every one of them an American citizen had they been allowed to be born. Even if the mother were to travel to a foreign country for an abortion, if the child were born, whether in Iceland, or Sweden, Africa, or Asia, anywhere, he or she would be an American if the parents were American.

So I think I will weave these all together, starting with the great terror of communism.

I said in a 1-minute speech yesterday, Mr. Speaker, that the great American, British-born, British-educated scholar, Robert H. Conquest, who has spent several decades at the Hoover Institute for War, Revolution, and Peace at Stanford University, has updated, completely revised his book "The Great Terror," published about 20 years ago, on the Stalin purges, anti-Semitism, and terror, and how it had its roots in Vladimir Lenin. There are still Marxist teachers on college campuses, in the United States, who think it is politically correct to whitewash Vladimir Ilyich Ulyanov Lenin. But he has been set down in history, this killer, as the one who said you have to secure your revolutions in blood. Stalin took on the world and became the world's greatest serial killer, even eclipsing the madman Adolf Hitler. Mr. Conquest has kept the original title, "The Great Terror," but has added a subtitle, "Reassessment." And it is a great compliment to his book that after all the new information released on Stalin's reign of terror, he did not have to change substantially, in any way, his analysis.

I am going to submit for the RECORD a book review by a great Soviet scholar, professor emeritus of Russian history at the University of Vermont, Mr. Robert V. Daniels. His book review on "The Great Terror" says it all.

The article referred to follows:

HISTORY'S MOST EFFICIENT MASS MURDERER—THE GREAT TERROR, A REASSESSMENT

(By Robert H. Conquest)

(Reviewed by Robert V. Daniels)

"You think twenty million? I think more." So answered a young Soviet intellectual a few weeks ago to a passing comment about the number of Joseph Stalin's victims.

The terror of the 1930s, directed against peasants, intellectuals, Communists who had opposed Stalin in the 1920s, and Stalin's own army and bureaucracy, is a nightmarish memory that still transfixes Soviet citizens in all walks of life. There is scarcely anyone in the Soviet Union today who did not have a relative, or a friend's relative, either perish or emerge half-dead from the holocaust perpetrated on his own people by the dictator whom one eminent Soviet historian recently described to me as "even worse than Hitler."

Now, finally, the peoples of the Soviet Union have won the freedom to work their way through their horrible collective memories, made worse because these experiences could not be publicly exorcised for decades even after the terror itself had largely ended with the tyrant's death in 1953. In this task, the Soviets can now even accept the help of outsiders who have been able to study the terror from afar with a good degree of accuracy. Thus it is eminently fitting that the work of Robert Conquest, the West's No. 1 expert on Stalin's purges, is now being published in Russian translation in Moscow.

English-born and educated, Robert Conquest was already a world-class authority in Sovietology when he came to this country to become curator of the famous Hoover Library of War and Revolution at Stanford University, one of the world's major repositories of documentation on 20th-Century Russian.

Availing himself of the new historical data from Soviet sources freed up by glasnost, Conquest has now updated and fleshed out his classic study of the purges. The extraordinary thing is how closely the new information fits with the conclusions he had to work out 20 years ago through scraps of evidence and logical conjecture. As Conquest points out in his preface, he did not have to change any substantive conclusions in the new edition of "The Great Terror." This is not unusual: By and large, the whole body of Western Sovietology, long vilified by the Soviets as "bourgeois falsification," is being validated by the archives and actually embraced by the Soviets as the best guide they have to the honest understanding of their own past.

"The Great Terror" is a meticulous chronological account of the purges that Stalin carried out in the Soviet Union between 1935 and 1939, after his brutal collectivization campaign of 1929-1932 and the man-made famine of 1932-33 that Conquest chronicled in "The Harvest of Sorrow" (Oxford, 1986).

As Conquest shows us, the terror was neither a momentary explosion nor an unceasing internal war. Instead, it came on as a wave of successive campaigns directed by Stalin at his supposed enemies, rising in intensity from the initial pretext, the assassination in December, 1934, of Sergei Kirov (the Leningrad Party chief and putative liberal alternative to Stalin), to the orgy of arrest and liquidation in 1937 and 1938.

The Kirov affair initiated the more familiar side of the purges, the incredible series of trials and confessions by Stalin's Communist adversaries through which Conquest takes us in the first half of "The Great Terror." Gregory Zinoviev, Lev Kamenev and the former Leningrad Communist leadership were tried and executed in the first of the famous Moscow Trials in 1936, where all the accused confessed to preposterous charges of plotting to kill Stalin and restore capitalism.

Similar trials of Trotsky's followers and of Nikolai Bukharin and his "Right Opposition" group followed in quick succession in 1937 and 1938, with similar public confessions by the accused, now charged with plotting with the Germans and Japanese to partition the Soviet Union, with the medical murder of writer Maxim Gorky and others, and even retrospectively with a plot on Lenin's life immediately after the Revolution.

The problem of the confessions has long defied explanation, though every kind of theory has been advanced. Conquest stresses the Old Bolsheviks' dedication to "the party" as the source of "all morality and all truth," combined with the NKVD's refined techniques of relentless interrogation and torture, plus the simple matter of threats to families and hopes for clemency. However, it is not widely realized that quite a few of the old oppositionists, especially Trotskyists, resisted all this and were simply displaced without the formality of a trial. What remains the greatest puzzle connected with the trials, as Conquest points out, was the widespread acceptance of their authenticity in the outside world, among all political persuasions, not just Communists.

Part Two of "The Great Terror" takes us methodically through the lesser-known but much more extensive and even more baffling side of the purges, the Yezhovshchina or "Yezhov business," as it is commonly called after Nikolai Yezhov, Stalin's commissar of the NKVD from 1936 to 1938. Largely conducted in secret, this campaign struck everywhere in Soviet society, not just against known enemies of Stalin but also against the entire generation of leadership who had worked with him up to that point.

Through the cycle of arrest, torture, confession and implication of ever-widening circles of people in imaginary plots, Stalin and Yezhov mowed down the officer corps of the Red Army, the cultural elite, the managers of the new industrial establishment leaders of the national minorities and, most surprising of all, the bureaucratic apparatus of the Communist Party itself, not to mention most of the foreign Communist who had sought refuge from fascism in the Soviet Union. The final installment of the terror was the liquidation of the purgers themselves, including Yezhov and most of the leadership of the NKVD.

My own study of the age composition of the postwar Soviet elite shows that, apart from a minuscule group of cronies, Stalin literally purged everybody who was somebody in the U.S.S.R. over the age of 35 (or for the military, over 40). Other than members of Stalin's Politburo and a few other lackeys, no one born before 1902 was left to staff the bureaucracy. This fact in turn accounts for the longevity in office of the Brezhnev generation who were promoted to fill the shoes of the purge victims; they did not fall by the wayside until the 1970s and 1980s, when the last the path was opened for the Gorbachev generation of reformers.

The exhaustion of Stalin's frantic search for "enemies of the people" did not mean the end of arbitrary arrest and imprisonment. The gulag and prison population of about 8 million at the end of 1938, by Conquest's estimate, as periodically replenished thereafter by deportations from the West territories seized in 1939-1940 (including the Baltic states); by Axis prisoners of war; then by Soviet POWs and forced laborers accused of treason after they were repatriated at the end of the war; by certain categories of people purged after the war (Jewish intellectuals, Communists who backed the wrong horse during the infighting among Stalin's lieutenants); by common criminals (including the perpetrators of "economic crimes" that would be legal business in most countries), and by all those (like Alexander Solzhenitsyn) who gave the authorities any reason to doubt their loyalty. Conquest gives the figures of 12 million still alive in the camps in 1952, of whom about 8 million were amnestied after Stalin's death.

Naturally, today's readers, like those of a generation ago, will want to know why and how all these crimes could possibly have happened. Explanation of this order is perhaps the less definitive side of Conquest's work.

Following the facts closely, he shows Stalin to be what George Kennan called "a man of incredible criminality effectively without limits." But this picture does not fully explain how Stalin could amass the power that enabled him to give free rein to his murderous instincts. Was he, as Solzhenitsyn—and even some Soviets nowadays—holds, simply the logical sequel to Lenin and the Communist Revolution, or was he a demonic usurper who crushed all that was good in the revolutionary experiment, as a majority of Soviet intellectuals still see to believe?

This is an old issue among Western observers, and it is not likely to be resolved soon. However, if one simply adds up the victims, Stalin killed more Communists than all of this century's right-wing dictators put together. If his claims of Marxist-Leninist ideological virtue did not still confuse us, we would recognize him as the greatest counterrevolutionary despot of all time.

Daniels, professor emeritus of Russian history at the University of Vermont, has just returned from the international conference on Russia in the 20th Century, sponsored by the Soviet Academy of Sciences. His most recent book is "Year of the Heroic Guerrilla" (Basic Books).

If you want to pay close attention to the events that have passed before us in this stunning way over the last 2 years, this book gives a great foundation. Read some of the good works on Lenin, and you will understand what a foundation of sand Mr. Gorbachev and Mr. Yeltsin have upon which to try and build a democracy. Just the opening paragraph of the Daniels review of Robert Conquest's "The Great Terror" says "'You think 20 million? I think more.' So answered a young Soviet intellectual a few weeks ago to a passing comment about the number of Joseph Stalin's victims." We have to keep in mind that Hitler killed 6 million European Jews in his ovens, and 6 million others including about one-half million gypsies, Catholic priests, and martyrs such as Maximillion Colby, and the great Protestant, Detrich Bonhoeffer. The slaughter was 12 million. Stalin killed

20 to 30 million of his own people, including almost 138 of his closest friends to secure the General Secretary's spot in the Communist Party so he could rule the country.

He signed one of the most infamous treaties ever signed in the history of the world. It gave him top billing because of his record of slaughter, the Stalin-Hitler Pact, otherwise known to scholars as the Molotov-von Ribbentrop Pact. When he signed this pact to chop Poland literally in two pieces, and give Stalin the right to conquer the free countries of Estonia, Latvia, and Lithuania, just freed, or relieved of their oppression as they put it, within the last few days. They always felt free in their hearts. But that bloody pact finally resulted in Operation Barbarossa which began 50 years ago last June 22, the date that Kiev fell to German Panzer divisions.

□ 1330

The slaughter that went on under Operation Barbarossa from June 22 through today was unparalleled. Never has any country lost so many in battle, either killed or captured. Most of the Soviet soldiers died in German concentration camps, as the Soviets responded in kind, slaughtering thousands of Germans, letting them freeze to death or working them to death in their gulag concentration camps in Siberia. This great slaughter cost the Soviet Union millions of their soldiers, and it rolled them all the way back literally to the gates of Leningrad, which was soon surrounded, and to the very gates of Moscow.

If Hitler, who had no military background other than as a corporal in the trenches in World War I, had not taken over command the next year and sent German units north to rescue other German units that were finally meeting stiff Soviet resistance, and if he had driven a spearhead all the way to Baku in Azerbaijan, he would have had the oil that he needed for his Panzers to wrap up the Soviet Union. In that event, the United States might not have come into the war, and England would have been left to stand alone and they would have starved if Hitler had produced more U-boats. A Hitler victory in World War II was a very close call.

Why was Hitler almost able to pull off a catastrophic victory? Stalin's signing, literally in blood, of the Stalin-Hitler pact.

So here are just one or two more lines to wet your appetite and hopefully make you call Oxford University Press and get this book, "The Great Terror." It says, "The terror of the 1930's, directed against peasants." a planned famine that killed 6 or 7 million of the kulak farmers in Ukrainia—and is it any wonder that the Ukraine wants to be free now—"intellectuals, Communists who had opposed Stalin."—and that is intraparty bickering—"and Stalin's own army and bureaucracy,"—Stalin killed every officer over 40 years of age, every intellectual over 35—"is a nightmarish memory that still transfixes Soviet citizens in all walks of life. There is scarcely anyone in the Soviet Union today who did not have a relative or a friend's relative, either perish or emerge half dead from the Holocaust perpetrated on his own people by the dictator whom one eminent Soviet historian recently described to me as 'even worse than Hitler'."

But you do not have to turn to an anonymous Soviet scholar. I heard Gorbachev personally on television in the Soviet Union, in August 1988, on a rerun of a program under perestroika by the group Remembrance. They actually had Gorbachev on film—and my Russian is not that good, so I had embassy people with me who were fluent translate it—saying that Stalin had killed far more people than Hitler.

Is it not amazing that Hollywood is still cranking out movies about Nazis? And properly so, to keep that horrible memory alive. But to this day they make fun of Sylvester Stallone for one of his Rambo films about the Soviet genocide of a million people in Afghanistan. Hollywood still thinks fondly of Warren Beatty's glorification of the killing Bolsheviks in the movie "Reds" where they stole the revolution from Alexander Kerensky and the real true democratic reformers. The Soviet Union went from serfdom to czarist oppression, under the czarist secret police, to Dzerzhinsky and the Cheka, under Lenin and Stalin, slaughtering millions of people.

They had that one little tiny window of democracy under Kerensky in the first few months in 1917, and now they are getting a second shot at it three-quarters of a century later. Our prayers are with them certainly, which brings me to a very important footnote in a special order I took out last week. I talked about an unknown columnist named Bill Endicott and how he puts in writing what Sam Donaldson says, in such an anti-intellectual way or Phil Donahue and his anti-intellectual way, that all anti-Communists, all rightwingers, all conservatives had no piece of the action of the collapse of communism.

Phil Donahue goes so far as to ignorantly state that it was all inevitable, that communism fell of its own weight, and that President Reagan and the rebuilding of our defenses after President Carter had no part of this.

But this guy Bill Endicott I mentioned last week said in his column that you have to feel sorry for conservatives; all of their efforts of their whole lives have been invalidated by the events in Eastern Europe and the Soviet Union over the last 2 years.

Of course, the second anniversary of the fall of the Berlin Wall is coming up on November 9. Is that not ignorant?

Well, guess what. At the California State Republican Convention, in Anaheim, who do I see? Former Los Angeles Times political reporter, and now columnist for the McClatchy news services, Bill Endicott. I expected him to defend intellectually this arrogant and ignorant line that we have all been invalidated, and I went up and I said, "Hello, Bill." He said, "I hear you made me famous on the House floor." I said, "Yeah. Probably. Nobody has ever heard of you outside of a few people in California." I said, "Tell me something," I said, "I do not mind personal little cheap shots at me." And he goes, "Well, that is all in the game." I said, "Sure, I am a big boy." I said, "But this line that every conservative is invalidated, does that include all of the veterans that volunteered in the Korean war to fight against communism, all the officer corps, young men and women, that have gone to the Air Force Academy, Annapolis, West Point, because they thought communism was an evil equally as bad as fascism and nazism and wanted to help crush this evil and liberate the Earth from it? Does that mean all the guys in Vietnam on that wall and the 8 women on that wall, 58,000 people, who died fighting communism—that is a plaque that ought to be at that wall someday—that they all wasted their time? Every CIA agent killed, almost 50 of them around the world, and in some dark alley in Bucharest, Budapest, Prague, East Berlin, that died fighting communism, they are all invalidated?" His eyes are starting to glaze over. I said, "You have not only insulted the Bill Buckleys of the world and the Pat Buchanans and the BOB DORNANS and the Rush Limbaughs, but you are talking about flesh-and-blood human beings including all the people who resisted in the gulag camps, every freedom fighter who died in Angola," and I could see his eyes glazing more, "Afghanistan, the Contras in Nicaragua. You get the point, Bill. Have you got any rationale for that?" "No, not really. It is just all in the game." And he walks away.

That ignorant approach is being taken across this country.

Remember one of our colleagues, BOB MCEWEN, has said that being ultraliberal means never having to say you are sorry or "I was wrong"; but to go one step further and try and take advantage of it.

There is now a brand new Presidential candidate this week who said that the American people have fought to conquer nazism, fascism, and communism, and I remember that same man standing in this well ridiculing an American who was tortured to death in Vietnam, Tucker Gugelman, who went back to help some people, and he said he went back and he was trying to get a woman out of Saigon, trying to make the case that this ex-marine, ex-CIA guy who was tortured to death over months in a Saigon jail and died in June 1976, was the exception to whether or not we left anybody back in Vietnam.

Even as a naval officer, he should know that we left 389 men in Korea, left them to rot there for 38 years now. Did they not offer themselves, their whole lives, and a miserable dozens of years in Communist cells in North Korea to fight communism? You bet they did.

This same person also has gone down to help the Ortega brothers prevail in Nicaragua, tried to do everything he could, I guess, to make sure there was never this glorious election for Violeta Chamorro. He's somebody who is enamored with the left, likes to talk about nazism and fascism but never about communism. Now, the day he declares for the Presidency he starts talking about the great American people with their traditional family values, another Catholic for abortion, talking about conquering communism when he was one of those liberals across this country that slowed the process and took the pictures at Con Thien tiger cages with a Government camera, Government film, sold them against the wishes of the chairman, SONNY MONTGOMERY, on whose coattail he had joined as a staffer, and Life magazine paid him $15,000 in 1973, about $60,000 in now dollars, used that to run for Congress in 1974—a Watergate baby—comes to the House, and now he is running for the Presidency, and taking credit for taking down communism.

I only know a handful of liberals, and most of them are neo-conservatives like Irving Kristol and Norman Podhoretz, who wrote the book "We Were Right To Be in Vietnam." How do you like that title? Hated by his former liberal friends, this neo-conservative.

There are people who have a piece of this action, but very few liberals that I know of ever had an anti-Communist thought in their life, ever espoused anticommunism, ever written about it. It was an appelation that they thought was pejorative. They never wanted to be described as anti-Communist in their lives, and now they are looking at this glorious collapse of communism and saying, "What are you conservatives going to do now that communism is dead?" And I repeat my answer from last week: work on the liberal philosophy that has saturated this country with child pornography, abortion, crime, lousy schooling, no homework, kids that cannot compete around the world, not just with Japan and France, but some Third World countries that turn out kids with a better knowledge of geography and history than some kids coming out of our schools.

□ 1340

No, working on our liberal philosophy, trying to undo everything from the sixties to today is, believe me, a full-time job. So I am glad that I do not have to spend as much time worrying about the barbarians outside the gates. Now I can concentrate on the barbarians inside the gates.

And speaking of barbarism and holocausts, we have had 26 million abortions in this country since Roe versus Wade, a lying case based on a rape that never happened. Norma McCovey is running around this country with her radical feminist friends, the NARAL people and the NOW people still talking about how she should have been allowed to abort all three of her daughters, and guess what, her daughters are alive in their twenties.

You have to kind of read in the popular tabloid press, to find out that all three of her daughters would like to meet their mother, Norma McCovey; her alias was used as Roe in the Roe versus Wade case. They would like to meet their mother, but they would still like to hear her say that she is glad that she did not get to abort them before they met their birth mother. I guess she gave all three of them up for adoption, but she is still being applauded at Hollywood-left gatherings. She still gets interviewed about how the great Roe versus Wade case came out of her when she lied about rape.

I wonder if that would have been a Supreme Court decision of such great import in some other area if liberals would not be saying that it had to be invalidated on the fact that all the lawyers, and I assume they did not know—well, I think the key Texas woman lawyer did know that she was lying—told her, "Let's press ahead anyway." But in any other case that probably would be invalidated.

So let me shift now into abortion and a stunning column, written by Dr. George Flesh that ran in the Los Angeles Times Thursday, the very day I was making that special order last week touching on this. Here on the commentary page, Thursday, September 12, the Orange County edition of the Los Angeles Times—it might not have been in the regular Los Angeles Times edition. But I have found out through my sources that there was a tremendous fight in the editorial offices of the Los Angeles Times, Orange County edition, that this article was ever run by this doctor, which is titled, "Perspective on Human Life. Why I No Longer Do Abortions."

But I hear that some people were particularly offended by this picture, probably from Life Magazine—well, it is an Associated Press picture of a 4½-month, that is dead center in what the Supreme Court taught us to call the second trimester, this little perfect human being. They were offended by that picture.

Well, I guess if there is somebody who worked on a paper and paid for an abortion or had an abortion, they would be offended at seeing a human face with little hands perfectly formed, fingernails, nose, mouth, eyes closed, about to suck its thumb, probably the heart had been beating for months, the brain waves have been there since the 40th day, I guess they would find that offensive because it reminds them of what they killed inside of them.

So listen to Dr. Flesh's article, "Why I No Longer Do Abortions." Second headline, selected out of his article by the Los Angeles Times.

> Tearing a second trimester fetus apart simply at a mother's request is depravity that should not be permitted.

This is by George Flesh.

> Last Yom Kippur, I decided to stop doing abortions.
>
> My first abortions, as an intern and resident, caused me no emotional distress. I felt that I was helping a patient solve a serious problem. The fetus was no more than unwanted tissue.

Still hear that on all the networks.

> Although doing second-trimester abortions sometimes disturbed me, my qualms were easily overcome by ideas of women's rights and free choice. Among most people I respected, the practice of abortion might as well have been part of the Bill of Rights.
>
> My discontent began after many hundreds of abortions.
>
> I decided to do no more second-trimester abortions when I started my private practice.

An important footnote. The Operation Rescue going on in Wichita since mid-July, ridiculed by most of the dominant media liberal culture, I am speaking about the big 12, Time magazine, Newsweek, U.S. News, New York Times, Los Angeles Times, Washington Post, Wall Street Journal, ABC, NBC, CBS, CNN, PBS, you know, the big 12, that is mostly staffed by liberals. Most of them have not been to church in years. About 4 percent say they attend church with any kind of regularity at all. That means infrequently. They have been ridiculing the whole Operation Rescue in Wichita.

Guess what Dr. Tiller does, this former Navy pilot. He does second and third trimester abortions. Remember, he does third trimester abortions and he has crematoria that was pumping ashes out all over the houses of the neighborhood. These are both residential neighborhoods, one right on a corner, and this is what built up to Operation Rescue selecting this, and although I do not approve of civil disobedience in rare instances when it goes into charging cars or climbing fences, which has happened there against the orders of the leadership, if I were going to go to the south, and I did as a conservative Republican and helped register black voters in Alabama and Mississippi and marched with Martin Luther King, which I did on August 28, 1963, and as far as I know there are only two of us in this House who were there, JOHN LEWIS, who was a 29-year-old brave civil rights worker on the speaker's platform, me in the third row sitting next—as a total unknown in my Air Force captain's uniform, and I have the color pictures in my office if anybody finds it unbelievable, sitting with the late Robert Ryan, the late Sammy Davis, Paul Newman, Jim Garner, had a big delegation fly out from Hollywood and I stowed away and wore my uniform, which was my identity at the time. A little black lad comes up to me and says, "Are you marching or guarding?"

And I said, "I'm marching, son."

And he said, "Can I hold your hand?" And I held his hand all the way down the Mall; a proud day to listen to Martin Luther King talk about "I have a dream" for me.

So when I see this crematorium there in Wichita and realized that this is civil disobedience, just as Martin Luther King engaged in civil disobedience against immoral Supreme Court decisions, like the Dred Scott decision and everything else, keeping African-Americans "in their place" in this country, you had better believe that when I read that "Tiller, the killer," is his nickname, was doing second and third trimester abortions, I thought of that when I read that this doctor quit because it was second trimester. "Extracting a fetus, piece by piece, was bad for my sleep. But as a gynecologic consultant at a university health center, I saw many early abortion referrals, since unwanted pregnancy is, by far, the most common surgical problem in young women."

I do not think it is a problem, doctor. It is a natural condition. But you are not there all the way. I will take 90 percent of the way. "I felt great sympathy for these women, often abandoned by boyfriends"—that is the playboy philosophy, is it not, Heffie? "or afraid to tell them about their pregnancy. I took good care of these patients. Their gratitude gave me much satisfaction."

"But, insidiously,"—I would say spiritually—"the satisfaction diminished. Depression clouded my office day when I had an abortion scheduled. My pulse raced after giving the local anesthetic. Although I still felt sorry for the unmarried 20-year-old college junior, I felt increasing anger toward the married couples who requested abortions because a law firm partnership was imminent, or a house remodeling was incomplete, or even because summer travel tickets were paid for.

"Anxiety attacks, complete with nausea, palpitations and dizziness, began to strike me in some social situations. In public, I felt I was on trial, or perhaps should have been. I no longer was proud to be a physician. Arriving home from work to the gleeful embrace of my kids, I felt undeserving that God had blessed me with their smiling faces. The morning shaving ritual became an ordeal, as I stared at the sad face in the mirror and wondered how all those awards and diplomas had produced an angel of death.

"Why did I change?

"Early, in my practice, a married couple came to me and requested an abortion. Because the patient's cervix was rigid, I was unable to dilate it to perform the procedure. I asked her to return in a week, when the cervix would be softer." A natural process as the pregnancy goes on. "The couple returned and told me that they had changed their minds and wanted to keep the baby."

It is always a baby when you have not made up your mind, or certainly when you want to have it. You turn it into something inhuman, a product of conception, POC or unwanted tissue, as he said he trained himself when he was an intern in residency. "I delivered the baby 7 months later."

"Years later, I played with little Jeffrey in the pool at the tennis club where his parents and I were members. He was happy and beautiful. I was horrified to think that only a technical obstacle" a week, that rigid cervix—"had prevented me, from terminating Jeffrey's potential life."

□ 1350

Scrap the word "potential," Dr. Flesh, you are coming along, terminating his life. Brain waves and the heart were there, Dr. Flesh.

> The connection between a 6-week-old human embryo and a laughing child stopped being an abstraction for me. While hugging my sons each morning, I started to think of the vacuum aspirator that I would use 2 hours later. This was an emotional tension I could not tolerate.

By the way, you heard it here, that Dr. Tiller will be leaving the abortion business soon. He does not want to give satisfaction to the Operation Rescue people who have been picketing him since July. So he will wait the decent period of a few months, and during that period he will indecently slaughter a whole bunch more babies in their second and third trimester, and then he will go back to his real wealthy medical calling, plastic surgery, rhinoplasty.

Dr. Flesh continues: "Nor could I live with the conflict between Jewish law and my medical practice." By the way, when I said I was going to read this almost in its totality to my wife, she said, "Well, maybe you ought to get a Jewish Member to read it. Maybe somebody will think it's a little bit rough for the Irish-Catholic Dornan to read it." Well, a fallen-away Irish-Catholic, nonpracticing or lapsed Catholic, Irish-Catholic, is the one who runs the biggest third trimester abortion mill in California. And it is in a city named after St. Augustine's great mother, St. Monica. In Santa Monica, CA, it is an Irish-Catholic, ex-Catholic, self-excommunicated Catholic, who is running the abortion clinic there. So I will let somebody read that story, but I could not pass up Dr. Flesh's great testimony. He said:

> With the conflict between Jewish law and my medical practice, Judaism has become the lens through which I see the world. The mitzvot—God's commandments—guided my behavior. But as a religious Jew, my desire to fulfill Torah was absurd as long as I performed elective abortions, a clear transgression.
>
> My ritual observances from Shabbat kiddash to lulav and etrog on Sukkot, seemed hollow and hypocritical. I yearned to sing prayers passionately. I could not draw closer to God. Wrapping myself in tallit and tefillin meant nothing.

Those are spring ceremonies symbolizing wheat and other gifts from God.

> The contradiction was too great. My spiritual aspirations were shattering. My intellectual integrity was disintegrating. I had to stop doing abortions.
>
> Perhaps you might expect to hear me speaking at the next antiabortion rally. You will not.

Now, that is what Dr. Nathanson said, Dr. Nathanson who had performed 60,000 abortions and helped form NARAL, the National Abortion Rights League, the one that runs all the Statue of Liberty commercials, and was at their first meeting, saying, "Our focus must be specifically anti-Catholic," that is the next part of my special order.

Dr. Bernie Nathanson was in on that when he first stopped doing abortions, and his was a scientific revulsion, not a religious revulsion. He said he would never speak at rallies. Now he is one of the best speakers in the country. So Dr. George Flesh, you may say in this Los Angeles Times commentary that you are not going to be speaking at rallies, but I feel too much spirituality in your article. I will see you at one of the meetings soon.

"There are some abortions I would do even now—pregnancies that threaten the mother's life, pregnancies resulting from rape or incest, pregnancies involving extreme birth defects." Should we have gotten Helen Keller, and not let her live? If somebody has any infirmities, for example, if the genetic research is correct that in the hypothalmus you can find the absence of cells that tells somebody is homosexual, can you imagine the families across this country who will abort a child because they have two or three daughters and they want a first-baseman son? Can you imagine the doctor walking in and saying, "We have done the amniocentesis test and," for a black family, "no sickle-cell anemia," and for a Jewish family, "don't worry abut tay-sachs." "We still haven't nailed down what it is, those genes that form alcoholism. But this is going to be a healthy baby, no spina bifida, no birth defects, looking strong, good heartbeat. Do you want to see them on the sonogram?" They all go in and look at the sonogram.

Now, there is a little problem we have here: The hypothalmus, when you see an absence of cells, we know the gender." Do you want to know? OK. "Well, it is going to be a son. Your first son is going to be a homosexual. Is that OK?" How does that go down with the average American family? Homosexual couples do not have children. They try to adopt them. So they are not going to be confronted with that problem.

What about the homosexuals across this country? How many parents? What do homosexuals and lesbians think is going to happen when parents say, "Well, your daughter is going to be healthy and all, but this first daughter will be a lesbian. But then you can always have more children. And maybe your second daughter can be the prom queen. Don't plan on this first one. Maybe your second son, you know, can be President of the United States or first baseman on the New York Yankees or play linebacker for the Redskins, but this first one will more than likely be in some less aggressive pursuit. The first son is going to be a homosexual." How many parents without God in their life would look at one another and say, "Doc, that sounds good. Maybe down the line we will accept a homosexual or a lesbian, but this first one—I think we would like to abort this one and try again later so that we don't have a homosexual, because we do plan on having grandkids."

Now, that is inherent with some of these strange medical experiments that are coming out. Even the homosexual doctor who created this headline story on the Ted Koppel "Nightline" show said, "This is very rough research. Don't jump to conclusions here. Everybody I tested who died of AIDS was a homosexual. More than two-thirds of the handful of heterosexuals, I think 14, 15 corpses that I did work on were heterosexuals that died of AIDS." So maybe the AIDS itself causes the absence of certain cells in the hypothalmus.

So the debate rages on. The doctor, in spite of his warnings, did get on the Ted Koppel "Nightline" show, making the case that homosexuality is genetic, that homosexuals and lesbians cannot be responsible for their actions.

Now, back to Dr. Flesh's story. "I will not be speaking at the next rally." He gave the reasons, he would still perform abortions. This is why he will not appear at any demonstrations or come and work the Rayburn Room to check the Congressmen to change their vote:

He says, "Second, I am unable to impose my personal beliefs on a woman who feels her pregnancy will ruin her life."

I bet that he would impose his beliefs if the baby was 2 minutes old or 2 weeks old and was a spina bifida baby with a badly deformed spine, needing thousands of dollars of surgery, the kind that Dr. Koop, our former Surgeon General, was so brilliant at performing; I will bet that Dr. Flesh would say, "You cannot kill that baby. It is out of the womb now. You should have thought about this 10 minutes ago and should have had it killed while in its ninth month of development in the womb. You can't kill it now. It is a human being, and according to the Supreme Court, is a full person now."

Infanticide is wrong—even though it is accepted throughout countries like China. Slavery is also wrong. As a brilliant young lawyer from Illinois, Abraham Lincoln's initial stand when he was campaigning in 1860, and when he got elected President said, "I am against slavery, but I cannot impose my will on other people." You will come along, Dr. Flesh.

He goes on, "My conscience would not tolerate the terrible complications that illegal abortions would inevitably produce."

That is why the networks love to zoom in on the chart with the hangers on them when they talk about abortion becoming illegal. Although it is OK to kill 26 million people, nobody, not even Centers for Disease Control, or the National Institutes of Health, can give us the exact figures of how many women died in 1969, 1970, 1971, 1972, leading up to the fraudulent, based on a lie, Roe versus Wade decision.

"Finally, I do not believe that all immoral actions must be illegal. Perhaps in my ideal society of chastity until marriage"—boy is that politically incorrect—"chastity until marriage, poverty eradicated, universal respect for human life, abortion would be illegal. Alas, the Messiah (whether it be for a first or second time) has not arrived." He is including Christians in that stated line. I like that.

"But I am revolted when I see how casually some couples choose an abortion—for the convenience of having a baby in June instead of in February." If I said that on this floor, the liberal left on the majority side would try to laugh me out of the well. They would, in a rage, stand up. Some of the women would rush to the platform here along with their great champion, LES AUCOIN, and their new champion over here, RON MACHTLEY, and say, "Nobody ever has an abortion because the baby is due in cold February instead of nice June." But here is an abortionist doctor who is obviously speaking from experience. I wish I could get a comment on him about gender selection. He goes on to say, "I do not believe that a civilized society should encourage this," frivolous abortion on demand throughout all 9 months." That is all we have had for 18 years, 19 years since Roe versus Wade.

□ 1400

"The reality of 'choice' has profound moral and spiritual costs. The idea of 'moral and spiritual costs' may seem irrelevant or chimerical to some." Like a little myth, "it is as hard as rock to me. As for elective second-trimester abortions, I believe that they should be illegal." I have yet to see one "pro-choice" Senator or one pro-choice Congressman or Congresswoman in this Chamber ever come to this lectern, and suggest that it should be illegal for second trimesters. Of course, the doctor is not even discussing in his whole brilliant article third trimester abortions that Dr. Tiller, ex-soon-to-be-again plastic surgeon, has been conducting in Wichita, KS.

Dr. Flesh says:

> I understand that for some women this would be a terrible burden. Some would bear deeply unwanted pregnancies; others would go out and have illegal abortions; those who could afford it would go out of the country.

"But I believe that tearing"—let me start this one over. I want to slow down here.

Dr. George Flesh:

> But I believe that tearing a developed fetus apart, limb by limb, simply at the mother's request is an act of depravity that society should not permit. We cannot afford such a devaluation of human life, nor the densitization of medical personnel that it requires. This is not based on what the fetus might feel (pain) but on what we should feel in watching an exquisite, partly formed human being being dismembered.

I wish everybody could witness a second trimester abortion before developing an opinion about it.

> Since I stopped doing abortions, my life has blossomed; I love my practice. Years of struggle and guilt have ended. A certain calm and inner peace have returned. I feel closer to God. Our third child, Hanna, was born, bringing my wife and me immeasurable joy. She is named after my two grandmothers, one who survived Auschwitz and the other who was murdered there.
>
> Yom Kippur is approaching again. Last week I went to a sofer to check my tefillin. I had to buy new ones. My old tefillin were not kosher.

George Flesh, a doctor, practices obstetrics and gynecology in Los Angeles. Dr. Flesh, who is enjoying his life immensely, I hope your article becomes a seminal piece, a scholarly piece, that casts its powerful spiritual shadow over every debate that we ever have in this Chamber again.

Today, we passed again the D.C. bill. It now goes back to the U.S. Senate to discuss the financial issue of trying to add $50 million—which we do not have—to a hospital. They would have to carve it out of other issues. In that D.C. bill, not a single vote against our House language going back to the Senate conferees, is my BOB DORNAN language, now law in its third year. We passed it as law 2 years ago, but it is there this year and last year because President Bush vetoed this D.C. appropriations bill two times last year and one time this year. We are learning here that the President means it when he vetoes something, and that no abortion will take place in the District of Columbia except with private funds. None of the District local taxes or Federal money, will go to taking human life. The drop in abortions in this city, thanks to my language, has now brought live births into parity with aborted children. For all the 15 years since our bicentennial, this was the first major city in the United States of America where more babies were aborted than were allowed to be born. Our beautiful Federal Capital, one of the most beautiful cities in the world is finally reaching the point of reversing that ugly statistic.

Detroit and New York, and maybe parts of Los Angeles County and other places, kill more than there are live births. However, Planned Parenthood and the abortion cult in this country are going crazy in that unmarried teenage girls—inexplicably is the way they describe it in the dominant liberal press—are deciding to have their children rather than kill them. Maybe it is a photograph like the one that halved the editorial board. Maybe the majority said, "Don't publish this picture of a 4½-month-old baby in its mother's womb, this perfect little creature." I want to get at this, this exquisite formed human being and, in some cases, about to be dismembered.

Now this brings me to part three of my special order tonight: The great terror in the Soviet Union that goes on in Cuba and Vietnam, the great terror of abortion; part three, attacks on my Roman Catholic faith.

Mr. Speaker, I know we share the same faith, so I want to have a straight call on the time. How much time do I have left?

The SPEAKER pro tempore. Fifteen minutes.

Mr. DORNAN of California. Not the 20 I had hoped for, but that will do it.

Here is an article again from one of America's three major newspapers, the Los Angeles Times, way ahead of the Washington Post in foreign correspondents around the world I might add. This is an article by Amy Kuebel Beck, K-u-e-b-e-l B-e-c-k, Time's staff writer, and she does a pretty good balanced piece. I am going to hope to unbalance half of the balance that says there is not anti-Catholicism raging in America. It says, "Under Fire," headline, "Is Anti-Catholic Sentiment Increasing? Some Say Yes, and They're Not Going to Take It Anymore."

Well, thank you, because that is what I said last week, not knowing about this piece which was published the day before. I said, "I'm not going to take it anymore."

Here is her opening: Los Angeles public television station KCET; that means Community Educational Television, airs "Stop the Church," a controversial documentary about the Catholic Church and AIDS in which members of the activist group ACT-UP disrupt communion services at New York's St. Patrick's Cathedral and sprawl on the floor in a die-in.

OK, Amy, here is my first footnote: During my last town hall meeting over 2 years ago, homosexual activists, they had not formed ACT-UP yet, came and sprawled on the floor in this mock die-in and disrupted my town hall meeting. Almost causing some fist fights, I have never had a town hall meeting ever since, and I am going to have to figure out how to correct that. ACT-UP did the same thing to the gentleman from California [Mr. DANNEMEYER] just north of me in Fullerton, CA. I do not think he has had a town hall meeting since either. Since when can guerrilla theater homosexuals dying or not dying of AIDS come and break up meetings in this particular town hall meeting of mine on a particular focus before we went to general questions and answers, the good of the order? It was on narcotics. I had Federal narcotics people there. It was a good 45-minute opening. I went to the question and answer period on teenagers and drugs, and I get this guerrilla theater.

Now in this case, Amy, if I may talk about a little omission here, they did not disrupt communion services. They took the host of Jesus—and believing Catholics believe that is Jesus—out of their mouths or out of their hands, and they threw it on the floor. In this film called Stop the Church is one activist throwing the communion host on the floor and grinding it with his heel.

Now can you imagine going into a synagogue, talking some of these beautiful symbols of Judaism that Dr. Flesh was talking about, and taking them out on the front of the synagogue steps and grinding them into the ground? Suppose the Torah was one that had survived a burned or destroyed synagogue in Germany, and there are some Torahs that have survived. The Germans stacked them up in warehouses if they could not burn them and destroy them, and some were miraculously spared, and they have worked their way to be the prime Torah, and first five books, that are in synagogues around this country.

□ 1410

Imagine taking part or all of a Torah out in the front and stepping on it and grinding it with their heel. And all Jewish-Americans think that that is sacred scripture. They do not believe it to be the body and blood of the Messiah or Moses. That is how offensive that is to a believing Catholic. And yet most of the dominant media culture stiffed this story. I only saw it on CNN, and as I said last week, I was baptized at St. Patrick's Cathedral. That was my parish church for the first 10 years of my life. My mother was married there on June 27, 1929, with the great radio comedian, Fred Allen, as the best man. The Tin Man from the Wizard of Oz, my uncle, Jack, married to my mother's sister, was there. Jack Haley was the best man.

My dad was described as a World War I hero. I found the clippings the other night. There was my mother, and then Mrs. Flo Allen, still alive, gloriously, was there from the Zeigfeld Follies at that time. Other Zeigfeld follies girls were there as bridesmaids. This was a beautiful wedding. As I look at the pictures, they are stunning. It is like some movie.

That was St. Patrick's Cathedral, a cathedral built with the dimes and nickels and pennies of Irish peasants who fled the great Famine, and Italian-Americans, Polish-Americans, Americans fleeing from all the oppression and insanity of Europe, built this great cathedral with their pennies way out in the farmland in the middle of the island of Manhattan, and the city grew out to it. Now it is called Midtown.

Now, in this beautiful cathedral, we have these people, many of them, with a disease that, through their own behavior, they have inflicted on themselves. The Catholic church has as many or more AIDS hospices than any other group in this country, including all these so-called gay—very sadly, but ungay—groups across this country. Cardinal O'Connor prays and speaks out to help Mother Theresa bring her Little Sisters of the Poor to New York to run these AIDS hospices. That is where part of my pay raise went a couple of years ago. I say, "Don't tell me, Cardinal O'Connor, that my heart doesn't go out."

I have had nine acquaintances and friends die of AIDS—nine of them, starting with my good friend, Terry Dolan, in this city, all the way to people who have worked for my aunt, and one of them is dying of AIDS right now—no, he has already died. God bless Jameson, rest in peace. I have worked in a motion picture with Rock Hudson. Liberace went to my church, Good Shepherd, in Beverly Hills, and he stopped my little blonds and redheads on the lawn once and said, "These are the most beautiful children I have ever seen." And he was then winning a big suit that he was not homosexual, and those millions of dollars shut down a newspaper, and it turned out his whole legal case was built on falsehood about the torment within.

I count those as just people I have met, not the nine I have known personally and seen them, some of them suffering in the last weeks.

This is a terrible thing, this AIDS scourge. All our figures are 10 to 20 percent low. There are 100,000 who are just homosexuals who have already died in this country, and there are another 25,000 hemophiliacs infected from bad blood supplies who have died, including a lot of other thousands in that category, several thousand totally innocent children like Kevin White. And what did Phil Donahue and the whole homosexual activist movement try to do to little Kevin White? They tried to claim him because he was an innocent, and then act like everybody else is innocent, like we are not accountable for our own behavior when we are having sex, all sorts of dangerous sex, and that means oral and anal sex with infected people and with strangers, 10, 20, 30, 40, 50 times a month, 100, 200, 300 times a year. I have seen figures by the Los Angeles County Health Department up to 1,700 sexual—I started to say "combats"—sexual contacts by one person now long since dead of AIDS.

Now, we talk of people desecrating the cathedral. Wow. If this were a Jewish synagogue or—well, I cannot think of any other exception—no, we are kinder to Buddhists. There were seven Buddhists who were murdered by cheap thug burglars out in a Buddhist temple in Arizona, and it was properly described in outraged terms all across this country because somebody thought it was an antireligious act, and the Buddhists across this country and in Southeast Asia can sleep peacefully now, I heard one Buddhist monk say, because they solved the crime. It was cheap, petty thievery, and they did not get the gold they thought was in the temple, so they tied these people up and executed them in the back of the head.

But there was more press for the desecration on religious grounds of a tiny, little sect in this country than there is for 55 million Catholics across this country.

So the writer continues: "Virginia's Douglas Wilder asks, 'How much allegiance is there to the Pope?'" referring to Supreme Court nominee Clarence Thomas, because Thomas went to Catholic grade schools, and he is a practicing Episcopalian across the river in Virginia. But he publicly thanked the nuns who taught him and fought prejudice in the South. He was standing next to the President when he did that on the day of his announced pending appointment.

National Public Radio and ABC correspondent Cokie Roberts—now, she is the daughter of Lindy Boggs, my colleague and dear friend whom I mentioned a while ago while I was mentioning that today is the birthday of my little daughter Erin—or grandaughter. I will take her as a daughter in a heartbeat. Cokie Roberts on "This Week" with David Brinkley—now, they did not date this, but it was over a month ago; I saw this show—said that she is a Catholic and is flooded with vitriolic—that is her word—hate mail blasting her religion.

"Is the United States experiencing an anti-Catholic sentiment? Some Catholics would say yes. If you say," Cokie goes on, "that anti-Catholicism is alive and well, most people will look at you as if you are crazy. But it is true," she says.

On Thursday, a newly formed group—that is a week ago Thursday; I was there—whose spokesmen included William Bennett, former Secretary of Education and U.S. drug czar, and Mary Ellen Bork, the wife of Justice Robert Bork, who should be sitting on the Supreme Court but for a bigoted campaign against him—he is not a Catholic; his wife is. This is the Catholic Campaign for America, which was announced at a Washington, DC, press conference. It was Mr. Bennett actually. He said;

> We have had enough of Catholic bashing. We will attempt to speak in a level, even-tempered voice, nevertheless a strong one, to say that as Catholics we don't like to be bashed, ridiculed, made fun of. Sooner or later Catholics were bound to say, look, we are tired of being the easy target.

Bennett and others are quick to point to this. They point to comments about Thomas and Father Gregorio—this is a Paisan name—Corio. Father Gregorio Corio, a spokesman for the Los Angeles Archdiocese, said that

> * * * suggesting that American Catholics have a divided loyalty is as offensive as saying American Jews are torn between the United States and Israel, which is always looked upon as an anti-Semetic canard.

Try and say that in this well, and you will be branded an anti-Semite, and properly so. But we are getting very close to bashing Catholicism in this well when Members come forward and say, "We Catholics shouldn't force our religious beliefs on the abortion issue on others." There is a divided loyalty thing. When are we Catholics going to stand up on our hind legs, like our Jewish brothers and sisters, through their Antidefamation League, or even individually, and demand that this bigotry is going to stop, that we are going to shove it virtually back in their mouths?

These are questions about Clarence Thomas' religious beliefs. And, by the way, Doug Wilder, it is such a tragedy that he was the first American of African descent to become a Governor, because he won the Governor's race on one commercial showing the Statue of Liberty pregnant. I did not even know she dated. Pardon me for being flippant, but it was a stupid commercial. It was powerful, though. You pan all these beautiful women in prison, and then comes the Statue of Liberty itself and the cell door clangs, and then you see the American flag blowing.

In Virginia, for you million and a half people listening tonight, maybe 2 million across this country, all the way up in Alaska, Hawaii, the Virgin Islands, Puerto Rico, on C-SPAN—it is amazing, as you well know, Mr. Speaker—be advised that he won on that one abortion commercial. He was the first Governor elected on one issue, a killing issue, and he is the first African-American Governor. It hurt me that night. I wanted to revel in our first one. I thought our first black American Governor would be from California.

He is now up in the very Catholic State of New Hampshire trying to answer that stupid remark he made about Catholics. He took it back, but rather weakly.

Getting back to Clarence Thomas, John W. Whitehead, president of the Rutherford Institute, argues:

> Religious beliefs, questions about religious beliefs, amount to a religious test for public office. If I were a Catholic, I would be pretty upset myself. Other observers within the church and without say at the very least that prejudice against the Nation's 55 million Catholics persists, and that bigotry in any form deserves attack.

Arthur Teitelbaum, southern area director of the Antidefamation League of B'nai B'rith in Miami and supervisor of chapters in California, sees anti-Catholicism in society ranging from—and these are Arthur Teitelbaum's words—"gutter level extremist groups to casual cocktail party conversations which are pretty innocuous in their intent but poisonous in effect." That is where I put Act Up.

Mr. Teitelbaum goes on, "It is part of the mosaic. Bigotry today exists in America." He adds, "Any form is insidious and infectuous." That is a heck of a word, "infectuous."

□ 1420

Mr. Teitelbaum continues, when anti-Catholicism raises its ugly head, it is the responsibility of every Catholic and non-Catholic alike, particularly Jewish Americans, who suffer so much prejudice, and still do in this country, and black Americans, who, I might add, by the thousands and tens of thousands are Catholic Americans, that is a double hit when they hear that, he said non-Catholics alike, must repudiate it and attempt to quarantine it.

Oh, don't use that word, Mr. Teitelbaum. Somebody will say that is censorship.

Then I am going to skip over Andrew Greeley, the Catholic priest who writes all these nonsex sex novels, but he wrote a book called "An Ugly Little Secret, Anti-Catholicism in North America."

Cokie Roberts says, it is this snobbish, we know better than you, intellectualism. The idea persists that anybody that is a practicing Catholic has got to be a little stupid or a little naive, particularly on abortion and sexual orientation. A study released in April by the Center for Media and Public Affairs, I put it in the RECORD in its totality last week, I am waiting to hear how much it costs, commissioned by the Catholic League for Religious and Civil Rights, I was a charter member, the Knights of Columbus, I am still a member, but I may not pay my dues any more until they start kicking out Catholics who are for abortion. Don't leave it up to the Florios to resign themselves in anger.

Mr. Speaker, I will submit the rest of this excellent article. I will come back to it next week, because some of her balance here is I believe challengeable. I feel bad because I only read the good stuff in the beginning, made the case, and the stuff where she balances it does not make the case. But I will be back.

Let me put in a terrible review by Howard Rosenberg, who usually knows better, writing about this vicious film, "Stop the Church," and another article on Archbishop, now new Cardinal Mahony, calling for a boycott, and that is all American, that is not censorship, of KCET in Los Angeles.

[From the Los Angeles Times, Sept. 9, 1991]

UNDER FIRE?—IS ANTI-CATHOLIC SENTIMENT INCREASING? SOME SAY YES AND DECLARE THEY'RE NOT GOING TO TAKE IT ANYMORE

(By Amy Kuebel Beck)

Los Angles public television station KCET airs "Stop the Church," a controversial documentary about the Catholic church and AIDS, in which members of the activist group ACT UP disrupt Communion services at New York's St. Patrick's Cathedral and sprawl on the floor in a "die in."

Virginia Gov. L. Douglas Wilder asks, "How much allegiance is there to the Pope?" in reference to Supreme Court nominee Clarence Thomas, who went to Catholic grade schools and who publicly thanked the nuns who taught him.

National Public Radio and ABC-TV correspondent Cokie Roberts mentions on "This Week With David Brinkley" that she is a Catholic and is flooded with "vitriolic" hate mail blasting her religion.

Is the United States experiencing a rise in anti-Catholic sentiment? Some Catholics would say yes. "If you say: 'Anti-Catholicism is alive and well' most people will look at you as if you're crazy," said Roberts, "but it's true."

On Thursday, a newly formed group whose spokesmen include William Bennett, former Secretary of Education and U.S. drug czar, took the offensive. The Catholic Campaign for America announced at a Washington, D.C., press conference that it has "had enough of Catholic-bashing."

"We will attempt to speak in a level, even-tempered voice—nevertheless, a strong one—to say, that as Catholics we don't like to be bashed, ridiculed, made fun of," said Bennett. "Sooner or later, Catholics were bound to say: 'Look, we're tired of being the easy target.'" Bennett and others are quick to point to comments about Thomas, whose confirmation hearings are scheduled to start Tuesday.

Father Gregory Coiro, a spokesman for the Los Angeles archdiocese, says that suggesting that American Catholics have divided loyalty is as offensive as saying American Jews are torn between the United States and Israel, which "is always looked upon as an anti-Semitic canard."

Questions about Clarence Thomas' religious beliefs amount to a religious test for public office, argues John W. Whitehead, president of the Rutherford Institute, a religious liberties group in Charlottesville, Va. "If I were Catholic, I'd be pretty upset right now," he said.

Other observers within the church—and without—say at the very least that prejudice against the nation's 55 million Catholics persists and that bigotry in any form deserves attack.

Arthur Teitelbaum, Southern area director of the Anti-Defamation League of B'nai B'rith in Miami and supervisor of chapters in California, sees anti-Catholicism in sources ranging from "gutter-level extremist groups" to "casual cocktail party conversation which is often innocuous in its intent but is poisonous in its effect.

"It is part of the mosaic of bigotry that exists in America," Teitelbaum said, adding that any form is insidious and infectious, "When anti-Catholicism raises its ugly head, it is the responsibility of every Catholic and non-Catholic alike to repudiate it and attempt to quarantine it."

Sociologist, author and Catholic priest Andrew Greeley, who wrote "An Ugly Little Secret: Anti-Catholicism in North America," said anti-Catholicism is a "consistent and durable component of American life."

Greeley and others say anti-Catholic ideas emanate from both fundamentalist Christian and intellectual circles.

"It's this snobbish, 'We know better' intellectualism," said Roberts. The idea persists "that anybody who is a practicing Catholic has got to be a little bit stupid or at least naive."

A study released in April by the Center for Media and Public Affairs, commissioned by the Catholic League for Religious and Civil Rights and the Knights of Columbus, concluded that "long-term trends in [news] coverage have been less than favorable to the Church" and that "the language used to describe the Church increasingly carries connotations of conservatism, oppressiveness and irrelevance."

Los Angeles experienced its biggest wave of anti-Catholic hate crimes—as defined by the Los Angeles County Commission on Human Relations—from October 1989, to July, 1990. Nine churches were vandalized a total of 15 times, with graffiti, smashed and decapitated statues and painted swastikas. Some of the incidents were related to the church's stand on homosexuality and abortion. On Aug. 29, parishioners at St. Bruno's Catholic Church in Whittier arrived at early Mass to find Satanic graffiti spray-painted on statues and on the church—and an unexploded pipe bomb.

Fringe groups continue to publish hate literature, available in some L.A. religious bookstores. In May, anti-Catholic comic books were found on car windshields in Oceanside. Comics by Jack Chick Publications of Chino, Calif., say for example that the Pope is Anti-Christ. The Tony and Susan Alamo Foundation, founded in Southern California, has been a well-known distributor of anti-Catholic literature across the country. One Alamo pamphlet claimed that Pope John Paul II, as a young Polish salesman, sold cyanide to the Nazis for use in Auschwitz. Tony Alamo was recently arrested in Florida on charges of child abuse and tax evasion.

"What we're seeing is hatred. Not just hatred, but we're seeing that hatred tolerated," said Michael Schwartz, author of "The Persistent Prejudice: Anti—Catholicism in America."

Schwartz said church officials have told him it is unofficial policy to downplay anti-Catholic vandalism or sentiment, hoping it will wither on its own. That attitude is "extremely mistaken," he said, adding that American Catholics should follow the example of American Jews calling attention to religious prejudice and making it unacceptable.

Fr. Coiro of the L.A. archdiocese said he has never heard of such a policy, but church officials do choose to ignore some incidents rather than draw attention to them.

"Part of the blame I place upon ourselves," said Coiro. "We have not been vociferous enough in demanding equal treatment from our neighbors."

Schwartz points his finger at some "upwardly mobile" Catholic politicians and academics as well.

"To certify themselves as independent thinkers, they have to lead the charge against the church," said Schwartz, now a resident fellow in social policy at the Free Congress Foundation, a conservative public policy think tank in Washington. "When they're leading the attack on the church, it's open season for anyone else."

One lay organization founded in 1973 has tried to be vociferous. The 18,000-member Catholic League for Religious and Civil Rights based in Philadelphia, believes anti-Catholic incidents are on the rise and fights them by issuing statements, writing columns, aiding lawsuits and publishing newsletters, according to director for government affairs Patrick Riley.

Anti-Catholic sentiment in the United States can be traced back to this country's Protestant foundations. It continued through waves of Catholic immigrants in the 19th Century and, many observers say, with the current wave of Latino and Asian immigrants.

Bias was fanned by such nativist groups as the Know Nothings in the 1850s and the American Protective Assn. in the 1880s. Churches were burned, convents attacked. The 1936 book "Awful Disclosures of Maria Monk of the Hotel Dieu Nunnery of Montreal," a fraud, alleged that there were tunnels between monasteries and convents and that the resulting babies were strangled—and the book sold hundreds of thousands of copies. The Ku Klux Klan was actively anti-Catholic in the 1920s; such feeling helped defeat presidential candidate Al Smith in 1928.

Many Americans believed the election of John F. Kennedy as president in 1960 was an indication that anti-Catholic feeling in the United States was dying—or dead. But for others, recent events have disproved that notion.

Catholic teaching on issues such as abortion and homosexuality is a lightning rod for protest. But the distinction between criticizing a church position and unabashed Catholic-bashing can be a judgment call.

On Thursday, Los Angeles Cardinal Roger M. Mahony said "Stop the Church" was the most "blatantly anti-Catholic" film he had ever seen and urged Southern Californians not to send donations to support KCET. Gay activists and free-speech proponents say Mahony is guilty of squelching free expression.

And Frances Kissling, president of Catholics for a Free Choice in Washington, a group that supports legal abortion, said: "Whenever [the bishops] are criticized for their position on abortion, they revert to *ad hominem* attacks—This is anti-Catholicism, this is Catholic-bashing—when this is part of the normal give-and-take of political life.

"Sometimes bigotry is in the eye of the beholder, I have to admit that," said Ted Mayer, executive director of the Southern California chapter of the Catholic League, who is an Episcopalian. He recalled sharing a stack of purportedly anti-Catholic cartoons with a group of Catholics; some roared with anger, others with laughter.

Some Catholics caution against hypersensitivity. In the June issue of Commonweal, an independent magazine edited by Catholic lay people, David R. Carlin Jr., a Democratic state senator and sociology professor in Rhode Island, wrote: "Let's not toss the charge of anti-Catholicism about too casually, thereby adding Catholics to the list of those who refuse to debate, who prefer to silence their critics by charging them with some psychological infirmity or moral depravity."

The solution may be more speech, not less. Said Coiro, "If someone wants to say something vehemently anti-Catholic, fine, let him say it. But I want everyone else to be able to say: 'That man, that woman, is a bigot.'"

[From the Los Angeles Times]

Free Speech Watch—Air Rights

The activist group ACT UP is not a mainstream, polite outfit. Its cause is the elimination of AIDS—a cause that many share. But its extremist methods many people, including many gays, do not share: It can be confrontational and aggressively offensive. The film "Stop the Church," which chronicles an ACT UP demonstration at St. Patrick's Cathedral in New York City, was scheduled for airing Friday night on KCET Channel 28, Cardinal Roger M. Mahony, outraged at the film's anti-Catholic tone, denounced it and the L.A. public television station for scheduling it.

The denunciation is certainly within Cardinal Mahony's role as leader of the Los Angeles Archdiocese, the nation's largest. Many viewers, Catholic and non-Catholic alike, would find the film amateurish and less than riveting; in term of its quality, one could question KCET's decision to air it.

But does KCET deserve to lose public financial support because it sometimes airs films that offend? We don't believe so. Public TV, which depends so heavily on private donations, cannot fulfill its proper function if it is held economic hostage whenever it airs a controversial program, which it has done before and will likely do again.

Certainly public TV's primary purpose is not to offend. But we agree with KCET management's assertion that one of the mandates of public TV must be "to explore significant issues of controversy and present a wide diversity of opinion on programming, including opinions which may not be generally popular and material which may not be to everyone's taste."

[From the Los Angeles Times]

Mahony Gets Mixed Feedback on Feud With KCET

(By Penelope McMillan)

When Cardinal Roger M. Mahony wandered out among his flock on Sunday, he drew mixed reviews for his recent run-in with public television station KCET over a film he called "anti-Catholic propaganda."

As Mahony made his first visit ever to a small Catholic chuch at the edge of Silver Lake, parishioner Donna DiMarco said: "I'm glad he said something about Catholic bashing. Most times we just take it and don't say anything."

Ed Harper, another parishioner at the church, St. Teresa of Avila, said: "I don't feel he has the right to tell us to boycott KCET. That bothers me very much."

Last week, Mahony condemned KCET for airing a short film about AIDS activists protesting against the Catholic Church. The Los Angeles archdiocese head also called on supporters to consider withdrawing financial support from the station.

Reaction to Mahony's stand, at St. Teresa's and at other parishes in the area, was divided, with some wholeheartedly agreeing with the cardinal's stand and others quite critical.

Most interviewed said they had not seen the documentary, which showed an AIDS activist group disrupting a Mass in New York City, and were only vaguely aware of Mahony's appeal against KCET.

Some at St. Teresa's said they were worried that AIDS activists would show up at the church, and were relieved when Mahnony said the Mass and left, alone, driving his own car, without incident.

Among the more than 400 who stood in line after Mass to shake Mahony's hand or kiss his ring was Jane Nachazel, who described herself as a devout Catholic and church supporter.

But she approved of KCET showing the film because "it doesn't help anything to hide suff in the shadows." She also was concerned that Mahony had overreacted, adding: "It seems to me he humped to fifth gear without going from one through four."

As Nachazel moved through the line to reach the cardinal, the Los Angeles County employee said she "believed in discussion," and asked Mahony why he did not join a KCET panel after "Stop the Church" aired Friday.

"I wouldn't dignify it," Mahony replied.

Others said the cardinal had given free publicity to a film that was "stupid" or "not well done." "He exacerbated the situation," Jackie Johnson, a legal secretary, said outside St. Basil's Church on Wilshire Boulevard.

Mahony supporters criticized those who said the cardinal's efforts were violations of free speech. "We have free speech but you're not allowed to yell 'fire' in a crowded ballroon," said Stacy Colicchio, an engineer and regular parishioner at St. Teresa's. He thought the film was "vicious," and said he would drop his KCET membership.

Harold Warren, outside St. Didacus Church in Sylmar, said he applauded Mahony's willingness to stand up to AIDS activists. "They're a very forceful and vocal group now." Mahony's call to withdraw support from the station did not affect him, he added, because "I don't support KCET anyway."

[From the Los Angeles Times, Sept. 15, 1991]

'Stop the Church': All Parties Do Their Part

(By Howard Rosenberg)

Curious that it would happen this way, but, broadly speaking, everyone acted correctly:

KCET Channel 28 was correct to air a controversial film showing a 1989 demonstration by gay activists angrily denouncing the Catholic Church for its positions on AIDS and homosexuality. Despite charges to the contrary, the film basically does little more than document a militant, sometimes abusive protest and the rage and frustration behind it, with raw power compensating for cinematic coarseness. Moreover, a 90-minute package KCET aired Friday night—the 23-minute, "Stop the Church" bundled up in 57 minutes of background and discussion—turned out to be rather interesting.

Cardinal Roger M. Mahony, head of the Los Angeles Archdiocese, was correct to express his opposition to the documentary by denouncing KCET for airing it. Anyone angry about Robert Hilferty's film and its condemnation of church policy on AIDS and gays has a right, perhaps even an obligation, to speak out strongly and forcefully.

Debate: That's the American way.

Censorship: That isn't the American way.

Getting down to specifics, though, what an absolute mess this has become since PBS spinelessly yanked "Stop the Church" from "P.O.V." ("Point of View") shortly before it was to air nationally on that documentary series, which is specifically designed to feature the opinionated work of independent filmmakers.

"Stop the Church" is certainly opinionated in the way it captures members of the militant group ACT UP attacking and ridiculing some church policies and disrupting a service in St. Patrick's Cathedral in New York, acts certain to enrage many Catholics and others.

Mahony charged in a press conference later shown during the Friday night KCET program that in scheduling the Hilferty film on its own, Channel 28 was giving in to "blackmail" by gay and AIDS activists who had threatened to disrupt the station's crucial August fund-raising drive if "Stop the Church" were not shown.

In a press conference that also was included in the Channel 28 program, KCET president William Kobin branded Mahony's charge "totally untrue," although acknowledging getting "extreme pressure" from both sides in the controversy.

Whatever the truth, KCET's decision to air the film surely was not made in an isolation chamber sealed off from threats of economic reprisal. What this entire episode dramatizes is just how vulnerable PBS and its stations are without permanent long-range funding. When your existence depends on contributions, foundation grants and periodic government stipends—and this lifeblood can be clotted by a decision to air or not air a controversial program—the instinct to survive by being inoffensive is overwhelming.

Just look at what KCET has run up against, with Mahony not only criticizing the station, but coming within a millimeter of advocating a boycott while engaging in hyperbole that at least matches that of the film he finds so offensive. In his press conference, he said we should now hold KCET "morally and possibly legally responsible for every future act of terrorism against churches, temples and synagogues." This is a joke, yes?

With Jeffrey Kaye skillfully moderating, meanwhile, the background and two discussion periods that KCET inserted after "Stop the Church" went well, even though one panelist did compare the film to the famous video showing Rodney G. King being savagely beaten by police. Maybe there's something in the air.

Both sides of the controversy were equally represented on the panels, despite a refusal to participate by the Archdiocese and the Gay and Lesbian Alliance Against Defamation (GLAAD). The gay group stayed away in protest of KCET's decision not to invite Hilferty or representatives of ACT UP. This gesture by GLAAD in behalf of balance would have been more effective had not Hilferty's film itself all but excluded the voice of the institution it castigated.

At one point Friday night, a point was made by Van Gordon Sauter, former president of CBS News, about the imbalance of "P.O.V." in favor of politically liberal filmmakers. Very true. But "P.O.V." has claimed that is so because it gets very few submissions of films voicing politically conservative themes. If anyone has evidence to the contrary, let's hear about it. Diversity is what public television should be about.

Kobin said KCET decided to air "Stop the Church" ultimately because viewers have the right to make up their own minds. That's a noble stand, one that KCET would do well not to forget.

EVERYTHING IS NOT FINE IN AMERICA

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 60 minutes.

Mr. HAYES of Illinois. Mr. Speaker, unlike the gentleman who just preceded me, I am primarily concerned about the extension of life after its arrival on this Earth.

Mr. Speaker, the attitude of "everything is fine in America" is a false euphemism. This morning in our cities, towns, and boroughs someone woke up on a park bench, others needed medical attention, but found that it was out of reach, and thousands had no job to go to. As a nation, we once termed hopelessness, excessive unemployment, and medical needs as foreign by nature; today, they all are a part of daily life in America. Conversely, these maladies are placed on the back burner by the President—leaving local officials and community leaders without the support to mobilize resources against these problems. This Nation must be saved from itself.

Mr. Speaker, I rise today to specifically examine the lot of American workers. It seems as though they are being attacked from every angle. Many have spent the entire summer without work and, yes, unemployment benefits. Pension funds are no longer safe harbors for retirement annuities. Further, as we look on the recent catastrophe in Hamlet, NC, workers often work in places that are hazardous and detrimental to their health.

Unemployment in the city of Chicago alone is 7.7 percent as compared to the national average of 6.8 percent. This is not full employment in my opinion. In real numbers, there are around 112,000 people out of work in the city of Chicago. According to U.S. Department of Labor data, the State of Illinois has 17,293 workers that have exhausted unemployment benefits. The fact is that real suffering is going on in the presence of this current recession.

As a result, crime is on the rise. According to Police Superintendent LeRoy Martin of the Chicago Police Department, unemployment can be cited as one of the major causes impacting on the increase of crime, particularly with robberies and street violence. People need help. How can we as a nation turn our backs on people that become so desperate that they turn to crime. This is an emergency and we cannot afford to continue to ignore this crisis.

Nationally, almost 1.2 million Americans have been unemployed for more than 26 weeks, and are, therefore, ineligible for unemployment compensation benefits. That is 600,000 more—more than twice as many—as just 2 years ago, before the recession. In July—after the administration claimed that the recession was over—318,000 people exhausted their benefits. The recession is not over. We all know that unemployment declines only after the recovery is well underway.

If anyone has doubts as to whether or not the unemployed men and women of this country need extended benefits, I ask you to take note of the humility and suffering workers and their families are enduring as they exhaust their 26 weeks of unemployment compensation, which is modest in contrast to world standards. Yugoslavia and Hungary's unemployment standards far exceed those of American workers.

Talk to any family that has exhausted their 26 weeks of benefits and they will ask: How will I pay the rent? How will I make the car payment? How will I educate and clothe the children?

The recession has forced many to seek part-time employment. Six million sought and gained part-time employment. However, no one can support a family at poverty wages.

President Bush promised in his nomination speech to create 30 million new jobs over the next 8 years. But payroll employment now is off almost 1.5 million from where it was a year ago. In fact, employment is only 1.5 million above where it was when President Bush took office more than a year and a half ago—the President is 10 million jobs behind the pace he would need to reach his goal.

There is a great need for this Government to provide a serious jobs program, jobs that will build the infrastructure of this country, jobs that would return dignity to our constituents. Common senses would tell us that the best and most long-lasting way to decrease the deficit is to put people back to work to, in fact, increase our revenue by increasing the pool of taxpayers.

In recent years, the level of employment in the United States has declined. Along with the decline of employment, the quality of life in this Nation has also declined. The quality of life in the United States depends upon renewing and enlarging the productive capacity of private industries, investing in the infrastructure of public works and human services, and developing natural resources in a manner consistent with the maintenance of environmental quality. The quality of life in the United States depends upon policies that promote conditions for self-empowerment by people victimized by discrimination in hiring, training, compensation, or promotion on the basis of prejudice concerning race, ethnic background, gender, age, religion, political or sexual orientation, or physical disability. The quality of life in the United States depends upon policies that encourage businesses to maintain essential jobs on American soil and to refrain from moving all or part of their operations to other countries for the purpose of exploiting lower labor and environmental standards. I believe that the Federal Government should promote maximum employment, production, and purchasing power to protect and improve the quality of life in the United States.

I submit that this country needs to place its resources on the issue of full employment for all Americans. We don't have any more time to waste. I am committed to working to ensure this goal and put this Nation back to work. Our cities are falling apart.

Mr. Speaker, I submit for the RECORD a statement by the distinguished gentleman from Kentucky [Mr. PERKINS].

UNEMPLOYMENT—HOW CAN WE HELP?

(By Carl C. Perkins)

Mr. Speaker, I would like to thank my distinguished colleague, the gentleman from Illinois, for this opportunity to reflect on a critical problem facing our Nation today: the despair that is confronting millions of unemployed Americans who have not been able to find a new job under current economic conditions, and whose unemployment benefits have run out. I represent Eastern Kentucky, where official statistics put the unemployment rate at 11.4 percent; the reality, of course, is much worse because this figure does not include discouraged workers. Eastern Kentucky is undertaking a massive effort to diversify economically, but in the meantime, many Eastern Kentuckians need help to put food on the table and to cover the costs of clothing, health care, and interest on mortgages.

During the past year, Americans have been very generous to those in need around the world. We came to the defense of the Kurdish people against Saddam Hussein. When a hurricane destroyed much of the coastline of Bangladesh, we were there to help. And now the Secretary of the Treasury is on his way to the Soviet Union to discuss the financial needs of that country. Yet when American citizens ask for help, President Bush turns a deaf ear. This is completely unjust.

The fact of the matter is that a trust fund exists for the kind of emergency that we are facing today. On behalf of their workers, companies have been contributing to this fund for years, and the time has come to call upon it. The Bush Administration cites the budget agreement as its excuse for opposing this crucial domestic aid. But the trust fund has more than enough money to cover the $6.5 billion price tag of H.R. 3040, the Unemployment Insurance Reform Act, which the House passed this morning. The unemployment trust fund is insurance that American workers would prefer not to use. Unfortunately, too many workers no longer have a choice.

I hope that the House action today will give the President only one available choice and that would be to help the American workers by signing this legislation. If it is needed then we must be willing to save the President from making the wrong decision once again. Sign the legislation Mr. President, the unemployed of America are waiting.

□ 1310

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Illinois. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me, and I thank the gentleman for his leadership in this special order.

We need to talk more about this subject, which has taken far too little of our time during this session in the midst of a great recession.

Mr. Speaker, if H.R. 3040, the Unemployment Insurance Reform Act, is the best we can do for Americans during this deep recession, it will not be anything to write home about. Nor for that matter will it be much to bring home. An extension of unemployment insurance is necessary only because those who manage our economy have failed for so long to pull us out of this recession. It adds insult to injury to refuse to throw the unemployed a lifejacket. That is what President Bush did when he signed our bill extending unemployment insurance and then refused to declare the emergency necessary to release the funds.

One constituent called my office, Mr. Speaker, to say that perhaps if this bill provided unemployment assistance to citizens of the Soviet Union, the President might see fit to declare an emergency.

My office has been flooded with calls from unemployed constituents who desperately need help because this recession has lasted so long, 14 months. Even so, they are not those who are the worst off. At least they had a job in the not-too-distant past.

They are not among the growing legions of permanently unemployed or those unemployed for so long that they are no longer counted as unemployed. For them there have been no congressional bills and no remedies for the entire duration of this recession and before that.

Look closely at this no-relief recession and one will see what we ourselves contribute to the crime rate. In the District of Columbia, the unemployment rate remains above 7 percent and real estate and banking, major sectors in a city with no manufacturing, are among the worst hit in the country.

Mr. Speaker, we have an emergency. H.R. 3040 is one small step for the unemployed.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HAYES of Illinois. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank my distinguished colleague, the gentleman from Illinois [Mr. HAYES] for bringing about this special order, because I think it is vitally necessary so that those of us in our Nation can begin to look at the situation as it truly exists today.

Earlier this Congress, we passed legislation to provide extended unemployment benefits through July 1992. The legislation stated that before the funds would be released, the President would have to declare an emergency to exist which warranted the additional benefits. Well, the President signed the bill, but then reneged on his implied obligation to do what is best for idle American workers by refusing to declare an emergency. Today, we again passed legislation with no "wiggle room." We have spent two days debating this new proposal, but I want to now join my colleagues in this special order highlighting not the merits of the House bill, but rather the plight of nonworking Americans nationwide.

As I noted in my remarks on H.R. 3040, the Unemployment Insurance Reform Act yesterday, I do not doubt the concern the President has for working men and women—in Chinese factories and Mexican maquilladoras. And he is definitely concerned with unemployment, hunger and human misery—in Kurdistan and Bangladesh. Yet, as the President is turning his eyes and opening his heart to the people and events of Eastern Europe, the U.S.S.R. and the Middle East, this attention is disturbing to laid-off, unemployed American workers who find no similar sympathy, concern or Executive leadership directed toward their plight—who wonder why their President doesn't want to extend for a mere 20 weeks their unemployment benefits.

What are we to make of an administration which says we need to send billions abroad to help avert the destabilizing effects of unemployment and hunger, when there is no commensurate concern of the destabilizing effects of joblessness here on our shores? Now let me say emphatically that I do not begrudge sharing our largesse with other less-fortunate nations, but I find it blatantly offensive that the very real needs of unemployed Americans are placed at the bottom of the list of priorities.

Just because the President wants us to believe that the recession is over, doesn't mean that all of a sudden the millions of unemployed, underemployed and discouraged workers are suddenly back at work. We are still suffering from the cumulative affect of failed economic policies that for many, many months have led to today's severe recession and high unemployment rates.

The saddest part of this whole matter is that this cavalier attitude toward our idle workers is not just one isolated incident, but indicative of the administration's disregard and even disdain for American workers. This attitude has manifested itself several times over the past few years. First, there was the lengthy, heated debate over whether to increase a grossly outdated and unrealistic minimum wage and if so, by how many pennies. After much acrimonious debate, scare tactics and painstaking compromise, we finally got an incremental increase in the minimum wage which in my view is still too low for a decent living.

And what about the debate over plant closing notification legislation? It was out of a sense of fairness that many of us sought to allow persons a modicum of time to prepare and adjust for the loss of income. But this "radical" idea was also bitterly fought. Thank God we prevailed on behalf of workers.

Then, look at the debate over the Civil Rights Restoration Act. The concerns of minority and women workers have been met with total disregard and indifference as evidenced in the mean characterization and arrogant dismissal of the civil rights bill as promoting a quota system.

What is the American workforce to think? Have we forgotten that this Nation was built in large part by factory workers and minimum wage earners who labored long and hard to help make this country the power that it is? Have we become such an elite society that we can be uncaring about the lives and needs of honest, hard-working Americans? Have we become so automated, so competitive, so greedy that we have lost our sense of decency and fairness, respect and regard for our fellow citizens?

Instead of leading the charge against the unemployed, the Administration should be setting an example for the Nation. It should be encouraging corporate America to increase and expand training programs. Mr. Bush, who likes to call himself the "Education President" should be at the forefront of efforts to retrain and upgrade the skills of workers, particularly those whose jobs have been lost because technology has rendered them obsolete. Yet, the President has been strangely silent on this issue.

We hear a lot about the need to promote "good, old-fashioned, American values." Well, one aspect of that value system was a respect for hard work and the decent people who kept and keep this Nation going. Unfortunately, the economic course on which we are now embarked has left far too many American workers without paychecks—unable to buy food, unable to afford clothes, unable to educate their kids, to pay their rent or mortgages. There are pockets of unemployment in my district of 45 to 65 percent. This is unconscionable and a condition that can be deemed only as disgraceful. Most of those without work, want work; they want hope. They want to realize the American dream of life, liberty and the pursuit of happiness. Life without hope is slow death, liberty without economic opportunity is slavery, and happiness without an income is an impossibility.

□ 1440

Mr. Speaker, I thank the gentleman from Illinois [Mr. HAYES] for permitting me to give my remarks on this special order.

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentlewoman from Illinois as well as the Member who preceded her for joining me in this special order.

At this time I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, let me compliment the gentleman from Illinois [Mr. HAYES] for calling this very important special order on unemployment. The gentleman from Illinois is one of the real fighters in this country for people who are underrepresented or voiceless, people who are usually the last hired and the first fired. He is a person who has given much of his adult life to seeing that unions were allowed to organize and that people were given dignity and self-respect, and I congratulate the gentleman and our country congratulates him for making this place a better place.

Mr. Speaker, this is indeed the time to focus on the needs of the American Worker. The national unemployment figures are near their highest level in almost a decade. Currently, during this national recession many Americans want to work but cannot find jobs.

In July of this year, our great Governor Florio and the New Jersey State Legislature took the lead and passed a $250 million program extending jobless benefits for an extra 6½ weeks for some 200,000 unemployed workers in our State.

Although the New Jersey unemployment rate in August was 6.7 percent which is close to the national average, there are a few positive signs on economic recovery including some increase in consumer spending and new home sales and residential construction.

Additionally, the New Jersey's jobless rate in August was the third lowest among the Nation's 11 most industrialized States.

Indeed these figures seem to be a bit encouraging, however, the Northeastern part of the country and the Nation as a whole is still entrenched in a deep recession.

There are 8.5 million people out of work and over 2 million Americans have exhausted their unemployment benefits this year.

Additionally, young people today barely have the opportunity to get a job. A young law student came into my district office in Newark this summer because he was looking for employment so that he could continue his college education. He was unable to find a job anywhere. Yet, he was willing to volunteer simply because he wanted some experience and he wanted to keep busy, and he volunteered in our office this summer because we had exhausted our internship program funds.

When I was in college I had several jobs. I was very fortunate as I worked my way through college. I was a dockworker, a grocery man, and a waiter, and after graduating from college when I started my teaching career, I was able to supplement my income by being a truck driver when I worked at our Newark post office. Today, because of the economy, many young people do not ever have a chance to begin their careers.

When the minimum wage bill came up, we were looking for a $5.05 minimum wage. But President Bush said that was too high, that was inflationary, and so we compromised it down to $4.55. The President said that that would wreck the economy and vetoed the bill. We had to settle for $4.25 for the minimum wage. He said inflation would take over and $4.25 would do.

We have many jobs in our area, many manufacturing jobs that have left the Northeast and my district, thus leaving many people unemployed and looking for jobs. Most people must rely on their unemployment insurance to survive.

By passing the Unemployment Insurance Reform Act we have sent a signal to the American people that we understand the difficulties of securing a job in these troubled times, and that we want to assist them by extending unemployment benefits while they continue to seek employment.

I hope that the White House will see the urgency surrounding this issue and help us by expediting and being expedient to the process and signing the bill.

Mr. Speaker, many people cannot afford any more delays.

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentleman from New Jersey.

Mr. Speaker, I yield to my colleague, the gentlewoman from California [Ms. WATERS] for her statement in support of this legislation.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding. I would like to thank the gentleman from Illinois for organizing this time today to speak to an issue that I think is of paramount importance to the citizens of this country.

What are we talking about here today? We are talking about the Unemployment Insurance Reform Act of 1991, H.R. 3040. It is simply a piece of legislation that recognizes the difficulties that Americans find themselves in at this point, and it says to the President of the United States: "Please sign this bill to allow for extended unemployment benefits for those who find themselves out of work for much longer periods than they anticipated, unable to get back into the labor market."

Why must we come to this floor and make these comments and talk urging the President to sign this legislation? We must do this because the President had the opportunity to support the citizens of this country and extend to them the right to have additional unemployment benefits under these circumstances.

□ 1450

He had a resolution, and all he had to do was declare an emergency. The President refused to do that. The President said he did not feel that the 10 million people in this country who are unemployed constitute an emergency. This sounds strange to a lot of people. It sounds strange, because those people who are unemployed, indeed, feel it is an emergency. They cannot buy clothes or food or pay for their shelter, and they feel that they are in an emergency situation.

Some people raised the question that perhaps the President is concerned about the deficit, perhaps the President is concerned that we cannot afford it. Well, that is a legitimate question to raise except there is $8 billion in a reserve intended to be used for extended unemployment benefits for those Americans who find themselves out of work for longer periods than the ordinary unemployment benefits would allow for in their States.

Why then can we not use this $8 billion to do it? The President, had he signed that bill, could have triggered the use of that $8 billion, but the President had some kind of argument that talked about it being an unwise thing to do in this recession.

The 10 million people who are out of work will not understand that. I do not understand it, and I do not believe Americans deserve to be treated that way.

Let me tell the Members something else that is even more cruel than the President's inability, unwillingness to support the 10 million who are out of work. This legislation that we have before us, as the resolution that was sent to the President, would have allowed for veterans to receive extended unemployment benefits. Most people do not realize it, but veterans are not eligible for the same extended benefits that the average civilians are eligible for. How can that be in an America that loves its soldiers? How can that be in an America that embraces its veterans? How can that be at a time when we have just witnessed Desert Storm with young men and women returning?

No, let me tell you about the young men and women just returning from Desert Storm. Many of them will not be eligible unless we have a bill of this sort, because in law it says you have to have been serving for a certain period of time before you would be eligible for extended unemployment benefits.

For those people who were in Desert Storm, who did not serve 180 days, we are saying that if they served 90 days, please allow them to be eligible. Many of them were working. Many of them not only deserve to have these benefits but some of them have been denied their job-return rights, and government is so bogged down they have not gotten the assistance to force employers to let them have their jobs back.

We will tie yellow ribbons, as we have been doing, around trees, over doorways, and we will have parades, and we will spend millions of dollars on parades telling people how much we love our veterans, but, guess what, the President of the United States does not support them having extended benefits in the way civilians are eligible for it. He does not support those who served in Desert Storm less than 180 days being given a little break to say, "Well, if you only served 90 days, you deserve to be able to get extended unemployment benefits."

Something is wrong, and the American people need to question: What is wrong in America today? Why is it we are so centered on foreign affairs? Why is it we can fund the Kurds, we can come to the aid of Bangladesh, we can give Israel money after Desert Storm to make up for the Scud missiles that were launched? Why is it we can do all of this, but we cannot find it in our hearts and in our vision to support our own right here in this country?

Well, we are involved in a great debate about what we must do for the emerging democracies, and we are so worried about what is going to happen in the Soviet Union. We are worried that if we do not support them they are going to go back to their old ways. I suppose some people are worried about that. I think they have surrendered. I think that certainly we need to be concerned, but my grandmother always said, and I will be repeating this day in and day out, "Charity begins at home, and it spreads abroad."

The American people must be asking at this point: "Why cannot the President and the Congress of the United States look around them and see that the infrastructure has fallen apart, that the bridges are falling apart every day, that the educational system of this country is in a state of disrepair, children are dropping out of schools, and the physical plants where we expect our children to learn are run down, and we have no capital-improvement money for our schools and educational institutions?"

People are on the streets of America, sleeping on grates and in parks, homeless, and the numbers continue to mount. Ten million people are out of work. States are in trouble with budget deficits. Cities are in trouble. Over 25 cities in America are in great deficit, some beginning to file bankruptcy, and cannot pay for police and fire, and unemployment, again, as the cutbacks and the layoffs take place both on the public side and the private side.

Why, Mr. President, can we not have a simple little piece of legislation that says to the American workers, "We care just as much about you as we care about those in those so-called emerging democracies in other places that come to us for help?" Why cannot the President say that that $8 billion that we have in reserve for unemployment benefits should be spent on Americans? Why can we not say, "Well, we have done a lot for a lot of people; it is time for us to turn our sights on the domestic agenda?" What can we do not only for unemployment and extending those benefits, what can we do for job creation? What can we do in anticipation of a cutback and reduction in military and defense budgets? What can we do for job conversion? What can we do to say to the American people, "You deserve to have the benefit of your tax dollar?"

We are here today making a plea for support for H.R. 3040. We should not have to. It should be a given. Everybody should well expect that this bill will zip through without debate, but people must be concerned, because we do not know where the President is. We know what he did with the resolution that he could have said yes, it is an emergency, and release those $8 billion, and he refused to do so.

So we say to the President that H.R. 3040 is important; it is a test of where he is, where Congress is. It is a test of whether or not we truly are prepared to say to the unemployed, "We know the pain that you are in. We know the suffering that you are experiencing. This is just a little bit of what we are going to do to alleviate that pain."

I would urge the President of the United States not to debate this one, not to play politics with this one, not to hide behind the recession on this one, but, rather, to quickly sign H.R. 3040 and give Americans a little bit of a break.

Mr. HAYES of Illinois. I certainly want to express to my colleague from California my appreciation for the very profound remarks that she has made on the subject at hand.

We are about to close out the time of our debate here.

In conclusion, I do want to say that I have had some experience in being unemployed. I know what it means. Even at the age of 18, I entered into what we called then the Civilian Conservation Corps, financed and supported by the Federal Government under President Roosevelt.

I helped my family, my dad, my mother, and 11 other sisters and brothers, by being able to send home each month what was then $25 of the $30 a month which I received for setting out trees on the banks of the Mississippi River in order to stop the erosion of soil in Illinois into that river.

☐ 1500

We want to protect our environment. We want to do what we can to rebuild our infrastructure in the cities, which is a part of it.

I think we have to make the question of jobs one of our top priorities and begin to divert our attention and make this one of the directions which the tax dollars for those of us who are working are turned.

It is more important to me, and I am not against progress and moving ahead, when we add up the amount of money that we spend now for space exploration or spend on the B-2 bombers that are not yet working as we think they should, and yes, as has been said, as we spend and send money to other countries, we had better hope we have said something here in this time we have consumed to begin to divert attention to the need to doing something for human beings who are suffering in this Nation.

Everybody on public assistance is not lazy. They would like to be able to contribute something to their own chance to live in human decency and not have to depend on a public assistance check.

This is what we are saying. Start looking at it. Begin to do something to convince this administration and Members of this Congress that people need to have a right to live and they want to work and earn a decent living.

THE POW/MIA ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware [Mr. CARPER] is recognized for 60 minutes.

Mr. CARPER. Mr. Speaker, this is the week that we pause in the United States to remember those people who served in our Armed Forces during wars, in Vietnam, in Korea, in World War II and other conflicts, from which they did not return. My generation is one which served in the Vietnam war. There were several million of us who served our Nation there. Of those who served, over 55,000 were returned home dead. Most of us did come home. Most of us came home alive and reasonably well, some wounded, some who still carry the scars from that war.

Here in the U.S. House of Representatives there are 11 Members of this body who served in the Vietnam war. There are over 2,500 Americans who did not return home at all following that war, either alive to return to their families, or dead to be buried.

Since 1975 the remains of roughly 300 of those Americans have been recovered and have been identified, but still today as we meet here in this House of Representatives, there are over 2,300 American servicemen from the Vietnam war for whom we have yet to account.

In Korea, that number is in excess of 8,000 personnel. In World War II, the numbers are several times that magnitude.

Sixteen years after the war in Vietnam ended with the government in Saigon falling to the north, 16 years after that event, doubts remain about our missing in action. There are those in this country who earnestly believe that Americans are held in substantial numbers against their will in Southeast Asia, either in Vietnam, Laos or Cambodia.

There are questions about whether or not our Government has done its best to find those men and if they are alive, to bring them home.

There is a perception that five administrations, from the Nixon administration through the President Bush administration have participated in perpetuating a coverup of the fact that hundreds of our men have been left in the jungles to rot.

Early this year I was visited in Delaware by a number of Vietnam veterans who believe the worst about their country in terms of our walking away from hundreds of our men and leaving them behind. They are convinced that those men have been abandoned, and they called on me as one Vietnam veteran to do something about it. That visit set up a chain reaction for me and led me to consult here in this Chamber with Congressman PETE PETERSON, a Democrat from Florida who spend 6½ years of his life as a POW in Hanoi, an Air Force pilot who was shot down; for us to then meet with JOHN MCCAIN, a Senator from Arizona, a Republican, who also served roughly the same number of years as a POW in North Vietnam.

PETE PETERSON and I subsequently met for briefings with the Defense Intelligence Agency, the State Department, and then with a fellow named JOHN MILLER, who is a Congressman from Washington State, and others, who have been active in pushing legislation called the truth bill, to make sure that information that may be gleaned about the activities of our Government to find out information about our POW's and MIA's in Korea or Southeast Asia or World War II, that that information is shared with the families of those men, and if there are women, with them as well.

Back in the spring of this year, we began some serious discussions about possibly putting together a congressional delegation to go to Southeast Asia to see for ourselves what is being done. In early August of this year, on August 3, six of us, three Democrats and three Republicans from throughout our country, departed for Southeast Asia, a trip that was to take us to four nations, including Vietnam, Laos, Cambodia, and Thailand. Before we ever departed, we spent the better part of several weeks prior to that departure in a series of briefings, over two dozen in all, including meetings with veterans groups, with Department of Defense officials, State Department officials and other Members of Congress who have visited that part of the world.

General Vesey, who is the President's Special Emissary to Hanoi on this issue of POW's in Hanoi and Thailand was there. We met with academics. We met with foreign nationals from other governments, including the Government of Laos.

When we departed on August 3, I think there were probably four goals or objections that we had in mind, four subjects that we wanted to explore on our trip.

The first of those we wanted to engage personally was the intensity and sincerity of our Government in its efforts to find live Americans, if they are there, or to recover the remains of Americans who may still lie in Southeast Asia.

The second subject that we wanted to explore was the level of cooperation on the part of the governments of Vietnam, Laos, and Cambodia, cooperating with our efforts to find out the fate of our POW's and MIA's.

Third, we wanted to engage firsthand the progress that is being made in ending the civil war in Cambodia.

Finally, we wanted to look closely and carefully to consider the question of whether we should begin normalizing relations with the Vietnamese, with the Cambodians, whether we should begin lifting the economic embargo of those countries.

As I said, our trip took us to four countries over the span of a week; Thailand, Vietnam, Laos, and Cambodia.

In Vietnam, we visited among other cities, Hanoi, Da Nang, and Saigon. We went from one end of the country to the other. We met with the new General Secretary of the party in Vietnam. We met with a whole host of officials throughout the country. We met with a lot of people in the streets, people from all walks of life.

In Cambodia we met with the leaders of that country. We met with the leaders of Laos and we also found a number of people from our country in Laos working on a new constitution for that nation.

We met in Thailand with United States business representatives. We met with our own officials in each of the countries that we went to.

In Hawaii, on our way over, we stopped and visited a central identification lab where the remains of Americans are taken as they are brought back from Southeast Asia and other places to determine just who these names are.

We met with the joint casualty team that is headquartered in Hawaii and does a lot of the excavation work and other work in Southeast Asia.

During our visits in Vietnam, we visited with hundreds of Amerasians, Vietnamese of mixed ancestry, including American ancestry, who are trying to come back to this country.

We visited the early departure center where literally over 10,000 Vietnamese nationals have come through there to our country.

□ 1510

With regard to the findings that we made, we found a number of Americans working in Southeast Asia, some in difficult circumstances, trying to get to the bottom of the POW/MIA question. We found increasing cooperation on the part of the Vietnamese and the Lao, for example, and the Cambodians, we found a sensitivity to the POW/MIA issue there that, frankly, I did not expect. We found countries there that are beginning or are well on their way moving from a command economy to a market-driven economy. We have met since our return with leaders of CINCPAC, with the Secretary of Defense, today with the Assistant Secretary of State for Southeast Asia, and we hope to meet later this month with the National Security Council representatives and perhaps with the Secretary of State.

As we have one through those meetings, we have presented a series of recommendations that most of the members of our delegations believe are appropriate.

One of those recommendations has been that it is time for the United States to lift this cloak of secrecy that seems to surround much of what we are trying to do in Southeast Asia, much of what we have done. We, the military—and I served 23 years in the Navy as a naval flight officer on active duty and in the Reserves—we overclassify materials. We keep it classified for longer than we need. What we need here is to let the people of our country know exactly what we have been doing, to find out the truth about our POW/MIA's and to let the American people know that.

We found there is not really one person in charge of the POW/MIA mission in Southeast Asia or in Korea or for World War II. There should be. We recommended a number of structural changes that address that problem.

New assets are being dedicated to our efforts to find the truth in Southeast Asia. It is important that those assets go in country, in Southeast Asia where they can do the most good, and not in some headquarters in Hawaii or in Thailand.

We have talked with the Vietnamese and with the Lao about increasing the mobility of our own people doing the work in Southeast Asia and have asked that the governments of those countries cooperate in allowing us either to bring in our own helicopters and release helicopters so that we can increase the mobility, to follow up live-sighting reports or simply to move our excavation teams from place to place. We want to extend the in-country tours of our men and women who are doing the excavations and the other work in those countries.

We want to facilitate travel by American next of kin of POW/MIA's to make sure that they can get to these countries if they want to go for themselves to check and to see firsthand and follow up firsthand the fate of their loved ones.

Several of us, including myself, believe the time has come to at least begin the process of normalization with Vietnam in very modest steps by lifting the 25-mile travel restriction that we place on their representatives to the United Nations in this country and also on lifting the ban on telecommunications with Vietnam.

I see a number of my colleagues joining us here on the floor, and I think it is important that I yield and that we share this time, sharing, if you will, with our colleagues and with those who may share across our country an interest in this issue.

Among the people who were on this trip is a fellow who served in the Marines, in the Danang area, now a congressman from the State of Colorado. His name is DAVID SKAGGS.

Mr. Speaker, I yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding. Let me just pay tribute to the work that TOM CARPER and PETE PETERSON did early along in coming up with the idea and fashioning an itinerary for this trip that I think made it very useful, not just in our education but, I hope, in the message that we can bring both of our colleagues here in the House about some of the more complicated and nuanced aspects of what is going on in our effort to resolve the POW/MIA issue as well as the message Mr. CARPER has already indicated that we have brought back to the Secretary of Defense and the assistant secretary of state and our military commanders in CINCPAC.

One of the things that I think troubled all of us most coming back from this experience was a kind of disconnect between what has been said by administration after administration with regard to the resolution of the POW/MIA mission being a top national priority and the reality in the field where we found many, many competent, dedicated Americans in uniform and out of uniform doing their darnedest under the most difficult circumstances to investigate these cases and to bring them to closure. But those individuals at the same time being hampered by inadequate resources, logistical support, a command structure that perhaps gets a bit atrophied over the years. And certainly not the kind of full-bore effort that we would have expected to attach if indeed this was a top national priority. That is a message I think we have all tried to convey to others in our Government since we returned.

It is not intended as a kind of criticism or complaint, but rather an effort to bring into balance the public's perception of what is going on out there with the reality of what is going on so that we do not invite further skepticism and further mistrust because there is this disparity between what we say we are doing and what we are actually doing.

I am very encouraged by the decisions that the Secretary of Defense has made over the last couple of months to put additional resources into this effort, to commit himself to reexamination of the structure of the military commands that are involved in this, and I think he is committed to making real the rhetoric about our efforts there.

Certainly, if there is any falling short of that, I believe the six of us who shared this experience together in Southeast Asia for a very full and hectic week will continue to make the point to the Department of Defense and elsewhere in the Government what they need to be doing to keep faith with the American people and most particularly with the families of our lost servicemen who have been put through an extraordinarily difficult and emotional roller coaster ride year after year with the numerous reports, almost always shown to have been fraudulent, of live POW sightings and all the rest.

In fact, one of the things that I think struck me the most about being on the ground in Southeast Asia was understanding the incentives that have unfortunately come to bear to give Southeast Asian refugees in Thailand and elsewhere reason to concoct stories about our missing servicemen, aided and abetted by the most cynical efforts of others in those countries willing to exploit both their gullibility and the vulnerability of our families here in the United States with phony dog tags, with contrived skeletal remains and all the rest. It is really a sad commentary that there are those over there who are willing to exploit this as cynically as they are. But we need to know about that because it gives us the context in which to judge some of these phony reports about live sightings and other evidence.

Again, I just want to thank the gentleman from Delaware [Mr. CARPER] for his leadership in this, and all of the members of the delegation. I think it was an experience that brought us together in ways that do not normally happen in this body, to learn the stories of my colleagues, their service during the war, the dangers and the wounds that they incurred, that was a moving experience for me and one that has just increased my deep respect for all five of the colleagues who joined me on this trip.

Mr. Speaker, I thank the gentleman for yielding.

Mr. CARPER. I thank the gentleman very much for his remarks and for his contribution. Let me just say that I think we had an extraordinary group of Members of Congress who went on this trip, people who wanted to get to the truth. We said time and again we felt we were taking a heartfelt message from the American people to the leaders of Vietnam and Laos and Cambodia. Mr. SKAGGS was just an integral part of that effort. I am grateful to him for making the time and for coming with us and for contributing so significantly.

Before I yield to the gentleman from Arizona [Mr. KOLBE] let me simply say that when we were casting about for people to go, Congressman PETERSON and I were casting about for people to go, we did not set out to pull in people from an equal number of Democrats, an equal number of Republicans or people from the east coast or the west coast, north and south. We did end up with a really good mix. We ended up with a good mix of people as far as their service is concerned. Mr. SKAGGS served in the Marine Corps, Mr. PETERSON in the Air Force, Mr. GILCHREST served in the Marine Corps, Mr. RHODES, who served in the Army, and we had even a Navy fellow from the swift-boat community who served in the southern part of Vietnam.

JIM KOLBE was that individual. I am really pleased that he could go with us and pleased he is here today to participate with us at this time.

Mr. Speaker, I yield to the gentleman from Arizona at this time.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman from Delaware [Mr. CARPER] yielding to me, and I am returning the compliments by saying I think of all of the opportunities that I have had to travel with congressional delegations on business related to the United States, I have not been on one that I felt had either a better leader or had a more serious purpose to it, and I think it was a fact that the six of us who traveled, we did so because we had open minds. I think we did so with a seriousness of purpose that was demonstrated by the preparation we had for the trip and by the work we did when we were there, and I think the results over the course of the next several months will be shown. I do thank the gentleman from Delaware [Mr. CARPER] and the gentleman from Florida [Mr. PETERSON] who were so instrumental in helping put this thing together and to organize it.

This was, I think as has already been said here today, a very special trip for all of us. Six veterans of the Vietnam conflict, all of us returning to Southeast Asia for our first time. But this was not just a trip down memory lane.

This had a purpose to it, and I think, above all else, our purpose was to be able to convey to the Vietnamese Government, and I know this has been said here already, but our purpose was to convey to the Vietnamese Government the seriousness of purpose that the United States has with regard to resolving the POW/MIA questions.

The unresolved cases that still afflict so many families in this country leaves them with a sense of doubt, leaves them with a sense of anguish about what happened to their loved ones, Mr. Speaker, and we wanted to convey our seriousness of purpose as a government, and as a nation, as a people, that we are determined to get to the bottom of every one of these cases that we possibly can. I think we were successful in conveying that message to the Vietnamese Government, the Laotian and the Cambodian Governments. I think we were successful in demonstrating to them the seriousness of our own purpose in being there. I think they have some very specific suggestions from our group and from the U.S. Government about ways in which this issue can be addressed in an even better fashion than it has been thus far, that we can be able to get to the bottom of as many of these cases as possible.

Mr. Speaker, too many American families have been manipulated by unscrupulous people in and out of the United States who have found reasons for their own personal gain to keep alive the possibility of Americans who might be held against their will in Southeast Asia. While none of us knows for sure whether there are or there are not Americans being held, we do know that we need to get to the bottom of every one of those cases, and we do know that every one of those that is subsequently proven to be false has just taken that much more of the resources and the time of our personnel out there, and it is not only cruel to do this to the families, but it is tragic to do it for the others whose cases might have been resolved during that same time.

There have just been in the last few days press reports that yet another one of the photographs that appeared in the press a few weeks ago appears now to be a forgery, appears now to be not a true photograph, and, if that is the case, then whoever is responsible for that, whether it is somebody in Southeast Asia, or whether there are others in the Western World who knowingly are using that or allowing that to be used for other purposes, are doing a great disservice to the American people and certainly to those families.

When all is said and done, it seems to me that we are going to have to admit to ourselves that there are some cases that are not going to ever be resolved, and I think all of us that went to this trip come back with a realization that we will tragically, unfortunately, never be able to get to the bottom of every single case. But when we think of the numbers of missing in action from World War II, still numbering almost 78,000, and about 8,000 from the Korean conflict, we realize that we will never be able to finally get to the bottom of every one of these cases.

We do know that some of these people in Southeast Asia, for example, went down in aircraft in the South China Sea, aircraft that disintegrated upon impact from which there was no ejection and from which there will be no remains and no parts that will ever be recovered from the ocean bottom. So, we do know that some of these cases cannot be resolved, but we have an obligation to get down to as many of those as we possibly can and realize that the chapter of this book will always have its final chapter left unwritten.

While we were in Hawaii we were told by the Central Identification Laboratory, Hawaii, that has the responsibility for investigating all of these cases of an incident recently in New Guinea where villagers had come out with information about an American, about 29, that had crashed during World War II, and they went in, and investigated and, sure enough, found it and found some of the remains. This is something that happened nearly 50 years ago.

So, the book is never closed on these kinds of investigations, but we also have to realize that there is a time when we say that we have done as much as we can, and we are getting the cooperation we can on the remaining cases, continuing to look at those and to say that now we must look towards a better relationship with the countries that are involved, and I think that is the hope that all of us have, that we can have normal relations again with those countries of Southeast Asia which have troubled our history as much as their own history has been troubled.

We have come back, and I know the gentleman from Delaware [Mr. CARPER] has discussed some of our findings and some or our recommendations, but I think we come back with some very clear recommendations that we believe our Government could follow to get to a quicker resolution of the remaining cases. We believe that the Government needs to attach the highest priority to this issue, to put the resources to it that they have said all along that they would do. We think they need to declassify more information. There is some information that cannot be, but there has been too much of a veil of secrecy that has been held over some of these cases. We think that we need to look again at the command and control structure for this operation and that there are ways that we can bring some greater emphasis by having new members from the military serving in command positions for this operation. We think that there needs to be a single control, a single command and control, a point of information for this operation so that it is very clear who has the responsibility for it.

These are some of the findings and recommendations that I know we discussed and that we have discussed with the Secretary of Defense, and we will make this public in a report in more detail. But I think the gentleman from Delaware [Mr. CARPER] has done a great service today by taking this opportunity for us to share with our colleagues and with others throughout the United States the findings that we have and our views about what might be done to get an even speedier resolution of these cases, and I commend the gentleman for his outstanding service in putting together this trip and for the service that he has given to the American people in this regard.

Mr. Speaker, I appreciate the opportunity of sharing some of these thoughts here today.

Mr. CARPER. Mr. Speaker, I thank the gentleman from Arizona [Mr. KOLBE] for his remarks and for being a part of this event. This is not the effort of any one individual person. This is a truly team effort, a bipartisan effort, multiservice effort, and I think we have done good work for the American people, for the families of the POW's and MIA's.

Mr. Speaker, I think we have planted some seeds in Southeast Asia that we have left behind to grow, and I think the months to come will indicate to what extent.

Mr. KOLBE. Mr. Speaker, what the gentleman from Delaware [Mr. CARPER] said about the seeds being planted is very true, and I think even in the short few weeks since we have returned we have seen some of the things that we suggested to the Vietnamese Government about the use of American helicopters, about allowing families to come over there, about allowing us to go to any site in the country without prior notice. We have seen some real progress in those areas.

□ 1530

So certainly what we are hearing from our field people is that they are very encouraged by the level of cooperation we are getting today from the Vietnamese Government, and I think it is in large part due to the gentleman's efforts and his work in having this group make this trip.

Mr. CARPER. Mr. Speaker, I would correct the gentleman. It is a result of our efforts and the efforts of a lot of other people who are not here today. I am just glad that we could be part of it. I thank the gentleman from Arizona [Mr. KOLBE] very much.

Six months or so ago on this House floor, Congressman PETE PETERSON and I began to discuss the issue of POW's and MIA's in Southeast Asia. I did not realize prior to this year that PETE PETERSON, a newly elected Congressman from Florida, had been a POW for 6½ years. I found that out early this year, and when my Vietnam veterans from Delaware had come to meet with me, I said, "I want to go and talk to PETE PETERSON and find out how he feels about our Nation's efforts and what we ought to be doing differently."

It was from the initial conversation we had here roughly a half year ago that our delegation trip was put together, and I think a great deal of good has been done.

There is an old saying, that "failure is the orphan of success and has many fathers." I know one of the fathers is about to be recognized here. I am pleased to say how much I enjoyed putting the trip together with PETE, and I was glad to be a full partner with him.

Mr. Speaker, I yield to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman from Delaware for yielding, and certainly let me return the congratulations and also tell the gentleman how much I hold him in esteem for all the hard work he put into this trip and for his leadership as we met with delegation after delegation in the process of the preparatory work, and also as we got into the field and talked to those many leaders in Laos and Cambodia and certainly in Vietnam.

This trip was a very emotional one for me. As my colleague, the gentleman from Arizona, noted, it is, indeed, the first trip back for any of us, having been on ground and certainly incountry veterans of the Vietnam war, and it was an experience to go back at a time when it seems like the entire world is coming loose and new ideas are being presented, particularly in the Communist world, a part of the world in which we served in this case, in Southeast Asia.

They are going through a transformation as well, and I think it is noteworthy to tell the country here how much Southeast Asia has changed since we were there. Just as a case in point, if we talk of Vietnam, when we were there, there were 20 million people. There are now over 70 million people. The thing that strikes one, no matter where you travel in Southeast Asia, is the youth. In Vietnam itself, I believe, if I am not mistaken—and my colleagues can correct me—roughly 50 or 60 percent of the people there are under 20. That is an incredible number if you stop and think what that means to the political orientation and the social organization of that country, and certainly as it applies to the Vietnam war. It is one of the things we as a nation have to pick up and think about more seriously.

Just a few days ago I celebrated, if that is the word, 25 years to the day when I was shot down in a mission over Hanoi. That is an awfully long time, and so much has transpired in that time. Yet for all practical purposes it seems there has been a place in this world where time stopped. You see that in Vientiane, and you see that in Phnom Penh. You see that in various places in Vietnam.

While the world has gone on, things have stopped over there, and it looks like they are ready to talk now. It looks like they are ready to open up, and it looks like we are at the "Y" in the road where we can take advantage of the major changes that have occurred in this world and we can hopefully find some closure to this absolutely terrible issue of those who are still missing from the the battlefields of Vietnam. The American people yearn for that. Our families cry for it. Certainly the faith and the prayers of not only the families and the entire population of this country—and, incidentally, of many of our allies—are not going to go unanswered. I think we are going to find a solution to this problem. I think we are going to find a closure to this. I think we are going to find that relatively soon.

But as my colleague, the gentleman from Arizona, noted quite correctly, there are going to be those cases in which there will be no answer and there will be no finding as to what happened. We will have to leave that out for God only to know. One day those families will have to come to that conclusion, and hopefully they will have their answer through faith as well.

But now we are in a circumstance where we have come from a very, very eventful trip. I think the fact that we were there when we were there, with the idea of finding solutions, as opposed to pointing fingers and being accusatory in our remarks or our intent, has allowed us to help our own Nation focus on where we need to go to get the final conclusions. Some of the offers we have given to the Secretary of Defense and the Under Secretary of State and others that we will talk to have been taken very seriously, and our findings, as has been noted by some of my colleagues in their previous talks, are being acted upon, and those people are going to change the structure that we have found to be absolutely antique and archaic in our approach, with misguided, oversensitive identifications in the security aspects, and the failure to really communicate to the American people what we are doing.

We have done a lot of things already, as my colleague, the gentleman from Colorado, noted. As he said, we have done things right, but we did not tell anybody we did that, and if we do not, certainly we are not going to get credit for that. We need to move ahead.

The only thing I would add at this juncture that has not been mentioned already, is that on some of the suggestions we have made, I think it is imperative that we in this Nation take a leadership role in establishing a single plan whereby all the players, the United States and our allies, plus the countries of Cambodia, Laos, and Vietnam, can jointly secure searches and follow-up leads and make those vital findings together.

In the past it has been a situation where we can go up to a border and our people would have to be stopped, and it might take 6 or 8 weeks or a year to get back to a point where we can go across the border and continue our searches. That is because we have not had a coordinated Southeast Asia plan, and we have got to focus on that. The State Department and the people in DOD have acknowledged that that is a problem, and that they will work at that. But I think it is imperative because we cannot ever have an efficient method for securing these answers and carrying out the searches we need to make without being able to cross borders with great liberty.

Finally, we have got to bring our allies into this. We have got to pull out the stops. We have got to bring in the Soviets, we have got to bring in the North Koreans, we have got to bring in the Chinese, and we have got to bring in the Cubans. We have got to bring in everyone who has ever had any knowledge of the POW-MIA issue as it applied to us during the war. And in so doing, I think we are going to open up new avenues and obtain new documents and new ideas and, I think, new evidence as to whether or not we have in fact covered those countries to the point and to the factual level of the precise technical aspects of the situation that we need to cover.

With that, Mr. Speaker, I will stop and defer to my colleague, the gentleman from Delaware, but before I do that, let me pay my great respect to all my colleagues who traveled with me on this trip. I have never been so proud of anyone, perhaps other than during that time that I spent in my Vietnamese prison camp, to have served with a group of gentlemen with as much esteem and certainly with the intent to come to a conclusion on this very, very special and very difficult issue.

Mr. CARPER. Mr. Speaker, let me just say that each of the five of us who joined you on this trip feel exactly the same way about you.

Joining us on this trip was a fellow who had been a platoon sergeant during the Vietnam war, a fellow who served not in the Army but in the Marine Corps. Before I yield to the gentleman from Maryland [Mr. GILCHREST], I just want to share with the Members one of the emotional high moments, one of the highlights of our trip.

□ 1540

It was during the last meeting we held in Hanoi, when we met with the

General Secretary of Vietnam, Do Muoi.

I, in introducing our delegation at the beginning of our session, told a little bit about each of our colleagues who was a part of this delegation. I got to Mr. GILCHREST from the Eastern Shore of Maryland. I sort of kidded with General Secretary Do Muoi about how he, as a former house painter, had done well for a house painter, and apparently in his view that had been his occupation. I mentioned that Mr. GILCHREST at an earlier time in his life had been a house painter as well.

I also mentioned that during the war in Vietnam as a marine serving in combat, Mr. GILCHREST took a hit, took a shot from an AK-47 that went into his left arm and ended up coming through his lung and out his back. He was subsequently awarded the Purple Heart, and, as I recall, the Bronze Star.

Secretary Do Muoi asked through an interpreter if there are any scars from Mr. GILCHREST'S wounds. Mr. GILCHREST rolled up his shirt and showed the General Secretary a scar on his arm.

Mr. Do Muoi was not satisfied with that. He wanted to see the wound where the shot had come out, where the round had come out the back of Mr. GILCHREST.

The General Secretary literally lifted the shirt there in our meeting with him and proceeded to touch the wound with his fingers. It was a wound that even today bears testimony to the serious nature of the wound that Mr. GILCHREST suffered.

He pulled the shirt of Mr. GILCHREST back down, took his hands, embraced him, and then he held him. He held his hands and just looked at him. Not a word was said. Not a word was said.

It was an emotional moment for all of us. As I recall, one of the foreign ministers from Vietnam actually began to cry. That is a visual image I will never forget. It was not done for the television cameras. As I recall, there were none in the room.

It was very much a personal statement, not just from the General Secretary of Vietnam to our delegation, but I think from one country to another.

For that reason, aside from his other contributions to our trip, I am delighted that Mr. GILCHREST could join us, and I yield to him at this time.

Mr. GILCHREST. Thank you, Mr. CARPER. I think that particular incident you just so eloquently described was without a doubt, and all six of us felt that way, and the people in the room as well, truly a testament to the commonality of our humanity with other people.

The people in that room, the Vietnamese and the Americans, the people in the United States, the people in Vietnam and throughout Southeast Asia, have shared a common history. We have suffered anguish and pain and loss, the Vietnamese, the Americans, and certainly other people as well.

But in that room, that commonality of history, that shared sense of pain, loss, suffering, and hope for the future, was certainly felt at that particular point.

It is that moment that is a reflection of the trip that we want to continue, that most important quality, that most important aspect of Americans and all humans, and that is hope for the future.

Mr. CARPER and other Members on the delegation, I truly thank you at this particular moment for asking me to go on this trip with you. I again echo what my colleagues stated earlier. I want to emphasize this, not as something we say very often as Congressmen, but this was a trip made up of people who are truly dedicated to solving problems, to easing pain, to sharing burdens. We were not out there to look for the spotlight. We did not go to Southeast Asia to underline what has already been done. But we went to get into the process of solving problems, so that we can move on to the future.

Mr. CARPER, I want to make sure that you understand how much I appreciate your efforts in creating this trip, along with Congressman PETERSON from Florida. When you told me about this trip, I became rather excited, because I had not been back to Southeast Asia for more than 20 years, and none of the gentlemen on this trip has been back to Southeast Asia.

So it was an opportunity for us as individuals. It was an opportunity, because the first time the six of us went to Southeast Asia, we went to wage war. The second time we went to Southeast Asia, we went collectively as a congressional group, representing the United States to pursue peace, to do as much as we can to help solve the problems that have to a degree plagued many Americans, and that is the MIA issue. All of us are dedicated 100 percent to try as best as we can to resolve that particular problem.

All of us have visited the Vietnam Veterans Memorial. I have taken my children to it. PETE was talking about 25 years ago when he was shot down, and he has an anniversary every year that he relives. That anniversary is commensurate with his thoughts about our comrades who did not return.

So the main focus of this trip was to renew a sense of urgency by this Government to bring to some resolution as quickly as we can and as competently as we can and as compassionately as we can the problem of MIA's in Southeast Asia.

I would like to tell the American people that we have done a great deal, and we are doing a great deal to continue to pursue that particular issue.

When Mr. CARPER told me about the trip, it was to look at the infrastructure that this Government had created since 1973, and to pursue that. We have taken a very close look at that infrastructure, and we are making many recommendations.

We have seen some very fine, skilled, professional people on the ground in Southeast Asia that are dedicated to resolving this issue, and we want to be a part of this team to continue this process.

I have also seen some renewed cooperation and some new cooperation on the part of the government of Southeast Asia. We wanted to become a part of the solution to that horror that took place in Cambodia with the genocide, and our Government is pursuing that, I think in a very fine, competent, skilled, methodical way. We also made some recommendations and we want to be a part of that.

The last thing, as a result of our trip we began to discuss the possibility in the near future of discussing the ending of the embargo with Vietnam and renewing diplomatic relations. We think we are on the right track.

We want to make sure that people understand that our first priority is the MIA issue, and that anything we recommend revolves around that.

In the context of that statement, our recommendation for discussions on ending the embargo and renewing diplomatic relations, it is our intent that that will go a long way in helping us with the MIA issue.

Mr. CARPER, it was a fine trip. I want to thank you for asking me to come on board. We had some wonderful experiences while we were there, one I will just recite, maybe two, very quickly.

One, I went to the prisoner of war camp that Congressman PETERSON stayed in for so many years. It was an experience that I want to thank him for allowing me to share on that particular day in Hanoi. We get a sense, a closeness to our comrades left behind. We were committed more than ever to resolving that issue.

The other one was PETE was talking about 50 percent of the population is under the age of 20. As we were leaving the zoo, PETE as you call it, a few youngsters came up and began to tug on my shoulders. One of the them said, "Travicheck." I looked at him. "Travicheck. How are you today? I am an American."

In a matter of seconds, there were 40 or 50 young people and young adults around with a curiosity about what are these Americans doing here? Throughout all of the trouble we have had in the last 40 or 50 years, our two peoples can still come together in peace. It is a new age. It is a new generation.

Mr. Speaker, we want to put the past to rest, that bitterness that divided us, for the purpose of coming together to solve our problems.

□ 1550

I thank the gentleman from Delaware [Mr. CARPER] again for allowing us to go on this trip. I think we have made great progress.

Mr. CARPER. WAYNE GILCHREST, we are fortunate that he was able to change his schedule to be a part of it, a valuable part of it.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman yielding to me again, just very briefly.

We have had an opportunity for five of the six of us who made this trip to share some of our thoughts here today, and I want to just say a word about the sixth member of our delegation, Congressman JAY RHODES, who happens to be a colleague of mine from the State of Arizona. I know that the gentleman from Arizona [Mr. RHODES] wishes that he could be with us here today, and I know that all of us, my colleagues and certainly the five of us, share the sorrow of him and his family at the passing of his father-in-law yesterday which has taken him out of this city.

I think I speak for all of my colleagues in saying that he has contributed a great deal also to this trip; his wry sense of humor, his one-liners, his quick to shoot down pompousness on the part of any Member or any staff person was always very quick in doing that.

While I am speaking about the Members who went, I think we would also, and I know my other colleagues would want to say something about this, too, pay very special tribute to our staff people who went along. A member of the staff of the gentleman from Delaware [Mr. KARPER], Liz Ryan, who did such a tremendous job in helping all of the logistics for this trip. A member of my staff, Laurie Fenton, who did yeoman's work during the course of this trip, particularly with regard to media and some of the details while we were on the trip. And Ralph Ibson, from the Committee on Veterans' Affairs, who also contributed tremendously to our efforts and particularly in terms of writing up the results of our meetings so that we had an ongoing record.

I also want to pay very special tribute to Capt. Don Nash from the Congressional Liaison Office of the U.S. Navy who was our escort and did a tremendous job for us and the plane crews, both of the planes that we had to use. We were traveling so rapidly, so frequently, we had to have a second plane as a backup when we were moving more rapidly than the minimum 15 hours rest that the crews required in each of the places.

That was necessary for us, in order to accomplish everything we needed to do during that week, to have some additional air support services, and they really did an outstanding job.

I think all of them are to be commended for the work that they did.

I would like to just, if I might, the story that was shared by the gentleman from Maryland [Mr. GILCHREST] reminds me of one that some of the other Members had. As a matter of fact, at the same time that they were visiting the prisoner of war camp or prison site in Hanoi, some of the others of us went to a site where prosthetics are being done for those Vietnamese who were wounded during the course of the conflict and now have lost an arm, a leg, sometimes a multiple loss of limbs.

I think all of us that were on that visit realized just how much help is needed by the Vietnamese people to recover here almost 20 years later, in some cases more than 20 years later, from these terrible war injuries and their lack of medical services.

I think we realize that in a very human way that there is much that we can do as one people to reach out to these people of Southeast Asia, of Vietnam, who like all of us in a sense have been made victims of this war.

Now as we put that war behind us, I think it is appropriate that we reach out and try to make sure that there is the kind of medical services, kind of assistance in fitting prosthetics for these people so that they can go about resuming as much as possible a normal life.

As they, I think, resume physically a normal life, I think that symbolizes the fact that our people on both sides who suffered in this war, who fought in this war, can also resume a normal life and have a normal relationship between our two peoples.

Again, I thank the gentleman from Delaware for this special order and for the opportunity to talk.

Mr. CARPER. The gentleman from Arizona [Mr. RHODES] served in Vietnam as Army Intelligence. He was an adviser to the Vietnamese. He brought to our congressional delegation a valuable perspective given the nature of his service in Vietnam and was a terrific addition to our team.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I wanted to reinforce the remarks that Mr. KOLBE made about the staff that we had backing us up on this trip and in many ways leading us. We get to come over here and do a special order. We get to do the press conferences; the Members get the spotlight. Staff do the tough, bonewearying work to make it all possible. And certainly Liz Ryan from the staff of the gentleman from Delaware [Mr. CARPER], Laurie Fenton from the staff of the gentleman from Arizona [Mr. KOLBE], Ralph Ibson from the Committee on Veterans' Affairs staff, and particularly Capt. Don Nash. There just is no way to say enough about what those folks did in making this trip worthwhile, serious and successful.

I won't single out anybody, but it was a remarkable effort by those folks to make our use of time as meaningful as it was.

I wanted to just pick up on one thing that the gentleman from Florida [Mr. PETERSON] said about what is going on in that part of the world. We have been so preoccupied with the Soviet Union and Eastern Europe and the magnificent transformations occurring there. But clearly, as the gentleman suggested, the significance in Southeast Asia of what is happening in Europe and the Soviet Union and Eastern Europe should not be lost on us.

The Vietnamese, the Laotians, the Cambodians know that their patrons from the Soviet Union are heading north at a fast clip, and they are having to reorient themselves for their own survival interests, economically and otherwise.

They are not anxious to be dominated by the People's Republic of China for all sorts of historic reasons. They are not anxious to be dominated economically by Japan for other good historic reasons. And they are anxious, therefore, from their own enlightened political and economic self-interest to restore good relations with the West.

We can look as hard as we want at ulterior motives, as reasons for mistrust and all the rest. And I do not mean to suggest that there are not reasons for us to be as hardnosed as possible in dealing with the folks in Indochina, but we do need in our own enlightened self-interest to be aware of how motivated they are, because of the political and economic changes in the world, to reach out now.

It would be foolish and counterproductive if we did not seize the opportunity that these world events present to us to move toward a reconciliation, toward a renewal of more constructive relations, and ultimately for establishing the conditions in which we can really put to rest the gnawing questions having to do with the men that we lost in that part of the world.

I hope and believe that our trip has made a contribution to that.

Mr. PETERSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Speaker, I certainly have to get my word in with the others on the help of the staff. They were absolutely marvelous.

In fact, I think a couple of them, when we pulled out of Hanoi for the second time, virtually collapsed from exhaustion after having been on the stress mill for that long. I think we would be remiss in not making sure that everyone understands that we talked to the Vietnamese about a number of other issues that we have not specifically attributed to the MIA/POW issue. One is the reeducation camps of some of the allies, our former allies, the ARVN and some of the governmental officials that served with us during the war.

The former allies are not being treated in Vietnam equally, and we asked very sternly that the Vietnamese look at that to, from a humanitarian issue, make sure, ensure that those former allies of America have in fact the same opportunities for advancement, not only for themselves but their families as well.

□ 1600

Too, we looked at the orderly departure program that is in fact designed to bring out some of our former allies, and that is going on. And we were pleased to see frankly how well the State Department was working on that program. That is one of the things that we think that probably they could take greater credit for success.

The Ameurasian program, a very strong program in Vietnam, just outside of Ho Chi Minh City. We visited that facility and those people are indeed doing an admirable job as well.

Finally, let me just say, and I believe I can say this without any reservation, my colleagues in what we call the Nampows organization are absolutely adamant that we want a full accounting on the MIA issue in Vietnam, and Laos, and Cambodia, and virtually I think all of us would be willing to do whatever is necessary, a sacrifice of our own lives, wealth or whatever it might be to help bring that to a conclusion.

Again, TOM, my admiration for your superb leadership, and certainly great counsel to myself. I look forward to working with you in the future.

Mr. CARPER. I thank the gentleman very much.

Let me just say in conclusion that we have mentioned the names of the four staff people who went along on this trip, Liz Ryan, Laurie Fenton, Ralph Ibsen, as well as Capt. Don Nash, and they were ably assisted by a young seaman, Mike Mills, from the Congressional Liaison Office, and we want to thank Mike for his help and cooperation also.

We comprised a 6-member congressional delegation with terrific staff support. We were probably one of the more serious congressional delegations that has been put together, certainly the most serious-minded that I have had the pleasure of traveling with in my 9 years in the Congress.

When delegations come home there is still followup that needs to be done, and that is certainly the case in this instance. We have, as I suggested earlier, begun a series of debriefings.

We have met with the leadership of CINCPAC, we have met with the Secretary of Defense, Mr. Cheney, and found him most receptive to the recommendations we have made. We met today with senior offficals in the State Department, and we hope to meet soon with National Security Council representatives and perhaps the Secretary of State, too. Later this evening we will be meeting with the senior official from the Lao Foreign Ministry who is in our country, and this is part of the followup. It is not going to just end tonight, this week, or this month. This is MIA/POW Recognition and Remembrance Week. We are not just going to remember today, or tomorrow, or for the remainder of this week. We plan to remember and to remind our colleagues and others in the Government and in our country for the balance of this month, this year, next year or for as long as it takes or as long as we need to move down the road toward resolving to closure on this subject.

The SPEAKER pro tempore (Mr. MCMILLEN of Maryland). The time of the gentleman from Delaware [Mr. CARPER] has expired.

POW/MIA RECOGNITION AND REMEMBRANCE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, in order to continue on the special order previously begun by the gentleman from Delaware [Mr. CARPER], I yield to the gentleman from Delaware for the purpose of completing his statement.

Mr. CARPER. I thank the gentleman from Colorado.

One of the cornerstones of our recommendations to American officials, to the Secretary of Defense, to the State Department, and to others is that we have to remove this veil of secrecy about our operations in Southeast Asia and what we have done as a government to try to follow up on life sightings and get to the bottom of this issue.

During the time that we were en route to Southeast Aisa a team of Americans was in the capital of Cambodia trying to find the truth about a series of photos that were widely publicized in this country. During the early part of August, thanks to the cooperation of the Soviets in Phnom Penh, the capital of Cambodia, and thanks to the cooperation of the Cambodians as well, three different photos, the alleged United States POW's, three photos, the source of the three photos was found by our people, and it was found to be a Soviet publication, of all things. And the photos literally were taken of photographs within that publication, listed, changed, revised in order to indicate that they were American POW's.

Just this past week, and I might say we met in Laos with a number of officials, and we asked particularly on two cases for which photos have been recently circulated, and we asked for assistance from the Laotian Government, and we have learned this week that American officials have met with a Lao national, an ethnic tribesperson I understand from the Bru Tribe in Laos, a person who has really the fellow in the photograph that was alleged to be an American held against his will. Those are the types of activities going on in Cambodia, in Laos and in Vietnam. Too little is being said about those activities.

A great deal of attention is given to photographs as they surface, and there is sensationalism and so forth, and I understand and appreciate the anxiety of the families. But it is important when we have people who are doing a good job of tracking down the truth and ferreting it out that we get the word out to the American people.

Let me conclude also by thanking Chairman GONZALEZ of the Banking Committee and Chairman MONTGOMERY of the Veterans' Affairs Committee whose support and cooperation in putting this delegation together and making it possible for us to travel in Southeast Asia I think we could not have done without. Without their help I do not believe we could have done it.

Lastly, let me just conclude by saying, and it is to reiterate because it has already been said, but I think it needs to be said again, changes we saw in Vietnam and Laos were remarkable to me. We found two economies that are moving with deliberate speed from a command economy, from a centrally commanded, centrally run Communist kind of a economy toward a market economy. And trends and reforms that were adopted literally during our stay I think are helping to hasten that transformation.

I was struck by the wramth of the welcome we received in Cambodia, and Laos, and Vietnam, as we as a country were party to the death of roughly 1 million Vietnamese. We lost 56,000. They lost close to a million. We have 2,300 missing in action. They have 200,000. We have people who still bear the wounds, have the loss of their limbs. They have 100,000 amputees in Vietnam.

Despite that, the warmth of the welcome from the highest levels of their Government to the man and woman in the street struck me and still remains in my memory. They want normal relations. They want better, warmer relations with us in this country.

I will conclude by again saluting my colleagues and to say how pleased I was to be a part of this delegation, and I thank each of you for taking time from what could have been a congressional recess when you could have been with your own families to do something that

I hope is something positive for the families of those men and women who served in Vietnam and who never came home. I believe what we have done will make a difference not just for better relations with our country and the countries we visited, but hopefully to help provide a measure of peace of mind for the 2,300 American families who have not had that peace of mind they want and deserve.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. SAXTON (at the request of Mr. MICHEL) for September 16 and 17, on account of a broken collarbone.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, on September 23.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. OWENS of Utah, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 60 minutes each day, on September 24 and 25.

Mr. BRUCE, for 60 minutes each day, on September 24 and 26, October 1, and 3.

Mr. OWENS of New York, for 60 minutes each day, on September 23, 24, 25, 26, 27, and 30, October 1, 2, 3, 4, 7, 8, 9, 10, 11, 15, 16, 17, 18, 21 22, 23, 24, 25, 28, 29, 30, and 31.

(The following Members (at his own request) to revise and extend his remarks and include extraneous material:

Mr. SKAGGS, for 5 minutes, today.)

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mrs. ROUKEMA in two instances.

Mr. EWING.

Mr. COX of California.

Ms. ROS-LEHTINEN.

Mr. BUNNING.

Mr. RIDGE.

Mr. MYERS of Indiana.

Mr. CUNNINGHAM.

Ms. MOLINARI.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. KANJORSKI.

Mr. FALEOMAVAEGA.

Mr. ROE.

Mr. JACOBS.

Mr. BARNARD.

Mr. DONNELLY.

Mr. DOWNEY.

Mr. KOSTMAYER.

Mr. SKELTON.

Mr. TRAFICANT.

Mrs. LOWEY of New York.

Mrs. SCHROEDER.

Mr. ATKINS.

Mr. PENNY.

Mr. MCMILLEN of Maryland.

Mr. SMITH of Florida.

Mr. LAFALCE.

Mr. LEHMAN of Florida.

Mr. GUARINI.

Mr. HOYER.

Mr. EDWARDS of California.

ADJOURNMENT

Mr. SKAGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p.m.) under its previous order, the House adjourned until Thursday, September 19, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2085. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to revise certain provisions of section 5240 of the Revised Statutes relating to the examination and supervision of national banks and the expense thereof; to the Committee on Banking, Finance and Urban Affairs.

2086. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's study of directors' and officers' liability insurance and fidelity bonds; to the Committee on Banking, Finance and Urban Affairs.

2087. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 91-51), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2088. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 91-52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2089. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 91-50), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2090. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 91-49), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2091. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intention to provide assistance to the Baltic States from fiscal year 1991 funds; to the Committee on Foreign Affairs.

2092. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council (H. Doc. No. 102-140); to the Committee on Foreign Affairs and ordered to be printed.

2093. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2094. A letter from the Secretary of Health and Human Services, transmitting the department's report on ways of promoting vocational rehabilitation and helping Social Security disability beneficiaries return to work; to the Committee on Ways and Means.

2095. A letter from the Assistant Secretary of Defense, transmitting the Department's environmental consideration during weapons systems acquisition report; jointly, to the Committees on Armed Services and Appropriations.

2096. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the committees on Foreign Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 2900. A bill to improve supervision and regulation with respect to the financial safety and soundness of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes; with an amendment (Rept. 102-206). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Education and Labor. H.R. 1674. A bill to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission and for other purposes; with an amendment (Rept. 102-207). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 3347. A bill to repeal the prohibition on the importation of gold coins from the Soviet Union; to the Committee on Ways and Means.

By Mr. COYNE (for himself and Mr. SHAW):

H.R. 3348. A bill to amend the Internal Revenue Code of 1986 to provide a full exemption from the volume cap on private activity bonds for bonds used to finance high-speed intercity rail facilities; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. HUNTER, Mr. LOWERY of California, and Mr. PACKARD):

H.R. 3349. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under the Medicare Program or the Civilian Health and Medical Program of the Uniformed Services; jointly, to the Committees on Armed Services, Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. EDWARDS of California (for himself and Mr. HYDE):

H.R. 3350. A bill to extend the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself and Mr. DE LUGO):

H.R. 3351. A bill to establish the American Samoa Study Commission; to the Committee on Interior and Insular Affairs.

By Mr. MCMILLEN of Maryland:

H.R. 3352. A bill to establish a market based pricing mechanism for deposit insurance and offer depositors the option of purchase amounts in excess of $100,000, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. MOLINARI (for herself, Ms. SNOWE, Mrs. MORELLA, Mr. GREEN of New York, Mrs. JOHNSON of Connecticut, Mr. SOLOMON, Ms. ROS-LEHTINEN, Mr. GEKAS, Mr. HORTON, Mr. BOEHLERT, Mr. RAMSTAD, Mr. RAVENEL, Mr. HOBSON, Mr. KLUG, and Mr. PAXON):

H.R. 3353. A bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes; to the Committee on Education and Labor.

By Mr. PENNY (for himself, Mr. RAHALL, Mrs. MORELLA, Ms. KAPTUR, and Mr. ACKERMAN):

H.R. 3354. A bill to amend the Higher Education Act of 1965 to improve the eligibility of less-than-half-time students for Federal student assistance programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota:

H.R. 3355. A bill to amend the Internal Revenue Code of 1986 to restore the investment tax credit, allow a deduction for certain capital gains, extend and increase the deduction for health insurance costs of self-employed individuals, restore income averaging, modify the corporate and individual income tax rates, and reduce Social Security taxes and remove the ceiling on wages subject to such taxes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3356. A bill to amend the Federal Home Loan Bank Act to provide refinancing for the Resolution Trust Corporation, restructure the Corporation, and extend the effectiveness of certain amendments made to the affordable housing program of the Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNDQUIST:

H.R. 3357. A bill to amend the United States Code with respect to waivers of indebtedness and settlement of claims through the Department of Veterans' Affairs Home Loan Guaranty Program; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI:

H.R. 3358. A bill to require the Bureau of Prisons to study the feasibility and cost-effectiveness of using prefabricated modular units for prison facilities; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 3359. A bill to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1027) and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOUCHER (for himself and Mr. BOEHLERT):

H.R. 3360. A bill to amend the Federal Fire Prevention and Control Act of 1974 to promote the use of automatic sprinklers, or an equivalent level of fire safety, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. COUGHLIN (for himself and Mr. HUGHES):

H.R. 3361. A bill to provide for testing for the use, in violation of law or Federal regulation, of alcohol or controlled substances by persons who operate aircraft, trains, and commercial motor vehicles, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. HAYES of Illinois (for himself and Ms. NORTON):

H.R. 3362. A bill to amend the Higher Education Act of 1965 to establish programs for minority foreign service professional development; to the Committee on Education and Labor.

By Mr. JENKINS:

H.R. 3363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. PAYNE of New Jersey:

H.R. 3364. A bill to reauthorize and revise certain provisions of the Higher Education Act of 1965 in order to strengthen access to higher education opportunities for low-income students and minority students, especially African-Americans, and for other purposes; to the Committee on Education and Labor.

By Mr. MICHEL (for himself and Mr. HOYER):

H.J. Res. 326. Joint resolution designating the month of November 1991, as "National Accessible Housing Month"; to the Committee on Post Office and Civil Service.

By Mr. LAUGHLIN (for himself and Mr. CALLAHAN):

H.J. Res. 327. Joint resolution designating 1992 as the "Year of the Gulf of Mexico"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H.J. Res. 328. Joint resolution providing that the United States should support the Armenian people to achieve freedom and independence; to the Committee on Foreign Affairs.

By Mr. DONNELLY (for himself, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. EARLY, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. MAVROULES, and Mr. MOAKLEY);

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that the Secretary of the Army should investigate whether James L. Cadigan should be awarded the Congressional Medal of Honor for heroism in combat during World War II; to the Committee on Armed Services.

By Mr. MCEWEN:

H. Con. Res. 204. Concurrent resolution concerning compensation for United States assistance to the Soviet Union and successor states; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. BROOMFIELD, Mr. WOLF, and Mr. ROHRABACHER):

H. Con. Res. 205. Concurrent resolution urging all parties in Yugoslavia to cease further use of force and engage fully and in good faith in negotiations on the future of Yugoslavia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

276. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to military longevity, retired pay, and service-connected disability compensation; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. GILLMOR, Mr. MCMILLEN of Maryland, Mr. PAYNE of New Jersey, Mr. HAYES of Illinois, Ms. HORN, Mr. KOSTMAYER, Mr. STUMP, Mr. TOWNS, Ms. DELAURO, Mr. OWENS of New York, Mr. QUILLEN, and Mrs. LLOYD.

H.R. 78: Mr. MCCANDLESS.

H.R. 330: Mr. FALEOMAVAEGA, Mr. LEHMAN of Florida, and Mr. WYLIE.

H.R. 371: Mr. ROTH.

H.R. 385: Mr. JOHNSON of South Dakota.

H.R. 574: Mr. OBERSTAR.

H.R. 576: Mr. DAVIS, Mr. THOMAS of Georgia, Mr. PAYNE of New Jersey, Mr. VENTO, Mr. MILLER of Ohio, Ms. NORTON, Mr. STUMP, Mr. BARNARD, Ms. DELAURO, and Mr. MCCANDLESS.

H.R. 706: Mr. SARPALIUS.

H.R. 723: Mr. DARDEN.

H.R. 856: Mr. SMITH of New Jersey, Mr. BUSTAMANTE, and Mr. ROYBAL.

H.R. 1005: Mr. UPTON.

H.R. 1167: Mr. MARKEY.

H.R. 1168: Mr. DICKS, Mr. CUNNINGHAM, Mr. RHODES, and Mr. OWENS of Utah.

H.R. 1293: Ms. NORTON, Mr. ESPY, Mr. SIKORSKI, and Mr. WYDEN.

H.R. 1300: Mr. ATKINS.

H.R. 1393: Mr. LEHMAN of Florida.

H.R. 1446: Mr. CONYERS.

H.R. 1457: Mr. Goss, Mr. Derrick, Mr. Ford of Tennessee, Mr. Spratt, Mr. Taylor of Mississippi, and Ms. Snowe.

H.R. 1497: Mr. Ackerman.

H.R. 1527: Mr. Wise and Mr. Espy.

H.R. 1541: Mr. Pallone.

H.R. 1546: Mr. Stump.

H.R. 1547: Mr. Porter.

H.R. 1565: Mr. Fish.

H.R. 1618: Mr. Erdreich, Mr. Riggs, Mr. Frank of Massachusetts, Mr. Tauzin, Mr. Martinez, Mr. Sisisky, Mr. Ewing, Mr. Combest, Mr. Weber, Mr. Dornan of California, Mr. Miller of Washington, Mr. DeFazio, Mr. Hammerschmidt, Mr. Kolbe, Mr. Zeliff, Mr. Levin of Michigan, Mr. Pallone, Mr. Wylie, and Mrs. Unsoeld.

H.R. 1623: Mr. Gibbons.

H.R. 1624: Mr. Gibbons.

H.R. 1753: Mr. Gallegly.

H.R. 1782: Mr. Morrison.

H.R. 1809: Mr. Ewing.

H.R. 1900: Mr. Wilson, Mr. Livingston, Mr. Clinger, Mr. Emerson, Mr. Lancaster, Mr. Kopetski, Mr. Dannemeyer, Mr. Perkins, Mr. Roe, Mrs. Lloyd, Mr. Martinez, and Mr. Roemer.

H.R. 2215: Mrs. Boxer, Mr. Evans, Mr. Fascell, Mr. Frost, Mr. LaFalce, Mr. Olin, and Mrs. Schroeder.

H.R. 2231: Mr. Cox of Illinois.

H.R. 2248: Mr. Sundquist, Ms. Kaptur, Mr. Wylie, Mr. Sikorski, Mr. Parker, and Mr. Edwards of Texas.

H.R. 2257: Mr. Fawell.

H.R. 2291: Mr. Faleomavaega.

H.R. 2407: Mr. Roth, Mr. Doolittle, Mr. Morrison, Mr. Hayes of Illinois, Mr. Borski, Mr. Owens of Utah, and Mr. Broomfield.

H.R. 2463: Mr. McCrery and Mr. Chapman.

H.R. 2553: Mr. Taylor of Mississippi, Mr. Luken, and Mr. Gekas.

H.R. 2598: Mrs. Lloyd, Mr. Stump, and Mr. Taylor of North Carolina.

H.R. 2624: Mr. Roe, Mr. Johnson of South Dakota, and Ms. DeLauro.

H.R. 2643: Mr. Boucher, Mr. Gallegly, and Mr. Rhodes.

H.R. 2646: Mr. Foglietta and Mr. Espy.

H.R. 2664: Mr. Lancaster and Mr. Riggs.

H.R. 2774: Mr. Fazio, Mr. Dymally, Mr. Lewis of Georgia, Mr. Martinez, Mrs. Unsoeld, Mr. Mfume, Mr. Sanders, Mr. Sabo, Mrs. Schroeder, and Mr. Ackerman.

H.R. 2779: Mr. Conyers, Mr. Ackerman, Mr. Pease, and Mr. LaFalce.

H.R. 2781: Mr. Conyers, Mr. Ackerman, Mr. Pease, and Mr. LaFalce.

H.R. 2798: Mr. Leach, Mr. Hughes, Mr. Harris, Mr. Morrison, Mr. Boucher, Mr. Alexander, Mr. Tallon, Mr. Rose, Mr. Johnson of South Dakota, Mr. LaRocco, Mr. Gunderson, Mr. Walsh, Mr. DeFazio, Ms. Kaptur, Mr. Murtha, Mr. Foglietta, Mr. Shuster, Mr. Olin, and Mr. Payne of Virginia.

H.R. 2863: Mr. Zimmer and Mr. Sensenbrenner.

H.R. 2872: Mr. Serrano and Mr. Dellums.

H.R. 2880: Mr. Johnston of Florida, Mr. Levin of Michigan, Mrs. Morella, and Mr. Spratt.

H.R. 2915: Mr. Allard, Mr. Weber, Mr. James, Mr. Oxley, Mr. Fawell, and Mr. Skeen.

H.R. 2958: Mr. Zimmer and Mr. Sensenbrenner.

H.R. 3011: Mrs. Meyers of Kansas, Mr. Campbell of Colorado, Mr. Coleman of Missouri, Mr. Olin, Mr. Orton, and Mr. Lancaster.

H.R. 3023: Mr. Livingston.

H.R. 3062: Mr. Shays.

H.R. 3071: Mr. Gillmor, Mr. Olin, Mr. Hunter, Mr. Spratt, Mr. Foglietta, Mr. Geren of Texas, Mr. Bennett, Mrs. Patterson, Mr. Whitten, Mr. Baker, Mr. Payne of Virginia, Mr. Rhodes, Mr. Sanders, Mr. Derrick, Mr. Hutto, Mr. Hastert, Mr. Barnard, and Mr. Fawell.

H.R. 3130: Mr. Hancock, Mr. Sensenbrenner, Mr. Gilchrest, Mr. Smith of Texas, Mr. Zeliff, Mr. Allard, Mr. Henry, Mr. Upton, and Mr. Weber.

H.R. 3150: Mr. Smith of Florida, Mr. Payne of Virginia, and Mr. Evans.

H.R. 3164: Mr. Machtley and Mr. Jefferson.

H.R. 3187: Mr. Towns, Mr. Horton, Ms. Waters, Mr. Dellums, Mr. Jacobs, Mr. Sanders, Mr. Bonior, Mr. Frost, Mr. Chapman, Mr. Lancaster, Mr. Rangel, Mr. Evans, and Mr. LaFalce.

H.R. 3192: Mr. Ewing.

H.R. 3228: Mr. Brown and Mr. Washington.

H.R. 3236: Mr. Reed, Mr. Erdreich, Mr. LaFalce, Mr. Hertel, and Mr. Faleomavaega.

H.R. 3250: Ms. Norton, Mr. Smith of Florida, Mr. Conyers, Mr. Jontz, Mr. Bruce, Mr. Evans, Mr. Jefferson, and Mr. Pease.

H.R. 3278: Mr. Burton of Indiana and Mr. Ackerman.

H.R. 3311: Mr. Towns, Mr. Rangel, and Mr. Horton.

H.J. Res. 140: Mr. Staggers, Mr. Solomon, Mr. Payne of Virginia, Ms. Pelosi, Mr. Savage, Mr. Towns, Mr. Guarini, Mr. Levine of California, Mr. Martinez, Mr. Bilirakis, Mr. Lowery of California, Mr. Hoyer, Mr. Olin, Mr. Cramer, Mr. Walsh, Ms. Snowe, Mr. Sundquist, Mr. Ford of Tennessee, Mr. Jenkins, and Mr. Paxon.

H.J. Res. 143: Mr. Bilbray.

H.J. Res. 189: Mr. Oberstar, Mr. Coble, Mr. Stenholm, Mr. Packard, Mr. Henry, Mrs. Unsoeld, Mr. Wise, Mr. Yatron, Mr. Wylie, Mr. Barnard, Mr. Bilirakis, Mr. Grandy, Mr. Goodling, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Faleomavaega, Mr. Gekas, Mr. Gunderson, Mr. Hertel, Mr. Gallo, Mr. Hastert, Mr. Hansen, Mr. Borski, Mr. Franks of Connecticut, Mr. Michel, Mr. Matsui, Mr. Vento, Mr. Houghton, Mr. Hunter, Mr. Hyde, Mrs. Johnson of Connecticut, Mr. Kostmayer, Mr. Lantos, Mr. Miller of Ohio, Mr. Mollohan, Mr. Rhodes, Mr. Bruce, Mr. Smith of Oregon, Mr. Kennedy, Ms. Molinari, Mr. Nagle, Mr. Bateman, Mr. Oxley, Mr. Boehlert, Mr. Weber, and Mr. Ackerman.

H.J. Res. 216: Mr. Fish.

H.J. Res. 223: Mr. Dreier of California.

H.J. Res. 227: Mr. Mfume, Mr. Moody, Mr. Spence, Mr. Weiss, Mr. Smith of New Jersey, Mr. Boehlert, Mr. Gonzalez, Mr. McEwen, Mr. Flake, Mr. Orton, Mr. Franks of Connecticut, Mr. Mazzoli, Mr. Gordon, Mrs. Meyers of Kansas, Mr. Parker, Mr. Regula, Mr. Hansen, Mr. Cooper, Mrs. Patterson, Mr. Wise, Mr. Pickett, Mr. Gallo, Mr. Brewster, Mr. Stark, Mr. Kanjorski, Mr. Lent, Mr. Ramstad, Mr. Roemer, Mr. Harris, Mr. Ritter, Mr. Hughes, Mr. Livingston, Mr. Saxton, Mr. Montgomery, Mr. Wilson, Mr. Clinger, Mr. Faleomavaega, Mrs. Unsoeld, Mr. Erdreich, Mr. Obey, Mr. Machtley, Mr. Vander Jagt, Mr. Luken, Mr. Laughlin, Mr. Neal of North Carolina, Mr. Lantos, and Mr. Camp.

H.J. Res. 230: Mr. Quillen, Mr. Wolf, Ms. Kaptur, Mr. Fascell, Mr. Walsh, Mr. Skeen, Mr. Fuster, Mr. Vento, Mr. Applegate, Mr. Foglietta, Mr. Gejdenson, Mr. LaFalce, Mr. Hertel, Mr. Mavroules, Mr. Green of New York, Mr. Gallegly, Mr. Martin, Mr. Goodling, Mr. Grandy, Mr. Solomon, Mr. Schiff, Mr. McCollum, Mr. Pursell, Mr. Dannemeyer, Mr. Shaw, Mr. Broomfield, Mr. Lagomarsino, Mr. Riggs, Mr. Houghton, Mr. Jacobs, Mr. Zimmer, Mr. Ortiz, Mr. Zeliff, Mrs. Meyers of Kansas, Mr. Miller of Ohio, Mr. Vander Jagt, Mr. Bereuter, Mr. Dickinson, Mr. Spence, Mr. Ramstad, Mr. Fish, Ms. Molinari, Ms. Snowe, Mr. Hyde, Mr. Flake, Mr. Barrett, Mr. Miller of Washington, and Mr. Roth.

H.J. Res. 242: Mr. Shaw, Mr. Gekas, and Mr. Hertel.

H.J. Res. 258: Mr. Hamilton.

H.J. Res. 273: Mr. Schaefer, Mr. Vento, Mr. Swett, Mr. Kasich, Mr. Baker, Mr. Barnard, Mr. Jefferson, and Mr. Ackerman.

H.J. Res. 284: Mr. Lent, Mr. Owens of New York, Mrs. Patterson, Mr. Sabo, Mr. Bustamante, Mr. Price, and Mr. Franks of Connecticut.

H.J. Res. 316: Mr. Skelton, Mr. Quillen, Mr. Jefferson, Mr. Walsh, Mr. McNulty, Mr. Bliley, Mr. Emerson, Mr. Callahan, Mr. McMillen of Maryland, Mr. Matsui, Mr. Erdreich, Mr. Dwyer of New Jersey, Mr. Dickinson, Mrs. Morella, Mr. Browder, Mr. Owens of Utah, Mr. Hall of Texas, Mr. Mfume, Mr. Valentine, Mr. Markey, Mr. Green of New York, Mr. Spence, Mr. Young of Alaska, Mr. Yatron, Mr. McCloskey, Mr. Lipinski, and Mr. Miller of Washington.

H.J. Res. 324: Mr. Bliley and Mr. Hamilton.

H. Con. Res. 194: Mr. Sanders, Mr. Cramer, Mr. Jacobs, Mr. Oxley, Mr. Penny, Mr. Bereuter, Mr. Goss, Mr. Henry, and Mr. Skeen.

H. Con. Res. 198: Mr. Evans.

H. Res. 205: Mr. Jefferson.

H. Res. 222: Mr. Gunderson, Mr. Brown, Mr. Boehner, Mr. Peterson of Minnesota, Mr. Weber, Mr. Stallings, Mr. Barrett, Mr. Johnson of South Dakota, Mr. Walsh, Ms. Kaptur, Mr. Vento, Mr. Sikorski, Mr. Grandy, Mr. Bereuter, Mr. Emerson, Mr. Thomas of Georgia, and Mr. Hall of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 261: Mr. McMillan of North Carolina.

H.R. 1092: Mrs. Boxer.

H.R. 2946: Mr. Coble.

PETITIONS, ETC.

Under clause 1 of rule XXII,

122. The SPEAKER presented a petition of the American Association of Law Libraries, relative to opposing fees for the redistribution of Government tariff information; which was referred jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

SENATE—*Tuesday, September 17, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Let us pay reverence to the Supreme Governor of the world. The Senate will be led in prayer by the Senate Chaplain, Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For the love of money is the root of all evil * * *. I Timothy 6:10.

* * * *thou shalt remember the Lord thy God: for it is He that giveth thee power to get wealth* * * *.—Deuteronomy 8:18.

God of our fathers, Who inspired our forebears with a vision for a new kind of political system never before known, help us to interpret wisely the times in which we live. Godless communism promised that the dictatorship of the proletariat would ultimately bring blessing to the masses. Instead, it produced an exclusive elite with extraordinary power which lived off the fat of the land while the masses went hungry, if they were not destroyed by the elite.

Out of Godless capitalism seems to be emerging an elite of power and wealth, indifferent to the poverty, the hunger, the hopelessness of the people. Remove from our eyes that which blinds us to the perilous nature of Godlessness. Awaken our minds from the slumber that insensitizes us to the social decay like an epidemic all around us. As our Founding Fathers needed Thee, mighty God, so in these critical, desperate times we need Thee. Restore our Nation, Government, and people to the faith that gave us our unprecedented governmental system.

In the name of the King of kings and Lord of lords. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

Who seeks recognition?

Mr. COHEN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 1718 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington [Mr. ADAMS].

ISRAELI HOUSING LOAN GUARANTEES

Mr. ADAMS. Mr. President, I want to lend my voice today to the chorus of supporters of the Israeli loan guarantee request. Quite frankly, I am amazed and disappointed that there is any disagreement over this matter. When the President announced his intention to delay the request, it appeared that we would have to argue timing. Now that the President has not only threatened to veto any measure, but has also gone back on his initial support of the request, it appears that we are going to have to argue the substance as well.

The substance is quite simple. This is a loan guarantee, and it will not cost the U.S. taxpayers a single dime. In addition, American Jewish groups all over the country are raising money, billions of dollars, to assist in this and, I am sure, if necessary, to cover any possible losses. But Israel will not default. Historically, the Israeli Government has always paid its debts.

This is not a new issue. We enacted the Jackson-Vanik amendment in 1973, sponsored by my dear friend and former colleague, former Senator Henry Jackson, of the State of Washington, to condition most-favored-nation status for the Soviet Union on the freedom of emigration for Soviet Jews. And we remain committed to their freedom to resettle in Israel.

Mr. President, it has been said that those who forget the mistakes of the past will be condemned to repeat them. In June 1939, the passenger carrier *St. Louis* was denied the right to dock in the United States. Over 900 German Jewish refugees returned to Europe, and lost their lives in the Holocaust. The urgent need for housing loan guarantees exists in Israel right now, today, and should not be delayed.

As everyone in this Chamber knows, many of us have spent hours and days in Moscow and other places getting one person at a time out of the Soviet Union. The window is open at this period of time. That is why we must move quickly, because we do not know what is going to happen in the U.S.S.R., in Russia, or in any of the other republics.

Ironically, I believe everybody in this body is committed to the principle of freedom of emigration. The loan guarantee contributes directly to this principle. And every one of us, no doubt, supports convening a peace conference to resolve the many bitter issues that divide the Middle East.

The administration would have us believe—and I do not know why they keep trying to do this—that the Israeli Government request will jeopardize the Arab States' willingness to cooperate in the conference. Yet this has never been verified by Arab sources. To my knowledge, the subject of loan guarantees have never been mentioned as an obstacle to the peace process. In fact, the subject of Israeli settlement policy—a far more contentious issue—has never been mentioned as an obstacle to Arab participation in this particular context. In other words, there has been no linkage. Rather, it is the administration that has made the loan guarantee a subject for controversy and an issue in the peace conference.

We hear much discussion of the Arab States' willingness or reluctance to join the U.S. initiative. What of Israel's willingness? The absorption of new Jewish immigrants—whether from the Soviet Union, Eastern Europe, or Ethiopia—is central to the State of Israel and its philosophy. Our own country was founded on the same principle. Continuing immigration is not negotiable. Settlements are. But that is an issue for the conference itself.

United States opposition to the construction of new settlements is well-known and has been a component of our Middle East Policy for several administrations. The truth of the matter is that President Bush, by picking this fight now, will strengthen the hard-liners in Israel—those who support massive settlement construction and who would never give up land in the West Bank or Gaza for peace. And that just might jeopardize Israel's willingness to negotiate.

A few weeks ago, we seemed very close to an agreement that would finally bring all parties to the table. The only outstanding issue was the makeup of the Palestinian delegation. Now there is one more outstanding issue—one that could totally torpedo the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

talks—and it is one that the administration has created.

We are talking here about humanitarian assistance. Ever since the adoption of the Jackson-Vanik amendment when Scoop Jackson made free emigration of Soviet Jews a cornerstone of United States-Soviet relations, we have pledged our assistance to carrying out this policy. We have pushed for relaxation of Soviet restrictions, and now that has happened. And we pledged our assistance to Israeli absorption, and that is what this $10 billion loan guarantee is all about. Now our dreams of freer Soviet emigration are coming true—faster than we have ever expected—and at this critical moment the administration is backing off.

Israel has already delayed its request several months at the administration's behest. But the emigrants cannot and should not wait one more moment. They are coming and the money is needed. All that Israel is asking of us is to provide a guarantee to the banks.

This is not foreign aid. This is not a handout. And those who have tried to portray the guarantees as taking money away from domestic programs here in the United States have done a profound disservice to the public debate. Even if the administration were successful in defeating the loan guarantees, there would not be a single cent more available for domestic spending. The current budget agreement makes any such transfers between foreign and domestic accounts impossible.

For the last 40 years, Israel has been our staunchest ally in the region. This was amply proven during the gulf war, when Israel held its fire under attack in deference to United States wishes. Since that time, the administration has rewarded Egypt for its role in the war by forgiving $7 billion in official debt.

And I supported that, Mr. President, at the request of the leadership and at the request of the administration, and I am pleased to have done so. It has rewarded Turkey with hundreds of millions of dollars in supplementary military and economic assistance. Additional aid to Israel was approved last spring, but only at congressional insistence. And now the Bush administration is balking at being asked to guarantee—not to provide, but simply to guarantee—loans to be used to settle Soviet emigrants. If the administration will not act, the Congress must.

Mr. President, let us put this ugly confrontation behind us. Loan guarantees for Israel should be considered and approved now, without further delay. We owe it to the Soviet Jews who seek a new life. We owe it to our friend and ally, Israel. And we owe it to the principles that we hold dear—freedom of emigration, humanitarianism, and loyalty.

MAJOR LEAGUE BASEBALL IN SEATTLE: AN ENDANGERED SPECIES

Mr. ADAMS. Mr. President, I commend the junior Senator from Washington for his excellent review of the history of baseball in Seattle in his speech to the Seattle Rotary Club on September 4. The Mariners are a major part of our northwest sports culture and an important part of our economy. I will be working with the junior Senator on legislation to assure that the Mariners continue to play and prosper in Seattle and the Pacific Northwest.

I ask unanimous consent that the text of Senator GORTON's speech to the Seattle Rotary Club be printed in the RECORD.

There being no objection, the text of the speech was ordered to be printed in the RECORD, as follows:

MAJOR LEAGUE BASEBALL IN SEATTLE: AN ENDANGERED SPECIES

(Speech given by Senator Slade Gorton to the Seattle Rotary Club, September 4, 1991)

"Though some American League owners have expressed disgust at the Seattle situation and openly have opted for transfer of the Seattle franchise, the league as a unit is reluctant to take action * * *."

This familiar-sounding line appeared in *The Seattle Times* on January 25, 1970—more than 20 years ago, and only about two months before the Pilots were spirited away to Milwaukee. Milwaukee is a somewhat smaller metropolitan area than Seattle, and one with a far more restricted broadcast media market.[1]

Today, we may be no more than two months away from an attempt to move the Seattle Mariners to Tampa-St. Petersburg, Florida—a metropolitan area considerably less populous than Seattle, with a more restricted market,[2] and with an average annual disposable income of 3,000 dollars a family less.

What does Tampa-St. Petersburg have that Seattle lacks?

First, a newer domed stadium with an operating subsidy of almost 2 million dollars a year from the City of Tampa.

Second, commitments to a prospective major league baseball team for 23,000 season tickets—four times the number sold for the current Mariners' season, and more than twice the goal of the "Ms Mean Business" campaign for 1992.

Third, far more potential income from luxury suites and executive stadium boxes—in contrast to Seattle, where more than half of the Kingdome suites lie empty for the Mariners' season.

Fourth, a guaranteed local television and cable television agreement worth between 8 and 10 million dollars a year, compared with a 1.7 million dollar a year contract here in Seattle.

Fifth, the assurance of 30 years of admission tax rebates from the State and City, together with assurance of what is called "the best lease" in major league baseball.

Sixth, and most important, potential local ownership that is willing to put up 95 million dollars for an expansion franchise and 20 to 30 million dollars more for the inevitable operating losses of such a franchise during its first several years.

People in Tampa can see—as well as we can here—the impact that the Mariners do have on Seattle and could have on Tampa. Those impacts are both tangible and intangible.

The leading intangible is the fact that having a major league baseball team bestows "major league" status on a city. Seattle is a consummately "livable" town in no small measure because of the Mariners. Beyond that, we think of ourselves as major leaguers, and others perceive us in that fashion as well. In a way, major league baseball contributes in a manner similar to the city's art and cultural ambience—and is almost as unlikely to show an annual net profit in monetary terms.

With each issue that comes before me as a United States Senator, I ask this question first: "How will this affect economic opportunities for people and families in Washington State?" The answer here is: "A great deal." The overall economic impact of major league baseball in Seattle exceeds 100 million dollars a year. It leads to nearly 2,000 direct and indirect jobs—primarily in the service sector—for people who have a relatively limited set of economic opportunities. And the Mariners are a feature of the region that helps private employers recruit and retain the qualified employees they need to succeed.

Plainly stated, it is in our economic own self-interest to keep the Mariners in Seattle. The business and governmental communities in Tampa and St. Petersburg are prepared to act on this understanding to bring the team to their community, while those in Seattle have not done so yet to a degree that will assure that the Mariners will remain here. The time for the Tampa-St. Petersburg brand of decisive action by Seattle's leaders is now.

One final introductory point: Only one city has ever twice lost a major league baseball franchise. That community—Washington, D.C.—is one with which I have some familiarity. It has almost double the population of Seattle, is the eighth largest metropolitan area in the United States, sold 35,000 season tickets for an anticipated expansion franchise, and was turned down flat for such a franchise by the National League. Washington, D.C. is the only metropolitan area in the nation's top 19 without a major league baseball team.

It is safe to say that, if Seattle loses a major league baseball franchise for the second time, it will not see major league baseball again during the lifetime of any person in this room.

So what is the prescription?

First, let me tell you about three proposals which I do not believe to be likely to hold major league baseball in Seattle.

In 1970, after the departure of the late lamented Seattle Pilots, I, as Attorney General, began a lawsuit against the American League on behalf of the State, King County, and the City. I retained Bill Dwyer to prosecute that litigation. Six years later, in the midst of trial, the American League agreed to create the Mariners franchise solely as a result of the novelty and brilliance of Bill Dwyer's management of that litigation. That marks the only example, to the best of my knowledge, of the creation of a major league franchise in any sport through litigation. That lightning should strike twice in the same place seems to me highly unlikely. Although it is remotely possible that the departure of the Mariners might be delayed by going to court, it is impossible to imagine that baseball can be preserved over the long-term in this community through litigation. If it is to be preserved, that preservation will

---

Footnotes at end of article.

take place by reason of community action—not court decisions.

A second solution discussed from time to time is the repeal of organized baseball's exemption from federal anti-trust laws. The Supreme Court of the United States is almost certain not to reverse its own precedents in this respect. Legislation to strip baseball of its exemption has been proposed for decades without ever coming close to passage. But even if baseball were subjected to federal anti-trust laws, the change would be more likely to contribute to the departure of the Mariners than it would to their retention. For example, the National Football League enjoys no exemption from federal anti-trust laws, and that league's refusal to allow the transfer of the Oakland Raiders to Los Angeles resulted in a huge verdict in favor of the now Los Angeles Raiders against the rest of the league. The result has been that neither the National Football League nor the National Basketball Association has attempted to limit the transfer of franchises from one city to another since the date of that verdict. Without baseball's anti-trust exemption, the Mariners would be free to leave—even if the American League disagreed.

The third alternative that will not solve Seattle's problems in the immediate future is the proposal to require the sharing of local television revenue on an equal basis among all major league baseball teams in a manner similar to that practiced by the National Football League. That is a consummation devoutly to be wished for, but difficult to attain.

Seattle is, of course, not the only city that has a baseball team that operates in the red. Other small-market teams are also falling on hard financial times. Major league baseball faces significant internal pressure to implement some type of revenue-sharing system for these teams to succeed in the future. As Marge Schott, owner of the Cincinnati Reds, said, "We will not have baseball in small towns like Cincinnati. We can't compete with what New York gets from cable. It's going to be that baseball is only going to be in the big cities." Even Fay Vincent has recognized that there is a problem. he said, "Baseball is poised for a catastrophe, and it might not be far off."

A six-member task force appointed by baseball's owners and players is in the process of investigating the economics of major league baseball, and will report early next year. As a result, we may see some form of revenue-sharing by the middle or the end of this decade, but at a time far too distant to solve Seattle's current problems.

Of course, as a condition for retaining baseball's anti-trust exemption, the Congress could require such revenue sharing. I have prepared a bill that would set just such requirements, and I will advocate for it vigorously. But I must tell you that the chances of passing such legislation soon are remote, to put it mildly. Not only will the bill face the opposition of the owners of profitable teams—and their members in Congress from the most populous states—but it will also be opposed by the representatives of every community that thinks it may gain from a situation in which franchises are readily removable—and there are always more such communities than there are those afraid of losing their teams. Revenue-sharing is the best long-term solution for Seattle and for organized baseball, but attaining it will be difficult and time consuming.

As a result, it is clear that the immediate solution to retaining the Mariners must be found in the business and governmental communities of Seattle, King County, and the State of Washington. Our governmental entities must be willing to offer incentives comparable to those offered by competing communities. But the primary responsibility for keeping the Mariners in Seattle belongs to the private sector—to which the balance of my remarks are directed.

One such private-sector solution is the attempt dramatically to increase the sale of season tickets. I have only the greatest admiration for those who are spearheading the "Ms Mean Business" campaign. But if it reached twice the goal it has set for itself, it would—in all probability not greatly change the financial disadvantages under which the team, given its present capital structure, operates in Seattle. In other words, it is significant, and should go forward, but it would not be a solution standing alone.

A second opportunity that has generated extensive discussion in Seattle concerns the revenue received by the Mariners for local television and cable television coverage. At 1.7 million dollars per year, the Mariners rank last among all major league baseball franchises. Experts in the field estimate that the value of the team's local television contracts, on a strictly commercial basis, may now have increased to between 3 and 4 million dollars a year—still well below the average of other franchises in metropolitan areas roughly comparable to Seattle in population. Such an increase would only marginally improve the Mariners' income statement.

Here, however, is an opportunity for our corporate community. I propose that the corporate community persuade its members to guarantee a minimum of 8 to 10 million dollars a year in television revenues to the Mariners, and to utilize the resulting advertising in any way those corporate sponsors like. Some of this time could be sold to purely commercial advertisers; the balance could be for institutional advertising or for public service. All would be tax-deductible, and would be analogous to the sponsor's charitable and cultural contributions.

Still, a simple increase in television revenues, standing alone, will not be sufficient to guarantee the retention of major league baseball in this community for the foreseeable future. Moreover, it would represent a corporate investment without any management interest or control in return.

Another and more promising proposal that has surfaced recently is the purchase of a minority interest in the Mariners by local business enterprises for a price approximately equal to that of the loan to the Mariners which has been called by Security Pacific Bank.

In this connection, it is interesting to note that the interest on that loan of slightly less than 40 million dollars must be very close to the lower end of the 5 to 10 million dollars in losses that we are told is the fate of the Mariners even in this their most successful season. The conversion of that debt capital into equity clearly would cause a significant and permanent improvement in the Mariners' bottom line. When that change is combined with the one-time collusion obligation, we can see a Mariners' income statement sheet that is fairly close to break-even.

Nevertheless, I am left with this question: Even if the Seattle business community could be persuaded to invest upwards of 40 million dollars for a non-controlling interest in a baseball team, and perhaps several million dollars a year additionally for ticket and television advertising purchases, it would seem to get very little in the way of directly tangible benefit from such investments. Nor has that course been the pattern of stabilizing other shaky franchises around the country.

The best solution to the challenge facing the Mariners is majority local ownership—with Jeff Smulyan if possible, but without him if necessary. Record results on the field and at the gate attest to the skill of the Smulyan management team. But the fact remains that the team is under-capitalized and controlled by out-of-towners.

We have two examples of rescue efforts to follow, both of which have been successful. The first is Minneapolis, where a team almost certain to be lost to Tampa-St. Petersburg was restored first by a community organizing effort and second by the success of that effort in finding a single individual with the willingness and ability to purchase and operate a major league baseball franchise. Minneapolis, I emphasize, is a slightly smaller metropolitan area than Seattle. Such an effort should be mounted here.

Because there are relatively few such individuals in Seattle, the second example—that of Pittsburgh—is perhaps more relevant. There, eight corporations and three individuals combined together to purchase the Pirates and to guarantee sufficient operating capital to keep the team in Pittsburgh for the foreseeable future.

Majority local ownership has been the key to the success of baseball franchises in other smaller metropolitan areas. In my opinion, that should be the primary goal in the search for stability for the Seattle Mariners franchise. It is impossible for me to conceive that Boeing, Burlington Northern, Microsoft, Weyerhaeuser, Nintendo, our huge banks, and a dozen other corporations will turn out to be so much less concerned with their community, or so much more limited by their direct business concerns, than are their precise counterparts in Pittsburgh. What Tampa, Minneapolis, and Pittsburgh can do, Seattle can do.

I am committed to work for the passage of federal legislation to address the problem, and I stand ready to assist in any other appropriate way. But it is our business leaders who must step forward if a local ownership consortium is to be created. It may not seem fair—indeed, it may not be fair—that so few people and businesses must bear the burden of keeping the Mariners in Seattle when the benefits will be enjoyed by so many. But, the Bible says—and I believe—that ". . . from whom much is given, much will be required."

I have discussed the economic impact of baseball in Seattle—the dollars and the jobs. These impacts are substantial and important. But this issue goes beyond dollars. Keeping the Mariners in Seattle is an emotional issue for people everywhere in this state. Tomorrow night, when the Mariners play in Boston, tens of thousands of people will listen intently on their radios or watch the game on TV—and tens of thousands more will open their newspapers on Friday to see the results of the game—because the Mariners are a part of their lives, and through the Mariners, they are connected to the joy of baseball—to Babe Ruth, Willie Mays, Joe DiMaggio, and our own Ken Griffey Jr.

Baseball can and should be saved in Seattle, because baseball can work here, and because the benefits to the community far outweigh the costs.

But the importance of saving the Mariners goes way beyond just assuring economic opportunities. People—fans—in Seattle and all across the state care deeply about the team, its stars, and their success. The passion and commitment of the fans to our team demand a commensurately vigorous fight to save the Mariners.

The time is short, the money and the skills are available, the occasion is important, and the time to start is now.

FOOTNOTES

[1] Comparative population data and major league baseball franchise information for the largest Consolidated Metropolitan Statistical Areas in North America:

United States rank	City	Population	Baseball franchises
1	New York	18,100,000	2
2	Los Angeles	14,500,000	2
3	Chicago	8,100,000	2
4	San Francisco-Oakland.	6,300,000	2
5	Philadelphia	5,900,000	1
6	Detroit	4,700,000	1
7	Boston	4,200,000	1
8	Washington, D.C	3,900,000	0
9	Dallas	3,900,000	1
10	Houston	3,700,000	1
—	Toronto	3,600,000	1
11	Miami	3,200,000	(1)
—	Montreal	2,900,000	1
12	Atlanta	2,800,000	1
13	Cleveland	2,800,000	1
14	Seattle	2,600,000	1
15	San Diego	2,500,000	1
16	Minneapolis-St. Paul.	2,500,000	1
17	St. Louis	2,400,000	1
18	Baltimore	2,400,000	1
19	Pittsburgh	2,200,000	1
20	Phoenix	2,100,000	0
21	Tampa-St. Petersburg.	2,100,000	0
22	Denver	1,800,000	(1)
23	Cincinnati	1,700,000	1
24	Milwaukee	1,600,000	1
25	Kansas City	1,600,000	1

[1] Indicates National League franchises awarded for the 1992 season.

Note.—Rank based on data compiled by the U.S. Bureau of the Census for "Consolidated Metropolitan Statistical Areas"; excludes Canadian cities. Population for U.S. CMSAs as of April 1990; for Canadian cities as of June 1990.

[2] The Tampa-St. Petersburg-Clearwater, Florida area has 500,000 fewer people than Seattle; its market is limited on the north by Atlanta, and will be limited on the south by the new Miami franchise.

Mr. DANFORTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. DANFORTH] is recognized.

Mr. DANFORTH. Mr. President, I would very much appreciate it if the Chair could tell me after I have consumed 5 minutes.

The PRESIDENT pro tempore. The Chair will so indicate to the Senator when the time has expired.

JUDGE CLARENCE THOMAS

Mr. DANFORTH. Mr. President, yesterday Judge Clarence Thomas concluded his 5 days of testimony before the Senate Judiciary Committee. It was, in my view—admittedly a biased view—a remarkable performance. For 5 days, Clarence Thomas sat before the committee answering many, many questions; judiciously, I think, declining to answer some other questions. Throughout the 5 days, he showed a consistent temperament, which will equip him well to serve on the Supreme Court.

One of the things that was truly remarkable to me was how much Clarence Thomas knows on a whole variety of subjects that are within the purview of the Supreme Court.

Here is a person, after all, who has spent most of the last 10 or 12 years not in the judicial branch but in the executive branch of government, dealing with one particular subject matter—employment opportunity. Yet he demonstrated a broad knowledge of matters that come before the Supreme Court.

Before the hearing began, Mr. President, all Members of the Judiciary Committee indicated that they had not made up their minds on how they would end up voting on Judge Thomas' confirmation, and that they would wait and see what happened at the hearings. I must say that it is difficult for me to understand how, on the basis of the 5 days of hearings, anybody who had previously decided to oppose Judge Thomas would oppose him. He did extraordinarily well before the committee and, rather than give people reasons for voting against him, in the opinion of this Senator, gave reasons for voting for him.

Some have said that the problem with the hearing was that Judge Thomas did not say enough. There certainly were times, particularly with respect to the question of the abortion issue, Roe versus Wade, when the judge simply declined to say how he would vote on a matter that would come before the Court. I think two things should be said in this regard.

The first is that it truly is improper for a judge to say, in effect, if you vote for my confirmation I will vote such and such a way when I get to the Court. That approach would compromise the independence of the judge, and of the judiciary, more broadly. So I think it is necessary for a judge to decline to give the impression that he has made up his mind before the case even comes to the Court, before the arguments have been made, before the briefs have been written.

He stated that he had his mind open on the Roe versus Wade issue and he stated further that he had not expressed even a personal view on the subject. And a number of people said, how can this be? I can only say that I have known this man 17 years; he worked for me twice. I have talked to people who have worked with him, shoulder to shoulder over that 17 years. I have found nobody who knows or has heard Clarence Thomas express even a personal opinion on the subject of abortion. And I think, had he done so, that information certainly would have surfaced during the last 2½ months.

The judge has said that there is a difference in role between being a policymaker and being a judge. I think that that is manifestly correct. Those of us who are in the political arena have a whole array of political opinions or personal opinions about a wide variety of subjects. That is not to say that, if we were to become judges, we would do so with a view of trying to import those philosophical or political ideas into the judicial fabric of the country.

The essence of judicial conservatism is that a judge exercise restraint in imposing his views on the people of the country through the bench.

The PRESIDENT pro tempore. The Senator has completed 5 minutes.

Mr. DANFORTH. Mr. President, I thank the Chair.

I would add only this, the experience I have gone through the last 2½ months has been, to say the least, a fascinating experience. It was fascinating to have the opportunity, for example, to sit in on the Judiciary Committee on the other side of the table; fascinating to have the experience of visiting some 59 Senators in their offices, of getting to know colleagues in a different light, and of getting to know this man, Clarence Thomas, whom I have known for so long so much better. And I thought that I knew him well before this process started.

I am extraordinarily impressed by him. I think that most objective observers must be impressed by him, and I look forward to his confirmation by the Senate.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Nevada be allowed to speak for 7 minutes. It would mean extending morning business by approximately 2 minutes.

The PRESIDENT pro tempore. The Chair hears no objection. The Senator's request is granted.

THE PHILIPPINES

Mr. REID. Mr. President, in the spring of 1942, as a tidal wave of disaster swept away Allied forces in Asia a flotilla of tiny boats crept south, away from the besieged island fortress of Corrigidore.

Even as those PT boats began what was to be the first steps in America's long trail back to the Philippines, thousands of American prisoners of war, together with their Filipino brothers-in-arms, walked another and even more difficult trek. They marched with death itself as their constant companion on the road from Bataan and Corrigidor to Japanese POW camps. Many would never come home, and of those who did, many were shattered in body or mind.

Even as he traveled to Australia, by small boat, and plane and later by train, there was one thought always in the mind of that man for whom those tiny craft had made their race against death itself. "I shall return."

The promise was Douglas MacArthur's, but it was also the promise of the United States of America. We promised to come back and liberate the

Philippines from the iron grip of Japanese conquest and local collaboration, and return we did in October 1944.

But, Mr. President, although we returned in 1944, many Americans never left. There were those who were held as prisoners in the brutal confines of Japanese camps, or interned to starve at Santo Thomas University, but there were also others. Men like Wendell Fertig, Chick Parsons, and R.W. Volkman, who fought with and helped lead the guerrilla movement that never for a moment allowed the lamp to go out, men who kept the light of freedom alive when all seemed most hopeless and other weaker men had given up or sold out or were actively collaborating with the enemy.

America returned not as a conqueror but as a liberator. America has stayed in the Philippines at the air and naval bases built to defend Asia against the Empire of Japan, not as an occupier but as an invited guest.

In the 1950's, when the Huk rebellion threatened Philippine independence we were there with aide and advice. In the 1960's when communism was spreading like a cancer through Southeast Asia, it was American boys and American blood which stood to halt that reign of terror. In the 1980's, when the Philippines were in the grip of two-bit corrupt dictator, it was American diplomacy and American support for democracy which helped the people topple that thug and his cronies.

And throughout the years, Mr. President, it has been American muscle and American money which have built the defensive ring which has shielded the Philippine Islands from outside aggression and internal subversion.

And what have we asked in return? Have we seized land? Have we taken assets? Have we exploited resources? The answer is no to every one of those questions. We have sought only to pursue one goal; to foster and defend democracy.

Now, the world has changed. In what seems to be the blink of an eye the threat of Communist subversion has been, if not eliminated, at least emasculated. We have done our job in the Philippines and done it with dignity and honor.

And what honors have we been granted by that grateful nation? What laurels have been heaped on our brow? What songs of praise written in honor of Americans whose blood has been on the soil of Asia for this past half century so that Filipinos might breathe free air? What thanks have we been given for our sacrifices?

We have been evicted by a majority of the Philippine Senate from the very bases we built to defend their nation.

Mr. President, I take some pride in my study of history. It is not always a bad thing for a victorious leader to be turned out of office immediately after success in war. The British voted out Prime Minister Churchill in 1945, and I have always looked on that vote as an example of the strength of democracy in our sister state across the seas.

If the Philippine Senate was motivated by a simple desire to withdraw from world affairs, to sit a spell and breath the free air we have won for them, and to try to resolve the pervasive violence, the demagoguery and the economic disparities which disfigure the face of their beautiful nation, I could understand their motivation. Every state has problems; every nation could use a respite free from the cares of the world to try to solve its own difficulties.

But such problem solving is not the motivating factor behind the vote of the Philippine Senate. Not at all. Rather, they are dissatisfied with the amount of money we have promised to pay them for the privilege of maintaining bases to defend their nation. They want more money. Mr. President, it is as simple and as crass as that.

I have an answer to that demand. To quote words first said in the 1790's and that have often been quoted in these Halls, "Millions for defense, not 1 cent for tribute."

Speaking as a Member of this body, I can promise you this. Whatever the outcome of the attempt to overturn this rapacious and shameful conduct, we should refuse to allow American soldiers and sailors to risk their lives on foreign shores where they are not welcomed with open arms and open hearts. Not one penny should go as payment for maintaining Subic Bay, Mr. President, neither as maintenance, or as salaries for civilian employees, or as so-called aid to the Government of the Philippines.

The time has come when the global threat of totalitarian forces is finally on the wane. We need not fight every fight, and assist any nation no matter how it treats its own people, only as long as its rulers pay lipservice to democracy. We have done in the Philippines what we needed to do. They do not welcome us any longer. They do not welcome any longer the sight of the flag that came ashore on the beach at Mindanao to keep the promise of freedom.

Let us leave, Mr. President, and go where we are wanted, where we are needed, where we are asked to come, or let us go nowhere at all. There are other nations which will still welcome our ships, our planes, and our troops as a guarantee of freedom, as a bulwark of democracy.

But as to the Philippines, Mr. President, let us depart as we have been asked. Let us leave, and we shall not return.

Mr. President, I ask those Members of this body to support a sense-of-the-Senate resolution introduced by Senator SIMON and this Senator saying that we should leave the Philippines. I yield the floor.

Mr. SIMON. Mr. President, I am, together with my colleague Senator REID, calling on the President to follow the wishes of the Philippine Senate in terms of our defense facility in the Philippines. I think we have to recognize some of the realities in the world today, and one of those realities, obviously, is the world threat has changed dramatically.

A second reality is that 40 years ago, we were 40 percent of the world's economy. Today we are 20 percent of the world's economy and yet we have basically the same defense bases around the world that we had 40 years ago. That, it seems to me, is not necessary.

We face fiscal problems, and if countries around the world do not want our bases and express that clearly through their legislative bodies, I think we ought to recognize and respect those wishes.

I think it helps us to face our fiscal problems in two ways: No. 1, it reduces the immediate costs on these bases and, No. 2, it makes it clear that we are not going to just pay any price. We, frankly, have been held up by some of these countries for exorbitant costs in what we are paying for having bases in these countries when we are providing the defense for these countries. If they do not want us, I think we should abide by their wishes.

Third, one of the realities is, and I served overseas in the Army, one of the realities is when you have foreign troops in a place with that base comes prostitution, comes other problems, problems that do not create the greatest public relations for the United States. So that to have an excessive number of troops stationed overseas I think is not a desirable thing. I am not suggesting that we withdraw from the rest of the world, but that we recognize the economics of the world today, that we recognize the political and military realities that have changed dramatically.

Our resolution praises Mrs. Aquino. It indicates our strong feeling of friendship for the people of the Philippines. In the Philippines, we face a problem that is slightly different from the problems, let us say, that we face in Spain or Greece or Turkey, or some of the other areas, because we were the colonizing power. And so I think we have to have an added sensitivity to the feeling of the people of the Philippines.

So Senator REID and I will be introducing a resolution that I think is just good common sense. I think it is good fiscal sense. I think it is good military sense, and it is good public relations for the United States.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. (Mr. KERRY). The period for morning business is now closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Jeffords/Metzenbaum amendment No. 1138 (to committee amendment beginning on page 23, line 5), to increase grazing fees assessed to ranchers on Forest Service and Bureau of Land Management lands.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. BYRD. Mr. President, the request I shall now make has been cleared with both leaders. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2942, the Transportation appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

For necessary expenses of the Immediate Office of the Secretary, $1,435,000.

Immediate Office of the Deputy Secretary

For necessary expenses of the Immediate Office of the Deputy Secretary, $550,000.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, **[**$6,904,000**]** *$7,204,000*.

Office of the Assistant Secretary for Policy and International Affairs

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $8,733,000.

Office of the Assistant Secretary for Budget and Programs

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,726,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

Office of the Assistant Secretary for Governmental Affairs

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, **[**$2,320,000**]** *$2,468,000*.

Office of the Assistant Secretary for Administration

For necessary expenses of the Office of the Assistant Secretary for Administration, $30,262,000, of which $6,323,000 shall remain available until expended.

Office of the Assistant Secretary for Public Affairs

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,546,000.

Executive Secretariat

For necessary expenses of the Executive Secretariat, $965,000.

Contract Appeals Board

For necessary expenses of the Contract Appeals Board, $590,000.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $1,462,000.

Office of Essential Air Service

For necessary expenses of the Office of Essential Air Service, $1,545,000.

Office of Small and Disadvantaged Business Utilization

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $3,527,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

Office of Intelligence and Security

For necessary expenses of the Office of Intelligence and Security, **[**$1,200,000**]** *$1,381,000*.

Office of Drug Enforcement and Program Compliance

For necessary expenses of the Office of Drug Enforcement and Program Compliance, $706,000.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $3,100,000.

Office of Commercial Space Transportation

Operations and Research

For necessary expenses for operations and research activities related to commercial space transportation, **[**$4,245,000**]** *$4,300,000*, of which $1,400,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services.

Working Capital Fund

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed **[**$85,509,000**]** *$98,472,000* shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

Payments to Air Carriers

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $38,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $38,600,000 for the Payments to Air Carriers program in fiscal year 1992**[**: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991 or to increase the service levels to communities receiving service**]**.

Rental Payments

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $111,970,000: *Provided*, That of this amount, $16,225,000 shall be derived from the Highway Trust Fund, $29,887,000 shall be derived from the Airport and Airway Trust Fund, $481,000 shall be derived from the Pipeline Safety Fund, and $16,000 shall be derived from the Harbor Maintenance Trust Fund.

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; **[**$2,483,800,000,**]** *$2,443,100,000 is authorized to be appropriated, derived by transfer, or otherwise provided in "in kind" commodities and services for Coast Guard operating expenses in fiscal year 1992; of which $2,222,000,000 is hereby appropriated*, of which **[**$30,379,000**]** *$31,876,000* shall be derived from the Oil Spill Liability Trust Fund and $35,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of LORAN–C radionavigation transmitters outside the boundaries of the United States, land-based and sea-based aerostationary balloons, or E2C aircraft.*

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, **[**$365,031,000**]** *$407,470,000*, of which **[**$26,377,000**]** *$33,822,000* shall be derived from the Oil Spill Liability Trust Fund; of which **[**$132,700,000**]** *$152,250,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1996; **[**$86,950,000**]** *$58,900,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1994; **[**$50,331,000**]** *$47,025,000* shall be available for other equipment, to remain available until September 30, 1994; **[**$62,550,000**]** *$110,225,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1994; and **[**$32,500,000**]** *$39,070,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1992: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage: *Provided further*, That none of the funds provided herein for Acquisition, Construction and Improvements shall be made available for personnel compensation and benefits in excess of six hundred and **[**twenty-one**]** *ninety-one* full time equivalent staff years**[**: *Provided further*, That of the thirty-five new staff years provided in this appropriation, at least twenty-five shall be filled by civilian personnel**]**.

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14 United States Code, **[**$21,500,000**]** *$25,100,000*, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, **[**$11,000,000**]** *$11,200,000*, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $487,700,000.

[Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $77,000,000.**]**

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, **[**$27,800,000**]** *$29,500,000*, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

Boat Safety

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation and maintenance of aircraft, *reimbursement at the discretion of the Administrator for travel, transportation, and subsistence expenses for the training of non-Federal domestic and foreign personnel whose services will contribute significantly to carrying out air transportation security programs under section 316(c) of the Federal Aviation Act of 1958, as amended*, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, **[**$4,342,000,000**]** *$4,382,058,000*, of which **[**$2,109,625,000**]** *$2,129,680,200* shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That none of these funds shall be available for new applicants for the second career training program: **[***Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program:**]** *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, **[**$2,469,500,000, of which $682,523,000 shall be available for engineering development and related activities, to remain available until September 30, 1993; $1,135,429,000 shall be available for the procurement and modernization of air traffic control facilities and equipment and related activities, to remain available until September 30, 1994; $146,880,000 shall be available for the procurement and modernization of facilities and equipment not directly related to air traffic control, to remain available until September 30, 1994; $476,768,000 shall be available for facilities and equipment mission support activities, to remain available until September 30, 1994; and $27,900,000 shall be available for development, test and evaluation activities,**]** *$2,557,807,000* to remain available until September 30, 1993: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That with appropriations made for the Airway Science program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the *construction*, purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 50 percent**[**: *Provided further*, That the $35,000,000 provided under this head for the precision runway monitor program shall be available only for the procurement of not less than five commissionable systems of the electronic scan (E-scan) design: *Provided further*, That for each seven-day period following March 31, 1992, that the E-scan precision runway monitor production contract is not signed, the funds made available for facilities and equipment-related personnel compensation and benefits shall be reduced by 1 per centum]: *Provided further, That a stand alone directional finder FAA-5530 receiver indicator system is to be installed at the Salisbury, Maryland airport flight service station within 180 days of enactment of this Act.*

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$218,000,000] *$225,120,000*, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $1,520,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,900,000,000 in fiscal year 1992 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed $156,564,400 shall be available for letters of intent issued prior to July 31, 1991.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of $9,970,000 during fiscal year 1992. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. For the settlement of promissory notes issued to the Secretary of the Treasury, $1,200,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed **$326,400,000** *$479,050,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed [$114,200,000] *$266,850,000* of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act of 1964, as amended, [$5,000,000] *$7,000,000* to be derived from the Highway Trust Fund (other than the Mass Transit Account).

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, [$10,000,000] *$20,000,000* to be derived from the Highway Trust Fund: *Provided*, That not to exceed $350,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1992 for "Highway-Related Safety Grants".

[RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

[For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $13,270,000, of which $8,846,667 shall be derived from the Highway Trust Fund.]

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$16,200,000,000] *$17,098,460,000* for Federal-aid highways and highway safety construction programs for fiscal year 1992: *Provided further, That none of the funds in this Act shall be available for the implementation or execution of section 157 of title 23, United States Code, the obligations for which are in excess of $1,100,000,000.*

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, [$15,100,000,000] *$15,400,000,000* or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS AND LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

During fiscal year 1992 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed [$70,000,000] *$42,500,000*. For payment of obligations incurred in carrying out the provisions of section 107 of title 23, United States Code, $40,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), [$48,417,000] *$46,000,000 to be derived from the Highway Trust Fund*, of which $3,579,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424 $62,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$60,000,000] *$65,500,000* for "Motor Carrier Safety Grants".

[BALTIMORE-WASHINGTON PARKWAY

[(HIGHWAY TRUST FUND)

[For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, $22,000,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

[Intermodal Urban Demonstration Project

[(highway trust fund)

[For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $10,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[Highway Safety and Economic Development Demonstration Projects

[(highway trust fund)

[For necessary expenses to carry out construction projects as authorized by Public Law 99–500 and Public Law 99–591, $22,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[Highway Safety Improvement Demonstration Project

[For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, $18,700,000, to remain available until expended.

[Highway-Railroad Grade Crossing Safety Demonstration Project

[(highway trust fund)

[For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99–500 and Public Law 99–591, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[Highway Widening Demonstration Project

[For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100–202, $2,000,000, to remain available until expended.

[Highway Widening and Improvement Demonstration Project

[For up to 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $8,000,000, to remain available until expended.

[Climbing Lane and Highway Safety Demonstration Project

[For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $7,000,000, to remain available until expended.

[Indiana Industrial Corridor Safety Demonstration Project

[For 80 percent of the expenses necessary for an improved route between Logansport and Peru, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, $4,000,000, to remain available until expended.

[Alabama Highway Bypass Demonstration Project

[For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $10,000,000, to remain available until expended.

[Kentucky Bridge Demonstration Project

[For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $5,000,000, to remain available until expended.

[Virginia HOV Safety Demonstration Project

[For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between U.S. Route 50 and U.S. Route 29 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $6,000,000, to remain available until expended.

[Urban Highway Corridor and Bicycle Transportation Demonstration Projects

[For 80 percent of the expenses necessary to improve and upgrade the M–59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, $10,700,000, to remain available until expended, together with $1,000,000, to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

[Urban Airport Access Safety Demonstration Project

[For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $10,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

[Pennsylvania Reconstruction Demonstration Project

[For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, $9,000,000, to remain available until expended.

[Pennsylvania Toll Road Demonstration Project

[For necessary expenses for the Monongahela Valley Expressway, $2,000,000, to remain available until expended: *Provided*, That these funds, together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.

[Highway Bypass Demonstration Project

[For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Prunedale, California, that demonstrates methods of accelerating right-of-way acquisition and construction of a highway bypass, $10,000,000, to remain available until expended.]

Highway Demonstration Projects

[(including transfer of funds)]

For up to 80 percent of the expenses necessary for certain highway and bicycle transportation projects and parking facilities, including feasibility and environmental studies, that demonstrate methods of improving safety, reducing congestion, or promoting economic development [$141,908,000, of which $4,628,000 shall be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project"] *$168,050,000*, to remain available until expended: *Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.*

Highway Studies

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental and preliminary engineering studies $23,485,000 to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $165,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated $14,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail Project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated $3,000,000, to remain available until expended: Provided, That such sums appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy traffic, there is hereby appropriated $8,000,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the upgrading and construction of a portion of a four lane facility between Prairie City and Ottumwa along existing State highways and new highway alignments: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NORTH CAROLINA CONNECTOR PROJECT

For necessary expenses to carry out site selection, preliminary engineering and design work related to construction of a new four-lane highway at interstate standards from Rocky Mount, North Carolina, to Elizabeth City, North Carolina, including extensions to Raleigh, North Carolina, and Portsmouth, Virginia, there is hereby appropriated $6,000,000 to remain avail-

able until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Operations and Research

[For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $75,995,000, to remain available until September 30, 1994.]

Operations and Research

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, *the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act*, to be derived from the Highway Trust Fund, [$42,357,000] *$121,986,000*, to remain available until September 30, 1994.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. *153*, 402, 406, and 408, and section 209 of Public Law 95–599, as amended, to remain available until expended, [$130,000,000] *$150,000,000*, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of [$115,000,000] *$120,000,000* in fiscal year 1992 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $20,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $20,000,000 for "Grants to States" authorized under 23 U.S.C. 153: Provided further*, That not to exceed [$5,353,000] *$5,153,000* may be available for administering the provisions of 23 U.S.C. 402: *Provided further*, That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95–599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1992.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$16,077,000] *$16,962,000*, of which $2,168,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Local Rail Freight Assistance

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, [$10,000,000] *$14,000,000*, to remain available until expended.

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, [$37,136,000] *$38,921,000*, of which $1,220,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

Railroad Research and Development

For necessary expenses for railroad research and development, [$14,713,000] *$10,526,000*, to remain available until expended: *Provided*, That up to $500,000 of the funds made available in fiscal year 1991 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further, That $150,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.*

MAGNETIC LEVITATION TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of a Magnetic Levitation Transportation Program, $30,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $30,000,000 for magnetic levitation and high speed rail transportation for fiscal year 1992: Provided further, That $5,000,000 is available until expended for grants to specific States to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: Provided further, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

Northeast Corridor Improvement Program

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [$36,000,000] *$260,000,000*, to remain available until expended.

Grants to the National Railroad Passenger Corporation

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 601, to remain available until expended, [$503,900,000] *$511,000,000*, of which [$328,900,000] *$331,000,000* shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which [$175,000,000] *$180,000,000* shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1992: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e)[: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short-term avoidable costs of operating such service in the third year of operation and 100 per centum of the short-term avoidable operating costs for each year thereafter:] *Provided further, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.*

Mandatory Passenger Rail Service Payments

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $145,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1992 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1992 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1992: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

[CONRAIL COMMUTER TRANSITION ASSISTANCE

[For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $27,200,000, to remain available until expended.

[AMTRAK CORRIDOR IMPROVEMENT LOANS

[For loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, $3,500,000: *Provided*, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further*, That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further*, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further*, That any such loan shall be made available no later than thirty days after enactment of this Act.]

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, [$37,000,000] *$19,566,419, of which $3,288,470 shall be derived from the Mass Transit Account of the Highway Trust Fund.*

[RESEARCH, TRAINING, AND HUMAN RESOURCES]

TRANSIT PLANNING AND RESEARCH

For necessary expenses for *planning*, research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, [$26,000,000, of which $5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended] *$58,347,073, of which $9,806,220 shall be derived from the Mass Transit Account of the Highway Trust Fund*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), [$1,600,000,000] *$1,058,043,440*, to remain available until expended *of which $177,822,231 shall be derived from the Mass Transit Account of the Highway Trust Fund*: *Provided*, That, notwithstanding any other provision of law, of the funds provided under this head for formula grants no more than $802,278,000 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended.

TRUST FUNDED PROGRAMS

(LIMITATION ON OBLIGATIONS)

For grants and necessary expenses under the contract authority authorized in section 21(a)(1) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.), none of the funds in this Act for fiscal year 1992 shall be available for the implementation or execution of programs in excess of $17,601,581 for necessary administrative expenses; $951,795,925 for formula grants; $46,247,545 for interstate transfer grants-transit; $2,367,841 for university transportation centers; and $52,487,927 for transit planning and research.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of [$1,900,000,000] *$535,000,000* in fiscal year 1992 for grants under the contract authority authorized in section 21 [(a)(2) and (b)] *(b)(1)* of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

DISCRETIONARY GRANTS

For necessary expenses to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $775,000,000 to remain available until expended.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 [(a)(2) and (b)] *(a)(1) and (b)(1)* of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, [$1,400,000,000] *$1,500,000,000*, to be derived from the Highway Trust Fund and to remain available until expended.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses to carry out the provisions of section 11(b) of the Urban Mass Transportation Act of 1964, as amended, $2,632,159 of which $442,379 shall be derived from the Mass Transit Account of the Highway Trust Fund.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, [$160,000,000] *$51,410,087*, to remain available until expended *of which $8,640,341 shall be derived from the Mass Transit Account of the Highway Trust Fund.*

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $124,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,600,000] *$10,550,000*, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

[RESEARCH AND SPECIAL PROGRAMS

[For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, $21,582,000, of which $4,000,000 shall be available for a comprehensive audit and report by the Presidential Task Force on Trans-Alaska Pipeline System as authorized in section 8103 of Public Law 101–380 and of which $1,592,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system.]

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,301,000, of which $1,302,000 shall remain available until expended: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: Provided further, That not less than $1,900,000 in fees shall be collected under section 106(c)(11) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 App. U.S.C. 1805(c)(11)) and deposited in the general fund of the Treasury as offsetting receipts.

AVIATION INFORMATION MANAGEMENT

For expense necessary to discharge the functions of Aviation Information Management, $2,495,000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: Provided further, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for ex-

penses for conducting research and development, $944,000, of which $90,000 shall remain available until expended: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,868,000, of which $702,000 shall remain available until expended: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $5,606,000, of which $165,000 shall be derived from the Pipeline Safety Fund: Provided, That there may be credited to this appropriation funds received from the States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: Provided further, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, [$13,472,000] *$13,553,000*, to be derived from the Pipeline Safety Fund, of which [$7,850,000] *$7,850,000* shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, [$37,005,000] *$36,518,000*.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, [$2,900,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses] *$2,980,000*.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), [$34,176,000] *$35,676,000*, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, [$40,923,000] *$41,373,000*: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That *not to exceed $5,500,000 in* fees collected in fiscal year 1992 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1992.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $49,497,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of [$519,000,000] *$500,000,000* in fiscal year 1992: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama) the purchase price of which shall not exceed $16,500 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,250,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $170,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided further*, That any such planning does not alter the Federal status of the Center's research and development operation.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing executive order issued pursuant to existing law.

Sec. 310. (a) For fiscal year 1992 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1991, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided*, That this subsection shall not apply to funds obligated for the Kennedy Expressway rehabilitation project in Chicago, Illinois.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1992, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program, *the intelligent vehicle-highway systems program, the magnetic levitation transportation program* and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100–17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1992 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; [obligations under section 157 of title 23, United States Code;] projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97–424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code; projects authorized by Public Law 99–500, Public Law 99–591 and Public Law 100–202; or projects covered under subsections 149 (b) and (c) of Public Law 100–17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1992 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1992, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1992, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1992 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1992, has the amount distributed to such State under paragraph (a) for fiscal year 1992 reduced under paragraph (c)(2).

Sec. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

Sec. 312. Not to exceed [$800,000] *$850,000* of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

Sec. 313. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under sections 21(a) (2) and (b) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

Sec. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

Sec. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Sec. 316. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

Sec. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

Sec. 318. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

Sec. 319. Essential Air Service Compensation.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

Sec. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

Sec. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

Sec. 322. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

Sec. 323. Vessel Traffic Safety Fairway.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

Sec. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

[Sec. 325. Westside Light Rail.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by September 30, 1992, issue a letter of intent and enter into a full funding agreement for the Westside Light Rail extension, including systems related costs, between downtown Portland, Oregon, and S.W. 185th Avenue. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the City of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District in Portland, Oregon, to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon, and S.W. 185th Avenue.]

SEC. [326] *325.* NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. [327] *326.* None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

[SEC. 328. From funds appropriated to the Department of Transportation or made available by this Act or any other Act, the Secretary of Transportation shall, notwithstanding any other provision of this Act or any other Act, make available not to exceed $2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri.]

SEC. [329] *327.* None of the funds in this Act shall be available to close the Federal Aviation Administration's airport facilities equipment office in Little Rock, Arkansas, or to transfer or reduce personnel therefrom.

[SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

[(a) issue a letter of no prejudice by October 1, 1991, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

[(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.]

SEC. 328. None of the funds provided in this Act for Coast Guard Acquisition, Construction and Improvements shall be available for any quarter of any fiscal year beginning after December 31, 1991, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy: Provided, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded.

SEC. [331] *329.* NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.—Notwithstanding sections 141(a) and 154 of title 23, United States Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1990. The Secretary shall promptly restore any appointments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

SEC. [332] 330. REVOCATION OR SUSPENSION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) AFTER SECOND CALENDAR YEAR.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

"(2) AFTER FOURTH CALENDAR YEAR.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense, and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

"(B) the Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds which would have been originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) DRUG OFFENSE.—The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) CONVICTED.—The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) CONFORMING AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 159 and inserting the following:

"159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses.".

(c) REPEAL OF FORMER PROVISION.—Section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184-2186) is repealed.

(d) TREATMENT OF AMENDMENTS MADE BY FORMER PROVISION.—The amendments made by section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184-2186) shall be treated as having not been enacted into law.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall take effect November 5, 1990.

SEC. 331. The Secretary of Transportation shall develop and implement a plan by January 1, 1992 to make available at O'Hare International Airport sufficient slots to permit basic essential air service under section 419 of the Federal Aviation Act to be provided from any eligible point for which Chicago, Illinois, was designated as a hub city and which had served at O'Hare Airport, at any time between January 1, 1990 and October 1, 1991. Such proposal shall not reduce service to existing cities nor undermine air safety at O'Hare.

SEC. 332. Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation shall increase the grant AIP3-19-0004-7 by up to $141,713.

SEC. 333. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Federal Aviation Act of 1958 (49 U.S.C. 2201, et seq.).

SEC. 334. Section 104(c)(3) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2104(c)(3)) is amended by deleting the word "public" before the word "building."

SEC. 335. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft which (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committee on Appropriations. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to present a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

SEC. 336. The Secretary of Transportation shall be authorized to enter into a sole source contract with the Puerto Rico Ports Authority for purposes of constructing an air traffic control tower at Luis Munoz Marin Airport with fiscal year 1991 and fiscal year 1992 appropriations provided under this section: Provided, That the Puerto Rico Ports Authority shall procure such construction services consistent with Department of Transportation acquisition regulations, part 1201 et cet, chapter 48 of the Code of Federal Regulations.

SEC. 337. Notwithstanding any other provision of law, the Niagara Frontier Transportation Authority may provide transportation services in support of the 1993 World University Games.

SEC. 338. Notwithstanding any other provision of law, of the amounts available to New York State under section 3 of the Urban Mass Transportation Act of 1964, as amended, such sums as may be necessary shall be made available to the Secretary for the purpose of conducting a study of the feasibility and cost of adding air conditioning to Pennsylvania Station in New York City.

SEC. 339. Notwithstanding any other provision of law, of the discretionary funds available to the District of Columbia under the Interstate Transfer Grants-Highway Program of the Federal-Aid Highways account of this Act, $5,000,000 in contract authority and in liquidation of contract authority shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Union Station Parking Project in the District of Columbia.

SEC. 340. Section 901 of title 31, United States Code, is amended by inserting the following before the semicolon at the end of subsection (a)(1)(B): ", except that in the case of the Department of Transportation, the official who serves as Assistant Secretary for Administration may be designated."

SEC. 341. The Secretary of Transportation shall publish by January 15, 1992, a notice of proposed rulemaking with regard to amending the Federal Motor Carrier Safety regulations to prohibit the use of radar detectors in operating commercial motor vehicles. Such notice shall solicit testimony regarding the safety, economic, and operational aspects of prohibiting radar detectors in commercial operations.

SEC. 342. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon, a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations shall not apply toward such 350-mile limit".

SEC. 343. Notwithstanding any other provision of law, the Federal Aviation Administration may use funds from both the facilities and equipment program and the airport improvement formula grant funds to fund the relocation of an ASR-9 radar facility at Nashville International Airport: Provided, That Nashville International Airport may use airport improvement formula grant funds to purchase a VORTAC system for the airport.

SEC. 344. (a) The Administrator of the Federal Aviation Administration shall conduct an aircraft noise mitigation review, to include that airspace over the States of New York and Connecticut lying within a fifty-five nautical mile radius of LaGuardia Airport:

(1) By November 1, 1991, a plan shall be developed by the Administrator to carry out the aircraft noise mitigation review required by this section.

(2) By January 1, 1992, at least 6 public meetings shall be held, with 3 such meetings to be held in each of the States of New York and Connecticut within the study area.

(3) By May 31, 1992, the Administrator shall identify those actions that would be needed to implement air traffic changes that are determined by the Administrator to be appropriate to reduce the effects of aircraft noise within the study area, and to be consistent with the safe and efficient management of air traffic, as provided in the Federal Aviation Act of 1958, as amended, and shall include those identified actions in the Report to Congress required pursuant to section 9119(c) of Public Law 101-508.

(b) There is hereby established the Metropolitan New York Aircraft Noise Mitigation Committee to review aircraft noise complaints within the study area and advise the Administrator of the locations and boundaries of noise impact areas defined by such complaints. The Committee shall consist of nine members, with three members each from the States of Connecticut, New York, and New Jersey, such members to be appointed by the Governor of each State. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in the study area, and shall make recommendations to the Administrator regarding the organizations. These recommendations shall be submitted to the Administrator in accordance with the schedule he establishes in the plan required under subsection (a)(1).

(c) This section shall not apply to the Federal Aviation Administration's field testing and evaluation of any new noise abatement departure procedures for Runway Thirteen at LaGuardia Airport. Implementation of new procedures, if appropriate, shall be in accordance with all applicable federal requirements.

SEC. 345. Not later than 180 days after the date of the enactment of this legislation, the Administrator shall issue regulations as may be necessary to carry out Section 316(g) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) as amended. The processing of criminal history record checks contained in section 316(g) shall begin not later than 60 days after the issuance of the final regulations.

SEC. 346. MASS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991.

(a) FINDINGS.—The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) millions of the Nation's citizens utilize mass transportation and depend on the operators of trains and buses to perform in a safe and responsible manner;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of trains, and buses;

(4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being

treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(b) TESTING TO ENHANCE MASS TRANSPORTATION SAFETY.—As used in this section the term—

(1) "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety;

(2) "person" includes any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States, or any State, territory, district, or possession thereof, or of any foreign country; and

(3) "mass transportation" means all forms of mass transportation except those forms that the Secretary determines are covered adequately, for purposes of employee drug and alcohol testing, by either the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) or the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.).

(c) TESTING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall, in the interest of mass transportation safety, issue regulations within 12 months after the date of enactment of this Act. Such regulations shall establish a program which requires mass transportation operations which are recipients of Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

(2) POST-ACCIDENT TESTING.—In issuing such regulations, the Secretary shall require that post-accident testing of such a mass transportation employee be conducted in the case of any accident involving mass transportation in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

(d) REHABILITATION PROGRAMS.—The Secretary shall issue regulations setting forth reasonable requirements for rehabilitation programs which provide for the identification and opportunity for treatment of mass transportation employees referred to in subsection (c)(1) who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such employees shall be required to participate in such program. Nothing in this subsection shall preclude a mass transportation operation from establishing a program under this section in cooperation with any other such operation. Nothing herein shall be construed to prohibit bargaining over those aspects or circumstances of drug testing which are not mandated by this section.

(e) PROCEDURES FOR TESTING.—In establishing the program required under subsection (c), the Secretary shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within three days after being advised of the results of the confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(f) EFFECT ON OTHER LAWS AND REGULATIONS.—

(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to mass transportation employees, or to the general public.

(2) OTHER REGULATION ISSUED BY SECRETARY.—Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by mass transportation employees issued before the date of enactment of this Act.

(3) INTERNATIONAL OBLIGATIONS.—In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

(g) PENALTIES.—

(1) DISQUALIFICATION.—As the Secretary considers appropriate, the Secretary shall require—

(A) disqualification for an established period of time or dismissal of any employee referred to in subsection (c)(1) who is determined to have used or to have been impaired by alcohol while on duty; and

(B) disqualification for an established period of time or dismissal of any such employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law or any regulations.

(2) EFFECT ON OTHER APPLICABLE PENALTIES.—Nothing in this section shall be construed to supersede any penalty applicable to a mass transportation employee under any other provision of law.

(h) INELIGIBILITY FOR FINANCIAL ASSISTANCE.—A person shall not be eligible for Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, if such person—

(1) is required, under regulations prescribed by the Secretary under this section, to establish a program of alcohol and controlled substances testing; and

(2) fails to establish such a program in accordance with such regulations.

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate Flight Service Stations (including changes in Flight Service Station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 12-month period following the data of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101–516; 104 Stat. 2184). This section shall not apply to Flight Service Stations in Laramie, Rawlins, and Rock Springs, Wyoming.

SEC. 348. The Secretary shall advance emergency relief funds to the State of Washington for the replacement of a bridge on the interstate system damaged by November, 1990 storms notwithstanding the provisions of section 125 of title 23, United States Code: Provided, That this provision shall be subject to the Federal Share provisions of section 120, title 23, of the United States Code. The State of Washington shall repay such advances to the extent that a final court judgment declares that damage to such bridges was a result of human error.

SEC. 349. At the end of the first sentence of section 9308(d) of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, delete the period and insert the following:

": Provided, however, That no air carrier may operate within the State of Hawaii a greater number of Stage 2 aircraft weighing more than 75,000 lbs., than were operated, owned, or leased, by such air carrier as of the date of enactment of this Act. With respect to operations within the State of Hawaii, this subsection shall

apply only to those air carriers operating turnaround service with aircraft weighing more than 75,000 lbs. within the State of Hawaii as of the date of enactment of this Act and these same limitations shall also apply to air transportation to and from the State of Hawaii.".

[TITLE IV—AGING AIRCRAFT SAFETY

[SEC. 401. SHORT TITLE.

[This title may be cited as the "Aging Aircraft Safety Act of 1991".

[SEC. 402. AGING AIRCRAFT RULEMAKING PROCEEDING.

[(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

[(b) INSPECTIONS AND RECORD REVIEWS.—

[(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

[(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

[(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

[(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

[(d) PROCEDURES.—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

[(e) AVAILABILITY OF AIRCRAFT.—The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

[SEC. 403. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

[Not later than 180 days after the date of the enactment of this title, the Administrator shall establish—

[(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs approved by the Federal Aviation Administration;

[(2) a program—

[(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

[(B) to enhance participation of such inspectors and engineers in such inspections; and

[(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

[SEC. 404. FOREIGN AIR TRANSPORTATION.

[(a) GENERAL RULE.—The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this title.

[(b) REPORT.—Not later than the last day of the second fiscal year beginning after the date of the enactment of this title, the Administrator shall report to Congress on implementation of this section.

[SEC. 405. ADMINISTRATOR DEFINED.

[As used in this title, the term "Administrator" means the Administrator of the Federal Aviation Administration.]

TITLE IV—OMNIBUS TRANSPORTATION EMPLOYEE TESTING

SHORT TITLE

SEC. 1. This title may be cited as the "Omnibus Transportation Employee Testing Act of 1991".

FINDINGS

SEC. 2. The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses, and depend on the operators of aircraft, trains, trucks, and buses to perform in a safe and responsible manner;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of aircraft, trains, trucks, and buses;

(4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

TESTING TO ENHANCE AVIATION SAFETY

SEC. 3. (a) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"SEC. 614. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

"(a) TESTING PROGRAM.—

"(1) PROGRAM FOR EMPLOYEES OF CARRIERS.—The Administrator shall, in the interest of aviation safety, prescribe regulations within 12 months after the date of enactment of this section. Such regulations shall establish a program which requires air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as determined by the Administrator) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

"(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish a program applicable to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

"(3) SUSPENSION; REVOCATION; DISQUALIFICATION; DISMISSAL.—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to such an individual, or the disqualification or dismissal of any such individual, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such individual has used, in violation of law or Federal regulation, alcohol or a controlled substance.

"(b) PROHIBITION ON SERVICE.—

"(1) PROHIBITED ACT.—It is unlawful for a person to use, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section and serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"(2) EFFECT OF REHABILITATION.—No individual who is determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section shall serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(3) PERFORMANCE OF PRIOR DUTIES PROHIBITED.—Any such individual determined by the Administrator to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section who—

"(A) engaged in such use while on duty;

"(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (c);

"(C) following such determination refuses to undertake such a rehabilitation program; or

"(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties relating to air transportation which such individual performed prior to the date of such determination.

"(c) PROGRAM FOR REHABILITATION.—

"(1) PROGRAM FOR EMPLOYEES OF CARRIERS.—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (a)(1) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or controlled substances. Each air carrier and foreign air carrier is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (a)(1). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any air carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier or foreign air carrier.

"(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

"(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a), the Administrator shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(B) establish the minimum list of controlled substances for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

"(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

"(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public.

"(2) OTHER REGULATIONS ISSUED BY ADMINISTRATOR.—Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before the date of enactment of this section that govern the use of alcohol and controlled substances by airmen, crewmembers, airport security screening contract personnel, air carrier employees responsible for safety-sensitive functions (as determined by the Administrator), or employees of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"(3) INTERNATIONAL OBLIGATIONS.—In prescribing regulations under this section, the Administrator shall only establish requirements applicable to foreign air carriers that are consistent with the international obligations of the United States, and the Administrator shall take into consideration any applicable laws and regulations of foreign countries. The Secretary of State and the Secretary of Transportation, jointly, shall call on the member countries of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit the use, in violation of law or Federal regulation, of alcohol or a controlled substance by crew members in international civil aviation.

"(f) DEFINITION.—For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

"Sec. 614. Alcohol and controlled substances testing.
"(a) Testing program.
"(b) Prohibition on service.
"(c) Program for rehabilitation.
"(d) Procedures.
"(e) Effect on other laws and regulations.
"(f) Definition.".

TESTING TO ENHANCE RAILROAD SAFETY

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

"(r)(1) In the interest of safety, the Secretary shall, within twelve months after the date of enactment of this subsection, issue rules, regulations, standards, and orders relating to alcohol and drug use in railroad operations. Such regulations shall establish a program which—

"(A) requires railroads to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance;

"(B) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

"(C) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards, or orders issued under this title.

The Secretary may also issue rules, regulations, standards, and orders, as the Secretary considers appropriate in the interest of safety, requiring railroads to conduct periodic recurring testing of railroad employees responsible for such safety sensitive functions, for use of alcohol or a controlled substance in violation of law or Federal regulation. Nothing in this subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, standards, and orders governing the use of alcohol and controlled substances in railroad operations issued before the date of enactment of this subsection.

"(2) In carrying out the provisions of this subsection, the Secretary shall develop requirements which shall—

"(A) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(B) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(i) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this subsection, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(ii) establish the minimum list of controlled substances for which individuals may be tested; and

"(iii) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this subsection;

"(C) require that all laboratories involved in the controlled substances testing of any employee under this subsection shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(D) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any employee shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(E) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(F) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(G) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this subparagraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this subsection; and

"(H) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(3) The Secretary shall issue rules, regulations, standards, or orders setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of railroad employees responsible for safety-sensitive functions (as determined by the Secretary) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or a controlled substance. Each railroad is encouraged to make such a program available to all of its employees in addition to those employees responsible for safety sensitive functions. The Secretary shall determine the circumstances under which such employees shall be required to participate in such program. Nothing in this paragraph shall preclude a railroad from establishing a program under this paragraph in cooperation with any other railroad.

"(4) In carrying out the provisions of this subsection, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

"(5) For the purposes of this subsection, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.".

TESTING TO ENHANCE MOTOR CARRIER SAFETY

SEC. 5. (a)(1) The Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.) is amended by adding at the end the following new section:

"SEC. 12020. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

"(a) REGULATIONS.—The Secretary shall, in the interest of commercial motor vehicle safety, issue regulations within twelve months after the date of enactment of this section. Such regulations shall establish a program which requires motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of the operators of commercial motor vehicles for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such operators for such use in violation of law or Federal regulation.

"(b) TESTING.—

"(1) POST-ACCIDENT TESTING.—In issuing such regulations, the Secretary shall require that post-accident testing of the operator of a commercial motor vehicle be conducted in the case of any accident involving a commercial motor vehicle in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

"(2) TESTING AS PART OF MEDICAL EXAMINATION.—Nothing in subsection (a) of this section shall preclude the Secretary from providing in such regulations that such testing be conducted as part of the medical examination required by subpart E of part 391 of title 49, Code of Federal Regulations, with respect to those operators of commercial motor vehicles to whom such part is applicable.

"(c) PROGRAM FOR REHABILITATION.—The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such operators shall be required to participate in such program. Nothing in this subsection shall preclude a motor carrier from establishing a program under this subsection in cooperation with any other motor carrier.

"(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a) of this section, the Secretary shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(B) establish the minimum list of controlled substances for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

"(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

"(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to commercial motor vehicle employees, or to the general public.

"(2) OTHER REGULATIONS ISSUED BY SECRETARY.—Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by commercial motor vehicle employees issued before the date of enactment of this section.

"(3) INTERNATIONAL OBLIGATIONS.—In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

"(f) APPLICATION OF PENALTIES.—

"(1) EFFECT ON OTHER PENALTIES.—Nothing in this section shall be construed to supersede any penalty applicable to the operator of a commercial motor vehicle under this title or any other provision of law.

"(2) DETERMINATION OF SANCTIONS.—The Secretary shall determine appropriate sanctions for commercial motor vehicle operators who are determined, as a result of tests conducted and confirmed under this section, to have used, in violation of law or Federal regulation, alcohol or a controlled substance but are not under the influence of alcohol or a controlled substance, as provided in this title.

"(g) DEFINITION.—For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.".

(2) The table of contents of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5223) is amended by adding at the end thereof the following:

"Sec. 12020. Alcohol and controlled substances testing.".

(b)(1) The Secretary of Transportation shall design within nine months after the date of enactment of this Act, and implement within fifteen months after the date of enactment of this Act, a pilot test program for the purpose of test-

ing the operators of commercial motor vehicles on a random basis to determine whether an operator has used, in violation of law or Federal regulation, alcohol or a controlled substance. The pilot test program shall be administered as part of the Motor Carrier Safety Assistance Program.

(2) The Secretary shall solicit the participation of States which are interested in participating in such program and shall select four States to participate in the program.

(3) The Secretary shall ensure that the States selected pursuant to this subsection are representative of varying geographical and population characteristics of the Nation and that the selection takes into consideration the historical geographical incidence of commercial motor vehicle accidents involving loss of human life.

(4) The pilot program authorized by this subsection shall continue for a period of one year. The Secretary shall consider alternative methodologies for implementing a system of random testing of operators of commercial motor vehicles.

(5) Not later than thirty months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the results of the pilot program conducted under this subsection. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for the random testing of operators of commercial motor vehicles.

(6) For purposes of carrying out this subsection, there shall be available to the Secretary $5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304) for fiscal year 1992.

(7) For purposes of this subsection, the term "commercial motor vehicle" shall have the meaning given to such term in section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2716(6)).

TESTING TO ENHANCE MASS TRANSPORTATION SAFETY

SEC. 6. (a) As used in this section, the term—

(1) "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety;

(2) "person" includes any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States, or any State, territory, district, or possession thereof, or of any foreign country;

(3) "Secretary" means the Secretary of Transportation; and

(4) "mass transportation" means all forms of mass transportation except those forms that the Secretary determines are covered adequately, for purposes of employee drug and alcohol testing, by either the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) or the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.).

(b)(1) The Secretary shall, in the interest of mass transportation safety, issue regulations within twelve months after the date of enactment of this Act. Such regulations shall establish a program which requires mass transportation operations which are recipients of Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

(2) In issuing such regulations, the Secretary shall require that post-accident testing of such a mass transportation employee be conducted in the case of any accident involving mass transportation in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

(c) The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of mass transportation employees referred to in subsection (b)(1) who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such employees shall be required to participate in such program. Nothing in this subsection shall preclude a mass transportation operation from establishing a program under this section in cooperation with any other such operation.

(d) In establishing the program required under subsection (b), the Secretary shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within three days after being advised of the results of the confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(e)(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to mass transportation employees, or to the general public.

(2) Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by mass transportation employees issued before the date of enactment of this Act.

(3) In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

(f)(1) As the Secretary considers appropriate, the Secretary shall require—

(A) disqualification for an established period of time or dismissal of any employee referred to in subsection (b)(1) who is determined to have used or to have been impaired by alcohol while on duty; and

(B) disqualification for an established period of time or dismissal of any such employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law or any regulations.

(2) Nothing in this section shall be construed to supersede any penalty applicable to a mass transportation employee under any other provision of law.

(g) A person shall not be eligible for Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, if such person—

(1) is required, under regulations prescribed by the Secretary under this section, to establish a program of alcohol and controlled substances testing; and

(2) fails to establish such a program in accordance with such regulations.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1992".

Mr. LAUTENBERG. Mr. President, I am told that the distinguished Senator from New York, the ranking member of the Subcommittee on Transportation, is trying to join us. He is a member of the Intelligence Committee and is involved in a hearing there of which I think everyone is aware.

Mr. President, as the chairman of the Transportation Appropriations Subcommittee, it is my pleasure to bring before the Senate H.R. 2942, the appropriations bill for the Department of Transportation and related agencies for fiscal year 1992. I am proud of this bill. This is a good bill. This bill is the result of a careful and diligent examination of the budget requests proposed by the President and the requests of many Senators and concerned citizens. The bill was produced after extensive testimony received during numerous hearings over a 3-month period on 11 separate agencies within the Department of Transportation.

Mr. President, the purpose of the Transportation Appropriations bill is to protect and enhance our Nation's basic transportation infrastructure. Our challenge in meeting this mission gets tougher and tougher with each passing year. The Transportation Subcommittee is charged with providing adequate operating and procurement funding for the Coast Guard and the FAA, while simultaneously investing in our Nation's basic transportation infrastructure—its highways, airports, and mass transit systems.

As a Nation, Mr. President, we have let our attention to infrastructure slip. Since the early 1980's, the Federal share of infrastructure investment has declined and State and local infrastructure investments have not always picked up the slack, and it has not been easy. They have not been able to do so in most cases. Despite dramatic growth in the volume of air traffic, we have not added one new airport to our national aviation system in 16 years. Mr. President, we are now paying the price for our lax attention to these infrastructure needs. Our Nation's roads and skies are experiencing unprecedented levels of congestion. Long waits on the highway are now accompanied by long waits on the runway.

Inadequacies in our transportation system are not merely a matter of personal inconvenience. These deficiencies threaten the economic viability of our Nation. They hamper our ability to move products, to produce jobs, and, ultimately, to compete in the international marketplace.

The bill before us, I am pleased to say, takes some critical steps to address our infrastructure needs, not only by investing in our traditional highway, aviation, rail, and water programs but in investing in important projects utilizing new technologies that will be critical to the transportation needs of the future—technologies such as magnetically levitated rail systems, intelligent vehicles/intelligent highway systems, and the complete electrification of the Northeast corridor. These technological enhancements all promise to relieve congestion both on the highways and in the air, as well as reduce air pollution and improve mobility.

The bill before us obligates the full amount authorized for the airport improvements grants program, $1.9 billion; and sets the Federal-aid obligation ceiling at almost $17.1 billion. These funds will benefit every State and enable every region of the country to get on with the important job of fixing the crumbling roads and bridges and expanding our airports' ground capacity. The bill also includes more than $7 billion for operations, acquisitions, and research for the Federal Aviation Administration and proposes more than $3.5 billion in operations, acquisitions, and research for the Coast Guard.

These funds will ensure safety in the air and at sea and move these agencies forward in executing their critical responsibilities.

Mr. President, while I am pleased with the package before us, I must admit that the Subcommittee on Transportation faced some very difficult choices. I want to thank each member of the subcommittee for their support and forbearance through the process.

I saw the chairman of the Appropriations Committee, Senator BYRD, here just a minute ago, and I wanted to particularly say thanks to him for his ever present support on issues of funding for infrastructure and transportation.

We believe this bill represents a responsible and balanced package, given the constraints of the budget resolution and our allocation, and considering the large number of requests we received from our colleagues. Obviously, we were not able to provide for every request. We have, however, done the best we could to accommodate Members' priorities.

OVERVIEW

As stated, the transportation subcommittee had a discretionary spending ceiling of $13.9 billion in budget authority and $31.8 billion in outlays. The bill before us, as scored by CBO, spends the entire allocation both in budget authority and outlays. For that reason, any amendment changing funding levels in the bill will require offsets that are neutral in both budget authority and outlays.

The President's budget for transportation proposed several cuts, some of which were devastating to certain critical programs.

These cuts were achieved largely by severely reducing operating subsidies for Amtrak, eliminating highway demonstration projects, and cutting mass transit operating subsidies by approximately three-fourths.

The administration's proposal did include increased funding for the Coast Guard's operating and capital expenses, and increases for the Federal Aviation Administration's operating and capital accounts.

In other words, Mr. President, as in previous years, the President's budget proposed to pay for the recognized necessary increases for the Coast Guard and the FAA by severely reducing financial assistance for mass transit and Amtrak, and by reducing highway expenditures as well.

Mr. President, allow me to present a few highlights of the bill before us.

COAST GUARD

For the Coast Guard, the bill provides more than $3.2 billion in new budget authority, to be supplemented by transfers between the Coast Guard and the Defense Department, yielding a total program level in excess of $3.5 billion. These transfers from DOD are similar to those executed in previous years to further the Coast Guard's national defense mission, including drug interdiction. After all transfers are accounted for, Coast Guard operating expenses will be funded at the House-passed level. This will provide a funding increase well in excess of inflation in order to allow the Coast Guard to fully implement the Oil Pollution Act of 1990, as well as execute its many other missions, including drug interdiction, search and rescue, vessel and shore facilities inspections, and boating safety. Funding for Coast Guard acquisitions will be 11 percent above the House-passed level and will include many critical programs to help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft. For too long, Mr. President, we have asked the Coast Guard to do more with less, but this bill continues our efforts to adequately compensate the Coast Guard for its ever growing list of responsibilities.

HIGHWAYS

In the Federal Highway Administration, I would note that the bill before us has an obligation ceiling of $17.1 billion, an increase of $2.6 billion over last year. I believe that this is a positive affirmation that, given the resources, this subcommittee will make the much needed investments in our Nation's crumbling roads and bridges and will make every effort to relieve congestion and provide an efficient, safe highway system. This obligation ceiling is distributed according to a prescribed authorization formula: So the increased spending will benefit each and every State.

AMTRAK

For Amtrak, the bill contains, $331 million for operations, $145 million in mandatory retirement payments, and $180 million for capital grants. The bill is consistent with the committee's goals of weaning Amtrak of its operating subsidy while providing adequate support for capital acquisitions in order to boost revenues and move Amtrak toward self-sufficiency. The bill also includes funding for improvements to the Northeast corridor, including the electrification of the final segment from New Haven to Boston. This project represents the single largest enhancement to intercity rail service in the United States in many years. It promises to greatly reduce air and highway congestion throughout the northeast, as well as minimize air pollution in the region. It will also further improve Amtrak's profitability, and thus further minimize the need for a Federal operating subsidy.

FEDERAL AVIATION ADMINISTRATION

For the FAA, the bill provides an increase of $345 million for operations, an increase of 8.5 percent over the 1991 enacted level. This includes funding for an additional 450 air traffic controllers; 136 additional safety inspectors; 100 additional aircraft certification personnel; and 178 additional civil aviation security staff.

In the facilities and equipment area for FAA, the bill provides $2.56 billion, or $462 million more than the enacted 1991 level. Most of this will go to the modernization and expansion of our national airspace system by upgrading our air route traffic control centers, airport towers, and flight service facilities.

In the research area, there is $34.9 million to support continued research and development of automated explosive and sabotage detection systems, which is $3 million more than the administration's request.

For the airport improvement grants program, the bill contains $1.9 billion, which is the fully authorized level.

URBAN MASS TRANSPORTATION ADMINISTRATION

Finally, Mr. President, in the transit area, the bill continues transit operating assistance at $802 million; and contains $117 million for the rural transit program, almost double last year's level; $524 million for new starts; and $524 million for modernization of our older transit systems. All of these amounts follow the prescribed formulas contained in the recently passed surface transportation bill.

Once again, Mr. President, I want to thank all of the members of the subcommittee for their assistance with this bill, and I particularly want to thank Senator D'AMATO, the ranking member of the Transportation Subcommittee, for his cooperation and thoughtful input.

I, again, note the importance of the assistance that we received from the chairman of the Appropriations Committee, Senator BYRD, who as everyone knows is a staunch, steadfast advocate for increased investment in our Nation's infrastructure. He—like I and many here—believes that it is one of the most significant investments that we can make in our country in terms of our domestic needs, to be able to provide jobs, economic development, and at the same time provide an opportunity to compete more effectively in the international arena.

Mr. President, again, Senator D'AMATO is on his way, and when he arrives, he intends to make his statement. So we will proceed at the time when he arrives, and we will give him the opportunity to speak.

I again note, Mr. President, that this bill as scored by the Congressional Budget Office is right at the 602(b) allocation, so any amendment affecting budget authority or outlays will have to be accompanied by an offset.

I am pleased to be accompanied by Senator D'AMATO, the ranking member of the subcommittee, and I am pleased to have Senator D'AMATO here to now make his remarks. And I would call on Senator D'AMATO at this moment for his statement, my colleague and friend, the ranking member of the subcommittee.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let me say that I want to take this opportunity to commend my distinguished colleague, the chairman of the Subcommittee on Transportation Appropriations, Senator LAUTENBERG, for the magnificent job that he has undertaken with a great staff to put together this bill.

This is not an easy bill. There are many requests and varied interests. There are cutbacks that have been made in the budget. So a reallocation of the scarce resources in dollars is not always easy, but I want you to know that Senator LAUTENBERG has done a great job in coming up with this bill.

The bill provides $14.4 billion in appropriations for the Department of Transportation and related agencies during fiscal year 1992. The bill also provides $20.9 billion in obligation limits on transportation funds, such as the highway trust fund, and the airport and the airways trust fund.

Chairman LAUTENBERG and his fine staff, Pat McCann, Peter Rogoff, and Joyce Rose have worked hard to put this bill together, and I compliment them. And I thank the minority staff, Anne Miano and Dorothy Pastis, for their fine work.

I know that the chairman, and the full Appropriations Committee have tried to accommodate Members' requests to the fullest degree possible. New scoring of the bill by the Congressional Budget Office requires us to trim $10 million from our totals in order to stay within our allocation. I believe the chairman will offer an amendment to do so. Once that is done, we will have fully spent our 602(b) allocation of budget authority and outlays under the Budget Act. Thus, any additional amendments that add funds would require offsets.

There are many features of H.R. 2942 that deserve mention, but I would like to highlight the provisions requiring alcohol and drug testing, including random testing, of transportation workers in safety sensitive jobs. I am pleased that the Transport Workers Union has publicly agreed in principle to the need for these tests. The Mothers Against Drunk Driving strongly supports this legislation. MADD points out the pervasive nature of alcohol abuse in our society with statistics showing that in 1990, 22,083 highway deaths (49.6 percent) were in alcohol-related accidents out of a total of 44,529 highway deaths. However, some people still argue that drug and alcohol testing of transportation workers in safety sensitive positions is an undue invasion of privacy, and that it is fraught with opportunity for employee harassment. For those who feel that way, I would like to mention some facts.

Just after midnight on August 28, in New York City, a subway train traveling at high speed derailed near the Union Square Station. Five people were killed and more than 200 were injured. Police, fire, and emergency medical service personnel risked their health and safety in helping evacuate the dead and injured under hellishly hot and smoky conditions. The motorman who operated the train left the scene and was later arrested and found to have a blood alcohol content of 0.21. In New York, a person with a blood alcohol content of 0.10 is considered legally drunk. The motorman is now awaiting trial on murder charges. If this accident had occurred on a crowded train during peak hours, the deaths and injuries would have been enormous.

We must have a complete program of alcohol and drug testing for transportation workers in safety sensitive jobs. I added an amendment to H.R. 2942 that requires the Secretary of Transportation to issue such rules for mass transit employees. My amendment is virtually identical to language passed by the Senate on June 19 in the highway bill, S. 1204. It covers four kinds of testing: Preemployment, reasonable suspicion, random, and postaccident. The Urban Mass Transportation Administration had issued a similar rule in 1989, but it was struck down by the Court of Appeals for the District of Columbia in January 1990 on the grounds that the agency lacked the legal authority to issue it. I added an amendment to our fiscal year 1991 DOT appropriations bill to remedy this problem, but it was killed by the House in conference. This year will be different.

In full committee, my distinguished colleague, Senator HOLLINGS added an omnibus drug testing provision to H.R. 2942 which covers safety sensitive jobs in the airline, railroad, commercial motor vehicle areas, as well as mass transit. Senators HOLLINGS and DANFORTH have worked tirelessly on this issue and their drug testing legislation has passed the Senate 11 times since 1987. I asked Senator HOLLINGS to sever his amendment from mine, which he did, in order to assure that the transit provision is not tied up in House jurisdictional battles during conference on this bill.

It is important to note that rehabilitation is a vital element of any successful testing program. Our bill requires the Secretary of Transportation to issue rules to provide employees with an opportunity to seek treatment. The Secretary in promulgating these regulations also must safeguard employees' privacy to the maximum extent possible. To further protect employees' rights, the bill provides that the laboratories and testing procedures used must satisfy the scientific and technical guidelines issued by the Department of Health and Human Resources guidelines on April 11, 1988, as amended.

Mr. President, I ask unanimous consent to print in the RECORD a copy of Secretary Skinner's letter to Chairman LAUTENBERG in support of the drug and alcohol testing language.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, September 12, 1991.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The recent devastating subway crash in New York City underscores the need for rapid action by Congress to establish authority for meaningful drug and alcohol control programs in the mass transit industry. Senator Alfonse D'Amato has now developed a proposal for addition to the pending Department of Transportation (DOT) and Related Agencies Appropriations bill. We support his approach because it addresses the single statutory deficiency we face, and will enable immediate corrective action for transit without embroiling Congress in broader controversy that can delay a rapid solution.

Since the January 1990 federal appellate court ruling that current Urban Mass Transportation Administration (UMTA) drug-test authority is deficient, the Administration has twice proposed corrective statutory provisions. As a general matter, the Administration opposes the addition of legislative provisions to appropriations bills. However, the threat of drug and alcohol abuse in mass transit warrants this action.

Senator D'Amato has chosen language that has passed the Senate on numerous occasions, most recently as an amendment to the "Surface Transportation Efficiency Act of 1991" (S. 1204). Section 266 of that Act mandates transit drug control programs within one year of enactment which are consistent with the rules that were issued by DOT in December 1988 and which can be swiftly re-issued. This section also authorizes the Department to require alcohol testing programs.

We have one substantial concern about the random testing requirements of Section 266. Among other things, this language would require random testing for alcohol, as well as controlled substances. This raises Fourth Amendment issues regarding "unreasonable searches" that may well be more difficult to meet in the case of a "legal" substance (alcohol or other controlled substances whose presence in the blood-stream is not in itself a violation of law versus illegal drug metabolites) where impairment is the issue (not simply illegal use). A more promising alternative, which could easily be substituted in the bill, would be "performance-related testing" for alcohol (*i.e.*, the possibility that a test for alcohol or any controlled substance, legal or illegal, might be required closely related in time to the performance of safety-related duties and random testing only for substances whose presence in the blood-stream is itself illegal).

I would like to stress two favorable aspects of Section 266. First, the requirements of Section 266(c) for rehabilitation programs call for the "opportunity for treatment of employees" in need of assistance, but not for mandatory rehabilitation. While the programs we have implemented provide for the possibility of allowing an employee to return to safety-sensitive duties following rehabilitation, the basis for doing so is a matter for collective bargaining between labor and management.

In addition, decisions as to what rehabilitation opportunities should be offered and at whose expense are all elements of collective bargaining for each local transit system. These are difficult decisions that vary with workforce size (small transit grantees may not be able to hold open an operator position during rehabilitation), health insurance coverage of rehabilitation, industry philosophy, and community values. We would not object to language clarifying that collective bargaining on such matters is not affected by the statutory provisions, as long as it is equally clear that grantees and employees cannot mutually agree to eliminate random or other testing from their programs or otherwise reach an agreement contrary to our regulations.

Second, we favor the Section 266(e) which clearly preempts state or local law or policy that differs from the new requirements (without disturbing state sanctions for reckless behavior such as drunk-driving offenses). This language is necessary because public transit riders should not be disadvantaged because state statutory requirements do not recognize the special safety concerns in the transportation workplace. Also, an exception here could lead to pressure for exceptions in other transportation modes.

We appreciate the opportunity to comment on this important issue. The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Committee.

Sincerely,

SAMUEL K. SKINNER.

Mr. D'AMATO. Mr. President, H.R. 2942 also will provide $26 million to the New York Metropolitan Transportation Authority for a long-awaited project to improve communications within the subway system for police and emergency workers. Currently, those employees cannot speak directly with their safety and law enforcement counterparts on the surface. These moneys will make rescue, evacuation, and safety procedures easier to carry out.

Another provision in the bill will provide $11.3 million to connect New York City's 63d Street Subway Tunnel with the overcrowded subway lines; that is, the "E" and "F" lines in Queens, NY. This project will increase passenger capacity more than tenfold, from 2,100 peak hour riders to nearly 24,000 peak hour riders. New York will pay 50 percent of the total costs of this $612 million project. The Urban Mass Transportation Administration supports this project as one of the Nation's most cost beneficial transit projects.

Our bill also continues $802 million in Federal operating aid to small and large transit authorities. For Buffalo, NY, this will mean about $6 million, and for New York City, it translates to about $94 million. This provision will prevent service cuts and fare increases to many millions of transit riders, including poor, elderly, and handicapped riders who depend on mass transit.

The chairman has already outlined many of the funding features of our bill. I believe it is a sensible package that will permit DOT to go forward with many vital programs and important projects during the coming fiscal year. I thank the chairman, Senator LAUTENBERG, for his fine work.

Mr. President, I urge my colleagues to vote for this bill.

Mr. LAUTENBERG. Mr. President, I thank the distinguished ranking member of the subcommittee and again acknowledge his input and cooperation in getting this bill to this point. We worked cooperatively together on behalf of not only our State and region but our country, and both of us acknowledge the fact that infrastructure investment is perhaps one of the most important things that we can do. Would that we had even higher funding for this type of investment. We hope that one day the Transportation appropriations bill will get the appropriate level of investment to make our country competitive again.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, that they be considered as original text for the purpose of further amendment, and that no points of order be waived thereon.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

GLENDALE AIRPORT

Mr. MCCAIN. Will the Senator from New Jersey yield for a moment to enter into a colloquy with myself and with the distinguished ranking member, Mr. D'AMATO?

Mr. LAUTENBERG. I would be pleased to yield.

Mr. MCCAIN. It is my understanding that funding is included in the bill for expansion of the Federal Aviation Administration's contract tower control program and that these moneys have been earmarked for the operation of contract towers at certain airports around the country.

Mr. LAUTENBERG. The Senator is correct.

Mr. MCCAIN. I would like to bring to the attention of the chairman and the ranking member of the Transportation

Appropriations Subcommittee a similar project at Glendale Municipal Airport in Glendale, AZ. Unfortunately, due to budgetary limits, no funds were available for the 1992 fiscal year. It is my understanding that it is the committee's intent that if any airport is unable to or chooses not to participate in the contract tower program or if there should be any problem funds remaining, that Glendale Airport would receive priority and those funds would be reprogrammed to incorporate Glendale into the contract tower program, up to a limit of $220,000.

Mr. LAUTENBERG. The Senator is correct, and I appreciate his bringing this matter to my attention. My understanding is that, according to the FAA, the Glendale project has a high cost to benefit ratio. The FAA informs me that the project has a 0.80 rating for 1990 and that it is expected to have a rating of over 1.0 in 1991.

Mr. D'AMATO. It is also my understanding that the FAA supports this project, as does the Transportation Subcommittee.

Mr. MCCAIN. That is correct. I thank the distinguished chairman of the subcommittee and the Senator from New York [Mr. D'AMATO] for their consideration and assistance and for their continuous support of the State of Arizona.

KANSAS CITY BUS GRANT APPLICATION

Mr. BOND. I would like to thank the distinguished chairman of the subcommittee, and the ranking member, for engaging in this colloquy. As the chairman knows, the Kansas City, MO, Area Transit Authority in conjunction with Johnson County, KS, have an acute need to replace a large number of buses that are well beyond their useful life. Because of an incredible demand for discretionary bus funds in this fiscal year, a section 3 application submitted by the Area Transit Authority [ATA] could not be approved by UMTA.

Since this decision was made very recently by UMTA, I was unable to bring this matter to the committee's attention at an earlier point in time. The conference committee will meet soon after the Senate completes consideration of H.R. 2942. It is my hope that if the conferees highlight bus projects that are of particular importance to the committee, that the chairman would consider including this project in that category.

Mr. LAUTENBERG. I am aware of the problem the Senator from Missouri has described and I commend him for bringing it to the committee's attention. As the Senator has noted, the demand for discretionary bus funding was particularly strong in fiscal year 1991, and as a result, a number of worthy projects did not receive funding.

It is my understanding that this project is important to the Kansas City Area Transit Authority's efforts to provide accessible service for the elderly and the handicapped and to meet Clean Air Act goals. I want to assure the Senator that I will be happy to work with him during the conference and in the coming year to try to ensure funding for this important project.

Mr. D'AMATO. I concur with the chairman's comments and assure my colleague from Missouri that I will also do all I can to help ensure funding for this critical project.

Mr. BOND. I greatly appreciate the assurances of the chairman and the ranking member and thank them for their help on this and the other vital Missouri transit projects included in the DOT appropriations bill for fiscal year 1992.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2942, the Transportation appropriations bill as reported from committee, and has determined that the bill is under its 602(b) budget authority allocation by $131 million and over its 602(b) outlay allocation by $1 million.

It is my understanding that the distinguished manager of the bill, Senator LAUTENBERG, will offer an amendment to bring the bill under its 602(b) outlay allocation. I compliment Senator LAUTENBERG and the distinguished ranking member of the Transportation Subcommittee, Senator D'AMATO, for all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Transportation appropriations bill and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2942

TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS

[Senate reported in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2942:		
New BA and outlays	14.4	12.2
Enacted to date	0	20.1
Adjustment to conform mandatory programs to resolution assumptions	....	....
Scorekeeping adjustments/PLR's	0	0
Bill total	14.4	32.3
Senate 602(b) allocation	14.4	32.3
Total difference	....	....
Discretionary:		
Domestic	13.9	31.8
Senate 602(b)	13.9	31.8
Difference	....	....
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	0	0
Senate 602(b)	0	0
Difference	0	0
Total discretionary spending	13.9	31.8
Mandatory spending	.5	.5
Mandatory allocation	.5	.5
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	−.7	.6
Senate-passed bill	NA	NA
House-passed bill	.3	....

AMENDMENT NO. 1144

(Purpose: To make a technical correction)

Mr. LAUTENBERG. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1144.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 13 strike "data" and insert "date".

Mr. LAUTENBERG. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1144) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1145

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1145.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 6 strike "$17,098,460,000" and insert "$17,092,610,000".

Mr. LAUTENBERG. Mr. President, this is a technical amendment. The amendment will reduce the Federal highway obligation ceiling by $5,850,000. The amendment is necessary to bring the bill within its 602(b) budget allocation.

After we had our markup in the full committee, we were informed that a change in scoring by the Congressional Budget Office increased the outlays charged against the bill by slightly over $1 million. Preliminary scoring by CBO had the bill slightly under its 602(b) outlay allocation. Though there were no amendments in full committee that affected scoring, CBO has revised its estimates of the outlays. This amendment puts the bill back in compliance with its allocation.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1145) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1146

(Purpose: To make a technical change deleting a word from the bill)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is a technical amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1146.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 11, strike the word "drug".

Mr. LAUTENBERG. Mr. President, this amendment simply inserts a word change. It deletes the word "drug" from a sentence. In doing so, it clarifies the right of labor to bargain not only as to drug testing but as to alcohol testing as well. Without this amendment this provision might erroneously be interpreted to prohibit bargaining over aspects of alcohol testing.

Mr. D'AMATO. Mr. President, I am strongly supportive of the amendment and it makes sense.

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is agreeing to the amendment.

The amendment (No. 1146) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1147

(Purpose: Relating to the designation of Chief Financial Officers in certain departments and agencies)

Mr. LAUTENBERG. Mr. President, I have an amendment by Senator GLENN. It is technical in nature, and we send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [MR. LAUTENBERG], for Mr. GLENN, proposes an amendment numbered 1147.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 73, strike out lines 18 through 22.

Mr. GLENN. Mr. President, this amendment would strike section 340 of H.R. 2942. The amendment would strike language from the bill that would amend the Chief Financial Officers [CFO] Act of 1990.

The Governmental Affairs Committee, which I chair, worked 6 years to develop and secure passage of the CFO Act. This year the committee is proud to be overseeing the act's initial implementation.

The provisions that I propose striking today would give the Secretary of Transportation the discretion to appoint a career official to be the agency CFO instead of a Senate confirmed political appointee, as required by the CFO Act. Needless to say, this change would reverse a congressional decision of just a year ago that agency CFO's for the 16 major departments and agencies should be appointed by the President with the advise and consent of the Senate.

My first reason for opposing this provision is that I do not believe an appropriations bill is the proper vehicle for addressing a substantive requirement of the CFO Act, which of course is within the jurisdiction of the Governmental Affairs Committee.

My second reason for moving to strike this provision is that while the Department of Transportation may have good reasons for its proposal, changing the CFO Act in this way raises important questions about the congressional intent behind the decision of a year ago that the Department of Transportation CFO be appointed by the President with the advise and consent of the Senate, and not a career official.

I can assure Secretary Skinner that I will seriously consider his proposal. But I will do so in the context of a more straightforward review of the CFO Act requirements that are guiding all 23 agencies covered by the act.

It is my understanding that the Department of Transportation has agreed to the withdrawal of this proposal. I look forward to working with the Department on this and other important CFO issues.

Mr. LAUTENBERG. Mr. President, this amendment strikes section 340 as originally reported by the committee, which would have allowed the Department of Transportation to designate a civil servant as its chief financial officer. This language was requested by Secretary of Transportation Samuel Skinner to allow a career civil servant serving in this position to continue as the Department's financial officer.

It has come to my attention the exemption requested by the Department from the Chief Financial Officer's Act is opposed by the authorizing committee, the Governmental Affairs Committee, the committee of jurisdiction. So this amendment strikes section 340, and I am not aware of any objections to it.

Mr. D'AMATO. I have no objection.

Mr. LAUTENBERG. Therefore, I move adoption of this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1147) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1148

(Purpose: To allow sole-source contracting authority for the Air Traffic Control Tower located at Standiford Field, Louisville, KY)

Mr. LAUTENBERG. Mr. President, I have an amendment here offered by Senator FORD which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk is as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. FORD, proposes an amendment numbered 1148.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert: ": *Provided further*, That funds appropriated under this heading for this or prior years are available for the Federal Aviation Administration to enter into sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky to design and construct an air traffic control tower at Standiford Field, using current Federal Aviation Administration control tower specifications.".

Mr. FORD. Mr. President, the Regional Airport Authority of Louisville-Jefferson County, KY, is the recipient of a multimillion-dollar Federal Aviation Administration Letter of Intent to fund the construction of two new runways. In order to construct the new runways, it is necessary to replace the old air traffic control tower in a new location.

Current Federal Aviation Administration budget procedures make it impossible for the FAA to construct the tower in less than 3 years. This amendment would allow the FAA to contract with the Louisville-Jefferson County Regional Airport Authority for the sole-source contract in order to expedite the construction of the new air traffic control tower.

Mr. LAUTENBERG. Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1148) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, first of all I would like to thank the distinguished Senator from New Jersey [Mr. LAUTENBERG] and the Senator from New York, but particularly the Senator from New Jersey [Mr. LAUTENBERG] for a number of things.

This is a very important appropriations bill because it really reflects some real thought about where we have to move in the context of our transportation policy in the country. I think the Senator from New Jersey has been one of the quiet and perhaps even unheralded leaders in the Senate and in the Congress on that subject.

The reason I particularly want to thank him is that he has once again, in this bill, funded one of the most important, if not the most important, transportation projects in the congested Northeast ridge of the country. Included in this bill is very important funding to continue Amtrak's project to reduce the travel time between New York City and Boston to 3 hours or less by high-speed rail. And this is funded under the Northeast corridor improvement project.

Currently it takes about 4 hours and 40 minutes by regular train, about 4 hours by express train to travel between the two cities.

Three-hour service between the two cities will have a significant beneficial impact on the regional transportation system, on air quality and on the economy of the Northeast. In the process, it will provide an important boost for high-speed rail development in this country. It will position Amtrak, which provides the most energy-efficient and environmentally benign transportation—to be the travel mode of choice between Washington and Boston, ease growing congestion at the region's airports and on the interstate highways, and provide travelers with an enjoyable, civilized alternative for traveling to the major cities of the Northeast. In the process, the surge in ridership and revenues will further enable Amtrak to reduce its needs for financial operating support from the Federal Government.

Mr. President, this project is critical from a number of standpoints. The Northwest has a serious air quality problem which will make compliance with the new Clean Air Act standards difficult. Moving travelers out of cars and airplanes onto trains would result in important improvements in the region's air quality. The Coalition of Northeastern Governors [CONEG] which has helped to spearhead this project, believes that this project is essential if Clean Air Act attainment standards are to be met.

Second, anyone who has traveled to or from Logan International Airport has experienced firsthand the enormous congestion that is choking air transportation. The major highways of the Northeast are no better. Indeed, just getting to Logan and other airports, let alone flying out of them, is difficult. Yet, where are 20–30 percent of flights out of Logan going? To New York area airports. Use of airplanes for such short distance travel is energy inefficient and undermines Logan's ability to serve longer distance markets. Amtrak estimates that in excess of 3 million additional passengers would use its rail line if it can provide 3-hour service. Most of these passengers would otherwise fly. CONEG has found that 50 shuttle flights a day could be eliminated and 10 gates freed at Logan if Amtrak is able to complete its project. In an era of $5 billion airport construction, easing congestion for just a fraction of the price of airport or highway expansion makes sound public policy.

Third, completion of this project, and the development of high-speed rail in this country, would have important regional and national economic benefits. For the region, it means construction jobs, a more efficient and less congested transportation system, and substantial economic activity. However, because nearly half of the costs of the project are for equipment and materials, the project would also mean an important boost for the railroad supply industry across the country and development of materials that are critical for high-speed passenger operations.

In this regard, the project would represent an important boost for high-speed transportation in this country. Completion of the project would enable the first 150-mile-per-hour rail passenger operations in this country. Amtrak intends to use new tilt-technology in passenger cars to permit trains to go faster through curves and provide better ride quality for its passengers. Tilt technology has been considered for other rail corridors in the country and this project will enable Amtrak to redesign the equipment to meet American safety standards. The lessons learned and experience gained from the project will be of great benefit to other high-speed rail programs being developed elsewhere in the country.

I believe it is important to note that Amtrak will make money on its New York-Boston trains when this project is completed. The trains will operate at a profit, as they already do in the Northeast corridor. This is not a case of funding a capital project only to create operating losses in the future. This money will be well-spent and will enable Amtrak to reduce its need for Federal operating support.

As you know, Mr. President, I serve on the Senate Commerce, Science, and Transportation Committee, which has oversight over the Northeast corridor improvement project. It is my hope that the committee will hold hearings during this Congress on this project so that its many benefits can further be detailed to members of the committee.

So I want to congratulate the Senator from New Jersey, and I want to thank him for the citizens of the entire Northeast region who are positively affected by this effort. He has been a leader on this and we are very grateful for it.

AMENDMENT NO. 1149

(Purpose: To authorize an additional 40 other-than-full-time equivalent positions for the Volpe National Transportation Systems Center)

Mr. KERRY. I send an amendment to the desk and ask for its immediate consideration. I want to thank the Senator from New Jersey and the Senator from New York for their willingness to accept this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1149.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 86, between lines 19 and 20, insert the following:

SEC. . Notwithstanding any other provision of this Act, the Volpe National Transportation Systems Center is authorized to hire up to an additional 40 other-than-full-time equivalent positions (FTE) in fiscal year 1992.

Mr. KERRY. Mr. President, very briefly, this amendment does not require any additional expenditure of funds. What it does is permit the Volpe National Transportation Systems Center in Cambridge, MA, to be able to hire on a contract basis up to 40 additional full-time equivalent appointments.

It is budget neutral, because the center contracts out to other agencies of the Federal Government who actually end up paying according to their budgets and their line items, and all of the funding is derived from those working agreements with other agencies.

Although the center is not a line item in the budget, Congress does control a number of Federal employees at the center. Over the last 10 years there has been no increase in the Federal work force at Volpe at all, but there has been a significant increase in the demand for transportation studies, for various shipping systems studies of our ports and so forth around the country. This will enable the Volpe National Transportation Systems Center to meet some of those demands.

The Volpe Center is playing a key role in the Nation's transportation infrastructure while also looking to the future. The center's ability to address major national transportation problems has been sought by agencies across the Federal Government. The center's expertise is currently being tapped for approximately 300 projects. Some of these efforts include an assessment of Amtrak's financial viability, coordinating the Environmental Impact Statement of the FAA expanded east coast plan, preparing a port needs study to prioritize vessel traffic services [VTS] for major U.S. ports, improving the Nation's air traffic management through a state-of-the-art traffic management system, and numerous others.

At a time when the New England economy is suffering severe problems, the center continues to guarantee employment for a number of citizens. Currently, the center provides roughly 1,500 jobs in the New England area—500 Federal and 1,000 contractor employees. It is one of the largest employers in the city of Cambridge. There has been a growing demand for increased services at the center; in fact its workload has grown fourfold in the past decade. Annually, the center performs close to 200 million dollars' worth of work, while having to turn away an equal amount of work due to personnel staffing ceilings that have not changed since the early 1980's.

Consequently, the center has been forced to turn away new projects at a time when citizens and businesses in the area could certainly benefit from the potential work opportunities.

In order to respond to the growing demands placed on its services, the center needs additional hiring flexibility. My amendment to increase the number of FTE's represents a measured approach to meet these increasing demands, while maintaining proper contract oversight for a growing contractor pool.

Mr. President, I would like to make one important statement regarding it, which I know the Senator from New Jersey shares. For better or worse, the Volpe Center falls under the Research and Special Programs Administration, which is known as RSPA, which is within the Department of Transportation. The subcommittee's report very accurately asserts that RSPA has been irresponsible in its accounting and it has ignored requests for information by Congress. Frankly, it has dragged the Volpe Center and other entities into that umbrella of its unwillingness to be responsible.

For example, 14 months ago, the Volpe Center was requested to provide a report outlining their future plans. And did so within 6 months. To date that report still languishes at RSPA, which is not, in our view, responsive to the demands of the Congress. There is considerable merit to the assertions by the committee that RSPA really deserves to be dealt with severely by the Congress. They have engaged in unauthorized reprogramming within offices, funds have been used unwisely and wastefully for new office furniture for the administrator and for unnecessary staff travel, and they have failed to submit other reports in a timely fashion.

I am grateful to the chairman for not penalizing the Volpe Center as a consequence of RSPA's unwillingness to respond. But I am very sympathetic with his desire to want to send a very strong message to RSPA that that kind of behavior cannot be tolerated and will not be tolerated by the Congress.

I want to express my appreciation to the Senator again, for his sensitivity to the transportation needs of the New England region. He has really been very important to our future and we are very grateful for it.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Massachusetts for his comments. We do both share a deep interest in the transportation needs of the region. Massachusetts, like my State, is one of the most congested States in the country and without adequate transportation systems it is hard to get to work, it is hard to get to business, it is hard to get home on time.

What we want to do is improve travel between the major cities in the region—we just have to have improved mobility in these areas.

It is a pleasure to work with Senator KERRY on the numerous issues that he brings to my attention for Massachusetts and the New England region.

I am willing to accept the Kerry amendment. It provides 40 positions for the Volpe Center. Originally we had a request for 75. Normally a staffing ceiling of this kind would not be a contentious issue. But unfortunately, this committee has had a very unhappy history with the Volpe Center's parent agency that requires me to carefully scrutinize any proposal to provide increased staffing resources at this time.

The issue of staffing levels at the Transportation Systems Center came to the committee's attention last year as we were reviewing the budget of the Research and Special Programs Administration, known as RSPA.

In response to numerous questions that we had about the future direction and staffing needs of the center, the committee requested the Secretary of Transportation to submit a report with the fiscal year 1992 budget request discussing his future plans for this center. The report was to provide a detailed discussion of the future staffing needs of the Transportation Systems Center.

It is now mid-September, 14 months after we requested this report. The report is now 7½ months late. We have been informed by DOT that we should not expect the report any time in the near future, even though the committee requested that the report be included as part of the President's 1992 budget.

The budget included a request for roughly a 15-percent boost in staffing without providing the requested information.

Mr. President, I cannot support the full request to boost staffing at the research center when the administration cannot articulate for the committee a future plan for the center, or discuss its staffing needs. The committee's recent experience with the Transportation Systems Center and its parent agency, the Research and Special Program Administration, requires me to examine proposals very closely to provide this agency with any greater staffing flexibility.

We are suspicious. We are concerned about the fact that this agency cannot get us the information we need to make the informed decisions. As the committee report explains, RSPA has abused the flexibility granted to it by the committee over the past 2 years. Examples of such abuse have included numerous instances in which the agency has completely ignored the funding allocations and personnel ceilings established in the appropriations bill.

We have made requests of them to fill a certain number of positions, which they have chosen to ignore. This past year the committee sought the assistance of the General Accounting Office in documenting these abuses. GAO's findings were upsetting. In a number of instances, RSPA completely ignored funding allocations and personnel ceilings provided in appropriations acts and transferred personnel assigned to hazardous materials enforcement or pipeline safety enforcement to the Administrator's office and to other, lower priority areas.

The patterns of abuse by RSPA in ignoring committee funding and personnel commitments were so severe that the committee is now required to finance the agency through six separate appropriations accounts. This is done to ensure that the funding provided in the appropriations bill will be expended as the committee intends. And I intend to continue to carefully monitor this situation in the future.

My discussion here is not meant to detract from the concerns of Senator KERRY. The fact is he is caught in a difficult place because of the inaction, and the lack of cooperation on the part of RSPA. We will continue to work together with Senator KERRY.

I have no objections to this amendment. I ask my colleague if he has any comment.

Mr. D'AMATO. Mr. President, the committee does recognize the very fine, outstanding work that RSPA has done. I hope they would heed the chairman's admonition. But it does fine work. As a matter of fact they are conducting some very important studies, as relates to the safety system in the New York transit systems, in our subway systems. That study will probably take another year to complete. So I am supportive of this amendment.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator KENNEDY and Senator DODD be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 1149) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, we want to finish this bill this morning. There is no reason that we cannot move expeditiously with it. The bill has answered the requests of Senators, over 80 of them; requests from almost every Member of this body. At this point we are inviting Senators to come to the floor to give us their amendments if they have any. We have a list of several, none of which seems to be contentious.

I urge that the Senators who have indicated their interest in this Transportation bill come to the floor. Let us get on with the business of the Senate. Let us get on with the business of our infrastructure and investments. Let us get on with improving the transportation of this country.

It is rapidly approaching October 1 when this bill will take effect, and we ought not delay consideration of it any further.

I ask my colleague if he has any comments?

Mr. D'AMATO. Mr. President, a number of colleagues have indicated that they have colloquies, or possibly amendments. I urge them to come to the floor so we can dispose of them one way or the other because we can, I believe, in a relatively short period of time, conclude this bill. We are still going to have to go to conference but the sooner we finish this bill the better the opportunity of seeing to it that we can get these moneys into the pipeline.

People are talking about the economy, they are talking about the need for jobs, they are talking about the need for better infrastructure. Right now we have an opportunity to do something in a very substantial way, something within the budget. So I hope, and urge our colleagues to get their amendments in as quickly as possible so we can dispose of them.

AMENDMENT NO. 1150

(Purpose: To direct the Federal Highway Administration to allocate, to the Vermont Agency of Transportation, $170,000 earmarked in the fiscal year 1991 transportation appropriations act for a highway grade crossing demonstration project in White River Junction, VT)

Mr. LAUTENBERG. Mr. President, on behalf of Senator LEAHY, the senior Senator from Vermont, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. LEAHY, proposes an amendment numbered 1150.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert: "Unobligated funds in the amount of $170,000 authorized and appropriated under Public Law 101-516 for a highway grade crossing demonstration project in White River Junction, VT, shall be made available to the State of Vermont Agency of Transportation without regard to whether or not such expenses are incurred in accordance with section 106 of title 23 of the United States Code.".

Mr. LAUTENBERG. Mr. President, this request simply directs the Federal Highway Administration to release $170,000 which was provided in the fiscal 1991 Transportation Appropriations Act to the Vermont Agency of Transportation as reimbursement for construction of a highway grade crossing in White River Junction, VT.

This is necessary due to a miscommunication whereby the State of Vermont began construction work on the project before Federal Highway Administration had its opportunity to fully review the plans and specifications. In such a situation under Federal law, the agency is unable to release the funds to the State. The FHWA does not object to allocating these funds to the Vermont project.

In a May 28, 1991, letter to Senator LEAHY, Federal Highway Administrator Larson suggested that a legislative change as provided in this amendment, would clear the agency to reimburse the State for the highway improvements made. I urge the adoption of the Leahy amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1150) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Once again, Mr. President, we ask our colleagues who have amendments to come to the floor with their amendments so we can get done with this bill.

As the Senator from New York pointed out, while the bill does not go into place until it has been in conference with the House and signed into law, it does send a signal to those who are watching these proceedings that we have funding in place; that this bill provides resources where it should; that the messages included in this bill are going to be enacted into law. The longer it is delayed, the more opportunities we see to fiddle with this appropriations bill, and we ought not to do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Transportation appropriations bill, as reported by the Appropriations Committee, is within its 602(b) budget allocation for both budget authority and outlays. I commend the distinguished chairman of the Transportation Subcommittee, Mr. LAUTENBERG, and the ranking minority member, Mr. D'AMATO, for their excellent work in balancing the various demands that accompany the reporting of the Transportation bill. They have conducted very careful hearings, heard many witnesses, marked up the bill, shown a great deal of skill and proficiency, as always. It is a difficult job to balance capital needs against the operating requirements of the agencies that this subcommittee oversees. But I believe that Senator LAUTENBERG and Senator D'AMATO have done an admirable job in meeting the needs of transportation in a balanced and positive way.

As all Senators probably know or should know, and as much as I have said it many times, I fought long and hard at the summit to bring the needs of our Nation's crumbling infrastructure to the attention of the administration. We met over a period of many, many weeks last summer and on several weekends, and then I called to the attention of the Senate during debate on the highway authorization bill earlier this year the need for dealing with our Nation's deteriorating infrastructure.

I think we have been ambivalent. We have been very complacent about the need to repair and to build infrastructure in this country. And so in that vein, the Transportation appropriations bill as reported by the full committee provides an obligation ceiling for the Federal Aid Highway Program of $17.092 billion, and this is $2.592 billion above the fiscal year 1990 obligational limit of roughly $14.5 billion.

For years, therefore, we have needed to focus on our infrastructure, and most particularly at last year's budget summit, I tried to stress that need to focus on the condition of the Nation's infrastructure. A strong infrastructure is essential to the economic security of this Nation. Anybody who drives on our Nation's highways or uses our Nation's mass transit system knows of the deterioration that has been allowed to occur during the past decade.

Hopefully, actions that we took at the budget summit and the levels of funding reached in this bill represent a step in the right direction, one that fully meets the commitment made to shore up our battered infrastructure and along with it strengthen this Nation's economy.

That is the direction in which we should be going. In addition, funding is also provided for the capital needs of the Federal Aviation Administration, $88 million above the House; the Coast Guard, $42 million above the House; Amtrak, continued improvements on the Northeast corridor and mass transit. I also know that the committee provides $40 million more than the House for the Federal Aviation Administration's operations.

Mr. President, I applaud the efforts, the hard work, the tenacity, and the dedication of Mr. LAUTENBERG and Mr. D'AMATO in dealing with our Nation's transportation needs. I also applaud the unfailing efforts of the subcommittee staff. They are true professionals in every sense of the word, and they deserve the recognition of the Senate for their hard work. I am thinking of Pat McCann, Peter Rogoff, Anne Miano, Joyce Rose, and Dorothy Pastis.

I urge my colleagues to support this bill.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his comments, but even more importantly his support for investments in infrastructure.

Senator BYRD has long been an advocate of infrastructure investment for this country. He acknowledged the tenacity, he said, of the chairman and distinguished ranking member of the subcommittee. I wish, Mr. President, that we could substitute more dollars for our tenacity, and we then would be better able to focus on meeting the enormous needs of this country. One just has to ride down any of the highways across this Nation that are part of the Interstate System to see the wear and tear on those routes.

We have seen it in our region, where brand new roads a year or two old are suddenly so heavily traveled that potholes and breakdowns begin to occur. So we have to invest to provide a balanced transportation network. That is what the Senate bill does, as it came out of the Environment and Public Works Committee, and supported by the Banking Committee, with its funding for mass transit.

But we are fortunate, Mr. President, to have a distinguished leader like Senator BYRD from West Virginia to put his imprint on the investments we want to make nationally for our infrastructure. All of us recognize it is important.

But Senator BYRD always raises infrastructure to the top of the ladder when he discusses the national needs, and I respect and appreciate it. I enjoy working with him on the preparation of appropriations bills generally but specifically the Transportation appropriations bill. Without his help, we could not do the job that we are charged to do, and I publicly thank and acknowledge his participation.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. D'AMATO. Mr. President, if I might, I also thank the Senator from West Virginia [Mr. BYRD] for his very kind remarks and simply highlight one, of many, reasons why we in the Northeast appreciate his efforts. I think the whole Nation should be appreciative of Senator BYRD'S tenacity in seeing to it that we have had the funds to keep the Amtrak system going, improving, and moving. it makes the difference for many, many people who have no alternative.

In terms of transportation, I think also that the future is not aviation for so much of our interstate travel, but it is the further enhancement and development of Amtrak and our rail infrastructure systems that the United States has neglected for so long. So I personally thank the distinguished leader for his magnificent efforts in seeing to it that our transportation capital needs are met. In many cases there have been some doubters. If they had had their way, we would have lost this valuable resource.

So on behalf of many in the Northeast, I thank Chairman BYRD.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, may I engage the Senator from New Jersey in a colloquy with respect to the communication system at the Federal Aviation Administration?

Mr. LAUTENBERG. I am pleased to discuss this matter with my colleague.

Mr. DOLE. As the Senator knows, Mr. President, the FAA has been engaged in a 2-year-long effort to procure a communication system that would link together all of the air traffic control facilities in the Nation. This procurement, known as the leased interfacility national air space communications system [LINCS], is a performance-based procurement designed to meet the extraordinary safety demands placed upon the FAA each day. To its credit, the FAA is requiring a 99.999-percent reliability factor from its contractor in processing and transmitting these data.

Unfortunately, Mr. President, the General Services Administration recently put a halt to this procurement and insisted that the FAA use the FTS 2000 telecommunications network for the air traffic controller communications. While I believe that the FTS 2000 is a superb, technically advanced system, it is clear to me that it is not designed to provide the safety net reliability required by the FAA. Of even more importance, Jim Kolstad, Chairman of the National Transportation Safety Board, joins me in expressing his concern that the FTS 2000 network is not designed to provide a 99.999-percent reliability factor. Notwithstanding Chairman Kolstad's view, heartily endorsed by every major aviation trade association in Washington, the House stripped the necessary funds for the FAA procurement from the 1991 appropriations bill. I commend the Senator and the members of his committee, for restoring this very important $18 million line item so that the FAA may proceed with this important procurement.

In anticipation of consideration of this bill, I was prepared to offer an amendment exempting the FAA from the mandatory use requirement of the FTS 2000 system. In the interim, however, I have learned that the FAA and GSA are seriously discussing ways in which the procurement authority will be restored to the FAA with a proviso that the FTS 2000 system should be used where it is technically feasible. We have all been around this town long enough to realize that such a proviso is an open invitation to further squabbling between these two agencies. Consequently, I am asking today whether the Senator from New Jersey and the distinguished ranking Republican member of the subcommittee agree with me that where any disagreement occurs between the two agencies over the technical capacity of the FTS 2000 system to meet the safety requirements of the FAA, the presumption should be given to the FAA.

Mr. LAUTENBERG. The Senator is correct. The safety requirements of the FAA should be paramount and must be given preeminent consideration.

Mr. D'AMATO. Let me just say that I agree with my distinguished Republican leader, as well as my distinguished chairman, that it is clear that the decision should be weighted toward the FAA in whether or not a particular circuit should be on the FTS 2000 network. The high level of reliability and redundancy built into the LINCS Program is to be commended and the FAA should be encouraged and given the freedom to do all it can to insure the safety of our traveling public.

Mr. DOLE. I appreciate the comments from the chairman and ranking Republican member of the subcommittee, and I would just like to add that I will be watching the progress of the discussions between the technical personnel of the two agencies very closely and that if the outcome is not consistent with our discussion here today, I will be back to discuss this matter with the Senators further to see if statutory language may be necessary or appropriate.

AMENDMENT NO. 1151

(Purpose: To facilitate air service to Love Field)

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1151:

At the appropriate place, add the following:

"Section 29 of Public Law 96-192 is hereby repealed.

"Section 503 of Public Law 96-193 is hereby repealed.".

Mr. DOLE. Mr. President, in an effort to expedite consideration of this bill, I have offered this amendment. It may need to be set aside. Senators BENTSEN and GRAMM may want to address the amendment. I wanted to offer it, as I share the manager's view that unless someone comes to the floor and offers amendments, it is pretty difficult to move ahead. So I have offered the amendment. I will make my statement, and I know that other Senators who have a different view may want to speak. So you can set this aside at the manager's convenience.

Mr. President, since 1980, commercial aviation in the Midwest, Southwest, and Southern United States has been distorted under a law that imposes a federally mandated monopoly. Today, the time has come to end that monopoly.

For 11 years, the so-called Wright amendment has been punishing the flying public, enriching one airline, and denying affordable air transportation to citizens of my State and States throughout a vast portion of our country. I think we ought to understand precisely what this amendment does.

The Wright amendment restricts commercial airline flights using Dallas Love Field to locations within the State of Texas and States contiguous to Texas.

In fairness, let me say the original purpose for the Wright amendment may have had some merit. As we all know, our failure to construct new airports is causing major problems in domestic air traffic due to congestion. When the Dallas-Fort Worth [DFW] Airport was constructed in the late 1960's, efforts were made to attract commercial airlines to ensure payment of the construction bonds. One of those efforts was the Wright amendment.

And, it worked. Last year, 44 million passengers traveled through DFW. This is far from a fledgling little air park. In truth, the Dallas-Fort Worth Airport is a regional powerhouse, a major hub, intent on keeping a Government-mandated monopoly far past the time when it should have been repealed.

Today, 11 years after enactment, what started out as a provision to ensure the viability of this young upstart air center has been turned into a hammer to beat out competition and beat up the traveling public.

As an example, air fares into Dallas from both Oklahoma City and Tulsa on a passenger-mile basis are 9 times—that is 900 percent—less than flights into Dallas from Wichita, KS, or the places that are not contiguous. The only reason for this huge difference is that the passengers in Oklahoma have competition—they can use either Dallas-Fort Worth or Love Field. The residents of Wichita do not have that luxury. They are at the mercy of the airlines which appear to charge fares that are entirely out of line with the fares in other parts of the region. And the only bottom line reason the residents of my State and the States of a majority of my colleagues do not have competition and reasonable airline rates into Dallas is that they do not live in or share a border with Texas. If you live in Texas and share a border, then you are all right.

We have sworn to uphold the Constitution, and the Constitution grants to the Congress the power "to regulate commerce * * * among the States." In this case, interstate commerce is being regulated to benefit a few at the expense of the majority to achieve a purpose that no longer exists.

The Wright amendment is also way out of line with the only other similar restriction in place at any airport in the Nation—the restriction at Washington National, which is well known to all of my colleagues. There are two major differences between the two airports.

First, the restrictions in place at Washington National are imposed due to congestion. National is a relatively small airport in land area and cannot be expanded. Therefore, only a portion of the flights wishing to use National can be accommodated. The solution used at National is mileage. Only flights under that limit are allowed into National. I remind my colleagues that the restrictions in place for Love Field are entirely different; they exist to bring business to the fledgling Dallas-Fort Worth Airport.

The second major difference is called through ticketing. As any of us who use National to begin a flight to the west coast are aware, when the aircraft stops at Washington Dulles or Baltimore-Washington International, the mileage requirement of the National restriction is met. In other words, you can fly across the country and land in Baltimore or at Dulles, but under National, you have the restriction.

To the contrary, using Love Field to destinations beyond the favored few imposes a bizarre and tortuous set of requirements. First, the passenger must make two separate reservations. Then the passenger must buy two separate tickets. Let us assume this passenger is traveling to Wichita. At Oklahoma City, the passenger, having used the first ticket, must change aircraft. And not just that, the passenger must take physical possession of all checked baggage, haul the baggage back to the ticket counter, and recheck the baggage for the flight into Wichita.

Mr. President, I ask all of my colleagues: What would you think if, on your flight from National to the west coast, you were told to get off the plane at Dulles; go to the baggage carousel and haul your luggage back upstairs to the ticket booth; then go through security and get on a people mover to cruise the runways looking for another plane.

Enough is enough. The residents of Kansas, like those of many other States, suffered to guarantee the survivability of DFW. But, no more.

Mr. President, there are two avenues we could take to correct this problem. In the long run, straight repeal of the Wright amendment would probably be best. However, in an effort to compromise, I suggested removing only the through ticketing requirement. Unfortunately, I received word yesterday that the board of DFW refused this compromise, hoping to retain forever the monopoly now in place.

It has been argued by those who support the Wright amendment that straight repeal would disrupt the ongoing efforts by the airline industry to reduce financial losses and once again become profitable.

Dallas is the No. 1 destination of passengers flying from Wichita. Residents of Wichita like Dallas, they want to travel there and spend money. The trouble is they have no money left after paying the air fare. So, I would ask my colleagues, particularly those from Texas, to support this amendment and bring those Kansas dollars to your State.

Mr. President, for all the reasons I have mentioned, it seems to me that we are not in the monopoly business. As I have stated, maybe at outset this was necessary. DFW was new; it was a fledgling airport. Now, with 44 million passengers, I do not think it meets that category. This has an impact not just on my State, but any State that is not contiguous to the State of Texas.

I yield the floor.

Mr. KASSEBAUM. Mr. President, I rise today in support of Senator DOLE's amendment which modifies an unfair and anticompetitive restriction on air carrier service at Dallas Love Field. It is a restriction that prohibits commercial air carriers from providing direct air service between Dallas Love Field and points located outside of Texas or its four surrounding States.

This unique restriction was originally passed in 1980 to protect the then relatively new Dallas-Fort Worth International Airport and ensure that major commercial air carriers moved from Love Field to the new airport. The major carriers did move and today DFW is the third busiest airport in the country. The gates at DFW are full, and planes wait in long lines for takeoff. It is clear that DFW has reached a point where it no longer needs to be protected from any form of competition.

The effect of the restriction is that direct travel into and out of Dallas Love Field is limited to destinations only in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico. Direct flights originating from any other State must fly into the Dallas-Fort Worth airport. This limitation is arbitrary and, in many cases, causes unnecessary delay and inconvenience for passengers.

I think it is important to point out that the restriction on Love Field is not based on any standard appropriate for the airline industry. Today, planes are allowed to fly directly from Love Field to El Paso which is 576 miles from Dallas or to Albuquerque which is 594 miles from Dallas. Yet, direct flights are prohibited between Love Field and many cities which are much closer to Dallas, such as St. Louis, Kansas City, Memphis, Birmingham, and Wichita. This makes no sense.

Passengers attempting to fly to Love Field from a location outside of Texas and the contiguous States are not allowed to buy a round-trip ticket for the trip. Instead these passengers must buy two round-trip tickets. One round-trip ticket to a city in Texas or one of the contiguous States and another from that city to Dallas. This requires the travelers not only to change planes in the connecting city but to collect their baggage and recheck it to Dallas. The unnecessary inconvenience of having to collect and recheck baggage can be especially difficult for the elderly, the disabled, or those traveling with small children.

To allow this limitation on direct air service to continue would be to condone anticompetitive law and to encourage discrimination. I believe it is essential that we promote competition within the transportation community in order to protect the interests of the traveling public. The case with Love Field is no different than that of all other small airfields across the country, yet it is the only airport in this country with a contiguous state restriction. Love Field has been subject to this unique statute for more than a decade, and it is time to modify its effect.

Mr. LAUTENBERG. I thank Senator DOLE for his understanding of the fact that we do have others who want to respond. So we will set that amendment aside for now and bring it back up later. With that, the floor is open, Mr. President.

Mr. LIEBERMAN. Mr. President, I rise to support this bill and to commend my colleagues, the distinguished Senator from New Jersey [Mr. LAUTENBERG] and the Senator from New York [Mr. D'AMATO] and other members of the committee and the staff of the committee for the superb work they have done in putting this bill together. This bill is good for our transportation systems, and good for our ability to move people and goods around America. It is good for our economy, and it is good for our environment, as well.

Mr. President, I want to focus on one particular part of this bill that has special importance for us in Connecticut, and that is the funding for the Northeast corridor Amtrak rail project between Washington and Boston. This bill would provide $260 million in total funding for this project, of which $208 million is to be devoted to electrification and improvements between New York and Boston, principally from New Haven east to Boston. The project is part of an overall $1.2 billion Northeast corridor project, which would establish a high-speed rail corridor in this region over the next 5 to 7 years.

Of this total amount, $800 million is for electrification and roadbed improvements, and $400 million is for the purchase of new train equipment.

Mr. President, the Northeast corridor is the single strongest railroad passenger corridor in the United States of America.

It may be the only area in our country which has the population density that would make high-speed rail economically viable. Current travel time by rail, by train between New York and Boston, is 4 hours and 40 minutes. The project that we are talking about here aims to get that down to 3 hours or less.

While the train is now competitive with the air shuttles between New York and Washington and actually moves more people than either shuttle, this new project would aim to make train travel competitive with the New York to Boston air shuttle. The cost of doing this, $1.2 billion, is not small, but it compares very favorably with other Federal spending alternatives such as the new Boston airport that would cost at least $5 billion, or major new highways which would cost many billions of dollars as well.

In fact, cost estimates to include just Boston's central artery are over $3 billion. Currently, air and highway transportation facilities have reached the saturation point in the Northeast corridor where congestion, as anybody who has been on any of those highways can tell you, is a nightmare.

There are other major benefits to the Northeast corridor project. They include cleaner air as a result of getting travelers in the region off the very crowded I-95 highway corridor, and that is crucial for States in the area as they strive to achieve the tough new air quality standards of the Clean Air Act.

There are also big energy savings that are associated with the Northeast corridor project. In fact, the latest estimates suggest that 24½ million gallons of gasoline and jet fuel will be saved annually as a result of this project.

Mr. President, equally important and intensely important at this moment in our region's history is the effect this Northeast corridor project will have on the troubled economies of the Northeast. This new project will provide over 5,000 new jobs, and we need them now. It will provide over $300 million to the region's payrolls annually both on the project construction and for the regional firms manufacturing products that will be used in the new rail system from concrete ties to high technical signalization for the railroads.

Mr. President, this increase in jobs and manufacturing sales will be a tremendous help to my home State of Connecticut right now. The State's economy, as you know, is suffering one of the worst economic downturns in recent memory. People are not only suffering now, they are equally anxious about what is going to come next, what the economy will be like next year, whether their friends and neighbors and they themselves will have the jobs next year that we have today.

The funding of this rail project for the Northeast is crucial to raising the hopes and realizing the hopes of people in Connecticut and throughout the Northeast for a more secure economic future.

Connecticut needs and deserves help from the Federal Government, and public works projects, which is what this is, are a critical way, a meat and potatoes, bread and butter way to give people jobs and put food on the table. The

Northeast corridor investment may well be the most sensible and economically sound transportation investment the Federal Government will make in the next several years.

Again, I thank the distinguished chairman of the committee, the Senator from New Jersey [Mr. LAUTENBERG], who deserves a great deal of credit for having the vision to fund such an important and practically useful program.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Connecticut for his comments. I also know of his interest in various transportation projects that affect the State of Connecticut and the Northeast region, and particularly the program to electrify the Amtrak rail line from New Haven north to Boston. Once that is achieved, and it is in the reasonable future that we can expect that to happen, it will add the benefits described so carefully by the Senator from Connecticut.

We hope that we will be able to move along with that and continue to improve inner city rail service throughout the country because transit does help meet the requirements of the recently passed Clean Air Act, of our Nation's need for energy independence, and provides a more efficient way to conduct our businesses and our lives, and precludes the terrific imposition on the personal lives of people who live in not only the crowded areas like the State of Connecticut or the State of New Jersey, or the State of Massachusetts, but also the more rural areas of the country.

So, I thank the Senator from Connecticut. I serve on the Environment and Public Works Committee with him and we work well together on issues that not only affect our respective States and our region, but the country as well. And his comments are deeply appreciated.

Mr. LIEBERMAN. I thank the Senator.

AMENDMENT NO. 1151

The PRESIDING OFFICER (Mr. GRAHAM). The Chair recognizes the Senator from Texas.

Mr. BENTSEN. Mr. President, with all due respect to my friend from Kansas, I must object to the amendment currently before us. The distinguished Senator is proposing a significant change to current law, a change which will come at substantial cost, both to my own State of Texas and to the traveling public as a whole. This proposed change would overhaul not only longstanding Federal law but also nearly 25 years of local effort and cooperation to ensure that DFW airport is a topnotch regional airport capable of providing world-class service.

It all began almost 30 years ago when the Civil Aeronautics Board recognized that air service to the Dallas-Fort Worth area was inadequate and recommended that the area's airport resources be concentrated in a single complex. After years of intense, local debate over which city the facility should be located in, the two cities agreed to combine their resources and build the airport. A critical component of the agreement was a provision requiring local airports to phase out commercial services and to refrain from competing against the newly created regional facility.

For a variety of reasons, however, commercial service into and out of Dallas' Love Field was not completely restricted.

After years of debate, a compromise agreement was crafted which limited commercial flights from Love Field to locations within Texas and its four surrounding States. This agreement, known as the Wright amendment, was codified in 1979.

The decision to concentrate the area's aviation resources at DFW has resulted in benefits both for the region and for the traveling public. In 1990, DFW Airport served more than 49 million passengers traveling to approximately 150 domestic and international destinations. The quantity and quality of service would not have been possible had air transit been divided between a variety of smaller airfields throughout the region. Service is expected to improve even further by the addition of a planned $3.5 billion expansion at the facility.

DFW is very concerned that modifications to the Wright amendment will negatively affect airport service. It has informed me that, if modifications do take place, several of the large carriers at the facility will be forced to split their operations between DFW and Love Field in order to remain competitive. This would undermine the longstanding premise that a single, regional airport is most effective, would place expansion plans for DFW on the back burner, and would result in a decline in the scope and level of local, national, and international air service.

Moreover, the more than 7,500 businesses which make up the Greater Dallas Chamber of Commerce are very much opposed to any tinkering with current law. They know that DFW currently produces a $6 billion annual economic impact for the metroplex. Furthermore, DFW directly and indirectly employs some 70,000 persons and will employ substantially more individuals if the proposed expansion goes forward.

I am also deeply concerned about how diversion of service from DFW to Love Field will affect current service to and from Fort Worth. The city has worked tirelessly to provide only the highest caliber service to its residents. Diverting resources to Love Field may result in a significant decline in service provided to Dallas' sister city.

In addition, I can tell you from personal experience that facilities around Love Field are inadequate to accommodate substantial diversions from DFW. The infrastructure both at and to the airport will not be able to meet increased demand, necessitating major overhauls of both terminal facilities and major thoroughfares. Moreover, such an increase in noise and traffic will be strongly opposed by the surrounding community.

I am also aware that, in committing their resources to the DFW metroplex, many parties have relied on the two localities' contractual commitment to a single regional airport. I believe it is unfair to undercut these parties' investments by changing the rules in the middle of the game.

One additional point is worth raising, that point being that it is premature for the full Senate to be considering this issue. Senators are being asked to support this dramatic change without the benefit of the careful deliberations of either the Commerce Committee or its Aviation Subcommittee. As a member of the Commerce Committee, I am concerned about this circumvention of the deliberation process.

In short, current law honors local choice and ensures the highest level of air service. I join with numerous parties throughout Texas who firmly believe the law should not be revised in any fashion. Please join me in voting against this provision.

Mr. President, I am here to make some comments on the amendment offered by the distinguished Senator from Kansas concerning the Dallas-Fort Worth Airport. Mr. President, for 25 years Fort Worth and Dallas competed over airports. The Civil Aeronautics Authority came in and said it is totally inefficient. What you ought to be doing is working together to have a regional airport, to be able to have less costly service, to have a more efficient operation.

There was tremendous rivalry between those two cities, but finally they put it altogether after a lot of blood on the floor and a lot of negotiations during those years, deciding to build one regional airport between those two cities. Arguments about whether the entrance should be closer to Fort Worth or closer to Dallas, those types of things were finally resolved. One of the key essentials was to lower the competition of the other airports, to focus on this one and make it the most modern, effective, regional airport for that area.

And they were able to do it. They put it together. One of the provisions was for Love Field to cut back on its services, and that it did, and they finally put in the Wright amendment that said Love Field could only serve Texas and the four adjoining States. To be sure that you did not have a dimunition of the services of this one major regional airport.

Now my friend talks about expanding Love Field. The problem you run into with that type of a deal is that you have the major airlines to retain a competitive status having to split up and have services in both of those airports, moving away from the regional concept.

Think of all the practical problems you have. Think of the problem of having people come in from one city, coming to the Dallas-Fort Worth Airport and then having to travel over to Love Field. Think of the problem you have with Love Field now surrounded, really within the city, a lot of residential areas around there, deeply concerned about the problems of expansion, about the additional noise, about the additional flights that would result therefrom.

I know that my friend thinks that he has a proposal that does not create a problem. But you have to think it through. And one of the very major things that happened, by way of oversight here, is that has not been brought up before the subcommittee headed by the distinguished chairman from Kentucky, given the kind of insight to listen to both sides of these arguments because what you are talking about is a very profound major change in the law. This has been codified, this compromise, put together.

Another problem you are running into is they are talking about a $3½ billion expansion of the Dallas-Fort Worth Regional Airport. What do you do with that if all of sudden you are going to pull part of the traffic away and move it over to Love Field. You take that $3½ billion that is needed to keep that airport current and providing the kind of services it should and taking care of that traffic, you put it on the shelf and you forget it.

It is not going to be done.

I think that would be a tragic loss. The regional airport down there provides jobs either directly or indirectly for about 70,000 people. You would have an incredible economic impact if you start breaking that kind of structure apart. That airport is working. In 1990 it served some 49 million passengers going to 150 different airports, both domestic and international.

One of the other problems you run into if you start pushing Love Field, you have Fort Worth at the other end of that corridor. That means that you would diminish the services to Fort Worth in that process because they would be moving some of them from the international airport at the Dallas-Fort Worth Airport over to Love Field. So you bring back all the old controversy and rivalries that resulted before we arrived at this kind of a compromise. You have had a very careful, deliberate compromise that has resulted in a magnificent airport serving people of this country.

You have another problem that comes up. You look at Southwest. Now what you in effect have is a short-haul operator, one that is able to give you the service at low cost because no frills are attached. But if you start stretching it out and moving it into a long-haul operator trying to compete with some of the other major airlines, then you have to bring in the frills and the rest of it.

Southwest is an unusual airline. I was flying on it the other day from Austin to Dallas. The steward came back and said, "I want to tell you this is a short flight." He was taking orders for drinks. He said, "If you can't chug-alug it, don't order it."

We landed at Love Field. I recall the fellow making a rough landing, kind of a controlled crash. And the pilot got on the intercom and he said, "I know you think we were just shot down, but," he said, "the copilot just messed up." Now that kind of rapport that takes place between passengers and the personnel of that airline has resulted in a very cost-efficient airline. But once again it fills a slot, it fills a niche as a short-haul operator. That is what it ought to stay, and that is what it ought to be.

It serves an economic purpose that there should not be disruption by trying to all of a sudden take other major airlines and put them into competition, long-haul operators operating out of Love, and saying we are not going to go ahead with the modernization and continued expansion of a regional airport, that was put together at the advice and the counsel of the Civil Aeronautics Board.

Mr. President, I hope very much that my colleagues will turn down this amendment, and at the appropriate time, I will probably be making a motion to table the amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, what we are debating today in debating the Dole amendment is really a test of the concept of a regional airport. I know as our colleagues listen to this debate they see it in regional terms because the two Senators from Texas are here, and we are strongly opposed to this amendment. But I want to remind my colleagues that what is at stake here is not just DFW, what is at stake here is the whole concept of a regional airport.

My dear colleague from Texas has gone through at great length and outlined the deal that was put together. I just want to summarize it once again. Getting two major American cities, Dallas and Fort Worth, to cooperate in building one great airport was a very difficult thing to do. And part of putting that deal together, which has been in the interest of people of both communities and to the American taxpayer and has created perhaps the Nation's greatest airport in the process, was a basic agreement that said that if Fort Worth shut down its airport, cooperated with Dallas in building a joint airport, that Love Field would have restricted use. Now if we come back with an amendment on the floor of the Senate and alter that deal, what we are doing is attacking the fundamental structure that made the regional airport possible.

I remind my colleagues that this is a vitally important issue to me and to my colleague from Texas. Anything that diminishes the Dallas-Fort Worth Airport hurts Texas and hurts the whole Southwest. The Dallas-Fort Worth Airport is one of the greatest economic assets in the Southwestern part of this country. Anything that undercuts the agreement that brought DFW into existence and that is generating its growth I think will hurt air passengers who use that airport and who travel in the whole region. This is vitally important because we are at a critical time at DFW. A major expansion is in the process of being approved, an expansion of over $3 billion, which will mean thousands of jobs created and dramatic improvements for the airport. That expansion could be jeopardized by the adoption of this amendment.

We have a major study underway at the Department of Transportation that is looking at the safety aspect of potentially operating two national airports in such close proximity to each other. That study has not yet been released. I think it is vitally important that we not have a prejudgment on that issue. In my opinion, this amendment should be rejected.

Finally, I want to urge my colleagues to allow the committee of jurisdiction to deal with this issue. This is a very complicated issue. It is an issue that has come about as a result of a 25-year effort by the FAA to build a regional airport. It was a delicate compromise. If that compromise is pulled apart on the floor of the Senate it could hurt DFW and jeopardize our ability in the future to build other regional airports.

So this is an important issue to Texas. As a result, my colleague from Texas and I are asking our other colleagues to support us on this issue. But it is also an important issue to the air transportation system of this country. I urge my colleagues to reject this amendment.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I would like to take just a few moments of the Senate's time to express my concern about the so-called Love Field amendment that has been presented to the Senate by our distinguished Republican leader. It seems to me that I should not be getting into a controversy between these two powers, but since I am chairman of the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation, I feel it is important that I relate to the Senate some of the problems that I see.

If we are to repeal the so-called Wright amendment so that others might receive transportation—and I am not sure but that the disruption would be more than the help—the same principle can be applied to the four high density airports.

We could stand here and adopt an amendment that would affect O'Hare, that would affect Washington National, that would affect La Guardia and Kennedy. The same principle could be done right here on the Senate floor. Why not remove all the restrictions so communities like Lowell, and Lexington, KY, can receive what they would perceive as better service? Removing the restrictions on National—that will, and would really bring about a spirited debate.

If the Federal Government is going to override local decisions on an airport usage, then the argument could be used to keep Stapleton open, out of Denver, after the new $3 billion Denver airport is opened. I am sure United would be pleased and they would like to stay where they are, since many of their training facilities will have to be moved.

I think maybe a point of order could be raised as repeal of the Wright amendment is in the Commerce Committee's jurisdiction—and I raise the jurisdictional problem here. And I believe a tabling motion will be offered.

We understand that the House is holding a hearing on this particular question. It has already been offered.

So, as chairman of the Aviation Subcommittee, I have had many opportunities to hear testimony from industry experts on aviation competition issues. The witnesses appearing before my subcommittee have ranged from Government officials, Wall Street aviation specialists, airline executives, the General Accounting Office [GAO], and individuals interested in starting new airlines.

The subcommittee has spent a great deal of time during the past Congress on aviation competitiveness issues. This year, two hearings have been held on this subject alone. Due to the many hours in discussion on this matter in the Aviation Subcommittee, I find the amendment of the minority leader very troubling.

The Wright amendment was enacted in 1979. It limits service from Love Field to a five-State area. You have heard this morning the Texas delegation remind us of the many years of debate and jurisdictional interpretation the Senate is faced with today in the decision to allow flights further than the five-State area.

My question is, What does this do to DFW? And I think you have heard that. A $3.5 billion expansion; probably the key to air transportation in the Southwest. That will go on the table.

One thing we have heard is that we need to expand airports: longer runways, better aprons, more gates, more slots. Now we are beginning to create a whole problem and dismantle an agreement and progress that has been in the works for some time.

If the Congress repeals the Wright amendment, will air carriers move back to Love Field in order to be competitive? The answer is unquestionably yes. They will have to move back to be competitive, and they will move in there aggressively. My guess would be, because of the short distance from downtown Dallas to Love Field, the carriers would be forced to move back.

Should FAA be saddled—and I underscore "saddled"—with paying for air traffic control and all the navigational aids for two airports in Dallas; two airports in Dallas with additional expense, additional problems, a large safety problem?

If we are interested in air safety, then the amendment of the distinguished Senator from Kansas [Mr. DOLE] will be defeated. I believe the Senate should not be overriding the concerns and agreement of the citizens of that area. Residents of Dallas are the citizens who have to live with the consequences of increased air traffic from Love Field. What does increased air traffic create? Local havoc.

I have been in one right now, trying to work out the noise problem. That everybody wants, except they would like to sleep at night and early in the morning. And what will happen to downtown Dallas? What will happen to the residential area when all these airplanes go back in and you start having to have local ordinances, trying to override the local authorities by FAA or the Federal Government?

There are environmental as well as quality of life decisions that should be made in Texas, in my opinion, in the community, in my opinion, rather than here in Washington. I am concerned that if the Wright amendment needs revisions, that the delegation come together, hold hearings, and advise us what their aviation needs might be. The city council of Dallas, the city council of Forth Worth, the congressional delegation in the area are opposed to repealing the Wright amendment.

So I can see noise problems, environmental problems, expansion problems, safety problems, two towers, two navigational situations. All of this will be created by this one amendment and we do not need that. We have a FAA that has finally worked it out with the local citizenry.

So I am not against the idea of creating additional flights for other areas or better service or whatever it might be. But I think the consequences here are too grave, as it relates to the aviation community, the responsibilities of FAA, and particularly the safety and environmental problems of that area.

So I encourage my colleagues not to be just against something here, but I think to be for the progress that has been made and not create a stumbling block, as it relates to this particular amendment.

I thank my colleagues for the opportunity and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, at this time the Dole amendment is pending, but I would take this opportunity to ask my colleagues who have amendments to come to the floor with them. There are only a few I am aware of that might come up. We intend to finish the Transportation bill today. The consent entered into yesterday calls for us to leave the Transportation bill by, I believe it was quarter past 12? Or 12:30?

The PRESIDING OFFICER. There is a previous unanimous consent to leave this matter at 12:30.

Mr. LAUTENBERG. We have an hour. We can get this bill, I believe, passed. So many Members, so many States have matters in this bill that are of critical importance and the fact that the year does not start until October 1, for 1992, has little bearing on the fact that there is planning that has to be done in State capitals, in communities across the country. And to delay consideration of this bill, frankly, I think, is a disservice to those States and those communities.

We can expedite the process of planning and thought that must follow. It is, I think, shameful that in the next hour the few amendments that have been proposed, which do not look controversial at all, cannot be dealt with. Following that, we can deal with the Dole amendment one way or the other and get done with this bill.

So I again send a message out to all of my colleagues who have an interest in the Transportation bill other than its passage, to come down here, offer their amendments, send the message back home to their constituents that they are on top of this, that they are concerned about the infrastructure and transportation needs of their States. Let us get on with it.

Pending that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I also ask unanimous consent that the pending business be set aside for purposes of considering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, it is my intention to offer an amendment at the conclusion of my remarks relating to the recreational boating tax which was adopted in 1990 as part of the budget agreement between the President and the Congress.

This fee is an annual fee which is commonly referred to as the boat user fee and was represented as a means by which the users, recreational users of services provided by the Coast Guard, such as navigational assistance and search and rescue, would be shared between the general revenue of the Federal Government and this specific source of funds being derived from the boating community. There was also an inference that the services would be enhanced as a result of this participation by the recreational boating community.

In fact, Mr. President, neither of these has occurred. There has not been an enhancement of services and, by virtue of the fact that this fee, once collected, is deposited into the general fund of the Federal Government, there is no linkage between the payment of the fee and any sharing of responsibility as between the general taxpayer and the recreational boating community.

There is great controversy relative to this new fee, its cost and the fact that it is not linked to an enhancement of service. There is currently legislation, which I understand has been reported by a committee of the Senate, which would repeal the boat user fee. There is strong support for that outright repeal and I, for one, at the appropriate time might support such an outright repeal.

The concern is that there is a substantial revenue loss, $718 million over the next 5 years, which is linked to that outright repeal, and under the budget agreement which we adopted it will be necessary to locate $718 million to substitute for this fee if it is to be repealed.

Second, there is the concern that if legislation containing such repeal were to be reported to the President, there is indication that he would likely veto it. Therefore, Mr. President, I am suggesting another alternative, which is that we establish a U.S. Coast Guard service fund, a specific and dedicated fund into which these recreational fees would be deposited, and that the sole purpose for which funds could be withdrawn from the trust fund would be to support the activities of the Coast Guard that relate to the recreational boating community. If we are going to accomplish that purpose, I believe that the establishment of such a fund is critical.

In the case of recreational vessel fee, the U.S. Coast Guard tells us that the fees are not directly related to the cost of programs and that Congress intended the recreational boaters user fee to support such as search and rescue, boating safety, aids to navigation. The Coast Guard explains that the fees are related solely to length of vessel and not the services rendered. They add that since the collection of the fees does not alter or expand their functions under the current Coast Guard law that this is no increase in the quantity, quality or variety of services that the boating community receives from the Coast Guard.

Mr. President, my amendment would alter that state of affairs. My amendment would establish a link between the recreational boat users who benefit and the United States Coast Guard.

Because it is impossible to link one boat owners boat length to the service that he or she may at some time receive in the future, this amendment makes a more generic link between all the boat recreational users and the services that will be provided by the Coast Guard.

I might say, Mr. President, this is similar to what is done in other areas of the Federal Government and in various States. In my own State of Florida, as an example, there is a linkage between fees paid by a number of specific user communities, those who use our State parks, those who are hunters and fishermen, who use our natural resources, with those funds that go into a dedicated trust, the proceeds of which are used to pay for the services which that particular community of our State is receiving. This amendment would achieve the same objective as it relates to the national recreational boating community.

In addition to establishing a separate fund, we need to send a strong message to the Coast Guard to assure that the revenue spent on recreational boaters' services such as search and rescue—and let me make it clear that I do not intend by this amendment to put the Coast Guard programs in jeopardy. The user fee was enacted as a means of raising revenue for the Federal budget. The user fee is intended to require recreational boaters to share expenses. Therefore, if Congress establishes a true user fee, the Coast Guard will still need appropriation from the general fund to carry out its responsibilities.

In fact, the cost to the Coast Guard of providing services is substantially greater than this fee generates. Operating expenses for aids to navigation, for example, in 1990 were more than $450 million; search and rescue, more than $33 million. In comparison, the estimated revenue projection for the recreational fee is only $135 million for fiscal year 1991.

This amendment is not intended to substitute the Coast Guard's annual appropriation for user fees. It is intended to create a true user fee with a sharing of responsibility between those directly benefiting in the general public and hopefully create a circumstance in which there will be enhancements of service.

The amendment is based on the philosophy that those who use the service should help pay for the service.

If Congress is not willing to make the recreational vessel fee a true user fee, then we need to be honest with constituents and tell them that we are collecting a tax to pay for Federal programs generally that may or may not include enhancement of Coast Guard services, and we are using this for pure deficit reduction purposes.

Mr. President, if we are going to maintain this fee, then I believe that we should provide to our constituents what they expect: this is that this fee be segregated into a trust fund and be used for the purposes for which it was represented at the time that was submitted to the Congress for adoption.

AMENDMENT NO. 1152

(Purpose: To require certain fees and charges imposed by the Secretary of Transportation to be deposited in a Fund for use in promoting safety)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1152.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Subsection (h) of section 2110 of title 46, United States Code, is amended to read as follows:

"(h)(1) There is established the 'United States Coast Guard Service Fund' (hereafter referred to in this subsection as the 'Fund') within the Treasury of the United States.

"(2) Fees and charges collected by the Secretary under this section shall be deposited in the Fund established by paragraph (1). Moneys in the Fund shall be available, in such amounts as are hereafter provided in appropriation Acts, for use by the United States Coast Guard for carrying out its mission, including search and rescue, boating safety, aids to navigation, and meeting the requirements of subsection (d).

"(3) Interest received on moneys in the Fund shall be deposited in, or credited to, the Fund and shall be available for use in the same manner, to the same extent, and for the same purposes as are the fees and charges deposited therein.

"(4) There are authorized to be appropriated from the Fund such amounts as may be necessary to carry out the provisions of this section.".

Mr. GRAHAM. Mr. President, as part of the Omnibus Budget Reconciliation Act of 1990, we enacted recreational vessel fees. This is an annual fee, which is commonly referred to as the boat user fee, for recreational vessels operated on navigable waters of the United States where the Coast Guard has a presence.

The indirect user fee authorized by the Reconciliation Act is intended to require recreational boaters to share in the cost of existing Coast Guard programs, including search and rescue, boating safety, and aids to navigation, for which no direct user fee may be assessed, but which provides substantial benefits to recreational boaters.

In fact, the conference report accompanying the Omnibus Reconciliation Act states that these fees and charges are not intended to alter the duties or liabilities of the Coast Guard with respect to the services it provides to the public. The Coast Guard's duties and liabilities would remain as prescribed by existing law as interpreted by court decisions with regard to the performance of any service or activity.

Currently, there is legislation to repeal the boat user fee. Why not support this legislation. For one reason, there is not a consensus on how to make up for the loss of revenue which is projected to be $718 million over 5 years.

Second, if we repeal the user fee without an offset we not only risk a Presidential veto of the legislation to which the repeal is attached, but we also and more importantly risk the deterioration of an already vulnerable budget agreement.

Consider this argument: It is reasonable for recreational boaters to share in the cost of Coast Guard programs from which they benefit.

If you agree that this argument is reasonable, then you need to create a true user fee.

In the case of the recreational vessel fee, the U.S. Coast Guard tells us that the fees are not directly related to the cost of the programs that Congress intends the recreational boaters user fee to support; as is, search and rescue, boating safety, and aids to navigation. The Coast Guard explains that the fees are related solely to the length of the vessel and not to the services rendered.

They add that since the collection of these fees does not alter or expand the functions, powers, responsibilities, or liability of the U.S. under any law for the performance of services, recreational vessel owners paying the fees can expect no increase in the quantity, quality, or variety of services they receive from the Coast Guard.

Mr. President, my amendment would establish a link between the recreational boat users who benefit from Coast Guard services and the U.S. Coast Guard. Because it is impossible to link one boat owner's boat length to the services he may receive, the amendment makes a more generic link between a fee paid by a group of individuals: recreational boat owners, and a public service provided to that group of individuals: U.S. Coast Guard search and rescue, aids to navigation, and marine safety.

This amendment would create a U.S. Coast Guard service fund within the Treasury of the United States to enable the U.S. Coast Guard to more effectively carry out its mission.

The amendment dedicates revenue from the fees to services provided to recreational boaters.

In addition to establishing a separate fund, we need to send a strong message to the Coast Guard to ensure that the revenue is spent on recreational boater services such as search and rescue, aids to navigation and recreational boating safety activities.

Mr. President, let me make it clear that I do not intend for this amendment to put Coast Guard programs in jeopardy. The user fee was enacted as a means of raising revenue for the Federal budget. The user fee is intended to require recreational boaters to share expenses; therefore, even if Congress did establish a true user fee, the Coast Guard will still need appropriations from the general fund to carry out its responsibilities.

The numbers show that the projected revenues would not come close to covering current expenses in these programs. The Coast Guard costs for search and rescue, and aids to navigation alone exceed any revenues estimated to be collected in a fiscal year.

Operating expenses for aids to navigation program in 1990 were $452.6 million. For search and rescue they were $332 million. In comparison, the fiscal year 1991 revenue projection for the recreational fees is only $135 million.

The amendment is not intended to substitute the Coast Guard's annual appropriations with user fees, it is intended to create a true user fee.

Mr. President, the amendment is based on the philosophy that those who use a service should help pay for that service. If Congress is not willing to make the recreational vessel fee a true user fee, then we need to be honest with our constituents and tell them that we are collecting a tax to pay for Federal programs which may include Coast Guard services and for deficit reduction.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, let me rise to speak on this amendment and also to commend the Senator from the State of Florida for recognizing what I think is a growing recognition among Members, both of this body and the other body, that indeed the so-called recreational boat user fee is a sham tax on the recreational boaters of this country.

In the 19 years that I have served in Congress, I have always felt that Members and citizens, who in fact enjoy outdoor recreation, who are hunters, who are fishermen, who are sportsmen, are willing to pay for the sport that they enjoy, to encourage its development and encourage its protection, and are willing to put their dollars where their mouth is, so to speak.

I think when Congress, in the last Congress, talked about a recreational boat user fee, that many recreational boat users said, "We are willing to put up a little bit of money if in fact it is going to be used for the purpose of helping recreational boaters."

After this recreational boat user fee was adopted, an astounding revelation was made to Congress by the Coast Guard, in testimony before the Senate Commerce Committee, when they quite frankly told us that none of this money, not a nickel, was going to be used to help the people who were going to pay it.

The recreational boat people in this country are represented by the Senator from the State of Florida, which has one of the largest numbers of any State in the Union. Louisiana is also a recreational boat user. But the Coast Guard commandant who testified said not one nickel, not one dollar, not one dime, nothing that was being paid by the recreational boat users would inure back to their benefit.

He said very clearly they were not going to have any greater degree of search and rescue; they were not going to be providing any more services to the recreational boat users. In fact, the quantity was not going to improve, nor was the quality of the service going to be improved. What was clearly established at that point was that the so-called recreational boat user fee was in fact a sham tax.

That is the issue the amendment of the Senator from Florida addresses by saying: If you are going to have a user fee for recreational boat users, let us make sure it is going to be put into the Coast Guard and going to be used to help people who are going to be paying that fee.

They tell us over 5 years it will generate $718 million. But under the current law, that is going to just go into the Treasury to pay for foreign aid, to pay for other programs of the Federal Government. That is wrong.

Mr. President, I rise to alert the Senator from Florida and other Members. We have an amendment which now has, I think, 25 cosponsors in the Senate, which would repeal the so-called recreational boat user fee. It is clear that is not going to be used to benefit those who are paying it. My recommendation is that we just go ahead and get rid of it.

That is going to require an offset. We have now passed a bill out of committee which will, in fact, repeal the Coast Guard recreational user fee. We still do not have an offset to offset those lost revenues.

But I can say we are working on an offset, which we feel we are just about to put the final touches to, which will allow us to come to the floor of the Senate with an absolute outright repeal of this tax. It is a sham tax. And, also, it will provide an offset to pay for it, which is a requirement.

We have an offset that is in the maritime area, which we are working on. I ask the Senator from Florida, since at this time, we are making such progress on an outright repeal, would it not be, perhaps, better strategy for our purposes—which I share with the Senator from Florida—to maybe pull back on this amendment, which continues the tax but redirects it, in order for us to have a little bit of time to develop offsets so we would come to the floor and repeal the tax in its entirety?

If, indeed, an offset is not possible, I certainly would support the Senator from Florida in redirecting the tax to benefit those people who are paying it. But I would like to ask consideration now, perhaps, if we could save this for a little later in the process; repeal it completely with an offset.

If that is not possible, certainly the Senator at that time will be able to redirect the tax, as he is trying to do, which I applaud him for.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. BREAUX. I will be happy to yield to the Senator from Florida.

Mr. GRAHAM. I appreciate the comments the Senator has made, and also commend him for the leadership he has provided in the committee to bring forward a bill that would give us an opportunity to address this in the form of a total repeal with a substitution of revenue.

Could my colleague again state what is the legislative position of the proposal for the outright repeal?

Mr. BREAUX. Mr. President, I would say to the Senator from Florida, the Senate Commerce Committee has had a hearing—Senator LAUTENBERG and I chaired it—when we addressed this question to the Coast Guard.

Following that hearing, the Commerce Committee, in a full committee markup, reported legislation which calls for and provides for the repeal, the outright repeal of the so-called recreational user fee.

The only caveat was that we all recognize that before we can come to the floor with that committee-passed bill, we have to have an offset in the package to bring it to the Senate floor.

I can say to my colleagues, we are now working on the offset. It is in the maritime area. We do not have the revenue estimates, but we are confident that when they are produced, they will show a dollar-for-dollar offset, which will allow us to come to the floor and do away with the tax in its entirety.

Mr. GRAHAM. Does the Senator have a general estimate of when he thinks this might be available to the Senate?

Mr. BREAUX. I would respond to the Senator by saying we expect it to be available by late September, which is this month, or certainly in the month of October we would have the estimates which would allow us to come to the floor with the outright repeal.

Mr. GRAHAM. If I were to defer to the Senator's suggestion today, would it be his sense that if, by mid-October, we had not been able to meet that schedule, that it would be appropriate to look for an opportunity to reintroduce the concept of this amendment, to establish a trust fund for these recreational boaters' fees?

Mr. BREAUX. I would respond favorably and in the affirmative to the Senator. I think we both share the same goal. We both recognize this is a sham tax. My colleague certainly cleared up this aspect of it. We would like to get rid of it completely.

If we are not able to have an offset, there is no question the next best thing would be to say at least spend it for the benefit of the people who are paying the tax.

I would be supportive of that. I think the better course of action would be to have an outright repeal. If we can provide the offset, that can be accomplished. If that cannot be done in a reasonable timeframe that I have outlined, I think it would be entirely appropriate, and I would be supportive of the Senator's effort to redirect the fee.

Mr. GRAHAM. Mr. President, is the Senator from Louisiana prepared to surrender the floor?

Mr. BREAUX. I yield the floor.

Mr. GRAHAM. Mr. President, I am very encouraged by the comments made by the Senator from Louisiana. The time schedule he has laid out is a challenging one, to have a measure of this significance ready for full Senate consideration within the next 30 days. But I applaud him for his work that has made that possible.

In the context of that, and with the clear understanding that should this option of outright repeal not be accomplished within approximately a 30-day period that it would be my intention to look for another opportunity to present the concept of a separate trust fund for these recreational boaters' fees, with that understanding, I ask to withdraw the amendment and hope we will soon be in a position to pass the outright repeal as introduced by the Senator from Louisiana.

The PRESIDING OFFICER. The Senator retains the right to withdraw his amendment. The amendment is withdrawn.

The amendment (No. 1152) was withdrawn.

Mr. GRAHAM. I thank the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. LAUTENBERG. The amendment of the Senator is the pending business.

AMENDMENT NO. 1151

Mr. DOLE. Mr. President, the amendment is the pending business. I would like to take a minute to respond to the allegation made by the previous speakers in opposition to the amendment I have offered for myself and Senator KASSEBAUM, which would in effect repeal the so-called Wright amendment.

First, it is alleged that this amendment would be the death knell for regional airports. I would ask my colleagues from Texas why no other regional airport in the country has needed similar protection? Why are there no restrictions on Houston Hobby to protect Houston Intercontinental? Why no restrictions on Midway to protect Chicago O'Hare? Why no restrictions on John Wayne Airport to protect Los Angeles International?

The reason is that Dallas-Fort Worth had a strong proponent—former Speaker Jim Wright. The Wright amendment is a distortion, a complete deviation from the norm.

Those opposing the amendment raised the possibility of major airlines flooding Love Field. I agree, and that is exactly why I raised the possibility of a compromise. Opponents refuse to address the compromise, it would make the restrictions on Love Field—a relatively small facility close to downtown Dallas—similar to the restrictions on National—a small facility near downtown Washington, as everyone here knows.

Opponents raised the issue of the study currently underway at the Department of Transportation. Senior officials at DOT who are working on the study have told my office that the compromise would solve the environmental noise problem, would not lead to major airlines flooding Love Field, protect regional carriers in the area, and assist the vast majority of the public currently being hurt by the Wright amendment.

Therefore, it is my intention—it will be in a minute—to seek permission to withdraw the amendment with the promise that, following release of this report which is expected in the next 2 or 3 weeks, this amendment or the compromise amendment will be offered to the supplemental appropriations bill. This will allow all of my colleagues to read the report, learn of the negative impact the Wright amendment is having on air passengers throughout the country, and decide to end this Government-imposed monopoly which exists at only one airport in the entire country.

And, during that period, I would ask my colleagues, when flying home, to ask the business travelers you meet, the tourists you meet, who fly to Dallas, whether they would like to land in downtown Dallas or way out of town, half way to Fort Worth.

They can land at National and not Dulles or Baltimore International, why can they not land at Dallas Love Field?

I think that is a question we have to resolve.

I have a feeling, I just know a lot of Members are not apprised of how this amendment affects everyone—everyone. Every Senator in this Chamber—unless your State happens to be contiguous with Texas, or unless you live in Texas—everyone who travels to Indianapolis, or Wichita, or New York City, or Miami, or Newark, or Indianapolis, or wherever, is affected by this monopoly, by this amendment that has been around for 11 years—11 years.

No other airport in the entire country has this protection. I would say of the president of American Airlines—that is the key figure in this—they have a monopoly and they want to keep it. It just seems to me that it is unfair when we have to pay, going from Wichita to Dallas, about 900 percent more than anyone else, than you should pay if you travel that distance by airplane. Between now and the time we have this DOT report, I am going to be sending my colleagues information on how this inconveniences travelers all over the country who may be flying to Dallas. It is not just a Kansas-Texas problem. It is a problem that affects every State in the Nation except those who happen to share a border with Texas or those people who live in Texas. It is an outright monopoly. It never should have been passed in the first place.

I will be contacting my colleagues with a personal letter pointing out how it affects travelers in their States and in some States how it adds to the cost of air travel. As I said earlier, a lot of people would like to fly from Wichita to Dallas to spend money in Dallas, but it costs so much to fly there and they do not have any money left when they land. For many, many reasons this probably should be an outright repeal of the Wright amendment. We have a compromise, and I hope between now and the next 2 or 3 weeks we will have some of the people who oppose the amendment focus on the compromise.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator retains the right to withdraw his amendment. The amendment is withdrawn.

The amendment (No. 1151) was withdrawn.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1153

(Purpose: Expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. SIMPSON, Mr. BOND, Mr. BURNS, Mr. HELMS, Mr. WALLOP, Mr. KASTEN, Mr. GARN, Mr. SYMMS, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SMITH, Mr. DOLE, and Mr. D'AMATO, proposes an amendment numbered 1153.

At the end of title III, insert:

SEC. . FEDERAL GAS TAXES SHOULD NOT BE INCREASED.

(a) FINDINGS.—The Senate finds that—

(1) many sectors of the Nation's economy have yet to recover from the recent economic downturn;

(2) a tax increase would reduce personal consumption, considered to be the engine of the American economy, and an increase in gasoline and diesel fuel taxes would seriously hinder economic recovery;

(3) an increase in the Federal excise tax on motor fuels by five cents per gallon would further damage the economy in that such an increase would—

(A) increase the Consumer Price Index by 0.2 percent,

(B) imperil the current trend towards economic recovery,

(C) reduce America's potential for growth in the Gross National Product in the near term by $11 billion, and

(D) reduce urgently needed job creation by 234,000 job opportunities in the first year;

(4) Federal, State, and local taxes account for nearly 30 percent of the retail price of gasoline;

(5) all States already tax gasoline, and twenty States in the last two years have increased, or considered increasing, their taxes on gasoline; and

(6) gasoline and diesel fuel excise taxes are the most regressive forms of taxation, in that less affluent Americans must spend a greater proportion of their income to pay those taxes than do more affluent Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in light of the current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

Mr. COATS. Mr. President, I am sending this amendment to the desk for myself and also on behalf of Senators SIMPSON, BOND, BURNS, HELMS, WALLOP, KASTEN, GARN, SYMMS, MCCAIN, MURKOWSKI, SMITH, DOLE, and D'AMATO.

The purpose of this amendment, which is a sense-of-the-Senate resolution, is to reaffirm the Senate's strong position that the resolution of the highway funding authorization and appropriation ought to be accomplished without a gas tax increase. As most of our colleagues know, we currently are at somewhat of an impasse in terms of moving this legislation forward because of the discussion taking place in the House of Representatives relative to a gas tax.

I, along with 90 of my Senate colleagues, after a great deal of debate and discussion over how we would advance funding to address critical infrastructure problems that exist among our transportation system, how we would address that funding for the next 5 years. I supported the bill passed by this body that strongly put the Senate on record as saying that we can do this without a gas tax increase.

I commend the chairman of the Transportation Subcommittee, and the ranking member, and the leadership for their efforts in helping work out a compromise piece of legislation that provides for significantly increased funding for infrastructure needs in this country, that worked on the distribution formula in such a way that States like Indiana and others that had been donor States to the highway trust fund will now receive under the Senate legislation a dollar back for every dollar contributed. That had been something that was sort of sticking in the craw of Indiana taxpayers for a long, long time. There were a lot of tough, difficult negotiations that provided for this distribution on an equitable basis for the future whereby Hoosier taxpayers would get a dollar back for every dollar they put into the trust fund.

It also provided for flexibility that State and local governments need to make the determinations about priorities for the transportation systems. So a great deal in the Senate bill commends itself to passage. I was pleased to support that.

However, as the bill traveled to the other body, the concept of funding certain demonstration projects within certain areas of the country arose before the Members, and because of budget constraints and other reasons, an offset of a nickel-a-gallon gasoline tax increase was proposed. That has thrown the House of Representatives into deadlock. As a result, the transportation authorization bill is not progressing forward. As we all know, that runs out on September 30.

I think it is unfortunate that that is the case. While it appears on the surface that the so-called nickel-a-gallon gas tax increase would provide some benefit for certain areas and certain States may be better off under this because it lists specifically certain demonstration projects that obviously people in my State and other States are interested in, when you look at it more closely, you realize that it is a no-win proposition because when you add up the amount of extra revenue that taxpayers will have to pay to put into the fund to fund back the same $6.6 billion of so-called demonstration projects, most States end up being net losers.

I urge my colleagues to look at how their State fares in this game of moving some money around to fund certain pet projects and yet denying States and local communities the flexibility they need to determine priorities.

I know the Senate is interested in moving forward, and I will not take a great deal of time, but let me briefly discuss the situation as it exists in Indiana. Before I do that, I see the majority leader has taken the floor. I will be happy to yield to the majority leader if he wishes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I thank my colleague for his courtesy.

Mr. President, am I correct in my understanding that under a previous order agreed to yesterday the Senate, at 12:30 p.m. today, or at this time, is to return to consideration of debate on the Jeffords-Metzenbaum amendment to the Interior appropriations bill?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I see the managers of the bill present, the distinguished Senators from New Jersey and New York. I inquire of them as to whether they think with another 10 or 15 minutes we might be able to complete action on the bill now before us; that is, the Transportation appropriations bill? If the answer is in the affirmative, I am going to ask that we be permitted to do that and then start the debate on the Jeffords-Metzenbaum amendment a little later, have the vote a little bit later, but that means we would be through and complete action and debate by midafternoon and be able to get both bills done.

Mr. LAUTENBERG. Mr. President, I would like to respond to the majority leader's inquiry and say that almost all of the amendments that we were aware of have been dealt with. We are left with some colloquys. We do have an agreement on an amendment that is pending from Senator WALLOP and one from Senators ROBB and WARNER. We have the pending amendment offered by the Senator from Indiana.

As far as I am concerned, this can be wrapped up quickly, but we would have to hear from my colleague, the ranking member. Otherwise, all signals, I would say, are go and we could have a vote on this bill shortly.

Mr. D'AMATO. Mr. President, we have two noncontroversial amendments, that we can sign off on. In addition, there is one outstanding amendment by Senator SMITH. I have just spoken with him and he insists upon offering that amendment. His amendment would require a vote. It concerns the reallocation of some $387 million in highway funds. I suggest that if we could dispose of all of the other amendments, we restrict him to a half hour, make the amendment not amendable, and have a vote on it.

Mr. MITCHELL. Is that agreeable to Senator SMITH?

Mr. LAUTENBERG. It depends on when.

Mr. D'AMATO. If we resume at 2, could we lay aside the grazing amendment for that half hour and have the Smith amendment considered and voted upon within 30 minutes? We might allocate 15 minutes on each side, and provide that no other amendments would be in order. This way we would have a time certain to finish and then go to final passage.

Mr. MITCHELL. Might I suggest, so as not to delay further, that I obtain unanimous consent to continue on this bill for an additional 15 minutes in the hopes that Senators can complete everything other than that. In the meantime, we will attempt to work with the Republican leader and the other interested Senators to see if we can devise an agreement that enables us to get all of these matters done at the earliest possible time.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the prior order be amended so as to change the times in the order from 12:30 until 2:15 to the new times of 12:50 until 2:35 p.m., all other provisions of the order to remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, and I hope my colleagues will be able to complete action.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. COATS. Mr. President, understanding the desires of the majority leader and the chairman and ranking member to wrap this up, I will briefly summarize what I am attempting to do here.

It is my understanding that my amendment will be accepted and voted on by voice vote. So I will try to wrap-up as quickly as I can.

Let me just make two points and use Indiana as an illustration.

At first glance it appears that the legislation proposed by the House to provide a nickel a gallon gas increase to fund certain demonstration projects is a benefit. Under that, Indiana would receive $300 million more than under the current Senate bill. But Hoosier taxpayers would pay in the first year an additional $675 million. Any way you figure it, that is a net loss to Hoosier taxpayers of $375 million.

So while it appears on the surface that some money would be directed immediately into needed projects, in the overall scheme of things Indiana is going to lose significantly. In order to gain 300, it pays 675. Clearly, the $375 million extra money it would give under the Senate bill would more than cover the so-called demonstration projects that are targeted under the increase.

A nickel a gallon of increase will have a significant negative impact on the Nation's economy. We have seen this in the past, and we should not be surprised that CBO and others estimate that families earning less than $20,000 a year spend a disproportionate share of their income on gasoline taxes. It is one of the most regressive forms of taxes. It hurts those who have to commute to work. It hurts the poor. It hurts the elderly. It is a penalty on the average citizen that they should not have to pay. It also has a regressive effect on our economy. We are in the midst of a fragile recovery. It is important that we not negatively impact that recovery as a gasoline tax would do.

Mr. President, I have a number of additional items that I wish to submit in support of this amendment. I thank the Senators for their patience.

At this time, I ask passage of the amendment and urge my colleagues to support it.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Briefly, in light of the time agreement, I would like to note that the amendment of the distinguished Senator from Indiana puts us at odds with the leadership of the House of Representatives. Mr. ROE, the chairman of the Committee on Public Works, has proposed that there be such a tax and the Speaker, Mr. FOLEY, has supported it as well, on the grounds, for example, that gasoline prices are today the lowest they have been since the 1950's.

However, this is clearly the view of the Senate. It is the view of the ranking member, my colleague and friend from New York, Mr. D'AMATO, and my able and learned friend from New Jersey, Mr. LAUTENBERG. I would simply wish to record that when the Senate takes this position, we rightly tell the House that we cannot go forward on the basis proposed there. Furthermore, the President has said he would veto such a bill. So we had better get on with the measure.

We passed our Surface Transportation Act June 19 by a vote of 91 to 7. The current program expires in 2 weeks, on the last day of September. There is no chance that we shall not miss that deadline, but we have been ready since June. I would hope the House might hear our fraternal plea that they must pass a surface transportation bill. We cannot, we dare not go home without a Surface Transportation Act. The issue of the gasoline tax, should be moot now. Perhaps we can go forward now. We had better do so or the country will want to know why we have not.

I speak also for my colleague, Mr. SYMMS. He is unavoidably detained at this moment. I thank my friends. I thank the managers.

I yield the floor.

Mr. MCCAIN. Mr. President, I am pleased to join Senator COATS in sponsoring an amendment to express the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel should not be increased.

After last year's budget deal, one might think that the Congress had satiated its desire for tax increases. Apparently that is not the case as Democrats in the House consider a nickel increase in gas taxes to fund a new $33 billion entitlement program in the highway bill.

The proposed gas tax increase comes at a time when the highway trust fund has a surplus of $19,596,487,936.54 as of July 31, 1991. But, when you use the highway trust fund, like the Social Security trust fund was previously used, to mask the true size of the deficit, you cannot meet the infrastructure needs of the Nation.

The highway trust fund is a hostage to the ill-conceived budget deal and only supports Government spending in other accounts by artificially disguising the true magnitude of the Federal deficit.

It is also interesting to note the disregard of low-income Americans who would bear the largest part of the burden of this tax increase. It brings into question the validity and sincerity of some Members' concern about tax fairness.

Unfortunately, tax fairness has provided the rhetorical veneer for tax increases that only seem to adversely impact working Americans and the economy.

Furthermore, the economic impact of another tax increase on a weak economy that is just beginning to show signs of recovery is simply bad economic policy. A tax-induced price increase in gasoline and diesel would work to increase inflationary pressures while decreasing employment and gross national product.

A gas tax increase is just plain bad economic policy.

Mr. President, I am proud to be a cosponsor of this amendment that will protect working Americans from another ill-conceived tax increase.

Mr. President, I urge my colleagues to support this amendment in the name of genuine tax fairness, not rhetorical tax fairness.

We cannot tax our way to prosperity.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1153) was agreed to.

Mr. FORD. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1154

(Purpose: An amendment calling for the Department of Transportation to conduct a study of the potential costs and benefits of telecommuting—including an estimate of the economic, social and public interest impact of the practice of telecommuting taking into account the effect on employers, employees, the public at large and family care needs)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator BURNS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. BURNS, proposes an amendment numbered 1154.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TELECOMMUTING STUDY

(a) STUDY.—The Secretary, in consultation with the Secretary of Energy, shall conduct a study of the potential costs and benefits to the energy and transportation sectors of telecommuting. The study shall include—

(1) an estimation of the amount and type of reduction of commuting by form of transportation type and numbers of commuters;

(2) an estimation of the potential number of lives saved;

(3) an estimation of the reduction in environmental pollution, in consultation with the Environmental Protection Agency;

(4) an estimation of the amount and type of reduction of energy use and savings by form of transportation type; and

(5) an estimation of the social impact of widespread use of telecommuting.

(b) This study shall be completed no more than one hundred and eighty days after the date of enactment of this Act. A report, summarizing the results of the study, shall be transmitted to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no more than sixty days after completion of this study.

GLASS HIGHWAYS—TRANSPORTATION OF THE FUTURE

Mr. BURNS. Mr. President, I rise today to offer an important amendment—an amendment that calls for study of the potential costs and benefits of telecommuting. I ask for its immediate consideration.

The study will provide us with an estimate of the economic, social, and public interest impact of the practice of telecommuting taking into account the effect on employers, employees, the public at large as well as the handicapped, and family care needs.

We need to fully examine the societal and governmental impediments to telecommuting and, in turn, propose policies and measures that will minimize such encumbrances for both the public and private employment sectors.

Current demands on our Nation's transportation sector far exceed supply. Transportation infrastructure developments and maintenance costs are mounting. Energy resources are limited. Pollution problems are escalating, along with the costs to correct them, and the Federal Highway Administration reports that by the year 2005 American business will incur a $54 billion annual productivity loss caused by traffic problems.

In a recent study performed by Arthur D. Little, "Can Telecommuting Help Solve America's Transportation Problems," substituting telecommuting for as little as 10 to 20 percent of the activities that currently require transportation could provide annual savings of $23.2 billion.

Telecommuting has many benefits in addition to those quantified in the ADL report including increased highway safety, tree conservation, better employment opportunities, flexible work schedules, increased opportunities for independent contractors and even decreased impact of disasters such as earthquakes and floods.

Business will realize lower expenses for business travel as well as office space, improved employee retention rates, better access to talent, and even productivity improvements through increased access to training, better employee interaction among sites, and quicker access to information. Consumers will realize price reductions if business can pass on these savings.

Instead of concrete and steel, our highways of the future will consist of fibers of glass! Think of fiber optics as an information highway on which millions of cars or bits of information travel each second. Those cars can go anywhere in the world instantly. The possibilities are limited only by the human mind.

Our Nation faces many problems including an overburdened transportation infrastructure, a global economic competitive struggle, and a continuing domestic economic weakness. A closer look at some of these challenges illustrates why rapid deployment of an advanced communications infrastructure is so important and what we can do to speed the development of this vital network.

Adoption of this amendment will provide another important step in the direction of full realization of the many benefits of an advanced communications infrastructure.

Thank you, Mr. President. I yield the floor.

Mr. D'AMATO. This is a study that relates to telecommuting. We have accepted it. The majority has accepted it. It says the Secretary shall consult with the Secretary of Energy and conduct a study.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1154) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO] for Mr. WALLOP (for himself and Mr. SIMPSON), proposes an amendment numbered 1155.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code, until June 30, 1992.

Mr. D'AMATO. This is an amendment on behalf of Senator WALLOP and Senator SIMPSON. It has been agreed to on both sides. The State of Wyoming is affected. It gives additional time for them dealing with trucks that weigh more than 80,000 pounds and up to 117,000 pounds.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1155) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1156

(Purpose: To provide for a reexamination of certain policies of the United States regarding the use of certain ports of entry)

Mr. LAUTENBERG. Mr. President, I have an amendment for Senators ROBB and WARNER. I send it to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. ROBB (for himself and Mr. WARNER), proposes an amendment numbered 1156.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. 17. (a) In light of recent positive changes in the Union of Soviet Socialist Republics, Congress finds that the Secretary of Defense and the Commandant of the Coast Guard should reexamine policies of the United States regarding the restricted use of certain ports of entry by ships, and crew members thereof, of the Union of Soviet Socialist Republics, including commercial cargo, passenger, fishing and fisheries support vessels. The Secretary of Defense and the Commandant of the Coast Guard shall jointly report back to Congress within 30 days following the date of the enactment of this Act regarding their examination of such policies, together with their recommendations.

(b) For purposes of this section, the term "ships" means ships owned by, under the flag of, or operated by crew members of, the Union of Soviet Socialist Republics.

Mr. LAUTENBERG. This amendment asks the Secretary of Defense and Commandant of the Coast Guard to reexamine their policies of prohibiting ships owned and manned by citizens of former Soviet States from the Port of Hampton Roads.

Mr. ROBB. Mr. President, I rise today to celebrate the realization of peace between the United States and the former Soviet Union, and to bring home part of the peace dividend.

As you know, Mr. President, the independence of the former Soviet republics is tribute to the export of American democratic ideas. These new nations also need other kinds of American exports: Our grain, our manufactured goods, and almost every kind of commodity.

For years, however, many of the ships which could carry America's plenty to these new markets have been banned from the Port of Hampton Roads. Ships manned by crews from the former Soviet Union have been prohibited from the port for reasons of national security, due principally to the port's proximity to the Norfolk Naval Base.

I applaud the intent of the Department of Defense and the Coast Guard in protecting our national secrets. But their policy allows ships under the command of Soviet captains into Hampton Roads only if the captain and the first mate leave the ship first. The effect of this policy, Mr. President, is to give a powerful incentive for ships commanded by Russians, Latvians, Georgians, and Lithuanians to avoid America's prime seaport.

I believe that events have simply bypassed this policy. The Soviet Union has filed for reorganization. The new era in relations has gone so far that Soviet warships recently put in at Hampton Roads as part of a naval exchange visit. It seems to me, Mr. President, that if we can allow Soviet warships with Soviet crews into the port, civilian vessels commanded by former Soviet citizens and coming to carry American products pose no more threat.

Therefore, I am proposing an amendment which would ask the Secretary of Defense and the Commandant of the Coast Guard to reexamine their policy prohibiting ships owned or conned by citizens of the former Soviet states from the Port of Hampton Roads. If America is to help revive the economic heartbeat of Eurasia, it does no good to clog our principal artery.

I am sensitive, Mr. President, to the demands of national security, and I will not accept any policy which compromises that security. I do believe, though, that like fortresses to protect ports from pirates, history may have made some precautions more costly than their probable benefits. I hope that the Secretary of Defense and the Commandant of the Coast Guard will agree, and will allow America's economic strength to again flow unfettered through the Port of Hampton Roads.

Mr. WARNER. Mr. President, I rise today to speak on behalf of the amendment offered by my friend and colleague from Virginia, Senator ROBB and myself. This amendment calls for a reexamination of certain policies of the United States regarding the use of certain ports of entry. For the past decade, and particularly during the dramatic events in Eastern Europe in recent years, I have continuously worked to have the U.S. port security policy reevaluated and updated.

On March 2, 1990, I wrote to Gen. Brent Scowcroft, President Bush's National Security Adviser, requesting that the National Security Council review the present port security policy concerning Warsaw Pact ship calls on U.S. ports, in particular Hampton Roads, VA. Later that same year, on June 18, 1990, I, along with Senator ROBB and Congressmen BATEMAN, SISISKY, and PICKETT wrote to President Bush asking him to consider opening up the Port of Hampton Roads to Polish merchant vessels. To tie all of this together, I then attached an amendment to S. 2884, the National Defense Authorization Act for Fiscal Year 1991, requiring the Secretaries of Defense and Transportation to conduct a port security policy review and report their findings to Congress.

On May 7, 1991, President Bush announced a major revision in U.S. port access policy. The new policy provides access for commercial cargo, passenger, fishing and fishing support vessels of the countries of Eastern Europe to all United States ports on the basis of 24 hours' notice of entry into the port. This revision opened 12 U.S. ports, including Hampton Roads, VA, previously closed for national security reasons to vessels from that region. That liberalization was a significant and welcome initiative and I commend the President for his action.

However, due to the current dramatic restructuring of the Soviet Union, I believe that the port access policy requires further review and study. For example, what will be the restrictions on ships with a Lithuanian, Latvian, or Estonian captain or chief mate and what restrictions will apply to the Soviet republics that are expected to form the Union of Sovereign States?

For those reasons, on September 11, 1991, I again wrote to General Scowcroft requesting that the current port access policy be reviewed and updated in order to keep it in line with the rapidly changing world geopolitical structure.

Our amendment will be another step in this direction. A change of policy, if justified, will be beneficial not only to United States ports but also to the emerging Soviet republics, whose fledgling economies will welcome increased port of entry options.

In closing, I would like to add that while I strongly support a review of the present port security policy, I certainly want to ensure that U.S. security is not compromised by a precipitous change in policy. However, where security concerns have changed, the old policy may no longer be justified. The study required by this amendment should determine whether a change of policy is justified and, if so, what security precautions should accompany such change.

Mr. LAUTENBERG. I urge adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1156) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1157

(Purpose: To authorize the change of the name of a certain State compact previously consented to by Congress)

Mr. D'AMATO. Mr. President, on behalf of Senator LOTT, I send an amendment to the desk, technical in nature, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. LOTT, proposes an amendment numbered 1157.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . For purposes of the Act of June 30, 1982 (96 Stat. 150), giving the consent of Congress to a compact relating to the establishment of a commission to study the feasibility of rapid rail transit service between certain States, the Congress authorizes the parties to such compact to change the name of such compact, including the name or names of any commission or other entity thereunder.

Mr. D'AMATO. This is a technical amendment. It does not affect the powers or jurisdiction of the compact. It is being offered with the understanding that if the Judiciary Committee does not approve, it will be dropped in conference. We do not believe there will be any opposition to it, but we are accepting it with that proviso.

The PRESIDING OFFICER. Is there further debate?

Mr. LAUTENBERG. The amendment is acceptable.

The PRESIDING OFFICER. If not, the question is on agreeing to the amendment.

The amendment (No. 1157) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I would like to congratulate the managers for their outstanding leadership in crafting the fiscal 1992 Department of Transportation appropriations bill. The Senator from New Jersey and the Senator from New York are leaders in this field.

As the managers of S. 1204, the Surface Transportation Efficiency Act 1991, Senator SYMMS and I would like to clarify our view of a provision in the bill. The committee report accompanying H.R. 2942 states that the committee has provided $30 million from the highway trust fund for the National Magnetic Levitation Design Program that would be created by section 116 of S. 1204. Of this amount, $5 million would be provided for corridor studies.

The committee report for H.R. 2942 states that the committee believes that the magnetic levitation and high speed rail research activities of the Federal Railroad Administration are within the scope of S. 1204 and should be funded from the highway trust fund.

It is the view of the Committee on Environment and Public Works that the only magnetic levitation transportation activities authorized in S. 1204 to receive funding from the highway trust fund are those activities within the scope of the National Magnetic Levitation Design Program as described in section 116. Section 116 does not authorize activities on the FRA.

Mr. SYMMS. I agree with the remarks of the senior Senator from New York.

Mr. MOYNIHAN. Authorization of FRA activities, including high speed rail activities, are within the jurisdiction of the Committee on Commerce rather than the Committee on Environment and Public Works, and would not then be an appropriate subject of authorization for section 116 of S. 1204.

Mr. SYMMS. I agree with the remarks of the senior Senator from New York.

Mr. MOYNIHAN. It is also our view as managers of S. 1204 that highway trust fund money for the National Magnetic Levitation Design Program ought to be disbursed through the Federal Highway Administration and not the FRA.

Mr. SYMMS. I again concur with the remarks of the Senator from New York.

FURLOUGH OF AMTRAK EMPLOYEES

Mr. ROTH. Mr. President, I wish to engage the distinguished floor leader and my good friend from New Jersey, Senator LAUTENBERG in a colloquy regarding the funding levels for Amtrak, as included in this, the fiscal year 1992 Department of Transportation and Related Agencies Appropriations Act. I can say that nowhere is there a stronger supporter for Amtrak than the distinguished Senator from New Jersey, and I wish to include myself in this company.

Mr. LUGAR. Mr. President, I too wish to engage in this debate as the issue my good friend the senior Senator from Delaware raises is also of grave concern to me and my constituents in Indiana.

Mr. ROTH. Mr. President, the issue concerns the possibility that a shortfall in Amtrak operating funds for fiscal year 1992 may result in the furlough of a number of employees located in Bear, DE, and Beech Grove, IN. The employees at Bear, DE, are unsurpassed in their dedication to provide this Nation with a fast and efficient, rail system, and have a proven track record in safety that is excellent. At this facility Amtrak performs the critical locomotive maintenance so important to the continued operations of Amtrak.

Mr. LUGAR. Mr. President, Amtrak employs hundreds of Hoosiers at its Beech Grove maintenance facility in Indianapolis. It is my understanding that potential revenue shortfalls could injure a number of my constituents by causing furloughs of up to 294 Beech Grove employees. We understand that the Senator from New Jersey is familiar with the revenue shortfall situation that Amtrak currently faces, and the subcommittee has responded by increasing Amtrak's operating grant by $10 million above its original request of $321 million. This amount is $3.1 million more than the level appropriated by the House of Representatives. We are grateful for the Senator's efforts, and hope that he will do all that he can during the upcoming conference with the House of Representatives, to insure that the higher level of funding for Amtrak be included in the final conference agreement.

Mr. ROTH. Mr. President, we also hope that the committee will continue to monitor the possible Amtrak operating budget shortfall, and take actions in the future as necessary to avoid disruption to our National Passenger Rail System. Of course, we also feel that Amtrak should do all it can to reduce its budget, but under no circumstances should the maintenance and safety record of Amtrak be sacrificed.

Mr. LAUTENBERG. Mr. President, my good friends from Delaware and Indiana, raise an issue that also concerns me very much. Let me assure them that I am sensitive to the situation and will do all I can to insure that the highest possible funding levels for Amtrak will be included in the conference agreement. I also wish to avoid furloughs of Amtrak's conscientious employees, and I will continue to monitor the Amtrak operating budget for fiscal year 1992.

Mr. ROTH. I greatly appreciate the willingness of the distinguished floor manager to engage in this colloquy and respond to our concerns.

Mr. LUGAR. I too am very appreciative of the sensitivity of the Senator from New Jersey to our concerns. The Senator's record of support for Amtrak is well known in this body.

Mr. BIDEN. I would like to commend my colleagues for raising this important issue. Amtrak owes much of its existence to the dedication and sacrifice of thousands of employees. The current recession has placed further demands on those employees. As my colleagues have pointed out, Amtrak has asked for a small degree of flexibility to transfer funds from its capital budget to its operating budget to avoid furloughs in its car maintenance facilities.

I would like to emphasize that it is our hope, and Amtrak's, that this authority will never be used. Revenue shortfalls may not be as severe as feared, and a transfer may not be needed.

But if the shortfall does develop, the transfer will help prevent reductions in maintenance of Amtrak's rail cars. As Amtrak has told us, it is crucial that existing rail equipment be maintained in as safe as condition as possible. But without the transfer authority, Amtrak may have no choice but to cut back on discretionary maintenance.

Employees at the Wilmington shop take great pride in their work, as they have since the facility first opened in 1903. I know our colleague from New Jersey has strongly supported Amtrak, and appreciate his commitment to support the highest possible funding levels for Amtrak and to avoid furloughs for Amtrak employees. I look forward to working with the Senator to avert Amtrak reductions in the months ahead.

SURFACE TRANSPORTATION

Mr. MOYNIHAN. Mr. President, I would like to engage in a brief colloquy with the managers of the bill, the Senator from New Jersey and the Senator from New York, regarding the relationship between this legislation and the yet-to-be-enacted 1991 surface transportation bill.

The Surface Transportation Efficiency Act of 1991 (S. 1204), which passed the Senate on June 19 by a vote of 91 to 7, would authorize Federal surface transportation programs for the next 5 years. I note that the appropriations bill now before the Senate assumes that at least some provisions of S. 1204 will be enacted. Section 115(d) of S. 1204 would create a Bureau of Transportation Statistics within the Department of Transportation to collect, interpret, and report information about transportation.

The appropriations bill before the Senate includes no specific funding for the new Bureau of Transportation Statistics. I wonder if the managers of the bill would agree that it would be appropriate to provide a specific amount of funding for this new Bureau in the coming fiscal year.

Mr. LAUTENBERG. I agree with the senior Senator from New York. It would be appropriate to provide specific funding to the Bureau, and I look forward to the opportunity to do this in conference.

Mr. D'AMATO. I agree with the comments of my colleague from New York, and concur with the remarks of the Senator from New Jersey. I hope we will be able to do this in conference.

Mr. MOYNIHAN. Do the managers agree that it would be appropriate to provide at least $11 million for fiscal year 1992, $10 million of which would go to fund the activities of the Bureau of Transportation Statistics and $1 million of which would go to fund the activities of the Advisory Council on Transportation Statistics.

Mr. LAUTENBERG. The amounts suggested by the senior Senator from New York are appropriate, and I will support the inclusion of such amounts in our conference with the House.

Mr. D'AMATO. I concur that the amounts suggested by my colleague from New York are appropriate, and I, too, will support them.

Mr. MOYNIHAN. I thank the managers.

NORTH CAROLINA TRANSIT PROJECTS

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of this bill, Senator LAUTENBERG, in a discussion of funding for North Carolina transit projects.

Mr. LAUTENERG. I would be glad to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. As the Senator knows, the House 1992 Transportation appropriations bill included funding for two transit projects in North Carolina. First, the committee included $750,000 in funding to assist the Research Triangle Regional Public Transportation Authority with a regional transit study. Also, the committee allocated $500,000 to assist the city of Charlotte with planning for a light rail system.

Both of these projects are tremendously important to me and to North Carolina. The Research Triangle area and the city of Charlotte have experienced rampant economic expansion and population growth over the last several decades which has led to increased congestion and pollution problems as well. Providing the two North Carolina communities with transit study money will allow these areas to efficiently and responsibly address their growing transit needs.

The Senate appropriations bill does not take exception to the funding for these two North Carolina communities. It is my understanding that this means the Senate Transportation Appropriations Subcommittee supports these projects, and that the Senate bill should be interpreted to include funding for the projects. Is this correct?

Mr. LAUTENBERG. Yes, the Senator is correct. The Transportation Appropriations Subcommittee is supportive of funding for these two transit planning projects. Under the Senate passed bill S. 1204, the surface transportation reauthorization bill, which this committee followed in bringing this spending bill to the floor, planning funds are distributed by formula and the specific earmarks were not included. However, if the opportunity presents itself, we certainly plan to have the projects included in the final conference report of the 1992 transportation appropriations bill.

TUCSON DIAL-A-RIDE TRANSIT SERVICES PROJECT

Mr. DECONCINI. Mr. President, I would ask the manager of the bill, my friend and colleague from New Jersey, Senator LAUTENBERG, whether he would enter into a colloquy regarding the mass transportation needs of the elderly and physically challenged constituents residing in my hometown, Tucson, AZ.

Mr. LAUTENBERG. Mr. President, I would inform my good friend and colleague from the State of Arizona that I would be pleased to enter into a colloquy on this important issue. I would note for my friend that I have also had a longstanding interest in this area.

In May, I introduced the Elderly and Handicapped Transportation Improvement Act, S. 1067, which provides for significant new Federal resources to local governments and nonprofit organizations to assist them in the development of modern solutions to current and future transportation problems confronting older and disabled Americans. S. 1067 would authorize $400 million for grants and loans over 5 years to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons. As the Senator from Arizona knows, S. 1067 was added to the substitute highway bill, S. 1204, introduced by Senator BURDICK, the distinguished chairman of the Committee on Environment and Public Works.

Mr. DECONCINI. Mr. President, if the Senator would yield, I would inform the Senator from New Jersey that his leadership in this area is well known. In fact, I sought to tap that very interest in pursuit of vital additional transit aid for the city of Tucson. Thus, I sent a request to the Senator from New Jersey earlier this year on behalf of the city of Tucson asking for Federal assistance in order to fund a very important mass-transit project called Tucson Dial-a-Ride.

The relatively low density of housing within the city of Tucson makes it exceedingly difficult to locate bus stops that are close and convenient to the majority of homes. Tucson Dial-a-Ride would provide on demand shuttle bus service to a major fixed transit route with minute-by-minute arrival time readouts of the next service at the transfer stops. Hence, the project would alleviate much of the inconvenience associated with waiting for bus service. Also, the transfer stop would be cooled through the use of cool tower developed by the Environmental Research Laboratory in Tucson.

Under current law, funding for grants and loans for elderly and handicapped are not distributed by formula. The Senate-passed highway bill, S. 1204, would change that. However, the House version of the provision of the bill we are presently considering assumes that current law would be maintained. Hence, the conference will need to resolve this matter and there is some chance that the current law will be maintained.

In the event that the House does not agree to formula funding, it is my understanding that the Senator from New Jersey would give every consideration to funding the Tucson Dial-a-Ride project. I ask the manager of the bill if I have correctly presented our understanding.

Mr. LAUTENBERG. Mr. President, I advise the senior Senator from Arizona that he is correct. The Senate Transportation Appropriations bill before us today was prepared assuming the new formula funding. But, there is obviously a chance that the Senate language may not prevail. Should that occur, I would of course give every consideration to funding the Tucson Dial-a-Ride project.

Mr. DECONCINI. I thank my friend from New Jersey, Senator LAUTENBERG, for his willingness to take another look at this project in conference. Let me reassure the Senator from New Jersey that this Senator also appreciates the many fine things he has already done for my constituents in Arizona in the bill, especially in light of the severe fiscal restraints under which he and my good friend Senator D'AMATO, the ranking member, have had to labor. I would also like to thank the committee staff, particularly Pat McCann, Anne Miano, Peter Rogoff, Joyce Rose for their constant professionalism and courtesy to this Senator and his staff.

NEBRASKA PROJECTS

Mr. KERREY. Mr. President, I wish to ask the distinguished floor manager of the bill a question.

Mr. LAUTENBERG. Certainly.

Mr. KERREY. The House version of the Transportation appropriations bill included $4 million for a bridge between Niobrara, NE and Springfield, SD. Both States have committed funds to this project and all four of the Senators from the two affected States requested funding for this project.

The subcommittee did not include the project and the Senator indicated that it was not his intent to fund projects which were in the House bill. Is that correct?

Mr. LAUTENBERG. Yes, the Senator is correct.

Mr. KERREY. So, the reason that the subcommittee did not include the funding which the four Senators requested is not because of any particular opposition to the project, but only because the funds were in the House bill. Is that correct?

Mr. LAUTENBERG. Yes.

Mr. KERREY. I know that we had a similar situation in past years with respect to the Lincoln railroad-highway demonstration project. Some years the project would be in the House bill and some years in the Senate bill, but never in both. Are we seeing the same basic procedure here?

Mr. LAUTENBERG. Yes.

Mr. KERREY. I would point out the interest of my State in this project and ask the chairman of the subcommittee if he can give me assurance that this project will receive full consideration in conference.

Mr. LAUTENBERG. Yes.

Mr. KERREY. I would also point out that there are funds in the Senate bill but not the House bill for a study of the feasibility of constructing another bridge between Nebraska and South Dakota, this one between Vermillion and Newcastle. I would also request that the chairman of the subcommittee do everything possible to hold these funds in conference.

Mr. LAUTENBERG. Yes.

Mr. KERREY. I thank the distinguished chairman of the subcommittee.

YOSEMITE NATIONAL PARK

Mr. CRANSTON. I wish to ask the floor manager of the bill if he would engage in a brief colloquy with me regarding a $300,000 study to be conducted in our national parks provided for in the 1992 transportation appropriations bill.

Mr. LAUTENBERG. I am happy to do that.

Mr. CRANSTON. As the Senator is well aware, many of our national parks, such as Yosemite National Park in California, are currently experiencing tremendous popularity. Unfortunately, most people visit the parks in their automobiles and as a result the amount of traffic in these parks is leading to growing traffic jams, creating air pollution, and generally wreaking havoc in these fragile wildlife habitats.

The bill pending before us provides $300,000 for a study of transportation alternatives to the automobile that could be used in our national parks.

Mr. LAUTENBERG. The Senator from California is correct.

Mr. CRANSTON. It is also the understanding of the floor manager that the focus of the study will be on three national parks—Yellowstone, Yosemite, and Denali—as provided in S. 1204?

Mr. LAUTENBERG. That is also correct.

Mr. CRANSTON. Currently, an effort is underway to develop a Yosemite Area Regional Transit System among representatives of counties surrounding Yosemite National Park. Local funds have been provided for this effort by Mariposa County. Mariposa and other counties plan to provide additional funds for other phases of the project. It is important that the Secretary of the Interior works to facilitate Park Service participation in the regional transit planning now underway at Yosemite National Park.

Mr. LAUTENBERG. I would like to assure that Senator that the intent behind this bill is that the Park Service coordinate with the ongoing local efforts at Yosemite.

INGLEWOOD REDEVELOPMENT PROJECT

Mr. CRANSTON. I should like to bring to the attention of the floor manager a project that he is very familiar with in Inglewood, CA, which entails the recycling of noise-impacted land near Los Angeles International Airport. The chairman has been very helpful and I appreciate his efforts in support of the project in the past.

The Inglewood project demonstrates an innovative and effective use of AIP noise funds by recycling land residential uses to industrial uses compatible with LAX noise levels. And I should point out that this project is supported by the FAA.

Mr. LAUTENBERG. The Senator is correct. Report language related to recycling noise impacted land in Inglewood has been included in the committee report for the past several years. It was our intention to include it again this year and by mistake it was omitted. But I would like to assure the Senator from California that we will be addressing this issue in conference.

Mr. CRANSTON. I think the Senator for that assurance and for all his help over the past several years on this very important project.

CHICAGO-ST. LOUIS RAIL CORRIDOR TRACKWORK LOAN

Mr. SIMON. Mr. President, we rise to address the distinguished chairman of the Senate Subcommittee on Transportation, Chairman LAUTENBERG, in support of a $3.5 million loan guarantee to continue an essential trackwork renovation program between Chicago, IL and St. Louis, MO. Illinois needs to replace the jointed rail sections with welded steel rail, which we know is a standard for Amtrak service.

Amtrak operates trains between Chicago and St. Louis stopping in Springfield, our State capital. This is not only the rail passenger route in Illinois with the largest passenger ridership, but it is a prime candidate for high-speed rail service. A study commissioned by the State of Illinois and studies by the Midwest high-speed rail compact have concluded that there is an excellent potential here not only for raising revenues but for bringing the same benefits to Illinois citizens enjoyed by Amtrak riders on other parts of the system.

Mr. DIXON. Mr. President, given the severe constraints on Federal funds for rail improvements at this time, the State of Illinois has entered into an agreement with a subsidiary of Southern Pacific Railroad to match all Federal loan funds on a 50-50 basis so that this $36 million project can continue to move ahead. In fact, Illinois has overmatched the $7 million Federal funding by providing $12 million for the project to date.

Mr. LAUTENBERG. Mr. President, I thank the Senators for this timely information. I agree that Chicago-St. Louis is an important rail service corridor. You can be sure that the Chicago-St. Louis welded rail trackwork program will be considered during the House-Senate conference on the Transportation appropriations bill.

CHICAGO-ST. LOUIS HIGH-SPEED RAIL STUDY

Mr. SIMON. Mr. President, we are very grateful to our distinguished colleague, Chairman LAUTENBERG of New Jersey, for his tireless work on passenger rail systems whether this means better Amtrak service now or high-speed rail and magnetic levitation systems in the future. Although we are aware of the difficult choices faced by the committee, particularly within the limits on rail funding, we think the $500,000 Chicago-St. Louis high-speed rail study is worthy of including funding at this time within Amtrak's budget.

Mr. DIXON. For several years Illinois has been working toward the goal of high-speed rail between Chicago and St. Louis, the route which runs through Springfield, our State capital. The importance of this route cannot be overstated. It not only connects the two major population centers of Chicago and St. Louis, but has been cited in a number of studies as a top priority for high-speed rail with the potential of recovering future operating costs and debt service from the farebox.

Mr. SIMON. We believe a feasibility study for 135-mph rail passenger service between Chicago and St. Louis is the logical next step needed to consider the lower cost technology which makes this service possible. Since most of the passenger rail systems throughout the Nation will be using the kind of track offered on the Chicago-St. Louis rail system, the study could have very widespread use.

Mr. LAUTENBERG. Mr. President, the Senators are correct in noting my very strong commitment to improving rail passenger service in this Nation. The Senators can be sure that the feasibility study will be considered during the House-Senate conference on the Transportation appropriations bill.

Mr. SANFORD. Mr. President, I want to express my gratitude to my esteemed colleagues, Senator LAUTENBERG, the subcommittee chairman for transportation appropriations and the ranking member of that subcommittee, Senator D'AMATO, for their efforts in drafting this funding bill that is before us today.

Provided within this bill is funding for a project which is exremely important to the economic development of North Carolina—the North Carolina connector project.

Since the Interstate System was first proposed and designed in 1956, our country has gone through quite a few changes demographically, economically, and socially. One area of the country that has witnessed the most change has been the Southeast. In the past years, the South has experienced a significant increase in population. Specifically in North Carolina, there has been an 11.4-percent increase in population since 1980. The industrial atmosphere of the southern community has also changed, with a very large electronic and research contingent relocating within the Sun Belt States, attracting many young professionals and their families.

In light of these changes, I have sought support for the construction of a highway built to interstate standards in northeastern North Carolina. The highway to be developed will connect Raleigh, NC, to Norfolk, VA; increasing education and employment opportunities to the citizens of northeastern North Carolina who are now underserved by the Federal transporation programs.

Raleigh, NC, is home to the Research Triangle Park, where nationally significant research takes place at BASF Corp., IBM, Northrop, GE Semiconductor, and the triangle universities of Duke University, the University of North Carolina, and North Carolina State University. Within the corporate and university research circles, the area has become very widely recognized for its excellence and will continue to act as a model for the development of other State/corporate/university research collaborations.

The Raleigh-Norfolk highway will greatly serve North Carolina and the southeastern region of the United States. The northeastern counties of North Carolina suffer tremendous hardships due to the lack of sufficient transportation to urban areas like Raleigh and Norfolk. A vast number of eastern North Carolinians commute daily to Norfolk to work in the shipyards. As no direct interstate exists, their travel to and from work means they are on small two lane roads at least 2 hours every day. These poor communities cannot easily integrate with the rest of the State or the region due to the lack of transportation. As a result, some of the highest poverty and unemployment rates in the Nation are in this region of the country. An interstate through northeastern North Carolina will make education and employment opportunities more accessible. Providing these small communities with access to more urbanized and industrialized areas will bring many social and economic benefits. This alone, is the most compelling reason for a Raleigh-Norfolk Interstate.

I thank Seantor LAUTENBERG and the Senators on the subcommittee for their suppot and recognition of this dire transportation need in North Carolina. And I thank them for all their efforts in providing for our Nation's infrastructure.

Mr. D'AMATO. Mr. President, we are hopeful that in the few minutes remaining—we understand there is one amendment and only one amendment outstanding. The Senator from New Hampshire [Mr. SMITH] has asked that we preserve his rights. I am doing that and want to give an opportunity for him to be able to offer an amendment that he feels is critical to his State.

If, indeed, we can work out an agreement that would provide him that time, I believe we would then be in a position to go to final passage.

So that is what we are hopefully going to be working out in the time agreement. I want to commend my colleague, Senator LAUTENBERG, for the job he has done in bringing the bill to this point.

Mr. LAUTENBERG. Mr. President, I want to respond to Senator D'AMATO'S comments. We have both worked very hard and very well together to satisfy the need of all of the States.

We are at a point in time where we can move this bill, Mr. President. The wheels are in motion, to use the expression, and we are ready to pass the Transportation bill. I hope that this remaining amendment can be dealt with expeditiously and we can go ahead and vote this afternoon.

We have, per earlier unanimous consent, until 12:50, 2 minutes from now, to work out a final unanimous-consent request. I understand that the majority leader will be putting it forward, and in the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1138

Mr. GARN. Mr. President, I rise today in opposition to the Jeffords-Metzenbaum amendment. I do so for several reasons. First and foremost, I want the Senate to remember that it was in this very body over 100 years ago that policies were established to encourage our pioneer forefathers to go out West and settle the land. The Homestead Act and other laws adopted by this Government were designed to entice people out of their eastern homes and into the rugged west.

Mr. President, the people of 100 years ago believed their Government, they trusted it, they moved west. For generations, the people of Utah and the rest of the West have given their all to live and eke out a living through livestock grazing.

Now, Mr. President, imagine a government which, in the 1800s encouraged hundreds of thousands of its citizens to endure countless hardships and settle a remote area, only to completely change the rules in the last decade of the 1900's which are, in effect, an extermination order on our rural way of life. This amendment will increase grazing fees to such an extent that within 5 years nearly all Utah ranchers will go bankrupt or voluntarily give up their permits. This amendment is nothing more than a thinly veiled attempt to make the Synar amendment adopted by the House look reasonable. In other words, we are being told that death by cancer is preferable to death by heart attack. I am not comforted by that choice.

In reality, the current grazing formula is working. It floats up and down with market conditions. Today with the price of beef at higher levels than a few years ago, the grazing fee is also higher than a few years ago. Western ranchers on our public lands are not permitted to own their grazing lands. Yet, they are required to install and maintain at their own expense, stock water ponds, fences, and other improvements. None of these expenses are included in the calculation of the grazing fee formula. If they were, we would find that the cost to western ranchers is very competitive with the costs of ranching in other areas of the country. If the Congress of the United States really wanted to be fair, it would deed over these lands to the several Western States and its citizens who, at their own expense, have made these improvements upon the public lands.

Mr. President, Utah is 67 percent owned by the Federal Government. We would love to have our lands back to use as we see fit. We are not so stupid environmentally as to fowl our own nest. We love the lands of our State. With last week's assault on the mining law and now this attempt to wipe out grazing, I have no choice but remind my colleagues that we are talking about real people. Let us talk about Guy Pace and Reuben Morrell, two Wayne county ranchers. Let us talk about Lamar Monroe and his sons from Millard county. These are living human beings whose livelihoods will cease to exist if this amendment or others like it pass the Congress. I will not let these decent, hard working people go out of business without a fight, a very long protracted fight if that is necessary. I am fed up with the do-gooders around here who seem to be so intimidated by the national environmental movement as to literally quake in their boots every time a vote like this comes up in the Senate. When the environmentalists have succeeded in wiping out this industry along with several others in this country, my conscience will be clear. Do we Americans really believe we are so affluent that we can afford to wipe out entire industries by buying-off on the intellectual garbage some environmentalists are selling? Garbage like "no moo in 92 and cattle free by 93."

Livestock grazing, like mining and manufacturing creates actual wealth. It is not the kind of parasitic service industry that some environmentalists would have us do. Our ranchers pay taxes and are solid citizens. They are not leaches sucking our welfare programs and bleeding our already overburdened taxpayers.

Mr. President, enough is enough. I hope the Senate of United States will wake up to the reality that we are being duped in the worst way and our intelligence insulted. I urge my colleagues to reject this ill-founded amendment.

The major problem here is that my colleagues simply do not, never have, and maybe never will understand the problems of a public land State. My State is two-thirds owned by the Federal Government, and when you add the State land, that makes it more than 80 percent. When you are dealing with grazing and mining and these other issues, we are going to have less private land in Utah than the Soviet Union, as they democratize. I wish my colleagues would understand the problems of being so overwhelmingly controlled by the Federal Government, and then maybe these amendments that I think are silly would not be brought up.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, we are attempting to complete action on the Transportation bill with one further amendment, and to complete action on the Jeffords-Metzenbaum amendment to the Interior appropriations bill, and do all of that in a manner consistent with the varied and conflicting schedules of Senators throughout the day.

I, therefore, now will propound a unanimous-consent agreement that attempts to do that in a way that will be fully satisfactory to no one, but I hope accommodates everyone's interests sufficiently to permit us to proceed.

Accordingly, I ask unanimous consent that at 2:15 p.m. the Senate resume consideration of the Transportation appropriations bill; that at that time, Senator SMITH be recognized to offer a highway formula amendment; that there be 20 minutes for debate on the amendment, 15 minutes for Senator SMITH, 5 minutes for the opponents; that at 2:35 p.m. the Senate vote on or in relation to the Smith amendment; that immediately upon the disposition of the Smith amendment, the Senate, without any intervening action or debate, proceed to third reading and a vote on final passage of the Transportation appropriations bill; and that immediately upon the disposition of that bill, the Senate resume consideration of the Interior appropriations bill and vote, without any intervening action or debate, on a motion to table the pending Jeffords-Metzenbaum amendment.

I further ask unanimous consent that the first vote be 15 minutes, and the following votes in the above sequence be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not intend to object, but I need some clarification. How much time does the majority leader indicate will be available for the debate on the Jeffords-Metzenbaum amendment?

Mr. MITCHELL. Under a prior order, that debate was to have commenced 2 minutes ago, at 12:50, and concluded at 2:15 p.m. So as soon as we can get this agreement, the debate will begin and continue until 2:15 p.m. which will be a period of approximately 83 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleagues. The respective caucus luncheons will occur as scheduled, and debates as set forth will continue in the time set forth in the agreement.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of H.R. 2686, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1138

Mr. NICKLES. As I understand the agreement, the time is equally divided. I have asked Senator WALLOP to coordinate the time for the opponents of the amendment. I know that there are several Senators that have requested time to speak on both sides of this issue. I urge them to contact Senator JEFFORDS or Senator WALLOP in that regard to make sure that they have time to work in their statements. Under the UC just agreed to, the time has been squeezed, and in the original request most Senators were asking for 15 minutes or so, and they really will not be able to be accommodated. Senators need to be on notice that they need to come to the floor and work with Senators JEFFORDS and WALLOP to coordinate their statement.

Mr. WALLOP. Mr. President, I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. BRYAN. Mr. President, I rise today to address the sensitive issue of the appropriate level of grazing fees for the use of public lands. The amendment before you today addresses a complex and easily misunderstood issue which deserves careful analysis. A variety of legislative options are being considered which bridge a wide range of options, from permanently fixing in statute the existing fee structure formula at one end, to imposing dramatic grazing fee increases at the other. In any event, each approach is substantive legislation, and it should be processed as such, not as an amendment to the appropriations bill.

The existing grazing fee formula was adopted by the Public Rangelands Improvement Act of 1978 for a 7-year trial period. In 1986, it was extended by Executive order. The base value of the fee is adjusted annually to reflect changes in the prices paid for forage on private lands as well as the market prices of livestock produced.

In Nevada, the majority of BLM permittees are family operations—nearly 88 percent.

Their profit margins are often slim, and many family operations would be severely affected by any dramatic fee increases.

Today's fee for 1991—$1.97 per AUM—represents nearly a 40-percent increase over the past 4 years—indicating that this formula does accomplish its goal of adjusting to reflect changing market conditions.

The fact that over 20 percent of grazing permits and allotments go unused indicates that these fees are in a reasonable range.

Although I rise today in full support of the existing administrative fee formula which I believe is equitable and has worked well since its adoption in 1978, I also want to stress the importance of maintaining and improving the condition of our publicly owned range lands. The fees charged for grazing and the revenue produced from the use of lands should not be the ultimate focus of our deliberations; that focus should be, instead, are we managing our public resource assets as well as we can? And are we devoting adequate resources to the task? Those issues are complex and require substantive legislative analysis, not cursory action on the appropriations bill.

My State of Nevada is 85.6 percent federally owned land. Because so much of Nevada is federally owned, responsible multiple use of that resource is essential for all Nevadans—the hiker as well as the hunter; the rancher as well as the researcher.

In the West, access to public lands is critical for the cattle and sheep industry, as well as beneficial for balanced, multiple use of the lands.

Much of Nevada's Federal land is rangeland and all of it has been severely affected by 5 years of lower than average rainfall. The drought, although part of an eternal cycle of nature, has stressed the land and made the job faced by our land managers more complex. The resources that are adequate to manage the land in an average year or a good year may be very inadequate during a critical year.

Grazing is a fundamental natural process, part of a food chain that existed long before modern Americans claimed this land for their own. The grass and forage consumed by livestock are renewable, and with no technological intervention, are converted to food to be consumed. Fossil fuels and chemical fertilizers are not part of the public range tradition. Although different opinions may exist on the extent to which the public resources are thus used.

There is no doubt that some proper balance can be reached which allows the range to thrive and it should be used. Those who merely seek to eliminate cattle from historic rangelands are plainly misinformed, and efforts to force small cattle operations out of business by dramatic fee increases are misguided.

Well run Federal grazing programs are an essential part of rural life in Nevada. Because the nature of the public range is unique, any fee formula will necessarily result in an inexact application from range to range. However, I believe the existing fee schedule does a good job of balancing cattle prices, production costs, and comparable market lease rates. The fact that much of the available grazing lands go unleased would indicate that the existing fees are in an appropriate range. Since the majority of users of the public range in Nevada are small producers—less than 100 head of cattle—they are very sensitive to market forces and will simply not be able to absorb the large fee increases that some propose. To the extent that fee increases decrease the use of the resource, Federal revenues may fall.

The current system has served the West well, and I urge that it be maintained and that the amendment offered be defeated.

I thank the Chair, and I thank the distinguished Senator from Wyoming.

I yield the floor.

Mr. WALLOP. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SIMON). Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. JEFFORDS. Mr. President, I want to try to make some order out of all this debate. Many have raised deep concerns about putting family ranchers out of business. Certainly, that is not my intent at all. I would hope that examination of the facts will demonstrate that will not occur.

First of all, let me explain where we are. The Senate is considering an amendment to the House Interior appropriations bill. The House Interior bill included what is referred to as the "Synar amendment," which is represented by the black bars on this chart.

The amendment that Senator METZENBAUM and I have offered is represented by the white bars on the chart.

So you can see right away what we are trying to do is something much more reasonable than what the House did.

Second, there have been arguments that somehow ranchers cannot pay this. It think, there are very substantial arguments that refute that charge.

First of all, no one can dispute that a lot of subleasing went on. Now it may be illegal. I don't particularly care. The fact it occurred indicates what the real value of these permits are.

What happen? Ranchers get these permits nearly in perpetuity because they keep renewing them. What's more they can choose not to use the forage for up to 3 years, without paying for it, and without losing the privilege. During the mid-1980's the two land management agencies extended nonuse to 6 years.

Two faculty members from Colorado State University demonstrated a lot of subleasing was going on. If you want a real value for the permit, take a look at what you can sublease it for.

Take a look at what the record shows. The sublease average on U.S. Forest Service—and this was several years ago—was $7.06. That means permittees paid $1.39 per AUM back then, and subleased the permit for $7.06 per AUM. That is a great profit. And BL subleases went for $7.75 per AUM.

That seems to me evidence of the fact these permits are valuable. The argument that raising grazing fees to $2–$4 per AUM would put farmers out of business does not make any sense at all, given the sublease rates.

Second, another critical thing to consider is what other Federal agencies and State and local governments charge—on average—for leasing. The average of the local government what the State governments, and what other Federal agencies charge—$6.44 per AUM—is well above what we are offering as a compromise here on this amendment.

Also keep in mind that 7 percent of the producers in the 16 States affected by my amendment have the Federal permits we are concerned with here. They represent only 2 percent of the producers in this Nation. Is this equitable?

We have a letter from the Independent Cattlemen's Association of Texas. They really are in direct competition with Federal permittees and they are adamantly in favor of this amendment. They say it will provide some equity to the situation right now.

I think what I want to do right now is make some proposals, some compromises here. In this debate, for instance, the opponents have relied very heavily on references from Dr. Frederick Obermiller. Professor Obermiller, if you read the op-ed piece in the Washington Times today, is referred to as the industry's eminent expert. In the debate in the House or the Synar and Regula amendments, he was the one they referred to. He recommends changes. I am willing to accept what he recommends with one additional modification. I will make that and then I will distribute copies of a document of his entitled "Elements of Grand Compromise," dated September 4, 1991. In it, he recommends a formula we use in our amendment, in the sense of a base value modified solely by changes in the Forage Valve Index. The only difference is he starts with $2.49 as the 1992 fee, whereas we start at $2.63.

Right now, we are talking about a few cents difference for that first year. If what was said yesterday—these ranchers are going to go out of business if we go to $2.63—why would a key person for the industry say that $2.49 is all right?

So I say that I would accept a compromise, would consist of paragraphs 5, 6, and 11 of Dr. Obermiller's proposal. If the Senator from Wyoming will accept that, I will modify my amendment.

In addition to that, another thing I want to get into is where do the fees go. The big discussion that it is sucked out of farmers and thrown in the Federal Treasury somehow disappears in that abysss. No; 50 percent of them go back into improving the grazing lands.

So any increase gives more money back to improve those lands.

Second, a large portion from the additional 50 percent, around 12 percent, goes back to the schools and the roads in the area.

It is not like you are increasing these fees and something horrible is going to happen. It all goes back in the area of the permittee. The problem is, though, and this is my second requested change, the residual amount that goes to the Government does not pay the costs of administering the program.

I would agree to change my amendment so that the initial revenues cover the cost of managing the program, and accept Obermiller's compromise. I will modify my amendment so that there is no Federal subsidy, and then we will take the recommendation of Dr. Obermiller, who is trying to tell us what must be done in order to ensure that cattlemen do not go out of business.

I make that offer—I do not see anybody jumping up at this point—but I will certainly distribute it widely and will leave it open until we get to the conclusion of the debate. I feel bad that anyone would believe we are trying to put ranchers and farmers out of business.

I met with members of the BLM and Forest Service who are the agencies who deal on a day-to-day basis with the permittees. They know what is going on here. I asked them at least twice—would my amendment reduce grazing in this country? The answer was no. It is not going to reduce grazing at all. The same amount of AUM's, would be sold. There would still be an equal number leased. Ranchers would not be put out of business.

Now I am even making an offer to cut this in half. We are half of the House amendment now, and offer to go half of that so they can go to conference.

I want to say we have the facts on our side. There is a lot of discussion about things I personally cannot understand or figure out. But the fact of the matter is if you go back to the subleases, and the figures of what the States and local governments are charging, these indicate that there is plenty of room for change. I remind you again that the bulk of the revenues is going back to improving the grazing lands, improving the schools, improving the roads.

We have a modest amendment. This is the first in many years this issue ever made it to the Senate floor. It started, of course, when the Grace Commission came out and said, "Hey, this is a wasteful mess here. What are you doing about it?" The House acted on it twice. This is the first time we have tried to act on it.

I hope my colleagues would keep in mind that if we are ever going to get this deficit problem under control, if we are ever going to have the feeling of equity across the country, we have to get rid of subsidies like this. Oh, they may seem very important, but if you look at the fact, the economic facts, there is no question that this is an unfair burden on the taxpayers. This is a reasonable remedy which will not hurt significantly any ranchers.

Keep in mind we are only talking about 2 percent of the producers, 7 percent of the producers in the States affected. That is a small percentage, 2.8 percent, of the total cost of raising that cow for market.

So, I urge my colleagues to seriously look at the facts. Consider how far we have come and how much we have tried to accommodate and vote for this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. WALLOP. Mr. President, it is difficult for this Senator to contain both the rage and frustration I feel at listening to a comment and statement that has just been made. The only thing that I agree with that was said by the Senator from Vermont in his statement is that personally he cannot understand what the issue is. Because that is exactly true.

I will not accept his proffered compromise for the simple reason that the compromise and the whole thing is not to be done on the floor but in the committee system of the Senate as set up and through which it operates.

To try somehow or another to make sense out of this when he has not been to the West, does not understand the issue, and demonstrated this clearly on the floor last night, is absolutely absurd.

The question is, he says, that amendment he offers is not as bad as the one from the House. I agree. But it is a question of whether you would rather be shot by a .45 or a police .38; either way you are dead or mortally wounded. That is not the point. The subleases argument is absolutely ridiculous because on its face it does not understand that the permittee, the lessee, is the one who is obliged to pick up the cost of that lease, which is the operating and maintenance cost. The sublessee does not have to do that.

Mr. President, I am a rancher. I like to think that is a more honorable profession than the one I occupy here right at this moment in time. I used to run on the public lands. As I said last night, I do not anymore. And guess why I do not. Because it is not a bargain. It is not a good deal.

I have a lot of things I would like to put in the RECORD. I will just ask unanimous consent that a series of them be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Mr. President, I heard my colleague from Vermont speak on his amendment yesterday; he made several points that I would like to take issue with.

Senator JEFFORDS said the PRIA fee inequitably subsidizes permittees. In fact, PRIA defines the fee as equitable because it keeps total private and public grazing costs per AUM equal as several recent grazing cost surveys have substantiated.

He said that the PRIA fee imposes a tax burden on American taxpayers. In fact, the PRIA fee receipts have covered reported costs of the grazing portion of the Forest Service and Bureau of Land Management range programs.

He said the PRIA fee represents 40 percent of fair market value according to the 1986 USDA/DOI report. In fact, the 1986 report gave appraisal values on private lands and nowhere defined them as fair market value.

He relied on the 2 percent of livestock industry being permittees argument to discount the size of the western livestock industry. In fact, 40 percent—30,000—of the Nation's 75,000 commercial—over 100 cows—beef cow producers hold Federal grazing permits.

He cited large corporations such as Union Oil as permittees. In fact, the BLM and USFS lists of permittees do not list any such corporate permittees.

He repeatedly stated that the USFS and BLM say there will be no reduction in AUM use as fees increase. That is an assumption, not a fact, and the assumption is not accepted by the Policy Analysis Offices in USDA and DOI.

He said that a threefold increase in fees will have a negligible effect on permittee grazing costs and will drive no one out of business. That overlooks nonfee costs which are rising rapidly and constitute on average 85 percent of permittee grazing costs.

He said that the 1986 USDA/DOI report recommended higher and different grazing fees. The report contained no recommendations at all, and in the 1987 House Interior hearings the administration disavowed the use of the reported appraisal values as a basis for changing the PRIA formula. The administration repeated its disavowal in the 1989 and 1991 House hearings.

He said 50 percent of grazing fee receipts are used for range improvements. Such uses are authorized but have not been appropriated for several years.

He implied that cattlemen support a higher fee. In fact, all of the major national and State livestock producer organizations as well as local government organizations have recommended the continuation of the existing PRIA fee.

He said the 1983 appraisal study was conducted by 30 professional appraisers. In fact, most were not appraisers at all, but rather range conservationists detailed to the appraisal study.

He said the 1983 appraisal study looked at differences in the terms and conditions of private and public grazing leases. It did not. A 5-percent difference in associated costs was assumed and cannot be verified from any available data.

He said that subleasing at inflated rates is a major indicator of a fee below fair market value. In fact, the 1983 appraisal study showed that less than one-third of 1 percent of all public permits were subleased—and when subleasing occurs the permit is revoked.

He said State and other Federal grazing leases are more highly priced. They are, but they require no commensurability, and furthermore these other permittees are compensated for the value of the range improvements they make.

Let me read just one to the Senator so he does not get lost in his own level of judgment on this thing. From Director Cy Jamison of the Bureau of Land Management, dated September 16. That is not very long ago, I suggest to my friend from Vermont. He says:

> DEAR MALCOLM: I would like to clarify that the Bureau of Land Management (BLM) emphatically disagrees with the statement that an increased grazing fee would not affect small family ranchers. Ninety percent of BLM permittees have family-sized operations of 500 head of livestock or fewer. In calculating the effect of the Synar Amendment, the BLM projected that 99 percent of the public rangeland would be priced out of the market at $8.70 per animal unit month (AUM). Between $4.35 and $5.80, we estimated a decrease in use of at least 3.6 million AUMs.

There are unused animal unit months in existence today. If they were such a great deal, those would be used. The fact is that the people offering this amendment do not have the foggiest notion.

Mr. President, let me say for the Senate, and for the public who may be watching, every other section, every other 640 acres, is private. Every other 640 acres is public.

If, somehow or another, these people are forced to say that these are no longer economic for them, the Government either takes their private property or it is involved in fencing it itself, the result would be economically catastrophic either to the industry or to the government, and with catastrophic consequences to the environment.

Just take a look at what it would take to fence every other section. Here is a section from the Bureau of Land Management, with not very good representation of a mule there. It could just as well be an elk. It could just as well be an antelope. But these require migration.

Let me just take a look at migration for a minute, if you will.

This is a map that is produced for us by the Wyoming Fish and Game Department which vehemently opposes this because of the environmental effects. These are the habitat migrations of the wildlife onto the private lands up here, to critical winter habitats, all over the State of Wyoming. Wildlife rely on the ability to move from public to private lands. If you make these lands absolutely irretrievably uneconomic, somebody has to fence them off. The Government would either have to say to the American people who lease them now that we are going to take away your private property rights or the Government would have to tell the American taxpayer that we are going to charge you $97 million just to fence one of the largest BLM grazing districts in America. Because our private sector cost is between 80 cents and $1.40 a foot, fencing just one district could cost at least 97 million bucks if the private sector does it. Guess what it would cost the Forest Service to fence it? It would cost the Forest Service about $10,000 a mile. Government is not an efficient fencer.

These people who offer this amendment—I yield myself 1 more minute—have not any idea of the economic costs, of the environmental costs, and costs relating to the credibility of the Government of the United States.

The reason I stopped leasing on the public lands, I say to my friends from Vermont and Ohio, is because you cannot trust the Government to say the same thing even during one grazing season. I lease on private land because I can go to a man and make a deal with him. He will look after the cattle. He will look after the fencing. He will look after the water. I go to see if he is doing it; I review his operation. The Government does none of those things.

One of the things I entered in the RECORD was the statement that, in fact, the Government of the United States assesses the value of these leases in an estate settlement. They tax the people who own them. And now they tell them they cannot capitalize them.

These costs are absurd. They are created by people who have not the foggiest notion of what it is like to try to earn a living as a small man in America. Neither of these folks who offer this amendment say to the 31,000 ranchers that they make a difference at all in America.

And the greatest arrogance of all is those people saying how dare we subsidize grazing when, one, they cannot prove it and, two, they come from States that take substantially greater agricultural subsidy than do ours. For a dairy State to be talking about subsidies is just on its face preposterous.

I do not like to see two segments of the agriculture community get into fights with each other. But that is what has been offered here. It is not fair. It is going to cost the Government in money. And it is going to cost the Government in credibility. And it is going to cost the Government in environment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

EXHIBIT 1

GRAZING STATEMENT

From the top of the mountains above my ranch in Big Horn, Wyoming, I can see the mixed ownership of lands that typify a public lands State. At the highest point of the mountains the Forest Service controls the forests and grasslands that stretch down into the valleys bumping against private meadows owned by ranchers and other residents of Sheridan County. Far onto the plains, BLM Lands intermingle with deeded property, and Wyoming State sections lay in the midst of both Federal and private lands. The mountains and rolling grasslands go on forever and it would seem as though they are a never ending piece of country. But, quite the opposite is true. The land is divided by an invisible counterpane with multiple ownerships and interests throughout.

Big Horn is a rural community in one of the eleven public lands States, and similar to hundreds of communities all over the West, has a working partnership, often more troubled than cordial, with the Federal and State agencies. Cooperation, consultation, and coordination have been key in the maintenance of multiple-use on these varied lands. And while the West has always struggled economically, there have been the opportunities to earn a respectable living for one's self and one's family. The value of life there, if measured in dollars, is much less than many of our friends in other parts of the Nation enjoy, but the value of life, if measured in terms of quality, and heritage, and lifestyle is critical to the West's well-being and critical to America's future.

Settling the West was disappointing in terms of productivity of the land. East of the 98th meridian, the rain-blessed, fertile crop lands provided a living on very few acres. In the arid West, however, thousands of acres were needed to support the livestock shipped to the East and to the miners in California. Pioneers had to work together and found survival possible only through multiple use of the arid lands. The same remains true today.

The Jefford's amendment threatens to economically cripple an industry and destroy a way of life. The ripple effect from what will happen in the West will also be felt across the Nation—in Georgia, Washington, DC and even in Vermont.

This measure and similar measures passed by the House have been initiated by members who do not understand the West and how the land works. They do not understand the private-public partnership, born from necessity to economically survive. And the real pity is, these measures put people in conflict with each other who don't have any reason to be in conflict.

This amendment will not generate revenues for the Federal Government as purported. Rather, it will cost the Federal Government—the taxpayer—millions and millions of dollars.

Wyoming land patterns

Private:

State lands: lands owned by the State.

Section 15 public lands: BLM controlled. Essentially isolated, small tracts—not part of a grazing district but intermingled in ranches throughout the State.

Section 3 public lands: BLM controlled. Lands in larger tracts within grazing districts as opposed to isolated tracts.

The Rock Springs Grazing District is one of the largest grazing districts in the West and is a literal checkerboard of public, private and State lands.

In the checkerboard area, each section is 640 acres. There are no fences and few markers of any kind to distinguish where one section begins and another ends.

Forest Service Grazing Lands: Combination of timbered lands and large open pastures.

Wildlife and livestock share the high lands in the summer and travel to winter range located primarily on private lands in lower elevations.

Livestock producers have formed a partnership over the years with Federal and State agencies to put these intermingled lands to their highest and best use.

Mr. President, if there is an increase in the grazing fee, most ranchers will be unable to afford the hike. Some of my colleagues will talk of what happens to a community and to a State when base economics are destroyed. I will discuss just the shear madness and expense of trying to pull livestock from the public ranges.

These intermingled lands are codependent. The PH Ranch owned by the Hansen family in Rawlins, Wyoming is a prime example. The ranch is in the heart of the checkerboard area. In the same family since 1899, the Hansens have built new water systems; upgraded existing water systems; initiated management fencing; and, improved the conditions of the range for all who use them. Wildlife has increased proportionately with improvements. The public now utilizes private lands on this ranch for recreation and for hunting, and the PH exemplifies the public lands States' tradition of public-private partnership.

Take a look at the issues of access, water and wildlife habitat—both now addressed by a cooperative effort. What will happen if the intermingled lands must be separated?

To begin with no single section is of and by itself a complete habitat with shelter, forage, and water. No single section therefore, is leasable without other sections to provide the missing link.

Water is the lifeblood of the West. Without it there are no crops, no livestock production, no wildlife. Most of the water is on private lands.

On this map of the Hansen Ranch, private water systems are in blue and those cooperatively built with the Federal Government are in black. Should the land have to be separated, the wildlife and the public would no longer have access to this resource because the ranch would need to use all of the private water and forage to maintain its livestock.

Without water, the public land has very little value—these will become isolated tracts of lands—fenced both from wildlife and from domestic stock.

ACCESS

Ranchers allow many public activities voluntarily on private lands as a part of the partnership established between public and private over the years. In legal terms, however, the public may only cross private lands to access public lands when a public road or right-of-way exists across the private lands. In the typical absence of such right-of-ways, the public has no prerogative to cross private lands without first obtaining permission from the landowner. The landowner is under no obligation to grant such permission. Corner crossings in the checkerboard area are not considered legal public access.

The high mountain lands controlled by the Forest Service provide summer livestock and wildlife grazing. In the fall both come down from the mountains to winter chiefly on private lands.

Most of the lands in the USFS System in the Western States are high elevation areas—mostly forested with fingers of open mountain parks and meadows.

Wildlife such as elk and deer use the national forests as habitat during the spring and summer seasons. When the heavy snows come to the high mountain country, the wildlife move down into the mostly private lands to winter. There—some forage is available from the edges of hay fields and near willows and streams but primarily wildlife thrive on the hay from livestock feeding grounds—supplied by ranchers at no cost to taxpayers. In fact, it is not unusual for ranchers to provide considerably more than half of the forage for elk, deer and antelope.

This caring for wildlife is also part of the historical public-private partnership.

As this chart demonstrates, wildlife numbers have increased steadily over the years dramatically contradicting arguments claiming livestock is destroying the range.

The first problem if the grazing fee is increased: Howe do you separate the public lands from the private lands?

This is a map of the Rock Springs Grazing District. 330 ranchers depend upon this district for livestock grazing. It supports over 163,000 cows; 103,000 sheep; and, approximately 5,000 wild horses.

WILDLIFE INCREASES ON PUBLIC LANDS

	1960	1988	Percent increase
Antelope	139,309	295,690	112
Bighorn	4,588	19,956	435
Deer	1,113,097	1,449,308	30
Elk	18,278	142,870	782
Moose	736	3,505	476

*Public Lands Statistic,(1960,Volume 145, 1988, Volume 173).

If the producers on the Rock Springs Grazing District decide to run only on their private lands because they can't afford a fee increase—how does the rancher, or the Federal range con know where private begins and public ends? By surveying of course.

On the Rock Spring Grazing District alone, it would take a two-man survey team thirty seven years to survey and mark the land. Or, seventy-four crews could accomplish the task in one year at a cost of over $9 million at today's prices!

Because it is against the law to graze livestock on public land wihtout a paid permit, each section would have to be fenced. It is estimated that 13,222 miles of fence would have to be built to separate the district's lands alone. At local fencing contract prices, to keep livestock off public lands in the Rock Springs Grazing District, the cost would run between $56 and $98 million.

A Wyoming rancher closer to my home of Sheridan, has the scattered, small 40-acre section 15 lands on his ranch. Were the Federal Government to construct fences to divide the properties, the cost would be around $230,000!

Who pays for the fences? Who pays for the maintenance? Who pays for the removal of old fences?

All valid questions with no clear answers. Fencing laws vary from State to State. Some States are "Fence in" States, others are "fence out" States. It is assured millions of dollars would be expended by the Federal Government either in fencing costs or in the courts to find the answers to these questions.

We talk about public cost versus private cost of grazing. The private lands are "value-added". Because the private lands were the first settled they have better forage and water. Producers keep daily watch over the livestock and veterinarians are close at hand—their services paid for by the owner of the private lands. Calving and lambing sheds, shipping facilities, barns and equipment, water, salt and other management items are supplied on the private lands. Often a residence is provided and schools are nearby. Public lands do not offer these and other amenities.

In a free market society, people pay for what they get. Private lessors provide more services than does the Federal Government. Private grazing fees do—and should—cost more than Federal leases.

In summary:

Grazing fees are not a subsidy. The fee formula enacted by Congress in 1978 was designed to keep the total costs of grazing on Federal lands, including improvements which ranchers must pay for, equal to the total costs on private lands. There is no subsidy. "Low" grazing fees do not, and indeed, cannot result in overgrazing. The Forest Service and BLM decide how many animals the range can carry, based on the conditions of the land. Were the fee one dollar—there would be neither more nor less cattle allowed.

Without public land grazing, nearly all of the 2.8 million sheep and 7.5 million cattle that utilize these lands would be eliminated. This is 47% of the beef cattle and stock sheep that graze in the 11 western public lands States. In Wyoming, 64% of the beef cattle and 95% of the sheep in the State graze at least part of the year on public lands.

In the eleven public lands States, ranchers have developed a partnership with the Federal Government. Public as well as private resources have been made available to the rest of the country through a cooperative effort to protect both the land and its riches. Sharing the ownership of the land is not easy and without question—moves to destroy the West's economy will upset the delicate balance which now exists between the Federal Government and the private landowner.

Raising the grazing fee is not a legitimate, practical, or responsible way for this Congress to try to raise revenues. This amendment will cost the Federal Treasury millions of dollars. It will be a third of a century before the Government ever generates income from this raise—assuming that anyone ever cares to do business with the Government of the United States again!!

More importantly, we risk the destruction of a heritage, a way of life—a vital, contributing economic sector in our Nation. Mr. President, the Senate must defeat this amendment.

WYOMING WOOL
GROWERS ASSOCIATION,
Casper, WY, September 9, 1991.

Senator MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR MALCOLM: I would like to brief you on the federal land pattern on Palm Livestock Company lands. Enclosed please find a map showing the land pattern of the different ranches and allotments controlled by Palm Livestock Company. Also enclosed is a set of tables showing the land ownership and AUM'S as well as a table showing the number of acres by land ownership necessary to provide an AUM. The dollar figures you see on the map are taken from an appraisal done in 1988.

A majority of the federal land controlled by Palm Livestock is checkerboard land with every other section being private. It is mostly sagebrush country primarily used for wintering sheep. The large block of federal land at the top of the map is on the Shirley Mountains and is used for summer pasture. Six of the sections on the Home Ranch are located on Elk Mountain and are heavily timbered. Because of the timber and the ruggedness of the terrain there is very little grazing on these sections.

With the checkerboard land pattern and small isolated parcels it is difficult to determine the exact miles of fencing needed to fence out the federal land. My best estimate is that there are 660.25 miles of fence necessary to exclude all federal lands. At an average cost of $1.20 per foot this would cost $4,183,344.00. The resulting fence pattern would make wise use of this land impractical for wildlife as well as livestock.

Palm Livestock Company is a privately owned family corporation. In 1988 when the appraisal was done on the ranch it consisted of nineteen shareholders. Eleven of these shareholders and their families are trying to earn a living on the ranch. Since that time because of financial problems and inter-family complications we have been selling selected assets and trying to split the remainder among the different shareholders.

As you can see from the enclosed map fencing out the federal range would have a devastating effect on Palm Livestock Company's operation. I hope this will help with your efforts.

Sincerely,

BRAD PALM,
President Elect.

PALM LIVESTOCK CO.

The following is a brief history of Palm Livestock Company and the probable effects a grazing fee increase would have on it.

Palm Livestock Company is a privately owned family corporation in Southern Wyoming. At its peak (both in land holdings and shareholders) in 1986 Palm Livestock Company had nineteen shareholders. Along with these shareholders the spouses and children bring the total number of family members involved with Palm Livestock Company to forty-one. Of these forty-one family members thirty-six were actively involved in the operation of the ranch. At that same time Palm Livestock Company consisted of five ranches around Elk Mountain and Hanna, a wheat farm near Albin, and a cattle feedlot near Torrington.

At its peak Palm Livestock Company consisted of five ranches—Basin, UL, Home, North, and Chace. The Basin Ranch is at the south end of the Company's holdings. It is bordered on the south by the Snowy Range of the Medicine Bow National Forest and on the north by the UL. Being predominantly private land, it is the most productive of the five. The UL is bordered by the Home Ranch on the north, Elk Mountain on the west, and is also mostly private land. The Home Ranch consists of the main ranch with elk Mountain as its back yard. Elk Mountain is an eleven thousand foot mountain that is mostly private land. it is home to numerous elk, mule deer, and various other wildlife. The Home Ranch also has the Quealey Block which is checkerboard land and has an 805 AUM sheep allotment on Snowy Range. It is bordered on the north by the Dana South Block which is part of the North Ranch. The Dana North Block is also part of the North Ranch. The Dana North and Dana South have an 816 and 817 AUM sheep permit respectively and are also located on Snowy Range. The North Ranch is mostly checkerboard land with a fair size parcel of federal land on the Shirley Mountains. The Chace Ranch is mostly private and has the Dana North and South as its western border. It has an 825 AUM sheep permit on Snowy Range and is mostly sagebrush country. This is the least productive of the five ranches.

Since 1986 because of financial difficulties and disagreements among shareholders, Palm Livestock Company has been selling selected assets and trying to divide the remainder. An isolated parcel of the Chace Ranch was the first asset sold. In 1990 the feedlot in Torrington was sold. In that same year the UL Ranch and Albin farm were split off satisfying approximately twenty-five percent of the shareholders. The remainder of the Chace Ranch is currently for sale. By January of 1992 it should be sold and the remaining assets of Palm Livestock Company divided.

Palm Livestock Company was formed and bought its first property near Elk Mountain in 1949. It was formed by Edwin Palm and his children when they out grew the family farm at Albin. Upon Edwin's death in 1964 and the death of his wife in 1972 control of Palm Livestock Company passed to their four surviving children. At that point each survivor had about twenty-five percent ownership in the company. Of these four three were involved in the ranch. Since that time the third generation has grown up and been given some ownership in the ranch. When the final split of Palm Livestock Company happens by January 1992, it will be split four ways among the families of the second generation. It will be divided as follows: the UL Ranch and Albin farm have already been split to one family, the Home Ranch and Quealey Block will be Palm Livestock Company's ranch, the Basin Ranch will be the third family ranch, and the North Ranch and Dana Blocks (North and South) will be the fourth ranch. The Chace Ranch will be sold to reduce debt.

Palm Livestock Company is currently carrying long term debt at $448.00 per animal unit (12 AUMs). This is based on all animal units owned or leased. As you can see from the enclosed set of tables the Basin and UL ranches would not be significantly hurt by a grazing fee increase. The North and Home ranches with their large sections of checkerboard land would, however. If these ranches are priced off the federal range the result would be to decrease the carrying capacity of these ranches by 16,332 AUMs. Not only would this decrease the carrying capacity but it would increase debt service to $646.00 per animal unit on these two ranches.

If Palm Livestock Company is priced off of the federal lands the only way to keep livestock off would be to fence out the federal lands. The following is a breakdown of how many miles of fence it would take on each ranch unit and how much it would cost at an average of $1.20 per foot: Basin, 36.25 miles for a total cost of $229,680.00; Home and Quealey, 209.75 miles at a cost of $1,328,976.00; North and Dana (North and South), 317.75 miles at a cost of $2,013,264.00; Chace, 76.5 miles at a cost of $484,704.00. This is a total of 660.25 miles of fence at a total cost of $4,183,344.00. Because most of this land is checkerboard with every other section being private land, the resulting fence pattern would make use of both the private and federal land impractical. It would also be extremely detrimental to the wildlife that inhabit these lands.

When a stranger picks up the paper and sees a list of the largest federal permittees in the country he begins to visualize large land barons. This is seldom the case. Palm

Livestock Company is typical of many large ranches. It grew as the number of family members trying to earn a living from it grew. Eventually the family grows faster than the ranch can afford to expand. This has happened to Palm Livestock Company. Because Palm Livestock Company is a family corporation even those members not living on the ranch have some ownership in it. As the families on and off the ranch have grown so have the disagreements and jealousies until the only alternatives are to sell or split up. With the fourth generation beginning to enter college and twenty-five percent of the ranch going to family not currently involved in the ranch any grazing fee increase will probably put Palm Livestock Company out of business.

The following tables were derived from an appraisal done in 1988 on Palm Livestock Company lands.

Table 1 shows land ownership on each ranch or allotment.

Table 2 shows the number of AUM's on each ranch or allotment.

Table 3 shows the number of acres needed for each AUM by ownership on each ranch or allotment.

TABLE 1—LAND OWNERSHIP BY ENTITY EXPRESSED IN ACRES

Ranch	Private	State	UPRR	BLM	Totals
Basin	11,940	2,220	0	760	14,920
UL	7,840	640	0	640	9,120
Home	21,130	3,360	0	7,152	31,642
North	13,828	2,560	1,200	18,308	35,896
Quealey Block	25,858	1,280	1,920	26,748	55,806
Dana North	27,630	1,360	13,792	29,780	72,562
Dana South	16,280	1,280	2,680	13,864	34,104
Chace	42,680	6,186	1	14,996	63,863
Totals	167,186	18,886	19,593	112,248	317,913

TABLE 2—AUM'S BY ENTITY

	Private	State	UPRR	BLM	Forest	Totals
Basin	26,502	587	0	127	80	27,296
UL	11,255	361	0	132	0	11,748
Home	17,390	721	0	585	0	18,696
North	4,246	238	204	3,112	0	7,800
Quealey Block	4,595	192	238	3,339	805	9,169
Dana North	4,755	225	2,234	4,810	816	12,840
Dana South	3,154	281	397	2,048	817	6,697
Chace	8,570	815	0	1,787	825	11,997
Totals	80,467	3,420	3,073	15,940	3,343	106,243

TABLE 3—AVERAGE ACRES PER AUM

	Private	State	UPRR	BLM	Average
Basin	0.45	3.78		5.98	3.41
UL	0.70	1.77		4.85	2.44
Home	1.22	4.66		12.23	6.03
North	3.26	10.76	5.88	5.88	6.44
Quealey Block	5.63	6.67	8.07	8.01	7.09
Dana North	5.81	6.04	6.17	6.19	6.06
Dana South	5.16	4.56	6.75	6.77	5.81
Chace	4.98	7.59		8.39	6.99
Average	3.40	5.73	6.72	7.29	5.53

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, September 16, 1991.
Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: I would like to clarify that the Bureau of Land Management (BLM) emphatically disagrees with the statement that an increased grazing fee would not affect small family ranchers. Ninety percent of BLM permittees have family-sized operations of 500 head of livestock or fewer. In calculating the effect of the Synar Amendment, the BLM projected that 99 percent of the public rangeland would be priced out of the market at $8.70 per animal unit month (AUM). Between $4.35 and $5.80, we estimated a decrease in use of at least 3.6 million AUMs. The Jeffords amendment, which would increase the current fee to $5.09, would surely cause a loss in AUMs and revenue, and would have a serious impact on the profitability and survivability of many small ranchers.

Sincerely,

CY JAMISON,
Director.

COMPARISON OF OPERATING COSTS PER AUM ON PUBLIC LAND RANCH VERSUS PRIVATE LAND RANCH UNITS

This table, following the Federal Standards established in the 1966 Fee Study, updates the 1966 results to 1990 values:

TOTAL GRAZING COSTS ON OPERATIONS USING FEDERAL GRAZING PERMITS AND PRIVATE LEASES

Operation	Federal grazing permits	Private leases
Lost animals	$1.82	$1.12
Association fees	.27	0
Veterinary	.45	.53
Moving livestock to and from	1.11	1.16
Herding within operation	1.86	.77
Salt and feed	2.32	3.09
Travel to and from operation	1.49	1.19
Water (production items)	.27	.20
Horse	.50	.31
Fence maintenance	.89	.92
Water maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Totals	12.48	10.41
Federal grazing fee (1990)	1.81	...
Private forage value (includes lessor's overhead and risk) (1990)	...	4.35
Total operating costs P/AUM	14.29	14.79
Capitalized cost of grazing permit	3.25	...
Total costs	17.54	14.79

Note.—Internal Revenue Service valuation of grazing permit at $850 per animal unit month; Montana, 1980. Capitalized cost is calculated using 8% as the long term rate of return as in the 1966 fee study. (650/12×8%=3,25). Actual out of pocket cost equals ranch unit purchase price divided by 12 months, and multiplied by the long term cost of money. i.e. ($1,000/12=$83.33×10%=$8.33 per AUM; Dr. Fowler, N.M.S.U.)

Source: Dr. Darwin Nielsen, Utah State University.

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Sheridan, WY, September 4, 1991.
Reply to: 2240/2210.
CHAS KANE,
1026 Soldier Cr. Rd.,
Wolf, WY.

DEAR PERMITTEE: I appreciate all of the work you have put into maintaining your range allotment improvements over the years. In the past the Forest Service has supplied some of the materials for maintenance, but due to the tightening of our budget this practice may have to be curtailed. We may be able to provide some supplies, but each need will have to be evaluated individually. Of course, we will still provide materials for any new improvement. I realize this may be an impact on you, but our funding cannot handle all of these expenses. Please come in and talk to Tut Anderson or me if you have any questions.

Sincerely,

CRAIG L. YANCEY,
District Ranger.

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE
Washington, DC, September 16, 1991.
Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: This analysis is valid only under the assumption that grazing permits are easily transferred to new permittees without regard to base property requirements.

Sincerely,

F. DALE ROBERTSON,
Chief.

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, August 29, 1991.

Reply To: 2200.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: Thank you for your August 1, 1991, letter requesting the Forest Service's estimate of the impact of your draft amendent on animal unit months (AUMs) sold for the forseeable future. You also requested technical comments on the drafting of the amendment.

The proposed two-tiered fee would be difficult for the Forest Service to administer under the current billing system. We have no way of currently tracking an individual permittee's combined-use level on all allotments, some of which may be on other National Forests or within the jurisdiction of other agencies. About 15 percent of public rangeland permittees graze their livestock on both Forest Service and Bureau of Land Management allotments. Additionally, a number of our permits are held by grazing associations with many individual members.

Our billng system would need to be modified to meet the intent of the draft amendment. This modification would take approximately 1 year.

The minimum of 2,000 AUMs would impact some small family ranchers. For example, a 6-month grazing season would reduce the affected herd size to 333 animal units. However, a permittee who grazed only 1 month on a National Forest could have a herd size of 2,000 animal units and not be affected. This minimum should be addressed in the context of the complete ranching family operation.

Finally, we recommend some technical changes to the proposed amendment. In section 6(a)(1)(A) of the Public Rangelands Improvement Act of 1978 insert "in the 16 western States" following "grazing fees for the public rangelands". In section 6(a)(1)(B), insert "Forest Service and Bureau of Land Management" following "for the first 2,000 animal unit months of combined".

Our technical comments on your draft amendment should not be construed as altering the Administration's position that the current grazing fee formula should not be changed.

If you need further assistance, please call Robert Williamson, Director of Range Management, at 205-1460.

F. DALE ROBERTSON,
Chief.

ESTIMATED EFFECTS OF JEFFORDS GRAZING FEE AMENDMENT

Year	Calculated fee	33.3-percent limited fee	Large permittees: AUMs-Sold: Low fee	Large permittees: AUMs-Sold: High fee	Large permittees: Estimated revenue	Smaller permittees: AUMs sold	Smaller permittees: Estimated revenue	Smaller permittees: Estimated total revenue
1992	$4.94	$2.63	2,264.558	303,450	$7,454,830.54	4,080,421	$10,731,507.23	$18,186,337.77
1993	4.99	3.49	2,264,558	303,450	9,417,522.92	4,080,421	14,240,669.29	23,658,192.21
1994	5.04	4.65	2,264,558	303,450	12,059,582.70	4,080,421	18,973,957.65	31,033,540.35
1995	5.09	5.09	2,264,558	303,450	13,071,160.72	4,080,421	20,769,342.89	33,840,503.61

Assumptions.—For estimating purposes, we have not considered any BLM grazing in estimating the 2,000 AUMs. 48 percent of AUMs are used by 19 percent of permittees with herds of more than 500 head, these large permittees use an average of 2.175 AUMs per year. 2,000 AUMs would be purchased at the 33.3 percent limited fee and 175 would be purchased at the calculated fee. 52 percent of AUMs are used by 90 percent of permittees with herds of less than 500 head. We assumed they would pay the 33.3 percent limited fee for all of their AUMs.

Note.—Many Forest Service permittees spend Fall, Winter or Spring on BLM administered lands, therefore, these estimates are considered conservative. No reductions in AUMs sold are made at the fee of $5.09. However, we estimate that there would be a decrease of 1.218 AUMs if the fee rose from $4.35 to $5.80.

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, August 15, 1991.

Hon. JAMES M. JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: Thank you for your letter of August 1, 1991, requesting the Bureau of Land Management's (BLM) estimate of the impact of the grazing fee amendment which you may offer on the sale of animal unit months (AUM's).

The proposed two-tiered fee would be extremely difficult for the BLM to administer under the current billing system. Since our grazing bills are processed at the Resource Area level, we have no way of tracking an individual permittee's combined use level on all allotments, some of which may be in other Resource Areas, Districts, or States, or in the jurisdiction of other agencies. About 15 percent of public land permittees hold both BLM and Forest Service allotments. A number of our permits are held by cooperative grazing associations with many individual members, a further complication. It is also likely that many permittees would divide their preferences among family members or partners to qualify for the lower fee.

Even if we had the resources to develop an entirely new billing system, on an individual rather than a Resource Area basis, it might well take until 1995 to implement, and the effect would be lost.

Furthermore, the 2,000-AUM threshold, averaging 500 AUM's grazing 4 months a year, does not insulate all of the small family ranchers. In the Southwest, where use is yearlong, this would provide for only 167 animal units. In much of the West, where a 6- to 9-month grazing season is common, this limit would extend to lands of 333 to 222 animal units.

If we can provide you or your staff with further information on the grazing fee issue, please call.

Sincerely,

SUSAN RECCE LAMSON,
Director.

ESTIMATED EFFECTS OF JEFFORDS GRAZING FEE AMENDMENT

Year	Calculated Fee	33.3 percent limited fee	Large permittees: AUMs sold[1]: Low fee	Large permittees: AUMs sold[1]: High fee	Large permittees: Estimated revenue	Smaller permittees: AUM's sold	Smaller permittees: Estimated revenue	Smaller permittees: Estimated total revenue
1992	$4.94	$2.63	3,690,000	1,480,000	$17,015,900	5,830,000	$15,332,900	$32,348,800
1993	4.99	3.49	3,690,000	1,480,000	20,263,300	5,830,000	20,346,700	40,610,000
1994	5.04	4.65	3,690,000	1,480,000	24,617,700	5,830,000	27,109,500	51,727,200
1995	5.09	5.09			26,315,300	5,830,000	29,674,700	55,990,000

[1] Total $5,170,000.

Assumptions—For estimating purposes, 2,000 AUMs equals 500 head grazing 4 months on BLM range. 47% of AUMs are used by the 10% of permittees with herds of more than 500 head. These large permittees use an average of 2,822 AUMs per year. 2,000 AUMs would be purchased at the 33.3%-limited fee and 822 would be purchased at the calculated fee. 53% of AUMs are used by the 90% of permittees with herds of less than 500 head. We assumed that they would pay the 33.3%-limited fee for all of their AUMs (p. 4, 1986 Fee Study).

Note:—Even though BLM projects no reduction in AUMs sold at a fee of $5.09, it is likely there would be some decrease in use. Under the Synar fee proposal, BLM had estimated that there would be a decrease of 3.6 million AUMs if the fee rose from $4.35 to $5.80.

U.S. SENATE,
Washington, DC, August 1, 1991.

GEORGE MATEJKO,
Legislative Affairs, USDA Forest Service, Washington, DC.

DEAR GEORGE: Per our conversation, enclosed find a copy of one of the amendments I may offer regarding grazing fees. As we discussed, I would like the Forest Service's estimate of the impact of this amendment on AUMs sold for the foreseeable future.

In addition, any technical comments you may have on the drafting of the amendment would be appreciated. I am not seeking your support of the amendment, as I know that is a lengthy process. I am merely interested whether the language of the amendment comports with the intent I described, and does so in a workable fashion.

Again, I want to thank you and your colleagues for all the time you spent with me and my staff this afternoon. I appreciate your help very much.

Sincerely,

JAMES M. JEFFORDS.

WYOMING REALTORS
LAND INSTITUTE,
Buffalo, WY, August 6, 1991.

TO: SENATOR WALLOP.

Re: Legislation pertaining to livestock grazing fee increases on public lands.

DEAR SENATOR WALLOP: The Wyoming Realtors Land Institute, comprised of 46 ranch real estate marketing companies, located throughout the State of Wyoming just recently met and passed a resolution stating their total opposition to any livestock grazing fee increases of any kind on public lands.

Members of the Wyoming RLI represent hundreds of Wyoming livestock producers who are in the process of selling their ranches that utilize public lands for grazing, as well as many other multiple-use purposes.

Because of the legislation that is now being considered by Congress to increase livestock grazing fees, there is a tremendous amount of uncertainty concerning the marketing and sales of Wyoming ranches that have BLM permits. Ranch buyers contemplating purchasing a ranch with BLM permits are drastically discounting the value of a ranch that holds BLM grazing permits. In effect, the marketplace is being impeded and ranches are not only being devalued but also are extremely difficult to sell.

This grazing fee legislation is an unprecedented frontal assault on multiple use policy and the local economies in the West.

If the proposed legislation passes, you will see hundreds of ranches in the Western United States go either bankrupt or under severe financial duress.

The Wyoming RLI urges you to defeat this legislation totally with no compromises.

Respectfully submitted.

JOHN D. PEARSON,
President, Wyoming Realtors Land Institute.

SOUTHWESTERN WYOMING RANCHES LOSE MOST VALUE IF FEES HIKED—STUDY: LESSER IMPACTS IN OTHER PARTS OF STATE

(By Katharine Collins)

ROCK SPRINGS.—Typical ranches in southwestern Wyoming stand to lose nearly $80,000 in value for every $1 hike in federal grazing fees, a new study shows.

The study completed earlier this year at the Agricultural and Food Policy Center (AFPC) at Texas A&M University analyzed the implications of a range of federal grazing fee hikes for ranch operations in Wyoming, Montana, New Mexico and Nevada.

It found that southwestern Wyoming ranchers stand to suffer the greatest losses in ranch value.

A proposal to more than double the amount the federal government charges for livestock grazing on public land by 1995 is expected to reach the U.S. Senate floor by Wednesday. Similar measures passed the House earlier this year.

Grazing fees are based on "animal unit months," or AUMs. One AUM is the amount of forage needed to sustain one cow and one calf, one horse, or five sheep for one month.

Texas A&M Agricultural Economics Professor James Richardson, who headed the study, said the information was requested last January by Rep. Joseph Skeen, R-N.M., a member of the House interior committee.

Richardson said the agricultural policy study center at Texas A&M is funded by special appropriation from the U.S. Congress. The study group analyzes proposed or existing agricultural policies for both House and Senate appropriations and agriculture committees.

Richardson conceded that the outlook for sheep ranches in southwestern Wyoming—typically heavily dependent on federal grazing lands—is "dire" if grazing fees are substantially increased. But he said he simply presents the date and makes no policy recommendations.

"If the fees are increased to $8 per AUM, that reduces the net cash annual income of southwestern Wyoming ranchers about 64 percent, and decreases their net worth by about 58 percent," Richardson said Monday. "Many of the ranchers will not be able to survive for 10 years."

Richardson said those figures apply only to ranches with low debt-to-asset ratios. "Ranchers who have more than 25 percent debt will not be able to remain in business for six years," he said.

Using a computer model and data on local ranching costs gathered directly from ranchers, the report projects the effects of increases in federal grazing fees on low-debt, moderate-debt and high-debt ranching operations in the four states. The study also distinguishes among ranches that are minimally, moderately or highly dependent upon leased federal grazing lands.

The computer model is applied to a mythical "representative" ranch in each region studied. The study describes the southwestern Wyoming typical operation, really an amalgam of several ranches.

"The Southwestern Wyoming (typical) ranch runs 5,000 ewes and 350 cows in Lincoln, Uinta, Sweetwater and Carbon Counties," the report reads. "It owns 4,400 acres and leases 215,180 acres of federal land from the (Bureau of Land Management) BLM and Forest Service. Of the other 98,023 lease acres, 47,742 acres are leased from a grazing association, 34,537 are leased from the Union Pacific Railroad, 5,079 acres are privately leased, and 10,665 are state lease lands.

"Federal leases account for 1,025 AUs (60 percent) of the 1,693 AUs required by the ranch. This ranch grows 210 acres of alfalfa, 250 acres of grass hay, and 70 acres of oats to provide supplemental feed."

According to the report, if the grazing fees are simply doubled from their current level of $1.97 per AUM, the net worth of the typical low-debt ranch falls by 20.5 percent, or $167,950.

The moderately indebted ranch is reduced in value by half, or $186,000, it showed.

Such an increase would "totally bankrupt" a high-debt ranch, Richardson said, explaining why the result does not even appear in the chart on southwestern Wyoming.

The study also pinpoints two types of sheep operations in the Buffalo area—shed lambing outfits and range lambing outfits.

The study concludes that "shed lambing" ranches, which rely very little on leased federal grazing lands.

As a result, those ranches will not see a significant drop in their net worth—only a 5 percent drop for high-debt ranches even if the AUM shoots up to $8.

The impact of each $1 increase in the grazing fees on the net worth of the shed lambing ranches is $2,000, the study says.

Range lambing operations in northeastern Wyoming are analyzed in two groups—those with little dependence on federal grazing leases and those that are 75 percent dependent.

For those with little dependence on federal grazing leases, a doubling of the current AUM cost to $4 would have a negligible effect—less than 1 percent—on the net worth of the typical ranch, regardless of debt level. Each $1 increase in the AUM decreases the net worth of such ranches by $2,000, the study says.

But northeastern Wyoming range lambing outfits would suffer losses of from 9 percent to 12 percent—depending on the level of debt—with an increase in grazing fees to $4 per AUM, the data show. Income losses for those same ranches would be about $15,000 annually. Each one dollar increase in the AUM decreases the net value of these ranches by $25,000, according to the study.

For the other states analyzed, the impact of each $1 per AUM increase in grazing fees is a $6,700 reduction of net worth for a southeastern Wyoming ranch, a $47,000 reduction in northwest Nevada and a $52,400 reduction in the value of a southeastern New Mexico ranch, according to the study.

BANKERS: GRAZING FEE HIKES COULD HURT EVERY STATE BANK

(By Katharine Collins)

ROCK SPRINGS.—Wyoming bankers say a proposed hike in federal grazing fees will have some adverse affect on nearly every bank in the state.

Dick Van Pelt, executive vice-president of the American National Bank in Laramie and chairman of the Wyoming Bankers Association (WAB) agriculture committee, said no bank in the state would be totally immune to shocks in the ranching economy.

"We've written our congressional delegation," Van Pelt said "I'm certain they feel the same way we do. The fee hike could take the profitability out of Wyoming ranches and that's a concern for any bank in Wyoming. The agriculture industry is fairly substantial in Wyoming."

Despite the worries in the banking industry, Mike Saunders, a spokesman for the federal Farm Credit System in Wyoming, said his agencies are not reducing credit to public land livestock operations.

"There are a lot of variables and a lot of cooks in the kitchen," he said. "And our experience has shown that a lot of things can happen in politics and consequently we're not changing our position on loans to operations involving public lands."

Still, Saunders voiced concern about the potential impact of higher grazing costs on short-term and long-term agricultural credit lines in the state

Van Pelt said that Gretchen Tea, WBA executive director, will call on Wyoming Republican Sens. Malcolm Wallop and Alan Simpson this week in Washington to lobby against the fee hikes.

A successful House measure passed earlier this year could boost fees from the current $1.97 per animal unit month (AUM) to as high as $8.70 by 1995. A less drastic measure, which also passed the House, would increase the fee to $5.05 per AUM by 1995. The issue is expected to reach the Senate floor Wednesday or Thursday, as an amendment to the Senate Appropriations Bill (see related story).

In addition, Van Pelt said, the chief topic for the WBA annual meeting next January will be the effects on agricultural credit that changes in the grazing fee structure could cause. Exactly what form the agenda item will take will depend on Congress' final action on grazing fee increases.

Saunders said officials in the Farm Credit System "believe a fee hike is certainly going to have an impact on a lot of operations, their cash flow, and subsequently their ability to service debt.

"We think it will have an impact on the quality of our portfolio * * * As the price of (federal grazing) leases goes up, we think the price of real estate will go down," he said.

Saunders is president of the western division of Farm Credit Services, a member-owned cooperative comprised of the federally-chartered Production Credit Association (PAC) of the Midlands and the Federal Land Bank Association (FLBA) of the Midlands.

The western division includes Wyoming and the Nebraska panhandle.

The FLBA issues long-term loans for farmers and ranchers, loans that are secured by the land itself.

The PCA makes operating and shorter-term loans to cover annual expenses associated with farming and ranching—such as the purchase of seed, livestock and equipment.

Money from farm loans is generated through the sale of bonds, which are bought and sold daily on the nation's money markets. The bonds are backed and guaranteed by the federal government.

Saunders said he has reviewed portfolios in the four area lending offices his division supervises in the state. He said nearly all loans in the Kemmerer area would be affected by a fee increase, about 70 percent in Gillette, 60 percent in the Casper area, and about 50 percent in Worland.

The impact a fee increase will have on any one operation depends upon the operation's proportionate reliance on federal lands, Saunders said.

The total impact on the Farm Credit System in Wyoming, he said, is that approximately $40 million of the $170 million FLBA portfolio would be placed at some risk. Saunders did not quantify the risk, however.

And about $16 million of $73 million PCA portfolio would be "impacted to some extent. It could make a marginal loan unsecured or under collateralized."

Saunders said the Wyoming sheep industry stands to be hurt the most by grazing fee increases. He said sheep operators rely more heavily on public land, and "the industry has not been profitable for several years."

Saunders cited one "moderately large" southwestern Wyoming sheep operation that he said could not withstand the kinds of grazing fee hikes passed by the House. He described in the operation as a "break-even" outfit, just meeting its expenses last year.

"We took their same cash flow and plugged in the $8.70—their operation is about 80 percent on public lands—and analyzed the impact on their cash flow." Saunders said. "They go from break-even to losing $107,000 a year.

He said the proposed first-year increase in grazing fees to $4.35 per AUM would produce a loss of $35,000 for the operation.

Supporters of the fee hikes say that the current fees are so low that they represent a subsidy that is unfair to producers who compete with Western ranchers.

Saunders said that leased federal grazing lands, though not strictly considered collateral on loans, have a "perceived value" which enhances the creditworthiness of the lease-holders.

A change in fee structure, or a revised method of allocating leases—for example, the use of competitive bidding as has been proposed by some lawmakers—would throw the entire farm credit system into disarray, Saunders said.

"Traditionally the leases on public land have been considered assured," he said. "There really are no guarantees, they're not perpetual but * * * any public land associated with a particular operation generally remains with that operation."

CAN DEMOCRATS TAKE BACK THE WEST?

(By Warren T. Brooks)

Since 1980, the Republicans have had an electoral lock on the West because of the Sage Brush Rebellion, a coalition of ranchers, farmers, lumbermen, miners and oil drillers fighting the no-growth environmentalism of the Carter administration.

Now, three Democrats have constructed a diabolical plan to hang those Republican constituents economically, and some Republicans are all-to-eager to supply the rope.

Reps. Mike Synar of Oklahoma, Chester Atkins of Massachusetts and George Darden of Georgia propose to quadruple the grazing fees on federal land from the fiscal 1991, now $1.97 per animal unit month (AUM), in stages to $8.70 AUM by fiscal 1995. The net effect of this move will be to take the present average total operating costs on federal lands from about $14.29 AUM (including water, feed, fencing and range improvement) to about $21.18. (See Table.)

Since that is 43 percent higher than the comparable $14.79 AUM costs on private grazing lands, Oregon State's range resource economist Frederick Obermiller said, "The Synar fee system would set grazing fees above the fair market value of public rangeland livestock forage, and hence would lead to the demise of livestock grazing in the Western United States."

Not only will this make the Democrats heroes to environmentalists who want to end all grazing on federal lands (and give them effective control over 40 percent to 90 percent of the land of those states), but it will destroy the Republican constituency.

So why did 47 Republicans join 187 Democrats to pass the Synar-Atkins-Darden bill as an amendment to the fiscal 1992 Interior Appropriations bill last June 25? Why did normally sensible conservatives like GOP Reps. Bill Archer, Tom DeLay, and Lamar Smith of Texas, Chris Cox and Dana Rohrabacher of California, Phil Crane of Illinois, Gerry Solomon of New York, and Bob Walker of Pennsylvania vote to turn vast Republican rangelands over to the Sierra Club?

Most such conservatives see this as simply another federal "subsidy" going to "rich cattlemen," and they felt compelled to listen to Mike Synar's rhetoric: "Only 2 percent of our nation's cattle ranchers, 26,000 out of 1.6 million, enjoy a grazing subsidy that no other rancher in this country enjoys. That is a fact. It is a fact that they are chewing their way through $150 million a year of taxpayer money. That is a fact. And finally it is an irrefutable fact that 60 percent to 70 percent of our rangelands in this country are in poor or unsatisfactory condition."

Yet the Bureau of Land Management reported in 1990 public rangelands were in better shape "than ever before in this century," with 69 percent rated excellent to fair, while land in "poor condition" had fallen from 36 percent in 1936 to 16 percent in 1989. Some "facts."

One "fact" Mr. Synar left out is that his bill would enormously stimulate prices and profits of his own cattlemen constituents, including himself and Mr. Darden. The rest of his "facts" came from a General Accounting Office study that he ordered up for the occasion. But GAO has become such a shill for the majority party that funds its budget, it now has minimum credibility.

Mr. Synar's most credible support comes from Citizens Against Government Waste (the Grace Commission) and the National Taxpayers' Union, both of which oppose any and all subsidies.

But the grazing issue is not a straight "subsidy" issue. Since ranchers pay some $36 million to the Treasury, it is only a subsidy if the land could be leased to others for more. While that may be true of about 5 percent to 10 percent of these lands, it is not true for the rest. Otherwise, there would not be 20 percent unused permits in a period of soaring beef prices. Indeed, a 20 percent "vacancy rate" is sure proof the grazing fees are, for most of the land, too high, not too low. Several rangeland economists estimate that if the fee rate is quadrupled, total fees received by the Treasury will fall to less than $15 million, because at present price elasticities every 100 percent increase in price will cut land use 50 percent. A 300 percent rise will take 93 percent of the land out of grazing.

That means the Synar bill constitutes a massive "taking" of private property and water rights that could cost taxpayers billions in court suits that are already being prepared. Remember, these grazing permits are "owned" by 31,000 ranchers, many going back to the turn of the century and earlier, who have made big investments in these ranges including developing all their water resources and fencing. The Internal Revenue Service treats their permits as taxable capital assets.

Currently those ranchers, whose average income is only $28,000 a year, hold a taxable capitalized value of more than $12 billion. But their water rights have no value except for grazing.

The biggest cost of this bill comes because it would force Uncle Sam to shell out billions in preservation costs for land that now earns money. Since these lands are interspersed with private ranges, they would have to be "fenced out" against private grazing by the government. In one grazing district alone, Rock Springs, Wyo., BLM estimates it will have to put up 13,222 miles of fencing for a total taxpayer cost of $97,737,000. In total, those costs could exceed $2 billion.

Finally, there is nearly universal agreement that while some areas have been overgrazed, by far and away the biggest damage to these lands has come from federally protected wild horses whose sharp hooves do far more damage than cattle.

In short, the Synar bill has very little to do with ending subsidies, or saving land or money. It has everything to do with locking up federal lands, pushing up the prices of beef and veal 10 percent for all other cattle ranchers, and putting the Republican Party out of business in 8 or 10 Western states.

TOTAL GRAZING COSTS

Per animal unit month (AUM)	Federal lands	Private leases
Lost animals	$1.82	$1.12
Association fees	.27	—
Veterinary	.45	.53
Moving livestock	1.11	1.16
Herding	1.86	.77
Salt and feed	2.32	3.09
Travel to and from	1.49	1.18
Water (production items)	.27	.20
Horse grazing (wild)	.50	.31
Fence maintenance	.89	.92
Water resource maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Total	12.48	10.40
Fed grazing fee (1990)	1.81	—
Private forage value	4.35	—
Total operating	14.29	14.75

Source: Darwin Nielsen, Utah State University, 1990.

Mr. JEFFORDS. Mr. President, I would like to point out that the Senator who just spoke is the ranking member on the committee which would handle any kind of changes in these fees. There has not been any hearing, even though the conference committee to the appropriations bill from last year instructed the authorizing committees to resolve the issue this year, so we could act with the kind of backing of the authorizing committee he discussed.

I yield to the Senator from Ohio 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. METZENBAUM. Mr. President, I want to start off by saying I yield to my friend from Wyoming. He knows more about this subject than I do. But I know something about figures, numbers, and I know that the Government and the people of this country are getting a bad deal. And it should not be that way.

I also know what this amendment provides. Although my colleague from Wyoming talks about fencing and the cost of fencing, there is no law requiring fencing out. Our amendment will not require one penny more to be spent on fences.

There has been much debate over the course of the past week on the subject of western grazing fees. It has been long on obfuscation and hyperbole, and it has been short on the facts. There has been talk of fencing off the West, of ruining the environment; that our amendment would drive small ranchers off the land and forever change the character of western life.

No one, no one in this body, no one who I know of would want to do that. But nothing could be further from the truth. According to the Forest Service and the Bureau of Land Management, the modest increase in grazing fees authorized under our amendment would not result in the removal of a single cow or sheep from the public range.

Mr. President, let us make something clear. Only 8 percent of Rocky Mountain ranchers are the beneficiaries of Federal grazing leases. That means only 1 out of 12, 8 percent; only 2 percent of cattle ranchers across the Nation have them. That means only 1 out of 50 cattle ranchers across the country have these Federal grazing leases.

Everyone else pays markets rates for the rights to graze on private land. They pay four, five, six times as much. The fact is, this amendment will not affect many ranchers at all. The real issue here, Mr. President, is—nobody has yet mentioned it in 3 days of debate, and I will point it out—only a few ranchers are entitled to graze on Federal lands. Some never have that opportunity. This does not apply to all the cattlemen in the country. Grazing rights are not competitively bid. They are handed down from one generation to the next because the right to graze on Federal lands is based on the ownership of private property.

For example, a 3,000-acre ranch in Colorado may have the rights to 300,000 acres of Federal grazing land. That right accompanies the ownership of the privately owned land. It does not change. If you own 3,000 acres, you have rights to 300,000 acres, whatever the case may be, of private grazing land. Whoever owns the private land has exclusive rights to the grazing permit.

Accordingly, Mr. President, the grazing right drastically increases the value of the ranch. And I ask, what would be more valuable: A 3,000-acre ranch or a 3,000-acre ranch with the rights to 300,000 more acres of publicly owned grazing land? The answer is obvious, and that is the rub. Our amendment will force ranchers to pay a little more for their Federal entitlement and will therefore decrease the value of that entitlement.

I would like to address myself for a few minutes to the subject of the grazing fee subsidy. Most people in this country probably do not have any idea what this is all about, and they do not understand what a good deal this small group of ranchers have.

Currently, ranchers pay permit fees that total about $1.97 per animal each month; less than $2 per animal. The fee is set by a formula established by a 1986 Executive order based on an appraisal of the forage value of the land that was conducted 25 years ago in 1966. Does that have any bearing whatsoever on the current market value of the land? Of course not.

In many places, public land ranchers are paying less than a quarter of what they would pay to graze on privately owned lands, and Uncle Sam is Mr. Sucker.

In 1983, the U.S. Department of Agriculture estimated the fair market value was between $4.68 and $8.55, which compares with the $1.97 presently paid. Since that fair market value was established in 1983, the value of the land has increased.

According to a 1986 report from the Secretary of Agriculture and the Secretary of the Interior, the market value of forage land in six western regions was between $6 and $11 per animal per month. That is the 1986 report from the Secretary of Agriculture and the Secretary of the Interior, the figures indicating the value 3 to about 5½ times what is actually being paid.

We heard some discussion on the floor, a good deal from my friend from Wyoming, about the relative accuracy and general usefulness of these Federal agency reports; that they were only prepared by bureaucrats who do not know anything about ranching and western life.

I will respond to that by saying that if these reports are wrong and these public lands really are only worth $1.97 per animal per month, then why are Federal grazing permittees subleasing out their grazing rights to other ranchers for as much as $7 per animal per month, and illegally, I might add, as well.

That is what is happening, Mr. President. I will repeat it. Federal lands are being subleased by permit holders because private ranchers know the land is worth more than $1.97 per animal per month, and they are willing to pay it. How do I know this?

In 1987, the Colorado State University published a study—a Western State university—disclosing that 1,000 Federal permittees paying the then Federal fee of $1.39 were subleasing their permits for rates in excess of $7. A similar report was published by the Los Angeles Times in a series of articles pointing out the inequity of the grazing fee system.

According to the Department of Agriculture, in 1991, a rancher with a Federal permit could turn out a 500-head herd of cattle for 4 months at a cost of $3,940. Ranchers without such a permit would pay the market rate of $9.22 per animal unit for a total cost of almost $18,500, as compared to the $3,940.

Here is another aspect of this egregious issue, Mr. President. Grazing fees charged to ranchers do not even cover the cost of maintaining the range. Listen to this. The Forest Service will spend $3.86 per animal month, nearly $2 more that it collects, just to administer the program. It collects $1.97; it spends $3.86.

As if that were not bad enough, ranchers would have us believe that if we raise the grazing fees, they will not be able to invest in range improvements and practice good stewardship over the land. But according to the Congressional Budget Office, between 1979 and 1983, ranchers spent on average only 16 cents per animal each months on improvements. No wonder ranchers say the value of Federal ranch land is less than private land. They do not spend any money to keep it up.

Despite all the rhetoric we have heard over the past few days about all the wonderful improvements ranchers have made to their permitted lands, the fact is they spent almost nothing on them, according to the Congressional Budget Office.

This is a sensible amendment. It will not drive ranchers out of business. It caps the increase in grazing fees to no more than 33⅓ percent in any year until it reaches market rate. Accordingly, it will raise the fee from $1.97 this year to $2.63 in 1992; $3.50 in 1993; $4.66 in 1994; $5.09 in 1995; and $5.13 in 1996.

The amendment will increase net Federal receipts by $110.3 million over fiscal years 1992—96, according to the Congressional Budget Office.

In addition, the amendment abolishes BLM's Grazing Advisory Boards that are dominated by livestock interests and replace them with multiple-use advisory boards as was done with similar advisory boards at the Forest Service pursuant to the Federal Land Policy and Management Act of 1976. These single interest boards are anachronistic given BLM's and the Forest Service's multiple-use mandate.

Finally, Mr. President, our amendment will not drive ranchers off the public lands. The Forest Service and the BLM predict that demand for forage will remain steady under the new formula.

Grazing fees represent only 3 percent of a rancher's cost of doing business. Gradually raising grazing fees to market level—with increases limited to 33.3 percent per year—can hardly be called a hardship.

All businesses realize increased costs from year to year. Why should ranchers be any different?

The amendment is supported by:

Citizens Against Government Waste;

National Taxpayers Union;

Citizens for a Sound Economy;

Independent Cattlemen's Association of Texas;

National Wildlife Federation;

Wilderness Society;

National Resources Defense Council;

Audubon Society;

Sierra Club; and

Southern Utah Wilderness Alliance.

In conclusion, let me say to my colleagues who are opposing this, you in the main are the ones who are constantly coming to the floor urging us to balance the budget; that we have to do something about balancing the budget; that we are in runaway expenditures by the Congress; that we are not trying to make people pay a fair amount for what they are getting from Government. You say cut the deficit, get rid of special interest subsidies. Here is an opportunity to do so.

Just last September, my colleague, the senior Senator from Idaho, addressing the budget crisis, recounted how some of his constituents said: "Steve, disassociate yourself from that Congress * * * Congress does not have the guts to say no to anybody for anything on any issue."

Well, here is your opportunity, I say to the Senator from Idaho.

I remember last year, when we were debating the budget summit agreement, Senator WALLOP, who so eloquently spoke to this issue yesterday, complained, "Our deficit package is a great deal bigger than it would have been had we just restrained ourselves to a level of spending similar to inflation, or similar to that of a year ago."

I say restrain yourself. I say this is an opportunity to do something about balancing the budget. I say it is a fair way to do it. It does not adversely affect the cattle ranchers. It only affects 2 percent of the cattle ranchers in this country. It is the right thing to do. It is the fair thing to do and it is the thing that should be done if we are to approach this issue in a fair and equitable manner.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I yield myself 10 seconds.

I say to my friend that had he watched, read or bothered to inform himself of the testimony in the House, he would have found BLM has testified that they break about even on this.

I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also applaud the side of my colleague from Ohio that had heretofore not revealed to me their commitment to balancing the budget. I think it is wonderful. I hope he will translate that profound desire into support for line-item veto, reform of the budget process, and a balanced budget amendment to the Constitution.

The fact is, I tell my colleague from Ohio, that if this amendment is agreed to, it will increase the deficit. Why? Because it will deprive the Federal Government in my State of some $18 million worth of environmental improvements to public grazing areas each year. Without these contributions from ranchers, these improvements may have to come from the taxpayers. Also, and perhaps far more importantly than that, I say to my friend from Ohio, what it is going to do is drive out of business and into poverty family after family after family all over the West engaged in cattle ranching and open ranges for generations, ever since the West was won. These people do not have access to other businesses, they do not have access to other industries in my State. They would be placed at such an economic disadvantage that they may have to seek assistance from the State. These are small family farmers who are dependent upon grazing of cattle on public lands for their livelihood. What the Senator from Ohio is going to do with this amendment is drive them out of business. So let us be clear about the impact it might have on balancing the budget, which would be to dramatically increase the deficit rather than decrease it.

Mr. President, I rise in strong opposition to the Jeffords-Metzenbaum amendment to drastically increase grazing fees on public lands. This amendment, which would raise grazing fees by approximately 160 percent, will have a severe impact on thousands of western ranching families and the rural communities they sustain.

The issue of grazing cattle on public lands has fostered a great deal of debate over the past several years. Unfortunately, this debate has promoted an inaccurate characterization of both the fairness of the current grazing fee formula, and the ability of ranchers to properly maintain public rangelands in the West.

The cattle industry is vital to the well-being of many rural communities in the West, and this amendment would deliver a devastating blow that many small, family-run ranching operations would never recover from. At a time of continuing economic difficulties in Arizona and many other States, this ill-advised boost in grazing fees would be an especially injurious mistake for the Senate to make.

Balance the budget!

It is important to state clearly at the outset of this debate that the fees charged for grazing cattle on public lands cannot be blindly compared to those on private lands. Ranchers who graze their herds on public lands are responsible for the costs of fencing, roads, creating and improving water sources, and other related expenses—while those using private lands are not.

The soundness of the existing grazing fee formula stems from the fact that it is market based, and indexed to current prices for production inputs, forage, and beef. As beef prices go up, so does the amount a rancher pays the Federal Government to graze his cattle. This amendment would totally undermine a fair and flexible grazing fee formula that is strongly supported by a bipartisan coalition of Senators, the top land management officials of the Federal Government, the Bush administration, and thousands of State and local officials in the West.

Unjustly pricing ranchers off our public lands will definitely result in bankrupt family livestock operations, lost jobs, steadily declining living standards in ranching communities, and a reduction in revenues to the Federal treasury. Ultimately, this amendment may help bring about the end of the industry that has been a foundation upon which America's western frontier was settled.

It would be extremely unwise for the Senate to pass this amendment, and thereby begin the unraveling of an industry that has kept rural western communities going for generations. The cattle industry in my State alone has a positive economic impact of over $300 million annually. This figure does not even begin to include the substantial purchases of livestock operators from the service and retail sectors of Arizona's economy, as well.

Those who favor a rapid increase in grazing fees must realize that rural communities throughout the West do not have other core industries to support local schools and basic government services. The economic effects of a steep increase in grazing fees would be calamitous for thousands of small, family-based ranching operations, and for their surrounding communities.

Mr. President, I have played a major role in enacting legislation that will preserve over 5 million acres of wilderness in Arizona, and I remain intensely dedicated to protecting the precious natural resources of Arizona and all 50 States. In weighing the charges of damage done to public lands by grazing, I think it is instructive to note the views of the Director of the Bureau of Land Management in this regard.

In testimony before a House subcommittee in March of this year, BLM Director Cy Jamison stated that the condition of America's public rangeland in 1991 is better than at any other time in this century. Director Jamison also said that the status of over 87 percent of BLM's public rangeland is "stable to improving," and that the amount of public rangeland in "poor condition" has declined by 4.4 million acres in the last 2 years.

These facts do not mean, however, that Members of this body should be insensitive to concerns about instances of possible overgrazing. We should continue to strive to manage and protect our rangelands with increasing respect for their natural environmental assets.

Let the record on this debate also show that wildlife populations in areas of public rangeland in Arizona and across the West are among the highest on record—and they're steadily increasing. The authoritative testimony of the Director of the BLM shows that ranchers and Federal land managers have established an effective partnership in caring for our Nation's public rangelands.

Mr. President, for decades the Congress has directed that the public lands of our Nation be prudently managed for a variety of uses. This multiple use concept enjoys the overwhelming support of Americans, and it wisely balances the long-term interests of recreational activities, wildlife protection, and the productive use of important natural resources.

In the Western United States, where privately owned lands are a relative scarcity, I think it would be extremely unfair for cattle ranchers to be pushed off public lands by high grazing fees. Should the Jeffords/Metzenbaum amendment pass, this will be the case.

With the long-term survival of hundreds of small, rural Western communities at stake, I urge my colleagues to oppose this amendment. Let's take a stand in support of the hard working, independent breed of American known as the western cattle rancher, and avoid laying a roadblock in front of their productivity and perseverence.

Mr. President, the proud legacy and economic contributions of ranchers in America continues to this very day. I ask my colleagues to carefully consider the importance of the livestock industry to the economy of the Western United States. Let us not single out ranchers on public lands for a grazing fee hike that is economically unfair and fiscally short sighted.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I thank the Senator from Arizona. His witness here tells us something, and it ought to tell those who live in places that do not have public lands, those who would judge and rule our lives ought at least to take time to understand it.

I yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SIMPSON. Mr. President, I thank my long-time friend and colleague, Senator WALLOP, and commend him for his eloquent work with regard to this issue.

It is recognized that he is one of the leading proponents, advocates, and even the word "expert," if I might use it, in this particular area. I think he has done an extraordinary job, and I have been very pleased to work with him. I want to thank Senator BYRD, who was extremely courteous and understanding to me in meeting my schedule on a personal constituent matter long planned. He accommodated that, and I am deeply appreciative.

We have witnessed this unrelenting level of scrutiny over the public lands. It seems in the West that we have a lot of trouble telling our story to the rest of the country. We get into it with grazing fees, timber sales, appeals of oil and gas leasing and exploration decisions, moratoria attempts at granting mining patents, reclamation standards, and acceptable procedures for conducting mining operations. There are strange forces at work which do not understand the West or the public lands in the West.

We have regular controversies over access, and multiple use issues that the Senator from Arizona referred to—problems with motorized and nonmotorized vehicles, and the cumulative effect of all those actions. Nearly half our property in Wyoming is owned by the Federal Government which forces the people who live in my State to deal with this opposition to nearly every vital economic action they take in order to support their families.

They are appalled by that. They feel frustrated and on the defensive. It causes their tempers to rise.

This is not a budget debate or a matter of Federal equity. This is the ancient game of "stop the cowboys from using the public land." It is a tiresome debate. I come here to this floor, and I support measures of tremendous monetary significance to others in other parts of the United States, especially in agriculture. Then, to see this minuscule attempt to come at one part of the $13 billion Interior Appropriations bill is ludicrous. Why, it does not even register on the screen.

I do commend Senator JEFFORDS. I know he has studied the issue and given it a great deal of his time, I know that he has been particularly influenced by the GAO report.

But there is a very complex relationship between the land and the citizens of it, the public lands and the Western economy, that is not reflected in the GAO report, or the comments of Senator JEFFORDS. This public land does not solely belong to those of us in the west—it belongs to all of the people of the United States—We understand that. But perhaps the difficulty for others in understanding these issues is the same difficulty I would have in truly understanding the life style in Vermont, the life style of Senator JEFFORDS' constituents who work to operate a dairy farm in the most efficient fashion with the least amount of Federal subsidization.

Because of these differences, we speak past each other. I do not discount the importance of this issue. It is one of the most important cornerstones for those of us in the West.

So, as I consider these things, different comments and concerns from other Senators, I want to remind all my colleagues that all of this can be resolved. We will do it the regular way. We will have hearings, which we have not had. We will have all the parties involved. We will discuss the grazing fee formula and try to educate people about what that is now, and how it was established and why it is fair and equitable. We will have all of those discussions. But an amendment on the Interior appropriations is not the place to do it just out of some retribution toward the West for some slight that may have come in years past.

The Congressional Budget Office has estimated that Senator JEFFORDS' amendment will generate an additional $110 million over 5 years. This is approximately $22 million per year for the next 5 years. That does not take into account the loss of tax revenues from the ranchers who may not be able to make it if these fees are increased. Let me make it clear to my colleagues that this is $22 million of revenue in a bill that will spend $13 billion in the next fiscal year. There are much more efficient ways to reduce the Federal deficit.

In addition, the CBO's budget estimate does not include secondary effects. The Wyoming Banking Association understands and is greatly concerned about the potential impact of foreclosures and mortgage failures that may occur with a number of ranchers that are on the financial brink right now. Certainly, we have watched land values erode in the West in recent years similar to the commercial real estate values in the East. Our banking industry has already suffered. We should not exacerbate the problem by this action today.

Other aspects of this amendment are revenue losers. It is difficult to predict additional costs like fencing and weed control which will be shifted to the Federal Government should the ranchers leave the land. But if Senator JEFFORDS and others are seriously concerned about looking out for the taxpayers on this issue, we ought to investigate and let them know how much the final bill will be for any alternative program. That bill may be much higher than the current program.

I will not launch into a detailed comparison of the subsidies that Wyoming receives versus those received by Vermont. However, I do note that countless dollars are spent every year on urban projects—urban housing, transportation, and education. They are important expenditures that enhance the way of life for urban dwellers. But because our population in rural, public land States is so small, it is not appropriate to think that the people who live in these States deserve less Federal attention to their unique way of life.

It has been said that the grazing fee only benefits 2 percent of this Nation's cattle producers. Does that mean those hard working individuals are any the less important? They pay their taxes and raise and educate their children just like people in cities do. But they also raise beef cows and lambs—food products that people nationwide consume. And they do this by using public lands.

Americans should understand that grazing cows and sheep on public lands does not prohibit other Americans from using these lands. These BLM and forest lands have open access. People can still hunt on them, look for fossils, ride their motorbikes, hike, fish, and camp.

In closing, from this debate it is apparent to me that some of my colleagues are myopic in their understanding of public lands issues in the West.

It is also apparent to me that addressing the budgetary effects of the grazing fee will not solve everyone's problems with grazing on public lands. It is not solely a budget argument. There is very much an agenda here by those proponents of "cattle free by '93", and they would like to eliminate all grazing on public lands. I urge my colleagues to vote against the amendment offered by Senator JEFFORDS.

Mr. WALLOP. Mr. President, I yield myself 1 minute.

Mr. President, I would simply say to my friend from Ohio, and anybody else in the Senate who cares to know what the subject is about, while not just focusing on the environmental vote not affecting any of their constituents, that what is not understood is these are not great seas of Federal land controlled and accessed by rich and powerful families.

Mr. President, take a look at this map. The white is private land. The map exemplifies a mixture of private and public land, a mixture of State and Federal lands. Look up in this area, Mr. President. Each of these little tiny Federal parcels are surrounded by private land. The Senator from Ohio and the Senator from Vermont do not have the foggiest notion what it is like to own land while having the Federal Government tell you how many of your own cattle and sheep can graze on your private land because they might set foot on the public land.

Over here is an important example: The red is private land; white is public land. These are not seas. These are interspersed parcels of land. You tell me, Mr. President—this is one portion of one ranch—how in the world is the Federal Government going to put this up for bid and lease it to somebody else? This is an accident of history over which the landowners have no control, but they have a Government sitting here with people and Senators from other States who have no idea where they are, and be willing to change their lives with the drop of a hat.

Mr. President, I yield 3 minutes to the Senator from Colorado [Mr. WIRTH].

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I thank the distinguished Presiding Officer, and I thank the Senator from Wyoming.

I spoke at length on this late last week, Mr. President, and essentially would like to summarize and make two points as strongly as I can why this amendment is ill conceived and why it should not be passed.

We have significant problems in the high country of the Rocky Mountain region. Almost every one of the high mountain valleys was settled by ranchers. Those ranchers are now struggling to hang on to the economic wherewithal to keep this land, to keep that intact and to keep that as open space which they are committed to doing. The impact of the amendment offered by the Senator from Ohio and the Senator from Vermont runs directly counter to the interests that many of us have in maintaining the environment and the open space of that area.

If this amendment goes into effect, what is going to happen is many, many of these ranchers are going to effectively be driven off the land. These are mostly very marginal operations. These are not people out making a ton of money at taxpayers' expense. These are people living on the margin. I can tell you the numbers of the cattle business are not very good.

If this amendment goes through, these people are driven off the land as cattle people, and they end up with one of two choices. One of those choices is to sell their water rights. That is one of the resources they have. What does that do in the West?

Water doctrine in the West is effectively that water runs after money. You sell your water rights, you dewater those high mountain valleys, and you have destroyed that environment.

The other choice these ranchers are going to have, Mr. President, is to subdivide their land into more 35- or 40-acre ranch estates, precisely the opposite of what we want to do. Our goal is to take the next step beyond wilderness legislation, the next step to do what we can to make sure that these ranchers can stay in business—not drive them out of business as this is doing, but let them stay in business so these most valuable lands, the high mountain country, the high mountain valleys stay intact.

That is the quality of my backyard. That is the quality of Montana, Idaho, and so on is built around these basic stream and river valleys in the mountains. If you destroy that, which this amendment is going to do, you have exactly the opposite impact of what I believe the authors of the amendment are attempting to do.

That issue, of course, has not come up because we have not had 1 day of hearing, we have not had one day of discussion nor anybody environmentally concerned as I and others are to discuss what the unintended consequences of this amendment may be. The unintended consequences for us in Colorado, and for just everybody in the country that I know so well, running down the spine of the Rocky Mountains, is that it is going to be very, very deleterious to our environment.

I urge my colleagues not to agree to an amendment that sounds good if you say it fast enough, this amendment, that we will say no and let us do it the right possible way.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. WALLOP. Mr. President, I yield 1 minute to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I would like to compliment my colleagues from the West, Senator WALLOP, and others who have made the case very well, and my new colleague from Idaho, Senator CRAIG also. I share their view.

There is a basic problem, a fundamental problem here that is always overlooked; that is, that one-third of the land in the United States of America, this so-called land of free enterprise, is owned by the Government. We are now trying to apply some kind of nonmarket rules that do not fit the system and would totally disrupt, discombobulate, and destroy what has been done for the past 100 years in the Western States. It would be terribly detrimental to all the people in the United States and is totally misunderstood by, I know, by my sincere colleagues.

This is basically a fundamental private ownership issue. These people do not own this land. Because of that someone else is setting the rates. We have a system in place that works very well to address the problems caused by Government land ownership in Western States.

Therefore, Mr. President, I rise to oppose the Jeffords-Metzenbaum amendment to raise grazing fees in fiscal years 1992 through 1997. The amendment raises fees for grazing on Federal lands more than 200 percent over the next 5 years and would throw out the sensible market-based approach established by the Public Rangelands Improvement Act of 1978.

The current formula measures several variables, including production costs, livestock prices, and private lease rates. Those who want to abandon this sensible approach and more than double grazing fees say it will help improve the range and increase Federal income to the tune of $60 million. Both of these assertions are false.

Two recent rangelands studies reject the argument that grazing is incompatible with sound range management. The Bureau of Land Management's report entitled, "State of the Public Range 1990," and a joint study prepared by the University of Idaho and University of Arizona entitled, "Seven Myths about Livestock Grazing on Public Lands," both conclude that government-owned rangelands are currently in the best shape they've been in this century.

Ranchers know the value of the land because their livelihoods depend on it. They know the importance of sound range management and, with few exceptions, they practice it. I know of no expert, no rational analyst, and no reasonable person who can maintain that doubling grazing fees and driving ranchers off the range and into bankruptcy, while devastating the economies of local communities throughout the West, will result in better range management.

The other argument—that raising grazing fees will increase Federal income—is silly. Ranchers will not be able to pay the grazing fee increase because people will not buy that beef steak when the price goes up five or six times before it gets to market.

What currently exists is a market-based formula that assesses a reasonable charge to grazing permit holders. Raising these fees might increase Federal receipts next year. However, I would assert that receipts will acutally fall below current levels after that. As we raise these fees past an affordable level, ranchers will simply go out of business or graze their livestock on private lands where sufficient private lands are available.

The fee generated by the existing formula is fair and predictable. Total costs of using public rangeland are often higher than the total costs of using private lands. In fact, 20 percent of the public grazing permits allotments go unused each year. Obviously, the grazing market does not think Federal grazing is a significant bargain and neither should we.

We should also remember that the majority of the ranchers who graze sheep and cattle on Western lands run small, family-owned operations. Because of checker-boarded land ownership, they require a balanced mix of public and private grazing land if their livestock operations are to be viable.

Not only would this fee increase affect these family ranchers, but public land grazing makes a significant contribution to the rural economies of the West. Generally, the less settled and less developed lands in the West are the most dependent upon stable grazing fees. Because of this relationship between grazing fees, ranchers, and the economies of many small communities in the West, this amendment could be called, "the Ghost Town Act of 1991."

If fellow Senators are not moved by small towns in the West going broke, they should at least consider the long-term environmental impact of eliminating these fees by making them unaffordable. The revenues from these fees are critical to the condition of rangelands. In just 12 years, since the passage of PRIA, the public-private partnership on the range has greatly benefited forest, rangeland, and fish and wildlife conditions in the West.

For example, the Bureau of Land Management confirmed what most ranchers in the West already knew in a report called, "State of the Public Rangelands 1990." In the report they said that "public rangelands are in a better condition than at any time in this century."

There is one other important factor that most easterners just do not understand about the West. Water.

Yesterday, my friend from Wyoming, Senator WALLOP, explained the interrelationship of land ownership that will require the Federal Government to fence literally thousands of acres of land. Well, Federal land management agencies won't be the only ones building fences.

Many of these small ranching operations have water rights older than the agencies. The authors of this amendment might be able to drive ranchers off the Federal lands with higher fees, but these ranchers will probably fight to the death to protect their water rights. If there really are outside operations willing to pay higher fees, their livestock will be mighty thirsty.

Many of the points I have discussed today are typical of the complex nature of this subject. They are compelling reasons to consider this amendment in the Senate Energy and Natural Resources Committee and not here on the floor of the Senate. Another example of the confusion over this amendment was expressed yesterday by Senator JEFFORDS. He suggested that his amendment will reduce the subleasing of grazing permits for profit. The amendment before us does nothing to stop this practice, but subleasing is illegal anyway.

If there are legitimate problems with the current grazing fee formula, they should be considered by the authorizing committee. Public hearings could be conducted so the many issues surrounding this issue can be aired and considered.

So, I would ask my colleagues in the Senate to oppose this amendment. It will ruin economies in public lands States and will probably cause an increase in the degradation of the Federal Government's Western rangelands.

Mr. President, I ask unanimous consent that an article entitled "Higher Costs Spell Disaster in West," by Laird Noh, a State senator and a rancher in Idaho; a letter from the Pleasantview Livestock and Grazing Association in Oneida County, ID; and a document entitled "Seven Popular Myths About Livestock Grazing on Public Lands," published by the University of Idaho in March 1990, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Twin Falls (ID) Times-News, Aug. 18, 1991]

HIGHER COSTS SPELL DISASTER IN WEST

(By Laird Noh)

In all the recent verbiage over federal grazing fees, a key element is always overlooked: the permit that is required to graze federal lands and the direct effect large increases in grazing fees have in reducing the dollar value of that permit.

Grazing permits, similar to a federal license for a TV or radio station, were issued many years ago as a means to limit what was then free come-and-get-it grazing on the public domain.

A limited number of permits were issued to ranchers who met certain criteria. If all went well, the permit would be renewed every 10 years to the same rancher. For the first time, there was accountability.

Permits were by law attached to the private lands in an effort to create viable economic ranching units in the West where there was so little private property. Federal permits added value to the associated private lands.

These permits have been bought and sold freely among ranchers, with each taking on a unique and changing value depending upon the many elements that influence the demand for that permit. The value of the permits is subject to federal and state inheritance taxes.

In many cases they serve as collateral for loans from long-term lenders. Over the decades, prices that purchasers were willing to pay for individual permits changed considerably. Some become worthless and go unused while others have maintained values as high as $100 per animal unit month (one cow or five sheep for one month).

Although the federal agencies, especially the Forest Service, go to great lengths to avoid recognizing these investment values, they are as real to the permittee as his investment in land or livestock.

The grazing permit system offers great benefits for protecting the long-run productivity of the public lands. Every rancher has a financial incentive to maintain the value of his permit, which translates directly into maintaining adequate forage for the number of AUMs allowed.

In addition to owning a permit, the rancher pays a grazing fee ($1.97 per animal unit month) to the Bureau of Land Management or the Forest Service. Raising that fee by 400 percent, as proposed by Rep. Mike Synar, D-Okla., would have an immediate and devastating impact upon the values of grazing permits.

Millions of dollars of investments in grazing permits would be immediately destroyed. The values of private lands tied to the federal permits would decline sharply too. With narrow cash flows wiped out to pay increased federal fees and with asset values plummeting, many ranchers would suddenly be in bankruptcy.

With no long-term value remaining for federal permits, remaining Western grazers would have clear incentives for short-term exploitation of the land rather than for long-term productivity. They would harvest with their livestock the full $8 worth of forage charged every month.

After a price-depressing sell-off of Western livestock, ranchers from the private land states would, indeed, prosper and consumers would pay a higher price for the reduced supply of meat, much more of which would be grown in feedlots.

This isn't to say that the livestock industry, like any industry, can't do better. Some grazers have never learned good range management practices and have already unintentionally destroyed the value of their permits.

But overall the ranges of the West have been greatly improved since the turn of the century and the trend continues. The public lands have never grazed less livestock and more wildlife than they do now. The Synar grazing fee proposal should be seen for what it is: misguided and devastating to the environment and economy of the West.

(Laird Noh, Kimberly, is a third-generation rancher and chairman of the Idaho Senate Resources and Environment Committee.)

SEPTEMBER 9, 1991.

Senator STEVEN D. SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR: We ask your support in voting on the Cattle Grazing fee increase and hope you will vote against.

Pleasantview Livestock & Grazing Assoc. In Oneida County list our cost for 1990.

Water, power, fencing etc.	$13,689.96
Equipment and labor	24,706.24
State and other leases	3,149.48
Total	41,545.68

This doesn't include riding and moving of cattle expense in the 4 months. We had 2,312 head of cattle on 44,990 acres for 4 months so the cost per cow $17.96. Our five year average expense per head is $15.57. Our Association use fee for five year average per head for the grazing season is $9.20, and the BLM use fee for five year average per head for grazing season is $5.74. If the grazing fees are increased to $8.50 per Aum which is $34.00 per head not many of us will stay in the cattle business.

We the cattlemen of Oneida County show the following on County Estimates for 1989, 1990, 1991 by head.

Year	All cattle and calves	Beef	Dairy	Steers, heifers, calves, and bulls
1989	22,500	12,500	900	9,100
1990	21,000	11,500	800	8,700
1991	23,000	13,000	1,100	8,900

There is a total of 26,238 head of livestock that is pasturing on BLM and U.S. Forest Service properties in Oneida County.

The most recent (1987 Highlights) Agriculture Statistics shows that total Agriculture Sales in Oneida County amount to $12,201,000.00 distributed as such $5,552,000.00 (45.6%) in livestock and livestock products sales and $6,649,000.00 (54.5%) in crop sales.

The latest released Idaho Agriculture Statistic Service report dated June 4, 1991 shows that private livestock ownership in Oneida County is 23,000 head. There is estimated approximately 3,000 head of livestock pastured on U.S. Gov. land in Oneida County.

Oneida County has 383,916 acres Federal & State owned Land—50.4% (140,025 ac. U.S. Forest Service, 225,000 ac. BLM, 14,000 ac. State of Idaho) 378,324 acres private ownership—49.6% Total 762,240 Acres 100.0%.

Oneida County Property Taxes collected in 1990 $159,254.00. Payment in Lieu of Texas by Fed Govnmt. $1,000,783.00 Private owned property taxes $1,160,037.00 total taxes collected. Actual recorded 1991 Number of Private (Permittees) Owned Livestock ranging on Bureau of Land Management Range in Oneida County—14,162 Cows, Calves, bulls, heifers, steers, etc. 25 Horses, 4,500 Sheep, 18,687 Total livestock pasturing on BLM Range located within Oneida County. Actual recorded 1991 Number of Private (Permittees) Owned Livestock Pasturing on U.S. Forest Service Range in Oneida County, 7,551 Total.

At the time the livestock Rancher purchases the U.S. Government range right they must have deeded rights to their own base property that provides feed for the time they are not on U.S. Government Range. Presently U.S. Government Range regulated periods are 4 mos. (see attached Livestock Enterprise Budgets), also with the improvements we do on the range each year it helps the wild life (see attached sheet on deer harvest in our units).

Sincerely,

DEON D. JONES,
SECRETARY, PLEASANTVIEW
Livestock & Grazing Assoc.

SEVEN POPULAR MYTHS ABOUT LIVESTOCK GRAZING ON PUBLIC LANDS

(By Jeffrey C. Mosley, E. Lamar Smith, and Phil R. Ogden)

(Published by the Idaho Forest, Wildlife and Range Experiment Station, College of Forestry, Wildlife and Range Sciences, University of Idaho and the University of Arizona Agricultural Experiment Station, University of Arizona, 1990)

INTRODUCTION

The Bureau of Land Management (BLM) and U.S. Forest Service (USFS) collectively manage 315.8 million acres within the 11 western states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (USDI-BLM 1989, USDA-FS 1989). By law, these lands are managed to provide sustained production of multiple, renewable natural resources (FLPMA 1976, NFMUA 1982). These resources include water, lumber, recreation, wildlife habitat, and livestock forage. This report concerns current issues surrounding the harvest of livestock forage on western public lands.

In recent years, livestock grazing on public lands has become embroiled in a flaming controversy fueled by misinformation. The purpose of this report is to provide factual, well-documented information to those people—sportsmen, conservationists, students, teachers, legislators, and others—genuinely concerned about public land livestock grazing. Our goal is to aid and promote decision-making based on factual information, rather than on uninformed perceptions or special-interest propaganda. Specifically, we seek to dispel seven popular myths about livestock grazing on public lands.

Myth 1: Livestock grazing on public lands plays an insignificant role in U.S. cattle and sheep production.

Fact: In 1988, the 11 western states supported 20% (7.5 million) of the nation's total beef cows and replacement heifers and raised 19% (7.5 million) of the nation's calves (USDA 1989). Because 50% of the beef cows in the 11 western states graze at least part of the year on public lands (Gee 1984), public land livestock grazing supported 10% (3.8 million) of the nation's beef cattle breeding herd. Beef cattle production in several western states depends heavily upon public land forage. For example, 88% of the beef cows in Idaho, 81% in Nevada, 64% in Wyoming, and 63% in Arizona graze at least part of the year on public lands (Gee 1984).

U.S. sheep and wool production is even more dependent than cattle production upon public land forage. In 1988, the 11 Western states supported 51% (3.6 million) of the nation's total stock ewes and raised 48% (3.5 million) of the nation's lamb crop (USDA 1989). In 1987 (the most recent year from which data are available), the 11 western states also produced 52% (44.6 million pounds) of the nation's shorn wool. Although the exact percentage of western sheep that graze public lands is not known, 30–40% of the sheep within the 17 western states, which include Texas and the Great Plains, harvest public land forage (Gee and Madsen 1983). Because little public land exists in Texas and the Great Plains, sheep dependence in the 11 western states likely exceeds 40%. Calculations using the conservative 40% dependency figure reveal public land grazing supports 20% (1.8 million) of U.S. stock sheep and produces 21% (17.8 million pounds) of U.S. shorn wool. This is not an insignificant contribution.

Without public land grazing, nearly all of the 2.8 million sheep and 7.5 million cattle that utilize public lands—or 47% of all the beef cattle and stock sheep that graze in the 11 western states—would be eliminated. This is because livestock grazing on public lands is usually wholly integrated with livestock grazing on private lands. Summer ranges in much of the West are commonly located on public lands in mountainous terrain that is covered with snow during the winter and can be grazed only in summer. Winter ranges are at lower elevations, often on private lands, where winter storms are less severe. In the Southwest, grazing may be year-round on public lands, with the seasonal movements of livestock dictated by availability of drinking water. These water sources are often located on private lands. In the more northern latitudes, livestock must be fed hay during winter, hay that is grown on the lower elevation private lands during summer when livestock are grazing higher elevation public lands.

Consequently, the use of private and public grazing lands in the West is often entirely independent. While only a portion of a livestock herd's yearly forage needs may be supplied by public lands, the public lands serve as "critical habitat" because there is no available substitute (CAST 1986).

The significance of public land forage to U.S. cattle and sheep production is often misinterpreted when people learn that only 1% of the sheep and cattle (beef and dairy) feed consumed in the U.S. is supplied by public lands (calculated from USDA 1989, USDA-FS 1989, USDI-BLM 1989). But this percentage is based upon the total amount of feed consumed by all cattle and sheep, including feed consumed in feedlots where older, larger animals are fed heavy rations to reach slaughter weight. Public lands supply a small percentage of the total feed consumed partially because their primary product is small livestock—lambs and beef calves—that do not eat as much as older, larger animals.

The true significance of public land forage is that it provides an integral feed source for producing the initial inputs (i.e., calves and lambs) into the beef and sheep production cycles. After weaning, lambs and calves from public land-dependent ranches are shipped elsewhere for further grazing or feeding to slaughter weights (largely in Texas, Oklahoma, Nebraska, and eastern Colorado), where they consume large quantities of feed. The livelihoods of many Great Plains and Midwest ranchers, feedlot operators, and meat packers depend upon the continued supply of calves and lambs raised on ranches dependent upon public land forage.

Myth 2: Livestock grazing on public lands makes an insignificant contribution to the U.S. economy and the western livestock industry.

Fact: Beef cattle and calves grazing in the 11 western states were valued in 1988 at $7.7 billion, or 20% of the nation's total value of beef cattle not in feedlots (USDA 1989). Because 50% of the beef cattle that graze in the West utilize public land forage (Gee 1984), public land-dependent cattle are worth $3.8 billion. In 1988, stock sheep and lambs in the 11 western states were valued at $398 million, or 49% of the nation's total value of stock sheep (USDA 1989). Because at least 40% of western sheep utilize public land forage (Gee and Madesen 1983), public land-dependent sheep are worth $159.2 million.

In addition to the $4.0 billion invested in sheep and cattle that graze public lands, an annual value of production is also derived from these animals. The 1986 annual value of production from all grazing beef cattle and stock sheep in the 11 western states was $3.3 billion, or 21% of the nation's total annual value of production from grazing beef cattle and stock sheep (USDA 1987). In 1986, cattle and sheep relying on public lands produced an annual value of over $1.6 million. For several western states, the value of public land livestock production is an important component of the state economy. For example, beef cattle production dependent upon public land forage comprises 2.0% of Montana's and 1.9% of Idaho's gross state product (USDA 1987, USDA-BEA 1988). Similarly, Wyoming and Nevada derive 1.2% and 0.4%, respectively, of their gross state product from cattle that use public lands (USDA 1987, USDC-BEA 1988). These "small" percentage of gross state product, however, do not indicate an insignificant contribution. For comparison, Kansas derives 1.7% of its gross state product from wheat production, corn production comprises 1.0% of Illinois' gross state product, and Florida receives 0.4% of its gross state product from oranges (USDA 1987, USDC-BEA 1988). These figures reveal that cattle grazing on public lands plays a vital role in the economies of several western states. Public land-dependent cattle are more important to both Idaho and Montana than wheat is to Kansas; more important to Wyoming than corn is to Illinois; and equally important to Nevada as oranges are to Florida. It should be noted that the above economic values relate only to cattle and do not include the additional contributions from public land-dependent sheep and wool productions.

Myth 3: Low federal grazing fees encourage excessive numbers of livestock on public lands.

Fact: Just as the federal government collects fees for camping in public land campgrounds, the BLM and USFS collect grazing fees from ranchers whose cattle and sheep harvest public land forage. The number of animals that ranchers are allowed to graze is determined by the BLM and USFS. Professionally trained BLM and USFS personnel also specify when and where grazing can occur (USDA-FS and USDI-BLM 1986). The number of livestock permitted is based upon the land's capacity to support grazing livestock, as determined by ecological characteristics such as soil type and precipitation received, and with consideration of other natural resource uses and values. Because grazing fees do not affect a unit of land's ecology, grazing fees cannot affect the land's grazing capacity, nor the number of animals permitted to graze. The grazing fee is a political and economic decision made by Congress, whereas grazing capacity is an ecological decision made by the BLM and USFS. Current grazing fees can affect actual numbers of animals grazed on public lands only if grazing fees become unaffordable to permittee ranchers, thus forcing them out of business.

Myth 4: Federal grazing permittees receive an unprecedented subsidy because BLM and USFS administration of livestock grazing permits costs the federal government more than is generated by grazing fees.

Fact: BLM and USFS administration of grazing permits costs the federal government more than is currently generated directly by grazing fees. But the difference is less than commonly perceived. A BLM study determined that only 68% of the total costs of the BLM's rangeland program relates to livestock grazing (USDA-FS and USDI-BLM 1986). The remainder of the budget covers legislatively mandated requirements for basic rangeland conservation. These duties include providing baseline vegetation inventory data and monitoring the ecological condition of public lands. In 1983, the cost of these non-livestock activities was $17.6 million (USDA-FS and USDI-BLM 1986). Additionally, without livestock grazing, the federal government would be forced to absorb the permittees' costs for maintaining and replacing water developments that benefit wildlife and wild horses and burros. These annual permittee costs were estimated to total $5.7 million in 1983 (USDA-FS and USDI-BLM 1986). When both the non-livestock grazing costs and the water development maintenance costs are accounted for, only 58% of the BLM's range management program costs relate to administering the livestock grazing program. Thus, in 1983 the BLM would have spent $23.3 million for conservation of public grazing lands and $32 million administering the grazing program. In turn, the BLM collected $16.7 million in grazing fees, resulting in a $15.3 million net expenditure for its livestock grazing program. A grazing fee of $2.44/AUM[1] would have precluded the need for any federal subsidy (USDA-FS and USDI-BLM 1986).

In 1988, the USFS spent $32.8 million on its range management program. If the USFS and BLM spend a similar percentage of their range management funds on livestock grazing (i.e., 58%), then in 1988 the USFS spent $19 million administering its livestock grazing program while receiving $8.7 million in grazing fee receipts (USDA-FS 1989). This difference resulted in a $10.3 million expenditure by the USFS to administer its livestock grazing program.

Livestock grazing is not the only public land activity that costs more to administer than is generated by user fees. For example, in 1988 the USFS operated its wildlife and fish habitat management program at a net loss of $47.4 million and its recreation program at a net loss of $89.4 million (USDA-FS 1989). These deficits constitute an astounding subsidy of $136.8 million to campers, hikers, photographers, bird watchers, hunters, fishermen, white water rafters, and others (Fig. 1).

[Chart not reproducible in the RECORD.]

Myth 5: Public land grazing fees are low relative to private land lease rates, thus providing federal grazing permittees a subsidy and an unfair economic advantage over nonpermittee ranchers.

Fact: Ranchers leasing private lands usually pay more per AUM than the amount paid by public land permittees. For example, in 1982 the public land grazing fee was $1.86/AUM, whereas the average private lease rate for nonirrigated grazing land in the West was $7.43/AUM (Brokken and McCarl 1987). However, this disparity does not result in an unfair economic advantage for permittee ranchers. A recent study by the U.S. Department of Agriculture's Economic Research Service found that for western cow/calf enterprises there was no significant difference in net receipts between permittees and nonpermittees (USDA-FS and USDI-BLM 1986).

There are two main reasons why the difference between private and public grazing fees does not provide an economic advantage for federal permittees. One reason is that federal permittees incur greater operating expenses for items such as transportation and herd management. For example, in Idaho in 1982, total non-fee costs averaged $14.59/AUM on public lands compared to $7.54/AUM on private lands (Obermiller and Lambert 1984).

The second reason why public land grazing fees do not provide federal permittees an economic advantage is that federal permittees incurred extra costs when they acquired their ranch properties. That is, when permittee ranchers bought their ranch properties, they paid for the land's increased value (either through capital outlay or increased inheritance tax) that was gained from having a public land grazing permit assigned. The value of the grazing permit was capitalized into the value of the private ranch property and paid by the permittee in the form of interest (or in opportunity cost associated with the use of equity capital if no money was borrowed to purchase the ranch property). This financial reality exists for almost all federal permittees because from the time public land grazing permits were first assigned to individual ranches, largely from

---

[1] An AUM (Animal Unit Month) is the amount of feed or forage required by one mature cow or the equivalent for one month.

1905–1940, almost all ranch properties have transferred to new owners (Nielsen and Workman 1971).

While the BLM and USFS do not formally recognize permit value as an entitlement to permittees, the increased value of a ranch due to its grazing permit is recognized by other branches of the federal government. For example, the Internal Revenue Service taxes the value of the grazing permit, and banks insured by the Federal Deposit Insurance Corporation accept the value of grazing permits as collateral for loans (Rimbey 1989).

It also is important to remember that from the inception of U.S. land policy, the federal government did not administer its lands as an ordinary proprietor seeking to sell products (e.g., timber and forage) at the highest possible price. Rather, these products were initially offered either free or at very low prices to encourage citizens to settle and develop the West. Just as land was given to railroad companies in return for establishing transportation routes, grazing permits were given to ranches in return for citizens risking their lives and capital to establish a tax base for schools and local governments (Dana and Fairfax 1980). Continued existence of ranching operations that harvest public land forage remains official U.S. policy (FLPMA 1976, MFMUA 1982).

Myth 6: Livestock grazing on public lands is causing the ecological condition of these lands to deteriorate.

Fact: Public lands were severely abused in the late 1800's and early 1900's due to improper livestock grazing. In some locations, soil and vegetation are still recovering from these past abuses. Also, improved livestock grazing management is needed even today in many areas. But generally, public lands are currently in the best condition that they have been in this century, and the improvement is continuing.

Eighty-eight percent of USFS lands and 79% of BLM lands are either improving or stable in ecological condition (the trend is undetermined on an additional 6% of BLM lands) (SRM 1989). Similarly, 76% of the 44.6 million acres of USFS land suitable for livestock grazing have a satisfactory livestock forage resource value rating (SRM 1989). A satisfactory rating means that current management practices adequately protect the soil and are acceptably maintaining or improving plant species composition and production.

Descriptions of the percentages of land within various ecological condition classes are difficult to understand and interpret. Traditionally, the BLM and USFS have described ecological status in terms of four or five range condition classes: "excellent," "good," "fair," "poor," or "very poor." These classifications reflect comparisons between a site's existing vegetation (i.e., which plant species are present and their relative amounts) and what the site could potentially support if natural plant succession progressed unimpeded through time. An "excellent" rating meant the existing vegetation closely resembled its natural potential, whereas a "poor" rating meant the existing vegetation was very dissimilar to its natural potential. Traditional range condition ratings are not, by definition, formulated to describe whether current management is successful, but merely to characterize a site's vegetation relative to its natural potential.

Unfortunately, some persons have concluded that "fair" or "poor" ratings are synonymous with unsatisfactory, implying that current management practices need to be changed. This may or may not be true, depending upon which plant species and relative amounts are desired on a site. Often multiple uses (e.g., wildlife habitat, camping, hiking, livestock grazing) are best provided when a site's vegetation is very different from its natural potential composition. For example, deer forage is usually maximized on a site when shrubs and forbs are abundant, rather than perennial grasses. But if such a site's natural potential were abundant perennial grasses, its existing vegetation would be judged very dissimilar from its potential. Accordingly, this site would be reported in a "lower" condition class (e.g., "fair" or "poor"), even though the site may currently support the desired plant species in the desired relative amounts.

The misinterpretation of range condition ratings has prompted the BLM and the USFS to change their methods of reporting ecological condition. While not perfectly synonymous, the traditional terms "excellent," "good," "fair," and "poor" are being replaced by the more appropriate terms "potential natural community (PNC)," "late-seral," "mid-seral," and "early-seral." These new terms better describe a site's existing vegetation relative to its natural potential and do not inject subjective bias as do qualitative terms such as good or poor.

The USFS has adopted the new terms, while the BLM has begun the conversion but currently still reports the traditional ratings. In 1987, the ecological status of USFS lands suitable for livestock grazing was rated as 15% PNC, 32% late-seral, 38% mid-seral, and 15% early-seral (SRM 1989). In 1988, ecological status of BLM lands was rated as 4% excellent, 30% good, 38% fair, 17% poor, and 11% unclassified (USDI–BLM 1989).

Myth 7: Livestock grazing on public lands is causing a decline in big game populations on these lands.

Fact: Livestock grazing occurs on about 93% of BLM lands in the West (USDI–BLM 1989), and big game populations on these lands are steadily increasing. In the 11-year period from 1977-1988, the total big game population (includes barbary sheep, bear, bighorn sheep, bison, caribou, deer, elk, javelina, moose, mountain goat, and pronghorn antelope) grew from about 1.5 million to 1.9 million, a 31% increase (USDI–BLM 1978, 1989). Pronghorn antelope increased from about 199,000 in 1977 to 296,000 in 1988, a 49% increase. Deer (includes black-tailed, mule deer, and white-tailed) increased from about 1.2 million to 1.4 million, a 25% increase. Elk increased 38%, from about 104,000 to 143,000.

Big game populations on USFS lands in the West also are increasing, while 32% of USFS lands in the West are classified suitable for livestock grazing (SRM 1989). From 1977 to 1984 (the most recent year from which data are available) the big game population grew from about 2.5 million to 2.6 million (USDA–FS 1977, 1984). Pronghorn antelope numbers grew from about 49,000 to 58,000, a 16% increase over 1977 levels. Deer increased 1% to 1.9 million, and elk numbers grew 8%, from about 429,000 to 464,000.

SUMMARY

Western public lands are managed to provide the U.S. with sustained production of multiple, renewable natural resources. Products include water, recreation, lumber, firewood, open space, and forage for wild and domestic animals. The continued harvest of domestic livestock forage has become embroiled in controversy, a controversy fueled by misinformation and myth. Future discussions of public land livestock grazing policies should be founded upon facts, including these seven facts about livestock grazing on public lands:

1. Livestock grazing on public lands plays a significant role in U.S. cattle and sheep production.

2. Livestock grazing on public lands makes a significant contribution to the U.S. economy and the western livestock industry.

3. Low public land grazing fees do not influence the number of livestock allowed to graze on public lands.

4. The public land livestock grazing program costs the federal government more than is generated by grazing fees, but even larger "subsidies" exist for other public land management programs, including wildlife and recreation.

5. Federal grazing permittees do not have an economic advantage over non-permittee ranchers.

6. Ecological conditions of public lands are improving in the presence of regulated livestock grazing.

7. Big game populations on public lands are increasing in the presence of regulated livestock grazing.

LITERATURE CITED

Brokken, R.F., and B.A. McCarl. 1987. A theoretical evaluation of fee systems for private grazing on federal lands. USDA Economic Research Service Agricultural Economic Report 570.

CAST (Council for Agricultural Science and Technology). 1986. Forages: Resources for the future. Report 108. Ames, Iowa.

Dana, S.T., and S.K. Fairfax. 1980. Forest and Range Policy. 2nd ed. McGraw-Hill, New York.

FLPMA (Federal Land Policy and Management Act). 1976. Public law 95-579; 90 Stat. 2743.

Gee, C.K. 1984. The impact of alternative federal grazing fees on western livestock businesses. USDA Economic Research Service, PB85-128312.

Gee, C.K., and A.G. Madsen. 1983. Sheep production in the 17 western states. Colorado State Agriculture Experiment Station Special Series 24.

NFMUA (National Forests Multiple Use Act). 1982. Public Law 86-517, 74 Stat. 215.

Nielsen, D.B., and J.P. Workman. 1971. The importance of renewable grazing resources on federal lands in the 11 western states. Utah Agricultural Experiment Station Circular 155.

Obermiller, F.W., and D.K. Lambert. 1984. Costs incurred by permittees in grazing livestock on public lands in various western states. Oregon State University Extension Service EM-8283.

Rimbey, N.R. 1989. Federal grazing fees: The never-ending story. University of Idaho Cooperative Extension Service Bulletin 690.

SRM (Society for Range Management). 1989. Assessment of rangeland condition and trend of the United States, 1989. Denver, Colorado.

USDA (U.S. Department of Agriculture). 1987. Agricultural statistics. Washington, D.C.

USDA (U.S. Department of Agriculture). 1989. Agricultural statistics. Washington, D.C.

USDA–FS (U.S. Department of Agriculture-Forest Service). 1989. Report of the Forest Service—fiscal year 1988. Washington, D.C.

USDA–FS (U.S. Department of Agriculture-Forest Service). 1984. Wildlife and fish habitat management in the Forest Service. Washington, D.C.

USDA–FS (U.S. Department of Agriculture-Forest Service). 1977. Annual wildlife report. Washington, D.C.

USDA-FS and USDI-BLM (U.S. Department of Agriculture-Forest Service, and U.S. Department of the Interior-Bureau of Land Management). 1986. Grazing fee review and evaluation: A report from the Secretary of Agriculture and the Secretary of the Interior. Washington, D.C.

USDC-BEA (U.S. Department of Commerce-Bureau of Economic Analysis). 1988. Survey of Current Business 68:30-36. Washington, D.C.

USDI-BLM (U.S. Department of the Interior-Bureau of Land Management). 1989. Public land statistics, 1988. Washington, D.C.

USDI-BLM (U.S. Department of the Interior-Bureau of Land Management). 1978. Public land statistics, 1977. Washington, D.C.

Mr. SYMMS. I yield the floor. I thank my colleagues.

Mr. WALLOP. I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, I rise in strong opposition to the amendment offered by the Senators from Vermont and Ohio. This effort to substantially increase the grazing fee without the benefit of committee review is very troubling to me and I believe it is indicative of an alarming lack of understanding of the vital link between the land and the economic well-being of the Western United States. Everything we have comes from the land. Oil and gas, minerals, food, fiber, and timber are the building blocks of our society and are essential to our survival. This amendment, if passed, will cripple the land-based economies of hundreds of small Western communities and signal the end of a unique American way of life.

Obviously, any decision concerning the management of public lands is going to be of great interest to those of us from the West. Westerners are the ones who must live with the effects of new land management policies. However, we often find the fate of our region is being determined by people who do not live there and have no stake in the outcome of the decisionmaking process.

Unfortunately, the human cost of many of these decisions is not apparent to those who live far from the affected areas. They never comprehend the enormous impact that their decisions can have on the people who make a living on our public lands.

Mr. President, approximately 27,000 livestock operators graze cattle and sheep on Western Federal lands, managed primarily by the Bureau of Land Management and the U.S. Forest Service under the multiple-use principle. Most livestock operations are small, family-owned farms and ranches that are economically dependent upon the use of public lands for livestock grazing. The Federal land management agencies closely regulate grazing practices, season of use, and number of livestock.

In addition, grazers or permittees must pay a grazing fee to graze livestock on the Federal lands, and I believe that fee is fair. The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support, including that of the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court. The current fee is based on market conditions and goes up or down depending on three market variables that are measured by the Government each year: private lease rates, beef cattle prices, and production costs in 11 Western States.

News story coverage of the grazing fee controversy commonly deals only with the fact that the private grazing fees greatly exceed those charged on Federal rangelands. This leads to a seemingly obvious conclusion that Federal grazing permittees are being subsidized. But, Federal grazing fees are only a small part of the total costs paid by ranchers who graze livestock on public lands.

All Federal permittees must bear many nonfee costs for which a counterpart on private land is not responsible. For example, the expenses associated with the construction and repair of improvements, such as fences and corrals; revegetation; livestock doctoring; herd supervision; gathering; moving; salting; water hauling and pumping; supplemental feeding; resource harvesting; noxious weed control; pest control; parasite control; and predator control are all the responsibility of the permittee.

Whether or not Federal agencies recognize the nonfee costs associated with grazing on public lands, those nonfee costs must be paid by ranchers and they must be calculated into the total costs of public rangeland grazing and in the comparison to private lease rates. Average nonfee costs for public land grazers in Utah through January 1990 total $12.48 per animal unit month according to a study prepared by Dr. Darwin Nielson, professor of economics at Utah State University.

Combined with the 1991 grazing fee of $1.97, the total of grazing livestock on public lands in Utah in 1991 is $14.45. By contrast, the nonfee costs for average private land grazing in Utah are $10.41, which must be added to the private lease rate and this totals $14.76. Therefore, it can be readily seen that total costs of public land grazing in Utah are comparable to total costs of private grazing leases. And this was also true in 1990, a year when private grazing lease rates were driven much higher due to severe drought conditions in the West. In more normal times, the total cost of grazing on public lands would likely be higher than on private lands.

This amendment clearly fails to comprehend the real-world operating costs of Federal permittees. The Western permittee faces obstacles that are unique to grazing on the Federal land. I believe that no discussion of this issue can be credible without this realization. Factors such as higher mileage to and from base property and the ranges, shorter growing seasons, higher death losses, frequent changes in BLM and Forest Service management personnel and policies, frequent instances of significantly lower quality forage, competition with wildlife, and other multiple-use management plans compound the problems faced by the permittee.

Mr. President, Utah's livestock industry is highly dependent upon public land for grazing forage, for both winter and summer feed. Utah is a State dominated by public land, with 69 percent of the State area in Federal ownership and an additional 11 percent in State ownership. In a normal year, an estimated 70 percent of Utah's 800,000 beef cows and calves and 500,000 sheep and lambs spend at least part of the year on public lands.

Most Utah ranchers are small family-owned cattle and sheep operations that use and depend on both public and private lands. The average gross income per livestock operator was $33,000 in 1988 with an average net income of $7,538 per operator. In fact, more than 50 percent of Utah ranchers also work off-farm jobs to help pay the bills.

I think it is obvious that in order to stay in business, the Utah rancher must have access to the public land and at reasonable cost. However, it will be argued by its proponents that this amendment is an attempt to ensure that ranchers pay a fair price for the use of the public lands. Ironically, this amendment and this effort to add it to an Interior appropriations bill is anything but fair. What is fair about bypassing the authorizing committee and any opportunity to thoroughly examine the amendment? What is fair about avoiding an opportunity to receive input from the individuals that will be economically destroyed if this amendment passes? What is fair about an amendment that ignores the input of the Federal agencies responsible for the management of these lands?

Mr. President, this amendment has nothing to do with fairness, but is, I believe, an effort to eliminate one of the most historic and legitimate uses of Federal lands—that is the grazing of cattle and sheep on millions of acres of public lands. If the supporters of this amendment are really interested in fairness, the amendment would be withdrawn and sent to the authorizing committee for full review and consideration.

Mr. President, the imposition of higher grazing fees will have a very serious impact on communities all over the West. The importance of the livestock industry to these Western communities can not be overstated. The livestock industry in the 13 Western States represents 2.4 million head of cattle and 5.8 million sheep. In 1987, cash receipts from cattle and calves in these States totaled $9.2 billion, and receipts from sheep and lambs totaled $339 million. Byproducts such as wool, hides, and medication such as insulin from animal organs also contribute to the overall economy. The multiplier effect in terms of personal, county, and State income, purchasing power, and direct and indirect employment is clearly of major economic significance to individuals, families, local dependent communities, and the entire Western region.

The livestock industry plays a vital economic role in the State of Utah. More than $500 million in wages can be directly and indirectly attributed to beef cattle production, primarily in range livestock operations. More than 40,000 Utah jobs are tied to range cattle production. In many of the rural counties of the State, range livestock is virtually the sole agricultural enterprise. Agriculture constitutes from 35 to 40 percent of the local economic activity in some areas.

If Utah's ranchers and farmers go out of business or are forced into bankruptcy, the impact on our small communities will be devastating. There will be a ripple effect in the community on businesses and individuals who depend on the predominantly agricultural economic base. These disruptions and dislocations will place additional demands on rural social and health services.

Before I close, I would like to read excerpts of a letter that I recently received from Dr. Duane Blake of St. George, UT. Our State is 67 percent owned by the Federal Government. We have myriad problems. He sums it up for the cattlemen in Utah and all over the entire mountain West. Mr. Blake is typical, in my opinion of cattlemen in that area. I think it would be helpful to hear his concerns.

DEAR SENATOR HATCH: I am a third generation rancher, operating in Southwest Utah and Northwestern Arizona. My son joined the operation in 1986, making four family generations grazing livestock on public lands.

Our ranch consists of approximately 900 acres of private land and nearly 65,000 acres of public lands. The private lands are at an elevation of 8,000 feet and can only be used for the summer grazing. As you can see, our very existence in ranching is dependent upon the use of public lands grazing. Not only would we be out of the livestock business without the use of these public lands, we would also see the value of our private lands decrease significantly as well.

There are approximately 48 miles of fence, 17 dirt water tanks, 11 miles of pipeline, 1–50,000 gallon water storage tank, 1–80,000 gallon and 2–25,000 gallon steel water storage tanks, and many miles of roads that are used and maintained in connection with the ranch. These capital improvements that the rancher has made in the past will cease, until there is some stability and security in the grazing fee structure. We cannot operate in the future as we have in the past, not knowing if we will be in business from one year to the next.

These proposed fee increase represents a worst case scenario for the rancher. He will have to walk away from the federal lands without any kind of reimbursement for the thousands of dollars he has expended for all the range improvements he has invested in. This mass exodus from the federal lands will cause economic hardships to rural counties in the West, threaten the existence of schools, businesses, public services, and our agriculture lending institutions.

I am proud of my heritage as a third generation rancher, proud of the ranchers' commitment to good range management, proud of the accomplishments of the rancher in improving forage conditions and the construction of range improvements for both livestock and wildlife.

However, I am not without my disappointments. I am disappointed that I did not show a profit for 4 years out of the last 11. Disappointed that our lending institutions have forced liquidations of ranchers that have been a part of this great industry for several family generations. Disappointed that Congress ignored the facts and extra costs associated with public land grazing. Disappointed that there are those that cannot see that the present grazing fee formula is an equitable fee for both the rancher and the federal government.

No, the grazing fee is really not the issue, it goes far beyond economics, it is a land use issue pure and simple. A way to remove livestock grazing from the federal lands. This proposed fee structure will erase the value of the grazing permits, but it will never erase the time, sweat, hardships and memories we have invested in these lands.

Mr. President, public lands livestock grazing constitutes a critical part of our western lifestyle and provides many important environmental, economic, social, and cultural benefits to all Americans. Whether intended or not, passage of this amendment will inevitably force ranchers out of business, devastate families, hurt rural economies, and destroy a distinctively American way of life. A way of life that has been part of Utah for the last 140 years. A way of life that typifies the struggles that our forefathers made in settling this country. A way of life that represents many of the positive values that this country stands for: hard work, self reliance, sacrifice, and love of the land.

A decision that will have such disastrous consequences should not be considered without a thorough review by the appropriate oversight committee. This amendment is not worthy of our consideration at this time and I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Will the Senator yield me 3 or 4 minutes?

Mr. JEFFORDS. Mr. President, I want to bring this to the attention of the Senator from Utah:

Be it resolved that the Utah Cattlemen go on record in support of a grazing fee formula that retains the $1.23 AUM base determined in the 1966 grazing fee study and that this base will be adjusted annually by the forage value index [FVI] currently used to determine fee levels.

Using this formula, the 1990 fee would have been $1.23×2.43=$2.99 per AUM, $2.99 is higher than we raise ours. I wanted, in fairness, to make the Senator from Utah aware of that. We have a copy of the officer resolution, which the association passed December 5–7, 1990, at its 72d annual convention.

I am happy to yield 4 minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, the tears are flowing copiously, and all of our handkerchiefs are out for the poor little cattle ranchers, but the fact is, that is not the issue here. The Bureau of Land Management, which is charged with managing millions of acres of rangeland in the West, has provided a list of the top 300 grazers. The top 300 permittees control 90 percent of the BLM acreage in the West.

Who are they? They are not mom-and-pop people. They are your oil companies: Getty Oil; Union Oil; Texaco; John Hancock Mutual Life Insurance Co; Pacific Power; Utah Power & Light; Koch Industries Matadore Ranch; Zenchicu Land & Livestock of Japan, a Japanese-based meat company that leases 41,000 acreas of federally subsidized ranchlands in Montana; David Packard of Hewlett-Packard; George Gillette, the man who owns Vail, Colorado's Globetrotter Communications, and a television empire that is very large.

Recently, Fortune magazine published its list of wealthiest Americans. According to Fortune, there are 96 billionaires in the United States and 4 of them hold subsidized grazing permits: Charles Koch and David Koch of Koch Industries, David Packard, and Gordon Peter Getty.

So I say do not tell us about the little cattle rancher, those poor mom-and-pop ranchers that will be destroyed by reason of this amendment. The fact is they will not be. But the real fact is that 90 percent of this subsidy is going to 300 of the wealthiest people in this country. It just does not make sense. It is time to put a halt to it. I reserve the remainder of my time.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, I compliment my colleague from Vermont and my colleague from Ohio for bringing this amendment forward. I think we do need a public lands policy that curtails nonsustainable uses of public lands. However, I think we must recognize that the current land policy is a result of years of complex decisions that do affect families throughout the West.

Regardless of whether or not some of the wealthiest citizens in our country own a lot of these rights, it is undeniably true that a lot are owned by families, as well. This will impact a lot of people who are hard working and will suffer during the transition, if it is too harsh. I think we have to evaluate that impact and make the transition in a way that is sensitive to the impact that it has on these people, as well as on the environment.

There are hundreds of land permittees that go to extremes to be good stewards of the land. They open their own private land to the diverse wildlife that roams the West, make improvements on the leased public lands, and as I have often said, have preserved and enhanced the land in order to hand it down to the next generation.

These people, and their grandparents before them, entered a lifestyle and invested in the private lands with the understanding that public lands would be available to them for lease. In many cases, the other private land is not available for leasing.

I do not join the ranks of those that say that most of the ranchers in the 16 affected States are simply getting rich off of the Federal Government. For these reasons, I have not been comfortable with some of the proposals that have been discussed in Congress which would raise the graze per animal unit month, much higher than the raises we are talking about here today.

But the Jeffords-Metzenbaum approach, in my opinion, does strike the appropriate balance and begins to move us in the direction I believe we need to go in. We need to preserve and protect our communities, and we need to preserve and protect the environment for those who live in our communities and on the land in the future. This amendment moves us toward that objective.

This is an issue which I think also ought to be looked at in a worldwide context. We are sometimes used to looking at the environmental damage that is done all over the world, in the Soviet Union, or Eastern Europe, or in the Amazon, or in the Arctic, in Antarctica, but right here in our country some tremendous damage is being done.

It is all too easy for those of us in this generation, the people who are alive today, to be partially blind to the consequences of what we do in our lifetimes for the opportunities available to those who will be on the same land in future generations. And so when we look at the management of the land that is entrusted to us, where these public lands are concerned, we ought to insist that it be used in a way that does not degrade the opportunity of future generations to also use that same land.

Worldwide, every year, 24 billion tons of topsoil are lost all over the world. That is an amount equal to all of the topsoil in the wheat areas of Australia. It is not a negligible amount. It is being lost primarily because those of us alive today are too frequently ignoring the consequences of what we do for future generations.

This amendment begins to address a significant factor, which degrades land here in the United States that is public land which is being leased at rates far, far below the market price for comparable private land, where it is available. We have seen haunting pictures from around the world from areas that have been mismanaged, where the topsoil has all been washed away, and where the problems have been ignored for too long. We have a responsibility to address that problem here at home.

According to a report prepared for the U.N. environment program, some 85 percent of the rangeland in the Western United States is being degraded today, and overgrazing is the chief contributing cause.

We have just seen a great victory of free market principles and democracy in the world. As we face the environmental problems here and around the world, we have to have the courage to use those free market principles to insist on stewardship of the land. This is a transition approach, not nearly as extreme as some propose. I think it definitely moves us in the right direction. We need to be sensitive to the impact, but I strongly believe that we should support this Jeffords-Metzenbaum amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I yield myself 30 seconds to say two things. It is typical of the Senator from Ohio that in order to retain his position for 200 or 300 users he would ignore the consequences on 31,000 people.

I say to my friend from Tennessee I understand his view on this. If you have problems with overgrazing, the way to solve them is through management, not by driving the people off that land—which is the consequence of this amendment.

I yield 2 minutes to the Senator from New Mexico, [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I thank my colleague yielding time to me.

Mr. President, I rise to express my opposition to the Jeffords-Metzenbaum amendment to increase grazing fees on Federal land. I believe it is an arbitrary and ill-considered approach to the very complex issue of multiple resource use on public lands. Livestock grazing is one important activity under the multiple use philosophy that guides public land management today. I believe that in order to maintain that use, we need to retain the formula that has served western communities so well until evidence of long-term economic and environmental impacts is available and considered.

While it is true that some public rangelands are in an unsatisfactory condition. This is an historical problem, partly fostered by Government policies no longer practiced. Raising grazing fees is not the way to solve this problem. Particularly, it is not the way to solve that problem on this appropriations bill.

The authorizing committee I believe needs to look at this issue. We need to find a permanent solution to this problem which is satisfactory to all which can allow the ranching industry in the West to continue to survive and, hopefully, to prosper and thrive in the future years.

Mr. President, I think arguments have been made very well by the Senator from Wyoming and others as to the concerns that we have about this legislation.

Without the benefit of studies of all of the impacts of this action, the dramatic rise in fees that this amendment proposes would simply shatter the already fragile rural economies of the West. Ranching is critical for sustaining our rural western communities, and ranching in the West is dependent on grazing on public lands.

For example, I am concerned, Mr. President, that my colleagues from Vermont and Ohio may not fully appreciate the implication of what they propose for small towns in my home State. The payments that states receive in lieu of taxes, payments which compensate these States for the tax revenues lost because of nontaxable public land, are vital for schools and roads in western counties. These payments are calculated based on the return to the Federal Government of all economic activities on public lands. If grazing fees on public lands are raised, hundreds of ranches will go under. This means that the payments to communities, which are based on the productivity of the land, will diminish—leaving western counties stranded.

It is impacts like this which need to be fully discussed and understood before any raise in fees should be considered. And, the relevant authorizing committees are the place for this discussion. There, long-term impacts to the environment, to ranchers, and to their rural hometowns can be fully considered and a long-term solution can be reached.

In my home State of New Mexico, the vast majority of the men and women that have grazing permits on Federal land are small ranchers. In fact, about three-fourths of New Mexico ranchers run less than 100 head of cattle. They do their best to take care of the land on which their livelihood depends. These are not rapacious corporations. They are hard working men and women, who are already pushed to the financial edge. The smaller the ranching operation, the tighter the break-even point for the rancher. As labor, insurance, and other costs rise, many ranchers get very close to that point. Punishing these people, through unreasonable increases in grazing fees, for the drought conditions that have plagued the West for over 5 years, and for poor range management policies no longer practiced, will not solve the problems of the range.

What we need, Mr. President, until this issue can be fully considered in the relevant authorizing committees, is for the Bureau of Land Management and the Forest Service to work in partnership with our ranchers, to devise creative solutions to the environmental conditions that challenge the West. In order to do so, they need greater resources. They need to put more people in the field to work with the ranchers. Raising grazing fees will put ranching families out of business, while serving no demonstrated environmental purpose.

Mr. BINGAMAN. I yield back the remainder of my time.

Mr. WALLOP. Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER (Mr. ADAMS). Who yields time?

Mr. JEFFORDS. How much time do I have remaining?

The PRESIDING OFFICER. Eight minutes and twenty seconds.

Mr. JEFFORDS. I would like to reserve 3 minutes for closing; thus I will yield myself 5 minutes.

Mr. President, I would like again to get back to the facts. I want to introduce into the RECORD—and I will take some time to introduce them in the RECORD—some documents here because we whould be concerned with the facts. We all had nice, emotional statements, but I think it is appropriate we get into the RECORD some very important documents to support our position.

The first document I will put in the RECORD now is my offer of compromise which comes from the economist, Dr. Frederick Obermiller of Oregon State University, dated September 4, 1991. I will ask that that be printed in the RECORD.

I will also ask that pages 7 and 8 of the 1986 fee study of the Department of the Interior and USDA be placed in the RECORD. It sets out certain statistical information on BLM and Forest Service expenditures.

I will ask the Forest Service issue paper for Congressman REGULA relative to my amendment dated July 1991 be printed in the RECORD.

Also, I ask that another one from the BLM to Congressman REGULA be part of the RECORD and a letter from the Department of Agriculture to me involving my amendment, which basically states that a modification I was going to offer would be difficult to implement because the agency has so little knowledge about who holds the permits. The agency said that if I were to try to hit the bigger holders of AUM's only, the agency could not figure out who they are.

Also, I ask that a similar letter from the BLM dated August 15, 1991; the letter from the Independent Cattlemen's Association of Texas, dated April 11, 1991, supporting my amendment; the letter from the Southern Utah Wilderness Alliance, and other taxpayer and environmenal groups supporting my amendment be inserted in the RECORD. I ask further unanimous consent that chapter 2 of a report dated February 1986 from the Secretaries of Agriculture and Interior and other sections and another report of August 1986 "The Cost of Subleasing Federal Grazing Privileges", the Colorado State University study that we have referred to, be printed in the RECORD; also certain newspaper articles and letters; also excerpts from GAO's June 1991 report, a report requested by Congressman SYNAR, which backs up all the matters we have been discussing here today. These are not lengthy documents.

Mr. President, I ask unanimous consent to print in the RECORD the material to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELEMENTS OF A GRAND COMPROMISE

(By Frederick W. Obermiller, Oregon State University, September 4, 1991)

The legislation and regulations governing the operations of the range programs of the Forest Service and the Bureau of Land Management make it clear that stability and conservation are primary public rangeland policy objectives. The preamble to the Taylor Grazing Act reads as follows:

"To stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent on the public range."

The permitting and commensurability systems were implemented by the two Federal land management agencies to achieve these public rangeland policy objectives. The grazing fee issue, however, was left to the discretion of the Secretaries of Agriculture and the Interior.

We all know the subsequent history. Uncertainty regarding the future price of public rangeland (the grazing fee), coupled with increased management and policy emphasis on environmental services thought by some to be incompatible with livestock grazing, is a spreading plague undermining the stability of the Western livestock industry and the "orderly use, improvement, and development" of those rangeland resources.

The grazing fee, public rangeland grazing use, competing use, and property value attributes of the Western rangelands are inextricably related. To address them as if they were independent is to fail to achieve a stable solution to the Western rangeland problem. What is needed is a new, comprehensive, and uniformly applied Taylor Grazing Act encompassing the management, use, and pricing of all of the public rangeland resources in all of the 16 Western States. If Congress cannot act with comprehension and foresight, the public controversy will grow increasingly heated, and the quest for stability will be fruitless.

Such an Act may seem unattainable, certainly within the context of the current grazing fee debate. I don't think so, however. If middle ground can be found that results in a principled change in the PRIA formula fee, one generating stability and equality among permittees while addressing the concerns and the valued interests of the environmental community, the unthinkable may just be possible. I have some thoughts to share which I call the elements of a ground compromise, elements that would preserve the spirit of the Taylor Grazing Act while putting the public land livestock grazing controversy to rest, hopefully forever. These elements are as follows:

1. Retain the spirit and principle of cost equality in forage use among permittees and nonpermittees as represented by the $1.23 per AUM in the PRIA formula, and reject the use of the "Appraisal Values" or other arbitrary collar amounts in any adjustment to the PRIA formula.

2. Recognize that the $1.23 base fee is 25 years old, and that the relative cost differential will have changed since then if for no other reason than the prices of the various product inputs have changed.

3. Recognize further that the costs incurred by permittees have changed due to changes in Federal land management agency regulations since 1966, with the primary known change being the shift of maintenance responsibility for range improvements to BLM permittees, resulting in an estimated increase in BLM permittee forage use costs of $1.00 per AUM.

4. Use price indices to update the $1.23 base fee to 1991 prices, resulting in an unadjusted 1991 base of $3.09 per AUM, then deduct from that the proportional effect of the change in FLM maintenance policy. The BLM furnishes on average about 60 percent of the total public rangeland forage in the 16 Western states, implying a 60 cent reduction from $3.09 per AUM, leaving an adjusted base fee of $2.49 per AUM which would be the grazing fee in 1992. All indices used to modify this new base would be given a 1991 index value of 100.

5. Given the larger adjusted base ($2.49 versus $1.23) reduce the "cap constraint" or the amount the fee can change from year-to-year to 10% of the previous year's fee level (the PRIA formula cap constraint is 25%). This would be done in the interest of stability and to promote long term planning, improvement, and maintenance on the part of the permittee.

6. In the interest of equity, and for broader political support, incorporate the five National Grassland states in the new fee system (meaning their fee would be $2.49 per AUM in 1992 as well). This would also be more consistent with the definitions of the 16 Western public rangeland states used in existing public land law (PRIA and FLPMA).

7. Create multiple use advisory groups at the BLM grazing district and the Forest Service ranger district levels with strong permittee representation but also with representation from other rangeland resource interest groups. The responsibilities of these groups would be to assist the local office of the Federal agency in range management and resource development goal setting and in monitoring toward achievement of those goals.

8. Increase the allocation of funds and the commitment of effort toward on-the-ground range improvements with no restrictions on the types of uses or benefits to be created. Benefits could be livestock grazing, wildlife habitat, riparian conditions, or other rangeland resource attributes consistent with the spectrum of benefits (which include livestock grazing) specified in FLPMA.

9. To further encourage improvements and as an incentive for the permittee to assist in making and maintaining those improvements, increase the term of all grazing permits on BLM, National Forest, and National Grassland grazing lands from 10 to 25 years. This would further stabilize the Western

livestock industry because it would increase the permittee's security of tenure. These 25 year term permits would be renewable and could be rolled forward every 10 years, for example, assuming the permittee had been cooperative and had otherwise abided by the terms and conditions of the grazing permit.

10. By legislation, expand the scope of BLM, National Forest, and National Grassland allocations and uses of monies accruing to the Treasury from grazing fee and other rangeland resource user charge receipts to include applied rangeland resource research and education including allowance for contracting with the Western land grant universities for the conduct of those programs.

11. By legislation, set in motion a funded Western Public Rangelands Policy Task Force led by representatives of the Western land grant universities but also with formal representation by the BLM, Forest Service, Economic Research Service, National Agricultural Statistical Service, and Office of Management and Budget to (i) evaluate the new formula and propose changes if needed in the $2.49 base fee, in the indices by which it is multiplied, in the extension of the fee system to other Federal lands on which livestock grazing occurs in the 16 Western states, and in the granting of fee credits when livestock are managed and used to achieve nonlivestock resource improvement objectives; (ii) report its findings and recommendations to Congress not less than five years, and preferably in two years, following the chartering by Congress of that Task Force; (iii) evaluate the source of "permit value" and the allowance, if any, to be made based on that value in future fee and related land management and use policy, again providing Congress with its report and recommendations; (iv) identify the types and values of nongrazing uses of public rangelands and provide Congress with corresponding pricing and/or user charge alternatives; and (v) develop the principles, standards, guidelines, and priorities for the applied rangeland resource research and education summarized in item 10 above.

These things can be done, and could be done immediately. All that is needed is the willingness to cooperate in searching for a solution that is: first, comprehensive; and second, fair to all concerned with or affected by the management of our Western public rangelands. The elements of my "grand compromise" are not exhaustive, but are complementary and could be implemented if all of us have the will.

DOI-USDA 1986 FEE STUDY

While FS and BLM range program costs are separable, they also may be viewed jointly. Combined FS and BLM costs are shown in Figure 1.5.

FIGURE 1.5.—COMBINED BLM AND FOREST SERVICE DIRECT COSTS AND GRAZING FEE RECEIPTS, 1982–83

[In thousands of dollars]

Cost/receipt component	1982	1983
Allotment planning and inventory	$10,547	$8,760
Grazing management	35,854	35,404
Range improvements	15,322	16,744
Total costs	61,723	60,908
Total receipts [1]	31,634	24,756
State/county shares [2]	6,328	4,993
Net Federal receipts	−36,417	−41,145

[1] National Forest and BLM receipts only.

[2] Western States and counties share of Federal grazing fee receipts.

Permittee Investment In Range Improvements: Permittees and lessees may cooperate with improvement investments through contributions of money, time, labor, and materials. The regulations for each Agency provide for private investment, when in the public interest. Permittees, thus, have an opportunity to invest their own capital where they can realize capital recovery and profit on their investments. Forest Service grazing statistical records and BLM's fiscal records (Job Documentation Reports) showed that permittee combined contributions averaged $0.16 per AUM toward range improvement investments during the PRIA trial period. (See figure 1.6.)

FIGURE 1.6.—PERMITTEE CONTRIBUTIONS FOR RANGE IMPROVEMENTS, 1979–83

Agency	1979	1980	1981	1982	1983	Total
Dollars Contributed (thousands):						
BLM	$940	$1,213	$1,237	$1,258	$1,281	$5,930
FS	1,259	1,367	1,531	2,761	1,451	8,369
Total	2,199	2,580	2,768	4,019	2,732	14,299
Dollars per AUM:						
BLM	.09	.12	.12	.12	.12	.11
FS	.20	.24	.23	.25	.22	.21

Both Agencies require permittees and lessees to maintain fences and other structural improvements that benefit livestock on grazing allotments. For the years 1979 to 1983, FS grazing statistical records reported that the National Forest permittees in the 16 Western States spent an average of $0.30 per AUM each year on maintenance of range improvements. (Maintenance expenditures by Forest Service Region are shown in Appendix B, Figure B.7. Similar data are not available for the BLM.)

Permittee cooperation is an essential element in implementing improved grazing management systems. Maintenance of improvements by the range user allows the limited appropriated funds (including Range Betterment Funds) to be used for new construction. This policy allows private investment and hastens the improvement of public rangeland condition.

LAW AND POLICY THAT GUIDE FEES

Figure 1.7 lists the laws that guide the Administration's approach to grazing fees. Several of the laws described refer to fees that are "reasonable." Many ranchers grazing livestock on the public rangelands believe that a reasonable fee must take into consideration the costs of purchasing a public grazing permit (from the existing permit holder) as a reasonable cost of grazing public lands. In 1968, Pankey Land and Cattle Company filed suit against the Secretaries of the Interior and Agriculture, seeking an injunction against the new fees claiming they failed to meet the legal requirement of reasonableness because they failed to consider the costs of the permit. The U.S. District Court for New Mexico held in favor of the Secretaries, ruling that the Agencies had considered all factors "related to the reasonableness of the fees." The courts also ruled that the Government was not obligated to compensate permittees for actions which reduce the permit value.

FIGURE 1.7.—LAWS THAT GUIDE GRAZING FEE POLICY

Date	Law	Policy statement
1978	Public Rangelands Improvement Act.	(BLM and FS) Established a fee on a trial basis, which Congress determined would represent the economic value, of the land to the user. In establishing a fee based on economic value, Congress stated that "to prevent economic disruption and harm to the western livestock industry, it is in the public interest to charge a fee for livestock grazing . . . which is based on a formula reflecting annual changes in the costs of production [and beef prices]."
1976	Federal Land Policy Management Act (FLPMA).	(BLM) Declared that it is a general policy that ". . . the United States receive fair market value of the use of public lands and their resources unless otherwise provided by statute." The FLPMA also required the Secretaries to study the grazing fee issue and in making the study "take into consideration the costs of production . . . differences in forage values, and other factors which relate to the reasonableness of such fees."

FOREST SERVICE ISSUE PAPER

For Congressman Ralph Regula

Topic: Regula Amendment to H.R. 1096 (BLM Reauthorization Bill).

Issue: Recommended Changes to Draft Bill and Fiscal Impact Analysis (Change in Grazing Fee System—Public Lands).

Background: The proposed amendment to H.R. 1096 (BLM Reauthorization) would modify the current grazing fee formula. The proposal would adopt the Modified Market Value Fee System on a westwide basis (1986 Grazing Fee Review and Evaluation report to Congress, pg. 38). The 1983 base value is updated through alternative indexing methods to 1991 values. Language is recommended to clarify the definitions of both the Forage Value Index (FVI) and Appraised Base Value. It is suggested that the FVI be set equal to 100 in 1991, in order to have an accurate method for annually adjusting the base value in the out years.

It is further suggested that the term "Appraised Base Value on a Westwide Basis" be defined as the lowest pricing area value for mature cattle (Price Area 5 value of $4.68 per AUM indexed to 1991). These recommended changes are consistent with the methodology used in the 1986 Grazing Fee Review and Evaluation report to the Congress.

The amendment calls for a 33 percent per year increase starting in FY 1992 and reaching Fair Market Value (FMV) in 1995. Alternative indexing of the 1983 base value to 1991 with supporting rationale, projected revenues, Cost/AUM comparisons between the Regula Amendment calculated grazing fees and the 33 percent ceiling limitation called for are as follows:

Alternative Indexing of 1983 Appraised Base Value updated to 1991:

Alt 1. Average Year indexing method: 1990 Calculated FVI=253=1.08 (percent increase); 1980–1984 Average FVI=234.

1983 Appraised Base Value updated to 1991: $4.68 × 1.08=$5.10/AUM.

Rationale: The 5-year FVI (1980–1984) coincides with the base years used in the 1986 Fee Report, blends the high and low FVI values over a five year period, and removes the assumption that the 1983 FVI (242) was the normative value for the time period.

Alt 2. Single Year indexing method: 1990 Calculated FVI=253—1.045 (percent increase); 1983 Calculated FVI—242.

1983 Appraised Base Value updated to 1991: $4.68×1.045=$4.89/AUM.

Rationale: Use of percent change is an acceptable method for indexing.

PROJECTED REVENUES, 1992–95

ALTERNATIVE 1

Year	Cost/AUM (formula)	Cost/AUM (33 percent limit)	AUM's sold (estimated)	Projected revenues
1992	[1]$5.15	[2]$2.63	6,648,000	$17,484,240
1993	5.20	3.49	6,648,000	23,201,520
1994	5.25	4.65	6,648,000	30,913,000
1995	5.31	5.31	6,648,000	35,300,880

[1] FMV equals 1983 Westwide appraised base value (indexed to 1991) times FVI.

[2] Limited to 1.33 percent of previous years fee level.

Note.—FMV equals $5.10 (1991 Base FMV) times 101 divided by 100 equals annual FMV grazing fee. Assumed FMV at FVI increase of 1 percent per year.

ALTERNATIVE 2

Year	Cost/AUM (formula)	Cost/AUM (33 percent limit)	AUM's sold (estimated)	Projected revenues
1992	[1]$4.94	$2.63	6,648,000	$17,484,240
1993	4.99	3.49	6,648,000	23,201,520
1994	5.04	4.65	6,648,000	30,913,000
1995	5.09	5.09	6,648,000	33,838,320

[1] FMV equals 1983 Westwide appraised base value (indexed to 1991) times FVI.

Note.—FMV equals $4.89 (1991 base FMV) times 101 divided by 100 equals annual FMV grazing fee. Assumed FMV at FVI increase of 1 percent per year.

BUREAU OF LAND MANAGEMENT ISSUE PAPER CONGRESSMAN FOR RALPH REGULA

Topic: Regula Amendment to H.R. 1096 (BLM Reauthorization Bill)

Issue: Recommended Changes to Draft Bill and Fiscal Impact Analysis

Background: Language is recommended which clarifies the definitions of both the "Forage Value Index" (FVI) and "Appraised Base Value". It is suggested that the FVI be set equal to 100 in 1991, so that we have a means of accurately adjusting the base value in the out years. It is also suggested that the "westwide basis" term used in defining the Appraised Base Value be further defined as the lowest pricing area base value (indexed to 1991). These recommended changes are consistent with the methodology utilized in the 1986 Grazing Fee Study.

Based upon our calculations, the 33% per year increase limitation will prevent implementation of a Fair Market Value (FMV) charge until 1995. Projected revenues, as well as Cost/AUM comparisons between Regula Amendment calculated grazing fees and the 33% ceiling limitation called for are as follows:

Year	Cost/AUM (formula)	Cost/AUM (33 percent limit)	AUM's sold (estimated)	Projected revenues
1992	[1]$4.94	2.63	11,000,000	$28,930,000
1993	4.00	3.49	11,000,000	38,390,000
1994	5.04	4.65	11,000,000	51,150,000
1995	5.09	5.09	11,000,000	55,990,000

[1] FMV—1983 westwide appraised base value (indexed to 1991) times forage value index divided by 100. FMV—$4.89 times 101 divided by 100.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, August 29, 1991.

Hon. JAMES M. JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: Thank you for your August 1, 1991, letter requesting the Forest Service's estimate of the impact of your draft amendment on animal unit months (AUMs) sold for the forseeable future. You also requested technical comments on the drafting of the amendment.

The proposed two-tiered fee would be difficult for the Forest Service to administer under the current billing system. We have no way of currently tracking an individual permittee's combined-use level on all allotments, some of which may be on other National Forests or within the jurisdiction of other agencies. About 15 percent of public rangeland permittees graze their livestock on both Forest Service and Bureau of Land Management allotments. Additionally, a number of our permits are held by grazing associations with many individual members.

Our billing system would need to be modified to meet the intent of the draft amendment. This modification would take approximately 1 year.

The minimum of 2,000 AUMs would impact some small family ranchers. For example, a 6-month grazing season would reduce the affected herd size to 333 animal units. However, a permittee who grazed only 1 month on a National Forest could have a herd size of 2,000 animal units and not be affected. This minimum should be addressed in the context of the complete ranching family operation.

Finally, we recommend some technical changes to the proposed amendment. In section 6(a)(1)(A) of the Public Rangelands Improvement Act of 1978 insert "in the 16 western States" following "grazing fees for the public rangelands." In section 6(a)(1)(B), insert "Forest Service and Bureau of Land Management" following "for the first 2,000 animal unit months of combined."

Our technical comments on your draft amendment should not be construed as altering the Administration's position that the current grazing fee formula should not be changed.

If you need further assistance, please call Robert Williamson, Director of Range Management, at 205-1460.

F. DALE ROBERTSON,
Chief.

ESTIMATED EFFECTS OF JEFFORDS GRAZING FEE AMENDMENT

Year	Calculated fee	33.3 percent limited fee	Large permittees			Smaller permittees		
			AUMs sold low fee	High fee	Estimated revenue	AUMs sold	Estimated revenue	Estimated total revenue
1992	$4.94	$2.63	2,264,558	303,450	$7,454,830.54	4,080,421	$10,731,507.23	$18,186,337.77
1993	4.99	3.49	2,264,558	303,450	9,417,522.92	4,080,421	14,240,669.29	23,658,192.21
1994	5.04	4.65	2,264,558	303,450	12,059,582.70	4,080,421	18,973,957.65	31,033,540.15
1995	5.09	5.09	2,264,558	303,450	13,071,160.72	4,080,421	20,769,342.89	33,840,503.61

Assumptions for estimating purposes, we have not consider any BLM grazing in estimating the 2,000 AUMs. 48 percent of AUMs are used by 19 percent of permittees with herds of more than 500 head, these large permittees use an average of 2,175 AUMs per year. 2,000 AUMs would be purchased at the 33.3 percent limited fee and 175 would be purchased at the calculated fee. 52 percent of AUMs are used by 90 percent of permittees with herds of less than 500 head. We assumed they would pay the 33.3 percent limited fee for all of their AUMs.

Note.—Many Forest Service permittes spend Fall, Winter or Spring on BLM administered lands, therefore, these estimates are considered conservative. No reductions in AUMs sold are made at the fee of $5.09. However, we estimate that there would be a decrease of 1.218 AUMs if the fee rose from $4.35 to $5.80

Department of the Interior,
Bureau of Land Management,
Washington, DC, August 15, 1991.
Hon. James M. Jeffords,
U.S. Senate, Washington, DC.

Dear Senator Jeffords: Thank you for your letter of August 1, 1991, requesting the Bureau of Land Management's [BLM] estimate of the impact of the grazing fee amendment which you may offer on the sale of animal unit months [AUM's].

The proposed two-tiered fee would be extremely difficult for the BLM to administer under the current billing system. Since our grazing bills are processed at the resource area level, we have no way of tracking an individual permittee's combined use level on all allotments, some of which may be in other resource areas, districts, or States, or in the jurisdiction of other agencies. About 15 percent of public land permittees hold both BLM and Forest Service allotments. A number of our permits are held by cooperative grazing associations with many individual members, a further complication. It is also likely that many permittees would divide their preferences among family members or partners to qualify for the lower fee.

Even if we had the resources to develop an entirely new billing system, on an individual rather than a resource area basis, it might well take until 1995 to implement, and the effect would be lost.

Furthermore, the 2,000 AUM threshold, averaging 500 AUM's grazing 4 months a year, does not insulate all of the small family ranchers. In the Southwest, where use is yearlong, this would provide for only 167 animal units. In much of the West, where a 6- to 9-month grazing season is common, this limit would extend to herds of 333 to 222 animal units.

If we can provide you or your staff with further information on the grazing fee issue, please call.

Sincerely,

Susan Recce Lamson,
Director.

ESTIMATED EFFECTS OF JEFFORDS GRAZING FEE AMENDMENT

Year	Calculated fee	33.3 percent-limited fee	Large permittees: AUM's sold[1] Low fee	Large permittees: AUM's sold[1] High fee	Large permittees: Estimated revenue	Smaller permittees: AUM's sold	Smaller permittees: Estimated revenue	Estimated total revenue
1992	$4.94	$2.63	3,690,000	1,480,000	$17,015,900	5,830,000	$15,332,900	$32,348,800
1993	4.99	3.49	3,690,000	1,480,000	20,263,300	5,830,000	20,346,700	40,610,000
1994	5.04	4.65	3,690,000	1,480,000	24,617,700	5,830,000	27,109,500	51,727,200
1995	5.09	5.09			26,315,300	5,830,000	29,674,700	55,990,000

[1] Total 5,270,000.

Assumptions.—For estimating purposes, 2,000 AUMs equals 500 head grazing 4 months on BLM range. 47 percent of AUMs are used by the 10 percent of permittees with herds of more than 500 head. These large permittees use an average of 2,822 AUMs per year. 2,000 AUMs would be purchased at the 33.3 limited fee and 822 would be purchased at the calculated fee. 53 percent of AUMs are used by the 90 percent of permittees with herds of less than 500 head. We assumed that they would pay the 33.3 limited fee for all of their AUMs (p. 4, 1986 Fee Study).

Note.—Even though BLM projects no reduction in AUMs sold at a fee of $5.09, it is likely there would be some decrease in use. Under the Synar fee proposal, BLM had estimated that there would be a decrease of 3.6 million AUMs if the fee rose from $4.35 to $5.80.

Independent Cattlemen's
Association of Texas, Inc.,
Austin, TX, April 11, 1991.
Hon. James Jeffords,
U.S. Senate, Washington, DC.

Dear Senator Jeffords: The Board of Directors of the Independent Cattlemen's Association of Texas have voted to support the Fair Market Grazing for Public Rangelands Act of 1991.

Our Association believes the current fees of $1.97 per animal unit month (AUM) are far below the market rate of fees charged on other federal lands, state lands, and private lands.

The Fair Market Grazing for Public Rangelands Act would phase in an increase in grazing fees so that by 1994, a fair market value for grazing public lands would be collected.

Currently, Texas producers pay from $8 to $12 per AUM. Texas has no federal lands open to public or private grazing, so this expense represents a fair market value we operate under.

We ask your support for the following reasons:

1. Virtually no Texas livestock along with over 90% of the Western States livestock have access to publicly owned rangeland, giving an unfair economic advantage to those with access.

2. Increased fees would generate over $325 million over the next three fiscal years and be used to fully fund federal range improvement activities on a "pay as you go basis."

3. Proper livestock grazing on public rangelands should continue and can benefit wildlife habitat, if both wildlife and livestock are managed in concert. Increased fees can pay for the Department of Agriculture's U.S. Forest Service and the Department of Interior's Bureau of Land Management to adequately oversee both.

4. Fees charged today by the Department of Agriculture and the Bureau of Land Management on cattle caught today "trespassing" on federal lands are $8.70 per AUM (the fee equal to the "value of forage consumed")

The Independent Cattlemen's Association of Texas strongly supports continuing the federal grazing programs on public lands, we only encourage a fair market value be charged for these permits.

We ask your support for the Fair Market Grazing for Public Rangelands Act of 1991.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Bob Nunley, Jr.
President.

Southern Utah
Wilderness Alliance,
Cedar City, UT, September 10, 1991.

Vote for the Jeffords-Metzenbaum
Grazing Reform Amendment

Dear Senator: When the Senate considers the Fiscal Year 1992 Interior Appropriations Bill, Senator Jeffords and Senator Metzenbaum will offer a grazing reform amendment. We urge you to help protect and restore Utah's public lands and vote for this important amendment.

In many areas of Utah, grazing has degraded water quality below state and federal standards. Streamside areas, which are the lifeblood of arid and semi-arid western ecosystems, have been devastated by livestock grazing.

Livestock grazing has not only compromised our biological legacy, but also our checkbooks. The current fee of $1.97 (per Animal Unit Month—AUM) does not cover the costs to administer the program, is far less than the cost to lease comparable private land and is one quarter of the actual value of western rangeland forage ($8.70 per AUM). Utah, along with other western states, charges more than the federal government for grazing fees according to a new report by the General Accounting Office.

The Jeffords-Metzenbaum amendment would implement three crucial reforms to our nation's grazing program:

(1) Increase the livestock grazing fees.

(2) Utilize grazing fee receipts to restore national resources and cover program costs.

(3) Abolish the single interest and anachronistic Grazing Advisory Boards.

It is time for Congress to implement grazing reform—for compelling fiscal and environmental reasons. The Southern Utah Wilderness Alliance urges you to support the protection and restoration of our public lands by voting for the Jeffords-Metzenbaum Amendment.

Sincerely,

Brant Calkin,
Executive Director.
Cindy Shogan,
Washington Representative.

National Taxpayers Union,
Washington, DC, September 12, 1991.

Dear Senator: When the Interior Appropriations bill reaches the floor of the Senate, we urge you to support a grazing fee reform amendment that will be offered by Senators Jeffords and Metzenbaum.

Taxpayers have had about all they can stomach of government waste. Yet, special interest legislation continues to chew up billions of taxpayer dollars. These interests have powerful providers in Congress who make sure that programs back home are well fed.

For those western ranchers with access to public lands, the grass looks a lot greener on the government's side of the fence, and with good reason. Every year, hundreds of millions of Federally-owned and managed acres are made available for grazing by privately owned livestock at a fraction of the cost to the government.

America's taxpayers have lost an estimated $650 million over the last six years because federal grazing fees are far below fair market value. Unless this inadequate grazing fee formula is changed, the taxpayers will continue to lose millions of dollars year after year.

A recent General Accounting Office (GAO) report shows that the current grazing fee formula is fraught with technical errors and assumptions that keep the fee artificially low. In fact, today's federal fee of $1.97 per cow-month is only about one-fifth the $9.22 that is the average market value for grazing on private lands in the west. This amounts to a tremendous taxpayer subsidy.

It is clear that there is a dire need for reform of grazing fees. Under the present formula the rewards to the ranchers are considerable. The rewards to the taxpayer are nonexistent. When private profit is derived from the use of public resources, a benefit should accrue to the taxpayer. It's as simple as that.

The Jeffords-Metzenbaum amendment makes good fiscal sense. We urge you to vote "YES" on this amendment.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, September 12, 1991.

DEAR SENATOR: For the past 20 years, the League of Conservation Voters has provided voters and the media with important information about how their elected officials vote on environmental issues. In the upcoming consideration of the FY 1992 Interior and Related Agencies Appropriations bill, we urge you to support an amendment that will be offered by Senators Jeffords and Metzenbaum to reform federal grazing fees and improve the management of western public rangelands.

Previously, the issue of taxpayer-subsidized grazing has been blocked from reaching the Senate floor. Thus, this is the Senate's first opportunity to reform the discredited formula that currently determines the fee charged for livestock grazing on western public lands. The fee is administered by the Bureau of Land Management (BLM) and the Forest Service.

In addition to bringing fairness to the grazing fee formula, the amendment appropriately broadens the use of grazing fee receipts for such activities as the restoration of wildlife and fish habitat and other resources damaged by overgrazing. The amendment also abolishes BLM's single-use grazing advisory boards, which are inconsistent with BLM's multiple-use mandate and have operated without statutory authority since 1985.

The League of Conservation Voters considers a vote for the reform of federal grazing fees to be an important vote for the environment, and we urge you to support the Jeffords-Metzenbaum amendment.

Sincerely,

JIM MADDY,
Executive Director.

THE WILDERNESS SOCIETY,
Washington, DC, September 12, 1991.

SUPPORT THE JEFFORDS-METZENBAUM GRAZING FEE REFORM AMENDMENT

DEAR SENATOR: When the FY 1992 appropriations bill for Interior and Related Agencies is considered by the Senate, The Wilderness Society urges you to support the grazing fee reform amendment which will be offered by Senators Jeffords and Metzenbaum.

Reform of the federal grazing fee is long overdue. Numerous government studies and data provide convincing evidence of the inadequacy and unfairness of the current grazing fee formula that is used by the Bureau of Land Management (BLM) and the Forest Service. The taxpayers and the environment are paying the price for the grazing subsidy.

Today, the BLM and the Forest Service charge just $1.97 per cow-calf unit per month for grazing on western public lands; in comparison, the average private land lease rate in the West is $9.22. The unjustified low federal fee amounts to a huge subsidy at the expense of American taxpayers.

Year after year, BLM and Forest Service western grazing programs produce a net loss to the taxpayers. In FY 1991, BLM and Forest Service expenditures for grazing programs will exceed receipts by nearly $65 million.

The current grazing fee formula is fatally flawed. A recent GAO report points out several technical problems and double-counting in the formula. The existing formula keeps the federal fee at a ridiculously low level even when the fee charged on private lands is going up.

The grazing subsidy benefits just two percent of the nation's livestock producers—and many of these are huge operations owned by large corporations.

The fee is unfair to taxpayers and unfair to private land livestock operators who must compete against federally subsidized grazing.

The Jeffords-Metzenbaum amendment will:

1. Replace the existing, discredited grazing fee formula with one that is reasonable and much closer to fair market value. It is the same formula proposed by Representative Ralph Regula and adopted by the House of Representatives in July. The Jeffords-Metzenbaum proposal also provides a phase-in period for new fees by placing an annual cap of no more than 33.3 percent on the fee increase. Thus the fee would increase from $1.97 this year to $2.63 in 1992, $3.50 in 1993, $4.67 in 1994, $5.09 in 1995, and would be determined by the formula thereafter (estimated to be $5.13 in 1996).

2. Significantly broaden the use of fee receipts to cover the full cost of administering BLM and Forest Service grazing programs. Currently, the portion of grazing fee receipts that are returned to the agencies cannot be used for activities such as enforcement of the conditions in grazing permits and monitoring of rangeland conditions—taxpayers foot the bill for these and essentially all other costs of administering for grazing programs. It's only fair that the receipts be used to cover grazing program costs and help ensure that livestock grazing is properly managed at sustainable levels on public lands. The amendment also would ensure that fee receipts are available to restore wildlife and fish habitat, soil, and watershed resources of public rangelands.

3. Eliminate BLM's wasteful, outdated grazing advisory boards. These single-use boards consist almost entirely of livestock operators who benefit from the below-cost grazing fees. Although they should have ended in 1985 (per the Federal Land Policy and Management Act of 1976), the boards have been perpetuated by a Secretarial order. Under the direction of these boards, grazing receipts have been used almost exclusively for projects to benefit livestock. Grazing boards and their actions obviously are inconsistent with BLM's multiple-use mandate. And by way of contrast, the Forest Service grazing boards went out of existence as scheduled at the end of 1985.

For the conservation of our nation's fiscal and environmental resources, The Wilderness Society urges you to join Senator Jeffords and Senator Metzenbaum in supporting grazing fee reform.

Sincerely,

NANCY GREEN,
Director, BLM Program.

SIERRA CLUB,
Washington, DC.

SUPPORT ENVIRONMENTAL AND FISCAL REFORM AMENDMENTS TO THE FY 1992 INTERIOR APPROPRIATIONS BILL

Vote YES on the Bumpers' patenting moratorium amendment.

End the giveaway of the Federal Lands for $2.50 an acre under the 1872 Mining Law.

Give Congress time to act to reform the 1872 Mining Law to protect natural resources.

Vote YES on the Jeffords-Metzenbaum grazing fee amendment.

Raise the current fee for grazing livestock on Federal Lands.

Use receipts to restore natural resources and wildlife habitat.

Vote YES for the environment; vote YES for the Taxpayer.

GRAZING FEE REVIEW AND EVALUATION FINAL REPORT, 1979-1985

(Report of the Secretaries of Agriculture and the Interior, February 1986)

CHAPTER 2.—APPRAISED MARKET RENTAL VALUE OF GRAZING ON PUBLIC RANGELANDS

Purpose of grazing market rental appraisal

In the PRIA, Congress legislated a grazing fee formula and established fair market value of grazing lands by legislative definition. In House Report No. 91-1122, Congress charged the Secretaries to "refine the data on the value of the public rangelands as compared to privately owned rangelands." In response to the congressional charge, the FS and the BLM conducted a grazing rental market value appraisal of public rangelands. The two primary objectives of the appraisal were: (1) to establish a market value, which is the amount a livestock operator would pay for grazing use on the public lands if these lands were offered on the open market, and (2) to provide the information needed to compare that value with the public land grazing fees now derived from the current fee formula established by the PRIA.

Definition of fair market rental value used in the appraisal

The American Institute of Real Estate Appraisers states that "an appraisal is an unbiased estimate of the nature, quality, value, or utility of an interest in, or aspect of, identified real estate, . . . is based on selective research into appropriate market areas; assemblage of pertinent data; the application of appropriate analytical techniques; and the knowledge, experience, and professional judgment necessary to develop a conclusion that is appropriate to the problem." Fair market rental value is defined as "The amount in cash, or in terms reasonably equivalent to cash, for which in all probability the grazing use would be rented or leased by a knowledgeable owner willing but not obligated to rent or lease to a knowledgeable renter or lessee who desired but is not obligated to lease." It was also defined as "The amount that livestock owners would probably pay for the grazing use if it were offered for rent or lease in the open market" (Brownell and Tittman, 1984a).

Function of the appraisal

The grazing market rental appraisal was undertaken to: (1) provide market data from which to compare values obtained from the USDA-Statistical Reporting Service Annual June Enumerative Survey (JES) of Private Grazing Land Lease Rates (the Forage Value Index); (2) compare the closeness of PRIA fee rates, which include factors of cost of production and ability to pay, with comparable private grazing land lease rates obtained in a free, open market, and (3) place a market value on the occupancy, use, and consumption of public rangeland forage where the leasing of grazing privileges through permit or lease is a form of purchasing resources.

A market value appraisal is an accepted and theoretically correct method for determining the value of land resources used in the production of livestock products. The market approach uses the "comparative lease method" to estimate current market values of resources and land services. The Bureau of Indian Affairs (Department of the Interior) has used this methodology extensively. The Department of Defense (Army and Navy) also used this methodology to determine rental value for other Federal grazing lands leased by the Army Corps of Engineers or the Navy. The method used in the FS/BLM appraisal was mass data appraisal, which provided a reservoir of market and related economic data for a specified area.

Scope of the appraisal

The field work portion of the appraisal took 17 months to complete (July 1982 to November 1983). The field appraisers interviewed approximately 100,000 persons to identify who leased grazing lands. Those interviewed included bankers, appraisers, farm management specialists, loan officers, grazing permittees, nonpermittee livestock producers, etc. The appraisers developed lists of persons, from those interviewed, who leased grazing lands which they believed represented 80 to 90 percent of the transactions within the area surveyed. These interviews resulted in a transaction data based that contained 11,675 records. The 11,675 records contained 7,246 usable observations of different prices reflecting and results of open market negotiations between lessors and lessees for grazing use of lands by cattle, horses, yearling cattle, and sheep.

The appraisal covered 16 Western States, plus two counties in Texas, which were divided into six pricing areas (see Figure 2.1). Criteria for selecting the boundaries of the pricing areas included the following, in order of priority: (1) mean county prices for mature cattle and horses; (2) consideration of the natural vegetation, which reflects the influence of soils, climate, and land features; (3) physical or geographic features; and, (4) political or administrative boundaries. Data on 99 physical characteristics and lease terms and conditions that could affect value were collected for each lease. The 99 items were reduced or combined to form 81 potential value determining factors. The most important factors are shown in Appendix B, Figure B.8.

Appraisal process and conclusions

The appraisers used appraisal techniques that acknowledged a wide range of conditions on individual allotments on the public rangelands, and recognized the impossibility of accounting for the differences between individual allotments or tracts. A universe of market transactions involving private leased rangelands, subleased public rangeland administered by the BLM and FS, and other Federal rangeland properties as of a given date were analyzed in a uniform manner. The appraisal used standard methodology and employed a common reference for data. This process is referred to as mass appraising and allows for statistical analysis of data for determining factors that influence value between the subject properties and comparable transactions. This process may use statistical data when (1) it shows high levels of correlation between factors and price, and (2) the sample size is sufficient to be reliable. The appraisers applied such statistical analysis and found some correlations of factors with value, but did not find any that were statistically significant. (See the Statistical Appendix to the Appraisal, Volume 2, Exhibit 13-10.) Therefore, they did not base the adjustments in the appraisal on the results of the statistical analysis of the factors and price data.

The value estimates presented do not represent the "site specific" fair market grazing rental value of any individual allotment. Rather, they are intended to represent a reasonable estimate of the mean average rental value of grazing on the public rangelands. Appraised market value reflects the highest price that a property will bring if exposed to sale or rent in the open market. There must be a willing seller (or lessor) and a willing buyer (or lessee), both knowledgeable of all uses of the property and neither being under abnormal pressure. The quantification of appraised value is based on this concept of market value. In the grazing rental appraisal, it is determined as an average value that would be realized from rental of all allotments available for grazing.

FIGURE 2.1.—WESTWIDE PRICING AREAS: MATURE CATTLE, HORSES, AND YEARLING CATTLE—PRICING AREAS 1 THROUGH 6; SHEEP—ENTIRE WESTWIDE AREA

[BLM AUM's and Forest Service AM's by Pricing Area [1]]

Pricing area	BLM AUM's	FS AM's	Total	Percent of total
1	196,558	194,424	390,982	2
2	351,538	11,261	362,799	2
3	4,352,997	2,782,956	7,135,953	33
4	4,112,507	2,226,620	6,339,127	29
5	4,351,845	2,673,227	7,025,072	33
6	116,813	214,620	331,433	2
Total	13,482,258	8,103,108	21,585,366	100

[1] Numbers of AUM's and AM's reported in the appraisal, 1982 data BLM AUM's correspond to Forest AM's.

In arriving at an estimate of the fair market rental value for grazing on the public rangelands within each pricing area, the use and conditions on the private leased lands were compared to the use and conditions on the public rangelands. Based on a pure "qualitative analysis" of different factors, it was the appraisers' judgment that any advantage the lessee of private lands might have over the public rangelands permittee/lessee, as a result of the general lack of stipulations or restrictions on the private lease, was at least partially offset by the guaranteed tenure, the rights of appeal, and the option of nonuse for 3 years at no cost that were afforded the public rangeland permittees/lessees.

The analyses showed there were different prices being paid for different kinds and types of animals. They also showed there were differences in prices being paid in different geographic areas that could be attributed to broad differences in various factors that included location, seasons of use, and carrying capacity or quality of range. For example, prices being paid for typical spring-summer-fall grazing on lands stocked at 1-10 acres per AUM in South Dakota were 2 to 3 times the prices paid for year-round grazing on lands in the southwestern desert areas of New Mexico, Arizona, and Nevada on lands stocked at 20 to 40 acres per AUM.

The Agencies' appraisers, in consultation with the contracted private review appraisers, concluded that the most appropriate and valid measure of the rental value of public land grazing was the average price of the negotiated leases. The value estimates were based on indications provided by the 7,246 observations of the negotiated leases. Because of the wide range of prices shown by these observations and the skewness of rental prices to the high side, they further concluded the need to remove the extremes of highs and lows in prices by excluding the top and bottom 15 percent of the reported prices. This left 70 percent of the data as the basis for estimating the fair market rental. Eliminating the extreme values of each end of the range in this manner reduced the skewness and resulted in lowering the appraised market value an average of 5 percent.

The appraisers also compared the westwide average prices paid on private leased lands to the westwide average prices paid for over 600 competitive and/or negotiated leases on approximately 9 million acres of Federal lands. The leases of Federal lands included competitive leases of military reservations, wildlife refuges, reclamation lands, and subleases of Federal grazing permits, including intermingled public and private rangelands, where all or part of the public land is administered by BLM or FS. These transactions did not involve the landowner's care or management of the livestock. This showed an average price of $6.53 per month for the Federal lands compared to $6.87 for Nonfederal lands, indicating a 5 percent lower value for grazing on Federal lands than for the Nonfederal lands. The -5 percent difference was attributed to a number of factors, including the general conditions of the permits or leases, differences in costs of operation and desirability of use, etc.

The appraisers recommended a further adjustment because of the different payment schedules that were authorized for use on public rangeland permits/leases. The appraisal data showed that private market transactions were discounted approximately 10 percent for advance payment. Generally, both Agencies required partial or full payment in advance. The additional -10 percent adjustment together with that due to the indicated 5 percent lower market value of public grazing land leases and subleases resulted in a total -15 percent adjustment from the private grazing rates. No adjustments were made for factors such as size (in acres, AUM's, number of head), quality of range (carrying capacity or stocking rate), improvements, availability and distribution of water, etc., the following reasons: (1) the transactions showed no difference in prices because of differences in these factors, and/or (2) the public rangeland allotments within each of the pricing areas exhibited broad ranges in physical characteristics and the private leased lands exhibited the same general, broad ranges in these characteristics or factors.

The mass appraisal technique assessed comparability for similar leased public private rangelands but did not identify differences between specific leased rented areas. The mass appraisal was, therefore, an indicator of the mean average prices paid in the market for grazing rangelands, and was a reliable indicator of the average market value of public leased rangelands.

Figure 2.2. presents for each of the six pricing areas estimates of the average private land lease rate and the estimated average appraised market value of grazing on the public rangelands, with recommended adjustments for advance payment for mature cattle and horses, yearling cattle, and the westwide priced sheep, as of October 1, 1983.

FIGURE 2.2—APPRAISAL VALUE CONCLUSIONS, 1983

[Dollar per head or pair month]

Price area	Private land lease rate	Appraised market value of grazing on public rangelands	Adjusted value for advance payment
Mature cattle and horses (over 18 months of age):			
1	$10.00	$9.50	$8.55
2	7.50	7.10	6.39
3	8.00	7.60	6.84
4	6.25	5.90	5.31
5	5.50	5.20	4.68
6	6.75	6.40	5.76

FIGURE 2.2—APPRAISAL VALUE CONCLUSIONS, 1983—Continued

[Dollar per head or pair month]

Price area	Private land lease rate	Appraised market value of grazing on public rangelands	Adjusted value for advance payment
Yearling cattle (under 18 months of age):			
1	7.50	7.10	6.39
2	6.75	6.40	5.76
3	6.25	5.90	5.31
4	5.70	5.40	4.86
5	5.50	5.20	4.68
6	4.75	4.50	4.05
Sheep: Westwide	1.10	1.05	.95

FIGURE 3.4.—SUMMARY RESULTS OF THE 1966 WESTERN LIVESTOCK GRAZING SURVEY

	Cattle		Sheep	
	Public	Private	Public	Private
Total nonfee costs	$3.28	$2.75	$4.53	$3.89
Lease rate	(1.26)	1.79	(1.13)	1.77
Total costs	4.54	4.54	5.66	5.66
Derived FS/BLM lease rate	(1.26)		(1.13)	
Difference for private lease	0.53		0.64	

Weighted private lease rate (cattle and sheep)	$1.78
Cattle and sheep nonfee cost weighted difference: (cattle 80 percent, sheep 20 percent	$0.55
Weighted nonfee costs difference	1.23

Comparison of PRIA Fees with Westwide Indicated Market Value and the 1969 Fee System, 1979–1983: Measures of the PRIA formula's performance for 1979 to 1983 were derived from comparing the indicated market value for the public lands, as determined by the grazing rental appraisal, with fee rates that would have been derived from the former 1969 fee system. The FS and BLM appraisers, through a separate market analysis, observed that 1983 private grazing land lease rates were $7.00 per head month ($/AUM). After discounting ten percent for advance payment and an additional five percent for comparability adjustment, the 1983 indicated market value of grazing on public rangelands was $5.99 per head month (Brownell and Tittman, 1984b.)

The 1969 fee system annually adjusted the 1964 to 1968 base value of $1.23 by an index of the annual change in private grazing land lease rates.

Figure 3.5 shows PRIA's performance in relationship to the indicated westwide market value and fee rates determined by the 1969 grazing fee system. (See Brownell and Tittman, 1984b.) The indicated westwide market value was based on 16 Western States, while the PRIA and the 1969 grazing fee system values were based on 11 Western States. For the 5 years 1979 to 1983, the PRIA fees averaged 36.4 percent of the indicated market value, with a range from 50 percent in 1980 to 23 percent in 1983. Although the PRIA and the 1969 system produced about the same fee in 1980, by 1983 the PRIA fee was less than half the amount that the former system would have produced.

DERIVATION OF BASE VALUE FOR THE COMBINED VALUE FEE SYSTEM

Indicators of 16 Western States private grazing lease rates were documented by the FS and BLM appraisers in a supplemental report. For details of the market analysis see: Appraisal Report Estimating FAIR MARKET RENTAL VALUE OF GRAZING PUBLIC LANDS, U.S. Forest Service and Bureau of Land Management, Vol. 2, Appendix 15, page 15–6, Oct. 1983. Figure 1 shows the 1983 findings:

Figure 1.—Indicated 1983 Westwide Market Value

Year	1983
Private land lease rate	$7.00
Adjustment	.95
Indication of value of grazing on public rangelands	$6.65
Payment in advance	$5.99

The average price observed by the market analysis for 1983 was $7.35. The average over the 7-year period was $6.87. Placing the most weight on the averages of the past 3 or 4 years would indicate a private land lease rate of about $7.00 for 1983. The 6-year average price (excluding 1977) is $7.20.

Derivation of the base value for the Combined Value Alternative Fee System is the arithmetic (mean) average of the indicated value of grazing on public rangelands ($5.99 per AUM) and the updated 1966 base value ($2.34 per AUM). Based on economic theory, the two values should be the same, but they differ for a variety of reasons, including differences in methodology, data collection and sampling techniques, statistical analysis of the data, and structural cost changes over time. The true economic base value for the alternative fee system is probably somewhere between the two extremes. For illustration purposes an average value is computed as shown in Figure 2.

Figure 2.—Derived Base Value for Combined Value Fee System.

Item	*Values*
Grazing Rental Appraisal of Public Rangeland Grazing	$5.99/AUM
Updated 1966 WLGS Residual Value	2.34/AUM
Total Value	8.33/AUM
Derived Base Value ($8.33/2)	4.16/AUM

1986 USDA/DOI FEE STUDY, GRAZING FEE REVIEW AND EVALUATION

FIGURE 6.6.—COMPARISON OF CASH RECEIPTS, COSTS, AND RECEIPTS LESS CASH COSTS FOR FEDERAL PERMITTEES AND WESTERN LIVESTOCK INDUSTRY PRODUCERS, 1982

[Dollars per cow]

	Federal permittee livestock producer (fee @ $1.86	Western livestock industry producer	Net difference (permittee to industry)	Ratio of Federal permittee to industry
Cash receipts	$249.85	$278.84	−$28.99	.896
Federal fee	6.42			
Other cash costs	177.03			
Cash costs	183.45	221.39	−37.94	.829
Capital replacement	31.82	24.53	7.29	1.297
Receipts less cash costs	66.41	57.45	8.96	1.156
Receipts less cash costs and capital replacement	34.59	32.92	1.67	1.051

Note.—Percent Federal fees are of cash cost: 3.5.

Source: USDA Economic Research Service, "The Economic Impact of Alternative Federal Grazing Fees on Western Livestock Businesses, 1984; Table 15 (corrected), Federal Permittee "Gee" Budgets and Tables D1–D3, Western Industry Livestock Enterprise Budgets (Cost of Production Survey-COPS).

The ERS ranch budget data show that in 1982, Federal Grazing permittees in the Western States: (1) had cash receipts that were 10 percent lower than the industry producers, (2) had 17 percent lower cash costs than industry cattlemen; (3) encountered 30 percent higher replacement costs than the industry producers, and (4) realized receipts less cash costs that were 16 percent higher than the industry. When replacement costs are added to cash costs, residual receipts for permittees dropped to 5 percent higher than the industry.

The data in Figure 6.6, developed by ERS for permittees from the "Gee"' ranch budgets and for the Western Industry producer from the COPS ranch budgets, reflects residual receipts in the short-term and is ". . . valid for comparison between permittees and nonpermittees. The difference in means [averages] shown for permittee's and Western Livestock Industry's [receipts and costs] . . . are not statistically different. Computing the standard deviation on returns over cash receipts indicates a standard deviation of nearly $20 per cow. Thus, a $9 per cow difference is far less than two standard deviation normally used to test significance at 5 percent of confidence. This reconfirms the finding of . . . the 1966 Western Livestock Grazing Survey . . . that there is the existence of a large variation among . . .

FIGURE 6.6.—UPDATED COMPARISON OF COSTS AND RETURNS FOR WESTERN COW CALF PRODUCERS WITH AND WITHOUT FEDERAL GRAZING

[Dollars per cow]

	Average Federal permittee	Western producer	Net difference (permittee less industry)	Percent ratio (permittee over industry)
Cash receipts	$346.16	$386.33	−$40.17	89.0
Federal fee	6.25			
Other cash costs	220.90			
Total cash costs	227.15	276.26	−49.11	82.2
Capital replacement	36.79	28.36	8.43	129.7
Receipts less cash costs	119.01	110.07	8.94	108.1
Receipts less cash costs and capital replacement	82.22	81.71	0.51	100.6
Grazing fees as a percent of cash costs	2.8			

Receipts per animal, cash costs and capital replacement costs for both permittees and non-permittees have been increased by the same proportion that these factors increased for Western producers between 1982 and 1990 as calculated from ERS Cost of Production budgets.

Source: U.S. Department of Agriculture, Economic Research Service.

THE COST OF SUBLEASING FEDERAL GRAZING PRIVILEGES

(By C. Kerry Gee and Albert G. Madsen)

CONCLUSIONS

Establishing a fair price for grazing livestock on land administered by the Bureau of Land Management and Forest Service is a major concern of these agencies. Lack of an active market has made it difficult to set a price acceptable to everyone. However, it has recently been found by Bureau of Land Management and Forest Service personnel that many permit holders are subleasing their grazing rights in the open market. A study of 994 of these subleases indicates the following:

1. There is an established informal market for subleases of federal grazing privileges.
2. Most subleases of federal grazing privileges are part of a larger lease which may include private deeded land, railroad land, or other types of land ownership.
3. Sublease rates are similar to private land lease rates but average lower for individual classes of livestock.
4. Sublease rates indicate that current federal grazing fees charged permittees do not reflect the market value of the resource, however, lease market rates are highly variable and individualized.
5. At livestock prices that prevailed in 1982–83, many livestock producers found benefits in paying more than the current federal grazing fee for the use of this resource.

INTRODUCTION

There are about 307 million acres of federally owned grazing land in the western States administered by the U.S. Department of Agriculture and U.S. Department of the Interior.[1] This land is divided into more than 30,000 allotments and leased to livestock producers. Federal legislation requires that a fee be charged for grazing livestock that reflects a fair market value for the resource. Setting a fee for federal grazing permits has become an important issue among livestock producers, federal land agencies and other interested parties.[2] A major limitation in resolving the issue has been the lack of market prices where willing buyers and willing sellers have agreed upon a price for the resource.

Data has recently become available which should help measure the value of this resource in the open market. A number of grazing permit holders are subleasing their grazing privileges to other livestock producers. These transactions have largely been unrestricted by third parties and should reflect market value.

SOURCE AND DESCRIPTION OF DATA

Information on Federal grazing land subleases was compiled during 1982 and 1983 by field appraisers of the Bureau of Land Management (BLM) and Forest Service (FS) as part of a comprehensive appraisal of the market value of federally owned forage.[3] In the course of this project over 1,000 subleases of federal grazing permits were identified. Data on acreage, lease rate, and contractual arrangements were obtained for each sublease. This data is available to the public through the National Technical Information Service, U.S. Department of Commerce.

The information in this report is based on data from 994 subleases. Subleases which involved horses, unidentified livestock, or unusual pricing units such as pounds of gain or acre month were excluded from the analysis.

GEOGRAPHICAL LOCATION OF SUBLEASES

Subleases included in this evaluation are located in 12 western States (Table 1). There were 903 cattle leases involving some BLM land and 78 cattle leases which included some Forest Service land. Sheep were on 79 leases with BLM land and 6 leases with Forest Service land. The largest number of subleases were in Wyoming, Montana, and Colorado. Sixty percent of all cattle subleases and 75 percent of all sheep subleases were in these States.

RANGELAND ACRES

Parcels involving subleased Federal grazing land usually had mixed ownership (Table 2). Of about 23 million total acres, 14.2 million (61 percent) were BLM land while about 5.9 million (26 percent) were owned by individuals. Only .3 million acres were Forest Service land. Railroads, corporations, States, and other federal agencies controlled the remaining 13 percent of the total acres leased.

States with the largest acreages of total land in these leases were Idaho and Nevada. They also accounted for the largest acreage of BLM and Forest Service land subleased, 3.7 million acres and 3.5 million acres respectively, or 51 percent of the total subleased Federal acres.

The average lease totaled about 19,000 acres with a variation from as few as 100 acres up to several 100,000 acres.

A distribution of the leases based on the proportion of acres belonging to the BLM and Forest Service is shown in Table 3. Only 10 percent of the leases were more than 90 percent federal acres while 25 percent of the leases were 10 percent or less federal rangeland.

PRICING UNIT

Several pricing methods were reported in the sublease data. The most common were price per month, head month and animal month for the kind of livestock specified (Table 4). Less common were animal unit month, pounds of animal produced or acres. Price per month, head month and animal month are probably identical in practice but were left separate in the analysis. Acres leased under each pricing unit are shown in Table 5.

LEASE RATES: AVERAGE LEASE RATES

Twelve state average lease rates based on the most prevalent pricing units were computed for cattle and sheep (Table 6). Individual leases can vary considerably from this average depending upon many local factors affecting open market transactions. Thus, the averages may or may not closely reflect actual local private or public land lease rates. Cow-calf pair lease rates were quoted in four different units. The "price per month" rate was highest at $7.76 while dollar rates averaged lowest ($6.19) for "animal unit months" (AUMs). Average lease rates for cattle varied from $4.49 in terms of "head month" to $5.23 per "animal unit month." The Mature Cow class averaged $9.26 per "head month." Yearling leases were quoted in the same four units as cow/calf pairs. The "animal unit month" lease rate averaged $5.00. The "head month" rate was $6.52. Yearlings are considered less than 1.0 unit in terms of the AUM definition. Sheep lease rates varied from $1.09 per month on a "price per month basis" to $2.25 per "animal month."

LEASE RATES FOR HIGH AND LOW PROPORTION OF BLM LAND

The 12-State averages were computed for leases where BLM land represented 65 percent or more of grazing acreage involved in a lease and for leases where BLM land represented 35 percent or less of the acreage leased (Table 6).

The most usual pricing unit for cow-calf pairs was "price per month." These lease rates for transactions where the percentage of BLM acreage was low, were over $1.00 higher than transactions where BLM land made up a large share of contracted acreage ($7.13 vs. $8.26). Larger differences were observed for cow-calf leases paid on the basis of "animal month" ($5.14 vs. $8.16).

The leases for cattle indicated higher "animal month" and AUM payments when BLM land percentage was high than when BLM land percentage was low. This relationship is the reverse of that noted for leases on a "head month" basis. However, the number of cases on which cattle averages were based is not sufficient to make a strong statement about differences.

Lease payments for yearlings by "head month" and "animal month" were $1.00 to $3.50 higher for transactions with BLM land less than 35 percent of grazing acreage involved. Where averages are computed from a relatively large number of cases, the overriding tendency is for cattle rates to be somewhat lower when the proportion of BLM land is high. This may reflect differences in the quality of grazing land.

Sheep leases on high vs. low proportion of BLM land grazing packages followed a pattern opposite to most of the cattle leases. The lease rates on a "price per month" basis and "animal month" were highest for cases where BLM land was 65 percent or more of the land being leased. Again the number of cases on which averages are computed is relatively few.

EFFECT OF LAND OWNERSHIP AND TOTAL ACREAGE ON LEASE RATE

A regression analysis was made using three independent variables; percent of BLM land in lease transaction, total acres leased, percent of private land in lease transactions regressed against lease rate (the dependent variable) for different classes of livestock. In all comparisons the variation in lease rate explained (R^2 value) was relatively low, ranging from less than 1 percent to a maximum of 16 percent. However, a number of the regression coefficients are statistically significant at the 80 percent or 95 percent confidence levels (Table 7).

Cow-calf leases on both the "price per month" and "animal month" bases were significantly influenced by all three independent variables. For each one percent increase in the relative amount of BLM land included in the lease, lease rates per cow-calf were reduced by 2¢ for "price per month" and 4¢ per "animal month." The percentage of private land in lease transactions had the opposite impact on lease rates. For each one percent increase in private land, lease rates per cow-calf increased 1.5¢ on a "price per month" basis and about 6¢ for payments per "animal month." The total number of acres involved in lease transactions also influenced lease rates for cow-calf pairs. Generally, the larger the acreage the lower the lease rates. For each acre increase the "price per month" rate decreased about one cent. For "animal month" payments the rate decreased about ⅛ cent for each acre increase.

The relationship between independent and dependent variables was relatively similar for "mature cows" and "cattle" leases but in most cases the differences were not statistically significant.

Leases on a "head month" basis for yearling cattle were affected by the percent of BLM land and percent of private land in the transaction. The lease rate decreased about one cent for each one percent increase in BLM land and increased about one cent for one percent increase in private land.

Two of the independent variables had a significant impact on sheep lease payments. When payments were on a "price per month" basis, as the number of acres in the transactions increased by one acre the lease rate decreased about ⅛ cent. When leases were paid by "animal month" as the percent of BLM land in the transaction increased the lease rate increased 3 cents. This relationship was the reverse of that for most classes of cattle.

The equations in Table 7 indicate that the ownership mix in parcels leased had some effect but not a major effect on the lease rate. Therefore, the rate charged for a parcel containing 100 percent BLM grazing land would be similar to the rate for a parcel containing 100 percent deeded grazing land.

Although most of the regression equations had limited statistical significance they were used to estimate sublease rates assuming the leases were 100 percent BLM grazing land (Table 8). It is interesting to note that the estimated values are comparable with rates in the BLM-FS grazing fee appraisal study ($4.68 to $8.55 per month for mature cows and $4.50 to $7.10 per month for yearlings).[4] They are also within the range of private land lease rates for the same time period ($5.50 to $10.00 per month for mature cows and $4.75 to $7.50 per month for yearlings).[4] The estimates also support reports from the appraisers that livestock producers do not differentiate between federal and deeded grazing land when negotiating lease rates for parcels with mixed ownership.[5]

---

[1] See, "Grazing Fee Review and Evaluation, A report from the Secretary of Agriculture and the Secretary of the Interior." USDA Forest Service and USDI Bureau of Land Management, Feb. 1986.

[2] See, "Federal Grazing Fees: What is Fair Market Value?" Public Lands Committee National Cattlemen's Association, Proceedings of the Symposium, New Orleans, Louisiana, Jan. 23, 1984.

[3] See, Brownell, Clifton E. and Paul B. Tittman. "Appraisal Report Estimating Fair Market Value of Public Rangeland in the Western United States," prepared for USDA Forest Service and USDI Bureau of Land Management, Washington, D.C., 1984.

It is also interesting to note that none of the rates estimated in this report using the sublease data approach the $1.40 rate charged permittees by the BLM-FS in 1983.

EFFECT OF DAY-TO-DAY OPERATIONS RESPONSIBILITY ON LEASE RATE

About 80 percent of cow-calf leases contained the provision for lessee to have responsibility for day-to-day operations (Table 9). The lessor had this responsibility in 16 percent of the lease transactions. For the few mature cow leases, the lessee was responsible for day-to-day operations in 53 percent of the cases and the lessor in the remaining 47 percent. Cattle leases indicated that 92 percent of the total held the lessee responsible for operations.

Yearling cattle leases were divided almost half and half between lessee and lessor for day-to-day responsibilities. Most of the 62 sheep leases (94 percent) indicated lessee responsibility.

The effects of responsibility for day-to-day operations on lease rates were estimated by using a dummy variable for partitioning the variation. Leases indicating lessee responsibility were used as base and other responsibility arrangements were measured as differences from this base for each class of livestock by unit of lease (Table 10). For cow-calf pair leases on a per month basis, lease rates were $3.30 higher when lessors had responsibility. On an animal month basis cow-calf leases were $1.71 higher for lessor responsibility than for lessee. Other comparisons are not valid due to the limited number of cases. It is logical that lease payments are higher when the lessor must provide more service for the lessee.

Mature cow leases averaged $2.12 higher in terms of head month when the lessor had responsibility for day-to-day operations. Cattle leases were $2.76 higher per head month when lessors had that responsibility.

Yearling cattle leases averaged $1.69 per head month or $2.60 per animal month higher when lessors had responsibility for day-to-day operations. Since almost all sheep leases held lessees responsible for operations comparisons to other arrangements are not meaningful.

LEASE RATES FOR FOREST SERVICE GRAZING LAND

Average rates paid for leases which included some Forest Service lands were calculated based on the relatively few cases available (Table 11). Comparisons are made between leases with Forest Service acreage representing 1 to 35 percent of total acreage in the lease vs. over 65 percent of the total acreage.

The average per month rate for all cow-calf leases was $7.05 (Table 11). Leases which involved only 1–35 percent of Forest Service land in total averaged $7.12 per month and leases with over 65 percent Forest Service land averaged $6.09. Cow-calf lease rates based on animal month followed a pattern similar to that above but differences were greater between low and high proportion of Forest Service land. There were 12 cases of leases for yearlings on head per month basis. Eleven cases contained 35 percent or less Forest land. The average lease rate was $5.59 for these cases.

The number of cases for sheep and other classes of cattle were too few to consider.

TABLE 1.—SUBLEASES ON BUREAU OF LAND MANAGEMENT AND NATIONAL FOREST GRAZING LAND, 1982–83

State	Bureau of Land Management		Forest Service		Total
	Cattle	Sheep (number)	Cattle	Sheep	
Arizona	44	2	2	0	48
California	48	2	15	0	65
Colorado	148	19	11	0	178
Idaho	52	0	5	1	58
Montana	165	5	15	0	185
Nevada	53	7	1	0	61
New Mexico	95	2	1	0	98
North Dakota	1	1	3	0	5
Oregon	29	0	6	3	38
Utah	37	6	1	0	44
Washington	5	0	1	0	6
Wyoming	226	35	17	2	280
Total[1]	903	79	78	6	1,066

[1] The right hand total exceeds the 994 subleases used in the analysis because a number of subleases included both BLM and Forest Service rangeland.

Source: Bureau of Land Management-Forest Service grazing fee appraisal study.

TABLE 2.—ACRES IN LEASES BY LAND OWNERSHIP AND BY STATE, 1982–83

[Acres in thousands]

State	Private deeded	Railroad	Corporation	State	Other Federal	National Forest	Bureau of Land Management	Total
Arizona	229.4	10.1	149.5	232.1	6.1	40.6	1,976.1	2,643.9
California	146.0	58.5	396.9			110.7	1,257.9	1,970.0
Colorado	778.9		3.6	154.2	6.3	54.8	646.8	1,644.6
Idaho	172.2			31.3	.1	2.8	3,745.7	3,952.1
Montana	1,721.4	16.0	48.7	153.3	68.4	8.0	650.9	2,666.7
Nevada	386.0	135.9	106.0			2.5	3,547.9	4,178.3
New Mexico	913.2		219.8	317.4	2.6	4.2	775.4	2,232.6
North Dakota	9.1			.6		4.1	.6	14.4
Oregon	198.2		3.0	6.2		45.3	154.4	407.1
Utah	60.3		19.9	25.2		.2	245.2	350.8
Washington	12.6			1.6		.2	2.4	16.8
Wyoming	1,225.9	42.0	122.0	186.3	13.3	17.5	1,244.4	2,851.4
Total	5,853.2	262.5	1,069.4	1,108.2	96.8	290.9	14,247.7	22,928.7

TABLE 3.—DISTRIBUTION OF LEASES BY PROPORTION OF FEDERAL RANGELAND IN PARCELS LEASED, 1982–83

Proportion of land	Bureau of Land Management	Forest Service[1]	Both
Up to 10	24	32	25
11 to 20	14	24	15
21 to 30	12	10	12
31 to 40	7	7	7
41 to 50	8	1	7
51 to 60	7	3	7
61 to 70	6	1	6
71 to 80	7	1	6
81 to 90	5	5	5

---

[4] See source in footnote 1, page 1.

[5] From personal conversation with supervisors of BLM-FS grazing fee appraisal study.

TABLE 3.—DISTRIBUTION OF LEASES BY PROPORTION OF FEDERAL RANGELAND IN PARCELS LEASED, 1982–83—Continued

Proportion of land	Bureau of Land Management	Forest Service[1]	Both
91 to 100	10	16	10
Total	100	100	100

[1] Percent of leases.

TABLE 4.—NUMBER OF LEASES BY TYPE OF ANIMAL AND PRICING UNIT, 1982–83[1]

Animals	Price month	Head month	Animal month	Animal unit month	Total
Cattle	1	17	21	12	51
Mature cows		15	3		18
Cow-calf pair	518	4	148	10	680
Yearling cattle	2	131	29	2	164
Yearling lambs		7	8		15
Adult sheep	28	3	34	1	66
Total	549	177	243	25	994

[1] Does not include leases for horses and leases where the kind of animal was not identified. Also excluded are leases involving units other than those specified.

TABLE 5.—NUMBER OF LEASES BY TYPE OF ANIMAL AND PRICING UNIT, 1982–83[1]

[Acres in thousands]

Animals	Price month	Head month	Animal month	Animal unit month	Total
Cattle	(2)	511.2	769.8	272.4	1,553.4
Mature cows		270.4	13.5		283.9
Cow-calf pair	6.314.5	28.0	3,546.9	283.0	10,172.4
Yearling cattle	21.3	4,122.9	463.0	48.9	4,656.1
Yearling lambs		58.1	42.2		100.3
Adult sheep	294.1	33.7	1,847.4	1.6	2,176.8
Total	6,629.9	5,024.3	6,682.8	605.9	18,942.9

[1] Does not include leases for horses and leases where the kind of animal was unspecified. Also excluded are leases involving units other than those specified.

[2] Less than 1.000.

TABLE 6.—AVERAGE LEASE RATE BY CLASS OF LIVESTOCK AND PRICING UNIT FOR GRAZING LAND INVOLVING SUBLEASES OF BUREAU OF LAND MANAGEMENT GRAZING PRIVILEGES, 1982–83

Class of livestock and pricing unit	Average all transactions	Proportion BLM acres in lease[1]			
		High		Low	
		Average	Leases (number)	Average	Leases (number)
Cattle:					
Head a month	$4.49	$4.16	7	$4.99	7
Animal month	5.11	6.23	8	5.00	9
Animal unit month	5.23	8.07	3	4.28	9
Mature cows: Head month	9.26	9.54	7	11.90	7
Cow-calf:					
Price per month	7.76	7.13	105	8.26	315
Head month	6.62	(2)		(2)	
Animal month	6.94	5.14	48	8.16	68
Animal unit month	6.19	6.57	5	5.71	4
Yearling cattle:					
Price per month	5.25	(2)		(2)	
Head month	6.52	5.54	22	6.63	88
Animal month	5.99	3.90	5	7.66	14
Animal unit month	5.00	(2)		(2)	
Sheep:					
Price per month	1.09	1.20	9	1.11	15
Head month	1.07	(2)		(2)	
Animal month	2.25	4.60	10	1.39	15
Animal unit month	2.22	(2)		(2)	

[1] The high proportion is over 65 percent BLM acres while the low proportion is less than 35 percent BLM acres in the lease.

[2] Insufficient observations.

TABLE 7.—ESTIMATED IMPACT OF LEASE SIZE AND PROPORTION OF BLM AND PRIVATE ACRES ON LEASE RATES FOR SELECTED CLASSES OF LIVESTOCK AND PRICING UNIT, 1982–83

Class of livestock	Dependent variable	Independent variable	R^2	Constant (dollars)	Regression coefficient (cents)	t-value of regression coefficient
Cattle	Head month	Percent BLM	.001	4.51	−.87	−.15
	Head month	Acres in lease	.00	4.49	−.95	−.60
	Head month	Percent private	.09	3.70	1.94	1.25
	Animal month	Percent BLM	.02	4.55	−1.20	.59
	Animal month	Acres in lease	.03	5.32	−.57	−.74
	Animal month	Percent private	.12	6.55	−3.36	[1]−1.58
Mature cows	Head month	Percent BLM	.04	11.02	−3.14	−.73
	Head month	Acres in lease	.003	9.56	−.17	−.19
	Head month	Percent private	.16	7.16	5.83	[1]1.59
Cow-calf	Price/month	Percent BLM	.03	8.44	−1.95	[2]−3.77
	Price/month	Acres in lease	.01	7.87	−.93	[1]−1.68
	Price/month	Percent private	.02	7.00	1.53	[2]3.12
	Animal month	Percent BLM	.05	8.78	−4.03	[2]−2.66
	Animal month	Acres in lease	.02	7.33	−.17	[1]−1.81
	Animal month	Percent private	.09	4.45	5.78	[2]3.82
Yearling cattle	Head month	Percent BLM	.02	6.83	−.97	[1]−1.54
	Head month	Acres in lease	.003	6.58	−.23	−.67
	Head month	Percent private	.02	6.10	.83	[1]1.47
	Animal month	Percent BLM	.04	7.08	−2.66	−1.10
	Animal month	Acres in lease	.006	5.85	.13	.41
	Animal month	Percent private	.02	5.07	1.87	.77
Sheep	Price/month	Percent BLM	.02	.98	.25	.64
	Price/month	Acres in lease	.08	1.29	−19	[1]−1.53
	Price/month	Percent private	.005	1.15	−.14	[1]−.34
	Animal month	Percent BLM	.11	.90	3.00	[2]2.02
	Animal month	Acres in lease	.02	2.13	.23	.74
	Animal month	Percent private	.10	3.63	−2.94	[1]−1.84

[1] Statistically significant at the 80 percent confidence level.

TABLE 7.—ESTIMATED IMPACT OF LEASE SIZE AND PROPORTION OF BLM AND PRIVATE ACRES ON LEASE RATES FOR SELECTED CLASSES OF LIVESTOCK AND PRICING UNIT, 1982–83—Continued

Class of livestock	Dependent variable	Independent variable	R^2	Constant (dollars)	Regression coefficient (cents)	t-value of regression coefficient

[2] Statistically significant at the 95 percent confidence level.

TABLE 8.—ESTIMATED SUBLEASE RATES FOR BLM GRAZING LAND[1]

Class of cattle	Pricing unit	Estimated sublease rate for 100 percent BLM grazing land
Cattle	Head month	$3.64
	Animal month	3.35
Mature cows	Head month	7.88
Cow-calf pair	Price/month	6.49
	Animal month	4.75
Yearling cattle	Head month	5.86
	Animal month	4.42
Sheep	Price/month	1.23

[1] Based on equations presented in table 7.

TABLE 9.—PROPORTION OF LEASES WITH DIFFERENT PARTIES RESPONSIBLE FOR day-to-day SUPERVISION OF PROPERTY AND LIVESTOCK, 1982–83

[In percent]

Class of livestock and pricing unit	Responsible party: Lessee	Joint	Third party	Lessor	Not identified
Cattle:					
Head month	82	6	—	12	—
Animal month	100	—	—	—	—
Total	92	3	—	5	—
Mature cows	53	—	—	47	—
Cow-calf:					
Price per month	76	4	—	20	(1)
Head month	75	—	—	25	—
Animal month	93	2	(1)	4	—
Total	80	4	(1)	16	(1)
Yearling cattle:					
Head month	45	2	—	53	—
Animal month	86	—	—	14	—
Total	52	1	—	47	—
Sheep:					
Price per month	89	4	—	7	—
Animal month	97	—	—	—	3
Total	93	2	—	3	2
All leases	77	3	(1)	20	(1)

[1] Less than one percent when rounded to whole numbers.

TABLE 10.—LEASE PAYMENT DIFFERENCES DUE TO THE PARTY RESPONSIBLE FOR day-to-day OPERATIONS USING DUMMY VARIABLES TO PARTITION THE VARIANCE, 1982–83

Number of cases	Livestock type	Unit of lease	Lessee	Joint	Third party	Lessor	Not specified
148	Cow-calf pair	Per mo	Base	$1.64	N/A	$3.30	$4.96
514		An. mo	Base	3.16	−1.21	1.71	N/A
15	Mature cow	Head mo	Base	N/A	N/A	2.12	N/A
17	Cattle	Head mo	Base	−2.40	N/A	2.76	N/A
21		An. mo	Base	N/A	N/A	N/A	N/A
131	Yearling	Head mo	Base	3.12	N/A	1.69	N/A
28		An. mo	Base	N/A	N/A	2.60	N/A
34	Sheep	An. mo	Base	N/A	N/A	N/A	−.65
28		Per mo	Base	−.87	N/A	1.38	N/A

TABLE 11.—AVERAGE LEASE RATE BY CLASS OF LIVESTOCK AND PRICING UNIT FOR GRAZING LAND INVOLVING SUBLEASES OF FOREST SERVICE GRAZING RIGHTS, 1982–83

Class of livestock and pricing unit	All transactions		Proportion of Forest Service acres in lease[1]			
			High		Low	
	Average	Leases (number)	Average	Leases (number)	Average	Leases (number)
Cow-calf:						
Price per month	$7.05	62	$7.12	30	$6.09	7
Animal month	6.11	18	7.70	9	4.52	3
Yearlings: Head month	5.20	17	5.59	11	3.67	1
Sheep: Price per month	.91	4	1.08	2	.74	2

[1] The high proportion is over 65 percent Forest Service acres while the low proportion is less than 35 percent Forest Service acres in the lease.

SUMMARY

There is an informal active market for subleases of federal grazing privileges. Data presented in this report indicate that livestock producers are willing to pay prices in excess of the current federal grazing fee for the right to use federal grazing lands. Although sublease fees charged in 1982–1983 were two to three dollars lower than the published private lease rate for that period, they were considerably higher than rates paid to the Federal government by producers holding the permit (Table 12). This suggests that, on average, the federal grazing fee is set lower than the true market value of the resource. It also suggests that livestock producers who subleased found it profitable to pay lease rates much higher than the current federal grazing fee for use of Federally owned grazing land at livestock prices which prevailed in 1982–83. It should be noted that the mixture of land ownership in the lease data of this analysis did have an influence on the lease rates.

TABLE 12.—*Comparison of monthly lease rate for cow-calf pairs for different fee sources, 1983*

Item:	*Lease rate dollars*
Federal grazing fee	1.40
Federal grazing sublease fee:	
BLM	7.76
Forest Service	7.05
Private land lease rate[1]	10.32

[1] Eleven state average as reported in Agricultural Prices. U.S. Department of Agriculture. Statistical Reporting Service, Washington, D.C., December 30, 1983.

[From the Los Angeles Times, May 23, 1989]

RANCHERS TURN A PROFIT BY SUBLETTING U.S. LAND

(By Mark A. Stein and Louis Sahagun)

Like a lot of western ranchers, Stan Davidson needs public grazing lands to survive. He owns a small ranch, but needs additional pasture in the spring and summer. Suitable land not owned by the government is too expensive to buy.

Unlike a lot of western ranchers, Davidson has to pay fair-market value for the publ grazing lands he uses—and he pays it to competitors, who have exclusive government permits to graze those lands.

The permittees pay the Bureau of Land Management $1.86 a month for each cow allowed to graze the vast expanse of BLM-managed public land. Then they charge Davidson and others like him from $8 to $12 per month per cow. And they pocket the difference.

What they do is illegal. But since they have the permits, Davidson and many other small ranchers must pay, federal appraisers have found. Some pay in cash while others pay with livestock. Often, payments are concealed by arrangements that defy outsiders including the BLM, to uncover and prove.

Few of the ranchers who sublease public lands are willing to talk about it. Davidson spoke only as long as his actual name and state were not used. He and others said they fear ostracism by other cattlemen, and worry that if they are known to speak out they could find no place to graze their herds next year.

The reason he and others are so reluctant to talk is that subleasing public grazing permits for private profit—a practice that the BLM and cattlemen's groups say does not exist—illustrates what conservationists and other critics assert is wrong with the Bureau of Land Management's grazing program.

The trouble, they say, is that the grazing fee set by Congress and extended by presidential fiat is scandalously low. Not only does this fail to generate revenue to cut the federal deficit, it fails even to produce enough revenue to cover the cost of running the grazing program itself.

DAMAGE TO LAND

At the same time, critics argue, the fee is so low that it becomes economic to run cattle on sparsely vegetated lands, sometimes denuding them and turning them into desert, other times eradicating native grasses and leaving behind only unpalatable sagebrush.

Such problems are especially troubling, they say, because grazing occurs on more of the bureau's vast store of public land than any other single activity. Cows graze more than 170 million of the 272 million acres of BLM-managed land, an area larger than California and Nevada combined.

"Those impacts on wildlife and habitat are not worth the hamburger," said Larry LaPre of the San Bernardino Valley Audubon Society, noting the fact that only 2 percent of all domestic cattle rely on public range—fewer than the number of cattle grazed on private pasture in Florida alone.

Ranchers counter that BLM's fees are fair as they are, for several reasons. For example, public lands are by definition open to the public, increasing the danger of rustling. Ranchers using public lands also must install and maintain their own fences and sometimes roads, they add.

Several ranchers also applauded the BLM for several recent wildlife-enhancement projects, such as the reintroduction of bighorn sheep in some parts of Montana and the construction of waterfowl nesting habitats in Idaho.

However, a number of BLM workers privately concede that subleasing, common or not, does indicate that the grazing fee is too low and that low fees encourage overgrazing that threatens thousands of acres each year.

Attempts to raise the federal grazing fee—or to enact other reforms, such as trimming grazing allotments to reduce overgrazing—have met with ferocious opposition in Congress and, recently, the White House.

For example, after the BLM and the Forest Service jointly pursued an exhaustive 1985 study of more than 47,000 individual grazing leases throughout the West—the study that documented more than 1,000 cases of illegal sublets—an effort was launched in Congress to raise the grazing fee.

That effort was quashed by a 1986 executive order, signed by then-President Ronald Reagan, continuing the fee at $1.35 per "animal unit month," or AUM. This is the amount of vegetation an average cow consumes in a month, roughly about 800 pounds of forage.

Subsequent analysis of the raw government data by Colorado State University agronomists C. Kerry Gee and Albert G. Madsen led them to conclude that bureau grazing privileges were being subleased for an average of $7.76 per AUM in the early 1980s.

Therefore, a rancher with federal leases permitting him to graze 2,000 head of cattle each month on BLM-managed land could have realized more than $10,000 a month by simply subleasing the privileges on the black market.

BLM DENIAL

Despite the conclusions of the report it cosponsored, BLM officials flatly deny that subleasing occurs, at least not for profit. Rex Clary, who runs the BLM's district in the high desert rangeland around Susanville, Calif., said that any such profit would be seized by the government if the bureau knew about it.

He and others noted that the documents used to prepare the 1985 audit—and which allegedly proved rampant subleasing—were shredded in 1986 to satisfy a promise of confidentiality made to ranchers participating in the study.

Confidentiality was promised by the staff researchers, and bureau officials said that without the papers it is difficult to locate ranchers who illegally sublet their federal grazing rights.

Individual BLM staff members, however, say that little effort is made to uncover illegal sublets because they believe it would attract political pressures from the influential livestock industry.

By retracing some of the steps of the BLM and Forest Service appraisers who researched the 1985 study, The Times was able to confirm several subleases and learn anecdotally of others. But because of the controversy over the activity, participants discussed the practice only if promised anonymity.

Generally, public grazing privileges for which BLM charges less than $2 per AUM can be subleased by private permittees for whatever the market will bear, from $6 an AUM for poor-quality land to $10, $11 or even $12 an AUM.

In one extreme case, a rancher along the Idaho-Oregon border reportedly paid more than $26 an AUM—almost 20 times the government rate—to graze cattle on a parcel that was 97 percent public land. Thus, grazing privileges for which the permit-holder of record was charged only $891 were costing the evidently desperate cattleman $18,000. The arrangement lasted for three years.

HELPING HAND

Sometimes, permittees subleased their grazing privileges to help a neighbor in trouble or to give a head start to a young relative unable to pay the inflated land prices that dog ranchers in many parts of the West. Even in such cases of generosity, however, the fee charged by lessors has hovered around $6 per AUM, regardless of whether the public lands portion of the pasture is 20 percent or 77 percent.

Subleased land is not always wholly public land. Subleases have ranged from 100 percent public land in northern Montana to about 20 percent public land in north-central Oregon. Often, subleassees do not know that part of the land for which they pay $8 to $12 an AUM costs the lessor only $1.86 an AUM—the official BLM fee.

Just as often, they do not care.

"As high as the interest rates are, it [subleasing] is still cheaper than trying to buy something," said rancher Lloyd Jones of Hinsdale, Mont. He was quick to add that he owns his own land now and no longer leases any pasture—public or private—for the 250 head of cattle he runs with his son.

"People who are doing this [subleasing] are probably maintaining the fence and other things people don't think about," speculated John (Pat) Peterson of Castleford, Ida. He leases lands directly from the state and BLM and is not involved in subleasing.

"[Subleasing] is a little more expensive," Peterson said, "but [lessors] assume some of the responsibilities that the BLM doesn't do * * * like providing water and maintaining roads."

Critics, however, contend that BLM lands leased at $1.86 an AUM often offer the same features as adjacent private land that leases for four to six times that fee. Even where private and public lands are "checkerboarded" in a pattern of alternating "sections," or square miles, the price disparity persists.

TAXPAYERS' BURDEN

And the cost to taxpayers, they add, is substantial.

Rep. George (Buddy) Darden (D-Ga.) said the BLM and Forest Service collected a total of $26 million from grazing in 1984, while the two agencies' grazing programs cost $73 million to run. Taxes made up the difference.

In 1987, the latest year for which statistics have been published, BLM said it collected $14.3 million in grazing leases, licenses and permits. If the fee had been equal to the average amount reportedly charged by sublessors, the BLM would have collected $87.2 million—a sixfold increase.

BLM, which recently raised its grazing fee to $1.86 per AUM, sets that cost with a complicated formula that considers factors ranging from 1966 production costs to 1989 supermarket prices.

California, on the other hand, determines fees for its grazing program by using the same fees sought by nearby private pasture owners. Its fees range from $6 to $10 per AUM.

Gee and Madsen reported that government statisticians estimated the private lease rate at $10.32 per AUM in 1983.

Despite this, few expect the system to change.

"I don't think, in the final analysis, Congress has the guts to raise the fees or to radically restructure the [grazing] system," said Gerald Hillier, manager of BLM's California Desert District.

Darden has introduced legislation to raise the grazing fee by rewriting the federal fee-setting formula. The bill, however, has run into fierce opposition from several western politicians, including Sen. Pete V. Domenici (R-N.M.) and three Idaho Republicans, Sens. James A. McClure and Steve Symms and Rep. Larry E. Craig.

SPECIAL-INTEREST BILL

Some ranchers are not satisfied with simply blocking attempts to hike fees and have been looking around Washington for a member of Congress willing to sponsor a particularly aggressive piece of legislation.

The proposed bill, called the National Rangeland Grazing System Act, would, among other things, establish designated grazing zones that would essentially allow such public lands to be treated as the private property of ranchers.

For example, one section of the draft bill states that grazing would be the "dominant use" for federal rangelands, and that the government could protect wildlife and otherwise manage the public's property only "with the advice and approval" of the individual leasing the water and grazing rights.

The bill also would make it a felony punishable by 10 years in prison and a $10,000 fine for BLM workers to "present the private grazing permittee in a false light as a poor or incompetent grazer" by falsifying range conditions.

Rose Strickland of the Sierra Club said that such penalties are excessively harsh and would serve to further intimidate BLM range conservation specialists from ever challenging grazing practices on public lands.

Intimidation already is a frequent concern of many in the BLM, according to interviews with the employees themselves and congressional investigations into the problem.

An especially egregious example was reported recently by General Accounting Office investigators. It involved a BLM employee who stopped a certain rancher in the process of illegally cutting down trees on an environmentally sensitive piece of BLM property.

The rancher complained about the incident to several elected officials, who pressured BLM to relent. Swiftly, the BLM employee who stopped the rancher was ordered by his boss not only to apologize to that trespassing rancher, but also to personally deliver the illegally cut wood to the rancher's house.

RANCHERS CALLING SHOTS

"BLM is not managing [ranchers]," the GAO concluded. "Rather, [ranchers] are managing BLM."

All but a few of the dozens of BLM employees interviewed by The Times spoke candidly only with the assurance that their names would not be used.

"I don't want to become the next Bob Buffington," said one, referring to a former Idaho state director and 26-year BLM worker who had been targeted for demotion by BLM Director Robert F. Burford—and later ushered out of BLM completely—after speaking out against overgrazing and in support of a wilderness study program.

Meanwhile critics say Congress is not the only source of political heat on the bureau. They say BLM's grazing management policies often are influenced by political appointees within the upper management of the bureau itself.

Often used as an example of this is the problem of overgrazing by livestock that eat vegetation into extinction in some areas. The President's own Council on Environmental Quality has called overgrazing a leading cause of the growing amount of western rangeland turning to desert.

Hillier, manager of BLM's California Desert District, said BLM policy-makers blocked efforts to cut livestock numbers or otherwise adjust grazing practices until after years of range-monitoring data was collected. BLM leaders then cut the range-monitoring budget, forcing a reduction in the range-management staff and effectively freezing in place destructive grazing practices.

Congress traditionally relies on home-state lawmakers to set the agenda for issues of regional interest. This leaves BLM in the domain of lawmakers elected in rural western constituencies where cattlemen and miners usually are among the wealthiest, most influential and politically active citizens.

CONSTITUENT CONCERNS

Even those that aren't directly linked to the livestock industry realize to a certainty how critically important federal grazing lands are to a great many of their constituents.

Over the years, miners and livestock operators grew dependent on the public lands. Many western ranches, for example, have little summer or winter pasture of their own; their real value, and the income of their owners, depend largely on the right to graze nearby public lands.

In many cases, the right to graze public land, a right contained usually in 10-year leases but often handed down from one generation to another, is viewed as such a valuable and tangible real asset that banks will accept it to secure a loan.

The product of all these questionable influences on BLM's management policy is serious deterioration of public lands.

BLM estimates that 58 percent of its millions of acres of range is in fair or poor condition—that is, more than half of its native vegetation has been stripped by grazing livestock.

[From the Wall Street Journal, July 23, 1991]

BULL MARKET: BEEF PRICES STAY LOFTY AS RANCHERS AVOID USUAL OVEREXPANSION

(By Scott Kilman)

LISCO, NE.—Michael McGinley's cowboy hat blows off as he barrels across the rolling prairie in a blue pickup truck, kicking up plumes of dust. The 55-year-old rancher is in a frenzied chase after a hot commodity: a three-day-old calf that has run from the herd.

Suddenly, the frantic critter drops from view. Mr. McGinley yelps as he sees the animal has jumped down a steep bluff—and his truck is headed for a terrifying plunge. As the front wheels leap into space, the rear wheels catch on the slope's crest. The vehicle slams to a stop hanging precariously on the ridge. And the calf saunters away.

"Maybe it's the cattle that are getting smarter," Mr. McGinley says. His son returns on horseback to rope the stray.

Ranching has always been hard work, but now ranchers are minding their herds with extra vigilance. The reason: There's a bull market for beef, returning boom times to cattle country.

Prices for steak and roasts have hovered near record highs in recent months. In mid-July the average retail price of T-bone steak was $5.64 a pound, about 38% higher than it was five years ago, according to a 19-city survey by the National Cattlemen's Association. Last year, retail beef price rose 8.9%, outpacing the 5.8% overall rise in grocery-store prices.

LUCRATIVE LIVESTOCK

Higher beef prices have made ranching extremely profitable. Calves sold at 500 pounds fetched as much as $525 last fall, or about 20% more than they cost to raise. That price—$1.05 a pound—was a record, although not the highest price cattlemen have ever received if inflation is taken into account. So all across the Great Plains, ranchers are rounding up profits—and plowing them into new pickups, tractors or more frequent trips to Las Vegas.

Ranching is the strongest sector of the farm economy, much of which is in a downturn. Weak exports are depressing crop prices. Rising milk production is cutting prices received by dairy farmers. But the Agriculture Department expects 1991 cattle revenues to exceed last year's $40 billion record.

Thanks largely to the prosperity in cattle, Nebraska has the nation's lowest unemployment rate. Long-waning towns are resurrecting parades, and Main Street stores are renovating. In Alliance, a town of about 9,750 where Mr. McGinley shops for farm equipment, 12 businesses have started in the past two years. In Ogallala, "help wanted" signs festoon many shop windows.

"Everything was stagnant for years and then boom," says Tim Henderson, the grocer in Valentine, another town in the Sand Hills of western Nebraska. The Chamber of Commerce even hired its first full-time employee in May.

The cattle industry has gone through many boom-and-bust cycles before, but the latest upsurge is something of a surprise because health-conscious consumers have been showing less appetite for beef. Since peaking in 1976, per capita beef consumption in the U.S. has fallen by 28.6%.

Meanwhile, however, the size of the U.S. cattle herd has shrunk to a 30-year low. So the supply of cattle has fallen by even more than demand. Rising beef exports to Japan are also helping to push up prices.

Ordinarily, strong cattle prices soon lead to overexpansion, eventually bringing an end to the high prices and the ranchers' prosperity. But the last industry shakeout was particularly rough and wiped out a lot of ranchers, including many of the most aggressive ones. Those still in the business have been more conservative, and haven't stampeded to expand the size of their herds even as prices have risen.

At the same time the big slaughter-houses have bled red ink much of this year because they have too much capacity, leading them to bid up prices for thin supplies of beef. At least one deal on Wall Street has apparently stalled because of it. In January, Occidental Petroleum Corp. put its 51% stake in IBP Inc. on the block amid predictions it could fetch up to $1.5 billion. Then the industry started shutting plants and IBP the nation's largest meatpacker, started reporting quarterly losses. The "for-sale" sign is still out.

Economists, too, are being thrown off by ranchers' behavior. Since last fall, the Agriculture Department has been reporting that large numbers of young cattle are being placed on feedlots for fattening. But so far those numbers aren't materalizing as expected.

The ranchers vow it won't happen. "Nobody wants to be a cattle baron anymore," says Tom Hansen, a cattleman in North Platte. "We want to be baron-ettes."

This season, Mr. Hansen marched 1,400 cows, each with a calf, to summer range, the same number as last year and the year before that. Rather than get bigger, Mr. Hansen, who is 44, says he is content to spend his money in town to replace an old tractor and corral. He banks the rest.

Likewise, Mr. McGinley says the memory of past boom-and-bust cycles has made him more cautious this time. During the 1980s, he nearly lost his fourth-generation ranch. His father was an old-fashioned rancher who had a grace with cattle but little patience with the ledger. When cattle prices rose, he did what ranchers had always done: got bigger and lived better. When he died in 1976, the 18,400-acre ranch was overextended. That left Mr. McGinley to cope with a wary bank just as consumers' appetite for beef began to slip.

FAMILY BUSINESS

The experience taught him caution. Forced to find a new lender, he learned to make tough decisions such as selling part of his herd to raise needed cash, and giving up his hobby of racing horses. While his father had bought a new car every 30,000 miles, he got a used car and held on to it. Several relatives had more trouble on their ranches, scattering one of Nebraska's biggest cattle families.

It's impossible to tell from looking at Mr. McGinley, who says he eats beef 13 times a week, that ranchers are enjoying new prosperity. He looks like any hired farm hand in his grubby Wrangler jeans, faded work shirt and dusty cowboy hat, even though the Quarter Circle XL Co. ranch is easily worth $2 million. Being president means he deals with the accountant, banker, lawyer and cattle traders after long days on horseback. He lives in a modest ranch-style house on a tree-shaded hill along side his son, a nephew and a soft-spoken brother who does everything from work on windmills to fix tractors in the ranch's machine shop.

"We don't go hungry and wear rags," says Mr. McGinley. "But we don't go to damn conventions or take big trips."

In the past, his family used to keep the calves it produced until they were nearly a year and a half old before selling them to feedlot operators. But Mr. McGinley sells most of each year's calf crop each fall so he needn't run the risk and expense of keeping them over the winter. To protect himself against falling prices, he also hedges in the commodities markets.

He keeps 900 cows on his ranch, although it could support 1,000. To expand, all he would need to do is save some heifers—young females—and breed them instead of selling them. But prices for "feeder" calves are so high that he isn't willing to pass up current profits for the chance that the heifers' offspring might fetch a higher price two years from now.

Stopping on a hill in his pickup, Mr. McGinley scans the horizon. Ranchers here don't have to look far to see how quickly fortunes can shift. These are a people who literally built their houses on sand. The hill where the McGinley home is situated would blow away if it weren't for a railcar load of cement. The wind can turn a cattle trail into a deep gash, and rain washes out the primitive sand roads. Grass fires can suddenly blacken thousands of acres.

"These are the longest damn good times we've ever been in," says Mr. McGinley, spitting the brown juice of chewing tobacco on the sandy soil. "I don't want to be running it, again."

There certainly are plenty of temptations to spend money, though. His mailbox swells with pitches for insurance, investments and bovine doohickeys. A telemarketer from Florida interrupts his lunch. She had pitched him prairie-dog poison in the past.

Instead, Mr. McGinley is replacing a worn corral and repainting his barns for the first time in 14 years. Steel is replacing the wooden towers of the 32 windmills that pump water for his cows.

NATURAL CAUTION

Some economists believe that the advancing age of ranchers is another reason for their reluctance to expand. The farm crisis claimed many of the youngest ranchers. Mr. McGinley, who at 55 is about the age of the average rancher today, says his goal is to reduce the debt on his ranch before the next generation takes over.

In the meantime, he and other ranchers are doing all they can to keep profit margins up. When cattle prices have been this high in the past, farmers from elsewhere got into the business. They could get heifers by buying them from feedlots that fatten the animals for slaughter.

But this time, that isn't so easy. Now many Nebraska ranchers, instead of selling their cattle to feedlots, are paying feedlots to fatten the animals. By retaining ownership, these ranchers guarantee that the cattle end up at the meatpacker. And when they do sell the calves, some ranchers are even going so far as to spay the females so that buyers can't turn them into breeding stock. (Males are routinely neutered.) City slickers, too, have pulled in their horns since tax reform put an end to owning cattle as a tax dodge.

Still, prices of cattle futures contracts at the Chicago Mercantile Exchange have slipped for several weeks on speculation that ranchers can't fight their herd instinct much longer. If even a small number of ranchers expand, the beef supply could rapidly grow. In addition, cattle numbers can be increased more quickly than in the past; because of genetic improvements, a steer can reach slaughter weight of about 1,150 pounds in as little as 14 months—which is several months less than it usually took in the 1970's.

Moreover, some ranchers must be buying land because the price of grazing land has been rising. Mr. McGinley worries that low milk prices could prompt Congress to repeat a program it once enacted of paying dairy farmers to slaughter milkcows, thus creating a meat glut.

"I can't say yet that things have permanently changed," he says as he lifts a bag of salt from the back of his truck and carries it to a wooden feedbox beside a windmill. "If times stay this good I'm not convinced that a bust won't happen again."

For now, that fear is keeping him and other ranchers from expanding.

[U.S. General Accounting Office, Briefing Report to the Chairman, Environment, Energy, and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives, June 1991]

RANGELAND MANAGEMENT: CURRENT FORMULA KEEPS GRAZING FEES LOW

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 11, 1991.

Hon. MIKE SYNAR,
Chairman, Environment, Energy and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: On December 27, 1990, you requested that we review the soundness of the existing formula for computing grazing fees on most federal lands. You asked that we compare the existing formula with alternatives set forth in the 1986 Grazing Fee Review and Evaluation Report, prepared jointly by the Forest Service in the Department of Agriculture and the Bureau or Land Management (BLM) in the Department of the Interior, using updated cost-of-production and pricing data.

In response to your request we briefed you, other Members of Congress, and other interested parties on our findings at a May 16, 1991, open briefing. This briefing report outlines our overall findings and observations and serves to formalize the information we presented during that briefing.

In summary, the soundness of the formula must be viewed in the context of the primary objective to be achieved. The current formula meets an objective of promoting the economic stability of western livestock grazing operators with federal permits by keeping grazing fees low. If other objectives are to be achieved, however, the formula is less successful. For example, it does not achieve an objective of recovering reasonable program costs because it does not produce a fee that covers the government's cost to manage the grazing program. Furthermore, it does not meet an objective of providing a revenue base that can be used to better manage and improve federal lands so that they will remain a productive public resource in the future. In this regard, all other formula alternatives we studied would produce higher fees than the current formula and tend to increase the fees faster over time.

Relatively low fees are an inherent result of the existing formula's design. The formula begins with a low base grazing fee value and adjusts this value in subsequent years using an index that heavily weighs factors aimed at measuring rancher "ability to pay." The formula includes these ability-to-pay factors twice using a mathematical design that has served to suppress increases in the fee over time. As a result, the federal grazing fee is 15 percent lower now than it was 10 years ago. This contrasts with a 17-percent increase in private grazing land lease rates over the same period.

In conducting our review, we examined numerous existing studies on grazing fees conducted by the Department of Agriculture and the Department of the Interior, universities throughout the West, and various interest groups. We also obtained assessments of the formula from a number of economists knowledgeable about ranching economics, state and federal agency officials, livestock industry representatives, and representatives of environmental groups. With the assistance of a consulting agricultural economist, we analyzed the technical merits of the existing formula designs. Finally, we computed the grazing fee outcomes from the alternative formulas using updated cost and pricing data obtained from the Department of Agriculture.

As you requested, we did not obtain official agency comments on a draft of this briefing report from the Department of Agriculture or the Department of the Interior. However, information was discussed with Forest Service and BLM officials during the course of this assignment. Our review was performed in accordance with generally accepted government auditing standards.

As agreed with your office, we plan no further distribution of this briefing report until 7 days from the date of this letter. At that time we will send copies to the Secretaries of the Interior and Agriculture and other interested parties and make copies available to others upon request. If you or your staff have any questions concerning this briefing report, please call me at (202) 275-7756. Other major contributors to this briefing report are listed in appendix I.

Sincerely yours,

JAMES DUFFUS III,
Director, Natural Resources Management Issues.

SECTION 7

ASSESSMENT OF PRIA FORMULA'S PERFORMANCE IN MEETING OTHER OBJECTIVES

PRIA Does a Poor Job of Meeting Other Objectives

Fee has not followed the rise in grazing land lease rates paid by operators on private lands.

Fee does not cover government's costs of managing the grazing program.

Fee does not provide funding for an adequate level of resource protection.

In addition to doing a poor job of mirroring changes in fees paid by ranchers leasing private grazing land, the existing grazing fee formula is not generating grazing fee revenues sufficient to cover the amount spent by federal agencies to conduct their current level of grazing program management. The current grazing fee is $1.97/AUM. In contrast, the Forest Service reports that it costs $3.86/AUM to manage its livestock grazing program. While not reporting a cost per AUM figure, BLM says its livestock grazing management costs represent 60 percent of its total rangeland management budget. This livestock management-specific portion of its rangeland management program totaled about $21 million in fiscal year 1990. Gross grazing fee receipts during this same year were about $19 million.

We did not assess the validity of the breakout BLM uses to determine the costs of its livestock grazing management effort. However, two pieces of information suggest that BLM program management cost estimates may be understated. First, BLM figures suggest that its costs per AUM are about half those of the Forest Service. Second, BLM's current cost estimates are less than estimates BLM reported in 1986 ($2.44/AUM).

In any event, the loss incurred by the U.S. Treasury for conducting the federal grazing program is even more dramatic than may first appear because the Treasury retains, at most, only 37.5 percent of the grazing fees collected. Of the gross federal grazing fee revenues, between 12.5 percent and 50 percent of BLM collections (depending on the administrative authority under which the land is managed) and 25 percent of Forest Service collections are returned to the state and county governments in which they were collected. In addition, 50 percent of the collections are returned to BLM and the Forest Service to fund various range improvements (fences, water developments, etc.) and are not available to offset management expenses funded through federal appropriations. The range improvement funds ultimately expended are in addition to the program management costs discussed above.

Furthermore, as we have demonstrated in many previous reports[1] and as BLM and the Forest Service have recognized, existing levels of program management and range improvement are insufficient to perform all important management functions and restore lands damaged by previous grazing activity. Among the functions we have shown to be receiving insufficient resources are livestock grazing trespass enforcement, grazing allotment monitoring, allotment management planning, and riparian area restoration. Consistent with our findings, a 1990 BLM report found that the agency needed a nearly 50-percent increase in its range management budget from fiscal year 1989 levels to accomplish its program management objectives.[2]

SECTION 9

STATES AND OTHERS EMPHASIZE DIFFERENT OBJECTIVES

States

States generally place greater emphasis on raising revenues.

State revenues are largely used to finance education-related activities.

Virtually every western state charges more than the federal government under PRIA.

Subleasers

Permit holders subleasing their permits to other livestock operators also emphasize the enhancement of income.

Sublease payments are an indicator of market value.

A study of nearly 1,000 subleases, prepared by two Colorado State University faculty members, showed charges that averaged more than $7/AUM. In some cases, this rate was affected by services provided by the permit holder at an average value of $3.30. This would indicate that, in these cases, the net charge for forage alone was $3.70.

Federal Agencies

Federal agencies charge varying fees to achieve differing objectives on some of their lands.

On McGregor Range (Department of Defense land managed by BLM) in New Mexico, BLM attempts to obtain revenues that cover costs relating to improvements such as fences and water supplies. A weighted average charge of $4.60/AUM is proving to be insufficient to keep all existing water systems operational.

For the approximately 150 national wildlife refuges that permit livestock grazing, Interior's Fish and Wildlife Service directs refuge managers to set rates that are comparable to local market conditions based on market surveys. Market surveys are to occur at least every 3 years and are to reflect comparability in forage and privileges. Fees therefore vary from refuge to refuge. Fees charged in 1989 included $3.63/AUM for upland range on the Sheldon National Wildlife Refuge in Nevada, $5.90/AUM on the Browns Park National Wildlife Refuge in Colorado, and $6.72/AUM for meadows on the Hart Mountain National Antelope Refuge in Oregon.

BLM and the Forest Service, in assessing charges for grazing trespass, charge an amount that is derived from the value of grazing on private lands. This rate is $9.19/AUM for BLM and $6.08/AUM for Forest Service.

SECTION 11

CONCLUSIONS

If minimizing the burden to the permittee and keeping fees low and relatively stable are the primary objectives, the PRIA formula keeps fees lower than any of the alternatives studied.

If the primary objective is to track changes in forage prices paid on private lands or to recover the government's costs of administering the livestock grazing program and provide an adequate level of protection for the land, substantial revisions would be needed. Current fees are insufficient to cover the costs of the existing grazing program, and as we have demonstrated many times previously, current program funding levels are insufficient to perform all important management functions.

A formula that many economists we interviewed preferred to the existing PRIA formula would adjust a base value by a single index and make no additional adjustments for rancher ability to pay.

Any formula would need to be revisited over time to make certain it is still meeting established objectives.

APPENDIX I

MAJOR CONTRIBUTORS TO THIS BRIEFING REPORT

Resources, Community, and Economic Development Division, Washington, D.C.

Bob Robinson, Assistant Director.
Eileen Cortese, Staff Evaluator.
Mary Alice Hayward, Staff Evaluator.

Seattle Regional Office

Jim Luckeroth, Evaluator-in-Charge.
Brent Hutchison, Staff Evaluator.
Stan Stenersen, Reports Analyst.

JULY 3, 1990.

Mr. J. DAN O'NEILL,
District Assistant for Congressman Morris K. Udall, District Office, Tucson, AZ.

DEAR MR. O'NEILL: Thank you for your letter of June 5, 1990, detailing the Clarke Ranch dilemma over Internal Revenue Service tax assessments in connection with several family transactions affecting the Clarke ranch since the early 1980's. This matter has been previously addressed by the Forest Service field and Washington offices in communications to the Clarkes and to the IRS. For your convenience, we enclose copies of the more recent agency correspondence.

Your letter expressed the Clarke's frustration over the apparent conflict between positions held by two government agencies, and indeed we agree that the Clarkes' situation is most difficult. However, we believe resolution of their dilemma must come from the IRS, as the Forest Service position is not adverse to the Clarkes' interest and supports the result they seek.

Based on a long-standing statutory and regulatory framework for the issuance and administration of grazing permits, the Forest Service consistently has maintained that these permits constitute only licenses or privileges for the use of federal land for forage. The use is highly circumscribed, is limited to the particular party who meets the necessary requirements for ownership of base land and cattle, is revocable according to its terms, and is not transferable. As such, the permits convey no right, title, or interest in the federal land, and significant case law has upheld this interpretation.

There is a sophisticated distinction between the Forest Service's characterization of the grazing permit, and the IRS's treatment of that same instrument when it applies its own statutory requirements. The Forest Service states that the permit has no value in and of itself because of the many limitations noted above and their statutory and regulatory derivation. The Forest Service must retain absolute dominion and control over the grazing lands which it administers. To concede to the using public some degree of property right in those lands would be contrary to the very authorities which allow grazing use of National Forest System lands.

By contrast, the IRS sees the grazing permit as yet one more appraisal factor in determining the value of taxable property for gift or estate tax purposes. It cannot be ignored that the value of a private ranch may be enhanced by many factors, including its location, annual rainfall, available water rights, and available ancillary grazing opportunities, to name a few. But it is the value of the rancher's own property, and not the value of any associated federal property, that seems to be the basis for the IRS assessment. The IRS does not urge that the rancher has a property right in a permit, but seems to argue that even having access to a permit, according to appraisal principles in the marketplace, can increase the value of private property.

Again, the Forest Service does not recognize that a grazing permit has a separate and distinct value, and this view is entirely consistent with its statutory authorities. The IRS treats overall valuation of a taxable property, and the myriad factors it considers as raising or lowering value, as a distinct process based on different concepts. This Department does not believe that the IRS's position should affect the Forest Service's managerial discretion carried out under the authorities which govern the grazing use of National Forest System lands.

---

[1] A list of these reports is included at the end of this report.

[2] *State of the Public Rangelands 1990*, United States Department of the Interior, Bureau of Land Management.

We hope that the Clarkes will achieve an equitable resolution with the IRS. To the extent we may assist the Forest Service in further dialogue with the Clarkes or the IRS, we shall be glad to help.

Sincerely,

ALAN CHARLES RAUL,
General Counsel.

STUDY OF FEES FOR GRAZING LIVESTOCK ON FEDERAL LANDS

(A report from the Secretary of Agriculture and the Secretary of the Interior, October 21, 1977)

EXECUTIVE SUMMARY

This report was prepared in response to Section 401(a), the Federal Land Policy and Management Act of October 21, 1976. It directs the Secretary of Agriculture and the Secretary of the Interior to jointly conduct a study to determine the value of grazing with a view to establishing a fee which is equitable to the United States and to holders of grazing permits and leases. The Assistant Secretary of the Interior and the Assistant Secretary of Agriculture directed the organization of a Grazing Fee Task Force to prepare the "Report of the Secretaries." The report includes the history of grazing fees, discussion of issues related to fees, presentation of alternative fee determination procedures, outlines opportunities for further analysis, research or testing, and the Secretaries' recommendations and conclusions.

The recommendations of the Secretary of Agriculture and the Secretary of the Interior are an endorsement of the principles of the current (1969) fee system, with modifications. The recommendations include: (1) continuation of private rental rate data to compute annual fair market value (FMV) adjustments; (2) the adjustment of fees to FMV, subject only to a provision limiting annual fee changes to 25 percent of the previous year; (3) after fair market value is reached, a 12-percent limitation on annual fee increases or decreases; (4) a limited variable fee provision, and (5) continued study and refinement of data used in the determination of fees.

These recommendations are based on the collection of fair market value as the basic policy for setting grazing fees on public lands. They are consistent with long-standing Federal Executive policy as well as the policy statement in the Federal Land Policy and Management Act of 1976 on the collection of fair market value.

Seven basic alternative procedures for determining fees on public lands were considered: (1) the current (1969) fee system; (2) a modification of the 1969 fee system, recommended as the 1978 Public Land Fee System; (3) American National Cattlemen's Association (now the National Cattlemen's Association) proposal; (4) House Interior Committee proposal; (5) Technical Committee (1976) proposal; (6) American Farm Bureau Federation 1977 proposal; and (7) competitive bidding. The proposals considered and rejected have deficiencies which make them less suitable than the procedure recommended.

The factors of cost of production, differences in forage values, equity, and reasonableness have been carefully considered throughout the preparation of these recommendations. A distinction has been made between the collection of fees for grazing use of public lands, and the economic and drought-related problems of the livestock industry. The adjustment of grazing fees for public land permittees as a small segment of the livestock industry is not an appropriate means of assistance to the western livestock producers.

The inclusion of permit value as a nonfee cost in the calculation of the base fee is not recommended as it is inconsistent with the policy of collecting fair market value. Reduction of fees by inclusion of permit value, which has been derived from past low fees, would guarantee that future fees remain below fair market value and that equity to the general public and to other livestock producers would not be achieved.

Several variable fee proposals were considered. These proposals would require different fees for different situations based on factors such as: forage quality and quantity, season of use, size of animals, pounds of animal gain, topography, and range improvement costs. Most of the variable fee options explored are measured or valued by physical characteristics that do not measure or have a direct correlation with market (economic) values.

Under the recommended 1978 Public Land Fee System, there would be, in 1978, a single fee of $1.89 per animal unit month for all livestock grazing on BLM and FS-administered lands included in the Act. The grazing fee would be significantly higher under the current regulations with average fees on National Forests at $2.15 and at $2.09 for BLM if the recommended system is not adopted. Those permittees who graze livestock on National Forests and whose fees are below $1.51 in 1977 will be subject to the 25-percent limitation and will have 1978 fees of $1.81 to $1.88 per animal unit month.

APPENDIX A.—PUBLIC RANGELANDS GRAZING: ALL IS NOT WELL ON THE LAND

NUMBER AND PERCENT OF LIVESTOCK PRODUCERS IN THE 16 WESTERN STATES WITH FOREST SERVICE AND BLM GRAZING, 1983

State	Total producers [1]	No. of producers with Federal grazing	FS BLM	Total Federal	Adjusted Federal [2]	Federal percent of total [3]	Dependency
Arizona	3792	625	931	1,556	1,323	35	60
California	26,579	953	1,009	1,962	1,668	6	15
Colorado	16,127	1,842	1,908	3,750	3,188	20	25
Idaho	15,980	1,640	2,383	4,023	3,420	21	23
Kansas	47,008	....	11	11	11	(4)	....
Montana	15,822	1,308	4,032	5,340	4,539	29	11
Nebraska	39,555	114	39	153	153	(4)	13
Nevada	1,786	320	716	1,036	881	49	36
New Mexico	9,189	1,285	2,626	3,911	3,324	36	44
North Dakota	18,548	....	100	100	100	(4)	....
Oklahoma	58,236	28	11	39	39	(4)	....
Oregon	21,811	762	1,357	2,119	1,801	8	23
South Dakota	27,000	416	474	890	756	3	12
Utah	8,757	1,683	1,887	3,570	3,035	35	35
Washington	20,147	232	474	706	600	3	13
Wyoming	6,428	886	1,004	1,890	1,607	25	23
Total	336,765	....	....	....	26,445	8	....

[1] 1982 Census of Agriculture, Table 11, pg. 218–224. No. of Farms with cattle and calves.

[2] Fifteen percent of permittees have both FS and BLM grazing.

[3] Percent of Producers/State with Federal Permits.

[4] Less than/1 percent.

GRAZING FEES

The Forest Service (FS) and the BLM administer livestock grazing on approximately 307 million acres of public rangelands. These lands can provide ranchers with over 21 million animal unit months (AUM) of grazing each year. A 1986 study by the FS and the BLM estimated the market value of forage in six western regions to be between $6.10 and $11.10 per AUM (in 1988 dollars). The BLM and FS spend, on average, $2.50 per AUM to manage these rangelands. In contrast, the 1989 permit fee was $1.86 per AUM under the fee formula established by the Congress. Thus, the current fee structure represents a large subsidy for a relatively small group of ranchers.

Various bills have been introduced in the Congress recently to increase the fee charged for grazing. These bills would either adjust the indices used in setting the fee to reflect livestock markets and leasing rates for private rangeland or replace the existing fee structure with a new modified market value. The increase in federal receipts resulting from either of these measures depends on the degree to which ranchers reduce the size of their grazing stock as a result of the increased fees.

The potential budgetary savings that would result under a revised fee structure was estimated by inflating the 1966 base value of these grazing lands. The base value of $1.23 per AUM used in the current fee structure was inflated to $4.28, using the GNP deflator, and then increased by a rate that reflects the fair market value of these lands. Assuming a 20 percent to 50 percent decrease in total AUMs over the 1991–1995 period, the adjusted fee of $6.50 per AUM would raise about $20 million in additional receipts in 1991 and $100 million over the 1991–1995 period. Currently, 50 percent of all grazing fees go into the Range Betterment Fund. In estimating these savings, deposits to the fund were capped at $30 million a year, roughly three times the current level. This cap reflects an estimate of how much the fund could spend, at least over the next several years.

Increased fees for grazing on public lands may overstate the value of public lands compared with private lands that may be in better condition or have more favorable lease terms. In addition, low fees may encourage permit holders to invest in range improvements and to practice good stewardship over the land by grazing only at permitted levels. A potential disadvantage of increased fees is that they would cut ranchers' profit margins and thus might encourage them to break the grazing limits and forgo range improvements. Between 1979 and 1983, however, ranchers spent, on average, only $0.16 per AUM per year for range improvements. Increased funding from the Range Betterment Fund would offset any decrease in private range improvements. Providing ranchers with longer-term leasing agreements, regardless of their fee level, could promote efforts to minimize overgrazing.

As an alternative to setting fees, grazing rights could be allocated through a competitive bid process similar to the system used by the Bureau of Indian Affairs. Disadvantages of this approach may be high administrative costs and limited competition. In many cases, only the owners of private lands adjacent to federal lease tracts would be willing to bid for grazing rights. (Current law requires permit holders to own a base property adjacent to the federal lease tracts.)

Mr. JEFFORDS. I have a feeling this is not going to be the last time we have this debate. Thus, I want to make sure we have a record that can be examined by my colleagues so they can better understand where we are coming from and the facts that we have.

I also want to reiterate what I want to do and what I have offered. As long as the Government costs are paid for out of these leases, before distribution to local communities, then I would go in with the recommendation of Dr. Obermiller which is the fee be raised $2.49 and have the same forage value index as my amendment. That will take care of my two greatest concerns—the first is fairness of equity. The fee would still be way below the fair market value of what others pay. Second, the taxpayers would not carry the burden of this very, very nice deal that these permittees have.

With that, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator indicated he wished to reserve the remainder of his time because he had requested previously 3 minutes?

Mr. JEFFORDS. Such time that I have.

The PRESIDING OFFICER. 3 minutes and 9 seconds.

Mr. JEFFORDS. I reserve the remainder for closing.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming.

Mr. WALLOP. It is difficult to keep raising confronted misinformation. The record will show the Senators if Senators do examine it, what has been proposed here and put out here is simply false, all that about oil companies and about the Utah cattlemen and a lot of other things are simply false.

I yield 2 minutes to the Senator from Colorado [Mr. BROWN] and the balance of time to the Senator from New Mexico [Mr. DOMENICI.]

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. BROWN. Mr. President, I thank the Senator from Wyoming.

It is appropriate to review grazing fees from time to time—but the more than fourfold increase in the House-passed bill, and the twofold increase in the pending Jeffords-Metzenbaum amendment would simply eliminate grazing on some public lands that now produce revenue.

In reviewing this issue, we ought to take into account the value of the land that is grazed, and grazing permit holders should be given the credit they deserve for making improvements by deducting the value of their improvements from their grazing fees.

The Jeffords-Metzenbaum amendment:

Unfairly targets ranchers and places a huge financial burden on their production costs;

Will eliminate grazing on some public lands that now produce revenue; and

Will impair the management of public lands.

There is a misconception that ranchers pay only a small fraction of the rental value of public lands. This is simply not the case.

According to 1984 and 1990 studies conducted by Colorado State University and Utah State University, respectively, the cost of operating on public lands is not just the grazing fee, but the cost of acquiring a lease and the base land, labor for maintenance normally provided by a private lessor, and additional stock loss as a result of dispersed operations. When coupled with the present grazing fee, studies show the cost of operating on public land range anywhere from $12 AUM to $17 AUM, not just the $1.97 AUM alleged by proponents of increased fees.

Ranchers that graze livestock on public lands, not only pay for forage consumed, but also usually pay for improvements to the public lands, including fencing and construction and maintenance of water supplies. They are an integral part of the multiple-use concept that governs Federal stewardship of the public lands.

Ranchers receive no credit for the cost of many of these improvements. On Federal grazing lands, the Government owns all the improvements made by the grazing permittee, and there is no compensation if the grazing permit is lost. On Federal lands, the Government will not provide maintenance for such improvements.

In addition to revenues collected from the grazing fees, public lands are in better condition as a result of the current grazing. Officials from the Forest Service and the Bureau of Land Management have indicated that conservation pactices of ranchers have improved the wildlife habitat and resulted in an increased elk, deer, and antelope population on public lands.

According to the Public Lands Council, public lands make up 50 percent of the total forage for sheep operations in Colorado, Montana, Wyoming, Utah, New Mexico, and parts of Idaho, and as much as 82 percent of the total forage used for sheep in Utah, Nevada, and southern Idaho. At the same time, 20 percent of all feeder cattle in the United States have been grazed at some point on public lands.

If this new grazing fee is approved, these higher costs to grazing permittees won't stop at the barn door. We will all see the impact of this increase at the grocery store. I hope the Senate will recognize the economic and environmental benefits of grazing operations on public lands and reject this attempt to push ranchers off public lands.

Mr. President, the cattle business grazing on public lands is an area that has attracted widespread attention and that attention has been one focused publicly I think on this subject that we ought to ask fair payment for the return of use of public lands.

I stand here to echo that sentiment. I think we ought to have fair compensation. In my view, those lands ought to be priced at a level comparable to their value to what the market price is.

Mr. President, the simple fact is that the amendment before us does not do that. For many areas, it places them far above what their values are. There are many experts that have come forth to talk about that value, but for Senators who are sincerely interested in that subject, I suggest they read the university studies that are available, and the conclusion of those studies is one clear, unrefutable fact that their prices are not significantly out of line—some are too low and some are too high. But to suggest that you ought to double, triple, or quadruple the prices to put them in line simply reflects ignorance of the subject.

The simple fact is this: The folks who have brought this information before the floor I suspect are not experts. As knowledgeable and brilliant as they are, I suspect they are not experts in the cattle business or the land business, are not experts on grazing on the public lands.

I think it is important that all of us who are called on to legislate on matters that affect other people's States, to know what you are talking about before you bring to the particular legislation that which will cause a devastating impact on the economies of other States.

The State of Colorado has 37 percent of its lands in public land. We are proud of that. But to suggest that people who are not familiar with the way that land lies, not familiar with the economies involved, not familiar with the land itself, should make the decision on how that public land is used when they do not possess the basic facts and understanding of the industries of the business involved I think is a disservice to the men and women of this country, and I think it is bad legislation.

I urge the defeat of the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. The Chair will state to the Senator from New Mexico and the Senator from Vermont, they each have approximately 3 minutes remaining.

The Chair is going to move to the other matter at 2:15. That will leave each Senator with approximately 1 minute of time left over if they wish to divide it in that fashion.

I inquire of the Senators if they wish to do that, each take half of their 4 minutes now, because I do not want one left with time left over.

Mr. WALLOP. I suggest you divide it in half and just do it, rather than argue about it.

The PRESIDING OFFICER. We will proceed in that fashion. The Senator from New Mexico.

Mr. DOMENICI. I first want to thank all the Senators who participated in this debate. I think our fellow Senators will understand from just the presence of so many Senators on the floor to argue in behalf of the cattlemen and sheepmen in their State, it would indicate this is a serious issue. So I thank all of them.

I have talked to a number of Senators who do not have any public domain, and they are going to vote with us today. I do not know if we have enough, but a number of them are, and I want to thank them in advance for their consideration and fairness, because that is what we are seeking here today.

It is indeed peculiar that Senators are arguing against the ranchers and sheep men in my State, in Wyoming and Colorado, because of some alleged subsidy, and some of the very same Senators come to this floor and propose such things as the dairy subsidy. Let me tell my colleagues, we are a bush league team compared to dairy subsidies. Dairy subsidies are $800 million a year right smack out of our taxpayers' pockets. We do not get one penny more than we pay. But somebody wants to value our land. And they say theoretically there is a big subsidy.

As a matter of fact, there is a subsidy only if what you are charging those cattlemen and sheepmen exceeds some real fair market value. And it does not have anything to do with the value of private property. Private property and public domain under the Forest Service or the BLM is like renting an apartment that has all of the furniture and utilities furnished, and a totally vacant apartment, and then say it is an apartment so charge the same for the one that is totally unfurnished and with no utilities. It is absolutely absurd.

The PRESIDING OFFICER. The Senator has 1 minute remaining. The Senator from Vermont.

Mr. DOMENICI. I have 1 minute remaining? I thank the Chair. I would prefer to finish and let him have his 4, if you do not mind.

The PRESIDING OFFICER. The Senator from New Mexico has the floor and will finish his statement, but we will go back to this matter after the votes.

The Senator from New Mexico.

Mr. DOMENICI. I do not understand what the Chair is saying.

The PRESIDING OFFICER. At 2:15 we are going back to the transportation bill.

Mr. DOMENICI. I do not want to reserve any time. I want to move to table when his time is up, as far as I am concerned.

The PRESIDING OFFICER. Under the previous order we, at 2:15, will move over to the other matter and then we will come back to this matter.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I wish to reserve my time until just before we vote.

I ask unanimous consent to do that.

The PRESIDING OFFICER. The Senator will not have to ask unanimous consent. The Senator's time has run. We are now at 2:15. Whatever time is remaining to the two Senators will be given to them under the order after time has expired.

It is 2:15. Under the previous order the Senator from New Hampshire, Mr. SMITH, is to be recognized to offer an amendment in which there will be 20 minutes of debate, 15 minutes controlled by the Senator from New Hampshire and 5 minutes for the opponents.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The clerk will report the bill because pursuant to the previous order, the hour of 2:15 having arrived, the Senate will return to the consideration of H.R. 2942.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH, is recognized to offer an amendment.

AMENDMENT NO. 1158

(Purpose: To provide that appropriations for highway demonstration projects be distributed to the States in the ratio which was established under the "Surface Transportation Efficiency Act of 1991")

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1158.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 27, line 11, strike all through page 30, line 2, and insert the following:

For up to 80 percent of the expenses necessary for programs under the Surface Transportation Program, $387,535,000, to be provided to the State on a per centum share equal to such State's on a per centum share of all apportionments and allocations received under this title for each of the fiscal years 1987, 1988, 1989, 1990, and 1991, excluding apportionments and allocations received for the Interstate Construction, Interstate Substitute, Federal Lands Highways and Emergency Relief Programs, all apportionments and allocations received for demonstration projects, and the portion of allocations received pursuant to section 157 of title 23, United States Code, (relating to minimum allocation) that is attributable to apportionments made under the Interstate Construction and Interstate Substitute Programs in such years, except that in calculating a State's per centum share under this paragraph, each State shall be deemed to have received one-half of 1 per centum of all funds apportioned for the Interstate Construction Program for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

Mr. SMITH. Mr. President, I would like to start by saying I apologize for any inconvenience to my colleagues in terms of the timing for discussion of this amendment. It was my understanding from previous agreements that the agenda was to move over to Interior and then come back to this legislation this afternoon. Apparently there was some attempt to wrap it up by 12:30. I kind of got caught in the crunch.

I have agreed to 15 minutes of debate on this matter, although I would have preferred more time. I have agreed to do that for the convenience of my colleagues, as I know many want to leave for the holiday.

The issue regarding this amendment is a very simple one of fairness. The

Environment and Public Works Committee recently passed, and the Senate then passed, a highway transportation bill, the Surface Transportation Act, in which, under the leadership of Senator MOYNIHAN and the ranking member of the committee, and many in this body, a comprehensive plan was arrived at—a good formula for highways, dealing with the highway system in our country. I voted for that legislation. I felt it was good legislation.

What this particular bill does here before us now, and what my amendment tries to deal with, is the unfairness of simply adding—and I emphasize the term "add,"—$387 million in special projects to this legislation. These projects were not authorized by anybody. They are totally at odds with the formulas reached and the compromises reached in the Surface Transportation Act. Frankly, they are simply not fair.

Some people say what do you mean by fair? Let me explain, as Webster says, what fairness is.

Webster says "fairness is marked by impartiality and honesty, free from self-interest, prejudice or favoritism, and conforming with established rules."

The established rules in the Senate are supposed to be that the authorizing committees authorize legislation and the appropriating committees, if they agree with the amount of funds, would then appropriate those funds. However, that unfortunately is not the case under this legislation.

What we have here is 40 highway demonstration projects—40. They total $168 million. In addition to that, there are 18 feasibility and design studies totaling $23 million, and then 5 improvements projects totaling $196 million.

These items, some 63 of them, simply appeared in the legislation. Again, at odds with the surface transportation bill which we recently passed.

Why do we have authorizing committees? What is the purpose of an authorizing committee? An authorizing committee is supposed to be the expert in the area. That is why we have that committee. They are supposed to deal with the priorities of that particular area of interest.

I sit on the Environment and Public Works Committee and we never reviewed these projects. I ask any of my colleagues—I see the Senator from New York on the floor—any of my colleagues who serve on that committee if anyone on this committee has had the opportunitiy through the formal committee process—not through some private meeting—to review these projects. I think my colleagues will find the answer is no.

There are $387 million here. Twenty-three States, including the two largest States, California and Texas, do not receive a nickel; not $1 of any of this money. Are the people in California somehow on a lower scale than the people of West Virginia? Or New York? Or New Jersey?

Or the people of New Hampshire, are they somehow less American citizens than the people in New York or New Jersey or West Virginia? I do not think they are, and I think in the interest of fairness, if we are going to appropriate these moneys, we ought to have a system devised whereby it can be fairly distributed.

That is what we did with the surface transportation bill. It was a good bill. Senator MOYNIHAN did a tremendous job in putting that legislation together. This type of pork barreling, frankly, undoes all the good that bill did. I want to point out, in no way does my amendment do anything to undo the highway bill. All the compromises that were reached, the Byrd amendment, all of those things remain the same. It does not touch them. It is $387 million in moneys added on for 63 projects.

The largest single highway project, corridor G, is in the State of West Virginia. It receives a total of $165 million, Mr. President. So we have $387 million in projects. The State of West Virginia has approximately 2 million people; the United States of America has 250 million people, and the State of West Virginia gets almost half of the project money. Then, if you add New Jersey and New York and a couple of other States, you will have roughly 90 percent.

And States like Alabama, for example, have nothing; California, nothing; Colorado, nothing; Connecticut, nothing; Delaware, nothing; Florida, $1 million, under my amendment, would get $14 million; Idaho, nothing; Illinois, nothing; on down the list. Louisiana, Maine, Maryland, Massachusetts, nothing; Minnesota, nothing.

I urge my colleagues, when you come to the floor for this vote—and it will be a recorded vote, either to table or a vote for this amendment—look at the numbers. The Senator from Idaho is standing. I will be happy to yield.

Mr. SYMMS. The question I ask is what is the basis for the formula the Senator from New Hampshire used to decide how to divide up the extra money?

Mr. SMITH. That is a very good question. We used the exact formula that was arrived at that you and Senator MOYNIHAN had in your committee, the formula devised taking the last 5 years of allocations and averaging that out. And that is how we reached these numbers.

For example, to use the State of Alabama—which is at the top of the list—Alabama, under the committee bill, gets nothing. Under my amendment, it gets $7 million-plus. It is obvious that we do have an issue of fairness. The State of Idaho, about which the Senator from Idaho just spoke, gets nothing under this committee bill, and would get a little over $3 million under the Smith amendment.

It goes on down the line. Even the States who lose some money on this allocation, if you look at it in the interest of fairness, it is not that much when you look at the other States who will gain.

This amendment does not cut a nickel, it does not cut a dime from the appropriations at all; not a nickel. It is simply, fairly, on the basis of need, as carefully crafted by the committee of jurisdiction—in this case, of authorization—the Environment and Public Works Committee. As we indicated, we wanted to have it done in the Surface Transportation Act. That is the formula that I used. These numbers are not made up out of my head. They came directly from the Department of Transportation.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. SMITH. I only have 5 minutes.

The PRESIDING OFFICER. Does the Senator yield or not?

Mr. SMITH. Mr. President, I yield 30 seconds.

The PRESIDING OFFICER. The Senator yields 30 seconds to the Senator from New York.

Mr. D'AMATO. If I may comment on the bill as relates to the $3.9 million for the New Hampshire airway science program; do you know whether that as authorized?

Mr. SMITH. I am sorry; I did not hear the question.

Mr. D'AMATO. Does the Senator from New Hampshire know that there is $3.9 million for New Hampshire in the airway science program? Do you know whether or not that was authorized; the funds for Daniel Webster College?

Mr. SMITH. It does not affect those at all.

Mr. D'AMATO. Was it authorized?

Mr. SMITH. We are talking about $387 million in 63 projects which are indicated, and there is no money, no money——

Mr. D'AMATO. I simply would like to point out to the Senator that in other areas of the bill, transit areas——

Mr. SMITH. I am not asking——

Mr. D'AMATO. Coast Guard.

Mr. SMITH. I reclaim my time.

The PRESIDING OFFICER. The Senator from New Hampshire has the time; he reclaims his time.

Mr. SMITH. I reclaim my time, and let the Senator respond on his time. There is no money in this bill for the State of New Hampshire under the areas that I am contesting; nothing. There is $387 million here for projects, which I have indicated what they are, and there is no money for New Hampshire in those projects. Absolutely none.

This bill divides $387 million among the States based on a ration which recently was comprised by the Surface

Transportation Act. That is what my amendment does. With this amendment, each State receives a portion of the total amount, based on the average of the highway fund which it received over the last fiscal year, 5 fiscal years. That is fair.

Under my amendment, 11 States would receive less funding than they would under the Transportation appropriations bill, but 39 States would receive more than they would under the transportation bill. So the issue here again is fairness.

Mr. President, I ask Members to look very carefully at the significant impact of differences in funding. I just want to use a couple more minutes, and then I would like to reserve a couple minutes of my time for debate at the end.

But using one example, the State of Illinois, which gets absolutely nothing under the committee bill, receives $15 million under the Smith amendment. That is just one example. And there are others. Ohio, zero to $13 million. It is not that we are passing money around under the Smith amendment. We are distributing it fairly, and using a formula, a process that is fair, rather than simply raw, political, abusive power, which is what is happening.

That does not make me very popular with some of my colleagues to make comments like that, but that is a fact. That is true. So we can take on the process, and I want to see process reform. I would not mind cutting all of this out, but I know that is not going anywhere. So let me make the point: The process is wrong. If you want to change the process, then you can vote yes on the Smith amendment and help your State.

Mr. President, I ask unanimous consent to print in the RECORD a table comparing H.R. 2942 funding and the Smith amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

HIGHWAY PROJECTS IN H.R. 2942 COMPARED WITH THE SMITH AMENDMENT

State	H.R. 2942 funding	Smith amendment[1]
Alabama	0	$7,581,083
Alaska	$12,000,000	6,256,074
Arizona	28,200,000	5,294,529
Arkansas	4,000,000	4,450,916
California	0	31,926,564
Colorado	0	6,230,229
Connecticut	0	6,727,273
Delaware	0	2,025,182
Florida	1,000,000	14,889,555
Georgia	0	20,612,014
Hawaii	1,500,000	2,072,962
Idaho	0	3,085,418
Illinois	0	15,359,886
Indiana	0	8,177,404
Iowa	16,800,000	6,197,838
Kansas	9,450,000	5,664,800
Kentucky	0	6,540,717
Louisiana	0	6,482,975
Maine	0	2,510,641
Maryland	0	6,185,523
Massachusetts	0	7,522,619
Michigan	3,000,000	11,110,356
Minnesota	0	6,896,343
Mississippi	2,000,000	4,937,832
Missouri	495,000	9,673,417
Montana	2,250,000	4,368,542
Nebraska	0	4,237,850
New Hampshire	0	2,431,807
New Jersey	44,650,000	10,033,472
New Mexico	9,000,000	4,225,677
New York	26,000,000	21,628,457
Nevada	2,000,000	3,027,326
North Carolina	6,000,000	9,629,050
North Dakota	1,040,000	2,947,186
Ohio	0	13,712,032
Oklahoma	2,800,000	5,917,013
Oregon	0	4,879,079
Pennsylvania	0	16,259,766
Rhode Island	0	2,044,383
South Carolina	0	5,835,999
South Dakota	3,240,000	3,269,147
Tennessee	350,000	8,715,893
Texas	T0	24,900,775
Utah	8,000,000	3,747,483
Vermont	1,100,000	2,185,047
Virginia	0	8,257,955
Washington	5,400,000	6,971,292
West Virginia	182,200,000	4,855,514
Wisconsin	8,200,000	6,546,193
Wyoming	6,000,000	3,290,087
American Samoa	0	17,099
District of Columbia	0	2,105,287
Guam	0	17,099
Puerto Rico	0	2,566,772
N. Marianas	0	17,099
Virgin Islands	0	17,099
Territories	0	465,371
Unclassified	900,000	0
Grand total	387,535,000	387,535,000

[1] The funding formula figures cited above were provided by the Federal Highway Administration.

Mr. SMITH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 2 minutes 42 seconds remaining in that time that is reserved.

Who seeks recognition? The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I have 2 minutes?

The PRESIDING OFFICER. The Senator from New Jersey controls the time.

Mr. LAUTENBERG. I yield 2 minutes to my friend from New York State.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in principle to support the proposal of the Senator from New Hampshire, our good friend and colleague on the Committee on Environment and Public Works. But then I must say, Mr. President, that the House of Representatives insists upon these specific projects in their appropriations bill. I wish they did not; I doubt there are many Members of this body who feel otherwise.

And so the distinguished chairman of our appropriations subcommittee, my colleague on the Environment and Public Works Committee Senator LAUTENBERG, and my friend and fellow New Yorker, Senator D'AMATO have done the Senate the only service available. They have said: We will take out all the House projects and include instead a number of carefully chosen projects for Senators who would wish them funded, for example, under the Surface Transportation Act.

Now, we are going to go to the conference committee with our Surface Transportation Act. I pledge to you, sir, we will take an absolute minimum of these special projects because we have created a transportation program and policy that will provide for them out of the general moneys flowing to the States under the new bill. But for the moment I would ask not to weaken our position with the House in the conference to which the managers now have to go. I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

We will cut this debate very short. The limited time agreement requires it. I want to respond to the argument made by the Senator from New Hampshire about fairness and equity. We have all heard it before. It is fairness when it is your turn, Mr. President.

In Conway, NH, this committee provided $8 million over 3 years, in 1988, 1989, 1990 for the constuction of a new bridge. At that time it was fair for New Hampshire, unless the Senator wants to rescind that money. Maybe New Hampshire can pay us back the $8 million we then gave them; this year, the committee has provided $3.9 million for Daniel Webster College. This is a discretionary grant we provided because someone made the appeal to the committee.

We did not hear from the Senator from New Hampshire. He did not request anything of this bill. Now he has come to rewrite the bill in full view of the Senate, when the time is fleeting. We are near the end of the bill and he suddenly wants to make the case of fairness and equity.

Mr. President, I will tell you, yes, this bill is fair. People come to the committee with projects; they articulate their needs, they remind us of our responsibility that we need to consider their requests and thusly we make our judgments. When we hear the fairness argument, I must point out that it really depends on which year and on which project, Mr. President.

I hope my colleagues will join me as we move to table the Smith amendment because, in addition to these highway programs, there are Coast Guard programs, aviation programs, rail programs, all of which are essential to get this country moving, and at 2:30 in the afternoon the Senator from New Hampshire suddenly wants to redefine the process. I submit to you this is not the time to have this discussion. The Senator from New Hampshire is a member of the Environment and Public Works Committee. We can discuss this. We have discussed it. We will have many opportunities in the future.

Mr. President, I move to table the Smith amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order yet unless the Senators yield back their time. The Senator from New Jersey has 48 seconds; the Senator from New Hampshire has 2 minutes, 42 seconds.

Mr. SMITH. Mr. President, I would like to respond. I think I understand the nerve that is touched here when one tries to change the process. If we were doing the job so well in this country with the way we do business through the appropriations and the authorizing process, why do we have a $4 trillion national debt? Why is it that the budget deficit is going up somewhere in the vicinity of $325 to $330 billion this year?

The point is, we are not doing it right and we are not doing it fair. This is the issue.

Certainly, I can understand the Senator from New Jersey saying this is a fair matter because he gets $44 million out of this thing, which is 25 percent of the amount. I can certainly understand the Senator from West Virginia, who gets almost half, $185 million, out of $387 million. That may be fair to the people in West Virginia and New Jersey, but it is not fair to people in Ohio, Idaho, New Hampshire, California, Texas, Florida, and other States. It is simply not fair.

That is the issue. Stand up and say that the process is wrong. Have the courage to say it, and I guarantee you we will stop this kind of stuff. We will stop it if you stand up and have the courage to make the right vote to stop it. That is the only way.

I have learned in 7 years in the Congress—maybe 1 year in the Senate is not enough in the eyes of some, but the truth is when you stand up and say no and you say the process is wrong, you can change it. It takes 51 votes. That is what it takes.

Mr. President, I yielded back the remainder of my time.

The PRESIDING OFFICER. The Senator has yielded back the balance of his time. The Senator from New Jersey has 47 seconds.

Mr. LAUTENBERG. I yield to the Senator from New York.

Mr. D'AMATO. Mr. President, the fact is that this bill has millions of dollars of projects that have not been authorized. They are in the transit area. They are in aviation education. They are in Coast Guard. So when my friend and colleague says that everything has to be authorized, if we are going to say not only this bill but in all bills every project is going to be authorized, fine. But do not come and pick out one small section, the highway section, and say that everything is wrong, because if you look at Texas and you look at Florida and you look at California, you will see huge transit projects going into hundreds of millions of dollars being spent. If you look at the FAA, you will see millions of dollars, in States that the Senator questions, being spent. And they are not authorized.

I move to table.

Mr. SMITH. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will called the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—84

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—14

Biden
Brown
Coats
Craig
Dole
Gramm
Helms
Lugar
Pressler
Roth
Smith
Specter
Symms
Wallop

NOT VOTING—2

Inouye
Mack

So the motion to table the amendment (No. 1158) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, the amendment offered by Senator SMITH would have increased highway funds for South Dakota under H.R. 2942, the Department of Transportation and related agencies appropriations bill.

Senator SMITH'S amendment to the Department of Transportation appropriations bill would have deleted the demonstration projects currently in H.R. 2942 and redistributed this money without earmarking specific projects.

Had this amendment been agreed to, the South Dakota Department of Transportation made clear that the Forest City Bridge would have been fully funded, and it would have given South Dakota an additional $29,000 to spend on the State's transportation infrastructure.

FUNDING FOR A 403(b) TRAIN ON THE CAROLINIAN LINE

Mr. SANFORD. I would like to engage the distinguished manager of this bill, Senator LAUTENBERG, in a discussion regarding the funding for a second 403(b) train on the Carolinian line.

Mr. LAUTENBERG. I would be happy to discuss this matter with the junior Senator from North Carolina.

Mr. SANFORD. The House Transportation appropriation bill includes $700,000 to cover 35 percent of the operating losses of a second 403(b) train on the Carolinian line to run between Raleigh and Charlotte, NC. The State of North Carolina will be assuming the remaining 65 percent of the operating losses, and has agreed to purchase the equipment, the locomotive and the cars. Normally, States are required to cover only 45 percent of the operation losses in the first year and 65 percent of the losses thereafter. However, the State of North Carolina has agreed to bear more of a financial burden to ensure that a second 403(b) train is available.

The train in question would run from Raleigh and Charlotte, making one full round trip a day. Ridership on this train is expected to be 51,000 passengers a year.

I support and encourage intrastate train travel as an energy-efficient alternative to highway travel. The Federal Government's participation in intrastate train travel is necessary to ensure that States have the resources available to provide such transportation services.

I would like to ask the subcommittee chairman, Senator LAUTENBERG, and the ranking member, Senator D'AMATO, to accept the House language in the House Transportation appropriations bill which provides $700,000 to Amtrak to cover 35 percent of the operating losses of the second train on the Carolinian line. I think that it is only equitable to provide North Carolina with this modest Federal subsidy.

Mr. LAUTENBERG. I would like to thank my friend, Senator SANFORD, for bringing this issue to my attention. I assure him that I will give it careful consideration during conference.

LOS ANGELES METRORAIL

Mr. SEYMOUR. Mr. President, as the chairman is aware, the Los Angeles County Transportation Commission [LACTC] is in the process of constructing one of the most ambitious mass transit systems in the country. I want to thank him and the ranking member of the subcommittee, Senator D'AMATO, for their continued support for the Los Angeles Metrorail. I am concerned, however, that the funding levels in this bill fall short of the amount needed.

As the chairman knows, the administration's fiscal year 1992 budget requested that Los Angeles receive $188 million for the second section of the Metro's Red Line which is known as MOS-2. This amount represents the final portion of the Federal Government's share in the project as authorized under the 1987 highway bill.

The House-passed version of H.R. 2942 included $150 million for this purpose. Unfortunately, the bill before us only provides $125 million which, I understand, is due to the severe spending limitations facing the subcommittee and the numerous requests to fund new starts. It is my hope, that when the Senate meets with the House in conference on this funding measure that the chairman will take into consideration the immediate and dramatic needs of Los Angeles so that construction on the Red Line can continue without interruption due to reduced Federal funding levels.

I can assure the distinguished managers of the bill, Senators LAUTENBERG and D'AMATO, that LACTC will expend these funds—without delay—on a system which will relieve congestion and go a long way toward mitigating the Los Angeles basin's severe clean air problems.

Mr. LAUTENBERG. Mr. President, I want to thank Senator SEYMOUR for again bringing this issue to my attention. He has accurately described the fact that our subcommittee has been a strong advocate for the Los Angeles Metrorail. This year we were faced with a very tight funding allocation and thus were not able to fully fund each project in the bill. Nonetheless, we recognize the importance of this particular mass transit initiative. I want to assure the Senator from California that we will continue our strong support for the project in conference and make every effort to see that Los Angeles receives the highest amount of funding possible.

Mr. SEYMOUR. Mr. President, I want to thank the distinguished chairman of the subcommittee for his ongoing assistance and his support for this project, and I look forward to working with him as this bill proceeds to conference.

BENEFITS TO NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to note that this bill contains many items of benefit to my State, New Jersey.

As I have noted, the bill sets an obligation ceiling for the highway program of almost $17.1 billion. Under this level, which is 18 percent higher than the fiscal year 1991 level, New Jersey would expect to receive approximately $710 million in formula highway and transit funds. That represents a tremendous infusion of funds to help meet our pressing transportation needs.

Additionally, the bill would provide $202 million in specific earmarks for New Jersey. The committee report details these earmarks, but I would like to briefly outline them.

First, $45 million is earmarked in the area of intelligent vehicle-highway systems. This program is an important one in our efforts to address the problems of congestion, air pollution, and poor productivity. Today, too many New Jerseyans are spending too much time in their cars, stuck in traffic, and away from family or work. IVHS can help change that, by making our roads, bridges, and tunnels more efficient.

For IVHS, the bill earmarks: $1 million for research and development at the New Jersey Institute of Technology; $3 million for the continuing traffic management efforts of Transcom; $4 million for a traffic management plan in an eight-county area of New Jersey, through the MAGIC program; $25 million to help install electronic toll collection on the State's three major toll roads; $6 million to establish a comprehensive traffic management agency in southern New Jersey and Philadelphia; and $6 million for traffic signal computerization.

There are a number of highway projects funded under this bill. These projects are all worthy, and greatly needed. They will help ease congestion and improve safety in areas throughout the State, such as Newark, Bergen County, central New Jersey, and the fast-growing Camden-Burlington Counties area. Those projects are: Route 21 widening in Newark, $6 million; I-280 Downtown Connector improvement in Newark $4 million; I-78 Downtown Connector in Newark, $7.5 million; Raymond Plaza (Penn Station, Newark) access improvements, $1.65 million; Route 21 Viaduct, Newark, $3 million; Route 4 bridge replacement in Bergen County, $2 million; Route 4/208 interchange in Bergen County, $4 million; Route 4/17 interchange in Bergen County, $4 million; Routes 70/38 capacity expansion in Camden County, $6 million; and $1.5 million to repair the South River Bridge over Route 18 in Sayreville. The bill also provides $15 million to build a new pedestrian bridge connecting Liberty State Park to Ellis Island, to make that historic place more accessible to the many Americans who want to visit it. The bill also includes $5 million for an interstate emergency callbox system. It also provides $500,000 for trauma research on passenger compartment intrusions at a trauma center staffed by research professionals with extensive experience in this area. Important work in this area is being done by researchers at the University of Medicine and Dentistry in Newark, NJ. The report also directs NHTSA to conduct a study on the theft-resistance of automobiles, to explore ways to fight auto theft that plagues New Jerseyans.

In the aviation area, there are important provisions, including bill language that would allow Atlantic City to use revenues from the sale of Atlantic City Airport for nonaviation purposes, clearing the way for the sale of the airport to the State. I've worked hard for years to try to see this tremendous aviation resource developed. With the cooperative efforts of the State and Mayor Whelan of Atlantic City, we're now at a point where real progress can be made, and the development of the airport into a first-class facility can proceed. This provision will ensure that that progress won't be impeded by a technical problem.

The bill also prioritizes applications for Airport Improvement Program funds to make improvements at Atlantic City International Airport; contains bill language allowing parochial schools near airports to qualify for soundproofing funds; includes language prioritizing funds for further study of the proposed joint civilian use of McGuire Air Force Base; and provides up to $3 million for Rutgers University and the Georgia Institute of Technology for a joint center of excellence for aviation research.

In addition, 10 New Jersey airports are slated to receive grants for safety improvements. These airports make up a network that serves the varied aviation needs of our State, from scheduled commercial service to general aviation. These airports are: Newark Airport, Lincoln Park Airport, Somerset Airport in Somerville, NJ, Morristown Airport, Gibbsboro Airport, FAA Technical Center in Pomona, NJ, Cross Keys Airport, South Jersey Regional Airport in Mount Holly, NJ, Trenton-Robbinsville Airport in Robbinsville, NJ, and the Atlantic City Airport. Specific dollars amount will be determined by the Federal Aviation Administration.

One way New Jersey is going to help improve its air quality and our ability to move people and goods is through improved mass transit. For transit to become a real alternative to the single passenger car, it must be more affordable, reliable, and convenient. The bill before us includes funding for projects that would help meet those goals. In mass transit, the bill contains funds for: the Hamilton transportation facility, train, bus, highway, $3 million; Atlantic City bus facility, $3 million; $21 million to New Jersey Transit for bus acquisition; and $5.3 million for Central Electronic Train Control to improve safety on New Jersey's rail lines between Trenton and Philadelphia. The bill also contains $500,000 for inner city youth job training, to help bring those youth into the transportation field.

A major new transit improvement, the urban core, would significantly improve transit in New Jersey by linking

State's rail lines into a coordinated network. This project would truly make transit more convenient for commuters now using rail, and open up new opportunities for thousands of new commuters. In the new start category, the bill provides $70 million for the urban core.

The urban core project will consist of seven elements: the Secaucus Transfer—a new train station in Secaucus will link the Bergen and Main lines to the Northwest corridor (Amtrak lines), providing access to Newark and midtown Manhattan for Bergen County residents; Newark-Elizabeth Rail Line—a new rail line to link Newark International Airport with major downtown centers in the Newark-Elizabeth corridor with connections to the regional rail network; Hudson Waterfront Transportation System—will establish a mass transit system along the Hudson Waterfront and link it to the existing commuter rail system; waterfront connection—a recently opened line links Newark Penn Station to Hoboken Terminal, providing access to the Hoboken and Hudson Waterfront area and improved access to lower Manhattan for passengers traveling through Penn Station; Kearny connection—will link the Morris and Essex rail lines to the Northeast corridor, significantly improving rail access to Manhattan; Northeast corridor signal system—improvements to the Northeast corridor signal system from Trenton to New York and to the Penn Station New York Concourse will ensure reliability on the Northeast corridor and passenger safety and convenience at Penn Station New York; rolling stock—new rail cars will be purchased to meet the new demands under the urban core project.

Under the Coast Guard, the bill contains $4.3 million for phase III of the New York vessel traffic service, a project that I have worked over the last 3 years to fund and get in place. New York Harbor is one of the busiest harbors in the country; this VTS will help protect against accidents that could have disastrous effects on our precious coastal resources. The bill also contains: $3.4 million to build a new patrol boat pier at Fort Hancock in Sandy Hook; $300,000 to the New Jersey marine sciences consortium to develop an instructional curriculum and educational materials on fishing vessel safety; and $5 million for an applied training facility at the Recruit Training Center at Cape May.

Finally, I would like to note that that bill contains $250,000 for the Department of Transportation to study the feasibility of using dyes to label different gasoline octane levels to prevent consumer fraud. This is an issue that is of serious concern to many in New Jersey, and I hope that the study can be of some benefit in addressing the situation.

Mr. President, as chairman of the Transportation Appropriations Subcommittee, I work hard to see that the transportation to New Jersey and the Nation are addressed. These projects are important ones that will provide significant benefit to the people of New Jersey, and to those who travel to and through the State.

HIGH SPEED RAIL PASSENGER SERVICE: BOSTON-NEW YORK

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the Transportation Subcommittee for its outstanding leadership on the critical transportation issues facing us today. The appropriations bill before us, containing nearly $35 billion in new budget and contract authority, responds comprehensively and effectively to our Nation's transportation infrastructure needs.

I particularly want to thank Senator LAUTENBERG for his strong support this year, as well as last year, for the continued development of high speed rail passenger rail service between Boston and New York.

Amtrak service between New York and Washington has been one of the major transportation success stories of the past 10 years. Due in large part to Federal investment in the right-of-way, in signals, and in related infrastructure, New York-Washington Amtrak service has become a viable competitor to air and highway service, helping to ease congestion and pollution in the region, and saving energy resources.

I commend the leadership of the Senator from New Jersey, who has included $193.8 million in this year's Transportation appropriations bill to make high-speed rail service a reality for those traveling between New York and Boston, and $14.7 million for capital needs on the northern end of the Northeast corridor. With these funds, New England is able to look forward to the same type of fast and efficient Amtrak service currently enjoyed by passengers between New York and Washington. Reducing the travel time along the New York-Boston route to under three hours will make a major contribution to the operating efficiency of our transportation system. It will help to move more passengers by Amtrak instead of by less energy-efficient and highly congested highways and airports.

The committee has included $2.7 million in the Northeast corridor improvement project account for the Route 128 Amtrak station in Massachusetts. These funds are needed for Amtrak to meet its share of the costs of lengthening the platform to accommodate full-length trains, and to make the platform and station accessible to the disabled. In addition, the committee has endorsed language calling for the completion of design and engineering work on the Canton Viaduct in Massachusetts, which carries the Northeast corridor mainline over the Neponset River. This 156-year-old bridge is in need to urgent repair to allow safe passage of high-speed Amtrak trains and MBTA commuter trains, and we look forward to receiving construction cost estimates for this project next spring.

The bill also includes $500,000 for a feasibility study of maglev/high-speed rail transportation along a New York City-Albany-Boston route. The committee has earmarked this amount out of a $5 million fund for studies of maglev/high-speed rail routes across the country. These funds will help keep the United States in the forefront of research and development on these new technologies, which hold great promise for improved transit and a cleaner environment. It is my expectation that the New York City-Albany-Boston feasibility study will involve a review of the benefits of intermediate stops in western Massachusetts, such as at Springfield, Pittsfield, and Worcester.

In addition, the committee has recommended $511 million for grants to Amtrak to cover operating and capital needs. I strongly support this appropriation, in order to enable Amtrak to acquire the additional equipment it needs and to improve its operating self-sufficiency.

The bill also includes $10 million in first year funding for the South Boston Piers Transitway, an important new project in the city. This underground bus tunnel will provide a link between downtown Boston, Logan Airport, and the rapidly growing South Boston piers area, which includes the new Federal Courthouse and the World Trade Center. This critical public transit link will mean significant improvements in air quality and reductions in traffic congestion in an area currently lacking ready access to bus, subway, and commuter rail systems. Although the amount provided for this project is less than was recommended in the House-passed bill, I am hopeful that an amount closer to the House level may be achievable in conference if additional resources become available.

Also in the transit area, the committee has provided the full authorized level of $160 million for the Interstate Transfer Grants-Transit Program, including $11.7 million for Massachusetts. This amount will close out Massachusetts' balance under this program, and the funds will make possible much-needed modifications to ensure that MBTA stations and equipment meet accessibility requirements under the Americans With Disabilities Act.

In addition, I support the committee's appropriation of $3.7 billion for the overall transit category, which will, among other important goals, sustain the current $802 million level for transit operating assistance that the administration sought to cut.

In conclusion, Mr. President, I commend the subcommittee chairman, Senator LAUTENBERG, the ranking Republican member, Senator D'AMATO, and the other members for their assistance with projects of importance to Massachusetts. They have prepared an excellent bill at a time when budget constraints have made the task far more difficult than usual.

TRANSPORTATION INFRASTRUCTURE

Mr. ADAMS. Mr. President, rapid population growth in the Pacific Northwest is putting enormous pressure on the transportation infrastructure. This legislation contains a number of projects that will serve to ease the strain on our transportation system.

Of major significance to western Washington is a provision to allocate $15 million to a commuter rail project between Seattle and Tacoma. The traffic on the I-5 corridor between these two cities gridlocks every day during the rushhours, and the rushhours continue to grow longer and longer. The railroad alone won't solve the whole traffic problem, but it will help a great deal.

The local communities, transit districts and private businesses all favor the proposed commuter railroad. I want to emphasize that they will provide the lion's share of the funding. It is my hope that train service, even if limited, will begin as quickly as possible, and that when it proves successful—and I have no doubt about the potential demand—that it eventually will be extended to communities north of Seattle, too.

The bill also includes funding to finish the Puget Sound Vessel Transit System [VTS]. Recently, a collision between two foreign ships in international waters damaged a large section of the pristine coastline along Washington State. The VTS would help guard against similar collisions and spills in Puget Sound, which our current technology is unfortunately incapable of adequately cleaning up.

A provision that the junior Senator from Washington State and I sponsored would allow Washington State to use Federal emergency relief funds to repair a sunken portion of the I-90 bridge. The bridge section sunk during a major flood in Washington State last fall. This section of the bridge is a vital link in the Seattle commuter highway network and its expedited repair will be good news for the Seattle metropolitan area. Without this change in the law, commuters in the Seattle metropolitan area may have to wait for years of civil litigation before repair work is even begun. If cause for the sinking was human error, then the State will reimburse the Federal Government.

The bridge repair provision is incorporated into both the Senate surface transportation bill and the draft of the House transportation reauthorization bill. I am concerned about further repair delays if the reauthorization bill is held up. The Department of Transportation has assured us that it currently holds enough emergency repair funds for the project. Washington State highway officials have indicated that under their most recent estimate the old Mercer Island floating bridge could be rebuilt and open to traffic by November 1993. This provision will help assure that the 1993 deadline is met.

I would like to thank Senator LAUTENBERG and his able subcommittee staff, Pat McCann, Peter Rogoff, and Joyce Rose, for the excellent work that they have done in crafting this bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Have the yeas and nays been requested for final passage?

The PRESIDING OFFICER. They have not.

Mr. LAUTENBERG. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, if I may have the attention of the Senate, the time originally allocated for debate on the Jeffords-Metzenbaum amendment was not fully utilized because of the press for time and the need to get to this amendment.

Accordingly, to permit completion of that debate in the most expeditious possible manner, I now ask unanimous consent that upon disposition of the pending bill, there be a total of 3 minutes for debate on the Jeffords-Metzenbaum amendment, the first minute to be under the control of Senator DOMENICI, the second and third minutes to be under the control of Senator JEFFORDS; following that, that Senator DOMENICI be recognized for the purpose of making a motion to table the Jeffords-Metzenbaum amendment.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—95

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—3

Helms
Roth
Smith

NOT VOTING—2

Inouye
Mack

So the bill (H.R. 2942), as amended, was passed.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I will take just a moment.

First, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ADAMS) appointed Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. KASTEN, Mr. DOMENICI, and Mr. HATFIELD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, very briefly, I want to say thank you again to my colleague, Senator D'AMATO, the ranking member of the subcommittee. I want to thank Chairman BYRD of the Appropriations Committee for his help and his diligence in passing this bill. So vital to our infrastructure requirements, and to say thank you to Pat McCann, Peter Rogoff, Joyce Rose, and Ann Miano; they did a wonderful job.

We are pleased with the bill. Perfect, it is not; but darned good, we believe it is. And we thank everyone in the Chamber.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Pursuant to the prior order of the Senate, the Senate now returns to H.R. 2686, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Prior to returning to this bill, there has been entered a unanimous-consent order. There are 3 minutes allocated. One minute is allocated to the Senator from New Mexico, Senator DOMENICI; then 2 minutes are allocated to the Senator from Vermont, Senator JEFFORDS. Then Senator DOMENICI is recognized for a motion to table. On that, the yeas and nays have not as yet been ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry. I must wait until the Senator from Vermont has used his time?

The PRESIDING OFFICER. That is correct. The Senator will be recognized to make the motion when the Senator from Vermont is done.

Mr. DOMENICI. Mr. President, I rise in strong opposition to the Jeffords amendment to increase grazing fees, and I urge my colleagues to support my motion to table the amendment.

Mr. President, the Jeffords amendment would ultimately increase grazing fees on public lands by approaching 200 percent over the next 5 years, severely affecting many small- and medium-sized ranchers and rural areas in the Western States.

Some have charged that this is an overly generous subsidy and that the Federal Government loses money on this program.

First of all, Mr. President, ranchers are not getting rich off this program as some have claimed.

Nor is the Government losing money on this program. To the contrary, the Bureau of Land Management estimates that the agency's cost of administering the range program is $1.66 per animal unit month, or AUM. With an annual grazing fee of $1.97 per AUM, the Government is currently making 31 cents per AUM—a profit on the program.

Finally, Mr. President, the enactment of this amendment would increase receipts by $7.3 million in fiscal year 1992 according to preliminary estimates of the Congressional Budget Office (CBO).

I can state with certainty, Mr. President, that the anticipated increase in receipts to the Government is far outweighed by the negative economic impact on rural areas associated with the grazing fee increase, for this increase will force many ranchers, and those small industries in small rural communities that support them, out of business.

For this reason, it raises a serious question in my mind as to the intent of this amendment. That intent appears to be to get ranchers off the public lands contrary to Federal policy of multiple-use of lands in the public domain.

PUBLIC LANDS ISSUES

Mr. President, the Bureau of Land Management administers about 174 million acres of public rangeland in the United States.

This is a major program, and yet, there has not been one single hearing on the subject this year in the energy or agriculture committees.

Currently, about 20 percent of the calves that go into the Nation's feedlots, and over 50 percent of the marketable lambs come from the Western States.

In New Mexico, ranchers must graze on public lands out of necessity, for over 50 percent of the State is owned by the Federal and State Governments.

Grazing on public lands is not the lucrative business that some maintain. Ranchers that graze cattle on public lands pay for forage consumed. No other services are provided as with private leases.

It has been well documented that the cost of raising livestock on public lands is actually higher than on land leased from private parties when all costs are considered, such as fencing and water improvements, veterinary needs, and supplemental feeds.

Some would charge that these lands are overgrazed, and yet, overall, public rangelands are in the best condition they have been since the turn of the century. These public lands now support increased numbers of wildlife as well as the cattle and sheep.

NEW MEXICO STATISTICS

Mr. President, ranching forms the economic base of many small, rural communities in the State of New Mexico. The proposed increase in grazing fees from $1.97 per AUM to $5.09 per AUM in fiscal year 1995—an amazing 27 percent annual increase—would put many ranchers in New Mexico out of business.

For of the approximately 8,900 ranches in New Mexico, 72 percent are small ranches operating with less than 100 head of cattle. Another 21 percent are medium-sized operations with between 100 and 500 head of cattle. Only 7 percent are large ranches with in excess of 500 head of cattle.

One telling story, Mr. President, is that under the Jeffords amendment, the net income of a small cow-calf ranch in the central mountains of New Mexico would decrease by over 90 percent by 1995. This is devastating to a ranching family.

Additionally, Mr. President, in my State, if this amendment is enacted, the domestic sheep industry will lose 25 to 30 percent of its current production. In some cases, domestic sheep and wool production is even more dependent upon the ability to graze on public lands.

Considering the current status of the sheep market, an increase in grazing fees will most certainly be devastating to the American sheep producers.

Sheep prices would have to increase between 15 percent and 48 percent just for producers to break even, and we know that won't happen.

The impact on the state economy is equally serious. Cash receipts for cattle and calves in New Mexico totalled $749 million in 1989, accounting for over half of cash receipts for all farm commodities in the State.

The adoption of this amendment would put additional burdens on my State, like other Western States, at a time when they are undergoing tight economic times.

COMPARISON OF GRAZING FEES

Mr. President, the current grazing fee program is based on a formula called the PRIA formula (public rangeland improvement act), which works.

The PRIA formula is not static. It is adjusted for variables such as conditions in the marketplace and the status of the livestock industry.

Under the PRIA formula, the annual grazing fee has steadily increased over the past 5 years by 46 percent. The overall rate of inflation during this same time period increased 19 percent.

The Senate is being asked to increase grazing fees from the current $1.97 per animal unit month, to $5.09 over 5 years.

The House bill would increase the fee from $1.97 per AUM to a whopping $8.70 per AUM, a figure that will, in fact, begin to lose receipts for the Government beginning in 1995, as ranchers are driven out of business.

CONCLUSION

Mr. President, we hear a lot of talk in this chamber about promoting economic development in rural areas. However, it seems like an unprecedented assault is being made on western livelihoods, whether it is through mineral leasing activities, mining, ranching, or the timber industry.

This amendment, or that included in the house version of the interior appropriations bill, if enacted into law, will wipe out many ranching operations that have been held by families for generations.

Mr. President, fairness is also a watchword in this body. And I regret to say the principle of fairness is lacking today. This amendment will have a devastating impact on the West, while other highly subsidized agriculture groups continue to do business as usual.

This is not business as usual. This is the difference between making it or letting go of the family ranch and family livelihood for many of my constituents.

This is a question of upholding the longstanding policy of multiple use and enjoyment of lands in the public domain. I support that principle, and I believe that we can wisely use the lands for the benefit of all.

For small ranchers and farmers, for our rural communities, for fairness, for continuation of the multiple-use concept, for all these reasons this amendment must be defeated.

I strongly urge my colleagues to support my motion to table the amendment.

I want to thank the Senators, perhaps as many as 12, who spoke for tabling this grazing fee. For those not aware of it, it is a very simple proposition; 31,000 ranchers and sheep men in New Mexico and in Western public domain States feel an arbitrary change in the formula that is their lifeblood—how much they must pay for the Federal domain—that an arbitrary change today without public hearings is apt to put thousands of them out of work. We believe that. We think that is the case.

We are worried about rural development. If we pass this amendment, we will put more people out of work than we are able to put back to work with all the programs we can pass here.

Mr. President, I ask unanimous consent that a letter from John H. Beuter to Senator ALAN K. SIMPSON, dated August 1, 1991, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, August 1, 1991.

Hon. ALAN K. SIMPSON,
United States Senate, Washington, DC.

DEAR SENATOR SIMPSON: This is to emphasize the position of the Administration on grazing fees.

The current fee formula was enacted by Congress in 1978 in the Public Rangelands Improvement Act (PRIA). After PRIA expired in 1985, the formula has been consistent extended by President Reagan and President Bush through Executive Order.

The fee is based on a charge per Animal Unit Month (AUM), the amount of forage needed to feed one cow and calf or five sheep for one month. It utilizes a floating market-based formula incorporating production costs, the price of beef and private lease rates. This fee is determined for each year. For 1991, the fee is $1.97 per AUM which is an increase from last year's figure of $1.81.

In addition to economic benefits, there are other valuable aspects associated with the leasing of public lands. In particular, managed land enhance quality grasses which provide increased wildlife habitat. Also, permittees maintain access which is available for public use.

The current market-based formula takes into account the value of permittee's maintenance, construction and range management contributions in establishing the grazing fee. The Administration strongly opposes any movement away from the current grazing fee formula.

Sincerely,
JOHN H. BEUTER
Deputy Assistant Secretary Natural Resource and Environment.

The PRESIDING OFFICER. The Senator from Vermont, Senator JEFFORDS, is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I want to very briefly summarize where we are.

Mr. President, I ask for order.

The PRESIDING OFFICER. The Senator will suspend for a moment. The Senate is not in order.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to bring to my colleagues' attention where we are right now. First of all, there has been argument that this amendment should not be offered on this bill. However, it is perfectly germane to this bill because the House amended it on the floor to increase the grazing fee. What we are doing is cutting in half the impact of the grazing fee amendment in the House.

I tried to make further concessions to try to help those who wanted changes in the amendment. They have rejected all these changes.

We know, for instance, the Utah cattlemen have agreed the fee should go up to $3.11 in 1991. The economist which the cattlemen rely upon has said the fee should go up to $2.49. We start in the first year at $2.63.

But a matter has been raised, and has given me some concern, about the small cattlemen. So I am going to modify my amendment now to exempt those with 1,000 AUM's or less, so they will not be impacted. That is probably on average a 250-cow herd. I do not want to affect these ranchers.

But I do know the system we have right now is costing the taxpayers some $70 million a year in subsidies. This is an unnecessary and wasteful subsidy. This is one of the Grace Commission's recommendations—to change the existing grazing fee formula.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Did the Senator modify his amendment?

The PRESIDING OFFICER. Does the Senator request a modification?

Mr. JEFFORDS. Yes.

The PRESIDING OFFICER. Does the Senator from Vermont request a modification?

Mr. JEFFORDS. Yes, Mr. President, I do request a modification. It is at the desk. I will read it to the body.

The amendment (No. 1138), as modified, is as follows:

On page 24, line 12, strike all after the numeral 10, and insert in lieu thereof:

"W., W.M.

SEC. . GRAZING ON PUBLIC RANGELANDS.

(a) FEE STRUCTURE.—Subsection (a) of section 6 of the Public Rangelands Improvement Act of 1987 (43 U.S.C. 1905) is amended to read as follows:

"(a)(1)(A) Subject to subparagraph (B), beginning with the grazing season that begins on March 1, 1992, the Secretary of Agriculture and the Secretary of the Interior shall charge annual domestic livestock grazing fees for the public rangelands (except for the National Grasslands) that are equal to the fair market value of the grazing.

"(B) The fee charged for any year shall not be more than 33.3 percent greater than the fee charged for the previous year.

"(2)(A) As used in this subsection, the term 'fair market value' means the amount obtained in accordance with the following formula:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

"(B) As used in subparagraph (A):

"(i)(I) The term 'Forage Value Index' for a calendar year means the average of the forage value per-head index for the 11 contiguous Western States (computed annually by the National Agricultural Statistics Service of the Department of Agriculture) during the calender year and the previous 2 calender years, as adjusted in accordance with subclause (II).

"(II) The average calculated in accordance with subclause (I) shall be adjusted—

"(aa) for 1991, by setting the 1991 Forage Value Index equal to 100; and

"(bb) for later years, by multiplying 100 by the percentage that the average for the calendar year is of the average for 1991.

"(ii) The term 'Appraised Base Value' means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per mature cow, including calf, or per yearling) as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled 'Grazing Fee Review and Evaluation' and dated February 1986, on a westwide basis using the lowest appraised value of the pricing areas adjusted for advanced payment and indexed to 1991.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this subsection.".

(b) GRAZING REFORMS.—

(1) GRAZING ADVISORY BOARDS.—Section 309(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(d)) is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraph:

"(2) The grazing advisory boards established pursuant to an action of the Secretary, notice of which was published in the Federal Register of May 14, 1986 (51 Fed. Reg. 17874), are abolished. The advisory functions exercised by the boards shall, after the date of enactment of this paragraph, be exercised only by the appropriate councils established under this section.".

(2) USE OF FUNDS.—Subsection (c) of section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904(c)) is amended to read as follows:

"(c) Funds appropriated pursuant to this section, section 401(b)(1) of the Federal Land Policy and Management Act of 1976, or any other provision of law related to the disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous Western States shall be used by the Secretary of the Interior and the Secretary of Agriculture for—

"(1) soil protection and stability;

"(2) increased production of forage and browse for domestic livestock and other grazing ungulates;

"(3) restoration and enhancement of wildlife and fish habitat;

"(4) restoration, enhancement, and protection of watersheds and riparian areas with emphasis in areas where domestic livestock grazing occurs;

"(5) restoration and enhancement of native plant communities; and

"(6) the development, implementation, and enforcement of applicable land management plans, allotment management plans, and regulations regarding the use of the lands for domestic livestock grazing, including use of supervision and monitoring.".

Remittees or lessees who combined authorized use level on all allotments is 1000 animal unit months or less shall be exempt from the fee generated under the new formula. The fee for such permittees shall be calculated under the formula existing on September 30, 1991.

Mr. BAUCUS. Mr. President, last week I took the floor to speak against this amendment. With just about any other issue, I would leave it at that.

But this issue is one where I feel a need to say more. To say more about how the amendment offered by the Senators from Vermont and Ohio would devastate Montana and the American West.

Frankly, I find it astounding—astounding—to think that this body could, without the benefit of a single hearing, be on the verge of making an abrupt policy decision that will drive thousands of ranchers off the land.

There may be an impression here that the current grazing fee is a subsidy to help sustain wealthy ranchers; that many of these ranchers are the fat cats of American agriculture; men and women who reap a windfall off the American taxpayer.

Well, Mr. President, nothing could be further from the truth. The vast majority of these ranchers just barely keep their heads above water. According to a study conducted by Oregon State University, 88 percent of these ranchers make a net income of less than $28,000 annually.

These are hard-working people of modest means. Their homes are nothing fancy. They have enormous debts hanging over their heads. And virtually all the money they make is sunk right back into their capital intensive ranching operations.

I wish that Senators supporting this amendment could come to Montana and see the way these people live and work.

I believe they would be struck by how different these ranching operations are from the farms in their home States. Most Federal allotments involve rugged, arid country.

There are none of the signs of affluence one sees when driving through the countryside of many Eastern and Midwestern States—no neatly painted barns, no quaint Victorian farm houses, and no lush pastures.

I say all of this to remind my colleagues that we are dealing with people; these people work hard to put food on the table and send their kids to school; these people care about the land; and these people are the backbone of rural America.

And I doubt that this amendment will harm our largest, diversified ranching operations. Most of the really large ranches throughout the American West have the means to make it, no matter what we decide to do here today.

Rather, Mr. President, this amendment is like a gun aimed at the head of the family rancher, the little guy.

Now I realize some may be unmoved by the human side of this issue. The question remains: Why should Uncle Sam subsidize these people

It is a fair question.

But, as said on Friday, the current grazing fee is no subsidy.

According to a 1990 study conducted by Utah State University, the average operating cost per animal unit month is actually $2.57 higher on public land than on private land. I ask that a table summarizing the results of this study be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT 3.—COMPARISON OF OPERATING COSTS PER A.U.M. ON PUBLIC LAND RANCH VERSUS PRIVATE LAND RANCH UNITS

[Total grazing costs on operations using federal grazing permits and private leases]

Operation	Federal grazing permits	Private leases
Lost animals	$1.82	$1.12
Association fees	.27	0
Veterinary	.45	.53
Moving livestock to and from	1.11	1.16
Herding within operation	1.86	.77
Salt and feed	2.32	3.09
Travel to and from operation	1.49	1.19
Water (production items)	.27	.20
Horse	.50	.31
Fence maintenance	.89	.92
Water maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Totals	12.48	10.41
Federal grazing fee (1990)	1.81	0
Private forage value (includes lessor's overhead and risk) (1990)	0	4.35
Total operating costs P/A.U.M.	14.29	14.79
Capitalized cost of grazing permit [1]	3.25	0
Total costs	$17.54	$14.79

[1] Internal Revenue Service valuation of grazing permit at $850 per animal unit month; Montana, 1980. Capitalized cost is calculated using 8 percent as the long term rate of return as in the 1966 fee study. (650/12×6%=3.25)

Actual out of pocket cost equals ranch unit purchase price divided by 12 months, and multiplied by the long term cost of money. i.e. ($1,000/12=$83.33×10%=$8.33 per A.U.M.; Dr. Fowler, N.M.S.U.)

Source: Dr. Darwin Nielsen, Utah State University.

This table, following the Federal Standards established in the 1966 Fee Study, updates the 1966 results to 1990 values.

Mr. BAUCUS. Unlike private leases, the holder of a Federal grazing allotment must bear the cost of water improvements, predator control, fencing, and roads.

And, as I pointed out on Friday, many Federal rangelands can require as much as 50 acres to sustain one cow—one AUM. For this reason, herding costs and losses from depredation are high on Federal land.

Finally, all of this says nothing of the bureaucratic hassles and headaches that many ranchers must endure. I have great respect for the professionalism of the Forest Service and the BLM. But, for many ranchers, Uncle Sam is not always easy to deal with.

Some supporters of this amendment have pointed out that most Western States charge significantly more than $1.97 per AUM for grazing permits on State lands. In Montana, the basic State grazing fee is over twice that amount.

But this is comparing apples and oranges.

A State grazing permit in Montana amounts to a 10-year lease on the land. For a guaranteed 10 years, the rancher holds his permit. Unlike Federal allotments, the holder of a State grazing permit controls the land and regulates public access.

In addition, if he loses his permit after 10 years, he is compensated for any improvements he made to the land. This is not the case when Federal grazing permits are relinquished or revoked.

If Federal grazing permits included these additional benefits, I suspect most Montana ranchers would be willing to pay a higher fee. However, that is not the issue before us today.

The issue before us today is a referendum on multiple use. Do we believe grazing should be one of the activities we allow on Federal land?

I urge my colleagues to take a stand for multiple use; to take a stand for the family rancher. You can do this by voting to table this amendment.

Mr. DOMENICI. No, Mr. President, I move that the amendment, as modified, be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered.

The motion to table has been made. It is not debatable.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Vermont, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—60

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Burdick
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Johnston
Kassebaum
Kerrey
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Pryor
Reid
Rockefeller
Roth
Sanford
Seymour
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Wirth

NAYS—38

Akaka
Biden
Bradley
Bumpers
Chafee
Cohen
Cranston
Dixon
Fowler
Glenn
Gore
Graham
Hollings
Jeffords
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Riegle
Robb
Rudman
Sarbanes
Sasser
Simon
Smith
Warner
Wellstone
Wofford

NOT VOTING—2

Inouye
Mack

The motion to lay on the table the amendment (No. 1138), as modified, was agreed to.

Mr. FORD. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, it is my understanding that the Senate will now continue consideration of the Interior appropriations bill. I inquire of the Chair whether or not my understanding is correct.

The PRESIDING OFFICER. That is the pending business.

Mr. MITCHELL. Therefore, Senators should be aware that the Senate will continue with consideration of the Interior Department appropriations bill in a short time. There will be no further rollcall votes today, but I believe the managers hope to continue and complete action on a number of measures related to that bill which will not require rollcall votes.

Mr. President, with no other Senator now seeking the floor, I suggest the absence of a quorum.

Mr. President, I withhold that request. I understand the Senator from Montana wishes to address the Senate.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE AND THE ENVIRONMENT

Mr. BAUCUS. Mr. President, we have long realized that environmental protection has important economic impacts.

But we have been slower to realize that those economic impacts do not stop at our borders. Differing levels of environmental protection around the world have a significant impact upon America's economic competitiveness in the world marketplace. I have been very pleased to see a growing awareness of this reality among business, labor, environmentalists, and within the administration.

Because of this increased sensitivity, environmental issues are likely to play an important role in the North American Free-Trade Agreement negotiations.

ENVIRONMENTAL ISSUES IN TRADE NEGOTIATIONS

Including environmental issues in trade negotiations is only the latest stage in a natural progression. As the economies of the world grow more and more interdependent, the scope of trade negotiations must expand.

Originally, trade negotiations focused only upon tariffs. But gradually we came to realize that non-tariff barriers—like quotas and import licenses—were just as important. Years later, we came to realize that other issues, such as subsidies and pricing, also needed to be addressed to ensure a level playing field. Now, we have begun to address still other issues in trade negotiations, such as protection of intellectual property and antitrust policy. Including these new issues has helped to open markets around the world and expand trade.

Now it is time to add environmental protection to the growing list of issues to be addressed in trade negotiations. If one nation chooses not to impose adequate environmental protection requirements, it artificially lowers the cost of doing business in that nation at the expense of the environment. In addition to harming the environment, this creates a competitive advantage vis-a-vis nations that do protect the environment. The advantage can translate into trade gains and attract additional investment.

In light of these trade impacts, environmental issues can no longer be neatly separated from trade issues.

A GATT ENVIRONMENTAL CODE

It is certainly gratifying that environmental issues are being addressed in our free-trade negotiations with Mexico and Canada. But the same logic that led us to include environmental issues in this negotiation applies worldwide.

It is time for the world's trading compact—the General Agreement on Tariffs and Trade or GATT—to be expanded to address environmental concerns. Ideally, an international agreement could be negotiated to set adequate environmental standards worldwide. But such an agreement is likely to be decades away. It will take time. In the interim, I believe a GATT environmental code modeled on the current subsidies code should be negotiated.

Many specific details of such a code must be left to the negotiations, but it should include the following major elements:

Each nation should be allowed to set its own environmental protection standards.

If imported products or the process used to produce those products does not meet the importing nation's environmental standards, duties can be applied to the imported product. Provided that three criteria are met:

First, the environmental protection standards applied must have a sound scientific basis.

Second, the same standards must be applied to all competitive domestic production.

And, finally, the imported products must be causing economic injury to competitive domestic production.

The offseting duties should be set at a level sufficient to offset any economic advantage gained by producing the product under less stringent environmental protection regulations.

A GATT dispute settlement body similar to that established under the subsidies code should settle disputes regarding the operation of the environmental code.

Nations would be allowed to ban imports of goods produced in a manner that violates internationally recognized norms; that is, fish taken by drift net fishing.

Such a code would have three compelling advantages.

First, it would help to level the playing field for U.S. businesses that are forced to meet higher environmental standards than their foreign competitors. Environmental protection would no longer necessarily have a negative impact on the competitiveness of U.S. business.

Second, the code would encourage nations to adopt sound environmental protection. Much of the economic advantage to maintaining lax environmental standards would be gone. And the incentive of avoiding duties would prod nations toward adopting better environmental protection regimes.

Third, these changes would correct an obvious deficiency in the GATT demonstrated by the recent dispute settlement panel ruling in the Mexican tuna case. In this case, the dispute settlement panel ruled that restrictions that the United States imposed on imports of tuna from Mexico because Mexican tuna fishermen continue to slaughter dolphins violated the GATT. The dispute settlement panel's decision may accurately reflect the current provisions of the GATT. But this is an argument for changing the GATT, not for ending our efforts to protect dolphins.

The new GATT code I have outlined would set a reasonable standard that allows nations to promote legitimate environmental objectives. Obviously, such a provision must be carefully drafted to ensure that such an exemption does not become a guise for protectionism. But such an exemption must be made.

NEGOTIATING AN ENVIRONMENTAL CODE

Obviously, the concept of an environmental code is at a very early stage of development. This is so obvious the concept is not sufficiently refined to be included in the Uruguay round of GATT negotiations.

But it is time to begin discussion now. Toward that end, I invite further comments on the concept of an environmental code from business, labor, the environmental community, and academia. I hope that this concept will soon be sufficiently refined to begin international negotiations.

If our trading partners are unwilling to negotiate, it may at some point be necessary for the United States to explore unilateral changes in its countervailing duty law to establish a system of environmental duties.

CONDITIONING GSP AND CBI

But not all changes in U.S. trade policy to reflect environmental awareness require international negotiations. The United States should consider placing environmental conditions on the trade benefits that it voluntarily extends to other nations under the Caribbean Basin Initiative—CBI—and the Generalized System of Preferences—GSP. The conditions might include requiring that products imported into the United States under CBI and GSP be produced in an environmentally sound manner.

So as not to undermine the programs' economic development goals, these environmental conditions should be phased in. The most highly developed recipients should be required to meet the conditions first. The least developed should be allowed substantially more time or exempted entirely.

Both CBI and GSP have successfully promoted economic development in the developing world. Now it is time to see that they promote ecologically sound economic development.

CONCLUSION

As the world grows more and more interdependent, we cannot afford to limit our thinking and place issues in boxes. We are just beginning to realize that national security policy must have an economic as well as a military dimension. Similarly, we must recognize that trade policy has an environmental as well as an economic dimension. In future trade negotiations, we must address this environmental dimension forthrightly.

I believe that the concepts I have outlined today will move us in that direction.

We must continue to use trade policy to promote growth in the United States and the world. But we should also ensure that the growth, both here and abroad, takes place in an environmentally sensitive manner.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I hope that Senators will come to the floor and call up their amendments to the Interior appropriations bill. Senator NICKLES and I are here. Our staffs are here. We will be very happy to discuss the Senators' amendments. There may be some amendments that we could accept. There may be others that we do not accept, but which could be debated and advanced to a stage where the yeas and nays could be ordered, and a vote could then be conducted on Thursday.

It would be rather sad to lose the rest of this day and all day tomorrow and make no progress at all, and still have this bill on Thursday, with no progress made in the meantime.

So I urge the Senators that have amendments and that are interested in discussing them with the managers to come to the floor. We are here and we are very glad to take a look at their amendments.

Mr. NICKLES. If the Senator will yield, I do not know if it is appropriate, but we have a list of amendments from our colleagues and, as the chairman mentioned, some we may be able to accept and, quite possibly and predictably, we will not be able to accept many. It may be that we would have to debate those and have a vote on those on Thursday. I hope that we can.

If nothing else, tonight, I would love to get an agreement that we would limit amendments, so at least colleagues would know we are trying to limit amendments, trying to order amendments, and figure out which ones we can accept and debate, so we can have a final resolution of the bill on Thursday at some point, and stack whatever votes we might have developed between this evening and possibly tomorrow.

Again, I echo the Senator's comments, that if colleagues have amendments they wish to be considered on the Interior bill, I think it is important for them to get them over here so we can have those included in our list, should we come up to some type of agreement to limit amendments and proceed to final passage at some point on Thursday.

Mr. BYRD. Mr. President, I think the Senator from Oklahoma has made an excellent suggestion. I propose that our staffs draw up a list of the amendments that we know about, and then ask the hotlines in both Cloakrooms to contact Senators to see if they have any other amendments and, if they do, try to arrive at a list before the day is over. Hopefully, we can get consent that that list be the alpha and the omega. We would at least have a list, and we would know that once we completed the amendments on that list, we could act on the bill.

So I agree to having our respective Cloakrooms make those inquiries.

Mr. NICKLES. In response to the chairman, I think that is an excellent idea. I hope the Cloakrooms run the whip lines, and we can get the amendments under consent and have final passage at some point on Thursday.

Mr. BYRD. I thank my friend.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Madam President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, but with the understanding that the recess will not last beyond 20 minutes until 5 p.m. today.

There being no objection, at 4:24 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, the Senate reassembled at 4:42 p.m., when called to order by the Presiding Officer (Ms. MIKULSKI).

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Chair.

(The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 1721 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROCKEFELLER. I thank the Chair.

I yield the floor.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair. I offer six amendments en bloc which have been cleared with the ranking manager.

I will now describe the six amendments which Senator NICKLES and I are offering en bloc on behalf of other Senators:

An amendment by Senator DOMENICI which would permit the Secretary of Energy, rather than the Secretary of the Treasury as provided in current law, to renegotiate the existing Union Oil Shale contract for facilities located at Parachute Creek, CO;

An amendment by Senators KENNEDY, KERRY, CHAFEE, and PELL to extend the authorization for the Blackstone River Corridor Commission;

An amendment by Senator WALLOP and others to permit the Federal Government to enter into cooperative audit agreements with States regarding royalty payments from Federal coal and geothermal leases;

An amendment by Senator STEVENS which provides for the transfer of certain lands to the city of Anchorage, AK;

An amendment by Senator LEVIN and others to increase operating funds for North Country scenic trails by $50,000 above the amount earmarked in the committee report; and,

An amendment by Senator SASSER to increase the National Park Service land acquisition account by $200,000 for the purchase of property at Stones River National Battlefield, TN.

Mr. President this provides a summary description of the six amendments, and I understand that the sponsors of these amendments may wish to elaborate further.

I ask unanimous consent they be considered and agreed to en bloc, and that statements and explanations thereof be included in the RECORD as though read, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments en bloc numbered 1159, 1160, 1161, 1162, 1163, 1164.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1159

(Purpose: To shift the authority to renegotiate an oil shale contract to the Secretary of Energy)

At the appropriate place, insert the following:

SEC. . The last sentence of section 7404(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) as amended by section 6401 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is further amended to read as follows:

"The Secretary of Energy shall have the authority to negotiate and execute agreements modifying an existing contract relating to the production of synthetic crude oil from oil shale, entered into under the Defense Production Act Amendments of 1980 and subsequently transferred to the Secretary of the Treasury for administration, provided the terms and conditions of any modification(s) are revenue neutral or result in a fiscal savings to the United States Government, and in no event would increase the financial exposure of the United States Government under the contract: *Provided further*, That the Secretary of Energy shall have no authority to negotiate and execute any agreement modifying the existing contract if such modification(s) would increase or accelerate the financial support per unit for the synthetic fuel to be produced under the contract."

Mr. DOMENICI. Mr. President, this is a technical amendment to shift the authority to renegotiate an oil shale contract from the Secretary of the Treasury to the Secretary of Energy. The authority to manage the contracts would continue to reside with the Secretary of the Treasury.

The Federal Government currently is obligated to pay the Unocal Corp. $400 million in oil price guarantees for the production of oil shale at its Parachute facility. Current law provides the Secretary of the Treasury the authority to renegotiate a contract with Unocal, provided that the renegotiated contract produces a budget savings and does not increase the financial exposure of the Federal Government.

This amendment makes one simple change. It simply transfers the existing discretionary authority to renegotiate this contract from Treasury to DOE. DOE has much greater expertise in oil shale operations and is the proper entity to conduct such negotiations.

AMENDMENT NO. 1160

On page 56, before line 10, insert the following new section:

SEC. . Notwithstanding Section 7(b) of Public Law 99-647, the Secretary may approve the extension of the Blackstone Commission on or before November 10, 1991, to accomplish the purposes of that subsection.

AMENDMENT NO. 1161

(Purpose: To authorize the Secretary of the Interior to enter into cooperative agreements or to delegate authorities to States and Indian tribes respecting certain royalty management activities.)

Provided further, That notwithstanding any other provision of law, for Fiscal Year 1992 and each year thereafter, the Secretary of the Interior or his designee is authorized to—

(a) enter into a cooperative agreement or agreements with any State or Indian tribe to share royalty management information, to carry out inspection, auditing, investigation or enforcement (not including the collection of royalties, civil penalties, or other payments) activities in cooperation with the Secretary, except that the Secretary shall not enter into such cooperative agreement with a State with respect to any such activities on Indian lands except with the permission of the Indian tribe involved; and

(b) upon written request of any State, to delegate to the State all or part of the authorities and responsibilities of the Secretary under the authorizing leasing statutes, leases, and regulations promulgated pursuant thereto to conduct audits, investigations, and inspections, except that the Secretary shall not undertake such a delegation with respect to any Indian lands except with permission of the Indian tribe involved,

with respect to any lease authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands or Indian lands within the State or with respect to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)), on the same terms and conditions as those authorized for oil and gas leases under sections 202, 203, 205, and 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1733, 1735, and 1736) and the regulations duly promulgated with respect thereto: *Provided further*, That section 204 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1734) shall apply to leases authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands, or to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)): *Provided further*, That the Secretary shall compensate any State or Indian tribe for those costs which are necessary to carry out activities conducted pursuant to such cooperative agreement or delegation.

Mr. WALLOP. Mr. President, the amendment I offer today will provide additional revenues to State, tribal, and Federal governments by authorizing cooperative audits for coal, geothermal, and other Federal lease royalties. States and tribes have conducted cooperative audits for oil and gas since 1982, under the Federal Oil and Gas Royalty Management Act. Such audits have proven effective as they have identified almost $1 million of additional royalties—royalties which are split with the Federal Government.

This language to grant the same cooperative auditing authority for coal and other minerals is necessary because after conducting cooperative audits in two Western States for a year the Department of Interior halted the program until they received clear authorization from Congress. My amendment gives the Department the statutory guidance they feel they need.

I might point out that the cooperative audit programs in those States—California and Utah—proved very beneficial. During the short time they were allowed to perform the auditing they were able to identify almost $9 million in additional royalties. My home State of Wyoming estimates that based on severance tax audits they could identify at least $6 million a year in Federal coal royalties if this program were implemented.

In this time of fiscal austerity, it is clear that a program with such a positive cost benefit analysis is a badly needed and most welcome procedure for both State and Federal governments. This provision is supported by the Western Governors, the Western States Land Commissioners, and the Department of the Interior. I recommend its adoption on the bill before us.

AMENDMENT NO. 1162

(Purpose: To clarify the status of certain lands in Anchorage, Alaska)

On page 115, line 23, add a new section as follows:

SEC. . Amend Section 12(d)(2) of P.L. 94-204 (The Act of January 2, 1976) as follows:

Following the first sentence of the First Proviso, add the following: "Any portion of the 1,000 acres which the Secretary may determine is not needed by the Bureau of Land Management in accordance herewith shall be disposed of by the Secretary according to law,".

In the second sentence of the first Proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed". At the end of this section, add a new proviso:

"*Provided further*, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso."

AMENDMENT NO. 1163

(Purpose: To increase funding for the National Park Service Midwest Region National Scenic and National Historic Trails office)

On page 16, line 19, strike "$949,724,000" and insert "$949,774,000"

Mr. LEVIN. Mr. President, I rise today to offer an amendment to H.R. 2686, the Department of Interior and Related Agencies appropriations bill for fiscal year 1992. The amount of money in this amendment is small, but will be significant to many thousands of hikers and users of the North Country and the Ice Age National Scenic Trails, and the Lewis and Clark National Historic Trail. The amendment adds $50,000 to the management of parks budget category to be used by the Midwest Region National Scenic and National Historic Trails administrative office to more effectively manage these trails.

The administration's budget request seeks to provide initial operational funding for the North Country and the Lewis and Clark Trails. Because of many constraints, the bill before us does not contain the funding requested by the administration. That is why I am doubly appreciative that the managers of the bill have recognized the merit and the need for this additional funding in accepting this amendment.

Mr. President, as a result of this amendment, more trail segments will be cleared, more cooperative agreements will be prepared and signed, and more new volunteers will be recruited. The small amount of money we are adding here will leverage hundreds of thousands of dollars in volunteer work hours performed by enthusiastic individuals seeking quality outdoor recreation opportunities.

Significant progress has been made toward completion of the trails, but there are decades of work ahead of us. I encourage my colleagues to visit trails segments in their States and to meet the volunteers that make them possible.

AMENDMENT NO. 1164

On page 20, line 16: delete "$84,750,000" and insert in lieu thereof: "$84,950,000"

PROVISIONS MANDATING DRUG AND ALCOHOL TESTING OF TRANSPORTATION WORKERS

Mr. HOLLINGS. Mr. President, in considering H.R. 2942, the Senate once again can go on record in support of the need to impose necessary safety measures so that all of our citizens can be assured that all feasible steps are being taken to prevent the abuse of alcohol and drugs by those people who operate our transportation system. The amendment I added to this legislation, which the entire Appropriations Committee supports, is intended to signal our resolve in telling the administration and our House colleagues that we believe that mandatory drug and alcohol testing is necessary.

This amendment sends a strong and clear message to those people who operate our Nation's railroads, subways, buses, planes, and trucks that the abuse of alcohol and drugs must stop. The lives of too many people are at stake, and while most of the workers know this, some have continued to place us all at risk.

This amendment is identical to S. 676, the Omnibus Transportation Employee Testing Act of 1991, which the Senate passed on May 20, 1991, and identical to an amendment to S. 1204, the Surface Transportation Efficiency Act of 1991, which the Senate passed on June 19, 1991. The amendment is essentially the same as the bill that Senator DANFORTH and I introduced in the 100th and 101st Congresses. Those bills were debated, reported by the Commerce Committee, and passed overwhelmingly by the Senate twice in the 100th Congress and three times in the 101st Congress. However, regrettably for transportation safety, the 101st Congress ended without an agreement with the House on drug and alcohol testing legislation. This Congress, once again the Commerce Committee overwhelmingly reported this bill, and I am hopeful that we can finally enact this important legislation.

The entire country continues to see the carnage that has resulted from those within the transportation system who do not hold themselves to the highest safety standards possible. The tragic accident in the New York City subway on August 28, 1991, once again all too clearly and unfortunately demonstrated the need for alcohol and drug testing. On other occasions, I have cited the volume of other evidence that also supports the adoption of this legislation.

This amendment is eminently fair. It both mandates testing to protect the public and includes strong safeguards to ensure accurate testing and to protect innocent employees. These safeguards include a requirement that testing follow Department of Health and Human Services guidelines; that initial screening tests be followed up by confirmatory tests by laboratories that meet rigorous certification standards; and that the confidentiality of the results and medical histories be protected. It is also multimodal, covering the rail, aviation, motor carrier, and mass transit industries.

It is critical that we take every step possible to improve transportation safety. By requiring drug and alcohol testing of safety-sensitive transportation workers, this legislation will significantly enhance the safety of the traveling public. It should be favorably considered by Congress and signed into law as expeditiously as possible. Mr. President, those who drink alcohol and/or use illegal drugs have no business operating a train, plane, truck, or bus. They have no business assuming responsibility for innocent lives. I know the vast majority of transportation workers do not abuse the trust we place in them, but we cannot take the risk that a few of their colleagues do not share their dedication and professionalism.

Mr. President, I urge my colleagues to join us in supporting this important safety legislation.

AMENDMENT NO. 1128

Mr. SIMPSON. Mr. President, this is a very important issue to the West. Senator BUMPERS' amendment would impose 1-year moratorium on the issuance of hard rock mining patents. This is only his first step in making some very significant changes in the mining law of 1872. Today, we are addressing only a moratorium, but Senator BUMPERS has a more comprehensive bill before the Energy Committee which would impose further changes on the manner in which hard rock minerals are developed in this country. We cannot vote today on this singular issue without being fully aware of the implications that this amendment has on the other important mining issues.

The mining law of 1872 is one of the very cornerstones of the private-public land ownership relationship which exists in the West. It is a special relationship—a unique relationship—and one that you must experience and deal with first hand before you can ever possibly fully understand its dynamics, benefits, and disadvantages. I trust my colleagues will listen to those of us from States most affected by this amendment.

Land and water and minerals—hard rock and liquid—are our lifeblood in the West. They are vital to our very survival. The interdependency that exists between private individuals and Federal resources—and the extent and importance of that interdependency—may be difficult to understand if you are from a State that does not have much land owned by the Federal Government. But in the West, we live off the land, literally.

The Federal Government must manage these lands carefully. We must pay close attention to the monetary returns from the natural resources. Let me make it clear that the mining law of 1872 is not a subsidy, nor does the current patent procedure give away lands. The procedure requires extensive exploration and development work on these lands prior to patenting. This is work that would be a tremendous Federal cost if the Government were to perform it. The interlocking relationship between mineral development and land management, and the benefits to the Federal Government from this development, cannot be dissected into individual pieces and parcels.

Hard rock development in the West under the 1872 mining law was and continues to be just as important as our original homestead law. No one should consider that a subsidy for persons dwelling in the West today. This Government had to encourage people to take some risks in moving West that they might not have otherwise made—all in order to develop this Nation. I think, upon scrutiny, you will see that the benefits to the Federal Government from a strong and healthy mining industry far outweigh any lost or forsaken revenue returns.

You cannot carve out a specific mining claim or activity, a particular river, a piece of land, or a specific agricultural product, and solely judge its worth by the revenue it generates for the Federal Government. These resources are components of a larger picture or our national productivity.

There are some major companies which develop important strategic and nonstrategic minerals. But the vast majority of claimants are individuals. They are citizens who pay local and State property and severance taxes. Be it an individual or a corporate effort, claimants invest moneys in the exploration and development of these minerals. They make various improvements to these lands which might not occur otherwise. The discovery of a mineral resource leads to production of that mineral, transportation of the mineral, and marketing of that mineral. All of these activities are beneficial to the State and local governments. They also increase the tax base of the Federal Government.

The use of important strategic and nonstrategic minerals helps our Nation's industry and economy. We are receiving important benefits from our mineral resources and the Federal Government is getting a good deal from the 1872 mining law. It fits into the social, political, and economic system that we have in the West. The mining law serves a fine purpose and I must ask you to consider the consequences for our States' economies that we in the West will most assuredly have to pay should this amendment pass.

RENEWABLE ENERGY JOINT VENTURES

Mr. GORE. Mr. President, today, I was going to offer an amendment which would have proposed an offset of $4 million for renewable energy joint ventures which would have the Federal Government cost-share projects on a 50/50 basis with industry. These joint ventures were proposed in Public Law 101–218 and enhanced in the national energy strategy bills which are under consideration in both the House and Senate.

In fiscal year 1992, the U.S. Department of Energy proposed $2 million for solar and renewable energy joint ventures which was included in the President's budget for State programs under the U.S. Department of Energy. The Subcommittee on Interior Appropriations did not include these joint ventures because renewable energy provisions are usually funded through the Energy and Water Development Appropriations.

In consultation with Secretary Watkin's office of the U.S. Department of Energy, I have been advised that the U.S. Department of Energy will propose to reprogram $4 million on nonrenewable or conservation funds in fiscal year 1991 towards renewable energy joint ventures and interest rate buy downs.

I am pleased at the resolution of this issue, for it is essential for the United States aggressively to promote solar and renewable energy as a partner with industry just as we do so with the clean coal and nuclear industries.

The U.S. Department of Energy has convened its Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures which will establish the criteria for joint ventures undertaken by the U.S. Department of Energy. I look forward to the formal report of the Advisory Committee and for a very active implementation of this program in cooperation with U.S. industry.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 23

The PRESIDING OFFICER. The question occurs on the committee amendment on page 23.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes in the hope that we can have some kind of a unanimous-consent request ready to propound when the Senate reconvenes.

There being no objection, the Senate, at 5:19 p.m., recessed until 5:30 p.m., when called to order by the Presiding Officer [Mr. ROBB].

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia, the President pro tempore, is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Earlier, both cloakrooms, at the request of the two managers of the bill, inquired as to whether or not Senators had amendments which they wished to offer to the pending bill, and there were some calls from Senators and staff indicating additional amendments. The ranking manager and I have lists of these amendments, and we are in accord with making this list the full list of amendments, closing out any further amendments beyond the ones on the list.

Senators have been given ample opportunity to add amendments to the list, and of course the bill has been before the Senate for a considerable length of time. I therefore ask unanimous consent that the list of amendments which I send to the desk be the only amendments in order during the remainder of consideration on this bill; that no amendment to an amendment on the list be in order; that additional amendments which are acceptable to both managers may be called up; provided further that if the amendment on the list by Mr. SANFORD should be agreed to, the agreed list would thereupon be open to any further amendments by any Senator.

Mr. President, I inquire of my colleague on the other side as to whether or not I have left out anything.

Mr. President, I further modify the request to provide that where amendments on the list are not offered to a committee amendment and are therefore open to an amendment in the second degree that such amendment in the second degree, if relevant to that amendment, be eligible for consideration.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as modified by the President pro tempore?

Mr. NICKLES. Mr. President, I appreciate the work of Chairman BYRD. I have no objection to this agreement. This is something we have been working on for a couple of hours. I think we have accommodated all of the amendment requests of the Senators. That does not mean we have accommodated their amendment but it means their amendment is on the list. So I have no objection to the agreement.

Mr. SANFORD. Mr. President, reserving the right to object, I do not object, but may I inquire why my amendment which is an amendment to cause the Government to pay a contract to Little Swain County in western North Carolina that has been outstanding now for 49 years—may I ask why my amendment has been singled out for such a distinctive honor?

Mr. NICKLES. Mr. President, I will be happy to answer. The reason is because we could not get a unanimous-consent agreement with the Senator's amendment on the list. So we have tried to make this exception to accommodate Senators who had some objections to the Senator's authorizing legislation on this bill.

So that is the reason why there was an exception made.

Mr. SANFORD. Mr. President, may I inquire whether Senator HELMS is the one that has objected?

Mr. BYRD. Mr. President, we do not normally, may I say to my distinguished friend from North Carolina, ask—let us take, for example, the Republican leader who wishes to object on behalf of a Member—we do not normally ask the Republican leader to identify the Member.

Mr. SANFORD. No. I realize that we do not. I understand that we have certain customs. Nevertheless, I made the inquiry directly because I am not always inclined to do things that are customary unless somehow it upsets the country's salvation.

Mr. BYRD. The Senator from West Virginia fully understands.

Mr. SANFORD. But at least I did not get a negative answer to that inquiry.

Mr. BYRD. The Senator did not get a negative answer.

Mr. SANFORD. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the unanimous-consent request propounded and modified by the President pro tempore is agreed to.

Mr. BYRD. Mr. President, I thank all Senators. I thank my colleague, Mr. NICKLES, the ranking manager, for his cooperation.

I thank the members of the staff on both sides of the aisle for helping to work out this agreement. I thank Senator SANFORD, too, for his willingness to proceed on the basis that has been expressed.

I hope now that Senators whose names are on the list will be prepared on tomorrow to come to the floor and call up their amendments, debate them, and possibly have them acted upon.

There is an understanding that there will be no rollcall votes on tomorrow because it is a religious holiday. But Senators may call up their amendments, may debate them if they want a rollcall vote, and if rollcall votes are ordered, those rollcall votes can be put over until Thursday.

If Senators are willing to accept voice votes, then business can be transacted in that manner. In some cases, it may be the two managers cannot agree to accept some amendments. So it would seem to me that there is ample room to make further progress on tomorrow.

I am delighted at the progress that has been made today. It seems to me that we ought to be able to dispose of some amendments tomorrow, or most of them, or all of them, by putting over the rollcall votes until Thursday if such rollcall votes are ordered.

I call the attention of Senators to the fact that the first of the new month of October is 2 weeks from today. The Senate now has passed all of the appropriations bills with the exception of the bill now pending before the Senate, the Interior appropriations bill, the Defense appropriations bill, and the foreign operations bill.

The House will be appointing conferees on the appropriations bills on next Monday and not before next Monday, which means that we have several conferences that will have to be conducted. And if we hope to get the appropriations bills passed and on the President's desk by the first of October, we will have 1 week after next Monday on which day the House will be appointing conferees.

In the meantime, it will be my great desire to finish the pending bill so that we can go to conference immediately upon the appointment of conferees by the House and be in a position at least to complete our work and bring back the conference report to the two Houses.

We have plenty of work to do. We will be racing with the winds of time in an effort to get most of the appropriations bills acted on by way of conference reports before the first of the new fiscal year.

Therefore, I again urge Senators and staffs who may be listening to come to the floor tomorrow with their amendments and give the two managers an opportunity to look at the amendments and possibly agree to them, or proceed to debate them.

Does my friend from Oklahoma wish to say anything in this regard?

Mr. NICKLES. Mr. President, I think that we have counted 34 amendments, not counting any amendments by the managers or technical amendments. I hope that we can dispose with as many of these amendments, including any amendments that really require debate, tomorrow. It may be Swain County, it may be NEA, it may be wolves in Yellowstone or whatever.

I hope for Senators who have contentious debate that we can do that tomorrow. If Senators have amendments that they want to be agreed upon, I hope they will bring those up tomorrow.

I would like to say again, that we have a finite list. We hope to proceed as rapidly as possible to dispose of those because the chairman is exactly right. When we hit the floor on Thursday, it is my hope that we can dispose of this bill, and not only that but we also have the DOD bill and the foreign ops bill, not to mention all the conferences.

So we have a lot of work to do as appropriators, as the chairman is well aware of, in the next week and a half or 2 weeks. I encourage our colleagues—I think we will be more receptive to amendments tomorrow than on Thursday or Friday. Hopefully, we will not be on this bill on Friday.

Mr. BYRD. Mr. President, I think I should read the list of the amendments. I do not really like to proceed as I am proceeding, just handing in a list. I can foresee the time when I might object to that kind of procedure. So I will read the list of amendments.

A Baucus amendment on Pompey's Pillar land acquisition—$900,000 (within available funds);

A Wallop/Burns amendment on Yellowstone wolf reintroduction;

A McCain amendment on transfer of $200,000 from Santa Monica NRA to Saguaro NM for preacquisition studies;

A Bumpers amendment on Hot Springs, Arkansas flood protection cost-sharing language;

A DeConcini amendment on Red Hills Visitor Center—additional $2.3M;

Mr. Moynihan has three Crime bill amendments;

A Seymour amendment on a transfer of funds from multi-species habitat conservation plan work by the Fish and Wildlife Service's Laguna Niguel office to the State of California;

A Murkowski amendment on Alaska Native Claims Settlement Act—contaminant cleanup;

A Pressler amendment on additional $6M for Mt. Rushmore restoration—offset to come from federal highway funds;

A Dixon amendment on $2M for the International Arid Lands Consortium (FS research); offset $1M from Stewardship and $1M from tree planting;

A Bingaman/Domenici amendment to Establish BLM Foundation;

A Byrd amendment to shift $600,000 in FWS funds to FWS training programs;

A Wallop amendment to freeze NPS employee housing costs pending housing comparability study;

A Baucus/Burns amendment on Geothermal steam;

A McCain amendment on Indian Child Abuse Prevention—Transfer $2M from Alcoholism to BIA for prevention activities. (Have signed statement from Senator McCain);

A Simpson amendment on coal technology;

A Murkowski amendment on coal project;

Mr. Helms has 4 amendments on National Endowment for the Arts;

A Burdick amendment on Great Plains coal gasification plant;

A Dixon amendment on Shawnee National Forest—clearcutting and below cost timber sale issues;

A Sanford amendment on Swain County—S. 1339;

A Gorton/Adams amendment to move $500,000 from Olympic National Park land acquisition funding as follows: $325,000 to the Fish and Wildlife Service for Grays Harbor NWR construction; $75,000 to Fish and Wildlife Service Resources Management account for the endangered Snow Leopard in India, Pakistan, and China; and $100,000 to Bureau of Indians Affairs for the Makah Tribe's fish and wildlife management;

A Burns amendment on wolves;

A Burns amendment on geothermal resources;

A Burns amendment on relevant amendment;

A Seymour amendment on Santa Monica Mountains;

A Craig amendment on fundings for Bureau of Mines' minerals institutes;

A Kennedy amendment on NEA;

Mr. Byrd has two relevant amendments;

Mr. Nickles has two relevant amendments;

A Riegle amendment removing crop insurance criteria;

Senator Byrd and Nickles have amendments which are accepted to the managers;

Mr. Dole has 1 relevant amendment; and Mr. Mitchell has one relevant amendment.

Mr. NICKLES. If the chairman will yield, I think the only other one might be amendments mutually agreed upon.

Mr. BYRD. I thank my friend for calling my attention to the oversight. I add to the list—and this is the last item on the list, Mr. President—amendments which are acceptable to the two managers of the bill.

That completes the list, and if the Chair will put the request.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, if the chairman will yield further, we would still maintain the provisions dealing with the Sanford amendment, if that was agreed upon, that this agreement would not prohibit further amendments.

Mr. BYRD. The Senator is correct; everything that was included in my first promulgation would be included. The only thing different here is that I have read the list rather than just handed it in, which, since we are repeating some of it, I shall repeat the fact that included in the first request was a provision allowing relevant amendments to the amendments, if the initial amendment is not an amendment to a committee amendment making the initial amendment an amendment in the second degree already.

Mr. NICKLES. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1165

(Purpose: To settle an agreement dated July 30, 1943 between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina)

Mr. SANFORD. Mr. President, I believe the pending business is an amendment. I send this amendment forward as a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. SANFORD] proposes an amendment numbered 1165.

Mr. SANFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Swain County Just Compensation Act of 1991".

SEC. 2. SETTLEMENT WITH RESPECT TO A ROAD ALONG THE NORTH SHORE OF FONTANA RESERVOIR.

(a) The Congress finds that Swain County, North Carolina, claims certain rights acquired pursuant to an agreement dated July 30, 1943 (hereafter in this section referred to as the "agreement of July 30, 1943"), between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed.

(b) In order to settle and quiet all claims arising out of the agreement of July 30, 1943, the following provisions are made:

(1) The Secretary of the Treasury is authorized to pay to Swain County, North Carolina, the sum of $16,000,000. Such sum shall be deposited in an account (the "$16,000,000 Account") in accordance with the rules established by the North Carolina Local Government Commission. The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of Swain County. Interest earned on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of Swain County.

(2) The governing commission of Swain County is hereby authorized to expend from the $16,000,000 Account such sums as may be necessary to retire the balance, as of the date of the enactment of this Act, of the loan (Case numbered 388756600118, Code numbered 9701) obtained on October 12, 1976, from the Farmers Home Administration.

(3) The governing commission of Swain County is also hereby authorized to expend from the $16,000,000 Account such sums as may be necessary to retire the balance, as of the date of the enactment of this Act, of the loan (Case numbered 3887566001118, Code numbered 9702) obtained on March 4, 1991, from the Farmers Home Administration.

(4) The payments provided for in this section shall constitute full and complete settlement of all claims of Swain County, North Carolina against the United States of America, the Department of the Interior, and the Tennessee Valley Authority arising out of the agreement of July 30, 1943. The United States of America, its departments and agencies, including the Department of the Interior, the National Park Service, and the Tennessee Valley Authority, hereafter shall be deemed to have performed the agreement of July 30, 1943, in every particular. No money appropriated pursuant to this Act shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim settled by this subsection.

Sec. 3. All authorizations in this Act are dependent upon subsequent appropriation of funds for the purposes herein.

Mr. SANFORD. Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that I might offer a technical amendment on behalf of myself and Mr. NICKLES.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1163, AS MODIFIED

Mr. BYRD. Mr. President, this amendment is acceptable to both managers.

I ask that amendment No. 1163, previously agreed to, be in order to be modified, and now be agreed to. I send the amendment to the desk.

The PRESIDING OFFICER Mr. (ROCKEFELLER) Without objection, it is so ordered.

The amendment (No. 1163), as modified, is as follows:

On page 16, line 19, strike "$950,274,000" and insert "$950,324,000".

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not in morning business.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAELI LOAN GUARANTEES

Mr. DOLE. Mr. President, I want to bring to the attention of the Senate an excellent editorial in today's New York Times, entitled "The President Is Right on Israel."

I ask unanimous consent to include the full text of the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 17, 1991]

THE PRESIDENT IS RIGHT ON ISRAEL

President Bush is wisely standing firm in urging Congress to delay action on Israel's request for $10 million in loan guarantees to resettle Soviet Jews. His request has drawn fierce rhetorical fire from the Israeli Government of Prime Minister Yitzhak Shamir and its American supporters, and an Israeli Cabinet minister offensively characterized the President as a liar and an anti-Semite.

But Mr. Bush is serving America's best interests, and Israel's too, by making a successful peace conference his top Middle East priority.

Soviet Jews are not really the issue here. The U.S. and Western Europe, which pressed long and hard for the right of these Jews to emigrate, recognize and obligation to help Israel absorb them. The four-month delay Mr. Bush seeks would not jeopardize continued immigration. Its only direct consequence would be higher borrowing cost, and the Administration has hinted it might compensate for that with additional aid.

The showdown is really about the Shamir Government's policy of rapidly and provacatively expanding Jewish settlement in the occupied West Bank, Gaza Strip and Golan Heights. This policy directly compromises both the atmosphere of the conference and the geographic possibilities for trading land for peace.

A succession of U.S. Administrations has opposed Israeli settlements in the occupied territories. And a succession of Israeli Governments has built them anyway. But Mr. Shamir's present Government, the most right-wing in Israeli history, has been particularly zealous on the settlement issue. The Bush Administration believes that Israel violated, at least in spirit, past pledges not to use U.S. loan guarantees to finance settlements. And almost every time Secretary of State James Baker travels to Israel, he has been greeted by a new crop of settlers.

Construction plans already approved by Israel's hard-line Housing Minister, Ariel Sharon, would double the Jewish population of the occupied territories within a year. At that rate, questions like land for peace or Palestinian autonomy could become moot even before a peace conference is concluded.

The conference, if it proceeds, will be a historic achievement. Thanks to Mr. Bush, Mr. Baker and American success in Desert Storm, Israel has a chance to achieve what it has sought since its creation: direct talks with Arab neighbors on recognition and peace. Israel now has to recognize the need to negotiate with representative Palestinians.

America's enhanced stature throughout the region, a product of Desert Storm, will be tested repeatedly at the peace conference. The U.S. will need to lean on Arabs and Israelis alike to reach compromises. Further Israeli settlements would prejudice the possibility of such compromises. Financing them with U.S. dollars would prejudice America's peacemaking role.

Understandably, Israel would like to preempt any U.S. pressure by locking up a commitment to five years of loan guarantees before the conference begins. Wisely, Mr. Bush would rather have Israel enter the conference knowing that its posture could affect the Congressional vote.

Using U.S financial leverage to nudge along a promising peace process amounts neither to duplicity nor anti-Semitism. The president deserves credit, not abuse, for spending his political capital in the cause of Mideast peace.

Mr. DOLE. The editorial—which strongly supports the President's decision to seek a delay in Israel's request for $10 billion in loan guarantees—makes a lot of sense in a lot of ways. But I want to focus in particular on two points.

First, the editorial says, and I quote:

> Mr. Bush is serving America's best interests, and Israel's too, by making a successful peace conference his top Middle East priority.

That point seems to have gotten lost somewhere. No one—least of all President Bush—is trying to "stick it" to Israel. What he is trying to do is make a Middle East peace conference a reality, and a success.

Nothing would serve Israel's long-term interests more than that. Nothing would serve the interests of the Soviet Jews pouring into Israel more than that.

And, let me stress, nothing would serve the interests of the United States more than that.

The other point I would stress is this question of "linkage" of this Israeli request with the peace process. The supporters of immediate approval of the request argue that it is wrong to link this humanitarian issue to the peace process.

But the linking is not being done now in Washington—it has been done, for months, in Jerusalem.

It is the Israeli Government, not our Government, that has turned its settlements policy from what it should be—essentially a humanitarian matter—into a security issue.

It is Ariel Sharon, and not George Bush, who sees each newly arriving Soviet Jew as a new opportunity to extend Israel's physical control over another quarter acre of occupied territory.

Mr. President, Secretary Baker has apparently had good talks with Prime Minister Shamir and other Israeli leaders. That is all to the good. Hopefully, the voices of reason in Shamir's government will prevail, and we can work out this issue reasonably, and both sides will be satisfied.

We do understand Mr. Shamir's precarious political situtation. Israel is a democracy, and in a democracy everyone is free to speak his or her mind. Thank God for that.

But democracy is not without its responsibilities and burdens. And Mr. Shamir has a couple of huge burdens that he has to cart around every day, right there in his own cabinet.

No one's interests—not Israel's; not Mr. Shamir's; not ours; and certainly not the prospects for a successful peace conference—no one's interests are served when Israeli Cabinet members recklessly pursue their own politcal agendas, sometimes with little apparent regard for the interests or policies of their own government.

No one's interests are served, above all, when an Israeli Cabinet member slanders the President of the United States.

Mr. President, President Bush has made a reasonable request. I note in an ABC poll that 86 percent of the American people think he is right to make this request. In a very unscientific way, I can tell you that my recent visits to my home State suggest that the President's decision will have overwhelming support in Kansas.

So the American people are behind the President. And I believe that, if it comes to a showdown, the Senate will be behind the President, too.

But the best way out of this is not a showdown. It is for all the shrill voices to be quiet for just a while, and for the two governments involved to work out a reasonable solution, consistent with the President's request—and in the interests of both the United States and Israel.

Mr. President, I add that it seems to me that there are certainly enough people of goodwill on both sides of this particular issue that there is no reason some resolution cannot be achieved.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 82 and upon recommendation of the Republican leader, appoints the following Senators to the Select Committee on POW/MIA Affairs: The Senator from New Hampshire [Mr. SMITH]; the Senator from Arizona [Mr. MCCAIN]; the Senator from Colorado [Mr. BROWN]; the Senator from Iowa [Mr. GRASSLEY]; the Senator from Kansas [Mrs. KASSEBAUM]; and the Senator from North Carolina [Mr. HELMS].

The Chair announces on behalf of the Republican leader, pursuant to Senate Resolution 82, the designation of the Senator from New Hampshire [Mr. SMITH] as vice chairman on the Select Committee on POW/MIA Affairs.

Mr. DOLE. Mr. President, I know the members on the other side have been named earlier and we had one vacancy that was not filled. I have now made that determination, and also made the determination who would serve as vice chairman or, as I believe, properly, maybe cochairman of that committee. I have designated Senator SMITH from New Hampshire. I am also very pleased that Senator MCCAIN has agreed to be a member of the committee, as has Senator BROWN, Senator GRASSLEY, Senator KASSEBAUM, and Senator HELMS. This is a important issue, and I hope the select committee can now organize and proceed with its work. I look forward to working with the committee, with Members on both sides of the aisle on this very important issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

HENRY BOECK—MINNESOTAN, DISTINGUISHED VETERAN

Mr. WELLSTONE. Mr. President, Plato once said that "what is honored in a country will be cultivated there."

Today I honor a distinguished Minnesotan and World War I veteran, Henry Boeck, who died on September 5, 1991, at the age of 96. The son of German immigrant homesteaders, Boeck volunteered at age 17 for service in World War I.

After being seriously wounded in Verdun, France, he married and settled in Westbrook, MN. His four children and their spouses went on to serve with distinction in World War II, Korea, and Vietnam.

In life, Henry Boeck brought honor to himself, his family, the State of Minnesota, and the country he loved and served. In his passing, let us remember this honor that he cultivated.

As the Senator representing the State of Minnesota, I salute him.

SENATOR PRYOR'S EXPERIENCE AND ADVICE

Mr. HATCH. Mr. President, one of the wonderful things about being a Senator is the opportunity to make friends with your colleagues. I have been privileged to know some of the truly great men and women who have served and are serving in this body; one of these is DAVID PRYOR. It is a joy to welcome him back to the Senate. I can only hope that he will vote with me more often.

I want to call the Senators' attention, if they have not already seen it, Senator PRYOR's startling and poignant first-person account of his heart attack, treatment, and recovery that appeared in the August 1991 issue of Arkansas Time. This is an article that should not be missed.

First, it gives us a new appreciation for the life-saving skills of our medical personnel and investments in medical research and technology. The response of the emergency medical services during the early desperate moments deserves special note. Modern cardiology, in the middle of the night at George Washington University, worked miracles unheard of even a decade ago. It is almost a fantasy to read of dilating coronary arteries from inside the vessel in the midst of the acute heart attack while DAVID watched it happen on a television screen.

Second, he gave us some very sound advice—advice from a man who has been there. He made it clear that his recovery is a dynamic process, with no end point. His recovery steps should be our preventive health steps. It is clear that the majority of heart disease is acquired through our habits, not inherited through our genes. All of us can minimize our risk for heart disease by lifestyle adjustments. The two most important factors under our control are smoking cessation and weight control. Heart attack victims overwhelmingly are men who are overweight, who smoke, who do not exercise, and who consume diets high in fat calories. Risks of heart attack can be reduced four-fold by attention to healthy lifestyles. We need to eat lower on the food chain. DAVID PRYOR's nutritionist said he did not have to give up red meat; he could have a steak twice a year. We must allot time for exercise. Just walking 40 minutes a day can make a difference. Exercise is not only useful for conditioning and weight control, but is an effective stress management method.

Finally, DAVID wrote to each of us with a perspective only a few people have. The lessons Senator PRYOR wants us to learn are clear. He cautioned us to watch our pace and our stress; to smell the flowers along the way; to be a part of our own families, not mere onlookers; and to remember the fragility of our lives and the value of our friends.

I, for one, appreciate this message and the sincerity with which it was delivered. As the Congress returns to work from the August recess, it would be well for us all to remember this advice. And, in doing so, let's all be grateful for the return of our friend DAVID PRYOR.

THE RETIREMENT OF LT. GEN. HARRY E. SOYSTER, DIRECTOR, DEFENSE INTELLIGENCE AGENCY

Mr. BOREN. Mr. President, as chairman of the Senate Select Committee on Intelligence, I have developed great respect for Lt. Gen. Harry E. Soyster, the Director of the Defense Intelligence Agency, who retires in October after more than 34 years of distinguished service to the U.S. Army.

General Soyster has the reputation of always being fair and consistent, which has earned him the respect and loyalty of those who work for him. I am sure this unique capability plays no small role in his success.

During Operations Desert Shield and Desert Storm, the Defense Intelligence Agency under his leadership contributed significantly to the successful coordination of the national Intelligence Community effort in support of the forces deployed in the Persian Gulf.

Throughout his 3 years at the Defense Intelligence Agency, General Soyster concentrated on enhancing the quality of intelligence his Agency supplied to national policymakers, defense officials, and U.S. operational commanders worldwide. In fact, a key element in his recent reorganization of the Agency was the strengthening of elements providing direct, daily, intelligence support to the Joint Chief of Staff.

By virtue of his Agency's work in arms control monitoring, counternarcotics, counterterrorism, and the monitoring of weapons proliferation and technology transfer, General Soyster has had a decidedly positive influence over national policymaking. His tenure has been characterized by intelligence reporting that is timely, objective, and lucid.

I especially appreciate the help General Soyster has given to our committee during his time of service. He has been candid and direct with the committee. He has taken the initiative to make sure that we had the best possible information available to us. His nonbureaucratic approach has been especially admired by our committee.

I am glad to have this opportunity to pay tribute to this outstanding military officer who has worked so hard to bring distinction and recognition to the Defense Intelligence Agency. His achievements are noteworthy and I offer my most sincere best wishes for his future success.

COMMEMORATING MR. EDSON G. CASE, A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Mr. THURMOND. Mr. President, it saddens me to announce to the Senate, the death on Saturday, September 14, 1991, of Edson G. Case, who was confirmed last year as a member of the Defense Nuclear Facilities Safety Board. Mr. Case was a 34-year veteran of Federal service, and can rightly be called the father of nuclear reactor safety in the Federal Government. When the Senate voted in the 100th Congress to establish a safety board with broad powers over the safe operation of the Nation's critical nuclear weapon facilities, it was no surprise to any of us that the President nominated Ed Case for this job. And when Ed was struck down by his final illness, it was no surprise to any of us that he worked and traveled using the same grueling schedule he always had.

Mr. President, the work of the Defense Nuclear Facilities Safety Board has been crucial in putting our nuclear deterrent on secure footing. We all owe a great deal to Ed Case for this. he was an expert in his field, and our Nation will sorely miss his dedication and skill.

Mr. President, the Nation has lost a dedicated public servant who will be missed by all who served with him during his long career. I join them in expressing my condolences to his family at this time of great sorrow.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,376th day that Terry Anderson has been held captive in Lebanon.

I also note that on October 6 bells in Philadelphia, London, Jerusalem, Moscow, and Kiev will sound a call for the freedom of all hostages, prisoners of war, and missing in action. Mr. President, I commend this effort by the Hartford group, Let Freedom Ring, and ask unanimous consent that an Associated Press article reporting the event be included in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP ANNOUNCES PLANS TO RING LIBERTY BELL FOR HOSTAGES

(By A.J. Hostetler)

PHILADELPHIA.—A group said Tuesday it will ring the Liberty Bell and other bells around the world in an international call for the freedom of hostages everywhere.

Let Freedom Ring, a Hartford, CT-based organization, said it plans a ceremony on October 6 to "ring" the Liberty Bell while bells in Jerusalem, Moscow, Kiev, and London chime in, appealing for the immediate release of all hostages, prisoners of war, and those missing in action.

"While we stand on Independence Mall, our counterparts around the world will echo our sentiments," said organizer Arnold Beizer. "Let's let freedom ring, and let every man return to his family. Let them return at the sound of the bell."

In addition, Beizer said, "We're asking everyone to drive with their car headlights on during the day, keep a light lit at night and ring a bell at noon, local time."

Beizer said the group will stage future events to raise money and awareness of the continuing hostage drama. Events will include a concert on May 20 at Philadelphia's Academy of Music.

"Right now, the monumental changes and the move to democracy and freedom taking place in Europe and the Soviet Union underscore the basic desire and need that people have for freedom," Beizer said. "We want to remind everyone in the United States and the world that America is the shining example of freedom."

Backed by the Liberty Bell and 24 empty chairs reserved for American hostages, MIAs, and POWs, Beizer gave out four checks of $5,000 each to organizations supporting efforts to bring home the missing. Checks were given to No Greater Love, the National Forget-Me-Not Association, the American Defense Institute, and the Journalists Committee to Free Terry Anderson, the kidnapped Middle East chief correspondent for the Associated Press.

TODAY'S HUDDLED MASSES: THE CASE FOR ABSORPTION LOAN GUARANTEES

Mr. DECONCINI. Mr. President, President Bush appears to be spoiling for a political battle with concerned American citizens in order to protect what he calls his "new world order." To do so, he seems willing to sell Israel—a stalwart American ally—down the river merely to avoid upsetting some Arab countries which are as principled and trustworthy as the ever-shifting sands of the Arabian desert.

Let me say in the strongest terms possible; I support providing $10 billion to Israel in loan guarantees for the absorption of Soviet and Ethiopian Jewish refugees and I support it without the 120-day delay proposed by the President. I have cosponsored legislation to extend these guarantees to Israel and will join with my colleagues in the Senate in offering the legislation as an amendment to the first appropriate legislative vehicle, if that becomes necessary. And I pledge that if the President carries out his threat to veto any legislation which contains the loan guarantees I will vote to override his veto.

The legislation I have cosponsored allows Israel to borrow up to $2 billion a year for the next 5 years with the United States acting as a guarantor of the loans. These would be 30-year loans with principal payments starting in 2001. The application fee, which may total in excess of $100 million and is required under the new credit reform law, will be paid by Israel. Thus, no appropriated funds will be used in the loan program. Finally, the legislation prohibits any United States guaranteed money to be spent outside Israel's pre-1967 borders, which means the money cannot be used to resettle people in occupied territories such as the West Bank, or Gaza, or other places.

Based on past experience, Israel is in an excellent position to repay any loans it undertakes under the guarantees. Israel has never defaulted on a loan and has paid all of its debts in a timely fashion. I am absolutely certain that these loans will also be repaid. These loan guarantees will not count as direct spending and will not contribute to the Federal budget deficit.

In fact, the United States stands to gain from extending these loans. The American banking system should make a large profit from interest on these loans, and other segments of the economy will benefit as well. Over the next 5 years, Israeli imports from the United States will increase to approximately $30 billion. One domestic industry, which stands to gain from these loans, is the housing sector that last year had exports totaling $250 million. Those exports should increase significantly in the coming years as Israel builds new housing for the influx of immigrants.

For nearly 2 decades, Congress and the executive branch have worked together on the humanitarian effort to ensure freedom of movement in the Soviet Union for all of its citizens, particularly those, like Soviet Jews, who have been the subject of religious discrimination for years. Since my first visit to the Soviet Union in 1978, I have presented to a succession of Soviet leaders hundreds of cases involving literally thousands of Soviet refuseniks, most of them Jewish families seeking their freedom. Other Members in this body—past and present, and I am sure in the future—have done the same thing. President Bush himself has raised the issue of refuseniks in previous meetings with Soviet officials. Now that free movement is closer to reality in the Soviet Union, the President appears poised to break that bipartisan foreign policy agreement by having the United States turn its back on what is, at its essence, a moral issue.

But the battle for free emigration has not yet been won. I have just returned from a week long visit to what is left of the Soviet Union where I presented a list of 86 Soviet refusenik cases to various government officials. During my stay, I was struck and deeply saddened by the increase in anti-semitism as a result of the rise in Russian nationalism. History is replete with examples of persecution of Jews during periods of unrest and social turbulence, a period the Soviet Union is now going through. The United States must redouble its efforts to ensure that this ignominious chapter in history does not repeat itself.

The new exodus of Soviet and Ethiopian Jews represents a golden opportunity for Israel which was founded on the basis of the law of return under which any Jew may automatically become a citizen. These new refugees are not the typical refugee. They are highly educated—41 percent have university degrees, 25 percent are engineers and architects, 15 percent are technicians, and 6 percent are physicians. These new Israelis will eventually help boost Israel's economic growth an estimated 7–8 percent annually, while exports should increase 9–10 percent annually.

Israel expects the absorption of 1 million Jewish immigrants and refugees into its population of 4.8 million to cost approximately $60 billion. Imagine the shock its system faces. If the United States were to incur a similar burden, it would have to absorb the entire population of France. But the United States can only accept a minimal number of Soviet citizens due to our immigration and refugee quotas. If we are not willing to accept this burden, and others will not, tiny Israel stands ready and willing to do so. The U.S. Government is only being asked to assist in this effort with $10 billion in loan guarantees, not hard dollars. Israel, largely through the efforts of Jewry worldwide, will raise the remaining $50 billion.

For these reasons alone, Israel's resettlement efforts deserve American support. However, the United States has a moral responsibility to assist Israel with these efforts. It was an inflexible United States foreign policy, which I strongly supported over the years, to pressure the Soviet Union on its emigration policies that is largely responsible for the current exodus. Assisting Israel with loan guarantees for new housing and basic refugee assistance seems to me to be the very least the United States can do.

It is my strong belief that the President has wrongly tried to link the issue of absorption loan guarantees to the holding of a Middle East peace conference. Israel initially sought these loan guarantees in the spring in the wake of the Persian Gulf war when there was a great deal of sympathy for Israel. At that time, the visions of families donning gas masks as Iraqi Scuds fell on innocent civilians in Tel Aviv were fresh in the minds of all Americans. But President Bush asked Israel to withhold its request until September, and the Israeli Government agreed. At that time, there was no proposal for a peace conference. Immigration of Soviet Jews, however, was a reality then as it is today. Peace in the Middle East is not just in Israel's best interests, it is in the best interests of all countries in the region. Indeed, it is in the best interests of the world community. President Bush's attempted linkage, I believe, is a smoke screen raised to protect his "new world order." It is a linkage which may backfire on both the President and on the peace conference.

Already, we are seeing troubling developments surrounding the peace conference. There are signs of renewed intransigence on the part of Palestinians who would participate in the conference, but who insist that the PLO play an active part. Also, Secretary Baker and his Soviet counterpart have been unable to set a date for the conference. The Arab world has been less than forthcoming in moving toward attending a peace conference, something that is in its own best interest. One only need remember the difficulty Secretary of Defense Cheney had in getting the Saudis to allow United States forces to land on Saudi territory to protect Saudi Arabia from invasion by Iraq to understand the many hurdles still facing this proposed conference. What is to keep the Arabs from missing the opportunity presented to them by the peace conference? They already appear to believe they can stop the construction of settlements in the West Bank and Gaza if they can achieve a delay in the approval of these vital loan guarantees. George Bush appears willing to place his trust in the good will of the Syrians. As for this Senator, I will stick with Israel.

There is no link between the absorption loan guarantees and the Middle East peace conference and President Bush should not try to create one. It now appears unlikely that the October timeframe originally planned for the peace conference can be met. If it is delayed, will President Bush seek yet another postponement on the loan guarantees? Also, the conference may very well last months, if not years. What can possibly be gained by a 120-day delay? The issue will have to be addressed by President Bush, whether he likes it or not. In the meantime, refugees will continue to arrive in Israel. Mr. President, stop your delaying tactics. Help the huddled masses of today to breathe free in Israel.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2100) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints to the following as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the entire House bill and Senate amendments, and modifications committed to conference: Mr. ASPIN, Mr. BENNETT, Mr. MONTGOMERY, Mr. DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Mr. MAVROULES, Mr. HUTTO, Mr. SKELTON, Mr. MCCURDY, Mr. FOGLIETTA, Mrs. LLOYD, Mr. SISISKY, Mr. RAY, Mr. SPRATT, Mr. MCCLOSKEY, Mr. ORTIZ, Mr. DARDEN, Mr. HOCHBRUECKNER, Mr. PICKETT, Mr. LANCASTER, Mr. TANNER, Mr. MCNULTY, Mr. BROWDER, Mr. TAYLOR of Mississippi,Mr. DICKINSON, Mr. SPENCE, Mr. STUMP, Mr. HOPKINS, Mr. DAVIS, Mr. HUNTER, Mr. MARTIN, Mr. KASICH, Mr. BATEMAN, Mr. BLAZ, Mr. IRELAND, Mr. HANSEN, Mr. WELDON, Mr. KYL, Mr. RAVENEL, and Mr. DORNAN of California.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. WILSON, Mrs. KENNELLY, and Mr. SHUSTER.

As additional conferees from the Committee on Education and Labor, for consideration of sections 3131 and 3132 of the House bill, and sections 805, 811, 2109, 2807, 3131, and 3136 of the Senate amendments, and modifications committed to conference: Mr. FORD of Michigan, Mr. GAYDOS, Mr. KILDEE, Mr. WILLIAMS, Mr. PERKINS, Mr. GOODLING, Mr. COLEMAN of Missouri, and Mr. HENRY.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 331, 336, 3131, 3132, 3133, 3138, and 3201 of the House bill, and sections 320, 2804, 2806, 2846, 3131–3136, 3138, 3139, 3201, and 3202 of the Senate amendments, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. SWIFT, Mr. ECKART, Mr. SLATTERY, Mr. LENT, Mr. RITTER, and Mr. FIELDS.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 304, 313, 812, and 3136 of the House bill, and sections 211 (b)(3), (g), (h), and (i), 229, 304, that portion of section 801 adding 10 U.S.C. 2526, sections 905, 1111, 1113, 1117–1122, 1127, 1129, 1133, 1134, 1138, 1143, 1144, and 1147 of the Senate amendments, and modifications committed to conference: Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BERMAN, Mr. BROOMFIELD, Mr. GILMAN, and Mr. LAGOMARSINO.

As additional conferees from the Committee on Government Operations, for consideration of sections 811, 816, and 817 of the House bill, and sections 319, 527, 822, 826, 829, 835, 839, 1103, 1141, 2806, and 2833 of the Senate amendments, and modifications committed to conference: Mr. CONYERS, Mr. ENGLISH, Mr. SYNAR, Mr. WISE, Mrs. BOXER, Mr. HORTON, Mr. SHAYS, and Mr. SCHIFF.

As additional conferees from the Committee on the Judiciary, for consideration of section 817 of the House bill, and sections 626, 826, 1128, 3134, and 3145(b)(4) of the Senate amendments, and modifications committed to conference: Mr. BROOKS, Mr. Frank of Massachusetts, Mr. EDWARDS of California, Mr. FISH, and Mr. GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 521–529 of the House bill, and title XXXV of the Senate amendments, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, Mr. TAUZIN, Mr. YOUNG of Alaska, and Mr. FIELDS.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of section 508 of the House bill, and sections 526, 622, 624, 627, 831, and 3504 of the Senate amendments, and modifications committed to conference: Mr. CLAY, Ms. OAKAR, Mr. SIKORSKI, Mr. ACKERMAN, Mr. SAWYER, Mr. GILMAN, Mr. HORTON, and Mr. MYERS of Indiana.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 336 of the House bill, and modifications committed to conference: Mr. ROE, Mr. ANDERSON, Mr. NOWAK, Mr. BORSKI, Mr. OBERSTAR, Mr. HAMMERSCHMIDT, Mr. SHUSTER, and Mr. PETRI.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 801–805, 811, 907, 3132, and 3137–3139 of the Senate amendments, and modifications committed to conference: Mr. BROWN, Mr. SCHEUER, Mr. VALENTINE, Mr. BOUCHER, Mr. STALLINGS Mr. WALKER, Mr. LEWIS of Florida, and Mr. PACKARD.

As additional conferees from the Committee on Small Business, for consideration of section 842 of the Senate amendments, and modifications committed to conference: Mr. LAFALCE, Mr. SMITH of Iowa, and Mr. SLAUGHTER of Virginia.

At 4:11 p.m., a message from the House of Representatives announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 126. Joint resolution to designate the Second Sunday in October of 1991, as "National Children's Day"; and

S.J. Res. 151. Joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3291) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The message further announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3040. An act to provide a program of Federal supplemental compensation, and for other purposes;

H.J. Res. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; and

H.J. Res. 305. Joint resolution to designate the month of October 1991, as "Country Music Month."

The message also announced that pursuant to the provisions of 22 United States Code 1928a, the Speaker appoints Mr. FASCELL of Florida, Chairman, and Mr. ROSE of North Carolina, Vice Chairman, of the United States Group of the North Atlantic Assembly on the part of the House.

At 4:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 296) to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

The message further announced that pursuant to the authority granted on September 12, 1991, the Speaker revises the appointment of conferees on the part of the House in the conference on the bill (H.R. 2508) entitled "An Act to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes", to read as follows:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment (except title IX), and modifications committed to conference: Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. GEJDENSON, Mr. DYMALLY, Mr. TORRICELLI, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, and Mr. LEACH (except as otherwise appointed in the case of Mr. LEACH).

As additional conferees from the Committee on Foreign Affairs, for consideration of title IX of the Senate amendment, and modifications committed to conference: Mr. GEDJENSON and Mr. BROOMFIELD.

As additional conferees from the Committee on Agriculture, for consideration of section 502 of the House bill, and section 516 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE of North Carolina, Mr. GLICKMAN, Mr. ROBERTS, and Mr. MORRISON.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 401, 403, 644(g), 844(b), and 846(b) of the House bill, and sections 515, 516, 520(b), 606, 721, 722, 723, 741, 742, 771–774, and titles IX and XVIII of the Senate amendment, and modifications committed to conference: Ms. OAKAR, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. TORRES, Mr. LEACH, and Mr. BEREUTER.

As additional conferences from the Committee on Energy and Commerce, for consideration of sections 848(b) and 1104 of the House bill, and title XVI of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SWIFT, Mr. ECKART, Mr. LENT, and Mr. RITTER.

As additional conferees from the Committee on the Judiciary, for consideration of that portion of section 621 which adds a section 7202(f) to the Foreign Assistance Act and section 642(b) of the House bill, and modifications committed to conference: Mr. BROOKS, Mr. MAZZOLI, Mr. KOPETSKI, Mr. MCCOLLUM, and Mr. SMITH of Texas.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of that portion of section 101 which adds a section 1303 to the Foreign Assistance Act of 1961, and that portion of section 621 which adds a section 7403 to the Foreign Assistance Act of the House bill, and sections 305 and 680A of the Senate amendment, and modifications committed to conference: Mr. JONES of North Carolina, Mr. STUDDS, Mr. TAUZIN, Mr. DAVIS, and Mr. LENT.

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 848(b) of the House bill, and title XVI of the Senate amendment, and modifications committed to conference: Mr. ROE, Mr. NOWAK, Mr. HAYES of Louisiana, Mr. HAMMERSCHMIDT, and Mr. PETRI.

As additional conferees from the Committee on Ways and Means, for consideration of sections 642(c), 901, and 1071 of the House bill, and sections 514–516, 607A, and 690 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 305. Joint resolution to designate the month of October 1991, as "Country Music Month"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1884. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination with respect to the Union of Soviet Socialist Republics; to the Committee on Finance.

EC-1885. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on implementation of continued full-rate benefits for certain persons who are temporarily institutionalized; to the Committee on Finance.

EC-1886. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination with respect to Romania; to the Committee on Foreign Relations.

EC-1887. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 29, 1991; to the Committee on Foreign Relations.

EC-1888. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during the month of July 1991; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself, Mr. PRYOR, Mr. BURDICK, Mr. BRYAN, Mr. SARBANES, Mr. RIEGLE, and Mr. GRAHAM):

S. 1718. A bill to amend titles II and XVI of the Social Security Act to improve procedures for the determination of disability for purposes of eligibility under such titles; to the Committee on Finance.

By Mr. SPECTER:

S. 1719. A bill to protect consumers by regulating prerecorded telephone advertising; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 1720. A bill to amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995; to the Select Committee on Indian Affairs.

By Mr. ROCKEFELLER:

S. 1721. A bill to strengthen the coordination and direction of Federal agencies responsible for the promotion of United States export trade, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. MITCHELL, Mr. RIEGLE, Mr. SPECTER, Mr. SASSER, Mr. WOFFORD, Mr. BAUCUS, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. ADAMS, Mr. KENNEDY, Mr. AKAKA, Mr. BREAUX, Mr. GRAHAM, Mr. LEAHY, Mr. CRANSTON, Mr. HARKIN, Mr. BURDICK, Mr. DASCHLE, Mr. JOHNSTON, Mr. SANFORD, Mr. LEVIN, Mr. WELLSTONE, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. FORD, Mr. BRYAN, Mr. REID, Mr. DODD, and Mr. SHELBY):

S. 1722. A bill to provide emergency unemployment compensation, and for other purposes; read the first time.

By Mr. DECONCINI:

S.J. Res. 195. A joint resolution providing that the United States should support the Armenian people to achieve freedom and independence; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. SIMON (for himself and Mr. REID):

S. Res. 180. A resolution to call on the President to begin immediate withdrawal from the U.S. facility at Subic Bay; to the Committee on Foreign Relations.

Mr. KASTEN (for himself, Mr. MACK and Mr. HELMS):

S. Res. 181. A resolution relating to Repeal of the 10 percent excise tax on boats; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself, Mr. PRYOR, Mr. BURDICK, Mr. BRYAN, Mr. SARBANES, Mr. GRAHAM, and Mr. RIEGLE)

S. 1718. A bill to amend titles II and XVI of the Social Security Act to improve procedures for the determination of disability for purposes of eligibility under such titles; to the Committee on Finance.

DISABILITY DETERMINATION FAIRNESS ACT

Mr. COHEN. Mr. President, I am pleased to introduce today, together with Senators PRYOR, BURDICK, BRYAN, SARBANES, GRAHAM, and RIEGLE an important piece of legislation that will provide for fairer and faster reviews for many individuals applying for disability benefits under the Social Security and supplemental security income programs. I originally joined our late colleague, John Heinz, then ranking minority member on the Senate Special Committee on Aging, in introducing this bill in the last Congress.

As the Justinian principles state:

> Justice is giving every man—and we add, every woman,—his or her due. It does not mean giving more than their due, but it means not giving them less than their due.

This principle is even more important when we are dealing with the least fortunate of our society—the blind, the elderly and the disabled. This bill we are introducing today will call into play this principle to help make the Social Security disability process a greater due process to those it was created to serve.

As many of my colleagues will recall, the Social Security disability program came under major fire from the Congress back in 1983, when hundreds of thousands of disabled workers and their families lost their benefits and medical support due to arbitrary reviews of persons on the disability rolls. I, Senator LEVIN, Senator Heinz, and several more of my colleagues worked together to urge the Congress to respond to this tragedy by passing comprehensive legislation to assure fair and thorough reviews of disability applicants. The Congress acted by passing the Social Security Disability Benefits Reform Act of 1984.

Despite these reforms, major problems continue to exist in the Social Security review process. The General Accounting Office has found, for example, that over 58 percent of the persons denied disability benefits in 1984 were still unable to work a full 3 years later. Still, these persons have been denied crucial benefits under the disability review process. In addition to the Social Security Administration [SSA] erroneously denying benefits over half of the time, it takes applicants well over 18 months to work their way through the entire appeals process. In over 60 percent of the cases appealed, disabled individuals are eventually awarded benefits, but long after they should have received benefits under the program.

The quality of decisionmaking in the current disability determination process could be significantly improved by speeding the review process and most importantly, by humanizing the process for thousands of applicants.

A face-to-face interview with the applicant early in the process would provide the examiner with a much better assessment of the disabled individual's condition and would reassure the claimants that their case is being handled by a person, not simply by a cold, faceless computer.

The case of a woman from my State of Maine illustrates the need for face-to-face interviews. She has reached middle age and due to her current mental instability, she can no longer hold down a job. She has held eight different jobs in the last several years.

Despite her clear mental incapacity, her initial application for disability was denied and she is now waiting for her case to be heard by an administrative law judge [ALJ].

Because she cannot afford professional counseling, she has no real record of her current disabling condition. Her record on paper, therefore, does not show her true mental condition and circumstances. A face-to-face interview for her would most certainly provide the examiner with the kind of evidence he or she could not glean from the record alone, and would amply demonstrate that she is eligible for Social Security disability.

Another of my constituents from northern Maine was denied benefits with injuries to his spine, as a result of laboring as a woodworker. When he appealed his case before an ALJ, it was clear from his inability to even sit in a chair, that his injuries would prevent him from working to support himself. He was awarded disability benefits as a result of his face-to-face interview with the ALJ.

A third example of the need for this bill is the compelling story of Ms. June Herrin, whose story was presented to the Senate Special Committee on Aging last year. She initially applied for Social Security disability in December 1987 and was denied. She suffers from severe cardiac disease and diabetes.

In 1988 she was hospitalized three times with a heart attack and congestive heart failure. She reapplied for disability benefits again in March 1989, and was again denied. During this time, she lost her home and was forced to live in her car. In July 1990, after an appeal to the ALJ she was awarded her benefits. Since justice delayed is justice denied, however, the disability process certainly denied Ms. Herrin and hundreds of thousands of people like her their full justice due.

The current disability review process takes far too long and is heavily weighed toward a paper, faceless review of applicants. There are now four stages of administrative reviews and appeals. The initial application for disability benefits begins with the State agency known as the Disability Determination Services [DDS's]. If the initial claim is denied, the application then moves on to a reconsideration stage, also peformed by the DDS's.

Up to this point, applicants have had no opportunity for a face-to-face interview. If an applicant is denied at the second, so-called reconsideration stage, he or she may take the case to an ALJ within the Social Security Administration's Office of Hearings and Appeals. Even though only one-third of disability applicants even bother to appeal to this level, a substantial number of individual cases are awarded benefits by the ALJ. In fact, 63 percent of the cases denied at earlier stages were awarded benefits by ALJ's.

The purpose of the bill we are introducing today, the Disability Determination Fairness Act of 1991, is to provide for more thorough reviews earlier on in the determination process. The bill will require the Social Security Administration to offer personal interviews for applicants with certain types of disabilities who are most likely to be denied at the initial evaluation stage.

Specifically, the bill calls for a personal appearance interview in three classes of cases—mental, cardiovascular, and musculoskeletal impairments—which have the highest rate of reversal at the ALJ stage. It should be clarified that this legislation does not change the initial existing income and resource eligibility requirements, nor does it seek to exclude claimants whose impairments do not meet the strict definition of mental, cardiovascular, or musculoskeletal disabilities in Social Security's listing of impairments. Under no circumstances should an applicant with any of these three impairments be denied the opportunity to receive a face-to-face interview because he or she does not meet the applicable listing. The definitions used in the legislation are meant only to be used as guidelines by the State disability determination services.

If, after receiving a face-to-face interview, the applicant is denied, his or her case would go directly to an ALJ, bypassing the reconsideration stage. A more thorough review of these types of cases initially will decrease the current high rate of appeals.

The GAO, the Administrative Conference, and the American Bar Association support face-to-face interviews as a means of improving the disability determination process. This was also the recommendation of the Senate Special Committee on Aging, in its 1990 report, "Disabled Yet Denied: Bureaucratic Injustice in the Disability Determination System."

I am also encouraged by the preliminary reports of the Social Security Administration's personal appearance demonstration projects [PAD], the results of which show that a face-to-face interview could improve the disability application process. We are hopeful that the full report will be released soon.

Mr. President, I recognize that much work needs to be done to improve the Social Security disability process fully and that this bill is not a panacea for the flaws and inequities in this program. In the coming months, I and my staff on the Special Committee on Aging will continue to evaluate and recommend changes in the disability review process. Providing face-to-face interviews in these major classes of cases is, however, an important first step in reforming the process and will correct a problem that affects the immediate needs of applicants and a Social Security disability review system that has been plagued with overwhelming workloads through lengthy appeals.

In closing, I would offer to my colleagues the following words of Franklin D. Roosevelt in his speech before a Democratic Convention:

> Governments can err . . . But the immortal Dante tells us that divine justice weighs the sins of the coldblooded and the sins of the warmhearted on a different scale. Better the occasional faults of a government living in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.

When we are dealing with the members of our society most in need of assistance, we should ensure that the Government does not add another burden to the ones they already must bear. The bill that we are introducing today will make the Social Security disability application process more efficient and most importantly, fairer to those who most greatly need our support, not our indifference.

• Mr. SARBANES. Mr. President, I rise today to join my colleague, Senator COHEN, in introducing the Disability Determination Fairness Act. Last year, a similar measure was introduced by our former colleague Senator Heinz, and I am pleased that Senator COHEN is carrying on the work to which John Heinz was so committed.

This important measure simplifies the Social Security disability insurance process for individuals with certain kinds of disabilities. The basic principle of the legislation is to shift to face-to-face interviews earlier in the process and thus prevent much of the hardship now suffered by claimants as a direct result of the interminable delays encountered in the appeals process.

Mr. President, the process for obtaining Social Security disability insurance is both complex and extremely time consuming. In order to receive disability benefits an applicant must go through as many as four stages in the appeals process. This is a process which can take years. It is a process during which claimants, who have already lost their health and the ability to provide for themselves and their family, now face the very real prospect of losing everything else as well—home, health insurance, adequate medical care, possessions.

The changes called for in this bill represent no more than an effort to ensure fairer administration of an extremely tough law and to provide earlier relief for those eligible. By affording a face-to-face interview early in the process to those suffering from cardiovascular, mental, and musculoskeletal impairments, claimants would be spared an entire year of waiting.

Mr. President, a staff report to the Special Committee on Aging highlights the inherent unfairness of the current process: Although 60 percent of those who appeal to an administrative law judge are approved for benefits, this percentage represents only one-third of the 63 to 85 percent of claimants who are denied at the first two levels. The remaining two-thirds simply give up. It is no coincidence that the majority of approvals come at the only time an applicant is allowed a face-to-face interview.

The bill introduced today does not solve the whole problem, but it does allow claimants in some of the most critical areas to have earlier access to the justice they are due. Early face-to-face interviews are essential to providing the disabled with the benefits they deserve in a timely manner. This legislation is necessary in order to ensure that the disabled are treated with the dignity and respect they deserve. I urge all of my colleagues to support this proposal.•

By Mr. SPECTER:

S. 1719. A bill to protect consumers by regulating prerecorded telephone advertising; to the Committee on Commerce, Science, and Transportation.

PRERECORDED SOLICITATION CONSUMER RIGHTS ACT

Mr. SPECTER. Mr. President, today I am introducing the Prerecorded Telephone Advertising Consumers Rights Act of 1991. This bill will restrict telephone solicitations that are made through automatic dialing message systems and those with artificial or prerecorded voices. This legislation calls for the creation of a national database which will collect the phone numbers of those citizens who do not wish to receive unsolicited phone advertising. Furthermore, these automated and prerecorded phone calls would be banned from emergency telephone lines of any hospital, medical physician or services office, health care facility, fire protection, or law enforcement agency.

In the past 10 years, there has been an enormous increase in the usage of the telephone as a marketing tool. Expenditures in the United States on telemarketing have increased from $1 billion in 1980 to $60 billion presently. In 1990 alone, telemarketing sales reached $435 million.

Yet, the success of the telemarketing industry has been accompanied by numerous problems. In particular, the automatic dialing systems have invaded the privacy of every telephoneowner in the country. Today, over 300,000 telemarketing agents make 18 million calls a day to citizens throughout the country. It goes without saying that among the 18 million unsolicited calls there are many that are unwanted and possibly harmful to the community.

With the new automatic dialing technology, many of the dialing machines sequentially deliver prerecorded messages to thousands of phone numbers. Many of the numbers that are called have been those of hospitals, police stations, and firehouses. The phone lines, which are intended for emergency use are rendered inoperable. Citizens are unable to contact those officials who could possibly stop a crime or save a life. This proposed legislation would make it illegal for the automatic dialing systems and prerecorded messages to call these vital emergency telephone lines.

Furthermore, many telephone owners simply do not want to be contacted by unsolicited recorded phone advertising. Those phoneowners with unlisted numbers are contacted just as frequently by the random autodialers as those with listed numbers. These calls are not only a nuisance but an invasion of privacy.

I have received numerous letters from constituents complaining about early morning phone calls from telemarketers. Many phoneowners have been forced to screen their phone calls through the use of their answering machines. One gentleman, in particular, Mr. William A. Grundy from Ambler, PA, informed my staff that phone calls from telemarketers are extremely troubling. Mr. Grundy explained that as an older gentleman he has difficulty walking. In one instance, he fell down the stairs in his home attempting to answer the telephone. On the other line was, of course, a prerecorded telephone solicitation. In addition, many businesses are called by the telemarketers, making their work lines unreachable to the publlic and affecting the owner's ability to effectively run his business.

This bill calls for the creation of a national database which would contain a list of those individuals who do not want to receive phone calls from automatic dialing message systems. The list would be available for both consumers and business owners and would be free.

The telemarketers would be required to respect the wishes of those on the list and cease calling them. It is true that there already exists a service which has a restricted telephone list, but this option is not widely publicized and only has 400,000 names on it. Moreover, use of this list among the telemarketers is only optional and there is no penalty for ignoring it.

It is important to note that this bill does not ban all automated calls. Those calls which are manned by live attendants where the person who receives the telephone call can simply ask the caller to hang up are not restricted by this bill. It restricts only automatic dialing message systems with artificial or prerecorded voices that are sent to hospitals, health care facilities, fire houses, and police stations.

I have recognized that a complete ban on automatic dialing systems is impractical. In fact, such a ban could be detrimental to a community. Police Officer Jim Howell of the Mt. Lebanon, PA, Police Department has told my staff that automatic dialer is vital to his city's Neighborhood Watch Program for it allows quick and easy exchange of important crime watch information. Without the use of the autodialer, crimes could not be prevented and criminals could evade law enforcement officials.

I am introducing this bill in response to concerns that have been voiced by the community. Prerecorded telephone solicitations have affected every aspect of our society and must be regulated. I believe this legislation will rectify this problem in a fair and balanced manner.

Mr. President, I ask unanimous consent that the full text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, AS FOLLOWS:

S. 1719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prerecorded Telephone Solicitation Consumer Rights Act".

SEC. 2. FINDINGS.

The Congress finds that:

(1) Over 300,000 telemarketing agents make 18 million telemarketing calls a day.

(2) An automatic dialing recorded message program can make sixty random sales calls in an hour.

(3) Unrestricted telemarketing is an intrusive invasion of privacy, and a risk to public safety when an emergency or medical assistance is called.

(4) There already exists a service which has a restricted telephone list, but this option is not widely publicized, only has 400,000 names on it, and lacks enforcement mechanisms.

(5) Forty-two states introduced some type of legislation affecting how telephone sales operations do business and twenty-one states have passed laws restricting auto-dialed telephone solicitations, but many telemarketers can circumvent these restrictions through interstate operations, and thus Federal legislation is necessary to control prerecorded telephone advertising.

SEC. 3. RESTRICTIONS ON THE USE OF PRERECORDED COMMERCIAL TELEPHONE CALLS.

(A) AMENDMENT.—Title II of the Communications Act of 1934 (47 U.S.C. 201) is amended by adding at the end thereof the following new section:

"SEC. 228. RESTRICTIONS ON THE USE OF PRERECORDED COMMERCIAL TELEPHONE CALLS.

"(a) DEFINITIONS.—As used in this section—

"(1) The term 'automatic dialing recorded message programs (ADRMP's)' means equipment which has the capacity—

"(A) to store or produce telephone numbers to be called, using a random or sequential number generator;

"(B) to dial such numbers; and

"(C) to transmit a voice-recorded message.

"(2) The term 'unsolicited prerecorded telephone solicitation' means a prerecorded telephone call by a person for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, or for other commercial purposes, which is transmitted to any person without that person's prior express invitation or permission. Such term does not include calls or messages made by or on behalf of a tax exempt nonprofit organization.

"(b) RESTRICTIONS.—It shall be unlawful for any person within the United States—

"(1) to make any call using any automatic dialing recorded message program system (ADRMP's) or an artificial or prerecorded voice—

"(A) to any emergency telephone line or pager of any hospital, medical physician or services office, health care facility, or fire protection or law enforcement agency;

"(B) to any telephone number assigned to paging or cellular telephone service; or

"(C) to any restricted telephone number on the national database list, as provided in subsection (c).

"(c) Protection of Subscriber Privacy Rights.—

"(1) Rulemaking proceeding required.—Within 120 days after the date of enactment of this section, the Commission shall initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving unsolicited prerecorded telephone solicitations to which they object. The proceeding shall—

"(A) further define 'unsolicited prerecorded telephone solicitation' consistent with subsection (a)(2);

"(B) compare and evaluate alternative methods and procedures, including the use of telephone electronic databases, telephone network technologies, special directory markings, industry and company based 'do not call' systems, and any other alternatives, individually or in combination, for protecting such privacy rights, in terms of their cost effectiveness and their other advantages and disadvantages;

"(C) evaluate the categories of public and private entities that would have the capacity to establish and administer such methods and procedures;

"(D) consider whether such methods and procedures may apply for local telephone solicitations, such as those of small businesses or holders of second class mail permits; and

"(E) develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section.

"(2) Regulations.—Not later than 240 days after the date of enactment of this section the Commission shall conclude the rulemaking proceeding initiated under paragraph (1) and shall prescribe regulations to implement methods and procedures for protecting the privacy rights described in such paragraph in an efficient, effective and economic manner and without the imposition of any additional charge to telephone subscribers.

"(d) Technical and Procedural Standards.—

"(1) Prohibition.—It shall be unlawful for any person within the United States—

"(A) to initiate any telephone call using any automatic telephone dialing system that does not comply with the technical and procedural standards proscribed under this subsection, or to use any automatic telephone system (to transmit prerecorded telephone solicitations) in a manner that does not comply with such standards.

"(2) Artifical or prerecorded voice systems.—The Commission shall prescribe technical and procedural standards for system that are used to transmit any artificial or prerecorded voice message via telephone. Such standards shall require that—

"(A) all artificial or prerecorded telephone messages (i) shall, at the beginning of the message state clearly the identity of the business initiating the call, and (ii) shall, during or after the message, state clearly the telephone number or address of such business; and

"(B) any such system will automatically release the called party's line within 5 seconds of the time the system receives notification that the called party hung up, to allow the called party's line to be used to make or receive calls.

"(e) State Law Not Preempted.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits—

"(1) the use of automatic telephone dialing systems to transmit prerecorded telephone solicitations; and

"(2) the use of artificial voice or recorded messages.

"(f) Preemption of Inconsistent Interstate Communication Laws.—This section preempts any provisions of State law concerning interstate communications that are inconsistent with the interstate communications provisions of this section."

(b) Conforming Amendment.—Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152[b]) is amended by striking "and 225" and inserting in lieu thereof ", 225, and 228".

By Mr. INOUYE:

S. 1720. A bill to amend Public Law 93–531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995; to the Select Committee on Indian Affairs.

REAUTHORIZATION OF NAVAJO-HOPI RELOCATION HOUSING PROGRAM

• Mr. INOUYE. Mr. President, in the 100th Congress, I introduced S. 1236 to reauthorize the Navajo-Hopi Relocation Housing Program. This reauthorization will expire at the end of 1991. S. 1236, provided $40 million for the housing construction program conducted by the Relocation Commission. The legislation increased the authorization from $15 million to the current level of $30 million. The bill I am introducing today would extend the current authorization of $30 million for the relocation housing program through fiscal year 1995.

Based on the current information provided by the Office of Navajo and Hopi Indian Relocation, there are 2,836 certified applicants for relocation benefits and 769 active eligibility appeals. As of June 3, 1991, there are 892 certified applicants who have not yet relocated. There are currently 158 residents of the Hopi partitioned lands who are certified and are awaiting their relocation benefits. During fiscal year 1991, 84 families have relocated. Since the program was initiated, a total of 1,944 families have received their relocation benefits. Over the last 3 years, the Relocation Commission received an average annual appropriation of $19.2 million. Over this same period, the number of families relocated has averaged 213 annually. Given these figures, it is estimated that it will take an additional 4 years to provide relocation benefits to the remaining 892 certified applicants.

Mr. President, I ask unanimous consent that a summary of the legislation be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Section-by-Section Summary Analysis of the Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991

Section 1. Section (1) cites the short title of the Act as the "Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991".

Section 2. Section (2) of this Act amends section 25 of Public Law 93–531 to extend the authorization of the Navajo-Hopi Relocation Housing Program through fiscal year 1995. The amount of funding authorized under this Act would remain $30,000,000 for each fiscal year.•

By Mr. ROCKEFELLER:

S. 1721. A bill to strengthen the coordination and direction of Federal agencies responsible for the promotion of U.S. export trade, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT TRADE PROMOTION AND TRADE FINANCE ACT

Mr. ROCKEFELLER. Mr. President, today I rise to introduce legislation that will make American industries more competitive abroad, create jobs, and slash the crippling trade deficit that Reaganomics and the Bush Presidency has foisted upon our economy.

The Export Trade Promotion and Trade Finance Act of 1991 is the product of extensive discussions with small businesses and others committed to making the United States a successful exporter. It does not address all the problems we have in the trade area. Indeed, it is only the first of a series of bills I plan for this session of Congress to deal with the full range of competitiveness problems the country faces. At a later point, Mr. President, I will be taking the floor to discuss my proposals on education and worker training, support for critical technologies, capital costs, and trade and investment policy.

As the cold war fades and the true measure of international influence becomes economic strength, American industry must be given the tools it needs to compete in an increasingly competitive marketplace.

While American businesses fight to adjust to a rapidly changing global market, they are handcuffed by a too often insensitive and uncoordinated Federal export bureaucracy. Our competitors lean on a single Trade Ministry for aggressive, coordinated export strategies providing everything from market analysis to low-cost financing and tied-aid credits. American companies must wade through a 15-agency bureaucratic swamp of dubious advice, limited resouces and petty bureaucratic struggles before emerging—barely competitive—in the international arena.

American exporters face an additional handicap because of commercial banks' reluctance to finance export ventures. Across the Nation, American business faces a so-called credit crunch—banks burned in the past by bad real estate loans and risky foreign ventures are reluctant to make new loans, or to return to international lending. This credit crunch is particularly acute for small-and medium-sized ventures where the risks involved outweigh the returns from the loans. Yet when one considers that U.S. exports are dominated by a small handful of operations, it is obvious that great potential for expansion exists in precisely this category of small- and medium-sized businesses.

If American business is going to compete and thrive in the coming decades, then we must adapt to the changes taking place in the global marketplace. The Federal Government cannot by itself expand our exports. That is not the way our free market works. But a responsive Federal effort can play midwife to a thousand successful private ventures. That is how economies grow. That is how jobs are created.

Government can be part of the solution.

The bill I am introducing today is a first step in meeting the demands of American exporters.

The bill will provide American exporters with one stop shopping, merging two vital functions into a single office: marketing information and export finance. And it gives commercial banks the incentives they need to return to the export finance market.

My bill will create a Bureau of Trade Development and Trade Finance within the Commerce Department. It joins the marketing functions of the U.S. Foreign Commercial Service and the Department's Office of Trade Development with the finance functions of the Export-Import Bank. It creates a powerful agency where American exporters can assemble a complete export package.

Second, to encourage banks to return to export finance, it builds on Eximbank's practice of bundling small export loans together. It creates regional banking pools for small- to medium-size export loans, as it currently does in Mexico, lessening the cost and the administrative burden of carrying small loans. The bill would provide further incentives by creating a secondary market for these loans in the form of Eximbank notes.

Third, to combat the trade distorting practice of mixed or tied credits, it expands the banks' tied-aid war chest and makes countries' continued use of tied-aid credits actionable as an unfair trader practice under section 301 of the Trade Act of 1974. This will provide a useful incentive to conclude the current OECD negotiations on tied-aid credits.

Mr. President, the use of tied-aid credits is a particularly insidious practice, and we have been negotiating to end it for almost 2 years. Unfortunately, the negotiations have been bogged down in a morass of unnecessary delays. Using section 301 would help force those who engage in this practice to put an end to it.

This bill is not about jurisdiction; it is not reshuffling agencies just to reshuffle. It is a bold step beyond rhetoric, into the reality of a competitive American economy.

Where America once stood as an unchallenged economic colossus, we approach the 21st century as one economic competitor among many. To continue to lead, to realize the growth our Nation and our working families must have, our Government must adapt. Just as we ask industries to rise to ever greater challenges, just as our workers must become more skilled, our Government must become more effective in building an effective, international economy.

I encourage my colleagues to join me by cosponsoring this bill, and I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Trade Promotion and Trade Finance Act of 1991".

FINDINGS

SEC. 2. The Congress finds the following:

(1) The economic well-being of the United States is increasingly dependent on the ability of United States companies to compete in world markets.

(2) The Federal Government can assist such worldwide competitiveness through export promotion activities.

(3) Existing United States export promotion programs are often criticized for a lack of direction and coordination. Federal agencies involved in export promotion have been pursuing their respective agendas with little or no coordination with each other.

(4) The Nation's economic interests would benefit by consolidating those agencies within a business-oriented department of the United States Government.

(5) Over the past decade, commercial banks have deserted the business of providing export financing to small and medium-sized borrowers. One means for stimulating the return of commercial banks to this market is to strengthen the programs of the Export-Import Bank of the United States, which are in a weakened condition, and to consolidate those programs with the marketing functions of the Department of Commerce.

BUREAU OF TRADE DEVELOPMENT AND FINANCE

SEC. 3. (a) ESTABLISHMENT.—There is established within the Department of Commerce a Bureau of Trade Development and Finance. The Bureau shall include—

(1) the Export-Import Bank of the United States;

(2) the United States and Foreign Commercial Service; and

(3) the Assistant Secretary for Trade Development and the functions for which such Assistant Secretary was responsible immediately before the effective date of this Act.

(b) UNDER SECRETARY FOR TRADE DEVELOPMENT AND FINANCE.—The Bureau established under subsection (a) shall be headed by an Under Secretary of Commerce for Trade Development and Finance, who shall be appointed by the President subject to the advice and consent of the Senate.

(c) PAY OF UNDER SECRETARY.—Section 5314 of title 5, United States Code, is amended by striking "President of the Export-Import Bank of Washington." and inserting in lieu thereof "Under Secretary of Commerce for Trade Development and Finance, the incumbent of which also serves as President of the Export-Import Bank of the United States.".

(d) PRESIDENT AND FIRST VICE PRESIDENT OF BANK.—Section 3(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(b)) is amended to read as follows:

"(b) The Under Secretary of Commerce for Trade Development and Finance shall be President of the Export-Import Bank of the United States and shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States subject to the advice and consent of the Senate, who shall serve as President of the Bank during the absence or disability of or in the event of a vacancy in the Office of the President of the Bank, and who shall at other times perform such functions as the President of the Bank may from time to time prescribe."

(e) BOARD OF DIRECTORS OF BANK.—Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

"(c)(1) There shall be a Board of Directors of the Bank consisting of the Secretary of Commerce (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), and the First Vice President of the Bank.".

(f) ASSISTANCE BY USFCS.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

"(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The Commercial Service shall provide, at its district offices in the United States, such services as the Secretary determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.".

NATIONAL ADVISORY COUNCIL

SEC. 4. The National Advisory Council on International Monetary and Financial Policies (as established by Executive Order numbered 12188 of January 2, 1980) shall be chaired by the Secretary of Commerce instead of the Secretary of the Treasury.

TRANSFER TO THE DEPARTMENT OF COMMERCE

SEC. 5. (a) TRANSFER OF EXPORT-IMPORT BANK.—The Export-Import Bank of the United States is transferred to the Department of Commerce.

(b) ADMINISTRATIVE PROVISIONS.—In addition to the authority contained in any other Act authorizing functions transferred to the Secretary of Commerce by this Act, the Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees.

(c) TRANSFER MATTERS.—(1) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions and offices transferred by this Act, are, subject to section 1531 of title 31, United States Code, correspondingly transferred to the Department of Commerce for appropriate allocation.

(2) Unexpended funds transferred pursuant to paragraph (1) shall be used only for the purposes for which the funds were originally authorized and appropriated, except that such funds may be used for the expenses associated with carrying out transfers under this Act.

(3) The transfer of personnel pursuant to paragraph (1) shall be without reduction in classification or compensation for one year after such transfer.

(4) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding that appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of that person's service in the new position.

(5) In the exercise of the functions transferred under this Act, the Under Secretary of Commerce for Trade Development and Finance shall have the same authority as was exercised by the President of the Export-Import Bank of the United States immediately preceding their transfer, and the actions of the Secretary, as the case may be, in exercising such functions shall have the same force and effect as when exercised by the President of the Export-Import Bank immediately preceding the transfer of such functions.

(6)(A) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions and offices transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions and offices as may be necessary to carry out the transfer provisions of this Act. The Director shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(B) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such time as the Director of the Office of Management and Budget provides, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions and offices transferred by this Act.

(d) SAVINGS PROVISIONS:—(1) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective by the President or any Federal department or agency, or by any court of competent jurisdictions, in the exercise of functions which are transferred under the functions which are transferred under this Act; and

(B) which are in effect at the time that Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or Secretary of Commerce as the case may be, by any court of competent jurisdiction, or by operation of law.

(2) This Act does not affect any proceedings, including rulemaking proceedings, or any application for any license, permit, certificate, or financial assistance, pending on the effective date of this Act, before any office transferred by this Act. Such proceedings, to the extent that they are before an office so transferred, shall be continued at the Department of Commerce. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Commerce, by a court of competent jurisdiction, or by operation of law.

(3) Except as provided in paragraph (5)—

(A) the provisions of this Act shall not affect actions commenced prior to the effective date of this Act, and

(B) in all such actions, proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(4) No action or other proceeding commenced by or against any officer in that officer's official capacity as an officer of the Export-Import Bank of the United States shall abate by reason of the enactment of this Act. No cause of action by or against the Bank, or by or against any officer thereof in that officer's official capacity, shall abate by reason of the enactment of this Act.

(5) If before the effective date of this Act any office of the Export-Import Bank of the United States, or any officer thereof in that officer's official capacity, is a party to an action, such action shall be continued with the Secretary of Commerce or other appropriate official of the Department of Commerce substituted or added as a party.

(6) Orders and actions of the Secretary of Commerce in the exercise of the functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the President of the Export-Import Bank of the United States or head of an office thereof exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to any functions transferred by this Act shall apply to the exercise of such functions by the Secretary.

INTERAGENCY COMMITTEE ON TRADE DEVELOPMENT AND FINANCE

SEC. 6. (a) ESTABLISHMENT.—There shall be established, on the effective date of this Act, an interagency coordinating committee to be known as the Interagency Committee on Trade Development and Finance (hereafter in this section referred to as the "Committee").

(b) FUNCTIONS.—The Committee shall coordinate Federal policies, programs, and activities relating to international trade development and finance, including—

(1) collection, analysis, and dissemination of market information;

(2) information on and coordination of export financing;

(3) representation of United States business interests in interactions with officials of foreign governments and international organizations;

(4) assistance in identifying joint venture partners and foreign research and development projects;

(5) counseling on foreign standards, testing, and certification requirements;

(6) trade missions and other trade events; and

(7) identification of agents and distributors.

(c) COMPOSITION.—(1) The Committee shall consist of—

(A) the Under Secretary of Commerce for Trade Development and Finance, who shall serve as Chairman;

(B) representatives of the following departments and agencies, as appointed by the heads of their respective departments or agencies:

(i) the Department of the Treasury;

(ii) The Department of Agriculture;

(iii) the Office of the United States Trade Representative;

(iv) the Office of Management and Budget;

(v) the Small Business Administration;

(vi) the Export-Import Bank of the United States;

(vii) the Agency for International Development;

(viii) the Overseas Private Investment Corporation;

(ix) the United States Information Agency; and

(x) the Trade and Development Program; and

(C) representatives of such other departments and agencies as the Chairman of the Committee shall determine.

(2) Any member of the Committee may designate an alternate, who shall serve on the Committee whenever that member is unable to attend a meeting of the Committee.

(3) A member of the Committee who represents a department or agency, and an individual designated under paragraph (2) as an alternative for any member of the Committee, shall be an individual who exercises significant decisionmaking authority in the department or agency concerned.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Commerce shall, to the extent provided by law, provide the Committee with administrative and staff services, support, and facilities as may be necessary for the effective performance of the Committee.

(e) EXPENSES.—Each member may receive actual and necessary transportation and travel expenses, including per diem in lieu of subsistence, incurred in carrying out Committee functions.

(f) Annual Meeting with President's Export Council.—A joint meeting of the Committee and the President's Export Council, as established under Executive Order numbered 12131, shall be held annually to coordinate their respective activities.

(g) TERMINATION OF TRADE PROMOTION COORDINATING COMMITTEE.—The Trade Promotion Coordinating Committee, as established by the President on May 23, 1990, shall cease to be in effect on the effective date of this Act.

EXPORT-IMPORT BANK "WAR CHEST" AUTHORIZATION

SEC. 7. (a) Authorization.—Section 15(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)(1)) is amended by inserting before the period at the end of the first sentence the following: ", and for fiscal years 1992 and 1993, $400,000,000".

(b) REPORT.—If the amounts authorized by subsection (a) are not used, the Export-Import Bank of the United States shall report to Congress annually on—

(1) the reasons behind the Bank's decision not to use these funds; and

(2) the amount of sales or bids lost because of the Bank's decision not to use these funds.

RESPONSE TO UNREASONABLE USE OF TIED AID CREDITS

SEC. 8. Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof", or"; and

(3) by adding at the end the following new clause:

(3) by adding at the end the following new clause:

"(iv) constitutes an unreasonable use of tied aid or partially untied aid credits to subsidize exports, as determined by the Export-Import Bank of the United States, consistent with the purposes of section 15 of the Export-Import Bank Act of 1945.".

EXPANDED USE OF BANK GUARANTEES

SEC. 9. Section 2(c)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 634(c)(3)) is amended by inserting "(A)" immediately before "With" and by adding at the end the following new subparagraphs:

"(B) For the guarantee and insurance programs covered by this subsection, the Bank shall provide up to 100 percent coverage of the interest and principal where determined necessary by the Board to ensure acceptance of Bank guarantees by United States financial institutions for any transaction involving a loan of any amount less than $10,000,000 in any export market in which the Bank is open for business.

"(C) To encourage the free transfer of such Bank obligations, the Bank may guarantee the timely payment of principal and interest on pool certificates representing ownership of part of or all of any loan or loans guaranteed by the Bank under this Act. Such certificates shall be based on a pool approved by the Bank and shall be managed by agents approved by the Bank.

"(D) The Bank shall take necessary actions to promote the sale of such pool certificates.".

CONFORMING AMENDMENTS

SEC. 10.(a) Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 634(a)(1)) is amended by inserting"' within the Department of Commerce's Bureau of Trade Development and Finance" immediately before the period at the end of the first sentence.

(b) Section 3(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(a)) is amended by striking "shall constitute" and all that follows and inserting in lieu thereof "is established as an agency within the Department of Commerce's Bureau of Trade Development and Finance.".

(c) Section 3(c)(5) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)95)) is amended by inserting "other than the Chairman" immediately after "The directors".

(d) Paragraph (8) of section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is repealed.

EFFECTIVE DATE

SEC. 11. This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act, or on such prior date after such date of enactment as the President shall prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS OF THE EXPORT PROMOTION BILL

SECTION 1—SHORT TITLE

This section states that the short title of the bill is the "Export Promotion Bill".

SEC. 2—FINDINGS

Existing United States government efforts at export promotion programs are often criticized for a lack of direction and coordination. Federal agencies involved in export promotion have been pursuing their respective agendas with little or no coordination with each other.

The nation's economic interest would benefit by consolidating those agencies within a business-oriented department of the United States government.

Over the past decade, commercial banks have deserted export finance, particularly in financing small and medium-size borrowers. One means for stimulating the return of commercial banks to this market is to strengthen the programs of the Export Import Bank of the United States and to consolidate those programs with the marketing functions of the Department of Commerce.

SEC. 3—BUREAU OF TRADE DEVELOPMENT AND FINANCE

Establishes, within the Department of Commerce, a Bureau of Trade Development and Finance which shall include:

(1) ExIm Bank of the United States;

(2) the United States Foreign and Commercial Service; and

(3) the Assistant Secretary for Trade Development.

It provides that the Under Secretary of Commerce for Trade Development and Finance (Secretary) shall be President of the ExIm Bank.

It amends Section 2301 of the Omnibus Trade and Competitiveness Act of 1988 to require that the Commercial Service shall provide, at its district offices, such services as the Secretary determines are necessary to assist the ExIm Bank.

SEC. 4—NATIONAL ADVISORY COUNCIL

Establishes that the National Advisory Council on International Monetary and Financial Policies shall be charged by the Secretary of Commerce, instead of the Secretary of the Treasury.

SEC. 5—TRANSFER PROVISIONS

Sets forth the provisions to transfer the ExIm Bank to the Department of Commerce.

SEC. 6—INTERAGENCY COMMITTEE ON TRADE DEVELOPMENT AND FINANCE

Recognizes the need for improved coordination between the various agencies involved in export promotion. It establishes an interagency Committee on Trade Development and Finance, bringing together the various agencies involved in export finance.

SEC. 7(A)—AUTHORIZATION OF TIED AID

Reauthorizes and expands to $400,000,000 the tied aid war chest to combat tied aid practices that have caused American Businesses to lose sales as a result of these practices.

SEC. 8—RESPONSE TO UNREASONABLE USE OF TIED AID CREDITS

Amends Section 301(d)(3)B of the Trade Act of 1974. Makes use of tied aid or partially untied aid credits to subsidize exports and unfair trade practice.

SEC. 9—EXPANDED USE OF BANK GUARANTEES

Creates regional banking pools to finance exports of under $10,000,000. It creates a secondary market to encourage the free transfer of such bank obligations. It provides that the ExIm Bank may guarantee the timely payment of principal and interest on pool certificates representing ownership of part of any loan or loans guaranteed by the bank.

SEC. 10—CONFORMING AMENDMENTS

SEC. 11—EFFECTIVE DATE

Provides that amendments from this Act shall take effect 180 days after the date of enactment of this Act.

By Mr. DECONCINI:

S.J. Res. 195. Joint resolution providing that the United States should support the Armenian people to achieve freedom and independence; to the Committee on Foreign Relations.

SUPPORT FOR ARMENIAN INDEPENDENCE

• Mr. DECONCINI. Mr. President, I have just returned from cochairing a Helsinki Commission delegation trip to Vienna, where the new round of confidence and security building measures [CSBM's] talks has begun, to the Baltic States, which are celebrating the restoration of their long-sought independence, to Georgia and Armenia, and finally, to Moscow, where the delegation attended the opening session of the third meeting of the Conference on the Human Dimension of the CSCE.

We found Armenia to be a republic that is no less dedicated to its freedom and independence than the Baltic States. This ancient people has maintained its sense of nationhood through the centuries, during the course of which it has endured many disasters and horrors, especially in 1915. Today, after seven decades of stifling centralized control by the Kremlin, Armenia stands on the brink of becoming an independent state. In August 1990, a democratically elected parliament passed a declaration on transition to independence. The next step in the process will be a referendum on September 21, to which the Helsinki Commission will send observers.

Mr. President, the Armenian people have set a firm course toward becoming an independent state which promises to be a welcome addition to the growing number of democratic countries in the international community. On October 16, there will be a multiparty, multicandidate election, in which the people of Armenia will elect a President, and to which the Helsinki Commission will also send observers. Our delegation met with President TerPetrosyan, as well as with leaders of opposition parties that will field candidates. We were deeply gratified to hear all of them pledge their commitment to democratic principles and human rights. Our brief, but deeply felt, experience in Armenia left all the members of the delegation confident about the prospects of democracy in Armenia.

Mr. President, I am today introducing a resolution which expresses the sense of the Senate that Armenia's movement toward independence merits the strong support of the U.S. Government. Congressman HOYER is introducing identical legislation in the House of Representatives.

Mr. President, I request that the full text of this resolution be printed in the RECORD following my remarks and I urge my colleagues to support it.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 195

Whereas the Armenian people have long nurtured the spirit of freedom;

Whereas Armenia was independent from 1918-1920, until Bolshevik troops invaded Armenia and forceably incorporated it into the Soviet Union;

Whereas parliamentary elections in May 1990 ended Communist Party control of Armenia's legislature and government;

Whereas Armenia is pursuing a peaceful, legal, and democratic path to independence by holding a referendum on independence on September 21, 1991;

Whereas the September 21 referendum and the multicandidate, multiparty presidential election in Armenia which is scheduled to be held on October 16 will be observed by an international body of monitors to verify the fairness of the campaign procedures, including equal access to the media for all contenders, and of the voting and vote-counting, in order to ensure that the referendum and election are conducted in full accordance with the Copenhagen Document and the Paris Charter of the Conference on Security and Cooperation in Europe (CSCE); and

Whereas the United States Congress is increasingly concerned about the continuing human rights violations against the Armenian population within Nagorno-Karabakh and the adjacent Shaumian district, including deportations and other flagrant abuses of human rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States should support the struggle of the Armenian people to achieve freedom and independence.•

By Mr. SIMON:

S.J. Res. 196. Joint resolution to designate October 1991 as "Ending Hunger Month"; to the Committee on the Judiciary.

ENDING HUNGER MONTH

• Mr. SIMON. Mr. President, I rise today to offer a joint resolution to designate the month of October 1991 as "Ending Hunger Month." I am introducing this resolution for the third year in a row because hunger remains a serious problem that affects all of us. Hunger and its cause, poverty, demand our constant attention. They never go away.

In the United States, as many as 5.5 million children go to bed hungry every night. Around the world, hunger is a part of daily life for more than a billion people. Every day, approximately 35,000 people die from acute and chronic malnutrition.

I hope that by the passage of this resolution, more will become aware of the problem of hunger in the United States and around the world.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 196

Whereas hunger affects the lives of 500,000,000 to 1,000,000,000 people in the world and takes the lives of 13,000,000 to 18,000,000 people each year, 75 percent of whom are children under the age of 5 years;

Whereas although famines often gain widespread media attention and the response of the public, little attention is focused on the problem of chronic hunger;

Whereas schools and communities should conduct educational programs that lead to the development of viable methods for alleviating hunger;

Whereas there is a need to promote continuing activities that increase education and heighten public awareness about the extent of hunger, its causes, and its consequences;

Whereas a society educated about the pervasiveness of hunger is equipped to respond to the needs of hungry people around the world; and

Whereas the United Nations and the United States Congress are designating October 16, 1991, as World Food Day and have called upon all people to take appropriate actions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Ending Hunger Month". The President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 141

At the request of Mr. DASCHLE, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 199

At the request of Mr. GLENN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 224

At the request of Mr. MCCONNELL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 224, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes.

S. 463

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 473

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 473, a bill to amend the Lanham Trademark Act of 1946 to protect the service marks of professional and amateur sports organizations from misappropriation by State lotteries.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from New Hampshire [Mr. RUDMAN] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Nevada [Mr. REID], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. FOWLER], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 581

At the request of Mr. BOREN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 649

At the request of Mr. BREAUX, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 964

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 964, a bill to establish a Social Security Notch Fairness Investigatory Commission.

S. 1093

At the request of Mr. BIDEN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1093, a bill to establish a commission to study the feasibility, effect, and implications for United States foreign policy, of instituting a radio broadcasting service to the People's Republic of China to promote the dissemination of information and ideas to that nation, with particular emphasis on developments in China itself.

S. 1257

At the request of Mr. BOREN, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1257, supra.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1581

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1581, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development.

SENATE JOINT RESOLUTION 166

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. DOLE, the names of the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from California [Mr. SEYMOUR], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating the month of November 1991, as "National Accessible Housing Month."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. D'AMATO], the Senator from Rhode Island [Mr. PELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the names of the Senator from Indiana [Mr. COATS], the Senator from Illinois [Mr. DIXON], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 178, supra.

SENATE RESOLUTION 170—URGING IMMEDIATE WITHDRAWAL FROM THE UNITED STATES FACILITY AT SUBIC BAY

Mr. SIMON (for himself and Mr. REID) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 180

Whereas, the Senate of the Philippines rejected, on September 16, 1991, the Treaty of Friendship, Cooperation and Security that would have permitted the continued operation of the United States facility at Subic Bay for ten years;

Whereas, United States military facilities located in the Philippines have in the past enhanced regional security and stability;

Whereas, the United States and the Philippines have long enjoyed close, mutually beneficial relations which have been an important factor in United States policy in Asia;

Whereas, President Aquino is to be commended for her leadership and shared interest in maintaining positive, constructive relations with the United States; and

Whereas, continued good United States-Philippine relations is desirable for both our countries; Now, therefore be it

Resolved, that—

(a) it is in the best interest of the United States to abide by the decision of the Philippines Senate, and

(b) the President, in honoring the decision of the duly elected representatives of the Filipino people, should begin planning an immediate withdrawal from our naval facility at Subic Bay.

SENATE RESOLUTION 181—RELATING TO THE REPEAL OF THE EXCISE TAX ON BOATS

Mr. KASTEN (for himself, Mr. MACK, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 181

Whereas the luxury excise tax on boats has imposed an unfair burden on boat workers, manufacturers, and retailers;

Whereas the luxury excise tax on boats has brought the loss of up to 18,000 jobs in the boat building industry;

Whereas middle-class workers and small businesses, not the wealthy, are harmed by the tax;

Whereas the luxury excise tax on boats is costing the Government more in lost income tax receipts, additional unemployment compensation, and compliance and enforcement costs than the revenue generated by such tax on boats;

Whereas the luxury excise tax forces small business people to become tax collectors and enforcers for the Internal Revenue Service;

Whereas the luxury excise tax on boats is harming one of America's strongest domestic industries and aiding our foreign competitors; and

Whereas the luxury excise tax on boats is contributing to the depth and severity of the recession and helping ensure that economic recovery will be more difficult: Now, therefore, be it

Resolved, That the Congress should immediately adopt legislation to repeal the luxury excise tax on boats.

Mr. KASTEN. Mr. President, I rise today to introduce a sense-of-the-Senate resolution calling for repeal of the so-called luxury tax on boats. This tax is anything but a luxury for the 19,000 middle-class workers who will lose their jobs this year because of this tax.

After just 9 months, the boat excise tax is a disaster.

In addition to putting thousands of middle-class workers in the unemployment lines;

It is forcing plant closures;

It is aiding our foreign competitors by destroying one of America's finest manufacturing industries; and

It is costing the Government far more in lost tax revenue and collection costs than it will raise.

This tax must go now. Every month Congress delays more workers lose their jobs.

Due to the economic slowdown, 100,000 workers in the marine industry lost their jobs in 1989 and 1990. Ignoring this, Congress imposed a 10 percent excise tax which has been the last straw for many boat builders and retailers and has brought the additional loss of 19,000 jobs.

Wisconsin is hit hard by this tax, 2 years ago over 18,000 people in the State were employed in the marine industry, today that number is down to 15,000. Communities like Oconto, and Pulaski are hurt by the ripple effect from this tax. As boat builders lose their jobs, other businesses in town begin to suffer.

The most ironic aspect of this tax is that the Federal Government is losing millions of dollars from this tax. A report put out last month by the minority staff of the Joint Economic Committee shows a minimum net loss to the Federal Government of $15.2 million in 1991.

Using an extremely conservative job loss number, the Government will lose $8 million in income tax receipts, $8.1 million in lost payroll tax receipts, and $2.1 million in Federal unemployment payments. This compares with an initial estimate of only $3 million in revenue from the tax.

On top of all the suffering and job loss, we have a tax that doesn't even raise money for the Government.

This morning I chaired a hearing before the Small Business Committee to examine the impact of this tax on small businesses. Witnesses from both the manufacturing and retailing sectors testified to the job loss and devastation that this tax is bringing to the marine industry.

Particularly compelling was the testimony of Chet Markley, president of Local S 88 of the International Union of Shipbuilding Workers of America. Mr. Markley is one of the thousands of workers who has lost his job because of this tax. He stated clearly that the members of his union are the victims of this tax, not the wealthy.

I call upon all my colleagues to join me in repealing this devastating tax. This is one critical way we can help thousands of workers across America keep their jobs in the midst of this recession. Each week we fail to act more workers will join the unemployment lines.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

LAUTENBERG AMENDMENT NOS. 1144 AND 1145

Mr. LAUTENBERG proposed two amendments to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

AMENDMENT NO. 1144

On page 85, line 13 strike "data" and insert "date".

AMENDMENT NO. 1145

On page 20, line 6 strike "$17,098,460,000" and insert "$17,092,610,000".

LAUTENBERG (AND D'AMATO) AMENDMENT NO. 1146

Mr. LAUTENBERG (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 2942, supra; as follows:

On page 80, line 11, strike the word "drug".

GLENN AMENDMENT NO. 1147

Mr. LAUTENBERG (for Mr. GLENN) proposed an amendment to the bill H.R. 2942, supra; as follows:

On page 73, strike out lines 18 through 22.

FORD AMENDMENT NO. 1148

Mr. LAUTENBERG (for Mr. FORD) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place in the bill, insert: "*Provided further*, That funds appropriated under this heading for this or prior years are available for the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, KY, to design and construct an air traffic control tower at Standiford Field, using current Federal Aviation Administration control tower specifications."

KERRY (AND OTHERS) AMENDMENT NO. 1149

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. DODD) proposed an amendment to the bill H.R. 2942, supra, as follows:

On page 86, between lines 19 and 20, insert the following:

SEC. . Notwithstanding any other provision of this Act, the Volpe National Transportation Systems Center is authorized to hire up to an additional 40 other-than-fulltime equivalent positions [FTE] in fiscal year 1992.

LEAHY AMENDMENT NO. 1150

Mr. LAUTENBERG (for Mr. LEAHY) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place in the bill, insert: "Unobligated funds in the amount of $170,000 authorized and appropriated under Public Law 101-516 for a highway grade crossing demonstration project in White River Junction, VT, shall be made available to the State of Vermont Agency of Transportation without regard to whether or not such expenses are incurred in accordance with section 106 of title 23 of the United States Code.".

DOLE (AND KASSEBAUM) AMENDMENT N0. 1151

Mr. DOLE (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place, add the following:

Section 29 of Public Law 96-192 is hereby repealed.

Section 503 of Public Law 96-193 is hereby repealed.

GRAHAM AMENDMENT NO. 1152

Mr. GRAHAM proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Subsection (h) of section 2110 of title 46, United States Code, is amended to read as follows:

"(h)(1) There is established the 'United States Coast Guard Service Fund' (hereafter referred to in this subsection as the 'Fund') within the Treasury of the United States.

"(2) Fees and charges collected by the Secretary under this section shall be deposited in the Fund established by paragraph (1). Moneys in the Fund shall be available, in such amounts as are hereafter provided in appropriation Acts, for use by the United States Coast Guard for carrying out its mission, including search and rescue, boating safety, aids to navigation, and meeting the requirements of subsection (d).

"(3) Interest received on moneys in the Fund shall be deposited in, or credited to, the Fund and shall be available for use in the same manner, to the same extent, and for the same purposes as are the fees and charges deposited therein.

"(4) There are authorized to be appropriated from the Fund such amounts as may be necessary to carry out the provisions of this section.".

COATS (AND OTHERS) AMENDMENT NO. 1153

Mr. COATS (for himself, Mr. SIMPSON, Mr. BOND, Mr. BURNS, Mr. HELMS, Mr. WALLOP, Mr. KASTEN, Mr. GARN, Mr. SYMMS, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SMITH, Mr. DOLE, Mr. D'AMATO, and Mr. SEYMOUR) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the end of title III, insert:

SEC. FEDERAL GAS TAXES SHOULD NOT BE INCREASED.

(a) FINDINGS.—The Senate finds that—

(1) many sectors of the Nation's economy have yet to recover from the recent economic downturn;

(2) a tax increase would reduce personal consumption, considered to be the engine of the American economy, and an increase in gasoline and diesel fuel taxes would seriously hinder economic recovery;

(3) an increase in the Federal excise tax on motor fuels by five cents per gallon would further damage the economy in that such an increase would—

(A) increase the Consumer Price Index by 0.2 percent,

(B) imperil the current trend towards economic recovery,

(C) reduce America's potential for growth in the Gross National Product in the near term by $11 billion, and

(D) reduce urgently needed job creation by 234,000 job opportunities in the first year;

(4) Federal, State, and local taxes account for nearly 30 percent of the retail price of gasoline;

(5) all States already tax gasoline, and twenty States in the last two years have increased, or considered increasing, their taxes on gasoline; and

(6) gasoline and diesel fuel excise taxes are the most regressive forms of taxation, in that less affluent Americans must spend a greater proportion of their income to pay those taxes than do more affluent Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in light of the current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

BURNS AMENDMENT NO. 1154

Mr. D'AMATO (for Mr. BURNS) proposed an amendment to the bill H.R. 2942, supra; as follows:

TELECOMMUTING STUDY

STUDY.—The Secretary, in consultation with the Secretary of Energy, shall conduct a study of the potential costs and benefits to the energy and transportation sectors of telecommuting. The study shall include—

(1) an estimation of the amount and type of reduction of commuting by form of transportation type and numbers of commuters;

(2) an estimation of the potential number of lives saved;

(3) an estimation of the reduction in environmental pollution, in consultation with the Environmental Protection Agency;

(4) an estimation of the amount and type of reduction of energy use and savings by form of transportation type; and

(5) an estimation of the social impact of widespread use of telecommuting.

(b) This study shall be completed no more than one hundred and eighty days after the date of enactment of this Act. A report, summarizing the results of the study, shall be transmitted to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no more than sixty days after completion of this study.

WALLOP (AND SIMPSON) AMENDMENT NO. 1155

Mr. D'AMATO (for Mr. WALLOP, for himself and Mr. SIMPSON) proposed an amendment to the bill H.R. 2942, supra; as follows:

At the appropriate place in the bill add the following:

Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code, until June 30, 1992.

ROBB (AND WARNER) AMENDMENT NO. 1156

Mr. LAUTENBERG (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) In light of recent positive changes in the Union of Soviet Socialist Republics, Congress finds that the Secretary of Defense and the Commandant of the Coast Guard should reexamine policies of the United States regarding the restricted use of certain ports of entry by ships, and crew members thereof, of the Union of Soviet Socialist Republics, including commercial cargo, passenger, fishing and fisheries support vessels. The Secretary of Defense and the Commandant of the Coast Guard shall jointly report back to Congress within 30 days following the date of the enactment of this Act regarding their examination of such policies, together with their recommendations.

(b) For purposes of this section, the term "ships" means ships owned by, under the flag of, or operated by crew members of, the Union of Soviet Socialist Republics.

LOTT AMENDMENT NO. 1157

Mr. D'AMATO (for Mr. LOTT) proposed an amendment to the bill H.R. 2942, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . For purposes of the Act of June 30, 1982 (96 Stat. 150), giving the consent of Congress to a compact relating to the establishment of a commission to study the feasibility of rapid rail transit service between certain States, the Congress authorizes the parties to such compact to change the name of such compact, including the name or names of any commission or other entity thereunder.

SMITH AMENDMENT NO. 1158

Mr. SMITH proposed an amendment to the bill H.R. 2942, supra, as follows:

Beginning on page 27, line 11, strike all through page 30, line 2, and insert the following:

For up to 80 percent of the expenses necessary for programs under the Surface Transportation Program, $387,535,000, to be provided to the State on a per centum share equal to such State's on a per centum share of all apportionments and allocations received under this title for each of the fiscal years 1987, 1988, 1989, 1990, and 1991, excluding apportionments and allocations received for the Interstate Construction, Interstate Substitute, Federal Lands Highways and Emergency Relief Programs, all apportionments and allocations received for demonstration projects, and the portion of allocations received pursuant to section 157 of title 23, United States Code, (relating to minimum allocation) that is attributable to apportionments made under the Interstate Construction and Interstate Substitute Programs in such years, except that in calculating a State's per centum share under this paragraph, each State shall be deemed to have received one-half of 1 per centum of all funds apportioned for the Interstate Construction Program for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

PELL (AND OTHERS) AMENDMENT NO. 1160

Mr. BYRD (for Mr. PELL, for himself, Mr. CHAFEE, Mr. KENNEDY, and Mr. KERRY) proposed an amendment to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 56 before line 10 insert the following new section:

"SEC. . Notwithstanding section 7(b) of Public Law 99-647, the Secretary may approve the extension of the Blackstone Commission on or before November 10, 1991, to accomplish the purposes of that subsection.".

WALLOP (AND OTHERS) AMENDMENT NO. 1161

Mr. BYRD (for Mr. WALLOP, for himself, Mr. GARN, Mr. JOHNSTON, Mr. SIMPSON, Mr. WIRTH, Mr. HATCH, Mr. SEYMOUR, Mr. BROWN, Mr. DOMENICI, Mr. CONRAD, Mr. CRAIG, and Mr. BING-

AMAN) proposed an amendment to the bill H.R. 2686, supra, as follows:

Provided further, That notwithstanding any other provision of law, for fiscal year 1992 and each year thereafter, the Secretary of the Interior or his designee is authorized to—

(a) enter into a cooperative agreement or agreements with any State or Indian tribe to share royalty management information, to carry out inspection, auditing, investigation or enforcement (not including the collection of royalties, civil penalties, or other payments) activities in cooperation with the Secretary, except that the Secretary shall not enter into such cooperative agreement with a State with respect to any such activities on Indian lands except with the permission of the Indian tribe involved; and

(b) upon written request of any State, to delegate to the State all or any part of the authorities and responsibilities of the Secretary under the authorizing leasing statutes, leases, and regulations promulgated pursuant thereto to conduct audits, investigations, and inspections, except that the Secretary shall not undertake such a delegation with respect to any Indian lands except with permission of the Indian tribe involved, with respect to any lease authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands or Indian lands within the State or with respect to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)), on the same terms and conditions as those authorized for oil and gas leases under sections 202, 203, 205, and 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1733, 1735, and 1736) and the regulations duly promulgated with respect thereto: *Provided further*, That section 204 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1734) shall apply to leases authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands, or to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)): *Provided further*, That the Secretary shall compensate any State or Indian tribe for those costs which are necessary to carry out activities conducted pursuant to such cooperative agreement or delegation.

STEVENS AMENDMENT NO. 1162

Mr. BYRD (for Mr. STEVENS) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 115, line 23, add a new section as follows:

SEC. . Amend section 12(d)(2) of P.L. 94-204 (The Act of January 2, 1976) as follows: Following the first sentence of the first proviso, add the following: "Any portion of the 1,000 acres which the Secretary may determine is not needed by the Bureau of Land Management in accordance herewith shall be disposed of by the Secretary according to law,".

In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed". At the end of this section, add a new proviso: "*Provided further*, That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso."

LEVIN (AND OTHERS) AMENDMENT NO. 1163

Mr. BYRD (for Mr. LEVIN, for himself, Mr. RIEGLE, Mr. KOHL, and Mr. KASTEN) proposed an amendment, which was subsequently modified, to the bill H.R. 2686, supra, as follows:

On page 16, line 19, strike "$950,274,000" and insert "$950,324,000".

SASSER AMENDMENT NO. 1164

Mr. BYRD (for Mr. SASSER) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 20, line 16, delete $84,750,000" and insert in lieu thereof "$84,950,000".

SANFORD AMENDMENT NO. 1165

Mr. SANFORD proposed an amendment to the bill H.R. 2686, supra, as follows:

At the end of the committee amendment insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Swain County Just Compensation Act of 1991".

SEC. 2. SETTLEMENT WITH RESPECT TO A ROAD ALONG THE NORTH SHORE OF FONTANA RESERVOIR.

(a) The Congress finds that Swain County, North Carolina, claims certain rights acquired pursuant to an agreement dated July 30, 1943, (hereafter in this section referred to as the "agreement of July 30, 1943"), between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed.

(b) In order to settle and quiet all claims arising out of the agreement of July 30, 1943, the following provisions are made:

(1) The Secretary of the Treasury is authorized to pay to Swain County, North Carolina, the sum of $16,000,000. Such sum shall be deposited in an account (the "$16,000,000 Account") in accordance with the rules established by the North Carolina Local Government Commission. The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of Swain County. Interest carried on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of Swain County.

(2) The governing commission of Swain County is hereby authorized to expend from the $16,000,000 Account such sums as may be necessary to retire the balance, as of the date of the enactment of this Act, of the loan (Case numbered 388756600118, Code numbered 9701) obtained on October 12, 1976, from the Farmers Home Administration.

(3) The governing commission of Swain County is also hereby authorized to expend from the $16,000,000 Account such sums as may be necessary to retire the balance, as of the date of the enactment of this Act, of the loan (Case numbered 3887566001118, Code numbered 9702) obtained on March 4, 1991, from the Farmers Home Administration.

(4) The payments provided for in this section shall constitute full and complete settlement of all claims of Swain County, North Carolina against the United States of America, the Department of the Interior, and the Tennessee Valley Authority arising out of the agreement of July 30, 1943. The United States of America, its departments and agencies, including the Department of the Interior, the National Park Service, and the Tennessee Valley Authority, hereafter shall be deemed to have performed the agreement of July 30, 1943, in every particular. No money appropriated pursuant to this Act shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim settled by this subsection.

SEC. 3. All authorizations in this Act are dependent upon subsequent appropriation of funds for the purposes.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing on Rongelap atoll scheduled before the Committee on Energy and Natural Resources for September 19 has been rescheduled to begin at 9 a.m., instead of 9:30 a.m. as originally scheduled.

The hearing will take place in room SD-366 of the Dirksen Senate Office Building.

For further information, please contact Allen Stayman at (202) 224-7865.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, October 3, 1991, at 9:30 a.m., to mark up pending legislative business. At this time the agenda includes the following: S. 289, to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; S. 1345, to amend the National Film Preservation Act of 1988 to modify the composition and procedures of the National Film Preservation Board and the Library of Congress in preserving national films; S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board; S. 1416, to provide adequate authority in the Library of Congress for the provision of fee-based library research and information products and services; S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; and House Concurrent Resolution 172, providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document.

The committee will also consider other legislative and administrative business ready for consideration at time of markup.

For further information concerning this markup, please contact Carole Blessington of the Rules Committee staff on 224–0278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, September 17, 1991, at 9:30 a.m. to conduct a hearing on legislation to amend the Public Utility Holding Company Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 17, 1991, at 9 a.m. to hold a confirmation hearing on Robert M. Gates to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Tuesday, September 17, 1991, at 1:30 p.m. On the subject: an examination of the development of the earned income credit tax forms.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 17, beginning at 9:30 a.m., to conduct a hearing on S. 976, the Resource Conservation and Recovery Act Amendments of 1991—to receive testimony from Environmental Protection Agency Administrator, Bill Reilly.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 17 at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 17, 1991, at 4 p.m., in closed session, to receive a B–2 Program Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., September 17, 1991, to receive testimony from John Easton, nominee for General Counsel, U.S. Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 17, 1991, at 9 a.m. on S. 1330—the Manufacturing Strategy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, September 17, 1991, at 9:30 a.m. The committee will hold a full committee hearing to examine the impact of the 10 percent luxury excise tax on boats.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SIGNING OF NAVAJO GENERATING STATION AGREEMENT

• Mr. DECONCINI. Mr. President, I rise today to recognize and praise the owners of the Navajo Generating Station and several of the Nation's leading environmental organizations for their successful efforts to craft a landmark settlement which will resolve many of the concerns relating to the degradation of visibility at the Grand Canyon. Tomorrow at the Grand Canyon, President Bush, Secretary Lujan, EPA Administrator Reilly and members of the Arizona delegation will be participating in a signing ceremony for this historic agreement. I wanted to take a moment of the Senate's time to relate to my colleagues the significance of what will be occurring tomorrow in Arizona.

For some time, there has been considerable debate as to causes of visibility impairment at the canyon. Natural sources such as dust and forest fires, urban pollution, urban pollution from sources as far away as Los Angeles, copper smelters and emissions from the nearby Navajo Generating Station have all been cited in varying degrees as likely sources of haze at the Grand Canyon.

In February of this year, the Environmental Protection Agency issued a proposed rule to address this controversy. To improve visibility at the canyon, the EPA proposed that the Navajo Generating Station reduce its emissions by 70 percent over a 30-day annual average.

This proposal was met with dissatisfaction from several environmental groups who believed the proposal did not achieve sufficient emissions reduction. Conversely, the Navajo Generating Station participants believed the proposal's costs to its ratepayers far outweighed possible benefits to the canyon.

In the great American tradition of cooperation, members from both sides of the debate—the Salt River project which serves as the managing partner of the plant, the Grand Canyon Trust, and the environmental defense fund agreed to seek an alternative proposal.

After long and arduous negotiations, the parties announced an agreement which, I believe, protects the visibility at the Grand Canyon at a more reasonable price for Arizona ratepayers. Under the plan, the owners of the plant would reduce emissions at NGS by 90 percent over a more flexible annual average.

Special recognition should be given to the Salt River project and their new management team led by C.M. "Perk" Perkins for their ingenuity in devising a less costly means of resolving the visibility debate. Despite reasonable doubts about the extent of Navajo's emissions in the canyon haze, the Salt River project went the extra mile to protect the Grand Canyon. I thought Ed Norton, president of the Grand Canyon Trust said it best when he said:

> The Salt River project and the private owners have set a new standard for corporate responsibility and public service, and every utility in the United States should take note and measure up to that mark.

I wholeheartedly agree with this statement and ask that my colleagues join me in commending all of those who had a part to play in this agreement. The future generations who will be able to view the scenic vistas of this national treasure are the real beneficiaries of their hard work.•

BURNING THE FLAG SYMBOLIZES ONLY IGNORANCE OF ITS TRUE MEANING AND IMPORTANCE

• Mr. COATS. Mr. President, I am fortunate today to have an article written by a gentleman, honored with Indiana's highest and most respected award, the

"Sagamore of the Wabash." It speaks of an issue that summarizes the feelings of our brave veterans and many Americans.

Dr. Jack Gren is a native of the Fort Wayne area. With a background in lecturing, education and consulting, he speaks from a rich experience flying the "Hump" between India and China during the violent years of World War II. His insight, experience and emotion command an intentive ear.

I therefore ask that the following article written in the Fort Wayne News Sentinel on July 4, 1991, be printed in the CONGRESSIONAL RECORD.

The article follows:

BURNERS DON'T REALIZE FLAG'S IMPORTANCE

(By Jack Gren)

The Congress of the United States last year passed a law making the burning and desecration of the American flag a crime. The Supreme Court, however, by a narrow decision, recently ruled that desecration and burning of the American flag is a right of free expression under the First Amendment.

One wonders about the kind of people who would vilify the flag. What is their motivation? What kind of twisted thinking would prompt such behavior? Could it be that those characters are desperate for attention and find this is the only way to be in the limelight for a brief moment?

Intellectually it can be argued that burning the flag is a right of free expression. But how far and to what extreme could the right of free expression be extended? It would appear that the very individuals who scream loudest for the right of free expression fail to realize that with any "right" there is also a responsibility. And that pertains not only to flag desecration, but to other areas of life and society as well.

The flag burners say that the flag is only a symbol, therefore meaningless. How important is that symbol we call the American flag? Let me share with you an experience of some 45 years ago. As a teen-ager during WW II, I was flying the "Hump" between India and China. We were losing, on average, nine planes a week, and over 800 airmen were listed as casualties in our operation alone. It was difficult seeing the canvas body-bags that contained the dead remains of flight crew friends with whom you had shared a joke just hours earlier. It was even more difficult to see the wounded, frequently in excruciating pain.

During those trying times it was our faith in God and the symbol of the American flag that kept us going, doing those things that they said couldn't be done. But we did it.

How important is that symbol that we call the American flag? This is how important it is: Several days after Japan surrendered I was in the flight operations building when a radio message came that a C-47 was about to land with seven survivors of a Japanese prisoner-of-war camp.

It was pathetic to see those seven airmen emerge from the plane. They were emaciated to a point where they looked like walking skeletons. They looked almost grotesque, their clothes hanging from skin and bones. It seemed that the Japanese were extremely cruel to American flyers. They had been starved, beaten and tortured.

They refused help from anyone else, but they helped each other as they shuffled, stumbled and staggered from the plane to the flight operations building. As they entered the structure the first thing they saw was a large American flag hanging on the wall. To a man, as best they could in their emaciated condition, they stood at attention and saluted. They saluted for a full minute, sobbing as the tears streamed down their faces.

We all cried.

How important is the American flag as the symbol of the United States of America? That symbol helped those airmen survive, as it did millions of others in difficult, desperate situations. Those POWs, however crudely, would sketch the American flag where they were imprisoned. The guards would beat them and eradicate the drawing. The next day the flag would again appear, and again they would be beaten and the flag sketch destroyed. This went on day after day, month after month, until the Japanese guards realized the futility of their actions. That's how important the symbol of the American flag was to those imprisoned airmen. It kept them alive.

It seems quite likely that the flag controversy will escalate during the coming months, because there are both intellectual and emotional factors involved.

Clearly the overwhelming majority of Americans do not approve of or condone flag burning or desecration in any form. How, then, shall those seemingly obnoxious characters and their actions be treated? Perhaps the answer is so simple that we find it difficult to see.

Ignore them. Apparently those outrageous things are done in a desperate attempt to focus attention on themselves. Shun them. Ignore them. Do not focus any kind of media attention on any of them or their actions.

By using that approach, the intellectual integrity of the First Amendment can be maintained. It is also then quite probable that the actions of the militant, misguided minority will cease, and Americans will then have cause for celebrating the symbol of the American flag and all the traditional values it represents.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion $0.4 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through September 13, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 10, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONG. 1ST SESS. AS OF SEPTEMBER 13, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−0.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−0.4
Direct loan obligation	20.9	20.6	−0.3
Guaranteed loan commitments	107.2	106.9	−0.3
Debt subject to limit	4,145.0	3,527.8	−617.2
Off budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the budget Enforcement Act of 1990 (title XIII of P.L. 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of P.L. 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (P.L. 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (P.L. 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONG. 1ST SESS. SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS SEPTEMBER 13, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONG. 1ST SESS. SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS SEPTEMBER 13, 1991—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Dire Emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	[1]		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500 thousand.

Note.—Numbers may not add due to rounding.•

HISPANIC HERITAGE MONTH

• Mr. SIMON. Mr. President, I rise today to honor an important holiday for millions of Mexican-Americans in the State of Illinois and around the Nation and to mark the kick off of Hispanic Heritage Month.

In the 100th Congress, I authored legislation that gained bipartisan support to designate the period of time every year from the middle of September to the middle of October to be Hispanic Heritage Month. This time period includes many important national holidays of the people of Latin America such as the anniversary of the start of the Mexican Revolution today. Naturally, these holidays are commemorated here in the United States by people from those countries and by those whose ancestors hailed from Latin American nations. Hispanic Heritage Month ends at the Columbus Day weekend to recognize his voyage to the west.

Hispanic Heritage Month is an important time not just for people to celebrate their ethnic heritage and gather with friends and family. It provides all Americans a chance to reflect upon the many contributions Hispanics have made to the Nation's history and continue to make today. Today and tomorrow, the advisory committee to the U.S. Senate Democratic Hispanic Task Force, which I chair, will convene in Washington to discuss issues and concerns of importance to the Nation's growing Hispanic population. These issues include health care, higher education, and employment discrimination.

The Senate Democratic Hispanic Task Force, appointed by the majority leader, has 12 members. Senator BINGAMAN was the chair during the 101st Congress and continues on the task force. Senators BENTSEN, CRANSTON, DECONCINI, DODD, GRAHAM, MOYNIHAN, REID, and WIRTH continue to serve on the task force as well. This year, we have been joined by Senator KENNEDY and Senator LIEBERMAN, both of whom have large Puerto Rican populations in their home States.

Mr. President, it is unfortunate and disappointing that among the 100 Members of this body there are no Hispanics and no African-American members. The advisory committee and the task force Senators can make up for that in some part by working together and devoting time and attention to these issues as we will be doing over the next 2 days. Later on during Hispanic Heritage Month, I will be hosting a Hispanic town meeting in Chicago's 22d ward; meeting with Mexico's Consul General in Chicago; and speaking to a national meeting of Hispanic leaders to be held in Illinois in October.

Once again, Mr. President, I rise in honor of Hispanic Heritage Month and encourage my colleagues to utilize the month as an opportunity to focus on the needs, dreams and challenges of Hispanic Americans.•

ALLEGED UNFAIR PRICING PRACTICES IN THE OIL INDUSTRY

• Mr. KASTEN. Mr. President, I would like to call attention to an important issue that has been raised by the Senate Small Business Committee in a hearing held on September 11. The committee investigated the impact of the alleged unfair pricing practices by the major oil companies on small petroleum marketers, citizens of rural America and the economy in general. Critics charge that since the gulf war, the big oil companies have continued to sell petroleum at their company owned retail outlets at prices below the wholesale level. This means that the major oil companies are charging independent marketers a higher price for gasoline than they sell to the consumer at the gas pump. Clearly, this would indicate an anticompetitive spirit on the part of the big oil companies.

Mr. Willard P. Springer, treasurer-secretary of Lakeshore Oil & Tire Co., Inc., traveled all the way from Two Rivers, WI, to express his concern for the future of the small petroleum marketer. Mr. Springer gave testimony, strongly stating, the fact to be that the refinery operators have begun to control and want to continue to control the retail gasoline market.

This is just one threatening example of numerous cited at the hearing that causes my concern about the impact of the higher gasoline prices on small independently owned service stations—which, in turn, negatively affects consumers and farmers in Wisconsin's rural towns and farm communities.

According to the Petroleum Marketers Association of Wisconsin, of the 42,000 farm accounts the association services, none is supplied by a major refinery. The majors are simply not interested in servicing the less profitable rural markets. The rural communities depend on the small petroleum marketer for their fuel supply. Furthermore, as more of these independents disappear, Wisconsin's farmers and rural consumers will be forced to travel farther to get gasoline, driving up costs as well as inconvenience.

There are no easy solutions to this problem. The Federal Government should not get into the business of setting or controlling prices—a mutual feeling of the independent marketer and the major refiner alike. However, we need to examine the allegations of unfair pricing practices that are pushing the small mom-and-pop stations out of business. We must pursue workable solutions that don't hamper the free market.

I ask that the testimony of Mr. Bill Springer be included in the RECORD.

The testimony follows:

TESTIMONY OF WILLARD P. SPRINGER BEFORE THE SENATE COMMITTEE ON SMALL BUSINESS, SEPTEMBER 11, 1991

Chairman Bumpers, Senator Dixon, Senator Kasten and Members of the Committee: Thank you for your recent invitation to give testimony regarding the unfair competition which has existed for years and continues to plague the independent petroleum marketers of America.

Our company is a petroleum marketer and tire distributor based in a city of approximately 13,000 residents located in northeastern Wisconsin. We operate nine self service gasoline outlets and also sell petroleum products on wholesale basis to another thirty retail gasoline outlets throughout our marketing area. The typical independent petroleum marketer in Wisconsin is the supplier to the farmer, along with farm co-ops, who are threatened just as we are. Members of the trade association to which our company belongs, Petroleum Marketers of Wisconsin/Wisconsin Association of Convenience Stores, serve more than 42,000 farm accounts. To our knowledge, not one refiner supplies a farm in Wisconsin.

The problem which I am here to give testimony about today is the fact that the refinery operators have begun to control and want to continue to control the retail gasoline market. Their ultimate goal, in my opinion, is that they can charge the motoring public any price they desire for gasoline. By reducing the competition provided by retail gasoline outlets such as places of business operated by our company and our independent dealer customers, the refiners hope to end up with the retail gasoline market to themselves. The major refiners' goal, in my opinion, is to eliminate independent gasoline marketers, convenience store operators and service station dealers leaving the retail marketplace for their own major oil company operated or major oil company lessee dealer operated gasoline outlets. If successful, the major refiners will have the retail gasoline market monopolized to the point where consumers will have no choices when making gasoline purchases, thus prices will be higher to the consumer in the end. The major refiners care most about marketshare and are willing to take short term financial losses to undercut fair competition.

Over the years that I have been in this business and even prior to that, there was intense competition which was generated by thousands of small but effective and efficient operators of marketships, convenience stores and service stations. Consumers had choices no matter where they went, even in small towns. Local stations, convenience stores and other places selling gasoline at retail were often independent businesspersons despite displaying the insignia of a major brand of gasoline. This competition led to lower prices for the motoring public. Refiner direct or subsidiaries of refinery operators are changing the competitive situation all over America by charging independent petroleum marketers more than they are selling the gasoline to the public for at their own refiner-operated company stations.

The major refiners are both suppliers and competitors of the independent marketers who operate convenience stores, service stations and other retail gasoline outlets in America. A few major refiners have the ability to manipulate prices at the pump which results in the independent petroleum marketers paying more per gallon for gasoline, in 8,000 gallon transport load lots, than the motorist pays for a ten gallon fill up. What's wrong with that you may say? This temporary situation will last only as long as it takes the major refiners to drive out the competition provided by the independent petroleum refiner's convenience stores and service stations. Once having reduced or eliminated the competition, the major refiner company operated or lessee dealer outlets will be free to charge the retail customer any price they want. Then the motoring public will be the loser. The high entry costs into this business, caused in part by restrictive E.P.A. regulations, will prevent reentry by independent petroleum marketers once having been forced to close due to lack of profits by unfair competition of major refiners.

On any given day, particularly during periods of escalating prices or temporary supply interruptions, the independent petroleum marketer is often charged more per gallon for the 8,000 transport load tanker of gasoline than the price charged at the pump by the refiner company operated retail outlet! They demand electronic funds transfer payment on the 12th day following terminal lifting from the independent marketer but extend thirty day statement billing terms to the ten gallon retail buyer at their refiner company operated retail station!

One illustration of this type of situation occurred in our area about one year ago; which shows how these inverted pricing scenarios can be unfair. On August 21, 1990, my buying price from Marathon Petroleum Company for 87 octane unleaded gasoline was $1.2855, including all taxes and freight while Marathon Petroleum's Emro Marketing Company subsidiary, Speedway stations, was selling gasoline to the public at $1.219, or 6.65 cents cheaper than I could buy it from Marathon's truck loading terminal delivered to one of my retail outlets.

These major refinery operated retail gasoline dispensing facilities can be subsidized by crude production, refining, drilling, transportation and other operations while the independent petroleum marketer and his/her convenience stores and service stations must stand on their own ability to produce a profit based on the difference between their buying and selling prices and the efficiency of their operations. In the short term, it may seem that the consumer will benefit from this unfair competition, but once we are priced out of business, the marketplace will be dominated by refinery operated retail outlets with much less competition.

To alleviate this situation which I have described, I ask your favorable consideration of H.R. 2966, the Petroleum Marketing Competition Enhancement Act. This bill, if enacted, would prohibit oil refiners from charging their wholesale customers, such as independent petroleum marketers, more than they charge their direct operated stations, minus the refiners fair cost of doing business. Additionally, it enhances the laws which prohibit refiners from trying to influence the retail prices set by their dealers through such practices as coercion, intimidation or other tactics.

We do not want to deny access to the retail gasoline marketplace to refiners nor are we asking for guaranteed profit or to set minimum prices! This legislation is not meant to control prices or guarantee profit margins. I assume that the competitive marketplace will do its job . . . all we ask for is a "level playing field" which will allow the competitive market forces to determine how much gasoline and other motor fuels should cost.

By passing H.R. 2966 you will help to ensure an increased level of competition which is good for the motoring public, thereby maintaining a choice for the consumers of gasoline and other motor fuels. You will help preserve what in many cases is the only local source of gasoline and other petroleum products in many of America's smaller and rural communities. Amerca's locally owned and operated independent petroleum marketers will soon be forced out of business unless this help to preserve competition is passed. I ask for your favorable consideration of H.R. 2966 not only for those of us independent petroleum marketers who are still left operating, but for America's motorists who will be the ultimate beneficiaries.•

ANNUAL EARNINGS TEST UNFAIR TO SENIORS

• Mr. GORTON. Mr. President I would like to reiterate my commitment to repealing the unfair and onerous annual earnings test on Social Security Income.

Recently, I solicited advice from constituents in my home State of Washington on what should be done about the AET. Literally tens of thousands of my consitutents responded, almost all voiced their strong opposition to the earnings test. Even constituents who were not affected by the AET felt strongly that the test should be repealed.

In fairness, I must add that some of my constituents disagreed with the outright repeal of AET. But even among those who disagreed with the repeal of the AET, the majority did favor raising the current AET limit of $9,720 significantly.

There is no question that the law in its current form is unfair. It needs to be repealed, or, at the very least, amended. I encourage my colleagues to join me in the fight to repeal this unfair tax on America's seniors.•

UNITED STATES-ISRAELI RELATIONS

•Mr. KERREY. Mr. President, I rise today to state my strong concern over the sudden—and completely unnecessary—deterioration of relations between the administration and the State of Israel.

That deterioration has occurred over the issue of Israel's request for $10 billion in loan guarantees so it can provide housing, jobs, and other assistance to hundreds of thousands of new Jewish immigrants flooding in from the Soviet Union and elsewhere. I note at the outset that any request for foreign assistance is difficult today. And after 12 years of inaction on housing and jobs in America—two of the greatest problems millions of Americans face—it is particularly hard to convince the American people we should help a foreign country build housing and create jobs.

But this request is justified. It is assistance we would have been providing steadily over past decades if the Soviet Union had not abused the rights of its people and prevented their exodus. It is a heroic humanitarian effort that goes to the core of Israel's reason for being. And it is assistance that need not be in conflict with our domestic priorities. Although we will be guaranteeing $10 billion in loans, Israel's 100-percent track record on debt repayment suggests the cost to us is likely to be virtually zero.

There was strong support for this assistance prior to the President's surprise announcement. And now both United States-Israeli relations and support for the loan guarantees have deteriorated. To understand how serious that deterioration is, it is worth remembering where things stood before the President suddenly declared last week that we should wait 120 days before considering Israel's request for the loan guarantees.

Prior to last week, the Congress appeared ready to assist Israel's historic effort to absorb these immigrants. Prior to last week, relations among Israel and its neighbors looked rather hopeful. To this administration's credit, Syria, Jordan, and Israel had basically agreed to sit down together at a first-ever regional peace conference. There was hope a Palestinian delegation might be named acceptable to all participants. Apart from that question, the essential concerns of all sides had been met, and there was a sense we might be on the road to the kind of face-to-face discussion, and perhaps recognition, that both Israel and the

United States have eagerly pursued for decades.

That was the state of affairs during the first week in August, when I had the opportunity to travel to Israel under the auspices of the Appropriations Committee. In discussions with senior government officials, military leaders, academics, and citizens across Israel, I picked up a sense of cautious optimism—a sense that the regional conference might well happen, that it would be at least a little helpful to the cause of peace, and that it might just be the start of a long-awaited breakthrough. I shared that sense myself. And in meetings with Prime Minister Shamir, with Palestinian leaders, and with many others, I stated my strong support for the process President Bush had helped launch.

But look at things now. Suddenly, the President is in the middle of an ugly confrontational standoff with Israel's Government. Suddenly, we are told by Abba Eban and other distinguished voices that we are witnessing the worst breach in United States-Israeli relations in four decades. Suddenly, Israel's rhetoric about its settlements policy has become more strident. Suddenly, Syria is suggesting the vote on absorption aid is linked to the success of the peace process. Suddenly, the entire process appears in jeopardy.

Where did we go wrong? The blame is shared. I believe Israel's rapid construction of settlements in the West Bank has been provocative and counterproductive. When I met with Prime Minister Shamir, I told him that directly. I stressed that his settlement policy would make it more difficult for those of us backing Israel's request for loan guarantees to win support for that assistance among our colleagues and the American public. I argued that Israel should freeze its construction of settlements in the occupied territories.

Instead, the Israeli Government pushed ahead with settlement construction. And in doing so, it missed an important opportunity to build international good will and improve the prospects for Mideast peace.

But Israel's settlements policy is not the proximate cause of the new tension in the peace process and in United States-Israeli relations. The direct cause is the astounding performance of the President over the past week.

Mr. Bush's request for a delay in consideration of the loan guarantees is as baffling as it is destructive. Mr. Bush claims the delay is necessary to protect the peace process, but he has refused to elaborate why that is so. No party to the peace talks requested the delay. No Arab representative had demanded a settlements freeze as a precondition to attending the regional conference.

The President's tactics are as baffling as his rationale. Rather than use the quiet diplomatic channels he insists are so important when dealing with Chinese dictators, he chose the TV channels instead. Rather than address the settlement issue in a constructive way that preserved the momentum toward peace, he pounded his fists in anger at our only democratic ally in the Mideast and hastily threw down the veto gauntlet.

This is a level of vehemence the President never used with Arab participants in the peace process. He did not use his considerable leverage over the Saudis and Kuwaitis after the gulf war to get them to end the Arab boycott of Israel. He did not exploit Jordan's weakness after the war or Syria's need for a new superpower patron to extract their recognition of Israel.

The President's actions have been baffling, but the unfortunate impact has been predictable. His fighting words have strengthened the Israeli rightwing, given them a new rationale for resisting any negotiations, and thus made it harder for the Israeli Government to build domestic consensus for any middle ground. His new line in the sand, drawn between the United States and an ally, has invited harsher rhetoric from Syria about absorption aid. And his outburst has polarized American attitude toward Israel—an attitude that has been characterized across a half century by friendship, understanding, and a sense of common values.

I defer greatly to any President in the conduct of foreign policy. I hope the new discussions between Secretary Baker and the Israeli Government will lead us away from this breach. But I have a bad feeling about this. It is hard not to see politics at play here. It is hard not to see an old pattern repeating itself—a pattern we have seen most clearly on the civil rights bill—a pattern during this administration of shunning progress for polarization and swapping a policy that works for an issue that cuts.

It is troubling to think that Mr. Bush would hold humanitarian aid hostage to political aims. There is much more than short term political loss or gain at stake. Let us resolve not to allow this international issue to become a target for simmering domestic discontent. We must ensure that a decade of inaction on our needs at home is not converted into an invitation for isolationism.

I believe Americans support Israel's efforts to provide a homeland to the Jews who have waited so many decades to escape from the Soviet Union. I believe we should assist Israel's efforts to absorb those immigrants. I believe we should not permit that assistance to be held up by politics or petulance.

We need to bring this issue to debate as soon as possible. I am eager to take part in it. I want to make the case for the loan guarantees. I want to make the case against Israel's settlement policy. But I want that process to be a constructive one that can help break the gridlock—both within Israel and in the Mideast—not exacerbate it. For that reason, I will join with those of my colleagues who reject an unjustified delay and act to consider the loan guarantees for Israel at the earliest opportunity.•

ARREST OF GEORGI CHANTURIA IN SOVIET GEORGIA

• Mr. DECONCINI. Mr. President, I was dismayed to learn of the arrest last night of Georgi Chanturia, the head of the National Democratic Party in Georgia. This action by Georgian President Gamsakhurdia reinforces the very disturbing impression the president made on me in the two meetings I had with him during my visit to the Soviet Union last week.

In these meetings, I repeatedly raised my concern regarding the many complaints about an absence of political freedom in Georgia for those with views in opposition to the president's. But the president constantly stressed the need to restore order in Georgia even at the expense of the democratic process. I found it extremely disquieting that the president's definition of order seems to be a dictatorial one which does not tolerate dissent. I strongly believe that his refusal to allow a democratic process to go forward in Georgia is one of the causes of the increasing instability in that Republic. The president's insistence that Georgia would not embrace a democratic process until that Republic achieved its independence betrays his total lack of understanding and acceptance of what democracy means.

I reiterate what I told the Georgian President a few days ago—political plurality and freedom of expression must be fully respected now before Georgia can hope to achieve respect and credibility as a state which is democratically pursuing its independence.

The arrest of the opposition leader Chanturia, who was on his way to Moscow to meet with our new Ambassador, Robert Strauss, is a source of deep concern. This action is simply one more reason why President Gamsakhurdia is viewed with increasing alarm both within his country and by the international community at large.

In my meetings with the president, I stressed the need to observe the democratic process and all Helsinki principles if Georgia hopes to become independent and gain recognition in the international diplomatic community. Mr. President, the situation in Georgia is particularly unstable at the moment and illustrates the importance of adherence to Helsinki principles and commitments by all Republics of the former Soviet Union.•

ELEANOR EPSTEIN

• Mr. LAUTENBERG. Mr. President, I rise today to honor Eleanor Epstein and to congratulate her as she is honored by the Jewish Community Center of the Palisades on September 21, 1991.

It is most fitting that Eleanor be recognized for her contributions to the JCC. As a former president of the organization, Eleanor worked to bring the members together to strive for common goals. She is affectionally referred to as "the lady with a heart of gold." She maintains a high personal commitment to others and accepts the responsibility of becoming a role model in the Jewish community.

Mr. President, Eleanor is a woman of substance. She is actively involved because she genuinely believes in the issues she works on. When Eleanor finds a cause she supports, she lights up and is eager to approach the challenges head on. Eleanor is devoted to the Jewish community and to Israel.

I know Eleanor Epstein personally. She is a woman of character, who is devoted to the State of Israel and dedicated to the service of others. She is a respected community leader.

I join with Eleanor's friends in gathering together to recognize the important contributions she has made to the Jewish Community Center.•

REGARDING THE C–17

• Mr. D'AMATO. Mr. President, over the recess, I came into possession of a fascinating video tape, a compilation of footage apparently shot in the late 1960's and middle 1980's by Air Force cameramen, showing the C–5A or C–5B demonstrating the ability to: First, land and stop within five times its length, approximately 1,250 feet; second, land and operate on unprepared surfaces, including sand, wet soil, and snow; third, back up a grade; and fourth, turn tightly on paved surfaces of narrow width.

In describing the importance of these and other features of the C–5, Gen. Howell Estes, Jr., then commander of the Military Airlift Command, tells an offscreen interviewer that: "The C–5 will deliver its cargo to primitive airstrips well forward in the combat zone."

The desire of the Air Force and Army for a strategic airlifter able to operate on austere airfields close to the forward edge of battle is familiar to all of us, but many of my colleagues may be surprised, as I was, that the C–5 might be capable of such missions. The limitations of the C–5 and the C–141 when it comes to operations at unprepared, short runways were, I thought, the reason we are buying the C–17.

It occurred to me after watching this video tape that we either overbuilt, or failed to exploit the inherent capabilities of the C–5. For that reason, I wrote Secretary of the Air Force Rice asking the following: First, what are the original sources and circumstances of C–5 tests depicted; second, how do each of the capabilities depicted diverge from what the Air Force accepts as the current capabilities of the C–5; and third, if portrayal and capability diverge, what modifications, equipment, and training would be required at what cost to allow the C–5 to achieve the capabilities depicted?

Depending upon the Secretary's answer, this body may well wish to reconsider the C–17. If, in fact, the C–5 performs as this video tape indicates, perhaps it is time to restart the C–5 line. The C–17 is 19 months behind schedule, last Sunday's first flight notwithstanding. The program is anywhere from $300 million to $2.6 billion over budget. The Senate should consider a pause on further C–17 funding until an independent cost comparison is made between restarting C–5 production versus fixing and continuing the C–17 line. Such a study could consider the total program cost of each alternative and the relative capabilities of the two fleets, or compare the relative capabilities of two fleets under a fixed program cost cap.

We may find, as we did with the A–12, that cutting our losses makes more sense than throwing good money after bad.•

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I will momentarily propound a unanimous-consent request that would permit Senator BENTSEN time until 9 p.m. this evening to introduce an unemployment compensation extension bill that would deem the bill to have been read for the first time, and would deem the Republican leader to have objected to the request that the bill be read for the second time.

This is a routine procedure under rule XIV of the Senate which has been employed on many occasions in the past and which we wish to proceed with this evening.

The bill is not quite ready. We have two alternatives. We can either simply sit here and wait until it is ready, for some indefinite period of time, up to 2 hours, or we can simply exercise the same rights to do so under a unanimous-consent request which would permit us to complete action and to leave for the evening.

Since the latter seems to be the more sensible course under the circumstances, I have discussed this with the distinguished Republican leader, because, of course, it would be he who would object to the bill being read for the second time. And I wish to, prior to making the request, ask if such a procedure is agreeable to the distinguished Republican leader under the circumstances which exists.

Mr. DOLE. If the majority leader will yield, I think it is a reasonable request and the only three who would be waiting here until 9 o'clock would be the two leaders, the Presiding Officer, and a lot of staff people. By this, I think, nobody gives up any rights. I think it is an appropriate request. I have no objection.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that Senator BENTSEN have until 9 p.m. this evening to introduce an unemployment compensation extension bill, that the bill be deemed to have been read for the first time, and that the Republican leader be deemed to have objected to the request that the bill be read for the second time.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Committee on Commerce, Science and Transportation be discharged from the following nominations: John W. Lockwood and Norman T. Saunders for appointment to the grade of rear admiral, lower half, in the Coast Guard.

I further ask unanimous consent that the Senate proceed to their immediate consideration, and that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

U.S. COAST GUARD

John W. Lockwood and Norman T. Saunders, for appointment to the grade of rear admiral (lower half) in the Coast Guard.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 10:45 a.m. on Wednesday, September 18; that on Wednesday, following the prayer, the Journal of the proceedings be deemed to have been approved to date; that the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; and that there then a period for morning business, not to extend beyond 11 a.m. with Senator GORE permitted to speak for up to 15 minutes; that at 11 a.m. the Senate resume consideration of H.R. 2686, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 10:45 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand adjourned as under the previous order.

There being no objection, the Senate at 7:10 p.m. adjourned until 10:45 a.m., Wednesday, September 18, 1991.

NOMINATIONS

Executive nominations received by the Senate September 17, 1991:

DEPARTMENT OF STATE

STEVEN E. STEINER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE U.S. REPRESENTATIVE TO THE START JOINT COMPLIANCE AND INSPECTION COMMISSION.

PEACE CORPS

ELAINE L. CHAO, OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE PAUL D. COVERDELL, RESIGNED.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY;

WILLIAM HYBL, OF COLORADO, FOR A TERM EXPIRING JULY 1, 1994. (REAPPOINTMENT)

WALTER R. ROBERTS, OF THE DISTRICT OF COLUMBIA, FOR A TERM EXPIRING APRIL 6, 1994, VICE LOUIS B. SUSMAN, TERM EXPIRED.

PEACE CORPS NATIONAL ADVISORY COUNCIL

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL:

RICHARD N. BOND, OF NEW YORK, FOR A TERM EXPIRING OCTOBER 6, 1992, VICE SUE WAGNER.

TOM G. KESSINGER, OF PENNSYLVANIA, FOR A TERM EXPIRING OCTOBER 6, 1993. (REAPPOINTMENT)

BOARD FOR INTERNATIONAL BROADCASTING

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD FOR INTERNATIONAL BROADCASTING:

PENN KEMBLE, OF THE DISTRICT OF COLUMBIA, FOR A TERM EXPIRING APRIL 28, 1992, VICE BEN J. WATTENBERG, RESIGNED.

DANIEL A. MICA, OF FLORIDA, FOR A TERM EXPIRING APRIL 28, 1993, VICE JAMES ALBERT MICHENER, TERM EXPIRED.

CHERYL FELDMAN HALPERN, OF NEW JERSEY, FOR A TERM EXPIRING APRIL 28, 1994. (REAPPOINTMENT)

COMMUNICATIONS SATELLITE CORPORATION

RUDY BOSCHWITZ, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1994, VICE THOMAS C. GRISCOM, TERM EXPIRED.

U.S. INSTITUTE OF PEACE

CHESTER A. CROCKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 1995, VICE SIDNEY LOVETT, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

BARBARA J. H. TAYLOR, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1995. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

ANTHONY HURLBUTT FLACK, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1994. (REAPPOINTMENT)

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

JOHNNIE M. SMITH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 1 YEAR. (NEW POSITION)

CONFIRMATIONS

Executive nomination confirmed by the Senate September 17, 1991:

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOHN W. LOCKWOOD

NORMAN T. SAUNDERS

EXTENSIONS OF REMARKS

STOP THE SEXUAL VIOLATION OF CHILDREN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. SCHROEDER. Mr. Speaker, on September 15, the Select Committee on Children, Youth, and Families held a hearing on child abuse and neglect in conjunction with the Ninth Annual Conference on Child Abuse and Neglect, in Denver, CO.

Marilyn Van Derbur Atler, a former Miss America, described the childhood terror she endured as a victim of incest, and the years of emotional turmoil and devastation that have lasted well into her adulthood. Earlier this year, she made her victimization a matter of public record and shared her story with the Select Committee. I can't overstate her courage and contribution to lifting the veils of secrecy about child sexual abuse.

I would like to share her testimony with my colleagues and urge all of us to emulate her courage and act to prevent the tragedy of abuse once and for all.

STATEMENT BY MARILYN VAN DERBUR ATLER

My name is Marilyn Van Derbur Atler. I was an incest victim from age 5 to age 18. I am now a 54-year-old incest survivor. Every day and night of my life have been dramatically impacted by incest.

It would not be possible to know or understand me unless you knew about the sexual violations I endured as a child/teen. Many people would call it "child abuse." I find those words misleading and understated. I call it what it is—child rape! By legal definition, I was raped as a child from age 5 to age 18. To say I was "abused" as a child is to demean and diminish the experiences I have endured.

I have been asked to write about my experiences and address prevention and treatment and how I view a child's options in the 1990's vs. when I was a child in the 1940's.

In order to stop the sexual violations of children, we need to know that it is happening. Children have to tell us. It would be rare, indeed, for any other family member to tell.

But children don't tell because they don't perceive there is anyone who will believe them, or because they know no one will stand up to their violator, or because they are terrorized. Usually, as in my case, because of all three reasons.

I wasn't afraid of my father, I was terrified of him. One time, when I was about 4, my father was beating my 10 year old, oldest sister, Gwen. My mother cried out, "Van, you're going to kill her." I'm sure I believed my mother . . . that he was going to kill her.

At about the same ages, one of us took a flashlight apart. When he found out and no one would admit it, he began knocking our heads together—cracking them together until a sister cried out, "I did it, Daddy." When he left, she sobbed to mother, "I didn't do it but I knew he wouldn't stop hitting us until one of us admitted to it." (I am the youngest of four daughters)

When I was 7, Gwen was 13 and ready to start 9th grade. Because she was defiant, he sent her away to a Catholic boarding school in Kansas City. I learned only recently that he would then take her to the Meulbach Hotel for weekends.

When my father died, in 1984, and my sister and I returned to the home we grew up in, I asked Gwen. "Did he hit us often?" (At that time, I had very few memories of my childhood.) She said, "There was a stick above every door." And she turned and pointed to the ledge above the doorframe. The blood drained from her face. She said, "Oh, my God, it's still there." And she stretched and lifted down a 2 ft. to 3 ft. wooden dowel that he used to hit us.

I learned as a very small child that if you defy, you get beaten and sent away. I was so terrorized that by age 5 or 6, I split into a daychild and a nightchild so that only my nightchild would have to endure being pried open and violated. Although my daychild was also terrified, she lived in a happy and carefree world that she made up in her head. It is not unusual for a survivor who has "dissociated" to explain dissociation by saying she learned how to take her head off of her body.

Until I was 24, my daychild had no conscious knowledge of my nightchild.

Children don't tell because they are threatened, beaten, terrorized, traumatized. That's why children don't tell!

Most children know that if they do tell, they will not be believed. Are they justified in believing that?

I was 48 years old when I told my mother. She said, "I don't believe you. It's in your fantasy." If she wouldn't believe me—an adult—with my father dead, what chance would I have had that she would have believed me with him alive and powerful and intimidating and in charge?

In 1985, my mother was forced to believe me only when my sister came forward to validate my 13 years of incest, with her 10 years of incest. Without my oldest sister validating me, I would have been labeled "mentally unstable." "Suffering from childhood fantasies."

Most children are terrified of what the consequences will be if they tell. Was I justified in feeling terror? I only spoke to my father about it once. I was 40 years old and I had been hospitalized for the better part of three months with paralysis. I didn't know, at that time, that the paralysis was being caused by memories starting to come up. The traumatic memories coming up and my subconscious terror of facing them, put my body into paralysis.

While in the hospital, I had a recurring daydream of him in a casket and me standing over him saying, "Too late. Too late. You died and we never spoke of it." I knew that, when I was able, I would have to speak with him about it.

When I asked to talk with him privately and he knew why I was there, he excused himself and went upstairs to his room. I knew he had a gun in his pocket. After talking with him, he pulled out the gun and said, "If you had come in any other way, I would have killed myself." I understood "any other way" to mean—if you had come to expose me.

If I had told a teacher who told social services who told the police who came over to take my father in for questioning, would that have been the best thing for me? There is no question in my mind that I would have had even more severe consequences if I had told than I did by remaining silent. My life was traumatized by incest but, in my opinion, I would have been institutionalized or he or I—or both of us—would have died.

If you think those are bizzare comments, you have never lived in an incest family. Terror reigns. Not fear. Terror.

The nights were so frightening to me that still, at age 54, after hundreds and hundreds of hours of therapy, I am still unable to fall asleep. Sleep is too dangerous a state. Sleep is when a man can do anything to you that he wants and you have no power.

Years of hypnosis, acupuncture, acupressure, hypnotherapy, rolfing, deep massage, sessions with psychologists, psychiatrists—nothing can ease the deep seated terror I had as a child—the terror of the night.

If I *had ever* told, I guarantee you, I would have run back to the lawyer or the judge and said "I lied. I lied. I made it up. It isn't true." So frightened would I have been of my father and so unprotected would I have been by my mother.

I know a little girl who did tell. In Denver. Three years ago. I will always be in awe of her courage.

She was 8. I have known her all her life. Two years ago, she took a cassette to school and asked her teacher to listen to it. The next day the little girl waited but the teacher had forgotten. She forgot the next day, too. Finally, on the third day, she turned the cassette on and heard a child screaming and screaming and screaming. The child, "Sandy" had recorded the screams of her younger sister being beaten.

The cassette was given to the principal who gave it to social services. The five children were picked up immediately after school. The father was picked up when he returned from work. Within a few hours, the children were released to their father and mother. When her mother saw Sandy, she said, "Look what you have done to our family." That was in October. The hearing was set for July. The charges were dropped.

Did telling save her? Did the system protect her? Do I want you to know her real name so that you can be sure the system works for her? No. I don't want the system to traumatize her again. She will never speak up again. Well meaning adults revictimized her. She knows her parents have all the power and there is no one to help her or hear her.

I'm not saying that there aren't dedicated people who are devoting their lives to making things different for children. Child advocates, social services workers, school counselors . . . I know there are dedicated people. It's just that no matter what choices a child is given, almost always, she remains the victim.

The charges are dropped and she is left in the home with her parents and is more terrorized than before.

Or she is picked up and taken away from her brothers and sisters, her parents, her neighborhood, her school, her friends, her pets—everything, and she is placed in a home with people she knows nothing about—people we hope will be kind and loving to her.

Or the father is found guilty and sent to jail. The mother and other family members then turn to the child and say "Look what you have done to our family. We are shamed. We have no income. Look what you have done."

I'm sure there are other scenarios but no matter what happens, if the child speaks up, and the authorities are brought in—which our laws require, the child has devastated the family. The child is to blame.

It would be the rare mother, indeed, who would say "Oh, I'm so grateful you came forward." I'm sure those mothers exist but I haven't met them. An incest family is a dysfunctional family.

Would society have believed me as a child? Let me give you an indication by telling you what happened only three days after my story became public on May 9, 1991. I was back on the front page of the paper again because my oldest sister, Gwen, came forward to say that she was an incest victim from age 8 to age 18.

When my husband and I were jogging around the track later that morning, a woman stopped me and said, "Thank you for what you are doing. And I'm so glad your sister came forward this morning. It was so important." I asked, "Why?" She said, "Because yesterday on one of our most popular radio talk shows, they were talking about you and a man called in and said, "Why should we believe her?' Now people will have to believe you!"

I was too stunned to respond. For thirty years, I have been one of the outstanding women in our State. I had excelled in athletics, academics, and in my 30 year career.

If they weren't going to believe ME, at age 53, who, dear God, would believe a CHILD? Who would believe a child whose father was one of the pillars of the community? A man who had been so outstanding and honored that his obituary was on the front page of the paper?

As disheartening as it is for me to state, for me, in my family, I believe nothing would be different if I were a child today than it was for me in the 1940's.

If I believe the outlook is bleak for children, then, what can we do?

Dr. Richard Krugman, Chairperson of the U.S. Advisory Board on Child Abuse and Neglect has stated many times that "we have a national emergency." I know that is true. But I believe we can't expect a national outcry until America understands the pervasiveness of the problem and the extent of the damage that occurs when a child is sexually violated.

This means that adults need to pour forth by the millions—literally, by the millions and talk about the long terms effects . . . how sexual violations age 5 or 7 or 15 have affected every aspect of their lives . . . for decades.

As long as society keeps asking these questions, we KNOW they do not understand.

"Why didn't you tell?"

"Why can't you get on with your life. It happened so long ago?"

"What do you mean, you can't remember. It either happened or it didn't happen."

But adults will not begin to pour forth until they believe it is SAFE. Until they know they will be believed and not judged.

I believed if I came forward, my life, as I knew it, would be over. I would be able to talk to other survivors but my 30 year career would be ended and I would be looked at with disgust and disdain.

The fact that society can't understand why I believed that for 53 years, only underscores how little is understood about what happens to a mind and a soul when a young body is invaded and violated . . . when her soul is murdered. Our belief systems are shattered. We learn that we are dirty, ugly, unacceptable, unlovable, and guilty.

How long does this belief system last?

This week I received a letter from a woman 71 years old. It is typical of the belief system of an incest survivor. She wrote:

"I am a widow now after 46 years of marriage. I never told my husband. I never thought he would understand and it sure did affect me. Everytime my husband got close to me, I'd get flashbacks. I was too ashamed and embarrassed to speak to him about my feelings."

How long do we hold in our secrets? Too long. A women 73, read my story in her local newspaper in Santa Barbara, California. She wrote:

"I picked up the phone and told my best friend. It was the first time I had ever told anyone. I sobbed all day. Tonight, I have never felt so emotionally exhausted or as peaceful."

Do we, the victims, feel guilty and shamed? When my youth minister uncovered my secret when I was 24, he insisted that I tell the boy I had loved with all my heart since I was 15. I believed he would never want to see me again.

When I told my precious 13 year old daughter, I believed she would never want me to be her mother anymore.

I carry the pain and the shame.

A woman from Iowa wrote: "I have read and re-read the article about you in people Magazine. Every time I read it I cry. Like you, I had no memory of my "night child" until I was 50 years old. And I still can't tell anyone because even though I know better, "It's all my fault." The secrecy that is built into incest is so hard to overcome. Why should I protect that dreadful abuser? But I do. Secrecy is so ingrained in me that when I bought the people Magazine. I hid it and showed it only to my therapist. When I discovered a page was missing from the xerox I had made for myself, I made a copy at the public library but hid the cover of the magazine and waited until there were no other people at the xerox machine. I felt as furtive and defensive as if I gone to xerox a pornographic magazine . . ."

The secret of incest is held too long within our bodies and our souls. The almost 2,000 letters I have received these past weeks from incest survivors, tell me that most—I would estimate over 90% have never reported the sexual violations. What is even more shocking is that most have never even told their own families!

A woman in Boston wrote: "I am 45 years old and have been in therapy for 6 years. I still have not told any of my family.

If 73 and 71 and 45 year old women still cannot speak of it, can we expect a child still living with the violator to speak of it? We cannot turn to the children and ask them to speak if we haven't role modeled for them over and over and over again.

And until society understands the lifetime of pain that can be caused by one or two sexual violations or 10 to 15 years of violations, will society KNOW that the sexual violations of children must stop!

The first way to make major changes, in my view, is to make it safer and more acceptable for survivors to come forward and tell their stories.

As a woman in San Francisco wrote: "We are watching you and we are stunned at the responses you have been getting."

I believe she is "stunned" because other survivors who have come forward were judged harshly. Betsy Petersen, an incest survivor, has just published her autobiography entitled "Dancing with Daddy." It was reviewed on August 4, 1991 in the Los Angeles Times Book Review section. The review states:

"Somehow I imagine that the experience of reading "Dancing with Daddy" is like watching open heart surgery on a stranger. It pushes the boundaries of comprehension—all the while, you can't help but feel that what you've witnessed is too personal to be made public. Petersen certainly isn't the first, nor, sadly will she be the last, to write an account of childhood sexual abuse. . . The awkward question is what this revealing memoir means for the rest of us. Was Petersen's rage so deep that only an exorcism in front of an audience would purge it?"

But when Jill Ireland wrote of her battle with breast cancer, a book reviewer wrote that it was a "stirring personal testimony."

Too often, an incest survivor is accused, not respected by sharing her lifetime of pain so that society might understand what society definitely and absolutely does not understand—how a life can be devastated by even one sexual assault as a child.

As we begin coming forward one by one, others are watching to see if we are accepted or condemned. I will be forever grateful that the Denver media was sensitive and compassionate as my story unfolded. But a close friend of mine said, "Why did you want to destroy your father's reputation? You should have done it anonymously." Other survivors are met with "Your poor mother. This must have been devastating for her." The victim is blamed.

We cannot expect children to speak up until adults have had the courage to speak up and make the path easier and safer for them.

Another reason why we must educate America is so that perpetrators can never, never use any excuse to invade a child. "I wanted to teach her." or "She enjoyed it." Or as my father said to me "If I had known what it would do to you, I never would have done it." I was 40 years old when he said that to me. It was the only time we ever spoke of it. Let no violator ever take comfort in that vicious excuse. Let no 76-year-old man or 15-year-old boy ever again be able to say "I didn't know what harm it would do."

We must educate every man, woman and child about the long term effects of the sexual violations of children. And state clearly and concisely why a child must never be violated.

How do we do this? The same way we started to change the drinking and driving habits of Americans—with slogans and facts. "Don't Drink and Drive." "Buckle up". "Use a designated driver." Education was done in the schools, thru print media and thru public service announcements.

I believe public service announcements are the most powerful way to communicate with the largest and most diverse socio and economic groups. We need to drive home slogans like "Never violate a child. Please. Never violate a child." And we need to hear how survivor's lives were devastated by childhood sexual violations.

Public Announcements:

My name is Becky Smith. I was 9 when my brother sexually violated me. He was 15. By the time I was a teenager, I had gained 50 lbs., tried to kill myself three times and finally dropped out of school. Never violate a child. Please. Never violate a child.

My name is Marilyn Van Derbur Atler. My father sexually violated me from age 5 to age 18. One of the long term effects is that I have never fallen asleep. I either lie awake all night or I take a sleeping medication. Even with a sleeping medication, I had night terrors until I was 51. Never violate a child. Please. Never violate a child.

My name is John Raymond. My cousin sexually violated me when I was a child. I was 45 before I could tell anyone. I wish I had had the courage to talk about it years ago. If you have been violated, join with other survivors as we role model for children who will be violated this very night. We need to begin breaking the silence. We're not alone anymore. The time has come for us to stand up and speak our names—one by one. Let's make the children's path easier than ours has been. Let's do it for the children.

My name is Marilyn Van Derbur Atler. My father sexually violated me as a child. He knew I would never tell. He was wrong.

These public service announcements will:

1. Help society understand how a violation at age 8 can cause a suicide attempt at age 48 . . . how flashbacks at age 54 can be a result of an assault at age 14.

2. Let incest survivors know that they are not alone and that it is finally OK to speak about it. And encourage survivors to rise above the shame and humiliation they have lived with as they see others speak of the incest or rape without shame.

A woman in California wrote:

"I began therapy when I was 47 after being diagnosed with an ulcer and suffering with migraines for years along with being hooked on Darvon for pain. After about a year in therapy, to my horror, I discovered incest. My greatest fear was that my husband would abandon me if he learned the truth about me. This year (at age 49) I finally got the courage to talk to my husband and he hasn't abandoned me."

If two magazine articles and a few television interviews have brought forth so many hundreds of survivors saying they have been given hope, they feel less shame, they feel more courageous about breaking their silence, they were given the courage to begin therapy * * * if limited exposure can bring forth these actions, these dramatic changes, imagine what public service announcements would do.

Most survivors cannot afford the years of therapy needed to cope with sexual abuse. PSA's can bring about major changes just by educating their families and friends as to why they are so overwhelmed with intense pain—just having people understand, can make a major difference in their lives. PSA's can tell their violators what they are not able to say, "What you did to me as a child has traumatized my entire life."

If I had known that my father was watching the same TV show I was and that he had seen a PSA telling him how violently he had murdered my soul, it would have done what 50 sessions with a psychiatrist could not have done. Confront my father with the truth! Forcing him to see what he had done to too many lives. There is incredible healing in that for an incest victim.

3. Make perpetrators think twice before they quietly turn the doorknob to enter a child's room and body.

4. Let violators know that they must get help today or suffer dire consequences tomorrow. We are no longer going to allow secrets to protect them. And that even though they terrorize a child tonight, someday, that child will speak their name. The most important sentence that was written to me was by a woman who began her letter by saying, "Oh, Marilyn, perpetrators are not sleeping as peacefully tonight because of you!"

5. Finally, we need to let the children know they are in our hearts.

Public Service Announcement:

My name is Julie Jameison. I was sexually violated by my grandfather from age 8 to age 14. If you are a child being violated by a brother, cousin, grandfather—yes, even mother, I want you to know that I, and other survivors, are finally finding the courage to talk about incest. We know what it's like to feel alone and scared. I'm sorry if this is happening to you. As we gather our strength, we will try to find better ways to protect you. We will try to stop adults from hurting you. You are not alone anymore.

Hundreds of letters poured in from survivors after my story was in People Magazine saying "I sent your article to my family members so they could finally understand what I have been going through."

The most important phone call I received was from a woman who said, "I confronted my father some years ago. He hasn't spoken to me since then. He picked up the People Magazine article, read it, and then picked up the phone and said, "Let's talk!"

We must sell the American public vividly and relentlessly before we can stem the tide of the sexual violations of children.

PSA's would educate legislators, judges, attorneys about the long term effects. Sentences would be "stiffer" just as they became "stiffer" when MADD began demanding that drunk drivers be held accountable for their actions.

And they would begin to understand that it is normal for children who have been sexually violated at young ages to not remember—to "dissociate"—to repress, as I did, all conscious knowledge of childhood trauma's for years.

My repressed feeling and memories began coming up when I was 39. Of the almost 2,000 letters I have received, most survivors are between the ages of 35 and 50 when their childhood pain begins to bubble up. And once the "recovery" process begins, it is rare that the memories can be pushed down again. The bubbles turn into a gushing up—a vomiting up of overwhelming despair. Most of us go thru years of pain so devastating that, many days, we think we cannot survive.

A 37 year old woman from Louisiana wrote: "I am a victim of sexual abuse by my father . . . Until 2 years ago, it was something I would not allow myself to think about much less talk about. From then until this day, it's like a demon that chases my being day and night. The horrors of what happened seem to be taking control of me. I feel myself changing so fast I can't keep up and I'm scared. I feel so alone.

I feel as if I don't have a heart or a soul . . . The only person I've ever told is my sister. He did it to her, too. She's an alcoholic and a drug user. She's a good person but that's her way of dealing with it. Suicide has been a constant thing on my mind. The love I have for my 10-year-old son keeps me from it but eventually, I'm afraid even that won't be enough to stop me."

She is in recovery. Every aspect of her life is affected—her ability to mother, to keep a job, her marriage relationship, her relationship to everyone in her life.

We can give this woman as much support as she would receive in months of therapy if we had public service announcements educating society.

I spent months anguishing because my family and friends just couldn't understand why what happened to me when I was 9 was shutting my life down when I was 49. Their inability to understand only increased my despair.

The PSA's will do more to support children, validate survivors, intimidate and stop perpetrators, and educate the general public than anything else that can be done. It is only one part to the educational process, but, in my view, the most critical part.

And only when Society is convinced that this is a national emergency . . . a national epidemic, will we begin to turn the tide of rampant sexual child assaults.

And, lastly, we need to rewrite one of the Ten Commandments. It should read, "Honor your children and they, in turn, will honor you."

SALUTE TO BROWARD COUNTY OPERATION HOMEFRONT

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SMITH of Florida. Mr. Speaker, it gives me great pleasure to extend my heartfelt thanks to you the organizers of Operation Homefront of Broward County, FL.

On August 23, 1990, several families with loved ones being sent to the Persian Gulf met for the first time to share their concerns and fears. Lisa and Bill Strachan, and Lorraine Chapman founded Broward County's Operation Homefront. The Strachans' son Billy, and Ms. Chapmans' son, David Martin were among the first troops dispatched to Operation Desert Shield. From the first meetings, the group bonded together and began an extended family which would last beyond the end of the gulf war. As members of Operation Homefront grew, they were able to move from the Second Presbyterian Church in Ft. Lauderdale to a storefront facility which became headquarters for information and guidance. The church provided them with the use of their computers and anything else they needed. Operation Homefront members worked tirelessly for weeks as the community banded together to fill hundreds of shoeboxes with needed items to be sent to the Gulf for the holidays for Operation Shoebox.

My office helped to provide Operation Homefront families with a unique source of communication. With the help of the local USO and equipment donated by Montgomery Ward, more than 20 families were able to videotape messages to their loved ones in the gulf. Operation Homefront of Broward County was so successful that in March of this year I asked other Members to encourage families in their districts to start a similar organization. My office also provided information to other service families who wanted to start an Operation Homefront organization in their area.

As family members were reunited with their loved ones and the gulf war came to a conclusion, Operation Homefront began to wind down. In a September 9, 1991 editorial the

Miami Herald spoke for the people of Broward County by saying thank you to hard working and dedicated members and organizers of Broward County's Operation Homefront.

[From the Miami Herald, Sept. 9, 1991]

SALUTE OPERATION HOMEFRONT

Almost but not quite. Broward's Operation Homefront is just about out of business. Perhaps before the end of the year, the very last Broward soldier in the fold of this grassroots support group will be home.

That will be a big relief. Operation Homefront could have celebrated the recent closing of its offices with a last hurrah this week with the return of Army Specialist Stephen Long of Hollywood. But then Army E-5 Richard G. Smith of Fort Lauderdale was sent back to Iraq after a stint away.

The drawn-out closing of Operation Homefront reflects the drawn-out mopping up of any military operation. Those who cracked champagne in April knew that the announcement of a withdrawal was only the beginning of the end, not the end. The willingness of Homefront's families to keep the faith and keep up the big welcomes at the airport in the ensuing months is typical of the group's spirit.

Spirit was the hallmark for these families and other volunteers. They came together last August as Operation Desert Shield began calling their loved ones to the desert. There wasn't any shooting at first, but there was concern and anxiety among families. Few of them had expected their service member to see hostilities. After all, it had been a time of the dissolving of Walls, Iron Curtains, and other barriers between humanity.

As Shield became Storm, Homefront's storefront offices in Lauderdale Lakes and Weston became hubs of activity, coffee, CNN, and shared worries. They were Mission Control for the community, offering support to families, serving as a filter for information and rumor, coordinating efforts of civic groups and business to help families, and helping direct the mail and shoe-box gifts for the troops.

As with hurricanes and other natural disasters, this emergency brought out the best in many people. Many made the time to provide comfort. Many others wanted to find a way, some way, to help or to share.

When Operation Homefront does welcome home its last soldier, its members will give him a big hurrah. And these unsung heroes themselves will deserve one in return.

RECOGNITION OF FLUSHING MANOR SCHOOL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SCHEUER. Mr. Speaker, today I rise to praise and recognize P.S. 184—Flushing Manor School of Space Sciences.

There, children will explore the economic, environmental, scientific and social implications of Space Sciences and discoveries for the 21st-century citizen.

The theme of Space Sciences encompasses both oceanography and aerospace. Children will investigate theme topics through classroom and field experiences. Topics that will be explored include topography, weather, ecology, geography, career awareness, marine biology, navigation, aerodynamics, history of aerospace, and colonization and exploration of space.

Classroom instruction will be conducted by both subject area specialists and classroom teachers. Instruction will employ the most up-to-date technology including computer, laser disc programs, video microscopy, and other sophisticated pieces of equipment. Special instruction, which is conducted by two trained teacher specialist, will be enriched in the regular classroom by the homeroom teachers. The theme of Space Sciences will be interwoven throughout the basic curriculum areas.

The children at Public School 184 have begun this exciting study as a result of being a theme school. Some of the educational experiences already enjoyed by the students at the school include trips to: the New York Aquarium, John F. Kennedy Airport, the Hayden Planetarium, Long Island Science Museum, Vanderbilt Mansion and Planetarium, Alley Pond Environmental Center, Hall of Science, South Street Seaport, the Intrepid, and a scheduled three-hour sail on the Voyage—a two-masted schooner. In addition, the children have participated in Star Lab and in workshops aboard the Intrepid. Students from grades five and six are members of the Young Astronauts Council and are participating in the Bank Street College Program, "Voyage of Mimi."

Linkage with Beach Channel High School, Aviation High School, NASA, and with the Marine Environmental Studies Center at Stony Brook University are in the planning stage.

An important component of this magnet school will be the extended day program, which is starting this spring. Enrichment courses will be conducted before and after school. Children will be able to select a series of minicourses related to their theme. Extended day courses being offered this year include ecology, space, drama, art, and computer mini-courses related to the theme of Space Science.

Through the efforts of such schools as P.S. 184, this country will continue to provide this country with the scientists' needed to keep our country competitive in the years to comess.

THE NEEDS OF THE UNEMPLOYED REPRESENT A TRUE EMERGENCY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. COYNE. Mr. Speaker, the time has come to send a clear message to the administration: The House of Representatives refuses to ignore the needs of working men and women who have exhausted their unemployment benefits.

I believe that American working men and women have a right to expect help from their Government when they lose their job through no fault of their own. They have a right to expect that Congress will act to repair the faults in the current unemployment compensation system. These faults have allowed millions of out of work Americans to fall through the cracks when they exhaust their unemployment benefits.

Recently, the Congress acted to address the true emergency encountered by Americans who face a loss of unemployment benefits and hard choices on how to feed their children and pay their rent or mortgages. Unfortunately, the bill passed was flawed because it allowed President Bush to sign an unemployment compensation bill with one hand, but take back the promised relief with another.

When Congress passed unemployment compensation reform, the President was asked to interrupt his August vacation and declare that the needs of over 8.5 million unemployed Americans represented a domestic emergency which warranted new spending. Regrettably, the President refused to release the funds needed to assist the over 2 million unemployed Americans who have exhausted their benefits.

On three separate occasions, the administration and Congress have recognized emergencies overseas that justified new spending. If we can respond to the plight of the Kurds and disasters in Bangladesh, how can we possibly ignore the suffering of our own citizens who have exhausted their unemployment benefits? How can the administration claim that the needs of the unemployed represent less of an emergency than the needs of those in distant lands?

The House now has an opportunity to correct the flaws in the earlier unemployment compensation reform bill. This new bill declares that an economic emergency exists which warrants the release of funds for extension of expired unemployment benefits. If the President signs this bill, as I hope he will, the release of funds will be automatic.

Still, the procedure will mean that the $6.5 billion in desperately needed additional unemployment compensation funds will be financed through Federal borrowing. It does not have to happen this way. The House can accept the amendment offered by Ways and Means Committee Chairman DAN ROSTENKOWSKI. This amendment would adjust the unemployment tax rate paid by an employer on an employee's wages to provide the needed additional funds if the President does not declare a budget emergency.

Mr. ROSTENKOWSKI'S amendment would lower the unemployment tax rate paid by an employer on a worker's wages from the current 0.8 percent to 0.2 percent by 1996, while extending the taxable wage base from the current $7,000 to a level equivalent to the Social Security wage base, projected to be $58,000 by 1993. In addition, this amendment would decouple the connection between Federal and State unemployment tax rates, so that there would be no increase in State unemployment taxes.

I support the pay-as-you-go principle. The Rostenkowski amendment provides the administration with the means to pay for extension of unemployment benefits. Still, I am not willing to sacrifice the basic needs of American families because of an inability of elected officials to reconcile their differences over budget priorities. My first priority is to serve the working men and women of our country who must provide for their families regardless of the debate taking place in Washington. If the House fails to support the Rostenkowski amendment, I will vote for the declaration of a budget emergency to provide the extension of unemployment compensation benefits.

Every Member of the House wants to see an economic recovery but the fact remains that joblessness continues to be a major problem for millions of Americans. Across the United States, unemployment remains unacceptably high.

Furthermore, in many areas, the unemployment rate is growing, not declining. In the Commonwealth of Pennsylvania, the rate rose from 6.8 percent in June to 7 percent in July. Nearly half a million Pennsylvanians are out of work, with many at risk of falling through the safety net which unemployment compensation is supposed to offer.

I urge my colleagues to pass this bill. I sincerely hope President Bush will remember the families of the unemployed when he is asked to sign this new measure into law. The time has come to match words of compassion for the unemployed with concrete action.

COAST GUARD HEROISM AT SEA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. PALLONE. Mr. Speaker, I would like to share with the Members of this House a story of real life heroism that took place earlier this year in the waters off the coast of New Jersey and New York.

On March 9, 1991, Denis Lovgren, captain of *F.V. Leah* out of the Point Pleasant, NJ, Fishermen's Dock Cooperative was seriously injured while fishing 90 miles offshore. Weather conditions were extremely dangerous, with 25-mile-per-hour winds and 5- to 10-foot seas. A Coast Guard helicopter based at Floyd Bennett Field in Brooklyn, NY, arrived at the scene and performed life saving rescue.

The Coast Guard crew members who were involved in this rescue were the female pilot, Lt. Sidonie Bosin, the copilot, Lt. Salvatore Palmeri, and crew members AD-1 Richard Schultz and ASM-3 Joseph Beyer. After the Floyd Bennett Station received a call for medical evacuation, the helicopter was dispatched to the scene. ASM-3 Beyer, a rescue swimmer, jumped into the heavy seas and swam to the boat, ascertained Mr. Lovgren's condition and hoisted him aboard the helicopter. The helicopter then flew to Brookhaven Memorial Hospital on Long Island, NY. Mr. Lovgren was later transferred to St. Barnabas Hospital in Livingston, NJ, where he remained for 30 days.

On Saturday, September 21, at the New Jersey Commercial Fishermen's Association's annual picnic in Brick Township, NJ, these Coast Guard crew members will be honored for their efforts to make the waters off our coasts safe for all who use them. These valiant individuals deserve the highest praise and commendation for their efforts, and praise should also be extended to their commanding officer, Commander Jay Rao. Although they would undoubtedly say they were just doing their jobs, in this case doing their jobs proved to be in form of inspiring heroism.

IN PRAISE OF MIMI SILBERT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. BOXER. Mr. Speaker, I rise today to pay tribute to Mimi Silbert. It is a great pleasure to recognize the achievements of this extraordinarily dynamic woman. I could not begin to adequately reflect upon her prodigious accomplishments.

I congratulate her on being honored by America's Awards at the John F. Kennedy Center for Performing Arts in Washington, DC at the end of September. She is one of America's unsung heroines. She truly personifies the American character and spirit.

Ms. Silbert is cofounder and chief executive officer of one of the most successful drug treatment programs in the Nation. Delancey Street Foundation was so successful that the U.S. Department of Justice considers it a model for Federal rehabilitation programs.

Ms. Silbert's unswerving devotion to Delancey Street is exemplified in many ways. She is a mother, mentor, boss, and counselor to 850 former felons, substance abusers, and the homeless who want to build a new life. At no cost to the taxpayer or client, she presides over programs that teach residents to teach each other how to live drug-free and become a valued member of society.

Because of Ms. Silbert, Delancey Street has maintained its high level of self-sufficiency and profitability. It has such thriving enterprises as a moving company, stained glass, woodworking, and catering businesses. These concerns are all run by the residents.

The most recent example of Ms. Silbert's determination is the completion of Delancey Street's new home in San Francisco, CA. This magnificent structure was described by Pulitzer Prize winning columnist Alan Temko as a "masterpiece of social design." Over 250 residents learned to build this magnificent symbol of self-reliance, commitment, and plain hard work.

Mimi Silbert embodies the spirit of Delancey Street. She is the ultimate role model. She is one of mine.

Mr. Speaker, it is my privilege to honor my good friend Mimi Silbert for all her unselfish contributions to our society.

WAR ON DRUGS RUINS LAW-ABIDING CITIZENS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. JACOBS. Mr. Speaker, I suppose if the law put all of us—everyone in prison, we could be sure to get the drug dealers.

The desire to do something about a problem should not lead to the willingness to try anything.

Looks as though some repealing and amending are in order.

[From the Indianapolis Star, Aug. 11, 1991]

"WAR ON DRUGS" RUINS LAW-ABIDING CITIZENS

(By Andrew Schneider and Mary Pat Flaherty)

Police in the United States can take your cash. Or your car. Or your home.

You don't have to be guilty of a crime, or even be charged with one.

Under the government's seizure law your cash and belongings are theirs if: You fit a vague description of a drug runner, which is heavily weighted against minorities; or have cash tainted by drugs, which is true of almost all U.S. currency; or have property used in the commission of a crime, even if you weren't involved.

To try to get it back, you'll have to hire an attorney and sue the federal government in federal court to prove you're innocent. Plan to spend some time; cases usually takes months, or years. And there's no guarantee you'll win.

Willie Jones, a second-generation nursery man in his family's Nashville. Tenn., business, bundles up money from last year's profits and heads off to buy flowers and shrubs in Houston. He makes this trip twice a year using cash, which the small growers prefer.

But this time, as he waits at the American Airlines gate in Nashville Metro Airport, he's flanked by two police officers who escort him into a small office, search him and seize the $9,600 he's carrying.

A ticket agent had alerted the officers that a large black man had paid for his ticket in bills, unusual these days. Because of the cash, and the fact that he fit a "profile" of what drug dealers supposedly look like, they believed he was buying or selling drugs.

He's free to go, he's told. But they keep his money—his livelihood—and give him a receipt in its place.

No evidence of wrongdoing was ever produced. No charges were ever filed. As far as anyone knows, Willie Jones neither uses drugs nor buys or sells them. He is a gardening contractor who bought an airplane ticket. Who lost his hard-earned money to the cops. And can't get it back.

Last October, a dozen deputies and tax agents walked into the Irwin, Idaho, home of Robert and Bonita Brewer with a search warrant. An informant had said Brewer ran a major marijuana operation.

They found eight marijuana plants in the basement under a grow light and a half-pound of marijuana. The Brewers were charged with two felony narcotics counts and two charges for failing to buy state tax stamps for the drugs.

Robert Brewer is 61 and his wife is 44. They're both retired from the postal service. He is dying of prostate cancer and uses marijuana to ease the pain and nausea that comes from radiation treatments.

"I didn't like the idea of the marijuana, but it was the only thing that controlled his pain," Bonita Brewer says.

The government seized the couple's 5-year-old Ford van that allowed him to lie down during his twice-a-month trips for cancer treatment at a Salt Lake City hospital, 270 miles away.

Now they must go by car.

"That's a long painful ride for him. His testicles would sometimes swell up . . . and he had to lie down because of the pain. He needed that van, and the government took it," Bonita Brewer says.

Jones and the Brewer family are among the thousands of Americans each year victimized by the federal seizure law—a law meant to curb drugs by causing financial hardship to dealers.

INNOCENCE DOESN'T MATTER

A 10-month study by The Pittsburgh Press shows that 80 percent of the people who lost property to the federal government were never charged. And most of the seized items weren't the luxurious playthings of drug barons but modest homes and simple cars and hard-earned savings of ordinary people.

Those goods generated $2 billion for the police departments that took them.

The owners' only crime in many of these cases: They "looked" like drug dealers. They were black, Hispanic or flashily dressed.

Others have been connected to a crime by circumstances beyond their control.

Says Eric Sterling, who helped write the law a decade ago as a lawyer on a congressional committee: "The innocent-until-proven-guilty concept is gone out the window."

Rooted in English common law, forfeiture has surfaced just twice in the United States since colonial times.

In 1862, Congress permitted the president to seize estates of Confederate soldiers. Then, in 1970, it resurrected forfeiture for the civil war on drugs with the passage of racketeering laws that targeted the assets of convicted criminals.

CONGRESS WIDENED LAW

In 1984, however, the nature of the law was radically changed to let the government take possessions without first charging, let alone convicting, the owner. That was done in an effort to make it easier to strike at the heart of the major drug dealers. Cops knew drug dealers consider prison time an inevitable cost of doing business. It rarely deters them. Profits and playthings, though, are their passions. Losing them hurts.

And there was a bonus in the law: The proceeds would flow back to law enforcement to finance more investigations. It was to be the ultimate poetic justice, with criminals financing their own undoing.

Because money and property are at stake instead of life and liberty, the constitutional safeguards in criminal proceedings do not apply.

The result is that "jury trials can be refused; illegal searches condoned; rules of evidence ignored," says Louisville, Ky., defense lawyer Donald Heavrin. The "frenzied quest for cash," he says is "destroying the judicial system.

Every crime package passed since 1984 has expanded the uses of forfeiture, and now there are more than 100 statutes in place at the state and federal level. Not just for drug cases anymore, forfeiture covers the likes of money laundering fraud, gambling, importing tainted meats and carrying intoxicants onto Indian land.

TARGETING THE LITTLE GUY

The White House, Justice Department and Drug Enforcement Administration say they've made the most of the expanded law in getting the big-time criminals, and they boast of seizing mansions, planes and millions in cash. But a 10-month study was able to document 510 current cases that involved innocent people—or those possessing a very small amount of drugs—who lost their possessions.

And the DEA's own data base contradicts the official line. It showed that big-ticket items—valued at more than $50,000—were only 17 percent of the total 25,297 items seized by the DEA during the 18 months that ended in December.

"If you want to use that 'war on drugs' analogy, then forfeiture is like giving the troops permission to loot," says Thomas Lorenzi, president-elect of the Louisiana Association of Criminal Defense Lawyers.

The near-obsession with forfeiture continues without any proof that it curbs drug crime—its original target.

"The reality is, it's very difficult to tell what the impact of drug seizure and forfeiture is," says Stanley Morris, deputy director of the federal drug czar's office.

BONANZA FOR POLICE

George Terwilliger III, associate deputy attorney general in charge of the U.S. Justice Department's program, emphasizes that forfeiture does fight crime, and "we're not at all apologetic about the fact that we do benefit (financially) from it."

Forfeiture pads the smallest towns' coffers. In Lenexa, Kan., a Kansas City suburb of 29,000, "we've got about $250,000 moving in court right now," says narcotics Detective Don Crohn.

Despite the huge amounts flowing to police departments, there are few public accounting procedures. Police who get a cut of the federal forfeiture funds must sign a form saying merely they will use it for "law enforcement purposes."

To Philadelphia police, that meant new air conditioning. In Warren County, NJ, it meant use of a forfeited yellow Corvette for the chief assistant prosecutor.

LIFE SAVINGS SEIZED

Ethel Hylton of New York City has yet to regain her financial independence after losing $39,110 in a search nearly three years ago in Hobby Airport in Houston.

Shortly after she arrived from New York, a Houston officer and DEA agent stopped the 46-year-old woman in the baggage area and told her she was under arrest because a drug dog had scratched at her luggage. The dog wasn't with them, and when Hylton asked to see it, the officers refused to bring it out.

The agents searched her bags and ordered a strip search of Hylton but found no contraband.

In her purse, they found the cash Hylton carried because she planned to buy a house to escape the New York winters that exacerbated her diabetes. It was the settlement from an insurance claim and her life's savings, gathered through more than 20 years of work as a hotel housekeeper and hospital night janitor.

The police seized all but $10 of the cash and sent Hylton on her way, keeping the money because of its alleged drug connection. But they never charged her with a crime.

All of what she claimed checked out as true: her jobs, her bank statements and her claim she had $18,000 from an insurance settlement. Also, no criminal record for her was found in New York City.

With the mix of outrage and resignation voiced by other victims of searches, she says; "The money they took was mine. I'm allowed to have it. I earned it."

Hylton became a U.S. citizen six years ago. She asks, "Why did they stop me? Is it because I'm black or because I'm Jamaican?"

Probably, both—although Houston police haven't said.

MINORITIES PAY PRICE

Drug teams interviewed in dozens of airports, train stations and bus terminals and along major highways repeatedly said they didn't stop travelers based on race. But an examination of 121 travelers' cases in which police found no illegal drugs, made no arrest, but seized money anyway, showed that 77 percent of the people stopped were black, Hispanic or Asian.

The Justice Department's Terwilliger says that in some cases "dumb judgment" may occasionally create problems, but he believes there is an adequate solution. "That's why we have courts."

But the notion that courts are a safeguard for citizens wrongly accused "is way off," says Thomas Kerner, a forfeiture lawyer in Boston. "Compared to forfeiture, David and Goliath was a fair fight."

The government need only show probable cause for a seizure, a standard no greater than what is needed to get a search warrant. The lower standard means the government can take a home without any more evidence than it normally needs to take a look inside.

Clients who challenge the government, says attorney Edward Hinson of Charlotte, N.C., "have the choice of fighting the full resources of the U.S. Treasury or caving in."

AL CAPONE TACTICS

Barry Kolin caved in.

On March 2, Kolin watched Portland, Ore., police padlock the doors of Harvey's, his bar and restaurant, and arrest his brother and bartender, Mike, for bookmaking.

Nothing in the police documents mentioned Barry Kolin, and so the 40-year-old was stunned when authorities took his business, saying they believed he knew about the betting. He denied it.

Amy Holmes Hehn, the Multnomah County deputy district attorney, concedes she didn't have the evidence to press a criminal case against Barry Kolin, "so we seized the business civilly."

During a recess in a hearing on the seizure weeks later, "the deputy DA says if I paid them $30,000 I could open up again," Kolin recalls. When the deal dropped to $10,000, Kolin took it.

Kolin's lawyer, Jenny Cooke, calls the seizure "extortion." She says: "There is no difference between what the police did to Barry Kolin or what Al Capone did in Chicago when he walked in and said, "This is a nice little bar and it's mine." The only difference is today they call this civil forfeiture."

HOSPITAL MERGERS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. BARNARD. Mr. Speaker, I want to share with my colleagues the attached article which appeared in the August 26, 1991 edition of HealthWeek News. The article makes the point that the Federal Trade Commission's position on hospital mergers causes problems in rural settings.

Mr. Speaker, in the community in which I live and which I represent, Augusta, GA, two of the leading hospitals—University Hospital and St. Joseph's—attempted to merge in order to save money by consolidating services and avoiding duplication. The FTC challenged the merger, and the parties agreed to revoke it, because it would have cost too much to fight. Now, however, University Hospital in Augusta is being forced to sign a consent decree with the FTC, in order to settle, which will put University Hospital in a worse position than it was before any attempt to merge with another hospital.

Notwithstanding the disposition of the University Hospital case, I believe that the role of the FTC regarding hospital mergers should be closely examined from a public policy viewpoint. I agree with our colleague, JIM SLAT-

TERY, who wrote to the chairman of the House Judiciary Committee:

Many hospitals find themselves in a double bind. Current Medicare and Medicaid payment policies have put hospitals under increasing financial pressure to consolidate their operations. At the same time, FTC and [Justice] appear to be intensifying their scrutiny of hospital mergers.

Moreover, as the attached article makes abundantly clear, the law is presently biased against rural hospitals. If University and St. Joseph's Hospitals had been located in a large metropolitan area, it is unlikely that the FTC would have challenged the merger.

I commend the article to my colleagues, and I suggest that they explore the issues raised in the Augusta case and in other cases of attempted rural hospital mergers. I suggest we support legislation introduced by our colleague, JIM SLATTERY, chairman of the House Rural Health Care Coalition's task force on hospitals, to exempt certain hospital mergers in smaller markets from FTC and Department of Justice scrutiny.

[From HealthWeek News, Aug. 26, 1991]

FTC STANCE FRUSTRATES RURAL MERGERS

(By Craig Havighurst)

WASHINGTON.—Life isn't getting any easier for small-market hospitals under pressure to merge.

Earlier this month, the Federal Trade Commission overrode its own administrative law judge's dismissal of an FTC challenge to a 1988 hospital merger in Ukiah, Calif. That action, along with recent appellate court rulings on mergers in Rockford, Ill., and Augusta, Ga., institutionalizes a standard for proposed mergers that many hospital attorneys feel is unreasonable and perverse.

Both Ukiah Valley Medical Center, which was formed by the merger, and FTC have viewed their dispute as a test case of FTC's authority over non-profit hospitals.

At issue is whether FTC can apply the Clayton Act to these hospitals. Some health lawyers argue that the Clayton standard of anti-competitive behavior is stricter than the Sherman Act, which prohibits restraint of trade, price fixing and onerous monopolies.

Bill Kopit, a partner with Epstein, Becker & Green in Washington, said that under Clayton, an effective government challenge need only show that a proposed merger will produce an "increase in concentration" in the market. That puts the burden of proof on hospitals to show that a deal won't harm consumers, he said, an expensive and complicated process that has a chilling effect on deals.

"In most markets outside of big cities," said Kopit, "the number of hospitals is small enough that any merger would be presumptively illegal" under the Clayton Act. The new FTC authority, he said, "puts an enormous crimp in [hospitals'] ability to consolidate," even when that might be the best thing for a community.

FTC said the appellate courts have settled the question of its authority once and for all. "The case law just hasn't been clear before," said Erika Wodinsky, assistant regional director for FTC's San Francisco office, "but it is now absolutely clear that we have jurisdiction."

The tough stance comes at a time when small hospitals are losing business and feeling unprecedented pressure to merge. Some charge FTC with myopic pursuit of competition for competition's sake.

"If you make it tough for small hospitals to merge, you are dooming them to high costs and extinction," said Thomas Campbell of Gardner, Carton and Douglas in Chicago, who represents the merged Ukiah hospitals.

Robert Van Hook, executive director of the National Rural Health Association agreed. "If you've got two hospitals in a small town that don't want to deal with 20 percent occupancies, they should be encouraged to merge, not discouraged," he said. "FTC is going to get in the way of what works in rural areas."

FTC denies that it is applying a new standard or being more aggressive than in the past. "It may be perceived as such by the private sector," said Mark Horoschak, head of FTC's health care division, "but we haven't changed our analysis one iota."

Still, no merger by nonprofit hospitals had been challenged successfully until the Rockford case in 1989, which was pursued by the Department of Justice. The department shares antitrust responsibilities with FTC.

In addition, FTC tried to stop the Ukiah deal without warning on the eve of its closing, and in spite of the fact that the dollar value was smaller than the amount that mandates a pre-merger filing with the federal government.

"Hospitals are becoming increasingly frustrated," said a spokeswoman for Rep. Jim Slattery, D-Kan. "The biggest complaint is they can't get through the initial stages of a routine review without overburdensome expense and requests for massive amounts of paperwork. The threat of a suit is just as stifling as an actual suit."

Rep. Jim Slattery, D-Kan., chairman of the House Rural Health Care Coalition's task force on hospitals, has introduced legislation to exempt certain hospital mergers in smaller markets from FTC and Department of Justice scrutiny.

In a letter to the chairman of the House Judiciary Committee, Slattery wrote: "Many hospitals find themselves in a double bind. Current Medicare and Medicaid payment policies have put hospitals under increasing financial pressure to consolidate their operations. At the same time, FTC and [Justice] appear to be intensifying their scrutiny of hospital mergers."

Campbell said Ukiah Valley Medical Center has not decided whether to continue to fight FTC on jurisdictional grounds or simply challenge the agency's case on its merits. In the three years since the merger, he said, "the consumer has gotten a better deal. The efficiencies we forecast from this are happening."

The elimination of duplicate services and avoidance of a costly "arms race" among high-tech facilities has been an important pro-merger argument.

However, FTC's Horoschak said, "To those who say there is unnecessary duplication of services, that's really not for them to say. That's for the market to determine."

Kopit said FTC and Justice Department efforts "are well-intentioned, but from a public policy perspective, they are likely to produce the wrong outcome."

HISPANIC HERITAGE MONTH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. DELLUMS. Mr. Speaker, we are presented with a unique opportunity this month that we would be remiss in overlooking. I am referring to the celebration of National Hispanic Heritage Month.

Hispanics comprise a significant portion of the American population and in fact, are the fastest growing segment of the population. It is, therefore, in the best interests of this country to promote an understanding of the diverse cultures and customs that comprise what we call the Hispanic community. The Hispanic community has expanded to include not only the traditional immigrant groups of Mexicans, Puerto Ricans, and Cubans, but myriad people from many countries of South and Central America. These immigrants often come from quite different experiences and can encounter very different situations. The El Salvadoran immigrants, for example, have encountered unique problems relating to their immigrant status that others have not.

National Hispanic Heritage Month—September 15 to October 15 can highlight these differences and also the similarities in the problems that face this growing community. The crisis in education in this country is particularly acute in the Hispanic community. Hispanics have a higher high school dropout rate than any other segment of the population. Nearly one in two Hispanics will not complete high school and half of Hispanic dropouts have not completed the ninth grade. New immigrants, many of which are already educated in their native countries, face growing waiting lists for English classes due to cutbacks in federally promised funds in the form of State legalization impact assistance grants. Others face discrimination when applying for jobs due to the employer sanctions provisions of the Immigration Reform and Control Act of 1986. Many of us here in Congress opposed this law because we felt that it would cause discrimination. Study after study now confirm our fears. The General Accounting Office concluded that employer sanctions were doing irreparable damage to hard-won rights to equal employment opportunities. Yet this law remains in effect.

National Hispanic Heritage Month also provides those of us who are not of Hispanic descent the unique opportunity to become acquainted with these cultures and experience customs firsthand that we might not otherwise. We can join our Hispanic brothers and sisters in the celebration of their culture, listen to their music, and enjoy their native cuisine. It is my hope that the experience can spark the beginnings of an understanding of these cultures and peoples that might result in dialogs between them and Federal, State, and local governments. It is imperative that we, as Representatives of the American people, do all we can to stop the increasing feeling of disenfranchisement of this community that has manifested itself in violent situations in many cities around the country. We must work toward race relations that promote understanding and cooperative spirit. National Hispanic Heritage Month can be used as a steppingstone in this endeavor.

A SALUTE TO DR. MORTON TERRY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SMITH of Florida. Mr. Speaker, it gives me great pleasure to extend my heartfelt congratulations to Dr. Morton Terry, president and one of the founders of Southeastern University of the Health Sciences. On October 4, 1991, Southeastern University will name a building after Dr. Terry. "Terry Building" will serve as the university's headquarters with the administration offices of the College of Osteopathic Medicine and the College of Optometry. There will also be a clinic center housed in the building.

Southeastern College of Osteopathic Medicine [SECOM] was established and chartered by the State of Florida in 1979 and recognized by the American Osteopathic Association in 1981. Opening with a class of 40 students, SECOM became the 15th college of osteopathic medicine in the Nation. Currently the incoming classes exceed 100 students. Over the years, SECOM's board of governors recognized a need to expand its curriculum and in 1987 opened the College of Pharmacy and in 1989 the College of Optometry. In 9 years SECOM has grown from a college of osteopathic medicine to the $20 million campus which is known as the Southeastern University of the Health Sciences.

Mort Terry was born in Utica, NY, on March 23, 1921. In 1942 he received a B.A. degree from Brooklyn College in New York and went on to get a D.O. and M.Sc. degree from the Philadelphia College of Osteopathic Medicine in Pennsylvania. Dr. Terry is licensed in the States of New York, New Jersey, Pennsylvania, California, and Florida. He is affiliated with many associations and has received a long list of awards including the Distinguished Service Award from the American College of Osteopathic Internists, Who's Who in Florida, Honorary Life Member of the Dade County, State of Florida, and the American Osteopathic Associations, the Leadership Award from the Florida Chapter of the Brooklyn College of Pharmacy and this past year he received the Lambda Omicron Gamma Osteopathic Leadership Award.

Dr. Morton Terry is highly respected and admired by the medical profession not only in south Florida, but also around the country. He has dedicated himself to furthering the osteopathic profession and making it possible for others to follow in his steps.

Dr. Terry has devoted a great deal of time to the deliverance of medical services to the underserved. For these and his many other accomplishments, I ask that my colleagues join me in saluting Dr. Morton Terry and Southeasten University of the Health Sciences.

HONORING RABBI BRIAN LURIE, EXECUTIVE DIRECTOR OF THE JEWISH COMMUNITY FEDERATION

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. BOXER. Mr. Speaker, I would like to recognize a very special individual, Rabbi Brian Lurie, executive director of the Jewish Community Federation of San Francisco, the Peninsula, Marin, and Sonoma Counties. Rabbi Lurie has accepted the position of chief executive officer of the United Jewish Appeals in New York City.

Rabbi Lurie was born in Shaker Heights, OH. He attended Lafayette College in Easton, PA, where he earned a bachelor of arts in religion in 1964, Hebrew Union College, and Hebrew University in Jerusalem in 1966–67, where he immersed himself in Jewish Studies and archeology.

For the past 17 years, Rabbi Brian Lurie has held the position of executive director of the Jewish Community Federation. During this time, he has played a major role in causing the diverse Jewish community of the San Francisco Bay Area to become a national pacesetter for Jewish philanthropy.

Rabbi Lurie has long been known for his innovative spirit, his sense of compassion, his vision, and his pride and belief in the Jewish people and the State of Israel. He has long been an outstanding member of the Jewish community and an innovator in the field of philanthropy. During his tenure as executive director, the Jewish Community Federation was one of the first organizations of its kind to establish an office in Israel to assist in monitoring how the funds were spent.

Under his stewardship, he has developed several programs which have allowed American Jews to be a part of Israel. Through the Summer in Israel Program, Jewish high school students have been able to enjoy the rich experience of living in Israel during some of their most important years. With Otzma, a program based on the Peace Corps, American Jews can aid in the development of Israel, as it struggles with the overwhelming problems of resettling thousands of Ethiopian and Soviet Jews. These programs, which are still flourishing, have helped a generation of young Jews develop a personal relationship with Israel and a stronger commitment to its future.

Mr. Speaker, on Saturday, September 28, 1991, Rabbi Brian Lurie will be honored by the Jewish Community Federation. I ask my colleagues to join with me in saluting a fine individual for his outstanding work as chief executive of the Jewish Community Federation, and wish him well in his position as chief executive officer of the United Jewish Appeals.

RECOGNITION OF ST. MEL'S CHURCH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SCHEUER. Mr. Speaker, I rise today to speak on behalf of the church of St. Mel in Flushing, NY, and its history. The church has been a community landmark for over 50 years.

The parish was established in February 1941. Its first pastor, Rev. Terence Sharkey, served from February to May of 1941. The original rectory was actually in St. Andrew's Parish, and the first place of worship was the local headquarters of the Democratic Club on Bayside Avenue between Murray and 154th Streets. Subsequently a tent located at Murray Street and Bayside Avenue was used.

Father Charles J. Reilly, succeeding Father Sharkey, remained only from May until June of 1941, until the arrival of Father Jeremiah Davidson in June 1941. He served until June 1948.

During the tenure of Father Davidson, a temporary church was built at the corner of 154th Street and 27th Avenue. The structure, often called the Quonset Hut, was two connected Levitt houses. Due to the war, restrictions on vital materials prevented the erection of a more permanent building.

The temporary church was dedicated on December 10, 1944, by Bishop Molloy. Upon the building of a new church, this temporary building was moved. In remodeled form, it is now the parish church of St. Pius X in Uniondale, Long Island.

Father Joseph Huether, replacing Father Davidson in June 1948, purchased the present rectory at 28–20 154th Street on June 19, 1950.

June 1950 was also a transition date. Father John F. Kelly became the new pastor until his death in June 1953. He was succeeded by Father Vincent J. O'Malley.

A combination building of church/auditorium/library had its groundbreaking July 11, 1954, on the corner of 154th Street and 25th Avenue. The building was dedicated November 10, 1955, by Bishop Edmund Reilly.

In the late 1950's, construction began on the original school, next to the church, from 26th to 27th Avenues. The first class entered the school in September 1960. On November 13, 1960, Bishop McEntegart dedicated both the school and convent. The Josephite Sisters, who for many years taught religion classes at the school, now assumed charge of the school.

The school's first principal was Sister Joseph Angela Campbell (1960 to 1964). Its first graduation was 1964.

Sister Clara Therese Ryan, 1964 to 1970, was the school's second principal. During her term, an extention to the school was built in 1965.

The parish celebrated its 25th anniversary on November 6, 1966.

From 1970 to 1972, Sister Jean William Blomberg served as principal, until her replacement by Sister Elizabeth Martin, who completed an 8-year term.

Reaching retirement age in January of 1976 and celebrating with a retirement mass during the same period, Father O'Malley was succeeded by Monsignor James P. King.

As a consequence of the Second Vatican Council, Monsignor King began renovation of the church in its temporary setting, with work being completed in 1980.

Also 1980 saw the departure of Sister Elizabeth as principal, her replacement being Sister Patricia Kelly, who remained until June 1985.

In the fall of 1985, the school celebrated its 25th anniversary, and for the first time in its history had a "civilian" principal—Mr. James F. Hunt.

A Mass of Thanksgiving was held February 9, 1986, to celebrate the school's 25th anniversary, followed by a reception and reunion.

In the spring of 1986, the school held a dinner/dance at the Plandome Country Club to further celebrate its 25th anniversary; and to recognize Monsignor King's 40th anniversary of his ordination to the priesthood.

Having served the parish well for many years, Monsignor King was relieved of his assignment March 28, 1989, when Bishop Mugavero appointed Father John A. McGuirl as administrator of Saint Mel's Parish. Also during this period, the parish buildings received considerable repair and upgrading.

In June of 1990, Mr. Hunt completed his term as principal. With the aid of a search committee, Father McGuirl located and appointed Sister Rena Perrone as the new school principal.

Sister Rena was the first Dominican Sister to serve officially in the parish.

Thank you Mr. Speaker for the opportunity to recognize the Church of Saint Mel.

TRIBUTE TO MAJ. GEN. VITO MORGANO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, October 13, 1991, the honor of serving as grand marshall for the city of Long Branch, NJ, 1991 Columbus Day Parade will belong to Maj. Gen. Vito Morgano, adjutant general of the New Jersey Army and Air National Guard.

The parade committee chose General Morgano for his distinguished military career and the fact that he has brought great honor to the Italian-American community in our State. With our American forces having performed so brilliantly in Operation Desert Storm, the parade committee determined that the theme of this year's event should be dedicated to our Armed Forces, and General Morgano will stand as a particularly worthy representative of all our service personnel.

General Morgano is the 28th adjutant general of New Jersey. He commands the more than 16,000 soldiers and airmen of the New Jersey Guard with its responsibility to direct, control, and manage the New Jersey Department of Military and Veterans Affairs in the execution of Federal and State missions.

A native of New York City, General Morgano graduated from East Orange High School, NJ, in 1954. His military education includes: advanced noncommissioned officer course; officer candidate school; armor office basic course; armor officer basic and advanced courses; and command and general staff college. He also holds a bachelor of science degree from Regents College in New York.

The general began his military career by enlisting in the New Jersey Army National Guard in May 1953, with assignment to Company B, 644th Tank Battalion, 50th Armored Division. After serving on active duty from October 1955 to October 1957, he returned to the 644th Tank Battalion and the Guard. His service as a commissioned officer began in 1962 as a tank platoon leader. He was subsequently assigned as that company's armored cavalry platoon leader, executive officer and promoted to company commander in 1965.

In 1966, he was reassigned to command Headquarters-and-Headquarters Company, 2d Battalion, 50th Armored Division. He became S–4—supply officer—of the 2d Battalion in 1968 and served as motor officer before becoming the company commander in 1969. The general also served as S–2—intelligence officer—of the 4th Battalion, 102d Armor, Assistant S–2, 1st Brigade, and assistant S–3—training officer—through 1972.

Major General Morgano was appointed executive officer, 4th Battalion, 102d Armor, in 1974, before transferring to become executive officer of the 2d Battalion, 114th Infantry, in June 1975. In December 1979, he was assigned first as executive officer and then commander of the 2d Battalion, 113th Infantry, before he was named executive officer of the 2d Brigade in August 1981. During the years 1983–87, General Morgano was the commander of the 50th Armored Division Support Command. In September 1987, he was reassigned as commandant, New Jersey Military Academy and appointed deputy State area commander in January 1988, subsequently being promoted to assistant division commander, 50th Armored Division, in February 1988. On October 8, 1988, the general was federally recognized as a brigadier general, and on December 7, 1990, he was recognized in the rank of major general.

His military awards include the Legion of Merit, Meritorious Service Medal with Oak Leaf Cluster, Army Commendation Medal, Air Force Commendation Medal, Army Reserve Component Achievement Medal, NCR Professional Development Ribbon, and the Army Service Ribbon. He was awarded the State's highest military decoration—the New Jersey Distinguished Service Medal, and was recognized for outstanding achievement by both the Italian Tribune, Newark, and the Newark Chapter of UNICO, National. He has also served on the Governor's cabinet and has been involved in a variety of community organizations in Monmouth County, NJ.

The general lives in West Long Branch, NJ, with his wife, Louise. They have two married sons, Victor and Paul, two granddaughters, and one grandson.

The Columbus Day Parade, an annual event, begins in West Long Branch and proceeds through the heart of Long Branch, down Broadway. As a native of the city of Long Branch, this is always one of my favorite events. With General Morgano serving as grand marshal, this year's parade will be uniquely special and exciting.

AMERICA NEEDS HIGH-SPEED RAIL SYSTEMS TO RELIEVE GRIDLOCK

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. COYNE. Mr. Speaker, I am introducing a bill today which will serve to alleviate urban transportation gridlock by stimulating public and private sector investment in high-speed rail systems.

There is a pressing need to provide the American people with a safe and economical alternative to intercity highway and air transportation routes. A growing population and economy require an efficient national transportation system, but there is a limit to the number of highways and airports that can be constructed.

Gridlock is increasingly prevalent on the Nation's highways and in our country's air traffic space, and will become an even greater problem in the near future. According to the U.S. Department of Transportation, traffic delays will cost $50 billion a year in lost wages and wasted gasoline by the year 2005. The FAA estimates that air traffic congestion will affect 74 percent of air passengers, compared with 39 percent in 1986.

High-speed rail systems offer an answer to increased congestion on the Nation's highways and at the Nation's airports. The United States cannot afford to delay and longer the development of high-speed rail systems when the time lost in rush hour gridlock is expected to increase from 3 million hours annually today to 12 billion hours by the year 2005.

High-speed rail systems with trains traveling at speeds above 150 miles per hour are no longer a futuristic dream; instead, they are a proven transportation mode in use today in Europe and Japan. High-speed rail systems using steel wheel to steel are currently operating commercially in Japan, where the "Bullet Train" sustains speeds above 150 mph, and France, where the Tres Grande Vitesse, or TGV, travels at speeds above 160 mph.

High-speed rail systems now in use have proven themselves to be both safe and reliable. In France, for example, the French National Railroad has logged over 53 billion passenger miles of high-speed rail operations over the past 10 years. During this period of operation, the French system has achieved over 96 percent on time performance, load factors in excess of 70 percent, and a high degree of passenger safety.

High-speed rail systems using mag-lev technology now being developed would have even greater potential for relieving urban transportation congestion by offering reliable intercity transportation at speeds of up to 310 miles per hour. The United States led early research efforts on mag-lev, but today we are at risk of losing out to foreign competitors in this field just as we did with the VCR because of a lack of support at the Federal level for high-speed rail systems.

It is encouraging to note that this shortsightedness is not found at the State and local level. Efforts to develop high-speed rail systems are underway in many parts of the country, including the city of Pittsburgh, which I am proud to represent. Pittsburgh is the home of the Mellon Institute's High-Speed Ground Transportation Center at Carnegie-Mellon University. In addition, steps are being taken to develop the commercial potential of maglev technologies through joint projects between local Pittsburgh groups and international high-speed rail enterprises.

Across the United States, public and private sector groups are focusing on high-speed intercity rail systems as an answer to this gridlock. High-speed rail systems are now in various stages of planning and development in locations such as Pennsylvania, California-Nevada, Illinois-Minnesota, Florida, the Northeast corridor, Ohio, Texas, and Washington.

While this large number of States and regional interests are already beginning to plan and develop these systems, securing investment capital for these innovative transportation projects continues to be a major obstacle. For this reason, I believe the Federal Government must act to increase its support for the development of high-speed rail systems.

The legislation I am introducing today would help to spur new investment in high-speed rail technologies by providing equal access to tax-exempt bonds for the development of high-speed rail magnetic levitation [maglev] and steel-wheel-to-steel rail systems. Under current law, while 100 percent unrestricted tax exempt financing is permitted for airports, docks, and wharves, only 75 percent of bond issuance for high-speed rail systems is unrestricted. The other 25 percent must be allocated from State private activity bond volume limitation. Since many States currently operate near or at this Federal cap on State issuance of tax exempt bonds, eliminating the 25 percent allocation requirement would provide an important source of investment capital for high-speed rail systems.

The Federal Government has long played a central role in building highways and airports. We need a similar commitment to ensure the development of U.S. high-speed rail systems.

The facts are that no new national transportation systems have been developed commercially in the history of our country without a significant commitment at the Federal level. In 1946, direct Federal funding was first provided for the development of a comprehensive system of airports. Similarly, the Federal Government has financed the Interstate Highway System and other road projects to develop a transportation network for the automobile and the trucking industry.

The challenge of moving people between U.S. cities can be best met by complimenting these existing transportation networks with modern, safe and environmentally sound high-speed rail systems. I urge my colleagues to join me in supporting equal access to tax exempt bond financing for high-speed rail systems.

SPECIAL TRIBUTE TO EVA'S KITCHEN AND SHELTERING PROGRAMS, PATERSON, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to a very generous group of dedicated individuals who have worked to provide over 1 million meals and over a quarter of a million bed nights to the poor and needy in my Eighth Congressional District in New Jersey. Eva's Kitchen and Sheltering Programs in Paterson, NJ, will celebrate a decade of benevolent service to the underprivileged citizens of the area with a gala dinner dance on Sunday, September 29 at the Wayne Manor.

Ten short years ago a group of priests had a simple dream to feed the hungry roaming the streets of Passaic County. Eva's Kitchen which has now expanded to Eva's Programs, embracing six programs in five separate buildings, is now the largest comprehensive poverty program in the State of New Jersey. The selfless contribution of the staff and over 700 volunteers who work at these facilities is an example of what is finest within the human spirit and shines as a light to all who have a hand to lend and time to share.

Mr. Speaker, at this point I would like to read several excerpts from a booklet authored by Camille Giancristofaro which eloquently outlines the history of this marvelous endeavor.

ANSWERING THE NEED—THE STORY OF EVA'S KITCHEN AND SHELTERING PROGRAMS

Poverty, hunger, homelessness, addiction to drugs or alcohol—each pain is a personal agony in itself; together they are excruciating. Increasing numbers of people are suffering through these illnesses in our society.

Since it first opened its doors to its innercity neighbors in 1981, Eva's Kitchen and Sheltering Programs situated in downtown Paterson has persisted in its self-imposed mission to answer the urgent needs of these people in distress.

"Eva's", as the complex organization is best known, started as a small kitchen in the basement of a former Paterson convent on Hamilton Street next to St. John's Cathedral, but today actually embraces six institutions ministering to the critical needs of Passaic county residents: (1) Eva's Kitchen, (2) Eva's Family Shelter (3) Eva's Shelter For Women, (4) Eva's Shelter For Men (5) Eva's Half-Way House For Men, and (6) Eva's Half-Way House For Women.

Msgr. Vincent Puma, who today is the Executive Director of the present operations, with his fellow Paterson priests started a small kitchen in the abandoned St. John's convent and from the original thirty meals it has multiplied to five hundred hot meals served daily to street people as well as others throughout the shelter and rehabilitation programs. They are welcomed as guests and served a nutritious meal with all the dignity due them as human beings. No one in line is refused. All are attended to by a continuous daily turnover of three hundred loyal volunteers who work in the actual food preparation, serving, clean-up and assisting a professional staff under the supervision of Anne Wagner, warmly addressed as "Sister Anne" by the guests.

Eva's has evolved and expanded its services to include shelters and drug and alcohol rehabilitation facilities. All the facilities are not-for-profit with no church or state affiliation, relying on private donations and grants from the county, state and federal governments.

As Msgr. Puma explains, other institutions address pieces of the problem; but here a person can be literally taken from the curb, nourished in body, nurtured in spirit, counseled, medically treated, supported, and directed until he or she steps back to the street, hopefully able to function as a responsible, independent person. This process often takes a complete year to accomplish.

Distressed people from the "kitchen level" are directed to assistance, through phone contacts for social services, beds for indigents or to the shelters and rehabilitation residences. Persons from the shelters are steered to A.A., N.A. and other self-help support groups. They can acquire basic skills and tools to find minimally decent employment and housing to have an acceptable quality of life when they leave the supportive family environment of Eva's.

Eva's is about survival; people helping people to meet basic physical, psychological and emotional needs. Eva's Creed reads in part:

> ". . . our brothers and sisters are undergoing experiences most of us never had. They have been insulted and degraded and are without basic human dignity. In all of our programs, we hope that they will learn to touch their own precious dignity and to feel the love that tells them that they are worth it after all."

Mr. Speaker, Eva's Kitchen and Shelter Programs is an innovative effort to turn human beings from an empty life to one full of possibilities. Human dignity is so often the missing spark in the life of an individual lost and alone on the streets. Eva's works to reignite that light within a person which will allow them to carry forward to a better life.

Mr. Speaker, I am proud to share in this tenth anniversary celebration, and I would like to congratulate the Honorary Gala Committee on which I served for their fine work: Mr. and Mrs. Jerry Porter, chairperson, Mr. and Mrs. Lawrence Fette, Mr. and Mrs. Paul Forbes, Mr. and Mrs. John J. Hannigan, Rev. Edward Lambro, Rev. Msgr. Vincent Puma, Mrs. Joan Waks, Mrs. Ann Wagner, and Mrs. Carol Winter.

I am sure that you, Mr. Speaker, and all my colleagues join me in commending Eva's Kitchen and Shelter Programs for their tremendous humanitarian efforts. Kindness and understanding are precious commodities which flow freely from the staff and volunteers who work there. They truly fulfill the highest calling in service to their fellow man.

PEACEMAKING EFFORT IN THE MIDDLE EAST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, we have heard a great deal lately from sources in the administration and outside of the supposed willingness of Syrian President Hafez Assad to participate in a genuine peacemaking effort in the Middle East. Many of us are skeptical to a high degree, given the record of the Syrian regime. But nothing would please us more than to have that skepticism disproved. A willingness by Syria to drop the posture it has held up until now of unremitting hostility to the very existence of Israel and a willingness on its part to participate in the kind of compromise and mutual acceptance that is a necessary element of making peace would be greatly welcomed.

One very important thing the Syrian Government could do to manifest some progress in this area has to do with the plight of Jews now in Syria. Jews within that country are mistreated. They are not allowed to work in the public sector and they are discriminated against with regard to higher education. In many areas of life Jewish activity must be subordinated to supervision by non-Jews, with Jews not being allowed to function as they would in a free society. The bulk of Syrian Jews live in Damascus and they are constantly under surveillance in that community, with absences from school or work triggering police investigations.

In addition to the situation being very bad within Syria, Jews are not allowed to emigrate. The basic freedom to leave one country and go to another—which we have made a condition for our assistance to many countries, including the Soviet Union—it's denied to the Jews in Syria.

We should as a Government insist that the Syrian Government reverse both its external and internal policies of mistreating its Jewish citizens. Jews who wish to remain in Syria should be treated with full equality. Jews who wish to emigrate should be given the same freedom that any citizen of any country ought to be given—namely to go live elsewhere if that is the choice of those people. As long as the Syrian Government refuses to relent in either of these points, those of us who have long been skeptical of its peacemaking intentions will see very little reason to change our opinion. As evidence of the terrible conditions that prevail on the urgent need for them to be changed in the name of humanity, I ask that the translation from the newspaper Ma'ariv be reprinted here.

The surveillance of the Jews is so tight that, in instances when Jewish children have gone missing from school for more than two hours, agents of the secret police are sent to the home of the parents in order to clarify the reason for the absence. The absence of a Jew from their place of employment also arouses immediate suspicion, as is also the case if they are not seen in public for a while.

Agents of the secret police sit—permanently—in the synagogue during Sabbath prayers and survey the goings-on. The agents are also present at weddings and other festive occasions. About a year ago, the Jewish synagogue in Amtala was destroyed in order to build a new synagogue in its place, but—after the old structure had been destroyed—the authorities would not give the necessary permits for the building of the new one.

The authorities do not permit the entrance of foreigners into the Quarter without supervision. All such visits are conducted under the watchful eye of the secret services and the Jews are prevented from describing their actual situation. Travel abroad is permitted only in exceptional cases. Even then, those who ask to leave are forced to wait for a long period of time before receiving a passport—in exchange for an exorbitant sum of money. Family members remaining behind serve as hostages—to ensure that the person leaving does, indeed, return.

Most of the Jews, 3,000 in number, are concentrated in Damascus. The rest live in Haleb [400] and in Kashmili [180]. The Jews mostly work in peddling, trade and petty jobs. Among them are blacksmiths, grocers, butchers and the like. The number of merchants is very small. Among the Jews are also a few pharmacists and dentists. In Haleb, there are Jews who work as silversmiths. It is prohibited for Jews to work in the public sector and a number of university programs are closed to them. The mail and telephone conversations of the Jews are under supervision.

The Jewish women and girls in the Quarter are employed by a few Jews who set up a bakery and a textile factory within the Quarter. The Jews can go outside the borders of the Jewish Quarter in Damascus, but the majority of them tend to lock themselves in their homes in the evenings, for fear of being attacked. The word "Musawi" (of the faith of Moses) is printed—in red—on the identity papers of the Jews in Syria. The leader of Syrian Jewry is Hacham Avraham Albert Hamra, who is accepted by the authorities and enjoys freedom of movement, because he is a clergyman.

In the WUJS report, additional details are given regarding the distress of the Jews: In Syria, there are three Jewish schools, but the principals are not Jewish; Jews who work in foreign trade must have senior partners who are non-Jews; military people and government officials are prohibited from purchasing [merchandise] in the Jewish stores.

UNITED STATES SHOULD SUPPORT ISRAEL ON LOAN GUARANTEES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. LEHMAN of Florida. Mr. Speaker, President Bush has requested the Congress delay consideration of loan guarantees for Israel. This raises troubling questions about long-term U.S. commitments toward one of our staunchest allies.

The Bush administration is afraid the Arab countries won't come to a peace conference if the guarantees are made. Yet neither Syria nor Jordan ever asked that the loan guarantees be delayed, nor was this ever a precondition for their participation in the peace talks. Additionally, the Arab states agreed to attend the peace conference without guarantee of a settlement freeze.

The central issue of these guarantees is immigrant absorption, and assisting Israel with this task is the culmination of longstanding American policy. Within the next 5 years, more than 1 million new Israelis may arrive from Russia and the Ukraine alone. President Bush's request is eroding America's historic commitment to freedom of emigration, while $4 billion worth of arms sales to the Arab states initiated since the gulf war are not being questioned. Will peace come from guns, or from homes, jobs, and the infrastructure needed to resettle productive, peace-seeking people?

I recommend to my colleagues the following editorial published in the Miami Herald on September 8, 1991. It summarizes, better than I can, the strong rationale for supporting our friends while equitably encouraging all the Middle East parties to attend the upcoming peace conference.

The article follows:

[From the Miami Herald, Sept. 8, 1991]

UNITED STATES SHOULD BACK ISRAEL

The United States has many "interests," but only a few genuine friends. Of these, none has been more steadfast than Israel. The Mideast's only democracy embodies the values that American aspires to represent in the world.

One of these—Israel's singular immigration policy—is grounded in the very meaning of the Jewish state. Nourished by a vast *diaspera*, Israel is truly a nation of immigrants. Today the great majority come from the Soviet Union—300,000 in the last 18 months. By 1994, more than a million Soviet Jews will settle in Israel. Absorbing them—providing housing, education, jobs—is a burden that states with greater resources would be hard pressed to bear.

Hence Israel, which always has repaid loans faithfully, is asking $10 billion in U.S. loan guarantees over a five-year period to finance part of the $50-billion absorption cost. With U.S. guarantees, Israel can borrow the money from international agencies much cheaper, and on longer terms, than without Washington as co-signer.

President Bush wants Congress to delay the loan request four months, until after the Middle East peace conference that could be held in October. Moreover, the White House has also insinuated that approval of the loan guarantees would be contingent upon Israel's commitment to halting settlements in the occupied territories. Israel opposes both conditions.

Successive U.S. Administrations, of both parties, have opposed Israeli settlements in the territories. The Herald does too, and long has, for the same two basic reasons: International law holds that it's illegal to populate conquered lands; and common sense holds that the settlements could be an immovable (literally!) obstacle to any eventual, durable Arab-Israeli peace.

But which of its own priorities will Washington choose: Opposing Israel's settlements policy, or aiding Israel's policy of resettling Jews long oppressed elsewhere? Resettling the Soviet Jews must come first. Because they are coming to Israel, loan guarantees or not, and their needs cannot wait. They are coming, regardless of what Mr. Bush does or says.

That's why the Administration, without withdrawing its objections to Israel's settlement policy, should help Israel, its only true friend in the Mideast. It's the right thing to do, and America will be repaid in kind.

"60 MINUTES" EXPOSÉ OF CHINESE LABOR CAMPS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. DOWNEY. Mr. Speaker, yesterday, I spoke to my colleagues about the horrifying conditions in Chinese labor camps that were exposed by the CBS television program "60 Minutes." This outstanding report by Ed Bradley and Harry Wu, who was once a prisoner in a labor camp, confirms the need for the Pelosi bill which makes further granting of most-favored-nation status to China dependent on China honoring human rights. Mr. Speaker, with your permission, I would like to include a transcript of this program as part of my remarks.

60 MINUTES: MADE IN CHINA

BRADLEY. Not from what we saw in China just a few weeks ago. In a remote prison camp called Tang Ge Mu in the barren foothills of the Tibetan plateau, we took these pictures of prisoners marching to work in blue uniforms. Many of these inmates are here for life. In another camp—in the capital of Ching Hai Province—these prisoners are processing sheepskin and making leather goods which, as we discovered, will end up in stores across America and around the world. The videotape was shot by Harry Wu, a former Chinese political prisoner now living in California. He agreed—at great personal risk, since he's still a Chinese citizen—to go back with a hidden camera to do what no outsider has ever done before: take pictures inside Chinese forced labor camps.

ED BRADLEY. You spent a total of how much time in prison?

HARRY WU. Nineteen years.

ED BRADLEY. Nineteen years.

HARRY WU. Yeah.

ED BRADLEY. Harry Wu's "crime"? As a student, he spoke out against the Soviet invasion of Hungary. Not far from Beijing, Wu managed to get us into the Qinghe Prison Farm, where he spent four of his 19 years as a political prisoner and where he says he was nearly starved to death. Entrance is strictly forbidden to anyone but labor camp personnel. But on this day, as we drove fifteen miles from one end of the camp to the other, no one stopped us. We could never figure out why.

Along the way, we could see prisoners at work—building a canal with picks and shovels, which is exactly what Harry Wu did when he was in this prison.

If they catch you doing this, what happens to you?

HARRY WU. Go back to the camp again.

ED BRADLEY. You could go back to prison?

HARRY WU. Of course, they will put me back in.

ED BRADLEY. Why are you doing it then?

HARRY WU. Because I think—the world have to realize there is camp system in China.

BRADLEY. A prison camp system modeled on the now-defunct Soviet gulag which experts say is made up of several thousand labor camps and millions of prisoners. Most prisoners are forced to sign confessions before they're even tried, and once convicted, few have a realistic chance to appeal their sentences. Human rights groups say brainwashing and torture are rampant.

The Li brothers—both former political prisoners—now living in Hong Kong, were released just two months ago—after former President Jimmy Carter intervened. They'd been jailed right after the Tiananmen Square movement, required to do forced labor, and, they claim, tortured.

LI. It's very painful to recall. Once I sat on a stone bench with a table in front of me. One policeman sat on the other side, questioning me, another stood behind me. Whenever I refused to admit something, the once behind me would strike me with an electric prod. The shock made me tremble and I couldn't sit still. I feel on the ground. It was unbearable.

BRADLEY. How many political prisoners are there? Recent secret Chinese documents indicate that approximately one in ten are in prison for political reasons, says China scholar Orville Schell, who was our consultant on this story.

SCHELL. We don't really know how many prisoners there are. Let's take five million as a totally arbitrary number, and we can't be much more definite, but that means that there's 500,000 political prisoners. That's a lot of political prisoners.

BRADLEY. All prisoners—including political prisoners—are supposed to "reform" themselves by doing forced labor—"reform through labor" as the Chinese call it. And this is one of the prison factories where reform through labor takes place—a plant on a busy street in Shanghai that makes hand tools. From the front, it looks like a normal factory. But behind the facade—on a side street—the barbed wire and the guard tower are unmistakeable.

This man—who is afraid of being identified—is a former high-ranking Chinese police official, now living in Hong Kong, who is familiar with the plant's operation.

So who are the people who work in this plant?

MAN. The majority are reform through labor prisoners, criminals . . . labor reform criminals.

BRADLEY. Prisoners who are there performing what we would call forced labor, working against their will?

MAN. Yes.

BRADLEY. No doubt about that?

MAN. Yes, no doubt whatever.

BRADLEY. In Beijing, Tong Zhi Guang (Tung Jir Guang), who is vice minister of Foreign Economic Relations and Trade—the government ministry in charge of China's exports—repeated to us the commitment his government reputedly made to President Bush.

No question but that the policy of the government says that products made through forced labor will not be exported from this country.

MINISTER OF MOFERT. No.

BRADLEY. Under no conditions.

MINISTER OF MOFERT. Under no conditions.

BRADLEY. Posing as a Chinese-American businessman who wanted to import hand tools, Harry Wu met with officials at the Shanghai Lao Dung Machinery Factory—the prison factory that makes the tools. Wu asked about purchasing some to sell in the United States and secretly recorded the conversation. Remember: it is illegal for forced labor goods from any country to be sold in the United States.

PRISON OFFICIAL. We would like to speak quite openly with you, because in the United States, Congress recently made a big deal about the special nature of our kind of enterprises.

WU. What about the special nature of your enterprise?

PRISON OFFICIAL. Our products are never exported directly. We always go through the import-export company system.

WU. As far as I know, the United States has a trade law that prevents importation of products made by prison labor.

PRISON OFFICIAL. But we will be exporting indirectly.

WU. But they will be able to find out! This will give us trouble because the customs will find out.

Ms. LU. Not if we don't export directly.

BRADLEY. We invited the prison officials to another meeting in a Shanghai hotel room, and secretly recorded our conversation. Harry Wu introduced me as the President of the American company interested in importing their hand tools. I told them that the one thing that bothered me was the reliability of their prison work force.

Given that these people are what you call reformed through labor, we could call forced labor that they're reliable. That they turn out a good quality product.

They told me there'd be no problem—that their factory had been in business for 41 years.

You know, I have to honest with you Mr. Tung, I, I, I . . . I have spoken to officials in Shanghai of the Shanghai Lao Dung Machine plant which uses forced labor. . . . They said they don't export directly, they do it through export-import companies.

MINISTER OF MOFERT. It's not to my knowledge, in the first place. No prison related manufacturing facilities have been ever given the right to engage in foreign trade. They're not allowed.

BRADLEY. I saw it with my own eyes. It's not in some obscure part of the country, it's in the middle of Shanghai. Prison officials have told me that they want our business, they could export to the United States, and there was a way to get around the problem of the United States Congress by doing it through an export, import company.

MINISTER OF MOFERT. To me it's inconceivable * * *.

BRADLEY. I heard it.

MINISTER OF MOFERT. They're not supposed to.

BRADLEY. But they're doing it.

MINISTER OF MOFERT. Then they're violating the government policy. That is true.

BRADLEY. But three weeks after we interviewed Vice Minister Tong, the Shanghai prison factory was still sending faxes to Harry Wu trying to sell those prison-made goods. We asked Orville Schell why that's so bad.

SCHELL. The question is, who is making the goods.

BRADLEY. Prisoners.

SCHELL. Prisoners. And who are the prisoners? If you have people who are locked up without trials, or locked up because somebody didn't like what they said and what they thought, and what religion they believed in, what they wrote, the kind of films, they make, the kinds of poetry they write, ah, this I think at least most Americans would find very offensive.

BRADLEY. Can you understand that Americans don't want products made by these people under forced labor, exported to the United States?

MINISTER OF MOFERT. As a matter of policy, the Chinese government never allows the export of what you call forced labor product.

BRADLEY. This may be China's "official" policy, but we had no trouble finding that numerous government-owned Chinese enterprises are violating it with impunity. In the forced labor camp where they process sheepskin and leather, Harry Wu asked the prison manager about importing his forced labor products to the United States. "No problem," the plant boss told him, and then he gave Harry Wu the name and address of the import-export firm in Hong Kong that could handle the transaction.

So we sent to Hong Kong and met the middlemen—the Winmate Trading Company. Once again, we pretended to be importers. They told us a lot of this prison-made leather goods are finished in Korea and sold in the United States. So we invited them to a meeting that we once again secretly videotaped. This time, our soundman, Ned Hall, posed as the company president.

HALL. The laborers themselves are prisoners?

COMPANY REPRESENTATIVE. Yes.

HALL. Have you had experience with this kind of labor in the past, have you found it to be dependable?

COMPANY REPRESENTATIVE. Yes, they have their own regulations, and also we send our people to keep on checking the quality also. Once we report to them the quality is not up to standard, the prisoners will have the punishment or beatings or some other things.

BRADLEY. Did she say what I thought she said? What prisoners will be punished or beaten? She did.

COMPANY REPRESENTATIVE. Once we report to them the quality is not up to standard, the prisoners will have the punishment or beatings or some other things.

MAN. Oh, okay.

BRADLEY. Do you think that the government of China is capable of enforcing a policy of no forced labor exports?

MINISTER OF MOFERT. Absolutely.

BRADLEY. Absolutely? Then how was it that the Volvo Company received a letter on behalf of China's labor camp enterprises offering to provide—quote—a large number of criminals as very cheap labor to foreign manufacturers.

How would you represent this letter to Volvo?

MINISTER OF MOFERT. As I say, I do not know . . . It's not to my knowledge. I've never heard of this.

BRADLEY. I'll show you the letter, be happy to show you the letter. "We hear that you want to build plants in Asia. We would like you to build a plant in China, and we will be able to provide a reliable cheap work force of prisoners."

MINISTER OF MOFERT. Now I . . . this name is not even known to me.

BRADLEY. You think this is a mistake?

MINISTER OF MOFERT. Either a mistake, or the letter itself is in doubt.

BRADLEY. Then perhaps you can explain to me, ah, the 1989 law book, the law yearbook of China which is published by Beijing's law publishing house, said that the . . . in 1988 alone the value of products for export made by forced labor increased by 21 percent . . . Now these are the figures published by your government, by government publication. It's in print. How would you respond to that?

MINISTER OF MOFERT. I never know it.

BRADLEY. You never know it. Now your position is what? You're the Vice Minister . . .

MINISTER OF MOFERT. Of Mofert.

BRADLEY. . . . of Mofert. Which is in charge of export . . .

MINISTER OF MOFERT. And import.

BRADLEY. And import . . . And you don't know that?

MINISTER OF MOFERT. No. It has never happened.

BRADLEY. That comes from a government publication.

MINISTER OF MOFERT. Government publication can make mistakes.

BRADLEY. We pointed out to Vice Minister Tong that numerous government publications brag about the use of forced labor for export. One official prison reform journal says: "The labor reform enterprises throughout the country have great potential for developing exports and earning foreign exchange." Minister, it comes from your own government publications.

MINISTER OF MOFERT. As I say, even those publications make mistakes.

BRADLEY. You're an expert on the Chinese government. I don't understand why they would lie to us, to foreigners about something that they boast about in these internal documents.

SCHELL. The Chinese have a long tradition . . . the information they share among themselves within the country is very different from what they expect to share with people outside; namely, you and I. And they . . . they're . . . become used to operating in this kind of dual system. So the . . . they don't imagine that you will know these things.

BRADLEY. Vice Minister Tong says he can't understand why China's most-favored-nation trade status should depend on issues he says have nothing to do with trade.

MINISTER OF MOFERT. Including human rights, arms control, forced labor as we talked about.

BRADLEY. So that China's continuing most-favored-nation trade status should have nothing to do with human rights in this country?

MINISTER OF MOFERT. No, not in my way of . . .

BRADLEY. Should have nothing to do with forced labor in this country?

MINISTER OF MOFERT. No.

BRADLEY. It is only about business.

MINISTER OF MOFERT. Business is business.

NONTRADITIONAL STUDENTS ASSISTANCE ACT OF 1991

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. PENNY. Mr. Speaker, the traditional image of an undergraduate is a 20-year-old full-time student who lives in a dorm for 4 years and then graduates. However, that represents only about 20 percent of college students today. A more accurate picture is a 25-year-old female who lives off campus, works almost full time, and commutes to a community college. She postpones having children until she earns a degree, or she juggles family and school.

Of the approximately 14 million college students, 55 percent are female; 45 percent are at least 24 years old; 40 percent attend school part-time, and nearly 30 percent are married. The number of part-time students is expected to grow to over 60 percent by 1995. And not all part-time students are older: 20 percent of students under age 24 attend school on a part-time basis.

Despite the trend toward attending school on a less-than-full-time basis, very few of these needy students are eligible for Federal student financial assistance. Only a few less-than-half-time students receive Pell grants and these very same students are not eligible at all for federally insured student loans. Today, I am introducing legislation, the Nontraditional Students Assistance Act, to make these needy students eligible for all forms of Federal student financial assistance programs on an equal basis with full-time students.

My bill also expands the Pell grant child care allowance from $1,000 to $3,600. This new level of child care assistance—which is the single largest need of nontraditional students—will make college much more affordable for tens of thousands of needy student families. My bill also cleans up the definition of independent student by making it easier for truly self-sufficient undergraduate students to be declared independent for the purposes of determining their level of student financial assistance.

Mr. Speaker, this legislation is vitally needed. As the Congress moves to rewrite the Higher Education Act, I urge members to be aware of the needs not being addressed by the current student financial aid structure. By making relatively minor changes to current law, we can open the door for many students who currently have no where to turn.

The bill follows:

H.R. 3354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Students Assistance Act of 1991".

SEC. 2. QUALIFICATION FOR INDEPENDENT STUDENT STATUS.

(a) IN GENERAL.—Section 480(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(2)) is amended—

(1) by striking "or" at the end of subparagraph (F); and

(2) by striking subparagraph (G) and inserting the following:

"(G) is an individual—

"(i) who was admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act;

"(ii) who was granted asylum in the United States under section 208 of such Act; or

"(iii) whose deportation has been withheld under section 243(h) of such Act; or

"(H) is a student for whom a financial aid administrator makes a documented determination of independence by reason of—

"(i) a history of self-sufficiency;

"(ii) a history having been a victim of child abuse or spouse abuse; or

"(iii) other unusual circumstances.".

(b) PELL GRANTS.—Section 411F(12)(B) of the Act (20 U.S.C. 1070a-6(12)(B)) is amended—

(1) by striking "or" at the end of clause (vi); and

(2) by striking clause (vii) and inserting the following:

"(vii) is an individual—

"(I) who was admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act;

"(II) who was granted asylum in the United States under section 208 of such Act; or

"(III) whose deportation has been withheld under section 243(h) of such Act; or

"(viii) is a student for whom a financial aid administrator makes a documented determination of independence by reason of—

"(I) a history of self-sufficiency;

"(II) a history having been victim of child abuse or spouse abuse; or

"(III) other unusual circumstances.".

SEC. 3. ELIGIBILITY OF LESS-THAN-HALF-TIME STUDENTS FOR PROGRAMS.

(a) GSL LOANS.—

(1) AMENDMENT.—Section 428(b)(1)(A) of the Higher Education Act of 1965 is amended by striking "any student who is carrying at an eligible institution at least one-half the normal full-time academic workload (as determined by the institution)" and inserting

"any eligible student (as defined in section 435(m))".

(2) DEFINITION.—Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(m) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(1) meets the requirements of section 484; and

"(2) is either—

"(A) carrying at least one-half the normal full-time academic workload at an eligible institution (as determined by such institution); or

"(B) carrying less than one-half such normal full-time workload but (i) has successfully completed the first academic year of a program of undergraduate education, and (ii) is enrolled in a degree or certificate program of such institution and making satisfactory progress in such program (as determined by such institution in accordance with section 484(c)).".

(b) ELIGIBILITY FOR PELL GRANTS.—

(1) AMENDMENT.—Section 411(b) of the Higher Education Act of 1965 is amended—

(A) in paragraph (6), by striking subparagraph (C) and inserting the following:

"(C) from funds appropriated for any succeeding fiscal year unless the student is an eligible student (as defined in subsection (j))."

(B) by striking paragraph (7).

(2) DEFINITION.—Section 411 of such Act is further amended by adding at the end thereof the following new subsection:

"(j) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(1) meets the requirements of section 484; and

"(2) is either—

"(A) carrying at least one-half the normal full-time academic workload at an eligible institution (as determined by such institution); or

"(B) carrying less than one-half such normal full-time workload but is enrolled in a degree or certificate program of such institution and making satisfactory progress in such program (as determined by such institution in accordance with section 484(c)).".

SEC. 4. GRACE PERIODS AND DEFERRAL FOR LESS-THAN-HALF-TIME STUDENTS.

(A) GSL LOANS.—

(1) GRACE PERIOD.—Section 428(b)(1)(E) of the Higher Education Act of 1965 is amended by striking "to carry at least one-half the normal full-time academic workload as determined by the institution" and inserting "to be an eligible student (as defined in section 435(m))".

(2) DEFERRAL.—Section 428(b)(1)(M)(i) of such Act is amended by striking "(I) is pursuing" and all that follows through "or (III)" and inserting "(I) is an eligible student (as defined in section 435(m)), or (II)".

(b) NDSL LOANS.—

(1) GRACE PERIOD.—Section 464(c)(1)(A) of the Higher Education Act of 1965 is amended—

(A) by striking "ceases to carry" and inserting "ceases to be eligible student (as defined in section 435(m))"; and

(B) by striking "at least one-half the normal full-time academic workload,".

(2) DEFERRAL.—Section 464(c)(2)(A)(i) of such Act is amended by striking "is carrying at least one-half the normal full-time academic workload" and inserting "is an eligible student (as defined in section 435(m))".

SEC. 5. CHILD CARE EXPENSE ALLOWANCES.

Section 411F(5)(B)(iv) of the Higher Education Act of 1965 is amended by striking "$1,000" and inserting "$3,600".

FAIRNESS TO THE TREATMENT OF MILITARY RETIREES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation which will bring fairness to the treatment of military retirees. I am joined in this effort by my colleagues from San Diego, Mr. HUNTER, Mr. LOWERY, and Mr. PACKARD.

San Diego is, of course, a major center of military retirees. Thousands of service men and women spend time in San Diego during their military careers, and upon retirement, do as I did and choose to remain in San Diego. Our community benefits richly from their presence, and San Diego offers a host of facilities that make life for military retirees easier.

Foremost among these facilities is the military health care system. Our Naval Hospital in Balboa Park is second to none in offering outstanding care by compassionate, dedicated professionals. There are also numerous clinics and other health facilities which cater to San Diego's large active-duty and retired military community.

One of the attractions of military life is the commitment made by the Government to continued medical care after retirement. In San Diego, however, many retirees have encountered problems in obtaining health care in military and veterans facilities. They thus turn to private and public hospitals, at considerable expense to themselves and the taxpayers.

With this problem in mind, a group of retirees in my district have drafted legislation to reform health care for military retirees. The present wording of title 10, chapter 55, states that care at a military facility is an entitlement; but the point is not clearly worded in all instances. All military persons have been told and promised from day one of active service that medical care would be provided; and that such care, would be provided for life. Current law does not contradict that principle—not in any way.

This legislation uses subvention to allow CHAMPUS and Medicare to reimburse military facilities and veterans hospitals directly when care is provided to a retiree. This provision of care will not cause a new expense to the existing budget, in fact, it can save appropriated money. Subvention, simply put, will permit the spending of an existing CHAMPUS or Medicare authorization in a less costly military or veterans facility rather than a more costly civilian hospital.

The present title 10 authorizes care for retirees and their dependents "subject to availability of space and capabilities." In the case of dependents, but not retirees, current law gives conclusive authority to medical personnel to deny care at the point of admission. In interpretation, the present language is at best confusing. Since care is subject to only 2 conditions subsequent, it is never clear which condition is cited for denial. In truth, care has been denied arbitrarily when there obviously was space and the capabilities existed. In many cases, a retiree is denied when it is blatantly clear that any denial by the medical personnel is authorized as against dependents only * * * there is no rule in the title as to how a retiree is excluded.

This bill will remove all vagueness and pin-down the decision for exclusion to one person in each facility. The decisionmaker at each military facility need only assert that all room/space is needed for active duty, or specifically declare—and advise all concerned up and down—that the service needed is not available.

The cost of providing care at a military facility or veterans hospital is lower simply because there is no profit motive. A prior Army study States that a 40-percent savings is forecast in the case of Medicare subvention. We believe that this is a very conservative estimate. Patient housing cost savings, if considered alone and apart from medical service, would far exceed this estimate.

This is a key point to some authorized retirees and their dependents. This is not a HMO-type plan. The patient can use or not use a military or veterans hospital at their discretion, or can use a civilian hospital if desired.

This bill will not create new benefits or new beneficiaries. It will, however, clarify a vague area in the law and allow our military retirees to fully benefit from the promises made to them. I believe it will also save the taxpayers money and provide better health care. I urge my colleagues to join me in supporting this bill.

FEDERAL FIRE SAFETY ACT OF 1991

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. BOUCHER. Mr. Speaker, I am introducing today legislation to address the serious problem of fire safety in Federal office buildings and federally subsidized housing. Our New York colleague, Mr. BOEHLERT, is the primary cosponsor. Just last month a major fire at the General Services Administration [GSA] headquarters building in Washington displaced more than 2,500 employees and resulted in more than $200,000 in damage. The GSA headquarters building is not protected by sprinklers, a factor we believe may have contributed to the severity of the damage, which included the loss of the historic "Teapot Dome" dining room adjacent to the GSA Administrator's office.

The recent GSA fire highlighted the mounting evidence that our Federal office buildings have serious fire safety problems. More than one-half of the Federal buildings owned by the GSA are more than 40 years old. A May 1991 General Accounting Office report, entitled "Federal Buildings: Actions Needed to Prevent Further Deterioration and Obsolescence" concluded that Federal buildings have long been neglected, and many now need major repairs and alterations including the installation of sprinklers. GAO found that the lack of attention to these problems costs the Government more money in the long run and in some instances jeopardize employees' health and safety. The problem is compounded by the fact that federally owned buildings are exempt from local fire codes.

These problems are not confined only to Federal office buildings. Residential fires are the leading cause of death from unintentional injury in the home for individuals from ages 1 through 64 years. Two thousand deaths from fires occur annually among children under the age of 15 years, with those under 4 years of age being at highest risk. The poor, whether in rural America or in the inner city, are at the highest risk for serious injury or death in a fire. Studies completed in Baltimore and Philadelphia have confirmed that the installation of smoke detectors in low income areas is an inexpensive, reliable means of reducing the risk of death and serious injury from fires.

I believe the Federal Government should serve as a model for fire safety protection and encourage by its own actions, the private sector to use the technology that has been proven to save lives. Three areas where the Government can make an immediate difference in fire safety are Federal office buildings, housing for Government employees, and privately owned, multifamily housing constructed with Federal subsidies.

The legislation I am introducing today will provide greater fire safety protection in these areas by requiring:

First, the installation of sprinklers in newly constructed Federal office buildings having more than 25 employees;

Second, that all newly leased Federal office space having more than 25 employees be protected by an automatic sprinkler system, unless the agency certifies that the commercial leasing market is unable to meet the requirement at an acceptable cost;

Third, the installation of sprinklers in all buildings of five or more stories, which contain leased Federal office space, at such time as the building undergoes a major renovation—defined as improvements representing more than 25 percent of the current value of the building;

Fourth, that newly constructed, multifamily housing for Federal employees whether Government-owned or leased, be protected by automatic sprinklers and smoke detectors; and

Fifth, that newly constructed, multifamily high-rise housing subsidized by the Federal Government be protected by automatic sprinklers and smoke detectors, and rental assistance housing be protected by smoke detectors.

To limit dislocation, the bill would not apply to Federal offices in existing space, or to existing subsidized housing. The legislation does require the installation of smoke detectors in rental assistance housing and the installation of smoke detectors in multifamily high-rise housing which is undergoing major rebuilding and repairs.

The Subcommittee on Science of the Committee on Science, Space, and Technology will hold a hearing on this legislation on September 24, 1991, at 10 a.m. in room 2318, Rayburn. During the hearing we will receive testimony from a number of Federal agencies and others with expertise related to the provisions of the bill. I want to emphasize that our measure is fully consistent with the rights of State and local governments to establish fire and building codes. In most instances, the legislation will simply bring Federal office buildings under the same fire safety protection afforded by many local codes, which presently exempt the Federal Government.

I appreciate the support and interest of the gentleman from New York, Mr. BOEHLERT, who has worked closely with me in developing this legislation. We anticipate early committee actions on the measure and urge our colleagues to join with us in enabling the Federal Government to serve as a model for the private sector in the area of fire safety protection.

H.R. 3360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fire Safety Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) through the Federal Fire Prevention and Control Act of 1974, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control;

(2) the United States has more fires, fire-related deaths, and fire-related losses per capita than any other industrialized nation in the world, with approximately 6,000 deaths annually attributable to fires;

(3) the vulnerability to fire of office buildings and residential housing units can be reduced through strong fire safety measures;

(4) it is essential for the protection of life and property from fire that the most effective technology be employed in detecting, containing, and suppressing fires;

(5) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire; and

(6) federally constructed, renovated, purchased, leased, or operated buildings, and other structures with respect to which Federal funds are expended, should serve as models for demonstrating appropriate means of reducing fire hazards to the local community.

SEC. 3. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 31. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system, installed in accordance with the National Fire Protection Association Standard 13 or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto;

"(2) the term 'equivalent level of safety' means an alternative design or system based, to the extent practicable using the best available technology, upon quantitative cost benefit analysis of the total building system (including structural, mechanical, electrical, and lifesafety systems) and analysis of potential fire loss exposures and adverse conditions related to fire safety, which alternative design or system provides safety equivalent to automatic sprinkler systems;

"(3) the term 'Federal employee' means an employee of the Federal Government, and includes an employee of the United Postal Service;

"(4) the term 'Federal employee office building' means any building in the United States, other than housing, regularly occupied by more than 25 full-time Federal employees in the course of their employment;

"(5) the term 'housing assistance' means any housing assistance—

"(A) provided by the Federal Government in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

"(B) under which rent payments, with respect to all or some of the units in the housing assisted, are limited, restricted, or determined under law or regulation based on the income of the occupying families,

but such term does not include rental assistance;

"(6) the term 'multifamily property' means a residential building consisting of more than 4 residential units;

"(7) the term 'prefire plan' means specific plans for fire fighting activities at a property or location;

"(8) the term 'rebuilding' means the repairing or reconstructing of portions of a multifamily property representing more than 75 percent of the current value of the multifamily property, not including the value of the land on which the multifamily property is located;

"(9) the term 'renovated' means the repairing or reconstructing of portions of a Federal employee office building representing more than 25 percent of the current value of the building, not including the value of the land on which the building is located;

"(10) the term 'rental assistance' means tenant based rental assistance under section 8 of the United States Housing Act of 1937 or any similar rental assistance program of the United States, including the Rural Rental Assistance Program of the Farmers Home Administration;

"(11) the term 'smoke detector' means a hard-wired, single station, self-contained alarm device that is designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto; and

"(12) the term 'United States' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—

"(1) PROHIBITION.—(A) No Federal funds may be used for the construction or purchase of a Federal employee office building unless the building is protected by an automatic sprinkler system or equivalent level of safety.

"(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building unless the entire Federal employee office building includes automatic sprinkler systems or an equivalent level of safety.

"(ii) Clause (i) shall not apply if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at affordable cost to the agency in the location where leasing is required.

"(iii) Within 3 years after the date of enactment of the Federal Fire Safety Act of 1991, and once every 3 years thereafter, the Comptroller General shall audit all certifications made under clause (ii) and report to Congress on the results of such audit.

"(2) EXCEPTIONS.—This subsection shall not apply to a Federal employee office building that—

"(A) was a Federal employee office building before the effective date of the regulations implementing this subsection;

"(B) becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to the effective date of those regulations;

"(C) is owned or leased by the United States Postal Service and has less than 35,000 square feet of space;

"(D) is constructed or rebuilt with funding provided under the Health Insurance for the Aged and Disabled Act; or

"(E) is owned or managed by the Resolution Trust Corporation.

"(3) ADDITIONAL FEDERAL EMPLOYEES.—No Federal funds may be used to increase the number of full-time Federal employees in a Federal employee office building by more than 100 employees over the number of employees in such building as of the date of enactment of the Federal Fire Safety Act of 1991, unless the building is protected by an automatic sprinkler system or equivalent level of safety.

"(4) RENOVATION.—No Federal funds may be used for the renovation of a Federal employee office building of 5 or more stories unless after such renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety.

"(c) HOUSING.—

"(1) HOUSING FOR FEDERAL EMPLOYEES.—

"(A) No Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing for Federal employees or their dependents in the United States unless—

"(i) in the case of a multifamily property acquired by the Federal Government after the effective date of the regulations implementing this subsection, the housing is protected by an automatic sprinkler system and smoke detectors; and

"(ii) in the case of housing with 4 or fewer residential units, the housing is protected by smoke detectors.

"(B) No Federal funds may be used for the rebuilding by the Federal Government of housing for Federal employees or their dependents unless after the rebuilding that housing has fire safety protection as provided in subparagraph (A)(i) and (ii).

"(2) HOUSING ASSISTANCE PROGRAMS.—(A) No Federal funds may be used for housing assistance which begins after the effective date of regulations implementing this subsection unless—

"(i) in the case of multifamily properties of 4 or more stories, the housing is protected by an automatic sprinkler system and smoke detectors; and

"(ii) in the case of all other housing, the housing is protected by smoke detectors.

"(B) No Federal funds may be used for the rebuilding by the Federal Government of multifamily properties of four or more stories with respect to which housing assistance is provided unless after the rebuilding that multifamily property is protected by an automatic sprinkler system and smoke detectors.

"(3) RENTAL ASSISTANCE PROGRAMS.—No Federal funds may be used for rental assistance after the expiration of 18 months after the date of enactment of the Federal Fire Safety Act of 1991, unless the housing unit with respect to which the rental assistance is applied is protected by smoke detectors.

"(d) REGULATIONS.—The Administrator, within 18 months of the date of enactment of the Federal Fire Safety Act of 1991, shall promulgate regulations implementing this section, including regulations to provide specificity to the term 'equivalent level of safety', and shall, to the extent practicable, base those regulations on nationally recognized codes.

"(e) STATE AND LOCAL AUTHORITY NOT LIMITED.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(f) PREFIRE PLAN.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

"(g) REPORTS TO ADMINISTRATOR AND CONGRESS.—(1) Within 3 years after the date of enactment of the Federal Fire Safety Act of 1991, each Federal agency (including the United States Postal Service) that constructs, purchases, leases, or operates a Federal employee office building shall submit a report to the Administrator describing the level of fire safety in the Federal employee office buildings for which that Federal agency is responsible. Based on those reports, within 6 months after the receipt of such reports, the Administrator shall submit a comprehensive report to the Congress detailing the progress of each agency in implementing this section.

"(2) Within 10 years after the date of enactment of the Federal Fire Safety Act of 1991, each Federal agency providing—

"(A) housing to Federal employees;

"(B) housing assistance; or

"(C) rental assistance,

shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.".

THE PRESIDENT SHOULD COMPROMISE IN LATEST UNITED STATES-ISRAELI ESTRANGEMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. OWENS of Utah. Mr. Speaker, for reasons which are still not clear 3 days after the event, President Bush, late last week, began an intensive media crusade to delay by 120 days America's long-promised loan guarantees to Israel for Soviet Jewish immigrants.

No one can figure out why he undertook the high-visibility campaign, but he succeeded in raising the issue to the front pages of public concern, and to enhance dramatically the passions in this country, either in support of or in opposition to the loan guarantees.

The Salt Lake Tribune, in an excellent, thoughtful editorial yesterday entitled "Latest United States-Israeli Estrangement Needs the James Baker Touch" pointed out that "it's time to cool this sort of rhetoric."

James Baker would not have initiated this unseemly and indelicate blast at the Israeli Government at this delicate time of preparation for the peace conference, and to him falls the difficult task of repairing and rebuilding the bridges which the President has chosen to tear down.

This debate is not good for this country, it is not good for Israel, and it is, most of all, not good for the peace process which Secretary Baker and President Bush have so effectively promoted.

There is a compromise available which can spare us this painful, destructive fight. The President should say that he will support the $10 billion guarantee—which does not cost the taxpayers anything—in January, and that he will not try to link it to the peace process. He has hinted at both points. He should now make his support clear, and the current impasse can be resolved.

[From the Salt Lake Tribune, Sept. 15, 1991]

LATEST UNITED STATES-ISRAELI ESTRANGEMENT NEEDS THE JAMES BAKER TOUCH

Once again, a U.S. secretary of state carries an extraordinary task to meetings in the Middle East. This time, James A. Baker III must somehow repair a widening U.S.-Israeli rift when he convenes personally Monday in Israel with Israeli Prime Minister Yitzhak Shamir.

Just a few short months after another triumphant U.S.-Israeli alliance—victory over Iraq's Saddam Hussein in the Persian Gulf War—the two long-time friendly nations are barking complaints at each other. Needlessly as well as dangerously.

The source of the conflict is Israel's request for a $10 billion loan guarantee from the United States, the authorization planned as help for settling Jewish immigrants streaming into Israel from the Soviet Union. While no serious objection to the proposal currently exists in Washington, D.C., President George Bush wants action on it postponed until a comprehensive Middle East peace conference is arranged. He foresees the delay lasting no longer than until the first of next year.

Unfortunately, discussions prompted by the possible delay have degenerated into a test of political wills. Mr. Shamir, in his inimitable style, immediately rejected the notion as a "gift to the Arabs," connecting the issue to the very Mideast struggle Mr. Bush's preferred peace conference is supposed to diminish. The U.S. president, responding to that kind of pressure, trotted out his favorite reprisal—a White House veto of any loan guarantee enacted "prematurely" by Congress.

Inevitably, partisans on all sides weighed in with arch comments of their own. One newspaper in Israel went so far as to characterize the Bush statements as "a declaration of war." It's time to cool this sort of rhetoric.

Granted, the Israelis have one valid point. That is the fear that the Bush administration is delaying the loan guarantees so they can be used during the peace conference to compel Israeli concessions, such as a freeze on further Israeli settlement in lands occupied by Israeli forces but eyed by displaced Palestinians for their future "autonomous" homeland.

Even this is a weak reed, since such arm-twisting could be easily, quickly exposed, to the detriment of the administration's peace treaty ambitions. President Bush, in fact, has the better of the debate, although he needn't have brandished veto threats.

Full loan guarantee approval can be delayed, at least a few more months.

The help can be eventually granted because Israel has always been a dependable borrower, because she desperately needs such assistance and is a good friend of the United States in the Mideast. Since the United States was instrumental in getting Moscow's permission to let so many Russian Jews depart, this country is obligated to help with resettlement costs.

Finally, the sort of cooperation the United States and Israel employed during the Persian Gulf War, with Israel restraining itself even as Hussein lobbed Scud missiles at its cities, relying on U.S.-led forces to smash the Iraqi despot's war-making machine, is the relationship both countries must protect and preserve. The loan guarantee issue is tractable, certainly not worth prompting a U.S.-Israeli estrangement at this important hour.

Expert at mediation, Secretary Baker will surely attempt to reassure and calm his Israeli hosts. His success will depend on a reciprocal readiness to the agreeable. Politics, in the U.S. as well as Israel, is largely responsible for causing this latest difference of opinion between normal and natural allies. But with so much in the balance—the prospects for a workable Mideast peace accord—prevailing as politicians is less important than emerging as mutually distinguished statesmen.

HONORING WEEHAWKEN MAYOR STANLEY D. IACONO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. GUARINI. Mr. Speaker, I would like you and my distinguished colleagues to join me in saluting Anthony Iacono, mayor of Weehawken and a fine public servant.

Mayor Iacono retired at the end of 1990 after serving for a total of 14 years as mayor of Weehawken. During this time he built a solid reputation as a skilled administrator, a strong manager and a leader of the people.

Mayor Iacono's dedication and talents have been recognized through a number of honors and appointments to statewide and national commissions while he served as mayor. This Saturday evening, the residents of Weehawken and many from around Hudson County, my congressional district, will gather to pay tribute to Mayor Stanley Iacono and his achievements.

The people of Weehawken have much to thank Mayor Iacono for. In the 1960's and 1970's, he served on the town's board of education from 1963 to 1969 and from 1976 to 1979—and was elected mayor from 1969 to 1974.

During his tenure, he dealt with many challenges as the character of Weehawken and all of Hudson County changed. Blue-collar and manufacturing jobs, the mainstay of much of the area, were declining. Longtime residents were moving out and new residents with different needs were moving in.

Throughout these changes, Mayor Iacono kept a steady hand on the helm and worked to prepare Weehawken for the future.

After a 6-year hiatus from the mayor's office, Stanley was returned to office by the people of Weehawken. And it was at this time, that Mayor Iacono faced one of the toughest challenges during his career as a public servant.

In 1982, Mayor Iacono took over a town on the brink of disaster. The town had been rocked by scandal. The town's finances were in such poor shape that bankruptcy seemed to be a very real possibility. The people's confidence in their local government had been badly shaken.

But Mayor Iacono managed to turn the town around. He created a credible, honest government for the people of Weehawken. A successful businessman who has been president of Arrow Iron Works since 1960, Mayor Iacono used his business acumen to bring the town back to prosperity.

By the end of the decade, Weehawken was a new town, thanks to Stanley Iacono. Government was running smoothly. A plan to develop the town's waterfront, which is home to breathtaking views of the Manhattan skyline, had been worked out to suit the needs of residents and incoming businesses.

At the end of the mayor's fifth term in office, Weehawken had become one of the most desirable places to live in Hudson County. Taxes were stable, residents were offered excellent municipal services and in Stanley Iacono, the town had a leader it could trust.

Only a true public servant, such as Stanley Iacono, could have ensured a bright future for Weehawken.

Mayor Iacono's dedication to public service also extended beyond the borders of his town. He has served on the state department of community affairs local finance board from 1975 to 1980 and was reappointed in 1989. In 1972, President Nixon appointed him to the White House Commission on Aging.

And in Weehawken, Stanley was more than just mayor. He served on the Weehawken Charter Commission in 1981 and is the past exalted ruler of the Weehawken Benevolent Protective Order of the Elks.

Even though Mayor Iacono has now retired from public life, his legacy will continue. Weehawken's current mayor, Richard Turner, worked closely with Mayor Iacono throughout his time in office. And Stanley's son Anthony is now the town's township manager.

All the residents of Weehawken and especially Stanley's wife, Anna Marie, and his children, Guy, Antoinette and Anthony, should be proud of Stanley Iacono. He has served faithfully as mayor and serves as an example to public servants everywhere.

Mr. Speaker, I hope you and my distinguished colleagues will join with me in saluting my good friend and a fine man, Stanley Iacono.

TWINS FIND SUCCESS IN OPENING "TISKETS AND TASKETS"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today two of my constituents, Ms. Connie Dahms and Ms. Joanna Sguros, who recently were featured in the Miami Herald for their successful Coral Gables gift shop, Tiskets and Taskets. The article "Friendly service is twins' secret to success," tells the story of how two twins gave up the corporate life to open a successful small business:

FRIENDLY SERVICE IS TWINS' SECRET TO SUCCESS

Twins Connie Dahms and Joanna Sguros, owners of Tiskets 'N Taskets Inc., a gift shop in Coral Gables, aren't identical in their ways of running a business. That, they say, is the secret of their success.

Combining the financial savvy of Sguros and the buying savvy of Dahms makes the business appealing to their clientele, they said.

"We live together and work together and we may have heated arguments, but we make up in five minutes and compromise when it comes to the business," Dahms said.

"My partner is someone I can trust. There's no one I'd have gone into business with except her. We think differently but we agree on what needs to be done to get the business ahead," Sguros said.

The store, at 241 Miracle Mile, offers a wide variety of items: baskets, baby bibs, stuffed animals, key chains, books, toiletry items and art note cards. Twenty percent of the items, such as the country wood plaques and ceramic pieces, are made by local artisans.

"You can come in and get a gift for anyone on your list," Dahms said.

"I just love it," said Louise Camperty, a Gables resident shopping in the store. "I like the children's items, the candies, everything. I'd like to just buy up the store."

The sisters opened their first store in May 1989 at 2351 Salzedo St. They moved to their present location on Miracle Mile in March and tripled their business. More than 400 customers drop in weekly.

"When we first started the business, we didn't have the management experience. We thought we had better start small so we opened the store on Salzedo. It was a learning process, but we made our mistakes on a small basis," Dahms said.

The Coconut Grove residents said they wanted to open a gift shop because there are many high-end stores and they saw a need for items suited for those on a tight budget. The most popular items are the Seagull pewter line and dried floral arrangements.

Most items in the store cost $15 to $25. The most expensive is a pewter brush and mirror set for $195.

Before getting into the business, Sguros managed a laboratory at Coral Reef Hospital, since renamed Deering Hospital. Dahms worked for Eastern Airlines, planning and scheduling at a reservation center. Both quit their jobs in December 1987 and spent a year traveling.

"Neither of us wanted to go back to corporate life, especially after a year of traveling to places like Alaska. We always talked about opening a gift shop, so we did it," Dahms said.

Their future goal is to open a tea and gourmet shop.

Currently, they are building a section of goods that promote the preservation of natural resources, such as books on oceans and forests, and towels made by companies that donate part of their proceeds to the World Wildlife Fund.

"We've been told the reason for our success is how we treat people. A lot of our customers are people who now come in and chat with us and we've gotten to know about them and their families," Dahms said.

I am pleased to pay tribute to Ms. Dahms and Ms. Sguros by reprinting this article from the Miami Herald written by Wanda Fernandes. Their story is typical of the many successful entrepreneurs who have achieved their dream through hard work and determination.

RESOLUTION SUPPORTING ARMENIAN PEOPLE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. HOYER. Mr. Speaker, I have just returned from chairing a Helsinki Commission delegation trip to Vienna, where the new round of Confidence and Security Building Measures [CSBM's] talks has begun, to the Baltic States, which are celebrating the restoration of their long-sought independence, to Georgia and Armenia, and finally, to Moscow, where the delegation attended the opening session of the third meeting of the Conference on the Human Dimension of the CSCE.

We found Armenia to be a republic that is no less dedicated to its freedom and independence than the Baltic States. This ancient people has maintained its sense of nationhood through the centuries, in the course of which it has endured many disasters and horrors, especially in 1915. Today, after seven decades of stifling centralizing control by the Kremlin, Armenia stands on the brink of becoming an independent state. In August 1990, a democratically elected parliament passed a declaration on transition to independence. The next step in the process will be a referendum on September 21, to which the Helsinki Commission will send observers.

Mr. Speaker, the Armenian people have set a firmly democratic course toward independence, which promises to yield a welcome addition to the growing number of democratic countries in the international community. On October 16, there will be a multiparty, multicandidate election, in which the people of Armenia will elect a president, and to which the Helsinki Commission will also send observers. Our delegation met with President TerPetrosyan, as well as with leaders of opposition parties that will field candidates. We were deeply gratified to hear all of them pledge their commitment to democratic principles and human rights. Our brief, but deeply felt, experience in Armenia left all the members of the delegation confident about the prospect of democracy in Armenia.

JUSTICE DEPARTMENT'S NEW MIRANDA WARNING

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. KANJORSKI. Mr. Speaker, the U.S. Justice Department has developed a new Miranda warning for admitted Panamanian drug pilot Daniel Miranda and five of his cronies.

You have the right to remain in the United States.

You have the right to receive your pilot's license back.

You have the right to an attorney.

If you cannot afford an attorney we will provide one for you, along with a $510,921 signing bonus.

These are among the benefits the U.S. Justice Department has proposed bestowing upon Miranda and a handful of other drug kingpins with ties to former Panamanian dictator Manuel Noriega and the Medellin drug cartel.

If these confessed drug smugglers, dealers, and money launderers want to stay in the United States they should spend their time in Federal penitentiaries, not on the streets. Yet the Justice Department's policies will turn a number of them loose on the streets again, and will even give them preferential immigration treatment over the millions of hard-working, law-abiding foreigners who seek—and are denied—admission to the United States each year.

I would like to share with my colleagues an article from the Washington Post by Michael Isikoff describing the sordid details of the Justice Department's proposed special deals for these admitted criminals, as well as the text of a letter a number of my colleagues and I will send to INS Commissioner Gene McNary protesting preferential treatment for aliens who break our laws and then seek a haven in the United States.

Hon. GENE MCNARY,
Commissioner, U.S. Immigration and Naturalization Service, Department of Justice, Washington, DC.

DEAR COMMISSIONER MCNARY: We are writing to express in the strongest possible terms our outrage over the Justice Department's request that Daniel Miranda, Louis del Cid, the family of Ricardo Bilonick, and other individuals who are admitted drug smugglers and money launderers be given preferential immigration status in the United States.

Emma Lazarus' inscription on the Statute of Liberty reads, "Give my your tired, your poor, your huddled masses, yearning to breathe free." It says nothing about drug smugglers and money launderers.

At a time when the Immigration & Naturalization Service is running a lottery to give honest men and women a chance for a new life in the United States, and when less than one percent of all applicants in that lottery will be successful, it is a gross injustice that preferential immigration status may be given to convicted drug dealers, racketeers and families. What message are we sending to the world when we encourage individuals to break the law in order to gain admission to the United States.

We urge you to stand up for the principles for which our nation was founded by rejecting these applications for preferential immigration status.

[From the Washington Post, Sept. 9, 1991]

PLEA BARGAINS, FEES FOR WITNESSES AGAINST NORIEGA QUESTIONED

(By Michael Isikoff)

MIAMI.—Lawyer Michael O'Kane said he had no trouble last month when he sat down with federal prosecutors to resolve the case against his client, accused Panamanian drug pilot Daniel Miranda.

"We gave them a list of demands and they basically agreed to all of them," he said.

Last Wednesday, Miranda pleaded guilty to one count of transporting $800,000 in drug proceeds. In exchange for prosecutors recommending a lenient sentence that may result in less than a month of prison time, Miranda agreed to testify against his better-known codefendant, ex-Panamanian dictator Manuel Antonio Noriega.

The deal with Miranda was the latest in a series of plea bargains that, in the eyes of some lawyers, underscores the extraordinary lengths to which the Justice Department has gone in its effort to convict Noriega—the first former head of state to be brought to the United States for trial as a result of a foreign invasion by the United States. The Justice Department declines to comment on individual plea bargains.

The propriety of these deals had already emerged as an issue by the time jury selection began last week in Noriega's trial on drug trafficking and conspiracy charges. Noriega's lawyers have repeatedly accused prosecutors of passing out "Get Out of Jail Free" cards in exchange for cooked-up testimony against their client.

Moreover, say critics, not only have prosecutors dropped counts and offered dramatically lowered sentences to Noriega's codefendants, but prosecutors also have paid $1.5 million in "fees" to another six men—most of them convicted drug traffickers and pilots—for information and potential testimony against Noriega. The prosecutors informed Noriega's lawyers of the fees in a letter.

One of the six was Tony Aizprua, a Panamanian drug pilot who began to implicate Noriega after Aizprua's cocaine-filled plane was forced down in Florida four years ago. Since then, Aizprua has received $510,921 from the U.S. government.

"What they are doing is giving the courthouse away," said Jeffrey Weiner, a Miami lawyer who is president of the National Association of Criminal Defense Lawyers.

Diane Cossin, spokeswoman for the U.S. attorney's office, declined to discuss any specific arrangements with witnesses, but said of the plea bargains, "We do not consider them unusual."

Many lawyers and former prosecutors agreed last week that the plea bargains are not radically different from those entered into by the Justice Department in other cases. The practice of "flipping defendants" to get higher-ups is a longtime prosecutorial practice that has been used in recent years in such high-profile, successful prosecutions as those of drug cartel kingpin Carlos Lehder in 1988 and District drug trafficker Rayful Edmond III in 1989, they noted.

"Within reason and common sense, you do what needs to be done to make your case," said Neal Taylor, a former assistant U.S. attorney who represents another Noriega codefendant who has pleaded guilty—Medellin drug pilot Roberto Streidinger. As Taylor and others have noted, without secret videotaped or written documentation proving that Noriega dealt drugs, prosecutors have been forced to find evidence among drug dealers, money launderers and other felons.

Nevertheless, many defense lawyers here say the bargains for testimony have rarely been as overt and across-the-board as in the Noriega case.

With Miranda's plea last week, seven of the 15 codefendants indicated with Noriega in February 1988 have agreed to plead guilty and cooperate with the government. Many of these "cooperating witnesses" were, like Noriega, charged with serious drug-trafficking crimes and under different circumstances could have faced decades in federal prison. Instead, prosecutors have recommended they receive sentences sharply lower than normal and have offered help with immigration and other problems.

"I've never seen anything like this, and I've been doing criminal defense work here for 18 years," said Joel Rosenthal, a Miami lawyer who represents Amet Paredes, another Noriega codefendant who pleaded guilty in the case last year.

Miranda, for example, had acknowledged flying a Learjet to Colombia to be outfitted for cocaine shipments of Medellin cartel boss Pablo Escobar. The had been facing up to five years in prison.

But prosecutors agreed to recommend he serve no more than 30 months, which O'Kane said will make his client eligible for parole within a few weeks—given the time he has served since his 1989 arrest.

Prosecutors also threw in a couple of sweeteners. They will ask the Immigration and Naturalization Service to grant Miranda, a Panamanian citizen, permanent "legal entry" into the United States. And at what O'Kane said was his insistence, they will recommend to the Federal Aviation Administration restoration of Miranda's commercial pilot's license.

Futhermore, O'Kane said last week, Miranda could provide only corroborating testimony about background events; he has never met Noriega.

A few weeks earlier, former Panamanian diplomat Ricardo Bilonick—who prosecutors charge served as Noriega's go-between with the Medellin cartel—entered a guilty plea to one count of racketeering. Besides agreeing to the dropping of two other counts (one of which involved the smuggling of more than 2,100 pounds of cocaine), prosecutors agreed to help expedite the entry of Bilonick's wife and children into the United States, recommend they stay here without visas and urge foreign governments that he not be prosecuted.

Bilonick, a confessed high-level trafficker who said he met regularly with Escobar, will serve some hefty prison time. He had been facing up to 60 years; prosecutors agreed to recommend 10 years at most, which if adopted by U.S. District Judge William M. Hoeveler, could make him eligible for parole in less than seven.

(Current federal sentencing guidelines do not permit parole, but that applies only to crimes committed after they went into effect in 1987. All of the acts in the Noriega case allegedly took place before then.)

"This is a deal of a lifetime for a guy like this," said Daniel Forman, Bilonick's lawyer and a former federal prosecutor, "Given the level of this guy's activity, and the type of conduct he was involved in, this is the type of defendant who would have been looking at a lot more time."

The government reached a similar arrangement last December with former Panamanian Defense Forces Lt. Col. Luis del Cid, who is expected to testify about handing Noriega envelopes stuffed with hundreds of thousands of dollars of cash that had been passed to him by narcotics traffickers.

Del Cid had been facing four drug and racketeering counts totaling a possible 70 years in prison. Prosecutors dropped three of them and recommended a maximum of 19 years on the fourth. In addition, they promised to forgo deportation proceedings when del Cid is released.

Some lawyers pointed out last week that the government's offers to help with immigration problems is not unusual. The government has long sought to protect its most valuable witnesses through such vehicles as the federal witness protection program. In this case, Panamanians or Colombians who testify run a high risk of making enemies back home and also need protection.

The government should not extract "co-operation from a witness and then leave him hanging," said Jim Gailey, the federal public defender in Miami. "They can't very well have him cooperate and then deport him back to Colombia."

Gailey last month arranged a deal for another codefendant, David Rodrigo Ortiz-Hermida, a Colombian drug pilot serving a 15-year sentence in France for smuggling cocaine through Guadeloupe. Prosecutors said they would recommend a 10-year sentence for him but agreed that it could run concurrently with his prison time in France.

But Gailey said he is not surprised by the government's behavior. "There's probably never been a trial where the stakes are as high." he said.

RETIREMENT OF ROGER GUFFY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SKELTON. Mr. Speaker, September 30, 1991 will mark the end of a distinguished career for one of our country's outstanding financial leaders. Roger Guffy, president of the Federal Reserve Bank of Kansas City, will retire following a 23-year term of service with that institution. His term of more than 15 years as president of the bank is the second longest of the current Reserve Bank presidents and he is the dean of the Federal Open Market Committee.

Roger Guffy and I were in law school at the University of Missouri and became friends, developing a bond that has lasted through the years. I have followed his career and have appreciated the wisdom of those who recognized his talent, and recruited and promoted him within the Federal Reserve system.

He has proven his ability repeatedly. His leadership can be measured successfully through the review process of the board of governors, which has rated the Kansas City bank as outstanding for the last five consecutive years. He has put together an organization at the Kansas City Fed that he proudly points to as the crowning accomplishment of his administration at the bank.

An instinct for working positively with people has served Roger well. The relocation of the president's office within the building is illustrative of the man and his style. The ground floor offices, in an area he called the marble garden, were vacated. While the employees used to have to go by his office each day. He now has to go by theirs, and he enjoys the resulting relationships. The lobby has been converted into a visitor's center with exhibits and information about the operation of the Federal Reserve system.

In reply to a reporter's request to describe a good day, Guffy said:

> A good day would have been a busy day; it would have been full of contact with people. It would have produced a substantive result rather than just pushing paper. At the end of a good day your work really has added up to something, and you walk out satisfied that you've done your best with the tools you have. That would be a satisfying day for me.

It is my sincere belief that description applies to the days that make up the career of Roger Guffy with the Federal Reserve Bank system. He has ably served the Nation in a difficult, challenging position. I want to use this record to state my appreciation for the work he has done for us all.

TRIBUTE TO JAMES W. LILLEY, JR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to pay tribute to a great American, James W. Lilley, Jr., the retiring superintendent of schools in Gloucester Township, NJ.

I am submitting for the RECORD a description, written by Mr. Joseph J. Del Rossi, of some of Mr. Lilley's invaluable contributions to our community.

JAMES W. LILLEY, JR.

A quiet dignified man, James W. Lilley, Jr. has dedicated his life to the schools and community of Gloucester Township, Mr. Lilley's vision and diligence in his role as an educator, in addition to this active participation in community groups and service organizations have made him a well-respected and revered leader in Gloucester Township.

After graduating from Glassboro State College in 1951, an eager Jim Lilley embarked on his career as an educator. His first employment began in 1951 as a teacher in the Cinnaminson public school system. In 1955 he transferred to Delaware Township (Cherry Hill) also as a teacher. During this time, Jim earned his Master's Degree from Rutger's University and in 1956 obtained his first administrative position as principal of the Hunchwan School.

In the year 1957 fate brought a new principal to the Blackwood Elementary School. . . Thus began a most important and eventful relationship between James W. Lilley, Jr. and the Gloucester Township public school system. After a four year tenure at Blackwood, Mr. Lilley was named Assistant Superintendent of the district. He served in this position for just three years; he then received the distinction of being named superintendent of schools in 1964. As Superintendent, Mr. Lilley has personified excellence in education, leading the district through more than twenty-five years of growth and change. His keen perception and "eagle eye" combined with his boundless energy have enabled him to keep a pulse on the needs of the schools, the community and families which they serve.

Mr. Lilley has always emphasized the school community relationship, encouraging the use of schools for over fifty different groups before, during, and after school, including evenings and weekends. Jim has been the key to the school district's involvement in the Annual Gloucester Township Day celebration. The schools' enthusiastic contributions can be attributed to James Lilley and the positive example he displays.

During Mr. Lilley's tenure as superintendent, he effected change in every facet of the school system. He organized a regionalized transportation system that daily transports 15,000 students. Additionally, Mr. Lilley engineered an inventory system which allows joint purchasing for the school district, Black Horse Pike Regional District and the municipality at large. Jim Lilley's support of the local school program has been demonstrated through his meticulous attention to ensuing the best possible education for the children of Gloucester Township. His support of special education programs for the learning disabled and the pioneering of the Gifted and Talented Program are just two examples.

Mr. Lilley's commitment to education and his inherent professionalism are evident in the many educational organizations in which he was a member and held office. Among these are the following: Camden County School Administrators—President, New Jersey Association of School Administrators—Conference Chairperson, Camden County Superintendents Round Table—Chairperson, National and New Jersey Education Associations, New Jersey Association of School Administrators, and the New Jersey Council of Education.

Complementing his role as Superintendent of Schools, James Lilley has been extensively involved in serving the community-at-large. The Rotary International has benefited from his enthusiastic efforts, strong work ethic and leadership skills. He has served as President of the Blackwood Rotary Club, Governor for District #764, and Team Leader for the Group Student Exchange to New Zealand.

In addition to his work with the Rotary, Mr. Lilley has helped to nurture and develop the youth of Gloucester Township and Camden County through his active involvement with the Boy Scouts. He has held office as President of the Camden County Council and Director of The Big Timber District. In 1978 he was elected to the National Council of the Boy Scouts of America. The Boy Scout ideals of "being prepared" and helping those in need are most indicative of the true nature of Jim Lilley.

A relentless worker and strong believer in volunteer and service organizations, Mr. Lilley has also been involved with numerous other community activities and associations. Those include the following: Merchanvilles Pennsauken YMCA, Blackwood Jaycees, Gloucester Township Historic Preservation Society, Blackwood Library Committee, Gloucester Township Businessmen's Association, Camden County Health Services Board of Managers, and the Camden County Hospital Board of Directors.

In light of his extensive involvement with the Gloucester Township community and his sincere communication to the profession of education, Mr. Lilley has received numerous accolades from his peers, the community, and the organizations which he has served. First recognized by his home town in 1973, Jim was named the "Outstanding Citizen in Gloucester Township" by the Junior Chamber of Commerce. His superlative career as an educator was recognized in 1977 by the I.D.E.A. Fellow Institute when they selected James Lilley as one of "500 Out-standing American Educators." The Rotary, which Jim served so well honored him in 1982 with the "Rotary Foundation Citation for Meritorious Service." The year 1985 also saw him being awarded the Glassboro State College "Distinguished Alumni Award." Most recently, James was presented with the "American Legion Appreciation Award for Distinguished Service" in 1986.

Herbert Hoover in 1956 stated, "No greater nor more affectionate honor can be conferred on an American than to have a public school named after him." This most prestigious honor was bestowed upon Jim Lilley in 1985 when the Gloucester Township Board of Education approved the name of its newest building—the James W. Lilley, Jr. Elementary School.

Although Mr. Lilly has faithfully served the Gloucester Township community, his family has always remained a most important and central part of his life. Married for thirty-nine years, James Lilley has been a dedicated family man—a loving husband to his wife, Tina, and a wonderful father to their six children. Today, he and Tina enjoy the pleasure of twelve grandchildren. When he sets aside time to relax, Jim engages in various sporting activities. He has been a well-known catcher for various baseball [cam] and has held membership in the Rosedale Rod and Gun Club, including service as its President. Currently, Jim is an avid golfer teeing off regularly at The Woodbury Country Club and has chaired the Gloucester Township Day Golf Committee for the past three years.

James W. Lilley, Jr., through his lifetime of dedicated service to the community of Gloucester Township and his outstanding achievements as an educator, has truly earned a place of respect and honor in the eyes of those who know him. Mr. Lilley's depth of character and his willingness to serve stand as an extraordinary example for all. His lifetime contributions will be long remembered by those who know him and will have an everlasting effect on the community of Gloucester Township.

CHANGE IN UNEMPLOYMENT PROGRAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. CAMP. Mr. Speaker, I voted in favor of H.R. 3040 because I believe it is important to provide additional relief to families who have been struggling with unemployment. My home State, Michigan, is always among the States hit hardest by an economic downturn, and this most recent recession has been no exception. The hardworking men and women of Michigan want jobs and are looking for work, but they are unable to find jobs. This legislation will provide needed assistance to families who are feeling the pain of a recession and have been unable to return to the work force.

I must say, however, that I would prefer that this legislation provide assistance on a temporary basis, as is our tradition of temporarily extending jobless benefits during recessionary times. It is my hope that our friends in the Senate will take this issue into consideration and that a final bill providing a temporary change to unemployment benefits will emerge from conference committee.

The House has taken an important step today toward providing needed help to those who have been hurt the most by economic misfortune. But let us be careful in future development of this legislation, with respect to an extension of benefits, to take into consideration the long-term effects of a change in the unemployment program, and let us be mindful of the difference between a permanent and a temporary change in law.

OLDER AMERICANS ACT REAUTHORIZATION

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Ms. HORN. Mr. Speaker, I recently wrote to all of the senior citizens in the Second Congressional District. In that newsletter I said that I, as their representative in Washington, was going to do what I can to see that they receive the services and benefits to which they are entitled. As part of this commitment, I recently voted in favor of the Older Americans Act Reauthorization [OAA]. With the passage of this bill, we are assured that, at least for the next 3 years, senior citizens will continue to receive vital services under the OAA.

These services such as meal delivery, legal assistance and in-home caregiving are essential programs that help keep older Americans living in their homes and in familiar family surroundings. I am pleased that the House has moved in an efficient manner to fund these programs at reasonable levels. I am also pleased that there are no cost-sharing provisions in this bill and that seniors will not be faced with fees for services under the OAA.

This reauthorization contains other important provisions to provide better services to seniors in the future. The new Federal Ombudsman Centers will do research and make recommendations to Congress and the administration on legislation for older Americans. This bill will require that the President call a National Conference on Aging. This conference will allow seniors themselves to make recommendations to reform programs. Major legislative initiatives have come out of the last three conferences and I hope this one will be as productive.

Demographics indicate that older Americans are the fastest growing sector of our population. People are living longer and in the next few years there will be growing difficulties in providing sufficient services for seniors. While this bill will do a substantial amount of good, we realize that in the future we must make a larger commitment to providing programs for older Americans. When that time comes, I will be ready to make that commitment.

MONTGOMERY HONORS NATIVE SON HANK WILLIAMS, SR.

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. CLEMENT. Mr. Speaker, today, 68 years to the day that he was born, I rise to pay tribute to one of the greatest musical geniuses in history, Hank Williams.

This afternoon in Montgomery, AL, Hank Williams, Sr., will be honored by the city where his musical legend began.

Mayor Emory Fulmer and the Montgomery City Council dedicated a plot in the city park across from city hall to house a life-sized statute of the immortal Hank Williams.

Hank Williams music has become part of our national heritage. The songs he wrote and performed not only changed the face of country music, they became part of Americana and live on today in the United States and throughout the world.

I'd like to share with my colleagues an outline of how the career of this musical genius began.

Born on September 17, 1923, in Mount Olive, AL, Hank Williams was the son of a poor rural family. He spent his childhood years in a log home listening to his mother, a church organist, whose hymns and southern gospel were Hank's first introduction to music.

By the age of 7, due to the ill health of his father, Hank worked in the street selling peanuts and shining shoes to help provide a meager income for his family. He learned to play guitar from a street musician named Teetot.

At age 11 he learned to accompany himself on a $3.50 guitar his mother bought him as a birthday present. The following year he won first prize in a songwriting contest with his original composition of "WPA Blues," and by age 14 had formed his own band playing local hoedowns and dances. "Hank Williams and the Drifting Cowboys" became regulars on Montgomery radio station WSFA.

During the early and mid-1940's Hank Williams tried jobs ranging from rodeo rider to working in the Mobile shipyards.

Hank returned to Montgomery in 1944 where he formed another band also named the "Drifting Cowboys" which included his wife Audrey.

From that time Hank Williams continued to write and perform songs that would make him a legend. Through highs and lows in his career and personal life, Hank Williams continued to display a God-given talent and ability—a gift that comes along maybe once in a lifetime—to write and perform music that touched people's souls.

Although he could never read or write music, Hank Williams forged a career that people remember today. The author of 125 songs, this man who came from humble roots in the Alabama countryside, will be honored in the city where he first began his career.

Hank Williams, Jr., nicknamed Bocephus by his father, selected Doug and Sandra McDonald of Mabank, TX, to create the bronze sculpture of his father that will be unveiled this afternoon. Ralph Houlditch, a Montgomery resident, created the special base for the statue. Hank, Jr., will unveil the bronze statute of his father at 4 p.m. this afternoon in Montgomery.

The memorial to this immortal talent is fitting, appropriate, and richly deserved.

I ask my colleagues to join me today in honoring and remembering this legend whose contributions to the music industry and to our national history and culture will live forever.

ST. JOHN'S CHURCH: 300 YEARS OF SERVICE TO YONKERS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. LOWEY of New York. Mr. Speaker, we are still a new country in a new world, and we have few institutions that have 300-year histories. One of those is St. John's Church at Getty Square in Yonkers, NY, which is beginning its tercentenary celebration this Sunday. As it does so, it is a vibrant institution making important contributions to its parishioners and to the community at large.

In the 1690's, much of what is now Westchester County was part of the vast Phillipse Manor estate. Yonkers, then a small hamlet surrounded by farmland, was part of that land when it was constituted as a parish of the Church of England in 1693, the beginning of what became St. John's.

The church building was begun in the 1750's, and finished in time to serve as a hospital for wounded soldiers during the Revolution. In 1792, it was formally named St. John's. As Yonkers grew over the next century, St. John's grew as well. Several additions were made to the building, culminating in a major rebuilding in 1872, when the church acquired the beautiful appearance that it maintains to this day.

Through the years, St. John's has played a valuable role in Yonkers' civic life. The church built the first hospital in the city, St. John's Riverside, in 1872, established a home of the aged, and nurtured innumerable local charities. Its members have included many of Yonkers' leading citizens. That record of service, I am confident, will continue in the centuries ahead.

This weekend, St. John's will begin the celebration leading up to its 300th anniversary. I am proud to represent such a venerable and important institution, and I join all of the members of St. John's in recognizing the important accomplishments of their church as it prepares to enter its fourth century of service. They have a fine history, which provides a firm foundation for a future of continued service to the people of Yonkers.

OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. COUGHLIN. Mr. Speaker, today I am delighted to be joined by my distinguished colleague, BILL HUGHES, to introduce critically important legislation requiring mandatory drug and alcohol testing of transportation professionals.

The Omnibus Transportation Employee Testing Act of 1991 will require testing for drug and alcohol use by the operators of aircraft, railroads, commercial motor vehicles, and mass transportation vehicles. It protects the rights of those tested by incorporating guidelines established by the Department of Health and Human Services [HHS] on laboratory accuracy, as well as protections for individual privacy.

In 1989, the Department of Transportation [DOT] issued final rules to require drug testing of nearly 4 million transportation workers. While this is certainly a step in the right direction, this legislation will provide the DOT with the statutory authority necessary to prevent court challenges. It will also require the DOT to supplement their program with requirements for alcohol testing.

The evidence of drug and alcohol use in the transportation industry is overwhelming. Just last month, 5 people were killed and at least 130 others were injured when a New York City subway train derailed and crashed. The motorman had a blood alcohol content [BAC] of .21 percent—twice the legal limit in New York State—when he was tested 13 hours after the accident.

In the wake of this terrible tragedy, I want to commend Sonny Hall, president of the Transport Workers Union Local 100, for his public recognition of the need for random testing stating that his members "Have no fear of drug or alcohol testing." It gratifies me greatly to see that union leaders who have traditionally been opposed to random drug testing are acknowledging that testing is a logical response to a very serious problem.

In January 1987, a crash between a Conrail freight train and an Amtrak passenger train at Chase, MD, resulted in 16 fatalities and 170 injuries. The Conrail train's engineer and brakeman subsequently testified that they had been smoking marijuana in the cab prior to the fatal accident. The National Transportation Safety Board [NTSB] further found that a probable cause of the accident was the engineer's failure, as a result of impairment from marijuana, to stop the train in compliance with cab and wayside signals.

In March 1990, a Southeast Pennsylvania Transportation Authority [SEPTA] train crashed, killing 3 people and injuring 94. Transit authorities subsequently announced that one of the motormen on the subway train tested positive for cocaine use.

A recent incident involving substance abuse in the aviation industry was the sentencing in 1990 of three Northwest Airlines pilots who had flown a jetliner with 91 passengers on board while intoxicated. Fortunately, the plane landed without incident. Two hours after the flight ended, the blood alcohol content [BAC] of the crew's captain was 0.13 percent. It was only because airport authorities were able to test under Minnesota law that the pilots were found to be legally intoxicated.

The inspector general of the Department of Transportation has reported that 10,300 active, FAA-certified airmen had their driver's licenses suspended or revoked for driving while intoxicated between 1980 and 1987.

During 1990, the first year that private sector drug testing was conducted under DOT's aviation drug testing rules, 120,642 drug tests were conducted and 571 airline workers tested positive—178 in random tests.

With respect to the commercial motor carrier industry, in 1990, the National Transportation Safety Board [NTSB] announced the results of a 1-year study of fatal truck crashes in eight States. The NTSB found that 33 percent of the truckdrivers who were killed in these crashes were drug or alcohol impaired.

These threats to public safety are why the U.S. Supreme Court has found testing programs to be within the limits of the Constitution—Federal Railroad Administration postaccident testing of railway workers, FAA testing of persons holding safety-sensitive positions in the aviation industry and U.S. Customs Service drug testing requirements for employees seeking promotions.

Moreover, the Court has let stand several appeals court rulings including one upholding the constitutionality of the DOT internal random drug testing program for those agency employees in safety-sensitive positions.

The fact is that large numbers of transportation employees work in an environment with little, if any, direct supervision. A strong deterrent, such as the threat of being detected and sanctioned for drug and alcohol use is, therefore, a necessity.

We rely upon the vigilance of trained employees to remain alert to occurrences that might endanger our safety. Those who drink alcohol or use illegal drugs simply have no business holding a sensitive travel or public-safety job through which they assume responsibility for innocent lives.

Mr. Chairman, the presence of alcohol and illegal drug use in the transportation industry poses far too serious a threat to ignore. Drug and alcohol testing is the only method we have to reasonably ensure that transportation professionals will not use drugs or alcohol.

The fact is that random testing works. Since the Department of Defense instituted random testing, drug use has decreased 82 percent—dropping from 27 percent in 1980 to 4.8 percent in 1988. The Coast Guard started random testing in 1983 and has been a drop in drug use from 10.3 percent to 0.41 percent in 1990.

Further, the public supports testing. A recent Gallup Poll found that 80 percent of all Americans surveyed favored testing of those in public safety positions. Moreover, this bill will require rehabilitation programs that give employees the opportunity to come forward and get help before they are identified through testing as a drug or alcohol abuser.

This legislation is identical to S. 676, introduced by my colleagues, Senators HOLLINGS and DANFORTH. The Hollings-Danforth legislation has passed the Senate 11 times since it was first introduced in 1987. Unfortunately, the House has been consistently denied the opportunity to speak on this serious issue.

Mr. Chairman, the need for this legislation is obvious and the time for action is now. Enactment of this legislation will strengthen efforts already underway in the transportation industry. The potential for disaster created by those who abuse alcohol and illegal drugs while employed in safety sensitive transportation positions mandates that we do everything we can to eliminate the cause of the threat—before more innocent lives are lost. I urge my colleagues to consider the importance of this issue and join me in this effort.

1991 OUTSTANDING COMMUNITY OF PENNSYLVANIA

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. RIDGE. Mr. Speaker, it is a great pleasure of mine to extend my personal congratulations to this year's recipient of the Outstanding Pennsylvania Community Award, Titusville, PA.

Titusville has been selected from an outstanding field consisting of 2,750 cities, boroughs, and townships from the beautiful Commonwealth of Pennsylvania. The Pennsylvania Chamber of Business and Industry has long recognized the key roles played by local communities across the commonwealth in the economic development of the State. Titusville has epitomized this role and has truly earned this auspicious award.

Titusville has great reason to be proud. The community has experienced all facets of growth and development, while surviving depression and troubled economic times. It has gone from being the center of the oil producing universe in the 19th century, to an area with a few struggling industries in the 1980's, to a thriving community that is successfully preparing itself for the diversity that will be needed to survive well into the 21st century.

Titusville possesses the ability to attract and maintain new business and industry, a quality that can be attributed to its quiet, healthy rural setting. I have no doubt that it will continue to prosper as a talented and caring community.

Once again, congratulations to the city of Titusville. As is known, the Commonwealth of Pennsylvania is a beautiful, diverse and wonderful part of our Nation and it is truly an honor to receive the distinguished recognition as "Pennsylvania's Community of the Year." I send my best wishes to the community of Titusville and look forward to its very bright future.

TRIBUTE TO BRANCH 259 FIRST CATHOLIC SLOVAK UNION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Branch 259 of the First Catholic Slovak Union of my 17th Congressional District of Ohio. As this branch prepares to celebrate its 95th anniversary, I feel that it deserves recognition for its devotion to the community and the Catholic Union.

During the late 19th century, the Mahoning Valley and the surrounding area experienced a large influx of Eastern European peoples. With nearly a million new people of Slovak extraction in the area, there was a need to create a social and cultural society. Branch 259 quickly emerged to fulfill this cultural gap. The leadership helped to unify the Slovak peoples by building religious centers. They were responsible for the building of the Holy Trinity Church, which began construction in 1900 and was dedicated in October 1907. Perhaps the most grateful legacy that the founders left to later generations was the founding of the Holy Church, and today it stands as the symbol of Slovak brotherhood and community.

When it became necessary to consider building a new church and school, again the 259th was focal to the construction and completion of these projects. Under the watchful eye of Rev. Thomas Sofranic, the Slovak Union aided in the planning of the church and the site selection.

Lodge 259 has also distinguished itself as extremely patriotic and loyal to the values of America. One of their initial purchases was an American flag. At the time, there were only 45 States in the Nation, but the 259th still displays its 45-star flag proudly.

The branch has also been actively involved with the supreme general council of the First Catholic Union for over 30 years. Attorney Ted Macejko, former law director for the city of Struthers, has been elected to the council and represents Mahoning Valley and Branch 259 proudly. Once again, I salute Branch 259 of the First Catholic Slovak Union for their dedication to the community and to America and the values we treasure.

A TRIBUTE TO THE VOLUNTEER FIREMEN'S ASSOCIATION OF FREEPORT, PA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. KOLTER. Mr. Speaker, it is with special pride that I rise to pay tribute to the Volunteer Firemen's Association of Freeport, PA. Comprised of the Freeport Volunteer Fire Department, the Ladies Auxiliary, and the Freeport Ambulance Service, these three groups of the association are celebrating anniversaries this year.

First organized in 1886, the Freeport VFD provided early fire protection for local residents using leather buckets to form brigades taking water from the nearby canal. Reorganized in 1916, the Freeport Firemen are now celebrating their 75th anniversary. Today, the VFD boasts over 50 men and women who volunteer their services and "put it on the line" for their community.

Since 1941, the Freeport Ambulance Service has answered the call of those in need of emergency care. Marking 50 years of emergency medical service, the Freeport Ambulance Service was the first of its kind to be established in Armstrong County. Thanks to the generosity of area residents and a well-trained staff, Freeport Ambulance is recognized as one of the finest advanced life support units in the Allen-Kiski Valley. Freeport Ambulance Service presently responds to nearly 1,000 urgent calls a year in portions of Allegheny, Armstrong, Butler, and Westmoreland Counties.

And where would these rescue workers be without the excellent support from the Freeport Firemen's Auxiliary? Since 1951, these dedicated ladies have been there when needed. Providing assistance at the fire hall during emergencies and raising funds of equipment purchases, the Freeport Ladies Auxiliary is, this year, commemorating 40 years of selfless commitment.

Therefore, Mr. Speaker, I ask my colleagues to join me in praising the members of the Freeport Volunteer Firemen's Association and congratulate them for their respective anniversaries.

WHITNEY HIGH SCHOOL RECEIVES NATIONAL RECOGNITION AWARD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. TORRES. Mr. Speaker, I rise today to call my colleagues attention to the fact that on September 25, 1991, the U.S. Department of Education will award, for the second time, Whitney High School, in the ABC Unified School District, the National Recognition Award. On September 22, 1991, Whitney students, faculty, and parents will celebrate this occasion with a banquet.

For the second time in 4-years, Whitney High School will receive this prestigious honor of being selected for the National Recognition Award. Whitney is 1 of 19 secondary schools in the Nation to receive this award twice. This award is the highest honor given to schools throughout the Nation, by the Department of Education.

The Whitney community has much to be proud of by this latest academic achievement. The strong parental support that exists in the community is an essential component in our young peoples education. Whitney High School continues to achieve academically and exert high ideals and high expectations.

Mr. Speaker, Whitney High School has been and continues to achieve academically. Whitney High School is an extraordinary institution representing academic achievement and high ideals. I take great pride in congratulating them in their achievement and ask my colleagues to join me in commending Whitney High School for their dedication and determination and wishing them continued success in the future.

BELINDA MASON: REST IN PEACE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. KOSTMAYER. Mr. Speaker, Belinda Mason, a mother, a wife, and a member of the President's National Commission on AIDS, died of the disease last week.

The Washington Post described her in its obituary as "an activist who was the only member of President Bush's National Commission on AIDS who was infected with the virus * * *."

She lived in Utica, KY, and became infected with the virus in January 1987, while receiving a blood transfusion during the birth of her second child. She was diagnosed as having AIDS in October 1988. Ms. Mason was president of the National Association of People With AIDS and the founder of Kentuckiana People With AIDS, the first group in Kentucky dedicated to finding a cure for the dreaded disease.

She distinguished herself, Mr. Speaker, on two counts. First, though a member of the National Commission on AIDS, she was critical of the Bush administration for treating AIDS as a moral issue rather than a health issue. In fact, in August she wrote to the President asking him to use his influence to keep people with AIDS from being stigmatized; advice he has so far not heeded.

Ms. Mason distinguished herself not only in her policy positions, but also in her personal approach to others with AIDS. Explaining, this past summer, why the President chose her for the Commission, she said, "I was perfect, I was southern, I was white, I was articulate, and I got AIDS in a 'nice' way." Yet, in the words of Carisa Cunningham of the AIDS Action Council "She never tried to separate herself from every other person with AIDS who got it through drug use of sexual activity." She tried, Mr. Speaker, to change the face of AIDS and to some small degree she succeeded.

She refused to distinguish people by the way they contracted the disease and she urged that it not be a cause for prejudice and discrimination, but rather for love and compassion and understanding.

Her death was tragic not only because she was a mother and a wife and a daughter and a sister, but because in spite of her own tragic personal circumstances, she chose compassion over cruelty and understanding over prejudice. What an extraordinary person she must have been.

TRIBUTE TO PATRICK YOUNG

HON. MEL HANCOCK

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. HANCOCK. Mr. Speaker, Mrs. Doris Yeakey of Joplin, MO, recently called my office to relate a story about a brave young man who saved her husband's life.

Mrs. Yeakey explained that on March 1, 1988, at 5:30 a.m., Patrick Young responded to her husband's calls for help after Mr. Yeakey had fallen into a lake.

Mr. Yeakey said he "was just about ready to give up" when he heard Patrick respond to his calls. Patrick, then only 14, then rescued Mr. Yeakey with the aid of his mother.

That young man, Patrick Young, is now, appropriately, serving in our Nation's military. He is also to be married on September 19 of this year.

It is always encouraging to hear true-life stories of bravery and heroism. And it is good to know that young men of Patrick's character and courage are serving our Nation in the military.

THE DEPOSIT INSURANCE IMPROVEMENT AND TAXPAYER PROTECTION ACT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, as a member of the Energy and Commerce Committee, and a former member of the House Banking Committee, I have been following the banking reform legislation very closely. Furthermore, I have generally been supportive of this endeavor. I believe it is important to authorize legitimate additional powers for banks to improve their competitive position in the growing global economy.

I do have problems, however, with the way the restructuring legislation has been shaping up. We are expanding the powers of our Nation's financial institutions without effectively addressing the underlying problems of taxpayer exposure.

I had hoped that the Banking Committee would have addressed the issue of deposit insurance in a more effective manner than it did. Consequently, those of us on the Energy and Commerce Committee, are forced to place tighter restrictions and an increased regulatory burden on such affiliations so that taxpayer exposure is minimized.

Furthermore, expanded bank powers are not all they are cracked up to be. Neither the insurance industry nor the securities are very profitable at the moment. As I have said many times before, we need to be cautious to avoid the repeating the problems of the past. I, for one, do not want to revisit these issues down the road in the form of another taxpayer bailout.

Quite frankly, I am skeptical as to whether or not the reform effort will accomplish the original goals of the Treasury proposal: That of making banks more competitive, safer and less encumbered by regulation.

The real key to reform and to controlling taxpayer exposure is deposit insurance. Unfortunately, we are now faced with a legislative proposals which does not significantly change the deposit insurance system, while allowing securities firms to affiliate with holding companies—companies which own banks backed by taxpayer dollars.

To address this point, I am introducing legislation which would create a market based pricing mechanism to insure deposits above and beyond the $100,000 level currently offered by the FDIC. The original proposal was drafted to prohibit securities firms from affiliating with holding companies whose insured banking affiliate is not a narrow or core bank and which does not have deposit insurance with a market based pricing structure. Although the core bank is not essential to my bill—and not included in it—the core bank is logically consistent with the underlying goals of this legislation.

By narrowing the banking functions and by providing a sound deposit insurance system—one which infuses market discipline and minimizes the public subsidy inherent in deposit insurance—the holding company will be safe enough to allow affiliation with securities firms. Consequently, the debate over specific fire-walls or other such provisions becomes much less important to the underlying safety of the system.

Specifically, the legislation I am introducing today would maintain current deposit coverage, but would also offer the depositor the option of buying deposit insurance in unlimited amounts for deposits in excess of $100,000—though the bank would charge market based insurance rates for that coverage. This extra coverage will be priced through a private sector mechanism.

In order to price the insurance for deposits above $100,000, the FDIC will obtain competitive bids from private insurance companies for coverage of 5 percent of the total amount of the insurance purchased on terms that put the insurance company at risk equal to the FDIC's risk.

For example, Jane Doe deposits $150,000 in ABC national bank. She has $100,000 in Federal coverage, and purchases an additional $50,000. The FDIC will lay off $2,500 to Prudential, which will set the premium at 62 basis points for banks in ABC's risk category.

The bank would collect the $310 from Jane and forward the premium to FDIC. FDIC would, in turn, forward $15.50 to Prudential. If ABC goes under, FDIC would pay Jane the full $50,000 and collect $2,500 from Prudential.

After the resolution of ABC is complete and the recovery cost is known, the FDIC will forward the recovered amount to Prudential. If, in this example, 50 percent is recovered after ABC's resolution is complete, Prudential would receive a check for $1,250.

The driving force behind this idea is the need to address the deposit insurance issue, and particularly the need to infuse market forces into the pricing of deposit insurance. Obviously, this would cut both ways. For instance, there are many banks in Maryland which would qualify for insurance at a rate of 5 or 10 basis points. Under the foregoing example, this would mean an insurance fee of $25 to $50 for extended coverage as opposed to the $310 fee in the example. Thus, the safer the bank, the more attractive it will be for such deposits.

Currently, we have a de facto too-big-to-fail policy where this extra $50,000 is insured at taxpayer expense. The legislation I am introducing is the first step toward weaning banks off this Federal subsidy, and beginning the transition to a market-based pricing system for deposit insurance.

This theme exemplifies the kind of changes which need to occur throughout the banking industry. There is a role for regulation and for insurance. But the market handles many problems more efficiently, and will address potential problems before they really get serious. Finding the right balance is crucial. The restructuring of the financial industries demands that a similar balance be found. One which creates new opportunities for banks, but uses market forces to keep the new powers in check—avoiding a situation where the associated risk is pushed off to the United States.

THE REWARDS OF SMALL TOWN LIVING

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. MYERS of Indiana. Mr. Speaker, Attica, IN, an attractive, small community will celebrate its 125th year of existence this Sunday, September 22. It will do so with the ceremony, emotion and joy with which only a town like Attica can commemorate a long and happy life.

There will be all the usual proclamations by State officials, including Indiana's Governor, who urges "appropriate citizen recognition and participation in this celebration and rededication to the fundamental tenents of American freedom which continue to be unique and unmatched anywhere in the world."

There will be parades and banquets. The women and men who served our Nation so well in Desert Shield and Desert Storm will be honored; their latest Song of Freedom will be underscored by a military band from Chanute Air Force Base.

Nearly as old as the community itself is Margaret Nave Johnson, who on September 14, entertained dancers, bands and well wishers at her Monroe Street home. Her longevity attests amply to the temporal benefits to be derived from life in a truly decent small community.

Attica's football fans can join their Attica High gridiron warriors on a September 21 trip to the Hoosier Dome in Indianapolis for a contest with nearby Fountain Central.

May I paraphrase Daniel Webster who, arguing a famous suit on behalf of his alma mater, Dartmouth College, noted "it is a small place but there are those of us who love her." Webster might well have been speaking of Attica, whose anniversary reminds us that there is much to be derived from the pleasures of small town living. Attica and her people express and represent the best of those values. It is most appropriate that a celebration of these small town values pauses to incorporate a "hurrah" for the selfless men and women who so recently risked life and limb in the Middle East—for those same values that have always underpinned the Atticas of our land. The tree of freedom has always grown softly, slowly and well in these places. The values of such communities are interwoven throughout the fabric of America herself and remain our finest national "export" in time of war or peace.

Happy Birthday, Attica, her citizens and her heritage.

IN RECOGNITION OF COX CABLE OF HAMPTON ROADS

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. PICKETT. Mr. Speaker, I rise today to commend Cox Cable of Hampton Roads for the outstanding record of public and community service that they have established in serving the people of southeastern Virginia.

The company and its employees have worked hard to be a good corporate citizen. Few organizations or individuals in our region have contributed more to the civic and cultural betterment of our community. In 1990 alone, Cox donated air time for community-based programs worth more than $3.8 million. Included were feature profiles of volunteer leaders in Hampton Roads and programs designed to inform area residents about everything from local civic league developments to the availability of important public services. In showcasing the achievements of volunteer leaders in our community, Cox Cable has strengthened the commitment to public and community service that is so important to our national life.

Cox has also initiated the Cox Naval Affair Project [CNAP], which offers programs on matters of particular interest to the thousands of Navy families living in Hampton Roads. These programs were immensely popular earlier this year when so many of our people were deployed to the Persian Gulf. Cox Cable has also committed $60,000 for audiovisual activities in the local public schools.

The local director of communications for Cox Cable, former Norfolk Mayor Irvine Hill, has worked tirelessly on these civic, educational, and cultural programs, as well as on many other projects that benefit our region.

The infectious spirit of community service that is present at Cox Cable has motivated the company's employees to form groups that work in food banks, in our local Adopt-A-School Program, and in the Make-A-Wish Foundation.

Mr. Speaker, in recognition of these and other public service achievements, the Virginia General Assembly adopted a resolution earlier this year acknowledging the contribution made by Cox Cable of Hampton Roads to the civic, educational, and cultural development of the growing community that it serves. I wish them continued success in these endeavors.

THE OLDER AMERICANS ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. ATKINS. Mr. Speaker, my remarks today are to congratulate the Congress for its overwhelming support in passing the Older Americans Act on Thursday, September 12, and to recognize the many wonderful programs established by this legislation. Since its first passage in 1965, the Older Americans Act has provided millions of elderly Americans a variety of daily supportive services ranging from in-home nursing care and home delivery of meals to legal assistance and community services jobs programs for low-income older workers. Not only do these services provide daily assistance for basic needs that you and I might take for granted, but they allow older Americans to maintain a sense of security and dignity in their lives.

Americans are a compassionate people who believe in caring for those in need. The Older

Americans Act is clearly an example of the good that Congress can do to create a healthier living environment for all Americans, in particular, older Americans who have paid their dues for so many years.

The Older Americans Act will continue to provide funding for nutrition programs and in-home care. The act has also taken significant steps in the area of respite care for those families. who provide around the clock care to a frail elderly family member. The passage of the Older Americans Act assures families that the Federal Government is there to assist them in their efforts to keep an elderly family member at home, avoiding the need for nursing home care. This new provision provides a breather to the home care giver so that he or she may continue to lead a productive life. The Older Americans Act also provides funding for demonstration projects for multigenerational activities, enabling senior citizens the opportunity to make a positive impact on our youth in the areas of child care, education, and juvenile delinquency.

Through the Older Americans Act, a network of 655 area agencies has developed across the country. These agencies have established an even larger network of local community organizations and church groups working together to provide basic services to the elderly. The Federal dollars Congress appropriates for the Older Americans Act go far beyond $1.3 billion. It would be nearly impossible to measure the value of all the volunteer hours given by both young and old. It would be nearly impossible to measure individual expenses for gasoline, and wear and tear on personal automobiles used to deliver "meals on wheels." If the Federal Government had to pay for all those hours and out of pocket expenses, the costs would be astronomical.

The Older Americans Act will have a direct impact on my State of Massachusetts. In Massachusetts, roughly 33,000 needy elderly citizens receive assistance every month from a dedicated corps of volunteers. In the Merrimack Valley, made up of 23 cities and towns, 1,500 meals are provided daily; 900 of which are home delivered. In Framingham, the Baypath Senior Citizen Services Center serves roughly 1,260 congregate meals and home delivers 1,635 meals weekly. The State, along with all the local community organizations and church groups, would not be able to reach all these people if there were no Federal assistance.

Over the last few years, Massachusetts has seen its elder services budget cut by as much as 25 percent. These cuts have a human face—older men and women who receive less and less basic care and support. Federal funding through the Older Americans Act will bolster elder services in Massachusetts in the wake of substantial State budget cuts. This Federal money will also help the State provide additional services to some of those people who would not otherwise receive them.

Mr. Speaker, it was with pride and commitment that I cast my vote for the Older Americans Act and I congratulate the Congress for its passage of this legislation. I also wish to commend the many volunteers and administrators who make these programs work. Their time, caring, and dedication in providing these services on a daily basis underscore the spirit of this legislation.

GULF '92

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. LAUGHLIN. Mr. Speaker, today I am introducing legislation that designates 1992 as the year of the Gulf of Mexico. I grew up on the Gulf of Mexico and throughout my life have come to appreciate it for its many values. However, the gulf's resources benefit people far beyond its borders.

The Gulf of Mexico produces 40 percent of the Nation's seafood. The gulf produces 90 percent of U.S. offshore oil and gas. In fact, revenues from Outer Continental Shelf oil and gas leases in the gulf rank second only to the Federal income tax as a revenue source for the U.S. Treasury. Gulf ports handle 45 percent of U.S. import-export shipping tonnage. And the gulf draws millions of tourists from all over the country to fish and enjoy its beaches.

Unfortunately, many people do not realize that the gulf has been environmentally impacted by activities occurring all over the country. Two-thirds of the continental United States drains into the Gulf of Mexico. And the environmental quality of the gulf is beginning to deteriorate. We are losing wetlands, estuaries, and fisheries at an alarming rate.

It is clearly in the best interest of all Americans to preserve and enhance the natural and economic resources of the Gulf of Mexico. I hope my legislation raises the awareness of the need to preserve this national treasure.

WORLD'S LONGEST PENCILS MADE IN SHELBYVILLE, TENNESSEE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. COOPER. Mr. Speaker, this past weekend I attended a remarkable event in my hometown of Shelbyville, TN. Shelbyville is known as "Pencil City, USA" because so many manufacturers of writing instruments, imprinters, and suppliers are located there.

The event last Saturday was the kickoff for Bedford County's 1991 United Way campaign. The highlight of the morning was the production of two 1,091-foot long pencils by the workers at Empire Berol USA, one of Shelbyville's leading pencil companies. These are believed to be the longest pencils ever made in the world.

One pencil was carried to the town square by 140 volunteers as it came off the production line. Despite its enormous length, this pencil was flexible enough to be curved and twisted because it was made by Empire's unique "E-71" process. At the normal 8-inch length, however, the pencil is virtually indistinguishable from pencils made of wood.

The other 1,091-foot pencil, which had been manufactured a few days before, was mounted in a tight spiral on display board at the Empire plant.

If either of these pencils were used to make a continuous mark, that mark would be 93,046 miles long, nearly four times the Earth's circumference.

As a witness to this event, I can assure you, Mr. Speaker, that these pencils were incredibly long. They were carefully measured by Frank Robinson of Stanley Tools, who was assisted by our local Judge Lee Russell. Their documentation will be sent immediately to the Guinness Book of World Records for possible inclusion.

These pencils were truly amazing, but more important than the pencils' length was the depth of our community's generous spirit. In 1990 the United Way of Bedford County raised nearly $47,000, which resulted in grants to 18 local health and human service agencies.

For 1991, our United Way campaign cochair Karen Thrasher has announced a fund-raising goal of $82,600. At the campaign kickoff Mr. Bill Bohall explained the process by which last year's campaign funds were distributed. Campaign cochair Bob Green and Mayor Henry Feldhaus honored the local pencil industry and presented plaques to Empire Berol USA Vice-president Roger Thomas recognizing the company's contribution to the United Way campaign effort.

The United Way of Bedford County is a partner organization within the United Way of Middle Tennessee. I am extremely proud of their effort during the first year of operation, and I wish them continued success for the future.

TRIBUTE TO HONORABLE CALVIN P. SCHMIDT

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the memory of the Honorable Calvin P. Schmidt, one of California's best-loved judges and Orange County's longest sitting jurist.

Judge Schmidt was known as "the people's judge" because of his love for his community and his humorous and sensitive—but firm—dispensation of justice. Because of his empathy with ordinary people, he preferred to remain on the municipal court bench, rather than be elevated to the superior court. There, he could deal directly with the many individuals who represent themselves without counsel, as is the norm in that court. His efficiency, humility, and sense of fair play were a model of humanitarian court administration.

While acting as a board member of the Girl Scouts, both nationally and locally for more than 25 years, Judge Schmidt was instrumental in acquiring and developing summer camp facilities and programs to attract young women around the country. He also helped to establish a successful youth diversion center in Orange County to counsel families whose children were in trouble with the law, while at the same time serving on the boards of dozens of other organizations, many devoted to youth services and health care.

A past president of the California Easter Seal Society and judge adjutant to the national board of the Navy League, Judge Schmidt also chaired the California State Refugee Resettlement Committee, served on the board of the Hoag Hospital 552 Club, and skippered the Commodores Division of the Newport Harbor Chamber of Commerce in Newport Beach. He was also a member of the California Judges Association, the American Bar Association, and the Orange County Bar Association.

In keeping with his respect for all human beings, regardless of creed or social status, Judge Schmidt devoted many hours to the National Council on Alcoholism, supported numerous treatment programs, and often personally followed the recovery of alcoholics who appeared in his courtroom. He regularly received testimonial letters from individuals who credited their recovery to his creative sentencing and personal interest. It was not unusual for "Judge Cal" to make arrangements for an indigent defendant to stay overnight at a local hotel, rather than to spend the night on the street.

Judge Schmidt was born and raised in Glendale, CA. He received his baccalaureate and law degrees from the University of Southern California. After a tour of duty in Morocco with the Air Force, he practiced law in Los Angeles and Orange County from 1957 through 1966, when he was appointed to the bench by former Gov. Edmund G. Brown. He is survived by his daughter, Tracy Lynn Schmidt, of Palo Alto, CA.

Mr. Speaker, Judge Calvin P. Schmidt exemplified the highest ideals on which this country was founded: honesty, kindness, loyalty, humor, and charity. Although he is deeply missed by family and friends alike, his lessons will inspire us to serve our country honorably and decently. I can think of no better tribute to his gracious and generous spirit.

THE C-17 TRANSPORT

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. ROHRABACHER. Mr. Speaker, the new U.S. Air Force C–17 transport plane, which made its maiden voyage on September 15, 1991, provides extraordinary capabilities not currently available in the military's fleet.

For starters, the C–17 will enable the Air Force to transport all types of today's Army equipment from the United States to the most remote airfields. The C–17 will allow the direct transport of troops and equipment to major airbases, instead of having to transport them overland or in the C–130's. Troop fatigue, costly time delay and equipment wear associated with moving overland will become a thing of the past.

In battle situations where runways are nonexistent or have become cratered, the C–17 is capable of performing an airdrop of large equipment needed to support troops.

In any forward battlefield, there is competition for space. The C–17 is agile and compact, which allows great ground maneuverability. Also, the C–17 loadmaster can reconfigure the airlifter's cargo compartment in 1 hour or less, in flight, making it possible to carry passengers on one trip, then shift the mission to cargo or airdrop for the next.

While the C–17 will excel in delivering equipment to the soldiers, it also can transport the wounded to medical services. The C–17's on-board Med-evac capability would allow for immediate evacuation of wounded troops. As many as 48 litters can be installed in the plane if necessary.

Mr. Speaker, these are all significant achievements in our military's aviation capabilities. While we marvel at the advances of our military, let us not forget the company and its employees who have made it all possible—McDonnell Douglas.

Numerous McDonnell Douglas facilities, as well as subcontractors who produce parts for the C–17, are located in my congressional district. When the C–17 took its maiden voyage from Long Beach, CA, out over the Pacific Ocean, and finally touched down at Edwards Air Force Base, thousands of McDonnell Douglas workers and neighbors were thrilled to see, at last, the fruits of their labor.

Hats off to all who contributed to this magnificent achievement.

IN HONOR OF THE STERLING HEIGHTS FIREFIGHTERS LOCAL 1557 RETIREES

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. HERTEL. Mr. Speaker, I rise today to pay special tribute to four members of the Sterling Heights Fire Fighters Union, who are retiring after many years of dedicated service to the community. Lt. Larry Furlow, Lt. William J. Miller, Capt. Merle Newberry, and Lt. Gerald Zupan will join with family and friends this Friday, September 20, 1991, to commemorate their careers and contributions to the people of Sterling Heights.

Lieutenant Furlow's retirement will mark nearly 24 years of service to the Sterling Heights Fire Department. Lieutenant Furlow was hired as pipeman on March 13, 1967, and over the course of the next two decades, his career has been distinguished. Described as professional, enthusiastic, and resourceful, the correspondence and letters in Lieutenant Furlow's personal file illustrates his dedication as a fireman. Among his every day duties, Lieutenant Furlow used his knowledge and skills to instruct employees on the proper use and maintenance of ropes and to improve training methods. His efforts certainly helped ensure the maximum safety for all fire department employees.

Lieutenant Furlow's career is also marked by awards and achievements. Included is an award for perfect attendance from July 1, 1988 through June 30, 1989, and a commendation from the chief, recognizing his efforts in the construction of stretchers for the department. Lieutenant Furlow was named employee of the month for May 1988 and was promoted to lieutenant on November 21 of the same year. It is my honor to join with his wife, Sherry, and his children, David, Cynthia, and Dawn, in saluting Larry Furlow for his outstanding career.

Lieutenant William J. Miller first entered the force on September 17, 1965. Over the course of his 26 years of service, Lieutenant Miller illustrates the quintessence of dedication and well rounded service to the fire department. Lieutenant Miller received many thanks from citizens and other members of the force for his willingness to offer his time to help others, whether it was technical assistance or to fill in for other departments so their men could attend a funeral for a fallen brother. Lieutenant Miller's antique fire truck was also a popular attraction both inside and out of Sterling Heights and he received many thanks for his willingness to donate his time.

Throughout his career, Lieutenant Miller has been recognized for his professional expertise. He received numerous letters of appreciation for his work toward continuous repairs of various firefighting equipment and providing regular maintenance on all equipment and tools. In 1979, Lieutenant Miller completed the Air-Pak field level maintenance course given by Health/Safety Products of Scott Aviation, and was named employee of the month for August 1986.

Capt. Merle Newberry, known to many as "Smokey the Bear," came to the force in June 1966. His distinguished career includes a promotion to sergeant in July 1974, perfect attendance from July 1988 through June 1989, and a promotion to captain in September 1990. His many duties involved testing, repairing, and maintaining fire hoses, assembling listings of medical supplies and equipment, and overseeing supplies at station 4.

Captain Newberry received many letters of commendation and appreciation over the course of his career for assistance at fires and medical emergencies, including a letter from Detroit Edison for exceptional cooperation and professionalism during an incident in September 1988, when two lineman were seriously injured when they came into contact with a high voltage conductor. Captain Newberry is married to Santina and has seven children. I join with them in saluting Merle for his long and dedicated service to the fire department.

Finally, Mr. Speaker, I rise today to honor Lieutenant Gerald Zupan, a firefighter serving for more than 20 years with the force. Lieutenant Zupan, who retired in February 1991, joined the Sterling Heights Fire Department in 1969. He served for several years before being promoted to lieutenant on March 10, 1989.

Lieutenant Zupan was very much involved with educational programs in schools and with adult groups. His dedication to helping the public learn about fire safety earned him many letters of appreciation and commendation. Gerald Zupan and his wife, Pat, have four children.

Mr. Speaker, it is my highest privilege today to pay tribute to these four men. Their career epitomizes the debt we all owe to the sacrifices and bravery displayed by the men and women of our firefighting forces. I join with their family and friends in offering my most sincere best wishes for a long and prosperous retirement.

TRIBUTE TO A. WILLIAM BAILEY, JR.

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. FIELDS. Mr. Speaker, I rise today to pay tribute to A. William Bailey, Jr., who has just completed his term as president of the Independent Insurance Agents of America [IIAA]. Bill Bailey is a citizen of Waco, TX, where he is chairman of Bailey Insurance and Financial Services.

This week in Hawaii, Bill will step down from his elected post of president of IIAA after many years of distinguished service to that association. I congratulate him on a job well done. During his years with IIAA, Bill has served in a variety of capacities, including president of the Waco Association of Independent Insurance Agents, director of the Texas State Association, State National Director, and chairman of the Government Affairs Committee of IIAA.

Many of my colleagues know Bill Bailey for the numerous times he has testified before congressional committees. Bill has represented the 220,000 members of his association with distinction, providing straightforward and articulate information on the concerns of small business people across the country. Most recently, Bill testified before the House Banking Committee and the Federal Reserve Board, and as usual, his comments were informative and compelling.

I have had the pleasure of knowing Bill for a number of years in another capacity since we both serve on the Baylor University Board of Regents. This service is just one more example of the time he is willing to donate to his community, his State, and his faith. He has also served as president of the Waco Rotary Club, the Waco Business League, and the local United Way. It is truly an exceptional man who builds a successful business, contributes his time to a professional association, serves on numerous civic and community organizations and still has time to be an advocate on a national scale.

I know that Bill will continue to be active on behalf of independent agents and will remain a leader in community activities. But, this week I hope he will enjoy this paradise of Hawaii with his lovely wife, Roberta. I congratulate my friend Bill for a job well done.

RTC FUNDING

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. ROUKEMA. Mr. Speaker, today I am introducing legislation which will provide an additional $80 billion in loss funds and working capital for the Resolution Trust Corporation and would incorporate several structural changes to the operation of the RTC which I believe will help move the resolution process forward on an expedited basis.

These funds and changes are necessary and will allow the RTC to continue the difficult and costly process of cleaning up the savings and loan debacle.

Last week, the Financial Institutions Subcommittee of the Banking Committee heard testimony from both the Treasury Department and the RTC Oversight Board on the urgent need for this funding bill. Admittedly, this request should have been formally submitted to the committee by the Oversight Board and the Treasury Secretary earlier. But there is no denying that the RTC will be short of working capital by the end of this year and will need these funds.

In our hearing last week, Chairman William Seidman stated that the RTC expects to resolve some 85 additional thrift institutions by the end of October and thus will have expended nearly all of the funds previously approved.

Unnecessary delay in moving forward with this legislation will force the FDIC to withhold action on numerous insolvent thrifts and delay the RTC's ability to develop plans to try and sell assets.

Since the delay we encountered earlier this year in enacting a funding request submitted around this time last year resulted in a daily cost of several million dollars, it is no wonder the American taxpayer is screaming about the ultimate cost of this effort.

Now for those of my colleagues who simply do not wish to support any RTC funding bill, I can only ask what is their alternative. This cost of cleanup is not something new. We debated this matter at length when we considered the FIRREA bill 2 years ago. At that time we made no illusions that somehow this effort was going to be inexpensive. It was clear from the beginning that the S&L cleanup would cost the American taxpayer.

Yes, the S&L debacle was an indictment of a deregulation frenzy that went awry. And yes, it was a sorry commentary on our regulatory process and even on our role as congressional overseers. But that is history and we must now face the future.

As the Washington Post editorial stated earlier this year, the money we are expending today is buying fairness and is providing financial and economic stability. Without these funds, depositors would lose all their money. Is this the alternative we are prepared to offer for our reluctance to fund the RTC.

Contrary to what some may think the RTC is not some never-ending black hole into which our precious resources are being dumped. In fact, Treasury Under Secretary Robson testified last week that he felt this would in fact be the last funding request the RTC would have to make of the Congress.

Since its inception, the RTC has taken over some 500 troubled thrifts and has sold or liquidated over 350 of these. Within the total of thrifts sold or merged, it would cost the Government billions just to pay off the depositors of those failed institutions. But because of RTC actions, this expense was not necessary to a large degree.

In other words, the RTC works, maybe not perfectly or as effectively as some would want. But it does work and it does need funding.

Finally, this bill recommends several structural changes. Most importantly, it authorizes the Oversight Board to appoint a new CEO for the RTC. This CEO would replace the FDIC as the overseer of the cleanup and would result in the concentration of the day-to-day decision making for the RTC in one responsible and dedicated individual. I can only suggest that while many would prefer to stick to a clean capitalization bill, I believe these modest changes should be made.

Mr. Speaker, this is no time to interject politics and pet policies into such an important piece of legislation as this.

I urge my colleagues to support an RTC funding bill now so we can get on with the job of cleaning up the S&L mess.

BUSH'S BIGGEST SHAME

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. EDWARDS of California. Mr. Speaker, President Bush and his administration have opened yet another front in their war on abortion rights. This administration's all-but-endorsement of Operation Rescue's tactics is a disturbing occurrence.

In following a political agenda, the Bush Justice Department relies on a questionable legal technicality in refusing to protect those exercising their legal options. As Michael Kinsley writes in a Washington Post editorial "Bush's Biggest Shame," September 12, 1991, "Is it really possible that Federal judges lack the authority to protect citizens from organized mobs systematically denying them the ability to exercise their constitutional rights?" Abortion is a constitutionally protected freedom, but Operation Rescue continues to terrorize anyone and everyone involved in the process.

I recommend the following article to the attention of my colleagues in hopes that the constitutional rights of those seeking medical advice and treatment are protected by those who are charged with doing so.

[From the Washington Post, Sept. 12, 1991]

BUSH'S BIGGEST SHAME

(By Michael Kinsley)

One of the most mendacious chapters of the Reagan administration was the Bob Jones University episode of 1982. That was when the Justice Department reversed a longstanding government policy denying tax-exempt status to private schools that exclude blacks. Although the reversal was in response to a campaign by southern conservatives, the administration piously insisted that its action implied no endorsement of tax exemptions for racist schools. They would sincerely like to deny these tax exemptions, Reagan officials maintained, but the law gave them no such authority. The Supreme Court soon ruled otherwise, 8–1.

The current controversy over Operation Rescue is the Bush administration's Bob Jones case. As in that earlier disgrace, the president and his associates are pandering to extremists while pretending with wide-eyed innocence that they are merely upholding the technicalities of the law.

Operation Rescue is the antiabortion group that physically shuts down abortion clinics by blocking the entrances, lying under cars, surrounding and heckling patients and so on. Last month in Witchita, Kan., Operation Rescue shut down three abortion clinics. A federal judge ordered the group to stop and threatened to have its leaders arrested if they didn't. The Bush Justice Department then entered the case on the side of Operation Rescue, saying Judge Kelly had no authority to make this order.

Attorney General Richard Thornburgh, on his way out the door to run for the Senate, claimed the Justice Department action had nothing to do with abortion, which is still for the moment a constitutional right, or with support for Operation Rescue's tactics, which are uncontestably illegal. After a day of bad press, Bush even remarked that protests "ought to be done within the law." But what good is the law if it can't be enforced, and what good are constitutional rights if they can't be protected?

The power of federal judges to restrain Operation Rescue will be debated at the Supreme Court next month in Bray v. Alexandria Women's Health Clinic. In this case, too, the Justice Department has intervened on the side of Operation Rescue. At issue is a long tangle of constipated legal prose known as the Klu Klux Klan Act of 1871. The Klan Act was originally intended to authorize lawsuits against Klan persecution of blacks in the Reconstruction South, but it speaks more generally of conspiracies to deprive "any person or class of persons of the equal protection of the laws."

In their briefs, Operation Rescue and the Justice Department offer half a dozen reasons why the Klan Act may not apply in this situation. Not all of them can be dismissed out of hand. There is a question whether the group being oppressed in this case should be defined as "women" or as "women seeking abortions," and whether the latter category is acceptable. One side says: Not all women want abortions, or even support abortion. The other side replies: Not all blacks tried to vote back in 1872, but the law protected those who did.

The Justice Department emphasizes, as if it were a virtue, that Operation Rescue does not merely aim to oppress women: "Petitioners direct their actions at anyone, whether male or female, who assists or is involve in the abortion process—doctors, nurses, counsellors, boyfriends, husbands and family members, staff and others." Oh well, in that case go right ahead.

There is a question whether the law, which refers to suing for damages, authorizes judges to issue injunctions as well. Since most constitutional rights protect you only against deprivation by the government itself, not by private individuals, there is a question whether this limit also applies to the Klan Act. Lower courts have avoided this particular complication by holding that Operation Rescue is violating not the right to choose abortion but the right to interstate travel, which does not require government involvement. But then there is a question whether the mere fact that many clinic patients come from out of state is enough to establish that this right is being violated.

My own conclusion, after reading the briefs, is one of impatience. Is it really possible that federal judges lack the authority to protect citizens from organized mobs systematically denying them the ability to exercise their constitutional rights? If so, the law ought to be changed.

President Bush does not believe in abortion rights, or claims not to. But as president he cannot openly endorse mob action to deprive people of rights that are still the law of the land. So he and his administration resort to technicalities The solution is simple. The Ku Klux Klan Act is only a statute, not a constitutional provision. Congress ought to pass a new statute, stripped of all the complications. If Bush were presented with the bald proposition, in the form of a bill, that the federal government ought to be able to protect people in the exercise of their federal constitutional rights, would he dare to veto it? If the Democrats were a bit faster on their feet, they could have a bill like this on Bush's desk in a week. It would leave him in a bind he truly deserves.

THE AMERICAN SAMOA STUDY COMMISSION ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce the "American Samoa Study Commission Act."

For several years, I have been concerned that as the only unincorporated, unorganized territory of the United States, the actual political status of American Samoa is not known. This problem is compounded because what is now known as the Territory of American Samoa was really ceded to the United States by two separate treaties.

As Samoa and the other territories continue to explore new options in their relationships with the United States, it seems crucial to me that Samoa's current status be known and well defined.

Today's legislation will establish a federal commission to provide a comprehensive review of fundamental issues affecting Samoa's interests.

OREGON EMPLOYMENT DIVISION VERSUS SMITH: A TRESPASS OF RELIGIOUS FREEDOM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. ANDERSON. Mr. Speaker, on April 17, 1990, the Supreme Court handed down an opinion in Oregon Employment Division versus Smith that radically undercut the fundamental right of each and every American to the free exercise of religion as embodied in the First Amendment to the Constitution. In the words of the dissent in the Smith decision, this "holding dramatically departs from well-settled First Amendment jurisprudence . . . and is incompatible with our Nation's fundamental commitment to individual religious liberty." The free exercise clause of the Constitution reads, "Congress shall make no law . . . prohibiting the free exercise [of religion.]" Through the 14th amendment this clause is applicable to the States. Through the Smith decision, the Supreme Court has misread the first and foremost amendment of our Bill of Rights. Now, a coalition of religious and civil liberties groups that reaches across all political and ideological lines has assembled to overturn the Smith decision's abridgement of this constitutional right. I rise to announce my commitment to this effort as reflected in H.R. 2797, the Religious Freedom Restoration Act, introduced by my colleague STEPHEN SOLARZ of New York.

The Smith decision seems to rest on a small and isolated matter; the denial of unemployment benefits to two Native American church members fired from their jobs for their use of peyote in a native American church ritual. Oregon bans the use of peyote as a schedule I controlled substance, and denies unemployment benefits to those discharged for work-related misconduct. While not challenging the job dismissal, these two men did claim that the Oregon law prohibiting their use of peyote as part of church ritual infringed upon their free exercise rights. Thus the constitutional argument was joined.

The right to practice one's religion is intrinsically linked to the constitutional right of unfettered religious belief. This connection and right is embodied in longstanding legal precedent. But the freedom to act on one's belief can also conflict with an obvious need for society to regulate conduct. Like all rights, religious freedom is not an absolute. As Justice Burger wrote in Wisconsin versus Yoder, "the very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests." Indeed, the history of the Court with regard to the free exercise clause is a continuous balancing act, replete with cases where the interests of an ordered society are weighed against an individual's right to religious sanctity. Not only have laws that are specifically intrusive toward religion been struck down, but generally applicable laws, which are seemingly neutral toward religion on the surface and dedicated to other ends, have also been found to be unconstitutionally intrusive in specific instances.

In the Yoder case, in which an Amish family did not wish to comply with a State compulsory education law for religious reasons, the Court declared that, "only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion." Generally applicable laws which were found to be burdensome to the Free Exercise Clause could only be justified if the Government could prove a compelling interest in the law. This was set forth in the landmark Sherbert versus Verner case which also turned on the extension of unemployment benefits for a member of the Seventh-day Adventist Church who would not work on Saturdays as this day is regarded as the Sabbath by her religion.

With the Smith decision, this traditional balancing act has been rejected in favor of a radical new principle that no compelling interest need be proved if a challenged law is not targeted specifically at religious practice. The new law created by Smith states:

> The Clause does not relieve an individual of the obligation to comply with a law that incidentally forbids (or requires) the performance of an act that his religious belief requires (or forbids) if the law is not specifically directed to religious practice and is otherwise constitutional as applied to those who engage in the specified act for nonreligious reasons.

In clearer terms, any religious practice can be infringed upon if it conflicts with any general, nonspecific law. Incomprehensibly, against all original intent of the Founding Fathers and the history of American law, Smith allows majorities to trample on individual religious freedoms without any recourse to the courts for constitutional protection.

If the Smith case had followed precedent, a majority of the Court could have found the State of Oregon had an overriding and compelling interest in restricting the trade and use of peyote, and therefore come to the conclusion that no religious freedom exception could be made for these two men. The answer to the question: "will exempting respondents from the State's general criminal prohibition 'unduly interfere with fulfillment of the governmental interest'?" could then have been "yes" and precedent would have been preserved. But the majority of the Court didn't even want that question asked, believing the Court has no place in limiting the will of the State even if that will may impinge upon the constitutional rights of these two men.

Somehow the Rehnquist Court, in an opinion written by Judge Scalia, came to the conclusion that if an exception to Oregon's drug laws were made for this religious case an "extraordinary right to ignore generally applicable laws that are not supported by 'compelling governmental interest' on the basis of religious belief" would be created. For fear that this "extraordinary right" would be created, the Smith decision allows no limited exceptions even if the religious practice which conflicts with State law is central to the practice of that religion. Judge Scalia notes:

> Nor could such a right be limited to situations in which the conduct prohibited is "central" to the individual's religion, since that would enmesh judges in an impermissible inquiry into the centrality of a particular beliefs or practices to a faith.

While the Court's desire to refrain from the examination of what is and what is not "central" to any particular religion is natural, the illogical refusal to examine any State infringements on religious practices is disastrous to those religious practices which may not conform to general law and do not have the popular support to find politically granted exceptions. Though an unlikely example due to our society's majority Judeo-Christian composition, the drinking of sacramental wine may be forbidden to minors because of State age-related liquor laws, though this sacrament is clearly central to the teachings of the Christian church.

Indeed, the law must weigh restrictions on our constitutional freedoms to protect societal order. Heretofore, this process of weighing would seem to have forced the Court to judge the importance of the religious practice, and then again weigh the importance of protecting that practice against the need of the larger society to regulate conduct for the betterment of all citizens. What Justice Scalia would like to do is unburden the Court from that role. He writes,

> It is no more appropriate for judges to determine the "centrality" of religious beliefs before applying a "compelling interest" test in the free exercise field, than it would be for them to determine the "importance" of ideas before applying the "compelling interest" test in the free speech field.

Essentially, because he believes this determination can't be done, he won't do it; thereby throwing the baby out with the bathwater because protection of our constitutional rights is not always an easily workable formulation.

Judge Scalia defends his argument by stating,

> Any society adopting such a system (of a compelling interest standard) would be courting anarchy, but that danger increases in direct proportion to the society's diversity or religious beliefs, and its determination to coerce or suppress none of them. Precisely because "we are a cosmopolitan nation made up of people of almost every conceivable religious preference," * * * and precisely because we value and protect that religious divergence, we cannot afford the luxury of deeming presumptively invalid, as applied to the religious objector, every regulation of conduct that does not protect an interest of the highest order. The rule respondents favor would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind.

Unfortunately, his is an argument based on fear, not principle. Even Judge Scalia admits that this possible anarchy was strictly limited even under the Sherbert compelling interest requirement. In rebuttal to Justice Scalia, Justice O'Connor notes "that courts have been quite capable of strik[ing] sensible balances between religious liberty and competing state interests." Essentially, Justice Scalia is content to ignore the constitutional rights of two men because of the precedent he fears it might set for mass exceptions to other generally applicable laws. What Justice Scalia fails to realize is that providing exceptions to generally applicable laws does not necessarily weaken those laws, while refusing exceptions clearly and irrevocably undermines one's constitutional right to freedom of religion.

This question may be looked at, not from the angle of inquiry into centrality, but through the question of severe impact. Is the burden constitutionally significant? Instead of examining how this case may affect generally applicable laws, we should examine the cases impact on future ability to sustain our constitutional right to freedom of religious expression. Traditionally, we have been protected by the Court from this severe impact. Justice Scalia would like to remove the Court's role and have us rely on the States for our protection. His opinion states "a society that believes in the negative protection accorded to religious belief can be expected to be solicitous of that value in its legislation as well" even though he acknowledges that, "leaving accommodation to the political process will place at a relative disadvantage those religious practices that are not widely engaged in." Mr. Scalia would not have us worry, believing an "unavoidable consequence of democratic government must be preferred to a system in which each conscience is a law unto itself or in which judges weigh the social importance of all laws against the centrality of all religious beliefs."

Unfortunately, Justice Scalia is apparently not a student of history, which unequivocally demonstrates that it is States which are the greatest trespassers of our constitutional rights, not its greatest protectors. States have been notorious for not respecting the rights of individuals, often poor and powerless, in haste to please the demands of either the powerful or the many. The Bill of Rights was created expressly to protect those fundamental rights that majority government had a long history of trampling for reasons of political expediency. In large part due to individual States' inability to protect individual rights, the fourteenth amendment was enacted. An intent not to review any infringement on religious liberties as inflicted by State laws is an absolute abdication of the Supreme Court's role as guardian of the Constitution. As stated by Justice Jackson in 1940,

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

Justice Scalia would like us to believe that because of this Nation's religious plurality, we cannot afford the luxury of protecting the first amendment. While Justice Scalia may represent the majority on this conservative Court, we should not let his radical views undercut our commitment to preservation of the Constitution. Thankfully, Justice Blackmun, author of the second dissenting opinion in the Smith decision, understands that constitutional protection of the free exercise of religion is not a "constitutional anomaly." Indeed it is a "preferred constitutional activity."

The dissent in this case firmly rejects Justice Scalia's opinion, noting that his argument not only is warped in its use of precedent, but fundamentally undermines all preceding jurisprudence on the first amendment's free exercise clause. In separate dissenting opinions, Justices O'Connor and Blackmun reinforce the need to protect religious minorities, especially when the assaults are in the firm of laws making certain religious acts criminal. These intrusions require "heightened judicial scrutiny," on a case-by-case analysis; not blind rejection. In response to Justice Scalia's fears about inquiry into religious centrality, Justice O'Connor writes,

> The distinction between questions of centrality and questions of sincerity and burden is admittedly fine, but it is one that is an established part of our free exercise doctrine, and one that courts are capable of making.

As to Justice Scalia's fears about potential anarchy, Justice Blackmun notes,

> This Court's prior decisions have not allowed a government to rely on mere speculation about potential harms, but have demanded evidentiary support for a refusal to allow a religious exception.

Justice O'Connor also highlights the need "to apply this test in each case to determine whether the burden on the specific plaintiffs before us is constitutionally significant and whether the particular criminal interest asserted by the State before us is compelling * * * the first amendment at least requires a case-by-case determination of the question sensitive to the facts of each particular claim."

The Supreme Court has long, though not always, been the champion of individual constitutional rights, even in instances of conduct that general society may find repugnant. Smith is a dangerous opinion because, in the interests of judicial simplicity and enforcing anti-drug laws, the Court is content to forget the Constitution. In this Nation of individuals; in all the creeds and races and differences in outlook, opinion, and belief, we persevere as a single entity because of our commitment to the notion that the sanctity of individual liberty is a greater promoter of our social welfare than any government-designed policy of social cohesion. The Court in Smith takes both a narrow reading of the Constitution and an expansive reading of the force of State law on individual liberties. Indeed, there will be times when the extent of our constitutional freedoms must be limited for societal ends. But on each occasion, we must navigate this course with care and circumspection. The emotions of the day cannot defeat the aims of freedom and liberty to which our Founding Fathers strove. Oregon Employment versus Smith is a case contradictory to our constitutional principles; it must be overturned. I urge my colleagues to lend their support to the Religious Freedom Act and to set us back on a proper course.

SHUT DOWN THE OFFICE OF THE SPECIAL PROSECUTOR

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. EWING. Mr. Speaker, U.S. District Judge Gerhard Gesell announced yesterday that he was dismissing the case against Lt. Col. Oliver North. I say this action is long overdue.

After spending nearly 5 years and $35 million in taxpayer money to pursue this case, Independent Prosecutor Walsh has concluded that "the Government is not likely * * * to sustain a successful outcome" in this case.

Oliver North has been completely exonerated in this case, and the taxpayers are the only true losers. For far too long, the Office of the Special Prosecutor has justified dragging out this case and increasing the cost to the taxpayers. It is clear that the time has come to put an end to this operation, which employs over 35 attorneys and support staff, before the taxpayers pay more.

The time has come to immediately shut down the Office of the Special Prosecutor and put an end to this issue, once and for all.

TRIBUTE TO CONGRESSMAN BILL GRAY

HON. JOSEPH M GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. GAYDOS. Mr. Speaker, esteemed colleagues, I am here today to pay tribute to a man who has not only done a great service for the Second District of Pennsylvania, but who has also dedicated his time and effort pursuing avenues to create a better and fair society in America.

I have been lucky enough to serve with Congressman Bill Gray since 1978. In this time, I have come to know a man whose drive and determination is like none other I have ever come across. Bill posesses a sense that all of us wished we had. A sense that enables him to see many avenues of opportunity and permits him to mold different views and ideologies together in order to create a finished product that we can all stand by. This sense gives him the ability to eventually come out on top and succeed.

It is obvious in the time that Bill was here, that many of his views and ideas rubbed off on all of us. With his leadership at the majority whip position, Bill was able to rekindle the fire of who and what the Democrats are and what we stand for.

I can remember in the height of the Reagan years, when the American economy was reeling from the Reagan revolution, I watched Bill mold four consecutive budget agreements that effectively ended the Reagan stranglehold on middle class America. The amazing story behind this is that in those 4 years, a combined total of only 77 Democrats voted against the agreements. Less than 20 Democrats a year. Considering the diversity of the Democratic party, that in itself is an astounding achievement.

The success of Bill Gray does not come from luck, it comes from a harmonious combination of personality, vision, and intelligence. With his abilities, Bill has proven that he can take a view, an idea, or a fragmented thought and create something concrete and beneficial. Something that will help people succeed and society to grow.

I am not only speaking for myself when I say Bill is a true leader of the people. Ask around the halls of Congress and the Members will tell you what a fair, hard-working, and engaging leader he is. Although the House of Representatives will be losing a great leader and potential speaker, the United Negro College Fund will be gaining a man who will tirelessly strive to assist black Americans.

Bill Gray will not leave this body as a beleagured politician, resting on the laurels of where he has been and what he has done. This man will exit this body with his head held high and his eyes wide open; he will leave as a champion looking for new obstacles to overcome, other mountains to climb, and new campaigns to wage.

In closing, I would like to extend my sincerest congratulations and gratitude to Bill and also wish him the best of luck with the endeavors he must yet face.

ESTABLISH 17-MEMBER COMMISSION TO DISMANTLE THE GLASS CEILING FOR THE ADVANCEMENT OF WOMEN AND MINORITIES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Ms. MOLINARI. Mr. Speaker, today, I have introduced a bill to establish a 17-member Commission to study further why the glass ceiling—the invisible barrier keeping qualified minorities and women from moving up into management jobs—exits. The Commission will make recommendations with respect to policies for business to promote opportunities for the advancement of women and minorities and lead to the removal of artificial barriers to such advancement. In addition, this legislation establishes the National Award for Diversity and Excellence in American Executive Management. This award will be presented annually to a business which has made substantial efforts to break down the glass ceiling.

The Department of Labor's recent glass ceiling report confirms what many of us have suspected all along—that women and minorities have not been advancing up the corporate ladder as quickly as white males. This report is an important first step in understanding and removing the barriers toward women and minorities. However, it is just a first step toward a pervasive problem that has existed in our society for far too long. The legislation I am introducing today will establish a high-level government commission charged with building on the work of, and expanding the record of, the Department of Labor's efforts. It is important to note that the report completed by the Department of Labor was a modest pilot study, examining only nine Fortune 500 companies. Today's legislation will enable the high-powered Commission to compile hard facts on a multitude of businesses, versus sampling of corporate America.

During the past 25 years, shifting demographics, coupled with a more global business environment has changed the composition of the work force. Significant among these is the increased importance of women and minorities to the competitive status of the American economy. If we are to ensure a level playing field—that women and minorities have the opportunities guaranteed under the law—we must have statistical data and recommendations to break down the glass ceiling.

Mr. Speaker, I believe the proposed legislation measure will help ensure accountability in equal employment opportunities for women and minorities. It will also provide significant incentives to those companies which have undertaken particularly creative and effective initiatives to assure equal opportunity for all.

TRIBUTE TO WILLIAM J. MARSCHALK

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. DREIER of California. Mr. Speaker, on July 12, William J. Marschalk, an executive vice president of Great Western Corp., died following treatment for Hodgkin's disease. Over the past 2 months, I've had the opportunity to reflect upon the life and career of a remarkable individual whose legacy is one of giving and caring.

Since 1986, I had the pleasure of working with Bill on a number of issues that were before the House Banking Committee. During that time, I came to admire his professionalism and his commitment to his country and his community. His advice was sound and his instincts were usually right. During the many years of debate on the causes of and solutions to the savings and loan crisis, he was a voice of reason when reason was in short supply. He was a positive influence on a troubled industry.

In addition to being a prominent and highly respected professional Bill Marschalk was a man of compassion for those in our society who are less fortunate. When President Bush spoke of those "thousand points of light," the person who first came to mind was Bill Marschalk.

As a member of the board of directors of the Big Brothers of Greater Los Angeles, Bill spent countless hours intimately involved in the lives of hundreds of young men in need of positive male role models. In an effort to broaden education and housing opportunities for low- and moderate-income families, Bill worked as director of the California Housing Partnership Corp. and as a member of the president's council of California State University, Northridge.

Bill Marschalk was a good friend, and he will be greatly missed. My prayers are with his family, especially his wife, Jeanne, and his two children, Cory and Heather.

ANTHONY CASTIGLIA: MAN OF THE YEAR

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. LaFALCE. Mr. Speaker, the wonder of America, to some extent, is the unique blend of its vibrant present with the richness of its cultural past.

The Buffalo area, like so many other communities, is blessed with a variety of ethnic groups who continue to hold high the torch of their ethnic roots which their forbears proudly brought to this country in generations past.

One such organization, the Federation of Italian-American Societies of Buffalo western New York, has celebrated its Italian heritage primarily through its Christopher Columbus Day Dinner for the past 84 years. This year, the federation has chosen to honor Anthony M. Castiglia as its "Man of the Year." It is in tribute to Mr. Castiglia and his many accomplishments that I wish to make special note to my colleagues in the Congress of the United States.

Anthony Castiglia was born on Buffalo's east side 56 years ago and was raised in the environs of Swan Street where so many other Italian-Americans lived during that period. The son of humble parents, Charles and Mary Castiglia, Anthony learned early in life that serving God, country, and family were three priorities worthy of his total dedication and commitment.

Following his father's advice, he chose to enter mortuary school. After years of hard work and tireless effort, he became one of the most successful and respected funeral directors in western New York. That alone would have been worthy of special recognition, but Anthony Castiglia's accomplishments extend deep in the fabric of the western New York community—principally as a leading force of the federation which honors him so deservedly this year.

As the federation's president, Anthony Castiglia successfully lobbied for Federal funds to teach the Italian language and culture in the Buffalo public schools. He managed to recruit and sponsor a world acclaimed "Leonardo's Return to Venice" art exhibit featuring works of Leonardo da Vinci—an exhibit that was seen by more than 100,000 people during its 6-week showing at the University of Buffalo.

In 1981 he initiated a major communitywide fundraising effort that brought thousands of dollars of much needed assistance to hundreds of homeless and suffering earthquake victims of southern Italy.

Mr. Castiglia takes special pride in his work on behalf of Santa Maria Towers—a 115 unit apartment complex for senior citizens located in the heart of Buffalo's Italian-American community. In 1984 President Ronald Reagan personally visited and dedicated Santa Maria Towers and praised those associated with it "* * * for their devotion to God, country, and family"—a theme which had the familiar ring of Anthony Castiglia's childhood.

Anthony Castiglia's most enduring accomplishments, however, will be the joy of his marriage to his lovely wife, Loretta and the fruits of that marriage—his three sons: Patrick, Charles, and Eric; two grandchildren, Alyssa and Cody, also bless the Castiglia home.

On this Columbus Day we salute the Federation of Italian-American Societies and its 1991 "Man of the Year" for reminding us that America's future will always be bright because people like Anthony Castiglia nobly dedicate their lives to the cherished values of God, country, and family.

MEYERS NOT A COSPONSOR OF H.R. 1330

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mrs. MEYERS of Kansas. Mr. Speaker, JOHN MYERS, my good friend and colleague, and I share the same last name in pronunciation—and even our first names sound similar. Our names are spelled differently, but minor confusions occur nonetheless. For example, he receives some of my mail and I get some of his.

Recently, however, a larger problem surfaced because of the similarities of our last names. On June 26, 1991, my name was listed in the CONGRESSIONAL RECORD as a cosponsor of H.R. 1330, a bill to establish a system for classifying wetlands.

I am not a cosponsor of H.R. 1330 and have never been a cosponsor of the bill. My friend from Indiana, JOHN MYERS, however, is a cosponsor of H.R. 1330. And when he decided to cosponsor the bill, the sponsoring office submitted the wrong name to the LEGIS office. Although the LEGIS office record has been corrected, there is nothing I can do to correct the June 26 CONGRESSIONAL RECORD, except to offer this explanation.

Mr. Speaker, it is my hope that in the future my colleagues and their staffs will be sure to remember the distinction in the spelling of my name and my Indiana colleague's name.

INSTITUTE FOR INTERNATIONAL PUBLIC POLICY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Ms. NORTON. Mr. Speaker, today I am proud to join my colleague, Mr. HAYES of Illinois, in introducing legislation designed to increase the participation of minorities in the foreign service. Currently, those choosing a career in foreign service will find that this is one of the areas of Federal service that minorities have found most difficult to penetrate. The most recent statistics from the foreign service show that the total percentage of African-Americans, Hispanics, Asian-Americans, and American Indians employed in career positions is a mere 12 percent, while collectively these groups comprise approximately 25 percent of the population.

Our legislation would take steps to increase this low number of minorities currently serving in the foreign service by amending the Higher Education Act of 1965 to establish a program for minority foreign service professional development. This program would be developed through an undergraduate consortium of universities to be based at Howard University, here in the District of Columbia. The majority of universities in the consortium have student bodies composed predominantly of minorities. Features of the legislation include a junior-year abroad program, a Ralph Bunche Fellowship Program providing $15,000 fellowships for study at the masters degree level, a cooperative program to prepare graduates for the Foreign Service examination, and the creation of an Institute for International Public Policy at Howard University to concentrate on producing minority international/foreign policy analysts.

The Foreign Service needs our best and brightest. Unfortunately, many minorities have not been given the opportunity to prove that this is exactly who they are. Our legislation is intended to remedy this problem. I urge my colleagues to support it.

TECHNOLOGY ADVANCEMENT AND THE QUALITY OF LIFE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. RITTER. Mr. Speaker, I am pleased to announce the formation of the Technology Advancement Association [TAA], a not-for-profit association of professionals in science, engineering, law, finance, economics, public education, public information, government affairs, and social/behavioral sciences. TAA members are actively committed to advancing technology through a network of local, national, and international affiliates of the primary organization.

TAA's mission is profound in its simplicity. That mission is "to advance the quality of life by advancing technology." The relationship between the state of technology and quality of life is not well understood and deserves the special attention that TAA proposes to give it. Moreover, an interdisciplinary organization designed to assure and enhance the application of technology to quality of life concerns will be infinitely beneficial to our society and mankind.

TAA intends to accomplish its mission in a variety of ways. If will develop a full range of media and public information programs to better inform and educate the public. TAA will also provide a forum to identify and address problems, issues, and concerns that cut across a broad spectrum of technologies. This forum will encourage interdisciplinary, holistic approaches to technological issues. Finally, TAA will serve as a vehicle for integrating the efforts and expertise of professionals from all fields of technology toward the resolution of complex and significant technological issues.

The organizational structure of TAA is as unique as its mission and objectives. Since its structure includes professionals engaged in a broad cross-section of technical and nontechnical areas, TAA will represent an exceptionally wide point of view on technology issues. Moreover, TAA seeks a balance among the three principal segments of the technology community, that is, industry, government, and academia as well as the general public. TAA's interdisciplinary philosophy will be applied in both of its major organizational components, TAA/US and TAA International. TAA's structure supports a holistic approach to problem solving and is designed to insure more balanced positions on technology issues.

Mr. Speaker, I commend the Technology Advancement Association for its unique organization and highly laudable objectives. It is an organization that I am sure will come to hold a prominent voice on science and technology issues. TAA is certain to make a difference in helping to insure that advances in technology are applied in such a way as to truly enhance the quality of life.

INTRODUCTION OF THE MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. HAYES of Illinois. Mr. Speaker, I rise today to introduce a very important piece of legislation which seeks to increase the numbers of minorities serving in the Foreign Service, as well as other international career opportunities. In spite of alleged efforts on the part of the State Department, minority representation in the Foreign Service is truly dismal. The overall minority representation is 18 percent, and the overall African-American representation is only 6 percent, in spite of the slight improvements over the past 5 years. Mr. Speaker, the Foreign Service is by no means representative of the American people at large. It has been said time and again that the State Department needs to do more to correct racial imbalances in the elite 9,400-member Foreign Service. However, not much has been done. This legislation is meant to directly address this problem.

Today, I introduce the Foreign Service Professional Development Program, along with my colleague Representative ELEANOR HOLMES NORTON, because a serious effort must be made by this Congress to increase access for all Americans to international career options. Mr. Speaker, for the record, I would like to insert an outline of this legislation in the RECORD at this point:

SECTION-BY-SECTION SUMMARY

MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM AND THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY

Part D. NAME. Names the program the Minority Foreign Service Professional Development Program and also establishes the Institute of International Public Policy at Howard University in Washington, D.C.

Section 631(a) authorizes the creation of a program to significantly increase the numbers of African Americans, Asian Americans, Hispanic Americans, and Native Americans entering the Foreign Service of the United States and other careers in the international arena including international voluntary agencies, international public policy formulation, and international information dissemination. This section also establishes at Howard University in the District of Columbia the Institute for International Public Policy (hereinafter the INSTITUTE) to serve as the administrative and academic arm of the consortia of twenty-six undergraduate/graduate institutions of higher education that will implement the program.

Section 631(a) identifies the twenty-six institutions forming the consortium as: Benedict College, Bennett College, Bowie State University, California State University at Los Angeles, Chicago State University, Cleveland State University, Columbia College of Chicago, Florida International University, Georgetown University, the Johns Hopkins University of Advanced International Studies, Howard University, Lehman College, Lincoln University of Pennsylvania, Ana G. Mendez Education Foundation (Turabo University), Morgan State University, Johnson C. Smith University, New Mexico Highlands University, Northeastern Illinois University, Spelman College, Tougaloo College, University of Texas, Southmost (Pan American University), the University of the District of Columbia, Upsala College, Wayne State University, West Virginia State College, Wilberforce University, and Xavier University of New Orleans.

Section 631(b) provides for the participation of any institution of higher education (as defined in section 1201 of the Act) in the program authorized as a "cooperating" institution except the academic internship program.

Section 632(a) outlines the academic program as including but not being limited to: international policy formulation, foreign service training education, foreign language study, international economics and politics, public information communication and dissemination, junior year abroad, academic year and summer internships, graduate fellowships, undergraduate identification program, and U.S. Foreign Service Examination Preparation.

Section 632(b) defines the Junior Year Abroad program as being open to all minority students in attendance at historically black colleges or universities, tribally controlled Indian community colleges and other institutions of higher education with "significant minority student populations." Eligible students must attend institutions which have entered into a Memorandum of Understanding (MOU) with Howard University, which will pay for a portion of the cost of the Junior Year Abroad from appropriated funds, while the student's nominating institution must pay the balance.

The Junior Year Abroad program will provide up to a nine-month experience, including academic study, as well as social, familial and political activities intended to foster a greater understanding of and familiarity with the culture, language, economics and political governance of the host country.

Section 632(c)(1) authorizes a Masters Degree program leading to the award of a Masters Degree in International Relations at Howard University or any other institution which enters into a MOU with Howard University. This MOU will outline the program of study at the cooperating institution to ensure its conformity with the academic program at Howard which shall have the approval of the Board of Visitors. Section 632(c)(2) creates the Ralph Bunche Fellowship in order to assist students acquire the Masters Degree in International Relations. The fellowship is limited to two years and may not exceed a total of $30,000 or $15,000 for each academic year. The Bunche Fellowships, to be awarded by Howard University, may only be awarded to full-time students in attendance at Howard or other institutions who enter into an MOU with Howard University, provided the student has a baccalaureate degree and intends to enter the U.S. Foreign Service for two years for each one year of fellowship assistance received.

Section 632(d) authorizes academic and summer internships for students from consortium institutions only and would provide a work-related experience with international voluntary, U.S. government agency or international agency.

Section 633(a) establishes the Board of Visitors for the Institute program. The membership of the Board shall include an individual named by the President of each institution in the consortium and the President of Howard Unviersity, as well as the designees of the Secretary of Education and the Secretary of State. Subsection (b) indicates that the Board of Visitors will function as the academic and policy oversight body for the Institute and the program. The Board is required to submit an annual report on the activities and accomplishments of the program to the Secretary of State and the Secretary of Education. That report shall include a statistical analysis of the progress made in placing minorities in the U.S. Foreign Service.

Section 633(c) sets forth the qualifications of the members of the Board of Visitors. They shall include: prior experience in the U.S. Foreign Service or in international service; academic experience, either instructional or research, in the international academic arena; practical or professional experience in overseas business, development or international voluntary work; or governmental experience in the foreign service or international voluntary service.

Section 634(a) provides for Howard University to submit an application to the Secretary of Education in order to receive the appropriated funds, and (b) establishes a matching requirement for the consortium institutions which shall equal one-fourth of the amount of the total provided by the Federal government, which shall come from non-federal sources, but may be in the form of cash, services, supplies or equipment.

Section 635 authorizes the President of Howard University to receive private gifts and donations on behalf of the Institute and to maintain such private gifts and donations, which are to be used for the support of the Bunche Fellowship Program or the Junior Year Abroad Program, at the Independence Federal Savings Bank or similar financial institution.

Section 636 provides for the delegation of the responsibility of providing a preparation course for the Foreign Service Examination to a non-profit entity in the District of Columbia.

Section 637 provides definitions for several key words used in the bill, including "eligible student," and "affiliated institution."

Section 638 authorizes $25 million dollars to carry out the purposes of the program in FY 1992 and "such sums" as may be necessary in each succeeding fiscal year.

Mr. Speaker, the idea for this legislation originated during the House Education and Labor Committee's series of field hearings on the reauthorization of the Higher Education Act of 1965. President Dolores Cross of Chicago State University expressed an interest in this legislative proposal at the field hearing held in my congressional district. As other hearings were held nationwide, the Committee heard time and again of the need to address this matter.

As the Congress moves forward in the process of reauthorizing the Higher Education Act, it is my hope that members will join with me in supporting this legislation, recognizing the need to provide true access to all aspects of education for all Americans.

TRIBUTE TO THE GRAND COUNCIL OF HISPANIC SOCIETIES IN PUBLIC SERVICE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. SERRANO. Mr. Speaker, I would like to take this opportunity to congratulate and praise the Grand Council of Hispanic Societies in Public Service, Inc. for their 24 years of unremitting dedication and service in the community.

Based in New York, the grand council was originally established by representatives of five fraternal Hispanic organizations who wanted to promote the contributions and advancements of Hispanics in the community.

Building on the premise that "in unity there is strength," the council's founders mobilized to create an umbrella organization that would incorporate the values set forth in their constitution. They formed an executive board and appropriate bylaws to guide them in carrying out a very specific set of objectives.

WHEREAS: In unity there is strength, we, the Representatives of various fraternal groups and societies, composed of Civil Service Employees of Hispanic and Hispanic-American origin or lineage, serving in the various spheres of Federal, State and Local Government, feel the need to create an organization to unite our efforts and aspirations into a common bond to better promote the general welfare of our individual fraternal groups and their members; to strive for due recognition in Public Service for people of Hispanic and Hispanic-American descent; to unrelenting dedication, to ever improving, to the best of our abilities, the services we render to the various communities we serve.

These goals, as written in the grand council's preamble, have steered this zealous organization to the point where they currently represent 90,000 members and counting.

Through their commitment and efforts, the Grand Council of Hispanic Societies in Public Service, Inc. has contributed to the advancement of Hispanics in our community. It is through these types of efforts that our community will be capable and prepared to manage the challenges of the future. These endeavors, which help strengthen our Nation as a whole, should be emulated by others, and must be commended.

On behalf of the South Bronx, I salute the Grand Council of Hispanic Societies in Public Service, Inc. on 24 years of service, and look forward to their presence in the community for many years to come.

INTRODUCTION OF LEGISLATION TO STIMULATE PRIVATE SAVINGS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. JENKINS. Mr. Speaker, today I am introducing legislation designed to stimulate private savings in the United States. The Individual Investment Account Act, which establishes IRA II's, represents a significant expansion of and improvement over IRA's as they now exist. By rekindling the "savings ethic" and contributing to significant increases in new savings, this legislation can have a very important impact on the household economies of average Americans as well as on the national economy.

Briefly, IRA II's will provide:

A $2,500 per year tax deductible contribution, indexed for inflation;

Unlimited nondeductible contributions;

No penalty withdrawals;

No forced distribution at any age;

All nondeducted contributions withdrawn first;

Account balance transferred tax free at death; beneficiary assumes account with same cost basis as benefactor;

Tax-free withdrawal of up to $15,000 for first time home purchase; basis in residence reduced by corresponding amount;

Proceeds from sale of principal residence may be rolled over without tax, and the basis of the account would be increased by an amount equal to the cost basis of the residence; any tax-free gain of up to $125,000 from home sale after age 55 increases IRA II nontaxable basis.

A careful review of the concepts embodied in this legislation shows a well designed, integrated program that not only will improve the financial condition of individual taxpayers, it will also improve the environment for investment use of capital and strengthen the fiscal position of our Government.

Under current revenue estimating procedures, the estimated tax revenue loss from the enactment of this legislation is expected to be high. IRA II funds will not escape taxation, they are simply held in trust for the payment of taxes in the future. It must also be recognized that whatever the revenue loss might be, the growth in savings will result in the same amount being available to the economy, where through investment new sources of tax revenue might be created. No one will deny that free market total rates of return, in the aggregate and over time, will exceed the Government's cost of money as reflected in, for example, Treasury bill rates.

In short, the Government's revenue estimating process shortsightedly treats IRA type savings as an expense when, in fact, such savings are a vital asset, essential for the fiscal soundness of our Government and the stability and growth of our economy.

The Individual Investment Account Act calls out for immediate congressional consideration. Mr. Speaker, I am attaching a more complete analysis of IRA II's that highlights their important advantages for our Nation. I urge my colleagues to give this proposal their careful consideration.

SUPPLEMENT FOR INCLUSION WITH MR. JENKINS CONGRESSIONAL RECORD STATEMENT PERTAINING TO THE INDIVIDUAL INVESTMENT ACCOUNT ACT.

ANALYSIS OF IRA II'S

(1) IRA IIs require no new costly administration. They are separate from IRAs.

(2) $2,500 allowable deduction per person per year is linked to cost-of-living index.

(3) There's no need for limits on "non-deducted" contributions (e.g., current IRA max. of $2,000/yr.). Uncle Sam will get his full tax whenever withdrawals are made. For example, there are no "limits" on non-deductible "E" bond purchases, and investing in private enterprise is far better for all.

(4) IRA IIs have no surrender penalties. Surrender penalties disproportionately increase taxes on lower tax brackets (see Table) and needlessly keep people from saving in the first place. With IRA IIs, there is no need for penalty tax waivers for 1st-time home buyers, etc. This, therefore, also assists the home building and real estate industries, as well as banks, thrifts and other financial institutions.

(5) The IRA prescribed "order" of withdrawals is reversed. Existing IRA law treats all plan withdrawals as taxable income until non-deductible contributions come out last, without tax. This existing law creates a very serious impediment to saving. We must make it easier and more attractive to save. Thus, all IRA II non-deductible contributions are considered to be withdrawn first, without tax. This revised basis certainly removes a most serious impediment to saving, and that's a key step towards our nation's sound economic future.

(6) IRA IIs have no requirement that benefits start at an arbitrary age, such as 70½. As voter/taxpayers spend their money via plan withdrawals, Uncle Sam will get his full tax on investment growth and any untaxed contributions.

(7) Home ownership enhances family and neighborhood stability. Permitting tax-deferred IRA II withdrawals of up to $15,000 per person for first-time buyers of a principal residence creates a tremendous incentive for

saving, particularly for young people. Additionally, it fosters real estate activity in all of its favorable dimensions. The taxpayer's "basis" in his or her home is reduced by the amount of the tax-deferred roll over.

(8) With IRA IIs, home sale proceeds can be "rolled over" without tax into the home owner's IRA II. Many voter/taxpayer senior citizens will welcome this favorable swap, because it can help them diversify their major asset without current tax. Thereafter, they can gradually withdraw money from their IRA II, as then suits their needs and desires. Taxation of such withdrawals will reflect their homes cost basis, which would be recovered first, without tax.

This step also helps (1) unlock the serious real estate doldrums, (2) open up the market for first-time home buyers, (3) shift monies into productive resources via "non-home" IRA II investment, and (4) costs the government nothing (it gains), because all the transferred real estate gain will ultimately be taxed at ordinary income tax rates instead of at "capital gain" rates, or on a "stepped-up" basis. If some voter/taxpayers prefer not to use this IRA II "home transfer" alternative in order to maintain their capital gain basis, or "stepped-up" basis at death, that's their choice, of course.

Existing law allows $125,000 of home sale proceeds to be received tax-free after age 55. This allowance is integrated with IRA IIs, so that home sale proceeds subsequently withdrawn from an IRA II would retain this allowance. This enhancement encourage everyone to invest their full home sale proceeds in productive enterprise via their IRA II.

(9) With IRA IIs, there is no income tax at death; but the beneficiary keeps the participant's basis. There is no need for an income tax at death, because whenever the beneficiary withdraws money from the IRA II, the investment growth and untaxed contributions will be fully taxed at ordinary rates. And, with IRA IIs there is no "forced" taxable distribution following death as is required under existing IRA law.

With IRA IIs, there is no "step-up" in basis upon death. From the government's "proper and realistic" viewpoint, there is no loss under IRA IIs; it's a true gain for national saving. Beneficiaries (children, grandchildren, etc.) will spend this money sooner or later (via plan withdrawals), and Uncle Sam will then collect his full tax on the unfettered-by-tax investment growth and untaxed contributions.

(10) Investment growth is fully taxed upon any withdrawal. While this results in a "double tax" on any "non-deducted" contributions, it is far better for everyone (including the government) that the ordinary income tax treatment that "double taxes" savings far more harshly.

(11) The great bulk of voter/taxpayers save for "income" accumulations. Savers who "invest-for-income" are impacted by inflation just as much as "capital gain" investors. And, or course, "capital gain" investors should not be taxed on "trades", because they haven't consumed anything. IRA IIs remove these highly negative taxation elements created solely by the current ordinary income tax system.

COMMENTARY

Not only do IRA IIs reflect good common sense and sound tax policy, they help create a dramatic economic shift away from recession and toward sound, long-term economic growth. Revenue estimates have not been made, because the current governmental methodology for so doing is totally incorrect by treating the amount of taxpayer IRA-type "saving" as a wasted "expense". In reality, revenue gains, rather than losses, are derived from IRA-type legislation.

IMPORTANT ADVANTAGES OF IRA II'S

It's obvious that IRA IIs will greatly increase saving and private capital, thereby reducing longer term interest rates. This also reduces the cost of national debt; a most important objective.

New IRA II saving creates tax revenue where none existed before, because this saving would otherwise be spent. IRA IIs also help ameliorate the existing double and triple taxing of corporate dividends.

IRA IIs help entrepreneurs get started and permit them to eventually "realize" some, or all, of their gains without tax in order to diversify. Of course, they will pay full taxes whenever they withdraw IRA II investment growth (and deducted contributions) in order to spend it.

IRA II savings growth substitutes for taxable wages whenever the taxpayer needs it. This greatly expands the ability of taxpayers to cope with their own particular needs and desires.

IRA IIs remove the "locked-in-due-to-taxes" aspect of personal investing that is so detrimental to free markets. This problem is particularly onerous for our elder generation who are so reluctant to sell an investment due to (a) a tax on large untaxed growth, and (b) their desire for heirs to enjoy "stepped-up basis" values at death.

All of the above elements of IRA IIs add up to a sound, simple, understandable, growth-oriented tax policy program that's doable from any perspective. No voter/taxpayer or government official has to be a tax expert to understand it fully. And, no new plan administration concepts are needed (IRA IIs are administered like IRAs).

In reality, IRA II legislation represents an excellent, sound "economic growth" initiative. It is a credible long-term plan. There is no rational reason why this IRA II program shouldn't be enacted promptly.

EXAMPLES

THE UNDESIRABLE NATURE OF PENALTY TAXES

IRA IIs have No penalty taxes on plan withdrawals. Penalty taxes hurt lower bracket taxpayers more.

[In percent]

Tax bracket	Penalty tax	Tax increase from penalty tax (b+a)
(a)	(b)	[1] (c)
15	10	67
28	10	36
31	10	32

[1] Lower tax brackets have a larger increase.

ILLUSTRATION OF THE NEGATIVE BIAS OF THE ORDINARY INCOME TAX (OIT) AS IT APPLIES TO SAVING

Example: $100 after tax saving at beginning of year one * 10% Return * Growth after 30 years

Tax bracket	Investment growth after 30 years		Growth lost due to the ordinary income tax (OIT)		
	Before OIT	After OIT		Percent loss	Loss as a percent of tax bracket
(a)	(b)	(c)	(d)	(e)	(f)
15 percent	$1,645	$1,056	$589	36	240
28 percent	1,645	705	940	57	204
31 percent	1,645	640	1,005	61	197
			(b − c)	(d+b)	(e+a)

[1] This lost investment growth of twice the tax bracket is unconsicionable! And, the lower tax brackets have a larger percentage loss! (col. f)

Growth lost due to IRA II taxes would equal 100 percent of tax bracket (not the 200 percent± as above). For example, IRA II comparable losses in col. (e) would be 15 percent, 28 percent and 31 percent of growth (not 36 percent, 57 percent and 61 percent as above).

IRA II taxation is fairer. It is proper taxation for each taxpayer voter and our Nation. IRA II's remove the disastrous bias against saving as found in the ordinary income tax.

PROTECTION OF YELLOWSTONE NATIONAL PARK AND OLD FAITHFUL

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1991

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce the Old Faithful Protection Act. My legislation is designed to halt the development of geothermal wells adjacent to Yellowstone National Park, within the known geothermal fault lines that carry the water that sustains the world renown geothermal features of America's first national park.

In 1988 the U.S. Congress moved to protect Yellowstone National Park, along with other parks, from the damaging of significant geothermal features. This was an important effort that essentially stopped any development on Federal lands adjacent to Yellowstone. However at that time there was a great deal of concern about the threatened development of geothermal resources on private land in what is known as the Corwin Springs Known Geothermal Area.

The Church Universal Triumphant, a local landowner, made application to the State of Montana to develop a hot water resource on their private property. Their application with the State proposed piping water from below the surface. The State entered into the permit process and many of the same folks who were concerned about development of geothermal leases adjacent to Yellowstone also became concerned about the Corwin Springs KGA. But the Corwin Springs well was on private land and the State had sole jurisdiction.

In the permitting process the State itself was concerned that they did not have sufficient data about the interconnection of the parks geothermal features with the Corwin Springs KGA, and without some proof of interconnection would probably have to permit. So then Senator Melcher, in conjunction with myself, attached to both the Senate and House Geothermal Steam Act amendments of 1988, a prohibition on public and private development in the area. The bill also dictated that a joint study be conducted by the USGS [United States Geological Survey] and the Park Service to determine the nature of the faulting structure below Yellowstone. The bill dictated the study should be done by December 1990 and that a 180 day review period would be allowed before the Federal ban on development was lifted. The legislation also specifically stated that if the study determined a risk to the features in the park, then the Interior Department should submit a plan for the acquisition of the water right interests in the Corwin Springs KGA.

Now some 9 months after the due date of the report, the Congress has not been presented with the required information and the 180 day review period may now be moot. This is an intolerable situation. It was clearly the intent of Congress to protect Yellowstone and now, due to the agencies' tardiness, that may, or may not, happen. I am also told that even when the report is presented there will be no discussion of how the Government might proceed if a risk is determined to exist.

I, for one, cannot wait any longer. Along with my colleague Senator BAUCUS I am presenting legislation that will establish a no risk policy for geothermal resources in Yellowstone Park, even if that means restriction of geothermal development on private land adjacent to the park. I am also asking, with the help of Senator BAUCUS, that the Interior appropriations bill being considered in the Senate contain a reinstatement of the time necessary to review a report, if ever presented, and then also pass my legislation if appropriate.

This legislation is not a taking of private property rights only a guideline to the type of geothermal use that will be tolerated adjacent to Yellowstone Park. This legislation does not remove State authority, nor does it impact nongeothermal water rights. This legislation simply carries forward the national policy, already articulated by this body, regarding the protection and continuation of the most famous and important geothermal features in the world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 19, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings to examine the health impact of certain pesticides manufactured in the United States and exported to Third World countries.
SD-138

Select on Intelligence
To continue hearings in closed session on the nomination of Robert M. Gates, of Virginia, to be Director of Central Intelligence.
SH-219

10:00 a.m.
Appropriations
Business meeting, to mark up H.R. 2521, making appropriations for fiscal year 1992 for the Department of Defense.
S-128, Capitol

Joint Economic
To hold hearings to examine foreign direct investment activities in the United States.
SD-538

SEPTEMBER 23

2:00 p.m.
Finance
Health for Families and the Uninsured Subcommittee
To hold hearings to examine proposals to reform the health care system, focusing on ways to control health care costs and improving access to health care coverage.
SD-215

SEPTEMBER 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the status of the Department of Energy's research and development on the Atomic Vapor Laser Isotope Separation technology and the outlook for transfer of that technology to the private sector for commercial deployment.
SD-366

Small Business
Business meeting, to markup S. 1426, to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.
SR-428A

Joint Printing
To hold hearings on the proposed consolidation of the Department of Defense printing establishment.
2226 Rayburn Building

10:30 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings to review the annual refugee consultation process.
SD-226

SEPTEMBER 25

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.
SD-342

Joint Economic
Education and Health Subcommittee
To hold hearings to examine ways to reform the American health care system, focusing on the contrast in administrative costs in the U.S. and Canadian health care systems.
2359 Rayburn Building

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to review the Secretary of Labor's Coal Commission report on health benefits for retired coal miners, and to examine the status and financial condition of the United Mine Workers of America Health and Retirement Funds.
SD-215

Joint Economic
To resume hearings to examine the current poverty situation in the United States.
2359 Rayburn Building

SEPTEMBER 26

8:45 a.m.
Office of Technology Assesment
Board meeting, to consider pending business.
EF-100, Capitol

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1495, to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico.
SD-366

SEPTEMBER 30

10:00 a.m.
Finance
Health for Families and the Uninsured Subcommittee
To resume hearings on proposals to reform the health care system, focusing on ways to control health care costs and improving access to health care coverage.
SD-215

OCTOBER 1

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 452, to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, S. 807, to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years, S. 1182, to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, S. 1183, to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, S. 1184, to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, Utah, and how best to preserve the resources threatened by such salt loss, and S. 1185, to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36).

SD-366

OCTOBER 2

9:30 a.m.

Joint Economic

Education and Health Subcommittee

To resume hearings to examine ways to reform the American health care system.

Room to be announced

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner.

SR-253

OCTOBER 3

9:30 a.m.

Rules and Administration

Business meeting, to mark up S. 289, to authorize an extension of the National Air and Space Museum at Washington Dulles International Airport, S. 1345, National Film Preservation Act, S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board, S. 1416, to provide adequate authority in the Library of Congress for the provision of fee-based library research and information products and services, S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in Washington, D.C., and H. Con. Res. 172, providing for the printing of a revised edition of the booklet entitled "Our American Government."

SR-301

OCTOBER 4

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the status of Great Lakes Federal programs.

SD-342

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD-342

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

SENATE—*Wednesday, September 18, 1991*

The Senate met at 10:45 a.m., and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Come now, and let us reason together, saith the Lord: though your sins be as scarlet, they shall be as white as snow; though they be red like crimson, they shall be as wool.—Isaiah 1:18.

Baruch Hashem.

Blessed be the name of the Lord.

God of Abraham, Isaac, and Israel, on this Day of Atonement, Yom Kippur, our hearts fill with gratitude when we hear the remarkable promise of the prophet Isaiah. Make real his word in our minds and hearts that God invites us to reason with Him concerning His eternal love and desire to forgive. As the Day of Atonement was that day on which the high priest made atonement for the sins of the people and the Nation, Israel, may this holy day be one on which all of us in our Nation take atonement seriously, acknowledge our need—our sin—personally and corporately, and open our hearts to the loving, gracious forgiveness and spiritual renewal of a holy God. Save us from indifference to the destructiveness of sin and the blessing of righteousness.

In His name who was righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, in observance of the religious holiday, there will be no rollcall votes today. However, the Senate will be in session and we will be considering the Interior appropriations bill. I understand the managers expect to consider a number of amendments to that measure and we hope to have it in position to complete action early tomorrow on that bill.

In addition, for the information of Senators, we will be required shortly to act on legislation affecting the Gramm-Rudman-Hollings law. There is a specific time period for consideration of that measure. I will be consulting with the distinguished Republican leader on how best to proceed on that measure, as well as consulting with him on how best to proceed to other pending measures including unemployment insurance reform, Department of Defense appropriations bill, and other appropriations measures. I will have further announcements with respect to one or more of these matters during the day today.

Mr. President, I yield the floor.

EMERGENCY UNEMPLOYMENT COMPENSATION

The ACTING PRESIDENT pro tempore. The clerk will read S. 1722 for the second time.

The legislative clerk read as follows:

A bill (S. 1722) to provide emergency unemployment compensation, and for other purposes.

Mr. MITCHELL. Mr. President, I object to further consideration of the bill.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

The Senator from Tennessee is recognized.

GORE CALLS BUSH GRAND CANYON VISIT ENVIRONMENTAL HOGWASH

Mr. GORE. Mr. President, today the Nation will be treated to another in a series of photo opportunities by the White House when President Bush travels in grand style to the Grand Canyon. There he will attempt to portray himself as he has attempted to do in times past as the environmental President.

Now that the campaign season is officially kicking into gear leading up to the 1992 elections, the President's political advisers have reminded him that, during the last campaign, he promised to be the environmental President. Yet he has been the antienvironmental President for his entire term so far, and now that his campaign for reelection is coming up, he is beginning a series of photo opportunities and imagemaking opportunities beginning with this trip to the Grand Canyon.

Mr. President, the Bush record on the environment is a fraud. The gap between his rhetoric and his record is as deep and broad as the Grand Canyon itself. And I just want to say this: Anyone who sees George Bush as the environmental President at the Grand Canyon ought to look closely for Elvis, alive and well, rafting by on the Colorado River. A zebra cannot change its stripes by standing on a busy street corner in a city. And neither can George Bush become the environmental President by standing in front of one of the most beautiful and scenic places in the entire world.

Let us look at the record. Where the global environment is concerned—which is now facing the most serious threat in the entire history of humankind—the world and the American people have looked to President Bush for leadership. Instead, not only has he failed to provide leadership, he has been the principal obstacle to efforts of others who are trying to save the global environment. Time after time as nations around the world have met to talk about what can be done to limit the pollution that is causing global warming; to limit the threat to the rain forests; to stop the poisoning of the oceans and the loss of living species—time and time again George Bush has stood in the way—stonewalling the entire world. He takes his advice principally, of course, from John Sununu.

On the domestic front, Mr. Bush's record is no better. Let us look at his energy policy. Here we have a policy which encourages our collective habit of taking 2,000 pounds of metal with us everywhere we go, and of burning gasoline in cars and trucks that get very low mileage. Efforts to do something about that have been stymied by the White House. The energy policy proposed by the President seems to be based on a single principle: At all costs, the objective is to ensure an unlimited supply of gasoline for John Sununu's limousine. I cannot find any other organizing principle in the policy that he has put forward. All the elements to encourage conservation and efficiency and alternative sources of energy were cut out of the President's energy program. So now he wants to go to the Grand Canyon and say he is the environmental President?

It is a fraud, Mr. President. It is a fraud, and I hope the American people won't buy it. The facts simply don't square with the image the President is trying desperately to portray.

Let us look at the history leading up to this visit to the Grand Canyon. The EPA had to fight hard to achieve the 90-percent reduction in emissions from area powerplants that the President will announce. And what was one of the principal obstacles the EPA had to overcome? None other than the White House. Specifically, in this case, the obstacle was Vice President QUAYLE's Council on Competitiveness, a group that is nothing more than a back door for industry to sabotage environmental regulations. Well, after a long, hard-fought battle, the White House finally agreed to withdraw its objections. This is what the President celebrates today. In truth, the occasion does not mark a victory for the President's environmental objectives, but a defeat for his attempt to front for industry.

And, while the President is visiting national parks, he ought to swing by Yellowstone. That park is seriously threatened by excessive logging and overuse. Deforestation is threatening fish and wildlife and the air over the park hangs heavy with car exhaust.

Again, experts tried to sound an alarm. But again, however, the heavy hand of the White House reached out to stifle the warning.

John Mumma was a regional forester in Montana who contributed to a report that clearly outlined these problems. What happened? Was the warning heeded? Did the environmental President say, "Oh, we've got a problem in Yellowstone?" No. The White House had him canned because he spoke up to protect Yellowstone Park against the significant environmental threats that it faces. The technical jargon the administration uses is that he was given "directed reassignment" to a desk job. What was his crime? Apparently, he failed to cut down as many trees in the park that the White House thought that he should. The timber industry was upset about that and, the administration, of course, readily did their bidding.

And there is a pattern here, Mr. President. Mr. Mumma's experience is not an isolated incident. In fact, newspapers around the country reported in the last few days complaints from officials within the National Forest Service—forest supervisors—that they have "come under intense political pressure from the White House to allow more timber harvesting than is environmentally responsible." To quote further from news accounts, Forest Service employees claim that "Administration officials are trying to force unsound land stewardship to benefit the timber industry." The Oregonean reports that environmentally minded Forest Service officials are being pushed out, and our colleague from Illinois, ALAN DIXON, told us the other day that similar problems are occurring in the Shawnee National Park. In that park, the Deputy Assistant Secretary of Agriculture has said that he will not suspend any timber harvest even though it is the environmentally responsible thing to do. The President should also travel to Yosemite and find out about the $2 million in golden parachutes which his representatives gave to the people who run the concessions there.

In our review of the President's record we should also look at the Clean Air Act. In yet another of the White House campaigns to weaken environmental protections, Vice President QUAYLE and his Council on Competitiveness have sabotaged the most important rulemaking to date under the act. Carving huge loopholes in the proposed rule that EPA sent to the White House, the Council on Competitiveness opened the door for industries to raise their polluting emission while closing the door to citizens and the courts seeking to review the industries' actions.

And the list goes on. The EPA Administrator said that municipalities should recycle just 25 percent of their municipal waste before they begin incinerating valuable recyclable commodities that could be brought back into the stream of commerce. Could we have this 25-percent mandate on recycling, just a quarter of the waste, so we could stop building so many incinerators and new landfills? The White House said no. The so-called environmental President said no. We ought to just keep on burning, building new incinerators, opening up new landfills. The EPA said at least lead/acid batteries should be removed from the waste stream because of the significant health and environmental threat poses. The White House again said no. Of course, the administration's lead removal policy is limited to removing it from the Vice President's house—nobody else's house and nowhere else in the environment.

As I said in the beginning of these remarks, the story is much worse where the global environment is concerned.

I will close with this final comment, Mr. President. We need leadership. We need a President who is truly committed to the environment, not to a series of fraudulent photo opportunities.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Senator's time has expired.

The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized in his leader time.

ALL NECESSARY MEANS

Mr. DOLE. Mr. President, on August 2, the distinguished Senator from Connecticut [Mr. LIEBERMAN] and I introduced a resolution to support the use of "all necessary means" to force Iraq to live up to the conditions of the U.N. cease-fire resolution.

The resolution passed unanimously—further evidence that the United States is, indeed, united and determined to ensure full and complete Iraqi compliance with the U.N. resolutions; in particular, to ensure that Saddam Hussein's capacity to build or use weapons of mass destruction is eliminated.

Let us be clear: One way or another, Iraq will comply.

The question is: Which way will Saddam choose?

His track record does not give anyone much hope that he will choose the sane and sensible course—voluntary compliance with an agreement to which, let us not forget, Iraq did agree.

Instead, he seems once again to be forcing us to take the other course: to compel his compliance—if necessary, through the use of force.

President Bush is taking the appropriate precautions. He is ordering certain American forces on alert, and taking other steps to put us in the position to do whatever needs to be done.

In taking those steps, President Bush is not seeking a confrontation or military solution. On the contrary, while preparing for military action, if necessary, the President is sending yet another—and perhaps a final—signal to Saddam, and giving him one last chance: Comply voluntarily or pay the price.

Mr. President, there is not a single Senator, or a single American, who wants a resumption of military conflict.

But there are few, if any, Senators or Americans who will not stand solidly behind the President if the use of force proves necessary.

We cannot build and preserve a new world order—if old style dictators can get their way by bluff, bluster, and the brandishing of nuclear and chemical weapons.

Saddam's day is done. His way of doing things is over.

Somehow, even now, he has not gotten that message.

President Bush is making one last effort to deliver the message peacefully.

If that does not work, it may be necessary to have the next message delivered by U.S. Armed Forces, and I guess particularly the U.S. Air Force.

The choice, once again, belongs to Saddam Hussein.

Mr. President, I ask unanimous consent to print in the RECORD a copy of the resolution introduced on August 2.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

The Congress finds:

American and Coalition armed forces achieved great success in the Persian Gulf war in accomplishing the goals set forth by the United Nations Security Council.

Subsequent to the cessation of hostilities in the Persian Gulf, the United Nations Security Council adopted Resolution 687, which has now been in effect for more than 100 days, and which required that Iraq submit within 15 days of its adoption a declaration of "the locations, amounts and types" of its weapons of mass destruction.

Resolution 687 further required that Iraq "shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision," of all of its "chemical and biological weapons," and shall place all of its nuclear weapons-usable material under the "exclusive control, for custody and removal, of the International Atomic Energy Agency."

Iraq has failed to meet any of these requirements of Resolution 687, and further:

(a) refused to acknowledge the existence of its biological weapons program; and

(b) obstructed, including through the use of armed force, the efforts of the United Nations Special Commission established by the Resolution to inspect Iraq's nuclear facilities to carry out its mandate.

In a report issued on July 30, the Commission concluded that Iraq has undertaken a systematic effort to conceal its nuclear weapons development program, and has four times as many chemical weapons as previously estimated.

President Bush has stated his determination to accomplish the goals of Resolution 687.

It is the sense of Congress that:

(1). Iraq's failure to meet the requirements of Resolution 687 constitutes a continuing and grave threat to vital American national security interests and to the peace, security and stability of the Persian Gulf region.

(2). The Congress supports the use of all necessary means to achieve the goals of Resolution 687.

(3). The President is urged to continue consulting closely with our partners in the Desert Storm Coalition, and with the United Nations Security Council, on efforts to achieve the goals of Resolution 687.

(4). Should the use of force prove necessary, the President is urged to take all reasonable precautions to ensure that innocent civilian casualties are avoided or minimized.

Mr. DOLE. Mr. President, I yield the floor.

THE DAMAGE TELEVISION IS DOING TO CHILDREN

Mr. BYRD. Mr. President, television is today probably the single most pervasive and powerful influence affecting our children.

Experts estimate that by the time a child reaches age 18, he or she will have watched, on average, 15,000 hours of television programming. Mr. President, that is probably more than I have watched in all of my life. And I am not sorry for my having not watched it.

Through its novelty, its cleverness, its dazzle, and its diversionary quality, television can support and strengthen, or it can erase and dilute, home and church values. For many children, the television screen displaces the authority of mothers and fathers, ministers, school teachers, or any other positive authority figures on whom our society has long depended to impart values and to create conscience attitudes amongst the young.

Alarmingly, a study produced last year by the Universities of Pennsylvania and Delaware have revealed that the average hour of children's programming—cartoons, adventure shows and such—contains 26.4 acts of violence—that is up from 18.6 acts of violence per hour in 1980.

One particularly reprehensible television influence on children is music video programming.

Occupying currently as many as three exclusive channels on some cable systems, music videos are aimed directly at teenagers and preteens but are watched by children as young as 4 and 5 years of age.

Most rock musicians and actors in music videos emerge as sneering, antisocial, unkempt, undisciplined, and arrogant punks, male and female alike. Schools, jobs, home life, nuclear families, patriotism, self-discipline, religion, fathers and mothers, policemen, soldiers, and other conventional figures—most of the people and institutions with which we live daily—are portrayed day after day as oppressive, square, boring, fascist, uncool, hypocritical, and outdated. Contrarily, those who reject these institutions and defy those who fill positions of responsibility in our society are lionized, romanticized, and glorified.

The central message of most of these music videos is clear: Human happiness and fulfillment are experienced by becoming a sociopath and rejecting all responsibility.

The quality and content of television programming being aimed at children and young people is too important to be ignored by parents, teachers, clergy, and others concerned about the values of our society and the future of our country. The average child or teenager watches thousands of hours of television each year. For countless families in which both parents are working outside the home, television is a baby sitter. What responsible parent would tolerate a baby sitter who exposed his child to hours of near-pornography or who counseled that child to pursue antisocial behavior?

The poet William Blake wrote, "Degrade first the arts if you'd mankind degrade."

I do not call attention to these problems from prudery or parochialism. From a long, full life of experience and observation, I have learned that we do indeed reap as we have sown. If we in this Nation continue to sow the images of murder, violence, drug abuse, sadism, arrogance, irreverence, blasphemy, perversion, pornography, and aberration before the eyes of millions of children, year after year and day after day, we should not be surprised if the foundations of our society rot away as if from leprosy.

WASHINGTON POST EDITORIAL ON ISRAELI LOAN GUARANTEES

Mr. BYRD. Mr. President, I call my colleagues' attention to an editorial that appeared today in the Washington Post in support of the President's policies in the Middle East. The editorial points out very clearly that the course being pursued by President Bush upholds longstanding U.S. policy, while trying to maintain the U.S. position as an independent arbiter in order to ensure that the upcoming historic peace conference will actually take place. I urge every Senator to focus on what is truly at issue—a stable and lasting peace in the region. Peace serves the security interests of the United States as well as all of the parties in the region.

Last week I expressed my support for a delay in consideration of the $10 billion loan guarantee to Israel, and I hope that my colleagues will also support this 120-day "pause for peace," as the President has called it. I ask unanimous consent that the Washington Post editorial to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SETTLING THE SETTLEMENTS ISSUE

President Bush is being faulted for his diplomacy with the Israelis. He's said to have provoked an unnecessary and bruising quarrel by suggesting that Israel postpone its request for immigrant-absorption aid in order to allow the proposed Arab-Israeli peace conference to get fairly underway. As a result, in some quarters it is not Israel that is in the dock for its settlements policy, which is the real issue here since West Bank settlements menace not just the launching but the conduct and conclusion of a peace conference. Mr. Bush is in the dock for his manner of dealing with a friend and ally.

But this is backward. The problem of the West Bank settlements cannot be put aside any longer. For years successive American administrations have rightly been urging Israel to curtail those settlements, pronouncing them illegal, subversive of peace or both. But particularly since 1977, when the right-wing Likud came to power, Israel has been expanding them, contemptuous of the pleas of Americans and others to save the issue for an Arab-Israeli negotiation.

Now such a negotiation is in prospect. As it happens, it is also a moment when Israel is seeking $10 billion in loan guarantees to resettle Soviet immigrants, in addition to the usual $3 billion or more a year in direct aid. Even if not a penny of those loans goes to work in the West Bank, they release Israel's own funds for that purpose. This is what led the Bush administration to ask Israel to hold up its request for the loan guarantees. It wants the settlements issue resolved once and for all.

For his pains in trying to get Israel to take American interests seriously, President Bush is now patronized and accused of being obsessed with the settlements. But it is Prime Minister Yitzhak Shamir and his colleagues who are obsessed with the settlements—who put land above peace and trifle with the foreign resources that Israel needs for the historic mission of rescuing a million Soviet Jews.

The relief of these immigrants is a large and worthy humanitarian cause in which the United States has proudly joined. But the direct use of these refugees, or the indirect use of funds made available to help them, to nail down possession of an occupied foreign territory is a political ambition in which the United States should have no part.

COAST TO COAST: AMERICAN ARTISTS EXHIBITION

Mr. PELL. Mr. President, I would like to bring the attention of my colleagues to a remarkable art exhibit that began this week here in Washington. It is called "Coast to Coast: American Artists" at the Very Special Arts Gallery on F Street.

Very Special Arts is an educational affiliate of the Kennedy Center, founded by Jean Kennedy Smith, which presents opportunities in the arts for persons with disabilities. As one of VSA's most recent projects, the art gallery is a mainstream exhibition space with presents work of emerging as well as recognized artists.

In fact, our colleague, Senator KENNEDY, has had his own work exhibited at the gallery. One of his oil paintings was reproduced by the gallery in a limited edition serigraph which VSA was able to sell to raise funds for their worthy projects. Martin Blinder of the Martin Lawrence Galleries reproduced the painting which unequivocally demonstrates that our colleague from Massachusetts is a multitalented individual.

The "Coast to Coast: American Artists" exhibit at the gallery will present artists from each of the States across the country. All media will be presented by these professional artists with disabilities. I am especially pleased that artist Shirley Bell of Jamestown, RI, is among those included in this exhibition.

Proceeds from the gallery benefit the Very Special Arts organization and permit them to continue their exceptional work on behalf of individuals with disabilities. I commend the exhibit and all of the fine work being done by Very Special Arts to my colleagues.

PERSEVERANCE SECURES INITIAL FUNDING FOR MOUNT RUSHMORE PROJECT

Mr. PRESSLER. Mr. President, on July 3, 1991, Mount Rushmore National Memorial celebrates its 50th anniversary with a formal dedication by President Bush. Sculpted by Gutzon Borglum, America's Shrine of Democracy illustrates the artistic genius of Borglum and the hard work and dedication of many other individuals who made the Mount Rushmore dream a reality.

Today I would like to recognize a South Dakotan whose important role in securing the additional Federal funds necessary to complete Mount Rushmore is sometimes overlooked. Congressman Theodore Werner, who represented South Dakota in the House of Representatives in the mid-1930's, deserves recognition for his work on behalf of Mount Rushmore. Despite significant opposition from some House Members, Congressman Werner managed to successfully steer a $200,000 appropriations bill for Mount Rushmore through the House of Representatives. Without the hard work and perseverance of supporters like Congressman Werner, Mount Rushmore might never have been completed.

U.S. Senator Peter Norbeck, a correctly recognized central figure in initiating and fulfilling the Mount Rushmore dream, had this to say of Congressman Werner's role in securing the final $200,000 Mount Rushmore appropriation in 1935: "Without Werner, we could not have gotten the legislation."

Many current visitors to Mount Rushmore who study its history are surprised to learn that opposition existed in the Congress in the 1930's to providing Federal funds for the memorial. Today, it is clear to all that Congress made the right decision in providing the funds to complete Mount Rushmore.

I recently received some information from Marguerite Truax, daughter of the late Congressman Werner, regarding her father's work in the House of Representatives on behalf of Mount Rushmore. She also provided excerpts from Gilbert Fite's book, "Mount Rushmore," and the August 25, 1935, debate in the House of Representatives on Congressman Werner's bill to appropriate an additional $200,000 for Mount Rushmore. Those works show the crucial role played by Congressman Werner. South Dakota is in his debt.

Mr. President, I request that Mrs. Truax's letter and enclosures be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAPID CITY, SD,
July 8, 1991.

DEAR SENATOR PRESSLER: I am enclosing information you requested to be sent to you.

I have two pictures. These are photographs of Washington and one of Jefferson which also shows Washington. These are 20" x 30" and signed by Borglum. My father, Mr. Werner, had these hanging in his office when he was U.S. Representative from South Dakota. These were given to him by Mr. Borglum. He also gave him a bust of Lincoln incised on the side "1911" and signed his name with a small piece of Rushmore rock in an indention on bottom.

The Congressional Record of August 25, 1935—pages 14653-14657—titled "Mount Rushmore National Memorial". You will see he definitely was responsible for his money. The book "Mount Rushmore" by Gilbert Fite, copyright 1952, published by University of Oklahoma Publishing Division. This book was given to him by Rushmore Comm. with a letter signed by John Boland on page 151. Senator Norbeck made the statement, "Without Werner we could not have gotten the legislation"

We were there when Coolidge was there and Washington was dedicated and were in official party when Roosevelt was there.

I have always felt my father, Mr. Werner, should be recognized for his part. He worked hard and long hours. Those were depression years.

I really appreciate your interest. I will always cherish and remember the letter you sent to me when my father passed away in January 1989.

If at all possible, I would appreciate in having a copy of the Congressional Record for 50th Rushmore Golden Anniversary celebration. To my knowledge, the $200,000 was the last Federal money they received to finish Mt. Rushmore.

Sincerely,
MARGUERITE WERNER TRUAX.

[From the CONGRESSIONAL RECORD, House of Representatives, Aug. 24, 1935]

MOUNT RUSHMORE NATIONAL MEMORIAL

Mr. WERNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3204) to provide additional funds for the completion of the Mount Rushmore National Memorial, in the State of South Dakota, and for other purposes.

The clerk read the title of the bill.

Mr. TABER. Mr. Speaker, I object.

Mr. WERNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3204) to provide additional funds for the completion of the Mount Rushmore National Memorial, in the State of South Dakota, and for other purposes.

The Clerk read the bill, as follows:

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $200,000, in addition to the amount previously authorized, for the purpose of defraying the cost of completing the Mount Rushmore National Memorial, in the State of South Dakota, including landscaping of the contiguous grounds thereof, constructing the entrances thereto, and constructing a suitable museum room in connection therewith.

"SEC. 2. The Mount Rushmore National Memorial Commission, with the approval of the Secretary of the Interior, is hereby authorized to enter into contract for the execution and completion of the work and to fix the compensations to be paid to artists, sculptors, landscape architects, and others, who may be employed by the Mount Rushmore National Memorial Commission, in the completion of the said Mount Rushmore National Memorial pursuant to the provisions of section 3 of Public Law No. 805, Seventieth Congress, approved February 25, 1929, as amended by section 1 of Public Law No. 471, Seventy-third Congress, approved June 26, 1934."

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. WERNER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. WERNER. Mr. Speaker, this bill provides an authorization of $200,000 for the completion of the Mount Rushmore Memorial in the Black Hills of South Dakota.

There was previously appropriated $250,000 for this memorial. The citizens of the State of South Dakota have contributed $70,500, and there has been spent from relief funds approximately $50,000.

This memorial is being carved in granite; the figures of Washington, Jefferson, Lincoln, and Theodore Roosevelt will be carved in this granite in the Black Hills, which will endure as long as the deeds of these great men contribute to the happiness of American posterity.

Mr. Speaker, the question simply resolves itself into whether we are going to leave this memorial unfinished or whether we are going to complete it. We have spent millions of dollars in the recent sessions of Congress for things less worth while.

To leave this memorial unfinished would be to desecrate the memory of these great statesmen. To finish it shows that we appreciate the Americanism they lived and taught. It is the spirit of the West to complete every undertaking. I ask the House to vote approval of this authorization.

Mr. Speaker, I reserve the balance of my time.

Mr. TABER. Mr. Speaker, this is not the first time this matter has been before the House. Frankly, I do not know how much has heretofore been appropriated, but I understand that a great deal of money has been appropriated, probably, $250,000, and I understood when the question came up before that the $250,000 was intended to finish the job and it was stated at the time that it would complete it.

Now, Gutzon Borglum, the noted sculptor, as I understand it, gets a very large share of the money that is appropriated for this particular purpose.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. WOODRUFF. Gutzon Borglum does not get any such thing.

Mr. TABER. Does he not get something?

Mr. WOODRUFF. He gets something, and he is entitled to get something, I hope the gentleman will concede. But he does have to hire help, he does have expenses that have to be paid out of this. What he gets is a very small part of what is provided in this bill.

Mr. TABER. That is fine.

Mr. WOODRUFF. It is true also.

Mr. TABER. Mr. Speaker, it is not an easy job to stand up here and try to protect the Treasury of the United States. I have stood up and done it a good many times, and many times I have been bowled over after I have done it; but I feel that an attempt should be made at every opportunity to protect the Treasury, because the inroads on it are so severe that a serious question arises in my mind whether we are going to be able to meet those inroads. Having appropriated $250,000 heretofore for this job, with the understanding that that would finish the job, we ought not to go any further and appropriate any more money. We are in this situation: They have already completed the likenesses of Presidents Washington and Jefferson, as I understand it. That is a very considerable job, and it would seem to me that that would make a very good park all by itself, without adding any more to it.

In making that statement I do not wish to cast any aspersions upon President Lincoln or upon President Theodore Roosevelt, but I believe that a community which has as fine a park as this, with the likenesses of Washington and Jefferson, ought to be content and that it ought not to come back here for $200,000 more. I cannot see any excuse for spending so much money. We have started in tonight to allow some of these large appropriations to die. Let us let a few more die and not dig into the Treasury quite so hard. There is a lot of sentiment about all these parks. There is a lot of sentiment about all of these activities of an esthetic character. There is a lot of sentiment on the part of the neighborhoods affected. They feel they ought to have these things, but having treated them fairly in the past, is it not time that we should stop and not go any further? I reserve the remainder of my time.

Mr. WERNER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, it seems to me that if we do not intend to complete this project at Mount Rushmore we should not have commenced it. This half-finished job out there will represent a total loss unless we go ahead and complete it. I am in thorough sympathy with the position of my friend from New York, Mr. TABER, but there are things that we should do and this is one of them. It is not such a great sum of money that is being asked for in this appropriation.

Mrs. GREENWAY. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mrs. GREENWAY. Is it not true that this monument is bringing millions of people to South Dakota?

Mr. KNUTSON. Yes. I was present when this park was dedicated by the late President Coolidge. It is one of the beauty spots of North America.

Mr. MCFARLANE. Can the gentleman tell us about how many people have visited that section to view this monument and how far it is from the highway and how far it is from the center of population? Tell us something about this so that we will understand what we are about to vote on.

Mr. KNUTSON. I shall let the gentleman from South Dakota [Mr. WERNER], who is thoroughly acquainted with these different angles, answer that question.

Mr. MCFARLANE. How close to completion are the two figures?

Mr. KNUTSON. The gentleman from South Dakota will also reply to that question. I think it would be a mistake to stop this gigantic work at this time, because if we do not complete it, the money that we have put into it will represent a total loss, and Congress will be the laughing stock of the country.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. PITTENGER. If the gentleman from Texas [Mr. MCFARLANE] is opposed to this appropriation, let us ask him something about the $3,000,000 that we voted for Texas.

Mr. KNUTSON. Mr. Speaker, my colleague understands that money spent for public improvements in some other Member's district is always called "pork." I have no interest in this matter except to protect the money that we have already invested in this park.

Mr. COSTELLO. Will the gentleman tell us how much we have invested?

Mr. WHITE. Does the gentleman not think it advisable to avail ourselves of the matchless genius of Gutzon Borglum while he is still living?

Mr. KNUTSON. It is going to be one of the most marvelous works of art ever undertaken by mortal man. Mount Rushmore is situated in the Black Hills, and I say to you men and women who have never been out there that it is one of the scenic spots of the world. As this place becomes better known it will be visited by thousands and thousands of additional people each year. Therefore we should complete the job as soon as possible.

[Here the gavel fell.]

Mr. TABER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MORITZ].

Mr. MORITZ. Mr. Speaker, it seems inopportune at this time to bring in a bill of this sort. We spend millions every year for the unemployed, for the fathers of families who have no work and who are starving, which is right, but to spend $250,000 for art work at this time is certainly out of order. You cannot eat art. As the gentleman from New York [Mr. TABER] said, we have two images fashioned now, of Jefferson and Washington. That should be sufficient. What we are interested in now is getting people back to work so that the heads of families can get wages to buy food for their children. We are not interested in art right now. This project is all right in prosperous times when we have plenty of work and everybody is happy. Right now we should concentrate on the necessities of life.

The Chairman of the Committee on Appropriations [Mr. BUCHANAN] says we should retrench, and then the gentleman from Minnesota [Mr. KNUTSON], the great conservative, tells us to spend more money. Can you beat that?

Mr. WERNER. Will the gentleman yield?

Mr. MORITZ. Yes; I yield.

Mr. WERNER. Does the gentleman realize that practically every dollar that has been spent on Mount Rushmore is used to employ labor with which to feed the mouths of hungry children?

Mr. MORITZ. It is used to employ people like Mr. Borglum, who is already wealthy. There are a few laborers employed, and that is all. This is a lot of foolishness and ought to be voted down.

I yield back the remainder of my time.

[Here the gavel fell.]

Mr. WERNER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Speaker, the gentleman from Pennsylvania [Mr. MORITZ], who has just concluded his remarks on this important bill, has apparently little knowledge of what is going on in the Black Hills. He seems possessed of the idea that the only person employed on that great work is Mr. Gutzon Borglum. When I tell you that the figure of Washington on that great mountainside is as large as the dome of this Capitol, and that the figures of Jefferson, Lincoln, and Theodore Roosevelt will be of comparable size, you will realize that Mr. Borglum finds it necessary to have many people help him in that tremendous work.

Now, I naturally have sympathy for the position taken by the gentleman from New York [Mr. TABER]. I have looked with much apprehension upon the wild squandering of money that is going on in this country. We are spending money for "boondoggling"; we are spending money for Passamaquoddy; we are spending money for building a highway down the Keys of Florida, over which few people will travel, and it is all built at a cost of many millions of dollars.

Mr. GREEN. Will the gentleman yield right there?

Mr. WOODRUFF. No; I do not yield.

I say to the Members of this House that the work going on at Mount Rushmore is something that will stand for thousands of years as a monument to the formative period in American history. That great monument contemplated in the Black Hills of South Dakota is supposed to typify four great epochs. One, typified by Washington and his work; one typified by Jefferson and his work; one typified by Lincoln and his work; and one typified by the work of Theodore Roosevelt.

Now, Mr. Speaker, as I stated a moment ago, when that great monument is completed, it will stand as a monument all down the ages to the Americanism we have known up to this time in our history. What is a matter of $200,000 in these days, when we consider that we have, during this session of Congress, appropriated $10,350,000,000 for God knows what, when with this $200,000 we can build a monument such as has never before been contemplated, such as has never before undertaken in the history of this world, to commemorate the great things which have contributed to making this the greatest country the world has ever known and the finest country in which to live.

Mr. Speaker, When I note the objections to this worthy measure, involving a mere $200,000, registered by the different Members of the House, particularly those of the majority, I am reminded that with the enactment of the third deficiency bill, which passed the House today, the appropriations for this session of Congress will amount to the staggering total of $10,350,000,000, bringing the total appropriated by the present administration during its first 3 years, under the direction of President Roosevelt himself, to the outrageously unjustified amount of $26,035,119,000.

This amount is greater by a few million dollars than the sum expended by this Government from April 6, 1917, until July 2, 1921, a period of more than 4 years, during which the United States was officially at war with Germany, and during which we were providing clothing, subsistence, military equipment of every kind and character for an army of 4,500,000 men, paying all other expenses incidental to conducting a war across a stretch of 2,500 miles of ocean, as well as increased expense for civil activities, and at the same time loaning billions of dollars to our allies, not much of which will ever be repaid.

For the fiscal year ending June 30, 1934, this administration appropriated $7,105,050,000; for the fiscal year ending June 30, 1935, there were appropriated—not including the $2,000,000,000 appropriated for the stabilization fund—$8,581,069,000; and this, together with the sum appropriated by this session of Congress, represents a sum greater by $1,514,274,000 than was expended by the United States during the period of 124 years from Washington's first inauguration to the fiscal year ending June 30, 1913, when President Wilson assumed Executive authority over the expenditures of the United States Government.

During this 124 years the people paid in part for the expense of waging the Revolutionary War and in full for the War of 1812, the Mexican War, the Indian wars, the Civil War, and the Spanish War, and in addition, of course, paid all of the other military and naval expenses as well as the civil expenses of the Government.

During the fiscal year just closed there was collected from every source, including the processing taxes upon foodstuffs and clothing, less than $4,500,000,000. This session of Congress has appropriated $5,900,000,000 more than we had to spend, and this means that the debt heaped upon the people of the country has been increased in this amount as a result of our action.

The tax bill, enacted at the insistence of President Roosevelt, notwithstanding the confiscatory rates on large incomes and estates and the increased taxes on business, will provide not to exceed $250,000,000 per year. If this bill serves no other purpose it will at least demonstrate to the country that the extravagant, wasteful expenditures of the Democratic administration now in power can be met only in exceedingly small part by soaking the rich, and that the poor will be called upon to pay far more than any people in their circumstances should ever be called upon to pay for taxes.

The amount of revenue produced by this tax bill will pay the running expenses of the Government as now conducted for less than 10 days. Even as a redistribution-of-wealth measure, which the people were led to believe it to be, it would provide but $2.08 for each of our 120,000,000 people. The bill makes it perfectly obvious to the great masses of our people that, in the last analysis, they, and not the rich, are going to be required to assume the greater portion of the cost of the administration's profligate expenditures.

Every dollar of expense, every dollar of debt is of vital interest to every class of our people, more particularly to the poorer classes. As President Roosevelt said in speaking at Pittsburgh, October 19, 1932:

"Our workers may never see a tax bill, but they pay in deductions from their wages, in increased costs of what they buy, or—as now—in broad cessation of employment. There is not an unemployed man, there is not a struggling farmer, whose interest in this subject is not direct and vital."

On that day, President Roosevelt expounded a fact, not a theory. Unless he has completely forgotten that statement and the truth of it, he must recognize the fact that the billions of dollars of wasteful expenditures and the billions of dollars of debt being heaped upon our people must, in the last analysis, be paid largely by those who can least afford to pay, and I refer to our workers, our farmers, our people of modest incomes.

The result of this increasingly tragic situation, unless remedied at once, is bound to be a reduction of the American standard of living to the point where it will be comparable to that in the nations of the Old World and the Orient.

This burden of debt is going to be with us for generations. The young people of today, the young people of tomorrow, their children and their children's grandchildren, will be called upon to pay for the extravagance and the wasting of this administration.

Unless I am greatly mistaken in the good sense of the American people, they will, at the first opportunity presented to them through the ballot box, once and for all time register a repudiation of these shockingly wasteful policies that will be a lesson to other administrations for many years to come.

In view of the conditions I have outlined and in view of the ridiculous purposes for which billions are being spent by this administration, and in view of the worthy purpose for which this $200,000 is proposed, I hope the House will overwhelmingly approve the bill under consideration. [Applause.]

Mr. TABER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS. Mr. Speaker, I have learned in life that each knock is a boost. I therefore want to thank my colleague for the knock he has just given Key West, Fla. I was inclined to vote for this proposition, but my good colleague and friend from Michigan, with whom I have served so many years, showed me he was so misinformed as to conditions in Florida, and so unfair, I am afraid to follow him on this bill. When he stated that no one ever traveled the Key West Highway, the eighth wonder of the sea, he clearly convinced me that I would be foolish and unwise to vote for his proposition. [Laughter and applause.]

Mr. TABER. Mr. Speaker, I yield the balance of my time, 8 minutes, to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, we are now discussing the question of spending $200,000 more. I want to call to the attention of the House the statement made by the Chairman of the Committee on Appropriations, Mr. BUCHANAN, day before yesterday, that we have appropriated at this session of Congress over $10,000,000,000; more money than has ever been appropriated by any Congress in the history of this Nation in 149 years. Now, when you think that we have been the most extravagant Congress that has ever assembled, do you not think we ought to really consider, and consider carefully, what we are doing?

Where are we going to get the money? Remember that last year we spent $7,500,000,000, one-half raised by taxation and the other 50 percent raised by bonding the children and the grandchildren of this Nation to pay the bill, a millstone around their neck. This year we are appropriating 50 percent more than we spent a year ago. Now, if we are not going to increase the taxes more than we have done, if we are not going to raise more than $250,000,000 additional, you can see that if this money is spent we are going to be $7,500,000,000 in the red before the end of the year.

Let me ask you as supposedly sensible men, and I cannot qualify it in any other way, considering the expenditure of money, if you want to consider the continuation of the Government of the United States there is not one man here in this Chamber tonight but who realizes that in a very short time if we continue to pyramid our public debt as we did last year and as we are trying to do this year, that eventually the credit of this Nation will be gone; and when you wreck the credit of this Nation you wreck this Nation itself.

Now, what are we doing? We are considering here in this bill the question of putting on a mountain side the likenesses of the face of Washington, which has already been completed, and of the face of Jefferson, which I understand is nearly completed, and of the faces of Lincoln and Teddy Roosevelt. We are told in this Chamber that the completed likeness will each be as high as the Capitol Dome; our national debt is $31,000,000,000 higher than the Empire State Building. If these two faces are that big, gracious goodness, we ought to change the faces of those two men or else we ought to change the faces and the complexion of the Members of this House, one of the two. If the Members of Congress and our guests in the galleries want to look at the face and figure of Washington, they need not go to the Black Hills of South Dakota; they can turn to the portrait in this Hall of the House of Representatives and see Washington in natural size, as he would want to be seen by the citizens of this country.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. RICH. Mr. Speaker, I decline to yield because there is still hope for America and there is still hope for this Congress if we refuse to appropriate any more money. Then when we come back here next year, let us put more taxes on the American people, because that is what you will have to do ultimately. Tax the American people more so they will send back to Congress men who will not spend money like you have been spending it during this session of Congress. [Applause.]

They tell me that we are going to employ on this monument Mr. Borglum and his crew of assistants. Now, I like Mr. Borglum. I think he is a very fine man, and no doubt he is one of the finest sculptors in this land, or in the world.

I question whether the $200,000 that is to be spent for this particular purpose at this particular time will do as much good for the people of South Dakota as though this money were spent to help the farmers of South Dakota, instead of in a manner in which they are trying to help them now with the processing taxes, for you must remember that the people back home are getting tired of the processing taxes. Now, when you go to the people of America and ask them to pay taxes in some other manner to pay these 60 men for building these great faces of Washington, Jefferson, and Roosevelt on that mountainside, faces which are going to be as high as the Capitol Dome, then I think the taxpayers will say to you, and they will say to me that their tax bill is higher than the Capitol Dome. Taxes are now too high, but to save the Nation you must either increase taxes or cut down expenses. What course will you take?

Mr. MCFARLENE. Gutzon Borglum is a chiseler, is he not?

[Here the gavel fell.]

Mr. WERNER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. LUNDEEN].

CONGRESS MUST NOT ADJOURN NOW—OUR WORK IS UNFINISHED

Mr. LUNDEEN. Mr. Speaker, the administration deserves credit for continuing the great Rushmore Black Hills Project. Gutzon Borglum is a sculptor whose genius is unquestioned and whose fame is world-wide. This art project was originated under the Republican President, Coolidge, and carried on by the administration of President Hoover, and all the Democratic administration is seeking to do now is to finish what the Republicans began.

Mr. WERNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this bill is approved by the Director of the Budget. We come here and ask your vote for this bill with the approval of all the agencies that have anything to do with it, and this bill, I may say, comes here also with the approval of the President of the United States. The other day the President wrote this letter:

"In our conversation the other day regarding the Mount Rushmore National memorial, your description of the progress of work on the memorial and of its inspirational value to our people in the years to come convinces me of the need for legislation to authorize an additional appropriation of $200,000 for the completion of this project."

Mr. Speaker, that letter was written to the senior Senator from my State, Hon. PETER NORBECK, who has given of his time, of his efforts, and of his thoughts, and whose heart lies in the completion of this great American memorial.

Mr. WOODRUM. Will the gentleman yield?

Mr. WERNER. I yield to the gentleman from Virginia.

Mr. WOODRUM. I hope the gentleman's resolution will pass. I should like to make this observation, if the gentleman will permit: This project was started, as the gentleman knows, under a previous administration. There are no politics in it at all. It is a great American project. It always has happened that these projects have taken more money than we started out to spend. If we appropriate more money to finish this, we are simply doing what we have always had to do and what we know we always will have to do in the future. It takes more money than was thought necessary at the beginning. I think the resolution is meritorious, and I hope it will pass.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota [Mr. WERNER] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 119, noes 41.

So, (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

MOUNT RUSHMORE

(By Gilbert File)

Before introducing the Rushmore bill, Norbeck sought clearance at the White House. Without the support of the President and the director of the budget, there was little hope of getting the $200,000. "I saw the big Chief this morning,"he wrote on June 28, "and his attitude is entirely satisfactory." After conferring with his budget director, Roosevelt wrote Norbeck, "In our conversation the other day regarding the Mount Rushmore National Memorial, your description of the program of work . . . and of its inspirational value to our people in the years to come convinces me of the need for legislation to authorize an additional appropriation of $200,000 for the completion of this project."

In order to allay Democratic opposition, Bulow and Norbeck jointly introduced the Senate bill, and Representative Werner handled it in the House. As had been true in the past, Norbeck quieted opposition in the Senate by personal conferences, but House members were less easily calmed. The repeated calls on the federal treasury to bail out Mount Rushmore were arousing increased antagonism. The House Committee on the Library reported the bill favorably but only with the understanding that the commission finish the memorial with the $200,000, "as the Committee feels that further appropriation at some future date . . . would be entirely out of order."

When Werner's bill came up for passage, he stated the situation frankly. "The question of appropriating additional funds," he said, "simply resolves itself into whether we are going to leave this memorial unfinished or whether we are going to complete it." Representative Tabor, well known for his interest in economy, thought Congress should pay more attention to protecting the treasury. He thought South Dakota should be satisfied with what had been accomplished. A memorial with the likenesses of Washington and Jefferson, he argued, "would make a very good park all by itself." Any community having such a monument, he continued, "should not ask for $200,000 more."

T.L. Moritz of Pennsylvania staunchly insisted that it was unwise to spend more on Mount Rushmore during depression times. "You cannot eat art," he complained. "We are not interested in art. . . . Right now we should concentrate on the necessities of life." Representative Robert F. Rich, commonly known as "Where-is-the-money-coming-from" Rich, thought it would be better to appropriate funds for South Dakota farmers.

Congressmen White and Roy O. Woodruff, the latter a personal friend of Borglum's, struck telling blows for the measure. White said the country should utilize Borglum's "matchless genius" while it was available. Woodruff explained that Congress had appropriated about ten billion dollars "for God knows what," and that $200,000 more was of little importance. He received hearty applause when he concluded: "In view of the ridiculous purpose for which billions are being spent . . . and in view of the worthy purpose for which this $200,000 is proposed, I hope the House will overwhelmingly approve the bill."

On June 15 the bill was slated for passage in the House without opposition or objection, but Keller could not obtain recognition. "There was not a chance in a million to get the legislation," he informed Norbeck. Meanwhile, Congressman Theodore Werner, Rapid City Democrat who had replaced Williamson the previous year, was working vigorously. Werner knew that the bill could be brought up and passed only with support of the House leaders. Thus he laid the matter before Speaker Rainey and other influential members. Keller's jealousy hampered any close working relationship between himself and Werner.

Norbeck, who was watching the situation closely, finally called on Congresswomen Isabella Greenway of Arizona. She and Borglum were close friends, and he had carved a statue of her husband. When Keller gave up, Norbeck sent a page to Mrs. Greenway with the message, "The chairman can not get the bill up. I think you can." Werner and Mrs. Greenway then prevailed upon Speaker Rainey to consider the measure. It passed so quickly that there was hardly time to object. There were no speeches, no explanations. All of that had been taken care of earlier. "Without Werner," Norbeck wrote, "we could not have gotten the legislation."

DOLE-DOMENICI-ROTH UNEMPLOYMENT INSURANCE ALTERNATIVE

Mr. DOLE. Mr. President, last night the distinguished chairman of the Finance Committee introduced the same bill the Senate passed right before the August recess, a bill that is as seriously flawed today as it was in August.

As we head into another debate on the issue of extended benefits for unemployed workers, I intend, along with Senators DOMENICI and ROTH, and others, to offer an alternative which I believe is a fiscally responsible and effective response to the unemployment problems we are addressing.

EXTENDED BENEFITS

The legislation we intend to offer will provide a two-tier program of federally funded benefits that provides 6 weeks of benefits to all States and an additional 4 weeks in States where the insured unemployment rate—or IUR—adjusted to include exhaustees, is equal to 5 percent or more.

This program would be in effect for 9 months—beginning in October of this year and ending in June 1992. Similar to the Bentsen proposal, it would provide for a reach back to cover unemployment insurance claimants who have exhausted benefits since April 1991. It would also provide changes to unemployment compensation for ex-service personnel to ensure parity of treatment for civilian and military workers.

FISCAL RESPONSIBILITY

A key component of the Dole-Domenici-Roth proposal is that it pays for itself. I want to repeat this point, Mr. President, so that the message is out loud and clear.

Where the Bentsen unemployment bill is a budget-buster plain and simple, the Dole-Domenici-Roth proposal is a fiscally responsible package that pays for itself.

In short, Mr. President, where the Bentsen proposal will increase the deficit by requiring the U.S. Government to sell about $5.8 billion in Government bonds to pay for the benefits provided, the Dole-Domenici-Roth proposal does not increase the deficit one red cent—and, in fact, provides excess funds of about $1.5 billion that will go toward deficit reduction.

While it is not easy to find funding these days, the legislation we intend to offer raises $4 billion through a spectrum auction and certain loan reform provisions.

Let me just add that the spectrum auction does not affect current air wave users and is rather an auctioning process of frequencies owned by the Government and which it does not need or use.

In addition, the loan reform provisions relate primarily to permanently extending the IRS tax refund offset program which allows the IRS to reduce the amount of any Federal refund due to a taxpayer by the amount of debt owed—and pay that amount to the Federal agency owed. That is the law today and this bill would permanently provide for its extension.

ADDITIONAL ADVANTAGES OF PROPOSAL

Mr. President, besides being a fiscally responsible proposal, the Dole-Domenici-Roth proposal minimizes administrative costs and the opportunity for erroneous payments that more complex programs—such as the four-tier approach in the Bentsen bill—encourage.

The Dole-Domenici-Roth proposal uses a more accurate trigger for benefits—the IUR adjusted to include exhaustees—than the Bentsen proposal which uses the total unemployment rate—a trigger that has never been used in an extended benefits program. And finally, Mr. President, the level of benefits provided in our package is more consistent with our unemployment levels and does not create a disincentive to reemployment.

SUPPORT THE ALTERNATIVE

Mr. President, I urge my colleagues on both sides of the aisle to carefully review and support our proposal. It is substantially similar to a proposal that the administration had indicated back in August that it could support. If my colleagues on the other side of the aisle had listened to me then, extended benefits could have been available to America's unemployed workers 18 days ago.

Mr. President, I am serious when I say I hope my colleagues on both sides of the aisle will take a look at this proposal. It is one that I think the President will support. In fact, I expect an indication of strong support from the President of the United States. It is one that he will sign. He is not going to sign the other proposal. He has already indicated that. He will sign this proposal. It pays for itself, a responsible way to address the unemployment problem.

It provides up to 10 weeks, 6 weeks for everybody, and in my view, it would address some of the real concerns that unemployed workers have all across America.

Finally, Mr. President, I will ask to have printed in the RECORD following my statement sort of an analysis of the Dole-Domenici-Roth proposal. We will offer this substitute to the so-called Bentsen proposal. I hope that my colleagues have time to review this section-by-section analysis. If the legislation is finally drafted today, I will also include that in the RECORD so that every one of my colleagues will have an opportunity to review it carefully and have their staffs address it.

We would be pleased to discuss our proposal with any Senator, because we are serious about looking at it, about getting support for it, and about getting some assistance for unemployed workers in America and to do it in a way where we pay for it. I think the American people want to start paying for what we do. And $5.8 billion is a pretty big sum of money. If we pay for it, we even have $1.5 billion left over to help address the Federal deficit.

Mr. Presdient, I ask unanimous consent that the analysis of the Dole-Domenici-Roth proposal be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DOLE-DOMENICI-ROTH ALTERNATIVE TO S. 1554 (BENTSEN PROPOSAL)

PROPOSAL

A two-tier program of federally-funded benefits that provides 6 weeks of benefits to all States and an additional 4 weeks (for a total of 10 weeks) in States whose insured unemployment rate (IUR), adjusted to include exhaustees, is at 5 percent or greater.

Program would be in effect from 10/1/91 through 6/30/92.

Program would reach back to cover UI claimants who have exhausted benefits since April 1991.

Benefits available under this program will be offset against benefits otherwise available when a State triggers on EB so that a beneficiary will receive a maximum of 39 weeks of benefits (26 weeks UI and 13 additional) in States on EB, a maximum of 36 weeks of benefits in States not on EB with 5 percent or more adjusted IUR, and 32 weeks in States not on EB with less than 5 percent adjusted IUR.

Unemployment compensation for ex-service personnel (UCX) will be liberalized to provide up to 26 weeks of benefits with only one waiting week (consistent with State law) for those who leave the service involuntarily. Personnel who leave voluntarily will not qualify for benefits, consistent with rules for civilian workers. These changes will be permanent.

A one-time, temporary change will be made to the UCX rules for the period of this law to provide benefits for reservists called up for 90 days or more. The 180-day minimum call-up period in permanent law will be retained unchanged.

Net cost will be $2.5 billion over five years.

FINANCING

Auction frequencies of the electromagnetic spectrum for new communications use.

Direct the Commerce Department, in designing the auction process, to study, and if appropriate, include procedures to ensure bidding access for small businesses, to extend the holding period for those awarded the frequency, and to expand review and enforcement procedures to ensure that those awarded frequency are meeting their obligations.

Loan reform and other debt management and collection enhancement provisions (for student loans):

Extension of expiring tax provision: would permanently extend the IRS tax refund offset program, which allows the IRS to reduce the amount of any Federal refund due to taxpayer by the amount of debt owed (defaulted student loan) and pay that amount to the Federal agency owed; and

Other reform proposals: would establish enhanced collection and default management activities, including requiring credit checks on borrowers over age 21; provide the Secretary the authority to obtain information from other government agencies concerning the most recent address of a student borrower; and requiring the borrower to provide identifying information at the time of loan application and exit from a school.

Total financing package of $4.0 billion (excess funds raised would go towards deficit reduction).

TRIBUTE TO HENRY C. "HANK" KLEIN

Mr. PRYOR. Mr. President, I would like to take this opportunity to say a few words about a man, who in credit union circles around the country, needs no introduction.

Mr. Henry C. "Hank" Klein has recently been selected as the chairman of the National Association of Federal

Credit Unions [NAFCU]. He is currently the president/CEO of the Little Rock AFB Federal Credit Union [LRAFB FCU], in Jacksonville, AR.

Hank came to Arkansas with a stunning reputation as a leader within the credit union industry, and it is easy to see why. He initiated imaginative proposals to solve problems with the automatic teller machines [ATM's]; in fact the LRAFB FCU ATM's are the busiest in Arkansas.

The LRAFB FCU, under his leadership, has been the foremost leader among credit unions in Arkansas. The LRAFB FCU has extended its membership privileges to many of the Federal and State government and reserve military personnel, thereby increasing its potential membership significantly.

I am proud to join in recognizing the talents of Hank Klein.

Mr. President, I ask unanimous consent that an article about Hank Klein, which appeared in the September/October edition of the Federal Credit Union, be inserted into the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW CHAIRMAN'S FOCUS IS ON MEMBER INVOLVEMENT

(By Patrick M. Keefe)

In conversation, new NAFCU Chairman Henry C. Klein's words are often low-key, in volume and in tone. But it's not difficult to hear Klein (who goes by "Hank"); the ideas he is usually espousing come through loud and clear.

Klein, by his own admission, is an "idea man" who revels in looking for new or different ways to solve problems. In so doing, the solutions he constructs tend to focus on the future, rather than merely on the here and now. "I try to look long-range in anticipating problems so I'm ready to face the future without having to put out fires," Klein said.

ROOTS

A native of Cleveland, Ohio, Klein, 51, got his start in financial circles, after a stint in the Navy, when he joined a consumer finance company in Charleston, S.C. Although he won his share of promotions with the firm, he found he was uncomfortable with its operations. "They tended to prey on people with past-due loans," Klein said.

It was during this period that Klein got an invitation from a friend at a credit union, who asked Klein to "come over and take a look" at the credit union's operations—a place where people were helping people.

"The credit union's offices were in the back room of the old base theater," Klein remembered. "The theater's dressing rooms made up the back-room operations area, and the hallway was the teller area. But it was just a big, happy family there."

Because of that visit, Klein decided he wanted to be a part of the credit union family. Having always had a penchant for Florida, Klein began sending letters to Florida credit unions seeking employment. When an offer came (from Patrick Air Force Base Credit Union, now Space Coast Credit Union, in Melbourne, Fla.), he took it.

THEORIES

Although Klein started off as a loan officer in the credit union, he exercised his theories on "taking the glimmer of an idea and making it work" early on. Analyzing the increasing frequency of loan delinquencies at the credit union, Klein established the credit union's first formal collections department. When Klein left the credit union, he had become its collections supervisor.

"While I was at Patrick AFB CU, I went to the CUNA school (University of Wisconsin School for Credit Union Personnel). That gave me a view of the whole credit union picture. I saw that there was more in the credit union community than just my own job and credit union."

Klein took his broader view of the credit union world to his next role within the community when he joined Eglin FCU in Ft. Walton Beach, Fla., in 1971 as cashiering/collections manager. "At Eglin, I got a lot of opportunities to try things to improve operations," Klein said.

Improve indeed. Again, Klein was confronted with high delinquency rates and weak lending policies. But after 13 months at the credit union, and a lot of "hard work," Klein was promoted to assistant general manager. During his tenure at Eglin, credit union developed the "X-Press" loan system, a streamlined member-loan process. After eight years at the credit union (during which time the credit union's assets grew from $31 million to $205 million), Klein became the president of Tyndall FCU in Panama City, Fla.

"There were a lot of growing pains there," Klein said, "But it gave me the opportunity to prove to myself that I knew how to run a credit union and turn it around."

CHALLENGES

Unprofitability and poor loan quality gave Klein new challenges at Tyndall. His solution: standardize the loan approval process and improve the monitoring of the loan portfolio. The result: loan volume increased by 100 percent and delinquencies dropped by 300 percent. Assets tripled.

While at Tyndall, Klein made a name for himself in auto lending. In the midst of the hey-day of manufacturer financing for new auto purchases, when GMAC and others were taking big bites out of credit union auto lending business, Klein came up with a bold plan: Meet the manufacturers head-to-head. In every case, Tyndall matched the interest rates (and the terms) being offered by the captive finance companies of auto manufacturers. The low loan rates attracted members, getting them in the doors of the credit union. But the terms of the loans (which were identical to those offered by the finance companies), once explained to the members, generally kept them from taking the low-cost, limited-terms loans.

Tyndall would then offer the member a loan at a higher rate, but at better terms, including longer pay-back periods (up to 72 months).

The head-to-head plan worked: Members had lower payments on their auto loans (and got the cars they wanted), the credit union earned more in interest income, and credit union members remained credit union borrowers.

Keeping the auto-lending business of his credit union's members is a basic tenet of Klein's business philosophy. "If we can get a member's checking account, credit card and auto loan, we will get everything else." It's a business philosophy that seems to have paid off. At every credit union where Klein has worked, that credit union has eventually become the largest financial institution in the local area.

That's true even today at Little Rock Air Force Base FCU (assets: $123 million) in Jacksonville, Ark., which Klein has headed since 1987. The credit union serves personnel at Little Rock Air Force Base and government agency employee groups.

"When I first came to the credit union, I focused on clearing up the long lines at the teller stations, parking problems, long waiting time for loans, and the overall organizational inefficiencies," Klein said. One way of improving service to members (and clearing up lines at the teller stations) was to enhance access to automated teller machines for members. Today, Klein said, LRAFB FCU ATMs are the busiest in Arkansas, averaging 14,000 transactions a month per machine. Other ATMs in the state average 3,500 transactions per month.

Klein has also held true to his belief in "doing things differently." The credit union has taken in processing of its own credit card loans, after determining that doing so would provide more efficient operations.

The impact on the credit union, of doing its own processing, takes on more weight when the growth of credit card loans themselves are factored in. After targeting specific portions of its membership through marketing campaigns, LRAFB's credit card loans outstanding have risen 240 percent in the last 18 months, in spite of an increase in interest rates on the card.

Klein said the credit union's membership has also been growing—not because of growth's sake, but because more people want the quality services the credit union offers. "We think the measure of the quality services we offer is that these other agencies have come to us and want our credit union to merge with theirs."

For example, in 1989, the credit union took in all National Guard members and all reservists from all military services in Arkansas, totalling about 17,000 new potential members. In 1990, a small federal employee credit union came to Klein's credit union and merged, permitting LRAFB FCU to serve all the federal employees in the state. This year, another small credit union that served a large group of postal employees and the Army's Ft. Chaffee in Ft. Smith, Ark., approached Klein's credit union for merger.

Now, LRAFB FCU serves two of the three military bases in the state. The credit union has just added another group of state government employees to its membership base, raising its potential membership by another 38,000.

Klein reiterated that this growth has come about because "these credit unions and government groups have come to us and asked for services." He also pointed out that in its growth, the credit union has stuck to what it knows best: government employee groups.

"We started out serving military personnel. Although we have opened our field of membership to other groups, they have been primarily government types of employee groups whom we know and understand, similar to the military group."

Klein also said the diversification of the credit union's membership base is a preventative measure in an environment of military base cutbacks. "While we haven't been victimized by a base closure," Klein said, "we hope that this diversification will set the stage for us when there are cutbacks or base closures in Little Rock. We believe we will be sufficiently diversified by then so our credit union will be able to continue to operate and provide the services our members have come to expect."

NAFCU

While Klein has always relied on his talent for "doing things differently," his vision for

NAFCU is (at least for now) to "keep doing what we're doing."

"NAFCU is small enough that members can expect to get the answers they need for their credit union directly." Klein said. "But we're big enough to be influential too."

Klein takes pride in the fact that he has personally been volunteering to help credit unions other than his own with their problems for years. He carries that philosophy over to NAFCU as well, pointing out that NAFCU-member credit unions can call on NAFCU staff and his fellow NAFCU Board members at any time to get action when they need it, directly.

In setting a direction for NAFCU, Klein said he intends to continue relying on the NAFCU committee system. "The NAFCU Board sets the direction for the association with input from the committee members, who represent credit unions from around the country, so that the board isn't making decisions on its own. I want to continue to rely on the committees, and try to broaden representation on the committees from among the NAFCU regions."

Klein said he will continue efforts to keep the federal insurance fund for credit unions strong and maintain its reliance on its current funding mechanism. He also reiterated NAFCU's long-time opposition to federal taxation of credit unions, but added some words of advice. "If credit unions stay in touch with the basic purpose of credit unions—that is, helping members—we'll survive the taxation threat."

Klein feels that he is in good company with NAFCU. "Credit unions that belong to NAFCU are credit unions that want to get ahead, and be innovative," he said. "I'd like to see all federal credit unions be members of NAFCU—but that isn't realistic.

"NAFCU attracts quality credit unions that want quality service."

And, as with the members of the credit unions Klein has headed up, quality service is what NAFCU-member credit unions can expect.

NATIONAL RENEWABLE ENERGY LABORATORY

Mr. JOHNSTON. Mr. President, on Monday, President Bush elevated the Department of Energy's Solar Energy Research Institute to the status of a national laboratory. In its new role, SERI will be known as the National Renewable Energy Laboratory.

The President also expressed the hope that the Senate would complete action this year on the National Energy Security Act (S. 1220) reported by a 17–3 vote of the Energy and Natural Resources Committee.

I ask unanimous consent that the text of the President's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT IN SOLAR ENERGY RESEARCH INSTITUTE ANNOUNCEMENT

The PRESIDENT: Good to see you all. Please be seated. Let me just welcome everybody here. And special thanks to Henson Moore, our Deputy Secretary at Energy, who, along with Jim Watkins, who's not here today, has been such a driving force for our National Energy Strategy. Dr. Sunderman, we salute you, sir, the Director of the Solar Energy Research Institute; Hank Habicht of the EPA Administration; Mike Deland and, of course, Dr. Bromley, our Science Advisor.

And may I pay my respects to the members of Congress who are with us. Senator Johnston has taken a leadership role early on, on this Senate energy bill. Senator Hank Brown—very active in it, and Congressmen Hefley and Schaefer and Skaggs—all of you, a warm welcome to the White House.

Before we get started, let me congratulate the Senate Energy Committee on approving a comprehensive energy bill that incorporates many of the key elements of our strategy. I urge the full Senate to act on this bill swiftly. I also hope that the House Energy and Commerce Committee will complete action on energy legislation this fall. The country needs an enacted energy strategy.

For seven months now, we've been highlighting the strengths of our National Energy Strategy—a comprehensive—we feel—balanced approach to accomplish the goals of continued economic growth, increased energy efficiency, strong environmental protection, and a reduced dependence on foreign oil.

One of the most important themes in our National Energy Strategy is the more efficient use of energy resources. We must keep America on the cutting edge of new technologies, like alternative fuels, electric cars, solar and geothermal energy, high-speed rail, and advanced, even safer nuclear energy facilities. We must encourage environmentally responsible development of all U.S. energy resources, including renewable energy.

Renewable energy does reduce demand upon our other finite natural resources, it enhances our energy security and, clearly, it protects the environment.

Cost-effective renewable energy technologies can contribute in their way to a strong and growing economy—domestically, by spurring competition and innovation in U.S. markets; and in our balance of trade by displacing more expensive imported energy and providing new services and products for export.

We saw during the past year how important this is to our national security.

We don't have to wait for scientific breakthroughs to capitalize on renewable energy technologies. We just need to translate our success in the lab into progress in the marketplace. And we must continue focused, industry-driven R&D to realize the full potential of these technologies.

In the last two years, we have increased the federal budget for renewable energy research and development by 78 percent and have started construction on a new federal lab. This funding has supported R&D in a number of important areas: photovoltaic cells that convert sunlight to electricity; advanced turbines that harness the power of the wind; and new ways of producing ethanol and methanol for our cars and trucks.

It's easy to criticize and complain that we're not doing enough in promoting renewable energy. We will leave that to others, while we quietly have do the hard work which will make renewable energy technologies a reality in the marketplace.

Much of this progress—I call it outstanding progress—has been accomplished in Golden, Colorado, at the Department of Energy's Solar Energy Research Institutes—SERI. SERI has excelled in R&D and in technology transfer. This year SERI scientists have won four of the prestigious R&D 100 awards.

In recognition of SERI's success and its important role in strengthening our energy future, I am pleased to announce the elevation of SERI to the status of a national laboratory. SERI, which will now be known as the National Renewable Energy Laboratory, joins an elite group of our nation's finest scientific facilities.

This designation symbolizes our commitment to finding new ways to produce and use energy that is cleaner, more efficient and more sustainable.

So once again, thank you all for joining us this morning to mark this special occasion. And let me end where I began with congratulations to Secretary Moore—Henson Moore—and Dr. Duane Sunderman. Thank you very, very much. (Applause.)

LAW-RELATED EDUCATION

Mr. HATCH. Mr. President, recently I was pleased to have two teachers from Utah, Katherine Astin and Shauna Nielson, visit Washington, DC, as participants in the Fifth Annual Law-Related Education Leadership Training Seminar. I would like to share with my colleagues President Bush's message to those who took part in this conference. I believe it merits repeating. I join in commending American educators everywhere who have faithfully brought these fundamental concepts of democracy to the classroom at every level.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 10, 1991.

I am pleased to send warm greetings to all those gathered in our Nation's Capital for the Fifth Annual Law-Related Education Leadership Training Seminar, sponsored by the National Training and Dissemination Program.

By establishing on these shores "a government of laws, not men," our Nation's Founders meant to ensure liberty, not just for their own time, but for all time. Today, the United States remains firmly committed to upholding respect for human rights and the rule of law, because we know that it is the only sure foundation for civil order and justice and for lasting peace among nations. Yet, as the great American jurist, Learned Hand, once stated, "Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it." That is why I commend each of you who are taking part in a program that helps give young Americans a better understanding of our laws and institutions, as well as the rights and the responsibilities that we have as citizens.

Bringing together Justice Department officials, educators, attorneys, law enforcement officers, and juvenile services professionals, this seminar is fully in keeping with America 2000, our national strategy to promote excellence in education.

You have my best wishes as you continue in the all-important task of bringing law-related education to our Nation's youth.

GEORGE BUSH.

UNITED NEGRO COLLEGE FUND

Mr. PRESSLER. Mr. President, last week I enjoyed attending the United Negro College Fund's "All-Star Salute to Stan Scott." My wife and I had the pleasure of visiting with President Bush, with the Honorable William H. Gray III, who is the new president of the United Negro College Fund, and many others. We heard a program that included the Honorable Percy E. Sutton as master of ceremonies; the Honorable Sidney Barthelomy, who is the mayor of New Orleans; the Honorable Buddy Roemer, Governor of the State of Louisiana; the Honorable Constance Berry Newman, Director of the Office of Management and Budget; the President, and, of course, Stanley Scott.

Stan Scott is engaged in a courageous battle against cancer. His career and achievements span four decades. Mr. Scott started his career as a journalist. He made history as the first black reporter for United Press International [UPI]. He then became a public servant, serving first as special assistant on domestic affairs to President Nixon, and later, with President Ford. Then, Mr. Scott became the Assistant Administrator of the Agency for International Development, personally helping to bring relief to drought and famine-stricken regions of Africa. Since that time, Mr. Scott has been involved in private business, from which he has retired as president and CEO of a large company. His contributions to our society, particularly in advancing the civil rights and educational opportunities of African-Americans, will positively affect the quality of life of future generations.

I would also like to take this opportunity to salute our former colleague, William Gray III, in his new work at the United Negro College Fund and look forward to his continuing successful efforts to save young minds.

Mr. President, I ask unanimous consent that my recent letter to Bill Gray appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 1991.

Hon. WILLIAM H. GRAY III,
President, United Negro College Fund, New York, NY.

DEAR BILL: It was nice to see you at the United Negro College Fund Fundraiser last evening. It was a very interesting and enjoyable affair.

As you are aware, I am a strong supporter of education. Therefore, I am sending you a contribution of $500.00 for the United Negro College Fund to assist with the ongoing work of the United Negro Colleges.

Even though you will be moving on to a new profession and geographic area, Harriet and I look forward to seeing your wife and you often in Washington, DC.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

P.S.—Call me anytime I can help you.

SPEECH OF JAMES SCOFIELD TO THE DISTRICT CONVENTION OF THE GRAINFIELD DISTRICT OF THE ORDER OF AHEPA

Mr. PRESSLER. Mr. President, earlier this summer, Sioux Falls, SD, was the site of the 59th Annual District Convention of the Grainfield District No. 14 of the Order of the American Hellenic Educational Progressive Association [AHEPA]. Had my schedule permitted, I certainly would have enjoyed attending this convention.

My good friend of many years, Chris Christopolous, was master of ceremonies for the main event of this convention. In his usually articulate and elegant manner, Chris introduced the main speaker for the convention—the Order of AHEPA Supreme President, James S. Scofield.

Mr. President, Mr. Scofield's speech contained some very worthwhile observations on the important work of the members of the Order of AHEPA. I would like to share his remarks with our colleagues and readers of the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that the major portion of Mr. Scofield's speech of June 29, 1991, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF JAMES S. SCOFIELD, SIOUX FALLS, SD, JUNE 29, 1991

To all the fine Brothers and Sisters of your so excellent Sioux Falls AHEPA family and of your dynamic Grainfield District, but especially to those who have worked so hard to make this convention a success, I extend my heartfelt thank you.

The warmth of your fraternal friendship and your wonderful hospitality inspire and energize me.

I am very proud of you and deeply grateful to you.

May I offer my special thank you to Convention Chairman Chris Christopoulos for his consideration and kindness.

Earlier today, somebody mentioned that I was elected Supreme President unanimously.

It has not always been thus in the rough and tumble Super Bowl of AHEPA politics, our Supreme Convention.

We could fill the Hubert Humphrey Metrodome with our unsuccessful past Supreme candidates.

Yes, we do have the anointed, the appointed, and the disappointed!

There is an old Mediterranean proverb which states: "Ten Greeks, eleven prime ministers!"

I often think that we Ahepans are dedicated to proving that this is absolutely correct!

Because of the numerous astute politicians here today, amateur and professional, Ahepan and Midwestern, I am reminded of a true story about the late and great AHEPA Past Supreme President, John L. Manta of Chicago, whom many of you knew.

A once penniless immigrant who became a multi-millionaire painting contractor, he contributed vast amounts of money to charities and to AHEPA * * * and helped many young people, including me, in many good and unpublicized ways.

But Brother John had one problem. His command of English was not quite as strong as his mastery of Greek.

After losing an enormously expensive campaign for re-election, he asked to say a few words * * * and this is what he said:

"Broth-airs * * * I congratulate opposition. I sure he do great job.

"To you Broth-airs who vote for me, I say thank you.

"To you Broth-airs who no vote for me, I say thank you.

"But to you guys who take my money and no vote for me, I do not say thank you!

You could not help but love such a thoroughly honest man!

Speaking of men of the highest integrity, I must greatly compliment your Granifield District for choosing United States Senator Larry Pressler for the Periclean Award

He personifies exactly what Pericles exemplified—Statesmanship, Solidity and Sagacity.

Pericles was the foremost citizen of Athens and its guiding light for some thirty years, governing by the power of his reason and his vision of the common man's nobility.

Even his last name, Pressler, is probably as close as most Americans can come to pronouncing "Pericles."

But there is no real confusion, for Pericles and Pressler are synonymous among the Hellenes of South Dakota.

They recognize the singular qualities of both and are proud indeed to be among the distinguished Senator's fortunate constituents.

To Senator Pressler, the Pericles of the Prairies, we say with great pride: Kai Se Anotera! On to even greater accomplishments!

And please remember, that Pericles served his people for thirty years. Maybe with our help Senator Pressler can beat even that remarkable record!

For some seven glorious decades of achievement and accomplishment, AHEPA has enjoyed singular success as the number one organization of all Hellenism.

It has been praised by many Presidents of the United States and Prime Ministers of Canada for its valuable contributions to humanity and lauded by the leaders of Greece and Cyprus. It is recognized throughout the world for its noble deeds.

During the Second World War, when a dollar was a dollar, AHEPA sold more than 500 million dollars of U.S. War Bonds, more than any other organization of any kind. This great achievement established the patriotism of American Hellenes in the hearts and minds of America more than any other single deed.

In another sphere, Ahepans have been the prime organizers and leaders of more than 400 Greek Orthodox Churches throughout North America, while maintaining the nonsectarian character of AHEPA.

Invariably, the AHEPA Chapter is created first in a city and then becomes the nucleus for the organizing of the local church.

In parish after parish, the roots of our churches are in the AHEPA chapters.

Church leaders, such as Patriarch Athenagoras, Archbishop Michael and Archbishop Iakovos, have often publicly congratulated AHEPA for its pioneering and present accomplishments on behalf of Greek Orthodoxy.

Without the magnificent help in brainpower and humanpower and the strong financial support of the AHEPA family, over the years and in the present day, the Greek Orthodox Church would not be the viable and prestigious institution it has become in the United States and Canada.

President George Bush specifically named the Order of AHEPA in his famous speech about the "Thousand Points of Light," those volunteer organizations which have made America great.

AHEPA, which contributes more than two million dollars a year to philanthropic purposes, is charitable.

AHEPA fights for human rights.

AHEPA fosters education.

AHEPA supports good government.

It stands in the forefront of what is right for America.

Historically, AHEPA has been the driving force which has brought the immigrant Greek into the American mainstream faster than any other non-English speaking immigrant.

Today, Greek Americans proudly rank number one among all ethnic groups in individual educational attainment and second in individual wealth.

We have succeeded in every facet of American life, despite many hardships and even discrimination against us. Yes, we have truly overcome!

In consultations with the United States and Canadian governments, and with the United Nations, AHEPA seeks a fair international hearing for Greece. Greece, the first nation to militarily defeat fascism during the Second World War and the first nation to militarily defeat communism after the Second World War.

On the 25th of March, we all celebrated 170 years of Greek Independence. We did this proudly, for Greece has always stood with the United States in war and in peace.

And in this regard, I am pleased and proud to tell you that on the very eve of Greek Independence Day, the Order of AHEPA gave to Hellenism worldwide a priceless gift, the precious gift of unity.

At a historic and unprecedented two day "Unity Forum" called by your Supreme President in Washington, DC, AHEPA brought together for the first time ever, the leadership of all those major international Hellenic groups, more than a dozen organizations, which have been in the forefront for justice in Cyprus and fairness for Greece.

At the successful conclusion, a unified policy statement was unanimously adopted and the mechanism established for regular future meetings, and for consistent united action.

A vow of solidarity exists among us now that never existed before.

Now AHEPA, AHI, UHAC, and the Cyprus and Epirus organizations, and many others, will all speak with one voice to the general public, to Washington and to Ottawa and to the United Nations, on those vital issues confronting Hellenism.

Yes, I was told by many knowledgeable observers that leaders who had never met together would not sit down at the same table to good for their Hellenism.

My belief was that these experts were wrong, and they were wrong!

Now we stand ready to do united battle for what is right for our people only because the prestige and strength of AHEPA brought persons of goodwill together.

Just a few weeks ago, the Unity Forum organizations, under the leadership of AHEPA, cosponsored a gala Testimonial dinner for the Republic of Cyprus President George Vassiliou in Washington at which he singled out AHEPA's renewed Cyprus efforts for public praise.

Since the Unity Forum convened, a "Hot Line" message center has been established, frequent informational letters are sent to Congress, and regular meetings of Unity Forum representatives are held to coordinate strategy.

This is the power and glory of your AHEPA today.

Not a sleeping giant, as some misguided critics would claim, but the vibrant major catalyst for our unity, and for the worldwide application of the rule of law.

America and Hellenism will be immensely stronger because of what we have accomplished!

For those of you who do not know or remember, please be advised that AHEPA passed a historic resolution urging self-determination for Cyprus in 1946, established its Cyprus Affairs Committee in 1948, and sent its first fact-finding delegation to Cyprus in 1964. And it has been on the cutting edge of the Cyprus effort ever since.

AHEPA seeks justice for a free and undivided Cyprus, a constitutional republic partially occupied by Turkey since its illegal invasion in 1974, 17 years ago next month.

We firmly believe that the same rule of law which was applied to Kuwait in war must be applied to Cyprus in peace.

Yes, the same principles of freedom and justice must be applied to Cyprus by the United States and the United Nations. There must be no double standard in the new world order!

And AHEPA will continue to help the oppressed Greek minorities in Northern Epirus, Macedonia, Western Thrace, Jerusalem and the Soviet Union, and the Aegean Sea Islanders threatened by Turkish expansionism.

We do this, not just because we are Hellenes protecting our own, but because we believe that freedom is indivisible, and that oppression demeans the very soul of humankind.

In other important endeavors since our last Supreme Convention, AHEPA has been the happy beneficiary of more than 700 favorable articles, commentaries and editorials in the Greek American and Greek Canadian Media and in the Press of Greece and Cyprus.

This truly astounding and unprecedented avalanche of positive publicity everywhere strengthens the public perception and solidifies the reality of AHEPA.

We receive this praise only because we attempt and attain, because we accomplish and achieve.

In the State of Georgia, where AHEPA began, AHEPA joined in legal action to score a highly important court victory against discrimination, racism and violence.

Last December, the Georgia Supreme Court agreed with the AHEPA position in a 6 to 1 decision in Atlanta upholding a State Law banning the wearing of masks in public.

The upheld law had been challenged by the Ku Klux Klan, our old enemy, which we defeated once again.

In addition, AHEPA has moved to the forefront in the crucial battle to stop the curtailment of the study of Greek Classics in American and Canadian colleges and universities.

Acting on the recommendations of your Supreme President, the AHEPA Educational Foundation has established the Hellenic Cultural Commission on outstanding educators and interested leaders to wage the fight.

We must not allow the curtain to fall on Plato and Aristotle!

In the Philanthropic realm, we have created the AHEPA Charitable Foundation to fund, organize and properly channel our charitable contributions.

Its initial goal is to raise a one million dollar trust from which the interest will be used to fund worthy charitable causes. We urge your personal, District and Chapter participation through financial contributions.

The first major event held by the Charitable Foundation was the extremely successful "AHEPA Evening At Ellis Island" last April 20th which attracted an overflow crowd of more than 1,200 members of the AHEPA family.

This sentimental journey to the famous "Isle of Joy, Isle of Tears", this once in a lifetime celebration, shall always be remembered as one of AHEPA's finest hours, and as one of the most glorious events in the history of our Hellenic people in North America.

Other recent AHEPA accomplishments include promoting the acceptance of the United Way in Greece to uniformly channel charity there, espousing the permanent location of the Olympic Games in Greece, accelerating the construction of Senior Citizens Housing throughout the United States to a total of 19 centers worth more than 70 million dollars, purchasing a new Headquarters building in Washington, * * * and moving ahead of our life-saving International Bone Marrow Donor Registry.

As Ahepans, and as members of the AHEPA family, we join together for the values of America, for the progress of our so worthy Hellenism, for the eternal memory of our parents and for the legacy of our glorious ancestors!

We join to create an even greater AHEPA to serve all of humanity in the Hellenic tradition, today and tomorrow!

In conclusion. Oh, how I love that phrase "In conclusion."

It's like a wake-up call for audiences!

In conclusion, my dear friends, the AHEPA dream still lives, not only in our hearts and minds, but in the hearts and minds of Hellenes throughout the world who look to us for leadership, support and help.

As long as the AEPA Dream lives, as long as we continue to protect it and to nurture it, AHEPA has a future and a promise, and all Hellenism has a eason to have faith and hope!

Let us all remember that nothing is impossible for those who truly believe and who dare and do.

We believe.

We dare.

We do.

We will!

Thank you very much.

GREENVILLE MACHINERY CORP.'S HARD-EARNED "E" AWARD

Mr. HOLLINGS. Mr. President, since 1961, the U.S. Department of Commerce has bestowed the prestigious "E" Award on American firms which demonstrate excellence in exporting. I rise to congratulate Greenville Machinery Corp. for being honored with a 1991 "E" Award in recognition of its aggressive efforts to export textile machinery manufactured at its Greer, SC, plant.

Greenville Machinery's success story is one of true grit and determination. The firm was founded in 1947, and originally sold its equipment primarily to domestic U.S. textile manufacturers. However, as the rising tide of legal and illegal textile imports increasingly swamped our domestic manufacturers, Greenville Machinery successfully shifted its focus to the export market. Today, some 60 percent of the firm's textile machines are sold abroad in a total of 30 countries spanning Africa, Latin America, the Far East, and Asia.

Mr. President, the international market for textile machinery is extraordinarily competitive. Only the very best can prosper in this environment. So South Carolina takes justifiable pride in Greenville Machinery Corp.'s success.

My hat is off to the leadership provided by Wolf Stromberg, and to the 130 men and women at the Greer plant whose pride and excellence have boosted Greenville Machinery to the ranks of America's elite exporting enterprises.

MORE SUPPORT FOR BUSH

Mr. DOLE. Mr. President, yesterday I put in the RECORD the text of a New York Times editorial supporting President Bush's position on the Israeli request for $10 billion in loan guarantees.

Today, I want to follow up by inserting the text of yet another editorial, this one from today's Washington Post, supporting the President. This one, too, persuasively makes the point that it is the Israeli Government, not the Bush administration, which—through its policies and rhetoric—has created an undeniable linkage between the settlements issue and the peace process.

I commend the Post editorial to the attention of all Senators.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1991]

SETTLING THE SETTLEMENTS ISSUE

President Bush is being faulted for his diplomacy with the Israelis. He's said to have provoked an unnecessary and bruising quarrel by suggesting that Israel postpone its request for immigrant-absorption aid in order to allow the proposed Arab-Israeli peace conference to get fairly underway. As a result, in some quarters it is not Israel that is in the dock for its settlements policy, which is the real issue here since West Bank settlements menace not just the launching but the conduct and conclusion of a peace conference. Mr. Bush is in the dock for his manner of dealing with a friend and ally.

But this is backward. The problem of the West Bank settlements cannot be put aside any longer. For years successive American administrations have rightly been urging Israel to curtail those settlements, pronouncing them illegal, subversive of peace or both. But particularly since 1977, when the right-wing Likud came to power, Israel has been expanding them, contemptuous of the pleas of Americans and others to save the issue for an Arab-Israeli negotiation.

Now such a negotiation is in prospect. As it happens, it is also a moment when Israel is seeking $10 billion in loan guarantees to resettle Soviet immigrants, in addition to the usual $3 billion or more a year in direct aid. Even if not a penny of those loans goes to work in the West Bank, they release Israel's own funds for that purpose. This is what led the Bush administration to ask Israel to hold up its request for the loan guarantees. It wants the settlements issue resolved once and for all.

For his pains in trying to get Israel to take American interests seriously, President Bush is now patronized and accused of being obsessed with the settlements. But it is Prime Minister Yitzhak Shamir and his colleagues who are obsessed with the settlements—who put land above peace and trifle with the foreign resources that Israel needs for the historic mission of rescuing a million Soviet Jews.

The relief of these immigrants is a large and worthy humanitarian cause in which the United States has proudly joined. But the direct use of these refugees, or the indirect use of funds made available to help them, to nail down possession of an occupied foreign territory is a political ambition in which the United States should have no part.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sanford Amendment No. 1165, provides for a settlement of a specific agreement between the Federal Government, the Tennessee Valley Authority, and Swain County, North Carolina.

Mr. SANFORD. Mr. President, I have an amendment that I sent forward yesterday. May I inquire the number of it?

The PRESIDING OFFICER. The Senator's amendment is No. 1165.

Mr. SANFORD. May I inquire if this is an amendment in the second degree?

The PRESIDING OFFICER. The Senator's amendment is an amendment in the second degree to the committee amendment.

AMENDMENT NO. 1165

Mr. SANFORD. Mr. President, this amendment deals with a matter that has been pending, believe it or not, for 48 years. It has been a matter of concern for people in North Carolina, especially people in Swain County, NC, which is one of our small counties in the western part of the State in the mountains of North Carolina; a very sturdy stock of people, descended from the people who first crossed the mountains to settle that hard country.

The economic base in that county is very low. One of the reasons that they have had difficulty in expanding the economic base is the TVA dam that was built there in the early 1940's has taken up a sizable part of the real estate.

In 1943, the Federal Government, through several different agencies, entered an arrangement for the Tennessee Valley Authority to build and have the use of 44,000 acres of Swain County land for the Fontana Lake, part of which now is the Great Smoky Mountains National Park in addition to the lake. In return for the State of North Carolina and the county of Swain, since at that time counties built roads, the Interior and National Park Service agreed to build 34 miles of road along the north shore of Lake Fontana to replace North Carolina 288, which was to be flooded.

The agreement was contingent upon congressional appropriation. Congress, indeed, did appropriate money to build that road and they found after building a few miles that it simply was not feasible to build the road; a particular kind of rock made it an environmentally damaging process to grade and build. So finally, building only 6 miles, they quit, not only because of the damage to the environment but also because of the cost. The terrain there is such that you are building up a mountain and down a mountain and it simply was not a feasible way. The earlier road, of course, had been built in the lowlands and was easier to construct.

So now, for well over 40 years, this has been an unsettled matter. Mr. President, when I was Governor, this was a matter that had long been unsettled, and there was considerable effort then to settle it. I took the position at the time, because there were people on both sides of how to settle it—one would settle it for money, or on the other hand, to settle it for continuation of the road in spite of the cost and in spite of the environmental damage—I took the position then that I would do what the county commissioners wanted done, the elected officials representing the people of that county.

I never had an opportunity because my term of office ran out. When I came to the Senate 5 years ago, I found that this old Swain County agreement was still outstanding, had still not been settled, although in the meantime there had been an agreement that the county would like to have money in settlement, and Secretary Andrus had agreed to a sum and there was a written agreement that they would settle it for a cash payment.

That cash payment has been held up all of these years because those who have been representing North Carolina did not choose to pursue it, did not choose to follow the desires of the elected officials, the county commissioners, but chose to take the position that those who wanted a road, no matter what the cost, no matter what the damage, were to be supported. So they have taken a position of "build a road or nothing." That is about what we got: build a road or nothing.

It has not been until I arrived in the Senate that they had anyone here willing to speak up and attempt to get a settlement. I think now the time has come for us to live up to the obligation to do what is right in that county.

I would gladly have supported the construction of the road, had that been a feasible way to go and had the county commissioners thought that was in the best interest of the people of Swain County. But in the passage of all these years, that is no longer in the best interest.

In the first place, the road does not go anywhere. It goes to an old cemetery and, long since, the Park Service has provided motor launch service to people who want to visit the cemetery. Now that they have agreed, since I have been here, to provide better landing facilities for people who are getting older to get in and out of the boats, it seems to be a very satisfactory solution. They have also provided assurances that they, indeed, have lived up to, to maintain those cemeteries. But the road is not possible.

The county commissioners found—the last three sets of county commissioners, Democrats, then Republicans and now, since last fall, Democrats again—have all unanimously pleaded with the U.S. Government to make the payment and to get it behind us and to let them have the available funds which they so badly need for education and other things that will help in their own economic development.

I think the Federal Government has a moral obligation, Mr. President, to pay Swain County this sum of money, and consequently that means the Senate of the United States has a moral obligation to do something about it. It is up to the Senate, then the House, to see that justice is done and that this debt of now 48 years is paid off.

So I hope that we will face this responsibility, that we will quit the kind of endless, roundabout argument that, no, we want a road, because a road is not possible. But I have provided in my amendment, Mr. President, if the county wants to take this money that is paid in settlement and use it for a road, they can do it if they get the vote of the people to do it.

This money is not going to be there to be spent by the board, but if it is spent for anything except as income on education, it requires a vote of the people. So they have the option, if they want it, if the people want it, to spend that money for the road, or they have the option to keep it for other things. At the moment they indicate "other things."

Mr. President, I have a letter from the county commissioners of Swain County, NC, expressing total support for a cash settlement.

It is a letter dated September 18, which is today. I want to read just part of it into the RECORD:

DEAR SENATOR SANFORD: We want to again express our appreciation and gratitude for your continued efforts to reach a much needed settlement of the 1943 Fontana Agreement. You can be sure we are in total support of your current proposal which offers Swain County 16 million dollars in lieu of a road as promised in the 1943 Agreement.

We realize there are special interest groups that will continue to ask for a road but these are small in number and very vocal. We can assure you there is growing support for a cash settlement among Swain Countians. We as elected officials are convinced there will never be a road built in Swain County as agreed to in the 1943 agreement. This decision came only after lengthy study of this issue. Environmental values have changes drastically over these past forty eight years and we are convinced a fight for a road is a waste of our time and yours. After all if we were to have what was agreed to in 1943 (a road) would these forty eight years of negotiations have been necessary? Wouldn't we already have that road? Swain Countians would not have been in such a controversial state for all these years.

Just as a point of interest, please keep in mind that Swain County was paying for a new road that was covered by Fontana Lake.* * *

That is why North Carolina takes the position that these funds belong to this county.

It does on for several more pages.

We recognize there are those who would prefer to settle this matter according to their special interests but to those of us who must live in this county and are concerned about the quality of life for our present and our future generations, now is the time, and your current measure is the way. As newly elected officials we are convinced this measure will give Swain County hope for the future.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SWAIN COUNTY,
Bryson City, NC, September 18, 1991.

Senator TERRY SANFORD,
U.S. Senate, Washington, DC.

DEAR SENATOR SANFORD: We want to again express our appreciation and gratitude for your continued efforts to reach a much needed settlement of the 1943 Fontana Agreement. You can be sure we are in total support of your current proposal which offers Swain County $16 million in lieu of a road as promised in the 1943 Agreement.

We realize there are special interest groups that will continue to ask for a road but these are small in number and very vocal. We can assure you there is growing support for a cash settlement among Swain Countians. We as elected officials are convinced there will never be a road built in Swain County as agreed to in the 1943 agreement. This decision came only after lengthy study of this issue. Environmental values have changed drastically over these past 48 years and we are convinced a fight for a road is a waste of our time and yours. After all if we were to have what was agreed to in 1943 (a road) would these 48 years of negotiations have been necessary? Wouldn't we already have that road? Swain Countians would not have been in such a controversial State for all these years.

Just as a point of interest, please keep in mind that Swain County was paying for a new road that was covered by Fontana Lake as a result of the 1943 agreement. We continued to pay for this road until the early 70's. Swain County citizens paid for an inaccessible, unusable, and worthless road for 25 years. During these 25 years our children were attending a school that had been condemned by OSHA rendering the 3rd floor useless thus overcrowding the remaining classrooms. Our services to our citizens were administered on a shoestring budget. Many of them not getting services they were intitled to due to lack of funding. What we are saying is for 25 years while we paid for something that was worthless to us our citizens had to do without many services they were intitled to. Our children had to do without many of the benefits offered in the other school systems. This pattern continues today due to the lack of revenue. Your settlement would change this situation in Swain County.

As we continue to struggle to provide bare necessities for our people the open-ended programs such as Medicaid, AFDC, food stamps, etc. are constantly on the rise straining the county budget even further. With the definite closing of our largest employer (Gichner Mobile Systems—employing 230) in August there will be a much greater demand for these services.

The latest North Carolina Senate Bill 111 which passes great responsibility on to the counties to comply with mandates on all landfills for liners, recycling, monitoring wells, etc. will devastate our small county. We will run out of space at our current site within 3-5 years at the most. At an expense of approximately $1 million per acre. What do you suppose this will do to a county with a $4 million annual budget.

For 48 years now Swain County has lived in limbo over it's past as well as it's future. These uncertainties have permiated all levels of life; business, family, education, civic and social well-being, and economic stability. This has been like shackles and chains to our very being.

A $16 million settlement would provide payment of school bond debts, allow us to address our economic problems, provide the much needed services to our citizens. Thirty five percent of our citizens are living at or below the Federal poverty level. This puts great demand on all services they are intitled to. With this settlement and we could address all of these issues.

We recognize there are those who would prefer to settle this matter according to their special interests but to those of us who must live in this county and are concerned about the quality of life for our present and our future generations, now is the time, and your current measure is the way. As newly elected officials we are convinced this measure will give Swain County hope for the future.

Thank you for fighting for Swain County's future.

Sincerely,

DONALD BUNN,
Chairman,
Swain County Board of Commissioners.
ROLLON SMITH,
Member.
DONNIE DIXON,
Member.

Mr. SANFORD. I have also a letter from the Director of the Park Service, Mr. Ridenour, in complete support of this amendment which I also ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 18, 1991.
Hon. TERRY SANFORD,
U.S. Senate, Washington, DC.

DEAR SENATOR SANFORD: Thank you for your interest in initiating a final settlement of claims arising from the 1943 agreement between the Department of Interior, the Tennessee Valley Authority, and Swain County, NC. We are convinced that this issue has remained unsolved far too long.

We favor settlement of the 1943 agreement claims through a reimbursement to Swain County as outlined in Secretary Andrus' November 28, 1980, decision. Providing this payment to Swain County will require legislative authorization and appropriation. The National Park Service is in full support of measures to get these legislative efforts under way. We stand ready to provide any information or assistance you may need to expedite the process.

Sincerely,
JAMES M. RIDENOUR,
Director.

Mr. SANFORD. I have also a letter dated July 2, 1991, from me to Mr. Ridenour, and to the Secretary of the Department of the Interior, confirming the agreement for cemetery access, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 2, 1991.
Mr. James M. Ridenour,
Director, National Park Service, Department of the Interior, Washington, DC.

DEAR MR. RIDENOUR: Thank you for your support for my legislation to compensate Swain County, NC, for claims arising from the 1943 agreement. While S. 1339 is narrowly drafted, I am hopeful that the question of access to the cemeteries on the North Shore of Fontana Lake can be properly addressed without potentially disruptive legislative language.

You have likely received Superintendent Randall Pope's letter to me of June 28, 1991, regarding this issue. He states that Secretary Andrus, in 1980, assured Swain County officials that access to cemeteries within the Park would continue. I realize also that cemetery access language was included as policy in the 1982 approved general management plan for the Great Smoky Mountains National Park.

While I am aware of the relevant provisions in the Park's general management plan, it is difficult to overstate the importance of safe, comfortable access to the North Shore cemeteries for those who wish to visit the graves of their forebears. It is also crucial that the Park Service continue maintenance of the cemeteries and primitive roads and trails used for access. I have attempted to have proper cemetery access made permanent through legislative avenues in past years, however, I believe such language in S. 1339 might jeopardize this effort to compensate Swain County.

I am hopeful that any review or modification to the general management plan for the Smokies will only serve to strengthen the Service's commitment to those citizens who depend on the Government to experience such an important element of their heritage.

With best wishes always,
Sincerely,
TERRY SANFORD,
U.S. Senator.

Mr. SANFORD. Mr. President, I think that we probably will have some difficulty in passing this amendment, in spite of the fact that it appears so obviously the just and proper thing to do.

My colleague has continued to take the position of the people to whom the county commissioners refer, a small group of vocal people, and it is probably well-known the genius of the Senate is that a minority can stop the majority. It is also a burden, but I would not change it. It is a safeguard, a safeguard that sometimes is misused.

So it is quite possible that Swain County, if, indeed, my colleague takes the position he wants to filibuster this, may not get their funds. That is not my problem, in that sense of the word. It is my obligation to do all I can to see that these people in this small county have their opportunity now to settle this longstanding claim, so I have continued to fight for them.

I will continue to do my best to see that the will of the people as expressed through their elected officials, and in many other ways for that matter, is indeed carried out. If under our rules this cannot be done, because we cannot muster a cloture vote, if it is done on a partisan basis, it may be very difficult to do.

But I want the people of Swain County to understand, and I would like my colleagues here to understand, that we ought to be outraged that the Federal Government has not—not due to the Department or to the Park Service, but the Federal Government as an entity—done the right thing in settling this.

I think the time has come when we ought to say that the Federal Government now must live up to this obligation, must make this payment, that the time has long since passed. We ought to be ashamed of ourselves for not having done it.

That is about the best I can do, Mr. President. I cannot change the rules of the Senate, but I can say that I think we have a moral obligation to pay the people of Swain County a debt the Federal Government has owed now for right at a half-century. I hope we will do what is right.

Mr. SANFORD. I ask unanimous consent to have printed in the RECORD two editorials, one from the Asheville Citizen-Times, and one from the Charlotte Observer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Asheville (NC) Citizen-Times, June 30, 1991]

SANFORD PROPOSAL MEETS THE NEED OF SWAIN COUNTY

Sen. Terry Sanford has found a good approach to the Swain County problem, the compensation Swain is owed by the federal government. Sanford wants to separate the compensation from other questions that have grown up around the issue.

Rep. Charles Taylor and Sen. Jesse Helms ought to support the idea. Swain County deserves it.

The issue arose in 1943, when the federal government signed an agreement with Swain during the building of Fontana Lake. Fontana flooded a road, N.C. 288, that Swain County taxpayers financed with local bonds. The federal government agreed to build a new road along the north shore of Fontana as compensation.

The road was never completed. Tennessee Valley Authority, which built Fontana, ceded the north shore area to the Department of Interior as part of the Great Smoky Mountains National Park. Years later, when the road finally was started, it no longer was just another road. It was a road through a national park—which meant it had special impact.

Because of the potential for environmental damage to an area protected as a national park, construction of the road was stopped. Swain never received anything for the investment it had made in N.C. 288.

It could have. Since the 1970s, one Western North Carolina congressman after another has introduced legislation to give Swain County a cash settlement as a way of carrying out the original federal agreement. Every attempt has been blocked by Helms.

The problem? Compensation to Swain taxpayers has become linked to other matters. The north shore area contains cemeteries that were cut off from road access when Fontana was built. The families of people buried there have fought for a road into the national park so they can more easily get to the cemeteries.

At the same time, groups such as The Wilderness Society and Sierra Club have sought to get much of the Smokies designated as a wilderness area. The park today is being managed as wilderness and it always will be. Official designation as wilderness would be nominal, changing almost nothing. Environmental groups want it nonetheless.

People with ties to the north shore cemeteries argue against wilderness designation, because it would foreclose any chance they have of ever getting a road.

That chance is nil. With or without wilderness designation for the park, a road into the north shore area never will be built. A road cannot be justified simply as a means to provide access to the cemeteries. A more developed highway, one usable by all park visitors and connecting perhaps with U.S. 129 at Deals Gap on the Tennessee end of the park, cannot be justified either. N.C. 28, which runs from Deals Gap to U.S. 19 near Bryson City, skirting the park and the southern shore of Fontana, already provides such a route.

Both of these issues—a road to the cemeteries and wilderness designation for the Smokies—have been tied to compensation to Swain County. Like lawmakers before him, Sanford has tried to resolve the entire problem with legislation that would do all three things: give money to Swain, designate the Smokies as wilderness, and guarantee perpetual visiting rights (though without direct road access) to people who go to the north shore cemeteries.

Helms, who has antipathy to environmental protection in general and to wilderness designation in particular, has cast himself as the champion of the north shore group. He has blocked every financial settlement with Swain taxpayers on grounds that any settlement should include an access road to the cemeteries, or at least leave open the possibility of a road. Because a road is neither justified nor practical, every attempt to reimburse Swain taxpayers has come to naught.

Sanford's proposal now is to disconnect a financial settlement from the side issues of wilderness and the cemeteries. His legislation would give $16 million to Swain County, leaving the other questions to be resolved later.

That's a good approach, because it addresses the central need: The federal government made an obligation to Swain, and it ought to carry out that obligation. The narrow interest of a few hundred people who want a road to the cemeteries—and the desire of environmental groups that want a nominal change in park management—should not interfere with the government's paying what it owes to Swain taxpayers.

[From the Charlotte (NC) Observer, Aug. 7, 1991]

A PROMISE BEST LEFT BROKEN

If this were, say, 1948, Sen. Jesse Helms would be right. North Carolina's senior senator insists that the government keep its promise to build a 34-mile road to some grave sites in mountainous Swain County. The government made that promise in 1943, when it built a hydroelectric dam and lake there for the Tennessee Valley Authority. Thousands of Swain County residents were relocated and left without easy access by land to 12 cemeteries that contained the graves of their friends and relatives.

But this is 1991, and Sen. Helms is wrong. Yes, the government ought to keep its promises. But surely some form of statute of limitations has run out on this one, and changing circumstances have long since made it obsolete. The area has become part of the Great Smoky Mountains National Park. The National Park Service has designated it as wilderness, precluding development. Scientists have found out that the rock along the proposed path of the road is so acidic that cutting a roadway through it would poison trout streams. Several generations of those relocated residents have died, and environmental organizations and thousands of park users now oppose the road.

And the cemeteries aren't inaccessible. Each year the park service helps several hundred people get there by boat or over rough roads in park service vehicles.

Building a $90 million road to serve those few hundred people a few times a year, in a poor county that could make much better use of any money the federal government wants to spend there, ought to be unthinkable. The best thing the government can do is what North Carolina's other senator, Terry Sanford, proposes: Compensate the people of Swain County for that long-ago breach of faith.

Swain County commissioners, wrestling with a county unemployment rate at 12.5% and likely to rise, and a per capita income level that ranks 96th of the state's 100 counties, favor Sen. Sanford's plan. It would pay the county $16 million. The county could use $5 million of that to retire school bonds. Interest on the other $11 million would help fund the county's $3.9 million annual budget until the county decides to spend the principal, which would take the approval of two-thirds of the county's voters.

But Sen. Helms has made a career of bureaucrat-bashing, and the Swain County dispute has become a symbol of federal perfidy that is apparently too fat a target for him to relinquish. So he continues to block Sen. Sanford's initiative and insist on a road. In doing so, he must be playing political games for his own amusement, because he clearly isn't serving the best interests of the people of Swain County or the rest of the state.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

THE FEDERAL LAND AND FAMILIES PROTECTION ACT

Mr. GORTON. Mr. President, last year a group of wildlife biologists proposed a conservation plan for the northern spotted owl that would have required the setting aside of almost 8.5 million acres of forest and would have deprived some 40,000 Pacific northwesterners of their jobs. At the time, the scientists hoped their plan would achieve the Audubon Society's stated objective of bringing the number of owl pairs up to 1,500. It was asserted that the owl depended on old growth forests and this explained why most of the nearly 8.5 million acres consisted of primarily old growth forestland.

This year, another group of scientists proposed a set of 14 old growth reserve systems that would reduce timber harvests by as much as 2.7 billion board feet a year and cost as many as 60,000 jobs. These alternatives were proposed in response to a proposal by scientists at the Fish and Wildlife Service to set aside 11.6 million acres, a proposal that is expected to cost as many as 100,000 total jobs. What is most perplexing about the most recent proposals is that the context has completely changed. More than 3,000 pairs of spotted owls now are known to exist, double what we thought there were a year ago, many in second generation, not old growth, forests. Nevertheless, as the known number of owls continues to grow, the proposed set-asides and the consequent devastation of our timber communities grows as well—at exactly the time at which those impacts should be shrinking.

Until now, Mr. President, the entire debate has been governed by the work of wildlife biologists who have offered proposals related only to the needs of the owl. It is about time that the parameters of this debate included the needs of people, families, and communities, as well. In order to do so, however, the debate must include more than just the view from biology labs. Now, the people ultimately responsible for the outcome—we the decisionmakers—must speak and act.

A story in the Washington Post of July 27, 1991, featured, for the first time, an objective look at the human tragedy resulting from ongoing spotted owl protection. The author of the article, Lou Cannon, captured perfectly the sense of despair, isolation, hopelessness, and resentment in timber-based communities in the Pacific Northwest. Mr. Cannon also detailed several facts that have failed to gain the attention of even the local Seattle newspapers.

For instance, the spotted owl has been found in great numbers in second-growth and replanted forests as well as in the old-growth stands of Douglas fir and hemlock originally thought to be the owl's breeding habitat. Timber sales from Federal lands in the region have dropped from the annual average of 5 billion board feet during the 1980's to 1 billion board feet this year, despite the fact that "University of Washington foresters say the 5 billion figure is the rate at which the region's forests are sustainable or capable of replacing themselves."

The Cannon article went on to report that residents of timber towns were "bewildered at the prevalent outside view that forests in the Northwest are in decline, when timber growth on Forest Service lands is actually increasing." These people wonder why so many people ignore the 3.5 million acres of old-growth forests already protected in parks and wilderness areas. Pointing out the national economic importance of this debate, the reporter reminded us that spotted owl restrictions have "added $3,000 to the cost of a typical $150,000 house." A citizen of one timber town was quoted as saying that "people are used to down times in the timber industry, but now there is no hope." I ask unanimous consent that the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. This despair and hopelessness was predicted a year ago by a professor of forestry and sociology at the University of Washington, Bob Lee. Professor Lee suggested that conflict between the decentralized, participatory processes necessary to forest planning, on the one hand, and the top-down, centralized, command and control mechanism of the Endangered Species Act and scientific plans, on the other, is growing. The decentralized, bottom-up planning process is far better equipped for the requirements of local land and resource management. In it, individuals can be protected from excessive political control by large government bureaucracies or private corporations through adopting planning processes that strengthen families, neighborhoods, communities, churches, voluntary associations, occupational associations, and small businesses.

On the other hand, top-down, centralized planning and control, like that associated with the Endangered Species Act, the Thomas Report and this year's batch of congressionally sponsored, scientific recommendations, is ill-equipped to deal with the competing interests inherent in any given land management decision. According to Professor Lee, "the inability of centralized planning to sustain legitimacy, together with its impracticality, results in cynicism. Cynicism, more than uncertainty about timber supplies or species preservation, is the primary threat to responsible land stewardship."

So, once again, Congress has been presented with a set of scientific recommendations. And, once again, Congress, or at least the House of Representatives, is attracted to the possibility of applying a top-down, scientific solution. The so-called Gang of Four, as they call themselves, presented their options to the Pacific Northwest House delegations just prior to the August recess. Each old-growth reserve option received a rating describing its reliability for protecting the ecosystem. This rating, which varies between a very high probability and a very low probability of protecting the ecosystem, was presented with absolutely no basis in science. I repeat, there is absolutely no data to support the rating attached to each reserve option. This rating system is about as objective as the one used by movie critics. When was the last time you trusted your survival and your family's livelihood on a four-star movie rating?

The scientific panel considered only ecosystem and wildlife values. To date, no scientific review of human values and community values has been performed to weigh against the biological reviews. This gap in the analysis must be resolved. There is no excuse for a policy that strips the livelihood from so many communities without even the slightest attention to human values.

Had there been some evaluation of community viability, the scientific report may have looked something like this. This is a table that I constructed, similar to the tables constructed by the scientific panel. My table is illustrative and not scientific, but it is very instructive. The scientists' tables set forth the 14 old-growth alternatives and then make subjective predictions about the likelihood of ecosystem survivability for each, ranging from very high to very low. In my table, I have set forth my own predictions for the survivability of communities, ranging from very high to no probability at all. The results are just as startling as those of the scientists. The highest probability of ecosystem viability corresponds with the lowest probability of community viability and the lowest probability of ecosystem viability corresponds with the highest probability of community viability.

Mr. President, I ask unanimous consent that the table be printed in the RECORD and inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GORTON. Mr. President, this scientific panel started with last year's Thomas Report as its base. This could have been expected since Jack Ward Thomas was a member of both panels. What was not expected, however, was that this year we would be discussing protection at a more extensive level than the Thomas Report when the President said last year that what the people of the Northwest needed was a balance at a level more modest than the Thomas recommendations. Of the 14 alternatives considered by this year's panel, only 3 outlined owl protection at a level somewhere between the Thomas Report and no protection at all. So, the Thomas Report, criticized last year by the President as containing too much protection, has now become the new threshold upon which to build all other protection plans.

This is a prescription for disaster. Pseudo-science is now, apparently, the only source for decisionmaking. Congress, and others charged with making these difficult decisions, continue to defer to scientific abstractions. Please do not misunderstand me. Science is critical to decisions such as these and protection of a species is a worthwhile objective. But that protection is not the only concern for policymakers. Policy must be made by people, for people.

The best solution to the timber supply crisis, the Federal Lands and Families Protection Act, S. 1156, is currently before the Senate and is being considered this week by the Senate Energy and Natural Resources Committee. Sponsored by Senator PACKWOOD and others, this bill provides the balance needed to meet the competing objectives that should be central to this debate. It will provide some of the set-asides of old growth sought by the national environmental organizations and it will provide a predictable level of timber sales that timber-based communities so desperately need. I have cosponsored the Federal Lands and Families Protection Act and I urge the Energy and Natural Resources Committee to move swiftly toward markup of the bill.

This bill which we are considering here today together with its House counterpart deals with this issue by appropriating enough money for a moderate cut of about 3 billion board feet during the course of the next fiscal year.

It also provides a sufficient amount of money for force growths in order to make that goal a reality.

It does not however in any way inhibit the very types of lawsuits which have frustrated the ability of the Congress through the appropriations process to call for a reasonable balance and for a reasonable cut.

It is for that reason that the kind of provisions which were included in this bill, while they are thoughtful and while they are reasonable and while they represent a degree of balance, are insufficient to solve the problem which can only be done by substantive legislation such as the legislation which I have described.

Mr. President, now is the time for decision. Members of Congress, upon whom the decision ultimately rests, must set forth precisely what they will do for the communities they represent. Will they fight for more spotted owl protection? Are they willing to end the indecision and stake out a reasonable bottom line? Will they set the minimum amount of timber their communities need and work for as much owl protection as that level will afford? I have said time and time again, I will not settle for less than viability and certainty for workers, families, and communities in the Pacific Northwest. Certainty for people must at least match certainty for owls. I believe that people and owls are compatible in the same environment. We need not needlessly sacrifice a species of animal, but the minimum needs of people must come first.

Mr. President, we in Congress have been elected to be policymakers. It is our job to face challenges each day and to make choices. When a Representative says that it is not politically feasible to sustain the communities that he or she represents, that is a copout. Saying that it is politically impractical to work for amendments to the Endangered Species Act that will consider human and community values, in the face of the lives and careers of constituents, is a copout. To criticize the Forest Service for applying the very laws that Congress has passed and then to say, "I do not have the numerical strength to change that law," is a copout.

Instead, we should expect our representatives to say: I will gather as much evidence as possible, including wildlife biology, sociology, and economics, I will balance all of the competing interests, I will arrive at an appropriate objective and I will fight to do what it takes to achieve that objective. To fail to do so is to fail adequately to represent the needs of the people who elected us. If I fail in the fight, I will have nevertheless carried out my responsibility to my constituents and I will come back and fight again next year. The right policy will ultimately prevail.

EXHIBIT 1

[From the Washington Post, July 27, 1991]

SAW-TOOTHED DESPAIR LEAVES MARK ON NORTHWESTERN LOGGERS

(By Lou Cannon)

FORKS, WA.—Early last month a despondent 31-year-old logger named Jeff King, facing the prospects of child support payments and unemployment, shot himself to death with a handgun in the living room of his mobile home here.

Dave Westerlund, a friend of King since boyhood who had talked to him a few minutes before his suicide, said later that he was a troubled man who was particularly depressed because his livelihood was coming to an end.

Such despair is a sign of the times in this logging town of 3,200 on Washington state's Olympic Peninsula, where the forced decline of the timber industry to save the northern spotted owl has coincided with increases in domestic violence, alcoholism, mental health breakdowns and juvenile crime and even attempted juvenile suicide.

"People are used to down times in the timber industry, but now there is no hope," said Ginger Haberman, wife of the Forks mayor.

Westerlund, 34, the owner of a small logging company is feeling the impact. He has not logged for a month, is $200,000 in debt and is faced with the loss of his equipment and his house. His wife, a dental technician, is working more than 100 miles away to support their two children.

"I've looked at jobs from Oregon to the Canadian border, but there's too many others in the same boat," Westerlund said. "Some of the workers don't understand what's happening, but they're not willing to lose homes and families and everything they have. When the reality sinks in, it's going to get worse. I'm afraid it's going to get violent out here."

The reality is difficult to define statistically because much of the dislocation in Forks is based on what is expected to happen when previously purchased timber sales expire in the next few months. But the Forks Re-Employment Support Center handled 159 jobless cases in June of 1991 compared with 59 in June of last year.

The growing social disorder in Forks is symptomatic of similar situations in timber-dependent communities throughout Washington, Oregon and Northern California, where 11.6 million acres of forests have been set aside as spotted owl habitat under an order issued June 24 in Seattle by U.S. District Judge William L. Dwyer.

The order gave the U.S. Forest Service until March 5 to determine a protection plan for the owl, a shy and nocturnal bird that biologists have found in second-growth and replanted forests as well as in the old-growth stands of Douglas fir and hemlock originally thought to be the owl's breeding habitat. The acreage set aside for the owl constitutes a land mass almost as large as New Jersey, Massachusetts, Delaware and Rhode Island combined. Less than 3 million acres of the set-aside land is old-growth forest.

Putting this much second-growth land off limits to logging has been the culminating blow in a series of pro-environmental actions that has reduced the timber yield from Forest Service lands in the Northwest from 5 billion board feet a year in the late 1980s to 1 billion board feet in 1990. University of Washington foresters say the 5 billion figure is the rate at which the region's forests are "sustainable," or capable of replacing themselves. A recent scientific study commissioned by Congress estimated that for there to be a "medium to high" probability of sustaining the forests and protecting the wildlife, the federal government could sell no more than 1.7 billion board feet of timber from the national forests each year.

While the debate rages in the courts, Congress and federal agencies, communities such as Forks are teetering on the edge of ruin. Rich Nafziger, a special assistant to Gov. Booth Gardner (D), puts the job loss at 25,000 in Washington state over the next three years and says that some rural communities will be destroyed. Sen. Slade Gorton (R) estimates a loss of 40,000 jobs in the Northwest, plus thousands of other service jobs. The study commissioned by Congress estimated a loss of as many as 38,000 jobs.

On a recent evening in Forks, residents gathered in a downtown hall to pour out their frustrations to a visiting reporter. They talked of declining opportunities for their children and expressed resentment that loggers have been stereotyped as rapacious predators who do not care about the stewardship of the forests on which they depend for a living.

These residents, some angry and others fighting back tears, seemed bewildered at the prevalent outside view that forests in the Northwest are in decline, when timber growth on Forest Service lands is actually increasing. They wondered why so many people overlook the 3.5 million acres of old-growth forests already protected in parks and wilderness areas. They railed against "preservationists" for ignoring human costs and for using the owl as an excuse to lock up forests that were not old growth at all. And they complained that the news media failed to tell the loggers' side of the story and that politicians made empty promises without offering any real help.

"I see people being put against the wall, and they don't see how they can be put in such a bad light," said Bob Tuttle, a young logger.

What worries Mayor Dick Haberman is that the increase in domestic violence and other social disorder has hit so hard even before the massive unemployment considered a certainty here. As Haberman sees it, loggers are being ground down by competing forces without any say in their own future.

"The typical logger is simply following a landowner's instruction, but he bears the brunt of the pain," Haberman said.

Though the issue in Washington, D.C., often is presented as a struggle between environmentalists and the timber industry, many big timber companies until recently have taken a low profile in the debate, leaving the small loggers who work by contract on federal and state land to fend for themselves. A private analyst of the industry said anonymously that some major companies had pursued this "shortsighted view" to eliminate competition even though their own land will be the next targets.

Gorton has observed that the big private timber owners will be compensated from the public treasury if prevented from harvesting trees. In contrast, there will be no such relief for communities such as Forks, where most logging occurs on Forest Service or state land.

"We laugh about the South and Appalachia and feel so cozy here," says Mike McGavick of Seattle, Gorton's former legislative aide. "But we're about to create a rural underclass right here in the Northwest."

The residents of such forgotten towns as Forks do not call themselves an underclass. But they feel frightened and isolated from the power centers in Washington, D.C., or the state capital of Olympia, which to them seem deaf to their cry that there is enough forest for loggers and owls.

"We're not getting anywhere, politically or any other way," says Westerlund. "Whenever there was a rally, I'd shut down the company and attend. I've gone to all the rallies and the protests, but we've lost every battle."

Gorton acknowledges that Forks is having a hard time being heard.

"The people of Forks are truly the most underrepresented category of Americans," he said in an interview. "They are ordinary working-class people. None of the defenders of the Endangered Species Act has even spoken to the human consequences. There's nothing for these people. They stand to lose their homes and stores and communities."

James Waldo, a Seattle attorney with conservationist credentials, worries that there will be a backlash against the environmental movement and the Endangered Species Act unless the plight of the loggers is taken seriously.

"People in this area have two tracks, two sets of values," Waldo said. "They want to save the environment, the owl, the salmon. At the same time they are vaguely concerned about the impact on private property and want to know when the government will leave them alone. These are conflicting values, and there is little room for reconciling them."

But in Forks, the rising cost of lumber, which nationally has added $3,000 to the cost of a typical $150,000 house, is seen as the distant light in the tunnel. "Things won't turn around until toilet paper costs $5 a roll," says Dean Hurn, one of the biggest Forks loggers. The light in the tunnel for Gorton is the possibility, which he admits is less than 50–50, that Congress will pass legislation setting aside certain public forest lands for logging.

The talk of such long distance solutions seems like pie in the sky to the angry residents of Forks. Even here, however, there are those who are beginning to take a long view.

One of these is Dean Hurn's son, Rick, 32 who runs a small timber salvaging operation called Last Camp Timber. Wearing a button that said, "Give a hoot for people, too," he recently toured one of the last lumbering operations in Forest Service mountains above Forks, showing off stands of trees that had blown down in a freak windstorm and are rotting on the ground but cannot be harvested under Judge Dwyer's ruling.

"We need to survive somehow and keep our spirits up," he said philosophically. "This [controversy] could go on for 20 years. When it is all settled, there are still going to be trees here."

EXHIBIT 2

SCALE FOR RATING THE PROBABILITY OF ATTAINING THE OBJECTIVE OF COMMUNITY, SOCIAL AND ECONOMIC VIABILITY, COMPARED TO THE 1985–89 HARVEST BASE

VH—Very high (very reliable).	Denotes a very high likelihood of community, social and economic viability. A loss of jobs between 0 and 4,000.
H—High (reliable).	Denotes a high likelihood of community, social and economic viability. A loss of jobs between 4,001 and 10,000.
MH—Medium high (somewhat reliable).	Denotes a moderately high likelihood of community, social and economic viability. A loss of jobs between 10,001 and 16,000.
M—Medium (uncertain).	Denotes a roughly 50/50 likelihood of community, social and economic viability. A loss of jobs between 16,001 and 22,000.
ML—Medium low (somewhat harmful).	Denotes an unlikely (less than 50/50) chance of community, social and economic viability. A loss of jobs between 22,001 and 28,000.
L—Low (harmful).	Denotes a highly unlikely chance of community, social and economic viability. A loss of jobs between 28,001 and 34,000.
VL—Very low (very harmful).	Denotes a very highly unlikely chance of community, social and economic viability. A loss of jobs between 34,001 and 40,000.
NP—No probability.	Denotes no chance of community, social and economic viability. A loss of more than 40,000 jobs.

RISK ANALYSIS FOR ATTAINING THE OBJECTIVE OF RETAINING COMMUNITY, SOCIAL, AND ECONOMIC VIABILITY

Number and identifier	Risk analysis[1]
1. High timber yield	VH
2. Forest plans	M–ML
3. Forest plans plus partial ISC	M–ML
4. Forest plans plus full ISC:	
Option A	VL–NP
Option B	VL–NP
Option C	VL–NP
5. Forest plans plus LS/OG1:	
Option A	(?)
Option B	(?)
Option C	(?)
6. Forest plans plus LS/OG1 plus owl additions:	
Option A	VL–NP
Option B	VL–NP
Option C	VL–NP
7. Forest plans plus LS/OG1 plus watershed additions:	
Option A	(?)
Option B	(?)
Option C	(?)
8. Forest plans plus LS/OG1 plus owl additions plus watershed additions:	
Option A	NP
Option B	NP
Option C	NP
9. Forest plans plus LS/OG1 plus owl additions plus managed OG2:	
Option A	NP
Option B	NP
Option C	NP
10. Forest plans plus LS/OG1 plus owl additions plus managed OG2 plus watershed additions:	
Option A	NP
Option B	NP
Option C	NP
11. Forest plans plus LS/OG1 plus owl additions LS/OG2:	
Option A	NP
Option B	NP
Option C	NP
12. Forest plans plus LS/OG1 plus owl additions LS/OG2 plus watershed additions:	
Option A	NP
Option B	NP
Option C	NP
13. Forest plans plus LS/OG1 plus owl additions LS/OG2 plus LS/OG3:	
Option A	NP
Option B	NP
Option C	NP
14. Forest plans plus LS/OG1 plus owl additions LS/OG2 plus LS/OG3 plus watershed additions:	
Option A	NP
Option B	NP
Option C	NP

[1] Probability of retaining community, social, and economic viability.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, yesterday, a list of eligible amendments was submitted to the desk. Unanimous consent was given by the Senate that the list constitute the only amendments to be eligible during the remainder of the debate and action on the pending bill.

Since that time, certain of the offices of Senators have indicated that some of the amendments on the list will not be called up. I, therefore, ask unanimous consent, based on the advice I have been given, that the following amendments be removed from the list at the desk and no longer be eligible for consideration on this bill:

An amendment by Mr. BAUCUS; an amendment by Mr. MCCAIN; the Baucus amendment having to do with Pompey's Pillar land acquisition; a McCain amendment transferring $200,000 from Santa Monica NRA; an amendment by Mr. MURKOWSKI on Alaska Native Claims Settlement Act; an amendment by Senators BINGAMAN and DOMENICI establishing the BLM Foundation; an amendment by Mr. RIEGLE having to do with removal of crop insurance criteria.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

Mr. NICKLES. Will the chairman yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, certainly, I have no objection to removing those amendments, and would probably like to remove several others so we can dispose of this bill. We have one amendment pending. Senator SANFORD has an amendment. There probably will be further discussion on that.

Is it the chairman's hope that we will have additional amendments, and if Senators have amendments on this list, they should bring those forward today so we can dispose of them, and if a vote is necessary, set that aside until tomorrow?

Mr. BYRD. Yes; I certainly hope that Senators will come to the floor and call up their amendments. I would ask unanimous consent that the pending amendment be set-aside temporarily so that other Senators may call up their amendments, if they will.

I urge Senators to come to the floor, those who have amendments on the list, and let us look at their amendments. It may be Mr. NICKLES and I, as the managers of the bill, could accept some of the amendments. If not, perhaps they could be debated today, and if a rollcall vote is desired, a rollcall vote could be put over until tomorrow by unanimous consent and stacked.

The PRESIDING OFFICER. The Chair will ask for clarification, Did the President pro tempore seek unanimous consent to lay aside the pending amendment?

Mr. BYRD. I did not, but I do now. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, while the managers and staff are working on amendments, I see no reason to keep the Senate in a quorum call. I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair with the understanding that the recess not extend beyond 12:30 p.m. today.

There being no objection, at 12:09 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 12:30 p.m., when called to order by the Presiding Officer [Mr. GORE].

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, one of the amendments on the list is by Mr. WALLOP, and this amendment has been cleared by the managers. Mr. NICKLES is on the floor and may speak for himself. I am prepared to send the amendment to the desk and ask unanimous consent that a statement in explanation thereof by Mr. WALLOP be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1166

(Purpose: To prevent the use of FY 1992 appropriations for Operation of the National Park System for implementing employee housing rental rate changes)

Mr. BYRD. Mr. President, I call up the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. WALLOP, proposes an amendment numbered 1166.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 16, before the period insert the following: ": *Provided further*, That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of fifteen per centum more than the rental rates which were in effect on September 1, 1991, for such housing".

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment has been agreed to. We have negotiated it. Originally it would freeze rental increases amongst Park Service employees and others. We modified the amendment to limit the increase to 15 percent for this year only, and this would give the authorizing committee the opportunity to examine some of the housing policies for Federal employees on parks and other Federal lands. It has been agreed to and hopefully the authorizing committee will address and look at this issue.

It is also this Senator's intention that this would be the only year that we would do this. This would give a little pause, I guess, to the authorizing committee to examine housing costs amongst Federal employees, but it should not be viewed as a way of annually coming in to limit Federal housing costs for Federal employees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1166) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1167

(Purpose: To provide construction funds for the Red Hill Visitor Center, Saquaro, National Monument)

Mr. BYRD. Mr. President, on behalf of Mr. DECONCINI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DECONCINI, proposes an amendment numbered 1167.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 22, strike out "$199,397,000" and insert in lieu thereof "$202,097,000".

Mr. BYRD. Mr. President, Mr. DECONCINI has this amendment on the list and the two managers are prepared to accept the modified amendment.

RED HILLS VISITOR CENTER AMENDMENT

Mr. DECONCINI. Mr. President, the amendment I am offering adds $3.108 million to the Park Service's fiscal year 1992 construction budget to proceed with phase II of construction for the Red Hills Visitor Center for the west unit of the Saguaro National Monument. For the information of my colleagues, $3.74 million was included in the fiscal year 1991 bill for phase I of this project.

The Park Service, in their capability statement, indicated that $4.574 million could be used in fiscal year 1992. This level of funding would complete both the construction of the Red Hills Visitor Center, and enable the Park Service to renovate the current visitor center into an administrative center. However, recognizing the constraints the committee is operating under this year, the Park Service has indicated to me that the renovation of the existing visitor center could be deferred until next year. I support this approach. Consequently, only $3.108 million is needed to proceed with the construction of the Red Hills Visitor Center.

I ask that this amendment be agreed to. By doing so, we will enable the Park Service to continue with this worthy project that we supported last year. This will allow us to not forsake our initial investment of construction funds in the fiscal year 1991 bill.

Mr. BYRD. Mr. President, I appreciate the Senator's request for $3,108,000 to keep the Red Hills Visitor Center at Saguaro National Monument on its construction schedule without delay. Unfortunately, the committee does not presently have the full $3,108,000 remaining available under its 602(b) allocation for budget authority.

Consequently, Mr. President, the managers are able to accept an amendment which adds only $2,700,000 for the visitor center at this time. I hope that amount is acceptable to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I appreciate the constraints the managers are under, and I am confident that $2.7 million is adequate to keep this project moving forward. I am grateful for everything that the chairman and ranking member have done for the State of Arizona.

Mr. NICKLES. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1167) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, Senator MCCONNELL, I think, would like speak as if in morning business. I have no further amendments at this time.

Mr. BYRD. Mr. President, I yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, some Senators wish to speak out of order and as if their speeches appear during the period for morning business earlier. So, I ask unanimous consent that there be now a period for morning business and Senators may speak therein and the period not extend beyond——

Mr. MCCONNELL. I might say to the chairman I just need about 7 or 8 minutes.

Mr. EXON. Twenty minutes.

Mr. BYRD. The period not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair.

(The remarks of Mr. MCCONNELL pertaining to the submission of Senate Resolution 182 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Nebraska.

FREEDOM'S MORNING LIGHT

Mr. EXON. Mr. President, while the Congress was in recess in August, the world has changed once again. The people of the Soviet Union have repudiated the Communist Party and the Baltic Republics are now free.

Several years ago, I began speaking of the dawn of a new era. As the Congress returns this September, it appears that the morning light of freedom has ushered in a new day for a better world. I am most hopeful that the failed coup in Moscow represented the last gasp of state communism in the Soviet Union.

The images of August were a testament to the power of liberty, freedom, and democracy. Who could not have been inspired by the courage and bravery of Boris Yeltsin as he mounted a tank to denounce the military coup or by Mikhail Gorbachev, who stood steadfast against the demands of the coup plotters and broke with his party to forge a new union?

In the days following the end of the coup, another revolution ensued, one which will mark a turning point in world history. Democracy in the Soviet Union has been tempered and tested by the coup. The democracy movement has emerged strong, but not yet invincible.

It is shortsighted to assume that all problems have now been solved and that democracy is firmly in place in Eastern Europe and the Soviet Union, and will now automatically be successfully sustained by an American-style free enterprise system.

Following a visit to the Soviet Union, last spring, I observed that cooperation between Gorbachev and Yeltsin held the most promise for the Soviet future. That cooperation has been making history in August and September.

The coup also provided the United States with a glimpse into the catastrophe which could lie ahead if reform efforts in the Soviet Union fail. Gorbachev and Yeltsin are now together walking a tightrope. Below them lies the fire of a union violently breaking apart along the lines of Yugoslavia and the ice of a resurgence of the reactionary cold war forces.

It is in the American interest to steady that tightrope and to guide the Soviet people across it into the land of peace and a degree of prosperity. The same could be said about Eastern Europe.

Mr. President, I have been somewhat surprised at the President's "can't do" attitude with regard to the U.S. role and stake in this continuing drama. I had hoped to see more Yankee ingenuity from the President in the wake of the victory over totalitarian rule.

While I agree that the United States cannot afford to open its checkbook to the Soviet Union, there are many things both substantive and symbolic which the United States can do to inspire, encourage, and reward reform in the Soviet Union. As important, there are several initiatives which can be taken immediately to encourage reform which will positively effect our economy and theirs as well.

Earlier this year, I outlined several areas of cautious but constructive cooperation between the United States and the U.S.S.R. While caution remains the watchword, the dramatic and historic changes in the Soviet Union require that the United States take immediate action to lock in and encourage democracy and free markets in the Soviet Union.

Food is job one. The Soviet people face a harsh winter and a disappointing harvest. The American farmers face a huge crop and low prices. These problems can be fashioned into a solution of mutual benefit to both nations.

The Soviet winter is coming and there is presently not enough to eat. There is nothing I can think of that would cause more upheaval than if the United States did not have a plan to get food to the Soviet people. The most worrisome thing to many Soviet citizens is whether there will be food this winter. At the same time that thousands of Soviets risked their lives to stand up to military forces of the coup, thousands of Soviets also stood in line for food and other necessities. As I have said many times before, a hungry bear is a very dangerous animal.

The President should make it clear to the people of the Soviet Union, that as long as the march toward democratic rule and a market economy continues, the United States will assure that the Soviet people will receive dramatic food help through the coming winter. The United States should make available a combination of credit, food aid, expertise, and in a crisis situation, transportation to prevent massive food shortages in the Soviet Union. Food would be an observable reward for embracing democratic and market principles. It would also be an important insurance policy for the reform movement which can ease anxiety in the Soviet population.

Such an arrangement need not cost a great deal of money. I have spoken frequently about a possible food for oil arrangement whereby the United States would accept as payment or collateral, future Soviet oil production in exchange for American food products.

Such an assurance would also be welcome news to American farmers who desperately need to reduce surplus stocks which unnecessarily depress American grain prices. The U.S. Department of Agriculture recently reported that 1991 will likely register the first drop in U.S. farm exports in 5 years which would be devastating to American farmers since the promise of the Republican farm policy has always been increased export sales.

The Soviet market represents an opportunity for the Bush administration to deliver on its promise to the American farmer that they will aggressively seek new export markets. By targeting the Soviet market and reducing surpluses, the United States could create positive pressure on commodity prices which would help mitigate some of the cost of food aid by reducing the cost of farm programs at home.

The United States should also begin an immediate review of United States trade policy and objectives regarding the Soviet Union and the world as a whole.

At the conclusion of my remarks on this subject, but related thereto, Mr. President, I will reference and print in the RECORD a recent very informative letter written by the minority leader, Senator ROBERT DOLE, to the President that I think is very much on point.

The President should submit and the Senate should ratify the United States-Soviet Commercial Treaty which will result in most-favored-nation status for the Soviet Union, and most-favored-nation status should also be extended to the Baltic democracies.

The Soviet Union represents one of the last undeveloped consumer markets in the industrialized world. The Soviet Union is inherently wealthy in some areas with vast supplies of natural resources including oil, coal, diamonds, gold, and timber just to name a few. The people of the Soviet Union are well educated, literate, and well trained in math and science. Over the long term, The Soviet Union, is an excellent potential market for American goods and services. Virtually any product the United States produces is in demand in the Soviet Union.

In addition to food and food related exports, a priority area for the United States should be to develop the Soviet telecommunications system. The telecommunications revolution is a freedom revolution. Boris Yeltsin used fax machines to communicate his message of freedom to the world and the world watched the drama for democracy unfold in real time thanks to modern telecommunications technology.

Earlier this year, I supported the efforts of American firms, including U.S. West, to create a trans-Siberian fiber optics network. The Bush administration blocked that plan. Now is the time to take a second look at that issue.

Since telecommunications industry earns hard currency income, an improvement in the telecommunications system can be at least partially self-financing. If the American firms get in on the ground floor by developing a modern telecommunications network linking the Soviet Union more fully to the free world and to itself, our Nation could secure an advantage for United States telecommunication exports to the Soviet Union for years and years to come as the Soviet system expands, as we hope it will.

Mr. President, much of the debate on the future United States-Soviet relationship has centered on the concept of foreign aid. The United States should shift its attention to trade and not aid. I have been disappointed with the simplistic debate of the post coup economic relationship between the United States and the U.S.S.R. while I do favor humanitarian food and medical aid to the Soviet Union, a massive new foreign aid program to the Soviet governments is not prudent or likely to produce the results Americans seek. The Soviets need trade and investment more than they need foreign aid handouts.

If there is to be a discussion of aid, I say, let the aid flow to United States business to trade with and invest in the Soviet Union. In light of the recession, the United States should be willing to invest in the United States Export-Import Bank and the Overseas Private Investment Corporation and the Department of Commerce for United States trade promotion and United States investment risk insurance to encourage American companies to do business in the Soviet Union. Our aid should be directed toward finding creative ways to make American products available to the Soviets through barter, countertrade, and other nontraditional means of finance and to make private sector investment possible.

The United States should especially encourage U.S.-U.S.S.R. joint ventures to convert the Soviet military industrial complex to nonthreatening producers of consumer goods. Focusing on this area will encourage economic development and risk reduction as well.

In the coming days, I will propose legislation which will create a blue ribbon U.S.-U.S.S.R. Peace and Prosperity Commission made up of American business and Government leaders and experts on trade, and the Soviet Union will be involved with this Commission as will be key people in the United States who know how to make such a solution workable and helpful under the circumstances we currently face.

The Commission will be asked to examine the entire United States-Soviet economic relationship and make recommendations to the Congress and the President concerning the type of cooperation which can serve the mutual interests of both nations, including military conversion, telecommunications, infrastructure improvement, investment, and the responsible development of the Soviet Union's natural resources. The Commission will also be asked to examine what actions the United States should take to assist American firms in their exports and their attempts to do business with the Soviet Union.

This concept has been suggested by former Congressman John Cavanaugh and Douglas County Commissioner Howard Buffet. Congressman Cavanaugh is the president of Summit Limited, a firm which has extensive business in the Soviet Union, and Commissioner Buffet has visited the Soviet

Union on behalf of the Buffet Foundation created by Commissioner Buffet's father, investor Warren Buffet.

I will also be working with farm State Members of Congress to find ways to spur American food exports to the Soviet Union.

Mr. President, these are exciting times. The United States and the free world cannot afford to lose this moment in history, and hesitation and confusion on what we should do is not helpful. Today, freedom's morning light is shining brightly. Let us not let that slip away by the clouds of indecision because that could spoil this beautiful day and opportunity that we have now.

Thank you, Mr. President.

AGRICULTURE ECONOMY

Mr. EXON. Mr. President, on another matter that I referenced in my remarks just concluded about the Soviet Union, I would like to read at this time for all to know, and I ask unanimous consent that at the conclusion of my remarks, a letter from Senator DOLE to the President be printed in the RECORD.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, the letter from Senator DOLE to the President is dated September 12, 1991:

DEAR MR. PRESIDENT: During the August recess I have spent several weeks in Kansas and visited nearly two-thirds of our 105 counties. Many of these counties are rural and agriculture-dependent, so I had the opportunity to listen to farmers, ranchers, and others express their concerns. I want to share conclusions with you and discuss probable political implications. I have taken the liberty of sharing this privately with Secretary Madigan.

While the multitude of factors currently depressing agricultural markets in the U.S. are complex and varied, the bottom line for those in farm country is obvious. Grain markets have bottomed out after a downward spiral that was interrupted only by the drought years of 1988 and 1989. Farmers and ranchers throughout the country have been hanging on thanks to a cyclical upswing in the livestock sector, but livestock markets have shown signs of weakness in recent months. The agricultural economy now could best be described as a house of cards.

Years of idling productive land and carefully targeting our export subsidies to combat the trading practices of the European Community without impinging upon the markets of our friends has wiped out our world market share. We have gone from being *the* wheat exporting nation to a mere residual supplier, content to enter a market only after the EC, the Canadians, and the Australians have filled the market needs. While U.S. carry-over grain stocks are low this year by historical standards, prices remain stagnated because we are moving backwards in the world market—and the market senses that there is no firm commitment in Washington to do anything about it.

For the past decade, Republicans have been promising farmers and ranchers that a: (1) fiscally responsible, market-oriented farm policy; and (2) reform in global trade would, together, place the United States in the driver's seat of world agriculture. While I believe in that policy approach, "market-oriented" doesn't fly in farm country or in the grain markets without the aggressive use of export tools such as the Export Enhancement Program. Since 1985, we have oriented our commodity programs to the market, and we have shown the willingness to reduce farm spending. But, at the same time, competitors such as the European Community have boosted subsidy spending twelve-to-one over us and paid five years worth of lip-service to Clayton Yeutter and Carla Hills, while our "aggressive trade stance" has deteriorated to nothing more than a selective and reactionary way of doing business through the State Department. Some would say our policy amounts to "unilateral surrender."

Given this, we will have a farm policy debate next year, and, very likely, we need one. While such a debate would not likely impact your re-election, the stakes are high for Congressional Republicans. A high-visibility farm policy debate—pitting the Republican farm policy against the Harkin-Gephardt-Kerrey school of supply-management and isolationism—would fan the flames of populism and possibly reduce Republican strength in Congress.

In my view, there is time to turn this around. One way would be to announce by this October 1 that as a policy, beginning next June 1, the United States intends to implement across-the-board export subsidies for all customers and to stop idling productive land. In essence, assure farmers and ranchers that, if the GATT fails, your Administration will support them notwithstanding the added cost.

Farm policy will be a vital issue in 1992, and critical to the men and women of rural America who together keep the agriculture industry alive and provide one out of every five jobs in America.

Sincerely,

BOB DOLE,
U.S. Senate.

Mr. President, let me briefly comment on this. Aside from the political ramifications noted by Mr. DOLE—he certainly is entitled to his opinion—most of the other comments he makes in this letter are strictly a case in point, and I thank my colleague from Kansas for laying it on the line.

I particularly notice that he mentioned the lipservice being paid to the GATT agreements sponsored by the former Secretary of Agriculture, now chairman of the Republican National Committee, Clayton Yeutter, a fellow Nebraskan, who has been succeeded in the job as Trade Representative by Carla Hills.

Mr. President, the facts are—and this Senator has been talking about this for years and years and years—the GATT agreements that have been held out as a promise, the GATT agreements which were spelled out on the floor of the Congress when we wrote the last farm bill and made substantial reductions in farm programs, were based on the fact that we were going to be successful in getting a GATT agreement with the European Community which would stop them from making highly excessive subsidies to the European farmer which have gone to the distress of American farmers since we are continuing to lose markets.

Another way of putting that, Mr. President, would be that with the failure of GATT, notwithstanding the commitments and the promises and the upbeat attitude that is reflected in statements by the administration, we simply are not going to accomplish with GATT what the administration set out to do. The quicker we realize that, the better. I think, if nothing else, that is the key point that is made, very successfully, I suggest, in the letter to the President from the Republican leader.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 12, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: During the August recess I have spent several weeks in Kansas and visited nearly two-thirds of our 105 counties. Many of these counties are rural and agriculture-dependent, so I had the opportunity to listen to farmers, ranchers, and others express their concerns. I want to share conclusions with you and discuss probable political implications. I have taken the liberty of sharing this privately with Secretary Madigan.

While the multitude of factors currently depressing agricultural markets in the U.S. are complex and varied, the bottom line for those in farm country is obvious. Grain markets have bottomed out after a downward spiral that was interrupted only by the drought years of 1988 and 1989. Farmers and ranchers throughout the country have been hanging on thanks to a cyclical upswing in the livestock sector, but livestock markets have shown signs of weakness in recent months. The agricultural economy now could best be described as a house of cards.

Years of idling productive land and carefully targeting our export subsidies to combat the trading practices of the European Community without impinging upon the markets of our friends has wiped out our world market share. We have gone from being the wheat exporting nation to a mere residual supplier, content to enter a market only after the EC, the Canadians, and the Australians have filled the market needs. While U.S. carry-over grain stocks are low this year by historical standards, prices remain stagnated because we are moving backwards in the world market—and the market senses that there is no firm commitment in Washington to do anything about it.

For the past decade, Republicans have been promising farmers and ranchers that a: (1) fiscally responsible, market-oriented farm policy; and (2) reforms in global trade would, together, place the United States in the driver's seat of world agriculture. While I believe in that policy approach, "market-oriented" doesn't fly in farm country or in the grain markets without the aggressive use of export tools such as the Export Enhancement Program. Since 1985, we have oriented our commodity programs to the market, and we have shown the willingness to reduce farm spending. But, at the same time, competitors such as the European Community have boosted subsidy spending twelve-to-one over us and paid five years worth of lip-service to Clayton Yeutter and Carla Hills, while our "aggressive trade stance" has deteriorated to nothing more than a selective and reactionary way of doing business through the State Department. Some would say our policy amounts to "unilateral surrender."

Given this, we will have a farm policy debate next year, and, very likely, we need one. While such a debate would not likely impact your re-election, the stakes are high for Congressional Republicans. A high-visibility farm policy debate—pitting the Republican farm policy against the Harkin/Gephardt/Kerrey school of supply-management and isolationism—would fan the flames of populism and possibly reduce Republican strength in Congress.

In my view, there is time to turn this around. One way would be to announce by this October 1 that as a policy, beginning next June 1, the United States intends to implement across-the-board export subsidies for all customers and to stop idling productive land. In essence, assure farmers and ranchers that, if the GATT fails, your Administration will support them notwithstanding the added cost.

Farm policy will be a vital issue in 1992, and critical to the men and women of rural America who together keep the agriculture industry alive and provide one out of every five jobs in America.

Sincerely,

BOB DOLE,
U.S. Senate.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, while the managers and staff continue to try to work out some amendments on which we can agree, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair but with the recess in any event not to extend beyond 2 p.m. today.

There being no objection, at 1:17 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 1:47 p.m., when called to order by the Presiding Officer [Mr. SHELBY].

The PRESIDING OFFICER. The Senator from Louisiana.

NOMINATION OF CLARENCE THOMAS

Mr. JOHNSTON. Mr. President, the hearings are not complete yet with respect to Judge Clarence Thomas. However, his extensive testimony, which has been about as extensive as anyone's who has ever testified on a confirmation before the Judiciary Committee, is complete. I believe we now have a rather complete picture of Judge Clarence Thomas.

Mr. President, based upon that picture, I will vote to support Judge Clarence Thomas for the U.S. Supreme Court. I believe he has shown himself to have the intelligence, the integrity, the background, the experience, the balance, in order to be able to do a good job as a Justice of the Supreme Court.

I believe the American Bar Association, who found him qualified, was correct in finding those qualifications. I believe he has exhibited a range of knowledge about the jurisprudence of this country, and I believe he has shown a real dedication to balance on the Court, particularly with an eye to the rights of minorities. So I believe we can safely and with some enthusiasm support Judge Clarence Thomas.

So I now make that statement, Mr. President, and I look forward to voting for him on his confirmation.

I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 2 o'clock.

Thereupon, the Senate, at 1:51 p.m., recessed until 2:01 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislation clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR TRAFFIC CONTROL SYSTEM FAILURES

Mr. D'AMATO. Mr. President, just yesterday morning, while the Senate was considering the Transportation appropriations bill, both my colleague, the chairman of the committee, Senator LAUTENBERG of New Jersey and I, were requested to enter into a dialog, a colloquy with the distinguished Republican leader, Senator DOLE.

The subject of Senator DOLE'S concern is something that I have raised, that the Senator has raised on a number of occasions, and it concerns safety; it concerned safety in our skies and the inadequacy of the present telecommunications system.

Unfortunately, yesterday, at or about the same time, we experienced just how serious this situation is, how a blown fuse at AT&T's lower Manhattan switching station could cause a calamity, shutting down the Northeast and certainly all of New York, New Jersey, the airports, tens of thousands of commuters, stranding people on the ground for hours and creating a backlog at other airports.

The basic tenet of what Senator DOLE has been asking for and seeking is safety, the best system to ensure safety for the public. And that should come first. Unfortunately, that has not been the case. Unfortunately, we have a situation today where we are involved in a bureaucratic struggle as to who is going to determine which system governs the vital communication links that are so necessary with airports.

As I said, aircraft wee stranded on the ground for hours. Others were not permitted to land at area airports. Pilots had to switch to other radio frequencies. Controllers were left to use commercial phone lines subject to busy signals rather than the rapid long distance lines to reach other controllers. In short, air traffic was in chaos, and the public was at risk.

This was not the first time the vital air traffic control communications have been disrupted in recent times. This failure is the third major shutdown.

In January 1990 a computer program—software—failure resulted in a nationwide disruption of air traffic. In January 1991 a telecommunications worker accidentally cut a fiber optics cable in New Jersey, disrupting service. And yesterday's shutdown makes three serious disruptions to the air traveler as well as to other commercial activities. I say three strikes and you are out.

The FAA and the General Services Administration have engaged in a bureaucratic wrangling, interagency squabbling since May of this year over the question of whether the FAA should be exempted from mandatory participation in the Federal Government's telephone system, FTS-2000.

This may be arcane to some people, but it is real, live, practical, important, and it involves the safety of the public, which should come first. Unfortunately it has not.

The FAA has argued, and I think absolutely correctly, that it needs the most reliable system that it can get. I agree. How many more shutdowns do we need before a terrible tragedy occurs? We cannot wait until two Federal agencies stop their petty infighting to ensure the traveling public gets the safest air traffic control system.

It is with that intent that I offer legislation to resolve this matter once and for all.

When the Senate and House meet next in the coming weeks in the conference on the fiscal year 1992 funding bill on the Department of Transportation, I will offer an amendment to enable the FAA to choose its own telecommunications systems. If the FAA needs greater speed and reliability than it has under the FTS-2000 system, then it should go out and procure that system and deliver what it needs.

This is not this Senator's opinion as it relates to the reliability of the system. We have a National Transportation Safety Board. My office has been in touch, because this matter has been raised and I am on that committee and I am concerned. So we ask the National Transportation Safety Board what was their opinion.

I would like to read part of a response that I received July 22 of this year from the Chairman, James L. Kolstad. He said:

> We are aware that the General Services Administration recently revoked the authority of the Federal Aviation Administration to procure a dedicated nationwide communications system for air traffic control, and, instead, ordered the FAA to use FTS 2000 for its communications needs.
>
> While we understand the policy considerations that may motivate the GSA to insist on a broad use of FTS 2000, we believe that the unique communication requirements of the air traffic control system, coupled with the degree of reliability expected of such a vital communications network, place procurement decisions outside the realm of uniformity and conformity into one in which the ability of the system to ensure the safety of the flying public is given intense scrutiny.

The letter goes on to say that:

> We urge you to give full consideration to the FAA's request for this important communications system and review carefully the merits and limitations of all proposals before you in order to ensure that the integrity of the aviation safety net remains uncompromised.

The fact of the matter is the Chairman of the NTSB indicates very clearly that the FTS system may be technically insufficient for air traffic control. He is absolutely correct. It cannot and does not give the kind of assurance necessary.

We understand any system may be subject to some flaw, some accident, but the Chairman indicates that studies have indicated that the FAA specifications call for a reliability factor of 99.999, and the GSA has acknowledged that the FTS system can only provide a reliability factor of 98.3.

The Chairman of the National Transportation Safety Board—this is the man who we rely upon, the Board that we look to—also says:

> This difference in reliability can result in a critical difference in the amount of anticipated "down" time the system might experience and, in turn, affect the probability of interruptions in air service and affect system safety.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD. I have broken it up at times.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NATIONAL TRANSPORTATION
> SAFETY BOARD,
> *Washington, DC, July 22, 1991.*
>
> Hon. ALFONSE D'AMATO,
> *Ranking Member, Transportation Subcommittee, Senate Appropriations Committee, Washington, DC.*
>
> DEAR SENATOR D'AMATO: We are aware that the General Services Administration recently revoked the authority of the Federal Aviation Administration to procure a dedicated nationwide communications system for air traffic control, and, instead, ordered the FAA to use FTS 2000 for its communications needs.
>
> While we understand the policy considerations that may motivate the GSA to insist on a broad use of FTS 2000, we believe that the unique communication requirements of the air traffic control system, coupled with the degree of reliability expected outside the realm of uniformity and conformity into one in which the ability of the system to ensure the safety of the flying public is given intense scrutiny.
>
> Industry press reports allege that the FTS 2000 system may be technically insufficient for the air traffic control system in that it is only capable of satisfying 13 of the 92 requirements set out by the FAA. Further, these reports indicate that, while the FAA specifications call for a reliability factor of 99.999, GSA has acknowledged that FTS 2000 can only provide a reliability factor of 98.3%. This difference in reliability can result in a critical difference in the amount of anticipated "down" time the system might experience and, in turn, affect the probability of interruptions in air service and affect system safety.
>
> As you prepare to mark up the Fiscal Year 1992 Transportation Appropriations bill, we urge you to give full consideration to the FAA's request for this important communications system and review carefully the merits and limitations of all proposals before you in order to ensure that the integrity of the aviation safety net remains uncompromised. The Committee then can be assured that this investment in air traffic communication systems is sound.
>
> Sincerely,
> JAMES L. KOLSTAD.

Mr. D'AMATO. I think it is most important and critical that we get to the business of the people. We cannot wait until two Federal agencies stop their infighting.

Coincidentally, yesterday, while the full Senate was considering this, as I said, Senator DOLE, almost gratuitously came forth with this colloquy. We inserted it.

We all agreed that safety must be the overriding consideration. We included $18 million requested by the FAA for telecommunications. The House cut these funds.

I, while not directing the FAA to use any specific system, had hoped that the FAA and GSA would rapidly resolve this matter. We stated on the record that the safety of our traveling public must be ensured. We left the window open for further amendments if needed. The time has come. The National Transportation Safety Board agrees.

I still urge that the FAA and GSA resolve this matter and do it quickly on their own. Let there be no mistake: If they fail to do this before we go to conference—and I think they should do this immediately, now—then I will have no alternative than to go forward to offer this amendment, and seek the support of the conference and the entire Congress.

Mr. President, let me put it simply: This should not be a battle over who get this contract; this should be a battle to see to it that we do what is right and ensure the public safety. That comes first. Indeed there have been exemptions out of FTS for critically important functions in Government that can afford no margin of error.

So I hope that the General Services Administration would heed this admonition and see to it that the FAA has the ability to pick and choose the best so that we can ensure the flying public that we are going to do all in our power to make flying in America's skies the safest it possibly can be.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A WARNING TO SADDAM HUSSEIN

Mr. D'AMATO. Mr. President, once again, Saddam Hussein is dragging the world toward a conflict that can be avoided. His refusal to allow U.N. arms inspectors to visit chemical and nuclear weapons sites cannot and will not be tolerated. President Bush is right to take whatever steps he deems necessary to see to it that Saddam Hussein permits these sites to be visited without interference.

Mr. President, it is time to deliver another message to Saddam Hussein: Saddam, if you force us to commit troops to Iraq again, this time things will be different. This time, they will be sent to bring you back dead or alive.

It is now painfully obvious that Saddam Hussein is a criminal whose words mean nothing. He rules by the use of force, and that is all he understands. If he believes that he can delay, lie, an bluff his way out of predicaments, this time he is wrong. The Congress and the people of this country back our President, and if President Bush commits to the use of force to make Saddam Hussein live up to his agreements, we will back him 100 percent. This time, Saddam Hussein will be the target of our attack.

Mr. President, the American public, this Senator, and the Congress will accept nothing less than the capture of Saddam Hussein, if force must be used a second time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. Pressler, which is shown on the list of eligible amendments that was sent to the desk last evening, be stricken therefrom.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Breaux). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair and that the recess not extend, in any event, beyond the hour of 3:30 p.m. today.

There being no objection, at 3:05 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 3:32 p.m., when called to order by the Presiding Officer [Mr. Breaux].

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1168

Mr. BYRD. Mr. President, Mr. Dole has an amendment, and the two managers have agreed to accept it. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd], for Mr. Dole, proposes an amendment numbered 1168.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert on page 17, line 16, before the ".", ": *Provided further*, That of the funds provided under this heading, $205,000 shall be available for the Santa Fe National Historic Trail for the production of full-color unigrid brochures, auto tour route signs, an interpretative film, and a prop kit for the educational outreach program".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1168) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bingaman). Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, will the Senator yield just for a moment?

Mr. SIMON. I always yield to the majority leader.

Mr. MITCHELL. I thank my colleague.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 186

Mr. MITCHELL. Mr. President, following consultation with the distinguished Republican leader and Senators involved in the issue, I ask unanimous consent that the statutory time limitation for consideration of Senate Joint Resolution 186 be reduced to 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, that is the resolution required by law to be considered by the Senate pursuant to the so-called Gramm-Rudman-Hollings law. Under the statute, the time for consideration is 5 hours. By agreement, that time has been reduced to 3 hours to be equally divided and controlled between the majority leader and the minority leader.

It is my intention shortly, upon the arrival of interested Senators on the minority side, to proceed to that pursuant to an agreement and understanding that there will be a portion of the debate conducted today, following which we will return to the consideration of the Interior appropriations bill and then, at a time to be decided by the majority leader tomorrow following consultation with the minority leader, we will return to the joint resolution and complete action on it during the day tomorrow.

I thank my colleagues and I thank especially my colleague from Illinois for his courtesy.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. Simon and Mr. Gore pertaining to the submission of Senate Resolution 182 are located in today's Record under "Submission of Concurrent and Senate Resolutions.")

THE B-2 BOMBER

Mr. DOLE. Mr. President, I want to take just a few minutes to talk about the status of the B-2 bomber program. The liberal drum beat to cancel this vital program has started up once again. Overblown and distorted press reports are attempting to stir up more controversy about the B-2. And opponents of the program are—as usual—basing their judgment on what the liberal media likes rather than on the facts—and rather than on what America needs.

Senator Simpson and I met with Secretary Rice this morning to get to the bottom of the issue. I know that some of you have received similar briefings about this so-called problem with the B-2. After reviewing the technical data with the Secretary, I am convinced, as I am certain anyone who will take the time to study the facts will be, that the so-called problem is political and not technical.

I remind my colleagues that it was the Air Force who came forth with these test results. And these test results clearly demonstrate that the B-2 flies as advertised. The B-2 is the most stealthy aircraft in the world just as advertised, and the B-2 will do the missions it was design for, just as advertised. These test results prove that the B-2—as it sits today—can perform all the missions that the F-117 flew against Iraq, and do them better. To be certain, the Air Force is looking into ways to make the B-2 even better. But charges that it does not work or that it is not stealthy are just plain wrong.

Like any development program, problems pop up. That is why you test. You do not cancel a program every time you uncover a problem: You analyze it, fix it, and press on. That is the responsible approach, and we in the Congress set it up that way.

I commend the Air Force and Secretary Cheney for being up front with the Congress. They have been responsible and kept us well informed. The Congress must act responsibly, too. Get the facts, as I have.

In my view, once Members have had the facts, once they have had the briefing, then they will view the problem in the right light: not technical but maybe political. So I urge my colleagues if they have not had a chance to be briefed by Secretary Rice, he will be happy to come to your office and go over the matter. I think once they have had that briefing, my colleagues will understand there is a problem that is political, not technical.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the chair, but in no event that the Senate stand in recess beyond one-half hour.

There being no objection, at 4:06 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 4:18 p.m., when called to order by the Presiding Officer [Mr. CONRAD].

ORDER OF PROCEDURE

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 220, Senate Joint Resolution 186, the joint resolution suspending the Gramm-Rudman-Hollings provisions of the Balanced Budget and Emergency Deficit Control Act of 1985; that there be 1 hour of debate today charged against the time under the control of the Republican leader; and that upon completion of that debate today, the Senate resume consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF CERTAIN PROVISIONS OF LAW UNDER THE BUDGET ACT

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 186) suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The Senate proceeded to consider the joint resolution.

Mr. MITCHELL. Mr. President, under the provison then, there will be 1 hour of debate today, primarily by the distinguished ranking member of the Budget Committee, the Senator from New Mexico.

There will then be 2 hours left of debate on the resolution, 30 minutes under the control of the Republican leader, 90 minutes under the control of the majority leader. It is our understanding and expectation that that debate will be completed sometime during the day tomorrow at a time to be determined by the majority leader following consultation with the Republican leader.

Mr. DOMENICI. Mr. President, do I understand then, if on our side, with the Senator from New Mexico managing the hour if we do not use an hour tonight nonetheless we will be deemed to have used an hour?

Mr. MITCHELL. That is correct, 1 hour will have been charged against the Republican leader's time today.

Mr. DOMENICI. I thank the leader.

Mr. President, a parliamentary inquiry. Is the resolution pending before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes.

Mr. President, this it the third time that we address the issue of setting aside the Budget Enforcement Act hammered out in last fall's summit.

The resolution before us is identical to two earlier resolutions that were rejected in the Senate on January 31 by a vote of 2 to 97 and again on May 9 by 5 to 92.

And now—for the third time—the resolution has been reported out of committee with the recommendation that it not pass.

We must take this up again because the law says two quarters of actual growth less than 1 percent sets off a low-growth, detriggering resolution. Real GNP growth in the second quarter was recently reported at minus 0.1 percent. That follows a minus 2.8 percent in the first quarter.

If this resolution is enacted, we will abandon all of our budget enforcement tools and allow the deficit to grow beyond the current CBO projection of $362 billion for fiscal year 1992.

An important question to ask is:

Are the arguments that have supported the overwhelming rejection of this resolution in the past still valid or have our perceptions changed so much that we should reverse the earlier votes?

The answer is clearly "no." The recession has unfolded roughly as anticipated, and last fall's Budget Enforcement Act remains the best piece of legislation we could have constructed for these times.

The OMB, CBO, and private forecasts of recession and recovery that were used to support the rejection of the previous suspension resolutions remain very much on track. OMB projected at the beginning of this year that the economy would shrink by 1.1 percent through the second quarter of this year. CBO expected a 0.9-percent decline. We have gotten a 1.1-percent decline.

As well, all of these forecasts project a recovery beginning in the second half of this year.

And I am optimistic that the many positive economic reports over the last few months are indicating that we have possibly turned the corner and are again following a path of expansion.

Housing construction has strengthened significantly after bottoming out last winter. And industrial production rose 0.3 percent in August, increasing for the fifth straight month. These trends set a good foundation for third quarter GNP growth.

As well, the leading indicator index and new orders for investment goods—which registered in July the largest 1-month jump in 21 years—point to a further pickup in coming quarters.

More fundamentally, we are seeing favorable underlying conditions such as low inflation and low interest rates that should support a continued path of growth.

Long-term interest rates are now below 8 percent and the Federal Reserve has set the discount rate at 5 percent, its lowest level in 18 years.

The budget enforcement agreement is the right policy for the current situation—it provides discipline.

The budget enforcement agreement is flexible enough to maintain that discipline while still responding to clear emergencies.

The caps will maintain budget discipline in discretionary programs that have in the past expanded to address recessions but have ended up increasing spending long after the downturn has ended.

And the flexibility of the agreement permits the automatic stabilizers—such as unemployment insurance, food stamps, and other programs—to adjust during an economic downturn, without having to open up the legislation and vote on new deficit targets.

One reason the downturn has not been more severe, increasing the unemployment rate by more is because of the automatic countercyclical policy that was built into last fall's budget agreement. Deficit targets were allowed to adjust to the worsening economy. The Government has already provided fiscal stimulus by allowing Government spending to continue and Government transfers to expand even as our revenue base has been reduced by the downturn.

We will likely be taking up a bill to modify the extended Unemployment Benefits Program. I don't believe the answer to our problems is any legislation which pays for an extended program by raising the Federal deficit even further, such as the House bill does.

Some have pointed out that previous emergency appropriations have raised the deficit. But these have added very little to the deficit compared to extended benefits legislation under consideration. Emergency supplementals so far this year of $1.1 billion include an increase of $850 million in the international account for economic support for Israel and Turkey. The domestic accounts have increased $187 million, mainly reflecting increased funds to administer the Unemployment Insurance Program.

These increases compare with extended unemployment insurance benefits totaling $6.3 billion as contained in the House bill.

Some have suggested that there is an accumulated balance of nearly $8 billion in the Federal extended benefits trust fund. Again this is misleading.

This money is a bookkeeping entry—the way we account for the trust funds in the unified budget. If we want to pay out additional benefits totaling $6.3 billion, we will have to borrow $6.3 billion more to come up with money to pay the benefits—whether or not these expenditures are deemed an emergency.

The issue of funding an extended benefits program should not hinge on whether or not we provide further fiscal stimulus through higher deficits. We have provided plenty of fiscal stimulus and we have the deficits to prove it. The issue is one of making hard choices among competing programs and priorities.

The Budget Enforcement Act, as passed into law, establishes a framework for making those hard choices. We should stick to the agreement. And if we modify extended unemployment by some appropriate amount to be determined, than we should adjust other programs accordingly.

While debating the 1992 budget resolution, we had a discussion of the use of reserve funds.

The 1992 budget resolution includes five of these reserve funds, one of which is specifically designed to allow increased funding for unemployment compensation, provided that the funding is offset—consistent with the pay-as-you-go requirement in the budget agreement.

Maintaining the budget enforcement agreement in place adds credibility where none existed before, setting a predictable path for the future that our economy and our country can count on. This is probably the most important reason to once again defeat suspension and to abide by the agreement's targets and pay-go provisions

Mr. President, I understand the distinguished Senator from Texas [Mr. GRAMM] desires to speak. I hope that he will understand that we do not necessarily have to be here for the full hour. If he can come to the floor soon, he can speak, and perhaps we can make our case this evening and have an early recess.

I think probably the one thing we have found out is that the particular provision of the budget agreement that brings us here every 2 months, binding the Senate but not the House—is that perhaps we should not do this so frequently. There is really no serious justification for it. I do not think it does any significant good. We say those kinds of things a little too often at least from the standpoint of the Senator from New Mexico.

Every 2 months, if the economy is in recession, we have to reject the suspension resolution or the 5-year binding resolution and budget restraint are out the window.

The Senate has understood on the two previous occasions that there is a great deal of merit, even in these difficult economic times, to leaving the 5-year budget agreement in place. It seems to me that the trend is that the Senate would like to leave the agreement in place. As I indicated, two quarters of actual growth of less than 1 percent sets off this low-growth triggering mechanism.

Real growth in the second quarter was recently reported at minus 0.1 percent and follows on a minus 2.8 percent change in the first quarter. If this resolution is enacted and we abandon all our fiscal enforcement tools, allow the deficit to grow beyond the current projection of $362 billion, then obviously we have to answer to the American people. We have to answer why—with an agreement in place that holds spending down, that keeps new programs from being passed and appearing on the legislative books of America without paying for them, why an agreement that stipulates only so much for defense; the number is in the law; only so much for foreign aid; the number is also in the law; only so much for domestic appropriated accounts;—why would we throw that away?

That is what will happen if we vote contrary to the way we voted before. We will throw that away.

I still have not heard anyone suggest that they have an exciting Government program that will help fix this recession. I know some say there is a big disagreement regarding unemployment compensation. Should it be extended or not? If it is extended, should it be paid for so that it does not add to the deficit or should it be designated an emergency under this budget agreement?

Mr. President, obviously we are going to debate whether or not we should have unemployment compensation extended, how we pay for it if we do—whether it should be extended under a declaration of an emergency—and we can do all of that without waiving this 5-year agreement because the agreement is flexible enough to handle that kind of problem. Everyone should understand that this agreement says Congress shall not exceed these binding numbers that I have just spoken about unless it is deemed an emergency, a critical emergency, by the President and the Congress.

So if Congress sees fit to send the President an unemployment compensation bill, and Congress says it is an emergency and that we are not going to pay for it, they are making the case for whomever thinks that is an important piece of legislation in this country. We do not need to change the 5-year binding agreement, in order to resolve this issue.

Sometime tomorrow we will probably have an opportunity to hear what the other side has to say about the current status of the economy and what they have to say about the President of the United States. Obviously, a serious debate is going to ensue in the next 72 hours here on this floor regarding the extension of unemployment compensation. That is an opportunity for the other side, principally the Democratic leadership, to tell the American people that they want this unemployment compensation extended, and they want to debate the issue of whether it is an emergency or not. We, too, on our side, headed by our leader, Senator DOLE, will suggest that we want to extend it, but we want to pay for it. We will suggest how, and we think that does not mean that we declare an emergency but rather we meet this agreement's requirement that we pay as we go.

Many of us think that is exactly the way to handle things. So those who want to argue that in this recession the unemployment situation is being handled right or not being handled right, they can do that. But we do not have to give the American people a double whammy, declaring an emergency, not paying for 6 billion dollars' worth of benefits, and throwing overboard the only real agreement that keeps spending under control. The agreement puts a real lid on our propensity to spend money and says do it like the American people do: if you buy something new, pay for it—if you add something new, pay for it.

Having worked at this for some 14 years now, I want to say if I have not said it before on the floor of the Senate, I truly believe the 5-year budget agreement is an example of the best that Congress and the President can put together to cause some fiscal responsibility here in the Congress.

There are already many Members who are struggling under this new formula because obviously they would like to create new programs but they do not want to pay for them. They would like to spend more because no matter how much you spend there is more to be spent. That will not work anymore, and surely will not work so long as this agreement is in place.

We saw the other day a very good example of it. Someone said to the Senate in an amendment, let us take $7 billion out of Defense because last year's expenditures are still unspent and let us spend them on some new domestic programs that has great appeal. Well, this agreement says you cannot do that. It says, if you did not spend your Defense money, you save it, and lower the deficit.

This Senate responded overwhelmingly that the agreement we are talking about today in this resolution is the best way to handle matters. For now, do not play around with Defense. If you want to cut Defense, do not spend it somewhere else, put it toward deficit, reduction even if you are talking about adding money to important programs such as health research, or some special phase of education.

That is the kind of credibility that the Senate is giving to this agreement. I do not know how Senators comment about this agreement—how they tell their constituents that they would have spent money differently than the Congress has deemed. But when it comes to voting on the floor, they vote. And I say with a great deal of pride, having been one who put this together, that the overwhelming majority on both sides have voted to keep the agreement in place, because they know what will happen if Congress did not. They know spending will get out of hand. The deficits will get even bigger.

You surely will not fix this recession with signals to the American people, to the American business, and to those who lend money, that you do not have any agreement. Interest rates would go higher. All the things that we need to happen will not happen in the monetary marketplace and in the marketplace of business if this agreement is vitiated while we are in this recession.

Let me address two other points and——

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DOMENICI. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I want to address a couple of more issues, because I have observed that a few Senators, from time to time in the past 4 or 5 weeks, have talked about the deficit under this 5-year agreement, in a way that implies that the deficit-reducing qualities of this 5-year agreement are not working. Well, I submit that they are working.

Let me put in the RECORD, for those who are interested in what has happened, why the deficit projections have grown. First, everyone must understand that we entered into a 5-year fiscal responsibility and pay-as-you-go agreement with the Resolution Trust Corporation, the entity that was created by Congress to reimburse depositors of savings and loan companies who are in default up to $100,000 per account. We entered into this agreement when we could not under any circumstance, know how much we were going to have to borrow to pay that obligation to the American people.

We did not know how much it was going to be, but we were obligated to pay it. So what did we do in the agreement? We said that we are going to set our mandatory budget caps, excluding the costs of deposit insurance. When we are finally through with the RTC, we will know where total outlays are. In the meantime we are going to cap everything else.

Well, that is exactly what we did. Every Member who voted for the agreement agreed to that. It turns out that there is more borrowing taking place now and early next year than we expected, and that raises the deficit.

And there is nothing anyone could have done about that. No prudent Senator would have said that when we incur the money for RTC, let us take it out of education, or research, or water and sewer programs, because that one-time indebtedness is going to go away very soon. So we cap the domestic programs, but we do not take the Resolution Trust Corporation into consideration. The RTC costs are added on to the caps in order to determine the total deficit.

Second point: Some are asking, why is it $362 billion next year when we did not plan for that much? There is another part that everybody should understand with reference to the 5-year budget agreement.

The way we do our accounting for the Federal budget, the Resolution Trust Corporation has to go out and borrow—let us use a figure of $50 billion—to pay Americans who are waiting for their deposits which are guaranteed. We pay them and we borrow the money. But now we acquire the assets such as stock, real estate mortgages, buildings, and junk bonds, that savings and loans owned when they went broke. We physically become the owner of some assets, and we technically become the owner of others by title transfer.

The way we do our accounting, we pay the S&L depositor, and what we take into assets we do not put on our books. When we sell the assets, we record the receipts. That produces a bulge in expenditures relative to the sale of the assets. The sale might be 12 months behind, and it may be a while before the proceeds from the sale catch up with the RTC costs.

So RTC funding goes up, and when the assets are sold, we see it coming down. And we see it coming down abruptly, because by then we are actually selling the assets and making money, in the year we sell it. If we could have accounted for the sales up front, which we could not, obviously the amount of the debt would have been much smaller. So that is another reason that we are seeing the deficit rise.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DOMENICI. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I have a CBO deficit estimate, and I ask unanimous consent to have it printed at the conclusion of my remarks. It specifically informs the Senate of why there has been a change in the deficit estimate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DOMENICI. I have just mentioned the RTC funding. Everyone should know that, clearly, we have come upon—at least in the year we are in—another technical error. Nobody is accusing anybody. Everybody agreed that it is a technical error, having to do with revenue projections of the U.S. Treasury.

This has nothing to do with the recession. We knew receipts would come down with the recession. But the projections were off substantially for technical reasons, and nobody seems to know why the estimate for this particular year is higher than the actual receipts. Treasury made this known to everybody 3½ months ago. I do not think that, to this date, anybody has been accused of doing anything intentional. It is just a reality.

No one wants the recession to abate more than this Senator. So long as it lingers and continues, obviously, we are not going to make substantial progress toward reaching our targets and getting this deficit under control. We did learn rather quickly that recessions are not good things. We did learn rather quickly that growth, sustained economic growth, is much, much better.

Of late, I have been saying there are some who do not understand growth, but I now suggest to them that there really are only two states of the economy: It is either growing, or it is in recession. I say to the Chair that I have never received a letter from a constituent saying they want more recession. I did not get very many saying they want more growth either. That is taken for granted because it means jobs, it means revenues to pay for the Social Security, and it means that businesses are starting and growing.

The opposite is what we are feeling today. I, for one, wish I knew how to get out of this recession. I have thought about it perhaps as much as anyone else. There is something very, very strange about it.

It might have to do with the money supply. It might have to do with the banks not lending as much money even with interest rates coming down. Some are suggesting that that means we do not have the mobility of money in this economy that we need. But, be that as it may, nobody contends that, the past accumulated debt and the current deficit are good for the economy.

Most of us have come to the unequivocal conclusion that those who think it does matter just really do not know what they are talking about. It may not be the only factor when you try to muster growth in an economy, but clearly it causes anemia and takes things out of the economy, currently, and the expectation of the future is greatly diminished because of the deficit.

That is what we are here today talking about—should we leave something in place that has a real chance of affecting deficits in the right manner or should we do away with it?

I, frankly, believe we have a pretty good agreement. I voted for it. I helped work on it. I think it does a pretty good job of putting some strings around Congress. Otherwise, if we did not have it there, we would be trying all kind of things to no avail, spending money with no effect, in my opinion, on this recession. So we have to be patient for awhile, it seems to the Senator from New Mexico.

I see my friend from Texas here, Senator GRAMM, and it is my privilege and pleasure to yield whatever time he needs. We have less than an hour.

EXHIBIT 1.—CBO DEFICIT ESTIMATES: CHANGE FROM FEBRUARY TO AUGUST

[In billions of dollars]

	1991	1992	1993	1994	1995	1996
February estimate	309	294	221	169	69	66
Desert Shield/Desert Storm	−33					
Technical reestimates:						
Deposit insurance	−26	18	11	7	15	−1
Medicaid	1	3	4	6	7	10
Other spending	−5	10	8	6	5	5
Receipts	15	16	16	21	27	34
Net interest	−1	−1	3	7	9	10
Subtotal, technical	13	41	37	36	47	36
Economic assumptions:						
Spending	[1]	−3	−2	−1	2	4
Receipts	15	16	16	21	27	34
Net interest	−2	−2	2	6	10	13
Subtotal, economic	13	11	16	26	39	51
Policy changes:						
Fiscal year 1991 supplementals	3	9	4	3	3	2
Pay-as-you-go spending	[1]	[1]	[1]	[1]	[1]	[1]
Budget resolution outlay rate assumptions		6				
Subtotal, policy	3	16	4	3	3	2
Total change from February	−30	68	57	65	88	90
August deficit	279	362	278	234	157	156

[1] Less than $0.5 billion.

Details may not add to totals due to rounding.

Mr. GRAMM. Mr. President, let me thank my distinguished colleague for his generosity. I think he really has said everything that needs to be said.

The issue before us when we vote tomorrow is going to be given that we are in a recession, given that we have these emergency provisions in Gramm-Rudman, is it to the advantage of the country to exercise those provisions by waiving the only binding constraints we have on the Federal budget?

I guess there would be those who would say that, traditionally, in the midst of a recession, you want to allow the Government to expand spending and to engage in deficit financing. I guess I would argue when you are already running a $300 billion deficit, if deficits were the answer, we would have reached economic heaven long ago.

I am afraid that deficit spending is like a powerful drug that may have had curative powers at one time, but we have taken the drug in expansions, contractions, inflations, recessions, and the economy has long ago become addicted to it. It long ago lost its curative powers.

It is true that the Gramm-Rudman law is imperfect, I admit that. I wish we had a balanced budget amendment to the Constitution, but we do not. But the idea we could somehow strengthen our position by suddenly trying to deal with the economy by removing the Gramm-Rudman constraints so that we could go on a spending binge, I think that would be a recipe for a disaster. I think interest rates would go up. I think the economy would get weaker.

Let me say that obviously there is great debate about where we are in the economy. And I would be the first to say that I do not know.

In looking at the aggregate economic data, I think we have turned the corner, so to speak, but I do not think we left any skid marks when we made the turn. I think we are in an expansion; it is a very weak expansion. I am deeply concerned about it. I think that in the coming days and weeks we will be able to debate as to what we should do about it.

But there is one thing I know we should not do about it; and, that is, I do not believe that we should begin a massive, new wave of deficit spending. So, for that reason, I am opposed to waiving the Gramm-Rudman law.

I congratulate the chairman of the Budget Committee, and the ranking member, for their leadership. I suspect we will defeat the resolution waiving Gramm-Rudman by an overwhelming margin. I think that sends a good signal to the financial markets. I think it will be helpful and I commend my colleagues to support the resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Chair will simply ask the Senator from Texas if he suggests the absence of a quorum.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IOWA STUDENTS TOPPED THE LIST OF SAT AND ACT SCORES

Mr. GRASSLEY. Mr. President, I speak proudly about Iowa students and about my State of Iowa and their educational system, and do that because of good news out today. For the third straight year, Iowa students have outdone themselves. Iowa students, of course, have a record of excellent performance on both the SAT and the ACT college entrance exams over a long period of time. This year, Iowa students top the list on the SAT for the sixth straight year in a row, and on ACT scores for the third straight year in a row. This is among all 50 States of our Nation.

With results like this, it is only natural to ask ourselves, "What are Iowa students, and what is the Iowa school system doing that is right?"

Mr. President, true education reform and real education excellence occurs at the State and local levels. It is not something that is going to come out of Washington. This country is such a geographically vast Nation and our population is so heterogeneous that you cannot pour this country in one mold, make education policy here in Washington, DC, and expect the problems of New York City to be solved in the same way as the problems in some small rural community of the State of Iowa.

These problems are going to be solved because we have State systems of education that are closer to the people, closer to the problems, and respond to the needs in a much better way than we can at the national level.

Iowa is a prime example of this. Iowa students excel because they are encouraged by parents and teachers who truly care about their education. Federal dollars are not enough to solve the education problems in our Nation. Until other States model Iowa's caring efforts and commitment which have made Iowa first in the Nation, the rest of the Nation will not see the real results that we are hoping to achieve.

While they have been successful in their efforts in recent years, the leaders of Iowa schools are not satisfied. These leaders are constantly striving to provide each student with the greatest opportunity for learning, trying new things, setting higher goals to see that we continue to progress.

Mr. President, I want to credit the efforts of Bill Lepley, Secretary of the Department of Education in my State, and his very capable staff. I also want to credit the teachers of each Iowa community who work hard every day to provide a learning environment for the children of my State.

Most of all, I credit the students and the families of Iowa who make the effort to achieve each day and provide for their own futures. Iowa's political leadership is not only in the forefront of helping to improve the environment in Iowa, but also my Governor, Terry Branstad, at the time he was chairman of the National Governors Conference led the way with recommendations for national goals for our entire country.

These national goals have been established. The President of the United States has endorsed them. we are in the process now, some in the Congress and some at the State legislative levels of each of the 50 States, to make the reforms and to make the changes that will bring about an environment for accomplishing the goals set by the National Governors Conference under the chairmanship of Gov. Terry Branstad of Iowa. So I am also proud of his leadership in this area.

But whether it is educators, or teachers, or parents, I am proud of each of them. I am proud to be their Senator, and applaud them on this third year of being at the top of the States in the announcement of the standings of the SAT and ACT scores.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

EMERGENCY OIL RESERVE

Mr. AKAKA. Mr. President, as I have said before and I will repeat again, the islands of Hawaii are rich in many things—especially beauty—but poor in fossil fuels. We rely on oil for 90 percent of our energy needs. All of it arrives by ocean tanker. That is why an emergency oil reserve is of great concern to the people of Hawaii.

The fiscal year 1991 Interior appropriations bill contains $144 million to acquire crude oil to fill the strategic petroleum reserve. Hawaii tax dollars help pay for this increase in the SPR. But Hawaii doesn't benefit from the energy security that the reserve provides. That's not fair, and it's not right.

In the upcoming conference with the House, I urge the chairman and members of the Senate Interior Appropriations Committee to adopt language contained in the House report to accompany the Interior appropriations bill relating to the siting of a regional petroleum reserve. Earlier this year the Department of Energy announced its plan to establish a refined petroleum products reserve as required by Public Law 101-383. They announced that this new reserve would be located in Louisiana, adjacent to the existing strategic petroleum reserve.

Unfortunately, the Department has simply failed to satisfy the criteria contained in the law which dictates where such a reserve should be sited. Because of this failure on the part of the Department of Energy, the House report reiterates the language contained in Public Law 101-303 requiring the Department to select a site that, among other things, is proximate to the area or areas of the United States most dependent on imported petroleum products. We should locate this reserve in areas where it is needed most, not in areas awash in oil.

Hawaii would be an excellent site for such a reserve. Compared to the mainland, Hawaii faces a much greater risk of an oil supply disruption. The reason for this is obvious: We have no overland access to domestic sources of crude. While the lower 48 States and Alaska have access to oil transported by pipeline, rail, or highway, all of Hawaii's crude oil and refined products arrive by ocean tanker. Our total reliance on tanker deliveries makes Hawaii exceptionally vulnerable to a cutoff of oil supplies should a crisis disrupt imports. A severe disruption of imports would cause our oil supplies to run dry and Hawaii's economy would grind to a halt.

As most grade school geography students can tell you, Hawaii is a long way from the Gulf of Mexico, especially when you have to go through the Panama Canal. The distance between the strategic petroleum reserve loading docks and Honolulu—by way of the canal—is more than 7,000 miles. Putting this in perspective, 7,000 miles is more than one-quarter of the distance around the globe.

But distance alone is not the issue. When you add together the time between the decision to drawndown the reserve and the time when oil from the reserve actually reaches our shores, the seriousness of the problem emerges. It takes time to solicit and accept bids for SPR oil, time to locate and position tankers, time for tankers to wait in line to gain access to SPR loading docks, and time to transit through the canal to Hawaii. Obviously, Hawaii is at the end of a very, very long supply line. While we are waiting for emergency supplies of oil to arrive, things can begin to get scary.

That's why an oil supply disruption is Hawaii's greatest nightmare. As I have said before, when the Middle East sneezes, the mainland may catch a cold, but Hawaii comes down with double pneumonia. We have good reason to be concerned about the ability of the strategic petroleum reserve to serve Hawaii in a crisis. Clearly, there is strong justification for siting a regional petroleum reserve in Hawaii.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 1169, 1170, 1171, AND 1172

Mr. BYRD. Mr. President, on the list of amendments that was agreed upon yesterday, there is one by Mr. WALLOP and Mr. BURNS, one by Mr. BUMPERS, one by Mr. MCCAIN, and one by Mr. GORTON and Mr. ADAMS.

I send those amendments to the desk. I ask unanimous consent that where numbers have been previously amended and they are required to be amended again by these amendments, that they be so amended; that the amendments which I send to the desk be considered and agreed to en bloc; that the motions to reconsider be laid upon the table; and that statements in explanation thereof appear appropriately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have no objection on any of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1169

(Purpose: To provide funds to the Bureau of Indian Affairs for child protection and family violence prevention)

On page 32, line 6, strike out "801,364,000" and insert in lieu thereof "803,364,000".

On page 87, line 24, strike out "$1,489,091,000" and insert in lieu thereof "$1,487,091,000".

AMENDMENT NO. 1170

On page 11, line 6, increase the amount indicated by $348,000.

On page 16, line 19, reduce the amount indicated by $348,000.

On page 11, line 16, before the period insert: ": *Provided*, That the Fish and Wildlife Service Environmental Impact Statement relevant to the reintroduction of the Rocky Mountain grey wolf in Yellowstone National Park, and Central Idaho shall include the recommendations of the Wolf Management Committee Report, entitled 'Reintroduction and Management of Wolves in Yellowstone National Park and the Central Idaho Wilderness Area' as one of the alternatives: *Provided further*, That none of the funds provided for in this Act may be expended to reintroduce wolves in such areas: *Provided further*, That upon completion of such Environmental Impact Statement the Secretary shall transmit a copy of the statement to United States House of Representatives and the United States Senate committees on Environment and Public Works and Energy and Natural Resources".

Mr. SIMPSON. Mr. President, I would like to speak for a moment about an issue that is so very controversial in the Western United States. The issue involves the reintroduction of wolves into three Western States, Wyoming, Idaho, and Montana. Those of us in the Rocky Mountain State have been grappling with this issue for many years. It has been a very tough, intense, and emotional debate.

Last year, Congress decided to try to resolve this issue by funding and creating a wolf committee made up of wildlife professionals, environmental groups, ranchers, and hunters. The committee was charged with the task of developing a compromise wolf reintroduction plan.

After many lengthy and tough deliberations, a compromise plan was finally completed and transmitted to Congress and to the Director of the U.S. Fish and Wildlife Service. Not everyone was happy with every aspect of the plan, but it represented a true compromise.

If Congress is going to forge ahead with wolf reintroduction in the Western States, then we should use the plan developed by this special wolf committee. Unfortunately, the House Interior Committee included language in the House version of the Interior appropriations bill which would fund a full environmental impact statement [EIS] on wolf reintroduction using a plan previously developed by the U.S. Fish and Wildlife Service.

It does not make much sense for Congress to fund a committee that was created for the purpose of developing a compromise and then to turn immediately around and ignore the work of this committee. But, that is exactly what has happened this year in the House. I trust that my colleagues who will serve on the Interior appropriations conference committee will work hard to ensure that the House language does not become law. Nothing could be more counterproductive or polarizing than the House language. I now that some environmental groups have expressed displeasure about the compromise development by the wolf committee, but that is surely no sensible reason to totally ignore this compromise plan.

The key element of this compromise that is most objected to by the environmental groups involves the manner in which wolves will be treated in Montana. I believe we can honestly deal with this issue and find a solution that will be acceptable to all sides. The remainder of the wolf plan developed by the committee is not controversial, and represents a valiant attempt to apply common sense to a very contentious wildlife management issue.

AMENDMENT NO. 1171

On page 17, line 16, strike after the period (.) and insert the following: ": *Provided further*, That of the funds provided under this heading, not to exceed $500,000 shall be made available to the city of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That the aforementioned sum and any sums hereinafter provided in subsequent Acts for said project are to be considered non-Federal monies for the purpose of title I of Public Law 99-662".

AMENDMENT NO. 1172

The figure on page 20, line 16, shall be decreased by $500,000.

The figure on page 11, line 22, shall be increased by $375,000.

The figure on page 32, line 6, shall be increased by $125,000.

Mr. BYRD. Mr. President, I am informed by the Senators from Washington that the amendment provides funds to the U.S. Fish and Wildlife Service for design and engineering work on a visitors center at the Grays Harbor National Wildlife Refuge near Hoquiam, WA. The Grays Harbor community has been awaiting initiation of construction for 3 years since the community made its contribution to the project. This amendment will shift $375,000 to the Fish and Wildlife Service construction account for the purpose of starting construction of the visitor center.

Finally, the amendment also provides $125,000 for the hatchery operations of the Makah Tribe.

The amendment provides for a shift of funds from land acquisition at the Olympic National Park in order to provide funds for the above three projects.

AMENDMENT NO. 1173

(Purpose: To alter the criteria for modifications to the Great Plains Project Trust Agreement)

Mr. BYRD. Mr. President, on behalf of Mr. BURDICK, I send an amendment to the desk. It is the amendment that he included on the list of yesterday.

Mr. President I ask unanimous consent that the pending amendment be laid aside, and that Mr. BURDICK's amendment be made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And, of course, that is without prejudice to the amendment by Mr. SANFORD. That amendment is just temporarily laid aside for the proposal of the Burdick amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. BURDICK, proposes an amendment numbered 1173.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, strike line 13 and all that follows through page 80, line 2, and insert the following:

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; and (2) the Government contribution from the Reserve Account established in section 2(b) of the Trust Agreement to such project shall be 50 percent of the amount of remaining project costs after the disbursement of funds from the Environmental Account established in section 2(b) of the Trust Agreement, and shall not exceed $50,000,000; and (3) such contributions from the Reserve Account shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now go into a session for morning business, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,377th day that Terry Anderson has been held captive in Lebanon.

YAKIMA TRAINING CENTER

Mr. GORTON. I rise today to speak about the 63,000 acre land acquisition at the Army's training facility in Washington State. The Yakima Training Center, located in Yakima, WA, is used by the Army to train armor brigades. Training facilities, such as the Yakima Training Center, give our soldiers the training necessary for successful ground combat, at the lowest cost of lives and injuries. The prime benefactors of this expansion, of course, are the young men who may someday be asked to defend their Nation.

Although the Yakima Training Center is used for armor brigade training, the current maneuver corridors at Yakima are not wide enough to realistically accommodate a full armor brigade. For instance, an armor brigade needs a maneuver corridor 8 miles wide and 18 miles deep. The current maneuver corridors at Yakima are only 3.6 miles and 9 miles deep. This expansion, therefore, will give the Army the proper space necessary to train at brigade levels. The additional land will also give the Army alternative land space to train, while allowing other sections of land to breathe.

Funds for this project, $19 million, were denied in the Senate Appropriations Committee until the Army supplied Congress with a report addressing the rationale for the expansion. The Army has completed its response, and has addressed the committee's concerns regarding the expansion's affect on Army training deficiencies, the need for river crossings, and its benefits to Army preparedness.

In light of the Army's recent report to both the Senate Armed Services Committee and the Senate Appropriations Committee, it is my hope that both committees consider fully funding the expansion of the Yakima Firing Center.

I ask unanimous consent that the text of the Army's report be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

INFORMATION PAPER

SEPTEMBER 16, 1991.

Subject: Yakima Firing Center Land Acquisition.

1. Purpose: To provide information regarding the requirement for additional maneuver training land at Yakima Firing Center, WA (YFC).

2. Facts.

a. Basis for land requirement:

(1) Training at Brigade Task Force level is required to maintain the warfighting proficiency of Army units. The Brigade Task force includes maneuver, combat support and combat service support units supported by Army aviation and US Air Force tactical air. Brigade level is the lowest level at which all aspects of AirLand Battle are synchronized. The ability of Brigades to fight independently is derived from their capability to synchronize the battlefield operating systems in time and space. Many units maneuvered at full brigade task force level for the first time during the 90–120 days (Desert Shield) preceding Desert Storm. The US Army may not have this luxury in future conflicts; we must train as we are expected to fight. The ability of Brigades to fight independently or attached to other services and nations was a major success during Operation Desert Storm. The 197th Infantry Brigade, the Tiger Brigade (1st Brigade, 2d Armored Division), the 1st Cavalry Division, and the 1st Infantry Division performed combat operations with other than their peacetime higher headquarters. This situation is normal and will occur in the future. The foundations of this interoperability are standard doctrine and uniform standards of training. The Army's Combined Arms Training Strategy (CATS) describes the various levels of individual and collective training leading to and culminating with training at Brigade level. CATS also suggests a mix of training resources to achieve each level of training and appropriate achievement "gates" to be met prior to moving to higher level training.

(2) The Army's AirLand Battle Doctrine, developed in 1985 and 1986, established the tenets of initiative, agility, depth, and synchronization for maneuver warfare. Implementation of this doctrine requires a substantial parcel of land to disperse units, maneuver in depth and synchronize battlefield operating systems at the lowest level. Through practical application of this doctrine in the mid 1980's, the Army discovered that the Brigade is the lowest level at which all aspects of AirLand Battle are synchronized. The dimensions of Army training areas to support this doctrine must replicate as closely as possible the dimensions of a wartime area of operations. These dimensions are determined from a combination factors; the approximate area of operations for an enemy force; the speed, range and lethality of the weapons and intelligence systems employed on the battlefield; and appropriate maneuver tactics that maximize capabilities while focusing on enemy vulnerabilities.

(3) The Army must strive to be a good steward of the natural resources entrusted to it by the Nation. First, it must preserve environmental quality through careful use of its land; and second, it must mitigate environmental impacts to prevent its land from being "exhausted" and losing the ability to use the land for training. Sufficient training land is essential to offer maneuver training alternatives while parcels of land are set aside for environmental rest and repair. Without sufficient land to simultaneously accommodate maneuver training and environmental recovery, we jeopardize operational readiness, compromise training standards, and frequency and duration of training.

b. Answer to issues raised in SAC mark:

(1) The acquisition of land for YFC is not a "mechanism for improving key training deficiencies". The additional land is required for Active and Reserve Component forces at Fort Lewis and in the Northwest United States to train at brigade level in accordance with AirLand Battle Doctrine; to support combined arms maneuver training and simultaneous live fire training; and to contribute to the conservation of soils and vegetation in the YFC ecosystem. The Army has recognized and made a commitment to sound environmental management procedures in the enviornmental documentation to support the Yakima land acquisition and as required by significantly increasing federal and state legislative requirements.

(2) River crossing operations are doctrinally planned at Corps HQ's and executed at Division/Brigade level. The river crossing training requirement is derived from a unit's Mission Essential Task List. Mission Essential Tasks reflect those critical tasks that a unit may expect to perform during war. River crossings are difficult, complex, equipment intensive and procedure extensive tactical exercises. Considering the wide range of potential contingencies which the Army may face in the future, the requirement for river crossing operations will remain valid in the future. River crossing operations would have even been required in Operation Desert Storm if units had been directed to cross the Euphrates River. There is no alternative river crossing site available at the existing Yakima Training Center or at Ft. Lewis. The entrance and exit areas adjacent to, and including the river crossing site in the proposed acquisition, are similar to the contingency mission area.

(3) The specific benefits of this land acquisition to Army preparedness are:

(a) Enhanced operational capability—more units stationed in the Northwest will be able to train to Army doctrine and standards at brigade level.

(b) Prolong or extend the useful life of maneuver training land at YFC.

(c) Provides capability to simultaneously conduct live fire and maneuver training to Brigade level at YFC. Simultaneous use for firing and maneuver will provide the flexibility for multiple units (at differing levels of training) to conduct training in a cyclical manner. This cyclical training process is described in FM 25-100, *Training the Force*.

(d) Provides sufficient land for Active and Reserve Component units to accurately replicate the doctrinal conditions for those wartime missions articulated in their respective Mission Essential Task List. These doctrinal dimensions are especially critical to the training of the 81st Mechanized Brigade, Washington Army National Guard, as it modernizes with M1A1 tanks and Bradley Fighting Vehicles. The 81st Brigade also has four maneuver battalions rather than the normal three battalions. The ability to conduct simultaneous live fire training and maneuver training is especially important to this brigade.

c. Answers to SASC questions:

(1) The Army's Combined Arms Training Strategy (CATS) recommends two iterations of Brigade maneuver training annually. This maneuver training is supplemented with a combination of simulations and procedural training such as Command Post Exercises and Tactical Exercises Without Troops. Supplementation is used in those periods between maneuver training to maintain proficiency. Land required for Brigade maneuver training varies by type unit. For example, a heavy brigade (armored or mechanized units) will require as much as 210,000 acres of maneuver area for a "flowing scenario" or as little as 136,000 acres for a single mission. Because of cantonment areas, the Multiple Purpose Range Complex, topography, environmental restrictions and live fire impact area, YFC does not have enough land for maneuver at brigade level. Most Army installations do not have the acreage necessary for Brigade maneuver training; nor do they have the capability of being expanded because of a lack of contiguous land suitable for maneuver training. Brigade maneuver training on these installations is often scaled down in the number of participating units, is significantly compressed within available land, or uses supplemental land available via short term lease. The Army attempts to meet the requirements for larger unit (Division and Corps) maneuver training through simulations, Command Post Exercises of a combination of lower scale maneuver and simulations.

(2) The Army has a stated goal in TC 25-1, *Training Land*, to configure installations with sufficient land for Brigade level training when feasible. It appears that the Army is approaching the limit of feasibility from the aspects of affordability, political support and availability of land suitable for maneuver training. Army installations currently capable of providing land of doctrinal dimensions for Brigade maneuver training are:

(a) Pinon Canyon Maneuver Site (Fort Carson, CO)

(b) Fort Hunter-Liggett, CA (for light units)

(c) Fort Bliss, TX (with some cultural and natural resources restrictions).

(d) Fort Stewart, GA (with some natural resource restrictions)

(e) Fort Wainwright, AK (for light units)

(f) Fort Hood, TX

(g) Fort Irwin, CA

(3) There will be an effort to identify requirements for "regionalizing" Brigade maneuver training. If the historical trend of expanding doctrinal dimensions and technological improvements continues (400% increase since 1950) the Army will be facing a shortfall of maneuver land at all of its installations. A logical solution to this training constraint is to develop regional maneuver training sites for cyclical unit use, similar in concept to the current rotation at the National Training Center. The location of these regional sites may not be tied to Army Corps, but rather to locations that are suitable for maneuver training in topography and in land dimensions. Yakima Firing Center has been functioning as a regional training center for active and reserve component units.

(4) The expansion at YFC is required to support light forces by affording the flexibility to simultaneously conduct live fire and maneuver training and to put land parcels at environmental rest/repair without impairing ongoing training. The regional training needs must also be considered when formulating training requirements. YFC provides essential ranges and maneuver areas for Reserve Component units in the Northwest United States, and is especially critical to the modernization (M1A1 Abrams Tanks and Bradley Infantry Fighting Vehicles) of the 81st Mechanized Brigade, Washington Army National Guard.

(5) Training Circular 25-1, Training Land, is expected to be published and distributed in the first quarter of FY 92. The Combined Arms Training Strategy (CATS) has not yet been published. The delay in publication is due primarily to the requirement to incorporate Desert Shield/Storm lessons learned. CATS is expected to be completed by midyear FY 92. Because brigade level training is the lowest level at which all levels of Air Land Battle are synchronized, it is a basic premise for the development of CATS. The publication of CATS will reinforce the requirement for additional land at YFC.

(6) The April 1991 GAO Report: "Army Training—Various Factors Create Uncertainty About Need For More Land" does not directly apply to the YFC expansion. GAO did not recognize the need for a doctrinal sized area for maneuver training events. Their auditors found factors that affect training at unit level, such as fiscal resources, personnel turnover, cyclical training, and the impact of simulators and simulations. These factors influence the manner in which training is expected at unit level; however, they do not eliminate the requirement to train at Battalion and Brigade level. From page 80 of the report: "We have not suggested that higher echelon training is not needed or desirable. However, given the nature of common, recurring training problems to be solved . . . we believe all of these factors should be considered in evaluating the need for additional training land." The factors identified by the GAO certainly affect the frequency and duration of training at higher echelons, but they do not refute the requirement to train at higher levels. The process of acquiring land, from training requirement identification to actually training on the land, requires over 3 years to complete the extensive requirements for study and environmental documentation. Succinctly, when it's time to train at that higher level the land (of doctrinal dimensions) must be available for that training.

HAWAII'S MISS AMERICA, CAROLYN SUZANNE SAPP

Mr. AKAKA. Mr. President, I rise today to trumpet the pride of the 50th State upon the recent crowning of Miss America, Carolyn Suzanne Sapp, the first Hawaii resident ever to achieve this honor.

There would seem to be little that could surpass the immeasurable gratification we all share with Carolyn at what is an historic accomplishment in Hawaii's annals. That is, unless one also puts this within the context of Carolyn Sapp's personal odyssey to the throne—an inspirational journey that culminated in her receiving the highest tribute of its kind in the country but whose initial step was taken when she decided to pursue the first of her three previous tries for the Miss Hawaii title.

Without question, this is a unique individual, an exemplary young woman whose character and determination set a standard for us all.

She gathers strength from the love of her extended family. From them, she learned the vital importance of communication, education, and responsibility for each other.

She has devoted years to the study and appreciation of voice, piano, drama, and dance. Through that, she has seen how the universal language of art and culture can bring about beautiful communion among all peoples.

She has come to call Hawaii home. In doing so, she has taken all that has always been so obviously special within herself and let it be nurtured by the spirit of Aloha.

Though Carolyn developed a cold the night before the pageant, her confidence never faltered. "The warmth of the people overwhelmed me and kept me warm," she said. She was superb.

Though Carolyn was deluged by a flood of emotions as she started her inaugural walk, her heart never lost focus. "He'aha'a," she thought. It is Hawaiian for "humble."

Mr. President, Hawaii by no means relinquishes claim, but I suppose I should change my opening remark to say that I "trumpet the pride of all America" at the crowning of Carolyn Suzanne Sapp. She has always been, and will always be, someone of whom the entire Nation should be truly proud.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3040. An act to provide a program of Federal supplemental compensation, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1722. A bill to provide emergency unemployment compensation, and for other purposes.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3057. A act to amend the Drug-Free Schools and Communities Act of 1986 to revise the authorities of such Act relating to the National Diffusion Network.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports and documents, which were referred as indicated:

EC–1889. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on substantial commercial functions of executive agencies covered by the Chief Financial Officers Act of 1990; to the Committee on Governmental Affairs.

EC–1890. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit Department of Agriculture's Financial Statements for Fiscal Year 1988"; to the Committee on Governmental Affairs.

EC–1891. A communication from the Acting Director of the Morale Welfare and Recreation Support Activity, Headquarters, United States Marine Corps, Department of the Navy, transmitting, pursuant to law, the annual report of the Retirement Plan for Civilian Employees of the United States Marine Corps Morale, Welfare and Recreation Activities, the Morale Welfare and Recreation Support Activities, and Miscellaneous Nonappropriated Fund Instrumentalities for the plan year ended December 31, 1991; to the Committee on Governmental Affairs.

EC–1892. A communication from the Chief Judge of the United States Court of Appeals for the Ninth Circuit, transmitting, pursuant to law, the 1990 Annual Report of the United States Courts for the Ninth Circuit; to the Committee on the Judiciary.

EC–1893. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a supplementary report on sentencing guidelines for organizations; to the Committee on the Judiciary.

EC–1894. A communication from the Secretary of Education transmitting, pursuant to law, a report entitled "Alternative Methods to Estimate the Number of Homeless Children and Youth"; to the Committee on Labor and Human Resources.

EC–1895. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The States of Handicapped Children in Head Start Programs"; to the Committee on Labor and Human Resources.

EC–1896. A communication from the Acting Director of the National Center for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the final report of the Special Study Panel on Education Indicators entitled "Education Counts: An Indicator System to Monitor the Nation's Educational Health"; to the Committee on Labor and Human Resources.

EC–1897. A communication from the Secretary of Health and Human Resources, transmitting a draft of proposed legislation to require the Secretary of Health and Human Services to impose fees on persons and entities regulated by the Food and Drug Administration; to the Committee on Labor and Human Resources.

EC–1898. A communication from the Director of the Office of Managment and Budget, Executive Office of the President, transmitting, pursuant to law the Office of Managment and Budget Sequestration Update Report to the President and the Congress; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Argiculture, Nutrition, and Forestry, the Committee on Appropritions, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

EC–1899. A communication from the Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, a certification with respect to the Board for International Broadcasting; to the Committee on Appropriations.

EC–1900. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to repeal section 1007(d) of title 37, United States Code, to remove the limitation on collection for indebtendness to the United States from the final pay of enlisted members of the Army and Air Force; to the Committee on Armed Services.

EC–1901. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter March 1 through June 30, 1991; to the Committee on Armed Services.

EC–1902. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, notice that the program acquisition unit cost and the current procurement unit cost for the Family of Medium Tactical Vehicles program has increased by more than 25 percent; to the Committee on Armed Services.

EC–1903. A communication from the Assistant General Counsel (Legal Counsel) Department of Defense, transmitting, pursuant to law, the annual report on defense contractors who formerly worked for the Department of Defense for fiscal year 1990; to the Committee on Armed Services.

EC–1904. A communication from the Standards of Conduct Office, Office of the General Counsel, Department of Defense, transmitting, pursuant to law, additional material to be included with the annual report on defense contractors who formerly worked for the Department of Defense for fiscal year 1990; to the Committee on Armed Servcies.

EC–1905. A communication from the Assistant Secretary of Defense (Force Management and personnel), transmitting, pursuant to law, the semiannual report on the promotion rates of officers in joint duty assignments for the period October 1, 1990 through May 14, 1991; to the Committee on Armed Services.

EC–1906. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC–1907. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Federal Housing Administration for fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–1908. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–1909. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to revise certain provisions of section 5240 of the Revised Statutes relating to the examination and supervision of national banks and the expense thereof; to the Committee on Banking, Housing, and Urban Affairs.

EC–1910. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Department of Commerce for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on Collision Avoidance Systems for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1912. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the purchase of aviation surveillance and reconnaissance equipment for Coast Guard law enforcement purposes for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC–1913. A communication from the Secretary of the Interior, transmitting, pursuant to law, the study report on the Illinois Trail in Illinois; to the Committee on Energy and Natural Resources.

EC–1914. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the quarterly report on the status of the Alaska Natural Gas Transportation System for the quarter beginning April 15, 1991; to the Committee on Energy and Natural Resources.

EC–1915. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Energy and Natural Resources.

EC–1916. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-1917. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1918. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1919. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1920. A communication from the Administrator of General Services, transmitting, pursuant to law, a report of building project surveys for Laredo, Texas, and Pembina, North Dakota; to the Committee on Environment and Public Works.

EC-1921. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of a report of building project survey for Northwest, Indiana; to the Committee on Environment and Public Works.

EC-1922. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend part D of title IV of the Social Security Act to authorize financial incentives for more effective State child support enforcement programs, to provide for the charging of fees for State child support enforcement services, and for other purposes; to the Committee on Finance.

EC-1923. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notification that implementation of the fiscal year 1991 security maintenance program will require revision in the planned program funding; to the Committee on Foreign Relations.

EC-1924. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties entered into by the United States in the sixty day period prior to September 12, 1991; to the Committee on Foreign Relations.

EC-1925. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of Zuni Indian Tribe judgment funds awarded in Docket 161-79L before the United States Court of Claims; to the Select Committee on Indian Affairs.

EC-1926. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study on the Application of Jobs Programs to Indians"; to the Select Committee on Indian Affairs.

EC-1927. A communication from the Chairman and Members of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled "The Indian Civil Rights Act"; to the Select Committee on Indian Affairs.

EC-1928. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council; to the Committee on Foreign Relations.

EC-1929. A communication from the Secretary of Commerce, transmitting, pursuant to law, the final report on the establishment of the National Trade Data Bank; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. DOLE, Mr. COHEN, Mr. LEVIN, Mr. PRESSLER, Mr. SHELBY, and Mr. DECONCINI):

S. 1723. A bill to amend the Older Americans Act of 1965 to establish music therapy services for older individuals, to establish music therapy demonstration projects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 1724. A bill to clarify the designation of social security payroll withholdings; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. HOLLINGS, Mr. D'AMATO, Mr. AKAKA, Mr. LUGAR, Mr. BOREN, Mr. COHEN, Mr. GRAHAM, Mr. STEVENS, Mr. NUNN, Mr. MURKOWSKI, Mr. MITCHELL, Mr. JEFFORDS, Mr. WOFFORD, Mr. WARNER, Mr. SHELBY, Mr. HATCH, Mr. DIXON, Mr. BROWN, Mr. PRESSLER, Mr. BURDICK, Mr. THURMOND, Mr. BUMPERS, Mr. REID, Mr. SANFORD, and Mr. KENNEDY):

S.J. Res. 197. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

By Mr. AKAKA:

S.J. Res. 198. Joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. SIMON, Mr. MURKOWSKI, Mr. GORE, and Mr. HELMS):

S. Res. 182. Resolution commending Hong Kong for successfully holding the first direct elections to its Legislative Council; to the Committee on Foreign Relations.

By Mr. KASTEN:

S. Res. 183. Resolution relating to repeal of the 10 percent excise tax on automobiles, aircraft, jewelry, and furs; to the Committee on Finance.

By Mr. SEYMOUR (for himself, Mr. DOLE, Mr. D'AMATO, Mr. STEVENS, Mr. BURNS, Mr. CRANSTON, Mr. COCHRAN, and Mr. HEFLIN):

S. Con. Res. 62. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DOLE, Mr. COHEN, Mr. LEVIN, Mr. PRESSLER, Mr. SHELBY, and Mr. DECONCINI):

S. 1723. A bill to amend the Older Americans Act of 1965 to establish music therapy services for older individuals, to establish music therapy demonstration projects, and for other purposes; to the Committee on Labor and Human Services.

MUSIC THERAPY FOR OLDER AMERICANS ACT

Mr. REID. Mr. President, I rise today to introduce the Music Therapy for Older Americans Act. This bill is designed to provide senior citizens with innovative arts therapies under the Older Americans Act.

The bill would authorize funding for music therapy services, demonstration projects, and research programs. Some have asked, and justifiably so, what is so important about music? Isn't it simply entertainment?

I must admit, when I first considered this topic, I also was very skeptical. But on August 1 of this year, I chaired a hearing of the Special Committee on Aging in which witnesses told us that music can work like medicine. Simply put, music can heal people.

The evidence presented at that hearing convinced me that music therapy is highly effective.

The hearing was the first in congressional history to have doctors, therapists, performers, and older music lovers sing praises of music as a healing tool.

Music therapy is much more complicated than playing records in nursing homes. Therapists are trained in psychology, group interaction, and the special needs of the elderly.

Mr. President, Theodore Bikel, a singer and actor best known for his roles on Broadway and in Las Vegas in "Fiddler on the Roof" and the "Sound of Music," raised the following question at the hearing: "Do tapes and records furnished to the elderly have the same beneficial effect as a live musical experience? I doubt it. If it is true that pets are a source of great comfort and healing for the old, then surely toy dogs won't be just as good."

Music therapy has been proven cost effective. Studies have shown it to delay admittance to nursing homes, decrease the length of time spent in hospitals, and to help maintain physical and mental functioning in older persons. My bill recognizes music therapy as a supportive service designed to avoid putting older persons in institutions and to help them return to their communities.

Mickey Hart, drummer for the Grateful Dead and an authority on music and health, testified at our hearing. He expressed support for preventive rather than crisis medicine, and specifically the role of music therapy as a means of maintaining mental, spiritual, and physical health in people of all ages.

I would like, also, to read from the testimony of 90-year-old nursing home resident Ida Goldman, who has benefited from music therapy. She said, "Music is better than medicine. I had terrible pain in my leg and back. I couldn't even close my hand. But when I sat and listened to the music, I forgot all about the pain." Ida needs a walker to get around—yet she still loves to dance and sings with gusto.

Dr. Oliver Sacks, the neurologist whose experiences with catatonic patients inspired the film "Awakenings"—which, by the way was nominated for an Academy Award as the best picture of the year last year—has observed patients demonstrate extraordinary responses to music. Sacks testified at the hearing that "One sees Parkinsonian patients unable to walk, but able to dance perfectly well, or patients almost unable to talk, who are able to sing perfectly well." Sacks, who was portrayed by Robin Williams in the film, described cases in which music therapy helped patients with diseases, such as Alzheimer's, in which no other therapy was effective.

I also learned about the power of music in a very personal way. A former staffer of mine, a woman who helped me with my press work, Dana Gentry, who lives in Las Vegas, told me that using music is the only way to communicate with her grandmother, whose mind has been lost to Alzheimer's. I would like to read a portion of a letter I received from Dana about her grandmother.

> I love Grandma deeply and feel robbed by whatever demon has stolen her mind. Reaching back through the years I thought of the times when she held me in her arms and sang to me. Kneeling beside her wheelchair I sang our song directly into her ear. It was "True Love" from the musical "High Society."
>
> At first it was just a slight glimmer of recognition I noticed on her face. I was thrilled by that. And then she joined in. * * * She sang the entire song, every word, and in harmony. In the end as tears rolled down my cheeks, she cried too, as if for the moment she realized her accomplishment.
>
> We sing at every visit now. Sometimes when she sings I have her back, if only till the end of the song.

Mr. President, the reason this is so remarkable is that Dana's grandmother at no other time speaks a word. She cannot call her granddaughter by name. She does not even recognize her own daughter, Dana's mother, yet she can sing a song and sing it well.

This touching story illustrates that while we can't cure Alzheimer's patients, music remains one of the most vital tools we have to reach their minds and lift the veil of sadness from their families.

Music is not only therapeutic. It is inexpensive. Many expensive approaches are not working. We need to consider doing things differently, because sometimes difficult problems can be solved with simple solutions.

We know through empirical study that music therapy works. The Federal Government does not have a lot of money to spare these days for new programs. Music therapy is an innovative approach that will not widen the deficit but can help millions of older people live happier, more fulfilling lives. We really can get these impressive results, as the saying goes, "for a song."

In fact, this legislation will save money. Stop to think, Mr. President, how much money we can save if only one person is not required to go into a rest home, notwithstanding the huge amounts that could be saved if a number of people did not have to go into rest homes.

This legislation does not establish specific authorization amounts to be set aside for music therapy. Rather, it allows each State the option of utilizing such services. It also leaves broad discretion to the Commissioner of the Administration on Aging to determine how much to set aside for music therapy research, training, and demonstration programs.

This legislation addresses another issue which is especially prominent in Nevada and, Mr. President, I might add, prominent in the State of Florida. Many musicians in this country are underemployed, partly because of a growing reliance on taped music and synthesizers. The new president of the International Musicians Union, Mark Tully Massagli of Las Vegas, has often suggested that there should be more options for people who have dedicated their lives to music. Music therapy offers a unique opportunity to use their skills to serve senior citizens and others.

My bill will bring those musicians and music therapists where they are needed most: To nursing homes, senior centers, and the homes of elderly Americans. For that reason, my bill adds music therapy to the list of potential education and training programs as well as research and demonstration projects.

I plan to offer my bill as an amendment to the older Americans reauthorization bill when it comes to the Senate floor, hopefully, later this month or early next month. I will work with my colleagues who sit on the Labor and Human Resources Committee to impress upon each and every one of them what we have learned in the Senate Committee on Aging relating to these types of therapies.

In fact, provisions identical to those in my bill were included last week in a bill passed in the other body. I have included provisions approved in that bill regarding art and dance therapy in my bill for Senate consideration.

Sometimes the solution to difficult problems is right at our fingertips. I think this is just such a case. I urge all of my colleagues to support this legislation to add art therapies to the list of services available under the Older Americans Act.

Mr. President, the cases that we heard where people gave their testimony as to how music therapy has helped them are innumerable. But let me just add one case that is in my mind, which was explained to the Aging Committee by Dr. Sacks. A woman who had trauma to her leg had surgery. After the surgery, for some reason, her leg simply did not work. This went on for weeks, months.

Finally, the neurologist talking to her said to her, "Since you have been hurt, can you ever think of a time when your leg has moved."

The woman thought and she said, "Yes, on one occasion. I remember I heard on a radio station an Irish jig being played. And I remembered the days of my youth and my leg involuntarily moved."

As a result of that, the doctor, recognizing that her leg would move under certain situations, began a program of music therapy, playing Irish music.

Now, this day, the woman is normal. They were able to reestablish full use of that limb. There are many cases like that that cost no money. It got her out of a wheelchair.

So this is important legislation, something we need to understand, as to how serious it is.

Mr. President, I ask unanimous consent that the full text of the bill and brief summary be inserted in the RECORD following my statement.

I also ask unanimous consent that this legislation have as original cosponsors the Republican leader, Senator DOLE, Senator COHEN, Senator PRESSLER, Senator LEVIN, Senator SHELBY, and Senator DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Music Therapy for Older Americans Act".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

SEC 3. DEFINITIONS.

(a) IN GENERAL.—Section 102 (42 U.S.C. 3003) is amended by adding at the end the following new paragraphs:

"(13) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(14) The term 'dance/movement therapy' means the psycho therapeutic use of movement as a process facilitated by a dance/movement therapist, to further the emotional, cognitive, or physical integration of an older individual.

"(15) The term 'music therapy' means the use of musical or rhythmic interventions specifically selected by a board certified music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

"(16) The term 'older individual' means an individual who is 60 years of age or older.".

(b) CONFORMING AMENDMENTS. Section 302 (42 U.S.C. 3022) is amended—

(1) by striking paragraph (9);

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10); and

(3) by redesignating paragraphs (14) through (21) as paragraphs (11) through (18), respectively.

SEC. 4. SUPPORTIVE SERVICES.

Section 321(a) (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (1), by inserting "music therapy," after "welfare,";

(2) in paragraph (5), by inserting "music therapy services," after "reader services,"; and

(3) in paragraph (7), by striking "physical activity and exercise" and inserting "physical activity, exercise, and music therapy".

SEC. 5. IN-HOME SERVICES.

Section 342(1) (42 U.S.C. 3030i(1)) is amended—

(1) by striking "and" at the end of subparagraph (D); and

(2) by adding at the end the following new subparagraph:

"(F) music therapy; and".

SEC. 6. ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS.

Section 351 (42 U.S.C. 3030l) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) music therapy services; and".

SEC. 7. PREVENTIVE HEALTH SERVICES.

Section 361(a) (42 U.S.C. 3030m(a)) is amended by inserting ", including music therapy," after "preventive health services".

SEC. 8. DISEASE PREVENTION AND HEALTH PROMOTION SERVICES.

Section 363 (42 U.S.C. 3030o) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) music therapy, art therapy, and dance/movement therapy.".

SEC. 9. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a)(4) (42 U.S.C. 3032(a)(4)) is amended by inserting "music therapy," after "education,".

SEC. 10. DEMONSTRATION PROJECTS.

Section 422(b) (42 U.S.C. 3035a(b)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(10) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance/movement therapy to older individuals through projects that—

"(A) study and demonstrate the provision of music therapy, art therapy, or dance/movement therapy services to older individuals who are institutionalized or at risk of being institutionalized; and

"(B) provide music therapy, art therapy, or dance/movement therapy services in nursing homes, hospitals, rehabilitation centers, hospices, senior centers, or adult day care centers, or through preventive health care programs, in-home services, or intergenerational programs.".

SEC. 11. EDUCATION AND INFORMATION PROJECTS.

Section 422(b) (42 U.S.C. 3035a(b)) (as amended by section 10 of this Act) is further amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) assist older individuals through—

"(A) education and training projects, including projects for the provision of gerontological training to music therapists, and education and training of persons in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(B) information dissemination projects through which the agencies and organizations shall—

"(i) prepare, produce, and disseminate to the aging network and to music therapists background materials on music therapy, best practice manuals, and other appropriate information on the application of music therapy with older individuals; and

"(ii) prepare and submit to the Commissioner a report containing the results and findings of the projects specified in paragraph (10) and subparagraph (A), including recommendations to the Commissioner regarding the means by which music therapy can be made available in an efficient and effective manner to older individuals who would benefit from the therapy.".

MUSIC THERAPY FOR OLDER AMERICANS ACT

SUMMARY AND RATIONALE

Section 1. Short title.—"Music Therapy for Older Americans Act"

Section 2. References.—References in the bill are to sections in Older Americans Act (OAA) unless otherwise specified.

Section 3. Definitions.—Adds definition of music, art and dance/movement therapy to list of definitions in the OAA.

Section 4. Supportive services:

Paragraph 1.—Adds music therapy to a list of supportive services that can be provided under State plans.

Rationale.—Music therapy interventions have been shown to be a vital service which enhances older individuals' functioning and independence.

Paragraph 5.—Adds music therapy to a list of services designed to assist older individuals in avoiding institutionalization and to assist individuals returning to their communities from long-term care institutions.

Rationale.—Music therapy groups can provide meaningful, purposeful activities for older adults who are at risk for imminent institutionalization because of mental or physical decline. Commitment to a performance oriented music therapy group can also be motivation for leaving the hospital and returning to the community. Compared to other medical and psychological treatments, music therapy is less costly and more easily accessible in the community.

Older individuals often resist using facilities and services available to them in the community. Music therapy can encourage participation in community services because music is enjoyed by people of all ages and cultures.

Paragraph 7.—Adds music threapy to services designed to enable older individuals to attain and maintain physical and mental well-being through programs of physical activity.

Rationale.—Music is an effective agent in maintaining the physical well-being of older adults because it elicits attention, provides motivation for movement, distracts from pain, improves motor control and increases breath capacity. Music therapy programs can help individuals attain and maintain mental well-being by providing opportunities for increased social contact, perceived successful experiences and opportunities for creative self-expression. Specialized therapy programs can be developed to achieve goals related to improved memory, improved communication and maintenance of cognitive skills.

Section 5. In-home services.—Adds music therapy to a list of services for frail older individuals in their homes.

Rationale.—As detailed in the rationale for Section 4, music therapy is a valuable supportive service in maintaining mental and physical well-being, encouraging participation in community services, and avoiding institutionalization. Music therapy can also assist family members and caregivers by providing a means of positive interaction and of verbal and non-verbal communication.

Section 6. Additional assistance for special needs of older individuals.—Adds music therapy to a list of services designed to satisfy special needs and quality of life of older individuals, particularly those with greatest economic and social need.

Rationale.—The vast majority of music therapy research and service protocols have been developed to meet the special needs of older individuals with varying kinds of disabilities. Music therapy is in a unique position to address these special needs, crossing traditional cultural, economic and social barriers by providing programs that encourage meaningful use of time, opportunities to give to others and interact with others, and musical experiences that support self-esteem and life satisfaction.

Section 7. Preventative health services.—Specifies music therapy as a disease prevention and health promotion service.

Section 8. Disease prevention and health promotion services.—Adds music, art and dance/movement therapy to list of services in definitions of disease prevention and health promotion services.

Rationale.—Music therapy interventions have been used in stress reduction programs, in work to promote positive mental state in cancer patients, and to discover emotional components of physical illness. Music has also proven to be an effective physical remediation by improving rhythmic gait, breath capacity, and brain wave activity.

Section 9. Multidisciplinary centers of gerontology.—Adds music therapy to the list of schools within colleges and universities in which training programs in the field of aging can be developed.

Rationale.—Music therapy degree programs are currently offered at over 65 colleges and universities across the nation. The faculty members in selected programs could work closely with related disciplines in developing training and research programs in gerontology, particularly in the areas of health (including mental health), disabilities (including severe disabilities), supportive services and minority populations.

Section 10. Demonstration projects.—Adds music therapy, art therapy, or dance/movement therapy to the list of demonstration projects which will improve or expand supportive services or otherwise promote the well-being of older individuals.

Rationale.—These research and demonstration projects will specifically address the purposes of Part B in title IV of the Older Americans Act, including (1) developing and synthesizing knowledge about aging; (2) establishing an information base of data and practical experience; and (3) evaluating the efficacy, quality, efficiency and accessibility of programs and services for older individuals.

Section 11. Education and information projects.—Adds music therapy to list of education, training and information dissemination projects which the Commissioner is authorized to undertake.

Rationale.—Designed to lead to the development of new and innovative education and training programs to expand the ability of music therapy to serve older Americans. Develops aging networks' ability to implement and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.

Mr. COHEN. Mr. President, I am pleased to join my colleague from Nevada as a cosponsor of the Music Therapy for Older Americans Act, which will authorize funding under the Older Americans Act for music therapy services, demonstration projects, and research programs.

Music has long been recognized for its special therapeutic and healing powers. William Shakespeare was reflecting on the value of music as therapy when he observed that:

> (Music) * * * can minister to minds diseased,
> Pluck from the memory a rooted sorrow,
> Raise out the written troubles of the brain,
> And with its sweet, oblivious antidote,
> Cleanse the full bosom of all perilous stuff
> Which weighs upon the heart.* * *

At a recent Special Committee on Aging hearing, we heard testimony from noted author and physician, Dr. Oliver Sacks, who noted that the "power of music to integrate and cure * * * is quite fundamental," and that music has served as the "profoundest nonchemical medication" for his patients.

This is not news to the over 5,000 certified music therapists practicing nationwide. Today, music therapy is a well-established, research-based profession. Music therapists practice in a variety of settings such as hospitals, rehabilitation centers, nursing homes, and senior centers. Through the carefully structured use of music, music therapists are able to help elderly and disabled individuals improve not only their mental and physical functioning, but their quality of life as well.

Mr. President, once again, I commend my colleague for introducing this measure and also ask unanimous consent that a recent article from the Journal of the American Medical Association detailing the effectiveness of music therapy in treating geriatric patients be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, Sept. 11, 1991]

MUSIC NOT ONLY HAS CHARMS TO SOOTHE, BUT ALSO TO AID ELDERLY IN COPING WITH VARIOUS DISABILITIES

Although illnesses vary, every patient at the geriatric day hospital at the University of Texas Medical Branch (UTMB), Galveston, receives one therapy in common.

This therapy is unusual in that it elicits immediate and positive effects in nearly all who receive it and has virtually no contraindications. Furthermore, it costs little more than a song because it is precisely that: a song.

"I'm in heaven when we're dancing cheek to cheek," Louis Armstrong and Ella Fitzgerald croon. As the tune emanates from the music therapist's portable tape player, 20 geriatric patients seated in two large circles reach out to pat their neighbors' shoulders, look in each others' eyes, and smile.

MUSIC FOR MOBILITY, ANALGESIA

In what is probably the highlight of their day at this specialized facility (one of only a handful of geriatric day hospitals in the United States [see accompanying article]) these patients are about to begin a half-hour music therapy session designed to increase their range of motion, renew motor skills, and ease pain. But they say that it doesn't feel like physical therapy when it's done to their favorite jazz, gospel, and country and western music.

As Armstrong sings "A Fine Romance," patients tap their toes to the music, then launch into an alternating toe to heel step.

They clap their hands, then clap their neighbors' hands. The more agile execute little cancan kicks from their chairs. The less agile, and those in wheels chairs, pat their thighs in time to the music.

Most of the patients have hypertension, or uncontrolled diabetes. Some have had strokes or amputations.

"Our goals are to reinforce the occupational therapy and therapy goals," says UTMB's Mary Rudenberg, RMT/BC (registered music therapist/board certified). But there are secondary goals that transcend the physical, and in terms of quality of life, are just as important.

"We get them to reminisce, and talk about when they went to dances, and when they heard these [musical] groups. It gets them to socialize more with one another, to share, to draw on their long-term memories. It gives them a means of expressing themselves, of having a successful experience through music and movement," Rudenberg says.

Besides her daily group sessions at the geriatric day hospital, Rudenberg also works with individual patients with strokes, mental disorders, pain from hip fractures and arthritis, or chronic obstructive pulmonary disease. The latter sing and play the kazoo for respiratory therapy.

U.S. SENATE TUNES IN

Although music therapy as a modern profession begins in the 1930s, and its use in the elderly population was widely discussed in the 1960s, it has gained renewed attention in recent years as an effective and inexpensive way to increase alertness and physical vigor while decreasing the isolation experienced by many geriatric patients.

Last August 1, the therapeutic value of music was discussed for the first time before Congress. Physicians, music therapists, and patients testified in support of this approach before the Senate Special Committee on Aging.

Representatives from the National Association for Music Therapy urged Congress to allocate a "modest" amount of special projects money for the research and application of music therapy strategies for individuals suffering from Alzheimer's disease and various other forms of dementia, stroke, depression, grief, and other disabling conditions. They pointed out that the efficacy of music therapy has been demonstrated through extensive clinical practice, but demonstration projects, basic research, and clinical outcome research could extend and further validate music therapy applications.

They also asked Congress to include music therapy in the rehabilitative therapies section of the Health Care Financing Administration regulations, in the Medicare reimbursement guide, and in other federal legislation and regulations.

Senator Harry Reid (D, Nev) called music therapy "an innovative approach that won't widen the deficit, but can help millions of older people live happier, more fulfilling lives." After the hearing, Reid asked the Committee on Aging to write an amendment to the Older Americans Act that would include music therapy in the list of services available to the elderly population in a variety of settings. The amendment will be brought before Congress this fall.

UTMB is in the minority of teaching hospitals across the country that have music therapists on staff. Derek Prinsley, MD, who was brought to UTMB in 1986 to further develop the geriatric program, is an internationally recognized expert on geriatric medicine and an outspoken proponent of music therapy in geriatric care.

In an editorial in which he describes the social, psychological, intellectual, and physical benefits of music therapy (Austral Nurses J. 1986;15:48–49), Prinsley notes that some patients—who are aphasic or dysarthric because of stroke damage to their left hemisphere—nonetheless can sing the words of a remembered song. The phenomenon occurs in patients who process music in the right hemisphere.

(Musically naive individuals process and store music in the non-dominant hemisphere of the brain. But the musically educated do so in the dominant hemisphere, Prinsley wrote.)

COMMUNICATION THROUGH MUSIC

Music therapists use a technique called melodic intonation to help alphasic or dysarthric stroke patients communicate their basic needs through singing. The technique was developed by speech pathologists and is now a mainstay of both speech therapy and music therapy.

The patient is taught to sing a short phrase, such as his or her name, "good morning," "I hurt," "water," or "help me."

The therapist assigns each phrase a different set of notes, Rudenberg says. Often the patient masters the notes first, then the words. Eventually, some patients can adopt a singsong way of speaking in which music serves as a supportive matrix for speech.

Prinsley suggests that music therapy for geriatric patients is particularly promising because these patients are of the generation that actively participated in music by attending concerts, dancing, singing in choirs, and playing musical instruments. He says this was much more the case than for the passive audiences of today who watch television or listen to the radio.

Among those who testified at the hearing was Oliver Sacks, MD, neurologist and author of the books The Man Who Mistook His Wife For A Hat and Awakenings. Sacks has observed post-encephalitic and parkinsonian patients demonstrate extraordinary responses to music. "One sees parkinsonian patients unable to walk, but able to dance perfectly well, or patients almost unable to talk, who are able to sing perfectly well," Sacks said.

Sacks described one parkinsonian patient, Rosalie, who tended to remain completely motionless for hours at a time, usually with one finger on her spectacles. But she can play the piano beautifully for hours.

"And, when she plays, her parkinsonian disappears. All is ease and fluency and freedom and normality," Sacks testified.

Chopin is Rosalie's favorite composer, and she knows all his works by heart. Sacks said, "One has only to say 'Opus 49' to her for her whole body, posture, and expression to change." Even her electroencephalogram, usually of almost comalike slowness, would become normal as she imagined, or played in her mind, Chopin's music.

Sacks said that the basal ganglia, sometimes called the "organs of succession," are damaged in parkinsonian patients. These patients therefore have great difficulty with sequences, or consecutive movement.

"But music can substitute for this basal gangliar function," he said. "It can become [while it lasts] a template for organizing a series of movements, for doing.

"Music is not a luxury but a necessity for such patients, and can [for a while] provide them with what their brains no longer provide."

UNLOCKING MEMORIES

Sacks has also observed how music is a point of entry into the minds of Alzheimer's patients, a way to elicit memories and associations that have been long forgotten. "One sees that it is not an actual loss of memories here," Sacks said, "but a loss of access to these—and music, above all, can provide access once again, can constitute a key for opening the door to the past, a door not only to specific moods and memories, but to the entire thought structure and personality of the past."

To elicit these powerful responses, however, the music must have meaning and significance to the individual. Music therapists carefully select their music, usually through discussions with family members. (In fact, the only contraindication of music therapy, says Prinsley, is the possible emotional upsets of patients who have listened to music that elicits very unpleasant memories for them.)

Prinsley suggests that music therapists bear in mind the patient's ethnic background, and that an individual's "music memory" tends to be fixed during the ages of 15 to 25 years.

At UTMB, Rudenberg finds that her patients often respond to folk songs and spirituals. "Amazing Grace" is almost a universal favorite.—by Teri Randall

By Mr. MOYNIHAN:

S. 1724. A bill to clarify the designation of social security payroll withholdings; to the Committee on Finance.

DESIGNATION OF SOCIAL SECURITY PAYROLL WITHHOLDINGS

• Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill to clarify the designation used by many employers for Social Security payroll withholdings.

Most workers receive periodic pay stubs or statements from their employers stating what kind and how much in taxes is taken out of their paychecks. The designations of withholdings are, for the most part, straightforward—State taxes, Federal taxes, health insurance, and pension payments if there are any. And then there is FICA, an acronym for the Federal Insurance Contributions Act.

How many people who receive such pay stubs know that FICA refers to Social Security and Medicare? I don't know of any polls asking that question, but I am sure that many workers do not. This bill would ask the Secretary of the Treasury to encourage employers to change the designation for these withholdings from FICA to Social Security and Medicare, as the Internal Revenue Service now requires in annual W-2 statements. It is a simple bill, and one with which few would quarrel, in my view. Some may wonder why it is necessary at all.

The answer can be found in the lack of public confidence in social security. Since 1977, at least half of people polled by the American Council of Life Insurance have indicated they are not confident in the future of the program. A Gallup Poll in December 1989 revealed that 51 percent of nonretirees believe that there will be no social security benefits for them when they retire. The problem is worst among the young. In a poll conducted for the American Association of Retired Persons, three in four aged 25 to 34 said they believed it was unlikely that they would receive social security benefits upon retirement. For a program with more than half a century of success, and which is estimated to account for 30 percent of Federal receipts and 28 percent of Federal spending in fiscal year 1992, the lack of public confidence in social security is appalling.

Part of the problem is that Americans see little relationship between what they pay into the system and what they get out. The benefits accrue over decades and are received late in a person's life. And that there is no clear indication how much money is deducted from one's wages or salary, and how much of it goes to social security and how much to Medicare, can only add to the confusion. Why not make it obvious by calling these deductions by what they are?

Some may recall we took a step to improve public confidence in social security in the last Congress when we passed legislation to require the Social Security Administration to provide annual statements to workers, telling them how much they have paid in and what they can expect to get in benefits. This bill would complement that measure and further improve public confidence in our most important and successful domestic program.

I urge my colleagues to support this measure, and ask unanimous consent that its full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SOCIAL SECURITY PAYROLL WITHHOLDINGS.

The Secretary of the Treasury or the designee of the Secretary shall take such actions as are necessary to encourage all employers who provide periodic statements reflecting amounts of employee and employer contributions withheld and paid, respectively, pursuant to the Federal Insurance Contributions Act to designate, beginning in 1994, such amounts for the old-age, survivors, and disability insurance program as "Social Security" and such amounts for the hospital insurance program as "Medicare", in lieu of the joint designation as "FICA".•

By Mr. COCHRAN (for himself, Mr. HOLLINGS, Mr. D'AMATO, Mr. AKAKA, Mr. LUGAR, Mr. BOREN, Mr. COHEN, Mr. GRAHAM, Mr. STEVENS, Mr. NUNN, Mr. MURKOWSKI, Mr. MITCHELL, Mr. JEFFORDS, Mr. WOFFORD, Mr. WARNER, Mr. SHELBY, Mr. HATCH, Mr. DIXON, Mr. BROWN, Mr. BURDICK, Mr. THURMOND, Mr. BUMPERS, Mr. REID, Mr. SANFORD, Mr. PRESSLER, and Mr. KENNEDY):

S.J. Res. 197. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mr. COCHRAN. Mr. President, I am introducing legislation today to designate November 25, 1991, as "National Military Families Recognition Day." I am pleased that 25 other Senators are cosponsors of this joint resolution, and that my friend, MIKE ESPY, has introduced this measure in the other body.

During the past year, it has become evident to all Americans that not only our military personnel but also the families who support them make significant contributions to our Nation.

Military families deserve special recognition for the sacrifices they make and the hardships they endure. Even in peacetime, frequent and extended separations, whether from a husband, wife, or children, often create special problems for the military family.

Active duty personnel are reassigned every 2 years, thereby reducing career opportunities for spouses and limiting their ability to establish roots in any location. Military children must adjust to new schools and new neighborhoods on a regular basis.

This joint resolution would set aside a special day for the Nation to pay tribute to military families and thank them for their contributions to our Nation's security.

Mr. President, I urge my colleagues to support this legislation.

By Mr. AKAKA:

S.J. Res. 198. Joint resolution to recognize outstanding contributions Federal civilian employees provided during an attack on Pearl Harbor and during World War II; to the Committee on the Judiciary.

RECOGNIZING THE CONTRIBUTIONS OF CIVILIANS DURING THE ATTACK ON PEARL HARBOR AND DURING WORLD WAR II

Mr. AKAKA. Mr. President, I rise today to introduce legislation which would recognize the contributions of Federal civilian personnel during the attack on Pearl Harbor and World War II.

On Sunday morning, December 7, 1941, at 7:55 a.m., the initial wave of dive and high level bombers from the Imperial Japanese Combined Fleet attacked Hickam and Wheeler Airfields in the U.S. Territory of Hawaii. This ill-fated action led the United States into one of the most devastating conflicts of all time, World War II.

The U.S. Pacific Fleet was devastated by the air strike, but its carriers remained afloat. Pearl Harbor's shipyard suffered remarkably minor damage. This allowed our Federal civilian employees to undertake an extraordinary salvage effort, raising and repairing several naval vessels, enabling them to be brought back into action before the end of the war.

Of the 2,403 Americans killed in connection with the assault on Pearl Harbor, 68 were civilians. Of the 1,178 wounded, 35 were nonmilitary. It is time that we honored the proud memory of these individuals.

This year marks the 50th anniversary of the attack on Pearl Harbor. On December 4, 1991, the National Park Service will be coordinating ceremonies paying tribute to the courageous contributions of these Federal civilian employees.

Therefore, it is only fitting that we commend the gallantry and dedication to duty they displayed during the bombardment of Pearl Harbor and throughout World War II. It is only proper that we express our Nation's deepest appreciation to these dedicated and committed individuals for their sacrifice and devotion to country.

Mr. President, I urge my colleagues to join me in this effort to praise these unsung heroes and express the much-deserved gratitude of the United States Government.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 642

At the request of Mr. COATS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents of a taxpayer.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 802

At the request of Mr. SIMON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 802, a bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates to provide for the establishment of a National Repository of Physician Records, and for other purposes.

S. 1117

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1117, a bill to establish the Bureau of Land Management Foundation.

S. 1289

At the request of Mr. BIDEN, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1289, a bill to amend the provisions of the Higher Education of Act 1965 relating to treatment by campus officials of sexual assault victims.

S. 1330

At the request of Mr. HOLLINGS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1330, a bill to enhance the productivity, quality, and competitiveness of U.S. industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes.

S. 1426

At the request of Mr. BUMPERS, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1520

At the request of Mr. BENTSEN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1520, a bill to amend title XVIII of the Social Security Act to make certain changes with respect to extended care and home health services, and to provide for a waiver of certain Medicaid requirements to conduct a demonstration project with respect to adult day care services, and for other purposes.

S. 1722

At the request of Mr. BENTSEN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. MOYNIHAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. SIMON], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1722, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 93

At the request of Mr. HEFLIN, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from Maryland [Mr. SARBANES], the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DIXON], the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. BURDICK], the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. SASSER], the Senator from California [Mr. SEYMOUR], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 93, a joint resolution to designate the period of September 13, 1991, through September 19, 1991, as "National Ballroom Dance Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. GORE, the name of the Senator from Massachusetts

[Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution calling on the President of the United States to take a leadership role in the international negotiations toward a World Forest Convention and a Framework Convention on Climate Change, and for other purposes.

SENATE JOINT RESOLUTION 189

At the request of Mr. GORE, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Missouri [Mr. BOND], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 189, a joint resolution to establish the month of October, 1991, as "Country Music Month."

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day."

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

SENATE CONCURRENT RESOLUTION 62—SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO MARTHA RAYE

Mr. SEYMOUR (for himself, Mr. DOLE, Mr. D'AMATO, Mr. STEVENS, Mr. BURNS, Mr. CRANSTON, Mr. COCHRAN, and Mr. HEFLIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 62

Whereas Martha Raye, born Margaret Yvonne Theresa Reed of Butte, Montana, and known affectionately by our Vietnam veterans as "Colonel Maggie", has been a source of comfort, inspiration, and joy for 3 generations of American servicemen and women at war;

Whereas during World War II Martha Raye entertained our troops as a USO trouper at many disparate fronts, including Pearl Harbor, North Africa, Europe, the South Pacific, and continued such service even after being stricken with yellow fever;

Whereas during the Korean war Martha Raye was with our troops, entertaining them and administering to our wounded, even though she had her own weekly television show for much of that time;

Whereas during the Vietnam War Martha Raye devoted 3 to 6 months of each year to be with our young men and women in Vietnam, providing them with respite and relief from the terrible stress and isolation of war, and visiting, without entourage, the most remote camps and outposts, often at great personal risk;

Whereas Martha Raye was twice wounded while visiting troops in Vietnam and received 2 Purple Hearts;

Whereas during her many stays with our troops in Vietnam Martha Raye continually found herself under enemy fire, and she showed herself to possess considerable nursing skills by administering to the wounded, whether they were American or Vietnamese, soldier or civilian;

Whereas Martha Raye delivered countless letters from our troops in Vietnam to their families back home and from families to their sons and daughters in the field, including hand-delivering almost 300 letters in 1969;

Whereas Martha Raye offered the hospitality of her own home in California as a temporary home to scores of GI's on their return from Vietnam;

Whereas during the Vietnam War Martha Raye was "adopted" by the elite United States Special Forces and "commissioned" as an honorary lieutenant colonel, the first and possibly only woman ever authorized to wear the prized Green Beret, and the Green Beret she was given is presently on display at the John F. Kennedy Special Warfare Museum, at Fort Bragg, North Carolina;

Whereas during the Vietnam War Martha Raye was also adopted by the elite United States Marines and "commissioned" as an honorary colonel;

Whereas Martha Raye, despite her show business persona, jealously guards her privacy and scrupulously avoided media coverage while in Vietnam, causing the public to be unaware of the full extent of her commitment to our servicemen and women and her sacrifice of her career and personal life on their behalf; and

Whereas Martha Raye is truly both an unsung hero and a national treasure: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should award the Presidential Medal of Freedom to Martha Raye in honor of her meritorious service to the United States; and

(2) the Secretary of the Senate shall transmit a copy of this resolution to Martha Raye.

Mr. SEYMOUR. Mr. President, I rise today to submit a sense of the Congress resolution, calling on the President to award the Presidential Medal of Freedom to Martha Raye for her many years of tireless service for our men and women in uniform. I do so for myself and also on behalf of my distinguished colleagues, Senators DOLE, D'AMATO, STEVENS, BURNS, CRANSTON, COCHRAN, and HEFLIN.

Most of us know and appreciate Martha Raye as an accomplished singer, dancer, actress, and comedienne. However, few Americans are aware of the selfless dedication she has exhibited off stage and behind the lines of battle during our Nation's military conflicts.

America's World War II GI's were the first to whom Martha Raye became a source of comfort, inspiration, and joy. From Northern Africa to the South Pacific, if our troops were there, so was Martha Raye. There was not a camp or outpost to which she would not travel. And whether the enemy took the form of gunfire or yellow fever, she did not falter in her efforts to bring relief and support to our troops.

When the theater of battle changed and American troops left home for conflicts in Korea and Vietnam, Martha Raye was right behind them. Providing entertainment, administering to the wounded, hand-carrying personal letters to and from the home front, and even offering the hospitality of her own home to returning veterans, there seemed to be no limit to her efforts to lighten the load that our armed forces were carrying.

Martha Raye possesses a citizen's love of country. But she also demonstrates a GI's sense of duty, courage and patriotism. She, too, responded to Uncle Sam's call for service, and like thousands of our brave servicemen and women, risked her life doing it.

Martha Raye twice was awarded the purple heart. She was commissioned by the U.S. Special Forces as an honorary lieutenant colonel, and by the U.S. Marine Corps as an honorary colonel. But the most endearing title came from our Vietnam veterans, who to this day affectionately call her "Colonel Maggie."

As a former Marine, I salute Colonel Maggie. She has received and continues to receive the respect and appreciation of our armed forces. Now I urge my colleagues to join with me in urging the President to express America's thanks by awarding this country's highest civilian honor, the Presidential Medal of Freedom. At a time when all Americans have demonstrated tremendous patriotism and service during Operation Desert Storm, it is only fitting that we honor an American who has set the highest standard of volunteerism and inspiration for three generations of servicemen and women.

SENATE RESOLUTION 182—COMMENDING HONG KONG ON THE FIRST DIRECT ELECTIONS TO ITS LEGISLATIVE COUNCIL

Mr. MCCONNELL (for himself, Mr. SIMON, Mr. MURKOWSKI Mr. GORE, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the People's Republic of China in Annex 1 of the 1984 Joint Declaration agreed to accord Hong Kong a "high degree" of autonomy, including the exercise of legislative power by local officials, when China is restored sovereignty of Hong Kong on July 1, 1997;

Whereas in the past all members of the Legislative Council of Hong Kong have been chosen indirectly or by appointment of the governor;

Whereas September 15, 1991 marked the first direct election of members of the Legislative Council in the history of Hong Kong;

Whereas British Foreign Secretary Hurd stated on September 16, 1991 that the two aims of Her Majesty's Government for Hong Kong before the next round of elections in 1995 were steady progress towards a greater degree of direct election in Hong Kong, and sustaining such progress, without interruption after the transfer of sovereignty in 1997;

Whereas the continued democratization of Hong Kong is important to assure its autonomy after its transfer to the People's Republic of China: Now, therefore, be it

Resolved, That the Senate hereby—

(1) commends the people of Hong Kong for successfully holding their first direct elections to their Legislative Council;

(2) Congratulates the 18 newly elected members of the Legislative Council on being the first directly elected members of that body;

(3) urges the Hong Kong government to give all due respect to the views of the democratically elected representatives of the people of Hong Kong; and

(4) urges the further development of democratic institutions in Hong Kong at an acelerated pace in advance of the 1995 elections and the subsequent transfer of Hong Kong to the People's Republic of China in 1997.

Mr. McCONNELL. Mr. President, democracy is breaking out around the world and on Sunday, it made an appearance in Hong Kong. For the first time in 150 years of British colonial rule, the people of Hong Kong went to the polls to directly elect their representatives to the legislative council. This was a small step toward full democracy—only 18 of the 60 seats on the council were directly elected—but was nonetheless a step in the right direction.

Mr. President, I am introducing with my colleagues, Senator SIMON and Senator MURKOWSKI, a resolution commending Hong Kong for successfully holding these first-ever direct elections and urging the continued development of democratic institutions in the territory. I hope that the Senate will act quickly to voice its approval of Hong Kong's efforts.

Fostering true democracy in Hong Kong is crucial to the future of the territory. Hong Kong, currently a dependent of the United Kingdom, will revert to Chinese control in 1997. Under the 1984 Sino-British Joint Declaration on Hong Kong, China agreed to grant Hong Kong a high degree of autonomy under the principle of "one country, two systems." In other words, China promised not to impose its Communist system on Hong Kong for at least 50 years.

However, actions by the Beijing hardliners over the last few years gives even the most cheerful optimists reason to doubt China's willingness to fulfill its promises after 1997.

One way to encourage China to live up to its commitment is to put in place a genuine, working democracy in Hong Kong before 1997. The more the people of Hong Kong participate in the political process now, the harder it will be for China to reverse that system after assuming sovereignty.

Forty percent of Hong Kong's registered voters went to the polls on Sunday. Some observers are calling that turnout disappointing. In fact, Mr. President, under the circumstances, I would argue that a 40-percent turnout is encouraging.

I visited Hong Kong this July and met with government and election officials as well as leaders of the political parties. I predicted at that time that voter turnout would be low. My prediction was based on what I perceived to be a very restrictive set of campaign laws the government had put in place and doubt by and among Hong Kong voters that true democratic reform was really occurring.

In fact, Mr. President, the way the campaign laws were crafted, it would be very difficult in the city, even though an election was going on.

Under current law, only half of the legislative council will ever be up for direct elections. After 1997, the chief executive and his executive council, where the real power lies, will be appointed by Beijing. Under these conditions, it is hard to convince the people of Hong Kong that they are participating in a real democracy. In addition, severe spending limits and restrictions on media advertising frankly made the election virtually invisible in Hong Kong.

It would be a mistake to interpret Sunday's turnout as a signal that the Hong Kong people are apathetic toward democracy. To the contrary, the fact that no—I, repeat, no—pro-Beijing candidates were elected was a clear sign that the people want more not less, democracy. Several prodemocracy candidates elected Sunday have vowed to pressure Beijing for more genuine democracy before 1997. I encourage the United Kingdom to support these efforts and to work between now and 1997 to institute a democratic system in Hong Kong that will survive after reversion.

A second way to ensure the future of post-1997 Hong Kong is for the United States to act now to establish a comprehensive, coherent Hong Kong policy. By stepping forward to lead the international community in support of the autonomy promised Hong Kong under the joint declaration, we can assure the people of the territory that we are neither indifferent toward nor uninterested in their future.

Later this week, I will introduce a bill, the United States-Hong Kong Policy Act of 1991, which establishes the framework for a United States policy toward Hong Kong. It is my hope that this bill will begin a dialog on this issue and that Congress and the administration can work together to formalize our relationship with Hong Kong.

Mr. President, I commend the people of Hong Kong and I look forward to working with my colleagues on the Foreign Relations Committee on this very important issue.

Mr. President, an international observer delegation sponsored by the National Republican Institute for International Affairs was present at Sunday's election and has filed a preliminary report. The report, which was presented by Australian Senator Grant Chapman at a press conference in Hong Kong on Sunday, contains several good suggestions for increasing voter turnout in the next round of elections.

Mr. President, I ask unanimous consent that the report of the National Republican Institute be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL REPUBLICAN INSTITUTE FOR INTERNATIONAL AFFAIRS

We are an international delegation sponsored by the National Republican Institute for International Affairs and are here to observe the first direct elections for the Legislative Council. Comprised of ten delegates representing four nations, we bring to this delegation our individual and institutional experience in international affairs, election administration and practical politics. Having observed elections in twenty-three countries, the Republican Institute has developed significant and expertise in transitional political environments.

The Republican Institute has sent four study missions over the course of the past seven months in order to conduct an ongoing analysis of the democratic process in Hong Kong. The delegation has had discussions with political party leaders, election administrators, government representatives, members of the academic community, and foreign diplomats. On election day, our delegation divided into five teams which were deployed to all nine constituencies to interview voters, candidates, polling agents and election officials. Throughout the day, our teams visited over seventy polling stations. Unlike all previous Republican Institute observer missions, we were not allowed to enter polling stations actually to witness the voting and counting process. Our primary purpose was to assess the overall electoral process, to demonstrate international recognition of emerging democratic institutions in Hong Kong, and to offer suggestions to the Hong Kong Government for its forthcoming electoral review.

The development and implementation of representative government in Hong Kong is the affair and responsibility of the citizens of this territory. However, Hong Kong is an international city with international importance. As a demonstration of international support for the future of Hong Kong, we believe the international community has a duty to assess and to comment on Hong Kong's political situation.

The delegation commends the residents of Hong Kong, who as voters, candidates, and government officials, participated in these historic elections. Their commitment to the democratic process is encouraging for Hong Kong's future stability, prosperity, and democracy. Furthermore, we were particularly impressed with the level of voluntary participation by supporters working on behalf of candidates and parties, and by the professionalism with which the technical aspects of the elections were conducted.

We have reached several conclusions. The following comments and suggestions for consideration are made in order to assist Hong Kong as it refines and further develops its democratic system. These observations are made based on the experience of this international group and in comparison to international democratic practices. A more thorough assessment of the electoral process will be published in the near future.

With regard to election day procedures:

In order to allow further development of and identification with political parties, party names and symbols should be included next to the names of candidates on the ballot.

The number of polling stations should be increased in order to avoid overcrowding in the event of a large voter turnout.

The "buffer zone" surrounding each polling station should be more clearly defined in order to maintain order at polling stations.

Obtaining signatures of voters next to their names on electoral rolls as they collect their ballot at the polling table could assure greater control over access to ballots and a more transparent process.

The delegation heard companies of and witnessed voters being inconvenienced by canvassers and campaigners outside the polling stations. Placing stricter limits on the areas in which canvassers are allowed could alleviate this problem.

Provisions could be considered to allow the vote to absentee registered voters.

Given the fact that 18 is the age of majority in Hong Kong, extending the franchise to persons who have reached the age might be considered.

The vote counting and tabulation procedures could be moved from the counting centre to the polling station level so as to ensure greater transparency and more timely announcement of results at the polling station level.

With regard to the registration process:

The registration system should be clarified and publicized and the timing of registration made more flexible so as to allow more eligible voters the necessary time to register.

The voter registration process could be reviewed and reformed in such a way as to reduce the chance of legal voters from being dropped from the voter rolls incorrectly.

With regard to the campaign process:

Political association and activity should be given greater legal guarantees and protection.

We received widespread complaints that candidates exceeded the established spending limit. Campaign spending limits should be increased in order for political parties and candidates to carry out their activities.

Clearer guidelines should be established concerning what constitutes campaign expenditures and contributions.

As the political system develops and matures, the electronic media should make itself more available for candidate and political party use.

Finally, the delegation suggests that an independent electoral commission be considered to be comprised of persons drawn from all concerned sectors. Such a body could be responsible for geographical boundaries, voter registration, election disputes and protests, poll and tabulation security, appointment and training of election officials, registration of political parties, public disclosure of candidate funding and spending, and the administration of the election day procedures.

In the view of this delegation, yesterday's Legislative Council elections were peaceful and orderly. Despite the limitations of our observation, we believe that the polling and tabulation were conducted in a fair manner. We have seen no evidence of centralized or systematic fraud in the conduct of election day activities.

The delegation thanks the citizens of the territory for their assistance and hospitality during our work here. We congratulate the people of Hong Kong on this democratic and historic achievement.

Mr. SIMON. Mr. President, Senator McCONNELL has introduced a resolution that I am a cosponsor of regarding the situation in Hong Kong.

Senator HELMS has asked to be added as a cosponsor, and I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. The situation in Hong Kong is that they have had their first direct election of members of their legislature called the legislative council. In 1997, China is scheduled to take over Hong Kong and they have said they are going to respect Hong Kong as a somewhat separate entity; that it will be two systems but one China. That sounds good.

But the reality is they have announced what they say will be the basic law for Hong Kong starting in 1997. And in that basic law, for example, in the legislature there in Hong Kong, no one could introduce a bill without the approval of the executive of Hong Kong appointed by the Chinese Government. That would be like saying here in the United States: No one of us could introduce a bill unless we have the approval of the administration in introducing a bill. That pretty dramatically restricts democracy.

What this resolution says, the essence of it is the final point that "The Senate hereby urges the further development of democratic institutions in Hong Kong at an accelerated pace in advance of the 1995 elections and the subsequent transfer of Hong Kong to the People's Republic of China in 1997."

The people of Hong Kong have very substantial fears. These fears can be lessened and the likelihood that Hong Kong can remain relatively free will increase if our friends, the British, will permit as many free institutions as possible in Hong Kong.

My hope is that this Senate resolution will be adopted quickly. I think it is important for the future of 6½ million people in Hong Kong and, frankly, I think it is important for relations between the United States and the People's Republic of China.

Mr. GORE. Will the Senator yield?

Mr. SIMON. I am pleased to yield to my colleague from Tennessee.

Mr. GORE. Mr. President, I would be honored if I could be added as a cosponsor of this resolution. I think it is especially important. The results of the election in Hong Kong were dramatic, another expression of the kind we have seen all over the world in favor of democracy and self-representation. We should be speaking out in favor of the democracy movement worldwide. And it is especially important in this case because of the circumstances outlined by my colleague and earlier by the Senator from Kentucky, Senator McCONNELL.

I would be honored to be a cosponsor.

Mr. SIMON. Mr. President, I thank my colleague from Tennessee. I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 183—RELATING TO REPEAL OF THE EXCISE TAX ON AUTOMOBILES, AIRCRAFT, JEWELRY, AND FURS

Mr. KASTEN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 183

Whereas the luxury excise tax has imposed an unfair burden on workers and small business owners;

Whereas the luxury excise tax has brought the loss of thousands of jobs in U.S. manufacturing and retailing industries;

Whereas middle-class workers and small businesses, not the wealthy, are harmed by the luxury excise tax;

Whereas the luxury excise tax is costing the Government more in lost income tax receipts, payroll tax receipts, additional unemployment compensation, and compliance and enforcement costs than the revenue generated by the tax;

Whereas no hearings or debate were conducted on the luxury tax before its enactment;

Whereas the luxury excise tax forces small business people to become tax collectors and enforcers for the Internal Revenue Service;

Whereas the luxury excise tax is harming American business and aiding our foreign competitors;

Whereas the luxury excise tax is contributing to the depth and severity of the recession and helping ensure that economic recovery will be more difficult; Now, therefore, be it

Resolved, That the Congress should immediately adopt legislation to repeal the so-called luxury excise tax on automobiles, aircraft, jewelry, and furs.

Mr. KASTEN. Mr. President, I rise today to submit a sense-of-the-Senate resolution calling for the repeal of the 10-percent luxury excise tax on automobiles, aircraft, jewelry, and furs.

While this tax was enacted last fall as part of a "tax the rich" scheme, it is not hurting the rich one bit. The people that are hurt are the working men and women who build and produce the products covered by the tax. They are losing their jobs.

In the midst of a recession the Congress has chosen to single out particular industries for devastation. Layoffs are mounting each week in car dealerships, in aircraft plants and at retailers who sell jewelry and fur. The rich just buy other products, or don't buy at all. The workers and small businessmen lose their jobs and their businesses.

A study recently completed by the research firm of Temple, Barker & Sloane found that at least 3,320 Americans will lose their jobs as a result of the 10-percent tax on higher priced autos. Why should thousands of car salesmen lose their jobs because of the foolish and politically expedient policies of Congress?

One of the most ironic results of the tax is that even the disabled are penalized. The special equipment for the disabled often pushes the cost of their automobiles over the $30,000 threshold. This is just one example of what results when Congress enacts taxes with no congressional hearings and with no debate.

In addition, the Temple, Barker & Sloane study found that the auto portion of the tax will actually cost State and Federal Governments $135 million in lost revenue in 1991. This estimate does not even include the cost of enforcing the tax, which former IRS executives have estimated will exceed anticipated revenue, or the cost of unemployment benefits for the thousands of workers who will lose their jobs this year.

In addition, thousands of workers have already, or will soon lose their jobs in the aircraft industry and in jewelry and fur retailing businesses. At Beech Aircraft alone 125 workers have been laid off since the tax went into effect.

All of these job losses are in addition to the 19,000 workers losing their jobs in the boat building industry due to the luxury tax. Yesterday I introduced a resolution calling for repeal of the luxury tax on boats. This tax has hit Wisconsin particularly hard.

Yesterday at a Small Business Committee hearing to assess the impact of the luxury tax on small business, witnesses from all the industries affected by the luxury tax delivered testimony on the job loss, plant closures, and tax revenue loss that is occurring due to this destructive tax. They also testified to the tremendous paperwork and compliance costs on small business just to collect the tax.

These businessmen and workers pleaded with Congress to take action on this tax before more jobs are lost and more small businesses closed. One witness was an unemployed worker who has already felt the impact of his tax. He paid for it with his job.

In the midst of this recession, repealing this tax is one of the most important steps Congress can take to save American jobs. I ask my colleagues to join me in supporting this resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

WALLOP AMENDMENT NO. 1166

Mr. BYRD (for Mr. WALLOP) proposed an amendment to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 17, line 16 before the period insert the following: ": *Provided further*, That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of fifteen per centum more than the rental rates which were in effect on September 1, 1991, for such housing".

DECONCINI AMENDMENT NO. 1167

Mr. BYRD (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 18, line 22, strike out "$199,397,000" and insert in lieu thereof "$202,097,000".

DOLE AMENDMENT NO. 1168

Mr. BYRD (for Mr. DOLE) proposed an amendment to the bill H.R. 2686, supra, as follows:

Insert on page 17, line 16, before the ".", ": *Provided further*, That of the funds provided under this heading, $205,000 shall be available for the Santa Fe National Historic Trail for the production of full-color unigrid brochures, auto tour route signs, an interpretive film, and a prop kit for the educational outreach program.".

MCCAIN AMENDMENT NO. 1169

Mr. BYRD (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 32, line 6, strike out "$801,364,000" and insert in lieu thereof "$803,364,000".

On page 87, line 24, strike out "$1,489,091,000" and insert in lieu thereof "$1,487,091,000".

WALLOP AMENDMENT NO. 1170

Mr. BYRD (for Mr. WALLOP) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 11, line 6, increase the amount indicated by $348,000.

On page 16, line 19, reduce the amount indicated by $348,000.

On page 11, line 16, before the period insert: ": *Provided*, That the Fish and Wildlife Service Environmental Impact Statement relevant to the reintroduction of the Rocky Mountain grey wolf in Yellowstone National Park, and Central Idaho shall include the recommendations of the Wolf Management Committee Report, entitled 'Reintroduction and Management of Wolves in Yellowstone National Park and the Central Idaho Wilderness Area' as one of the alternatives: *Provided further*, That none of the funds provided for in this Act may be expended to reintroduce wolves in such areas: *Provided further*, That upon completion of such Environmental Impact Statement the Secretary shall transmit a copy of the statement to United States House of Representatives and the United States Senate committees on Environment and Public Works and Energy and Natural Resources".

BUMPERS AMENDMENT NO. 1171

Mr. BYRD (for Mr. BUMPERS) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 17, line 16, strike after the period (.) and insert the following: ": *Provided further*, That of the funds provided under this heading, not to exceed $500,000 shall be made available to the city of Hot Springs, Arkansas to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That the aforementioned sum and any sums hereinafter provided in subsequent Acts for said project are to be considered non-Federal monies for the purpose of title I of Public Law 99-662".

GORTON (AND ADAMS) AMENDMENT NO. 1172

Mr. BYRD (for Mr. GORTON, for himself and for Mr. ADAMS) proposed an amendment to the bill H.R. 2686, supra, as follows:

The figure on page 20, line 16, shall be decreased by $500,000.

The figure on page 11, line 22, shall be increased by $375,000.

The figure on page 32, line 6, shall be increased by $125,000.

BURDICK AMENDMENT NO. 1173

Mr. BYRD (for Mr. BURDICK) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 78, strike line 13 and all that follows through page 80, line 2, and insert the following:

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; and (2) the Government contribution from the Reserve Account established in section 2(b) of the Trust Agreement to such project shall be 50 percent of the amount of remaining project costs after the disbursement of funds from the Environmental Account established in section 2(b) of the Trust Agreement, and shall not exceed $50,000,000; and (3) such contributions from the Reserve Account shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

ADDITIONAL STATEMENTS

ASSISTANCE TO COLORADO'S OLDER AMERICANS

• Mr. WIRTH. Mr. President, purchasing Medicare supplemental health insurance can be a frustrating, bewildering and expensive proposition for senior citizens. Merely discovering what benefits are available under the Medicare Program involves negotiating an incredible labyrinth of rules, regulations, and complex terminology. Purchasing supplemental insurance requires deciphering the arcane language of individual insurance policies. To make matters worse, a handful of unscrupulous salespersons misrepresent the terms of policies and employ hard-sell tactics to the disadvantage of anxious or frail seniors.

In the end, older Americans frequently buy unnecessary or duplicative policies which may not meet their particular health care needs. These wasted dollars cause real hardship for seniors who may forego necessary medical treatment, food or other essentials to pay unnecessary premiums. It is no wonder that many seniors approach the task of planning for their health needs during retirements years with feelings of panic and despair.

State and community based insurance counseling services alleviate many of these problems by providing accurate impartial advice on purchasing insurance. Where they exist, insurance counseling programs provide invaluable assistance to senior citizens in choosing the right policy and spending their health care dollars wisely.

In my home State, the Denver Regional Council of Governments [DRCOG] Area Agency on Aging has developed an innovative solution to assist Coloradans in making informed decisions for purchasing Medigap policies. With a substantial grant from the National Committee to Preserve Social Security and Medicare, a computerized data bank has been set up so seniors can readily access information on Medigap policies offered for sale in Colorado. This computerized data bank will provide counseling and consumer information free of charge to thousands of seniors in the Denver metro area.

The insurance counseling service operated by the DRCOG Area Agency on Aging, with the assistance of volunteers from the Colorado Gerontological Society, is an excellent example of how communities can organize to meet the needs of the elderly. The data base and counseling service was unveiled at senior health insurance fairs held this year in Aurora and Denver, Colorado. Volunteers from the Colorado Gerontological Society provided free "Medigap checkups" to seniors in need of information or advice on purchasing Medicare supplemental insurance policies.

I take this opportunity, Mr. President, to applaud the efforts of the DRCOG, the National Committee to Preserve Social Security and Medicare and the Colorado Gerontological Society for their dedicated efforts to better inform and protect seniors as consumers of Medigap and other insurance policies. Now, thousands of seniors in the Denver area will have a comprehensive and reliable source of assistance with the difficult job of planning for their retirement health insurance needs.•

IN RECOGNITION OF WHITNEY HIGH SCHOOL

• Mr. SEYMOUR. Mr. President, I stand in recognition of Whitney High School of Cerritos, CA. On September 25, President Bush will recognize Whitney as one of the Nation's best high schools, presenting its principal, Dr. Pauline B. Ferris, with the Department of Education's National Recognition Award as a "Blue Ribbon" School.

Whitney is 1 of only 19 secondary schools in the Nation to win this award twice. It is the highest honor a school can achieve, and Whitney has won the Blue Ribbon twice in 4 years.

Whitney's 981 students in grades 7 to 12 concentrate their efforts on academic achievement. The school's mission is to prepare academically proficient students for entrance to universities, and every one of its graduates since 1987 has attended college.

Dr. Ferris, in a message in the Principal's Newsletter announcing receipt of the national award, noted the following:

> As the students, faculty and staff express joy and jubilation, we recognize that it is not an accomplishment earned in isolation. The strong parental support that exists in our community is an essential component of our numerous awards.

I ask my colleagues to join me in commending the students, faculty, staff, and parents that make up the Whitney High School community, and to wish them all the greatest success in years ahead.•

BILL PLACED ON CALENDAR—H.R. 3057

Mr. BYRD. Mr. President, on behalf of Mr. MITCHELL, I ask unanimous consent that H.R. 3057, the Drug-Free Schools and Communities Act Amendments of 1991, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POW/MIA RECOGNITION DAY

Mr. BYRD. Mr. President, on behalf of Mr. MITCHELL, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 233, designating September 20, 1991, as "National POW/MIA Recognition Day," just received from the House; that the resolution be deemed to have been read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 233) was deemed read the third time and passed.

The preamble was agreed to.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, on behalf of Mr. MITCHELL, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock a.m., Thursday, September 19; that on Thursday, following the prayer, the Journal of proceedings be deemed to have been approved to date; that the call of the calendar be waived; that no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein; and that Senator GORE be recognized for up to 15 minutes; that at 9:30 a.m., the Senate resume consideration of H.R. 2686, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to, and at 5:59 p.m., the Senate adjourned until 9 a.m., Thursday, September 19, 1991.

HOUSE OF REPRESENTATIVES—*Thursday, September 19, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Thursday, September 19, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your blessing, gracious God, that spans all the days and extends to every situation, be with all who turn to You in prayer. We admit, O God, that there are times when our human spirit is weak and our spiritual strength is not as it ought to be, and we are not the people we should be. Yet, O loving God, we know Your love surrounds each person at every moment, and Your goodness is ever present. May Your reconciling love be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan [Mrs. COLLINS] please come forward and lead the House in the Pledge of Allegiance.

Mrs. COLLINS of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1106) entitled "An act to amend the Individuals with Disabilities Education Act to strengthen such act, and for other purposes."

The message also announced that, pursuant to Executive Order 12131, as amended, signed by the President May 4, 1979, and extended by Executive Order 12692, signed by the President September 29, 1989, the Chair appoints Mr. BAUCUS, to the President's Export Council.

ELECTION OF MEMBER TO THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

Mr. MICHEL. Mr. Speaker, I call up a privileged resolution (H. Res. 223) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 223

Resolved, That Representative Johnson of Texas be and is hereby elected to the Committee on Science, Space, and Technology.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1400

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Texas [Mr. WILSON] be removed as a cosponsor of the bill, H.R. 1400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE ANSWER TO OUR HEALTH CARE PROBLEM IS A NATIONAL HEALTH INSURANCE SYSTEM

(Mr. SCHEUER asked and was given permission to address the House for 1 minute.)

Mr. SCHEUER. Mr. Speaker, our Nation's health care system, at a cost of over $600 billion per year, excludes 37 million Americans, is wasteful, cost ineffective, and a drain on the Nation's human and capital resources.

As Joe White of the Brookings Institution wrote in the Washington Post:

The simplest answer is a national health insurance system similar to Canada's. Such a system could save huge amounts of administrative expense.

We have soaring health care costs because—as the GAO and the New England Journal of Medicine have documented—we waste between $67 and $132 billion a year pushing paper rather than treating patients. Mr. White concluded that a single-payer system is not politically practical because the entire private health care insurance industry would be virtually abolished.

But the simple truth is—our country can no longer afford to waste $100 billion a year. Military base closings were politically unpopular—but everyone agrees that we can no longer afford oversized defense budgets.

Assistance was given to relocate and retrain affected individuals, and our Nation's economic future is brighter than it would have been without the closings.

Overhauling the health care system by ultimately providing national health insurance will not only rationalize health care delivery but will finance what is unimaginable today—maternal and child care for all mothers and young children, long term and care for seniors and comprehensive and catastrophic health insurance for everyone.

Currently, we spend roughly 12 percent of our GNP on health care compared, to an average of less than 8 percent for other industrialized nations.

The United States ranks first in health care spending per capita, yet 24th among industrialized nations in preventing infant mortality and 18th in life expectancy.

In short, there are enough people now employed in the health sector to provide access to quality health care for all Americans. Our goal must be to eliminate the wasteful practices of the 1,500 insurance companies in this Nation and capitalize on the savings.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Madam Speaker, I ask for this 1 minute so that I might inquire of the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], the program for next week.

Mr. BONIOR. Madam Speaker, will the gentleman yield?

Mr. MICHEL. Madam Speaker, I am happy to yield to the distinguished majority whip.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. BONIOR. Madam Speaker, the program for the House of Representatives for the week of the 23d of September is as follows:

On Monday we will meet at noon. We will have one suspension, and recorded votes on the suspension will be postponed until Tuesday, September 24, if so ordered. That suspension is the Rail Safety Enforcement and Review Act.

On Tuesday we will meet at noon, and the Speaker intends to recognize the Committee on Appropriations for the purposes of appointing conferees on eight Senate-passed appropriations bills, and of course motions to instruct on those bills are in conference, going to conference, may be possible. There will be also five suspensions. Recorded votes on those suspensions will be postponed until after the debate on all the suspensions: H.R. 2654, Truth in Savings Act; H.R. 1674, the Federal Communications Commission Authorization Act of 1991; H.R. 2181, Cuyahoga National Recreation Area; H.R. 2370, Stones River National Battlefield in Tennessee, and the fifth one is Senate bill (S. 363), Morristown National Historic Park.

On Wednesday, September 25 and the balance of the week we will meet at 10, and we will consider the following pieces of legislation. We will consider the fiscal year 1992 short-term continuing resolution, subject to a rule. We will consider H.R. 1426, which is the Federal recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, again subject to a rule. It is an Interior bill of some controversy. H.R. 3039, the Defense Production Act Amendments of 1991 is a possibility. Then H.R. 2900, the Government-sponsored housing enterprises financial safety bill. Of course both the latter two are subject to rules.

Conference reports may be brought up at any time, and any further announcements will be made later, Mr. Leader.

Mr. MICHEL. Might I inquire of the distinguished whip what the prospects might be of a Friday session next week?

□ 1010

Mr. BONIOR. Madam Speaker, there are anticipated votes on Friday of next week.

Mr. MICHEL. The gentleman does anticipate votes on Friday?

Mr. BONIOR. We are anticipating meeting on Friday.

Mr. MICHEL. I thank the gentleman. The program does not appear to be that full, and Members have been badgering us, as I am sure they do the gentleman on his side.

Mr. BONIOR. Well, it is the end of the fiscal year, and with that brings all the complications of the legislative process, as the gentleman well knows, and, of course, we have the appropriation bills that are going to conference, and I assume some will be coming back. And there are other issues. There is the possibility of other issues reaching the House floor.

Mr. MICHEL. Madam Speaker, I thank the gentleman for his response. I was obliged to make the inquiry.

PASSIVE LOSS PROVISIONS

(Mr. MCMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCMILLEN of Maryland. Mr. Speaker, anytime Government policy disrupts the balance of the market, there will be a price to pay. The policies of the early 1980's skewed economic decisionmaking.

I am concerned, however, that Federal policy reacted too strongly to this situation. The repeal of the passive loss provisions in 1986 is now skewing economic decisionmaking in a different direction.

The law currently treats all rental real estate activities as passive activities. Thus, a real estate professional cannot offset legitimate rental losses from other income. This means that real estate managers are paying taxes on gross income and not net income.

This clearly has a negative impact—and not just on the real estate industry; it is also hurting our financial industries.

Consequently, we will not see a significant economic rebound until we see real estate back on its feet, and we need to change the passive loss provisions to see that happen.

I commend my colleagues MIKE ANDREWS and BILL THOMAS for introducing H.R. 1414 to provide a less restrictive treatment of passive losses. This is a necessary step toward reviving a moribund economy.

PROPOSED TERMS FOR AID TO THE SOVIET UNION

(Mr. MCEWEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MCEWEN. Madam Speaker, in today's paper it says that the United States promises Soviet emergency aid, and that Brady and Greenspan are telling the Premier of easier loan terms for food aid.

Madam Speaker, after 74 years of communism there is no question but what people are starving and are in very, very dire straits throughout the Communist empire. However, we do observe that there are 10,000 nuclear warheads aimed at the United States, with a total of 30,000 nuclear warheads in the possession of the Soviet Union, and I believe that before we begin to go down this road it is important for the United States to make a little quid pro quo here. Let me give the Members an example.

One week before the end of World War II, Stalin jumped in on the side of the allies against Japan, and with the peace treaty of World War II the Soviet Union stole four islands from the Japanese. The Japanese have told the Soviet Union that they are sympathetic to their plight, but unless they get their four islands back, the Japanese are not going to assist them in their economic dilemma. The Japanese, in my judgment, will sometime within the year get their four islands back.

I respect that kind of negotiating, and I believe the United States should recognize that the Soviet Union has stolen all the gold and jewels throughout Eastern Europe. They possess presently, according to estimates, somewhere between $34 billion and $43 billion in gold bullion. They have the second largest reserves in oil, and they have the largest strategic metal reserves anyplace outside of South Africa.

Therefore, Madam Speaker, since they have this great treasure trove with which to bargain, I believe the United States should help them immediately. We should do all within our power to supply them with food within the next 60 or 90 days, before the winter sets in. We should do all of those things, but then it is also appropriate on behalf of the American taxpayers that we say over the next 2, 3, or 4 years that we would like to have that repaid in oil, repaid in gold, and repaid in strategic metals as they begin to make that system of theirs begin to function.

Madam Speaker, I am not against assisting the Soviet Union, but I believe that quid pro quos are appropriate on behalf of American taxpayers.

THE ECONOMICS OF CAPITAL GAINS

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Madam Speaker, the economic news this morning at 8 o'clock was that the Department of Labor announced that the economy is not producing jobs as we would like to see it.

Madam Speaker, there is a simple basic truth. If you tax something, you get less of that thing. In 1978 Jimmy Carter said we ought to tax the production of energy. We passed a $55 billion tax on the production of oil in the United States. So people said, "If we go into the hardware business or we go into the farming business or we make automobiles, we are taxed at one rate, but if we produce energy, we will get slapped with a very special tax, so we won't do that."

As a result, we had gas lines in 1978, 1979, 1980, and 1981. Ronald Reagan came in and said, "Let's not do that. Let's do away with those regulations."

Then what happened? Within 24 hours the gas lines disappeared, and from March 1981 until now they have no longer been in existence and gasoline at the pump today is 44 cents cheaper than it was in 1981.

The basic, common principle is this: If you tax savings, you will get less savings; if you tax income, you will get less income; if you tax productivity, you will get less productivity; and if you tax capital formation, you will get less capital formation. That is why the Japanese have a zero tax on capital formation. That is why Hong Kong has a zero tax on capital formation. That is why South Korea has a zero tax on capital formation, because they want to create jobs.

It takes in America an estimated $160,000 to $180,000 to create one job, and so from 1981 until 1986 in America we lowered the tax on capital formation and we created massive numbers of new jobs, an average of 360,000 jobs a month.

In 1986 we began to increase the tax on capital formation. In the United States, out of the seven major industrialized nations, we were the cheapest in the early 1980's. We began to drop to second, third, fourth, fifth, and sixth, and today we are seventh, and in fact the tax on capital formation in America is the highest of the industrialized world. Therefore, we discourage the formation of jobs.

Every time we try to amend that, our dear friends on the left come in and say, "Oh, my goodness, we don't want to create jobs and put people to work because in the process someone at the top of the ladder might make some money." So they use this red herring, and it is a vicious red herring. They say that if you cut capital gains, it is going to go to the richest people in America.

Let me explain that. A few weeks ago last spring I was going home. I landed in Columbus and was driving to Hillsboro. On the way I stopped at the Washington Court House basketball game. I slipped in late at the game and was standing back against the wall behind some other people. I did not even think anybody knew I was there. During the course of watching that game three farmers got up from the basketball stands and came down and sashayed up to me and asked me this: They said, "Congressman, do you think Congress is going to do anything about capital gains?"

Let me explain why they asked. The left always tells us it is the rich people who declare capital gains. The facts are that more than three out of four of all the people who declare capital gains on their income make less than $50,000 when you eliminate the capital gains. So what were these people concerned about? These were farmers. These were farmers who purchased their land at $400 or $500 a acre. The land is now worth about $1,500 to $1,800 an acre. They have borrowed on that over the past 20 or 30 years until they now owe $1,300 to $1,400 an acre. In other words, they are going under.

□ 1020

They are about to go broke and they need help. But under the current tax structure, when we have the highest capital gains tax we have had in many, many a year, a third of it will go to Uncle Sam immediately. In other words, if they sell the land at $1,500 an acre, Uncle Sam will come in and slap them with a massive tax bill. Coupled with their debt, they will lose everything they have worked for their entire life, and still have the IRS after them for $300,000 or $400,000.

So they are coming to me to say, "I can't sell; I can't get out. I am going under. The bank is about to foreclose on me. They are not going to give me money for next year's crop. How do I get out of this? Because Congress has decided that rich people were going to make money, so therefore we have to have a high capital gains tax, which destroys the sales of businesses, the sale of property, the sale of apartments, and the production of jobs in America is in the doldrums."

Now the time has come for us to face facts and get out of this rhetoric. We need to have a capital gains tax cut immediately. If we do not, we are going to continue to discourage the formation of capital for the creation of jobs, and America is going to continue to lag behind.

From 1982 until 1990, two out of every three jobs created on this planet were created in the United States of America. We created twice as many jobs as the rest of the world combined.

In the late 1980's and early 1990's, we have begun to increase the taxes on capital formation, until now we are beginning to drop to second and third and fourth, as money is beginning to go elsewhere again.

Do you remember in the 1970's, people built jobs where? Mexico, Brazil, Taiwan.

In the 1980's you only built plants in one place, the United States. If you were a German businessman, an American businessman, a Japanese businessman, you only built plants in one place in the 1980's, in the United States. That was the place to put people to work and create wealth.

Now we have begun to turn that aside. I believe the Democratic Party, which prides itself on its capacity to deny people the right to advance, should get off of this hobby horse and allow us to cut taxes on capital gains, create jobs, and get America moving again, before it is too late.

TRIBUTE TO UNIVERSITY OF ARKANSAS AT FAYETTEVILLE

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Under a previous order of the House, the gentleman from Arkansas [Mr. ANTHONY] is recognized for 5 minutes.

Mr. ANTHONY. Madam Speaker, I rise today to pay tribute to my alma mater, the University of Arkansas at Fayetteville, as they celebrate the rededication of Old Main on September 21, 1991. On March 27, 1991 the University of Arkansas celebrated it's 120th birthday.

The history of the Old Main is as diverse as the cultures of Arkansas, and its foundation is as strong today as it was then it was constructed; indicative of the true craftsmanship and personal pride used to build this structure.

This same strength and pride has managed to touch and inspire many persons, for well over 100 years. I was one of those who passed through the doors of this hallowed institution which provided the solid foundation that allowed me and the other countless young minds, whose envisioned dreams were molded into secure futures, strong characters and solid morals.

Despite the country's turmoil after the Civil War, Old Main's birth, yet tedious, moved forward. Today, Old Main has been placed on the National Register of Historic Places, and all the colleges now on campus can trace their birthplace back to Old Main.

The law school, which I attended, was established in 1926 and was housed in two rooms in the basement of Old Main. The Honorable Claude D. Pepper, our distinguished colleague whom we all remember with respect, was one of three original faculty members who shared a corner office immediately south of the classroom.

In 1949, memorial bells were placed in honor of the university students who lost their lives in service during World War II. These bells strike on the quarter hour, half hour and the hour, with the hour tone equal to the tone of London's Big Ben.

In the University's Alma Mater, author, Brodie Payne, class of 1906, wrote "Beacon of Hope in the ways dreary lighted." At the time he wrote this, he had not seen the old 1875 hallways of Old Main, which were lighted with oil chandeliers. Yet the words not only described the halls of this valued building, but they signified the type of encouragement and support that was part of the curriculum taught to us, providing the strength to overcome life's many obstacles and striving to achieve only the best.

It is with great pride, therefore, that I submit this to the record to show not only my gratitude for the basic foundation of my moral character and the driving force behind my accomplishments of today, but to share with you this statement on Old Main:

> As the years passed, renovations and additions to the internal structure of the building were made, and in 1950 an elevator to the top floor was installed, but the substantial basic character of the building remains as it was at the University's beginning, a solid and constantly useful monument that dominates not only the campus but all the surrounding countryside, and that is the tangible symbol of what the University of Ar-

kansas stands for and is, in the minds of hundreds of thousands of Arkansans, living and dead, not only in the State, but scattered now throughout the world.

THE FEDERAL DEBT MANAGEMENT RESPONSIBILITY ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Madam Speaker, today I am pleased to introduce, along with Mr. ARCHER, Mr. PICKLE, and Mr. GRADISON H.R. 3365, the Federal Debt Management Responsibility Act of 1991. Government sponsored enterprises [GSE's] are generally privately owned, Government-chartered entities that conduct specific credit or program functions. GSE's, along with corporations owned in whole or in part by the Federal Government—collectively, Government-related corporations—enjoy several benefits of Government sponsorship, typically including the authority to borrow from the Federal Treasury.

The purpose of the legislation I am introducing today is to ensure that the potential impact on the Federal debt of the authority of a newly formed government-related corporation to borrow from the Federal Government is carefully reviewed in light of its financial viability.

Mr. Speaker, the repayment of obligations of government-related corporations typically is not legally backed by the full faith and credit of the United States. However, because of the Federal Government's sponsorship of, and the special benefits granted to these entities, the credit markets rely on the moral obligation of the Federal Government to back the obligations of many of these entities, thus implying a Federal guarantee. In addition, the obligations issued by these entities compete in the credit markets with the U.S. bonded indebtedness issued by the Treasury Department.

The President's budget for fiscal year 1992 reports that borrowing by GSE's totaled $896.6 billion in fiscal year 1990, and further estimates that this will grow to $981.2 billion in fiscal year 1991 and $1.056 trillion in fiscal year 1992.

As the result of concerns over the potential liability to the Federal Government created by debt issued by government-related corporations, Congress and the administration have conducted several studies relating to the operations and credit risks associated with these entities. These reports and studies culminated in provisions contained in the Omnibus Budget Reconciliation Act of 1990 that provide a basis for House consideration of legislation improving the operations and creditworthiness of these entities, and minimizing the possibility that such entities might require future financial assistance from the Federal Government.

The ability of a government-related corporation to borrow from the Federal Government may result in the Government's lending of funds to a financially risky entity. The legislation I introduce today would insure that, prior to the granting of this borrowing authority and the commensurate responsibility of the Federal Government for lending public debt proceeds to the entity, the creditworthiness of such an entity and any potential effect on Federal interest rates would be reviewed. If the U.S. Government is to borrow amounts as public debt and lend such amounts to a government-related corporation, then the Congress has both the right and the responsibility to consider the ability of that corporation to repay such borrowings before such authority is granted.

Technically, H.R. 3365 provides that bonded indebtedness of the United States cannot be issued and the proceeds lent to a GSE or corporation owned in whole or part by the Federal Government, unless the entity is listed in title 31, chapter 31 of the United States Code relating to issuances and uses of bonded indebtedness of the United States, or the amounts borrowed are approved in advance in an appropriations act. In addition, the legislation would affect only future GSE's and government-owned corporations, namely, those entities created by Congress after the date of introduction of this bill.

The bill also requires the Treasury Department to submit a report to Congress on an annual basis regarding the impact of overall levels of government-related corporation debt on the interest rates and amounts of discount offered on issuance of public debt of the United States, and the impact on the marketability of such bonded indebtedness. The purpose of this report is to provide the Congress with an annual analysis of the impact of the borrowing of government-related corporations on the market costs of government securities. Some corporations owned in whole or in part by the Federal Government, because of their financial standing or size, may have no substantial impact on the public debt. Such entities would be listed in the report, but would not have to be analyzed as part of the annual report.

Mr. Speaker, I hope that this legislation, along with other legislative proposals of other committees relating to currently existing government-related corporations, will provide the basis for more responsible fiscal decisionmaking with respect to these entities, and reduce the potential financial risks of these entities to the Federal Government and the American taxpayer.

A copy of the legislation appears below:

H.R. 3365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Debt Management Responsibility Act of 1991".

SEC. 2. RESTRICTION AND EVALUATION OF BORROWING AUTHORITY OF CERTAIN GOVERNMENT-RELATED CORPORATIONS.

(a) IN GENERAL.—Chapter 31 of title 31, United States Code (relating to the public debt), is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—RESTRICTION AND EVALUATION OF BORROWING AUTHORITY OF CERTAIN GOVERNMENT-RELATED CORPORATIONS

"§3141. Limitation on issuance of Treasury obligations to lend amounts to certain newly established Government-related corporations

"(a) IN GENERAL.—No obligation may be issued under subchapter I if any of the proceeds of such obligation will be used to lend any amount to a newly established Government-related corporation under any authority of such corporation to borrow from the Treasury, unless—

"(1) such corporation is a qualified corporation, or

"(2) such borrowing is approved in advance in an appropriations Act.

"(b) NEWLY ESTABLISHED GOVERNMENT-RELATED CORPORATION.—For purposes of this section—

"(1) IN GENERAL.—The term 'newly established Government-related corporation' means any Government-related corporation which is established pursuant to any law enacted after September 19, 1991.

"(2) GOVERNMENT-RELATED CORPORATION.—The term 'Government-related corporation' means—

"(A) any corporation owned in whole or part by the Federal Government, and

"(B) any privately owned Government-sponsored enterprise.

"(c) QUALIFIED CORPORATION.—For purposes of this section, the term 'qualified corporation' means any newly established Government-related corporation which is hereafter designated in this subsection as a qualified corporation.

"§3142. Annual report on impact or borrowing by Government-related corporations on public debt

"(a) GENERAL REQUIREMENT.—The Secretary of the Treasury shall annually prepare and submit to the Congress a report setting forth the impact of the issuance or guarantee of securities by Government-related corporations (as defined in section 3141(b)(2)) on—

"(1) the rate of interest and amount of discount offered on obligations issued by the Secretary under subchapter I, and

"(2) the marketability of such obligations.

"(b) DEADLINE.—The report required by subsection (a) shall be submitted to the Congress by October 1 of the 1st calendar year beginning after the date of the enactment of this section, and by each October 1 thereafter."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 31, United States Code, is amended by adding at the end the following new items:

"Subchapter III—Restriction and Evaluation of Borrowing Authority of Certain Government-Related Corporations

"3141. Limitation on issuance of Treasury obligations to lend amounts to certain newly established Government-related corporations.

"3142. Annual report on impact of borrowing by Government-related corporations on public debt."

CRISIS IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Madam Speaker, I want to make a couple of comments today and join with the gentleman from New Jersey [Mr. SMITH], who, both of us the week before last, had the opportunity to visit Yugoslavia.

During that visit we met with leaders on both sides, President Tudjman and President Milosevic, one in Zagreb and one in Belgrade. Also we met with the

Cardinal of the Catholic Church in Zagreb and the Patriarch of the Orthodox Church in Belgrade, and a number of other people. Mr. SMITH can go into a little more detail on some of those meetings.

We visited the fighting zone in Osijek, which is now under siege, and also in Vukovar, which has been bombed many, many times by the Yugoslav People's Army, which is massacring people with heavy armament.

I take this time today to share with my colleagues, and hopefully someone, and I am not sure this will be the case, but hopefully someone in the Bush administration will focus on this issue and realize that so many people are dying.

I think just in the last few days there have been up to 34 people killed, and more than 450 people have died in fighting since the beginning. Hundreds, and perhaps thousands have been wounded, and thousands have been forced to leave their homes.

We had an opportunity to view the war firsthand. We spoke with people on all sides. It is my belief that the U.S. Government cannot, nor can the Bush administration, nor can this Congress, remain silent as more people die every day.

Last night, the same as with the last several times, the cease-fire in Croatia has been quickly unravelling, as Zagreb was hit for the first time with heavy shelling and bombing. The chief European Community negotiator said if this truce fails, there is little more that mediators can do.

As a strong supporter of the Bush administration, I urge the President to make a strong statement condemning these violent and inhumane acts. This is a complex conflict, and the difficulties will not be resolved easily, but it is important for our administration to let it be clear where they stand and to condemn the violence.

When Representative SMITH and I were going through a bomb shelter in Vukovar and it was dark, someone said here are two Congressmen from the United States. One elderly gentleman hollered out, "What is the United States going to do to stop the killing and the deaths?"

People want to see the United States speak out to stop the fighting and stop the killing.

I want to read a letter that was sent to the American people yesterday by President Tudjman. When we met with President Tudjman, we raised the issue of protecting the rights of the Serbs and other minorities who now live in Croatia.

I said to President Tudjman that I would be concerned if I were a Serb living in Croatia, and asked how can he guarantee their human rights? This is what the President yesterday sent in a letter to the American people and to the President of the United States. He said this in a spirit of reconciliation, and, believe me, if there ever were a country that needs reconciliation, it is this country.

President Tudjman stated:

OPEN LETTER TO THE PEOPLE OF THE UNITED STATES

In the spirit of reconciliation and the everlasting hope that peace can be achieved, I, both personally and as elected representative of the people of Croatia pledge to uphold the constitutional guarantee that the human rights of Serbians and other minorities in Croatia will be protected.

I am committed to the protection of human rights of all minorities in Croatia. I am committed to ensuring that the constitutional guarantees of those human rights are upheld.

The Government of Croatia stands solidly behind the constitutional guarantees.

The Preamble to the Croatian Constitution states "the Republic of Croatia is comprised as the national state of the Croatian people and all minorities who are citizens of Croatia, including Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, for whom equality with those citizens of Croatian nationality is guaranteed as is the realization of national rights in accordance with the democratic norms of the United Nations and all countries in the democratic world."

Article 14 of the Croatian Constitution states:

"Citizens of the Republic of Croatia shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other properties. All shall be equal under law."

Article 15 states:

"Members of all nations and minorities shall have equal rights in the Republic of Croatia. Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy."

These constitutional guarantees of minority human rights are inviolate. As a nation committed to a peaceful and prosperous future for all her citizens, Croatia invites Amnesty International, Helsinki Watch, and welcomes other respected international, nonpartisan human rights groups to monitor the humane application of these laws.

Croatia is committed to a future built upon respect for human rights and the fundamental principles of a democratic society. The journey is not easy, but the people of Croatia are committed. The Government of Croatia is committed. I am committed.

We believe peace can be achieved and trust established based upon these principles. May God bless you and keep you.

Sincerely,

DR. FRANJO TUDJMAN,
President of the Republic of Croatia.

In closing, and I want to pick my words carefully, I want to express personal disappointment in the Bush administration and in those who are advising the President on this very, very difficult issue. It is complex, it is difficult, but my sense tells me that the State Department is very reluctant to take any advice, because the State Department of Republican administrations and Democratic administrations does not like to take advice from anybody.

My request is to the President of the United States and to the State Department, please give serious consideration to having President Bush speak out as quickly as possible, to demand that there be an immediate ceasefire, and say that anyone who violates the ceasefire, that there will be political and economic sanctions against them. Lastly, that the Yugoslav Army return to the barracks, and that these issues be resolved in keeping with the peace process of the Helsinki Act and the subsequent Commission on Security and Coordination in Europe with these following points.

One, respect for human rights and fundamental principles; two, equal rights and self-determination of people; three, territorial integrity; four, refraining from the threat of use of force; and, five, peaceful settlement of disputes.

□ 1030

The U.S. Government cannot stand by any longer as Croatia and Serbia continue toward destruction. The United States and the President of the United States are in a position to develop a path leading to successful solutions of these ethnic and regional difficulties and the process must start now.

Mr. SMITH of New Jersey. Madam Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I thank my friend, the gentleman from Virginia [Mr. WOLF] for reserving this special order and for his leadership in helping put together our trip to Yugoslavia, which was put together very, very quickly, when we realized that Yugoslavia was on the precipice, was on the edge of careening into an all-out civil war, a situation that would literally take the lives of thousands of people, men, women, and children, combatant and noncombatant. We believed that if anything could be done to avert that war, it had to be done.

Mr. WOLF. Richard McCormack, the former Under Secretary of State, the No. 4 man at the State Department, and I undertook the trip. It was a 6-day peace mission, which was completed in early September. While we were there, people were losing their lives, there was fighting. We saw evidence of it in Vukovar and Osijek, two cities that have been laid siege upon by Serbian irregulars and by the Yugoslav Army.

For example, in Vukovar, which was largely evacuated except for a number of people who refused to leave or were afraid to leave, we literally entered the city by going through a cornfield. I only say that to underscore the situation.

Tanks surround Vukovar. Tanks that could close in any day and completely level the city. Many of the buildings have already been pulverized and destroyed and tragically many people have been killed. The estimates are, and I am sure these are underestimates, that in excess of 450 people have died thus far in the fighting.

I think when we get a full picture of what is going on in Yugoslavia, the death count and the casualty count will be much higher.

In Osijek, we also saw people under siege. The gentleman from Virginia [Mr. WOLF], Richard McCormack and I and other members of our party, visited the hospital where we saw wounded noncombatants laying in hospital beds.

In one case, a man who was in his jogging shorts had been out jogging. He was apprehended by Yugoslav military. He had been shot.

We know that at this point approximately one-third of Croatia has been conquered by the Serb irregulars and by the Yugoslav Army. The war is under way, and clearly more needs to be done to stop this war.

I would be remiss if I did not point out that those of us who have watched this very carefully commend the tireless efforts of the leaders of the European Community, men and women who have worked hard in an attempt to broker peace in war-torn Yogoslavia. Peacemakers like Lord Peter Carrington have our deepest gratitude, have our respect, and for sure they have our prayers. Earlier this week, when Lord Carrington secured yet another ceasefire pledge from Croatian President Tudjman and Serbian President Milosevic, as well as the Federal Defense Minister, the statement noted that "[T]he country is only days away from a state of irretrievable civil war." Madam Speaker, they are at the edge.

Reports of escalation of fighting in Yugoslavia both yesterday and today suggest that events are on the verge of simply going all out of control.

I believe, and I know the gentleman from Virginia [Mr. WOLF] concurs in this, that we, especially those of us living in the safe harbors of the West and in the United States, cannot leave a single stone unturned in our quest for peace. The time has come for the United States to ratchet up its efforts to avert war, to mitigate tensions, and to warn the warmakers, particularly in Belgrade because it seems as if that is where the real problem lies. It seems to me that, if Milosevic and the army were to pull back from their positions and return to their barracks, there would be a lessening of tensions and hopefully a peace would be secured. We must warn them in no uncertain terms that they face certain economic and political isolation for their part in this violence.

As I think many Members of both the House and the Senate are aware, EC peace observers in the region are unarmed. Even European diplomats have suggested that they are not doing the job, simply because they are not in the combat zones and their deployment in Croatia has not been an effective deterrence to those who would commit violence.

Thus, it becomes very clear the situation demands greater deterrence. There is a story on the AP wire this morning suggesting that both President Mitterrand and Germany now back deployment of a European peacekeeping force to Yugoslavia in an effort to stem the escalating violence. According to President Mitterrand, France and Germany will propose their plan at today's crisis meeting being held by the EC at The Hague. He has suggested that both EC and the U.N. approval are required to send in a peacekeeping force.

I would hope that our President, and I join the gentleman from Virginia [Mr. WOLF] in asking that President Bush come out very loud and clear on this issue and do so today, do so at this very opportune moment. In looking at the situation where originally it was thought, and the Yugoslav Army said, that the army was playing a peacekeeping role, it is very clear from the evidence that the Yugoslav Army has sided with the Serbian irregulars.

They have joined on one side against the Croats. The army has joined the aggressors rather than trying to separate the warring parties. Hopefully a peacekeeping force, international in scope and preferably under U.N. auspices, or perhaps under the Western European Union which has a capability legally to configure such a force, can be deployed and effectively separate the warring factions so that there will not be any further bloodshed.

Also, I want to reiterate a point that my colleague has made. Yesterday President Tudjman faxed to the gentleman from Virginia, Congressman WOLF the letter which was read earlier and will be in the RECORD. It is important to underscore the fact that the Croatian President has made a very up front pledge that he and his government will stand in favor of protecting minority rights, particularly for the 600,000 Serbs who currently live in Croatia. I think these kinds of guarantees backed up with those which are already or will be written into the law should give the assurance that, notwithstanding a very bloody and a very checkered past, Croatia is hopefully evolving into a more humane and just society and will protect the Serbian minority in the future.

With the peacekeeping force that hopefully will be deployed, if it is mobilized quickly and if the United States is in concurrence and is highly visible, there is a very prospect that this could lead to an easing of tensions and that war which nobody wants, certainly no one in this country and many parts of Yugoslavia, can be averted.

Again, I thank my good friend for taking out this special order. The time to act, President Bush, is now.

Mr. WOLF. Madam Speaker, I thank the gentleman from New Jersey [Mr. SMITH] for his statement.

In closing, to reiterate my own personal feelings, frankly, I do not know if anyone is watching this at the State Department or if they watch us at the White House.

The gentleman from New Jersey [Mr. SMITH} and I did see people who were severely injured and wounded, and I am sure some of the people that we met with at Vukovar are now dead because of the shelling that has taken place. This kind of reminds me in a way of the Romanian situation. Congressman SMITH and I went to Romania and came back and felt very deeply that Ceaușescu was a barbarian and for the United States to give him MFN was absolutely wrong.

We talked to some people in the State Department, and they just ignored us and even at the time that Ceaușescu was bulldozing churches and synagogues and one Seventh Day Adventist Church with people in it, he was aiding and abetting the training terrorists through the Carpathian Mountains, and other places like that, yet the Reagan administration continued to grant him MFN because some people in the State Department had become so locked in.

Fortunately, the gentleman from New Jersey, Congressman SMITH, and the gentleman from Ohio, TONY HALL, and others in Congress were successful in taking away MFN. We looked and saw what Ceaușescu really did. He was a torturing barbaric man whose actions resulted in pain and suffering in the orphanages, and now the Romanian countryside has just almost been destroyed because of his leadership.

It took a long while for some of the people in the State Department to change with regard to MFN because the day that we offered the amendment here they were outside lobbying to defeat our amendment to take away MFN.

I know the State Department does not like to take advice from anybody in Congress.

☐ 1040

That is not indicative just of Republican administrations, but also Democratic administrations.

We now believe that the situation in Yugosloavia is so serious it needs the spirit of reconciliation, it needs both sides to come together almost in a scriptural sense of reconciliation. But it also requires I believe the President of the United States to speak out and put the United States foursquare on record, not taking sides between Serbia and Croatia, but asking that there be an immediate cease-fire, and the fighting to stop. Then also saying there will be isolation for whoever violates that cease-fire. There will be economic and there will be political sanctions, perhaps even taking away their MFN status. Also, that the Yugoslav Army return to the barracks and not use MIG's against innocent people. Lastly, that both sides sit down in the spirit of reconciliation to work out their differences, under the EC, and as the gentleman from New Jersey [Mr. SMITH] said, with the United Nations.

Every day there are people dying. These are husbands, these are wives, these are sons, these are daughters, and these are children. This is happening in villages today in Europe, villages that look like the countryside in Austria or Switzerland. It is modern times and if we cannot intercede and be successful here, then we must fear that this type of activity can scatter throughout other parts of Yugoslavia and other parts of Eastern Europe or in the Soviet Union.

I just hope that those in the administraton will focus on this and ask, and urge, and recommend to the President that he speak out. If it does not work, we really have not lost anything. It is a question of doing the right thing, and my sense is if it happens there may be a reasonable chance that the killing will be stopped.

Madam Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MICHEL) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. MCMILLEN of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANTHONY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 60 minutes each day, on September 24, 26, October 1, and 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MICHEL) and to include extraneous matter:)

Mr. PURSELL.

Mr. MICHEL.

Mr. MILLER of Washington.

Mr. ROBERTS.

Mr. GINGRICH.

(The following Member (at the request of Mr. MCMILLEN of Maryland) and to include extraneous matter:)

Mr. SKELTON.

ADJOURNMENT

Mr. WOLF. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes a.m.), under its previous order, the House adjourned until Monday, September 23, 1991, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the U.S. dollars utilized by them during the first and second quarters of 1991, as well as an amendment to the consolidated report of second quarter 1991 expenditures for official foreign travel authorized by the Speaker of the House, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID W. ROTH, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 25 AND APR. 29, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David W. Roth	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		50.43						50.43
Committee total					333.43						333.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID W. ROTH, July 29, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza	2/25	2/26	Mexico		152.00						152.00
Commercial transportation							348.00				348.00
Committee total					152.00		348.00				500.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 29, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Norm Dicks	5/30	6/3	France		747.00						747.00
Hon. Joseph McDade	6/14	6/18	France		928.00				544.00		1,472.00
Commercial air transportation							5,653.80				5,653.80
Hon. John Porter	3/31	4/6	South Africa								
Military air transportation							16,716.52				16,716.52
Robert B. Foster	4/3	4/6	Mexico		438.00						438.00
Commercial air transportation							1,103.00				1,103.00
Kevin Roper	6/14	6/18	France		928.00				544.00		1,472.00
Commercial air transportation							5,653.80				5,653.80
Juliet Pacquing	3/24	3/28	Germany		535.00						535.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	3/28	4/1	Italy		704.00						704.00
	4/1	4/2	Netherlands		175.00						175.00
	4/2	4/6	Great Britain		704.00						704.00
Commercial air transportation							3,664.00				3,664.00
Committee total					5,159.00		32,791.12		1,088.00		39,038.12
Surveys and investigations staff:											
Norman J. Carley	6/22	6/28	Germany		788.00		3,047.96		107.58		3,943.54
Daniel J. Doherty	6/28	6/30	Puerto Rico		404.91		724.20		5.00		1,134.11
Norman H. Gardner	6/22	6/28	Germany		788.00		3,047.96		69.00		3,904.96
Ludovico R. Giordano	6/28	6/30	Puerto Rico		375.75		691.27				1,067.02
Robert J. Reitwiesner	6/22	6/28	Germany		788.00		3,047.96		38.25		3,874.21
Thomas L. Van Derslice	6/22	6/28	Germany		788.00		3,047.96		55.00		3,890.96
Total					3,932.66		13,607.31		274.83		17,814.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE WHITTEN, Chairman, Aug. 2, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to the Philippines, Thailand, Australia, New Zealand, French Polynesia, and Chile, Mar. 26 to Apr. 7, 1991:											
Hon. William L. Dickinson	3/25	3/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
	4/4	4/6	French Polynesia		550.00						550.00
	4/6	4/7	Chile		170.00						170.00
Hon. Floyd Spence	3/25	3/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
	4/4	4/6	French Polynesia		550.00						550.00
	4/6	4/7	Chile		170.00						170.00
Hon. Solomon P. Ortiz	3/25	3/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
Commercial transportation							3,484.00				3,484.00
Peter M. Steffes	3/25	3/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
	4/4	4/6	French Polynesia		550.00						550.00
	4/6	4/7	Chile		170.00						170.00
Andrew K. Ellis	3/25	3/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
	4/4	4/6	French Polynesia		550.00						550.00
	4/6	4/7	Chile		170.00						170.00
Alice C. Maroni	3/25	2/26	Philippines		85.00						85.00
	3/26	3/29	Thailand		528.00						528.00
	3/29	4/2	Australia		987.00						987.00
	4/2	4/4	New Zealand		444.00						444.00
	4/4	4/6	French Polynesia		550.00						550.00
	4/6	4/7	Chile		170.00						170.00
Visit to Germany, Italy, and Crete, Mar. 27 to Apr. 3, 1991:											
Hon. Martin Lancaster	3/27	3/28	Germany		56.00						56.00
	3/28	4/2	Italy		1,189.00						1,189.00
	4/2	4/3	Crete		129.00						129.00
Commercial transportation							4,377.20				4,377.20
Hon. Owen B. Pickett	3/27	3/28	Germany		56.00						56.00
	3/28	4/2	Italy		1,189.00						1,189.00
	4/2	4/3	Crete		129.00						129.00
Commercial transportation							4,377.20				4,377.20
Williston B. Cofer, Jr	3/27	3/28	Germany		56.00						56.00
	3/28	4/2	Italy		1,189.00						1,189.00
	4/2	4/3	Crete		129.00						129.00
Commercial transportation							4,377.20				4,377.20
Stephen O. Rosestti	3/27	3/28	Germany		56.00						56.00
	3/28	4/2	Italy		1,189.00						1,189.00
	4/2	4/3	Crete		129.00						129.00
Commercial transportation							4,377.20				4,377.20
Visit to Egypt, Bahrain, Israel, Jordan, Syria, and Turkey, Mar. 29 to Apr. 7, 1991:											
Hon. Les Aspin	3/29	3/31	Egypt		306.00						306.00
	3/21	4/1	Bahrain		133.00						133.00
	4/1	4/4	Israel		563.00						563.00
	4/4	4/5	Jordan		193.00						193.00
	4/5	4/6	Syria		202.00						202.00
	3/6	4/7	Turkey		91.00						91.00
Clark A. Murdock	3/29	3/31	Egypt		306.00						306.00
	3/21	4/1	Bahrain		133.00						133.00
	4/1	4/4	Israel		563.00						563.00
	4/4	4/5	Jordan		193.00						193.00
	4/5	4/6	Syria		202.00						202.00
	4/6	4/7	Turkey		91.00						91.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Lynn L. Reddy	3/29	3/31	Egypt		306.00						306.00
	3/21	4/1	Bahrain		133.00						133.00
	4/1	4/4	Israel		563.00						563.00
	4/4	4/5	Jordan		193.00						193.00
	4/5	4/6	Syria		202.00						202.00
	4/6	4/7	Turkey		155.00						155.00
Judith A. Berman	3/29	3/31	Egypt		306.00						306.00
	3/21	4/1	Bahrain		133.00						133.00
	4/1	4/4	Israel		563.00						563.00
	4/4	4/5	Jordan		193.00						193.00
	4/5	4/6	Syria		202.00						202.00
	4/6	4/7	Turkey		155.00						155.00
Delegation expenses	4/4	4/5	Jordan				449.00		265.25		714.25
Visit to Saudia Arabia, Kuwait, Turkey, and Germany Apr. 25–29, 1991:											
Hon. Nicholas Mavroules	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		22.00						22.00
Hon. Frank McCloskey	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		22.00						22.00
Hon. Larry J. Hopkins	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		63.56						63.56
Hon. Norman Sisisky	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		63.56						63.56
Warren L. Nelson	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		22.00						22.00
Archie D. Barrett	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		52.56						52.56
William T. Fleshman	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		47.43						47.43
Robert Rangel	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		58.43						58.43
Cathleen D. Garman	4/25	4/27	Saudi Arabia		208.00						208.00
	4/27	4/27	Kuwait								
	4/27	4/28	Turkey		75.00						75.00
	4/28	4/29	Germany		63.56						63.56
Visit to Netherlands and Belgium May 24–27, 1991:											
Hon. Norman Sisisky	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Hon. Ronald V. Dellums	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Hon. Floyd Spence	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Hon. Richard Ray	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Hon. Herbert H. Bateman	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Hon. James H. Bilbray	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Ronald J. Bartek	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Georgia C. Osterman	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Seileen M. Mullen	5/24	5/26	Netherlands		402.00						402.00
	5/26	5/27	Belgium		225.00						225.00
Visit to Germany, June 10–15, 1991:											
Cathleen D. Garman	6/10	6/15	Germany		467.20						467.20
Commercial transportation							3,085.00				3,085.00
Committee total					36,512,30		24,526.80		265.25		61,304.35

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joan Kois Woodward	4/6	4/8	Japan		550.00		2,060.00				2,610.00
Committee total					550.00		2,060.00				2,610.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEON E. PANETTA, Chairman, July 29, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cass Ballenger	4/2	4/3	Guatemala	591.18	118.00						118.00
	4/3	4/5	El Salvador	1,228.92	154.00		95.83				249.83
	4/5	4/7	Nicaragua		332.00						332.00
Diane Stark	4/10	4/13	Germany	2,017.30	1,204.00		908.20				2,112.20
Committee total					1,808.00		1,004.03				2,812.03

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 29, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Tim Westmoreland	6/14	6/24	Italy		1,988.00						1,988.00
Commercial air fare							751.00				751.00
Conference fee									457.00		457.00
John M. Clough	4/23	4/28	Spain		1,405.00						1,405.00
Commercial air fare							1,612.00				1,612.00
Richard Frandsen	4/23	4/28	Spain		1,405.00						1,405.00
Commercial air fare							1,612.00				1,612.00
Cardiss Collins M.C	4/1	4/7	Mexico		760.00						760.00
Commercial air fare							1,161.00				1,161.00
David Schooler	4/1	4/7	Mexico		760.00						760.00
Commercial air fare							1,161.00				1,161.00
Douglas Bennett	4/2	4/5	Mexico		608.00						608.00
Commercial air fare							1,161.00				1,161.00
David Finnegan	6/23	6/29	Switzerland		1,356.00						1,356.00
Commercial air fare							3,268.00				3,268.00
Jessica Laverty	6/20	6/23	Switzerland		678.00						678.00
Commercial air fare							764.00				764.00
Charles Ingebretson	6/23	6/29	Switzerland		1,356.00						1,356.00
Commercial air fare							3,268.00				3,268.00
Bruce Chafin	5/14	5/15	Germany		560.00						560.00
	5/15	5/17	France		498.00						498.00
Commercial air fare							3,196.90				3,196.90
Dennis B. Wilson	5/14	5/15	Germany		560.00						560.00
	5/15	5/17	France		498.00						498.00
Commercial air fare							3,196.90				3,196.90
Committee total					12,432.00		21,151.80		457.00		34,040.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman, Aug. 15, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
P. Abbruzzese	5/1	5/3	Italy		658.99						658.99
Commercial transportation							3,505.00				3,505.00
	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
Hon. G., Ackerman	5/29	6/1	Israel		816.00						816.00
Commercial transportation							5,589.00				5,589.00
J.J. Brady	5/24	5/27	Netherlands		804.00						804.000
Military transportation											
M.J. Camp	3/31	4/10	South Africa		2,068.95						2,068.95
	4/10	4/13	Botswana		336.00				85.00		421.00
	4/13	4/14	South Africa						134.83		134.83
	4/14	4/16	Zimbabwe	346.00							346.00
	4/16	4/17	South Africa								
	4/17	4/20	Ivory Coast		600.00						600.00
Commercial transportation							9,234.00				9,234.000
Total					6,433.94		18,328.00		329.84		24,981.77
M.J. Camp	6/20	6/23	Portugal		810.00						810.00
Commercial transportation							5,575.70				5,575.70
N. Carman	3/31	4/7	Switzerland		1,659.00						1,659.00
Commercial transportation							5,338.00				5,338.00
E. Daoust	4/24	4/26	Mexico		400.00						400.00
Commercial transportation							2,092.00				2,092.00
Hon. M. Dymally	3/23	3/23	Belgium		100.54						100.54
	3/24	3/25	Benin		200.00						200.00
	3/25	3/26	Congo		200.00						200.00
	3/26	3/28	Zaire		620.00						620.00
	3/28	3/29	Angola		403.00		525.00				928.00
	3/29	3/30	Zimbabwe				296.71		136.73		433.44
	3/30	3/31	South Africa		121.00						121.00
	4/4	4/5	South Africa						223.54		223.54
Total					4,513.54		13,827.41		360.27		18,701.22
	4/5	4/6	Portugal						361.00		361.00
Commercial transportation							8,271.73				8,271.73

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/18	4/20	Ivory Coast		400.00						400.00
Commercial transportation							4,910.80				4,910.80
	5/2	5/5	Tunisia		399.00						399.00
	5/5	5/6	France		244.10						244.10
Commercial transportation							5,801.78				5,801.78
Hon. D.B. Fascell	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
R. Frost	4/3	4/5	El Salvador		[3] 194.46		130.86				325.32
	4/5	4/7	Nicaragua		261.78						261.78
Commercial transportation							1,462.00				1,462.00
Total					2,303.34		20,577.17		361.00		23,241.51
R. (Mickey) Harmon	6/9	6/12	Kenya		750.00						750.00
	6/12	6/16	Malawi		230.00						230.00
Commercial transportation							6,419.00				6,419.00
A. Hoffman	3/23	3/23	Belgium								
	3/24	3/25	Benin		200.00						200.00
	3/25	3/26	Congo		269.00						269.00
	3/26	3/29	Zaire		620.00						620.00
	3/28	3/28	Angola								
	3/29	4/5	South Africa		999.00						999.00
	4/5	4/6	Portugal								
Commercial transportation							7,842.00				7,842.00
	5/2	5/5	Tunisia		399.00						399.00
	5/5	5/6	France								
Commercial transportation							5,992.80				5,992.80
Total					3,467.00		20,253.80				23,720.80
V. Johnson	4/3	4/5	El Salvador		[3] 166.29		130.86				297.15
	4/5	4/7	Nicaragua		[3] 319.00						319.00
Commercial transportation							1,462.00				1,462.00
G. Kapen	6/3	6/9	Zaire		1,500.00						1,500.00
Commercial transportation							5,416.20				5,416.20
S. Livingston	4/24	4/26	Mexico		400.00						400.00
Commercial transportation							1,997.70				1,997.70
Hon. J. Meyers	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
Hon. W. Orton	5/5	5/7	Mexico		358.00						358.00
Commercial transportation							544.67				544.67
	6/20	6/22	Poland		370.00						370.00
	6/23	6/25	Soviet Union		574.00		160.00		35.00		769.00
Commercial transportation							1,832.96				1,832.96
Total					4,491.29		11,544.39		35.00		16,070.68
Hon. W. Owens	5/18	5/20	Israel		258.01						258.01
Commercial transportation							5,909.00				5,909.00
B. Paolo	3/31	4/10	South Africa		2,068.95						2,068.95
	4/10	4/13	Botswana		336.00				40.00		376.00
	4/13	4/14	South Africa								
	4/14	4/16	Zimbabwe		346.00						346.00
	4/16	4/17	South Africa								
	4/17	4/20	Ivory Coast		600.00						600.00
Commercial transportation							9,234.00				9,234.00
	6/4	6/8	Zaire		1,500.00						1,500.00
Commercial transportation							5,416.20				5,416.20
A. Roberts	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
W. Roberts	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
Total					6,716.96		20,559.20		40.00		27,316.16
R. Scheunemann,	4/1	4/9	Mexico		1,304.00		202.96				1,506.96
Commercial transportation							1,304.00				1,304.00
D. Schlieker,	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
Hon. S. Solarz,	4/11	4/12	United Kingdom		224.00						224.00
Commercial transportation							4,577.40				4,577.40
	5/31	6/3	United Kingdom		270.00						270.00
Commercial transportation							2,536.00				2,536.00
G. Strand,	6/9	6/12	Kenya		750.00						750.00
	6/12	6/16	Malawi		230.01						230.01
Commercial transportation							6,405.00				6,405.00
Hon. R. Torricelli,	4/3	4/5	El Salvador		254.00		130.86				384.86
	4/5	4/7	Nicaragua		432.00						432.00
Commercial transportation							1,395.00				1,395.00
Total					4,268.01		16,551.22				20,819.23
M. Van Dusen,	5/29	6/3	United Kingdom		783.00						783.00
Commercial transportation							4,650.00				4,650.00
J. Weber,	5/24	5/27	Netherlands		804.00						804.00
Military transportation											
P. Weir,	4/3	4/5	El Salvador		[3] 164.94		130.86				295.80
			Nicaragua		[3] 279.00						279.00
Commercial transportation							1,462.00				1,462.00
Hon. H. Wolpe,	3/31	4/4	South Africa								
Commercial transportation							2,578.00				2,578.00
Total					2,030.94		8,820.86				10,851.80
Grand total for 2d quarter											165,703.17

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refunds of unused per diem.

DANTE B. FASCELL, Chairman, July 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Theodore J. Jacobs	3/29	4/3	Brazil	179,568	696.00		2,913.00				3,609.00
	4/3	4/9	Argentina	9,118,000	940.00						940.00
	4/9	4/14	Chile	190,240	580.00						580.00
Patsy S. Fleming	6/13	6/20	Italy	2,667,900	1,988.00		754.00				2,742.00
Committee total					4,204.00		3,667.00				7,871.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Chairman, July 31, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joan M. Bondareff	4/22	4/28	Spain	179,053	[3]1,686.00		[4]2,941.00				4,627.00
	6/18	6/24	Spain	122,174	1,075.00		[4]3,108.00				4,183.00
Charles T. Crangle	4/13	4/17	Soviet Union				[4]3,222.00				
	4/17	4/20	Finland		[5]1,500.00						4,722.00
Richard J. Daschbach	5/20	5/27	United Kingdom	605.90	1,055.50		[6]1,998.00				3,176.93
						71.17	[7]123.93				
H. Keith Lesnick	6/27	7/3	Portugal	127,170	810.00		[4]2,745.00				3,555.00
Christopher G. Mann	6/8	6/16	Jamaica		138.00		[4]573.00				711.00
James K. McCallum	6/8	6/15	United Kingdom	824.26	1,386.00		[4]3,966.00				5,352.00
Thomas O. Melius	5/26	6/2	Iceland		1,584.00		[4]1,769.00				3,353.00
Charles O. Moore	6/23	6/29	Switzerland		1,356.00		[4]3,271.30				4,627.30
Cynthia M. Wilkinson	5/14	5/24	United Kingdom	462.48	[8]792.00		[9]4,267.00				
						230.65	[7]395.00				5,454.00
Lori C. Williams	5/26	6/2	Iceland		1,584.00		[4]1,769.00				3,353.00
Committee total					12,966.00		30,148.23				43,114.23

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Traveler returned $250.00 to U.S. Treasury upon return from her trip.

[4] Commercial airfare.

[5] Cash advanced issued by Department of State.

[6] Commercial airfare paid by traveler, then reimbursed by Department of State after trip.

[7] Ground transportation.

[8] MIE rate issued to traveler.

[9] Airfare/hotel package.

WALTER B. JONES, Chairman, July 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Henry J. Nowak	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Hon. Nick Joe Rahall	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Hon. Robert A. Borski	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Hon. Ben Jones	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
James R. Miller	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Sante J. Esposito	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Errol L. Tyler	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Kenneth J. Kopocis	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Gabor J. Rozsa	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Benjamin H. Grumbles	4/26	4/27	Poland		349.00		(3)				349.00
	4/28	4/30	Hungary		348.00		(3)				348.00
Hon. James L. Oberstar	6/19	6/22	Belgium		675.00		982.10				1,657.10
David A. Heymsfeld	6/19	6/22	Belgium		675.00		982.10				1,657.10
David F. Traynham	6/19	6/23	Belgium		900.00		982.10				1,882.10
David E. Schaffer	6/19	6/23	Belgium		900.00		982.10				1,882.10
Hon. John Paul Hammerschmidt	6/20	6/23	Belgium		675.00		982.10				1,657.10
Hon. William F. Clinger	6/13	6/17	France		1,620.00		739.00				2,359.00
Caroline Gabel	6/30	7/07	France		1,743.00		715.70				2,458.70
Committee total					14,158.00		6,365.20				20,523.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

ROBERT A. ROE, Chairman, July 31, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Richardson	4/4	4/5	Africa		80.00						80.00
Hon. Doug Bereuter	4/4	4/5	Africa		80.00						80.00
Calvin R. Humphrey, staff	3/31	3/31	Europe		224.00						224.00
	4/1	4/7	Africa		1,116.00						1,116.00
Commercial air							5,872.00				5,872.00
Richard H. Giza, staff	6/23	7/5	Asia		2,673.00						2,673.00
Commercial air							2,864.00				2,864.00
Robert J. Fitch, staff	6/23	7/8	Asia		2,316.00						2,316.00
Commercial air							2,864.00				2,864.00
Committee total					6,489.00		11,600.00				18,089.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY, Chairman, July 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Samuel G. Wise		5/20	United States				3,124.00				3,124.00
	5/21	5/25	Czechoslovakia		1,040.00						1,040.00
	5/25	5/26	Austria		88.75						88.75
	5/26	5/30	Poland		566.00						566.00
	5/30	5/31	Germany		170.20						170.20
		6/15	United States				3,031.00				3,031.00
	6/16	6/22	Germany		1,315.00						1,315.00
Jane S. Fisher		5/29	United States				3,490.10				3,490.10
	5/30	6/7	Poland		1,312.00						1,312.00
	6/7	6/12	Austria		654.05				149.97		804.02
Heather F. Hurlburt		4/14	United States				1,429.20				1,429.20
	4/15	5/4	Austria		2,746.76		1,500.00				4,246.76
	5/4	5/8	Soviet Union		700.00						700.00
	5/8	5/17	Austria		1,557.00						1,557.00
		6/2	United States				1,589.10				1,589.10
	6/3	6/30	Austria		3,852.24						3,852.24
Erika B. Schlager		5/25	United States				3,104.00				3,104.00
	5/26	6/7	Poland		2,042.00						2,042.00
	6/7	6/8	United Kingdom		227.22						227.22
John J. Finerty		6/24	United States				3,391.00				3,391.00
	6/25	6/29	Soviet Union		600.00						600.00
Hon. Steny H. Hoyer	4/1	4/4	Spain		882.00		2,575.00				3,457.00
Samuel G. Wise	3/28	3/29	Ireland		225.00		610.00				835.00
	3/29	4/4	Spain		1,774.00						1,774.00
Committee total					18,752.22		24,783.40		149.97		43,685.59

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, July 3, 1991.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2097. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1991, pursuant to 2 U.S.C. 685 (H. Doc. No. 102–141); to the Committee on Appropriations and ordered to be printed.

2098. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to reauthorize subsection 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)); to the Committee on Banking, Finance and Urban Affairs.

2099. A letter from the Administrator, Agency for International Development, transmitting the Agency's report on the termination of economic assistance to Thailand, pursuant to Public Law 100–202, section 513 (101 Stat. 1329–155; 102 Stat. 2268–23; 103 Stat. 1219); to the Committee on Foreign Affairs.

2100. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination that the withholding of economic assistance from Albania would be contrary to the national interest of the United States; to the Committee on Foreign Affairs.

2101. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the fourth quarter of fiscal year 1991, pursuant to 22 U.S.C. 2877(a)(2); to the Committee on Foreign Affairs.

2102. A letter from the Secretary of the Interior, transmitting the Department's report on the study of the Illinois Trail in Illinois; to the Committee on Interior and Insular Affairs.

2103. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Hydrogen Sulfide Corrosion in Wastewater Collection and Treatment Systems"; to the Committee on Public Works and Transportation.

2104. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2105. A letter from the Director, Office of Management and Budget, transmitting the seventh report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102–25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

2106. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification to provide $500,000 in fiscal year 1991 peacekeeping operations funds to the Economic Community of West African States [ECOWAS], to be used for peacekeeping operations; jointly, to the Committees on Foreign Affairs and Appropriations.

2107. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report on the impact of potential spills in the Arctic Ocean, pursuant to Public Law 101–380, section 8302(3) (104 Stat. 573); jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

2108. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the

Annual Report on the Panama Canal Treaties, fiscal year 1990, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Foreign Affairs, the Judiciary, Merchant Marine and Fisheries, and Post Office and Civil Service.

2109. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Public Health Service Act and related laws to make changes to the Commissioned Corps of the Public Health Service, and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary, Armed Services, Merchant Marine and Fisheries, Post Office and Civil Service, and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2722. A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988; with an amendment (Rept. 102–209, Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pusuant to the order of the House on Sept. 17, 1991, the following report was filed on Sept. 18, 1991]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3039. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; with an amendment; referred to the Committee on Armed Services for a period ending not later than September 25, 1991, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c) of rule X (Rept. 102–208, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself, Mr. Archer, Mr. Pickle, and Mr. Gradison):

H.R. 3365. A bill to amend title 31, United States Code, to restrict the authority of newly established Government-related corporations to borrow from the Treasury and to require an annual evaluation of the impact of public borrowing by such corporations on the public debt; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself, Mr. Martinez, Mr. Edwards of California, Mr. Allard, Mrs. Boxer, Mr. Bustamante, Mr. Coleman of Texas, Mr. Dellums, Mr. Dymally, Mr. Foglietta, Mr. Fuster, Mr. Gonzalez, Mr. Jefferson, Mr. Lewis of Georgia, Mrs. Lowey of New York, Mr. Matsui, Mr. Mineta, Mr. Owens of New York, Ms. Pelosi, Mr. Rangel, Mr. Richardson, Mr. Savage, Mr. Schiff, Mrs. Schroeder, Mr. Serrano, Mr. Stokes, Mr. Torres, Mr. Towns, Mr. Weiss, and Mr. Wolpe):

H.R. 3366. A bill to repeal provisions of law regarding employer sanctions and unfair immigration-related employment practices, to strengthen enforcement of laws regarding illegal entry into the United States, and for other purposes; jointly, to the Committees on the Judiciary, Education and Labor, and Foreign Affairs.

By Mrs. BOXER:

H.R. 3367. A bill to require railroads to report actions taken to remedy failures to comply with railroad safety provisions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself, Mr. Miller of Washington, Mr. Dicks, Mr. McDermott, Mr. Swift, Mr. Morrison, and Mrs. Unsoeld):

H.R. 3368. A bill to allow major league baseball teams in smaller markets to compete financially with teams in larger markets; to the Committee on the Judiciary.

By Mr. TORRICELLI:

H.R. 3369. A bill to require a study on the potential for increased recycling of automobile components in the United States and the steps needed to increase such recycling; to the Committee on Energy and Commerce.

By Mr. AuCOIN (for himself, Mr. DeFazio, Mr. Kopetski, and Mr. Perkins):

H.J. Res. 329. Joint resolution expressing the sense of the Congress that the Davis-Bacon Act be fully enforced in the interest of a decent standard of living for this country's working families; to the Committee on Education and Labor.

By Mr. GINGRICH:

H.J. Res. 330. Joint resolution to designate the week beginning October 13, 1991, as "National Mentoring Week"; to the Committee on Post Office and Civil Service.

By Mr. RINALDO:

H.J. Res. 331. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of Estonia, Latvia, Lithuania, the Union of Soviet Socialist Republics, and individual republics which were formerly a part of that nation; to the Committee on Ways and Means.

By Mr. MICHEL:

H. Res. 223. Resolution electing Representative Johnson of Texas to the Committee on Science, Space and Technology; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

277. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to H.R. 1, the Civil Rights Act of 1991; jointly, to the Committees on Education and Labor and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 617: Mr. McCandless.

H.R. 765: Mr. Machtley.

H.R. 776: Mrs. Boxer.

H.R. 780: Mrs. Boxer.

H.R. 872: Mr. Lancaster, Mr. Pallone, Mr. Valentine, and Mr. Vento.

H.R. 1063: Mr. Fish and Mr. Markey.

H.R. 1222: Mr. Mazzoli.

H.R. 1562: Mr. Gillmor.

H.R. 1693: Mr. Thomas of Wyoming.

H.R. 1703: Mr. Stark, Mr. Andrews of Texas, Ms. Snowe, and Mr. McDermott.

H.R. 1916: Mr. Cox of Illinois and Mr. Peterson of Minnesota.

H.R. 2309: Mr. Bustamante, Mr. Conyers, Mr. Hertel, Mr. Martinez, and Mr. Mavroules.

H.R. 2495: Mr. Ford of Tennessee.

H.R. 2597: Mr. Rangel.

H.R. 2600: Mr. Sabo.

H.R. 2670: Mr. Faleomavaega.

H.R. 2804: Ms. DeLauro, Mr. Derrick, and Mr. Evans.

H.R. 2840: Mr. Ackerman, Mr. Jontz, Mr. Kopetski, and Mr. Moody.

H.R. 2872: Mr. Espy, Mr. Price, and Mrs. Schroeder.

H.R. 2891: Mr. Fawell, Mr. Walsh, Mr. Jefferson, Mr. DeFazio, Mr. Stallings, and Mr. Payne of Virginia.

H.R. 2898: Mr. Harris, Ms. Oakar, and Mr. Swett.

H.R. 2959: Mr. English and Mr. Hatcher.

H.R. 3026: Mr. Traficant, Mr. Gallegly, Mr. Dornan of California, Mr. Rangel, Mr. Bacchus, Mrs. Johnson of Connecticut, Mr. Payne of Virginia, and Ms. Norton.

H.R. 3078: Mr. Frost.

H.R. 3101; Mr. Berman, Mr. Yates, Mr. Towns, Mr. Rangel, Mr. Durbin, Mr. Lehman of Florida, Mr. Frank of Massachusetts, Mr. Ackerman, Mr. Jefferson, Mr. Hyde, Mrs. Morella, and Mr. Walsh.

H.R. 3160: Mr. Annunzio, Mr. Berman, Mr. Dellums, Mr. Evans, Mr. Fascell, Mr. Ford of Tennessee, Mr. Hall of Ohio, Mr. Hertel, Mr. Jontz, Mr. Kleczka, Mr. LaFalce, Mr. Lantos, Mr. Mineta, Mr. Murtha, Ms. Norton, Ms. Pelosi, Mr. Price, Mr. Rahall, Mr. Rangel, Mr. Rose, Mr. Stark, Mr. Traficant, and Mr. Visclosky.

H.R. 3176: Mr. Penny, Mr. Rangel, and Mr. Hughes.

H.R. 3221: Mr. Ford of Tennessee, Mr. Sundquist, Mr. Goss, Mr. Barnard, Mr. Gordon, Mr. Walsh, Mr. Tanner, Mr. Porter, and Mr. Vander Jagt.

H.J. Res. 46: Mr. Doolittle.

H.J. Res. 81: Mr. Sundquist and Mr. Erdreich.

H.J. Res. 123: Mr. Staggers, Mr. Gallegly, Mr. Conyers, Mr. Hyde, Mr. Hansen, Mr. Hertel, Mr. Bliley, Mr. Dornan of California, Mr. Skeen, Mr. Vander Jagt, Mr. Faleomavaega, Mr. LaRocco, Mr. Kanjorski, Mr. Barnard, Mr. Camp, Mr. McDermott, Mr. Andrews of New Jersey, Mr. Shays, and Mr. Price.

H.J. Res. 153: Mr. Shays, Mrs. Kennelly, Mr. Hobson, Mr. Price, Mr. Obey, Mr. Smith of Oregon, Mr. Edwards of Texas, Mr. Pickle, Mr. Hunter, Mr. Lightfoot, Mr. de la Garza, Mr. Mollohan, Mr. Stearns, Mr. Carr, Mr. Wheat, Mr. Inhofe, Mr. Rowland, Mr. Spence, Mr. Hall of Ohio, Mr. Bilbray, Mr. Cooper, Mr. Sangmeister, Mrs. Patterson, Mr. Moran, Mr. Gilchrest, Mr. Peterson of Florida, Mr. Hamilton, Mr. Sanders, Mr. McEwen, Mr. Neal of Massachusetts, Mr. Cunningham, Mr. Slaughter of Virginia, Ms. Molinari, Mr. Hochbrueckner, Mr. Frank of Massachusetts, Mrs. Unsoeld, Mr. Barnard, Mr. Weiss, Mr. McCollum, Mr. Jones of North Carolina, Mr. Roe, Mr. Rinaldo, Mr. Hayes of Louisiana, Mr. Roemer, Mr. Kanjorski, Mr. Zeliff, Mr. Gallo, Mr. McDade, Mr. Cox of California, Mr. Packard, Mr. Dwyer of New Jersey, Mr. Mazzoli, Mr. Anthony, Ms. Oakar, Mr. Gunderson, Mr. Studds, Mr. Orton, Mr. Duncan, Mr. Boehlert, Mr. Lehman of California, Mr. Cramer, Mr. Kleczka, Mr. Hefner, Ms.

DeLauro, Mr. Bateman, Mr. Luken, Mr. Oxley, Mr. Fawell, Mr. Staggers, Mr. Visclosky, Mr. Johnson of South Dakota, Mr. Neal of North Carolina, Mr. Taylor of North Carolina, Mr. Skaggs, Mr. Nussle, and Mr. Wolpe.

H.J. Res. 156: Mrs. Lloyd and Mr. Taylor of North Carolina.

H.J. Res. 257: Mr. Bruce, Mr. Conyers, Mr. Cooper, Ms. DeLauro, Mr. Dickinson, Mr. Dooley, Mr. Dorgan of North Dakota, Mr. Fish, Mr. Fuster, Mr. Gallegly, Mr. Hastert, Mr. Hayes of Louisiana, Mr. Henry, Mr. Hutto, Mr. Jenkins, Mr. Kanjorski, Mrs. Kennelly, Mr. Kopetski, Mr. Mazzoli, Mr. McCandless, Mr. McDade, Mr. McCollum, Mrs. Morella, Mr. Pickle, Mr. Reed, Mr. Rose, Mr. Sarpalius, Mr. Sawyer, Mr. Sharp, Mr. Skaggs, Mr. Slattery, Mr. Synar, Mrs. Unsoeld, Mr. Washington, Ms. Waters, Mr. Wheat, and Mr. Young of Alaska.

H.J. Res. 301: Mr. Ford of Tennessee and Mr. Vento.

H. Con. Res. 42: Mr. Clinger and Mr. Schaefer.

H. Con. Res. 81: Mr. Ewing.

H. Res. 64: Mr. McCandless.

H. Res. 128: Mr. Walsh, Mr. Torres, Mr. McCloskey, Mr. Poshard, Mr. Kyl, Mr. Lewis of Georgia, Mr. Tallon, Mr. Murphy, Mr. Nagle, Mr. Ravenel, Mr. Machtley, Mr. Hayes of Louisiana, Mrs. Unsoeld, Mr. Sarpalius, Mr. Skaggs, Mr. Costello, Mr. DeFazio, Mr. Coble, and Mr. Towns.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1400: Mr. Wilson.

SENATE—*Thursday, September 19, 1991*

The Senate met at 9 a.m., and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, the Reverend Fred W. Beyer, interim pastor at St. Peter United Church of Christ in Billings, MO.

PRAYER

The Reverend Fred W. Beyer, Interim Pastor, St. Peter United Church of Christ, Billings, MO, offered the following prayer:

Father God, ever anew would we be reminded that You, who are the Creator of the universe are also our Creator and Sustainer—that You who are the Ruler of the universe are also the Ruler of the nations of the world and the Ruler of our beloved United States of America. So remind us that unless You build the Nation we build in vain. Let us then be reminded that the Members of this august body are Your servants and the servants of the people they represent. May they always be aware that they are Your stewards, stewards of this Nation and its citizens. To this end, then, help them to seek the guidance of Your holy Spirit that the stewardship they render will serve You and this Nation in its entirety. Help them, today, so to think, speak, and act that they will bring honor and glory to Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein.

The Chair recognizes Senator GORE.

PEACE IN EUROPE

Mr. GORE. Mr. President, I rise this morning to offer some observations and recommendations with respect to the disturbing developments that have been taking place in Yugoslavia. In my opinion, it is intolerable that the same forces of Balkan nationalism that helped to bring on World War I should now be in a position to threaten the peace of Europe again as if nothing had changed, despite all of the travail and death of this century. If this situation is not brought under control, the worst possible example is set for all others in Eastern Europe and in the former Soviet Union who would rather do violence to their neighbors than learn to live with them.

As we all know, the European Community has been making efforts to negotiate a cease-fire, to insert observers, and then somehow to promote a solution to the armed conflict that has broken out between Serbs and Croats. The latest effort of this kind may yet take hold, tentatively, but success is very much against the odds as they now appear.

The Europeans should be commended for their effort but they have made virtually no progress whatsoever. In my opinion, if a solution is to be found, the Europeans must decide to get a lot tougher, fast. In fact, they have already kept the velvet glove on longer than they should. Nevertheless, it is still not too late for the Europeans to make a difference in spite of the worsening situation. Finally, I believe that our own Government should not continue to treat what is going on as a purely European matter in which the United States has only weak responsibilities and little influence.

The Croatian authorities have contributed to their own predicament, mainly by disregarding the concerns of the large minority of Serbs living within their borders. Nevertheless, the burden of responsibility rests clearly with hard-line nationalist leaders of the Republic of Serbia and with Serbian hardliners in the Yugoslav military. I do not believe the Serbian people want war. I believe that the leaders of the Serbian republican government, mostly Communist retreads, are the ones who are responsible for this turn of events primarily.

If the current cease-fire fails, it would be wrong, indeed disastrous, to conclude that all is lost. There are still major cards to be played.

The nations of Western Europe, joined by the United States, should present a ultimatum to Serbia with a date certain. If by that date the Yugoslav Army, dominated by Serbian officers has not withdrawn to its barracks and the Yugoslav navy has not lifted its announced blockade of Croatian ports on the Adriatic, then we should take the following actions: Diplomatic relations should then be severed with the government in Belgrade; Slovenian and Croatian independence should be formally recognized; recognition of the Yugoslav Government should be withdrawn; Yugoslav assets abroad should be frozen; all supplies of jet fuel, military equipment, and spare parts to Yugoslavia should be permanently ended; the option of making substantial levels of antiair and antiarmour equipment available to Slovenia and Croatia should be actively pursued; and finally, grants in aid should be made available to Slovenia and Croatia by the West. In view of the time that has already elapsed, the period allowed for reflection on the part of Serbian leaders should be quite short.

Assuming that this finally gets respectful attention from Serbian republican authorities and from the leadership of the Federal Yugoslav Army, the EC—if it wants to do this job right—should make clear its intention to introduce substantial numbers of EC observers in the regions of Croatia that are presently the scene of hostilities, backed by a European contingent of elite shock forces lent by NATO governments but under the nominal authority of the Western European Union.

Looking toward a resolution of this conflict, it is essential that political arrangements guaranteeing the rights of Croatia's Serbian minority be worked out and that any resistance in the Croatian Government to the issuance of these guarantees, or to their good faith execution, be dealt with firmly by those upon whom the Croats depend for relief. In view of the lack of any external enemies to the territory of Yugoslavia, arrangements ought to be made for the demobilization of Federal Yugoslav military forces and republican armed forces should be allowed to take their place for border security. The republics should be encouraged then to enter common economic arrangements or not, as they deem fit,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

under conditions to be negotiated. The continuance of a Yugoslav entity in some form will then be up to the republics.

What should be the role of the United States in all of this?

At any time prior to the collapse of the Warsaw Pact, and the disappearance of the threat of Soviet communism, what is now taking place in Yugoslavia would have been a major security concern in Washington. For all the years of the cold war, Yugoslavia represented a barrier to Soviet naval access to the Adriatic and also a land barrier, together with Romania, against direct Soviet or Warsaw Pact pressure against Greece and Italy. That is why the United States persistently supported Yugoslav neutrality and the internal cohesion of the Yugoslav polity. It was this view, left over from the cold war, of American interests in the region that motivated Secretary of State Baker to support Yugoslav integrity against Slovene and Croat separatism when he visited Belgrade—a move that was a mistake, and which he has more or less retraced subsequently.

Our present reaction appears to be to leave this matter to the Europeans and not to treat it as involving U.S. security in any primary fashion.

The altered geopolitical facts of life in Eastern Europe make this a rational but very shortsighted position. We are confronted by the potential for civil war in Yugoslavia on a really dreadful scale. At that level, we have an interest because of fundamental concerns about the manner in which ethnic problems throughout the entire region are going to be resolved.

It should be possible for the United States to allow the Europeans to be in the lead, but to try to brace them to take a stiffer approach. The Europeans have not thus far shown a willingness or an inclination to offer the kind of bold leadership that is necessary if this matter is to be resolved. Perhaps some of the important participants in the European Community fear that they have some kind of political skeletons in their own closet, whether it is a Corsica for the French, Northern Ireland for the British, or whatever.

I do not know if that is the reason for the timidity on the part of important European players in their decision not to play a more forceful role in resolving this tragedy unfolding in Yugoslavia.

But I do know this: The United States of America is the only nation in the world now in a position to offer the leadership for the world. And with the dramatic change of circumstances in Eastern Europe and the former Soviet Union, one of the principal challenges we face right now is helping to decide how the disputes that have been papered over for the generations, since the falling of the Iron Curtain, and in some cases, papered over since the breakup of the Ottoman Empire and the onset of World War I, how those long festering tensions and conflicts that have been put on hold for 50 to 75 years are going to be resolved. Since so many of them are based on deep ethnic hatreds left over from centuries ago, one option is that they will be resolved by an orgy of violence that will take that part of the world spiraling downward toward chaos.

We should be standing for the principles of self-determination and democracy. Nations that govern themselves according to principles founded here in the United States of America—nations that respect individual rights, democracy, freedom of expression, and self-determination—are nations that do not invade their neighbors and persist in a constant state of warfare and violence. We should not be willing to assert those principles. And in Yugoslavia, we should be willing to do it there, too.

It is simply not in our interest to see the peace of Europe mortgaged once again to ethnic fears, hates, and ambitions in the Baltics. It is also not in our interest to see the European Community fail in this endeavor for want of cohesion and political courage. This is a major test of the ability of our friends in Europe to stand on their own and to protect their own security as we draw down our military presence in Europe. The Europeans are wavering, and we are hoping to sit this out. We cannot afford the cost of a failure of will.

It is time to get serious about using the very real leverage we have at our disposal and the new circumstances in which we find ourselves.

EVENTS IN IRAQ

Mr. GORE. Mr. President, I believe that every Member of this body supports the President's decision to make it clear that the United Nations' cease-fire terms will be upheld, and Saddam Hussein will have to comply with those terms.

I support the President's decision to underscore his resolve by sending forces to the area in a symbolic ultimatum which makes it crystal clear to Saddam Hussein that time is running out, and he has to comply with the conditions of the cease-fire.

Mr. President, I think, however, we have to go one step farther and change our formal policy, which has been implicit since the end of the war, to support the continued power of Saddam Hussein's regime in Baghdad. I think it was a mistake for the President to reject the advice of General Schwarzkopf and to take instead the advice of Saudi Arabia and other friends in the region who felt that the Baathist regime of Saddam Hussein offers the best chance to maintain stability in Iraq and prevent it from flying apart.

In the long run, stability there will come when the peoples of Iraq have the ability to express themselves freely, and when the Kurds are not subject to repression; when the Shiites in the south are not subject to repression, and when the Baathist regime of Saddam Hussein is no longer in power.

We should have that as our policy objective and we should bend all of our other policy options toward the achievement of that goal. Why, for example, have we not started war crime proceedings to document the case against Saddam Hussein and his lieutenants? Why are we giving the back of our hand, figuratively, to the groups within Iraq who stand for democracy and self-representation?

Some of them will be in Washington next week. I hope the President will be willing to meet with them. I think we ought to have the courage of our convictions there as well, and be willing to stand for a change in the regime inside Iraq.

For the record, Mr. President, I will outline a number of other steps which I believe we could take and should take in pursuit of this goal. Nobody is talking about another land infusion of troops there. That is not a prospect and would not be desirable. But there are many steps short of that which we can take that can be successful in removing the regime of Saddam Hussein from power.

In other words, I support the President's moves to force Saddam Hussein to comply with the terms of the cease-fire, but I disagree with the President's policy at a more fundamental level—namely, his persistent view of Saddam Hussein as an acceptable part of the landscape, if and when we finally get him cut down to size. In my opinion, the only way we can hope for long term relief from Saddam Hussein is if Saddam Hussein ceases to hold power, and if his Baathist regime is dismantled as well. Realizing that the burden of proof rests with those who say that Hussein can be toppled and his regime toppled as well, I want to propose how that might be done.

In general, the formula for deposing Saddam Hussein involves the following elements: blocking his access to international support; building the stock and resources of his opponents; and cutting off his access to any resources he needs to rebuild his military machine.

Under the first heading—blocking Saddam's access to international support—I have to ask again why we haven't long ago begun to document Iraqi war crimes against Kuwait. Even though we may never get Saddam Hussein or his lieutenants into the dock to face war crimes charges, the historical record should be filled in rather than allowed to fade. A full-scale effort should be made to spread the truth inside Iraq and throughout the Arab world, using both overt and covert methods to make sure that the message gets through.

It seems to me that we also need to isolate Saddam Hussein proactively, by improving our relations as rapidly as conditions permit, with Iran. Meanwhile, the central U.S. role in Middle East peace talks has the same effect. The peace process—from which Iraq is completely excluded—destroys Saddam Hussein's usefulness to the Palestinian community: he may be a hero or a symbol of defiance, but increasingly he must be seen as incapable of producing meaningful results.

Under the second heading—building the stock of Saddam Hussein's opponents—we should be using every resource at our command to weaken Saddam Hussein's image at home and to destroy the illusions his propaganda machine labors to create. Surely that is something our intelligence services know how to do? At the same time, we should be making contact with opposition forces—most of them in exile—and getting to know these people: learning from and about them; helping them improve their organization; urging them to develop a more unified outlook than may be the case presently; deciding who is serious and who not.

Under the third heading—cutting off Saddam Hussein from access to resources needed to rebuild his military power—we have to make sure that the economic tourniquet stays on tight. In general, the United Nations has it about right: sales of oil for humanitarian purchases, with neither the money nor the goods passing through the hands of the Iraq Government. It is a tragedy that the people of Iraq will have to suffer the consequences of economic stagnation, but the message has to be that Saddam Hussein is not only powerless to end their misery, but is its cause.

It seems to me, however, that there are some other steps we should take that are aimed at Saddam's access to knowledge and technology. In general, the world does not need the contributions of Iraqi space science or of Iraqi work in nuclear physics—practical or applied. The United States should work to completely block future Iraqi activity of any kind in these areas, to the extent they are dependent upon equipment, services, or training—including university training—available from any country with advanced capabilities. There is no way to think about certain branches of science and engineering in Iraq except as tap roots for programs aimed at programs of mass destruction. I also believe that we need to encourage a continuous flow of information from within Iraq concerning government actions, by offering both protection and rewards to anyone who comes forward with useful and verifiable information.

Finally, we have to get much tougher about exposing the network of foreign suppliers used by Saddam Hussein to acquire his nuclear, chemical and biological facilities in the first place. If this means deeply embarrassing certain friendly governments, so be it. Otherwise, nothing will change. For example, I would like to draw attention to the Swiss, who have basically been given a free ride on the security we have provided in Europe for the last 50 years. Their country has become a shameless haven for arms dealers and arms proliferators. The Swiss Government values the security and tranquility of its own people, but one could assess their contribution to the security and safety of other people around the world as substantially negative. Switzerland is rich and irresponsible. It is time for them to live up to their image of clean rectitude, or for someone to remake that image so as to reflect the truth. Others may feel pinched by that same shoe. So be it. And so will it be.

Mr. President, we can no more look forward to a constructive long-term relationship with Saddam Hussein than we could hope to housebreak a cobra. But it is not just enough to say that there will not be normal United States relations with Iraq while he is in power. It is time to get down to cases. Sooner or later, he will go. Sooner is better. And with him, the entire Baathist system of rule by terror has to go as well, or we may simply exchange one brutal character of the next.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator GORTON.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1727 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SAFE AND AFFORDABLE ABORTIONS FOR THE MILITARY

Mr. LAUTENBERG. Mr. President, I rise this morning to discuss an amendment I will be offering today in the Defense Appropriations Subcommittee as we markup the fiscal year 1992 DOD appropriations bill. It will reverse current Department of Defense policy and allow servicewomen and military dependents access to safe and affordable abortion services in overseas military medical facilities.

Once again, Congress has to take action to prevent the further erosion of the constitutional rights of American women. Just last week, the Senate approved the Labor-HHS appropriations bill and overturned the gag rule, which would prohibit doctors from even discussing legal medical options and patients in title X family planning clinics. Now, the Congress should take action to overturn a 1988 Reagan administration directive prohibiting American servicewomen and military dependents access to privately financed abortions in overseas military medical facilities.

Mr. President, like the gag rule, this directive came from nowhere and is an affront to every affected service person or dependent. From 1982 to 1988, servicewomen and military dependents could receive safe, privately funded abortion services in overseas military medical facilities. Then in June of 1988, the Assistant Secretary of Health Affairs at the Department of Defense arbitrarily overturned existing policy without any direction from Congress or warning to the public.

He did this conceding that providing privately financed abortions in overseas military medical facilities does not violate the legal prohibition against using Federal funds for abortions. The Reagan administration decided to ban such abortions anyway.

Mr. President, the issue here is whether or not a servicewoman or dependent who is stationed overseas leaves her constitutional rights at the U.S. border. In countries like the Philippines, Panama, and Saudi Arabia, abortion is not permitted. A servicewoman who seeks to terminate a pregnancy in those countries must either try to obtain an unsafe, back-alley abortion or travel all the way back to the United States or some other country.

Mr. President, the U.S. military initially built U.S. medical facilities on our bases overseas because our service members are often stationed in countries where safe health care is not available. Since 1988, however, if a servicewoman wants to terminate an unintended pregnancy while stationed overseas, she does not have access to safe medical care. She has access only to the back-alley process. And the result is severe medical complications. Not only does this Department of Defense policy rob women of their rights it forces them into life-threatening situations.

Mr. President, I hope the Appropriations Committee will overturn this DOD directive and return overseas abortion policy to the way it was before the Reagan administration changed it in 1988. We should not treat our dedicated servicewomen as second-class citizens when they serve our country overseas.

Mr. President, it is expected that the distinguished Senator from Colorado [Mr. WIRTH] who has worked long and hard on this issue, is also going to be making a statement. I commend him at this time for his hard work and diligence on behalf of the rights of individuals, as presented under law right now. Senator WIRTH has tried valiantly to make sure that this incorrect policy is overturned, and I hope we will hear from him this morning. But I know we have his full support.

I yield the floor.

Mr. WIRTH. Mr. President, I rise today to revisit an issue that the Senate has considered before—but has yet to resolve.

Our women in uniform volunteered to serve their country, not to give up their constitutional rights. Yet policies within the Department of Defense prevent them from having access to all the rights other American women deserve and can exercise.

During consideration of the Department of Defense appropriations bill, the Senate will again have the opportunity to enable service members and their dependents stationed overseas to be able to use military medical facilities for the full range of reproductive health services permitted under U.S. law allowed to women anyplace else in U.S. society. Any service that cannot be funded by appropriated Federal funds will be paid for by the individual.

I would like to remind my colleagues that this past spring, across the Nation, we witnessed a powerful display of emotion and support for the accomplishments of our voluntary forces in the Persian Gulf. Flags were waved, ribbons were hung and we sang praises to the accomplishments of our troops. In the next breath, however, we turn around and tell our service members overseas that they deserve a lower quality of health care than what they could have at home. These people risk their lives to protect our country—I do not believe they must risk their lives because we will not provide them access to safe health care.

If we do not include this amendment in the bill, we will only be hurting more Americans. I do not believe that is our mission.

This provision is not complex. It does not provide for the public funding of abortions. It does not remotely address whether a woman should have the right to choose to have an abortion. It does not allow for postviability abortions. It does not force military medical personnel to be involved in providing abortion related services if that is contrary to their religious or moral beliefs. And finally, it does not preclude parents from being involved in these important decisions that their children may face. It is only about equality.

On other occasions I have shared with my colleagues letters from a military family and from an overseas military doctor describing the trying problems faced by those in the military. In those letters, we learned the impact the arbitrary 1988 DOD directive has had on women's lives.

Dr. Jeffrey Jensen reported to me that:

> It is appalling to me that the President of the United States, Commander in Chief of the military sees it fit to send active duty women overseas, and then neglect a major issue of health care concern. The overwhelming sexism in this policy is especially ugly. On any given night, one can observe scores of young men taking "liberty" in Olongapo City. The service gives implied consent to this by treatment of repeat offenders for sexually transmitted diseases, and ignoring the shameful problem of children fathered in these relationships and later abandoned. It is assumed "boys will be boys" or that such activity is necessary after a long deployment. * * * The active duty female probably acts irresponsibly far less often, but receives no support from the system when unintended (undesired) pregnancy results.

This, Mr. President, is one of a multitude of reasons that I hope my colleagues will carefully look at this situation once more—remove some of the emotion of the issue, and act to rationally solve this injustice.

We should not allow one arbitrary directive to stay in place—not when it has the overwhelming impact on the members of our military that this one does.

The DOD directive of 1988, Mr. President, is one that we have addressed on this floor before. There is a very significant majority of the Members of the U.S. Senate, more than 60 sitting Members of the Senate today, who have voted in the past to overturn this directive to allow women in the military the same access to health care services as women elsewhere in this society are allowed to have.

We are going to address this issue again. There will be those who say this should not be done on an important a bill as an appropriation bill, just as there are those on the foreign affairs bill who say the Mexico City doctrine should not be addressed on a piece of legislation that important.

This issue has been shoved to the back of the bus, shoved to the back of the room, shoved to the bottom of the page over and over and over again. It seems to me that we have an obligation not to do that any more but to raise it to the top.

So again, when the military appropriations bill comes up, I—and Senator LAUTENBERG, the distinguished Senator from New Jersey, has indicated his intent to do so—will continue, Mr. President, to try to provide equality of opportunity to women. It is absolutely imperative to bring this to the front of the bus, to bring this to the top of the page and stop this rampant discrimination.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SADDAM HUSSEIN

Mr. LIEBERMAN. Mr. President, the clock is ticking once again for Saddam Hussein, and this time, we can all hope there will be no resurrection from the application of U.S. military force.

In August, Senator DOLE and I offered a resolution that endorsed the use of force against Saddam in order to contain his nuclear capability. While the resolution passed overwhelmingly, I knew there were some who wondered why it was necessary to revisit this issue.

When the issue is Saddam Hussein, revisits will apply until he is gone from power in Iraq. I have long believed that lasting peace and security in the gulf cannot be achieved as long as Saddam is in power. Evidence piles upon evidence of his duplicity and his continuing quest for superpower status. He risks everything—even a renewed attack upon his country—to preserve what he can of his weapons of mass destruction. Why? I presume so that in a few years he can once again launch devastating attacks upon his neighbors.

Perhaps Saddam Hussein has been feeling lately that the attention of the world is elsewhere. The headlines of the global press may have led him to believe he was free of the scrutiny of the community of nations. He could be his old self and thumb his nose at the cease-fire accords.

Perhaps that is what he has been feeling, but as President Bush made clear yesterday Saddam Hussein is wrong. It takes a few words from the lips of our President, or even sources in the Pentagon, and Saddam Hussein is rightly back on page one as he should be. I believe most Americans understand that Saddam Hussein remains the world's No. 1 threat, and until he is gone we literally cannot rest on the laurels of victory. We must be vigilant lest a dimming of the lights of attention allows Saddam to scurry around and create new horrors for the world to confront.

Mr. President, I support the use of military power to back up the U.N. inspection teams. The President was right to suggest that potential. Air support to secure a suspected nuclear site in Iraq may prove necessary. Potential bombing of nuclear, chemical, biological and ballistic missile and command and control sites should not be ruled out at this time.

Mr. President, United Nations' inspectors must swarm over Iraq like bees over honey and uncover every shred of weaponry that the cease-fire accords, that Iraq agreed to, seek to destroy. We must think in terms of months, even years—as long as it takes, which may mean as long as Saddam Hussein is in charge of his country. But the moment he resists, military force may be needed. Nothing gets his attention like the sight of a cruise missile or a Stealth fighter honing in on Baghdad. As I said in this Chamber on August 2, all the progress we have achieved throughout the course of these past 12 months—and it has been substantial—results from the threat or actual use of force. Unfortunately, only when Saddam Hussein is staring into the barrel of a gun that is cocked and ready to fire does he seem to think about giving in and complying with agreements that he has made.

Mr. President, we have the gun. President Bush has now wisely cocked the trigger and taken aim. And if Saddam does not blink, may our aim be true.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATS AND BCCI

Mr. DOLE. Mr. President, Johnny Carson once joked that the shortest possible measurement of time was the time that elapses between a stoplight turning green and a New York taxi driver honking his horn.

Throughout much of the past decade, however, I have believed that there is a reaction even quicker than that, and that is the time between an accusation of wrongdoing by a Republican administration official, and a demand for a special prosecutor by a congressional Democrat.

No matter how flimsy the charge, no matter if the accusation is based on nothing more than rumor mongering, many of my Democrat friends regard their demand for appointment of a special prosecutor as almost a right granted by both the Constitution and natural law, about which we have been hearing so much.

What may be a right for some is the Spanish Inquisition for others.

Special prosecutors have carte blanche to delve in to nearly every aspect of the life of the person facing investigation. As we have seen with Mr. Walsh's investigations, the proceedings can drag on for years—5 years so far at a cost of $50 million to the taxpayers.

At any time, someone can come forward with a new allegation that must be included in the search. Every new charge or rumor is paraded in front of the media. And the bill to the taxpayers keeps going up and up and up.

And what happens if you are found not guilty or if the special prosecutor drops charges? Not much. Your reputation is ruined, your emotions and bank account drained. And as former Secretary of Labor Raymond Donovan said, "where do I go to get back my good name?" Where do you go to get your reputation back often you have been through all of this and found not guilty?

Mr. President, I raise this issue for two reasons. One is to make it clear that this body should expect a very serious debate over reauthorization of the independent counsel statute, which expires next year.

And the second reason is to point out the fact that pure hardball politics and not any desire for justice is usually the motivating factor behind the appointment of an independent counsel.

If proof of this point were needed, all one has to do is listen to the silence coming from the other side of the aisle over the BCCI scandal.

Here is what appears to be the juiciest of all scandals—one involving bribery, money laundering, and financial fraud spanning several continents. This is a big deal.

Yet, those who have so quickly jumped on the independent counsel bandwagon before, are now nowhere to be found. The media, usually leading the drumbeat for an appointment, is also strangely silent. Where is the media? Why are not some in the media demanding a special prosecutor in the BCCI case?

Someone a little more skeptical than I might suggest that the reason for this is that the overwhelming majority of names implicated in the scandal are Democrats. Chief among these is David Paul, financial angel to the Democrat Senatorial Campaign Committee, and perpetrator of the Centrust Savings & Loans fiasco—a multibillion-dollar ripoff of the taxpayers.

I am not requesting the appointment of an independent counsel, because I believe that our Justice Department is more than capable of continuing their successful investigation into BCCI—with no motivation other than that of simply getting to the truth and punishing the guilty.

And so, Mr. President, I ask again: Where are my Democrat colleagues? Where are their outraged voices calling for an independent counsel? Have they forgotten about the statute? Or are they just afraid where the chips will fall? Their silence is deafening.

FAMILY LEAVE

Mr. DOLE. Mr. President, the long awaited and much heralded compromise on family leave falls far short of its expectations.

Granted they have dealt with some of the peripheral concerns; for example, they claim to have streamlined the elaborate and complex procedures for investigating allegations that an employer has improperly defined family or medical leave to a worker. But they have not addressed the critical issue, and that is the mandate, m-a-n-d-a-t-e.

GREAT NAME, BAD LAW

Who can be against a bill which deals with family- and medical-leave issues? In short, who could possibly be against such important family issues as leave to have a child or leave to care for an ill family member?

Frankly, Mr. President, contrary to what the proponents of this legislation would have you believe—no one is opposed to the underlying goals of the legislation, and that includes the President of the United States, myself, and my other colleagues on this side of the aisle and some on the other side of the aisle. I would hope.

In a perfect world we would like everyone to have every benefit they need, when they need it.

Indeed, I wish the issue were as simple as whether you are pro-family or anti-family for we could all vote pro-family and go home. But that is not the issue. The issue is whether the Government knows best about how to spend your money.

MANDATES HARM EMPLOYEES

The truth is this bill is a mandate on virtually every business and every business's employees where there are 50 or more workers.

It seems strange to me, Mr. President, that when we live in an era of individual choice—of individual preference and selection—that many Members are pushing a bill which prescribes a one-size-fits-all approach to public policy.

Indeed, the legislation is literally the antithesis of free choice:

Whether you are single or married;

Whether you have children or don't have children;

Whether your children are toddlers or college graduates;

Whether your family is healthy or sick; or

Whether your parents are dead or alive—in short, irrespective of your own personal circumstances, your employer is required to offer this fringe benefit which in the real world means you get less of something else.

It does not take a brain surgeon to figure out that one's priorities and needs change as you pass through different phases of life.

I have talked to some younger workers in my State who are not married and have no dependents and the last fringe benefit they are interested in is this legislation.

Indeed, you ask them if they would rather have this legislation—which provides them with nothing—or have the money that this bill costs go toward an extra day or two of vacation leave or the construction of an onsite health club or dental benefits—and their answer is let us decide for ourselves. And, in fact, that is happening. Companies are beginning to include these benefits as a result of internal discussion and negotiation.

In short, don't have the Federal Government out there telling us we are all the same and want all the same benefits because the world is not and does not work that way.

The same responses come from older workers, too, Mr. President. Certainly, older workers have little interest in leave to have a baby when their children are all grown up. I suspect that these workers would rather have the money that this bill costs to go toward a pension contribution or extended or expanded health insurance coverage.

I should add that this case-by-case feedback that I have received on this legislation is borne out in public surveys.

A Gallup Poll found that only 1 percent of 1,000 respondents listed parental leave as their most valuable employee benefit. And a January 1991 Penn & Shoen survey found that 89 percent of 1,000 respondents preferred that employee benefits be decided privately between employers and employees rather than mandated by the Federal Government.

Imagine yourself a business man or woman with a small company with 50 or 60 employees. Competition is tight, profits are tight, labor is tight, business is tight, and costs such as health insurance are rising fast.

Then the U.S. Congress mandates parental leave which is going to cost your business more—more in terms of insurance premiums, more in terms of lost productivity, more in terms of increased training and replacement costs, and more in terms of administrative compliance costs.

In this case, this more will mean so much less for everyone. Let us not make that mistake.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sanford amendment No. 1165, provides for a settlement of a specific agreement between the Federal Government, the Tennessee Valley Authority, and Swain County, North Carolina.

Burdick amendment No. 1173 to alter the criteria for modifications to the Great Plains Project Trust Agreement.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed as in morning business for the purpose of introducing a bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 1725 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(Mr. KERREY assumed the chair.)

Mr. DIXON. Mr. President, I will introduce another bill if the managers have time. But if they want to proceed to another matter, I will not impose upon them by asking unanimous consent. I can do it briefly.

Mr. BYRD. Mr. President, Senator BURDICK has an amendment pending, but I think it is perfectly agreeable with the two managers if the Senator wishes to take a couple additional minutes and introduce his legislation.

Mr. DIXON. If my dear friend, the very distinguished senior Senator from North Dakota will indulge me, I will proceed very, very briefly. I will not impose upon the time of the great giants of this body.

Mr. BURDICK. In view of that statement, it is very difficult for me to refuse.

Mr. DIXON. I thank my friend from North Dakota, and I thank the distinguished President pro tempore and the Republican manager for their indulgence.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 1726 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON. I thank my distinguished colleagues for their usual courtesy. I yield to the delightful senior Senator from the Great State of North Dakota.

Mr. BURDICK. That is right.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1173

Mr. President, the amendment we are offering today is really quite simple, though a bit of background is necessary so that everyone understands exactly what we are doing.

The Great Plains coal gasification project in North Dakota is the only commercial plant in the country which produces synthetic natural gas from coal. Considering the massive coal reserves in the United States, I believe this plant can play an important role in our future energy security.

In 1988, the Department of Energy sold the Great Plains to Basin Electric Power Cooperative. The reason DOE then owned the plant was that its original owners defaulted on their Federal loan guarantees and the plant fell into the hands of the Government.

After operating the plant for over 2 years, DOE put the facility up for sale. Basin Electric came in with the best offer and they bought the plant. However, when Basin Electric bought the project, it was known that in order for it to be permitted, sulfur emissions needed to be reduced.

At the time, DOE said that $30 million would be adequate to pay for the fix and accordingly placed $30 million in a trust fund for just that purpose. Also established at the time of the sale was a $75 million reserve account to be used to keep the plant operating if gas prices dropped sharply. It is important to point out that those trust funds were created from profits which the plant generated during the time that it was operated by DOE. In other words, the money did not come from the Treasury.

Now we have found that the $30 million set aside for the sulfur fix is inadequate. It is now estimated that the actual cost of the needed scrubber could be as high as $100 million—$70 million more than DOE estimated. So the question is who should pay? Should the buyer of the plant be stuck with this extra $70 million bill? Of course not.

A strong case could be made that the entire extra cost of the scrubber should come from the reserve account. After all, it was DOE that said $30 million would take care of it. However, instead of taking all the funds from the reserve account, this amendment requires that the extra cost be split evenly. Under this proposal, Basin Electric is still required to pay 50 percent of the increased cost. And I should point our that the funds are to be taken from the reserve account, so there is no budgetary impact to the bill.

Without question there is a moral commitment for the Government to help with the extra cost of bringing this plant into compliance. After all, it was DOE which said that $30 million would fix this problem.

Mr. President, I hope that my colleagues will take a look at these facts and agree that this company should not have to pay for DOE's mistake.

Mr. NICKLES. Mr. President, I wish to compliment the senior Senator from North Dakota for his efforts on behalf of his constituency and also on behalf of Basin Electric. He has been tireless in his efforts to help this plant and help the employees in that plant. I compliment him for it.

I do have reservations about the amendment, nonetheless, and I might mention those. I have been talking with the Department of Energy, and I know the Senator from North Dakota has; both Senators from North Dakota, I might mention. I know also that Senator CONRAD has been contacting Henson Moore, the Deputy Secretary of Energy, on this issue, trying to get support for this amendment. Presently, they do not support this amendment.

This amendment does a couple things. Senator BURDICK outlined the proposition quite well. I might give a little more history on this plant. This was one of the original synthetic fuels plants. Over $1 billion was invested. The original operators got out of the project, and the Department of Energy ended up running it. They ended up taking this $1 billion plant, and I am going to say selling it or giving it, whatever, for a small amount of money to Basin Electric.

With that purchase in 1988, they created two reserve accounts. One was $30 million to take care of environmental problems. The Senator from North Dakota is exactly right. The $30 million would not come close to fulfilling the environmental needs of this plant. The Senator from North Dakota is right; it is probably going to take closer to $100 million. It may take more than that.

Sometimes these problems have a tendency to never find a solution, always taking more money to solve a problem like that. So the Senator is correct. They did not have enough money for environmental problems. They understated their case in that regard.

They also set up another account, a $75 million reserve account, and that was to help assist if gas prices fell, or to meet some gas contracts. But it was not set aside for environmental concerns.

The amendment of the Senator from North Dakota says we will take $50 million out of this reserve account and use it for environmental concerns. The Department of Energy says they are opposed to that, because in this form it is a grant. Now, it has to be matched by Basin Electric. The Department of Energy has indicated they would support a loan of that amount. In other words, the money could be borrowed from this reserve account but it would have to be paid back to the reserve account so there would be adequate funds in the event that prices declined or they had some price contract problems. The reserve account would be for contingency gas pricing problems, not for environmental problems.

Mr. President, just a couple of quick comments. One, the House has language in here that allows a $30 million loan out of this reserve contingency fund. I think that is a better approach. The Department of Energy thinks that is a better approach.

Again, I see both of my friends and colleagues from North Dakota here. I know they have been negotiating with the Department of Energy. Let me just state that I encourage them to continue in those negotiations. I encourage them to work with Basin Electric, to work with the Department of Energy to see if they cannot work out a mutually agreeable solution between now and the time that we go to conference. That is going to be very soon. I hope that can work out.

As I stated, my preference would be the House language. I am concerned about taking this $75 million or $50 million out of the reserve contingency fund, pulling that money out, using it or spending it for environmental problems, and then finding out that, if gas prices fall, there is not a reserve or contingency fund and possibly have the firm fail. I hope that is not the case.

Let me state very strongly that this is one Senator—who happens to be on this committee—if the plant has financial problems, gas prices fall or whatever, they come back and say, wait a minute, now we need some general appropriations from Congress to help bail us out, we do not have a contingency fund any longer, Congress, please, give us some money so we can keep the program going to keep the jobs going, this is going to be one Senator that is going to work to see that the taxpayers do not write any more collections for this project that has cost taxpayers over $1 billion. It is a lot of money.

Granted, there is some technology. I say the technology is old technology. I say the technology is not the best. I also say that the product is not even close to being competitive in today's market. Today it is producing natural gas at a price in excess of $3 per MCS. Frankly, in most of the country's spot prices, gas is going right now for a little less than $1 per MCS. We are talking about a product that is priced about three times the going rate. So consumers are paying extraordinarily high prices for this plant right now. I do not think taxpayers should have to pay any more.

What we are going to do if this amendment actually becomes law, and I hope it does not, is we are going to deplete this reserve account. So if things go well with the plant, if it operates and is able to keep its head above water, maybe it will be fine. If we deplete the account and it has some problems, then I hope that the plant is not coming back to Congress and saying, please, would you bail us out, we have some financial problems.

I see both of my friends and colleagues. I want to help them. I will not ask for a rollcall vote on this amendment. I ask if they will work with the Department of Energy and with Basin Electric to see if we cannot come up with a mutually acceptable and economically feasible program that would help this plant, the employees, and also help consumers.

I might mention, we did add some language. I appreciate the willingness of the Senator from North Dakota to insert this language. We stated in the language that this money, $50 million, would be spent, which would be cost-shared by Basin, maybe up to $100 million, that, one, it has to be cost effective. It also has to be environmentally effective. It has to meet the environmental objectives. So we will not spend just $100 million and find out it does not meet the environmental standards nor is it really cost effective nor are we actually getting some real valuable pollution reduction for $100 million.

So with that urging of my colleagues to try to negotiate with the Department of Energy, I do not plan on asking for a rollcall vote on this amendment.

Mr. CONRAD. Mr. President, first, I want to thank my colleague from Oklahoma for not pushing this to a rollcall vote. I hear him loud and clear. I hope he understands that we have negotiated. This is the longest negotiation I think we have ever been part of. It is really not a question, I say to my colleague and my friend, of the Federal Government's putting up new money, of putting up money with no return, because the reality is that the Federal Government has the potential, over 20 years, to get $1.8 billion back if we are able to keep this plant in operation.

The biggest hurdle that we face at the plant, the biggest challenge is getting the environmental problem at the plant fixed. I say to my colleague and other colleagues who are listening that the Federal Government made a mistake.

The Federal Government, at the time of the sale of this plant to the private sector, said this environmental problem could be fixed for $30 million. A trust fund was set aside by the Department of Energy for that purpose. The Federal Government was wrong. The cost of the environmental fix is going to be $100 million, not $30 million. We are not here asking the Federal Government to write a check. We are asking that the $30 million trust fund be used, and we are asking for a transfer from a second trust fund that was established, that money be transferred on a matching basis with the current owner's contribution, on a 50-50 basis, in order to meet the cost of this environmental fix.

Frankly, I think it would be reasonable to come before this body and ask not only for the $30 million from the environmental fund but for full funding for the environmental fix because, really, this involves a mistake by the Federal Government.

I want to thank my senior colleague, Senator BURDICK, for his leadership on this issue. As he so well knows, this is absolutely critical, to our State's interests because we have hundreds and hundreds of employees at this plant. The loss to the State would be $50 million if this plant were closed down, $50 million for a State that has already been hard hit. But, furthermore, let me emphasize that not only would the State be a loser. The Federal Government would be a loser because the Federal Government stands to get $1.8 billion over the 20 years that this plant stays in operation.

I also want to publicly thank the distinguished chairman of the Appropriations Committee, Senator BYRD, for his guidance and assistance on this amendment. We would not be successful without the support that he has given us, and we deeply appreciate it.

The amendment that we are offering today will address what is a serious problem at the Great Plains coal gasification plant. Events of the past year are a painful reminder that we need to renew the effort for energy independence in this country, and this plant is a focal point of that effort.

Great Plains coal gasification plant is the Nation's only commercial-scale synthetic fuel project. It was built in the early 1980's under budget, on time. And I might say to my colleagues, it performs at above its designed rated capacity. It is a technological marvel. A number of our colleagues have seen it. Senator WALLOP has been in the State, has had a lengthy briefing on this plant. Senator McCLURE has been to the plant, our former colleague from Idaho. I see his successor on the floor here today. It truly is a technological marvel, and there are a whole series of new products being brought on stream as technology improves.

In 1985, the private sponsors of the plant defaulted on nearly $1.5 billion in Federal loans.

The Department of Energy acquired the project and operated it until 1988, when the plant was sold back into the private sector to Basin Electric Cooperative, a regional electric cooperative operating in the upper Midwest.

According to DOE, Basin's winning bid for the plant, as I indicated, could have an ultimate value of up to $1.8 billion over 20 years. Basin was selected because their bid presented value to the Government and because of their assurances of continued operation of the plant.

At the time of the sale, Secretary Herrington said:

> The choice of Basin Electric puts the future of the Great Plains plant on a more solid foundation than at any time in the project's turbulent history.

DOE estimated that without Basin's purchase of the plant, the plant could have ended up costing the taxpayers of this country $2.6 billion.

The amendment we are proposing today will settle an environmental issue at the plant that dates from the time of Federal ownership. The plant has sulfur emission levels that exceed those allowed in the permit to construct the plant in 1977. The best available technology was expected to remove 97 percent of the sulfur, but it has only removed 75 percent. DOE was formally notified of the noncompliance when it operated the plant in 1986.

When DOE offered the plant for sale, the environmental problem was acknowledged to all bidders. Everyone was told that this problem existed, and DOE assured bidders that the problem would be paid for by the Federal Government. This was under the Federal Government's watch, and the Federal Government made assurances that they would cover the costs. Basin Electric, the winning bidders, were assured at the time of the sale that the sulfur problem at the plant would be paid for through an environmental trust fund that DOE established specifically for the purpose. This trust fund, $30 million, is unfortunately, woefully inadequate to cover the costs of the sulfur fix for the plant.

This amendment allows for the transfer of additional funds to the environmental trust fund. The funds are transferred from another trust fund—the reserve account—which was established for the event of cash-flow shortages at the plant. This $75 million reserve account was established to make certain that the plant stayed open. Everyone understood there were contingencies that could not be anticipated, and that is the reason for this second trust fund.

The $75 million account was set aside by the Department of Energy, not appropriated by Congress. The fund was set up to assure that the plant stayed open, and a transfer of funds from this account, we believe, is consistent with the goals of the account.

This amendment is critical to maintaining the viability of the Great Plains plant. The Government made a commitment to this problem. Basin Electric has already made substantial investments. Without help from the reserve trust account, the capital investment that will be required may force abandonment of the plant and an enormous loss of potential revenue to the Federal Government.

The Government, when it selected Basin as the winning bidder, made a decision that it was in the best long-term interests of the Nation to keep this plant open. Without the amendment, substantial Federal investment will be lost just when we are on the verge of promising returns on that investment.

Mr. President, the Government has an obligation to live up to the commitment it made when the coal gasification plant was sold into the private sector. I hope we keep that commitment here today. I thank the Chair and yield the floor.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The senior Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, we have nothing further at this time. Does the Senator wish to speak further?

Mr. NICKLES. No.

Mr. President, I wish to compliment Senator CONRAD, as I have Senator BURDICK, for his statement and also for his leadership. I understand him when the Senator said he has been negotiating, because when I talked to Secretary Moore, he told me that the Senator contacted him yesterday and tried to persuade him of the wisdom of his position. I know the Senator heard my statement that this reserve fund was not set up for environmental problems.

It is the Senator's belief that if this amendment did become law, and the reserve fund is used for environmental purposes, and that if the price of these contracts decline or whatever, that under no circumstances would this Basin Electric or the operators of the synthetic fuel plant be coming back to Congress asking for additional moneys?

Mr. CONRAD. I would be happy to attempt to answer the question of my colleague. I am in no position to speak for Basin Electric on that question. I say to the Senator this: When the plant was sold, the Federal Government did an analysis of how to solve the problem. They said it would cost $30 million. They established a special trust fund for that purpose, an environmental trust fund.

In addition, they established a second trust fund—the reserve account—that was to meet potential cash flow problems. No one knows if they will develop or not.

The Federal Government, in its estimate of what was needed for the environmental fix, was simply wrong. It is not a $30 million problem; it is a $100 million problem.

I do not want to bother my colleagues with the details of why they were wrong, but it is fairly alarming why they were wrong. For some reason, they did not analyze Federal law correctly. It is really quite clear that they were going to be held to a higher standard than DOE estimated at the time. But, unfortunately, that is where we are. We have to deal with this immediate problem. The failure to do so, again, I say to my colleague, jeopardizes the potential $1.8 billion pay back to the Federal Government.

So I am in no position to speak for Basin Electric and to say what they will do or will not do. I can only speak for this Senator and say to my colleague that I honestly believe the Federal Government made a very clear commitment, and the Federal Government, now, is getting a rather extraordinary deal, because not only is Basin Electric going to cost share 50-50 past the $30 million environmental trust fund, but the Federal Government, again, has the potential to recover $1.8 billion in this operation. I can assure my colleague, if this money is not forthcoming, that this plant will shut down.

Mr. NICKLES. Mr. President, I do not think this plant has been a good deal for the taxpayers. The taxpayers have well over $1 billion already invested. The original participant in that plant walked away from it; it was a loser. In spite of the fact that as part of the contracts they would be receiving the highest prices paid anywhere for natural case, that is still the case.

Consumers are paying an extraordinarily high price for this plant today. I doubt that in any way, shape, or form, the taxpayers will ever recoup that $1.8 billion. That would be a great thing to have happen, but I doubt that it will ever happen.

I have a couple of comments. We are talking about using the trust fund to cover for cash flow deficiencies and use that for other purposes now. It was not set up for that. If this amendment becomes law, again, I hope it will go along with the House proposal which would make it a loan. Yes, they could borrow money out, and they would have to pay it back. So there would be money if a cash shortage should come in the future. That is the reason it was set up—not for environmental problems.

I might mention, too, some of the discussion about, well, the cost has gone up. We passed a clean air bill in here that a lot of people acted like it was not going to cost any money. Part of this problem is this plant cannot get a permit and meet the environmental standards, not for $30 million. It is going to take $100 million.

I think colleagues ought to realize there is a cost involved in clean air, even in North Dakota that does not have a pollution problem, certainly not similar to cities like LA or Denver, which have congested areas. North Dakota is one of the most pollution-free States in the Nation.

But the requirements are very severe, and to comply with the law, I would agree with my colleague, the Department of Energy now says it cost $100 million. And I also agree with my colleague that a couple years ago they said they thought it would cost $30 million. This is a fact that many of our industries and companies across the country are finding, that to comply with many of the clean air regulations and statutes which we passed is enormously expensive and in some cases jeopardize the very viability of the plant, jeopardize the jobs, jeopardize the industry.

I think we debated that during the clean air bill, and I am not going to debate it again. But there are costs associated with some of the things we do in Congress. Many of the times I think in the past we kind of ignored that.

I am not going to oppose the amendment further except to again urge my colleagues to try and see if we cannot come up with a negotiated agreement by the time we get to conference so this will not be a contentious conference item because we are talking about $50 million, we are not talking about peanuts, we are talking about $50 million set aside in a reserve fund for other purposes not for this purpose.

Again, it is my intention if we do use that reserve fund for environmental purposes that should cash flow deficiencies arise this Senator would be vigorously opposed to having the Congress bail this organization out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, just a couple of quick comments if I might respond to my colleague. The Senator from Oklahoma calls this plan a bad deal for taxpayers. Let me say the original deal was a bad deal for taxpayers.

I could not agree more, the original deal was a bad deal for taxpayers. This deal, the second deal when DOE took over for those in the private sector that walked away and sold it back into the private sector, the deal with Basin Electric is a good deal for taxpayers. I think we have to differentiate the two. The first deal, no question, was a bad deal for taxpayers; the second deal is a good deal for taxpayers because it has the potential of allowing the Federal Government to recover $1.8 billion over 20 years.

No. 2, I think we should point out no money is being appropriated here. The $30 million is in the trust fund for the purposes of environmental effects; the $75 million is in a second trust fund that was set aside for contingencies. The Senator is quite right it was for cash-flow contingencies, but nonetheless, the reason for the problem here is the Government mistake.

Third, I really think we should point out so the record is clear the problem with the increased cost is not as a result of the Clean Air Act. The Senator from Oklahoma and I share many views; in fact we voted together on some of the measures on the Clean Air Act because of our concerns about it. But I think it should be clear on the record that the problem that is addressed by this amendment is to comply with a permit that was granted in 1977 that required the use of the best available technology. It has nothing to do with the Clean Air Act that was passed last year.

So again this was the problem that was known by the Federal Government. They made a mistake in their estimate of what it would cost. We are simply trying to rectify that so that the Federal Government is in a position to recover the maximum amount possible. Again, over 20 years, the Department of Energy says the potential is $1.8 billion. We ought not to jeopardize it.

I thank the Chair.

The PRESIDING OFFICER. The senior Senator from North Dakota is recognized.

Mr. BURDICK. Mr. President, I believe we are ready for a vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 1173) was agreed to.

Mr. BURDICK. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, I thank my colleagues from Oklahoma for the kindness today in disposing of this matter in a nice orderly manner. I also thank my friend from West Virginia for allowing us to take care of this matter in this fashion.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SANFORD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Sanford amendment, amendment No. 1165.

AMENDMENT NO. 1165

Mr. SANFORD. Mr. President, this Senator is prepared to go to a vote, if there is no further debate on the amendment. Yesterday I indeed laid out my arguments for the amendment. This deals with a rather simple obligation of the U.S. Government to a county in North Carolina, an obligation made literally 48 years ago and not yet fulfilled.

The brief history was that in building the TVA dams it was necessary to have a valley running through Swain County where Fontana Lake is now situated. It was also considered appropriate at that time because of the national efforts and the efforts of the State of North Carolina to create the Great Smokies National Park to have some additional land in the Smokies for the Park Service, so in combination the Park Service, Department of the Interior, on behalf of TVA entered into an agreement to pay certain sums of money to Swain County for the taking of that land, and in particular for the taking of a road that ran where what is now the bottom of the lake.

At that time, under North Carolina's system of roadbuilding which is no longer the case—it is now a statewide system—the counties issued bonds for the building of roads, county roads, and Swain County had issued bonds for the building of this road, and so it was obvious that, No. 1, the agreement to be struck was that the Federal Government would pay for the bonds, since they were destroying the road and would build another road on the upper side of the lake, in particular, would build it because there were a number of cemeteries that would be cut off by the lake, and this would provide access.

They signed that agreement but they never paid off the road bonds. They never built the road. The war came on and the war ended, World War II. They still had not built the road, still had not paid the bonds, and little Swain County which is nestled in the Smoky Mountains of North Carolina, with one of the smallest economic bases of any of our 100 counties, virtually no industry at that time and very little today, and just incidentally in passing losing one of those industries right now, that takes 100 or so employees off the payrolls, that is very important in a small county like Swain, but little poor Swain County continued paying off those bonds until well into the 1970's, still with no help from the Federal Government.

The Federal Government, however, did begin to construct a road. No sooner had it built across the first ridge because they would have to run over succeeding ridges for a number of miles, they no sooner got across the first one that they realized that, because of the particular formation of the rock, this then even before environmental concerns became so prominent, even therein they realized that this would be extremely damaging to the lake because of the particular kind of dust that came from cutting into that particular kind of rock. So they stopped it, and it has been stymied ever since.

The environmental groups across the country have now in later years risen up in solid defense against such a decision to continue that road. The Park Service that was involved in building it says not under any circumstances would the Park Service of the Department of the Interior permit the building of the road in this what is now a national park.

That is where it has been for many, many years. To build the road for the other 10 or 12 miles, build it according to the agreed standards in the beginning, it probably would now cost $150 million to build. But that is not the point. The point is that it would cost, in environmental damage, permanent loss of the quality of that lake which has a great many recreational values as well as the value for producing electricity in the Tennessee Valley.

So year after year, when Governor Andrus was the Secretary of the Interior, he struck a deal with the commissioners of Swain Country, since they were not going to build the road, since the road could not be built and be environmentally satisfactory, that they would pay a cash settlement and that that would end the dispute.

So then members of the county commissioners, the elected representatives of the people of that country, decided that that was what they ought to do. The county commissioners have almost without an exception since that time, every time a new board comes in, reaffirmed that they believe that the only sensible solution is to take the cash. Provisions had been made and agreed to that the cash will be held in trust. And this amendment provides, among other things, that the income can be used for the education and support of the schools in Swain County, but for the corpus to be used, the main body of the money to be used, it requires a supermajority vote of the citizens.

Now under that supermajority requirement, if, indeed, the county wanted to build a road, certainly if it got the other necessary permits from the Park Service, it could use that money for the construction of a road, but I do not believe anybody seriously proposes it. As a matter of fact, if the people of Swain County decide they want a road, they certainly can use this money for that. They can use this money for economic development or whatever else they decide is for the good of the people.

I believe very strongly in local government, local autonomy. In North Carolina, some years ago, we decided that we would take from the legislature the right to control all of the rules for local municipalities for local decisions, that we would not decide this by the legislature in Raleigh but we would leave it to the local people to decide. And how long this has been pending is indicated by the fact that when I was Governor of North Carolina from 1961 to 1965, this was a hot issue in Swain County. I was asked to intervene, to be of help to get this done, and the Governor's office really did not have anything to do with it.

But I did say I would support what ever the county commissioners wanted. If they wanted a road, I would support the road and speak to the people in Washington. If they wanted a cash settlement, I would support a cash settlement. But I was gong to take my lead from what the local elected officials representing the people of Swain County decided they wanted. I think that is the way to run our many-tiered American Government, and that has been my position since.

When I got to Washington as a U.S. Senator, I found that this issue still had not been resolved, and so I again took the same position. I am willing to do what the county commissioners want to do. And I took the position then that if they wanted a settlement, we would have a settlement; if they wanted a road, I would try to help them. But I did not see much chance, given the fact that it is obvious that now environmental concerns are such, that their is no reasonable expectation to believe that the necessary permits could ever be obtained. They concluded that.

Since I have been here, we have had a Democratic-dominated board. They were unanimous for a cash settlement. We then had a Republican-dominated board. They were totally in favor of a cash settlement. Now we have a board that has turned back Democratic and they still are for a cash settlement.

And so that is my position, Mr. President, that we owe this money to this small county. The county commissioners are now pleading with us, pointing out all of the added costs that have been placed on them within the last few years, pleading with us to authorize this cash settlement.

I think it is a moral question. I think here the great, strong U.S. Government is abusing this little county. I think it is incumbent on us, on the U.S. Senate, on Congress, and on the administration to all be determined that we are going to stop this injustice and settle with Swain County what we have now owed Swain County for almost 48 years.

Mr. President, without yielding the floor, may I inquire if there is any other debate on this amendment?

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. SANFORD. No, I have not yielded the floor.

Mr. BYRD. The Senator is correct. I will have to say that I support the Senator's amendment but I do not support having a rollcall vote when there is nobody on the floor except the Senator and me.

Mr. SANFORD. I simply inquired whether or not there is any opposition on this amendment.

Mr. BYRD. The Chair asked if there was further debate. And if there is no further debate, the Chair is required to put the question.

Mr. SANFORD. I understand that. I have not yielded the floor, and I do not believe the Chair can do that until I do so.

Mr. BYRD. The Senator is correct. I understand the rules very well. But I wanted to let the Chair know that there cannot be a rollcall vote or any vote at this point.

Mr. SANFORD. It would be inappropriate, and this Senator would not, under any circumstances, take advantage of a colleague. I simply wanted to inquire, without yielding the floor, whether or not the Republican manager thought that anyone cared to debate against this amendment. This is the pending business and, technically speaking, we cannot proceed until we dispose of this amendment.

Without yielding the floor, I would like to inquire, Mr. President.

Mr. NICKLES. I am happy to respond to my colleague from North Carolina. I understand that there is opposition to the amendment. I understand that there may well be significant opposition to the amendment. I have a letter from the Governor of North Carolina in opposition to the amendment.

So I am not prepared to debate against it at this point. I may not debate against it, period. But I do expect that there will be some opposition at some point later today.

Mr. SANFORD. Well, since the entire legislative process of the Senate now is controlled by whether or not there is going to be progress made on this particular amendment, may I inquire, Mr. President, of the Republican manager, without yielding the floor, whether or not there is any indication that there will be any early effort to come in on this legislation.

Mr. NICKLES. Just to respond to my colleague, I do not think that there will be a response in the next hour. I think it probably could not happen for another hour or so. I would have to consult with some of my other colleagues before I know exactly when they will be ready to respond.

Mr. SANFORD. Mr. President, may I inquire whether or not this was the first order of business this morning?

The PRESIDING OFFICER (Mr. AKAKA). The regular order of business this morning was the Sanford amendment.

Mr. SANFORD. Mr. President, can we not get some assurance from the Republican manager that, since this was the first order of business, that we might get on with it before the middle of the day?

Mr. NICKLES. To respond to the Senator, no, I cannot give him that assurance. I think there is significant opposition to the amendment. I am not sure when that opposition is going to come. I know the Senator laid down the amendment last night. Maybe I should have objected more strenuously, because I knew there would be opposition. I also knew that, one, the Senators might not be able to debate the amendment in the morning.

We have set the amendment aside to handle other amendments. It is my hope the Senator from North Carolina will cooperate with myself and the chairman of the committee and allow us to set it aside to handle other amendments.

The Senator is well aware of the rules and if he wants to maintain the floor he is entitled to do so.

Mr. SANFORD. Mr. President, I hope I have established some reputation of being accommodating to my colleagues. I certainly have tried at every opportunity. But every Senator has a busy schedule. I have set aside, this morning, attending a Foreign Relations Committee meeting where we are having, I do not doubt for a minute, a most interesting conversation with former Ambassador Matlock, talking about the Soviet Union. I regret that I had to miss that.

I have a very important budget hearing this afternoon which I would hope the Republican manager would take note of and pass to the appropriate people. I have a Budget Committee at which I must preside. I then have another very important committee that, without going into details, deals with a matter of tremendous importance to the U.S. Senate itself, and I have to attend that closed meeting.

So, I am not inclined to set this aside. I would like the Republican manager to understand I am not inclined to set aside my amendment until there is some opposition stated to it. And I would certainly feel that we cannot carry on the business of the Senate if Senators are not going to attend to the business when there is plenty of notice in advance.

I wonder if there is any way we can get an assurance from the Republican manager, Mr. President, that there can be a time certain when the opposition to this amendment might speak up? Mr. President, without yielding the floor I would like to inquire of the managers of this bill.

Mr. NICKLES. If the Senator will yield again, I will just repeat my statement: I am not sure; I cannot give the Senator an assurance; I cannot give the Senator a time agreement.

Again, I am responding to some of our colleagues who said "No time agreement on this amendment," so I have answered the Senator's question.

Mr. SANFORD. I will say to the leaders, it is not my intention to agree to the setting aside of this amendment. I regret I have to take that position, but I do not feel we can carry on the Senate business if Senators are not going to come to the floor to take care of that Senate business.

Mr. BYRD. Will the distinguished Senator yield?

Mr. SANFORD. Yes.

Mr. BYRD. I wonder if he would allow the managers to continue to set the amendment aside until, say, 12:30 p.m., at which time I am told there is good reason to believe that a Senator who opposes this amendment can be here.

Mr. SANFORD. This Senator cannot be here then, Mr. President. And this Senator is following the rules. I will be glad to talk from now until then about the state of federalism in America and whether or not letters from Governors mean very much.

Mr. President, I would, as a matter of record in this debate, be willing to place a 50-to-1 bet the Governor of North Carolina has never read my amendment, but he dashes off a political letter here indicating that he is opposed to it.

I can get the Commissioner of Agriculture to favor this. I can get the Attorney General of North Carolina. But their opinions are not any more relevant than the Governor's opinion. This is a local matter and because it is a local matter I think the U.S. Senate has to respond locally.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I will be happy to yield to the Senator from North Carolina.

Mr. SANFORD. Mr. President, if the leader will acquiesce, I simply wanted to make it possible for us to proceed with the debate on this bill. This Senator would be willing to have consideration of the amendment, which is now the order of business, set aside until 8 p.m. tonight or until the morning as the two managers of the bill determine so that other amendments might be considered and that we might make progress on finishing this legislation.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I think he is attempting to go the last mile in the effort to be cooperative with the managers. It would help us to expedite action on the bill. I think he is to be congratulated. I personally thank him for his consideration in disposing of the amendment.

Mr. SANFORD. Mr. President, I inquire whether or not the Republican manager is agreeable to that.

Mr. NICKLES. Mr. President, in response, I do agree. I thank our colleague. We do have other amendments of which we would like to dispose. Hopefully, we can finish this bill tonight. The Senator said he would be willing to set his amendment aside until 8 o'clock. I would love to have the Senator's amendment be the last one we consider, dispose of that one way or another. There may be a cloture vote on it or something, I do not know. But anyway, I would like to finish this bill if at all possible, and by the Senator's agreeing to set aside his amendment, we will be able to consider other amendments. Likewise, I encourage other Senators with their names on the list to bring their amendments forward because we are trying to finish this bill today as soon as possible.

Mr. President, there is an objection to the unanimous consent, so I will object. Let me consult with the Senator and get back to him.

Mr. BYRD. Mr. President, the Senator did not ask unanimous consent.

Mr. SANFORD. No. I called for the regular order.

The PRESIDING OFFICER. No request has been made. Unanimous consent is not requested.

Mr. SANFORD. I will readily agree to set aside my amendment in order that the Republican leader might speak. I so ask unanimous consent.

Mr. DOLE. Without losing his right to the floor, I thank the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me echo that I want to encourage anybody on this side with amendments to come over and get them offered. I think we can resolve any problem that might be here. If we can set aside the amendment, we can make some progress. I know the managers were on the floor all day yesterday and disposed of at least a dozen amendments. I do not know how many are remaining. Certainly I think we all understand we cannot dispose of the amendments unless those Senators with amendments come to the floor. Managers cannot do it unless somebody consents, and then I am sure the managers will be happy to bring them up for them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that the distinguished Senator from Kansas [Mrs. KASSEBAUM] may call up an amendment. Senator NICKLES and I each have two slots. I understand the Senator wishes to use one of his slots for Senator KASSEBAUM.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, in our unanimous consent where we limited amendments, both Senator BYRD and I did reserve two amendments to accommodate Senators if for some reason they were not on the list. Senator KASSEBAUM has indicated an interest for one of those amendments, and I will be happy to yield one of those slots to our distinguished colleague from Kansas.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I appreciate Senator NICKLES doing so and appreciate the opportunity to offer my amendment at this time.

AMENDMENT NO. 1174

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1174.
>
> On page 100, line 14, strike "$143,583,000" and insert "$126,175,000".

Mrs. KASSEBAUM. Mr. President, the amendment that I am offering would provide a 10-percent reduction in funding for the National Endowment for the Arts. The purpose of my amendment is quite simple. It is to draw attention to the fact that many Americans have legitimate concerns about the way in which their tax dollars are being used with respect to arts funding.

Last year Congress enacted a number of procedural reforms with the view toward urging the reforms to increase the sensitivity of the agency to taxpayer concerns without defining content restrictions. I have felt that these changes sent a strong message, and I worked on behalf of their enactment. Unfortunately I have been disappointed with the results and have come to the conclusion that we must send a stronger message and that is the point of this amendment.

I do not regard myself, Mr. President, as uncaring about this issue. I care deeply about the arts community. I believe it is an important part of our statements of what we are about as a nation. We have always lent strong support to the arts and in all of their diversity there are many options one could choose in trying to address the concerns that have been expressed from both Congress and the public.

Obviously, one could look at content restrictions, and a number of such restrictions have been presented in this body in the past. I do not believe this course is advisable and would, in fact, urge the rejection of any amendment offered along these lines.

Writing content restrictions into statute ultimately requires excluding classes of subject matter irrespective of the context in which they were presented.

It would also be possible to devise procedural reforms in addition to those enacted last year with an aim toward further prodding the NEA to exercise common sense and good judgment in distributing funds. I believe, however, that there is plenty of authority already on the books to do what is necessary. The goal is to see that it is used.

Some have argued that the Federal Government simply should not be involved at all in funding the arts and that it is a luxury we cannot afford at a time when we are unable to do all we would like to in areas of pressing need. I have rejected this option because I recognize that the National Endowment for the Arts has played an important role in supporting artistic excellence, and in making it available across the country. Throughout history governments have supported the arts for their value in enriching culture and human experience.

An NEA grant provides recognition at the national level of excellence and exceptional quality. There is great value in that, but that value has been tarnished by a series of grant awards which do not represent the best of which American art has to offer, nor do they bring an appreciation of art to a broad audience.

There is a great deal of excellent art in the United States, and a great deal of excellent art supported by the National Endowment for the Arts. At the same time with respect to the NEA there seems to be an atmosphere that anything presented as art deserves public support.

An editorial which appeared in the Wichita Eagle last year, Wichita, KS, put it this way:

> The fact is that absolutely no one is trying to deny artists the freedom to create. The arts community seems to think that the First Amendment means artists can do anything they want and the taxpayers should finance it.

This point was underscored in yesterday's Washington Post which carried an article regarding a suit brought against the NEA by four performance artists whose proposals for NEA funding were rejected last year. Contrary to the impression which some seem to hold, Federal arts funding is not an entitlement.

Like all Members of this body, I receive a steady stream of mail about the NEA. Although much of this correspondence comes in the form of computer generated postcards, much of it is also from ordinary citizens who simply cannot understand why the taxes they work hard to pay should be used in the manner that they are. They are expressing a broader frustration that those of us in Washington have lost touch with the reality of the world in which Americans live and work.

That is really the basis for my concern, Mr. President. I think there are things that the NEA can do that can enhance the effectiveness and the accountability of the agency. I think the board of the National Endowment for the Arts needs to engage itself in a much more active manner in the options that are presented by the peer review panel, for instance.

So it will be my hope that these will be considerations that should be and would be considered. Every recipient of Federal tax dollars holds the responsibility to be accountable to the public which foots the bill. It does not make any difference whether this is in agriculture or in defense. And a failure to recognize this responsibility will only lead to further erosion of public support for the NEA. Those voices deserve attention, and it is the purpose of my amendment to see that they get it.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mrs. KASSEBAUM. I am happy to yield.

Mr. BYRD. Mr. President, I wonder if the distinguished Senator would mind adding my name as a cosponsor.

Mrs. KASSEBAUM. Mr. President, I would be very happy to add Senator BYRD, the chairman of the Appropriations Committee, as a cosponsor to my amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I will be asking for the yeas and nays, but I do not believe there are enough Senators on the floor for a sufficient quorum in asking for the yeas and nays. I will do so at a later time.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mrs. KASSEBAUM. I yield the floor.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JUDGE CLARENCE THOMAS TO BE ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. CHAFEE. Mr. President, as have many Americans, I have, during the past 2 weeks, listened when I could to the Senate Judiciary Committee hearings on the nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States. I found the hearings—in which were heard both testimony by Judge Thomas and views of panel witnesses—to be helpful in understanding who Clarence Thomas is, and how he may serve this country as a Justice.

There is little disagreement on the character and background of the judge. He is by all accounts a fair man, an honest man, and a good man. The story of his life, moreover, is truly an embodiment of all that we were taught as children about opportunities in America. It is an impressive background, and one that cannot be undervalued.

But there is more to being a Supreme Court Justice than being a good person. Thus, I paid careful attention to the hearings to find out more about how Judge Thomas views the Constitution, the law, and the court.

After listening to the judge and the various witnesses testify, I think it is fair to say that Judge Thomas falls into the category of conservative thinkers. Yet throughout his statements before the committee and his public statements as an official in the executive branch runs a streak of what might be characterized as a moderate—or, oft-times, even liberal—point of view.

And that is where I think his background does come into play, and does make a difference in the kind of Justice that he would be. I believe Judge Thomas when he says he will be open-minded with regard to the issues he is asked to decide on the Supreme Court. But I also believe that a judge, being human, can never fully shed him, or herself, of the influences that have shaped his or her life. In that sense, no judge can ever be fully neutral. And thus, I believe that given the influences that have shaped the life and character of Judge Thomas, we would not see an ideological judge, but one who understands what it is like out there, who understands, and will not forget, what it is like to be without resources, without help, and sometimes with little hope.

I believe that Judge Thomas will be an independent voice on the Court, neither leaning to the left nor bowing to the right, but instead choosing his own path. I believe that he will decide each case as it comes to him, with an open mind. And I believe that if he exhibits some of the fierce independence that he has shown throughout his life, he may surprise all of us, particularly those who might be tempted to try to categorize the judge's beliefs as part of one monolithic ideological point of view.

There are issues I care deeply about—separation of church and state; the first amendment freedoms of speech and expression; and the right of a woman to make her own choices about reproduction. Each of these issues will come before the Court in some form or another in the near future. I am pleased that Judge Thomas stated that there is a right to privacy, and that overturning a precedent should require more than simply finding its underpinnings to be incorrect. However, I still worry that a conservative thinker will change what I consider to be important and correct decisions on these issues. Yet, I would worry more about a conservative who has not been personally influenced in the way Judge Thomas has, and I would worry far more about an ideological conservative with an agenda.

As Dean Calabresi said during Tuesday's hearing, Judge Thomas' views have changed over time, and may change again in the future. His constitutional philosophy, as was the situation with certain of his predecessors, is not yet fully formed. I am persuaded that the combination of his willingness to listen without advancing an agenda, his background, and the influences that have shaped his character, and his independence, presages a judge who will grow on the Court, who will, as the dean said, be shaped by the cases that come before him even as he shapes the Court.

Therefore, Mr. President, I will be supporting the confirmation of Judge Clarence Thomas to be Associate Justice of the Supreme Court, and I will vote for his confirmation.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on or in relation to the amendment by Senator KASSEBAUM occur at 12:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1174

Mr. PELL. Mr. President, while I have the greatest respect for the Senator from Kansas and appreciate her thoughts about the National Endowment for the Arts, I believe that her amendment to reduce funds is not the appropriate way to address what problems may exist at the agency.

Senator KASSEBAUM was of tremendous help last year when we carefully reviewed NEA procedures. She worked with us and endorsed the numerous reforms that were eventually incorporated into the NEA's legislation.

I believe that we must give these reforms time to take hold. The Endowment has moved quickly to establish a series of procedural changes—all of which address the very valid concerns that many of my colleagues may have. But we must give them time.

In my view, it would be a more positive step if, as the chairman and ranking member of the Subcommittee on Education, Arts, and Humanities, we held hearings specifically on the NEA grant process. This would allow us to deal with the substance of the issues at hand and give us an opportunity to more fully understand what—if anything—still needs to be done.

It has been my intention to hold such a hearing but not until the current reforms have truly taken hold, which could be a period of time.

I do not believe that the Arts Endowment deserves to be punished. A cut in funds is punitive and the effect that further reductions will have on our cultural community could be devastating. However, we do need to continue working with the NEA staff in a good faith effort to strengthen its procedures.

For these reasons, I intend to vote against the amendment being offered Senator KASSEBAUM.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, if I may, I would just like to respond for a moment to Senator PELL's comments. As chairman of the Education, Arts, and Humanities Subcommittee, he has always given very thoughtful consideration to matters before the committee, particularly regarding the arts.

If I am not mistaken, the Senator was one of the original supporters some 25 years ago.

Mr. PELL. I was, in cooperation with the Senator from New York, Mr. Javits.

Mrs. KASSEBAUM. So, Mr. President, I have the greatest respect for Senator PELL, because he and I both share a support for the arts and a desire to see that support continues. We would take a different approach at this time.

I worry, myself, that there is a danger of the old adage of throwing the baby out with the bath water. But I also believe it is important to send a strong message to get their attention, as I say, that I do not believe matters are being handled as they should be, at least to the satisfaction of the public, and that is really who we have to represent.

I think the Senator's suggestion for hearings in the committee is a good one. I agree that we worked on the reforms last year at this time in the appropriations process and they have not had the full opportunity to take hold. I have confidence that is going to help. But I think there are some other matters that they could initiate themselves.

We cannot sit here and micromanage every aspect of the agency. I believe that this may be the way that will help encourage them to step forward with further efforts. That is why I took the approach that I did.

But I look forward to working with the chairman, and in other ways, through the committee so that we can lend support as well as friendly criticism when I believe it is necessary.

Mr. PELL. Mr. President, I appreciate very much the words and thoughts of the Senator from Kansas and look forward to working with her to see if we can resolve some of the problems that are being both stated and unstated and that we not end up by further reducing or weakening the National Endowment for the Arts, which has had a pretty steady growth and played an increasing role in our Nation over the past 25 years now. We see it for the time being sort of staggering a little bit, and static, and we would like to return it—and I know the Senator from Kansas would, too—to its onward movement.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FOWLER. Mr. President, I rise to commend the Interior Appropriations Subcommittee, and certainly its chairman, Senator BYRD, for their work on this appropriations bill.

They have demonstrated great judiciousness in protecting our environment, and the interests of the taxpayers by reining in what I consider one of our most inflated forest management expenditures, the Forest Service road construction program.

This appropriation reduces the President's request by $40 million. This represents an excellent first step in improving the Forest Service's fiscal and environmental management practices.

There is simply no justification for all those roads, when so many of the timber sales they service lose money for the taxpayers—and do considerable damage to scenic areas, watersheds and wildlife habitats, besides. I want to thank the subcommittee and the chairman for acknowledging the case—with which I have badgered them so frequently, going on several years now—that we can save money and have a more responsible timber program.

From this point, the very good start in this Interior appropriation, I intend to devote my efforts to my legislation to phase out below-cost timber sales on our national forests.

The reduction in forest roads appropriations strikes at the symptoms. I think we can more directly target the problem—because, when we consider below-cost timber sales by themselves, apart from the sales that made money for the Treasury, they lost $350 million of the taxpayers' money last year.

I think we can go from saying we are not going to build quite so many of these roads for timber sales in our national forests, to a more cohesive policy of not building the roads, of not doing the environmental damage, for timber sales that lose money for the taxpayers. We should establish a timber sale program that requires at the very least that the Government, our Government, recover the full cost of selling timber and that, obviously, includes the full cost of building the roads to get there.

I do not know anybody who looks at the problems who does not understand that this is a sound business principle that can help preserve the values of our national heritage in the public's forests.

That is the direction I believe we are now heading. I am very encouraged by the positive action taken by the subcommittee. Again, I thank the chairman of the full committee for, as usual, his extraordinary leadership in this matter.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his charitable and gracious comments.

Mr. FOWLER. I thank the Chair.

Mr. President, I note the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, but in no event the recess extend beyond the hour of 12:45 p.m. today.

There being no objection, at 12:24 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 12:27 p.m., when called to order by the Presiding Officer [Mr. KERRY].

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. MOYNIHAN. Mr. President, I rise to speak on the amendment which would reduce the appropriation for the National Endowment for the Arts by 10 percent, a total of some $17 million, as I see it here.

Mr. President, I rise on this occasion not so much to share my thoughts with the Senate, but to share a deep sense of disappointment, and you can even say hurt feelings, with what we seem to be doing to ourselves with the politicization of matters that ought to be as far from politics as ever is possible—the support the Government provides, not expensive but important, for the arts and the humanities.

I regret to say that I was present at the creation of the National Foundation on the Arts and the Humanities, divided now between the National Endowment for the one and for the other.

This goes back to the early years of the Kennedy administration. I was a young assistant Secretary of Labor. The Metropolitan Opera orchestra was on strike in New York in a situation where there was no way not to empathize with the musicians. They were being paid strikingly little. They lived by teaching and other work. They were an orchestra of the very first quality.

Arthur Goldberg, the beloved Secretary of Labor, later Supreme Court Justice, was asked if he would mediate between the board, which desperately wanted to give any wages and settlements they could but had not the money to do so and the musicians who desperately wished to go on playing but live. Good will was everywhere. What was lacking was money.

On that occasion Arthur Goldberg, an experienced labor negotiator, a man of great understanding of the arts as well as of labor, found that the dispute between local 802, the American Federation of Musicians and the Metropolitan Opera Association, threatened to cancel the 1961–62 season. He looked through the whole of the possibilities, and found that really the most he could give the musicians was hope. The most he could give the Metropolitan Opera Association, Mrs. August Belmont and Mrs. Lewis W. Douglas, was hope. He said it is time that the National Government become involved with support for the arts. He laid out a set of general principles that ought to be considered.

If I may say at this distance, I wrote the draft, but they are his words. I prepared a draft that indicated we were aware at the time that there were going to be political problems. We thought we were a grown up enough country to manage that.

Here is a passage, Mr. President, from Secretary Goldberg's findings. He said:

> The issue of Federal support for the arts immediately raises problems. Many persons oppose Federal support on grounds that it will inevitably lead to political interference. This is by no means an argument to be dismissed, and the persons who make it are to be honored for their concern for the freedom of artistic expression. In an age in which a third of the globe languishes under the pathetic banalities of "Socialist realism," let no one suppose that political control of the arts cannot be achieved.
>
> The overwhelming evidence, however, is that the free American society has shown a deep respect for the artistic integrity of the artist. Every attempt to interfere with that freedom has been met with vigorous opposition, not least from the artistic community. Artists are as susceptible to pressure as the next person, but for every artist who capitulates there is another to take his place from the unruly band which Russell Lynes has described as "the uncaptured, the disrespectful and the uncomfortable searchers after the truth."
>
> The answer to the danger of political interference, then, is not to deny that it exists, but rather to be prepared to resist it. A vigorous, thriving artistic community close to and supported by a large portion of the public, need not fear attempts at interference. Let our writers and composers and performers give as good as they get. Indeed, when have they done otherwise? The situation is no different from that of academic freedom in our colleges and universities: it is by defending their rights that our faculties strengthen them. This is ever the condition of freedom.

And from there, President Kennedy went on to propose a regular system of aid to the arts and humanities. President Johnson made it legislation at the direction of our beloved senior Senator from Rhode Island [Mr. PELL]. We have had 30 years of this. And suddenly the U.S. Senate has become the setting for unseemly behavior and attitudes on both sides of the political spectrum.

A month and a half ago I was here asking what on Earth is happening to the National Endowment for the Humanities that a young scholar at New York University could be rejected on the grounds that she only published in Commentary magazine with the likes of Lionell Trilling.

Now I find myself once again asking what has the National Endowment for the Arts done wrong that the right wing of this body should want to punish it? Left and right we see politicization.

What is the matter with us? Are we afraid of painting, sculpture, book reviews? Or do we think the American people are so different than they were in the time of John F. Kennedy that they no longer support the arts and the humanities? Does art intimidate us? Do books frighten us? Does opinion seem inappropriate to us? If we find the statement or expression of opinion inappropriate, we must find the Senate superfluous. We are here for that purpose.

If I may recall those remarks of Secretary Goldberg when he said:

> Do not let the fear of political interference be dismissed. This is by no means an argument to be dismissed, and the persons who make it are to be honored for their concern for the freedom of artistic expression. In an age when a third of the globe languishes under the pathetic banalities of "Socialist realism," let no one suppose that the political control of the arts cannot be achieved.

Well, sir, we look up and find Socialist realism crashing down in every square in the Soviet Union. Down goes Lenin, down goes Marx, down goes Dzerzhinsky. You see statements of people who will not submit to government standards. I am not being fanciful, I hope, about what is going on in the Soviet Union. Tearing down those Socialist realism statues was a statement.

As they go down there, do they come up here? Is there an approved Republican art, absent which there is no Government support?

Mr. JEFFORDS. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. In a second. Is there an approved Democratic form of literary criticism, absent which there can be no support.

I am happy to yield.

Mr. JEFFORDS. I understand that the Senator has opposed this amendment, and I would like to say there are good intentions, but it seems to me this is sending a bad signal at a time when Chairman Frohnmayer has done all that is humanly possible to ensure that there are not embarrassing items, without in any way infringing upon freedoms. I have talked with him, and they have taken action when the understandings and grants had been violated. They are presently taking action against those who have violated the terms of it, which have turned out to be offensive to many.

For us now, when all these things are being done, to preserve the integrity of the system, for us not to cut is sending the wrong message. We should be rewarding them, as the House has done, with some increase in funding and not cutting back at this time. I join the Senator in opposing the amendment, well-intentioned as it might be.

Mr. MOYNIHAN. I thank my learned friend and neighbor. I might say that I have just spoken to the Honorable Leonard Garment, who was Chairman of the Independent Commission for the National Endowment for the Arts, and he gave us a good, sensible program which, as the Senator from Vermont observes, is being carried forward. All over the world governments are getting out of thought control, and by some perverse process, the U.S. Senate is beginning to cite that there is a correct form of Republican art and a correct form of Democratic literary criticism.

I think it is nuts. I do not think it is grown up. I do not think it is senatorial. Like the Senator from Vermont said—and he is right—the House has acknowledged that if there were difficulties, there has been a response to them by the new chairman.

Why ought we not do that? Why do we not stand for the things CLAIBORNE PELL has stood for now into his fourth decade in this body? Would anybody like to face John F. Kennedy and say we have been behaving this way the last 3 years? I do not think so, sir. I wish we would not do this.

I ask that an address I gave at the commencement of the Juilliard School be printed in the RECORD at this point.

I, more in sorrow than anger, yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ARTS IN SOCIETY

(Address by Daniel Patrick Moynihan, the Juilliard School, Commencement, May 17, 1991, New York, NY)

When Jerome Greene informed me that The Juilliard School had in mind to invite me to speak at Commencement, I was pleased in a special way, for it occurred to me that I had something to say on the suggested subject, "The Arts in Society".

It happens I was present at the creation of what came to be known as the National Endowment for the Arts. And I would wish to record that at the time of creation, it was well enough understood that a time would come when the Endowment would be caught up with conflicts over values, and, at levels ranging from the merely concupiscent to the downright obscene, struggles for and about money.

Indeed it all started over money, albeit in a principled and dignified way. In the summer of 1961 a dispute between Local 802 of the American Federation of Musicians and the Metropolitan Opera Association threatened to cancel the Met's entire 1961–1962 season. Of a sudden, the nation realized that a true national resource, a world institution, was threatened. President Kennedy asked his Secretary of Labor, Arthur J. Goldberg, to arbitrate the dispute.

Justice Goldberg, as he later became, was a figure of rare refinement and empathy. He was instinctively sympathetic to both sides, but found he could be of little help to either. The musicians were earning $170 a month and were asking for $268. $268.80 to be exact. Mrs. August Belmont and Mrs. Lewis W. Douglas could not raise anything near the needed sum.

Justice Goldberg found he could only give the musicians an extra $10, but in the manner of the man, he gave them hope as well.

He found the Met's difficulties to be anything but unique.

"The details may differ, but the general condition is the same. The problem, of course, is money. The individual benefactors and patrons just aren't there, as they once were. Just as importantly, as we become more and more a cultural democracy, it becomes less and less appropriate for our major cultural institutions to depend on the generosity of a very few of the very wealthy."

It happens, as his assistant, that I wrote this section of his finding, the whole of which was entitled, "The State of the Performing Arts." The statement is his entirely, but it reflected my understanding as well, such as it is which continues to this day. He proposed that the President establish an Advisory Council on the Arts, which Kennedy did some 18 months later, and which, in time, became the National Endowment for the Arts. He noted that the President had proposed "to consider the establishment of a national honors system . . . clearly . . . an important area in which artistic achievement can be further recognized by the nation." This, under Goldberg's direction, again with me as amanuensis, became the Presidential Medal of Freedom. And so through a list of benefices.

But there were also warnings. Cautions, if you like.

"The issue of Federal support for the arts immediately raises problems. Many persons oppose Federal support on grounds that it will inevitably lead to political interference. This is by no means an argument to be dismissed, and the persons who make it are to be honored for their concern for the freedom of artistic expression. In an age in which a third of the globe languishes under the pathetic banalities of 'Socialist realism', let no one suppose that political control of the arts cannot be achieved.

"The overwhelming evidence, however, is that the free American society has shown a deep respect for the artistic integrity of the artist. Every attempt to interfere with that freedom has been met with vigorous opposition, not least from the artistic community. Artists are as susceptible to pressure as the next person, but for every artist who capitulates there is another to take his place from the unruly band which Russell Lynes has described as 'the uncaptured, the disrespectful and the uncomfortable searchers after the truth.'

"The answer to the danger of political interference, then, is not to deny that it exists, but rather to be prepared to resist it. A vigorous, thriving artistic community close to and supported by a large portion of the public, need not fear attempts at interference. Let our writers and composers and performers give as good as they get. Indeed, when have they done otherwise? The situation is no different from that of academic freedom in our colleges and universities: it is by defending their rights that our faculties strengthen them. This is ever the condition of freedom."

He offered practical advice. Concentrate on facilities. "Helping provide and maintain art facilities [presents] the minimum danger of government interference with the arts themselves." Mix it up. "A splendid example of such cooperation is the Lincoln Center for the Performing Arts, where city, state and Federal funds are all being combined to provide a magnificent cultural center in New York."

But in the end, said he, it was you the artists who would have to defend yourselves. And, said he, you will. It was kind of an order. Not for nothing had he served behind German lines in World War II.

All this might have passed with but little notice. A strike averted. Save for the majesty of The New York Times. Goldberg's decision was reported in a long front page article—top of the fold as journalists say—written by the ever prescient Marjorie Hunter. Almost the entire text was printed on an inside page, along with a fine essay by Howard Taubman, "The Arts and the State." Justice Goldberg, wrote Taubman, "couched his statement in terms that might be compared with a Presidential State of the Union message." Indeed, Mr. Taubman continued, the finding did in fact reflect President Kennedy's interest in the arts. The Times coverage made is just that, and with more than the normal results of a State of the Union message.

There ends my tale. Of brave beginnings, but also forebodings. President Kennedy was dead before he could present the first Presidential Medal of Freedom. He received the first one to be awarded posthumously. Troubles mounted. Troubles do. The most recent attacks on the National Endowment reflect those troubles, at both honorable and squalid levels. Such as that may be depended upon. I would like, however, to offer a quiet voice of concern that artists not too much divert themselves. Genius is not to be wasted on politics.

Some of you may know the work of Louise Bogan, who reviewed poetry at the New Yorker for near to forty years, and was herself a poet of great power. One day years ago, her Irish up, she wrote these lines in defense of the true artist.

Come, drunks and drug-takers: come, perverts unnerved!
Receive the laurel, given, though late, on merit;
To whom and wherever deserved.
Parochial punks, trimmers, nice people, joiners true blue,
Get the hell out of the way of the laurel. It is deathless
And it isn't for you.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the chair.

Let me inquire, the pending business is the Kassebaum amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, let me say that I commend Senator KASSEBAUM for offering her amendment.

Later today I shall offer two or three amendments on the same subject, all of which will be compatible with hers. And Senator KASSEBAUM's amendment is compatible to mine. I commend her and I intend to support her amendment. I hope that all Senators will do likewise.

Mr. DURENBERGER. Mr. President, I rise today in opposition to the Kassebaum amendment to reduce funding for the grant and administration under National Endowment for the Arts [NEA] by 10 percent.

Last year, during the reauthorization of the NEA we debated at length the Federal Government's role in the funding of the arts. During the review of this program, concern was raised about the use of Federal funds for "obscene or pornographic" art. Congress took appropriate action at that time to strengthen the administrative and peer review process of the NEA to protect against funding of obscene or pornographic art and instituted a new process that would establish sanctions against people who have been found guilty of violating obscenity laws and bar them from eligibility for NEA grants for a period of time.

We should give this new policy a chance to work, like I believe it will, before we in Congress attempt to penalize the Endowment for past judgment by cutting funds by 10 percent.

Over the years, the National Endowment for the Arts has facilitated access to the arts for all Americans. Since the NEA was created over 25 years ago, we have seen vast growth in professional orchestras, nonprofit theaters, dance companies, and art galleries. In addition, the Endowment has provided recognition and opportunity for many of America's best artists who might not otherwise have received acknowledgment.

Mr. President, in my own State of Minnesota, we have been blessed with a deep interest and appreciation of the arts. The NEA has recognized Minnesota's leadership and patronage in the arts and currently awards the third highest amount of total State funding to the State of Minnesota. I mention this today, because it is my understanding that there may be attempts by some Members of this body later today to transfer funding for the individual grant program to the State block grant. This would be a mistake.

The current system is designed to award and bring recognition to America's best artists and arts organizations. By simply block granting out this money to the States and bypassing any recognition to quality, we are doing a disservice to the cultivation of the arts.

Mr. President, I would hope that we reject this amendment and any future amendments that would weaken our national commitment to the arts.

The PRESIDING OFFICER. The hour of 12:45 having arrived, a vote on or relating to the amendment has been ordered.

The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH], would vote "nay."

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—27

Bond
Brown
Byrd
Coats
Craig
Dole
Ford
Gorton
Gramm
Grassley
Helms
Hollings
Kassebaum
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Smith
Specter
Symms
Thurmond
Wallop

NAYS—67

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bryan
Bumpers
Burdick
Burns
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Warner
Wellstone
Wirth
Wofford

NOT VOTING—6

Breaux
Garn
Harkin
Hatch
Packwood
Seymour

So the amendment (No. 1174) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay or the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, on behalf of my friend, the Senator from California [Mr. SEYMOUR], and myself, I call up amendment No. 1127 and ask it be modified by an amendment by Senator SEYMOUR and myself.

The PRESIDING OFFICER. The pending question before the Senate is the Sanford amendment. Does the Senator from California ask that be set aside?

Mr. CRANSTON. Yes, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1127, AS MODIFIED

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for Mr. SEYMOUR, for himself, and Mr. CRANSTON, proposes an amendment numbered 1127, as modified.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . Notwithstanding any other provisions in this Act, funds in this bill for National Park Service land acquisition may be used for acquisition of property by condemnation at Santa Monica Mountains National Recreational Area under the condition that zoning permits or variances for such property shall not have changed since those in place on September 19, 1991."

Mr. CRANSTON. Mr. President, just to briefly describe the amendment; a brief explanation.

This amendment provides that funds made available in this bill for land acquisition at Santa Monica Mountains National Recreation Area, CA, may be used for acquisition by condemnation provided current zoning of the property does not change from today.

I believe it is essential for the National Park Service to have the same land acquisition tools available to acquire property in the Santa Monica Mountains that it has for every other unit of the National Park System. I hope that the Park Service will be able to acquire key parcels in the mountains on a willing seller basis. But if other means of acquiring the land fails, the agency should have the authority to use condemnation.

The original amendment Senator SEYMOUR previously submitted would negate Senate report language prohibiting the use of condemnation at the Santa Monica Mountains. I discussed the Seymour amendment with the chairman of the Appropriations Committee and understand the committee has concerns about possible high acquisition costs if condemnation is used. Our amendment responds to that concern.

I want to express my great appreciation for the cooperation of the chairman, Senator BYRD, and the ranking minority member, Senator NICKLES.

I understand the amendment is acceptable to the manager of the bill, and I urge its adoption.

• Mr. SEYMOUR. Mr. President, I would like to thank Senator CRANSTON for his support of my amendment to the Interior appropriations bill.

I would like to state at the outset that I am not a fan of condemnation. I am a strong believer in private property rights, and feel that the Federal Government should not impinge upon those rights.

To the greatest degree possible, Federal land acquisitions should occur on a willing seller/willing buyer basis. On rare occasion, condemnation is appropriate.

My amendment does not increase the right of the Park Service to condemn land. It simply gives the Park Service the same leeway at Santa Monica National Recreation Area [NRA] it has in every other national park and recreation area in the United States.

The distinguished chairman of the Appropriations Committee and the ranking minority member of the Interior Appropriations Subcommittee have raised some concerns about the cost of condemnation if changes are made to the local zoning around Santa Monica NRA. Senator CRANSTON and I understand the committee's concerns and have modified the amendment accordingly.

Mr. President, I would like to thank Senator NICKLES, Chairman BYRD, and Senator CRANSTON for their assistance and cooperation in this matter.•

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from California, as modified.

The amendment (No. 1127), as modified, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1165

Mr. HELMS. Mr. President, I believe I am correct when I inquire that the pending business is the Sanford amendment?

The PRESIDING OFFICER. The pending business before the Senate is the Sanford amendment.

Mr. HELMS. I thank the Chair.

Mr. President, once again I find myself in the position of being obliged to do everything I can to defeat an attempt by special interests to absolve the U.S. Government of a clearcut, written commitment to the people of Swain County, NC. Swain County has a population, according to the 1990 census, of 11,268 people. I have here by my desk letters from more than 7,000 protesting Senator SANFORD'S attempt to work the will of interests outside of our State. Let it be clear he did not confer with me about this amendment. Senator SANFORD is a distinguished Senator, but I had no knowledge that he was going to bring up an amendment of such vital interest to the people of western North Carolina.

On Tuesday of this week, the able junior Senator from North Carolina offered an amendment to the Interior appropriations bill, now pending, authorizing the payment of $16 million to the county government of Swain County as a final settlement for the Federal Government's failure to keep its 1943 written contract with the people of Swain County. Senator SANFORD'S amendment has been in the Energy and Natural Resources Committee for some time, and I believe it is fair to say that Senator SANFORD knows there is very little chance, if any, that it would see the light of day, but nevertheless here we are again with this amendment offered by the distinguished junior Senator from North Carolina.

At the outset, let me make one point. At issue here—and it is an important one to me—is whether the U.S. Government will keep its word and live up to a very clear, written commitment and contract made 48 years ago in exchange for the Government's having been given the right to flood the area and create the Fontana Lake. The integrity of the Federal Government, and those of us who serve in Congress, in the minds of the people who have been waiting for 48 years, will be decided by what we do or fail to do today.

Senators need to be aware of what happened 48 years ago to understand why I so vehemently oppose passage of the pending Sanford amendment.

In 1943, in the midst of World War II, the Federal Government and the Tennessee Valley Authority decided that they needed land from the farmers in Swain County, NC, so that they could flood it for a hydroelectric power dam. Literally thousands of Swain County residents packed their bags and left their homes because they were told that the Federal Government needed their land. The Government did not relocate them, nor did the Government give North Carolina families additional land. The Government simply offered a few dollars an acre for the land. But a lot of folks in Swain County have told me that their fathers and grandfathers never received one thin dime for their land.

I do not have to remind Senators, Mr. President, that in 1943 World War II was raging in Europe and the Pacific. Many of the men from Swain County, that entire area, were away fighting for their country's freedom, as their land was being taken by the Federal Government back home.

When the Government took the 44,400 acres of land north of Fontana Lake, the Federal Government promised two things, no condition, no reservations, two flat out promises: First, to reimburse Swain County for an existing highway that would be needed in order to create Fontana Lake, and second, to build an around-the-park road to, among other things, provide access to gravesites left behind when people were forced off their land.

With respect to the around-the-park road that the Federal Government pledged to build, unequivocally, the written agreement states—and this was in 1943:

> * * * the Department agrees that, as soon as funds are made available for that purpose by Congress after the cessation of the hostilities in which the United States is now engaged, the Department will construct or cause to be constructed the following described sections of road, all of said sections being hereinafter collectively referred to as the "Park Road":
>
> (a) A section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending to a point on the western boundary of the land identified on Exhibit A as the property of North Carolina Exploration Company.
>
> (b) A section of road beginning at the eastern boundary of said North Carolina Exploration Company land and extending to the eastern boundary of the Park as extended hereunder.
>
> (c) A section of road across said North Carolina Exploration Company land connecting the ends of the sections of road described in paragraphs (a) and (b) above.
>
> (d) A section of road beginning at a point in the road described in paragraph (a) above, and extending in a generally southerly direction to the west abutment of Fontana Dam.
>
> *Provided, however*, That in lieu of the sections of road described in paragraphs (a), (b), and (c) above, the Department may at its election construct or cause to be constructed, as a part of the Park Road, a continuous section of road beginning at a point on the Fontana Dam Access Road near the crossing of Fox Branch and extending around the aforesaid property of the North Carolina Exploration Company (through existing Park lands) to the eastern boundary of the Park as extended hereunder.

Mr. President, building the road was contingent on appropriations by Congress. However, it was clear that the Government assumed that the road would be built shortly after World War II.

In July 1943, shortly after the agreement was signed, a Tennessee Valley Authority superviser wrote to the families about gravesite removal. The letter stated in part:

> The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, North Carolina, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

Because of the understanding mentioned in this letter, and for other reasons, that the road will be completed shortly after World War II, the families agreed to leave their deceased relatives buried in the land taken by the Federal Government.

Mr. President, documents dating back to 1943 show that the Government did fulfill a part of its promise to pay for Highway 288. In 1943 the Government paid to the State of North Carolina approximately $400,000, an amount which represents the principal which Swain County then owed on outstanding bonds.

According to my information the Government paid that amount to the State of North Carolina as trustee. A letter dated November 22, 1943, from the Treasurer of the Tennessee Valley Authority to the treasurer of the State of North Carolina confirms that payment was made. But the money never reached Swain County, and the county continued to pave the road until the late 1970's.

The Federal Government, however, never fulfilled its obligation made in writing, to build the road. It had a few false starts. In 1963 the Government built 2½ miles of the road. In 1965 it built 2.1 miles. In 1969 it built 1 mile and a 1,200-foot long tunnel.

Then the environmentalists got involved. They got into the act. They demanded the project be shut down. Now you can visit one of western North Carolina's most famous sites which they call the Road to Nowhere, because of the failure of the Federal Government to live up to its written contract and agreement and commitment.

The pending Sanford amendment ensures that the commitment will never be honored, that the people will never, never receive the treatment they were promised, and that the Road to Nowhere, so-called, will go nowhere in perpetuity. For $16 million, the junior Senator proposes to buy off the politicians in that county against the wishes of at least 7,000 of the 11,200-something people who live in that county.

The question arises, and I say this with all due respect, for whom does Senator SANFORD speak on this issue? I will tell you. He speaks for the Wilderness Society, the Sierra Club, the National Park Service, and a very few politicians in Swain County, NC.

In fact, Senator SANFORD quoted a letter from the Swain County commissioners saying that those who want the road are a few small special interests. Balderdash. My friend from North Carolina has a short memory. Right beside me in this Senate Chamber, at this moment, as I said earlier, are just about 7,000 letters from the citizens of Swain County who wrote to me supporting the construction of the road the last time Senator SANFORD attempted to vitiate the agreement between the U.S. Government and Swain County, NC.

It is my information, and the junior Senator from North Carolina can correct me if I am wrong, but Mr. SANFORD has never once met with the people of Swain County. They say he has not. They say he avoids them like a plague if he gets anywhere near that county. Oh, he has met with a few politicians who are eager to get their hands on a quick, easy $16 million check from Uncle Sam. That is it.

I do not consider 7,000 citizens of western North Carolina, 7,000 citizens out of something like 11,000, to be a small special interest.

As Gov. Jim Martin's representative testified in June 1987—the most recent time Senator SANFORD attempted to bring up similar legislation—before the Energy and Natural Resources Committee:

> When TVA acquired the communities and lands necessary to build Fontana Lake in the 1940's the Federal Government promised the residents a road so that they would be able to visit the gravesites of their ancestors. Senator Helms' bill honors this longstanding promise to the Swain County residents and their heirs. I support this approach because I feel that government must keep the promises it makes to its citizens. Credibility and trust in government are essential in our democratic system of government.

The Governor of North Carolina, in a letter to me and to Senator NICKLES, restated precisely that position this very day.

Mr. President, Senator SANFORD stated earlier that Swain County has not been able to grow because it has not received the payment of $16 million which he says the Government owes the county for destroying North Carolina Highway 288 in 1943. I respectfully disagree. Swain County and most of western North Carolina, for that matter, have suffered economic distress because as each year goes by more and more land in the State of North Carolina is taken off the tax rolls and is placed off limits. That is what is causing the distress in North Carolina.

Over the years, North Carolinians of the area have watched the Federal Government take their land for one purpose or another. As a result they have very little interest, they have no tax base, and the unemployment rate is high.

Not one person can appreciate how the Government has crippled the economy in western North Carolina until one takes a look at how much land the Federal Government has in fact taken. Let us use Swain County as an example. Out of 345,715 acres, the Federal Government has taken 276,577 acres. Neighboring Graham County is not much better off. Out of 193,216 acres in that county, the Government has taken 138,813. Of the 353,452 acres in Haywood County, just down the road, the Government has taken 131,111 acres. That is what has happened to western North Carolina.

I mentioned all of this to demonstrate and to emphasize the basis for the frustration that is in western North Carolina.

On the other hand, in the four Tennessee counties, bordering the Great Smoky Mountains National Park, on the other side, the Government owns less than two-fifths of the land. I have no quarrel with our friends in Tennessee. But facts are facts. I would have hoped that both Senators from North Carolina would have supported the people of western North Carolina.

Another part of this story was somehow omitted from the comments by the able junior Senator from North Carolina. Although the Great Smoky Mountains National Park is the most visited national park in the country, few tourists who travel through the Smokies have a place to stop on the North Carolina side of the park. And the road as promised by the Federal Government 43 years ago would change that.

And the people of western North Carolina will then be on a level playing field with Tennessee. The road will bring in industry and tourists, not to the detriment of the scenic beauty of the Smokies, but for the betterment of the citizens of western North Carolina.

As Paul Harvey might say, "Now you know the rest of the story." The part that my distinguished colleague, the junior Senator from North Carolina is unwilling to tell.

The narrow special interests want to stop all progress, and they want to arrange for the Federal Government to abandon Swain County, and they are getting closer and closer all of the time. In effect, Senator SANFORD appears to want enjoyment of that land for a minority at the expense of the majority. There has been too much of that in western North Carolina already. That is the reason I am standing here this afternoon.

Make no mistake, the radical environmentalists will not be satisfied until all of western North Carolina is locked up, and the key is thrown away. They support Senator SANFORD, and by his amendment, he is supporting them.

I have tried and tried and tried to compromise with the environmentalists, self-proclaimed, self-appointed. I have tried to compromise with the distinguished junior Senator from North Carolina [Mr. SANFORD]. I introduced legislation in the 98th Congress, the 99th Congress, and the 100th Congress. I agreed to put approximately 200,000 acres of North Carolina land into wilderness in exchange for three things: One, reimbursement for Highway 288—bear in mind that commitment of 43 years ago—and a Farmers Home loan; two, exclusion of 44,000 acres of North Carolina land from wilderness designation; and, three, the authorization of money for a primitive road to be built leading to the cemeteries of Fontana Lake, which was promised in writing and signed by the Federal Government in 1943. Nothing has happened, Mr. President.

On July 12 of this year, I wrote to the Fontana Agreement Bi-Partisan Committee. I told them I would introduce legislation to bring the Government in full compliance with the 1943 agreement. The legislation I have in my hand orders the Secretary of the Interior to build that road committed to in writing 48 years ago. With all due respect, I call on Senator SANFORD right now to join this Senator, Governor Martin, and the people of western North Carolina in supporting this effort to get Swain County moving toward a more prosperous future.

I made a promise to the people of western North Carolina many years ago. I went there. I have been there on three occasions that I have met with the working people, the farmers of Swain County. I have been to Swain County with Senator WALLOP, Senator SYMMS, and Senator DOLE. But not Senator SANFORD.

After looking at the whole thing, studying the maps, getting on a bus, riding through the territory, being where real people live, I then promised the people I would fight for their interests. Therefore, I feel obliged to do everything I can to defeat Senator SANFORD's amendment.

Let me be fair about this, and again I say this with all due respect. If I lose, Senator SANFORD will lose the respect and confidence of thousands of North Carolinians, who have a right, I think, to expect better of their Representatives in Congress, both the House and Senate, than this amendment conveys.

Mr. President, I am going to get a small handful of the letters. This is about 10 percent of the letters from Swain County, NC. Not any politicians, just good old hard working farm people. If need be, this Senator is prepared to stand on this floor and read every dadgum one of them.

I hope this amendment will be rejected. I hope Senator SANFORD will follow the tradition of the Senate and get an authorization for such a controversial matter as this before he tries to slide it in as legislation on an appropriations bill.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALLOP. What is the pending business?

The PRESIDING OFFICER. The pending business is the Sanford amendment.

Mr. WALLOP. Mr. President, I would like to address myself to that. Two things:

First, to say the least, I am unsettled by the attempts of the Senator in absence of the other Senator from North Carolina. I would hope that that was not a habit that was developed in the Senate either across party lines or for any other reason.

But, second, I would make the point this is legislation on an appropriations bill, and I would make the special point that the junior Senator from North Carolina has not been willing to submit that legislation to the authorizing committee.

It is more important, I think, as we go into these kinds of amendments, that we not sidestep the authorizing process. It is all too tempting to do it in the appropriations process, one in which all of us at one moment or another seek to yield to that temptation. But in point of fact, this is a piece of legislation, the legislative idea, which, while providing $16 million to the county, does violence to the word of the United States that has already been given in those matters in the past. I think it is fair to say that the senior Senator from North Carolina would like the United States to live by its word in this instance.

So I would hope the Senate would not agree to that; that the junior Senator from North Carolina would see fit to submit that legislation to the Energy and Natural Resources Committee; that we would like to take a look at all of the ideas that he and his backers have on that as well as those in Swain County that do not agree with this; and that, in fact, back the approach as taken by the senior Senator from North Carolina.

It is my hope that we do not yield to this temptation. It is my hope that we sustain the argument that it belongs, first, in the authorizing committee before reaching the floor on appropriations.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. WALLOP. I yield.

Mr. NICKLES. Mr. President, as ranking Republican on the Energy and Natural Resources Committee—and I have the privilege of serving with the Senator from Wyoming on that committee—we have a policy in handling lands in that issue. We really try to work those out in a bipartisan way and try to work them out in a manner which is acceptable to both Senators from that State.

It may be impossible to do this on this issue. It may be. But I do not know that we had the opportunity to try, and this is clearly authorization for actually it is more than $16 million; I believe it is $16 million plus interest; $16 million goes back to 1986. So we are talking about significantly more than $16 million. There is more at stake than just money here.

I would hope that the Energy and Natural Resources Committee could have a chance to look at it, to have hearings and have input from people, such as the Governor, have input from other people from the affected county, so we would really know what we are doing and so the Senate would not be in awkward position in which we are in right now, of discussing an amendment on which we have conflicting viewpoints from that State. Maybe this is the only way it can be resolved. But if it is, I would think it would certainly be better for it to be resolved through the authorization process than through an amendment on the appropriations bill on the floor.

Mr. WALLOP. Mr. President, I would say to the distinguished Republican manager of this bill that is precisely right. It is, in fact, maybe an impossibility that it can be resolved, but that has not yet been tested.

It has been the standard practice of that committee that, when two Senators from the same States agree that however painful that might be, precedents or other kinds of things for other Senators either from the regions or for other reasons, we try to accommodate them. But the first and most important precedent is to try to get political agreement between Senators on an issue that affects lands within their State, at least not to try to overrun the sensibilities of one or the other Members.

I would say this is not a partisan thing. This is a policy that is important to sustain itself in every direction. You just do not try to overrun the sensibilities of one Senator from the State by circumventing the authorizing committee's process.

I would hope, Mr. President, that the Senate would not agree to this amendment, and that the authorizing committee do hear testimony from the State of North Carolina on both sides of the issue and in as many and appropriate ways as there are and let the committee weigh in with its judgment in what it may be, supposing it is not possible at some point in time to get agreement among the Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I deeply appreciate the comment of the distinguished Senator from Wyoming and equally the distinguished Senator from Oklahoma. This needs to be considered jointly, and it certainly needs to be given a hearing by the people affected in North Carolina, which is being denied.

Many times, all of us have submitted amendments constituting legislation on an appropriations bill. That is the way the system works. But I never before have heard of a situation like this one, where the people of North Carolina are bypassed, where the Governor of North Carolina is bypassed—and I just hope that it can be resolved short of any serious personal disagreement between the two Senators, because TERRY SANFORD is my friend. We do not belong to the same party because we do not vote alike—oh, maybe on adjournment and recess or something like that. But I like him and I hope he will reconsider for the benefit of the people most affected, the people of Swain County.

I thank the Senator again for his courtesy.

Mr. President, the pending business, of course, is the Sanford amendment.

The PRESIDING OFFICER. The Senator from North Carolina is right.

Mr. HELMS. I wonder if managers of the bill would be willing to set aside this amendment so we can proceed with another amendment that I intend to offer.

Mr. BYRD. Mr. President, I would be happy to ask unanimous consent that the pending amendment be set aside to allow the Senator from North Carolina to call up another amendment, if that is his request.

It is my understanding that the call for the regular order will bring back the Sanford amendment at any point. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 1175 TO COMMITTEE AMENDMENT ON PAGE 100, LINE 14

(Purpose: To prohibit to use of funds from the National Endowment for the Arts to promote, produce, disseminate, or distribute obscene materials)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1175 to the excepted committee amendment on page 100, line 14. On page 100, line 14, strike "$143,583,000" and insert the following: "$143,583,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

"SEC. . Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, or produce materials that depict or describe, in a patently offensive way, sexual or excretory activities or organs.".

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished clerk for his indulgence in reading the entire amendment.

Mr. President, it has been a little over 2 years now since I first came in that door onto the Senate floor to bring to the Senate's attention the clear evidence that a war is being waged against America's basic values by a gaggle of self-proclaimed "artists"—and I ask that quotation marks be put around the word "artist" because in my judgment they are anything but artists. These "artists" are funded by the National Endowment for the Arts. I came to the floor that day, July 26, 1989, and I showed Senators some examples of the so-called "art" that the American taxpayers are being forced to subsidize.

I recall that the distinguished manager of the bill took a look at some of the photographs and he said, in effect, "Good gosh, we will take your amendment." And that is when the battle began.

After my amendment was approved to prohibit the NEA from using the American taxpayers' money to sponsor obscenity, I was greeted with hoots and jeers from the liberal media all across this country—and have been ever since.

And I have welcomed every syllable of it. Because the media have made fools of themselves on this issue. They have not persuaded any American that denying funds to people who produce rotten material are entitled to have funds allocated to them from the Federal Treasury.

The media spared no effort to promote the absurd claim by radical fringe artists that my amendment somehow "censored" artists. Yet, not once has the media been willing to broadcast or publish, for example, the photographs that I brought to the Senate floor that day in 1989 so that the American people might see what the debate is really all about.

It is fair to say that many elements of the major news media have engaged in a deliberate coverup for the rotten material which was, and still is, being subsidized by the National Endowment for the Arts—using taxpayers' money. There are countless instances wherein various newspapers published carefully selected, noncontroversial pictures, implying that JESSE HELMS is concerned about art depicting floral scenes, beautiful little pictures, and paintings. And this falls squarely into the category of journalistic falsehoods because they know what I was talking about, but they were unwilling to make it clear to their readers and their viewers.

Let us be very clear about it. The so-called "art"—and please put quotation marks around the word "art" in the CONGRESSIONAL RECORD—the so-called "art" that I have been opposing and continue to oppose and will oppose until we cut off funding for it, is so rotten, so crude, so disgusting, so filthy, that it turns the stomach of any normal person. Yet, this is the kind of material that so many newspapers and magazines have refused to describe to their readers—while charging that it is "censorship" to oppose forcing the taxpayers to subsidize and promote such rotten material.

Mr. President, I remember challenging one newspaper after another. I would say, "Just publish one or two of the pictures that we are talking about so that the people can understand what I am talking about." "Oh," they said, "we cannot do that. The pictures are not appropriate for a newspaper's general readership."

But the editorials continue to mislead their readers with inane suggestions that it is somehow "censorship" to oppose using tax money to subsidize and promote homosexual "art" that is just too rotten for the papers to publish and the television stations to broadcast.

Oh, yes, let us not forget the television stations. They refused to show the pictures because they knew that the Federal Communications Commission would probably jerk their licenses in an instant—because showing those photos would be a blatant violation of FCC broadcast standards.

Yet, these same television and radio stations that do not dare broadcast or show Mr. Mapplethorpe's photos, for example, still, in one way or another, denounce those of us who oppose the NEA's practice of paying for this rotten material. They still denounce us on program after program for proposing—as the pending amendment now at the desk does—that the Federal Government apply exactly the same standard to NEA publicly funded "art" that the Federal Communications Commission currently applies to television broadcasting over the public airwaves. That seems to me to be a fair proposition.

But the hypocrisy of the news media is so transparent. Oh, they shout "censorship," "censorship," while they themselves censor the truth.

Now the liberals in the news media—and they abound in great multitudes—know that if the American people ever learn what the NEA really is doing with their tax dollars, there would be almost an instant revolution and the NEA would cease to exist. And I might add parenthetically, Mr. President, I think it was the Prince of Denmark who once said that that is the consummation devoutly to be wished. And I wish it.

Yes, Mr. President, I voiced concern, strenuous concern, 2 years ago—as I do right now, and as I will continue to do—about the assault on America's basic values by self-proclaimed, self-appointed, perverted artists who insist upon assaulting the moral sensibilities of the American people by using the taxpayers' money to promote and subsidize rotten, disgusting material designed to promote homosexuality—with the aim of having it accepted as just another lifestyle. Well, it is not just another lifestyle.

Since I first questioned why the American taxpayers' money was being used to subsidize such filth, little has changed. Oh, we had all sorts of assurances by John Frohnmayer and others: "We are going to take care of that."

I remember meeting in the office of the distinguished President pro tempore of the Senate, ROBERT C. BYRD, with Mr. Frohnmayer, and I recall the assurances that Mr. Frohnmayer made to Senator BYRD and me that afternoon. The fact is, despite the assurances given by Mr. Frohnmayer, the situation has become worse, far worse.

I have here two stories published on Thursday morning, one in the Washington Post, one in the Washington Times, reporting essentially the same thing. I ask Senators to look at the reprints of these articles which will be placed on their desks.

One is on the front page of the Style section in the Washington Post and says "Politics of Arts Grants Questioned." You bet they are. And the articles subhead is, "NEA Papers Released In Artists' Lawsuit." The Washington Times story is headed, on page 3, "Transcripts Show Politics Worried NEA Chief."

The NEA's chairman is not worried about politics, but about the reaction of the American people who still cling to moral values in this country and who resent the use of their taxes to subsidize and promote filth.

I think most Senators, if not all, have seen reports—entirely accurate—

about the degenerate so-called "art" that the NEA has in fact supported with public funds—despite the NEA's constantly disingenuous attempts to deny direct responsibility for all of this mess.

Think about it, Mr. President. Think about Annie Sprinkle, Holly Hughes, Karen Finley, the Kitchen Theater. Think of the live sex acts on stage—all of this financed with the taxpayers' money—and, of course, the countless homoerotic movies, photographs, and so-called "film festivals" they call them. From burning the American flag to desecrating their own and one another's bodies, the depravity of these self-proclaimed "artists" knows no bounds.

And the only religiously oriented "arts" you will find—funded by the NEA—are scurrilous attacks on the Catholic Church or blasphemous insults to the deity of Jesus Christ. That is the only art that is being subsidized by the NEA that has anything to do with religion.

Nevertheless, Mr. President, the same contrived pronouncements continue to pour forth from the NEA; double talk, double talk, and more double talk. It comes from the decadent so-called artists who have taken control of the arts community in America. I do not know how they did it, but they did it.

You can look at the vote on Senator KASSEBAUM's amendment just now. The Senate ought to be ashamed of itself for rejecting Senator KASSEBAUM's amendment. Shame on the U.S. Senate. These "artists" are leading Senators around by their noses.

Among this crowd of decadent people, there has been a militant disdain for the moral and religious sensibilities of the majority of the American people as these artists literally, to quote a phrase, "laugh all the way to the bank"—with the taxpayers' money. And that is why I am here on this floor today.

I have received literally hundreds of thousands of letters, telegrams, telephone calls, petitions from citizens all over this country who are outraged that their tax money has been used and is being used to subsidize the poisoning of the very moral foundations of America.

We are, today, engaged in more than a debate about the allocation of—what—$170 million. The Federal Government spends more than that in a few hours.

What is at stake, and the reason why I am standing here, is to question whether we are going to allow the cultural high ground in this Nation to be slowly but surely subsumed by a group of people who are in a lifelong battle to destroy the Judeo-Christian foundations of this Republic. That is what it is all about.

And it is in this light that, once again, I am here bringing to the floor the subject of the National Endowment for the Arts, and that is why I have offered the first of two or three—or maybe more—amendments.

What I want to do is lay to rest the intellectually dishonest nonsense that it is "censorship" to call a halt to using taxpayers' money to promote and subsidize obscenity, vulgarity, and homosexuality, or that the Government is somehow constitutionally obliged to support a decadent "artistic elite," if you want to call it that, at the expense of the deeply held sentiments and beliefs and principles of the vast majority of Americans. That is what it is all about.

These artists, who have their minds in the gutter, are free to do whatever they want to with their own money and on their time. I have often said that if they want to scrawl dirty words on a men's room wall, fine with me, just as long as they provide the wall and pay for the crayons. Do not ask John Q. Public to furnish the money; no, sir.

I have said this time and time again: There is a clear difference between censorship and sponsorship. The NEA has been sponsoring this rottenness and trying to dodge responsibility all of the way, just as John Frohnmayer double talked when he talked with Senator BYRD and me downstairs in the Capitol Building 2 years ago.

Censorship is when the Government presumes to ban the production, distribution, or display of materials in the private and the public sector. "Ban" is the key word.

Mr. President, the issue concerning the spending of the money of the National Endowment for the Arts—centers on sponsorship, as I said earlier, not censorship. And nobody knows this better than those crummy, self-designated, self-proclaimed artists we are talking about.

But they have absolutely scared politicians to death, and I do not understand how they do it, because they tried their best to defeat me last year. One Senator was heard boasting on this floor within 2 weeks before my election that he had personally taken to North Carolina $1 million for my opponent he had collected from the artists. He also went down for the victory party in November of last year. But I had to tell him that I missed him, because I did not see him at the victory party. He went to the wrong party.

What we are talking about has to do only with the Federal Government financing or sponsoring something at the taxpayers' expense. Under the Constitution, the Government has no obligation whatsoever to compel the taxpayers to subsidize projects that are so far beyond first amendment protection that the Federal Government could ban their dissemination in the private as well as the public sector.

But let it be clear, Mr. President, that the Government's refusal to subsidize this garbage in no way prevents these people from displaying or selling such material at their own expense in the private sector. I do not like it, but they can legally do it.

So in considering the pending amendment, the Senate is going to do one of two things. We will hear protestations to the contrary, but one thing or the other will be the case. The Senate either will call a halt to further NEA outrages or the Senate will allow the decadent elites—if you will call them that—at the NEA to continue to fund rottenness and filth, using the taxpayers' money. It is as simple as that.

Senators who believe that the NEA should continue to be allowed to waste the taxpayers' money on the perverse activities of Annie Sprinkle, Tongues United, or Robert Mapplethorpe should vote against my amendment.

However, those Senators who believe that the National Endowment for the Arts should not be allowed to use the taxpayers' money to fund obscene materials that "depict or describe in a patently offensive way, sexual or excretory activities or organs," should support my amendment.

Mr. President, I am just about through for the time being, and I ask unanimous consent that the following items be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

First, a resolution adopted by the Southern Baptist Convention at its national convention calling on Congress to set standards to prohibit the NEA from funding morally repugnant and offensive art; an article I submitted for the NOVA Law Review last year; and, third, an article by Andre Ryerson that appeared in the Heritage Foundation's Public Policy Review last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the SBC Bulletin]

RESOLUTION NO. 4—ON GOVERNMENT SUPPORT OF OBSCENE AND OFFENSIVE ART

WHEREAS, God has ordained government to do good works; and

WHEREAS, Southern Baptists have historically supported the constitutional rights of free speech and have opposed undue censorship; and

WHEREAS, Regulation of government funding of art, or certain types of expression claimed to be art, is not censorship of the arts; and

WHEREAS, The Supreme Court recently stated in *Rust* v. *Sullivan* that government may regulate expressive activity to conform to public policy as a condition for obtaining public funding; and

WHEREAS, The National Endowment for the Arts (NEA) has, increasingly in recent years, demonstrated a pattern of support for obscene, offensive, morally repugnant, and sacrelegious "art"; and

WHEREAS, The Chairman of the NEA, who is appointed by the President, has demonstrated a clear lack of sensitivity to the concerns of evangelical Christians and others regarding the funding abuses of the NEA; and

WHEREAS, Last year, despite pleas from evangelical Christians and others, Congress and the President failed to support legislation which would have placed meaningful restrictions on what the NEA is permitted to fund but instead adopted an ineffectual standard calling for "general standards of decency;" and

WHEREAS, Since last year's ineffectual action by Congress, additional homoerotic, pornographic, and sacreligious "art" has been funded by the NEA with the explicit approval of its Chairman; and

WHEREAS, Some members of Congress and the President continue to oppose content restrictions on NEA funding.

Therefore be it RESOLVED, that we the messengers to the Southern Baptist Convention meeting in Atlanta, Georgia, June 4-6, 1991, recognizing the influence which the NEA has on our culture, deplore the lack of initiative by the President and Congress in addressing the continuing abuses of the NEA; and

Be it further RESOLVED, That we urge the President to act immediately to remove the current Chairman of the NEA and replace him with an individual who will stop funding obscene, offensive, morally repugnant, and sacreligious "art"; and

Be it finally RESOLVED, That we call on Congress and the President to set standards which will prevent the funding of obscene, offensive, morally repugnant and sacreligious "art," or, if that is not done, to cease funding the National Endowment for the Arts.

[From Policy Review, Fall 1990]

ABOLISH THE NEA—GOVERNMENT IS INCAPABLE OF DETECTING ARTISTIC GENIUS

(By André Ryerson)

Imagine a government so confident of its discernment, and so oblivious of this capacity in its citizens, as to declare each year which automobile it considered the most desirable, then awarded a subsidy, say, to General Motors for its Cutlass Supreme sedan, or to Ford for its Taurus wagon. It is likely that the news media together with the auto industry, and joined by the public at large, would be scandalized. In a market economy we expect governemnt to play the role of umpire, ensuring that fair rules of competition prevail, but not otherwise meddling in matters of private choice. This role is clearly perverted by the government's cheering for one competitor over another and giving it a seal of approval plus cash rewards. The monarchs of Britain once did so, but republican values in America forbade such royal favors as a matter of principle.

Yet in a realm far less open to laboratory testing than the automobile industry, far more liable to error in the long lens of time, where personal taste reigns with magisterial indifference to modes of scientific verification—the arts—we find our government selecting among artists which are worthy to receive public funds and which are not. That the system has provoked a scandal that has reverberated through the halls of Congress is not especially remarkable. What is remarkable is that it took this long to occur.

AESTHETICS OF SCANDAL

The National Endowment for the Arts (NEA) managed to survive outside the light of public scrutiny for a good quarter century, quietly giving grants to artists of "approved" tendencies. The public was indifferent to art that was subsidized but out of sight. In recent years, however, with the rise of photography and "performance art" to places of prominence, the awards the NEA has made in these more accessible art forms have captured media and public attention as never before. With public scrutiny, cries of indignation were not long in coming at the extreme vulgarity of many works supported by the NEA, works of varying technical accomplishment but certain to offend the religious, moral, and aesthetic sensibilities of ordinary Americans.

The downward spiral of taste that the art world has suffered in recent decades follows, in large part, from a mistake about the nature of art that arose from an accident of history. In the 19th century, middle-class mores became wedded to officious norms of academic art so that the genuine artists of the day, without trying to shock anyone and merely by creating original works, appeared as revolutionary iconoclasts who threatened the social order. Ironically, some of the most brilliant figures of what was emerging as modern art, Manet, Degas, and Cézanne, were men of middle-class values and conservative politics. Neither they nor their liberal colleagues has any intention of overthrowing the social order with their work, a fact attested to by what they had to say for their art and even more by the paintings themselves. Cézanne spoke of achieving classical ideals by handling nature through "the cylinder, the sphere, the cone, all placed in perspective," and by distilling visual essentials in a painting, "producing pictures that are a lesson." Both in creating art and collecting, Cézanne recommended not radicalism, but taste: "Taste is the best judge. It is rare. The artist addresses himself only to an exceedingly restricted number of individuals." He did not consider critics prominent in this group of the elect, though they have since come to dominate the discussion of what constitutes art. "Discussions about art are almost useless," remarked Cézanne. "The labor that achieves programs in one's own craft is sufficient compensation for not being understood by imbeciles."

Impressionist painting's "shock value"—a novel factor in art history—was clearly incidental to the aesthetic value of its works. None of the world's great art until then, through some 5,000 years of labor, had ever been certified as superior by indignant public outcry against it. But ever since the fuss that greeted Impressionism, public scandal has become a convenient "proof" of aesthetic authenticity. By dint of some very sloppy reasoning, the accidental became confused with the essential—at least for certain cultural elites—and a series of simplistic tenets took root: To express the self is to shock. Art is expression. Therefore, art must be shocking.

The shallowness of this syllogism is rarely plumbed by the gallery directors, museum curators, art critics, and foundation heads who embrace and propagate it, among other reasons, because it makes connoisseurship an instantly acquired skill. For while judging the intrinsic merit of a new work of art is extremely difficult, virtually anyone can identify which play or painting is likely to be the most shocking to the average citizen. To fall into this basic error is lamentable enough for gallery managers and theater directors restlessly in search of clients. It is wholly unacceptable as the national arts policy of a government of, for, and by the people.

MORTAL CONNOISSEURS

The case for making the NEA more discerning with the people's money has been argued by some capable politicians, including Congressman Henry Hyde (in National Review), and by thoughtful art critics such as Samuel Lipman (in Commentary). Unfortunately, they err by recommending better judgment at the NEA to clean up the prevailing mess, instead of seeing that the very enterprise of selecting certain artists to receive grants, while rejecting others, is not an appropriate function for a democratic government.

The scandal has resurrected the old question, "What is art?" It has also added a new one to the agenda, "Why have an NEA?"

People outside a given field tend to trust its practitioners with more expertise than they actually possess. Disappointment follows from discovering that doctors do not have all the right answers and occasionally have the wrong ones, that judges do not always know the law, and that professors can be narrow-minded and ignorant. The recent scandal at the NEA should add to our wisdom in this regard, since it involves state-appointed connoisseurs selecting works of art judged so superior to the norm—a man squashing beetles on his chest, a woman defecating on stage, a porn queen inserting a speculum in her vagina to offer the audience a peek, lesbians inflicting wounds on themselves to prove that ours "is a sick society," a crucifix photographed in a jar of urine, a young girl photographed to reveal her genitals, a homosexual with a whip stuck in his rectum—that these achievements deserve the gift of taxpayers' money plus the imprimatur "funded by the NEA."

The whole misadventure ought to instruct the public that artists and art connoisseurs are no less mortal than the rest of humanity, and no more to be trusted to steer the ship of art than generals are to be trusted to choose our wars.

The brouhaha at the NEA obscures, by the very outlandishness of the works rewarded, that even in the most trustworthy and mature hands, ascertaining the value of contemporary art is fiendishly difficult. A great hoax is played on the public when the belief is sponsored that objective criteria exist to discern superior art from the ordinary, the way a consumer service can test the nutrition in a loaf of bread or the acceleration of a given car. And that is why most conservative critics of the NEA, in their moderation, are at odds with the past two centuries of experience, which teach us that there is no sure compass, certainly no unbiased trail guide, in the wilds of contemporary art. At least two generations must pass before any sort of meaningful judgment can be made about the lasting value of a newly minted sculpture, painting, play, or sonata. Critics are needed, certainly, to pass immediate judgment so that we may bestir ourselves to see and hear what in time may prove enduring. But their judgment is fallible and should not be endowed with a perspective it lacks and which only time can provide.

Nor are artists themselves possessed of this gift where the assessment of other artists is involved. An anecdote from the 19th century makes the point. A young painter went to see Manet, the great inaugurator of the Impressionist revolution. The master carefully looked at the young man's canvases, then told him the hard truth. He had absolutely no talent, and ought to find some other vocation. The young man, as it happened, ignored the expert's well-intended advice. His name was Renoir.

When Cézanne was shown some paintings by Van Gogh and asked what he thought of them. Cézanne opined that they were simply the works of a madman.

We expect some professional jealousy in any field, whether among lawyers, doctors, or auto mechanics. But what makes the arts different is that technical skills that are central to other professions are not central to the value of a work of art. Cézanne got lower grades for drawing at the lycée than did his companion Zola. But Cézanne became a great artist despite his awkward draftsmanship because of the quality and power of his vision. Art, as Proust underlined, is above all not a matter of technique, but a vision. And to cultivate a unique and personal vision may well insulate the artist from the virtues of competing visions. In consequence, the presence of artists on government panels distributing grants to other artists is no guarantee against poor judgment, not to mention cabals, cronyism, networks of convenience, political log-rolling, along with ideological self-advancement. All of these charges have been made against those involved in grant-giving at the NEA.

HOW GOVERNMENT CAN HELP

But are we not obligated, as a society, to "do something" for the arts? Is art not one of the highest pursuits of the human spirit, the embodiment of ideals all too unattainable in politics or commerce? Yes. And that is precisely why the funding of the arts in a free society should follow from the accumulated choices of the people in their natural diversity, whether as individuals or corporately as businesses and philanthropic foundations. It is not the role of government to "assist" the process either by joining in the swings of art fashion that anoint one coterie today and another tomorrow, or by trying to check or balance them by throwing state influence and power behind some others.

The response of a rigorous laissez-faire capitalist to the entire question would be that art is a commodity like any other, and those who want the product should pay for it. If no one wants Jane Doe's poems or John Brown's paintings, they deserve to sit unsold. Certainly government should have no role in paying for products that no individual will buy.

As a point of departure, the laissez-faire or market argument is unassailable. Society as a whole should not pay for what no individual member of it wants. But this argument omits a consideration that does make art different from other products, namely, the unique factor of time required to assess the ultimate value of a work. The examples of William Blake, Van Gogh, Emily Dickinson, and others unappreciated by their contemporaries rightly haunt those who think about the problem. Is there no way to assist, while they are alive, those who are creating the treasures of posterity, but which the marketplace in the short term identifies only haphazardly?

Some answers are fairly easy. If we want more people to appreciate art, to visit museums with their children, and to invest their taste in an occasional print or painting, an appreciation of art is an obvious precondition. Here the function of government through the schools is sensible and desirable, within the competing demands of a school curriculum.

Closely related to art education is the preservation of our cultural past, through museums, classical theater, and symphony orchestras. While private philanthropy should be our first preference, a role for government, nonetheless, is wholly acceptable in materially preserving our cultural inheritance about which, thanks to the passage of time, rough consensus reigns. Government also has a special place in choosing the architecture of civic buildings.

It is also the case that public space and buildings can be improved with public art. Indeed, commissioning works for this purpose began with the Parthenon of Athens in the time of Pericles. More innovative modes of selection than presently prevail, however, would be a healthy turn. It would be refreshing to see (if only for experimental purposes) a simple vote by visitors to an exhibit of models placed in competition, since the voters would be self-selecting (anyone who cares about public art) whose taste, arguably, might prove more distinguished than that of many foundations, and easily of the National Endowment for the Arts.

PART-TIME WORK

Beyond these rather conventional ideas in support of art are innovations yet to be attempted. Once we honestly admit to having no institutional method for identifying greatness among contemporaries (beyond success in the marketplace), we can see that any institutional role for government should aim at helping artists as a class, rather than playing at the roulette wheel of identifying genius.

One innovation of this sort would involve the tax code, to allow artists deductible losses without a limit of years after which the activity is deemed "a hobby," as is presently the case. Another might involve collecting. If we agree that buying art is desirable but beyond the means of ordinary citizens, a tax deduction could be granted for money spent to participate in "art clubs" to buy art and circulate the works among members who share similar tastes, creating, in essence, fluid mini-museums in the private sphere. (This is how Ben Franklin launched what eventually became our system of lending libraries.)

On the supply-side of the equation, creating art is a financially hazardous choice among vocations. Yet the risk is widely understood and appreciated. The overriding desire of any artist is to secure, not money, but time—the time needed for creative work. Society has no obligation, however, to sustain every self-declared artist—although the Dutch have attempted this with a workfare-for-artists scheme, paying basic salaries and filling countless warehouses with paintings no one sees or cares about. Dutch artists themselves find the system somewhat depressing, and there appears no great push to repeat the experiment elsewhere.

What remains possible on the part of both government and business is a modest, if neglected, gem of an idea: part-time work.

Flexible work schedules have long been demanded by feminists alert to the special problems of working mothers. Industry is awakening to the need for part-time professional schedules because without them superior workers are leaving. But the concept of part-time work has much wider applications. Whole categories of people, not just mothers, would benefit from the opinion of part-time work. While some jobs are not susceptible to such arrangements, many others are, and the advent of fax machines and modem-linked computers is loosening and decentralizing the modalities of much traditional work. More fluid work schedules would also make better use of office and factory equipment than does a rigid 9-to-5, five-day week, and would also relieve computer gridlock and its attendant auto pollution and waste of time.

Yet there remains a suspicion that anyone wishing to work part-time is not to be taken seriously. However, studies reveal that part-time professionals have higher rates of productivity than the 60 to 70 percent levels of full-time workers, and in professions with high "burnout" rates, part-time professionals perform above standard.

With part-time work, both professionals and unskilled, made more available, an ambitious but unknown artist would be able to work two 10-hour days, receiving exactly half the salary and benefits of his 40-hour co-worker, and still have five full days a week to pursue his art. He would be self-sustaining, a burden on no one, accepting a more ascetic standard of living in order to pursue a creative ideal.

AMATEUR TREASURES

One can imagine an objection, nonetheless, that would run as follows: "We don't want people working less and producing less: we want them working more. And we certainly don't want a large army of persons playing at art. We want artists who are skilled, competent, in demand, and who work at art full-time. In a word, we want professionals, not amateurs.

The answer to these points is, first, that in a free society people should be able to buy a very precious commodity: time. As we steadily become more affluent in the decades and centuries ahead, more people are going to prefer time to a second or third car in the garage, whether to watch their children grow or to pursue a neglected talent. Time will be seen as the ultimate luxury, and while some will waste it, history shows that leisure has permitted many of the finest works of art and philosophy to arise. And, yes, their authors were very often "amateurs," in that no one was prepared to pay them for their work.

The list of philosophers who were amateurs begins with Socrates, who earned not a drachma for his ideas, and includes Descartes, Locke, Bacon, and Spinoza, whose livelihoods were, respectively, artilleryman, tutor, judge, and lens grinder. Poetry would scarcely exist but for its amateurs who include Villon, Keats, Baudelaire, Rimbaud, Mallarmé, Whitman, and Dickinson, who earned their living at everything from picking pockets and teaching English to working as a Washington bureaucrat. Proust was an amateur novelist, as were Jane Austen and Stendhal. In discursive writing, Montaigne was one of our more distinguished amateur essayists, as were Pascal and Thoreau. In painting, the names of Degas, Cézanne, Van Gogh, and Modigliani are emblematic of artists who spent most of their lives working at their easels without pay. Western civilization would be a sorry thing without its ledger of unpaid work and the heroism of its visionary amateurs.

DECENTRALIZING JUDGMENT

Other ideas to advance the arts need to be explored. But our ultimate goal and established truths need to be kept in view. The last thing we should want for a democracy is a government rhinoceros attempting to arrange the china shop of aesthetic preference. Nor does it matter whether the disruption proceeds from a belief that art is a tool for improving the people (the old Communist thesis of socialist realism) or from the belief that government is competent to identify genius and reward it (with grants from the NEA for "cutting edge" artists).

The distribution of grant money to a chosen few assumes a wisdom that government does not possess, and affords it powers it does not deserve. A free society naturally develops a healthy pluralism of, competing tastes and preferences, whether in cheeses, wines, books, or art. The ethos of a free society aims at decentralizing opportunities and power, not narrowing them. In diversity is strength. This applies as much to art collecting and connoisseurship as to art creation. Only by encouraging widespread, spunky and independent judgment among the public do we improve our chances that an Emily Dickinson or a Cézanne will be identified while still alive. Quite the reverse will occur by "letting the government" take care of what government is utterly ill-designed to do—discern subtlety of expression and artistic genius. Through the NEA we are fostering the worst of all worlds. We are institutionalizing the nation's taste, and doing so at the lowest level of sensationalist vulgarity.

DEATH OF PATRONAGE

The recent scandal of government funding may prove a blessing if the policy implications behind the events are plumbed to their root. The enterprise of identifying enduring art has no agreed-upon criteria, for its standards are hotly debated by critics curators, and the artists themselves. Government, least of all, is suited to select the worthies amid the crowd. Government has no special authority or expertise whatever in the arts, and its role should be one of a strictly neutral agent so far as regards the success or failure of this artist or that, this school or another.

We should recall that Shakespeare, Rembrandt, Shelley, Keats, and countless other great artists did not depend on government grants to create their works. Their support came from private patrons. Even when governments played a role, it was mainly for the purchase of art in public places—usually sculpture—the selection of which enjoyed broad support. The Church was a great institutional patron, whose place today has been largely taken by corporations and foundations. What is new in recent decades is a widely noted decline in independent taste. An elitist herd mentality has begun to steer the art support process, with timid corporations looking to the NEA for leadership, the NEA narrowly in thrall meanwhile to the "cutting edge" discerned in provocative "performance art" and whatever else enjoys the passing spotlight of New York fashion.

What is lacking today are bold patrons with genuinely independent taste. We need to think about the problem by remembering that Van Gogh sold exactly one painting in his lifetime. It would be interesting to know who the buyer was. We know it was not a museum, and certainly not a government. It was an individual with the courage of his taste. We badly need such patrons at all levels of our society, free of government attempts to steer the selection process.

We have no way of knowing how our grandchildren will judge our preferences and rearrange our museums. Some humility is in order here. We have no more wisdom about which few living artists will survive the sorting process and enter the pantheon of art than did the last century, which ignored some of the finest painters and poets of the age. In some sense, this is a fundamental condition of art. As Andre Malraux put it: "Art obeys its own peculiar logic, all the more unpredictable that to discover it is precisely the function of genius."

ART-STATE SEPARATION

The closest policy model to consider might be the government's relation to religion. The tax code grants religious personnel and institutions general advantages on the grounds that religious faith serves society in moral and spiritual ways distinct from the works of commercial enterprise. But we forbid the government from favoring one sect over another, this faith over that. The faiths and sects must compete among themselves for public favor in the marketplace of belief. The state establishes rules of fair play, but otherwise does not meddle in the free choice of individuals and voluntary groups.

The same policy should operate in the arts. The government has no business favoring one school of art over another, or awarding funds to this painter rather than to that. It lacks the competence to do so, because discernment in as personal and private a matter as art is as unsuitable to public measurement as religious faith.

An enlightened arts policy for a free society must respect the diversity that freedom creates, limited only by the frontiers of morally acceptable behavior as defined by law. Government may serve in a general way to facilitate activities deemed good. But where diversity of private taste contends, the state must stand aside.

[From the Nova Law Review, Spring 1990]

ART, THE FIRST AMENDMENT, AND THE NEA CONTROVERSY

(By Jesse Helms)

TAX-PAID OBSCENITY

America has been caught up in a struggle between those who support values rooted in Judaeo-Christian morality and those who would discard those values in favor of a radical moral "relativism." As Congressman Henry Hyde has said, "The relativism in question is as absolutist and as condescending self-righteous as any 16th century [Spanish] inquisitor."

For my part, I have focused on the federal government's role in supporting the moral relativists to the detriment of the religious community. I confess that I was shocked and outraged last year when I learned that the federal government had funded an "artist" who had put a crucifix in a bottle of his urine, photographed it, and gave it the mocking title, "Piss Christ." Obviously, he went out of his way to insult the Christian community, which was compounded by the fact that Christian taxpayers had been forced to pay for it.

As one distinguished federal judge wrote in a personal letter to me, when a federally-funded artist creates an anti-Christian piece of so-called art, it is a violation of an important part of the First Amendment which guarantees the right of all religious faiths to be free from governmentally-sanctioned criticism. When the National Endowment for the Arts contributes money to an artist for him to use to dip a crucifix in his own urine for public display, it is no different [in terms of church and state entanglement] from a municipality's spending taxpayers' money for putting a crucifix on the top of city hall."

The controversy over Andres Serrano's so-called "art" had hardly begun when it was disclosed that the National Endowment for the Arts also had paid a Pennsylvania gallery to assemble an exhibition of Robert Mapplethorpe photographs which included photos of men engaged in sexual or excretory acts. The exhibit also included photos of nude children. A concerned Borough President in New York City sent me a copy of an NEA-supported publication in New York, Nueva Luz, which featured photos of nude children in various poses with nude adults, men with young girls and young boys with adult women.

All of those "works of art" were offensive to the majority of Americans who are decent, moral people. Moreover, as any student of history knows, such gratuitous insults to the religious and moral sensibilities of fellow citizens lead to an erosion of civil comity and democratic tolerance within a society. Therefore, funding such insults with tax dollars surely is anathema to any pluralistic society.

This was the basis of my offering an amendment to the Interior Appropriations bill to prohibit the National Endowment for the Arts [NEA] from using tax dollars to subsidize or reward "art" which is blasphemous or obscene. Congress unwisely enacted only a severely weakened version of the amendment that does not even prohibit funding for such works as those by Mapplethorpe and Serrano—which created the controversy. Even so, this weakened amendment has been the target of unfounded and often absurd criticisms.

Opponents of the legislation often make the following unfounded and misleading allegations:

1. Restrictions on federal funding for the arts constitutes direct censorship

This is a deliberate attempt to confuse censorship with sponsorship. Such deliberate misrepresentations are intellectually dishonest.

The Constitution gives Congress the responsibility and duty to oversee the expenditure of all federal funds—including funding for the arts. The amendment originally proposed, as well as the one passed, was intended to forbid the federal government from taking money from citizens by force and then using it to subsidize or reward obscene or blasphemous art. The amendment clearly limits the issue to the question of whether the government should use tax funds in the role of a patron (sponsor) for such "art." The legislation in no way "censors" artists; it does not prevent artists from producing, creating, or displaying blasphemous or obscene "art" at their own expense in the private sector.

Therefore, sanctions comparisons between the amendment and communist dictatorships in Eastern Europe fall on their face. In communist countries everything is paid for by the government; therefore, if not approved by the government, it is not produced. Western democracies, on the other hand, rely on the private sector where ideas are left free to compete with minimal or no governmental participation.

Thus, it should be obvious to all that, despite the amendment, American artists who choose to shock and offend the public can still do so—but at their own expense, not the taxpayers'. Censorship is not involved when the government refuses to subsidize such "artists." People who want to scrawl dirty words on the men's-room wall should furnish their own walls and their own crayons. It is tyranny, as Jefferson said in another context, to force taxpayers to support private activities which are by intent abhorrent and repulsive.

The enormous response I have received from throughout the country indicates that the vast majority of Americans support my amendment because they were aghast to learn that their tax money has been used to reward artists who had elected to depict sadomasochism, perverted homoerotic sex acts, and sexual exploitation of children.

2. Subsidizing some art forms but not others (obscene art) constitutes indirect censorship

If this is true—and it isn't—the NEA has been in the censorship business for 25 years, which means that the only way to get the government completely out of the "censorship business" is to dismantle the NEA.

By its very nature, the NEA has the duty to establish criteria for funding some art while not funding others. So, those who are crying "censorship" in this regard are ignoring the defect of their logic (or lack thereof). Do they not see that, following their logic, every applicant denied federal funding can protest that he has been "censored" by the subjective value judgments of the NEA's artistic panels?

3. Is there such a thing as obscene art?

The vast majority of taxpayers would first ask themselves whether something is obscene—and if it is, then it's not art. However, some verbose art experts—and the NEA—do just the opposite. Anything they regard as "art" cannot be obscene no matter how revolting, decadent, or repulsive. As NEA's Chairman John Frohnmayer told a California newspaper. "If an [NEA art] panel finds there is serious artistic intent and quality in a particular piece of work, then by definition that is not going to be obscene."

4. Federal funding restrictions must use the obscenity definition outlined by the Supreme Court in Miller v. California?

It is important to remember that the Supreme Court has never established an obscenity definition for the purposes of restricting government funding. But Chairman Frohnmayer and the "arts community" erroneously assert that the Constitution requires that the definition in *Miller* v. *California* be used in both restricting federal funding and banning obscenity. However, refusing to subsidize something does not "ban" it. In order to BAN obscenity, *Miller* v. *California* requires the government to prove that materials: (1) appeal to a prurient interest; (2) depict in a patently offensive manner sexual or excretory activities or organs; and (3) lack serious artistic or scientific value.

Numerous cases show that the Court does not apply the same standards to government's refusal to fund First Amendment activities as it does to the government's effort to ban such activities.

For example, in *Maher* v. *Roe*, the Court stated that merely because one has a Constitutional right to engage in an activity, he or she does not have a Constitutional right to Federal funding of that activity. As long ago as 1942, in *Wickard* v. *Filburn*, the Court stated that, "It is hardly lack of due process for the Government to regulate that which it subsidizes." And recently as 1983, in *Regan v. Taxation With Representation*, a unanimous Court reiterated a litany of cases holding that restriction on the use of taxpayers' funds, in the area of expressive speech, do not violate the First Amendment and need not meet the same strict standards of scrutiny.

Thus, it is unlikely that the Supreme Court would require Congress to use *Miller* test in its entirety in order to prohibit the NEA from funding obscenity. In fact, I believe the Court would uphold a Congressional prohibition on funding for any patently offensive depictions or descriptions of sexual or excretory activities or organs regardless of the presence of absence of artistic merit.

It would be interesting if Congress should decide to adopt the *Miller* standard in its entirety because *Miller* allowed a jury of ordinary citizens to decide if something is or is not obscene. The 1989 amendment approved by Congress on the other hand, effectively grants the NEA and its elitist arts panels sole authority to decide what is or is not obscene for purposes of government funding.

Thus, the legal effect of the current law is to prohibit nothing. The NEA can cloak even the most patently offensive depictions of sexual or excretory conduct with "artistic merit" simply by deciding to fund the work, thereby making it legally non-obscene. This was precisely what the current amendment's drafters intended since they wanted to deceive the public into assuming that federal funding for obscenity had been prohibited—when, as a legal matter, it has not. Since last fall, Chairman Frohnmayer has asserted that he would and could fund the Mapplethorpe exhibit under the language passed by Congress.

5. The original Helms amendment is not enforceable

This is nonsense, and those who say that know that it's nonsense. There was nothing vague about it—and the Federal Communications Commission is having no problem making the determination that various broadcasts are indecent and/or obscene. The Postal Service is able to do the same thing concerning obscene or indecent mail. The Justice Department's National Obscenity Task Force has been able to determine what is obscene under the federal criminal statutes.

If the FCC, the Postal Service, and the National Obscenity Task Force can handle their responsibilities in this regard, why cannot the National Endowment for the Arts do likewise?

6. The amendment chills artistic expression

The "arts community" is fond of asserting that prohibiting NEA funding of obscene art will either "destroy art in America" or, at best, "lead to art which is bland." On the other hand, they also argue that the NEA has funded only about 20 controversial works out of 85,000 grants over the last 25 years. (This, by the way, is statistical manipulation, but that's an argument for another day.)

The point is this: The "arts community" cannot have it both ways. Either the NEA is funding so many controversial works that eliminating such funding will devastate the arts community—or the NEA has funded so few (20 in 25 years) that an obscenity restriction could have no more than a negligible impact.

My response to the first argument is that if art in America is so dependent on obscenity in order to be creative and different, then Congress has a duty to the taxpayers to shut the NEA down completely, thereby slowing America's slide into the sewer. My answer to the second argument is that if so few offensive works have indeed been subsidized by the NEA, why all the fuss from the "arts community"?

In summary, the National Endowment for the Arts has always had the responsibility and the duty to decide what is and is not suitable for federal funding of the arts—and that has been precisely the problem. The NEA has defaulted upon that responsibility. It has been insulated from mainstream American values so long that it has become captive to a morally decadent minority which delights in ridiculing the values and beliefs of decent, moral taxpayers.

It should therefore be evident that as long as the NEA is given the sole authority to decide what is artistic—and thus not obscene—the agency intends to continue to fund obscenity under the pretense that it is "art"—even when the taxpayers disagree. Congress, at a minimum, should use the entire Miller test by allowing a panel of lay citizens—and not the self-appointed elitists at the NEA—to decide whether patently offensive works merit taxpayer funding.

Or Congress could just adopt my original amendment, and let the "art community" continue to howl.

Mr. HELMS. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, once again we are faced with one of those situations where Congress is called upon to legislate the standards that shall be applicable in the arts world. The National Endowment for the Arts is a magnificent agency of our Government and they try assiduously to bring about a balance in connection with the arts.

Each year it seems that we are faced with a new issue of some special language that puts Members on the spot, so to speak, in connection with some particular aspect of the arts.

None of us in this body, none in Congress are sufficiently authoritative with respect to the arts in order to determine what is right and what is wrong. You do not have to be a genius in order to read the papers about the discussions in the National Endowment for the Arts themselves in order to set their appropriate standards in order to determine what is art and what is not art in making their allocations.

For some reason best known to himself, my colleague from North Carolina, each time this measure comes before us, is prepared to so-called try to create an embarrassing situation or a difficult situation for Members of this body.

For 26 years, the National Endowment for the Arts has played a vital role in keeping American arts health creative and alive. For 26 years, it has assisted artists, encouraged creativity, and helped to preserve our Nation's cultural heritage. It has enhanced our quality of life by making great works of art—ballet, symphonies, public television shows—widely available to virtually every American in communities throughout the country.

In my own State of Ohio, the Endowment has provided support for a broad range of highly regarded programs in music, theater, dance, and visual arts. This public investment in the arts has promoted economic development, attracted private investment, and brought enjoyment to millions of Americans.

We provide $143,583,000 so that the arts may be nurtured so that these funds may be used as stimulation for others in order to expand the arts and to make the arts available to millions of Americans—rich, middle class, and poor.

It would be a tragedy to allow the occasional controversy over an individual award to threaten the excellent work which the Endowment is doing. It is important to keep this in perspective, recognizing that in general the Endowment's peer review system has worked extremely well.

Have they ever made a mistake? Of course. Has any Member of this body ever made a mistake? Too many to mention for each of us.

While protecting artistic freedom from Government control, the National Endowment for the Arts has brought about a wonderful growth, a wonderful development in the whole field of arts across a broad spectrum. It is the exception, not the rule, when an endowment grant arouses widespread public concern. Do some do that? Yes, they do. Does that call upon us to enact legislation in order to be certain to zero in on some particular issue?

During the last 26 years, the National Endowment for the Arts has made close to 90,000 awards, only a handful of which have aroused controversy.

There is not any Member of this body who has not voted far less than that number, but certainly a certain number of those have aroused controversy. They are not perfect. They may make some mistakes, but it is better to let this agency of Government, this balanced group that sits on the awards committee make the decisions than for us to come out on the floor of the U.S. Senate in order to set the standards.

Last year, after months of debate on an issue similar to this, Congress approved reauthorization legislation which included a number of significant reforms in Endowment procedures designed to increase accountability. That legislation also ensured that no Federal funds can be used to support obscenity, while putting the issue of obscenity where it belongs—in the courts. It only makes sense to allow time to see how these changes will work, before imposing new restrictions on the Endowment.

Mr. President, it is time to stop using the Endowment as a political punching bag that always creates this sort of diversity and divisiveness. Let the Endowment get back to the important work it does so well—nurturing creativity, promoting excellence, and ensuring that the best the arts have to offer are available to all Americans.

As Garrison Keillor of "Prairie Home Companion" fame said last year in testimony before the Labor and Human Resources Committee:

> All governments have honored artists when they are old and saintly and successful and almost dead, but 25 years ago Congress decided to boldly and blindly support the arts—support the act of creation itself—and to encourage artists who are young and dangerous and unknown and very much alive. This courageous legislation has changed American life. Today, in every city and State, when Americans talk up their home town, when the chamber of commerce puts out a brochure, invariably they mention the arts—a local orchestra or theater or museum or all three. * * * This is a small and lovely revolution that the National Endowment has helped bring about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I listened with interest to the remarks by my friend from Ohio. I will say this about HOWARD METZENBAUM. He is always certain about everything he says and he is sometimes right. I cannot remember the last time, but there must have been a time.

I do not know what amendment he was talking about. This amendment would do nothing to symphonies and other decent productions. Let me read what the amendment says and maybe Senator METZENBAUM will revise his remarks somewhat. It says:

> Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this act may be used to promote, disseminate, or produce materials that depict or describe in a patently offensive way sexual or excretory activities or organs.

The distinguished Senator talked as if the NEA had made a few minor mistakes. You bet they made mistakes and they made mistakes by the dozens. I am fascinated, I might add, about how the figures for all of these grants have changed during the debate on the NEA. One Senator would get up and say 75,000, another would say 80,000, another would say 70,000, and Senator METZENBAUM just raised the ante to 90,000. He does not know how many grants have been made because the NEA does not even know how many grants have been made.

The point I am making, Mr. President, is that the taxpayers of America have a right to expect Congress to uphold their right not to be forced to subsidize filth, homosexual conduct, and other efforts to promote homosexuality as just another lifestyle. That is what we are talking about. And whatever Senator METZENBAUM thinks, this amendment does not address funding or restrictions on symphony orchestras, or art museums, or any of the other artistic endeavors that every one of us in this Chamber support.

I think the Senator knows better than what was written for him to say. I hope he does. But for the purposes of the record, before I came to the Senate, I was a trustee of a very fine arts company in Raleigh, NC, called the National Opera Co. I support the arts.

But those of us who abhor the kind of funding that has gone on repeatedly—incessantly with double-talk and half-truths emanating from the NEA—favor uplifting the spirits. I would say to Senator METZENBAUM or anybody else that Latin expression sursum corda, but do not try to hide the truth about what the NEA has done.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, if I may have the momentary attention of the distinguished manager of the bill on this side, I need to go to a committee meeting and I would ask him to make sure that if a vote should be called while I am absent, that he would ensure that the yeas and nays are obtained.

Mr. NICKLES. I will be happy to try to assist. I might inform the Senator it is my expectation that some individual—I do not know if it will be the Senator from Ohio, but someone will make a motion to table.

Mr. HELMS. That is fine. That puts them on record. That is most important.

As long as the majority leader is on the floor, let me try right now. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

Mr. DIXON. Mr. President, before my friend from North Carolina leaves, may I ask the distinguished manager on the other side, Senator NICKLES—if I could have the attention of the Senator—in the absence of the distinguished senior Senator from North Carolina, I had hoped the Senator and the manager on our side might agree for us to offer an amendment that I think tentatively has been agreed upon.

Would the Senator from North Carolina have a problem with setting aside his amendment temporarily to accomplish that purpose?

Mr. NICKLES. If the Senator from Illinois will yield, I will be happy to respond. We hope to go ahead with the amendment soon. We have to run it by one or two Senators. We hope to do that soon. I hope we can move on it quickly.

The PRESIDING OFFICER. Is there further debate?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, we are waiting for the manager on the majority side to return to the floor. He should be here momentarily. At that time my colleague, the distinguished Senator from Illinois, PAUL SIMON, and this Senator expect to offer an amendment concerning the Shawnee National Forest in southern Illinois, and for that purpose I would ask unanimous consent that the amendment offered by the distinguished senior Senator from North Carolina be temporarily set aside, together with any other pending amendment that might pertain to this request, so that my colleague and I can offer an amendment which has been agreed to between the managers on both sides and other interested Senators.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIXON. Mr. President, I will suggest the absence of a quorum so that we can proceed momentarily when the distinguished President pro tempore returns to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1176

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself, and Mr. SIMON, proposes an amendment numbered 1176.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, line 16, delete "$1,379,205,000" and insert in lieu thereof "$1,379,605,000".

On page 84, line 1, delete "$179,000,000" and insert in lieu thereof "$178,700,000".

On page 72, after line 21, insert the following:

"The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

"The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991."

Mr. DIXON. Mr. President, first let me thank the distinguished Senators from West Virginia and Oklahoma for their support of the amendment Senator PAUL SIMON and I have offered to the fiscal year 1992 Interior appropriations bill, which directs the U.S. Forest Service to conduct a below-cost timber sales study in the Shawnee National Forest in Illinois. Further, this amendment will provide an additional $400,000 for various recreational programs and activities, and also directs the Forest Service to work with the purchasers of sales already under contract on the Shawnee, so that these agreements are consistent with the expected forest management plan for the Shawnee.

The Forest Service has been working toward a new management plan for the Shawnee, and its completion is expected by the end of this year. In this new plan, the Forest Service proposes to ban clearcutting in the Shawnee and move to a new harvesting method—gap phase dynamics.

Mr. President, we share the concerns of many of our Illinois residents about the devastating effects clearcutting and group selection have on the Shawnee National Forest, and have worked hand-in-hand with Congressman GLENN POSHARD to resolve the problems which the forest faces.

The House and Senate have included $1.6 million for land acquisition in the Shawnee. This newly acquired land is destined to face the same problems if we do not prohibit clearcutting and group selection.

In fact, my good friend and Illinois colleague, Congressman GLENN POSHARD, wrote me a most thoughtful letter which I would like to share with the Senate.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 1991.

Hon. ALAN J. DIXON,
U.S. Senator, Washington, DC.

DEAR SENATOR: This is in further regard to your amendment to the Fiscal Year 1992 Interior Appropriations Bill. I am pleased to have the opportunity to work with you to achieve a goal of national importance, the preservation and protection of the Shawnee National Forest.

The Shawnee National Forest covers barely 260,000 acres, the second smallest National Forest in the United States. In a forest of this size, clearcutting, and other variations of evenage management, are clearly inappropriate. That is why this amendment, which mirrors legislation already included in the House version of the Interior Appropriations bill, is so vital.

There is a great deal of anxiety, yes, even anger in my southern Illinois district, over timber harvestation in the Shawnee. We have witnessed hunger strikes, civil disobedience, and lingering hostility between people who hold opposing views. I believe your amendment offers the best hope for significant progress, both now and in the long-term.

In the ten-year Forest Management Plan, which has undergone exhaustive public review and comment the last several months and is nearing completion, the Forest Service itself proposes to move away from clearcutting in the Shawnee. Clearcutting, as you know, is a process that takes wide swaths of trees at the same time, shaving the forest like a razor across a cheek. This is unacceptable, which is why the Forest Service is currently prohibited from using clearcutting as a forest management technique on the Shawnee, thanks to language passed in the Appropriations bill for this Fiscal Year.

But further controversy continues over what classifies as clearcutting. The Forest Service continues to take trees out in patches two acres or smaller, describing this as group selection, which is really nothing more than clearcutting on a smaller scale.

In the new Forest Management Plan, the Forest Service proposes using "gap phase dynamics" as its preferred harvesting method. This is a method of timber harvestation which simulates what happens when a tree is felled by the forces of nature. The openings in the forest canopy range in size from 1/20th an acre to 3/5th an acre, which helps regenerate the hardwood timber stands we seek to protect.

Our difficulty arises in that the Forest Service has a number of timber sales already contracted where it plans to continue using group selection, which again is nothing more than small-scale clearcutting, instead of the forward-looking techniques available. Your amendment, in conjunction with language in the House bill, will help us define group selection as a form of even-age management, and move us toward more environmentally responsible harvestation methods on the Shawnee.

To hold off the potential for violence, and to allow the Forest Management Process to run its course, I have asked the Forest Service and the lumber company holding the contracts to make adjustments, and utilize the gap phase dynamics on these previously contracted cuts. They have steadfastly refused. They have refused a letter from nearly the entire Illinois delegation to hold off on timber activity until the Management Plan could be finalized. We have offered a middle ground, that recognizes the potential for appropriate timber activity on this tiny patch of forest, and they have refused. That makes your amendment so critical to the future of the Shawnee National Forest.

We are not asking for a total ban on timber activity. We are asking the Forest Service to utilize more advanced and ecologically sensitive methods of harvestation, and to recognize the damage of clearcutting and even-age management techniques to the tourism potential of this heavenly site.

I thank you for your diligent and effective work on behalf of the Shawnee National Forest.

Sincerely,

GLENN POSHARD,
Member of Congress.

Mr. DIXON. Mr. President, let me conclude that as a lifelong resident of southern Illinois, I can attest firsthand what a magnificent and beautiful forest the Shawnee is.

The Shawnee National Forest should be preserved, not destroyed, and I strongly urge the Forest Service to work with the folks back in this community so that the new forest management plan for the Shawnee, which bans clearcutting and even-aged management system, is reflected in the implementation of these existing contracts.

I thank my colleagues for their support.

Mr. SIMON. Let me also thank the manager of the bill for his support. I agree with both my Illinois colleagues—this is a bad situation which we face in southern Illinois. As the former Congressman from this district and a resident of southern Illinois, I also can tell you firsthand about the Shawnee.

The Shawnee National Forest is the only national forest in the State of Illinois. It is unique in that it has vast commercial potential, unlike many of our country's forests and preserves. The Shawnee attracts tourists from throughout Illinois and neighboring States, which generates significant revenue for southern Illinois.

The present harvesting methods, clearcutting and group selection, are destroying this national forest. Clearcutting simply cuts down everything in a large area, destroying diversity and causing the forestry to be the same age. Group selection also causes an even-aged management system, but it is not considered clearcutting because it only cuts down everything on land of 2 acres or less.

The fact is, Mr. President, whether the forest is cut down 100 acres at once or 2 acres at a time, clearcutting irrevocably destroys the forest.

The senior Senator from Illinois is correct, we must preserve the Shawnee National Forest, not destroy it, and I will continue to work with Senator DIXON and my Congressman, GLENN POSHARD, to see that we do.

I thank my colleagues for their support.

Mr. BYRD. Mr. President, I thank both Senators for their kind expressions. I am sympathetic to their amendment, as they originally intended to offer it. After discussions, as the Senators have indicated, with the two managers, there have been some modifications, and I believe that we have now arrived at a resolution of the matter which is satisfactory to all sides.

The amendment offered by Senators DIXON and SIMON provides an increase of $400,000 for various resource management programs on the Shawnee National Forest, IL, and directs the Forest Service to conduct a below-cost study on that forest during fiscal year 1992. In addition, language is included which directs the Forest Service to work with the holders of existing timber sale contracts.

The increased funds will be used for enhanced trail maintenance with an increase of $100,000; improved recreation management with an increase of $150,000; and an increase of $150,000 for fish and wildlife habitat management.

The below-cost study will enhance efforts already underway to reduce expenses and increase revenues.

The language regarding existing contracts directs the Forest Service to work with the holders of existing timber sale contracts to attempt to modify those contracts in a mutually agreeable manner so that the harvest of timber might occur in the same manner as envisioned in the draft amendment to the Shawnee National Forest plan. The language does not abrogate the existing contracts. It encourages the Forest Service to work with the purchasers to see if mutually agreeable modifications might be made.

Mr. President, I will be happy to accept the amendment and recommend its adoption by the Senate.

Mr. NICKLES. Mr. President, I want to compliment all my colleagues, Senator SIMON, Senator DIXON, Senator BYRD, Senator CRAIG, and others.

This amendment is acceptable. Certainly, from this Senator's opinion, it is an improvement. It does not abrogate existing contracts. It encourages existing persons with contracts with the Forest Service to review those and try to make some acceptable changes—mutually acceptable, I might mention, so we are not taking anybody's property or abrogating contracts. That is important. So we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. GRAIG. Mr. President, I appreciate an opportunity to speak only briefly on the compromise and the agreement that has been arrived at in this amendment. I am pleased that we have been able to approach it in this manner. I say so, because I would find it very dangerous for the Senate here on the floor to begin to legislate civil cultural practices and a variety of other things that are technical in nature that should be dealt with in the appropriate committees and would, in essence, had the initial approach been here in the form of an amendment, have abrogated timber sales and might well have put the Department of Agriculture and U.S.A. Forest Service in a libelous situation, as relates to being unable to honor the commitment made through those sales.

Let me also say, in relation to the whole issue of below-cost timber sales, I believe that to be fundamentally a misnomer. I say that because they can, and oftentimes do, play an important part in the overall management scheme of our forested public lands, as it relates to changes of species, more productive forests, types of harvests that relate to fire control and disease control and insect control, and all of those kinds of things in combination.

If we only look at the black and the white, sometimes we can be misled by those kinds of figures.

Let me, for the RECORD, ask that we print a letter from the Assistant Secretary of Natural Resources of the Environment, James Moseley.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 17, 1991.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We have strong objection to the House-passed language in the Interior Appropriations bill regarding the Shawnee National Forest.

1. Breach of existing timber sale contracts—The House bill is unprecedented in requiring the Government to breach existing timber sale contracts. This action would expose the Government to damage claims; but more importantly, represents an unwarranted attack on the integrity of Federal contracts.

2. Restriction on group selection timber harvesting—We object to the report language which would define group selection management as even-aged management. Group selection is well recognized in forestry literature, research publications, and by definition of the Society of American Foresters as an uneven-aged system. It is inappropriate for the Congress to try to revise professionally accepted definitions. This restriction on the use of the group selection method of timber harvesting would preclude the regeneration of many of the species found on the Shawnee. It would cause a long-term decline in biological diversity.

3. Below cost timber sale test—A below cost timber sale test on the Shawnee National Forest is unnecessary. The Shawnee Land Management plan will be revised by December. It will substantially reduce timber harvest level and improve the economics of the future timber sale program on the Shawnee. We believe our effort should be devoted toward implementing the direction in the revised Plan rather than conducting a below cost timber sale test.

We wish to emphasize that the requirement to breach existing timber sale contracts has far-reaching implications beyond the Shawnee National Forest. It could set a precedent for similar demands on other National Forests with potential cost to Federal Treasury of hundreds of millions of dollars from lost timber revenue and damage claims by contractors. Secondary effects would include the loss of employment and income on timber dependent communities, and increased prices for wood products and homes.

The timber sales have been sold under full compliance of NFPA and NFMA law and regulation. Some have stood the test of appeals and litigation. The contracts are valid and should be honored by both parties.

Sincerely,

JAMES R. MOSELEY,
Assistant Secretary,
Natural Resources and Environment.

Mr. CRAIG. I think it speaks to the broad range of some of the concerns that we talk about here as it relates to below-cost timber sales. But let me also add, of the statistics, that are facts, as it relates to the sale of public timber by our Government in the last year in 1990, Forest Service timber sales in 1990 yielded a profit of $630 million. They paid to States and local school districts and counties for roads and bridges $327 million. They generated in real dollars, rolling down main streets of oftentimes rural American communities, some $3.2 billion in direct income to families; $464 million in personal and business taxes paid to the Federal Government beyond the profit of $630 million; and 106,000 direct timber industry jobs.

That is why I am pleased that we looked at this more in a comprehensive way of accepting the idea of a study, looking at it as it relates to the Shawnee Forest, in particular, so that we do not, with a broad brush, argue that all is bad that falls within the definition, because all is not bad that sometimes falls within the definition.

Sometimes the eye of the beholder does not behold all of the picture. I think that can be true in the generic sense as it relates to the below-cost timber sales. It is certainly true of the forests of the West, and I have to believe it is true of the forests of the Midwest and the East.

So I am pleased today that the chairman and ranking member, along with my colleagues from Illinois, can arrive at the amendment that recognizes the need to study and examine. That is certainly legitimate in our responsibility and a role we can best play here.

I appreciate an opportunity to speak on this amendment, and the importance of the issue.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate? Without objection, then, the question is on agreeing to the amendment of the Senators from Illinois.

The amendment (No. 1176) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have an amendment on the list that was tendered the day before yesterday concerning qualified amendments. There is an amendment by Mr. DIXON and there is one other amendment by Mr. DIXON. I am informed that Mr. DIXON will not pursue this amendment. Based on that information, I ask unanimous consent that that amendment be eliminated from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1175

Mr. NICKLES. Mr. President, we are now on the Helms amendment dealing with the NEA. I think we are going to vote on it very shortly. I will speak on it briefly.

The Helms amendment, for my colleagues' information, adds the following language:

> Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, or produce materials that depict or describe, in a patently offensive way, sexual or excretory activities or organs.

Mr. President, I support this amendment, and I spent about the last hour going over a lot of NEA grants. I will tell you, as a Member of this body, I think NEA has made some mistakes. And I read where several grants were denied to individuals, individuals that have received grants in the past, and I am going to say abused the taxpayers and had very offensive performances where they were denied grants. Now they are suing NEA saying: "We demand our funds." NEA denied those, I guess, because Congress did agree to the Helms amendment a year or so ago.

It also says that most of those performers have now received subsequent grants for subsequent plays that are also more than questionable of characterer. We are talking about individuals that urinate on the stage. We are talking about people that do some very offensive-type performances, some that are very offensive to anyone with any religious sensitivity whatsoever.

So I compliment the Senator from North Carolina for taking on a controversial and a difficult subject, and when I see that further awards have been made to Holly Hughes, Karen Findley, Mr. Fleck, and some of the others, I am offended by NEA's lack of sensitivity for public opinion and for the taxpayers' dollars.

I think if they continue to fund these types of grants, there are going to be more amendments to cut or restrict NEA's funds. I am not particularly interested in doing that. I like NEA and the art community to have a lot of flexibility. But I cannot stand for this type of nonsense. I tell you just from one person from a State out in the middle of our country, our constituents are more than offended by some of this nonsense.

Mr. President, I support the Helms amendment, and I hope that the Senate will concur.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment (No. 1175) of the Senator from North Carolina.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—68

Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Johnston
Kasten
Kerrey
Kohl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Roth
Rudman
Sanford
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—28

Adams
Akaka
Biden
Bradley
Chafee
Cranston
Danforth
DeConcini
Durenberger
Gore
Jeffords
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mitchell
Moynihan
Pell
Riegle
Rockefeller
Sarbanes
Wellstone
Wirth
Wofford

NOT VOTING—4

Garn
Harkin
Packwood
Seymour

So the amendment (No. 1175) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Sanford amendment to the committee amendment on page 23.

Mr. HELMS. Mr. President, I wonder if I might inquire of the managers of the bill, would they be willing to set aside what is now the pending amendment so that I might call up another one, which will be my last.

Mr. BYRD. The Senator has one more amendment?

Mr. HELMS. Yes, sir.

Mr. BYRD. He wishes this pending amendment set aside?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, I make the same request as I did earlier with the understanding that the call for the regular order will bring back the Sanford amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment to offer another amendment? Without objection, it is so ordered. The Senator from North Carolina.

Mr. HELMS. Mr. President, I need 3 or 4 minutes to get set up for the second amendment. I would like to suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold that without losing any of his rights?

Mr. HELMS. Certainly, I will be glad to.

The PRESIDING OFFICER. The senior Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from North Carolina just needs a few minutes, and I will not take more than a few minutes on an entirely different matter.

THE B-2 BOMBER

Mr. LEAHY. Mr. President, we will be having discussions, as the distinguished Presiding Officer knows, on the B-2 bomber, both in committee and on the floor.

I think all Senators who have had an opportunity to vote on this issue on a number of occasions might want to go back and look at the votes, look at the arguments made at the time either for or against it, read the newspapers, read the public press about what has happened with the B-2 bomber, and I strongly urge them to consider this when the matter comes up because I and others will be bringing up similar amendments to what we have done in the past.

We have this anomalous situation, the highly visible Soviet Union has disappeared and the declared invisible B-2 has suddenly appeared. Maybe we ought to ask whether we are all working under the same set of circumstances we were as we funneled tens of billions of dollars into this thing.

I know there are briefings coming up this afternoon. I will not go to those. I have been to too many of these classified, closed-door briefings from the Air Force and the Department of Defense about the B-2 bomber, and usually within a few weeks I found the things they told me just were not true.

I think the American people are better served by reading the press. I think there is an enormous credibility gap with the Department of Defense and the Air Force on the B-2 bomber. Frankly, I am tired of going to their briefings because it appears they talk in an Orwellian doublespeak and what they say is not accurate.

Mr. President, if the Senator from North Carolina needs time, I will suggest the absence of a quorum, but I appreciate his courtesy in yielding me that time.

Mr. HELMS. I thank the Senator.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont yields the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1177

(Purpose: To provide for a more equitable distribution of National Endowment for the Arts funding among the individual States)

The PRESIDING OFFICER. The distinguished senior Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, let me send my amendment to the desk, and then I want to yield to the distinguished leader.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1177.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Has an objection been heard?

Mr. METZENBAUM. Yes.

The PRESIDING OFFICER. Objection has been heard. The clerk will read the amendment.

Mr. HELMS. I was just trying to save time. I would like to have it read.

The legislative clerk read as follows:

On page 100, line 14, strike "$143,583,000" and insert the following:

"$143,583,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

SEC. . Notwithstanding any other provision of law, of the funds made available to the National Endowment for the Arts under this Act for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, not less than 70 percent shall be for carrying our section 5(g) of the National Foundation on the Arts and Humanities Act of 1965; provided further, that in making minimum allotments to the states under section 5(g)(3), the Chairperson shall allot at least $300,000 to each state which has a population of 200,000 or more, according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) shall not exceed $8,975,000.".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Helms amendment now pending allocates $64,600,000 more in direct grants to the States than does the underlying bill.

The purpose of my amendment is obvious. The States, all 50 of them, will be able to use additional money to make up for recent cutbacks they have been forced to make in their State arts budgets.

But, Mr. President, this is also obvious—I will make it as clear as I can in just a moment. This amendment will allow the arts panels set up by the individual State arts councils—instead of those elitist experts at the National Endowment for the Arts—to decide which artists and which art programs in their respective States deserve grants, by shifting more of the NEA's money directly to the States.

The amendment now at the desk would allow local and State culture to prevail as opposed to the rotten, warped, and often disgusting so-called national culture that the NEA is currently imposing upon the States. This is a very important amendment.

First of all, we are going to help the States. Let the States promote and offer support to the artists that they approve of—instead of letting it be done here in Washington, DC, by people who have failed to act responsibly at the National Endowment for the Arts.

Last year, Mr. President, Congress sought to increase the basic grants for the States to 25 percent of the NEA budget. I think that most Members of the Senate and the House did not realize that the 25 percent would be applied to only 70 percent of the NEA's total budget last year. As a result, and as a result of a few other funding quirks at NEA, the program giving basic grants to the individual States in fact receives less than 15 percent of the NEA's budget when all of us thought, and were led to believe, that it would be 25 percent.

Furthermore, up to one-quarter of the funds reserved for the States is diverted to regional arts groups.

Let me put it as simply as I can, Mr. President. The States are given only a sliver of the NEA budget, and then some of what they do receive is taken away and given to regional, not State-based, arts organizations.

The pending amendment would correct this inequity by requiring that 52 percent of the NEA's total budget shall be set aside for the basic State grant program compared to the 15 percent of total funding that the underlying bill would give to the States as direct grants.

As a result, more than half of the NEA's funding under the pending amendment, which the clerk has just read, would be distributed on the basis of population which, in my judgment, is the fairest way to allocate Federal funds.

Mr. President, I will be candid. I may not please some Senators. I am sorry about that. But I am obliged to offer this amendment because just a handful of States and cities receive absurdly disproportionate shares of the NEA budget.

For example, how is it that just 6 States, 6 out of 50, received more than 50 percent of the NEA's entire budget in 1990? What is even more remarkable is that just six cities—San Francisco, New York, Los Angeles, Washington, Chicago, and Minneapolis—received more than 41 percent of the NEA's 1990 budget. New York City alone received almost 25 cents out of every dollar the NEA spent last year.

Not only is this unfair, Mr. President, it is also dumb. The numbers prove that the National Endowment for the Arts is not supporting the arts across the country in an equitable manner as they claim to be doing. Rather, it is funneling, as I have just illustrated, most of the money to the big cities which then use the funds to impose their liberal, immoral, prohomosexual, and perverse culture on the rest of the country.

I am here to tell you, Mr. President, that the people of this country are fed up. I think the Senators and Members of the House of Representatives are going to hear about it when they go home, if we go home.

How can the NEA get away with this scam? And that is what it is. I will tell you how. It is because the deck is stacked in favor of the big cities and the big States that control the NEA's grant-making panels.

Just run down the list of all of these rotten performances that Senator NICKLES talked about prior to the last vote. Senator NICKLES put it succinctly in the Cloakroom when he said, "I do not even know how to talk about what the NEA is funding. I do not know how to talk about it on the Senate floor" because it is so filthy, so rotten, so perverse, that it is difficult to convey it without using language that I will not read.

I understand what he is talking about, Mr. President, because I have had the same problem trying to describe what the problem is without being crude and impolite—which then allows the newspapers, the liberal newspapers, to say that I am trying to "censor" the NEA. Poppycock and balderdash. They know it is not so.

The same newspapers that falsely accuse me of censorship will not publish the pictures and the rottenness in the papers. The television stations will not carry it on their stations because they know the FCC would knock them off the air first thing tomorrow morning if they did. It is just that bad, Mr. President.

I suggest, parenthetically, that there is nothing "arty" about somebody going on the stage and urinating. That is one of the pieces of art that is being subsidized by the National Endowment for the Arts.

Mr. President, the big cities control the NEA grant-making panels. In fact, as I have said, New York alone fills one-quarter to one-third of the seats on many of the panels deciding who is going to receive money from the National Endowment for the Arts. That is how Karen Finley—the so-called "artist" that smeared her nude body with chocolate syrup on the stage—received her NEA grant.

In any case, Mr. President, artists from North Carolina must compete with artists from eight other States for just a few seats on the NEA's funding panels. Ten Western States similarly compete with one another to represent their regions on the panels as do the 10 Central Plains States.

But you know something, California has to compete with only two States—Alaska and Hawaii—in order to get a seat at the table where they hand out the grants. That is their only competition. You cannot tell me that is fair. On the other hand, you might tell me, but you will not persuade me.

The only competition the artistic gaggle of self-proclaimed, self-annointed experts, in New York—who dominate the grant-making panels—comes from the little territories of Puerto Rico and the Virgin Islands. Come on, Mr. President, that does not even make good nonsense in terms of fairness.

So it should not be a surprise that the NEA's various arts panels wind up giving New York City almost 25 cents out of every dollar that NEA spends. Such favoritism for New York City, and Los Angeles, and San Francisco explains, at least in part, the never-ending litany of obscene, rotten so-called "art" that the NEA has promoted with the taxpayers' money.

Mr. President, the NEA's chairman, John Frohnmayer—while testifying before the House of Representatives earlier this year—implicitly acknowledged that the NEA's favoritism for New York City, Los Angeles, and San Francisco, is responsible for the ceaseless parade of filth out of the NEA.

When he was asked how he proposed to enforce last year's congressional requirement that the NEA "take into consideration general standards of decency and respect for the diverse beliefs and values of the American public" in approving grant applications, Chairman Frohnmayer responded that he would enforce "general standards of decency" at the NEA by increasing the geographic and cultural diversity of the Endowment's review panels. That has not yet been done, and I submit that he does not plan to do it, because he is so hemmed in by all of these oddball groups that control the NEA.

That is the reason I am saying let us let the States decide who should get arts grants. Let us give the States a bigger role in the promotion of and sponsorship of art in America.

The implication behind Chairman Frohnmayer's response that I alluded to is that a lack of diverse viewpoints on the review panels has contributed to the NEA's role in funding, absolutely rotten, obscene, and indecent projects. Even with that, Mr. President, I think I am guilty of an understatement in describing these projects.

I would agree with Mr. Frohnmayer that the New York and California bias prevailing on the peer review panels has entrenched artistic standards at the NEA that are totally at odds with mainstream American values.

That bias also helps to steer a disproportionate share of NEA funds to applicants whose work openly mocks the values of a majority of the taxpayers who are forced to foot the bill.

Andrew Ferguson put it pretty well, I thought, in an article he wrote for the National Review magazine. He said:

> It is one of the primary premises of the art world that a line separating art from rubbish doesn't really exist—that it is in fact a kind of cramp in the consciousness of the unenlightened. Read that "Middle-class American mind."

How else do you explain the fact that more than 41 percent of the NEA's budget went to just six cities—six cities—last year.

Mr. President, the pending amendment builds on Chairman Frohnmayer's promise to expand the cultural diversity of those who hand out the taxpayers' money through the National Endowment for the Arts. However, the pending amendment—I am going to illustrate it momentarily—would be more effective because the funding decisions would be delegated to review panels in each of the 50 separate States. And, by the way, those panels will be closer to the people. It would not be isolated up here in Washington, DC, where the American people cannot touch it.

I support what may be called "high culture," as I think it is referred to in the art circles. I support the opera. I talked about that earlier. I support the opera, the symphonies, and museums. That is why my pending amendment leaves the NEA with almost 50 percent of its budget. It can go ahead with that. If the NEA uses those funds responsibly, the Endowment will continue to be able to support this higher culture, which I agree is important to the Nation.

However, Mr. President, the NEA can continue to spend the taxpayers' money, however, directly or indirectly, on such things as the crudeness of Annie Sprinkle, or that pro-homosexual tirade called "Tongues Untied." By the way, parenthetically, let me say that is a rotten piece of garbage. NEA funded "Stop the Church," a video produced by the homosexual activist group Act-Up that attacks the Catholic Church. The video's message is to put an end to the church, to stop it. The NEA also funded Robert Mapplethorpe.

However, Mr. President, If the NEA continues to fund that sort of thing, and those sort of people, then the NEA better be aware that Congress can always come back and distribute 100 percent of the NEA's budget directly to the States.

I want to give them a chance first. I want to give John Frohnmayer another chance. They are probably kicking and screaming down at NEA right now because old Helms is trying to take some of their "play" money away from them. I do not know whether we will or not. Senators who come in here shortly to vote on the amendment will decide that. But I will discharge my obligation as a Senator. I have made the proposition, and I submit that it is a reasonable proposition.

The bottom line, literally, is that the pending amendment would send at least 50 percent of the NEA's budget to the individuals States. Assuming that the NEA distributes the other 50 percent in an equitable manner, most States will get more money in the upcoming year than they have in the past.

I urge Senators, of course, to support the pending amendment. I do so for two reasons. First, to ensure that NEA's funding is more equitably distributed among the States. The second is to increase the variety of cultural viewpoints responsible for handing out the American taxpayers' money at the NEA, by moving many of those decisions to the State and local level—where individualism, originality, creativity and accountability are most abundant.

Think of how many millions of people are excluded now in favor of the Annie Sprinkle, Mapplethorpe, and Tongues Untied crowd. Madam President, it is also at the State level and the local level that "general standards of decency and respect for the diverse beliefs and values of the American public" will receive a fair and sympathetic hearing.

AMENDMENT NO. 1177, AS MODIFIED

Mr. HELMS. Madam President, there is a slight change, and I send a modification to the desk.

The PRESIDING OFFICER. The Senator is entitled to modify the amendment.

Is there now any objection to considering the amendment as modified?

Mr. PELL. Madam President, what is the modification?

Mr. HELMS. I am happy to have the clerk read it.

The PRESIDING OFFICER. Without objection, the modification is included as part of the substance of the amendment.

The amendment, as modified, is as follows:

On page 100, strike the word "organs," in the committee amendment as amended by amendment 1175, and insert the following: "organs."

SEC. . Notwithstanding any other provisions of law, of the funds made available to the National Endowment for the Arts under this Act for purposes of section 5(c) of the National Foundation on the Arts and humanities Act of 1965, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965; provided further, that in making minimum allotments to the states under section 5(g)(3), the Chairperson shall allot at least $300,000 to each state which has a population of 200,000 or more, according to the latest decennial census; provided further, the funds made available to carry out section 5(g)(3)(A) shall not exceed $8,975,000.".

The PRESIDING OFFICER. The Senator's presumption is correct. That is why the Chair asked if there were any objections.

Mr. HELMS. Very well, Madam President, I have a few charts that I want to exhibit to illustrate what I have already said orally.

Madam President, if Senators would refer to the first chart titled "NEA Funding for Basic State Grants" in the packet that I have asked the pages to put on Senators' desks, I will explain what the difference would be in basic State grants from the program account under the pending amendment, compared with the underlying bill.

The first line shows that the NEA's total proposed funding under the bill for fiscal year 1992 would be $174,083,000. The bill divides that amount between the grants and administration or program funding account—$143,583,000 or 82 percent of the total—and the matching grants account—$30,500,000 or 18 percent of the total NEA appropriation.

Now the pending amendment and the underlying bill would both leave the $30.5 million matching grants account alone. The NEA chairman would continue to have complete discretion over those funds and their distribution.

However, current law would take just 25 percent of the $143.5 million in the program account—or $35.8 million—for basic grants to the States whereas the pending amendment would give 70 percent—or $100.5 million—to the States on the basis of population.

Again, under current law, $8.9 million—or 25 percent of the bill's $35.8 million set-aside for the States—of the underlying bill could be diverted from the States and used to fund regional arts groups instead. This would leave just $26.9 million—or a mere 15.4 percent of the NEA's total fiscal year 1992 budget proposal—to provide basic grants to each State's arts council.

However, the pending amendment would give 70 percent—not just 25 percent of the program account to the States. It would also continue to divert $8.9 million to the regional groups. Once the $8.9 million regional group funding is taken out, the pending amendment would provide a total of $91.5 million—or 52.5 percent of the NEA's total appropriation for fiscal year 1992—for distribution in the form of basic grants to the States.

Madam President, that is $64.6 million more for State grants under the pending amendment than would be available without it.

Madam President, the second chart in the packet, titled "Where NEA Program Funds Go," illustrates how the pending amendment would switch the funding priorities within the NEA's program funding account—which, as I said earlier, would be $143,583,000 or 82 percent of the NEA's total fiscal year 1992 budget under the bill.

Under current law, only 25 percent of the NEA's program account—the small blue area in the circle on the left in the chart—would be used to provide basic grants to the States. The remaining 75 percent—the larger red area in the first circle—would be left totally up to the NEA—and its geographically and culturally biased arts panels to distribute as they please.

However, the pending amendment would switch the priorities almost completely around—as illustrated by the circle on the right. The portion of the program account reserved for the State basic grants—again the area in blue—increases to 70 percent and the amount left to the biased and arbitrary grantmaking by the national level arts panels is reduced to 30 percent.

Madam President, there should be no mistake that the NEA's national arts panels are absolutely biased in the way they dole out the NEA's grants. If Senators will refer to the third chart titled "Six Cities Command Arts Funding," they will see that just six cities—New York, Los Angeles, San Francisco, Minneapolis, Chicago, and Washington, DC—received 41 percent of the $141.8 million in grants, from both the program and the matching grants account, that was actually distributed by the NEA in fiscal year 1990.

Madam President, these numbers are taken directly from the NEA's own computer records. We did not pull these figures out of thin air. I have the computer sheets here at my desk if any Senator would like to see them or has any question about them.

When the totals for the various cities are compared, the amazing result is that New York City alone received almost 21 cents out of every dollar in grants that the NEA made last year.

And look at the pie chart on the bottom of the page. Just 5 States and the

District of Columbia—which is home for the NEA's bureaucrats—received over 52 percent of the $141,850,978 in program and matching grant distributions to the States last year.

Madam President, this is an outrage. In the past, I have received numerous complaints that the NEA favors proposals from the east coast/west coast art crowd over proposals from the rest of the country, but I had no idea that the bias was this extreme. However, after looking at the composition of the NEA's review panels that make the grants, it is obvious that the panels are weighted in favor of the east coast/west coast art camps—which explains why the majority of funding heads in those directions.

Madam President, I stated earlier how the NEA considers New York and California geographic regions virtually by themselves while the other States must compete with one another for representation on the NEA's grantmaking panels.

The pending amendment would correct this outrage.

Finally, Madam President, the last two charts in the packet compare the total amounts that individual States actually received in grants from the NEA's program account in 1990 with what the States would have received if the pending amendment had been in effect in 1990. Chart No. 4 compares this information in the form of a bar graph and the fifth and final chart gives the actual amounts on which the bar graph is based.

It should be clear from this chart that the NEA's funding process has a distinct bias toward the big cities—particularly New York City as the bar graph shows. Senators can either help put their States on a more even playing field as far as NEA funding is concerned by voting for the pending amendment, or Senators may ratify and perpetuate the cultural and geographic prejudices in the NEA's funding practices by voting against the amendment.

Madam President, if the pending amendent had been in effect in 1990, 36 States would have received more program money. Just 14 States lose money and only six of them would lose more than $350,000.

Under the pending amendment, every State arts council—even in those States that lose money overall—would receive larger basic grants which they will be able to dispense on the basis of State and local priorities in the arts instead of the priorities and tastes of the east coast/west coast big city crowd that controls the NEA.

Madam President, do you see what a chunk of the NEA budget goes to New York, Los Angeles, San Francisco, Minneapolis, Chicago, and Washington, DC? I hope the television cameras can get that.

Five States and the District of Columbia receive the majority of arts funding: New York, California, Massachusetts, Minnesota, Illinois, and the District of Columbia. The funding for the other 45 States is less than half: 52 percent for these 6 States and 48 percent for all the rest of the country.

However, under the pending amendment, New York will get considerably less, which means that all of those rotten performers will get none, probably, because it will be under the purview of the people in the States, rather than in Washington, DC.

Madam President, I am going to leave the charts here for Senators to glance at when they come to vote, to see how much more their States will get under the Helms amendment than would be the case if the present formula is maintained.

So, Madam President, I think that is about it. I could review again each of the charts, but I imagine our friends with C-SPAN II have focused on the chart, as I hoped they would, and there is no point in going down that road.

But we are talking about basic equity and fairness, and—I admit it—getting these millions of dollars out of the hands of the people who have been abusing their responsibilities in the past. The very idea of devoting so much money to sheer garbage, that ought not to be displayed. If they want to display it, if they want to produce it, let them do it on their own time with their own money, and not expect any reward or subsidy from the American taxpayers.

The American taxpayers are fed up, and I jolly well will tell you that if the American taxpayers could vote, they would vote overwhelmingly for the pending amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, last year during the reauthorization of the arts endowment, the amount of funds made available to the States was increased dramatically. This fiscal year and next the amount set aside for State arts councils is 30 percent of the program fund total. In 1993, this amount increases to 35 percent.

Actually, this change in State funding was generated by the House last year while the original Senate position has been to retain what was then current law at 20 percent.

The Senate ultimately accepted this increase but without having looked carefully at the impact that this significant reallocation of funds will have.

Before we proceed to allocate even more NEA funds to States, I think we should pause to take a look at the history behind the funding, what the impact truly is. We should know and understand exactly how scarce Government arts funds can be used most effectively.

I was struck with the pie, the diagrams of the Senator from North Carolina, showing the rather large amount, one could say disproportionate, for New York or for six States or for five cities and the District of Columbia. But the interesting thing is that under the guidance of the Endowment for the Arts over the last 25 years, you find the proportion is less now than it was.

I remember when we started out in 1965, Senator Javits and I, the proportion was more—I forget whether it was three-quarters of all the legitimate theaters were in New York, one-quarter in the rest of the country. But it was a much worse situation than it is today. I think we forget some of the thought behind the original idea of the State setaside.

This was a magic idea that we had, Jack Javits and I, and it was one of the programs where there was a certain setaside of a portion of it. The idea was to do exactly what the Senator from North Carolina is saying, which was to spread the pursuit of the arts, enjoyment of the arts, across the country. And I think it has been very successful in that. When you look at the actual statistics, the number of museums, the number of theaters, the number of paintings that are produced, et cetera, it has lived up to all our expectation.

I think that you need the central amount to give the impetus and the drive. And the amazing thought is that critics often say that it has discouraged private giving. If one looks at the actual statistics, one finds that the Endowments have produced a larger amount of dollars in private giving or nongovernmental grants than was the case before. And in every case I think the Endowments have truly lived up to expectations.

Again I say, this proposal should be, I think, the topic of an oversight hearing. I would like to hold off on that hearing until we make sure the changes we made last year have been fully implemented, which would bring us into the winter or spring.

I think it is important that we more fully understand the balance between State arts funding and Federal arts funding. What way can we stretch these dollars the furthest? If States decide, for example, that they can reduce their own funding for the arts because of a windfall of new Federal moneys, we should do all we can to prevent this from happening. How would other funding sources—particularly in the private sector—be affected with ever-increasing State allocations? What does this shift mean for the national leadership in the arts? Are the States in a position to assume the added funding responsibilities?

In my view these are very valid questions and they deserve answers before further changes are made in the present percentage of funds going from the National Endowment for the Arts to the States.

I believe that we should, as I say, have hearings.

In closing, I would emphasize the point that the whole concept of money for the States which we have done in the arts and in the humanities has came out of the work that we did 25 years ago. I think it has worked very well in the period in between, and I would like to leave the proportions about the same.

I yield the floor.

Mr. SYMMS. Madam President, I rise to support the amendment offered by my friend and colleague, the senior Senator from North Carolina. Senator HELMS' amendment is very simple. It is very straightforward. It is an attempt to instill some equity in the distribution of the NEA grant funds. That is all it does.

Under the committee bill and in the current National Endowment for the Arts—NEA, as we often refer to it—grant program, a relatively small percentage of the total NEA funding is sent directly to the States for use by State art councils. A much larger percentage of the funding is distributed on a discretionary basis by the NEA, by the apparatus, by the bureaucracy, if you will, by those people who live along the banks of the Potomac and decide what is good art for the rest of the country, rather than letting the people along the banks of the Missouri and the Snake and the other rivers around the country make those decisions themselves. That is basically what the Helms amendment is about.

Senator HELMS' amendment would substantially increase the percentage of grants allocated directly to State art councils, and proportionately reduce the amount of funds held in reserve for Washington, DC's favorite art projects. That is really what this whole issue is about.

There is fairness in the Helms amendment. There is equity in the Helms amendment. And, as the charts that the good Senator went through show, when left to their own devices, the grantmakers at NEA strongly favor a very few States, in fact, a very few cities within these States, for the bulk of this taxpayer-financed funding for the arts.

New York City alone—as Senator HELMS already pointed out but I will say it again in case any of my colleagues that might be watching missed it—New York City alone received 21 percent of all NEA grant dollars in 1990, while Los Angeles, San Francisco, Minneapolis, Chicago, and Washington, DC, took another 20 percent. Together, New York, California, Massachusetts, Minnesota, Illinois, and the District of Columbia received over half of all grant dollars distributed in 1990, leaving the other 45 States to pick at the remains.

Obviously, New York City has a larger community of artists than most cities have—I do not think any of us would challenge that; perhaps larger than any other city in the Nation; perhaps larger than any other city in the world, I do not know—so we might expect a larger pool of applicants for NEA grants there. And the same may be true to a lesser extent of the five cities that have scooped up the lion's share of NEA grant moneys.

But, Madam President, 41 percent goes to six cities, 52 percent to five States and the District of Columbia. Are there are no artists in Atlanta, Nashville, Dallas, Denver, or Seattle who deserve the support of NEA? Are the people of Alabama, Iowa, Oklahoma, or West Virginia too uncultured or otherwise unworthy of an opportunity to see and experience the art their tax dollars help support?

Madam President, I know my colleagues will agree that artists in their States are every bit as deserving of NEA funds, and their constituents every bit as interested in the art programs that these Federal funds can help support, as the people of New York City, Los Angeles, or Washington, DC. There is no question about it.

My State does not stand to gain a lot from the Helms amendment. It is a lot of money to us, but it is $138,000 if the amendment passes.

I know that $138,000 in my State goes a long way because the members of the Idaho Commission on Arts tell me for every dollar they get from NEA, they lever it into $10 or $12 of contribution.

I think Margot Knight, executive director of the Idaho Commission on the Arts, Bob Brown, chairman, and Anna Marie Boles, the education program coordinator—they have done an excellent job. And they push this art in the direction the people of Boise, and Coeur d'Alene, and Sandpoint, and other places in the State are interested in.

So it seems to me that all of us would stand to benefit by pushing this along.

The good Senator, the chairman of the Foreign Relations Committee, from Rhode Island, pointed out that we have made some headway. We have gone up to 25 percent instead of 20 percent or 10 percent, whatever it was, of State grant funds. All the Helms amendment means is if we are going to have equity with respect to NEA funding, we should let the 50 State commissions, the people who are interested in the arts in those States, make the decisions about how the funds are used.

I remind my colleagues, the Helms amendment does not cut one dime out of funding for the arts. We had a vote on that amendment, on the Kassebaum amendment, and the will of the Senate is clear. The Senate voted not to cut funding for the NEA.

The Helms amendment is not cutting funding for the NEA. The amendment is simply a question of how the art funding will be distributed; whether State officials or the bureaucracy at NEA along the banks of the Potomac, will make the decision about which projects the taxpayers' dollars will support.

I urge my colleagues to support the Helms amendment, Madam President. It is fair, it is equitable. I invite my colleagues to look at the charts, look at what the Senator from North Carolina is trying to do. I invite my colleagues to look—70 percent of this is granted by the Federal bureaucracy. The Helms amendment simply would turn it around and give more than 50 percent directly to the States and then let those State art commissions, like the one we have in Idaho that works so well, make those decisions. They do not have these big controversial issues. They know better than to support some of the projects that have been the subject of such controversy in recent years.

So I urge support for this amendment. It does not cut any funding from NEA. It is simply a method to make it more equitable and fairer to the taxpayers, and the artists in all 50 States.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, let me rise and support and compliment my colleague from North Carolina, Senator HELMS, for his amendment. And let me make sure that I explain to my colleagues that this amendment does not gut the NEA, the National Endowment for the Arts.

What this amendment does is, it transfers a greater percentage of the money to the States, for local-State endowment of the arts committees to be able to distribute the funds. I, personally, have a great deal of confidence that our States will do a much better job because they are much more sensitive to the desires and needs of our constituents in our States. So I think it is an outstanding amendment.

Under the present law, 25 percent of the money that is under the 5(c) type of program, that is the bulk of the money, about $143.5 million, 25 percent of the $143 million goes to the States.

Under the amendment of Senator HELMS, 70 percent of that $143 million will be allocated to the States. I think that is a very good amendment. I will state I have looked at the charts that Senator HELMS has handed out. Most States will benefit. Most States will benefit substantially because most States have received a very small percentage of NEA funds.

Now we will all receive a more proportionate share of the funds; a more equitable share of the funds. I think that makes good sense.

Senator HELMS mentioned the national council, which distributes a lot of the discretionary funds, has been weighed very heavily toward a few cities and a couple of States. He is correct.

Cities such as Los Angeles, or San Francisco, or New York City, Washington, DC, they have received the greater proportion of the money. I believe Senator HELMS mentioned six cities received 41 percent of the money. That means the rest of the country, particularly in smaller States, do not receive a fair share of the money. We do not receive an adequate distribution of the money.

But other than just the allocation of the money—and I compliment Senator HELMS for the distribution—I think we will have a better result. I think we will have a result where you have your local State-controlled endowment organizations making these decisions. They will make better decisions. And I do not think they will be funding some of these grants that are so obscene and so offensive to so many Americans. I would be shocked if the Oklahoma endowment group did. I have a great deal of respect for them. I think they have done a very good job. In my State they fund Indian education programs, they fund the arts, Indian arts and our natural heritage. They do a fantastic job. They are well supported, they are well liked by my constituents throughout the State. They support the operas, and they just do a very good job. I think, frankly, they do a much better job than the national organization, and this will almost double the amount of money they receive in our State.

As a matter of fact, in looking at most States, going from the 25-percent formula that is under current law, to Senator HELMS' formula, going to 70 percent of the money being granted to the State for the State allocation, most States would almost double their allocation under this proposal.

So again I compliment my friend and colleague from North Carolina. I think his amendment is an outstanding amendment. It is going to be a significant improvement for the NEA. Hopefully it will eliminate some of the problems we have been discussing earlier, about some of these obscene grants, and I think it is just a very significant improvement over present law.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I do thank the distinguished Senator from Oklahoma, because he has been very lucid in his analysis of the amendment. There will be a few States that will not like the amendment, because we are taking a lot of money away from them. But those, in large measure, are the States that have spawned the Karen Findleys and all the rest of the garbage that we have been talking about for several years here on this floor.

I would advise Senators and their aides that there will be available on their desk a State-by-State breakdown of how much their States will gain, and in a few cases, how much they will lose in funding from the NEA.

So you might want to consult that when you come in to vote, and make your judgment accordingly.

Also I want to thank Senator SYMMS for his excellent statement. I appreciate the support of both of these fine Senators.

Mr. NICKLES. Will the Senator yield for a question? Just looking at some of the figures, I do not know how many States are winners or losers, but the Senator has already alluded to the fact that a few cities were receiving a disproportionate share of the money. I think he said 41 percent. Is that correct?

Mr. HELMS. Correct.

Mr. NICKLES. Alabama would increase from $860,000 to $1.9 million, so that is a little more than doubled.

Looking at Arizona it goes from $1.2 million to $1.7 million; Arkansas goes from $491,000 to $1.2 million.

Is this formula based primarily on population?

Mr. HELMS. Correct.

Mr. NICKLES. Again, I compliment the Senator, because I think it is a much more equitable distribution of these funds.

I have not added up how many States are winners and how many would be losers. Certainly in any allocation formula, that is the case. But most States—looking at this—are definitely going to be winners, if you want to call it that. They will come out much better on a formula that is based on population instead of peer review committees that are stacked for a few cities in a few areas.

Again I compliment the Senator.

Mr. HELMS. I thank the Senator. Thirty-six States will gain money under this formula.

I would expect my friend, PAT MOYNIHAN, eloquent as he always is, to oppose the amendment, and some few others. I do suggest that Senator may want to look at the breakdown which will be on their desks, and also it will be on the table down here in front so they can consult that and see how it will affect their States.

I thank the Senator again. When all debate is through, I hope to proceed to a vote. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from New York.

Mr. MOYNIHAN. Madam President, in 15 years in the Senate I do not know of any sadder moment for this Senator than to have to rise to this issue in the aftermath of the previous issue. There is something in this body that is unseemly and profoundly sad.

I spoke earlier today, Madam President, about a proposal to reduce by a considerable amount the allocation in the appropriations in the present measure for the National Endowment for the Arts. I spoke about the origins of this program. Of course, there have been many origins, wide and varied, but the specifics of aid to the arts goes back to the winter of 1961 when a labor dispute broke out with the Metropolitan Opera Co. The musicians were asking for an increase in a very small wage base and the directors of the Metropolitan Opera, Mr. August Belmont, Mr. Douglas, and others, as much as they would have wished to do, they had not the resources with which to do it.

A stalemate emerged which no one desired but no one was able to resolve, and the parties turned to Arthur J. Goldberg, then the Secretary of Labor in President Kennedy's Cabinet, and asked if he would mediate the dispute. He agreed to do that, and found that the situation was what both parties said it to be: There was no money around.

And so Secretary Goldberg, who was acting very much for President Kennedy in this regard, issued a statement of the facts and then went on to say these facts are not good enough. The idea that the United States of America would not be able to support the Metropolitan Opera, its premier musical institution at the height of its resources, and at that stage in its history, having been able to do so from the early 19th century, suggested the time had come for the Federal Government to play a role in the support of the arts.

It is unique in our country. We are one of the few great countries in the world where the arts are not, for practical purposes, a state enterprise.

The great operas, ballets, orchestras of Europe, of Vienna, of Paris, of Rome, of Milan, Berlin, London, these were always largely, if not primarily, royal enterprises provided for by the state purse. Just as our universities in this country have been independent institutions unlike any other major country in the world, so have our art institutions.

In the case of the musical arts, they have been singularly located in New York City. This is not unusual. It is somehow in the nature of creative work that it tends to concentrate in one place and bring people to it. It is the normal experience of the arts, particularly large and expensive activities which involve musicians and performers and composers, as well as audiences. New York has been such a place from the beginning.

Madam President, a small note. On the 5th of December this year, we will observe the 200th anniversary of the death of Wolfgang Amadeus Mozart, 200 years since his death.

The world, as long as there is a world, will record and treasure the incomparable work, Don Giovanni, which was first performed in Prague, in the state music house here. Don Giovanni was a collaboration of Mozart the musician and Da Ponte, his librettist. Da Ponte was an Italian. He was from an Italian-Jewish family and converted to Catholicism, as was the requirement of anybody who wished to work in the courts of the Austro-Hungarian Empire. He took the name of the local bishop and converted.

After Don Giovanni was performed, and some other work, Da Ponte left Central Europe and, Madam President, perhaps not many know this, but he made his way to New York City. New York City was, even in the time of Mozart, a city active in the arts and attractive to practitioners at the supreme level. The Da Pontes of the world, Mozart's librettist, the man who wrote Don Giovanni. He became a professor of Italian music at Columbia College, now Columbia University. He lived a long life, began a musical tradition in New York, and brought to it the great strengths of those experiences.

He was, as I recall, given the last rights by Cardinal McCloskey, the second cardinal of the city of New York, Diocese of New York. There you have, in the 18th century and the early 19th century, America as part of the high European culture.

It has continued that way, Madam President. It is not in the nature of things that there should be a great many opera companies of the first order. I think there are a good 30 in our country largely because of the efforts of the National Endowment for the Arts.

As I said this morning, Secretary Goldberg asked me to do the first draft of his general proposition that there ought to be a national support for the arts. At that time, the activities were very much concentrated in New York, Chicago, Philadelphia, Boston, Los Angeles, and San Francisco. But New York was the center, as it was of the visual arts, as it was of publishing, as it had been from the time we started our Nation with New York as its Capitol.

It was on a fateful day in 1790, I regret to inform the Senate, that at a luncheon, dinner as they would say, between Hamilton and Jefferson, it was proposed they move the Capitol of the United States from New York City, where it was, to a swamp on the banks of the Potomac where we are, slightly above on Jenkins Hill. But there is a sense in which the culture remained in that first Capitol, and has served this Nation well.

The purpose of the culture is not to serve the Nation, but we speak proudly of our role in the last two centuries. And to the extent we do, we speak of the things that have happened, to an extraordinary degree things that have happened in the city of New York, by people who come from all over the country, and the world as Da Ponte did to that center of creative activity.

One of the events that begins with the establishment of the National Endowments for the Arts and Humanities, which took place under President Johnson, as did so much of the legislation that had been earlier contemplated under President Kennedy, has been to diffuse these activities throughout the country. No one has been more diligent, I would say vigilant, in seeing to this than our beloved Claiborne Pell, who has insisted that these activities be spread out, that a minimum portion go to every part of the country, every State in the Union. It has and it has had its effect over what is now just past a quarter century of this activity.

But it remains the case, inevitably it is the case, that there are places where particularly intensive activities in the arts occur, the places I have just described.

It is not as if we have not been moving toward an even larger general distribution. Last year's authorization for the National Endowment raised the allocation for State funding from 20 percent to 25 percent, to 27.5 percent in 1993.

The proposed measure is a very simple one, to take money away from the city of New York and distribute it elsewhere. The idea is very different. The idea is to strike at the artistic activities and expressions which are found at the center of the Nation's art world, of which Senators on this floor do not approve. I do not know if they would approve of Da Ponte when he came here. There is that tradition in America life that hugely underestimates that intelligence of the American people and plays to almost a depraved sense of what will shock them.

I somehow remember from my youth a line of Ogden Nash when Senator Smoot of Utah was on one of these hoorahs, Smoot of the Smoot-Hawley Tariff. I am not sure I can get it quite right. But Ogden Nash said, "Senator Smoot (Republican-Ut.) is planning a ban on smut. Rooty-toot-toot for Smoot of Ut. and his reverend occiput".

And I suppose I have to record that, yes, it is true the poem appeared in the New Yorker magazine.

That is us. You have Senator Smoot, Republican-Ut, planning a ban on smut, and Ogden Nash thought it was pretty funny. It was funny, though sad. This is sort of sad. Not especially funny.

Of what are we afraid? Are we going to do this? As the 200th anniversary of the death of Mozart comes upon us, are we going to go out of our way to be mean, fearful, troubled, anxious—oh, very anxious—about the city that welcomed his librettist, welcomed the Italian Jew who for a Viennese emperor in a Czech city composed the libretto Don Giovanni? Is that who we are? Has it come to that?

I said this morning that one of the wonderful things happening in the Soviet theater is to see those great icons of socialist realism coming down, statues of Lenin and Marx, iron Felix Dzerzhinsky. Down they come. Just as they are breaking out of politically dominated form and content in the Soviet Union, we are slipping into it in the United States. It is sad.

(Mr. LAUTENBERG assumed the chair.)

Mr. MOYNIHAN. Mr. President, I will not show here on family television some of the dirty pictures that circulate on the floor of the Senate as Senators come along and say, "Hey, you want to see something that the National Endowment for the Arts actually authorized?"

And they say, "Hey, look at that!" The other evening we had some dirty sex surveys which they could show you. "Here, look, how do you like that question? Look at that."

You know, in high school hormonal events can be disharmonizing. All those convulsions of adolescents are all right, you know. We have gone through it ourselves. As parents we watched our children do the same. But not Senators—not Senators. We surely are beyond that. Or, are we? Perhaps the Nation does not understand or does not know. Or perhaps we do not understand or know the Nation.

I do not think there is a self-respecting council on the arts in any of the States that will receive this money taken from the city of New York that would want it, because they are not taking it from New York; they are taking it from the culture. It just happen the culture is primarily located there. It has not been there from the beginning. Give Boston its due. Give Philadelphia its due. Remember that orchestra of the Metropolitan Opera that came to Arthur Goldberg. One of the violinists, I believe, was a relative of Arthur Goldberg's, who came out of some shtetl in Poland, or whose parents did, as did Arthur Goldberg. He played the violin and found his way to the Metropolitan Opera. A relative found his way to the Cabinet of the United States and then to the Supreme Court. That relative went and sat down with those violinists and Mrs. August Belmont to try to keep it going. It was collaboration. This opera was a rich and powerful and important thing. It brought Mozart to this country. It brought Von Braun to this country. It brought Bernstein to the world. Because the time came when we started giving back.

The time came when the school of New York was the most important school of painting in the world.

The time came when the great operatic music of this age came out of New York.

One is so troubled that we would want to do this. What a fearful thing. What an unseemly thing. What a foreboding thing, Mr. President.

I find it interesting that there is not a single person here on the floor at this moment. There has not been for some time.

We are not easy about this choice, Mr. President. We do not like it. We would never have done it on our own. There is not a single Member of the Democratic side, not a single Senator on the Republican side. I am alone in this Chamber pleading that we not do something which we will regret.

I said there is something foreboding here. Do we break up this country into its competing parts? Do we want to go back to an earlier time when those who had, kept? They did not share—to reach out and bring to a place that did not have things they might need in health, in education, in standards of relations between labor and management—in a sense of sharing a common culture, of diffusing and, enriching that culture.

I said in that earlier address this morning how on the occasion that I had to draft mediation for Arthur Goldberg, that we were aware of the problems of the politization that could come when there are public moneys directed to sensitive areas. And we addressed that.

Justice Goldberg found the Metropolitan Opera's problem anything but unique. He said the details may differ, but the general condition is the same. The problem, of course, is money. The individual benefactors and patrons just are not there as they once were.

Just as importantly, as we became more and more a cultural democracy, it becomes less and less appropriate for our major cultural institutions to depend on the generosity of the very few of the very wealthy.

Then he went on to think, therefore, of the state of the performing arts. He proposed that the President establish an advisory council on the arts, which President Kennedy did, and which, in time, became the National Endowment for the Arts. He noted that the President had proposed to consider the establishment of a national honors system, clearly an important area in which artistic achievement could be further recognized by the Nation.

And that, Mr. President, with Arthur Goldberg taking the lead, became the Presidential Medal of Freedom, the highest civil award ordered confirmed by the President of the United States at this time.

He went out of his way to say that the medal should be conferred for achievements in the arts and sciences, and not just the affairs of state, which had been the realm of decorations and honors up until then. He went on to say the benefits that would come of the national involvement in these matters.

But then, sir, a word of caution. These happen to be my draft of the section that I am reading to you. But they are Arthur Goldberg's words. He issued them, and John F. Kennedy endorsed them. He said:

> The issue of Federal support for the arts immediately raises problems. Many persons oppose Federal support on grounds that it will inevitably lead to political interference. This is by no means an argument to be dismissed. And the persons who make it are to be honored for their concern for the freedom of artistic expression.
>
> In an age in which a third of the globe languishes under the pathetic banalities of socialist realism, let no one suppose that political control of the arts cannot be achieved.

May I say it is political control that is the issue here—political control, sir. Justice Goldberg said, the overwhelming evidence, however, is that the free American society has shown a deep respect for the artistic integrity of the artist. Every attempt to interfere with that freedom has been met with vigorous opposition, not least from the artistic community. Artists are as susceptible to pressure as the next person, but for every artist who capitulates, there is another to take his place from that unruly band. The late Russell Lyons has described them as the uncaptured, the disrespectful, and the uncomfortable searchers after truth.

Justice Goldberg then concluded:

> The answer to the danger of political interference, then, is not to deny that it exists, but rather to be prepared to resist it.

Mr. President, this goes back to the founding:

> The answer to the danger of political interference, then, is not to deny that it can exist, but rather to be prepared to resist it. A vigorous, thriving artistic community close to and supported by a large portion of the public need not fear attempts of interference. Let our writers and composers and performers give as good as they get. Indeed, when have they done otherwise?
>
> The situation is no different from that of academic freedom in our colleges and universities. It is by defending their rights that our faculties strengthen them. This is ever the condition of freedom.

It is a sad reflection how fearful and confused public men can be in the face of threats to public morals. I did not want to be dramatic, but Socrates was ordered to drink hemlock, and died because he was felt to have corrupted the youth of Athens by the assembly. The artists live on, and the societies are remembered for how they responded to them.

I spoke in the spring, in May, at the Juilliard School's commencement. I was sitting next to Isaac Stern, just back from Jerusalem, where he had played to an audience in gas masks. I watched that extraordinary row of young Chinese and Japanese violinists going by in the graduating class, about one-third young women, and saw the wonderful mix of the Juilliard School itself, which has been a source of so much of the musical talent, hard-trained musical talent of that city of mine. Did I have some premonition of this moment on the Senate floor? I ended by quoting a poem by Louise Bogan, who reviewed poetry at the New Yorker for nearly 40 years, and was herself a poet of great power. One day, years ago, her Irish up, she wrote these lines in defense of the true artist.

Mr. President, I am going to use some words that are going to shock some people, I do not doubt; and if they do, so be it.

She wrote:

> Come, drunks and drug-takers: come, perverts unnerved!
> Receive the laurel, given, though late, on merit;
> To whom and wherever deserved.
>
> Parochial punks, trimmers, nice people, joiners true blue,
> Get the hell out of the way of the laurel. It is deathless
> and it isn't for you.

There speaks poetry. There speaks the artist. There is the truth of it so often. And it is a truth that has enlarged our lives and understanding from the beginning of civilization. The first thing children do is draw and then sing and then dance. It is in the species, the human species.

Yes, they are dirty pictures, and dirty surveys, and all matter of disturbing things. But Louise Bogan was not disturbed. She sat up there in her West Side apartment, wrote her poem, reviewed others, 40 years with the New Yorker, 40 years at this.

Are we going to be able to understand this, Mr. President? Are we going to establish Louise Bogan and DeBoutae and Bernstein, the great writers, whose purpose we undertook to help? Those were the writers that could write where they are.

But reaching back, what roots. The matter of Don Giovanni, the Italian Jew working in an Austrian court, performing in Prague, and coming to New York. That is our cultural heritage. And we are now to say "no" to that. Well, fine.

"No" can be said back. There is no reason to have National Endowments for the Arts and Humanities if their purpose is to offend against all the standards of the arts and the humanities. We do not need them. We got along without them before, and I dare to say New York will get on without it as well. We did before. What the National Endowment for the Arts has done is bring opera to places in our country where it had never been, bringing opera companies, symphony, and ballet where they have never been before. That is the real role of the Endowment.

But now to take this punitive, fearful, mean measure is not like us. It is not very helpful to invoke dead people and tell what they would say if they were here. But can you imagine John F. Kennedy in this back row listening to this? Oh, the remarks he would make in the Cloakroom. I wish he were here so I could hear those remarks. And Lyndon Johnson. Lyndon Johnson knew what you missed growing up in Johnson City, population 650. Over the mantlepiece in that little frame house in Johnson City his mother put one picture which, when you see it, tells you so much: Gainsborough's Blue Boy, that lovely young man in blue satin and white silks and all. It meant something.

"Son, you know you are not going to be here in this little old town, with this caliche soil and a fourth grade education all your life. You are not going to stop here. You are going to get at the Metropolitan Museum, get to the National Gallery, and share these things."

It came to pass. The National Endowment has meant those things would go to you. And it was such a large and hopeful moment. Now it comes down to this. "Senator Smoot, Republican-UT., is planning a ban on smut.'

No, no, that is not our Nation. I would love to think what Lyndon Johnson would have to say. It would not be nearly as printable, perhaps, but, even so, possibly more to the point.

I have been looking at the annual report of the independent commission which was established to look into the question of the National Endowment when it became an issue a couple years ago. Two fine persons were asked to chair the commission. They were John Brademas, our former colleague, a member of the House leadership from South Bend, IN, home of Notre Dame, and for lo these 15 years, the eminent president of New York University. A learned man, Oxford, Rhodes Scholar, great family, good, serious, thoughtful person. And Leonard Garment, a Brooklyn boy, Brooklyn Law School, a counselor to Presidents, a man of great personal attainments in the arts as well. He is a clarinetist of rare accomplishment, and a saxophonist as well. I have the honor to think of both of these men as friends. And they had with them very able people.

There is more than a normal distribution of New Yorkers there because it is a subject which New York has been associated with for so long. And the persons who are involved come from all over the country, representing all forms of activity that would be relevant to this work. And they came up with a judicious, thoughtful statement dealing with some of the difficulties that have arisen over an exhibit of photographs.

Probably there are those who do not recognize that photograph has become one of the fine arts in our time. You think of the work of Steichen, going back to the turn of the century, Richard Avedon, and others in our time. And they go into the subject of the background and history of the National Endowment. And they note that it, like so many things, does go back a long way.

George Washington, in a letter to the Reverend Joseph Willard on March 22, 1781, remarked:

> The arts and sciences essential to the prosperity of the State and to the ornament and happiness of human life have a primary claim to the encouragement of every lover of his country and mankind.

That bears repeating, Mr. President.

> The arts and sciences essential to the prosperity of the State and to the ornament and happiness of human life have a primary claim to the encouragement of every lover of his country and mankind.

"Arts and sciences essential to the prosperity of the State." Not just sciences, but also arts.

Thomas Jefferson wrote to Madison in 1785. He said:

> You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile them to the respect of the world, and procure them its praise.

There is Jefferson talking about increasing the reputation of the American artist, winning the respect of the world in procuring their praise. That day came when Da Ponte the librettist came. It is also now. Only will we besmirch that reputation? Will we diminish that respect? We are on the verge of it. We have been moving in this direction for some time now.

The Congress, of course, has been involved for a long time. In 1891 we created the National Conservatory of Music, and in 1897, the National Fine Arts Commission, which, to this day, has oversight over design and development in the Nation's Capital. From the fourth decade of the 19th century, we have had the Smithsonian Institution with its extraordinary collection of the arts of all kinds on The Mall.

And in this setting, Mr. President, we have had this careful commission ask itself, what should we do about these matters?

The independent commission set forth a simple, prudent set of recommendations for the review of grant applications. The first finding was that the standard for publicly funded art must go beyond the standard for privately funded art.

We are not, happily, talking about censorship here. We are talking about standards, and we have admirable standards, and an admirable commission carrying them out. These grants have been reviewed. It is not as if we have not looked at this subject. We have looked at it very carefully—John Brademas and Leonard Garment—and these new standards are in place. To go further in the manner that is now proposed, is to put in jeopardy something of great value. I hope we will not do it.

Earlier, Mr. President, I remarked that there were no Senators on the floor and so I continued to speak. But I see my distinguished and learned friend and neighbor from Vermont has risen and he might wish to speak. Is that the case, I ask the Senator?

Mr. JEFFORDS. Mr. President, I would be happy to proceed if the Senator desires to yield the floor. And I will immediately take the floor and proceed to argue against the amendment.

Mr. MOYNIHAN. Mr. President, with great interest, and looking forward to the remarks of Senator JEFFORDS, I do yield the floor and thank you for your courtesy.

Mr. JEFFORDS. Mr. President, I rise to speak against the amendment. I want to make some points that I think everyone should carefully listen to.

First of all, I find, for instance, that under this amendment my State will lose 30 percent of its grant. Certainly, to my knowledge, we have never been one of those States that have been cited for ever having done anything inconsistent with the policies that have been urged by the distinguished Senator from North Carolina. Thus, I certainly point out that a loser here will be a small, rural State which needs these funds very much.

Second, I think it is also important to point out that what we will be doing is establishing very inconsistent votes if we vote on this one. I think you can have some consistency with respect to the first two votes. We turned down an amendment from the Senator from Kansas that would have reduced the amount of money available for the arts and humanities. I think there we signaled—at least it did to me and I was very heartened by that vote—that we certainly support the national goals and the national aspects of the arts endowment program.

We then cast another overwhelming vote, which, frankly, Mr. President, I voted against, which said that we are concerned about the problems we get into with some of the art and we establish a national standard on obscenity.

So, to this extent we have been consistent thus far by establishing a national standard and turning down an amendment which would have reduced the funds of the National Endowment.

Now, however, we are asked to say we do not approve of the national aspects but we desire to turn the bulk of the funds over in State grants. That sounds very fine. But my conclusion is—and this comes from information from the National Endowment—that because of the way the NEA provides funds and from experience that we have had when there has been an increase recently in funds to the States, that the overall result will be a substantial loss of the amount of money for the arts in this country. And specific areas, which generally are not those favored by the States and endowment programs, would be crippled.

I want to concentrate on that point. First of all, what happens if we increase funding to the States? One of the saddest things that I have observed in the last several years, is that as we have put more and more demands on the States—the schools and all—that the first things lost in the school systems are the art programs. If you have to cut something, you say well, art must go. Yet at the national level we have recognized that it is important for this Nation to demonstrate its soul and its heart through its arts.

One of the things which has helped us in spreading the word of democracy throughout the world—sometimes it is not the way we might expect it—but certainly by hearing rock music in Tibet or everywhere else in this world, we have been able to expand the understanding of the freedom of our arts and our culture by our transmitting of the arts that we have throughout the world.

What we will find if we cut back on our Federal level and ship it to the States when they are overburdened is that they will reduce their own efforts. Then we will see a total reduction of funds that are available at the State level.

I think we should recognize damage will be done to those kinds of art forms which are less institutionalized. Some of those forms are—folk arts, design arts, and the like—are most important in the sense of our development of our arts throughout the Nation.

In other words, a larger allocation to the States would reduce the funds that go to the discipline programs which are unlikely to be fully covered. The discipline programs presently provide fellowships to provide support for projects of individual artists.

Some States are prohibited by law from directly supporting individual artists. And that is understandable, perhaps. But certainly the inability to support individual artists would be a cruel and crippling blow to those many budding artist who really end up, in most cases, being those who exemplify the best of our arts in this Nation.

No corporations and few foundations award individual fellowships. They do not have the structure or the ability to do that. If the States do not and those with other funds for the arts do not do it, they will be lost. That is probably the greatest source of the improvements in our arts, in our music and painting. All of those arts would be crippled by reductions in that area.

These less institutionalized art forms such as the folk arts, and the design arts, and literature, and film, do not always receive the highest priority at the State level. With the exception of a few States, State agencies simply do not have the infrastructure to support the media arts, also.

Another problem we will have, under this amendment is that what will happen, again because of the tremendous pressure on the States, is that much more money will be spent on administration. There is that tendency as we know from other Federal programs. If we do not restrict the amount for administrative funds when the money flows in, what happens? It immediately goes to replace the present cost for the infrastructure that is there, the administrative cost, and there again, for other reasons, you will have a reduction of the amount of money that will actually be available for the arts.

There are no restrictions on the use of increased allocations in this amendment to the States for administrative costs. This further increases that possibility, as I mentioned, that we would end up, actually, with a net reduction in the amount of money that would be available for the arts.

Another area in which there would be a significant decrease in the availability of funds, I believe, would be the copyright sector. Again, areas where you get into the individual artists. Those are areas that we have, a difficult time for young artists to be able to perform and be able to create their arts. Yet later on they are the ones we all look to as the examples of the best of our Nation. But to get them started and to have the programs out there. These are the individual artists which most States are either precluded from supporting or do not have and would not have programs to support. It is very difficult to make selections along these lines.

Increased State allocation could undermine the plurality of funding sources. I think this is also very true, especially with the matching grant facets of the National Endowment, and the leverage aspects of the National Endowment. Those requirements are $3 to $1, $2 to $1, $1 to $1, whatever—but again, they take the relatively scarce amount of money we do give to the arts in this Nation—scarce compared to almost any other nation in the industrialized world, in what other nations spend on the arts—and increase and improve ours by virtue of leverage. To my knowledge, there are no leverage requirements under this amendment which would in anyway compare with the system of the National Endowment which leverages, as I said, $3 to $1, $2 to $1, $1 to $1.

The inability to have moneys at the present level available for those kind of challenge grants would very substantially reduce the total amount of money available in this country for the kinds of things the National Endowment does carry on now.

So I would like to say again, we must be careful about what we are doing here. Oh, it all sounds so good: Block grant and you can look at charts and see numbers which are going to say that your State is going to do a little better, it will receive a little more, it will have a little more flexibility. But take into consideration the matters of matching and the loss to administrative funds and all of those matters, and the restrictions States have on these things.

As I just mentioned, we have already demonstrated our support today for the Endowment. We also know that the restrictions we have set over the course of the last few years—even though in some ways I resented those and object to them—nevertheless, are working. Certainly the present Chairman has taken seriously the warnings from many of the Members of this body and said, "I am going to do what I can to make sure that you in the Senate and you in the House are not embarrassed by what the Endowment funds."

I know; I talked to him recently. He informed me of the decisions he has made, of what he has done, especially for one flagrant violation of the guidelines and the terms of the grant. He has made it clear it would be financially damaging to the individuals that violated those terms and conditions by canceling their grant, requiring money back, and all that. He got the message. The Endowment has. It is a message I do not agree with, totally, because I have so much confidence in our society and system that I am not terrified as some are by an aberration here on whatever it is, less than a percent, anyway, of these things that get into a problem.

Also, in the purpose of this amendment, somehow, is the feeling—which would not be the case if the local governments, governments of the States, are in charge of making these kind of decisions which I just referred to on the questions of obscenity—the problem is the Federal Government is doing it and it is Federal funds.

I point out that the No. 1 example which the proponent of this amendment has utilized over the past few years is the Mapplethorpe exhibit, the Mapplethorpe art. We can argue about whether or not that is good art or bad art, but the funding came from a State grant. It was to the State and then out to Mapplethorpe.

So the thought that somehow we are going to reduce the questionability of the art available because of Federal funds is hard to fathom. How can you say you will give funds to the States and you will have less questionable art when you will have less control at this level to ensure that whatever standards this body feels are appropriate are adhered to.

Again I urge Members not to cast inconsistent votes. We already want to say we are setting a national standard. We also want to say, by turning down the Kassebaum amendment, that we have endorsed the Endowment as having performed reasonably and continuing to perform a very useful function in our society, and we support not cutting it, now to say that it would be better to do something to reduce the total amount of money that is available in arts throughout this Nation and to provide that the States will be the ones setting the standards. To me that is a very inconsistent way to vote. I hope and urge that this body turn down the Helms amendment.

I will be happy to yield the floor, assuming the Senator from New York, for whom I have the greatest esteem, is ready to continue the discussion.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to congratulate my neighbor and friend, the learned Senator from Vermont.

Am I mistaken that this would be the 200th anniversary of the founding of the University of Vermont, an institution that has distinguished itself through the years and marks the great tradition which has been a proud tradition?

In one after another, as the American States came into the Union, the first bill they passed was to create a university, to bring to the people, as a matter of right, as a matter of citizenship, the range of arts and letters that we properly associated with elites in Europe, with courts and patronage and all the paraphernalia of very exclusive institutions.

I have spoken about the hugely disproportionate assault this measure would have on New York, which happens to be the London and the Paris of our country. As it has been. But I think the more important thing is to speak about the impact on the city of Washington. The sums here are not large. Let it be clear. The principle is large. Washington, DC, is not represented on this floor. It has no Senator and it has no voice. It is entirely dependent on us.

In the last 50 years, we have seen the beginning in Washington of an active community in the arts. Not for nothing, Mr. President, but it was John F. Kennedy's idea to have a National Endowment for the Arts. And in commemoration, we established the Kennedy Center for the Performing Arts here in Washington. We have seen not just the museums associated with the Smithsonian, but independent museums, such as the Corcoran, grow. We have seen musical ensembles grow. We have seen an audience grow. And now to come along and knock it just like that is so much at odds with what President Kennedy hoped for this Nation, what George Washington hoped for, what Thomas Jefferson hoped for. It is such at odds with this moment in the world when we ought to be celebrating what we have achieved and what we can now achieve in a world.

At long last, the cold war is behind us and we are free to choose what we want to be and want to do. Surely, the last thing we should want to be and want to do is to be mean spirited and jealous and fearful by denying the elemental realities of where the culture is concentrated in its institutionalized forms.

We now bring heads of state to Washington, and the President takes them to our great symphony orchestra, the great theater complex. We have the Arena stages; we have the Anacostia Museum; we have fine universities in this city, and they grow. These things do not come suddenly. They come out of years and years of humus collected. But when they do come, they are the adornment of a nation. They are, as Jefferson wrote to Madison, the source of reputation and of respect of the world, of praise in the world. How an unseemly thing the amendment is; what a diminishing thing. With what spirit will the Senators come to this floor tonight and address this matter? I cannot but hope it will be different than the odds would tell you from reading down the list of who gets what, when; that small calculation which too often we make at the expense of the Nation's interest.

I see my good friend and colleague is on the floor and has risen. I should not wish to keep him from speaking at whatever length he desires, and promptly if that is his wish.

Mr. D'AMATO. I thank my distinguished colleague, the senior Senator form New York.

Mr. MOYNIHAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from New York is recognized.

Mr. D'AMATO. Thank you, Mr. President.

Mr. President, I thank the distinguished Senator from New York [Mr. MOYNIHAN] because he has touched on something that is fundamental to this body. It is the basis of fairness, not just some formula that arithmetically will dispense money to people based upon the population or based upon the fact that there are 50 States, obviously, each one of them with over 200,000 people.

And so I look at the very legislation, I look at the amendment, and in the body of the amendment it says that if there is a State that has a population of 200,000, that means all 50 States, they will be guaranteed $300,000.

It does not go into the merits of the program that will be run. It does not go into the effort as it relates to matching or requirements or challenge grants.

There are a number of programs that exist and generate tens and tens of millions of dollars as a result of a challenge where there is a grant of maybe $1 or $2 million in Federal funds bringing in private sector funds $10, $20, and $30 to every Federal dollar.

I suggest that this amendment is a mischiefmaker. This amendment will kill those kinds of programs because the money to be able to do this will be dispensed as set forth in the proposed amendment.

The amendment is a mischiefmaker. The amendment, under the guise of seeing to it that every State is guaranteed $300,000, will do irreparable damage to the concept of challenge grants, to the concept of matching funds, to the concept of inducing the private sector to put in money that otherwise will not come.

This is not just a parochial argument from the Senators from New York; indeed, the art capital of the world, the cultural capital of the world is important for all of us to maintain and retain, for everyone, for the smaller States, for the ones in the South, in the far distant West and North and Northeast, for those States which are contiguous to New York and the great cultural hub in the great city of Chicago and its art and artistic developments, important not only to the State of Illinois but to the surrounding environs, and to the people it draws and attracts.

Do we want, on political grounds that may be popular argument to our colleagues, to say you are now going to get $300,000 that you did not get before? Are we thus going to destroy the ability to get capital from the private sector, destroy the art centers that are today precariously clinging to life?

Take any of the great museums and the great cultural centers. Were is not for the private sector and dollars that come in, they would not make it. And so these scarce and precious Federal resources have been allocated on a program carefully crafted, which this Senator is prepared to discuss for quite a long time, because before we permit the culture of the arts of New York and other major centers to be destroyed because of political expedience—and that is what this amendment is—if it is passed, it would be politically expedient passage. It would not be one based upon sound logical criteria—why I would feel compelled to have to go into detail as to the manner in which these moneys are distributed.

Mr. President, let me just touch, if I might, on some of the manners of distribution that have been set up by the National Endowment and the manner in which these funds are distributed.

The arts endowment grant matching requirements are an effective tool to generate funding from non-Federal sources. We should be very careful when we begin to tamper with this carefully crafted program. The arts endowment grant matching requirements are an effective tool to generate these non-Federal private sources.

Most National Endowment grants require the minimum match of $1 of non-Endowment funds to every dollar of Endowment funds. Some Endowment programs require greater matches. The assumption that increasing the amount of Endowment money to be required to be passed through to States will be passed through to artists and art organizations in their own State is simply not supportable. Artists in each State are ensured greater total funding as a result of the Endowment's matching requirements and the Endowment's matching requirements have a multiplier effect, increase the amount of funds going to support artists and art organizations.

One of the Endowment's funding policies is to support programs that, by their nature and design, generate non-Federal funds beyond the legislatively required 1-to-1 match so that grantees do not become dependent on the Federal Government for a major portion of their budgets.

Not all States have matching requirements or matching requirements as high as those for grants in some of the Endowment programs.

The Challenge Program, for example, which has a matching requirement of 3 to 1, is a very important and successful program. Its purpose is to complement the work of the other Endowment programs by offering major one-time grants for activities that look beyond current needs and programming.

Further, increasing Endowment money going to State artists and art organizations may, in tight budget times, encourage some States to reduce their own support for the arts.

Mr. President, the recent reauthorization of the increased Endowment funds allocated to States was followed by an unprecedented cut of 7.7 percent in State arts appropriations. A much larger cut is likely in several States for fiscal year 1992. In tight budget times another increase of State set-asides could encourage States to reduce further their support of the arts.

So what I am saying simply here, and what the Endowment is concerned about, is that by saying that each State is going to get $300,000, regardless of what their programs are, regardless of what their needs are, it will encourage States to further reduce a commitment which they are already reducing as a result of tight budget times.

Let us remember again the matching dollars, the challenge grants, the dollars that come in through the private sector are not going to be forthcoming.

The Federal taxpayer could become a patsy if State legislatures use the increase in the States' share of Endowment funds as a reason to cut State appropriations for the arts. Yes, State budgets are tight, but the Federal Government should not encourage States to diminish their responsibility for providing access to the arts.

I would suggest that, at the very least, there should be requirements as they relate to making these funds available and not just simply say $300,000 for every State.

Increasing the State set-aside even further could encourage the abandonment of State responsibility. A larger allocation to the State would even further reduce funds for the discipline programs which are unlikely to be fully recovered. The increase in the amount of the Endowment funds going to the States in fiscal year 1991 as a result of the reauthorization legislation required cutting $12 million from the discipline programs. The discipline programs provide direct Federal support for projects in dance, design arts, folk arts, literature, museum, music, opera, musical theater, theater visual arts, media arts, and interdisciplinary arts in the form of competitive grants. These programs would suffer even further severe reductions should there be a further reduction as a result of funding to the States.

The discipline programs provide fellowships to support the projects of individual artists. Some States are prohibited by law from directly supporting individual artists and no corporations and few foundations award individual fellowships. As a result, a further shift of funds to the States would result in a severe reduction in funding for individual artists.

Also, reducing support for competitive grants through the discipline program would result in major losses for less institutionalized art forms such as folk arts, design arts, literature, and film, which do not always receive high priority at the State level.

With the exception of a few States, State agencies simply do not have the infrastructure to support the media arts. We are already under great competition in this country from abroad, from international filmmakers, et cetera. If we want to encourage the disciplines in this media, then we have to give it support.

To simply say, well, we are going to give everybody $300,000, and is that not good because now six or seven major art institutional areas in our country will take less, would be a great disservice to the economy of this country, to the development of the film industry and others that need this kind of encouragement in their infancy, in their learning, in their beginning movement into the private sector.

A larger allocation to States will fund more administration, not more art. I suggest that those of us who have been in local government understand, all too often in the program that comes from Washington, too many of the dollars go to administration and not enough dollars go to the intended project—whether it is job training or, in this case, whether it is encouragement of the arts and development of the arts.

Decentralizing Federal support of the arts by increasing Federal dollars passed through to the State agencies possibly will go to larger State agency administrations, not to art projects and artists. The fact that there are no restrictions on the use of the increased allocation to the States for administrative costs further increases the possibility that funds that would have gone to artists and art organizations for the discipline programs would be swallowed up by a second bureaucracy.

Let me say here and now, as I continue to read and learn—because I just learned of this amendment literally 15 minutes ago—an amendment that does not require any kind of discipline with respect to the spending of the money and require what percentage gets to various artists, how it will be utilized, requires no infrastructure, is an amendment that we should not support.

You just do not, say, give $300,000 to the State, and say it is for the arts, and that is it, with no regulations, with no rules, with no definition. It should not be passed. For that reason alone we should not be going out and giving taxpayers' money.

If people are dissatisfied with the National Endowment for the Arts—I must say that I have had my run-ins, my differences with some of their policies—what about just giving the money to 50 States with absolutely no rules or regulations with respect to how the money is to be spent, no rules or regulations with respect to what matching funds should be sought in the development of art? It is ill conceived, especially if we are talking about taking a conservative point of view and seeing to it that we guarantee that the taxpayers' money goes for those things with which all of our taxpayers can feel comfortable, or most of them, in seeing them supported.

An increased State allocation could undermine the plurality of funding sources. The arts in America have benefited from a plurality of funding souces. With access to Federal, State, and local funds, artists and art organizations have been able to avoid overdependence on any single soruce of public support.

A plurality of funding sources also gives artists and art organizations a greater range of opportunities for support. Thus, shifting a greater share of funds to States will undermine one of the major strengths of the plural system of art support; an increased allocation could undermine support from the private sector. I have touched on that before.

In determining the priority for arts funding generally, and in selecting specific grantees, many corporations and foundations follow the lead of the National Endowment. It is improbable that corporations and foundations will develop a selection process comparable to the National Endowment's, or that they will go to each of the State's art agencies for guidance to the extent that they look to the Endowment for leadership.

Increasing Endowment funds going to States reduces national economic growth in the copyright sector, an important growth sector of the national economy. This is an area that we can scarcely just put to the side. The National Endowment's Federal dollars could play an unparalleled and indispensable role in promoting the production of copyrighted materials, which adds to our national economic growth. Thus, increasing Endowment funds which go to States will diminish the funding by the National Endowment, which stimulates one of the largest and fastest growing sectors of the U.S. economy, the core copyright industry.

Again, this amendment—which I said is a mischiefmaker—is a mischiefmaker that hurts the economy of this country, as well as the arts. The arts are an important industry in the United States, and one that we can ill afford to tamper with. If you say is it a parochial concern of this Senator because of New York and New York City, the answer is yes.

But I want to tell you something. We are going to lose, if this amendment passes, hundreds and hundreds and hundreds of millions of dollars in private-sector money in development in the entertainment area, the copyright sector, under the guise we are going to give everybody a better piece of the action, and they are not going to be able to use it. It is not going to go for the purposes intended.

The core copyright industry is a substantial contribution to the GNP. A large share of the national employment and high revenues generated from foreign sales make it one of the most important industries in our economy. Here we are talking about trying to get us out of this recession, improve our balance of payments.

During these times of fiscal constraint and fierce international competition, we all benefit when our Government invests dollars in industries to show greatest promise of increasing our economic growth in the long term. Diminishing funds that currently stimulate, on the national level, the copyright industry is a foolish fiscal policy.

I hope that my colleague, who has offered this amendment to seek maybe a better distribution, understands the great damage to the economy that takes place nationally. I hope that he will reconsider. This is not the time to attempt to change formulas and programs which have been carefully crafted. I hope that he will look to withdraw this amendment.

Do not put us through a vote, do not put us through tabling motions, do not put us through endless debate, because I tell you now that I know there will be a tabling motion that I believe my distinguished senior colleague from New York will make, and that I will support. I hope it will be successful.

If it is not successful on the first go-around, there will be additional explanation in detail as to how this amendment brings economic ruin to the arts and to a substantial part of our economy.

It is mischievous. I do not believe that our colleague, the senior Senator from North Carolina, really understood that, nor do I think that is his intent. That is absolutely not his intent. His intent, I believe, is to say, well, let us give all the States the money. But in so doing, there are carefully crafted balances that have been, over the years, brought to a point where they are generating tremendous private-sector revenues, but that otherwise will not be forthcoming.

I appeal to my colleague from North Carolina to reconsider this amendment. He has made a point. If, indeed, there should be better craftsmanship of the allocation formulas for the NEA, let us examine them but not with this kind of amendment that does not surgically make the changes carefully necessary to keep the art body alive and well in meeting the needs of our people.

I hope our colleague will listen to our supplication. It is a supplication. We do not need to take this to a confrontation and to a vote. I think he has made his point. I joined with the Senator before in supporting one of his amendments. But I reluctantly have to say that this amendment that would appear to bring about fairness does not do that.

Indeed, it would provide great inequity. It would take from those areas that need, that bring about culture, develop economic stimulation, and in many cases would, as I indicated before, only he used as a sap in local government, not performing the kind of artistic uprise and meeting the levels that we now have come to take for granted.

Mr. President, I see a number of my colleagues on the floor, and the Senator from Hawaii.

Mr. President, I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. President, I wish to commend my friend, the distinguished Senator from New York [Mr. MOYNIHAN] who has keen insight on NEA funding, and also the other Senator and my friend, the Senator from New York [Mr. D'AMATO], for his statements on this amendment.

We have before us, Mr. President, a highly politicized proposal which would—if you will excuse the pun—strip the National Endowment for the Arts of a significant portion of its funds.

On the surface, the pending amendment appears simple, straightforward, and democratic. It would redistribute funds away from the NEA and direct a greater percentage among each of the States' arts councils. The amendment seems democratic, fair, and harmless, but is it? It allocates funding based on the population of each State. It appears on the surface even patriotic, a salute to democracy.

But, Mr. President, I have a problem with that. Why must art funding follow an artificial formula? Why should we award a statistic—that is, the number of people who live in each State—and sacrifice artistic merit?

Our colleague, the senior Senator from North Carolina, wonders, alas, why certain States and cities receive more grants from the NEA than do others. Does anyone here truly wonder why New York, San Francisco, and other native cities draw a majority of the NEA grants? These cities serve as vibrant cultural hubs and natural magnets for America's musicians, filmmakers, dancers, singers, composers, and painters. It was no less different in Mozart's Vienna or Michelangelo's Rome. A critical artistic mass is reached, and art flourishes.

I see no mystery or conspiracy here. There is no evidence of NEA funding being deliberately limited to certain cities and States. On the contrary, Mr. President, if we vote to radically alter the NEA funding formula, we will surely undermine its central stability. We will tear the heart out of the NEA. With this radical formula, we will undermine the good works of the NEA. The NEA has long played a proud role in promoting American art. The NEA continues to encourage excellence in art in all media and in all 50 States. Why are some intent on punishing the National Endowment for the Arts year after year?

Mr. President, I strongly urge my colleagues to stand fast against the pending amendment. The NEA deserves our strongest support in an America which has long prided itself on its homegrown artists.

Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I would like to take just a few brief moments to discuss the amendment proposed by the Senator from North Carolina. Over the years, the National Endowment for the Arts has facilitated access to the arts for all Americans. Since the NEA was created over 25 years ago, we have seen vast growth in professional orchestras, nonprofit theaters, dance companies, and art galleries. In addition, the Endowment has provided recognition and opportunity for many of America's best artists who might not otherwise have received acknowledgment.

Mr. President, in my own State of Minnesota, we have been blessed with a deep interest and appreciation of the arts. The NEA has recognized Minnesota's leadership and patronage in the arts and currently awards the third highest amount of total State funding to the State of Minnesota.

I believe that this amendment, which would transfer funding from the individual grant program to State block grants, would be a mistake. States such as Minnesota would suffer enormously under this amendment because it detracts from the original intent of the NEA which is to provide proportionately more funding to those communities and States who make the greatest investment and public commitment to enhancing the arts. It would punish and deter those State arts organizations that have worked so hard to become leaders in the arts community.

The current system is designed to reward and bring recognition to America's best artists and arts organizations. By simply block granting out this money to the States and bypassing any recognition to quality, we are doing a disservice to the cultivation of the arts.

Mr. President, I hope that we reject this amendment and any future amendments that would weaken our national commitment to the arts.

Mr. President, I am without the benefit of having listened to the presentation on behalf of the amendment by my colleague from North Carolina and, also, with the exception of my colleague from Hawaii, without the benefit of the presentation of my good friend from New York, Senator MOYNIHAN, and my special friend from New York, Senator D'AMATO.

But, also, I want to take a few minutes of my colleagues' time to discuss the issue involved. I am not going to stand here and defend the National Endowment for the Arts from a variety of charges made about its activities over the years, but I want to say something special about the relationship between the National Government's financial commitment to arts and artists in this country, and the response that commitment evokes in States like my own.

I am not an artist, and I am not a great financial supporter of the arts. Like most people, I do it by buying occasional inexpensive paintings, going to a performance, patting an artist on the back for a job well done. So I do not hold any particular expertise in the field. In my former life, though, I spent about a year and a half to 2 years with the Governors' Commission on the Arts, appointed by the then Democratic Governor of the State of Minnesota, Wendell Anderson.

Minnesota was making about a $1 million State contribution to go with the NEA contributions in direct grants to certain art organizations. That was in the early 1970's. A lot of people felt there was a reason why the arts ought to get greater financial support from the Federal Government. It had nothing to do with the money involved. We were probably spending one-half billion dollars in private sector contributions and public sector contributions and in the contributions of those who bought the art, or went to listen to it being performed, and so forth. So in the whole scheme of things, the dollar amount contributed by either the NEA or a State endowment was relatively small.

But what was important in Minnesota, I think, was the fact that the arts are not just something to be experienced. The arts, as we all view it from a public standpoint, are a way we as a people hand our culture on from one generation to the other, and how we share the uniqueness of past cultures with this generation as well. If you notice some of the small award ceremonies, in financial terms insignificant by NEA here, occasionally you will find a great American native artist who is being recognized for reminding us of all our artistic roots in this Nation. Before 1492, when Columbus sailed the ocean blue and brought us the arts of another continent, you will find all sorts of unique things about our country, about our people, and about our culture expressed in art.

So it was with the people in Minnesota in the early 1970's. We felt that public policy ought to strengthen the role individual artists, as well as art organizations and institutions, play. We went about looking at Minnesota's state of the arts. We discovered—I guess we are up on this chart back here. I did not see the chart before I got to the back of this room but there we are. One-half of this pie goes to New York, California, Massachusetts; Minnesota, Illinois—only five States in one Federal district, while all the rest share the rest of the pie.

Up here where we have cities, you have Los Angeles, San Francisco, Minneapolis, Chicago, Washington, DC, are 20 percent of the total, New York 21 percent, and all the rest is 59 percent. I never know if Minneapolis means "and St. Paul" or the greater metropolitan area, which is actually about 2.1 million people.

But whichever it is, it says that the people in Minneapolis and the people in the State of Minnesota care an awful lot about arts and they have as long as there has been a Minnesota and Minneapolis. They have made an investment in the young people and, occasionally, in an older person, to recognize and cultivate their artistic abilities. It has become a part of our culture to do that and the corporations, for example, and the foundations that exist in our community.

We are probably the third largest corporate headquarters city in the Minneapolis-St. Paul area, of any of the United States of America, even though we are relatively small. But a lot of those people, the kind of folks who do not make Wheaties, for example, but they stay there to run the company, make a very substantial commitment to the arts and they always have. Pillsbury put up their first flour mill 130 or 140 years ago.

So because of a certain tradition that exists in a certain part of this country, whether it is a Los Angeles, a New York City, a Chicago, a Washington, DC, or a Minneapolis-St. Paul or certain tradition that exists in Minnesota, there are commitments made to the arts that are recognized by the National Endowment for the Arts in the form of individual artist in our organization and our form. And whatever the case may be, why do you do that? You do that because places like Minneapolis and States like Minnesota will continue to do more of what they have been doing.

In this little study I talked about way back in 1974–75, we wondered why so many people go to arts performances in Minnesota. We measured Minnesota compared to other States and we found out many more people per capita went and spent their $5, $10, $15, or $25 per ticket in Minnesota than anywhere else in the country.

We asked ourselves why do they do that? We went out, surveyed it, and we determined the reason is that we also spend substantially more at the elementary and secondary school level on arts education than anybody else in America, by far than anybody else in America.

So, somebody long before me decided that in the State of Minnesota the arts were important, and they began to invest in arts education, arts appreciation, and arts talent and skills when people were very small. And you could measure it in 1974–75. I recall it being measured at the tune of $100 million a year, going into bands and orchestras and a variety of individual arts instruction.

So no wonder, when the National Endowment for the Arts is saying to the rest of the States in the country this is a very special place and they do it a very special way, that with their grants every year, last year I guess $4,900,000-some went to recognize the special nature of the arts in our community.

I just want to say to my colleagues, that money for the arts is not money for concrete and asphalt like highways. It "hain't" something you take $105 billion and divide it by 50 or by the miles of highway and come up with a formula, which was suggested by this amendment. That is not the nature of the arts; it is not a transportation system.

When you look behind the formulas for aid you find strange things. I remember the first time I discovered, by looking behind the Medicaid formula aid which is premised on per capita income, the highest goes to Mississippi. And then I thought right behind that would be the District of Columbia. No, the lowest per capita amount goes to the District of Columbia. Why? Because the District of Columbia is one of the wealthier communities in our country and that boggled my mind because I do not see it readily.

So I say to my colleagues, there is more behind what is going on than meets the eye. You have to come to these places, Los Angeles, San Francisco, Minneapolis, Chicago, Washington, DC, New York, California, Massachusetts, Illinois, to find out what that is. But I must say it would not be there if we just took a pot of money 100 years ago, every year thereafter and divided it into some 50 pieces or some population thing and expected it to happen.

So I, too, hope that my colleague from North Carolina who is otherwise generous, certainly in spirit, will recognize this and, having prompted a debate on the subject on the floor, will withdraw his amendment. And if he chooses not to, I hope our colleagues see fit to table that amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I hope that my distinguished and learned friend would stay on the floor just one moment to let a New Yorker acknowledge that one of the ornaments of America's civilization in these recent generations has been exactly the complex of the arts, particularly the theatrical arts that has developed around Minneapolis and St. Paul. These have to have a specific place, you know; and a play has to have a place in which to play. People come from all over the world to see it; all over the Nation, all over the world, to the arts festivals in Minneapolis, as they do in New York, as they do in Washington, DC, as they do in Los Angeles.

It is one of the simple facts, however, that what we are mostly subsidizing here is performances, and performances are expensive, and there is a simple economic fact which is referred to by economists as Baumol disease, after William Baumol, a distinguished American economist, that says that things like performances in the arts do not benefit from improvements in efficiency. It is just not in the nature of a performance that you can speed it up, turn out faster, cheaper, and so forth.

I guess the nicest way to put it is that you can play the "Minute Waltz" in 50 seconds, but it is not the same. It is going to take a minute to play the "Minute Waltz" as long as you want that original. And so the benefits that come from productivity changes in almost every other sphere do not obtain in this case. That is why, under President Kennedy and President Johnson, we turned to the present arrangement with a particular concern, and I would like to speak to that now if I may, sir, of our Capital.

The Senator from Minnesota has pointed out that Washington is one of the cities that benefits particularly, and it ought. It has never had the base of an audience, a base of large industrial activities other than the Government, which typically have supported the arts elsewhere in the country.

As we have seen in the last two generations, the potential and the reward are enormous. When John F. Kennedy was assassinated and the Nation wanted to do one thing for that President, we created the Kennedy Center for the Performing Arts here in Washington. I was proud that we did it.

President Eisenhower had originally set in motion the idea of creating such a center. It was not coming along because the private donations just were not there. Mrs. Kennedy had taken over the chairmanship of the committee that wanted to try to raise the moneys. They just were not forthcoming. Washington is a place where you have high median incomes but not the kind of large wealth that has produced in the past things like the Chicago symphony, the Los Angeles symphony, the Metropolitan Opera in New York. And so, as a tribute to President Kennedy, with the huge active interest of President Johnson, we created the Kennedy Center. And it has been very heavily dependent upon the National Endowment for the Arts, which also was created by President Johnson.

To suddenly cut that off is to say that we are a nation that does not care about the condition of the performing arts in our Nation's capital. That is not true. Go to the Kennedy Center one evening and see the people arriving from everywhere in the world coming to Washington for just that kind of experience. It adorns the Capital. It befits the Nation.

And it behooves us here in the Senate not to reduce something that large, that sacred an undertaking, to a level of how to distribute tobacco subsidies or hand out highway funds or apportion grain subsidies or defense contracts.

There are some things larger than that in the world and this is one. To do it in an atmosphere of an almost sniggering display of activities which are not approved. There are times, Mr. President, when you could have the impression that the Senate Chamber had been transformed into a locker room. That kind of talk has no part in our deliberations.

We have a maturing organization, the National Endowment for the Arts. We had some very painful displays on this floor in the last 2 years about certain exhibits. A Commission was established by the Congress called the Independent Commission; most ably led by John Brademas, our former colleague in the House, now President of New York University, and Leonard Garment, who did so much to advance these purposes in the administrations of President Nixon and President Ford. And they set forth simple, direct, comprehensible standards for the Endowment in making its grants.

They insisted on two things. One is that these be matching grants. The moneys given by the National Endowment are matched many times over in many instances locally; here in Washington as well. This is not a program that produces dependency on Government. It produces exhilaration, innovation, and creativity in the performing arts.

I am not talking about the artists themselves, the composer, the writer, the sculptor, the painter. I have from the outset had, I think, the normal skepticism about how much patrons do for the artists themselves.

I was once at a hearing in the Finance Committee on some of these matters and a witness, growing a little testy with the remarks I made, said, "Well, Senator what would you do to have Government encourage the arts?" And I said, "Well, as far as I know, the only thing the Government can do to encourage the arts is to forbid them, and then you soon enough find out who cares."

Look around at the 20th century. Who would have said that some of the great writing of the second half of the century, would come out of post-Stalinist Russia? Well, that is the way the world is, and that is the way artists are.

But performances are large and expensive activities. They are subject to Baumol's disease. You do not get changes in productivity; they are going to cost proportionately more as other things cost proportionately less.

That is why it came about that the National Endowment was created under President Johnson; everybody was very proud of it; pleased by it all, and you could see it all over the country.

It is not just that some cities will be centers of institutions like the Los Angeles Philharmonic. But young people in West Virginia, who get early training and experience may end up in the philharmonic. This is one Nation and one culture, or used to be. Dividing it in this way, in particular to seek to make an issue of big States versus little States in the allocation of resources, to bring that necessary omnipresent activity on our floor, is beneath our dignity as a body.

We are not talking about tobacco subsidies. We are not talking about highway allocations, mass transit, defense contracts, or defense bases. We are talking about something larger, something that unites us and does not divide us. And it seems so unnecessary for this to happen now.

I cannot but hope that Senators will ask themselves: Is this something good for the Nation? Is this the kind of thing you say to the young people who want to make this part of their lives? It is not a very lucrative life. There is scarcely a less well-paid calling than to be an actress. The nerve of failure is so necessary in the young person who would be an opera singer, be a composer, be an actor. The odds are so long. And yet when there is enough activity, there is room for so many more than otherwise would be the case.

That is what this is about. We made wonderful contributions to television, the American Playhouse. American television at the level of sort of adult drama, a grownup place, was becoming a province in the British Broadcasting Corporation until the NEA came along. It has done things that make us proud, and interested, and interesting.

It has been going well. We had a dispute that broke out on this floor. We established an independent commission. That commission said something very serious with respect to the standards. And what we are talking about here is an old fear of the city, of the great cities and the standards which they bring, the disturbing innovative things they bring to the world, as they always have done.

But the independent commission made this very fundamental proposition. It said: "The Independent Commission finds that the standards of publicly funded art must go beyond the standards for privately funded art." A very open acknowledgment that there are public standards and conventions which ought to be adhered to.

We are a much more tolerant nation than we have been in these matters, more aware of the range of aesthetic judgment and personal tastes. We are a long way from a time when a review in London said that Whistler had flung a pot of paint in the public's face. And Whistler, an American painter, was so indignant, he sued, he won. He was only awarded a farthing, but he won. We are not that sensitive anymore. We are a mature and creative people, with mature and creative arts establishments almost everywhere.

We have done so well that it seems to me such an act of spoliation, to assault that system now that is in place and performing so well.

I mentioned several times it was President Kennedy who first began the active notion that the Federal Government should be involved. In his last months as President, on June 12, he made a statement establishing the Advisory Council on the Arts, and asked some 30 private citizens who played a prominent part to join him in seeking to develop a program that would help museums, help troups, help orchestras, help companies.

Senator CLAIBORNE PELL has been so protective, thoughtful, and farsighted about this subject for so long that I cannot imagine that at this point we will do something this destructive.

It is not seemingly of the Senate. It is not something the American people have asked us to do. The amounts of money involved are small by comparison with many other things in the budget. I simply would hope that we might decide this is a matter to be put aside if we want to have hearings on it; that is always possible. It surely can be done. But not to come suddenly in the middle of the afternoon as an amendment to an important appropriations bill that has to be passed.

We have never discussed this. We have never seen it before. We do not know what will be the effect. We have not asked any of the artists involved. We have not asked any of the public officials involved. It is simply no way to legislate, and I hope we would not.

I see the distinguished chairman of the Committee on Appropriations is on the floor. He probably would like to see his measure advanced at some point in the course of the day or evening or week, and I do not want to speak when he might wish to have the floor.

Mr. BYRD. I do not at the moment seek the floor. I thank the Senator for his courtesy in offering the floor at the moment. I do not particularly seek it.

I had intended to vote for the Helms amendment, but I would like to see something happen on it, one way or the other. He is not on the floor at the moment. I would like to see this bill passed today.

I thank the Senator for his offer.

Mr. MOYNIHAN. I would certainly think the quickest way to get the bill passed is just to withdraw this measure altogether. It is no part of this bill. There have been no hearings on it.

Senator PELL has been characteristically reticent. I would like to be a little less so in his behalf. It is a bad idea and ought not be holding up the business of the U.S. Senate.

Mr. BYRD. Mr. President, if the Senator would yield, I agree with him wholeheartedly. If the Senator has the votes to table, I will be happy to vote to table it so we can get on with the bill.

Mr. MOYNIHAN. I think the majority leader might want to move to another issue at this point. I see the majority leader has come on the floor also.

The pending business is an amendment by the junior Senator from North Carolina, am I correct in that?

Mr. BYRD. That is the underlying amendment, but Mr. HELMS has an amendment up. The other, the amendment by the junior Senator from North Carolina, has been temporarily set aside and it could be called back by a call for regular order.

Mr. MOYNIHAN. I am prepared to call for the regular order unless there is another view.

Mr. BYRD. I am constrained to believe if we do not get on with this bill and see the end of it I am just going to ask the majority leader to take it down and come back to it at some future day or let it be one of those items on the continuing resolution.

The PRESIDING OFFICER. The Senator from New York retains the floor.

Mr. MOYNIHAN. I see that the majority leader and distinguished Republican leader are on the floor at this point. They may have some thoughts about how we might best proceed.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, in response to the inquiry of my distinguished colleague from New York, I have been discussing with the Republican leader and other Senators a proposed agreement that would permit us to complete action on several pending matters, including the measure in which the Senator is interested, and I hope to be able to propound that in a few minutes.

I was going to suggest the absence of a quorum unless the Senator wishes to continue discussing the matter.

Mr. MOYNIHAN. That would be perfectly fine.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, on the subject that we are now dealing with, the proposal to radically revise the formula by which the funds of the National Endowment for the Arts are allocated to the States, in June of last year the National Assembly of State Arts Agencies issued a policy statement which, among other things asked Congress "to maintain the existing State funding formula."

I hope Senators might hear this. Each of the States, the District, and Puerto Rico, and Guam have State arts agencies that have come into being in response to this Federal program. Those State agencies have unanimously asked the Congress not to do what this amendment proposes doing. They have a stable, productive relationship. This is working. The system has been through its shakeout of the first quarter century and we are simply asked to maintain the present stability. To do otherwise is to do a great injustice to all the people who have worked so hard and with such great expectation for so long in this effort.

So, Mr. President, I ask unanimous consent that the goals proposed by the State councils be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES, JUNE 1990.

Recent events have seemed to polarize members of the arts community, the Congress and the general public regarding the issues of freedom of expression and accountability in the expenditure of public funds. In the heat of this debate we have all to some degree, lost sight of the fundamental consensus that underlies a free and civilized society: that freedom of expression is among our most important and cherished rights and that accountability in the expenditure of public funds is essential to the democratic process.

In this spirit we call upon the arts community, the Members of Congress and all concerned Americans to work together to uphold these principles in a spirit of good faith and shared purpose so that we may honor both the right of free expression and public accountability.

To reach these goals we recommend that Congress:

Expand the declaration of purpose to affirm that it is vital to a democracy to honor its heritage and support new ideas and therefore to provide assistance to its artist and the organizations that support their work. Such support of creativity is primary to the mission of the Endowment.

Reauthorize the National Endowment for the Arts for another five years. Maintain existing state funding formula * * *.

Mr. LEAHY. Mr. President, the question this amendment poses is, are we going to have a National Endowment for the Arts or not?

A National Endowment for the Arts should have the capacity to support great national treasures, like the Alvin Ailey Dance Company, and small, unappreciated treasures like the Vermont Folklife Center.

This amendment is intended to cut the heart out of the NEA.

The State arts councils do a wonderful job. Without them, and the State funding they receive, our cultural lives would be impoverished.

My fear is that this massive transfer of funds to the States, which are hard hit by deficits, will encourage them to cut their State share of the funding, and will destroy the very effective Federal-State partnership that has worked for 25 years.

And I must add a local note—my State of Vermont—which is probably home to more artists per square mile than any other State, would lose 37 percent of its NEA funding under this proposal.

Mr. President, last year this Congress and the administration agreed overwhelmingly that a National Endowment for the Arts was a worthy undertaking for this Government.

Let the Senate reject the Helms amendment and proceed to serious business.

Mr. LEVIN. Mr. President, the taxpayers through the National Endowment for the Arts should not fund projects that a court determines are obscene. The law already provides that if a work is determined by a court to be obscene, then the money must be returned and the artists is debarred from further grants until the money is returned. Those steps are included in the 3-year authorization passed for the NEA in 1990, and I voted for them.

However, the language of the Helms amendment goes well beyond that point. Its working, without more standards, is unconstitutional because it represents a vague prior restraint on American citizens.

We are already preventing the taxpayers' money from being used to fund obscene projects without violation of the first amendment. The 1990 law is the constitutional approach to stop obscene projects from being funded with taxpayer funds, and I support continuing that approach.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. DECONCINI). Without objection, it is so ordered.

AMENDMENT NO. 1165

Mr. SANFORD. Mr. President, I rise to reply to comments made earlier today when my responsibilities on the Budget Committee made it impossible for me to be here when my colleague from North Carolina spoke about a local issue that is of considerable importance to a county of 11,000 people, certainly not an issue of magnitude that should occupy too much time of the U.S. Senate, but, on the other hand, one of considerable importance because I think it raises a moral obligation of this Congress to do something about the neglect of settling a claim now for 48 years. There hardly can be anything like that on the record anywhere else.

I would like to put in the RECORD—and regret that my colleague is not here—my comments on two or three things that the senior Senator from North Carolina referred to in his remarks this afternoon.

My colleague held up a stack of paper which he contended represented 7,000 letters from people in Swain County who opposed, in his words, my amendment. He made that statement right after saying that my amendment caught him by surprise because I only laid it down last night. Most of Swain County does not even have cable television and I doubt that 7,000 people saw me on TV last night. Maybe he misstated his intention. Maybe he meant he had received 7,000 letters several years ago when this issue was up.

But I would have to question that for two or three reasons. I question this because, as a matter of fact, there are only 11,000 people in that county. It is hard to believe there are 7,000 adults, to draft such letters. Certainly, I do not know about that, and I do not want to get more deeply involved except to say I hardly see how that is possible.

I do know that the 7,000 letters were mentioned 3 years ago when we had this issue before the Senate. Nobody has ever seen those letters. The county commissioners at the time asked to see them. Senator HELMS did not respond in a positive way. They did, indeed, get a letter from him in 1988, saying that at the time he had received 265 supportive letters. But never mind. If 7,000 people in that county want a road, as the Senator suggests, under my amendment they can simply vote to spend this money for a road. I have left that open as an available option. So we can look to the county citizens and trust them to make a decision of how they will spend what they are so rightly entitled to from the Federal Government.

The senior Senator has stated that I have never been to Swain County. I also do not need to make this argument, but the claim that I have not talked to the people of Swain County would be ridiculous if heard by people from Swain County. I can absolutely certify on any kind of a bet that I have been to Swain County far more than almost any other public official in the history of North Carolina with the exception of one person, who was Governor, who was born in that part of the country.

I have no doubt about the soundness of supporting what the people want as expressed by their elected officials.

I would think if 7,000 people had written in, some of them, maybe not all 7,000, but some of them would have sent me a copy of their letters. Normally, I get copies of letters from people who are concerned about an issue, especially since this is an issue that I obviously am involved in at the request of their elected officials.

I received maybe a couple dozen letters in the last several months about this issue because we did have a bill pending. But I do not know how we could possibly have gotten 7,000 letters written to one Senator without a single copy to the other.

I have, too, today learned that the Chamber of Commerce of Swain County, certainly made up of people of all political and economic persuasions, just last week voted unanimously to support the approach of a cash settlement instead of a road.

And then I think I could say to my colleagues on both sides of the aisle, I do not really believe this is a partisan political issue and I believe it ought not to be. It is very simple for us to take a position, as we ought to take, that it is not up to us in the Senate now to decide this issue. It ought to be decided by the people of Swain County.

The people of Swain County have said, through a unanimous vote of their recently elected county commissioners, through their chamber of commerce, they want the approach that is represented in my amendment. They want to have these funds to spend now, as under the terms of my amendment, to make it possible for them to spend the interest from the $16 million account on necessities decided on lay the commissioners and with a vote of the people, to spend the principal in any way they want. The county leaders are authorized to repay two outstanding school loans that hang over the heads of Swain Countians.

I have made major concessions to Senator HELMS, because the senior Senator from North Carolina made two basic points when this issue was debated in 1988. First, he said he would not support language mandating that an area of the Great Smokies be designated as a wilderness, this area of the park that is now treated as a wilderness. Therefore, I left that provision out of this amendment.

I believe I have met him more than halfway. I have foregone my attempts to have this area designated as a wilderness in order to try to reach an accommodation in the matter. I believe the needs of Swain County are too urgent to languish for many more years because a compromise was not reached on the issue of wilderness designation.

Second, my colleague suggested that he would not support a settlement that precluded the construction of a road.

I have picked up the language that the Senator himself included in his legislation of 1987, outlining here a process by which the citizens of Swain County could vote to use these funds for the building of a road if they could get all of the necessary clearances. So through my amendment they have that authority. they have that right. And according to my colleague, they have 7,000 votes. So they should not have any problem in clearing it if, indeed, that is their intention.

I was pleased to note that my colleague made the point that I am in the hip pocket of the environmentalists. Well, I make no apologies for caring about the environment. I make no apologies for having worked closely with members of the environmental community on many matters of preservation in my State.

Ironically, because I left out the wilderness, I irritated these wilderness supporters, and consequently these environmental supporters. But I will send them this certification that I am in their hip pocket.

Mr. President, only today have I received the support from the leadership within the Sierra Club. The Sierra Club and others were initially upset that I had not tied wilderness designation to my proposal. But, many of this group understand that there is a moral obligation to Swain County, that this road probably should not be built, but that the issue of doing right by Swain County transcends their own special concern about the preservation of wilderness.

And so, while those of us who care about the environment might very well like to see this area preserved for the future, I put the needs of Swain County and the children of Swain County and the schools of Swain County and the education for the economic future of Swain County ahead of any such request.

Indeed, there is a large portion of Swain County that is held by the Federal Government. That, indeed, does add to the economic strains that are placed on the county. I have shared these concerns. As Governor, I started a massive road-building program that has, indeed, with the help of the Appalachian Regional Program, opened up western North Carolina. I do not mean to stand here and take credit for what hundreds of people worked on, but certainly I took a lead in the building of a new system of highways across western North Carolina which today make that whole area far more attractive to new business than it has ever been. We have far to go, and my amendment represents but a start.

I do not need to worry about the people of Swain County. I know the people of Swain County. The people of Swain County know me and know what I have done on their behalf over the years.

We have certainly debated this issue. We have heard it in committee as a freestanding bill. We voted on it here, I believe, with two cloture votes. Unfortunately, in 1988 when we had about 10 or 12 people absent from the Senate, and we did not get the 60 votes needed to invoke cloture. We might not get 60 votes tonight. But whether or not we get 60 votes tonight, the people of Swain County will know that I am on their side; that I am on the side of their children; that I am on the side of their future economic health.

If we are defeated, I have no problem in explaining that, under the rules of the Senate, under the traditions of the Senate, with which I totally agree. We are the last great deliberative body in the world anywhere, perhaps, where a minority can defeat the will of the majority. Sometimes that works a hardship, as may be this case tonight if, indeed, we do not get enough votes to invoke cloture. And so be it. Because in the long run, we need to keep this tradition. But lets see where the chips fall.

I would have to say, Mr. President, I think the people of Swain County understand that. I think the people of Swain County understand we are trying our best under these rules, that are good rules and good procedures, to do justice by their longstanding claim. If we fail, they will understand why.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of Senate Joint Resolution 186, the Gramm-Rudman waiver resolution; that immediately upon disposition of the resolution and resumption of the Interior appropriations bill, the Senate, without intervening action or debate, vote on the motion to invoke cloture on the Sanford amendment No. 1165; that should cloture not be invoked on the Sanford amendment, the amendment be withdrawn.

I further ask unanimous consent that immediately upon completion of the cloture vote on the Sanford amendment, the Senate proceed, without intervening action or debate, to vote on the motion to invoke cloture on the Helms amendment No. 1177, and that should cloture not be invoked on the Helms amendment, it be withdrawn.

I further ask unanimous consent that the cloture motions on the two amendments be deemed to have been timely filed in accordance with provisions of rule XXII, and that should cloture be invoked on either amendment, the Senate proceed under cloture on the amendment or amendments in the order in which cloture was invoked.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, reserving the right to object, and of course I will not object, the cloture motions will be filed, may I say to my good friend?

Mr. MITCHELL. That is correct.

Mr. BYRD. Yes, they will be filed.

Mr. MITCHELL. They will be filed.

The PRESIDING OFFICER. There being no further objection, it is so ordered.

Mr. MITCHELL. Accordingly then, Mr. President, Senators should now be aware that we will resume consideration of the Gramm-Rudman waiver resolution. Under the prior agreement, there remain 2 hours for debate on that resolution. If all of that time is used, then the vote on the resolution will occur at approximately 9:20 p.m. this evening, to be followed immediately by votes on the motion to invoke cloture on the Sanford amendment and the motion to invoke cloture on the Helms amendment.

However, if all of that time is not used and a portion of the time on the Gramm-Rudman waiver resolution is yielded back, the three votes could begin earlier than 9:20.

So let me be clear. There will be three votes in succession beginning not later than 9:20, possibly earlier than 9:20. Senators should remain either in the area of the Capitol or within range to return on relatively short notice. I hope that we will be able to complete the debate on the Gramm-Rudman waiver resolution in less than the 2 hours allotted and that some of the time will be yielded back so the votes will begin prior to 9:20.

Finally, let me say for the information of Senators, we will return to the Interior appropriations bill after completion of these votes. It is my intention that we will remain in session this evening until we complete action on the Interior appropriations bill. I hope that Senators will be cooperative.

I am advised by the distinguished manager of the bill that there are only a relatively few items left with respect to that bill. I hope all Senators can cooperate to permit us to complete action on it at a reasonable hour this evening. But we are going to stay, if we can possibly do it, to finish that bill this evening.

Mr. President, I thank my colleagues.

SUSPENSION OF CERTAIN PROVISIONS OF LAW UNDER THE BUDGET ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 186) suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The Senate resumed consideration of the resolution.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, as has been indicated, we are taking up Senate Joint Resolution 186, and we are taking it up at a time that is both problematic and fortuitous. It is problematical because, despite the continued suffering caused by an extended recession, our deficit problem will not allow us simply to abandon all restraint in pursuit of economic stimulus. The suspension resolution was voted out of the Budget Committee with a substantial 19-to-2 margin against suspension.

On the other hand, the timing is fortuitous because we are now debating in this Chamber legislation that provides exactly the right response to the recession. Emergency designation for extended unemployment insurance is the proper substitute for suspension of Gramm-Rudman-Hollings. It is a targeted, temporary mechanism that addresses our economic ills without weakening the fiscal discipline that has been built in the law through the budget agreement.

Mr. President, this is the third time this year that we have had to vote in this body on the suspension of the Gramm-Rudman-Hollings system of enforcement procedures. That simple fact in and of itself should give considerable pause to anybody who is making the argument that the recession of 1990–91 has been short and shallow. Let us be clear about this. Our economic performance has been absolutely dismal since 1988. If we are, indeed, finally coming out of the recession, we are not vaulting up out of the depths. We are simply crawling to a slightly lesser level of economic stagnation.

We all know that the budgetary mechanism that we put in place is not the most subtle or supple or adaptive machine where economic matters are factored in. The suspension remedy is simply a device. It simply says that in the event of recession the Congress and the President can agree to suspend the reports, the sequesters, the points of order, and all the paraphernalia that hold the budget in check. Such suspension, by anyone's definition, would be a drastic step given the unprecedented peacetime deficits that this country is running.

Most of us will not want to take that step, I suspect, Mr. President, and with good reason. But we are not, I submit, condemned thereby to doing absolutely nothing, which I must say unfortunately is the recession policy of this administration. At least it appears so to this Senator.

Mr. President, I would not claim for the drafters of last year's budget agreement anything like profound foresight although we had such distinguished participants as the President pro tempore of the Senate, the chairman of the Appropriations Committee, whom I see on the floor this evening. Some of our colleagues would not even grant those of us who produced this budget agreement even moderate wisdom. But I would like to give us credit for basic common sense.

When we crafted the budget law, we understood the limitations of the suspension mechanism. We knew when we crafted the summit agreement that suspension would be only a last resort, and we understood that there had to be an interim remedy between the extremes, and that is suspension between all or nothing, which is simply leaving the whole apparatus in place. There had to be a remedy between absolute chaos if we suspend and absolute immobility if nothing is done in a time of economic distress.

And the interim remedy that was fashioned was called emergency designation, a safety valve, if you will, designed for one-time spending to alleviate sudden and unforeseen problems that usually descend on people through no fault of their own. In other words, there had to be clean hands to access the emergency designation.

Mr. President, I cannot justify and will not vote for suspending the entirety of our budget enforcement apparatus.

(Mr. LEAHY assumed the chair.)

Mr. SASSER. Ten years of fiscal negligence have closed off the kinds of stimulative spending that we used to have access to, to deal with the problem of recession. I believe we must preserve the enforcement apparatus by giving ourselves recourse to the emergency safety valve that we intentionally built into the budget agreement. I think the President has an obligation to help us preserve fiscal discipline by allowing the emergency process to work in the way it was intended to work. If we cannot give some relief through the emergency process, then we are going to find that more and more and more of our colleagues are going to be willing to simply throw the whole fiscal discipline overboard.

No question about it, the economic crisis is real. The broken lives and disintegrating families are all out there, and their numbers are growing every day. Worse yet, we have not been generating new economic growth. We have not been producing new jobs. So the so-called recovery is not bringing the victims of recession back on the payroll.

I would think, Mr. President, that the administration ought to be the first to want to step forward with some response to the needs of struggling American workers. It should be the first, because its economic policies have been a startling failure. The economic record is crucially important in this regard, and I think it is vital that we understand what has been happening to the working people of this country since 1988.

Mr. President, this chart graphically illustrates the performance of the economy under this administration in juxtaposition with all other post-World War II Presidents. We have Kennedy, Johnson, Truman, Reagan, Carter, Nixon, Eisenhower, Ford, and last of the list is Bush.

What this indicates is that this administration presently in office has the worst economic growth record of any in the last 45 years. We have seen, over the past years of this administration's presence in office, an average annual real GNP growth of less than six-tenths of 1 percent. The truth is that the next worse record, that of the Ford administration, gave us an economic growth three times the economic growth that has been established under this administration.

Mr. President, that is the overall picture. Let us look a little deeper, and let us see what has happened to the average American during this period of time. What we have before us here is a chart giving annual GNP growth on a per capita basis. What this chart does is give us a broad and comprehensive measure of what is happening to the average standard of living in this country. Another way of putting this measure is that it shows the change in the average amount of all that is produced every year and is potentially available for distribution.

If we look at this chart, we see that the champ is the Kennedy administration, which had real GNP on a per capita, per person, or per worker basis, growing by 3½ percent. It is followed by the Johnson administration at 3.3. The only administration since World War II which has shown a decline in real GNP on a per capita basis is the administration that is presently in office. What we see is that real GNP on a per citizen or per capita basis has declined at the rate of four-tenths of 1 percent over the past few years that this administration has been managing the economic policy of this country.

Indeed, Mr. President, I think this is the only administration in which you would find a net decline in GNP on a per capita basis since that of Herbert Hoover the late 1920's and early 1930's.

I think that answers, very graphically, the question that has been asked in times past: Are you better off today than you were before? Are you better off today than you were in 1988? I think the question can be answered clearly in the negative.

Mr. President, our third chart here deals with the record of administrations in creating jobs. As we see here in terms of job creation, we have not seen a worse performance from the economy since the days of the Eisenhower administration. We should remember that these are simply raw job creations. They are not corrected for population. If you look at a more revealing measure, jobs created as percent of population, the Bush administration looks even worse.

It is interesting to note, Mr. President, that the much maligned administration of President Jimmy Carter had the best record of creating jobs of any administration in the postwar era. That came as a real surprise to this Senator. I might say that all of these statistics are furnished by the Department of Commerce and by the Department of Labor.

Finally, and most graphically, we have a chart that compares job creation to job loss over the past 2½ years. Since the Bush administration took office, 235,000 new jobs have been created. On the other side of the legend we find that the ranks of the unemployed have grown by over 2 million. To put it another way, for every one job that has been created under this administration, nine American workers have lost their jobs since 1988.

Mr. President, these are the kinds of factors that we are dealing with here—slow growth, a declining average standard of living for the first time in the post-World War II period. And the bottom line is: more jobs lost and fewer jobs created.

Some 8.5 million Americans, our fellow countrymen, are officially unemployed as I address this body this evening.

Another 5.9 million, almost 6 million people are working part time. They want full-time work but they cannot find it. An additional 700,000 of our fellow countrymen have become so discouraged at not being able to find work that they have dropped out of the labor force altogether.

I see the distinguished chairman of the Joint Economic Committee on the floor here this evening, Mr. President. I was pleased to be invited to a hearing that he held just a few weeks ago on the plight of the unemployed. At that hearing Dr. Janet Norwood, the administrator of the Bureau of Labor Statistics, told the Joint Committee on Economics that if the underemployed and the discouraged are included the unemployment rate in the United States of America is 10 percent, not 6.8 percent as some would have us believe.

Mr. President, that in my view is emphatically an unemployment emergency. Who could deny it? Although the fiscal irresponsibility of the last decade deprives us of the option to address the root causes of that emergency, we are morally bound, I think, to address the consequences.

We simply must help the Americans who lost their jobs. That is a fundamental part of the social contract that this Government has maintained with working people in this country since the early 1930's.

Some 2 million laid off American workers have run out of unemployment insurance. Mr. President, they want to work. The evidence is all around us.

I was reading today in the Washington Post about how local merchants in some cities, because of the decline in funding for local government and the failure of local government, as a result to keep the streets clean, were hiring workers to go out and sweep the streets. The workers hired were telling in the newspaper how they were constantly being asked by others on the street how they got jobs sweeping the streets of Philadelphia, or sweeping the streets of Baltimore. The problem is not with the workers. It is, not with their level of initiative. The problem is with a completely unforgiving economy that shows no sign of relenting or producing the jobs that are needed.

Mr. President, as I have said, I cannot vote to suspend Gramm-Rudman-Hollings at this time. I urge my colleagues to sustain the restraint that we have agreed to. But in the same voice I also urge, I implore, the President to assist us and the American people in this difficult task.

We need a clear demonstration that the budget agreement is flexible enough to allow this Government to redress a compelling human need on the part of our own citizens. Emergency help for American workers who have been forced from their jobs is the right substitute, I submit, for suspending the budget law. Doing nothing at all, Mr. President, is not an acceptable alternative.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 70 minutes and 20 seconds remaining.

Who seeks recognition?

Mr. SASSER. I have 17 minutes remaining?

The PRESIDING OFFICER. Seventy.

Mr. SASSER. Seventy minutes remaining.

I thank the Chair. And how much time for my distinguished friend from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 30 minutes remaining.

Mr. SASSER. Does the distinguished Senator from New Mexico wish to speak now?

Mr. DOMENICI. Might I say at some point I am going to yield back more of my time. I perfer to let the other side use some of their time.

Mr. SASSER. I see the distinguished Senator from Maryland on the floor. I am pleased to yield to him now such time as he may consume.

The PRESIDING OFFICER. The Senator from Tennessee has 69 minutes. He yields to the Senator from Maryland such time as the Senator from Maryland needs.

The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Tennessee, the chairman of the committee.

The question I want to put is, how long are we going to stay on autopilot? Must we actually crash into the mountain before we invoke the very provisions that are in the legislation before us that provide for a suspension if the economy experiences a downturn, which it certainly has.

This is the third of these votes that we have had. The first time it came up, I voted not to suspend. The second time, I voted to suspend, and I will vote again this time to suspend.

I submit to my colleagues that the time has now come to take into account the fact that the world around us is changing, both internationally and domestically. How long are we simply going to stay in this rut?

This provision, as I understand it, is in the legislation explicitly for the purpose of addressing the kind of situation in which we find ourselves. Why are we here even considering this? It is because the legislation was written to provide that this issue would be addressed if we had negative growth in the economy. Actually, it was not even negative growth that the legislation required. It was less than 1 percent growth for two successive quarters.

What have we had? In the last quarter of 1990, real GNP fell 1.6 percent. In the first quarter of 1991, real GNP fell 2.8 percent. Then the Commerce Department reported on July 26 of this year, four-tenths of 1 percent of real GNP growth for the second quarter of 1991.

But on August 28, a month later, the Department revised its earlier figures to show a second quarter 1991 decline in real gross national product of one-tenth of 1 percent, marking the third consecutive quarter of negative growth in real GNP.

We have almost gone a full year with negative growth. The Gramm-Rudman-Hollings law says that the Congressional Budget Office shall notify Congress if either economic growth is projected or estimated to be less than zero for any two consecutive quarters, or the Department of Commerce report of real economic growth indicates that the real rate of growth for the two preceding quarters was less than 1 percent. Not only has the real rate of growth for the two preceding quarters been less than 1 percent, it has been negative for three quarters in a row.

Yet we proceed along as though we are oblivious to this. We have dramatic changes taking place in the Soviet Union and Eastern Europe. You would never know it from looking at the budget of the United States.

Let me just look at the domestic economy for a few moments here, because that is really my first and prime concern. We have been told that this is a short and shallow recession. That is the siren song, a short and shallow recession.

Actually, we have been mired in a recession that is long and painful. Only two of the post-World War II recessions have been longer than this one. This recession has now lasted for 13 months and is going into its 14th month. Only two recession in the post-World War II period lasted longer. The very deep recession of 1981–82 which was the worst we had experienced since the Great Depression and lasted 16 months and the also 16-month long recession of 1973–75.

The decline in employment in this recession has paralleled the job loss during the 1981–82 recession which was the worst recession since the Great Depression. In fact, the job loss has been worse in this recession, as the chart illustrates. This chart shows the decline in employment in percentage terms from the prerecession peak. This line, the solid line, is this recession and the dotted line is the recession we experienced in 1981–82, which was the worst since the Depression. Now the fall-off in percentage terms has been worse in this recession than in the 1981–82 one.

The official unemployment rate, as my very distinguished colleague from Tennessee has stated, understates the severity of the recession. Actually, the unemployment rate rose from 5.3 percent just before the recession to a peak of 7 percent in June. It is now at 6.8 percent. But this change in the figure masks the real extent of unemployment because there has been virtually no growth in the labor force.

Government officials have estimated that if the labor force had grown at the normal rate, it would have grown by 1.6 million workers since July 1990. Instead, the labor force only grew by 200,000, not 1.6 million, but 200,000, because many people are too discouraged to look for work.

If the labor force had grown at the expected rate, we would have an unemployment level today of 7.8 percent, not 6.8 percent; and the number of unemployed would be almost at 10 million, not at 8.5 million.

Furthermore, if you count discouraged workers and those working part time because there are not any full-time jobs. The unemployment rate today would be much higher. These are people who want to work full time, but they can only get a part-time job. They are not counted as unemployed in the official figures. But there is a different index that does factor them in as well, and if they were added to the official unemployment rate, the unemployment rate today would be 10 percent.

Now this is the comparison of these two unemployment rates. This is the so-called official rate which we ordinarily talk about that appears in the newspapers. It is 6.8 percent. The comprehensive rate, which includes in it the discouraged workers, and the people working part time because there are no full-time jobs, is at 10 percent—10 percent unemployment.

In 1990, nearly 20 million Americans experienced at least one period of unemployment sometime during the year. This year it is expected that the number will be closer to 25 million. Then it is suggested to us that the recession is over with, or almost over with, or we have turned the corner. We have seen the light at the end of the tunnel. There is data that shows some upturn, and then the next month it shows a downturn.

In the business section of the New York Times today, there is an article headlined "New-Home Building Up Just 0.6 percent. Small August Gain Suggests a Slowing in Housing Rebound."

> Construction of new housing slowed to a sluggish six-tenths of 1 percent gain in August, the smallest in three months. Analysts said the report today from the Commerce Department suggested that the housing recovery was weakened or possibly stopping.
>
> "These numbers show a housing recovery losing steam, at least through August," said Richard Peach, an economist with the Mortgage Bankers Association.
>
> Michael Carliner, an economist for the National Association of Home Builders, was more pessimistic. "It looks like the recovery has stalled," he said.

On the same page, there is an article about Reading, PA. "Reading Revisited: Recovery Sags."

> The recovery's cold feet have landed here. After spotting the early signs of a rebound three months ago, this diverse factory town that makes everything from bricks to shoe polish to Godiva chocolates is watching business trail off again.
>
> "We thought that June was going to be the end of it, that things were turning around," said Glenn Unger, manager of a Berks Products Corporation building materials store in suburban Temple. But after a fairly active July that matched last year's level, sales in August sagged 8 percent below those of August 1990 and, combined with a "flat" early September, have brought disillusionment about imminent recovery.

Now this is what is happening out there across the country. You have an unemployment rate which, if you factor in all aspects of it, is at 10 percent. You have indications that the recovery is not over with, and that this is not a short nor a shallow recession.

We have had not only negative economic growth in these three quarters, but real growth in the last nine quarters has averaged three-tenths of 1 percent per quarter. In none of the past nine quarters was real growth as much as half the postwar average. In fact, the annual rate of GNP growth under President Bush is the lowest of any postwar President.

I think the distinguished chairman of the Budget Committee indicated this earlier in terms of tracking the growth of GNP under President Bush compared with other Presidents in the postwar period. It is the lowest under this President by a factor of at least half compared with previous Presidents.

Meanwhile we have more and more long-term unemployed. This is the very issue we are fighting about on unemployment benefits. People who have used up their unemployment insurance, and are now not receiving any benefits; yet they are trying to find a job in an economy that is worse than when they lost their jobs.

If you lost your job last fall, a little less than a year ago, at an unemployment rate of 5.8 percent, you got 26 weeks of unemployment benefits. You have used them up. You are now looking for a job in a job market where the unemployment rate has gone to 6.8 percent. So you are out there trying to find a job in a job market that is worse than at the time you lost your job, which underscores why trying to address the unemployment benefits issue is so important to us in trying to come to grips with this problem.

Mr. President, real disposable per capita income has fallen. Per capita income has dropped since the first quarter of 1989. Real income has dropped. Americans have less income in real terms—that means adjusted for inflation. In other words, people may have a little more income in dollar terms; but if you take inflation into account, they are worse off rather than better off.

Now these figures all go to show that we are facing a serious situation here at home. We have a domestic economy which is barely making it. It is just sputtering along. In fact, there was an interesting quote by the deputy chief economist at the U.S. Chamber of Commerce. This was after the revision of the GNP figures made it clear that we now had three successive quarters of negative growth.

> The economy more resembles a wounded duck trying to get off the water than a soaring eagle.

That is exactly where we find ourselves.

It is also a time of sweeping change everywhere in the world except in the United States. These changes create fundamental new challenges and opportunities to which we ought to be responding with new policies. Instead of leadership in confronting new problems and developing new opportunities, we have an administration which insists on keeping its head firmly in the sand. The President does not want to extend unemployment benefits, but he does not offer any new directions. There is continued insistence that we are prohibited from any policy changes and ought to keep the ship of state on autopilot, just as we are entering these uncharted waters.

The budget summit was a way of trying to reduce the deficit, and the structural deficit has been reduced by the budget summit. But it was not a way of putting the Government in deep freeze for the next 2 to 4 years.

In fact, the provisions to suspend Gramm-Rudman-Hollings were written right into the law. The recession clauses that we are debating right here today were specifically put in the law. Why were they put there? Why are they there, if they are not to be invoked? If I was out here making this argument after the first quarter of negative growth, someone could get up and say: Wait a second, not much time has passed. You have one quarter of negative growth. Do not react too quickly. In fact, I voted that way when that issue was put to us.

Then we had a second quarter of negative growth. The statutory standard is not negative growth; it is growth of less than 1 percent. So it permits you to invoke the clause even when you have had a little bit of positive growth. But, of course, we have gone beyond that over these last three quarters. We have had negative growth now for three quarters in a row.

The budget agreement also had a provision, the emergency provision, to allow the President to spend outside the caps in the event of major, unforeseen need. The President has invoked that in order to spend money abroad to provide assistance. However, he refuses to invoke it here at home in order to deal with the problem of the unemployed. Yet we are told now: Stay within this framework even though the provisions of the law which would allow for a suspension have been met three times over.

Second, even if you are going to stay within that framework and use the emergencies to ease the situation, we have been told: No, no, you cannot do that. We are not going to invoke the emergency. It is cold turkey for unemployed Americans across the country. Cold turkey; they use up their benefits, and then they are down and out.

Who foresaw when the agreement was made at the summit and incorporated within these provisions of Gramm-Rudman-Hollings what today's level of unemployment would be? The administration's July 1990 midsession review of the budget predicted an average unemployment rate in the current quarter of 5.6 percent. This is what the administration predicted last summer. They predicted an average unemployment rate in the current quarter of 5.6 percent. The official unemployment rate today is 6.8 percent, and the comprehensive unemployment rate—if you factor in the discouraged workers, people working part time who want full-time work—is 10 percent. That is where we find ourselves today.

I do not think anyone anticipated that the existing Unemployment Insurance Program would fail as badly as it has. We are hardly helping anyone now in this situation with extended benefits. It is really enough to make one weep, as you hear the stories and receive the letters from people, working people, who now find themselves, through no fault of their own, unemployed, out of a job, and unable to meet their obligations.

We are hearing from people who are about to lose their homes, and their cars. They are distraught with anxiety and stress. Marriages are breaking up. We had testimony from one fellow, his marriage had gone bad over the situation in which he found himself.

I submit the budget agreement, and this legislation, only make sense if there is enough flexibility to respond to emergencies and to adjust to changing circumstances. The circumstances today are obviously sharply different from what they were a year ago. They are sharply different, both at home and abroad.

We are not advocating a wholesale use of the emergency provisions. The only serious effort that has been made by the Congress to invoke the emergency provisions is the unemployment insurance. President Bush has invoked the emergency provisions more than once this year in order to meet problems that he sees abroad. But if we are not going to invoke the emergency provisions, if we are going to be completely locked into this straitjacket, then I believe we ought to vote to suspend the application of this legislation.

We cannot go on this way—this is madness; we are surrounded by changed circumstances, with an economy that is performing in a way that no one predicted and an international situation which obviously cries out for reordering the Nation's priorities. We are still locked into a defense budget that was formulated under one set of assumptions about the Soviet Union and Eastern Europe which have been totally transformed. Yet we go blissfully along as though nothing has changed. It is almost like we are living in a Rip Van Winkle environment.

I think it is time to face up to these changed circumstances and start to come to grips with them and reflect them in the fiscal policy of the United States. We need to address our economic problems here at home, problems that are pressing us desperately.

Mr. President, I welcome this debate. I think it is time we start to discuss these issues. It is time we start asking where we are, and how we got here, and what we can do to get out of this situation.

I thank the Senator for yielding me time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire of the distinguished chairman, other than Senator RIEGLE, who is here; how many additional speakers does he expect?

Mr. SASSER. Mr. President, I will respond to my friend from New Mexico by stating that, to my knowledge, the Senator from Michigan [Mr. RIEGLE] is the only other speaker.

I see Senator PELL, the distinguished Senator from Rhode Island, is here also. So at least two that I am aware of.

Mr. DOMENICI. Mr. President, I might say to my friend, Senator SASSER, I will, with his permission, ask Senator RIEGLE how long he expects to speak.

Again, I do not intend to use my whole half hour.

Mr. RIEGLE. Time permitting, I would say 10 minutes, 12 minutes, something in that area, if there is that amount of time available.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, may I inquire of my friend from Rhode Island how much time he requires?

Mr. PELL. From one-half minute to 1 minute.

Mr. SASSER. I certainly can yield more time than that, but I yield 2 minutes to my friend from Rhode Island, and then I yield 12 minutes to the distinguished Senator from Michigan.

Mr. PELL. I thank my friend and colleague from Tennessee. I think all the arguments have been made ably by very articulate individuals, probably more articulative than I would have.

Mr. President, it is time that both the Bush administration and the Congress recognize that the national economy is in a prolonged recession. It is time that action is taken to restore economic vigor, growth, and jobs.

After nearly a year of growing unemployment, of fiscal crises for State and local governments, and a shrinking economy, we can no longer rest on the administration's assurances that the recession is short, shallow, and almost over. It is becoming clearer with every passing day that this recession is longer, and deeper, and is not over. For the hardest hit regions of the Nation, it is not a recession, but a depression.

The hard times certainly have not ended for the people of Rhode Island. There the jobless rate has climbed steadily every month since March, from 7.2. to 8.2 percent in July. Nationally, the jobless rate still hovers at 6.8 percent.

With tax revenues plummeting because of the economic decline, State and local governments in Rhode Island and throughout much of the Northeast have been plunged into budget crises, requiring tax increases and sharp cuts in spending, even for such essential services as education.

Retail sales are down, auto sales are down, boat sales have almost disappeared, and more and more homeowners are falling behind on their mortgage payments.

In Rhode Island, the economic misery has been compounded by the failure of credit unions and banks. More than a billion dollars in depositors' funds have been frozen since January, turning what had been a credit crunch into an economic disaster for small businesses, homeowners, and retirees.

In the face of all of this, the only visible action in Washington has been calls for the Federal Reserve to lower interest rates. The Federal Reserve has done so, lowering its discount rate to the lowest level in 18 years, but the lower rates have had little effect on the economy.

Beyond that, we have heard nothing but continued insistence that a Federal budget agreement entered into nearly a year ago be strictly observed, as though nothing at all has changed, as though the Nation is not in bad economic shape.

But things have changed in the past year. Our economy is suffering a prolonged economic downturn, the Union of Soviet Socialist Republics has dissolved and the military threat it posed has been hugely reduced. Surely these changes require more than stand-pat economic, defense, and budget policies.

And yet the administration has adamantly refused to permit the budget flexibility needed to provide extended jobless payments to the long-term unemployed. And it has continued to insist that an outdated budget agreement be adhered to as though chiseled in stone for the ages.

The State of Rhode Island is in desperate need of Federal assistance to resolve its banking crisis, and the Senate Banking Committee has approved legislation sponsored by Senator CHAFEE and myself to provide $180 million in Federal loan guarantees. Even that assistance could be endangered by the administration's continued insistence on arbitrary budget ceilings.

Mr. President, it is time that our Federal Government face the reality of our economic problems and begin to take the actions necessary to restore our Nation's economic health.

As a start, let us provide extended unemployment compensation payments as we have in every other economic recession in my memory. I have cosponsored a bill to achieve that goal and I hope it will be passed by the Congress and approved by the President.

Let us also open up the Federal budget to some revisions that recognize economic realities. As a start let us waive the blind, automatic spending cuts required by the Gramm-Rudman-Hollings Act, so the Congress can respond to the real economic needs of the Nation on a timely basis. The Gramm-Rudman-Hollings Act itself recognizes that its provisions might not be appropriate in a recession and it provides for a waiver in time of recession. I support the Senate resolution to waive that act.

Finally, I believe we should act soon to revise the budget agreement that prevents us from shifting defense spending that may no longer be needed to high-priority nondefense programs, including unemployment compensation, if necessary.

Mr. President, in the face of the changes sweeping through the world and through our economy it is folly to insist that our economic policies and spending priorities remain unchanged. Let us recognize new realities and adopt new policies.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. I thank the Chair. I am having an easel brought in, because I have a chart I want to refer to.

I want to commend the Senator from Maryland for an outstanding presentation. We have a terrible economic problem on our hands. There is no serious recognition of that problem within the executive branch of the Government. The focus over there is on foreign policy, as everybody knows.

In our country today, the Bush administration has an economic plan for every country in the world except this one. Today is an illustration of that. We are trying to get the extended unemployment compensation benefits in place. There is $8 billion in the fund; people need the money, and we cannot get the President to agree to it. He does not see the problem.

I have known this President a long time, and I like the President. But I do not like the policies, and the policies are hurting America.

We saw in the papers today the wonderful photographs of the President out visiting the Grand Canyon. It is well that we attach some importance to that issue, but we have a grand canyon right now of unemployed workers in this country. We have well over 15 million people in this country who fall into the category of the unemployed, those who are working part-time because they cannot get full-time work, and those who have just given up—and those who have given up—the discouraged worker category. We can see them all across this country. They are all over this city. They are on the park benches at night; they are sleeping under the bridges, they are sleeping in cardboard boxes. We cannot even count them all because of the situation of the great distress within the economy today.

Who is talking about it? Not just those of us speaking here tonight. Here is an editorial today—I should say a column today—off the editorial page of the Wall Street Journal. It is entitled "The Never-Ending Recession." The fellow who has written this is no less than the deputy chief economist of the U.S. Chamber of Commerce. This piece is devoted to the fact, pointing out with hard data, that the economy is in trouble—serious trouble—and nothing is being done about it.

I am going to read part of it. It says here:

> Real GNP has not been able to achieve an annualized growth rate above 2 percent for the past nine quarters. Today, the level of real GNP stands a scant 2.6 percent higher than it did at the end of 1988. When looked at over the 3-year period, the economy has struggled to eke out an increase in real GNP of less than 1 percent a year. In fact, if the Blue-Chip consensus forecast is correct for 1991 and 1992 by the end of 1992, the economy will have experienced the second slowest 4-year average annual growth rate since the 1930's—

Which is the depression.

> Even under the President's optimistic economic forecast, real GNP will not move back in the direction of its 40-year growth trend on his watch—it will merely run parallel to it.

And it goes on in this vein:

> By the end of 1996, under this Blue Chip consensus forecast, real GNP will equal only $4.7 trillion rather than the $5.1 trillion that would have been expected from normal economic performance: The cumulative loss in real GNP would equal $2.193 trillion, or 7.8 percent. This translates into a cumulative loss of GNP equal to $8,374 for every man, women, and child. There will also be 9 million fewer jobs than there should be.

He concludes:

> The political and social ramifications of a decline of this scale in the expected standard of living are hard to predict.

They are not hard to predict, because you can see them now, and you see the kind of Clockwork Orange society that we are seeing in some of our urban centers because of the extraordinary accumulation of economic stress and difficulty and deprivation and other problems thrown in on top of it.

There is no plan to deal with it. There is a plan for every other country; no plan for America. So this grand canyon of unemployment that we have out there has to be dealt with. We need to see the President visit an unemployment office, and there are lots of them across the country; to go out and look into the faces of the unemployed workers and listen to what they have to say. Not go in with a lot of PR and a lot of hype, but to walk in and go down the line and listen to what the unemployed workers have to say; listen to what the single parents who are unemployed workers have to say about the difficulties that they face trying to feed their families and keep body and soul together.

Senator SARBANES talks about mortgage delinquencies. Here is an item out of the papers: The Mortgage Bankers Association reported mortgage delinquencies are at a 5-year high. Americans who are at least 30 days behind in mortgage payments rose to 5.28 percent in the second quarter of 1991.

I have talked to people out of work who have lost their cars, lost their homes, lost their families. I have heard the President offer nothing of any consequence—or his chief financial and economic advisers—to deal with this problem.

I saw an article today—I do not have it here right now—about the push now for economic assistance for the Soviet Union: Most-favored nation; let us get on with helping the Soviet Union, says the administration. There are certainly problems and needs over there.

But what about here, particularly when we see our Government turning its back on unemployed workers who have been out of work out for a short period of time, but for 26 weeks—out of work a half a year, and no job coming back? They need to eat and they need to feed their families. There are 8 billion dollars that have been put into that trust fund for exactly that purpose, and it is being denied to them. It is not right.

I want to show something on this chart.

Mr. SARBANES. Will the Senator yield on that point?

Mr. RIEGLE. Yes; I yield.

Mr. SARBANES. Mr. President, I just want to put these quotas into the RECORD. This is after we received the revised report that the GNP had actually shrunk in the second quarter of this year, making it three quarters in a row of negative GNP growth. A drop of 1.6 percent in the last quarter of last year; 2.8 percent in the first quarter of this year; and one-tenth of a percent in the third quarter.

So we have some business economists who said "The GNP figures tell us that the economy remained in a slump through the second quarter." Another one says, "This definitely shows us that recovery is very, very puny."

This is what the President said. I am reading from the Wall Street Journal.

> President Bush was more optimistic. "I feel all right about things," he said. "There are some statistics up and some down but basically I think it's doing all right."

We had more people exhaust their unemployment benefits in July than in any month since we had the system.

Michael Boskin—the chairman of the Council of Economic Advisers said the new GNP figure is "still quite consistent with the view that the economy is in the very early stages of a modest recovery whose strength and duration are still to be determined." You bet your life they are still to be determined.

Mr. RIEGLE. Let me just say to my friend from Maryland. I appreciate the observation the Senator has given with respect to those articles.

Mr. President, ask yourself this question. If the members of the President's family were unemployed today and had exhausted their benefits and the Vice President's family, everybody here in the Senate, both sides of the aisle, members of the Cabinet, their family members were out of work and had exhausted their unemployment compensation benefits and in real need, how long do you think it would take the administration to have a plan up here to fix that problem? A few hours? Maybe a day. There would be plan up here. It would be put on a fast track. They are asking for fast track on all these foreign assistance programs, asking for a fast track on the United States-Mexico Free-Trade Agreement so we can send millions of more jobs down to Mexico. If they felt this problem directly and were not insulated and isolated from it, they would have plan up here to fix it. But there is no plan. There is no plan. And it is not right.

Here is a story out of a recent Lansing State Journal business section this month, "Spending Slump Hits Big Retailers Again." A box article next to it, "Economic Numbers Are Looking Weak, dateline Washington." It talks about the unemployment situation. Here is one from the Wall Street Journal this month. "Sales of Cars Stayed in Slump in Late August. Early Summer Hopes Fade as Dealers Say Rebates Can't Ease Lack of Cash." It goes on to talk about how severe the problems are here.

The auto industry over the last year has lost about 10 billion dollars and people are out of work. Things are not getting better. Here's a front page story in the Detroit Free Press. This is one that says, "Jobs Vanish in Northern Michigan. Boyne City plant to lay off 289 workers." It points out in that area of northern Michigan over 7 percent of the industrial jobs have been permanently done away with this year, and this plant closing will double the number so it will be about 15 percent over the entire year. They do not have other work to do because we do not have enough jobs in this country, because we do not have a job strategy, and because this administration does not put any priority on making sure there are enough jobs to go around.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RIEGLE. I ask for 2 additional minutes.

Mr. SASSER. I yield the Senator 2 additional minutes.

Mr. RIEGLE. I thank the Senator.

Mr. President, we are here to talk about whether we get rid of this Gramm-Rudman-Hollings straitjacket, which is as phony as a $3 bill. This is a chart which shows what our deficits have been each year since the Reagan revolution got started. Here you see these deficits. This part of the line has to do with the baseline deficit and then on top of that is the additional deficit that comes from the trust funds that have been raided to take the money to pay for other things in Government, including, by the way, over 300 billion dollars' worth of borrowing from the Social Security trust fund. This is what these deficits have done over this decade.

Now, here you see this black line shows what the first Gramm-Rudman-Hollings budget package was supposed to do in getting these deficits down to zero. It was a fraud, and it failed, so that is why you see the second line. Gramm-Rudman-Hollings II had to come in to patch up Gramm-Rudman-Hollings I, and you saw the same failure of that program. Now, here is a brand new one, the one we are here debating today. Gramm-Rudman-Hollings III is supposed to give us this kind of performance.

Anybody who believes that is not looking at what the history shows us. This thing is out of control. The deficits are out of control because the economy is so weak because we do not have any significant productivity improvement and we do not have enough jobs for our people. We have people sitting at home, desperate; they need work, they need a plan, and we cannot build a plan because we put ourselves in this Gramm-Rudman straitjacket, which has given us record high deficits. We are nearly at one-half trillion dollars when you look out here to 1992. Meanwhile, we are raiding all the trust funds, raiding them and using the money for things for which they were not intended to be used.

There is a massive coverup going over these budget facts. The people that invented this nonsense are still defending it. They are saying it is working despite the fact that all of the evidence one can see is to the effect it is not working.

It is time to get out of this straitjacket and be honest with what is going on in this economy and build an economic plan that is good for the people of this Nation. People want it.

In all the public opinion polls, when people are asked whether the economy is on the right track or wrong track, over 60 percent say it is on the wrong track. The public knows what is happening here. They want a change. Next year we are going to have a chance to produce a change. I think we need to elect new leadership which can put new plans in place that will bring our jobs back and not just keep sending our jobs to Mexico or other places around the world.

I thank the Chair. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I hope I will not have to use all of my time, and I might say to Senator SASSER I know of no one else who wants to speak on this side.

Mr. President, so much has been said tonight that it is very difficult for the Senator from New Mexico to decide with what I should respond. Since we were having a totally partisan discussion, maybe I should start on a partisan note.

Mr. President, those who have spoken tonight and have talked about the President of the United States with reference to the current economic situation must really believe that the American people are fools, because, you see, it is very easy, whether it be from newspapers or charts or graphs, to tell everybody how bad things are.

Is it not interesting that tonight in the lengthy debate about what is wrong with America, other than to blame it all on the President, the current President, and to suggest that unemployment compensation ought to be extended—and it should be—no other constructive suggestion from the mammoth Democratic Party that used to lead America has been made on this floor. I listened attentatively to the distinguished Senator from Michigan, and I did not hear other than we ought to get rid of Gramm-Rudman—and we will talk about that in a minute—and that we ought to have extended unemployment compensation, I heard nothing——

Mr. SARBANES. Will the Senator yield?

Mr. DOMENICI. As to how we will do it.

Mr. SARBANES. Just on that very point.

Mr. DOMENICI. I will in a while. I listened to the Senator and I hope he will be patient. There will be plenty of time.

Mr. SARBANES. There was another proposal made.

Mr. DOMENICI. The only other proposal I heard was we should get rid of the strain, apparently, that is on this economy by the 5-year budget agreement. Now, let me tell you again, Mr. President and fellow Senators, do you think the American people are fools? Do you think they want us to take off all the limitations on spending and that will fix the American economy? That will give the American people jobs? The distinguished Senator from Michigan talks on the floor as if the U.S. Government can go out tomorrow and wish and plan and think and Americans will get jobs. Does anyone believe that? Do you know what makes jobs? Businesses that are making money make jobs. Businesses that are succeeding, large and small, make jobs.

I have not heard a single suggestion as to how to help American business succeed other than that the fast track to Mexico hurts us. We debated that. An overwhelming number of Senators thought it helped us, not hurt us. Yet the Senator would even give the President of the United States that as a negative that is causing this unemployment situation.

I am not going to go into details, but I do believe it is interesting to note that throughout the same period of time that President Bush allegedly caused all of this harm, the Democratic Party, at least here, has offered a tremendous inventory of constructive legislation to help the American economy.

Anyone know one? I am looking for one. I do not find any. In fact, I do not believe the unemployment compensation proposal helps the American economy. It helps people that need it.

I look at the rest of them. Parental leave, nice thing. Does it help the American economy? Most people think no.

Child care, much needed, we passed it. It did not help the American economy. It helped some social problems. Long-term it may help something.

Ethics in Government, campaign financing, these are tremendous proposals to help the American economy and to get the American people back to work?

Motor voter, boy that will really put people to work. We need a few more of those?

The health care plans have not been passed, but even those have mandatory employer-provided costs—really helps America grow?

I am not going to go into more because I think I heard enough partisan talk tonight. I do not think anybody out there in America really believes that we ought to get rid of restraints on the Federal Government's expenditures, and the pay-as-you-go provisions of the law, because the leadership of the majority party here and in the House will prudently spend the American taxpayers' money so more Americans will have jobs.

Americans would not think we are on the right track. Ask them. Do you think proposals such as those here tonight will get us back on the right track? They will not even answer it, it will be so hilarious.

Having said that, let me talk about a couple of other things. Much has been made tonight about what is the real measure of unemployment. Some say it is 10 percent under this new way of calculating—that is, that if you really get to the bottom of things, it is 10. Well, it is. But, at the best of times, when employment was the heaviest, when unemployment was the lowest in the past 10 years, when we were at the peak, do you know what the unemployment under that new approach was? Eight percent. When unemployment was so low, that we said it is great, the rate was 8 percent.

So I really do not think that the 10 percent level of unemployment is going to be helped very much by an unemployment compensation extension. It is not going to help—because when we did not have any people qualifying to speak of, the rate was 8 percent.

Let me take a couple more minutes, and then I will sit down and listen. And perhaps we will vote tonight. Before I do that, I want to thank the distinguished chairman of the Budget Committee for his statement tonight, not with reference to who is to blame for this because I am sure the American people know this recession is not to be blamed on George Bush. But I am thanking him because in spite of his concern about the economy, he chooses to keep in place the 5-year agreement made between the President, the Democrats, and the Republican leadership in the House and Senate. He will vote to keep it in effect.

I think the U.S. Senate should do that by overwhelming numbers because tonight when we vote on this, the issue is not unemployment benefits. I will address that in a moment. The issue is, do we think we can do better for the American people by getting rid of the restraint on spending, and the necessity to pay for new programs as we adopt them? That is the issue.

As far as the unemployment benefits extension, I submit two things: one, we need some kind of an extension. Two, we ought to pay for it, as the chairman of the Ways and Means Committee in the House indicated, and tried to do. We will do the same here. We will suggest ways to pay for an extended benefit program so that it is budget neutral. We think that this is precisely what the budget agreement contemplated. In fact, if you look back to January, you will find that the unemployment numbers and the growth predictions by both CBO and OMB are almost exactly the same as where we are. We expected it. And we expected to pay for any new and extended benefits. We made provisions in the budget resolution to do that.

We will do that, and it will not pass because for one reason or another the question is, does the other side want an extended unemployment benefit package or do they want a Presidential veto so they can again blame the President for not extending it? I think it is the latter. We will offer a reasonable extension and reasonable way to pay for it, and we will not win.

I am not going to go into details as to what emergencies we have accepted—both the President and Congress—and as a result broken the caps, other than to say that, other than some money needed for Turkey and Israel following the Mideast war which the President and the Congress said was an emergency, the other foreign emergencies spoken of were not paid for out of our budgetary money. No emergency was declared. It was paid for out of money left over from the allied contributions for the Middle East effort. And everybody knows that.

To blame the President and say he has all kinds of foreign aid programs that are emergencies but nothing here at home for a program like unemployment compensation is just overstating the facts.

As a matter of fact, Democrats and Republicans here in the Senate and House agreed that we should do the Israel and Turkey emergency funding immediately following the war. All the other foreign assistance came in a completely different way and did not come out of this budget.

One last comment. You know it is very interesting. My friend, Senator RIEGLE, said that he wanted to quote a person from the Chamber of Commerce who wrote the article in today's Wall Street Journal—Lawrence Hunter. Previous to that I think the Senator from Maryland indicated that he would very rarely quote a Chamber of Commerce statement. It is interesting. Maybe the Senator would tell us why he very rarely quotes a Chamber of Commerce person.

I thought we were interested in jobs. I thought the chamber was made up of business people who will one day, make money and create jobs. But concerning the "never-ending recession" by Mr. Hunter, might I tell the Senate—if you would like to know what Mr. Hunter thinks caused the recession, that was left out. How bad the recession is was talked about. But what was left out was that he believes that it was a failure to adopt a capital gains tax increase, he believes we are spending too much money, he believes we pass too much regulatory restraint. Who did that? Who did those things? President Bush? Those are the things he thinks caused the recession.

My last comment has to do with our spending under the 5-year plan. Frankly, I want to say to the Senate I do not think anybody ought to be concerned about whether this Government is spending enough money.

Are we in one of those times when we are responding to a recession by spending Federal dollars as a capitalist economy normally does? The answer is unequivocally, yes. We are spending. This is a very high-spending economy on the Government side right now because under this new 5-year plan we have no limitations on such things as food stamps, AFDC, and those other things that might need help in an extraordinary way during a recession.

So those are all expenditures that are at very high levels such that the deficit is higher than we expected, and most people are saying we need that stimulus and that it helped during this period of time.

I close by saying, when Ronald Reagan was President charts would come to the floor like this one, and the argument was, there are a lot of new jobs but they are no good. Now the argument is, there were a lot of good jobs back there under Reagan, but they are not there under Bush.

Well, the truth of the matter is that we had 7 years of sustained economic growth. What this recession proves, even though that was the longest growth period since the Depression, is that we have not figured out a way to get around the business cycle in America. I thought we might have, but we have not.

So we are going to have 4, 5, 6 years, hopefully 7 years again, of sustained growth, and then we are going to have a recession, just like we have had rather regularly since the Second World War. Frankly, I have not heard anyone tonight on either side suggest that they know how to avoid that. I have not heard anyone suggest they know how to fix it. A lot of statement of facts, a lot of interpretation of facts, but no plans, no ideas.

I believe that if there are no questions, I will yield the floor and, hopefully before the night passes, we will again vote not to revoke the current rigorous fiscal policy with built-in stabilizers. We will leave it in effect because, certainly, it should not be changed now, unless we think that the deficit does not matter.

I happen to think that probably the recession is more profound than currently thought, because everyone is too heavily in debt—business, individuals, the Government. I think in one way or another, it is a little bigger load than people can quite handle and, thus, we are having a little bit longer recession than we had expected, and maybe it will even be longer.

I yield the floor.

Mr. SARBANES. Will the Senator from Tennessee yield a minute?

Mr. SASSER. I am pleased to yield.

Mr. SARBANES. Mr. President, when I tried to get the Senator from New Mexico to yield, the point I wanted to make, when he said he had not heard any other ideas other than unemployment, was to point out that one idea put forward was that there has been a dramatic change in international circumstances, that the United States was no longer facing the security threat which it faced even a year ago, and that we were locked into this budget plan and making no adjustment for that.

I defy anyone to say to me that there have not been such significant changes internationally with what has transpired in the Soviet Union and Eastern Europe, the demise of the Warsaw Pact, the breakup within the Soviet Union, that we can continue to simply stay on autopilot and locked into this framework that we are talking about here in terms of the Nation's set of priorities.

Those priorities do not fit the world which we face today and the problems which we face here at home. How long are we going to stay locked in this posture before we start to adjust to it? That is a significant transformation, and that needs to be undertaken.

We come out here and say, no, we made this plan, this plan was going to go 5 years. What kind of circumstances do you need to rethink your plan? The recession is worse than people forecast, and the unemployment toll is heavier than was anticipated. The international scene has been transformed, and we stick with the same set of priorities that we established a year ago and say, no, we should not reexamine them, and we should not change them. How can you justify that in terms of any sensible policymaking?

Mr. DOMENICI. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. DOMENICI. I use my own time. Mr. President, I assume the Senator is saying that if he did not, he is now, or if he did he is repeating that one plan would be to adjust Gramm-Rudman and the 5-year agreement to cut defense more. Well, if that is what he would like, what would he do with the money?

The American people would like to know how we are going to put people to work if we cut defense more. What would the Senator have us to do with it?

I'll tell you what I think. Senator HARKIN'S amendment has been to the Senate floor and it failed. Senator HARKIN wanted to take over $7 billion out of Defense and spend it on domestic programs. Maybe the Senator from Maryland wants to make it more than 7. Let me just suggest that was defeated only 10 days ago in the Senate by an overwhelming margin—28-to-69 said no.

Let me tell you that the 10 programs that he was going to spend the money on are pretty captivating, some of which this Senator really likes—more money for mental health research, more money for title I education, and the like.

The Senate said no, because they are saying if you break this agreement, you open the door and you are finished.

With the discipline we have around here, we will spend it all and nothing will happen for the unemployed, or the businesses, large and small, in America, but we will tout that we have spent it to cure all America's ills.

Mr. RIEGLE. Mr. President, if the Senator from Tennessee has any time left, could he yield another minute or two?

Mr. SASSER. I am pleased to yield to the Senator from Michigan 2 minutes.

Mr. RIEGLE. The plan my friend from New Mexico likes so much—this is what it brought us. This is the wonderful budget discipline. These are the deficits as they have accumulated year by year through the 1980's. This is supply side economics. This is Reaganomics or supply side economics.

What we have had is the supply of record deficits. That is what supply side economics turned out to be, record deficits. Here they are. This is data from OMB. These deficits, year by year, are getting higher, now nearly half a trillion a year.

What is interesting, I put on the Gramm-Rudman-Hollings targets here, which obviously were fraudulent, and that is why they have been replaced one after the other. This one is designed to jump over the next election, finesse this problem past the election, and put it into a second Presidential term.

You know what is going on back here, something called Gramm-Latta that came out of the House of Representatives—the same piece of fraud with a slightly different title is what got this thing going in the first place. If the Senator from New Mexico is proud of this, if he thinks that is a great performance, then he and I have a very real difference.

We need a tough trade strategy, and we have to stop the predatory practices going on in that area, and the fast track to Mexico is not part of that answer. We need to cut down on the foreign spending. We need to ask the Europeans to spend more on their own defense than they are doing. We are spending tens of billions of dollars there to defend them, that I think is unjustified, particularly because of the changed circumstances.

We need to have more capital investment in this country. We need to drive the business sector at a faster rate. This is not doing it. More of the same is not doing it. That is not the answer to our situation. We need to invest more in technology and to get that technology applied in new products in this country and not let the technologies continue to shift overseas. We need to invest in our people with job training and retraining. We need to invest in infrastructure.

Will the Senator yield 30 additional seconds?

Mr. SASSER. Yes.

Mr. RIEGLE. The money out of these trust funds that has been looted for other things, if they were invested in building this country and new economic strength, we could solve this recession and get the deficits down. But what we have here, if we want more of the same, stick with the budget plan, because this is what it has given us—a 10-year disaster of deficits. It is time to change it.

I yield the floor.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes, 38 seconds.

Mr. DOMENICI. I yield myself 1 minute, and then I will yield 5 minutes to the Senator from Texas.

Senator RIEGLE mentioned something I agree with. We ought to spend more on technology. That is one area the President asked for more on this year than we are going to give him. We can put that up there as being the fault of those who are passing the bills here and not the President. That was clearly in his proposal in various places, and it was more technology and research than we have seen fit to pay for.

When we are finished tonight, we will take a look at the various suggestions that Senator RIEGLE made, and we will then have a plan for a reconstruction and putting to work most of the American people who are unemployed. The problem is I think when we finish looking at it there will be more unemployed than there were when we started.

I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I came over not to help my dear colleague. It is obvious he needs no help. I could come over and accuse him of intellectually dualing with unarmed men. But I am not going to do that either.

I hear our colleagues get up and say, well, the deficit is going up. Now, if one is concerned about the deficit, what does he do about it? The last thing on Earth he does about it is waive the one law which has done anything to control the explosion of spending and has done anything to try to gain control of the runaway Federal budget deficit.

I am not here to argue that the Gramm-Rudman law is perfect. It is far from perfect. But I do not believe any serious students of the deficit problem would argue that we are better off eliminating the one binding constraint that we put in place to try to control spending.

Let me also say that we are here tonight talking about the deficit, but on Tuesday we are going to vote on it. We are going to cast a vote on the floor of the Senate on the issue of whether or not we should raise the deficit by another $5.8 billion.

In fact, many of our colleagues have already seen a letter that was sent over to the Republican and Democratic leaders of the Senate from Alan Greenspan that raises a very deeply held concern on his part that if we break the budget agreement, if we raise the deficit by $5.8 billion in the name of extended unemployment benefits, that the result of that is going to be an increase in long-term interest rates and higher unemployment.

Our colleagues tonight who are talking about high deficits, it will be interesting to see on Tuesday when we cast a real live vote on that subject who is for real and who is not for real in terms of dealing with the deficit.

So, Mr. President, I have already spoken on this subject yesterday and the day before. But I would like just to capsulize what I said very briefly.

First of all, I believe that the economy has turned the corner, but it sure did not leave any skid marks when it turned. We have a very weak recovery on our hands. In my opinion, the last thing we ought to be doing is waiving a budget process which has built confidence in the financial markets, which has encouraged the Federal Reserve banks to expand the money supply to lower interest rates, and which is in the process of bringing long-term interest rates down.

I think if we waive the Gramm-Rudman law and destroy the budget process we set into effect last year, then long-term interest rates would certainly rise and unemployment would also increase.

So I think we need to take two actions. I am happy to join my dear colleague from New Mexico and the distinguished chairman of the Budget Committee in urging our colleagues to maintain the only budget discipline that we have ever had. Second, I believe that if we are concerned about the deficit, on Tuesday we ought to show it by voting down an effort which is clearly aimed at destroying the budget summit agreement and sending the deficit up by $5.8 billion.

That is when we are going to stop talking about the problem and start voting on it. I am going to vote against busting the budget agreement and against the $5.8 billion increase in the deficit, and I hope the people who are serious about the deficit will do likewise.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 22 minutes and 55 seconds.

Mr. SASSER. I thank the Chair. I shall be brief.

Mr. President, I want to correct, if I may, a statement that I heard made on this floor just a short time ago, and I correct it for this reason. I find that inaccurate statements made continuously take on the air of authenticity. They become myths that are repeated again and again and again and people take them for the truth.

We heard earlier that during the Reagan years we had the longest period of uninterrupted growth in this century—8 years. Mr. President, that is inaccurate. The longest period of uninterrupted growth in this century occurred in the 1960's and it was 9 years of uninterrupted growth.

By constant repetition of this statement, it becomes accepted as the truth time after time, and I wanted to correct the record in that matter. As a matter of fact, the longest uninterrupted period of real growth in the economy was for the fourth quarter of 1960 to the fourth quarter of 1969. That was 9 years.

Mr. DOMENICI. Will the Senator yield?

Mr. SASSER. Let me finish and then I will yield.

Why do I want to correct this? Because I constantly hear these statements being made and they are repeated over and over until finally no one can contest them.

One of the statements that I heard for many years, which is totally inaccurate, is that it was under the Reagan administration that we began rebuilding the defenses of this country and that it was under the Carter administration that we came up with the hollow defense and reduced the defense budget. That is totally inaccurate. The great reductions in the defense budget occurred in the second term of Richard Milhous Nixon. His Secretary of Defense, James Schlesinger, resigned in protest. It was Jimmy Carter as President of the United States who went to Europe and entered into an agreement with our European allies that we will all begin increasing defense spending in real terms by 3 percent a year. So the rebuilding of this country's defenses began in an organized, prudent, and planned way under the administration of Jimmy Carter.

It was under the administration of Ronald Reagan that the fiscal disaster occurred, where we destroyed a large part of the revenue base of this country. It was under the administration of Ronald Reagan where these ill-conceived tax cuts increased defense spending. Money was thrown across the board to the point we now find ourselves so fiscally exhausted with the Treasury emptied, with the national debt having doubled in the space of less than a decade. This country does not have the fiscal wherewithal to engage in the same kind of economic stimulus using the same programs that we have used in times past to try to assist our people in time of recession.

By extending emergency unemployment benefits, we are simply trying to make the pain less severe than it would be if we did not.

As to the question as to whether or not extending these unemployment benefits, is a measure of whether or not one is concerned about the deficit, I am going to offer an amendment on this floor to reduce the deficit by $25 billion over the next 4 years, and I am going to say let us limit the purchase of B-2 bombers to 15. We hear a lot of talk about closing bases. Nobody wants to close bases.

Did you know that after all the bases are closed, we will start saving money at the rate of about $800 million a year, the price of one B-2 bomber. I am going to offer an amendment to cut $4 billion, and I am going to, say, limit the number of B-2's to 15, in view of the changes that have taken place in the world.

Scale back on the strategic defense initiative so that it only increases by $600 million in fiscal year 1992 over 1991. Do away with the rail mobile MX. Who needs it anymore? That will save $24 billion, I tell my friend from Texas, and let us see how the people on his side of the aisle vote on that. Let us see how serious they are about reducing the deficit when we are talking about gold-plated weapons systems that we do not need anymore. We are talking here about helping people who are desperate by the millions, doing what the unemployment receipts were collected for.

The distinguished Senator from Maryland has told this body time after time after time about the growth of the trust fund in which these unemployment receipts are held. And I say it is a disgrace when we have millions and millions and millions of American unemployed exhausting their unemployment benefits and the unemployment trust fund continues to grow.

Mr. SARBANES. Will the Senator yield on that very point?

Mr. SASSER. I am pleased to yield to the distinguished Senator from Maryland.

Mr. SARBANES. Mr. President, I want the Members to take a careful look at this chart. This is the balance in the extended benefit trust fund. This is the projected surplus for 1992. Employers pay taxes for the purpose of paying extended benefits. That is why they pay them. They are levied upon them for this purpose. We built up this surplus. We are now in a recession and we have people unemployed who are unable to draw benefits. The unemployment insurance trust fund is still building up a surplus right in the middle of a recession. I defy anyone to explain the logic of that to me.

Let me show you why it happens. This chart shows the number of persons receiving extended unemployment insurance benefits in previous recessions. This line is in 1981-82 recession. This is now. One State is now paying extended benefits, yet the employers have put this money into this trust fund.

Not only has the surplus been built up, but it was supposedly to be used in bad times, which is exactly where we find ourselves today. We are hearing actually from employers who are saying, we paid these taxes for the purpose of paying these extended benefits. We have had to lay our people off because of the economic downturn. They are without work. We hope things will pick up, so we can hire them back. But we think our moneys ought to be used for the purpose for which they were paid.

The rationale on which you took these taxes from people was that they were going into the extended benefit trust fund, and we are in recession and you are not using the money for the purpose for which it was intended.

It is an abuse of people's trust. There is absolutely no excuse for it. They ought to be used for the purpose for which they were intended. That was the rationale advanced to them as to why they are making these payments.

You have 8.5 million people unemployed, and they are not drawing these benefits. People are losing their homes and losing their cars, and they find themselves in dire circumstances. These are working people. You cannot draw unemployment benefits if you have not held a job for a continuous period of time. These are working people who are out of a job through no fault of their own. The system has built up this large balance in the trust fund and the benefits ought to be paid.

Mr. ADAMS. Will the Senator from Tennessee yield to me a moment?

Mr. SASSER. I yield 2 minutes to the distinguished Senator from Washington.

Mr. ADAMS. I thank the Senator from Tennessee.

I want to join with the Senator from Maryland, and to support the other comments that have been made about what we are doing if we do not suspend this Gramm-Rudman-Hollings Act. I do not think it should have been enacted in the first place; it should be suspended. We are in the middle of a recession.

As pointed out by the Senator from Maryland, we have a situation where we have not reduced the deficit by Gramm-Rudman-Hollings. We have built on it. We have not saved our economy, we have simply trapped ourselves from being able to assist it.

There are people in my State and in every other State of this Union who earned money, had employers pay into the trust fund for them, and we should not have to be going through the technicalities of declaring some sort of an emergency. We should not let a President be able to sign a bill and say, "No, it is not an emergency. You cannot pay out the benefits. These are trust fund moneys that were paid in for this particular purpose."

I hope that tonight and in the next few days of this Congress we will begin to take care of the people who have worked all of their lives, who now find themselves unemployed and are unable to draw extended employment benefits.

I was in this Congress in 1969 when the Boeing Co., which is very profitable right now, got in so much trouble that a billboard in the city of Seattle said, "Will the last person out of this city, please turn out the lights." And we in the Congress at that time voted extended unemployment benefits, which saved our people for that period of time. To this day, that is remembered. The company did come back. But those people, during that period of time, did not lose their homes. They had to go to food banks maybe, but they had some money.

So tonight I am going to join with the Senator from Maryland and others. This is a shift in my previous position. That is why I took the floor. And I am grateful to the Senator from Tennessee for giving me this time to explain why I have given up on this budget straitjacket known as Gramm-Rudman-Hollings.

Mr. President, I am exasperated by the prolonged struggle we have had to wage to get the administration to release extended unemployment benefits to the more than 2 million workers that have exhausted their benefits since January of this year. At present some 8.5 million Americans are out of work—300,000 of whom lost their jobs since the President refused to implement the legislation extending benefits that we passed before the August recess.

We should not have to wait for the President to declare an emergency. We know we are in a recession. The U.S. economy has experienced negative growth for three consecutive quarters. That is why we are voting on a recession resolution for the third time this year.

For the third time this year, the Nation's economic growth has either been negative or less than 1 percent for two consecutive quarters. Under the Gramm-Rudman-Hollings Act, this triggers the consideration of a joint resolution to suspend the sequestration and spending constraints of the act.

Twice before we have considered recession resolutions and have rejected them. I voted against both of the earlier bills because I wanted to give the system the benefit of the doubt. But I will vote for the resolution tonight, because I am afraid that we are using the theory of Gramm-Rudman to hide behind and to avoid taking action on the realities of our families' agony.

Let's face the facts. The emergency safety valve has not worked. The Congress passed legislation to provide additional unemployment benefits and the President signed it into law. But because we used the provision in the Gramm-Rudman Act we prevented benefits from being disbursed.

To hold our unemployed working men and women hostage to the Gramm-Rudman-Hollings Act would be most cruel. This trust fund was established to provide extended benefits to those who need them during periods of extended unemployment. That is what we are experiencing during the current recession.

The PRESIDING OFFICER (Mr. BRYAN). The Chair advises the Senator that his time has expired.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have and how much time does the chairman have?

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes and 20 seconds remaining and the time under the control of the Senator from Tennessee is 10 minutes and 30 seconds.

Mr. DOMENICI. I yield myself 2 minutes, Mr. President.

I first might apologize both for the record and to my friend, the chairman, if I misstated the quality of the sustained expansion of the 1980's in terms of its longevity. Let me say I left out a word, and I should include it and I will henceforth. I will say it is the longest peacetime expansion that is an expansion during which time we were not engaged in a war. And I think that is a true statement. During the period he stated, which is longer, we were involved in the Vietnam war.

Having said that, let me talk about the extended unemployment benefits and the reserve fund and the notion here tonight that there is something unfair about requiring that they be paid for. It was only May—not May 10 years ago—May a few months ago when we passed the budget resolution. I came to this floor and said, "I vote against this budget resolution." Do you know why?

I like the budget resolution. I helped work in out. We worked very hard.

But there were three, three, Mr. President, reserve clauses that permitted us to change the budget numbers without violating the budget. And one of the three happened to be employment legislation. And the RECORD on the floor, without my digging it out, is rampant that when we use the word employment, we were also using the word unemployment. So unemployment benefits were expected to be extended. But the reserve clause said, if you do it, you can change the numbers, but it still has to be budget neutral.

Now, how do you extend unemployment benefits without paying for them and still have a budget neutral bill? You do not.

Now, it will be said—and I do not doubt the distinguished chairman—Chairman SASSER proposed the three reservations—he will say he was thinking of permanent extensions, not a temporary extension.

The PRESIDING OFFICER. The Chair would inform the Senator that his time has expired.

Mr. DOMENICI. I yield myself 1 additional minute.

I want to say for the record, I do not remember such distinction. Nonetheless, I would suggest that the House bill has permanent changes. I would suggest that the Bentsen bill as currently proposed, while not in its entirety, but partially, has permanent changes. Although I think it is irrelevant, because I do not think that that is a way to distinguish between unemployment benefit bills and whether we should pay for them. We have already decided, so we are guilty. When this chart is held up and it says we are going to use these reserves unfairly, let me suggest we decided that right here and, strangely enough, an overwhelming number of the votes to do it came from that side of the aisle.

But we did not agree with it. So I do not believe we are being unfair. We will offer our plan, and we will pay for it. I hope that everyone understands that is what we were expected to do.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I yield 4 minutes to the distinguished Senator from Michigan.

Mr. RIEGLE. Mr. President, a lot has been said tonight. The fact is, for years now we have been practicing a kind of budget shell game. This chart illustrates it better than anything else. It has gone under the guise of Reaganomics. It has gone under the guise of supply-side economics, the Laffer curve—the notion that was sketched on the back of an envelope.

Here we are a decade later. The economy is in deep trouble. We have had a mountain, a rising mountain, of deficits over this period of time—very anemic growth level in terms of real productivity. Other countries around the world were outperforming us substantially over this period of time in terms of their productivity growth.

I want to explain this chart because these are the Federal budget deficits. Here you start into the Reagan years during the eighties, when this radical economic experiment was put to work. Senator SASSER referred to it in terms of the damage that was done with respect to the unfair and uneven pattern of the tax cuts and the impact that that had. This scale over here is notched in $50 billion segments. So we are not talking about pocket change here.

As we came down through the eighties, you will see the deficit, in 1982, in terms of the amount of money actually spent and the amount taken out of the trust funds, is just about $150 billion. That is just for 1 year.

We thought that was high. The next thing we knew we were up here over $200 billion, almost to $250 billion. Of course this is when the Gramm-Latta so-called discipline was in place. We thought that that plan—or at least those who advocated it; I did not happen to vote for that—would bring this thing down. But you see what happens is it continues to go up. It was up over $250 billion, and then we come down briefly in this period here. But now look at where we were in 1990; up here almost to $350 billion.

This year, we are going to be up here about $400 billion. And looking out to 1992, again, if you take the amount of money taken out of the trust funds, we are going to be up almost to a half a trillion dollars in 1 year.

These are for each year. If I had another chart here that added all of these together, because they are cumulative, I would need a chart that stretches halfway up to the ceiling in here.

I understand the argument of those who have advocated this from the beginning, because they cannot confess the failure of this plan. So they continue to modify it. As I say, this shows Gramm-Rudman No. 1. That was a complete flop. It was replaced by Gramm-Rudman No. 2. That was supposed to bring the deficits down like this. We were not supposed to see any of this. It was supposed to be down here.

That was flop No. 2; we are in the middle of flop No. 3. But this flop is designed to flop over the next election. Lord knows where these deficits are going to go. So this plan is not working.

Yes, I can see why everybody is hanging onto it for dear life. It is the only fig leaf in town, and everybody is trying to get behind it. If that is the only fig leaf there is for the budget, you make the best you can of it.

But here is what is happening. What this is doing, this pattern—it is bad strategy; it is bad economic policy—it is giving us bad results. And it is stealing the economic future.

If you take the average income for families of four in the United States over the last 20 years, adjusted for inflation, working people have been running on a treadmill. They are almost exactly where they were 20 years ago today. In fact, you can go back even further than that. Only today, in most families, there are two people working to earn the same amount of income that one person was able to earn 20 years ago.

So you have a situation now where people are working a lot harder, and they are no better off than they were 20 years ago. Yet now we have this mountain of debt on our backs.

It is interesting, and I will be back here another time to talk about where all this money went, because it went to somebody. If you look at the Forbes list of the growth of the number of billionaires and the growth of the number of multimillionaires, yes, there is a very thin group up at the very top of the economic ladder that have cashed in big time. And they are doing very, very well.

But if you look across the broad base of society, most people are treading water or sliding backwards, and it is not right, and we have to get out of this straitjacket before it bankrupts this country. We cannot afford anymore success like this.

The supply-side policy has been supplying deficits of ever increasing size. That is what supply side turned out to be: bigger and bigger deficits.

When I hear people come in here and defend this—I will just finish with one other point—this area right up here represents the amount of money that has been taken out of the Social Security trust fund and spent on things that have nothing to do with Social Security. People are paying in the Social Security payments in their taxes; employers are paying them in. Yet, that money is being borrowed and transferred over and spent on things that have nothing to do with Social Security, including the gold-plated weapons systems, and a lot of other things.

What is being left behind are a whole pile of IOU's over in the cash drawer of Social Security. And the surprise that is coming down the track in the future out of this supply side economics is that people are going to be given the happy news one of these days that they are going to end up paying for their Social Security twice, because people are going to have to pay in the money again to redeem the IOU's of the money that has been taken out here each year and taken over to be spent in other areas of the Government.

That is what is going on here. The crowd that brought this scheme in here, they are not going to come in tonight and lay the cards on the table and say: Yes, we really blew it. We really blew it. We really did not mean to have these huge deficits; we did not mean to have this huge recession; we did not mean to have this anemic growth rate. We really did not mean to see Japan and the other countries racing off ahead like that.

I do not think they did intend that, but that is what they have brought us, and we need a new economic plan for America, a growth plan for America, and that means investing in this country. Yes, in the private sector. And in our people. We are not doing that today. The President does not even have that issue on his radar screen. He has every country in the world on the radar screen except this one.

We need an economic plan for America, a growth plan. We need it now.

Mr. MOYNIHAN. Well said. Well said.

Mr. SASSER. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes and 40 seconds.

Mr. SASSER. I am prepared to yield back my time.

Mr. DOMENICI. Mr. President, how much do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. DOMENICI. I yield 1 minute to the Senator from Texas. I will take 1 and yield the remainder.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. GRAMM. Mr. President, our dear colleague from Maryland held up that beautiful chart with those green lines here and said: We have all this money in this unemployment trust fund. Why do we not spend it?

Well, what the President has said is: If you want to spend the money out of that trust fund, since we have set a cap on total spending, cut spending somewhere else.

In reality, what we did is we set out an aggregate amount we were going to spend in the budget agreement, and then Congress went off and spent it on something else. And now, rather than cutting other things so we can spend out of the trust fund, they propose that we simply bust the budget.

I do not know if it strikes people as comical, but I am amazed at people who stand up and say we have to get out of this spending straitjacket so we can increase spending so we can bring the deficit down.

If that rings true to anybody, or sounds like an effective policy to anybody, I am just going to be absolutely astounded. It makes no sense to me.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while I could probably make some statements about when did America's military preparedness really come down, and when did it start back up, I will do that another time.

I will only state that Senator FRITZ HOLLINGS and Senator PETE DOMENICI voted for an increase in the budget for defense in the last year of Jimmy Carter out of frustration, because defense had been in a regular state of demise.

Having said that, let me just say to the Senate tonight, the issues are not those discussed here. We will do those another day. Maybe there will be an economic plan. Maybe we will vote on something like that sometime in the near future, but tonight the issue is a simple one. It is not whether we are going to extend unemployment benefits because even the majority party intends to do that in their own way within the parameters of the 5-year agreement. They may not win, but that is how they will do it.

I truly believe the worst thing to do for the American economy is to take off all of the restraint and permit the U.S. Congress and the President to spend money here, overseas, and anyplace. I think that will truly make this recession worse and make the lives of our people generally worse, and I do not think we should do it. The vote tonight is "no" so that we will keep the restraint on. I yield the floor, and I yield back the remainder of my time.

Mr. SASSER. Mr. President, let me yield 1 minute to the distinguished Senator from Maryland.

Mr. SARBANES. Mr. President, I say to the Senator from Texas, it borders on the criminal to tax people for a specific purpose, as was done with the extended benefit trust fund. It was levied for that purpose. That is the rationale for it. That is why people pay it. You build up the trust fund balance for the purpose of paying the extended benefits, and then not to pay them in the time of need for which they were intended, that is exactly what has happened. That money was paid in. This fund has built up a huge—not only has it built up a surplus, it is building up an even larger surplus right now in the middle of a recession when you have millions of people who are not getting extended benefits.

In every previous recession, we paid people extended benefits. Ford did it back here; Carter did it; Reagan did it. Here is where it is this time. In only 1 State of the 50 are people today receiving extended benefits. One out of the 50 States. We have States with unemployment rates of 8, 8.5, 9, 9.5 percent. They are not paying extended benefits, even though the employers put the money into the trust fund.

It is criminal not to use that money for the purpose for which it was based, for the base on which the taxes were levied.

Mr. SASSER. Mr. President, how much time remains?

The PRESIDING OFFICER. Forty-one seconds.

Mr. KERREY. Mr. President, I will vote against Senate Joint Resolution 186, which would suspend provisions of the Gramm-Rudman-Hollings law and the Congressional Budget Act of 1974.

I vote against this resolution for many of the same reasons I voted against the Harkin amendment waiving the budget act to transfer funds from defense to a selected number of programs under the jurisdiction of the Labor-Health and Human Services, Education Subcommittee of Appropriations.

In both cases, the effort addresses one small aspect of a much broader problem. Time, events and developments in our economy have simply moved beyond the budget agreement of last year. That agreement no longer reflects reality. And, it has become a procedural dinosaur which thwarts any effort to respond to today's world and requirements.

The American people know the agreement is outdated. Pundits both in the United States and abroad write that there is already a consensus that it must be renegotiated after the 1993 election. We passed a sense of the Senate resolution offered by Senator SIMON last week—without even a rollcall vote—which said that the President and the Democratic and Republican leadership of the Congress should consider establishing new priorities in light of the extraordinary events which have occurred since the 1990 summit.

The Bear may still have a strategic force, an army and a KGB, but the nature of the threat is very different. And our opportunity to help shape the future there holds real promise. Our domestic needs—and desires—cannot and should not wait. The mother deprived of prenatal care; the child who has no access to Head Start move on. Last year, it was our third graders who would graduate from high school in the year 2000. Today, those children are in fourth grade. Next year, they will be in fifth. If we don't take a new look at the budget agreement, they will be in sixth or seventh grade before we even consider a realignment of priorities.

The deficit projections for fiscal 1992 continue to go up. I agree that the budget agreement didn't cause that. I understand that at least part of the cause is timing of receipts and expenditures related to Desert Storm and savings and loan resolutions. But that misses the underlying point. The deficit is higher. We will have to borrow more. And that needs attention.

There are a number of us who remain extremely concerned about tax fairness and about the burden borne by families with children. We will never preserve and protect—and extend—the American dream if working men and women carry a disproportionate tax burden and if they are unable to provide for their families in the way their parents were able to provide for them.

There are also many of us who remain concerned about the productivity of our country. Competition from abroad is robust. Success on our part will require wise investment and contributions from us all.

The frustration of the moment is that no one is providing the leadership needed to address these problems comprehensively. The opportunity the world has given us to reorder our priorities is enormous, but without presidential leadership this opportunity will be lost. We can tinker here; quibble there. We can overturn a little piece of the agreement or waive the budget act to accomplish some tiny change. If all efforts were successful, there might be some .0 something percent change.

But, it would not be policy. It would be piecemeal. Ultimately, it would not accomplish that which we seek to accomplish.

I do not support eliminating the spending limits in a vacuum, which is what this resolution does. But, I do believe it is time for the President to lead us to rearrange our budget priorities by revising the budget agreement. The time to do that is now.

Mr. KERRY. Mr. President, I rise today to express my opposition to the resolution that would suspend Gramm-Rudman-Hollings.

Mr. President, as you are well aware, section 258(a)(1) of GRH requires the Senate majority leader to introduce a joint resolution suspending GRH if economic growth is projected or estimated to be less than zero for any two consecutive quarters. With real GNP estimated as having fallen 1.6 percent in the fourth quarter of 1990, 2.8 percent in the first quarter of 1991, and 0.1 percent in the second quarter of 1991, clearly this condition has been met and the resolution must be considered by the Senate.

I urge my colleagues to take note of these distressing numbers and the policies that caused them, but to oppose this resolution.

Five years ago, I was one of the first Democrats to sign on as a cosponsor to the original GRH proposal. I did so because of my strong belief in the importance of eliminating the budget deficit. Even though it was crude in some respects, I saw GRH as a potentially valuable tool in seeking that objective. In fact, in the first few years after its passage, GRH worked and budget deficits grew smaller.

Unfortunately, in the longer term, GRH has not lived up to its full promise. Both Congress and the administration have played games with the budget and the deficit has swelled to $348 billion despite the so-called historic budget summit agreement of last year.

Nevertheless, GRH remains the only tool we have to exert pressure to close the budget deficit. It may only be a slingshot against a Goliath, but that is better than nothing at all.

It is critical that we continue to focus on rethinking our budget priorities because the huge and persistent budget gap continues to be the major macroeconomic problem eating away at our Nation's competitiveness. Massive government spending, unmatched by revenues, explains why savings in this country are so low and long term interest rates are so high.

My support of GRH and a smaller budget deficit, however, does not mean that I categorically oppose specific spending to address pressing national problems—even, in some cases, to do so outside the GRH limits. One such program that I have supported this summer and will continue to support in the weeks to come is the extension of unemployment benefits to those in need. This is the kind of spending that government must be prepared to undertake to assist those in parts of the Nation such as my own State of Massachusetts that have been ravaged by the current recession.

In addition, my support for the fundamental framework and discipline of GRH does not translate into unquestioning support for the specific ingredients of last year's budget summit agreement. While I believe Congressional negotiators, who labored long and hard in search of an agreement with President Bush, did the best they could do in the face of the intransigence of the President and his senior advisers including Chief of Staff John Sununu and OMB Director Richard Darman, I was not comfortable even then with the way in which spending was allocated by the agreement. I also was troubled by the rigidity that the agreement established, prohibiting Congressional discretion to be exercised easily to transfer funding from one major category of spending to another.

Now, Mr. President, in light of the stunning events that began to unfold in 1989 in what was then Communist Eastern Europe, and the events in the Soviet Union in recent months that are, if possible, even more stunning, the original inadequacies of that summit agreement are dramatically magnified. We find ourselves as the elected representatives of the people of this Nation confined by a straightjacket of our own making.

At home, we are seeing more and more evidence of glaring domestic needs that are going unmet, and which not only wreak suffering on countless individuals across the Nation but threaten collectively to impede our future economic growth and our international competitiveness, and to result in a long-term diminution of our standard of living. And the budget summit agreement has tied the hands of the Congress to a considerable extent in confronting those needs.

In effect, Mr. President, the world simply has left us and the budget summit agreement behind in the dust. If the United States is to play a relevant and constructive role in enabling and helping to direct the development of a New World Order—a process which is underway and which will proceed apace whether or not we position the United States to play such a role—we have no choice but to jump on the train before it leaves the station. If the past 3 years have proved anything, it is that the unfolding of events will wait for no one.

As a consequence, I believe we have no choice but to completely reexamine the budget summit agreement. And I cannot see any outcome to such a reexamination effort other than some profound alterations in its provisions. The allocation of resources for fiscal year 1993—and special allocations for the remainder of fiscal year 1992—must be made on the basis of those altered provisions. This rethinking should begin now; it cannot wait until we reconvene in January for the second session of the 102d Congress.

All of this being true as I am persuaded it is, we nonetheless must have a disciplining mechanism that constantly pushes us to look at the larger and longer-term picture while we are grappling with the specific domestic, defense, and foreign policy needs and their changing nature. I was never convinced that the original Gramm-Rudman-Hollings legislation is anywhere close to the perfect device to fill that need. I am not any more nearly convinced that the new and improved version of Gramm-Rudman-Hollings is the perfect device. But, Mr. President, it is all we've got at the moment.

I am hopeful that the Budget Committee, and others who are this body's leading thinkers on the structure of the Federal budget and Congressional budget processes, will give careful consideration to ways in which the discipline can be maintained—stipulating ambitious, staged targets taking us to a balanced budget well before the turn of the century, and making it difficult for Congress to take actions in contravention—while according to Congress, within that discipline, the leeway to determine the priority that should be attached to each of many pressing needs and allocate available funds accordingly. It is my hope that such a new structure could be proposed for adoption in time so that, if accepted by the Congress, it can be used for the entirety of the fiscal year 1993 budget process.

In the meantime, Mr. President, I will continue to support retention of and adherence to the Gramm-Rudman-Hollings requirements. I do so with some considerable reluctance and many reservations, but with a deep conviction that we simply must retain some structural means of preventing actions that collectively would permit return to old habits of approving program after program and passing the cost on to our children and their children by means of profligate borrowing.

I will support specific waivers of those requirements in cases where they are contemplated and permitted by GRH and where the case is persuasive that an emergency warrants—such as extending unemployment benefits to the long-term unemployed. But I will oppose a blanket waiver of GRH.

Mr. SASSER. Mr. President, I yield to the distinguished majority leader.

Mr. MITCHELL. Mr. President, I hope we can yield back the rest of the time, what little there is. I want to inquire of my colleague, the distinguished Republican leader, if there would be any objection to making the second and third votes 10-minute votes this evening?

Mr. DOLE. No.

Mr. MITCHELL. Mr. President, I ask unanimous consent that all time be yielded back and that the second and third votes in this sequence of three votes be for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will read the joint resolution for a third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 8, nays 88, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—8

Adams
Cranston
Moynihan
Pell
Riegle
Sarbanes
Wellstone
Wirth

NAYS—88

Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Rudman
Sanford
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wofford

NOT VOTING—4

Garn
Harkin
Packwood
Seymour

So the resolution (S.J. Res. 186) was rejected.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The pending question is the Sanford amendment No. 1165 to the Interior appropriations bill.

The Chair recognizes the senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank—

The PRESIDING OFFICER. Senator BYRD has the floor. the Senate is not in order. Senators are urged to conduct their conversations in the cloakroom. We will not proceed until the Senate is in order.

The Senator from West Virginia is recognized and has the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there will be two votes now, two cloture votes. there will be two cloture votes, one on the amendment by Mr. HELMS and one on the amendment by Mr. SANFORD.

The agreement provided that it would be deemed that the cloture petitions were entered. Mr. President, I prefer that we are going to go the cloture route, that we offer the cloture motions. So they are ready. I send them to the desk.

Mr. NICKLES. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senator from West Virginia has sent a cloture petition to the desk. The clerk will report.

Mr. BYRD. I want this read in accordance with the rules, Mr. President.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1165, as modified, to H.R. 2686, the Interior appropriations bill:

Senators Robert C. Byrd, George Mitchell, Daniel Patrick Moynihan, Terry Sanford, Ted Stevens, Charles A. Robb, Wendell Ford, Paul Simon, Dennis DeConcini, Pat Leahy, Jim Sasser, Paul Wellstone, John Breaux, Timothy E. Wirth, Barbara Mikulski, Brock Adams, and Richard H. Bryan.

CALL OF THE ROLL WAIVED

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that to debate on amendment No. 1165 to H.R. 2686, the Interior appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will now call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—55

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth
Wofford

NAYS—41

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Garn
Harkin
Packwood
Seymour

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the order, the amendment is withdrawn.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I am willing to save time of the Senate and not even have a vote.

I ask unanimous consent if I can withdraw the amendment, notwithstanding the unanimous consent request, so people can go on and go to bed.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina is withdrawn.

Mr. HELMS. Very well.

The amendment (No. 1177) was withdrawn.

The PRESIDING OFFICER. The pending business is the Interior appropriation bill, the committee amendment found on page 23.

Is there further debate on the committee amendment?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

PROTECTION OF FISH AND WILDLIFE

Mr. CHAFEE. Mr. President, the 1992 Interior appropriations bill (H.R. 2686) directs the Forest Service to offer for sale specific volumes of timber in each Forest Service region—including those in areas containing the northern spotted owl. These owls are protected under the Endangered Species Act [ESA] which requires that Federal lands be managed in a manner that will not jeopardize the continued survival of a listed species. Although H.R. 2686 sets specific targets for the volume of timber to be offered from the regions that are home to spotted owls, nothing in H.R. 2686 or the committee report exempts—either explicitly or implicitly—the Forest Service from its duty to comply fully with the ESA or other laws regarding protection of wildlife on public lands, including the National Forest Management Act [NFMA].

As the Interior Appropriations committee report notes at page 89:

> * * * The Committee has provided volume targets in order to maintain accountability for the resources provided. The Committee has not specified mandatory targets. The Committee recognizes that additional information may become available during the year. * * *

This additional information may include information about actions which must be taken to provide for the protection of the northern spotted owl or other wildlife and fish species as mandated by the ESA or other laws. Therefore, it is clear that the Forest Service has the necessary flexibility to adjust timber volumes if necessary—and I would stress only if this proves necessary—to adhere to the requirements of ESA.

This flexibility is extremely important, in my view, to ensure that we protect all the varied resources of our Nation's forests. While significant stands of old growth forests are protected in national parks and wilderness areas, these areas do not currently provide adequate habitat to ensure the continued existence of the northern spotted owl. The spotted owl is considered an important indicator of the health of its ecosystem. In fact, the Forest Service itself years ago chose the owl as an indicator species under the NFMA. A vanishing owl indicates a level of timber harvest that is not sustainable over the long term.

I am pleased that the Committee on Appropriations, in reporting H.R. 2686, took no action which would amend or waive ESA, which is within the jurisdiction of the Committee on Environment and Public Works on which I serve. Inclusion of such an amendment would only serve to delay the development of a forest management strategy that would provide for both timber harvest and the conservation of other valuable forest resources, including healthy populations of fish and wildlife.

DOE STATE AND LOCAL ASSISTANCE (SLAP) FUNDING

Mr. FOWLER. Mr. President, the House has provided $248 million for the DOE State and Local Assistance Program, slightly above the fiscal year 1991 appropriation of $246 million. The Senate Appropriations Committee only provided $220 million. This appropriation includes the State Energy Conservation Program [SECP], the Schools and Hospitals Program [ICP], the Energy Extension Service [EES], and, by far the largest activity, the low-income home weatherization program.

State and local resources, petroleum overcharge funds, and private sector monies are combined with these Federal funds to improve energy efficiency for all sectors of the population. Unfortunately, fewer funds are becoming available at the local level for weatherizing housing units and the low-income energy assistance funds are expected to further decrease this coming year. The elderly, the poor, and the disadvantaged, many of whom are already living on the fringes of society, are particularly hard hit by this slowdown in energy conservation funding.

I hope that in the very near future, we will be able to offer practical and more economical energy alternatives. Right now, our best bet in reducing energy costs and using our energy resources most efficiently, is conservation, energy efficiency. That is ultimately what these weatherization programs are about. This investment in conservation and efficiency will help our country at the same time it is helping that elderly couple in Sparta, GA.

It is only weatherizing more houses, by assisting more schools and hospitals in improving energy efficiency, by offering energy education to more teachers and students, by helping more farmers realize their energy saving potential, that we, in the most cost-effective manner, can continue to aggressively address the energy concerns of Georgia and the Nation.

Last year alone, almost 4,000 households representing 9,000 Georgians, were served by the Weatherization Assistance Program. Twenty-nine schools and hospitals received matching grants to improve energy efficiency in their facility operations. These are all long term investments toward ensuring energy and economic stability.

In Georgia, these energy programs are very successful at serving the State's citizens. This past year, the Dry Hydrant Assistance Program won a national award from the Council of State Governments for its innovative approach to saving energy, property and lives in rural Georgia. The No-Tillage Assistance Program is a finalist in the prestigious Ford Foundation/Harvard University State and Local Government Innovations Awards Program. The program is being recognized for its contribution, through the promotion of energy savings, to the survival of the family farm in Georgia. Sound energy information and technical assistance continues to be made available to the State's over 6 million citizens.

All of this is possible only by, at the very least, maintaining DOE's current funding. With renewed concern for a national energy strategy, it only makes sense to continue level funding for these proven energy programs that serve all economic sectors of the country.

SMITHSONIAN INSTITUTION

Mr. MOYNIHAN. Mr. President, I rise in my capacity as a member of the Board of Regents of the Smithsonian Institution, appointed in accordance with the provisions of 20 U.S.C. 42. That statute embodies the act of August 10, 1846, in which the Congress delegated to the Board of Regents the obligations assumed in 1836 when Congress accepted the Smithson trust and agreed to establish an institution at Washington for the increase and diffusion of knowledge among men.

While I am well aware of the constraints under which the Committee on Appropriations labored as it fashioned the pending measure, I also am concerned by the reductions it made in the budget of the Smithsonian and distressed by the character aspersions the committee report casts of the Smithsonian management.

Successive generations of Regents have created and sustained the extraordinary institution that extends along the Mall from the foot of this hill to the far corners of the earth, collecting and interpreting objects and specimens of science and culture to remind us and our heirs of the multiplicity of our origins, the roads we have travelled and the paths that might lie ahead. The Board of Regents today oversees an institution that, in fulfilling Mr. Smithson's ancient dream, employs some 6,000 people in occupational categories ranging from accountant to zoologist and utilizes funds from a variety of sources that total nearly half a billion dollars.

The Board also faces the challenges of managing that institution in an economy devoid of dynamism at a time when, more than ever, demographics and democracy demand even greater determination to share knowledge and ideas with diverse and dispersed audiences. In meeting those demands the Regents do not contemplate sponsorship of a flurry of expensive new programs. They have chosen, instead, a more deliberate course of strengthening core institutional activities by assuring that they are well-staffed and operating with essential support in appropriate facilities: the ordered base that sets one free.

To provide that assurance the Regents put in place more than 2 years ago a process for identifying needs, setting priorities, and allocating budgetary resources to address needs consistent with those priorities. The Institution's justification of its funding request to Congress is now accompanied by a thankfully readable planning document, "Choosing the Future" which outlines the thinking and the priorities that shaped the budget, and offers a planning horizon—well beyond the next Congress or the next election—to suggest needs and direction ahead. In these documents and in statements by the Regents, by the Institution's able Secretary, Bob Adams, and by his talented staff, it is unmistakably clear that those of us who have policy and management responsibilities for the Smithsonian place the highest priority on what we probably too elaborately call stewardship of the public trust. Put more simply, we mean to take care of and strengthen what we have.

Doing so will require the addition of staff, the purchase of computer equipment, the replacement of outmoded exhibits, the construction of advanced telescopes, and the renovation of the buildings in which these people and activities are housed. Doing so, too, will require the most careful deployment of the limited resources available to the Institution through the Federal budget and appropriations process, the allocation of its trust funds, and the generosity of those in the private sector who support Smithsonian activities.

This program of reinvestment in the infrastructure of the Institution, which is now in place, is the only prudent means for protecting its long-term viability and improving its ability to serve larger audiences. To implement the draconian cuts proposed by the committee will put that program on a much slower track and erode the Institution's basic capacity for public service.

At this point I do not seek to change the committee's allocations. However, in the conference on the differences between those of this and the other body I urge the distinguished chairman to protect the Institution from the application of the across-the-board reduction; provide funding for its water and sewer payment; and restore funding to permit the backlog of infrastructure requirements to be reduced.

HEALTHY START GRANTS

Mr. PRESSLER. Mr. President, I rise to congratulate the Aberdeen, SD, Indian Health Service [IHS] on being selected to receive a $1 million Healthy Start grant. It is unfortunate that infant mortality rates on Indian reservations are far above the national average. However, I am pleased that the Healthy Start Program will help them combat this problem.

This grant will assist 19 reservation communities in North and South Dakota, Iowa, and Nebraska. The current infant mortality rate for the reservation in the Bureau of Indian Affairs Aberdeen area is 20 per 1,000 births.

In 1990 the State of South Dakota had an infant mortality rate of 10.1 per thousand live births. The projected national average for 1991 is 9.1 per thousand live births. The infant mortality rate on the reservations far exceeds infant mortality rates in South Dakota and the United States. This is unacceptable.

I have had the privilege of working with the Aberdeen Area Indian Health Service in addressing this tragic problem. The IHS has plans to improve prenatal care. Better health care for both mothers and children will lead to a lower infant mortality rate.

I commend the tribal chairmen for their leadership in successfully seeking this grant, and the Healthy Start Program administrators for their wisdom in recognizing the special needs of our Indian population.

FISCAL YEAR 1992 INTERIOR APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1992 Interior appropriations bill, and to commend the distinguished Senate Appropriations chairman, Senator BYRD, for his efforts on this bill.

This legislation makes important investments in the preservation of our Nation's natural heritage, through its support of the National Park Service, the U.S. Fish and Wildlife Service, and the Forest Service. It also provides essential support for the National Foundation on the Arts and Humanities and the Smithsonian Institute, and contains money for health and education programs that are vital to Native Americans.

I would like to discuss a number of items involving historic preservation, parks, and open space in my State that are addressed in this bill.

NEW JERSEY URBAN HISTORY INITIATIVE

Mr. President, this legislation contains $12.6 million I requested for the New Jersey Urban History Initiative, a project that will serve to accentuate the rich history of New Jersey's cities.

From the Revolutionary War to the Industrial Revolution to modern times, New Jersey's cities have played a vital role in the growth of our Nation. Many New Jersey cities contain physical reminders of their rich history. These are sites of such national significance that they have been designated National Landmarks or have been placed on the National Register of Historic Places. Unfortunately, though, many of these significant structures have fallen into disrepair.

My New Jersey Urban History Initiative proposes to rehabilitate historic structures in four New Jersey cities: Paterson, Trenton, Perth Amboy and Newark. These renovations would be made under the Park Service's authority to rehabilitate and maintain nationally significant historic structures.

At my request, the committee has earmarked $4.2 million for the City of Paterson, NJ, my home town. Paterson holds a special place in history as one of the leading industrial cities of this Nation. The Great Falls in Paterson is the site of the first attempt in the U.S. to harness the entire power of a major river for industrial purposes.

The Great Falls National Historic District in Paterson contains some of the most important vestiges of our Nation's industrial heritage. Unfortunately, Paterson, which is about to celebrate its bicentennial, has had its share of bad fortune. The Historic District has been ravaged by fires.

The National Park Service, in its 1989 Report on Damaged and Threatened National Historic Landmarks, described the Great Falls Historic District as suffering "severe physical deterioration" and recommended that the structures be "stabilized, and when a compatible new use is found, rehabilitation should be undertaken."

The raceways, a system of canals which were used to channel water from the Great Falls to the nearby mills, is the unifying thread of the District. The raceways have fallen into severe disrepair and must be stabilized and refurbished.

The funding earmarked for Paterson would be used to repair the middle raceways, as well as to make historic streetscape improvements within the District. Funding would also be used for the Park Service to perform a comprehensive assessment of historic structures within the District and to devise an action plan to stabilize and reverse the decline of the area.

Trenton, the capital of New Jersey, is rich in revolutionary and post revolutionary history. The historic structures in Trenton would benefit enormously from the $1.892 million in Federal funding that the Committee included for Trenton as part of my Urban History Initiative.

For example, the 100-year-old Trenton Battle Monument, which memorializes General Washington's Christmastime victory against the Hessians, is in need of refurbishing. Funding also will be used for improving the Delaware and Raritan Canal in downtown Trenton. The Canal was one of the Nation's most important commercial transportation routes. During the 1860's and 1870's, it often exceeded the Erie Canal in total tonnage. In addition, the Old Barracks Museum, which is a National Landmark, is sorely in need of repairs.

The New Jersey Urban History Initiative includes $1.808 million for Perth Amboy, which was the capital of prerevolutionary East New Jersey. The Perth Amboy Train Station was built in 1928. Perth Amboy has always served as a transfer point between local and express trains. The Tottenville Ferry slip structure was built in 1904 and is the last vestige of a long history of Perth Amboy ferry service. Both of these failing historic structures would be revitalized as part of this project.

In addition, the funding for Perth Amboy will be used to conduct a survey of historic building located in the business district along Smith Street, which connects the historic ferry slip to the train station.

Finally, Newark is New Jersey's largest city and has played a prominent role in the State's development and in the Nation's history. Last year, at my request, Congress provided funds to help restore Newark Symphony Hall. This year, the city will use the $4.7 million, as part of my Urban History Initiative, to continue its improvements to the Lincoln Park Historic District which is home to Symphony Hall.

From the 1880's through the 1920's, Lincoln Park was known as Newark's silk stocking district where the elite who started Newark's largest businesses lived. The District still has one of the finest collections of urban townhouses from that era. Newark plans to use the Urban History Initiative funds, in part, to renovate historic homes in this District for use as exhibition space and a visitor's center for the New Jersey Historical Society.

With Federal help, we can restore some of these historic buildings and sites, we can renew these areas and recapture an important part of history. I am hopeful that revitalization initiated with these Federal funds will serve as a magnet to attract private investment in these downtown neighborhoods.

I am extremely grateful to the distinguished chairman for his assistance with this project, which is so important to me and the people of my State.

OUTER CONTINENTAL SHELF [OCS] OIL AND GAS MORATORIA

Mr. President, I'd also like to express my support for the bill's provision banning OCS leasing activities on lease sale 145, which stretches from Rhode Island to Northern Florida. The Senate bill retains the House Report moratoria language, and I am very pleased that the Committee chose to include my request for the moratoria in the Senate bill.

In 1988, then-candidate George Bush visited the New Jersey shore. He called the pollution of our coastal waters and beaches a national tragedy, and promised to protect the Nation's shores. Yet, in his June 1990 OCS moratoria decision, the President protected only a portion of the Nation's shores. Yet, in his June 1990 OCS moratoria decision, the President protected only a portion of the Nation's coastline. Although he recommended moratoria for most of the west coast, much of New England and certain areas off Western Florida, the President flatly ignored New Jersey and the other Mid and South Atlantic States. That decision effectively discriminates against the Mid and South Atlantic States by saying that other offshore areas are somehow more sensitive and more deserving of protection.

It took the National Academy of Sciences 3 years, and the President's OCS Task Force another year, just to conclude that the areas placed under moratoria needed further study. And the President's decision called for an additional 6–10 years of study to determine the environmental impacts on these States. How can the Administration already have all the answers for New Jersey and the other unprotected States? The answer is, it can't.

Obviously, the President does not believe that these States deserve protection. But the economies of these unprotected States rely heavily on their coastal resources. And spilled oil can have devastating effects on a State's commercial and recreational industries, not to mention the damage it can inflict on its marine and estuarine systems.

The waters off New Jersey are just as precious as those covered by the President's ban: our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Minerals Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the MMS is holding out vast acreage off the eastern seaboard for oil and gas leasing. It's now up to the Congress to remove the prejudice and instill some justice into the OCS planning and leasing processes.

In the wake of the gulf war, the Administration's National Energy Strategy has proposed increasing our domestic production to offset our dependence on foreign oil and OCS development would play an important role in the Administration's energy plan. Yet, even if we developed all the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. The Marine Management Service has estimated that there is less than a month's worth of oil in lease sale 145. These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

Increasing domestic oil production from our ocean waters is a short-term fix to our shortage of oil. The United States simply does not possess large enough reserves—on or offshore—to satisfy this Nation's insatiable appetite for oil. The United States has the highest per capita energy consumption rate in the world. If we truly want to wean ourselves from foreign oil dependence, the answer lies in reducing our use of oil, and increasing our use of alternative fuels and renewable energy—and not in increased domestic oil production from our ocean waters.

I commend the Appropriations Committee for its attention to this very important issue, and I urge my colleagues to support the moratoria in the Interior appropriations bill for Outer Continental Shelf lease sales.

LAND ACQUISITION FOR WILDLIFE REFUGES AND PARKS

Mr. President, this legislation also contains funding for refuge and park land acquisition that is of special significance to my State. New Jersey is the most densely populated and urbanized State in the Nation, but New Jersey also has some beautiful areas that are home to diverse plant and animal life. The fact that New Jersey is so urbanized, makes the preservation of our remaining undeveloped areas that much more important.

The New Jersey coast is an area that feels the pressure of development very acutely. I'm very pleased, therefore, that the legislation contains $5 million to continue acquisition of critical properties at the E.B. Forsythe National Wildlife Refuge.

The Forsythe Refuge includes critical wintering habitat for black ducks and Atlantic brant, as well as habitat for the peregrine falcon, blue heron, and the federally listed piping plover. The area also includes the Swan Point Relay, where clams are cleansed by the Reedy Creek's clean waters before being made available to the public, and the area is crucial to New Jersey's clamming industry.

Last year, I worked with the chairman to provide $3.25 million to enable the Fish and Wildlife Service to begin acquisition at Reedy Creek in the Forsythe Refuge. Recently, the Fish and Wildlife Service obtained title to two properties with money Congress appropriated last year. I'm very pleased that acquisition has begun, but more funding is needed to continue this important project.

This money will provide a shot in the arm for conservation efforts at Reedy Creek, Cedar Bonnet Island, and other critical properties, such as Chestnut Neck, at the Forsythe Refuge. The Fish and Wildlife Service is proceeding rapidly toward acquiring nearly all the land at Cedar Bonnet Island, and properties at Chestnut Neck have recently become available for aquisition and addition to the Forsythe Refuge.

I also want to thank the chairman for his help in having 4 million included in the Senate report for land acquisition within the Pinelands National Reserve.

Created by Congress in 1978, the Pinelands marked the first application of the National Reserve concept. The Pinelands Reserve is comprised of 1.1 million acres of land that spans seven counties, and is characterized by low, dense forests of pine and oak, cedar and hardwood swamps, bogs, marshes and pitch pine lowlands. The reserve contains 12,000 acres of pigmy forest which is made up of dwarf pine and oak smaller than 11 feet in height. Also, the reserve houses 850 species of plants and 350 species of animals including rare species such as the Pine Barrens Tree Frog.

Three major rivers run through the Reserve. Funding for land acquisition is authorized by Public Law 100–486 and will be matched by New Jersey State funds for a grand total of $8 million to preserve this unique area.

Last year, the Senate passed by legislation to establish in law the Wallkill National Wildlife Refuge, and later Congress appropriated funds to begin acquisition there. The bill before us contains $500,000 to continue land acquisition at the Wallkill Refuge. These actions will allow for the conservation of land in New Jersey that is of significant ecological value.

The Wallkill River and its adjacent lands comprise one of the last high-quality waterfowl concentration areas in northwestern New Jersey, and is home to a diversity of wildlife, including 16 State-listed endangered species.

Mr. President, I would also like to point out that, at my request, the bill contains almost $1.5 million for land acquisition and waste clean-up at the Great Swamp National Wildlife Refuge. This refuge, located 25 miles west of New York City, is under heavy development pressure. The acquisition of land provided for in the bill will prevent encroachment from residential development that is rapidly destroying valuable habitat, degrading water quality, and threatening the ecological integrity of the swamp.

The bill provides $3 million for land acquisition at the Cape May National Wildlife Refuge. This refuge is divided into two section, the Delaware Bay Division and the Cedar Swamp Division, and includes land considered among the Atlantic Flyway's most important staging and wintering areas during spring and fall migration. The refuge also contains habitats important for at least five plant species being considered for Federal threatened or endangered listing.

Overall, this legislation contains over $13 million for land acquisition in

New Jersey's refuges, and I'm extremely pleased that we are taking these important steps to protect and preserve these environmental treasures and open spaces for ourselves and for our children.

GATEWAY NATIONAL RECREATION AREA

Mr. President, I also want to point out that the bill contains over $2 million for Gateway National Recreation Area's Sandy Hook unit. Gateway quickly became one of the Nation's most popular national parks, and each year millions of people travel to New Jersey to take advantage of Sandy Hook's acres of barrier beaches, bays, lighthouse and historical forts.

With this money that I requested, the Park Service can now begin construction of much needed new restrooms, lifeguard facilities and concessions at Sandy Hook's Area G and the North Beach. Furthermore, a $400,000 addition to the unit's operating budget has been provided for improved maintenance of the beaches to keep them safe and clean for Sandy Hook's numerous visitors.

OHMSETT AND OILSPILL RESEARCH

I'm pleased, Mr. President, that the bill restores funding deleted by the House of Representatives for the Minerals Management Service's Oil Spill Response Program. The restored funding includes approximately $2.25 million for the Oil and Hazardous Materials Simulated Environmental Test Tank, or OHMSETT, facility in Leonardo, NJ. I had written to the distinguished chairman earlier in July requesting his help in restoring these funds, because there is an urgent need to find new and better ways to respond to oilspills.

OHMSETT is a unique installation for testing offshore oilspill response equipment and procedures. Although the OHMSETT facility was closed in 1988, MMS plans to reopen it later this year. MMS intends to use OHMSETT for a variety of purposes, including evaluation of innovative oilspill treatment and detection technologies.

The Department of Interior, the Coast Guard, and the Environmental Protection Agency have stated publicly that enhancing Federal research programs on spill response and prevention technology is essential. The oilspills in the Arthur Kill in New Jersey, and more recently, spills in the Persian Gulf resulting from Iraqi environmental terrorism, have highlighted the need to find more effective ways to respond to these environmental disasters.

The OHMSETT facility is a critical resource for spill research efforts, and I'm pleased that the committee has fully funded MMS Oil Spill Response Program.

ABANDONED MINES

Finally, Mr. President, Oxford Township and High Bridge Borough are two communities in my State that face a grave situation. Both of these New Jersey towns have abandoned mine shafts running underneath them. In both towns, many of these shafts have begun to collapse, or in some cases have already collapsed, causing damage to property and posing a potential safety hazard. Also, many residents have had difficulty in securing insurance since the incidents.

These towns need the financial and technical help of the Federal Government, and I thank the chairman and the committee for providing $75,000 for remediation efforts in Oxford Township and $75,000 for work in High Bridge.

Mr. President, I would again like to commend the distinguished chairman for his outstanding work on this bill and for his cooperation and attention to the needs of the State of New Jersey. I would also like to thank his most able chief clerk Charles Estes for his assistance and attention, and also Rusty Mathews and Sue Massica for their assistance.

I urge my colleagues to pass this bill.

CLARIFICATION OF NEA AMENDMENT (NO. 1174)

Mrs. KASSEBAUM. Mr. President, I would like to make a brief clarification of the amendment I offered earlier today. My amendment called for a 10-percent reduction in funding for the National Endowment for the Arts. It is my understanding that some Members received the erroneous information that this amendment also reduced funding for public broadcasting. This is not the case. Only funding for the National Endowment for the Arts would have been affected had my amendment been adopted.

EXPLANATION OF ABSENCE—VOTE NO. 196

• Mr. HATCH. Mr. President, I was necessarily in my home state of Utah with the President of the United States. Had I been able to be here for the vote, I would have voted "no" on the Kassebaum amendment.•

WEST DELTA AMENDMENT

Mr. NICKLES. I would like to clarify a matter regarding the amendment providing appropriations to compensate the State of Louisiana and its lessees for net drainage of oil and gas resources as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989. Am I correct in my understanding that this amendment is not intended to serve as the basis for requiring any additional payments by the Federal lessee on the West Delta Field as a result of past production from that field?

Mr. JOHNSTON. That is correct. The amendment is not intended to lead to any additional payments by the Federal lessee due to past production on that field.

Mr. NICKLES. On that basis, I have no objection to the amendment.

THE SANFORD SWAINE COUNTY AMENDMENT

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by my colleague from North Carolina, Senator SANFORD, for three reasons. First, it has been a long time since the citizens of Swaine County left their homes so that the Federal Government may construct a dam to generate electricity necessary for the furtherance of the war effort. At that time, the Federal Government, in conjunction with the Tennessee Valley Authority, promised to compensate the people of Swaine County with a paved road to replace North Carolina Highway 288 that was flooded as a result of their efforts. Mr. President, I believe the people of Swaine County deserve this and according to my colleague from North Carolina, Senator HELMS, that is what a majority of them want.

Second, I do not believe that it is appropriate for the U.S. Senate to pass legislation attached to appropriations bills. Senator SANFORD has introduced a bill, S. 1339, that is similar to this amendment. I would encourage him to pursue his bill, through the normal committee channels, and to not attempt to alter time-honored Senate process by forcing passage of this amendment.

Finally, Mr. President, in 1943 the Government promised to build a replacement road, and the citizens of Swaine County relocated themselves and their families under that assumption. For the Government to fulfill that agreement now would satisfy a contractual promise that we entered into almost 49 years ago. In this day, when faith in the Federal Government and Congress seems to be waning, I think that this is an excellent opportunity for us to show that we indeed are able to live up to our word.

Mr. President I know that in the past Senator HELMS has introduced legislation relating to this issue. I am hopeful that if this amendment does not pass that he, together with Senator SANFORD, and the Committee on Energy and Natural Resources will work together to see that this situation is resolved in a manner that is both environmentally sound and equitable to the citizens of Swaine County, NC.

MINNESOTA PROGRAMS

Mr. DURENBERGER. I rise to engage in a brief colloquy with my colleague, the ranking Republican member of the Subcommittee on Interior and Related Agencies, Senator NICKLES. First, however, I wish to thank Senator NICKLES for his help in providing critical funding for several natural resource and Indian programs in Minnesota in the fiscal year 1992 Department of Interior and Related Agencies appropriations bill. I share my constituents' gratitude in seeing that the committee has agreed to fund these important projects.

Specifically, I would like to clarify the subcommittee's position on three important projects which I have vigorously supported but which went unfunded in the subcommittee's bill, including continuation of land acquisition funding for the Chippewa National Forest, new funding for the Upper Mississippi River Environmental Education Center in Winona, MN, and funding for the Grand Portage Visitors Center in Grand Portage, MN.

I understand the severe budgetary constraints which the subcommittee was working under this year. I also recognize the prudence exercised in making the selections that the subcommittee did. However, I would like to address the aforementioned projects in turn.

First, with regard to the land acquisition program for the Chippewa National Forest. This program was funded in the House version of the bill at $1,000,000. Therefore, I seek the assistance of the Senator from Oklahoma on funding for this land acquisition project during conference.

Second, regarding the Upper Mississippi River Environmental Education Center. I wish to make note to the subcommittee of my interest in the project, as evidenced by my introduction of S. 1048, a bill that would authorize appropriations for this project. I hope to enact this legislation quickly, and would appreciate favorable consideration of this project at that time.

Finally, the Grand Portage Visitors Center in Minnesota has received planning money by the full committee in 1986 and 1990. This project is now ready for construction. I seek the Senator's assurance that this project went unfunded solely as a result of budgetary constraints and that the subcommittee will again seriously consider providing construction funding in fiscal year 1993.

Mr. NICKLES. I thank my colleague from Minnesota for his continued interest in these Interior appropriations bill programs and projects. I also appreciate his understanding of the severe funding limitations placed on the subcommittee this year. There were, indeed, many difficult choices among many deserving projects.

I note my colleague's concern about all these projects. First, if the House conferees insist on their level of funding for the Chippewa National Forest, I am willing to consider supporting their request. Second, I give my assurance that should the legislation authorizing construction moneys for the Upper Mississippi River Environmental Education Center pass, that the subcommittee will certainly consider this project during the next fiscal year. Finally, I note that the Grand Portage Visitors Center has received funding from the committee in previous years and I give my assurance to my friend from Minnesota that the subcommittee will again consider this project for fiscal year 1993 funding.

Mr. DURENBERGER. I thank my friend from Oklahoma for his cooperation and I appreciate his continued support for not just these but for all the projects and programs affecting my constituents in Minnesota.

MINNESOTA PROJECTS

Mr. WELLSTONE. Mr. President, I would like to engage the distinguished floor manager in a brief colloquy. First, I would like to thank the chairman for his help in providing critical funding for several natural resources and Indian programs and project in Minnesota in the fiscal year 1992 Interior Appropriations bill. I am grateful to see that the committee has agreed to fund these important projects.

I rise also to clarify the committee's position on three important projects which Senator DURENBERGER and I supported but which went unfunded in the committee bill, including continuation of the land acquisition program for the Chippewa National Forest, new funding for the Upper Mississippi River Environmental Education Center in Winona, MN, and funding for the Grand Portage Visitors Center.

Mr. President, I understand the severe constraints under which the committee was working this year, with a considerably smaller funding allocation than in the House bill. I would like to address each of these projects in turn.

On the land acquisition program for the Chippewa National Forest, which was funded in the House version of the bill at $1 million, I seek your assistance that the committee rejected funding this project not because it lacks merit, but solely for budgetary reasons. Further I seek your assurance that if the House conferees insist on funding for this land acquisition program, you would be willing to support a funding level of $1 million for this land acquisition program.

Regarding the Upper Mississippi Environmental Learning Center, I first seek a similar assurance that this point went unfunded by the committee not for lack of merit, but for budgetary reasons. Further, I hope the committee has noted our interest in the project, as evidenced by the introduction of S. 1048 to authorize appropriations for this project, which I hope will be enacted as quickly as possible. I would appreciate favorable consideration of this policy by the committee once this authorizing legislation is enacted into law.

Finally, the Grand Portage Visitors Center in Minnesota, for which planning money has been provided by the committee in 1986 and in 1990, is ready for construction. I seek your assistance that this project went unfunded not for lack of merit, but for lack of funds, and that the committee will again consider seriously providing construction funding next year.

Mr. BYRD. I thank my colleague from Minnesota, Senator WELLSTONE, for his continued support for programs and projects of interest to the people of Minnesota. First, let me say I appreciate his acknowledgment of the severe funding constraints under which the committee was working this year. There were, indeed, many hard choices among deserving projects which confronted the committee this year. Second, let me assure him that none of the projects mentioned were rejected as lacking in merit.

I note the Senator's concern about funding for the Chippewa National Forest contained in the House Interior Appropriations bill for fiscal year 1992. If the House conferees on the bill insist on the House-passed funding level, I would, within our funding constraints, give every possible consideration to this project.

Regarding the Upper Mississippi Environmental Learning Center, I appreciate the Senator's continued support for this project, and I offer my assurance that the committee will consider funding for that project once it is authorized.

Finally, let me say regarding the Grand Portage Visitors Center that the committee has provided funds for this project in past years, and hopes to build the visitors center when funds become available. During the next funding cycle, I will give this project every consideration.

Mr. WELLSTONE. I thank the chairman. I am grateful for his assurance, and appreciate his continued support.

STRATEGIC PETROLEUM RESERVE

Mr. COCHRAN. Mr. President, the Department of Energy is currently preparing an implementation plan for expanding the strategic petroleum reserve [SPR] to one billion barrels. In this process, DOE is evaluating various sites to determine the most appropriate location for this additional storage capacity.

In March of this year, DOE submitted to the Congress a report on their progress in this process. This report included the factors they considered, including geographic location, certain cost estimates, environmental concerns, and other feasibility assessments.

One area that did not seem to be addressed is the strategic importance of the SPR. As the name implies, the strategic petroleum reserve involves national security concerns, and I believe these should be considered when evaluating new sites for SPR storage.

Mr. President, I believe the Department of Energy should supply Congress with the strategic criteria used in this initial stage of the site selection process, and I would ask the distinguished managers of the bill if they would assist me in requesting such a report from the Department.

Mr. BYRD. Mr. President, I agree with the Senator that the potential cost and the strategic importance of the strategic petroleum reserve demand that every significant criterion be evaluated. The Congress must have all the pertinent information necessary to determine the future course of action with regard to SPR.

I thank the Senator for bringing this to the attention of the Senate, and I join him in requesting such a report from the Department of Energy.

Mr. NICKLES. Mr. President, I join the Senator from Mississippi and the distinguished chairman of the subcommittee in requesting this study from DOE. Because they have completed this first phase of site consideration, I would expect they would be able to complete this report within 30 days, and I would ask the Department to complete this study in that timeframe.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia and the distinguished Senator from Oklahoma for their help in this effort.

OIL AND GAS RESERVES R&D

Mr. GRAMM. Mr. President, to promote applied research and development in the recovery of oil and gas reserves, the Interior appropriations bill passed by the House of Representatives included report language that directed the Department of Energy to develop long-range priorities and a plan to promote this vital research.

Unfortunately, the Senate Appropriations Committee did not feel that adequate resources existed for this applied research and development. Given the severe budget constraints, I understand the difficult choices the chairman and ranking member face.

It is, however, my hope that during the conference committee with the House on the Interior appropriations bill, the Senate conferees will accept the House report language on the matter of applied research and development on oil and gas recovery. America has huge reserves of oil and gas that have not been tapped because recovery is prohibitively expensive. But with a greater commitment to research and development for recovery of these reserves, we can help America expand domestic energy production.

Mr. BYRD. This will be an issue in conference with the House. Given our severe constraints, I will do my best to accommodate the Senator's request but I can make no promises.

Mr. GRAMM. I thank the chairman for his time and efforts.

RURAL ABANDONED MINES PROGRAM IN KANSAS

Mr. DOLE. Mr. President, a group of my constituents in Cherokee County, KS recently brought to my attention the serious problem of unreclaimed mine land in southeast Kansas. Although Kansas has been in line for funding from the Rural Abandoned Mine Program [RAMP] since the seventies, very little work has been done. In fact, over the last 7 years, only 40,000 dollars worth of technical and financial assistance has been provided by the ramp program for Kansas. At the same time, States, such as Ohio and Pennsylvania, have received hundreds of thousand of dollars worth of assistance each year.

Kansas may not have had as much mining activities as other States, but its problems, in many instances, are just as serious. In one particular case, a children's church camp in Cherokee County is surrounded on three sides by dangerous mine quarries. The most serious concern is that a young camper might drown, and in fact, there have been several near-misses. It seems to me that under any ranking system, these dangerous conditions would make this project one of the soil conservation service's highest priorities.

This Senator strongly urges the soil conservation service to commit more funds to the cleanup of rural abandoned mines in Kansas in fiscal year 1992. It is my understanding that the soil conservation service was committed to initiating a $750,000 RAMP program in Kansas if the overall funding level for the program was raised to $15 million. Due to severe budget constraints, the interior subcommittee was not able to provide this level of funding. However, the interior subcommittee set aside $12 million for the RAMP program—significantly more than the budget estimate. Therefore, it would seem reasonable that at this level of funding, the soil conservation service would provide a proportional amount of at least $600,000 to initiate the RAMP program in Kansas. In my opinion, it would be indefensible for the soil conservation service to refuse to provide this modest level of funding for Kansas given the interior subcommittee's generous appropriation.

Mr. BYRD. I thank the distinguished Republican leader for bringing this matter to my attention. The committee has added $9 million above the budget estimate for the RAMP program in order to continue RAMP funding at current levels. Despite repeated attempts by the administration to eliminate the RAMP program, the committee plans to continue its support of this program.

I join with my colleague in urging the soil conservation service to do whatever it can to commit more funds to high priority rural abandoned mine sites in Kansas during fiscal year 1992. These life-threatening situations must be address without further delay.

TOHONO O'ODHAM WATER RESOURCES STUDY

Mr. DECONCINI. Mr. President, I would like to ask the chairman of the committee a question regarding funding of a water resource study for the Tohono O'Odham Nation in Arizona. Section 303(b) of the Southern Arizona Water Rights Settlement Act of 1982 requires the Secretary of the Interior, at the request of the tribe, to conduct a water resources study for the nation's reservation.

The study has begun, but the tribe has identified a need for $7,652,335 over the next 5 fiscal years to complete the study. They made a request of our committee of $1,642,349 as the first installment for fiscal year 1992, but the committee did not specifically address this need because of its decision to establish an essential services line item to address tribally determined priorities.

In line with this philosophy, the committee increased funding for the water resources activity by $3,000,000 and the tribe/agency funding for natural resource development by $2,595,000, to restore the fiscal year 1991 level.

Mr. President, in settling the water claims of the Tohono O'Odham Nation, we made a commitment to complete this water study, but it is in danger of being terminated at the end of fiscal year 1991.

Would the chairman agree that the Tohono O'Odham Nation's funding need for the water resources study should be met by BIA for fiscal year 1992 out of these available funds?

Mr. BYRD. Mr. President, I commend Senator DECONCINI for his continuing interest in the welfare of Indian tribes in his State. As he knows, because of the budget limitation and the committee's approach to funding for tribal priorities, the bill does not specifically address the water study funding needs of the Tohono O'Odham Nation. However, as he suggests, it would clearly be within the authority of the BIA to make funds available for the continuation of this effort. In reaching its decisions on funding allocations, the BIA should keep in mind the Federal Government's statutory commitment to complete this study.

Mr. DECONCINI. Mr. President, I thank the chairman of the committee for his assistance and assure him that I will be pursuing this effort with the BIA after enactment of the fiscal year 1992 Interior Appropriations Act.

BUREAU OF INDIAN AFFAIRS SCHOOL TRANSPORTATION

Mr. DECONCINI. Mr. President, I would like to ask the distinguished chairman if he would allow me to address an issue which concerns me.

Mr. BYRD. I will gladly yield to the Senator from Arizona.

Mr. DECONCINI. Mr. President, first I want to thank the distinguished chairman for his most generous help with all the items in the bill which benefit Arizona. He and his staff do an excellent job on behalf of this Senator and I greatly appreciate the fine work of the subcommittee.

Mr. President, the issue I need to address now is one which has been discussed by staff. Schools funded by the Bureau of Indian Affairs lease buses from the General Services Administration. The lease and fuel costs are set by GSA. Last year GSA announced higher lease and fuel cost reimbursement rates for all Federal vehicles including school buses. The Department of Interior's fiscal year 1991 budget for BIA school transportation did not reflect the higher lease and fuel costs. The schools were facing 60- to 110-percent increases without the additional funds.

We enacted a 1-year moratorium on the new rates for the BIA schools in the fiscal year 1991 Treasury-Postal Services appropriations bill to protect the schools. The moratorium was negotiated with GSA on the assurance that the BIA's fiscal year 1992 budget would include funding for the higher school transportation costs. The 1-year limit was critical because GSA loses money on the school bus leases and the new rates do not fully cover GSA's costs. The moratorium was a short-term solution. We fully expected the fiscal year 1992 funding to address the problem.

Mr. President, I regret to say this did not happen. When the BIA school operation budget needs were funded the forward funding arrangement last year, the budget request did not reflect the higher lease rates. So, when the current moratorium expires on September 30, 1991, the schools will have to absorb the increased school transportation costs for the remaining 9 months of the 1991–92 school year without additional funds. Staff made every effort to get a budget estimate of the anticipated funding shortfall prior to subcommittee and full committee action on the bill before us. The response from the agency came too late.

I know that the subcommittee was willing to address the funding shortfall had the specifics of the additional need been provided earlier. That not having occurred, the pending bill does not provide the additional funds which the schools will need to meet their higher student transportation costs in the coming year. But I would like to ask the chairman if he would agree to consider this matter when other funding opportunities present themselves in the new fiscal year. For example, would the chairman agree that this is an item worthy of consideration should a supplemental appropriations bill become necessary in fiscal year 1992?

Mr. BYRD. I appreciate the concern of the Senator from Arizona. Any committee consideration of additional needs will depend on getting reliable cost estimates from the agency on a timely basis. The committee needs to have adequate time to evaluate the need and determine the most appropriate way to address the problem. The subcommittee would expect the BIA to provide an estimate of the school transportation funding shortfall during October 1, 1991 through June 30, 1992. As the Senator knows, the budget agreement from fall limits the domestic discretionary funds for each fiscal year. Any consideration for additional funding must be addressed in this context, and likely would need to be offset from other sources.

Mr. DECONCINI. I thank the chairman.

NEZ PERCE LIMESTONE QUARRY

Mr. CRAIG. Mr. President, I am concerned that funding has not been provided to address the reclamation needs at the limestone quarry operated by the Nez Perce Tribe in Idaho. I have talked to the Nez Perce Tribe and understand that the tribe has attempted to operate this quarry as an economic venture. They have experienced initial success. However, the Federal Government leased this mine to independent operators from 1935 until 1980. These independent lessees mined the quarry in a manner not conducive to future viability of the deposit, resulting in improper benching on the face of the quarry, and a collection of large boulders and other materials which inhibit the mining area. The safety of the mine and its potential as an economic resource have been jeopardized. In addition to the safety concerns, there are environmental considerations that must be addressed. The quarry wash plant and settling ponds have been located too near the adjacent Mission Creek, which feeds into the Clearwater River. Technical assistance is needed to address the effects of the limestone quarry on the cementing of the stream bed and its impacts on stream elements and aquatic life. Mr. President, I wish to seek technical advice available through the Bureau of Mines and assistance from the Bureau of Indian Affairs to work with the Nez Perce Tribe to rehabilitate this limestone quarry.

Mr. BYRD. I thank my colleague from the State of Idaho. It is my understanding that the Bureau of Mines and the Bureau of Indian Affairs have initiated an effort with the tribe to examine the rehabilitation needs at this particular site. This bill provides funding to both the Bureau of Mines and the Bureau of Indian Affairs in areas which could be helpful to the Nez Perce limestone quarry operation. The Bureau of Mines should provide technical advice, and the Bureau of Indian Affairs should continue working with the Nez Perce Tribe on the need for reclamation and to provide technical advice on this resource. I thank the Senator from Idaho for bringing this to my attention.

E.B. FORSYTHE NATIONAL WILDLIFE REFUGE

Mr. LAUTENBERG. Mr. President, I rise to thank the committee and its distinguished chairman, Senator BYRD, for including, at my request, funding in the fiscal year 1992 Interior appropriations bill for land acquisition in the E.B. Forsythe National Wildlife Refuge in New Jersey.

New Jersey is the most densely populated and urbanized State in the Nation and the New Jersey coast is an area that feels the pressure of development very acutely. Last year, I worked with the chairman to provide $3.25 million to enable the Fish and Wildlife Service to begin acquisition at Reedy Creek, a critical property in the Forsythe refuge. I'm very pleased that this year's bill provides $5 million to continue acquisition of critical properties at the Forsythe refuge.

In addition to Reedy Creek, there are important properties at Cedar Bonnet Island and Chestnut Neck that have recently become available for acquisition and addition to the Forsythe refuge. It would be my desire that the $5 million provided by the committee be available for acquisition at Reedy Creek, Cedar Bonnet Island and other critical properties such as Chestnut Neck. Would that be the committee's intent as well?

Mr. BYRD. The Senator from New Jersey has been a champion of land acquisition for refuges in his State, especially the Forsythe refuge. At his request, the committee has provided $5 million for acquisition at the Forsythe refuge. It has noted Reedy Creek in the report. However, that should not preclude acquisition of these other properties. It would be my intent that the funds for the E.B. Forsythe National Wildlife Refuge provided by the committee would be available for acquisition of land in the Reedy Creek unit, Cedar Bonnet Island and other critical properties.

Mr. LAUTENBERG. I thank the chairman for his clarification and for his support of acquisition of lands to expand the Forsythe refuge which is of particular concern to me and the people of New Jersey.

NIOBRARA SCENIC RIVER

Mr. EXON. On May 24 the President signed legislation adding certain segments of the Niobrara and Missouri Rivers in Nebraska and South Dakota to the National Wild and Scenic Rivers System. Because these are new additions they could not be anticipated in the National Park Service's 1992 budget. The Park Service has indicated that up to $400,000 may be needed in the coming fiscal year to move forward with implementing these designations. I would like to inquire of the chairman of the Interior Appropriations Subcommittee if he has any objections to the Park Service using a portion of the funds appropriated under this legislation for that purpose.

Mr. BYRD. I appreciate the concern raised by the Senator from Nebraska and have no objection to the Park Service using up to $400,000 of the appropriations in this bill for that purpose. I would expect the Park Service to proceed expeditiously pending their proper notification, in advance, of the Appropriations Committee.

Mr. EXON. I thank the chairman. This designation is important to me and I very much appreciate his consideration.

HYDROGEN FUEL CELL STUDY

Mr. BENTSEN. Mr. President, I would like to take this opportunity to engage in a colloquy with my distinguished colleague and chairman of the Committee on Appropriations regarding a feasibility study relating to the use of hydrogen fuel cells.

Fuel cell technology has been selected as one of the top 10 critical technologies for national need by the President.

This technology will have a great impact in the future on our Nation's transportation sector by enabling us to live in a cleaner environment through the use of hydrogen fuel cells. This technology will provide the country with a competitive edge in the development of critical technologies.

Therefore, I would request that the Department of Energy conduct a feasibility study using hydrogen as a direct fuel in the development of fuel cell technology for transportation applications. Such a feasibility study would be conducted with existing funds and reported back to the committee by February 1, 1992.

Mr. BYRD. I support this request and would urge the department to move swiftly on this study.

Mr. BENTSEN. I thank the distinguished chairman for his confirmation and support for this study that will offer further insight into the use of this technology.

FISH AND WILDLIFE ECOLOGICAL SERVICE FIELD OFFICE IN AUSTIN, TX

Mr. BENTSEN. Mr. President, I would like to take this opportunity to engage the distinguished chairman of the Committee on Appropriations in a colloquy regarding the language in the committee's report relating to a new Fish and Wildlife Service Ecological Services field office for Austin, TX.

As the committee is aware, central Texas has had two birds, two fish, two salamanders, a plant and several cave dwelling invertebrates placed on the endangered species list. Any endangered species listing creates a great deal of uncertainty for State, county, city, and local governments, as well as individual landowners in a region and central Texas is no exception. To help deal with inquiries from these agencies and individuals and to work with the communities in planning for the protection of endangered species, the U.S. Fish and Wildlife Service has opened an Ecological Service field office in Austin, TX. The Fish and Wildlife Service has already spent $380,000 on the office and needs to spend an additional $500,000 in fiscal year 1992 to get the office fully staffed and functioning properly.

The committee has included report language that the Service may establish an office in Austin, TX within the available funding if that would provide efficient consultation services to that region.

I am pleased that the committee is supportive of efforts to establish an office in Austin, TX but want to clarify the committee language. The report language of the committee is intended to direct the Service to allocate $500,000 of the funding increase, if the operation of this office is cost effective. Is that correct?

Mr. BYRD. I am in complete agreement with the Senator from Texas.

Mr. BENTSEN. I thank the distinguished chairman for his confirmation and support of this office in Austin, TX.

A STUDY OF THE HISTORIC LODGE AT LAKE MATTAMUSKEET

Mr. SANFORD. Mr. President, I would like to engage Senator BYRD in a colloquy regarding a study of the historic lodge at Lake Mattamuskeet in Hyde County, NC.

Mr. BYRD. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. The Lake Mattamuskeet National Wildlife Refuge in eastern North Carolina is one of this Nation's richest areas for bird watching and waterfowling. It is an area full of bird life, especially during the spring and fall migrations.

The historic lodge at Lake Mattamuskeet, which is on the National Register of Historic Places, could possibly serve as offices for the Fish and Wildlife Service personnel and as a satellite facility for East Carolina University [ECU]. By studying the structural integrity of the lodge, we can determine the economic feasibility of converting this lodge to accommodate office space for both the Fish and Wildlife Service and ECU. If this joint venture between the Service and the university succeeds, we can avoid spending as much as $2 million on new facilities for the Fish and Wildlife Service.

The House has included language calling for the Fish and Wildlife Service to study, within available funds, the structural integrity of the Mattamuskeet Lodge to determine its feasibility as offices for the Service and the university. It is my hope that the Senate conferees will support this House language.

Mr. BYRD. I thank Senator SANFORD for taking the time to speak on the importance of this study. I will certainly give this matter my careful attention during conference committee negotiations on this bill.

Mr. SANFORD. I thank the Senator from West Virginia for his time and consideration of this matter.

THE BADIN LAKE CONSTRUCTION PROJECT IN UWHARRIE NATIONAL FOREST AND FOR LAND ACQUISITION FOR ROANOKE RIVER NATIONAL WILDLIFE REFUGE

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of the bill, Senator BYRD, in a colloquy on several appropriations matters affecting North Carolina.

Mr. BYRD. I would be happy to discuss these matters with the Senator from North Carolina.

Mr. SANFORD. The first matter I wish to discuss with the Senator from West Virginia is funding for the Badin Lake construction project in Uwharrie National Forest.

Due to its proximity to population centers, the Uwharrie National Forest promises to see a significant increasing number of visitors in the near future. The forest is within a 2-hour drive of two-thirds of the State's population and is visited by over 200,000 people each year. The area receives extensive and varied recreational uses such as hiking, fishing, and wild and endangered species observation.

Funding for the Badin Lake project will provide approximately half of the money needed to construct needed camping and picnic facilities, boat ramps, a swimming beach, and bicycle and off-road vehicle trails. Funding will also provide money to reconstruct and pave the entrance road into the area.

In last year's appropriations bill, $750,000 was provided for Uwharrie National Forest land acquisition and $750,000 was provided for recreational development and enhancement. We must work to continue the effort to consolidate and improve and complete facilities at Uwharrie National Forest.

The House Appropriations Committee has allocated $1,833,000 for construction for the Badin Lake project and $300,000 for an entrance road for Badin Lake. I am hopeful that the Senate conferees will support the House levels of funding on this matter.

Mr. BYRD. I certainly understand the concerns of the Senator from North Carolina and will give careful consideration of this construction proposal during conference committee negotiations on this bill.

Mr. SANFORD. I thank the Senator from West Virginia for his attention to this important matter, and I would like to discuss one more item of great importance to North Carolina, land acquisition for the Roanoke River National Wildlife Refuge.

The U.S. Fish and Wildlife Service, in cooperation with the North Carolina Wildlife Resources Commission, the Halifax and Bertie County Commissions, the North Carolina Wildlife Federation, and the North Carolina Nature Conservancy worked actively for 18 months to establish this refuge on the Roanoke River.

A landmark joint venture agreement, endorsed by Governor Martin, evolved from this process where three conservation partners, the U.S. Fish and Wildlife Service, the North Carolina Wildlife Resources Commission, and the Nature Conservancy, own and manage this extensive bottomland and riverine system. Through this joint venture, a memorandum of agreement was signed in which the Fish and Wildlife Service and the North Carolina Wildlife Resources Commission pursue joint management objectives under the regulations of both public agencies.

Since the mid-1980's, the State of North Carolina has protected more than 14,000 acres within the Roanoke River Basin totaling an expenditure of over $5 million. The Fish and Wildlife Service now has the opportunity to purchase over 7,000 acres to be added to the Roanoke River National Wildlife Refuge.

The Roanoke River National Wildlife Refuge is the least disturbed bottomland hardwood system in the mid-Atlantic region. It is one of the very few functioning bottomland hardwood ecosystems on the east coast. The refuge serves as a wintering area for numerous species of waterfowl such as the black duck and a breeding area for at least 35 species of neotropical birds, including the Mississippi kite and cerulean warbler.

The Roanoke River is the major headwaters for the Albemarle-Pamlico Estuary, 1 of 17 estuaries designated "nationally significant" under the Clean Water Act amendments of 1979. Again, a public-private partnership between the Fish and Wildlife Service, the State of North Carolina, and citizens' and nonprofit groups has been very effective in advancing this conservation agenda.

An appropriation for land acquisition for the Roanoke River will allow the Fish and Wildlife Service, the North Carolina Wildlife Resources Commission, and the Nature Conservancy to take a major step in protecting this vast unfragmented floodplain and a much larger ecosystem.

I am hopeful that the Senate conferees on the Interior appropriations bill will support the House figure of $1.5 million from the Land and Water Conservation Fund for land acquisition for the Roanoke River National Wildlife Refuge.

Mr. BYRD. I thank the Senator from North Carolina for his remarks and assure him that his requests on these important matters will receive careful attention by the conferees.

Mr. SANFORD. I thank the distinguished Senator from West Virginia for his time and for his attention to these matters.

CHATTOOGA WILD AND SCENIC RIVER

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of the bill, Senator BYRD, in a discussion about the Chattooga Wild and Scenic River which is located in North Carolina and Georgia.

Mr. BYRD. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. The Chattooga River is an extremely beautiful and environmentally sensitive area of the western North Carolina mountains, harboring several endangered species. The Chattooga River is managed as a scenic river for the entire section that is located in North Carolina. Although most of the land within the Chattooga Wild and Scenic River boundary is National Forest System land, most of the acreage in the Upper Chattooga River Watershed is privately owned.

The lands in this area are under intense development pressure due to their location in the Golden Crescent, a major resort and growth market that is marked with escalating land values. To protect the property from inevitable second-home development the National Forest Service in North Carolina would like to acquire several key tracts of the property. The acquisition of these areas will not only protect the headwaters of the Chattooga River, but also preserve the region's exceptional scenic beauty and recreational opportunities.

I note in your committee report that accompanies the Interior appropriations bill that you have provided $3 million in Forest Service land acquisition funds for the Chattooga Wild and Scenic River. It is my understanding that this funding was intended for both North Carolina and Georgia. Is this correct?

Mr. BYRD. That is, indeed, correct. The $3 million that is provided in the bill for the Chattooga River is for North Carolina and Georgia. I thank my colleague from North Carolina for allowing me to clarify this matter.

Mr. SANFORD. I thank the Senator from West Virginia for his attention.

LAKE CHAMPLAIN APPROPRIATIONS

Mr. LEAHY. Mr. President, I would like to ask the distinguished chairman, Senator BYRD, and ranking member, Senator NICKLES, if they would agree to reallocate the $500,000 dedicated to the Lake Champlain Special Designation Act in the Fish and Wildlife Service's ecological services account to the Service's fisheries, fish and wildlife management account. This reallocation will have no impact on budget authority or outlays.

I greatly appreciate the chairman and ranking member's dedication to Lake Champlain. With your leadership, the Fish and Wildlife Service will begin working with the Environmental Protection Agency and Department of Agriculture to build a 5-year pollution prevention program for the lake. The Service will also start pollution prevention management activities.

Unfortunately, the Service's ecological service division is not responsible for the duties for which the funds are intended. More specifically, the Lake Champlain Special Designation Act directs the Fish and Wildlife Service to: First, improve the health of fisheries resouces; second, control aquatic nuisances; third, conduct investigations about fisheries resources; and fourth, conduct and periodically update a survey of the fishery resources.

Clearly, effective implementation of the act requires the Fish and Wildlife management division to administer the funds.

I ask the chairman, Mr. BYRD and Senator NICKLES, if I can have their assurances that we can move the $500,000 dedicated to the Fish and Wildlife Service's Lake Champlain activities to the Service's Resource Management, Fisheries, Fish and Wildlife management account?

Mr. BYRD. I thank Senator LEAHY for clarifying the intent of the Lake Champlain Special Designation Act. I will assist him in working with our House colleagues to reallocate Lake Champlain funding to the Fish and Wildlife management account in conference.

Mr. NICKLES. I concur with Chairman BYRD.

ATLANTA PORT OF ENTRY

Mr. FOWLER. Mr. President, I would like to engage the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy concerning Atlanta, GA's request to be designated as a U.S. Fish and Wildlife Service port of entry.

The city of Atlanta is fortunate to have experienced significant economic growth over recent decades and is now developing a strong competitive position in the international marketplace. Unfortunately, as the chairman and I have discussed, this progress is being hindered by inadequate Fish and Wildlife inspection capability. An estimated $50 million is lost to Georgia's economy each year because we lack port of entry status. This designation is critical to the future economic development of Georgia and the entire Southeast region.

In 1985, the Fish and Wildlife Service acknowledged Atlanta's increasing volume of wildlife imports and exports and established a wildlife inspector position to inspect these shipments. Since that time, Atlanta has experienced explosive growth in international trade. Hartsfield International Airport now logs over 12,000 international flights each year, serving 26 foreign destinations. Atlanta is the Nation's only inland seaport, with 25,000 ocean containers arriving annually by rail on Atlanta ocean bills of lading.

Because Atlanta is not now an official port of entry, any shipment to be inspected by the one wildlife inspector must be accompanied by a special permit, which is given only in limited circumstances. Without the permit, shippers must forgo the excellent cargo facilities at Hartsfield Airport and ship through Miami or New York, the only two designated ports on the east coast at this time. Even with these complications, Fish and Wildlife inspections in Atlanta increased from 577 in 1985 to

975 at the port of entry at New Orleans. As Atlanta prepares to host the 1996 Summer Olympics, we can only expect even greater demands to be placed on our inspection capability.

In the committee-reported Interior appropriations bill for fiscal year 1992, I am aware that the committee has allocated funds so that a port of entry can be established at Baltimore, MD. I know that the chairman has worked for some time to secure this designation, which promises, important benefits for the Middle Atlantic region. While I had hoped that such a provision could be made for Atlanta as well, I appreciate the limitations on the subcommittee's resources for fiscal year 1992 and understand the concern that the Service complete its work in establishing the Baltimore port of entry before moving on to other cities.

I would like to ask for the chairman's support for future consideration of Atlanta's request for port of entry status. I hope that at the appropriate time Atlanta's pressing need for improved inspection capability will be made a priority for attention by the subcommittee and the Fish and Wildlife Service.

Mr. BYRD. I appreciate the Senator from Georgia bringing this request to our attention. I am aware of the significant economic costs which Atlanta and the Southeast as a whole now bear due to lack of port-of-entry designation. I will assure the Senator that Atlanta's request will be given every possible consideration by the subcommittee. I will also expect the Fish and Wildlife Service to study Atlanta's inspection needs as the first step to establishing a port of entry and to report back to the subcommittee by March 31, 1992.

Mr. FOWLER. I thank the chairman for his consideration and look forward to working with him on this important project.

FOOTHILLS PARKWAY

Mr. SASSER. Mr. President, the committee report accompanying H.R. 2686 contains a line item appropriation in the National Park Service construction account for the Foothills Parkway in Tennessee. The appropriation is broken down into two categories: $600,000 for planning and $2,400,000 for construction. Would the Senator from West Virginia agree that the money is intended to continue resurfacing work that is being done on the parkway, and therefore no planning funds are necessary? Would the distinguished chairman also agree that all of the $3 million provided should be included in the construction category?

Mr. BYRD. Mr. President, the distinguished Senator from Tennessee is correct. I agree that no planning funds are necessary to continue this vital resurfacing project and that all of the $3 million should be in the construction category of the National Park Service construction account.

Mr. NICKLES. Mr. President, I understand the concern of the Senator from Tennessee about the proper allocation of the appropriation for the Foothills Parkway. I concur with the Senator from West Virginia that all of the funds provided should go for construction.

ALICE FERGUSON FOUNDATION

Ms. MIKULSKI. Would the distinguished Chairman yield for the purpose of a question?

Mr. BYRD. I would be happy to yield.

Ms. MIKULSKI. It was my understanding that in the Appropriations Committee's markup of the Interior bill now on the floor, an amendment was offered on behalf of myself and Senator SARBANES which added $65,000 to the annual grant provided by the National Park Service to the Alice Ferguson Foundation in Accokeek, MD.

The Alice Ferguson Foundation operates the Hard Bargain Farm Environmental Center, located in Piscataway Park. The farm provides environmental education for schoolchildren from throughout the Washington, DC, metropolitan area.

Was this amendment adopted and is this increased grant reflected in this bill?

Mr. BYRD. The distinguished Senator from Maryland is correct. During the markup of the Interior Appropriations bill, the Appropriations Committee adopted an amendment which I offered on her behalf and on behalf of Senator SARBANES. This amendment added $65,000 to the approximately $35,000 annual grant now provided by the Park Service to the Alice Ferguson Foundation.

Therefore, the $89,958,000 included in the bill for National Park Service management of park areas includes the committee's recommendation that $100,000 be provided to the Alice Ferguson Foundation in Accokeek, MD.

Ms. MIKULSKI. I thank the distinguished Chairman.

Mr. SARBANES. I join my colleague, Senator MIKULSKI, in supporting this increased appropriation for the Alice Ferguson Foundation. These increased funds will allow the foundation to continue its excellent work in introducing schoolchildren—many who have never lived outside an urban environment—to life on a farm, and to important environmental issues. I thank Chairman BYRD for accepting the Mikulski-Sarbanes amendment in committee, and for his clarification today.

CAPE COD NATIONAL SEASHORE

Mr. KENNEDY. Mr. President, I would like to engage the chairman in a brief colloquy to clarify the intent of a provision in the Interior appropriations bill.

First, let me thank the chairman for his inclusion of funds to address long-deferred maintenance and staffing needs at the Cape Cod National Seashore, to ensure that the Seashore remains one of the Nation's crown jewels.

I am also deeply appreciative of his assistance including $100,000 for the Federal share of planning and construction costs relating to a new solid waste transfer station that will be jointly used by the town of Provincetown and the National Park Service. It is this provision that I would like to discuss with the distinguished chairman.

Through the years, visitors to the Cape Code National Seashore have been responsible for a substantial part of the solid waste that has been deposited in the landfill used by Provincetown. The landfill must now be closed, and the National Park Service and town officials have been discussing a plan to construct a transfer station on town-owned land outside the seashore boundaries, to handle future solid waste from the town and visitors to the seashore. The parties have made a commitment to pursue a cooperative approach in resolving these needs. They are currently negotiating a long-term agreement for shared use of the facility. The appropriation of $100,000 represents a 10 percent Federal contribution to the cost of planning and constructing this transfer station, reflecting the Park Service-generated proportion of the annual amount of solid waste expected to be processed through this new facility, and these funds will remain available until expended.

Mr. KERRY. Mr. President, I join my colleague from Massachusetts in his understanding of the purpose of this provision, and I'm very hopeful that a satisfactory long-term arrangement can be worked out.

Mr. BYRD. I concur in that assessment of the terms by which this funding is provided. It does seem important to clarify that the Park Service should have long-term access to this facility. It is also my understanding that this $100,000 will remain available until expended.

Mr. KENNEDY. I thank the chairman for his remarks and for his support, and commend him for his leadership in preserving the Cape Cod National Seashore as a unique national treasure.

Mr. KERRY. I also thank the chairman for this assistance in this matter of great importance to the people of Provincetown, to visitors from across this country, and to the beautiful environment of the seashore.

QUINEBAUG-SHETUCKET RIVER REGION

Mr. DODD. Mr. President, I wonder if I might engage the distinguished President pro tempore in a colloquy regarding the ongoing study by the National Park Service of the Quinebaug-Shetucket River region in Connecticut.

Mr. BYRD. I would be happy to discuss the matter my friend from Connecticut raises.

Mr. DODD. I thank the distinguished chairman. The purpose of this study is to identify ways of protecting and interpreting the Quinebaug-Shetucket region and of better harnessing the recreational potential of these two rivers. I would also note that local support for the study has been tremendous. A volunteer advisory group continues to work closely with both the Park Service and the Council of Governments in the region to compile data for the study.

Mr. BYRD. I would say to the Senator that this project sounds like a worthy effort.

Mr. DODD. I appreciate the distinguished President pro tempore's kind words. I raise this matter because the House Appropriations Committee's report accompanying its bill includes language within the National Park Service's National Recreation and Preservation Program earmarking $250,000 for technical assistance for resources along the Quinebaug-Shetucket River.

I understand that budget constraints prevented similar language from being included in the report issued by the distinguished chairman and the Senate Appropriations Committee. I would simply request that the distinguished chairman see if there might not be some way of including money for the study in the conference report.

Mr. BYRD. I would say to the senior Senator from Connecticut that, given the budget constraints he has just mentioned, the conference will be difficult. I anticipate that money allocated for many purposes in the Senate bill will be reduced. Nevertheless, I understand the Senator's interest in this particular project, and I will certainly see if there might be some way of accommodating him during the conference.

Mr. DODD. I thank the chairman of the Appropriations Committee for his willingness to do that. I might add that I certainly share the admiration I know all of my colleagues feel for the President pro tempore. I also very much appreciate the strong leadership and the wisdom he brings to appropriations matters, both as chairman of the Interior Subcommittee, and as chairman of the full committee, and I appreciate his willingness to consider this matter.

TOHONO O'ODHAM EARN PROGRAM

Mr. McCAIN. I would like to ask the distinguished chairman of the Appropriations Committee if he would yield for the purpose of a brief colloquy?

Mr. BYRD. I would be glad to yield to the Senator from Arizona [Mr. McCain].

Mr. McCAIN. I would like to raise a question regarding the BIA EARN Program. The EARN Program, or Employment Assistant Readiness Net Program, was a 3-year, community-based demonstration project designed to enable Indian individuals who receive general assistance to achieve sustained and meaningful work and to develop job skills. Several tribes, including the Tohono O'odham Nation in Arizona, were selected in fiscal year 1989 to test the concept. The demonstration period is due to expire on September 30, 1991, and the administration requested no funds to continue the program in fiscal year 1992.

Both the Senate and House reports on H.R. 2686 recognized the success of the EARN Program and directed the BIA to use from $2,000,000 to $3,000,000 of general assistance funds to continue existing EARN programs in fiscal year 1992. The two reports mentioned specific tribes involved in the demonstration project, but omits mention of the Tohono O'odham Nation. Since the BIA evaluation of the projects recognize the Tohono project as a success and since the BIA Phoenix Area Director has recommended to the Assistant Secretary that the Tohono program be refunded in fiscal year 1991, I am sure this was an oversight.

Would the chairman of the committee advise the Senate, first, if there is authority for BIA to continue the EARN Program in fiscal year 1992 using general assistance funds and, second, if this continuation should cover all successful programs, including the Tohono O'odham Nation project?

Mr. BYRD. Mr. President, first let me say that, since both our report and the House report have directed BIA to continue the EARN Program in fiscal year 1992 using general assistance funds, we clearly believe there is authority for them to do so.

Second, let me assure Senator McCain that the fact that the Tohono O'odham Nation EARN Program was not specifically mentioned in our report does not mean that it should not be refunded. I understand the program was highly rated in the evaluation and that the area director has recommended that it be continued.

Mr. McCAIN. I thank the distinguished chairman and commend him for his efforts to continue funding for the EARN Program.

FUNDING FOR SOIL PRODUCTIVITY RESEARCH IN RESEARCH TRIANGLE PARK, NC

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of the bill, Senator Byrd, in a colloquy on funding for the Forest Service's soil productivity research in Research Triangle Park, NC.

Mr. BYRD. I would be happy to discuss this matter with the Senator from North Carolina.

Mr. SANFORD. As the chairman knows, much debate has occurred regarding the effects of timber activities, and long-term site productivity ranks highly among these concerns. The willingness of the public to support timber harvesting in the future will be greatly assisted by our ability to demonstrate a knowledge of when, where, and how to ensure minimal site impact. By studying different combinations of harvesting techniques, soil type, vegetation, and other factors, we can find which combinations will result in the least impact on our forests.

In the past year, the Research Triangle Park Work Unit (RWU SE-4102) joined a national network of experimental sites that are involved in research to determine the effects that harvesting has on site productivity. Their research centers on the effects of organic matter removal and soil compaction. These are two factors that are most often altered by timber harvesting activity. Funding for fiscal year 1992 will allow the Forest Service to continue this important research on the many factors that can affect long-term site productivity. In time, the findings from the North Carolina site will eventually be linked to results from other national forests involved in the national study.

I am very pleased that the Senate Appropriations Committee has included a $250,000 increase in funding for the soil productivity research in Research Triangle Park, North Carolina, and I am hopeful that the Senate conferees will continue to support this important research.

Mr. BYRD. I thank the Senator from North Carolina for his comments in support of the soil productivity research. The Senate conferees will certainly give this matter their careful attention.

Mr. SANFORD. I thank the Senator from West Virginia for his consideration of this matter.

BLM ANADROMOUS FISH HABITAT

Mr. HATFIELD. Mr. President, I would like to engage the chairman in a brief colloquy to clarify a matter that was included in the Senate report to the fiscal year 1992 Interior and Related Agencies appropriations bill.

Also, I would like to take this opportunity to thank the chairman for his inclusion of funds to begin implementation of the Bureau of Land Management's anadromous fish habitat management plan for the Columbia and Snake River Basins. I want to make sure that the chairman agrees these funds, which are in line with the management plan and the salmon summit agreements, are intended for anadromous fish activities in Oregon, Washington, and Idaho.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon. I agree that the provided funding is intended for the three Pacific Northwest States.

OREGON TRAIL PROJECT

Mr. HATFIELD. Mr. President, I would like to commend the State of Oregon and the Oregon Trail Coordinating Council for their efforts in coordinating the events planned for the Oregon Trail Sesquicentennial and the plans for the four Oregon interpretive centers. In support of the Oregon City end of the trail project I am offering this $250,000 amendment. The amendment would provide funding for planning and design for a visitors center at Oregon City, OR.

As I have discussed with Chairman BYRD, the committee is concerned with the scope and cost of the project. Funding opportunities for worthy projects such as this are continuing to diminish as we strive to reduce our Federal deficit. Therefore, the committee expects that the Federal share for the project would be substantially reduced in scope compared to that conceived presently by the non-Federal cost-sharing participants. The committee expects a further report from the Oregon Trail Coordinating Council on the project scope and on the total cost, including cost-sharing allocations, prior to the appropriation of any additional Federal funds for this project.

Mr. BYRD. Mr. President, the distinguished Senator from Oregon has spoken to me regarding the end of the Oregon Trail project at a higher funding level. As we have discussed, I agree with the Senator that the scope and Federal cost of the project needs to be reduced.

FUNDING OF THE REPUBLIC OF PALAU

Mr. INOUYE. Mr. President, I rise to share with my colleagues some concerns expressed by the Government of Palau about the use of Federal funds appropriated to the Republic of Palau. I ask unanimous consent that the text of a letter I received from the President of Palau, president of the senate, and house speaker, setting forth their concerns, be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPUBLIC OF PALAU,
OFFICE OF THE PRESIDENT,
Koror, Republic of Palau, July 22, 1991.

Hon. DANIEL K. INOUYE,
Senator, State of Hawaii
Washington, DC.

DEAR SENATOR INOUYE: The people of Palau need your help to restore the process for determining our island's budget set-forth in our Constitution.

This process was superseded by a new practice that the Department of the Interior instituted last year in violation of the clear intent of the fiscal year 1991 Interior appropriations act. Although the conference report on that law directed that our government should continue to have flexibility in spending the grant for its operations, the Interior Department 'earmarked' the purposes for which the grant could be spent, thereby dictating what our local budget had to be.

Interior's earmarking effectively rewrote the appropriations law and contradicted the Trusteeship obligation of the United States to provide increasing self-government to our people. It was also fiscally unsound in that it overfunded some functions of government, underfunded others, and failed to fund still others.

The Government of Palau is in a better position than the Interior Department to determine the needs of Palau. To deny our elected leaders a real opportunity to determine these needs is to make a mockery of democracy.

We are trying to responsibly manage fiscal affairs and overcome problems created by past mismanagement and neglect. We want Interior to help us in these efforts . . . not undermine us. We welcome their advice, need their technical assistance, hope there can be mutual agreement on priorities, and recognize the ultimate authority of the United States. Palau should, however, have a chance to determine its own budget.

We hope that you will agree with the language in the fiscal year 1992 Interior appropriations bill, H.R. 2686, that would provide that our Government would decide how to spend the support the Congress provides for it. At the very least, however, we hope that you will agree that only the Congress should make final Federal decisions on what appropriations should be spent for. A model for such a decisionmaking process is found in this bill's language regarding assistance to the Northern Mariana Islands.

Thank you for your past assistance and considering this request.

Sincerely,

NGLRATKEL ETPISON,
President, Republic of Palau.
JOSHUA KOSHIBA,
President of the Senate.
SHIRO KYOTA,
House Speaker.

Mr. INOUYE. Mr. President, the House fiscal year 1992 Interior appropriations bill includes language which allows Palau to use its operating funds "as determined by the Government of Palau."

The Senate counterpart does not include the House provision. Rather, based on the General Accounting Office's finding that Palau has experienced serious financial problems and widespread internal control weaknesses, the Senate included report language that the Department of the Interior should not be precluded from earmarking Federal funds for Palau "if such earmarking contributes to the resolution of Palau's serious financial problems or if it assists the Department in meeting United States responsibilities in Palau under the U.N. trusteeship agreement."

I respectfully request that Senator BYRD, chairman of the Interior Appropriations Subcommittee, and Senator NICKLES, the ranking minority member, keep Palau's concerns in mind when they address this issue during the Conference.

Mr. BYRD. I assure the Senator that I will keep the concerns of the Government of Palau in mind when the conferees deliberate this issue.

Mr. NICKLES. I will also keep Palau's concerns in mind during the conference.

EARMARKING FUNDS FOR INDIAN CHILD PROTECTION

Mr. MCCAIN. I would like to ask the distinguished chairman of the Appropriations Committee if he would yield for the purpose of a brief colloquy?

Mr. BYRD. I would be glad to yield to the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. I want to commend the distinguished chairman for all his efforts in considering the needs of Indian tribal governments across the Nation.

As the vice chairman of the Select Committee on Indian Affairs, I also have become intimately familiar with the needs of many tribal governments, in Arizona and across the Nation. One of the most troubling issues that I have encountered has been the issue of child abuse and family violence in Indian country.

Last year, the Senate took action to begin addressing this very difficult issue when it passed the Indian Child Protection and Family Violence Prevention Act, Public Law 101-630. As important as that action was, it will not have its full impact until the Congress appropriates the necessary funding for the Federal agencies to meet their statutory responsibilities.

The Committee on Appropriations has approved a significant amount of growth in funding for the Indian Health Service's Alcoholism Program. This, of course, is another problem that has had devastating effects in Indian country and deserves our attention. Yet, I believe we can utilize $2 million from what the committee has provided in its committee mark for alcoholism and redirect it to begin to fund the child abuse Programs authorized in Public Law 101-630.

Would the chairman agree with me that by using $2 million from the alcoholism program and making it available to the mental health program for child protection, we can meet an important need and still provide for a significant amount of growth in the alcoholism program?

Mr. BYRD. Yes: I agree with the Senator from Arizona. There is no objection to transferring $2 million from the committee's recommendation for alcoholism to the mental health program to carry out the child abuse programs authorized in Public Law 101-630.

Mr. MCCAIN. I wish to commend the committee for identifying funds to meet the needs of child abuse treatment and prevention programs for the Navajo and Hopi Tribes, and the Bay Mills Indian Community.

It was recently brought to my attention that the Havasupai Tribe in Arizona is in critical need of funding to continue counseling services for several children who were sexually abused. This particular request was too late for action to be taken at the full committee level. I would like to ask the distinguished chairman if he agrees that earmarking $24,000 for the Havasupai Tribe out of the $2 million identified for IHS child protection programs would be consistent with the committee's intent to provide a continuum of care for existing tribal child prevention and treatment programs?

Mr. BYRD. Yes, I agree. The Senator's suggestion is entirely consistent with the intention of the committee.

Mr. McCAIN. I thank the distinguished chairman.

INDIAN HEALTH SERVICE

Mr. DASCHLE. Mr. President, I would ask the chairman of the committee, Mr. BYRD, if he might enter into a colloquy with me to clarify a matter of great importance regarding funding in this bill for the Indian Health Service:

Mr. President, it is my understanding, based on my discussions with the distinguished chairman, that the committee will not object to the transfer of $535,000 from the increased funds recommended for the Indian Health Service alcoholism program to IHS' hospital and health clinic programs for the purpose of planning and implementing a recruitment and retention program for physicians and other health care professionals through the University of South Dakota School of Medicine. Is my understanding correct?

Mr. BYRD. Mr. President, the Senator is correct.

Mr. DASCHLE. Mr. President, I thank the chairman for his support of this effort. This project has been developed through a cooperative effort of South Dakota's tribes, the Indian Health Service, the University of South Dakota School of Medicine, and the State of South Dakota. It is the product of years of work and is intended to improve the health status of native Americans by addressing the serious shortage of qualified health care personnel on Indian reservations.

The Aberdeen area is the logical place to initiate such a program in light of the area's especially severe shortage of health care professionals. Infant mortality and morbidity rates are higher in the Aberdeen area than in any other IHS area and are twice the rates for the entire U.S. Indian population. The age-adjusted death rate is more twice that of the U.S. Indian population. Seven of eight IHS provider sites in South Dakota are designated as "hard to fill" sites. And, finally, Aberdeen area physicians support patient workloads that are among the highest in the Indian Health Service. If the program is successful, it will serve as a model for other recruitment and retention programs and could be replicated in other underserved IHS areas.

I should also note, Mr. President, that an important focus of this program is to encourage Native Americans to enter the health care profession and to recruit native American health care professionals for service on Indian reservations. I am aware of the committee's concern about the lack of native American health care professionals. I share that concern, want to pledge my support for efforts to address this problem, and am pleased that this program will help meet that goal.

Again, I want to thank the distinguished chairman for his valuable support of this effort and for his leadership on issues related to health care for native Americans.

TERRITORIES APPROPRIATIONS

Mr. JOHNSTON. I would like to engage the distinguished chairman in a colloquy regarding funding for the territories.

As chairman of the Committee on Energy and Natural Resources, which has jurisdiction over the insular areas, I am particularly sensitive to the concerns of the island governments who often seek the assistance of the committee in meeting those needs. This year has been a particularly difficult one for the Interior Subcommittee given the constraints imposed by the subcommittee's allocation. However, there is one need of particular concern to which I would like to urge the chairman's sympathetic consideration as this legislation moves to conference.

As most of my colleagues are aware, the Virgin Islands was devastated by Hurricane Hugo a year and a half ago. While the Federal Government responded swiftly and effectively to this disaster, Federal assistance does not cover all of the costs of reconstruction. In addition, the massive reconstruction effort that is underway offers an excellent opportunity for the islands' government to undertake infrastructure projects that were either underway or planned at the time of the disaster. This is the case with the Virgin Islands.

The government of the Virgin Islands was either in the process, or soon to undertake, a series of public facility improvement projects targeted at health and education facilities at the time Hugo struck. Incorporating these improvement projects with the ongoing disaster reconstruction effort would significantly reduce the cost of these projects, and would increase the effectiveness of Federal funding.

The Federal Government has a responsibility to see that certain basic needs of all of our citizens are met. Adequate health and education facilities are a part of these basic needs. Given the chronic economic underdevelopment of many of our insular areas, these basic needs cannot be met without Federal assistance. The government of the Virgin Islands has raised $124 million to help meet these needs, and has asked Congress to contribute $35.5 million to cover part of the cost of these projects.

Accordingly, I most respectfully urge the chairman's support for this request from the Virgin Islands when this item comes before the conference committee. The need is clear. The assistance of the Federal Government is required, and the current reconstruction effort assures that Federal assistance will be most effectively used at this time.

Mr. BYRD. I appreciate the remarks of my colleague and assure him that I understand and share his concern for meeting the basic needs of the people of the islands. This item will be given every consideration. In addition, the committee remains concerned about the delays in passage of the Insular Areas Disaster Relief Act which twice passed the Senate last year.

Mr. JOHNSTON. I thank the Chairman.

Mr. WALLOP. Mr. President, as the ranking Republican member of the Committee on Energy and Natural Resources I would like to associate myself with the remarks of the chairman of the authorizing committee. I share his concern regarding the needs of the insular areas, and appreciate the reassurance provided by the distinguished chairman of the Appropriations Committee regarding these needs.

CHICKASAW NATIONAL RECREATION AREA

Mr. NICKLES. Mr. President, 2 months ago I was pleased to host the Secretary of the Interior, Manuel Lujan, during his visit of several Department of the Interior projects in Oklahoma. On July 2, Secretary Lujan accompanied me on a tour of the Chickasaw National Recreation Area near Sulphur, OK.

Mr. President, the Chickasaw National Recreation Area is the only National Park Service unit in the State of Oklahoma. The NRA was established in 1976 by the consolidation of the Platt National Park and the Arbuckle Recreation Area. Unfortunately, however, over the years the Chickasaw NRA has been neglected by Park Service budgets for operation, maintenance, and improvements. After touring the park, Secretary Lujan agreed that many of Chickasaw's facilities were in need of improvement.

The report on this legislation, the fiscal year 1992 Interior and Related Agencies appropriations bill, provides a $30,000 maintenance increase for the Chickasaw NRA. Since the bill was reported to the floor, it is my understanding that the chairman of the subcommittee, Senator BYRD, has reviewed the great need for additional maintenance funding, as well as funding for campground improvements such as electrical hookups and bathroom and shower facilities at the Chickasaw NRA.

I am informed that the chairman has agreed to provide a total maintenance increase for the Chickasaw NRA of $100,000 from within general maintenance funds. I am also informed that the chairman has agreed that $50,000 of the funding provided in the bill for general management planning be used to develop an improvement plan for the campground areas at the Chickasaw NRA. I thank the chairman for his cooperation on this important matter.

Mr. BYRD. Mr. President, I thank the Senator from Oklahoma for his comments. I agree that there is a great need for additional maintenance funding at the Chickasaw National Recreation Area, and I support the Senator's request to provide a total increase of $100,000 for that purpose in this bill.

I also appreciate the Senator from Oklahoma's desire to improve the campground facilities at the Chickasaw NRA. I share his concern about the lack of electrical hookups and other camping facilities for visitors at this park, and as such I support his request to earmark $50,000 from within the general management planning account to develop an improvement plan for the campground areas at the Chickasaw NRA.

RED LAKE INDIAN RESERVATION

Mr. WELLSTONE. Mr. President, I would like to engage the distinguished floor manager in a brief colloquy regarding funding to upgrade the water system to areas within the Red Lake Indian Reservation in Minnesota.

This project would upgrade the water system which currently serves the Red Lake Indian Reservation. The tribe has already begun work on a related project under a grant from the Economic Development Administration which will connect the water systems of Redby and Red Lake with a source of clean water. The funding I have requested will allow 370 homes along the new water transmission line to be connected to the water system, completing this project. Unfortunately, the EDA grant will not fund system hook-ups from the transmission line to the existing households.

Improvements in the water system are critical to improving public health on the reservation. The 370 homes which would be connected with these funds currently use well water which exceeds maximum EPA-approved secondary levels of iron, manganese and hydrogen sulfide. Among the health problems related to water quality is a very high local dysentery rate, which places residents at a much greater risk than the U.S. population at large for this disease.

Is the chairman willing to earmark $536,000 from the $60 million currently contained in the Indian health facility account for fiscal year 1992 for this project to upgrade the quality of the water system serving the Red Lake Reservation?

Mr. BYRD. I thank my colleague from Minnesota, Senator WELLSTONE, for his continued vigorous support for this project. First, let me say I appreciate his acknowledgment of the severe funding constraints under which the committee was working this year.

I agree that the circumstances concerning the Red Lake water project, particularly those regarding water quality improvement to mitigate any health concerns, require special consideration. For that reason, I will earmark $536,000 from the fiscal year 1992 Indian health facilities account for this project.

Mr. WELLSTONE. I thank the chairman for his commitment to earmark funding for this project. I am grateful for his continued support, and know he will vigorously defend this earmark in the conference committee.

NEW JERSEY COASTAL HERITAGE TRAIL

Mr. BRADLEY. Mr. President, I rise today to request that the Senate agree to provide a small amount of money out of available funds for the New Jersey Coastal Heritage Trail, an interpretative project now underway by the National Park Service.

The Coastal Heritage Trail has been under study by the National Park Service for the past 3 years and has consistently been supported by the Congress. The study is now complete and has been reviewed recently by the National Park Service Director. The Park Service has agreed to an aggressive proposal which could ultimately produce four or five thematic trails—for example, maritime history, coastal ecology, recreation—and a north and south anchor for the trail.

I want to emphasize that this is a low-cost preservation effort with a cost to date of roughly $600,000. The trail literally encompasses a whole New Jersey coastline with all its diversity. It is not a Federal acquisition or strong-arm approach to preservation. On the contrary, it encourages local pride and local control.

The Park Service is ready to go, but it cannot proceed without direction from Congress. I ask that $300,000 be earmarked to the New Jersey Coastal Heritage Trail from the sums already appropriated to the National Park Service for rivers and trails. This money will allow development and implementation of the New Jersey Coastal Heritage Trail. This additional funding will mean the difference between another study on the shelf and a trail that we all can travel to understand better the history, the value, and the issues facing our coastal areas.

Mr. BYRD. Mr. President, I have reviewed the Senator from New Jersey's request and have no objection. The New Jersey Coastal Heritage Trail represents an effort to achieve ambitious goals with modest means. We surely do not need another dead-end study, especially when the Park Service is ready and able to convert its words into action.

Mr. BRADLEY. I thank the Appropriations chairman for his consideration and his assistance.

AMENDMENTS NOS. 1178, 1179, 1180, 1181, and 1182

Mr. BYRD. Mr. President, I send to the desk the following amendments: an amendment by Mr. MITCHELL; an amendment by Senators SIMPSON and MURKOWSKI; an amendment by Senators BYRD and NICKLES, a technical amendment; an amendment by Mr. CRAIG; and an amendment by Mr. BYRD.

I ask unanimous consent that the amendments together with the committee amendments, be considered and agreed to en bloc; that the motion to reconsider en bloc be laid on the table; that the bill be deemed as having been read the third time; that statements and colloquys by any Senators in explanation of the amendments be printed in the RECORD at the appropriate places; and that if any amendment amends a number that has already been amended, that that be in order and be agreed to.

Mr. President, I thank all Senators.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. NICKLES. Mr. President, we have cleared those amendments, and we have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The amendments are agreed to.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1178

On page 11, line 22, strike "$96,650,000" and insert in lieu thereof "96,750,000".

MAINE ATLANTIC SEA-RUN SALMON COMMISSION

Mr. MITCHELL. Mr. President, this amendment would provide $100,000 in Federal matching funds under the Anadromous Fish Conservation Act for the operation of the Maine Atlantic Sea-Run Salmon Commission.

A number of Maine's rivers support this Nation's last remaining, self-sustaining runs of Atlantic salmon. Maine's Atlantic Sea-Run Salmon Commission, an independent State agency, has played a critical role in the restoration and protection efforts that assure continued survival and, we all hope, enhancement of the State's salmon resources. Unfortunately, Maine's current fiscal crisis and the failure of the President's budget to request Federal funding under the Anadromous Fish Conservation Act could result in drastic reductions in the Commission's budget and thereby curtail severely the State's salmon restoration program.

Atlantic salmon are a vital part of Maine's heritage and are important to its tourist industry. Even a short-term loss of funding will jeopardize the considerable investment that has been made to restore this resource.

The loss of Federal funding threatens to nullify the benefits of countless hours of labor on the part of dedicated volunteers who have assisted in salmon restoration projects. Maine's wild salmon are a natural resource that, once lost, could not be replaced.

I would like to thank the distinguished chairman of the Appropriations Committee, therefore, for his cooperation in restoring $100,000 in funding for the continued operation of the Commission. It is a matter of great importance to the State of Maine's Atlantic salmon resources.

Mr. SIMPSON. Mr. President, I would take this opportunity to offer a few brief remarks about an amendment I cosponsored with Senator MURKOWSKI to the Interior appropriations bill dealing with the Clean Coal Technology Program.

I was—and remain—very concerned about the selection process carried out by the Department of Energy [DOE] during round IV of the Clean Coal Program. Certain information was made available to my office with regard to the source selection officer changing the recommendation of the Source Selection Board.

It came to my attention that one project that was the top rated project in the new fuel forms category was selected by the Source Selection Board, but was then not selected by the source selection officer. This fine project—the Heartland project—was not selected because of a shortage of funds that came about because of changes to the final list of projects.

I feel that it is important to point out that the Heartland project was rated at the very top of the new fuel forms category, and that it was ranked No. 1, after being reviewed in a competitive process. We must not condone these types of internal strategies. They are wholly unbecoming and violate congressional intent.

AMENDMENT NO. 1179

On page 74, after line 10, insert the following: "With regard to funds made available under the fourth general request for proposals under this head in previous appropriations Act, if, due to an insufficiency of funds, the Secretary selects other than the qualifying proposal ranked highest by the Source Evaluation Board in a specific technology category and sufficient funds subsequently become unobligated to find such qualifying proposal, such unobligated funds, up to $44,000,000 shall be reobligated by the Secretary to find such proposal, notwithstanding any other provisions of law.".

AMENDMENT NO. 1180

On page 100, line 14, delete all beginning with "small" through "Act." on line 18.

Mr. BYRD. Mr. President, I offer a technical correction on behalf of Senator NICKLES and myself.

It is our understanding that when the Senate adopted amendment number 1175 earlier today, certain language was inadvertently duplicated in the bill.

Our technical amendment would delete the repetitive language.

AMENDMENT NO. 1181

(Purpose: To increase the appropriations for the United States Fish and Wildlife Service and the Bureaus of Mines, with an offset)

On page 84, line 1, decrease the amount by "$600,000".

On page 27, line 21, increase the amount by "$500,000."

Mr. CRAIG. Mr. President, the allotment grants for 30 mining schools across the country should be funded at $4.5 million. However, because of the difficult fiscal time that we find ourselves in. I am grateful that the Chairman and ranking member have been able to find $500,000 for this purpose. It is my intent that the funds for my amendment be available for supporting graduate students in the mining schools. In future years it is my hope that we can fully fund these allotment grants at our historic levels.

AMENDMENT NO. 1182

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102–104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, Vol. 56, No. 114, on Thursday, June 13, 1991.

Mr. BYRD. Mr. President, the committee has become aware of a proposal by the Corps of Engineers to revise rules for determining a non-Federal sponsor's ability to pay its share of the cost of a flood control project. Section 103(m) of the Water Resources Development Act of 1986 required the establishment of procedures under which economically underprivileged areas could obtain some relief from the cost sharing requirements established by that act. In section 305 of the Water Resources Development Act of 1990, Congress intended to modify those procedures to make them more flexible in granting relief in cases where communities could not afford the normal cost sharing.

The committee has learned that the corps' proposed rule will actually increase the non-Federal share compared to the existing ability to pay rules, thus thwarting congressional intent. While the 1990 legislation required the new rule to be established by November 1991, the committee believes that additional time is needed to allow Congress to review this matter and has therefore included a restriction on implementing the new rule.

The committee intends to review this matter with the authorizing committee next year. Procedures that are presently in place will continue to remain in effect until Congress has had an opportunity to review this further.

By unanimous consent the amendments were engrossed and the bill was deemed to have been read a third time.

The PRESIDING OFFICER. The bill deemed to have been read a third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. SEYMOUR] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—93

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—3

Helms
Roth
Smith

NOT VOTING—4

Garn
Harkin
Packwood
Seymour

So the bill (H.R. 2686), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. WIRTH) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. NICKLES, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. RUDMAN, Mr. DOMENICI, and Mr. GORTON.

Mr. BYRD. Mr. President, I want to take this occasion to thank my colleague on the other side of the aisle, the ranking manager, Mr. NICKLES, for the splendid workmanship that he has demonstrated throughout our hearings this year and throughout the markup on the bill and throughout the actions on the bill and during these past few days. I could not have had better cooperation, and I am delighted that I have such a fine partner on the other side of the aisle with whom to work. I have, of course, always worked well with his predecessor, former Senator Jim McClure. I say that this young man is falling right into those footsteps. I could not have asked for a better comanager with whom to work throughout this whole process. I thank him.

I also want to thank our two leaders for helping us to get the legislation up, and I thank all Senators on both sides of the aisle for their cooperation. I thank those who wanted more and could not get it. I thank those who would like to have had amendments adopted and we had to turn those down because of the constraints that were upon us, budgetwise.

It was a difficult bill. As I indicated earlier, we had more requests, I suppose, than any other subcommittee had. We always do have that in the Interior Appropriations Subcommittee.

I also want to thank the ranking member of the full committee for his help when the bill was before the full committee.

Last and certainly by not any means least, I thank all of our fine staff people who have been so helpful, courteous and understanding all the way, without whom we could not have done the job: On majority staff of the full committee: Jim English, Mary Dewald, and Anita Skadden; the minority staff of the full committee: Keith Kennedy; the majority staff of the Interior subcommittee: Sue Masica, Rusty Mathews, Ellen Donaldson, Carla Burzyk, and Charlie Estes; and the minority staff of the Interior subcommittee: Cherie Cooper and Ginny James.

Mr. NICKLES. Mr. President, I would like to thank my senior colleague, the chairman of the subcommittee and chairman of the full committee, Chairman BYRD. It has been a pleasure working with him. We have worked on this bill on and off for a week. It was not necessarily easy. We had several contentious amendments, but I am pleased the way the bill came out. I think we have a good bill.

I might again tell my colleagues the outlays increase in this bill are by about 1 percent, budget authority by about 2 percent. So we did have a lot of demands. Actually, we had over 3,000 requests from our colleagues. So it was very difficult putting this bill together.

I compliment Senator BYRD for his leadership, but also his staff, Charlie Estes, Sue Masica and my staff, Cherie Cooper. I think they did an outstanding job.

I also would like to thank the leadership, Senator MITCHELL, Senator DOLE, and also Senator WALLOP, who helped us on this bill, as well as Senator HATFIELD.

I might ask the Chair, I think Senator HATFIELD is supposed to be listed as a conferee. I am not sure I heard his name.

The PRESIDING OFFICER. Senator HATFIELD's name was not on the list provided the Chair.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HATFIELD's name be added to the list of conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I thank my friend and colleague from West Virginia and I thank Senator HATFIELD and his staff for their help in the consideration of this bill. We passed a good bill. We are going to have a difficult conference to say the least, as many items we have in this agreement, with the House. We will look for a long but, hopefully, successful conference.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to add my voice to the commendations that have been earned by the managers of this difficult but important piece of legislation.

I would like to take this brief opportunity to discuss an area within this bill which I think is very important to the Nation, an area that actually has been designated as one of the unique ecosystems of the world by the United Nations, and that is the Florida Everglades.

The Florida Everglades represent a national treasure which we hold in trust for the world. It contains the second largest national park in the Continental United States.

It also contains a major national wildlife refuge. It contains some of the greatest diversity of plants and animals on the planet. It is also an extremely threatened area. It is an area which just a few years ago was being consigned to the list of extinguished areas, areas that had so been robbed of their natural qualities that they would no longer function as the system as we had known it.

There has been a major effort, Mr. President, to reverse that prognosis of terminal illness, and there has been some considerable early indication of success in that effort. It has been accomplished through a partnership, a partnership which included many thousands of private citizens and nongovernmental organizations, but also a particularly close relationship between the Federal Government, various agencies of this Government, and the State of Florida.

As an example, one of the early indicated steps needed to protect the Everglades was the construction of a buffer zone around Everglades National Park. The purpose of this buffer zone is to provide additional protection for the natural flow of water into the park.

That buffer zone has not been acquired solely with Federal funds, although its principal purpose is to protect a Federal investment. Rather, it has been acquired by a very compatible and significant sharing of responsibility between the State and the Federal Government. For most of this buffer zone, the State has dedicated to the Federal Government land that it owned, transferred it to Federal ownership and then paid 20 percent of the cost of the private land that had to be acquired, all of which was done in order to protect a Federal investment, a Federal investment which I might say, Mr. President, was largely itself the result of a grant of land by the State of Florida to the Federal Government prior to the establishment of the park in 1947.

What does all that background have to do with the bill we just passed? There were several important items in this bill which I take this occasion to comment upon because there is going to be some discussion of these in the conference committee and I would like to outline why I think they are so important.

One relates to an important part of that buffer zone. One of the largest areas which is buffered is referred to as the "Big Cypress." Unfortunately, we have gone for several years without making any progress toward bringing that area, although authorized, into public ownership. I am pleased that in this bill for the first time in several years there is funding for commencement of the acquisition of that area.

Second, there is funding in this bill for the construction of some of the water control devices which are necessary in order to begin to restore the natural flow of water into Everglades National Park. For almost a half century or more, water into the park has been very mechanically regulated, and that mechanical regulation has been a significant contribution to the degradation of the park. Now we recognize that what needs to occur is a restoration of the natural water flow. These construction funds will help us toward that objective.

A third critical item is water quality. The Federal Government has been in litigation against the State relative to the State's policies of enforcing water quality into the park. I am pleased to say that our former colleague, now Gov. Lawton Chiles, has been instrumental in moving toward a settlement of that suit. Commitments were made by the State and the Federal Government in the context of that settlement.

One of those commitments is that we continue forward with the acquisition of a portion that is not in the buffer zone but is actually going to be added to within the boundaries of Everglades National Park. That area is so critical because we cannot restore the natural water flow into the park unless we acquire public ownership over the land which that natural water flow is going to move. That, Mr. President, is a source of great concern to me because, while there are funds in the House budget for that acquisition, a second stage of a 5-year program of acquiring 108,000 acres into the park, the budget we passed does not contain funding for that.

I am particularly hopeful in the conference the need for continuing forward with this important acquisition and restoration of natural water flow projects will be recognized by our conferees and that we can take the next urgent steps for the salvation of this critical area while that salvation is still available to us.

Mr. President, I appreciate this opportunity to make these comments. I, as with the vast majority of my colleagues, voted for this legislation which contains many important initiatives, and I look forward to the items that I have just briefly outlined being given serious consideration when this matter is taken up in conference committee.

I thank the Chair.

Mr. BYRD. Mr. President, I have listened to the distinguished Senator from Florida. I want to assure him that we will take a look at the matters of concern to him in the conference and there may be an opportunity to be helpful. We have some budget matters to resolve there, and we will work with the chairman of the Appropriations Committee in the House to see if he will agree with some of these suggestions, and of course the other Members as well, as we try to develop the budget authority and outlays that we will have to have in order to accommodate these several amendments. We will certainly look at each one.

COLUMBIA RIVER BASIN

Mr. HATFIELD. I would like to take a few minutes of the distinguished chairman of the Appropriations Committee's time to clarify a matter that was included in the Senate report to the fiscal years 1992 Interior appropriations bill, H.R. 2686.

Mr. BYRD. I would be pleased to respond to the Senator from Oregon.

Mr. HATFIELD. On page 15 of the Senate report under the U.S. Fish and Wildlife Service's section, there is language concerning hatchery practices in the Columbia River basin. The Indian tribes in the Columbia basin have substantial responsibilities with regard to fishery management and they have an important stake in the outcome of Endangered Species Act proceedings on petitioned salmon stocks. In addition, the Columbia River Inter-Tribal Fish Commission, in coordination with its member tribes, has prepared a major hatchery reform proposal as an aspect of the Endangered Species Act discussions. In this regard, the committee has indicated that the U.S. Fish and Wildlife Service should, within 120 days of enactment, consult with the appropriate Federal and State fish management agencies regarding opportunities to improve hatchery practices. Is it the intent of the committee to exclude the relevant Indian tribes from this consultation?

Mr. BYRD. By no means is this the intent of the committee. As an agency of the Department of the Interior, the U.S. Fish and Wildlife Service is obliged to consult with the tribes as an aspect of its trust responsibility for the treaty-reserved fishing rights of the tribes. It is the intent of the committee that the U.S. Fish and Wildlife Service consult with the tribes on these matters in a manner that is consistent with the Secretary's fiduciary responsibilities to the affected tribes during the 120-day period specified in the Senate report. During this consultation, the U.S. Fish and Wildlife Service should identify any tribal proposals for improvement in hatchery management policies, as well as the effectiveness of current hatchery management programs in mitigating losses to anadromous fish which the tribes historically harvested.

Mr. HATFIELD. I thank the distinguished chairman for clarifying this matter.

COMMUNITY OF WHITE SWAN, WA

Mr. ADAMS. It has come to my attention that a difficult situation is evolving in the community of White Swan, WA. This community, located entirely within the Yakima Indian Reservation, does not have the capacity to offer some of the most basic services other Americans take for granted.

While the Mount Adams School District can provide basic educational opportunities and community services, the nearest full time medical facility is located nearly 30 miles away. Although drug and alcohol abuse problems abound in the area, there is no local facility to handle treatment or prevention efforts; 30,000 citizens reside in the immediate area, but there are no therapy facilities of any type. The nearest recreational facility is 40 miles away. Senior citizens and small children have no community center or support services. Unemployment in the area is over 70 percent. Resources are simply not available locally to attempt to address these and related problems.

I understand the particularly difficult fiscal constraints on the fiscal year 1992 Interior Appropriations account, and I commend the chairman for doing an excellent job of balancing priorities under these circumstances. Accordingly, I would appreciate the chairman's concurrence in a request that the Bureau of Indian Affairs work with the Yakima Indian Nation and Mount Adams School District to investigate the alternatives available for solving some of these problems.

Mr. BYRD. I understand the concerns raised by the Senator from Washington. The BIA should indeed work with the local jurisdiction and the Yakima Tribe to consider ways of addressing these problems.

Mr. ADAMS. I thank the chairman.

POMPEYS PILLAR

Mr. BAUCUS. Mr. President, along with my colleague, Senator BURNS, I would like to engage the distinguished chairman and ranking minority member in a colloquy regarding the Pompeys Pillar and acquisition in Montana.

Let me begin by briefly telling the story of Pompeys Pillar. This is a site of great importance to the heritage of Montana and the American West.

On July 3, 1806, the Lewis and Clark expedition divided to explore different parts of the vast frontier that would eventually become the State of Montana. Captain Lewis and his party of nine men headed north to explore the Missouri and Marias River Country. Captain Clark, along with the Indian guide Sacajawea and her papoose, Pompey, took a southern route which eventually brought them to the wide open Yellowstone country.

On July 25, approximately 30 miles east of today's city of Billings, Clark came upon what his journal describes as a remarkable rock jutting out from the bank of the Yellowstone River. Clark scaled the rock and marveled at the most extensive view in every direction, and naming this formation "Pompey's Tower," Clark carved his name and date in the stone.

Today, this remarkable rock is known as Pompeys Pillar. And Captain Clark's signature endures, etched in Montana stone. This is the only lasting mark the Lewis and Clark expedition made upon the land they explored almost two centuries ago.

Since that time, countless Americans have visited this site. This includes an 1873 stop by Gen. George Armstrong Custer and his 7th Cavalry. While Custer's troops were bathing in the river below the Pillar, they were ambushed by Indians. Three years later, Custer and his men would meet a more serious attack at the Little Big Horn, just 40 miles away from Pompeys Pillar.

Until recently, the private owners of Pompeys Pillar held it open to the public. However, due to rising liability insurance rates, they were forced to close this unique historic attraction on Labor Day, 1989. Since that time, Pompeys Pillar has remained off limits to the public.

I firmly believe Pompeys Pillar must be placed in the public trust. Its value as an historic site is obvious. In addition, the Federal Government would acquire approximately a mile of Yellowstone River frontage. This would provide a badly needed recreation site for the people of Billings and eastern Montana—a place to float the river, fish, picnic, or just enjoy a relaxed day under the Big Sky.

Over the past 2 years, Senator BURNS and I have worked with the Bureau of Land Management to arrange this acquisition either by a direct line item appropriation or by a reprogramming of funds away from stalled BLM acquisitions elsewhere.

My understanding now is that this can be done from already available funds.

I am pleased to say that BLM recently agreed to support a reprogramming limited to $900,000 from these previously appropriated land acquisition funds, to the Pompeys Pillar project. The appraised value of the land is $632,000 and the appraised value of art and artifacts associated with this site is $167,665. The total of these appraisals comes to $799,665. However, in recommending a $900,000 purchase price, BLM has taken into account the unique historical value of this site, associated appraisal costs, and increasing land values.

I understand the distinguished chairman and ranking minority member are aware of this request and are prepared to agree to it.

Mr. BURNS. Mr. President, I want to join my colleague, the distinguished senior Senator from Montana, in the discussion of Pompey's Pillar. As Senator BAUCUS has indicated, this unique rock formation has tremendous historical significance.

We have been working diligently for 2 years now to bring this piece of property under Federal ownership and protection. I understand that the Bureau of Land Management has existing available funds from other land acquisition efforts that have not been able to be completed. I understand this means that acquisition of Pompey's Pillar will not require any further appropriation. I have also spoken to Mr. Robert Grady at OMB and have been assured that this acquisition is fully supported by OMB and the administration.

I join Senator BAUCUS in asking the distinguished chairman and ranking minority member to agree to this request allow the BLM to move quickly to complete this transaction.

Mr. BYRD. The Senators from Montana are correct in their understanding that there are substantial balances available to be reprogrammed to this project. As manager of the bill, I am prepared to review this request. I shall review those available funds to see that this can be accomplished.

Mr. NICKLES. On behalf of the minority, I will also support this request to fund this project from available funds.

NET RECEIPTS: STATE ADMINISTRATION STUDY

Mr. WALLOP. With regard to the collection of Federal mineral royalties, it is my understanding that the collection and distribution functions performed by the Minerals Management Service may be more efficiently accomplished by the States themselves. I would like to ask the Senator from West Virginia and the Senator from Oklahoma if it is their intention to establish a process to investigate this possibility.

Mr. BYRD. That is correct. It is our intention that the Department of the Interior convene a group consisting of representatives of the Minerals Management Service, the Bureau of Land Management, the U.S. Forest Service, interested State governments, and such other expert personnel as the Department may deem advisable, to study whether and to what extent Federal mineral leasing royalty collection and distribution functions could be performed by State agencies more efficiently and at lower costs than Federal agencies.

Mr. WALLOP. It is also the committee's intention that the preliminary results of such study should be submitted to the Governor of each affected State by April 17, 1992, allowing States to have the opportunity for review and comment.

Mr. BYRD. Yes, that is our intention.

Mr. WALLOP. It is my understanding that the study shall be submitted to Congress by June 1, 1992, along with any comments of the Governors of the affected States. Is that also the understanding of the Senator from West Virginia and the Senator from Oklahoma?

Mr. BYRD. The Senator is correct.

Mr. NICKLES. Yes; that is my understanding, also.

Mr. WALLOP. I thank the chairman and the ranking member for their help on this issue and I look forward to working with them to ensure that this study begins as soon as possible and stays on track throughout this process.

SUNRISE RANCH

Mr. CRANSTON. Mr. President, I want to bring to the attention of the manager of the bill the urgency in making funds available to acquire the Sunrise Ranch in the east grasslands area of Merced County, CA.

The 2,700-acre Sunrise Ranch is one of the last completely unaltered properties in California's east grasslands, an area which provides important habitat to migratory birds and other wildlife. The present owners have worked to maintain the ranch's outstanding natural values and diverse plant and animal populations. However, they now must sell the land in order to pay estate taxes. Unfortunately, this bill does not provide the necessary funds for Federal acquisition.

Mr. President, I would like to suggest a means for the Fish and Wildlife Service to acquire the property without an additional appropriation in fiscal year 1992. Specifically, it's my understanding that there are funds previously appropriated and still available for the San Joaquin River National Wildlife Refuge, CA, which could be used if Congress so directs. Given that the Sunrise Ranch contains the same type of habitat as the San Joaquin River NWR, I would like to ask the distinguished chairman of the Appropriations Committee if he would approve the use of funds available for the San Joaquin River NWR for purchase of Sunrise Ranch and other properties in the east grasslands.

Mr. BYRD. I have no objection to the use of these previously appropriated moneys to purchase the Sunrise Ranch and other properties in the east grasslands area if the Fish and Wildlife Service considers the properties a high priority.

Mr. SEYMOUR. Mr. President, I would also like to express my strong support for the acquisition of the Sunrise Ranch, and thank the chairman of the Appropriations Committee for his assistance in this matter.

Mr. CRANSTON. The Sunrise Ranch indeed should be a high priority acquisition. I thank the chairman for his cooperation and assistance.

FISH HATCHERY

Mr. BINGAMAN. I am grateful for the assistance the chairman has provided in ensuring that there is funding for vital natural resource projects and activities in the State of New Mexico. However, I am concerned that there is no funding for the continued development of the Mora Fish Hatchery. The House has included $5,000,000 for this important project for fiscal year 1992.

The Mora Fish Hatchery serves as a center for research and technology development in the areas of water recirculation and reuse and provides needed supplies of trout. It also provides much needed jobs to the citizens of Mora County. This would mark the third year of funding for this project. One million dollars was allocated in fiscal year 1990 and $3,000,000 in fiscal year 1991. Funding is necessary to continue the efforts at the hatchery. I hope that the chairman recognizes the importance of this project and will give serious consideration to its continued funding in conference.

Mr. BYRD. I assure the Senator that I will give every consideration to continuing funding for this useful project during conference deliberations.

ENERGY CLEARINGHOUSE

Mr. JOHNSTON. The House report to accompany the fiscal year 1992 Interior appropriations bill directs the Department of Energy to develop long-range priorities and establish a plan for conducting longer range applied oil and gas research. In accomplishing this goal, the Department is further directed to utilize the expertise of a number of outstanding industry related organizations and to give priority attention to effective cost-shared research. Mr. President, I support this concept and I hope it will be possible to retain this or substantially similar language in conference.

My colleagues may know that in response to a recommendation of the National Petroleum Council, a number of private oil and gas industry organizations have already begun to form an oil and gas clearinghouse to effectively facilitate and coordinate oil and gas research activities. Membership in the clearinghouse is open to all oil and gas companies and service companies and research proposals will be accepted from many sources including universities, consulting organizations, contractors, independent research organizations, and clearinghouse members. As such, it will serve as an excellent resource for the industry, especially for independents who require greater assistance with research efforts.

I believe the clearinghouse has the potential for greatly impacting the oil and gas industry. Therefore, I am pleased that the House language directs the Department to become an integral part of this process. I hope the Senate conferees will accept the House language or language which is substantially similar to it. I stand ready to work with the chairman of the Appropriations Committee on this matter in the days and weeks ahead.

Mr. BYRD. I appreciate the senior Senator from Louisiana bringing to my attention his support for his provision in the fiscal year 1992 House Interior appropriations report. I understand the importance of assisting independents with their research needs and I will be pleased to give his support for this language my fullest consideration. I look forward to working with him on this and other matters during the conference on the fiscal year 1992 Interior appropriations bill.

Mr. JOHNSTON. I thank the chairman for his kind words of encouragement.

CLARIFYING INTENT OF $550,000 APPROPRIATION FOR BIODIVERSITY INVENTORIES

Mr. INOUYE. Mr. President, I rise to clarify the intent behind the Interior Appropriations Committee's recommendation to appropriate $550,000 in fiscal year 1992 for biodiversity inventories in Hawaii and elsewhere.

Of the $550,000, the committee intended that $250,000 be appropriated to initiate the Hawaii Biodiversity Joint Venture and natural resources geographic information system project, essential components for the long-term protection of Hawaii's many endangered species, which will be carried out by the U.S. Fish and Wildlife Service in cooperation with the State of Hawaii and private agencies such as The Nature Conservancy of Hawaii.

Mr. BYRD. The Senator from Hawaii has stated the facts clearly, concisely and accurately. I agree with the intent of the appropriation as he described it.

USGS EARTHQUAKE HAZARDS REDUCTION PROGRAM

Mr. STEVENS. Mr. President, I would like to thank my friends, Senator NICKLES and Chairman BYRD, for their good work on a very tight bill. I would also like to raise a point for clarification. The committee was generous in its approval of an additional $15 million for the Earthquake Hazards Reduction Program. Coming from a State with the highest level of seismic activity in the Nation, is any of this funding available for scientists doing work in Alaska?

Mr. BYRD. Yes it is. The funds added by the Senate to the Earthquake Hazards Reduction Program are to, among other things, augment research in California, the Pacific Northwest, and the central United States. Alaska is included as a part of the Pacific Northwest. In fact, over $3 million in new funds will be available to the Pacific Northwest. We intend for the USGS to distribute these funds evenly throughout the region, respecting, of course, the merits of individual proposals. We expect USGS request for proposals to encourage research throughout the entire Pacific Northwest, including Alaskan institutions such as the University of Alaska.

Mr. STEVENS. I thank the chairman. We do have some rather unique seismic monitoring possibilities in Alaska that should be considered. Take for example the Shumagin Gap, an area near Sand Point, AK. This area has not experienced a major earthquake since the early 1900's, yet it is an area that has, over time, experienced very large earthquakes. The data we could obtain from monitoring such an event would have worldwide significance for everything from scientific purposes to designing buildings and structures to withstand the forces of a very large earthquake. Again, I thank the chairman and ranking member for their good work on all aspects of this bill.

INDIAN HEALTH AND IMMUNIZATION

Mr. ADAMS. Mr. President, I am concerned that the Senate bill dealing with Interior appropriations does not provide funding under the Indian Health Service which would allow urban Indian health programs to initiate new services in the area of immunizations and health promotion activities. In my State, I have two urban Indian health programs. The Seattle Indian Health Board and the Spokane Urban Indian Health Services are struggling to continue to provide health services to Indian people living in urban areas, while each year the basic funding provided to them falls far short of the population growth and escalating cost of providing health services. Congress recognized its responsibility to provide assistance to urban Indian populations in 1976 when it passed the Indian Health Care Improvement Act, which included title V urban health. My two mentors, the late Senators Scoop Jackson and Warren Magnuson were strong advocates for urban Indian health care. Senator Jackson introduced the landmark Indian Health Care Improvement Act, primarily to protect and further health services to Indians in urban areas. As chairman of the Appropriations Committee, Senator Magnuson provided these populations with funding. In the 1980's, when the President's budget called for eliminating funding for urban Indian health altogether, Warren Magnuson emerged from retirement to chair the Coalition to Save the Seattle Indian Health Board, his first of many public interest efforts after leaving the U.S. Senate. Over the past 10 years the net buying power of urban Indian health appropriations, once adjusted to inflation, has decreased by 70 percent, while the overall IHS budget has increased a net 2 percent in buying power. I would ask that when the Senate meets with the House to discuss the Interior appropriations bill, that every consideration be given to restore funds provided in the House bill to fund urban programs to meet very basic immunization and health promotion needs in their communities.

Mr. DECONCINI. Mr. President, earlier this year, I circulated a letter among my colleagues which called attention to the health care needs and historic underfunding of urban Indian populations under the IHS budget. Many of my colleagues signed that letter with me, in an effort to assure that urban Indian populations are not left out of needed increases in appropriations so that they might begin to address a long list of unmet health needs. The House provided $1 million for the 35 urban Indian clinics all across the Nation to address unmet needs. Mr. President, the $1 million for increased services was not included in the Senate bill. I am concerned about how these small programs will be able to respond to the increasing need for basic health services such as providing immunizations to Indian infants and the elderly, when we have not provided them with the dollars necessary. In my State, there are three urban Indian health programs located in Phoenix, Flagstaff, and Tucson. The people they serve cannot be absorbed into any other system of care. They depend upon adequate funding for health services to urban Indian populations. I urge the Senate to consider this small but effective program when it meets with the House.

Mr. INOUYE. Mr. President, as chairman of the Senate Select Committee on Indian Affairs, I have learned a great deal about the history and needs of Indian people. The relocation program of the 1950's had a significant effect on the distribution of Indian people throughout some of this Nation's largest cities. Still members of their tribes, many Indian people have found themselves isolated from the existing Federal health system available through the Indian Health Service, and not able to access other resources which might be available locally, due to geographic, cultural or language barriers. This is why the Urban Indian Health Program was authorized under the Indian Health Care Improvement Act, and this is why I sponsored the Indian Health Care Amendments Act of 1990, which expanded urban health services to cover the provision of immunizations, mental health, child abuse counseling and health promotion activities. The House has recommended assuring that these greatly needed new services are made available with a $1 million increase. the Senate bill does not provide any funding for unmet needs in urban areas. I urge the Senate to recede to the House on this small item. While the overall funding does not represent the need, it will help the 35 urban clinics from around the United States to begin addressing the important issues of immunization and health promotion.

Mr. BYRD. Mr. President, I want to thank my distinguished colleagues for their support of urban Indian health. In my committee, the needs of Indian people from all around the United States received significant attention and we have attempted to provide an appropriation which addresses these areas most in need. I assure my colleagues that the health care needs of urban Indians will be considered when we sit down with the House to conference on this bill.

NEED FOR FLEXIBILITY IN IHS HEALTH FACILITIES PROGRAMS

Mr. MCCAIN. Mr. President, I rise to inquire of the distinguished chairman of the Appropriations Committee whether I might not be able to ask him a couple of questions regarding construction of Indian health facilities.

Mr. BYRD. Mr. President, I would be glad to respond to the distinguished vice chairman of the Senate Select Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, one of the issues of great concern to me with regard to the Indian Health Service has been the lack of flexibility in the type of health facilities constructed in Indian country.

Few Members of this body know the implications of this issue better than the distinguished chairman of the Appropriations Committee. It is this committee, after all, which has the role of individually approving the funding of design and construction of IHS facilities. In my view, the committee deserves a great deal of credit for the integrity they have given this process—one that is complicated by the fierce competition for resources.

I would like to say that, recently, my concern over the need for flexibility in the facility construction area increased when the General Accounting Office recommended that nine IHS facilities be closed. These tribes were faced with a choice between no health facility or simply an outpatient clinic. For some, an outpatient clinic may have been appropriate, but for others it was clear that something between an outpatient clinic and the existing inpatient hospital was needed—but the IHS system lacked sufficient flexibility to permit such a facility. As a result, it was quite likely that resources would end up being wasted due to the fact that the most common of services couldn't be provided on reservation, and patients would have to be referred to another facility, often at an added cost to the Federal Government and unnecessary inconvenience to the patient.

In response to a concern generally shared by Congress over the lack of flexibility in the type of health facilities being constructed in Indian country, Congress adopted legislation last year creating an IHS health facility and program demonstration project that permits flexibility in the type of the health facilities to be constructed in Indian country. This new law also permits IHS and the tribes to rely on a variety of public and private sources to finance the construction. This demonstration authority is very tightly crafted so that a tribe must thoroughly document and demonstrate the need for such a facility outside the norm of the facilities that are currently being constructed.

It is my belief that we must provide sufficient flexibility in the type of health facilities that are built in Indian country so that we can effectively respond to the needs and make the most appropriate use of resources possible.

The Indian Health Service is currently completing the plan for the implementation of this demonstration project, with the hope that tribes may soon begin using this new authority. I look forward to reviewing the implementation plan.

Mr. BYRD. Mr. President, I am aware of the Senator from Arizona's efforts in this regard. I hope that the changes proposed to the system will assist us in addressing the existing known facility needs to make the system more flexible so that we might more effectively and efficiently meet the needs. Anything that we can do to reduce this backlog is most welcome.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his kind words, and I, too, look forward to working with him and thank him for his ongoing efforts in this important area.

STATE AND LOCAL ASSISTANCE PROGRAM FUNDING

Mr. GORE. Mr. President, I appreciate the strong support you have shown for the State and Local Assistance Program over the years. In the face of annual proposals from the administration to eliminate the programs, the Chairman has fought especially hard to maintain funding, and I applaud his efforts.

While I appreciate the very limited availability of funds, and the many worthy programs that need funding, I would like to request that the distinguished chairman prioritize the State and Local Assistance Program and to work in conference to recede to the level of funding provided by the House.

Mr. BYRD. I thank the distinguished Senator from Tennessee. He is correct that our funding in the Interior Subcommittee is very limited this year. I assure him that every effort will be made in conference to give the fairest possible consideration to these very worthy programs.

Mr. GORE. I thank my colleague.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

Mr. SEYMOUR. Mr. President, over the last year, the State of California has been working in coordination with the U.S. Fish and Wildlife Service, local governments, the development community, and a number of environmental organizations to establish multispecies habitat conservation projects in California.

The goal of this effort is to move away from single species habitat conservation planning and to natural community conservation planning. The approach, known as bioregionalism, acknowledges the interconnection between ecosystems and species, establishing habitat conservation programs that serve an entire ecosystem and all their species as opposed to simply one plant or animal.

Traditionally, both State agencies and the U.S. Fish and Wildlife Service have viewed compliance with the Endangered Species Act as a single species issue. When the U.S. Fish and Wildlife Service determines that a species is threatened with extinction, it lists the species and establishes a recovery plan.

Invariably, this system is reactive. The Government only gets involved when a species is on the brink of extinction, at which point the Fish and Wildlife Service typically must take radical action to prevent the species from going the way of the dinosaurs.

Such inaction, followed by frantic overreaction, has not only had a devastating impact on many local and regional economies, but has also done little for the very plants and animals the Endangered Species Act is designed to protect.

A recent report issued by the California Assembly Office of Research entitled "Biological Ghettos" states that "the current—governmental—organizational structures fail to protect critical habitat * * * and operate with scattered decisionmaking, conflicting missions, limited resources, and dislocated data." The report concludes that the disjoined nature of species and habitat preservation is leading to the disappearance of California's biodiversity "species by species."

As populations of individual species decline, the pressure to list them under the Endangered Species Act increases. Many view listing as a benign intercession on the part of Fish and Wildlife to rescue vanishing wildlife. Ask anyone who lives in the Pacific Northwest. It is not.

Once a species is listed, it legally becomes the center of the universe. All Federal decisions, and increasingly State and private actions, that may affect a listed species must be judged solely on their impact on that species.

The spotted owl is an excellent example. Now, when a forest service employee reviews plans for management of our national forest in the Cascades, he can only have one thing in mind—save the owl. He can no longer consider best forest management practices, impacts on local economies, forest fire prevention, recreational needs, or even what is best for the thousands of other species that live within the forest. Such single mindedness may be good for the owl, but it is bad forest management, and it is bad Government.

California is trying something new. Instead of waiting for rare species to be listed, or attempting to deal with listed species one at a time, the State has established a project to identify priorities and set aside habitat that is shared by a host of different listed and candidate species.

Through such a holistic, multispecies approach, it is hoped that California can forestall the otherwise inevitable progression of species listings. Each of these listings limits the ability of Federal and State Governments to make rational public policy decisions—invariably to the detriment of California's economy.

Currently, the California Resources Agency is engaged in a conservation program for southern coastal sage scrub habitat. The intent of this program is to provide a habitat for candidate species such as the California gnatcatcher and coastal cactus wren, and over 50 rare plants which share the ecosystem. It is my belief that this effort can protect these species and allow the U.S. Fish and Wildlife Service to conclude that because of the ongoing conservation efforts listing these species is unwarranted and precluded under the Endangered Species Act.

Mr. President, I would like to engage the distinguished chairman of the full Appropriations Committee and the ranking minority member of the Interior Appropriations Subcommittee in a colloquy.

Since bioregional habitat conservation efforts have the potential to benefit more than one species, is it the chairman's intention that such programs receive special consideration from the U.S. Fish and Wildlife Service for grant moneys under the cooperative endangered species conservation fund?

Mr. BYRD. Mr. President, I agree that such innovative projects should receive special consideration, and understand that the Fish and Wildlife Service is already moving in the direction that the Senator suggests; namely, promoting multispecies habitat conservation plans.

Mr. NICKLES. Mr. President, I concur in the chairman's evaluation. The cooperative endangered species conservation fund is authorized under section 6 of the Endangered Species Act to assist States in their conservation efforts. A State agency is eligible if it has entered into an agreement with the U.S. Fish and Wildlife Service. Funds are allocated according to, among other eligibility criteria, the readiness of a State to proceed with a conservation program and the importance of monitoring the status of candidate species within a State to prevent significant risk to the well being of any such species. A State program which can both meet these criteria and benefits several candidate or listed species is worthy of special consideration by the U.S. Fish and Wildlife Service.

Mr. SEYMOUR. Mr. President, the State of California's conservation program for coastal sage scrub certainly demonstrates the readiness of the State to proceed with a conservation program and provides for the monitoring of candidate species. The State coastal sage scrub program is eligible for funding, and I would urge the U.S. Fish and Wildlife Service to provide $600,000 from the cooperative endangered species conservation fund in fiscal year 1992 to the Resources Agency.

I would like to thank both the distinguished chairman and my distinguished colleague from the State of Oklahoma for their assistance in this matter.

MOUNT ST. HELENS' VISITOR CENTER

Mr. ADAMS. Mr. President, my colleague Senator GORTON and I want to express our thanks to Senator BYRD for his guidance in bringing this bill to the floor. He and his staff have been most helpful and we greatly appreciate it.

We would also like to advise the distinguished chairman of the Appropriations Committee and the Members of the Senate of a recent action by the people of Cowlitz County, WA, in support of the appropriations for the Mount St. Helens National Volcanic Monument. State Route 504, which had been destroyed in the eruption of the volcano, is currently being reconstructed and will provide improved access into the areas set aside by the designation of the monument. The development of the visitor center has therefore been a high priority for the county and the Gifford Pinchot National Forest in order to regulate the rapidly increasing number of visitors to the monument and to provide adequate protection for the unique resources found there.

However, the county is also aware of the effort the Congress is making to comply with the budget agreement and of the difficult decisions we must make in the appropriations process. The county has therefore passed a resolution offering to contribute an additional $500,000 to the completion of the project if the Federal Government will provide sufficient funds to keep construction on a schedule that will minimize delays and avoid substantial duplication of costs.

Mr. President, this is a substantial and impressive offer from the local community. Senator GORTON and I believe the Federal funds necessary to match the county's offer are within the amounts the committee has included in the bill for the monument and for Forest Service recreation and general purpose road construction. We ask for assistance in conference with the House to ensure that the discretionary funds currently in the recreation and general purpose roads budget be approved specifically for construction of the monument facilities and associated roads at the levels sufficient to match the county's generous offer.

I yield to my colleague, Senator GORTON.

Mr. GORTON. Mr. President, I wish to add my sincere thanks for the leadership that the chairman of the Interior Appropriations bill has provided on this matter.

I regard the Mount St. Helens National Volcanic Monument to be one of the most important Federal projects in the State of Washington. Its progress is critical to the people of the State, but more importantly to the people of Cowlitz County. Both the State and the county have joined as full partners with the Forest Service in financing the development of the monumemt. The State of Washington has contributed $5.6 million to the project and Cowlitz County has contributed a total of $800,000.

The timing of this project is critical. For instance, the Federal Government is already committed to and proceeding with the construction of State Route 504 to the Coldwater/Johnston Ridge Facility within the monument. If that work is completed before we appropriate sufficient funds to complete the facilities, State Route 504 will have to be dug up, the necessary utility lines laid, and the road built again.

In order to keep this project on even the slowest schedule, to avoid the most substantial cost increases and to provide for minimum law enforcement, management and resource protection, the Federal Government must spend $10,168,000 on road and facility construction at the Mount St. Helens National Volcanic Monument. The House has appropriated that amount, but the Senate bill only provides $7,156,000 for the construction of facilities, not roads. The report language encourages the Forest Service to complete construction of recreation road projects that have been requested in the President's budget, one of which is at the Mount St. Helens National Volcanic Monument. That language is acceptable and even preferable to the House language because it gives the Forest Service the necessary discretion to use its road construction funds as it sees fit.

Mr. President, this bill directs the Forest Service to spend some of its money on roads at Mount St. Helens, but it does not direct the Forest Service as to how much. The $7,156,000 allocated in both the House and Senate bills for the construction of facilities at Mount St. Helens is welcome and should be included in the conference committee's report. Additionally, we urge the conference committee to fund construction, both road construction and facility construction, at Mount St. Helens at a total of $10,168,000 and the committee should incorporate as much flexibility for the Forest Service to spend that total on either road construction and facility construction. Rather than amend this bill on the Senate floor to do that, Mr. President, I simply ask that the funding problem at the Mount St. Helens National Volcanic Monument be recognized and that the conference help to resolve the problem in the way that I have outlined.

Mr. BYRD. I understand the concerns of the two Senators from Washington regarding the various funding needs at the Mount St. Helens National Volcanic Monument. I will do what I can within our constraints in the conference to help satisfy the funding needs at the monument.

EMERGENCY WATERSHED NEEDS OF THE ZUNI PUEBLO IN NEW MEXICO AND THE ZUNI LAND CONSERVATION ACT

Mr. DOMENICI. Mr. President, I rise to address the distinguished chairman of the Appropriations Committee on a matter of extreme importance to the Zuni Pueblo in New Mexico.

Last year the Congress enacted S. 2203, the Zuni Land Conservation Act of 1990. This act authorizes $25 million to be appropriated to the Zuni Indian resource development trust fund. These funds are to be used to reclaim Pueblo lands that have been severely flooded and eroded over the past 100 years due to mismanagement by Government officials.

The distinguished chairman of the Appropriations Committee has done his best under the limited budget allocation of the Interior Appropriations Subcommittee to accommodate funding for this act. The pending bill includes initial funding of $8 million as requested by the President. Although the committee has tried in as many cases as possible to fully fund these negotiated settlements, it has just not been possible in the current budgetary climate.

This presents a problem for the Zuni Pueblo, which has an urgent need to proceed with rehabilitation work to stabilize its watershed in the face of probable flooding along the Zuni River. To undertake this interim work with properly trained crews, the Pueblo has identified the need for almost $400,000.

Mr. President, I note that the committee has approved a $3 million increase in the water resources activity of the Bureau of Indian Affairs Natural Resources Program. Would the chairman agree with me that the emergency needs of the Zuni Pueblo should be given serious consideration for funding within the committee's augmentation of this program?

Mr. BYRD. I would say to my colleague, the senior Senator from New Mexico, that I am sympathetic to his concerns, and that the committee's recommendation for the Bureau of Indian Affairs Water Resources Program is increased by $3 million. When considering the allocation of these funds, the Bureau of Indian Affairs should give this matter their attention and assist the Zuni Pueblo in working out this problem.

Mr. DOMENICI. I thank the chairman for his courtesy and for his consideration of this important matter.

LYNDON B. JOHNSON NATIONAL HISTORIC PARK

Mr. BENTSEN. Mr. President, I would like to take this time to recognize the dedicated work of the Senator from West Virginia in preparing the Interior appropriations bill. I appreciate Senator BYRD and his subcommittee on their efforts to balance the funding for our resource needs in light of severe budgetary limitations.

Recognizing the need to make priority decisions within the budget allocation of the National Park Service, I understand the difficulty decisions your subcommittee had to make. However, I must bring to the attention of the chairman a project needing assistance. The current visitor center of the Lyndon B. Johnson National Historical Park is too small and inadequate to meet the needs of the many visitors to the home and ranch of our 36th President of the United States. Visitors must meet on the back porch of a rented house to gather more information about President Johnson and the national park.

Plans have been made to use an abandoned hospital in Johnson City as the new visitor center. The House allocated $3.3 million for construction purposes to make this empty hospital an useful place to learn more about President Johnson and his life in the hill country of Texas. This project is a top priority of the Southwest Region of the National Park Service and I agree that it should receive the necessary funding to have a first-rate visitor center. I ask for the manager's assistance in securing funding for the visitor center at the Lyndon B. Johnson National Historical Park during conference. I thank the chairman for his consideration of this request.

Mr. BYRD. I appreciate the Senator's understanding of the budgetary limitations that the subcommittee faced in preparing this bill. I assure him I will review this matter and to see whether funds may be found during conference for this project.

Mr. BENTSEN. I thank my distinguished colleague for his assurances to work in conference committee for funding for the Lyndon B. Johnson National Historical Park.

FOREST SERVICE

Mr. DECONCINI. Mr. President, I would like to engage the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, who is also a member of the Senate Appropriations Committee, in a colloquy regarding my amendment 1130 to the Senate Interior and related agencies appropriations bill, H.R. 2686.

Mr. President, both House and Senate report language for the past several years have directed the Forest Service to undertake land management service contracts on an experimental basis in regions 3 and 4, and have even recommended some specific areas to be initiated.

However, service contracts have not been initiated, even on an experimental basis, because there has been many questions and internal debate as to whether this approach is allowable under current law. In response to my questions on these matters, the Forest Service has identified several legal concerns related to existing laws and administrative rules. Specifically, the Forest Service believes that service contracts could conflict with the Federal Grant and Cooperative Agreement Act, 31 U.S.C. 6303; the Miscellaneous Receipts Statute, 31 U.S.C. 3302; the act of March 4, 1907, 16 U.S.C. 499; and the act of May 23, 1908, 16 U.S.C. 500. Service contracts could also conflict with the Chiefs policy contained in FSM 6511.

Does the Senator agree with me that my amendment adequately addresses these concerns?

Mr. LEAHY. I agree that the Senator's amendment should provide the authority to allow the Forest Service to aggressively move forward in implementing a pilot project. However, the amendment does not change or alter the Forest Service's overall obligations to existing laws.

I would also forcefully hasten to add that your amendment does not amend, effect, or violate in any way, any environmental statute or regulation. The service contracts will still be subject to National Environmental Policy Act, National Forest Management Act, Endangered Species Act and all other environmental statutes. I will be keeping a close eye on this pilot project to assure that the agency and contractors are indeed using contracts to enhance, not hurt, our Nation's national forest. Does the Senator agree with my assessment?

Mr. DECONCINI. I agree, my amendment in no way effects the Forest Service's responsibility to meet the provisions of our environmental laws. In fact, the Forest Service will have to work closely with the contractor to achieve the highest possible performance levels. A performance bond, or equivalent instrument, may be needed to assure contractor accountability.

Mr. LEAHY. I would like to commend Senator DECONCINI for his leadership on this issue. I too, recommended that the Appropriations Committee promote service contracts.

In addition to applying the value of timber removed as an offset against the cost of other noncommodity management activities, such as reforestation, wildlife habitat enhancement, recreation, et cetera, I strongly believe that service contracts should be used to help the private sector promote the agency's ecosystem based New Perspectives Program. In this way contractors may have an incentive to become as concerned with sustaining ecosystems as they are in sustaining trees.

I would also add, that the Forest Service is expected to tailor each service contract treatment to localized conditions. Here, I would suggest that contracts be offered to examine a wide range of products, services, and management options. The service contract should not be used for clearcut mitigation treatments.

Finally, this pilot project should be closely monitored for its financial efficiency, compatibility with existing authorities, and effectiveness in promoting an ecosystem approach to forest management. The Forest Service should report on these topics to the Senate Committees on Appropriations and Agriculture, Nutrition, and Forestry by the end of fiscal year 1992.

Mr. DECONCINI. I thank the Senator for his insights and recommendations. I agree with the Senator's thoughts for implementation of the pilot project and look forward to the Forest Service report next September.

I would also like to thank the distinguished chairman of the Appropriations Committee, Senator BYRD, for accepting the amendment and for his continued leadership in looking for new ways to improve national forest management. I would also extend that appreciation to the Interior Subcommittee staff for all of their hard work.

THE OKLAHOMA CITY URBAN INDIAN CLINIC

Mr. NICKLES. Mr. President, during the August recess, I had the opportunity to visit the Oklahoma City Indian Clinic and see first hand the important service they provide to Indians living in the greater Oklahoma City area. This nonprofit, Indian-controlled clinic was incorporated in 1973 to serve the many Indians living in the urban area who were unable to access or were not eligible to receive care from the Indian Health Service. When Congress passed the Indian Health Care Improvement Act in 1976, it provided title V specifically to assist urban Indian health programs. The Oklahoma City Indian Clinic is one of the original urban Indian health programs which existed prior to the enactment of title V. It is one of this Nation's oldest and most active urban Indian clinics. In 1978, Congress recognized the unique situation of the two urban clinics in Oklahoma. Language was provided in fiscal year 1987 Interior appropriations, which transferred the Oklahoma City and Tulsa urban clinics funding from title V to IHS hospitals and clinics as a demonstration program under the IHS direct Care Program. As a demonstration program under hospitals and clinics, these two programs were able to receive additional funding increases not otherwise available to urban programs funded under title V. Recently, I became aware of plans by the Oklahoma area office of the Indian Health Service to use its increased funding to open a new IHS-run service area in Oklahoma City. IHS has held numerous discussions with the Oklahoma City Indian Clinic about the new IHS service area and the need to close the Oklahoma City Indian Clinic, in lieu of this new IHS service. I have communicated my concerns about closing the Oklahoma City Indian Clinic to the Indian Health Service. Yet, as recently as this August, the IHS had circulated job announcements for the new service area, and made efforts to recruit staff from the Oklahoma City Indian Clinic. The Senate Interior appropriations bill provides report language which asks IHS to keep us informed of the deliberations about developing an IHS Service Unit or continuing the Oklahoma City Indian Clinic. I am concerned that IHS has not examined how increased funding could be provided to the Oklahoma City Indian Clinic to accomplish the expanded care program IHS envisions for this area. It seems wasteful and extremely noncreative to simply eliminate a proven, effective direct care program, so that IHS might expand services under its own delivery system. If the Indian population in Oklahoma City warrants increased funding and expanded services, why can't these resources be channeled through the clinic which has been serving this population for the past 18 years?

Mr. INOUYE. Mr. President, I would like to join my distinguished colleague from the State of Oklahoma in expressing my concern about the discussions of eliminating the Oklahoma City Indian Clinic in exchange for an IHS direct service clinic. As chairman of the Senate Select Committee on Indian Affairs, it has been my experience that community ownership is the key to effective health care programs. The goal of the Indian Health Service to expand and improve the level of services to Indians residing in the Oklahoma City area is a worthy one. Eliminating the Oklahoma City Indian Clinic as a means to achieve this goal does not seem necessary. I would like to know how we can harmonize the goals of the IHS and the experience and community support of the Oklahoma City Indian Clinic. What is it that prevents IHS from utilizing the Oklahoma City Indian Clinic to achieve needed and expanded service to the Oklahoma City Indian population? It is my understanding that the Indian Health Service has never initiated an evaluation of the experiences of the Oklahoma City and Tulsa demonstration programs. I have also visited these urban programs. I was shocked when I saw the lack of support for basic equipment and facility needs of these clinics. I personally intervened to see that adequate x ray equipment and properly lined walls were installed in the Tulsa clinic. To know that the Indian Health Service has the funds and desire to expand needed services in the Oklahoma City area, but is ignoring the value of utilizing the existing community based clinic to achieve these expanded services is troubling to me. It is my hope that the Senate will communicate its concern over the direction IHS is taking in the Oklahoma City area to the IHS.

On June 14, 1991, President Bush issued a statement reaffirming the government-to-government relationship between Indian tribes and the Federal Government. This statement promotes a vibrant partnership between tribes, Indian organizations, and the Federal agencies which service Indian people. I would urge the Indian Health Service to work toward accomplishing a permanent relationship of understanding and trust with the Oklahoma City Urban Indian Health Board through consultation with the board to improve the health status of nearly 16,000 Indian people living in Oklahoma City, OK.

Mr. BYRD. Mr. President, I want to thank my distinguished colleagues from Oklahoma and Hawaii for their views on the situation in Oklahoma City. The committee has provided report language to assure that the Indian Health Service informs us of any actions which might change the current status of the Oklahoma City Indian

Clinic. IHS is directed to assess the advantages and/or disadvantages of the current arrangement before proposing any changes. I assure my colleagues that the committee will continue to stay in touch with the Indian Health Service in regard to Indian health care delivery in the Oklahoma City area.

WOLVES

Mr. BAUCUS. Mr. President, I have not been a supporter of artificial reintroduction of wolves into Yellowstone National Park. However, I have joined with Senator BURNS and my colleagues from Wyoming and Idaho in sponsoring this amendment because I believe that the preparation of an environmental impact statement on reintroduction of wolves to Yellowstone and central Idaho is the best means available to us at this point to get a full and fair look at the social, economic, and biological issues involved. This amendment requires only a study and, in fact, prohibits any use of funds in fiscal year 1992 for the reintroduction of wolves to these areas.

I share the views of my colleague from Montana with respect to the scope of the alternatives to be considered by the environmental impact statement required by this amendment. It is my understanding that the preparation of this environmental impact statement does not mean that wolves will or will not be reintroduced to Yellowstone and central Idaho. The environmental impact statement is merely a means of exploring all possible alternatives and consequences concerning reintroduction of wolves to Yellowstone and central Idaho, including the possibility of taking no action and allowing wolves to return to these areas on their own if that is what happens. Further, it is my understanding that this amendment is not intended to either rule out consideration of alternatives in the environmental impact statement that would require changes to existing law or to encourage such changes.

I would ask the distinguished chairman of the Appropriations Committee if he shares my understanding of this amendment.

Mr. BYRD. I would respond to the senior Senator from Montana and chairman of the Subcommittee on Environmental Protection that I do share his views with respect to these matters.

Mr. BURNS. Mr. President, I would like to briefly discuss my understanding of the agreed upon amendment dealing with appropriating funds for a Fish and Wildlife Service environmental impact statement on the introduction of Rocky Mountain gray wolves in Yellowstone National Park and the central Idaho wilderness.

Although portions of Montana contain identified recovery areas for the gray wolf, no introduction is planned specifically for any area in Montana. This is because wolves are migrating into Montana and northern Idaho from Canada and naturally recolonizing in those States. The wolf population in Montana has been increasing slowly for the past couple of years and appears to be increasing its range beyond the confines of the recovery area, concerns increase regarding the management of the wolf.

There are a number of people in Montana that would prefer not to have any wolves in the State. At the same time many others don't particularly care about wolves one way or the other as long as they are managed properly.

My understanding is that in addition to developing alternatives for the introduction of wolves into Yellowstone and central Idaho, the environmental impact statement will also address the concerns of management of wolves that are naturally recolonizing as well as the management of any wolves that are introduced. This would include an evaluation of any impact of wolves on areas surrounding Yellowstone and central Idaho, including the adjacent lands in Montana.

I have discussed this entire issue with the Senator from Idaho [Mr. CRAIG] and I believe I can say that he has the same understanding.

As a matter of standard procedure, the environmental impact statement should also contain an alternative that will consider allowing the natural recolonization of the wolf without additional introduction. This would be the so-called no-action alternative. I believe that I speak for both Senator CRAIG and myself when I say that natural recolonization is the preferred option.

I wonder if the distinguished floor manager would agree that he has the same understanding?

Mr. BYRD. The Senator is correct.

Mr. CRAIG. Mr. President, I would like to clarify with the distinguished chairman and ranking member of the Interior and Related Agencies Appropriations Subcommittee an issue relevant to the amendment adopted on wolf reintroduction in Yellowstone National Park and central Idaho. I feel it is most important that there be a comprehensive analysis within the environmental impact statement that evaluates the social and economic aspects of each alternative. I am particularly interested that the costs of predation on livestock and the resulting effects on local and regional economies be fully evaluated and displayed.

Mr. BYRD. Mr. President, Senator CRAIG is correct; it is the intention of the committee that a comprehensive analysis of the social and economic impacts of each alternative be included in the environmental impact statement.

Mr. NICKLES. I concur with the chairman's statement.

SHENANDOAH NATIONAL PARK

Mr. ROBB. Mr. President, I rise today to clarify how the fiscal year 1992 appropriations bill for the Department of the Interior and related agencies should apply to the Shenandoah National Park in Virginia.

The U.S. Department of the Interior budget justifications, fiscal year 1992, suggest that National Park Service funds be used for maintenance on the Gore and Light tracts in the Shenandoah National Park—Item 223, page NPS-232. However, the Administrator of Madison County, VA, has brought to my attention the fact that these tracts are not currently part of Shenandoah National Park. Park Service staff have confirmed this fact.

The bill before us, H.R. 2686, includes an appropriation for the National Park Service, of which the Shenandoah National Park is a part. The bill does not, of course, go into great detail about how the Shenandoah Park should spend its money. However, I did not want this silence to be interpreted as an endorsement of the Park Service's erroneous request. The maintenance money should go, instead, to the two tracts of land which have been donated to the Shenandoah National Park: the Argow and Naked Creek tracts.

Mr. WARNER. Mr. President, I join in the remarks of my junior colleague. The Gore and Light tracts are not now part of the Shenandoah National Park, and Federal funds should not go for their maintenance until they are.

Mr. BYRD. Mr. President, the Senators from Virginia are correct. Funds dedicated to the Shenandoah National Park should not be used for the maintenance of lands which are not yet a part of the park.

Mr. NICKLES. Mr. President, I, too, agree with what has been said and am pleased that the Senators from Virginia have clarified this issue.

INTERNATIONAL PEACE GARDEN

Mr. BURDICK. Mr. President, I would like to take a moment to clarify with the chairman of the committee, Senator BYRD, the intent of one particular item within the fiscal year 1992 Interior and related agencies appropriations bill.

On page 34 of the committee report, $2.5 million is included for construction at the International Peace Garden. It is my understanding that since the International Peace Garden is an affiliate of the National Park Service, the intent is that these funds be made available to the garden in the form of a grant to its board of directors. Is that correct?

Mr. BYRD. The Senator is correct. The $2.5 million is intended as a grant to the International Peace Garden.

Mr. BURDICK. I thank the chairman.

GOVERNMENT-FURNISHED HOUSING RENTAL RATES

Mr. BYRD. Will the Senator yield for a question?

Mr. WALLOP. I would be happy to yield to the chairman.

Mr. BYRD. My understanding of the intent of this amendment is that the

Secretary of the Interior would be prohibited from implementing a percentage increase in Government-furnished housing rental rates in excess of 15 percent more than the rates currently in effect.

Mr. WALLOP. The Senator is correct. I would just comment further that the National Park Service recently completed a rental rate comparability study for one of their regions. This survey proposed increases of employee rents up to 60 percent of the employee's base salary.

I have just introduced S. 1704, the Ranger Fair Housing Act of 1991. Employee housing provided by several land managing agencies has not kept pace with the increasing demands placed upon the agencies. The housing stock is aging and increasingly expensive to maintain. The deteriorated condition of many of the units is creating very serious recruitment, retention, and morale problems for the agencies.

Rental rate increases of the magnitude indicated by the recent study I already mentioned are, I believe, without merit. Through S. 1704 I intend to fully study the housing needs, requirements, and priorities of our land managing agencies and will attempt to arrive at a system to provide housing for necessary personnel in such a way as the employees are neither unduly rewarded nor penalized for their dedication to their chosen profession.

In the interim, this amendment allows for reasonable, but not excessive, rental rate increases.

Mr. BYRD. I thank the Senator for his response.

Mr. WALLOP. I thank the Senator for his question and appreciate his interest and assistance in this endeavor.

BUSTERBACK RANCH COLLOQUY

Mr. CRAIG. Mr. President, I wish to engage in a colloquy with the distinguished chairman and the ranking member of the Interior Appropriations Subcommittee. I would like a clarification of the availability of funds that were appropriated in Public Law 101-512, the fiscal year 1991 Interior and Related Agencies Appropriations Act, for the acquisition of water rights and construction of irrigation facilities at the Busterback Ranch in Idaho. I also want to clarify that the committee does not intend that the Federal Government use any of these funds for the purpose of exercising eminent domain for the acquisition of water rights on the Busterback Ranch property.

Mr. BYRD. The funds that were directed to be expended remain available. It is the committee's intent that the Forest Service and USDA move forward in an expedient fashion to resolve this issue and that they not use eminent domain authority.

Mr. NICKLES. I concur with the chairman's statement.

ORDER OF PROCEDURE

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the Senate proceed to the consideration of S. 1722, the unemployment compensation bill; that the only amendment in order tomorrow be an amendment by Senator DOLE, and that there be debate only on the bill and the amendment on tomorrow.

I further ask unanimous consent that at 2:30 p.m. on Monday, September 23, the Senate proceed to the consideration of the defense appropriations bill, H.R. 2521, and that at the conclusion of business on Monday, that bill be laid aside and the Senate resume consideration of S. 1722, the unemployment compensation bill on Tuesday, September 24, upon the conclusion of morning business.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I just wanted to clarify that I may not actually lay down the amendment on tomorrow but the amendment is in order.

Mr. MITCHELL. That is correct. That is my understanding. This agreement would permit but not require the offering of the amendment tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, accordingly, with the approval of this agreement, the Senate will take up and consider the unemployment compensation bill tomorrow. Senator DOLE is authorized under this agreement but not required to offer his amendment as he may do so either tomorrow or on Tuesday. There will be no rollcall votes tomorrow. There will be debate only on the unemployment compensation bill.

On Monday, the Senate will for that day set aside the unemployment compensation bill and begin consideration of the defense appropriations bill.

That will be for debate only, and there will be no rollcall votes on Monday.

On Tuesday morning, the Senate will return to consideration of the unemployment compensation bill, and it is my hope that we will be able to complete action on that bill on that day, and then return to consideration of the Defense appropriations bill on Wednesday morning, and hope to complete action on that bill as soon thereafter as possible.

I invite the Republican leader to comment in regard to this if he wishes.

Mr. DOLE. Mr. President, that is an accurate reflection, and it is our hope that we can complete action on the unemployment compensation bill on Tuesday. It may be a little later Tuesday than some might plan. But I think we sort of have an agreement and understanding on both sides of the aisle that if at all possible we will complete action on that bill Tuesday.

If there should be some period of time where we may finish amendments on that bill, I do not think there would be any objection on this side—but I will check—of going back for a few hours to the DOD appropriations bill. We are looking at the October 1 deadline on appropriations. We probably are going to have to have a CR in any event on Defense.

So I think you can expect cooperation from this side.

Mr. MITCHELL. Mr. President, I am grateful to my colleague for that cooperation. This now permits us to proceed expeditiously and yet in a manner that is convenient for the largest number of Senators in terms of their own schedule, and in terms of the Senate meeting its obligations to complete action on these important measures.

Mr. DOLE. I must say one of my colleagues said today, "Are there votes on Monday?" I said no. It has been known for a long time that because of a holiday there would be no votes on Monday. That is correct.

Mr. MITCHELL. That is correct. There will be no votes on Monday. We hope that we can begin action and get well underway on the defense appropriations bill so that when we return to it either on Tuesday or on Wednesday we can be well along on that bill and complete action on that early in the week during next week.

MORNING BUSINESS

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,378th day that Terry Anderson has been held captive in Lebanon.

THE CONGRESSIONAL AWARD PROGRAM

Mr. WALLOP. Mr. President, the role of volunteer service in the fabric of our society continues to be a much discussed topic and today I wish to draw my colleagues' attention to the congressional award, a program of our own creation which addresses this issue in the most positive way possible, and uses no Federal funds in the process.

Created through a bipartisan congressional initiative in 1979, the congressional award aims to create qualities of self-reliance, initiative and social awareness in American young people aged 14-23.

Participants, in consultation with volunteer adult advisors, set and achieve their own goals in four areas: Volunteer community service, personal development, physical fitness, and expeditions. Upon fulfilling their goals, participants receive recognition for their efforts from the U.S. Congress through the presentation of a congressional award.

Participation in the congressional award program creates in young people from whatever background, qualities of confidence in themselves, self-initiative and the desire and knowledge to become active, responsible members of society.

Many positive benefits grow out of participation in the congressional award program.

Intergenerational involvement is strengthened as participants work with adult advisors.

Individualized, noncompetitive effort is encouraged—young people are not selected for the award, they earn it.

The problems of alcoholism, drugs, and unemployment are positively combated.

Contact with Members of Congress involves young people more fully in their Government.

The quality of life within communities is enhanced through the efforts of these young people.

Since 1982, when the first medals were presented, more than 5,000 young people have received awards. Calculated conservatively, program requirements for voluntary community service alone have returned more than 750,000 hours to local needs.

Recognizing that every young person possesses a unique combination of talents and interests, the Congressional Award Program offers a structure that supports the long-term development of young people and their communities.

It challenges fundamental problems of complacency and inertia, encouraging participants to experience the world in new, exhilarating ways. In the process, it engenders civic responsibility, physical challenge, teamwork, intergenerational interaction and life skills which guide participants throughout their adult lives.

TRIAL OF HUMAN RIGHTS ADVOCATE BEGINS IN KENYA

Mr. DECONCINI. Mr. President, on Tuesday, September 16, a Nairobi court began hearing the case of Paul Muite, president of the Law Society of Kenya. Mr. Muite, whom I met during a visit to Kenya last month, is charged with contempt of court for making public statements supporting political pluralism despite court injunctions restricting such activity. The contempt case stems from legal attempts by society members favored by President Moi to have Mr. Muite, an outspoken advocate of political reform, removed from his position.

Since 1982, when a constitutional amendment prohibited a multiparty system, a fundamental right of Kenyans to change their government through the electoral process has been severely restricted. With Kenya's Parliament presently nothing more than a rubber stamp for policies of President Moi, activists have focused efforts on reasserting the independence of the judiciary and the creation of alternative political parties. Peaceful attempts to introduce freedom of political choice in Kenya have been met with repression, imprisonment, and general harassment. Calls for basic freedoms, including freedom of speech, association, assembly, and movement are being circumscribed or repressed harshly.

Mr. President, for many years the United States has considered Kenya a valued friend in Africa and a stable nation with shared values. Over the years we have maintained a significant political, economic, and strategic relationship that has benefited both our countries and peoples. It is a friendship that, I believe, can be strengthened through frank and open discussion about issues that underlie our shared objectives.

As political changes sweep across the African continent, dictators unwilling to heed the calls of their people for democracy are becoming increasingly desperate, isolated, and thankfully, obsolete. I believe it is critical that the United States express in no uncertain terms that continued abridgement of basic rights and freedoms in Kenya is unacceptable. Democracy and government accountability will benefit all Kenyans in the long run. Supporting Kenyans like Paul Muite is one way of expressing our concern and resolve.

FIFTH ANNIVERSARY OF TAX REFORM

Mr. LEVIN. Mr. President, as we approach the fifth anniversary of the passage of the Tax Reform Act of 1986, and as we gear up for a debate on the Tax Reform Act of 1991 or 1992, I thought it might be worthwhile to pause for a moment and consider whether the 1986 act should be prolog for new tax policy.

In 1986, in part because of the insistence of the Reagan administration, the Congress passed tax reform legislation that had as a primary objective something called revenue neutrality. The goal was designed to ensure that any shifts in the tax burden among groups resulting from that bill not result in any net revenue gain to the Treasury during the 1987-91 timeframe. At that time, I thought this aspect of the Tax Reform Act flew in the face of common sense in light of the $200 billion deficits that the country was confronting. To have engaged in the massive effort for tax reform without regard to its potential impact on the deficit demonstrated the myopia which sometimes afflicts public policymaking. The tendency to compartmentalize issues, the consequences of which are in fact interwoven, acts as blinders that limit the vision of even the most well intentioned legislation.

I believe that oocurred in 1986. The process was as simple as it was misguided. Revenue was raised through closing tax loopholes and restricting other tax benefits, such as individual retirement accounts, interest on consumer loans, and the two wage earner deduction. It is a separate debate on whether some of these tax changes were wise, and I made my concerns about that issue clear at the time in numerous speeches on the Senate floor. But, irrespective of the merit of those changes, the dynamic was clear. All the revenue raised was used to pay for, or offset, the revenue lost through lowering the marginal tax rates and increasing the personal exemption and standard deduction.

I voted against the Tax Reform Act of 1986. I believed that it was shortsighted to engage in this enormous enterprise and do nothing to reduce the deficit. In fact, to the extent that some of the more vulnerable tax loopholes were closed as part of the quest for revenue neutrality in 1986, it meant that the revenue potential from those loopholes had been preempted from being used for future deficit reduction. I believed that the larger economic effects in the form of lower interest rates and a more productive economy that could result from lower deficits were more important than some of the relatively modest tax savings for those taxpayers who were lucky enough to get a tax cut.

We are likely to be faced with the same tax reform dynamic, although in a different form, soon. The fifth anniversary of tax reform may be the last time to reconsider it before the momentum for another revenue neutral tax bill becomes immutable and unstoppable.

With the tax reform proposals that have already surfaced, the marginal income tax rate on the wealthiest taxpayers would be increased, and the revenue generated by this change would be distributed among some other taxpayers. If these proposals are only compared with the tax fairness of the current Tax Code, they would represent a shift in the tax burden that I could support. And, as a reality of the legislative process, that might indeed be the only choice available to the Congress by the middle of next year. But, at least in theory, it need not be the only choice offered or considered. The deterioration of the budget deficit situation, with the administration currently estimating the deficit for fiscal year 1992 at $350 billion, makes it even more important that we consider the deficit reduction potential for tax reform now than it was in 1986.

It is clear from public opinion polls that the public supports by a wide margin increasing tax rates on the wealthiest taxpayers. So do I. The public recognizes that during the 1980's the wealthiest taxpayers saw their aftertax incomes double at the same time that middle-income taxpayers barely kept their heads above water. In an environment which still generally bears the trademarks of the antitax sentiments of the 1980's, this support for an increase in the marginal income tax rate on the wealthiest taxpayers points to a significant and politically realistic resource for deficit reduction.

If, however, the top marginal income tax rate on the wealthiest taxpayers is increased to pay tax cuts for others, then the Congress will have bypassed a prime opportunity to reduce the deficit. All the relatively easy revenue to be gained by raising the top marginal income tax rate will have already been raised and allocated in the form of tax cuts. In that event, we would have repeated the mistakes of 1986. We would have passed tax legislation which, on its face, ignored the need to reduce the deficit and which, in its consequences, made significant deficit reduction more difficult.

I believe that the failure to use some of the new revenue in the Tax Reform Act of 1986 to reduce the deficit had the effect of increasing the use of artificial deficit reduction gimmicks over the last 5 years. Pseudodeficit reduction options were created to replace the real ones that were dissipated by the 1986 act. On the fifth anniversary of the 1986 Tax Reform Act, we are approaching the precipice of making the same basic mistake again. But, it is not too late to inject into the tax debate of 1991 and 1992 the deficit reduction factor. It should not be treated as the invisible man just because it is not the most popular kid on the block.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 288 and 289.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominees considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Cari M. Dominguez, of Maryland, to be an Assistant Secretary of Labor.

Nancy Risque Rohrbach, of Virginia, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1930. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 4, United States Code, to limit the authority of a state to tax a resident of another state on income derived from Federal employment performed on a Federal area located within the borders of two or more continguous states; to the Committee on Finance.

EC-1931. A communication from the National President of the Women's Army Corps Veterans' Association, transmitting, pursuant to law, the audit report of the Association as of June 30, 1991; to the Committee on the Judiciary.

EC-1932. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the fiscal year 1993 budget request of the Board; to the Committee on Labor and Human Resources.

EC-1933. A communication from the Chairman and a Member of the Railroad Retirement Board, transmitting, pursuant to law, the fiscal year 1993 budget request of the Board; to the Committee on Labor and Human Resources.

EC-1934. A communication from the Acting Commissioner of the National Center for Education Statistics, Department of Education, transmitting, pursuant to law, the third annual report on dropout and retention rates entitled "Dropout Rates in the United States: 1990"; to the Committee on Labor and Human Resources.

EC-1935. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1993 budget request of the Commission; to the Committee on Rules and Administration.

EC-1936. A communication from the Head of the Personnel Benefits Section, Bureau of Navy Personnel, Department of the Navy, transmitting, pursuant to law, the 1989 annual report for the Navy Nonappropriated Fund Retirement Plan of Employees of Civilian Morale, Welfare and Recreation; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 972. A bill to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians (Rept. No. 102-153).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Johnnie M. Smith, of South Carolina, to be a Member of the Board of Directors of the Commission on National and Community Service for a term of one year.

The following named persons to be Members of the Board of Directors of the Commission on National and Community Service for the terms indicated (new positions):

For terms of one year:
Thomas Ehrlich, of Indiana.
For terms of two years:
Leslie Lenkowsky, of Indiana.
For terms of three years:
Jack A. MacAllister, of Colorado.
Robert L. Woodson, of Maryland.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. DIXON (for himself, Mr. BUMPERS, Mr. COCHRAN, Mr. DECONCINI, Mr. HATFIELD, Mr. HEFLIN, Mr. INOUYE, Mr. LUGAR, and Mr. SHELBY):

S. 1725. A bill to authorize the minting and issuance of coins in commemoration of the quincentenary of the first voyage to the New World by Christopher Columbus and to establish the Christopher Columbus Quincentenary Scholarship Foundation and an Endowment Fund, and for related purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DIXON:

S. 1726. A bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens; to the Committee on the Judiciary.

Mr. GORTON (for himself and Mr. ADAMS):

S. 1727. A bill to allow Major League Baseball teams in smaller markets to compete financially with teams in larger markets; to the Committee on the Judiciary.

Mr. HELMS:

S. 1728. A bill to suspend until January 1, 1995, the duty on secondary butyl chloride; to the Committee on Finance.

Mr. KENNEDY (for himself, Mr. SIMON, Ms. MIKULSKI, and Mr. HOLLINGS):

S. 1729. A bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources.

Mr. CHAFEE:

S.J. Res. 199. A joint resolution to designate the week of October 13 through October 19, 1991 as "National Mentoring Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON (for himself, Mr. BUMPERS, Mr. COCHRAN, Mr. DECONCINI, Mr. HATFIELD, Mr. HEFLIN, Mr. INOUYE, Mr. LUGAR, and Mr. SHELBY):

S. 1725. A bill to authorize the minting and issuance of coins in commemoration of the quincentenary of the first voyage to the New World by Christopher Columbus and to establish the Christopher Columbus Quincentenary Scholarship Foundation and Endowment Fund, and for related purposes; to the Committee on Banking, Housing, and Urban Affairs.

CHRISTOPHER COLUMBUS QUINCENTENARY COMMEMORATIVE COIN AND SCHOLARSHIP ENDOWMENT ACT

Mr. DIXON. Mr. President, I rise today to introduce this bill to commemorate the voyages of Christopher Columbus. I am pleased to be joined in this effort by Senators BUMPERS, COCHRAN, DECONCINI, HATFIELD, HEFLIN, INOUYE, LUGAR, and SHELBY.

Mr. President, 1992 will mark the 500-year anniversary of Columbus' voyage to the New World. This bill provides a lasting and constructive monument to this historic event.

In 1492 Columbus sailed to the New World. Thus began a sustained communication between two worlds previously unknown to each other. In this and his subsequent voyages, Christopher Columbus inaugurated a flow of people, goods, ideas, plants, and animals back and forth across the Atlantic and eventually across all the oceans of the world. In these events, the origins of the modern world may be found.

Speeches, parades, and parties were used in earlier years to commemorate this event. For the special 500th year anniversary, I believe a more distinctive, lasting, and constructive commemoration should be made. I propose a bill that will not only commemorate one of the most significant events in world history, but will educate our young people about that history and the history and culture of all peoples, and reward them for their academic pursuits.

This bill will authorize the minting of Christopher Columbus commemorative coins. The proceeds from the sale of these coins will go toward the establishment of a summer high school program and a college scholarship program for students who have demonstrated interest and achievement in history, languages, geography, international affairs, and the arts and humanities of other cultures.

Let me stress that no Federal funds will be used. The costs of running the summer and scholarship program will be paid through the sale of the commemorative coins.

Columbus brought together the European Continent and the American Continent in 1492, because he had the desire and will to go beyond his world and explore others. By setting up this summer program and scholarship foundation, I hope to encourage young people to also explore new worlds at home and abroad.

The world, while richly diverse in people, languages, and cultures, is bound by economic and political interdependence. Today's world is a small place. It took Columbus 33 days to cross the Atlantic. Today it takes 3 hours. International trade in 1492 was confined mostly to spices and gold. Today everything from tractors to peanuts are traded. A family restaurant in Bloomington, IL, can buy its lamps from China and its wine from Germany. Business requires more than a knowledge of numbers, it requires a knowledge of your neighbors—the people who live across town and the people who live across oceans.

Our young people need to know their neighbors. If we want our children to have the same opportunities we had, we need to prepare them. The world community requires an appreciation and knowledge of other peoples and nations. Our political and economic survival depends on it.

Unfortunately, in recent decades Americans have failed to understand the emerging international mosaic. In 1986, the Southern Governors' Association reported that:

> New worlds open up for discovery every day in commerce, culture, and the market place of ideas. While the explorers of the 15th century were able to discover new worlds despite their ignorance of foreign lands and cultures, the new worlds of today are only open to those who can communicate across cultural, linguistic, and national boundaries.

However, too few of our young can function, much less compete in this New modern world. A teacher in Massachusetts asked his seventh graders to draw a world map. One student had Asia above Europe. Another missed Europe altogether. In a recent Nationwide test, 59 percent of the high school seniors tested did not know that a nuclear war would harm the environment.

In the real world, this kind of ignorance leads to real-life consequences. According to the Intelligence Committee and the chairman of the Armed Services Committee, the military crisis in the Persian Gulf could have been avoided, if we had Middle East experts in our diplomatic and intelligence communities who were sensitive to the culture and were monitoring the situation.

In the business world, our lack of knowledge of other languages and cultures costs us as much business as trade restrictions. According to the Journal of Commerce and the Smithsonian, United States businesses persist in sending culturally unprepared executives to Japan for business negotiations. As a result, we are getting walloped at the bargaining table. International markets are waiting for us, but our limited knowledge of languages and cultures prevents us from fully developing these markets.

Yet, despite the importance of being able to live and work in the modern world, this is still not stressed to our children. Let us show our young people that the study of languages, history, cultures, geography, and international affairs is respected and rewarded. Let us give them recognition and assistance in exploring our world, and one day they will help this Nation live, work, and prosper in this ever more interdependent world.

The Christopher Columbus Scholarship Program consists of two components: A new world summer program for high school students and a 4-year college scholarship program.

High school students from the United States and territories will compete nationally for the opportunity to attend a summer educational program. High school students will be selected based on their achievements in languages, history, geography, and international affairs. A curriculum designed to promote better understanding of all cultures will be taught.

The college scholarship receipients will be chosen from new world summer participants who best embody the capacity to make lasting contributions to national and international affairs. About 25 percent of the summer program participants will receive 4-year college scholarships. No field of study or degree program will be imposed, apart from the year-to-year eligibility requirements set by the recipient's academic institution.

The summer and scholarship program and the minting of a commemorative coin to pay for the programs is a constructive method of observing the anniversary of the voyages of Christopher Columbus. It will have a lasting positive influence on our Nation. I encourage my colleagues to join with me in supporting this bill.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christopher Columbus Quincentenary Commemorative Coin and Scholarship Endowment Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are:

(1) To commemorate the 500th anniversary of the first voyage of Christopher Columbus to the New World, which was commissioned by the King and Queen of Spain.

(2) To honor Christopher Columbus' achievements and his quest for knowledge of the various peoples of his world, the geography and technologies of his day and his vision, perseverance and leadership, by authorizing commemorative coins to be minted by the Department of the Treasury.

(3) To establish the Christopher Columbus Quincentenary Scholarship Foundation (hereafter referred to in this Act as the "Foundation") to develop and direct educational activities related to various disciplines.

(4) To establish an endowment fund to be administered by the Foundation and funded by proceeds from the sale of the commemorative coins authorized by this Act.

(5) To facilitate the creation of a scholarship program, to be developed and administered by the Foundation, to honor the achievements and attributes of Christopher Columbus by identifying and encouraging young people who excel in the study of languages, history, geography, arts and humanities and international affairs, and by emphasizing the relevance of Columbus' attributes to the current challenges facing our Nation.

SEC. 3. AUTHORIZATION TO MINT COMMEMORATIVE COINS.

(a) 5 Dollar Gold Coins.—

(1) Issuance.—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall issue not more than 500,000 5 dollar coins which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) Design.—The design of each 5 dollar coin shall be emblematic of the quincentenary of Columbus' encounter with the lands and peoples of the New World. On each 5 dollar coin there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years "1492–1992"; and

(C) inscriptions of the words "In God We Trust", "United States of America", "E Pluribus Unum" and "Liberty".

The American Eagle shall be represented on the reverse side of the coin.

(b) 1 Dollar Silver Coins.—

(1) Issuance.—The Secretary shall issue not more than 5,000,000 1 dollar coins which shall—

(A) weign 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) Design.—The design of each 1 dollar coin shall be emblematic of the New World Heritage of America and the New World's many contributions to the Old World, such as agricultural crops. On each 1 dollar coin there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years "1492- 1992"; and

(C) inscriptions of the words "In God We Trust", "United States of America", "E Pluribus Unum" and "Liberty".

The American Eagle shall be represented on the reverse side of the coin.

(c) Clad Half Dollar Coins.—

(1) Issuance.—The Secretary shall issue not more than 5,000,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) shall be minted to the specifications for clad half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) Design.—The design of each half dollar coin shall be emblematic of the Old World's contributions to the Americas, such as the horse and new forms of architecture. On each such half dollar there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years, "1492–1992"; and

(C) inscriptions of the words "In God We Trust", "United States of America", "E Pluribus Unum" and "Liberty".

The American Eagle shall be represented on the reverse side of the coin.

(d) Legal Tender.—The coins issued under this section shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) Sources of Silver Bullion.—The Secretary shall obtain silver for the coins minted under this section only from stockpiles established under the Strategic and Critical Material Stockpiling Act (50 U.S.C. 98 et seq.).

(f) Sources of Gold Bullion.—The Secretary shall obtain gold for the coins minted under this section pursuant to the authority of the Secretary under existing law.

(g) Selection of Design.—The design for each coin shall be selected by the Secretary, after consultation with the Christopher Columbus Quincentenary Jubilee Commission, created by the Congress in 1984, and the Commission of Fine Arts.

(h) Sale of Coins.—

(1) Sale price.—Notwithstanding any other provision of law, the coins issued under this section shall be sold by the Secretary at a price at least equal to face value, plus the cost of designing and issuing such coins (including labor, materials, equipment, promotional and overhead expenses, and surcharges).

(2) Bulk sales.—The Secretary shall make bulk sales at a reasonable discount.

(3) Prepaid orders at a discount.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(4) Surcharge required.—All sales shall include a surcharge of $35 per coin for the 5 dollar coins, $7 per coin for the 1 dollar coins, and $1 per coin for the half dollar coins.

(i) Issuance of the Coins.—

(1) Gold coins.—The 5 dollar coins authorized by this section shall be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular combination denomination and quality.

(2) Silver coins and clad half dollar.—The 1 dollar and clad half dollar coins authorized under this section may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(3) Commencement date.—Issuance of the coins may commence on October 12, 1991.

(4) Sunset provision.—No coins shall be minted under this section after 18 months from the actual commencement date.

(j) General Waiver of Procurement Regulations.—No provision of law governing procurement or public contracts shall apply to the procurement of goods or services necessary to carry out the provisions of this section. Nothing in this subsection relieves any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity, except that no business shall be considered to be subject to part 60 of title 41, Code of Federal Regulations (relating to equal employment opportunity affecting governmental contractors) solely because of its status as a consignee of Mint numismatic products.

(k) Distribution of Surcharges.—The Secretary of the Treasury shall pay quarterly all surcharges received from the sale of coins issued under this section to an endowment fund established and administered as provided in section 4 of this Act.

(l) Audits.—The Comptroller General of the United States is authorized to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid under subsection (k).

(m) Coinage Profit Fund.—Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this section shall be deposited in the coinage profit fund in the United States Treasury;

(2) the Secretary shall pay the amount authorized under this section from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this section.

(n) Financial Assurances.—

(1) No net cost to the government.—The Secretary shall take all action necessary to ensure that the issuance of the coins authorized by this section shall result in no net cost to the United States Government.

(2) Adequate security for payment required.—No coin shall be issued under this section unless the Secretary has received—

(A) full payment;

(B) security satisfactory to the Secretary to indemnify the United States for full payment; or

(C) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposits Insurance Corporation or the National Credit Union Administration Board.

SEC. 4. THE CHRISTOPHER COLUMBUS QUINCENTENARY SCHOLARSHIP FOUNDATION.

(a) In General.—There is established, as an independent establishment of the executive branch, the Christopher Columbus Quincentenary Scholarship Foundation, for the purpose of developing, directing, and supporting educational activities for secondary students and postsecondary students, utilizing funds deposited in the Christopher Columbus Quincentenary Scholarship Endowment Fund (hereafter referred to in this Act as the "Endowment Fund").

(b) Board of Trustees.—The Foundation shall be under the supervision and direction of a Board of Trustees (hereafter referred to in this Act as the "Board") to be composed of 13 members as follows:

(1) 2 members to be appointed by the Majority Leader of the Senate,

(2) 2 members to be appointed by the Minority Leader of the Senate,

(3) 2 members to be appointed by the Speaker of the House of Representatives,

(4) 2 members to be appointed by the Minority Leader of the House of Representatives, and

(5) 5 members to be appointed by the President.

A vacancy on the Board shall be filled in the same manner as the original appointment.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a Chairperson and a Vice Chairperson from among the members appointed by the President.

(d) TERMS OF OFFICE.—

(1) IN GENERAL.—Each member of the Board of Trustees shall serve for a term of 6 years to begin from the date of expiration of the term of the member's predecessor, if any.

(2) INTERIM APPOINTMENTS.—A member who is appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall serve for the remainder of the term.

(3) INITIAL APPOINTMENTS.—Of the members first appointed—

(A) 4 shall be appointed for a term of 2 years;

(B) 5 shall be appointed for a term of 4 years; and

(C) 4 shall be appointed for a term of 6 years,

as designated by the President.

(e) COMPENSATION.—Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(f) POWERS.—The Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that in no case shall employees (other than the Executive Secretary) be compensated at a rate in excess of the rate of basic pay payable for GS-15 of the General Schedule;

(2) procure temporary and intermittent services of such experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not in excess of the rate of basic pay payable for level IV of the Executive Schedule;

(3) prescribe such regulations as the Foundation may determine to be necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications may, with the concurrence of two-thirds of the members of the Board, be entered into without performance of other bonds, and without regard to section 3709 of the Revised Statutes;

(7) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 529 of title 31, United States Code;

(8) rent office space; and

(9) conduct programs in addition to the programs described in this Act that shall further the purposes of this Act.

SEC. 5. EXECUTIVE SECRETARY OF FOUNDATION.

(a) DUTIES.—The Board shall appoint an Executive Secretary of the Foundation who shall be the chief executive officer of the Foundation and carry out the functions of the Foundation subject to the supervision and direction of the Board.

(b) COMPENSATION.—The Executive Secretary of the Foundation shall be compensated at a rate of basic pay determined by the Board which shall not exceed the rate payable for level IV of the Executive Schedule. The compensation of the Executive Secretary and other employees of the Foundation shall be paid exclusively from funds available in the endowment fund income.

SEC. 6. THE ENDOWMENT FUND.

(a) DEFINITIONS.—For the purposes of this Act—

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund, established and maintained by the Foundation, for the purpose of generating income for the programs assisted under this Act.

(2) ENDOWMENT FUND CORPUS.—The term "endowment fund corpus" means an amount equal to the coin surcharges authorized by this Act.

(3) ENDOWMENT FUND INCOME.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) INVESTMENTS.—

(1) NATURE OF INVESTMENTS.—The Foundation shall invest its endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the law of the District of Columbia, such as federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, or obligations of the United States.

(2) STANDARD OF CARE.—In investing the endowment fund corpus and endowment fund income, the Foundation shall exercise the judgment and care, that a person of prudence, discretion, and intelligence would exercise in the management of his or her own business affairs.

(c) EXPENDITURES.—

(1) IN GENERAL.—The Foundation may expend its endowment fund income to pay for the operation of the Columbus Scholars and New World Summer programs described in section 6, and compensation of the Executive Secretary and other employees of the Foundation, as prescribed in section 8(b) and section 4(f), respectively. Except as provided in paragraphs (2) and (3), the Foundation shall, in the aggregate, seek to avoid expending in excess of the amount necessary to maintain the constant dollar value of the endowment fund corpus.

(2) EXCESS EXPENDITURES.—The Secretary is authorized to permit the Foundation to expend more than the amount provided in paragraph (1) whenever the Foundation demonstrates that such expenditure is necessary because of a financial emergency, such as a pending insolvency or a temporary liquidity problem.

(3) EXPENDITURE OF CORPUS.—Upon the expiration of 20 years from the date of the last deposit of coin sale surcharges into the endowment fund, the Secretary is authorized to permit the Foundation to withdraw or expend the endowment fund corpus in whole or in part, as provided in writing by the Secretary.

(d) ENFORCEMENT.—

(1) RETURN TO TREASURY.—After notice and an opportunity for a hearing, the Secretary is authorized to recover and return to the Treasury any coin surcharges deposited into the endowment fund if the Secretary finds that the Foundation—

(A) has withdrawn or expended any endowment fund corpus, or any endowment fund income, in excess of the amount authorized by subsection (c);

(B) has failed to invest its endowment fund corpus or income in accordance with the investment standards set forth in subsection (b); or

(C) has failed to account properly to the Secretary concerning investments and expenditures of its endowment fund corpus or income.

(2) AMOUNT OF RETURN.—If the Secretary takes action to recover funds under this subsection, the Foundation shall return to the Treasury of the United States an amount equal to the sum of the coin sale surcharges deposited into the endowment fund under this Act, plus any income earned. The Secretary may direct the Foundation to take other appropriate measures to remedy any violation of this Act and to protect the financial interest of the United States.

SEC. 7. FOUNDATION PROGRAMS.

(a) COLUMBUS SCHOLARS.—

(1) SCHOLARSHIPS.—The Foundation shall award scholarships from the amount available in the endowment fund income to students who—

(A) best embody the capacity to make lasting contributions to national and international affairs, as demonstrated by excelling in the study of geography, history, languages, and international affairs;

(B) demonstrate exceptional leadership abilities; and

(C) meet other qualifications prescribed by the Foundation.

(2) DESIGNATION.—Students awarded scholarships under this section shall be known as "Columbus Scholars".

(3) ELIGIBILITY.—In addition to the qualifications contained in paragraph (1), in order to be eligible to receive a scholarship, a student must participate in the New World Summer program described in subsection (b), and demonstrate, during such participation, leadership and the potential to contribute to national and international studies in disciplines such as geography, history, languages, social studies, international affairs, and the humanities.

(4) STIPENDS.—

(A) IN GENERAL.—Subject to subparagraph (B), each Columbus Scholar shall receive a stipend that is equal to the cost of tuition, fees, books, room and board, or $10,000, whichever is less, for each year of full-time academic study that the Columbus Scholar pursues.

(B) REDUCTION.—The amount of the stipend described in subparagraph (A) is subject to reduction based on the availability of funds and changes in the tuition cost index compiled by the National Center for Educational Statistics.

(C) MAXIMUM PERIOD OF AWARD.—Stipends may be awarded for any period of time that the Foundation prescribes, except that the period may not exceed 4 academic years.

(D) RECIPIENT'S CHOICE OF INSTITUTION.—A Columbus Scholar may attend any postsecondary institution that offers courses of study, training, or other educational activities related to geography, history, languages, international affairs or other related fields prescribed by the Foundation.

(b) NEW WORLD SUMMER.—

(1) ESTABLISHMENT.—The Foundation is authorized to develop and operate a educational program entitled "New World Summer", in which secondary school students selected by the Foundation from any State or territory shall participate, at sites selected by the Foundation, in a structured program that furthers the purposes of this Act.

(2) NATIONWIDE COMPETITION.—The Foundation shall, either directly or by contract, provide for a nationwide competition to select participants for the New World Summer program.

(3) CRITERIA FOR SELECTION.—Participants in the New World Summer program shall be selected based on their demonstrated outstanding achievements in the areas of geography, languages, social studies, history, international affairs, or related fields.

(4) STIPENDS.—The Foundation may award a stipend to each student selected to participate in the New World Summer program to defray the cost of attending the program.

(c) AUTHORITY OF THE SECRETARY OF EDUCATION.—The Secretary of Education is authorized to examine the activities of the Foundation to assure that the legislative intent of this Act is properly and efficiently carried out.

SEC. 8. AUDITS.

The activities of the Foundation under this Act may be audited by the Comptroller General of the United States. The Comptroller General shall have access to all books, accounts, records, reports, files, and all other papers or property belonging to the Foundation, pertaining to such activities and necessary to facilitate the audit.

SEC. 9. ADMINISTRATIVE PROVISIONS.

(a) ANNUAL REPORT.—The Foundation shall submit to the Congress and to the Secretary of Education an annual report of its operations and activities under this Act.

(b) STATUS OF EMPLOYEES.—Members of the Board of Trustees, the Executive Secretary, and employees of the Foundation shall not be considered Federal employees for the purposes of the provisions of title 5, United States Code.

(c) LIMITATION ON FURTHER FEDERAL SUPPORT.—Proceeds from the sale of the coins authorized by this Act shall be the sole Federal contribution to the Foundation. No other funds are authorized to be appropriated to support the Christopher Columbus Quincentenary Scholarship Foundation or its programs.

(d) FEDERAL FINANCIAL ASSISTANCE.—Assistance provided under this section is Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

SEC. 10. TERMINATION.

(a) TERMINATION OF FEDERAL OVERSIGHT.—Issuance of coins pursuant to this Act and the endowment fund created by this Act shall be terminated, if the Foundation, at any time, pays to the Secretary of the Treasury an amount equal to—

(1) the total amount received by the Foundation from the sale of the commemorative coins authorized by this Act; plus

(2) income earned that has not been obligated for authorized activities.

(b) TERMINATION OF THE FOUNDATION.—If the Foundation is dissolved and it has not at that time returned to the Secretary of the Treasury the amount specified in subsection (a), the Secretary is authorized—

(1) to liquidate the remaining endowment fund corpus plus any other assets of the Foundation; and

(2) to retain an amount equal to the value of the total coin sale surcharges deposited in the endowment fund plus any income earned that has not been obligated for authorized activities.

By Mr. DIXON:

S. 1726. A bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens; to the Committee on the Judiciary.

JUDICIAL NATURALIZATION AMENDMENTS

Mr. DIXON. Mr. President, I rise to introduce legislation restoring the longstanding right of judges to administer the oath of allegiance to immigrants eligible for naturalization as citizens of the United States.

Under the Immigrants and Nationality Act of 1990, the exclusive right of judges to conduct these ceremonies would be stripped in favor of a procedure in which the individual applicant could choose between a naturalization ceremony conducted by a Federal or State judge or a ceremony presided over by an administrative officer of the Immigration and Naturalization Service. This transfer of authority would end a custom that has been valued by the courts and the public since 1906.

The Immigration and Nationality Act made the change in order to address the problem of backlogs in the naturalization process. However, the proposed change goes too far. It effectively takes judges out of the process. There is no guarantee that any individual would choose a judicial ceremony. I believe the presence of a judge, conducting the ceremony in a courtroom, lends the appropriate sense of dignity and respect for the occasion. Anyone who has been to a swearing-in ceremony knows full well the importance with which the applicants and judges who conduct the ceremony approach the event. If judges are not able to conduct the ceremony in a timely manner, then it is appropriate for the applicant to choose between waiting for a judicial ceremony or proceeding with a naturalization ceremony conducted by an administrative officer of the INS.

Under this legislation, the balance is maintained between the importance of a judicial ceremony and the need to naturalize immigrants speedily. Judges would have an exclusive right to conduct the naturalization ceremony within 45 days of the date when the INS has completed and approved an applicant's paperwork. After the 45-day period, an applicant could choose between a judge or an administrative officer to conduct the ceremony.

Mr. President, the naturalization ceremony is a once-in-a-lifetime event. It is indeed a special occasion. The judges who conduct these ceremonies take this duty seriously, and have been conducting this most precious ceremony with distinction since 1906. There is no compelling reason to take them out of the process altogether. This legislation keeps them in the process, and provides sufficient remedy for any backlogs that may occur.

I urge swift enactment of this legislation, and thank my colleagues.

Mr. President, I ask unanimous consent that a copy of the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Naturalization Amendments of 1991".

SEC. 2. RESTORING NATURALIZATION AUTHORITY TO COURTS.

(a) IN GENERAL.—Subsections (a) and (b) of section 310 of the Immigration and Nationality Act (8 U.S.C. 1421), as amended by section 401(a) of the Immigration Act of 1990, are amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), the authority to naturalize persons as citizens of United States is conferred upon the Attorney General and, to the extent and in the manner specified in subsection (b), upon eligible naturalization courts.

"(b) AUTHORITY IN COURTS.—

"(1) JURISDICTION.—

"(A) GENERAL JURISDICTION.—Each eligible court described in paragraph (5) shall have authority to naturalize persons residing within the jurisdiction of the court.

"(B) EXCLUSIVE AUTHORITY.—An eligible court described in paragraph (5) that wishes to have exclusive authority to naturalize persons residing within the jurisdiction of the court during the period described in paragraph (3)(A)(i) shall notify the Attorney General of such wish and, subject to this subsection, shall have such exclusive authority to naturalize such persons during such period.

"(2) INFORMATION.—

"(A) GENERAL INFORMATION.—In the case of a court exercising authority under paragraph (1), in accordance with procedures established by the Attorney General—

"(i) the court or the applicant for naturalization shall notify the Attorney General of the intent to be naturalized before the court, and

"(ii) the Attorney General shall forward to the court (not later than 10 days after the date of approval of an application for naturalization in the case of a court which has provided notice under paragraph (1)(B)) such information as may be necessary to provide for the naturalization of the person, including the administration of the oath of allegiance under section 337(a) and the preparation and issuance of a certificate of naturalization.

"(B) ASSIGNMENT OF INDIVIDUALS IN THE CASE OF EXCLUSIVE AUTHORITY.—If an eligible court has provided notice under paragraph (1)(B), the Attorney General shall inform each person (residing within the jurisdiction of the court), at the time of the approval of the person's application for naturalization, of—

"(i) the court's exclusive authority to naturalize such a person during the period specified in paragraph (3)(A)(i), and

"(ii) the date or dates (if any) under paragraph (3)(B) on which the court intends to naturalize persons.

If more than one eligible court in an area has provided notice under paragraph (1)(B), the Attorney General shall permit the person, at the time of the approval, to choose the court to which the information will be forwarded for naturalization under this section.

"(3) SCOPE OF EXCLUSIVE AUTHORITY.—

"(A) LIMITED PERIOD AND ADVANCE NOTICE REQUIRED.—The exclusive naturalization authority of a court under paragraph (1)(B) shall apply with respect to a person only—

"(i) during the 45-day period beginning on the date on which the person's application for naturalization is approved by the Attorney General, and

"(ii) if the court has notified the Attorney General, prior to the date of approval of such application, of the day or days (during such 45-day period) on which the court intends to naturalize persons.

"(B) AUTHORITY OF ATTORNEY GENERAL.—

"(i) NOTICE TO COURTS.—Subject to subparagraph (C), the Attorney General shall not provide for the naturalization of a person under subsection (a) during the period in which exclusive naturalization authority is exercised to an eligible court under this subsection with respect to that person.

"(C) WAIVER OF EXCLUSIVE AUTHORITY.—Notwithstanding the previous provisions of this paragraph, a court may waive exclusive authority to naturalize a person under this subsection if the Attorney General has not provided the court with notice of the approval of the person's application for naturalization within a reasonable time before the date scheduled by the court for such naturalization.

"(4) ISSUANCE OF CERTIFICATES.—Each court exercising naturalization authority under this subsection shall provide for the issuance of certificates of naturalization at the time of administration of the oath of allegiance.

"(5) ELIGIBLE COURTS.—For purposes of this section, the term 'eligible court' means—

"(A) a District Court of the United States in any State, or

"(B) any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited.".

(b) CONFORMING AMENDMENTS.—

(1) NAME CHANGES.—Section 336(e) of such Act (8 U.S.C. 1447(e)) is amended by striking "as part of the administration by a court of the oath of allegiance under section 337(a)" and inserting "as part of the naturalization of any person by a court under section 310(b)".

(2) CERTIFICATES OF NATURALIZATION.—Section 338 of such Act (8 U.S.C. 1449) is amended—

(A) by inserting "(or, in the case of naturalization under section 310(b), from the clerk of the naturalization court)" after "Attorney General" the first place it appears,

(B) by inserting "(or the clerk of the court)" after "of an immigration officer", and

(C) by inserting "(or the court)" after "Department of Justice".

(3) FUNCTIONS OF CLERKS.—Section 339(a) of such Act (8 U.S.C. 1450(a)) is amended—

(A) in the matter before paragraph (1), by striking "that administers oaths of allegiance under section 337" and inserting "that naturalizes persons under section 310(b)",

(B) by amending paragraph (1) to read as follows:

"(1) issue to each person admitted by the court to citizenship a certificate of naturalization and to forward to the Attorney General within 30 days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and retain in the clerk's office a record for each certificate so issued of all the essential facts set forth in such certificate, and to forward a duplicate of each such record to the Attorney General within 30 days after the close of the month in which such certificate was issued,",

(C) in paragraph (2), by striking "such an oath is administered" and "oath was administered" and inserting "such a certificate is issued" or "certificate was issued", respectively,

(D) by striking "and" at the end of paragraph (3),

(E) by redesignating paragraph (4) as paragraph (5),

(F) by inserting after paragraph (3) the following new paragraph:

"(4) be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General and shall account to the Attorney General for them whenever required to do so.", and

(G) by adding at the end the following:

"No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General.".

(4) FEES.—Section 344 of such Act (8 U.S.C. 1455) is amended by adding at the end the following new subsection:

"(f) The Attorney General shall pay over to courts naturalizing persons under this title one-half of all fees, up to the sum of $40,000, described in subsection (a)(1) collected by the Attorney General with respect to persons naturalized by the respective courts during each fiscal year.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on October 1, 1991.

By Mr. GORTON (for himself and Mr. ADAMS):

S. 1727. A bill to allow Major League Baseball teams in smaller markets to compete financially with teams in larger markets; to the Committee on the Judiciary.

MAJOR LEAGUE BASEBALL EQUITY ACT

Mr. GORTON. Mr. President, today, along with Senator ADAMS, I am introducing a bill designed to ensure competitive major league baseball across the country for many years to come.

This bill will benefit the smaller market teams of major league baseball. All of these teams are facing a cost spiral that consists of skyrocketing salaries and rampant free agency; however, larger market teams are able to control these cost spirals because of their local broadcast revenues.

New York epitomizes this dominance; the Yankees have a local cable television contract that will pay them $55 million a year. Marge Schott, owner of the Cincinnati Reds, recently said, "We will not have baseball in small towns like Cincinnati. We can't compete with what New York gets from cable. It's going to be that baseball is only going to be in the big cities."

Baseball is the national pastime, it brings together the entire country. Baseball allows Seattle to relate to Arlington, TX, Kansas City, MO, and New York, NY—three entirely different cities.

Baseball is not only a unifying element for the Nation, it is a benefit to each community that has a major league baseball team. For example, in Seattle the Mariners donate almost $1 million in charitable contributions such as collectibles for auctions, free tickets for Seattle's schools, and speaking tours. This is not to mention the additional countless hours that individual team members spend with the community's youth and participating in charity events.

Currently, the Seattle Mariners are in dire financial straits. This bill, however, will not solve their problems in the short run. In order to keep the Mariners in Seattle, the local business community and local governmental leaders must put together a combined effort to save the Mariners. It is a local challenge which can only be met in Seattle.

Major league baseball is the only major professional sports league that does not have a plan to combat the cost spiral, mentioned earlier, or this economic stratification. The NFL shares all broadcast revenue equally, and the NBA has a players' salary cap.

This legislation is necessary because of economic stratification between larger and smaller market teams in major league baseball. It sets out a plan to rectify this stratification. This plan will redistribute local broadcast revenue. Currently, each team is free to negotiate its own local broadcasting contract and keep 100 percent of the revenue. This plan would divide local broadcast revenues of home games, 80 percent to the team negotiating the contract and 20 percent to the league to be distributed equally among the teams in the league; and it would divide local broadcast revenue of away games, 20 percent to the team negotiating the contract and 80 percent to the league to be distributed equally among the teams in the league. In addition, this bill would require all broadcast revenue gained from national cable broadcasts, be equally divided among the teams in the league. Should major league baseball fail to comply with this redistribution of revenue, then major league baseball will be subject to the same antitrust laws as the NFL and NBA.

Mr. President, I ask unanimous consent that a text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Major League Baseball Equity Act".

FINDINGS

SEC. 2. the Congress finds that—

(1) Major League Baseball is becoming increasingly stratified in terms of the relative economic power of its teams;

(2) the current practice of gate receipt revenue sharing in both the American League and National League also works to the competitive advantage of the teams in the larger markets; and

(3) the Major League Baseball teams in the larger markets have a competitive advantage over other Major League Baseball teams in their ability to negotiate favorable independent broadcasting contracts.

DEFINITIONS

SEC. 3. In this Act, the term—

(1) "antitrust laws" has the meaning given such term under section 4 of the Federal Trade Commission Act (15 U.S.C. 44);

(2) "independent broadcasting contract" means any contract, entered into independently by or on behalf of a Major League Baseball team, for the transmission of one or more games of that Major League Baseball team by means of television broadcast, cable television transmission, or radio broadcast;

(3) "League" means the league of professional baseball teams known as the American League or the league of professional baseball teams known as the National League; and

(4) "Major League Baseball" means both Leagues.

PURPOSE

SEC. 4. The purpose of this Act is to create equity within Major League Baseball, by providing teams in smaller markets the opportunity to compete financially with the teams in the larger markets.

BROADCASTING REVENUE SHARING

SEC. 5. (a) Any revenue generated pursuant to an independent broadcasting contract should be shared in accordance with the requirements of this section.

(b) Except in the case of revenue generated as a result of nationally transmitted cable television, the Major League team that is party to such contract shall receive—

(1) 80 percent of the revenue from the transmission of the home games of that team; and

(2) 20 percent of the revenue from the transmission of games in which that team is the visiting team.

(c) All other revenue generated pursuant to such contract, including all revenue from nationally transmitted cable television, shall be divided equally among the other teams of the League of which the contracting team is a member. Each League shall establish accounts for the deposit of revenue to which this subsection applies and shall, at regular intervals, distribute the correct shares of such revenue.

PENALTY

SEC. 6. Unless Major League Baseball has, prior to the beginning of the 1993 baseball season, established and implemented a program under which any revenue generated pursuant to independent broadcasting contracts is shared in accordance with section 5, the antitrust laws shall apply to Major League Baseball, each League, and all Major League Baseball teams.

By Mr. HELMS:

S. 1728. A bill to suspend until January 1, 1995, the duty on secondary butyl chloride; to the Committee on Finance.

SUSPENSION OF DUTY ON BUTYL CHLORIDE

Mr. HELMS. Mr. President, today I am introducing legislation to extend through 1994 the duty suspension for a substance called secondary butylchloride. Congressman CASS BALLENGER has likewise introduced a companion bill (H.R. 1990) in the House on behalf of FMC Lithco, in Gastonia, NC.

Mr. President, I ask unanimous consent that a factsheet explaining the nature and uses of secondary butyl chloride be printed in the RECORD at the conclusion of my remarks.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

FACTSHEET

Product name: Secondary Butyl Chloride.

Alternate name: 2-Chlorobutane.

Chemical formula: C_4HgCl.

Import tariff classification: HTS 2903.19.50; tariff rate—18%.

CAS registry number: 78–86–4.

SECONDARY BUTYL CHLORIDE

Secondary butyl chloride has limited applications and is not considered widely used commodity. World demand is primarily in Europe, the United States, and to a minor degree in Japan. A major, if not the only application, is as a feedstock in the production of secondary butyllithium.

SECONDARY BUTYLLITHIUM

Applications

Secondary butyllithium has several limited applications which are sensitive to world competition. Special purpose synthetic butyl rubber is catalyzed using secondary butyllithium. A major outlet for this special rubber is in shoe sales.

Other markets for these special purpose synthetic butyl rubbers include injection molded parts, for example—automobile trim pieces designed to reduce weight and cushion impact; specialty adhesive formulations for aerospace/military applications; and cable jacketing for undersea and underground conditions.

The polyethylene industry is undergoing major changes as new high strength, tear resistant linear low density polyethylene (LLDPE) compounds are becoming available. These compounds offer advantage in their specially engineered properties tailored for special applications. A common example is tear resistant trash bags which can be produced thinner, yet stronger, than bags produced with polyethylene compounds previously available.

One method of producing LLDPE's requires secondary butyllithium as a co-catalyst. A competitive catalyst system is imported from Europe displacing U.S. produced secondary butyllithium. This competitive catalyst system is imported with 3.7% tariff duty.

By Mr. KENNEDY (for himself, Mr. SIMON, Ms. MIKULSKI, and Mr. PRYOR):

S. 1729. A bill to amend the Public Health Service Act to require drug manufactures to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources.

PUBLIC HEALTH CLINIC PRUDENT PHARMACEUTICAL PURCHASING ACT

Mr. KENNEDY. Mr. President, last year, Congress required that discount drug prices made available by pharmaceutical manufactures to certain favored large volume purchasers should also be made available to State Medicaid Programs. This initiative is now providing much needed financial relief to Medicaid while at the same time improving access of our most vulnerable citizens to needed drug therapies.

Last year's legislation, however, did not extend the discount to other groups of purchasers who deserve it: Public Health Service Act clinics, such as community and migrant health centers, drug treatment centers, family planning clinics, and Ryan White AIDS grantees, which also serve the Nation's most vulnerable citizens.

Unfortunately, to offset the loss of profits from Medicaid drug manufacturers have increased their prices to other purchasers.

As a result, many Public Health Service Act clinics have reported significant price increases in recent months. Community Health Centers in Texas have been told by one manufacturer that prices for their drugs will increase by at least one-third, and possibility by as much as 350 percent. Family planning clinics in many States have also reported huge price increases. One large family planning clinic in Massachusetts reports that one manufacturer has increased in price for a widely used antifungal cream by 93 percent. The director of reproductive health for the Mississippi Department of Public Health estimates that the price hikes will cost her program an additional $250,000 for oral contraceptives alone.

The National Association of State Alcohol and Drug Abuse Directors, who oversee drug treatment clinics, reports that methadone prices have doubled this year. These increases follow on the heels of normal increases last year of 40 percent for this essential drug. A White House official, Dr. Herbert Klebar, Deputy National Drug Control Policy Director, has warned that "This could eat up millions in new treatment money * * *. An increase of this magnitude could have a major impact on the number of patients that could be treated."

Public Health Service Act clinics have the worst of both worlds. They are not able to receive the same discount prices as Medicaid payers, and they are being forced to accept much larger than normal price increases for prescription drugs. Even these normal price increases for drugs have been more than twice the rate of general inflation.

This bill will extend the Medicaid discount prices to Public Health Service Act clinics. In addition, the bill attempts to relieve excessive price increases on the clinics by authorizing the Secretary of HHS to attempt to negotiate with the drug companies to voluntarily restore the prices in effect before passage of the Medicaid drug provision, indexed for inflation.

I want to make clear that this legislation extends the discount drug prices only to a short list of grantees who purchase and dispense drugs to low income individuals, not to all grantees under the Public Health Service Act. The Congressional Budget Office has estimated that the rebate program will save these clinics $30 million each year. This is real money to these programs that are caught by rising health care costs, but it is only a drop in the bucket for the pharmaceutical industry. In a hearing before the Senate Committee on Labor and Human Resources last year, it was estimated that the industry spends over $5 billion each year on advertising and marketing alone.

The bill does not technically require drug manufacturers to offer discount drug prices to the clinics. Rather, the sale of drugs to all Public Health Service Act grantees is conditioned on the signing of a rebate agreement to provide discounts to the clinics. This is the same approach taken by the Medicaid rebate program.

This proposal will not place an undue administrative burden on drug manufacturers. Because the Secretary of HHS is required to bundle the rebate requests, the companies will each have to prepare only one rebate check quarterly, compared with 50 checks under the existing Medicaid Rebate Program. The bill also includes important safeguards, such as strict prohibitions against any resale of drugs or double counting of rebates in the cases where individuals served by the clinic are Medicaid beneficiaries.

The rebate amounts are defined to avoid the phenomenon referred to by the drug industry as the spiral of death, that is, an interaction between two drug rebate programs which cause drug prices to spiral downward over time.

The current controversy surrounding the method by which the Medicaid drug discount is calculated is not addressed by this bill. The intent of this legislation is to provide access to Medicaid discount prices for public health clinics, not to rewrite the Medicaid rebate provision. Thus, this bill has no effect on the Medicaid Program.

This legislation is supported by the affected clinic groups, including the National Association of Community Health Centers, the National Association of Community Mental Health Centers, the National Family Planning and Reproductive Health Association, the National Association of State and Local Alcohol and Drug Abuse Directors, and the Northeast Regional Methadone Treatment Coalition. In addition, the legislation is supported by health professional groups such as the American College of Obstetricians and Gynecologists, and the American Nurses' Association. The Children's Defense Fund, the AIDS Action Council, the American Public Health Association, the National Episcopal Coalition, the Human Rights Campaign Fund, the National Gay and Lesbian Task Force, the AIDS National Interface Network, and the Alan Guttmacher Institute also support this bill.

I urge my colleagues to join me in sponsoring this legislation. There is no justification for denying Medicaid discounts to public health clinics. These clinics represent only 2 percent of the drug market compared to Medicaid. But the discount issue is critical to clinics throughout the country which operate on shoestring budgets, but are the front line defense in the war on drugs and disease for large numbers of our citizens who need help the most.

Congressman RON WYDEN of Oregon, who last year, along with Senator PRYOR of Arkansas sponsored the Medicaid rebate legislation, is introducing a companion bill in the House. I particularly want to commend Senator PRYOR and Congressman WYDEN for their outstanding leadership in improving access to affordable drugs for our Nation's most vulnerable citizens.

I look forward to the early enactment of the Public Health Clinic Affordable Drug Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Clinic Prudent Pharmaceutical Purchasing Act".

SEC. 2. REBATES FOR THE PURCHASE OF CERTAIN DRUGS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended—

(1) in the title heading by inserting "**AND CERTAIN DRUG PURCHASES**"; and

(2) by adding at the end thereof the following new part:

"Part E—Rebates For The Purchase of Certain Drugs

"SEC. 2141. REBATES FOR THE PURCHASE OF CERTAIN DRUGS.

"(a) REQUIREMENT.—An entity that receives funds under this Act may not purchase any drug or biological described in such subsection from a manufacturer unless there is in effect an agreement with the Secretary that requires the manufacturer to provide a rebate, as determined under subsection (c), to a covered entity for the purchase of such a drug, except that such a rebate may not be required in the case of any drug provided to an individual for which reimbursement has been made under title XIX of the Social Security Act.

"(b) COVERED ENTITIES.—A drug of the type described in subsection (a) shall be a drug as defined in section 1927(k)(2) of the Social Security Act, and any over the counter drug or birth control device, that is purchased and dispensed by—

"(1) a migrant health center receiving assistance under section 329;

"(2) a community health center receiving assistance under section 330;

"(3) an entity receiving assistance under section 340;

"(4) an alcohol or drug treatment entity or mental health entity receiving assistance under title V or title XIX;

"(5) a family planning project described in section 1001;

"(6) an entity receiving assistance under title XXVI;

"(7) a black lung clinic funded under this Act; and

"(8) a clinic that treats sexually transmitted diseases and is funded under section 318.

"(c) AMOUNT.—The amount of a rebate described in subsection (a) shall be the difference between the average price paid by the covered entity described in subsection (b) for the drug during the calendar quarter or other applicable reporting period and—

"(1) the price negotiated with the covered entity making the purchase; or

"(2) the Medicaid price determined after making adjustments under section 1927(c)(1)(C) of the Social Security Act for such drug;

whichever is lowest.

"(d) NEGOTIATION OF CONTRACTS.—The Secretary shall attempt, on behalf of and in cooperation with covered entities receiving assistance under this Act as described in subsection (b), to negotiate new contracts or renegotiate current contracts for drugs and biologicals purchased or dispensed by such entities with a view toward achieving a price comparable to, or lower than, the price charged such entities by the manufacturer on September 1, 1990, increased by the fiscal year 1991 consumer price index, as determined by the Secretary;

"(e) CLAIMS AND PAYMENT.—

"(1) SUBMISSION OF CLAIM.—

"(A) IN GENERAL.—Each covered entity eligible for a rebate under this section shall submit to the Secretary a rebate claim for the total number of dosage form units of each drug purchased, and the average price paid for each such units, during a period which is no later than 60 days after the end of the calendar quarter or other applicable reporting period and as required by the Secretary.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), if an entity is of the type described in paragraph (4) or (8) of subsection (b), the Secretary may permit such entities to consolidate rebate claims on a State or project area basis.

"(2) PAYMENTS.—Not later than 30 days after the end of each applicable reporting period as described in paragraph (1)(A), the Secretary shall consolidate all rebate claims received for such period and notify the manufacturer of each drug for which such a claim is submitted of the amount that such manufacturer shall provide as a rebate with respect to the particular covered entities submitting such claims. The manufacturer shall promptly remit to the Secretary the amounts due under such claims and the Secretary shall forward such amounts to the appropriate claiming entities.

"(3) TIME PERIOD.—In the agreements described in subsection (a), the manufacturer shall agree to remit amounts due under any rebate determined under this section to the Secretary not later than 30 days after the receipt of the notice under paragraph (2) concerning the total number of dosage form units of each drug purchased during the calendar quarter or other applicable reporting period.

"(f) CALCULATION.—The agreements described in subsection (a) shall specify that the amount of a rebate under this section for a new drug approved for marketing by the Food and Drug Administration shall be calculated in accordance with the applicable formula provided in this section, except that the base price used in the formula described in subsection (c) shall be the price available to the covered entity on the first day on which such drug was initially available for purchase.

"(g) NO REDUCTION IN GRANT AMOUNTS.—Notwithstanding any other provision of law, grants awarded under Federal law to covered entities described in subsection (b) shall not be reduced as a result of such entities receiving rebates under this section.

"(h) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall contain—

"(1) a description of the drugs purchased under agreements entered into under this section and the amounts of such purchases;

"(2) an assessment of the effectiveness of the rebate program under this section, including the savings achieved and the administrative costs associated with such program;

"(3) an assessment of the feasibility of making drugs available to covered entities under this section through the utilization of the Federal supply schedule and the Federal depot system;

"(4) recommendations for legislation that would improve such program, including the establishment or utilization of recommended distribution networks for making drugs available to clinics under this section; and

"(5) any other information determined appropriate by the Secretary.

"(i) PROHIBITION ON RESALE.—A covered entity that receives a rebate under this section for the purchase of a drug or biological may not resell such drug or biological. A covered entity found to have sold a drug in violation of this subsection shall be subject to a civil penalty in the amount of $25,000 for each such violation.

"(j) DEFINITION.—As used in this section, the term 'covered entity' means an entity described in any of paragraphs (1) through (8) of subsection (b).".

Mr. PRYOR. Mr. President, today the distinguished chairman of the Senate Labor and Human Resources Committee is introducing an important piece of legislation designed to ensure that key Public Health Services Act clinics serving our Nation's poor have access to more reasonable prescription drug prices. There are few in this body who come close to revealing the senior Senator from Massachusetts in his commitment to the most vulnerable of our society. Senator KENNEDY's introduction of the Public Health Clinic Affordable Drug Act is emblematic of this commitment and it is with the utmost respect that I commend him on this legislative undertaking.

Last year, I joined a number of my colleagues in drafting and eventually incorporating provisions into the Omnibus Budget Reconciliation Act of 1990 that assure our $5 billion State-run Medicaid programs, serving the poorest of our Nation's poor, have access to prescription drug discounts. It amazed me then, and it still amazes me now, that such a large program serving our most unfortunate citizens would be denied access to discounts given to much smaller private purchasers of medications. Despite ardent opposition from many within the drug manufacturing industry, we were successful in enacting a compromise measure that succeeds in saving the States at least $3.4 billion over 5 years for the States and the Federal Government.

The savings generated from the new Medicaid law is now assisting our financially devastated States. If offset against the drug manufacturers' monumental profits, the savings would amount to nothing more than a ripple in the industry's ocean of profits. Unfortunately, it is now becoming clear that the industry has, once again, chosen profits over compassion. Rather than reducing their multi-billion dollar profits or marketing and advertising budgets, many manufacturers have apparently chosen to significantly raise prices to other purchasers—including Public Health Service Act clinics. It is my belief that we cannot allow this type of behavior to stand.

Mr. President, as I understand it, the Public Health Clinic Affordable Act simply extends the Medicaid program's rebate program to Public Health Service [PHS] prescription drug purchasers serving similar vulnerable populations of our society. The legislation also authorizes the HHS Secretary to attempt to negotiate with drug companies in an attempt to restore the drug prices in effect prior to the enactment of the Medicaid law.

It is my belief that Senator KENNEDY's approach is consistent with the straightforward intent of the Medicaid law—assuring more reasonable drug prices for financially strapped programs serving the poor that are being denied access to discounts and that cannot keep pace with the drug manufacturers' price hikes. Just as it was unfair for the Medicaid Program to be paying the highest prices in the market for drugs, it is unfair for PHS clinics, such as community and migrant health centers, drug treatment centers, and black lung clinics to spend their already scarce health care dollars on overly inflated drug prices.

Mr. President, although it is certainly not surprising, it is extremely disappointing that many drug manufacturers have apparently chosen to increase prices to PHS clinics. Regretfully, the drug manufacturers have not limited their unprecedented price increases to PHS clinics. We are receiving daily reports from the Department of Veterans Affairs [DVA], the Department of Defense, hospitals, Health Maintenance Organizations, and others that they are either experiencing similar price hikes or receiving threats that this is likely to occur. In fact, just yesterday, the General Accounting Office released the first part of its congressionally mandated report that confirmed that a number of manufacturers are significantly increasing prices on select drugs sold to the DVA.

Even more troubling, acutely and chronically ill Americans of all ages are finding that public and congressional attention alone will not shame the drug manufacturers into constraining skyrocketing prescription drug price increases. Despite all the attention focused on the drug industry in the last Congress, the manufacturers continue to turn a deaf ear to our pleas to moderate prices.

Just last week, I went to the floor to document a prescription drug price inflation rate that is increasing at more than 3½ times the general inflation rate in the first 6 months of this year. These price increases exceed the unconscionable inflation rate of the 1980's—when the 56 percent general inflation rate paled in comparison to the 152 percent prescription drug inflation rate. There is no question in my mind that we must find ways to address this problem. If we do not, it is my belief that we will be doing as much a disservice to our constituents as is our drug industry.

As my colleagues in the Senate know, I have wrestled with the prescription drug pricing issue for some time now. I have come to the conclusion that prescription drug price containment is best addressed in a comprehensive manner. Otherwise, the drug industry will continue to attempt to pit one group who pays slightly less ridiculous prices for prescription drugs against those groups that pay more ridiculous prices for the same drugs.

It is for this reason that I have chosen not to join Senator KENNEDY today as an original cosponsor of his legislation. Instead, in the upcoming weeks, I will offer my own set of more all-encompassing prescription drug price containment proposals.

Having said this, as a public servant with a fiduciary responsibility to our Nation's taxpayers, I cannot and will not oppose efforts that represent responsible approaches to dealing with the prescription drug pricing crisis we face. The Public Health Clinics Affordable Drug Act definitely meets this requirement and my lack of cosponsorship should not be construed in any other way than sending the message that I believe we can and must do more.

Mr. President, once again, I congratulate and commend Senator KENNEDY on his thoughtful proposal. I look forward to working with him, my colleagues on the Finance Committee, the

Labor and Human Resources Committee, and all Members of this body in developing an equitable solution to the intolerable and unacceptable prescription drug pricing crisis we and all Americans face.

By Mr. CHAFEE:

S.J. Res. 199. Joint resolution to designate the week of October 13 through October 19, 1991, as "National Mentoring Week"; to the Committee on the Judiciary.

NATIONAL MENTORING WEEK

Mr. CHAFEE. Mr. President, I rise today to introduce a joint resolution that would designate October 13 through October 19, 1991, as "National Mentoring Week." A similar proposal has been introduced in the House of Representatives, and I look forward to Senate approval of this resolution.

The ability of our Nation's businesses to compete both domestically and abroad depends in large part on the quality of our workforce. Behind the success of every company are men and women who do their jobs, and do them well.

One way to ensure that American industry will remain a leader in the developing world economy is to prepare our young people to be productive workers. Schools in particular play a critical role in training youngsters to assume the challenges of the Nation's workplace.

There is growing awareness that mentoring, one-to-one relationships between a responsible adult and a student, can help prepare young people for success in the classroom. Equally important, much of that success can be transferred easily to the workplace. Mentoring programs can help reduce the dropout rate among at-risk youth. Moreover, volunteer mentors can be important role models, and are a valuable source of support and guidance to students.

Rhode Island is host to a number of mentoring programs. Both the public and private sector have encouraged individuals to act as mentors to the State's children, and hundreds have accepted that challenge.

Mr. President, mentoring is a low-cost, high-yield enterprise. I encourage my colleagues to support this important resolution.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 360

At the request of Mr. BUMPERS, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 447

At the request of Mr. THURMOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 809

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 809, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 1010

At the request of Mr. INOUYE, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1037

At the request of Mr. MURKOWSKI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1037, a bill to amend the Immigration and Nationality Act to revise certain health requirements regarding the admission of certain disabled veterans and to revise the period of active military service required for a veteran to qualify for naturalization.

S. 1040

At the request of Mr. GLENN, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1040, a bill to provide a Government-wide comprehensive energy management plan for Federal agencies.

S. 1139

At the request of Mr. NUNN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Indiana [Mr. LUGAR], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1139, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 1332

At the request of Mr. BAUCUS, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the medicare program.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1423

At the request of Mr. DODD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1424

At the request of Mr. CONRAD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1426

At the request of Mr. BUMPERS, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1441

At the request of Mr. GRAMM, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1492

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1492, a bill to amend the Internal Revenue Code of 1986.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Connecticut

[Mr. DODD] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare Program, and to expand home health services under such program.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1596

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1596, a bill to provide for a Pilot Program of Fair Housing Testing in the Department of Justice.

S. 1650

At the request of Mr. KERRY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1650, a bill to revise the National Flood Insurance Program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes.

S. 1715

At the request of Mr. GRAMM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1715, a bill to ensure the protection of the Gulf of Mexico by establishing in the Environmental Protection Agency a Gulf of Mexico Program Office.

S. 1722

At the request of Mr. BENTSEN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1722, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 81

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Missouri (Mr. BOND), the Senator from New Jersey (Mr. BRADLEY), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. BRYAN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Montana (Mr. BURNS), the Senator from North Dakota (Mr. BURDICK), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Idaho (Mr. CRAIG), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. D'AMATO), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Georgia (Mr. FOWLER), the Senator from Utah (Mr. GARN), the Senator from Ohio (Mr. GLENN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. GORE), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), the Senator from South Dakota (Mr. PRESSLER), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. RIEGLE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Carolina (Mr. SANFORD), the Senator from Tennessee (Mr. SASSER), the Senator from Alabama (Mr. SHELBY), the Senator from Illinois (Mr. SIMON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. WALLOP), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 81, a joint resolution to designate the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, as "National Home Care Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. BROWN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month."

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of Senate Resolution 178, supra.

AMENDMENT NO. 1127

At the request of Mr. SEYMOUR the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Amendment No. 1127 proposed to H.R. 2686, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

KASSEBAUM (AND BYRD) AMENDMENT NO. 1174

Mrs. KASSEBAUM (for herself and Mr. BYRD) proposed an amendment to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 100, line 14, strike "$143,583,000" and insert "$126,175,000".

HELMS AMENDMENT NO. 1175

Mr. HELMS proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 100, line 14, strike "$143,583,000" and insert the following: "$143,583,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

"SEC. . Notwithstanding any other provisions of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, or produce materials that depict or describe, in a patently offensive way, sexual or excretory activities or organs.".

DIXON (AND SIMON) AMENDMENT NO. 1176

Mr. DIXON (for himself and Mr. SIMON) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 57, line 16, delete "$1,379,205,000" and insert in lieu thereof "$1,379,605,000".

On page 84, line 1, delete "$179,000,000" and insert in lieu thereof "$178,700,000".

On page 72, after line 21, insert the following:

"The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

"The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991.".

HELMS AMENDMENT NO. 1177

Mr. HELMS proposed an amendment, which was subsequently modified, to the bill H.R. 2686, supra, as follows:

On page 100, strike the word "organs," in the committee amendment as amended by amendment 1175, and insert the following: "organs."

SEC. . Notwithstanding any other provision of law, of the funds made available to the National Endowment for the Arts under this Act for purposes of section 5(c) of the National Foundation on the Arts and Humanities Act of 1965, not less than 70 percent shall be for carrying out section 5(g) of the National Foundation on the Arts and Humanities Act of 1965: *Provided further*, that in making minimum allotments to the states under section 5(g)(3), the chairperson shall allot at least $300,000 to each state which has a population of 200,000 or more, according to the latest decennial census: *Provided further*, that the funds made available to carry out section 5(g)(3)(A) shall not exceed $8,975,000.".

MITCHELL AMENDMENT NO. 1178

Mr. BYRD (for Mr. MITCHELL) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 11, line 22, strike "$96,650,000" and insert in lieu thereof "96,750,000".

SIMPSON (AND MURKOWSKI) AMENDMENT NO. 1179

Mr. BYRD (for Mr. SIMPSON, for himself, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 74, after line 10, insert the following:

"With regard to funds made available under the fourth general request for proposals under this head in previous appropriations Act, if, due to an insufficiency of funds, the Secretary selects other than the qualifying proposal ranked highest by the Source Evaluation Board in a specific technology category and sufficient funds subsequently become unobligated to fund such qualifying proposal, such unobligated funds up to $44,000,000, shall be reobligated by the Secretary to fund such proposal, notwithstanding any other provisions of law.".

BYRD (AND NICKLES) AMENDMENT NO. 1180

Mr. BYRD (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 100, line 14, delete all beginning with "shall" through "Act." on line 18.

CRAIG AMENDMENT NO. 1181

Mr. BYRD (for Mr. CRAIG) proposed an amendment to the bill H.R. 2686, supra, as follows:

On page 84, line 1, decrease the amount by "$600,000".

On page 27, line 21, increase the amount by "$500,000".

BYRD AMENDMENT NO. 1182

Mr. BYRD proposed an amendment to the bill H.R. 2686, supra, as follows:

At the appropriate place in the bill insert the following:

"SEC. . None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, Vol. 56, No. 114, on Thursday, June 13, 1991.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on disclosure of executive branch lobbying, on Wednesday, September 25, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 19, at 10 a.m. to hold a hearing on the Soviet democratic revolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 19, at 9 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate at 10:30 a.m. on September 19, 1991, on S. 640, the Product Liability Fairness Act and S. 645, General Aviation Accident Liability Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 19, 1991, at 10:30 a.m. to conduct a hearing on the GAO Report on the Bank of New England Failure.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9 a.m., September 19, 1991, to receive testimony on the resettlement of Rongelap, Marshall Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on September 19, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 962 and H.R. 972, legislation to reaffirm the inherent authority of Tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands and S. 1717, a bill to amend the Native American Programs Act of 1974, to be followed immediately by a hearing on S. 1720, reauthorization of the Navajo-Hopi Relocation Housing Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 19, 1991, at 8 a.m., in open session, to receive testimony on Soviet military conversion.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 19, 1991, at 9:30 a.m. to hold a confirmation hearing of Robert M. Gates to be Director of the Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate for an executive session on pending Presidential nominations on Thursday, September 19, 1991, at 12:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 19, 1991, at 2 p.m. on ICC motor carrier oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 19, 1991, to receive testimony on S. 1228, the Western Water Policy Review Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MAIDEN FLIGHT OF THE C-17 AIRLIFTER

• Mr. DIXON. Mr. President, it has been over a year now since Saddam Hussein invaded Kuwait and our Armed Forces were called upon to check his brazen aggression. Today we boast of how our military successfully turned Saddam back using the most technologically advanced weapons systems in the world.

We have every reason to be proud of our people and our technology—we were prepared and it paid off. But as chairman of the Senate Armed Services Subcommittee on Readiness, sustainability and support, I wish to emphasize that we cannot afford to rest on our laurels.

With that in mind, I commend McDonnell Douglas for recognizing the vital importance of staying on the cutting edge. Over this past weekend, the McDonnell Douglas C-17 airlifter made its maiden flight. This aircraft will succeed the C-141 to greatly enhance our military transport capabilities.

As a matter of fact, Gen. H.T. Johnson, commander of both the Military Airlift Command and the U.S. Transportation Command located at Illinois' Scott Air Force Base, calls the C-17 a critical airlift asset. He states that its modern design will result in fewer intertheater missions, fewer crew members, less maintenance, additional intratheater capability and a faster rate of cargo delivery. I am told that if the C-17 had been used during Operation Desert Storm, we could have performed our airlift deployment 20 to 35 percent faster.

Mr. President, I simply wish to applaud the tremendous effort McDonnell Douglas has put into producing aircraft such as the C-17. With that kind of support, we can ensure our military has what it needs to be prepared for any situation.•

SOVIET MILITARY CONVERSION—THE CASE AGAINST PROVIDING AID OUT OF THE DEFENSE BUDGET

• Mr. McCAIN. Mr. President, the Armed Services Committee met today to examine the issues relating to the conversion of Soviet military plants and industry, and the possible use of United States aid. The committee is not examining any specific proposals for such aid at this time, but I believe that this issue is part of an emerging debate over the Defense budget, and I would like to make my views clear on the issue.

Let me begin by stating that I do not oppose all aid to the new Union of Sovereign States or independent republics. We cannot ignore the needs of the emerging democratic regimes in Russia, the other former Soviet Republics, and Eastern Europe. I support humanitarian aid, and I believe the United States may find it useful to join other nations in providing carefully targeted aid to the emerging Soviet private sector.

At the same time, I am deeply concerned about American's priorities as well as those of the Soviet Union. We cannot ignore the fact that we face major economic and domestic problems of our own. American's have urgent needs for a peace dividend, for reduced taxes, and for action in helping the elderly, minorities, and the poor and improving areas like education and transportation.

We also cannot make sudden and unplanned tradeoffs between aid and national security. We cannot ignore the fact that we still need military forces to defend our interests and those of our allies in other parts of the world.

We have hard choices to make, and we cannot afford to shape long-term policies on the needs of the moment, unplanned good intentions, and uncertain priorities. This is particularly true of any aid to Soviet military conversion. I believe that there are five major reasons we should not provide such aid:

THE REACTIONARY NATURE OF THE SOVIET MILITARY INDUSTRIAL COMPLEX

First, we must recognize who we are talking about, as well as what we are talking about. We are talking about a military industrial complex that produced eight of the members in the junta that tried to overthrow President Gorbachev and Russia's developing democracy. We are talking about the organization headed by Oleg Baklanov, who talked democracy but was a key force behind the coup.

We are talking about an element of Soviet society that has been one of the most privileged groups of apparatchiks in the Communist bureaucracy. We are talking about one of the few groups that has failed to produce any significant reformers—as distinguished from producing rhetoric about conversion and perestroika.

THE TRUE CHALLENGE POSED BY TRYING TO AID THE SOVIET ECONOMY

Second, we must understand the true nature of the challenge we face. We have learned the hard way in the past that far smaller economies can easily absorb billions of aid dollars without benefit. Worse, we have seen aid dollars simply make the situation worse. Back in the 1950's and 1960's, we often saw aid to Asia, Africa, and Latin America divert attention from the need to strengthen private enterprise, and encourage state-owned enterprises in the inefficient use of resources.

In the case of the Soviet economy, however, we are talking about providing comparatively limited amounts of aid to an economy whose gross national product has recently been worth $2.6 trillion, or roughly half the value of our own.

Further, we are talking about an economy virtually every aspect of which is in crisis. In recent years, living standards have dropped by more than 20 percent, almost solely because of policy mistakes and mismanagement by the Soviet leadership. The overall output of the Soviet economy has already dropped by at least 11 percent in the last 12 months. The CIA estimated before the recent coup that the Soviet GNP would probably drop by 20 percent in 1991, and inflation could reach 100 percent. No one, even in the Soviet Union, is capable of predicting current trends.

The scale of this crisis not only requires us to be extraordinarily careful in targeting every aid dollar, it also indicates that there are strong reasons to focus on aid to the civil sector rather than military conversion.

CIA estimates issued this spring indicate that Soviet civil investment, and the completion of new major civil projects, may have dropped by 50 percent since 1988. The transportation sector has suffered from so much underinvestment that it is on the edge of collapse. All of these areas desperately need investment and resources.

SOVIET USE OF AID FOR ECONOMIC REFORM

Third, we must understand that good intentions and rhetoric are not a substitute for carefully planned economic reform where aid is asked to be a catalyst in achieving change.

The Soviet leaders and bureaucracy did very little to use the aid they were given before the abortive coup. While the leaders of the Soviet Union talked economic reform, their proposals were at best half hearted, and even those few proposals which were enacted into law died in the hands of the Soviet Union's permeating and deadly bureaucracy. The Soviet Government generated a massive budget deficit, and wasted virtually all of the billions of dollars' worth of credits, and loans it received from the West.

Although the U.S.S.R. arranged for some $14 billion in new loans and credits in the spring of 1991, virtually none of this was allocated to any of the market or structural reforms necessary to change the Soviet economy. The black market and new private sector, not the State, became the center of most of the reform has occurred.

This is why the Soviet Union's nascent efforts at private enterprise and its joint ventures must have priority at a time when its economy is being torn apart by unstable and sharply rising prices, the ruble's loss of value, the breakdown of trade between the elements of Soviet heavy industry, regional fragmentation, and the failure of the Soviet distribution system.

We also must firmly recognize that providing billions of dollars in U.S. aid will be a meaningless exercise in symbolism, and one that may be wasted in a matter of weeks unless there is a clear reform plan that will actually be implemented. We also need to recognize that the Soviet people will gain nothing if we provide such aid to the wrong leader and the wrong plan. Humanitarian aid is vital and necessary, aid for economic reform must be tied to the right leader and the right plan.

SOVIET MILITARY SPENDING AND MILITARY CONVERSION

Fourth, Soviet military conversion is an area where we must exercise particular caution because Soviet military industry still represents an active threat to peace.

The CIA reported before the recent coup attempt that the formal Soviet defense budget in 1991 would be 96.6 billion rubles versus 70.9 billion rubles in 1990. Although Soviet planners talked 2 years ago of cutting military spending by 33 to 50 percent, DIA estimated before the coup that there were no indications that cuts of this magnitude were underway.

While real military procurement expenditures seem to have dropped by as much as 20 percent over the last 2 years—particularly in the production of tanks, artillery, and other armored vehicles—Soviet personnel and operating expenditures are planned to rise by 15 percent, and cuts in R&D activities have largely been blocked by the Soviet military.

Deployment of the fifth and sixth modification of the SS–18 heavy ICBM have continued, although such modifications have little value except in a first strike. Where we have virtually frozen ICBM modernization, and plan major force cuts, the U.S.S.R. has finished deployment of the rail-based SS–24, continues to deploy the road-based SS–25, and has at least two new ICBM's in development. It is restructuring its SSBN force, and has two new SLBM's in development.

STRUCTURAL PROBLEMS IN SOVIET MILITARY CONVERSION

Fifth, we need to recognize that there are major structural problems in Soviet military industry that raise serious questions about whether it can convert to civil production in any cost-effective way.

There is no doubt that the Soviet military complex is vast—totaling as much as 30 percent of all Soviet industrial activity. Soviet military production has dominated the industrial sector of the economy, and this domination has been a key factor behind the lack of housing and consumer goods in the Soviet Union. Every Soviet citizen has suffered because of the immense effort that has gone into such efforts—an effort that is at least four to eight times larger in terms of the relative burden it has imposed on the Soviet economy as military production in the United States.

These problems have given the Soviet leadership every incentive to restructure military industry to serve civil needs. However, in spite of a great deal of rhetoric about military conversion since 1988, very little has changed.

While thousands of plants are fully involved in military production, the U.S.S.R. only singled out 500 for any form of conversion before the coup. Most of these 400 military and 100 civil plants have so far only made token or propaganda efforts to convert from military to civil production—if that.

Further, only 6 military plants and 34 civilian plants, are planned to totally cease military production. This is a fraction of the cuts the United States has made in military production and conversion during the same period, and the CIA reports that the Soviets planned to spend only 9 billion rubles on this conversion before the recent coup attempt.

The question is why this progress has been so limited. The explanation scarcely seems to be a lack of technology or outside capital—since the Soviets have spent so much on maintaining their military effort.

It seems far more likely that the conversion problem is a combination of deliberate resistance to change for political and bureaucratic reasons, and of an inability to change because of structural problems and poor efficiency.

The structural problems are ones we often see in the U.S. defense industry. Highly specialized buildings and tools, designed purely for military production and the use of resources without regard for cost, do not lend themselves to conversion. Time and again, conversion means reinventing the wheel. It means trying to change every aspect of the physical nature of a plant, and every aspect of the way its management and labor think and operate.

We must also beware of thinking of the Soviet military sector as being efficient relative to the civil sector. There are major debates within the intelligence community, and among Soviet studies experts, regarding the efficiency of the military production sector.

A significant number of experts seem to believe that the Soviet military production system has only succeeded because of the vast resources allocated to it. They believe that it consists of a bureaucracy that is reactionary and highly resistant to change, and highly specialized facilities filled with highly specialized equipment that will be extremely difficult to convert.

There are three recent articles that summarize these views, and I respectfully request that they be included in the RECORD.

The articles follow:

[From the Economist, Dec. 15, 1990]

CONVERTING SOVIET ARMS FACTORIES

Swords into ploughshares, tanks into tractors, missile-makers turning their tools to everything from prams to truffle-making machines. Just a disarmer's pipe-dream? Mr. Mikhail Gorbachev hopes not. He talks of transforming the Soviet Union from an "economy of armament into an economy of disarmament". This is not pacifism, but realism.

The threat to the Soviet Union's Union's future comes not just from bolshy republics or unreconstructed generals. It is economic collapse that has brought the Soviet state to the point of disintegration. It was always going to be hard to remake the Soviet economy after 70 years of central planning. If it proves impossible, one reason will be that the vast, secretive military-industrial complex built up in the over-arming 1970s and 1980s is still squeezing the life out of the place.

IF ONLY

Today's buzzword for the attempt to break this military-industrial stranglehold is konvertsia. Conversion is a problem for western economies too. In the post-cold-war West, shrinking armies also mean shrinking order books for defence industries (the threat of a Gulf war notwithstanding). People have to be retrained, factories retooled or closed. The Stockholm International Peace

Research Institute recently estimated that the end of the cold war could cost Western Europe's arms industries up to 30% of their sales by the mid-1990s. They will find that painful; the Soviet Union could find the equivalent very painful indeed.

In the years of strenuous rearmament in the early 1980s, the United States was spending not much more than 6% of its GNP on defence. Opinions differ on the Soviet proportion (see the box on the next page), but it was certainly more than that. Perhaps a great deal more: at the Moscow-based Institute for World Economy and International Relations, Mr. Segei Blagovolin, an adviser to the parliamentary lobby in favour of radical defence cuts, suggests that around a third of Soviet industrial output goes into defence. Mr. Ivan Silyaev, prime minister of the vast Russian republic, reckons that defence industries account for 55% of his republic's industrial production.

This sort of muscle was not acquired in a fit of absent-mindedness. In the other days, before the Communist party had to worry about glasnost and parliamentary committees, one of its main tasks was to ensure that the defence industries and the armed forces had everything they needed.

The chief bureaucratic organizer of this priority supply line was, and still is, the government's military-industrial commission. Until recently, its sole job, in conjunction with the state planning and supply agencies, was to channel the best of everything—brains (some 70% of all R&D personnel, according to Mr. Roald Sagdeev, the Soviet Union's leading space scientist), skills and materials—into weapons production. If a defence factory ran short of anything, it was the local party's job to find it, if necessary by raiding the stocks of civilian factories. Worse than that, what Mr. Gorbachev has called the Soviet Union's "internal Cocom", the rigid separation between civilian and military industry, largely prevented the new technologies and materials developed for military purposes being used to benefit the civilian economy.

Reforms have been resisted because, without command from the top, this cosy cabal would collapse. Now, however, the military-industry commission has been given the task of supervising an eight-year plan to covert large swatches of defence production to production for the civilian economy. Unsuprisingly, things are not going well. Even if the commission were comfortable in its two hats, the sheer complexity of the task would frustrate the best-intentioned bureaucrat.

IF IT MOVES, PAINT IT

People are still confused over what conversion entails. There are two sides to it. One is to find a civilian use for surplus military equipment. the other, far more significant, is to switch some military production lines over to the making of civilian goods.

The re-use of military equipment was never going to be easy. When Mr. Gorbachev first seriously promoted the idea two years ago, the Soviet press was spattered with articles about tanks being turned into tractors and fire-fighting platforms, or missile launchers reappearing as cranes. Most of this was nonsense. Tanks can, at a pinch, be converted into earth-moving equipment. But who needs tractors weighting 40-45 tons churning up their fields, with 800 horsepower engines burning up fuel?

Equal nonsense came from military men ready to talk conversion but anxious to do as little of it as they could get away with. As a recent article in the Soviet New Times put it sourly, everything from "the scrapping of rusty warships to the delivery of oranges to Chukotka reindeer-breeders by military transport planes" was counted as conversion and trumpeted as progress.

In fact, transport equipment such as lories and aircraft can be put to civilian use with reasonable ease (and with no great asethetic problems: Soviet trucks are mostly painted in army sludge anyway, and a touch of Aeroflot livery would give some of the troop-carrying aircraft a passable likeness to the comfortless craft that the Soviet airline uses on its internal flights.). Some radio and telephone equipment could no doubt be reused. But the best civilian use for tanks, armoured personnel carriers, artillery pieces or fighter aircraft—and last month's agreement to lessen their numbers in Europe will add plenty of these—is as scrap. Even that is costly: trying cutting up a tank.

GOING CIVIL

The conversion of the defence industry to produce things that civilians need could be far more valuable. Whenever the subject comes up, Soviet officials all quote the same round figures: by 1995 the proportion of defence factories' output going to civilian use will have risen from today's 40% to 60%. But what does that really mean?

For years arms factories have been turning out some goods for the civilian economy. The big tank factory at Nizhnii Tagil, in the Urals, has long produced freight wagons for the railways; another at Kharkov, in the Ukraine, makes diesel locomotives and other railway equipment. The vast Izhmash works in Izhevsk that makes Kalashnikov rifles also turn out cars, light vans, motorcycles and machine tools. Defence factories have long made all the country's television sets, sewing machines and video recorders, and most of its refrigerators, washing machines and vaccum cleaners.

These products are better than nothing, but they are no match for those made in the capitalist world, and for a simple enough reason: there is no competition. That points up the danger of simply switching the defence factories to civil work. Mr. Gorbachev's practice of giving defence ministries new responsibilities for things like equipment for food-processing, building materials and medical equipment makes these monopolies even more unwieldy—and the economy even less flexible.

By November 1988, more than 350 defence enterprises were making equipment—though not in competition with each other—for the food-processing industry. The ministry in charge of nuclear weapons has been given the job of modernising the dairy industry. On present plans, by 1995 40% of all plumbing fixtures are to be made by defence plants. The list goes on—and the problems mount, not least the lack of any means of calculating real costs. Stories abound of expensive absurdities, such as new dairy equipment made out of titanium.

Nonetheless, shrinking orders from traditional customers at home and in Eastern Europe, plus pressure to make a profit (whatever that means in an economy where most prices are still controlled), are forcing more and more defence managers into sideline production of consumer goods. More than 600 defense plants are engaged in the new conversion campaign, at least to some degree. But, to give one example, quoted by New Times, last year only 23 of the planned 120 items of new machinery and equipment for the food-processing industry actually went into commercial production, and many of those were of poor quality.

The aircraft-builders and naval dockyards might not find it too difficult to switch to civil work. But where, except to Soviet customers, could they sell the result? World shipbuilding is a ferocious market at the best of times, and these are not its best. Though there is a joint Soviet-American project between Sukhoi and Gulfstream to build a supersonic business jet, the market for airliners too is fiercely competitive.

There are high hopes that spin-offs from the Soviet space programme—everything from rocket kits to new materials for hip joints—will bring in overseas business and much-needed hard currency. Certainly a visit to Britain by Soviet metals and materials experts from this field in September left their hosts much impressed. The question is whether the Russians can spot and exploit potential markets—entrepreneurial skills for which they are not famous.

All these doubts come back to one thing: management. That Soviet materials researchers or aircraft designers can be brilliant no one doubts. Nor that Soviet defence factories can use their work and turn out effective weaponry and space-craft. But that is no guide to managerial efficiency. It is not hard to be effective when your every need is catered for in a protected economy. Much has been made of the consumer control that operated in defence production: the army's own quality-control inspectors were attached to every factory, and shoddy goods were junked. But no one counted up the cost. Planning was done in physical quantities—so many tons of steel, etc—not by the cost of production. Put this sort of manager in charge of civilian production, without priority access to materials or anything else, and the illusion of efficiency is swiftly shattered. The result has been a lot of expensively produced but still shoddy goods.

For all these sorts of reasons, conversion, once seen as the salvation of the Soviet civilian economy, is becoming something of a dirty word to Mr. Gorbachev's countrymen—another promise unfulfilled.

MILES TO GO

Yet the problem that led to the conversion campaign in the first place is still there. The radical answer favoured by some Soviet economists is to take large chunks of capacity, resources and skills out of the military sector altogether (reducing its size by up to three-quarters, says one). This would mean retooling whole factories and removing them entirely from military supervision. If some factories cannot be easily or effectively converted—ammunition-filling plants, for instance—the radicals would like to see them simply closed, and the resultant savings invested in new ones making civilian goods.

That is probably the only quick way of breaking the military stranglehold. The trouble is that retooling, retraining and rebuilding cost money that the crumbling Soviet economy does not have. It would also wreak havoc in those cities and regions where the defence industry is concentrated, including Moscow, Leningrad, Gorky and many others. Leningrad has more than 150 defence plants, and one worker in four there is employed by the defence industry. And though East Europeans may be ready to endure the acute pain of transition in the name of freedom and ultimate prosperity, why would Russians, who see little prospect of either?

The idea of conversion is therefore itself undergoing a transformation. The latest notion is dual-purpose technology. Defence industrialists point to the need to concentrate on modern technologies, such as computerisation, miniaturisation and sectors such as information science, communications and transport—the technology infrastructure in which the Soviet economy is so far behind the capitalist world. These sorts of technologies are expensive to develop, even if in the long run they enable industry to produce cheaper and better products. Not by chance, they will also determine whether the Soviet Union can keep up with America in producing the weapons of the future.

The problem for the conversion enthusiasts is that the past rigid separation between military and civilian industry leaves the defence industrialists well placed to exploit their monopoly in newer technologies too. The battle between military and civilian industry goes to the heart of Soviet reform. It will be a hard one for the civilians to win.

Even if they do, what then? Seen from the West, the discussion has an unreal quality, like planning more and better lifeboats for the Titanic. Soviet consumer goods and Soviet managers will improve in quality and number not when defence bureaucrats are replaced by civil ones, but when they are forced to improve by market competition.

DOUBLE THEIR MONEY

For the first time since the mid-1960s, 1989 saw the start of a downturn in the relentless rise of Soviet military spending. Even sceptics at NATO headquarters now accept what senior Soviet military men tell them, that Soviet tank production has been halved (though it is still more than twice that of all the NATO countries combined). The agreement to cut conventional forces in Europe, signed last month in Paris, means that the Soviet armed forces will in future need less of almost everything, from ammunition to aircraft (and nuclear weapons, once further agreements on those are in place).

How much will all this save? It is hard to calculate. Disarmanent costs money: equipment has to be destroyed, agreements checked. But the biggest difficulty is that no one really knows—not even in Moscow—how much the Soviet Union spends on defense.

Without a good sense of the size of the defense burden on the civilian economy, Mr. Gorbachev cannot know how much he needs to cut and how best to go about it. In 1989 he gave a figure of 77.3 billion roubles a year, roughly 8½% of GNP; far less than the real figure, even if overnight it quadrupled the official rouble figure used until then. An updated figure for 1990 of 70.9 billion roubles, presented last month to the United Nations, was no better. According to the 1991 economic plan, defense spending next year is to amount to 98.6 billion roubles, which the finance minister claims would still represent a cut of 10% in real terms, since the figure has been uprated to take account of future price rises.

Confused? So are many Soviet economists, who criticise the way in which the official figure is calculated. Mr. Gorbachev is undaunted. To emphaise his determination to make big cuts, he has said that over 1990 and 1991 the defence budget will shrink by 14%. He hopes by 1995 to cut the share of national income going to defense by between a third and a half. Meaning what? Even that vague figuring depends on how big today's share really is.

Western figures put the burden on the Soviet economy far higher than Mr. Gorbachev does. Not, probably, that he is wilfully lying. Mr. Sergei Blagovolin describes Mr. Gorbachev's figures as "arithmetically correct, but economically meaningless." They count Soviet defense costs at Soviet prices: for an extreme example, titanium, a light alloy used in the building of military aircraft, is said to cost Soviet defense manufacturers one-hundredth of the comparable price in the West.

As a result, the official figure understates the cost to the rest of the Soviet economy of the materials (not to mention the investment and the skills—all undervalued) that go into arms production. America's CIA used to be denounced in the Kremlin for estimating that the Soviet Union spent 15–17% of its GNP on defence. Now it is denounced by western critics for undercounting the true costs of modern Soviet weapons and for overcounting the size of Soviet GNP. One such critic is Mr. William Lee (who happens to work for the Defence Intelligence Agency, a part of the Pentagon—though he disagrees with its figures too). In a paper recently prepared for Senator Jesse Helms, Mr. Lee argues that the real figure is 50% higher than those of the CIA, and DIA. Some Soviet economists agree.

MORE OR PERHAPS LESS

[Soviet defense spending as percent of GNP]

	1985	1988	1989
CIA/DIA [1]	15–17	15–17	15–17
W.T. Lee [1]	20–26	21–26	
NATO		15–18	
SIPRI		12	
Official Soviet	3		8.5
Unofficial Soviet		22–30	

[1] Using 1982 prices.

1992 prices Soviets

Sources: CIA; W.T. Lee, SIPRI; Radio.

THE CONVERSION OF THE SOVIET ARMS INDUSTRY:* PLANS, REALITY, AND PROSPECTS

(By Michael Checinski)

ABSTRACT

Since late-1988 virtually all Soviet leaders and most of the political commentators have emphasized the importance of transition from a militarized to a disarmament economy. After the officially announced new military doctrine and the subsequent disarmament policy, much has been written about the anticipated economic benefits of the new arms strategy. From the retrospective of three years, Soviet analysts and managers have discovered that conversion has produced no miracle for consumers but created many new difficult and unexpected problems. This article discusses the economic implications of the conversion as reflected in published Soviet sources. In an Annex the main personalities involved in implementing the Conversion Program are presented.

1. The conversion and Soviet defense strategy

The Soviet conversion plan can best be understood as an element of the more complex military-economic policy developed during the decades after the October Revolution. Three cornerstones of this policy, which remain in effect until today, were established in the 1920s:[1]

(a) A special system for arms production and economic development in accordance with war-time mobilization plans. Exploiting the advantages created by the state owned and centrally planned economy, the Soviet leadership developed one- and five-ministry, production association and plants were instructed to incorporate into their development plans defense-oriented programs. This included the enterprise location, underground construction, the development of infrastructures in accordance with the needs of defense plans, and the establishment of preferences for defense related R&D programs and the creation of large mobilization reserves.

(b) The second cornerstone was the unified military technological policy (edinaya voenno-tekhnicheskaya politika),[2] the principle method behind the industrial mobilization strategy. This policy favors dual-track oriented technologies which, first and foremost, promotes the needs of the military-industrial complex. Engines, transportation facilities, tractors, machines, optical and chemical products, etc., are developed and produced, if possible, in accordance with the standards used for manufacturing military hardware. This is an extremely costly policy. It was ruinous for the development of most civilian industries and for the production of consumer goods. Subordinating the adopted technologies to military programs also crippled the growth of the entire economy. Nonetheless, for defense planners this policy may still look crucial. In the past, in critical situations, particularly during the German-Soviet war 1941–1945, when it became necessary to boost defense production in a short period of time, the unified military-technological policy served this task very effectively.

(c) Of great importance was the system of secrecy associated with the preferential development of the military-industrial complex. Its main purpose was to raise Soviet arms production capacities and defense technologies to the highest possible level but in complete secrecy from the Soviet population, the non-military branches of industry and the outside world. The destructive role of this secrecy can be illustrated by the absence of any system for transferring know-how from one plant to another even inside the military-industrial complex.[3]

From the first five-year plan to the present these three cornerstones remain the backbone of the defense and economic planning of the Soviet state. They continue to influence current arms production programs and the mobilization potential of the defense industry. It is thus unrealistic to expect that arms reduction plans could be viable without considering their impact on these established principles of the Soviet military-economic policy.

Inasmuch as the state is the major owner of the national economy, it is not too difficult to coordinate the components of the defense production and mobilization plans both on the plant level as well as in the national economy in general in order to integrate the military-economic mobilization capacities of the country. Yet, forcing in peace time the managers to operate under the supervision of "civilian ministries" but according the book of rules for military programs, rather than the demands of the civilian consumers, Soviet defense planners have created a situation the consumer goods market was victimized, resulting in an economy of eternal shortages. This explains why the number and quality of the Soviet consumer goods lags so far behind the West and why goods are developed even in contradiction with world technological trends and in outright disregard for the real needs of the consumers.

Nonetheless, most Soviet military-economic planners, consider the approach to economic planning described above as normal, because—in their understanding—this strengthens the defense potential of the state. No wonder, therefore, that the conversion program is conceived by the military elite and by many leading Soviet personalities not as an instrument or method to improve the very critical situation of the civil-

---

Footnotes at end of article.

ian market but rather as a strategy to modernize the industry in general, and military industry in particular.

Indeed, in the first stage of Gorbachev's leadership a concept was developed of how, in the shortest time, to modernize the backward Soviet machine-building branches, the backbone of the Soviet military-industrial complex. Serious changes in the arms production plans were not discussed, nor were such discussion expected. Yet, for lack of modern technologies and economic resources this program failed. For that reason—as recently acknowledged V. Faltsman, a prominent Soviet economist—in 1988-1989, during the XIX All-Union Party Conference and the Deputies Congresses, a new strategy was developed.[4] Its program of action is based on intensive exploitation of the resources accumulated in two Soviet economic sectors: in the military-industrial sector and in the energy producing branches. The latter has to be modernized to increase productivity and to save oil and gas, while the main strategic task of the conversion is to exploit the overinvested capacities of the arms sector in order to accelerate scientific-technological progress in the national economy.

In the contest of Faltsman's arguments the problems, impediments and results of the conversion program should be assessed as components of more complex Soviet economic and defense strategy. Yet, this strategy is no longer—like in the past—indisputable and determined only from above. The Soviet ruling elite is today divided as never before, and there is no longer a single unambiguous answer on how to solve the current economic crisis and, at the same time, to maintain a strong military potential. No wonder that also approaches to the conversion issues are formulated by various Soviet analysts and leading personalities very differently. Below, we will examine these approaches in details.

2. The conversion program: Conflicting indications

It is not the first time that the Soviet Union has made public that sizable capacities of its arms industry are used for civilian purposes. In the early 1970s it was popular to quote Brezhnev's statement made in his Tula Speech, that almost 42 percent of Soviet arms-industrial capacity works for the civilian market.[5] Today, according to published figures, 40 percent of the arms-industry output is civilian-oriented. In many Soviet interviews and articles, and in discussions during the Peoples' Deputies Sessions, it was revealed what this 40 percent represents in practical terms: TV sets, radios and other electronic or optical consumer goods are produced exclusively by enterprises of the military-industrial complex, because no one civilian plant has the necessary production facilities.[6] These 40 percent "civilian" production capacities are nothing but a cover for the hidden mobilization reserves of military industry. Yet, while these mysterious 40-42 percent civilian production figures in the past and today looked to be similar in size, it would be trivial to compare Brezhnev's with Gorbachev's defense policies. Not only the leaders' intentions, but the economic, political and military conditions of the Soviet Union in the 1970s-1980s and at the start of the 1990s are different. It, therefore, behooves us to examine the real dimension and task of the current conversion program.

As noted, above, the Soviet disarmament program is just the other side of its armament and defense policy. A closer look at both sides will reveal very contradictory figures. During the years of Gorbachev's perestroika some reduction in the numbers of weapons produced took place. On the other hand, however, a serious increase of production of such types of arms like tanks and other armored vehicles, bombers, SRBMs, SAMs, Long-Range SLCMs, and warships continued until 1989, and even into 1990.[7] The USSR is now building more warships than ever before.[8] The flow of resources for military-oriented research and development programs is now greater than in the early eighties; in the last two years of the 1980s it reached 75 percent of the total national outlays for R&D.[9] The defense-oriented R&D and construction bureaus employ 70 percent of nations researchers.[10] Also the Soviet space program was during the "perestroika years" intensified; the number of launches increased from 1984 as follows: 1984–97; 1985–97; 1986–114; 1987–116; 1988–108; 1989–95.[11]

All this is covered with a new form of sophisticated secrecy. After all promises given by the leading Soviet officials, their recently published defense spending figures, even if four times higher than in the past, continue to be questionable.[12] The continuing obsession with secrecy does not allow analysts at home and abroad to understand real Soviet defense expenditures. Even Soviet writers are critical about the correctness of the "new" published defense budget and have many doubts about the officially announced reduction of defense outlays. S. Blagovolin, head of a IMEMO department, and G. Arbatov, Director of the Institute of the USA and Canada, stated frankly that armament prices in the USSR are rather of a symbolic nature, and the time has come to cease playing arithmetic games about actual defense outlays.[13] The oddity of this phenomenon could be illustrated by the fact, that even a Deputy Chairman of the Committee for Defense and State Security of the USSR Supreme Soviet has acknowledged that ". . . the Committee still did not know how much the Soviet Union spent on defense . . .".[14] Contradicting information is also published in regard to the conversion itself. K. Gonchar, an expert of IMEMO, argues that only a few military enterprises have really been converted for civilian programs, while the majority of the announced 422 plants to be converted are keeping about 90 percent of their production capacities in operation for military hardware. Yet, even the 10 percent of "converted" capacities must remain "within the framework" of military-oriented technology. No wonder, therefore, that during the 9 months of 1989, from the 585 new civilian items, planned to be produced in 1989-1990 by military plants, only 23 were adopted for production.[15] In Ural, one of the biggest in the USSR-arms-production centers, only 8 percent of the volume of produced weapons planned for 1990 will be reduced and this constitutes one and one half percent more than the average of arms reduction in the USSR as a whole.[16]

This indicates that the disarmament policy is a multifarious and contradictory phenomenon, and the reasons for the reduction in arms production capacities may be for each particular weapon system different. It would be, therefore, a simplification to explain many arms reduction decisions solely as the result of international disarmament agreements, bypassing issues of modernizing the Soviet arms industry. We should also not overlook that from an economic viewpoint it is often cheaper to stop the production of obsolete armament plants than to modernize them. In some cases this could be the dominant factor driving some arms reduction programs.

Soviet officials are promising that by the end of 1990 about 46 percent, and by 1995 almost 60 percent of military industry will have been converted to civilian production programs.[17] If this is their intention, an answer must be found how these 60 percent will be divided: on an even basis among all the 422 defense enterprises, from a total of about the most outmoded be sacrificed for this purpose. It is acknowledged that the share of civilian output of the most powerful and modern Aviation Industry Ministry's plants was in 1989 only 35.8 percent, and is planned to increase in 1990 to a maximum of 41 percent,[18] i.e. much lower than the average.

With all these contradictory indications it is not easy for the foreseeable future to make a clear-cut assessment of the dimension and development of the Soviet conversion program. Yet, even if this is only a temporary and partial conversion, such an undertaking creates for the Soviet State many difficult and sudden economic, technological and socio-political problems, needing more detailed assessment.

3. Conversion: The apple of discord

The urgent need to exploit the extremely expanded Soviet arms industry for civilian purposes was addressed at home and abroad by M. Gorbachev and by most prominent Soviet political and military figures.[19] Each week one or more articles on this topic are published in a growing number of Soviet newspapers and journals.[20] Statements and articles of leading figures suggest that the majority of the Soviet decision-making elite understand the difficulties being experienced by the country's economy, and for that reason support the conversion as a necessary policy. But they are divided in assessing the expected advantages and disadvantages, the problems to be solved first, the methods of action, and the understanding of the substance and meaning of the conversion as a whole. Those expressing opinions may be divided into three main groups:

(1) The military elite together with leading military designers and engineers directly involved in developing the most ambitious defense-related projects.

(2) Officials of the military-industrial complex and managers of civilian and military enterprises;

(3) Leading economists, politicians and scientists concerned with the development of the country as a whole.

From numerous Soviet publications it is possible to formulate some general problems stressed by the above-mentioned three main social groups. If we exclude the leading Politburo and Government personalities, who are responsible for the country as a whole, the following views can be identified:

(a) The military elite is concerned first with preserving high production and mobilization capacities for the arms industry and promoting its rapid modernization.

(b) The defense industrial managers and designers are focusing their efforts on maintaining the privileged positions of the military oriented R&D institutions and plants and the high level of their technological equipment resources.

(c) Many politicians, leading economists and scientists, are worried about the final results of the conversion in the broader context of modernizing the entire economy, particularly the machine-building industry and the needs to expand supply capacities to the civilian sectors of the economy.

Military commanders and military industrialists are accepting the new defense policy and conversion program as a method to overcome the Soviet economic crisis,[21] but they would like to sacrifice as little as possible from their arms arsenals and only slightly to reduce the extended defense-industrial capacities.[22] It is natural, that the military elite is concerned with and feels directly responsible for the defense of the Soviet state, and many of them are expressing views which reflect the fears and hopes of large Soviet social strata and not only of the military alone. Nonetheless, most of the highest military commanders are playing also their own narrow-minded game, motivated by their group interests.[23] For that reason alone their conversion program strategy is different from that presented by economists and politicians. They would like to have their cake and eat it too. Conversion, yes, but with the goal to preserve the fat muscles of the Soviet military industrial complex. Some examples to illustrate.

In a discussion on the conversion issue published in the official Governmental Herald, we can read that this undertaking should be accomplished within the context of the prospects for the long-term military-political arena well into the 21st century. The commentator predicts that this will be a critical time of various crises caused by the exhaustion of world resources and by the battles over the remaining ones. "It will be horrible", he argues, "if defenseless by reason of political romanticism we are confronted with the brutal reality of the 21st century; it is a crime to victimize our raison d'etat . . .".[24]

These arguments, shared by the highest Soviet military commanders, may look even more convincing in light of the recent crisis created by Iraq's policy. The conversion program must be accomplished in such a way, they argue, that it will not negatively impact on the capacities and mobilization readiness of the arms industry. It is a major drawback—notes a Soviet economist—that the conversion must be performed in such a way that an immediate reconversion to arms production should be possible.[25] At the December 1989 session of the Congress of the Peoples' Deputies, General Moiseev warned that it will be an unforgivable mistake to convert the most modern defense plants to produce goods requiring technology considerably lower than the currently manufactured arms. General Moiseev did not conceal also that the Soviet Armed Forces continues to develop many new types of weapons.[26] The military elite intends, therefore, to have a "non-conversion conversion", which will first help to accelerate the modernization of the machine-building industry—the basis for defense R&D and for producing new weapon systems,[27] and to victimize their short-term defense requirements, with the goal to win in long-term development plans.[28] Of course, the military elite does not oppose many other domestic tasks, which are important for Soviet society in general (a better supplied market, higher level of education, social and political stability), but useful for the Soviet Armed Forces as well. Yet, for the Soviet military elite the conversion should be accomplished if three main issues will be elucidated:

(1) To what degree will the reduction of the defense production capacities endanger the extensive modernization program of the Soviet Armed Forces?

(2) How can a surge in weapons production be ensured, should a dramatic change occur on the world political scene?

(3) How to reconstruct industry across-the-board, so as to preserve its main links with the arms industry and the ability of the national economy to move immediately to a war-time footing, in accordance with the mobilization plans?

The answers to these questions are for Soviet military commanders more crucial than current cuts in arms production progams, and no one Soviet leader is neglecting today their concern.[29] It would be, therefore, a very superficial conclusion to assert that the military elite's traditional approaches and views are no longer a major factor in determining Soviet disarmament plans and economic policy in general.

While the conversion process is now widely discussed by the mass media, the growing role of leading Soviet economists and other scientists should be emphasized. Under conditions of glasnost' their professional advice and analysis have a growing impact on many important decisions related to conversion. For politicians and economists the conversion program should satisfy needs other than those merely of the military. In the short term the conversion of the arms industry should first and foremost make it possible to overcome current market troubles. In the long term, the main strategic goal of reducing arms production programs is to modernize the consumer goods producing industries and to increase the flow of resources badly needed to accelerate scientific technological progress in the economy in general.[30]

Not surprisingly, these concerned intellectuals have no easy task. Many indications suggest that they have many doubts about the loyalty of the military commanders and the leading military industrialists in fulfilling the conversion program. Not by chance a group of 33 respected scientists and politicians organized recently a Soviet National Commission for Promoting the Conversion. Professor V. Avduevskiy, the Chairman of this Commission, is not concealing that its members are not willing to trust on the conversion issue the official established government bodies, ruled by military commanders and military-industrialists.[31] These different approaches and tasks of the various Soviet elites reflects the dichotomy in exploiting the converion process. On the other hand, however, this confirms that in one or another way, the conversion program is in the interests of the overwhelming majority of Soviet society. The cry for an immediate halt to the arms race and, subsequently, to a reduction in wasteful weapons production programs is no longer a mere slogan. Therefore, if Soviet officials are arguing that there are no alternatives to the disarmament policy and the economic reforms, this represents the real conviction of the Soviet leadership and the influential elites.[32]

The fact is, that despite the very contradictory approaches the conversion is supported by a national consensus, which allows one to assume that the conversion process will probably not be interrupted in the coming years, independent of the fate of Gorbachev's perestroika and even without his leadership. Of course, this assumption will prove correct only if reasonable arguments dominate long-term Soviet political and defense strategy. The main question remains whether the conversion will really prove to be effective medicine for the sick Soviet economy.

4. The implications and instability of the conversion tasks.

The Soviet Union has some experience in converting its arms industry to non-military production programs. Such a program was accomplished immediately after World War II. This was, however, a post-war era, in which people were ready to accept any kind of inconvenience and sacrifice. The postwar conversion process took place during the years of Stalin's terror. In addition, the economy had been totally ruined and depleted of manpower, capable of utilizing all demobilized soldiers and any kind, even the most outmoded production facilities. Today, despite many similarities, the situation is different. A well-known Soviet economist admits that today

> . . . the distinguishing feature of conversion in the USSR is the fact that is being carried out in an economy of shortages, the presence of a huge sales market, and thus far virtually inexhaustible demand for consumer goods and investment equipment. Therefore, the main complexity and limits for conversion in our country lies not . . . in the output but in the input of our economic system.[33]

Indeed, the differences between the postwar and current situations are more complex. In the 1990s the main problem is not to rebuild a ruined country but to modernize an extensive industrial base, to reconstructure an inefficient agriculture with an infrastructure which is one of the most backward in Europe, to employ efficiently millions of people who are occupying jobs without any economic justification, and to stop the catastrophic deterioration of the environment.[34] The USSR has neither the experience nor the resources to solve such problems. Moreover, the conversion of the arms industry is impossible without extremely cost capital investments. A leading official of the State Military-Industrial Commission argues that the conversion must start with a drastic reconstruction and modernization of the fixed capital of all of industry and with major capital investments for retooling the equipment of the armament plants.[35] All this at a time when there is an extremely critical shortage of funds.

Soviet publications admit that not only great capital investments, many years of experience and some serious social sacrifices are a precondition for the planned conversion program. Many economist argue that the existing command and state-owned economy makes the conversion problems more complicated than in a market economy. A well known Soviet economist notes:

> . . . The idea that Gosplan through the use of compulsory directives is able to cope with the conversion is equally misleading like the opinion of some Western specialists that the market (economy) is able to solve this problem without planning . . . The most important requirement for the economic mechanism of conversion is to impart to it an economizing approach (protivozatratnyi podkhod). This mechanism can be created in full only by eliminating the deficit, satisfying the demand for goods and demonopolizing the market. . . .[36]

The path to achieve such conditions was recently outlined by the Soviet People's Deputies, and only after the projected "500–700 days" will it be possible to determine whether such a "conversion mechanism" will be established at all. In the meantime the Soviet government remains very carefully in making decisions associated with the conversion of the arms industry. In 1989 only two or three military-industrial plants were totally converted to civilian programs, and in 1990 only a small fraction of the planned plants actually switches to civilian goods production. According to General Shabanov, by 1995 only 56 plants, from the converted 422, will be fully retooled to produce consumer goods.[37] Those, however, are plans only. Yet, the experience of the recent past does not leave one too optimistic for the future of the conversion.[38] During this period considerable financial subsidies for the survival of the converted plants have had to be found and growing unexpected social and technological problems have been created.[39] In order to redesign some 300 newly built, yet now "frozen" military plants, 41,5 billion rubles must be invested, with an additional 40,5 billion rubles in subsidies for R&D. In addition, a significant amount of hard currency for Western know-how must be found.[40]

Conversion of part of the arms industry is today not possible without broad and multifarious economic and technological relations between the USSR and the world market. Many believe that the biggest impediments to expand relations is Cocom technology policy. This is not the whole truth. For decades the Soviet Union pursued a policy of economic and technological autarchy, prised as a mainstay of the preparation the country for war. During the perestroika years a retreat from this devastating principle could be observed. On the other hand, there are indications that the autarchy policy has strong supporters among Soviet military mobilization planners. A high Soviet official comments on this policy in the following way:

> . . . We know that the growing trend towards interdependence of the world community is a reality . . . Yet Article 10 on "Planning" of the 1987 Law on the Consolidation of State Enterprises notes that the state shall place orders with enterprises for needed commodities, among other things, to guarantee the economic independence of the country.[41]

It is, therefore, reasonable to say that the opening of the Soviet economy toward the West is maintained from above not necessarily by unequivocal directives. It is also difficult to expect that Soviet military industry will change its autarchic position in the foreseeable future. Joint ventures are, of course, important for economic growth, but they also function to transfer important Western technologies to those branches of the Soviet economy which could strengthen the military-industrial complex. Therefore, the expanding of joint venture enterprises is not an indication that the Soviet approach to the autarchy policy is going to be substantially changed. The defense plans continue to play a dominant role in many areas of economic perestroika and it would be naive to believe that they no longer have any impact on foreign economic policy. Not by chance were representatives of the State Foreign Economic Commission invited to the hearing on the conversion program being prepared by the USSR Supreme Soviet Committee for Defense and State Security.[42]

In light of all these contradicting tasks of various Soviet decision-making groups the dichotomy of the conversion program in the forseeable future is unavoidable. This increases its instability and its ambiguous nature. It is, therefore, useful to take a closer look at the mechanism by which various Soviet elites influence the conversion program.

5. The Soviet prefects of the conversion program

According to O. Baklanov, CC Party Secretary responsible for the Soviet military-industrial complex, the conversion program is being directly implemented by the following institutions:[43]

(b) The Ministry of Defense

(c) Gosplan

(d) Ministry of Finances

(e) The State Committee for Material Supply (Gossnab)

(f) Military-industrial ministries

(g) Other ministries and institutions.

A more detailed list would include the following institutions:

The Defense Council and the Politburo

The CC Party Secretariat responsible for the arms sector (O.D. Baklanov)

The CC Party Department for Defense Issues and similar departments on republican and oblast' levels

The Defense Branches and Administrative Organs Department of the Managerial Directorate of the Council of Ministers

The State Military Industrial Commission

The Committee for Defense and State Security Issues of the Supreme Soviet of the USSR

The Commission for Conversion of the Military Industry

The Gosplan and the Military Directorate of Gosplan

The National Commission for Promoting the Conversion

The Central R&D Institute of the Economy and Conversion of the Arms Production

The Defense Industrial Complex (Seven Military-Industrial Ministries and the Ministry for Communication)

The Ministry of Finances and the Military Directorate of this Ministry

The State Committee for Reserves

The State Committee for Science and Technology

The State Committee for Material and Technical Supply

The Military Department of the State Committee for Manpower

The Military Directorate of the Ministry for Foreign Economic Relations

The Ministry of Defense, particularly the Directorate for Armament (General Shabanov), the General Staff and the Rear Services of the Soviet Armed Forces

The KGB and GRU

Indeed, these are only the main and central institutions directly involved in the decision-making process on conversion. An additional four or five hundred ministries and committees at the republic and oblast level and thousands of managers of the leading R&D institutes and construction bureaus, and about 400 defense plants (or production associations), directly involved in the conversion program, and another 100 plants cooperating with the arms sector, also have their strong voice in formulating the final decisions on the conversion issues. If for no other reason, the enormous, overburdening bureaucratic apparatus spread among many conflicting social groups will make the conversion of military industry no simple undertaking.

A closer look at the leading personalities directly responsible for the conversion process may support the view that they are not extremely interested in the full success of this complicated program. Besides M. Gorbachev and V.S. Popov, this include the majority of the leading officials of the above mentioned institutions (listed in the Annex) linked to the military-industrial complex.

From the military side, first to be mentioned, Army General Vitalyi Mikhailovich Shabanov, Deputy Minister of Defense for Armament, and aviation engineer by training, who is directly involved in the main conversion decisions. A large network of military R&D institutions, many repair organizations and arms-prototype producing plants operate under his direct command. Shabanov is the central figure in the Soviet Army establishment, which plans short- and long-term arms supply for the Soviet Armed Forces. He acts in full coordination with the decisions of the State Defense Consul, the Defense Minister, the Chief of the General Staff, all commanders of the various armed forces (navy, air, etc,) and the military branches and their deputy-commanders for armament, as well as, of course, the State Military Industrial Commission. The Chief of the Rear Services of the Soviet Armed Forces and his many deputies also have a voice in solving specific conversion problems.

All the civilian technocrats or bureaucrats of the military-industrial complex, listed in the Annex, are not directly subordinated to any military organization. They are, indeed, in the same social group as any other leading manager of the Soviet economy. Yet, in Soviet terms, for decades they have enjoyed comfortable work conditions and benefits from the system of preferences—technological, financial, supply—created for the military-industrial sector. Nonetheless, as a social group these managers cannot be identified with military commanders. As producers and suppliers, they are concerned with problems other than the "recipients," e.g., the commanders of the Soviet Armed Forces. Yet, being under the pressure of public opinion to increase the pace of conversion, the military industrialists have been forced into the same boat and now represent one united front with the military commanders.[44]

The strong voice of the military commanders and military industrialists is also supported by the decision-making mechanism related to conversion. One of them is the ad hoc commission which prepares the official state conversion program to be approved by the Supreme Soviet of the USSR. The following bodies are represented in this commission:[45]

1. Gosplan with the decive role of the Gosplan's Military Directorate.
2. The State Military Industrial Commission.
3. The Military-Industrial Ministries (1–3, together 19 members).
4. The Ministry of Defense (7 members).
5. KGB (2 members).
6. Obkom Party Secretaries (5 members).

Among these institutions the strongest position belongs to the Military Industrial Commissions, linked to the most influential party, government and legislative bodies. The MIC is concerned first with ensuring the development of the arms sector and its mobilization capacity. No wonder that this commission is

> ". . . unwilling to fully convert some of the factories under the pretext that some of their facilities should be kept for a military emergency, this despite a huge network of similar enterprises elsewhere. . ."[46]

In addition, according to a Soviet party official, the MIC is:

> . . . an enclave exempt from democratic control, a combination of the world's largest armed forces, a military economy of incredible proportions and an enormous bureaucratized establishment. . ."[47]

All this justifies having many doubts as to whether inside the newly created Supreme Soviet Conversion Commission a place will be found for an impartial view of concerned Soviet analysts and if the data published by this Commission deserves complete confidence. This is why an effort should be made to estimate the expected input-output of the converted military plants.

6. Estimating the size of converted production capacities

According to official Soviet figures announced by V. Lapygin, Chairman of the USSR Supreme Soviet Committee for Defense and State Security, the military industry represents just a small fraction of the entire economy. He argues that in 1989 only 6,4 percent of the value of the active capital stocks of the national economy were allocated to the military-industrial complex.[48] This figure requires closer examination.

In 1989 the total value of the active capital stocks (proizvodstvennye fondy) of the national economy was estimated at 1862 billion rubles according to Soviet statistics.[49] Using the figure given by Lapygin we can, therefore, estimate the value of capital stocks of the military-industrial complex at about 119,2 million rubles.

1862000000000:100×6,4=119,17 billion rubles (1)

The value of the active capital stocks allocated in 1989 to Soviet industry has been estimated at 920 billion rubles.[50] Accordingly, the active capital stocks allocated to the military-industrial sector represent 12,96 percent of the total active capital stocks of all Soviet industry.

119,2:920=12.96% (2)

This result is at variance with figures received from another Soviet source. S. Ye Blagovolin, a leading economist and member of USSR Academy of Sciences, who argues that one-third of the entire work force of Soviet industry is engated in producing military hardware.[51] If one assumes that this one-third are equipped with capital stocks like other Soviet enterprise workers, we could say that the military-industrial sector absorbed at least one-third of active industrial capital stocks, a sum equal with 306,7 billion rubles.

920000000000:3=306,7 billion rubles (3)

This means that 16,5 percent and not 6,4 percent, of the national economy active capital stock is allocated to the military industrial sector.

306700000000:1862000000000×100=16,5% (4)

In ruble terms the difference between Lapygin's and Blagovolin's figures is about 187,5 billion.

306,7 – 119,2=187,5 billion rubles (5)

Of course, the result calculated from Blagovolin's data of 306,7 billion rubles is itself on underestimation. It is well known that the most modern machines and technologies in the USSR are allocated to military industry. No doubt this equipment is more expensive than the average, and it would be methodologically incorrect to assess the value of capital stocks of the arms sector on an equal basis with the rest of industry. My own calculation made in the early 1980s assessed the difference at about 8 to 10 times.[52] Therefore, a conservative estimate of the value of active fixed capital stocks of the arms industry is at least double that calculated on the basis of Blagovolin's information, e.g. 615–620 billion rubles. Yet, we have not enough available data to arrive at this figure with complete confidence. Our further calculations are thus based on Blagovolin's information.

Soviet officials argue that the total number of arms enterprises is about 700, of which 422 are in process of being converted to civilian use. We should presume that these are rather large production association (proizvodstvennye obedineniya), in which thousands of various plants and construction bureaus are managed and coordinated. The converted plants will make it possible to increase from 40 to 60 percent the share of civilian products in the total output of the arms industry. To fulfill this plan an approximately equal share of production facilities needs to be converted and retooled. While (according to our calculation) the value of the 20 percent of the fixed active capital of the converted arms industry is

(a) according to Lapygin's data:
119,17:100×20=23,83 billion rubles?? (6)
(b) according to Blagovolin's data:
306,7:100×73,40 billion rubles!! (7)

It is not difficult to prove that Lapygin's "6,4 percent" constitutes misinformation. E. Ligachev, the former Poliburo member, stated in 1989 that 40 percent of the machine-building industry was devoted to defense.[53] Recalculating this figure we arrive at about 64–65 billion rubles, produced by a workforce of about 12–13 million.[54] It is difficult to believe that "Lapygin's 23,8 billion rubles" of the active capital stocks could produce annually an output of 64–65 billion rubles. In comparison with input, this will give an output many times higher than in any other Soviet industrial branch. Whereas the relations between the fixed capital invested in the arms industry and its output should be, according to Lapygin's information 23,8:65,0, this is close to 0,3:1, in other Soviet industrial branches, like petrochemical, metallurgical, etc., this ratio is 2:1, i.e. six times higher.[55]

Also other figures are confusing V. Smyslov, Deputy Chairman of Gosplan and Head of Gosplan's Military Directorate, estimates the cost for retooling the 20 percent production capacities to be converted, during the years 1990–1995, at about 40 billion rubles.[56] If Lapygin's figure is correct, this means that 40 billion rubles will be required to retool machines and technologies worth about 23.8 billion rubles. Is it possible that in the USSR, and particularly given the austerity of the perestroika period, such a magic economic formula could be realistically adopted? A 40 billion investment may be more reasonable, if we estimate the value of the converted production capacities at about 73.4 billion rubles, according to calculation [7] above. But even such a decision may evoke many doubts, because this means that the cost of retooling the planned 20 percent of production capacities equals 54.5 percent of the value of the fixed capital production stocks.

And last but not least are the social problems produced by the conversion. The Soviet press discusses this topic, but full information about the magnitude of the difficulties and impediments are not presented. The main problem is the urgent program for reeducating, training and transferring people from one job to another. What is the total size of this workforce? We can find the answer to this crucial question by recalculating the information given by Blagovolin.

As noted above, according to Blagovolin's data, one-third of the industrial workforce is involved in producing military items. From Soviet statistics we know that about 38,200,000 people are employed in industry.[57] This means that, as we noted above, about 13 million people work in the military industry.

38,200,000:3= 12,800,000 (8)

Before 1995 20 percent of these 13 million will change their skill or profession. In other words, about 2.6 million people, a workforce larger than the total number of people engaged in the US in producing arms (over 2 million).[58] Not an easy task for the Soviet economy.

Our conclusion is that despite the glasnost campaign, we should be disappointed with the kind of officially published information about the Soviet arms industry. It is worth noting that even the most recently published statistical data are manipulating the figures about the Soviet machine building industry, which is only the general framework of the arms industry.[59] No wonder that most of Soviet economists are disappointed with the lack of any official information about the size and place of the arms industry in national economy. In Lzyumov's rather careful assessment:

"Despite certain advances in the sphere of purely military glasnost, the quantity and quality of information on the defense industry in our country remains lower than in most Western countries. . . ."[60]

Nonetheless, our estimate shows that not a single Soviet leader is able to address the issue as to where the money, technology and other production factors can be found to finance the planned conversion program, particularly in a time of profound economic crisis. Both the official, manipulated Soviet figures and the real ones illustrate the magnitude of problems which must be resolved in order to transform the conversion program into a realistic economic undertaking.

7. Some conclusions

Our review allows us to conclude that the conversion program remains still a big economic improvization, the results of which are a far cry from the optimistic predictions. No wonder, therefore, that is assessed by various Soviet analysts and writers from contradicting perspectives. The more so, the ongoing ill-defined and confusing economic reform will strengthen the contradicting approaches of various Soviet decisions-making bodies on how to solve the conversion program. This will have a greater effect in the short-term, with unpredictable implications for the more distant future. The impact of the conversion will also not be evenly felt at various levels of the Soviet economy. On the political level, where the general conversion policy is outlined, the conflicting views may occur between the military and political-economic elites. The overall international and domestic situation will play on this level a much stronger role than on the enterprise level. We should be optimistic and believe that the positive changes in the international scene will continue. Yet, no one could with full confidence predict the impact of the complicated domestic situation in the USSR.

Other factors will motivate the behavior of the industrial decision-making elites. As suppliers to the Armed Forces, military-industrial plant managers will operate under the pressure of the political decisions of the Soviet leaders, the Gosplan and the ministries. On the other hand, Soviet arms-plant managers will calculate the advantages and disadvantages of the ongoing economic reforms. We should expect that the conflicts of ministry or plant-level interests, not necessarily operating in accordance with those of the highest political levels will be more acute than in the past. Clashes of conflicting interests and goals will become a daily occurrence.

This can be illustrated by the dramatic appeal of the managers of the Soviet military industries, published in September 1990 Pravda, as a letter to A. Lukyanov, chairman of the USSR Supreme Soviet. The authors of the letter are demanding to protect the arms producing sector with a special "Status for the Defense Industry" because ". . . A situation has emerged in which our enterprises are forced to prove a need for their existence. . .".[61] We should also mention the statement by General Moiseev that the introduction of self-financing and economic calculation in the military industry has tripled the price of arms, a phenomenon which may have a negative impact on the arms procurement program of the Defense Ministry.[62] This is another indication that the enterprise managers, who are now forced with political and moral arguments to manufacture not profitable military or civilian products, could very fast rethink their decisions. This problem was emphasized by a group of Soviet economists during a discussion organized by the Academic Council of the Institute of US and Canadian Studies.[63] They argued that most American companies manufacture both military and civilian products, and frequently in the same facility and with the same work force. In USSR, however, military production is completely separate. Whole cities work for the defense industry, and the entire social infrastructure in these cities is built around military enterprises. At first, as long as the consumer goods market remains empty, many of the durable goods, which will be on the mass produced by the defense enterprises will be sold easily. But when the real input-output cost of this production is calculated, and the competition between producers increase, as predicted by the outlined economic reform, plant-mangers will soon evade many military or civilian production programs.[64] This could create a web of problems more difficult to solve than that existing today.

The conversion program is, therefore, a very complex and multifarious undertaking, motivated first by the urgent needs of the Soviet economy. Its tasks, methods of action, its dependence on domestic and international factors, does not make it possible to formulate a clear cut answer about the final results of this undertaking. It is obvious, however, that the conversion program cannot be accomplished as planned without very extensive investments which are today not available in the USSR, and it will not achieve its ultimate goals without modern technologies and financial support, which can only in part be brought in from the West.

The main purpose of the conversion is not to increase civilian production, so badly needed for the population, but to switch over part of outmoded arms production capacities to manufacture machines and equipment to modernize industry across the board, including the weapons industry itself. Nonetheless, the impact of the conversion on the overall modernization and development of the market-oriented goods industries will be positive. As opposed to the more than 70 years of one-sided investment and modernization policy, limited mainly to the military-industrial complex and the machine-building industries, the revitalization process will in the coming years also encompass many branches of light industry and agriculture. Yet, only in the perspective of 3 to 5 years, will the modernized light industry be able to increase the production of market goods in greater quantities and better quality. No one can with greater certainty today assess what will be the contribution and the real significance of the products delivered by the military-industrial sector in comparison with the needs of the civilian market.

From published sources there are not clear answers as to how the arms producing enterprises in the reformed economy will be reorganized. Despite the glasnost propaganda, we have still not enough published information about the organization of the Soviet military-industrial complex, the system of pricing of arms and other military equipment, the mobilization planning of production lines and the subordination of the development of civilian technologies to the needs of defense, based on the unified military-technological policy. All this has a decisive impact on the future of the conversion and disarmament policy in general.

And finally we should state that the conversion process in the Soviet Union proves that a centrally planned and state-owned economy lacks of flexibility of a market economy, also in the area of conversion of military production programs to civilian purposes. The notion of the "reactionary nature" of the military industrial complex appears to be more valid for the USSR than for any capitalist country.

ANNEX

Main personalities directly involved in implementing the conversion program

1. Lev Nikolaevich Zaykov, Deputy Chairman of the Defense Council, responsible for the military-industrial complex.

2. Oleg Dmitrievich Baklanov, Secretary of the Party Central Committee responsible for the military-industrial complex, electrical engineer by training, former Minister of General Machine-Building (military industry).

3. Oleg Sergeevich Belyakov, Chief of the Defense Department of the Party Central committee (former Defense Industry Department, naval engineer by training, former researcher, longtime party official, executive of the CC Party Secretary responsible for the arms industry.

4. Igor Sergeevich Belousov, Deputy Prime Minister, Chairman of the State Military Industrial Commission, former Minister of Shipbuilding (military industry), naval engineer by training.

5. Valentin Ivanovich Smyslov, First Deputy Chairman of Gosplan, Supervisor of the Military Directorate of Gosplan, naval engineer by training.

6. V.G. Kotov, Deputy Chief of the General Department of the Defense Industrial Complex of Gosplan.

7. Ivan Stepanovich Silaev, Deputy Prime Minister, Chairman of the Council of Ministers Bureau for Machine-Building (probably, also the Chairman of the State Military-Technology Committee, [not to be confused with the Military Industrial Commission]), former Minister of Aviation Industry (military industry), aviation engineer by training.

8. Soslan Grigorievich Gutshmazov, Head of the Defense Branches and Administrative Organ's Department of the Managerial Directorate of the Council of Ministers.

9. V. Lapygin, Chairman of the USSR Supreme Soviet Committee for Defense and State Security Issues.

10. V. Avduevski, Chairman of the National Commission for Promoting the Conversion, member of the Soviet Academy of Sciences.

11. Boris Mikhailovich Belousov, Defense Industry Minister, member of the State Military Technology Committee, former Deputy Minister of Defense Industry and former Minister of Machine-Building, electronics engineer by training.

12. Vitaliy Fedorovich Konovalov, Minister of Atomic Energy and Nuclear Industry (merged with the former Ministry of Medium Machine-Building), former Deputy Minister of Medium Machine-Building (military industry), technology engineer by training.

13. Apollon Sergeevich Systov, Minister of Aviation Industry (aircrafts, missiles), engineer by training, specialized in aviation technology.

14. Igor Vladimirovich Koksanov, Minister of the Shipbuilding Industry (military industry) naval engineer.

15. Oleg Nikolaevich Shishkin, Minister of General Machine-Building (ICBM, aeronautic technology, etc.), former Deputy Minister of the same ministry, electrical engineer by training.

16. Erlen Kirilovich Pervyshin, Minister of Communication Equipment Industry, communication engineer by training.

17. Vladislav Grigorevich Kolesnikov, Minister of the Electronics Industry, electronics engineer and scientist (member of the USSR Academy of Sciences).

18. Vladimir Makarovich Velichko, Minister of the Heavy, Transportation and Chemical Machine-Building Industries (heavy military trucks, pontoons, etc.), military engineer by training.

19. Vladimir Ivanovich Shimko, Minister of the Radio Industry, former Deputy Chief of the Party CC Defense Department, electrical engineer by training.

20. Valeryi Vasilevich Sychev, Professor, Chairman of the State Committee of the USSR for Management of the Quality and Standards of the Production (Gosudarstvennyi Komitet SSSR po upravlenyu kachestvom produktsii i standartam [GKUKPS]). Deputy Chairman of the Military Industrial Commission and (probably) Deputy Chairman of the Military Technology Committee, mechanical engineer by training.

21. Boris Leont'evich Tolstykh, Chairman of the State Committee of the USSR for Computer Technology and Informatics, former Deputy Prime Minister and Chairman of the State Committee for Science and Technology (GKNT), physicist by training.

22. Pavel Ivanovich Mostovoy, Chairman of Gossnab (State Committee for Material Supply), mechanical engineer by training.

23. Nikolay Pavlovich Laverov, Deputy Prime Minister, Chairman of the State Committee for Science and Technology (GKNT), leading scientists and manager in developing the Soviet nuclear industry, member of the Academy of Sciences of the USSR.

In addition, the following personalities directly involved in the arms industry decision-making process can be identified:

24. Yuriy Dmitriyevich Maslyukov, Chairman of Gosplan, First Deputy Prime Minister, Candidate Member Politburo, former Chairman of the Military Industrial Commission, mechanical engineer by training.

25. Lev Alekseyevich Voronin, First Deputy Prime Minister, former Chairman of the USSR Gossnab, former Deputy Minister of the Defense Industry and former Deptuy of Gosplan responsible for the Military Directorate of Gosplan, mechanical engineer by training.

26. Fedor Ivanovich Loshenkov, Chairman of the Goskomrezerv (State Committee for Material Reserves), aviation engineer by training.

27. A.G. Popov, Chief of the Military Industries Department of the Goskomtrud (USSR State Committee for Employment).

28. Valeryi Mikhailovich Serov, Chairman of Gosstroy, former Deputy Chairman of Gosplan, construction engineer by training.

29. Alexandr Ivanovich Mikhalchenko, Minister for Building and Special Constructions (airfields, navy bases, ICBM silos, secret underground construction projects, etc.).

FOOTNOTES

*I wish to express my gratitude to Natalie Gross and Steven Hassman, USARI, for their useful comments and assistance in editing this article.

[1] For a more detailed discussion of this issue see: Michael Checinski: "The Legacy of the Soviet War-Economy and Implications for Gorbachev's Perestroika", The Journal of Soviet Military Studies, Vol. 2, No. 2, June 1989, pp. 206-240.

[2] Ibid, pp. 228-235.

[3] Evgeniy Kuznetsov: "Konversiya. Neotlozhnye zadachi i dolgosrochnye problemy", Kommunist No. 13, 1990, p. 58.

[4] V. Faltsman: "Novaya kontseptsiya strukturno-investitsionnoy politiki," Planovoe khozyaistvo, 1990, No. 3, pp. 28–36.

[5] Materialy XXIV Sezda KPSS, Politizdat, Moscow 1971, p. 46.

[6] N. Ryzhkov, former Prime Minister of the USSR, in his speech at the 2nd Congress of the USSR Peoples' Deputies, Ekonomicheskaya gazeta, No. 51, December 1989, pp. 12–13; G.S. Arbatov's speech at the December 1989 Session of the People's Deputies, Pravda, 18 December 1989, p. 5.

[7] Soviet Military Power. Prospects for Changes, US Department of Defense, Washington, DC, 1989, pp. 34, 101, 109, 111.

[8] "Politik. Rüstung." Die Welt 25 May, 1990, p. 1.

[9] A. Nikolaev: "Pochemu my otstaem to SSHA," Ekonomicheskaya gazeta, September 1989, No. 39, p. 9.

[10] Interview with Academician Roald Sagdeyev, New Times (Moscow), No. 47, 1988, p. 27.

[11] Aviatsiya i Kosmonavtika, 1985–1990.

[12] Michael Checinski: "The Enigma of Soviet Defense Expenditures," Jane's Soviet Intelligence Review, Forthcoming; V. Lopatin, "Armiya i ekonomika," voprosy ekonomiki, 1990, No. 10, pp. 7–8.

[13] Georgiy Arbatov: "A esli bez lukavstva," Ogonek, No. 17, April 1990, pp. 8–11; S. Blagovolin: "Geopoliticheskie aspekty oboronitel' noy dostatochnosti," Kommunist, No. 4, 1990, p. 115.

[14] Stephen Foye: "US Congressional Report on Soviet Committee for Defense and State Security", RL Report on the USSR, Vol. 2, No. 19/May 11, 1990, p. 7.

[15] Kseniya Gonchar: "Eto trudnoe delo-ekonomika razoruzheniya," Kommunist, No. 9, June 1990, p. 100.

[16] "Grazhdanka v mundire," Moskovskie Novosti, No. 21, 27 May 1990, p. 10.

[17] Pravitel'svennyi vestnik, 1989, No. 18, p. 11.

[18] Alexei Izyumov: "Konversiya? Konversiya! Konversiya . . .," Litraturnaya gazeta, 12 July, 1989, p. 11; A. Kireev: "Khozraschet, perestroika: Proverka delom," Ogonek, No. 27, July 1989, pp. 7 and 26; "Konversiya . . . Kruglyi stol," sotsialisticheskiy trud, November 1989, pp. 24–25.

[19] M. Gorbachev discussed the conversion issue during his speech at the United Nations in December 1988 and in his address in the Chamber of Trade and Commerce in Cologne during his visit to West Germany in 1989. It was also mentioned by the Soviet leader before the European Parliament in Strasbourg on 6 July 1989. During the 1989 December Session of the Congress of USSR People'e Deputies, the conversion issue was addressed by former Prime Minister Nikolai Pyzhkov. During the polemics on the conversion issue in the Supreme Soviet and in the newspapers and journals many People's Deputies and leading Soviet figures exchanged very controversial views. A number of international conferences devoted to conversion issues have been also organized.

[20] Soviet articles and interviews on the conversion issue published in the years 1988–1990 numbered in the hundreds.

[21] During a round-table discussion organized by the editors of Voennaya mysl, General Major Yu. Kirshin, Deputy Chief of the Institute of Military History of the Ministry of Defense, stated that the main task of the current military reforms is a wise coordination of political and military measures so as to resolve problems of defense of the Socialist state, but saving the national resources, badly needed to accelerate the economic development of the country. (Emph. added, M. Ch.) ("Voennaya reforma: opty, problemy, perspekitvy." Voennaya mysl', No. 4, 1990, p. 37). This approach to the role of the military perestroika is confirmed by numerous statements and articles of such leading Soviet commanders as Marshal D. Yazov, Minister of Defense, Army General M. A. Moiseev, Chief of Staff of the Soviet Armed Forces, and many others. Cf.: Army General M.A. Moiseev: "Vsemimo-istoriches-kaya pobeda", Voennaya mysl', No. 5, 1990, pp. 18–19; Professor, Major General v. Medvedev: "Armiya strany, armiya naroda," Ogonek, No. 9, February 1990, pp. 30–31.

[22] Army General v. Shabanov, Deputy Minister of Defense for Armament: "Shchit rodiny," Ekonomicheskaya gazeta, February 1988, No. 8, p. 18, and "Novye podkhody," Krasnaya zvezda, 17 August 1989, pp.1–2; Colonel V. Deinega: "Oboronnyi byudzhet i ego realizatsiya," Kommunist vooruzhennykh sil, No. 3, 1990, pp. 30–36. Interviews with: I. S. Belousov, Deputy Prime Minister and Chairman of the State Military Industrial Commission (MIC), ("VPK—segodnya i zavtra") and V.I. Smyslov, Deputy Chairman of Gosplan and Head of Military Directorate of Gosplan, ("Voennoe proizvodstvo—narodnomu khoziaystvu"), Krasnaya zvezda, 23 July 1989, p. 2, and 26 July 1989, p. 2.

[23] A.G. Arbatov: Oboronitelnaya dostatochnost' i bezopasnost', Moscow, 1990, Znanye, pp. 26–30; G. Arbatov: "A esli . . .," op. cit.; A. Kireyev, Conversion in the Soviet Dimension, International Affairs, Moscow, May 1990, p. 97.

[24] Aleksander Prokhanov: "Ne tol'ko rublami izmeraetsya tsena schita", Pravitelstviennyi vestnik, No. 25, December 1989, pp. 6–7.

[25] Interview with Major Vladimir Lopatin, Soviet Peoples' Deputy, Nedelya, No. 22, 1990, pp. 1–2.

[26] General Moiseev's speech at the Congress of People's Deputies, (Pravda, 18 December 1989, p. 5) and his interview in Sovietskiy voin, January 1990, pp. 5–9; Col. N. Ustenkov: "Ostrye grani konversiy," Krasnaya zvezda, April 4, 1990, p. 2.

[27] Interviews with: I.S. Belousov, Deputy Prime Minister and Chairman of the State Military Industrial Commission, ("Konversiya: Politika i ekonomika"), Kommunist vooruzhennykh sil, No. 17, 1989, pp. 28–33; Smyslov: "Voennoe proizvodstvo . . .," op. cit.

[28] Interview with General M. Moiseev, Izvestia, 28 February 1990, p. 3; Ustenkov, op. cit.

[29] "Ob osnovnykh napravleniyakh voennoy politiki partii na sovremonnom etape," rezolutsiya XXVIII sezda KPSS, Partyninaya zhizn', No. 15, 1990, p. 43.

[30] Faltsman, op. cit., and the same author: "Ekonomicheskaya kontsepstsiya konversii", Voprosy ekonomiki, 1989, No. 9, pp. 89–100; B. Raisberg: "Legko li perekovat' mech na orala?," Nedelya, No. 8, 20–26 February, 1989, p. 6.

[31] Interview with V. Avduevskiy, Chairman of the Soviet National Commission for Promoting the Conversion ("Porazhenie militarizovannoi ekonomiki"), Izvestia, 7 February, 1990, p. 2; Kireyev, Conversion in the Soviet . . ., op. cit.

[32] Interview with V.S. Pavlov, Prime Minister and former Finance Minister of the USSR, "Pochemu my voshli v finasovyi shlopov? Kak budem iz nego vykhodit'?," Ekonomicheskaya gazeta, No. 44, October 1989, p. 6; G.S. Arbatov's speech at the December 1989 session of the Peoples' Deputies, and E. Shevardnadze's speech at the October 1990 session, Pavlov argues that the Soviet Union must now renew one half of its capital production stocks and about 60 percent in the metallurgy sector, because little has been done in this respect during the last 20 years except for arms production purposes, whereas Shevardnadze states that in the USSR there are no more resources available to continue the arms race and, if defense policy does not change, there will not remain anything to defend. Pravda, 18 December 1989, p. 5 and Izvestya, 16 October 1990, p. 4.

[33] Faltsman: „Ekonomicheskaya kontsepstsiya . . ., op. cit., pp. 92.

[34] A. Kireev: "Esli razrazitsya mir . . . ," Pravda, 14 September 1989, p. 4 and the quoted speeches and articles of G. Arbatov.

[35] Interview with Belousov, op. cit., p. 32.

[36] Faltsman, op. cit.

[37] General Shabanov's statement for the Trud newspaper. Moscow, TASS in English, 09.29 GMT, 28 September 1990.

[38] Gonchar . . ., op. cit., p. 101.

[39] "Konversiya," Interview with General G. Benov, Krasnaya zvezda, 12 May 1990, p. 2; "Konversiya. Problemy i reshenya," Sovietskiy Soyuz, No. 2, 1990, pp. 11–17.

[40] "Oboronnye predpriyatiya—na grazhdanskie relsy", interview with Yuriy Makarov, Party Secretary of Gorkiy Oblkom, Problemy teoriy i praktiki upravleniya, No. 2, 1990, p. 72.

[41] "What Are We Taking Into the World Economy?" International Affairs, Moscow, June 1989, pp. 145–146.

[42] "Rassmatrivaetsya oboronnyi byudzhet", Interview with V. Lapygin, Krasnaya zvezda, October 5, 1989, p. 1.

[43] Interview with O.D. Baklanov, CC Party Secretary responsible for the military-industrial complex, Pravitelstvenny vestnik, No. 18, 1989, p. 11.

[44] "Status 'oboronke'", Pravda, 6 September 1990, p. 2.

[45] E. Kuznetsov, F. Shirokov, "Naukoemkie proizvodstva i konversiya oboronnoy promyshlennosti," Kommunist, No. 10, July 1989, p. 19.

[46] Andrei Borodenkov: "Uniformed Civilian Production," Moscow News, No. 22, p. 10.

[47] Gonchar, op. cit.

[48] "Komitet po voprosam oborony i gosudarstvennoy bezopasnosti," interview with Lapygin, Sotsialisticheskaya industriya, 7 October 1989, p. 1.

[49] Vestnik statistiki, 1990, No. 5, p. 44.

[50] Ibid.

[51] S. Blagovolin: "Geopoliticheskie aspekty oboronitel'noy dostatochnosti," Kommunist, No. 4, 1990, p. 115.

[52] Michael Checinski: "An Estimate of Current Soviet Military-Industrial Output and the Development of the Soviet Arms Industry in the Eighties", Osteuropa-Wirtschaft, 1984, No. 2, pp. 138–152.

[53] Pravda, 30 December 1989, p. 2.

[54] This figure is equal with my calculation made in 1984, Cf. Checinski: "An Estimate. . .", op. cit., pp. 142–143.

[55] Calculated from Vestnik statistiki, No. 9, 1990, pp. 47–52; other input elements are in this calculation neglected.

[56] Radio Moscow-1, March 7, 19.30 hrs. R.L. Report on the USSR, Vol. 2, No. 11, March 16, 1990, p. 37.

[57] Narodnoe khozyaystvo SSSR v 1987, (Soviet Statistical Yearbook), Moscow 1988, p. 92.

[58] Trevor Taylor: "Defence Industries in International Relations," Review of International Studies, 1990, No. 16, p. 59. A Soviet expert acknowledges that in 1990 alone, more than 0.5 million people employed in the military industry will move to civilian production lines, Kireyev: "Conversion in the Soviet Dimension", op. cit., p. 94.

[59] All figures about the machine-building industry, the backbone of the arms industry, are totally hidden in the most recently published statistical data about the number and size of Soviet industrial plants. Cf. Vestnik statistiki 1990, No. 9, pp. 47–52.

[60] A. Izyumov: "Chto meshaet konversii," Trud, 8 December 1989, p. 3.

[61] "Status 'oboronke,'" op. cit.

[62] Moiseev, Izvestia interview, op. cit.

[63] "Problemy konversii voennogo proizvodstva", SShA: Ekonomika, Politika, Ideologia, No. 3, 1989, pp. 91–93.

[64] The indisposition of the Soviet military-industrial complex toward the conversion can be illustrated by the infamous "ANT" affair. In early 1990 a scandal erupted after the discovery that a Soviet pseudo-cooperative "ANT" had exported tanks illegally. The investigation brought to light that the reason for exporting these tanks was that the enterprise has been unable to fulfill its conversion plan and to deliver 900,000 sewing machines; by the end of 1989 only 300,000 had been delivered to market. To "save the plan" the managers decided to continue to produce tanks and to sell them abroad. From the hard currency obtained they bought in China parts for the 600,000 outmoded sewing machines and delivered them to the domestic market. Cf. Mikhail Sokolov: "Na kuptsa i zver' bezhit . . .," Sobesednik, No. 12, March 1990, pp. 10–11: "Vse na prodazhu?" Pravitelstvennyi vestnik, No. 6, February 1990, p. 4. To understand the resistance of arms plants to replacing arms by civilian goods we note that redesigning the T–72 tank as a prime mover has been calculated to cost about 30,000 rubles, but the real cost was 121,000 rubles per vehicle. Cf. "Who Needed the Tanks," Moscow News, 1990, No. 13, p. 10. V. Khrebtov: "ANT neizvestinyi", Ekonomicheskaya gazeta, No. 44, 1990, p. 15.

[Council on Economic Priorities, October 1990]

BEATING SWORDS INTO WASHING MACHINES

(By Peter Maggs, Martin Spechler, Judith Twigg and Kim Malone)

Soviet experts estimate that as many as one-third of all people employed in Soviet industry manufacture products connected with the military. According to Soviet economist Zurab Yakobashvili, Head of the Department for Foreign Economic Relations at the Soviet Institute of Economic and Technological Forecasting, a CEP working group member who serves as a consultant to the U.S.S.R. Supreme Soviet, the burden of the military sector is even larger than this figure suggests. By some calculations, says Dr. Yakobashvili, the value of resources used for defense aims may reach as much as sixty percent of all industrial resources used in the nation. This value-based estimation takes account of the higher quality of military products.

It is no surprise, then, that one of the most important elements of Mikhail Gorbachev's *perestroika* is the conversion of military production to civilian purposes. The sorry state of the civilian sector of the Soviet economy has also convinced Russian Republic President Boris Yeltsin that successful conversion to a peace economy is necessary. Every day, articles appear in the Soviet press about new consumer goods being produced at defense enterprises. Indeed, producing much-needed consumer goods in factories that once produced missiles seems a promise of peace fulfilled. Any shift from military to civilian production is therefore a welcome development. Yet, the current conversion model being used in the Soviet Union, as we shall see, is sub-optimal and in some ways superficial. For instance, Soviet defense engineers, accustomed to demands for pin-point precision at any cost, designed and built washing machines with over thirty wash cycles, yet with half the capacity of typical European or American machines and prices high for the Soviet market.

HOW SOVIET CONVERSION OCCURS

Judy Twigg, a doctoral candidate at M.I.T. working with M.I.T. Professor Steve Meyers, and a member of CEP's Soviet conversion working group (see box, page 3), offers a broad overview of conversion and its problems. According to Twigg, conversion occurs in the Soviet Union in one of four ways.

1. Diversification: Soviet defense ministries have been manufacturing consumer goods since long before *perestroika*. According to Military Industry Committee President Igor Belousov, forty percent of the capacity at defense ministry plants is presently dedicated to making consumer products. Many defense industry branches are expanding their output of civilian production while continuing to produce for the military. Soviet officials have said that the goal of conversion would be to raise the level of defense capacity dedicated to civilian production to 60 percent by 1995.

2. Absorption: Entire civilian industrial subsectors have been transferred to the managerial and administrative structure of the defense industries, in the hopes that they will be reborn through the technical and managerial expertise of the military. The most highly publicized "conversion" of this type was the transfer of the Ministry of Machine Building for Light and Food Industry and Household Appliances to defense industry control in 1988.

3. Complete Conversion: Only a few defense enterprises (including the Ioshkar-Ola Machinery Plant, Yuryuzan Machinery Plant, and the Lenin Forge Shipyard in Leningrad) are being converted to exclusively civilian production. Even these are still only in the planning stage.

4. Auctions: Existing military equipment has been sold to domestic and foreign enterprises for civilian purposes. Suggestions for use of this equipment range from melting down tank shells and ship hulls for sale as scrap metal, to using tank chassis as tractors, bulldozers, and fire-fighting equipment, to setting up multi-function ecological laboratories on former military aircraft, to using satellite systems to track railroad refrigerator cars. Several auctions and exhibitions have already taken place.

The methods of conversion described above seem a promising solution to many Soviet economic woes. A malfunctioning washing machine is still preferable to a well-functioning nuclear warhead. Several problems, however, have prevented conversion from serving as a substantial solution to the dearth of consumer goods.

HIGH-TECH OR LOW-TECH?

The most obvious problem encountered in conversion efforts is what to convert to. Some argue that the most productive use of defense plants would have them producing civilian goods similar to the old military hardware: civilian aircraft, medical equipment, high-tech consumer electronics, high-precision machine tools, etc. In this way, the Soviets could obtain badly needed hard currency to build efficient civilian production facilities. Others argue that defense facilities should work to meet the more pressing need for consumer goods for the domestic market, such as food products, clothing, and personal hygiene products.

Another problem is that converted military facilities have not been as profitable as was hoped. The military, apparently, had such an aura of competence that it was just assumed that the application of defense technologies to consumer products would reduce the production cost of such goods, allowing the defense enterprises to channel "profits" back into incentives and material development. Such has not been the case.

CAPITAL INVESTMENT NEEDED

But authorities did not realize how substantial the start-up costs for conversion might be. Defense enterprises have been expected to bear the costs of restructuring technology, refitting rigging and instrumentation, and retraining teams of workers without suspending production. Only recently did First Deputy Minister of Machine Building state the conversion cannot take place without capital investment. The walls, wires and plumbing of old defense production space generally are serviceable for civilian production capacities, but massive expenditure is necessary to dismantle specialized equipment designed to manufacture and test military hardware and replace it with equipment designed to manufacture civilian goods. Some argue that starting over from scratch would be more efficient.

NEW SKILLS NEEDED

Yet another problem for the conversion effort is that, despite its reputation for superior personnel and technical capabilities, the defense sector lacks familiarity with the processes involved. For all their expertise, military engineers make tremendous mistakes in designing civilian products. For instance, defense workers erred in their calculation of the aging time for sausage meat and produced machines that made sickeningly green sausages. Similarly, defense personnel designed a vacuum-evaporating device for diary combines that was unusable because designers failed to take into account the acidity of milk produced by Soviet cows. Over 200 fires a year in Moscow alone are allegedly caused by explosions or electrical malfunctions of Soviet TVs manufactured at defense plants. Although such fiascos are common to Soviet industry in general, they do indicate, at the very minimum, an urgent need for retraining.

Indeed, many former defense specialists worry that their highly specialized skills will not be applicable to peaceful production with any amount of retraining. Defense plant managers report, however, that sizable numbers of their workers have left to do work in coops and joint ventures—and had no trouble finding attractive jobs.

If conversion is to succeed, former military designers must learn to design products with an entirely new set of criteria. Market research must be done to determine what these criteria are—what prices people can pay, the attributes they look for, and the quality and service they demand.

HOUSING: A MAJOR PROBLEM

Peter Maggs, Corman Professor of Law at the University of Illinois and a member of CEP's working group on conversion, has focused on yet another major problem encountered in the conversion process: civilian placement for demobilized officers and soldiers. Maggs believes that the combination of the return of troops from Eastern Europe, the reduction in size of the Soviet armed forces, and the partial transfer of power from the Central Government to the republics is putting a severe strain on the system for allocating housing. In February 1990, Defense Minister Dmitri Yazov stated, "The problem of dwelling for the officers and soldiers is very acute now. Even before the reduction of the army, there were not enough flats for many dozens of thousands of families, but now with a cut of 500,000 troops and the future return of officers and soldiers from Czechoslovakia and Hungary, the situation is getting worse. More than 170,000 officers and soldiers and their family members have no flats."

Most discharged soldiers come from urban areas and want to return to these cities. However, a policy of charging far below market rents for government-owned housing and, more importantly, a severe underinvestment in the construction of new housing, has resulted in an extreme urban housing shortage, (with discomforting similarities to the U.S. homeless situation). This shortage has led to an elaborate housing rationing system. No one may legally live in a city without a residence permit issued by the city police. Each city maintains a waiting list for low-rent public housing, and families may have to wait a decade to get housing. Therefore, finding housing for demobilized soldiers is a near impossibility. Indeed, a recent article even mentioned homelessness among Soviet army officers. Demobilized soldiers are reportedly living in tents.

Soviet law has not been geared to such familiar Western practices as providing veterans with low-interest loans to buy housing. Rather, it gives officers special privileges in the rationing system, so that they may (in theory) obtain housing upon discharge without waiting on decade-long lists as do locals and draftees. If, as a result of massive troop cut backs, it were decided to end such special privileges, it could lead to military opposition to reforms.

But recently there has been a strong political reaction against the preferential treatment for discharged military personnel. The Latvian Parliament has considered legislation, in direct contradiction to Soviet law, that would severely restrict priority housing rights for military personnel. And such reactions as likely to become much more widespread if the number of discharged personnel seeking special housing privileges increases substantially, and the new practice of free, democratic elections of local and republic governments continue.

If the Soviet Union moves away from subsidized, allocated housing and toward a free market, it will face new problems in finding housing for discharged military personnel. Either the personnel will need adequate income to pay for housing, or the government will have to provide special financial assistance for veterans, as is done in the United States.

WHO WANTS RUBLES?

Another problem with the conversion process is the fact that the official ruble prices of Soviet goods often do not even approximate their economic values. In the absence of a meaningful currency, connecting buyers and sellers can be a nightmare. Defense ministries, now that their priority access to supplies no longer exists, have tremendous difficulty finding the goods they need to keep new civil production lines running. Meanwhile, some suppliers who produce the goods essential to converting defense enterprises cannot find a buyer. Even when buyers and sellers do connect, contracts rarely represent simple business transactions. For example, because suppliers often have a monopoly on their goods, they can demand "extras" (such as Japanese video equipment or Peugeot cars) in exchange for delivery of requisite materials.

TO PLAN OR NOT TO PLAN

The significant problems discussed above have provoked various suggestions. Few would dispute the proposition that a market economy would be preferable to the continuation or reformation of any sort of central plan. The presence of market forces would allow factory managers at plants undergoing conversion to negotiate supplies, and to price outputs according to supply and demand, reducing the shortages and quality problems that result from artificial prices. Markets would be generated as competition replaces producer monopolies. Unfortunately, even positive movement in this direction is still not the same as having in place a functioning market system. Indeed, U.S. economist Paul Samuelson argued in a recent Moscow News article that markets evolved in the West over centuries, and cannot be decreed overnight in the Soviet Union. This summer's recent proposed price increases, discussed under the mantle of price reform, reveal a fundamental lack of understanding among many Soviet economists and political leaders about what a market economy is and how to achieve it. Even if the "500 Days" plan associated with Shatalin and Yeltsin is adopted, it could well entail several years of confusion and hardship before the positive effects of the market are widely disseminated. Yet the Soviet public expects conversion to produce immediate benefits.

THE CASE OF CONVERSION PLANS

Twigg argues that properly implemented Soviet conversion on a large scale could, politically and economically, be a major stepping-stone to systemic reform. Centrally directed conversion goals might include: (1) annual (and five-year) guidelines for input and output targets, including raw-material processing and component materials as well as finished civilian products. These targets should be derived in cooperation with the individual enterprises, since they possess vital information about their own supply connections (or lack thereof), production skills and capabilities; (2) the establishment to openly accessible national and regional data banks on freed defense capacity and the availability of supplies. Heretofore, most information has been classified. With vital data kept secret, there can be no hope of successful transition to a market; (3) the promotion of national and regional forums linking suppliers and customers; (4) financial incentives for defense enterprises to covert, including the right to retain a higher percentage of profits and turnover taxes on civilian production, low-interest loans and outright subsidies for start-up costs for civilian production lines, and additional tax and credit incentives for innovations that prove to be particularly responsive to customer demand; (5) the establishment of job retaining centers and placement services, with a national data base on job openings and available workers; and, (6) the immediate repeal of internal passport legislation, which restricts labor mobility.

Continued centralization of the conversion process could facilitate supply distribution and put an end to the inefficient barter system that dominates the Soviet economy. A systematic plan for conversion could ease labor difficulties by a variety of methods, ranging from the establishment of job retraining programs to the passage of legislation facilitating labor mobility.

In sum, Twigg argues that conversion efforts so far have been "decentralized," but because of the state of the economy as a whole, these efforts have generally been extremely ineffective. Without a real currency, the institution of a wholesale market, and the breakup of the producer monopolies and institution of real competition, decentralization is hopeles. Centrally guided converison of the kind outlined by Twigg could be one way to rescue the defense industries from their current dilemma and put them on a productive track.

THE SOVIET CASE AGAINST PLANS

However, Vladimir Fal'tsman, Doctor of Economics and Chairman of the Scientific Council on the Industrial Productivity of the U.S.S.R. Academy of Sciences, and a member of the CEP working group, with many other economists and political thinkers, contends that a centrally guided conversion process would simply reinforce the elements of the Soviet economy that brought it to disaster in the first place. He and others believe that resources formerly wasted in the military would simply be squandered elsewhere, bringing no relief to starved consumers. Furthermore, centralized resource allocation depends on the old planning system, which will be difficult to revive given the recent increase in authority of republic and even city-level governments. Historically planning has not been efficient; it has been termed "centralized disorganizations." A conversion plan is unlikely to provide for the assimilation of military technology into the civilian sector, and is even more unlikely to determine what and how to provide for the civilian sector, according to this line of thought. Therefore, such thinkers argue, conversion must be decentralized, and must avoid the error of centralization. Through it may take place simultaneously with market reform, it is unlikely to ease substantially the hardships of the transmission to a market economy.

THE AMERICAN CASE AGAINST PLANS

Dr. Martin Spechler, professor of economics at Indiana University, another member of CEP's working group, contends that the important issue is not so much one of a planned or decentralized conversion effort, but one of resource allocation. According to Spechler, conversion will never be successful as long as conservative defense bureaucracies continue to control resources. Indeed, ordering the defense ministries to produce more consumer goods and to control inefficient civilian ministries may offset military sector opposition, and offer them incentives to buy into conversion, but actually amounts to "anti-conversion" in Spechler's view. The reason is that there is little ground for the hope that defense ministries will be any more efficient than other ministries. Indeed, he argues that the only reason their record has been better is that they have received first priority in resource allocation. Now that even more military enterprises than before are being put in charge of producing civilian goods, these resources will be spread too thin to produce results any better than traditional Soviet civilian enterprises.

At best, Spechler says, putting the military in charge of conversion will not benefit civilian production. At worst, it will positively undo any potential benefits from conversion. Military personnel, whose privileges depend on defense spending, will undermine conversion efforts. Military secrecy will wreak havoc with efforts to transfer technology to the civilian sector, and make information for market type research totally unavailable. The most efficient "conversion" would not really be conversion per se, but rather to reallocation of resources formerly slated for the military to civilian enterprises.

CEP's November Conference will give scholars and business leaders a chance to air problems and search for solutions. CEP will publish a collection of indepth descriptions of different proposals for conversion.

[From World Watch, October 1990]

IS THE SOVIET UNION PREPARED FOR PEACE?

(By Michael G. Renner)

Five years into Mikhail Gorbachev's top-down transformation of the U.S.S.R., Soviet citizens' expectations of better living standards are skyrocketing past the capacity of an economy that could barely keep up with less extravagant desires. Store shelves remain bare, serious social needs are going unmet, and tempers are rising. The reasons for the malaise of the Soviet economy are numerous, but among the most significant is the lingering burden of excessive military spending.

President Gorbachev has stated repeatedly that ending the arms race with the United States is a prerequisite to invigorating the Soviet economy. At the 28th Communist Party Congress held in early July, Foreign Minister Eduard Shevardnadze claimed that "in the current five-year period, the sum-total peaceful dividend . . . can make 240 billion to 250 billion rubles." At official exchange rates, this would be equivalent to $380 to $400 billion, clearly a significant infusion of resources. Yet, so far, the fruits of Gorbachev's disarmament initiatives are not apparent.

Moscow faces a dilemma: While the eventual economic gains of disarmament promise to be sizable, they will no doubt be diminished in the near-term by costs associated with destroying military hardware, verifying arms treaties, demobilizing and housing soldiers, and reorienting military enterprises toward civilian objectives and retraining employees for that purpose. According to Valentin Smyslov, a high-ranking official with *Gosplan*, the state planning agency, the retooling of factories alone may cost some 40 billion rubles ($64 billion) over the next five years.

THE SUPERPOWER BURDEN

The political liberalization under Gorbachev has spawned a fierce debate over the burden of heavy military spending. However, determining the extent of this burden is difficult, even in the heady days of *glasnost*. Soviet leaders say they spent 77.3 billion rubles (about $120 billion) on the military in 1989. But certain items—foreign military aid, military space programs, and parts of the defense research and development budgets—almost certainly are excluded from this figure. Additionally, the contribution of labor, machinery, and materials to arms production probably is undervalued to a considerable degree.

Because uncertainty surrounds the size of both the military budget and the total Soviet economy, verifying the relative burden of defense spending seems an impossible task. If the officially stated numbers are correct, then military outlays absorb about 9 percent of the gross national product (GNP). Estimates by the U.S. Central Intelligence Agency run in the 15 to 17 percent range, but economist Oleg Bogomolev, a member of the Congress of People's Deputies, asserts the real burden is as high as 20 to 25 percent of GNP (the world average is about 6 percent.)

A more telling picture of military spending might emerge by measuring the share of goods and services devoted to military purposes. Unfortunately, complete up-to-date figures are not available. David Holloway of the University of Edinburgh estimated in the early 1980s that one-fifth of the Soviet Union's total industrial output was absorbed by the arms sector, including two-thirds of the aircraft and shipbuilding industries. This is a much higher share than in other industrialized countries. A little over 6 percent of total U.S. economic output went to the military in 1989, although the military portion came to 53 percent in aircraft manufacturing and virtually 100 percent in shipbuilding.

Although the true extent of military spending in the Soviet Union is not clear, it is readily apparent that the country's leaders must shift resources from guns to butter, a process known as economic conversion. Along with the enormous shortage of quality consumer goods, numerous other pressing needs in Soviet society underline the need for such a policy. There is a serious housing shortage. One-third of all schools have no running water, and the Soviet Union has infant mortality and life expectancy rates closer to those of the Third World than the West.

Spending on environmental protection—currently at 1.3 percent of GNP, according to The Economist in London—is a pressing need but remains clearly insufficient. By the government's own reckoning some $56 billion will be needed to prevent the complete disappearance of the Aral Sea. Some scientists think double that amount, or roughly the equivalent of one year's military expenditures, will be required. Dealing with the effects of the Chernobyl nuclear accident, meanwhile, is now estimated to cost as much as $46 billion, and perhaps more. These, of course, are just the two most publicized of the Soviet Union's many ecological disasters.

The easing of Cold War tensions has allowed the Soviets to take the first steps toward rescuing their economy; cutting weapons production and troop deployments will help rein in military spending. According to official statements, by 1991 total military spending will be 14 percent below 1988 levels. Prime Minister Nikolai Ryzhkov has said he expects the military budget to be trimmed by a third to a half by 1997.

Part of the savings derives from the withdrawal from Afghanistan. Unilateral force reductions in Europe amounting to 500,000 troops and 10,000 tanks will free up additional resources. The 1987 Intermediate-Range Nuclear Forces (INF) Treaty with the United States yielded a comparatively small net savings of $480 million, though that sum is large enough to build 30,000 to 40,000 apartments.

The remainder of projected savings in the military budget will come from a 19.5 percent reduction in arms production. Statements by various officials disagree somewhat about the specifics, but it appears that during the first half of the 1990s, tank production is to be cut by 50 percent, aircraft by 12 percent, helicopters by 25 or perhaps even 60 percent, and ammunition by 20 to 30 percent.

Although channeling these savings into civilian use would do wonders for the cash-short Soviet economy, much hard work remains before any gains will come. Military hardware needs to be adapted for peaceful purposes where possible; demobilized soldiers must be reintegrated into society; and, most important, military production facilities must be retooled for civilian use. In addition, supply-related and financial arrangements among individual factories (and the ministries to which they belong) need to be recast. These difficult steps, central to the process of economic conversion, have only just begun.

As it embarks on the conversion process, the Soviet Union joins China as the only other major power to do so in the post-World War II era China headed down this road a decade ago (see "Swords Into Consumer Goods," World Watch, July/August 1989).

MILITARY RECYCLING

Options for adapting military hardware to civilian applications are often limited. In some cases, pieces of equipment might be refashioned and reused, in others, valuable components, such as engines, electronics equipment, or precious metals, might be salvaged and recycled. Of 10,000 battle tanks that are being withdrawn unilaterally, half are to be destroyed, some used for training purposes, and the rest converted to bulldozers and other equipment for civilian purposes. Meanwhile, Kranlod—an Odessa-based joint venture with West Germany—has begun to transform several hundred launchers for the SS-20 missiles banned by the INF accord into self-propelled hoisting cranes.

Unilateral military cutbacks turned some military equipment into surplus. Supplies worth a half-billion rubles, including motor vehicles, ships, transistors, and navigational equipment, were put up for sale to the public in 1989. Some 60 military transport planes, roughly 10 percent of the total fleet, have been made available for civilian tasks.

Unfortunately, most military hardware simply has no use in the civilian world. Scrapping missiles, tanks, and warplanes will save on maintenance and operating costs, but the expense associated with their destruction, treaty verification measures, and, in many cases, environmental cleanups take a substantial bite out of any savings. In any event, the cost to society of building these weapons in the first place cannot be fully recouped.

REINTEGRATING SOLDIERS

Moscow's decision to demobilize 500,000 troops has led to some transitional problems. Conscripted soldiers generally return to their civilian jobs without much difficulty, but problems arise in reintegrating officers into civilian society, primarily because they need jobs and housing. By the end of the year, some 100,000 officers and 50,000 *praporshchiki* (non-commissioned officers) will have been discharged—primarily those of advanced age, judged incompetent or unmotivated, and those serving as reserve officers.

A number of measures have been taken to smooth the transition of demobilized soldiers to civilian life, including the provision of higher pensions. The Ministry of Defense and *Goskomtrud* (the State Committee for Labor) have also established a joint retraining program; in conjunction with local authorities, they are responsible for job placement. It is too early to tell, however, whether these programs are working as intended.

Perhaps the most critical aspect of successfully decommissioning officers is finding housing. According to Alexei Izyumov of the Institute of the U.S.A. and Canada in Moscow, more than 20,000 officers' families had no permanent homes even before the current troop cuts, and the Defense Ministry will be able to provide no more than 7,500 apartments during 1990-91. The housing shortage is particularly acute in Moscow and other large cities in the European part of the Soviet Union, where most discharged officers wish to return.

These problems will soon balloon. Gorbachev has already agreed to reduce Soviet troops stationed in Europe form the current level of 565,000 to 195,000. Soviet forces are in the process of pulling out of Czechoslovakia and Hungary. They still remain in Poland and East Germany. But with the Warsaw Pact disintegrating rapidly, Moscow may have no troops left in Eastern Europe by the turn of the century. East Germany used to foot the bill for the 360,000 Soviet soldiers stationed there, and West Germany agreed to shoulder that burden, at over $700 million a year. But once these troops return home over the next four years, Moscow will have to pay for their upkeep.

If the soldiers are successfully reintegrated into Soviet society, they can be a boon to an economy characterized by continuous labor shortages. If the effort fails, however, there could be serious political implications. In January 1960, for example, then-Premier Nikita Khrushchev announced a troop reduction of 1.2 million soldiers, coming on top of an earlier demobilization. Yet the policy was implemented with little preparation or regard for those affected. The military's dissatisfaction with the entire undertaking was an important factor in Khrushchev's downfall in 1964. The Gorbachev leadership is well aware that misgivings within the armed forces, of which there are already indications, could lead the military to oppose additional reductions.

MISSILES INTO BABY CARRIAGES

The most crucial element of conversion concerns the retooling of factories that produce war materiel. Successful retooling involves several steps: identifying alternative civilian products, conducting engineering studies to determine the feasibility of producing these goods, retraining employees and refashioning machinery where needed, organizing adequate supplies of energy and materials, and preparing marketing studies.

The factories that once produced missiles now proscribed by the INF accord have shifted part of their capacity to civilian production. The Votkinsk machine tool plant in the Udmurt Autonomous Republic, the Petropavlovsk facility in Kazakhstan, and a third factory in Volgograd are now manufacturing metal-cutting machines, drilling rigs and other oil industry equipment, washing machines, bicycles, and even baby carriages. Several missile design laboratories have also been reoriented toward civilian work, including the development of a rocket to carry meteorological equipment into orbit.

At Votkinsk, some 5 percent of the total number of skilled workers were retrained. Due to high production targets, the changeover to civilian output occurred without loss of employment. While the facility had already been involved in civilian production to some degree, the adjustment would have been smoother if conversion planning had been done in advance. To compensate for a drop in the plant's profits (and thus in its fund for wages and fringe benefits), the government allocated extra money during the transition period of 1988-90.

RETOOLING FOR PEACE

The Soviet military sector has a long history of producing both military and civilian goods. The civilian share of military industry enterprises' output has doubled to about 40 percent between 1965 and today (see Table 1). Although official Soviet statements are contradictory, it appears that the defense industry now produces nearly 8 percent of all Soviet consumer goods. In 1989, some 345 military plants and 200 defense-related scientific research institutes and design bureaus were involved to varying degrees in civilian production.

TABLE 1.—SHARE OF TOTAL OUTPUT OF SELECTED CIVILIAN GOODS PRODUCED BY MILITARY INDUSTRY ENTERPRISES, 1965–88

[In percent]

	1965	1975	1985	1988
TVs, Radios, VCR's, Cameras	100	100	100	100
Sewing machines	NA	NA	[1]100	100
Tape recorders	95	95	95	98
Vacuum cleaners	49	46	[1]75	77
Washing machines	41	32	27	69
Motorcycles and scooters	73	68	63	61
Tramcars	72	65	[2]60	NA
Refrigerators	48	48	[2]48	NA
Bicycles	44	39	40	45
Watches	12	11	19	22
Tractors	13	14	15	NA
Metal-cutting machine tools	[3]14	14	13	NA
Passenger cars	[3]11	10	12	NA

[1] 1987 [2] 1980 [3] 1970.

Sources: Julian M. Cooper, The Scale of Output of Civilian Products by Enterprises of the Soviet Defense Industry, CREES Discussion Paper, University of Birmingham, 1988 (for 1965–1985 data); John Tedstrom, is the Contribution of the Defense Complex to Civilian Production Growing?, Report on the USSR, June 16, 1989 (for 1987–1988 data).

According to plans approved by the Council of Ministers, the Kremlin cabinet answerable to Gorbachev, the portion of defense industries' output devoted to civilian purposes is to rise from the current 40 percent to 50 percent in 1991 and more than 60 percent by 1995. Put differently, the country's overall production of civilian goods is to rise by 5 percent through these measures. For 1990, a rather paltry sum of $6.4 billion has been budgeted to facilitate the changeover.

The additional civilian output of military enterprises will be targeted primarily toward the food-processing industry. Nearly half the $59 billion of planned new equipment deliveries to the food industry under the investment plan for 1988-95 is to be provided by defense industry enterprises. The military sector has also been directed to produce $11 to $13 billion worth of goods for light industry, as well as to increase the output of construction materials, medical equipment, and plumbing supplies.

NO MORE LETHAL TVS

If previous experience is any guide, however, simply increasing the civilian share of military industries, without proper reorientation, is likely to spawn price and quality problems. Earlier Soviet attempts at conversion produced washing machines that cost twice as much as civilian models and television sets that exploded and caught fire. Similar problems exist today.

So far, the items selected for production have not always been well-matched with the factories targeted for conversion. Of 585 consumer goods scheduled to be manufactured in 1988-89 by all military factories, only 126 were successfully produced. The target for 1989-90 was scaled down to 126 products, but by the end of 1989 only 23 of these were actually being produced.

Part of the explanation is that the conversion endeavor is proceeding hastily, more improvised than properly planned and prepared. There are efforts at the factory level and attempts to direct the process from above, with the latter tending to neglect local conditions and capabilities in deciding what alternative products individual military enterprises should produce.

Defense industries, for their part, are accustomed to working with little regard for the costs involved, a practice that if simply transferred to the civilian sector could have disastrous results. Soviet observers agree that the civilian goods produced by military firms are often too expensive for their customers. As long as these factories remain in the orbit of the defense bureaucracy, some critics charge, they will never accord priority to civilian needs and principles.

Despite these dangers, the Soviet leadership has decided to enlist the services of the military industry (with its superior access to skilled labor, materials, equipment, and technologies) in its campaign to boost the production of consumer goods. The civilian industry is seen as too backward and hamstrung to realize the hoped-for rapid improvement in living standards. Thus, the civilian Ministry of Machine-Building for the Light and Food Industries was disbanded in 1988 and many of its 260 enterprises transferred to defense ministries. While it is uncertain whether this quick-fix approach will yield the expected results, there is a definite danger that it will backfire.

A debate is currently under way between those who want to keep the military sector as a separate "economy within the economy" and retain the capability to switch back to defense production, and those who favor its breakup. The outcome is crucial to the nature of Soviet economic conversion.

OUT OF MILITARY ORBIT?

Defense factories still have little incentive to switch to civilian production. Many engineers, along with blue-collar workers, see civilian production as clearly secondary in priority, temporary in nature, or imposed on them. As an inducement for defense factories to produce more civilian goods, the Council of Ministers decreed in September 1988 that factories could retain profits from above-quota production of consumer goods during 1989 and 1990.

Perhaps more important than ideological preference is the fact that wages, as well as housing, child care, and other social benefits available to military industry employees and their families are closely linked to the fortunes of defense factories. At least in some cases, profit margins and wages have dropped as factories have moved from military to civilian production. Unless the situation is remedied, it may sow the seeds of resentment, and possibly resistance to conversion. On the other hand, military enterprises may seek to compensate for lower profits by charging higher prices for their civilian products, endangering the success of this transformation.

At the same time, however, Alexei Izyumov argues that remaining in the military orbit is becoming less attractive for leaders of military-industry enterprises, especially now that the defense establishment is being put on a self-financing basis. Some seem prepared to accept the loss of privileges in return for greater independence from the constraints and pitfalls of rigid centralized planning.

Likewise, the military sector has lost a good deal of its earlier attraction for the non-managerial work force, according to Izyumov. During the past few years, virtually all of the superior wage and fringe benefits have evaporated for the rank and file, while the negative aspects of military industry employment—rigid discipline, overtime, unhealthy conditions, strict quality control, and limitations on travel abroad—have remained in place.

WANTED: MILITARY GLASNOST

Many Soviet analysts agree that the lack of military *glasnost* is a serious obstacle to successful conversion. According to Sergei Blagovolin, an economist writing in the magazine *Moscow News*, there are still no reliable data on the number of military enterprises, their location, the number of people employed, worker skills, the quantity and characteristics of the equipment, and the raw materials and supplies used.

A sample of 100 arms-producing enterprises, assembled by Julian Cooper of the University of Birmingham in Great Britain, sheds some light on the regional distribution of military factories. He shows that the overwhelming majority of these enterprises are located within the Russian republic—particularly in the Urals, in the central economic region around Moscow, in the Volga region, and around Leningrad (see Figure 1, which shows the distribution of factories in Cooper's sample by republic and, within the Russian Republic, by economic region). But much more far-reaching and detailed information is needed to assess both the problems and the potential of conversion.

The potentially most serious impediment to conversion is the lack of any adequate system to account for the enormous resources devoted to military purposes. As Paddy Ashdown, a member of the British Parliament, put it recently: "The army simply said what it wanted and industry supplied it. There were no overall budget limits, no effective costings system, and only the most rudimentary methods of cost control."

The revitalization of the Soviet economy depends crucially on a successful conversion of defense industries. But that success is in turn inextricably linked to the fate of Gorbachev's *perestroika*. Only with a meaningful set of costs and prices, rather than an arbitrary and unaccountable bureaucratic system, can a realistic conversion program be created. Reliable indicators are needed to assess the military's real drain on the economy and the possibilities for converting defense industries to civilian uses. Without such information, it may be impossible to decide whether to convert a given facility or close it and start from scratch, or to determine the success of any conversion undertaking.

To date, Soviet conversion has proceeded on an ad hoc basis. For example, the government's decision in early 1989 to slash the volume of arms production came out of the blue, leaving military factory managers with neither sufficient orders nor an alternative plan. There has been no overall integration of measures to promote greater civilian production.

To move beyond this haphazard stage, a National Commission to Promote Conversion has been formed—with representatives from *Gosplan*, the military-related ministries, the Academy of Sciences, and various universities—to design a proper long-term program. In addition, a draft economic conversion law has been submitted to the Supreme Soviet that, among other things, would provide a two-year allowance and a job information system for military workers who lose their jobs.

Although current conversion plans are directed from the top, there is growing public discussion and appreciation of the concept, and Soviet conversion proponents are seeking to share their insights with their counterparts abroad.

GORBACHEV'S APPEAL

President Gorbachev's foreign and military policies have so far yielded far more political than economic dividends. While the domestic benefits of trimming the Soviet military apparatus will materialize only in the medium- or perhaps even the long-term, the country needs to mobilize considerable funds now to smooth the social and economic effects of disarmament.

The success of conversion depends on more than technical factors, as crucial as they may be. Just as important is the constellation of political concerns. Gorbachev needs to convince the military leadership that his unilateral military concessions are yielding returns that make the gamble worthwhile. In other words, he needs tangible evidence that less military spending and fewer weapons do not translate into less security. And he needs to transform guns into butter fast, or else the rising tide of unmet expectations may drown his entire undertaking.

As open debate has increasingly replaced old taboos, the Soviets have become preoccupied with internal matters. But while the fate of Soviet conversion is of obvious domestic relevance, there is an important international dimension as well. The Soviet case is important because the country is a global leader in arms production. It demonstrates that conversion is a realistic option, even in a world that has barely begun to consider alternatives to the arms race seriously. If the West follows suit with its own demilitarization and conversion measures, the arms race may at long last be transformed into a "peace race."

Mr. McCAIN. In summary, Mr. Chairman, I do not believe that there is any case for using dollars from the fiscal year 1992 defense budget to provide aid for Soviet military conversion, and that it is far too early to decide whether such aid should be provided at all.

We have domestic and economic needs of our own.

We are already cutting our defense budget to the point where it is unclear that we will be able to fund the power projection forces we need.

We should not provide aid for economic reform without a very detailed plan and schedule for overall reform, without a clear set of priorities, and without the assurance that a stable leadership exists that can implement an aid plan.

We should weigh the practically of any such plan by getting the full benefit of the expertise of the intelligence community and a wide range of true experts on the Soviet economy and Soviet military production machine.

We should focus on supporting private enterprise and the most democratic elements of Russian society, not state owned and conservative elements.

AN ALARMING INCIDENT IN ALBANIA

• Mr. DECONCINI. Mr. President, I learned this morning that Dr. Elez Biberaj, Director of the Albanian Service of Voice of America, was seriously injured yesterday when his automobile was forced off the road by an unidentified vehicle just north of the Albanian capital of Tirana. The car reportedly flipped, and Dr. Biberaj's wife, Kadire, and two other passengers were hurt as well but not as badly. Fortunately, thanks to concerned friends and colleagues at the Department of State and the Voice of America, the Biberajs were flown by a United States military aircraft to Wiesbaden, Germany, and both are now recovering.

I was very concerned when I heard this news. I know Elez Biberaj very well. He traveled with a delegation I led to Albania in March of this year as cochairman of the Helsinki Commission. He served as interpreter for the delegation as well as for Commission staff members who remained behind to observe Albania's first multiparty elections since in the 1920's. During the course of the visit, Elez's popularity among Albanian citizens was testament to the effectiveness of the work of the Albanian Service of VOA which he heads. Later, Elez Biberaj interpreted for witnesses at a Commission hearing on democratic developments in Albania.

In addition to being concerned over the health of Elez and Kadire Biberaj, I am deeply disturbed about news reports which indicate that some believe the incident in Albania may have been intentional, planned by the Albanian secret police in light of Dr. Biberaj's work at VOA. These are just reports, but the incident was highly suspicious.

Albania has only recently freed itself from the harsh Communist system which left that country the most isolated and repressed in Eastern Europe. As steps were taken toward democratic development, the United States and other concerned countries welcomed Albania into the CSCE process, which committed the Albanian Government to respect human rights and the rule of law. This would include taking away the pervasive powers the brutal secret police in Albania held to date. In light of its CSCE commitments, I urge the Albanian Government to investigate immediately and fully the incident, to make public all of the facts of the case, and to bring to justice those responsible in the event that this was a planned attack on Dr. Biberaj.

Meanwhile, I would like to express my deepest hope that Elez and Kadire Biberaj have a speedy recovery, and that we have them safely back here with us in the very near future.•

HONORING HENRY TAUB

• Mr. LAUTENBERG. Mr. President, I rise today to record recognition of a much deserved tribute to a dear friend and former business colleague of mine, Henry Taub. He will be honored on September 21, 1991, by the Jewish Community Center on the Palisades for his outstanding contributions to the development of that important community facility.

Henry was a leader in the effort more than 10 years ago to build the center and was the first president of the Jewish Community Center on the Palisades. Henry applied his considerable talents toward assuring that the JCC would move into a site able to provide more services to the expanded Jewish community. He worked energetically to make the facility a reality. His skill also assured that the transition to the new, expanded modern center was accomplished.

Henry Taub brought his unique business experience to the development of a generation of leaders at the JCC. An ingredient essential for its future. During his tenure, membership increased, and programs grew to meet the needs of a growing and diverse Jewish community. Henry should be proud of his distinguished record with the center.

One of his greatest assets is the spirit in which he undertakes new projects. He is a true humanitarian and has a long given generously of his time, his resources and his energy to assisting the Jewish community here and abroad. He has served in a leadership role in many organizations, including the chairmanship of the United Israel Appeal, an officer of the United Jewish Appeal, member of the International Board of the Jewish Agency for Israel, president of the American Jewish Joint Distribution Committee, and currently chairman of the International Board of Technion University.

When a massive number of Soviet Jews fled to Israel, Henry jumped into a key role in assuring that the Passage to Freedom campaign that assured Soviet Jewish resettlement would succeed. It is rare to find an individual so committed to good causes and to be able to serve them so capably.

Henry's participation in charitable, educational, cultural and business organizations has not been limited to the Jewish community. He has worked tirelessly on behalf of hemophiliacs as a board member of the Hemophilia Foundation, and has worked to bring an end to hunger as part of the Interfaith Hunger Appeal. He also sits on the board of the Shakespeare Festival/Public Theatre and on the board of trustees of New York University, his alma mater.

Mr. President, Henry Taub has been my close friend, confidante, and colleague for years. He is admired and loved by his family and friends because he has such high personal standards which set an example for all of us to follow. Henry's contributions deserve the recognition he will receive at the JCC dinner. He has inspired many, myself included, by selfless devotion to the good of others and I want all to know how fortunate we are to have Henry Taub provide a role model for future generations. They will learn from his example how to use personal success for the betterment of others.

I extend my very best wishes to Henry for continued achievements and thank him for being my friend.•

CONGRATULATIONS TO LORRAINE LAZERUS 1991 "WOMAN OF THE YEAR"

• Mr. SEYMOUR. Mr. President, the Boys & Girls Club of Venice has chosen Lorraine Lazerus as 1991 "Woman of the Year." The club will present the award to Mrs. Lazerus at its annual awards celebration on September 21. In honor of that occasion, and in recognition of Mrs. Lazerus, I ask that the club's statement be printed in the RECORD.

The statement follows:

STATEMENT OF THE BOYS & GIRLS CLUB OF VENICE HONORING LORRAINE LAZERUS

Lorraine Lazerus, known for her caring and concern of children, the family and the community, will receive from the Boys & Girls Club of Venice their highest award as the 1991 "Woman of the Year."

Mrs. Lazerus was born and raised on a farm near Mitchell, South Dakota (home of the world's only Corn Palace). She attended the classic one-room rural schoolhouse and later returned there as a teacher. Her teaching career was shortened by World War II when she entered defense work. She met and married Lieutenant Donald Lazerus. Together they raised their five children in Southern California. They recently celebrated their forty-sixth wedding anniversary.

When her son, Rob, a high school athlete, developed epilepsy, she became a volunteer for the Los Angeles County Epilepsy Society. As an active Board member, she was invited to become a member of the Board of Directors of the Epilepsy Foundation of America with headquarters in Washington, D.C. where she served as the National Public Information and Education Chairman. She was also an associate producer and consultant to two award winning films about the disorder.

This year's honoree was a member of the Marina City Club's Board of Governors where her activities were directed toward community services. As Chairman of the Community Affairs Committee, she produced children's shows benefiting the Boys & Girls Club of Venice and the U.S. Marine Corps Toys for Tots program. She organized and chaired the first annual Monte Carlo Night hosted by American Golf and the Marina City Club to benefit the Venice Club. For her work Mrs. Lazerus received Marina City Club's highest acclamation, the Los Patrones Medallion.

Her interests include membership of the Development Committee for Children's Charities which includes both the California Special Olympics and the Make-A-Wish Foundation of Los Angeles. She is a Life Member of Daniel Freeman Hospitals Auxiliary Guild. Along with her husband, she is a Founder of the Los Angeles Music Center and Daniel Freeman Hospitals Foundation. For many years they supported Korean orphans through Compassion International. They visited an orphanage in Pusan, and Lorraine appeared in a television special made in the United States for the organization.

She was also a leader for both the Boy and Girl Scouts, Sunday School Superintendent and Bible class teacher at the First Lutheran Church of Venice, and Scholarship Committee Chairman for the American Field Service Program. She was presented an Honorary Life Membership by the Parent-Teacher Association.•

THE MAJOR LEAGUE BASEBALL EQUITY ACT OF 1991

• Mr. ADAMS. Mr. President, I rise to speak as an original cosponsor, with my colleague Senator GORTON, of S. 1727, the Major League Baseball Equity Act of 1991. During the August recess, as I traveled throughout my State, the one topic that was consistently raised, regardless of the forum, was the fate of the Seattle Mariners. From Spokane to Seattle, from Walla Walla to Vancouver, the question of the day was whether the Seattle Mariners would go the way of the Seattle Pilots, to a new city with a new name, leaving thousands of baseball fans throughout the entire Pacific Northwest without a home team.

While the future of major league baseball in Seattle may seem like a trivial issue to some, to the people of Seattle—indeed, to the people of the entire Pacific Northwest—the Mariners have made a long and steady climb to respectability. As this morning's box scores attest, the Mariners are four games over 0.500, headed for their most successful season in their history. The team has become a passion, a regional asset, a central concern in the daily lives of major league baseball fans from Vancouver, BC, to Vancouver, WA. The Seattle Mariners are considered the home team for fans in the neighboring States of Idaho, Oregon, and Montana.

Because of the growing local effort to explore how to preserve major league baseball in the Pacific Northwest, I commend my colleague Senator GORTON for his work to help save the Mariners. During his tenure as Washington State attorney general, my colleague played a crucial role in paving the way for baseball's eventual return to Seattle after the departure of the Pilots to Milwaukee. I believe the Major League Baseball Equity Act would greatly assist the local effort to preserve the Seattle Mariners as a northwest regional asset.

Seattle has a long and memorable baseball tradition. From the Seattle Indians, Angels, and Rainiers of the old Pacific Coast League to the Seattle Pilots, and now the Mariners. Many of us still remember old Sicks Seattle Stadium, a diamond in the rough so to speak, bordered by Empire Way and Rainier Avenue, where many people in Seattle saw their first professional baseball game as a kid. In 1969, Seattle was a city of only 530,000 people, yet the American League saw the promise of major league baseball in the Pacific Northwest, and awarded the franchise that became the Seattle Pilots. The fans turned out in droves and Seattle fell in love with its major league team, only to see the franchise rudely uprooted after spring training the following year. In Seattle, 1970 Pilots schedules became collectors' items as those games were played in Milwaukee. Once again, Seattle was left without a baseball team. Ironically, the Milwaukee Brewers drew fewer fans in their first season in Milwaukee than they had the previous year in Seattle.

In 1977, Seattle's baseball fans saw their prayers answered with the expansion Mariners, and for 15 years Seattle has forged a special relationship with its team. Over those 15 seasons, more than 18 million fans have walked through the turnstyles of the King County Domed Stadium, and have enjoyed Mariners baseball. The special magic so often attached to fathers, sons, and baseball was given a historical perspective in Seattle last season when Ken Griffey and his son, Ken Griffey, Jr., became the first father and son to ever play in the same lineup together. This year Ken Griffey, Jr., garnered more All Star votes than any other player in the American League. The Seattle Mariners drafted Ken Griffey, Jr., after high school, nurtured his considerable talents through a brief minor league career, and now see him headed on a career path that should land him a spot in the Baseball Hall of Fame day. If and when that day arrives, we hope to see our hometown hero take his place among baseball's immortals wearing the colors of the Seattle Mariners.

Seattle fans have thrilled seeing such exploits as Hall-of-Famer Gaylord Perry, in a Mariner uniform, winning his 300th game or Randy Johnson, becoming the first Mariner pitcher to throw a no-hitter. Seattle loves its baseball team and Seattle deserves to keep it.

We must make it possible for baseball to be successful in smaller markets. Over the last 2 years the Mariners have shattered past attendance record by hundreds of thousands of fans and television ratings are up two to three times in that same period. The Mariners are on their way to their first winning season in team history and the fans are with them every step of the way.

The Mariners have become a northwest asset drawing fans from the entire region. Considering the popularity of this team, and one of the lowest team salaries in the league, how can a major league franchise be striking out? The larger media markets take in anywhere between $20 and $50 million a year in lucrative broadcast contracts and they take in even more money with higher luxury box fees and a bigger season ticket base. It is high time major league baseball took a look at this market disparity by developing a format for sharing broadcast revenues so that major league baseball will be a game that all people can enjoy locally, not just those who live in the largest and most populous locales.

This bill does just that. It makes baseball's earnings more equitable and allows the small media markets to compete with the large.

The Seattle metropolitan area is one of the fastest growing regions in the country. We must realize that in order for baseball to truly live up to its billing as America's favorite pastime, it must be available to all American families so that more fathers and sons, mothers and daughters, can create memories of their own in ballparks across America, no matter what the size of its television market. My plea is, "Major league baseball, don't strikeout. Help the Mariners stay in Seattle where they belong, with their fans."●

IN RECOGNITION OF THE CENTENNIAL OF THE SANTA ANA PUBLIC LIBRARY

● Mr. SEYMOUR. Mr. President, I stand today in recognition of the centennial birthday celebration of the Santa Ana Public Library in Santa Ana, CA.

On September 25, the community will join together for the official birthday party at the newly renovated library building at 26 Civic Center Plaza.

The birthday party will feature a ribbon-cutting ceremony and honor longtime retired staff, volunteers, and patrons.

For 100 years, the Santa Ana Public Library has provided, to quote Longfellow: "The loving of learning, the sequestered nooks, And all the sweet serenity of books."

The library has enriched the lives of countless Santa Ana residents over the last 100 years, and I know that it will continue to serve the love of learning for many, many generations to come.

I ask the Members of the Senate to please join me in extending our congratulations and very best wishes to the community of Santa Ana as it celebrates the library's centennial birthday.●

TRIBUTE TO TONY TRAVATO

● Mr. CHAFEE. Mr. President, I rise today to pay tribute to Tony Travato of Westerly, RI. Tony Travato was honored for his outstanding community service on Saturday, May 4, 1991, at the Calabrese Club in that town.

Tony Travato was born in westerly on February 1, 1925. As a youth, he attended the Westerly public schools and is a graduate of the Cheshire Academy. Thereafter, Tony attended Rhode Island State College, now the University of Rhode Island, and studied clothing design in New York City. He graduated from the American Gentleman Designing School.

As a citizen of Westerly, Tony Travato has been an invaluable asset to the community. He has been an active civic leader; serving as State senator, beach commissioner, district moderator as well as a member of town council. In addition, he has given of his time and talents as a volunteer for 20 years at Westerly Hospital. These activities demonstrate Tony's sincerity, commitment, and love for his neighbors and the community.

I join with all the people of Westerly in saluting Tony Travato and wishing him great success and happiness in the years ahead.●

CONGRATULATIONS TO MICHAEL O'HARA 1991 "MAN OF THE YEAR"

● Mr. SEYMOUR. Mr. President, Michael O'Hara will be recognized on September 21 by the Boys and Girls Club of Venice at its annual awards celebration as the 1991 "Man of the Year." In honor of that occasion, and in recognition of Mr. O'Hara, I ask that the club's statement be reprinted in the RECORD.

The statement follows:

STATEMENT OF BOYS AND GIRLS CLUB OF VENICE HONORING MICHAEL O'HARA

The Boys and Girls Club of Venice, a nonprofit organization geared to supporting 1,000 children, ages 6 to 18, has chosen to honor Michael O'Hara as this year's "Man of the Year."

O'Hara's company, O'Hara Enterprises Inc. [OEI], enjoys the distinction of having pioneered more college professional and Olympic sporting endeavors than any company in history. OEI helped established professional sports leagues in basketball, hockey, and volleyball and created the professional track concept that produced 50 meets in 5 countries on 3 different continents. During that period, O'Hara served as commissioner of two of the sports as well as a college conference.

Mr. O'Hara accepted the invitation of the president of his former travel marketing company, Peter Ueberroth, to assist in producing the 1984 Olympics. He initially served as executive director of all 23 Olympic sports and, in the last 2-year period, as vice president of television where he negotiated agreements with television broadcasters representing 153 countries and saw to it that all received full value for their investment.

He has contributed to the Olympic movement in the six vital game functions, with roles of athlete, national olympic committeeman, network television commentator, organizing committeeman, and international sports federation commissioner.

Since the 1984 Olympics he has contributed as a consultant to the Seoul and Calgary 1988 organizing committees and continues to do so with the 1992 Barcelona Olympic organizing committee.

During the summer of 1990 O'Hara, along with coowner Jerry Buss, helped pioneer the world volleyball league, the first truly international sports league in the history of the sport.

O'Hara has served the Federation International de Volleyball [FIVB] as international relations commissioner for the new World Series of Beach Volleyball, which stages annual tournaments in Brazil, Japan, Italy, France, and Australia. He has served on the board of directors of the USVBA, and is a recent member of the nominating committee for the Volleyball Hall of Fame.

As the consultant for sports to the President of Bangladesh and its Olympic Association, O'Hara was the highest ranked non-Bangladesh citizen in the country, uplifting the level of sports in that country. O'Hara has also helped Ireland, bringing the AIBA World Cup of Boxing to Dublin in 1990.

Two of O'Hara's contributions to sports deal with improvements to the games of basketball and volleyball. As a founder of the American Basketball Association he helped research and support the introduction of the 3-point play in 1969-70, which is now a vital ingredient in the way basketball is played around the world. In 1986, O'Hara presented a point per serve rule he innovated and tested in an OEI-owned sport—Wallyball, which was then tested and formally adopted by the FIVB at the 1988 Seoul Olympics. This rule is currently used in the fifth game of every FIVB international and Olympics match, as well as by the NCAA and most U.S. high schools.

Mr. O'Hara's latest sporting endeavor, as one of three founding owners, is the World Corporate Games—Summer and Winter Olympics for men and women amateur athletes around the world. After 4 years of competitions, the last with over 7,000 international entrants staged in Lille, France, the 1992 version is scheduled for London next September.

Academically, O'Hara received has masters degree from the University of Southern California. He is a national and international lecturer on business management and sports. O'Hara has served as a television expert commentator for all three national networks and was selected internationally for the 1980 Olympics and the 1986 Goodwill Games in Moscow.

As an athlete, O'Hara was an all American in 1953 and 1954 on two national championship UCLA volleyball teams. He was named MVP in the Nation in 1961 and 1963, captained the silver medal winning 1963 Pan American Olympics team, and represented the United States on the first Olympic volleyball team in the 1964 games in Tokyo. In 1967, he was honored with the USVBA All-Time Great Volleyball Player's Award. O'Hara was inducted into the Volleyball Hall of Fame in Holyoke, MA, in 1989.

Michael O'Hara joins Olga Connolly and Peter Ueberroth as Boys and Girls Club honorees who have served the U.S. Olympic Program. Ms. Connolly, a former athlete, was honored as Woman of the Year in 1980 and Ueberroth, president of the 1984 Olympics, as Man of the Year in 1980.

Philanthropically, in addition to his work with the Boys and Girls Club of Venice, O'Hara has served on boards for the Santa Monica YMCA and the Great Western Scouting Council. He also has assisted the Make-A-Wish Foundation in producing special sporting events.●

THE SERVICE INDUSTRIES

● Mr. BIDEN. Much of our business and economic press focuses on our Nation's competitive position in manufacturing technologies. But not as much is written about the service industries in our country, a huge segment that employs over two-fifths of our Nation's work force or more than 45 million Americans. What attention is paid to the service industry is often disparaging.

I recently received an article from the Harvard Business Review on the service industry. The authors, Leonard A. Schlesinger and James L. Heskett, cite the development of a disturbing trend in the service industry, a "cycle of failure" that includes "customer dissatisfaction, high employee turnover, flat or falling sales, and little or no growth in productivity for individual companies and for services overall."

As the authors bluntly report, many service jobs "are truly dead-end jobs." But the article goes on to note that this is in large part due to the way many American service companies are structured, following an industrial model that creates lousy employment conditions.

When one realizes that service jobs were the fastest growing area in the 1980's, and yet fundamental problems exist, we have reason to be concerned about the future of our Nation's economy. But the Harvard Business Review article points out that unmotivated employees and declining productivity are not an unalterable future for our country.

The new service model envisioned by Messers Schlesinger and Heskett calls for changes in business practices, including:

Investments in people as much as investments in machines;

Technology to support the efforts of men and women on the front line, not just to monitor or replace them;

Recruitment and training as crucial for salesclerks and housekeepers as for managers and senior executives;

Compensation tied to performance for employees at every level, not just for those at the top.

The model described in the article could mean increased competitiveness for individual companies. For the country as a whole, it could mean frontline service jobs that are no longer "dead end", but "bring more working people into the mainstream of economic life."

I ask that a copy of "The Service-Driven Service Co." be printed at the conclusion of my remarks.

The article follows:

THE SERVICE-DRIVEN SERVICE COMPANY

(By Leonard A. Schlesinger and James L. Heskett)

For more than 40 years, service companies successfully followed an industrial model based largely on the principles of traditional mass-production manufacturing. Today that model is obsolete, as dangerous a threat to the long-term health of the service sector and the U.S. economy as it has already proved to be in manufacturing. It leads inevitably to degradation in the quality of service a company can provide. And it sets in motion a cycle of failure that is uniformly bad for customers, employees, shareholders, and the country. Among its symptoms are customer disaffection, high employee turnover, flat or falling sales, and little or no growth in productivity for individual companies and for services overall.

As an example, consider the situation McDonald's now faces. From the day that Ray Kroc opened his first hamburger stand in 1955, the company's operating system has been a model of efficient service, not only for fast-food operators but also for hotels, retail stores, banks, and scores of other businesses in which personal contact is an essential part of delivering value to customers. Every aspect of the operation is designed to assure quick service, clean surroundings, and uniform products. Nothing is left to chance or individual discretion: a McDonald's franchisee can no more decide to sell tuna sandwiches (the kitchen has no place to prepare them) than a counterperson can scoop too many (or too few) french fries.

The rewards of this mass-production approach have been enormous. For years, no one in the industry could match McDonald's growth and profitability. Then, at the end of the 1980s, things changed. McDonald's had a harder time finding satisfactory employees, especially in the suburbs. Construction costs shot up, as did prices. For the first time ever, sales and operating income in many of the U.S. stores began to stagnate or even fall. Attracted by competitors that offered more varied menus, lower prices, or both, customers defected and continue to defect. And while McDonald's is working hard to win them back, its own systems are constraining its ability to respond.

Production-line thinking cannot help traditional service companies like McDonald's that are now facing unprecedented pressure from new competitors. Attracting and retaining today's customers demands a fundamentally different approach, one that reverses what we call the cycle of failure. The basic premise is simple: the old model puts the people who deliver service to customers last; the new model puts frontline workers first and designs the business system around them. The consequences of this reversal are profound, as senior managers are discovering at companies like Dayton Hudson and Fairfield Inn, which have made service delivery the centerpiece of their competitive strategy.

A new model of service is emerging, replacing the old model of industrialization in every element of the business. In this new model, companies:

Value investments in people as much as investments in machines, and sometimes more;

Use technology to support the efforts of men and women on the front line, not just to monitor or replace them;

Make recruitment and training as crucial for salesclerks and housekeepers as for managers and senior executives;

Link compensation to performance for employees at every level, not just for those at the top.

Finally, to justify these investments, the new logic uses innovative data that traditional accounting and measurement systems do not track: the aggregate costs of customer or employee turnover, for example, or the greater profit margins that repeat customers can provide.

As yet, no single company has put all the pieces of this new service model together. But its internal logic is already becoming clear: capable workers who are well trained and fairly compensated provide better service, need less supervision, and are much more likely to stay on the job. As a result, their customers are likely to be more satisfied, return more often, and perhaps even purchase more than they otherwise would. For individual companies, this means enhanced competitiveness. For the United States overall, it means the creation of frontline service jobs that can bring more working people into the mainstream of economic life.

More than 45 million people (or roughly 42% of the U.S. work force) are employed in serving food, selling merchandise in retail stores, performing clerical work in service industries, cleaning hospitals, schools, and offices, or providing some other form of personal service. These are the occupations that accounted for most of the U.S. job growth in the 1980s, a pattern that will continue at least until the turn of the century. Yet for the most part, these jobs are poorly paid, lead nowhere, and provide little if anything in the way of health, pension, or other benefits. Many are truly dead-end jobs. (See the table, "Dead-End Jobs.")

DEAD-END JOBS DOMINATED MANY OF THE SERVICE-SECTOR INDUSTRIES THAT GREW THE MOST IN THE 1980'S . . .

	Jobs added 1979–89	Dead-end jobs [1] (percent)	Average hourly real wage growth 1979–89 (percent)	Productivity growth 1979–89 (percent)
Restaurants	1,857,000	93.7	−2.1	−0.5
Grocery Stores	887,000	91.7	−3.1	N/A
Personnel Supply	824,000	81.2	−0.3	−4.4
Hotels	529,000	91.5	−0.2	−1.1
Building Services	321,000	95.9	−1.3	−2.1
Department Stores	178,000	91.7	−1.3	N/A

[1] In jobs we classify as dead-end, the average employee has at most a high school diploma.

Source: United States Department of Labor, Bureau of Labor Statistics.

For a long time, demographics masked this reality. As baby boomers and married women streamed into the work force, it was plausible to believe that these were mostly first jobs for teenagers or a source of supplementary income for two-earner families. Now, however, that is no longer the case. The number of young people coming into the job market has fallen sharply, while many if not most of the women are breadwinners and often single parents as well. The reality is that the people behind the cash registers, sales counters, and vacuum cleaners are adults. The work they are doing is increasingly likely to be their permanent form of employment.

Moreover, for many service workers, it is the work itself that is permanent, not a particular job. The old industrial logic has created a new class of migrant workers in the United States—some 16 million service workers, according to figures derived from Department of Labor data. Like field hands moving from farm to farm, these people travel from one short-term job to another, becoming more demotivated with every move. Sometimes they are fired because their performance is inadequate. But often they are purposely let go just before they qualify for the five or ten cents more an hour that three or six month's seniority would command.

CEOs and their senior managers are responsible primarily for the well-being of their companies, not the well-being of society. But in the cycle of failure, the two coincide. Today a handful of pioneers have chosen to break the cycle by recognizing and rewarding the value their frontline service workers provide. The results so far are encouraging. Employees typically earn more and enjoy their jobs more than their peers in comparable companies. Employers report higher rates of customer satisfaction and retention, lower employee turnover, and higher sales. Employers of choice in their industries, these companies are staking out strong competitive positions based on a system that produces uniformly good service—and that competitors bound to the old industrial model will be unable to match.

POOR SERVICE BY DESIGN

The industrial approach to services is on display virtually every hour of every day in supermarkets, airports, banks, hotels, government offices, and more. But its effects may be easiest to see in the department store, that warehouse of goods where all too frequently the typical customer experience is aggravation.

Imagine that you have just walked into the men's department of almost any big store in the United States to buy a pair of slacks. You might spot a seemingly unoccupied salesperson standing at a distance. More likely, you see racks of cloths, counters filled with accessories, and other shoppers equally in need of help. Undeterred when no one offers to wait on you, you begin the search on your own. You find the pants section, choose a few pairs to try on, and search out a dressing room. You may first have to find someone to unlock it or give you a numbered tag to monitor the merchandise—and you. Should you want a different size, color, or style, you'll have to get it for yourself. And when, at last, you are ready to pay, you still have to track down a cashier in the right department. Special requests—"Could you see if another store has these slacks in my size?"—take time, if they can be accommodated at all. Returns, exchanges, and other problematic transactions (like register errors) take more time and the intervention of a manager who is authorized to respond.

What is astonishing about this scenario is not the poor service it depicts. What is astonishing is that these service failures are not failures, they have been designed into the system by the choices senior management has made. Like their peers in many other service industries, the department store's managers have created, and continue to run, a self-reinforcing system that establishes an inevitable cycle of failure. Ironically, the system's assumptions and operating practices virtually guarantee the degradation of the services the business exists to provide.

The cycle of failure begins with a set of interlocking assumptions about people, technology, and money derived from old industrial models. Today these assumptions are rarely made explicit, even in manufacturing where they had their birth. But their internal logic still drives a great many companies and managers. Simplifying somewhat, that logic goes like this: all things being equal, it is better to rely on technology, on machines and systems, than on human beings. Machines are more efficient and productive. They cost less in the long run. And they are infinitely less trouble to manage since, unlike people, they do not need to be recruited, supervised, trained, and motivated.

The human resource policies and practices that follow from this industrial logic effectively threat people as though they were machines. Frontline, customer-contact jobs are designed to be as simple and narrow as possible so that they can be filled by almost anyone—idiot-proof jobs. Employees ask little of potential employees. They use minimal selection criteria (often nothing more than the ability to show up on time) and set abysmally low performance expectations. At the same time, these employers offer little in return. They keep wages as low as possible, typically just above the legal minimum. The training they offer new hires is rudimentary at best, a reasonable policy in a system that gives workers no room to exercise discretion or judgment. Opportunities to advance are rare.

Unfortunately, however, this industrial model flies in the face of what service-sector customers many times value most: the things that technology cannot do at all or as well as thinking human beings. Automated-teller machines are one exception. But on the whole, consumers have shown little liking for restaurants without servers, hospitals without nurse's aides and orderlies, hotels without front-desk clerks, or department stores without salespeople. In fact, the more that technology becomes a standard part of delivering services, the more important personal interactions are in satisfying customers and in differentiating competitors.

Recent research on customer loyalty in the service industry conducted by the Forum Corporation shows that only 14% of customers who stop patronizing service businesses do so because they are dissatisfied with the quality of what they bought. More than two-thirds defect because they find service people indifferent or unhelpful. Yet helpful, attentive service is out of reach for companies that follow the traditional industrial model.

Sears is a good example. Like other big merchandisers, Sears has faced strong competitive pressure from a variety of sources for years. Specialty shops and catalogs have used superior service and product knowledge to attract customers willing to pay full price. Breakthrough fashion retailers have reaped enormous cost advantages by using technology and just-in-time inventory methods to slash design-to-market cycle times. Off-price and warehouse stores sell identical branded goods at deeply discounted prices. Even the department stores' own efforts to compete have contributed to the problems they face: markdowns and almost continuous sales have lowered revenues, eroded margins, and accustomed shoppers to year-round bargain hunting.

In this environment, improving (or even maintaining) profitability is a daunting task. Despite its extensive and growing base of retail outlets, revenue gains at Sears have averaged only 4.3% per year since 1986, while operating margins in the same period have deteriorated significantly, dropping from 4.9% in 1986 to 1.2% in 1990. (In contrast, arch-rival Wal-Mart Stores maintains a 4% net margin on its operations, and its average sales growth over the past five years has exceeded 29%.) Perhaps worst of all, Sears is widely perceived to have lost the loyalty of its target market, middle-income consumers.

Sears has tried to reverse these declines by upgrading its buying organization, introducing new merchandising strategies such as "Everyday Low Pricing," and cutting costs throughout the organization. Since 1989, the giant retailer has eliminated over 33,000 nonselling positions for a projected savings of $600 million to $700 million. But despite these efforts, management still seems not to have realized how critically important its salespeople are to turning things around, and how long-standing human resource policies have seriously eroded the sales force's ability and will to compete.

For example, in the labor market, Sears has consistently followed the basic tenet of the old industrial mind-set to keep labor costs as low as possible. During the 1970s and early 1980s, Sears shifted the composition of the sales force from 70% full-time employees to 70% part-timers. In the short run, this change undoubtedly reduced the aggregate wage bill and cut benefit costs dramatically. Over time, however, it led to rising rates of turnover and a sharp drop in customer satisfaction.

The chain of consequences that is the cycle of failure explains these unintended outcomes: with fewer, less knowledgeable salespeople on the floor, customers will get less and lower quality help. Impatient, dissatisfied customers have no reason to hide their feelings from employees. And since discontent breeds discontent, sooner or later even the most conscientious salespeople become demotivated. Then the best leave, the mediocre hang on until they are fired, and the cycle starts over with a new crop of recruits who are likely to be even less capable than the people they have replaced.

"Cycle-of-failure" companies cannot attract job hunters with good skills or experience to fill vacancies because quality employees will naturally be attracted to positions offering better prospects and pay. So they must use new technology mostly to monitor employees' work (electronic time clocks, for example, and sophisticated countertheft systems) rather than to give customers better service. Total expenses rise because more supervisors and managers are needed to deal with situations marginal employees cannot be trusted to resolve. Overall, service quality ratchets down another notch or more.

Obvious as these connections may be once they have been stated, many service company managers do not make them. The assumptions reflected in the cycle of failure contribute largely to this myopia. In fact, the harder managers push to resolve performance shortfalls using tools derived from the industrial model, the less likely they are to make real long-term progress. Moreover, the day-to-day performance measures commonly used in most companies only reinforce this vicious circle.

THE ECONOMICS OF SERVICE

Managers in labor-intensive service companies cannot track the real performance of their operations with traditional measurement systems. Determining the costs of customer turnover or the economics of service recovery requires metrics that generally accepted accounting principles do not provide. It also requires senior managers who are willing to abandon conventional wisdom about how and where profits are created.

In service companies that have stores, restaurants, or other facilities in many locations, two assumptions are common. One is that location strategies, sales promotions, and advertising drive the top line. The other is that cost control is the unit-level manager's primary responsibility. Both assumptions are right in part. Prominent locations, catchy sales promotions, and memorable ads are fine ways to bring in trade. And no business can operate profitably for long without careful cost controls at every level. But what these assumptions omit is the role that workers who are in direct contact with customers play in enhancing or diminishing customer satisfaction and therefore profits.

Research into the economics of problem resolution and service recovery highlights the critical role of customer-contact employees. Data collected by Technical Assistance Research Programs for the U.S. Department of Consumer Affairs show a close link between resolving a customer's problem on the spot and the customer's intent to repurchase. When customers experience minor problems, 95% say they will repurchase if the complaint is resolved speedily. If the resolution process takes even a little time, however, the number drops to 70%. A spread of 25 percentage points can easily mean the difference between spectacular and mediocre operating performance. [Indeed, studies on the effects of customer loyalty have shown that even a 5% increase in customer retention can raise profitability by 25% to 85%.[1] Yet the old industrial model virtually guarantees poor on-the-spot problem solving because it assumes that only managers can solve problems. As a result, it has created a generation of service workers who are either uninterested in customers' difficulties or unable to assist them if they do care. Even if they want to, managers cannot confidently rely on workers hired under the cycle-of-failure model to do the right thing.

The economics of turnover are another area in which new metrics are needed—and where traditional accounting practices reinforce the cycle of failure and invisibly undermine a business' profits. To illustrate the scope of the problem, consider some data from Sears.[2] In 1989, 119,000 sales jobs turned over in the retail network of the Sears Merchandise Group. The cost of hiring and training each new sales associate was $900, or more than $110 million in the aggregate (a figure that represents 17% of the Merchandise Group's 1989 income).

Costs of this magnitude often lead managers to make cuts in training. The explanation is the absence of relevant information: while wages and training costs are universally measured and known, the return on these investments in employee development is not because the incremental value of better service has long been considered unknowable. Now, however, that assumption is breaking down. Managers are looking for measures that will help them evaluate the relationship between training and employee retention, for example, or the value of the consistency of service that comes from lower turnover. In sum, they are beginning to factor in the new economics of service.

In 1989, Sears surveyed customers in 771 stores as part of its routine service-monitoring activities. Its findings throw new light on the critical importance of employee turnover as well as on the value of employee morale overall. First, the data make it clear that employee turnover and customer satisfaction are directly correlated. In stores that were given relatively high customer-service ratings, 54% of the sales force turned over in a year compared with 83% at the poorer scoring stores. Second, customer satisfaction correlates directly with the composition of a store's sales force. The more a store relied on a continually changing group of part-timers (a staple in many service businesses), the lower the customer ratings it received. The higher its percentage of full-time and regular part-time workers, the more satisfied customers said they felt.

Evidence from companies that are mounting innovative efforts to measure the full costs of employee turnover adds to the impact of these findings. For example, two divisions at Marriott Corporation undertook a study to quantify the links among turnover, customer retention, and profitability. As a working hypothesis, management estimated that a 10% reduction in turnover would reduce customer nonrepeats by 1% to 3% and raise revenues by $50 million to $150 million. The study's conclusions are striking: even with high-end estimates for recruitment and training costs and low-end estimates for the cost of lost customers, reducing turnover by 10% yielded savings that were greater than the operating profits of the two divisions combined.

The inefficiencies in day-to-day operations created when employees leave are another hidden cost of turnover. Merck & Co. found that disruptions in work relationships and the transactional costs of getting employees on and off the payroll raised the total costs of employee turnover to 1.5 times an employee's annual salary. Further, the analysis concluded that, from an investment of 50% of an employee's salary in activities to eliminate turnover, Merck could reap a one-year payback.[3]

Finally, in a study done in 1988 and 1989, Ryder Truck Rental discovered that another hidden cost of turnover is its impact on workers' compensation claim rates (a significant component of benefit costs). In the 16 districts with annual voluntary turnover of less than 10%, the workers' compensation claim rate was just over 16%. In the 20 districts where voluntary turnover ranged between 15% and 20%, the rate rose to 23%. In addition, Ryder found that increased training led to decreased turnover. Among employees who participated in the company's new training program, the turnover rate was 19%. Among employees who did not participate, the rate soared to 41%.

Documenting the critical relationships among customers, profits, and employees presents a measurement challenge to be sure. The economics of customer loyalty are only now beginning to be worked out, despite overwhelming evidence of their importance. The economics of employee loyalty are still largely unexplored. But thoughtful managers at companies such as Marriott, Merck, and Ryder are making measurable strides in factoring the new economics of service into their strategies and their general accounts.

DESIGN FOR SERVICE

Companies cannot design new standards of service by following old routines. In many service industries, one or two leading companies have realized this and begun to do business in a radically different way that represents a 180—degree turnabout from the old industrial paradigm. Its consequences are apparent to everyone—customers, employees, managers, and competitors.

At the heart of this new approach to service are the needs and expectations of customers themselves, not the operating system and its constraints, define them. Fast-food patrons who expect instant service as well as variety will not be satisfied if new menu options leave them watching the clock. Shoppers who want to consider purchases from several departments at the same time need salespeople who can help them do so, not clerks who are tied to one department and one register.

As these examples indicate, putting customers first means focusing on how and where they interact with the company. That, in turn, means focusing on the workers who actually create or deliver the things that customers value—a spotless hotel room, a quick and easy refund, a fresh, inexpensive sandwich. In companies that are truly customer oriented, management has designed (or redesigned) the business to support frontline workers' efforts and to maximize the impact of the value they create. New job definitions and compensation policies are critical parts of these redesigned systems. So are new organization structures and systems. The product is economic performance that is startling compared with the performance of traditional industry competitors.

Consider Taco Bell. Over the past three years, in an overall market that has been flat to declining, sales growth at company-owned Taco Bells has exceeded 60%. Profits have grown by well over 25% per year (compared with under 6% annually at McDonald's U.S. restaurants). All of Taco Bell's financial success has come while it has dramatically cut prices for its core menu by over 25%.

The media and industry analysts attribute this success to Taco Bell's "value strategy." The chain offers the most popular menu items such as tacos and burritos at prices as low as 99 cents, 79 cents, 59 cents, and recently even 39 cents. But this analysis begs the question of how the restaurant can perform so well financially while carrying on such aggressive price cutting. The answer lies in the way Taco Bell's management has chosen to operate its business. If McDonald's is the epitome of the old industrialized service model, Taco Bell represents the new, redesigned model in many important respects.

Taco Bell's new model is based on a very simple premise: customers value the food, the service, and the physical appearance of a restaurant, and that is all. Everything that helps the company deliver value to customers along these dimensions deserves reinforcement and management support. Everything else is nonvalue-adding overhead. The brilliance of this strategy lies in its execution: Taco Bell's management examined every aspect of the restaurant operation, then fundamentally altered roles and responsibilities at every level of the corporate hierarchy.

At the outset, management realized that the company could not execute the new strategy as long as its old, seven-layer organization remained in place. To compete on service and maintain low prices, the stores had to be staffed with talented, motivated people supplied with timely, accurate information about how their units were performing. Such people would need far fewer supervisors: in fact, the span of control has gone from one supervisor for every 5-plus stores in 1988 to one for every 20-plus stores today. Management would require different things from those supervisors: coaching and support, for example, rather than direction and control. And it would need new information systems to help raise quality and sales as well as to monitor mistakes.

To meet these needs, management initiated changes in almost every part of the business. By expanding the company's sophisticated information technology to the store level, for example, it freed restaurant managers from more than 15 hours of nonproductive paper work each week while providing real-time performance data on costs, employees, and customer satisfaction. Management also restructured the store's operating processes to reflect the fact that fast-food customers value fresh, tasty food served in clean surroundings and don't particularly care where the work of preparing that food is done.

The back room of any fast-food operation is a complex, high-volume manufacturing system. By outsourcing much of the preparation work that had been done in the restaurants (like shredding lettuce and chopping tomatoes), Taco Bell shifted its factory operation from manufacturing to assembly. Now while more automated facilities perform the tasks that lend themselves to economies of sale, Taco Bell's employees concentrate on customers and their needs. In contrast, the back room of the average McDonald's is becoming increasingly complex. The more that management adds items such as pizza and fresh muffins to appeal to a broader set of customers, the more complicated the store's manufacturing operation becomes, and the more managerial attention and control it demands.

---

[1] Frederick F. Reichheld and W. Earl Sasser, Jr., "Zero Defections: Quality Comes to Services," HBR September-October 1990, p. 105.

[2] Dave Ulrich et al., "Employee and customer Attachment: Synergies for Competitive Advantage," *Human Resources Planning*, Vol. 14, No. 3, 1991.

[3] J. Douglas Phillips, "The Price Tag on Turnover," *Personnel Journal*, December 1990.

By making these changes, Taco Bell's management drove down costs and removed more than 15 hours of back-room labor per day from the average operation. Even more important, it shifted the focus of both frontline workers and their managers from manufacturing meals to serving customers. The ratio of front-of-the-house personnel to back-room factory workers has been turned upside down, and employee job descriptions increasingly focus on the limited but crucial service dimensions that drive the bottom line. Patronage from high-frequency fast-food consumers has skyrocketed, and consumer perceptions of Taco Bell's value outstrip all competitors.

These front-of-the-house jobs cannot be done by incompetent, uncommitted workers. They require men and women who can take responsibility, manage themselves, respond well to pressure from customers—in short, the kind of people who rarely come to mind when most service managers think about candidates for frontline service jobs. Taco Bell's management does not make that mistake. It assumes that service workers-like everyone else—come to the workplace with a wide variety of attitudes, assumptions, and expectations. Some will have the potential to be high performers; others will not. To differentiate among them, Taco Bell uses a selection process that is designed to elicit prospective employees' value and attitudes toward responsibility, teamwork, and other "life themes" that have been shown to correlate with successful service work. Far from being discriminatory, the selection process has demonstrated its value in identifying high-potential candidates without regard to race, sex, ethnicity, or age. Often times, detailed preliminary interviews between managers and candidates are conducted over the phone.

The selective hiring policies are a critical component of the new human resource model that Taco Bell is developing. Training efforts are another. Revised job decriptions for the company's restaurant managers require them to spend more than half their day (or twice the time they used to) on human resources matters, such as developing their unit's employees. To help them with this task, they are now receiving training and support communication, performance management, team building, coaching, and empowerment that they, in turn, pass on to the front line.

Changes in job design and supervisory style have stimulated marked improvements in employee morale. In a recent companywide survey, 62% of the respondents said they felt more empowered and accountable; 55% felt they had more freedom to act independently; 66% felt they had the authority they needed to act; and 60% felt a strong sense of accountability.

More capable people with the responsibility and freedom to act inevitably require better pay. Dramatic changes in compensation have yet to hit Taco Bell's front line. But already, workers behind the counter take home paychecks that are above the industry average. Moreover, even as the company's pay system evolves, the perception is growing among employees and competitors alike that it is disrupting the industry's traditional practices. For example, store managers are eligible for bonuses that allow them to earn up to 225% of the industry average based on the restaurant's economic and service performance. And those numbers are slated to rise as more funds are generated from incremental profitability and from further increases in the company's spans of control. [The chart, "Pay for Supervision or Pay for Service?" shows how dramatic such a redistribution of funds can be.]

[Charts are not reproduced in the RECORD.]

Precisely how these new policies and attitudes will translate into greater employee loyalty remains to be seen, although it is reasonable to expect marked reductions in turnover and continuing improvement in the quality of new hires. But it is clear that Taco Bell's success comes from more than lowering its prices. The company has explicitly rejected the prevailing model of service organization in favor of a redesigned system with service at its core. Human resource management is a central component of this new model as well as a critical part of Taco Bell's competitive strategy overall.

While all these changes have been taking place at Taco Bell, McDonald's has focused on more of the same: more advertising and promotion efforts, more new products, more new locations. But more of the same no longer works. Competing against Taco Bell and other redesigned service businesses demands a shift in management's mind-set as well as a new appreciation for the real value of service and the value that service employees create.

REVERSING THE CYCLE OF FAILURE

Senior managers at companies like Dayton Hudson, Marriott, and ServiceMaster (which provides health-care, educational, and industrial facilities with services ranging from materials management to food service) know there is no single strategy for competing on service. What they share is a certain faith in human nature, the belief that many people want to do good work. They reject the prevailing notion that "you can't find good people anymore." And they repudiate any suggestion that a positive work ethic can only be assumed if people have the right degrees or skin color or native language. As a result, these companies have consciously set out to develop human resource policies and practices that will make them employers of choice, not just in their industries but in the labor market overall.

Selection and hiring practices are the most obvious way in which these companies differ markedly from their competitors. Take recruitment: whereas most large service companies have to rely on the luck of the draw, these employers tend to have applicants who have come through referrals or because they have heard good things about working for the company. The selection process is also sharply different. In essence, they prefer to interview ten candidates to find the right person for a job rather than hire the first warm body who comes along—and then have to fill the same job ten times over. Moreover, they are able to say, quite specifically, what "right" means in their particular business. Interviewers at Dayton's, for example, favor applicants who see retail sales as a career. Suitable candidates for housekeeping jobs at Fairfield Inn (the Marriott Corporation's new chain of economy inns) are not only dependable people with good work habits and a passion for cleanliness but also people who are willing to be evaluated and compensated on the basis of their performance.

As these examples indicate, hiring decisions at pioneering service companies are based largely on how people think, not on what they are. Those decisions are possible because these employers have carried out careful analyses to determine the characteristics entry-level workers need to be successful in their jobs and the degree to which those characteristics can or cannot be imparted through training. In hiring front-desks clerks, Fairfield Inn will gladly take on a candidate who relates easily to customers but needs to learn how to use a personal computer. Computer whizzes with no interest in people are another matter altogether. As a result, the work forces at these companies can be enormously diverse and still be homogeneous on the one dimension that matters, their ability to provide excellent service.

Training and development is another area in which these employers are breaking new ground in their industries. Increasingly, training is seen as both a means to more competitive performance and as an end in itself. At Service Master, for example, medical professionals regularly talk to entry-level employees about basic health issues, such as how diseases are transmitted from one person to another. The talks contribute to the company's ability to provide good service because they emphasize how crucial it is for everyone to be scrupulous about cleanliness. But they also add to the hospital workers' stock of knowledge as well as to their pride in themselves and the importance of their work.

In addition to educating and motivating employees, training sessions typically provide the context in which employees commit themselves to the company and its service expectations. New sales consultants at Dayton's take part in a two-day "celebration" in which the underlying theme is "It's my company." During the sessions, they work through exercises to identify and improve their attitudes toward service and customers, watch videotapes on the importance of body language, and engage in role playing to build their enthusiasm for the company. Throughout, the focus is on helping the associates think and act like customers instead of on teaching technical skills like using the registers.

Moreover, training pertains to everyone, not just to newcomers. Capital budgeting in these organizations places as much emphasis on people as on money. One prerequisite for making the shift from the old industrial model of service to the new customer-centered model is an intensive investment to train and communicate with existing employees. The rationale for this investment comes partly from the need to set higher performance standards and expectations and partly from the need to convey the information and skills workers will need to meet those expectations. Urging salespeople to "go the extra mile" for customers will not accomplish anything, for example, unless those salespeople also understand why and how things can be done differently. Likewise, managers whose chief responsibility has shifted from supervising workers to coaching and developing workers will need coaching and developing themselves to perform successfully in their new roles.

Ironically, a critical piece of many managers' re-education is an on-the-job refresher course in service. Today more and more supervisors and managers are spending large portions of their days on the front line. At Dayton's, department managers and even some buyers are on the sales floor 50% of the time. Store managers at Taco Bell typically work out front where they can interact with customers instead of being hidden away in the back room to monitor operations. One advantage of this arrangement is the repeated opportunity it provides for managers to model good service for frontline workers. Another is the fact that it gives managers a steady stream of the richest possible data: firsthand feedback from customers on the quality of their operations. A third (and often double-edged) advantage is that it gives at least some middle managers a productive job to do and so creates a place for them in their companies' newly flattened organization charts.

In virtually every large-scale change effort we have studied, one of the most stubborn problems is resistance from middle managers. Many people call them the concrete layer and tell endless stories of how they get in the way of progress. The plain fact is, in this new service model, they often do get in the way. As spans of control widen, fewer middle managers are needed. Moreover, if they are left in place, the problems of change increase geometrically. Without a lean organization, senior management cannot push operating decisions down to the front line. Without cuts in middle-management head count, it cannot redistribute wages either.

By and large, middle managers understand this (which is why they engage in acts of sabotage if the problem is not addressed—any rational person would do the same). Nevertheless, the unpleasant truth remains: moving the new service model demands the resizing of middle management's ranks. This means moving some people up, moving some back into expanded unit-manager jobs that can keep good managers close to customers, and moving some out of the organization.

What supports this resizing and makes it possible is the development of new technology to retrieve and transfer the information that middle managers once controlled. With good systems in place, a company can achieve great gains in productivity in ways that assist frontline workers and are not obvious to consumers. But as this suggests, in the new model, technology is almost always viewed as a resource and support and not as a source of competitive advantage in its own right. Sooner or later, new systems and tools become available to everyone. Employees with positive, customer-oriented attitudes are a lot harder to copy or buy.

Becoming a quality service organization is tumultuous; there is no getting around that fact. After the "Performance Plus" program was initiated at Dayton Hudson three years ago, frontline turnover rose as sales consultants decided whether pay-for-performance and other aspects of the new system worked for them. Fears of performance pressure and job insecurities contributed greatly to the success of a union-organizing campaign at the Detroit Hudson's store before the program was even introduced. (Dayton Hudson's management has chosen to make the change incrementally, adding three or four stores to the program each year.) Nevertheless, management has persevered on the strength of conventional financial results (sales gains of up to 25% in individual sales per hour, compensation that averages 20% more, stable—though shifting—operating costs) and on the strength of results that are just as crucial competitively but not yet as easily quantified: significant gains in customer satisfaction.

At Dayton's, as at other service pioneers, the formulas that will show the dollars-and-cents consequences of reversing the cycle of failure are still being derived. But the base for those calculations is growing rapidly as more and more managers start to measure and track the costs associated with keeping and losing customers and employees. In addition, they are sharing that information with employees, through paychecks linked to performance and through "scorecards" from departing guests, mystery shoppers, and random samplings of customers.

Today companies in many service industries and labor markets have chosen to reverse the cycle of failure. The benefits are already apparent in higher profits and higher pay. Further evidence will only become more obvious over time, as the gap widens between these employers of choice and their more traditional competitors. For years, customers had no alternative but to accept the poor performance and limited quality that were designed into almost every service operation. Today they do.•

CONGRATULATIONS TO DALENA M. HATHAWAY, RECIPIENT OF MEDALLION AWARD

• Mr. SEYMOUR. Mr. President, the winner this year of the Boys and Girls Club of Venice's Medallion Award is Dalena M. Hathaway. Ms. Hathaway will be honored along with the other 1991 award recipients at the club's annual awards celebration on September 21. In honor of that occasion, and in recognition of Ms. Hathaway, I ask that the club's statement be printed in the RECORD.

The statement follows:

STATEMENT OF BOYS AND GIRLS CLUB OF VENICE HONORING DALENA M. HATHAWAY

Dalena M. Hathaway will be the recipient of the Boys & Girls Clubs of America Medallion Award. The award is presented to a person who has been an unusually interested and active member of the Board of Directors promoting and assisting the Club.

She has been associated with the Venice-based facility for six years. As Vice President of the Endowment Board of Directors for five years and both Vice President and immediate past President of the Club's Board of Directors, she helped implement strategic and financial planning for the Club's continued growth. She participated yearly in the Club's scholarship program for graduating seniors of local high schools. She continues to support other Club activities including being a member of the Party Committee for the annual fund raiser dinner for the past six years.

Since graduating from college, Ms. Hathaway has volunteered time to work with or toward the benefit of children. In addition to her work for the Boys and Girls Club of Venice, she has worked with mentally and physically disabled children.

Having resided in the Los Angeles area since 1980, she is married to Thomas S. Hathaway. They have an eleven month old daughter, Sheridan Paige.•

WESTMINISTER CELEBRATES THE U.S. CONSTITUTION

• Mr. SEYMOUR. Mr. President, on Saturday evening, September 21, 1991, the Westminister Bicentennial Foundation will conclude its 5-year celebration of the Bicentennial of the U.S. Constitution in closing ceremonies at the Westminister Cultural Center.

For the past 5 years, Westminister has celebrated the U.S. Constitution with community events that have enriched knowledge and understanding of that document and all it represents.

I was honored to participate in the kick-off ceremony held in Westminister on September 18, 1987, and I regret I cannot join in this Saturday's celebration.

I would like to share with the community the following passage from Catherine Drinker Bowen's "Miracle at Philadelphia." I believe it sums up the living spirit of our Constitution:

> Miracles do not occur at random * * * Every miracle has its provenance. * * * If miracles are men's wishes fulfilled, so with the miracle of Philadelphia.

I ask the Senate to join me in congratulating the Westminister Bicentennial Foundation and in extending the thanks of our National Government for 5 years of effort well spent in keeping the spirit of the "Miracle of Philadelphia" alive and well among us.•

AROOSTOOK BAND OF MICMACS SETTLEMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 208, S. 374, relating to Maine Indian claims; that any statements be inserted in the RECORD where appropriate; that the bill be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill as passed is as follows:

The bill (S. 374) to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aroostook Band of Micmacs Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS AND POLICY.—Congress hereby finds and declares that:

(1) The Aroostook Band of Micmacs, as represented as of the time of passage of this Act by the Aroostook Micmac Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Micmac Nation which years ago claimed aboriginal title to certain lands in the State of Maine.

(2) The Band was not referred to in the Maine Indian Claims Settlement Act of 1980 because historical documentation of the Micmac presence in Maine was not available at that time.

(3) This documentation does establish the historical presence of Micmacs in Maine and

the existence of aboriginal lands in Maine jointly used by the Micmacs and other tribes to which the Micmacs could have asserted aboriginal title but for the extinguishment of all such claims by the Maine Indian Claims Settlement Act of 1980.

(4) The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians and would have received similar treatment under the Maine Indian Claims Settlement Act of 1980 if the information available today had been available to Congress and the parties at that time.

(5) It is now fair and just to afford the Aroostook Band of Micmacs the same settlement provided to the Houlton Band of Maliseet Indians for the settlement of that Band's claims, to the extent they would have benefited from inclusion in the Maine Indian Claims Settlement Act of 1980.

(6) Since 1820, the State of Maine has provided special services to the Indians residing within its borders, including the members of the Aroostook Band of Micmacs. During this same period, the United States provided few special services to the Band and repeatedly denied that it had jurisdiction over or responsibility for the Indian groups in Maine. In view of this provision of special services by the State of Maine, requiring substantial expenditures by the State of Maine and made by the State of Maine without being required to do so by Federal law, it is the intent of Congress that the State of Maine not be required further to contribute directly to this settlement.

(b) Purpose.—It is the purpose of this Act to—

(1) provide Federal recognition of the Band;

(2) provide to the members of the Band the services which the United States provides to Indians because of their status as Indians; and

(3) place $900,000 in a land acquisition fund and property tax fund for the future use of the Aroostook Band of Micmacs; and

(4) ratify the Micmac Settlement Act, which defines the relationship between the State of Maine and the Aroostook Band of Micmacs.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Band" means the Aroostook Band of Micmacs, the sole successor to the Micmac Nation as constituted in aboriginal times in what is now the State of Maine, and all its predecessors and successors in interest. The Aroostook Band of Micmacs is represented, as of the date of enactment of this Act, as to lands within the United States, by the Aroostook Micmac Council.

(2) The term "Band Tax Fund" means the fund established under section 4(b) of this Act.

(3) The term "Band Trust Land" means land or natural resources acquired by the Secretary of the Interior and held in trust by the United States for the benefit of the Band.

(4) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including (but not limited to) minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(5) The term "Land Acquisition Fund" means the fund established under section 4(a) of this Act.

(6) The term "laws of the State" means the constitution, and all statutes, regulations, and common laws of the State of Maine and its political subdivisions and all subsequent amendments thereto or judicial interpretations thereof.

(7) The term "Maine Implementing Act" means the Act entitled "Act to Implement the Maine Indian Claims Settlement" that was enacted by the State of Maine in chapter 732 of the Maine Public Laws of 1979, as amended by chapter 675 of the Maine Public Laws of 1981 and chapter 672 of the Maine Public Laws of 1985, and all subsequent amendments thereto.

(8) The term "Micmac Settlement Act" means the Act entitled "Act to implement the Aroostook Band of Micmacs Settlement Act" that was enacted by the State of Maine in chapter 148 of the Maine Public Laws of 1989, and all subsequent amendments thereto.

(9) The term "Secretary" means the Secretary of the Interior.

SEC. 4. AROOSTOOK BAND OF MICMACS LAND ACQUISITION AND PROPERTY TAX FUNDS.

(a) Land Acquisition Fund.—There is hereby established in the Treasury of the United States a fund to be known as the Aroostook Band of Micmacs Land Acquisition Fund, into which $900,000 shall be deposited by the Secretary following the appropriation of sums authorized by section 10.

(b) Band Tax Fund.—(1) There is hereby established in the Treasury of the United States a fund to be known as the Aroostook Band of Micmacs Tax Fund, into which shall be deposited $50,000 in accordance with the provisions of this Act.

(2) Income accrued on the Land Acquisition Fund shall be transferred to the Band Tax Fund until a total of $50,000 has been transferred to the Band Tax Fund under this paragraph. No transfer shall be made under this subsection if such transfer would diminish the Land Acquisition Fund to a balance of less than $900,000.

(3) Whenever funds are transferred to the Band Tax Fund under paragraph (2), the Secretary shall publish notice of such transfer in the Federal Register. Such notice shall specify when the total amount of $50,000 has been transferred to the Band Tax Fund.

(4) The Secretary shall manage the Band Tax Fund in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), and shall utilize the principal and interest of the Band Tax Fund only as provided in paragraph (5) and section 5(d) and for no other purpose.

(5) Notwithstanding the provisions of title 31, United States Code, the Secretary shall pay out of the Band Tax Fund, all valid claims for taxes, payments in lieu of property taxes, and fees, together with any interest and penalties thereon—

(A) for which the Band is determined to be liable;

(B) which are final and not subject to further administrative or judicial review; and

(C) which have been certified by the Commissioner of Finance in the State of Maine as valid claims that meet the requirements of this paragraph.

(c) Source for Certain Payments.—Notwithstanding any other provision of law, if—

(1) the Band is liable to the State of Maine or any county, district, municipality, city, town, village, plantation, or any other political subdivision thereof for any tax, payment in lieu of property tax, or fees, together with any interest and penalties thereon, and

(2) there are insufficient funds in the Band Tax Fund to pay such tax, payment, or fee (together with any interest or penalties thereon) in full, the deficiency shall be paid by the Band only from income-producing property owned by the Band which is not held in trust for the Band by the United States and the Band shall not be required to pay such tax, payment, or fee (or any interest or penalty thereon) from any other source.

(d) Procedure for Filing and Payment of Claims.—The Secretary shall, after consultation with the Commissioner of Finance of the State of Maine, and the Band, prescribe written procedures governing the filing and payment of claims under this section.

SEC. 5. AROOSTOOK BAND TRUST LANDS.

(a) In General.—Subject to the provisions of section 4, the Secretary is authorized and directed to expend, at the request of the Band, the principal of, and income accruing on, the Land Acquisition Fund for the purposes of acquiring land or natural resources for the Band and for no other purposes. Land or natural resources acquired within the State of Maine with funds expended under the authority of this subsection shall be held in trust by the United States for the benefit of the Band.

(b) Alienation.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be alienated only by—

(A) takings for public use pursuant to the laws of the State of Maine as provided in subsection (c);

(B) takings for public use pursuant to the laws of the United States; or

(C) transfers made pursuant to an Act or joint resolution of Congress.

All other transfers of land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of such Band shall be void ab initio and without any validity in law or equity.

(2) The provisions of paragraph (1) shall not prohibit or limit transfers of individual use assignments of land or natural resources from one member of the Band to another member of such Band.

(3) Land or natural resources held in trust for the benefit of the Band may, at the request of the Band, be—

(A) leased in accordance with the Act of August 9, 1955 (25 U.S.C. 415 et seq.);

(B) leased in accordance with the Act of May 11, 1938 (25 U.S.C. 396a et seq.);

(C) sold in accordance with section 7 of the Act of June 25, 1910 (25 U.S.C. 407);

(D) subjected to rights-of-way in accordance with the Act of February 5, 1948 (25 U.S.C. 323 et seq.);

(E) exchanged for other land or natural resources of equal value, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary for deposit in the land acquisition fund for the benefit of the Band, as the circumstances require, so long as payment does not exceed 25 percent of the total value of the interests in land to be transferred by the Band; and

(F) sold, only if at the time of sale the Secretary has entered into an option agreement or contract of sale to purchase other lands of approximate equal value.

(c) Condemnation by State of Maine and Political Subdivisions Thereof.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be condemned for public purposes by the State of Maine, or any political subdivision thereof, only upon such terms and conditions as shall be agreed upon in writing between the State and such Band after the date of enactment of this Act.

(2) The consent of the United States is hereby given to the State of Maine to further amend the Micmac Settlement Act for the purpose of embodying the agreement described in paragraph (1).

(d) ACQUISITION.—(1) Lands and natural resources may be acquired by the Secretary for the Band only if the Secretary has, at any time prior to such acquisition—

(A) transmitted a letter to the Secretary of State of the State of Maine stating that the Band Tax Fund contains $50,000; and

(B) provided the Secretary of State of the State of Maine with a copy of the procedures for filing and payment of claims prescribed under section 4(d).

(2)(A) No land or natural resources may be acquired by the Secretary for the Band until the Secretary files with the Secretary of State of the State of Maine a certified copy of the deed, contract, or other conveyance setting forth the location and boundaries of the land or natural resources to be acquired.

(B) For purposes of subparagraph (A), a filing with the Secretary of State of the State of Maine may be made by mail and, if such method of filing is used, shall be considered to be completed on the date on which the document is properly mailed to the Secretary of State of the State of Maine.

(3) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (40 U.S.C. 257) and the first section of the Act of February 26, 1931 (40 U.S.C. 258a), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General of the United States, in the United States and condemn interests adverse to the ostensible owner.

(4)(A) When trust or restricted land or natural resources of the Band are condemned pursuant to any law of the United States other than this Act, the proceeds paid in compensation for such condemnation shall be deposited into the Land Acquisition Fund and shall be reinvested in acreage within unorganized or unincorporated areas of the State of Maine. When the proceeds are reinvested in land whose acreage does not exceed that of the land taken, all the land shall be acquired in trust. When the proceeds are invested in land whose acreage exceeds the acreage of the land taken, the Band shall designate, with the approval of the United States, and within 30 days of such reinvestment, that portion of the land acquired by the reinvestment, not to exceed the area taken, which shall be acquired in trust. The land acquired from the proceeds that is not acquired in trust shall be held in fee by the Band. The Secretary shall certify, in writing, to the Secretary of State of the State of Maine the location, boundaries, and status of the land acquired from the proceeds.

(B) The State of Maine shall have initial jurisdiction over condemnation proceedings brought under this section. The United States shall be a necessary party to any such condemnation proceedings. After exhaustion of all State administrative remedies, the United States is authorized to seek judicial review of all relevant matters involved in such condemnation proceedings in the courts of the United States and shall have an absolute right of removal, at its discretion, over any action commenced in the courts of the State.

(5) Land or natural resources acquired by the Secretary in trust for the Band shall be managed and administered in accordance with terms established by the Band and agreed to by the Secretary in accordance with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or other applicable law.

SEC. 6. LAWS APPLICABLE.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Aroostook Band of Micmacs. The Band shall be eligible to receive all of the financial benefits which the United States provides to Indians and Indian tribes to the same extent, and subject to the same eligibility criteria, generally applicable to other federally recognized Indians and Indian tribes.

(b) APPLICATION OF FEDERAL LAW.—For the purposes of application of Federal law, the Band and its lands shall have the same status as other tribes and their lands accorded Federal recognition under the terms of the Maine Indian Claims Settlement Act of 1980.

(c) ELIGIBILITY FOR SPECIAL SERVICES.—Notwithstanding any other provision of law authorizing the provision of special programs and services by the United States to Indians because of their status as Indians, any member of the Band in Aroostook County, Maine, shall be eligible for such services without regard to the existence of a reservation or the residence of members of the Band on or near a reservation.

(d) AGREEMENTS WITH STATE REGARDING JURISDICTION.—The State of Maine and the Band are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands owned by, or held in trust for the benefit of, the Band or any member of the Band. The consent of the United States is hereby given to the State of Maine to amend the Micmac Settlement Act for this purpose: *Provided*, That such amendment is made with the agreement of the Aroostook Band of Micmacs.

SEC. 7. TRIBAL ORGANIZATION.

(a) IN GENERAL.—The Band may organize for its common welfare and adopt an appropriate instrument in writing to govern the affairs of the Band when acting in its governmental capacity. Such instrument and any amendments thereto must be consistent with the terms of this Act. The Band shall file with the Secretary a copy of its organic governing document and any amendments thereto.

(b) MEMBERS.—For purposes of benefits provided by reason of this Act, only persons who are citizens of the United States may be considered members of the Band except persons who, as of the date of enactment of this Act, are enrolled members on the Band's existing membership roll, and direct lineal descendants of such members. Membership in the Band shall be subject to such further qualifications as may be provided by the Band in its organic governing document, or amendments thereto, subject to approval by the Secretary.

SEC. 8. IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT.

For the purposes of this section, the Band is an "Indian tribe" within the meaning of section 4(8) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(8)), except that nothing in this section shall alter or affect the jurisdiction of the State of Maine over child welfare matters as provided by the Maine Indian Claims Settlement Act of 1980.

SEC. 9. FEDERAL FINANCIAL AID PROGRAMS UNAFFECTED BY PAYMENTS UNDER THIS ACT.

(a) STATE OF MAINE.—No payments to be made for the benefit of the Band pursuant to this Act shall be considered by any agency or department of the United States in determining or computing the eligibility of the State of Maine for participation in any financial aid program of the United States.

(b) BAND AND MEMBERS OF THE BAND.—(1) The eligibility for, or receipt of, payments from the State of Maine by the Band or any of its members shall not be considered by any department or agency of the United States in determining the eligibility of, or computing payments to, the Band or any of the members of the Band under any Federal financial aid program.

(2) To the extent that eligibility for the benefits of any Federal financial aid program is dependent upon a showing of need by the applicant, the administering agency shall not be barred by this subsection from considering the actual financial situation of the applicant.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $900,000 for the fiscal year 1992 for transfer to the Aroostook Band of Micmacs Land Acquisition Fund.

SEC. 11. INTERPRETATION.

In the event of a conflict of interpretation between the provisions of the Maine Implementing Act, the Micmac Settlement Act, or the Maine Indian Claims Settlement Act of 1980 and this Act, the provisions of this Act shall govern.

SEC. 12. LIMITATION OF ACTIONS.

No provision of this Act may be construed to confer jurisdiction to sue, or to grant implied consent to the Band to sue, the United States or any of its officers with respect to the claims extinguished by the Maine Indian Claims Settlement Act of 1980.

Mr. MITCHELL. Mr. President, I am pleased that the Senate is today considering legislation, introduced by Senator COHEN and myself, to effectively settle all claims of the Aroostook Band of Micmac Indians. Passage of this bill by the Senate, and its subsequent enactment into law, will enable the Micmacs to finally have access to the services the Federal Government makes available to all other recognized bands of native Americans. I urge my colleagues to support passage of the bill.

The Micmacs' exclusion from the 1980 Maine Indian Claims Settlement Act left them in a unique situation, where they have no State Indian assistance and are ineligible for Federal assistance. The bill the Senate is considering today will establish the historical presence of the Micmacs in Maine and provide Federal recognition to the band.

The legislation also provides for $900,000 to be placed in a land acquisition fund and property tax fund to allow the Micmacs to purchase land and to pay taxes on that land to the State of Maine.

The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Miliseet Indians. This bill will grant the Aroostook Band of Micmacs the same settlement provided to the Houlton Band of Miliseets 3 years ago. The legislation has widespread support in the State of Maine, from civic and government organizations, as well as from the other three recognized tribes in the State. The Maine State Legislature has already approved legislation to implement the provisions of Federal law regarding the purchase of State lands for the Micmacs, as well as a resolution urging the Congress to take action on the band's claim.

Identical legislation was passed by the Senate last year by voice vote. Unfortunately, the House failed to complete action on the legislation last year, and therefore the Micmacs have spent another year in their predicament.

Enactment of this legislation will enable the Aroostook Band of Micmacs to establish a much needed land base in Maine and grant them the same status as other tribes and lands accorded Federal recognition under the terms of the Maine Indian Claims Settlement Act of 1980.

I commend Senator INOUYE and the Select Committee on Indian Affairs for addressing this legislation so promptly, and I urge my colleagues to pass S. 374, which will enable the Micmacs to rise above the quagmire they find themselves in today.

Mr. COHEN. Mr. President, I am very pleased that the Senate is considering once again passage of legislation I have sponsored, along with my colleague from Maine, Senator MITCHELL, that addresses the unique situation of the Micmac tribe in Maine.

Identical legislation was approved unanimously by the Senate last year. It will bring fair treatment to the Aroostook Band of Micmacs and afford them access to Federal services that are desperately needed by tribal members.

The Micmacs are a small tribe located in northern Maine, whose principal livelihood is gained through basketmaking and seasonal agricultural labor. They are an extremely poor tribe, with very high alcoholism and high school dropout rates. Despite these problems, there are few programs available to assist them in addressing their needs. This situation exists because the Micmacs were not included in the 1980 Maine Indian Claims Settlement Act, for a variety of reasons I have explained in previous statements to the Senate on this subject.

Exclusion from the 1980 MICSA prohibits the tribe from being eligible for crucial tribal services provided by the BIA. In addition, State Indian assistance programs were terminated following passage of the 1980 act, thus eliminating a source of funding long used by the tribe.

The bill before the Senate today grants Federal recognition to the Aroostook Band of Micmacs as the sole successor to the aboriginal entity known as the Micmac Nation. It also authorizes $900,000 for the establishment of a land trust fund for the band. These two provisions will make the band members eligible for a host of Federal services through the Bureau of Indian Affairs and the Indian Health Service, and will provide them the wherewithal to begin to acquire land for tribal use as a reservation and for investment purposes.

The bill does not amend the 1980 act, and we do not intend that any of the issues covered in that landmark legislation be reopened or reconsidered. The purpose of the Micmac settlement legislation is to bring some fairness to the unfortunate situation the tribe faces, whereby there are no programs available to help it deal with the poverty and lack of education among tribal members.

The Micmacs continue to live as a tribe in Maine and have striven to maintain a tribal identity against great odds. Unemployment among the tribe runs at 75 percent, and approximately 60 percent of the tribe live on less than $5,000 per year. I hope that through passage of this legislation we will be able to provide tribal members some relief from these conditions.

In 1989, the Maine State Legislature approved legislation to implement the provisions of Federal law regarding the purchase of State lands for the Micmacs. This occurred with no controversy, and the legislation was introduced by a bipartisan group of lawmakers representing Aroostook County. The legislature also approved a resolution urging the Congress to take action on the Micmac claim.

In addition, the Maine attorney general's office has expressed its full support for this legislation.

I want to express my appreciation to the Senate Indian Affairs Committee, particularly its chairman, Senator INOUYE, for acting expeditiously on this legislation and demonstrating a keen understanding of the issues surrounding the Micmac's plight.

I hope my colleagues in the Senate will also support this legislation today so that the Aroostook Band of Micmacs can receive the benefits accorded other Maine tribes.

SEQUENTIAL REFERRAL OF STRIPED BASS LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 2387, the Striped Bass Act of 1991, be sequentially referred to the Committee on Environment and Public Works for a period not to extend beyond 7 calendar days; and that if H.R. 2387 is not reported by the Committee on Environment and Public Works within said time, the Committee on Environment and Public Works shall be discharged from further consideration of H.R. 2387, and the bill shall be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Friday, September 20; that following the prayer, the Journal of proceedings be deemed approved to date; and that following the time of the two leaders, there be a period for morning business not to extend beyond 10:45 a.m. with Senators permitted to speak therein with the following Senators to be recognized: Senator WELLSTONE for up to 20 minutes, Senator MCCAIN for up to 10 minutes, Senator ADAMS for up to 10 minutes, and Senator ROCKEFELLER for up to 15 minutes.

Mr. President, I modify my request to ask that the Senate stand in recess until 10 a.m. tomorrow, and that the period for morning business extend until 11:15 a.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10 a.m. on Friday, September 20.

There being no objection, the Senate, at 10:55 p.m., recessed until Friday, September 20, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 1991:

OFFICE OF SPECIAL COUNSEL

KATHLEEN DAY KOCH, OF VIRGINIA, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF 5 YEARS, VICE MARY F. WIESEMAN, TERM EXPIRED.

PANAMA CANAL COMMISSION

WILLIAM CARL, OF TEXAS, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE WILLIAM W. WATKIN, JR., RESIGNED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

WILLIAM STEWART JOHNSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 1996. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531 AND 2107:

WILLIAM B. BOHN, [redacted]
ROBERT G. BRACKNELL, [redacted]
VICTON J. BUNCH, [redacted]
MATTHEW J. CASTRO, [redacted]
JOHN C. GORDON, [redacted]
EARL L. HALQUIST, [redacted]
DERRICK R. HEYL, [redacted]
TIMOTHY D. KORNACKI, [redacted]
WENDELL R. LINK, [redacted]

GARY W. MACLEOD, [redacted]
STEPHEN S. PIERSON [redacted]
BENJAMIN P. STINSON, [redacted]

THE FOLLOWING NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

KELLY A. AUSTIN [redacted]
LORNA M. CHANCE, [redacted]
RONALD K. DENNARD [redacted]
THOMAS J. HAIL [redacted]
STEVEN G. LUHRSEN [redacted]
ALBERTO MORALES, [redacted]
CHRISTIAN A. NELSON, [redacted]
STEWART R. NICKLESS, [redacted]
SCOTT W. PIERCE, [redacted]
MICHAEL B. SEGER, [redacted]
ROBERT A. VOJTIK, [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 13 JUNE 1991. AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF 7 YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

AGEMA, DAVID J. [redacted]
AGNEW, RICHARD H., JR. [redacted]
ALBRIGHT, ROBERT P. [redacted]
ALLEN, CHARLES L. [redacted]
ALLEN, EUGENE K., [redacted]
ALLISON, STEVEN J. [redacted]
ANDERSON, DAVID A. [redacted]
ANDERSON, ROBERT W. [redacted]
ANDERSON, STEPHEN E. [redacted]
ANDREW, DAVID B. [redacted]
ANKENEY, PAUL B. [redacted]
APPLEBY, ALBERT J. III [redacted]
ARFORD, DENNIS C. [redacted]
ASH, JOHN W. [redacted]
ASLIN, JAMES E. [redacted]
AUGENSTEIN, HELMUT T. [redacted]
AUGUSTENBORG, JAY M. [redacted]
AVRAMOVICH, JIM L. [redacted]
BACZUK, JOHN E. JR., [redacted]
BAILEY, JEFFERSON M. [redacted]
BAKER, JAMES W. [redacted]
BAKER, KENNETH W. [redacted]
BANKS, ROBERT K. [redacted]
BAPP, GREGORY J. [redacted]
BARNES, WILLIAM J. [redacted]
BARNETT, ROBERT E. [redacted]
BARRETT, DOUGLAS H. [redacted]
BARRY, JAMES A., JR. [redacted]
BARRY, THEODORE L. III. [redacted]
BARTEK, GEORGE J. [redacted]
BARTON, LAWRENCE N. JR. [redacted]
BASKETT, ROBERT E. [redacted]
BATTERMAN, ROBERT E. [redacted]
BAUER, JOHN L. [redacted]
BAUMLER, RONALD H. [redacted]
BEAL, FRANK L. JR. [redacted]
BEARD, JAMES L. [redacted]
BEARD, RODERICK A. [redacted]
BEAROR, THOMAS R. [redacted]
BECKER, RONALD F. [redacted]
BECTON, WENDELL R. JR. [redacted]
BELL, NORMAN S. JR. [redacted]
BENDER, ELDON M. [redacted]
BENDER, RALPH A. [redacted]
BENTLEY, DAVID D. [redacted]
BENTSON, KIRK D. [redacted]
BEPKO, STEPHEN J. [redacted]
BEREZA, GEORGE W. [redacted]
BERGENFELD, MAUREEN H. [redacted]
BERKOWITZ, MURRAY R., [redacted]
BERNICK, JOHN W. [redacted]
BETRY, MORRIS R. [redacted]
BICKELMANN, DONALD C. [redacted]
BIELANSKI, ALLAN. [redacted]
BILLINGS, ROBERT [redacted]
BILLMAN, THOMAS L. [redacted]
BILYEU, STEVEN J. [redacted]
BIRD, DAVID L.V. [redacted]
BIRD, JAMES R. JR., [redacted]
BLACK, DONALD A. [redacted]
BLACKARD, DON E. [redacted]
BLAIR, DAVID M. [redacted]
BLAIR, ROBERT J. JR. [redacted]
BLANKENSHIP, JOHN K. [redacted]
BLEY, WILLIAM F. JR. [redacted]
BLOUNT, RICHARD T., [redacted]
BLUMBERG, WILLIAM A. [redacted]
BOGUN, THOMAS H. [redacted]
BOLAND, JAMES S. [redacted]
BONDURANT, FREDERICK N. [redacted]
BOONE, PERRY F. [redacted]
BOOTS, STEPHEN K. [redacted]
BOST, CRANFORD O., JR. [redacted]
BOULWARE, DIANE M. [redacted]
BOUSE, THOMAS E. [redacted]
BOWDER, GEORGE W., [redacted]
BOWERS, LARRY F. [redacted]
BOWMAN, JAMES R., [redacted]
BOWMAN, NICK F. [redacted]
BOXX, DENNIS R. [redacted]
BOYD, ROBERT T. [redacted]
BOYLE, PETER M. [redacted]
BRANDT, MICHAEL G. [redacted]
BRISTER, MAJURE S. [redacted]
BROADWATER, DAVID D. [redacted]
BROWN, CHARLES V. [redacted]
BROWN, DONALD C. [redacted]
BROWN, JAMES D. [redacted]
BROWN, JAMES E. [redacted]
BROWNING, DREW W. [redacted]
BUCH, FRANK C. [redacted]
BUCHHEISTER, JOHN B. [redacted]
BUDGE, LOUIS J. [redacted]
BUISSON, JAMES L., III [redacted]
BULLERMAN, WILLIAM R. [redacted]
BURGY, ROBERT E. [redacted]
BURK, CHARLES W. [redacted]
BURROWS, DANIEL B. [redacted]
BUSHMAN, ROBERT W. [redacted]
BUTEFISH, RICHARD L. [redacted]
BUTLER, RONALD L. [redacted]
CAMPBELL, JONATHAN W. [redacted]
CANNON, ROBERT L. [redacted]
CAPUA, JOHN A. [redacted]
CAPUTO, JOHN A. [redacted]
CARL, ROGER A. [redacted]
CARR, WILEY R. [redacted]
CARROLL, DENNIS F. [redacted]
CARTER, ROBERT G. [redacted]
CATES, THADDIS R. [redacted]
CATHCART, TERRY L. [redacted]
CHAMPA, DAVID A. [redacted]
CHANCE, FREDDIE H. [redacted]
CHANNELL, CLARENCE N., JR. [redacted]
CHATFIELD, RICHARD A. [redacted]
CHIABOTTI, MICHAEL J. [redacted]
CHILDERS, CLIFTON H. [redacted]
CHILDERS, HENRY D. [redacted]
CHILDS, WILLIAM A. [redacted]
CLAFFEY, ROGER W. [redacted]
CLARK, MERLE M. [redacted]
CLARK, SAMUEL T. [redacted]
CLARK, THOMAS J. [redacted]
CLARK, WALTER T, III. [redacted]
CLARKE, ROBERT J. [redacted]
CLICK, BILL V. [redacted]
CLINE, GEORGE E, JR. [redacted]
CLINGERMAN, THOMAS B. [redacted]
CLODFELTER, TERRY C. [redacted]
CLONCH, SAMUEL E. [redacted]
COLELLA, JOSEPH F. [redacted]
COLEMAN, DENNIS L. [redacted]
COLEMAN, MARVIN. [redacted]
COLEMAN, WILLIAM E. [redacted]
COLLIER, CHARLES W. JR. [redacted]
COLLIN, GEORGE R. [redacted]
COLLINS, RAYMOND M. JR. [redacted]
COLLINS, WILLIAM E. [redacted]
COMBEE, DONALD E. JR. [redacted]
COMBER, WILLIAM E. [redacted]
COOK, KENNETH G. [redacted]
COOLIDGE, JEROME H. [redacted]
CORDOVA, JOHN P. JR. [redacted]
CORRIGAN, JOHN J. JR. [redacted]
COSPER, KEITH L. [redacted]
COSTELLO, THOMAS S. [redacted]
COTNEY, WILLIAM R. [redacted]
COVINGTON, FRED D. JR. [redacted]
CRAIG, JAMES A. [redacted]
CRIMMINS, ARTHUR L. JR. [redacted]
CRIQUI, THOMAS H. [redacted]
CRIST, TERRY V. [redacted]
CROCKETT, STUART H. JR. [redacted]
CROSS, MERRIL N. [redacted]
CROSS, MICHAEL G. [redacted]
CROWE, JOHN B. [redacted]
CRUMLEY, GAYLAN B. [redacted]
CULBERTSON, ROBERT A. [redacted]
CULPEPPER, DOUGLAS O. [redacted]
CULVER, WILLIAM R. [redacted]
CUMMINGS, LARRY P. [redacted]
CUSCINO, RONALD. [redacted]
CULLIP, ROBERT G. [redacted]
DALLAS, GEORGE R. [redacted]
DALTON, NEWMAN L. JR. [redacted]
DAMMER, RICHARD [redacted]
DAVIS, FRANK L. [redacted]
DAWES, ARTHUR F. [redacted]
DAYE, THOMAS R. [redacted]
DEATON, TERRENCE F., [redacted]
DEBUYS, ROBERT R. [redacted]
DEGNER, JAMES M. [redacted]
DEGROOT, CASE JR. [redacted]
DELOACH, RICHARD C. [redacted]
DELONG, GEORGE H., JR. [redacted]
DETHLOFF, FRANK R. [redacted]
DEVITT, JAMES E. [redacted]
DEWALT, WILLIAM T. [redacted]
DIBBERN, JOHN C. [redacted]
DICKEY, SCOTT J. [redacted]
DIEMAND, LARRY L. [redacted]
DIRNER, JOHN T., JR. [redacted]
DISALVO, JOHN P. [redacted]
DIVIS, RICHARD T. [redacted]
DIXON, JOHN P., JR. [redacted]
DONNELLY, DAVID D. [redacted]
DONNELLY, MICHAEL J. [redacted]
DONOFRIO, JOSEPH D. [redacted]
DOOLEY, PETER C. [redacted]
DOTO, PAUL, JR. [redacted]
DOUGLASS, ROBERT B. [redacted]
DOWNES, PETER J., JR. [redacted]
DOYLE, DAVID E. [redacted]
DOYLE, ROBERT W. [redacted]
DRUBIN, CLIFFORD A. [redacted]
DUBEL, WILLIAM I., JR. [redacted]
DUFF, JOSEPH A. [redacted]
DUNKLEBERG, JAY F. [redacted]
DUNN, MELVIN A., JR. [redacted]
DURKIN, THOMAS J. [redacted]
EARLY, CHARLES L., JR. [redacted]
EASTABROOKS, JOHN T. [redacted]
EDWARDS, JERRY K. [redacted]
EDWARDS, MARVIN W. [redacted]
EDWARDS, ROBERT T. [redacted]
ELLIS, GEORGE V., JR. [redacted]
ELY, MARK M. [redacted]
EMERY, RICHARD A. [redacted]
EMMER, WILLIAM J. [redacted]
ENGEL, CONNIE J. [redacted]
ENGEL, MICHAEL W. [redacted]
ENMARK, WAYNE B. [redacted]
EPSTEIN, SAMUEL J. [redacted]
ERSTINE, JAMES M. JR. [redacted]
EVERITT, MICHAEL W. [redacted]
FARBO, JOHN L. [redacted]
FARR, WILLIAM H. [redacted]
FERRELL, HENRY L. [redacted]
FIELDING, JAMES T. JR. [redacted]
FLEISCHMAN, RICHARD A. [redacted]
FLEISSNER, REGINA M. [redacted]
FLICKINGER, NORMAN H. [redacted]
FOGLE, THOMAS L. [redacted]
FORBES, JEFFREY M. [redacted]
FORMAN, JAMES B. III [redacted]
FOUTS MIACHAEL F. [redacted]
FOWLER, REGINALD M. [redacted]
FOWLER, RONALD G. [redacted]
FRANKS, CHARLES H. JR. [redacted]
FRANZESE, PHILIP F., III [redacted]
FREEMAN, STEVEN C. [redacted]
FREET, RICHARD A. [redacted]
FRENCH, EDGAR C. [redacted]
FROSTMAN, DAVID L. [redacted]
FUHRMAN, TIMOTHY A. [redacted]
FULLEN, RONNIE E. [redacted]
GAGNON, PAUL M. [redacted]
GAMMEL, KENT M. [redacted]
GARDNER, WILLIAM T. JR. [redacted]
GARZA, ERNESTO [redacted]
GAULT, DAVID S. [redacted]
GEBHARDT, JAMES A. [redacted]
GEMMELL, THOMAS J. JR. [redacted]
GEORGESEN, RUSSELL W. [redacted]
GIAQUINTO, DANIEL J. JR. [redacted]
GICALE, MARK A. [redacted]
GIOIA, MATTHEW J. [redacted]
GIRARDIN, SIDNEY A. [redacted]
GISLER, THOMAS M. JR. [redacted]
GLAWE, PETER H. [redacted]
GLOEDE, GARY W. [redacted]
GODFREY, JOHN D. III [redacted]
GOLDEN, JUNIOR R. [redacted]
GORE, WILLIAM D. [redacted]
GOURLEY, JOHN F. [redacted]
GOVETT, WILLIAM R. [redacted]
GOYETTE, THOMAS H. [redacted]
GRANGER, AUGUSTUS T. [redacted]
GRANT, JOHN W. [redacted]
GRAY, JOHN C. [redacted]
GREEN, JAMES H. [redacted]
GREGOR, GEORGE J. [redacted]
GRIGGS, EDWIN B. [redacted]
GRIGSBY, LLOYD H. [redacted]
GRIVETTI, BERNARD J. [redacted]
GROFF, JOHN H. [redacted]
GROVES, ROGER W. [redacted]
GRUESER, JOHN H. [redacted]
GUILFOYLE, JAMES H. [redacted]
GULA, PHILIP R., JR. [redacted]
GUPTILL, STEPHEN R. [redacted]
GUZIK, THOMAS A. [redacted]
GWIZDOWSKI, WILLIAM C. [redacted]
HAAN, KENNETH L. [redacted]
HAHN, JOHN G. [redacted]
HALE, JESSIE M. [redacted]
HALE, JOSEPH S. [redacted]
HALL, MICHAEL J. [redacted]
HALLANAN, MICHAEL P. [redacted]
HAMLEY, RICHARD C. [redacted]
HAMMERBECK, PAUL R. [redacted]
HAMMERUD, GORDON W., [redacted]
HANNAH, DARRYL E. [redacted]
HANSEN, ERIC P. [redacted]
HANSEN, JOHN S. [redacted]
HANSEN, LON M., [redacted]
HANSEN, PAUL M., JR. [redacted]
HANSON, JOHN W., [redacted]
HANSON, ROGER L., [redacted]
HARBAGE G. O. DUSTIN [redacted]
HARKINS, ROBERT M. [redacted]
HARLAMBAKIS, CHRISTOPHER N. [redacted]
HARRINGTON, EVELYN [redacted]
HARRINGTON, LARRY L. [redacted]
HARRINGTON, WALTER W. [redacted]
HARRIS, JERRY M. [redacted]
HARTLEY, MICHAEL M. [redacted]

HASKO, ROBERT J. [redacted]
HAYES, ARLIE G. JR. [redacted]
HAYTHORN, THOMAS B. [redacted]
HEATH, TERRY E. [redacted]
HEATH, WILLIAM B. JR. [redacted]
HECK, THOMAS G. [redacted]
HECKENLIABLE RONNIE R. [redacted]
HEMINGWAY, TERRY L. [redacted]
HENRY, GEORGE R., [redacted]
HENSHAW, ROGER E. [redacted]
HICKMAN, THOMAS J., JR [redacted]
HICKS, JAMES P. [redacted]
HICKSON, ROBERT W. [redacted]
HILBURN, JOSEPH M. JR [redacted]
HILL, WILLIAM A. [redacted]
HINDS, RODNEY S. [redacted]
HINES, HILLIARD B. JR. [redacted]
HITE, GREGORY C. [redacted]
HIXON, LARRY R. [redacted]
HOBBS, CHARLES R., [redacted]
HOFFMAN, CHARLES C. III [redacted]
HOFFMAN, TIMOTHY R. [redacted]
HOLLANDER, SIDNEY [redacted]
HOLLENBAUGH, ROGER E. [redacted]
HONIG, JOSEPH F. [redacted]
HOOPER, SAMUEL J., JR. [redacted]
HOSA, BOBBY L. [redacted]
HOULE, THOMAS W. [redacted]
HOUSAND, RICHARD A. [redacted]
HOUSER, LAWRENCE D. [redacted]
HOWARD, ROBERT W. [redacted]
HUBBELL, RALPH G., I [redacted]
HUDGENS, ROY G. [redacted]
HUESTER, BRUCE W. [redacted]
HUGOS, WILLIAM B. [redacted]
HULL, STACY L. [redacted]
HUMPHREYS, ELTON R. [redacted]
HUNTER, ROBERT B. [redacted]
HUSSEY, CHARLES L. [redacted]
HUTCHERSON, WILLIAM M. [redacted]
HUTZ, JOHN E. [redacted]
HYDE, WALTER B. [redacted]
IMHOFF, STEPHEN F. [redacted]
IMLER, JON E. [redacted]
INMAN, DALE F. [redacted]
JACOBS, FRANCES B. [redacted]
JACOBS, STEPHEN P. [redacted]
JACOBSON, MARK E. [redacted]
JAEGER, RALPH R. [redacted]
JAMES, VERNON W. [redacted]
JAMIESON, RICHARD L. [redacted]
JANETOS, JAHN H. [redacted]
JANKOWSKI, DAVID A. [redacted]
JARECKE, ROBERT J. [redacted]
JARLDANE, PETER A. [redacted]
JOHNSON, JAMES C., IV [redacted]
JOHNSON, JOHN K. [redacted]
JOHNSON, KENNETH P. [redacted]
JOHNSON, LEE D. [redacted]
JOHNSON, MICHAEL A. [redacted]
JOHNSON, VINCENT E. [redacted]
JOHNSTON, LINDSAY G. [redacted]
JOLLETT, LEWIS D. [redacted]
JONES, RODNEY L. [redacted]
JONES, WILLIAM H., JR. [redacted]
JOYNER, GWENDOLYN A. [redacted]
JULIAN, RANDELL M. [redacted]
KALLOCK, RONALD L. [redacted]
KAPITAN, JAMES C. [redacted]
KAPKA, GARY S. [redacted]
KASEBURG, JOHN L. [redacted]
KASEMAN, JEFFREY M. [redacted]
KEARNEY, FRANCIS W. [redacted]
KEATLEY, ROBERT J., JR. [redacted]
KEMP, JERRY L. [redacted]
KENNEDY, BRUCE L. [redacted]
KERNS, DONALD R. [redacted]
KETLER, BRUCE W. [redacted]
KEYSER, STEPHEN H. [redacted]
KIDNEY, CALVIN E. [redacted]
KIESEL, JAMES L. [redacted]
KILE, RAYMOND L. [redacted]
KILGORE, MARK H. [redacted]
KILKENNY, JOHN W., III [redacted]
KILLIAN, EDWARD J. [redacted]
KIM, ROBERT D. [redacted]
KINSLEY, JANSON D. [redacted]
KINSMAN, JAMES H. [redacted]
KINTNER, CARL H., [redacted]
KNAPICK, JOSEPH F., JR. [redacted]
KOEPPEL, STEVEN L. [redacted]
KORNREICH, RONALD [redacted]
KRAMER, RUSSELL D. [redacted]
KREBS, FREDERICK D. [redacted]
KREIGER, RICHARD D., JR. [redacted]
KUEHN, THOMAS J., JR. [redacted]
KUERS, WILLIAM A., JR. [redacted]
LACHMAN, JERALD L. [redacted]
LACY, KARL JR. [redacted]
LAMONT, DONALD L. [redacted]
LANCASTER, JOSEPH M. [redacted]
LANGE, STUART B. [redacted]
LARD, TROY D. [redacted]
LARSON, GORDON A. [redacted]
LARSON, STEPHEN G. [redacted]
LAUGHLIN, MARY J. [redacted]
LAVIN, EDWARD M. JR. [redacted]
LAWLER, THOMAS M. [redacted]
LECHNER, JOHN N. [redacted]
LEE, CHARLES F. [redacted]
LEFTWICH, KIN B. [redacted]
LEHMAN, JAMES S. [redacted]
LEITNER, SCOTT R. [redacted]
LEONARD, ALAN C. [redacted]
LEONARD, GARY M. [redacted]
LETTIERI, ROBERT J. [redacted]
LEWIS, ANTHONY H. [redacted]
LEWIS, KENNETH W. [redacted]
LIDDY, ROBET JR., JR., [redacted]
LIMPITLAW, BRUCE R. [redacted]
LIND, JAMES M. [redacted]
LINN, CARL P. JR. [redacted]
LITJEN, MICHAEL D. [redacted]
LIVENGOOD, JOHN M. [redacted]
LIVINGSTON, ROBERT K. [redacted]
LLOYD, KENNETH A. [redacted]
LONG, GREGORY T. [redacted]
LONNGREN, PETER M. [redacted]
LOWE, KERRY F. [redacted]
LOWEN, KENNETH M., [redacted]
LOWREY, MICHAEL J. [redacted]
LUNDQUIST, DENNIS E. [redacted]
LUTZ, JAMES E. [redacted]
LUTZ, TERRY L. [redacted]
LYNCH, VALENTINE F. [redacted]
MACDONALD, CHARLES G. [redacted]
MACMILLIAN, WILLIAM H., II [redacted]
MACPHERSON, JOHN A. [redacted]
MACRITCHIE, GEORGE A. [redacted]
MADISON, JOHN K. [redacted]
MADISON, LOREN J. [redacted]
MADSEN, TERRY [redacted]
MAHONEY, MICHAEL E. [redacted]
MALONE, JAMES M. [redacted]
MANNA, JOHN J. [redacted]
MAPLE, DENNIS E. [redacted]
MARCHAND, MICHAEL L. [redacted]
MARKOS, GREGORY C. [redacted]
MARKS, ROBERT J. [redacted]
MARKUS BRUCE W. [redacted]
MAROTZ, WAYNE E. [redacted]
MARSDEN, DALE W. [redacted]
MARTIN, ROBERT C. [redacted]
MASSETT, DONALD A. [redacted]
MATHEWS, WILLIAM H. [redacted]
MATZ, ELLEN C. [redacted]
MAXSON, DENIS M. [redacted]
MAZURKIEWICZ, ROBERT F. [redacted]
MCBANE, LAWRENCE K. [redacted]
MCCARTHY, DAVID L. [redacted]
MCCOLLUM, MICHAEL T. [redacted]
MCCOY, DOUGLAS, R. [redacted]
MCCULLOUGH, HOWARD L. [redacted]
MCCUTCHAN, JOSEPH G. [redacted]
MCDERMOTT, PAUL G. [redacted]
MCDONALD, DAVID C., [redacted]
MCDONALD, MELVIN A. [redacted]
MCEUEN, MICHAEL J. [redacted]
MCFARLAND, ROGER A. [redacted]
MCGARRAUGH, CRAIG J. [redacted]
MCGRATH, JAMES R. [redacted]
MCINTYRE, JOHN A. [redacted]
MCKAY, GORDON M. [redacted]
MCKUIN, GLEN L. [redacted]
MCLAUGHLIN, KENNETH B. [redacted]
MCNAMARA, JOHN T. [redacted]
MCWILIAMS, JOHN W. [redacted]
MEENAN, BRIAN P. [redacted]
MEIER, PATRICK E. [redacted]
MEINZER, CURTIS M. [redacted]
MELIN, JAMES L. [redacted]
MELLUM, DAVID W. [redacted]
MELOY, THOMAS A. [redacted]
MELVIN, SAMUEL R. [redacted]
MERCURIO, SALVATORE J., III [redacted]
METZLER, JAMES E. [redacted]
MEYERS, DALE [redacted]
MEYERS, RONALD L. [redacted]
MICHAEL, GLENN W. [redacted]
MICHAELSEN, KENT W., [redacted]
MICK, ARLYN S. [redacted]
MICKEY, JEANNETTE F. [redacted]
MIKOLASY, WILLIAM E., JR. [redacted]
MILLER, RICHARD L. [redacted]
MILLS, GORDON L. [redacted]
MILLWEE, SAMUEL T. [redacted]
MIYAMOTO, GERVIN K. [redacted]
MOLLOY, LAURENCE P., JR. [redacted]
MOLYSON, JOSEPH T., JR. [redacted]
MONBECK, JAMES H. [redacted]
MOORE, CARL F. [redacted]
MOORE, DAVID T. [redacted]
MOORE, JOHN W. [redacted]
MOORE, PHILIP C. [redacted]
MORIN, DOUGLAS J. [redacted]
MORRIS, EUGENE R., JR. [redacted]
MORRIS, HARVEY M. [redacted]
MORVANT, PAUL J. [redacted]
MULLENER, WILLIAM R. [redacted]
MULLIN, MICHAEL T. [redacted]
MURPHEY, MICHAEL P. [redacted]
MYERS, JAMES L. [redacted]
MYRICK, JENNY E. [redacted]
NABOZNY, JOSEPH [redacted]
NAIL, WATSON R. JR. [redacted]
NANCE, JAMES A. [redacted]
NEE, ROBERT J. [redacted]
NEELEY, CHARLES W. [redacted]
NELSON, GAIL H. [redacted]
NEWTON, MICHAEL E. [redacted]
NILSEN, THOR O. [redacted]
NISHIOKA, DAVID J. [redacted]
NITTA, GARY S. [redacted]
NITTA, NORMAN S. [redacted]
NIZIOL, MICHAEL A. [redacted]
NOTARO, RAYMOND L. [redacted]
NOTO, JOSEPH J. [redacted]
OCKER, WILLIAM E. [redacted]
OCONNOR, WILLIAM L. [redacted]
OLSON, ROBERT C. JR. [redacted]
ONEILL, JOSEPH G. [redacted]
ONITSUKA, RANDOLPH H. [redacted]
OTANICAR, PHILLIP L. [redacted]
OTTEN, HERBERT J. [redacted]
OUTTEN, NELSON E. [redacted]
OWEN, GLEN D. [redacted]
OWEN, JERRY D. [redacted]
PAGE, THOMAS E., JR. [redacted]
PALAGI, MARTIN G. [redacted]
PALTRINERI, EUGENE C. [redacted]
PARKER, WAYNE L. [redacted]
PARTRIDGE, ROY W. [redacted]
PATTERSON, EDMUND B., II [redacted]
PATTERSON, RICHARD L. [redacted]
PATTON, WILLIAM J. [redacted]
PERRY, JERONNE, M. [redacted]
PELLICORE, RICHARD. [redacted]
PENNY, JOHN C. [redacted]
PENROD, MICHAEL R. [redacted]
PEREZ, ERROL J. [redacted]
PERINA, MARTIN L. [redacted]
PERKINS, JOHN M, III. [redacted]
PETER, FRED S., JR. [redacted]
PETERLIN, ALBERT. [redacted]
PETERS, TERRANCE L. [redacted]
PETERSON, LARRY W. [redacted]
PIAZZA, JOSEPH. [redacted]
PICKERING, EDWARD M. [redacted]
PIENING, RONALD D. [redacted]
PIEPER, DELOS M. [redacted]
PIGGOTT, PHILIP W. [redacted]
PILAND, TIMOTHY L. [redacted]
PINI, THOMAS L. [redacted]
PINSON, JAMES B, III. [redacted]
PLETCHER, JENNIFER G. [redacted]
POINTER, GARY D. [redacted]
POLK, ROBERT O. [redacted]
POULSON, JEFFREY P. [redacted]
POUNDS, EARL J., III [redacted]
POWERS, DAVID C. [redacted]
PRICE, FORREST D., JR. [redacted]
PRICE, MARVIN [redacted]
PROKOPIAK, GEORGE J. [redacted]
PROX, RONALD D. [redacted]
PRZYBYL, REGINALD J. [redacted]
PUCCIO, JOHN C. [redacted]
PURCELL, WILLIAM E. [redacted]
QUESENBERRY, JOHN J. [redacted]
QUIGLEY, LINCOLN W. [redacted]
QUINN, SCOTT T. [redacted]
RAJCZAK, WILLIAM M. [redacted]
REED, GARY L. [redacted]
REED, TIM B. [redacted]
REEVERTS, HAROLD E. [redacted]
REICHERT, VON P. [redacted]
REINHART, HOWARD W., JR. [redacted]
REINSINGER, LAWRENCE M. [redacted]
REITER, WILLIAM G. [redacted]
REWALT, RICHARD L. [redacted]
REYNER, MARK D. [redacted]
RHODES, CLIFFORD E., JR. [redacted]
RICE, JOSEPH L. [redacted]
RICHARDS, CORY ELYANE [redacted]
RICHARDSON, GARY W. [redacted]
RICORD, NOEL J. [redacted]
RIVET, JASON J. [redacted]
ROBINSON, DAVID R., JR. [redacted]
ROBINSIN, WILLIAM P. JR. [redacted]
ROHDE, ARTHUR J., II [redacted]
RONCADORI, FRANCIS W., [redacted]
RONNOW, KENNETH S. [redacted]
ROSE, CARL H. [redacted]
ROSE, ROGER M. [redacted]
ROSENBERG, ALBERT L. [redacted]
ROSS, RODNEY L. [redacted]
ROSSINI, LAWRENCE L. [redacted]
RUCKMAN, DALE R. [redacted]
RUDD, MICHAEL D. [redacted]
RUEBHAUSEN, RONNIE D. [redacted]
SAALBACH, CHRISTINE B. [redacted]
SABURRO, RICHARD M. [redacted]
SALSBURY, DANIEL S. [redacted]
SAMS, DANNY L. [redacted]
SANDBORG, DONALD A. [redacted]
SANER, LENHART D. [redacted]
SARRAT, ALLAN J., JR. [redacted]
SATHER, DONALD G. [redacted]
SAUTER, RICHARD C. [redacted]
SAYERS, THOMAS E. [redacted]
SAYLOR, STEVEN H. [redacted]
SCANLAN, THOMAS [redacted]
SCHAEFER, DUANE R. [redacted]
SCHMIDT, ROBERT A. [redacted]
SCHROEDER, GARY H. [redacted]
SCHROEDER, KURT F. [redacted]
SCHROETER, DIRK J. [redacted]
SCHULTZ, ALFRED C. [redacted]
SCHWANKE, TIM W. [redacted]
SCOTT, DARRELL J. [redacted]
SEBASTIANELLI, THEODORE J. [redacted]
SEDLACEK, DEAN W., [redacted]
SELFMEDLIN, JOHN W. [redacted]
SELLERS, ELWIN L. [redacted]
SEPKO, JOHN C. [redacted]
SEVERSON, RICHARD R. [redacted]
SHAMPINE, RICHARD L. [redacted]

SHAUGER, RALPH S. [redacted]
SHERWOOD, DEWITT M. [redacted]
SHIELDS, ALAN B. [redacted]
SHIELDS, DENNIS J. [redacted]
SHIMOMURA, RICHARD K. [redacted]
SHOEMAKER, JAMES D. [redacted]
SHRADER, LEWIS C., JR. [redacted]
SHROUT, MICHAEL K. [redacted]
SHUMWAY, PHILIP R. [redacted]
SIEMER, WAYNE E. [redacted]
SIEMION, JAMES [redacted]
SILLER, GEORGE L., II [redacted]
SIMKO, EDWARD M., JR. [redacted]
SIMONCINI, CHARLES P. [redacted]
SIMS, JOHN E. [redacted]
SMIDT, GEORGE J. [redacted]
SMISSON, CHRISTOFER B. [redacted]
SMITH, BERNARD J., JR. [redacted]
SMITH, JAMES H. [redacted]
SNELLINGS, RICHARD P. [redacted]
SNYDER, ROSE M. [redacted]
SODERGREN, THEODORE L. [redacted]
SOUR, BEN, JR. [redacted]
SPADADORA, GARY L. [redacted]
SPRAGUE, HUGH W. JR. [redacted]
STANFIELD, CYRIL C., III. [redacted]
STARK, BERNARD T. [redacted]
STEIN, LARRY P. [redacted]
STEPHENS, ERIC L. [redacted]
STERZINGER, GARY G. [redacted]
STEVENS, HUGH W. [redacted]
STEVENS, JAMES R. [redacted]
STOTTLEMYER, VICTOR R. [redacted]
STRAUSS, FREDERICK J. [redacted]
STORM, WILLIAM H. [redacted]
STRUTHERS, WILLIAM W., III. [redacted]
STUERMER, JEFFREY F [redacted]
SUBLETT, CHARLES M. [redacted]
SUITER, STEVEN C. [redacted]
SULLIVAN, JAMES D. [redacted]
SULLIVAN, MICHAEL S. [redacted]
SUTHARD, MICHAEL A. [redacted]
SWANINGER, DONALD J. [redacted]
SWEENEY, KEVIN J. [redacted]
SWENSON, CLAYTON E., JR. [redacted]
TALBOT, HARRY A. [redacted]
TASKER, THOMAS L. [redacted]
TEAGUE, DONALD E., JR. [redacted]
TEAL, THOMAS F. [redacted]
TEASLEY, GERALD A. [redacted]
TEMPLER, JAMES E. [redacted]
TERHAAR, JOSEPH H. [redacted]
THAMES, ALLEN Q., JR. [redacted]
THOMPSON, GERALD W.P. [redacted]
THOMPSON, JAMES L. [redacted]
THOMPSON, JOHN C. [redacted]
THOMPSON, WILLIAM E. [redacted]
THORNTON, FREDERICK R. [redacted]
TIEDEMANN, THOMAS W. [redacted]
TORKELSON, CHARLES A. [redacted]
TRAGESER, GARY W. [redacted]
TREBELHORN, RICHARD J. [redacted]
TRUSLEY, JAMES F., II [redacted]
TULLY, ROBERT F. [redacted]
TURNER, JAMES H. [redacted]
TURNER, TIMOTHY R. [redacted]
TURNER, WILLIAM F., JR. [redacted]
TUROSKI, STEVEN M. [redacted]
TYREE, KIRK J. [redacted]
UHLIG, DOUGLAS J. [redacted]
VANDERHOOF, BRUCE C. [redacted]
VANDYKE, ROBERT H. [redacted]
VANTIEM, WILLIAM J. [redacted]
VAUGHTERS, CHARLES C., JR. [redacted]
VENTURELLA, JAMES A. [redacted]
VERCELLINO, DAVID L. [redacted]
VERHAEGHE, RICK L. [redacted]
VERSCHAGE, JAMES A. [redacted]
VICIAN, DANIEL J. [redacted]
VILLA, ROBERT M. [redacted]
VITRANO, CRAIG [redacted]
VITRIKAS, ROBERT P. [redacted]
VOGLER, EDWARD R. [redacted]
VONBERGE, GERALD C. [redacted]
VOORHIES, RICHARD P. [redacted]
WAAGE, MICHAEL W. [redacted]
WAGONER, GILES C. [redacted]
WANAT, JOHN W. [redacted]
WARE, DONALD M. [redacted]
WARNICK, ROGER L. [redacted]
WATKINS, MARK G. [redacted]
WATSON, ROBERT D. [redacted]
WATTS, NICKI J. [redacted]
WAUGH, GREGORY S. [redacted]
WEAVER, NELSON T. [redacted]
WEBB, PHILIP D. [redacted]
WEICHBRODT, THOMAS L. [redacted]
WESLANDER, DARRELL L. [redacted]
WETTERMARK, ALFRED B., JR. [redacted]
WHITAKER, JAMES W. [redacted]
WHITE, GARY E. [redacted]
WHITE, KEVIN A. [redacted]
WHOLEY, THOMAS U. [redacted]
WICKERHAM, DAVID A. [redacted]
WILCOX, NORMAL A. [redacted]
WILFONG, GARY H. [redacted]
WILLIAMS, FLOYD C. [redacted]
WILLIAMS, LARRY J. [redacted]
WILLIAMS, LONNIE R. [redacted]
WILLIAMSON, SAMUEL P. [redacted]
WILLIS, WILLIAM G. [redacted]
WILSON, JAMES B. [redacted]
WILSON, JOHN B. [redacted]
WILSON, ROBERT J. [redacted]
WINCHEL, RICHARD H., [redacted]
WINGO, GARY A. [redacted]
WINSLOW, MICHAEL JR. [redacted]
WITHERS, SCOTT S. [redacted]
WOLAVER, JOHN H., III [redacted]
WOLFE, ROGER L. [redacted]
WOOD, DANIEL H. [redacted]
WOLLWORTH, JAMES C. [redacted]
WORDEN, THOMAS B. [redacted]
WORKMAN, RICHARD C. [redacted]
WORRALL, DAVID C. [redacted]
WRIGHT, CHARLES A. [redacted]
WRIGHT, DAVID H. [redacted]
WRIGHT, GEORGE O., JR. [redacted]
YANKEE, JERALD R. [redacted]
YORK, JERRY R. [redacted]
YOUNG, RODNEY W. [redacted]
ZABRISKIE, ANDREW V. [redacted]
ZOOK, RANDALL E. [redacted]

DENTAL CORPS

BERWANGER, DONALD E. [redacted]
BOGGS, RANDALL T. [redacted]
CHARLESTON, GAIL Y. [redacted]
CLARKE, CHRISTOPHER D. [redacted]
KRANE, MICHAEL A. [redacted]
ROSS, LAWRENCE A. [redacted]
SHEFFER, PETER C. [redacted]
SKAGGS, PAUL L. [redacted]
SULZER, ALBERT F., JR. [redacted]

MEDICAL CORPS

ALVAREZ, DIEGO X. [redacted]
BLAIR, WILLIAM E. [redacted]
BUTLER, WILLIAM P. [redacted]
GARCIA, EVANGELINE M. [redacted]
HANKINS, JORDAN H. [redacted]
HENNESSEY, JAMES V. [redacted]
HESSELBROCK, ROGER R. [redacted]
HSU, CHIH CHIANG [redacted]
KIRKHAM, RICHARD D. [redacted]
MCDOUGALL, WILLIAM A. [redacted]
MCNABB, JOHN R. [redacted]
NAM, LAM V. [redacted]
RODILLO, EUGENE S. [redacted]
SMITH, HARVEY D. [redacted]
TERPOLILLI, RALPH N. [redacted]
THIRUVENGADAM, ARUNACHALAM [redacted]
WONG, PAUL Y. [redacted]
YAMAGUCHI, KENT T. [redacted]

NURSE CORPS

ARMENDO, ANN M. [redacted]
BARBER, JANET S. [redacted]
BREWER, BONNIE L. [redacted]
BROWN, ANNIE P. [redacted]
BUECHLER, DONNA K. [redacted]
BURNS, PENELOPE A. [redacted]
CADY, DONNA E. [redacted]
CALDWELL, CONSTANCE L. [redacted]
CHILES, JANICE E. [redacted]
CLANCY, KATHLEEN E. [redacted]
COOLEY, JOANNA D. [redacted]
CRAWFORD, TERESA A. [redacted]
DEHN, DONNA M. [redacted]
DUFF, LINDA J. [redacted]
ELLIOTT, CAROL G. [redacted]
EVERTS, BARBARA A. [redacted]
FABIAN, JOAN L. [redacted]
FICHMAN, LORI A. [redacted]
FILANDA, ROBERTA S. [redacted]
FISHER, GLENDA J. [redacted]
FRANCIS, NORMA [redacted]
FRASER, WENDY B. [redacted]
GAGNON, NANCY B. [redacted]
GRANE, NANCY B. [redacted]
GRANT, LINDA H. [redacted]
GREIER, EVELYN [redacted]
HARGROVE, BARBARA A. [redacted]
HEFFNER, BONITA J. [redacted]
HEMMINGER, LINDA S. [redacted]
JANKE, REGINA L. [redacted]
JOHNSON, PHIL H. [redacted]
JONES, CYNTHIA A. [redacted]
KELLY, SHERRIE J. [redacted]
KERRICK, RITA A. [redacted]
KEY, NANCY M. [redacted]
LESCAMELA, PAULINE A. [redacted]
LOCKHART, MARY G. [redacted]
LOCKWOOD, CHERIE A. [redacted]
MACKIE, ROBERTA J. [redacted]
MARSCHINKE, KATHLEEN W. [redacted]
MARTIN, JACQUELINE M. [redacted]
MARTIN, MARY M. [redacted]
MATHEWS, KATHLEEN A. [redacted]
MAURER, DEBORAH L. [redacted]
MCKINNEY, GRAYCE A. [redacted]
MILES, SHARON L. [redacted]
MORETZHOMBERG, JOAN M. [redacted]
MOSS, PATRICIA M. [redacted]
PEAVEY, INA J. [redacted]
PHILLIPS, CATHY M. [redacted]
PIERCE, PENNY F. [redacted]
QUIGLEY, DOLORES C. [redacted]
REICHENBACH, ELLEN M. [redacted]
REID, PATRICIA W. [redacted]
REITER, BRENDA L. [redacted]
RHOTEN, SHARON L. [redacted]
RIORDAN, KAREN S. [redacted]
ROKKE, CLYDE A. [redacted]
ROMANOFF, BETTY J. [redacted]
ROSS, LINDA D. [redacted]
SCHELL, NANCY M. [redacted]
SHRUM, KATHRYN P. [redacted]
SIDES, MARIAN B. [redacted]
SMOLENSKI, MARY C. [redacted]
SNYDER, MARY D. [redacted]
STANSBURY, SUSAN J.W. [redacted]
STEWART, JANET L. [redacted]
TAYLOR, CLAUDIA A. [redacted]
THOMPSON, NANCY D. [redacted]
TRINKLE, KAREN L. [redacted]
TYC, LENICE W. [redacted]
WALEGIR, PATRICIA B. [redacted]
WEBB, DEROTHA [redacted]
WILSON, EILEEN T. [redacted]

MEDICAL SERVICE CORPS

ASPLING, BARTON L. [redacted]
BASKIN, ALAN I. [redacted]
CASSEDY, WAYNE S. [redacted]
HILSMAN, ROBERT J. [redacted]
KOTTKAMP, JAMES B. [redacted]
MELTON, GARY W. [redacted]
RICE, JOHN P. [redacted]
RUSSELL, JOHN P. [redacted]
RUTHERFORD, RANDY J. [redacted]
SCRUGGS, ALBERT F. [redacted]

BIOMEDICAL SERVICE CORPS

ADDIS, TIMOTHY L. [redacted]
ALBERTSON, WILBUR W. [redacted]
ANDERTON, NEIL G., [redacted]
BARRETT, LAWRENCE R. [redacted]
CHEESEMAN, MARSHA L. [redacted]
CHRISTIANSEN, RANDALL W. [redacted]
COBB, CHARLES C. [redacted]
CORLESS, H. GARY [redacted]
CURTIS, STEPHEN K. [redacted]
HORTON, MICHAEL L. [redacted]
HOUSER, RONALD E. [redacted]
HUTCHINSON, LARRY J., [redacted]
MANN, DALE P. [redacted]
MINTER, JOHN A. [redacted]
MOLINARI, JOSEPH F. [redacted]
NELLUMS, DOUGLAS L. [redacted]
NELSON, EDWARD I. [redacted]
NELSON, GREGORY H. [redacted]
NONNEMACHER, MARGARET M. [redacted]
NORTON, FRANKLIN G. [redacted]
PASQUALE, THOMAS A. [redacted]
SALEEBY, ELIA J. [redacted]
SCHLOSSNAGLE, GEORGE W. [redacted]
ULRICH, JOHN F. [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate September 19, 1991:

DEPARTMENT OF LABOR

CARI M. DOMINGUEZ, OF MARYLAND, TO BE ASSISTANT SECRETARY OF LABOR.

NANCY RISQUE ROHRBACH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

ADDRESS BY BRIG. GEN. TOMMY FRANKS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. SKELTON. Mr. Speaker, recently, Army Brig. Gen. Tommy Franks addressed the Military Order of World Wars, Banquet in Kansas City. His September 6 speech was an excellent recognition of the international officers attending the command and staff course at Fort Leavenworth, KS. I take this opportunity to share the address of General Franks with the Members of this body, as it has special significance in light of the successful coalition forces with whom our soldiers fought in the recent Persian Gulf conflict.

ADDRESS BY BRIG. GEN. TOMMY FRANKS

Representative and Mrs. Skelton, distinguished guests, fellow soldiers and allies, ladies and gentleman, it is a pleasure to be here, and to have the opportunity to address you in this beautiful setting in his historic city. As I look over the audience this evening, I am struck by their variety of our dress and loveliness of the ladies. And I am struck by the strength and diversity of the friendships represented in this room! We have friends of the military, like Congressman Skelton, whose support in Congress is staunch and indispensable; still more friends like the members of the Military Order of the World Wars, who devote their time and considerable energy to preserving the values that out military services defend and in fact guarantee. There are friends from the Kansas City community, where enthusiastic support of our international military students is genuine and sincere. It's great to be among friends.

Among the first friends you made upon you arrival in the United States was LTC Eggering, the deputy class director for international officers, who with his staff is responsible for insuring that you receive the best training experience that Fort Leavenworth has to offer. And for many of us, there are our best friends, our spouses, sitting next to us (in fact or in spirit). They've been there throughout our careers, supporting us, and enhancing the jobs that we do. No recognition of friends could be complete without them. Join me in giving them a hand. Speaking of spouses reminds me of my wife of more than 20 years. On the way to Kansas City today she reminded me we'd had almost 3 happy years together. I asked he "What should I talk about this evening?" She said "How long you talk is more important than what you say." I asked her "Should I speak in French, German, Spanish or Farci", and she reminded me that I have enough trouble with English . . . So, wives have a way of keeping us humble.

As I look within your class, it's an exciting sign of the times to note who you are: Ninety International Officers, representing sixty-eight countries; some are old friends, with histories of attendance at training in the United States, and we greet you as we have those who proceeded you. Others of you are the first representatives of your countries at training here: Officers from Chad, Guinea-Bissau, Niger and Swaziland. We hope you are the vanguard of many more to come. And one of your ranks, LTC Kempara from Poland, is the first representative of his country to return to Fort Leavenworth since 1945. Perhaps you would join me in applauding the significance of Col. Kemparas' presence with us this evening. We welcome you and the changes which have made it possible for you to be here. Together, you join the distinguished ranks of more than 5,400 international graduates of the Command and General Staff College since 1894, representing 112 countries. Among those who have preceded you have been 23 Heads of State. The confidence that your country places in you by sending you here should be inspiring as you tackle the requirements of your course. Inspiring also should be the comraderie which you are developing with the members of your class; together, you will share this unique odyssey which will bring you closer to one another. You will make lifelong friends here, and I envy the great times ahead of you.

By now you're wondering why I'm so taken with the idea of friends and friendships. Sure, you'll say, friends are nice to have, just about indispensable when you're working in your staff group on the next briefing; very important when you're studying our traffic signs to get ready for the driver's license exam. Even really good friends can't help when you're trying to understand what's happening in a baseball game or an American football game, or a rodeo. By the way, I understand that the international student have already experienced a rodeo, where the cow chip throwing contest was won by a German officer. I'm told you roped calves and rode mules and that sometimes the student won, and sometimes the mules won. But all things considered, personal friends are important. Well, countries need friends, too, especially right now. Few of us would have predicted the changes which have taken place in our world in the very recent past. The traditional ideological, national and cultural divisions which have dominated the state of the world since 1945 have changed dramatically, much more quickly than any expert foretold. In the words of Yogi Berra, "Making predictions is difficult; especially when it's about the future." In Europe and Asia, in Africa and in South America, the familiar faces and familiar ways are passing, and new was, new faces are emerging. In this dynamic environment, the perceived threats of yesterday have evolved; some have gone, others have simply changed their complexion. In the face of change, there are new causes for concern. The world continues to be a dangerous place. And friends are something you can't do without in a dangerous place. Friends and allies cover your flank, and they stay with you when the going gets tough.

Earlier this year, I had occasion to work with a coalition of nations that opposed Iraq's wrongful aggression in Kuwait. Several of you were involved in those operations as well. Now I don't care for the term "successful war;" We only fight wars as a last resort, and as General Douglas MacArthur reminded us, "A soldier, above all, prays for peace, because he will have to pay the terrible price of war." However, from the operational standpoint, we can be proud of the accomplishments of coalition forces in Southwest Asia. Our adversary had the fourth largest army in the world, with modern, front-line equipment and battle-hardened troops, and he knew the ground upon which he would fight. The majority of the coalition forces on the other hand had to be brought in from great distances and prepare to fight alongside unfamiliar allies in unfamiliar terrain against a defending force of equal strength. This is not a textbook scenario for an attack. Yet the results were impressive. Although the coordination of air power for the air strikes amounted to a list the size of the Kansas City telephone book every day, the precision and success of the coalition air campaign changed the way air power will be viewed from now on. In spite of the defenders' advantage, in terrain favoring armored combat, the Iraqis lost over 3,800 tanks to coalition forces, while the U.S. lost fewer than two dozen. In the span of less than 100 hours, the invaders of Kuwait were outflanked, overpowered, demoralized and defeated in detail, by a coalition force which had attached over hundreds of kilometers of desert, often at night, passing through dense and sophisticated obstacles, and incurring miraculously light casualties. These accomplishments are incredible for any force, but to be performed by a coalition of thirty-six nations, speaking different languages, subscribing to different doctrine, and using different equipment is hard to comprehend.

The very formation of the coalition itself is amazing. It was the largest coalition of its kind ever formed in response to a United Nations call to combat, and it shows what I meant when I talked about friends. There are certain themes that are understood in any language, these themes transcend cultures and leaders and time. Freedom is one of these themes, and the world community demonstrated that point by rallying in support of coalition efforts to protect the freedom of one small nation. A Viet Nam veteran and war correspondent during Desert Storm has said that the gulf war didn't last for 42 days, it lasted for twenty years; his idea was that the commanders who led the force and the strategy and tactics which proved decisive were shaped and developed over many years. The same is true of the bonds of trust and confidence which forged the coalition so quickly and firmly in a time of crisis last autumn. Speaking of Desert Shield in his recent appearance before a committee of Congress, Ltc. Teddy Allen, Director of the Defense Security Assistance Agency, noted that "we did not have to scramble for friends in the region. We already had them. The patient and deliberate efforts of many years had developed the climate which permitted so many nations, from such different regions and with such differing perspectives, to unite in a common cause.

Our gracious hosts here this evening will recognize that this equation for success is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not really new. From our first struggles for independence, American history demonstrates the importance of friends and allies. The lessons of the twentieth century have consistently reinforced that notion. We fought shoulder to shoulder with our friends in the trenches of Europe during the First World War, and again twenty-five years later, in Africa, Europe and the Pacific, we joined with our allies in the costly but convincing triumph over those who would have put freedom second to their own aims. In Korea, we would fight with many nations, from the Commonwealth to the Philippines, from Luxembourg to Columbia, supporting the United Nations' call to oppose aggression. And in Viet Nam as well we were joined by our friends in the region to confront corrupt oppression. These have been expensive lessons indeed, and the military order of the world wars has existed for over 72 years to make sure that the lessons we have already learned are cherished and remembered, not forgotten in the rush to embrace what's new. Across this country they strive to preserve an appreciation for our patriotic heritage, and to stimulate love of country. Their ranks have included Presidents and Senators, generals and admirals and common soldiers, sailors, airmen and marines. This Greater Kansas City chapter itself boasts of including Presidents Harry S. Truman and Dwight D. Eisenhower among its past members. The order can be justifiably proud of the outpouring of support that greeted our servicemen and women during Desert Shield and Storm. We are in your debt.

While our mission in Desert Shield and Desert Storm has been accomplished, the need to continue to nurture friendships and build alliances has not ended. Every week, somewhere in the world, events remind us that we cannot predict where the dynamic changes taking place will lead us. We face new threats, such as the proliferation of the narcotics trade, and we face new challenges, such as nation-building. Collectively, our efforts to build upon existing alliances will serve to reduce the tensions which make the world a dangerous place. In the words of Will Rogers, "It's hard to hate someone you know." Support to allied and friendly nations continues to be one of our Army's five strategic roles in support of our national military strategy. That you are here, as part of the 8,000 international military students who will train in the United States this year, is evidence of our commitment to that role.

It's good that we're not in the business of predicting the future; the last several years have put a lot of people in that business out of work. But the future is less menacing, whatever shape it takes, as long as we can continue to build upon trust and friendship. While you're here this year, you will come to know a great many people, make many friends. We serve a unique profession, and one of its special rewards is the opportunity to make friends. I hope you'll make the most of the opportunity before you, and build the friendships which will play no small role in designing the future of the community of man.

Good luck in your studies, I wish you an enlightening and enjoyable stay in the United States, and continued great success in your careers at home.

TRIBUTE TO JOHN CARLO CATENACCI

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. HERTEL. Mr. Speaker, I rise today to pay special tribute to Mr. John Carlo Catenacci, who will be honored on Wednesday, September 25, 1991, in Sterling Heights, MI. Mr. Catenacci is being awarded the Alexander Macomb Citizen of the Year Award by the March of Dimes for his extraordinary service and distinguished community leadership.

Mr. Catenacci has spent a distinguished career in the construction business. Born in the Province of Frosinone, Italy, John and his family moved to Detroit in 1946. He attended the University of Detroit and then joined his father in the construction business.

After serving in the armed services in the Korean war, John and his brother, Joe, formed John Carlo, Inc., a concrete paving business. Though their hard work and dedication, the company has grown into one of the largest volume concrete and asphalt paving companies in the country. John is responsible for new business acquisitions and the overall administration of John Carlo, Inc. He has extensive experience in underground utility, grading, concrete, and asphalt paving projects and has introduced new and innovative techniques to the profession.

In the 1970's, John and Joe cofounded the Trinity Land Development Co., a real estate company. Trinity has since developed shopping centers, industrial buildings, condominium projects, office buildings, marinas, residential homes, and several thousand single-family residential lots. John is active in professional trade associations, where he has been president, vice president, and treasurer of the Michigan Concrete Paving Association and secretary of the Michigan Road Builders Association.

Although his business takes up a lot of Mr. Catenacci's time, he manges to contribute a great deal to his community. He serves on various civic and community organizations including the American Cancer Society, the American Heart Association, and the March of Dimes. He has been a strong supporter of Boys' Towns of Italy and many other Italian organizations. His tireless efforts in organizing one of the largest single fundraising events for the Italian Earthquake Victim Relief Fund helped countless numbers of people in need. He has also donated a large amount of time raising significant funds for the Italian Cultural Center.

Mr. Speaker, it is my highest privilege today to pay tribute to John Carol Catenacci. I join the March of Dimes in honoring him as the Alexander Macomb Citizen of the Year for his many contributions to the citizens of his community.

SEATTLE MARINERS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. MILLER of Washington. Mr. Speaker, today, my distinguished colleague from Washington State, ROD CHANDLER, myself, along with other members of the Washington State delegation, are introducing legislation for the good of the national pastime—baseball. This legislation, drafted by, and being introduced in the Senate by the distinguished Senator from Washington, SLADE GORTON, was inspired by the problems the Seattle Mariners currently face. Yes, inspired by the Mariners, but necessary for all of baseball.

For the Seattle Mariners, quite simply it is the bottom of the ninth, the bases loaded, and there's a full count. The Mariners face major economic problems; their revenues cannot keep up with the spiraling salaries of major league baseball. But this is not a Mariners bill. This is a baseball bill. A bill which would help all smaller market teams compete, and not just the largest of the large. One of the major problems affecting baseball is that currently individual teams keep all revenues from local broadcasting contracts. This severely favors mega-city teams such as New York and Los Angeles. The New York Yankees local broadcasting contract is 10 times the Seattle Mariners, and over 9 times 6 teams in the American League, and 4 teams in the National League.

The National Football League divides equally all local broadcasting revenues. The National Basketball Association addresses the situation from a supply-side theory, by maintaining a salary cap. Of the three major team sports in America, baseball is the only one which does not address the problem of small-market teams. One day not too far off, baseball could face the prospect of losing teams in such baseball traditional towns of Cincinnati, Pittsburgh, and Cleveland. Or teams could face the prospect of constant losing seasons not because of any curse of the bambino, but because of the curse of the dollar.

It is time for Congress to step to the plate and address this situation. The legislation we introduce today calls for major league baseball to divide all local broadcasting revenues so that 65 percent goes to the team that negotiates the contract, and 35 percent to each league. Each league would then divide this revenue equally among all the teams in that league. If major league baseball does not adopt this revenue sharing plan, then it would be subject to antitrust laws which it is now exempt from. Both the NBA and NFL are currently subject to these laws.

This bill alone will not save the Seattle Mariners from leaving Seattle. Only local business and local government will be able to step in, provide relief, and get the save. And they are in the process of doing just that. But this bill will go a long way toward saving baseball as a sport for all Americans, and not just for the biggest of the big. It will help to ensure that baseball remains the national pastime, and not just the mega-metropolis pastime.

THE MAJOR LEAGUE BASEBALL EQUITY ACT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. CHANDLER. Mr. Speaker, today I am introducing the Major League Baseball Equity Act, legislation to keep all 26 major league baseball teams competitive for many years to come.

This legislation has also been introduced in the Senate by my friend and colleague, Senator SLADE GORTON, and is cosponsored by all of my House colleagues.

Television revenues for a major league baseball franchise in small media markets would be increased under our legislation. It would require major league baseball to pool portions of their local television revenues, and then redistribute those dollars equally to every team. Major league baseball would lose its antitrust exemption if it failed to comply with this law.

Costs are spiraling in major league baseball. It wasn't too long ago that million-dollar contracts generated banner headlines in the sport pages of America. Not anymore. It takes $3 million a year just to get noticed, and $5 million a year to receive a banner headline.

For small market teams, paying those kind of salaries is close to impossible because local television revenues are not keeping pace with players' salaries. For instance, the New York Yankees will earn $55 million this year from its local television contract. The Seattle Mariners will earn less than a 10th of that from their local TV contract.

Mr. Speaker, I don't want to see the Mariners snatched away. Baseball fans in the Pacific Northwest shouldn't be punished because our television stations can't dish out the money like those in New York City.

Keeping up with the Joneses is getting harder for teams in smaller markets. The biggies have television contracts the Mariners can only dream of negotiating. Our legislation will make baseball more competitive, and more exciting for the fans.

I think our legislation is fair. It's a reasoned approach to a problem that affects cities throughout America, not just Seattle. I urge all my colleagues to support our proposal.

NATIONAL FARM SAFETY WEEK

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. ROBERTS. Mr. Speaker, today I remind my distinguished colleagues that President Bush has proclaimed this week, September 15–21, 1991, as National Farm Safety Week, the 48th annual observance. Annually, farm accidents result in hundreds of fatalities and thousands of disabling injuries. In 1990, 1,300 agricultural workers died and 120,000 disabling injuries occurred, according to National Safety Council statistics. Although significant gains have been made to improve safety in agricultural production in recent years, agriculture has an accident death rate four times the average of all industries.

To promote Farm Safety Week, some 21,000 packets of resource information have been prepared by the National Safety Council and the USDA's Extension Service. These packets are being distributed to the county offices of the Cooperative Extension System, local offices of the American Farm Bureau, Vocational Agriculture Instructors, the media, and others.

The Cooperative Extension Service in my home State of Kansas has developed and implemented farm safety programs targeted at the elderly and youth, the two highest risk groups for farm accidents. Each year, approximately 1,000 Kansas youths receive 10 hours of agricultural tractor safety training. In 1990, the Cooperative Extension Service in Kansas began an intensive campaign to promote safety among elderly farmers through local community organizations and volunteers.

I encourage my distinguished colleagues to join me in supporting National Farm Safety Week and programs in their States to reduce the toll of farm-related accidents.

UNITED STATES ASSISTANCE TO THE BALTIC STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a letter I received from the Department of State on September 14, 1991, informing the Committee on Foreign Affairs of the administration's intention to begin an assistance program to the Baltic States from fiscal year 1991 funds. In addition, the administration provided a determination on assistance to the Baltic States signed by Deputy Secretary of State Lawrence Eagleburger, and a memorandum of justification regarding such assistance.

The text of the correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, September 14, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: I would like to inform you of our intention to provide a modest amount of assistance to the Baltic States from fiscal year 1991 funds. Our program would concentrate on providing technical assistance to lay the groundwork for market economic reform, strengthening democratic institutions, and meeting humanitarian needs.

This assistance would be adapted from the regional programs we have begun in other countries of Central and Eastern Europe. We anticipate this would include the following programs for the Baltics:

American Business and private Development;
Privatization and Enterprise Restructuring;
Bank Training;
Emergency Medical Supply;
Emergency Energy Impact Program;
Restructuring Agriculture and Agribusiness;
Housing Sector Assistance;
Political Process;
Indepencent Media;
National Legislatures; and
Regional Human Resources.

We intend to provide the Baltics approximately $12 million from remaining FY 1991 funds ($1 million from appropriations for assistance for Eastern Europe and $11 million from unobligated FY 1991 ESF originally allocated to Pakistan). Pursuant to Section 451 of the Foreign Assistance Act of 1961, as amended, and pursuant to section 1-201(2) of Executive Order 12163, as amended, the Acting Secretary of State has authorized the use of up to $11 million in funds made available under Chapter 4 of Part II of that Act for assistance to the Baltic States this fiscal year. Enclosed are copies of the Acting Secretary's two determinations and the justification for these actions.

Due to the rapidly deteriorating economic situation in the Baltics, our top priority is technical training and assistance in support of economic reform, above all, in the creation of viable financial and banking systems through which foreign aid and investment must flow. We think it is necessary to begin with a small amount of assistance this year to demonstrate our support for this economic reform process.

We would be pleased to discuss further any aspect of our proposed assistance to the Baltic States.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

DETERMINATION ON ASSISTANCE TO THE BALTIC STATES

Pursuant to Section 451 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2261) (the "Act"), Section 1-201 of Executive Order 12163, as amended, and Section 1(a)(1) and Section 4(d) of State Department Delegation of Authority No. 145, I hereby authorize the use of up to $5 million in funds made available under Chapter 4 of Part II of the Act in Fiscal Year 1991 for assistance to the Baltic States, notwithstanding any other provision of law.

This determination shall be reported to Congress immediately and published in the Federal Register.

Lawrence Eagleburger, Deputy Secretary of State, September 9, 1991.

MEMORANDUM OF JUSTIFICATION REGARDING ASSISTANCE TO THE BALTICS

With establishment of diplomatic relations between the United States and the democratically elected governments of Estonia, Latvia, and Lithuania now complete, we believe it is imperative to move forward with initiatives to encourage the growth of democracy in the Baltic States and to advance the process of market reform. To accomplish this, there is an immediate need to provide a technical assistance program which will lay the groundwork for market economic reform, strengthen democratic institutions, and meet immediate humanitarian needs.

Only limited FY 1991 funding ($1 million) remains available from the existing Eastern Europe program without disrupting planned programs in the seven countries of Central and Eastern Europe. Developments in the Baltics represent an "unanticipated contingency" warranting the provision of assistance under the authorities of Section 451 of the Foreign Assistance Act of 1961, as amended. It is essential that unobligated ESF funds be made available in this fashion to help start up various projects in the Baltics this year, thereby making an immediate contribution to political and economic reform.

NATIONAL MENTORING WEEK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. GINGRICH. Mr. Speaker, the competitive edge which businesses are striving to maintain is directly influenced by the quality of human resources upon which management can draw. I'm certain that business and labor leaders have expressed to my colleagues their concerns about high school dropout statistics; about the education and preparation of young, entry-level workers; and about the level of skills required of both their present and future work force.

Mentoring—a one to one relationship between a responsible adult and a youth—can help to prepare students for success in the classroom and enable them to transfer that knowledge to the workplace.

There is a growing awareness of the significant contribution that adults can make in preparing students for success in the classroom and in the workplace. Volunteers from business and labor are well equipped to become mentors to students who are in need of an adult role model to give support and guidance. Mentoring is a low-cost, high-yield, community-based solution that can make a significant difference in the lives of our youth and will pay off in bottom line economics for business and education.

Through mentoring programs, individual citizens, businesses, labor groups, and community and service organizations are meeting the challenge of preventing school dropout and preparing our future work force for success. In support of these efforts, I have introduced a resolution to designate the week of October 13–19, 1991, as "National Mentoring Week."

If you would like to join me in recognizing the value of mentoring by cosponsoring this resolution, please contact Greg Wright on my staff at 225–4501.

TRIBUTE TO THE HONORABLE DEBORAH A. SERVITTO

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. HERTEL. Mr. Speaker, I rise today to pay special tribute to the Honorable Deborah A. Servitto, who will be honored on Wednesday, September 25, 1991, in Sterling Heights, MI. Judge Servitto is being awarded the Alexander Macomb Citizen of the Year Award by the March of Dimes for her extraordinary service and distinguished community leadership.

Judge Servitto has spent a great deal of her legal career serving the people of Macomb County. After being admitted to practice in Michigan in November 1982, she was hired by the city of Warren as their first female assistant city attorney. She then served as 37th District Court Judge for the cities of Warren and Center Line before being appointed by Gov. James J. Blanchard to the Macomb County Circuit Court. She was elected to a 6-year term as circuit court judge in November 1990.

Judge Servitto's extensive background in law has enabled here to lend support and assistance to various child, youth, and family organizations in Macomb County. Her tireless efforts as an instructor with the People's Law School, sponsored by the Michigan trial lawyers, has been a great asset to the countless number of people to whom she has lent guidance and assistance.

Presently the chairperson of the SMILE [Start Making It Livable for Everyone] Macomb project, Judge Servitto is working to create a program similar to the Oakland County Circuit Court SMILE Program in Macomb County. The seminar for divorcing parents is an adaptation of a seminar developed by the Cobb County Superior Court of Atlanta, GA, which has been attended by more than 8,000 divorcing couples. The primary concern of the SMILE Program is to provide information to help parents better understand the effects of divorce and to help them understand the needs of their children. The goal of the SMILE Macomb project is to institute a SMILE-type Program in Macomb County.

There are various other community organizations in which Judge Servitto contributes generously of her time and energy. She is currently serving as vice president of the Women's Network of Macomb and is an executive board member of Comprehensive Youth Services. She is also a member of the Warren Historical Society.

Mr. Speaker, it is my highest privilege today to pay tribute to the Honorable Deborah A. Servitto. I join the March of Dimes in honoring her as the Alexander Macomb Citizen of the Year for her many contributions to the needs of children, youth, and families and offer my sincere best wishes.

NUCLEAR PROLIFERATION PREVENTION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. MARKEY. Mr. Speaker, although we have watched with great pleasure the rapid move toward democracy in the Soviet Union over the past weeks, our attention this morning returns to Iraq and its threat to world peace. President Bush's declaration yesterday that the United States is prepared to send planes to Iraq to protect United Nations inspection teams only underscores the seriousness of the Iraqi proliferation threat.

In order to keep future Iraqs from obtaining the necessary materials and technologies for developing nuclear weaponry, I have introduced the Nuclear Proliferation Prevention Act, H.R. 2755, together with Representatives SOLOMON, WOLPE, and STARK. This legislation would strengthen U.S. controls over the export of nuclear weapons materials and technologies and put pressure on other nations to adopt comparable controls on their exports.

Paul Leventhal, the president of the Nuclear Control Institute, and Steven Dolley, the institute's research director, recently outlined the need for new thinking on proliferation in an article that appeared in Newsday. Their piece details the path that has led to our current dilemma with Iraq and prescribes solutions that would keep us from facing such a situation again. I commend the article to the attention of my colleagues.

[From Newsday, Sept. 10, 1991]

EXPOSE ALL SECRET NUCLEAR STASHES

(By Paul Leventhal and Steven Dolley)

In 1979, the partially melted core of the Three Mile Island reactor showed the world that a major nuclear-power accident was no imaginary threat. Now the discovery of a huge Iraqi nuclear weapons program, built right under the noses of international inspectors, has presented the global nonproliferation system with its own kind of Three Mile Island. But just as the Chernobyl meltdown followed Three Mile Island, the spread of nuclear weapons will proceed apace unless real reforms are put in place.

Until the gulf war, Iraq had always been treated as a model citizen by the International Atomic Energy Agency. Now, however, the agency and its boosters in the nuclear industry and bureaucracy worldwide have had to eat crow over a succession of humiliations at the hands of the Iraqis. First Iraq denied having any weapons-usable material or bomb-building plants, despite the UN ceasefire resolution requiring it to turn over all such materials to the Atomic Energy Agency and to allow the agency to destroy all such plants missed by allied bombings.

Iraqi eventually agreed to reveal the whereabouts of its bomb-grade uranium and other nuclear materials, but denied having other weapons-grade materials or weapons plants. Then, after a defector from the Iraqi nuclear program told what he knew to U.S. experts, Iraq tried to conceal and then grudgingly showed inspectors evidence of a secret industry for producing its own bomb-grade uranium.

Then, in what must have been the cruelest blow for the international inspectors, Iraq admitted that it had been producing plutonium undetected, in direct violation of the Nuclear Nonproliferation Treaty, of which Iraq is a signatory. Although the three grams of plutonium shown to the Atomic Energy Agency was for less than the few kilograms needed for a weapon, it demonstrated Iraq's capability to recover plutonium from spent fuel and raised concerns that Iraq might have hidden away a plutonium production program.

In the interest of world peace, then, we must learn some lessons from this "Three Mile Island" of nuclear proliferation.

First, there may be far more to Iraq's nuclear program. Iraq cannot be expected to volunteer anything we don't know or suspect.

A partly declassified U.S. intelligence document, released to the Nuclear Control Institute, for example, describes a Chinese feasibility study for building a camouflaged reactor in Iraq by 1990. Was it built? Where are the weapons components Iraq was known to have been making or acquiring before the war and that have yet to surface?

International inspection teams should remain full-time, pressing for information and looking for material and production sites. Even if they don't find everything, they can keep the Iraqi program in disarray, minimizing chances of a bomb being built.

Also, the Atomic Energy Agency needs to revisit its safeguards, to determine whether its past inspection findings in other countries were as unreliable as those in Iraq. Until now, the agency's safeguards were assumed to be strict enough to deter nations from cheating. Iraq has proved cheating is possible and a far stricter system is needed. This will require more staff and funding for the Atomic Energy Agency.

For openers, the secrecy of inspection arrangements and results must be lifted. The Atomic Energy Agency should be empowered to conduct snap inspections—now they must give notice—and be authorized to look wherever they suspect violations. (Now, if a building is declared free of nuclear material, it is off limits, and inspectors may not even report suspicious activities observed between declared sites.) Inspections also should be more frequent. In Iraq, inspectors were checking twice a year on fuel that could be converted into weapons in one to three weeks.

Of course, a stronger inspection system will not help without stricter controls over nuclear exports. U.S. law permits many nuclear components and other items useful to bomb-making to be exported to states that do not adhere to the nonproliferation treaty or accept inspections.

The Nuclear Proliferation Prevention Act, recently introduced by Rep. Edward Markey (D-Mass.) and Sen. Timothy Wirth (D-Col.), would close this and other major export-control loopholes. It also directs the president to impose trade sanctions on nations transferring nuclear items under less stringent controls, and to negotiate stronger Atomic Energy Agency safeguards.

Also, there must be a substantial upgrading of U.S. intelligence gathering on nuclear proliferation—an area neglected when vast resources were being spent on anti-Soviet intelligence. Now that the Cold War has receded, major powers can turn attention to those who would have nuclear weapons and threaten world order.

There also must be the political will, thus far lacking, to confront wayward nuclear suppliers and customers alike. Iraq has taught us the danger of looking the other way.

None of these reforms will stop the spread of nuclear weapons, however, unless the growing trade in bomb-grade nuclear fuels for civil nuclear power and research programs is stopped. Plutonium and highly enriched uranium, of which only a few pounds are needed for a bomb, are traded by the ton in world commerce. The United States, the principal exporter of bomb-grade uranium for research reactors, has developed substitute, low-enriched fuels unsuitable for weapons, but refuses to finish the program that could eliminate the bomb-grade material from commerce. The United States also agreed to let Japan recover from U.S.-supplied nuclear fuel more plutonium than is contained in the U.S. arsenal, even though there is no shortage of low-enriched uranium to fuel Japan's electrical generating reactors. A nuclear-nonproliferation regime that tolerates, indeed promotes, use of bomb-grade nuclear fuels is a recipe for catastrophe—the proliferation equivalent of Chernobyl, or worse.

RECOGNIZING THE IMPORTANCE OF VOLUNTARISM

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. CAMPBELL of California. Mr. Speaker, I rise today in support of the Older Americans Act amendments. This bipartisan bill is crucial—it authorizes such important programs as supportive services, senior centers, nutrition programs, and community service jobs. This bill will go a long way toward providing our seniors with the type of services that they need. Our seniors are the foundation of our country and passing this bill is the minimum that we can do to show our appreciation for their contribution.

I would also like to thank Congressmen MARTINEZ, FORD, GOODLING, and FAWELL for giving me an opportunity to attach an amendment to the Older Americans Act. This amendment, based on legislation that was introduced by Senator LUGAR, specifically targets seniors as potential volunteers and would also recognize the valuable contributions of volunteers who help older Americans. This amendment would permit area senior agencies to establish volunteer service coordinators to recruit, coordinate, and recognize volunteers. It would also direct State agencies to establish statewide coordinators when a majority of a State's area agencies have provided for a volunteer coordinator. This legislation does not require any additional government spending.

This amendment recognizes that in every community there are individuals, many of them seniors themselves, who are helping in their communities. These people are a few of the President's points of light. The list of senior groups that have played an invaluable role in promoting voluntarism would fill the entire CONGRESSIONAL RECORD. But I would like to take an opportunity to mention a few of them: The Retired Seniors Volunteer Program, Peninsula Volunteers, Outreach and Escort, the Council on Aging, the Health Insurance Counseling and Advocacy Program, and the Long-Term Care Ombudsman Program. These, and many other groups, are keeping our tradition of neighbors helping neighbors alive. We should nurture and treasure that tradition.

COMMEMORATING THE 50TH ANNIVERSARY OF THE UNIVERSITY OF MICHIGAN SCHOOL OF PUBLIC HEALTH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. PURSELL. Mr. Speaker, the University of Michigan School of Public Health was formally established in 1941, following a tradition of teaching and service in public health carried out by the University of Michigan since 1881. Throughout its 50-year history, the school has consistently been at the forefront of developments in public health in the United States. This pre-eminence is reflected strongly in the pioneering nature of many of the school's educational and research activities as well as through service and interaction with local, State, national, and international public health concerns by its faculty, students, and alumni. The school's programs provide comprehensive expertise in virtually all fields relevant to prevention of illness and promotion of health and over the years it has achieved widespread renown for the work of certain giant figures and key projects.

Some of the highlights of the School's history include:

1873—assisting the State of Michigan in establishing one of the first Boards of Health in the Nation.

1887—establishing one of the first hygienic laboratories in the country.

1887—offering one of the first laboratory courses in bacteriology in the Nation.

1939—creating the model voluntary health insurance plan which later became the prototype for Blue Shield.

Participating in the development of several vaccines which prevent major diseases.

1954–55—carrying out the field studies which proved the effectiveness of the Salk Polio vaccine, the largest field study ever performed.

Participating in the studies which proved the effectiveness of fluoridation in preventing dental cares.

1944—founding the National Sanitation Foundation.

Creating, with the assistance of the Rockefeller Foundation, the Bureau of Public Health Economics, which, through its S.J. Axelrod Medical Care Reference Collection, provides a unique resource for data on health care delivery, finance, and organization in the United States.

Guiding the founding of the Medical Care Section of the American Public Health Association.

Creating the first on-the-job training program for physicians in industrial health.

1956—creating the on-going Tecumseh Study, one of only two long-term community health studies in the Nation, and the only study comprehensively following the behavioral, chemical, biological, and physical determinants of health.

Creating the highly innovative On Job/On Campus graduate degree programs which allow midcareer health professionals to advance their academic training while remaining employed. Over 500 professionals in seven areas of study have completed the program since its creation.

Serving the American Public Health Association with its faculty and alumni working at every level in the organization including the provision of several presidents of the Association.

The school's work on water quality in the Nile River basin has demonstrated how public health can act as a bridge between the nations, as Egypt and Israel worked together with the school in addressing public health problems.

Leadership of the school's faculty in the Nation's public health activities is currently exemplified by Dean June Osborn's presidency of the National Commission on AIDS.

The school's current activities place it at the cutting edge of the "New Public Health", including social epidemiology, community health solutions to health problems, the economics of disease prevention, and interdisciplinary approaches to disease prevention and health promotion.

We congratulate the School of Public Health on its completion of 50 years of distinguished service to the Nation and the world, and look forward to the continuation of its tradition of leadership and service in the promotion of human health.

HONORING THE CHAPEL OF THE REDEEMER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to the Chapel of the Redeemer, which on September 29, 1991, will be celebrating its 50th anniversary of serving the spiritual and social needs of the community of Flushing, NY.

The Chapel of the Redeemer began with a vision and a dream in the fall of 1941, when on September 25, Pastor Robert F. Lindemann led the first worship service in a store front of Union Turnpike. Shortly thereafter, 47 people were received into membership.

Through the kingdom plan, which emphasized the surrendered life in worship, prayer, giving, and witnessing, a Christian day school was opened in 1945. Four years later, a new school and worship area were constructed. Because of the strong growth in the chapel's spiritual community, additional classrooms were erected in 1961, as was a new gymnasium in 1970.

In 1981, after 39 years of exemplary leadership, Pastor Lindemann retired. Presently, Pastor Michael Bergbower ministers to the Chapel of the Redeemer, and through his dynamic service I am sure that the chapel will continue to prosper.

Mr. Speaker, I would like my colleagues in the House of Representatives to join me in congratulating the Chapel of the Redeemer on its 50th anniversary and in extending them our best wishes for many years to come.

OPERATION THANK YOU

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. HORTON. Mr. Speaker, Operation Thank You is scheduled for October 5, 1991, in the village of Newark, NY, to pay tribute to the veterans of all wars. The community is hosting a parade and commemoration ceremony to honor area veterans.

This recognition will be an acknowledgment of all of the area veterans who served in World War I, World War II, Korea, Vietnam, and Operation Desert Storm. A special thanks to the participants of Desert Storm who are comprised of members of Reserve units, National Guard members and active duty military who responded with loyalty and patriotism to the call of their country to help free the brave people of Kuwait. The personal sacrifices of the military and their families were rendered without hesitation in support of freedom and our American ideals.

His Excellency Sad Nasin Al-Sabah, Ambassador of Kuwait to the United States will be in attendance to help celebrate and honor these veterans.

I personally commend the Newark community veterans of all wars, and ask my colleagues to join me in recognizing their many contributions to our great Nation.

CONGRESSMAN KILDEE SALUTES HISPANIC HERITAGE MONTH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. KILDEE. Mr. Speaker, I rise today to recognize the Hispanic Heritage Month celebration to be held in Imlay City, MI, on September 22. Every year the people of Imlay City gather to honor those members of their community who have enhanced and promoted the development of Hispanic culture. The celebration also highlights the contributions of Hispanics that have made our community a better place to live. The growing Hispanic population has accomplished a myriad of achievements that will be a positive shaping force for our great Nation into the next century.

One organization in my district that promotes Hispanic culture and serves the Hispanic community is the Hispanic Service Center. The staff and volunteers of the Hispanic Service Center work selflessly to provide leadership, education, and service to the people of Imlay City. They identify opportunities, provide encouragement, act as a forum for civic and cultural activities, and support the educational efforts of Hispanics by working with the local community education office to fulfill specific needs. This past year the hard work of this organization was rewarded with funding for a center in Imlay City to serve our homeless population. I was happy to assist the Hispanic Service Center obtain a $36,800 grant from the Michigan State Housing Development Authority to establish this center in the community.

It is a great honor to pay tribute to this organization and the Hispanic community of Imlay City. I congratulate the entire community for their accomplishments and commend them for celebrating the diversity of Hispanic culture.

SENSE OF CONGRESS THAT DAVIS-BACON MUST BE ENFORCED

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. AuCOIN. Mr. Speaker, 2 years ago, masons working for 10 days on the new Gresham Waste Water Treatment plant in my home State of Oregon were paid for only 55 hours of work, when in fact, most had worked 70.

Construction workers at the new Federal prison in Sheridan, OR, were paid for fewer hours than they actually worked.

During construction of the Celilo Converter Station near The Dalles in my home State, the contractor classified journeymen as apprentices, and classified some employees as independent contractors in order to avoid paying them the prevailing rate.

Right now, CDK of Farmington, NM, the prime contractor at the Veterans' Administration Hospital under construction in Vancouver, WA, is neglecting prevailing wages. Freshly poured concrete columns show fractures and rockholes. Despite many requests, CDK refuses to let anyone onto the construction site to inspect the work.

To add insult to injury, these employers—because of their dubious business practices—are able to underbid fair, honest, contractors for Government construction projects.

One principle I have always believed in is that good work deserves good wages. But over the last several years I have learned of many employers who do not share that point of view.

Worst of all, these employers are contractors on Federal construction projects—many of them repeat offenders—who have no qualms about denying highly specialized craftpersons a living wage. It's happening all over the country.

There ought to be a law against it.

And there is: The Davis-Bacon Act.

But unscrupulous contractors have found quite a few ways of getting around a good law—a law that was designed to guarantee a fair, family wage at the prevailing market rate to all craftpersons on Federal construction projects.

How do they get away with it?

Unfortunately, over the past decade the antilabor Reagan and Bush administrations have not made enforcing Davis-Bacon a priority. And the number of violations has skyrocketed. Yet the Wages and Hours Commission doesn't go after repeat offenders.

Under the law, the burden is on employees to complain when their rights are violated. But many workers are afraid to, for fear of losing a job. At a time when American workers are squeezing their belts tighter and tighter, and manufacturing jobs are moving overseas, a family wage job means more than ever.

So contractors who violate the law have seen that they can get away with it, and their violations are growing more frequent and even more flagrant.

The Davis-Bacon Act plays a major role in assuring a decent standard of living for thousands of working men and women. That's why I'm determined to see it more effectively enforced.

Mr. Speaker, I urge my colleagues to join me in demanding that the Bush administration enforce the Davis-Bacon Act to the fullest extent of the law. Today I am introducing legislation, the family wage protection resolution, to condemn Davis-Bacon violators for their shameless exploitation of working people, and send a powerful message that this Congress wants to see the Bush administration get off its hands and stand up for workers' rights.

Plenty of contractors have demonstrated that they aren't about to protect their employers' rights to a decent standard of living unless they are forced to. Let's not let them—or this administration—get away with it any more. I say it's time for this administration to get serious about protecting family wages for hard-working Americans.

NATIONAL POW/MIA RECOGNITION DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. DINGELL. Mr. Speaker, I rise today to call our attention to tomorrow's celebration of National POW/MIA Recognition Day, a day which was proclaimed earlier this week by the House of Representatives.

This resolution authorizes and requests a proclamation from the President to call on the American people to remember the thousands of American citizens who have disappeared while proudly serving their Nation in our Armed Forces.

The resolution also authorizes the display of the POW/MIA flag at all national cemeteries, the National Vietnam Veterans Memorial, and certain key Federal Government buildings such as the White House, the Department of State, the Pentagon, and Department of Veterans Affairs.

As a cosponsor of legislation which would provide privacy for families trying to determine their status of loved ones missing in Southeast Asia, I am concerned that we continue serious efforts to achieve a full accounting of missing service men and women at the earliest possible time.

Indeed, with recent reports of sightings, I believe the work of our Government to gain more cooperation from Vietnam is vitally important to investigating these cases, and I encourage the administration to continue its efforts to make solving these mysteries as quickly as possible.

The passage of House Joint Resolution 233 signals to all Americans, especially our veterans and the families of the missing service members of all wars, that their loved one's bravery will be remembered and their suffering not forgotten.

TRIBUTE TO JUDGE BARUCH S. SEIDMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. PALLONE. Mr. Speaker, on Friday, September 20, 1991, a surprise portrait presentation ceremony will be held for the Honorable Baruch S. Seidman honoring his 10 years as supervising judge of the Appellate Division's Civil Appeals Settlement Program in the Middlesex County, NJ, courts. The occasion will also mark his 80th birthday.

Mr. Speaker, this is a tremendous milestone within the legal profession in New Jersey in general, but it has a special significance for me. After my graduation from law school, I clerked for Judge Seidman. I cannot possibly overstate the deep impression that this great legal mind—and this great man—made on me. What has always impressed me most about Judge Seidman is the way he brings together the two most important qualities we look for in a jurist: exhaustive legal training and knowledge of case law, combined with a common sense, real-world appreciation for how his decisions effect the people whose concerns are brought before the court. It has always seemed to me that the combination is a vital prerequisite for judicial wisdom. It was the effect that Judge Seidman had on me during the time I worked in his office that convinced me that all of us in public life need to remember this balance.

Judge Seidman was born in Chicago and attended public schools in New York and New Jersey. He attended Rutgers University in New Jersey and New York University Law School. He was admitted to the New Jersey Bar in 1936 as attorney and as a counselor in 1939. He practiced law in South River, NJ, in association with the firm of Burton, Seidman Burton, also serving as township attorney for East Brunswick, NJ, and counsel the township's board of education and sewerage authority.

Judge Seidman also served his country, both in the Army Reserves and as an active duty judge advocate during World War II.

Judge Seidman was appointed Middlesex County Court judge in 1966 and superior court judge in 1972. He sat in the chancery division in the Mercer-Somerset-Hunterdon vicinage between 1971–73, and was assigned to the appellate division from 1973 until his retirement in August 1981, at which time he was presiding judge. He was recalled the day after retirement to set up the Civil Appeals Settlement Program and has since served as supervising judge of the program.

He has been married to the former Pearl Wedeen of Perth Amboy, NJ, since 1939.

Mr. Speaker, for those of us holding elected office, it is always an honor to pay tribute to great community leaders as they celebrate important milestones in their career. But in this case, when the individual happens to be a longtime friend and mentor, as Judge Seidman has been to me, it is a particularly high honor, and a great privilege.

HAPPY BIRTHDAY JOHN RHODES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. MICHEL. Mr. Speaker, on September 18, 1916, a future leader of the country and of the Republican Party was born in Council Grove, KS. John Rhodes, my good friend and predecessor as minority leader of the House, turned 75 yesterday. I know our colleagues want to join in wishing John "happy birthday."

We all owe a debt of gratitude to John for his leadership during that difficult decade known as the seventies. He served with distinction, with dignity, and with the respect of all his peers on both sides of the aisle.

John Rhodes knows Congress as well as anyone alive today. We served together on the Appropriations Committee, and side by side we fought many of the battles that continue to be fought in that illustrious committee. John demonstrated his knowledge of the House in his book "The Futile System," and he continues to be a source of good counsel and sound thinking.

John's son, JOHN RHODES III, known universally as "JAY," has continued the Rhodes tradition of distinguished public service.

So, Mr. Leader, happy birthday. May the coming years be prosperous for you, the Republican Party that you so proudly led, and our country that you continue to serve so well.

TRIBUTE TO ASSISTANT CHIEF FRANCIS X. SMITH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1991

Mr. MANTON. Mr. Speaker, on Thursday, September 26, 1991, the patrol borough of Queens is honoring Assistant Chief Francis X. Smith, who recently retired from the New York City Police Department after 37 years of dedicated service.

Mr. Speaker, Frank had a long career of service and commitment to New York City and the Nation. From 1947 to 1952, Frank honorably served his country as a member of the U.S. Navy. Shortly after his discharge from the Navy, Frank was appointed to the New York City Police Department on March 1, 1954.

Mr. Speaker, Frank had a remarkable career with the police department. Soon after his appointment, he was recognized as a tireless soldier in the war against crime and drugs in New York City. As a deputy inspector, he was a commanding officer in the organized crime control bureau, and in 1984 he was appointed deputy chief. In 1989, Frank was promoted to assistant chief and appointed commanding officer of Patrol Borough Queens.

Mr. Speaker, Frank served as a patrol supervisor and a plain clothes supervisor. He served in the police commissioner's criminal investigation unit and in the public morals division. He was commanding officer of the field internal affairs unit, Patrol Borough Brooklyn North; of the investigation and analysis section; of the organized crime control bureau; of the first deputy commissioner's office; of the field control division; of the organized crime control bureau; of the 6th and 14th divisions; of the Patrol Borough Brooklyn North; of the support services division, and of the Detective Borough Brooklyn.

Mr. Speaker, the New York City Police Department has lost an outstanding officer. However, I know Frank will continue to play an active role in the community. I know my colleagues join me in saluting Assistant Chief Francis X. Smith on his outstanding achievements.

SENATE—*Friday, September 20, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The God of Israel said * * * He that ruleth over men must be just, ruling in the fear of God.*—II Samuel 23:3.

Eternal God, Lord of history, for these perceptive insights from the great King David, we thank You. May we hear and heed his wise counsel.

Gracious Lord, in these tempestuous times help leadership and people to interpret the unprecedented events and comprehend the dynamic days in which we live. Guide both public and private sector to find a way to communicate with each other, to reduce the rift between bureaucracy and a cynical and indifferent public. Lead us in a way to reverse the growing chasm between government and people. Save us from bureaucracy, which is self-perpetuating and an end in itself, and from people who have abdicated their sovereignty, somehow failing to realize that our political system will not function as intended if they divorce themselves from the process. Inspire the press and media to do their part to heal alienation rather than aggravate it.

Judge of all the Earth, awaken us before it is too late, lest judgment come upon us in our intransigence and indifference.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, parliamentary inquiry. Am I correct that the Journal has been approved?

The ACTING PRESIDENT pro tempore. The Senator is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, following the leader time this morning, there will be a period for morning business not to extend beyond 11:15 a.m., with several Senators recognized to address the Senate for specific periods of time under a previous order. Once morning business closes at 11:15, the Senate will proceed to the consideration of S. 1722, the unemployment insurance reform bill.

During proceedings today, there will be debate only on the bills. An amendment may be offered by the distinguished Republican leader, if he chooses. That is the only amendment in order. Under the consent agreement, the Republican leader is not required to offer his amendment today, but may be so, if he chooses.

There will be no rollcall votes today nor on Monday. Once the Senate concludes debate on the unemployment compensation bill today, that will be set-aside until Tuesday morning. On Monday, the Senate will take up consideration of the defense appropriations bill. It is my hope and intention that we will complete action on the unemployment insurance reform bill by the close of business on Tuesday and then return to the defense appropriations bill on Wednesday morning and, hopefully, complete action on that early in the week.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

Mr. President, I yield the floor.

THE PLIGHT OF MR. OVSEY SADY

Mr. WELLSTONE. Mr. President, I would like to speak today about Jewish emigration from the Soviet Union. This issue has tremendous personal meaning to me, since my father, Leon Wellstone, fled prerevolutionary Russia to escape the pogroms and other forms of discrimination against Jews. I will never forget how grateful my father, who is no longer alive, was to live in our country. I know if he were alive today, he would insist that I do all that I can as a U.S. Senator to help others emigrate to the United States.

When my father lived in Russia, the country was in upheaval. Once again, the Soviet Union is in upheaval, and this time I hope it will turn out well for the people. And during this time of transformation—and I hope and pray it will be a democratic transformation—one manifestation of the changes initiated by President Gorbachev is the Government's willingness to grant Jewish people permission to emigrate.

Last year alone, 180,000 Jews emigrated from the Soviet Union as compared to 1,000 allowed to emigrate in 1986. This spring, the Soviet Parliament passed a new emigration law which codified these changes and established this as a human right in the law of the land. I welcome this initiative and all the democratization that has taken place in the Soviet Union and, once again, hope that it will turn out well for the people.

However, despite the progress, there are many Jews who are refused the right to emigrate because they know alleged "state secrets." These secrecy refusniks, as they are known, range from engineers to musicians. Many of them had only limited access to classified information, and in other cases, the "secrets of the state" which they knew are now public information and really have become obsolete.

A decade of reform makes it crystal clear that today's refusniks represent a historic relic of past Soviet repressive policies and could not and must not be an intended outcome of current policy. But the result, Mr. President, is that all too many families are still torn apart, and many lives have been placed on hold by unreasonable refusals of permission to emigrate.

I recently met the wife, son, and the father of one man caught in the Soviet emigration bureaucratic quagmire. That man is Ovsey Sady. Ovsey Sady currently lives in the Soviet Union, anxiously waiting to join his family in Minnesota. Mr. Sady once lived in Lvov with his wife, his teenaged son, and his elderly father. Mr. Sady worked at a factory which consulted with the Soviet space center, producing goods that were used in the military. He had a low-level security clearance. In 1978, he left that job for a different factory job in the Ukraine, where he did not need security clearance at all.

Life at that factory was never easy for Mr. Sady, because he was discriminated against as a non-Ukrainian and as a Jew. After 11 years, in 1989, Mr. Sady left that job, and he has been unemployed ever since.

The Sadys applied to leave the Soviet Union for the United States in September 1988. The family planned to join Mrs. Sady's brother and sister, who live in Minnesota. The Sadys were refused permission to leave. The family reapplied 6 months later. This time, only Mr. Sady's father was granted permission.

In early 1990, they applied again, and this time all but Ovsey were allowed to emigrate. Ovsey was refused permission because his secrecy term had not yet expired. Yet, many of his coworkers at his original plant with higher security clearances were granted exit visas. Some current employees at the plant have received exit visas. Mr. Sady was told by the head of the Lvov OVIR office that his secrecy term would expire at the end of 1990.

In October 1990, Mr. Sady reapplied, only to be told by the Lvov visa office that he would now have to wait until 1995 for his secrecy term to end. He has not received any written information concerning the duration of his secrecy term.

Mr. Sady's family waits for him in the United States, and they are trying to build a life for themselves. His wife, son and father live in a small apartment near Minneapolis. Their principal means of support are a variety of different assistance programs. His son is a full-time student in Minnesota Community College, where he studies English, and Mrs. Sady attends community educational classes. They are trying to put down roots and start their lives anew, despite the gaping hole in their family. Mr. Sady's father is 83 years old, and he suffers from glaucoma and high blood pressure. Mrs. Sady also suffers from poor health.

Ovsey Sady is not well himself. He has stomach ulcers which have hospitalized him in the past, and he does not have enough money to follow his prescribed special diet. Unemployed and alone, Mr. Sady remains a hapless victim of unjust, unwarranted bureaucratic recalcitrance.

In the summer of 1990, President Gorbachev traveled to Minnesota. And while he dined with our Governor 10 miles away, Victor and Sima Sady were reminded of their loss by the empty chair at their dinner table.

The Helsinki accords, signed by the Soviet Union, state that "a family should not be separated" and special attention should be given to requests of an urgent character, such as the request submitted by an elderly or an ill person.

I urge the Soviet authorities, from the Senate floor today, to fulfill their obligation under these accords and permit the emigration of Ovsey Sady and others who were caught in the remnants of the cold war, which is over.

If my father were alive today, he would applaud the recent changes in the Soviet Union. He would be so excited. God knows, I wish he were alive today to see this. But I also know that my father, from his own experience, would worry about the resurgence of anti-Semitism, which is always there beneath the surface. And I know my father, while he would hope for the most from this transformation in the Soviet Union, would guard all of us against the rise of discrimination and persecution of Jewish people. I feel very strongly about this.

Mr. President, in our enthusiasm for the global reunification of the East and the West, please let us not forget our obligation to assure the reunification of families like the Sadys.

Mr. President, I have sent letters to authorities in the Soviet Union. I have sent letters and made calls to our own Government.

Mr. President, I will send a copy of this speech to the Soviet Ambassador, and I will meet with the Soviet Ambassador if I travel to the Soviet Union in December, as I hope to. One reason to go to the Soviet Union is to do everything I can to bring the unification of this family.

It is important to speak from the Senate floor today about the Sady family. It is a call to conscience. This speech will not be the end of it. I hope that as a son of a Jewish emigrant from the Soviet Union, I hope that as a Senator from the State of Minnesota, I can help to bring together this family.

Mr. President, I yield my time.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

NOMINATION OF CLARENCE THOMAS

Mr. ROTH. Mr. President, I am pleased to announce at this time my decision to vote in favor of the confirmation of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. As the exhaustive hearings before the Senate Judiciary Committee come to a close, the record is clear: Judge Thomas has the judicial temperament, the intelligence, and the integrity to serve on the Supreme Court. And I believe he will serve with distinction.

Throughout the days of testimony before the committee as well as during his tenure on the Court of Appeals for the District of Columbia Circuit, Judge Thomas has steadfastly adhered to the only theory of constitutional jurisprudence compatible with representative government. He believes that the function of the courts created by our Constitution is to interpret the law as written and not to read into the laws the judge's own personal views. While Judge Thomas is an adherent to natural law doctrine, he has made clear that the only function of natural law in legal analysis is to clarify the meaning of constitutional or statutory provisions written by lawgivers—lawgivers who themselves intended to codify natural law applications. That view is hardly evidence of any incipient judicial activism in Judge Thomas.

I am confident that Clarence Thomas' service in both the Reagan and the Bush administrations will help him as a Supreme Court Justice to understand the importance of judicial deference to the political branches. Likewise, I am confident that Justice Thomas will serve the Supreme Court with the same earnest dedication to its mission as he has shown in his service in both the executive and judicial branches.

If any lesson is to be learned from reviewing the life and work of Clarence Thomas, it is that his independence and impartiality are unquestioned. There is absolutely no doubt that Clarence Thomas is his own man. I am therefore extremely pleased that the President has nominated Clarence Thomas to be a Justice of the Supreme Court and believe that the Senate will soon confirm him to serve for decades to come. His open mind and spirit make him an extremely good selection.

Clarence Thomas was born in the deep South and lived his early days under a regime of segregation. Courageously, he persevered through trials and tribulations that most Americans will never experience. Through it all, he learned to think for himself. As the victim of segregation, he was as dedicated to the goal of equal rights as anyone could be. Yet he was no ordinary black man. He did not join the liberal establishment. No, his independent spirit and open mind led him to question and then to reject that establishment's views on how minorities can succeed.

Quite frankly, that is why there is any controversy at all in this nomination. A role model has risen to the highest Court in the land, a role model who does not think and talk the liberal lingo. No one in America denies a white person the right to be a liberal or a conservative. No one views a white person as unrepresentative of his or her race on the basis of political philosophy.

Before Clarence Thomas was nominated, blacks were not truly free to be independent thinkers, like whites. But now it is different. A civil rights revolution has occurred. Over a century ago, blacks won their physical freedom. In this century, blacks began an ongoing battle for economic freedom. But it was not until this summer that the shackles of intellectual confinement were cast aside.

Mr. President, I am not alone in these observations—especially given his excellent performance in the hearings. In a letter I recently received from one of the most distinguished African-American leaders in my home State of Delaware urging me to support Judge Thomas, Senator Herman M. Holloway, Sr., stated that while originally he did not support the nomination of Judge Clarence Thomas given early media accounts, he concluded, after Judge Thomas finished his testimony, that he responded to all questions with clarity and thoughtfulness. He impresses me as one who possesses a judicial temperament, unquestioned integrity and sensitivity, and is a fiercely independent thinking individual whom I believe will approach all decisionmaking with impartiality. As an Afro-American citizen who has been privileged to serve in both Houses of the Delaware General Assembly, including 28 years in the Delaware State Senate, I can appreciate the process of intense scrutiny that each Presidential nominee must undergo. As that process evolved—I became convinced that Judge Thomas is a very able and competent individual conditioned by his background, training and experience and one whom all citizens in this country can trust to fairly and impartially interpret and apply the law.

Clearly, the nomination of Thurgood Marshall made history. But it is the nomination of Clarence Thomas that has won for blacks intellectual equality in the political arena. And that is very significant, not only for the Supreme Court, but for all Americans.

Thank you, Mr. President. I yield the floor and yield back the remainder of my time.

Mr. ROCKEFELLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

CHILDREN'S HEALTH CARE PROBLEMS

Mr. ROCKEFELLER. Mr. President, I was glad to hear my colleague from Tennessee, Senator GORE, take the floor the day before yesterday to protest President George Bush's use of the Grand Canyon as a prop to project the illusion of concern for our environment, I rise today to protest an equally outrageous press stunt that took place later that day.

I speak of George Bush's visit to the Primary Children's Medical Center in Salt Lake City.

Mr. President, the United States has a Third World infant mortality rate—22d in the industrialized world. Ten thousand children die needlessly, and another hundred thousand are crippled, every year, because they have no access to the treatments and technology that would save them. Last year, we had a measles epidemic that struck 25,000 people, mostly children. Our immunization rate is lower than Peru's or Nicaragua's. In some cities, only half our preschoolers get the shots they need to protect themselves from diseases we'd almost forgotten exist. Polio, diphtheria, and whooping cough are back—killing kids.

George Bush knows we have a problem. His Health and Human Services Secretary, Louis Sullivan, admits it. The White House Task Force on Infant Mortality he appointed, told him. And in 1988, George Bush promised to act to solve it.

And now that the next campaign is upon us, George Bush has acted—he has embarked on a media tour, cynically using sick children as props, pretending as though children's health care had suddenly become one of his priorities.

If videotape could be turned into vaccine, George Bush might save some lives, but until then he's just another politician with a campaign agenda and no plan for change.

President Bush claimed in Salt Lake City to have asked Congress for $57 million to fund a demonstration Infant Mortality Program—and received only half of his request. What he didn't say is that those funds would have been taken from community health clinics across the country, leaving millions of other Americans without medical care—robbing Peter to pay Paul. Congress saved the community clinics, and began the Infant Mortality Program. George Bush has never come to Congress with a plan designed to reach more than a quarter of the children who need our help.

His own White House task force wrote a report calling for a comprehensive approach, using existing knowledge to save thousands of lives—and billions of dollars. But, after appointing the Commission with much fanfare, he refuses to release their report. Their findings just aren't consistent with the Bush agenda of world travel and domestic neglect. Just like the old CIA Director he is, George Bush seems to have stamped the report "Top Secret" and turned children's health into a covert operation. He has even continued Ronald Reagan's policy of not bothering to collect data that show how many kids are not getting their shots.

But George Bush cannot cover up the fact that an unconscionable number of American babies die every year—that need not have died—and that they will continue to do so until we take bold action. He cannot ignore the fact over 8 million of America's children have no health insurance whatsoever—they don't go to the doctor when their temperatures hit 103, they can't afford vaccines that cost 10 times what they did when Reagan was sworn in. Our failures in their first years cost them lifetimes of illness and pain.

For 10 years, we have been hearing the same tired rhetoric about helping children. Now George Bush wants us to watch it on TV. But the sad fact is that the President's commitment to saving children's lives does not include rearranging his priorities to put children at the top of the list.

George Bush may claim to be the "Environmental President." He might call himself the "Education President." But as long as I am able to speak and act; as long as hypocrisy, not healing, dominate his approach to children's health; as long as babies are dying needlessly, I will never allow George Bush to claim the title "Health Care President."

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

(The remarks of Mr. ADAMS pertaining to the introduction of S. 1730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. In his capacity as Senator from South Dakota, the Chair recognizes the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,379th day that Terry Anderson has been held captive in Lebanon.

ADDRESS OF BORIS YELTSIN AT NEW YORK UNIVERSITY

Mr. MOYNIHAN. Mr. President, the extraordinary events of the last several weeks in the former Soviet Union have drawn international attention to Boris Yeltsin, the President of the Russian Republic. I believe, therefore, the Members of the Senate will find of particular interest the text of a major address delivered by Mr. Yeltsin at New York University on June 21, 1991, only a few days after his election.

Mr. Yeltsin was introduced on this occasion by the president of New York University, our distinguished former colleague in the House of Representatives, Dr. John Brademas.

I ask unanimous consent that the transcripts of Dr. Brademas' introduction and an English translation of Mr. Yeltsin's speech be inserted in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS OF BORIS N. YELTSIN AT NEW YORK UNIVERSITY, JUNE 21, 1991

Dr. JOHN BRADEMAS: * * * Ladies and gentlemen, would you be kind enough to take your seats? Mr. President-elect, Ambassador Vorontsov, distinguished guests, ladies and gentlemen, my name is John Brademas; I'm the President of New York University, and it is for me [rousing applause] * * * I am not a candidate for public office * * * yet! [rousing applause]

It is a very great pleasure to greet all of you here today as well as to welcome to New York University the newly elected leader of the largest republic in the Soviet Union, the Russian Federation. As I have just told the President-elect, this is the largest private university in the world and, therefore, he should feel very much at home.

We are delighted that our distinguished guest was able to come to Washington Square fresh from his visit to Washington, D.C., where he met President Bush. In recent months, New York University has welcomed several visitors from the Soviet Union, the eminent physicist and member of the Congress of People's Deputies, Raoul Sagdeyer; the prominent authority on constitutional reform, Professor Alexander Yakovlev; the editor-in-chief of the Soviet Union's largest weekly, *Literaturnaya Gazeta*, Fyodor Burlatsky; and the Minister of Justice of the Russian Federation, Nikolai Fyodorov. I must add that New York University's Chancellor and President-elect is himself a distinguished scholar and professor of Russian history, Dr. L. Jay Oliva.

I hope, President-elect Yeltsin, you will allow me a more personal reason for why I am so pleased to welcome you and your colleagues here today. It was exactly thirty years ago that I made my first visit to the Soviet Union, and I have been back several times since.

I recall particularly when, in 1979, as Majority Whip of the United States House of Representatives, I was asked by then-speaker Tip O'Neill to lead a delegation of Members of Congress to meet with our counterparts in the Soviet Union. For two days in the Kremlin we exchanged views on arms control, trade, Third-World competition, and human rights. We met with President Kosygin and Foreign Minister Gromyko, and we were the first American political leaders to meet, in Tblisi, Mr. Shevardnadze, then Chairman of the Party in Georgia.

Two years ago I visited Moscow and Zagorsk during the celebration of the millennium of Christianity in Russia and the Ukraine, and I plan to be in Moscow twice this fall, first with a group of American elected officials—present and former—to observe the new federalism now emerging in the Soviet Union and later to take part in a conference on the role of libraries in a democratic society.

NATIVE OF SVERDLOVSK

Had Sverdlovsk been on our itinerary in 1979, my Congressional colleagues and I might have met the rising young leader, then chief of the local party, who is our distinguished guest today. Born in the Sverdlovsk district to a peasant family, in 1955 he graduated from the Ural Polytechnical Institute. By profession he is a construction engineer, a builder.

He was an official of the Sverdlovsk Party Committee from 1968 to 1985, the last nine years as First Secretary. Moving to Moscow, he headed the Party Committee in the capital city and in February 1986 became a candidate member of the Politburo.

During the late 1980s, the Soviet Union began a process of internal change, moving toward democratic political institutions and a market-based economy. In the national debate on this transformation, surely one of the world's most important developments of the twentieth century, our guest took an active and often dissenting role. A cascade of dramatic events has now swept him to international prominence. After a pivotal speech in October 1987 to the Central Committee Plenum, he was removed from the Politburo. In March 1989, during the first freely contested multi-candidate elections in the 71-year history of the Soviet Union, our speaker was elected to the Congress of People's Deputies, which in turn chose him a member of the Supreme Soviet. In 1990, our guest won a seat in the Parliament of the Russian Federation, polling more than 90 percent of the popular vote. Elected chairman of the Parliament, he pushed through a declaration of autonomy from the national government, and a month later, in July, he resigned his membership in the Communist Party.

This year, at his urging, for the first time, the Russian Federation held a Presidential election open to popular vote. In the balloting nine days ago, our speaker won a sweeping majority over five other candidates, his fourth electoral victory in little more than two and a half years. With 147 million people, or more than half the nation's population, the Russian Federation stretches from the Black Sea to the Bering Strait. It spans eleven time zones and covers three-quarters of the land area of the Soviet Union. The United States would fit into the Federation twice over.

Ladies and gentlemen, I am privileged to present our distinguished guest, the first democratically chosen leader in the 1,000-year history of Russia, the President-elect of the Russian Federation, His Excellency, Boris N. Yeltsin. [rousing applause]

BORIS N. YELTSIN

President-elect YELTSIN: Mr. President, distinguished ladies and gentlemen. I regret having to underscore at this time that I am not yet an inaugurated President; I am President-elect of the Russian Federation. My official title in Russian is President of the Supreme Soviet of the Russian Federation Who Has Been Elected President of Russia [translator: or President-elect in English]. After I am officially sworn in on the tenth of July of this year before the Congress of People's Deputies of Russia and the Russian people, I will formally take my office as President of the Russian Federation.

I appreciate the kind words just spoken by your President which were addressed to me, and I must say he has given you quite a correct rendering of my biography. I also appreciate very much this opportunity to address an audience of one of America's most prestigious universities, New York University.

My first working visit to the United States as President-elect of Russia is coming to an end. I have already addressed the purpose of this visit in detail, and they have been reported in the media, so I need not repeat what I have already said on that score.

Results of visit to the United States

Let me tell you briefly how I see the results of this visit. It has only been three days now that I am in the United States and already we have been able to fulfill quite a bit of program. We have met with United States Senators and members of the House of Representatives. We visited the American Red Cross. We saw the Lincoln Memorial. We talked to the leaders and members of the AFL–CIO. We attended a meeting at the Center for Democracy in Washington. We met and had a discussion with Secretary of Commerce Mosbacher and with Secretary of Defense Cheney. We met with President George Bush and Vice President Dan Quayle. We also had numerous encounters with American businessmen.

I think that our main goal has been accomplished. We have gotten across to the leaders of the United States and of the U.S. businesses community our vision of the prospects for reform in Russia. We have discussed the possibility for new business contracts. For the first time in our meeting with President Bush, we have reached an understanding that from now on the United States will maintain direct contact not only with the central government of the Soviet Union, but also the Russian Federation as one of the Soviet constituent republics.

We're not here to ask for money

The first question I got from the press when we arrived at Andrews Air Force Base was how much money, exactly, we were here to ask for. [laughter] "Well, I have to disappoint you," I said, "we're not here to ask for money. What we want to achieve is making sure that the leaders of this country understand us, that they sympathize with our reforms, that they support our cause of bringing radical reform to Russia that will advance along a road to a democratic society, to a free-market economy and to a privatization which would make all forms of ownership, including private property, equal under the law. We must build a Russia which would not be a country asking others for money, but a country where foreign investors would gladly go to invest their money because it would offer attractive terms for investment and profit."

President Bush and I discussed yesterday what we believe should be the four priority areas for cooperative programs between our counties, and I am glad to note that President Bush has agreed that United States experts should take part in the work under these programs. These areas are the processing and storage of farm produce because, at present, our republic wastes about 30 percent of what its farms produce. It is the conversion of our defense industries, because about 80 percent of all the Soviet Union's defense production facilities are located in Russia. It is the training and retraining of managerial personnel, the people who could run a market system in Russia, the people who could help us with building a modern economy and carry out privatization in our republic. We need some 2,500 or 3,000 people trained each year. It is the establishment of joint Russo-American banking institutions and transportation companies.

We have important meetings still in front of us today, but I think that I can already now speak for my entire delegation that we are confident with what we have been able to achieve while we were here. We have been understood.

A special feeling to enter halls of a university

It always gives me a very special feeling to enter the halls of a university. It makes me remember my own college years. Yesterday at the National Press Club in Washington, they mentioned that I sometimes spoke of myself as a mischievous person, something of a hooligan. [laughter] Well, they should have gone a bit further and pointed out that, of course, when one is young, when you're a student, that's normal, but you would not expect much more of that from me now. [laughter] They also asked me about my moral perspective, and I said to that that I've been married for thirty-five years and I have spent these thirty-five years with my wife and no one else. [laughter] [applause] I realize this may sound quite unexpected or surprising to some. [laughter]

And still your college years are probably the most wonderful time in our lives. It is the world of books, the joy of sports, and most important, a feeling that your entire life is still ahead of you. But I think that even more important is the feeling of creativity, the freedom from prejudice or mental stereotypes, and the quest for the new. I think it is vital for us to preserve these qualities to this day if we want to really appreciate the changes which are sweeping the modern world.

Let me now say a few words about the reform of college education in Russia, which we are presently working on. A few days ago in the city of Tula, I met with an audience of 515 rectors who came from all of the colleges of the Russian Republic. We have a very thorough, productive and exciting exchange which highlighted a number of problems facing our colleges. We talked about many things ranging from funding to the quality of training, and came to the conclusion that a question urgently to be addressed in Russia is the adoption of legislation on the status of public education and colleges, and I made a personal decision that my first decree when I am inaugurated as President—my first Presidential decree—will be precisely on that, on college education and public schools. [applause]

Demise of greatest Utopian vision in history

Of the many challenges confronting today's mankind, the problem of societies choosing their political futures is the closest to me as Russian and as a leader of my republic. Today we are witnessing the demise of what may have been the greatest Utopian vision in history which for decades had shaped the destinies of one-third of mankind. It has led to enormous loss of wealth, the division of the world, and global confrontation between the East and the West.

A crucial lesson to be drawn from our dramatic history is probably this: even the most beautiful and brilliant theory generated by the human intellect, if carried out mechanically and thoughtlessly, is bound to lead to a tragic outcome. After living for more than 70 years under the yoke of a totalitarian system, Russia has finally made its historic choice: it will not go the way of socialism or communism; it will take the civilized road of development long covered by many modern nations, including this country. [applause]

No turning back from path of democracy

Your press is presently making a good deal of noise about the latest developments in our Supreme Soviet and namely, the statements of Prime Minister Pavlov. Whatever Prime Minister Pavlov or KGB Chief Kruitchkov or Yazov may indeed have said, Russia will not depart from its chosen road because it is not the leaders that have made that historic decision; it was the people themselves who by voting for their president have demonstrated to everyone that there will not be any turning back from this path of democracy. [applause]

I wish our college education was better in our time than it actually was; I wish I could speak English and would not have to spend twice as much time to listen to such speeches. [laughter] Of course, I could have my interpreter do it all for me. But I am improvising a bit as I go, so let us continue the way we started.

Commandments of the Gospel, the foundation of human morality

Protecting the values which are the common heritage of mankind is today as important as it ever has been. I think it is totally inadmissible that we forget the commandments of the Gospel, which are the foundation of human morality. I also think that revision of the functions of law in the life of society and of the principles of freedom and human rights is fraught with totally unpredictable results. Our tragic history offers perhaps the best possible testimony that a society which tries to assert artificial values which are counter to the human experience can never ever achieve happiness. We have now embarked on a road that will bring us back into the fold of modern civilization. We want that Russia to live governed by the well-known principle that the human being itself is the supreme measure of all things, not excluding politics.

I am now confident that totalitarianism, ideological monopolism, militarism, and violence will forever be gone from the life of Russians. We believe that our development should be driven by the force of free enterprise, not by government coercion. It should rest on laws guaranteeing equal rights and opportunities for all forms of ownership, including private property. Incidentally, I have to tell you that while the Soviet Union has not yet officially legalized private property, Russia is the republic that has already done so, and by voting as they did on the twelfth of June this year our people have given us a mandate to continue along this road.

Protection of human rights vital to civilized society

Protection of human rights is vital for building a civilized modern society. We are determined to achieve a dramatic change in the social balance of forces between the government and the individual in favor of the latter [applause].

Insuring inter-ethnic peace and harmony is particularly important for us at present. There are about 100 different ethnic groups living in Russia today. We see the great ethnic diversity of Russia and the Soviet Union at large as a unique wealth of our country. Today they are vigorously searching for the best ways of living together and promoting their integration. Our republics today are building a new union and working to consolidate their single economic space.

Baltic States should be free to leave union

Let me underscore this point, that the leaders of Russia have always stood and continue to stand firmly in favor of preserving the union. At the same time, we feel that a union like ours cannot be held together with chains. It cannot rest on the power of tanks, personnel carriers, on weapons and violence. It can only continue as a voluntary union of nations. Therefore, if the Baltic states have a desire to withdraw from the union or do not wish to participate in the union, they should be given the opportunity to do as they choose. [applause]

I also would like to tell you that the Supreme Soviet of Russia has recently passed legislation outlawing all assistance to foreign governments or regimes.

I would like in this connection to address the following several points. Our foreign policy course stems from a concept which has been created by the common efforts of the politicians of this generation. We in our foreign policy course intend to take account of the interests of our partners and the challenges facing the international community at large. The bipolar model of the world, the times of the Cold War and Iron Curtains, of suspicion and hostility, are becoming past history. Russia and the United States both need international relations which will be built on the principles of trust, dialogue, and order. This is quite a new experience for me. [laughter]

Want constructive cooperation and ties with U.S.

Our policy of principle is to pursue constructive cooperation and establish constructive ties with the United States of America. The cooperation which has evolved in recent years between our two countries, the United States and the Soviet Union, can and should become more profound in the relations between the United States and the Russian Republic. Russia has an interest in establishing a firm political foundation for full-scale, open and mutually beneficial cooperation in business activity, commerce, science and technology, in health care and the protection of the environment. We for our part see our task in approaching within the shortest time possible international legal standards in economic legislation governing business activities in the territories of the Russian Federation. Russia and the United States are expanding their common ground on security issues. In yesterday's conversation with Defense Secretary Cheney, I made a very strong point to him, saying that Russia is firmly headed for cutting its defense spending, reducing its armed forces, and consistently advocates the non-proliferation of nuclear, chemical, and biological weapons, 90 percent of which in the Soviet Union are located in the territory of Russia. [applause]

It is particularly important to note that successful reform in Russia—and I have no doubt that this reform will be successful—and I have no doubt that this reform will be successful—will result in the creation of an enormous single common space covering the larger part of the northern hemisphere and that will include in my understanding Russia as well as the United States, which will be governed by similar political and economic principles. The development of ties between Russia and America acquires a global dimension in this context. It is appropriate today to recall in this context the longstanding tradition in our relationship which dates back to the 18th century.

Motto of NYU, "Persist and Prevail," Especially Appropriate for Russia

Nothing in international relations can be more important than humanitarian values. I am profoundly convinced that the future development of relations and cooperation between our two countries will produce new examples of friendliness and of mutual sympathy between our two peoples. We have prepared a program of action on youth problems for consideration by our Supreme Soviet which addresses a wide gamut of issues which face our youth today because it is the young who are going to bear the brunt of renewal in our nation. I am confident that our young people will be able to stand up to the challenge of building a nation in Russia which will offer to its citizens the amount of rights and freedoms that will make them able to build their own prosperity and thus the prosperity of their country. Your motto here [of New York University] says, "Persist and prevail," and we believe that this particular motto is especially appropriate for Russia as it moves forward along the way toward its democratic and prosperous future. [Extended rousing applause]

Thank you and the best wishes for success and prosperity to New York University and to all the people of America. Thank you very much. [extended applause]

Dr. JOHN BRADEMAS. Mr. President-elect, we thank you, *spacibo bolshoe*, for your powerful and important address. We at New York University are deeply honored that you are with us today, and we hope that you will enjoy the rest of your visit to New York City and to our country.

And now, ladies and gentleman, may I ask you to please take your seats again and to remain in your seats until President-elect Yeltsin and our group have left the auditorium. Following the depature of the President-elect, Ambassador Vorontsov and me, I shall be pleased to host a brief reception in honor of the President-elect in the Greenberg Lounge just opposite this auditorium. All of you are invited, but please remain in your seats until I have escorted the President-elect to the lounge. Thank you all for coming.

IN COMMEMORATION OF "NATIONAL FORMER POW/MIA RECOGNITION DAY"

Mr. MACK. Mr. President, I rise today, September 20, 1991, to commemorate "National POW/MIA Recognition Day" and call attention to the plight of the thousands of Americans who remain unaccounted for throughout the world. I am proud to be an original cosponsor of the Senate Resolution to establish a "National Former POW/MIA Recognition Day," which passed in the Senate on September 16.

It horrifies me to think that American soldiers might still be held against their will in lands abroad. A recent issue of Newsweek indicates that as many as 2,300 United States military personnel might still be held in Vietnam, Laos, and Cambodia. More than 8,000 Korean war veterans remain unaccounted for. And, shockingly, there are approximately 79,000 MIA's from World War II.

These figures alone make a strong argument for the need for Congress to take swift, decisive action—not just provide lipservice on this issue! Couple these figures with the anguish, heartache, and uncertainty of the families and friends of POW's and MIA's and the need becomes even more compelling.

I am pleased to be an original cosponsor of Senate Resolution 82, which will, for the first time, establish a select committee which will be charged specifically with POW/MIA affairs. This committee will provide the vehicle to review and assess the methodology and operations of the POW/MIA Division of the Defense Intelligence Agency to thoroughly investigate live-sighting reports.

I will request that this committee immediately investigate the stunning recent photographs which have surfaced which provide new evidence that Capt. Donald Carr is still alive in Southeast Asia. In today's Washington Post, an article indicates that Pentagon officials believe this photograph is not more than 18 months old. My thoughts today are with his stepmother, Marie Barzen, who lives in Fort Myers, FL. I will insist that every avenue be exhausted in this effort. Mr. President, I ask unanimous consent that an article from the September 20, 1991, Washington Post appear immediately following my remarks.

I have also cosponsored legislation to require that all POW's receive outpatient care at VA health care centers regardless of disability rating. I cosponsored an amendment to the DOD authorization bill to require that information relating to the fate of POW's and MIA's be released to families.

This is why I am an original cosponsor of Senate Resolution 82, which will establish a select committee on POW/MIA affairs. On August 2, the U.S. Senate unanimously passed this essential legislation. I want to thank Walter "Radar" O'Reily of the National Forget-Me-Not Association and the many other Floridians who wrote or called Senator DOLE to recommend my appointment to this select committee.

I would again urge my colleagues to find the answers to the many questions plaguing the families of POW's and MIA's. The simple fact is that Americans deserve nothing less than the truth.

[From the Washington Post, Sept. 20, 1991]

PENTAGON INQUIRY TO FOCUS ON 1 PHOTO OF POSSIBLE MIA

The Pentagon said yesterday most of the pictures purported to show live U.S. MIA from the Vietnam War are fakes, but at least one—in color and in focus—is being taken seriously.

It appears to show Army Capt. Donald G. Carr, who has been missing for 20 years since the plane in which he was riding as an observer was shot down over Laos. Carr, the pilot and the plane were never found.

"This is going to be right at the top of our investigative list," said Carl W. Ford Jr., acting assistant defense secretary for international security affairs.

The picture shows a smiling man whose resemblance to Carr, accounting for aging, is readily apparent.

"Of all of the photographs we have received, it is quite striking," said Ford.

Pentagon officials believe that the picture is no more than 18 months old.

Because the governments of Vietnam, Cambodia and Laos have increased cooperation on POW/MIA cases, the Pentagon has created a new high-level position to coordinate search efforts.

Department spokesman Pete Williams said the post of deputy assistant secretary of defense for prisoner of war-missing in action affairs had not been filled, but said the new office would "take advantage of . . . broader access to official records, eyewitness accounts, crash and burial sites and other information. * * *"

CALL TO CONSCIENCE

Mr. PRESSLER. Mr. President, it is no secret that the Soviet Union has persecuted Jews. Over the centuries, Russia has been one of the hotbeds of anti-Semitism. During the reigns of Ivan the Terrible, Alexander III, and Nicholas II, persecution of Jews was rampant.

With that background, perhaps it is not surprising that during the Soviet Communist era, laws forbade Jews from living outside towns and large villages. Professions were even chosen for Jews. Pogroms, or unofficial mob violence against Jews, were often condoned by the police. This anti-Semitic atmosphere emboldened Soviet Jews to emigrate and was a key impetus for the construction of a Jewish state in Palestine. According to a 1991 book on Soviet history by professors David Mackenzie and Michael Curran, Soviet persecution of Jews is directly "connected with Israel's emergence as a State and the desire of Soviet Jews to emigrate there. * * *"

In this century, the situation of Jews did not improve much. Seventy years under the tyranny of communism, 70 years without political or religious rights, and 70 years of imprisonment in a backward and failing socialist system resulted in more Jewish suffering.

The recent Communist collapse in the Soviet Union has transformed the reformation of immigration laws from an option to a necessity. Whatever the motive, part of the reforms initiated by President Gorbachev included unofficial recognition of the right to emigrate. More than 1 million Soviet Jews are expected to leave the Soviet Union. In 1990 alone, 15,447 Soviet Jews each month migrated to Israel. This was a vast increase over the 1988 preliberalization figure of 181 per month.

Unfortunately, the relaxation of Soviet immigration rules is far from being complete. The new immigration law passed by the Supreme Soviet in May, won't be fully phased in until 1993. Even then, many potential problems exist with this law.

The law draws a distinction between travel passports and exit passports, favoring the former of the two. People who represent State and social groups are favored over individual persons. The law also permits emigration denial on the basis of nonfulfillment of compulsory military service. People can still be denied the opportunity to emigrate if parents or an ex-spouse do not sign an affidavit releasing them from financial obligations. Finally, the new emigration law contains provisions that could imprison prospective emigrants indefinitely in the Soviet Union. If a person is judged to have had access to State secrets, their travel may be delayed up to 5 years, and then prolonged further as the government sees fit. The arbitrary nature of State secrets makes this a useful tool for the denial of emigration.

Let me share with you a real world example of the latter form of denial. Lev Zinovfeich Minkin, currently 71 years of age, is an engineer who left his job in 1986. Lev has not worked at his engineering job for over 5 years. Therefore, anything that Lev may have published already has been made available in the United States and other Western countries.

Nevertheless, Lev has been refused the opportunity to emigrate on the grounds that he has had access to sensitive government information. The cruelty of this situation is made more perverse by the fact that Lev and his wife have no other relatives in the Soviet Union. Their only children live in California. This is inhumane, Mr. President. This type of State-sponsored family destruction must stop. If the world thinks that the Soviet Union has been transformed overnight from a Stalinist police State to a democracy with open borders, they are wrong. Injustices against Jews in the Soviet Union are still common. Those who wish to flee their cruel past and start anew somewhere else should be allowed to do so. There is no excuse for the Soviet Government to hold people like Lev Minkin and his wife against their will.

Mr. President, on behalf of the congressional call to conscience, I want to remind our colleagues that hundreds, perhaps thousands, of Soviet Jews are being held captive in the Soviet Union with little or no justification. I applaud Senator LAUTENBERG, Senator KOHL, and Senator GRASSLEY for their efforts in bringing this issue to the forefront. Let's not let the dismal history of Soviet mistreatment of Jews continue to be repeated.

NATIONAL POW/MIA RECOGNITION DAY

Mr. RIEGLE. Mr. President, I rise today to honor those American servicemen who were left behind in Southeast Asia. More than 2,200 American soldiers—72 from Michigan—remain unaccounted for today, 16 years after the United States departed Indochina. The POW/MIA issue, however, touches all of us, for it is a national tragedy that grows in scope as each and every day passes.

My thoughts today, on this day of national recognition, are with the friends and families of our missing countrymen. Recently, I met with the families of several Michigan MIA's in an effort to hear directly the impact that years of waiting has had on their lives. Frustration at the lack of information about their loved ones, as well as anger that many families have been exploited, were just two of the common themes expressed during the gathering. I left that meeting strengthened in my commitment and renewed in my resolve to achieve a full and final accounting of all Americans whose fate is yet unknown.

In light of years of executive branch inaction and neglect, Congress needs to reinvigorate its independent oversight of the POW/MIA issue. To respond to this situation, the Senate recently created the Select Committee on POW/MIA Affairs. As an original cosponsor of legislation which created the bipartisan committee, I strongly believe that this panel will improve congressional monitoring of reports of live sightings of American POW's held in Southeast Asia, analysis of current intelligence pertaining to POW/MIA issues, and development of new approaches to provide services and benefits to families of POW's and MIA's.

In an effort to promote awareness of the continuing need to deal with the POW/MIA issue as a national priority, I have introduced legislation which would allow America's national cemeteries to fly the POW/MIA flag on a daily basis. Two years ago, the Department of Veterans Affairs instructed the Fort Custer National Cemetery in Augusta, MI—Michigan's only national cemetery—to cease its long-standing practice of flying the flag each day in recognition of those still missing. I strongly disagree with the VA's decision and will continue to do everything in my power to reverse it.

One of the most serious problems involved in the POW/MIA issue has been the inability of those concerned to access Government information on POW/MIA's. Many have charged that the Defense Department and other agencies of the U.S. Government are withholding or ignoring data which could resolve the mystery over the status of individual POW/MIA cases. This is why I added my name as a cosponsor of legislation, also known as the "truth bill," which authorizes the release of information pertaining to POW/MIA's, in accordance with the Freedom of Information Act. This legislation has a privacy clause to protect close relatives of POW/MIA's. On August 2, 1991, the Senate passed the truth bill as an amendment to the Defense authorization bill.

To further emphasize my profound concern over the slow pace of POW/MIA issues, today I will join several Senate colleagues in sending a letter to Secretary of State James Baker requesting that normalization of relations with Vietnam be delayed until Vietnam fully cooperates in resolving the POW/MIA issue. We must, at all times, keep Americans missing and unaccounted for foremost in our minds.

This day, POW/MIA Recognition Day, was established to heighten America's awareness of this ongoing national tragedy. The crisis will not end today, nor will it conclude tomorrow; but hopefully, through our persistence and perseverance, we will one day soon have a full accounting of all missing Americans. I am devoted to making the MIA issue a priority in the Halls of Congress. The day when we are sure that there are no Americans missing or held captive—and we have accounted for each and every person currently missing—that is the day when we can finally close this sorrowful chapter in our history. Until that momentous day, our efforts must not wane and our devotion cannot waiver in our pursuit of a final resolution. Let this day be a reminder of the task that lies before us.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

The PRESIDING OFFICER. The Senate will proceed to S. 1722, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1722) to provide emergency unemployment compensation, and for other purposes.

The PRESIDING OFFICER. (Mr. KOHL). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] is recognized.

Mr. BENTSEN. Mr. President, I have a longer statement that I would like to insert in the RECORD, but for now I'd like to make just a few major points.

Mr. President, 5 weeks ago, Democrats and Republicans in the Senate and in the House worked together to extend unemployment benefits. We sent a bill to the President. The President must have understood the problem, because he signed the bill. But, speaking the rhetoric of recovery, talking bravely about the end of the recession, he refused to release the money to extend those benefits.

It is important to understand the human tragedy that I think results from the President's decision. He was talking about this economy recovering; it was too late; that we should not do this type of thing; that it really was not an emergency.

But what happened in the meantime? You have not seen that recovery. The economy is moving sideways. In August, you have seen over 300,000 people who are unemployed exhaust their unemployment benefits—over 300,000. This is the highest level in at least 40 years. If a recovery is underway, these people do not know it. For them, this recession is a depression.

Surely, the President has to know the economy is in trouble. You have 8.5 million Americans out of work, looking for jobs, who cannot find them. These numbers are disturbing, but it becomes compelling when one realizes that behind these numbers are individual American families who just cannot meet their bills, cannot make the mortgage payment, are afraid the noise they hear in the middle of the night is somebody repossessing their car. These families are trying to figure out a way to hang on a little longer in the hopes that this recession turns around.

As we debate S. 1722, the Emergency Unemployment Compensation Act of 1991, there are some new facts that Senators ought to consider, which have happened in the last 5 weeks.

Last week, the Federal Reserve reduced the discount rate to 5 percent. That is the lowest rate since February of 1973—the lowest. Why? Because they know we are in a recession. They are deeply concerned abut it, and are trying to find some way to turn it around, trying to give the economy a jump start. That shows you how skittish this recovery is and how uncertain the experts are of anything better than a slow and a muddled recovery.

The GNP estimates for the second quarter of 1991 have now been revised downward from a positive 0.4 percent to a negative 0.1 percent. That is significant. That is in the wrong direction.

The labor market is growing weaker. In August, total civilian employment dropped to 116 million. That is the lowest level in nearly 3 years. Does that sound like recovery? Does that sound like the economy is turning around? At the same time, the economy lost nearly 300,000 jobs. That is on top of the 172,000 lost in July.

As they have become discouraged, American workers are just dropping out of labor force, and they are doing it in increasing numbers. In the last 2 months, the labor force in this country has fallen by 750,000 people who were discouraged and abandoned their search for new jobs.

The capacity of this Nation's extended benefits program to respond to the need of unemployed workers continues to decline. In fact, it is in a condition almost approaching paralysis. There is a strange situation here. Employers are contributing to a trust fund for the specific purpose of paying out extended unemployment benefits. Yet the very time that you see unemployment increasing in this country, the fund to pay these unemployment benefits is also increasing. That does not make any sense. That means it is not working.

The Department of Labor actuaries estimate the number of workers who will exhaust their regular benefits will grow to 3.4 million people in fiscal year 1992. That is not down from 1991. That is up from 3.1 million in 1991. That is another 300,000 unemployed people.

I think there is another point to be brought up. Historically, when you start coming out of a recession, it takes 7, 8, 9, 10 months, for unemployment to peak. You have to anticipate that. Some have said we did not respond quickly enough. One of the problems is, as you are going into a recession, you are never sure that you are going into it. It takes some time for the figures to accumulate before you can be sure what is happening, and the administration kept giving very optimistic estimates as to what was going to happen. OMB kept telling us how much lower interest rates would be than they actually were, and how much higher GNP was going to be than it was.

Let me repeat what I think is one of the most significant numbers to look at. The number of jobless workers whose regular unemployment benefits ran out, who were ineligible for additional weeks of benefits, reached 318,000 in August, the highest level in 40 years. Not an emergency? It would be an emergency if we were talking about Kurds or Turks, but we are talking about folks here at home. We are not talking about the emergencies the administration has declared for these other people in other countries. We are talking about right here, our folks. Three hundred and eighteen thousand exhausted their regular benefits without being able to qualify for further aid.

So let me say those Senators who overwhelmingly supported this legislation 5 weeks ago, the case is even more compelling now in September.

Last month, many of us were deeply disappointed that the President did not choose to use the emergency authority and release the money in the trust fund that has already been collected to pay the benefits to the workers who had exhausted their regular State benefits. I have no doubt that the President was being advised that he would shortly have new labor market numbers that would justify his position.

But the deterioration we have seen in the last 5 weeks really should give him pause. As the senior financial economist for DRI/McGraw-Hill commented last week: "The recovery is progressing but slowly. It still has a ball and chain on its foot."

Mr. President, this ball and chain is causing enormous pain for American workers, whether we are talking about unemployed workers down in Port Isabel, TX, or Jackson, MI, or anywhere else in this Nation where they cannot pay the bills because they are out of work. I think it is time that this Government responds. It has time and time again in the past when we have had these kinds of problems. We need to help these people through a period of recession for which they bear no responsibility. When the economy recovers, they will be back at a job contributing to the economy, paying taxes like everybody else, but for the short term they need our help.

I understand the distinguished minority leader will be offering a substitute amendment, but I also understand that, from what I have heard thus far, apart from the other arguments that can be made against that amendment, it violates the Budget Act and will cause a sequester, because it does not start collecting the bulk of the money needed to pay for benefits, as I understand it, under 1994. But you have to start paying the benefits in 1992. That would be an absolute violation of the budget agreement.

I have gone to great lengths to draft the bill that I have introduced to specifically completely comply with that budget agreement. But if you have the amendment by the minority leader that I have heard about, and you enact that one, you automatically produce a sequester. You will have it for fiscal 1992. And what gets sequestered? Medicare will take one of the biggest hits. Veterans benefits and agriculture programs, where farmers are already in trouble, they, too, will be subjected to sequester.

Senators are going to have to ask themselves, is this a viable alternative to the Bentsen bill? Have you really helped or have your hurt?

Extended unemployment benefits are not favors that we shower on Americans thrown out of work by this recession. It is important to understand that there is nearly $8 billion in that trust fund for that specific purpose, collected precisely to protect workers from serious hardship when they are out of work. The money is there.

Mr. President, my goal is to get those benefits into the hands of jobless Americans and get them to their families as quickly as possible. My proposal complies with the letter and the spirit of the Budget Act to accomplish that purpose.

I have heard that the President says he will support the amendment from my colleague, the distinguished minority leader. But that is the equivalent of proposing cuts in Medicare, the farm programs, veterans programs, student loans, and a whole host of equally important programs for people across this Nation. I think it really raises a question about the seriousness with which the President is addressing this issue.

This recession is not a gentle crisis. There are 2 million more Americans unemployed today than there were just a year ago. Try telling them that this recession is ending. You know they would like to believe the President, but they just cannot afford to.

I hope the President will change his mind, that he will recognize the kind of tragedy that is taking place, a tragedy for the millions of Americans who have exhausted their unemployment benefits, and join the Congress in responding to this crisis.

These benefits have been paid for and they have been needlessly delayed, and we need to move quickly together to resolve this problem. I strongly urge my colleagues as we vote on this issue next Tuesday to support my bill.

Mr. President, I ask unanimous consent that my aforementioned longer statement be printed in the RECORD.

Mr. President, I yield the floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991, S. 1722

Mr. President, today the Senate begins anew the consideration of emergency benefits for America's long-term unemployed workers.

The bill before us is identical to the bill reported by the Committee on Finance on July 25 by a vote of 16 to 4, and also identical to the bill approved by the Senate on August 2 with one exception: the effective date has been moved forward five weeks to take account of the passage of time.

The President signed that earlier bill just over a month ago. But despite overwhelming votes in the House and the Senate, he declined to free up the trust fund money needed to pay the benefits.

On that occasion, the President expressed the opinion that the economy was improving. He predicted unemployment would decline.

I understand his desire to take the optimistic view. But he, and the Nation, got a healthy dose of reality when the jobless rates came out earlier this month clearly showing that the situation for American workers is becoming worse, not better.

Here are some of the new numbers the President and the Congress should consider:

Last week's action by the Federal Reserve to reduce the discount rate to 5%, the lowest level since February 1973, shows just how skittish this economy is, and how uncertain the experts are of anything better than a slow and muddled recovery. GNP estimates for the second quarter of 1991 have now been revised downward from a positive 0.4% to a negative 0.1%.

In August, 310,000 Americans dropped out of the labor force altogether. In the last two months the labor force has fallen by 750,000 as discouraged workers abandon their search for new jobs.

Last month the economy lost nearly 300,000 jobs, on top of 172,000 that were lost in July.

There are still 8.5 million Americans who are looking for work but unable to find it. And for many of these workers, 1.2 million, unemployment has meant *long-term* unemployment—half a year or more. The median duration of unemployment actually increased in August to 7.2 weeks, up from 6.6 weeks in July.

In August, total civilian employment dropped to 116.4 million—the lowest level in nearly three years.

While the Nation's extended benefits program is in a state of near paralysis—paying benefits to only 5,000 workers in one State—there are about 300,000 jobless workers who exhaust their benefits each month, and more than 3 million will exhaust their benefits over the course of fiscal year 1991.

Perhaps the most significant statistic from the standpoint of the legislation we have before us today is the fact that in July the number of jobless workers whose regular unemployment benefits ran out and who were ineligible for any further unemployment benefits reached its highest level in at least 40 years. Some 318,000 workers exhausted their regular benefits without being able to qualify for any further aid.

In sum, let me say to those Senators who overwhelming supported this bill in August: The case is even more compelling in September.

Let me remind Senators of the kind of help we propose to give to long-term unemployed workers under this bill during the 9-month period that the emergency benefit program would be in effect (October 1991 to July 1992).

Unemployed workers in 6 States—those with a total unemployment rate (TUR) over the 6-month period February-July of 8% or higher—would be eligible for 20 weeks of emergency benefits.

Unemployed workers in 15 States—those with a TUR of 6% to 7%—would be eligible for 7 weeks of emergency benefits.

Unemployed workers in 13 States—those with a TUR of 7% to 8%—would be eligible for 13 weeks of emergency benefits.

And unemployed workers in 16 States—all those remaining—would be eligible for 4 weeks of benefits.

Under this bill about 90% of the benefits will go to workers in States with higher unemployment rates.

But at the same time, we make sure that workers in *all* States can receive some level of benefits because we know that even in those States with relatively low rates of unemployment on a State-wide basis there can be very serious pockets of unemployment. In June, for example, the State of Minnesota had an unemployment rate of 4.8%, but Red Lake County had a rate of more than 13%. Colorado had a rate of 4.7%, but Lake County had a rate of 13%.

The benefits we're talking about in this bill would be fully Federally funded, paid for out of the existing extended benefits account.

The money is there. Currently there are about $7.7 billion in the Extended Unemployment Compensation Account. Even after paying for the emergency benefits in this bill, the Department of Labor actuaries estimate that the account will end fiscal year 1992 with a substantial balance of $3.5 billion. According to the actuaries, the account will be back up to its statutory ceiling of $9.03 billion by the end of fiscal year 1994.

I want to emphasize that the money in this trust fund has been paid by employers precisely for the purpose we have in mind—to protect employees from serious hardship in times of recession. These benefits have already been paid for.

This bill also establishes a new trigger to determine how many weeks of extended benefits workers in any State will receive. It uses the *total* unemployment rate, or TUR, rather than the *insured* unemployment rate, or IUR.

We know that the present IUR trigger isn't working. Despite a national unemployment rate of 6.8%, only 1 State is currently able to pay extended benefits, and Department of Labor actuaries estimate that by mid-October it is probable that *no* State will be eligible for extended benefits.

In addition, the IUR measures only those workers who are claiming regular unemployment benefits. Unlike the total unemployment rate (TUR), it excludes workers who have exhausted their benefits, as well as new entrants and re-entrants into the labor force. Thus, the TUR has the advantage of being a better measure of the labor market conditions an unemployed worker is facing when he goes out to look for a job.

In the 1980's, there has been a growing gap between the IUR and the TUR, raising questions about the continuing accuracy of the IUR as a fair measure of a State's unemployment. An analysis by the Congressional Research Service shows that between the late 1960's and the early 1980's, the IUR generally ranged from about 41% to 56% of the TUR, and was considerably higher than that during the period of recession in the mid-1970's. But *since 1983* this percentage has declined significantly, ranging from 32% to 37%. The current recession caused a rise to a high of 49% in April. But this percentage has again returned to the earlier levels, hovering in the mid-30's.

There are various reasons for this: changes in the structure of the economy, with workers moving from manufacturing, where a high proportion of the unemployed have traditionally received unemployment benefits, to the services sector, where the number is lower; as well as geographical movement of workers from the Northeast, where the ratio tends to be high to the South and West, where it tends to be lower; and, in general, State unemployment compensation laws are more restrictive.

But there is also the problem that because some States have tighter laws and procedures than others, workers in different States are treated unequally under the IUR trigger. States vary greatly in their unemployment compensation eligibility rules.

For example, workers in New Hampshire must earn more than four times as much in a base period before they can qualify for benefits than do workers in nearby Connecticut. In some States a worker has to be available for full time work before qualifying for benefits, thus ruling out eligibility for a parent who, because of child care needs, can't take a full time job. Other States allow unemployed workers to look for a job that is less than full time.

Although the bill is designed to deal only with this current recession and thus pays benefits only during the 9-month period October 5, 1991 through July 4, 1992, it will reach back to pick up unemployed workers whose benefits expired since April 1 of this year, thus providing additional weeks of benefits to the very long-term unemployed who are most in need of help.

This "reach back" provision applies only to States experiencing higher unemployment rates—those with 6% or higher, recognizing that it is in those States where jobs are hardest to find, and very long-term unemployment is most likely to occur.

In addition, the bill includes a provision to give equity to our Nation's servicemen and women. At the present time, Desert Storm veterans and others who leave the service are required to wait four weeks before they are eligible for benefits, and when they get these benefits they only get half as many weeks as other unemployed individuals—13 weeks as opposed to the normal 26. This bill treats unemployed servicemen and women in the same way we treat unemployed civilians. It repeals the 4-week waiting period, as well as the 13-week limitation.

In this bill we also provide for establishing an unemployment compensation advisory council. As I have watched the lack of responsiveness of the unemployment compensation program over recent months, I have become convinced that the system urgently needs long-term restructuring.

One of the reasons we have such an arcane system is that we tend not to pay attention to the program until we have a recession. And then there isn't time to undertake real structural improvements.

This bill establishes an advisory council appointed every four years to help deal with long-term issues. It would be analogous to the longstanding and effective Social Security Advisory Council, and would examine the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and other aspects of the unemployment compensation system, and make recommendations for improvements.

Finally, like the earlier bill passed by the Senate, this bill provides for using the "emergency" authority provided in last fall's budget agreement rather than following the rules for "pay-as-you-go." As a participant in the budget negotiations last fall, I hold the view that this emergency authority was established precisely to enable the Congress and the President to respond to the kind of situation we face today.

When we were negotiating the 5-year budget agreement last October, it was far from clear that this recession would inflict the high degree of financial distress on American workers that has subsequently occurred. More specifically, we did not anticipate that the Nation's unemployment compensation program would prove to be as unresponsive to the needs of long-term unemployed workers as has been the case. As I pointed out earlier, the number of workers who have exhausted their regular state benefits without qualifying for any additional weeks of extended benefits has reached a historical high.

Many of us were greatly disappointed that the President did not choose to use the emergency authority and release the trust funds that have already been collected to pay these benefits. I have no doubt that the President was being advised that he would shortly have new labor market numbers that would justify his position.

But the lack of improvement over the last month should give him pause. As the senior financial economist for DRI/McGraw Hill commented last week:

"The recovery is progressing but slowly. It still has a ball and a chain on its foot."

Mr. President, this ball and chain is causing enormous pain for American workers. For unemployed parents in Port Isabel, Texas, or Jackson, Michigan, or anywhere else in this Nation who can't pay the mortgage, or meet the car payments—this is a time when they expect their government to respond, to help them through a period of recession for which they bear no responsibility. When the economy recovers these workers will be back at the job, contributing to the economy and paying taxes like everybody else. But for the short term, they need our help.

Last month the President was hearing rosy projections. But he knows now those rosy projections weren't true—at least they didn't materialize in time to help the unemployed workers who are exhausting their benefits at the rate of more than 300,000 a month.

I hope fellow Senators—Democrats and Republicans alike—will join together in support of this bill. There are millions of unemployed workers and their families who need our support. And they need the support of the President of the United States.

We cannot turn our backs on these hardworking Americans. We've seen the new numbers. We—and the President—can have no illusions. We can repair the Nation's broken unemployment compensation system, and pay the benefits. Or we can sit back, say we're sorry, but do nothing to help workers get through this period of severe strain for them and their families.

Mr. President, I think the Congress has no choice but to act. And given what is happening in the economy, I believe the President will be obliged to join with us. The essential well-being of millions of Americans rests with this bipartisan legislation.

I understand the President is concerned that this bill may be but the first of a series of bills that the Congress will try to move under the emergency authority provided in last fall's budget agreement. But the President, after all, is not a helpless bystander in this regard. He has the ability to choose. He has the power to sign, or not sign, any bill that comes to his desk. And he has shown in the past he is willing to use the power of the veto.

I would agree that the circumstances in which the emergency authority is invoked should be rare, and the decision to invoke it should not be taken lightly. I for one did not take it lightly when the President asked the Congress to use the emergency authority on behalf of the Israelis, the Turks and the Kurds. And I would note that this is the first and only time the Congress has taken the initiative in this regard without the President's prior concurrence. But in this case I believe extraordinary action is warranted.

Mr. President, I hope the Congress and the President will be able to move forward together, and enact this legislation as promptly as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. WARNER. Mr. President, for some time now the Senate has had under consideration before the Senate Judiciary Committee the President's nomination of Judge Thomas to become a member of the U.S. Supreme Court. During this period, the American public has had the opportunity to observe the Senate performing its constitutional responsibilities, and to observe and hear Judge Thomas as he replied to intensive, fair, and objective questioning by the members of the Senate Judiciary Committee, and also to observe the free exchange of views by concerned citizens for and against Judge Thomas.

I was pleased to be among those Senators who introduced Judge Thomas to the committee. He resides in Virginia and I have come to know him personally and professionally over the past few years.

Mr. President, I readily acknowledge that this nomination has been another very valuable learning experience for this Senator. I had the opportunity during the summer recess to travel extensively in my State, listening carefully to the views of the widest possible across section of Virginians. In the major metropolitan areas, I was able to host luncheons attended by primarily, minorities, and to listen to them behind closed doors where they felt the atmosphere and the circumstances enabled them to freely share with me their deepest feelings about this nomination.

Indeed, it was a troublesome nomination in its early days following the President's nomination. As time went on and there was a greater dissemination of knowledge, and particulary after Judge Thomas addressed the Judiciary Committee, I detected a clear lessening of the concerns directed against the nominee. But it was a valuable experience for me. Because face-to-face meetings, when all are present and free to share their views, are indeed the most productive.

I want to commend the Judiciary Committee. It will be winding up its hearings this afternoon, so I am informed. And as a direct result of the work of these Senators, the chairman and the members of the committee, again in a fair and objective manner, and as a direct result of the views expressed by a number of witnesses who have come forward, America now knows Judge Thomas much better.

We are in a position to come to this floor and actively again participate in the process. It is a three-stage process. The first stage is the Presidential decision, which he has a clear right to exercise under article II. The Constitution gives the President the authority to pick those who are his closest advisers and also to pick those who are to sit as members of the Federal judiciary.

Many times I have gone back to read the history of the Founding Fathers and how they struggled with this concept of checks and balances to overcome the harshness and unfairness of the monarchies that existed throughout the world at the time that our Constitution was brilliantly put together. And this is perhaps the most important check and balance.

Article II gives to the President the power to select members of the executive branch and the Federal judiciary. Then, in the same article, it charges the Senate—not the whole Congress, but the Senate—with the responsibility to give or not give their consent to the nomination. And we are now concluding the factfinding part of the process. Not only has the committee received a great deal of information, but individual Senators, through their correspondence and through their travels like this Senator, have independently received, I think, information which is of equal value and equal importance to that that has been brought before the Judiciary Committee.

The details of Judge Thomas' childhood, of his early struggles, bring to light a chapter in the history of our country which today all of us find very troubling.

I am several years older than Judge Thomas and I remember as a young person the prejudice that existed against minorities. I served in the latter part of World War II in the Navy, and I recall very distinctly the first night on reporting to the recruit depot at 4 or 5 o'clock in the morning. We walked into a hall and instantly it was clear that segregration existed there. I am pleased to have the opportunity today, as a Member of this body, to work with every single Member in this body to do what we can to remove that prejudice that regrettably still exists in our country.

I look forward to the debate which I hope the Senate will undertake, and I understand is now tentatively scheduled, on the civil rights legislation. I think that it is imperative that the Congress of the United States, working with the President and members of the executive branch, reconcile the differences that exist today between these two branches of Government on this key legislation. We have an obligation to our country to meet that challenge, make those decisions, reconcile those differences, and pass a bill this fall that can be accepted by the President of the United States. I personally do not want to see that issue or those issues that are integral to the civil rights legislation be the principal points of contention and debate in the Presidential election, and the senatorial elections, and the elections for the House, in 1992.

The struggles that Judge Thomas faced, and his ability to overcome that prejudice, indeed will shape his views. I have met with him on several occasions. I have listened to his testimony. I have studied his record. And all of that knowledge assures me that he, as an individual, will not turn his back on the lessons learned in early life and, indeed, he will be among the forefront as a fighter on the Court to remove prejudice and racism from our country.

In summary, I have likewise given equal weight and equal time and attention to those who I respect, and those who fervently oppose this nomination. But under the Constitution they have a special burden; they must produce for the Senate, for the American public, a body of evidence, a body of fact on which the Senate can then base its determination to overturn and reject the decision of the President under article II. In my judgment, I say most respectfully, the opponents have not met that burden. Consequently, when the nomination comes to the floor I will actively participate in that debate. I will be an advocate for Judge Thomas. And I intend to vote for Judge Thomas at the conclusion of our floor debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 1731 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2521

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Appropriations be permitted to file its bill and report on the DOD appropriations bill tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9 a.m. on Tuesday, September 24, the Senate resume consideration of the unemployment insurance bill, S. 1722, and that at that time Senator DOLE be recognized to offer an amendment to S. 1722; that the time between 9 a.m. and 11 a.m. on that day be for debate on Senator DOLE's amendment, the time to be equally divided and controlled in the usual form; that at 11 a.m., the Dole amendment be laid aside until 7 p.m. on that day; and that at 11 a.m. Senator GRAMM, of Texas, be recognized to offer an amendment for himself and for Senator WALLOP and others; and that the time between 11 a.m. and 12:30 p.m. be for debate on that amendment with the time to be equally divided and controlled in the usual form; that at 12:30 p.m. the Senate stand in recess until 2:30 p.m., in order for the two party caucuses to meet; that at 2:30 p.m. the Senate resume consideration of the Gramm-Wallop, et al., amendment; and that the time between 2:30 and 3:30 p.m. be equally divided and controlled in the usual form; and that at 3:30 p.m. the Gramm-Wallop, et al., amendment be laid aside to recur immediately following the disposition of the Dole amendment; that at 6 p.m., there be 1 hour of debate equally divided and controlled in the usual form on the then upcoming votes; and at 7 p.m., the Senate proceed to vote on or in relation to the Dole amendment, to be followed immediately by a vote on or in relation to the Gramm-Wallop, et al., amendment.

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair hears no objection. Without objection, it so ordered.

Mr. DOLE. If the majority leader will yield, I add that in that period between 3:30 and 6 p.m., it is possible there might be additional amendments that we could debate at that time. There may not be additional amendments, but if there are, hopefully they can be debated at that time, and the votes can follow the vote on the Gramm amendment, if we can work that out.

Mr. MITCHELL. Mr. President, that is not only agreeable, but desirable. I have stated previously, following discussions with the Republican leader, that it is my hope and intention that the Senate will complete action on the unemployment insurance bill by the close of business on Tuesday. If there are to be additional amendments, it would be helpful in that regard if they were offered during that time period, debated during that time period, and then the votes stacked, as the Republican leader suggests.

If there are not to be any further amendments, as discussed by the Republican leader and myself last evening, it is my intention to return to the DOD appropriations bill in the interim period so as not to have the Senate inactive during that time and to make such progress as we can. Although it is not mentioned in this agreement, pursuant to a prior agreement on Monday, September 23, the Senate will take up and begin consideration of the DOD appropriations bill.

Mr. President, accordingly, as a consequence of this agreement, Senators should be aware that the next rollcall vote will occur at 7 p.m. on Tuesday, September 24.

That will be on the Dole amendment to the unemployment insurance bill and that will be followed immediately by a vote on the Gramm-Wallop, et al., amendment to the unemployment insurance bill. That is a vote on or in relation to those amendments at that time. And if other amendments are offered prior to that vote, there will be votes on those amendments as well. If not, we will then continue on the bill hopefully until completion of it on that day.

TENTATIVE SCHEDULE

Mr. MITCHELL. Mr. President, I have had a series of discussions with the Republican leader and with other interested Senators regarding the schedule for the Senate following disposition of the unemployment insurance bill. It is my belief that the previously announced recess around the Columbus Day holiday can be extended providing we are able to complete action on certain measures by a date certain.

It is now my intention to provide that the Senate be in recess from the close of business on Friday, October 4, until Tuesday, October 15, provided that prior to the close of business on October 4 the Senate complete action on all appropriations measures, including appropriations bills, conference reports, supplemental appropriations bill, and where necessary, continuing resolutions, as well as complete action on the Civil Rights Act, the Federal Facilities Environmental Law Compliance Act, the Thomas nomination, the EPA Cabinet-level bill, and either complete action on the family and medical leave bill or prior to October 4 have an agreement assuring completion of that bill immediately upon our return from recess.

I would like now to yield to the distinguished Republican leader for any such comments as he may wish to make in that regard.

Mr. DOLE. Mr. President, I appreciate the majority leader yielding. I think the record should reflect we spent many hours trying to figure out precisely what to do. Obviously that would be based on how much of the agenda we could complete and whether or not we could accommodate Members. I know some would prefer other times in October. But it seems that this will work in my opinion.

I think we can complete action. It is a rather lengthy list, but I think some of these matters can be disposed of quite quickly.

I am not certain about the supplemental. The Senator from Mississippi may be able to help us on what will happen on the supplemental. Hopefully, that could be worked out and we can address that quickly.

With reference to the family medical leave proposal, it might be possible even before that time to dispose of that legislation, but I need to discuss that with the ranking member on the Labor Committee, Senator HATCH, who has been involved almost on a minute-by-minute basis in the Thomas hearings. I am hoping we have some time today to discuss that with him. Perhaps he could then get together with Senator DODD and see if they could work out some agreement on how to handle it when it came to the floor.

My hope is that we could complete everything the majority leader has spelled out. We have discussed this on our side of the aisle. We have had a conference with the Senator from Mississippi, Senator COCHRAN, just 2 days ago, and I hope we can accommodate the majority leader and accommodate those on both sides of the aisle that want to move these particular pieces of legislation.

Mr. MITCHELL. Mr. President, I thank the Republican leader and will say that I recognize this is an ambitious undertaking. But it is my view, following discussion with a very large number of Senators on both sides of the aisle, personally, that Senators want to proceed expeditiously when we are in session and also to have the opportunity to meet with their constituents on a regular basis. This will accomplish both of those objectives, if we can proceed in the manner suggested.

I wish to emphasize, so there can be no misunderstanding, the Senate not being in session during the period stated, that is the close of business Friday, October 4, until Tuesday, October 15, is contingent upon completion of these measures and that will require intensive action in the Senate during that period and we would hope the ability to proceed following through, but also I do not want to say limited, debate, but debate sufficient to explore the issue and decide it.

Mr. DOLE. If the majority leader will yield, with reference to the debate, I think one that may take considerable time is the DOD appropriation bill. It has been less than a month since we had all the debate on the DOD authorization bill. I would be willing to take whatever was said then and insert it in the RECORD now and not have any debate, but I am certain others would like to repeat. They may have thought of a few other things they did not say then.

That is the one big question. If that bill took 4 or 5 days it would wreck the whole program.

Mr. MITCHELL. Yes. The distinguished Republican leader is, of course, correct. What I hope is that by beginning discussion of that bill on Monday, the managers can begin to get a clear idea of what amendments will be offered and if there are to be amendments, as I expect there will be, on the same subjects previously debated, I will work diligently, I assure the Republican leader, to encourage time agreements on those subjects so that there can be an informed debate but not one that is wholly redundant of everything that has been said just recently on the same subject.

Mr. DOLE. If the majority leader will yield on one additional question, one comment I heard from some of my colleagues, there will not be enough time between now and the stated recess, for the work that has to be done. They have a lot of things in their own State. They are asking about November.

It is my understanding, we have sort of a tacit agreement, that you do not change the November recess schedule, except we try to maybe adjourn a week earlier, by the 22; is that an accurate reflection?

Mr. MITCHELL. Yes, I will make every effort to see that we can adjourn prior to Thanksgiving, if that is possible. I think we have to keep our focus on what our purpose here is, and that is to act on those measures that are necessary and not measure our efforts by the length of time in which the Senate is in session. The two standards are not identical, and it is my desire that we complete action on the measures that are necessary and, as soon as that can be done after thorough exploration of the issues, that we can adjourn. I will make every effort to pursue that as the distinguished Republican leader has suggested.

Mr. DOLE. I think the majority leader has indicated earlier this morning in this office that would be the Energy, Education, Banking, RTC funding, and cable and maybe others?

Mr. MITCHELL. Yes. There may be others.

Yes, those are the principal items, as the Republican leader has outlined them, which we have discussed. As he is aware, there may be others and I hope in the course of our discussion and proceeding that we can identify all of those and proceed to complete action.

Mr. DOLE. The Gates nomination is another one that occurred.

Mr. MITCHELL. Yes, the nominations that may be forthcoming during that period.

Mr. President, if the distinguished Republican leader has no further comment—

Mr. LOTT. Mr. President, will the distinguished leader yield for a couple questions with regard to the schedule?

Mr. MITCHELL. Certainly.

Mr. LOTT. First, I thank the leadership for their efforts to get this worked out so that Members will know what the schedule will be and when we might have that week to be home. I was listening to his comments earlier, and the schedule he has outlined is an ambitious one. Certainly that is what the leadership would want, an ambitious schedule of work. But my question is, what if we do not complete this list on or before the fourth? Are we out then?

Mr. MITCHELL. We will be here on the seventh.

Mr. LOTT. The reason I ask that question is I think most of us can live with anything if we know what it is going to be. So the Senator is saying, should we plan to be out that week or not. That is what I am trying to figure out

Mr. MITCHELL. I think you should plan to be out that week and plan to encourage our colleagues to complete action on these bills by that time.

Mr. LOTT. I may have missed this on the way over here because you all were discussing this. But on the appropriations, you said all of the appropriations, the conference reports, the supplemental, and the continuing resolution. I just wonder if that is physically possible before the fourth of October.

Mr. MITCHELL. Obviously those that are available for action. I do not mean to establish an impossible list.

Mr. LOTT. That is my question. We are all trying to figure out how to plan. When the Senator talks about the supplemental and considering it, it depends on many things. On the conference reports, if we miss one of those does that mean we will not be out?

Mr. MITCHELL. No. Obviously, I think everything we do must be done with a spirit of good-faith cooperation and the rule of reason. But I think the Senator is aware that many of the individual Senator's schedules and interests are conflicting, and that we recognize candidly in our competitive political system there is not agreement on what our objectives are with respect to the individual pieces of legislation. We do have agreement, I think widespread consensus, in the Senate that we want to act in a manner that is expeditious and that can accommodate the many tremendous demands upon Senators for their time and schedules. This is an effort to do that.

Speaking directly to the Senator, I would like to say we will have that recess period no matter what. The problem I have with that is it could then result in very little or nothing occurring in the interim.

So at this time I feel it is essential to set if forth as we have discussed. I have total confidence in the good faith of all of the leadership on both sides in trying to accomplish this. I recognize that some things may not be possible. I do not think I have ever been arbitrary and unreasonable in these matters.

Mr. LOTT. If the leader would yield, that was my point. Again, I know the Senator is trying to accommodate a lot of different Senators, and we do appreciate this advance notice. And also I think you have to keep our feet to the fire to get things done. It is an extremely busy schedule to be accomplished in 2 weeks and with no votes occurring today or on Monday. I just want to make sure, if we do not make it by one conference report, that there will be a little give.

Mr. MITCHELL. That is right. I think it all must be considered within a degree of common sense, good faith, and a rule of reason.

Mr. LOTT. I thank the Senator very much.

Mr. MITCHELL. I think the distinguished Republican leader has hit it on the head. If we can get the defense appropriations bill done at a reasonable time next week, I think the rest of this is clearly manageable. Because although I read off a long list of things, many of them will not require long periods of time.

I want to emphasize that I do not, in consideration of the Senate's schedule, or consideration of the Senate's practices, or consideration of the results of Senate activities, equate length of time with accomplishment. We have frequently in the past accomplished very important things in relatively short periods of time with agreement and understanding. And to the contrary, we have often in the past expended great effort and long periods of time with very little to show for it. So I think it is important that we try to move off a frame of mind that suggests that the importance of what you are doing is measured solely or even primarily by how long it takes you to do it.

Mr. COCHRAN. Mr. President, if the leader will yield to me, I think there is another point that is being missed in all of this and that is our productivity should not be measured either by the number of bills that are passed. If those are passed, I do not think we should get credit for doing something that is constructive.

I think what is included in the assumption the majority leader is making is that if the Senate would act expeditiously on the Democratic agenda, then we would get high marks and we would get to have an extra week off in October. I do not think that is a rational approach to the challenge before the Senate. I think we do need to take care and caution when we consider and debate these measures, and it should not be in the nature of a reward to the Senate for passing bad bills that we get out a week early, or a week extra in October that had not been contemplated in the original schedule.

Mr. MITCHELL. I thank my colleague for that comment. And I of course share his view on the standards of measurements to be used. He recognizes that good or bad is a subjective judgment.

I would merely point out that a substantial number of the items which I read off are not matters of the Democratic agenda. The Thomas nomination is not a Democratic agenda. The EPA Cabinet-level bill was included in here at the specific request of the administration. The appropriations bills are not the Democratic agenda. They are the legal and required function of the Senate as an institution.

Certainly, as the majority in the Senate, we have not only the authority but the responsibility to present matters which we believe are important to the country. We also believe that is reciprocal and we respect the right of the minority to present issues of their importance.

But let us not suggest that we cannot bring up bills of our own. This is a balanced list. It includes some measures we want. It includes some measures the administration wants. It includes some measures Republican Senators want. And it includes some measures that the law requires that we act on.

I respect the Senator's point of view. We obviously do not agree on what may be good or bad, and we are going to try to proceed in that fashion.

Mr. COCHRAN. Mr. President, I thank the distinguished leader for his response. I am suggesting that in the Senate one of the most distinguishing characteristics is the right of debate and careful deliberation, not to impose deadlines for the passage of measures. There are some on the list, including parental leave, that I can recall absorbed the Senate's attention for a considerable amount of time in previous sessions of the Senate. And now to see that bill, just as an example, put on the list and extract a commitment that it must be passed either by a certain date or an agreement reached for its passage on a certain date is an interesting thing to observe.

It is not on the Republican agenda. It certainly could be on the agenda for debate and consideration. But there are certainly other bills that I think would be equally important, such as transportation, which we are still waiting for the Congress to complete action on; education, the President's S. 2 bill, and his suggestions for education reform that have been sidetracked for over 2 years now. These are matters that, it seems to this Senator, are equally as important as some of those that are on the agenda that the majority leader has listed.

Mr. MITCHELL. I thank the Senator.

I find it ironic that he would mention the President's education bill. I would refer the Senator to the CONGRESSIONAL RECORD of October 27, 1990, when I stood at this very spot and attempted to gain approval for passage of an education program that included the President's bill and was prevented from doing so by Republican Senators October 27, 1990.

I did not see the Senator then on the floor encouraging his Republican colleagues to permit us to pass the President's education bill. That would have been an occasion where we would have gotten something done in passing an education bill.

Second, I remind the Senator that earlier this year we were prepared to bring up the Senate Democratic education bill and were asked by the administration, a specific request by the Secretary of Education in behalf of the President, to delay action on the education bill until the administration could get its bill up this year, a new bill, not the bill of last year, and that we could consider it. And we agreed to the administration's request. We delayed consideration of the education bill specifically at the request of the President. And we are now hoping to move it in the period following this recess, having now gotten the administration's bill.

I thank the Senator for his comments and I welcome them at all times. Of course, if the Senator feels that the suggestion made here is in any way unfair or inappropriate, I will be perfectly prepared to suggest that we discontinue any consideration of a recess during the period stated and that we stay in session then and we debate fully to satisfy the wishes of every Senator, including the Senator from Mississippi, the issues which he has raised.

Mr. COCHRAN. Mr. President I thank the distinguished leader for his response. I support the leader on this side in his efforts to negotiate an arrangement with the majority leader on the schedule of the Senate.

I raise the question that I raised because of the unusual nature, in my view, of the insistance that we pass certain bills that have been the subject of protracted, extended debate and consideration in the past, as a condition to getting a week off in October which we thought would be certain. We now hear it is maybe uncertain—as to whether or not we complete appropriations bills and other measures.

I am just saying that it may very well bring into question the role of the Senate in the Congress. We are supposed to be the body that takes care and engages in deliberate review of legislative proposals. This seems to me, at least, to be uncharacteristic.

I thank the distinguished leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 310. Thomas Ehrlich, Leslie Lenkowsky, Jack A. MacAllister, and Robert L. Woodson, to be members of the Board of Directors of the Commission on National and Community Service; and

Calendar 311. Johnnie M. Smith, to be a member of the Board of Directors of the Commission on National and Community Service.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

The following-named persons to be members of the Board of Directors of the Commission on National and Community Service for the terms indicated:

For a term of 1 year: Thomas Ehrlich, of Indiana.

For a term of 2 years: Leslie Lenkowsky, of Indiana.

For terms of 3 years: Jack A. MacAllister, of Colorado and Robert L. Woodson, of Maryland.

Johnnie M. Smith, of South Carolina, to be a member of the Board of Directors of the Commission on National and Community Service for a term of 1 year. (New position.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. RIEGLE. May I inquire the order of business now before the Senate?

The PRESIDING OFFICER. (Mr. ROCKEFELLER). The pending measure is S. 1722.

Mr. RIEGLE. Very good.

Let me just make a few comments now. Senator SARBANES will be coming to the floor shortly and is prepared to speak on this issue. We discussed this last night in the debate, in terms of the urgent need to extend unemployment benefits to workers in the country who have exhausted their basic unemployment benefits and yet have not been called back to work. And it is urgent that this problem be taken care of because we have workers now all across America in this situation. Only 1 State of all 50 States under a defective triggering system has triggered on to allow extended unemployment benefits at the present time.

In my own home State of Michigan, there are no extended unemployment benefits right now, although the unemployment rate in Michigan is over 9 percent. And so we have several tens of thousands of workers, men and women out there, who have worked for some great length of time during their life but have been unemployed now for a full 26 weeks. They have exhausted their basic unemployment benefits, have not been called back to work, cannot find other work, and desperately need these extended unemployment benefits.

In our State alone, there are 170,000 of these workers who would receive extended unemployment benefits. Not only would it help those workers and their families hold their lives together but that would bring into the State of Michigan alone a figure of $570 million. That, of course, will provide some very important economic strength to the entire State economy and, also, of course, then, that part of our national economy. It will provide some new economic lift.

Those people qualifying for extended benefits will obviously spend those benefits on the basic things they need. That helps create jobs for other people. So that money, then, moves through the economic system. It creates more economic activity and it lifts the economic system so the economy starts to get stronger.

That is part of why we have these so-called countercyclical economic steps that we take when we have serious recessions.

When we have a serious recession and people are out work, we provide the unemployment compensation in part to help that worker and that family sustain themselves. But we also have it there because we want to put some economic strength back into the communities in order to counteract the recession that is going on—to help cure the recession.

So it has those two effects: It helps the individual workers and their families, and it helps the economy as a whole.

As I looked at some of the news coverage of last night's debate, one point I think did not come through clearly in terms of the way this issue and the bill is being summarized. That is, that people need to understand that now for some years we have been collecting a special tax in this country that goes into a special trust fund for extended unemployment benefits. And the money that goes into that trust fund is to be collected when times are good so that when bad times come, we can then draw down that fund by paying these extended benefits to workers who are out of work, exhaust their basic benefits, and yet are not then called back to work.

Therefore, they go into a more extreme situation, and this is designed to help get them through that more extreme situation of a serious recession of the kind that we are dealing with now.

So over the years, as money has been paid into the extended unemployment compensation trust fund, we have now built the trust fund to the point where there is over $8 billion collected in that fund for this single purpose. It is there for the purpose of being available when needed to pay these extended unemployment benefits to unemployed workers who do not get called back to work because the recession is too severe and goes on too long.

So the money has been collected and it is in that fund. It is called a trust fund. That is the name we use for a fund like that. Individuals can have trust funds at a bank. We have a Social Security Trust Fund. But a trust fund is money that is collected for a specific purpose and it is kept in trust. In other words, there is a responsibility that attaches to safeguarding that money so that it is used for the purposes for which it is intended. So that is why it has the name "trust fund."

So there is an element of special responsibility, the phraseology that is used, a fiduciary responsibility, to see to it that the money is kept intact and then used for the purpose that it had been collected for.

What has happened is that the Bush administration really wants to use the money for other things that have nothing to do with extended unemployment benefits. They want to be able to count the amount of money in that trust fund, the $8 billion, that surplus that has built up, in the context of the Federal budget they want to be able to count that amount of money against all of the other spending activities of the Government, which includes everything from spending overseas to the Defense Department to any other program that you want to talk about.

So as a result, by, in effect, applying the dollar value of the trust fund against all the other spending of Government, they then want to turn around and say, yes, even though $8 billion has been collected in the trust fund, it cannot be used for the purpose that we collected it because we want to count it against an entirely different purpose.

Why would they do that? It is sort of an accounting trick. It is a very misleading device because it is being used to make it seem as if there is not so much spending going on in the other areas of Government. They can sort of hide part of that spending by applying this $8 billion surplus in the extended unemployment benefits trust fund against all of this other spending. It is a standard Government trick. It has been going on around here for years, but particularly since the start of Reaganomics and since the 1980's because there was a radical supply side economic proposition put into effect which has worked in such a way that has done great damage to the economy. It is part of what has brought us to this recession. It has helped collapse part of our financial system that we are all familiar with. It has helped create massive Government deficits, the largest by far in our Nation's history.

As we were discussing last night, because an awful lot of people signed on in behalf of that supply-side snake oil back a decade ago, and then the follow-on, which were the so-called budget arrangements, first Gramm-Latta in the House and then Gramm-Rudman in the Senate, a lot of people unfortunately have become locked into defending the kind of budgeting arrangements that have the purpose of trying to make the problems look less than they really are. That is the situation that we are in.

The cold fact of the matter is there has been $8 billion collected in that extended unemployment benefits trust fund, and if we do not provide these benefits, within a year's time that surplus will grow by another billion dollars. In fact, it will go all the way up to $9 billion.

As I go around the State of Michigan, I talk with unemployed workers—and I have talked with a very large number of them. I have talked with many of them, most of them who have families—some are single parents, men and women responsible not just for themselves but for smaller children in their family units—they asked me the question: What are we to do? We have been unemployed for 6 months. We have not been called back to work. There are not other jobs available in the community or anyplace we can see because unemployment in Michigan right now is over 9 percent. We have basic bills to pay, the key things like eating each day and keeping a roof over someone's head or paying the doctor bills if a child has to go to the doctor with an illness of some kind.

They are asking why is the Government not responding by providing the extended unemployment benefits in the face of the kind of severe recession that we are dealing with.

They know from what they have heard and the stories that have run that there is this money that has been collected in the trust fund for precisely this purpose. Now the time has come when it is needed. They need it. It was collected in their name. And they are asking, why are you not doing something about it, why is the Government not acting?

So we did. We passed a bill to provide the extended benefits. We sent it down to the President. The President took a look at it and decided that, no, he could not justify, in his mind, allowing that money to be released to go out to the people across the country in this situation. Somebody must have counseled him on this, but in the end he decided it was not an emergency; it did not qualify.

I do not have the precise list in front of me. I can have it hear in a moment. We have responded to a lot of emergencies already this year; very few of them in this country, by the way. Most of them overseas. The President has come in and asked for money for emergency problems in countries all around the world. In fact, if we had a globe of the world right here and I started listing the countries that the administration has asked us to send money to this year, most people could not find those countries on a map of the world because they are so small and so hard to find. And yet our Government has managed to find them, managed to help them.

Yet, here at home in our own country where we have now, if I count up all the people who are in this category, everybody who is out there looking for work that they cannot find, or who want work and finally have just given up because of the impossibility of finding it—these are the data that are provided today by the Government—the actual unemployed workers in the country, the ones that we identify by name that come within the current benefit system—8,488,000. It is a big number. The number of people who are called involuntary part-time workers—these are people who may be working a few hours a week and want to work full-time but they cannot find full-time work, so they are working part time because that is all that is available to them—in that category there are 5,892,000. So those nearly 6 million have to be added to the other 8.4 million in terms of people who want to be working more than they are able to and cannot find the work.

Then there is a third category called discouraged workers. Discouraged workers is sort of a carefully chosen word to try to describe that group of people whose situation is so impossible that they finally have just given up and they have sort of dropped out of the picture altogether. A lot of them are homeless people. We have homeless people in communities all across this country. In fact, our homeless shelters today are overflowing because there are so many homeless people and there are not enough shelters to take all the homeless people. So if you go around the city of Washington on any night, you will find on the park benches, under the bridges, in cardboard boxes, in doorways, sleeping on the hot air grates on the sidewalk where the Government heating ducts run under the sidewalk, hundreds and hundreds of displaced people, homeless people.

There are some who are so hard boiled about it—actually we had some in our Government a few years ago who said, "well, if they are living like that, they must want to live like that; that must be what they prefer; they are just not willing to make more of an effort to get themselves squared away."

It is a comment that is really unworthy of discussion, because the problem is a very real, very pervasive, very widespread problem. But who is in the discouraged worker category? The Government now says 981,000 people. I know that number is not right. I know it is a good bit higher than that, just because of everything that one can see with one's eyes.

We went out in the last census to try to count the homeless people, and that was a major fiasco because it is a very difficult job to do. And quite frankly, I do not think the Census Board had its heart in it. In any event, that is the published figure at the moment: 981,000. We add these up, and we are talking about a full 10 percent of the work force, the potential work force of this country. That is a lot of people.

I made the comment last night that I saw the President, a friend of mine, out at the Grand Canyon in this wonderful setting, and so forth. It is nice to see the Grand Canyon. I am glad he saw the Grand Canyon. We have a grand canyon full of unemployed workers in this country. I do not see any attention being paid to that.

I think the President owes it to the country and owes it to the unemployed workers to take a trip down to an unemployment office, to go in and talk to the people who are standing in line—not just those who are out of work and collecting benefits but those who come to try to get benefits and are turned away because no benefits are there for them—to talk to those people, hear what they have to say and take into account what is going on with them. That is part of the American story.

But there is a grand canyon of unemployed people in this country, and yet they do not seem to be able to get on the radar screen in the executive branch of Government. They do not seem to count for enough to become a major interest or point of focus of the policies of the administrative branch of Government.

So we have appealed first by pointing out the problem, and then next by passing the legislation which we are bringing back through again now to try to make it clear that this is an urgent problem that has to be dealt with. It is a human problem of extraordinary dimension. It needs to be dealt with. Our Government needs to respond now. The money has been collected for this purpose, and it ought to be devoted to this purpose.

I will say, the occupant of the chair, the distinguished Senator from West Virginia [Mr. ROCKEFELLER] comes from a State not unlike Michigan in the sense there are very tough economic problems there, hardworking people, people who are used to working in order to make a living. They want to work. They are not looking for a handout; they are looking for a job. They cannot find jobs today in sufficient numbers, nor can they in Michigan.

Rather than having our Government respond with an aggressive economic strategy that can start to provide more jobs so people can go back to work, yes, within the private sector, which is very sick today in our economy and needs tending, rather than do that, the focus is elsewhere.

We spent a lot of time the other day on the fast-track trade authority for a free trade agreement with Mexico. That is a jobs program for Mexico. Mexico needs a jobs program. America needs a jobs program. We should not be spending our time here figuring out how to take and move jobs from the United States to Mexico when we do not have enough jobs to start with.

But to give you an idea of the comparison, the orientation, the administration came in on Mexico and they said: We need to get this done, and we need to do it in a hurry. In fact, we want to do it so fast we want to put it on what is called a fast track.

There is an actual procedure by which you can hurry it up and get it done to get into a free trade agreement with Mexico, which will have the effect of moving jobs from the United States to Mexico. Why does that happen? Because wage levels are higher in the United States; they are very low in Mexico. Manufacturing workers in Mexico earn about 50 cents an hour. There are no environmental protections to speak of down in Mexico. So businesses have a great incentive to move their plants down to Mexico under a free trade agreement.

So the administration comes in and says: Look, we have to move on this. This is important. This is so important that we want to put it on a fast track. So let us get this fast track set up so we can move some of these American jobs down to Mexico.

I was reminded of it yesterday, because I looked in the paper and the administration is now coming forward with an economic plan for the Soviet Union, which obviously needs help, and they want to put that on a fast track. They have to get that on a fast track.

Is there any way to get an American problem on a fast track? Is there any problem in this country that is worth a fast track? How about health care? How about getting a national health insurance program on a fast track that would do something for the people of America? How about getting an aggressive economic growth strategy into place that would do something about providing jobs in America for American workers? How about getting that on a fast track? How about getting the extended unemployment benefits out to the unemployed workers in this country, that have been out of work now longer than half a year, how about getting that on a fast track? How about cracking down on the trade cheating by countries like Japan and others?

We had a record high monthly trade deficit just reported within the last 48 hours. Japan loves to send its surplus production to the United States. They will not let our production into Japan, for the most part. It is not just manufactured goods; it is also in financial services, and a whole host of other things. Why do we not have a fast track to stop the trade cheating that is taking jobs out of this country and taking economic growth out of this country? Why can we not get that on a fast track?

All the problems that are besetting our people in this country we cannot seem to ever get on the radar screen, let alone on the fast track, in terms of the orientation of this administration. We just cannot get their attention on it.

How about small business? I have been bringing clippings here to the floor from Michigan papers, because small businesses are dying all across the State of Michigan. I am not talking just about mom and pop operations. I am talking about operations that have 400 employees, 600 employees, 800 employees, 1,300 employees. They are being shut down all across the State of Michigan. It is in the RECORD because I put it in there just the other day for reference, for anybody who wants to read the facts, company by company.

We need a plan, an aggressive economic plan to strengthen the business sector of this country, small business in particular. We do not have a plan. We are not even having a debate. How do we get that on the fast track?

Somebody said the other day they were thinking about moving to another country in the hopes that maybe they could qualify, in a sense, for some kind of foreign aid, and maybe they could get their issues attended to that way.

Why does this happen? What causes this to happen? How does a government, an executive branch of government, become so detached from the real problems of people and tune out on those problems? Health care is a classic example. How does this happen? I have a theory about it.

The theory is that the people who are in charge in the executive branch of the Government do not understand the problem and they do not see it because it does not really impact them directly. For the most part, the people in that situation are in very favored circumstances. Their financial positions are strong. Their relationships with people in the business world are strong. By and large, it is not their children standing in unemployment lines. It is not their children standing in line at some understaffed public health clinic to try to get an inoculation against measles or get a checkup when the child has a fever. They are not going without the basic things in life as so many other people in America are. And so they are very far removed from the everyday realities of what is happening in America.

After a while, people in that favored circumstance can get so removed, they can get so elevated and taken up to such an elite level that after a while they just do not understand anymore what is really going on down there where everybody else lives, and where everybody else is struggling to make a living and keep their families squared away, and such.

The health care problem in this country is extremely serious. We have nearly 40 million people in the country today without a penny of health insurance. We have a million of them living in my State of Michigan, and 300,000 of them are children.

Three hundred thousand Michigan children are without a penny of health insurance today. Do they deserve a fast track? If they do not deserve a fast track, who does? Who should come ahead of that?

I will finish with one little personal observation on the health care issue. I see my colleague from Maryland is here.

We had a medical crisis in our family about 1½ years, 2 years ago now. At that time our daughter Ashley was 4 years old. She had a bad stomach ache. It did not go away for several days. We took her to the doctor. They were checking, but could not quite figure it out. We kept going back. She kept complaining. Nobody could get to the bottom of the problem.

Finally, after about a week's time, we went to the doctor again. He said, "You had better take her over to Children's Hospital." We went to Children's Hospital. The doctors there did a particular kind of an examination, and after they finished this, they said to us, "We think she has serious appendicitis. We need to operate right now."

Like any parent, you are stricken when you hear that news because here she is. She is a little 4-year-old. The notion of something that serious taking place is just chilling. So she was taken away shortly out of our arms by the doctors. God bless them. They are wonderful. I admire so much people who are in the profession of medicine, who devote their lives to saving other lives. They carried her down through the doorway into the operating room. She was crying all the way, "Do not let them take me away," and she went in and had this appendicitis operation.

It was quite serious. She was in the hospital for several days. Thank God for the modern marvels of medicine. The bills ended up costing something over $5,000. I am fortunate, like everyone around here, in that I participate in the health insurance system through the Government. Most of those bills were covered by that insurance program.

Why should not every child in America be protected the same way? Why is there a single child in this country so unworthy or so unimportant that, if today they should have a pain in their lower stomach and it becomes serious and turns into appendicitis, why should they not be able to get the care and why should not the parents feel that they can take them because they know that there is a health insurance plan in place, that they will not be turned away, or that they are not ashamed to go, or that are reluctant to go because they will not know they are going to pay the bill?

How many children are there in our society in any day or week or month that are going without the health care, not just in that kind of an extreme case, but across the whole range of needs that children have for health care that they are not getting?

Let's consider the health insurance today that is in place for the top officials of our Government, the President, his family, the Vice President, his family, the Cabinet officers, all of us here in the Senate, the House Members, the top officials in Government.

If suddenly, today, that health insurance coverage were to disappear and be gone, ask yourself the question: How long would it take before the administration would develop a health care plan to put that part of the health insurance back in place? A few hours? Within a day? They would have a plan down here so fast you would not believe it. Talk about a fast teach. There would be a very fast track from 1600 Pennsylvania Avenue down here with a plan to put the health insurance back in place for the top officials of this Government and their families.

The question is, is that group somehow more deserving than every other person in this country? We have a flag standing here. We have these wonderful mottoes around the wall in terms of this is a country of equal people and protections under the law, and the kind of decency that we want to have with respect to how people are treated and our relationships with each other. If we can live with a contradiction today of this kind of a double standard on health insurances, of this kind of a disconnection at the top of our Government from the people who are down there living across this country, then something is very, very wrong. Something is very wrong in this area.

We had a health hearing out in Michigan. We had a young woman named Cheryl Eichler come to testify. Cheryl Eichler was 28 years old. We had set up the hearing to look at health care problems. By the day the hearings came, she had been hospitalized because she had what is known as Crohn's disease. It is a very serious problem. She was in the hospital the day of the hearings. She felt so strongly about talking about the problems facing people without health insurances that she checked herself out of the hospital and came to the hearing.

She was saint like, a wonderful, lovely person. She probably did not weigh 90 pounds because she had lost weight in this illness. She came and made as powerful a statement as I think I have heard in 25 years in the Congress by witnesses up and down the line from citizens to Presidents. She described what it was like for her.

She was working at a 7-Eleven, earning $12,000 a year, no health insurances, afraid to go to the doctor, usually went late because she did not know how she was going to pay the bills.

She told such a powerful story, I put it in the RECORD before. Six months after the hearing she died. I am convinced that she would be alive today if she had gotten the care she needed when she needed it.

That is a crime. It is a crime against her, it is a crime against us, and society as a whole. There are tens of thousands, millions of people like this across the country.

The other day I had a chance to go down to visit the President on another issue. I was pleased to do it because we have known each other a long time, and I have a great fondness for the President. I took Cheryl Eichler's testimony with me, just two pages. I asked him if he would read it. I did so because I know the President, from news stories I have read, has a child of his own with Crohn's disease. So they have had to struggle with this within their own family circle, dealing with what is a very, very difficult and very painful and very expensive problem. So I thought, in seeing Cheryl's story, it would ring a very loud bell because of the difficulty they had to deal with within their own family circle on this issue.

I asked the President if he would move on the health care issue, that there were a lot of us here in the Congress willing to work with him. I am chairman of one of the health subcommittees. The occupant of the chair is the chairman of another health subcommittee in the Senate. We can produce legislation. If we can produce fast-track answers for every other problem around the world, we can certainly produce an answer in the health care area. It is long overdue. If we do not do it now, when are we going to do it? Five years from now, 10 years from now? How many people do we lose in the meantime? How many Cheryl Eichler's are there out there suffering in our society right now, in pain this minute? Why do we let that go on? No other modern country today in the world lets that go on because they care more about their people than that. And they know it is good economics as well. It is not only humane and decent public policy, but it is good economics because you need healthy people to have a strong nation.

You have to have healthy people to have a strong work force. So money you invest in your people in their good health and in their job skills comes back many times over.

So it is not just an area to spend money. It is the most important investment we make in this country. It makes every other investment trivial by comparison because our people are our most important asset in this country. From that, everything else comes—the factories, all of the industries, all of the products, all the ideas, all the arts, all the medicine, all the professions. It all comes later after you have the people.

We are not looking after our people in this country. This administration just does not want to see those problems. It is too aloof, it is too elite, too far away. They do not see it. They do not understand it, and they are not prepared to do anything about it.

That is why we are not seeing health care proposal. That is why we are not seeing an aggressive economic strategy and a jobs plan. It is why we are not even seeing something as basic and as fundamental and as time tested as extended unemployment compensation benefits, even though $8 billion has been collected and put in a trust fund for precisely that purpose. People out there desperately need it. The administration says no dice. It is just not that important. That is their answer.

They are wrong, and this Congress has to do something about it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I notice that the Senator from Maryland has come to the floor. I want to say, before he commences his remarks, that I commend him for the outstanding job he has done in his role on the Joint Economic Committee, and for looking at the economic problems that have built up in this country and the need for urgent attention to those problems.

I think probably no one has done more to help get to the fundamental nature of the unemployment problem, the deficiencies of the unemployment system, and responding to that problem, than has Senator SARBANES from Maryland. He has performed a great service to the country in doing so. I want to say, on behalf of the people of Michigan, we are profoundly in his debt for his leadership on this issue.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Michigan for his very kind comments, and I also want to respond by saying that his leadership on this issue has been of extraordinary importance.

I am delighted that Senator BENTSEN, chairman of the Senate Finance Committee, has introduced this legislation. Senator RIEGLE is a member of that committee and has played a key role in the committee and in helping to move the legislation forward. I have been pleased to join with him, Senator BENTSEN, Senator SASSER, the chairman of the Budget Committee, and many other of our colleagues, including, of course, the majority leader, Senator MITCHELL, who has been very deeply concerned about this issue.

Mr. President, next week we are going to have an opportunity to respond to the pressing need of millions of Americans. I want to take just a few minutes this afternoon to discuss the economic situation in which we find ourselves and why it is so important to seek to address it.

Extending the unemployment benefits will not solve all of the problems, but it will address the most immediate crisis. There are millions of Americans who have lost their jobs through no fault of their own, but because of the economic downturn. They now find themselves unable to meet their basic family responsibilities.

We have received letters from people who are about to lose their homes and are desperate as to how to meet their family obligations. Later, I intend to quote from just a few of those letters, in order to give people some sense of the responsible American citizens about which we are talking. These are working people. These are people who have held jobs for a sustained period of time and now find themselves in this extraordinary crisis.

The first point I want to make is that we are experiencing a much more serious recession than most people have conceded, certainly worse than the administration will concede. The unemployment insurance system was designed to play both a countercyclical role to help stem the downturn, and a vital humanitarian role in a recession. This is the basic safety net for working people who lose their jobs. You cannot draw unemployment insurance unless you have held employment for a continuous period of time. By definition, we are talking about working people.

The current unemployment insurance system is doing an unsatisfactory job of addressing these vital roles. Therefore, it is imperative for the Nation to follow the precedent of the last five recessions of any sustained length, going back to President Eisenhower, and extend unemployment benefits.

We have heard this siren song from the administration from the beginning of this economic downturn. They believe the current recession represents only a minor dip in economic activity. The standard phrase for it that we have heard from administration spokesmen from the outset is that the recession is "short and shallow."

A review of the available data indicates, however, that in many important respects, this is a serious recession. It is not "short and shallow," but far more serious than is generally perceived. First of all, the recession is clearly not short. This recession, which started in July 1990, has already run for more than 13 months. Only two recessions in the post-World War II period lasted longer, both 16 months: The recession in 1981 to 1982, and the equally long recession of 1973 to 1975.

So this is not a short recession. It is already beyond the average, and it is coming up on the two longest recessions we have experienced since the end of World War II. Second, this recession is not shallow. The decline in employment in this recession has paralleled, in percentage terms, the job loss during the 1981–82 recession; and that was the worst recession we had experienced in this country since the Great Depression of the 1930's.

In fact, the job loss in percentage terms in this recession is worse than the first 13 months of the 1981–82 recession. That is demonstrated by this chart which shows the decline in employment from the prerecession peak. This line is the current recession, and this line is the 1981–82 recession. What you see is that this recession in terms of percentage job loss is worse now than the 1981–82 recession.

So much for the short and shallow argument. In fact, the official unemployment rate understates the severity of this recession. The unemployment rate rose from 5.3 percent in spring 1990 to a peak of 7 percent in June of this year, and it is now at 6.8 percent.

Because the unemployment rate has not risen more, the administration cites it as evidence that this is a shallow recession. In other words, they say the unemployment rate has only gone from 5.3 to 6.8 percent. Of course, if you are one of the people who gets caught in the rise from 5.3 to 6.8, it does not matter to you whether it is shallow or short or anything else. You are out of a job, and you have a problem providing for your family. But this rise in the unemployment rate masks the real extent of the unemployment problem because there has been virtually no growth in the labor force.

In fact, if the labor force had grown as anticipated, more people would now be looking for work, and the unemployment rate would be substantially higher than it is today. We received testimony at the beginning of this month that if the labor force had grown as expected during the past year, the unemployment rate today would be 7.8 percent, not 6.8 percent. People are not entering the labor force. Why not? It is obvious. There are not any jobs out there, so they do not enter the labor force.

Now on top of that, we have discouraged workers. A million of those people get so discouraged that they simply stop looking for a job. There are 8.5 million unemployed, defined as unemployed by the 6.8-percent figure. There are about another million discouraged workers, and there are 6 million people working part time who want to work full time. That is called working part time for economic reasons. There are some people who are working part time who want to work part time. They were looking for a part-time job. That is what they want. That is what fits into their plans. But, there are about 6 million Americans who want to work full time and cannot find a full-time job, and they are working part time. You know as well as I do that part-time work generally means no benefits, no health care, and no retirement. If you add in all of those people, all of the ones I have mentioned, people discouraged, people working part time who want full-time work, the unemployment rate would be about 10 percent.

The Labor Department puts out an unemployment rate which they call the comprehensive unemployment rate. This figure is the official rate. This is the rate that is announced and that we see in the paper. That is the 6.8-percent unemployment rate which people have been mentioning. As we can see, on this chart in the first quarter of 1990, the official rate was 5.3 and the comprehensive rate was 7.9 percent. Look what has happened. The official rate started going up in the third quarter of last year. It went to 5.6 percent. In the fourth quarter it was 5.9 percent.

Let me just make this observation regarding the basic 26-week unemployment insurance program. If you lost your job in the last 3 months of 1990, and the unemployment rate for that quarter was 5.9 percent, you started drawing your benefits about the beginning of this year, by now you would have used up all of your 26 weeks of benefits. You would no longer receive unemployment insurance, and you would be trying to find a job in a job market in which the official unemployment rate is now 6.9 percent and the comprehensive rate is 10 percent. In other words, you would be trying to find a job in a job market that is worse than at the time that you lost your job.

One of the purposes of unemployment benefits and one of the reasons we extended it in past recessions is to get people beyond that point. It is to try to help them so that when the economy picks up again they are in a position of trying to find a job in a job market that is better and improving over what it was when they lost their job.

That has not happened here. So people lose their jobs.

They used up their benefits. They are not trying to find a job, and things are even tougher. Some people are working part time at two and three jobs and it does not add up to a full-time job. I have gotten letters to that effect from people. They are working anywhere they can find it. They are desperate, absolutely desperate.

In 1990, nearly 20 million Americans experienced at least one period of unemployment sometime during the year. It does not mean these 20 million were unemployed all at one time, but in the course of the year, 20 million experienced at least one period of unemployment sometime during the year. That is about 15 percent of the American work force in 1990. This year, it is estimated that the number will be closer to 25 million Americans who will have experienced a period of unemployment during 1991. That is the depth and length of this recession.

Let me turn to the proposition that the recession is almost over. The Commerce Department at the end of August recently revised downward its estimates for GNP in the second quarter of this year to show that rather than going up by 0.4 percent it went down by 0.1 percent. That means that the gross national product has now dropped for three straight quarters. It dropped by 1.6 percent in the last quarter of last year, 28 percent in the first quarter of this year, and now 0.1 percent in the second quarter.

During this recession we have had 3 quarters of negative economic growth. In fact, economic growth under this administration has been the weakest of any administration in the post-World War II period. The very distinguished chairman from the Senate Banking Committee, spoke about that last night on the floor, as did the chairman of the Budget Committee. Economic growth under this administration has been the weakest by a factor of about one-half of any administration in the post-World War II period.

In addition, other economic indicators show that the recession may not be ending. After rising from February through July, permits of new housing fall by 5 percent in August, suggesting that a weak recovery in the homebuilding industry may soon come to an end.

In August, retail sales fell by almost 1 percent, ending a brief upward trend that began in May. This followed a one-tenth of 1 percent decline in personal income in July, which suggests that weak consumer spending may keep the economy in doldrums for some time to come.

Furthermore, exports are not having a stimulative effect that many had predicted. In July, exports rose by $300 million, while imports rose $2.4 billion to the highest level since January. In addition, businesses have sharply cut their investment plans for this year. According to the Commerce Department's latest survey, businesses plan to increase spending by only a half percent on plant and equipment this year. Earlier in the year, they had indicated plans to increase spending by 2.7 percent.

Many other indicators suggest that it is possible for this recession to linger for some time to come. Some have suggested we may well have a double dip recession. We may manage to have some very anemic growth for a quarter or two and then lapse back into negative growth.

We need to move expeditiously in the Congress to deal with the human consequences of this recession. One of the particularly timely responses to the recession is reform of the unemployment compensation insurance system. That is the issue before us. It will be addressed next week. It is the single, quickest thing we can do to provide assistance to those that have been battered, cruelly battered, by this recession.

Recessions generally have the effect of increasing the numbers of long-term unemployed for the very simple reason that people who lose their jobs at the beginning of a recession have to try to find new ones in a job market that continues to deteriorate. I outlined that earlier.

If you lost your job last fall or last winter, you are now trying to find a job in a job market that is worse than when you lost your job. You have run out of your normal benefits. Unfortunately, we can expect this pattern to continue for a number of months.

In fact, one of the things we have to realize is that even after the recession ends—and I contend here there is no convincing evidence that this recession is ending—the number of long-term unemployed continues to rise.

This chart shows the number of long-term unemployed after a recession end. These lines show when he 1975 recession ended. This shows the 1981, 1982, 1983 recession. In each instance, the number of long-term unemployed continued to go up after the recession was over, and there is every reason to expect that the same thing will happen this time.

Recent data confirm that this pattern is repeating itself right now. The number of persons unemployed longer than 26 weeks has steadily risen through this recession, as illustrated by this chart. This is the number of people unemployed for longer than 26 weeks back in June, This is the number of persons unemployed longer than 26 weeks now. You can see that the number of long-term unemployed has almost doubled in the course of this recession.

As a quick targeted program of income replacement for jobless workers, the unemployment insurance system is ideally suited to counteract the effects of a recession. The program was very carefully designed. The funds are spent immediately without a lag in bureaucratic decisionmaking. Moreover, the funds are automatically spent in the areas of greatest distress, namely, exactly where the unemployment is.

The system has two basic tiers. The first consisting of a basic 26 weeks of benefits. The second is a package of additional weeks of benefits for those who have exhausted their regular benefits without finding other employment.

In this recession, the extended benefits program has virtually failed to perform its intended role. In every past recession, the Congress and the President have made certain that extended benefits were available to the long-term unemployed, either by enacting new legislation or by ensuring that existing extended benefits programs worked to support the long-term unemployed.

But in this recession, the extended benefits program has utterly failed to provide income support for the long-term unemployed. Today, workers in only two jurisdictions—Puerto Rico and Rhode Island—qualify for extended benefits. Even though some States have unemployment rates of 8, 8.5, 9, 9.5 percent, they are not qualifying for extended benefits. The program is not working. Only 14,000 of the 8.5 million people officially unemployed are receiving extended benefits.

I want to show a chart of people who received extended benefits in previous recessions compared to this one.

This is the recession in 1974–75. You see how the number of people receiving extended benefits has increased. The economy recovered and the numbers came down. They went back up in the next recession, back down, and then up again. Then 1981–82, during the Reagan administration, persons receiving extended benefits went up. This is what has happened in this recession. You can barely see it—14,000 of the 8.5 million Americans unemployed are receiving extended benefits.

Just as they have done for all five recessions of this length over the last quarter of a century, Congress and the President should act to extend unemployment insurance benefits for people hit by the recession. Such legislation would give a stimulus to the economy and relieve some of the hardship for the soaring number of workers who have lost their jobs.

We have before us today a bill, introduced by Senator BENTSEN, of which I am pleased to be an original cosponsor. The bill would honor these precedents of the past by giving us an extended benefits program to provide additional unemployment insurance benefits for millions of long-term unemployed Americans.

The Bentsen program has a sliding scale. Depending on the severity of the unemployment in a particular State, the bill would provide extended benefits from anywhere from 4 to 20 weeks—20 weeks for those States with the highest unemployment rates—and it would reach back to cover workers back to last spring.

The bill would be temporary, providing extended benefits for the victims of recession. It is a prudent and responsible approach to honoring our traditional responsibilities to aiding the long-term unemployed, the principal victims of this recession.

Some day, how are you going to fund this program within the budget agreement? Mr. President, first of all the budget agreement provided that we could go outside the budget caps in order to provide for a program if it was an emergency. The President has come to the Congress this year and requested funding, which he received, for emergencies overseas, to send aid out of the country to respond to pressing situations. He came to the Congress and said, "I am asking you to go outside of the budget caps and declare this an emergency, so we can make these expenditures." The Congress agreed with the President. Now we are saying to the President that there is an emergency here at home, and we are calling on the President to find with us that there is an emergency which requires us to meet the pressing crisis in which millions of Americans find themselves. The logic for declaring an emergency is made more compelling by the fact that the extended benefit trust fund has a balance of over $8 billion.

Let me repeat that. It is very important to understand what is happening here. Employers pay taxes into the extended benefit trust fund to provide for extended benefits. That is the purpose of those taxes. That fund, according to the Office of Management and Budget, began this fiscal year with a balance of $7.2 billion. In the course of this year, that fund will receive another $700 million in taxes from employers who were paying those taxes for the purposes of extended benefits.

In addition, it will earn $600 million in accrued interest. It is estimated that it will pay out over this year $130 million in benefits.

Think of that. We had $7.2 billion in the fund at the beginning of the year. We are going to add, between additional taxes and interest earned on the balance, another $1.3 billion this year, and we are going to pay out $130 million in extended benefits. So this fund is building up a surplus right in the middle of a recession, when you have millions of Americans not drawing extended benefits.

Of course, if people pay money into the fund for the purpose of paying these benefits, and you do not pay them, you are going to build up the surplus. In my view it borders on the criminal to levy these taxes for this specific committed purpose and then not to use them for that purpose when there are millions of Americans who find themselves in desperate need.

The theory of the fund is you build it up in good times and use it in bad times. Now we find that the trust funds will actually build up surpluses at the very time when they should be drawing down past surpluses to fund adequate income replacement for laid- off workers.

The Bentsen bill would use part of the funds in the trust fund balance for the purpose for which they were intended; namely, to finance payments of extra weeks of unemployment benefits. I defy anyone to explain to me why tax revenues paid for a dedicated purpose are not to be used to support it in a time of such need.

Last month, we sent the President legislation to declare an emergency and to make it possible for these benefits to flow. The President refused to make that declaration and, as a consequence, we were not able to pay the extended unemployment benefits. That was in mid-August.

All it took at that point was for the President to concur with the Congress that this constituted an emergency for millions of Americans and to declare it so. Then the unemployment extended benefits could have been paid beginning in mid-August with a reach-back to help people confront their circumstances.

The whole purpose of the emergency declaration in the budget agreement was to provide some flexibility in responding to new problems. Today's recession is clearly a new problem not anticipated at the time of the budget summit agreement. Nor do I believe it was anticipated at the time that we would have a massive failure in the existing extended benefits program in meeting the needs of the long-term unemployed.

The President found emergencies overseas, and I want to know why the President cannot find an emergency here at home. Every other President and Congress in the post-World War II period perceived it as such and joined together to enhance the extended benefits programs. That is reflected in the number of persons receiving extended benefits during those recessions. Not this time; not with President George Bush. He does not perceive the emergency we face here at home.

Why are these employers paying these taxes for unemployment extended benefits if they are not going to be paid when we go into a recession? Where is the honor in taking that money from people, taxing them for it for a particular purpose, and then not using it for that purpose when the emergency arises?

I have talked about the economic circumstance in which we find ourselves. First, it has not been a short and shallow recession. Second, we cannot be overly optimistic that the recession has ended; third, even when the recession ends, the number of long-term unemployed will continue to rise for a number of months. So this problem does not end when the recession ends. In fact, this problem gets worse for a period of time after the recession ends, and the recession has not yet ended.

The President signed the bill which extended unemployment insurance benefits, but he did not declare it an emergency. He said he wanted to show his concern for the unemployed. What good does that do? Those are words. You cannot eat those words. The unemployed person has family responsibilities to meet.

I want to close on that note, because on the bottom, this is a human story. This is a story of individuals and families all across this land who find themselves, many for the first time in their lives, in a situation for which they have no fault. The situation is clearly beyond their control, and they are not getting the help to which they are entitled and to which they deserve.

I want to quote from a few letters that I have received. We held some hearings on the unemployed. We actually had before us four unemployed people from across the country to, in effect, tell us their story and what they were confronting. Those hearings were carried on television.

Subsequent to that, we received a number of letters. I am just going to quote from a few of them, because there has to be an understanding of the human dimension of this crisis. These letters are important because they set the context and they make it clear that this is not some blip on the economic radar screen.

Let me underscore the human dimension:

> DEAR SENATOR SARBANES: I am writing this letter to you after watching the hearing on television on the problems of unemployed people in AMERICA.

AMERICA, in this letter, is spelled in capital letters.

> The reason I put that in capital letters is because we would be better off if we were from a foreign country so that President Bush would see it in his heart to help us out. He does nothing for the Americans that are suffering.

Mr. President, I am not going to read all of this very moving and thoughtful letter, but I am going to go through and take certain portions of it.

> I only hope you will be able to get through to Bush and make him realize that we are in an emergency situation in our own country. What we as unemployed people want is to be able to rebuild our self-esteem, pay our bills, and contribute to this country. We are not looking for a handout, but right now we need more help.
>
> It is sad to know the funds are there, but the President will not release them. People have this idea that being unemployed is fun. It isn't. It is extremely depressing. Everyone thought I was lucky having the summer off. I did not enjoy 1 day of this summer, as I was worrying about getting a job. It is on your mind constantly, from when you wake up in the morning until you go to bed at night. Then if you should wake up during the night, it is right there hounding you.
>
> No, I am not lazy, and I do not believe many unemployed people are. They are just victims of a situation that is called a recession, but which my 77-year-old mother calls a depression. She is probably right.
>
> If things are turning around and the recession is ending, then I would like to know in what country this is happening. I hope I do not have to go on welfare, as I am not that type of person, but you really think about it when things get so bad.
>
> If you want statistics, I will give you mine. I am a white, middle-aged female, single parent of two, head of household. I raised my sons basically on my own since they were 3 and 5. I worked full-time from when they were 7 and 9. I had them in all the sports programs I could. I worked 10 minutes from the house, so I could be available should something happen to them, and they needed me.
>
> My life was a car pool, and I am thankful for them. My sons are turning out to be good men. They are both in college and have always been clean, decent individuals. They really never gave me any major problems, just the normal ones every parent has with their children.
>
> I do not want any praise or desire any for what I have done. They were my responsibility, and I lived up to it. What I want now is help from the Government until things get better for me and all the thousands of people that are in the same situation. Please do what you can to help all of us out. We do not want it. We need it, and we need it now.
>
> Please see what you and your fellow Senators can do to help get this country back on its feet, or else this country will be gone. I know it sounds stupid, but I think it could happen if we do not help ourselves and each other. We are falling off the face of the Earth, and no one cares.

And then another letter, Mr. President, that says:

> I am writing to you regarding a serious crisis that exists nationally. The subject is the lack of adequate unemployment benefits for working men and women. What has been allowed to happen in this country has been a disgrace. I am writing to you as one of thousands of people who have been laid off from their job this year. As I stood in line every other week, I got to hear firsthand the concern and the voices of the people. The first blow was losing their job. The second was seeing the United States Government abandon them in their hour of need. These are the hard-working people that have, over the years, made this country great.

Mr. President, the previous lady I quoted from had worked 12 years steady in one job.

> These are the hard-working people that have, over the years, made this country great. These were workers who have held the same job, in many cases, for numbers of years.
>
> I read in the papers that there is no end in sight to this current recession. I have collected article after article stating that unemployment is rising. I wonder if anyone else is getting this information? If this is happening, then why doesn't President Bush allocate the funds?
>
> What constitutes an emergency? Whenever the unemployment rates have been this devasting in the past, the Federal Government has stepped in. What has made this emergency different? Could it be that no one wants to admit that there is an emergency? As I said earlier, what a disgrace. There are thousands of emergency programs in this country for the needy, and they receive benefits. This extension in unemployment benefits in general are programs for the middle-class working people who have fallen on hard times. They have contributed to this Government. They will pay income taxes on this money. This isn't a handout. This isn't a freebie. These people will contribute again. It has been proven. This country is in jeopardy of losing one of its natural resources. The United States was made great by working people. This Government should show dedication and loyalty to these people who have contributed both financially with their income tax dollars and physically with their hard work.

Mr. President, that is what it is all about. All across America there are people, just like the two people whose letters I quoted here, facing a crisis in their personal lives through no fault of their own. They are not to blame. These are people with substantial work records. They are productive people. These letters I just quoted, they are the people who paid the taxes. They are the people who have met their responsibilities. They are the people who have built the strength of this country. They are now in difficult circumstances.

There is a balance in this trust fund now of over $8 billion—$8 billion—and growing day by day; 14,000 out of 8.5 million unemployed Americans are getting extended benefits. Those not drawing extended benefits are faced with a crisis that is reflected in these letters. They have no health care. They are unable to pay their mortgage payment on their homes, and are in danger of losing the one asset that they have built up over years of hard work. Those that are renting are about to be evicted or have been evicted. Their whole life is falling apart right in front of them.

The money has been paid into this trust fund. The time has long passed to use the money for the purpose for which it was intended. There is an emergency here. Why is it the President can see only the emergencies beyond our shores?

The President says, "Well, you are going outside the budget agreement here." We are not. We are invoking the emergency provisions of budget agreement. The President used this provision to invoke an emergency to send billions of dollars overseas. The President himself came to the Congress and said there was an emergency and asked us to concur in that judgment and to make that money available, and we did so. What about the emergency here at home? What about the 8.5 million people unemployed, the 6 million people working part time who want a full-time job, the million people who have been so discouraged they have completely dropped out of the work force? What about those men and women who have helped to build this country that are now faced with this personal crisis?

It is time for President Bush to recognize the emergency here at home. It is time to enact this legislation, to put it into law, to start paying these benefits and to help to meet the crisis that millions of responsible, decent, honest, hardworking Americans are facing all across this land.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. BAUCUS. Mr. President, I began the August recess by traveling to Alaska's North Slope. I took the time to make that trip because the Subcommittee on Environmental Protection, which I chair, is considering legislation to permanently protect the Arctic National Wildlife Refuge's coastal plain as wilderness.

Legislation also is pending in the Senate that would open the Arctic National Wildlife Refuge to full-scale oil and gas exploration and development. Title VII of S. 1220, the Johnston-Wallop National Energy Security Act of 1991, would require the Secretary of the Interior to develop a comprehensive leasing program for the entire 1.5 million-acre coastal plain of the refuge.

I spent 3 days in northern Alaska. I met with Native representatives of the Arctic Slope Regional Corp. who support development.

I toured BP's new oil production facility at Endicott and visited the refuge's coastal plain with BP representatives. I discussed the future management of the refuge at length with U.S. Fish and Wildlife Service officials. And I did what few of my colleagues have done. I took the time to fly to Arctic Village to meet with the Gwich'in Indians who oppose development. Why do they oppose development? Because they have depended for thousands of years on the caribou that breed on the refuge's coastal plain.

I returned from this trip convinced that the coastal plain of the Arctic National Wildlife Refuge should be protected from development.

We should not sacrifice our last stretch of pristine arctic coastline for a possible 200-day supply of oil. We should not jeopardize dozens of species of rare arctic wildlife and one of North America's last true wilderness areas for oil that can be replaced at a lower economic as well as environmental cost using available energy efficiency and conservation methods.

Development of this wildlife-rich wilderness would do little to address the real energy problem facing this country, which is our addictive dependence on oil at the expense of conservation and renewable energy resources.

I know that many of my colleagues are undecided about this issue. They should know that shortly before the start of the August recess a Federal judge gave the Senate an important reason to not even consider opening up the Arctic Refuge to oil drilling at this time.

On July 22, Judge Joyce Green, of the U.S. District Court for the District of Columbia, ruled that the Interior Department did not consider serious potential environmental effects in issuing its recent revised oil and gas estimates for the refuge. For instance, it ignored an estimated 400 additional tanker trips from the Port of Valdez. Each of these trips risks another possible *Exxon Valdez* type oilspill.

The court also found that the public was locked out of the process regarding this critical new report, while the Interior Department actively sought input from the oil and gas industry.

To correct these violations, Judge Green ordered the Interior Department to issue a draft supplemental environmental impact statement, and to circulate this statement for public notice and comment so that the public, not just the oil and gas industry, can have its say. Of course the oil and gas industry has a legitimate interest. But certainly the public also has a legitimate interest, and that is the interest Judge Green said was not protected.

If the administration is correct about oil development in the refuge, it should be able to win on the merits of its case, based on an open public process.

Instead, it has tried to operate behind closed doors. It has locked out the public from the debate at almost every step. And it has withheld critical information from the Congress about the real environmental impacts of its proposal.

In its ruling, the court also denied the administration's motion to dismiss other parts of this important lawsuit, which challenge the adequacy of the Department's original 1987 1002 report to Congress recommending that the refuge be opened to drilling.

Because of the importance of this case, the court ordered expedited briefing on whether the Department complied with the National Environmental Policy Act in issuing this report.

This court ruling raises serious questions about whether the Senate should consider any bill to open the Arctic Refuge based on information submitted by the administration. When Congress enacted section 1002 of the Alaska Lands Act, we asked for complete, objective information on the environmental effects of drilling in the refuge.

Congress is entitled to this information before it makes its decision on this critical issue. Now, a Federal judge has ruled that the Interior Department violated the law by failing to evaluate environmental impacts when it issued its recent revision to the 1002 report, and asked the parties whether similar violations occurred with respect to the original 1002 report.

Clearly, it is not appropriate for Congress to decide whether to allow development of Arctic Refuge until we hear from the court whether the administration has presented us with full, fair information of all of the relevant issues.

The court decision confirms my grave concerns about the adequacy of the information presented to the Congress on this issue.

Hearings held by the Environment and Public Works Committee have raised serious questions about the failure of the 1002 report to give full consideration to a wide array of environmental impacts. These include air and water pollution, hazardous wastes, effects on wildlife and wildlife habitat, the threat of oil spills, global warming and a range of other environmental effects of proposed drilling in the Arctic Refuge.

I also question why the Department has not come forward with an analysis of important new information that has come to light since the original 1002 report was written; information such as the effects of the *Exxon Valdez* oilspill, EPA reports of rampant problems with hazardous waste on the North Slope, and a Fish and Wildlife Service report that the environmental impacts of Prudhoe Bay and the Alaska pipeline have been far more serious than predicted.

Mr. President, our decision on this critical public lands issue will be irrevocable. Once we unleash the drilling rigs in the arctic coastal plain, we will not be able to undo any harm that has been overlooked or intentionally withheld by the administration. It was precisely for this reason that the Congress declined to make a final decision on this issue in 1980, and asked instead for a fair, objective and comprehensive report from the Secretary of the Interior.

Based on Judge Green's decision and other information considered by the Environment Committee, it appears that we still do not have this information.

We will not know for sure until Judge Green renders an objective judicial decision on the adequacy of the information to us. Until then, it would be reckless and irresponsible for the Senate to take up any legislation that would force us to make an irreversible decision on this issue.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISIONIST HISTORY

Mr. LOTT. Mr. President, I have been listening to the remarks before the Senate this morning and last night until the late hours, and have been thinking about what is being said, I have been appalled at the revisionist history that is underway.

My colleagues here seem dismayed and in great wonderment about why we are losing jobs in America, why there is unemployment in America..

It is because of what is done in this body, in many instances. We hear talk about tying up lands in America so they cannot be developed, so we cannot have oil and gas production. We talk about wetlands requirements so that individuals and businesses and companies cannot develop their own privately owned land. Regulations from the Environmental Protection Agency, regulations throughout this Government make it impossible for business men and women to make a living, to produce a profit, to create jobs.

And what do we do about the budget deficit?

I loved hearing the talk last night about budget deficits. It is interesting to watch some of my colleagues wring their hands and worry about budget deficits. Where do they think budget deficits are created? Here is where they are created. We raise taxes on the working people of America, the business men and women of America, and think we are going to get more revenue? Baloney. When you raise taxes people produce less, people change their behavior, they do not buy goods and products.

The luxury tax is a great example last year. It is a beautiful political statement to raise luxury taxes. Supposedly we will get more revenue.

First of all, it was an infinitesimal amount of revenue that we were going to get. What happens is people stop buying boats. What you have is unemployment in Wisconsin, other States where they produce boats—the same thing with aircraft and even with jewelry stores in Mississippi. People now are going to come in maybe to get something they inherited, a jewel, set into a ring. They pay taxes now perhaps on something that has already had taxes paid on it before. The net result is you get less revenue.

So I really have just been stricken by the debate last night on waiving Gramm-Rudman, and about how Gramm-Rudman did not work or has not worked.

Well, I remember when I first came to the Congress in 1972. I was dumfounded when I realized that Congress had no process to even know what their budget system was. They just spent all the money they wanted to, they added it up, and there was a deficit.

That is why I voted for the Budget and Impoundment Act even though a lot of the members of my party were not voting for it. I thought there should be some system of at least trying to control ourselves.

We had Gramm-Rudman. That was supposed to help solve the problem. But no artificial mechanism is going to solve the problem until we decide to vote to control spending.

Yes, you will jump up and say, great, let us control spending, cut defense more. But let us not cut so-called mandatory programs, and let us not cut discretionary spending. Let us just cut defense.

We are doing that—$15 billion this year alone. We are cutting defense. We are cutting it 3 percent or more over the next several years, and I do not know what will happen in 1994–95. But there will be Senators come in saying, cut even more.

How do they like the base closures? Do they like that? Does it ever dawn on them that a lot of jobs in America are created in the defense industry? When we eliminate bases, when we eliminate plants, when we eliminate programs and projects that affects people that have jobs; welders, pipefitters, people that work on these military installations——

Yes, I think we should cut some of the defense spending because the situation has changed. But how much is enough?

There were speeches made here last night about how horrible the economy was in the 1980's. We are rewriting the history I saw in the 1980's. They said that the supply side tax cuts were bad.

Every year during the 1980's we had increased revenue coming into the Treasury, but we kept spending more money in this institution. We have billions of dollars in mandatory programs that we do not want to deal with. We do not have as much discretionary programs, but there certainly is a lot more that can be done there.

So any time the Congress, particularly the Senate, wants to get the deficit under control, we can do it by controlling our insatiable appetite to spend more money.

With regard to unemployment compensation, I think we have to deal with this problem. I think that we have a couple of solutions before us that will do the job. But to pass an unemployment compensation proposal that will bust the budget agreement, that will cost $5.8 billion, without paying for it some way, is not the responsible way to do it.

I urge my colleagues to look at what Senators DOLE, DOMENICI, and ROTH have proposed. It is a program that would extend benefits, and a more manageable program on a two-tier basis for 6 weeks and 10 weeks. It would really get to the people that need it. It would get to them in a way they could better use it. The gross cost would only be $2.4 billion over 5 years instead of the $5.8 billion under the Bentsen proposal. Most important, it is paid for—maybe not the way I would like for it to be paid for, but there is a financing mechanism.

The proposal that was being advocated here this morning is, let us take $5.8 billion and bust the budget. It is an emergency, it is said. And we do not have to worry about paying for it.

Well, I think we should pay for it. The Dole proposal would provide a system for paying for it.

Others stood up here today and said, what are we going to do to get growth in the economy? Hey, that is a great idea. Why do they not propose something, other than civil rights legislation, and parental leave legislation, and striker replacement legislation, something that will really produce some jobs and will really encourage the economy to grow.

I urge my colleagues to look at the proposal by Senators GRAMM, KASTEN, WALLOP, and others, including myself, that would really do something for economic growth in America, and that would create some jobs. It would cause new jobs to be created so people could get off unemployment.

We always worry about coming along, trying to help people after we made the mess. How about let us do something that will provide a spurt to the economy?

We should reduce the capital gains tax rate. We should create enterprise zones. We should pass the IRA-Plus plan. We should have homeownership incentives for first-time homeowners that would help the homebuilding industry. There is a long list of things in the Gramm proposal that would have immediate positive impact on the economy and create jobs.

So I think that to rewrite the history and complain about the mess we are in and not do something about it—and what we should do is relieve the tax burden, the regulatory burden on the American people, and give incentives to get out there and create more jobs, and quit griping about what is happening. Somebody has to pay attention to the people who are working and creating the jobs and paying taxes, because they are being left out, and we are seeing more people going on unemployment compensation.

I look forward to hearing more debate on this next week. I urge my colleagues to look at the Dole and Gramm proposal, and let us talk about the real solution to the economic problems in this country. Thank you, Mr. President.

Mr. DOLE. Mr. President, first I want to associate myself with the remarks just made by the Senator from Mississippi [Mr. LOTT]. I think we do spend an inordinate amount of time here, after we have destroyed jobs, saying how can we help somebody who is out of work. He underscored the bottom line. We cannot have it both ways. One way to make certain we are going to create more unemployment is to increase the deficit by about $6 billion. That is precisely what will happen if the proposal offered on the other side should pass sometime next week.

Mr. President, up front, I want to respond to the editorial that appeared in this morning's Washington Post entitled "Selling Ether." I think that whoever wrote that article at the Post must have bought some ether and sniffed it before they sat down at the typewriter.

The Post says that budget integrity and the discipline of the budget agreement should be maintained.

I could not agree more with that position. I wish my colleagues on the other side of the aisle did too rather than pushing legislation that will add another almost $6 billion to the Federal deficit.

The bill I and Senators DOMENICI, ROTH, LUGAR, and others will offer next week maintains the integrity of the budget process. Indeed, it not only pays for itself—it will produce deficit reduction over a 5-year period.

One way that this proposal will pay for itself is through a spectrum auction of frequencies that the Government owns and either does not use or does not need.

The Post editorial says that raising money this way and I quote "is precisely the kind of speculative if not gimmicky revenue proposal that the budget agreement was meant to set aside."

Mr. President, selling the spectrum by auctions is not a new idea. It has been proposed as a deficit reduction option since 1986. Auctions are good public policy, which generate savings according to CBO of $2.5 billion. That is real money.

Currently, radio spectrum licenses are awarded through hearings and lotteries. The FCC requires users to pay an application fee, usually less than $150 per license, to cover processing costs. Once a license is awarded, companies consider the license their property, and have sold licenses in the market for as much as $300 million. Not a bad deal, $150 for an asset which can be sold for $300 million.

Private auctions already occur in the resale process except the value goes to the licensee, not the taxpayer.

Our proposal fixes this problem. Auctions bring the license price up to market value and force companies to pay for something they get virtually for free.

Auctions will recapture for the public the market value of the license and the receipts will go to the Treasury.

Companies already complain that the current system of awarding licenses through comparative hearings and lotteries is slow and time-consuming. Auctions will improve an inefficient process by instilling market discipline.

While small rural businesses fear auctions will favor large corporations, the proposal we will offer accommodates this concern by giving the FCC the authority to provide a small business exemption from the auction process.

Mr. President, I ask for unanimous consent that some articles I have on the good policy aspects of a spectrum auction be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. One of these articles is by Robert Samuelson and appeared on May 8 in the Washington Post.

The article is called the "Quiet Giveaway" and says that giving the spectrums away is and I quote "an absurd bit of welfare for corporations and (mainly) the wealthy that, over the years, has aroused barely a squawk of protest."

I hear a lot of talk on the floor about fairness and helping the rich and ignoring the poor. I have not heard much on the other side about this, not one squawk.

My bill gets out front on this issue.

The article goes on to describe some of the winners of this process. In fact, one of them, the Washington Post Co., which owns Newsweek, is typical. According to this article, it had pieces of 10 communications systems and owned one in Miami entirely. By 1988, it had sold all of its stake and reaped an after-tax profit of $170 million—no wonder there is a little bias in the editorial this morning—$170 million profit to the Washington Post, almost tripling its investment of $65 million.

And for comparison purposes, the article says that this profit exceeded the cumulative pretax profit of Newsweek for the last 7 years.

I have not heard anybody complain on the Senate floor. We talk about the rich big corporations and the ripoffs, and this is just one big example of the rich getting richer.

Maybe the Post was thinking of their big profits and how they got richer by this giveway—and not of the real issues we are trying to address for real people.

It seems to me if we are going to have fun and games and see who can offer the most weeks and everything else, as far as the unemployed are concerned, and not concern ourselves about paying for it, we are going to create more unemployment and make the problem even more difficult than it is. I hope the next time the Washington Post writes an editorial they put in this P.S.: do not forget that we made $170 million on this deal.

EXHIBIT 1

[From the Washington Post, May 8, 1991]

THE QUIET GIVEAWAY

(By Robert J. Samuelson)

It's a crazy, but invisible, giveaway. For decades, the federal government has doled it out free and, in the process, spawned huge private fortunes in television and other communications services. It's the radio spectrum: the right to broadcast on a given frequency. Giving it away is an absurd bit of welfare for corporations and (mainly) the wealthy that, over the years, has aroused barely a squawk of protest.

Well, Janice Obuchowski is now squawking. She's the assistant secretary of commerce for communications—not exactly a high-profile job—and she wants private companies to pay for the use of the spectrum. What could be simpler, and how could liberals and conservatives disagree? For liberals, Obuchowski offers populism: Private enterprise should pay for public resources (the spectrum). for conservatives, she offers market economics: Paying for a scarce resource (the spectrum) should promote efficiency.

Guess again. The odds that Congress will pass her plan are less than 50-50. The story of why is a dour reminder of how hard it is to make government work better.

Everyone agrees there's a problem: The spectrum is congested. It's already the lifeline for the television networks and 1,115 commercial television stations (1990 revenues: $27 billion), 9,356 commercial radio stations ($8.8 billion), 1,792 noncommercial TV and radio stations, long-distance microwave transmission and mobile radio for everything from taxis to delivery trucks. And demands for spectrum access are multiplying: Cellular phones, pagers and air-to-ground phones are recent new uses.

Virtually everyone also agrees that, to satisfy new demands, about 200 megahertz of frequencies now assigned to the federal governmental—mainly the Pentagon—should be shifted to nonfederal users. (A megahertz is a measure of spectrum space; a TV channel, for example, is six megahertz wide.) Obuchowski's twist is to require the government to auction off the new frequencies rather than have the Federal Communications Commission award them free on the basis of a hearing or a lottery.

At first glance, you'd expect this proposal to sail through Congress. It blends fiscal prudence and the promotion of high technology. An initial auction of 30 megahertz might raise $2.5 billion over three years, estimates the Office of Management and Budget. And the increased availability of spectrum space would spur innovation in communications technology: services like computer-to-computer radio connections and smaller portable phones.

The trouble is that, in practice, our politics are concerned less with ideas than with the protection of existing interests. Strike one against Obuchowski's plan is that it's opposed by most (though not all) current spectrum users. Not that they'd be immediately affected; the plan would apply only to awards of new frequencies. But it's easy to understand why incumbents don't like it. Gosh, if you've been getting something for nothing for years, you don't want anyone to be forced to pay for it. Once Congress starts charging, the same principle might ultimately be applied to you. For example, a user's fee equal to 1 percent of revenues would raise about $360 million annually from TV and radio stations alone. Hey, that's not a bad idea.

Strike two against Obuchowski is that her plan has image problems. Spectrum users argue that they perform public services and that auctions prostitute the broad public interest to crass commercialism. There are two answers to this. First, the plan permits the FCC to allocate radio spectrum to noncommercial uses, just as it does now, without any auction. Included in this category, for example, would be additional space for police or fire communications. The second response is that most proposed spectrum uses involve primarily commercial services for which free awards create giant private windfalls.

Consider cellular telephones. The industry is now booming, with 5.3 million subscribers (up from 92,000 in 1984). But it couldn't boom until the FCC allocated 50 megahertz for two competing cellular services in 733 separate markets. The FCC spent much of the 1980s doing this. In each market, the local phone company automatically got one franchise. Naturally, a lot of big companies coveted the other. In the top 90 markets, the FCC conducted hearings to pick license holders or encouraged the competing applicants to agree on a joint application.

Winners got a bonanza. The Washington Post Co., which owns Newsweek, is typical. It ended up with pieces of 10 systems and owned one (Miami) entirely. By 1988, it had sold all its stake and reaped an after-tax profit of $170 million, nearly tripling its investment of $65 million. For comparison, this profit exceeded the cumulative pretax profit of NEWSWEEK for the last seven years.

Even bigger bucks often went to winners of licenses for 643 smaller areas, awarded by lottery. The FCC got 386,000 applications, often submitted by groups of private investors. A cottage industry of law firms and engineering consultants cranked out applications with design drawings and financial commitments from banks and equipment suppliers, which were required by the FCC. But many applicants had no intention of building a phone system. Winners sold their licenses for gains: a license on Cape Cod went for $30 million.

This, of course, is nuts. But the lottery actually represents an improvement over awarding all these small licenses in long, costly hearings. That would have delayed construction of new cellular systems.

The solution is to have governments conduct the auction that license holders now conduct themselves. The advantage is not just added revenues. The potential new uses of the radio spectrum are huge; worldwide satellite-to-ground telephone services; data transmission to laptop computers; radio devices to track trucks across the country. All these services may attract lots of companies. No one (including the FCC) can easily know which ones are superior. The best test is to make applicants pay for what they get, encouraging technologies that use the airwaves productively.

It's common sense—but not yet good politics. Last week a House subcommittee voted to transfer the 200 megahertz without an auction. Strike three: Congress loves to give something for nothing.

[From Forbes magazine, May 27, 1991]

WHAT SPECTRUM SHORTAGE?

(By George Gilder)

In the last decade, cellular telephone service has liberated nearly 6 million Americans from the webs of the wire-line telephone. Computing is next. Recent product announcements suggest that this year computer users will begin to join cellular telephone customers in an increasingly wireless world, where voice and data are available wherever there is air.

On Apr. 23, for example, Hewlett-Packard announced an 11-ounce cordless palmtop personal computer code-named the Jaguar. The 6⅓-by-3⅖-inch palmtop operates on MS-DOS and runs Lotus 1–2–3 and six other software packages in its permanent memory, including an upgraded H–P financial calculator, plus any other software loaded into its 512,000 bytes of working memory.

Priced at just $700 and able to run for up to 60 days on two AA batteries, the Jaguar is a full-function personal computer with 16-line display and small qwerry keyboard. Made possible by using an Intel motherboard about the size of a credit card, it is the most impressive feat of American miniaturization since Motorola's Micro-Tac cellular phone. The Japanese have nothing to compete against it, although they surely will.

The Jaguar's most powerful feature is not its size but its communications. Working with H–P, Motorola developed a radio-frequency receiver to connect the Jaguar to the world. Available later this year, the device can download electronic mail or data at any time, anywhere in the U.S., and channel it by software to the appropriate file and data location in the computer. For example, the Jaguar could maintain a stock portfolio, update it as prices change, and provide a continuing computation of net worth and margin position.

Jaguar communicates without wires by receiving its data in digitized form across waves that compose a sliver of the radio spectrum. It uses radio-pager technology, but extends it with powerful software that allows the typing together of short paging messages into sizable documents.

Jaguar's launch was preceded by 24 hours by the announcement of another portable computer: AT&T's long-awaited Safari notebook, a 6-pound, 12-by-9½-inch machine based on a 386SX Intel microprocessor. Particularly attention-grabbing were reports of a future Safari communications peripheral called the Wireless Mailbox. To be marketed in June, the Wireless Mailbox will link the Safari wirelessly to AT&T's EasyLink electronic mail service. Like Jaguar users, owners of the Safari will be able to receive their mail and all manner of other data electronically wherever they want, miles from the nearest telephone wire or coaxial cable.

Within the next few years, such computers will command full two-way links, including voice. The digital palmtop device carried by most people will be a cellular phone with powerful computer features such as the "Charlie" long predicted by Craig McCaw. Capable of receiving and storing both voice and electronic mail, providing maps and navigational aids for the car and performing remote banking, shopping and other tasks, these machines will achieve at last the long-awaited convergence of portable computers and phones.

Meanwhile, back at the office, desktop computers are preparing to shed their wires as well. Apple, Motorola, NCR, Photonics, BICC, IBM and scores of other firms are inventing ingenious ways for disconnecting computers from wire-line networks inside as well as away from office buildings. Although few people recognize the fact, millions of miles of old-tech copper and coaxial cable are becoming obsolete, as wireless systems take over basic voice and data transmission and fiber-optic lines handle heavy-duty communications, such as some video and image traffic.

The common denominator of all these new computing and communicating technologies is the air around us. That is, the technologies share a common need for unused frequencies on the electromagnetic radio spectrum. And there is the rub. According to the experts in Washington, the frequencies have already been claimed. To allocate a piece of spectrum to a new use would be to dispossess someone who has already laid claim to the band.

Earlier this year Federal Communications Commission Chairman Alfred Sikes called for creation of a new frequency reserve to be used for emerging technologies. But he said that the only way to create this new reserve would be to move some existing users to "new homes," as he put it. Wisely, Sikes did not identify which parties might lose their old homes: The politics of taking frequencies from one interest or industry and giving them to others promises decades of wrangling by lobbyists and political action committees.

Is the electromagnetic spectrum really like waterfront property—a naturally scarce resource of which new supplies can be harnessed only at great and increasing cost? Must the frequencies used for wireless radio be carefully controlled, reserved and doled out by politicians and bureaucrats?

As University of Maryland economist Julian Simon has shown, the last three centuries of political, technological and financial revolution and innovation cast serious doubt on any claims about the economic scarcity of any natural resources, whether arable land, bauxite or oil. This is because the earth's resources, as useful materials, are not really material at all; they are mental, deriving their value from the inventiveness of human beings. Petroleum, for example, was mostly seen as useless gunk until Western inventors discovered uses and markets for it. Today, after some 150 years of intense use and repeated prophecies of dearth and exhaustion, proven oil reserves are larger than ever.

Why then should we believe the claims that cellular phones and high-definition television signals will exhaust the electromagnetic spectrum? The only reason, as Simon and others have observed, is that any source or commodity can be made scarce if its price is artificially controlled or its availability restricted. Whether on oil or housing, milk or water, price controls and other political regulations may balk the human invention that increases the quantity or availability of substances when they become scarce. Anyone who doubts this need look only to the Soviet Union, where practically everything is scarce.

The same analysis applies to the range of frequencies that make up nature's electromagnetic spectrum, including those airwaves up to 30,000 megahertz (30 gigahertz), arbitrarily termed radio frequencies.

Strictly speaking, you don't mine or pump, refine or manufacture radio wave frequencies; they stay the same. If too many people try to use the same frequencies at the same time, the signals interfere with and jam one another; the "resource," so to speak, is used up. Therefore, argue the politicians and sundry interested parties who have already staked their spectrum claims, this crucial and finite resource must be regulated by government, in various ways: by the FCC, by Judge Harold Greene, by the U.S. Congress and by the public utilities commissions that oversee telephone rates and services in the 50 states.

Yet far more than any other resource, the spectrum of frequencies is truly infinite. Useful wavelengths run from AM radio waves the length of football fields, to FM waves measured in feet, to microwaves about the size of a fingernail, to infrared and light waves near one-hundredth the width of a human hair, to ultraviolet rays a few tenths the width of visible light, to X rays thousands of times narrower than ultraviolet.

As the wavelengths, become shorter, the frequencies rise, from the thousands of cycles a second (kilohertz) of A.M. radio to the millions of billions of cycles a second in X and gamma rays. The lower frequencies have been the easiest to harness for commercial purposes. But from the point of view of physics, the higher the frequency, the greater the potential capacity for sending information. (More precisely: One hertz of bandwidth has the same capacity no matter where it appears on the spectrum. But there is 1,000 times as much information capacity between 1 and 10 gigahertz as between 1 and 10 megahertz.) In other words, there is enormous potential for commercial development of radio waves in the virgin territory of the spectrum's higher frequencies.

Nearly all these frequencies can be used for communications. Today, however, far less than 1% of this range is actually used. What determines use is not the scarcity or other characteristics of different frequencies but the progress of innovation.

Think of the spectrum as Manhattan Island circa 1500. Not much value in the place then. But by 1700 the Wall Street area was bustling, and by 1900 most of the island was covered with buildings, which were then knocked down to build bigger buildings. The value of the area grew—from a few dollars' worth of beads to tens of billions of dollars as people figured out new and more profitable uses to which to put Manhattan.

So it has been and will be with the electromagnetic spectrum. The diagram starting on page 324 shows the relentless exploration and development since the Second World War of a tiny portion of the spectrum band—from 100 to 4,000 megahertz (millions of cycles per second)—that was previously thought to be commercially useless. Over the past 35 years, mobile phone services have moved from systems using low FM frequencies near 100 megahertz, with as few as 150 users in a city, to the 1960s level of 450 megahertz, used by hundreds of thousands of taxis, police cars, ambulances and businessmen, to the current 900 megahertz band accommodating 5.7 million cellular subscribers. The digitization of voice signals will boost this capacity between threefold and twentyfold, depending on which system is adopted.

Cellular telephony is the current craze, but human inventiveness does not stop at 1 gigahertz, any more than the Woolworth Building was Manhattan's last development. Britain and Japan have already approved spectrum near the 2 gigahertz (billions of cycles per second) level for low-power personal communications networks.

Now Motorola is pioneering into the 18 gigahertz zone. In January, Motorola demonstrated a dramatic expansion of available spectrum, creating a wireless local area computer network entirely equivalent to the wired Ethernet and token ring systems that link most office computers with copper lines. Previous proposals for wireless LANs have proposed using frequencies near the UHF band—or between 500 megahertz and 2,000 megahertz. But rather than horn in on someone else's spectrum, Motorola's pioneering LAN system can operate on a virtually virginal microwave frequency band: 18 gigahertz, an area currently used only for a few point-to-point microwave transmissions. Operating at a low power that avoids health concerns and using spectrum otherwise unclaimed, Motorola's system gained ready approval from the FCC, leaving in the dust Apple and other firms applying for lower, more contested frequencies for their wireless LANs. And as with all spectrum awards, Motorola's price was right; for all winners, spectrum is free.

This exploration and development of spectrum—from 100 megahertz to 18 gigahertz in less than 50 years—repesents quite a bit of human ingenuity at work. What's amazing is that at each step, there was a strong consensus among experts in the field that higher frequencies could not be used for mobile telephones. It was said that moving up the spectrum would require prohibitively bigger and more expensive mobile phone handsets and other equipment, with less range, coverage and reliability.

Why have these gloomy, scarcity-based forecasts proved so wrong? Because in each case, advances in microchip design tools, integration of more transistors on single chips, improved design of radio frequency systems and new antenna technology led to the creation of better systems at higher frequencies.

It is exactly as Julian Simon his said. Human intelligence pushes out nature's frontiers; the frontiers do not circumscribe human intelligence.

What I have called the law of the microcosm dictates that the smaller the computing device, the more of them can be put on a single chip and the faster, cheaper, more useful and more durable it is; in a sense, the less space, the more room.

A similar law governs the radio spectrum. The higher the frequency, the shorter the wavelength; the wider the bandwidth, the smaller the antenna and ultimately the cheaper and better the communications. The working of this law will render obsolete the entire idea of scarce spectrum and launch an era of advance in telecommunications comparable to the recent gains in computing.

In creating its new 18 gigahertz wireless networking system, Motorola took advantage of many stunning technological advances. It used new superfast monolithic microwave integrated circuits made of gallium arsenide to reduce the size of the receivers and transmitters of the 18 gigahertz signal from machines the size of refrigerators to the size of a deck of playing cards. To perform the fast logic operations to encode and decode the signals and correct any errors, the firm used the advanced CMOS technology developed with Toshiba for the firm's microprocessors. To reduce the antenna to the size of an ashtray, a team working under Motorola's chief scientist, Thomas Freeberg, invented a hexagonal antenna that uses computer logic to sort out signals bouncing from many directions in an office environment. Motorola also saved years of design and testing time by using a supercomputer to simulate the intricate patterns of propagation and interference of the 18 gigahertz waves. Thus are advances in computers driving advances in communications, which spur the computers/communications nexus to new heights.

Semiconductor integration is in the process of rising from some 20 million transistors on a 16-megabit memory chip to over 1 billion transistors on a chip by 2001. By the next century, there will be about a millionfold rise in the cost effectiveness of computing—that is, a unit of supercomputing power that today costs $1 million will, in the next decade or so, drop to $1. This is not hyperbole. For example, a single billion-transistor chip, manufacturable for under $100, might hold the central processing units of 16 top-of-the line Cray YMP supercomputers that now cost some $20 million each. With chip densities moving to the level of billions of transistors—or scores of supercomputer central processors—on a single chip, million-fold gains seem a reasonable projection of the accelerating pace of improvement already under way.

Within the next decade, the advance in computing will force a similar expansion of communications power. Those nations that deregulate communications will see an explosive and far-reaching expansion of available spectrum. We will drown in "air" just as surely as we would be swamped with Manhattan housing for all income groups if there were no zoning boards, rent controls and planning commissions to regulate owners' use of their property.

The greatest gains will come from developments in a field not normally seen as spectrum at all: fiber optics. Today Photonics and other firms use wireless infrared rays like those in your TV remote control for line-of-sight computer communications in networks and between buildings. The Jaguar uses infrared for 8-inch direct links to other Jaguars. Fiber optics are just a way of sending infrared light signals along a channel of glass, thus, using for telecommunications a part of the electromagnetic spectrum potentially millions of times more capacious than even the microwave frequencies being used by Motorola's wireless LAN. One fiber-optic thread, for example, can carry thousands of television or other video channels.

A few forward-thinking companies—among them BellSouth, Wiltel, MCI, AT&T and Canada's Rogers Cablevision—have been laying many miles of fiber every year. But by and large, fiber-optic installation in this country is being stalled by telecommunications regulations. With fiber balked, with spectrum allocations narrowly controlled by politicians and bureaucrats—and with the price of spectrum set at zero—a crisis of spectrum shortage is exactly what one would expect.

Not all is bleak on the regulatory front. Some political leaders, such as Representative Don Ritter (R-Pa.) and Senators Conrad Burns (R-Mont.) and Albert Gore Jr. (D-Tenn.) are beginning to worry that the Japanese and Europeans will develop superior fiber-optic networks if the regulatory logjam is not broken.

In addition, Janice Obuchowski, assistant secretary of commerce for communications and information, is recommending that FCC broadcast licenses be tradable. Thus, for example, CBS could sell its spectrum allocation to McCaw Cellular if McCaw thought it could get more profits from the band than CBS. With backing from the Bush Administration, Representative Ritter and a bipartisan group of congressmen have introduced legislation to authorize auctions of spectrum at fair market value. Driving such proposals is the sensible idea that the market can, to use a real estate metaphor, decide which shacks should get turned into skyscrapers better than politicians can.

If this idea takes root, spectrum that is currently not allocated will probably be auctioned off in regular intervals, as rights to log government-owned timberland have been auctioned off to the forest products companies. This form of spectrum privatization would give communications entrepreneurs access to the radio waves, but without destroying the value of the investments already made by earlier broadcast and cellular entrepreneurs. And it would end, overnight, the notion that spectrum is a scarce natural resource.

A glut of spectrum. Does it sound implausible? So did the ideas that human life expectancy would double within this century and that communism would not outlive the century. Human ingenuity can sometimes be repressed by human folly, but it cannot be destroyed. Inventions of the sort we have seen in recent months at Motorola, Hewlett-Packard and other firms will certainly abolish any "shortage" of radio bandwidths.

[From the New Republic, Oct. 9, 1990]

THE PHONE FLUSHWAY

(By David Ellen)

About once a month at the offices of the Federal Communications Commission, the federal government conducts a lottery similar to the lotteries that are now a major source of revenue for state governments. They even use one of those pingpong-ball machines to pick the lucky number. But there are two crucial differences. First, instead of raising money, the lottery is costing the government about $20 billion. Second, the odds are a lot better. A typical state lottery returns about 50 cents on the dollar to the customers. This federal lottery returns about $20 on the dollar. Even that dollar doesn't go to the government, except for a few nickels. Much of it goes to the lawyers and other experts who have turned this lottery into a small industry.

The lottery is for licenses to operate cellular telephone systems in various chunks of the country. The licenses are valuable, since only two are available for any given area. But you don't actually have to get involved with cellular telephones to play Phone Lotto. If you win, you can "cash in" your "ticket" by selling your license to a company that really does want to run a cellular telephone system. Dozens of people have become instant millionaires. Patricia and Robert Gardner of Ovid, Michigan, sold one license to the cellular giant McCaw Communications for a rumored $4 million—sellers always sign strict non-disclosure agreements—and recently won another worth roughly $10 million. A few licenses yet to be lotteried off, like the one for Ocean County, New Jersey, are worth upward of $60 million.

There are already 3.2 million cellular telephone subscribers, and the number is soaring. Market analysts value cellular telephone licenses by multiplying the number of people in the specified region—"pops," in the lingo—by a per-pop dollar figure that varies by location. At the moment licenses go for between $25 and $275 (Santa Barbara, California) per pop. The country as a whole has about 240 million pops. Using a conservative average of $85 per pop (Goldman Sachs figures $110), you get $20 billion as the value of licenses for the whole country. Analysts use this per-pop scheme rather than figuring per actual subscriber because cellular is growing so fast.

Since the Communications Act of 1934, the FCC has allocated chunks of the radio-wave spectrum for various technologies such as broadcast television and amateur radio, and, within those chunks, has assigned specific frequencies to competing commercial providers. In the early 1980s the FCC allocated part of the spectrum for cellular telephone and organized it as a "regulated duopoly." It divided the country into 700 or so geographic markets—305 metropolitan service areas (MSAs) and 428 rural service areas (RSAs). In each, it decided to reserve one exclusive license for a local telephone company (the "wireline" company) and award another license to one outside firm ("non-wireline"). So, for instance, Bell Atlantic and Cellular One both serve the Washington, D.C., area. Having two servers in each area, it was argued, would retain many of the economies of scale of a monopoly while guaranteeing a bit of competition as well. And keeping the second license open would bring some innovative entrepreneurs into the communications industry. Or so the theory went.

The big question, of course, was how to choose the outside operator. Before 1982 the Communications Act gave the FCC only two clear options: "first-come, first-served" or "comparative hearings," by which the commissioners attempt to judge which of various companies would best serve the public interest. FCC comparative hearings are a long-running Washington farce. In earlier technologies such as television and radio, commissioners have spent years (and contestants have spent millions on lawyers) in efforts to determine who is morally and financially best qualified to be handed a license to print money.

In the case of cellular telephone, the FCC tried comparative hearings for the largest 30 metropolitan markets, but found them (to no one's surprise) lengthy, costly, and totally arbitrary. There was not even the opportunity, with broadcast licenses for rival competitors to promise more high-minded shows, more local or minority subject matter, and so on. These comparative hearings gave away the most valuable licenses of all, mostly to rich companies with the resources needed to endure the long process. It was during these early hearings, for example, that the Washington Post Company, having no previous experience in cellular, was awarded interests in several prime markets, including 100 percent of Miami-Fort Lauderdale and a minority share in West Palm Beach. McCaw has since bought the Post's cellular rights—which, remember, the company got for free from the government because it was ostensibly most worthy to run a cellular phone system—for an undisclosed but assuredly huge amount.

The real fun started in 1982, when Congress, in a deregulatory mood, amended the Communications Act to allow the FCC to give away spectrum space by lottery. Although this was accompanied by the usual free market flag-waving, it was not really the free market solution. The obvious free market solution, if the government has something valuable to dispense, is not to give it away at all but rather to sell it. But the government, having sensibly decided it had no moral basis for deciding who should get $20 billion of spectrum space, decided to give it away at random instead.

The FCC tested lotteries for low-power television and multipoint distribution systems (pay-per-view television). But nothing could have prepared the commission for the speculative frenzy that followed its announcement in 1984 of "open-entry" lotteries for the rest of the cellular licenses. While the first 30 markets attracted 200 applications, the first 30 lotteried markets drew 5,200. In all, 100,000 applications were filed for the 305 MSA lotteries ending in April 1988, at one point literally bringing down the walls of an FCC storehouse in Gettysburg. For the RSA lotteries now in progress, the volume grew to 280,000.

* * * * *

Almost every argument against having the government auction these valuable rights instead of just giving them away can be answered by the simple observation that they usually are auctioned away by the people who win them (as when the Gardners or the Washington Post Company sold to McCaw). The only difference is that a few lucky private individuals—chosen at random, or in a farcical comparative hearing—get the money instead of the government. It is sometimes argued that if cellular licensees had to pay for their licenses instead of getting them for free, prices to consumers would be higher. Even in those cases where the system operator really did get the rights for free (rather than buying them from a lucky winner), that is economic nonsense. Sellers charge as much a they are able to. The price they are willing to pay for the license—reflects how much they think they will be able to charge.

But what about the small entrepreneur, staunch auction opponents always rejoin, who can't afford to outbid the giants? The answer is that the cost of the license is part of the legitimate cost of doing cellular business, just as leasing expensive jumbo jets is part of the cost of running an airline—or, more apropos, just as paying the auction price of a Department of Interior lease is a cost of offshore oil drilling. It makes no sense for the government to give away billions—and to create or enhance the fortunes of a few millionaires—in the name of promoting small business. Cellular has at least been spared the absurdity, common in other FCC giveaways, of minority preferences: a handful of lucky or well-connected women or blacks being handed multimillion-dollar fortunes on a platter in the name of affirmative action.

Most of the blame for this $20 billion flushaway lies with Congress. Despite repeated requests by the two Reagan-era FCC chairmen, Mark Fowler and Dennis Patrick, and the Office of Management and Budget, Congress has never given the FCC statutory authority to action off the telecommunications spectrum. Behind the government's perverse generosity, of course, lurk the powerful telecommunications lobbies—traditional media as well as cellular telephone—which fear they may someday have to start paying for what has always been conferred on them for free. Even if a telecommunications or broadcasting company already has an FCC license, there's always renewal time.

Meanwhile, if you're around 20th and M Streets Northwest in downtown Washington on October 4, drop by the FCC and watch Donna Searcy, the Vanna White of the cellular telephone giveaway, pick the next set of lucky winners.

[From the New Republic, June 3, 1991]

OFF THE HOOK

(By Charles Oliver)

On December 20, 1989, the Federal Communications Commission conducted a public lottery for a permit to construct a cellular telephone system in the easternmost section of Massachusetts, a predominantly rural area encompassing Cape Cod. Nine hundred and twenty-five parties had applied, and the lottery proceeding was conducted in a festive atmosphere befitting the holiday season.

In physical terms, the FCC lottery was indistinguishable from Lotto America. Ten pingpong balls numbered 0 through 9 were placed in each of several cages. A blast of air was directed into each of the cages, and the balls swirled around until one of them flew out of the cage. For Cape Cod, three such balls together denoted the three-digit number associated with the winning applicant.

The winner for Cape Cod was a partnership group calling themselves the Rural Area Cellular Development Group (RACDG). But RACDG didn't develop anything. Seventy-three days after obtaining its construction permit from the FCC, it filed an application to transfer its permit to Southwestern Bell Mobile Systems. The FCC quickly granted its permission, and the transfer was consummated.

According to Cellular Investor Newsletter, a publication of the respected investment firm Paul Kagan Associates, Inc., the selling price for the Cape Cod construction permit was $40 million. The sale involved no tangible assets of any kind, nothing, that is, but the right to use a certain band of very scarce and valuable radio spectrum—an asset that had belonged to the government, but which the government gave away for nothing.

There was nothing wrong with the behavior of commission officials in this event, nor with that of the lottery applicants. Indeed, you may be kicking yourself that you didn't apply: a 1-in-925 chance of winning $40 million is worth nearly $43,000, substantially more than the $300 fee that some law firms charge for preparing applications. The scandal is that every action by every individual involved was not only perfectly legal but all too typical.

For years the Federal Communications Commission has been urging Congress to pass legislation authorizing it to assign radio licenses through competitive bidding instead of giving them away in lotteries. So far, Congress has refused. More often than not, the winners quickly turn around, sell their tickets to someone else, and pocket the proceeds.

Ultimately, nearly all commercial radio licenses are sold, either through acquisitions or through the gradual process of stock sales in the licensee corporations. After carefully analyzing the prices paid for cellular licenses in recent months, the National Telecommunications and Information Administration has concluded that the current market value of all cellular telephone licenses in the United States is somewhere between $46 billion and $80 billion, depending upon which appraisal methodology you use. That's a government giveaway greater than—and maybe twice as much as—the cost of Operation Desert Storm. It's about the same amount cut in the budget compromise last year from Medicare's funding for the next five years.

At a time when Congress and the administration are struggling to close the federal budget deficit, a $46 billion to $80 billion giveaway of scarce government assets is a scandal, but it's not the biggest one. When Congress first refused the FCC's requests for authority to auction radio licenses, nobody knew how popular cellular telephones would become or how valuable cellular spectrum would eventually be. But now we know, and the giveaways are still legal.

(Charles Oliver is senior policy adviser to the assistant secretary for communications and information. His views do not necessarily reflect the views of the Commerce Department.)

UNEMPLOYMENT BENEFITS

Mr. DOLE. Mr. President, the distinguished chairman of the Finance Committee—for whom I have a great deal of respect—has introduced the identical unemployment legislation that the Senate passed right before the August recess. It is going to be pretty much a party line vote, and there are more Democrats than Republicans and, therefore, it will pass.

At that time when the legislation was debated on the Senate floor, I said that while the Bentsen proposal was well-intentioned, it was seriously flawed in its approach to providing extended benefits to America's unemployed workers. For the following reasons, I continue to believe that the Bentsen bill is seriously flawed—indeed, perhaps more so today in light of economic developments over the last few weeks.

So what are we going to do about it? Just vote no, say we do not care about the unemployed? No; we are going to offer a substitute and we are going to pay for it. We are not going to add $6 billion to the deficit. We are not going to have quite as generous benefits as the so-called Bentsen bill because we are going to pay for it. We are not going to charge it up to somebody's children or grandchildren. We are going to offer a program that is a fiscally responsible and effective response to the unemployment problems we are all trying to address.

The biggest, single problem with the Bentsen bill is that it is a budget buster. We are breaking the budget agreement. We have not even had a budget agreement for a year and we already are breaking it by $6 billion and we have all kinds of ideas how to break it even more. We do not have any discipline.

Why do we not pay for it? If we are going to help the unemployed, why do we not pay for it? They forget to do that. They just tell you the trust fund is out there even though these trust funds were specifically considered and included as part of the budget agreement.

The Bentsen proposal is going to have two big impacts, in my view, on this country:

First, it is going to increase the deficit by $5.8 billion requiring the Federal Government to sell that amount in public debt to pay for the benefits at a time when private borrowers are complaining about tight credit.

Second, it is going to undermine the budget agreement critical to this Nation's economic health during the next decade and beyond. Indeed, without the discipline of last year's budget agreement which the Bentsen proposal sidesteps, I ask my colleagues on the other side of the aisle what is going to stop Congress from spending lots more money on programs that will inflate the deficit even billions more? I have an idea more programs are going to be coming.

I think the worst message we can send to those who are trying to make the economy work, people trying to find jobs, trying to keep their businesses open and trying not to lose more jobs, is to send the signal—a big $6 billion signal—that we do not really care about the budget agreement; we do not really care about the deficit. It seems to me—and I am also going to include in the RECORD a letter I received in July from the Federal Reserve Chairman Greenspan—that this will harm the economy and Chairman Greenspan's letter indicates just that.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, in addition to avoiding the pay-as-you-go requirement of the budget agreement, the proposal on the other side creates a sort of cumbersome and burdensome, from the administrative standpoint, four-tier system of benefits. You ask anybody in the unemployment offices in your States. I do not care what the State, and they are going to tell you it is almost impossible to administer a four-tier extended benefit program. It is going to take time and there are going to be a lot of erroneous payments.

In addition, the maximum level of benefits provided under the Bentsen bill—20 weeks—is itself unnecessarily excessive and under any analysis will produce a disincentive to reemployment.

Third, the Bentsen bill uses the total unemployment rate, or TUR, as the basis for triggering extended benefits. This measure has never been used for triggering benefits for any extended benefits program and is a highly inappropriate standard given that it includes groups that are not and should not be served in such programs.

Because of all the foregoing problems we see on the other side, we have come up with an alternative, an alternative which complies with the discipline of the budget agreement. It was not easy to pass that budget agreement. A lot of people took a lot of heat for voting for the budget agreement. We ought to at least stick to it 1½ years or 2 years. The American people have the right to expect that much.

Under that agreement, last year we said, OK, if we are going to have a new program, we are going to pay for it—not charge it to somebody's grandchildren or somebody's children. Those were the rules. And in fact, we are going to be reading some of the debate on Tuesday—some statements, great statements on each side of the aisle about the budget agreement, patting ourselves on the back for this great vote, this great discipline and now gong to stand up and say no. It did not last very long.

I want the record to reflect who made some of those great statements.

So in developing our program of extended benefits, which is estimated to have a gross cost of $2.4 billion over 5 years, we have included provisions to generate about $3.1 billion over 5 years with the excess raised earmarked for deficit reduction.

One point two billion dollars is raised by the spectrum auction of frequencies that are owned by the Government and which it does not need or use.

I might add that this provision has nothing to do with a spectrum fee and absolutely no effect on current frequency users or renewals of spectrum licenses.

In addition, the Commerce Department and FCC, in designing the auction process, would be directed to study and, if appropriate, to include provisions addressing bidding access for small businesses because they may otherwise get left out. Indeed, without access for the small bidders, it is going to be the big companies, like the Washington Post, who are going to get most of the gravy, and they have gotten a lot of gravy so far.

One point nine billion dollars is raised by certain student loan reforms which include a permanent extension of the IRS tax refund offset program which allows the IRS to reduce the amount of a Federal tax refund by the amount of debt owed. In other words, if you owe the Government money and you will not make payments, you will not do anything, and you have a tax refund coming, the Government can take that and apply it on the student loan or whatever it may be so somebody else does not have to make that payment for you. That is the law. We just extend it. Our bill provides for a permanent extension.

In addition, certain customary student loan borrowing reforms would be implemented, such as requiring a credit check on borrowers over the age of 21. If you go to a bank and you are over age 21 they are going to do a credit check. We ought to do the same when it comes to student loans. In addition, the bill requires that a borrower provide student identifying information at the time of loan application and exit from the school—again, a pretty basic requirement that should be part of the law. I might add that we are losing hundreds of millions of dollars in unpaid student loans every year.

Finally, let me respond to those who say this alternative will trigger a sequester which is not true.

The bill specifically addresses the issue of spending and receipts and insures that no sequester will occur.

In short, Mr. President, the bottom line effect of this bill is that the bill will reduce the deficit over 5 years and no sequester will be triggered during any year where the bottom line effect of the Bentsen bill is that it adds almost $6 billion to the deficit.

The extended benefits provided by our alternative are a two-tier system, not a four-tier system but a two-tier system. Every State gets 6 weeks and 10 weeks in those States where the insured unemployment rate or IUR adjusted to include exhaustees is 5 percent or more. Similar in many ways to the Bentsen proposal, it is a 9-month program, beginning the first full week in October and ending June 1992.

In addition, the proposal provides for reachback in States qualifying for 10 weeks of unemployment benefits to include those who have exhausted their benefits since April 1991.

Finally, the proposal provides for parity of treatment between military and civilian workers unlike the Bentsen proposal which would allow those who choose to retire or not reenlist to draw up to 26 weeks. You cannot do that in the civilian sector.

I say, finally, I do not think anybody in this Chamber disputes the pain being experienced by unemployed workers, men and women. It is a tragedy for the individual who wants a job and cannot find a job, tragedy for the person, the man or the woman and their children, and it is tragedy for the country when people are out of work.

But, so what do we do? We say, who can draw up the richest program, provide the most weeks and violate the budget agreement more than somebody else? Is this how we address the concerns of the unemployed?

When the Federal Supplemental Comprehension Program was enacted in 1982, the unemployed rate exceeded 10 percent. When that program expired in 1985, when Congress determined that it was no longer appropriate to pay such supplemental benefits, the unemployment rate was 7.2 percent, a level still in excess of the current 6.8 percent level.

So I just suggest to my colleagues, let us not fall into the trap of the so-called Bentsen proposal which seeks to up the spending ante for no good reason.

I would almost be willing to make a deal with my colleagues on the other side. Let us vote on both these proposals. In fact, there is a third proposal addressed by the Senator from Mississippi, the so-called Gramm-Kasten-Lott-Wallop proposal which is a proposal which this Senator will vote for and speak for.

I am prepared to suggest if we really want to help the unemployed, we ought to make a deal, we ought to say to each other, Democrats and Republicans, OK, we are going to have a vote. We like the Democratic plan even though it busts the budget by $5.8 billion, even though it is unrealistic, even though it cannot be administered, but we like it because it is good politics, it offers more, and that which offers more around here always wins.

The only people that lose are the taxpayers and their children and their grandchildren. That is why we have a $3.5 trillion debt. That is why we are paying $200 billion in interest. But do not worry about that, because we have a better idea, because ours is bigger, and we measure America in this body not by what the content may be but what the price tag may be. And if I have a $1 million bill and you have a $10 million bill yours must be 10 times better than the $1 million package.

So let us make a judgment. Let us decide. Let us just roll the dice. Say, okay, we are going to vote on the Democratic plan which adds $6 billion to the deficit and all the things I mentioned. Then we are going to take a vote on the Republican plan. It will probably be the other way around. We will probably vote on the Republican plan first. And then if a veto is sustained on the Democratic plan, we will agree in advance that we are going to take the plan that pays for itself to help the unemployed workers. Why not?

I think the unemployed worker is entitled to more than politics. No doubt about it. There is a lot of pain, a lot of suffering and a lot of cases that need urgent help.

So we have an economy that is sort of shaking along, kind of spotty recoveries; in different parts of the country there are some good signs and some fairly weak signs. But all in all it seems to me that the good signs outweigh the bad signs.

We have had consumer spending rise in 5 out of the last 6 months. Single-family housing starts rose 3.7 percent in July and 20.5 percent since March. We had building permits rise 15 percent since March. Business equipment orders are up 28 percent in the last 3 months. And the number of jobless filing new claims for benefits just released yesterday, fell by 17,000 in the first week of September. Some say that is because of a short work week. Maybe not. Maybe it is a trend.

Well, we have to expect a more robust recovery. But even if we have a robust recovery, there are still going to be some who are not going to be able to find work.

I think, finally, Mr. President, the bottom line around here is not what you pass in the Congress, it is what the President will sign. The President will sign the Dole-Domenici-Roth et al. proposal. He will sign it. President Bush will sign it. And he will veto the other plan, and that veto will be sustained. Make no mistake about it. It will be sustained.

Then the worker can say, "Well, I don't like what President Bush did. I don't like what Congress did. I don't like what anybody did. I'm still unemployed and getting no benefits. Now, maybe one of those big, powerful politicians made some political points somewhere in some union hall, or some union leader, but what does it do for me in Topeka, KS" or in Wyoming, or wherever it may be. It doesn't do anything. You are still out of work and you are still not getting any extended benefits.

So I think sooner or later we ought to stop the charade and the game of politics and the speeches, too, from all of us, including this Senator, and just make a deal, make a deal with the President of the United States and the unemployed workers that we are going to fashion a bill the President will sign. It may not be quite as generous, it may not be quite as complicated, it may not even include students and others who are going to be in the total unemployment rate, or should not be in the unemployment rate, people moving from one job to the other; it may not have all the bells and whistles the Democratic plan has, but if it is signed by the President it will be money in the pockets of the unemployed workers of America.

So I hope we do not repeat our mistake. I hope we can complete action on this bill by next Tuesday evening. Then it will go to conference. And I assume in the conference they will take out the option the President had in the last bill. And then it has to come back here where it could be amended again, and maybe at that point we can agree to send him down two bills. Why not send him down our bill and the Democratic bill? Give the President a choice. Which one will the President sign?

That would be a test for the President. It would be a test for Republicans. It would be a test for Democrats. And it would be a win for the unemployed workers. Why not pass them both, send them down and say, "OK, Mr. President, you can pick the bill that pays for itself, provides 6 weeks and 10 weeks, or you can pick the bill that adds $6 billion to the deficit that cannot be administered and makes some other changes that do not properly reflect what should be our policy toward those who are unfortunately unemployed."

EXHIBIT 1

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, July 31, 1991.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR: The Congress and the Administration face a difficult decision in their deliberations over proposed changes in the unemployment compensation system. We all have considerable sympathy for the hardships caused by unemployment, especially for those who have experienced a prolonged spell of joblessness and who may be exhausting their unemployment insurance benefits. At the same time, we have to recognize the crucial importance of the long-term discipline imposed by last fall's budget agreement and its beneficial effects on financial markets. Issuance of long-term securities by the federal government and by corporations in the process of restructuring their balance sheets has been substantial of late. Aided in part by the prospect that the budget agreement would impose restraint on government bond issuance over time, the market has absorbed this supply with minimal disruption. However, I am most concerned that breaching this discipline would alter perceptions of fiscal restraint and result in some edging up of long-term interest rates.

Sincerely,

ALAN GREENSPAN.

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Chair. I want to pay tribute to my leader, Senator DOLE of Kansas. He is our leader in every sense. It is a great personal honor and privilege to serve as his assistant. I find that a rare privilege to serve with a rare human being. He spoke with great clarity today about where we are on this issue of unemployment.

This has now turned into a point-scoring contest. And I think it very important to keep in mind who the pawns are in this game, and that is American workers. It could not have been stated more clearly.

George Bush is not some heartless man waiting to see if he can euchre the American worker. He is waiting for a bill that he can sign that is reasonable and responsible and has an ability to be paid for. And that bill is the Dole-Domenici-Roth proposal, of which I am a cosponsor.

I think that is a pretty good deal that our leader has proposed. Send the bill we are discussing now on up and the President will veto it. Or, we can take the one that will truly help the worker. The crux of this bill is: Let us just go back to the Senate again, and we will just keep doing it to them. We will just keep doing it to the worker, because it is gaining—they think—some political advantage.

But it must not yield too much political advantage because for months those on the other side of the aisle just sat and produced nothing in this arena—nothing until just before the August recess when perhaps some wandering focus groups got together in some community far from here, or close to here, and decided that they ought to do something with this issue.

Well, I do not think that is very responsible governing either. We do have unemployed. They are frustrated, embittered, and they need help, and we have a proposal to help them. And it is done by paying for it.

Yes, there is $8 billion there. Yes, it should be used. Yes, let us use it. I am ready to vote that way. I am not holding back a bit on that. I have no desire to hold back on that.

But you cannot suddenly take a formula just for purposes of some pressure group to say, "now we are going to use a formula which has to do with the 'total unemployed' when we have never used the 'total unemployed' in any kind of those unemployment benefits before. We have used the 'insured unemployed.'"

All we need to do is go back to that, go back to that formula, and then we can produce a bill. But if the purpose is just to deliver a bill that the President will veto, that seems like a pretty shabby procedure to pull on the American worker. Our side does not desire to do that. We will not do that. And that is why the Dole proposal is, I think, very reasonable and should be in every way appropriately considered.

I think we know that Senator DOLE is a fierce fighter, not only just in legislative combat but in combat on behalf of his country in earlier conflicts.

I will not be long. I do not want to intrude on the Chair or on Senator SPECTER'S desire to speak.

But I have watched in recent times, on the Veterans' Affairs Committee on which I serve and which I chaired, the same remarkable procedure which we witness today. That is put together a new bill, instill it with enough emotionalism and wrap a lot of stuff around it, and we will pass it even if there is not a cent to pay for it; no possibility to pay for it.

We have been doing that regularly. It is no reflection on our chairman or the members. But some of us just sit there and say: This is marvelous; it is brand new, and it certainly appeals to every heartstring and every emotion. It is good, populist politics. But how are you going to pay for it?

And there is kind of a nervous shuffling and clearing of throats, and nothing more happens. Pass it anyway; get it out of here, because it cannot miss.

Now, that is what is happening with veterans programs. We have a budget there of about $32.5 billion for 28 million of us who are veterans. I served for 2 years. I was overseas in Germany. I never had a shell fired at me. And of those 28 million veterans, perhaps only 3 million of them were ever in a combat area. The other 24 of 25 million veterans are often very vociferous as to the benefits.

I have gone through that before, and taken a lot of heat. I say show me the combat veteran from the combat theater, and I say pay him or her anything it takes from a grateful Government. But surely let us get sane about what we do and what we have to do with veterans who never left the United States, never served over 6 months, never were involved in anything more strenuous than special services basketball, where they may have become service-connected disabled from tearing up their knee.

That happens. OK. I have been through all that. You have heard that old saw from me.

But I just say I have watched what has happened in these recent last months, where we are passing legislation with no thought of how to pay for it. We know it will not die. We know it will carry and it will be enacted, and it will go onto the books and then people will say, "How come you did not fund this marvelous program?" And we say, "Well, some of us said we could not fund it from the beginning. That is what we told you."

"Well, I know. That makes no difference."

I bring up that example only for one reason. Because it goes with what we do here, and that is a very extraordinary procedure I have watched now for 13 years. I think it is important to remember that Reaganomics—and I see that term continues to be brought up. Ronald Reagan served this country in a splendid way, with great honor and great honesty. He is no longer here. So Reaganomics surely cannot be the so-called problem. I think we should finally give that up now. For some reason, it did not work to defeat him. It did not work to defeat George Bush. So maybe we can pass on from that.

But I will tell you what was happening during Reaganomics. I was here all during the 8 years. The President would submit a budget. It would quickly be addressed as being dead on arrival, as not responsive to the American public, as ugly and mean-spirited and terrible and evil. And that he was surely out of touch with America.

Then what would happen? It would go down to our sister body, the House of Representatives, our equal body. They would have hearings in a cursory fashion and just build up every single program 10 or 20 percent; add that to every single budget item and ship it down here and say, "There, try that. Ha, ha. Have a good go. And we are doing serious things."

Yes, they were doing serious things, just plunging us ahead into a $3.5 trillion debt. That debt was not created by Ronald Reagan or George Bush. They do not get a single vote, and they never did. They get to veto. We get to override. We get to sustain.

Everything done fiscally in the United States has been done and initiated at the House of Representatives, which seems to have been controlled by Democrats longer than the mind of man.

That is how this happens. Kill the President's budget. Whoop it up over there so you can be popular with every clinging, clawing interest group; ship it over here, and hope the poor Democrats and Republicans in this body will grapple with it some way to make sense of it—which we usually do, and usually in a bipartisan way. That is what is happening in America.

Let no one wonder what this is. It is not complex. It is not complex at all.

So maybe we can get away from hearing about Reaganomics, that old tired saw, and "what is this President doing for America?"

I will tell you what he is doing for America. He proposed a Clean Air Act that had a chance of passing, for the first time in decades, thanks to good Democrats and Republicans. We did an Americans with Disabilities Act. We had not done that before, and 41 million people now have access to public and private facilities they never had before.

We did a child care bill, which had not been addressed in this country, and we did that. We have done a lot, domestically, in the United States. It just happens it does not happen to match the domestic agenda of liberal Democrats.

I know that is a curious thing, a hard, harsh thing to say. But nevertheless, this President is fully aware of what has to be done domestically in this country, and more importantly, he has done it. And this Dole substitute is a classic example of how to do it. Let us do something realistic; stay with the same tier system; stay with the same definition of unemployed; pay for it and use the pooled resources to do that.

I know the frustration level is obviously at flood tide for those on the other side of the aisle, especially with regard to running for President. It is nearly the end of September, and we have not yet had the race.

In previous years, we have had not only the race, but the jockeys have been up and their silks have been on, and the infield prepared, and we have been galloping for months prior to this time. That was in previous years.

It is tough to get people to run against an honest, decent, direct, frank U.S. President, with a spouse that is surely one of the greatest role models of the United States. That must be tough for them. I understand that frustration level. It must be a burning, tough time.

But that is no reason to use this issue to somehow say that this President is mean-spirited and will not provide something for the American worker, or to say that because George Bush does not like some of the proposals with regard to the so-called civil rights legislation, he is somehow racist; or to say that George Bush, in discussing recent issues regarding Israel in quite an honest fashion and for those of us who have strongly supported Israel through the years to be faced with the unfounded allegation that he is somehow anti-Semitic. These things trouble the American people.

I have been sitting in the Clarence Thomas nomination hearings. I have been there for days. It is a tedious process in some ways because oftentimes the extremists on both sides of every issue control the national dialog, and the people who suffer are the citizens, the middle people, the middle thinkers, the moderate thinkers.

Our respective leaders have presented us with the upcoming agenda. I think it is fair. The majority leader, GEORGE MITCHELL, and our party leader, BOB DOLE, work well together in this body. And that is to our benefit. They presented an agenda which has some of the things we very much want.

I think several Members of our party said we are not going to stay here just to do the other party's agenda, and see how many embarrassing votes we can be faced with. That is not what are here for, and we will not be part of that. And I do not think that is to be foisted off on us, and we will be watching carefully if it is.

But what is wrong with helping put the world order together? What is wrong with seeing peace come to parts of the world that we never dreamed in our lifetimes could occur?

What is wrong with helping the world get settled down? I think the finest thing a government can give to its people, of all things, is peace, and this administration has worked on that in the most dazzling and brilliant fashion. It is finally coming to fruition around the world. Once we get that settled down and do what part we can without breaking our own bank, and we are not about to do that, then we, indeed, will have the domestic resources to go forward. What we do not have is the ability to just watch a bill pass with no ability to fund it and just add it to the $3.5 trillion indebtedness we have right now.

So perhaps we can go forward. I look forward to certainly working with the leadership on both sides of the aisle to meet that agenda. I pledge to do that. But hopefully we can stay away from the ancient litany of Reaganomics. Most of the figures we get that point the negative picture of the Reagan Administration start in 1979. He was not even here. I do now know how you can blame anything that happened with regard to this fiscal decline on something that happened when he was not even in office. But to blame it on a President who does not even get a vote is the height of absurdity, and the American people, I think, have that pretty well figured out.

The little bit of fiscal discipline can start to take place down there. When it does, the American people will be the beneficiaries. We will do a bill. It will not be a political ploy. It will not be a gimmick. It will not be wired to see that it goes off under the Republicans' chair. If we spent all of the time figuring out how to do legislation for the good of the American people instead of watching staff figure out how to diddle the other side or lay the snares, or do this little trick, or put this little paragraph, or slip in this little slider, we could get the Nation's business done.

I commend our colleagues who are working on that program to see what we can do to make the system work, and we have a bipartisan group working on that. I commend them, and I will dedicate some of my energies to that. With that, I yield the floor.

ORDER OF PROCEDURE

Mr. RIEGLE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by our distinguished colleagues, Senator SPECTER and the Republican leader, the Senate stand in recess as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. Mr. President, I have just come from the hearings on the nomination of Judge Clarence Thomas for the Supreme Court of the United States, which concluded about 10 minutes ago. As it is my custom, I have withheld taking a position on the nomination until the hearings have been concluded. I have been asked, as is the practice for inquires to be made of Judiciary Committee Senators, what my position would be, and I have declined to comment because I think it is important not to make such a determination until all of the witnesses have had an opportunity to testify because, as a matter of basic courtesy, if a mind is made up and a position is announced, it is difficult to respectfully address witnesses.

But the hearing is now completed. Rather than await an opportunity to have a polished, perhaps written statement, I think it is most appropriate to state my position, which I am about to do.

I support Judge Thomas for confirmation because he is intellectually, educationally, and professionally qualified. He will bring an important element of diversity to the Court. His previously stated opposition to following congressional intent is insufficient, in my judgment, to deny him confirmation.

The proceedings as to Judge Thomas have been highly charged and highly contested. Earlier today, going into the afternoon, there was a very distinguished panel speaking in opposition to Judge Thomas. In the course of that particular exchange, Ms. Eleanor Smeal raised a contention as to process, quoted Newsweek magazine as calling the Judiciary Committee proceeding a charade, and asked our committee to reject Judge Thomas because of his refusal to accord appropriate rights to women and minorities.

In my opinion, Mr. President, our procedure in the Judiciary Committee and in the Senate could be improved, but I believe that we have made significant advances in terms of inquiring into the background and philosophical approach of a prospective Supreme Court Justice and in eliciting information.

Since this country was founded in 1787, no nominee even appeared before the Judiciary Committee until Prof. Felix Frankfurter did so in the late 1930's. It is said that nominee William O. Douglas was waiting outside the Judiciary Committee to see if they had any questions, and there were no questions. In the early 1960's when Justice White was before the Judiciary Committee, it is said that only eight questions were asked of him.

I know that in the almost 11 years that I have been in the Senate and the seven nominating procedures that I have been a party to, I was grossly dissatisfied with the nomination of Justice Scalia because he answered no substantive questions at all. Following that proceeding, Senator DeConcini and I were in the process of preparing a resolution to call for a Senate definition on what a nominee should answer. Before that work could be completed, we had the confirmation hearings for Judge Bork. At that hearing, a pattern was established requiring that the nominee answer fairly specific and extensive questions into his judicial philosophy.

So that I believe we have come a substantial way, but I do believe that we have a way to go yet. I personally believe that it is vastly preferable for Judiciary Committee, members not to take positions until the hearings are over, and that the better practice is for all Senators to await the floor debate. But in our body, the decision on how each Senator responds is a matter for each individual Senator's judgment. Of course I respect that.

Mr. President, a further problem, however, is that some Supreme Court nominees answer only as many questions as they have to in order to win confirmation.

When we had the confirmation hearing of Chief Justice Rehnquist in 1986, I pressed him on the issue of taking away the jurisdiction of the Supreme Court in constitutional cases and Chief Justice Rehnquist responded that he thought that was an inappropriate question to answer because the issue might come before the Supreme Court of the United States.

Overnight, I found a fascinating article written by William H. Rehnquist when he was a practicing lawyer in 1958 and which appeared in the Harvard Law Record. Then lawyer Rehnquist chastised the Senate for asking insufficient questions of Justice Whittaker, whose nomination hearings had concluded shortly before he wrote the article. And lawyer Rehnquist said that the Senate had a duty to inquire on questions of equal protection of the law and due process of law.

When I reminded Chief Justice Rehniqust at his confirmation hearings of what he had written many years before, Chief Justice Rehnquist said he thought lawyer Rehnquist was wrong but then proceeded to answer questions, to at least a limited extent, saying that he believed the Congress did not have the authority to take the jurisdiction of the Court on first amendment issues. But he would not answer the question as to whether jurisdiction could be taken from the Supreme Court on fourth amendment or fifth amendment questions, and also declined to answer why he felt there was a distinction between the two.

But we have seen the process evolve, Mr. President, so that Judge Bork answered extensive questions, as did Justice Kennedy and Justice Souter. Judge Thomas, too answered a great many questions, although he declined to answer some questions.

Judge Thomas answered questions in some detail on the establishment clause of the first amendment, saying that he thought there should be a wall of separation between church and State, an idea first advanced by Thomas Jefferson and a very important doctrine.

He answered questions on the free exercise clause relating to the case of Smith versus Oregon where there was a new lower standard imposed by the Court, below the strict scrutiny standard traditionally used for analyzing governmental intrusions on the free exercise of religion. Judge Thomas said that he agreed with the dissent by Justice O'Connor, preferring the strict scrutiny test, which is, I think, a fair reading of his testimony, although I do not have it before me.

He answered fairly detailed questions on stare decisis, stating that he thought the dissenting opinion of Mr. Justice Marshall was the preferable one in Payne versus Tennessee.

He responded to a question on the death penalty. Many may not like to answer, but he responded to the question.

On the issue of privacy, he commented that he supported marital privacy and a single person's privacy as found in the Eisenstadt versus Baird case. He also stated that he agreed with the validity of the three-part equal protection clause test for discrimination claims.

Many questions he did not answer. He would not answer regarding Bower versus Hardwick and privacy rights for gays and lesbians. He would not respond to the Rust versus Sullivan case, and he would not talk about the validity of victims' impact statements in the sentencing phase of death penalty cases. And most specifically, he would not respond to a question on whether he would overrule Roe versus Wade. That question, of course, is the most divisive issue, the most divisive question to face this country since slavery.

It is my judgment, Mr. President—and Senators differ on this—that it is not appropriate to compel or press nominee to answer any question. My view is that the Senate ought to compel an answer to that question because the case ought to be decided in a specific factual context where there are briefs, arguments, and deliberation among the Justices, and then a final decision is made in the context of a specific case.

There have been a number of witnesses who appeared before the Judiciary Committee, and I would again refer to the testimony of Ms. Eleanor Smeal, who was very powerful witness, as was Ms. Molly Yard, and many others who appeared on both sides.

The hearing was really filled with a lot of emotion, with five African-American Congressmen appearing yesterday and denouncing Judge Thomas as not upholding civil rights and for his views on affirmative action; and others appeared from the African-American community speaking very forcefully on his behalf.

I asked Ms. Smeal directly the question about whether she thought Judge Thomas should state whether or not he would have voted with the majority or the minority on Roe versus Wade, looking to a direct response on that question. And Ms. Smeal responded that she thought he should.

Such critics argue that Judge Thomas really ought to state that he would uphold Roe versus Wade, which I think is unrealistic for a nominee to be pressed to that position, just as I think it is unrealistic to expect the President to appoint someone who is committed to uphold Roe versus Wade in light of what the President's position has been on that issue.

The President has submitted Justice Souter, who did not state a position, and notwithstanding Judge Souter's vote in Rust versus Sullivan, at least in the mind of this lawyer/Senator, I do not think Justice Souter has foreclosed himself on Roe versus Wade. Judge Thomas was explicit in describing his conversations with President Bush, and they did not include any discussion about how Judge Thomas stood on any issue.

Mr. President, I am concerned about the Supreme Court being a super legislature and the Supreme Court exercising a policy judgment. I expressed deep concern about that question to Judge Thomas in terms of where the Court has gone, and specifically on his own position based on his own writings.

In my view—and I think this is a unanimous view on the Judiciary Committee, certainly one articulated very strongly by Senator THURMOND—the Court is supposed to interpret law, not to make law. And yet we have seen—and I only cite two cases because I note my distinguished colleague from New York and my distinguished colleague from Colorado have come to the floor—that in the case of Griggs, the Supreme Court made law. We had a decision by a unanimous Supreme Court in 1971 written by Chief Justice Burger, a conservative judge, stating a position regarding the burden of proof in cases involving title VII of the Civil Rights Act of 1964. Eighteen years later, in Wards Cove, the Supreme Court made new law; a new law was made by four U.S. Supreme Court Justices who placed their hands on the Bible during the course of the past 10 years and swore not to make law but only to interpret law.

Similarly, in the case of Rust versus Sullivan, there was a provision in a 1970 law prohibiting abortion as a means of family planning in federally funded clinics. Then a regulation was issued by the Secretary of Health and Human Services saying that counseling regarding abortion was permissible. That stood for 17 years until 1987 and a new regulation was issued. That regulation prohibited a doctor from even informing his patient or from speaking to his patient or from responding to a question from his patient on the subject of abortion. The Supreme Court upheld that in Rust versus Sullivan, assigning a number of reasons but one of them was a change in public attitude.

On questions of that sort, Mr. President, I believe that it is established doctrine that it is the intent of Congress at the time the law is passed, and that intent is then amplified by the regulation. And when the Congress allows that regulation to stand for 17 years, it seems to this lawyer/Senator that there is a strong presumption, really a conclusive presumption at that point, that that is congressional intent.

The concern that I expressed in the hearings and repeat here today is that we have a revisionist Court. We do not have a Court which is only a conservative Court. The conservative Court expressed itself in Griggs unanimously with a conservative Chief Justice, Chief Justice Burger. The conservative Court expressed itself in a school case of Swann versus School District, again a unanimous Court opinion written by Justice Burger, again an opinion which has been taken issue with by those on the far right who really seek to revise what the Court has done, not to move to a conservative position, but a revisionist Court, which I think is a major concern because what we really have in that context is the Court making new law.

New laws are the province of the Congress of the United States. We may come to a point, Mr. President, where the Senate will have to assert its role as a full partner in the process of selecting Supreme Court Justices.

(Mr. RIEGLE assumed the chair.)

Mr. SPECTER. It is fascinating to note that when the Constitution was adopted the early draft of the Constitution in the Constitutional Convention gave to the Senate the sole authority to pick Supreme Court Justices. If we are going to be looking at Supreme court Justice nonimees whom you vote for very much like you vote for Senators, and when Senators run for election we state our position on all the issues, it may be that the nominees will have to or should have to—we may move to a point where they will be pressed very hard if they are to be confirmed to answer these public policy questions, if they insist on making public policy.

In the context of Judge Thomas' own background, this was a matter of major concern for this Senator. I questioned Judge Thomas extensively on this point because he had written extensively observing that in his view Congress was not a deliberative body, Congress did not exercise wisdom, Congress was collectively irresponsible, and Congress looked out for the interests of the individuals as opposed to the general good.

I respect Judge Thomas' views on that subject. But when it comes to what Congress has stated as a matter of congressional intent in the determination of public policy, that binds the Court when it is a nonconstitutional issue.

In one of Judge Thomas' writings before he went onto the bench he had commented about the case of Johnson versus Santa Clara Transportation Co. that he hoped that Justice Scalia's dissent would provide the basis for a future majority position.

In another speech, although not endorsing the broad context, he had stated that a quick fix would be to appoint more Supreme Court Justices. That obviously raises the question in my mind which I asked Judge Thomas about as to whether he would go to the Court with an ideology to obtain the social policy that he desired in light of the Supreme Court decision in Johnson versus Santa Clara County.

He did not like the Supreme Court decision in Local 28 versus EEOC, United Steelworkers versus Weber and Fullilone versus Klutznick. He acknowledged expressly that Congress had the authority to change those Supreme Court decisions interpreting the Civil Rights Act, but recognized that the fact that Congress had not overturned those cases was strong evidence that those cases expressed Congress's intent. These cases were clearly a matter of statutory construction, not of constitutional dimension. I asked Judge Thomas head on if he would have an agenda on the bench to overrule congressional intent, and he was very emphatic in his writings, these philosophical musings, that he would not follow congressional intent.

That is always a difficult matter, Mr. President, as we take a look at what he had written before. It is my judgment that it is insufficient to deny Judge Thomas confirmation in the face of the other qualities which he brings to the bench.

Professor Drew Days, of Yale Law School, who appeared and testified against Judge Thomas, was asked by me whether he thought Judge Thomas was intellectually and educationally capable of handling the very onerous responsibilities of a Supreme Court Justice. Although Professor Days objected to Judge Thomas on philosophical grounds, Professor Days conceded that Judge Thomas had the intellectual and educational capability to be on the Court.

There was impressive testimony given by Dean Calabresi also of the

Yale Law School, who was on the faculty when Judge Thomas was at Yale, and commented about Judge Thomas' qualifications. Indeed, Dean Calabresi said that he thought Judge Thomas merited a "well qualified" designation from the American Bar Association, which only gave Judge Thomas a "qualified," but Dean Calabresi said that Judge Thomas merited a "well qualified" as much as any of the other recent nominees who received that classification by the American Bar Association.

There was impressive testimony given by former chief Judge John Gibbons of the third circuit, a man whom I have known for many years, who is on the third circuit for 20 years. He knew Judge Thomas very well, having served on the board of Holy Cross with Judge Thomas for many, many years. Judge Gibbons had read all of Judge Thomas's opinions, and expressed the view that Judge Thomas was intellectually well qualified for the Supreme Court of the United States.

My own reading of Judge Thomas' opinions led me to believe that he is a solid judicial craftsman. When it comes to the question of Judge Thomas' philosophy and Judge Thomas' approach, reasonable men can differ on a number of the positions which he articulated. I thought his nomination process important to provide a national debate on the subject of affirmative action. Regrettably the proceedings did not really move in much depth in that direction.

Most really move in much depth in that direction.

Most of our time was consumed on the question of natural law. Judge Thomas was criticized for retreating on the position of natural law.

But if you take a look at all of Judge Thomas' writings, and all of his speeches, natural law contained a very small fraction of his attention. Most of what he had to say about natural law looked at it as a basis for the equality of man, for ridding the African-Americans of slavery, and as a more appropriate basis for the desegregation case, Brown versus Board of Education.

Mr. President, a very key factor in my own analysis of Judge Thomas is the importance of diversity on the Supreme Court of the United States. I believe that those who seek to pigeonhole Judge Thomas at this time as an extreme conservative or in any particular direction are likely to be surprised. While he did testify in response to my question that he favored the death penalty, he also exhibited real balance I think and real sensitivity on the issue of criminal rights and minority interests.

At one point in the proceeding there was very poignant testimony on his part where he said that as he looks out the window from his own office in the court of appeals he sees the police vans bringing up African-American defendants, and he looks down and comments that "There, but for the grace of God, would go Judge Thomas."

In a case involving a young Hispanic man named Jose Lopez on the court of appeals, Judge Thomas joined in an opinion, which he did not write but joined, which allowed criminal courts to look into the background of the criminal defendant when sentencing even though the Uniform Sentencing Guidelines prohibited considering socioeconomic circumstances. So that when a test came on applying a broader, perhaps even liberal, if you will, interpretation of the guidelines, Judge Thomas was willing to go the extra mile in giving this young Hispanic an opportunity to mitigate or have a lesser sentence, even though the statute prohibited consideration of socioeconomic circumstances.

Mr. President, I also think that Judge Thomas has the potential to serve as a very important role model for African-Americans and other minorities in this country. I have not gone into his background in Pin Point, GA, under the extraordinary circumstances of the discrimination, segregation, in which he lived, but Judge Thomas has a background which will bring a very, very unique perspective and a very, very different point of view to the Supreme Court of the United States.

One other point, Mr. President, is the potential for Judge Thomas to gain a following in articulating a different point of view from many of those who speak out in the African-American community today—one opposed to affirmative action which he says is harmful to the person who is the beneficiary because it paints a picture of inadequacy.

It is harmful to the individual who is replaced by someone with a lower test score, and it promotes racial divisiveness. My own questioning of Judge Thomas has led, to me, a somewhat different view of affirmative action. But I believe that his view is well within the realm of reasonableness. He articulates a position which I think is entitled to a hearing in America today, to let a more expansive view of affirmative action come to grips with what Clarence Thomas has to say on affirmative action, to let that idea percolate in the marketplace of free ideas.

As a final point, I have not stated a position on Judge Thomas based on any political consideration, but I think that there is an underlying current—and we talked about it a little bit in the hearings—of the Democratic hierarchy being opposed to Judge Thomas, and the traditional African-American leadership being opposed to him because he points out a different perspective.

I know that in Pennsylvania, in Philadelphia, we have a one-party system and have had for more than 40 years. And the possibility of having a role model or a conservative Republican who shows great success in climbing the ladder of success is something that is worthwhile in our society—not a reason to nominate a man, not a reason to confirm a man, but a byproduct worth noting.

In essence, Mr. President, I support Judge Thomas, because he has a very high level of intellect. Anybody who doubted that should have sat through the hearings. He dealt with 8, 10 tough lines of questioning by the Judiciary Committee members who went into very substantial detail, and his responses were at a high intellectual level.

His educational background from Yale is excellent. Yale did very well at the hearings this week. We had a lot of talk about the Yale Law School. Taking a look at his work on the Court of Appeals, he has done a very solid job there as well. I believe he will bring a measure of diversity with his African-American roots, which the Supreme Court across the green sorely needs to give a different picture to America.

Judge Calabresi testified about the projection of growth and the projection of development and, in my view, Judge Thomas has that potential, and I believe he is worthy of confirmation, and I intend to vote in favor of his confirmation.

I yield the floor.

Mr. BROWN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR BROWN'S SERVICE ON THE JUDICIARY COMMITTEE WITH SENATOR SPECTER

Mr. BROWN. Mr. President, I rise to give tribute to the distinguished Senator from Pennsylvania. I had the pleasure of serving with him these past 2 weeks in the Judiciary Committee, during which time Judge Thomas' nomination was considered. Of the members of that committee, I must say, I was most impressed with Senator SPECTER—his thoughtfulness, ingenuity, perseverance and tenacity, and most of all, an unbiased quest for the truth; I was impressed by this Member greatly.

The simple fact was, if it was a tough question to be considered, Senator SPECTER often offered it. He probed witnesses, and I am convinced the proceedings benefited greatly by his great intellect, and by his quest to bring out the facts.

As one who is serving their first term on the Senate Judiciary Committee, I found sitting next to the distinguished Senator from Pennsylvania a great experience, and I think his probing mind brought a great deal of benefit not only to the proceedings, but to the members who had the pleasure of benefiting from his questions and his probing discussions.

I yield the floor.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Colorado for those overly generous remarks. It was a pleasure to sit next to Senator BROWN. It is quite a process—the Supreme Court nominating process—where we have been in hearings fully for 2 weeks, absent 2 days of Jewish holidays, and sometimes sitting very late into the day, and a very solid attendance, undertaking one of the most important functions this body has, the advise-and-consent function.

I believe this was Senator BROWN's first Supreme Court nominating process and he acquitted himself with distinction. I thank my colleague for his generosity.

The PRESIDING OFFICER. The Senate has an order to go out after the Senator from Pennsylvania speaks.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 2521. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ADAMS:

S. 1730. A bill to provide early childhood staff training and professional enhancement grants, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. McCONNELL:

S. 1731. A bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself and Mr. CHAFEE):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leased employees, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S. 1733. A bill to amend the Internal Revenue Code of 1986 to provide a special rule to treat the European Community as a single country under Subpart F of the Internal Revenue Code and to adjust the high tax exception to Subpart F to an effective tax rate of eighty percent instead of ninety percent; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. DECONCINI, Mr. SPECTER, Mr. BROWN, Mr. BINGAMAN, Mr. MCCAIN, Mr. CRANSTON, Mr. AKAKA, Mr. INOUYE, Mr. WIRTH, and Mr. PACKWOOD):

S. 1734. A bill to repeal provisions of law regarding employer sanctions and unfair immigration-related employment practices, to strengthen enforcement of laws regarding illegal entry into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1735. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. GRASSLEY, Mr. DOMENICI, and Mr. CONRAD):

S. 1736. A bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. D'AMATO):

S. 1737. A bill to prohibit the import from Yugoslavia of defense articles on the United States Munitions List; to the Committee on Finance.

By Mr. DASCHLE:

S. 1738. A bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. DECONCINI, and Mr. HELMS):

S.J. Res. 200. Joint resolution designating the week of October 27 to November 2, 1991 as "National Pornography Victims Awareness Week"; to the Committee on the Judiciary.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS:

S. 1730. A bill to provide early childhood staff training and professional enhancement grants, and for other purposes; to the Committee on Labor and Human Resources.

EARLY CHILDHOOD STAFF TRAINING AND PROFESSIONAL ENHANCEMENT GRANTS

Mr. ADAMS. Mr. President, I rise today to introduce the Early Childhood Staff Training and Professional Enhancement Grants Act of 1991.

This will add a new program to title V of the Higher Education Act. It is a terribly important piece of legislation in that it seeks to create a training system that corresponds to the professional career ladder for the most critical education area: early childhood development.

Millions of working people need child care. These children not only need access to child care, preschool and Head Start programs, they also need programs of the highest quality. Unfortunately the quality of many of these programs is low and it is limited by the fact that there is no recognized career track for preschool or child care staff. People just have no place to go. They start, they stay at the same place, they see no place to go and they leave. So we have a continual turnover and we have a continual problem with getting truly highly trained people to deal with the most precious resource of this country—our children.

The first national goal is school readiness for American children. High-quality preschool and child care programs are formulated, developed, put together, to enable children to go to school ready to learn; to develop good social skills and high academic achievement. The development and education of children should be our highest national priority.

The problem is very simple. We know what works, and we know what our children need. Yet, we have failed to provide early childhood staff with the tools they need to run high-quality programs, especially for infants and toddlers and children with special needs. We have failed to recruit, train, and retain highly trained staff. As I indicated before, there is no place to go. This is the case in child care, preschool, and other early childhood programs, regardless of family income.

We know that formal education and specialized training in early childhood development are more likely to create a higher quality experience for children. We know that staff retention, continuing education, and professional identification and recognition make for better quality care. And we know that we need to remove obstacles to the delivery of a comprehensive, cohesive training system. A career ladder is essential to every profession and professionalism.

We must address the compensation of child care staff. A typical childhood staff earns, on average, only $10,000 a year. That is about the poverty level for a family of two. In a recent broadcast on this issue, one woman said she made more money cleaning houses than taking care of children. That is a pretty bad statement about our national priorities.

Many States, such as my own State of Washington and Connecticut and Delaware, are well on the way to creating a system of training and a progression of roles for early childhood staff. We owe it to the professionals in these States and elsewhere to help them reach their goals and to replicate quality programs for the children and staff across the entire country.

The people who care for our Nation's young children deserve recognition, career growth, and a comprehensive, coherent training system to provide high-quality programs and to enhance their professionalism. I urge my colleagues to join me in supporting this legislation, which I hope will be included in the reauthorization of the Higher Education Act, to be completed this Congress.

Finally, I would like to thank Joan Lombardi of the Child Care Employee Project, Gwen Morgan of Wheelock College, Centers for Career Development in Early Care and Education, and Barbara Willer of the National Association for the Education of Young Children, among others, who gave many valuable suggestions in the writing of this bill and provided much of the experience that has gone into it.

Mr. President, I ask unanimous consent that the text of the bill, an outline of the bill and letters of endorsement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS AUTHORIZED.

Title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART F—EARLY CHILDHOOD TEACHER TRAINING AND PROFESSIONAL ENHANCEMENT

"SEC. 575. SHORT TITLE.

"This part may be cited as the 'Early Childhood Staff Training and Professional Enhancement Grants Act'.

"SEC. 576. FINDINGS.

"The Congress finds that—

"(1) 10,000,000 preschool children spend all or part of the day in out-of-home care;

"(2) specialized preparation of individuals who care for young children is a predictor of the ability to provide high quality experiences for such children;

"(3) due to projected increases of children in out-of-home care in the future, it is necessary to expand and improve the training and career growth of individuals who care for and educate young children;

"(4) the present delivery system of child care education and training is disjointed;

"(5) funding for such training is fragmented, sporadic, and distinguishes in-service training from degree or certificate programs; and

"(6) in order to expand and enhance the career development of individuals who care for and educate young children, such individuals must have training options that promote career growth.

"SEC. 577. PURPOSE.

"It is the purpose of this part to—

"(1) promote the national education goal that all children in America start school ready to learn, by ensuring the existence of sufficient numbers of well-trained early childhood development and care staff;

"(2) provide professional preparation and continued career training for early childhood development and care staff who work with children from birth through preschool, with an emphasis on infants and toddlers and children with special needs; and

"(3) create and implement effective, coordinated models of early childhood professional preparation and in-service training so that such preparation and training corresponds with a career ladder, based on a progression of staff roles, in the field of early childhood development and care.

"SEC. 578. GRANTS AUTHORIZED.

"(a) In General.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States to pay the costs of the activities described in the plan submitted pursuant to section 580.

"(b) Competitive Basis.—Grants under this part shall be awarded on a competitive basis.

"(c) Duration.—Grants under this part shall be awarded for a period of 5 years.

SEC. 579. LEAD AGENCY.

"(a) Designation.—The chief executive officer of a State, in consultation with the State educational agency, desiring to receive a grant under this part shall designate an appropriate State agency, to act as the lead agency.

(b) Duties.—The lead agency shall—

"(1) administer, directly or through other State agencies, the financial assistance received under this part by the State;

"(2) choose the members of the Advisory Committee that will develop the State plan to be submitted to the Secretary under section 581;

"(3) in conjunction with the development of the State plan as required under paragraph (2), hold at least one hearing in the State to provide to the public an opportunity to comment on the provision of training and professional development described in the State plan; and

"(4) coordinate the provision of services under this part with other appropriate Federal, State and local programs.

"SEC. 580. ADVISORY COMMITTEE.

"(a) Advisory Committee.—

"(1) In general.—In order to receive a grant under this part a State shall establish, through the lead agency described in section 579, an Advisory Committee to develop the State plan described in section 581.

"(2) Appointment.—In order to receive a grant under this part the lead agency shall appoint the members of the Advisory Committee in accordance with subsection (b).

"(b) Composition.—To the extent such entities exist within a State, each Advisory Committee established pursuant to subsection (a) shall consist of a representative of the following agencies, institutions, organizations, divisions, programs or departments of the State:

"(1) The lead State agency responsible for administering funds received under the Child Care Development and Block Grant Act.

"(2) Institutions of higher education, including community colleges and 2-year colleges.

"(3) An organization representing child care providers, including center-based care and family day care.

"(4) An early childhood division of a State educational agency, and the State early childhood teacher certification agency, if such entities are different.

"(5) A child care licensing or regulating agency.

"(6) A local child care resource and referral agency.

"(7) A Head Start agency.

"(8) An organization with significant experience in training in the fields of early childhood development, early care and early education.

"(9) An organization representing parents of young children.

"(10) A State-funded preschool program.

"(11) A State employment and job training agency.

"(12) A State department of community development.

"SEC. 581. STATE PLAN.

"(a) In General.—Each State desiring a grant under this part shall submit, through the lead agency, a plan to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The Secretary shall consult with the Secretary of Health and Human Services regarding the contents of such plan.

"(b) Contents.—Each plan submitted pursuant to subsection (a) shall—

"(1) identify the lead agency as described in section 579;

"(2) assess the training offerings and content of such offerings, amount of training required for an early childhood development staff license or certificate, compensation, recruitment and turnover of staff, and any coordination of training offerings and professional growth of early childhood development staff in the State;

"(3) describe the goals of the activities assisted under this part; and

"(4) describe how the State shall—

"(A) identify and maintain a career development path, based on a progression of roles for early childhood development staff, with each role articulated with training and different levels of responsibility and compensation, in such manner as will permit an individual to qualify for a more responsible role;

"(B) identify the core content for each staff role and assure that workshops, courses, seminars, and appropriate certificate and degree programs are available for each such staff role and career advancement;

"(C) ensure that trainers of early childhood development staff in the State are qualified;

"(D) describe the ways in which the State will coordinate training programs among institutions of higher education, including transfer of credits, and assure that in-service training offered in the State carries course credit accepted by an institution of higher education, community college or 2-year college in the State toward a certificate or degree program;

"(E) set forth the ways in which the State will pay the costs of any assessment, credentialing, certification, licensing, training offering, training inventory, increase in staff participation in training, or other services assisted by a grant under this part;

"(F) describe the ways in which the State plans to coordinate the various State and local agencies and organizations to maximize coordination of standards and requirements for certifications, licenses, and accreditations, including Head Start agencies, the State agency responsible for administering funds under the Child Development Associate Scholarship Act of 1985, the State agency responsible for administering funds received under the Child Care Development and Block Grant Act, and the State agency responsible for early childhood education and preschool programs;

"(G) describe the ways in which the State will compile and disseminate information on—

"(i) training offerings;

"(ii) requirements for admission into courses and programs;

"(iii) requirements for a license, certificate, credential, or degree to which such offerings may be applied;

"(iv) funding sources available for such activities; and

"(v) the cost of training offerings; and

"(H) describe the ways in which the State will use the funds received under this part and any other funds available to the State to carry out the activities described in the State plan.

"SEC. 582. EVALUATION AND REPORT.

"(a) EVALUATION.—The Secretary, through grants, contracts or cooperative agreements, shall provide for continuing evaluation of activities assisted under this part to determine the effectiveness of such activities in achieving stated goals, and the impact of such activities on developing and coordinating training options and in developing and implementing a career ladder articulated with training.

"(b) LOCAL EVALUATION.—Each State receiving a grant under this part shall evaluate the activities assisted under this part to determine the effectiveness of such activities in achieving State goals, the impact of such activities on the establishment of a career ladder for early childhood development, the impact of such activities on families served if feasible, and the impact of such activities on licensing or regulating requirements for individuals in the field of early childhood development. An interim evaluation shall be submitted to the Secretary not later than January 1, 1995, and a final report shall not be submitted later than January 1, 1997.

"(c) INFORMATION.—Each State receiving a grant under this part shall prepare and submit to the Secretary such information as the Secretary shall request in order to carry out the evaluation described in subsection (a).

"(d) REPORT.—No later than September 1997, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the appropriate committees of Congress, each State agency responsible for administering funds received under the Child Care Development Block Grant Act, and each State educational agency, a report assessing the evaluations conducted pursuant to subsections (a) and (b), including an examination of the strengths and weaknesses of the design and operation of the activities assisted under this part and the effectiveness of such activities in achieving stated goals.

"SEC. 583. AUTHORIZATION.

"There are authorized to be appropriated $10,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996 and 1997.".

OUTLINE OF EARLY CHILDHOOD STAFF TRAINING AND PROFESSIONAL ENHANCEMENT GRANTS ACT OF 1991

The Early Childhood Staff Training and Professional Enhancement Grants Act amends Title V of the Higher Educational Act of 1965 by creating a new program of competitive, 5-year grants to states. The purpose of the bill is to promote the first national educational goal of school readiness, to provide training in early childhood development and care with an emphasis on infants and toddlers and children with special needs, and to create and implement coordinated professional preparation and inservice training that corresponds to a career ladder in the field of early childhood development, care and education.

The chief executive officer, in consultation with the state education agency, will designate a Lead Agency. The Lead Agency's duties include administering the grant, choosing representative agencies and organizations specified in the bill to be members of the Advisory Committee, holding at least one public hearing, coordinating with other federal, state and local programs, and submitting the state plan to the Secretary of Education.

The Advisory Committee will be composed of representatives of institutions of higher education (including community colleges and 2-year colleges), the lead agency for the Child Care Development and Block Grant, child care provider organizations, and early childhood division of the SEA and the state early childhood teacher certification agency, if different, a child care licensing or regulating agency, a local child care resource and referral agency, a Head Start association, an organization with experience in training in this field, a parent organization, a state-funded preschool program, a state employment and job training agency, and a state department of community development.

The state plan must assess current training, compensation, and coordination, describe the training offerings, transfer of credits, core content of training, coordination of programs and agencies and institutions, and ways in which the state will use these grants funds, and any other funds available, to pay for planning, the costs of training, the cost of assessments, credentials and licensing, and cost of evaluating the program.

The grant recipients will submit interim and final evaluations to the Secretary. The Secretary of Education, in consultation with the Secretary of Health and Human Services, will report to Congress and to each state an assessment of the grantees' evaluation including the strengths and weakness of each program.

The bill is authorized at $10 million for FY 93 and such sums through FY 97.

SUPERINTENDENT OF
PUBLIC INSTRUCTION,
Olympia, WA, September 19, 1991.

Senator BROCK ADAMS,
U.S. Senate,
Washington, DC.

THE HONORABLE BROCK ADAMS: I want to commend you for introducing the Early Childhood Staff Training and Professional Enhancement Grants Act. As your legislation makes clear, early childhood development and care staff need a better training system and career growth in order to ensure the quality of programs for children.

As you are probably aware, early childhood education continues to be a top priority of my administration. We are currently engaged in discussions and activities in our state directly related to the intent and purposes of your bill. I strongly support your efforts in this area and will watch the progress of your legislation with great interest.

Sincerely,

JUDITH A. BILLINGS,
State Superintendent of Public Instruction.

CHILD CARE EMPLOYEE PROJECT,
Oakland, CA, September 19, 1991.

Hon. BROCK ADAMS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ADAMS: On behalf of the Child Care Employee Project, I would like to commend you for introducing the "The Early Childhood Staff Training and Professional Enhancement Act". Your initiative in supporting the early childhood workforce is a critical step forward to ensuring that young children receive sound developmental services.

The Child Care Employee Project is a national organization dedicated to improving the quality of child care by enhancing the status and working conditions of people that work with young children. We are particularly concerned over the inability of programs to recruit and retain qualified staff due to the extremely low wages offered child care providers. In 1989, we released the results of The National Child Care Staffing Study, the most comprehensive examination of center-based care in the United States in over a decade. It revealed that inadequate compensation is fueling a rapidly increasing and damaging exodus of trained personnel from our nation's child care centers.

The study found that child care workers earned $5.35 per hour and there was a 37 percent turnover of staff in a six month period. The picture in your own state, in the City of Seattle, was even more alarming. Child Care providers in Seattle earned only $5.21 and the six-month turnover rate was 43 percent. Across the country, staff turnover has tripled in the past decade. These statistics are reflected in care that is barely adequate. By failing to meet the needs of the adults that work in child care, we are threatening not only their well-being but that of the children in their care.

We now have sufficient research that demonstrates that the education of child care teaching staff and the arrangements of their work environment are essential determinants of the quality of services children receive. Yet the field of early childhood is plagued by high turnover, lack of appropriate training opportunities and a training system that is often fragmented and insufficient to meet the increasing needs for qualified personnel. These findings call for improved policies to help increase compensation, improve the work environment and expand the educational opportunities for child care providers. Your amendment to the Higher Education Act would help address these serious issues in states across the country.

I look forward to working with you and your staff as the bill moves through Congress. Please let me know if we can be of any further assistance.

Sincerely,

MARCY WHITEBOOK,
Executive Director.

WHEELOCK COLLEGE,
Boston, MA.

Hon. BROCK ADAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR ADAMS: Thank you for introducing an amendment to the Higher Education Act to encourage some states to plan for career development in the early childhood field. This federal stimulus could have a big effect on the quality of early care and development programs, for a modest expenditure of federal funds.

Early care and education is a professional field, with a body of knowledge known to have an effect on the quality of care that children receive. We have a national goal that all children should arrive at school "ready to learn." Before the children arrive at school, they have been in child care programs, which have a potential of meeting that national goal, but only with qualified staff.

Right now the lack of training and career advancement has kept salaries in the field low and turnover is unacceptably high. A National Staffing Study by the Child Care Employees Project found that quality is severely affected by the turnover and lack of training.

For the past twenty-five years, it has been characteristic for colleges to reject all previously earned credits and competencies learned from in-service training when an applicant decided to pursue a certificate or degree program. An individual with extensive training would encounter a stone wall, and would have to start over when trying to cross the bridge from the pre-college coursework they had had, funded by Title XX, JPTA, and other sources, in order to enter a college program, funded by other sources of funds such as Pell Grants. The lack of a bridge with continuity across all the levels of professional training has kept the number of college-trained people in our field to a tiny fraction of what is needed, and assured that low-income people, often members of the child's own community, were denied access to college, while middle-class white people, who could afford a college education, were more likely to be qualified for the better jobs in early care and education. Overall salaries for everyone have been low, and there is no reward system where more highly qualified staff earn more money. An improved educational system is a necessary precurser to improve salary policies.

At the Centers for Career Development, we are studying state policies, and our report will be produced soon after passage of this amendment, should it pass. We believe our report will stimulate further interest among the states. Meanwhile, we know that there is already a great deal of interest. As part of our work, we are providing technical assistance to localities and states where we identified some promising planning for improved career development in early care and education: Delaware, Connecticut, Rochester, New York, a program in California, and a Career Institute in Boston. We are considering beginning work in Kansas City and Detroit. We have been consulted by the states of Hawaii and Colorado. We know of other states and localities where there is planning going on, and where promising practices have started. We believe that demonstration projects funded under this amendment will have an important effect on state policies at this time, when states are already stimulated to improve their child care systems under the Child Care and Development Block Grant. Federal guidelines for the Block Grant will not permit that source of funds to be used to any great extent for planning and training. This amendment is needed to stimulate some models that will address the barriers to higher education in the field. Once the models are in place, states will find there are federal sources of funds that could be, but have not yet been, used for early childhood professional education.

We want to commend you for your leadership in this important policy area, and to offer any help and support that we can in promoting its passage.

Sincerely yours,

GWEN G. MORGAN,
Director, Centers for Career Development in Early Care and Education.

NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN,
Washington, DC, September 19, 1991.

Senator BROCK ADAMS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ADAMS: The Early Childhood Staff Training and Professional Enhancement Grants Act, which you plan to introduce tomorrow, is highly compatible with the goals of the National Association for the Education of Young Children, an individual membership organization of more than 77,000 members dedicated to improving the quality of early childhood care and education.

NAEYC is vitally concerned with the need for improving professional development opportunities available to teachers and caregivers of young children. As you are aware, the quality of the teaching staff is the primary determinant of quality of early childhood programs. As we strive to achieve our national educational goals—especially Goal #1: ensuring that all children enter school ready to learn, it is critically important that sufficient numbers of well-qualified personnel are available to provide the high quality early childhood services that assist children to enter school ready to fully take advantage of their educational opportunities.

Despite what we know about the importance of sufficient numbers of well-trained staff to program quality, many early childhood programs are facing severe problems in recruiting and retaining qualified staff. In part, this stems from the very law salaries which characterize the early childhood field. For example, a recent GAO study found that early childhood personnel in programs outside the public school system earn roughly half their public school counterparts with similar qualifications and responsibilities. The National Child Care Staffing Study found that in 1988, the average wages for child care staff were roughly $10,000 per year.

These low salaries reflect the lack of meaningful paths for early childhood career development that provide incentives for furthering professional growth. The current system of professional development is fragmented; there are serious problems with access and availability of training opportunities. Your amendment to The Higher Education Act would tackle these serious problems. By encouraging states to develop plans to address these issues, you build on the notion of "states as laboratories" and provide the opportunity for innovative and creative solutions to emerge.

We are forwarding the bill for formal endorsement by our Board. Please feel free to call upon us for further assistance as this important bill moves forward. We look forward to working with you and your staff.

Sincerely,

BARBARA A. WILLER,
Public Affairs Director.

By Mr. MCCONNELL:

S. 1731. A bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes; to the Committee on Foreign Relations.

UNITED STATES-HONG KONG POLICY ACT OF 1991

Mr. MCCONNELL. Mr. President, I rise today to introduce the United States-Hong Kong Policy Act of 1991.

This past July, I traveled to Hong Kong. While there, I met with Hong Kong and People's Republic of China Government officials, leaders of the political parties, American and foreign businessmen, and citizens of the colony. I came away from those meetings convinced that it's time for this country to establish a comprehensive, coherent policy for Hong Kong.

Historically, the United States has been reluctant to involve itself in Hong Kong affairs because the territory was a dependent of the United Kingdom and United States economic interests there were less compelling. There may have been a time when that policy was correct.

But times have changed, Mr. President. First of all, London is rapidly preparing to hand Hong Kong over to the People's Republic of China in 1997. Second, America's interests in Hong Kong have increased dramatically, both in terms of the global economy and emerging democratic institutions in Hong Kong. It is time, Mr. President, that our policy changed to reflect these developments.

Let's look at the facts. In 10 short years, the United States-Hong Kong economic relationship has grown exponentially. Hong Kong is now our 13th largest trading partner and United States exports to the territory have been increasingly steadily. In fact, Mr. President, on a per capita basis, Hong Kong now imports three times as much from the United States as does Japan.

Hong Kong is now one of the most important financial hubs in East Asia and serves as the gateway to emerging new markets in the region—a fact not lost on U.S. business. Nine hundred United States firms now maintain offices in Hong Kong and our banks have $99 billion in deposits there. Thirty-five thousand workers are employed by 158 United States-controlled factories in Hong Kong. Overall, the United States now has about $7 billion invested in Hong Kong.

More important than these stunning economic developments, true democracy is finally gaining a tenuous foothold in Hong Kong. On Sunday, Hong Kong held its first-ever direct elections to the legislative council. It was a small step toward full democracy—only one-third of the council seats were directly elected—but was a move in the right direction. After 1997, Mr. President, Hong Kong will likely be the only place in China with any democratic freedoms.

Despite a sustained economic boom and emergence of democratic institutions, concern about post-1997 Chinese compliance with the Joint Declaration and the Basic Law, under which Hong Kong was promised a high degree of autonomy under the principle of "one country, two systems," has caused confidence in the colony to ebb and flow. This pattern of uncertainty ill-serves the interests of China, Hong Kong, and the United States.

This uncertainty is manifested in the alarming rate of emigration from Hong Kong. Over 1,000 of the territory's best and brightest people are leaving each week for a more secure future in the United States, Australia, and Canada. This brain drain is sapping Hong Kong's human resource base and jeopardizing its economic viability.

Concern about the future is also evident in the wild swings of the Hong Kong stock market and recent runs on Hong Kong branches of foreign-owned banks.

Clearly, the people of Hong Kong need reassurance that the United States, Japan, and the West are neither indifferent toward nor uninterested in their future after 1997.

Hong Kong will be able to exercise the full extent of autonomy promised it under the Joint Declaration only with the cooperation of the international community. For example, the rights granted to Hong Kong under the Joint Declaration to negotiate commercial treaties or to participate in multilateral organizations are meaningless without the willing participation of countries such as the United States.

Mr. President, America can provide assurance and leadership by pronouncing our policy interests in Hong Kong now. We should step forward to guide the international community in support of the autonomy promised Hong Kong by clearly stating how we will deal with the territory up to and after the 1997 reversion.

The bill I'm introducing today makes such a statement. The United States-Hong Kong Policy Act is based on the 1984 Sino-British Joint Declaration, under which Britain agreed to transfer sovereignty over Hong Kong to China in 1997. The Joint Declaration very carefully details the political, economic and legal systems that Hong Kong is to have after 1997, and it spells out clearly the autonomy that the territory will enjoy. The Joint Declaration makes clear that China, as the sovereign state, will have authority for all defense and foreign affairs issues. It grants Hong Kong autonomy in nine fields: economic, trade, finance, monetary, shipping, communications, tourism, culture, and sport. Hong Kong will also retain more limited powers in aviation and education.

Closely following the wording of the Joint Declaration, the United States-Hong Kong Policy Act addresses United States policy toward Hong Kong in these specific areas.

This bill is necessary, Mr. President, because United States policy toward Hong Kong in these areas is either nonexistent or unclear.

For example, how will high technology exports to Hong Kong, now governed by the Coordinating Committee on Export Controls, be treated after 1997? Access to such technologies is critical if Hong Kong is to maintain its economic viability, but the United States must also assure that such items do not wind up in the wrong hands. Also, Hong Kong now enjoys certain bilateral relations with the United States independent of China. After 1997, will those relations be hostage to behavior by hardliners in Beijing?

It is in our own economic self interest, as well as the interest of the people of Hong Kong, to settle these issues before 1997. The more extensive and established United States-Hong Kong ties are before 1997, the more likely that they will be maintained after 1997. A transparent legal framework will assure both sides that ties will not be affected by the change of sovereignty. Also, the more that the United States respects the autonomy of Hong Kong while the territory remains under British rule, the less China will see such policies as an affront to the People's Republic of China sovereignty after 1997. Finally, establishment of a clear policy will boost confidence in Hong Kong and stem emigration. It will show that the leader of the international community is willing to support Hong Kong now and after 1997.

Mr. President, whether you agree with it or not, we do have a definitive policy toward China. Unfortunately, we have been silent on the issue of Hong Kong. It's time to end that silence, Mr. President. It's time for America to develop a Hong Kong policy.

The United States-Hong Kong Policy Act of 1991 establishes the framework for such a policy. It is a starting point, and I look forward to working with my colleagues and the administration in the coming months.

Mr. President, I ask unanimous consent the full text of the bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S.-Hong Kong Policy Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Congress recognizes that the People's Republic of China will resume sovereignty over Hong Kong on July 1, 1997 under the 1984 Sino-British Joint Declaration on the Question of Hong Kong. The Congress recognizes that the United Kingdom will be responsible for the administration of Hong Kong until June 30, 1997.

(2) The Congress recognizes that under the Joint Declaration the Hong Kong Special Administrative Region of the People's Republic of China will enjoy a high degree of autonomy on all matters other than defense and foreign affairs after July 1, 1997. The United States recognizes that the People's Republic of China will be responsible for the defense and foreign affairs of Hong Kong thereafter.

(3) The Congress welcomes that under the Joint Declaration the Hong Kong Special Administrative Region will be vested with executive, legislative and independent judicial power, including the power of final adjudication. The Congress also welcomes the implementation of the "one country, two systems" policy, under which Hong Kong will retain its current lifestyle and legal, social, and economic systems until at least the year 2047.

(4) The Congress welcomes that under the Joint declaration the legislature of the Hong Kong Special Administrative Region will be constituted by elections and that the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force.

(5) The Congress welcomes that the basic policy of the People's Republic of China towards Hong Kong, as stated in the Joint Declaration and the Basic Law, is to allow the people of Hong Kong to rule Hong Kong with a high degree of autonomy in furtherance of the principle of "one country, two systems".

(6) The Congress recognizes the important role that Hong Kong plays in the regional and world economy today. The Congress declares that it wishes to see the full implementation of the Joint Declaration so that Hong Kong can continue as an international economic and trade center.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Hong Kong, China" means the reference to Hong Kong required by the Joint Declaration after June 30, 1997;

(2) the term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984; and

(3) the term "PRC" means the People's Republic of China.

TITLE I—UNITED STATES POLICY

SEC. 101. BILATERAL TIES BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of the Congress that the following should be the policy of the United States with respect to its bilateral relationship with Hong Kong:

(1) The United States should actively seek to establish direct bilateral ties with Hong Kong in economic, trade, financial, monetary, shipping, communications, touristic, cultural, sport, and other appropriate matters to the extent that Hong Kong is allowed to exercise autonomy in these fields under the Joint Declaration, and to maintain and expand those ties after July 1, 1997.

(2) The United States should seek to maintain after July 1, 1997, with the authorization of the Government of the PRC (as required by the Joint Declaration), the United States Consulate-General in Hong Kong, along with other official and semi-official organizations, such as the United States Information Agency American Library.

(3) The United States should invite Hong Kong to maintain, after July 1, 1997, its official and semi-official missions in the United States, such as the Hong Kong Economic & Trade Office and the Hong Kong Tourist Association. The United States should invite

Hong Kong to open and maintain other official or semi-official missions in those fields in which Hong Kong is permitted to exercise autonomy under the Joint Declaration. After July 1, 1997, such offices should operate under the name "Hong Kong, China".

(4) The United States should actively seek to reach appropriate agreements with the Hong Kong Special Administrative Region in those fields in which Hong Kong is permitted to exercise autonomy under the Joint Declaration. In particular, the United States, consistent with its immigration laws, including procedures of the Immigration and Naturalization Service, should actively seek to negotiate and conclude agreements with Hong Kong tending to reduce or abolish visa restrictions, particularly those formalities which hinder United States nationals seeking to work in Hong Kong and covering Hong Kong residents seeking to work in the United States.

(5) The United States should recognize passports and travel documents issued by the Hong Kong Special Administrative Region.

(6) The PRC's resumption of the exercise of sovereignty over Hong Kong should not affect treatment of Hong Kong residents who apply for visas to visit the United States.

SEC. 102. PARTICIPATION BY HONG KONG IN MULTILATERAL ORGANIZATIONS.

It is the sense of the Congress that the following should be the policy of the United States with respect to participation by Hong Kong in multilateral organizations:

(1) The United States should support Hong Kong's participation in multilateral organizations open to non-states which are concerned with those matters in which Hong Kong is permitted to exercise autonomy under the Joint Declaration. After July 1, 1997, such participation should be under the name "Hong Kong, China".

(2) The United States should continue to fulfill its obligations to Hong Kong under international agreements, so long as Hong Kong reciprocates, regardless of whether the PRC is a party to the particular international agreement, unless and until such obligations are modified or terminated according to specified procedures.

(3) The United States should support Hong Kong's application to join all multilateral international conferences, agreements, and organizations, such as the Asia Pacific Economic Cooperation forum (APEC), for which it is eligible under both the Joint Declaration and the organization's bylaws. After July 1, 1997, such applications should be under the name "Hong Kong, China".

(4) The United States should support Hong Kong's continued participation after July 1, 1997, under the name "Hong Kong, China", in all multilateral international conferences, agreements, and organizations, such as the General Agreement on Tariffs and Trade (GATT), in which it participates on June 30, 1997, whether or not the PRC participates.

SEC. 103. COMMERCE BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of the Congress that the following should be the policy of the United States with respect to commerce between the United States and Hong Kong:

(1) The United States should seek to maintain and expand economic and trade relations with Hong Kong and should continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin.

(2) The United States should continue to negotiate directly with Hong Kong to conclude bilateral economic agreements. After July 1, 1997, the United States should negotiate directly with Hong Kong, under the name "Hong Kong, China", to conclude bilateral economic agreements.

(3) The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after July 1, 1997, should treat Hong Kong as a territory which is fully autonomous from the PRC, for economic and trade matters.

(4) The United States should continue to consider Hong Kong for most-favored-nation trade status by virtue of Hong Kong's membership in the General Agreement on Tariffs and Trade (GATT).

(5) The United States should continue to recognize certificates of origin for manufactured goods issued by the Hong Kong Special Administrative Region.

(6) The United States should continue to allow the United States dollar to be freely exchanged with the Hong Kong dollar.

(7) United States businesses should continue to operate in Hong Kong, in accordance with applicable United States and Hong Kong law.

(8) The United States should continue to support Hong Kong's access to sensitive technologies in accordance with COCOM rules, provided that the United States is satisfied that such technologies remain in Hong Kong.

(9) The United States should encourage Hong Kong to continue its efforts to develop a framework which provides adequate protection for intellectual property rights.

(10) The United States should negotiate directly with Hong Kong, in consultation with the PRC, a bilateral investment treaty.

SEC. 104. TRANSPORTATION.

It is the sense of the Congress that the following should be the policy of the United States with respect to transportation from Hong Kong:

(1) Recognizing Hong Kong's position as an international transport center, the United States should continue to recognize ships and airplanes registered in Hong Kong and should negotiate air service agreements directly with Hong Kong.

(2) The United States should continue to recognize ships registered by Hong Kong under the name "Hong Kong, China" after July 1, 1997.

(3) United States commercial ships, in accordance with applicable United States and Hong Kong law, should remain free to port in Hong Kong.

(4) The United States should continue to recognize airplanes registered by Hong Kong, in accordance with applicable laws of the PRC.

(5) The United States should recognize licenses issued by the Hong Kong Special Administrative Region to Hong Kong airlines.

(6) The United States should recognize permits issued by the Hong Kong Special Administrative Region to United States airlines for services which travel to, from, or through Hong Kong and which do not travel to, from, or through other parts of the PRC.

(7) The United States should negotiate at the appropriate time directly with the Hong Kong Special Administrative Region, acting under authorization from the Government of the PRC, to renew or amend all air service agreements existing on June 30, 1997, and to conclude new air service agreements affecting all flights to, from, or through other parts of the PRC. The United States should negotiate at the appropriate time directly with the Government of the PRC to renew or amend all air service agreements existing on June 30, 1997, and to conclude new air service agreements affecting all flights which travel to, from, or through other parts of the PRC, whether or not the flight also travels to, from, or through Hong Kong.

(8) The United States should negotiate directly with the Hong Kong Special Administrative Region about arrangements to implement international aviation agreements, in effect on June 30, 1997, or which the Hong Kong Special Administrative Government enters after July 1, 1997, with the authorization of the Central People's Government of the PRC.

SEC. 105. CULTURAL AND EDUCATIONAL EXCHANGES.

It is the sense of the Congress that the following should be the policy of the United States with respect to cultural and educational exchanges with Hong Kong:

(1) The United States should seek to maintain and expand United States-Hong Kong relations and exchanges in culture, education, science, and academic research. The United States should encourage American participation in bilateral exchanges with Hong Kong, both official and unofficial, in those fields in which Hong Kong is permitted to exercise autonomy under the Joint Declaration.

(2) The United States should actively seek to further United States-Hong Kong cultural relations and promote bilateral exchanges, including the negotiating and concluding of appropriate agreements in these matters.

(3) The Hong Kong Special Administrative Region should be accorded individual status as a full partner in the Fulbright Program (apart from Britain prior to July 1, 1997 and apart from the PRC thereafter), with establishment of a Fulbright Commission or functionally equivalent mechanism.

(4) The United States should actively encourage Hong Kong residents to travel to the United States for such purposes as business, tourism, education, and scientific and academic research, in accordance with applicable United States and Hong Kong law.

(5) The Congressional Research Service of the Library of Congress should seek to expand educational and informational ties with the Legislative Council of Hong Kong.

TITLE II—THE STATUS OF HONG KONG IN UNITED STATES LAW

SEC. 201. THE STATUS OF HONG KONG IN UNITED STATES LAW.

(a) On and after July 1, 1997, the United States shall continue to treat Hong Kong as a separate territory under United States law in those matters, such as immigration quotas, in the same manner as it does on June 30, 1997.

(b) All United States laws which apply to Hong Kong on June 30, 1997, shall continue to apply after July 1, 1997, unless and until amended or repealed according to law.

(c) The PRC's resumption of the exercise of sovereignty over Hong Kong shall not affect United States obligations under law to Hong Kong.

(d) For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and Hong Kong before July 1, 1997, unless and until terminated in accordance with law.

(e) For all purposes under the laws of the United States, including actions in any court in the United States, resumption of sovereignty by the PRC over Hong Kong shall not affect in any way the ownership of or other rights or interests in any property, tangible or intangible, or any other thing of value, owned or held in the United States on or before July 1, 1997, or thereafter acquired or earned by the Hong Kong Government or Hong Kong residents and held in the United States.

(f) The capacity of Hong Kong to sue and be sued in courts in the United States, in accordance with the law of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the resumption of sovereignty by the PRC over Hong Kong.

TITLE III—REPORTING PROVISIONS

SEC. 301. REPORTING REQUIREMENT.

Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State, after consultation with the United States Trade Representative and the Secretary of Commerce, shall transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the degree to which the Joint Declaration is being implemented in Hong Kong. The report should also discuss the state of United States-Hong Kong bilateral ties and the implementation of the Hong Kong policy set forth in this Act, in particular—

(1) the state of United States-Hong Kong bilateral ties, including economic ties;

(2) the nature and extent of Hong Kong's participation in multilateral forums;

(3) the current state of United States-Hong Kong ties in transportation matters;

(4) the nature and extent of United States-Hong Kong cultural, education, scientific and academic exchanges, both official and unofficial;

(5) the current status of Hong Kong under United States law; and

(6) other matters affecting United States interests in Hong Kong and United States-Hong Kong relations.

SEC. 302. SUBREPORT.

When compiling country reports on such subjects as economic relations and human rights, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a separate subreport on Hong Kong.

By Mr. DASCHLE (for himself and Mr. CHAFEE):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leased employees, and for other purposes; to the Committee on Finance.

TAX TREATMENT OF LEASED EMPLOYEES

- Mr. DASCHLE. Mr. President, I rise to introduce a proposal that I hope will be considered for inclusion in any major tax simplification effort this year. Joining me is my colleague from Rhode Island, Senator CHAFEE.

The proposal deals with the application of the pension tax laws and attempts to address the specific concerns of certain physicians in my own State and across the country. To take a brief example, we have pathologists in South Dakota who have their own practices, but who spend portions of their days or weeks supervising or directing laboratories in perhaps several nearby hospitals. The pathologists normally maintain a tax-qualified pension or profit-sharing plan that includes physicians and employees in their practices.

A proposed Internal Revenue Service regulation, however, would have the effect of requiring the pathologists to offer the plan to employees in the hospital laboratory, as well. Ironically, these hospital employees normally are covered already by the hospital's pension plan.

The effect of the IRS rule makes little sense. Typically, the hospital takes care of hiring and firing laboratory employees and pays their salaries. Moreover, the hospital determines their benefits and negotiates with their union, if the employees are unionized. Application of the IRS rule to these doctors creates enormous administrative burdens and may ultimately result in physicians dropping their pension plans altogether.

Emergency physicians and anesthesiologists find themselves in a situation similar to the pathologists. The proposal these physicians have advanced is drafted generically and, while intended specifically to address their concerns, may also provide relief for individuals in other professions who find themselves in similar circumstances.

Earlier this year, my colleagues, Senators BENTSEN and PRYOR, introduced legislation containing a number of measures designed to simplify the pension laws. Their bill is expected to be the vehicle for pension simplification. I am an original cosponsor of that measure and continue to be a strong supporter of it.

My intent in offering the measure I am introducing today is to share with my colleagues a proposal that I believe merits consideration as an amendment to the pension simplification legislation. The physicians have worked hard to come up with a solution to their concerns, and we owe it to them to give it our close attention.

Mr. President, I ask that the text of the bill be printed in the RECORD in full following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF LEASED EMPLOYEE.

(a) IN GENERAL.—Paragraph (2) of section 414(n) of the Internal Revenue Code of 1986 (defining leased employee) is amended to read as follows:

"(2) LEASED EMPLOYEE.—For purposes of paragraph (1), the term 'leased employee' means any person who is not an employee of the recipient and who provides services substantially for the sole benefit of the recipient, if—

"(A) such services are provided under one or more contracts (whether oral or written) between the recipient and any other person (in this subsection referred to as the 'leasing organization'), pursuant to which payment for such service is made, directly or indirectly, by the recipient to the leasing organization,

"(B) such person has performed such service for the recipient (or for the recipient and related persons) for at least 1,000 hours during a plan year of the recipient, and

"(C) such services are performed by such person under the control of the recipient.

For purposes of subparagraph (C), control exists if the person's relationship to the recipient is substantially the same as that of an employee to an employer."

(b) DE MINIMUS RULE.—Section 414(n)(4) of such Code is amended by inserting at the end thereof the following new subparagraph:

"(C) DE MINIMUS RULE.—For purposes of this subsection, a recipient may elect not to treat a leased employee as such an employee for any plan year if such employee performs services for the recipient for less than 501 hours during such plan year."

(c) CONFORMING AMENDMENTS.

(1) Subparagraph (A) of section 414(n)(4) of such Code is amended by striking "the period referred to in paragraph (2)(B)" and inserting "the first plan year referred to in paragraph (2)(B)".

(2) Subparagraph (B) of section 414(n)(4) of such Code is amended by striking "but for the requirements of paragraph (2)(B)" and inserting "after the first plan year referred to in paragraph (2)(B)".

SEC. 2. ALTERNATIVE SAFE HARBOR FOR ORGANIZATIONS NOT PRINCIPALLY FORMED TO LEASE EMPLOYEES.

(a) IN GENERAL.—Section 414(n) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) ALTERNATIVE SAFE HARBOR FOR ORGANIZATIONS OTHER THAN PRINCIPAL LEASING ORGANIZATIONS.—

"(A) IN GENERAL.—If a leased employee is employed by an organization the principal purpose of which is not providing the services of leased employees—

"(i) paragraph (5) shall not apply, and

"(ii) in the case of requirements described in subparagraphs (A) and (B) of paragraph (3), this subsection shall not apply to any employee with respect to services performed for a recipient for any period described in subparagraph (B).

"(B) APPLICABLE PERIOD.—For purposes of subparagraph (A), a period is described in this subparagraph with respect to any employee if—

"(i) such leased employee is eligible to participate in a plan which is maintained by the leasing organization which—

"(I) satisfies the requirements of section 401(a), is an annuity plan described in section 403(b), or is a governmental plan within the meaning of section 414(d), and

"(II) provides significant retirement benefits, or

"(ii) such leased employee is a member of a unit of employees covered by a collective bargaining agreement described in section 410(b)(3)(A).

"(C) SIGNIFICANT RETIREMENT BENEFITS.—

"(i) IN GENERAL.—For purposes of subparagraph (B)(i)(II), a plan provides significant retirement benefits to a leased employee if the plan provides either—

"(I) in the case of a defined benefit plan, an annual retirement benefit (as defined in section 416(c)(1)(E)) of no less than 1 percent of such leased employee's average compensation for the testing period, or

"(II) in the case of a defined contribution plan, an annual employer contribution of no less than 2 percent of such leased employee's compensation for each year of participation.

"(ii) TESTING PERIOD.—For purposes of clause (i), the term 'testing period' means the period of consecutive years (not exceeding 5), beginning on or after January 1, 1984, during which the leased employee—

"(I) received years of service under paragraph (4)(B), and

"(II) had the greatest aggregate compensation."

(b) CONFORMING AMENDMENT.—Section 414(n)(5)(A) of such Code is amended by striking "In" and inserting "Except as provided in paragraph (6), in".

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this section shall apply to years beginning after December 31, 1991.

(b) RETROACTIVE APPLICATION.—In the case of any year beginning after 1983 and before 1992, the requirements of section 414(n) of the Internal Revenue Code of 1986 shall be treated as met if either such requirements as in effect before the amendments made by this Act, or such requirements as in effect after such amendments, are met.

(c) EFFECT OF REGULATIONS.—Any final, temporary, or proposed regulation or ruling issued under section 414(n) of such Code shall only apply prospectively from the later of the date of publication or the date of the enactment of this Act.•

• Mr. CHAFEE. Mr. President, I rise today to join Senator DASCHLE in introducing legislation to prevent unintended hardships caused by the present tax law governing qualified retirement plans.

The leased employee provisions of the Tax Code—section 414(n)—were adopted by the Congress in an effort to prevent discrimination in qualified retirement plans between highly compensated and non-highly compensated employees. I believe reasonable antidiscrimination rules that curtail abusive circumvention schemes are appropriate. The proposed regulations issued by the Treasury Department in 1987, to implement this section of the Tax Code, however, would result in unworkable and overreaching application of the leased employee provision.

In the case of hospital-based physicians, including pathologists, anesthesiologists, radiologists, and emergency room physicians, these regulations have the potential to severely limit their ability to participate in qualified retirement plans. These physicians may base their practices at the principal hospital they serve or in a separate office setting. In addition, they may serve the patients of more than one hospital, travel from hospital to hospital on a regular schedule, or must be available "on-call."

These physician specialists commonly serve as supervisors or directors of hospital laboratories or departments. In this capacity, they medically supervise technologists and other employees who operate equipment, screen the results of various procedures, and provide other support services. As medical directors, these physicians provide essential medical care to patients by supervising personnel in the performance of their patient care duties.

Technical staff and other support personnel have traditionally been employed by the hospital; the hospital hires and fires these individuals and pays their salaries. The hospital determines their benefits and negotiates with their union, if such employees are unionized. Hospital employees are covered by the hospital's pension plan. The hospital bills patients, or their insurer, for the services of these employees. The physician does not pay the hospital for the services of these employees, nor does the physician bill for their services.

Under current law, leased employees are treated as though they are common law employees for purposes of certain retirement and welfare benefit provisions of the Tax Code. The Congress enacted section 414(n) to prevent abusive circumvention of antidiscrimination rules that require employees who are not highly compensated to be eligible to participate in the same tax-favored retirement plans that employers establish for themselves and their key employees.

In what has been cited as an example of an abusive circumvention scheme, an organization could discharge its own employees, create a separate organization which would hire the discharged employees, and lease the same employees from the separate organization. The new organization would not typically offer the same coverage in a qualified retirement plan, while the previous employer would continue to enjoy higher benefits and meet the antidiscrimination rules.

I am aware of no evidence to indicate that hospital-based physicians have been or could be involved in these schemes. Regulations, however, proposed by the Treasury Department to implement the leased employee rules would require hospital-based physicians to bring hospital employees under their pension plans. Physicians would have to include these individuals in determining whether their plan meets the antidiscrimination rules of the Internal Revenue Code.

In most cases, the physician would have to provide the difference between what the employees would receive under the physicians' plan and what they receive under the hospital plan. These retirement benefits would have to be provided, even though the physician does not pay for the hospital employees' services or have the right to bill patients for the services of the hospital employee.

This requirement would cause a number of significant and unintended problems for these physicians. As a result of a high ratio of employees to physicians, the cost of including hospital employees in the physician's retirement would be extremely high. In addition, determining the amount of benefit, if any, that would have to be provided to the hospital lab employees would be enormously complex and prohibitively expensive. These additional costs may cause many physicians to terminate their plans, thereby eliminating the retirement benefits for the physician and his common law employees.

The College of American Pathologists, the American Medical Association, the American College of Radiology, the American College of Emergency Physicians, and the American Society of Anesthesiologists have jointly developed a proposal which they believe will clarify the leased employee section of the Tax Code in a manner that prevents abuses but simplifies administration of the lease employee requirements. The measure that Senator DASCHLE and I are introducing today is based on that proposal.

Pension access and simplification proposals, introduced in both the House and Senate, would identify leased employees by substituting some variation of a control test for the historically employed test of current law. The legislation we are introducing today includes a control test, however, it takes into account the fact that good medical practice requires physicians to exercise medical and clinical direction of hospital employees.

In addition to establishing a control test, the legislation is intended to achieve the following three objectives: first, provide a more precise definition of leased employees to make it clear that a legally binding contract is required before leased employee status can occur; second, expand the safe harbor provision to include relief for the unique relationship between hospital-based physicians and hospital employees; and third, prevent detrimental retroactive application of the statute and the proposed regulations.

Mr. President, I concur wholeheartedly with the need for appropriate rules to curtail abusive circumvention schemes designed to avoid antidiscrimination requirement for qualified retirement plans. However, I share the concerns of many physicians that efforts to implement the leased employee section of the Tax Code, as it currently stands, would result in unworkable and overreaching regulations.

The legislation that Senator DASCHLE and I offer today will clarify the leased employee provision of the Tax Code in a manner that prevents abuses and simplifies administration of these requirements. I respectfully urge my colleagues to review this bill and join us as cosponsors of this important corrective legislation.•

By Mr. ROTH:

S. 1733. A bill to amend the Internal Revenue Code of 1986 to provide a special rule to treat the European Community as a single country under Subpart F of the Internal Revenue Code and to adjust the high tax exception to Subpart F to an effective tax rate of 80 percent instead of 90 percent; to the Committee on Finance.

SUBPART F TAX SIMPLIFICATION ACT

Mr. ROTH. Mr. President, I am happy to introduce S. 1733, a bill who's time has come. With EC 1992 fast approaching, it is time that the Congress act to do something that represents a common sense approach to this historic change in the way nations trade, and the way they tax their businesses. In this age of the emerging global economy, it makes no sense to place United States companies operating in the European Community at a disadvantage compared to European or Japanese companies operating in the same uniform market. What my bill attempts to do is to allow companies that are trying to compete in the European Community, and the world market for that matter, to consolidate and streamline their foreign operations.

In recent years, policymakers, world trade experts, and academics have focused considerable and well-deserved attention on our trade imbalance and the apparent inability of U.S. business to compete successfully in the world marketplace. There have been numerous theories and explanations promulgated for the U.S. trade imbalance—some clearly with merit and others perhaps not. There have also been many proposals offered to address this critical problem. These proposals range from broad, long-range re-evaluations of fundamental, societal systems such as our education process to more narrow modifications to our international trade and tax laws which may offer more tangible benefits in the short term.

It is clear that we cannot afford to remain passive while confronting the sea of changes that are restructuring the world's economy. The crumbling of the Soviet economic infrastructure, the emergence of the European Community, and Japan's growing economic hegemony have profound implications for the world marketplace and our role in it. So far, we have responded too late and with too little and our competitive position has continued to deteriorate. For example, last year our merchandise trade deficit was $108 billion, somewhat lower than the year before, but still twice what it was in 1983. Since 1986, our cumulative trade deficit has totaled more than three-quarters of a trillion dollars. At the same time, a growing number of foreign corporations have set up business on our own shores and are competing very successfully with our domestic manufacturers, particularly in the automobile industry.

Under our tax system today, United States companies operating in the European Community, or elsewhere, are encouraged to become inefficient and bureaucratic as a result of the "subpart F rules" in the U.S. Tax Code. Despite the need for productive, growth oriented policies, our tax laws continue to tie the hands of U.S. businesses, their best hope for maintaining and building a strong American presence in the global economy is through foreign operations, which in many cases means headquartering a business in one country to serve several surrounding nations. Regionalization allows for economies of scale that translate into more effective competition.

Unfortunately, U.S. corporations that wish to set up regional operations abroad face U.S. tax laws that discourage them and reduce their competitiveness. Under subpart F of the Internal Revenue Code, U.S. multinational corporations can be subject to a current U.S. tax on certain undistributed earnings of their foreign subsidiaries. For example, income earned by such a subsidiary from cross-border transactions may be subject to U.S. taxes. An exception is made when the subsidiary pays an effective foreign tax of at least 90 percent of the U.S. effective rate. These rules create an incentive for U.S. corporations to establish and maintain subsidiaries in each and every country. The result has been that U.S. companies have created subsidiaries in more countries than they normally would because of the incentives in the tax code to avoid the subpart F rules. The resulting bureaucracy of operations is incredibly complex and inefficient. U.S. companies are forced, under this perverse tax system, to expand operations unnecessarily and to track every transaction in order to comply with subpart F. It's time for America to rethink this anti-competitive tax law.

Originally intended to deter U.S. corporations from moving their business operations offshore to tax-haven countries, the subpart F rules have become a lodestone around the necks of U.S. corporations, increasing their costs and decreasing their competitiveness. This bill would reduce the 90 percent standard to 80 percent, giving companies the necessary flexibility to restructure their operations along more cost-effective lines. In addition, because of the rapid changes in the European Community leading to 1992, the legislation would treat the EC as a single country for subpart F purposes.

Given our position in the world marketplace, we can ill-afford to handicap American multinational corporations. Indeed, we should, within the bounds of good public policy, do all we can to support their efforts. I believe this legislation represents an important step in revitalizing America's worldwide competitive presence and I ask unanimous consent that an explanation of the bill, and the bill itself be placed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Subpart F Tax Simplification Act."

SEC. 2. EXCEPTION FOR CERTAIN INCOME SUBJECT TO HIGH FOREIGN TAXES.—

(a) Section 954(b)(4) is amended by striking "90 percent" and inserting "80 percent."

(b) Section 954(b)(4) is amended by adding at the end the following new sentence: "For purpose of this paragraph, the effective rate of income tax shall be computed without regard to any net operating losses (including adjustments allowable with respect to depreciation deductions) of the controlled foreign corporation arising under the laws of the foreign country in taxable years ending before December 31, 1991.

SEC. 3. SAME COUNTRY RULES.

(a) IN GENERAL.—Section 964 of such Code is amended by adding at the end thereof a new subsection as follows:

"(e) SPECIAL RULE FOR EUROPEAN COMMUNITY ACTIVITIES.—

"(1) IN GENERAL.—For purposes of this subpart, the countries comprising the European Community shall constitute a single country.

"(2) DEFINITION.—For purposes of paragraph (1), the term "European Community" shall include countries:

"(A) which are members of the Council of Ministers of the European Communities (Belgium, Denmark, France, Greece, the Irish Republic, Italy, Luxembourg, the Netherlands, Portugal, Spain, the Federal Republic of Germany and the United Kingdom) and

"(B) which—

"(i) have a maximum statutory tax rate greater than 90 percent of the maximum rate of tax specified in section 11(b), and

"(ii) do not exempt from taxation pursuant to a tax holiday or similar special rule income of a controlled foreign corporation or a United States person described in section 957 (determined without regard to this subsection)."

SEC. 4. DEFINITION OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—

(a) Section 954(c)(2) (defining foreign personal holding company income) is amended by inserting at the end thereof the following new subparagraph:

"(C) CERTAIN INCOME DERIVED IN ACTIVE CONDUCT OF INSURANCE BUSINESS.—Foreign personal holding company income shall exclude dividends, interest, and gains from the sale or exchange of stock or securities received from a person other than a related person (within the meaning of subsection (d)(3)) derived from investments made by an insurance company of an amount of its assets required to be maintained in a foreign country in accordance with applicable regulatory requirements, excluding assets which are directly or indirectly attributable to the insurance or reinsurance of risk of persons who are related persons (within the meaning of subsection (d)(3)). The preceding sentence shall not apply to the extent assets are maintained in a country with a maximum statutory income tax rate less than 90 percent of the maximum rate imposed under section 11.

SEC. 5. EFFECTIVE DATE.

(a) The amendments made by sections (1) and (2) shall be effective for taxable years beginning after December 31, 1991.

GENERAL EXPLANATION

CURRENT LAW

Generally, a U.S. corporation is not taxed on the earnings of its foreign subsidiaries until those earnings are distributed to the U.S. parent. Under subpart F of the Internal Revenue Code, however, U.S. multinational corporations can be subject to a current U.S. tax on certain undistributed earnings of their foreign subsidiaries. For example, the income earned from certain cross border transactions involving a U.S. corporation's foreign subsidiary may be subject to the subpart F rules. A U.S. corporation may be taxed immediately under subpart F on its foreign subsidiary's income attributable to the issuance of an insurance contract in connection with an activity in any country other than the subsidiary's home country. A "high tax" exception to the subpart F rules is provided to foreign subsidiaries that pay an effective foreign tax of at least 90 percent of the U.S. effective tax rate.

REASON FOR CHANGE

The 90 percent high tax exception is intended to exclude from the subpart F rules those U.S. multinational corporations that operate subsidiaries for legitimate business reasons in full-tax countries. Due to differing depreciation methods and other timing differences between U.S. and foreign tax principles, this 90 percent standard is deceptively difficult to achieve, as well as burdensome to administer. Consequently, the high tax exception does not provide the intended relief from the subpart F rules. U.S. multinational corporations must therefore organize their subsidiaries in a less efficient, more costly structure in order to avoid the subpart F penalty even though the subsidiaries are located in full-tax countries.

In order to allow U.S. business to restructure under this legislation, the high tax standard must be calculated without regard to net operating losses or other timing differences accumulated prior to the change in the law.

The subpart F rules also do not properly take into account the emerging European Community single market. By 1992, the EC expects to have developed the world's largest integrated market and to have eliminated tariffs, customs duties, double taxation, and restrictive trade practices within that market. To take advantage of the new opportunities created by the EC single market, United States businesses must eliminate unnecessary expenses and inefficient business practices. European and Japanese competitors are already consolidating their EC operations and increasing their productivity. The subpart F rules, however, encourage United States businesses to establish or maintain subsidiaries in each European country in order to avoid subpart F treatment of their income, thereby increasing costs and decreasing United States competitiveness.

PROPOSAL

The legislation would reduce the subpart F high tax exception from 90 percent to 80 percent. In calculating whether the high tax standard is achieved, the effective foreign tax rate would be calculated without regard to certain net operating losses or other similar carryforwards earned in tax years ending prior to December 31, 1991.

Further, legislation would treat the European Community as a single country for purposes of the subpart F rules.

This legislation would be effective for tax years beginning after December 31, 1991.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. DECONCINI, Mr. SPECTER, Mr. BROWN, Mr. BINGAMAN, Mr. MCCAIN, Mr. CRANSTON, Mr. AKAKA, Mr. INOUYE, Mr. WIRTH, and Mr. PACKWOOD):

S. 1734. A bill to repeal provisions of law regarding employer sanctions and unfair immigration-related employment practices, to strengthen enforcement of laws regarding illegal entry into the United States, and for other purposes; to the Committee on the Judiciary.

EMPLOYER SANCTIONS REPEAL ACT

Mr. HATCH. Mr. President, today I, along with Senator KENNEDY and several of my other colleagues, am introducing the Employer Sanctions Repeal Act of 1991.

In my opinion, the employer sanctions and verification provisions of the Immigration Reform and Control Act of 1986 [IRCA] have not successfully controlled illegal immigration.

Illegal aliens continue to pour into this country. A cottage industry in counterfeit and fraudulent documents has flourished, and an increasingly lucrative black market in smuggling aliens has thrived.

At the same time, some employers have engaged in illegal discrimination against Americans who look or sound foreign, or have foreign-sounding names, in order to avoid potential lawsuits, fines, and jail sentences under IRCA's sanctions provisions. In particular, Hispanic and Asian Americans have experienced this kind of discrimination. Further, the paperwork and related burdens on America's businesses—some with as few as one or two employees—impose costs that are passed on to the American consumer.

In my view, employer sanctions simply are not worth the price in increased employment discrimination and increased burdens on business. Halfhearted measures, such as underfunded and short-lived employer education efforts, are totally inadequate to avert these consequences. The search for the Holy Grail of a single identification document is doomed to be costly, lengthy, and futile. Similarly, the Band-Aid approach of expanding antidiscrimination requirements, penalties, and resources will never catch up to all of the sanctions-driven discrimination—only eliminating the source of the discrimination itself will solve the problem.

A different approach should be used to control illegal immigration without the negative consequences of sanctions. Accordingly, I am introducing legislation today that will:

First, repeal employer sanctions in IRCA.

Second, repeal the requirement in IRCA that employers verify the eligibility of employees for work.

Third, repeal the prohibition against employment discrimination contained in IRCA. With the repeal of sanctions, the rationale for this prohibition is removed. The legislation will, however, retain mechanisms for handling all discrimination cases arising prior to the repeal of sanctions.

Fourth, increase the authorized personnel for the Border Patrol of INS for the following fiscal year to 6,600, and authorize such sums as may be needed for such increase;

Increase the number of full-time provisions in the INS antismuggling program to 600 positions;

Provide $80 million in additional funds for equipment, support services, and training for Border Patrol officers and $10 million in additional funds for maintenance and repair of equipment; and

Provide $2 million for inservice training for the Border Patrol.

Fifth, add 250 persons to the Wage and Hour Division of the Department of Labor for the purpose of investigating violations of the wage and hour laws in areas where the Attorney General advises the Secretary of Labor of high concentrations of undocumented aliens.

Sixth, add 21 assistant U.S. attorneys, to be assigned by the Attorney General, for the purpose of prosecution of persons who bring in and harbor illegal aliens.

Seventh, increase the penalty for bringing in and harboring illegal aliens for profit and make clear that employers are not subject to penalty for merely employing illegal aliens.

Eighth, enact a sense-of-the-Senate resolution that the Attorney General and Secretary of State initiate discussions with Mexico and Canada to establish formal bilateral programs to prevent and prosecute smugglers of illegal aliens into the United States.

I am committed to seeing this effort through to a successful conclusion, no matter how long it takes.

I urge my colleagues to join with the original cosponsors in supporting this measure.

• Mr. KENNEDY. Mr. President, I am pleased to join Senator HATCH and so many of my colleagues in this new bipartisan effort to repeal the employer sanctions in the immigration laws.

Last year, the General Accounting Office found that the sanctions have led to widespread discrimination. In fact, fully 19 percent of the employers surveyed by GAO had engaged in some form of employment discrimination as a result of the new law.

There is nothing in the months since to suggest that this problem of discrimination has disappeared. In fact, the number of immigration-related discrimination charges filed with the Justice Department has increased by 37 percent over the past year.

At the same time, illegal immigration appears once again to be almost as high as it was before employer sanctions were enacted 5 years ago.

In the face of this evidence, there is no justification for Congress to retain on the statute books these provisions that lead to unintended discrimination.

Mr. President, a sad dimension to the history of our immigration laws and policies has been that whenever the potential for discrimination exists, that discrimination occurs.

We witnessed this in the past, when our laws and policies discriminated against those seeking to immigrate from the Asian-Pacific triangle. Congress acted in 1965 to end that discrimination. And so we must act once again today to change our laws in order to remedy discrimination against working Americans and legal immigrants.

We must find new and better ways to achieve the goal of the sanctions, without harming Hispanic-American citizens, Asian-American citizens and other ethnic minorities.

We can remove the incentive to hire undocumented workers by doing a better job of enforcing laws which govern wages and working conditions. We should provide more effective support for the mission of the Border Patrol, and make certain it has the modern tools and resources it needs. And we must do more, through our trade policies and development programs, to address dire conditions which encourage and even compel desperate citizens of other lands to leave their homes and seek illegal employment in America.

In enacting employer sanctions, Congress made the wrong move. We aimed at illegal aliens—but we hit law-abiding Americans, and it is time to correct our mistake.•

• Mr. DECONCINI. I am pleased to join today with Senators HATCH and KENNEDY in introducing the Employer Sanctions Repeal Act of 1991. I have been a longstanding opponent of the employer sanctions provisions of the Immigration Reform and Control Act of 1986 [IRCA] for two fundamental reasons: First, employer sanctions promote discrimination; and second, the enforcement of our immigration laws is the responsibility of the Federal Government and not the business community of this Nation.

Over a year ago, on March 29, 1990, the General Accounting Office [GAO] issued a report confirming my concerns—the employer sanctions provisions of IRCA have resulted in widespread discrimination in the American job market. The GAO study found that at least 19 percent of the Nation's employers adopted discriminatory practices of some kind as a result of employer sanctions. The numbers are even higher in areas densely populated by minorities. GAO performed a hiring audit with pairs of applicants matched closely on job qualifications, one of foreign extraction with a noticeable accent; the other an Anglo with no accent. The audit showed that the applicant of foreign origin was three times more likely to encounter unfavorable treatment than the Anglo. The Anglo applicants received 52 percent more job offers than the minority applicants. The studies show that employer sanctions have exacerbated discrimination in the job market.

Employer sanctions have also created hardships for the business community. The expense to the business community of complying with the law has been estimated to cost many millions of dollars. Employer sanctions are particularly burdensome for small businesses which are forced to determine eligibility from the 17 different approved verification documents. Businesses should not be asked to scrutinize these documents which are easily counterfeited. As I have asserted from the beginning, businesses are not equipped to act as the enforcer of our immigration laws.

Mr. President, the issue before us is how best to end Government sanctioned, de facto discrimination. Repealing employer sanctions is the only sure way of solving this problem that we have created. The onus of reducing illegal immigration should be placed squarely upon the shoulders of law enforcement where it belongs.

Employer sanctions also prevent the Border Patrol from performing its primary responsibility of monitoring our borders. On March 28, 1991, the GAO issued a report in response to my concerns about the Border Patrol's ability to carry out its duties along the southwest border. According to the GAO, the Border Patrol's added responsibilities since the passage of IRCA in 1986, including checking on employer hiring practices, has resulted in an 11-percent decline in the amount of time spent on border enforcement activities. I question the need for more time spent on nonborder activities which has increased from 29 percent of total hours in fiscal year 1986 to 40 percent in fiscal year 1991. Furthermore, a January 1991 GAO report on immigration management concluded that the overlap of responsibilities between the Border patrol and the investigations division of the Immigration and Naturalization Service [INS] has caused confusion and resulted in an inconsistent enforcement of employer sanctions that threatens the future success of the program.

The legislation we are introducing today takes some positive, rather than negative, steps toward controlling the flow of aliens who enter this country illegally. For example, this bill increases the number of Border Patrol agents and provides the Border Patrol with adequate equipment and support services. It also provides Border Patrol personnel with inservice training to familiarize them with the rights and cultural backgrounds of aliens and citizens in order to safeguard their constitutional and civil rights. These needed resources, along with eliminating the time-consuming burden of investigating employers, will enhance the Border Patrol's efforts to reduce illegal immigration.

Other provisions in this legislation that provide our Government with the necessary tools to effectively enforce our immigration laws include: Increasing the number of positions in the INS antismuggling program; increasing the number of full-time positions in the Labor Department's Wage and Hour Division to investigate violations of our wage and hour laws in areas of high concentration of undocumented aliens; increasing the number of United States attorneys to prosecute persons who bring into the United States or harbor illegal aliens for profit; increasing criminal penalties for persons who are found in violation of this law; and encouraging the Attorney General and the Secretary of State to initiate discussions with Mexico and Canada to establish programs to prevent and to prosecute the smuggling of undocumented aliens into the United States.

We can also take a positive step in reducing illegal immigration by going forward with a Free Trade Agreement with Mexico. An improvement in the economic situation in Mexico will reduce the incentive for illegal immigration to America. I have traveled to Mexico and have met with President Salinas regarding Mexico's trade with the United States. I am hopeful that our two countries can proceed toward an agreement that will enable both countries to prosper. By assisting Mexico in its desire to improve its economy, we can reduce the incentive many aliens have to illegally enter our country.

Employer sanctions are not a viable alternative to our immigration problems. There is no justification for encouraging job-related discrimination against people simply because they appear to be of foreign extraction. We must correct this mistake.•

Mr. SPECTER. Mr. President, I am pleased to join my colleagues on the

Judiciary Committee and others in cosponsoring this bill which would repeal the employer sanctions and verification provisions of the Immigration Reform and Control Act of 1986.

The experience of the last 5 years has convinced me that the employer sanctions scheme simply does not work. Placing businessmen and women under the Draconian threat of criminal and civil penalties in order to enforce extraordinarily complex immigration laws can only lead to discrimination, however innocent. How many businessmen and women know, for example, that a driver's license and a Social Security card are sufficient for purposes of the law and that asking for further identification—like a permanent residence card—may be unlawful? It is no wonder then that studies show that the result of putting businessmen and businesswomen in the role of enforcing complex laws is often discrimination against individuals who look and sound "foreign." In a report issued last year, the General Accounting Office found that fully 19 percent of employers initiated discriminatory employment practices as a result of the 1986 law.

This bill would repeal those laws and redirect enforcement to the place where it is most effective: The borders of this country. It increases our Border Patrol and augments its effectiveness by providing for an antismuggling program and improvements in equipment and support.

I commend my colleagues, Senators HATCH and KENNEDY, for their leadership on this issue and look forward to working with my colleagues on the Judiciary Committee to ensure its passage this year.

• Mr. MCCAIN. Mr. President, I am pleased to join Senator HATCH and Senator KENNEDY as a cosponsor of the Employer Sanctions Repeal Act of 1991. Employer sanctions represents a failed, albeit well intended, experiment in illegal immigration control. But the facts are clear, the experiment has failed. It is now time we corrected our mistake.

In 1986 Congress sought to control the flow of illegal immigration into our Nation. We passed the Immigration Reform and Control Act [IRCA]. The results of this law have in many cases been laudable. However, one specific strategy of IRCA, employer sanctions, has not resulted in success.

Employer sanctions placed a new and onerous burden on employers. For the first time ever, the employer was to be responsible for enforcing immigration policy. Under IRCA's regulations, business owners and managers must verify and document their employees' eligibility to work. This is a task our Nation's businesses are neither prepared to do nor able to accurately complete.

Employer sanctions have simply not served our Nation well. They have punished and burdened employers while not significantly curbing the tide of illegal immigration into our Nation.

America's businesses have tried most admirably, I believe, to fulfill their mandate under IRCA to the best of their ability and without prejudice. However, and most unfortunately, the facts clearly show that IRCA has resulted in a disparate impact against Hispanic and other foreign looking Americans.

In March 1990, the General Accounting Office confirmed that employer sanctions have brought disastrous discriminatory effects upon Hispanics, Asians, and other Americans who may look or sound foreign. The GAO found a widespread pattern of discrimination against authorized workers.

The GAO found that 461,000 employers—10 percent—in the survey population began national origin discriminatory practices as a result of IRCA's provisions. They found an additional 430,000—9 percent—began a practice of not hiring foreign-appearing or foreign-sounding applicants.

Discrimination is inexcusable. If our laws encourage such behavior, then it is time we change our laws. Without even presenting further arguments in opposition to employer sanctions, the fact that these sanctions have resulted in clear, documented discrimination is reason enough to change the law.

However, Mr. President, there are even more reasons that compel us to repeal the employer sanctions provisions of IRCA. Employer sanctions have had a chilling effect on the growth of small business, especially in border States such as Arizona. The law requires that employers engage in tedious and onerous paperwork and background checks, both of which are costly in terms of time and money.

According to the Small Business Administration, employer sanctions have cost our Nation's businesses a staggering $675 million per year to comply with IRCA's mandated recordkeeping. Merely to complete the paperwork—something the Congress has proven extremely adept at creating—the GAO estimates that businesses are expending $69 million per year.

Large businesses can readily absorb this cost; small businesses cannot. Small businesses are often on the margin of economic survival and this law places them at risk of economic ruin.

Additionally, Mr. President, Arizonans are independent people who do not want big brother government breathing down their backs and watching their every move. Mr. President, my constituents favor laws which uphold the policy of Government nonintervention in the private sector. The imposition of employer sanctions runs directly contrary to this philosophy.

Mr. President, we clearly made a mistake. We now have the opportunity to correct our error.

I believe the best answer to the problem of illegal immigration in the southern border States is a strong Mexican economy. That is why I so strongly support the Free Trade Agreement [FTA] with Mexico.

Arizona stands to benefit greatly from the FTA. Mexico is Arizona's largest trading partner. Last year exports to Mexico accounted for about 18,300 Arizona jobs. We enjoy the advantage of our location.

A healthy Mexican economy means fewer illegal immigrants, and more Mexican buyers who come to Arizona because of our close proximity. With the FTA, the southern boundary of the United States will become the trade and commerce center between the United States and Mexico, and will not be plagued by people trying to escape to a better life.

Mr. President, there are solutions to the problem of illegal immigration. We will need to be resourceful to find them. In the meantime, we must admit that some of our efforts in the past have failed. It is now time to pursue new, more equitable policies. The Employer Sanctions Repeal bill is a good step in that direction, and I encourage my colleagues to support this bill.•

• Mr. CRANSTON. Mr. President, I am very pleased to join my good friends, Senators HATCH, KENNEDY, AKAKA, BINGAMAN, BROWN, DECONCINI, INOUYE, MCCAIN, SPECTER, and WIRTH, in introducing the legislation to repeal the employer sanctions provisions of the Immigration Reform Control Act of 1986.

Mr. President, the use of employer sanctions, that is, the imposition of civil and criminal penalties on employers who hire persons without legal authority to work in this country, has resulted in widespread discrimination against those who are perceived as being foreign. In other words, because of employer sanctions men and women who are U.S. citizens, permanent residents, or have legal authority to work in this country are being denied employment or are having the law selectively enforced against them.

Mr. President, we must control our borders, but this is not the way. Hundreds of thousands of employers, fearing sanctions, are refusing to hire Hispanics, Asians, and other minorities for employment because they look foreign or sound foreign. No less insidious is the practice of requiring work authorization documents from only those persons who are perceived to be foreign. In my view, the human indignity and economic hardship that are the direct results of this so called deterrent to undocumented immigration are simply too great a price to pay. The cost in terms of damage to our fundamental constitutional and moral commitment to freedom from bigotry and discrimination is unconscionable.

Mr. President, an absolute repeal of the sanctions is the only right thing to do, and I am very pleased to be part of the effort to retire this failed experiment once and for all. Congress ought to be in the business of eradicating discrimination, not encouraging it. Continued enforcement of employers sanctions is going to lead to continued human indignities and economic hardships for many, many Hispanics, Asian-Americans and others who have already been victimized by the law.

Mr. President the sanctions provisions have proved unworkable. It is time to cut our losses and repeal them. I look forward to working very closely with my colleagues in the Senate to get this law off the books. In my view there is no public policy justification for continuing this rampant discrimination.•

By Mr. CRAIG:

S. 1735. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT AMENDMENTS

• Mr. CRAIG. Mr. President, I am introducing a bill today which this body has previously approved, as an amendment to the first minimum wage bill passed by the Senate in 1989. This bill will solve a problem with interpretation of the Fair Labor Standards Act.

This bill will afford the exemptions of sections 6 and 7 of the Fair Labor Standards Act to a water delivery organization that supplies 90 percent or more of its water for agricultural purposes. It would permit application of the extensions to those who were the originally intended beneficiaries of the law. It would accomplish this by eliminating the literal necessity that fully 100 percent of water delivered by a qualified delivery organization must be used for agricultural purposes.

The exemption for overtime pay requirements was placed in the Fair Labor Standards Act to protect rural parts of the economy. The Idaho Department of Labor, for one, has interpreted the law literally, to the detriment of those Congress sought to relieve by it.

In one case, the delivery of less than 1.5 percent of the total water right used by members of nonagricultural purposes was sufficient to deprive the organization of the exemption. While the user controls the purpose of use of the water, the small portion of water not applied to agricultural purposes was being used for lawns and gardens in municipal areas that have developed from formerly irrigated farms. The overwhelming balance of the water irrigates more than 160,000 acres of agricultural lands. Though more than 98.5 percent of the water was being used agriculturally, exemption was denied to the water delivery organization.

In that case, the farmers and shareholders of that organization paid an assessment of about $50,000—the exact reverse of Congress's intent.

This amendment promotes the original design of Congress to provide the exemption to irrigation companies who ultimately deliver the majority of their water to agricultural users. The fact that minuscule amounts of water might be used for the grass in a city park should not mean that all the farmers in the company are denied the benefit of the exemption.

This change will also benefit the employees of water delivery organizations. Irrigation has never been, and cannot be, a 40-hour-per-week undertaking. During the summer, water must be continually managed and delivered. Following the harvest, the work load is light—consisting mainly of maintenance duties.

Winter compensation and time off have traditionally been the method of compensating for longer summer hours. If the law is not changed, companies will be forced to lay off their employees in the winter. This measure will thus benefit not only farmers, but also their employees, who will continue to earn a year-round income.

Mr. President, I urge the adoption of this legislation and ask that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after "water" the following: ", at least 90 percent of which is ultimately delivered".•

By Mr. SASSER (for himself, Mr. GRASSLEY, Mr. DOMENICI, and Mr. CONRAD):

S. 1736. A bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE DURABLE MEDICAL EQUIPMENT PATIENT PROTECTION ACT

• Mr. SASSER. Mr. President, today I am introducing the Medicare Durable Medical Equipment Patient Protection Act of 1991, along with Senators GRASSLEY, DOMENICI, and CONRAD.

This bill is a result of an investigation and hearings conducted by the Senate Budget Committee which revealed several troubling weaknesses in the Medicare reimbursement system for durable medical equipment and supplies—weaknesses which persist even after major legislative changes over the last 2 years.

Our investigation started, Mr. President, when one of my home State papers, the Nashville Tennessean, published a series of stories I at first found hard to believe. Investigative reporters on that paper detailed how a Pennsylvania company had made huge profits by buying the Medicare claims of Tennessee Medicare beneficiaries, ostomy patients, and then inflating the bills by more than 1,000 percent and billing them out of State in Pennsylvania. In this specific case, the company was billing for separate components of ostomy supplies, rather than for the entire package, or kit which had been actually supplied and which actually cost much less than the component parts.

As we began looking into these practices, we were told that instances of such "unbundling," or billing for component parts for certain medical supplies and equipment was widespread. We even heard of a wheelchair being billed for piece by piece.

We also began to hear about a lot of other sales and claims practices which cost the Medicare Program millions of dollars: falsifying claims, kickback arrangements between some equipment suppliers and other health care providers, forging physician's signatures on medical necessity forms, routine waivers of the Medicare 20-percent coinsurance requirement, and aggressive telemarketing schemes in which some suppliers aggressively sell equipment directly to Medicare beneficiaries and then pressure the beneficiary's physician to prescribe the equipment after the fact.

Then we began to take a closer look at the existing payment system for durable medical equipment and supplies to see how these practices could apparently go on with little fear of detection, and we found some more unsettling problems.

Reimbursement rates for some equipment and supply items from one Medicare carrier to the next could vary by as much as 600 hundred percent or more. Example: We found reimbursement for a wheelchair pad in Tennessee was $42, but the same pad was reimbursed at $249 in Pennsylvania. And allowed utilization policy for some items could also be vastly different. Such differences mean that Medicare beneficiaries across the country do not have the same access to equipment and supplies, and do not realize the same Medicare benefit even though they pay the same premiums for program participation.

Such differences have also led to widespread forum shopping by some suppliers. Under this practice, some suppliers identify a Medicare carrier in the country with the highest reimbursement rates and/or the most lenient coverage and utilization policy, and then solicit business from all across the country to be billed through that carrier. This could be done simply by establishing an office in the jurisdiction of the high-paying carrier. As an example, the Medicare carrier located in Pennsylvania reimbursed up to $30 for a simple wound care kit, a kit generally consisting of gauze pads, bandages, gloves and small implements such as tweezers, et cetera, to be used as postsurgical dressings. This carrier's utilization policy allowed reimbursement for up to 3 kits per wound site per day per patient, or 90 or more kits per patient per month. The committee took testimony suggesting that this allowed reimbursement was vastly inflated, and that some suppliers were supplying kits that cost no more than $1 or $2 and reaping millions of dollars in profit from this one item alone. In contrast, the Tennessee carrier, as well as many others in the country, did not provide reimbursement for wound care kits at all.

We also found that there is very little or no control over who becomes a Medicare supplier and there is widespread manipulation of the supplier provider number system. There is no limit on the number of different provider numbers a supplier can obtain. There are virtually no requirements, and very little information, necessary to receive a Medicare provider number for equipment and supplies. If a supplier is engaged in fraudulent activity, or routinely overbills for some items, he can avoid detection by using several different provider numbers or periodically change company names and obtain new provider numbers. He could be operating in several States, submitting duplicate claims for the same beneficiary under different provider numbers, and no one would know. Under the current system, it is almost impossible to detect fraudulent activity if a supplier is determined to cover his tracks.

The committee also took unsettling testimony suggesting a growing practice of cash or other inducements paid to some nursing homes to solicit their supply business for Medicare part B eligible nursing home patients. These inducements, as much as $50,000 a year, could be offered by individual suppliers, or as more frequently cited, by third-party billing companies which arrange for supply deliveries to nursing homes from suppliers and then submit Medicare claims themselves on behalf of the Medicare beneficiaries residing in the nursing home. In some cases, the committee heard of loads of supplies being delivered and then simply being stockpiled in the nursing home, perhaps never to be used by a Medicare beneficiary. Among the supply items which have come to the committee's attention are ostomy supplies, urological supplies, surgical dressings, and leg and foot prostheses. Nursing homes are often unwitting participants in such arrangements. The biller may be reaping great profits on unused or under-used items, but the nursing home may never know what is being billed and their supply needs are being taken care of. Contracts for payment of fees to nursing homes can be drawn which avoid the current antikickback statutes and represent payment of fees for warehousing of supplies and the paperwork involved in identifying Medicare beneficiaries and turning over their beneficiary billing numbers.

Mr. President, this is just an overview of some of the broad themes we found in our inquiry. The bill we are introducing today is a result of that inquiry, and we think it is a targeted response to these problems.

I would also like to point out, Mr. President, that we have had a great deal of interest and cooperation from many parties in arriving at these solutions. National organizations representing ethical and upright suppliers, as well as many individual suppliers, have contributed a great deal and I want to publicly thank them for their cooperation. We have also had invaluable cooperation and assistance from the inspector general of the Department of Health and Human Services and from the Health Care Financing Administration.

Mr. President, I would like to submit an outline and further explanation of a bill we are introducing today, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MEDICARE DURABLE MEDICAL EQUIPMENT PATIENT PROTECTION ACT OF 1991, INTRODUCED BY SENATORS SASSER, DOMENICI, GRASSLEY, AND CONRAD, SEPTEMBER 20, 1991

IMPROVEMENTS IN CARRIER CLAIMS PROCESSING

Background: Many of the problems uncovered in the reimbursement of durable medical equipment and supplies could be corrected by better claims screening and control by designated Medical payment agents, called carriers.

Presently, 34 separate carriers are responsible for reimbursement for these items, and claims volume is only three to five percent of total claims volume for any one carrier. The coding system used to determine reimbursement quickly becomes inadequate and outdated with rapid changes in product packaging and marketing of new items eligible for reimbursement, and not all carriers use the same coding system. Reimbursement amounts, and the policy on amount and scope of coverage, for the same items vary considerably by carrier. Standards and screens for appropriate utilization vary enormously. Monitoring of provider entrance into the Medicare program and subsequent performance is a low priority and appears to be non-existent in many areas.

In sum, there is little incentive or ability within the current reimbursement system for durable medical equipment and supplies to develop sorely needed expertise on appropriate reimbursement amounts and coverage policy or to adequately monitor utilization and billing practices.

Section 2. Required Consolidation of Carrier by Region For Certain Medical Equipment And Supplies.

Section 2 of the bill would create an administrative structure capable of more uniform policy development and enhanced monitoring ability by requiring the Secretary to designate no more than five carriers nationwide to process and pay all claims for durable medical equipment and supplies.

Section 2 would also require that determination of claims jurisdiction for payment be determined by beneficiary address, rather than supplier or billing company address or "point of rule." This provision, in conjunction with other sections of the bill moving toward more uniform national payment standards, would remove incentives for "forum shopping." Under special circumstances, the Secretary could provide an exception to this "zip code billing" policy if it was in the interest of Medicare program administrative efficiency.

Section 2 provisions would be effective January 1, 1993.

MOVING TOWARD UNIFORM NATIONAL STANDARDS FOR PAYMENT RATES AND COVERAGE POLICY

Background: Wide geographic variations in reimbursement rates for similar items, as well as coverage policy (i.e., differences in the number of items covered or in the duration of use of a specified item during a specified time period), have created a situation in which Medicare beneficiaries residing in one part of the country may find their Medicare coverage much less than others, and have created a climate fostering "forum shopping" on the part of some providers. The Committee has found that a similar item may be reimbursed at a rate well above reasonable cost, or below, depending on carrier jurisdiction.

Legislation was passed last year to gradually phase in a national fee schedule for most covered items, those categorized as durable medical equipment. The full implementation of this fee schedule is expected to reduce the geographic variation in allowed reimbursement for any one item to no more than 15 percent nationally.

Items classified as prosthetics and orthotics, however, which includes many of the supply items the Committee inquiry identified as subject to abusive billing practices, will be subject to a more "flexible" regional fee schedule under current law and much wider geographic variations in prices would remain. Neither are certain supply items identified as subject to billing abuses, such as surgical dressings, currently subject to any fee schedule.

Section 3(a). Development and Application of National Payment Limits on Certain Items.

Section 3(a) of the bill requires the development of a national fee schedule for ostomy supplies, urologicals, surgical and other medical supplies. These items would be included in the same reimbursement category as medical equipment now classified as "inexpensive and routinely purchased," and subject to the same procedures for development of national payment ceilings as other items of durable medical equipment in this category.

Section 3(a) would be effective January 1, 1992.

Section 3(b). Development of Uniform National Standards For Payment Rates and Coverage Policy.

Section 3(b) directs the Secretary, working on collaboration with Medicare carriers processing claims for durable medical equipment and supplies as well as medical professionals and suppliers, to look beyond the national fee schedules and develop further recommendations for national uniform reimbursement rates and coverage policy for durable medical equipment, prosthetics and orthotics, and other medical supplies. The Secretary is directed to provide an interim report to Congress no later than January 1, 1993, and a final report with recommendations on uniform national payment rates and coverage policy no later than January 1, 1994.

Section 3(c). Revision of Codes To Prevent Inappropriate Billing.

Section 3(c) directs the Secretary to revise the Common Procedure Coding System (HCPCS) codes for items of durable medical equipment and supplies to minimize opportunities for unbundling and other inappropriate billing practices. Effective January 1, 1992.

CLOSER SCRUTINY OF SUPPLIER PARTICIPATION IN MEDICARE

Background: Unlike other Medicare providers, such as doctors and hospitals and nursing homes with medical professionals engaged in provision of direct medical services to beneficiaries, equipment suppliers are not subject to any formal survey and certification procedures for participation in Medicare. While some equipment suppliers do also provide professional services, such as those of licensed prosthetists, most of the volume comes from straight forward businesses supplying an off-the-shelf product.

Currently, little or no information is required of suppliers before they receive a provider number with which to bill the Medicare program for equipment and supplies supplied to Medicare beneficiaries. The Health Care Financing Administration and the paying carrier have very little control over who receives these numbers, and there is no limit on the number of provider numbers which any one supplier can receive. With the lack of information and proliferation of provider numbers, there is little ability to monitor billing practices to detect fraudulent or unethical activity or sales practices which lead to overutilization.

Legislation passed last year (Sec. 1124A of the Social Security Act) required that all Medicare Part B providers providing services on assignment (including durable medical equipment and supplies) provide information on the identity of any individuals with a 5 percent or more ownership interest in the provider business, including subcontractors. Such ownership disclosure is not required of suppliers (or other Part B providers), however, who participate in Medicare on a non-assigned basis.

Section 4(a). Disclosure Requirements for Suppliers of Durable Medical Equipment and Supplies.

Section 4(a) would require that, in the case of providers of durable medical equipment and supplies, the current ownership disclosure requirements would also be required of suppliers who participate in Medicare on a non-assigned basis.

Section 4(a) also would require provider numbers to be renewed every two years and mandate additional information disclosure for suppliers of durable medical equipment and supplies as a prerequisite to receiving a Medicare provider number. Additional information required includes:

(1) whether Medicare-billed supplies are directly purchased, warehoused and shipped by the provider, or supplied under arrangement with other suppliers;

(2) the identity of any subcontracting or subsidiary business affiliations directly or indirectly involved in sales of supplies and equipment to Medicare beneficiaries, including advertising and marketing businesses;

(3) a description of all items and services provided to Medicare beneficiaries and/or to other Medicare providers;

(4) identification of all States and localities in which the applicant provides services or supplies reimbursed by Medicare and/or Medicaid; and

(5) additional information as may be required by the Secretary.

Section 4(c). Provider Number Application Fees Authorized.

Section 4(c) authorizes the Secretary, through carriers, to charge medical equipment suppliers a fee of up to $100 per provider number application and/or renewal in order to defray the costs of administering the new supplier provider number system, including information gathering, review and verification of supplier information, and enhanced claims monitoring.

The provisions of Section 4 would be effective January 1, 1992.

STRENGTHENING OF ANTI-KICKBACK STATUTE

Background: The Committee inquiry has identified certain financial arrangements between nursing homes and providers, or billing agents, of medical equipment and supplies which appear to circumvent the current Medicare anti-kickback statutes. An arrangement commonly seen by the Committee involves direct payments of cash or "free" services or supplies by a third party biller to a nursing home as an inducement for the nursing home's business. Since direct inducements are illegal under the anti-kickback statutes, contractual arrangements frequently take care to categorize such payments as remuneration to the nursing home for services provided.

Section 4(b). Definition of Inducements as Kickbacks Clarified.

Section 6 would clarify that payments to nursing homes by third party billers and/or other suppliers for the "employment" costs of paperwork processing (i.e., provision of Medicare beneficiary eligibility and billing information) and warehousing of durable medical equipment and supply items are not excepted "bona fide employment" monetary transactions and therefore subject to current anti-kickback statutes. Effective January 1, 1992.

STRENGTHENING OF SANCTION AUTHORITY

Background: Current law provides for a wide range of civil and criminal penalties and bases for program exclusions for suppliers and other Medicare providers who are convicted of fraudulent activity. There is little ability at the "front lines," however, at the carrier level, to even temporarily deny payment to a provider suspected of fraudulent activity or unethical billing practices.

Legislation passed last year identified certain durable medical equipment items covered by Medicare with a history of unnecessary and inappropriate use, primarily due to aggressive marketing practices of some suppliers. The Secretary was required to develop a list of such items, and authorized carriers to require prior approval of claims for these specific equipment items, and/or temporarily suspend payment. The prior approval authority, however, does not extend to individual providers or billing entities.

Section 5. Development of List and Prior Approval Authorized For Certain Suppliers.

Section 5 would require the Secretary to develop a list of suppliers, third party billers, and other billing agents for durable medical equipment and supplies which the Secretary determines, on the basis of prior experience, may be engaged in fraud or billing practices which serve to maximize reimbursement or promote unnecessary utilization (such as unbundling of claims, parameter billing, or aggressive marketing without physician order, such as telemarketing schemes), and authorize carriers to require prior approval of billings submitted by entities on the Secretary's list. The Secretary would also be required to develop an administrative mechanism to provide due process for entities placed on the Secretary's list. These provisions would be effective January 1, 1992.

Section 6. Limitation on Beneficiary Liability in Case of Sanctions on Supplier.

Currently, a Medicare beneficiary accepting an item of equipment or supplies from provider on a non-assigned basis may be liable for full payment in the event of claims denial for reasons of fraudulent activity or a determination that the provided item was not medically necessary.

Section 6 would clarify that Medicare beneficiaries would not be responsible for payment of items for which reimbursement was denied for reasons of fraud or prior approval suspension and which were supplied on a non-assigned basis. Effective January 1, 1992.

FURTHER STUDY OF NURSING HOME SUPPLY ARRANGEMENTS AND REIMBURSEMENT FOR PARENTERAL AND ENTERAL SUPPLIES AND SERVICES

Section 7. Studies.

Section 7(a) directs the Comptroller General to study and report to Congress by January 1, 1994 on the types, volume, and utilization of services and supplies furnished to nursing homes by third party billers and other direct suppliers and billed to Medicare Part B.

Section 7(b) directs the Secretary to conduct a study to determine the reasonableness of current reimbursement rates for parenteral and enteral supplies and services.•

• Mr. DOMENICI. Mr. President, I am proud to be an original cosponsor of the Medicare Durable Medical Equipment Patient Protection Act of 1991, and I want to congratulate Senator SASSER for taking a leadership role on this issue.

After learning of possible abuses in the Medicare durable medical equipment program from a newspaper article in his hometown of Nashville, TN, Senator SASSER moved quickly to examine the extent of the abuses in three very revealing hearings before the Budget Committee.

In those hearings, the Budget Committee heard testimony from the inspector general of the Department of Health and Human Services, from the Administrator of the Health Care Financing Administration, and from many individuals associated with the business of supplying medical equipment to Medicare beneficiaries, including one person who saw many of these abuses up close in a former job.

This testimony clearly pointed to a pattern of abuse and potential abuse that is completely unnecessary in the Medicare Program and is a terrible waste of Medicare trust fund resources. Some suppliers are apparently reaping profit margins of 200 percent or more by engaging in practices that are at best questionable and could be subject to criminal prosecution.

Senator SASSER has moved quickly to put forward this legislation that would address some of the areas of concern. I am glad to join with him in sponsoring this legislation, and I look forward to working with him to eliminate fraud and abuse in the Medicare Program.•

By Mr. DOLE (for himself and Mr. D'AMATO):

S. 1737. A bill to prohibit the import from Yugoslavia of defense articles on the United States munitions list; to the Committee on Finance.

PROHIBITING IMPORT OF CERTAIN YUGOSLAVIAN DEFENSE ARTICLES

Mr. DOLE. Mr. President, early this morning, just as we received news of the breakdown of European community peace efforts regarding Yugoslavia, a 12-mile long convoy of tanks, troops and artillery crossed the Croatian border. Today Yugoslav Air Force jets have continued their bombardment of Croatian towns and villages and the death rate has climbed to over 500—among them many innocent civilians.

With every minute it is becoming increasingly clear that the Communist-led Yugoslav Army has taken matters into its own hands—that it is not answering to the President, who is Commander in Chief, nor to any other officials in the central government. It is also apparent that the Yugoslav Army is in alliance with hardliner Slobodan Milosevic to expand control over Croatia, and bring that young democracy to its knees.

Despite the fact that the West imposed an arms embargo against Yugoslavia, the army has plenty of guns, bombs, tanks, and planes to carry out these objectives.

That is because Yugoslavia has a significant defense industry. And this industry, in addition to supplying the Yugoslav Army, exports arms. Among their customers are the few remaining Communist dictatorships and States who sponsor terrorism, such as Libya.

But, this should not come as a surprise since these weapons factories are state-owned and substantially controlled by the Yugoslav military.

Mr. President, I am here today to introduce a bill that very simply, prohibits the import of arms and munitions from Yugoslavia. It seems to me, having witnessed, over the last 2 months, the destruction brought by the Yugoslav Army on Croatian towns and villages, on Slovenia's countryside in June, and in the streets of Belgrade last march—when army units fired on thousands of peaceful demonstrators—that the United States should not be subsidizing the muscle behind the Yugoslav Army. Especially not by buying guns that will end up in street crimes and drug wars.

Mr. President, the United States needs to do what it can to bring the tragedy in Croatia to an end. I believe that this is an important step in that direction.

I am joined as a cosponsor by the Senator from New York, and I send the bill to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. DOLE. I am happy to yield to the distinguished Senator from New York.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no defense article which is made, produced, or manufactured in Yugoslavia and which is enumerated on the United States Munitions List (as authorized by section 38 of the Arms Export Control Act) may be imported into the customs territory of the United States.

(b) For purposes of this Act, the term "defense article" has the same meaning given to such term by section 47(3) of the Arms Export Control Act.

Mr. D'AMATO. Mr. President, I thank the Republican leader, and I want to congratulate him for this important piece of legislation. These guns are being exported and given to the Yugoslavian Army, which is run by the Serbians. Slobodan Milosevic, a hardcore Communist dictator—and his armies are slaughtering innocent people and civilians. Shockingly, the exports of these weapons, these guns as Senator DOLE indicated, are coming here to the United States.

The SS-99—pistols of the Saturday night special variety, cost approximately $100, and anyone can get one. They have exported as many as 50 million of these weapons in any one year. Law enforcement officials are finding these pistols on our streets, in our cities, in the city of New York, contributing to the slaughter of innocent people. This must stop now.

I would go a step further. There has been no one who has worked harder in this area attempting to wake up the world as to the tragedy that is unfolding than Senator DOLE. I thought we took a myoptic view in saying Yugoslavia is Yugoslavia as opposed to what the realities of the situation are.

We embarked the world community on a course of action that did not recognize that Croatians want and should have freedom and independence and that the people of Slovenia should have that, and those ethnic groups in Kosovo, where we have millions of Albanians who are regularly, systematically tortured, beaten, executed, deprived of basic human rights should have protection. We continue under this theory that we must keep Yugoslavia together. Nonsense. It is not going to be kept together. Yugoslavia is now two separate countries.

You are not going to keep people who want freedom shackled because you have some utopian idea of what Yugoslavia should look like. You are not going to subject the Croatian, Slovenians, and ethnic Albanians to that kind of servitude. Because they will fight against it, as they should.

One of the things we can and should be doing is thinking of getting the world community and United Nations to see to it that there is the kind of economic embargo—that will stop the tanks and ground the planes. The bombing of innocent people and citizens and villagers must be stopped. We have to go further.

The United States has been playing catch-up ball. We should be in the leadership position of letting the Serbian-led Federal Government and the army they are using know we are not going to sit back idly as people's blood is senselessly spilled. The carnage taking place will increase many times over unless something is done, and done now.

This is the time for the United Nations to come in and make a difference for the people in Croatia, in Slovenia, and the Albanians in Kosovo.

I hope we not only pass this legislation, but I hope the Senate, the Congress, the administration, and world community will heed the words of BOB DOLE and his legislation. He has been a leader in this effort to wake up the world community to the transgressions against mankind that have taken place far too long.

Mr. President, I thank the majority leader for yielding me the opportunity of cosponsoring this bill.

Mr. DOLE. Let me thank the distinguished Senator from New York. I hope everybody will take a look at this legislation. It is very important.

We are importing, as the Senator from New York underscored, products of substantial dollar value each year from this hardline government in Serbia—private sources, government sources in some cases. We ought to cut it off. That is all this bill will do.

I thank the distinguished Presiding Officer for staying here beyond what we thought would have been an earlier recess.

By Mr. DASCHLE:

S. 1738. A bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes; to the Committee on Finance.

PROHIBITING IMPORTATION OF CERTAIN MEAT PRODUCTS FROM THE EUROPEAN COMMUNITY

• Mr. DASCHLE. Mr. President, the U.S. Department of Agriculture is out of date and out of touch. The General Accounting Office reported this month that USDA is unresponsive to the new challenges facing American agriculture.

Trade policy is one example. The GAO report says USDA has focused on increasing the production of raw commodities at low prices, while our competitors have been employing sophisticated marketing strategies to swallow up value-added markets. High value produces, such as wheat flour, vegetable oil, and meat, provide greater benefits to the exporting nation than raw commodities because value-added processing creates jobs, boosts economic development, and raises Government revenues. Our competitors are aggressively developing value-added markets through Government-producer teamwork. We're not matching their efforts. As our competitors capture value-added markets, our farmers are forced to produce raw commodities because that's the only markets left to them.

GAO says the new competition has weakened our comparative advantage in low prices. "The United States' continuing emphasis on lowering the production cost of bulk commodities disregards a decade-old shift in global trade from a relatively few major bulk commodities to profitable market opportunities in processed and consumer-oriented products," the GAO report says.

Instead of meeting our competition, we're falling behind. The European Community [EC] commands the biggest share of world trade in value-added agricultural products. The EC takes in almost twice the amount we do in high-value exports. The EC also dominates the high end of the processed market, while U.S. higher value exports tend to be semiprocessed products at the low end of the market.

Our second-place status in the high-value market is no accident. We're being outmarketed. According to GAO, "USDA has yet to adopt a strategic marketing approach that would enable it to lead agribusiness as an educator, researcher and technical service provider."

American producers have been hurt by USDA's failure. The EC pays export refunds on beef, veal, pork, and poultry products to help EC exporters stay competitive. As a result, the U.S. export share has declined steadily during the 1980's, reaching a low of 6 percent in 1986, with a little improvement in 1987. In contrast, the EC share rose each year between 1983 and 1987, reaching a high of 46 percent in 1987. The EC pork producers export more than 600 million dollars' worth of their products, while American pork producers are able to export barely over 100 million dollars' worth of products.

Meanwhile, under the guise of a health regulation, the EC is banning our pork and beef products from being sold there. The regulation, called the third country meat directive, requires that EC veterinarians inspect U.S. meat processing plants and certify that the plants may export products to the EC. The standards in the directive have little scientific basis. Furthermore, the EC does not recognize inspection procedures that provide equivalent levels of food safety, nor is it clear that these standards apply to EC plants.

What's our Government doing to fight this unfair trade barrier? Not much. After months of talk, EC veterinarians voted Wednesday not to relist for import to the EC any U.S. meat plants. This decision is outrageous.

We've had enough delays and enough talk. It's time for action. The matter goes before the EC Council of Agricultural Ministers next week. Our Government must send a strong message that if the EC does not grant our producers full and fair access to its markets, we will deny access for EC producers to our market. If the EC continues to ban our meat imports, we should immediately ban EC meat imports to the United States.

Congress has given the administration powerful trade weapons to fight back against the EC's strategies and unfair practices. The Daschle amendment in the 1988 Trade Act gives the President power to retaliate against the EC's ban on meat imports. But the administration says that approach is too tough. How can that approach be too tough when the EC ignores our demands?

It's time to fight back. Today, I am introducing legislation to declare the third country meat directive an unfair trade barrier and to require the U.S. Government to respond by banning EC meat imports to the United States.

Mr. President, it is time to put this charade to an end. U.S. meat trade with the EC has dropped steadily over the past decade as stocks of European-produced subsidized meat have grown. When the EC decided last year to ban U.S. meat imports, the dollar value of U.S. meat exports at that time was $30 million. Meanwhile, imports of EC subsidized meat has been flooding the U.S. market. The administration must stop dodging this issue. If the administration does not take action, Congress must. I introduce this legislation today to show we are serious in demanding an end to this dispute.●

By Mr. THURMOND (for himself, Mr. DECONCINI, and Mr. HELMS):

S.J. Res. 200. Joint resolution designating the week of October 27–November 2, 1991, as "National Pornography Victims Awareness Week"; to the Committee on the Judiciary.

NATIONAL PORNOGRAPHY VICTIMS ACT

● Mr. THURMOND. Mr. President, I am pleased to introduce today a commemorative joint resolution which brings national attention to the plight of victims of pornography and addresses the violence associated with it. By considering this joint resolution, the Senate will be taking steps toward recognizing that pornography often promotes violence against women and children.

Without a doubt, pornography is rampant in our society today. It has increasingly made its way into existing and new media of communication and has become an enormously profitable business as well. In fact, it is not uncommon for video stores to offer hardcore pornography tapes for rent.

The infamous Ted Bundy stated that violent pornography fueled his evil desire to commit the vicious, brutal acts he committed. Prior to his execution, he gave one last interview in which he discussed how hardcore pornography had an addictive, progressive, and destructive nature in his own life. In discussing pornography's role in shaping his life, Mr. Bundy said, "Pornography can reach out and snatch a kid out of any house. * * * It snatched me out of my home 30 years ago." He went on to say that Americans walk past magazine racks "full of the very kinds of things that send young kids down the road to be Ted Bundys." Such a statement is truly alarming. One can only conclude that the victims of Ted Bundy's rampage across the country were also the victims of pornography. This resolution, which recognizes the link between pornography and the growing problem of sexual violence, certainly merits consideration by the Senate.

In closing, we, as a nation, must take every reasonable step necessary to ensure the protection of our society. The interests of our children and those who are the victims of pornography demand our sincere attention and endless efforts.

I urge my colleagues to join with me and support this meritorious resolution.●

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 649

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 721

At the request of Mr. ROTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 721, a bill to facilitate the dissemination of patent information.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1324

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Rhode Island [Mr. PELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1324, a bill to amend the Public Health Service Act to generate accurate data necessary for continued maintenance of food safety and public health standards and to protect employees who report food safety violations, and for other purposes.

S. 1343

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1343, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 1358

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1372

At the request of Mr. GORE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1424, a bill to amend chapter 17 of tile 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. DANFORTH], the Senator from Washington [Mr. GORTON], the Senator from Oregon [Mr. PACKWOOD], the Senator from Montana [Mr. BAUCUS], the Senator from Arizona [Mr. MCCAIN], the Senator from Kansas [Mr. DOLE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1521

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1521, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material.

S. 1532

At the request of Mr. METZENBAUM, the names of the Senator from Utah [Mr. HATCH], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1532, a bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, and for other purposes.

S. 1578

At the request of Mr. THURMOND, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1614

At the request of Mr. GRAHAM, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 1614, a bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals, and for other purposes.

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1614, supra.

S. 1628

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1628, a bill to amend the Federal Aviation Act of 1958 to increase competition among commercial air carriers, and for other purposes.

S. 1722

At the request of Mr. BENTSEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. DIXON], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1722, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 178, a joint resolution prohibiting the proposed export to the Republic of Korea of certain technical data and equipment related to the sale of F-16C/D aircraft, pursuant to section 36(c) of such act.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the names of the Senator from Utah [Mr. GARN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 185

At the request of Mr. KASTEN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 185, a joint resolution recognizing the 10th anniversary of the enactment of the Economic Recovery Tax Act of 1981.

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Connecticut [Mr. DODD], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 189

At the request of Mr. GORE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution to establish the month of October, 1991, as "Country Music Month."

SENATE JOINT RESOLUTION 195

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 195, a joint resolution providing that the United States should support the Armenian people to achieve freedom and independence.

SENATE RESOLUTION 91

At the request of Mr. METZENBAUM, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 91, a resolution expressing the sense of the Senate regarding human rights violations against the people of Kashmir, and calling for direct negotiations among Pakistan, India, and Kashmir.

SENATE RESOLUTION 126

At the request of Mr. SMITH, the names of the Senator from Florida [Mr. MACK] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 126, a resolution encouraging the President to exercise the line-item veto.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Vermont [Mr. JEFFORDS], the Senator from California [Mr. CRANSTON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 178, supra.

AMENDMENTS SUBMITTED

SMITH AMENDMENT NO. 1183

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to a measure, as follows:

At the appropriate place, add the following:

"Public Law 101-508 is amended by adding at the appropriate place the following new subsection:

"( ) TAX INCREASES.—Notwithstanding any provision of this Act to the contrary, it shall not be in order for either the Senate or the House of Representatives to consider any bill, resolution, or motion which would increase individual income tax rates established by section 1 of the Internal Revenue Code of 1986 for any individual with a taxable income of less than $49,300 in the case of a single individual, $82,150 in the case of an individual filing a joint return, $70,450 in case of a head of household, or $41,075 in the case of a married individual filing separately, and thereby increase Federal revenues above the level contained in Public Law 101-508, except by a vote of three-fifths of those present and voting in the body in which the bill, resolution, or motion is considered."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Friday, September 20, 1991, at 9 a.m., in SD-138, to hold a hearing on "The Circle of Poison: Impact on American Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, September 20, 1991, at 10 a.m., to hold a confirmation hearing on Robert M. Gatex to be Director of Central Intelligence

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Select Committee on POW/MIA Affairs be authorized to meet during the session of the Senate on Friday, September 20, 1991, at 1 p.m. for its organizational meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, September 20 at 9 a.m., to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

POLISH ARMY VETERANS ASSOCIATION

• Mr. RIEGLE. Mr. President, on October 6, 1991, the Polish Army Veterans Association, Post No. 7 LWOW, in Detroit, MI is celebrating its 70th anniversary. Organized in June of 1920 by members of General Haller's Polish-American volunteer army, Post No. 7 has devoted itself through many years of service to their ethnic community and to American society in general.

Many world events have passed into history since the first meeting of these veterans from two continents was called together by Mr. Szczepan Sidor, Mr. Marian Jackiewicz, and Mr. Jan Zbikowski. They had successfully organized a committee of associates—J. Borkowski, F. Chrowat, A. Dudek, S. Jachimowicz, M. Marszal, S. Pogoda, J. Przyprawa, J. Rychlicki, J. Terlecki, T. Wasiak and I. Sapytowski—and these fellow veterans helped to build an organization whose influence and charitable works have done much to improve the quality of life in both the United States and Poland.

In addition to the goals set forth in their bylaws, the veterans of Post No. 7 have successfully sponsored events to assist in the financing of many worthy projects. Among recipients of their generosity were educational, scientific, and social programs in Poland; the linguistic and historical departments of Wayne State University, University of Michigan, and St. Mary's College; emergency relief projects for Poland after World War II and for refugees to the United States fleeing Communist dictatorship; the Polish Veterans Home in Michigan and the Polish Scouting Association in America.

For 70 years the membership of Post No. 7 has been faithful to its motto: "God, honor, fatherland." The veterans risked their lives in two world wars then gave of themselves untiringly for the benefit of the Polonia in Michigan as well as many associate organizations across the world. The reward for their organization has been the heartfelt gratitude of a remembering community. The personal reward for each member has been the realization that their highest goal—the reestablishment of a free Poland—has been realized, and that this new spirit of democracy has acted as a wave across all of Eastern Europe.

Mr. President, I believe it is important to recognize the contributions of this organization and I am certain that succeeding generations will carry on the values of those first soldiers who gathered after World War I and all those who followed in their footsteps.•

WORLD DAIRY EXPO

•Mr. KASTEN. Mr. President, I rise today to inform my colleagues about the largest dairy event in America—the World Dairy Expo.

I am proud to say that the silver anniversary of the world's largest dairy industry show, sale and exhibition, will be held in Madison, WI, October 2-6, 1991.

The World Dairy Expo draws some 2,500 international guests representing

61 countries. The Future Farmers of America, the 4-H, collegiate, and post-secondary students compete in the dairy cattle judging and showing contest, while the best forage producers compete in the World Forage Superbowl Contest. The Expo also includes 6 dairy cattle shows, 4 educational forum seminars, 4 dairy cattle sales, and over 700 commercial exhibits.

The goals of the Expo are to promote international exhibitions of agricultural commodities, dairy cattle, dairy products, and livestock; and promote—within the State of Wisconsin—a national dairy cattle show for exhibitors and owners without restrictions as to their residence and geographical origin.

Mr. President, I salute the 1991 World Dairy Expo honorees: Myrna Sue Jones of Marshall, WI, Dairy Woman of the Year; Donald V. Seipt of Easton, PA, Dairy Man of the Year; Robert M. "Whitey" McKnown of Sandy Creek, NY; Dr. Gonzalo F. Cevallos Urueta of Mexico, International Person of the Year.

Mr. President, 1,500 bovine beauties will cruise the turf of the dairy capital of the Nation—Wisconsin—as over 62,000 consumers and farmers sample these delightful dairy products and examine the newest technology the agricultural industry has to offer.

I join my colleagues in wishing a happy 25th anniversary to the World Dairy Expo.•

THE FIGHT AGAINST DRUGS IN PERU

• Mr. LIEBERMAN. Mr. President, I would like to make a statement today about the war against drugs. This war is being fought on our streets and in our schools, but it must also be fought abroad, particularly in the Andean countries, where nearly all the cocaine in the world is produced. The fight against the international drug cartel will be a long hard fight, one with no clear-cut victories. But it is a fight that must ultimately be won.

This week the President of one of the front-line Andean states, President Fujimori of Peru, is in Washington to discuss how we can win this fight. He is appealing the suspension last month of $95 million in antinarcotics aid by several congressional committees because of reports of human rights violations by Peruvian security forces.

These reports are serious, and many are no doubt true. I am pleased that Peruvian leaders last week accorded the International Red Cross access, without prior notification, to prisoners in all military installations and access to all police facilities. These are important steps and the Peruvian authorities should continue to monitor the performance of the military on the local level, where the abuses occur. In light of these recent steps, I hope that the executive and congressional branches can reach an understanding about resuming aid.

Economic aid for Peru would be used for balance-of-payments support, crop substitution, and public education about drugs. Peru, one of the poorest nations in the hemisphere, earns about $750 million from cocaine; its legal imports are no more than $3 billion. A fair amount of the cocaine earnings trickle down to its farmers. The Government is too weak to force them to abandon their coca crop unless they are given some alternative ways of making a living. Economic support will make a modest, but significant, contribution toward building an economy that will provide alternatives.

Funds for military assistance will also help the Peruvian Government to fight drug traffickers, who are allied with the Sendero Luminoso Marxist guerrilla force. Sendero Luminoso probably constitutes the most vicious insurgency since the Khmer Rouge. They systematically mutilate their victims before execution and warn villagers of their presence by hanging dogs from lamp posts. They are also deeply involved in the drug trade. Military assistance is needed to prevent their taking over the country, in addition to providing human rights training for the military.

There is a final reason to help President Fujimori. He has recently embarked on a difficult economic reform program. During the past year, he has cut 50,000 Government employees from a bloated bureaucracy, reduced the Government share of GDP from 10 to 8 percent, doubled tax revenues, and begun efforts to privatize state enterprises. He is trying to save Peru from the dead hand of its socialist past.

Mr. President, we will not gain the sustained cooperation of Peru unless we stay engaged in their fight against narcotics. It is a frustrating fight, with no decisive victories; this is not the gulf war. But persistence can pay off over time. We saw how sustained effort finally led to the liberation of Central Europe. So if we can turn back Sendero Luminoso and the traffickers, we can make progress. And if we can eventually turn around the Peruvian economy, we can achieve victory. We must help President Fujimori because it is in the interests of our children, our schools, and our country.•

TRIBUTE TO PRINCETON

• Mr. McCONNELL. Mr. President, I rise today to say a few words about Princeton, a small town situated in western Kentucky.

Most strangers to this part of the State do not realize why anyone would want to live in Princeton, and it is these same people who fail to realize the true beauty of such a small town.

Although Princeton is not the wealthiest town in Kentucky, it easily makes up for what it lacks economically in culture, with a strong history dating back to the Civil War. Unknown to outsiders, the residents, even if the economy staggers from time to time, would never trade in their city. These residents realize there are some things more important than money, and preserving their town is one of them.

Terry Bell, who was forced to move to Hopkinsville for work 16 years ago, still returns about twice a week to the Princeton barber shop, sometimes to get a hair cut, but most of the time just to "jaw with the locals." Bell, like the citizens of Princeton, realizes the advantages of life in a small town. It is the personal touch which Bell is seeking, that he comes back for each week. He could get his hair cut in a larger city closer to his home, but he believes that the people of a small town such as Princeton really do care about what they are doing, and are not simply after money or a profit.

Despite its small size, Princeton's economy is pushing ahead with the recent move of Bremner, Inc., from Louisville. This move is giving the small town a strong economic boost. The Bremner factory brings with it openings for 500 new employees. Sam Steger, a local historian, sees this move as "a shot in the arm" to the Princeton economy.

Not only is the town moving ahead economically, but it is also driving forward in education. The residents of Princeton are highly educated, contrary to the stereotype of the uneducated, small town people one might be told to expect. "We probably have more Ph.D.'s than any other community this size in the State," says Mayor Sherman F. Chaudoin.

Princeton advertises itself as a "good place to work, a good place to play, a good place to nurture your dreams, a good place for your children to grow, and a good place to be at sunrise and sunset." Whatever your needs, they can all be found in this wonderful little community.

Mr. President, I would like to insert the following Princeton article from the Louisville Courier-Journal into the RECORD.

The article follows:

THE OLD "ATHENS OF THE PENNYRILE" FIGHTS INERTIA AND DIVISIONS DATING TO THE CIVIL WAR

(By Mark Schaver)

Everywhere you go in Princeton you can see the bruises of past failures and the optimistic signs of the future.

"When I came to this town it was livelier, but now this town is dead," said Roosevelt Small, the owner of a car-cleaning company who moved to Princeton from Florida 30 years ago. "Before, a man could come to town and if he wanted to work he could find something. Even if it was something he didn't want to do, he could find it. But right now, he can't find a thing to do. You can't hardly find shoes to shine anymore in this place."

That explains why an announcement in May prompted one of the two weekly newspapers to put out a 24-page special edition: "Cookie Company Coming! Bremner Firm Will Be Moving to Princeton!"

Moving from Louisville because of the airport expansion, Bremner Inc. bought a vacant factory building on the edge of town and promises to employ more than 500 people. A few years ago the town had one of the highest unemployment rates in the state; now the number of manufacturing jobs is about to jump by 70 percent.

"It's a shot in the arm," said Sam Steger, 71, a real-estate agent and local historian. "We're not going to die. We're going to live."

Some say Princeton has suffered in years past because too many were satisfied with inertia. "The people who had the property and the money wanted to keep it a small town," said Marvin Pogrotsky, 64, the owner of Finkel's Fair Store on Main Street.

Pogrotsky's dry-goods store, founded in 1923 by his father, is one of the oldest businesses downtown, and Pogrotsky was once the president of the merchants' association. "I tried to get cooperation, but everybody's for himself;" he said. "It's just awful hard to get people in this town to cooperate."

That kind of selfishness has sometimes extended to the city government. "At times it's been well-run," Pogrotsky said, "At other times, it's been for the birds."

Princeton and Caldwell County have a reputation for being bellicose. "It seems there's a lot of controversies that come up, and it's not limited to the Fiscal Court or the City Council or the school board," said Chip Hutcheson, the editor and publisher of The Princeton Leader. "They've all had their times."

The factionalism goes back to the War Between the States, when the northern part of the county was populated by poor farmers who did not have slaves and sympathized with the Union, while the southern part of the county had richer landholders who owned slaves and favored the Confederacy, Steger said.

The divisions continued with the so-called Black Patch War of the early 1900s, when tobacco farmers from Kentucky and Tennessee—who blamed the North Carolina-based Duke Trust for the low prices they were receiving—formed and association to hold tobacco off the market. The movement's leader was Dr. David Amoss, a physician from Cobb in southern Caldwell County.

Masked night riders intimidated farmers who tried to sell their tobacco to the trust by destroying their crops and burning down warehouses. Steger said some of the more recalcitrant farmers—whom the night riders derided as hillbillies—came from northern Caldwell County.

The "Dark Tobacco District Planters' Protection Association of Kentucky and Tennessee" soon veered into lawlessness as farmers used it as an excuse to settle old scores, and eventually it collapsed as prices rose and the night riders began to be prosecuted in federal courts. (Local courts had shown themselves to be decidedly reluctant to convict anybody.)

Princeton, which celebrates its tobacco heritage every year with the Black Patch Festival, does not lack for boosters. "We have all the things big cities have, just on a smaller basis," said Brooksie Gardner, the executive secretary of the Chamber of Commerce.

Although townspeople say they hold their arms open wide for visitors and newcomers, that hasn't always been so. "Strangers weren't frowned upon," Pogrotsky said, "but they weren't kissed and petted."

Pogrotsky, who is Jewish, recalled that after his father moved to town from East St. Louis and opened the family store in 1923, merchandise would arrive in crates with "KKK" scrawled on them. These anonymous taunts ended after the Jones brothers—father and uncle of current County Judge-Executive J.D. Jones—made it clear that that sort of nonsense would not be tolerated.

"There never was any more trouble for Dad, and I never had any trouble, and my children never had any trouble," Pogrotsky said.

Still, here is how the Princeton Commercial Club talked up the town in a 1937 booklet: "The population is practically 100 percent native, as the foreign-born element here is negligible. Most of the people in this section are of Anglo-Saxon stock and of average intelligence and education, with a progressive attitude and a desire to get ahead."

This is what the Chamber of Commerce said in its 1990 guide: "Looking for a good place to work, a good place to play, a good place to nurture your dreams, a good place for your children to grow, a good place to be at sunrise and sunset? You can find it here."

Terry Bell, a 39-year-old salesman for Coca-Cola, regrets having had to move to Hopkinsville 16 years ago for work. He visits Herb's Barber Shop two or three times a week to jaw with the locals.

"I bring my little boy down here to get a haircut," Bell said. "And the reason why is, if you go up there to Hoptown, they'll just take your money. They don't care what they do, how they cut your hair, or what they say to you. They're just after a dollar. . . . A young man can walk into this barbershop, and if he sits there and he's quiet and respects his elders like he should, he's going to listen to these men and he's going to learn."

Most of the buildings downtown, with faded signs and empty storefronts, are on the National Register of Historic Places. The sense that time is standing still is helped along by the signs at the Capitol movie theater, closed and boarded up but still advertising "The Money Pit," a 5-year-old film with Tom Hanks and Shelley Long.

Not that the town hasn't modernized. There's the Beauty and the Beast Hair Care Center—"Why look ordinary when you can look extraordinary?"—which offers "Turbo Organic Nails" and "non-surgical face lifts."

If you're looking for quaint, you can find it. There's Newsom's Old Mill Store, an old-fashioned country store near the town square that inspires poetry like this fragment from a work by Princetonian Jennifer Wilson:

"The red and green peppers are pretty and bright,
But the fresh, raw peanuts are my delight,
There are purple damsons for jellies and pies,
Bunches of grapes and bananas to buy . . ."

The store is even more famous for Col. Bill Newsom's country hams, which are sold by mail order from Maine to California. The late chef James Beard praised the hams in The New York Times. Julia Child wrote a letter to Newsom extolling their virtues. And a few years ago, Connoisseur magazine published a long, admiring article about them called "Ham at Its Best."

"I would say for the amount of work you put out, it's not so much a moneymaker as it is the principle of what you're doing," said Nancy Mahaffey, Newsom's daughter, who runs the store. "To me, you're preserving a part of the past."

Another attraction is Adsmore, a restored Victorian mansion that draws thousands of tourists a year. The former home of the Garret family, it was willed to the town library as a museum. It summons memories of a more genteel era, before Cumberland College left town for Tennessee.

"Princeton back in the last century was called "the Athens of the Pennyrile" because of its beauty and its educational facilities," said Mary Grace Pettit, 73, the director of Adsmore. "I've always felt that Princeton had more culture than the average small town because we had fine musicians and fine artists and people who liked beautiful things."

That's still true, townspeople insist. They point to the Art Guild, which sponsors numerous cultural events during the year, and to the University of Kentucky's agricultural research and education center, an experimental farm of almost 1,300 acres.

"We probably have more Ph.D.s than any other community this size in the state," said Mayor Sherman Chaudoin, an insurance agent who moved from Lexington only nine years ago. That has to contribute something to the character of Princeton, he said.

The town has also become something of a retirement haven, drawing many retirees attracted by the nearby Land Between the Lakes. "For people who like hunting and fishing, this is paradise," said Hutcheson, the newspaper editor. "When it's deer season, you can't find a motel room anywhere around here."

For the young, however, the life has been drained from the town. "It's a shame," said Sandy Boaz, 42, who runs The Saddle Shop in a building that once housed his parents' drive-in restaurant. "When we were growing up, and it hasn't been that long ago, there were two pool rooms, a drive-in, a picture show, a teen center—and if a bunch of kids wanted to congregate in a parking lot, the cops didn't run you off. Now there's nothing for kids at all."

Downtown has been given over to older people, who congregate on the benches by the art deco courthouse, a soot-streaked monolith in need of a thorough sandblasting.

Nearby, Charles "Floppy" Brennan is selling produce from the back of a pickup truck. "I can remember when Abraham Lincoln freed the slaves as well as yesterday," says Brennan, who claims he was born in 1822. "I was sitting right in the front row. I raised my hand and he said, 'What do you want?' And I said, 'Mr. Lincoln, are you also freeing the poor white people too?' And he said, 'I'm a-freeing everybody.' But he lied—even if he is dead and gone. The damn poor man will always be a slave, no matter what color he is."

Population: Princeton, 6,940; Caldwell County, 13,232.

Per capita income: Caldwell County, 1987: $10,919, $1,078 below state average.

Media: Newspapers; Princeton Leader (weekly); Caldwell County Times (weekly). Radio: WPKY-AM and FM (adult contemporary), Cable: Multivision Cable TV.

Jobs in county: 1988, Manufacturing, 816; wholesale and retail trade, 975; services, 533; state and local government, 632; contract construction, 104.

Big employers; Le Roi Princeton, 450; H & E Apparel Inc., 150; Special Metals Corp., 95.

Education: Caldwell County schools; 2,300 students; Caldwell County Area Vocational Education Center; six institutions of higher learning within 75 miles.

Transportation: Highways; Western Kentucky Parkway, one mile; Interstate 24, 13 miles. Air: Princeton-Caldwell County airport, 3,000-foot runway; nearest commercial service, Evansville Regional Airport, 87 miles. Trucking: 16 carriers serve Princeton; Rail: Paducah and Louisville Railway, Water: Port of Lyon County on Lake Barkley, 12 miles.

Topography: Numerous limestone caves and springs. Tradewater River forms part of eastern county line.

FAMOUS FACTS AND FIGURES

Confederate Gen. Hylan B. Lyon, for whose father neighboring Lyon County was named, burned the Caldwell County Courthouse in 1864.

The facade of the present Caldwell County Courthouse, completed in 1940, is said to resemble the gold vault at Fort Knox. Both were designed by the same man.

Princeton once billed itself as "The World's Friendliest City."

During the 1960's, the "world's largest bomb shelter" was three miles east of Princeton in the caverns of the Cedar Bluff Stone Co. It has room for 30,000 people and was stocked with food, water, medicine and a complete hospital.

Caldwell County was one of the rest stops for Cherokee Indians during their 1,200-mile forced march from the Smoky Mountains to west of the Mississippi River. One-third died on the "Trail of Tears."

In 1906, masked night riders burned two warehouses in Princeton that bought tobacco for the Duke Trust, which they blamed for the low prices they were receiving. They reportedly rode out of town singing, "The fire shines bright on my old Kentucky home."

THE EMPLOYER SANCTIONS REPEAL ACT OF 1991

• Mr. BINGAMAN. Mr. President, I am pleased to join my colleagues—Senators HATCH, KENNEDY, DECONCINI, CRANSTON, and others—in this renewed effort to repeal the employer sanctions provisions in Federal immigration law.

It has been 1½ years since the General Accounting Office issued its report detailing a widespread pattern of job discrimination in the implementation of the Immigration Reform and Control Act of 1986. All indications are that the problem has only worsened since the GAO report was issued. According to the Department of Justice, the number of immigration-related discrimination charges filed increased 37 percent over the past year, and illegal immigration is nearly as high as it was 5 years ago, before the employer sanctions provisions were enacted.

Mr. President, the time has come to repeal employer sanctions and put an end to the intolerable form of discrimination these sanctions foster—discrimination based solely on the fact that a person looks foreign.

In 1986, when I reluctantly voted for passage of the Immigration Reform and Control Act, I had hoped that increased discrimination would not be the result. I had hoped that by charging employers with the duty of enforcing our Nation's immigration laws, the livelihood of many Americans would not be put at risk. But I, along with a majority of my colleagues, was wrong. Employer sanctions do not work. They must be abolished, and we must face our responsibilities to all the citizens and workers of this country.

We must work together to put the duty of enforcing our Nation's immigration laws where it belongs: with the Federal Government.

If a majority of our colleagues, or the President, do not yet agree with us, we must not give up. We must be committed to ensuring that all Americans, regardless of the color of their skin, are guaranteed the basic right to seek and hold a job. We can do no less.

As I stated earlier, Mr. President, we now have clear and convincing evidence that sanctions against employers are not the answer to the underlying problem of illegal immigration. How can a policy that has had the effect of legitimizing discrimination against American citizens and legal permanent residents be considered a viable option any longer?

A more appropriate focus, I believe, is to strengthen existing laws designed to protect workers. Many of these laws can effectively reduce illegal immigration without creating discrimination. This legislation has that focus:

By increasing wage and hour enforcement at the Department of Labor, we can help ensure that violations of labor laws—including subminimum wage payments, excessive overtime requirements, and health and safety violations—are investigated and corrected;

By facilitating greater cooperation between the Attorney General and the Secretary of Labor, we can better target immigration enforcement;

By strengthening the U.S. Border Patrol—through enhanced programs, newer equipment, and increased funding—we can help ensure that increased border enforcement is humane border enforcement; and

Most important, by repealing employer sanctions, we can help put an end to employment discrimination based on the color of one's skin.

Mr. President, I urge my colleagues to look carefully at this legislation and lend it their support.•

THE POETRY OF SONJA GORDON, LOUISVILLE, KY

• Mr. MCCONNELL. Mr. President, although the 50th anniversary of Pearl Harbor is a few months away, I would like to take a moment to share with my colleagues the thoughts of Ms. Sonja Gordon of Louisville, KY.

In April, Ms. Gordon visited Hawaii and toured the U.S.S. Arizona Memorial in Pearl Harbor. Deeply moved by this experience, Ms. Gordon wrote three poems: U.S.S. *Arizona*, Reflections, and Message From the Sea. Somber in tone, I think they reflect the horror our country witnessed on December 7, 1941.

In order that my colleagues may appreciate Ms. Gordon's poems, I ask that they be printed in the RECORD following my statement. I am certain my colleagues share my admiration of Ms. Gordon's patriotism and love of all Americans.

The poems follow:

U.S.S. "ARIZONA"

(By Sonja Gordon, April 1991)

A live is what we were
R esting on the Sabbath.
I n they came like African bees;
Z eroing on their targets, delivering deadly stings.
O n they came, the second wave.
N o place to hide, no time to flee;
A ll are dead in the sea.

REFLECTIONS: VISIT TO PEARL HARBOR ABOARD THE ARIZONA MEMORIAL

(By Sonja Gordon, April 1991)

"It was a calm Sunday morning, December 7, 1941, much like today. The stars and stripes had just been raised when the drone of planes was heard coming over the mountain to your right . . ."

The midshipwoman's voice
Above the naval vessel's roar
Told of death and dying,
Surprise and gore.

The films we'd viewed
Brought instant tears;
Eyes of wonder, then horror
As death drew near.

Read with reverence
The listed dead from America's shores
That now lie buried
In the ocean's floor.

Beneath our feet
Their watery graves;
The ultimate price
For our freedom was paid.

The total killed: Two thousand four-hundred and three;
Yamamoto's losses, less than one hundred-fifty.
Battleship Row, home to our naval fleet,
Would soon be in flames, its destiny meet.

Commander Fuchida's message to all:
Tora, Tora, Tora, his infamous call;
Our babies are sneaking into their nest,
Our surprise is achieved, we've laid them to rest.

Awake, O sleeping giant
With terrible resolve;
Never more to sleep,
Your lethargy dissolve.

And like the Phoenix
From the graves they did rise.
The battleships floated
To bring death to their eyes.

Our God hovered over
The supply of fuel oil,
Though bombs and destruction
All around them did fall.

By land, sea and air
Our people did fight.
No more would they sleep
Nor wonder the right.

Oh distant land of Rising Sun,
Give ear: Our airplanes drone;
Tora, Tora, Tora . . .
Our Phoenix to your home.

(Admiral Yamamoto, "awakened a sleeping giant and filled him with a terrible resolve.")

MESSAGE FROM THE SEA

(By Sonja Gordon, April 1991)

Hear ye my bones

Rocking in their water-casket.
Hear ye my agony.

Fail not to guard
These shores which call to thee,
Lest ye be buried here with me.

Beware the forces
Bent on sending thee to thy knees;
Ere within or without, who or what they be.

By missiles fired,
Or laser's stealth;
By egalitarian orator's mouth;

By national debt,
Or moral rot;
Hark the message the past has brought.

Hear ye my bones
Rocking in their water-casket.
There is room for thee, in the sea with me.•

COMMEMORATING ERNIE HARWELL'S 32 YEARS AS THE DETROIT TIGERS' BASEBALL ANNOUNCER

• Mr. RIEGLE. Mr. President, this year marks the end of an era for the Detroit Tigers baseball club. For the past 32 summers, William Earnest "Ernie" Harwell has been the voice of summer to Michigan baseball fans. But this is the last season Tiger fans will listen to his sweet southern drawl—Ernie Harwell is hanging up his microphone as the voice of the Tigers.

During a career spanning 6 decades, Ernie Harwell has broadcast more than 7,000 games of our national pastime. Among Ernie Harwell's many accomplishments, he was named Michiganian of the Year by the Detroit News and National Sportscaster of the Year by the National Sportscasters Hall of Fame. In 1985, Sports Illustrated selected Harwell as the radio voice of its all-time dream baseball team. In 1989, Ernie was inducted into the National Sportscasters Hall of Fame and this summer Ernie was selected to the American Sportscasters Hall of Fame where he will be inducted on December 5. Perhaps Ernie's crowning achievement was receiving the Ford C. Frick award for excellence in baseball broadcasting, for which he was enshrined in the Baseball Hall of Fame in Cooperstown, NY—the only active broadcaster to receive this honor. Born in Washington, GA, on January 25, 1918, Ernie began work at the age of 16 as a correspondent for the Sporting News and later served in the sports department of the Atlanta Constitution. When he was 22, he originated a nightly sports news broadcast for Radio Station WSB, Atlanta.

Harwell is a graduate of Emory University and it was there he first met Lulu Tankersley, has wife of 50 golden years. Following 4 years in the Marine Corps during World War II with service in the Orient, Ernie returned to Atlanta as broadcaster for the Southern Association's Atlanta Crackers.

Ernie broke into the major leagues as a play-by-play broadcaster for the Brooklyn Dodgers in 1948 when legendary baseball executive Branch Rickey traded catcher Cliff Dapper for announcer Ernie Harwell—the only time an announcer was traded for a player. He also broadcast for the New York Giants baseball team and the Baltimore Orioles before coming to Detroit.

One of Harwell's biggest thrills as an announcer was Bobby Thompson's homer off Ralph Branca in the 1951 Dodger-Giants playoff series. The home run, dubbed the "shot heard 'round the world," occurred during the first coast-to-coast telecast of a major sporting event.

Ernie Harwell is one of the game's great storytellers. He turns nine innings of baseball into great drama. We will never forget Ernie's accounts of the Tigers' world championship seasons in 1968 and 1984. He also brought us the excitement of a young Mark Fidrych and took us way back for home runs by Kirk Gibson and Cecil Fielder. Whether the season brought a championship or second-division finish, Tiger fans have had a devoted, much-loved friend in the broadcast booth.

Ernie's talents aren't limited to broadcasting. He has made frequent contributions to the Sporting News, Saturday Evening Post, Esquire, Parade, and Reader's Digest. He authored a widely printed tribute to baseball called "The Game for All America" and wrote a best-selling book, Tuned to Baseball, that won nationwide critical acclaim.

Today I join generations of listeners in congratulating Ernie Harwell for his many years of service to Detroit Tigers fans. His graceful style, vast knowledge of the game, numerous stories and gentle humor will be missed. As Steve Kelly of the Toronto Star put it, "In baseball lingo, Harwell still can turn on a fastball. He can still make the throw from the hole. He can still call the game." We all wish Ernie Harwell continued success and happiness.•

IN RECOGNITION OF POW/MIA DAY

• Mr. MURKOWSKI. Mr. President, today is "National POW/MIA Recognition Day."

Each year since 1979 our Nation has proclaimed a day of remembrance for POW/MIA's. It is a very important day when we take time to remember—and perhaps say a little prayer—for our servicemembers who sacrificed so much to ensure our freedom.

Today, ceremonies are taking place all across America to pay tribute to the men and women who were held as a prisoner of war or who are still listed as missing in action. I regret that I am unable to be in Alaska to join with the fine people of my State in their ceremony.

Our former POW's from all conflicts were very often subjected to inhuman treatment at the hands of their enemy captors. On many days throughout the year we pay tribute to our Nation's veterans but today we specifically focus on those who suffered for days, months, or even years in captivity.

On this day, we are also ever mindful that there are still those who are unaccounted for. This past year the media has focused increased attention on the issue of those POW/MIA's from the Vietnam war. As a nation we must do all we can to ensure that a full accounting takes place. This must be our Nation's highest priority.

Finally, let us give our support—not just today but every day—to the families of our POW/MIA's.•

FURTHER ACTION MUST BE TAKEN TO STOP THE FIGHTING IN YUGOSLAVIA

• Mr. DECONCINI. Mr. President, the latest efforts by the European Community to restore peace in Yugoslavia have just failed. The most recent agreement to a new cease-fire in Croatia was broken before the ink was dry, and all signs point to a further escalation of the conflict. Tensions are heating up in neighboring Bosnia-Hercegovina as well, and civil war on a massive scale now looms on the horizon.

Who is at fault for this tragic state of affairs? Political leaders on all sides of the conflict have each made their share of mistakes. Most have fanned nationalist sentiment in the service of their own political interests; few have condemned or done anything to stop the discrimination and atrocious, violent acts of hatred this has encouraged. There has been little if any effort to try to meet legitimate concerns of ethnic minorities in the republics where they exist. Most have engaged in a game of mutual accusation and criticism; few have taken serious efforts to improve the economic opportunities or standard of living of the people they are supposed to represent. Ethnic passions and a mad desire for vengenace have conquered objectivity and any attempt at mutual understanding.

This said, there can be no doubt that one man—Serbian President Slobodan Milosevic—is more responsible than any other for the violence, the death, and the destruction which has taken place every day in Yugoslavia over the last 3 months. Others, for all their faults, have agreed on several occasions to stop the fighting and to give international efforts to find a solution to the crisis a chance to succeed. The government of Mr. Milosevic, on the other hand, has encouraged political chaos at the Federal level which has allowed the Federal Army to spin out of control. It has resisted past attempts to reach agreement to a cease-fire and done little if anything to stop those in the field from breaking agreements that have been reached. Now, it is the government of Mr. Milosevic that has stated it would oppose any European proposal to send peacekeeping forces which could make a cease-fire less fragile. The result: Yugoslav tanks stationed in Serbia have today crossed into Croatia en masse, with fierce fighting in Osijek and other towns and cities in the eastern Slavonian region of the Croatian Republic. The estimated death toll is now moving toward 500, and there are no signs that the killing will stop.

President Milosevic first tested his powers of repression on the Albanians of Kosovo. Now, Croatia is feeling the brunt of his force. Bosnia and even Macedonia may be next. Indeed, as events earlier this year have shown, the Serbian people themselves are not immune from his wrath. His reaction to opposition from within Serbia shows that he does not seem to trust the people he serves as President under conditions of democracy.

With the efforts of the European Community at an apparent impasse, there is a real frustration over what more can be done to remedy this tragic situation. Some are hoping to salvage EC efforts; others are looking for new initiatives from the United Nations. There is a growing consensus that the United States needs to elevate its efforts. I frankly cannot understand why President Bush and Secretary of State Baker are not making greater efforts to utilize the considerable influence the United States has to press for the fighting to stop. This is not just a European problem. Conflicts in Yugoslavia can cause instability and threaten the peace in Europe, which certainly would be to the detriment of United States interests. Moreover, many Americans have close ties to Yugoslavia and are deeply concerned about the welfare of their friends and relatives. The United States, at a high political level, should therefore forcefully and persistently condemn the violence and encourage a positive solution.

As Cochairman of the Helsinki Commission, which has actively followed events in Yugoslavia and sought to encourage a solution to the current crisis acceptable to all, I would urge President Bush and Secretary of State Baker to seek to get the CSCE process more deeply involved. To date, the CSCE has provided support for EC efforts, but it should now seek to involve itself in these efforts as well. The CSCE includes the member States of the European Community, but it includes the remainder of Europe as well. The United States and Canada are also participants and can add their voices to those of Europe opposing the continuation of the conflict. CSCE membership is limited to the most interested countries and can therefore be less cumbersome than the larger United Nations in formulating a response.

In my view, the CSCE States should meet immediately at the level of foreign ministers to condemn the continued violence. Such a high-level statement would send an important message. The foreign ministers should also consider additional responses, which should continue to include peacekeeping forces. Serbia is wrong to oppose such an international effort. With the Yugoslav Army fighting on the side of Serbian militants, there is no neutral party in Yugoslavia to help keep opposing forces separated. Opposition stems from fear of losing what has been wrongfully gained through the use of force. Economic and other diplomatic measures should also be considered. There can be no assistance nor business as usual with those that are blocking peace and democracy in Yugoslavia.

The United States can and should take these efforts, but, Mr. President, in the end the real solution to the crisis must come from the peoples of Yugoslavia themselves. They are the ones who are suffering from the conflict. Some are losing friends and relatives, some are losing their homes and communities. They will all face the worsening economic circumstances. They must therefore join the effort to restore peace. They must pressure their respective political leaders to agree to stop the fighting if they have not already done so. They must each put hatred and prejudice aside and make an effort to accommodate the legitimate concerns of the others. They must insist upon the democratic conditions necessary for these concerns to be accommodated and for their own rights to be respected. It is not too late for them to pull themselves out of the quagmire into which they have fallen, but they must make their strong desire for peace and democracy clear to those leaders who are prolonging the conflict for their own ends.•

TO EXPAND AND SIMPLIFY SMALL BUSINESS PENSIONS

• Mr. KASTEN. Mr. President, on September 12, I cochaired a Small Business Committee hearing to examine proposals to expand and simplify small business pensions. The committee heard testimony from Senator BOB PACKWOOD, who has sponsored the prime proposal, and from Secretary of Labor Lynn Martin who outlined the administration's power initiative.

I am a cosponsor of the prime legislation and I am encouraged by the administration's proposal. Both efforts recognize the need for expansion of affordable and simplified pensions for small business. One of the witnesses at the hearing was Mr. Thomas Custis of Brookfield, WI. He is a pension consultant and actuary with the firm of Milliman & Robertson. I found his testimony extremely helpful and I ask that it be included in the RECORD.

The testimony follows:

TESTIMONY OF THOMAS K. CUSTIS, F.S.A.

Good morning Mr. Chairman, Senator Kasten, and other members of the Committee. I very much appreciate the opportunity to testify before you today on the topic of pension simplification and extended pension coverage for small businesses. I applaud your committee for addressing this important issue; I believe it is crucial to the long-term economic security of America's workforce.

As a pension actuary for Milliman & Robertson, I work with employers of various sizes and have first-hand knowledge of the problems of small businesses in providing retirement benefits to their employees. I have observed the steep decline in the interest of small employers in establishing and maintaining retirement plans, especially plans which provide adequate retirement income coverage to employees.

Earlier this year Milliman & Robertson sponsored a research project which included a survey of 100 small and medium-sized company chief executive officers. This survey disclosed a very high level of frustration with retirement plan complexities. Findings of the survey include:

CEO's were nearly unanimous in the view that pension laws and regulations are too complex.

A majority think that the pension laws and regulations discourage employers from sponsoring and maintaining qualified plans.

A substantial majority of CEO's support a moratorium on legislative change.

These findings were strongest among those CEO's representing the smallest of the companies included in the survey. These findings suggest that CEO's would like simpler pension laws and regulations. Perhaps more importantly, they would appreciate a rethinking of basic pension policies. They strongly endorse the concept of a National Retirement Income Policy which would provide a consistent framework for future legislation, thereby avoiding the problem of ever-changing laws, prompted by the competing goals of labor concerns and tax equity. As an appendix to my remarks, I have included an executive summary of the findings of this survey.

There has been much commentary relating to why small employers do not have pension plans. Documentation abounds that current laws and regulations are too complex and qualified pension plans are too expensive to administer to maintain in a small company. It is also important for the Committee to consider what incentives are sufficient for those employers who do maintain qualified retirement programs.

COMMENTS ON SPECIFIC PROPOSALS

I believe that the legislative proposals before the committee are generally good, but I am afraid that they fall well short of accomplishing the goals which have been set for them. The Pryor-Bentsen Bill makes several positive and significant changes in the area of administrative simplification. However, I do not believe any of the changes will be sufficient to encourage a small business employer to start a new plan.

Further changes in the simplification area that are needed to assist the small employer would include consideration of:

(1) Elimination of the top heavy rules under Internal Revenue Code Section 416. With the changes adopted in the Tax Reform Act of 1986, these provisions do little more than add a significant administrative complexity.

(2) Elimination of or modification of the application of the alternative full funding limit relating to current liability.

(3) Elimination of or modification of the family aggregation rules, retroactive to their original effective date.

(4) Modification of the requirement that a full valuation be completed every year for defined benefit plans regardless of size or nature.

Each of these items expands the necessary number crunching and paper pushing that is required to maintain a defined benefit plan for a small employer. The minimum administration charges for the maintenance of a qualified plan have doubled or tripled over recent years as these requirements have been imposed. These added charges do not contribute to the well-being of the participants or to the system itself.

Perhaps most importantly, any legislation intended to simplify current rules and regulations needs to be drafted in a manner that does not require another round of amendmends and filings.

I believe that the Administration's Power proposal and Mr. Packwood's prime proposal provide some modest encouragement to the expansion of defined contribution plans to this employer sector. However, I think you must realize that these proposals are not much more than expanded and enhanced Simplified Employer Pensions. In order for you to address pension coverage in the small employer area, it is important that you understand why S.E.P's have not been more popular.

I believe that the small business person must be provided with sufficient incentive relating to his or her own retirement security situation to offset the adminstrative expense and hassle of maintaining a plan. As a rule, the small employer cannot afford to be paternalistic or concerned about the tax situation of employees. It is easier (and relatively well-received by most employees) for the employer to provide a somewhat larger salary increase or a cash bonus instead of establishing a qualified plan.

Therefore, simplified plans which tend to substantially restrict the amount of funding which may be achieved by the owners and more highly compensated employees fail to encourage broad based coverage of rank-and-file employees. I am not saying that discrimination and tax equity rules should be discarded. However, it is apparent that modest defined contribution programs, such as those proposed, are not adequate incentive to entice a middle-aged small business owner to establish a new plan, no matter how simple the administration may be. However, if simplified programs and rules can also be developed to encourage the establishment and maintenance of appropriately designed defined benefit plans, the situation might be more comprehensively addressed.

Again, I commend the members of the Committee for trying to address this important situation. I, and the members of Milliman & Robertson's research department, would welcome the opportunity to assist the Committee or its staff by providing greater detail with regard to my comments or in dealing with the specifics of any of these existing legislative proposals. I would be happy to try to address the questions of any Committee member.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Senator PRESSLER to participate in a program sponsored by the U.S. Government in the Baltic States, the Soviet Union and Albania from August 22–September 4, 1991.

The committee has determined that participation by Senator PRESSLER in this program, at the expense of the U.S. Government, the Baltic States and the Republics of Moldavia, Armenia, Georgia, Kazakhstan, Uzebekistan, and Kirghizia is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Susan Silveus of the staff of Senator RICHARD G. LUGAR to participate in a program sponsored by the Foreign Policy Institute of Turkey to be held in Turkey from August 9–18, 1991.

The committee has determined that participation by Ms. Silveus in this program, at the expense of the Foreign Policy Institute of Turkey is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Chris Dachi of the staff of Senator JOHN H. CHAFEE to participate in a program sponsored by the Foreign Policy Institute of Turkey to be held in Turkey from August 9–18, 1991.

The committee has determined that participation by Mr. Dachi in this program, at the expense of the Foreign Policy Institute of Turkey, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for William Wisecarver of the staff of Senator BOB DOLE to participate in a program sponsored by the Soochow University to be held in Taipei from August 25–31, 1991.

The committee has determined that participation by Mr. Wisecarver in this program, at the expense of the Soochow University, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Marc Michael Rose, of the staff of Senator ROBERT W. KASTEN, Jr., to participate in a program sponsored by Tamkang University to be held in Taiwan from August 12–18, 1991.

The committee has determined that participation by Mr. Rose in this program, at the expense of Tamkang University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dave Bartel of the staff of Senator NANCY LANDON KASSEBAUM, to participate in a program sponsored by the United States-Indonesia Friendship Program to be held in Indonesia from August 16 to 31, 1991.

The committee has determined that participation by Mr. Bartel in this program, at the expense of the United States-Indonesia Friendship Program is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for J. Thomas Sliter, a member of the staff of Senator MAX BAUCUS, to participate in a program sponsored by the United States-Asia Institute and the Chinese People's Institute for Foreign Affairs to be held in China from August 5 to 16, 1991.

The committee has determined that participation by Mr. Sliter in this program, at the expense of the United States-Asia Institute and the Chinese People's Institute for Foreign Affairs is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mike Tongour, a member of the staff of Senator ALAN K. SIMPSON, to participate in a program sponsored by the Foreign Policy Institute of Turkey to be held in Turkey from August 10 to 17, 1991.

The committee has determined that participation by Mr. Tongour in this program, at the expense of the Foreign Policy Institute of Turkey is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for John K. Carson, a member of the staff of Senator ROBERT W. KASTEN, Jr., to participate in a program sponsored by the Tamkang University to be held in Taiwan from August 12 to 18, 1991.

The committee has determined that participation by Mr. Carson in this program, at the expense of the Tamkang University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for T. Scott Bunton, a member of the staff of Senator JOHN KERRY, to participate in a program sponsored by the A-San Foundation to be held in Korea from August 24 to 31, 1991.

The committee has determined that participation by Mr. Bunton in this program, at the expense of the A-San

Foundation is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Markie Peterson, a member of the staff of Senator LARRY PRESSLER, to participate in a program sponsored by the Chinese People's Institute of Foreign Affairs to be held in China from August 3 to 18, 1991.

The committee has determined that participation by Mr. Peterson in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Andrew Samet, a member of the staff of Senator DANIEL PATRICK MOYNIHAN, to participate in a program in Europe sponsored by the European Community Visitors Program, from November 3 through December 21, 1991.

The committee has determined that participation by Mr. Samet in this program, at the expense of the European Community Visitors Program, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Jason Steinbaum, a member of the staff of Senator DONALD W. RIEGLE, to participate in a program sponsored by the United States-Asia Institute and the Chinese People's Institute of Foreign Affairs to be held in China from August 3-18, 1991.

The committee has determined that participation by Mr. Steinbaum in this program, at the expense of the United States-Asia Institute and the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Elizabeth Criner, a member of the staff of Senator LARRY E. CRAIG, to participate in a program sponsored by the Chinese Cultural University to be held in Taiwan from August 11-18, 1991.

The committee has determined that participation by Ms. Criner in this program, at the expense of the Chinese Cultural University, is in the interest of the Senate in the United States.

The select committee has received a request for a determination under rule 35 for Steve Humphreys, a member of the staff of Senator WYCHE FOWLER, JR., to participate in a program sponsored by the Soochow University to be held in Taiwan from August 24-31, 1991.

The committee has determined that participation by Mr. Humphreys in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Allen Stayman, a member of the staff of Senator J. BENNETT JOHNSTON, to participate in a program sponsored by the Indonesian Embassy in conjunction with the United States-Asia Institute to be held in Indonesia from August 18-31, 1991.

The committee has determined that participation by Mr. Stayman in this program, at the expense of the Indonesian Embassy in conjunction with the United States-Asia Institute is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mary Irace, of the staff of Senator PAUL S. SARBANES, to participate in a program sponsored by Tamkang University to be held in Taiwan from August 18-25, 1991.

The committee has determined that participation by Ms. Irace in this program, at the expense of Tamkang University is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Victoria B. Lee, of the staff of Senator RICHARD SHELBY to participate in a program sponsored by the Chinese People's Institute of Foreign Affairs, to be held in China from August 13-24, 1991.

The committee has determined that participation by Ms. Lee in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Cheri Allen, of the staff of Senator DON NICKLES to participate in a program sponsored by the Coordinated Council for North American Affairs to be held in Taiwan from August 24-31, 1991.

The committee has determined that participation by Ms. Allen in this program at the expense of the Coordinated Council of North American Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Leon Fuerth, a member of the staff of Senator GORE, to participate in a program in Brussels, sponsored by the Friederich Ebert Stiftung Institution, a privately supported institution, from November 25-December 1, 1990.

The committee determined that participation by Mr. Fuerth in this program, at the expense of the Friederich Ebert Stiftung Institution, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Leon Fuerth, a member of the staff of Senator GORE, to participate in a program in the Soviet Union, sponsored by the Soviet Association of the United Nations, a Soviet Government agency, from June 17-24, 1991.

The committee determined that participation by Mr. Fuerth in this program, at the expense of the Soviet Association of the United Nations, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Susan Schroeder of the staff of Senator JOHN WARNER to participate in a program sponsored by the Soochow University held in Taiwan from August 24-31, 1991.

The committee determined that participation by Ms. Schroeder in this program, at the expense of the Sooshow University, was in the interests of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Michael W. Punke of the staff of Senator MAX BAUCUS to participate in a program in Taiwan sponsored by the Tamkang University from August 19-25, 1991.

The committee determined that participation by Mr. Punke in this program, at the expense of the Tamkang University, was in the interests of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Richard Samans, of the staff of Senator RIEGLE, to participate in a program sponsored by the United States and the Republics of Lithuania, Latvia, and Estonia which was held in Vilnius, Riga, and Tallinn from August 10-24, 1991.

The committee determined that participation by Mr. Samans in this program, at the expense of the U.S. Government and the Baltic Republics was in the interests of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Bradley Belt, of the staff of Senator DONALD W. RIEGLE, JR., to participate in a program in Germany sponsored by the HAUS RISSEN International Institute for Politics and Economics Seminar from August 13-21, 1991.

The committee determined that participation by Mr. Belt in this program, at the expense of the HAUS RISSEN International Institute for Politics and Economics Seminar, was in the interests of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, of the staff of Senator JOHN BREAUX, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council, Consejo Coordinator Empresarial [CCE] from August 27-30, 1991.

The committee determined that participation by Mr. Ashby in this program, at the expense of CCE, was in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Kevin M. Dempsey, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program sponsored by the Mexican Business Coordination Council to be held in Mexico from September 3-6, 1991.

The committee has determined that participation by Mr. Dempsey in this program, at the expense of the Mexican Business Coordination Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Katherine Brunett, a member of the staff of Senator ALAN A. SIMPSON, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinator Empresarial [CCE], from September 3-6, 1991.

The committee has determined that participation by Ms. Burnett in the program in Mexico at the expense of the Mexican Business Coordinating Council, Consejo Coordinator Empresarial [CCE], is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Thomas J. Young, a member of the staff of Senator SHELBY, to participate in a program in Taiwan, sponsored by Tamkang University, from August 18-24, 1991.

The committee determined that participation by Mr. Young in this program, at the expense of Tamkang University, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Thomas J. Young, a member of the staff of Senator SHELBY, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 28-September 1, 1991.

The committee determined that participation by Mr. Young in this program, at the expense of the Chinese People's Institute of Foreign Affairs, was in the interest of the Senate and the United States.●

ORDERS FOR MONDAY, SEPTEMBER 23, 1991

Mr. RIEGLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2:30 p.m. Monday, September 23; that following the prayer, the Journal of proceedings be deemed approved to date; and that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. RIEGLE. Mr. President, on behalf of the majority leader, I would like to restate the Senate's schedule for Monday, September 23. On that day, at 2:30 p.m., under a previous unanimous-consent agreement, the Senate will proceed to the consideration of the DOD appropriations bill. There will be no rollcall votes on Monday.

RECESS UNTIL MONDAY, SEPTEMBER 23, 1991, AT 2:30 P.M.

The PRESIDING OFFICER. Under the order, the Senate stands in recess now until 2:30 p.m., Monday, September 23.

Thereupon, the Senate, at 4:02 p.m., recessed until 2:30 p.m., Monday, September 23, 1991.

NOMINATIONS

Executive nominations received by the Senate September 20, 1991:

THE JUDICIARY

REGGIE BARNETT WALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE SYLVIA A. BACON, RETIRED.

ACTION AGENCY

MARY JANE MADDOX, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE ACTION AGENCY, VICE JANE A. KENNY, RESIGNED.

INTER-AMERICAN FOUNDATION

WILLIAM KANE REILLY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994 VICE RICHARD THOMAS MCCORMACK, RESIGNED.

DEPARTMENT OF ENERGY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION:

ELIZABETH ANNE MOLER, OF VIRGINIA, FOR THE TERM EXPIRING JUNE 30, 1994. (REAPPOINTMENT)

BRANKO TERZIC, OF WISCONSIN, FOR THE TERM EXPIRING JUNE 30, 1995. (REAPPOINTMENT)

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 20, 1991:

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR THE TERMS INDICATED:

FOR A TERM OF 1 YEAR:

THOMAS EHRLICH, OF INDIANA.

FOR A TERM OF 2 YEARS:

LESLIE LENKOWSKY, OF INDIANA.

FOR A TERM OF 3 YEARS:

JACK A. MACALLISTER, OF COLORADO.

ROBERT L. WOODSON, OF MARYLAND.

JOHNNIE M. SMITH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 1 YEAR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Monday, September 23, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we seek inspiration today from that God who holds aloft the scale in which the destinies of nations are weighed, the Senate will be led in prayer by the Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Your Word is very precise:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34. *Blessed is the nation whose God is the Lord* * * *.—Psalm 33:12. *And I will walk at liberty: for I seek thy precepts.*—Psalm 119:45.

God of our fathers, on this final day of Constitution Week we express our gratitude for this profound instrument to which, for 200 years, every national leader commits himself when he takes office. As we remember the Constitution, may we be reminded of the words of Thomas Jefferson upon which the Bill of Rights is based:

"We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights * * *."

"Our fathers' God, to Thee,
Author of liberty,
To Thee we sing:
Long may our land be bright,
With freedom's holy light;
Protect us by Thy might,
Great God, our King,"
—"America," fourth verse.

Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of H.R. 2521, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$24,526,100,000**]** *$24,136,000,000***[**: *Provided,* That the Army shall not involuntarily separate any military personnel, except for causes consistent with past policy.**]**

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$19,577,700,000**]** *$19,603,025,000.*

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$6,086,800,000**]** *$6,055,360,000.*

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$18,905,500,000**]** *$18,838,800,000.*

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$2,320,800,000**]** *$2,298,800,000.*

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$1,718,600,000**]** *$1,710,600,000.*

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[**$354,900,000**]** *$342,400,000.*

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; [$721,500,000] *$715,100,000.*

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; [$3,395,700,000] *$3,320,400,000.*

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,145,500,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

[(INCLUDING TRANSFER OF FUNDS)]

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; [$18,362,945,000] *$20,913,805,000*[: *Provided*, That of the funds appropriated and made available in this paragraph, $36,800,000 for Depot Maintenance, $450,000,000 for Real Property Maintenance, and $152,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That $350,000 shall be available for the 1992 Memorial Day Celebration and $350,000 shall be available for the 1992 Capitol Fourth Project: *Provided further*, That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, $4,000,000 shall be available only for a grant to the National D-Day Museum Foundation, and $4,000,000 shall be available only for a grant to the Airborne and Special Operations Museum Foundation. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That $350,000 shall be available only to the Oregon Department of Economic Development: *Provided further*, That $40,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS): *Provided further*, That of the funds appropriated, $22,000,000 shall be transferred by the Secretary of the Army to the local educational authority at Fort Irwin, California for the construction of an elementary and a high school at Fort Irwin. The transfer of funds to the local educational authority at Fort Irwin is contingent upon an agreement from the local educational authority to assume responsibility for the operation and maintenance of such elementary and high school. In addition, impact aid cannot be reduced to the Fort Irwin school district because of this specific increased funding grant:] *Provided, That $26,000,000 shall be available only for procurement of the Extended Cold Weather Clothing System (ECWCS): Provided further, That of the funds appropriated under this heading, $20,000,000 shall be available only for the upgrade of facilities and equipment at the Army's Combat Training Centers.*

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,609,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; [$21,394,932,000] *$23,012,390,000*[: *Provided*, That of the funds appropriated and made available in this paragraph, $600,000,000 for Depot Maintenance, $330,000,000 for Real Property Maintenance, and $168,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992:] *Provided, That of the funds appropriated under this heading, $78,000,000 shall be available only for shipyard modernization projects to remain available for obligation until September 30, 1994: Provided further*, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A–76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts[: *Provided further*, That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels]: *Provided further, That not less than $2,000,000 shall be made available to the Secretary of the Navy for a study, to be submitted to the Committees on Appropriations no later than August 1, 1992, on the costs of improving the Port of Haifa, Israel, and facilities in the immediate vicinity, to accommodate the full complement of services required for the maintenance, repair and associated tasks needed to support a carrier battle group.*

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; [$2,082,500,000] *$2,109,665,000: Provided*, [That of the funds appropriated and made available in this paragraph, $27,200,000 for Depot Maintenance, $70,000,000 for Real Property Maintenance, and $78,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992]: *Provided further*, That none of the funds appropriated in this paragraph may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular A–76 until the General Accounting Office completes their audit and validates the decision[: *Provided further*, That of the funds appropriated in this paragraph $296,195,000 shall not be obligated or expended until authorized by law.]

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,646,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; [$17,660,213,000] *$19,242,014,000*[: *Provided*, That of the funds appropriated and made available in this paragraph, $136,000,000 for Depot Maintenance, $150,000,000 for Real Property Maintenance, and $100,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992.]

Operation and Maintenance, Defense Agencies

[(INCLUDING TRANSFER OF FUNDS)]

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; [$18,599,037,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which] *and* not to exceed $15,743,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes; *$8,635,768,000*[: Provided, That of the funds appropriated by this paragraph, $760,535,000 shall be available for the Special Operations Command, of which $76,912,000 shall be transferred to the Operation and Maintenance appropriations of the Reserve Components for execution: *Provided further*, That of the funds appropriated and made available in this paragraph, $102,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, $81,400,000 shall be available only to maintain the operations and personnel levels of a 185-bed facility either at Letterman Hospital or by using contractual services at or near the Presidio, in San Francisco, California]: *Provided, That of the funds appropriated under this heading, $1,000,000 shall be available to the Office of the Secretary of Defense only for the development and establishment of gainsharing projects: Provided further, That of the funds appropriated* *under this heading, $750,000 shall be available only for the conduct and preparation of an inventory of all the real property in the State of Hawaii that is owned or controlled by the United States Department of Defense and its components: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be available only for the establishment and administration of a commission, to be known as the "Defense Conversion Commission": Provided further, That:*

(a) Of the funds appropriated under this heading not less than $25,000,000 shall be made available only for the continued implementation of the Legacy Resource Management Program: Provided, That of this amount, not less than $10,000,000 shall be available only for use in implementing cooperative agreements to identify, document, and maintain biological diversity on military installations: Provided further, That funds appropriated for the Legacy Resource Management Program shall be made available for the purposes set forth in section 8120 of Public Law 101-511 and for implementing such cooperative agreements as may be concluded between the Department of Defense and other governmental and nongovernmental organizations or entities: Provided further, That the Deputy Assistant Secretary of Defense for Environment shall provide the Committee with a report on the status of the Legacy program and a five year plan for its development no later than June 30, 1992.

(b) Sections 8120(c) and (d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905) are each amended by striking out "Deputy Assistant Secretary of Defense for Environment" and inserting "Deputy Assistant Secretary of Defense (Environment)" in lieu thereof.

(c) Section 8120(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905), as amended by subsection (a), is further amended by—

(1) striking out "seek the participation of" and inserting "involve" in lieu thereof, and

(2) by adding the following new sentences at the end of such section: "He shall also involve State and local agencies and not-for-profit organizations with special expertise in areas related to the purposes of the Legacy Program. Services of State and local agencies and not-for-profit organizations may be obtained by contract, cooperative agreement, or grant to assist the Department of Defense in fulfilling the purposes of the Legacy program."

[: *Provided further*, That of the funds appropriated in this paragraph $8,246,454,000 shall not be obligated or expended until authorized by law] *Provided further, That not less than $2,000,000 shall be made available only for a feasibility study on the use of a rotary reactor thermal destruction technology in the treatment and disposal of waste regulated under the Resource Conservation and Recovery Act of 1976.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$995,600,000] *$962,200,000*[: *Provided*, That of the funds appropriated in this paragraph, $49,050,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$825,500,000] *$840,600,000*[: *Provided*, That of the funds appropriated in this paragraph, $28,803,000 shall not be obligated or expended until authorized by law.]

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$85,900,000] *$81,700,000*[: *Provided*, That of the funds appropriated in this paragraph, $7,673,000 shall not be obligated or expended until authorized by law.]

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,091,200,000] *$1,077,000,000*[: *Provided*, That of the funds appropriated in this paragraph, $23,840,000 shall not be obligated or expended until authorized by law.]

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); [$2,165,600,000] *$2,125,800,000*[: *Provided*, That of the funds appropriated in this paragraph, $68,460,000 shall not be obligated or expended until authorized by law.]

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; [$2,275,700,000] *$2,276,300,000*[: *Provided*, That of the funds appropriated in this paragraph, $32,584,000 shall not be obligated or expended until authorized by law.]

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $5,000,000 of which not to exceed $7,500 shall be available for incidental expenses of the National Board[: *Provided*, That of the funds appropriated in this paragraph, $1,000,000 shall not be obligated or expended until authorized by law]*: Provided, That the President shall assess the contributions to military readiness provided by the National Board for the Promotion of Rifle Practice, and report to the Congress the anticipated impact of the termination of funding by the Department of Defense for the activities and operations of the National Board not later than March 1, 1992.*

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $5,500,000, and not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; [$2,152,900,000] *$1,183,900,000*, to remain available until transferred*: Provided*, [That of the funds appropriated and made available in this paragraph, $900,000,000 shall not become available for obligation before September 1, 1992: *Provided further*,] That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation[:

Provided further, That of the funds appropriated in this paragraph, $900,000,000 shall not be obligated or expended until authorized by law.]

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; [$15,000,000] *$13,000,000*, to remain available for obligation until September 30, 1993: *Provided*, That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives [21] *15* days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress[: *Provided further*, That of the funds appropriated in this paragraph, $2,000,000 shall not be obligated or expended until authorized by law].

WORLD UNIVERSITY GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the World University Games) provided by any component of the Department of Defense to the World University Games; [$3,000,000] *$1,000,000*.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 games of the XXVI Olympiad; $2,000,000.

REAL PROPERTY MAINTENANCE, DEFENSE

For the maintenance of real property of the Department of Defense, $1,000,000,000 to remain available for obligation until September 30, 1993: Provided, That such funds shall be available only for repairing property which has been defined by the Defense Department as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1992: Provided further, That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the Department of Defense as the highest priority for repair.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,730,787,000] *$1,640,200,000*, to remain available for obligation until September 30, 1994.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,109,595,000] *$1,009,456,000*, to remain available for obligation until September 30, 1994.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,084,813,000] *$1,003,096,000*, to remain available for obligation until September 30, 1994.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,364,859,000] *$1,325,421,000*, to remain available for obligation until September 30, 1994[: *Provided*, That with funds herein appropriated or otherwise available to the Army and the Navy, the services shall jointly evaluate NATO classified NDI plastic ammunition containers as an alternative to current plans for packaging 81mm mortar ammunition and report the results of such evaluation to the Congress by March 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, $98,459,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 225 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$3,021,435,000] *$3,013,798,000*, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$7,683,633,000] *$7,025,920,000*, to remain available for obligation until September 30, 1994: *Provided*, That $851,600,000 of the funds appropriated in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) under the heading "Research, Development, Test and Evaluation, Navy" shall be transferred to "Aircraft Procurement, Navy": *Provided further*, That the funds transferred are to be available for the same time period as the appropriation from which transferred and for the same purposes as the appropriation to which transferred[: *Provided further*, That of the funds appropriated in this paragraph, $174,103,000 shall not be obligated or expended until authorized by law.]

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway[, as follows:

[Ballistic Missile Programs, $1,204,166,000;
[Other Missile Programs, $2,360,879,000;
[Torpedoes and Related Equipment, $689,456,000;
[Other Weapons, $130,123,000;
[Other Ordnance, $234,292,000;
[Other, $107,879,000;

In all: $4,726,795,000]; *$4,611,848,000*, to remain available for obligation until September 30, 1994.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title[, as follows:

[SSN-21 attack submarine program, $1,903,225,000;

[DDG-51 destroyer program, $3,330,337,000;

[LHD-1 amphibious assault ship program, $972,000,000;

[LSD-41 dock landing ship cargo variant program, $245,134,000;

[MHC coastal mine hunter program, $231,096,000;

[T-AGOS surveillance ship program, $149,000,000;

[AOE combat support ship program, $500,000,000;

[LCAC landing craft air cushion program, $807,102,000;

[Oceanographic ship program, $41,200,000;

[Sealift and Preposition ship program, $1,300,000,000;

[For craft, outfitting, and post delivery, $510,771,000;

[For inflation and Public Law 85-804 settlement, $599,900,000: *Provided*, That up to $75,000,000 shall be available for payments pursuant to settlement of Public Law 85-804 claims for T-AGS 39 and T-AGS 40;

[For first destination transportation, $5,939,000;

In all: $10,595,704,000]; *$7,725,382,000*, to remain available for obligation until September 30, 1996: *Provided*, That additional obligations may be incurred after September 30, 1996, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards[: *Provided further*, That of the funds appropriated in this paragraph, $2,096,504,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 651 passenger motor vehicles of which 621 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$6,574,568,000] *$6,306,544,000*, to remain available for obligation until September 30, 1994.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 45 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; [$1,043,218,000] *$1,100,570,000*, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$7,444,121,000] *$10,349,396,000, and in addition, $722,200,000 shall be derived by transfer from "Research, Development, Test and Evaluation, Navy, 1990/1991"*, to remain available for obligation until September 30, 1994*: Provided, That none of the funds provided under this heading shall be available for procurement of the B-2 bomber unless and until a supplemental appropriations Act, providing for the obligation of funds for the B-2, has been enacted into law and until the Secretary of Defense has submitted certification to the congressional defense committees on the performance of the B-2 bomber as required under section 118(c) of S. 1507, the National Defense Authorization Act, as it passed the Senate on August 2, 1991.*

MISSILE PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$5,243,841,000] *$5,332,671,000*, to remain available for obligation until September 30, 1994, *and in addition, $95,500,000 shall be derived by transfer from "Research, Development, Test and Evaluation, Air Force, 1991/1992" to remain available for obligation until September 30, 1992*[: *Provided*, That notwithstanding section 163 of Public Law 101-189 funds may be obligated to undertake full-rate production of the Advanced Medium Range Air-to-Air Missile (AMRAAM) after the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) submits the beyond low-rate initial production report required by section 2399(b)(2) of title 10, United States Code, stating that AMRAAM is operationally effective and suitable].

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 408 passenger motor vehicles of which 285 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$8,001,524,000] *$7,859,296,000*, to remain available for obligation until September 30, 1994, *and in addition, $99,323,000 shall be derived by transfer from "Missile Procurement, Air Force, 1991/1993" to remain available for obligation until September 30, 1993.*

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; [$1,292,500,000] *$667,300,000*, to remain available for obligation until September 30, 1994[: *Provided*, That of the funds appropriated in this paragraph, $642,500,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 337 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$2,708,446,000] *$2,087,400,000*, to remain available for obligation until September 30, 1994[, of which $972,815,000 shall be available for the Special Operations Command: *Provided*, That of the funds appropriated in this paragraph, $132,096,000 shall not be obligated or expended until authorized by law].

[DEFENSE PRODUCTION ACT PURCHASES

[For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $25,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate thirty days prior to the release of funds for any metal, mineral, or material not previously approved by Congress: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

[Procurement of Prepositioning Equipment, Defense

[For procurement of missiles, tracked combat vehicles, ammunition, other weapons, communications, and other procurement for the Department of Defense prepositioning program, $995,000,000, to remain available for obligation until September 30, 1994: *Provided*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

Procurement of Sealift and Prepositioning Equipment, Defense

For construction and conversion of sealift ships and procurement of missiles, tracked combat vehicles, ammunition, other weapons, communications, and other procurement necessary for the Department of Defense sealift and prepositioning programs, $2,000,000,000, to remain available for obligation until September 30, 1996.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$6,241,621,000] *$6,280,361,000*, to remain available for obligation until September 30, 1993[, of which not less than $6,300,000 is available only for the Vectored Thrust Combat Agility Demonstrator flight test program utilizing the Vectored Thrust Ducted Propeller upon successful completion of Phase I of this demonstration project]*: Provided, That not more than $25,000,000 shall be available for obligation for the Common Chassis Advanced Technology Transition Demonstration portion of the Armored Systems Modernization program until thirty days after the President has submitted to the Congress a National Intelligence Estimate of potential adversarial armored and antiarmor systems and capabilities: Provided further, That $2,000,000 shall be available only to establish a Center for Prostate Disease Research at the Walter Reed Army Institute of Research.*

Research, Development, Test and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$7,464,910,000] *$7,666,142,000*, to remain available for obligation until September 30, 1993[: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the P–3 aircraft that do not include the AN/UYS–2 Enhanced Modular Signal Processor: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the Surveillance Towed Array Sensor System that do not include the AN/UYS–2 Enhanced Modular Signal Processor].

Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$14,263,941,000] *$14,123,675,000*, to remain available for obligation until September 30, 1993[, of which not less than $30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided*, That not less than $2,500,000 of the funds appropriated in this paragraph are available only for continuing the research program on development of coal based high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels: *Provided further*, That $8,000,000 of the funds appropriated in this paragraph shall be available only for a side-by-side evaluation of the ALR–56M and the ALR–62I radar warning receivers: *Provided further*, That none of the funds appropriated by this paragraph may be used for the B–1B ALQ–161 CORE program or an advanced radar warning receiver, except for costs associated with the side-by-side testing of the ALR–56M and the ALR–62I, until the Air Force submits and Congress approves a plan for correction of B–1B operational shortfalls and the estimated cost of these corrections: *Provided further*, That $5,700,000 is available only for the U.S./U.S.S.R. Joint Seismic Program administered by the Incorporated Research Institutions for Seismology]*: Provided, That of the funds appropriated under this heading, $250,956,000 shall be available only for the Peacekeeper/Rail Garrison program, and of that amount, $15,000,000 shall be available only for the purposes of conducting a flight test of a Peacekeeper missile from a Rail Garrison basing mode train.*

Research, Development, Test and Evaluation, Defense Agencies

[(including transfer of funds)]

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$8,979,141,000] *$9,393,542,000*, to remain available for obligation until September 30, 1993[, of which $266,970,000 shall be available for the Special Operations Command: *Provided*, That not less than $171,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT): *Provided further*, That not less than $30,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the National Biomedical Research Foundation for laboratory efforts associated with major research programs in neurology, oncology, virology, cardiology, pediatrics and associated specialty areas of critical importance to the Veterans Administration and the Department of Defense: *Provided further*, That not less than $10,000,000 of the funds appropriated in this paragraph shall be available only for an Experimental Program to Stimulate Competitive Research (ESPCoR) in the Department of Defense which shall include all States eligible for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further*, That the Secretary of Defense shall transfer $20,000,000 of amounts appropriated for research, development, test and evaluation for Defense Agencies for fiscal year 1991 to the Department of Energy for the Environmental and Molecular Sciences Laboratory: *Provided further*, That none of the funds in this paragraph may be obligated for the development of the Superconducting Magnetic Energy Storage System unless its processes, materials, and components are substantially manufactured in the United States]: *Provided, That of the funds appropriated for fiscal year 1991 under the heading "Research, Development, Test and Evaluation, Defense Agencies", $5,000,000 shall be obligated for the Critical Technologies Institute within 90 days after enactment of this Act: Provided further, That of the funds appropriated for fiscal year 1991 under the heading "Research, Development, Test and Evaluation, Defense Agencies", any unobligated funds provided for the Superconductive Magnetic Energy Storage Program shall be obligated within 120 days after enactment of this Act: Provided further, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage Program within 60 days after enactment of this Act: Provided further, That of the funds appropriated in Public Law 101–511 for Research, Development, Test and Evaluation, Defense Agencies, $25,000,000 provided for the Strategic Environmental Research Program may only be obligated for the procurement, installation and operation of a supercomputer to support the Arctic Region Supercomputing Center.*

Developmental Test and Evaluation, Defense

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; [$221,300,000] *$215,764,000*, to remain available for obligation until September 30, 1993.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $14,200,000, to remain available for obligation until September 30, 1993.

TITLE V

DEFENSE BUSINESS OPERATIONS FUND

[There is established on the books of the Treasury a Fund to be known as the "Defense Business Operations Fund" under which the following amounts are appropriated to the Defense Business Operations Fund established by this title:

[Defense Business Operations Fund, Army Stock Fund Division, $827,300,000; and

[Defense Business Operations Fund, Air Force Stock Fund Division, $1,616,800,000: *Provided*, That such divisions shall maintain their separate identity and separate management structures and shall be reflected on the books of the Treasury as divisions of the Defense Business Operations Fund which shall reflect only the balances of such funds appropriated pursuant to this paragraph separately in accordance with the fund to which they applied prior to the enactment of this title: *Provided further*, That during the current fiscal year no functions, activities, funds or accounts may be assigned, transferred or otherwise added to the existing fund as established in this paragraph: *Provided further*, That funds appropriated herein for such funds shall not be transferred between or among the divisions of such funds: *Provided further*, That of the funds appropriated in this paragraph, $24,000,000 shall not be obligated or expended until authorized by law.]

For the Defense Business Operations Fund; $3,400,200,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, [$208,698,000] *$210,900,000*; for Procurement, [$229,202,000] *$250,000,000* to remain available until September 30, 1994; for Research, development, test and evaluation, $13,900,000 to remain available until September 30, 1993; In all: [$451,800,000] *$474,800,000*: *Provided*, That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities (other than Tooele) until the Secretary of Defense certifies to the Congress that 1) Operational Verification Testing at the Johnston Atoll Chemical Agent Destruction Facility is complete, 2) a report on the results of the tests has been submitted to the Congress, 3) plant design has been verified, and 4) necessary environmental permits have been secured for the sites for which the equipment is to be procured.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; [$1,155,994,000] *$1,117,075,000*: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act[: *Provided further*, That of the funds appropriated by this paragraph, $22,290,000 shall not be obligated or expended until authorized by law].

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, [$121,600,000; for Procurement, $300,000; In all: $121,900,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1994] *$116,200,000*[: *Provided further*, That of the funds appropriated in this paragraph, $1,000,000 shall not be obligated or expended until authorized by law].

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $164,100,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; [$30,719,000] *$28,819,000*.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8005. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

(TRANSFER OF FUNDS)

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed [$3,000,000,000] *$1,000,000,000* of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States

Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and [to the "Foreign Currency Fluctuations, Defense" appropriation account] *the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts* in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

[(c) None of the funds available to the Department of Defense in this Act shall be used to enter into any agreement or contract to convert any heating facility at military installations in the Kaiserslautern Military Community (KMC) in the Federal Republic of Germany to district heat, direct natural gas, or other sources of fuel, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, and until the Secretary of the Air Force has (1) ensured that the United States coal industry has had the opportunity to provide thermal energy supply to the KMC facilities through participation in a competitive solicitation for proposals for a third-party thermal energy supply, provided such solicitation allows evaluation of innovative technical proposals such as cogeneration to enhance the cost-effectiveness of coal derived thermal energy; (2) thoroughly evaluated the cost-effectiveness of all proposals received; (3) submitted evaluation results to the General Accounting Office for review; and (4) notified the Committees on Appropriations of the Senate and House of Representatives of the evaluation results.]

(c) The Secretary of the Air Force may issue a request for proposal and enter into a contract using funds appropriated by this or any other Act, for heat from the regional district heating authority or authorities for the cities of Kaiserslautern, Landstuhl, and Ramstein-Miesenbach, Federal Republic of Germany, pursuant to a determination under 10 U.S.C. 2690(b): Provided, That (a) the Secretary of the Air Force determines that the cities of Kaiserslautern, Landstuhl, and Ramstein-Miesenbach have enacted district heat statutes in accordance with host nation law which (1) adhere to the principle of "equal treatment for all" and (2) do not single out or target United States Forces in Kaiserslautern, Landstuhl, and Ramstein-Miesenbach; and (b) the proposal will provide cost-effective heat over the life-cycle of the district heating system.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 *calendar days in session* in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8010. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8011. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1991 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8012. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1994.

SEC. 8013. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK-48 ADCAP Torpedo;
UH-60 Black Hawk Helicopter; and
Army Tactical Missile.

(TRANSFER OF FUNDS)

SEC. 8014. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

[SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 72,150: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 48,624 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

[(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.]

SEC. 8015. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100–526.

[SEC. 8016. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1992 or with respect to the appropriation of funds for that year.

[(b) During fiscal year 1992, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

[(c) The fiscal year 1993 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1993 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1993.]

SEC. 8016. None of the funds made available in this Act shall be used by the Department of Defense to exceed 1,011,348 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That if the President determines that such action is necessary in the national interest, the use of civilian workyears may exceed 2 percent of the above limitation and the President shall promptly notify the Congress of any increase.

SEC. 8017. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

[SEC. 8018. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.]

SEC. 8018. Notwithstanding any other provision of law, funds made available in fiscal years 1992 and 1993 shall be available to purchase petroleum products in Israel to meet emergency and other military needs of the United States and Israel as agreed to in a Memorandum of Agreement between the United States and Israel, which should be concluded promptly on terms and conditions acceptable to both Nations. In the event of a wartime emergency or a state of heightened military readiness on the part of either Nation, all or part of the stock purchased under this provision may be withdrawn and used by the forces of either Nation (1) with the agreement of the governments of both Nations as provided for in the MOA, and (2) with notification of the Congress in accordance with section 652 of the Foreign Assistance Act of 1961, as amended: Provided, That section 8810 of Public Law 101-511 is hereby repealed.

[SEC. 8019. None of the funds appropriated by this Act or hereafter shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.]

SEC. 8019. Notwithstanding any other provision of law, the Army Central Hospital Fund, a Non Appropriated Fund Instrumentality, shall be terminated upon enactment of this Act. All residual funds will, on that date, be transferred to an appropriated trust fund established by the Secretary of the Army for the operation and maintenance of "Fisher Houses" located in proximity to Army Medical Treatment Facilities. The Secretary shall promulgate regulations governing the expenditure and accountability of these funds.

SEC. 8020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for [not more than 250] civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act or; (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

[SEC. 8027. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).]

SEC. 8027. Notwithstanding any other provision of law, section 8095 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896) is hereby repealed.

SEC. 8028. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded[: *Provided further*, That none of the funds appropriated or made available by this Act may be used to deploy the Composite Health Care System beyond the initial alpha and beta test sites until system development is completed].

SEC. 8029. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8030. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8031. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8032. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth[: *Provided*, That none of the funds available shall be used to reduce, revise, or terminate the CHAMPUS Reform Initiative contract before February 1, 1994].

SEC. 8033. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8034. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8035. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1992, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further, That at the time the President submits his budget for fiscal year 1993, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1993.*

SEC. 8036. Of the funds appropriated to the Army, $172,072,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A–109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software *unless approved by the Chief of the National Guard Bureau*; and

(8) unless RCAS performs its own classified information processing.

SEC. 8037. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided*, That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further*, That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8038. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8039. Not to exceed $20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

[SEC. 8040. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8040. The Secretary of Defense shall take such action as necessary to assure that a minimum of 75 percent of the petroleum pitch carbon fiber requirement be procured from domestic sources by 1994.

(TRANSFER OF FUNDS)

SEC. 8041. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty [legislative days] *calendar days in session* before any such transfer of funds under this provision.

SEC. 8042. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8043. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That these limitations do not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care: *Provided further*, That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further*, That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.

SEC. 8044. The designs of the Army LH helicopter, the Navy A–X Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications and must fully comply with all DOD regulations requiring the use of the Ada computer programming language no later than 1998: *Provided*, That effective July 1, 1992 all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL–STD–881 in those instances where software is considered to be a major category of cost.

SEC. 8045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

[SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $300,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1992, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided*, That this section does not apply to the reserve components: *Provided further*, That not more than $1,188,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.]

SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $202,000,000 to reflect savings from the decreased use of non-Corporate Information Management related automated data processing development and modernization by the Department of Defense. Of this amount, $49,000,000 shall be allocated to the Army, $20,000,000 shall be allocated to the Navy, and $133,000,000 shall be allocated to the Air Force. The respective Service Secretaries shall sub-allocate the amounts reduced in the preceding sentence and not later than March 1, 1992, the Secretary of Defense shall report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services, by appropriation: Provided, That none of this reduction may be applied to the Army's Sustaining Base Information Systems or Reserve Component Automation System programs.

SEC. 8047. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

[SEC. 8048. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed $10,800,000, to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

[(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

[(c) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.]

SEC. 8048. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 175,960 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

[SEC. 8049. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions, functions and commands until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceperson or have an adverse economic impact on a geographic area.]

(TRANSFER OF FUNDS)

SEC. 8049. In addition to the amounts appropriated or otherwise made available in this Act, $716,729,000 is appropriated for the operation, modernization, and expansion of automated data processing systems: Provided, That the Sec-

retary of Defense shall, upon determining that such funds are necessary and further the objectives of the Corporate Information Management initiative, transfer such amounts as necessary to the appropriate Defense Agency appropriation provided in titles II, III, and IV of this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That obligation and expenditure of these funds are subject to the review and approval of the Corporate Information Management Executive Level Group: Provided further, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8050. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 8051. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8052. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8053. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8054. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8055. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8056. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the expenses under the Program for the first $150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided*, That the foregoing limitation shall not exceed the first $300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further*, That higher deductible amounts, *higher coinsurance payments*, and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further*, That the provisions of this section shall not apply in the case of dependents of military members in grades E–1 through E–4.

SEC. 8057. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 8058. Of the funds appropriated by this Act, no more than $4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98–525.

SEC. 8059. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8060. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8061. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8062. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8063. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five year period beginning on October 1, 1991, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

[SEC. 8064. None of the funds appropriated in this Act shall be used to reduce the fiscal year 1992 2.5- or 5-ton truck maintenance workload at Letterkenny Army Depot as a direct result of either the proposed consolidation of truck maintenance or an increase in fiscal year 1992 truck maintenance at any other depot; neither shall funds be available for transfer of towed and self-propelled artillery maintenance from Letterkenny Army Depot.]

SEC. 8064. Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(a) by striking paragraph (2) and inserting:

"(2) The term 'disadvantaged small business concern' means:

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(B) a business entity owned and controlled by an Indian tribe as defined by Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by Section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(13)); or

"(D) a qualified organization employing the severely disabled.";

(b) by adding the following new paragraphs:

"(6) The term 'qualified organization employing the severely disabled' means a business entity that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair

Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(7) The term 'severely disabled individual' means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for the Purchase From the Blind and Other Severely Handicapped established by section 46 of title 41, United States Code, is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.".

[SEC. 8065. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.]

SEC. 8065. Of the funds appropriated by this Act, no more than $14,000,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: Provided, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8066. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

[SEC. 8067. None of the funds available to the Department of Defense in this Act shall be used to reduce the end strength and force structure of the Reserve Components below the levels funded in this Act or be used to reduce or disestablish the operation of units of the Reserve Components below those in existence on April 15, 1991: *Provided*, That the foregoing limitation shall not apply to the modernization or restructuring of units at the same location or to the establishment of new units.]

SEC. 8067. None of the funds available to the Department of Defense in this Act shall be used to reduce the end strength of the National Guard and Reserve Components below the levels funded in this Act or be used to reduce the force structure allowance for the Army National Guard and Army Reserve below 450,000 and 310,000 respectively, and that of the other National Guard and Reserve Components below the end strength levels funded in this Act: Provided, That no funds may be reduced from title I or title II of this Act to maintain the force structure allowance of the National Guard and Reserve Components, and that only funds provided in title III and title IV of this Act may be reduced or transferred to maintain the force structure allowance for the National Guard and Reserve Components: Provided further, That the Amended Budget Submission for the Department of Defense for fiscal year 1993 may only request funds for National Guard and Reserve force structure in excess of the level assumed in the Budget Request submitted to the Congress for fiscal years 1992 and 1993 if such increases in title I and title II of that request are offset through reductions in title III and title IV of that request.

SEC. 8068. Funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1992, may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8069. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

[SEC. 8070. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.]

SEC. 8070. (a) Of the amounts available to the Department of Defense for fiscal year 1992, not less than $10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 8071. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

[SEC. 8072. None of the funds appropriated in this Act shall be used for the recruitment or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences after September 30, 1991.]

SEC. 8072. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during fiscal year 1992 may be obligated or expended to finance any grant or contract to conduct research, development, test, and evaluation activities for the development or production of advanced materials.

SEC. 8073. Notwithstanding any other provision of law, after June 1, 1991, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code, *as in existence on October 1, 1990.*

SEC. 8075. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes: *Provided*, That this training will be performed at Walter Reed Army Medical Center.

[SEC. 8076. None of the funds appropriated by this Act shall be used to reduce the military and civilian work force at any military medical facility or medical support facility below the level maintained or authorized for fiscal year 1990: *Provided*, That the foregoing limitation shall apply to all military medical and medical support facilities.]

SEC. 8076. During the current fiscal year, for the purposes of installing equipment with funds appropriated for that purpose, additional obligations may be incurred in appropriations available to the Department of Defense for the procurement and installation of equipment when obligations were incurred during the period of those appropriations for the procurement of such equipment but obligations for the installation of such equipment were not able to be incurred before the expiration of the period of availability for those appropriations.

[(RESCISSIONS)

[SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

[Procurement of weapons and tracked combat vehicles, Army, 1990/1992, $10,000,000;

[Procurement of weapons and tracked combat vehicles, Army, 1991/1993, $114,000,000;

[Procurement of ammunition, Army, 1991/1993, $23,700,000;

[Other procurement, Army, 1990/1992, $10,300,000;

[Other procurement, Army, 1991/1993, $26,800,000;

[Aircraft procurement, Navy, 1990/1992, $893,500,000;

[Weapons procurement, Navy, 1991/1993, $300,000,000;

[Other procurement, Navy, 1991/1993, $2,700,000;

[Procurement, Marine Corps, 1991/1993, $2,000,000;

[Guard and Reserve Equipment, 1991/1993, $8,000,000;

[Research, Development, Test and Evaluation, Army, 1991/1992, $85,200,000;

[Research, Development, Test and Evaluation, Navy, 1991/1992, $41,800,000;

[Research, Development, Test and Evaluation, Air Force, 1991/1992, $199,400,000;

[Research, Development, Test and Evaluation, Defense Agencies, 1991/1992, $90,000,000.]

(RESCISSIONS)

SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Other Procurement, Navy, 1991/1993, $3,500,000;

Research, Development, Test and Evaluation, Army, 1991/1992, $15,375,000;

Research, Development, Test and Evaluation, Air Force, 1991/1992, $9,910,000.

[SEC. 8078. Section 8104 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1898) is amended—

[(1) by amending section 3 by adding the following new sentence at the end thereof: "The Commission is established until 30 days following submission of the final report required by section 6 of this section.";

[(2) by amending section 6 as follows: (i) by amending subsection (b)—

[(A) by striking out "SUBSEQUENT ANNUAL REPORTS" and inserting "FINAL REPORT" in lieu thereof;

[(B) by striking out "an annual report for each of the first five years following the" and inserting "a final report one year following" in lieu thereof in the first sentence; and

[(C) by striking out the second sentence; and

[(ii) by amending subsection (c)—

[(A) by striking out "Each report under this section" and inserting "The report under subsection (b)" in lieu thereof in the first sentence; and

[(B) by striking out "Each such" and inserting "Such" in lieu thereof in the second sentence; and

[(3) by amending section 8(c) to read as follows:

["(c) OBTAINING OFFICIAL DATA.—The Chairman or a designee on behalf of the Chairman may request information necessary to enable the Commission to carry out this Act directly from any department or agency of the United States.".]

SEC. 8078. Of the $627,572,000 made available through the sale of 24 F–15C/D aircraft to Saudi Arabia, funds shall be obligated to procure 12 new production F–15E aircraft and support equipment in addition to the 36 F–15E aircraft provided by the Department of Defense Appropriations Act, 1991: Provided, That aircraft funded under this provision shall be in addition to the 200 F–15E aircraft funded in fiscal year 1991 and previous years: Provided further, That funds for these aircraft shall be obligated immediately upon enactment of this Act.

SEC. 8079. Of the funds made available in this Act, not less than $8,674,000 shall be available for the Civil Air Patrol, of which $4,400,000 shall be available for Operation and Maintenance.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Tactical Airlift Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

[SEC. 8081. Of the funds available in this Act in the operation and maintenance accounts of the Department of Defense, $10,000,000 shall be available only to transport United States beef for resale in Department of Defense commissaries in foreign countries.]

SEC. 8081. During the current fiscal year, after April 1, 1992, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that becomes effective on April 1, 1992.

SEC. 8082. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

[SEC. 8083. Of the funds appropriated in this Act for "Drug Interdiction and Counter-Drug Activities, Defense", $40,000,000 shall be available only for the National Drug Intelligence Center.]

SEC. 8083. Of funds available in this Act to carry out intelligence and intelligence-related activities of the United States Government, $32,900,000 shall be made available to begin implementation of the plan developed by the Central Intelligence Agency to consolidate its Washington, D.C., area facilities into permanent additional compounds, including the acquisition of the land necessary for such consolidation. Funds made available under this section shall begin to be expended for this consolidation not later than 60 days after the date of enactment of this Act.

SEC. 8084. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.

SEC. 8085. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) [medical] *health care* provider may voluntarily waive the patient copayment for medical services provided [to dependents of active duty personnel] from August 2, 1990, until the [return of troops from the Persian Gulf theater] *termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel*: *Provided*, That the Government's share of medical services is not increased during the specified time period.

[SEC. 8086. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling on the Uniformed Services Treatment Facility account.]

SEC. 8086. For fiscal year 1992, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c), is limited to $189,700,000, of which not more than $170,300,000 may be provided by the funds appropriated by this Act.

SEC. 8087. During the current fiscal year, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

[(TRANSFER OF FUNDS)

[SEC. 8088. During the current fiscal year, there is established an account entitled, "Foreign National Employees Separation Pay Account, Defense": *Provided*, That there shall be deposited to this account: (a) all amounts previously obligated for the separation pay of foreign national employees of the Department of Defense from appropriations which are no longer available for obligation and (b) all amounts obligated for the separation pay of foreign national employees of the Department of Defense from appropriations available for obligation during the current fiscal year: *Provided further*, That amounts deposited to the Account shall remain available until expended.]

SEC. 8088. None of the funds available to the Department of Defense during fiscal year 1992 may be obligated or expended to develop for aircraft or helicopter weapons systems an airborne instrumentation system other than the Common Airborne Instrumentation System under development in the Central Test and Evaluation Investment Development program element funded in the "Development Test and Evaluation, Defense" appropriations account.

SEC. 8089. During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred.

([INCLUDING] TRANSFER OF FUNDS)

[SEC. 8090. (a) Of the funds appropriated in this Act in title IV, Research, Development, Test and Evaluation, Navy, $625,000,000 shall be available only for the V–22 aircraft program.

[(b) Of the funds appropriated for the V–22 program in fiscal years prior to fiscal year 1992 (1) $200,000,000 shall be subject to the provisions of section 204 of the Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991, (Public Law 102–27), and shall be used to initiate a new Phase II V–22 Full Scale Engineering Development program as further described in subparagraph (c)(2); (2) That of the funds appropriated in the Department of Defense Appropriations Act (Public Law 101–511) for fiscal year 1991 under the heading, "Aircraft Procurement, Navy" for the V–22 Osprey program, $165,000,000 shall be transferred to "Research, Development, Test and Evaluation, Navy, 1992/1993", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred, subject to the provisions of subparagraph (c).

[(c) Funds described in subparagraphs (a) and (b) of this section shall be obligated as follows:

[(1) Not less than $164,800,000 shall be obligated by October 31, 1991 to continue the existing V–22 Full Scale Engineering Development program;

[(2) Not less than $357,200,000 shall be obligated by November 30, 1991 to fund a Phase II

V-22 Full Scale Engineering Development program to provide ten production representative new aircraft which will successfully demonstrate the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996: *Provided*, That the ten production representative V-22 aircraft shall be produced on tooling which qualifies production design;

[(3) The remaining funds shall be obligated in accordance with the plan provided for in subparagraph (d).

[(d) The Secretary of Defense shall provide to the Congress, within 60 days of enactment of this Act, the total funding plan and schedule to complete the Phase II V-22 Full Scale Engineering Development program.]

SEC. 8090. Of the funds appropriated for fiscal year 1991 under the heading "Aircraft Procurement, Navy" for the V-22 Osprey program, $165,000,000 shall be transferred to the appropriation "Research, Development, Test and Evaluation, Navy, 1991/1992", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred.

SEC. 8091. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

[(TRANSFER OF FUNDS)

[SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

[Under the heading, "Research, Development, Test and Evaluation, Navy, 1991/1992", $1,400,000;

[Under the heading, "Weapons Procurement, Navy, 1990/1992", $12,800,000;

[Under the heading, "Aircraft Procurement, Navy, 1990/1992", $30,000,000;

[Under the heading, "Aircraft Procurement, Navy, 1991/1993", $15,100,000;

[Under the heading, "Weapons Procurement, Navy, 1991/1993", $24,800,000;

[Under the heading, "Other Procurement, Navy, 1991/1993", $4,200,000;

[Under the heading, "Procurement, Marine Corps, 1991/1993", $29,300,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

[DDG-51 destroyer program, $46,400,000.

[Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

[USCG Patrol Boat Program, $3,600,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

[TRIDENT ballistic missile submarine program, $28,900,000;

[DDG-51 destroyer program, $64,900,000;

[AOE-6 fast combat support ship program, $161,200,000;

To:

[Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

[TRIDENT ballistic missile submarine program, $17,300,000;

[MCM Mine Countermeasures ship program, $7,300,000;

[TAO Fleet Oiler program, $3,500,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

[SSN-688 attack submarine program, $18,900,000;

[MHC coastal mine hunter program, $6,900,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

[TRIDENT ballistic missile submarine program, $9,600,000;

[SSN-688 attack submarine program, $113,600,000;

[DDG-51 destroyer program, $22,100,000;

[TAGOS ocean surveillance ship program, $400,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

[TRIDENT ballistic missile submarine program, $67,200,000;

[SSN-688 attack submarine program, $29,600,000;

[LSD(CV) amphibious dock landing (cargo variant) ship program, $5,700,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

[TRIDENT ballistic missile submarine program, $44,400,000;

[SSN-688 attack submarine program, $15,600,000;

[SSN-21 attack submarine program, $4,500,000;

[MHC coastal minehunter program, $13,900,000;

[TAGOS ocean surveillance ship program, $10,800,000;

[AO auxiliary oiler conversion ship program, $5,500,000;

[Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

[MCM Mine Countermeasures ship program, $12,300,000;

[AO auxiliary oiler conversion ship program, $4,500,000;

[MTS(C) moored training ship conversion program, $9,000,000.

(TRANSFER OF FUNDS)

SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes and time period as the appropriation to which transferred: Provided further, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Research, Development, Test and Evaluation, Navy, 1991/1992", $114,100,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", $12,800,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", $73,600,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", $24,800,000;

Under the heading, "Other Procurement, Navy, 1991/1993", $12,400,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", $29,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

T-AO fleet oiler program, $3,523,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

T-AO fleet oiler program, $6,119,000;

LCAC landing craft air cushion program, $2,225,000;

For outfitting and post delivery, $2,669,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, $9,656,000;

LSD-41 dock landing ship cargo variant program, $655,000;

MHC coastal minehunter program, $4,509,000;

T-AGOS surveillance ship program, $665,000;

Coast Guard patrol boat program, $4,223,000;

LCAC landing craft air cushion, $2,953,000;

For craft, outfitting, post delivery, and ship special support equipment, $2,653,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $44,687,000;

DDG-51 destroyer program, $64,900,000;

LSD-41 dock landing ship cargo variant program, $1,303,000;

MHC coastal mine hunter program, $3,142,000;

AOE combat support ship program, $161,200,000;

TAGS Oceanographic ship program, $43,100,000;

LCAC landing craft air cushion program, $4,137,000;

For craft, outfitting, and post delivery, $12,391,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

Trident submarine program, $12,318,000;

MCM mine countermeasures ship program, $5,082,000;

T-AO fleet oiler ship program, $27,616,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, $13,312,000;

LSD-41 landing ship dock program, $1,130,000;

MHC coastal mine hunter program, $9,900,000;

T-AG acoustic research ship program, $4,400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, $9,600,000;

SSN-688 attack submarine program, $75,956,000;

DDG-51 destroyer program, $22,100,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $66,469,000;

SSN-688 attack submarine program, $29,600,000;

LSD-41 cargo variant ship program, $5,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, $44,400,000;

SSN-688 attack submarine program, $19,125,000;

SSN-21 attack submarine program, $82,232,000;

MHC coastal mine hunter program, $20,900,000;

AO conversion program, $5,500,000;

T-AGOS surveillance ship program, $15,800,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

Aircraft carrier service life extension program, $42,900,000;

ENTERPRISE refueling/modernization program, $51,000,000;

MCM mine countermeasures program, $4,170,000;

AO conversion program, $4,500,000;

Moored training ship demonstration program, $9,000,000;

Coast Guard icebreaker ship program, $59,000,000.

[SEC. 8093. None of the funds in this Act shall be obligated for the procurement of a Multibeam Sonar Mapping System not manufactured in the United States: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8093. (a) None of the funds available to the Department of Defense from any source during fiscal year 1992 may be obligated or expended for any activities to support the objective of launching Strategic Target System (STARS) rockets from the Navy Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii.

(b) The restriction in subsection (a) does not apply to any funds required to prepare and issue an environmental impact statement of the Strategic Target System Program, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and in accordance with any Executive Orders issued, and any regulations promulgated to implement such Act.

(c) The restriction in subsection (a) does not apply to any funds required to maintain the safety, security, and basic condition of the Strategic Target System launch complex at the Pacific Missile Range Facility.

(d) The restriction in subsection (a) does not apply to any funds required to maintain or store Strategic Target System boosters and equipment or to ensure the safety and reliability of such boosters and equipment or to operate the Strategic Target System program office.

(e) The exceptions in subsection (d) shall apply only to activities carried out within the continental United States.

(f) The restrictions under this section shall remain in effect until the date of the issuance of an environmental impact statement and a formal Record of Decision with respect to this environmental impact statement, upon completion of a formal process that complies with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Executive Orders issued, and regulations promulgated to implement such Act.

[SEC. 8094. Using funds available in the National Defense Stockpile Transaction Fund, during the period of fiscal years 1992 through 1994 and using procedures covered by section 3301 of the National Defense Authorization Act, 1991 (Public Law 101–510; 104 Stat. 1844–45), the President may acquire not less than 50,000 kilograms of germanium from current domestic sources to be held in the National Defense Stockpile.]

SEC. 8094. SPECIAL ACCESS PROGRAM OVERSIGHT AND MANAGEMENT IMPROVEMENTS.

(a) MANAGEMENT OF SPECIAL ACCESS PROGRAMS.—(1) Section 132 of title 10, United States Code, is amended by inserting at the end of the following:

"(d)(1) The Deputy Secretary of Defense is the principal civilian adviser to the Secretary of Defense on special access programs and, after the Secretary of Defense, is the principal special access programs official within the senior management of the Department of Defense.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Secretary of Defense shall carry out the responsibilities of the Secretary of Defense relating to special access programs for all such programs, including acquisition special access programs, intelligence special access programs, and operations and support special access programs. The Deputy Secretary shall perform such duties and exercise such powers relating to special access programs as the Secretary may prescribe. Such duties shall include the following:

"(A) Supervising the management of special access programs.

"(B) Prescribing in regulations the policies, standards, and procedures for all special access programs of the military departments and the Defense Agencies.

"(C) Approving the establishment of a special access program or any significant change (as defined in the regulations prescribed pursuant to subparagraph (B)) in the conduct or mission of a special access program.

"(3) The regulations prescribed pursuant to paragraph (2)(B) shall include the following:

"(A) Standards and procedures for the designation of programs as special access programs.

"(B) A requirement for the manager of each special access program to submit to the Secretary of Defense a reclassification schedule when the total cost of such program is expected to exceed $50,000,000.

"(C) Standards and procedures for an annual review of the classification status of each special access program by the Deputy Secretary of Defense.

"(D) Standards and procedures for appropriate exchange of information among technologically related programs.

"(E) Standards and procedures to ensure timely oversight by officials with expertise in (i) cost, schedule, and performance reviews, and (ii) applicable intelligence or operational matters.

"(4)(A) There is for the Deputy Secretary of Defense a Principal Assistant for Special Access Programs.

"(B) The Principal Assistant is appointed by the President, by and with the advice and consent of the Senate, from among the officers of the regular components of the armed forces and serves at the pleasure of the President for a term of two years. The Principal Assistant may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(C) The Principal Assistant performs such duties related to special access programs as may be prescribed by the Secretary of Defense.

"(D) The Principal Assistant, while so serving—

"(i) holds the grade, as designated by the President at the time of appointment, of general or lieutenant general or, in the case of an officer of the Navy, as admiral or vice admiral; and

"(ii) is in addition to the number of officers that would otherwise be permitted for that officer's armed force under section 525 of this title.

"(5) The Deputy Secretary of Defense may delegate the performance of the Deputy Secretary's duties under this subsection only to the Principal Assistant for Special Access Programs.

"(e) The terms 'special access program', 'acquisition special access program', 'intelligence special access program', and 'operations and support special access program' have the meanings given those terms in Department of Defense Directive O–5205.7, dated January 4, 1989.".

(2) The Deputy Secretary of Defense shall prescribe the regulations as required by section 132(d)(2)(B) of title 10, United States Code (as added by this subsection), not later than January 15, 1992.

(b) OVERSIGHT OF SPECIAL ACCESS PROGRAMS.—Section 119 of title 10, United States Code, is amended—

(1) in subsection (e), by striking out "or (c)" and inserting in lieu thereof "(c), or (f)";

(2) in subsection (f)(1), by striking out "are notified of the program; and" and inserting in lieu thereof "receive a notification of the program, including—

"(A) notice of the designation of the program as a special access program;

"(B) the justification for such designation;

"(C) the current estimate of the total program cost for the program; and

"(D) an identification of the existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice; and";

(3) by redesignating subsection (g) as subsection (i);

(4) by inserting after subsection (f) the following new subsections:

"(g) Funds appropriated or otherwise made available to the Department of Defense may not be obligated for any special access program unless the applicable report on such program has been submitted in accordance with subsection (a), (b), (c), (e), or (f).

"(h)(1) The Secretary of Defense shall ensure that access to information relating to special access programs is granted, as provided in paragraphs (2) and (3), upon the request of the chairman or ranking minority member of a defense committee.

"(2)(A) The chairman or ranking minority member of a defense committee may designate one or more members of Congress or one or more congressional employees of such committee to be given access to information referred to in paragraph (1).

"(B) An employee may not be designated under subparagraph (A) unless the employee has a 'top secret, special compartmented information access' security clearance.

"(C) Each designation under this paragraph shall be in writing and shall specify the special access program to which the designation applies. A separate written designation is required for each special access program.

"(3)(A) If the chairman or ranking minority member of a defense committee submits to the Secretary of Defense a request for access to information relating to a special access program for which a Member or employee referred to in paragraph (2)(A) has been designated and the requested access is not granted, then funds may not be obligated for such special access program after the tenth day following the date on which the Secretary receives the request until the date on which the requested access is granted.

"(B) Subparagraph (A) shall not apply in the case of a particular request for access for a congressional employee if the President submits to the chairman of the defense committee concerned a report in writing containing (i) a certification that the provision of the information requested with respect to a particular special access program to that congressional employee would adversely affect the national security, and (ii) a detailed justification for the certification.

"(4) In this section, the term 'congressional employee' has the meaning given such term in section 2107 of title 5."; and

(5) in subsection (i), as redesignated by paragraph (3)—

(A) by striking out "section," and inserting in lieu thereof "section:";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) by designating the text beginning with "the term" as paragraph (1) and by capitalizing the initial letter in such paragraph;

(D) by realigning paragraph (1), as so designated, two ems from the left margin and realigning subparagraphs (A) and (B), as redesignated by subparagraph (B), four ems from the left margin; and

(E) by adding at the end the following new paragraph:

"(2) The term 'special access program' shall have the meaning referred to for that term in section 132(e) of this title.".

SEC. 8095. None of the funds appropriated in this Act may be used to implement [more than fifteen] *any* catchment area management demonstration [sites: *Provided*, That each demonstration site criteria must be] *projects except those projects* approved by the Assistant Secretary of Defense for Health Affairs before the demonstration begins [and the project]: *Provided, That any approved* *projects* must be consistent with the Coordinated Care initiative: [*Provided further*, That additional test sites cannot be initiated under any other program if the test contains catchment area management attributes:] *Provided further*, That this provision does not apply to the Tidewater TRI-CAM demonstration project.

[SEC. 8096. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a medical doctor unless the prospective candidate is a trained professional administrator.]

SEC. 8096. In addition to amounts appropriated elsewhere in this Act, $885,000,000 is appropriated for environmental restoration to remain available for obligation until September 30, 1994: Provided, That such funds shall be available only for the actual reduction and recycling of hazardous waste and cleanup of Department of Defense sites.

[SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, $20,000,000 shall be available for the Civilian Health and Medical Program of the Uniformed Services for the payment of expenses of former members of the uniformed services who are 100 percent disabled, and the dependents of such members, notwithstanding the coverage by such former members and the dependents of such members of health care insurance benefits under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et. seq.): *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered and paid for under part A and B of title XVIII of the Social Security Act: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.]

SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, $20,000,000 shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay and who becomes eligible for hospital insurance benefits under Part A of Title XVIII of the Social Security Act (42 U.S.C. 1395, et seq.) solely on the grounds of physical disability: Provided, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: Provided further, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8098. From the amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 1991, (Public Law 101–511), Other Procurement, Air Force, funds may be used to purchase not more than 300 passenger motor vehicles, of which 290 shall be for replacement only.

SEC. 8099. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of Korean national employees, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided*, That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

[SEC. 8100. During the current fiscal year, for the purposes of transactions between the stock and industrial funds of the Department of Defense and the United States Coast Guard, the United States Coast Guard shall not be subject to the surcharges assessed against stock and industrial fund customers.]

(TRANSFER OF FUNDS)

SEC. 8100. In addition to amounts appropriated or otherwise made available by this Act, $318,400,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, of which $77,300,000 shall be available solely for the purposes of "Reserve Training" for fiscal year 1992 and $241,100,000 shall be merged with and be available for the same purposes and same time period as "Operating Expenses": Provided, That the foregoing transfers shall be made immediately upon enactment of this Act.

[SEC. 8101. Section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510, 104 Stat. 1621) is repealed.]

SEC. 8101. None of the funds available during fiscal year 1992 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended for research, development, test, and evaluation for the space-based wide area surveillance projects or activities in the following Air Force program elements: Geophysics; Materials; Aerospace propulsion; Rocket propulsion and astronautics technology; Command, control, communications; and space surveillance technology, and for the Navy's program addressing the same requirements.

SEC. 8102. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of ~~90~~ *80* percent of sales from such stock funds during the current fiscal year: *Provided*, That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence, *commissary items, retail operations, the cost of operations*, and repair of spare parts shall be excluded: *Provided further*, That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this section: *Provided further*, That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.

[SEC. 8103. None of the funds appropriated by this Act shall be available for the compensation of military and civilian personnel assigned to each of the headquarters of the Naval Sea Systems Command, Naval Air Systems Command, Space and Naval Warfare Systems Command, Naval Supply Systems Command and Naval Facilities Engineering Command in excess of 75 percent of the number of personnel assigned to each such command headquarters as of September 30, 1991.]

SEC. 8103. Of the funds appropriated under the heading "Drug Interdiction, Defense" in Public Law 101–165, $2,500,000 of funds previously transferred to the Department of the Treasury shall, upon enactment of this Act, be transferred to the "Emergency Management Planning and Assistance" appropriation account of the Federal Emergency Management Agency.

[SEC. 8104. (a) None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the P–3 squadrons of the Navy Reserve below the levels funded in this Act.

[(b) Notwithstanding any other provision in this or any other Act, the Secretary of the Navy shall obligate and expend funds appropriated for fiscal years 1991 and 1992 for modernization of P–3B aircraft of the Navy Reserve.]

SEC. 8104. None of the funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B–1B aircraft.

[SEC. 8105. Notwithstanding any other provision of law, none of the funds made available to the Department of the Army for fiscal years 1990, 1991, and 1992 for C–23 aircraft which remain available for obligation may be obligated or expended except to maintain commonality with C–23 Sherpa aircraft already in the Army National Guard fleet, and such funds may not be obligated for acquisition of modified commercial aircraft, unless the modifications are performed in the United States under a license agreement with the original manufacturer and are in accordance with the SD3–30 aircraft type specification as modified for Army mission requirements.]

SEC. 8105. In addition to amounts appropriated elsewhere in this Act, $289,000,000 is appropriated for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines.

SEC. 8106. None of the funds appropriated in this Act may be obligated or expended for any contract or grant with a university or other institution of higher learning unless such contract or grant is audited in accordance with the Federal Acquisition Regulation and the Department of Defense Federal Acquisition Regulation Supplement or any other applicable auditing standards and requirements and the institution receiving the contract or grant fully responds to all formal requests for financial information made by responsible Department of Defense officials: *Provided*, That if an institution does not provide an adequate financial response within 12 months, the Secretary of Defense shall terminate that and all other Department of Defense contracts or grants with the institution.

[SEC. 8107. None of the funds appropriated in this Act may be used for costs associated with a federally funded research and development center if a member of the Board of Directors of such a center simultaneously serves on the Board of Directors of a company under contract to the Department of Defense.]

SEC. 8107. None of the funds available to the Department of Defense during fiscal year 1992 may be obligated or expended to finance the activities of Department of Defense federally-funded research and development centers at a total funding level which would exceed an amount which is ten per centum below the total funding level originally appropriated for such centers in the Department of Defense Appropriations Act, 1991 (Public Law 101–511) and its accompanying Conference Report and stipulated in its Joint Explanatory Statement of the Committee of Conference.

[SEC. 8108. Section 361 of Public Law 101–510 is hereby repealed.]

SEC. 8108. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to:

(1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or

(2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

[SEC. 8109. None of the funds appropriated in this Act may be used to either pay the salaries of more than four Senior Executive Service positions within the Navy Comptroller organization under the Secretary of the Navy or the Chief of Naval Operations, or to compensate individuals in these positions at a rate higher than level three of the Senior Executive Service.]

SEC. 8109. None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

[SEC. 8110. None of the funds appropriated in this Act may be used to pay the salaries of debarment/suspension officials unless such personnel are assigned to a consolidated office of Debarment and Suspension within the Office of the Inspector General.]

SEC. 8110. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1992 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

[SEC. 8111. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

SEC. 8111. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

[SEC. 8112. (a) During the current fiscal year, funds appropriated to the Department of Defense in accordance with section 822(a) of the National Defense Authorization Act, 1991, shall be made available to establish an Executive Committee under the auspices of the Critical Technologies Institute, comprised of the Secretaries of the Departments of Defense, Commerce, Labor, and Energy along with two individuals appointed by each of the above mentioned Secretaries. The Secretaries of Defense and Commerce shall serve as co-chairmen of the committee whose sole function shall be to fulfill the requirements of this section at which time the Executive Committee shall cease to exist. For the purposes of this section—

[(1) "critical technology" means the act of a domestic industry in producing a product without which machine tools necessary to support the national defense could not be produced;

[(2) "domestic producer" means those producers, situated within the United States, or its territories, wherein over 50 percent of the total voting stock of such producer is owned and controlled by citizens of the United States; and

[(3) "national security" means the interest of the United States Government to preserve those basic conditions necessary to a domestic producer, using a critical technology, that are adequate to permit capital investment for needed improvements in technology that will enable the overall domestic industry to remain competitive.

[(b) No later than one calendar year from the date of enactment of this Act the Executive Committee shall prepare and deliver to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate, the Ways and Means Committee of the House of Representatives, and the Finance Committee of the Senate a report providing—

[(1) a listing and detailing of those products determined to be within the definition of critical technology;

[(2) a summary of the general economic condition of domestic industries producing a product used in a critical technology in the United States (including, but not limited to, productivity, exportation of products, capacity, and profitability);

[(3) a summary of—

[(A) current and prospective trends in the ability to compete by such industries; and

[(B) the effect of such trends on employment and unemployment, individual and corporate income levels, private capital accumulation and investment, the balance of payments, revenues and expenditures of the Federal Government, and other relevant indicators of the economic health of such industries;

[(4) a detailed review of policies, programs, and activities of the Federal Government, State and local governments, and nongovernmental entities that adversely affect the economic health (and ability to produce) of domestic industries using a critical technology;

[(5) recommendations to—

[(A) minimize or eliminate the adverse effects of Federal policies, programs, and activities affecting such industries; and

[(B) encourage State and local governments and nongovernmental entities to minimize or eliminate the adverse effects of their policies, programs, and activities affecting such domestic industries;

[(6) a detailed review of policies, programs, and activities of foreign governments, particularly major trading partners of the United States, that adversely affect domestic industries using a critical technology in the United States and in the international marketplace, and such policies or activities that would act to impair or threaten to impair our national security; and

[(7) recommendations to encourage foreign governments to modify or eliminate policies, programs, and activities that adversely affect such industries.]

SEC. 8112. (a) Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

(b) Section 8077(d) of Public Law 101–511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

[SEC. 8113. (1) Notwithstanding any other provision of law, none of the funds available to the Secretary of Defense shall be used to purchase bridge or machinery control systems, or interior communications equipment, for the Sealift Program unless, in each case—

[(A) the system or equipment is manufactured in the United States; or

[(B) more than half of the value in terms of costs has been added in the United States by a United States company under license from a foreign company.

[(2) The Secretary may waive the requirement of subsection (1) of this section if, in each case—

[(A) the system or equipment described in subsection (1) is not available; or

[(B) the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.]

SEC. 8113. (a) Of the funds available to the Department of Defense during fiscal year 1992, not more than $75,000,000 may be obligated or expended for research, development, test and evaluation activities undertaken pursuant to 10 U.S.C. 2371.

(b) The funds referred to in subsection (a) above may only be obligated or expended for cooperative arrangements entered into by the Defense Advanced Research Projects Agency.

(c) None of the funds referred to in subsection (a) above may be obligated or expended for any cooperative arrangement entered into by any of the Military Departments or Defense Agencies other than the Defense Advanced Research Projects Agency.

(TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated in this Act for "Operation and Maintenance, Defense Agencies", [$5,000,000] *$15,000,000* shall be transferred to the "Radiation Exposure Compensation Trust Fund" established by section 3 of the Radiation Exposure Compensation Act (Public Law 101-426; 104 Stat. 920) to be available for the same purpose and same time period as that Fund[: *Provided*, That funds transferred pursuant to this section shall be identified separately within the foregoing Trust Fund and, notwithstanding the provisions of section 9 of such Act or any contract, no part of the funds transferred pursuant to this section shall be available to pay the representative of an individual for services rendered in connection with the claim of an individual under such Act: *Provided further*, That any representative of an individual who receives such a payment shall be subject to the penalty prescribed by the second sentence of section 9 of such Act].

[SEC. 8115. Notwithstanding section 2805 of title 10, of the funds appropriated in this Act for "Operation and Maintenance, Navy", $2,100,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington: *Provided*, That these funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.]

SEC. 8115. The Department of Defense and the Military Services may take no action to prohibit, impede or otherwise interfere with construction of conventionally powered submarines by nonpublic owned and operated ship construction and repair entities in the United States for sale to nations with which the United States maintains bilateral or multilateral mutual security agreements, or nations which currently receive foreign military sales credits or economic support funds from the United States.

[SEC. 8116. None of the funds appropriated in this Act may be used to procure SQQ-89 systems which do not have the enhanced modular signal processor (EMSP) as the processor.]

SEC. 8116. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the Committees on Appropriations, subcommittees on Defense of the Senate and the House of Representatives.

[SEC. 8117. None of the funds provided in title III, Procurement, for Shipbuilding and Conversion, Navy, for fiscal years 1990, 1991, and 1992 may be used to procure vessels which were constructed in foreign shipyards.]

SEC. 8117. None of the funds made available by this Act shall be available for any Military Department of the United States to conduct bombing training, gunnery training, or similar munitions delivery training on the parcel of land known as Kahoolawe Island, Hawaii.

[SEC. 8118. None of the funds provided in this Act or any other Act may be used by the Department of the Army to acquire four-ton dolly jacks if such equipment is or would be manufactured outside the United States of America and would be procured under any contract, agreement, arrangement, compact or other such instrument for which any provisions including price differential provisions of the Buy America Act of 1933, as amended, or any other Federal buy national law was waived.]

SEC. 8118. (a) Funds shall be made available to the Secretary of Defense for the study of:

(1) Israeli aerospace and avionics technology and its potential applications to ATF, NATF, CAS and LH aircraft programs, as well as other anticipated aircraft programs;

(2) Potential areas of joint United States-Israel collaboration in technology research and development projects including, but not limited to, tactical directed energy weapons; camouflage, concealment, deception and stealth measures; aerial and wide-area munitions; fiber optic guided missiles (FOG-M); and the adaption of the HAVE NAP to the B-1 and B-2 bombers;

(3) The features and possible contributions of Israeli space technology to Department of Defense programs including, but not limited to, Israeli launchers, and including, but not limited to, cost-effectiveness in design and production of such technologies and systems;

(4) Israeli antiterrorism technologies, and their potential applications to Department of Defense programs and operations, including, but not limited to, remote-controlled robots, security fences of all types, specialized x-ray and detection machines, and fast patrol boats. The Secretary of Defense shall work with the Office of Technology Assessment in conducting an examination of these subjects;

(5) Possible applications of Israeli interdiction technologies to American efforts at drug interdiction, including, but not limited to, unmanned aerial vehicles, fast patrol boats, state-of-the-art ship and coastal radars, integrated command and control systems, and land interdiction systems such as visual and infra-red cameras, motion sensors and electronic fences;

(6) Applications of environmental technologies and manufacturing capabilities to include, but not limited to, energy storage, energy conversion and renewable energy technologies;

(7) Applications of critical technologies and manufacturing capabilities as defined by the Department of Defense's Critical Technologies Plan.

(b) The Secretary of Defense shall submit a final report with concrete recommendations and plans for implementation as appropriate to the Committees on Appropriations of the Senate and the House no later than August 1, 1992.

SEC. 8119. None of the funds appropriated or made available in this Act or any prior Acts shall be obligated or expended to implement the United States Army Corps of Engineers Reorganization Study until such reorganization proposed is specifically authorized by law after the date of enactment of this Act.

SEC. 8120. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

[SEC. 8121. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.]

SEC. 8121. (a) There is established on the books of the Treasury a fund entitled the "Defense Business Operations Fund" (hereinafter referred to as the "Fund") to be operated as a working capital fund under the provisions of section 2208 of title 10, United States Code. Existing organizations which shall operate as part of the Fund shall include, but not be limited to, (1) The Defense Finance and Accounting Service; (2) The Defense Commissary Agency; (3) The Defense Technical Information Center; (4) The Defense Reutilization and Marketing Service; and (5) The Defense Industrial Plant Equipment Service.

(b) Upon the enactment of this Act, there shall be transferred to the Fund all assets and balances of working capital funds heretofore established under the provisions of section 2208 of title 10, United States Code.

(c) Amounts charged for supplies and services provided by the Fund shall include capital asset charges which shall be calculated so that the total amount of the charges assessed during any fiscal year shall equal the total of amount of (1) the costs of equipment purchased during that fiscal year by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs, other than costs of military construction, of capital improvements made for the purpose of providing services by the Fund.

(d) Capital asset charges collected pursuant to the provisions of subsection (c) shall be credited to a subaccount of the Fund which shall be available only for the payment of: (1) the costs of equipment purchased by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs other than costs of military construction, of capital improvements made for the purposes of providing services by the Fund.

[SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided*, That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

[(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

[(c)(1) Not later than June 1, 1992, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate a report on the nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

[(2) The report shall include the following:

[(A) a description of the categories of work performed under that program and the costs associated with those categories of work;

[(B) a description of the capabilities of facilities that United States firms have established in Europe to perform work under that program;

[(C) a description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States;

[(D) a description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States;

[(E) a description of the Air Force plans to expand the Overseas Workload Program to other depot maintenance activities including: prime weapon systems, aircraft, exchangeables, engine overhaul and repair, engine exchangeables and other major end items.

[(d) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for non-restrictive, non-discriminatory contract competition under the Overseas Workload Program.

[(e) The Secretary of Defense shall work with Israel to identify new specialized capabilities in depot maintenance and repair for which it is uniquely suited: *Provided*, That the Secretary of Defense shall report to the Committees on Appropriations of the House and Senate, not later than June 1, 1992, on its findings.

[(f) No funds appropriated for the Overseas Workload Program for fiscal year 1992 shall be used for contracts awarded in fiscal year 1992 which have not been opened for competition in a manner consistent with this provision.]

SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: Provided, That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for nonrestrictive, nondiscriminatory contract competition under the Overseas Workload Program.

(d) No funds appropriated for the Overseas Workload Program for fiscal year 1992 or thereafter shall be used for contracts awarded in fiscal year 1992 or thereafter which have not been opened for competition in a manner consistent with this provision.

[SEC. 8123. None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a–10c) as amended by the Buy American Act of 1988 (Public Law 100–418; 102 Stat. 1545): *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis or the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.]

SEC. 8123. (a) The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2521 of the One Hundred Second Congress and transmitted to the President shall have the force and effect of law as if enacted into law.

(b) The amounts specified in the Classified Annex are not in addition to the amounts appropriated by other provisions of this Act.

(c) The President shall provide for appropriate distribution of the Classified Annex or of appropriate portions of the Annex, within the executive branch of the Government.

[SEC. 8124. Notwithstanding any other provision of this Act, the Department of Defense shall not expend more than $1,000,000,000 for the use of consulting services.]

SEC. 8124. (a) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense Agencies" in Title IV of this Act, not less than $27,000,000 shall be available only for the Flexible Computer Integrated Manufacturing (FCIM) Systems Programs.

(b) Of the amount made available by subsection (a) above, not less than $4,000,000 shall be made available only as a grant to the Institute for Advanced Flexible Manufacturing Systems.

(c) The grant made available by subsection (b) above shall be administered by the Defense Advanced Research Projects Agency through the National Center for Manufacturing Sciences.

(d) Of the amount made available by subsection (a) above, not less than $11,500,000 shall be made available to the Secretary of the Navy only for the continuation of the Rapid Acquisition of Manufactured Parts program (RAMP) and for establishing a RAMP–FCIM Center for Manufacturing Excellence.

(e) Of the amount made available by subsection (a) above, not less than $11,500,000 shall be made available to the Secretary of the Army only for application of RAMP–FCIM technology to selected Army depots.

SEC. 8125. CONVEYANCE OF CLOSED BASES TO NEIGHBORING COMMUNITIES.

(a) FINDINGS AND PURPOSES.—

(1) The Congress finds that—

(A) The Department of Defense has been directed to reduce the size and cost of the military and this can only be accomplished by closing military installations;

(B) A military installation is a part of the infrastructure of the community in which it is located and there is a long standing symbiotic relationship between a military installation and the community;

(C) The people in an impacted community have made substantial, long term investments of time, training, and wealth to support the military installations;

(D) The loss to an impacted community when a military installation is closed may be substantial and in such cases the Congress wishes to mitigate the damage to the impacted community;

(E) An impacted community knows best the needs of the community and the best way to use available resources to meet these needs consistent with existing national priorities; and

(F) Unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

(2) Purpose of the section—

(A) To benefit communities impacted significantly when a military installation located in such communities is closed by authorizing the real and excess related personal property, on which the military installations are located, to be conveyed to the impacted community as soon as possible after a decision to close the military installation is made but no later than 180 days after closure; and

(B) To provide significantly impacted communities a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted comunity, as the community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall convey to an eligible political subdivision or subdivisions or State all right, title, and interest of the United States in the military installation closed pursuant to a base closure law in accordance with this section and the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act as determined by the Administrator of the Environmental Protection Agency.

(2) Even if the conditions set forth in paragraph (1) have been satisfied, the Secretary shall not convey such installation if the Secretary determines that the community or communities in the area of the real property to be conveyed are not experiencing or will not experience a significant adverse economic impact as a result of the closure of that military installation.

(c) DETERMINATIONS.—(1) The Secretary must make the determination referred to in subsection (b) in the case of a military installation as soon as practicable after the installation has been identified for closure, but in any event not later than the date on which the installation is closed.

(2) In determining whether a community is experiencing or will experience a significant adverse economic impact as a result of the closure of a military installation, the Secretary shall consider such objective evidence as the following:

(A) Declining real estate values.

(B) Increasing unemployment.

(C) Loss of revenue to the State and the community.

(D) Increasing rate of business failures.

(E) Significant decreases in total personal income.

(d) ADVANCE NOTICE TO ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—As soon as practicable after a military installation has been identified for closure, but in any event not later than the date on which the installation is closed, the Secretary shall transmit to the appropriate political subdivision, communities, counties and State to which property at such installation may be conveyed pursuant to this section advance notification of the Secretary's intention to make a conveyance of that property.

(e) ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—Property at a military installation that is to be conveyed pursuant to the requirement in subsection (b) shall be conveyed to a political subdivision or subdivisions or State in the following order of priority:

(1) To a political subdivision of a State that is designated in State law to receive the conveyance of such property and accepts the conveyance.

(2) If there is no political subdivision that satisfies the criteria in paragraph (1), then to the State in which the property is located if the law of that State designates the State to receive the conveyance of such property and the State accepts the conveyance.

(3) In the case of any real property for which neither a State nor a political subdivision of a State satisfies the criteria in paragraph (1) or (2), then to one or more political subdivisions of a State which the Secretary determines, after consultation with appropriate local officials, would best serve the interests of the residents of such subdivision or subdivisions and of the State in which the property is located, providing such subdivision or subdivisions accept such conveyance.

(4) In the case of any real property for which no subdivision or subdivisions or State accept such conveyance, then the Secretary shall offer

the property to other departments and agencies of the Federal Government.

(f) PROPERTY TO BE CONVEYED.—In addition to the conveyance of real property to a community or State pursuant to this section, the Secretary shall convey any related personal property that the Secretary determines is appropriate for use by the recipient in connection with the recipient's use of the real property.

(g) CONVEYANCE DEADLINE.—Except as provided in subsection (h), all property to be conveyed pursuant to this section in connection with the closure of a military installation shall be conveyed within 180 days after the date on which the installation is closed.

(h) PROPERTY NOT SUITABLE FOR CONVEYANCE.—The Secretary shall sever from the real property of a closed military installation to be conveyed pursuant to subsection (b) that real property which is not suitable for conveyance and make such transfers over a period longer than that which would otherwise be permitted under subsection (g). Property is not suitable for conveyance under the following conditions:

(1) When the political subdivision or State will not accept conveyance of a part of the real property of a closed military installation; or

(2) If the Administrator of the Environmental Protection Agency determines that such conveyance does not comply with the requirements of either the Comprehensive Environmental Response Compensation and Liability Act of 1980 or the Solid Waste Disposal Act; or

(3) When necessary to ensure completion of environmental restoration and mitigation projects.

(i) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(j) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive in whole or in part the requirement to convey property at a military installation under subsection (b) if the President—

(A) determines that the continuation of the United States interest in such property—

(i) is vital to national security interests; or

(ii) the value of the base is so high that a conveyance to the political subdivision or State would constitute an undue windfall to the community and would not be necessary for the economic recovery of the region: Provided, That the number of waivers exercised under this Act do not exceed a cumulative total of five military installations for each package of closures approved by a commission under the Base Closure Law: Provided further, That a waiver in part shall not count against this limit if the value of the property reserved does not exceed 25 percent of the total value of such installation or if the appropriate political subdivision or State agrees with the reservation; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) December 31 of the year following the year in which the closure of that installation is approved by the President.

(3) The President may extend the deadline for making a determination and certification under paragraph (2) for not more than two successive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(4) The President may withdraw a waiver under paragraph (1) in the case of any military installation. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (a) in accordance with this section.

(k) CONTINUING RESPONSIBILITY OF THE DEPARTMENT OF DEFENSE.—Prior to and after any conveyance of real property of a closed military installation pursuant to this section, the Secretary of Defense in consultation with the political subdivision or State shall be responsible for the following matters:

(1) To provide economic adjustment and community planning assistance including assistance in conducting public hearings to decide the appropriate use of a closed military installation to communities near the closed military installation until such time as the economic stability of such communities is achieved, as determined by the Secretary.

(2) To comply with the Comprehensive Environmental Restoration Compensation Liability Act of 1980 and the Solid Waste Disposal Act in consultation with the Administrator of the Environmental Protection Agency.

(3) To continue to carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(l) SOURCES OF FUNDING.—The Secretary may expend any funds in the Base Closure Account to carry out the responsibilities referred to in subsection (k) and the Secretary shall notify the congressional defense committees in advance of the obligation of funds for such purpose.

(m) IMPROVEMENT OF PROPERTY PENDING CONVEYANCE.—(1) Notwithstanding any other provision of law, the Secretary of Defense and the head of any other department or agency of the Federal Government may continue, on and after the applicable date referred to in paragraph (2), to obligate funds (to the extent available) for making improvements to the property that has not been conveyed that will facilitate the conveyance of the property and are consistent with the use to be made of the property by the recipient of the conveyance.

(2) Paragraph (1) applies in the case of property at a military installation on and after the date on which the closure of that installation is approved by the President.

(n) DEFINITIONS.—In this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Relignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(3) The term "base closure account" means the following:

(A) The Department of Defense Base Closure Account established by section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1815; 10 U.S.C. 2687 note).

SEC. 8126. Pursuant to section 8133 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and other applicable law, an account consistent with the provisions of section 12(b)(7)(iv) of the Act of January 2, 1976, as amended (Public Law 94-204) (43 U.S.C. 1611 note) shall be established for Calista Corporation, an Alaska Native corporation, except that references to the document referred to in subsection (b) are inapplicable. The account may be used to acquire properties consistent with section 12(b)(7) (v), (vi), and (vii) therein. The account shall be established with a minimum value per acre of not less than $300 per acre upon conveyance or relinquishment to the Secretary of the Interior of the approximately 165,000 acres of lands and interests in lands identified in the "Calista conveyance and Relinquishment Agreement" dated September 1991; Provided, That the final value of the account will be established by the Secretary following a determination of the public interest values as well as the fair market value of the lands and interest being provided to the United States.

SEC. 8127. None of the funds appropriated or made available in this Act or any Act making appropriations for the Department of Defense for fiscal year 1992 may be obligated for procurement of ball bearings or roller bearings other than in accordance with the provisions of subpart 208.79 of the Defense Federal Acquisition Regulation Supplement (DFARS) as promulgated effective on July 11, 1989.

SEC. 8128. Notwithstanding Section 203 of Public Law 102-27, immediately upon enactment of this Act the Secretary of Defense shall transfer $105,000,000 from funds appropriated for "Aircraft Carrier Service Life Extension Program" under the heading "Shipbuilding and Conversion, Navy 1991/1995" to "Other Procurement, Navy 1991/1993": Provided, That the transferred funds shall be obligated within 60 days of enactment of this act for purchase of items to be used for a 24 month complex overhaul of the USS KENNEDY at the Philadelphia Navy Yard: Provided further, That this overhaul shall include replacement of the engines, and replacement or overhaul of any other major ship component or system necessary for the USS KENNEDY to maintain a normal operational schedule through the year 2010.

SEC. 8129. None of the funds appropriated or otherwise made available by this Act may be used to carry out the Department of Defense policy set out in the memorandum of the Assistant Secretary of Defense, Health Affairs, dated June 21, 1988 (Subject: DoD Policy Regarding Providing Non-Funded Abortions in Outside the Continental United States Military Medical Treatment Facilities) or to promulgate or carry out any other policy having the same substance, consistent with existing laws and policies governing military medical care for a member of the Uniformed Services and any dependent of the member.

This Act may be cited as the "Department of Defense Appropriations Act, 1992".

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, before proceeding with my opening statement, may I ask unanimous consent that the following be given floor privileges during the consideration of this measure: Charles E. Cook III, Stacy McCarthy, John J. Young, Jr., and Jo Ellen de Berg.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, on behalf of the Committee on Appropriations, I am pleased to present to the Senate our recommendations for fiscal year 1992 funding of the programs and activities of our Government in support of our Nation's defense and security.

The bill before the Senate provides $270.4 billion in budget authority and $275.4 billion in outlays for fiscal year 1992 defense spending. These amounts are very, very close to the committee 602(b) allocations of budget authority and outlays to the Subcommittee on Defense Appropriations. We are within $1 million of our budget authority total and $5 million of the allowance for outlays. So we are rather close to 602(b) that we have been allotted.

The bill which is before the Senate also is in accord with the authorization ceilings for each of the multiple accounts in each title of the bill. Here, again, we are very, very close to the ceilings in the Senate passed authorization bill. In numerous instances the committee filled the authorized amounts by responding to requests that members made for added funding. In most accounts we are now at the ceiling; in others we have very little headroom remaining. In point of fact, in constructing the bill for committee consideration Senator STEVENS and I tried to respond to members' requests in a very balanced, nonpartisan way and, wherever possible, we have met the requests of all Senators.

This bill does a lot for America. At a time of uncertainty, when the Soviet threat appears to be receding, we make appropriate adjustments. At a time when it is difficult to be certain that threats have, indeed, been removed, we fund the basic elements of our national strength and we preserve the vitality of our Nation's Armed Forces. And, as we look to a future where America will undoubtedly turn inward and reduce spending for military programs, we finance investments in research and developments and, we fund procurement of systems which will preserve our Nation's strength with a smaller Army, a smaller Air Force, and a smaller Navy and Marine Corps.

Mr. President, we will not leave America unprotected. We will not repeat the mistakes of the past. In the euphoria of victory, we will not cut the sinews and muscle of our Armed Forces, only to leave them on some future battlefield ill-trained, ill-equipped, and unprepared.

TITLE I: MILITARY PERSONNEL

The bill before the Senate fully funds the President's request for military personnel. The recommendation fully funds active duty personnel end strength at the budgeted and authorized level, which means, Mr. President, a reduction of 106,358 men and women from fiscal year 1991. We are not increasing manpower. We are decreasing it by 106,358. For the Guard and Reserve, we add back 72,360 from the budgeted reduction. The President had proposed the reduction of 107,526 in National Guard and Reserve end strength. Our reduction is not that severe. It is 35,166.

We also protect the Guard and Reserve force structure. Section 8067, a general provision of this measure, prohibits any reduction in the force structure allowance of the Army Guard and Reserve below 450,000 and 310,000 respectively.

But, Mr. President, I'm certain all of us realize that this will cost money. But we think it is right to protect the Guard and Reserve from precipitous reductions. However, Senator STEVENS and I are both concerned that as we protect the Guard and Reserve, we do not force sharp reductions in active duty personnel. Because of our concern, we have included a provision which would require that measures to protect the Guard and Reserve in the next fiscal year will have to be funded by offsetting reductions in procurement and research and development funding and not by reductions in active duty personnel funding.

Mr. President, the bill before the Senate full funds military personnel in the active duty components. Indeed, we have fully funded them and we have fully funded the requested 4.2 percent pay raise for military personnel. In addition, we have fully funded the Civilian Health and Medical Program [CHAMPUS] account.

TITLE II: OPERATION AND MAINTENANCE

For the operation and maintenance title, various pricing and fact-of-life adjustments enabled us to take $1.9 billion out of the request. But we have put this money to good use.

For example, we have increased Army training funds by $150 million; we have enhanced readiness by providing an increase of $250 million for depot maintenance—that is repair and maintenance of equipment; we have provided $78 million to improve and upgrade shipyard repair facilities; and we have provided a $1 billion fund to meet the requirements for facilities management at Army, Navy, and Air Force installations.

Under the O&M title, we have also provided funds to really begin the environmental cleanup of our Nation's defense installations—we provide $1.2 billion, not just for studies and research but for turning the Earth and cleaning up the mess left behind by a century of neglect. The Defense Department can become the model for responsible government in the field of environmental concerns. In this regard, we provide $105 million in Navy O&M funding to support Navy operations and to help clean up environmental pollution in Antarctica. As an aside, I would note that we also address natural disasters—we provide a reserve of $289 million to meet the claims of United States personnel forced to evacuate the Philippines as a result of the eruption of Mount Pinatubo.

The bill also addresses Coast Guard operations. We provide $376 million in support of Coast Guard drug interdiction and Defense related operations.

Finally, though the amount is small, we also address the need to help our defense industries and workers in defense industries adjust to the decline in defense spending. It may be noted at this juncture that the Secretary of Defense, in compliance with the mandate of the Congress, has already terminated 80 procurement programs. That would mean many defense industries and workers in distress.

So we provide funding for a defense conversion commission to study and make recommendations for coping with the economic and social changes which will inevitably follow the decline of the defense budget.

TITLE III: PROCUREMENT

Mr. President, the bill which the committee has recommended makes a prudent investment in the military hardware and related equipment necessary to preserve a strong defense establishment.

NAVY

For the Navy, we provide funds for 1 SSN-21 Seawolf attack submarine, 5 DDG-51 Aegis destroyers, 3 MHC minehunters, and 12 of the LCAC landing craft.

Mr. President, it is clear that our Nation needs to revitalize its fleet of attack submarines. The committee is concerned, however, that the Seawolf—the SSN-21 class—may be too expensive. Under current plans, only one per year is to be constructed. At 1 submarine per year, we can never sustain our goal of 60 or 70 submarines.

It might be well at this juncture to note that as we fund for 1 submarine, the Soviets at this moment are constructing 10. Last year we funded for one submarine and the Soviets constructed nine submarines. This is while they are facing an economic disaster. Therefore, the Navy is now starting to look at a follow-on to the SNN-21, the so-called Centurion. The committee has provided advance procurement funds for submarine construction, but has withheld the obligation of these funds until the Secretary of the Navy reports on his review of the submarine program and his determination as to where the future lies—with the Centurion, or some other submarine.

We address the problems of Navy air by funding procurement of 39 F/A-18 aircraft. We also provide substantial amounts of R&D funding for an advanced version of the F/A 18, the E/F version.

ARMY

For the Army, we are recommending the procurement of a new training helicopter—it will save money to buy rather than lease a new training helicopter; and we recommend procurement of 47 additional UH-60 Blackhawk utility helicopters. We do not fund Ahip helicopters, because none were authorized.

We also do not fund procurement of any Patriot missiles because none were requested and none were authorized. Senators will recall that we did provide $281.2 million for 283 Patriot missiles in the Desert Storm supplemental. I should also point out, however, that the producer of Patriot missiles has had some difficulty generating expected foreign sales and it may be necessary for us to reexamine the requirement for procurement of additional Patriot missiles in the context of the fiscal year 1993 bill.

A number of Members have expressed an interest in the multiple-launch rocket. We recommend funding of 24,000 rockets and 44 launchers. This year, in addition to procurement for the Regular Army, we are recommending the appropriation of $110 million for procurement of MLRS for the National Guard.

We provide additional funding to meet the increased cost of procurement of the 60 M1A2 tanks funded in fiscal year 1991 and we provide funding to upgrade the M1 tank to the M1A1 tank. This, as you know, is the tank which did so well in Desert Storm. It outgunned the Russian T-72 tank and out maneuvered it as well. In fact, the M1A1 outmaneuvered its own support vehicles, so, in R&D, we provide funds for support vehicles in the armored systems modernization program, while deferring development of the so-called Block III tank.

AIR FORCE

For the Air Force, we use prior year funds from the Navy's canceled A-12 program to fund F-15 support equipment. And, we make available for procurement of 12 new production F-15E aircraft the funds derived from the sale of F-15 C/D aircraft to Saudi Arabia. These 12 new production F-15E's are in addition to the 36 F-15E aircraft provided in the fiscal year 1991 appropriations act.

Because the Senate authorization bill terminated the F-16 fighter program, we do not provide funding for F-16 procurement. However, we do provide funding for 24 additional F-117 aircraft, the stealthy, wonderful plane of Desert Storm.

Mr. President, we begin to meet the requirements for airlift by funding four C-17 air transport aircraft. The budget had requested funding for six, but the contractor has experienced delays and we believe $1.4 billion is sufficient to meet production requirements for the four aircraft.

Mr. President, I am well aware that all Senators are interested in what we are proposing for the B-2. We propose to provide full funding for procurement, that is, $3.2 billion, and research and development at 1.6 billion. I do not believe there is any doubt that more Senators support completion of the research and development phase of the B-2 program, so we have not placed restrictions on R&D funds. We will, however, build a big, tall fence around the procurement funds.

In recent days, both the Senate Appropriations Committee and the Senate Armed Services Committee have had several briefings on the B-2 program and the latest test results which have been reported in the press. These briefings were open to all Senators, and we do not find cause to disrupt the program. We do not find any fatal flaws in the B-2. Nonetheless, we recognize that several Senators are opposed to continued funding of procurement and many Senators are concerned about the program, particularly the low observability characteristics of the B-2.

Mr. President, some Senators are concerned, because of press reports, that the Secretary of Defense no longer has confidence in the program or that he no longer fully supports the B-2. I believe I can put those concerns to rest.

On Thursday of last week, Secretary Cheney again gave his unqualified endorsement of the B-2 program. After detailing the results of the current testing regime, the Secretary assured us that he continues to support the B-2 and that the B-2 is the stealthy aircraft it was intended to be.

Nonetheless, I understand that some members find it difficult to support the B-2, particularly at this time of uncertainty in the international arena and when there are questions about the aircraft's performance.

Accordingly, Mr. President, here is what we propose: We will provide the requested procurement funds for the B-2 under the aircraft procurement Air Force account, but will not make them available for obligation until the conditions set forth in the recently passed authorization bill are met and they will not become available until the Congress passes a supplemental appropriations bill making the funds available for obligation.

In this way, Mr. President, supporters of the B-2 will be assured that funding will not be wiped away because of controversy generated in the press and opponents will be assured a second vote on the B-2 before additional procurement funds are provided.

Mr. President, as chairman of the Subcommittee on Defense Appropriations, I know of no better way to meet my responsibilities to all Senators.

TITLE IV: RESEARCH AND DEVELOPMENT

In the research and development accounts, we provide funding for investment in the future of America's armed forces. Mr. President, we are not unaware that defense budgets will decline, and decline sharply in the next 3 years. Accordingly, we have been careful to avoid initiation of R&D programs which are unaffordable in the future.

NAVY

We do provide ample resources to those R&D programs which have been identified as required investments. For example, we provide $250 million for the Navy's F/A 18 E/F program. This aircraft will provide the solution to the Navy's midterm problems in the area of attack aircraft. As you are well aware, Mr. President, the termination of the A-12 program left a large hole in the Navy's plans for a follow-on to the aging A-6 aircraft.

Mr. President, we also provide $50 million for research on the new attack submarine, the Centurion, which must be developed as a replacement for the very costly SSN-21 Sea Wolf.

ARMY

Under Army R&D, the largest expenditure will be for the armored systems modernization. This is the program which will develop a common chassis for: First, the next generation heavy tank; second, a follow-on to the Bradley fighting vehicle; third, a much needed replacement to our long-range artillery; and fourth, other armored vehicles. Because of the committee's concern with the need to get on with the development of new artillery, a need which was underscored in Desert Storm, where Iraqi artillery had greater range than anything we had in the field, we have provided funds to accelerate development of the new howitzer while slowing the development of the Block III tank.

It may be noted, Mr. President, at this juncture that while we are debating the necessity of funding programs for new artillery and new chassis, the assembly lines in the Soviet Union on the construction of artillery pieces and tanks continues unabated, notwithstanding the turmoil in Moscow, notwithstanding the problems they are having in the provinces. It is strange, but true, Mr. President.

AIR FORCE

The R&D programs in the Air Force are numerous, Mr. President, and costly. Nonetheless, we support them because we believe air superiority and the importance of strategic and tactical bombing was unquestionably demonstrated in the gulf war. That made the difference. Communications, intelligence, and control of the air over the battlefield are vital to the success of our Armed Forces.

And so for the Air Force, we provide $900 million for Milstar satellite communications; and $377 million for the C-17 transport aircraft.

Mr. President, this is particularly important. We must meet the need for new air transport. We will not always have U.S.-designed and U.S.-built runways and airfields waiting at the other end when we deploy our forces in response to conflict. Mr. President, Desert Storm was the exception. The airfields were built to our specs. As a result, I believe we need airplanes which can carry heavy loads over long distances and land on short runways. The C-17 is, in the committee's judgment, that airplane.

Mr. President, we also provide: $605 million for ICBM modernization; $193 million for Titan space launch vehicles; and $1,563 million for continued R&D on the B-2 bomber.

Mr. President, it is rather strange that while we were debating whether to carry out a program on mobile missiles, while we were debating, the Soviets were putting into operation over 250 of them.

DEFENSE AGENCIES

It is under defense agencies that we find the largest of the R&D programs, the strategic defense initiative. As you know, the recently passed defense authorization bill restructures this program and provides increased emphasis on a ground-based system.

Mr. President, when we were in Israel to observe the Patriot missile batteries which were deployed to Israel during Desert Storm, Senator STEVENS and I came under a Scud attack. That had the effect of sharply improving our concentration and our appreciation of the need for ballistic missile defenses. We support the SDI Program.

I also mention that, in keeping with the request General Schwarzkopf made of us, we are providing increased funding for the development of a battlefield IFF [identification friend or foe] system to enable our gunners and tank captains to recognize their friends at a distance.

CONCLUSION

Mr. President, those are the principal recommendations for funding.

As you are well aware, the Defense appropriations bill carries a large number of general provisions—in this case over 100, which cover a variety of subjects. I will not review all of them. Most have been carried in our bill for a number of years.

I also wish to call to the attention of all Senators the committee's recommendations for classified programs. The classified annex to the committee bill and report are available for review in the offices of the Office of Senate Security, which is just outside of S-407, and I would recommend that all Senators study the classified next.

Mr. President, there is one matter which I should discuss before concluding. Later today, or perhaps tomorrow, we expect the chairman of the Budget Committee and other Senators to propose an amendment striking certain funds for weapons procurement from the bill. In one stroke, the amendment would seek to overturn major recommendations which the Subcommittee on Defense Appropriations; has made after conducting a thorough review of the President's budget request. The amendment, I believe, is contrary to my judgment as chairman of the Subcommittee on Defense Appropriations; it is also contrary to the judgment of the Secretary of Defense, and it is contrary to the judgment of the Chairman of the Joint Chiefs of Staff.

Mr. President, in a recent, special briefing before the Appropriations Committee, Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, spoke frankly and candidly about his fears for the future of America's Armed Forces.

He expressed his concern that measures to keep the Guard and Reserve at current levels, or to prohibit the managed reduction of the regular force, will lead to a top heavy structure of aging military personnel.

General Powell expressed his concern that reductions in procurement and research and development could erode the qualitative edge our service men and women have on the battlefield. A qualitative edge which will grow ever more important as we reduce the number of men and women under arms.

The general expressed his concern that we would build a hollow force with outmoded equipment and overage soldiers.

Mr. President, we must not allow that to happen. We must manage reductions in force levels and defense spending. We all know these reductions will come over the next several years. We, on the Defense Appropriations Subcommittee, have begun to make them.

But, Mr. President, I implore the Senate to choose the course of patience and wisdom. We have seen what happens when America is unprepared. I hope, as we approach the eve of the 50th anniversary, we will remember Pearl Harbor and, I believe, Mr. President, we should remember the cooks, clerks, and stevedores which comprised our forces at the Pusan perimeter in Korea. In 1949 it was the judgment of this Congress to cut down a military that was 12½ million in the height of World War II down to less than 500,000. A year later the North Koreans decided to move, assuming that the United States had no stomach for war again. That was a fatal assumption on their part. But, nevertheless, they crossed the line, and the only way we were able to counter this was with cooks, clerks, and stevedores, and this is no exaggeration, Mr. President.

Experts have told us time and again that the first 10,000 casualties in the Korean war would and should have been avoided. But we were not prepared. They were not ready and they were not trained.

So, Mr. President, let us resist the temptation to solve our fiscal woes by a single stroke of a budget razor which would slash funding for our national security requirements.

Mr. President, that concludes my remarks. I am extremely pleased to yield the floor to my very distinguished colleague and a dear friend whose sage counsel and good humor have made my life much easier and my work much more productive, and that gentleman is the senior Senator from the State of Alaska, TED STEVENS, the ranking minority member of the Subcommittee on Defense Appropriations.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator from Hawaii, the chairman of our subcommittee for his kind remarks and I am grateful for the opportunity to join him in presenting our subcommittee's report and now the full committee's report on appropriations for the Department of Defense for 1991.

The chairman has summarized the contents of the bill, and I will try not to duplicate his comments. I want to take the Senate's time to reflect for a few minutes on how this bill is different from the many Defense appropriations bills I have helped manage here on the floor for at least 10 years and for 10 years prior to that to participate in as a member of the subcommittee.

This bill reduces the funding available to the Department of Defense by $4½ billion, compared to the current year we are in right now, 1991. It adheres to the limits set for defense spending during the budget summit last October. I know we are going to be pursuing the future implications of defense funding as we discuss this bill. But I would like to raise the Senate's awareness of just how much has been cut from defense and how much more it will be reduced over a period of years.

So, I have borrowed some charts from both the Secretary of Defense and of the Chairman of the Joint Chiefs of Staff in the briefing Senator INOUYE has mentioned that we already have received.

This first chart that I have before the Senate shows that defense spending has dropped substantially from its peak days of 1985 on the left and will continue to drop through 1995 on the right-hand side of the chart.

For the 6-year defense plan submitted by the current Secretary of Defense, the reduction will stay on course and it will average about 3 percent in terms of real reductions a year but it will be even more drastic this year. On this chart, it will decline a real 34 percent. They are not phony numbers nor are they based on phony estimates. These are real cuts, cuts in real people, in procurement, in research and in the total defense infrastructure of the United States.

Now, the chart is a little busy. But let me say we are on an actual decline of an average of 3 percent.

But this year the bottom line—which appears in green on the chart for those who can see the colors—the actual reduction is minus 11.3 percent.

In terms of this chart, I think it is important to realize that these are constant dollars. These are really real dollars.

This Senator believes—and I hope that many of the Senators present will suggest later in the debate on this bill the same thing—defense spending must be assessed in the context of our overall Nation's economy and Federal activities with taxpayers' money.

These next two charts I think depict with considerable starkness the current and planned state of defense spending. The first is defense as a share of Federal outlays from 1950 through the 6-year plan of the Secretary of Defense. It has come down from 57 percent of all Federal outlays to 43 percent, in 1965. It went back up to 27 percent in 1985 during the Reagan years. In this fiscal year we are considering 19.6 percent. By the end of the 6-year plan it will be 18 percent. It will be at its lowest share of Federal expenditures in 50 years at that point. It is already at its lowest level since the Korean war.

Clearly evident in this graph are the peaks that I mentioned, but even during the trough years of defense spending in the late 1970's the Department consumed some one-quarter, roughly, of the Federal budget.

The year we are considering drops below 20 percent—as I said—it will be at 18 percent or lower by 1986.

This is not a plan that has been conceived up here in the Congress. This is before the cuts of the Congress. This is before the cuts that even some of this bill suggests. This is based upon the projection of the administration, projection of the Secretary of Defense, and the projection of the Chairman of the Joint Chiefs of Staff.

I think that it is well to remember, for those people who say let us cut defense, that we have been constantly reducing defense as a percentage of Federal taxpayers' expenditures.

Let me turn to the next chart now. This is defense outlays as a percentage of the gross national product during the same period, from a high of 11.9 percent to 3.6 percent of the total GNP of this country by 1996. In the bill before the Congress—this is the administration's bill now, again before it is cut—it is at 4.7 percent.

This means that between this year which we are considering now and 1996 defense spending will decline by 20 percent of the gross national product, from 4.7 percent to 3.6 percent.

We are roughly the same share of the gross national product at this point as we were in 1978. And I need not remind the Senate of what happened in 1978. We had battleships that could not leave the dock, we had planes that could not fly because we did not have spare parts, and we had a shortage of moneys for readiness, for steaming hours, for flying hours. We were forced to increase the level of defense.

I want to set this before the Senate because I would like to make my point as clearly as I can. Our budget woes and our crisis, as some Senators will state it, is because we are spending too much on defense. By every measure, I think defense is costing less and less of our taxpayers' money, and of our gross national product.

The Defense Department has indicated its willingness to make these reductions, and to comply with the summit agreement. The problem is, now, that defense is the only portion of our national budget that has been and will continue to be reduced. We are not spending too much on defense, if we look at the world. I will be saying more about that as we continue to debate this bill in later days.

But instead of looking to one center in the Soviet Union to control the massive amount of their nuclear weapons and missiles, we will now be dealing, it appears, with some 15 separate centers. The nuclear-powered world is becoming more complex as the days go on, as we are learning even right now in Iraq.

I believe that those of us who are supporters of defense and readiness—and I think every Senator should be if he is familiar with the Constitution because it is our first call under the Constitution to provide for the common defense.

We believe that we entered into an agreement last year in good faith in an attempt to constrain the growth in the deficit. So far as defense is concerned, this bill complies with that agreement not only in intent but in fact. I congratulate my good friend from Hawaii for his absolute adherence to that agreement.

The bill before the Senate is below the 602(b) allocation level. It is consistent with the budget agreement entirely. We have done our work in conjunction with the Department of Defense, not entirely rubberstamping their request. But we have presented what we believe to be a program for maintaining the integrity of our defenses, and maintaining our position as the only superpower left in the world. We are the only power on Earth that can make the United Nations resolutions meaningful.

The question is, will we continue to maintain the integrity of the defense portion of the summit agreement or will that be changed? The portion that causes the greatest concern for me is in the area of personnel and force structure. This is one of the charts that was used by Gen. Colin Powell as he presented the force structure analysis to our Defense Appropriations Subcommittee.

I think it is well to review it because this is our Nation's most distinguished commander of all the forces directly under the Commander in Chief, subject of course to the guidance of the Secretary of Defense.

He devised this in carrying out his obligations to comply with the summit agreement. He projects that we will have to reduce the Army divisions from 26, of which there are 16 active components, to 18, of which 12 will be active by 1995, plus 2 cadres that will be ready for expansion, if necessary.

You can see the various other items on the chart. The Marines, of course, are not substantially reduced. They still are in force for ready response. Aircraft carriers are down from 15 to 12. Carrier air wings, 15 down to 13, which 11 active. Ships down from 536 to 448.

This is, in this one time period, knowingly, that the line continues going down from there. I think that it is important for us to follow through on this chart to realize what this means. No portion of the department will escape cuts. The reductions are tailored to provide a total force capability, as General Powell so forcefully presented to us. This is not just equal distribution, cutting across the line. It is a force structure to carry out the total responsibilities of our Government.

We have tried to keep the part of the bargain that we made to hold down the deficit, to live within our means. I do believe that there are initiatives in this bill that should be discussed, and I want to name one in particular. That is, that the bill fully funds the authorized level of active component and National Guard and Reserve personnel in the Armed Forces.

What it means is that we have tried to avoid that hallowed army, hollowed military, as Chairman INOUYE has mentioned, and that General Powell mentioned. It provides that funds to maintain both the military and civilian personnel, to keep the faith with the people that constitute the military services and civilian infrastructure of the Department of Defense.

The bill does also sustain the President's top strategic priorities in the B-2 bomber and SDI. I have explained to the chairman that I am a little concerned about the prospects for a second vote coming on a supplemental next year, but I do commend Senator INOUYE for bringing the program forward in this bill, and I hope to work with him to sustain the B-2 during the floor consideration on the bill.

On SDI, this bill is at the authorized level that the Senate has already passed this year at $4.6 billion. Events in the Middle East and in the Soviet Union, as I have mentioned, continue to keep development of this defense system, a nonnuclear response to the potential of nuclear attack on our country, as one of the top priorities.

I, for one, would really like to see the Senate and Congress go on record to abandon the concept of mutual assured destruction and, instead, give us the capability for defending this country, as we had the capability of defending Saudi Arabia and Israel by destroying the Scuds as they were launched against those two countries.

Senator INOUYE and I did have the dubious honor of being present in Israel at the time of one of the Scud attacks, and we went out to look at the damage the next morning.

I think that it is really sobering to realize that we have no defense at all against an unauthorized launch of a missile from another nation, from an accidental launch or a terrorist launch of nuclear missiles coming through the atmosphere toward our country. SDI becomes, as far as this Senator is concerned, even more important for the next generation of systems.

We are shrinking our military forces in size, and as we do, their readiness and the quality of their equipment becomes paramount. We have, in this bill, sustained that next generation of systems, and the design to give the next generation of those who are on the battlefield, God forbid, from this country, the same kind of superiority that the United States forces just had in the gulf against the forces of Iraq.

The adjustments did reflect changes in the world. I particularly take note of the armored systems modernization program, which the committee report addresses in detail. I support that modernization program, but I do believe it must be consistent with our best assessment of future threats and requirements.

I am hopeful that the Senate will allow us to move this bill quickly to conference, even on the systems that are substantially in question here, the B-2 and SDI. They will be even more so in the conference.

This bill adheres to the priorities, as I have said, set by the Senate during our recent consideration of the authorization bill. This time, we have worked consistently with our colleagues, particularly the chairman, the Senator from Georgia [Mr. NUNN], and the ranking member, the Senator from Virginia [Mr. WARNER], to make certain that we will reduce the number of conflicts between those of us who manage defense-related bills on the floor.

I believe this is a good bill, and I believe that the Senate should authorize us to go to conference as quickly as possible, as I have said, so that we may try to present the Department of Defense with their full authorization and appropriations bill before the end of the fiscal year.

I thank you, Mr. President, and I yield the floor.

• Mr. D'AMATO. Mr. President, I want to take this opportunity to thank the chairman, Senator INOUYE, the ranking member, Senator STEVENS, and their staffs for the fine work they have done in putting together the Defense appropriations bill before us now.

Many of my colleagues probably fail to realize that this year represents the seventh year of decline in defense spending in real terms. The days of consolidations, of recorganizations, and of restructurings are over. Companies are going to die, and jobs will be permanently abolished. Bases will continue to close. Units will disband, ships will be tied up, planes sent to the boneyard, and service men and women will be involuntarily separated, many after serving bravely in the Persian Gulf.

I can only hope that my colleagues will be as skillful in compensating for these reductions as the chairman and ranking member were in making the cuts.

My State, long a major player in defense, was treated with extraordinary evenhandedness by the subcommittee. With the exception of the F-14 Tomcat, which, as everyone knows, thrives best in the rarified air of conference, New York's defense interests could not have been more fairly handled. We had our losses, but core programs and facilities have been sustained.

This is a good mark. I urge my colleagues fullest support, and I look forward to defending the interests of the Senate in conference.•

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, before I send to the desk a series of amendments, I would like to thank my colleague from Alaska for his words of support.

If I may, I will spend just a few moments touching upon aspects of this measure that may not be well known to the people of the United States.

In recent days, the phrase "peace dividends" is heard quite often, because people anticipate that with the cuts we are making—a reduction of 106,000-plus men and women from the Armed Forces; closing up of over 80 procurement programs; closing up over 100 bases and installations in the United States; and over 300 bases and installations abroad—one can see savings coming out of this.

I would like to point out to you, Mr. President, the dark side of the savings. Of the 106,000-plus men and women who will be receiving the pink slips from the U.S. Government, very few have jobs waiting for them as they step out of uniform. Keep in mind that there were those who fought in Desert Storm and, within a week of their return, received their pink slips because it was part of our program. So what does that mean? Unemployment compensation; it does not show up in this bill; it shows up in some other account. But that account is paid for by American taxpayers. Welfare payments; that does not show up in this account; it shows up in another account.

Mr. President, you know as well as any one of us here that there is a sad correlation between unemployment and crime. So one can anticipate the rise in crime statistics, and that will be costly, Mr. President.

When we terminate 80-plus procurement projects in one factory—5,000 men and women fired overnight—we in the Senate may not sense it, but for the 5,000 families, it means mortgage payments not being kept up. Something is going to happen if you do not pay mortgages. They are not able to send children to the schools that they had planned for; they are not able to purchase from the supporting facilities in the shopping mall.

It has an effect like a tidal wave. It is just not one person. And multiply that by 80 procurement projects. We are taking painful steps, Mr. President. And when we close up over 100 bases, I am certain all of us know of someone who worked at one of the bases or installations. Suddenly, no work.

We are not saving money, Mr. President. We are saving it from this bill, but somewhere else we taxpayers of the United States will have to pick up the tab. And that is why the leadership of the Appropriations Committee has been counseling to one and all that we do this with prudence, with good management style, and with patience.

Mr. President, history shows us that the temptation is so great that we have precipitately cut at the end of each war. We happen to have done some research on our first major war, the Revolutionary War. And in that war, our great President, Gen. George Washington, was in command of a force of 30,000 men. That is right. The Continental Army was made up of 30,000 men. Within a year after the end of that war, we cut our forces—the Congress of the United States, our predecessors, said the millennium has arrived. Our forces were cut from 30,000 to 80; 55 at West Point, 25 at Pittsburgh.

A few months later the British looked upon this and said, "These colonists have no stomach for war." And what was the result? They burned this building and the White House.

As I indicated, at the end of World War II, a force of 12.5 million was cut to about one-half million, and the North Koreans took that as a signal. It was a bloody and costly war.

At the end of World War I, we became neutralists. Imagine Gen. George C. Marshall, who was then a lesser general, going to Leavenworth, taking over a command of the whole camp, a grand army of less than 200 cooks and clerks. That was his army. General Patton, the great tank commander, went to Fort Benning. He took over command of the tank forces of the United States. We had 325 of them, but most of them were not operational because they were missing nuts and bolts. He submitted, as all officers would, a request for nuts and bolts for the 325 tanks. The Army said, "We don't have any nuts and bolts." Gen. George Patton had to go to Sears Roebuck to pick up those nuts and bolts.

I was in World War II, Mr. President, and I remember going into maneuvers with jeeps with cardboard sides—tanks; that was a tank. Some of the men did not have rifles. We had wooden rifles, the kind that we had when we were little children. Many times you wonder how we won the war, but we did. We do not want to repeat it.

AMENDMENT NO. 1184

Mr. INOUYE. Mr. President, I send to the desk a series of amendments making technical corrections to the bill as reported by the committee, and I ask unanimous consent that they be considered and adopted en bloc.

Mr. President, this matter has been cleared on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. They will be considered en bloc.

Without objection, the pending amendment will be set aside, and the amendments are agreed to en bloc.

The amendment (No. 1184) was agreed to as follows:

On page 11, line 21 strike "*Provided further,*".

On page 43, line 2, strike the "," following "1993".

On page 57, line 3, after "30," insert "days" and line type.

Mr. STEVENS. Mr. President, if my colleague will yield, I am reminded that we are coming very close to the 50th anniversary of the attack on his State on December 7, 1941, in a war that later led to the invasion and occupation of two of the islands in my State. I was just thinking a little bit about the strange course of fate and history that the two of us stand here today, both veterans of World War II. The Senator from Hawaii paid much more dearly for his participation in that war than I. I saw service in China as a pilot, and he saw service in Europe.

But we are asking the Senate not to let history repeat itself. We have just come through a very successful engagement, and we have, in effect, disclosed a great many of our Nation's secrets in order to win that war. Many of the items that are described in the classified indexes we have invited Senators to peruse will demonstrate that our projection of needs is even more complicated for the future. This is not a time when we can simulate a B-2. We could not fly an old P-40 through and put a sign on it that says, "This is a stealthy airplane." We cannot imitate the past in order to meet the challenges of the future in protecting this country, in our opinion.

We have joined together, a Democrat and a Republican. We have no arguments in this bill. I do not think we are entirely satisfied with everything in it, but it is the best bill that we could bring to the floor to meet the needs as we perceive them. I am hopeful that it will be viewed from that point of view by the Members of the Senate.

I particularly share the comment of the Senator from Hawaii about the peace dividend. In the first instance, the dividend is peace. We have witnessed the disintegration of the forces of communism. We have shown and demonstrated the will of the United States to be capable of defending our country against any type of system they could devise.

And now, as I said before, the question is how many small Hitlers are there out in the world of the next century. This bill will fund systems that will not fly or float or be fired during either of our lifetimes. They pertain to systems that now take 4 and 5 years to come through research and development, and after that, years to production. We are funding the follow-on to the marvelous systems that we have just used in the Persian Gulf war.

I think properly viewed by the country, the judgment of our President, who similarly is a veteran of World War II, a man with unique experience in terms of his lifetime, in terms of his service in the CIA, as an ambassador, and as our ambassador to the United Nations—I think my point is we would hope that the country will realize that these systems are our insurance policy for the future. And I for one hope they survive.

I thank my good friend for what he has done today.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe the previous order would prohibit any votes being taken this day. The Appropriations Committee has made its opening remarks. The bill is laid down for consideration.

I feel it is now up to the majority leader to schedule us, but I have been advised that it will very likely be sometime Wednesday morning when we will resume consideration of this measure. So, if there are none others wishing to speak, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on September 20, 1991, during the recess of the Senate, received a message from the President of the United States submitting a nomination; which was referred to the Committee on the Judiciary.

(The nomination received on September 20, 1991 is printed in today's RECORD at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1937. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on Arms Control and Disarmament Studies; to the Committee on Foreign Relations.

EC-1938. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on Budget Rescissions and Deferrals dated September 1, 1991, pursuant to order of January 1, 1975, as modified by order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources, jointly, without amendment:

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes (Rept. No. 102-155).

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 646) to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges (Rept. No. 102-156).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (by request):

S. 1739. A bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 1740. A bill to amend the Older Americans Act of 1965 to improve the interstate funding formula for State and community programs on aging, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself and Mr. D'AMATO):

S.J. Res. 201. Joint resolution designating the week beginning on October 6, 1991, as "American Magazine Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for Mr. CRANSTON):

S. Con. Res. 63. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (by request):

S. 1739. A bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Energy and Natural Resources.

USE OF CERTAIN LANDS WITHIN COLONIAL NATIONAL HISTORICAL PARK

Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Secretary of Transportation, I send to the desk a bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center.

Mr. President, this draft legislation was submitted and recommended by the Secretary of Transportation, and I ask unanimous consent that the bill, the executive communication and analysis which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereafter referred to as the Secretary) is authorized, under regulations generally applicable to utility rights-of-way in the National Park System, to issue a right-of-way permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of one natural gas distribution pipeline under and across the Colonial National Historical Park in the Commonwealth of Virginia in order to provide natural gas service to the United States Coast Guard Reserve Training Center at Yorktown, Virginia. The natural gas pipeline shall be located from the southeast corner of Main Street and Bacon Street in Yorktown to the Coast Guard Reserve Training Center entrance, along a route to be approved by the Secretary.

ANALYSIS

The Federal Energy Management Improvement Act of 1988 (Public Law 100-615, November 5, 1988) requires the Coast Guard, by Fiscal Year 1995, to reduce energy consumption in its buildings by 10% per gross square foot, from a Fiscal Year 1985 base. The Coast Guard has determined that natural gas would be a superior alternative energy source at its Reserve Training Center at Yorktown, Virginia, and has decided to convert from electric and oil-fired energy sources to natural gas at that facility. The use of natural gas, as compared to other energy sources, will greatly help the Reserve Training Center meet the 10% reduction goal. Analysis of associated costs has led to the conclusion that conversion to natural gas would be more economical than continued use of either oil or electric energy at the Coast Guard Reserve Training Center. This proposed legislation would authorize the Secretary of the Interior to issue a permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of a natural gas distribution pipeline within the Colonial National Historical Park (Yorktown Battlefield) in order to provide natural gas service to the Coast Guard's Reserve Training Center.

The underlying rationale supporting the decision to convert to natural gas is a combination of factors, including environmental protection, energy conservation, and budgetary considerations. That decision was made in response to Congressional mandates for greater energy conservation, no-growth operating budget restrictions, Environmental Protection Agency regulations concerning upgrading and monitoring underground storage tanks, and an increased concern for air quality. In order for the conversion to natural gas to be accomplished, however, it will be necessary to connect the Training Center to an existing natural gas main in the town of Yorktown by having a natural gas distribution pipeline installed across the Yorktown Battlefield by the Virginia Natural Gas Company. Congressional authorization, similar to that contained in Public Law 101-573 (November 15, 1990), is necessary to enable the National Park Service to issue a right-of-way permit for a natural gas distribution pipeline to be constructed across the Yorktown Battlefield.

When comparing the two energy sources of electricity and natural gas, for example, electricity energy values include power plant production and transmission line losses, while natural gas has no such losses. The savings resulting from the elimination of those distribution losses can be as high as 70% when compared to natural gas. The proposed conversion will also reduce the Training Center's total energy costs by reducing its electrical peak demand. The cost of electricity consists of usage and demand charges. The demand charge represents about 60% of the total cost to the customer. Converting cooking equipment in the Training Center's three large kitchens to natural gas, for example, would lower the electrical peak demand and, therefore, considerably reduce that portion of the total bill.

Moreover, Environmental Protection Agency requirements, contained in 40 C.F.R. Part 280, have greatly increased the costs associated with maintaining underground storage tanks for fuel oil. These regulations mandate inventory control, annual testing, automatic tank gauging, vapor monitoring, interstitial monitoring, etc. As a result of the EPA regulations, the 29 existing underground fuel storage tanks at the Reserve Training Center would have to be replaced, at considerable expense, with double-wall tanks equipped with monitoring systems. Conversion to natural gas would eliminate the need to replace the existing underground fuel storage tanks with new underground tanks, although the existing tanks would still be removed. Moreover, a cleaner, environmentally safe form of heating will be provided.

The Training Center presently has three new buildings in the planning stage for construction. The design for the first of these projects began in January 1991. The Training Center intends to design the new facilities for natural gas use and to begin the process of overall conversion to natural gas in September 1991. Therefore, appropriate legislative authority for pipeline construction across the Yorktown Battlefield is necessary at the earliest practicable time in order to meet that schedule. Delays in the availability of natural gas past that date also will result in the Training Center starting to replace existing underground fuel tanks in order to meet various EPA deadlines, based on the characteristics of each individual tank.

Environmental, cultural, and fiscal assessments currently are being prepared by the Virginia Natural Gas Company in anticipation of the permit application process. They are expected to conclude that the proposed pipeline, if authorized, would not adversely impact upon the Yorktown Battlefield; that there are no practical alternatives to the proposed route across the Park; and that mitigation actions will be taken. The Superintendent of the Colonial National Historical Park has informed the Coast Guard that, "given the information presently available, we believe the proposed pipeline will not compromise park resources or park values. Also, it appears that the assessment of other alternative locations for the pipeline . . . will show that there are no other practical alternatives. For these reasons, we will support the proposed legislation . . . ."

The Yorktown Battlefield would directly benefit from the proposed conversion to natural gas, even with the temporary, minimal disruption along an existing road for installation of a relatively small, four-inch distribution pipeline. The transport of oil products by tank trucks through the Park would be eliminated, improving both the safety and aesthetics of Park roads. The removal of fuel storage tanks from the Training Center also would achieve the benefit of eliminating possible sources of pollution of the water table beneath the Park, which virtually surrounds the Training Center. Most significantly, the authorization for a permit to be granted in this case would provide a fair balance between the significant Federal goals of energy conservation, environmental protection, and fiscal responsibility on the one hand, while safeguarding the competing interest in protecting National Park lands by requiring full compliance with the very rigid requirements of the permit process authorized by this legislation.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, September 4, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: This letter transmits proposed legislation "To authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center."

The Coast Guard Reserve Training Center at Yorktown, Virginia, presently uses electric and oil-fired energy sources. The Coast Guard has determined that natural gas would be a superior alternative energy source at that facility. That determination was made in response to Congressional mandates for greater energy conservation, no-growth operating budget restrictions, Environmental Protection Agency regulations concerning upgrading and monitoring underground storage tanks, and an increased concern for air quality. Connecting the Training Center to an existing natural gas transmission line in the town of Yorktown can be accomplished most practically by traversing an already disturbed area along the shoulder of an existing road within the boundaries of the Colonial National Historical Park (Yorktown Battlefield).

This proposed legislation would authorize the Secretary of the Interior to issue a permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of a natural gas transmission pipeline within the Yorktown Battlefield in order to provide natural gas service to the Coast Guard's Reserve Training Center. Precedent for this proposal may be found in Public Law 101-573 (November 15, 1990).

There are no personnel or budgetary increases associated with this proposal. In fact, this authorization will enable the Coast Guard to reduce energy costs in compliance with applicable provisions of the Federal Energy Management Improvement Act of 1988.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this proposed legislation to Congress.

It is recommended that the proposed legislation be enacted by Congress.

Sincerely,

Samuel K. Skinner.

By Mr. PRYOR:

S. 1740. A bill to amend the Older Americans Act of 1965 to improve the interstate funding formula for State and community programs on aging, and for other purposes; to the Committee on Labor and Human Resources.

INTERSTATE FUNDING FORMULA EQUITY ACT

• Mr. PRYOR. Mr. President, for the past 25 years, the Older Americans Act has improved the lives of our Nation's elderly and their caregivers. The act has authorized a great number of diverse and important social services, ranging from neighborhood senior centers and meals on wheels programs to long-term care ombudsman and legal assistance services. As chairman of the Special Committee on Aging, I have carefully examined the effectiveness of the act and I am deeply committed to preserving and enhancing its ability to assist older Americans in maintaining their independence and dignity.

Last year, the Special Committee on Aging convened a series of informal workshops that brought together Federal, State, and local government officials, social service providers, volunteer caregivers, academics, and elderly persons who utilize social services. Workshop participants took a fresh look at the act, asked hard questions about its effectiveness, debated tough issues about its future direction, and explored a range of legislative improvements that might be necessary or desirable. While many significant policy changes were suggested during the course of the workshops, their central finding was that the OAA has been tremendously successful in serving our Nation's elderly citizens and their caregivers.

One reason the OAA has enjoyed such broad-based support over the past 25 years is its declared objective to serve all individuals 60 years and older, regardless of income. While adhering to this goal, the act has also recognized the need to focus limited resources on those in the greatest social and economic need.

Indeed, the first in the Committee on Aging's series of workshops addressed the issue of targeting. While no consensus was forged regarding how best to target OAA services, a number of interesting observations emerged, including the fact that the interstate funding formula fails to take into account the economic disparity that exists among the States.

Currently, the OAA distributes money to individual States based on the number of persons aged 60 years and over. States with a smaller 60 plus population are provided with less money without consideration of the economic status of their elderly residents. Today, I am introducing a bill which will alleviate the tremendous burden placed on those States with a disproportionate number of elderly persons with incomes below poverty.

While current budget constraints are stretching all States' ability to serve a burgeoning elderly population, States with a disproportionate number of needy elderly are especially hard hit. Thus the legislation I introduce today proposes to distribute dollars based upon States' low-income elderly population. No State will receive fewer OAA dollars as a result of my proposal.

The OAA already requires that States target services to those in greatest social and economic need. My legislation merely recognizes the economic disparity that exists among the States when funds are allocated at the Federal level. I believe this will be a first step toward providing services to some of the most needy and vulnerable of our Nation's elderly population.•

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 282

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 282, a bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content.

S. 359

At the request of Mr. DANFORTH, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 601

At the request of Mr. ADAMS, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 893

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 893, a bill to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

S. 1087

At the request of Mr. HARKIN, the names of the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1372

At the request of Mr. GORE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1661

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1661, a bill to simplify the tariff classification of certain plastic flat goods.

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

S. 1737

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1737, a bill to prohibit the import from Yugoslavia of defense articles on the United States Munitions List.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. INOUYE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter, as "National American Indian Heritage Month."

SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the names of the Senator from Kansas [Mr. DOLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 178, A resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. SASSER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 178, supra.

SENATE CONCURRENT RESOLUTION 63—DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 868

Mr. INOUYE (for Mr. CRANSTON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 868) to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike out "section 1413" and insert "section 3013".

(2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".

(3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".

(4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".

(5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".

(6) In section 5, strike out "section 2011(4)" and insert "section 4211(4)".

(7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".

(8) Strike out "section 1795" each place it appears and insert "section 3695".

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FISCAL YEAR 1992

INOUYE AMENDMENT NO. 1184

Mr. INOUYE proposed an amendment to the bill (H.R. 2521) making appropriations for the Department of Defense the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 11, line 21 strike "*Provided further,*"

On page 43, line 2, strike the ", " following "1993".

On page 57, line 3, after "30", insert "days" and line type.

NOTICES OF HEARINGS

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. KERRY. Mr. President, I wish to announce that the Senate Select Committee on POW/MIA Affairs will meet in S–116 of the Capitol, the meeting room of the Committee on Foreign Relations, on Wednesday, September 25, 1991, at 12 noon, for its organizational meeting.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing entitled, "Medicare Fraud and Abuse: A Neglected Emergency?" The hearing is being held to examine Medicare's responsiveness to concerns raised by older Americans about provider fraud and abuse and the manner in which carriers assign and maintain Medicare provider numbers for persons and entities who wish to participate in the program.

The hearing will take place on Wednesday, October 2, 1991, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

For further information, please contact Portia Mittelman, staff director at (202) 224–5364.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has indefinitely postponed Tuesday's full committee markup of S. 1426, the Small Business Economic Enhancement Act of 1991. For further information, please call Laura Lecky of the Small Business Committee staff at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, October 2, 1991, at 2 p.m. in room

SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Elizabeth Moler and Branko Terzic, nominees to be members of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HEALTH AND FAMILIES AND THE UNINSURED

Mr. INOUYE. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Finance be authorized to meet during the session of the Senate on September 23, 1991, at 2 p.m. to hold a hearing on comprehensive reform of the health care system as a way of improving access to care and controlling cost escalation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TERRY ANDERSON

●Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,382d day that Terry Anderson has been held captive in Lebanon.●

DR. KISSINGER'S ARTICLE

●Mr. WALLOP. Mr. President, I rise to submit for the record a wonderful piece by Dr. Henry Kissinger, "Russian Minefield," from last Tuesday's September 17, 1991, Washington Post. It is the best warning that I have seen on the significance of events in the former Soviet Union and what they mean for the peoples of the former Soviet Republics and for the West. If I could sum up the article I might choose the following sentence from the article to do so: "The outcome of revolutions cannot always be deduced from their initial slogans." Dr. Kissinger goes on to reflect on Russia's historical penchant toward a strong central authority, which, in turn, has meant two things: One, expansion of its farflung borders and, two, the instability that comes with seeking security through "hegemony rather than equilibrium." As we in this body debate our future relationship with the former Soviet Union, I strongly urge my colleagues to read Dr. Kissinger's piece.

The article follows:

RUSSIAN MINEFIELD

(By Henry Kissinger)

The collapse of communism, which only yesterday proclaimed itself the irresistible wave of the future, has produced the rare phenomenon of two revolutions taking place side by side: an anti-Communist upheaval against 74 years of Communist rule and an ethnic revolt against 400 years of Russian imperialism.

The anti-Communist revolution is on the verge of success. The revolution against central authority has only just begun. And the players are not necessarily the same. Not every Russian who joined the fight against Communist totalitarianism will be as prepared to dismantle the state built over four centuries with Russian blood. Boris Yeltsin's warning that seceding republics cannot expect to take their Russian minorities with them shows that the Yugoslav pattern of near civil war is not inconceivable.

For the United States, these developments spell a paradox. The collapse of communism is coming about in the name of democracy and market economics, values singularly identified with America. But the outcome of revolutions cannot always be deduced from their initial slogans. Ironically, the United States, having inspired the process, may have a decreasing role in its evolution.

For the two Soviet revolutions are full of ambiguity. Not everybody destroying the Soviet Communist Party is a democrat, whatever his slogans. Many genuine democrats, especially in the Russian Republic, are against allowing self-determination to lead to secession. In most of the republics, the majority of the population wants a kind of autonomy that amounts to independence. However, more than half of the total population of the Soviet Union is Russian and may not concur.

The state of affairs is potentially explosive. Too many vested interests have grown up, too much blood has been spilled to build the present empire over a long time for it to dissolve itself by administrative fiat. The United States may well come to be faced with a choice between two versions of democracy: the preference of the majority of the total Soviet population or our historical support of ethnic self-determination. The aborted coup was led by tired remnants of an exhausted ideology. The potential of the next upheaval resides in the up-to-now silent group of young officers, managers and government official who want neither communism nor disintegration of the union. This is not a question of personalities. History will propel any president of the Russian Republic in that direction; and president of the Soviet Union will be impelled by his office to take a similar course.

Thus the real challenge to democracy in the Soviet Union still lies ahead, for four reasons:

First, in some of the republics, the so-called democratic revolutions seem like a replay of the Romanian pattern. They are in effect coups by the Communist establishment that, by changing its name, hopes to weather the Moscow storm.

Second, there is a shortage of leaders with democratic experience. Many former Soviet leaders have earned our admiration for fighting the Communist establishment. Clearly, they are seeking something different from the system in which they have held high office, and they are obviously committed to calling it democracy. But pluralism in the Western sense was not their first instinct, and it may not prove to be their last word. The same is even more true of the many careerists who delayed their switch from communism until the outcome became clear.

Third, the population, except in a few large cities, has had little experience with democracy. During the recent coup much of the countryside seems to have adopted a wait-and-see attitude and was prepared to accept any outcome that improved economic conditions.

The fourth and biggest challenge to democracy is economic. And we are in danger of misleading ourselves as well as well-meaning admirers in the Soviet Union by an excessively exuberant advocacy. In its first stage, market economics—especially a cold-turkey move in that direction—is more likely to be a penance for the sins of the centrally planned system than a boon. There are no shortcuts around austerity.

The transition to market economics has proved extraordinarily painful wherever it has occurred. In eastern Germany, unemployment has soared to 40 percent even with an annual subsidy of $90 billion (for a population that is 5 percent of the Soviet Union's) and the virtual takeover of the civil administration and industrial management by West German experts. In Mexico, the transition from much milder planing lowered real wages by as much as 50 percent for nearly eight years. Czechoslovakia, Hungary and Poland are at present undergoing comparable traumas.

Fledgling democratic institutions will come under severe pressures from populations undergoing such shocks. East Germany has the benefit of unconditional backing by the Federal Republic. Mexico had a modified one-party rule during its most critical period. The governments of Poland, Czechoslovakia and Hungary are buoyed by the prestige of having spearheaded the anti-Communist struggle. In all these countries, vestiges of capitalism survived, and nationalism is on the side of democracy.

None of these conditions exists in the Soviet Union. The locus of authority is unclear and contested. Regional leaders with more authority than the central government have a high incentive to blame their plight on anyone else—the vestiges of the central government, other republics, or, after awhile, even the outside world. With the nature of the market so amorphous, they will find it very hard to design a plausible free enterprise strategy.

The standard response—that the Soviet Union can help itself best by creating attractive conditions for foreign investment—is only partially true. For one thing, it is a circular argument, because the biggest obstacle to private investment is political chaos,which in turn is fed by economic distress that seems unavoidable whatever the level of aid. Moreover, amid a worldwide shortage of capital, the Soviet Union will have to compete against many other areas that are much less complicated. And Soviet needs are huge; by analogy with East Germany, they would amount to $1.5 trillion a year for at least five years—far beyond any foreseeable private or governmental resources.

Nor will another of the remedies of conventional wisdom—privatization—provide the cure-all. Obsolescent industries are not easy to sell. Some of the privatization that has taken place has paralleled the opportunistic political change in some republics. Management has simply cut loose from the ministry to which it has reported heretofore without becoming more efficient or market-oriented.

All this confronts the United States and its allies with a new challenge. The United States must tread warily through this minefield. Revolutionaries are uncomfortable companions: compromise is rarely their forte, and invocations of stability ring strangely in their ears.

We must not be seduced into believing that we can fine-tune every development, even less that the Soviet evolution will gear itself to the prescriptives of American politics. Throughout history, Russian leaders have been known for their prickly national pride. Our missionary zeal should not be so intrusive as to trigger a backlash that could rally rationalism against those whom we think are supporting. Restraint in public advice and discrimination in official visits are prerequisites for achieving the truly essential goals.

To assist the Soviet internal revolution, we need both a concept of our national interest and an assessment of the extent to which we are able to promote that interest. These issues are before the Soviet Union; the structure of the state, the economic framework and the role of particular personalities. The comparatively easiest is the structure of the state because, quite simply, decentralization serves both the cause of democracy and of peace. A highly centralized Russian state has always maintained exorbitant armed forces and has ruthlessly expanded along all its far-flung borders. Based on two continents, it always identified security with hegemony rather than equilibrium. For four centuries, this relentless outward thrust has sapped the country's resources and undermined the well-being of its exploited population.

Perhaps the experience of the Cold war and the possession of a nuclear arsenal have reduced those historical tendencies. In any case, the industrial democracies should do nothing to suggest that they are promoting the breakup of the Soviet Union for their own purposes. But, equally, we should take great care not to encourage repressive centralizers by well-intentioned reform schemes.

Those Western leaders who insist on a strong central government as a condition for aid should remember that efficiency is not our only goal and, in Soviet conditions, probably not the most important one. Long-term economic assistance depends on the establishment of a predictable political framework, but not necessarily a centralized one. In the meantime, the industrial democracies need urgently to extend humanitarian assistance to prevent a disastrous winter. They should also seek out longer term projects where relatively rapid progress is possible, such as energy. To prevent emergency aid from becoming a weapon in a power struggle, it should be distributed in a way that takes into account the existing distribution of power between the center and the republics, perhaps applying whatever formula is agreed upon for the allocation of tax revenues between the center and the republics.

I would apply the warning against unintentionally encouraging repression even to the neuralgic issue of nuclear weapons. Of course, central control of nuclear weapons is highly desirable. But to whom and for what purpose are we addressing the repeated injunctions on that subject? The authorities in Moscow surely understand no national interest better, given its impact on national cohesion and the continued operation of deterrence. We must not encourage them to misinterpret our concern as a license to use force against the republics. Repression in the name of central control is a cure worse than the disease. Most nuclear weapons are on the territory of the Russian Republic; the few remaining in the Ukraine, Kazakhstan and Byelorussia are unlikely ever to be used against the West. The key issue is not whether nuclear weapons are under central control—which they seem to be—but whether the military structure in Moscow that controls them is subject to responsible political leadership.

One of our most difficult intellectual problems will be our attitude when democracy is challenged. In these halcyon days when everything seems possible, we should establish the maximum number of contacts with democratic institutions, especially in the republics. But somewhere down this road, we will meet setbacks. We will surely resist. There seems to me, however, one clear limiting condition; the United States must not encourage repression of the republics' autonomy by the central government as a remedy. For once repression starts, Russian history with its tragic cycles of violence and hostility to the outside world will surely take over.

I am not suggesting an active policy to undermine Soviet unity. My preferred outcome would be a loose confederation, preferably of Russia, the Ukraine, Byelorussia and Kazakhstan, together with whatever other republics may choose to join. Great Russian chauvinism, the source of much of the empire's expansionism, is less likely to become virulent in a confederated Soviet Union than if the Russian Republic is left to its own devices. But the outcome is for the peoples of the Soviet Union to decide. What we must avoid is to tempt the recurrence of a violent past. The central government as well as the republics must understand that the resort to force in relations with each other will meet the same kind of U.S. opposition as the coup itself.

The history of revolutions teaches that the greater the dislocation, the more painful the consolidation turns out to be. The Soviet upheaval has gone much too far to be identified with personalities. Mikhail Gorbachev has great historic merits, but he has unleashed forces that make it irrelevant whether or not he is more attractive than Yeltsin. Yeltsin may have autocratic tendencies, but no one has ever alleged that the road to leadership in Communist Russia has been hospitable to choir boys. We should prefer, but not require, personally attractive Soviet leaders. We do require Soviet policies compatible with the peace and progress of the world.•

DR. MANUEL R. CEREIJO

•Mr. GRAHAM. Mr. President, I rise today to honor an outstanding educator who brings tribute to his community and the teaching profession. Dr. Manuel R. Cereijo has been selected as the only Floridian and 1 of 17 recipients nationwide to receive the 1991 Hispanic Engineer National College Level-Lifetime Achievement Award.

Florida is fortunate to have the calibre of professor that Dr. Cereijo exemplifies to further the engineering career of our students, as well as to serve as role models for our young adults moving forward in today's difficult times. Dr. Cereijo personifies the achievements attainable for Hispanic men and women, and all students, when they master a field and devote their professional lives to educating others.

To Dr. Cereijo, I extend congratulations for the personal accomplishments made, for the service he has provided our community in south Florida, and for the inspiration and encouragement he has shown to future engineers whose lives he has so generously touched.•

COLUMBUS DAY CELEBRATION

• Mr. GRAHAM. Today I rise to note the upcoming national celebration for Columbus Day, marking the historic passage of Christopher Columbus to the New World in 1492.

This year's Columbus Day will be special, because we are beginning our quincentennial year from the time Columbus set sail. This milestone will be observed by Italian-American clubs throughout the United States.

One such celebration is sponsored by the Naples Italian-American Club in Naples, FL. The Naples club is sponsoring festivities on October 11, 12, and 13, featuring Italian food, games and entertainment.

The aim of the Naples Italian-American Club is to promote Americanism and to preserve traditions of Italian heritage. So today we salute the "Columbus Day Festa" committee responsible for organizing this event: Joe Criss, chairman, Tony and Nancy Incorvati, John Frascatore, Lee Napoleon, Josi Lancia, Angelo Fico, Jim Blackburn, Marian Patalon, Lydiia Tommarchi, and Bill Fote.

Mr. President, our Nation reflects a unique combination of national unity and rich diversity. As we observe the changes in the Soviet Union, we realize how rare this combination is in our world—the combination of national unity and diversity.

Florida, one of the first land masses discovered by explorers, has a special historical interest in this age of discovery centuries ago. Much of our population lives on or near the coast, so we have at least some small understanding of the courage and adventure involved in crossing the Atlantic Ocean 500 years ago in small boats with the most basic navigation equipment.

This year, as we honor the memory of Columbus, we also honor those who strive to preserve the traditions of those who followed him to the New World.•

DR. ROBERT J. KASSAN

• Mr. GRAHAM. Mr. President, I rise today to commend the meritorious efforts and lifelong work of Dr. Robert J. Kassan. Upon retirement from a vigorous medical practice as a rheumatologist, Dr. Kassan began a second career as a volunteer. One of his crowning achievements was medical director, for 5 years, of Medivan, the medical outreach van catering to indigent seniors of Broward County. To his credit is the recognition recently received designating Dr. Kassan the "Most Outstanding Senior Volunteer" in the country, bestowed by the National Association of Area Agencies. The Florida Council on Aging also selected Dr. Kassan as the "Super Senior" in the State of Florida.

Floridians are indeed fortunate to have in our midst a person as giving and as selfless as this gentleman. Dr.

Kassan personifies the idea of volunteerism and is a wonderful example of people helping people. There is no finer way to honor our fellow man than to bring to the attention of our Nation an individual whose efforts have made a positive impact upon others less able to help themselves. Dr. Kassan is truly a "Florida Super Senior" in whom we can all take great pride.•

NATIONAL DEAF AWARENESS WEEK

•Mr. HARKIN. Mr. President, I am once again pleased to join the deaf and hard of hearing community in the celebration of National Deaf Awareness Week to be held September 22–28, 1991.

One year after the glorious passage of the Americans with Disabilities Act [ADA], we are now entering another landmark year, one that will see the working results of the passage of the ADA and the Television Decoder Circuitry Act, along with the reauthorization of the Education of the Deaf Act.

The passage of the ADA and the Television Decoder Circuitry Act have provided yet many more opportunities for the many millions of Americans who are deaf or hard of hearing to fully integrate into the economic, political, social, educational, and cultural mainstream.

Closed captioning provides monumental opportunities for many Americans to turn on their television set and fully understand what is being said. I am especially pleased to announce that the Zenith Corp. will include closed captioning capability into manufactured television sets this fall, 2 years before it was required to do so by the Television Decoder Circuitry Act. I commend Zenith Corp. for its active involvement in assisting to integrate deaf and hard of hearing Americans into the hearing world by passionately working with and ahead of the law.

In addition, I was pleased to be a part of another landmark event, a portion of the Senate proceedings was closed captioned in a demonstration project on April 18. The Senate floor proceedings will be closed captioned on C–SPAN beginning in early 1992. We have come a long way, from open captioning of a few shows provided by the Caption Center in Boston in the early 1970's, to closed captioning of virtually all prime-time television shows and most major sporting events today in the 1990's.

Congress begins reauthorizing the Education of the Deaf Act this year. This legislation, passed in the 99th Congress, authorized quality educational programs for deaf and hard of hearing individuals and fostered improved educational programs for deaf and hard of hearing individuals throughout the Nation

Persons who are deaf or hard of hearing deserve nothing less than a quality education. We have the resources to teach. We have the knowledge to share. We have the ability to promote cultural awareness of what it is like to live in a world of silence. It is up to us as a nation to open our minds and our hearts to the skills and talents of those more than 20 million Americans who are deaf or hard of hearing. That is what Deaf Awareness Week is all about.

I ask each one of you to take a moment to learn more about deafness. Take a class in American Sign Language [ASL]. Purchase a telecommunications device for the deaf [TDD] for your office or place of employment. I also recommend reading several books, such as Dr. Oliver Sach's research into the world of the deaf, "Seeing Voices," Dr. Frank Bowe's "Changing the Rules" and "Approaching Equality," to name just a few.

Also, the National Institute on Deafness and other Communication Disorders [NIDCD] is entering its fourth year under the National Institutes of Health [NIH]. This Institute conducts basic research, training, and information dissemination in the areas of hearing, task balance, speech, language, touch, and other communication services. I am pleased with the work of the Institute and believe that it should be one of our higher public health priorities.

Thank you, Mr. President, for this opportunity to promote Deaf Awareness Week. Again, I want to salute the many millions of deaf and hard of hearing Americans for their efforts to make all of us aware of the proud heritage of their community.•

CRIMINAL JURISDICTION OVER INDIANS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 229, H.R. 972 relating to a legislative reinstatement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CRIMINAL JURISDICTION OVER INDIANS.

Section 8077(d) of Public Law 101–511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

Mr. INOUYE. Mr. President, in our committee deliberations on this legislation, a number of issues have been raised. One of these issues is the definition of the term "Indian" in the Indian Civil Rights Act, as amended last year by section 8077 of Public Law 101–511. As amended, section 1301 of title 25 of the United States Code—the Indian Civil Rights Act of 1968—contains the following definition of the term "Indian":

> (4) "Indian" means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, United States Code, if that person were to commit an offense listed in that section in Indian country to which that section applies.

The definition of "Indian" for purposes of 18 U.S.C. 1153 was used in the 1990 amendments to the Indian Civil Rights Act so that there would be a consistent definition of "Indian" in the exercise of jurisdiction by either the Federal Government or a tribal government. This consistency in definition assures that a person cannot assert that he is an Indian for purposes of Federal jurisdiction and seek to avail himself of another definition for purposes of avoiding tribal jurisdiction. The same would, of course, be true if a person sought to assert himself as an Indian for purposes of the exercise of tribal jurisdiction, and sought to deny his status as an Indian for purposes of a Federal prosecution.

Mr. President, I would like to make clear at the outset that the term "Indian" as used in Federal Indian law denotes a political relationship based on a person's membership in an Indian tribe. Federal laws applicable to Indians because of their status as "Indians" are sustained on the basis of this relationship. *United States* v. *Antelope*, 430 U.S. 641 (1977).

Title 18 does not provide a statutory definition of the term "Indian." However, Federal and State case law since the enactment of sections 1152 and 1153 on June 25, 1948, provides fairly specific guidance as to the manner in which the term "Indian" is defined for purposes of the Federal Major Crimes Act jurisdiction pursuant to 18 U.S.C. 1153. Justice Department policy, and U.S. attorney prosecutional practice requires that a person charged as Indian be actually enrolled in a tribe. In most cases, status as an Indian for purposes of 18 U.S.C. 1153 is stipulated. However, in the event such status is contested elements of proof could require consideration of factors outlined below.

An analysis of more recent case law reveals that actual enrollment in a federally recognized tribe is usually sufficient to satisfy the Indian requirement of section 1153. Other factors which are weighed but which are not necessarily dispositive either alone or in combination include:

First, the defendant must have some degree of Indian blood, but Indian blood will not suffice without more;

Second, the defendant is recognized as an Indian by his tribe of origin and if residing on another reservation, the defendant is recognized as an Indian by the host Indian community—although recognition by either his tribe of origin or by a host Indian community does not of itself suffice;

Third, the defendant has accepted and asserted his "Indian-ness" by enrolling or seeking to enroll in an Indian tribe, and by availing himself of services available to Indians because of their status of Indians and actually being provided services by a Federal agency because of his status as an Indian—again, this is a factor to be weighted in determining whether the defendant is an Indian for purposes of section 1153, and is not necessarily determinative; and

Fourth, the fact that a defendant is eligible for enrollment in a federally recognized tribe is not dispositive of his status as an Indian for purposes of 18 U.S.C. 1153.

This is a short recitation of the criteria that has been used by the courts in determining the status of a person as an "Indian" for purposes of Federal jurisdiction. As a general rule, the issue is resolved on the basis of enrollment. The report filed by the committee to accompany this bill sets forth a review of case law of this subject.

Mr. President, a question has been raised with regard to the jurisdictional authority of a tribe over a person who is of Indian descent, but is not a member of the tribe for which the reservation was set aside. The status of this person as an "Indian" is, of course, an evidentiary question to be determined by the court. If this person does not maintain tribal relations; does not identify himself as a member of the Indian community; is not receiving benefits from the Federal Government on the basis of being Indian; and does not claim to be "Indian" for purposes of Federal Indian law, then it would not appear that that person meets the requisite criteria to be classified as "Indian" within the meaning of title 18, United States Code, and neither the tribal or Federal courts could assume jurisdiction over him on the grounds of his being "Indian."

Mr. GORTON. Mr. President, I thank the distinguished chairman of the Select Committee on Indian Affairs for his elaborating on the question of jurisdictional authority on Indian reservations. I agree with Senator INOUYE's perspective on this issue. Tribal enrollment should only be one part of a court's consideration in determining "Indian-ness."

I look forward to the select committee's investigation of these issues regarding tribal authority and sovereignty in hearings over the next 2 years. For too long, the Congress of the United States has allowed Indian Americans to go without adequate civil rights protections in the name of respecting tribal sovereignty.

In my view, Congress should allow tribes a wide degree of latitude in deciding upon their laws. Congress cannot, however, allow the exercise of whatever laws are passed by a tribe to infringe on the fundamental civil rights of an American just because of Indian ancestry.

For the record, Mr. President, I believe it is important that the chairman of the select committee, as well as the entire Senate understand my position on this issue clearly. Federal court review of Indian Civil Rights claims is an absolute necessity before any Duro overturn legislation is made permanent. Mr. President, without the inclusion of ability to appeal ICRA claims on a broader basis than the habeas corpus provision included in some legislation passed by this Congress, I cannot foresee being able to support a further or permanent extension of this law.

Mr. INOUYE. The issues raised by the Senator are important issues, and issues that the select committee will address in hearings in this Congress and in the Congress that follows. On one point, the issue of jurisdiction over non-Indians, I would like to assure the Senator that this legislation does not address the issues raised by Oliphant versus Suquamish Indian Tribe, and nothing in this bill is intended to alter or affect the holding in that case.

Mr. President, among other issues that have been raised in the course of the committee's deliberations on this legislation, is the extent to which the civil rights of persons subject to tribal court are protected, and the extent to which proceedings before tribal courts are subject to review by Federal courts. The Indian Civil Rights Act was enacted in 1968 and statutorily extends to all persons with minor exception all of the protections found in the U.S. Constitution and amendments thereto. For purposes of this bill, the most important exception is that the act does not require appointment of counsel to represent indigent defendants. The other exception recognizes the fact that some tribes are founded on a theocratic basis and the act therefore does not contain any prohibition against the establishment of religion. The provisions of the Indian Civil Rights Act (25 U.S.C. 1301–1303) are set forth in full in the committee report to accompany this bill.

The other major point made during our deliberations involves the extent to which actions of tribal governments, particularly tribal court proceedings, may be subject to review by Federal courts. The Indian Civil Rights Act specifically provides that the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe. The committee report to accompany this bill contains a brief review of the case law applicable to habeas corpus proceedings and the scope of issues that can and have been raised under habeas corpus proceedings.

However, in an effort to assure my colleagues on the select committee that a full hearing record will be developed on the issue of access to Federal court for review of actions alleging violations of the rights protected by the Indian Civil Rights Act, I have indicated that I will schedule hearings on this matter beginning in October of this year.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An Act to extend for 24 months the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribal governments to exercise criminal jurisdiction over Indians.".

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING TECHNICAL CORRECTIONS TO S. 868

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution making technical corrections, and I send that to the desk on behalf of Senator CRANSTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 63) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

• Mr. CRANSTON. Mr. President, the purpose of this concurrent resolution is to make purely technical corrections in S. 868 as passed by the Senate on August 2 and the House on September 16. The references in that bill to sections of title 38, United States Code, do not reflect the changes made in the numbering of title 38 sections by Public Law 102–83, which was signed into law on August 6, 1991. This resolution would update the bill in order to make the necessary corrections in those references.•

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 63) was agreed to as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 868) to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf war, to improve, and clarify the eligibility of certain veterans for employment and training assistance, and for the purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike out "section 1413" and insert "section 3013".

(2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".

(3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".

(4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".

(5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".

(6) In section 5, strike out "section 2011(4)" and insert "section 4211(4)".

(7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".

(8) Strike out "section 1795" each place it appears and insert "section 3695".

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RENAMING AND EXPANSION OF BOUNDARIES OF MOUND CITY GROUP NATIONAL MONUMENT

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 158, S. 749, regarding the Mound City Group National Monument.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 749) to rename and expand the boundaries of the Mound City Group National Monument in Ohio.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

SEC. 2. EXPANSION OF BOUNDARIES.

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park **[**except to the extent that an adjustment would cause the total acreage of the park to exceed by more than 10 percent the total acreage of the park as of the date of enactment of this Act.**]**: *Provided, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).*

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and **[**any**]** *may* conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

Mr. METZENBAUM. Mr. President, today the Senate has passed by unanimous consent a bill that Senator GLENN and I introduced 6 months ago to save ancient cultural and archeological treasures from destruction. One of the four sites that this bill will protect had been scheduled to be bulldozed for a gravel pit.

I want to thank Senator FOWLER and Senator BINGAMAN for cosponsoring this bill. And I want to particularly thank Senator BUMPERS, chairman of the Subcommittee on Public Lands, National Parks and Forests, of the Senate Energy Committee, for his courtesy in holding a hearing so promptly after introduction of the bill. We introduced the bill on March 21, we had a hearing on May 21, and we now have Senate passage on September 23, lightning speed by Washington standards and I sincerely thank my colleague for his help and support.

I am proud of this unique part of North America's pre-Columbian history that we in Ohio and the United States have the privilege and the obligation to preserve.

This measure will protect four sites recommended by the Park Service midwest region for addition to the Mound City Group National Monument in southern Ohio.

Mound City was established in 1923 and is the only Federal area preserving and interpreting remains of the Ohio Hopewell, a culture which archaeologists tell us thrived in eastern North America between 200 B.C. and 500 A.D.

Part of the Hopeton earthworks site is within the national historic landmark, but outside the current boundary of the monument. It is still in private ownership. Last spring, the owner—a gravel company—began removal of a 6-foot layer of topsoil to prepare for the gravel mining season.

In the process they uncovered human bones at the site. Park Service and State officials were notified and the bones verified as ancient. Native Americans removed and reinterred the bones elsewhere.

Further mining operations have been curtailed while representatives of the Park Service, the Trust for Public Land, the Archeological Conservancy, the private owner, and others work to prevent the landmark from further destruction.

Mr. President, this legislation is necessary to protect these ancient cultural resources. If the gravel company were to expand mining in the Hopeton Mound area, this ancient site would be destroyed.

The Senate's action today sends a powerful and clear signal to the gravel company and encouragement to those working to preserve the site. With Senate passage of this bill and with swift action from our colleagues in the House of Representatives, where Congressman McEWEN has introduced a similar measure, I am confident that the site will be protected.

The Hopewell culture of southern Ohio was characterized by a highly developed prehistoric goods exchange system that linked populations throughout much of eastern North America in its day. The Hopewell culture is best known from southern Ohio where earthwork and mound sites are particularly abundant. Archeological investigations of these mortuary and ceremonial sites have produced substantial data on the ritual components of Hopewellian life. The culture was characterized by elaborate burial ritual and the presence of exotic mortuary offerings. Much less is known about the daily life of the ancient Hopewell people.

My bill will protect four of the best preserved, diverse, and archeologically rich sites chosen by archeologists from among over 100 sites in Ross County, OH. Many other sites of cultural importance have been identified in this area through archeological investigations dating back to the early 19th century. Unfortunately, many of these important archeological resources have been destroyed through the years by railroads, highways, and agricultural and commercial development.

In recognition of these factors and the significance of the remaining Hopewellian resources, the National Park and Recreation Act of 1980, Public Law 96-607, authorized up to 150 acres at the nearby Hopeton Earthworks to be added to the Mound City Group Monument. This law also required that the Secretary of the Interior investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization and identify those sites which he determines should be protected as part of the Mound City Group National Monument.

Pursuant to the 1980 act, the midwest region of the Park Service conducted a study that recommended the addition of four additional sites of 112 Hopewellian sites in Ross County, OH. The bill passed today follows the Park Service midwest region's recommendation and protects the four sites: Hopeton Earthworks, High Banks Works, Hopewell Mound Group, and the Seip Earthworks.

The sites recommended for addition by the Park Service and included in the bill were selected because they represent major Hopewell Earthwork complexes which still retain a reasonable degree of integrity. There is also sufficient data from earlier surface collections and excavations at these sites to document that the sites contain significant Hopewellian remains. Each of the sites included in the study represents a ceremonial center which contains a great deal of information about the culture. Each of the ceremonial centers is unique in its configuration of mounds and earthworks, and it is likely that the role each site played in the Hopewell culture was somewhat different.

While it would be desirable to also preserve Hopewell sites other than mounds or earthworks, and it is very likely that significant sites of this type are present in the study area, the Park Service found that there is insufficient data to justify a recommendation to preserve such other sites at this time.

The measure passed today authorizes the Park Service to study two additional sites for possible future inclusion in the historical park that the Park Service suggested needed additional study—the Spruce Hill Works and the Harness Group—as well as a third site, the Cedar Bank Works, that is currently listed on the National Register of Historic Places and which because of its unique design, good state of preservation, its association with protected sites, and the threat of possible destruction should be studied and considered for possible future inclusion.

The bill also renames the monument to the Hopewell Culture National Historical Park to more accurately reflect its full scope and purpose.

Since the first Europeans entered the Ohio Valley the unique remains of a great prehistoric culture has mystified and intrigued Americans. While a great deal of excavation was carried out in the 19th and early 20th century on some of these great moundbuilder sites, it is still a mystery as to who the Hopewellians were, where they came from and where they went. The great trade networks that collected exotic materials from across the continent are unexplained. The villages and habitations of the people are virtually unknown.

Scholars know little of the technology or use of the earthwork buildings of vast and accurate circles, squares, and hexagons. In the future, perhaps archaeologists will be able to use new techniques including carbon 14 dating, obsidian hydration, aerial and other remote sensing to unravel the mysterious legacy that remains from ancient times. Future research could provide much new information to the visiting public, scholars, and greatly improve interpretation at the park.

The bill will preserve some of these unique ancient sites today for present education and enjoyment and for future research.

Again, I thank my colleagues for their support in preserving part of our unique national heritage. I also want to acknowledge and thank the Archeological Conservancy, the Trust for Public Land, the National Parks and Conservation Association, the Wilderness Society, the Nature Conservancy, the Ohio Historical Society, the Ohio State Historic Preservation Office, the National Park Service, and Ms. Erica Rosenberg of the Senate Energy Committee staff for their support and assistance.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 749), as amended, was passed as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

SEC. 2. EXPANSION OF BOUNDARIES.

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park: *Provided*, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. INOUYE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, September 24; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. INOUYE. Mr. President, on behalf of the majority leader, I would like to remind Members of the Senate that on tomorrow, Tuesday, the Senate will be in session at 9 a.m. and will resume consideration of S. 1722, the unemployment compensation bill and amendments proposed thereto. The first rollcall vote on Tuesday will occur at 7 p.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. INOUYE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9 a.m., Tuesday, September 24.

There being no objection, the Senate, at 3:52 p.m., recessed until 9 a.m., Tuesday, September 24, 1991.

NOMINATIONS

Executive nomination received by the Secretary of the Senate September 20, 1991, after the recess of the Senate, under authority of the order of the Senate of January 3, 1991:

THE JUDICIARY

EMMET GAEL SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE JAMES A. BELSON, RETIRED.

Executive nominations received by the Senate September 23, 1991:

THE JUDICIARY

STEVEN D. MERRYDAY, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

JOHN M. ROLL, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE ALFRED C. MARQUEZ, RETIRED.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD B. BURLESON [redacted]
BRIG. GEN. PAUL P. DE LA VERGNE [redacted]
BRIG. GEN. GEORGE L. GUNDERMAN [redacted]
BRIG. GEN. GENE P. HALE [redacted]
BRIG. GEN. PAUL R. LISTER [redacted]
BRIG. GEN. ROBERT L. MENIST [redacted]
BRIG. GEN. ROSS G. PICKUS [redacted]
BRIG. GEN. CLAUDE J. ROBERTS, JR. [redacted]
BRIG. GEN. JOHN E. SCULLY, JR. [redacted]
BRIG. GEN. JOHN E. SIMEK [redacted]
BRIG. GEN. RONALD E. SNEED [redacted]

To be brigadier general

COL. DALE F. ANDRES [redacted]
COL. WILLIAM E. BARRON [redacted]
COL. THOMAS C. COLLINS [redacted]
COL. ALAN E. DEEGAN [redacted]
COL. GEORGE W. GOLDSMITH, JR. [redacted]
COL. JOHN M. GOSDIN [redacted]
COL. WILLIAM B. HOBGOOD [redacted]
COL. GEORGE O. HILLARD, III [redacted]
COL. CHARLES A. INGRAM [redacted]
COL. AXEL A. JOHNSON, III [redacted]
COL. JAMES C. JOHNSON [redacted]
COL. CALVIN LAU, [redacted]
COL. DARREL W. MCDANIEL [redacted]
COL. JAMES M. MCDOUGAL [redacted]
COL. MARILYN J. MUSACCHIO [redacted]
COL. JAMES H. PHILLIPS [redacted]
COL. STEVE L. REPICHOWSKI [redacted]
COL. HAROLD H. SHIVELY, JR. [redacted]
COL. CHARLES F. SMITH [redacted]
COL. CARL J. TEGTMEIER [redacted]
COL. PAUL C. BERGSON [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 23, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 1991.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, September 23, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all those people who use their abilities to work for understanding between peoples. We recognize that so much of the problems of life, so much of the anxiety of daily living, comes when people do not live in harmony with each other. Whether in our neighborhoods or in our families, between people of differing backgrounds or in the contests between the nations, we pay such a price for enmity and hatred and suspicion. We pray, gracious God, that Your spirit of good will and reconciliation, of respect and peace, will be with us and every person, so we will live as You would have us live and do those good things that honor You and serve people everywhere. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ZIMMER] will please come forward and lead the Members in the Pledge of Allegiance.

Mr. ZIMMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2426. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2686. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2707. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2426) "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. FOWLER, Mr. BYRD, Mr. GRAMM, Mr. GARN, Mr. STEVENS, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2686) "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. NICKLES, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. RUDMAN, Mr. DOMENICI, Mr. GORTON, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2707) "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. COCHRAN, Mr. GRAMM, and Mr. GORTON, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2942) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. KASTEN, Mr. DOMENICI, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 374. An act to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes.

NATIONAL GUARD MEMORIAL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is very appropriate that the new National Guard Memorial was dedicated this past weekend, just as the last National Guard unit activated for Operation Desert Storm returned home. This National Guard unit is from Opelika, AL, and it came home Saturday.

President Bush showed confidence in the National Guard and the Reserves by activating them for the Persian Gulf war. He was the first President to execute the total force policy of putting National Guard and Reserves right alongside the actives in wartime. They responded to the call, and they did an outstanding job.

Mr. Speaker, the new building we dedicated on Sunday is a memorial to the bravery and sacrifice of the men and women who have served in the National Guard in the Persian Gulf war and all the way back to the days of the militiamen before the Revolutionary War. The citizen-soldier National Guard has a 355-year history in our country, and this memorial is a fitting tribute to all who have accomplished these great tasks.

Vice President QUAYLE was the dedication speaker, and National Guard

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

personnel from the 54 States and Territories were also in attendance.

Mr. Speaker, it is my pleasure to see that the National Guard remains strong, that we continue the dual mission of protecting the country and working with the Governors of the various States and helping to maintain a strong national defense.

RESPONSIBLE BANKING POLICIES URGED FOR HOUSE BANK

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, if my colleagues returning to the Congress spent the last weekend in their home districts they discovered the No. 1 issue of concern at the coffee shops was not the Soviet Union, foreign aid, Saddam Hussein, confirmation hearings, or even the weather.

It was, in fact, that we are operating a House of Representatives bank that allows Members of Congress the dubious privilege of being bad check artists with no accountability or penalty.

Mr. Speaker, I am introducing a resolution to require the Sergeant at Arms and the House bank to comply with standard banking practices, fine account holders for returned checks, and close the accounts of those with multiple bad checks.

Let me stress in introducing these changes, I am not pointing the finger of blame at the Sergeant at Arms or House bank employees. They provide an appreciated check cashing service for Members and staff. In my view, it is too easy to make these folks a scapegoat.

Mr. Speaker, now is the time to stop our own abuses in the House bank. Late last week, the General Accounting Office reported that in a 1-year period, more than 8,300 bad checks had been written by Members on House bank accounts. Some Members have taken up to and over 30 days to pay back the bank. In terms of setting the example, to call this record sorry is an understatement. As a member of the House Administration Committee, I can recall previous GAO recommendations to stop these abuses and end the so-called interest free loans.

The time to act is long overdue. Other Americans live with responsible banking policies and accountability. Congress should and must do the same. I urge my colleagues, before you make your next speech blaming others for the savings and loan debacle and certainly before you sign your next check, sign on as a cosponsor of my resolution to reform the way we conduct our own financial affairs.

INDEPENDENCE FOR ARMENIA

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, Saturday in Armenia, the Armenian people voted overwhelmingly for independence. They did so in a free election, fully monitored by international observers, including four Members of this Congress.

Armenians voted not in defiance of but in accordance with the laws of the Soviet Union. Tomorrow, President Ter Petrosian will call on foreign governments to recognize this new independent state.

The United States should act immediately to recognize Armenian sovereignty. The oldest country on earth is now the youngest nation. The land has been privatized, a free economy is under way, and democratic principles prevail.

Mr. Speaker, we should be proud to be the first rather than the last to establish full diplomatic relations with Armenia, and we should sponsor Armenia's request for a seat in the United Nations.

WITHDRAWAL OF NAME OF MEMBER AS CONSPONSOR OF H.R. 1790

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1790.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

COMMON SENSE TELLS ME

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, common sense tells me a good idea should move quickly to the President's desk and be enacted into law. Common sense tells me a bill with over 300 cosponsors should easily become law, but that is not the case in this Congress.

H.R. 1414, which encourages realtors to hold troubled property rather than having it repossessed by the lender, is indeed a good idea and Congress should have a chance to vote on this measure, during this session.

As we all know, our Nation's banks, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, and especially U.S. taxpayers do not need the burden of additional property. To address this, 305 Members of Congress believe we should do what we can to keep property in the hands of private investors.

In good times and bad, our laws should encourage investment that stimulates the economy. Unfortunately, the current Tax Code makes it difficult to continue holding troubled property when times aren't so good.

Three hundred five Members of Congress think we should do what we can to provide tax incentives for investors and also think H.R. 1414 is a great idea. Common sense tells me we should be considering H.R. 1414 this week and moving it closer to the President's desk.

Unfortunately, common sense is lacking; look at this week's schedule and judge for yourself the priorities.

☐ 1210

THE TRAGEDY CONTINUES IN WHAT WAS YUGOSLAVIA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the Stalinist regime in Serbia is arrogantly demonstrating to the world that it is not interested in peace, it is committed to grabbing territory and in exercising power like a neighborhood bully.

Croatia has called for a negotiated settlement. Serbian Communists are seeking their solution with blood and steel, which is consistent with the mentality of their regime, the only Marxist-Leninists who cling to power on the European Continent.

A few months ago, when discussing the Dole-Rohrabacher amendment to the foreign aid bill, the opponents of that amendment beat back our attempt to at least symbolically side with the democratically elected governments of what was Yugoslavia, rather than the Communist dominated government in Belgrade Serbia.

We were told that we had to side with stability over freedom. Well, now it should be clear to all concerned, in the long run only freedom brings stability. America should always be on the side of those struggling for freedom. That is the way to a better world, a freer world and a more stable world.

SBA ESTABLISHES OFFICE TO COORDINATE NATIVE AMERICAN AFFAIRS

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, on August 27, 1991, SBA Administrator Pat Saiki announced the creation of a new agency position dedicated to helping native Americans start their own business.

The coordinator of native American affairs will serve as the liaison between native American tribes and the SBA, and will help SBA shape programs to assist native Americans with business development.

He or she will help SBA resolve legal and regulatory problems that have posed a barrier to native American participation in SBA programs.

According to SBA, between 1982 and 1987, the number of businesses owned by native Americans rose by more than 57 percent. Sales by these businesses rose by 84 percent. I hope this is just the beginning.

I would like to commend Ms. Saiki for her leadership and commitment to expanding small business activities in all sectors. I would remind Members that small business produces the jobs in this country that are needed to get us out of recession. I would also remind Members that excess regulation and a growth in the bureaucracy are the very things that slow job formation in all sectors of our economy.

Mr. Speaker, we need to remember that it is easy to say you are for small business, but it is how you vote that counts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote for the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 24, 1991.

RAIL SAFETY ENFORCEMENT AND REVIEW ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2607) to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Enforcement and Review Act".

SEC. 2. ISSUANCE OF REGULATIONS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended—

(1) in subsection (a), by striking ", as necessary," both places it appears;

(2) in subsection (d), by striking "take such action as may be necessary to";

(3) in subsection (g), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards";

(4) in subsection (h)(1)(A)—

(A) by striking "such initial rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "initial rules, regulations, orders, and standards";

(B) by striking "make such revisions in any" and inserting in lieu thereof "revise"; and

(C) by striking "as may be necessary" and inserting in lieu thereof ", based on such additional safety data as may be presented to the Secretary in such review";

(5) in subsection (i)(1), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards";

(6) in subsection (n)—

(A) by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards";

(B) by striking "including" and inserting in lieu thereof "on railroad bridges. At a minimum, the Secretary shall provide";

(C) by striking "such as" and inserting in lieu thereof "including"; and

(D) by striking "relating to instances when boats shall be used" and inserting in lieu thereof "for the use of boats when work is performed on bridges located over bodies of water";

(7) in subsection (o)(1), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards"; and

(8) in subsection (q), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards".

SEC. 3. REMEDIAL ACTIONS.

(a) REGULATIONS.—The Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall issue regulations to require that any railroad notified by the Secretary of a failure to comply with a provision of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.), the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.), or the Act of March 4, 1907 (45 U.S.C. 61 et seq.; commonly referred to as the "Hours of Service Act"), or any rule, regulation, order, or standard issued under such provisions, shall report to the Secretary, within 30 days after receipt of such notification, actions taken to remedy that failure.

(b) EXPLANATION OF DELAY.—Regulations issued under subsection (a) shall provide that, if appropriate remedial actions cannot be taken by a railroad within such 30-day period, such railroad shall submit to the Secretary an explanation of the reasons for any delay.

(c) SCHEDULE FOR REGULATIONS.—The Secretary shall—

(1) within 9 months after the date of enactment of this Act, issue a notice of proposed rulemaking for regulations to implement this section; and

(2) within 18 months after the date of enactment of this Act, issue final regulations to implement this section.

SEC. 4. ENFORCEMENT.

(a) MINIMUM AND MAXIMUM PENALTIES.—(1) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)), section 6 of the Act of March 2, 1893 (45 U.S.C. 6; commonly referred to as the "Safety Appliance Acts"), section 7 of the Act of May 6, 1910 (45 U.S.C. 43; commonly referred to as the "Accident Reports Act"), section 25(h) of the Interstate Commerce Act (49 U.S.C. App. 26; commonly referred to as the "Signal Inspection Act"), and section 9 of the Act of February 17, 1911 (45 U.S.C. 34; commonly referred to as the "Locomotive Inspection Act") are each amended by striking "$250" and inserting in lieu thereof "$1,000".

(2) Section 5(a)(1) of the Act of March 4, 1907 (45 U.S.C. 64a(a)(1); commonly referred to as the "Hours of Service Act") is amended by striking "penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable," and inserting in lieu thereof "civil penalty in an amount not less than $1,000 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $20,000 may be assessed, and".

(3) Section 2 of the Act of May 6, 1910 (45 U.S.C. 39; commonly referred to as the "Accident Reports Act") is amended by striking "one hundred dollars" and inserting in lieu thereof "$1,000".

(4) Section 3711(c)(2) of title 31, United States Code, is amended by striking "$250" and inserting in lieu thereof "$1,000".

(b) ENFORCEMENT DECENTRALIZATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a pilot program, involving more than one region of the Federal Railroad Administration, to demonstrate procedures designed to reduce the backlog of cases, reduce the workload of headquarters staff, streamline initial case review, and streamline transmittal and settlement procedures, with respect to the enforcement responsibilities of the Federal Railroad Administration.

(2) ELEMENTS OF PROGRAM.—The pilot program established under paragraph (1) shall provide for regional directors to be authorized to perform initial case review, assess penalties, and settle cases. With respect to a violation for which a regional director assesses a penalty in excess of $5,000, the person against whom such penalty is assessed may request that settlement-related actions be taken at the headquarters level.

(3) COMPLETION AND REPORT TO CONGRESS.—The pilot program established under paragraph (1) shall be completed within 18 months after the date of enactment of this Act, and within 2 years after such date of enactment the Secretary shall submit a report to the Congress describing the results of such pilot program.

(c) CONSIDERATIONS FOR COMPROMISE OF CIVIL PENALTIES.—(1) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) by inserting "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations." after "referral to the Attorney General.".

(2) Section 5(e) of the Act of March 4, 1907 (45 U.S.C. 64a(e); commonly referred to as the "Hours of Service Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations.".

(3) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6; commonly referred to as the "Safety Applicance Acts") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations.".

(4) Section 7 of the Act of May 6, 1910 (45 U.S.C. 43; commonly referred to as the "Accident Reports Act") is amended by adding

at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations.".

(5) Section 25(h) of the Interstate Commerce Act (49 U.S.C. App. 26; commonly referred to as the "Signal Inspection Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations.".

(6) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34; commonly referred to as the "Locomotive Inspection Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall consider the safety record of the person to whom the penalty applies subsequent to the date of the violation with respect to similar violations or the same locations.".

SEC. 5. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 202(f) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(f)) is amended to read as follows:

"(f) Any final agency action taken by the Secretary of Transportation—

"(1) under this title or any of the other Federal railroad safety laws, as such term is defined in section 212(e) of this title; or

"(2) under any other law, to the extent applicable solely to railroad safety,

shall be subject to judicial review as provided in chapter 7 of title 5, United States Code. Except as provided in section 203(e) of this title, any proceeding to review such final agency action shall be brought in the court of appeals as provided by and in the manner prescribed in chapter 158 of title 28, United States Code.".

(b) TECHNICAL AMENDMENTS.—(1) Section 2341(3)(B) of title 28, United States Code, is amended by inserting "or the Secretary of Transportation" after "Secretary of Agriculture".

(2) Section 2342 of title 28, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding after paragraph (6) the following new paragraph:

"(7) all rules, regulations, or final orders described in section 202(f) of the Federal Railroad Safety Act of 1970.".

SEC. 6. PROTECTION OF RAILROAD SAFETY ENFORCEMENT PERSONNEL.

Section 1114 of title 18, United States Code, is amended by inserting "any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions," after "any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

SEC. 7. POWER BRAKE SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r) POWER BRAKE SAFETY.—(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and, within 18 months after the date of enactment of this subsection, shall issue rules, regulations, orders, and standards to revise such rules based on such safety data as may be presented during that review.

"(2) The review required under paragraph (1) shall, at a minimum, include—

"(A) an evaluation of whether to require 2-way end of train devices (or devices able to perform the same functions) to enable a train crew to initiate braking from the rear of a train; and

"(B) an evaluation of whether to issue requirements or standards regarding dynamic braking equipment.

"(3) The Secretary shall, within 2 years after the date of enactment of this subsection, report to the Congress on the results of the review conducted under paragraph (1) and any revisions of rules or other actions taken in connection therewith.".

SEC. 8. TRACK SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(s) TRACK SAFETY.—(1) The Secretary shall, within 6 months after the date of enactment of this subsection, initiate a review of the Department of Transportation's standards relating to track safety. Within 2 years after the date of enactment of this subsection, the Secretary shall issue rules, regulations, orders, or standards to revise such standards, based on such safety data as may be presented during that review.

"(2) The review required under paragraph (1) shall, at a minimum, include—

"(A) an evaluation of procedures associated with maintaining and installing continuous welded rail and its attendant structure;

"(B) an evaluation of the need for revisions to rules with respect to track subject to exception from track safety standards; and

"(C) an evaluation of employee safety.".

SEC. 9. APPLICABILITY OF RULES, REGULATIONS, ORDERS, AND STANDARDS.

(a) AMENDMENT.—Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by inserting ", an owner, manufacturer, lessor, or lessee of railroad equipment or facilities, an independent contractor providing goods or services to a railroad, and any employee of such owner, manufacturer, lessor, lessee, or independent contractor" after "agent of a railroad".

(b) EFFECT ON OTHER LAW.—Nothing in the amendment made by subsection (a) shall affect the authority or responsibilities of the Secretary of Labor under the Occupational Safety and Health Act of 1970.

SEC. 10. LOCOMOTIVE CAB SAFETY AND WORKING CONDITIONS.

The Secretary shall, within 18 months after the date of enactment of this Act, submit to the Congress a report on the status of efforts to improve the safety of employees in locomotive cabs. Such report shall, at a minimum, address—

(1) the crashworthiness of existing locomotives of various designs, including issues raised by different sill heights;

(2) the effectiveness in improving crashworthiness of adding features such as collision posts, anticlimber devices, thicker hoods, and occupant restraints;

(3) the estimated costs and benefits associated with various improvements to crashworthiness;

(4) the advisability of requiring the retrofitting of locomotives built before August 1, 1990, in accordance with the Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989;

(5) whether locomotives equipped with toilets should be subject to requirements that such toilets are functioning, sanitary, and maintained on a regular basis;

(6) the effects on train crews of the presence of asbestos in locomotive components; and

(7) the Secretary's plans for related regulatory action or, if no regulatory action is planned, an explanation of why the Secretary considers such action unnecessary.

SEC. 11. RAILROAD RADIO COMMUNICATIONS.

(a) SAFETY INQUIRY.—The Secretary shall, within 18 months after the date of enactment of this Act, conduct a safety inquiry regarding the Department of Transportation's railroad radio standards and procedures. At a minimum, such inquiry shall include assessment of—

(1) the need for operable radios on all trains;

(2) a requirement that replacement radios be made available at intermediate terminals;

(3) the effectiveness of radios in insuring timely emergency response;

(4) the effect of interference and other disruptions of radio communications on safe railroad operation; and

(5) how advanced communications technologies such as digital radio can be implemented to best enhance the safety of railroad operations.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress within 2 months after the completion of such inquiry a report on the results of the inquiry along with an identification of appropriate regulatory action and specific plans for taking such action.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 214(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(a)) is amended by inserting ", $51,524,000 for fiscal year 1992, and $55,022,100 for fiscal year 1993" after "fiscal year 1991".

SEC. 13. TOTAL QUALITY MANAGEMENT IN SAFETY ASSESSMENTS.

In all comprehensive, multidiscipline safety assessments of railroads, the conduct of which is initiated by the Secretary between the date of enactment of this Act and the end of fiscal year 1993, the Secretary shall evaluate the use and effectiveness of total quality management techniques, if any, on the safety practices of the railroad being assessed. The Secretary shall include findings and conclusions based on such evaluation in each such safety assessment report.

SEC. 14. LOCAL RAIL FREIGHT ASSISTANCE PROGRAM.

Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended—

(1) by inserting "There are authorized to be appropriated to the Secretary for the purposes of this section $20,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, and $30,000,000 for fiscal year 1994." after "fiscal year 1991."; and

(2) by striking "any period after September 30, 1991" and inserting in lieu thereof "any period after September 30, 1994".

SEC. 15. PROCEDURE FOR DETERMINING ACCIDENT REPORTING THRESHOLD.

(a) GENERAL RULE.—In establishing or modifying a monetary damage threshold for the reporting of railroad accidents, the Secretary shall base damage cost calculations only on publicly available data—

(1) obtained from the Bureau of Labor Statistics; or

(2) otherwise obtained from an agency of the Federal Government which has been collected through objective, statistically sound survey methods or which has been previously subject to a public notice and comment process in a Federal agency proceeding.

(b) EXCEPTION.—If any data necessary for establishing or modifying a threshold described in subsection (a) is not available as provided in subsection (a)(1) or (2), the Secretary may use any other source to obtain such data, but the use of such data shall be subject to public notice and the opportunity for written comment.

(c) EFFECTIVE DATE.—This section shall apply only to the establishment or modification of a monetary damage threshold occurring after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2607.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us today H.R. 2607, a bill to reauthorize the Federal Railroad Safety Act of 1970, and for other purposes. Before I continue, I would like to commend the gentleman from Pennsylvania [Mr. RITTER], the ranking member of our subcommittee, and his fine staff for the exceptional work they have done to help bring about this timely and important legislation. Our efforts have been frank and constructive, and for that we on this side are all grateful.

The last comprehensive safety reauthorization took place in 1988 with the passage of the Rail Safety Improvement Act. During the last Congress, a 1-year reauthorization passed that expires at the end of the current fiscal year. So to date, it has been over 3 years since Congress considered comprehensive rail safety legislation.

The Subcommittee on Transportation and Hazardous Materials has held two hearings this year on railroad safety. During those hearings, we have taken testimony from organized labor, various sectors of the industry, the Federal Railroad Administration [FRA], the National Transportation Safety Board, the General Accounting Office, and the public interest group Illinois Public Action. We have compiled a substantial record on this issue to help form the basis for H.R. 2607.

The legislation we are discussing today proposes to improve rail safety. We do that first by providing positive incentives for railroads to continue improving their safety records; second, by beefing up inspection and enforcement activities; and third, by asking the FRA to update some of its current regulations to reflect changing times.

I recognize the magnitude of work before the agency. In addition to two rulemakings left over from the Rail Safety Improvement Act, FRA must contribute to rulemakings required under the Hazardous Materials Transportation Act, the Sanitary Food Transportation Act, the Americans With Disabilities Act, and others. Clearly, this is not a time to be redefining the entire regulatory agenda.

However, there are certain sections in the Code of Federal Regulations that have not been reviewed in any major way in over 10 years. H.R. 2607 requires the agency to revise these areas—track safety and power brake regulations—during the next authorization period. Recent incidents in Montana, South Carolina, California, and my home State of Washington, among others, have added urgency to the need to review current regulations and ferret out deficiencies.

We're also asking FRA to conduct studies of locomotive crashworthiness, cab working conditions, and radio communications.

Mr. Speaker, let me make a note here, that under the heading of cab working conditions, we have had in the committee some absolute horror stories with regard to the conditions of the toilets in railroad engines. There is absolutely no excuse whatever for that kind of condition to exist. It should not take a study for those to be remedied. What I am hoping is by the next time we focus on this, there will be no horror stories to relate.

We expect that, if these inquires turn up any evidence reflecting major problems or changes over the past few years in these areas, FRA will take appropriate steps to minimize threats to public and employee safety.

In addition, the subcommittee included language to reauthorize the Local Rail Freight Assistance Program. This successful grant program has allowed many States and localities to preserve threatened rights of way through prudent and selective investment.

Lastly, I want to point out that recent accidents involving hazardous materials have reminded us of the threat to both public health and the environment that an accidental hazardous material release poses. Hazardous material transportation is a growing and important segment of the railroad industry's business, and railroads, generally, have a good record in this area. However, this is a commodity where even minor derailments can cause a significant threat to public safety. We have not addressed hazardous materials issues in H.R. 2607, because the subject is more properly addressed in the Hazardous Materials Transportation Act. However, this committee will be looking at the question of whether existing regulations adequately address substances that pose a significant threat to the environment, whether packaging requirements need strengthening, the need for greater cooperation among the executive branch agencies in developing up to data lists of hazardous materials, and related issues.

I would like to commend the fine work invested in this process by railroad workers. Very early on, railroad workers played an instrumental role by strongly stating their views regarding matters of operational safety. In addition, they have eloquently stated their desire to see greater activism on the part of FRA. The subcommittee has listened; we have tried to encourage a more fruitful working relationship between both parties, and will continue to do so.

I would also like to thank and commend my colleague from California [Mrs. BOXER]. Her vigorous oversight activities in response to recent breakdowns in regulatory compliance helped pave the way for language in H.R. 2607 that will insure safety compliance by railroads is tightly monitored.

Again, I commend my colleagues on both sides for their work in helping put this bill together. H.R. 2607 is a timely, balanced, and carefully crafted bill that will continue to improve the safe operations of our Nation's railroads. I urge my colleagues' strong support for H.R. 2607.

Mr. Speaker, I reserve the balance of my time.

□ 1220

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation represents a bipartisan effort to craft legislation renewing and updating the rail safety activities of the Federal Railroad Administration within the Department of Transportation. I want to commend Mr. SWIFT, our Transportation Subcommittee Chairman, Mr. RITTER, the ranking member of the subcommittee, Chairman DINGELL, and the committee's ranking Republican member, Mr. LENT, for their work on this important bill.

Reauthorizing the rail safety programs of the Federal Railroad Administration is an important responsibility of the Energy and Commerce Committee and of the House. Virtually every American has a stake in the safe operation of our passenger and freight railroads, whether as a passenger, a shipper, a neighbor of rail facilities, or merely a user of the many products that travel by rail. Among the types of rail operations under FRA's safety jurisdiction are our commuter rail operations, where commuter authorities use part of the interstate rail network to provide commuter service. The soon-to-be-inaugurated Virginia railway express is an example. I am sure that we all want safety to be maintained to the highest standards in such operations.

I recognize that there are areas of the bill where complete consensus has not been achieved, and that there are strong objections to certain provisions from the administration, particularly section 2, deleting "as necessary" from FRA's rulemaking authority. I fully expect that the remaining differences can be narrowed further as we work with the administration and with the other body for enactment of final safety legislation.

Besides the FRA safety programs, this bill also reauthorizes the Local Rail Freight Assistance Program. This is a highly successful, low-cost State-Federal program to help rehabilitate and improve key rail facilities that might otherwise be lost completely to the national rail network. It has been especially helpful to State and local transportation authorities, and to the Nation's growing community of short-line and regional railroads. These smaller railroads are performing a vital function. By sheer entrepreneurial determination and customer orientation, they have been able to make a go of many rail lines that the major carriers would have abandoned entirely. When the short-line and regional carriers are able to keep such lines in service, they help provide traffic to keep the major railroads healthy, and they help out communities that otherwise would have lost rail service entirely. The Local Rail Freight Assistance Program is an important means of providing seed money for these determined entrepreneurs.

I again commend the subcommittee and committee leadership for their constructive efforts on this bill, and I support its prompt approval.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, on July 14 a freight train derailed and 20,000 pounds of a toxin called metam sodium was dumped in the Sacramento River, killing 300,000 fish and destroying plant life along 35 miles of river. The Sacramento River will take years to recover from the damage caused by that tragedy.

Metam sodium can be fatal, if it touches your skin. Yet it is not listed as a hazardous material by either the EPA or by the Department of Transportation. That is why in this instance there were no warning labels on the boxcar, no emergency instructions, and that magnified the damage from this accident on the Sacramento River.

Could this happen in other States, including the State of Oregon? We cannot rule it out. In Oregon alone every year hundreds of trains and thousands of railcars cross the Willamette River in the heart of downtown Portland. An accident there could have catastrophic consequences.

Today we take one step to prevent such accidents. The House can pass H.R. 2607, the Rail Safety Enforcement and Review Act. I urge my colleagues to support this bill and to be mindful that we cannot rest until safety comes first in our airways, roads, waterways, and railroads.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN], a member of the committee.

Mr. WYDEN. Mr. Speaker, I rise in strong support of this legislation, and I particularly want to commend the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], who in my view has done an excellent job on a wide variety of rail issues in this session, particularly this legislation. I also want to thank him and the staff for including legislation that I have been particularly interested in for a number of years.

I am particularly happy to note that the Local Rail Freight Assistance Program will be reauthorized for 3 years, with a total of $75 million. I thank Chairman SWIFT for including this important rail safety and economic development program, which I had originally introduced as H.R. 947, in this bill.

The LRFA, first authorized in 1973, has compiled an impressive record in improving rail safety and operating performance on numerous short-line railroads around the country. By enabling this rail service to continue, the program has literally saved the day for towns across the country that depend on a single plant, or grain elevator, or steel mill, which in turn depends on safe, effective rail service to survive.

What is the result? Businesses stay open. A lot of jobs are saved and others are created. Communities survive and prosper. In Oregon alone since 1980, a mere $5.6 million has saved 5,300 jobs and an annual payroll of $95 million. Towns such as Prineville and Tillamook, Condon, Heppner, Pendleton, and Monroe have gotten an economic booster shot.

Oregon is currently working on two LRFA projects that clearly demonstrate the good sense of the program. The Port of Tillamook Bay Railroad will rehabilitate the 90-mile line from Tillamook to Hillsboro, clearing up a number of safety problems, bringing a new shipper to the line and generating a significant amount of new traffic and revenue. And Lake County will rehabilitate a 55-mile-long track, safely raising track speeds from 10 to 25 miles per hour and providing significant savings in reduced locomotive and crew costs.

Mr. Chairman, those towns may not be familiar to people outside Oregon, but the LRFA has helped towns in 49 States. Across the country, the names may change but the story remains the same: a small up-front investment, a lot of hard work and a big payoff in the end.

In these fiscally tight times, we need to squeeze every benefit possible out of Federal dollars, and even the prospective budget cutter with the greenest eyeshade and the sharpest pencil would have to acknowledge that this is an intelligent, worthy program.

I thank Chairman SWIFT for his leadership on this issue and urge passage of the bill.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to say to the gentleman from Oregon [Mr. WYDEN] who has just spoken, he has been a strong advocate on this provision of the bill. He has been extremely helpful in seeing that it was in the bill and brought to me. I want to thank him for his assistance.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2607, the Rail Safety Enforcement and Review Act, and commend the chairman of the subcommittee, Mr. SWIFT, for his leadership in bringing this bill to the floor.

Over the course of the past 2 years, Mr. Speaker, the General Accounting Office has performed a series of invaluable audits for the Committee on Energy and Commerce with respect to the administration and enforcement of our rail safety laws by the Federal Railroad Administration. These audits have uncovered many weaknesses in the manner in which FRA has administered the law. Most of these date back several years, to the prior administration, but many continue to the present time.

To his credit, FRA Administrator Gil Carmichael has received the GAO's criticisms in the constructive spirit they were intended, and he has begun to implement many of the reforms suggested by GAO. However, additional work remains to be done, and some of these reforms require statutory changes. H.R. 2607 is designed to effectuate GAO's recommendations in this area.

The bill contains other provisions, as well, that go beyond management and enforcement issues. Among these is section 2 of the bill, which is designed to correct a misimpression on the part of FRA and the Department of Transportation about the weight to be accorded the committee's views as to the interpretation of the statutes it writes. Section 2 strikes from various places in the Federal Railroad Safety Act of 1970 the phrases "as may be necessary" and "as necessary" because the Department appears to have used these phrases as an excuse to sit on its hands and do nothing about the No. 1 rail safety problem in America—the safety of railroad grade crossings—in spite of a statutory directive in 1988 that FRA address the problem.

Unfortunately, the dispute that prompted inclusion of section 2 in the bill was thoroughly avoidable. The Secretary of Transportation was given several opportunities in the course of the last 2 years to acknowledge the meaning of that phrase in the context of the 1988 grade crossing provision, but refused those opportunities. To make matters worse, he refused even to answer the committee's questions regarding his interpretation of the phrase. Instead, he tried to avoid the question altogether.

As indicated in the committee report, the bill we will pass today is designed to serve several purposes. To me, among the most important is a message to FRA and the Department. When Congress acts, in good faith, to address a serious problem of concern to the Members and then FRA proceeds to abuse the discretion conferred on it—in this case, by trying to expand the scope of that discretion beyond congressional intent—our response will be to remove any hint of discretion, so that in the future there will be no misunderstanding about what we mean.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 2607, the Rail Safety Enforcement and Review Act, and I commend the gentleman from Washington [Mr. SWIFT] for his efforts in bringing this measure to the floor.

Mr. Speaker, it is extremely important for us to be able to ensure rail safety in our Nation. This measure does just that by effectively addressing the need for enforcement. H.R. 2607 increases the minimum penalties for regulatory violations, establishes a pilot program allowing regional offices to conduct enforcement activities, and allows the Department of Transportation to modify civil penalties during a settlement.

Furthermore H.R. 2607 authorizes the Federal Railroad Administration Rail Safety Program and Rail Safety Research and Development Programs at $51.5 million in fiscal year 1992 and $55 million in fiscal year 1993. Brake safety, track safety, and railroad communication are all aspects that will be inspected and taken into consideration while reviewing the condition of our rails.

Mr. Speaker, today our rails carry fragile cargo such as toxic materials and wastes, and our rails also carry more and more people each year. Every rail accident that occurs today translates to greater ramifications for society as a whole. The Federal Government in its capacity to regulate interstate commerce must act to prevent these rail accidents.

Mr. Speaker, there is one aspect of rail safety that is not directly addressed by this measure, yet is very important to this subject—that is, the use of drugs by some of our transportation workers. Over the past few years, the Congress has helped to expand drug testing in the workplace, including providing for drug testing of transportation workers. However, we cannot help but to recognize the needless loss of life that comes at the hand of American workers who may be under the influence of drugs. The most recent example of this is the New York City subway system accident that claimed the lives of five people last month. The accident was apparently caused by a conductor who was drunk and possibly high on crack.

Mr. Speaker, we hope that all our workers—all our citizens will one day be drug free. However, today we must demand that our workers in sensitive jobs who hold the lives of so many people in their hands, are drug free.

Mr. RITTER. Mr. Speaker, this legislation to renew and reauthorize the Nation's rail safety programs is a high-priority item for the safety and productivity of the railroad industry. I want to commend our subcommittee chairman, the gentleman from Washington, for his diligent work in this complex area, and in helping to bring this reauthorization measure to the floor in a timely manner.

Among railroads, as in other industries, safety of operation and productivity are complementary and mutually reinforcing goals. The key is to achieve safety through efficient use of both public and private resources.

This legislation aims to do that by helping to update some of the organizational and enforcement arrangements of the Federal Railroad Administration. The bill also clarifies FRA's jurisdiction over all areas of rail safety and, significantly, makes the analysis of rail carriers' total quality management techniques an integral part of the rotating safety assessments that FRA conducts on selected major railroads each year. This embodies the close intertwining of high levels of operational safety with the quality concepts that are the key to American industrial productivity.

Quality management techniques and the productivity they promote go hand in glove with improved safety. Safety cannot be an adversarial, us or them issue in the workplace between labor and management. Rather, there must be a team effort to help everyone work more safely and more productively—two sides of the same coin. I am especially pleased that this legislation seeks to introduce evaluation of quality management techniques into FRA's rail safety assessments.

On another productivity-related note, this bill also renews the local rail freight assistance program, a highly successful and cost-effective arrangement for State-Federal cooperation in preserving and rehabilitating rail infrastructure. We know from the massive railroad bankruptcies and abandonments of the 1970's that, once a rail line ceases to be used actively, it almost always is permanently lost to the national rail network.

The LRFA program seeks to keep in service key components of our valuable rail infrastructure—whose value will be even more appreciated in coming years as we strive to comply with the Clean Air Act. And among the key beneficiaries of the LRFA program are some of America's most successful transportation entrepreneurs—the short-line and regional railroads who, by staying close to their customers and being more responsive to them, have been able to make a go of marginal rail lines that otherwise would have been abandoned by the major rail carriers. So in renewing LRFA, we are also giving an additional vote of confidence in the future of our short-line and regional railroads.

I urge the prompt passage of this bill.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong support of this important legislation to reauthorize and strengthen the Federal Railraod Administration's Rail Safety Program. Improving railroad safety must be a high priority. The Nation's railroad safety laws must be vigorously enforced.

I have had a particular interest in this issue. After all, Chicago has long been a hub of railroad activity. Many of my constituents are railroad workers and are exposed daily to the hazards of the railroad workplace.

As the past chairwoman of the Government Operations Subcommittee with oversight jurisdiction over the Federal Railroad Administration, I have learned from experience that vigorous and aggressive oversight is necessary to ensure that rail safety laws are adequately enforced. I commend the chairmen of the subcommittee and of the full committee for their vigorous efforts in support of a strong rail safety enforcement program.

The reauthorization legislation before us is an excellent vehicle, particularly in its provisions to toughen and speed up enforcement procedures. I am particularly pleased that this bill includes my amendment to improve the accuracy of FRA's accident statistics.

Railroads are required to report certain accidents to the FRA, including those that result in damage to railroad on-track equipment above a particular dollar threshold. This threshold was originally fixed at $750, but has been adjusted every 2 years to reflect inflation in damage costs. It is currently $6,300.

FRA's accident statistics are an important benchmark with which to measure improvements or declines in railroad safety. Those of us who are concerned about the safety of our Nation's rail system, including the Congress, the industry, and railroad employees, must have accurate information on accident rates in order to monitor railroad safety. As a result, any inflation adjustments in the accident reporting threshold must be based on accurate data to allow for valid comparisons over time.

At the Transportation Subcommittee's reauthorization hearing on June 12, testimony by Mr. Robert Creamer, executive director of the Illinois Public Action Council, raised some questions about the quality of the data used by FRA to adjust its damage threshold for inflation. Subsequently, I discovered that some elements of the data, relating to the cost of materials, are based on phone conversations between FRA and the Railroad Industry Trade Association.

In my view, the data used by FRA for accident reporting purposes should be beyond reproach and should not be based on phone conversations with industry with no opportunity for public comment. My amendment requires that, in the future, changes in the accident reporting threshold should be based on publicly available data, such as that from the Bureau of Labor Statistics, or data that agencies have collected through sound and objective survey methods or data which has been previously subject to a public notice and comment process by a Federal agency.

However, in the event that the necessary data is not available through such sources, FRA may use other sources, provided the public is given notice and an opportuity for writen comment. The amendment applies to any future establishment or changes in the threshold, but it would not require FRA to recalculate the current threshold.

As a result of my amendment, the public will have more accurate accident statistics in the future and more valid comparisons over time of changes in railroad accident rates.

I urge support for this legislation.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from

Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 2607, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 and 1993, and for other purposes."

A motion to reconsider was laid on the table.

□ 1230

OUR RAPIDLY CHANGING TIMES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, we are living in a fast-paced, tremendous time in which the rapidity of change has just been raised exponentially.

Nevertheless, fundamentally we cannot subtract ourselves from history. The events in Middle Europe and the events in the Soviet Union, such as it is, are clearly fast paced and very rapid in our eyes. However, historically it is a development that returns in some cases such as in the case of Germany and Russia to their historical association and ties.

It was in 1890, about 101 years ago in the spring that Kaiser Wilhelm II dismissed the great Prussian prince, Otto von Bismarck, and with that, a few weeks later, thanks to some of what turned out to be misguided advice from some of his counselors, advised Russia that the treaty that had been forged by Bismarck was no longer to be considered valid and in operation.

The treaty was one of cooperation and understanding and association and mutual defense with Russia. Through history, the association between Germany and Russia has been one of the most interesting. Russia actually has participated, if we include the 1945 reversal of the Nazi invasion of Russia and their triumphant entry through the Brandenburg Gate, if we consider that a third, Russia had participated in two invasions of Germany since the 18th century. Those were the days, of course, of kings and emperors like Napoleon. Germany was then very much like some of the older countries, England, for instance, or Spain as nations were once.

We must remember that every one of these countries had the same developmental ideas. They had regions and kingdoms that were joined and merged into one great nation.

Mr. Speaker, I will continue later in my special order.

COMMENDING PEOPLE OF THE SOVIET UNION FOR COURAGE AND COMMITMENT TO FREEDOM

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) commending the people of the Union of Soviet Socialist Republics and their democratically elected leaders for their continuing courage and commitment to freedom as amended.

The Clerk read as follows:

H. CON. RES. 199

Whereas the people of the Union of Soviet Socialist Republics are demonstrating their personal and collective commitment to freedom and democracy in the face of attempts at oppression;

Whereas it is the yearning of all people to be free and determine their own future;

Whereas such principles are often won and maintained at great cost;

Whereas the people of the Union of Soviet Socialist Republics, following the steadfast leadership of Russian President Boris Yeltsin, *and other democratic leaders throughout the country,* have moved the people of the United States with their courage;

Whereas the safe return of President Mikhail Gorbachev and the repeal of the emergency decree issued by the State of Emergency Committee signals the return of the Union of Soviet Socialist Republics to the process of reform;

Whereas the democratically elected leaders of the Union of Soviet Socialist Republics have called for expressions of worldwide support; and

Whereas it is the hope of the United States that the people of the Union of Soviet Socialist Republics continue their progress toward a democratic society: Now, therefore, be it.

Resolved by the House of Representatives (the Senate concurring), That the people of the Union of Soviet Socialist Republics and their democratically elected leaders are commended for their continuing courage and commitment to freedom.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 199, as amended, a resolution commending the people of the Union of Soviet Socialist Republics and their democratically elected leaders for their continuing courage and commitment to freedom.

I would like to commend at the outset the gentleman from Florida [Mr. STEARNS], for his leadership on this issue, and for his timeliness in introducing this resolution.

The success of the people of the Soviet Union and their elected leaders in defeating last month's coup attempt is not only a victory for them, but a victory for democracy and freedom everywhere.

The process of democratic and economic change in the Soviet Union has been given a new push forward.

These changes in the Soviet Union are very much in the interest of the United States, and therefore I strongly support this resolution commending the people of the Soviet Union and their elected leaders.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to offer my appreciation to Congressman CLIFF STEARNS of Florida for bringing this resolution to the floor. This is a long overdue expression of our admiration for the people of the former Soviet Union who overturned the hardline coup last August.

The events of last August provided us with a glimpse of how quickly everything we achieved in our relationship with the Soviet Union could fall apart.

Could anyone imagine Secretary of State Jim Baker sitting across the table from Boris Pugo and negotiating a reasonable arms control agreement?

How many more Afghanistans, Cubas, and Angolas would have started with dictators again holding the reins of Soviet power?

Fortunately for us, and the world, the force of ideas is stronger than the force of arms.

As the hardliners in the Kremlin attempted to turn back the clock to the days of Lenin and Stalin, they found that the Soviet people were more loyal to the ideas of Thomas Jefferson and Adam Smith.

It must be said that we are not out of the woods yet. Many changes still must be made in the Soviet Union. Democratic institutions and a market economy will not be formed overnight.

Such a transition will take difficult decisions by freely elected leaders over a long period of time. Throughout this transition, the United States must be patient and supportive, but also clear in our demands for what we want—a partnership with a truly democratic Soviet Union.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS], the chief sponsor of this concurrent resolution.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Michigan [Mr. BROOMFIELD], for yielding time to me. I also would like to thank the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], as well as Chairman FASCELL and the ranking member of the subcommittee, the gentleman from New York [Mr. GILMAN], for their assistance in bringing this resolution to the floor. You share decades of experience in this vital area, and I am grateful that you have seen merit in this resolution to bring it to the floor.

This August, we witnessed a series of events which were simply unimaginable just a few years ago. However, in the last several years, we've come to accept miracles as a matter of course. We've seen the world move toward the values of democracy, freedom, and respect for human rights at breathtaking speed. However, it's important to sometimes stop and take stock of where we are and where we are going.

This resolution simply is a message from the people of the United States to the people of the former Soviet Union. We should have, as a matter of record, a statement of our support for their courageous stand during those alarming 3 days before the coup collapsed. We should state proudly that we always have supported their desire for a freer, more humane way of life. Americans are a generous people and we are most generous in sharing the values of freedom and democracy.

It once seemed as though the people of the United States and the people of the Soviet Union were set in stone as adversaries. We feared that we would pass this terrible situation on to our children.

However, we have entered a new era. The people of Russia and all the former Soviet Republics have a new opportunity to craft their own destiny. It is not of central importance to us whether they remain in some form of union or not. It is not critical whether they form a Congress or a Parliament, or what levels of government hold what specific powers.

What is vital is that whatever resolution is reached, it is achieved as a contract between the people and their duly elected representatives. President Woodrow Wilson once said that "self determination is not a mere phrase. It is an imperative principle of action." This is a truth based in our faith that democracy will bring about a more peaceful world.

For 45 years, the world has held its breath as a cold war between the forces of freedom and the forces of repression was fought. It was a contest of two unresolvable beliefs. The first, our own, that government existed "of the people, by the people and for the people". The second, that of the corrupt Communist establishment, that power alone justified government over the people, apart from the people, and against the people.

There have been many heroes in winning this battle; some of them have served in this very House, but none have ever been more courageous than those who stood in the streets against the guns of the hardliners armed only with the hope of a better future for themselves and their children.

We should stand together today to applaud what the people of the Soviet Union have done and express our support for them as they face the difficult task of building a future of peace, freedom, and democracy.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 199, commending the people of the U.S.S.R. and their democratically elected leaders for their continuing courage and commitment to freedom, and I commend the gentleman from Florida [Mr. STEARNS] for his timely an expeditious work on this measure.

It is altogether fitting that we take this opportunity to commend the Soviet people for their exemplary courage during one of the most harrowing periods in the history of the Soviet Union. It remains clear that it is the yearning of all people to be free and to be responsible for the determination of their own future. It is equally clear that once the spirit of freedom and democracy is let loose it cannot be again repressed.

Mr. Speaker, the return of President Gorbachev and his promise to work alongside President Yeltsin signals a return to the commitment of political and economic reform in the Soviet Union. It is our sincere hope that progress toward democracy in the Soviet Union will continue.

Accordingly, Mr. Speaker, let us join the world community in expressing our support for the changes which are occurring in the Soviet Union, and let us commend the people and the leaders of the U.S.S.R. for their continuing commitment toward freedom.

Mr. MICHEL. Mr. Speaker, I rise today to say a few words in support of House Concurrent Resolution 199, a resolution that commends the people of the Soviet Union for their actions in bringing freedom to their country.

I want to thank our colleague, Mr. STEARNS, for his work on this resolution. It certainly is appropriate that we note the courage of the people who have finally toppled communism in the Russian Empire.

During the coup, the world held its breath while waiting to see if freedom indeed could survive in the birthplace of Marxist-Leninism.

The Soviet people's climb from the depths of communism toward the peaks of democracy has been long and difficult. Mikhail Gorbachev's reform program went too far for some members of the Communist bureaucracy but not far enough for the people who wanted freedom. The battles were many and the victories for freedom were few and far between.

Recent events brought the central question to a head: Would the people of the Soviet Union make it to the top of the mountain and make the leap of faith into democracy? Or would they tumble back to the days of despair, deprivation, and desolation under the Communist system?

They have seemingly made the right choice. The problems that confront the new democrats in the old Soviet Union are formidable. There can be no doubt on that point. But I firmly believe democracy and the free market will provide the Soviet people the tools to solve these problems.

So, I commend Mr. STEARNS for his work on this resolution, and the Soviet people for their work in defeating communism.

□ 1240

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) as amended.

The question was taken.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 199, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 330

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 330.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TRIBUTE TO A CHICAGO JOURNALIST ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, Art Petacque, a Pulitzer Prize-winning reporter and columnist for the Chicago Sun-Times is retiring on September 27 after nearly 47 years with that newspaper and its predecessor, the Chicago Sun. Art has done a great public service for the people of Chicago over the years with his indepth, hard-hitting reporting on crimes against society.

While Mr. Petacque is planning to continue working in journalism, his retirement from the Sun-Times is a milestone.

A Chicago native, Art graduated from Austin High School and the University of Illinois. After 6 months at the Chicago Sun, he advanced to the job of police reporter. This experience set the stage for many of Art's journalistic triumphs.

Art's love of police reporting, and his zeal for gathering facts, was inspired in part by his father, whom I knew as a friend and a police lieutenant on the Northwest side of Chicago. Art's father set a fine example for his son regarding the values of public service and justice under the law. These principles helped Art develop into an excellent police reporter and an all-around journalist who has specialized in crime reporting. Perhaps the finest example of Art's work is the series of investigative stories he wrote, with a Sun-Times colleague, on the tragic, 1966 slaying of Senator Chuck Percey's daughter. Art and Hugh Hough won a Pulitzer Prize in 1974 for that project.

Over the years, Art has covered hundreds of other stories with the same clarity, accuracy and compelling style that underscores his drive to bring information to his readers. Art's investigative zeal has led to outstanding articles on subjects including the disappearance of Jimmy Hoffa, the kidnaping of Patty Hearst, the assassination of President John F. Kennedy, and the activities of the Ku Klux Klan. In addition to his outstanding work for the Sun-Times, an NBC television program has dramatized two of Art's stories: His exposé of a lonely hearts murder racket and his drive to solve the Hyde Park cat burglar mystery.

Most Chicagoans consider Art the city's brightest and best-informed journalist. Over the years, his reputation has spread across the United States. ABC's Ted Koppel has made Art a frequent guest on Nightline, and the CBS Morning News has broadcast a feature interview with Art.

During his long career, Art has received 36 awards from professional journalism organizations, including 10 Associated Press and United Press International Awards for investigative reporting. In February of 1990, Art was inducted into the Chicago Journalism Hall of Fame, which includes such celebrated figures as Carl Sandburg, Ben Hecht, and Clifton Utley.

Mr. Speaker, I want to wish Art a happy retirement, but I'm glad that the American people will continue to benefit from his ongoing work as a commentator for Chicago's WLS—Channel 7. Art also is planning to write at least one book about the stories he's covered for the Sun-Times. Whatever other projects he undertakes, I'm sure Art will continue to maintain the highest standards of journalistic excellence.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, before picking up on what I had initiated by way of a discussion earlier, I want to say that this is a continuation of what I have, through the years, accustomed the title "My Advice to the Privileged Orders."

Mr. Speaker, I want to give a little background for some of the Members who may be reading this is the RECORD or may be watching it on the closed-circuit TV. That phrase was one from one of the great Revolutionary heroes, Joel Barlow, who, among other things, was one of George Washington's chaplains during the war, the Revolutionary War. But he was also a pamphleteer. He was also a great thinker and poet.

He was the one who wrote the magnificent American Olympiad in which it was an epic narrative poem, and it was great. He foretold what later tragically, and in the most bloody fraticidal fight in the annals of mankind, the American Civil War, he foretold it in his olympiad. He described the titanic struggle of the oppressed peoples represented by the god Hester, and that was the god of the African, or the black, and the god of the white, and this was there in a period of the 18th century during which there was a great ferment throughout the world, not unlike our period of time.

We began it, but the French Revolution was actually contemporaneous. It took place a few years after 1776. In fact, the French just recently celebrated their bicentenary of the French Revolution.

So even though we have lost historical memory in our country tragically, events happen in such a way, and they telescope in such a fashion, that what happened just 1 week ago becomes old, stale, and ancient news so that we are living in a day and time that I consider to be a great promise, a hope and, at the same time, a perilous period of time.

□ 1250

We are emerging from the 20th century into the 21st and also entering the third millennium, as we describe it, in the Christian era, so that these are interesting times.

As another great thinker, patriot, and pamphleteer of that time, Thomas Payne, a contemporary of Joel Barlow, would say; but Joel Barlow then addressed a series of pamphlets or essays to the privileged orders, "My Advice to the Privileged Orders of Europe." I would advise if any of my colleagues ever have any time to spare and you want to go to the Library of Congress and make the request, I would advise them to read Joel Barlow. Those are our roots. There are the men and the minds that forged the country that today it seems ironical, I think we have fallen down on the task of reaffirming the basic concept of what followed after a brief experience with a faulty union and the adoption of the Constitution of the United States.

In any event, today and after World War I, we tend to forget that we joined France and England in invading Russia with the ostensible purpose of putting down the Russian Revolution.

Now, we should have learned. We lost 300 American soldiers in that ill-advised adventure. We should have learned from them that when you have an authentic, indigenous revolution or civil war, that you cannot through external force impose the will of those who are not in the midst of either that society or that culture or that people.

Certainly our experience in the Revolutionary War, had it not been for the French and the British fleet outside of Chesapeake Bay that bottled up the British, we might have had a different result in our American Revolutionary War. We tend to forget.

But at that time the British complained about the meddling and the improper interference of the French. Lafayette, a famous name in our history and which through the period of our history we have acknowledged and in fact, and by way of parenthesis, I have wanted to emphasize my Speakers to return to the tradition of the reading of George Washington's last or farewell speech that he addressed to the Nation. It used to be the custom when I came here 30 years ago, every official Washington's birthday, which used to be February 22d or thereabouts, you would have a Member on a Monday either preceding or following the birthday read all of George Washington's farewell address.

Well, a few years ago, and I believe it was under Speaker Tip O'Neill, for some reason or another that was suspended. I would like to urge my leadership to try to reinstate that, and I will tell you why. That farewell address is just as timely in many ways today as it was then. George Washington in that address said:

> Don't take or demonstrate too much affection for one nation or too much hatred for a given nation, because it is going to cloud your judgment with respect to the true national interest of America.

Oh, if only that admonition had been listened to, particularly during the phase of development after the hot shooting phase of World War II.

I hope my colleagues, those who are listening or will read this, will notice that I emphasize the hot shooting phase of World War II, because World War II has not ended officially. There is no peace treaty yet. There is a lot of confusion and that is what I was referring to as to the historical antecedents that apparently our leaders in and out of the Congress, in and out of the executive branch, and even our intellectuals, do not bother to factor in as to what is happening today.

I spoke earlier of the fact that a treaty had been entered into which had to us a very unusual name. It was called the Reinsurance Treaty between Germany then and Russia.

I mention that 101 years ago in March 1890, after Kaiser Wilhelm the Second dismissed Prince Otto von Bismarck, he soon advised the Russians that he considered the treaty as no longer extant.

It is ironic now that exactly 100 years and 8 months later, last year in November, the Soviet President, Mikhail Gorbachev, and the German Chancellor, Helmut Kohl signed what is known as a treaty of good neighborliness, partnership, and cooperation. Unfortunately, there has not been much said to the press about this treaty or the understandings that followed this treaty. There were several, including the one following and leading up to the so-called London meeting of the Group of Seven Nations, in which Gorbachev for the first time was invited to be present, but thanks to whom—not George Bush, not the British Prime Minister, but Helmut Kohl, who was the one who intervened in behalf of Gorbachev to be present, and in fact urged the United States, British, French, and the Japanese, all the coparticipants of the Group of Seven to let Russia for the first time, if it so wanted, and it did, join the IMF, the International Monetary Fund.

It was our country, principally President George Bush, who opposed that.

Well, I know it would sound strange to my fellow countrymen if I were to tell them that that denial rendered Mr. Gorbachev most vulnerable to what happened on August 19, because Mr. Gorbachev and very much President Yeltsin now of the Soviet Republic do not have a firm base and Mr. Gorbachev as a result of his failure to bring the bacon home, so to speak, to Moscow, was vulnerable to pressures that had been building up for almost a year to produce.

He was saying, yes, Perestroika—in other words, the word that we would say in our day would be "a new deal, a reform" to avoid the economic catastrophe that continues to envelope the Soviet peoples, it would seem farfetched, but nevertheless I want to emphasize to my colleagues that there is a direct connection. Gorbachev had promised, he wrangled this, he said, "Wait until I go. I am going to bring back a firm economic association that will enable us to join the hard currency countries," which Russia has not been one.

□ 1300

And in order to do that, it meant that the Russians, like some of the others who have not joined yet in Asia, were willing to come in and divulge for the first time, because you have to, if you seek to obtain membership in the IMF, what their true capital fund, gold reserves, and the like, were.

It has been Russia that could destabilize the gold markets, as they did in December 1979–1980, by just merely moving some of the famous Russian .999 pure gold bricks and they could immediately throw those old gold marketeers in Switzerland and London in a tizzy. And of course it pressured the dollar also.

What is not much discussed in our country is that at the same time that these things are happening in this great people, the Russians, and let me add by way of explanation why I say "great": No matter what happens I cannot in any way diminish the admiration and thanks to the Russian people. I am now of an age that can recall and vividly remember the beginnings, the happenings, and the outbreak, preceding—and the actual outbreak of World War II. I recall Hitler's boast. It will always be in mankind's annals, the most phenomenal and eventually successful repulsing of the German Nazi invaders. Beginning in November 1941, in the city of Kursk, the rollback that did not stop until the Soviet armies entered in victory and paraded down to the Brandenberg Gate in East Berlin.

How could people that had been sunk in peasantry just two decades before have developed the tremendous resources to roll back an invasion that cost them 22 million lives, 22 million lives? That being as if the country of Guatemala, which is one jump over next to Mexico, would have invaded our country and killed every citizen of the States of Texas, New Mexico, Oklahoma, Arkansas, and Louisiana. But that was not factored in. As soon as the hot shooting phase of the war ended, you had the disputation.

We can, and history will eventually reveal all the ins and outs of what led to the Cold War, but any people that can do that, I would not worry about ultimately how they come out now, because the reason Mikhail Gorbachev could even get started as he did was that from the standpoint of the peoples of the Soviet they were in a transition period. They were emerging from what they call state-controlled democracy, because they have always called it democracy, you know. Human beings just do not use words the same way, particularly when you go through all of the cultural prisms and filtering of words and translations.

But from their standpoint, they were in a period of transition. They had emerged from less than 50 years in the backwaters of peasantry, ignorance, and poverty, into the leading nation—and still is—producer of oil, the first to put up Sputnik on October 7, 1957.

Why do I remember so exactly? Because I was a member of the State Senate of the State of Texas, a great body, the greatest honor I have ever had. I was in the midst of a 20-hour filibuster against—in a special-called session—against an effort by the then-governor to undo the Supreme Court decision. It was great passion there. He called it the bill to keep the bayonets from the necks of our school children because you had just had the Little Rock, AR, case where President Eisenhower had called out the National Guard over school desegregation. But I had come from the city council of San Antonio, where alone, on June 19, 1954—which in Texas is a celebrated day, they call it Juneteenth because that is the day emancipation was declared in Texas. The city council at that time, why? I do not know, do not ask me, I never understood it, decided to pass a whole kit of celebratory ordinances with respect to city municipal facilities. The reason the city of San Antonio had never had, since its municipal status in 1839, was that San Antonio has never had but a small minority of fellow Americans of black descent. So it depended on the State Jim Crow statutes and constitutional inhibitions against miscegenation and other prohibitions, and tradition. But then with the Supreme Court decision of May 1954, with respect to what? Schools, over which our city government did not have any jurisdiction. We have independent school boards under the laws of Texas.

But nevertheless it got them scared. And we had the city manager called the mayor saying, "You have to have a special-called session because, as a former FBI agent, I am privy to information that if you don't pass some ordinances here, we are going to have those blacks trying to force themselves into those swimming pools over on our side," which was 100 percent white at that time.

The city attorney advised us that the reason he was there was that the mayor called him and, yes, he wanted to advise the council that San Antonio did not have ordinances.

I raised the question. I said, "But now, after 130 years, you are going to think of this when the trend is the other way and all the judicial corpus of decisions is the other way?" He said, "It is a policy matter the council has to decide."

So after a silly argument in which they decided that they would allow one golf course links to be used by blacks one day from noon until 7:00 p.m., the municipal auditorium would be used one day out of the month, and the only swimming pool available was the one already in the then-segregated black district.

So I said this is foolish. I cannot see how you can seriously comply with this.

So, sure enough, they did. They had a special-called session of the council. The rest is history.

I was the only one resisting.

Now, I cannot evoke that period of time, I am not trying to get credit for anything; I felt that it was a duty. I took an oath to uphold, like I do now and like I did in the State senate, to uphold the Constitution. I felt it was very basic. I was not doing, certainly, could not have had political motivation. The black population was never more than 7.5, 7.75 percent in the city or the county.

□ 1310

So again, like today, the question was: "What's his angle? What is he driving at?" But it was not that easy at that time.

There was a police sergeant who, unknown to us, had been the organizer for the White Citizens Council, who immediately denounced me and said, "I'll say this to this councilman: If this chili-eating"—and I am going to use his words because this is what was printed—"nigger-loving Mexican wants, he ought to go back where he came from."

Well, the rest is history. I am still around. That sergeant was not around 2 months later, not because of that but because he was also antisemitic, and that disturbed some of the leaders of the community who were not going to tolerate that kind of foolishness.

So I go to the State senate, and lo and behold, the big issue was corruption, the big scandals, the ICT, the Insurance Corp., of Texas, and the veterans' land scandal. The Veterans' Land Bureau, whatever you want to call it in Texas, appointed by the outgoing Governor, had been immersed in some scandalous conduct. It was very reminiscent of what I have seen later on up here with the Abscam and Tongsun Park.

So then the big cry was: "Let's get a lobby control act." But we were just in the throes of a 10-year drought, and Texas had no comprehensive water law or program. So I joined with a senator from the county of Dallas at that time who probably had as much liking for me as he would for a persimmon, but we nevertheless saw that what he was offering was about the only glimmer we had for some comprehensive State water legislation. So I joined him, and we got it out.

On the other issue, since it involved some former senators and legislators, it got sticky. But in the meanwhile, out of the State of Virginia and going down through the Confederate States comes the Massive Resistance Act, and this was that series of bills or laws to insist on perpetuating segregation. They passed in every single Confederate State legislature, in some cases in less than 15 minutes. The only place it got any debate was in the Texas State Senate, and that is because we took the floor. I held it personally for 26 hours. Texas is the mother place of the unlimited debate rule. It is not the U.S. Senate, it is the Texas Senate, and it is still there, I think. That is that once you are recognized, and can keep the floor as long as you talk and as long as you stand. If you read the rules on it, that is what it is.

So that is what I did. Then I was joined by my then colleague—and may his soul rest in peace—from Laredo, Senator Abraham Kazen, later my colleague from that district in the House after I came here. We managed for 36 hours, in the waning hours of that legislative session, to prevent 12 of the 14 suggested bills from being enacted. Two of those were later declared unconstitutional anyway. That was in May 1957.

And it became kind of a matter of great humor. In fact, nobody thought much of it other than to say, "Look at this. They held the Senate for 36 hours."

But then came September and Little Rock, and I am telling you, then came the passions and emotions. The Governor called a special session. He has two bills. I could not persuade my former colleague in debate to join me, so I stood alone and, in fact, there were two specially called sessions, and in fact on October 7th, it was late, a norther had come in and the wind was rattling the windows of that great Senate Chamber, and I remember the news coming out that the Russians had put up in orbit this so-called Sputnik.

That threw us in convulsions. What happened? On the two bills calling for a national education program that had floundered on the state-church issue, all of a sudden, 6 months later, in April, they passed as the National Defense Education Act. We had to call it "defense" to get through. It emphasized engineering and mathematics and the like.

If you picked up Life magazine at that time—and it was the most popular big magazine that we had—it showed Russian students in high school and a blackboard with algebraic and calculus formulas, and on the other page you would see a bunch of kids in New York rocking and rolling, and boy, you would have thought that every Russian kid was nine foot tall, was a scholar, and that every American kid was nothing but a frivolous, uninformed, untutored youth. Well, we know now that those things are not true, but that was the atmosphere.

This is what we are going through now. We look at the beam, the mote in our neighbor's eye, and we overlook the beam in our eyes. How can we talk about democracy? How can we talk about the Russian empire crumbling when we have done worse than Hitler?

How many of my colleagues, spoke out against the Panamanian invasion of December, 1989? As far as I know, I was the only one in the House, and there were two Senators who raised their voices. I denounced it. I said that first we have gone in and we have, with the stealth bombers, incinerated a whole area populated by black Panamanians who were living in these highly flammable wooden structures that had been built in 1908 when we were trying to build a canal and were importing the Jamaican black worker to help with the labor. They are still living in these structures. They incinerated them, and we can only make a guess as to how many. The best calculation that I would say would be the truth is that there were over 3,500. We had mass graves.

Is that not what we said the Nazis did when they occupied countries, when they overran them, when they occupied middle European countries and East European countries, the Slavic countries? I remember pictures of the Katyn massacre and the like. And we also accused the Russians of those acts when they came back and were chasing the Nazi troops out. But we do not look at it that way when we do it. Now, we called it something else. I know that at least from that aspect, from the standpoint of the abuse of words, this is the Orwellian world, but of all things, the President labeled the illegal invasion of Panama as Just Cause, Operation Just Cause. It turned out that we made our military a giant posse to go out and hunt down and capture Gen. Manuel Antonio Noriega. And for what? For drug peddling.

□ 1320

Overlooking the fact, as is amply brought out in this last issue of the New Yorker in the section known as "The Talk of the Town" for September 23, which is today.

Mr. Speaker, I will insert this article at this point in the RECORD:

NOTES AND COMMENT

It has been more than a year and a half since United States troops invaded Panama in an operation, code-named Just Cause, that, according to some estimates, caused a thousand Panamanian fatalities, destroyed a billion and a half dollars' worth of property, and left twenty-three American servicemen dead. On the morning of December 20, 1989, President Bush explained to the American people that he had been compelled to transform the United States military into a federal posse, with orders to bring General Noriega to justice, for several reasons: to safeguard American lives, to protect the Panama Canal, and to defend democracy. The President also cast the invasion as a battle in the war against drugs. General Manuel Noriega, he pointed out, was "an indicted drug trafficker," and he implied that the General's removal would help stem the flow of drugs into American cities. Ironically, the invasion appears to have had the opposite effect. This past July, the General Accounting Office reported that money laundering has "flourished" in Panama, and that since Operation Just Cause drug trafficking in Panama "may have doubled."

Last week, in Miami, jury selection of the long-awaited trial of General Noriega began. Federal prosecutors argued in pretrial briefs that "this is first and last a drug case," but, whether or not Noriega is ultimately found guilty, his trial is likely to provide a chilling post mortem on United States foreign-policy goals and priorities during its long crusade against the perceived threat of Communism. The more evidence the prosecution presents of how General Noriega turned his country into what one of his associates called a "narco-kleptocracy"—how he received millions in commissions from the Medellin cartel for laundering drug money, permitted the Colombians to build cocaine-processing plants in Panama's jungles, and used members of his own staff to smuggle drugs—the more difficult it will be for United States officials to explain why the General was at the very same time receiving hundreds of thousands, if not millions, of United States taxpayers' dollars from the American intelligence community. Already, the government has been forced to admit that even as Noriega was trafficking in narcotics he was "a paid asset" of the United States military and "held a paid relationship with the C.I.A." United States paychecks made out directly to Noriega may add up to only three hundred and twenty thousand dollars, but Noriega's lawyers say that the C.I.A. provided the General with "project funds" of eleven million.

In return for this money, General Noriega rendered services to a number of United States agencies. He allowed the Pentagon to conduct secret military operations in Panamanian territory; he spied on other nations, including Fidel Castro's Cuba, for the C.I.A.; he aided the Reagan Administration's covert war against the Sandinistas in Nicaragua. He also assisted the United States Drug Enforcement Agency, by turning in drug runners whom he found uncooperative. These activities are expected to provide the core of General Noriega's defense—the contention that his nefarious activities were known to his American intelligence handlers and were at times sanctioned by them, as part of his contribution to the United States battle against radicalism in Latin America.

The question of who knew what, and when, has already proved embarrassing for President Bush, who has claimed that he did not know of Noriega's illicit operations until the General was indicted, by federal grand juries in Florida, in February, 1988. As director of the C.I.A. in 1976, however, and as Ronald Reagan's Vice-President from 1981 through 1988, Mr. Bush was in official positions where briefings would almost certainly have included a clear picture of the General's criminality and corruption. By the early nineteen-eighties, according to Norman Bailey, a one time member of President Reagan's National Security Council staff, there existed "not a 'smoking gun' but rather a twenty-one cannon barrage of evidence" regarding General Noriega's involvement in drug-smuggling activities. Indeed, as early as 1972 the Nixon Administration's Bureau of Narcotics and Dangerous Drugs had considered "total and complete immobilization" of Noriega—a euphemism for assissination—as one method of halting his narcotics operations. But the rest of Washington ignored Noriega's growing narco-business then and went on ignoring it until June 13, 1986, when the Times printed a front-page story by Seymour Hersh under the headline "Panama Strongman Said to Trade in Drugs, Arms and Illicit Money." And even then high-ranking Reagan Administration officials were willing not only to look the other way but to help Noriega, as a quid pro quo for his pandering to their No. 1 foreign-policy obsession—the overthrow of the Sandinista government in Nicaragua.

Among the troubling stories that emerged during the 1989 trial of Lieutenant Colonel Oliver North was that in August, 1986, two months after the Times article appeared, Noriega approached North through an emissary and offered a deal. According to a document submitted as evidence by the government, Noriega said that in return for "a promise from the USG to help clean up Noriega's image" and a commitment to lift the ban on arms sales he would "assassinate the Sandinista leadership" and undertake sabotage operations inside Nicaragua. Vice-Admiral John Poindexter, then President Reagan's national-security adviser, ruled out assassination but, according to trial documents, suggested that "Panamanian assistance with sabotage would be another story." North later reported that he met with Noriega in London on September 22nd and worked out a plan whereby Noriega would "try to take immediate actions" against Nicaraguan installations, including an airport, a cargo facility, and the nation's only oil refinery. Those operations never came to fruition, however, because of the Iran-Contra scandal, which ended the government careers of North and Poindexter, and left General Noriega without his protectors.

The image of the United States consorting with, paying and even protecting dope peddlers of General Noriega's ilk is not what Americans think is meant when our government says it is promoting freedom abroad and protecting our national security at home. Yet such corruption of moral and political values is a large part of the reality of the "dirty wars" that have been fought on our behalf—usually without our knowledge of consent—in the name of safeguarding democracy. Our policymakers seem to believe that there is no connection between the end and the means—that our principles can remain uncorrupted even when we defend them with methods that are debased.

Mr. Speaker, I would like to read a few selections from this article.

It has been more than a year and a half since the United States troops invaded Panama in an operation code named Just Cause, that according to some estimates caused 1,000 Panamanian fatalities, destroyed a billion and a half dollars worth of property, and left 23 American servicemen dead.

On the morning of December 20, 1989, President Bush explained to the American people that he had been compelled to transform the United States military into a federal posse with orders to bring General Noriega to justice, for several reasons: to safeguard American lives, to protect the Panama Canal, and to defend democracy. The President also cast the invasion as a battle in the war against drugs.

This past July the General Accounting Office reported that money laundering has flourished in Panama and drug trafficking in Panama may have doubled.

Well, it has more than doubled. But we have two-thirds of the troops we had at the height of the invasion still in Panama occupying that country and governing it. There is not a major decision that is not cleared through the American military.

How many Americans know this? How many Americans know of the hundreds of children that are blinded, crippled, and maimed because of our bombing that are there, with no help from anybody? No efforts have succeeded in trying to get some compensation for that horrible destruction of life and property.

I will say this: We dare not move those troops out of there, because there will not be one American life safe in Panama.

But what about the other repercussions? Oh, yes, the other countries in Latin America, especially those that belong to the Pan American Association, they muttered here and there, but they are beholden to the United States. But basically there is not one that does not know what is going on now in the trial of Noriega, which, incidentally, is very questionable under international law. For what is he, if he is not a prisoner of war?

We have violated the Geneva Convention, that are party signatories to, in the treatment of prisoners of war. We are just kidding ourselves and the American people. The American people are the last to know.

All of this is discussed at great length in the other presses, in the Spanish language and the French language, in Britain and Germany, of course.

Now, what happened here recently, no more than a couple of months ago in Los Calientas, Mexico. We had a meeting of the leading government Presidents and leaders of the leading Latin American countries. Fidel Castro, Felipe Gonzalez, the premier of Spain, and the leader of Portugal.

How much of what went on there and what Senor Castro was able to negotiate has been reported in our press?

Now, the Mexican press, the South American press, naturally the Cuban press, they are all full of it. But how much of it has been reported?

If Fidel Castro is, as so many are hoping he is, and who are also gleeful over what they consider to be the dismemberment of the Soviet Union, and, let me say you are bragging too soon. That meeting in Los Calientas brought forth definite economic commitments. The German agreement of November 1990 with Gorbachev, and particularly the then Foreign Minister Shevardnadze, who was the one that actually put it together—and it wasn't easy for Gorbachev. He could not come back to the Russian Politburo to sell them on that treaty agreement for 3 months.

He was scared. Remember, you still have the hardliners that remember World War II and do not trust Germany, and do not trust the United States, and much less now, since our operations in the Middle East.

Iraq, after all, is just 90 miles away from the Russian border. There are about 3½ million Muslims on that side. If anybody has got the idea that the Arab Muslims, particularly, or the Muslims worldwide are very happy and satisfied with what we have been bragging about and celebrating in the so-called Persian War, which like World War II is far from over, this is just the beginning, and this is why it is important for us to realize, my colleagues, and not again commit the error of three and a half decades of the misperception of the world, the misperception of ourselves, and their misperception of us, without having to pay dearly, as we have, beginning with Korea, where that is still unresolved.

We have over 45,000 troops in South Korea. What is their military mission? Defense of South Korea? No. How can it be?

The South Korean military has a bigger and better equipped military than any of our NATO partners. They have over 675,000 just in the army. They have the highest sophisticated aircraft. We provided that. We have even given them manufacturing rights in some.

In the meanwhile, the Koreans, like the Germans before, have a passion for reunion. We have had four violent demonstrations against our military presence there already. But is there any awareness? No.

Not too long ago when we had the appropriation bill there was a little glimmer of debate about, wait a while, should we not be reducing this? What is the purpose. We have no treaty agreement or commitment to South Korea for their defense, for their military defense. There just is not any there. But who knows that or who even is aware of it?

Now, are we going to go from emergency and crisis to emergency and crisis as we have been for 30 years, or are we going to have some anticipatory preparation, some thinking, some contingency, and more than, and I hate to say it, than we have had in Panama, where as I say and repeat, we have got over 15,000 American trooops right now in Panama? We are governing there.

If anybody has any doubts, just about 8 months ago, maybe 9 months ago, the President that we installed at our military base had to plead for the U.S. Army to intervene to put down resistance he was getting in his police, his civil guard, whatever you want to call it. It took our soldiers to put it down.

Now, nobody wants to look into the history, the social and economic history and conditions of Panama.

What we have been dealing with is the upper 10 percent, the whites that traditionally have ruled or oppressed, from whatever point of view you want to look at it, that country. We forget about the 90 percent that have accepted people like General Doreja, who was the main propellant for the treaty of Panama with President Carter, and his successor, Noriega, who was suspected of probably having killed off General Doreja. Whatever the truth is, one followed the other.

With respect to the European, if anybody wants to be misled as to what even today are the fears in Poland, in the Balkans, in the Slavic countries, a great part of which are Russian, I would like to read excerpts from an article entitled "Could the Western Democracies Have Survived Without the U.S.S.R.?" This was written by a Soviet historian, Alexei Antosyak. Mr. Speaker, I include for the RECORD the article at this point:

COULD THE WESTERN DEMOCRACIES HAVE SURVIVED WITHOUT THE U.S.S.R.?

Could Europe have been freed from fascism without the assistance of the Soviet Union?

I don't think so. Before attacking the Soviet Union, fascist Germany had enslaved nearly all European countries without meeting any serious resistance and established a rule of terror and oppression in the territories it occupied. A deadly threat hung over the planet. Germany used the economies of the occupied European countries to feed its war machine.

A tragic fate was in store for all the world's nations. "We must exterminate the population," Hitler said. "We shall have to develop the technology of extermination. If I were asked what I mean by the extermination of the population, I would say the extermination of whole racial entities."

Speaking about France, which has made a great contribution to the development of world civilization, Hitler claimed that "this race of Negroids will fall into decay, which it deserves a thousand times." According to him, the extermination of the French and the destruction of France depended on the results of the war against the Soviet Union. No wonder the progressive forces of France linked their liberation from the fascist yoke with the victory of the Soviet Union over Germany. General Charles de Gaulle said: "The French know what Soviet Russia did for them; they know it played the main role in their liberation."

Hitler also planned to occupy Great Britain. Walter Darre, Hitler's expert on racial affairs, said, "As soon as we defeat Great Britain, we will do away with Britons once and for all. Healthy and able-bodied men will be deported to the continent as slaves. The old and the ill will be exterminated."

The Netherlands, Denmark, Norway, and Sweden were to be Germanized. "All Norwegians, Swedes, Danes, and Dutch must be deported to the eastern regions [Eastern Europe]," Hitler said. "They will serve the empire. Before us is a great task for the future—the carrying out of a planned racial policy."

The Nazis also intended to eliminate neutral Switzerland and to employ its population "as innkeepers." Hitler wanted to eliminate all small states, which he called "the junk of Europe."

Hitler's directives, as well as the suggestions and projects issued by different military organizations in the period from June 1940 to July 1941, provided for the occupation of Gibraltar, Portugal, the Canary Islands, Rumania, Greece, Yugoslavia, Bulgaria, the Soviet Union, Crete, Northern Africa, Turkey, the Suez Canal, Iraq, Iran, and India.

On June 11, 1941, shortly before the attack on the Soviet Union, Hitler signed Directive No. 32, "Plans for the Period After Operation Barbarossa," which provided for the enslavement of the peoples of Africa, the Middle and Near East, some Asian countries, and Latin America and the creation of major bridgeheads for the war against the United States.

The fascists had barbarous plans concerning Slavic nations. Under the general plan OST (East), a considerable part of the Slavic population of Europe was to be exterminated, and the land colonized.

Government and military leaders of the United States and Great Britain warned about the deadly threat to European and other nations. President Franklin Roosevelt said in his address to the nation on May 27, 1941, that after the occupation of Latin America the Nazis planned to strangle the United States and Canada.

The military successes of 1939–1941 went to the heads of German political and military leaders. Intoxicated by their military successes in the West, the Nazis became convinced of the invincibility of their army and expected to win the blitzkrieg against the Soviet Union through powerful strikes of major groups of tanks, planes, and infantry troops. It concentrated 190 divisions (5.5 million personnel) against the Soviet Union. These divisions had more than 47,000 heavy guns and mortars, some 4,300 tanks and assault weapons, and about 5,000 planes. The Germans had a three- or four-to-one advantage over the Soviet Union in the main lines of attack. They benefited not only from the element of surprise but also from the grave mistakes Stalin made in organizing Soviet defenses. The situation became even more critical after the cream of the Red Army's leadership was exterminated in the purges of the late 1930s.

Members of the Soviet armed services fought fiercely against the superior enemy. Some battles became tragedies. The Red Army suffered heavy losses and had to retreat from a considerable part of the national territory in the initial period of the war. The New York Post reported on June 27 that only a biblical miracle could save the Reds from the coming destruction.

Later, while the Red Army was fighting valiantly on the vast front stretching from the Barents Sea to the Black Sea, the Washington Post wrote that it was terrible to think what could have happened if the Red Army had crumbled under the onslaught of the German forces or if the Russian people had been less courageous and fearless. By conducting such a valiant struggle, the Russians were defending civilization against the enemies of all humanity. They had made an unprecedented contribution to the common cause.

Of exceptional importance was the victory in the Battle of Moscow, in which 50 German divisions were defeated. German losses exceeded 800,000. This defeat destroyed the German army's myth of invincibility, foiled the plans for a blitzkrieg, and gave Europe a hope for victory over fascism.

The victory of the Red Army in the Battle of Stalingrad was a catastrophe for Germany. During that battle 330,000 German servicemen were encircled and destroyed. This was the turning point of the war. President Roosevelt said in an address on February 5, 1943, that the Battle of Stalingrad was an epic struggle whose decisive results would forever inspire all freedom-loving people

During the Battle of Kursk in 1943 the Red Army snatched the strategic initiative from the German command and kept it till the end of the war.

By the summer of 1944, when the Western Allies opened a second front in Europe, the Red Army had destroyed more than 370 divisions of troops belonging to Germany and its allies (total strength 5.5 million). General George C. Marshall, U.S. Army Chief of Staff, admitted that without the successful operations for the Red Army the American forces would not have been able to counter the aggressor, and the war would have spread to the American continent.

On the Eastern Front, 607 divisions, 75 per cent of the planes, tanks, and guns, and more than 2,500 ships belonging to the fascist forces were destroyed. To make up for these losses, the Germans had to redeploy 268 divisions from Western Europe.

The liberation of Europe from the fascist yoke would have been impossible without the destruction of the main German forces and its allies on the Eastern Front, the main front of the Second World War, where more than 80 per cent of the Axis forces were fighting. By no means am I trying to belittle what our allies did; we will forget neither the courageous American soldiers and officers, nor the material aid the United States gave to the Soviet Union. Soviet Life has dedicated many articles to this topic.

For more than a year seven million Soviet servicemen fought the fascists in foreign countries, liberating them from the fascist yoke. The Red Army liberated 11 European countries completely or partially.

The Red Army paid a very high price for the liberation of Europe: one million killed, another two million wounded. Three million men out of action all in all, among them more than 600,000 in Poland, more than 140,000 in Czechoslovakia, 140,000 in Hungary, 69,000 in Rumania, 26,000 in Austria, 8,000 in

Yugoslavia, 2,000 in Finland, more than 2,000 in Norway, and 102,000 in the Berlin operation.

The Red Army respected the national customs and traditions of foreign countries. The April 10, 1944, Resolution of the State Defense Committee on the entry of the Red Army into Rumania says: "Traditional order should not be disrupted, and Soviet order should not be established in Rumanian regions occupied by the Red Army. All Rumanian bodies of power and the existing economic and political system should be preserved."

It was also said that the Red Army entered Rumania "not as the occupier but as the liberator of the Rumanian people from the fascist German yoke." The same was said in addresses of the military councils of fronts to the population of Hungary, Poland, Czechoslovakia, and other countries.

The Soviet Union and its army not only played the decisive role in the liberation of peoples from fascism but helped many of them in their reconstruction efforts.

Soviet soldiers who died liberating Europe are not to blame that after the war Stalin pursued a hegemonic policy with regard to East European countries.

Did glasnost provide new opportunities for studying the Second World War?

Certainly. A responsible analysis of the past paves the way to the future, while half-truths about acute problems hamper the elaboration of practical policies and hinder progress.

The establishment of glasnost and truth has helped purify the moral atmosphere and stimulated historians to bolder quests.

We are witnessing the beneficial influence of the new thinking, the new world outlook, and the new attitude toward problems of history. Proof of this is the discussion of the Second World War in magazines and scientific societies, in particular, the discussion of the 1939 Soviet-German Non-aggression Pact.

People want to know the truth about such events of the Second World War. Knowing the truth could help us avoid repeating our mistakes, and it is the duty of historians to help people in this noble desire.

☐ 1330

He says, "A tragic fate," speaking about the Nazi invasions, planned and being, "a deadly threat hung over the planet. Germany used the economies of the occupied European countries to feed its war machine. A tragic fate was in store for all the world's nations.

"And 'We must exterminate the population,' Hitler said. 'We have to develop the technology of extermination. If I were asked what I mean by the extermination of the population, I would say the extermination of whole racial entities.'"

This historian says, "Speaking about France, which has made a great contribution to the development of world civilization, Hitler claims that 'this race of Negroids will fall into decay, which it deserves a thousand times.'

"According to him, the extermination of the French and the destruction of France depended on the results of the war against the Soviet Union. No wonder the progressive forces of France linked their liberation from the fascist yoke with the victory of the Soviet Union over Germany.

"General de Gaulle said, 'The French know what Soviet Russia did for them; they know it played the main role in their liberation.'

"Hitler also planned to occupy Great Britain. Walter Darre, Hitler's expert on racial affairs, said, 'As soon as we defeat Great Britain, we will do away with Britons once and for all. Healthy and able-bodied men will be deported to the continent as slaves. The old and the ill will be exterminated.'

"The Netherlands, Denmark, Norway, and Sweden were to be Germanized. 'All Norwegians, Swedes, Danes, and Dutch must be deported to the eastern regions,'" meaning Eastern Europe, "Hitler said. 'They will serve the empire. Before us is a great task for the future, the carrying out of a planned racial policy.'

"The Nazis also intended to eliminate neutral Switzerland and to employ its population as 'innkeepers.' Hitler wanted to eliminate all small states, which he called 'the junk of Europe.'

"Hitler's directives, as well as the suggestions and projects issued by different military organizations in the period from June 1940 to July 1941, provided for the occupation of Gibraltar, Portugal, the Canary Islands, Rumania, Greece, Yugoslavia, Bulgaria, the Soviet Union, Crete, Northern Africa, Turkey, the Suez Canal, Iraq, Iran, and India.

"On June 11, 1941, shortly before the attack on the Soviet Union, Hitler signed Directive No. 32, 'Plans for the Period After Operation Barbarossa,' which provided for the enslavement of the peoples of Africa, the Middle and Near East, some Asian countries, and Latin America and the creation of major bridgeheads for the war against the United States.

"The fascists had barbarous plans concerning Slavic nations. Under the general plans OST (East), a considerable part of the slavic population of Europe was to be exterminated and the land colonized."

Now, given that, and I hope those of my colleagues interested will read the rest of this article in the RECORD, we have to not forget that the new generations, for instance, Helmut Kohl was 15 years old at the time of World War II. Mikhail Gorbachev was 15 years old. So what we have now, and I want to remind my colleagues that long before these proceedings were televised, I was speaking on this. I have been speaking on the eventual German reunification, which has turned out to be a merger more than a reunion, since the middle 1960's. And in fact, I had written a letter to then President, in the late 1960's, Johnson, mentioning the fact that I was hopeful America would take the leadership and anticipate.

I would be a thorn in the side of my great, and may his soul rest in peace, fellow Texan, who was chairman of the Committee on Appropriations, George Mahon, of Lubbock, TX. He was the chairman.

I would get up here, and they used to pass the appropriations bills in 20 minutes, like we do suspensions. That is the way they used to pass everything, defense, everything else, out in 20 minutes.

But I would get up and I would say, "Will the gentleman yield for a question?"

And he would say, "No, you are bothering again. But all right, I will yield."

So I would say, "I wonder if the gentleman can tell me in this appropriation for our defense, as it is called, the defense bill, what percentage of this is for the protection of Europe?"

And he would say, "Well, I have already explained that."

But a good friend who also used to sit on the Subcommittee on Military Construction and Operations of the Committee on Appropriations would always get up and say, "If the gentleman would yield, as we have said before, we don't have line items saying this is for defense."

I said, "I know that. I know this is spread all over the budget from OMB to the support of our troops in Germany."

By the way, we still have a little under 300,000 troops in Germany.

And I would say, "This is true, but I want to know if my estimate that this budget would contain a total of not less than 50 percent for that purpose is out of the ballpark?"

Mr. Mahon would get very impatient with me, but this other gentleman would always say, "Well, yes, we would say that you are within the ballpark range."

When finally the defense appropriation reached the level of $50 billion, I estimated that then, as now, somewhere between 55 and 60 percent of that defense budget was for the so-called defense of Europe. Today we are spending $70 billion a week for the development of nuclear weapons targeting Russia. Right now, $70 billion a week.

Now, the point I would make, and that is when I would get on the House floor after all the proceedings and I would get a special order. Naturally, there was no TV coverage then. I was not seeking that any more than I am today.

I never address anybody but my colleagues because I know the reason for this privilege of special orders, and I will never abuse the privilege of the House, as keen as this is. The historical roots of this go way back.

The reason was to afford the Members of a multiple body a chance to enlarge and extend on some subject matter agitating that Member, which he would not get a chance in limited debate.

That is the reason why, and I honor that. I cherish it, and I respect it. And I have never injected a partisan political, I do not think it is right. I do not think we ought to convert this floor into a political stump. I will reserve that for back home, for the election. But I am not going to abuse the intelligence of my fellow Congressmen or for that matter any other American or any other constituent who might be reading the RECORD.

The reason I speak is for the RECORD, and I speak out in moments when it is obvious that I must transcend my purely parochial, ministerial duty of defending the interests of that geographical section known as my congressional district, because every one of us participates in that in a small way. We are all 135th a part of national legislation.

□ 1340

We cannot subtract ourselves and we should not, and I feel that.

I have been ridiculed. I have been more criticized than I have been read, so that is part of the game. I am not complaining about it, nor am I trying to take any credit for doing this, that, or the other. I am just saying that these are issues that I know from reading foreign press that our constituents do not have any access to, unless some of us gets up here and says, "hey look, here is the other point of view."

The fact is that reading these plans of people, in fact, the truth of the matter is that the reason so much of this extermination did not take place is because some of Hitler's generals were far more humanitarian than he was or his ideologues. They did not follow through on some of these mass exterminations. They could have, and this has not been forgotten. We cannot expect the people to forget.

I will dare say that right now in the middle of Poland there is more distrust of Germany than there is of Russia.

If ever you have a fellow down and you are holding him down by force, and after many years you finally decide to release him, the chances are more likely than not that he is likely to come up fighting. That is what happened after World War I. You cannot hold a people like the German people, great, virile, industrious, disciplined, you cannot keep them down in slavery any more than their later leaders who came forth because of the maltreatment that had been subjecting the German people to such things as right before and during the Weimer Republic. For instance, like German mothers. I remember the pictures in 1930, 1931, German mothers with their little children lining up to receive handouts of milk; unemployed is what they called them, German males, sleeping in a railroad depot with their head on an iron rail.

Of course something was going to happen, like it is going to happen in Russia. You cannot keep this vacuum that is shaping up in Russia. We can talk all we want to about republic, independence, democracy, and what have you. But there are a lot of things there of a practical nature.

For instance, what is going to be the nature of the common currency? These are things they have to worry about. But leaders such as Gorbachev were compelled to have to flip-flop right before the so-called attempted coup in August because he could not produce, and in the meanwhile you have severe economic problems. Once those become severe, and they are continuing, something is going to have to fill that vacuum. And what I am afraid of, because all history shows that when peoples develop in the line or trend that what is more likely than not to happen is that this vacuum will be filled by a strong arm eventually, and more likely than not you will have what some people or ideologues, I hate labels, but would call a Fascist state. But it would be authoritarian.

What is the difference? Hitler never called his regime Fascist. His party was the Nationalist Socialist Party. That is where the acronym, Nazi, comes from. Mussolini liked that word, Fascist. What was that? That was a corporate state, and that is what I think is more likely than not to happen in Russia.

What does that mean? In the meanwhile the Germans have been very farsighted. Incidentally, Germany has the strongest financial status of any country in Europe. The DM or the deutschemark right now in the markets in Europe is quoted a lot faster than the American dollar. And I have been warning, but I cannot seem to interest anybody, from the chairman of the Federal Reserve Board to some international bankers or my colleagues here or in the Senate to discuss the great danger confronting us, which I think would be fatal, and that is the dollar being replaced as the international reserve unit. That is beginning to happen already. It is obvious. But now unfortunately we in Congress would have to yield very much to our monetary authorities, and especially the executive branch in that area, and there is no discussion there.

Now there are signs that we are beginning to enter a very dangerous period in that respect. If the dollar is replaced as the international reserve unit, and mind you it has everything to do with what is happening now in Russia, in Europe, Germany, and Japan, it means that this tremendous debt overhang that we have developed, we the people privately have the greatest debt structure any country has ever had, the corporate debt equals the Government debt, what it would mean is that for the first time in our history all this debt would have to be paid in somebody else's currency. We have been the only country that has ever had the benefit of paying its debts in its own currency.

However, who cared when we pointed out that in 1985 for the first time our country had become a debtor nation? Since 1914, from a creditor nation to a debtor nation. A few years before that, we were no longer a producing country. We are a net importing country. Our trade balances have been so fateful that they have caused, and they are the symptoms of a far greater danger.

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). The time of the gentleman from Texas is expired.

The articles previously referred to follow:

U.S.S.R.-GERMANY: A LINK RESTORED

(By W.R. Smyser)

In March 1890, Kaiser Wilhelm II of Germany dismissed his aged chancellor, Prince Otto von Bismarck. Shortly thereafter, acting upon the advice of his ministers, he notified the Russian Imperial government that Germany would not renew the Reinsurance Treaty, the document that Bismarck had crafted to maintain a Russo-German link despite Germany's primary allegiance to Austria-Hungary. From that point on, the central European balance came unhinged and war became virtually inevitable.

One hundred years later, in November 1990, Soviet President Mikhail Gorbachev and German Chancellor Helmut Kohl signed a "Treaty on Good-Neighborliness, Partnership, and Cooperation." With that signature, they renewed the connection between Germany and Russia that the Kaiser had severed a century before, attempting to reconstruct a system of European stability after a costly lapse.

In the Reinsurance Treaty, Germany and Russia had pledged that they would not make war upon each other and would remain neutral, unless (for Russia) Germany attacked France or (for Germany) Russia attacked Austria-Hungary. Many German officials considered the treaty incompatible with Germany's brotherly loyalty to Austria, and Bismarck kept the treaty secret to avoid a crisis of confidence.

The German-Soviet treaty of 1990 also provides for neutrality in some situations. It states that "if one of the two states should become the target of aggression, then the other side will give the aggressor no military aid or other support." Under that provision, Germany would not take part in NATO attacks on the Soviet Union. This was an oddly improbable contingency to write into a major treaty, but it was apparently so important to Moscow that Germans say privately that the treaty and German unity would have been impossible without it.

The German commitment has raised many questions, most notably from the French, who rejected Gorbachev's request for a nonaggression clause in similar agreement. Theoretically, the treaty could mean that German forces would not join a NATO engagement of controversial origin. The German government, however, has insisted that the treaty is fully compatible with its NATO commitments, because NATO is a defensive alliance that would never attack the Soviet Union. Neither France, Great Britain, nor the United States has formally objected to the agreement.

The terms of the treaty and the thinking behind it, therefore, require a second look, as does the entire German-Soviet relationship that has emerged from the confrontations of the Cold War. And above all, the U.S. interest in German-Soviet relations deserves examination, because the dynamics of that relationship always have implications for the United States.

The new treaty establishes many German-Soviet ties. It calls for annual or semiannual consultations of the most senior officials, including defense ministers. It provides for economic cooperation and many other forms of contact. Germany pledges to help the USSR develop cooperation and economic links with the West. Germany will thus help open the door for the Soviet Union to enter the economic structures of Western Europe.

The new treaty, like the Reinsurance Treaty, establishes a diplomatic connection that creates a pattern of political contact even more than a legal obligation; it provides a basis for mutual understanding and confidence. The agreement could encourage or even compel Germany to look both toward Moscow and Washington on occasion, as it is likely to raise German sensitivity to Soviet interests. This German-Soviet tie creates new confluences within Europe's center even as it renews old ones. And Germany, America's most important European ally, now has a connection to Moscow far stronger than that of any other Western state.

That Russo-German link, like the treaty, must be seen in contexts both new and old. The East-West border that divided Germany and Europe for some 45 years has vanished. Western Europe and the Soviet Union no longer confront each other bristling with weapons and reinforced by superpower nuclear arsenals. In the place of the dividing line stands a country, Germany, serving as both barrier and bridge, a creature of the West with a foot in the East, drawn in both directions even while exerting a pull of its own.

GORBACHEV AND GERMANY

The new Germany owes the Soviet Union, or at least Gorbachev himself, a debt of gratitude. Although U.S. President George Bush also played a significant role, Gorbachev did more than any other foreign leader to bring about German unity. Ample evidence suggests, however, that Gorbachev did not desire or expect reunification when he instructed Soviet troops to remain in their barracks as crowds gathered on the streets of Leipzig and Berlin in October 1989. Nothing Gorbachev said then or for some time thereafter revealed a readiness to write off the German Democratic Republic (GDR), whatever its shortcomings.

Gorbachev undoubtedly did want a new and different relationship with what was then West Germany and a less-burdensome balance of power in central Europe. His decision to negotiate the elimination of the intermediate-range nuclear forces betrayed an awareness that former Soviet leader Leonid Brezhnev made a mistake by threatening Western Europe with the introduction of the SS-20 intermediate-range nuclear missile into the East-West arms race. Gorbachev hoped to reverse Brezhnev's blunder and to create new ties with West Germany and Western Europe.

Gorbachev also sought reforms that would enable the East German economy to deliver the kinds of high-quality goods that perestroika in the USSR needed, and he was plainly unhappy with the East German leadership. But there are reasons to doubt that Gorbachev ever wanted to dismantle the GDR or that he intended to clear the way for German unity and for a new relationship with a united Germany.

Even after the opening of the Berlin Wall on November 9, 1989, the USSR tried on several occasions to reassert occupation rights. The Soviets called a meeting of ambassadors of the four World War II Allies at the old Allied Control Council building in Berlin. After Kohl on November 28 offered a cautious 10-point plan envisaging gradual all-German confederation, the Soviet Union warned about the "dangerous irrationality of destroying the postwar realities."

Only in January 1990 did Gorbachev formally support German unification in principle. The following month, in Ottawa, the foreign ministers of Britain, France, the Soviet Union, and the United States announced agreement on the Two plus Four formula for talks on German reunification. Gorbachev had realized that he had unleashed forces in Europe beyond his control.

During much of 1990, Gorbachev seemed more driven by German and European events than driving them. Even after he accepted the notion of German unity, he said repeatedly that Germany should be neutral and not in NATO. By July, however, at a summit with Kohl in the Caucasian resort of Zheleznovodsk, Gorbachev agreed that a united Germany should be free to choose its alliances. It was clear to him, as to everyone else, that the new Germany would choose NATO.

A three-fold bargain emerged during the German-Soviet and Two plus Four negotiations of 1990, and it is this bargain that forms the basis of the new German-Soviet relationship. This arrangement has military, economic, and political dimensions. On the military side, Moscow has offered the main concessions. Soviet forces in eastern Germany, which for decades threatened West Germany and formed the USSR's glacis in Central and Eastern Europe, are to be withdrawn. The treaty for the limitation of Conventional Forces in Europe (CFE) also mandates the reduction of Soviet military power throughout the Continent. Soviet landbased tactical nuclear missiles will no longer threaten German cities.

The German government also made important concessions, agreeing to limit its armed forces to a total of 370,000 soldiers. Even with this ceiling, Germany will have the most troops in Western Europe, but not enough to threaten Soviet or other territories, especially since German forces are to remain in international structures. Germany has also agreed to continue to accept the post-World War II Allied guidelines that limit the types of weapons it can develop or deploy.

The United States and NATO both agreed to make their forces—and the alliance itself—appear less threatening. In May 1990 NATO foreign ministers agreed to allow Soviet troops to remain in eastern Germany for some time and to station no NATO troops there. On July 6, the NATO heads of state and government set forth the "London Declaration," which committed NATO to reducing its frontline defense, revising its nuclear strategy, and withdrawing U.S. nuclear artillery shells from Europe, provided the Soviets did likewise. Gorbachev and then Foreign Minister Eduard Shevardnadze described the NATO declaration as "constructive" and a "move in the right direction."

The German secretary general of NATO, Manfred Wörner, was key in persuading Moscow that a united Germany in NATO would not constitute a threat. Significantly, Wörner was in Moscow during the Gorbachev-Kohl summit at which Gorbachev accepted Germany's NATO membership.

The change in Europe's military configuration benefits Germany immensely. The United States and NATO can provide Germany with military protection, as they have for the Federal Republic since 1949, but only the Soviet Union can give Germany true peace. As long as there is tension with Moscow, Germany must remain an armed camp, sustaining large numbers of its own forces, hosting numerous troops from abroad, living with maneuvers in a potential battle area, and submitting to the rigors of constant and increasingly burdensome military preparation. Germans are understandably glad to be rid of the tension, even if foreign troops remain.

A January 1991 poll showed that a majority of Germans regarded Switzerland as a good model for their country. Switzerland is not a demilitarized state; it has a small but highly trained military force, among the best equipped in the world. Swiss men must serve in the military and remain on reserve status for most of their adult life. The Swiss have long been able to defend themselves, and take great pride in it. But there is no sense of threat in Switzerland; the imperative of military preparedness does not preoccupy the Swiss as it has the West Germans for 40 years. The parallel, at any rate, is imperfect. Switzerland is neutral and uninvolved in the affairs of states far from its borders. Germany is not neutral, but if a new relationship with the USSR can secure peace, any German government would be foolish not to leap at the opportunity.

On the economic side, Germany made the majority of concessions. Two German-Soviet economic treaties, signed at the same time as the political treaty, will boost economic cooperation. One agreement provides for German support to the Soviet Union in economics, industry, science, and technology. Another provides for cooperation between labor and social service agencies in the two countries. The German government has stated that both treaties will lend support to Gorbachev's economic reform policies. The Soviet leader almost certainly had two complementary considerations in mind during the negotiations. On the one hand, he wanted a united Germany to provide large quantities of aid and trade. On the other, he may have hoped to devote greater resources to civilian, as opposed to military, purposes in the USSR.

The German government has pledged to assist Gorbachev even more. Through a number of related agreements, Germany has agreed to offer the Soviet Union a total of about DM 70 billion (approximately $40 billion) over the next several years. This sum is equivalent to almost 3 percent of Germany's current gross national product, comparable to the U.S. commitment to the Marshall Plan. Unlike the Marshall Plan, some of the money is in the form of commercial credits that are linked to the purchase of German goods, and that must be paid back, but the deal also includes broad aid packages, plans for joint ventures, and special provisions to build housing for Soviet troops returning home from eastern Germany and to support those left behind. Of all Western credits, to the USSR, Germany has granted more than half. Kohl has stated that Germany is helping the Soviet Union "more than any other country."

This aid presents special problems for Germany. The German government was upset in the spring of 1991 when it learned that the Soviets might award contracts for officer housing to Austrian, Finnish, and Turkish consortia rather than to more costly German bidders; Bonn insisted that Germans have a majority share. German government credits, some of which have been available since the 1980s, have been used only sparingly by German industry because few investment opportunities or products for import in the USSR were suitable. German officials now maintain that the pace of credit implementation has accelerated significantly since late 1990. Although the Bundesbank, Germany's central bank, and private German banks are increasingly convinced that Soviet debts will not be repaid and must be written off, the aid will undoubtedly remain available, since it serves political as well as economic purposes. Germany has also helped the Soviet Union in international economic matters. The German government has promised to advocate the rescheduling of Soviet debts to Western international agencies. German Economics Minister Jürgen Möllemann stated during a visit to Moscow that Germany would attempt to convene an international conference to reschedule and forgive Soviet debts and to arrange for additional aid beside which earlier pledges would be "only peanuts."

Kohl himself worked hard to overcome U.S. and British reluctance to invite Gorbachev to the July 1991 London summit of the seven leading industrialized democracies. After having, in the words of Möllemann, "powerfully supported" Gorbachev's wish for an invitation, Kohl even visited the USSR before the summit to help Gorbachev prepare for the meeting. Kohl also urged that Moscow be granted full membership in the International Monetary Fund, accepting the alternative of associate membership for the USSR only when others refused to grant full status. It was never clear whether Kohl did all of this primarily as a favor to Gorbachev or as an attempt to shift the burden of providing Moscow with aid to other Western nations; he probably had both objectives in mind.

Moscow's long-term prospects for trade with Germany are impressive. If Western experts are able to help the Soviet Union revive its oil and gas production, Moscow could export large quantities to Germany in exchange for high-technology products, investment goods, or machine tools. Germany has already agreed to purchase 3 billion additional cubic meters of gas and oil annually, raising the total amount to 11 billion cubic meters within three years—if the Soviets can deliver. Energy exports of that magnitude could contribute significantly to Soviet income and growth. The Soviet Union may even be able to, one day, export food to Germany and Western Europe, as Czarist Russia once did, if it can reform its agricultural system and if the European Community (EC) permits.

German trade and aid do not just help the Soviet Union; they benefit Germany as well, supporting industry and providing jobs. They also reinforce Germany's international financial position. The d-mark is a parallel currency throughout much of Europe, with market prices now quoted more often and more quickly in d-marks than in U.S. dollars. Through the European Monetary System, Western Europe is already a d-mark zone; the addition of Eastern Europe to this area would greatly enlarge the breadth of German economic influence. Although the Bundesbank may be uncomfortable to have the d-mark so widely used, German traders and tourists are pleased to see their currency go continental.

REASSURING THE RUSSIANS

The third and most delicate dimension of German-Soviet relations is political. The realm of politics includes a significant psychological component. In this area, the Germans have been most judicious and restrained, following the maxim of "don't rub it in." The German government has consistently done everything possible to help Gorbachev. The Germans have repeatedly made clear that they and NATO want accommodation and peace with Moscow. Almost every statement by senior officials in Bonn has contained assurances that Germany wants a new Europe and a new relationship with the Soviet Union. In particular, speeches by Kohl and Foreign Minister Hans-Dietrich Genscher have emphasized such themes as peace, stability, and a new European security framework. Senior German officials visiting in Moscow have searched for institutional formulas to make clear that a united Germany, even within NATO, will not threaten Soviet security.

One source of German concern was the opposition Gorbachev's policies toward Germany during 1990 sparked in Moscow. A number of statements, especially in the Supreme Soviet, revealed considerable Soviet unease about German-Soviet agreements and the German unity treaty were not submitted to the Supreme Soviet for approval until several months after they had been signed; statements from the Kremlin made clear that anticipated opposition with the legislature lay behind the delay. During the crucial Central Committee meeting the Soviet Communist party in July 1990, Soviet officials admitted that many among them were worried about Gorbachev's concessions on the German question. In exasperation, Gorbachev once asked rhetorically if his opposition wanted to send tanks back into Eastern Europe.

Shevardnadze received heavy criticism for the German agreements. He was principally responsible for those agreements, having met often with Genscher during 1990 and having participated in the Two plus Four negotiations.

Shevardnadze at first seemed to welcome that criticism, saying that it made his responsibilities more "interesting." When he resigned at the end of 1990, however, he remarked bitterly that one of his reasons was his resentment over frequent charges that he had made "one-sided concessions"—obviously a reference to his positions on German unity on European arms control.

Even after German unification, the Soviet Union was very anxious not to allow—or even to be perceived to allow—the reemergence of a powerful Germany in the center of Europe. In that vein, German officials have said that Germany did not send forces to fight beside its NATO allies in the Persian Gulf war in part because the Soviet Union has signaled its objections.

In the German agreements, Gorbachev did not simply withdraw; he tried to convert a strategic retreat into an advance. After 40-odd years of Cold War in Europe and a decade of stagnating German-Soviet relations, Gorbachev restored a classic link that many past Russian leaders regarded as a foundation of their nation's security. He sought to create a less-dangerous European environment, one that would cut costs, reduce risks, and open new opportunities for the Soviet Union.

Gorbachev eventually abandoned his insistence that the new Germany not be in NATO. Over time, even those Soviet leaders who opposed Gorbachev may see certain advantages to be gained from that concession. A united Germany in NATO may encourage among its allies better understanding of important Soviet interests, especially in arms control. German leaders did, in fact, emphasize the Soviet perspective in discussions about the CFE treaty. Moscow might also privately prefer to have a non-German general—American, French, or British—command German forces.

In understanding and respecting Soviet security needs, Germany will often find itself in a difficult and ambiguous position. This was evident in German efforts to limit retaliation against Moscow for the Soviet military's suppression of the Lithuanian nationalist movement in January 1991. Kohl and Genscher welcomed and stressed Gorbachev's statements that he had not personally ordered the crack-down. Kohl remarked that the Lithuanian people should not attempt to move too fast and that "one hundred small steps are better than one large one." He expressed concern about a potential breakup of the Soviet Union, but he also sent Gorbachev a personal message urging that the Soviet forces suspend military action and requesting respect for Lithuanian self-determination. Genscher later warned Moscow that "our willingness to help and our scope of action have been seriously jeopardized by the use of force in the Baltic states." Germany also supported EC sanctions against the Soviet Union over Lithuania.

A MUTUAL RESPECT

In bilateral relations, Germany and the Soviet Union have pursued policies and granted concessions with complementary benefits to both countries. The USSR has primarily reaped economic gains, though it enjoys some security benefits as well. Germany's gains are mainly in the realm of security, but it will benefit economically as well. In the treaty, Germany also undertook an implicit obligation to respect Soviet feelings.

In that final regard, the parallel with the former Reinsurance Treaty is most pertinent. Germany is not neutral—it remains in NATO. Nor does Germany have a military commitment to the Soviet Union. The terms of the 1990 reinsurance clause are more political than practical; the central message is that Germany will not use its new position to threaten Soviet interests, nor will it permit others to do so.

Germany's restraint toward the USSR serves its own purposes as well. If Germany were to prove recalcitrant, perhaps by ceasing to support Gorbachev and his policies, it might precipitate a change in the Soviet government or a breakup of the Soviet Union, either of which could threaten Germany interests. Of course, even with ideal assistance from abroad, the success of perestroika depends ultimately on the Soviet Union itself. But if perestroika were to fail and if civil war ensued, or if the USSR were to abandon Gorbachev's foreign policy for renewed expansionism, Germany's opening toward the East might close. To avoid this, Germany has to remain highly sensitive to Gorbachev's needs.

The new Germany-Soviet tie will unfold in a historical context of hundreds of years of dramatically varying relations between the Russian and German peoples. Russian troops were in Berlin as enemies in 1759, as friends in 1814, and as conquerors in 1945. A Prussian expeditionary force joined in Napoleon's invasion of Russia in 1813, and the two Germany invasions of Russia during World Wars I and II alternated with periods of friendship. From the eighteen through the twentieth centuries, the Germans and Russians have maintained a fascination for each other, a mixture of fear and attraction that may be unique in international affairs.

During their long relationship, Germany and Russia have rarely been allies. Each has usually asked the other for friendship or neutrality, not alliance. Germany has turned to Russia only when Berlin had no friends in the West. With only a few exceptions, neither Imperial Russia nor the Soviet Union sought German commitments against other Western states. Current German-Soviet relations are therefore consistent with the historical pattern.

The rather mixed record of German-Russian relations has not prevented the periodic resurgence of Western fears that Germany might one day abandon the West and turn toward the East. That scenario was for decades a nightmare of European diplomats; and the shadow of Rapallo, the Italian town where Germany and Soviet Russia signed a notorious treaty after World War I, still falls across every hint of a relationship between Moscow and Bonn. Germans have grown accustomed to offering almost ritualistic reassurances regarding their ties to Moscow, especially to foreign friends who have little understanding of Central European history or reality.

No country in recent years has been more deeply worried about the German-Soviet relationship than the United States. The new Bonn-Moscow ties are a mixed bag for Washington. The Soviet Union did agree to allow a united Germany to remain in NATO, the main institutional vehicle for U.S. influence in Europe. But a closer link between Moscow and Bonn might reduce that influence in Germany, which in some cases may count more on negotiations with Moscow than on treaties with Washington.

The United States, therefore, faces several important questions: Does the new German-Soviet treaty reinstate the earlier Reinsurance Treaty? Does it violate the loyalty German owes the United States after four decades of protection, as the Reinsurance Treaty appeared to violate the loyalty Imperial Germany owed Hapsburg Austria? Does it jeopardize U.S. interests?

The answers to these questions depend on both the current definition of U.S. interests and the state of Soviet-American relations. Germany is correct to argue that its NATO membership never included a commitment to attack the Soviet Union, and the treaty does not prevent the new Germany from participating fully in any defensive NATO operations. The treaty's importance lies elsewhere, as part of the entire bilateral relationship.

The new united Germany will consider Moscow's probable reaction before deciding on many policies, especially until Soviet troops leave Germany. Within alliance councils, Germany will at times appear to be an advocate for the Soviet Union, as it was in pushing for Gorbachev's presence at the London economic summit. Germany will attempt to moderate both Western and Soviet policies. The United States must in turn consider Soviet positions more carefully, because a principal ally—Germany—may support them.

In Russo-German relations, the United States is the latecomer and, geographically, the odd man out. Historically, it played no part in the relationship until 1941, when Americans first helped defend the Soviet Union against Germany during World War II. In later years, the United States defended West Germany against the Soviet Union in the Cold War. The U.S. presence in Germany today, however, is not as necessary as it was at the height of the Cold War. The German opening to Moscow may thus reduce U.S. leverage on German decision making to an extent that Washington, and perhaps the American public, might find troubling.

For decades, the United States was the chief guarantor of West German security. That guarantee remains important today—the German government values the U.S. nuclear deterrent and wants to retain U.S. backing in case Soviet policy shifts. Even during the 1990 negotiations, the United States played a crucial role, making both German unity and NATO membership possible. Now that the negotiations are complete, however, Moscow guarantees German interests as well—not against invasion but rather against instability. Bonn will not suddenly begin to ignore American wishes, but it will be more likely than before to pay attention to Soviet needs and policies.

Despite this sensitivity to Soviet concerns, Germany does not want to jeopardize its links with the United States. Germany hopes to keep those bonds as strong as ever, even as its ties with the Soviet Union improve. The Germans do not believe they have abandoned the security alliance with America. Instead they see their economic and diplomatic support for the Soviet Union as a contribution to the NATO alliance, to Western security generally, and to global stability.

Germany is thus caught on the horns of a dilemma: To improve relations with Moscow may be to risk relations with Washington. The United States needs to understand that improved Soviet-German relations offer it some very real advantages. With the new treaty, Washington can reduce its military presence in Europe. As long as the Soviet Union and West Germany confronted each other across the inner-German frontier, a large U.S. military presence was necessary to protect West Germany and other NATO allies. As that confrontation concludes, the U.S. role can change. American forces are still needed, but not at previous levels and not at hair-trigger readiness.

Virtually every policymaker in Washington has understood since the détente agreements of the 1970s that U.S. troops in Europe would eventually be cut, but no one was sure when and how the reductions could best be achieved. The present opportunity to slash force levels is thus welcome, even if U.S. influence diminishes as a result. No strategic or political rationale can justify keeping a massive U.S. military presence in Europe indefinitely. Americans should be grateful to see their commitment reduced.

By the same token, reconciliation between the Germans and the Soviets helps ease U.S. Soviet relations in Europe and elsewhere. Washington and Moscow, for example, would not have cooperated in the Gulf crisis as they did if a tense confrontation had persisted in Europe. German-Soviet accommodation is thus an important ingredient in improved U.S.-Soviet cooperation worldwide.

Naturally, however, negative reactions can arise in both the United States and Germany over each other's policies. The American public has grown accustomed to having Germany as a principal ally, fully by America's side. When Germany did not contribute forces to the U.S.-led coalition in the Gulf crisis, some Americans expressed bitter disappointment. One should not discount the risks of future controversy when Germany does not support, or even opposes, certain U.S. policies.

Americans may also resent the ongoing allocation of tasks between the countries. America maintains its troops in Europe to help protect Germany, and the U.S. strategic deterrent shields Germany, among other allies. The United States has to negotiate with the Soviet Union about arms control, force levels, and the like, while Germany makes trade deals and says nice things about Gorbachev and peace. This division of labor is likely to lead administration officials, Congress, and the American public to ask whether the United States is not getting the tough end of alliance responsibilities compared to Germany.

The German public faces a parallel problem. With German unity and an apparently stable relationship with the Soviets, the Germans have achieved their principal political objectives since World War II. Although many Germans remain deeply skeptical of Soviet motives and of the entire Soviet system, they will not want to return to anything like the Cold War. They will want to maintain good relations with the USSR. But Soviet and U.S. interests and policies globally will not always coincide. During crises in which Moscow and Washington disagree and perhaps clash, the Germans will probably be eager to preserve good relations with Moscow and may urge Washington to use restraint in future rivalries with Moscow.

Germany has never been a world power, as Britain and France have been or as the United States is. The country is now content in its historical role as European power. In that capacity, Germany needs a Russian connection, and it now has reestablished that link. Those who feel compelled to remind Germany of the world's other problems cannot expect to receive thanks upon bringing the news.

Americans and Germans alike ought to recognize that the new international alignment may endure for a long time. The Europe that has emerged since 1989 represents a return to the historical Europe that existed before this century's great wars; as such, it can be expected to last. If history is any guide, German-Russian relations will be among the most important elements of the new Europe. U.S. policymakers should be pleased that those relations have improved, for that improvement helps assure the passage away from the Cold War and away from aggressive Soviet policies of the past; yet American officials still must work to prevent the German-Soviet tie from evolving in ways that could jeopardize U.S. interests. U.S. officials also need to distinguish between real and apparent problems. Only then can Americans be confident that the German-Soviet link will not hamper broad policy objectives or jeopardize the U.S. alliance with Germany.

East and West are no longer in a zero-sum game. American military strength and diplomacy can support German security. German economic influence and diplomacy can serve U.S. security. Both can enhance Soviet security. All three countries have to cooperate to make the work of each effective. But Germany and the United States have to be careful not to break old relationships in order to establish new ones. Above all, Germany will want to preserve structures that promise greater stability. The Germans will only achieve these goals if the United States and the Soviet Union are themselves cooperating. Germany must therefore do everything possible to encourage positive U.S.-Soviet relations so that it does not have to choose one partner over the other. And the United States must be careful not to confront the Germans with absolute choices unless they are absolutely necessary.

In the context of the new German-Soviet connection, U.S. policy will not be easy to steer. U.S. administrations will continue to worry that Germany might get so close to Russia that it will begin to ignore U.S. policy wishes. At the same time, the United

States certainly does not want German-Soviet relations to deteriorate again to crisis levels. There are many points between these two extremes, and Washington will need to ensure that Soviet-German relations remain within that range. In a broader sense, the Americans and the Europeans also need to craft new relationships between them. Such times are always particularly sensitive. German-American relations, and the Moscow connection, will evolve against this background.

PRESIDENTIAL WARS

(By Theodore Draper)

1.

At Princeton University on May 10, President Bush made an important pronouncement which received little attention. He talked about the presidency, Congress, and the Constitution. He particularly touched on the role of the president in foreign policy, especially as it may lead to war.

We have just been through a war for which Congress voted at almost the last moment. Now, however, Bush said that he had an "inherent right" to use the UN resolution to take the country into the war, without congressional authorization. The passage in which he made this claim holds the key to what Congress and the country may expect from him in similar circumstances:

This does not mean that the Executive may conduct foreign business in a vacuum. I have great respect for Congress, and I prefer to work cooperatively with it wherever possible.

Though I felt after studying the question that I had the inherent power to commit our force to battle after the UN resolution, I solicited congressional support before committing our forces to the Gulf war. So, while a President bears special foreign policy obligations those obligations do not imply any liberty to keep Congress unnecessarily in the dark.

The italics are mine. They give away what Mr. Bush understands the real relationship with Congress to be. In effect, everything depends on what the president chooses to do. He will decide where it is possible to work cooperatively with Congress, and he will decide whether it is necessary to keep Congress in the dark.

This extraordinarily devious passage was clearly composed with the greatest care to give with one hand and take away with the other. Behind it is an unstated but ever-present premise: foreign policy is the sole province of the president, even if it leads to war. Congress has a part to play only if the president, in his superior wisdom, permits it to play a role. He will not work with it if he thinks it is impossible to do so, and he will keep it in the dark if he thinks it necessary.

In another part of his speech Mr. Bush said that presidents "must preserve, protect, and defend the Constitution." If so, it is necessary to ask: What is there in the Constitution that permits presidents to treat Congress so cavalierly? Should a president do anything he pleases in his relations with Congress, to confront it with accomplished facts and to manipulate public opinion before he shows his hand to Congress?

The issue here is far larger than Congress. A president who keeps Congress in the dark keeps the American people in the dark. If Congress is not trusted by a president, the people do not have a chance.

Since World War II, presidents have led the country into three major wars.[1] Two of them, Korea and Vietnam, were disappointing or disastrous. It remains to be seen what the final verdict on the Gulf War will be. Whatever it is, such wars cannot be regarded with equanimity, especially if presidents were largely responsible for them.

One attempted justification for presidential wars is that there have been as many as two hundred of them in our history.[2] Relatively minor as these may have been, together with Korea, Vietnam, and now the Gulf, they indicate that presidential wars are not occasional aberrations; they represent most of our wars—and all of them since World War II.

Yet, the Framers would be flabbergasted to learn that presidents wage wars as if the Constitution had never been written. Recent constitutional studies have gone over the ground again without finding that presidents have anything like the powers they have claimed. The question did not start with George Bush, but it may well have reached a point of no return with him.

2.

Bush himself tried to give the problem some historical perspective. He spoke at some length and with much feeling about a threat to presidential power. The "most common challenge," he said, "comes from a predictable source"—members of the United States Congress. This was their sin:

Although our founders never envisioned a Congress that would churn out hundreds of thousands of pages worth of reports and hearings and documents and laws every year, they did understand that legislators would try to accumulate power. James Madison, your son—Princeton's son—warned that, "The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex." That was Mr. Madison speaking, not President Bush speaking.

Yale's son should have known better than to cite Princeton's son in this connection. Bush seemed to think that Madison was referring to the same kind of Congress that has been churning out hundreds of thousands of pages of reports and documents. In fact, Madison's words appeared in No. 48 of *The Federalist*.[3] They were written and published in 1788. Madison was not referring to the Congress under the Constitution, which had not yet been ratified; he had in mind, as he clearly stated, the state constitutions of Virginia and Pennsylvania under the old Articles of Confederation. If Bush had mentioned the source, it would have been clear that "the legislative department" Madison had referred to was not the one that was created by the Constitution.

It might be more to the point today to cite what Madison wrote in No. 47 of *The Federalist*:

"The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."[4]

The accumulation of all powers legislative, executive, and judiciary is just what is now being claimed for the presidency in foreign policy. In any case, Madison was then concerned about something that no longer holds true—the disparity between the numbers in the legislature and those in the executive and judiciary. When Madison became secretary of state in 1800, the staff was made up of seven clerks—which he soon cut down to four.[5] The personnel of the Department of State today—not to speak of the Executive as a whole—is many times that of the legislature and judiciary. Thus Madison's fears in *The Federalist* about the numerical advantage of the legislature must be put into its historical context to be understood.

It would also help to know the historical context of those two hundred presidential wars that come up so often in this connection. The prototype is the story of Thomas Jefferson and the Barbary pirates in 1801. The moral seems to be that if a presidential war was good enough for Jefferson, it should be good enough for us in all circumstances.

The story has an altogether different lesson to teach us. Washington and Adams had continued the British practice of paying tribute to the pirates of the Barbary States (Algiers, Morocco, Tunis, and Tripoli). When the pasha of Tripoli increased his price for immunity from blackmail and sent cruisers to attack American shipping, Jefferson ordered some frigates into the Mediterranean to protect it. One Tripolitan cruiser was captured by a small US schooner, *Enterprise*, but was let go. Jefferson told what happened next in a message to Congress:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless considered whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries."[6]

This statement by Jefferson that the Constitution did not permit him to go beyond "the line of defense" brought down on him a fierce attack by Alexander Hamilton:

The first thing in it which excites our surprise, is the very extraordinary position, that though *Tripoli had declared war in form* against the United States, and had enforced it by actual hostility, yet there was not power, for want of *the sanction of Congress*, to capture and detain her cruisers with their crews.[7]

Whatever the merits of the case, the incident shows, if anything, that Jefferson was extraordinarily solicitous of the need for Congress to declare war; he was willing to take defensive action on his own but to go no further. The precedent which Jefferson set cannot be used—as it has been used countless times—to justify presidential wars of the Korean or Vietnam type; it is strictly applicable to limited, small-scale, defensive encounters such as the Barbary action.

As for Madison, he was the first to give a war his name. In 1812, he resolved to fight against Britain's policy of barring all commerce with Europe in its war against Napoleonic France. The war tore the country apart. The opposition to it in New England was so great that call-ups were massively disobeyed; sedition was openly advocated. It was "Mr. Madison's War" to all those who opposed it. To make peace in 1815, Madison was forced to drop all the demands for which the war had been fought and go back to the status quo ante. Historians have not regarded the war as his finest hour.

Even his admiring biographer Irving Brant did not approve of some of his methods: "President Madison actually undertook, in a democratic republic with divided powers, to execute a policy that was appropriate only to an autocracy or a strong ministerial government like that of Great Britain."[8] His latest biographer, Drew R. McCoy, is far less critical, commenting on his "republican restraint as president and commander in chief."[9] Whatever the verdict, the war itself was soon celebrated as a "second war of independence" by virtue of standing up to Great

---

Footnotes at end of article.

Britain again, even without a victory, and an "era of good feeling" followed.

That was followed by "Mr. Polk's War." The war against Mexico in 1846 was President James K. Polk's personal crusade to obtain Texas and California. Even a historian so little censorious as Samuel Eliot Morison recognized that Polk "baited Mexico into a war with the United States in which California was the big pile of blue chips."[10] Albert Gallatin, the secretary of the treasury under both Jefferson and Madison, the last surviving statesman present at the creation, demanded. "What shall we say of a war iniquitous in its origin, and provoked by ourselves, of a war of aggression, which is now publicly avowed to be one of intended conquest?"[11] A young congressman made his maiden speech in opposition to the war with Mexico. He voted in favor of a resolution declaring that the war was "unnecessarily and unconstitutionally commenced by the President." The young congressman was Abraham Lincoln.[12]

Lincoln's actions in the first months of the Civil War have been used to justify presidential wars. But Lincoln was faced with an internal rebellion, not an external threat. He acted to resist an attack, not to send armed forces half way around the world. Lincoln was responding to an unprecedented type of civil war, and his proclamation calling out the militia to suppress the revolt cannot be used to justify presidential wars of very different character without indiscriminately disregarding the difference between a sudden civil war and deliberate intervention in a Korean-type war.[13]

In 1898, the United States engaged in a peculiar war with Spain. It was waged by the administration of President William McKinley, ostensibly on behalf of Cuban independence. When it was over, Cuba was made into a quasi-protectorate, and Hawaii, Puerto Rico, and the Philippines, which had nothing to do with the original war aim, were annexed by the United States. In the Philippines, which had been promised independence, a native rebellion took two years to suppress. The United States for the first time became a colonial power, though it was so squeamish that the term "dependencies" was preferred. McKinley himself wavered but was too weak to resist pressure from the imperialist wing of the Republican party. The philosopher William James was appalled. For James and others, a line had been crossed, the best of the nation's traditions betrayed. James grieved that "the manner in which the McKinley administration railroaded the country into its policy of conquest was abominable, and the way the country puked up its ancient soul at the first touch of temptation, and followed, was sickening."[14]

If Albert Gallatin and Abraham Lincoln were not proud of the war with Mexico and William James was not proud of the war with Spain, it is not necessary for anyone to be proud of every American war. Yet, as late as the two world wars in the first half of the twentieth century, one thing in the Constitution held firm. Whatever the responsibility of presidents may have been for the War of 1812, the Mexican War, and the Spanish-American War. They went to Congress for declarations of war. There was no exception to this rule in a major conflict until the Korean War in 1950. The president who waged an undeclared war on his own for the first time was Harry S. Truman. He also set the precedent of using a UN resolution, which President Bush claims gave him the prerogative to go to war with or without a declaration by Congress.

3.

Truman's precedent now appears to be so contagious that it is worth looking into more closely. Why did Truman refuse to ask Congress to declare war in 1950?

Truman's first move was to deny that the United States was at war at all. In a press conference on June 29, 1950, he said that combat operations in Korea were merely a "police action" undertaken for the United Nations. This terminological masquerade did not last long, as US forces found that they were engaged in a real war, and it became necessary to institute a draft to enlarge the army, and to come to Congress for a $10 billion rearmament program.

Once Truman had sent US forces into action, no senator directly opposed it, but a few objected that it had been done without congressional approval. In this period, Republicans made the constitutional argument against Truman's action. The most serious criticism came from the "Mr. Republican" of the period, Senator Robert A. Taft of Ohio. His words make strange reading in view of the position taken by the present Republican president.

"I merely do not wish to have this action go by with the approval of the Senate, if it is what it seems to me, namely, a complete usurpation by the President of authority to use the Armed Forces of this country. If the incident is permitted to go by without protest, at least from this body, we would have finally terminated for all time the right of Congress to declare war, which is granted to Congress alone by the Constitution of the United States."[15]

As the war dragged on and casualties increased, the Republican leader in the Senate, Kenneth S. Wherry of Nebraska, declared:

"The President is waging war in Korea. It is an undeclared war into which the United States has been taken by the unilateral action of the President without consulting the Congress. The President's action . . . is an outright violation of the letter and the spirit of the Constitution of the United States."[16]

But the Republicans were divided. Senator William F. Knowland of California, of the party's extremist wing, wanted an all-out war against North Korea and saw no need for a congressional declaration. Senator Scott Lucas, the Democratic spokesman, took up Taft's challenge and replied that Truman's action was justified by more than one hundred historical precedents, including Jefferson's initiative against the Barbary pirates in 1801. The Democrats and their Republican allies enabled Truman to have his way by default.[17]

Yet the present Republican president might find the Taft-Wherry speeches strange reading. His arguments in favor of presidential war-making come right out of what the Democrats said in 1950.

Truman himself related that he had thought, "I ought to go before Congress and address a special session." But he changed his mind because "Korea was a United Nations matter; and our country should not make an individual approach to it."[18] It did not seem to matter that Congress, and not the president alone, should decide what approach to take before going to the United Nations, if war was at stake. Later, he enlarged on his role as if the president could now decide on all matters dealing with foreign policy. In lectures at Columbia University he declared of the president: "As specified in the Constitution, he's the maker of foreign policy."[19] No one seems to have asked him where in the Constitution the president is made "the maker of foreign policy."

Dean Acheson, who as secretary of state gave Truman's crude decisions a degree of superficial polish, is on record with two versions to explain why Congress was not drawn in for a declaration of war.

Acheson later claimed that his recommendations to Truman had been to go before Congress for a Joint Resolution. Truman agreed but was dissuaded by Senator Lucas on the ground that "things are now going well." Lucas said: "Many members had suggested to him that the President keep away from Congress and avoid debate." Acheson later explained that he had refrained from pushing the resolution because "the thing to do was to get on and do what had to be done as quickly and effectively as you could and if you stopped to analyze what you were doing, you immobilized yourself and [tried] to answer a lot of questions which were unanswerable. All you did was to weaken and confuse your will and not get anywhere." On another occasion, Acheson poohpoohed the idea that the war had been inevitable; it had been Truman's choice.[20]

Acheson's other version is somewhat different. Toward the end of his first meeting with Congressional leaders on June 27, 1950, Senator Alexander Smith of New Jersey asked the President whether he thought it would be a good idea for Congress to pass a resolution approving what the President had already done. Truman replied that he would think about it. After the meeting Acheson advised Truman not to do it, because the troops were already engaged—in the other version, he had allegedly advised Truman to do it. Acheson recalled:

"It seemed to me if, at this time, action was pending before the Congress, by which hearings might be held, and long inquiries were being entered into as to whether or not this was the right thing to do, or whether the President had the authority to do it, or whether he needed Congressional authority for matters of that sort—we would be doing about the worst thing we could possibly do for the support of our troops and for their morale.

"I felt that we were in this fight—and it was a desperate fight—and we had better concentrate all our energies in fighting it and not in trying to get people to formally approve what was going on."

Truman accepted Acheson's advice. When he came to tell this story, Acheson was not so sure that they had done the right thing.

This may well in the light of events, have been the wrong decision. If the Congress had promptly and without debate passed a resolution endorsing vigorously what had happened, this, of course, would have been fine, and it would have nipped in the bud all the statements about the Korean War being Mr. Truman's war and so on.[21]

And so "Mr. Truman's War" joined the long procession started by "Mr. Madison's War." What is noteworthy about both of Acheson's versions is his lightmindedness about constitutional requirements. His only concern seems to have been expediency. A president decided on a war and then decided against going to Congress for authorization because he had already decided without it. In 1951, Acheson also made the first assertion that Congress could not interfere with the president in his use of the armed forces "in carrying out the broad foreign policy of the United States."[22] This was a radical perversion of the original understanding that the president could use the armed forces only as Congress directed, unless the country was suddenly attacked.

Mercifully, Acheson made no attempt to hide behind the UN. The fighting was done overwhelmingly by US forces under US command, acting in the name of the UN, not by the UN. About 85 percent of the non-Korean troops came from the United States. The UN merely designated the United States as its surrogate—a critical departure from the original intent of Articles 46 and 47 to make the Security Council and its use of force against acts of aggression.[23]

Any resort to the UN to justify a US war runs up against the original bill passed by Congress to implement the UN Charter. Section 6 to this bill authorized the president to negotiate a special agreement with the Security Council, *subject to the approval of Congress,* providing for the exact numbers and types of armed forces to be made available on behalf of a UN action. It went on to say that the president did not need to get the authorization of Congress, provided that the only forces used were those already authorized by Congress.[24] As Edward S. Corwin put it, "American implementation of the Charter and hence its ultimately binding interpretation for the United States is based on *the national legislative power,* not on the treaty-making power or on presidential prerogative."[25]

Yet the Korean war seems to have served as a precedent for presidential prerogative in the Gulf War. If we may trust Bob Woodward, who gives a highly circumstantial account of a meeting in the Cabinet Room on January 8, 1991, the Deputy Attorney General William P. Barr told President Bush: "The situation most closely resembling the current crisis was the Korean War, when Truman acted without Congress under a United Nations resolution somewhat similar to the current one."[26] This report reads as if Woodward had access to a detailed account of the meeting.

As Brian Urquhart, the distinguished former UN Under Secretary-General, pointed out, Resolution 678 of November 28, 1990, "went further down this divergent road" by authorizing member states to use force against Iraq after January 15, 1991. Urquhart explained the increased divergence by forty years of cold war, which had prevented agreement on how to carry out the provisions of the Charter.[27] Whatever the sins of the past, an opportunity was missed to live up to the plain language of Article 47, Section 3, to make the Military Staff Committee responsible "for the strategic direction of any armed forces placed at the disposal of the Security Council." In both the Korean and Gulf wars, the UN adapted itself to the United States, not the United States to the UN.

Bush moved against Iraq by proclaiming a general doctrine against the use of force to change borders, whatever the circumstances. This Bush doctrine uncannily resembles the Truman doctrine in the way it converts a single, concrete case Greece for Truman, Kuwait for Bush into an all-purpose recipe to be applied everywhere in the world.[28]

4.

It is not as if serious thought has not been given to the questions raised by this history. Constitutional scholars have pondered them for generations. Two recently published studies continue the tradition and have much to teach us on these very matters in dispute.

Does the president have the constitutional right to take the country into war without a declaration by Congress? Can he substitute a UN resolution for a congressional declaration? Where is it stated that the president has an "inherent right" to commit our forces to battle? In what sense can it be said that the president alone "makes" foreign policy?

Constitutionalism, Democracy, and Foreign Affairs is a magisterial essay by Louis Henkin, Professor Emeritus of Columbia University and the doyen of constitutional scholars. His book of no more than 125 pages, based on lectures delivered at the University of Michigan Law School in 1988, is the distillation of long service in the State Department and thirty years of academic life.

Henkin is not an optimist. He sadly notes the Iran-contra miasma; followed with pained incomprehension of the struggles of President and Congress over Nicaragua and her neighbors; heard the President and the Senate shout disagreement over presidential authority to interpret (reinterpret) the Anti-Ballistic Missile (ABM) Treaty; and watched the United States slip into the Persian Gulf and the Iran-Iraq War.

And concludes that the country has not verged on constitutional crisis, but few have been moved to declare that the constitutional arrangements for conducting the foreign affairs of the United States are worthy of celebration.

In view of other misgivings, he asks the critical question: "Is it time for a checkup and some rehabilitation" of the Constitution?

In the end, Henkin is a worried traditionalist or, as he might prefer, constitutionalist. He goes no further than to see a need for a "constitutional construction that will recommit us to the principles of constitutionalism with which we began and reflect the democracy we have become." Meanwhile, he ponders the problems that have arisen. One is the use made of the "Commander-in-Chief clause" to claim excessive war powers for the president.

During the ensuing two hundred years, Presidents have prominently and frequently claimed large powers by virtue of their constitutional designation as Commander in Chief. There is little support for such claims in text or original intent. Strictly, "the President shall be Commander in Chief of the Army and Navy" is a designation, or assignment, not a grant of power (though some powers may be necessarily implied in the function). . . . The evidence is that in the framers' contemplation, the armed forces would be under the command of the President but at the disposition of Congress. Principally, the President would command the forces in wars declared by Congress. As an exception, the framers agreed to leave to the executive "the power to repel sudden attacks"; authorization by Congress might not be possible to obtain promptly, or at all, and could be assumed. There is no evidence that the Framers contemplated any significant independent role—or authority—for the President as Commander in Chief when there was no war. . . . The President's designation as Commander in Chief, then, appears to have implied no substantive authority to use the armed forces, whether for war (unless the United States were suddenly attacked) or for peacetime purposes, except as Congress directed.

Yet, of all the foreign affairs functions given to the president in the Constitution, the only one that conceivably implies any war powers is the "Commander-in-Chief clause."[29] Presidents have made wars all but inevitable by using this clause, as in the recent case of President Bush, who ordered hundreds of thousands of the armed forces to a theater of war on his own authority, giving Congress little choice but to leave the forces stranded in the Saudi desert or go along with the President's action.

Henkin does not approve of this presidential tactic of cornering Congress into approving what has already been done:

"The President has acquired authority to use the forces that Congress puts at his command for foreign policy purposes. But the Constitution clearly denies him the power to initiate war and therefore must deny him authority to do what is likely to bring us into war."

He recognizes that a long transition favoring the presidency enabled Bush to do what was likely to bring us into war:

"As our Presidents' 'foreign relations power' took root and grew, they found themselves wearing two hats. In limited, uncertain steps the President as Commander in Chief began to carry out what the President as foreign affairs executive determined. In time, precedents accumulated and Presidents gained confidence and claimed more authority. Beginning early and continuing to this day, in several hundred instances of varying scope and significance. Presidents have deployed the armed forces of the United States for foreign policy purposes determined by the President on his own authority."

Henkin does not exempt Congress from responsibility for this de facto perversion of the Framers' intentions. This is one case in which "original intent" backfires on its presidential proponents.

Congress contributed to the steady growth of presidential power. Congress early recognized and confirmed the President's control of day-to-day foreign intercourse, and the resulting monopoly of information and experience promoted presidential claims of expertise and a congressional sense of inadequacy. Congress generally acquiesced even in the President's deployment of forces, and the Senate in his executive agreements. Later, a growing practice of informal consultations between the President and congressional leaders disarmed them as well as members of Congress generally and helped to confirm presidential authority to act without formal congressional participation. . . . It has sometimes been asserted, and even assumed, that the President himself can determine the foreign policy of the United States, can communicate that policy as "the executive," and can enforce it as Commander in Chief.[30]

Thus Henkin is caught in a familiar dilemma. He can find no constitutional warrant for presidents refusing to accept congressional legislation in the field of foreign affairs, as Nixon and his successors have done by refusing to abide by the War Powers Resolution of 1973, the single most important effort by Congress to prevent presidents from ignoring it.

History supports few limitations on the power of Congress in foreign affairs other than the Bill of Rights, and history gives no support for any presidential authority to flout congressional legislation in the matters we are addressing. The President would have to find foreign affairs and Commander in Chief powers that give the President power exclusive of Congress, and there is little basis for that in text, original intent, or history.

He believes that we cannot constitutionally grant undefined, uncircumscribed, unchecked, unbalanced, "plenary" powers to the president in foreign affairs:

"Constitutionalism implies limited government. For our subject, that means that the Constitution should be expounded so that there can be no extraconstitutional government, that, in principle and in effect, no activity of government is exempt from constitutional restraints, not even foreign affairs: government cannot exercise unlimited authority in any large area—not even in foreign affairs. . . . For us, as for the framers, no branch of government has authority that is so large as to be essentially undefined and uncircumscribed, that is 'plenary,' that is not checked, not balanced, not even the President, not even in foreign affairs. . . . Constitutionalism is not mesmerized by invocations of efficiency, by extravagant claims of 'necessity' (even when clothed in irresistible formulae, such as 'national security,' 'national interest,' or raison d'etat)."

For Henkin the Constitution of the Framers is still very much alive if not altogether well. He makes this confession of faith in the critical sphere of war powers:

"Consider the authority to use force—the perennial and paramount constitutional issue. The Constitution gave the decision as to whether to put the country into war to Congress; the farmers intended for the President only the power to defend the United States if this country were suddenly attacked. That division still seems wise and responsive to popular wishes—the basis of authentic democracy. It is not a power that Congress should delegate."

Wise it may still be, but whether it is responsive to popular wishes is more doubtful. If the people understood what the Constitution requires—that the president's only individual war power is to defend the country if it is suddenly attacked—and felt deeply enough about it, presidents could not get away so easily with doing what Henkin rejects—undefined, uncircumscribed, unchecked, and unbalanced power "to do what is likely to bring us into war."

Wishful thinking may also vitiate the guidance with which Henkin comes closest to a positive solution to the problem:

"In the end, I see no need for amendment or radical reconstruction of the Constitution as regards foreign affairs in particular. The checks and balances intended by the farmers and—in my view—justified by our history . . . can be assured under our contemporary constitutional jurisprudence, as I see it. The responsibility for maintaining them lies with both political branches, but it is ultimately in the hands of Congress. . . . Only Congress can assure both checks and balances and democracy in foreign affairs."

It may be true that only Congress can assure these ends. The trouble is that over the years Congress has given little assurance that it is able and willing to carry out its responsibilities. It wakes up from time to time, usually doing too little too late, only to slip back into vacillation and opportunism. Advocates of presidential power like to point out that presidents have all the advantages in the formation and execution of foreign policy. That is only too true, and presidents have taken full advantage of it. As long as presidents greedily grasp at as much power at they can get, and Congress meekly or belatedly acquiesces, the balance and separation of power presupposed in the Constitution will be no more than a fond memory or a political mirage.

Henkin's book is the testament of a scholar who has thought long and deeply about our constitutional predicament. Its moderate tone cannot hide a troubled mind. Nothing in his work justifies the tactics that have again landed us in a presidential war.

5.

The author of another recent study, Constitutional Diplomacy, has the distinction of having been challenged by two administration lawyers. He is Michael J. Glennon, Professor of Law at the University of California, Davis, School of Law. His book also contains a valuable foreword by former senator J. William Fulbright on the skullduggery that went into the Tonkin Gulf Resolution and how it changed his view "about the role of Congress and the courts in our constitutional scheme."

Glennon's work is a formidably detailed, scholarly examination of the relationship between the president and Congress in diplomacy and foreign policy. Like Henkin, Glennon believes that "the Constitution gives Congress important responsibilities in foreign-policy decision making and that it gives the Courts the responsibility of resolving disputes between Congress and the President concerning the power to make foreign policy." Constitutional Diplomacy is really an extended dissertation of these two propositions.

It is instructive to compare what President Bush said at Princeton about his "inherent power to commit our forces to battle after the UN resolution" and what Glennon tells us about this alleged power. Glennon asks the critical question: Can a treaty grant the president war-making power beyond what he would otherwise possess without it?

Glennon finds the answer in a fundamental principle, enunciated by Justice Black for the Supreme Court in 1954—that treaty makers must "act in accordance with all the limitations imposed by the Constitution." This rule was restated in a report of the Senate Foreign Relations Committee in 1979—that mutual-security treaties do not change the distribution of power within the United States government, which is "precisely what it would have been in the absence of the treaty, and that the United States reserves the right to determine for itself what military action, if any, is appropriate." In effect, since the Constitution explicitly says that only Congress can declare war, no treaty can abrogate that responsibility or enable the president to claim an "inherent right" other than what he would possess if there were no treaty.

Glennon devotes a chapter to the ramifications of this subject. In the case of the UN, he confirms what we have already noted: "A statute governing United States involvement in the United Nations, the United Nations Participation Act [1945], was ultimately enacted requiring congressional approval of such an agreement"—that is, to use armed force to carry out a decision of the Security Council. The same principle was adopted at the time of the NATO treaty. In 1949, Secretary Acheson gave assurances that the treaty "does not mean that the United States would be automatically at war if one of the nations covered by the pact is subjected to armed attack. Under our constitution, the Congress alone has the power to declare war." This rule has now been undermined by President Bush.

Glennon sums up that these treaties, including the UN treaty, committed the United States "to judge whether an armed attack actually occurred, to asses whether the attack was provoked, to determine whether a military response is the most propitious, to consider all the factors that go into an evaluation of which action is most appropriate." But the judgment must be made by the United States in conformity with its traditional constitutional processes, which do not give any other body the prerogative to override the responsibility of Congress to authorize a war or the president any "inherent power to commit our forces to battle" as a result of any other body's resolution.

The challenge by the administration's lawyers came in response to an article by Glennon in the Spring 1991 issue of Foreign Affairs in which Glennon examined President Bush's actions in the Gulf War.

In this article, Glennon traced the administration's road to war. It begin, he pointed out, when Secretary of Defense Dick Cheney announced on August 7, 1990, over the five months before the beginning of hostilities, that the United States was committed to the defense of Saudi Arabia in the event of an attack by Iraq. This commitment was solely an executive agreement, more sweeping than previous mutual-security treaties, none of which had contained an absolute commitment to go to war. When the chairman of the Senate Intelligence Committee, David Boren, was asked on September 12 whether the President should have consulted Congress before sending troops to the Gulf, Boren replied: "No, I think the President should be supported on that point." So much for Congress's safekeeping of its constitutional responsibility.

Congress was mute until, on November 8, President Bush increased the number of US troops in Saudi Arabia to about half a million. Only then did congressional questions arise whether the President had the authority to commit the nation's forces to war without congressional approval. On December 6, Secretary Baker conceded that the UN resolution had merely authorized the use of force against Iraq but did not oblige the United States to take such action. If so, it remained for the constitutional processes of the American government to work themselves out before the UN resolution could be acted on.

Whatever the president's war powers may be, Glennon observes, they cannot be construed in such a way that the Framers are made to "play the neat trick of giving Congress a war power that is really no power at all." Whatever Congress's power to declare war may be, it cannot be nothing. Advocacy of a presidential monopoly is like a prestidigitator's trick to make Congress's power disappear.

Not that Glennon evinces much respect for Congress. No vote is more career threatening than a vote for or against war. The most advantageous political posture was thus for members to position themselves to criticize the president if the gulf policy failed and to join in the praise if it succeeded. As Senator Mark Hatfield (R-Oreg.) put it, Congress was "cheering with one hand and sitting on the other." If this seemed cynical, it was. Yet it was no less cynical than the suggestion that Congress had any real choice to approve or disapprove war after more than 400,000 troops were already placed in the Saudi desert.

Bob Dole was the quintessential senator. On December 30, 1990, he said that returning the emir of Kuwait to power "wasn't worth one American life." Two weeks later, he led the effort to use US troops to return the emir of Kuwait to power.

One of Glennon's statements evidently annoyed the administration the most:

"Starting from President Bush's unilateral commitment to defend Saudi Arabia and proceeding to Congress' jury-rigged approval, the episode represented a textbook example of how an audacious executive, acquiescent legislature and deferential judiciary have pushed the Constitution's system of separation of powers steadily backwards toward the monopolistic system of King George III."

This sentence was chosen to show the error of Glennon's ways by two administration lawyers, David P. Rivkin, Jr., and Lee A.

Casey, associate general counsel and deputy associate general counsel respectively of the US Department of Energy. They replied to Glennon in the Summer 1991 issue of Foreign Affairs.[31]

Rivkin and Casey's first complaint turns on the difference between the power to "make" and "declare" war. They contend: "A strong case can be made that the Framers granted the power to declare war to Congress principally to control the domestic consequences of the use of military force, rather than to avoid foreign entanglements." They do not make a strong case for this view or any kind of case. Yet they make it seem that the "control of domestic consequences" was the real reason the Constitution gave Congress the sole power "to declare War."

It is an elementary mistake. In an early draft, Congress was empowered "to make war." An amendment was jointly introduced by James Madison and Elbridge Gerry to substitute "declare" for "make" in order to "leave the Executive the power to repel sudden attacks." [32] This was the real reason for the change, not the spurious one offered by Rivkin and Casey.[33]

Next, Rivkin and Casey take up Glennon's assertion that the Bush administration compelled Congress to go along with its war policy against Iraq by taking measures which forced Congress's hand. At this point, the two offer a surprisingly hardboiled opinion of Congress, not unlike Glennon's:

"It is not that the tools granted to Congress by the Framers are ineffective, but that members of Congress lack the political will to employ them. In fact it is the very lack of Congress' political will that makes it imperative to act faithfully to the original meaning of the Constitution which, in the foreign area, gave Congress mostly post-hoc checks upon the executive power."

The first sentence should tell Congress what administration spokesmen really think of it. The contempt is merited, and Congress has brought it on itself, but it has nothing to do with constitutional requirements. The second sentence is another historical hoax. In foreign policy, the congressional powers "to regulate Commerce with foreign Nations," to "declare War," to "raise and support Armies," and to "provide and maintain a Navy" are very far from "post-hoc checks upon the executive power."

The second main objection of Rivkin and Casey turns on the War Powers Resolution. They state:

"We believe that the resolution's biggest flaw, and it has many, is that it allows Congress to tie the president's hands. The reason this has not happened so far is that succeeding presidents have refused to accept the resolution's constitutionality and, when deploying military forces abroad, have never 'started' its 60-day timeclock running. Professor Glennon, of course, would overturn this practice by letting the courts force the executive branch into invoking the resolution."

So now we know what is really at stake. Congress, it is held, can on no account "tie the president's hands." This means, in effect, that the president must be free to do anything he pleases. Checks and balances are meaningless if they must never "tie the president's hands"; the very term "checks" means that the president may be prevented by the other two branches from doing what he wants to do. This is not merely a criticism of a particular congressional resolution; it is an assault on the essence of the Constitution.

The War Powers Resolution of 1973 was Congress's vain effort to play even a subordinate role. It merely required the president to report any involvement of the United States in hostilities, or when imminent involvement was clearly indicated, to Congress within forty-eight hours and to terminate such involvement within sixty days after his report if Congress so directed by concurrent resolution. The real criticism of the War Powers Resolution is that it is so full of loopholes that presidents can easily get around it.

But presidents have taken even this token of congressional participation to be too much. Beginning with Nixon, they have simply brushed it off as unconstitutional and refused to have anything to do with it. One would imagine that a decision of unconstitutionality should be made by the courts, but they have habitually evaded their responsibility in this area by considering such issues to be a "political question." As for Congress, it has taken the presidential definance and judicial abdication lying down and let the War Powers Resolution fade away.

Still, Rivkin and Casey have unwittingly performed a useful service. They have sharpened the issue so much that it cannot be evaded: either the Constitution provides for checks and balances, in particular on the prerogative of the president to go to war, or it does not. If it does not, we are no longer living under the Constitution that we thought we had.

6.

An article, "The Lonely Superpower," by Charles Krauthammer in the July 29, 1991, issue of *The New Republic*, offers an opportunity to consider some aspects of the war that will always be associated with the name of George Bush.

Krauthammer is a breathless triumphalist. The world, he says, is now "unipolar." Only the United States counts as a great power. This unipolarity "became blindly clear this year when, with a prodigious act of will, the United States turned history in the Arabian peninsula."

But this celebration has its dark side. Isolationism, Krauthammer warns, is again rearing its ugly head. It used to be "left isolationism"; now it is "right isolationism." Russell Kirk made a speech in October 1988 attacking the "fanciful democratic globalism" of the neoconservatives. Pat Buchanan came out for an "America first" foreign policy and declared, "When this cold war is over, America should come home."

The larger threat, Krauthammer says, comes from "multilateralism" Fortunately, he explains, it was a myth in the Gulf War, which was merely an example of "pseudo-multilaterialism" It was pseudo because: "The United States recruited a ship here, rented a brigade there, bought (with skillfully deployed sticks and carrots) the necessary UN resolutions to give its action a multilateral sheen. The Gulf was no more a collective action than was Korea, still the classic case of pseudo-multilateralism."

But if the multilateralism of the Gulf War was so phony, why should we be worried about it? Krauthammer offers two reasons. One is that "we will mistake the illusion—world opinion, UN resolutions, professions of solidarity—for the real thing, which is American power. And that we will assume that if we dispense with the real thing, the illusion will get us where we mean to go. It will not."

But an illusion is an illusion; it generally lasts only so long as it does not come up against hard reality. If it should last much beyond that, it would tell us that there is so much wrong with the American people that the "real thing" is not very real.

Worse still, Krauthammer is sorely worried that multilaterialism may become a fetish as well as an illusion. He reasons:

"The ultimate problem with multilateralism is that if you take it seriously you gratuitously forfeit American freedom of action. You invite China and the Soviet Union, countries indifferent when not hostile to our interests, to have a decisive say and even a veto over our interests and those of our friends. Why should the preeminent power on the globe invite such a needless constraint on its action?"

This is strange anxiety for one who was so clairvoyant about the "pseudo-multilateralism" of the Gulf War. He did not take the alleged dangers of multilateralism seriously in this war; it is hard to see why it should be taken far more seriously next time. The United States was able to go to the UN because it was able to collect enough votes to do what it wanted to do anyway. UN permissiveness is a luxury, not a necessity. If the UN does not come across with the votes next time, the United States will not be so uninventive that it will lack reasons for doing what it wants to do. After all, the United States sent an armed force into Panama—a larger country than Kuwait—without a license from the UN.

Oddly, Krauthammer needs no lessons in how to ignore the U.N. As he points out, the United States acted unilaterally on behalf of the Kurds, after having let them down. Why the same thing could not happen again is his secret.

Krauthammer is both a cynic and an enthusiast. He is refreshingly cynical about the Gulf War's "pseudo-multilateralism." [34] He is equally cynical about Bush's "New World Order." When Bush says that "The quest for a new world order is, in part, a challenge to keep the dangers of disorder at bay," Krauthammer reads it to mean that "For Bush, the new world order is principally about order." Or, in other words, the new world order is really designed to prevent the old world order from changing—or changing in a manner that Bush disapproves of. But the enthusiast always breaks through in order to make the United States decide what, if anything, is going to change.

7.

Krauthammer's article raised questions about America's alleged decline and the nature of the Gulf War itself. To explode the "myth" of American decline, Krauthammer reaches back to the Korean war.

"Well, in 1950 the United States engaged in a war with North Korea. It lasted three years, cost 54,000 American lives, and ended in a draw. Forty-one years later the United States engaged in a war with Iraq, a country of comparable size. It lasted six weeks, cost 143 American lives, and ended in a rout."

The reason for the difficulty with North Korea, according to Krauthammer, is that it had "strategic depth," with China and the whole Communist world behind it. Saddam's Iraq had to face us alone.

If someone like Krauthammer can believe this, it is worth looking into. "Strategic depth" refers to extensive space, as in the case of the Soviet Union, which enjoys enormous strategic depth by virtue of its size, and permits Soviet armies to retreat, if necessary, far into the interior.

Even if Iraq had enjoyed the support of the Soviet Union or China, its war cannot be compared strategically with that of Korea. No one can believe that Soviet or Chinese forces would have intervened in Iraq the way Chinese forces intervened in Korea. Saddam's forces had as much "strategic depth" in Iraq as the North Koreans had in Korea.

This wildly misused term falsifies the real nature of the Gulf War. The main difference between it and the Korean War is that the North Koreans fought fiercely and the Iraqs scarcely fought at all. In his interview with David Frost, General Norman Schwarzkopf stated that "they chose not to stay and fight; . . . they were not willing to fight." During the bombardment of the Iraqi roads, bridges, airfields, and other infrastructure for over a month, the Iraqi air force offered almost no resistance. The vaunted Republican Guard hardly fought at all. Nothing like this can be said of the North Koreans, who fought to the death with every weapon at their command and whether they were outnumbered or not.

The Gulf War ended in an Iraqi rout, but it was more a walkover than a war. It was not the "Mother of Battles," as Saddam blustered; it was more like the abortion of battles. If the "myth of American decline" is to be exploded by such a war, it is going to be a hardy myth until it is tested in different circumstances.

Something else is of greater importance. American decline is not predicated on the success of military power alone, especially against such an opponent. It is the disparity between accumulated military force and the deepening social and economic malignancies in the United States that presents the true threats of decline. Until the United States demonstrates the ability to confront and overcome its domestic disorders, it is premature to bury the myth of American decline.

The same issue of Foreign Affairs that contains the exchange between Rivkin-Casey and Glennon includes an article on "The Roots of American Power" by Robert D. Hormats, former assistant secretary of state for economic and business affairs. Hormats sees fit to ask these questions:

"Can an America whose cities are in some parts indistinguishable from Third World slums, and whose already large underclass continues to fall behind the rest of society, maintain the moral authority required for world leadership when so many nations and peoples see a better quality of life as their overriding goal?

"Can an America whose primary and secondary education system suffers from profound neglect, where the full economic potential of many of its citizens remains untapped, boost productivity and international competitiveness enough to remain a preeminent global economic power?

"Can an America that continues to pass its debts on to the next generation, and fails to provide it with adequate education or infrastructure avoid divisive intergenerational tensions that weaken its international resolve?

"Can an America in which large numbers of blacks and other minorities fall outside the productive economy and become alienated from mainstream society avoid the kind of social conflict that forces a country to turn inward? Can such an America provide an example to other nations tying to cope with their own racial heterogeneity, ethnic diversity and increased immigration?

"Can an America plagued by these internal conflicts generate the resources or domestic political consensus future leaders will require to play an effective global role? And if the United States is beset by such problems, will other nations have confidence in its long-term reliability as an ally or in its political staying power in global crises?"

These are inescapable questions. They hardly exhaust the dire problems the United States faces today. The signs of economic and social deterioration are beyond dispute; the real question is whether they are long-term or merely represent a short lapse. Bush and the Republicans are betting—or praying—that they are the latter; if they are wrong, their foreign policy will not be appreciated for long. In this respect, the Gulf War did not help; it tipped the economy into a recession, according to Michael I. Boskin, chairman of the President's Council of Economic Advisers.[35]

One form of presidential escapism from domestic problems is Bush's preference for foreign business. When he was asked what he liked best about his job, he revealingly answered "foreign affairs." One suspects that Bush's priorities flow in some part from the satisfaction he gets from dealing with other nations' leaders and the frustration he suffers every time he confronts a domestic predicament, for which there is never enough money or a realistic policy.

A difference of perspective helps to explain this preference. Internationally, the United States appears to be the only superpower, "at the apex of the international system," as Krauthammer enthusiastically puts it. But internally, the prospect is quite different. Domestic problems seem to be so intractable that the Bush administration has all but given up presenting a convincing program for dealing with them.

The disparity between the "apex of the international system" and the national base has already shown itself in different ways. It was naively revealed when President Reagan gratefully accepted a few million dollars from King Fahd of Saudi Arabia to support the President's favorite contras. It emerged again when the Bush administration, for the first time in American history, felt that it should or could not pay for a military operation and methodically solicited donations from other countries to offset the cost. To the "tin-cup diplomacy" of the Iran-contra affairs was added tin-cup war-making in the Gulf.

8.

Krauthammer also raises the question why the United States achieved such "an extraordinary military victory" in the Gulf and then "could not wait to get out and go home." His answer is that the United States is not sufficiently "imperially minded," as Britain and France were at their height.

It is highly questionable how extraordinary a military victory can be against an enemy who did not fight. We do not know why Saddam's forces gave way so easily after all his boasting, but that is by far the most striking aspect of this one-sided war rather than why the US-led forces scored such an easy victory. Against such an enemy, triumphalism is frivolous.

Still, the question remains: Why did such an ostensibly glorious victory end in so many ways ingloriously? The answer is not in whether the Bush administration was sufficiently imperially minded but in whether it was sufficiently politically minded.

Many of Clausewitz's insights are still as valid as they were more than a century-and-a-half ago. He might have been thinking of Saddam's Iraq when he wrote: "The defeated state often considers the outcome merely as a transitory evil for which a remedy may still be found in political conditions at some later day." But his most famous dictum is even more relevant: "War is merely the continuation of policy by other means."[36] Like any other, the Gulf War will have to justify itself politically, not by a clash of arms between wildly unequal forces.

Politically, three stages must be taken into account—before the war, during the war, and after the war. We do not yet have the full story of the prewar US policy vis-à vis Iraq, but there is no doubt that the Reagan and Bush administrations contributed to Saddam Hussein's power for years. It is not only clear that he was the beneficiary of US favor up to the very eve of the war but that a cover-up was attempted to hide the evidence, as in the case of Ambassador April C. Glaspie's last meeting with Saddam on July 25, 1990. We now know that she misled the Senate Foreign Relations Committee about it; far from having told Saddam off, she assured him that President Bush still wanted to please him."[37]

From what we now know, Bush's war aims went through a number of phases. On August 8, 1990, Bush wanted nothing more than "the immediate, unconditional and complete withdrawal of all Iraqi forces from Kuwait." But he abstained from committing American forces to military action to carry out this mission. In a second phase, the US war aim was expanded to protect Saudi Arabia from an Iraqi attack.

Still later, US war aims were again expanded. UN resolution 678 of November 29, 1990, was basically limited to the liberation of Kuwait. But Bush contributed war aims of his own. When he denounced Saddam as a Hitler, called on the people of Iraq to overthrow him, and put the United States behind a "new world order," they were war aims as much as the UN's. If Saddam was the Iraqi equivalent of Hitler, he could not be expected to survive the war. Woodward says that Bush signed a top-secret intelligence "finding" authorizing CIA covert actions to overthrow Saddam.[38]

The fixation on Saddam personally, by making Saddam's survival a test of the war's success, was another miscalculation. If Saddam survived. Bush lost: if Saddam fell, Bush won. So far Saddam has survived, with the result that he has blandly proclaimed a kind of victory. The gamble on Saddam's removal by his own retinue betrayed a misconception of the nature of his regime. If he went down, too many others beholden to him were almost certain to go down with him. A personal regime, such as Saddam had methodically fashioned, was most unlikely to be overthrown from the inside.

Saddam as Hitler will also haunt Security Council members. The implications of Bush's words were only too well understood in Iraq by the disaffected Kurds and Shi'ites.

Thus, there was a one-dimensional UN war aim and there were multidimensional US war aims. The defense of Saudi Arabia, the overthrow of Saddam Hussein, and the establishment of a "new world order" were clearly understood to be US war aims until the Kurdish-Shi'ite uprisings made Bush and his advisers change their minds.

On the fourth day of the ground offensive, it suddenly occurred to the administration's strategic thinkers that the downfall of Saddam Hussein threatened the unity of Iraq. General Schwarzkopf, as he later related, had expected to finish his "battle of annihilation," but President Bush "made the decision that, you know, we should stop at a given time, at a given place that did leave some escape routes open for them to get back out."[39] The British were also surprised at the sudden turn of events, but went along quietly.

The specter which moved Washington was the assumed threat to the unity of Iraq by rebellious Kurds and Shi'ites, though both had been encouraged to rebel by the US and the former at least had asked for no more than autonomy. Their rising brought the order to Schwarzkopf to stop his offensive and let Saddam's remaining forces escape from his nut-cracker attack. These forces were permitted to get away with enough tanks and aircraft to put down the Kurdish and Shi'ite rebellions without mercy. In effect, the United States saved Saddam Hussein's regime in order to prevent the feared disintegration of Iraq and a radically changed balance of power in the region.

The new strategy was an improvisation, based on a miscalculation. The United States had been deliberately waging a personal vendetta against Saddam Hussein; it was designed to separate him from the Iraqi army and the Baath Party, which were expected to get rid of him as soon as they saw that his cause was hopeless. If he was a Hitler, as Bush said, it would have been as if we had wanted the German Army and the Nazi party to overthrow the Führer and take charge of the country in his stead.

Saddam become a Hitler? On the day he invaded Kuwait? Otherwise, how can their deliberate policy of arming Saddam's Iraq to the hilt—$40 billion worth of weapons on credit!—be explained? This embarrassing prewar arms policy was energetically practiced by France, the Soviet Union, Germany, Great Britain, the United States, China, and Italy as if they were building up Saddam for just the expansion of his power that enabled him to behave as if he were an imitation Hitler.[40] One would imagine that these countries were suffering from advanced amnesia to judge from the attention which they have paid to their own recent largesse to Saddam.

When Bush was confronted with the realization that the Iraqi army and the Baath party had no intention of sacrificing Saddam and that the Kurdish-Shi'ite rebellions might lead to a break of the Iraqi state, he abruptly changed course. Saddam was now our de facto ally to hold Iraq together. Even this extemporized arrangement could not be maintained as protests rose, and US forces went into northern Iraq—only to go out again.

By this time, Bush must have been sorry that he had ever raised expectations of a deposed Saddam. To cover up this indiscretion, the official US war aim was reduced to the UN resolution to liberate Kuwait. But wars are not one-dimensional. They are multidimensional and must be judged on the basis of the totality of their causes and consequences. The liberation of Kuwait cannot be separated from how Kuwait emerged from it and what the Sabah dynasty has in store for it. The fate of the Kurds and Shi'ites is just as much a part of this war as that of Kuwait. An air war which destroyed much of the Iraqi infrastructure on which civil life depends was just as deadly as a policy of deliberately aiming to kill civilians.

We cannot as yet make a full estimate of what this war entailed. It is too early to see the prewar, war, and post-war phases in perspective. But it is not too early to see why the United States "could not wait to get out and go home." The essential reason is that the United States set off a chain of political consequences with which it was incapable of dealing. The ease of the military victory was a surprise, and everything else that followed from it was even more of a surprise. Yet wars cannot be judged by reducing them to a single objective or by ruling out all the miscalculations and surprises that went into them.

Bush's "new world order" suggests that he was far-reaching, if vacuous, intentions for the region and the world. His slogan represents some kind of imperial ambition, if without an imperial vision; imperial-mindedness takes different forms and uses different means in different times and conditions. The trouble is that Bush could not have both "new" and "order." If the world is going to be new, the change is not likely to be orderly, and if he is going to restore order, the world is not going to be new. Whatever the slogan is supposed to mean, it does not exempt the United States from responsibility for the aftermath of the war. When Bush fled from this responsibility, it was because he was less politically minded than "imperially minded." He came to a political dead end and did not know how to finish what he had started.

Nevertheless, the United States has taken on responsibilities in the Gulf region which will severely tax its imperial-mindedness and political-mindedness. The country which prides itself on being the greatest democracy in the world has become the protector of some of the most undemocratic die-hard, caste-conscious, otiose monarchies in the world. This, too, is part of the gulf War. Kuwait is not the only miniature Gulf state coveted by a neighbor. Egypt and Syria would benefit enormously if they could get some of that oil money flowing into the emirates. Bahrain has long been claimed by Iran, and two empty seats in the Iranian parliament are reserved for representatives from the present emirate.[41] Anyone who thinks that very much in the region was settled by the Gulf War desperately needs to wake up.

9.

The Gulf War was another presidential war. It was no less a presidential war by virtue of a congressional authorization which Bush has insisted he did not need.

The heart of the constitutional issue is whether one man alone, the president, can decide to take the country into war and maneuver Congress into putting its seal of approval on what he has all but predetermined. At stake is nothing less than whether the Constitution is to function as a living guide—instead of a historical relic, nice to have around but convenient to disregard.

Over the decades and centuries, the Constitution has shown amazing resiliency and adaptability. Nevertheless, in the crucial matter of war powers, ways have been found to make it little more than a dead letter. Administration lawyers ominously warn us that we cannot "tie the President's hands," as if this were not the express purpose of checks and balances in the Constitution. To leave the President's hands completely untied in any sphere of policy is to do violence to the fundamental principles which have guided this nation for all of its existence.

Yet checks and balances have not worked well for almost half this century. The executive branch has become so vast in numbers and so laden with responsibilities that it has come to live a virtually autonomous existence in which its first loyalty is to itself. The officials who managed the Iran-contra affairs did not consider themselves responsible to anyone but themselves or their immediate superiors. When former Secretary of Defense Caspar W. Weinberger said that they were "people with their own agenda," he was describing an attitude that extends far beyond Oliver L. North or John M. Poindexter. The president, situated atop this huge bureaucracy, sets the example of governing by "his own agenda," at least in foreign policy.

Yet for those who are disturbed by this state of affairs, as I am, the way out is not easy or obvious. It has gone on for so long, presidents are determined to prolong it and have battalions of lawyers to rationalize it, Congress has been so neglectful, that the obstacles to change seem to be insuperable. That presidential wars represent a perversion of the Constitution is, in my view, undeniable. Scholars of the authority of Louis Henkin and Michael J. Glennon demonstrate that foreign policy is not a presidential monopoly and Congress has an important role to play in it. But constitutional exegesis has done little to hold back the presidential juggernaut. Something else is needed.

Since we are getting so much inspiration from Madison these days, we might turn to him for an analysis of just this problem. In a letter to Jefferson in 1798, he wrote:

"The management of foreign relations appears to be the most susceptible of abuse of all trusts committed to a Government, because they can be concealed or disclosed, or disclosed in such parts and at such times as will best suit particular views; and because the body of people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other." [42]

In the first part of this sentence, Madison might have been alluding to the way the State Department manipulated the testimony about the Glaspie-Saddam meeting on July 25, 1990. But the second part of this sentence is crucial to an understanding of both the problem and its possible resolution. The heart of the matter, Madison seems to be telling us, is that the problem will be with us and get worse all the time so long as presidents can manipulate the prejudices of the body of people, so that they cheer him whenever he takes the country into war.

The Gulf War benefited from a popular need to exorcise the failed presidental wars in Korea and Vietnam. The victory was all the more welcome because it was so cheap and easy. Yet cheap and easy wars are not to be had except in exceptional circumstances. Korea and Vietnam, where the enemy fought bitterly, were far more the norm of what the cost of wars may be. If the Gulf War lures us into wars ostensibly on the cheap, it may yet be the costlier war of all.

The so-called "rally round the flag effect" notoriously works for presidents. It has even been found that presidents are more likely to win congressional approval on key international issues in the month following the use of military force. Before President Johnson sent troops to Vietnam after the Tonkin Gulf incident, 42 percent said that they supported involvement in Vietnam; soon afterward, the figure went up to 72 percent. Before Nixon ordered the bombing of Cambodia, only 7 percent thought it was a good idea; afterward, 50 percent approved. In the end, Truman, Johnson, and Nixon were hurt by their wars, but not until they had lasted too long and had cost too much.[43]

In this sense, the Gulf engagement was the ideal presidential war; it was almost absurdly short and exacted a minimum of casualties. This hollowest of American military victories brought on an orgy of self-congratulation. So long as public opinion responds to such a war as a test of American manhood and an occasion for patriotic intoxication, presidents are not likely to be dissuaded or Congress impressed by constitutional arguments.

In the end, voters must decide whether they want presidents to make wars. For those who do not want an autocratic president in this sphere above all others, it is more than ever necessary to clarify the issues, to purge our history of self-serving myths and distortions, to show why constitutional processes deserve to be lived up to in foreign as well as domestic affairs. But presidents and Congress are more likely to respond to an aroused public opinion than to the best of constitutional authorities. Until the voters get tired to these wars, they are not about to go away.

The tragedy will be if we have to have one war too many before we learn that presidential wars are both undesirable and unconstitutional.

FOOTNOTES

[1] I count the Gulf War on the ground that using about a half million troops cannot be considered a small operation.

[2] As Professor Michael J. Glennon points out, nearly all two hundreds cases involved "fights with pirates, clashes with cattle rustlers, trivial engagements and other minor uses of force not directed at significant adversaries, or risking substantial casualties or large scale hostilities over a prolonged duration." *Foreign Affairs* (Spring 1991), p. 90.

[3] *The Federalist*, edited by Jacob E. Cooke (Wesleyan University Press, 1961), p. 333.

[4] *The Federalists*, p. 324.

[5] Irving Brant, *James Madison: Secretary of State, 1800–1809* (Bobbs-Merrill, 1953), pp. 48–49.

[6] First Annual Message, December 8, 1801, *A Compilation of the Messages and Papers of the Presidents*, James D. Richardson, editor (Washington, 1898), Vol. I, pp. 326–327.

[7] *The Papers of Alexander Hamilton*, Harold C. Syrett, editor (Columbia University Press, 1977). p. 454. Italics in original.

[8] Irving Brant, *James Madison: Commander in Chief, 1812–1836* (Bobbs Merrill, 1961). p. 20.

[9] Drew R. McCoy, *The Last of the Fathers* (Cambridge University Press 1989), p. 16.

[10] Samuel Eliot Morison, *The Oxford History of the American People* (Oxford University Press, 1965), p. 558.

[11] Albert Gallatin, *Peace With Mexico (1847). reprinted in The Writings of Albert Gallatin*, Henry Adams, editor (Lippincott, 1879), Vol. III, p. 583.

[12] Speech of January 12, 1848, House of Representatives, *The Collected Works of Abraham Lincoln*, Roy P. Basler, editor (Rutgers University Press, 1953), Vol. I, p. 432.

[13] See the discussion of Lincoln's action in William M. Goldsmith, *The Growth of Presidential Power* (Chelsea House 1983), Vol. II, pp. 327–333.

[14] William James to W.C. Forbes, June 11, 1907, *The Letters of William James*, Henry James, editor (Atlantic Monthly Press, 1920), Vol. II, p. 289. James was only one of those who prominently opposed the war in 1898; See Robert L. Beisner, *Twelve Against Empire: The Anti-Imperialists of 1898–1900* (McGraw-Hill, 1968).

[15] *Congressional Record*, June 28, 1950, p. 9323. Taft also said that he would have voted for a joint resolution approving Truman's actions.

[16] *Congressional Record*, January 22, 1951, p. 537.

[17] Glenn D. Paige, *The Korean Decision* (Free Press, 1968), pp. 218–219. A Democrat. Senator Paul Douglas of Illinois, cited among other executive actions. Jefferson and the Barbary pirates and Polk's move against Mexico in 1946 in justification for Truman's Korean policy (*Congressional Record*, July 5, 1950, p. 9648).

[18] Harry S. Truman, *Years of Trial and Hope* (Doubleday, 1956), p. 388.

[19] Harry S. Truman, *Truman Speaks* (Columbia University Press. 1980). p. 7.

[20] David S. McClellan, *Dean Acheson* (Dodd Mead. 1976), pp. 275, 281–282.

[21] Merle Miller, *Plain Speaking* (Berkley Publishing Corp., 1973), pp. 280–284.

[22] US Congress, Senate, Report No. 797, 90th Congress, 1st Session (1967). p. 17, cited by Edward Keynes, *Undeclared War* (Pennsylvania State University Press, 1982), p. 2.

[23] This point was made by Brian Urquhart, "Learning from the Gulf," *The New York Review of Books*, March 7, 1991, p. 34.

[24] *Congressional Record*, Senate, June 28, 1950, p. 9323.

[25] Edward S. Corwin, *The President* (New York University Press, 4th revised [last] edition, 1957), p. 221. Italics in original.

[26] Bob Woodward, *The Commanders* (Simon and Schuster, 1991), p. 357.

[27] Brian Urquhart, *The New York Review of Books*, March 7, 1991, pp. 34–35.

[28] Presidents have taken to announcing "doctrines" in the most slipshod, arbitrary fashion. The "Carter Doctrine"—that the United States was going to fight if necessary to prevent an outside power from taking control of the Persian Gulf area—was drafted by a few officials without any staff studies or discussion with Congress. Reagan suddenly stated in reply to a question at a press conference that the United States had a commitment to Saudi Arabia. Yet John H. Kelly, the present Assistant Secretary of State for Near Eastern and South Asian Affairs, testified that there are "no written records, no official record, establishing the commitments of the United States for the defense of any of the Gulf nations, including Kuwait and Saudi Arabia." After noting these aberrations. Charles William Maynes, the Assistant Secretary of State for International Organization Affairs in the Carter administration, observed: "I would contend that if we had had discussions with Congress or discussions between the executive branch and the Congress, we might have had some difficult and clarifying questions put to us. For example, the Congress might have asked what we were doing to implement a commitment, if we had one, to Kuwait or what our policy really was toward Iraq, if we had the commitment of these other States?" *Relations in a Multipolar World*, Hearings before the Committee on Foreign Relations, Senate (November 26, 28, 30, 1990. Part I. p. 150).

[29] The only others are: to make treaties and appoint ambassadors, both with the advice and consent of the Senate. Congress is given far more such powers: to declare war; grant letters of marque and reprisal (contemporary terms for most naval warfare); make rules concerning captures on land and water; raise and support armies; provide and maintain a navy, make rules and regulations for land and naval forces; provide for organizing, arming, and disciplining the militia.

[30] In a footnote, Henkin sardonically comments: "Observers may have noticed that there has been little invocation of original intent in foreign affairs, surely not by the most vocal recent supporters of original intent in the executive branch."

[31] This letter reminded me of similar letters by the same David Rivkin, Jr., and another administration lawyer, Lawrence Block, who argued with me *The New York Review of Books* last year. See "The Constitution in Danger: An Exchange," [*NYR*, May 17 and August 16, 1990].

[32] *The Records of the Federal Convention of 1787*, Max Farrand, editor (Yale University Press, revised edition, 1937), pp. 318–319.

[33] In his original article, Glennon had already explained why the change had been made from "make" to "declare" (*Foreign Affairs*, Spring 1991, pp. 86–87). The historical background is carefully examined by Edward Keynes in *Undeclared War* (Pennsylvania State University Press, 1982), pp. 34–38. Keynes concludes: "The decision to engage the nation in offensive hostilities or limited war is a congressional decision."

[34] Krauthammer is cynical enough to believe that the American people want to be hoodwinked: "But Americans insist on the multilateral pretense. . . . In the Gulf, for example, the Kuwait policy commanded support when presented not as an issue of oil and jobs but as a war of liberation."

[35] Leonard Silk, *The New York Times*, August 16, 1991.

[36] Carl von Clausewitz, *On War*, edited and translated by Michael Howard and Peter Paret (original German edition, 1832; Princeton University Press, 1984), p. 80, 87. The second quotation, in its usual form, is taken from the heading; the original wording is: "We see, therefore, that war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on by other means."

[37] Ambassador resumed her theme, recalling that the President had instructed her to broaden and deepen our relations with Iraq. Saddam had referred to some circles' antipathetic to that aim. Such circles certainly existed, but the U.S. Administration is instructed by the President. On the other hand, the President does not control the American press; if he did, criticism of the administration would not exist" (Cablegram from Ambassador Glaspie to Secretary of State James A. Baker III, July 25, 1990).

[38] Woodward, *The Commanders*, p. 276. This and other allegations certainly merit a congressional investigation into the events leading to the war—the only way we are likely to find out what really happened.

[39] Interview with David Frost, March 27, 1991. Later, a dispute arose whether Schwarzkopf had disagreed with Bush's order to permit the rest of the Iraqi army to escape. But this was a subsidiary issue; there was no dispute about the substance of the order.

[40] See the valuable article, "The Arming of Saddam Hussein" by Fredric P. Smoler, *Dissent* (Summer, 1991). Smoler recalls the memorable lines of *The Resistible Rise of Arturo Ui:*

This is the thing that almost had us mastered
do not rejoice in his defeat you men
for though the world stood up and stopped the bastard
the bitch that bore him is in heat again.

[41] I am indebted here to Jean-Patrick Voudenay, "Les monarchies arabes sous protectorat US." *Le Monde*, August 5, 1991.

[42] Madison to Jefferson, May 13, 1798, *Letters and Other Writings of James Madison* (Lippincott, 1865), Vol. II, p. 141.

[43] Bruce Russett, *Controlling the Sword* (Harvard University Press, 1990), pp. 34, 37–38, 47.

COMMENDING PRESIDENT BUSH ON HIS U.N. SPEECH TO REPEAL RESOLUTION 3379

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I did not want to let this occasion pass without commending the President of the United States for his remarks as they related to the U.N. resolution that was passed by the General Assembly in 1975, Resolution 3379.

The United Nations celebrated its 46th anniversary of its charter on June 26 of this year. Article 1 of the United Nations charter establishes the United Nations as a center for harmonizing the actions of nations.

On November 10 of this year, 16 years will have passed since the adoption of the United Nations General Assembly Resolution 3379 which formally declared Zionism to be a form of racism and racial discrimination. Zionism is a national movement of the Jewish people for self-determination, a legitimate and a moral aspiration characteristic of national groups in the modern world. And if there was ever any sense or feeling or example of that, it clearly has been demonstrated over the last 4 or 5 years, but particularly over the last several months with the explosion of the identity of national republics and peoples throughout what was formerly known as the Soviet Union.

The United Nations General Assembly Resolution 3379 has had as its overt purpose the delegitimization of the State of Israel. United Nations General Assembly Resolution 3379 has impeded the struggle against real forms of racial bigotry and had the incendiary effect of stimulating and encouraging anti-Semitism.

☐ 1350

So I was very pleased to have watched the President just a few moments ago as he addressed the United Nations asking them to repeal this terrible act which was passed in a different time, under a different coalition.

The time for peace is ripe in the Midwest as it has been ripe for peace in many other areas of the world, and where we are seeing progress toward peace in regional conflicts throughout the world. Repealing this resolution, which has inflamed the worst in people, will be a positive step in moving in the direction of bringing together the peoples of the Middle East, the Israelis and their Arab neighbors and all of those who wish to live with dignity, with racial harmony, with peace in that most tortured part of the globe today.

Mr. Speaker, I commend the President, and I would say to my many Arab friends, and I have, I believe, many Arab friends, I would encourage them, I would implore them to use their influence to reach deep into their own souls and make the important leap, the important step toward peace by ridding the world community and the body which it so represents of this insidious resolution.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on September 27.

Mr. GINGRICH, for 60 minutes, each day on October 7, 8, 9, 10, 11, 15, 16, 17, and 18.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. OXLEY.

Mr. LIVINGSTON.

Mr. MACHTLEY.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. WAXMAN.

Mr. COLEMAN of Texas.

Mr. MARTINEZ.

Mr. STARK in three instances.

Mr. ANDERSON in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. GONZALEZ in 10 instances.

Mr. KANJORSKI.

Mr. LUKEN.

Mr. MATSUI.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 24, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2110. A letter from the Standards of Conduct Office, Department of Defense, transmitting a summary fiscal year report of a section omitted on the fiscal year 1990 Report of DOD and Defense Related Employment; to the Committee on Armed Services.

2111. A letter from the Assistant General Counsel, Department of Energy, transmitting notice of a meeting related to the International Energy Program by the Industry Advisory Board on September 26, 1991, at the Westin Hotel, Calgary, AB, Canada; to the Committee on Energy and Commerce.

2112. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under contract (Transmittal No. DTC-40-91, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2113. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 91-44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2114. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 91-45), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2115. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 91-46), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2116. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 91-53), pursuant to 22 U.S.C. 2776(b); jointly, to the Committees on Foreign Affairs and Appropriations.

2117. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of delayed delivery of some of the defense articles covered in Presidential Determination 91-35 of May 26, 1991, pursuant to 22 U.S.C 2601(c)(3); jointly, to the Committees on Appropriations and Foreign Affairs.

2118. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the Board's fiscal year 1993 budget, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

2119. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting Presidential Determination No. 91-53 relating to assistance to Jordan and a justification for the determination, pursuant to 22 U.S.C. 2601(c)(3); jointly, to the Committees on Foreign Affairs and Appropriations.

2120. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting a copy of the proposed Comprehensive Outer Continental Shelf [OCS] Natural Gas and Oil Resource Management Program for 1992-97; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2181. A bill to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio; with an amendment (Rept. No. 102-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 363. A bill to authorize the addition of 15 acres to Morristown National Historical Park (Rept. No. 102-212). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. A report on the subdivision of budget totals for fiscal year 1992 (Rept. No. 102-213). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2370. A bill to expand the boundaries of Stones River National Battlefield, TN, and for other purposes; with an amendment (Rept. No. 102-214). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on Sept. 17, 1991, the following report was filed on Sept. 20, 1991]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3300. A bill to enhance the financial safety and soundness of the Federal Agricultural Mortgage Corporation; with an amendment; referred to the Committee on Banking, Finance and Urban Affairs for a period ending not later than October 4, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X (Rept. No. 102-210, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLISH:

H.R. 3370. A bill to direct the Secretary of the Interior to carry out a study and make recommendations to the Congress regarding the feasibility of establishing a native American cultural center in Oklahoma City, OK; to the Committee on Interior and Insular Affairs.

By Mr. BROOKS (for himself and Mr. SCHUMER):

H.R. 3371. A bill to control and prevent crime; to the Committee on the Judiciary.

By Mr. GORDON (for himself and Mrs. ROUKEMA):

H.R. 3372. A bill to amend the Higher Education Act of 1965 to revise the operation of the National Student Loan Data System; to the Committee on Education and Labor.

By Mr. BROOKS:

H. Con. Res. 206. Concurrent resolution to provide for the printing of the Constitution of the United States of America; to the Committee on House Administration.

By Mr. STEARNS (for himself, Mr. HENRY, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. EWING, Mr. FUSTER, Mr. LIGHTFOOT, Mr. SHAW, Mr. BENNETT, Mr. OXLEY, Mr. HORTON, Mr. IRELAND, Mrs. VUCANOVICH, Mr. SCHEUER, and Mr. MARTINEZ):

H. Con. Res. 207. Concurrent resolution commending the people of the Union of Soviet Socialist Republic and their democratically elected leaders for their continuing coverage and commitment to freedom; to the Committee on Foreign Affairs.

By Mr. ROBERTS:

H. Res. 224. Resolution requiring that check cashing at the Sergeant at Arms Bank of the House of Representatives be carried out in accordance with standard banking practices; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

278. THE SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to the Communications Competitiveness and Infrastructure Modernization Act of 1991; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 430: Mr. WEBER.

H.R. 606: Mr. HERGER.

H.R. 791: Mr. CONYERS.

H.R. 858: Mr. WHEAT.

H.R. 905: Mrs. VUCANOVICH.

H.R. 1188: Mr. PETERSON of Minnesota, Mr. DARDEN, Mr. TOWNS, Mr. PETRI, and Mr. BARNARD.

H.R. 1200: Mr. DURBIN, Mrs. VUCANOVICH, Mr. DERRICK, Mr. CRAMER, Mr. BEILENSON, Mr. RAY, Mr. RIDGE, Mr. SOLARZ, Mr. SPRATT, and Mr. BILIRAKIS.

H.R. 1389: Mr. ARMEY.

H.R. 1408: Mr. NEAL of North Carolina, Mr. ROHRABACHER, Mr. COX of California, and Mr. CAMPBELL of California.

H.R. 1414: Mr. WALKER and Mr. PETERSON of Florida.

H.R. 1426: Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. ABERCROMBIE.

H.R. 1429: Mr. HERGER and Mr. DORGAN of North Dakota.

H.R. 1456: Mr. JONES of Georgia.

H.R. 1472: Mr. HENRY, Mr. JOHNSTON of Florida, Mrs. LLOYD, Mr. SWETT, and Mr. GLICKMAN.

H.R. 1524: Mr. BORSKI, Mr. STUDDS, Mr. KANJORSKI, Mr. SHAYS, Mr. PERKINS, Mr. SWETT, Mr. DURBIN, Mr. MORAN, and Mr. SPRATT.

H.R. 1652: Mrs. NORTON, Mr. KOPETSKI, Mr. MCMILLAN of North Carolina, Mr. JEFFERSON, Mr. GEJDENSON, Mr. MAVROULES, Mr. WISE, Mr. EVANS, and Mr. FROST.

H.R. 1771: Mr. CAMP, Mr. CARR, Mr. HATCHER, Mr. KILDEE, Mr. MCDADE, and Ms. SNOWE.

H.R. 2086: Mr. BARNARD, Mrs. MORELLA, Mr. SIKORSKI, Mr. VOLKMER, Mr. ENGEL, Mr. KOLTER, Mr. MACHTLEY, Mr. JOHNSON of South Dakota, and Mr. RAHALL.

H.R. 2141: Mrs. UNSOELD, Mr. FROST, Mr. WILLIAMS, Mr. JEFFERSON, Mr. ROEMER, and Mr. NEAL of North Carolina.

H.R. 2248: Mr. DERRICK, Mr. SCHAEFER, Mr. MCCRERY, Mr. BACCHUS, Mr. DOWNEY, Mr. LAFALCE, Mr. SLATTERY, Mr. SOLOMON, and Mr. PETRI.

H.R. 2258: Mr. TORRES and Mr. WASHINGTON.

H.R. 2265: Mr. FEIGHAN and Mr. HALL of Ohio.

H.R. 2267: Mr. LEHMAN of Florida.

H.R. 2286: Mr. HERGER.

H.R. 2401: Mr. TALLON, Mr. BARRETT, Mr. BROWN, and Mr. EMERSON.

H.R. 2550: Mr. FRANKS of Connecticut, Mr. ESPY, Ms. KAPTUR, and Mr. BEREUTER.

H.R. 2768: Mr. BARNARD, Mr. GINGRICH, Mr. EMERSON, and Mr. JEFFERSON.

H.R. 2880: Mr. SANGMEISTER, Mr. FAZIO, and Mr. NEAL of North Carolina.

H.R. 2971: Mr. STEARNS.

H.R. 3049: Mr. HAMILTON.

H.R. 3070: Mr. DORGAN of North Dakota, Mr. COYNE, Mr. COX of Illinois, Mr. ACKERMAN, Mr. BROOKS, Mr. ANDREWS of Maine, Mr. KOSTMAYER, Mr. MCCANDLESS, Mr. BOUCHER, Mr. WHEAT, Mrs. KENNELLY, Mr. MACHTLEY, Mr. GILMAN, Mr. ROWLAND, Mr. TAYLOR of North Carolina, Ms. HORN, Mr. MCCRERY, Mr. ROE, Mr. PORTER, Mr. PETERSON of Minnesota, Mr. RUSSO, Mr. RAVENEL, Mr. LUKEN, Mr. MCDERMOTT, and Mr. KOPETSKI.

H.R. 3172: Mr. JEFFERSON, Mr. HORTON, and Mr. TOWNS.

H.R. 3222: Mr. BONIOR, Mr. HERTEL, Ms. WATERS, Mr. ESPY, Mr. JEFFERSON, Mr. EMERSON, Mr. GILLMOR, and Mr. SANDERS.

H.R. 3285: Mr. ESPY, Mr. GEJDENSON, Mr. GORDON, Mr. KOPETSKI, Mr. PETERSON of Minnesota, Mr. YATES, and Mr. NEAL of North Carolina.

H.R. 3296: Mrs. JOHNSON of Connecticut, Mr. FAWELL, Mr. LAGOMARSINO, Mr. HERTEL, Ms. SLAUGHTER of New York, Mr. KLECZKA, Mr. JONES of Georgia, Mr. BRUCE, Mr. HUGHES, Mr. LAFALCE, and Mr. MARTINEZ.

H.R. 3354: Mr. LAFALCE, Mr. LANCASTER, and Mr. FROST.

H.J. Res. 61: Mr. YOUNG of Florida.

H.J. Res. 67: Mr. PETRI, Mrs. COLLINS of Illinois, Mr. SHARP, Mr. MILLER of Ohio, Mr. GRANDY, Mr. LAUGHLIN, Mrs. UNSOELD, Mr. ATKINS, Mr. EVANS, Mr. CAMPBELL of Colorado, Mr. HALL of Texas, Mr. NAGLE, Mr. FLAKE, Mr. THOMAS of Georgia, Mr. FEIGHAN, Mrs. ROUKEMA, Mr. HOYER, Mr. DINGELL, Mr. ESPY, Mr. GINGRICH, Mr. SKEEN, Mr. BOUCHER, Mr. HANSEN, Mrs. LOWEY of New York, Mr. NATCHER, Mr. HAMILTON, Mr. CLINGER, Mr. SHUSTER, Mr. KLECZKA, and Mr. STALLINGS.

H.J. Res. 107: Mr. HOBSON.

H.J. Res. 175: Mr. PRICE, Mr. LIVINGSTON, Mr. BRUCE, Mr. FORD of Tennessee, Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. SANDERS, Mr. SKELTON, Mr. MILLER of California, Mr. BERMAN, Mr. MAVROULES, Mr. ANDREWS of Maine, Mr. WHEAT, Mr. STUMP, Mrs. MORELLA, Mr. SUNDQUIST, Mr. OBERSTAR, Mrs. MINK, Mr. RAY, Mr. RHODES, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. SWETT, Mr. NAGLE, Mr. VISCLOSKY, Mr. PETRI, Mr. SPRATT, Mr. TAYLOR of North Carolina, Mr. ASPIN, Mr. TRAXLER, Mrs. PATTERSON, Mrs. COLLINS of Illinois, Mr. CRAMER, Mr. NUSSLE, Mr. FAZIO, Mr. ANNUNZIO, Mr. MRAZEK, and Mr. GOODLING.

H.J. Res. 177: Mrs. BENTLEY, Mr. PICKETT, Mr. GORDON, Mr. KOLTER, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. COYNE, Mr. FASCELL, Mr. NEAL of North Carolina, Mr. YOUNG of Florida, Mr. SAVAGE, Mr. PAXON, Mr. ENGEL, Mr. ANNUNZIO, Mr. HERTEL, Mr. HATCHER, Mr. GALLO, Mr. EWING, and Mr. JACOBS.

H.J. Res. 227: Mr. MORRISON, Mr. COX of California, Mr. DICKS, Mr. DOOLITTLE, Mr. EWING, Mr. GUNDERSON, Mr. HOAGLAND, Mr. KOSTMAYER, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. OWENS of New York, Mr. PURSELL, Mr. MCCOLLUM, Mr. MORAN, Mr. SAWYER, Mr. SCHUMER, Mr. STUDDS, Mr. WEBER, Mr. YATRON, Ms. WATERS, Mr. BACCHUS, Mr. CRAMER, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. RIGGS, Mrs. MORELLA, Mr. BONIOR, Ms. COLLINS of Michigan, Mr. YOUNG of Florida, and Mr. SCHULZE.

H.J. Res. 312: Mr. RANGEL, Mr. VANDER JAGT, Mr. DORNAN of California, Mr. INHOFE, Mr. MAZZOLI, Mr. BLILEY, Mr. PAXON, Mr. FASCELL, Mr. HORTON, Mr. SHAYS, Mr. HANSEN, Mr. MCDADE, Mr. TOWNS, Ms. OAKAR, Mr. FUSTER, Mrs. VUCANOVICH, Mr. GUARINI, Mr. CLINGER, Mr. ORTIZ, Mr. MCMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. DOOLITTLE, Mr. SMITH of Florida, Mr. OXLEY, Mr. LANTOS, Mr. HUNTER, Mr. BROWN, Mr. BACCHUS, Mr. HYDE, Mr. LEWIS of Florida, Mr. WALSH, Mr. SKEEN, Mr. KASICH, Mr. CAMP, Mr. MAVROULES, Mr. ERDREICH, Mr. STARK, Mr. HUGHES, Mr. GALLEGLY, Mr. LIPINSKI, Mr. LAFALCE, Mr. POSHARD, Mr. EWING, and Mr. GILLMOR.

H. Con. Res. 190: Mr. WELDON.

H. Con. Res. 199: Mr. LAGOMARSINO, Mr. KOPETSKI, Mr. LEHMAN of Florida, and Mr. ROHRABACHER.

H. Res. 222: Mr. LAROCCO, Mr. BRUCE, Mr. SERRANO, Mr. LEACH, Mr. MARTINEZ, Mr. COX of Illinois, Mr. HORTON, Mr. MARTIN, Mr. TOWNS, Mr. KOPETSKI, and Ms. LONG.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 330: Mr. VALENTINE.

H.R. 1790: Mr. BEREUTER.

EXTENSIONS OF REMARKS

CURRENT BENEFITS OF FUSION ENERGY RESEARCH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. STARK. Mr. Speaker, for over 40 years, scientists around the world have struggled to solve the mysteries of fusion energy. Their goal is to develop a new energy technology that is clean, affordable, and inexhaustible. One that is both economically sound and environmentally safe. If they are successful, the implications for the Nation and the world will be enormous.

Forty years is a long time to work toward a goal—even a goal as important as this one. The effort involves researchers in most of the industrial nations. The combined resources provided for fusion energy research are impressive. In the United States alone, the Federal Government spends about $500 million a year. Given the current budget problems, this outlay is substantial and must be justified. The public has a right and a duty to ask "What are we getting for our money?"

In answer to this question, I would like to share with you excerpts from an article published this year in the Journal of Fusion Energy and written by Dr. Alex Glass at Lawrence Livermore National Laboratory—an institution that is clearly a world leader in both magnetic fusion and inertial confinement fusion research. Dr. Glass believes, as I do, that the payoff from fusion research is continuous and that it has already begun.

The benefits derived from the fusion program are threefold. First, there are the scientific benefits. They include a new understanding of the physics which occurs in the interior of the Sun. This has enhanced our knowledge about the properties of materials at very high temperatures. Second, there are the technological benefits including the development of a new generation of lasers, optics, and magnetic materials which have had widespread applications in the commercial world. Finally, there are the societal benefits—the boost given to the importance of a technical education and the benefits of providing new challenges to students of applied physics.

Mr. Speaker, the investment we make in fusion energy research is a prudent one. On the journey from a science program to the final development of a practical energy technology, we enjoy dividends every step of the way. The fusion energy program deserves our support.

CURRENT BENEFITS OF FUSION ENERGY RESEARCH

(By Alexander J. Glass)

Fusion is a global effort, with active programs in most of the industrial nations. The U.S. spends about $500 million a year on fusion research. That sounds like a lot of money, but in the context of the overall R&D budgets, I would say that fusion expenditures are significant but they are not overwhelming. By that I mean that we spend about 10% of the energy R&D budget on magnetic fusion, and we spend about 8% of the nuclear weapons R&D budget on inertial fusion. However, in the current budget climate, as we all know, every expenditure has to be justified. The public has a right and Congress has the duty to ask, "What do we get for our money?" Those of us working in the fusion programs have to provide that answer. Furthermore, large facilities are contemplated in both programs. In the magnetic fusion program, design activities are underway for the Compact Ignition Tokamak; and in the inertial fusion program, the next large facility, the Laboratory Microfusion Facility, is under intensive review and study in the Department of Energy. Both of these are large and expensive facilities. Moreover, to embark on the next generation of facilities really means a renewed commitment to the goals and purposes of fusion. These facilities are of such a scale that they will take several years to build. Once built, they will operate from 5–10 years in order to realize their full scientific potential. So to take the next step means to buy into the programs for a couple of decades. It is thus appropriate, as we contemplate that next step, to review the return that the country gets for its continuing investment in fusion energy research.

We all recognize that the long-term goal of both programs is to develop an inexhaustible source of energy for all humankind for all time. It's hard to conceive of a more laudable purpose than that, a lofty goal comparable to a cure for cancer, or an end to war. But I want to concentrate on the more immediate benefits of fusion research, which may not be as fully appreciated. We need to recognize that the payoff from fusion research is continuous, and that it has already begun.

Fusion research in many ways is a paradigm of applied science. Much of what I say about fusion would be true about other areas of applied science. However, for reasons that I hope to make clear, I think that fusion has some unique attributes. Many of you in this audience require no convincing of the benefits of fusion research. However, I think that those of us working in the fusion program take too much for granted about what we're doing, and that we don't articulate those benefits well enough to the public at large. We neglect to tell others what we accept as an article of faith. We need to communicate these benefits more clearly to the public, to the technical community, and to government policy and decision makers, so that they can understand better the value of the fusion programs. I hope I can stimulate your thinking about how we should do this.

The benefits derived from the fusion program are on three levels: there are scientific benefits, technological benefits, and societal benefits. In this talk, I want to address all three, starting with the scientific benefits. In inertial fusion research, we explore the properties of matter under conditions of very high density and very high temperature. From a scientific point of view, these conditions simply are not accessible in the laboratory by any other means. This is not just esoteric physics. This is the physics which occurs in the interior of the sun and the stars and is therefore of astrophysical significance. It is also the physics which occurs in the interior of thermonuclear weapons, and thus has defense applications, as well. This has been recognized by the DOE and by Congress from the inception of the ICF program. It has been supported by Congress for the near-term benefit that it would provide in the form of support for the nuclear weapons program. Over the past year, experiments have been carried out at the Nova facility at the Lawrence Livermore National Laboratory, to increase our understanding of the properties of materials under conditions which are encountered in nuclear weapons program, not out of inertial fusion funds, in recognition of their direct benefit to the nuclear weapons program. Beyond that, there's a broader payoff from a scientific point of view, relating to the physics of high density, high temperature matter.

Similarly, in the magnetic fusion program, we obtain information energy transport in plasmas, questions of plasma instabilities, and other issues which have great relevance to astrophysical problems. More importantly, once ignition is achieved, particularly in magnetic fusion devices, we'll have the opportunity, for the first time ever, to study the physics of a burning thermonuclear plasma in the laboratory in a semiquiescent condition. Thus, from the point of view of physics benefits, we are going to learn a great deal from both programs.

Fusion physics also takes the scientist to the frontier between atomic and nuclear physics, which is of great interest in modern physics. Two areas of current interest in fusion research which involve the interface of atomic and nuclear physics are spin-polarized fusion fuel and muon-catalyzed fusion. Both areas are of technical interest for their potential benefit to effusion technology, as well as being of intrinsic interest as challenging and important physical problems.

The technological benefits of fusion are widely recognized. Fusion experiments require sophisticated experimental facilities. In fact, progress in fusion is paced by the availability of suitable experimental facilities. The technology of these large facilities is novel, very challenging, and very demanding. That's the reason why we are only on the threshold of ignition after 40 years of fusion research. Among the primary technologies associated with fusion are beams of particles and beams of light—lasers.

Lasers and particle beams are clearly technologies that are relevant to defense applications. But in a program like magnetic or inertial confinement fusion, the development of large-scale facilities requires the advancement of a large number of underlying or supporting technologies. These include technologies like pulse power (the high voltage electricity that's used to power fusion devices), magnetic materials, optical materials, and optical fabrication techniques. Thus, there are a great number of useful spinoffs from the primary programs to other areas of technical endeavor. The question of spinoffs is one that is greatly misunderstood

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and misrepresented. For example, if you were going to build a Teflon-coated frying pan, you wouldn't start out with a space program, even though that's often claimed as one of the space program's peripherical benefits. Recently, a study appeared which purported to show that spinoffs from the SDI program had been greatly exaggerated. This study pointed out that lasers developed for ballistic missile defense are not really applicable in the operating room. That's true, you wouldn't build a $500 million laser to use for retinal attachment or laser surgery. But the level at which the technology transfer really occurs is at the supporting level. The optical and electrical technology developed en route to building the SDI laser may indeed revolutionize laser technology, even that used for medical applications. This is a point which is poorly understood by the general public, and even within the technical community. Because both fusion programs are continually pressing the limits of what can be built, they are continuously spinning off new and exciting beneficial technologies that have widespread applications both in defense and in commercial industry.

The experimental environment in which fusion experiments are carried out is very demanding in its own right. For example, fusion experiments are conducted in the presence of a very strong background of electromagnetic noise from either pulse power or from high electric currents. As a result, it is difficult even to make an unambiguous measurement in that environment. Consequently, one of the first places in which fiber optic signal pathways were used to convey optical signals from sensors back to a central control room was in the fusion programs. Now, of course, that's a fairly standard and widely applied technique. The fusion experiments themselves are very complex. If you have visited any of the fusion laboratories you are well aware of that. We are talking about big, complex facilities. To operate those facilities requires the latest techniques and technologies in control systems, in displays, in computer-augmented controls, and in alignment systems, with as much automation as is possible. Thus, these are also areas in which the fusion programs are advancing the technology. And when, in the next few years, we begin to burn thermonuclear fuel, we shall be forced to incorporate remote handling, remote maintenance, and the application of robotics to our experimental facilities. Our work in fusion will advance that technology as well. Fusion research entails large-scale experiments in a difficult environment, which challenges our scientists and our engineers to devise new technologies. In turn, these new technologies inevitably find wide application in other fields.

The third level of benefit on which I wanted to comment is what I would call societal benefits. First among these is the stimulus which a program like fusion gives to technical education. We all recognize the importance of technical education in our country today. In many ways, the fusion program is an ideal training ground for technical students. It is, of course, very challenging in terms of the physics involved. Fusion research is not just pure science, however. It is applied physics, and that's very important. The differences between applied physics and pure physics is that in pure physics, one can choose the problems on which to work. One is allowed to constrain the problem and say, "I'm not interested in that interaction, so I'm not going to worry about it." But in applied physics you have a goal in mind. Any obstacle that lies between you and that goal must be overcome. So you have to engage a much wider variety of problems. Applied physics training equips the student to tackle a great many more things than does specialization in pure physics.

As discussed, the physics of fusion is intellectually stimulating and it falls into an important regime of physics. Additionally, the end purpose is of great consequence to our society. For example, even the knowledge that practical fusion energy was 10–20 years away would change the future value of oil deposits, and have a profound effect on national energy policy. It is important that students working in science and engineering understand that there are societal consequences of the technologies that they develop. In fusion, one is never very far removed from consideration of those consequences. Thus, the student working in fusion is exposed to the larger issues that surround the science he or she is doing.

Fusion energy technology entails a great deal more than just consideration of how to achieve a thermonuclear reaction and how to contain it. One must consider the systems aspects, because the fusion device itself is part of a large power plant. It also entails the societal questions of overall energy supply, and of maintenance of the environment. In planning for the introduction of fusion energy, we must consider how society at large views the technology we are developing. Does the public view fusion as just another nuclear energy technology, and if so, can we avoid making the mistakes that were made in the introduction of nuclear fission? We also have to consider the changes that the technology we introduce will bring about in the society. Furthermore, any consideration of fusion energy must take into account the economic issues. It is clear that fusion is a very rich field for training students, not only in the physics and technology of fusion, but also in the implications for society at large.

It is somewhat shocking to realize that fusion is in its fifth decade. We think of ourselves of living in an era of rapid technological change. Consider the first half of the twentieth century, which was, of course, 50 years long. During that time, practical, powered human flight was developed—the airplane, and then the jet airplane. During the same period, the automobile was developed, along with radio, television, and a multitude of other new technological innovations. By comparison, we have spent 40 years already on fusion, and we have 20–30 years to go, by the most conservative estimates. If you want to find a parallel in the history of technology to the development of fusion energy, I submit that it would be the development of the steam engine. In the development of the steam engine, a new science had to be developed—a science called thermodynamics. A new technology had to be developed, called steel. The first operating steam engine, the Newcomen engine, operated on the wrong principles. Steam power did not become practical until the development of James Watt's engine. Right now, we may be struggling to achieve what would be the fusion equivalent of the Newcomen engine. I shouldn't be surprised if the first fusion devices we develop bear no more resemblance to the final fusion reactor than the Newcomen engine does to the modern steam engine. But we are developing a new science. And we are developing new technologies, we're stimulating thought, and changing the nature of our society.

The tokamak and the stellarator, the two leading approaches in magnetic fusion, were under development when I graduated from college 35 years ago. That's a sobering thought. Many people now in decision-making positions have been hearing about the promise of fusion all of their adult lives. It's not surprising that they are asking, "When and where is the payoff?" But I submit that the payoff is continuous and is already occurring. That is the message we in the fusion community must get across. We are making great progress in the science and technology of fusion, and we're on the verge of much greater advances. The next generation of facilities will take us across the threshold of ignition. When we cross that threshold, the scientific benefits will multiply, the technological benefits will increase many fold, and we shall have taken the first major step toward developing a practical fusion technology.

When we have achieved that practical fusion technology, when we have fusion power plants or other fusion applications, we won't have to explain why we did it. That will be generally understood. But in the meanwhile, it is imperative to recognize the collateral benefits of our endeavors and to make them more widely known.

THE 125TH ANNIVERSARY OF ST. ALOYSIUS GONZAGA PARISH

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. LUKEN. Mr. Speaker, it is my pleasure to announce the 125th anniversary of St. Aloysius Gonzaga Parish, formed in 1866 in the district I now serve.

On July 8, 1866, a small group of area Catholics met at the home of Dr. Peter Liedel to discuss plans for a new parish. The odds against them were great, since most area Catholics were farmers who were by no means wealthy. Finding a site, building a church and supporting the operations would be a challenge, but it was the spirit of empowerment displayed by our founders which gave rise to the birth of St. Aloysius parish. In 1867, the first Mass was celebrated in the home of Dr. Liedel by Father E. Stehle, who assisted the founders in organizing the parish.

Construction of the first church building began in 1867; much of it was done with volunteer labor. On November 3, 1867, Archbishop Purcell blessed the cornerstone, and the church was dedicated on November 1, 1868. Father George Vaith was appointed pastor.

The original building had a school on the first floor with the church on the second floor. The church also served as the priest's residence and a teacher's residence. To remedy these crowded conditions, Father Arnold Feldhaus, the second pastor, had the first rectory built in 1872.

During the remaining years of the 1800's, the parish grew both in faith and size. Father Bernard Muething and Father Christian Frensch pastored the parish during those years.

In 1896, a new era began at St. Aloysius with the appointment of Father Herman Ellerbrock as pastor. He served the parish for

24 years. In 1899, the Franciscan Sisters from Oldenburg, IN, sent three sisters to teach in the new school.

With the advent of the new century, the area's population grew and two new parishes were formed; St. Catherine in 1903 and St. Martin in 1911. More than half of the parish's members were lost to those new parishes.

In 1914, plans for a new church building were made, and the second church was dedicated in 1914. The church cost $50,000 to build, and served the parish well until 1961. The Gothic style church, with its graceful tower, became a landmark in Green Township.

Father William Spickerman became pastor in 1919 and presided over the modernization of St. Aloysius parish facilities. The original church building was remodeled into classrooms, while a temporary colony school was built to accommodate the increasing number of students.

Father William Schmitt was appointed pastor in 1929 and guided the parish through the difficulty days of the Great Depression and World War II. In 1937, a new school, consisting of four classrooms and a cafeteria; was built. Additions were made in 1941 and 1954 to meet the needs of the growing parish. St. Ignatius and Our Lady of Visitation were established in 1946 and 1947, temporarily relieving some of the pressure of increased school enrollment.

In 1952, the parish was saddened by the death of Father Schmitt and Father Clarence Graf became the new pastor. In 1955, the original church building was torn down and the present rectory was built on the site. While the school was again bursting at the seams, the founding of St. Jude in 1956 helped the situation with the transfer of more than 300 pupils.

In 1960, the second church building was found to be unsafe due to structural problems, and work began on plans for the present church. Masses were held in Powell's Garage, now Msgr. Schmitt Hall. Construction of today's church began in 1962, with the dedication in 1963. Ironically, the first mass held in the new church was the funeral mass for Father Graf.

Father Joseph Hageman succeeded Father Graf as pastor and guided the parish through the changes following Vatican II, including the replacement of Latin with English in the Mass, lay communion distributors, the formation of a parish council and various commissions. he served the parish for 16 years until 1979.

The new pastor was Father J.C. Allison and under his leadership, the St. Aloysius community developed a deeper faith as the laity became more involved in parish life. Unfortunately, Father Allison left St. Aloysius in July 1991, and he will be replaced by Father Paul Rehling. Father Rehling was a parishioner from St. Aloysius, and was ordained in 1956.

The history of St. Aloysius is too rich to be adequately covered in a few pages. it is more than the story of church buildings and the priests and sisters who have served so well. It is rather the story of thousands of people of faith, past and present, who worked together over the past 125 years to further the Gospel and life of Jesus in others.

My wish for this celebration is that the parish will be around for many, many years.

A TRIBUTE TO THE FLORIDA SMOKED FISH CO.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, there are many fine companies operating in Miami but because we are such a young city, we look in awe at companies which have survived through decades. This is the case of the Florida Smoked Fish Co., a four-generation business enterprise which has annual sales of $25 million and employs almost 120 people in Miami. The following article, "From Pushcart Beginnings, Fish Firm Thrives in Miami," written by Jannice Reyes in the Miami Herald, highlights this company:

In the early 1920s, William Oxenberg sold smoked fish from a cart he wheeled around his New York neighborhood. From those humble origins evolved Florida Smoked Fish Co., a company that employs close to 120 people—and over the years has employed four generations of Oxenbergs.

Today, Harvey Oxenberg, 44, William's grandson, runs a 40,000-square-foot plant in Miami that can smoke up to 30,000 pounds of fish a day. The private company has annual sales of $25 million.

Florida Smoked Fish sells 13 varieties of smoked fish—salmon being the most popular. Supermarkets such as Publix and Winn-Dixie are its biggest market, following by independent delicatessens, cruise lines, hotels, and restaurants.

The company exports its fish to 30 states, says Harvey Oxenberg, president. In March, it began targeting summer resort areas in North Carolina and Georgia.

Bernard Oxenberg, Harvey's father, established Florida Smoked Fish in Florida in 1954 after several years of exporting its products from New York. "The area grew, and we grew with it," he says.

His grandson, Howard, 20, represents the fourth generation of Oxenbergs to work at Florida Smoked Fish. He helps out during summer breaks from college.

Eddy Gomez, seafood buyer for Royal Caribbean, says his company has been buying from Florida Smoked Fish for five years. Although other local companies offer similar products, Gomez says, he prefers Florida Smoked Fish.

"They have very good quality, the service is great and the prices are competitive with other companies," he says.

Although Florida Smoked Fish says its nearest competitors in size are located in Los Angeles and New York, in South Florida there is also ASF Foods. The company, based in Fort Lauderdale since 1974, sells smoked salmon and pickled herring under the RichMan's trademark:

Arnold Richman, president, says he opened his business here because of "Florida's growing Jewish population in the '70s."

Today, the producers note, smoked fish is consumed by a variety of ethnic groups, though it is traditionally a Jewish food. But while the companies located here to be near the markets they serve, most of the fish they process doesn't come from South Florida waters.

Importing fish from other parts of the United States is not a problem, Harvey Oxenberg says. The problem, he says, is competing with Norway.

For the past two years, Oxenberg says, Norway has been selling smoked salmon at prices below the American market. The Norwegian government, he says, is subsidizing its fishermen's costs to increase the quantity of salmon produced.

Concerned about the competition, 20 domestic companies, including Florida Smoked Fish, joined forces earlier this year to form the Smoked Salmon Alliance. The alliance, based in Washington, D.C., is investigating whether the situation constitutes an unfair trade practice.

Michael Coursey, attorney for the group, says the alleged "dumping" into the U.S. market has caused the country to be awash in smoked salmon. "The competition is good for consumers," he says, "except when the prices are destroying the competitors."

The competition has forced some companies out of business. But Havey Oxenberg says he is focusing on expanding his market and satisfying the increasing craving for salmon.

The Florida Smoked Fish Co. and the Oxenberg family have much to be proud of, not only in the success of their family business, but also in keeping William Oxenberg's aspirations alive.

JOURNALISM AT ITS JUVENILE WORST

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. OXLEY. Mr. Speaker, syndicated columnist Georgie Anne Geyer has written a thoughtful piece regarding the nature of political scandals in the Nation's Capital. I commend the following article to the attention of my colleagues:

SENATOR ROBB UNDER PRESS ATTACK—JOURNALISM AT ITS JUVENILE WORST

(By Georgie Anne Geyer)

WASHINGTON.—As the valiant peoples of the Soviet Union this very moment search heroically for new structures of free union, in much the same way as the earliest Americans, here in Washington we also are struggling for the "truth that sets man free."

The newest epiphany of our always-searching media occurred Wednesday at a bookstore in the nation's beautifully revamped Union Station. Before the star appeared who was to lead us to new insights, a line for her autographs stretched for 200 feet, around a corner and almost out the farthest doors into the main hall. Onlookers stood 10 to 12 deep. Fifty to 60 "news" cameras ground doggedly away, on the ready to inform not only America but the whole waiting world on what America is thinking today.

Then she came. Tai Collins.

Why are you looking at me like that? You don't know Tai Collins? You don't drool over her long white-blonde hair, her big nose, her strange skinny looks? You haven't stayed up nights wondering whether this veritable Renaissance woman—cheerleader, lingerie model, Miss Virginia, masseuse and now Playboy cover girl—really did or did not have an affair with Sen. Chuck Robb?

Never mind, her responses as she autographed copies of Playboy ("Did she sign her signature anywhere on her nudeness?" Beats me.) will receive any hesitation on your part.

"I was just like, wow!" Collins says in one of her more literary outbursts. "I've lost my innocence in this ordeal," she said at the morning "press conference." She had "very compromising photos of Chuck Robb with two other women" and a photo of herself and Robb in a safe-deposit box. But she did not want to release them because "I don't want to exploit myself in that way." Finally, Tai revealed to us her own deepest thoughts. She is eager to "put it all behind me" and get on to all that women like her really want: a husband, children and a "career writing children's books."

Hey, what's not to love about a girl like that?

We all know by now that there is a malignant "Get him!" ebb tide in the American media today. I've been harping on it for several years, particularly since the vicious spring of 1989, when a hyperactive press "got" Jim Wright, John Tower and Tony Coelho, not to mention the earlier cases of Gary Hart and Joseph Biden.

University of Virginia professor Larry Sabato, in his fine new book on the subject, "Feeding Frenzy: How Attack Journalism Has Transformed American Journalism," says rightly that we have gone from the legitimate "watchdog press" of Vietnam and Watergate to the "junkyard dog press" of today.

But last week's Tai Collins Show reveals just how far we have come. It also illuminates what those in the press who have set themselves up as the judge and the jury, the Index and the Inquisition, the religious police of Riyadh and the nameless A, B and C commissars of the Khmer Rouge are really up to.

This case is important because it is unlikely that Chuck Robb, who was by all accounts a superb governor of Virginia and is one of our most eloquent, intellectual senators, did anything at all with Miss Tai except get a massage from her. This might not have been smart, but then the Grand Inquisitor would surely have had some mercy and not have sent him to the rack.

There is no proof that anything happened between them. None has ever been put forward. Isn't our entire system of "justice," most definitely including just intentions on the part of one's fellow citizens, supposed to protect American citizens from such wild and unsupported charges, which are at heart really threats?

And if Robb and Collins had had an affair, from the standpoint of the public interest of this nation conceived in liberty, so what? That is a question for his wife, for his church, for his conscience, for his marriage vows. To put a man of a distinguished career up to Wednesday's "Christians to the lions" carnival atmosphere is something quite else again.

We are in a new period, for this time, there is not even a whisper of real charges against the accused. This time, more and more of the journalists interviewed did not even make excuses for our profession's sordid and infantile behavior. That's just the way it is in politics, most said.

This time we showed what it is really all about—the cruel personal ambitions of many of the Yuppie-generation "me" journalists, a gnawing juvenile resentment of anyone in a position of authority, and a total derision of American institutions and what the "fun" of the witchhunt does to them.

I never in my life thought I would wish to be in Moscow.

MARKET INFORMATION AND SHAREHOLDER PROTECTION ACT OF 1991

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. BARNARD. Mr. Speaker, I recently introduced legislation to require investors to notify the Securities and Exchange Commission when they "sell short" at least 5 percent of a company's outstanding stock.

The bill would give the SEC authority to adopt such a reporting rule, and institutional investors who control more than $100 million in equity securities would have to report their "short sales" on a quarterly basis.

The goal of this legislation is to stop abusive investors who improperly use this legitimate trading method. All stocks listed on the NASDAQ system, not just exchange-listed stocks, would be subject to the provisions of this legislation.

The text of this legislation follows:

H.R. 3317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Market Information and Shareholder Protection Act of 1991".

SEC. 2. STATEMENT OF PURPOSE.

Congress finds the following:

(1) Market pricing and the valuation of investor portfolios can be materially affected by the trading activity of individuals who buy or sell, or have the financial resources to buy or sell, such large quantities of shares of an individual equity security as are material in relation to the total outstanding shares of that issue.

(2) Therefore issuers, investors, and market makers, in order to make informed decisions for the efficient allocation of capital in the equities market, have a need and a right to know about the investment stakes taken, either long or short, by other investors whose respective individual investments in a single equity security exceed a certain material percentage of the total outstanding shares of that issue.

(3) Market fairness and the efficiency of capital allocation in the public equities market also depend on the availability of accurate information for investors about the business affairs of the issuers of equity securities and are harmed by the dissemination of false or misleading information about securities issuers.

SEC. 3. DISCLOSURE OF SIGNIFICANT SHORT POSITIONS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end thereof the following:

"(i)(1) Any person who is or becomes, directly or indirectly, the beneficial owner of a short position equivalent to more than 5 percent of any class of equity security which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940 shall, within 30 days after enactment hereof or, if later, within 10 days after acquiring a short position equivalent to more than 5 percent of such class, send to the issuer of the securities at its principal executive office by registered or certified mail, send to each exchange or interdealer quotation system of a registered national securities association where the securities are traded, and file with the Commission a statement containing the following information, and such additional information as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors:

"(A) the background, identity, residence, and citizenship of, and the nature of such beneficial ownership by, such person and all other persons by whom or on whose behalf the short sales have been or are to be effected;

"(B) the number of shares of such security which have been beneficially sold short by such person, and the number of shares concerning which there is a right to sell, directly or indirectly, by (i) such person and (ii) by each associate of such person, giving the background, identity, residence, and citizenship of each such associate;

"(C) the person or persons from whom such equity securities were borrowed, including a description of the transaction and the names of the parties thereto, and the source and amount of the funds or other consideration used or to be used to provide margin for making the short sales and maintaining the short position, and to compensate the lender or lenders of the borrowed shares; and

"(D) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

"(2) If any material change occurs in the facts set forth in the statements sent to the issuer, the exchanges, and the registered national securities association and filed with the Commission, an amendment shall be transmitted to the issuer, the exchanges, and the registered securities association and shall be filed with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(3) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of selling short the securities of an issuer, such syndicate or group shall be deemed a 'person' for the purposes of this subsection.

"(4) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

"(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which have been beneficially sold short by him, the dates of their sale short, and such other information as the Commission may specify, if it appears to the Commission that such short securities sales were made by such person in the ordinary course of his business and were not made for the purpose of and do not and will not have the effect of enabling him to profit from a subsequent price decline in the equity securities sold short.

"(6) The provisions of this subsection shall not apply to market makers and specialists with regard to any security in which they are registered or to which they are assigned to the extent that short sales effected by such market makers or specialists are transacted solely for bona fide market-making purposes in that security.

"(7) For purposes of this subsection, the term 'beneficial owner of a short position' means a person who has sold short a certain number of shares of an equity security, is obligated as a consequence of the short sale to repurchase or otherwise acquire the same number of shares for delivery to some other person, and is the beneficial owner of the cash proceeds received from the short sale.".

SEC. 4. REPORTING OF SHORT POSITIONS BY INSTITUTIONAL INVESTMENT MANAGERS.

Section 13(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting "or short positions in equity securities" after "accounts holding equity securities"; and

(B) by inserting "or equity short position" after "for each such equity security" and after "of each such security";

(2) in subparagraph (A), by inserting "or equity short position" after "(other than an exempted security)";

(3) in subparagraph (E)(iii), by inserting before the semicolon at the end the following: ", and if a sale, whether the transaction was a short sale"; and

(4) by adding at the end thereof the following:

"An investment manager who exercises investment discretion with respect to accounts holding short positions in equity securities shall compute the 'aggregate fair market value' of such accounts by summing the value of all equity securities held long in such accounts together with the aggregate market value, expressed as a positive number, of all short equity positions in such accounts.".

SEC. 5. PROHIBITION AGAINST MANIPULATION OF SECURITY PRICES.

Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended—

(1) in subsection (a)—

(A) by inserting "or any interdealer quotation system of a registered national securities association" after "any national securities exchange"; and

(B) by striking "or for any member of a national securities exchange";

(2) in paragraphs (1), (2), and (6) of such subsection, by inserting "or listed on an interdealer quotation system of a registered national securities association" after "registered on a national securities exchange" wherever it appears;

(3) by striking paragraphs (3), (4), and (5) of such subsection and inserting the following:

"(3) To take any action for the purpose of inducing the purchase or sale of any security registered on a national securities exchange or listed on an interdealer quotation system of a registered national securities association, or for the purpose of affecting a decision regarding the purchase or sale of such security, long or short, by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

"(4) To make, regarding any security registered on a national securities exchange or listed on an interdealer quotation system of a registered national securities association, or regarding any issuer thereof, for the purpose of inducing the purchase or sale of such security, or for the purpose of affecting a decision regarding the purchase or sale of such security, long or short, any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading, or to circulate or disseminate any such statement.

"(5) To give a consideration of any nature, directly or indirectly, for the purpose of inducing the purchase or sale of any security registered on a national securities exchange or listed on an interdealer quotation system of a registered national securities association, or for the purpose of affecting a decision regarding the purchase or sale of such security, long or short, by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security, or to receive any such consideration.";

(4) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) The term 'interdealer quotation system' means any system of general circulation to brokers or dealers which regularly disseminates quotations of identified brokers or dealers."; and

(5) in subsection (e)—

(A) by inserting "(1)" after "(e)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) The issuer of any security which is registered pursuant to section 12 of this title shall have standing to bring an action for equitable relief in any court of competent jurisdiction against any person who violates any provision of this section or any rules promulgated hereunder by the Commission.".

ARMS CONTROL IN THE MIDDLE EAST

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. LEVINE of California. Mr. Speaker, as Secretary Baker continues his efforts to bring a Middle East peace conference to fruition, it is more critical than ever to underscore the threat a continued arms race poses to peace and stability in that region. Messrs. Alan Platt, Michael Nacht, and Jay Winik rightly point out in their article, "What About Arms Control," Washington Post, September 22, 1991, that the time for curbing the Middle East arms race is now.

Unfortunately, rhetoric notwithstanding, the Bush administration has failed to put arms control on the top of its peace agenda. Rather than stemming the flow of arms to this explosive region, the administration has sold nearly $23 billion in arms to the Middle East since 1990. For the first time since 1983, the United States ranked first in arms transfer agreements with the Third World. This is a strange notion of arms control.

If we have learned anything from the mistakes of the past, it is that more weapons do not bring more peace and stability to the region. Rather than reverting to the practice of throwing arms at a region that is already armed to the teeth, we should take advantage of the spirit of international cooperation that characterized efforts in the Persian Gulf to enact a multilateral arms restraint regime now.

I strongly urge my colleagues to review the following article on this issue so essential to a lasting peace in the Middle East.

WHAT ABOUT ARMS CONTROL?

(By Michael Nacht, Jay Winik and Alan Platt)

In its headlong rush to convene the Middle East peace conference, the Bush administration is giving short shrift to arms control in the region. That is a serious mistake: Reducing the capabilities and incentives for states in the region to wage war is not only an urgent concern but one that can be usefully addressed even if a peace conference bogs down.

The administration has taken some initiatives to stem the flow of new ballistic missiles into the Middle East, and the President himself has stated that arms control should be priority. But these efforts have not received the sustained high-level attention and support required to produce results. And even if these efforts were successful, they would still be woefully inadequate.

The Middle East remains virtually the only region where war is still a legitimate and widely used means of achieving political ends and where all the major powers have important ties and interests. Even if all outside arms shipments to the region ceased tomorrow, the region would be the most heavily armed in the world today. What must be found are measures that inhibit and ultimately delegitimize aggressive war as an instrument of policy.

Virtually all observers of the Middle East have rightly noted that it will take years, if not decades, for deep-seated differences between Arabs and Israelis to be overcome. Even if the peace conference were successful—a big if—this sobering reality will not change. Israeli officials have quietly speculated that increased Syrian-Israeli tensions could result from a stalemated peace conference. Should the peace process fail, another war is likely. Whatever the outcome, in the absence of arms control, regional hostility will loom as a cloud threatening reconciliation in the region.

The notion of applying arms control to the Middle East, is often greeted with skepticism based upon three arguments: that arms control is a Western concept inapplicable in the Middle East; that there is no experience with arms control in the region; and that even after the Gulf War there is no evidence of support in the Middle East for such measures. All three arguments are erroneous.

It is true that modern arms control was conceptually developed in the United States and Great Britain in the late 1950s and early 1960s. But this does not make it ill-suited for the Middle East. East-West arms control has had to cover a far broader range of issues and

Uechnological esoterica than would be necessary in the Middle East, from strategic and theater nuclear arms to space weapons to a myriad of conventional systems.

The immediate requirements for arms control in the Middle East, however, need not be nearly so comprehensive and arcane. Rather, smaller attainable steps such as confidence-building measures, taken by the regional states themselves, hold far greater promise than they did in the U.S.-Soviet and European contexts.

The bitterness of the Arab-Israeli dispute is not necessarily a block to useful arms negotiations—no more than was the once bitter enmity between the West and the Soviet bloc. Indeed, arms control has often been more effective between adversaries than allies, because its potential payoff is most obvious and the interest of the parties is correspondingly intense. Particularly in times of crisis, arms control can prevent escalation of conflict from political miscalculations or the perception of one side that another has acquired new, first-strike weapons systems. At a minimum, arms control measures could delay or prevent a new round of qualitative weapons competition and military maneuvers which, if left unchecked, would likely bog down the peace process or serve as a catalyst for renewed conflict.

There is, moreover, greater experience with arms control in the Middle East than is commonly acknowledged. The disengagement-of-forces agreements concluded in 1974 and 1975 between Egypt and Israel and between Israel and Syria specified a number of quantitative and geographical limitations on weapons deployments. The 1979 peace treaty between Israel and Egypt also included many such provisions. Over the years, a series of tacit understandings about acceptable military actions has also evolved.

More importantly, arms control is today being accorded far greater attention in the region. United Nations Security Council Resolution 687, which is unprecedented in its scope, seeks to construct an elaborate arms control regime. It calls for the destruction of Iraq's weapons-grade nuclear material and chemical and biological weapons, research sites, equipment to develop weapons of mass destruction and all ballistic missiles with ranges exceeding 150 kilometers. Not unlike the European theater, a weapons data base is called for, as are intrusive methods of verification and rigorous measures to enforce compliance.

Both in Egypt and Israel, at the Al Ahram and Jaffe strategic study centers respectively, independent experts are, for the first time exploring regional arms control measures. And in terms of declaratory policy, Egyptian President Hosni Mubarak has called for the elimination of all weapons of mass destruction from the Middle East, while Israel has publicly supported the concept of a nuclear-free zone.

Agreement on a series of confidence-building measures must undergird any arms control regime. These would reduce the likelihood of war by fostering what experts call "transparency of capabilities and intentions."

The Middle East's historical record demonstrates that ambiguity about intentions has repeatedly led to war. In 1967 Egyptian troops massed againt Israel. Uncertain as to Egypt's intentions, Israel struck preemptively, thus beginning the Six Day War. In 1973, Egyptians and Syrians conducted deceptive maneuvers. Israel chose a wait-and-see attitude, only to be caught off guard when the combined Arab armies attacked. And in August 1990, Iraq employed similar tactics against Kuwait. In each of these cases, military action, whether defensive or preemptive, was seen as the only viable option for ending the crisis.

Among specific measures that should be considered are: hotline agreements; risk-reduction centers; establishment of keepout zones and demilitarization of critical terrain; and requirements for pre-notification and explanation of military exercises above agreed-upon limits. Clear violations would create a "political trip-wire" designed to bring immediate international pressure to bear before aggressive hostilities break out.

Collectively these measures would go a long way toward making the use of war a far more difficult course for resolving political differences. Over time, states in the region would have far greater confidence in the diplomatic process and would also have greater incentives to make concessions for peace. Moreover, in due course arms-reduction agreements that could lend further stability to the region would have a better chance of success.

While the administration has been slow to articulate a policy for arms control in the Middle East, this approach has already been endorsed by an international group of regional and security specialists. In a recent report published by the United States Institute of Peace, they state: "The Gulf War has created a rare opportunity for serious initiatives on arms control in the Middle East . . . Arms control measures should be pursued in parallel with the peace process."

The winter 1991 issue of Daedalus, the prestigious journal of the American Academy of Arts and Sciences, reflecting on 30 years of arms control, notes the imperative of disseminating the lessons of arms-control practice to the Middle East. Indeed, no less a hawk than Israel's Ariel Sharon has openly observed that arms control, not a continued arms race, could help bring peace to the Middle East.

What must be emphasized is that trust is not a necessary per-condition for effective arms control. Control does not automatically translate into arms reductions and disarmament, as is popularly believed. Nor should it necessarily be construed as meaning comprehensive arrangements that are often unattainable. Rather, arms control encompasses those measures that strengthen regional stability and diminish war as an attractive instrument of national policy whether by design or perceived necessity—precisely what is needed now.

A TRIBUTE TO GUS R. BILLY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. STARK. Mr. Speaker, I rise today to recognize a remarkable man, Mr. Gus R. Billy who has been a leader in the labor movement for over 40 years. His contributions have greatly benefited both California's Ninth Congressional District and the United Auto Workers nationally.

Gus Billy's accomplishments are many—he was a charter member of the New Oakland Committee; he helped organize the first consumer action organization in Alameda County and continues to serve this organization as chairman of the Northern Area CAP encompassing California, Oregon, and Nevada; assisted in the organization of the A. Phillip Randolph Institute and the Labor and Urban Studies program at U.C. Berkeley; was one of the regional organizers for the Dr. Martin Luther King, Jr., march on Washington; was policy chairman for the Emeryville branch of the NAACP; assisted in redistricting of schools in Oakland for open enrollment; was a delegate to the 1988 Democratic National Convention; campaigned for every Democratic Member of Congress since 1959; and served as bargaining representative with the United Auto Workers for 23 years.

Gus was born on January 23, 1928, in Donaldsonville, LA. In 1947, 17 days out of the U.S. Navy, Gus came to Oakland, CA. His first job was as a cherry picker in the orchards of Alvarado, now Union City, earning about $7 a day. He then got a job at Southern Pacific Railroad, as a gandy dancer, laying steel on the train tracks. He then became a longshoreman at the Navy Supply Center in Oakland. He left in 1951 to work in the automobile industry where he became involved in the UAW and has worked tirelessly for the union ever since.

After 10 months, Gus was asked by his coworkers to become a union steward. He refused the offer but was asked again in 2 weeks. After realizing that in order to be a union steward, one must be a union member for at least a year, Gus' fellow union members lobbied labor officials to appoint him at his 1 year tenure. Gus agreed and this was the beginning of 41 years of union commitment and community involvement.

Gus has always been a leader. He and others marched in Oakland to show support for those fighting for civil rights in the South even though African-Americans in California had access to lunch counters and other public facilities. In 1949, Gus was told to his face, "We don't hire blacks"—2 years later, he was petitioning management to hire more blacks. One of Gus' most memorable bargaining negotiations was the General Motors strike of 1970. The strike lasted 13 weeks nationally and 17 weeks locally.

Today, Gus is still a tough, yet fair negotiator after serving as a bargaining representative for 25 years. He continues to fight for such issues as the end of apartheid, the civil rights bill of 1991, universal health care, and women's rights. He turned down a position within the UAW national in order to remain effective in the local branch.

Mr. Speaker, I would like to take this opportunity to congratulate and to commend Gus R. Billy for over 40 years of dedication to both the United Auto Workers and to the community. He is a role model for us all.

THE 565TH "DAILY POINT OF LIGHT"

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. LUKEN. Mr. Speaker, I would like to take this opportunity to congratulate Steve Elliot and his student volunteers on being selected as the 565th "Daily Point of Light."

Mr. Elliot, a south social studies teacher at Finneytown High School, began a community service program 5 years ago. This program was to promote voluntarism among his students. In addition to visiting the Drop-In Center Shelter House to help rehabilitate alcoholics and the Lighthouse Shelter to council runaway children, the group also helped renovate downtown housing projects. The group also organized a senior-senior prom, a dance for senior citizens from local nursing homes. While taking homeless persons to school activities, including dances and plays, Mr. Elliot and the students gave to the community the most valuable resource of all—their time.

These students, under the guidance of Steve Elliot, have committed themselves to not just learning of the social ills that plague our society today, but rather to working for change, and for this they have gained both my respect and admiration. They are certainly deserving of this public thank you, and I hope their example inspires others to act the same and truly make 1991 the year of the volunteer.

A TRIBUTE TO FREDDY SOTOLONGO AND RENATO MARRERO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to the attention of my colleague and the public Freddy Sotolongo and Renato Marrero, the winners of my congressional district who placed first for the State of Florida in the Young Inventors' and Creators' Competition.

Freddy Sotolongo and Renato Marrero have a tremendous invention entitled "Buggy Lite" which is intended for transportation. Buggy Light is a lightweight, easily stored method of transportation for the elderly and temporarily injured. They should be proud of their achievement and I wish them much success as they compete at the national level.

George Washington Carver, Harriet Beecher Stowe, Linda Rondstadt, Eli Whitney, Steven Spielberg, the Wright Brothers, the Gershwin Brothers, and Philip Stevens are only a few of the inventors and authors, innovators and pioneers, composers and creators, men and women, whose vision and work have left a lasting mark on our Nation and our world during 200 years of U.S. patent and copyright laws.

One might ask, who will be the next generation to follow in their footsteps? Who will solve and discover solutions to societies crises and problems of today? It is the students of this generation who hold tomorrow in their hands.

The 1991 Young Inventors' and Creators' Competition, sponsored by the Foundation for a Creative America, is dedicated to helping achieve the critical goal of nurturing this new generation's talents.

The competition invites junior and high school students, their teachers, school principals, and parents to become partners with the U.S. Patent and Trademark Office, the U.S. Copyright Office, the National School Boards Association, the National Association of Secondary School Principals, corporate sponsors—including the 3M Co. Foundation and Merck & Co.—and the Foundation for a Creative America in this second annual Young Inventors' and Creators' Competition. Cultivating creative skills, expressing original ideas, and learning more about patent and copyright systems will encourage young inventors and young creators to blaze new trails in the next century.

A FEDERAL MANDATE FOR A RECOVERY SYSTEM FOR CHLOROFLUOROCARBONS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. PACKARD. Mr. Speaker, I submit the following resolution for the record:

RESOLUTION

A joint resolution from the Science, Space and Technology Committee of the 1990 Princeton University Model Congress

Whereas CFC–12, the most common Chlorofluorocarbon in usage, remains in the atmosphere for 108 years;

Whereas the United States sends 137 million kilograms of CFC–12 into the atmosphere annually;

Whereas there is 455 million kilograms of CFC–12 spewed into the world's atmosphere annually;

Whereas air conditioners, refrigerators, styrofoam products and some aerosols contain CFC–12;

Whereas CFC's are responsible in large measure for destruction of the ozone;

Whereas ozone is measured in Dobson units, and a normal measure is 350, the area over Antarctica is at an all time low of 109 units;

Whereas it is estimated that for every one percent of diminution of the ozone in the stratosphere there will be a two percent increase in the short wave ultraviolet radiation that will reach the earth's surface;

Whereas biologists fear that a substantial increase in high energy ultraviolet radiation could seriously disrupt the aquatic food chain, cause widespread skin cancer, and jeopardize other life forms;

Whereas there is currently no effective chemical substitute for CFC's in our industrial economy;

Whereas there is a widespread practice, in automobile wrecking yards and salvage businesses, of venting harmful Chlorofluorocarbons into the atmosphere from air conditioners: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a functional, operational recovery system of CFC's is hereby mandated. Gasses in air conditioning units are to be recovered and sold back to private industry. Heavy penalties will be inflicted for failure to comply.

TRIBUTE TO MANSFIELD HIGH SCHOOL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, I want to extend congratulations to the administration, teachers, students, and parents of students at Mansfield High School for the fact that Mansfield High School has been included as one of only 222 schools in the Nation to be selected as a "National Blue Ribbon School."

This award, which will be presented to the representatives of Mansfield High School at the White House on Wednesday of this week is well deserved and the people of Mansfield are entitled to feel very proud of their success.

The purpose of this program is to honor the best public and private schools in the United States. Mansfield's inclusion means that it has demonstrated its effectiveness in meeting the national educational goals recently established. A look at the criteria makes it clear that the participation of all of those involved in the schools have to have worked together well for a school to make this very selected list. All of those involved deserve our praise and our gratitude for what they have done.

HOORAY FOR THE WHIPS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. OWENS of New York. Mr. Speaker, during the week of August 18 to August 25, 1991, our planet experienced a revolutionary event which eclipsed even the symbolic wrecking of the Berlin Wall. This is the week when the people of the Soviet Union, one of the most populous and still militarily one of the most powerful nations on the globe; the people of the U.S.S.R. refused to remain the victims of their government. Certainly this was not the first such modern victory of a people over a set of legally entrenched leaders. But history will make it crystal clear that the defeat of the Communist Party coup was one of the most significant victories of its kind in the history of human kind.

Ordinary citizens can now see and understand that mammoth machines of oppression with intricate command structures, the most scientifically designed weapons and well-trained personnel; such death-threatening monsters can be effectively paralyzed by a few leaders offering reasonable alternatives in combination with a reasonable percentage of the troops and the people who refuse to obey orders. Of course those who refuse to obey orders are at the same time announcing their readiness to die.

All modern industrial powers should take heed. Governments and major political parties cannot treat their constituents with contempt and still retain power. A day of reckoning will come at a time and in ways that are least expected. Even our great American superpower must take heed. The patience of our people may soon be exhausted by the slimy deals that are continually being made here in Washington: The Iran Contra whitewash; the Oliver North fix; the S and L bailout deals; the coming commercial bank deals; the insurance-pension plan thefts; the 39 Salomon Brothers-type firms which monopolize Federal securities; the BCCI fix; the Gates confirmation deal; the Clarence Thomas confirmation deal.

And worse than the deals are the failures to act in areas where the people of this Nation have clearly expressed a desire for action. Particularly in the areas of health care and education the public opinion polls have provided a clear mandate for action. I pray that the Democratic Party will end the paralysis and commence action soon on these two vital matters.

Mr. Speaker, we have spent a significant amount of time and energy recently on structural changes in the party's internal operations. I hope we are now all set for productive action. I wish to congratulate all of the new deputy whips and assistant whips. I have great respect for all of them. As a loyal Democrat I await their leadership and my marching orders. My great desire to be used productively is summarized by the following rap poem:

HOORAY FOR THE WHIPS

I got a whip
You got a whip
All of God's children
Got a whip
Whip for who
Whip for what
Don't spare the rod
I volunteer my butt
Are we
PAC asses for the classes
Or strong mules for the masses
Whip me hard
Whip me strong
I'll pull my plough
All day long
Whip hard
And make it pay
Where're the education oats
Where's the health care hay
Whip where
Do Democrats care
Whip for who
Whip for what
Our donkey brains
Seem stuck in a rut
Are we
PAC asses for the classes
Or strong mules for the masses
I got a whip
You got a whip
All of God's children
Got a whip
Whip for who
Whip for what
Do your duty
Please beat my butt
Whip hard
And make it pay
We need education oats
We need health care hay.

HISPANIC HERITAGE WEEK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize this week as Hispanic Heritage Week. From September 15 through September 22, we gather to celebrate the cultures of people from South and Central America and the Caribbean.

Hispanic Heritage Week is of particular significance to Rhode Island since over 45,000 Hispanics live in the Ocean State, compromising the largest minority group in the area. Hispanics have much to contribute to the ethnic diversity of our State. Being the first State to practice religious freedom, Rhode Island welcomes the cultural variety that Hispanics bring to daily life. We also welcome a culture that holds family relationships dear. It is sometimes all too easy for us to neglect these relationships. Hispanic culture nurtures them.

Hispanic Heritage Week has featured many events to show the very special gift that these people have to offer all of us. Sculptures, collages and photographs display the true richness of Hispanic culture. Floats are prepared with great pride for the Puerto Rican parade and music is carefully chosen for the Hispanic Heritage Ball.

I welcome Hispanic Heritage Week to Rhode Island. It is indeed an honor to share in remembering a culture of greatness and diversity.

ADMINISTRATION'S PRESS RELEASE SPLASH VERSUS THE STUBBORN FACTS IN EDUCATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. MARTINEZ. Mr. Speaker, administration press releases are posing as policy. "U.S. Finds Schools Are Achieving Less While Costing More" announced the headlines about a recent study by the Department of Education. Or as summarized for the press by the Department's Dr. Ravitch: "Enrollment Is Up, Spending Is Up, Achievement Is Down." It makes a catchy press release.

It is also wrong:

FACT 1

Funding is down. Per pupil expenditures for education are down for elementary and secondary education if inflation is not ignored. Moreover, as a recent study by the Department of Energy's Sandia Labs pointed out, much of the State and local increase in spending has gone for students with disabilities who were once simply ignored. The increases in State and local education expenditures over the past decade have left teacher salaries roughly where they were in the 1970's.

As a result of lingering economic recession, the situation is disastrous in many areas. Schools are firing nurses and counselors, failing to fix roofs, failing to provide cooling needed to extend the school year, and firing teachers. In Los Angeles, the district has slashed about $700 million—almost 20 percent of its annual budget. Some 2,000 educational staff are expected to be laid off by Los Angeles schools alone. California already has some of the highest teacher/student ratios in the Nation. These cuts are expected to send Los Angeles class ratios in 1st through 8th grades from 27 to 37. The ratio in grades 10 through 12 is already 39.25. Some of these Los Angeles schools are so short on supplies that students can't take textbooks home to study when they are off on 6 week breaks in these year-round schools. This changes the focus of schools, breaks the momentum of reform. You're no longer trying to drive reforms—you're thinking about how to keep the classes going and just survive.

The filing for bankruptcy of some school districts that had been recognized by the administration for implementing its proposed education policies—such as Richmond, CA and Chelsea, MA—simply highlights that the bottom line is that many school reform experiments are being carried out in a threadbare, fiscally imperiled laboratory.

The President is not helping. Total Federal spending for education has fallen to 1.7 percent of all Federal spending, compared to 2.5 percent in 1980. Historically, the Federal Government has been concerned about equal educational opportunities. Between 1970 and 1987, the poverty rate for children increased nearly 33 percent. In 1989, close to 25 percent of children under age 6 lived in poverty. When multiple-risk factors such as poverty, family structure, and race are taken into account, as many as 40 percent of all children may be considered disadvantaged. Yet the President's budget did not ask for an increase in the Chapter I Federal Compensatory Program that helps disadvantaged children. And despite his lectures on competitiveness, the President proposed to eliminate the Foreign Languages Assistance Program and to slash funds for the Dropout Prevention Program.

A recent study found that one out of eight American children skip meals because of money. Hungry children can't concentrate on school textbooks. Since there is no such thing as a free lunch, it is curious that despite the President's expressed concern about the education of all children, funding for the School Lunch Program is roughly the same as a decade ago—serving 1.5 million fewer children. No matter how closely you read his lips, the President's actions speak louder than his words.

FACT 2

The widening chasm in earnings and job security between those with a high school degree or less and those with post secondary education is apparent to all. Displaced homemakers, dislocated workers, and students who were not stars in high school are going back to school because they know they need to continue their education. We must not fall into what the Washington Times termed "The SAT Trap." The proportion of students graduating from high schools and taking the SAT to go on to higher education has grown from 40 to 42 percent over the past year. A math test in English is a test of a student's command of English as well as of math skills. The proportion of SAT takers who don't speak English as a first language is 16 percent this year, compared with 13 percent 5 years ago. In California, the figure is 34 percent.

Ever since enactment of the GI bill, this emphasis on access to quality continuing education for all students who can do the work is one of America's strengths. It is hardly surprising that widening access can cause aggregate scores to move. Studies of random samples—such as the field test for the PSAT—as well as analyses of SAT results indicate that as USA Today reported:

> The percentage of students who score high has stayed consistent for a decade, the College Board says. But the low scorers are scoring even lower.

There are signs of progress: A recent NAEP study showed that virtually all high school students are literate—in the early 1970's, 13 percent of high school graduates could not pass a basic literacy test. While scores on SAT tests didn't change much over the past decade, but black scores rose 49 points and the scores of Hispanic and Asian kids rose by half that much. Thus, a quarter of the gap in performance between white and minority students has been eliminated.

While much improvement is needed to close the gap and to boost the performance of all students, this indicates that progress is being made. Evaluations of WIC, Head Start, Chapter I and other programs for the disadvantaged show that good programs make a difference in boosting educational achievement in the early grades as well.

I agree with Secretary Alexander that public complacency, with an attitude of "The nation's at risk, but I'm OK" is a major barrier to school reform. However, as tempting as it may be to shout "fire" from the bully pulpit, careless comparisons are not a sound basis for policy. Improvements in assessment and accountability are needed—but we must be clear about what we are doing. As Edward Demming, a father of modern quality control methods reminds us, inappropriate measures—or even good numbers used in silly ways—are worse than no numbers at all. Like the Vietnam body counts, inaccurate measurements of educational achievement—or even good measurements used badly—are dangerous.

Tests are to education as xrays are to health care. Xrays are helpful tools for detecting broken bones, identifying cancers, and so on. But sometimes more sophisticated tools, such as CAT-Scans and PET-Scans are needed. Balance is needed: Xrays cannot be a substitute for preventative care or doctors or antibiotics. Unnecessary xrays unnecessarily drive up total medical costs—and in time they kill the patient. In education, as in health care, the Hippocratic Oath's principle of "first, do no harm" should be foremost. We need accountability that ensures fair and appropriate use of high quality tests of student performance.

As a former President was fond of saying, "Facts are stubborn things." The simple truth is often missed by the headlines. For example, we hear the bluster of politicians on the campaign stump calling to get tough in education by raising the standards. More than 80 percent of black high school males in Milwaukee schools have grade point averages of "D" or below. It is not uncommon to have entire inner-city classes where the majority of students have repeated two or more grades—despite clear evidence—noted by the Wall Street Journal and others—that early intervention and timely remediation are both more effective and far cheaper than retention in grade. (In addition, being over-age in grade is the best single predictor of who will drop out of junior high or high school.) These rates of failure and retention are not ununsual in our great city schools.

"Get real" is the message: Silver bullets are at best a small part of the armory that defends us against ignorance. It's time to move from myths to sound methods for quality education for all. It's time to get smart. This includes research-based reform, not another round of crackpot ideas and ideological agendas. An important part of this is abandoning what doesn't work in education, as well as adopting what does.

The simple truth is that cumulative gains from simple things—like small classes with good teachers, especially for young students from disadvantaged backgrounds—matter. This is clearly shown by some of the results of school reforms in Tennessee.

I would like to draw the attention of my colleagues to an article in the August 31 issue of a British journal, the Economist. It points out that Tennessee's Project STAR—Student/Teacher Achievement Ratio—conducted a large scale experiment assessing the impact of class size on education of disadvantaged students. By age 6 students in small classes did significantly better on standardized tests—and the gains persisted in schoolwork. The gains for the most disadvantaged children were nearly twice those of children from more advantaged backgrounds.

[From the Economist, Aug. 31, 1991]

SMALL IS BEAUTIFUL

Since children are less convenient to manipulate than guinea pigs, educational research is often short of hard data. But a team of state officials and academics in Tennessee recently ran a large experiment, with impressive scientific rigour, to test a hypothesis that has always made common sense: that children learn more when there are fewer of them in the classroom. The results were as expected. Children in smaller classes learnt more. Black children were helped even more than white children. So only one question remains: how to pay for cutting the size of classes?

In Project STAR (which stood for Student/Teacher Achievement Ratio), Tennessee officials randomly assigned all the five-year-old children in 76 schools to one of three types of classroom: small (13 to 17 pupils), regular (22 to 25 pupils), or regular with an aide helping the teacher. Breaking the children into separate groups within each school helped compensate for differences between rich and poor districts, spending per pupil and policies. The small-class teachers did not get special training. Pupils stayed in the type of class they had been assigned to originally for four years, beginning in 1985. The experiment covered about 6,500 pupils.

By the age of six, children in the small classes did significantly better on standard tests than the others; on average, they were 1½ months ahead in reading and 2½ months ahead in mathematics. The classes with teacher's aides did not show a statistically significant boost in scores. An unexpected finding, which should rivet the attention of all who care about black children's schooling, was that the gains of black children in the small classes were twice as large as the white children's gains.

In Tennessee the small-class advantage persisted after four years, and even helped the small-class pupils after the end of the experiment, when all the children were mixed together. Tennessee has mailed stacks of its report all over the country. Yet Lamar Alexander, the secretary of education, has preferred to stress other reform ideas, even though STAR began while he was governor of Tennessee. The reason is probably money. Reducing class sizes from 30 pupils to 20 means hiring half again as many teachers, whose salaries are roughly 80 percent of school-district budgets. More classrooms are not a problem; fewer children are at school now than ten years ago.

Tennessee, however, both believes in its results and had found money to implement them. It is using Federal and State money to reduce class size in the 17 poorest school districts in the State. They include 43 schools and, parents hope, 7,000 little stars in the making.

REINTRODUCTION OF LEGISLATION TO IMPROVE QUALITY OF ANTIADDICTION TREATMENT PROGRAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. STARK. Mr. Speaker, I am today reintroducing H.R. 2456 of the 101st Congress. Portions of this legislation were endorsed by the President in his "National Drug Control Strategy" and were almost adopted in the last Congress, but died at the last minute in conference. I believe the bill is worth pursuing and hope it can make it through the legislative process in the 102d Congress.

Basically, the bill sets up a system to make sure that people seeking to fight their addiction problem are referred to the right type of treatment, that more treatment programs are available, and that we determine which types of treatment do in fact work and are worth paying for. The bill is described in detail in the CONGRESSIONAL RECORD of May 23, 1989, page E1827, and September 6, 1989, page H5382.

The administration seems to be losing interest in the antidrug effort, but while drug use may be down, it is still a devastating problem, particularly in our inner-cities. And we still do not know very much about how to ensure the successful rehabilitation of addicts. Hundreds of thousands of addicts go without treatment. But we pay fortunes for the often unsuccessful treatment of thousands of others—people who go through antiaddiction programs only to relapse into addiction. Indeed, some of the programs seem designed to conveniently use the exact amount of time covered by a person's or company's health insurance—rather than to meet a true clinical need.

If enacted, the bill will ensure that we develop a system to pay the appropriate amount for the most successful treatments possible—and thus help reduce the recidivism rate and crime rate on our Nation's streets.

NATIONAL IMMUNIZATION WEEK SEPTEMBER 21-29, 1991

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. WAXMAN. Mr. Speaker, glance through the newspaper, turn on the television, ask your local pediatrician, and you will hear the same, sad news: Although measles was nearly eradicated in the United States in the early 1980's, today, epidemics are breaking out in cities across the country. At the same time, outbreaks of rubella and whooping cough are on the rise. Fewer children are getting their immunizations when they need them, and unvaccinated children are getting seriously ill and dying from preventable diseases.

In the face of this growing crisis in children's health care, the American Academy of Pediatrics [AAP] has joined forces with the Hollywood-based Children's Action Network [CAN], a group of entertainment industry leaders, and the U.S. Surgeon General to launch a national immunization campaign to immunize children and focus the Nation's attention on improving children's health. AAP and CAN are also working closely with the Centers for Disease Control, community organizations, public health officials, and social service agencies to guarantee ongoing efforts to improve immunizations services.

The centerpiece of the immunization campaign is National Immunization Week—September 21-29, 1991. During this period, an intensive effort will be undertaken to vaccinate children most at risk in nine target areas: Los Angeles; Chicago; Houston; Dallas; Miami; Washington, DC; Huntington, WV; and Philadelphia. Such efforts are particularly welcome in my own home of Los Angeles where last year alone, 7,488 cases of measles were reported and at least 35 infants and children died of complications related to this disease. Those figures represent, respectively, one-quarter of the total number of measles cases and one-third of the total number of measles-related deaths for the country in 1990.

Although immunization rates are close to 98 percent among school-age children, more than one-quarter of American preschoolers are not fully immunized. In some inner cities, as many as 50 percent of 2-year olds do not have their appropriate vaccines. Parents face many barriers to getting their children immunized, including inaccessible clinic locations, insufficient clinic hours, policies that require advance appointments, and inadequate health insurance coverage. Increased Federal funding and support for the Childhood Immunization Program are also necessary to improve immunizations levels among American children.

Lack of public awareness is an additional barrier which must be addressed if we are to reverse this devastating trend of falling immunization status. A recent Gallup poll showed that a large percentage of parents had little knowledge about how many shots their children need or when they should be given—30 percent did not know how many measles shots should be given and 43 percent did not know at what age the rubella vaccine should be given. Many parents mistakenly believe that children do not need to be vaccinated until they start school or that today's healthier environment and lifestyles have reduced the need to immunize their children. Most Americans would be surprised to know that levels of immunization in this country are lower than most countries in the Western Hemisphere, including Colombia.

The national immunization campaign, through its National Immunization Week activities and additional nationwide media and public awareness events, is bringing this important message straight to parents. The campaign's theme says it best: "Before it's too late, vaccinate." Local campaign coalitions will sponsor events, distribute educational materials and provide immunization screenings and vaccinations to children at designated health care sites, as well as provide information about preventive health care services.

I applaud the American Academy of Pediatrics and the Children's Action Network for their efforts in developing this campaign. I urge my colleagues to endorse the campaign's efforts to immunize children in their districts and to support Federal efforts to expand the existing childhood immunization program.

HISPANIC HERITAGE MONTH

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in commemoration of Hispanic Heritage Month which officially began September 15, 1991. When Christopher Columbus stumbled upon America in 1492 a new people with a new culture was born, a culture replete with unique traditions and art, politics and literature, religion and economics. This culture, the Hispanic culture, has now existed for almost half a millennium and it has existed in our midst. We have yet to properly recognize it and pay it true homage.

I want to pay it homage by paying tribute to the contributions of one individual, a Hispanic pioneer, Felix Martinez, who lived in my hometown of El Paso at the turn of the century.

In 1897, Mr. Martinez moved from New Mexico to El Paso. He soon established himself in the business community there and went on to become a local leader helping to make decisions as to where public works such as Elephant Butte Dam should be located and how the irrigation system should be organized. He helped build Paso del Norte, a central building downtown and the White House stores, a locally owned department store. Martinez was also active in local as well as State level financial institutions and at one point sat on the boards of El Paso's First National Bank and the Federal Reserve Bank of Dallas.

In 1915, Martinez's business acumen and leadership qualities caught the eye of President Woodrow Wilson who appointed Martinez to serve as chairman of the U.S. Commission to South America. In other words, Mr. Martinez served as a diplomat, an official representative of the United States to South America.

In 1916, Mr. Martinez died of pneumonia at the age of 58. However, during his 19 year tenure in El Paso he made small as well as large contributions on the city, State, and Federal levels.

Felix Martinez, like many other Hispanics who have made significant contributions to American society, has been an unsung hero for too long. Hispanic Heritage Month is an appropriate time to recognize and honor the Hispanic people and their contributions of yesterday and today, just as we do others. During this month I would like all Americans to look around you and discover how much of our history, culture, literature, art, and traditions have been enhanced by Hispanic culture and people like Felix Martinez. Let us reconcile ourselves with our Hispanic past, present, and future. Perhaps through a sincere acknowledgement of the Hispanic thread which has woven its way into the tapestry of American society, we will see that we have grown together and that we are really one. The achievement of this understanding is crucial in order for us to shed our reluctance and misunderstandings about one another and proceed on to the future.

I would like to conclude with a quote from the Mexican poet and Nobel Literature Prize winner, Octavio Paz, who has given us words which illuminate the future and remind us of our ability to change: "We console ourselves by saying that everything has happened as it should not have happened. But it is we who are mistaken and not history. We must learn to look at reality in the face; if necessary, we must invent new words and new ideas for these new realities that are challenging us."

REV. KENNETH R. CARDER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. KANJORSKI. Mr. Speaker, I would like to take this opportunity to recognize Rev. Kenneth R. Carder for his service as president of VISION—Volunteers In Service In Our Neighborhood—and for his strong commitment to those who are less privileged.

Reverend Carder's dedication to the community is very admirable, indeed. In addition to his founding and serving as president of VISION, he is chairman of the Methodist Urban Ministry of Wilkes-Barre, vice chairman of the board of ordained ministry, chairman of the Wyoming Valley Habitat for Humanity and the founder of an antidrug and alcohol and crime prevention program in Wilkes-Barre.

He is always available to those in need. It was a pleasure and privilege for me to work with him on the Habitat for Humanity project in Plymouth recently, If everyone in our society were to look after one another as Reverend Carder does, we would make great strides toward the elimination of hunger and homelessness in this country.

Reverend Carder's life is made complete by his loving family—his wife, Judith, his children and grandchildren. On behalf of his friends, neighbors, and members of the northeastern Pennsylvania community, I take special privilege in acknowledging Rev. Kenneth Carder for his good works.

TRIBUTE TO LT. TIMOTHY P. MATTHEWS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1991

Mr. LIVINGSTON. Mr. Speaker, Lt. Timothy P. Matthews, USN, will be completing his tour of duty at the Navy Congressional Liaison Office. I would like to take this opportunity to recognize and thank him for his service to Congress. Hailing from the First District of Louisiana, Tim attended the United States Naval Academy and graduated in 1983 with a bachelor of science degree in mechanical engineering. Upon graduation, he was selected to attend nuclear propulsion school and was later qualified as a nuclear engineering officer.

Tim has been serving in the Department of Navy's congressional liaison office House of Representatives with distinction since May 1989. He was selected for this sensitive assignment based on his qualification as a surface warfare officer and his exemplary performance as reactor mechanical division officer while serving aboard the nuclear powered cruisers, USS *Long Beach* [CGN–9] and USS *South Carolina* [CGN–37].

During his tenure as a congressional liaison officer, Tim has been instrumental in maintaining the flow of information between the Navy and Congress. He has orchestrated and flawlessly executed dozens of congressional delegation trips within the United States and around the world. In addition, Tim was always prompt and straightforward in answering literally thousands of congressional inquiries. Tim has provided invaluable guidance to both junior naval officers and congressional staff.

Lt. Tim Matthews possesses the intellect and drive to do great things. Tim's talent and integrity will be missed by both the Navy and those of us on Capitol Hill. Tim, Louisiana is proud of you. We all wish you "fair winds and following seas."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 24, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 25

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

Oversight of Government Management Subcommittee

To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.

SD–342

10:00 a.m.

Foreign Relations

To hold hearings to examine START and the future of arms control in relation to the Soviet democratic revolution.

SD–419

12:00 p.m.

Select on POW/MIA Affairs

Business meeting, to consider pending committee business.

S–116, Capitol

2:00 p.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on S. 1650, to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion.

SD–538

Finance

Medicare and Long-Term Care Subcommittee

To hold hearings to review the Secretary of Labor's Coal Commission report on health benefits for retired coal miners, and to examine the status and financial condition of the United Mine Workers of America Health and Retirement Funds.

SD–215

Joint Economic

To resume hearings to examine the current poverty situation in the United States.

2359 Rayburn Building

SEPTEMBER 26

8:45 a.m.

Office of Technology Assessment Board meeting, to consider pending business.

EF–100, Capitol

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Robert L. Clarke, of Texas, to be Comptroller of the Currency, Department of the Treasury.

SD–538

Joint Economic

To hold hearings to discuss current economic issues.

2359 Rayburn Building

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1495, to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico.

SD–366

Foreign Relations

European Affairs Subcommittee

To resume hearings on consolidating free-market democracy in the former Soviet Union.

SD–419

Judiciary

To hold hearings on pending nominations.

SD–226

SEPTEMBER 27

9:30 a.m.

Governmental Affairs

To hold hearings on consumer protection issues at the Food and Drug Administration, Department of Health and Human Services.

SD–342

10:00 a.m.

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings on S. 1364, to revise the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans.

SD–215

SEPTEMBER 30

10:00 a.m.

Finance

Health for Families and the Uninsured Subcommittee

To resume hearings on proposals to reform the health care system, focusing on ways to control health care costs and improving access to health care coverage.

SD–215

OCTOBER 1

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 452, to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, S. 807, to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years, S. 1182, to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, S. 1183, to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, S. 1184, to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, Utah, and how best to preserve the resources threatened by such salt loss, and S. 1185, to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36).

SD–366

OCTOBER 2

9:30 a.m.

Governmental Affairs

To hold hearings to examine government regulation of reproductive hazards.

SD–342

Special on Aging

To hold hearings to examine older Americans concerns relating to fraud and abuse in the Medicare program.

SD–628

Joint Economic

Education and Health Subcommittee

To hold hearings to examine ways to reform the American health care system.

Room to be announced

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner.

SR–253

OCTOBER 3

9:30 a.m.

Rules and Administration

Business meeting, to mark up S. 289, to authorize an extension of the National Air and Space Museum at Washington Dulles International Airport, S. 1345, National Film Preservation Act, S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board, S. 1416, to provide adequate authority in the Library of Congress for the provision of fee-based library research and information products and services, S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in Washington, D.C., and H. Con. Res. 172, providing for the printing of a revised edition of the booklet entitled "Our American Government."

SR–301

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Richard Clark Barkley, of Michigan, to be Ambassador to the Republic of Turkey, James F. Dobbins, of New York, to be U.S. Representative to the European Communities, with the rank of Ambassador, and John Christian Kornblum, of Michigan, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

SD–419

OCTOBER 4

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the status of Great Lakes Federal programs.

SD–342

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD–342

11:00 a.m.

Foreign Relations

To hold hearings on the nomination of David A. Colson, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs, and on the International Convention on Salvage, 1989 (Treaty Doc. 102–12), and the International Convention on Oil Pollution Preparedness, Response and Cooperation (Treaty Doc. 102–11).

SD–419

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on the Future Structure of Veterans Health Care.

334 Cannon Building

9:30 a.m.

Governmental Affairs

To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.

SD–342

CANCELLATIONS

SEPTEMBER 25

9:30 a.m.

Joint Economic

Education and Health Subcommittee

To hold hearings to examine ways to reform the American health care system, focusing on the contrast in administrative costs in the U.S. and Canadian health care systems.

2359 Rayburn Building

POSTPONEMENTS

SEPTEMBER 24

9:30 a.m.

Small Business

Business meeting, to markup S. 1426, to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

SR–428A